



**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. 08/08

Date to Members: 22/02/08

Member's Deadline: 29/02/08

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:22/02/08

SCHEDULE NO. 08/08

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

Circulated Schedule 22 February 2008

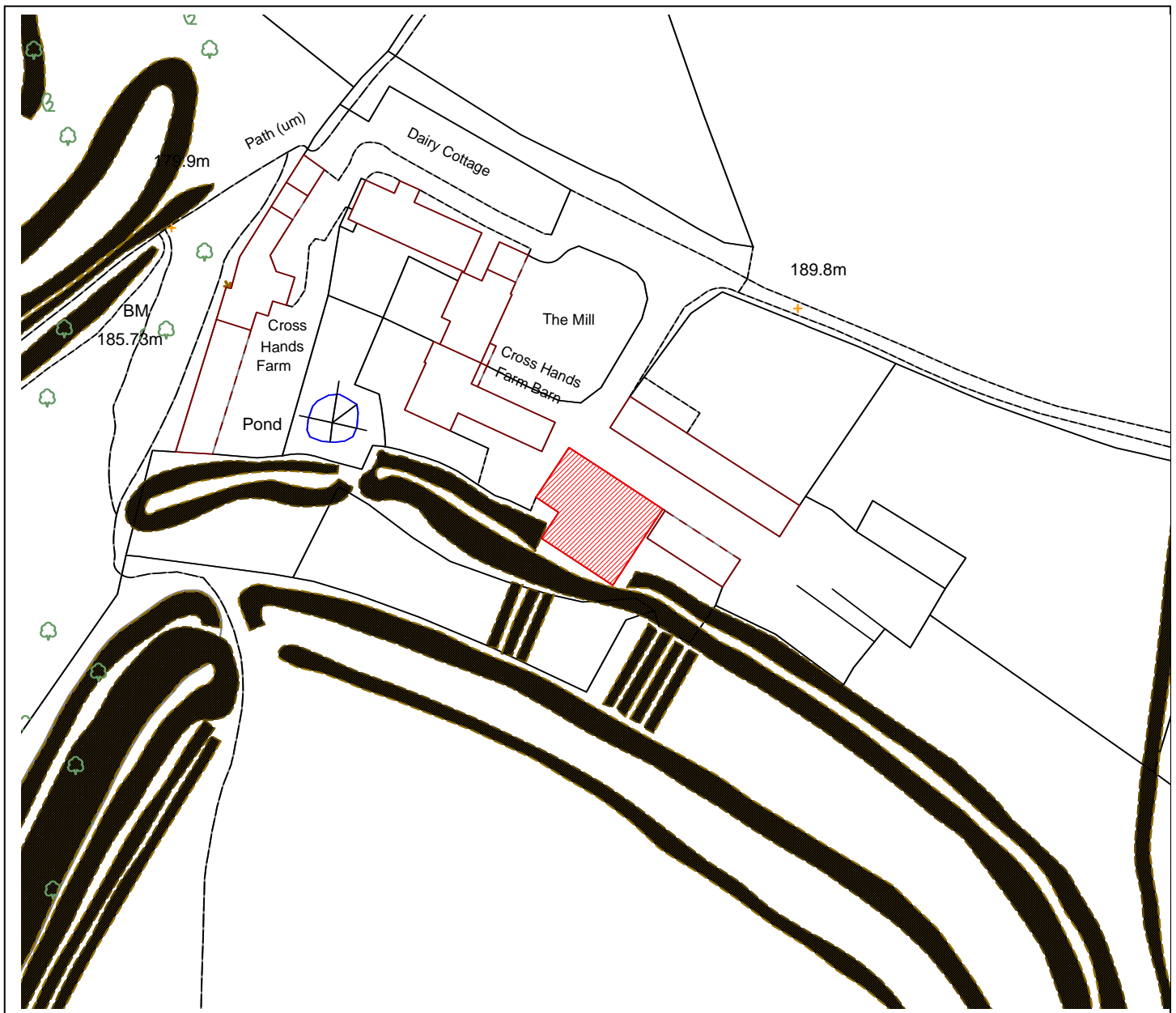
ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK07/2079/CLE	Refusal	Cross Hands Farm Tetbury Road Old Sodbury South Gloucestershire BS37 6RJ	Cotswold Edge	Little Sodbury Parish Meeting
2	PK07/3548/F	Approve with conditions	Hillside Church Lane Downend South Gloucestershire BS16 6TB	Downend	Downend and Bromley Heath
3	PK07/3705/F	Approve with conditions	42 Naishcombe Hill, Wick, South Gloucestershire, BS30 5QS	Boyd Valley	Wick and Abson Parish Council
4	PK07/3739/CLE	Refusal	14 Chichester Way Yate South Gloucestershire BS37 5TA	Yate North	Yate Town Council
5	PK08/0001/F	Approve with conditions	25 Regent Street, Kingswood, South Gloucestershire, BS15 8JX	Kings Chase	
6	PK08/0028/O	Approve with conditions	The Rotunda Club, 82 Moravian Road, Kingswood, South Gloucestershire, BS15 8NF	Woodstock	
7	PK08/0079/F	Approve with conditions	48 Overndale Road, Downend, South Gloucestershire, BS16 2RT	Downend	Downend and Bromley Heath
8	PK08/0151/F	Approve with conditions	32 Highfields, Hawkesbury Upton, South Gloucestershire, GL9 1BJ	Cotswold Edge	Hawkesbury Upton Parish Council
9	PK08/0205/F	Approve with conditions	17 Isleys Court, Longwell Green, South Gloucestershire, BS30 7DR	Longwell Green	Oldland Parish Council
10	PK08/0230/F	Approve with conditions	Former Linden Hotel, High Street, Kingswood, South Gloucestershire, BS15 4AD	Kings Chase	
11	PK08/0258/F	Approