



**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. 07/08

Date to Members: 15/02/08

Member's Deadline: 22/02/08

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:15/02/08

SCHEDULE NO. 07/08

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

For your information, from 25 February 2008, we will be running a 3 month trial within the Development Control West area of sending out consultations to neighbours on A5 card instead of by letter. The card will contain all the same information that is currently included in the A4 letters but will be formatted slightly differently.

We have seen this consultation method working well in other authorities and hope that by introducing the card system, we will be able to send consultations out more quickly (letters will not need to be collated and enveloped). This change should result in a simpler process, with a reduced carbon footprint and overall in an improved customer service.

If you have any queries or comments during the trial period please contact Rebecca Patten, Business Support Manager.

Circulated Schedule 15 February 2008

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK07/2461/F	Refusal	51 Broad Street Staple Hill South Gloucestershire BS16 5LS	Staple Hill	
2	PK07/3349/O	Refusal	Bristol Christian Fellowship Centre Soundwell Road Soundwell South Gloucestershire BS16 4RB	Staple Hill	
3	PK07/3679/F	Approve with conditions	11 Lower Hanham Road, Hanham, South Gloucestershire, BS15 8HH	Hanham	Hanham Parish Council
4	PK07/3738/F	Approve with conditions	Land adjoining 69 & 71 Bath Road, Bitton, BS30 6HT	Oldland Common	Bitton Parish Council
5	PK08/0036/F	Refusal	Land adjacent to Webbs Heath Farm, Siston Lane, Siston, South Gloucestershire, BS30 5LX	Siston	Siston Parish Council
6	PK08/0054/F	Approve with conditions	19 Larksleaze Road, Longwell Green, South Gloucestershire, BS30 9BH	Longwell Green	Hanham Abbots Parish Council
7	PK08/0068/F	Approve with conditions	Unit B, 50 High Street, Kingswood, South Gloucestershire, BS15 4AJ	Woodstock	
8	PK08/0076/F	Approve with conditions	7 Henfield Crescent, Oldland Common, South Gloucestershire, BS30 9SF	Oldland Common	Bitton Parish Council
9	PK08/0088/F	Approve with conditions	5 Dovey Court, North Common, South Gloucestershire, BS30 8YX	Oldland Common	Bitton Parish Council
10	PK08/0096/F	Approve with conditions	5.85 Acres Field Larks Lane Latteridge South Gloucestershire	Frampton Cotterell	Iron Acton Parish Council
11	PK08/0108/F	Approve with conditions	Land rear of 31 Cossham Street, Mangotsfield, South Gloucestershire, BS16 9EW	Rodway	Mangotsfield Rural Parish Council
12	PK08/0112/R3F	Deemed consent	Mangotsfield School, Rodway Hill, Mangotsfield, South Gloucestershire, BS16 9LH	Emersons Green	Mangotsfield Rural Parish Council
13	PK08/0122/F	Approve with conditions	Land to Rear of 49 Church Road, South Gloucestershire, BS15 3AE	Hanham	Hanham Parish Council
14	PK08/0170/RVC	Approve with conditions	Longwell Green Community Centre, Shellards Road, longwell Green, South Gloucestershire, BS30 9DF,	Longwell Green	Oldland Parish Council
15	PT07/2448/O	Approve with conditions	134 Bristol Road Frampton Cotterell South Gloucestershire BS36 2AX	Frampton Cotterell	Frampton Cotterell Parish Council
16	PT07/3026/F	Approve with Conditions	Land adjoining Corner Hayes Bibstone South Gloucestershire GL12 8AD	Charfield	Cromhall Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
17	PT08/0075/F	Approve with conditions	Beau, Fishpool Hill, Easter Compton, Gloucestershire, BS10 6SW	Almondsbury	Patchway Parish Council
18	PT08/0126/F	Approve with conditions	Oldbury Playing Fields, Westmarsh Lane, Oldbury On Severn, South Gloucestershire, BS35 1QD	Severn	Oldbury-on-Severn Parish Council
19	PT08/0142/F	Approve with conditions	Gloucester Lodge, Old Gloucester Road, Frenchay, South Gloucestershire, BS16 1QW	Frenchay and Stoke Park	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PK07/2461/F	Applicant: Theme Job
Site: 51 Broad Street Staple Hill BRISTOL South Gloucestershire BS16 5LS	Date Reg: 13th August 2007
Proposal: Erection of 3no. office units, 14no. self contained flats, 9no. car parking spaces and associated works.	Parish:
Map Ref: 65121 75925	Ward: Staple Hill



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 100023410, 2008.

N.T.S

PK07/2461/F

INTRODUCTION

This application appears on the Circulated Schedule as the correct procedure for the determination of Major applications.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the re-development of a site on Staple Hill High Street. The application proposes to erect a large building which will contain 3 office units and 14 residential flats. Associated parking will also be provided on the site. The proposed building to accommodate the offices and flats would be three storeys in height and would have an 'L' shaped footprint with an archway in the middle to allow vehicles to pass through to the parking area at the rear of the site.
- 1.2 The existing site is currently occupied by a car sales place which is surrounded to the front by very tall wire mesh fencing. There is currently no authorised vehicle access to the site and no dropped kerb. The entire site frontage has marked vehicle parking bays painted on the road. Planning permission has recently been granted for a new library and associated development on the adjacent site.
- 1.3 During the course of the application, contact was made with the agent to advise of the many issues facing the site. Rather than withdraw the application, the agent wished for the application to be determined in its current form.

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
- H2 - Residential Development within the existing Urban Area
- E3 - Employment Development within the Urban Area.
- H6 - Affordable Housing
- L1 - Landscape Protection and Enhancement
- LC2 - Provision of Education Facilities
- LC8 - Open Space
- T7 - Cycle Parking Provision
- T8 - Parking
- T12 - Transportation
- EP1 - Environmental Pollution

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/3603/F Construction of vehicular access.
Refused January 2006

4. **CONSULTATION RESPONSES**

4.1 Town/Parish Council

The area is unparished

4.2 Wessex Water

Understand that there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the public health act. Wessex Water are currently reviewing the available data to indicate public sewers as may be the case. No new building or similar works will normally be allowed within 3.0 m of this apparatus. The developer would need to clarify this and agree any connection onto existing infrastructure.

4.3 Highways

Object to the scheme.

Other Representations

4.4 Local Residents

None received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site is located within the established urban area and is covered in hard standing. The application must be considered against three key policies - Policy H2 which permits residential development within the existing urban areas subject to compliance with a series of criteria, Policy E3 which allows employment development within urban areas again subject to a series of criteria, and Policy T12 which seeks to ensure highway safety and avoid any adverse highway implications.

5.2 Density

Policies H2 and E3 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3, seeks to avoid development which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.

5.3 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.*" Given that the site lies close to staple hill town centre, one could reasonably expect to find high densities.

5.4 A density calculation of the residential units on the site (disregarding the offices) gives a proposed site density of 233 dwellings per hectare. Once the office units are added into the equation, the density increases to approximately 283 units per hectare. Despite the fact that that the site is close to Staple Hill town centres, these densities are still well in excess of the densities one would reasonably expect to find in such a situation. By means of comparison, the density of residential development on the neighbouring site (disregarding the

- library) was 133 dwellings per hectare – significantly lower than the density proposed on this site.
- 5.5 Whilst it would be unreasonable to refuse the application solely because of the very high density levels, it is because of the high density that a number of the other concerns become apparent. The following report addresses many concerns with regards to the proposed scheme – several of which are a direct result of the overdevelopment of the site.
- 5.6 Scale and Design
The area surrounding the site is very varied in design. The buildings range from a relatively modern office block, to Victorian stone built properties with quoining, to purpose built supermarkets and then the very modern and contemporary library that has been approved on the neighbouring site (although not yet constructed). Your case officer fails to see how the proposed building takes influence from any of the surrounding built forms, and in the opinion of the planning officer will not integrate with the surrounding built form. It is appreciated that some visual interest has been added to the front elevation via the addition of bays and balconies to the front elevation. Such design features however are common on many modern buildings and it is not considered that the building has been purposely designed to take advantage of its location on a busy High Street. Your officer fails to see how the proposed design respects and enhances the character and distinctiveness of the local area. It is the considered opinion that a more individual approach is needed for this site specifically designed to fit in with the requirements of the site close to the centre of Staple Hill.
- 5.7 The design of the proposed development fails to respect and enhance the character, distinctiveness and amenity of both the site and the locality. The front elevation of the proposed building pays little attention to the details and design features of the surrounding buildings and does not take advantage of the opportunity to improve the character and quality of the area. The application is thus contrary to the requirements of PPS and Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.8 Impact Upon Residential Amenity
Whilst it is fully accepted that the library scheme on the adjacent site has not yet been commenced (approved PK07/1210/R3F), it would be naive of the officer not to take it into consideration as the application has been approved and the legal agreement has been signed. The study and kitchen window in proposed flat No. 11 would face directly towards a kitchen window in one of the flats of the already approved scheme at a very short distance (less than 5 metres). This would have a detrimental impact on levels of residential amenity for occupants of both flats.
- 5.9 Whilst each of the flats is to have one bedroom only and thus it is highly unlikely that children will reside in the development, the amount of amenity space provided is considered to be substandard. Although it would be unreasonable to expect large amounts of amenity space, it is not unreasonable to provide sufficient space for the provision of a small communal outdoor clothes drying area. The only area shown as garden is immediately in front of the cycle store. It would therefore be impractical to install communal rotary dryers in this area as they would further obstruct the free access to the cycle stores.

- 5.10 The proposed development, because of its cramped form representing over development of the site, would have a detrimental impact on the amenities of future occupiers by means of intervisibility and inadequate external amenity space. The application is thus contrary to the requirements of Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.11 Transportation
Currently there is no formal or authorised vehicular access to the site — there was a previous attempt to get a formal access to the site back in 2005 but this was refused. This application would therefore necessitate the creation of a new access onto Broad Street. There are formalised parking facilities on both sides of Broad Street along the entire site frontage. If a new access was created, there would be a significant impact on the existing parking provision on Broad Street. It is important to note that all of the parking areas along Broad Street carry a legal Order under the Traffic Regulations Order (TRO). The removal or change in the statutes of these parking areas and TRO's would necessitate review of the existing legal Order and this would involve public consultation. Of course, there is no assurance that the TRO can be amended to allow access to the site. This issue would need to be investigated and sorted fully before an application can be further considered on the site.
- 5.12 The design and access statement makes reference to the access tunnel being 4.5 metres in width to allow for two way traffic. This however is not quite correct. The proposed access at the junction with Broad Street between the boundary walls at either side of the access to the tunnel is only 4 metres. The tunnel then increases to 4.5 metres before it tapers down to 3.6 metres at the exit from the tunnel. The width of the access is considered inadequate for two way traffic — particularly at the site entrance
- 5.13 In addition to the above highway concerns, it is also noted that the amount of off street car parking provision is low. For a development such as this, one could reasonably expect one car parking space per flat (14) and then one space per each 30m² of office space (3) — a total of 17 spaces whereas only 9 are proposed. There are concerns that this would lead to increased on street parking in a location that is already heavily congested — whilst it is also accepted that the site is in a sustainable location. The proposed development, because of lack of parking spaces is likely to lead to congestion and additional on-street parking on Regent Street which is a major traffic route. The highway implications of the scheme are therefore unacceptable.
- 5.14 Cycle and Bin Stores
Insufficient cycle storage facilities are being provided to meet the needs arising from the development. The application form states that 102 square metres of new office space is proposed. In accordance with the requirements of Policy T7, the minimum cycle storage requirement for this amount of office is 2 cycle spaces for visitors and 1 space for the staff. In addition to this, 1 secure and undercover cycle space is also required for each of the flats. This equates to a total requirement for 17 cycle parking spaces. From the plan submitted, it appears that only 13 spaces have been provided. The application thus fails to comply with the minimum standards as set out in Policy T7 of the South Gloucestershire Local Plan (Adopted).

- 5.15 In addition to the point above, the cycle store that is provided will be inaccessible and hard to use. In accordance with Policy T7, cycle parking should be convenient and quick and easy to use. Assuming vehicles are parked in spaces 8 and 9 cycle users will not be able to get their cycles onto the access way. Cycles could theoretically access the cycle store via the pedestrian entrance to office 1 and then up the side of the building but this is certainly not desirable and unlikely to be used. It is not therefore considered that the cycle stores provided are suitable in their current location given the access arrangements to them.
- 5.16 The scheme shows the provision of three 1100 litre euro bins. It is agreed that the three bins proposed would provide adequate 'black bin' space for the flats and the offices combined. In addition to this however Additional bin space is required for 'green bin' storage and dry recyclables. No such space however is provided. It is suggested that at least one additional 1100 litre 'green' euro bin would be required for cardboard, paper etc. Storage space would be needed on-top of this for the recycling boxes for glass, cans etc – one box per unit. The application thus fails to comply with the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted).
- 5.17 Drainage Issues
Understand that there may be a sewer crossing the site that, by virtue of its age, could be deemed a public sewer under the former Section 24 provision of the public health act. Wessex Water are currently reviewing the available date to indicate public sewers as may be the case. No new building or similar works will normally be allowed within 3.0 m of this apparatus. The developer would need to clarify this and agree any connection onto existing infrastructure. Whilst a planning refusal reason cannot be put forward on this basis, the developer is strongly encouraged to investigate this further with Wessex Water as it may have a very big impact on what could potentially be constructed on site irrelevant of this application.
- 5.18 Affordable Housing
The proposed number of residential units (14) is below local and national policy guidance on the threshold for requiring affordable housing (15). There is therefore no requirement for the provision of affordable housing in this case.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application be refused for the following reasons;

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

REFUSAL REASONS

1. The design of the proposed development fails to respect and enhance the character, distinctiveness and amenity of both the site and the locality. The front elevation of the proposed building pays little attention to the details and design features of the surrounding buildings and does not take advantage of the opportunity to improve the character and quality of the area. The application is thus contrary to the requirements of PPS1 and Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006
2. The proposed development, because of its cramped form representing over development of the site, would have a detrimental impact on the amenities of future occupiers by means of intervisibility and inadequate external amenity space. The application is thus contrary to the requirements of PPS3 and Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006
3. The tunnel providing vehicular access to the parking at the rear of the site is not wide enough along its length to allow for two way traffic. This would lead to vehicles standing and manoeuvring on the busy classified highway with an adverse effect on highway safety in the vicinity of the site. No pedestrian facility is provided through the tunnel resulting in possible conflict between people and vehicles. The application is thus considered contrary to the requirements of Policies T12, E3, and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The proposed development, because of the lack off-street parking provision will result in additional congestion and on-street parking in an already heavily congested area. This will interrupt the safe and free flow of traffic on the busy classified highway to the detriment of highway safety. The application is thus contrary to the requirements of Policies T12, T8, H2 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.
5. Insufficient secure and undercover cycle storage is provided to meet the needs arising from the development. In addition to this, because of the location and means of access to the proposed cycle store, the cycle parking is not convenient, quick and easy to use. The application is thus contrary to the requirements of Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.
6. Insufficient bin storage is provided to meet the needs arising from the development. In addition to this, because of the siting of the bin store, conflict between pedestrians and vehicles is likely to result. The application is thus contrary to the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PK07/3349/O
Site: Bristol Christian Fellowship Centre
 Soundwell Road Soundwell BRISTOL
 South Gloucestershire BS16 4RB

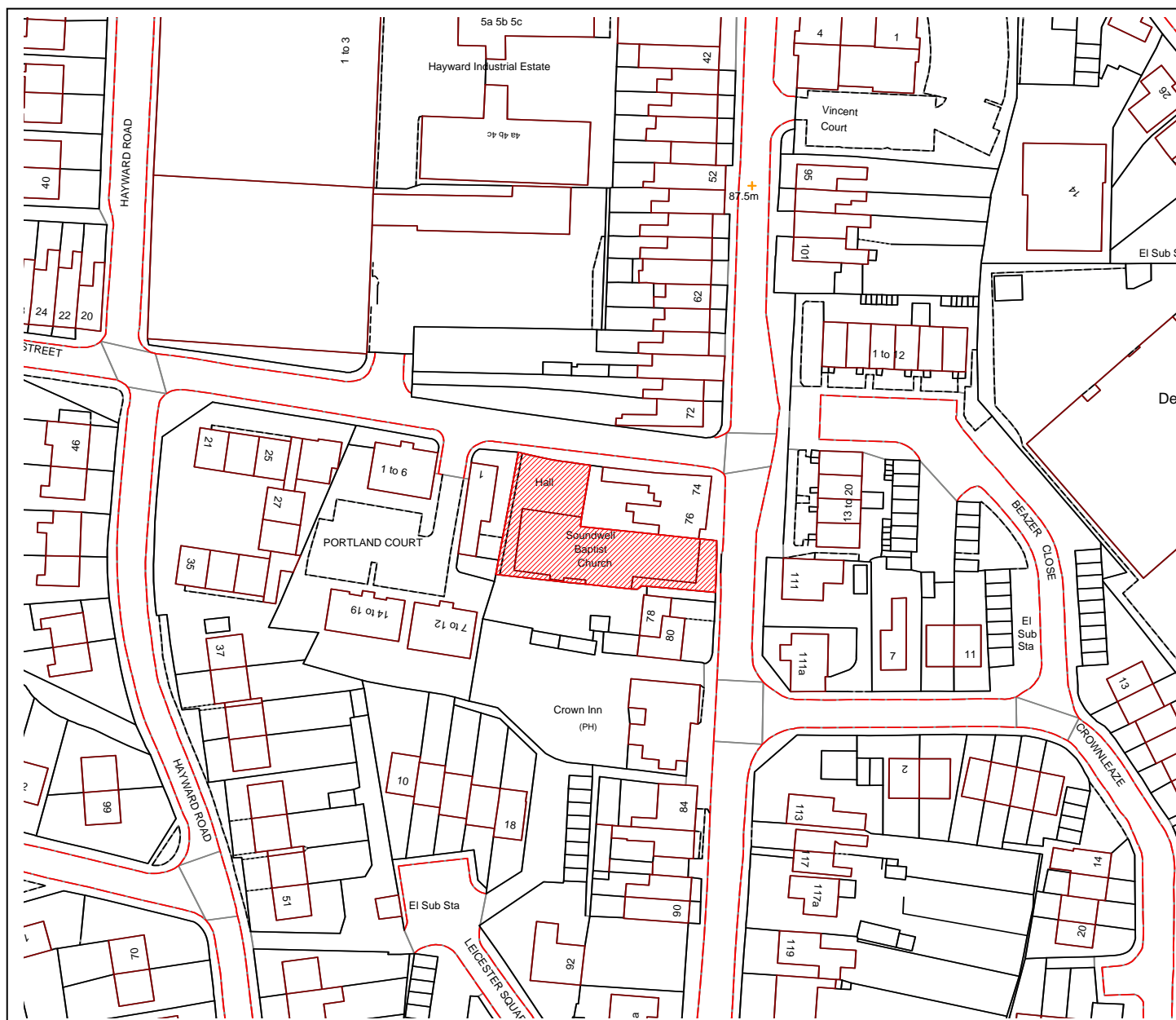
Applicant: UK Screedres
Date Reg: 13th November
 2007

Proposal: Erection of 14no. apartments (Outline)
 with layout and means of access to be
 determined. All other matters reserved.

Parish:

Map Ref: 64791 75385

Ward: Staple Hill



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100023410, 2008.

N.T.S

PK07/3349/O

INTRODUCTION

This application appears on the Circulated Schedule because it is a Major Application.

1. THE PROPOSAL

1.1 The application relates to the site of the former Bristol Christadelphian Church, located on the western side of Soundwell Road, just south of the junction of Soundwell Road and Portland Street. The Church, which has recently been demolished, was built in 1912 and comprised a single-storey gothic style construction of natural stone and rendered walls, with stained glass windows, with a late C20 extension to the rear. Prior to its demolition the Church was earmarked for local listing. Until recently the building was used by the Bristol Christian Fellowship, who have since moved to new premises. Despite fronting onto Soundwell Road, vehicular access was afforded to a car park at the rear, from Portland Street. The site has since changed hands and is currently a vacant plot.

1.2 The location is suburban in character with a mix of residential and commercial properties in close proximity.

1.3 Outline consent (with layout and means of access determined) is sought to erect a block of 14no.apartments in three blocks containing:

Block 1 - 4no. 2 bedroom apartments and 1no. 1 bedroom apartment.

Block 2 - 1no. 2 bedroom apartment.

Block 3 - 3no. 2 bedroom apartments and 5no. 1 bedroom apartments.

The blocks would 2/3 storey and constructed to achieve an Eco Homes rating of very good. The scheme would include 7 car parking spaces and 14 secure cycle spaces; vehicular access would be from Portland Street.

1.4 A previous application PK05/0702/F, proposing the complete demolition of the Church building and erection of a building of very contemporary design, containing 12 flats, was withdrawn on officer advice, thus giving the opportunity to address a number of officer and local resident concerns. A subsequent scheme (PK05/2627/F) for 10 flats, which retained the front façade of the Church, was approved subject to a S106 agreement, but this was never signed.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development

PPG3 - Housing

PPG15 - Planning and the Historic Environment

PPG13 - Transport

2.2 Development Plans

Joint Replacement Structure Plan

Policy 1 - Sustainable development objectives.

Policy 2 - Location of development.

Policy 3 - Landscape Protection.

Policy 17 - Landscape

- Policy 19 - Cultural Heritage protection.
- 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) January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP4 - Noise-sensitive development
- EP7 - Unstable Land
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
- H6 - Affordable Housing
- LC2 - Provision of Education Facilities
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
- LC8 - Open Space and Children's Play in Conjunction with New Residential Development.

2.3 Supplementary Planning Guidance

Advice Note 2 - House Extensions

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

3. RELEVANT PLANNING HISTORY

- 3.1 P92/4032 - Single storey kitchen extension.
Approved 17th March 1992
- 3.2 PK05/0702/F - Demolition of existing Church buildings to facilitate the erection of 12 no. flats with creation of new vehicular access, car parking, cycle parking, bin stores and associated works.
Withdrawn 07th June 2005
- 3.3 PK05/2627/F - Partial demolition of existing Church buildings to facilitate the erection of 10no. flats with construction of new vehicular access, car parking, cycle parking, bin stores and associated works.
Withdrawn – S106 not signed.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Not a Parished area.
- 4.2 Other Consultees
- 4.3 Wessex Water
No objection. Foul and surface water sewers are available in the area.

4.5 Avon & Somerset Police Crime Reduction Officer

No comment

4.6 English Heritage

An application was previously made to English Heritage with a view to the Church building being given fully Listed status. The application was refused because the building did not meet the high standards required for full listing. A subsequent appeal against this decision, lodged by a local resident, was also dismissed for the same reasons. The building has since been entirely demolished.

Other Representations

4.7 Local Residents

4no. letters of objection were received from local residents. The concerns raised are summarised as follows:

- Insufficient parking provision for 14no. flats.
- Overdevelopment.
- Too many flats in Soundwell.
- Adverse impact on neighbouring access (Fleur De Lys Furniture Shop) where lorries deliver and load up.
- Boundary walls with Furniture Shop would need to be demolished in order to construct flats.
- Adverse impact on Fleur De Lys Furniture Shop business.
- Overbearing impact on 78 Soundwell Road.
- Overlooking and loss of privacy 78 Soundwell Road.
- Loss of daylight.
- Car parking hard on boundary of no.78 resulting in noise and smell.
- Loss of front façade and stained glass windows.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The original Church building had no statutory protection. Although officers sought to retain the original front façade of the Church through application PK05/2627/F, this was subsequently not possible because a decision notice was never issued; the S106 Agreement never having been signed. The new owners of the site opted to entirely demolish the Church, which they were entitled to do under permitted development rights.

5.2 The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield windfall site. 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. The flats

would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock.

- 5.3 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.
- 5.4 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.”*
- 5.5 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.
- 5.6 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 site is 0.0736ha in area and the proposal equates to 190.2 dwellings per hectare, this higher figure does however reflect the fact that the development would comprise of 14 small flats as opposed to individual dwelling houses.

5.7 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*”.

5.8 Nevertheless officers must have regard to the site’s constraints relating to its location, pattern of development, landscape characteristics, access, size of plot and impact on residential amenity. It is noted that in the previous application (PK05/2627/F) for 10 flats, which represented a density of 140.8 units per hectare, which was approved in principle; officers considered that:

‘..having regard to the size of the plot and the scale of the building proposed....the proposed density would make the most efficient use of the site in this urban location. A larger building than that proposed is not considered appropriate due to the proximity of residential dwellings and the character of the street scene’.

Given that the building as now proposed is significantly larger than previously allowed and that the size of the plot has not increased, officers conclude that notwithstanding the above, the proposal represents an overdevelopment of the site.

5.9 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.

5.10 The location is characterised by predominantly 2-storey buildings of varying age and character, interspersed with smaller cottages of a more traditional design. Whilst there are 3-storey buildings on the opposite side of Soundwell Road, these are generally set down and are no higher than the neighbouring 2-storey dwellings. Portland Court to the rear of the site is a modern 3-storey development but is set well back from the street frontage.

5.11 Since this is an outline application with only siting/layout and access to be determined, all matters of external appearance need not be considered at this stage; the elevations shown on the plans are merely indicative. The position and scale parameters of the building are however to be determined and these are taken as shown on the submitted plans. The original Church building had a roof ridge that terminated at a level 1.3m below that of the main body of the neighbouring Furniture Shop no.74 and the stepped gables terminated at the eaves level of no.74. The massing and height of the proposed building however would be considerably larger, with a roof ridge almost 2m higher and flank walls some 3m higher than those of the original Church. The resultant building would dwarf the neighbouring cottages nos. 78 and 80 Soundwell Road and would therefore appear as a discordant feature within the street scene.

5.12 On the Portland Road frontage the proposal again introduces a considerably larger building (block one) into the street-scene; this building would have an over dominant relationship with neighbouring no.1.

- 5.13 In terms of the proposed layout, the site would be entirely taken up by the proposed buildings' footprint and associated parking areas, with no amenity space provision at all; this again is considered to be an over-development of the site. In conclusion therefore the scale and massing of the proposal is considered to be excessive for the location and would relate poorly to the neighbouring properties, resulting in a discordant feature within the street-scene contrary to Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 5.14 Impact Upon Residential Amenities
Officers consider that whilst it is perfectly normal for buildings to be in close proximity to each other in densely populated urban locations (such as this), careful consideration still needs to be given to the impact of the development on the residential amenities of neighbours and future occupiers alike.
- 5.15 For prospective occupiers of the proposed flats, no amenity areas are provided. Both PPS3 (para.16) and the Council's Design Checklist (Q16) requires developments to provide communal open space of sufficient size to meet the needs of the future occupants. Bin storage and a cycle store would be provided within the complex but the bin store does not appear to be big enough to accommodate the 28 bins required. The boundary walls and fences, which are likely to be retained or erected, would be high enough to provide adequate screening and privacy for future occupiers at ground floor level. There would be no sources nearby of excessive levels of noise, smell, dust or pollution.
- 5.16 Moving to the impact of the scheme on neighbouring occupiers; there would be little additional impact on the commercial property to the north, over and above that which already exists. There are no windows in the facing side elevation of this adjacent commercial property.
- 5.17 To the rear (west) there would only be some 4.5 m between the proposed flank elevation of block one and the facing windows in the residential property opposite (1 Portland Street) and this would result in an overbearing impact for the occupiers of no.1 and provide overshadowing and a very poor outlook from the windows referred to.
- 5.18 A number of concerns have been raised by the occupant of no. 78, Soundwell Road, which is situated immediately to the south of the application site. Officers have previously viewed the site from within the rear garden of no.78, which is currently well enclosed by high fences and walls. With the development as proposed, the introduction of block three so close to the boundary with neighbouring no.78 would result in a very overbearing and oppressive effect for the occupier of this property.
- 5.19 In terms of overlooking and loss of privacy, numerous windows and balconies are shown on the elevations, which at this stage are only indicative, nevertheless officers consider that the windows shown would result in a considerable loss of privacy for neighbouring occupiers, in particular for the occupant of no.78. Whilst it may be possible to 'design out' some of these problems at the reserved matters stage, it is difficult to envisage how 14 flats could be accommodated within the scheme without causing some loss of privacy for neighbouring occupiers.
- 5.20 Whilst there would inevitably be some disturbance during the development phase, this would be on a temporary basis only; furthermore disturbance during

the development phase could in some way be mitigated for by the imposition of a condition to control the hours of working. Any access of neighbouring land, required to erect the flats, is not controlled through the planning system. The work would also be the subject of the normal Environmental Health legislation.

5.21 Five of the proposed car parking spaces would be located close to the boundary with no.78 but with appropriate boundary treatment this would be acceptable.

5.22 The flats would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock. Notwithstanding this officers consider that the proposal would have a significant adverse impact upon neighbouring residential amenity, which is a matter of acknowledged importance.

5.23 Transportation Issues

There have been two previous planning applications on this site in the past (PK05/0702/F and PK05/2627/F). The latter of these two applications was granted permission to partially demolish the then existing church buildings and erect 10 one-bed flats with 10 parking spaces. A condition was attached to the permission to secure a 2m wide footway along the site frontage onto Soundwell Road and a financial contribution of £3000 towards public transport improvements, to be secured by a S106 Agreement. Outline planning consent is now sought to erect 14 apartments, 8 x two-bed and 6 x one-bed. Vehicular access would again be from Portland Street, an unclassified highway.

5.24 Access

A 3m wide access road is proposed, which is considered inadequate for two-way traffic. Visibility from the site access is considered sub-standard. A minimum visibility splay of 2.4m x 43m should be provided in both directions. A pedestrian visibility splay of 2m x 2m should also be provided on both sides of the proposed site access.

5.25 Parking

The adopted maximum parking standards listed under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 require the following:

1 space for each one bed flat.

1.5 spaces for each two-bed flat.

This equates to a total requirement of 18 spaces for the 14 flats proposed. Even taking account of the sites sustainable location, the 7no. car parking spaces proposed is considered to be unacceptable and would lead to additional on-street parking congestion on Portland Street, in close proximity to the junction with Soundwell Road. Furthermore the proposed parking layout is also unacceptable as some spaces would be difficult to access.

5.26 The footway along the site frontage onto Soundwell Road is substandard and must be widened to 2m along the whole application site frontage; as for the previous application this could be secured by condition. Similarly an appropriate financial contribution would be required towards raised kerbs at bus stops within the vicinity; this contribution would be required to promote alternative modes of transport to the car and provide better access for the disabled. This would again need to be the subject of a S106 Agreement.

- 5.27 Given however the inadequate access arrangements and car parking provision proposed, there is a fundamental highways objection to the proposal.
- 5.28 Landscape Issues
Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. There is no vegetation on the existing site and all of the historical boundary walls have been removed. Matters of landscaping would be determined at the reserved matters stage.
- 5.29 Drainage
PPG25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 require that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. The Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control. A condition to secure the submission of a coal mining report is considered necessary in order to assess the impact of the development on old mine workings, which should not be grouted.
- 5.30 Environmental Issues
Policy EP1 does not permit development that would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation. The Council's Environmental Health Officer has raised no objections to the proposal.
- 5.31 Education
Since there is a projected surplus capacity at both primary and secondary schools within the area of the proposed development, contributions towards Education facilities are not required.
- 5.32 Affordable Housing
The proposal for 14 flats falls below the Council's threshold (15) for affordable housing provision.
- 5.33 Community Services
The following contributions are required:
- £13,087.62 towards enhancement of public open space, to be spent on public open space within a 2Km radius of the development i.e. most likely at Lees Hill or Soundwell Playing Fields.
- £11,700.78 towards the maintenance of the enhanced open space.
- 5.34 Design and Access Statement
The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission be REFUSED for the following reasons:

Background Papers **PK07/3349/O**

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

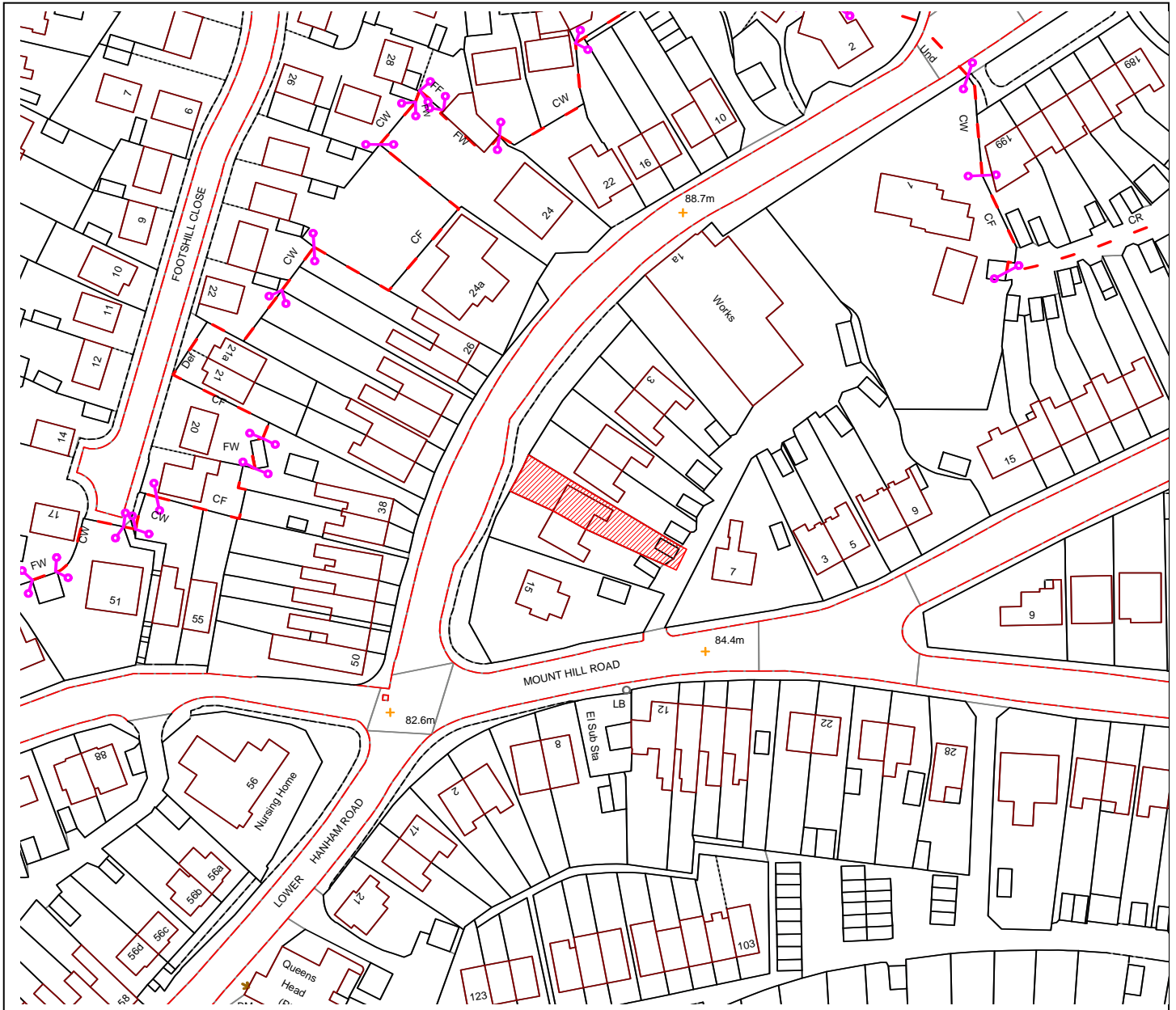
REFUSAL REASONS

- 1 The development proposes a sub-standard vehicular access by way of its narrow width, which is unsuitable for two-way traffic, and insufficient visibility splay for both vehicles and pedestrians. This proposal if allowed would result in an increase of vehicles standing and manoeuvring on the highway in close proximity to the junction with Soundwell Road. All of which would be detrimental to highway safety and contrary to Policies T12 and H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 2 The proposal will result in a development with an inadequate level and poor layout of vehicular parking provision, which would lead to additional on-street congestion thereby interrupting the safe and free flow of traffic, all to the detriment of highway safety. This would be contrary to policies T8, T12 and H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 3 The proposed density, scale and massing of the proposal is considered to represent an overdevelopment of the site which would be neither informed by, respect or enhance the character, distinctiveness or amenity of the site or locality in general, contrary to Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 4 By reason of lack of adequate amenity space or bin storage; overbearing impact, overshadowing, loss of privacy and poor outlook from existing windows; the proposal would have a significant detrimental impact on the amenities of future occupiers of the proposed flats and existing occupiers of neighbouring dwellings respectively; contrary to Policies H2 and D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006..
- 5 In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under-provision of public open space the proposal would be contrary to Policies LC8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 6 In the absence of a Section 106 Agreement or Unilateral Undertaking to secure the provision of appropriate public transportation infrastructure works, the proposal would be contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PK07/3679/F	Applicant: Mr S Hanks
Site: 11 Lower Hanham Road, Hanham, South Gloucestershire, BS15 8HH	Date Reg: 19th December 2007
Proposal: Creation of vehicular access. (Re- submission of PK07/2245/F).	Parish: Hanham Parish Council
Map Ref: 64441 72692	Ward: Hanham



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N.T.S

PK07/3679/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 creation of a vehicular access onto a classified road.
- 1.2 The site is located within established residential area of Hanham.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development
PPS 3 Housing
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Car Parking Standards
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance / Documents
South Gloucestershire Advice Note 2: House Extensions
The South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2245/F Creation of vehicular access.
Refusal: 14th September 2007

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
Concerns expressed as to the relationship of the driveway with regard to the raised kerb for the bus stop.

Other Representations

- 4.2 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Policies D1, H4, T8 & T12 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

Policies D1 and H4 seek to ensure that new development achieves a high standard of design.

5.3 The proposed hard surfacing is regrettable but given that such works can be carried out under householder 'permitted development' rights it is considered that a refusal reason on visual grounds could not be substantiated.

5.4 Transportation

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

5.5 The Council's transportation development control officer has assessed the proposal and concluded the following: there is concern that the amount of turning area is not adequate. However, this could be overcome if a condition was imposed requiring that the entire front garden is hard surfaced. In addition, permission has been granted for similar access at No. 9 & 13. In this instance, therefore, a recommendation of approval will be put forward.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK07/3679/F**

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

CONDITIONS

1. The access hereby approved shall not be utilised until the entire front garden is hard surfaced, and thereafter retained for the purpose of parking and manoeuvring vehicles.

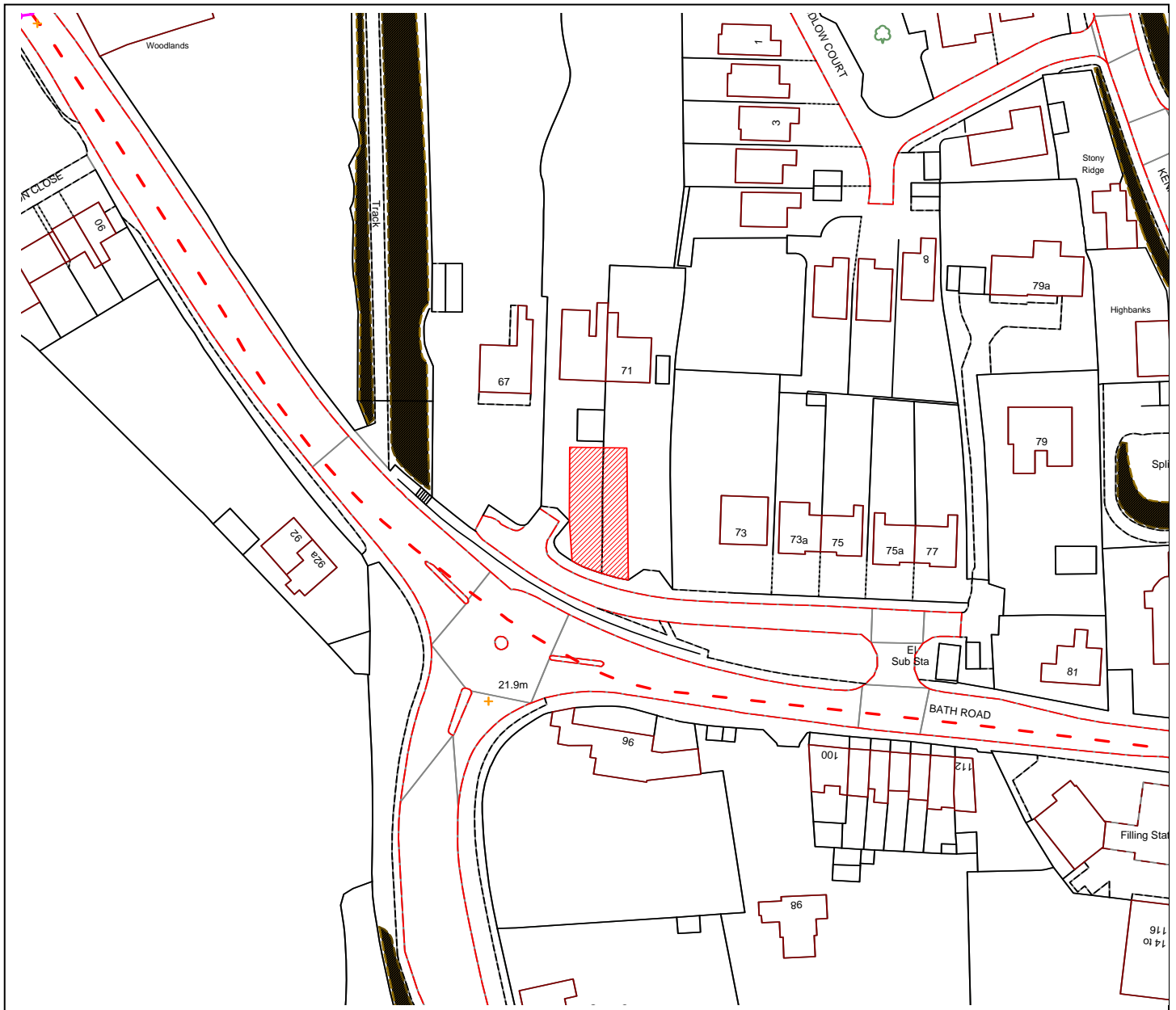
Reason

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

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PK07/3738/F
Site: Land adjoining 69 & 71 Bath Road, Bitton, South Gloucestershire, BS30 6HT
Proposal: Erection of 1 no. dwelling with integral garage and associated works (Resubmission of PK07/2781/F).
Map Ref: 66639 70384

Applicant: Mr C Smith
Date Reg: 31st December 2007
Parish: Oldland Parish Council
Ward: Bitton



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N.T.S

PK07/3738/F

INTRODUCTION

This application appears on the circulated schedule due to the receipt of three letters of objection – one from Bitton Parish Council, one from Oldland Parish Council, and one from a local resident.

1. THE PROPOSAL

1.1 The application seeks full planning permission for the erection of a detached chalet bungalow. The new dwelling would be situated in the front gardens of properties 69 and 71 Bath Road – both of which are in the ownership of the applicant. The proposed dwelling would be cut into the existing garden so whilst having two floors, when viewed from the rear elevation will only look like a single storey bungalow. When viewed from the front elevation, the dwelling would have front dormers and would look like a simple chalet bungalow. The site lies within the Bristol East Fringe urban area.

1.2 This application is the resubmission of the previously refused application – also for the erection of a single dwelling on the site ref PK07/2781/F. The previous application was refused for the following reasons;

‘1. The proposed new dwelling, by virtue of its siting and design, would be out of keeping with the traditional layout and character of the street scene. The new dwelling would project beyond the existing building line and represents a tandem form of development that fails to respect the character of the area. The application is thus considered to be contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.’

‘2. The proposed dwelling, because of its siting at an elevated and prominent position forward of the building line, would have a significant and detrimental impact the character of the area. When travelling in a westerly direction along Bath Road, Avon Valley and the Green Belt make a important contribution to the quality, character, amenity and distinctiveness of the locality. The proposed dwelling would significantly impinge on this and would detract from and have adverse effects on the character of the area. The application is thus contrary to the requirements of Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006.’

This application has been substantially amended in an attempt to overcome the previous refusal reasons. A summary of the key changes between the previous and this application can be found in paragraph 5.3 of this report.

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
- H2 - Residential Development

- H4 - Development within Residential Curtilages
- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within Existing Urban Areas
- T12 - Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2781/F Erection of 1 No. detached dwelling with associated parking and works.
Refused November 2007
- 3.1 PK06/1333/O Erection of 5 detached dwellings (Outline) with means of access to be determined. All other matters reserved.
Withdrawn June 2006

4. CONSULTATION RESPONSES

(a) Statutory Consultees

- 4.1 Oldland Parish Council
Object to the application on the grounds of over-development and aesthetics.
- 4.2 Bitton Parish Council
Bitton Parish councillors continue their objections to these proposals for the reasons given in PK07/2781/F have and cited in the decision notice. These have not been addressed or overcome.

(b) Other Representations

- 4.3 Local Residents
One letter of objection has been received from a local resident. The resident is concerned that the development would result in overlooking and loss of privacy for neighbours. Also because the proposed use would create noise and disturbance for the neighbours.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
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. Therefore subject to these constraints, the proposal is considered acceptable in principle.
- 5.2 The site is located within the existing built up area, as defined on the Local Plan Proposals Maps. In accordance with Policy H2, new residential development will normally be permitted subject to compliance with several criteria. The site is not within but is very close to the edge of the Bristol/Bath Green Belt. It is considered that Policy H4 of the South Gloucestershire Local Plan (Adopted) encompasses all the relevant issues of the above policies, for Policy H4 allows for the erection of a new dwelling within existing residential curtilages providing that that following criteria are complied with;

5.3 (a) Development would respect the massing, scale, proportions, materials and overall design and existing property and the character of the street scene and surrounding area;

In order to consider this criteria, it is first necessary to discuss the differences between this application and the previously refused application (PK07/2781/F). This is most easily achieved via a set of bullet points;

- The previous application was for a true two storey standard dwelling, this application is for a chalet bungalow
- The number of bedrooms has been reduced from four to three
- The footprint has been altered from an 'L' shape to a standard rectangle
- The front of the dwelling has been pulled back away from the highway

The application proposes to erect a chalet bungalow in the front garden of the existing pair of semi-detached bungalows. The character of the built environment is varied with a variety of built forms. The strongest character is felt to come from the neighbouring chalet properties with dormer windows in the front roof slopes.

The site is in an elevated position up above the main carriageway of Bath Road and is very visually prominent – particularly when travelling in a westerly direction along Bath Road. Bath Road curves around to the north slightly when it meets a roundabout. On the opposite side of this roundabout is the Bristol/Bath Green Belt and the open area around Willsbridge Mill – known as Avon Valley. The existing properties along Bath Road respect this important vista and curve away from the road opening up to allow ample and important views of the open hills. This creates an important and effective view contributing to visual amenity and the setting of the area.

Since the refusal of the previous application, the proposed dwelling has been amended to take account of this important view. The new dwelling has now been pushed back away from the edge of the highway and is in line with the main front wall of the existing chalet bungalows in the row. The massing of the proposed building has been greatly reduced as the new dwelling is a chalet bungalow rather than a two storey house. The digitally prepared photograph showing the proposed street scene helps to visualise the impact on the new dwelling on the street scene and character of the area.

The proposed new dwelling would now stand in line with the existing building line of dwellings No. 77 to 73 Bath Road. Whilst it would stand forward of the detached bungalows No. 69 and 71, it would respect the building line of the wider street scene. The design of the proposed new dwelling has been completely amended so that it now fully integrates with the existing dormer bungalows in the vicinity.

It is accepted that the dwelling would stand forward of the existing bungalows on the site. It can indeed therefore be argued that the proposal would represent an unusual form of tandem development. It would however be unreasonable to refuse the application solely on this principle concern. For the application to justify a refusal reason, the tandem development must result in some adverse impact. In this instance, this is not considered to be the case. It is therefore considered that the amended scheme has addressed the two refusal reasons attached to the previous application. The new dwelling would have no adverse impact on the street scene and thus its design is entirely acceptable.

5.4 **(b) Would not prejudice the amenities of nearby occupiers;**

The proposed new dwelling would be erected alongside the neighbouring property at No. 73 Bath Road. There are no habitable room windows in the side elevation of No. 73 that would be adversely affected by the development proposed. The dwelling would also be forward of the existing bungalows No. 67 and 71 Bath Road. It is felt by officers that the new dwelling will undeniably have an impact on the amenities of the occupiers of the existing bungalows. The new dwelling will clearly be visible from these existing bungalows and they would also lose a large area of their front gardens. However, as sufficient distances can be maintained between habitable room windows and ample rear garden space is provided for each of the existing bungalows, it is not considered that there is any justified refusal reason. Similarly, the proposed new dwelling would be some 20 metres from the front of No. 69 Bath Road, so it is not considered that it will have any detrimental impact upon it. Impact on the amenities of the neighbouring occupiers is thus considered to be acceptable.

5.5 **(c) Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling;**

The proposed three bedroomed dwelling would be accessed via a new driveway created off of the highway. An integral garage is proposed that will be incorporated into the built form of the chalet bungalow. There would be one off street parking space on the driveway in front of the proposed garage. In light of the amended plans, two off street parking spaces have now been provided to serve the dwelling.

Officers were originally concerned about the highway safety implications of the scheme. However, a very detailed transport statement has been submitted in support of the application prepared by an independent person. The Councils highway officer notes that additional development onto the Cul-de-sac has been resisted in the past due to insufficient visibility onto Bath Road. Since then, the standards of visibility have been revised and detail is now included in national guidance 'Manual for Streets'. In assessment of the visibility splays provided with the application, the Highways Officer has confirmed that there is adequate visibility at the junction with Bath road. It is the opinion of the Highway Officer that a refusal reason cannot be substantiated at appeal.

Your planning officer must make a balanced decision. Whilst having reservations about the suitability of the access for intensified use, the officer is also of course aware of the recent change in guidance, the recent highway works at the junction of the site, the very detailed Transport Statement submitted, and the support of the Highways Officer. On balance therefore, no highway objection is raised to the scheme. A condition will be attached to any consent granted to ensure that the garage is retained as such and will not be converted to additional living space.

5.6 **(d) Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling;**

The indicative plans show how adequate private and useable amenity space will be provided to serve each of the existing dwellings. There is concern that the only garden to serve the new dwelling will be forward of the existing bungalows of the site and there is possibility of overlooking. It is appreciated that views of the new garden from the front of No. 69 will be restricted by the

existing detached garage. However, there is only very little shrubbery to limit views from the front of No. 71 directly into the garden of the application site. In order to address this concern, the plans show that a 2 metre high close boarded fence will be erected along the rear and side elevations of the new garden. This will restrict views into the garden and will ensure that the new dwelling and sufficient private and useable garden space. No refusal reason on this basis is therefore proposed.

5.7 Design and Access Statement

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

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That the application be approved subject to the following conditions;

Background Papers **PK07/3738/F**

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

CONDITIONS

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

Reason:

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

2. The integral garage hereby permitted must remain available for its primary purpose of vehicle parking and ancillary domestic storage at all times. The garage must not be used for any other purpose without the consent of the Local Planning Authority.

Reason:

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

3. The materials to be used externally on the dwelling hereby permitted shall match those on the neighbouring property No. 73 Bath Road in terms of colour and profile.

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. 07/08 – 15 FEBRUARY 2008

App No.: PK08/0036/F
Site: Land adjacent to Webbs Heath Farm,
 Siston Lane, Siston, South
 Gloucestershire, BS30 5LX

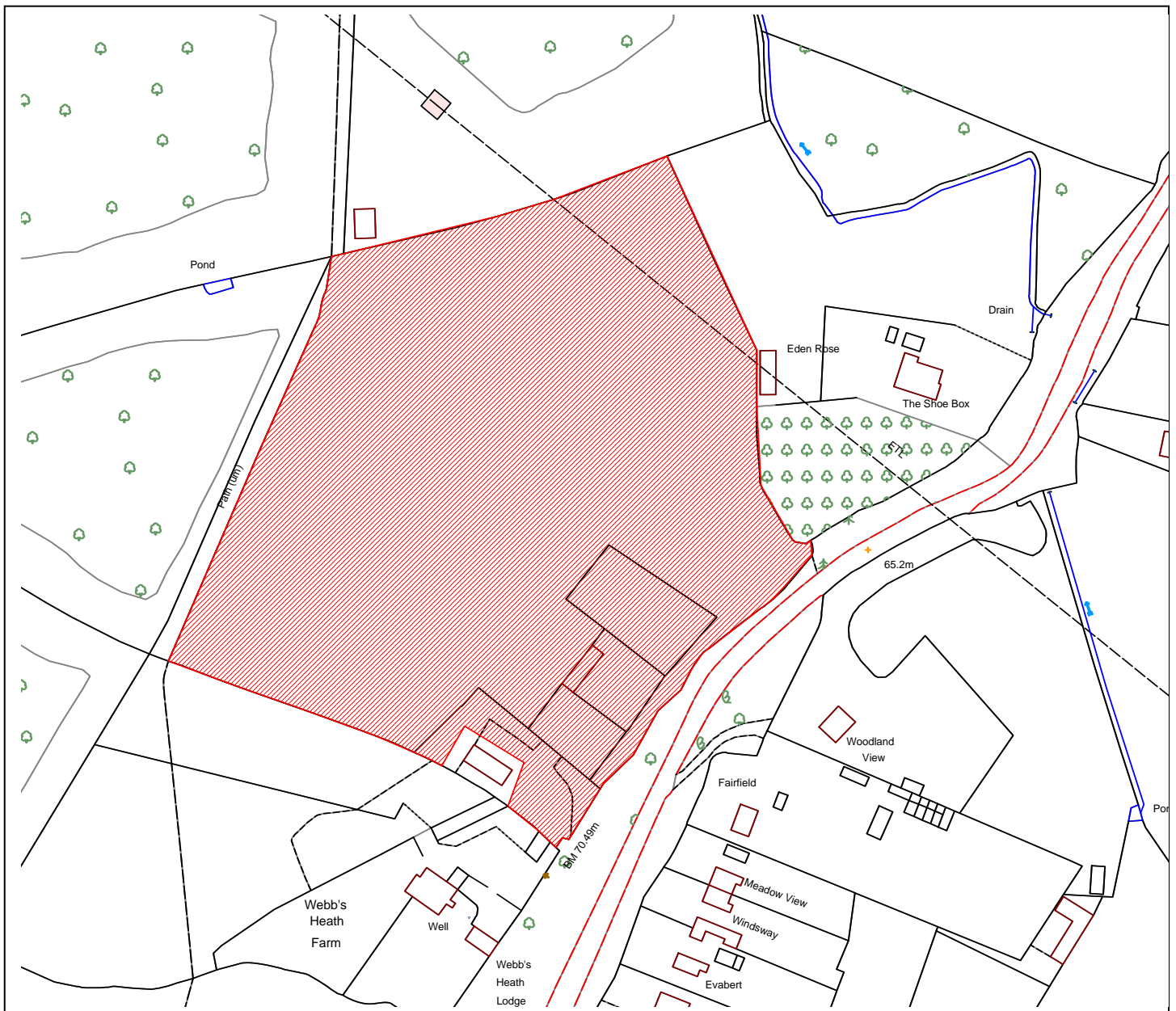
Applicant: Mr C Richardson
Date Reg: 4th January 2008

Proposal: Change of use of land from agricultural
 to personal equestrian use. Erection of 4
 no. stables with feed store and tack
 room.

Parish: Siston Parish
 Council

Map Ref: 68198 74279

Ward: Siston



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100023410, 2008.

N.T.S

PK08/0036/F

INTRODUCTION

This application appears on the Circulated Schedule because it is a Major application.

1. THE PROPOSAL

- 1.1 The application site comprises a 2.537 ha (6.27 acre) field located to the west of Siston Lane and north of Webbs Heath Farm. Vehicular access to the field is via a gate set back from Siston Lane. The site lies in open countryside and Green Belt Land some 320m south of the Siston Conservation Area. The authorised use of the land is agricultural, although horses have been grazed on the land in the past. A PROW bounds the field to the west, beyond which is recently planted forestry, otherwise the site is bounded by high hedgerows.
- 1.2 Webbs Heath Farm is a Grade II Listed 17th C farmhouse complex with curtilage listed outbuildings and boundary walls. A modern two-storey dwelling is sited beyond the curtilage to the north-east, adjacent to the application site access.
- 1.3 It is proposed to change the use of the land from agricultural to the recreational keeping of no more than 4no. horses. It is also proposed to erect an American style barn/ stable building with a footprint measuring 13.7m x 18.3m and a ridge height of 4.88m. The barn would house 4 stables, a tack room, a feed store and a fodder storage area. The proposed building would be located in the south-eastern area of the field, adjacent to a large area of hard-standing and some 30m from the curtilage of the Webbs Heath Farmhouse complex.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPG2 - Green Belts
- PPG13 - Transport
- PPG15 - Planning and the Historic Environment
- PPS7 - Sustainable Development in Rural Areas

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

- L13 - Listed Buildings
- GB1 - Development within the Green Belt
- T12 - Transportation
- D1 - Design
- L1 - Landscape Protection and Enhancement
- E10 - Horse related development
- LC5 - Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary

2.3 Supplementary Planning Guidance

- Advice Note 9 - Development Involving Horses
- Development in the Green Belt (SPD) – Adopted June 2007
- The South Gloucestershire Design Checklist (SPD) – Adopted August 2007

3. **RELEVANT PLANNING HISTORY**

3.1 None

4. **CONSULTATION RESPONSES**

4.1 **Siston Parish Council**

Object on the grounds that this is considered to be an over-development within the Green Belt and is an inappropriate development within the curtilage of a Listed Building. The proposal would appear to be of a quasi-commercial nature.

4.2 **Other Consultees**

4.3 **Public Rights of Way**

No objections.

4.4 **Wessex Water**

No objections.

Other Representations

4.5 **Local Residents**

One letter was received from the occupant of Webbs Heath Farm who, whilst welcoming the use of the field for personal equestrian use, also raised the following concerns:

- Possible damage to field perimeters.
- Horses could escape onto the road or the adjacent Forestry Commission land to the rear.
- Electric fencing blocking PROW.
- Number of horses to be kept on the site?
- Possible use as livery yard.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

In the first instance the proposal must be considered in the light of current Green Belt Policy. Guidance contained in PPG2 states that, the change of use of land or the re-use of existing buildings in the Green Belt is not inappropriate where it would not have a materially greater impact on the openness of the Green Belt than the present authorised use. Furthermore the construction of new buildings inside the Green Belt is not inappropriate development if it is an essential facility for outdoor sport and recreation. Paragraph 3.5 of PPG2 states that essential facilities should be genuinely required for the uses of the land, which preserve the openness of the Green Belt and gives an example of '*small stables*' as possible essential facilities. This is supported by Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, which states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.

5.2 Furthermore, PPS7 generally supports equine related developments in the countryside, provided that they maintain environmental quality and countryside character. Policy E9 of the South Gloucestershire Local Plan reinforces the view that '*proposals for horse related development such as stables, will be*

permitted outside the urban boundaries of settlements', subject to the following criteria being met:

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

The analysis of the proposal in relation to these criteria is considered below.

- 5.3 Consideration must also be given to the criteria contained within Policy L13 of the Local Plan, which requires development to preserve or enhance the character and setting of Listed Buildings.

5.4 Green Belt Issues

As stated above '*small stables*' are not inappropriate within the Green Belt. In assessing whether or not a stable is small, officers have taken note of recent appeal decisions relating to similar proposals at nearby Langton Farm, Siston Lane, Siston. It was established in the appeal decision (APP/P0119/A/02/1090067) relating to application PK02/2237/F (for the erection of a stable with a footprint of 52sq.m. on Lot 4 Langton Farm), that "*the keeping of horses for recreational purposes is a use of land that is compatible with preserving the openness of the Green Belt*". The appeal relating to PK02/2237/F also established that, "*..in terms of its overall floorspace and height, the proposed stable would be small.*" This accorded with guidance given in PPG2 and with the supporting text of Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which indicates that small stables are not inappropriate within the Green Belt. The inspector concluded that the proposal was an essential facility required for the use of the land, which retained the openness of the Green Belt and would not therefore be inappropriate development within the Green Belt.

- 5.5 It should be noted however that in relation to another proposal at Langton Farm, the Inspector for the appeal relating to application PK01/3392/F i.e. APP/P0119/A/02/1090067, considered that a stable with 5 individual stores and 2 storage areas and a floor area of over 136sq.m. was not small and was therefore inappropriate development within the Green Belt. In another application PK03/0076/F relating to Langton Farm, officers considered that a stable with a footprint of 96 sq.m. was small.

- 5.6 The proposed American Barn would have a foot-print of 250.7 sq.m. and a height of 4.88m with eaves at 3.66m. Having regard to the previous decisions at nearby Langton Farm, officers conclude that the current proposal could not remotely be considered as '*small*'. The proposal is therefore inappropriate development within the Green Belt and by definition would be harmful to the openness of the Green Belt.

Furthermore the applicant has failed to demonstrate that there are any very special circumstances to justify a departure from Green Belt Policy. There is therefore an in-principle objection to the proposal on Green Belt grounds.

5.7 Impact on the Visual Amenity of the Green Belt and Landscape in General

5.8 At this point Members should note that the sub-division of fields by the planting of hedgerows and erection of fences does **not** require planning permission, neither does the use of temporary mobile field shelters. In this respect officers would rather see the erection of more permanent stables, the siting and design of which, can be suitably controlled via the planning process, to minimise the impact on the landscape.

5.9 The proposed barn however would be excessively large and being an American Style Barn does not have a traditional design but would be modern in appearance. The barn would be constructed of a steel portal frame with block and polyester green cladding elevations and roof. The proposed roof pitch is very shallow, which is not a traditional feature.

5.10 In order to retain large areas of hard-standing along the eastern boundary of the site (currently strewn with an assortment of agricultural accoutrements), the barn would be sited in a prominent position where it would be clearly visible from the PROW (to Siston Court) adjacent to the western boundary of the field and through the access gate from Siston Lane. Officers consider that the presence of such a large building of modern design, would represent an alien feature in this traditional rural landscape, which would have a detrimental impact on the visual amenity of both the Green Belt and Landscape in general. Whilst some additional landscaping could be secured by condition, this would not be sufficient to adequately integrate the building into the landscape. The proposal would therefore be contrary to Policies GB1 and L1.

5.11 It is proposed to keep a maximum of 4 horses on the site and this could be restricted by condition. Given the existing large areas of hard-standing on the site and the size of the proposed building, it is questionable whether or not the field alone could accommodate 4 horses. Given however the proximity of Webbs Heath Common, which could provide additional grazing land, officers consider that with good management, the field may just be big enough for the number of horses proposed, without resulting in any unsightly poaching of the land.

5.12 Conservation Issues

The application relates to Webbs Heath Farm, a group of farm buildings that are Grade II Listed, the only exception being the adjacent later two-storey dwelling to the north. The proposed barn would be sited only 35m from the residential curtilage boundary of Webbs Heath Farm and as such would clearly be read in context with the farm from several viewpoints.

5.13 The erection of the two-storey dwelling to the north of the farm complex has already had a detrimental impact on the setting of the Listed Buildings; officers consider that the erection of an even larger modern structure would cause even greater harm to the setting. As well as the historic merit of each of the individual Listed Buildings on the site, much of the site's interest is associated with its layout and containment within its rural setting within the open landscape.

The spread of development beyond the curtilage walls, particularly of such an inappropriate scale and design, would cause significant harm to the setting of the Listed Buildings.

5.14 Transportation Issues

The proposal would utilise an existing farm access onto Siston Lane, a Class C road. The access is set well back from the carriageway and is considered acceptable to serve the proposed equine use of the field. Subject to the number of horses to be kept on the field, being limited to 4 and there being no livery use or sub-letting of the stables, there are no highway objections. Criterion D of Policy E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 is therefore satisfied.

5.15 Environmental Effects

All matters of external lighting, erection of loose jumps and fences, car parking and use of horse boxes or portable buildings or trailers, could be strictly controlled by conditions.

5.16 The disposal of foul waste should be undertaken in accordance with the MAFF (now DEFRA) Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency controls. It is intended that accumulated muck will be stored adjacent to the stable and periodically removed from the site. There are to be no floodlights associated with the development. The Council's Environmental Protection section raised no objection to this proposal subject to waste not being stored or burnt adjacent to residential properties. Criterion A of Policy E9 is therefore satisfied.

5.17 Buildings Capable of Conversion

There are no existing buildings on the field that could be converted. Criterion E of Policy E9 is therefore satisfied.

5.18 Ecology

The site has no special nature conservation designation. The field is already used for grazing purposes. It is therefore considered that there would be no adverse impact upon the ecology of the area.

5.19 Public Rights of Way

A PROW no. PSN/20 currently runs adjacent to the site. The footpath would not be diverted and the existing gates and styles would be retained. The Council's PROW Officer raises no objection to the proposal.

5.20 Design and Access Statement

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That planning permission be REFUSED for the following reasons:

Background Papers **PK08/0036/F**

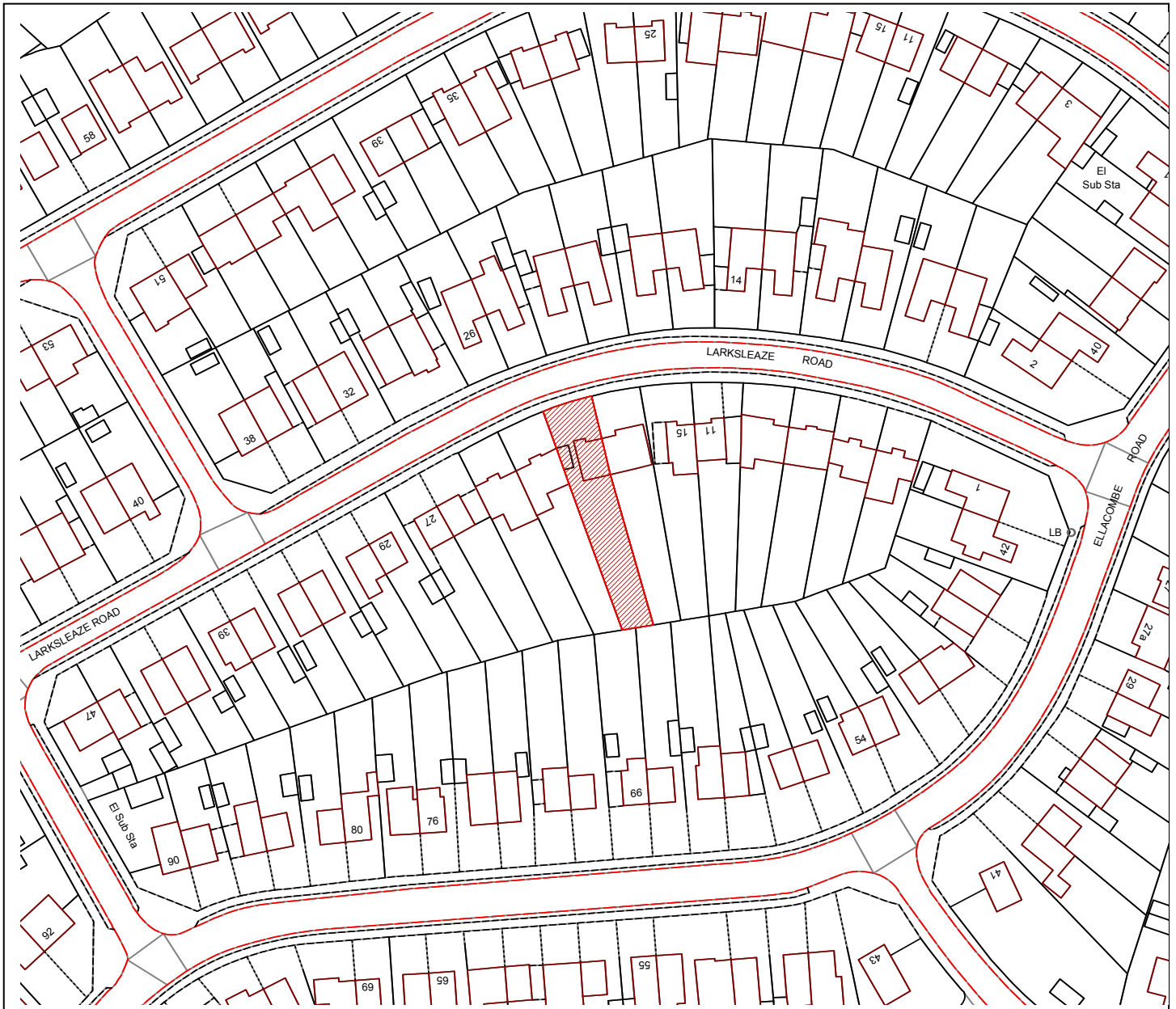
Contact Officer: **Roger Hemming**
Tel. No. **01454 863537**

REFUSAL REASONS

1. The site is located within the Bristol/Bath Green Belt and given the proposed buildings excessive scale and massing, the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2 - 'Green Belts' and Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
2. The site lies within the Bristol/Bath Green Belt and open rural countryside; given the proposed building's position, excessive scale and massing, and inappropriate modern design, the proposal would have a detrimental impact on the visual amenity of the Green Belt and rural landscape in general, contrary to Policies GB1, L1 and D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
3. The proposed building would be located close to the Grade II Listed Webbs Heath Farmhouse and curtilage listed outbuildings and walls. By virtue of the proposed scale, materials and modern appearance/design, the proposed building would fail to preserve the historic setting of the nearby Listed Buildings, contrary to Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PK08/0054/F	Applicant: Mr N Goodman
Site: 19 Larksleaze Road, Longwell Green, South Gloucestershire, BS30 9BH	Date Reg: 7th January 2008
Proposal: Erection of two storey side extension and rear conservatory to form additional living accommodation. (Resubmission of PK07/2334/F).	Parish: Hanham Abbots Parish Council
Map Ref: 65540 70851	Ward: Longwell Green



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PK08/0054/F

Object

- proposed build will project across third party land (in particular the width dimensions are inaccurate)
- proposed development will weaken neighbouring property's footings
- eaves will overhang neighbouring property

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

For the purposes of this report the application can be analysed in two parts.

5.3 The first element consists of a two storey side extension. It is considered a sound design approach that side extensions to semi detached dwellings should appear subservient and secondary to the host dwelling. The scheme has been designed with a lowered ridge height and a set back front elevation. As a result it is considered to be suitably subservient. The construction materials will match those of the existing, thus furthering its visual acceptability.

5.4 The second element comprises of a single storey rear extension which will project 2.6 metres into the rear garden. It will contain a bank of floor to ceiling glazing and be constructed from materials that match the existing dwelling. Accordingly, this element of the scheme is also considered acceptable in design terms.

5.5 Concern has been raised that the development results in overdevelopment of the site. In this instance, extensions of this scale are considered acceptable. Moreover, the immediate neighbouring semi (No.21) has benefited from a two storey side extension and single storey rear extension which is very similar to the proposal. Consequently, the proposed development will not appear incongruous within the streetscene.

5.6 Residential Amenity

The two storey extension will be contained entirely to the side of the application property and will not contain any side openings. In addition, the neighbouring property to the west (No.21) does not contain any side facing windows. As a result, it will not be visible from the attached semi detached property or No.21. The single storey extension will project just 2.6metres beyond the rear elevation of the dwelling. Given this minimal projection distance it is considered that it will not harm the residential amenities of neighbouring occupiers. The properties to the rear are a sufficient distance from the proposed extension to not be affected by the development. Accordingly, surrounding residents will not experience an overbearing impact or loss of privacy as result of the extension being erected.

5.7 Transportation

Concern has been raised that the extension will result in the loss of one off street parking space in a road which is often severely congested by on-street parking.

5.8 It is considered that despite the loss of a garage and the fact that the current parking arrangements only provide hard standing for one car, scope exists to enlarge the parking area on site to provide sufficient space to accommodate two cars. Accordingly, a condition will be imposed requiring that prior to occupation two off street parking spaces in the front garden shall be provided and permanently maintained for the purposes of parking thereafter. Officers acknowledge that Policy T8 requires that a four bedroom property should benefit from 3 off street parking spaces. However, in light of the fact that the policy relates to maximum standards and not minimum standards, and the fact that the neighbouring property was granted permission for a two storey side extension with just two parking spaces (PK00/2723/F), a transportation refusal reason could not be substantiated.

5.9 Other matters arising

Concern was raised that the extension will: project across third party land (the dimensions, width in particular, is inaccurate); weaken the footings of the neighbouring property to the west No.21 and the eaves will overhang No.21. Matters such as these (ownership and encroachment) will be addressed under non planning legislation in the form of the Building Regulations and The Party Wall Act. However, for the avoidance of doubt, three informatives will be appended to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant; consent must be sought from the owner of the land; and, that the Building Regulations must be complied with.

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

Background Papers **PK08/0054/F**

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

CONDITIONS

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

Reason

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

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

Reason

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

3. Before the development hereby permitted is completed and occupied, two off-street parking spaces shall be provided in the front garden and permanently maintained for the purposes of parking 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) January 2006.

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PK08/0068/F

Applicant: Mr G Bond Bond
Motor

Site: Unit B, 50 High Street, Kingswood,
South Gloucestershire, BS15 4AJ

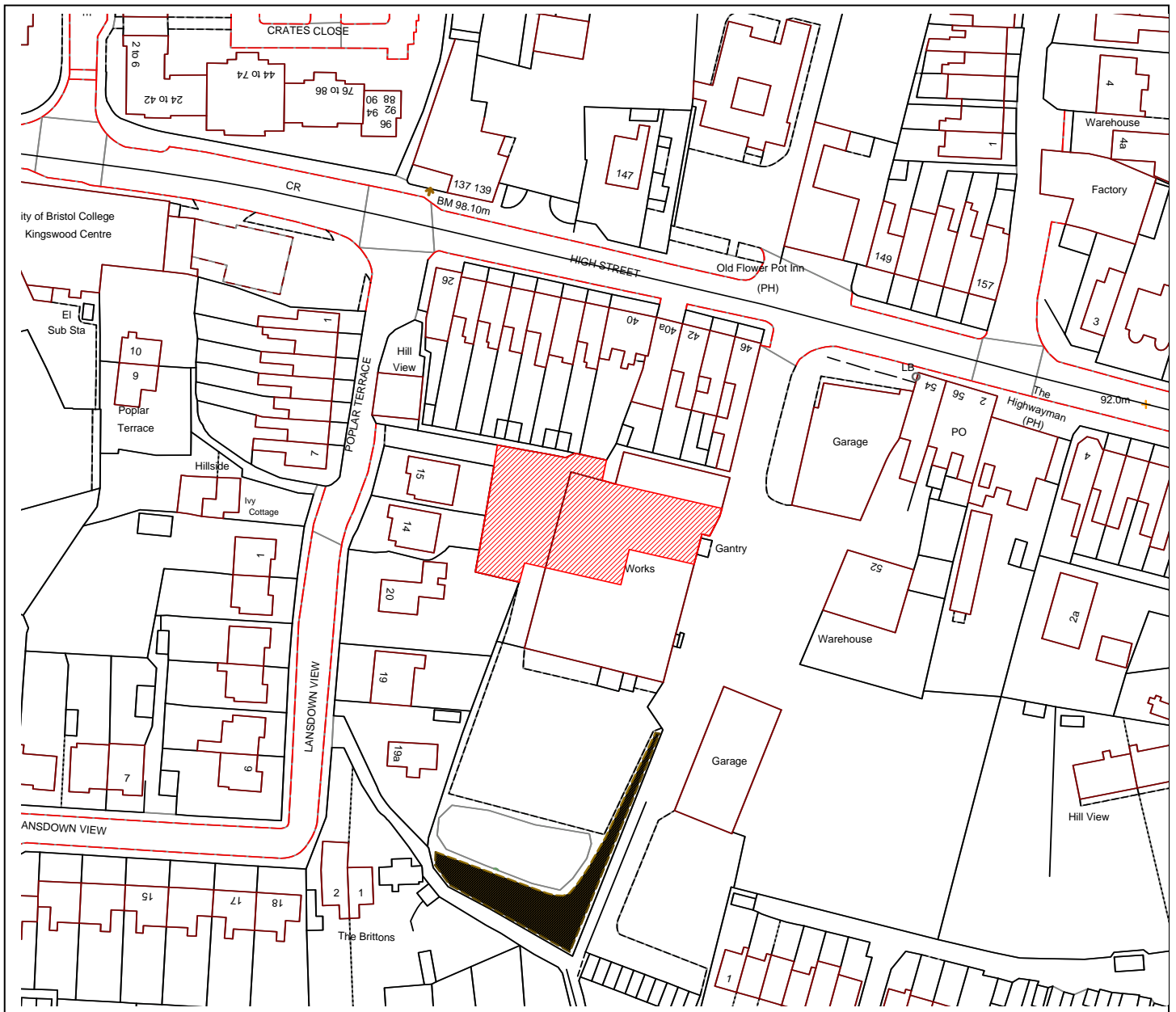
Date Reg: 8th January 2008

Proposal: Erection of 1 no. storage unit.

Parish:

Map Ref: 65585 73715

Ward: Woodstock



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100023410, 2008.

N.T.S

PK08/0068/F

INTRODUCTION

This application is placed upon the Circulated Schedule to Members in accordance with procedure given that an objection has been received.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a steel storage shed to be situated within a small business/industrial area situated to the rear of properties on the southern side of the High Street Kingswood.
- 1.2 The structure would be of galvanised steel and painted grey. The structure would have a height of approximately 5.5 metres, width of 18.2 metres and depth of 9.7 metres. The applicant has indicated that the yard into which the new structure would be sited is currently used for the storage of motor vehicles, with these vehicles being moved into the garage workshop area at night. The proposed building would allow for such storage.
- 1.3 To the east of the yard area is the main garage building, through which the yard itself is accessed. Further commercial buildings lie to the south-east. To the west and south there is a line of mature Leylandi trees and other trees forming the boundary with two residential properties, while to the north lies a narrow alley way (outside of the ownership of the applicant) beyond which lie the rear garden and outbuildings associated with terraced properties with frontages onto the High Street.
- 1.4 In support of the application the applicant has indicated that in addition to the manager there are 6 employees at the site although this number can rise or fall. Parking takes place largely to the front of the building. The unit is needed to avoid the need to move cars into and out of the building at the end of the day.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS4 Industrial and Commercial Development and Small Firms
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
T12 Transportation Development Control Policy for New Development
E3 Proposals for Employment Development within the Urban Area
EP1 Environmental Pollution

3. RELEVANT PLANNING HISTORY

- 3.1 P93/4486 Certificate of lawfulness approved for the use of premises for vehicle repairs and engineering
P95/4052 Change of use from general industrial (B2) to storage and distribution (B8) Approved

4. CONSULTATION RESPONSES

4.1 Parish Council
The area is unparished

4.2 Sustainable Transport
No objection

Other Representations

4.3 Local Residents
One letter of objection has been received. The grounds of objection can be summarised as follows:

- There is a problem with cars parking to the front of properties on High Street and blocking entrances to alleyways
- The boundary wall to the alleyway is not well maintained
- The building will block the view/skyline

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 considers the design of new development having regard to the original building and the wider context. Policy E3 considers proposals for employment development including extensions to existing buildings and indicates that an assessment must be made as to the Environmental impact of such proposals, the transportation impact and the impact upon residential amenity. Subject to consideration of these issues the proposed development is considered acceptable in principle.

Design

In terms of its appearance the proposal is of a simple design, merely comprising painted prefabricated material with minimal openings on the eastern elevation, (facing towards the rear entrance of the garage, to allow direct access to vehicles through from this building), and on the southern side. The scale is considered appropriate in relation to the size of the yard and adjoining buildings.

It is considered that in many locations this would be an inappropriate form of development however given the industrial/commercial location and given that it will replace a yard overflowing with cars it is considered that in this case an exception can be made. It should also be noted in mitigation that the building will be hidden from view by vegetation to the west, the large existing buildings to the south and west and will be partially obscured from view to the north by outbuildings associated with the properties on High Street. In addition although not a design consideration the structure, providing security and cover for vehicles will help support an existing business. On balance therefore the proposal is considered acceptable in design terms. A condition will be attached to the decision notice to ensure a suitable colour (green rather than the grey proposed), this will blend with the adjoining vegetation).

5.2 Residential Amenity

Concern has been raised regarding the physical impact of the structure upon the residential amenity of a property in High Street. The proposed building would be 5.5 metres at the highest point although 3.5 metres approximately to the effective eaves level. The yard area is set down from rear gardens in High Street and effectively obscured by vegetation to the west. In addition the boundary treatment along the rear of properties in High Street that includes four large outbuildings (approximately 3 metres in height) would partially obscure views of the structure at ground floor level. It is acknowledged that it would be possible to view the structure (end-on), fully from upper floor windows but at a distance of approximately 20 metres. It is not considered that any impact would be so significant such as would justify the refusal of the application.

5.3 Environmental Impact

The proposed building is to be used in conjunction with an established use. In order to protect the amenity of adjoining occupiers a condition is recommended to ensure that the building is limited to storage use and that no plant or machinery should be operated either inside or at the entrance of the building. In addition a condition limiting the hours vehicles either enter or leave the building (use of roller shutters). The applicant is agreeable to these conditions.

5.4 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006) seeks to ensure adequate parking provision and that safe access is maintained. There is no transportation objection to the proposed development.

5.5 Other Issues

Concern has been raised regarding the maintenance of the rear boundary wall of the site, said to be in poor repair. This issue has been raised with the applicant but the responsibility for maintenance of this wall cannot be material in determining this proposal. The development will not affect the boundary directly. Concern has been raised generally about vehicle parking generally in the area, in particular on High Street and the impact this has on alleyways with the particular problem of refuse storage mentioned. This is not considered material to this application as these are areas outside of the control of the applicant. The proposed building given its location would prevent parking along the boundary of the site.

5.6 Design and Access Statement

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning Permission be granted subject to the following conditions

Background Papers **PK08/0068/F**

Contact Officer: **David Stockdale**

Tel. No. **01454 864533**

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 building hereby approved shall be powder coated dark green and retained as such thereafter.

Reason

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

3. The premises shall be used for B8 Storage and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification) and no machinery shall be operated either within the building or at its entrance.

Reason

To minimise disturbance to occupiers of [specify nearby buildings] and to accord with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The use of the building (including operation of roller shutters) shall be limited to the following times:

Monday to Friday 0730 to 1800 hours

Saturday 0800 to 1300 hours

There shall be no activities on Sundays or Bank/Public Holidays

Reason

To minimise disturbance to occupiers of [specify nearby buildings] and to accord with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PK08/0076/F	Applicant: Mr D Tape
Site: 7 Henfield Crescent, Oldland Common, South Gloucestershire, BS30 9SF	Date Reg: 8th January 2008
Proposal: Erection of two storey side extension to provide additional living accommodation.	Parish: Bitton Parish Council
Map Ref: 67062 71422	Ward: Oldland Common



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N.T.S

PK08/0076/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a two-storey extension to the side of the existing dwelling. The purpose of the extension is to provide an enlarged kitchen with utility at ground floor and two additional bedrooms above.
- 1.2 During the course of the application, amended plans were requested from the applicant to show the extension to be set back and down from the main dwelling to ensure subservience. In response however an e-mail was received from the applicant giving examples of similar development in the locality. Amended plans were not received.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Extensions and New Dwellings
T8 Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Object to the application as they felt the extension should be set back and the roof made subservient to the existing. Also expressed concerns that only one parking space would remain and there would be no window in the kitchen. The Parish Council asked if amended plans had been received that they were not aware of.

Other Representations

- 4.2 Local Residents
None Received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design/Visual Amenity

The proposed extension is of appropriate design and will integrate successfully with the host dwelling and the surrounding street scene. It is accepted that the extension is not subservient to the host dwelling in that it is not set back or set down. This type of extension that lacks subservience is usually resisted by the council. In this case however, consideration must be given to the fact that flush extensions exist on some of the surrounding properties – some examples of this can be seen on properties 78 Westcourt Drive (approved in 2005), 64 Westcourt Drive, 54 Westcourt Drive, and 24 Westcourt Drive. Many other flush extensions could also be found in the locality that were granted planning permission more than 5 years ago. Given the fact that almost identical extensions exist on other dwellings in the street, it would be entirely unreasonable to refuse the extension in this instance.

The structure will be visible from the highway but will integrate successfully with the host dwelling and as such, it is not considered the additions would be visually intrusive. Subject to the attachment of a condition to ensure that the materials used match those of the existing dwelling the design of the extensions is considered to be acceptable.

5.3 Residential Amenity

The extension is to be constructed on the side of the dwelling – closer to the neighbour at No. 9. There are no habitable room windows in the side elevation of the neighbouring property facing towards the application site that could be adversely affected by the proposed extension. Similarly, there are no proposed windows in the side elevation of the extension that could result in any issues of overlooking or loss of privacy from the neighbours.

It is noted that the Parish Council is concerned about the lack of a kitchen window. Whilst you officer agrees that one would normally expect to find a kitchen window, ample light would still enter the extended kitchen via the large windows and French windows in the linked dining room. The fact that no window is proposed is not a valid planning refusal reason.

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

5.4 Transport Implications

The application will allow for the provision of two off street parking spaces to serve the dwelling. The existing front garden of the property is covered with hard standing – this will remain in place following the development. Whilst the existing garage will be lost as a result of the development, it is still considered that sufficient off street parking will be provided to meet the needs of the dwelling.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That the application be approved subject to the following conditions;

Background Papers **PK08/0076/F**

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

CONDITIONS

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

Reason

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

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

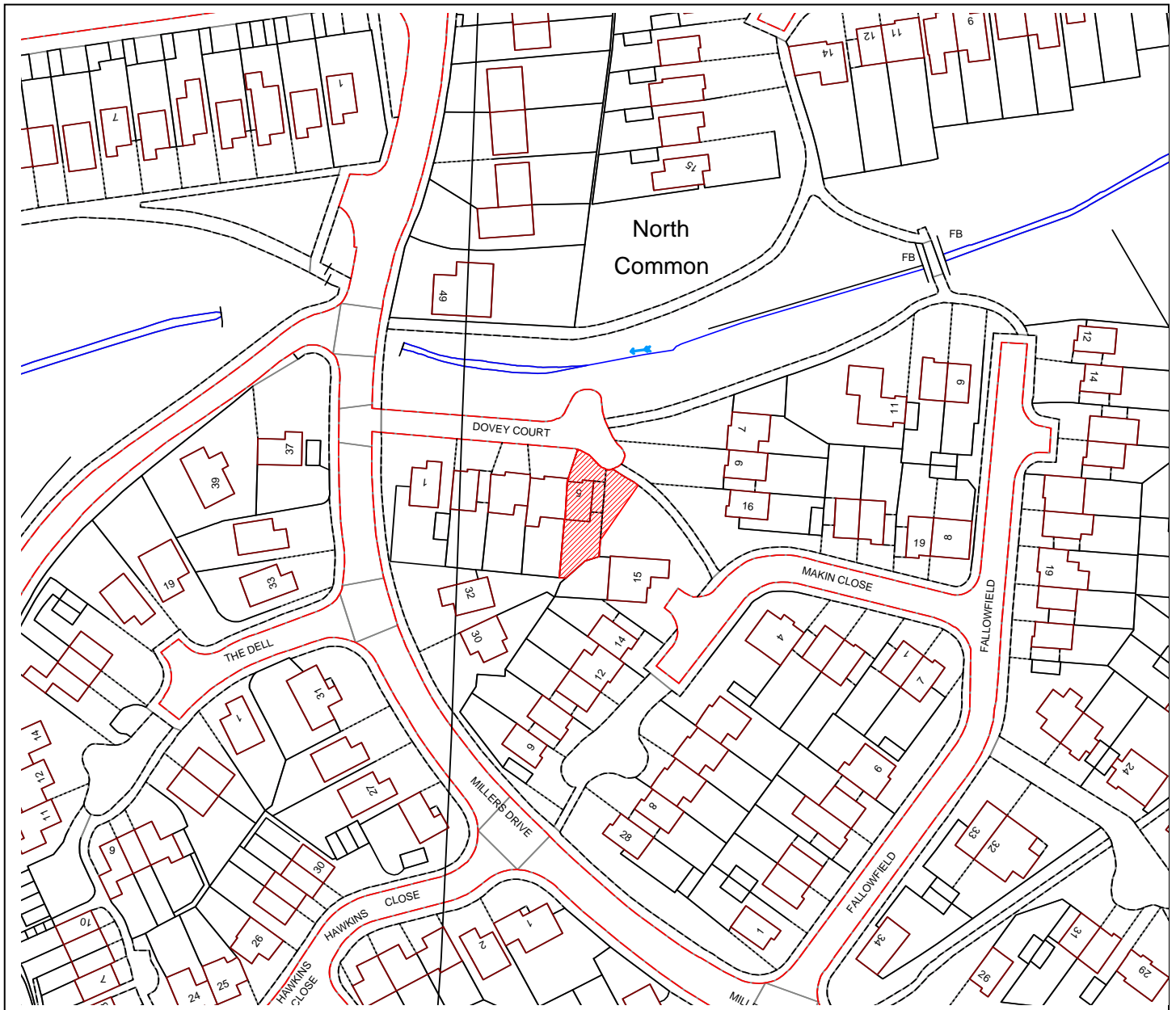
Reason

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

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PK08/0088/F
Site: 5 Dovey Court, North Common, South Gloucestershire, BS30 8YX
Proposal: Erection of two storey side extension to form additional living accommodation.
 Erection of detached motor cycle store.
Map Ref: 67431 72092

Applicant: Mr & Mrs Garraway
Date Reg: 9th January 2008
Parish: Bitton Parish Council
Ward: Oldland Common



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PK08/0088/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a two storey side extension to form additional living accommodation and erection of a detached motor cycle store.
- 1.2 The application site relates to an end terraced two storey semi detached dwelling which is sited within the residential area of North Common.

2. POLICY CONTEXT

2.1 National Guidance
PPS1

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Extensions

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

3. RELEVANT PLANNING HISTORY

3.1 No planning history relates to the application site:

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Councillors raised no objections to the proposed extension to the house. However, they felt that the motor cycle store was very large for its stated purpose, would dominate the public footpath beside it and should not be permitted forward of the building line, as shown.

Other Representations

4.2 Local Residents

One letter has been received from a local resident raising the following objections regarding the proposed development:

-Loss of privacy due to window in roof on rear elevation

-No dimensions of bike store so concerns are raised regarding overbearing impact.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings and development within existing residential domestic curtilages subject there may be no adverse impact on existing visual and residential amenities.

5.2 Visual Amenity

The application site relates to a two storey end terraced dwelling with part existing two storey and single storey side extension on the eastern elevation of the property.

5.3 This planning application seeks planning permission for a full two storey side extension. The proposed extension is in line with the Council's guidance in terms of subservient extensions i.e. lower ridge height and stepped back from existing front line to ensure that the original form and character of the dwelling is retained. It is therefore considered that no objection is raised on design grounds with regards the proposed two storey side extension.

5.4 Permission is also sought for a detached single storey outbuilding which will be sited along the eastern boundary of the application site. Objections have been raised by the Parish on the grounds that the building by reason of its siting would dominate the public footpath. The building will be tucked up against the eastern boundary of the application site which also forms the adjoining boundary with no. 15 Makin Close's garden. Members are advised to consider that amended plans have been submitted which has reduced the width by 1.0m which in turn has resulted in the building being pulled back from the edge of the public footpath. This will allow landscaping to be planted which will soften the impact of the development on the visual amenities of the immediate area. The building has also been reduced in height from 3.70m to 3.40m. It is therefore considered that a building on this scale i.e single storey and in this location would not have an overbearing impact on the visual amenities of the street scene.

5.5 Residential Amenity

Objections have been raised by a neighbour sited rear of the application site on the grounds the proposed two storey extension would allow for overlooking and result in a loss of privacy by reason of the roof light on the rear elevation. It is considered that due to the position of the rooflight within the roof that it would not allow for overlooking. Regard must be had for the fact there are two existing already bedroom windows at first floor level on the rear elevation. It is also considered that due to the angled position of the extension in relation with the neighbouring occupier it will not have an overbearing impact.

5.6 Concerns have also been raised that no dimensions have been shown on the plans with regards the proposed outbuilding. Members are advised to consider that this is the case with most planning applications and is acceptable subject the scale is shown which it is. It is considered that a building of this scale i.e. 2.70m at the highest point and 5.50m in width will not have an overbearing impact on the adjacent occupiers.

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.

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 planning conditions.

Background Papers **PK08/0088/F**

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

CONDITIONS

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

Reason

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

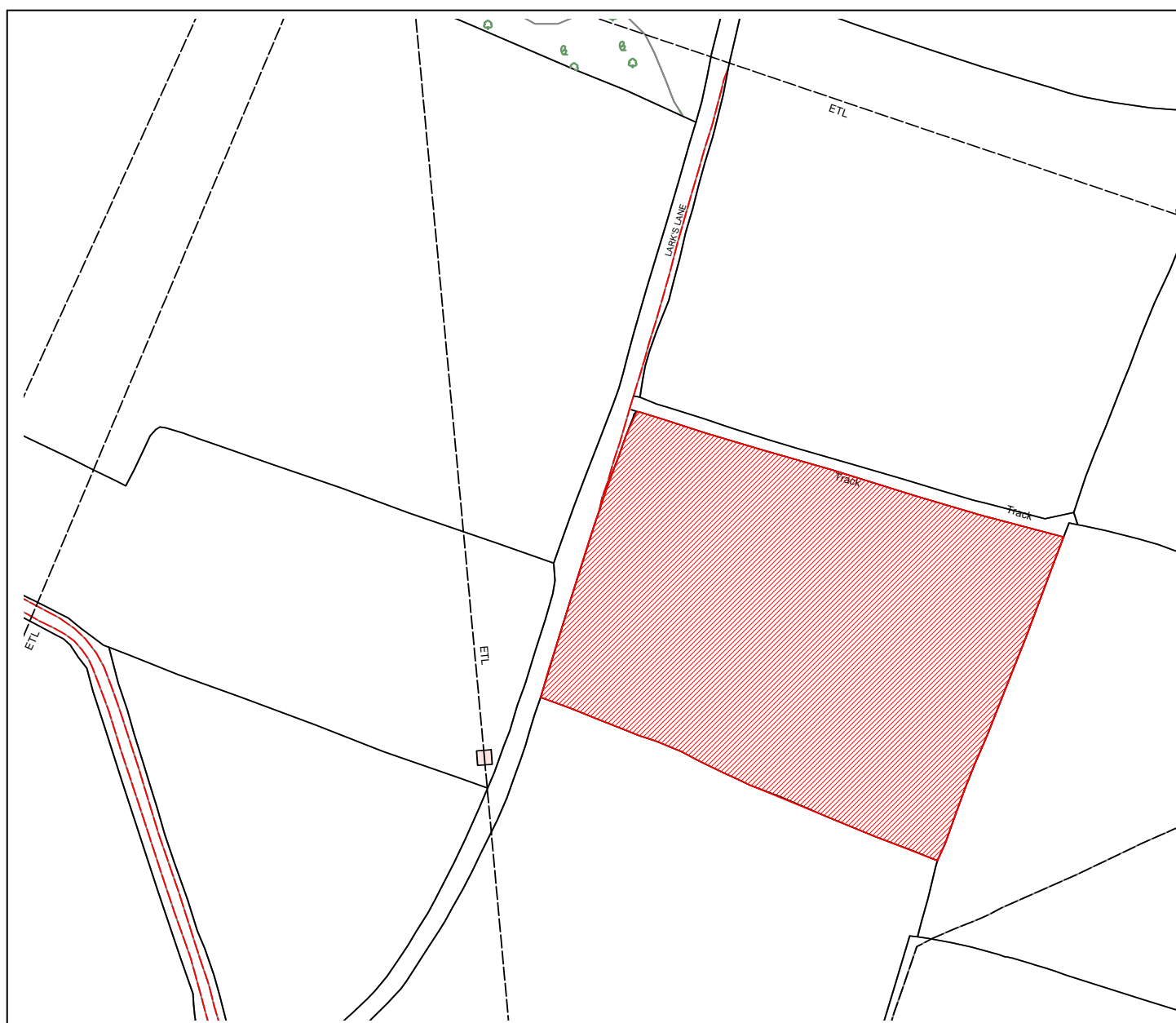
2. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. Development shall be carried out in accordance with the agreed details.

Reason

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

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PK08/0096/F	Applicant: Mr I Daley
Site: 5.85 Acres Field Larks Lane Latteridge South Gloucestershire	Date Reg: 10th January 2008
Proposal: Change of use from agricultural land to land for the keeping of horses. Erection of hay barn and 4no. stables. Erection of 1.2m high post & rail fencing. (Resubmission of PK07/2834/F).	Parish: Iron Acton Parish Council
Map Ref: 66925 85316	Ward: Frampton Cotterell



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N.T.S

PK08/0096/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a stable block with hay store and change of use of land from agricultural to personal equestrian use for the keeping of four horses.
- 1.2 The building is L shape measuring 11.70m on both sides and 3.60m on the ends x 2.40m in height to the eaves and 3.0m to the ridge. The building will be constructed of wood.
- 1.3 The application site relates to land sited within the open country side and is washed over by the Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1
PPG2

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- L1 landscape
- GB1 Green Belt
- E10 Horse related development

- 2.3 Supplementary Planning Guidance
Development in the Green Belt Adopted June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2824/F Change of use from agricultural land to land for the keeping of horses. Erection of hay barn and 4no. stables. Erection of 1.2m. high post & rail fencing. Withdrawn November 2007.

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
Feel that this development was intrusive and loss of green belt land, overdevelopment of green belt land and increased traffic movements on an unsuitable country lane.

Other Representations

- 4.2 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for horse related development, subject to a number of criteria being satisfied. In addition regard must be had for the Green Belt.

5.2 Green Belt

Paragraph 3.4 of PPG2 and Policy GB1 of the South Gloucestershire Local Plan sets out those types of development that are appropriate in the Green Belt and these include essential facilities for outdoor sport and recreation provided they are genuinely required for uses of land which preserve the openness of the Green Belt. Small stables are given as an example.

5.3 Appropriateness

The proposed change of use of land for the keeping of horses is considered to be a use that will preserve the openness of the Green belt. In addition the proposed stable block with a foot print of 71.64 sq.metres is considered small scale and therefore is also considered appropriate development.

5.4 Openness

Paragraph 1.4 states that the most important attribute of green belts is their openness. The stable block will be sited along the road frontage and will not be visible from Larks Lane due to the well established hedge. Members are advised to consider that this scheme is the re-submission of a recently withdrawn scheme PK07/2834/F. Objections were raised to that scheme by the planning officer on the grounds of the overall scale and design of the stable block. This revised scheme has sought to address those concerns by reducing the overall footprint by 30sq.metres and by adopting an L shape rather than a linear form. So although the Parish have raised concerns regarding overdevelopment of the site, it is considered that the site in question by reason of its size can satisfactorily accommodate this scale of development without having an harmful impact on the openness or visual amenities of the Green Belt.

5.5 A number of planning conditions are proposed in terms of restricting the use of horse jumps, trailers and other associated paraphernalia.

5.6 Policy E10 Horse Related Development:

A. Development would not have unacceptable environmental effects; and

All matters of external lighting, erection of loose jumps and fences, car parking and use of horse-boxes or portable buildings or trailers, could be strictly controlled by conditions.

The disposal of foul waste should be undertaken in accordance with the MAFF (now DEFRA) Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency and Environmental Health controls.

B. Development would not prejudice the amenities of neighbouring occupiers;

No nearby neighbouring properties that would be affected by the proposed scheme.

- 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
Concerns have been raised regarding the existing lane. The Council's Highway Officer has advised that subject to a suitable planning condition to control the operation of the site to that there is no commercial use such as a riding school or DIY livery use from the site then no highway objection is raised to this proposal. Additionally should planning permission be granted a condition should be imposed limiting the number of horses on site to a maximum of 4.
- D. Safe and convenient access to bridleways and ridings is available to riders; and
Adjacent lane runs alongside application site.
- E. There are no existing suitable underused buildings available and capable of conversions; and
There are no existing buildings on the land that could be converted for the use as a stable
- F. The design of the buildings, the size of the site and the number of horses to be accommodated has proper regard to tee safety and comfort of horses.
The proposal accords with the advice given in Supplementary Guidance Note 9 concerning care and housing of horses. It is proposed to keep a maximum of 4 horses on the site. The horses would be exercised in the field. There is sufficient space in the field for the number of horses proposed and this number can be limited accordingly by condition which in this case would be 4.

5.7 Design and Access Statement

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

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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 planning conditions.

Background Papers **PK08/0096/F**

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

CONDITIONS

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

Reason

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

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

Reason

To protect the character and appearance of the area and in the interests of highway safety ,and to accord with Policies GB1, E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The number of horses kept on the site shall not exceed 4.

Reason

To protect the character and appearance of the area and in the interests of highway safety and to accord with Policies GB1, E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006

4. No jumps (other than mobile jumps in the exercise arena), fences, gates or other structures for accommodating animals and providing

Reason

To protect the character and appearance of the area and to accord with Policies GB1 and E10 and of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No more than one horse box/trailer shall be kept on the site, otherwise at no time shall other horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the area and to accord with Policies GB1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. There shall be no discharge of foul or contaminated drainage or effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason

To prevent pollution of the water environment in accordance with Policy E10 of The South Gloucestershire Local Plan (Adopted) January 2006.

7. No development shall take place until details of the reinforced grass system has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.

Reason

To protect the character and appearance of the area and to accord with Policies D1, GB1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of tree protection measures relating to the protection of the Oak tree during the course of the development. Development shall be carried out in accordance with the agreed details.

Reason

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.

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PK08/0108/F

Applicant: Mr S Wilkins United Builders

Site: Land rear of 31 Cossham Street, Mangotsfield, South Gloucestershire, BS16 9EW

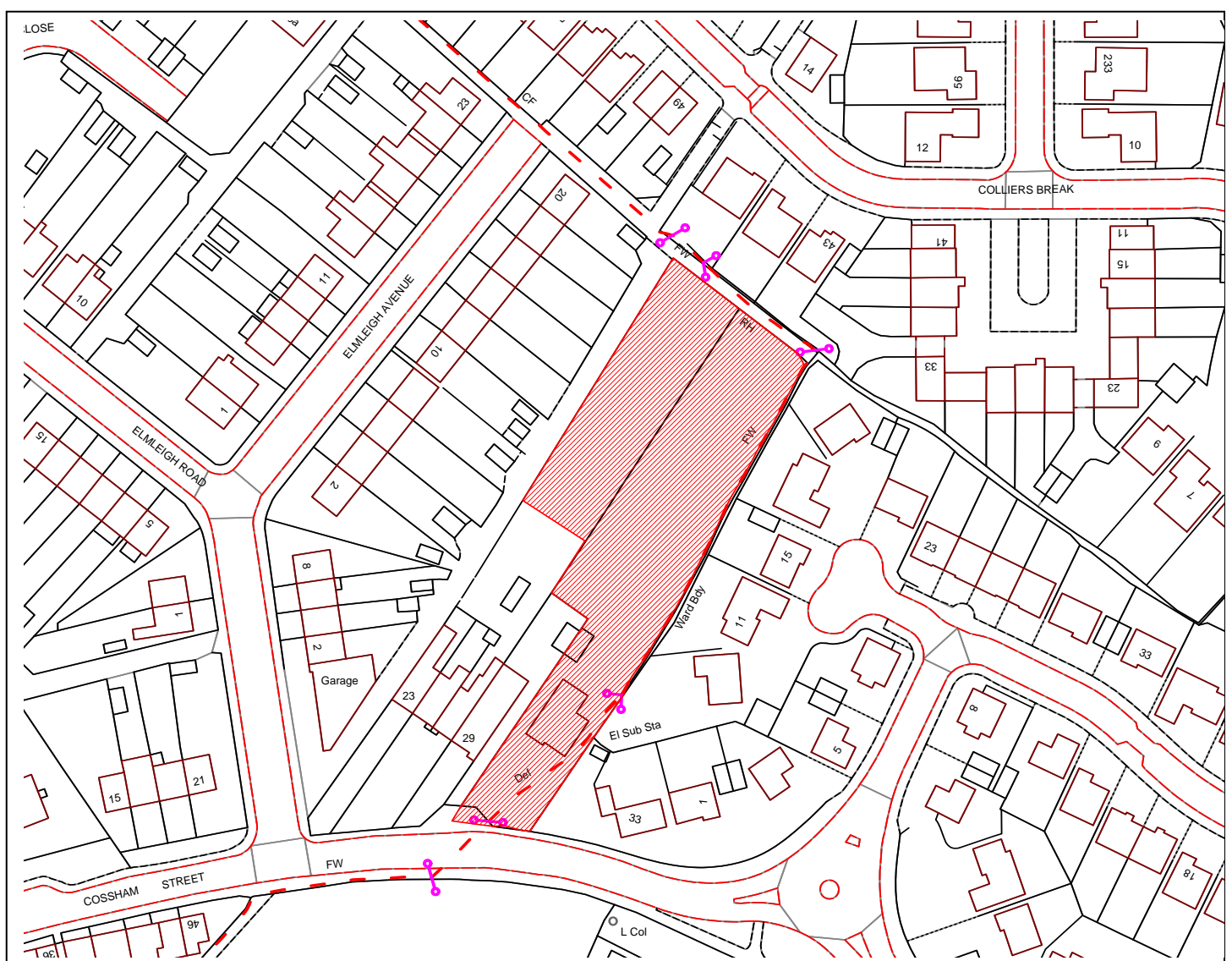
Date Reg: 11th January 2008

Proposal: Demolition of existing dwelling to facilitate the erection of 4no. dwellings and 10no. flats with 4no. garages, car parking, access, cycle/bin stores and associated works. (Amendment to previously approved scheme PK06/2588/F). Variation of condition 5 attached to planning permission PK06/2588/F.

Parish: Mangotsfield Rural Parish Council

Map Ref: 66655 76241

Ward: Rodway



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The application appears on the circulated schedule as it a major one, and therefore falls, under the current scheme of delegation, to be considered as such.

1. THE PROPOSAL

- 1.1 The proposal seeks amendments to the approved scheme PK06/2588/F for the demolition of existing dwelling to facilitate the erection of 4no. dwellings and 10no. flats with 4no. garages, car parking, access, cycle/bin stores and associated works, and variation of condition 5.
- 1.2 The proposed variations are as follows:
- Changes to window positions on plots 12, 14 and 15
 - Removal of 2 side windows
 - Reduction in size of windows
 - Removal of non functional chimneys
 - Variation of condition 5, 'BREEAM' standard reduced to 'good' from 'very good'

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing

2.2 Development Plans

- D1 Design
H2 Proposals for Residential Development within the Existing Urban

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/2588/F Demolition of existing dwelling to facilitate the erection of 4no. dwellings and 10no. flats with 4no. garages, car parking, access, cycle/bin stores and associated works. Approved with conditions following signing of S106 agreement Sept 2007

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection

- 4.2 Other Consultees
Wessex Water commented that the site is located in a sewered area with foul and surface water sewers.

Other Representations

- 4.3 Local Residents

No response

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of development has been agreed with the approval of PK06/2588/F. The only issue that can be taken into account in the current application are the proposed amendments.

5.2 The proposed amendments are minor in terms of the layout and the design and will have a negligible effect on the visual and residential amenity of the area.

5.3 The applicants state that the reason for the proposed variation of condition 5, to vary the BREEAM standard from 'very good' to 'good' is that many areas of the 'BREEAM' credits system is out of their control, and would make achieving this standard almost impossible, but they do state that they can achieve a 'good' BREEAM assessment. It is considered that whilst it would be desirable for the development to achieve a 'very good' assessment, it would be very difficult to refuse permission on this basis, and defend it successfully at appeal, and therefore, the variation in the condition is considered acceptable.

5.4 There are no transportation issues arising as a result of these proposed amendments.

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.

5.6 Section 106 Requirements

A section 106 agreement was signed prior to the approval of PK06/2588/F, and this agreement still stands for this application; an informative is recommended to this effect.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/0108/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

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

Reason:

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

4. The glazing on the north-east elevation of plot no. 3 facing no. 17 Wadham Grove and on the north east elevation of the replacement 31 Cossham Street facing no. 33 Cossham Street shall at all times be of obscured glass.

Reason:

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

5. The development hereby approved shall be constructed to an Eco-Homes standard of '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.

6. Reason:
To minimise the use of energy and natural resources and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006

7. Details of any external lighting, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason:
To safeguard the amenity of the locality, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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.

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

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

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.:	PK08/0112/R3F	Applicant:	Mr Badley
Site:	Mangotsfield School, Rodway Hill, Mangotsfield, South Gloucestershire, BS16 9LH	Date Reg:	11th January 2008
Proposal:	Erection of 1.2m high metal railings to front boundary.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	66455 75720	Ward:	Emersons Green



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N.T.S

PK08/0112/R3F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule procedure as the applicant is South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 This full planning application seeks permission for the erection of 1.20m high metal railings to the front boundary.
- 1.2 The application site relates to a secondary school sited just outside the built-up residential area and within the designated Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 General Principles
PPG2 Green Belt

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006.

- D1 Design
- LC4 Proposals for Education Facilities
- L1 Landscape Protection and Enhancement
- GB1 Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 Many planning consents have been granted at the school between 1983 and 2004, the most recent is as follows:
- 3.2 PK07/1512/R3F Erection of 2.40m high security fence and gates
Deemed Consent June 2007

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection

Other Representations

- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2007 allows for the expansion or improvement of education facilities within the existing urban areas, subject to a number of criteria being satisfied and Policy D1 seeks to ensure that high standards of design are achieved.

- 5.2 Regard must also be had to Green Belt Policy. National Planning Guidance PPG2 and Local Plan Policy GB.1 of the South Gloucestershire Local Plan (Adopted) January 2006 define the limited categories of development considered appropriate within the Green Belt.
- 5.3 Impact on the Green Belt
The erection of fencing does not fall within any of the defined classes and therefore is considered inappropriate development, which by definition is harmful to the openness of the Green Belt. Policy advice is that inappropriate development should not be permitted unless very special circumstances are demonstrated which are considered sufficient to outweigh the harm caused to the openness of the Green Belt.
- 5.4 The proposal relates to the replacement of existing railings along the frontage of the site which are in a poor state of repair and it is considered that it would not be cost effective to have them restored. Members are advised to consider that had the proposed railings been under 1.0m in height planning permission would not have been required. The new fencing will be painted dark green to blend into the surrounding landscape.
- 5.5 It is considered that the factors advanced in support of the application do amount to very special circumstances sufficient to outweigh the policy presumption against development. It is also considered that the proposed works by reason of their siting and design will not have an adverse impact on the visual amenities of the Green Belt.
- 5.6 Residential Amenity
There are no nearby neighbouring properties that would be affected by the proposed development.
- 5.7 Landscaping Issues
There are trees and hedges along the frontage of the site. A condition will be imposed requiring that those locations where only hand digging is permitted shall be agreed by the Local Planning Authority.
- 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 relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Planning permission be granted subject to the following planning conditions.

Background Papers PK07/1512/R3F

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

2. No development shall take place until those locations of where only hand digging is permitted have been agreed by the Local Planning Authority .

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 shrubs , and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006

3. The railings hereby approved shall be painted dark green RAL14C39.

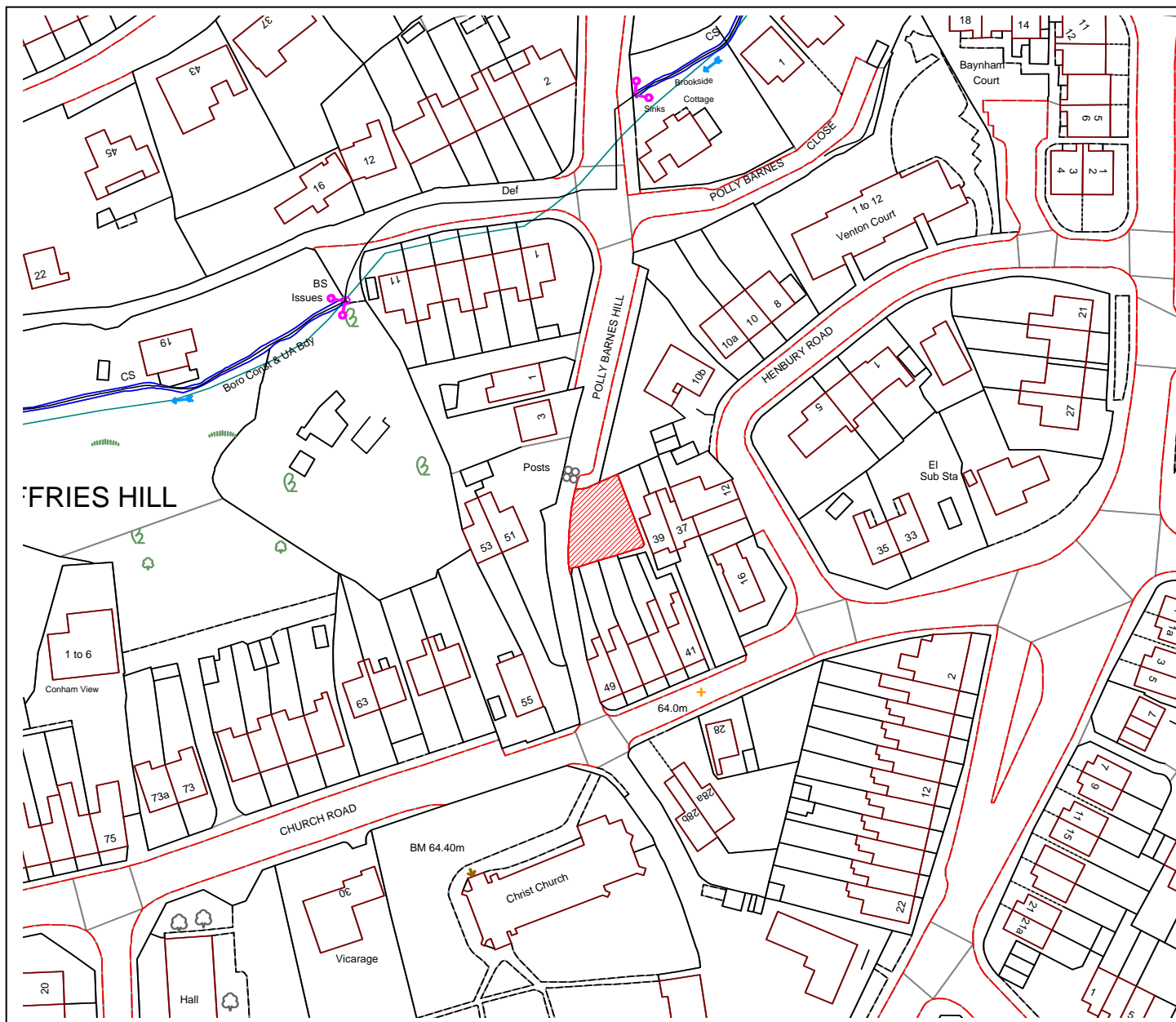
Reason

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. 07/08 – 15 FEBRUARY 2008

App No.: PK08/0122/F
Site: Land to Rear of 49 Church Road, Hanham, South Gloucestershire, BS15 3AE
Proposal: Erection of 1no. detached dwelling with access, parking and associated works. (Resubmission of PK07/3523/F).
Map Ref: 63814 72379

Applicant: Mr G Evered
Date Reg: 14th January 2008
Parish: Hanham Parish Council
Ward: Hanham



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PK08/0122/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a bungalow with a basement on land to the rear of 49 Church Road, Hanham. The submitted plans show the siting of the proposed bungalow approximately in the middle of the site. Its vehicular access is proposed to be from Polly Barnes Hill and not Church Road taking up the front garden with a turntable.
- 1.2 To the side of the proposed dwelling is the blank side elevation of a two storey semi detached dwelling. To the west, across the lane (which is restricted to pedestrians by a row of bollards where it narrows next to the site) is the side elevation of No. 51 Church Road, another semi with no habitable room windows in that elevation. To the south of the site are the rear gardens of a terrace of houses fronting Church Road. The site itself occupies a hillside location, sloping from south down to north, as well as from East down to West. It is currently overgrown and occupies a prominent position in relation to the valley it overlooks.
- 1.3 The submitted details show a two bedroom dwelling, with the main aspect to the north. The only other habitable room windows would face the rear of the site, across an area of amenity space. No garage is proposed, as car parking would be on the proposed turntable.
- 1.4 This follows the withdrawal of an application last year and a scheme from 2006 for outline permission for a dwelling, which was refused due to cramped nature of the siting, close to the rear boundary, the small area of private amenity space to serve the dwelling, a bedroom window being located close to a boundary wall and the creation of a substandard access. The task of this application is therefore to overcome these refusal reasons.

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
H2 Residential Development
T7 Cycle Parking
T8 Car parking
T12 Transportation

3. RELEVANT PLANNING HISTORY

- 3.1 P80/4252 Erection of bungalow and new access Refused
- 3.2 P88/4258 Erection of bungalow (outline) Refused

3.3 PK06/1926/O Erection of detached dwelling (outline) Refused

3.4 PK07/3532/F Erection of dwelling Withdrawn

4. **CONSULTATION RESPONSES**

4.1 Hanham Parish Council

Object to the proposal as the proposal lacks amenity space and it would be overbearing. Issues regarding access and egress have not been altered.

4.2 Other Consultees Sustainable Transport

The proposed site is accessed via Polly Barnes Hill, which is an unclassified highway with variable width and alignment. There are some pedestrian facilities on the northern part of Polly Barnes Hill. There is sufficient proposed parking within the curtilage of the application site. There appears to be no cycle parking. There is no transportation objection to this current proposal, however, I would recommend that the following condition be applied to any planning decision:-

1. Provide and maintain two secure and undercover cycle spaces.

4.3 Technical Services

No objection, subject to the inclusion of a condition regarding the submission of Sustainable Drainage details.

Other Representations

4.4 Local Residents

6 letters of objection were received to the proposal, citing the following concerns:

- Inadequate street lighting at the access would cause problems
 - Overlooking from bungalow of adjacent garden
 - Loss of privacy, partly due to the site being higher than the surrounding gardens
 - Appearance is out of keeping with the mainly Victorian and period dwellings in the vicinity
 - No front or rear gardens proposed, leaving the house looking to be shoehorned in
 - Noise and disturbance from proposed house
 - Access
 - Parking is inadequate and overspill parking will block the access from Church Road
 - Traffic Generation
 - Measurements of the road width are inaccurate
 - Daylight and sunlight would be lost to the gardens to the south of the site
 - The site's size shape and location make it unsuitable for residential development
 - Possible damage to drainage systems
-
- The position of the road closure bollards are drawn in the wrong place and if erected in this position would open up the road for use by motorcyclists and be dangerous on a route to school
 - Noise and dust from building works

- Possible effects on the foundations of the adjacent dwelling
- Problematic getting plant and machinery to the site
- To call the development a bungalow is misleading
- The plans do not reflect the domed nature of the site
- The location is incorrect as only part of the site is to the rear of No. 49
- The application form is incorrect in that it is stated that the development would not be on sloping land
- Detrimental effect on property values

NB These last 9 points are not valid planning concerns

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the built up area covered by the South Gloucestershire Local Plan. As such, and in the absence of any other designation preventing residential development, it falls within the area where residential development is acceptable in principle, according to policy H2. The land constitutes a brownfield site. The application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be analysed form the headings below.

5.2 Site Layout, Design and Visual Amenity

The entire site is virtually taken up with three elements, the front garden, including the proposed parking, the house itself and the rear garden. The appearance of the development would as a result of this layout be somewhat cramped and this had led to a central position within the site for the bungalow, to allow the creation of usable amenity space both in an aesthetic sense, creating a setting for the proposed dwelling and in a practical sense in that there would be private open space at the rear to service the needs to future occupiers. The rear amenity space which would be created would be a strip between 3.5 metres to 4 metres wide strip to the rear, amounting to over 50 square metres. In comparison, the front garden would be somewhat exposed, but it represents an opportunity to provide a landscaped setting for the parking/turntable, incorporating the two sets of access steps.

The form of development is a bungalow, with a large expanse of glass facing north, across Polly Barnes Hill. The scale of the proposal is considered to fit the setting and size of the site. The detailing does not fit the local Victorian vernacular, but then some of the other houses in the vicinity do not fit this either, having been built since. This proposal is considered to be similar to those earlier cases, the design of the proposed bungalow does not attempt to copy the buildings nearby, but it is considered that it does address its own surroundings. The detailing is proposed to be minimal, with few windows facing in any direction other than north, where the windows would be almost floor to ceiling. The proposed materials are render, under a tiled roof. The building itself would form an 'L' shape. Overall, it is considered that the design of the proposal has overcome the previous refusal reason for the outline scheme in this regard.

5.3 Transportation

The transportation comments appear above in detail at 4.2. Highways raise no objection to the proposal. The consultation process raised issues over the drawing of the plans and the representation of the bollards which close the road to through vehicular traffic. These bollards are on highway land, off the site and the proposal would leave them unaltered. The vehicular access to the site would therefore only be achieved from Polly Barnes Hill. The single parking space shown complies with the Council's minimum parking standard. Highways comments require the provision of cycle parking on the site and it is considered that this could be achieved next to road level, where there would be the turntable and two sets of access stairs. However the final position of the cycle parking would be subject to compliance with the condition shown below. Overall, it is considered that the design of the proposal has overcome the previous refusal reason for the outline scheme in this regard.

5.4 Residential Amenity

Problems with the effect of the proposal on residential amenity stem from two issues, the potential overlooking, resulting in loss of privacy and potential overbearing impact, both identified through the consultation process. The issue of overlooking would be curtailed by the boundary treatments around the site, given that the proposed dwelling is only single storey. Overlooking of No. 51's front and rear gardens would be at a distance of 10 metres at the nearest point and across the road/ footpath. Overlooking in this direction would only come from the rear/ side garden of the site, as no windows are proposed in this elevation and a condition below prevents their later insertion. While this overlooking from the garden may have some marginal effect upon residential amenity, it is not considered that this would be great enough to warrant a refusal reason in this instance, since there are still areas within the rear garden of No. 51 which would remain relatively private and would not be directly overlooked from the site.

With regard to overbearing impact, it is not considered that the bulk of the proposed building would have an overbearing impact upon the rear of No. 39, due to its close proximity to the boundary and its projection beyond the rear building line of No. 39. This is due to the proposed dwelling being single storey with a roof pitch which extends away from the boundary. While No. 39 has a small rear garden and no other private amenity space, it is noted that the proposed bungalow is set back from the boundary as well. Overall, it is considered that the proposal has overcome the previous reason for refusal in that it has been reduced from two storeys to one and re-sited.

In addition to the above, there is also the effect of the design of the proposed dwelling on the future occupiers. The outline scheme was refused for two reasons in this respect. One of these was the failure to create a reasonable amount of amenity space to serve future occupiers. This issue had been considered above and the 50 square metres of private amenity space indicated is considered to be adequate to meet the needs of the small family which would potentially occupy the house. The proposed design has only a bathroom window, serving a non-habitable room, close to the site boundary and all habitable room windows are considered to provide a reasonable outlook. Therefore it is considered that this proposal has overcome the previous refusal reasons in this regard applied to the outline scheme in 2006.

5.5 Other Issues

The issues of potential subsidence from any excavation required as part of the proposal would have a greater bearing though the Building Regulations. It is acknowledged that the site will require a great deal of remoulding and levelling at the top in order to accommodate the proposed dwelling. It is considered that this can be achieved, but will probably require waste to be removed from the site during the construction process. This would be dealt with through the condition shown below. Technical Services have raised no objection and drainage would be able to be dealt with through compliance with the condition shown below.

5.6 Design and Access Statement

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

5.7 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/0122/F**

Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CONDITIONS

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

Reason

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

2. The off-street car parking and turning facilities 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.

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

Reason

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

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

Reason

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

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping of the front of the site. This shall include proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason

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

6. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

(a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.

(b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.

(c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.

(d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.

(e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

Development shall be carried out in accordance with the agreed details.

Reason

To accord with the Local Planning Authority's adopted Waste Management Strategy, and to accord with Policies 37 and 43 of the adopted South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002; and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Development shall not begin until a scheme to deal with contamination of the site has been submitted to an approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid the risk to the [public/buildings/environment] when the site is developed. Development shall not commence until the measures in the scheme have been implemented.

Reason

To ensure that adequate measures have been taken to mitigate against soil contamination/contaminated land to accord with Policies EP1/EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development, detailed plans showing the provision of cycle parking facilities for two cycles, undercover shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

To 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.

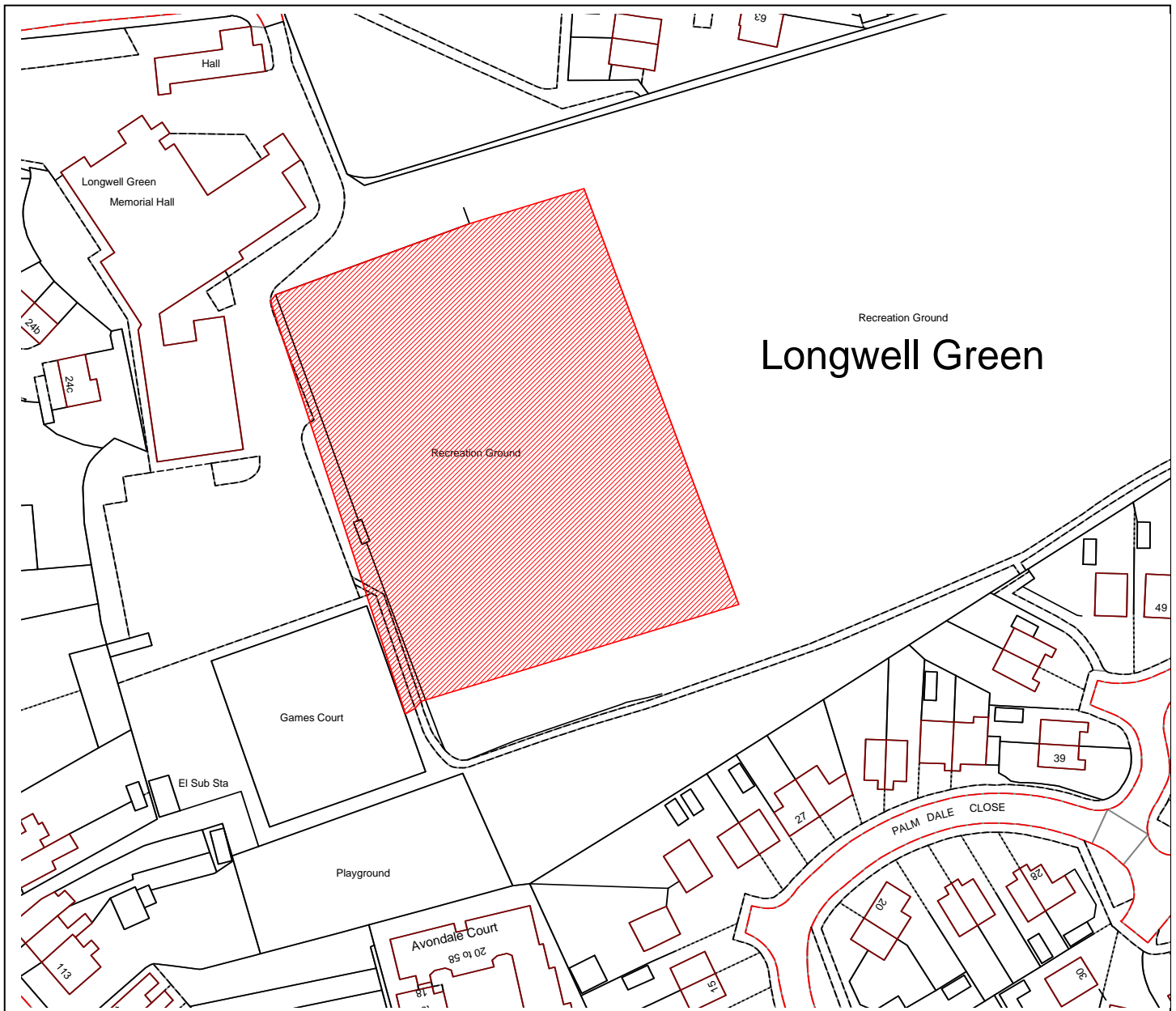
9. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning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

Reason

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

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.:	PK08/0170/RVC	Applicant:	Longwell Green Sports
Site:	Longwell Green Community Centre, Shellards Road, longwell Green, Bristol, South Gloucestershire, BS30 9DF,	Date Reg:	17th January 2008
Proposal:	Variation of condition 2 attached to planning permission PK07/1215/F to extend the use of the floodlights to the hours of 6.30pm - 9.30pm Monday to Friday and 2.45pm - 5.30pm Saturdays	Parish:	Oldland Parish Council
Map Ref:	65971 71131	Ward:	Longwell Green



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N.T.S

PK08/0170/RVC

INTRODUCTION

This application is reported on the Circulated Schedule as a result of the receipt of neighbour objections contrary to officer opinion.

1. THE PROPOSAL

1.1 This application seeks to vary condition 2 of the above application, which reads:

The use of the floodlights hereby approved shall be restricted to the hours of 02.45pm – 5.00pm Saturdays or Bank Holidays and 7.15pm – 9.30pm Monday to Friday inclusive, with no use on Sundays. Any use outside these hours shall only be with the prior written consent of the Local Planning Authority.

The reason given for the condition is:

To minimise the effect of light spillage in the interests of residential amenity in accordance with policies LC3 and EP1 of the adopted South Gloucestershire Local Plan.

1.2 The variation applied for is for use as follows:

6.30pm – 9.30pm Monday to Friday and 2.45pm – 5.30 pm Saturdays. The reason why this amendment was applied for is that on Saturdays the ground needs to be floodlit for a longer period to allow players and spectators to clear the area, while for evening kick-offs, the same is required for people visiting the ground before the match takes place, for Health & Safety reasons.

1.3 The site is a Western League football ground of basic design. One floodlight mast is situated in each corner and two further columns are situated at the half way line, with all the lights focused on the pitch and overspill restricted by cowl.

1.4 The pitch is surrounded by a post and rail fence and there are no turnstiles or other enclosure at the ground. There is some screening at the boundaries of the whole site, which includes a practice pitch to the north. Along the western boundary there is a mature tree screen. Along the eastern boundary there is a less full hedgerow. Otherwise the site is open. Public access is derived from Shellards Road (vehicular and pedestrian) and All Saints Close (footpath).

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
EP1 Environmental Pollution
LC3 Sports and leisure facilities

3. RELEVANT PLANNING HISTORY

3.1 PK07/1215/F Erection of floodlights - Approved 2007

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
No reply received

4.2 Other Consultees
Environmental Protection

I have no objection to the Longwell Green Community Centre's application to extend the hours that the floodlights are used. The extended hours being at the beginning of the illumination period for warm up time.

Other Representations

4.3 Local Residents

Four replies were received, of which three objected to the proposal and one was a letter of support, stating that the lighting improves security. The concerns cited were as follows:

- Increased levels of noise later into the evening – without the floodlights on, noise subsides earlier
- The use should be continued to be restricted to first team matches and at the hours specified on the planning permission
- There is normal street lighting which can be used for safe access and egress of the football ground
- Cadbury Heath FC can cope with the same hours as Longwell Green FC, without applying to change them
- Lights have been used in breach of the condition already
- Violent incidents have taken place around the ground
- Too soon after the lights were erected to change the condition

NB The last two reasons for objection to the scheme are not valid planning concerns, the former because it has nothing to do with this application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. It is noted that, under the condition for which the amendment is required, the floodlights would only be in use when needed, i.e. most likely during the winter months, rather than for every match. The variation would see the lights switched on 45 minutes earlier in the evenings and 30 minutes later after Saturday kick offs, if lighting is required. Bank holidays have not been mentioned, but these could also mean afternoon matches, for instance on Boxing Day, when the lights could be required.

5.2 Effect on residential amenity

The Environmental Protection team's comments appear above. No objection is raised to the proposal. The effect of the floodlights on residential amenity was considered at the time of the assessment for the original proposal to erect the floodlight columns. It appears that the lights have been installed in accordance with the approved details, with the exception of the times for use. It is therefore considered to be appropriate that this analysis concentrates on the effect of the additional switching on times, i.e. the increased usage of the lights. As detailed above, this amounts to 45 minutes earlier for evening kick offs and 30 minutes later after Saturday games. If there were to be any problems with bright lighting at these times, experienced by in the nearby residential properties, which have

not been dealt with through the directional nature of the lights and the cowls fitted to prevent light spillage, it is considered that at the times applied for, the level of nuisance created would not be harmful to residential amenity, given that it would be highly unlikely to disturb sleep. The consultation process raised a number of issues, such as limiting the use of the floodlights to first team matches: as the original condition did not do this, it would be inappropriate to add that further stipulation at this stage. The point about the use of the floodlights being linked to noise is not considered to be likely – putting the lights on earlier and switching them off later would not affect the length of matches and this is the only time when significant noise would be generated. The street lighting would only aid the way to the pitch. The details supplied with the application make clear that there is a safety consideration around the pitch area itself, which would be resolved by greater use of the floodlights which illuminate this area and the outside of the changing facilities. Overall it is considered that, although Cadbury Heath FC apparently operate within the same limitations as were originally approved for Longwell Green FC, there is no compelling reason not to vary the condition in this instance to the hours applied for, since residential amenity would not be compromised as a result.

5.3 Section 106 Requirements

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

6. CONCLUSION

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

The recommendation to vary the condition 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 original planning permission is reissued to reflect the change in times for floodlight use applied for. In addition to this, the floodlights have been installed, therefore there is no need to include the commencement of development condition.

Background Papers **PK08/0170/RVC**

Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CONDITIONS

1. The use of the floodlights hereby approved shall be restricted to the hours of 02.45pm - 5.30pm Saturdays or Bank Holidays and 06.30pm - 9.30pm Monday to Friday inclusive with no use on Sundays, any use outside these hours shall only be with the prior written consent of the Local Planning Authority.

Reason

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

2. The floodlights hereby approved shall be for the sole use of Longwell Green Sports Football Club 1st Team League Matches only.

Reason

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of 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.

ITEM 15

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PT07/2448/O

Applicant: Mr G Wilson Wilson
Property
Developments Ltd

Site: 134 Bristol Road Frampton Cotterell
BRISTOL South Gloucestershire BS36
2AX

Date Reg: 10th August 2007

Proposal: Demolition of existing dwelling, garage
and outbuilding to facilitate erection of
3no. dwellings (Outline) with access only
to be considered. All other matters to be
reserved

Parish: Frampton Cotterell
Parish Council

Map Ref: 65840 81961

Ward: Frampton Cotterell



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100023410, 2008.

DC0901MW

INTRODUCTION

This application appears on the circulated schedule as there are public comments which are contrary to the officer recommendation

1. THE PROPOSAL

- 1.1 The site consists of an existing garden area located to the rear of 134 Bristol Road. The site is accessed from Bristol Road, via the existing driveway associated with 134 Bristol Road.
- 1.2 The proposed development consists of the demolition of the existing dwelling and for the construction of three dwellings, two of which would include garages. The site is located within the Frampton Cotterell Development Limits.
- 1.3 The application is submitted in outline with access only to be considered. All other matters, consisting of the siting, layout, scale and appearance of the buildings, on site vehicular parking and circulation space, and the landscaping of the site are reserved consideration under a further planning application.
- 1.4 It should be noted that the initial submission sought consideration of the siting of the proposed dwellings. However, this has been altered by the applicant so that the exact siting of the dwellings can be considered at a later date.

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
H2 New Residential Development within the Urban Areas or Village Development Boundary
H4 Development within Residential curtilages
T12 Transportation Development Control Policy for New Development
T7 Cycle Parking
T8 Off Street Parking Standard
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/3008/F Demolition of double garage and stone outbuilding to facilitate erection of 2 no. dwellings with garage and associated works.
Refused

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No Objection
- 4.2 Sustainable Transport
The proposed access, turning and parking on the site is now acceptable as the existing dwelling would be removed as part of this proposal.
- 4.3 It is also advised that the development should provide sufficient cycle parking and bin storage; the parking and turning facilities should have a bound surface; and the parking spaces associated with the replacement dwelling should not be converted into garages.
- 4.4 *It should be noted that the above detail is reserved for consideration at the reserved matters stage and is not for consideration within this outline planning application.*
- 4.5 Local Residents
5 sets of comments have been received during the consultation process associated with this application. The comments can be summarised as follows;
- 4.6 The proposed development would have a detrimental impact upon the privacy and residential amenity of the occupants of adjacent residential properties as a result of overlooking, overbearing impacts and noise generated by the vehicles associated with the development.
- 4.7 The proposed development would have a detrimental impact upon the highway safety and amenity of Bristol Road
- 4.8 The access into the sight is very narrow and will represent a danger to children and infant cyclists
- 4.9 There is not sufficient parking proposed for the new development
- 4.10 The loss of a good quality dwelling is unacceptable
- 4.11 The application details are not accurate and a misleading
- 4.12 The demolition and construction associated with the development will affect the amenity of the occupants of the occupants of adjoining properties
- 4.13 The development would have a negative impact upon wildlife in the garden.
- 4.14 There is concern over the well being of the trees in and around the site.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the demolition of a single dwelling, and associated domestic buildings and for the construction of 3 new dwellings. The proposal is made in outline with all matters except access reserved for consideration at a later date. The site is located within the Village Settlement Boundary associated with Frampton Cotterell.

5.2 Principle of Development

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

5.3 Housing Density

PPG3 advises that new residential development should make use of previously developed land and should achieve a minimum density of 30 Dwellings per Hectare (DPH).

5.4 The site is within an existing residential curtilage and as such constitutes previously developed land. The site area is approximately 960 sq/m. The construction of two dwellings on this site are equates to approximately 31 DPH. The proposed development therefore satisfies the housing density requirement.

5.5 Design and Residential Amenity

The submitted design and access statement indicates only that the proposed development would provide new residential dwellings that are consistent with the use of the surrounding locality. An indicative layout is submitted with this outline application that demonstrates how the layout of the proposed development could be achieved. The previously refused application (PT06/3008/F) was refused in part on the basis that the design of the proposed dwellings themselves was not acceptable. However, at the time of considering that application, officers accepted that there is the potential on this site for the construction of new dwellings. This opinion remains the same, and it is considered that the site can cater for three new residential dwellings provided that the design and scale of them is consistent with the surrounding locality. To this end, it is expected that a development of dwellings of a modest size and on a maximum of two storeys would be achievable. The exact siting, scale and design of the buildings is reserved for consideration at a later date.

5.6 The previous assessment also considered the impact of the development of this site in residential amenity terms. In that instance, officers considered that the very narrow gap between the existing dwelling on this site and the adjacent dwelling at 136 Bristol Road would give rise to an unacceptable impact in amenity terms due to the proximity of vehicles moving along side these dwellings. However, this application adequately addresses this issue by virtue of the proposed removal of the dwelling. In respect of the dwellings proposed to be constructed at the South-eastern part of the site, officers considered that the previously proposed development (PT06/3008/F) would not have a material impact upon the privacy and residential amenity of the occupants of nearby dwellings. Again, the consideration of the exact design and siting of the dwellings is reserved for a future date and the residential impact cannot be fully addressed until that stage. Nonetheless, officers remain of the opinion that the site is capable of accommodating the development of these dwellings, and now the proposed replacement dwelling without necessarily having a negative impact upon residential amenity.

5.7 Trees

There are mature trees located on the Southeast boundary of this site. These are of reasonable quality and subject to the state of them should be retained in order to maintain the level of amenity that they provide. Officers consider that, subject to further details, the development could proceed without necessarily having to remove the trees or cause a material impact upon them. However, in order to allow officers to make a full assessment of the trees it is necessary for

an Arboricultural Survey to be carried out prior to a formal decision. On the basis that this application is made in outline, a condition of any approval to require details as part of the forthcoming Reserved Matters application is sufficient to ensure that a proper assessment of the trees can be made.

5.8 Transportation

The previous planning application (PT06/3008/F) was also refused on the basis that the development would result in the loss of essential parking and turning facilities for the benefit of the existing dwelling. Nonetheless, officers are of the opinion that, when the characteristics of the access is considered alone (as required by this Outline Planning Application) it is capable of accommodating the motorised traffic associated with three dwellings without having material impact in transportation terms.

5.9 Officers are also of the opinion that, in principle, the site is capable of accommodating sufficient vehicle parking and turning space for three dwellings. However, consideration of this issue is reserved for consideration at the reserved Matter stage.

5.10 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)

5.11 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That Outline planning consent be granted subject to the following conditions

Background Papers **PT07/2448/O**

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

CONDITIONS

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

Reason(s):

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

- 2 Plans and particulars of the reserved matters referred to in the condition above, relating to the siting, layout, scale and appearance of the buildings, on site vehicular parking and circulation space, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved. Thereafter the development shall be retained as such unless the Local Planning Authority agree to any variation in writing.

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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

- 5 The plans and particulars submitted in accordance with condition 1, 2 and 3 above shall include:
 - a) a plan showing the location of, and allocating a reference number to, each existing tree on the site or within 20 metres of the site boundary within the adjacent land which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree;
 - b) details of the species, diameter (measured in accordance with paragraph (a) above) and the approximate height, and an assessment of the general of health and stability, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - c) details of any proposed topping or lopping of any retained tree within the site or of any tree on land adjacent to the site;

- d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;
- e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development. In this condition "retained tree" means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

The plans and particulars submitted in accordance with condition [...] above shall include details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.

- 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 L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 7 No part of the development hereby approved shall be occupied prior to the demolition of the existing dwelling occupying this site.

Reason(s):

In the interests of highway safety and residential amenity, and to accord with Policy D1, H2 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PT07/3026/F	Applicant: Cotswold Homes Ltd
Site: Land adjoining Corner Hayes Bibstone WOTTON UNDER EDGE South Gloucestershire GL12 8AD	Date Reg: 10th October 2007
Proposal: Amendment to previously approved scheme PT05/2658/RM to revise access and parking.	Parish: Cromhall Parish Council
Map Ref: 69881 90941	Ward: Charfield



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N.T.S

PT07/3026/F

INTRODUCTION

The application is on the circulated schedule as the Parish Council have raised concerns contrary to the recommendation.

1. THE PROPOSAL

- 1.1 The original application concerned some 0.25 hectares of land north of Bristol Road. The land is located within an island between road junctions and was formally residential curtilage associated with the existing dwelling Corner Hayes. The site is bound to the north, east and west by existing residential properties, the dwelling to the north, The Old Smithy, being a Grade II Listed Building. The site lies within the Village Development Boundary of Cromhall.
- 1.2 Outline planning permission with siting and access has been approved for the erection of eight dwellings on the site (PT04/2953/O). A second application for the reserved matters in relation to design, external appearance and landscaping, for seven of the dwellings (PT05/2658/RM) was then approved in 2005 . This current application purely relates to alterations to the access road and communal parking spaces. The four spaces adjacent to dwelling no.7 have been replaced with a single space and a turning head, while two spaces originally shown to the front of dwelling no.1 are now shown positioned between dwellings number 1 and 2. A rumble strip is also now proposed.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPG1 General Policy and Principles
 - PPG3 Housing
 - PPG13 Transport
 - PPG15 Planning and the Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Design
 - H2 New Residential Development
 - T12 Transportation Policy for Development Control
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PT01/1733/O Planning Permission was refused in July 2001 for the erection of three detached dwellings due to their impact upon the visual amenity of the area and the potential impact upon the setting of the adjoining Listed Building.
- 3.2 PT04/2953/O Erection of eight dwellings on 0.25ha of land (outline) on Land at Corner Hayes, Cromhall Granted 22/02/05
- 3.3 PT05/2658/RM Erection of 7 no. dwellings (Approval of Reserved Matters) (To be read in conjunction with Outline planning permission PT04/2953/O) Granted 20 October 2005.

4. CONSULTATION RESPONSES

4.1 Cromhall Parish Council

It was originally felt that the provision of car parking on this site was totally inadequate and this application seeks a further reduction. Given the number and size of dwellings it is considered that the parking provision would be totally inadequate, particularly for visitors.

4.2 Sustainable Transport

The principle of this development was approved at the outline stage. The reserved matters as submitted are considered acceptable and therefore there is no transportation objection.

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the development has been established under the outline application, PT04/2953/O and the reserved matters application PT05/2658/RM.

5.2 Transportation matters

The only issue with the proposal is whether the loss of three visitor parking spaces could substantiate a reason for refusal. Whilst the comments from the Parish Council are noted, the Transportation officer has raised no objection and any additional vehicles would be contained with the new close as there is no opportunity to park on the B4058.

5.3 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).

5.4 Section 106 Requirements

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

6. CONCLUSION

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

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

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

7. RECOMMENDATION

- 7.1 That Planning Permission be GRANTED.

Background Papers **PT07/3026/F**

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

CONDITIONS

- 1 Details of the surface finishes shall be submitted to and approved in writing by the local planning authority. The accessway shall then be constructed in accordance with these approved details before the occupation of the first dwelling.

Reason(s):

To ensure a high quality development that would accord with policy D1 of the adopted South Gloucestershire Local Plan

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PT08/0075/F

Applicant: Norland Properties Ltd

Site: Beau, Fishpool Hill, Easter Compton, South Gloucestershire, BS10 6SW

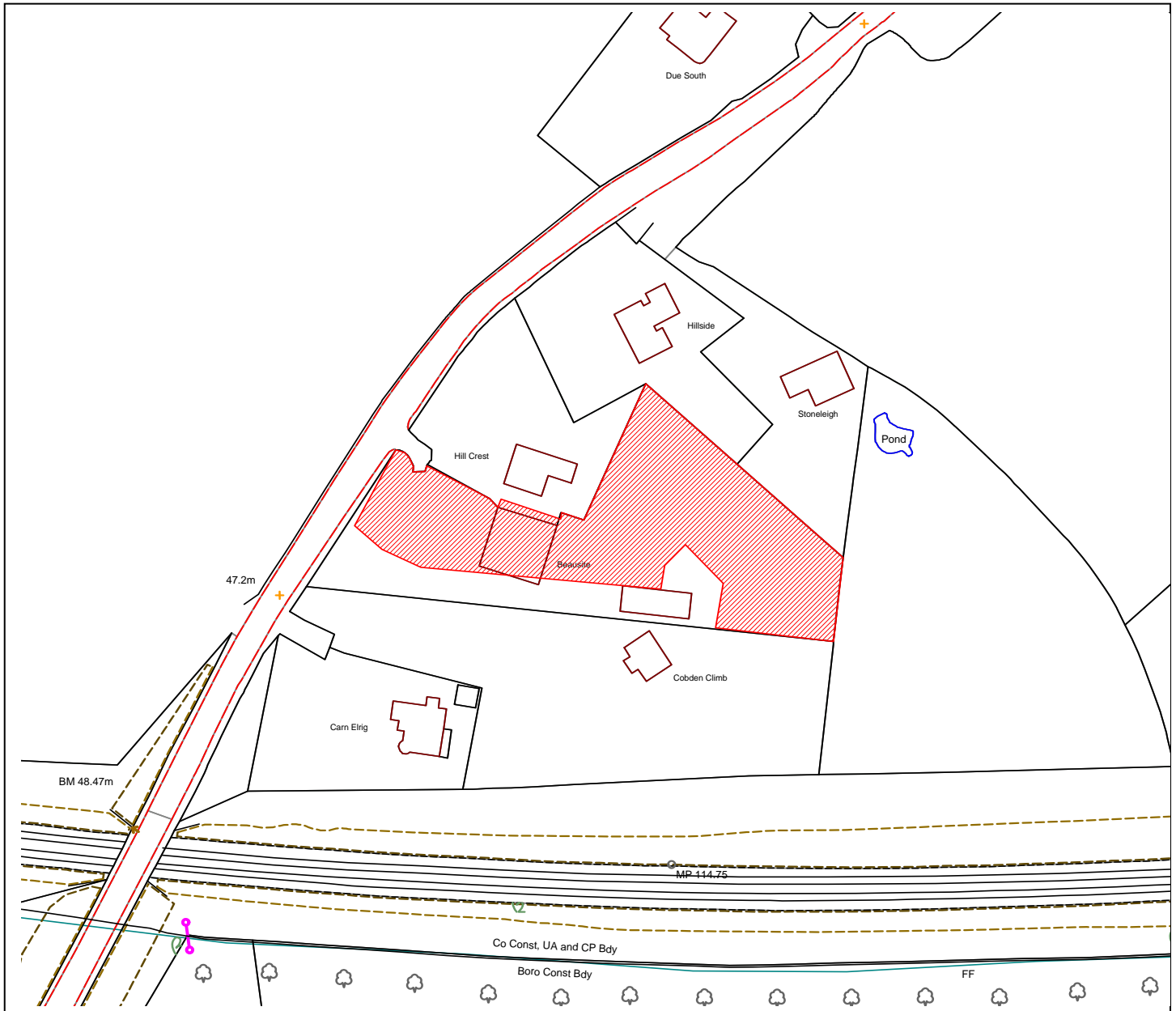
Date Reg: 8th January 2008

Proposal: Erection of 8 no. semi detached dwellings and garages with associated works

Parish: Almondsbury Parish Council

Map Ref: 57766 79657

Ward: Patchway



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100023410, 2008.

N.T.S

PT08/0075/F

1. **THE PROPOSAL**

- 1.1 The site consists of the northern part of a cleared area of land accessed directly from Fishpool Hill.
- 1.2 The site is within the site which previously formed the site associated with conditional planning permissions dealt with under PT02/1026/O and PT05/0966/RM which detailed the construction of four dwellings accessed from Fishpool Hill.

2. **POLICY CONTEXT**

2.1 National Guidance

- PPS1 Delivering Sustainable Development
PPS3 Housing
PPG24 Planning and Noise

2.2 South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
H2 New Residential Development within the Urban Areas or Village Development Boundary
T7 Cycle Parking
T8 Off Street Parking Standard
T12 Transportation Development Control Policy for New Development
EP4 Noise Sensitive Development

2.3 Supplementary Planning Guidance

- The South Gloucestershire Design Checklist

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT01/1294/O Demolition of existing bungalow and erection of 3 No. dwellings (outline)
Approved 18th June 2001
- 3.2 PT02/1026/O Erection of four new dwellings on 0.31 hectares of land (outline).
Approved 15th May 2002
- 3.3 PT04/0166F Erection of 6 no. dwellings with garages and formation of new access (in accordance with amended plans received by the Council on 7 May 2004).
Refused 13th May 2004
- 3.4 PT04/2368/F Erection of 21 no. dwellings and formation of new access.
Withdrawn
- 3.5 PT04/2921/F Erection of 6 no. dwellings with garages and formation of new access (Resubmission of PT04/0166/F)
Withdrawn

- 3.6 PT05/0966/RM Erection of 4no. dwellings and garages on 0.28 hectares land (Approval of Reserved Matters) (To be read in conjunction with outline planning permission PT02/1026/O).
Approved 8th August 2005
- 3.7 PT05/1817/F Demolition of Carn Elrig to facilitate erection of 14 no. dwellings with associated garages and formation of access. (Resubmission of PT04/2368/F)
Approved 31st March 2006

This application relates to the area of land immediately to the South of this site. It access relies upon the access previously approved under PT02/1026/O, which for the reasons set out in paragraph 5.2 does not currently have planning consent.

- 3.8 PT07/2717/F Erection of 8 no. semi detached dwellings and 1no. flat over associated garaging.
Refused
- 3.9 PT07/3660/F Erection of 8 no. semi detached dwellings and 1no. flat over associated garaging. (Resubmission of PT07/2717/F)
Refused

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Object as the proposal represents the overdevelopment of the site and the access roads are narrow where there has been a lot of development; and comment that the site already has consent for four dwelling which the Parish Council feels is more favourable.

The Parish council also refers to the comments made by BAE and the local residents.

4.2 Sustainable Transport

No Objection subject to the continuation of the required highways works as secured under PT06/1817/F and the completion of them prior to first occupation of the dwellings.

4.3 Local Residents

2 sets of comments have been received. These object to the development on the following grounds.

The development will allow the overlooking of the existing properties adjacent to this site to the detriment of privacy and residential amenity.

4.4 BAE Systems

Object to the development on the basis that the development may result in complaints from its residents in respect of the noise from Filton Airfield which may threaten the operations of the Airfield.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the construction of 8 dwellings. The site is located within the North Fringe Urban Area, and is accessed from Fishpool Hill.
- 5.2 Principle of Development
Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this application. The policy indicates that the proposed development is acceptable in principle subject to the following considerations.
- 5.3 Density
Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new housing development makes the most efficient use of land having regard to the characteristics of the site. However, it is expected that new residential development would achieve a minimum density of 30 dwellings per hectare. This is consistent with the requirements of PPS3.
- 5.4 In this instance, the development of 8 residential units on this site would achieve a net density of approximately 30 dwellings per hectare. This level is considered acceptable.
- 5.5 Design
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would achieve a high standard of design. This is supported by the South Gloucestershire Design Checklist (adopted) SPD; and Policy H2.
- 5.6 Essentially, the layout of the proposed development is very similar to that which was approved under PT05/0966/RM. Although, technically that development has now expired, the layout of it was considered acceptable. This development proposes the development of eight semi-detached units which utilise four buildings located in a similar position to the four dwellings under the previous application (PT05/0966/RM). These dwellings are designed to reflect the design of the 14 dwelling associated with the site immediately to the south. Given the topography of the site, the dwellings (with the exception of plots 8 and 9) utilise basement style garages allowing a relatively efficient use of the site to take place. Although the buildings appear relatively high in elevational terms, the position of them within the steeply rising site allows for this appearance to work well in this context and are considered acceptable in this instance.
- 5.7 The previous applications (PT07/2717/F and PT07/3660/F) were refused in part on the basis that the proposed 'Flat over Garages (FOG) would have a very poor visual relationship with the proposed eight houses to the point that the development would appear cramped and visually over developed. However, this application removes this building and as a result, has overcome this objection. On the basis that the FOG has been removed, the design of the proposed development is now considered acceptable.
- 5.8 Residential Amenity
Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new residential development would provide an acceptable

- level of privacy and amenity in respect of the occupants of the new development and the occupants of nearby existing dwellings.
- 5.9 The proposed dwellings are positioned in a very similar position to those approved under PT04/0966/RM. The assessment of those dwellings considered the residential amenity of the dwellings close to the site and was considered acceptable. This development proposes eight dwellings, however given that the relationship of them is very similar to the previous approval, it is not considered that this proposal would have a materially greater impact in residential/overlooking terms. With regards to the proposed 'flat-over-garage' (FOG), this is located in a position that would not allow overlooking of nearby dwellings and would not have a material impact upon the occupants in its own right.
- 5.10 Again, the previous development proposals detailed an FOG dwelling against the North-eastern boundary of the site. This element of the development was considered to result in a detrimental impact upon the residential amenity of the adjacent plots due to its position and relationship with them. However, this element is not included with this development proposal and as such overcomes this objection. The proposed development is therefore considered acceptable in this regard.
- 5.11 Minimising the Use of Energy and Natural Resources
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to establish high standards in terms of energy conservation. This is supported within the South Gloucestershire Design Checklist. The Local Planning Authority would expect a minimum standard of 'EcoHomes Very Good'/Level 3 of the Code for Sustainable Homes. In addition, in developments of this size should be expected to provide on site energy production from renewable sources that will reduce CO2 emissions from this building by 10%.
- 5.12 The developer has submitted a very broad 'sustainability statement' in support of this application. However, this does not address the way in which the development would be constructed to a minimum standard of 'EcoHomes Very Good'/Level 3 of the Code for Sustainable Homes. Also, there is no indication of how the development would implement on site renewable energy sources. Notwithstanding the above, should this application be approved, it is considered that a suitably worded planning condition would be sufficient to require that appropriate renewable energy sources are provided within the site and that Level 3 of the Code for Sustainable Homes is achieved and confirmed prior to first occupation of the dwelling.
- 5.13 Affordable Housing
The proposed development does not meet the threshold for Affordable Housing contribution as detailed in Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006. However, the adjacent site, located immediately to the South of this site has permission for the development of 14 dwellings as approved under PT05/1817/F. This has not yet been implemented. With the submission of this application the total number of dwellings on the combined sites would be 23 units. On the face of it, this would trigger the requirement for affordable units (under Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006) had the two sites come forward as one. Under certain circumstances, policy H6 allows for the combined sites to require a contribution to Affordable Housing in South Gloucestershire.

- 5.14 Notwithstanding the above, it is necessary to consider the circumstances of cases like this very carefully. In this instance, the site is owned by an independent developer to the developer associated with the adjacent site. Under these circumstances it would not be possible to secure the provision of affordable units across the combined site area through a section 106 legal agreement. Given that the combined development would generate a requirement for 7 dwellings. The subject planning applications details 9 dwellings. A contribution of 7 out of 9 units would not be viable, and as such it would be unreasonable to expect the owner of this site to provide affordable units. It is therefore considered that in this instance, the provision of affordable units can not be justified.
- 5.15 Noise Issues
Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new residential development is not detrimentally compromised by sources of high levels of noise. In this instance the site is located close to Filton Airfield.
- 5.16 BAE Systems have objected to the development on the basis that the noise from aircraft has the potential to generate complaints from the occupants of the new development, which could in-turn threaten the commercial operation of the airfield.
- 5.17 It is acknowledged that Filton Airfield will carry out flights that would generate noise throughout the day. However, the speculation that complaints may occur is not reasonable grounds for refusing a planning application. In this instance, the area currently has consent for 14 additional dwellings to be constructed and there are existing dwellings located in close proximity to the airfield along Fishpool Hill. It is reasonable to assume that persons choosing to live in this locality will be aware that the Filton Airfield is located to the North. It is considered that the introduction of a further eight dwellings will not be materially different in terms of the residential occupation of this locality; and the proposed development would not be materially affected by the operations of the Filton Airfield.
- 5.18 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 highways network. Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 provides the maximum off street parking standards; and Policy T7 provides cycle parking standards.
- 5.19 The previous proposals which included the FOG dwelling was such that there would not have been sufficient useable parking spaces to cope with the development given the characteristics of the site. As previously advised, this proposal no longer includes the FOG and as a result the layout now proposed would enable sufficient parking to be provided in respect of this development. The proposed parking is consistent with the requirements of Policy T8.
- 5.20 In respect of cycle parking, it is considered that there is sufficient storage within the proposed dwellings to adequately cater for this requirement. Also, the proposed bin storage is considered to be adequate for this development.

- 5.21 The approved development (PT05/1817/F) associated with the site immediately to the South of this site was approved subject to a Grampian style condition requiring that approved highway works (traffic calming) are implemented on Fishpool Hill, prior to the first occupation of that development. At this stage, these highway works are not yet implemented and the adjacent development is not yet begun. It is considered that the highway works are relevant to this development given that it would share the access associated with the adjacent development, onto Fishpool Hill. On this basis, any approval of this development should be subject to the same Grampian Style condition requiring that the dwellings are not occupied until the highway works are complete to the satisfaction of the Local Planning Authority.
- 5.22 Subject to the above Grampian style condition, the proposed development is considered acceptable in transportation terms.
- 5.23 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)
- 5.24 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 **PT08/0075/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 first occupation of the residential development hereby approved, the off site traffic management scheme as required under planning approval PT06/1817/F for the adjacent site to the south (drawing numbered 10080/100 Rev B) to be provided on Fishpool Hill shall be fully implemented to the written agreement of the Local Planning Authority

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 drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

- 4 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 allow the Local Planning Authority to consider further development that would normally be allowed under residential permitted development rights as defined under the Town and Country Planning (General Permitted Development) Order 1995 in order 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. (*Select as appropriate)

- 5 The off-street parking facilities for all vehicles, including cycles; and the bin storage facilities as shown on the plans hereby approved shall be provided before the residential development is first occupied, and thereafter retained for that purpose unless otherwise agreed in writing by the Local Planning Authority.

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.

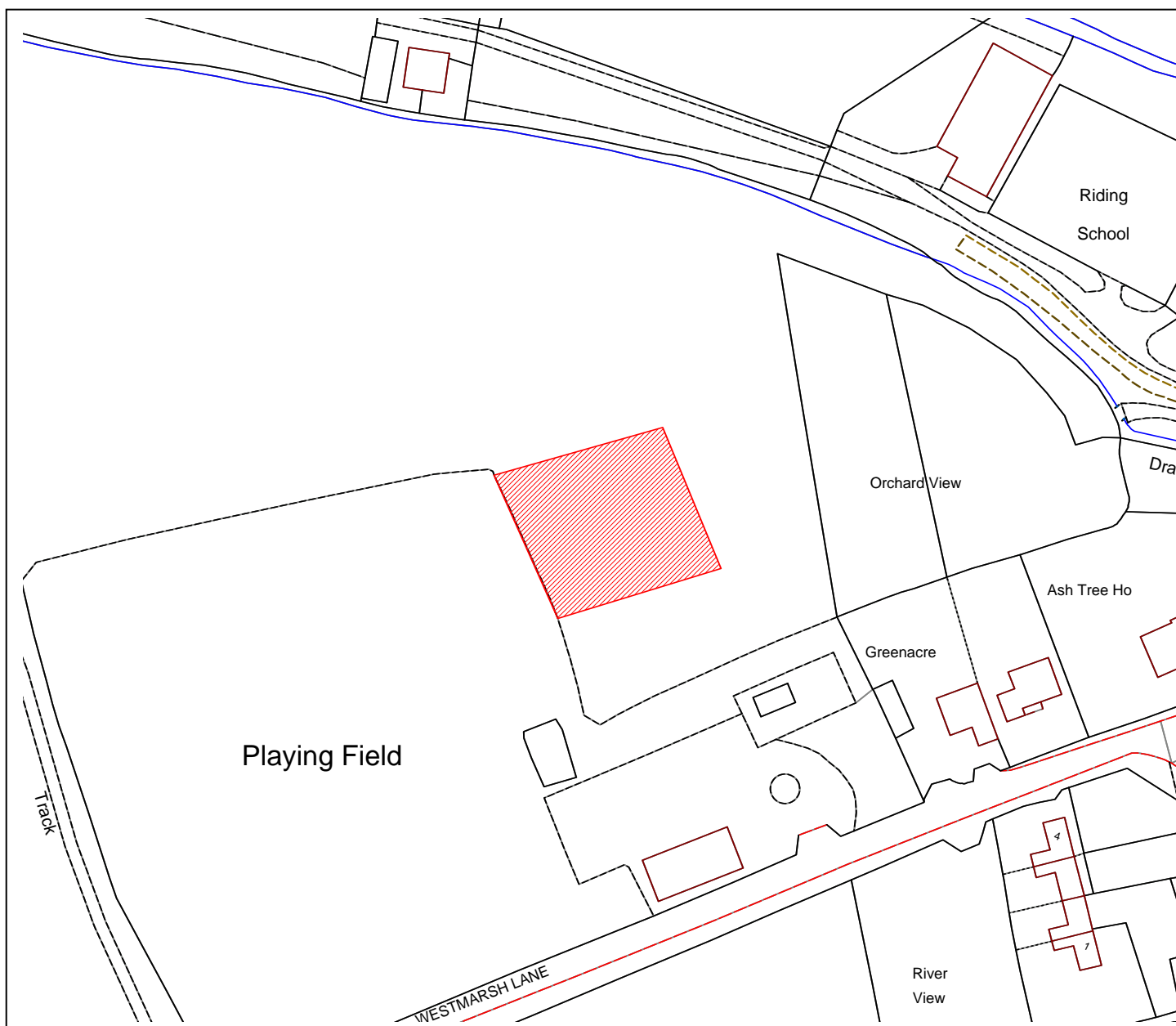
- 6 Notwithstanding the submitted details, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed boundary treatments and areas of hardsurfacing relating to this development. Thereafter, the development shall be carried out in accordance with the agreed details and retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):

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

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.: PT08/0126/F	Applicant: Mr R Quinnell Oldbury-on-Severn Parish Council
Site: Oldbury Playing Fields, Westmarsh Lane, Oldbury On Severn, South Gloucestershire, BS35 1QD	Date Reg: 14th January 2008
Proposal: Construction of all weather sports pitch with associated 2.75 metre high chain link fence.	Parish: Oldbury-on-Severn Parish Council
Map Ref: 60676 92331	Ward: Severn



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INTRODUCTION

This application has been referred to the Circulated Schedule due to objections raised from the Lower Severn Drainage Board.

1. THE PROPOSAL

- 1.1 This full application relates to the construction of an all weather sports pitch with associated 2.75m chain link fence on land at Oldbury Playing Fields, Westmarsh Lane, Oldbury.
- 1.2 The all weather sports pitch measures approximately 35m in width and length to provide two tennis courts, five-a-side football, basketball and netball courts, enclosed by a green coated chain link fence 2.75m in height. At present the site is in use as a playing field and forms part of a much larger playing field situated off Westmarsh Lane. The existing access and car parking area remains unchanged by the proposal.
- 1.3 The site lies outside the defined settlement boundary of Oldbury and is within the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
- PPG2 Green Belts
- PPG17 Planning for Open Space, Sport and Recreation
- PPS25 Development and Flood Risk

2.2 Adopted Joint Replacement Structure Plan

- Policy 16 Green Belts
- Policy 24 Flood Risk
- Policy 42 Open Space Safeguarding and Provision
- Policy 45 Promoting Enjoyment of the Countryside

2.3 South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- L3 Coastal Zone
- EP2 Flood Risk and Development
- GB1 Development within the Green Belt
- T12 Transportation Development Control Policy for New Development
- LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Areas and Defined Settlement Boundaries

2.4 Supplementary Planning Guidance

- Development in the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N.2168 Use of 3.3 acres of land as sports ground and children's play area. Erection of pavilion. Construction of new vehicular and pedestrian access and provision of car park. Approved 11 December 1975.

- 3.2 P84/2003 Erection of sports pavilion.
Approved 5 September 1984.
- 3.3 P99/1064 Change of use of land for use as playing field.
Approved 10 May 2000.

4. CONSULTATION RESPONSES

- 4.1 Oldbury Parish Council
No response received.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
No response received.
- 4.4 Environment Agency
No objection.
- 4.5 Lower Severn Drainage Board
Object to the proposal on the following grounds:-
- a) the site is at risk from flooding;
 - b) the Flood Risk Assessment is insufficient in content and standard, contrary
 - c) to PPS25;
 - d) the development may result in increased surface run-off and cause injury or
 - e) damage to neighbouring landowners.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application site is located within the Green Belt. Advice contained within PPG2 and reflected in Policy GB1 of the adopted local plan sets out the limited categories of development normally considered appropriate within the Green Belt. The use of land as a playing field has already been accepted by virtue of planning permission P99/1064. The construction of an all weather sports pitch is therefore not inappropriate development provided it would not have a materially greater impact than the present use on the openness of the Green Belt and would not conflict with the purposes of including land in it.
- 5.2 It is considered that the proposal is in accordance with Green Belt policy. Although it is recognised that the site will be enclosed by a 2.75m chain link fence, with approximately 1m high rebound boards, the openness will still be maintained. The majority of the fencing is open in nature. Furthermore, no buildings are proposed and the site will still be in use for outdoor recreational purposes.
- 5.3 The Structure Plan in Policies 42 and 45 seek to encourage a wide range of sports and leisure activities in appropriate locations. Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006 provides a framework for considering proposals for such activities outside existing urban areas and

defined settlement boundaries. Such development is permitted provided the following criteria are complied with:-

- A. Proposals for facilities which are likely to be major travel generators are located on sites which are highly accessible by public transport, on foot and by bicycle;**
- 5.4 The application site lies outside the settlement boundary of Oldbury, within easy walking distance of the village. The proposal is to provide recreational facilities for the Parish of Oldbury. Due to the size of the proposal it is not considered to constitute a major travel generator. Furthermore, the proposal is essentially replacing existing facilities which currently suffer from poor drainage. The use is for the community and local clubs which are no different to the current use on the site. As a consequence this development will not generate additional traffic or parking over that which currently exists. In addition, adequate car parking is available on the site. As such the proposal complies with this criterion.
- B. Development would not itself, or when considered with other recent or proposed sports and recreation developments in the immediate locality, have an unacceptable effect on the character and diversity of the landscape;**
- 5.5 The site is located within the Green Belt to the west of Oldbury village. It is considered that due to the location of the sports pitch on land already in use as a playing field, the proposal will not adversely affect the landscape character of the area or the openness of the Green Belt.
- C. Development would not have unacceptable environmental or transportation effects;**
- 5.6 The proposal will not result in any adverse environmental effects. In terms of transportation issues, the site already benefits from a large parking area associated with the existing sports and playing fields and as such is acceptable.
- D. Development would not unacceptably prejudice residential amenities;**
- 5.7 The nearest property to the application site is that of Greenacre, located some 50m away. The site is also within the existing playing field area. It is considered that as the use of the land remains unchanged and that the proposal replaces existing facilities, the proposal will not materially detract from existing levels of residential amenity and as such accords with this criterion.
- E. Development would not give rise to unacceptable levels of on street parking to the detriment of the surrounding area and highway safety;**
- 5.8 As discussed under **C** above, adequate car parking provision already exists.
- F. Any external lighting or advertisements would not result in the unacceptable loss of amenity, nor constitute a road safety hazard.**

5.9 The application does not propose any external lighting or advertisements and such development would be subject to separate planning permission in any event.

5.10 Flooding Issues

The application site lies within Flood Zone 3. It is recognised that the Lower Severn Internal Drainage Board have objected to the proposal. However, the Environment Agency has not, subject to appropriate conditions. It is considered that the imposition of conditions relating to the submission of surface water drainage works and the use of SUDS will overcome the concerns raised by the Lower Severn Internal Drainage Board and as such the proposal is acceptable.

5.11 Design and Access Statement

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

5.12 Section 106 Requirements

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

6. CONCLUSION

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

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 **PT08/0126/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 At no time shall the development hereby permitted be floodlit.

Reason(s):

To minimise disturbance to occupiers of neighbouring properties and to avoid visual intrusion within the Green Belt and to accord with Policies GB1 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 The all weather pitch shall be constructed at the same level as the current ground level.

Reason(s):

In the interest of flood prevention, and to accord with policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

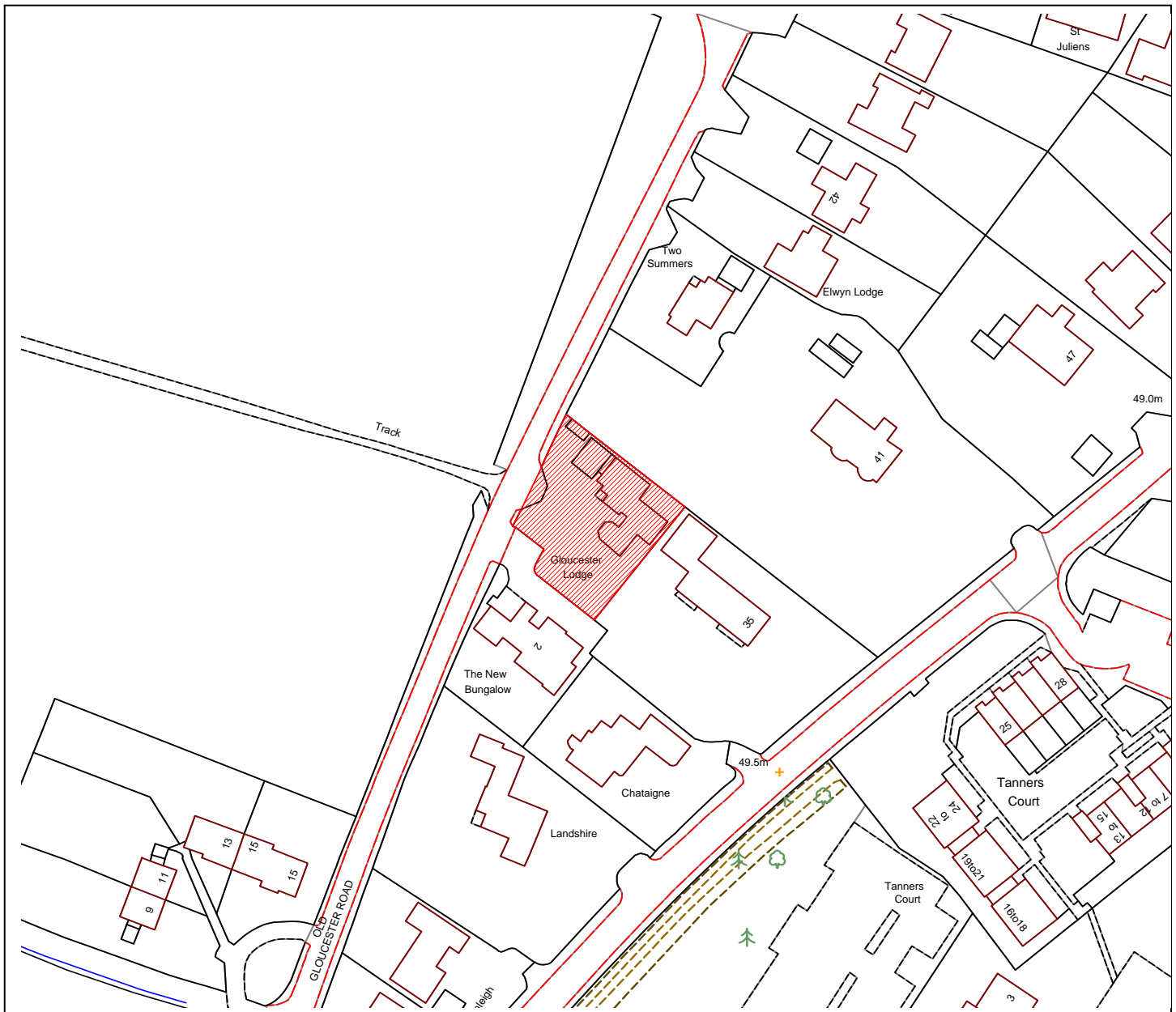
- 4 No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning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

Reason(s):

To prevent the increased risk of flooding, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 07/08 – 15 FEBRUARY 2008

App No.:	PT08/0142/F	Applicant:	Miss G Milton
Site:	Gloucester Lodge, Old Gloucester Road, Frenchay, South Gloucestershire, BS16 1QW	Date Reg:	15th January 2008
Proposal:	Erection of detached double garage. (Resubmission of PT07/2861/F).	Parish:	Winterbourne Parish Council
Map Ref:	63561 78070	Ward:	Frenchay and Stoke Park



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property and the area generally in terms of size, design and materials and that residential amenity should not be adversely affected by the proposal.

5.2 Design

It is considered that this proposal in terms of its overall size, design and external appearance is in keeping with the existing property and those that surround it. The proposal will be constructed using materials that match those used in the construction of the main house. Thus ensuring that the proposed development blends in well with the original property.

5.3 Residential Amenity

It is considered that this proposal does not impact upon the amenities of any of the adjoining properties. Its size and design ensure that the proposal does not have an overbearing impact on the surrounding properties nor does it result in an impact on their privacy. No windows are proposed which directly over look adjacent properties. Therefore residential amenity is not affected.

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 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

Background Papers **PT08/0142/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).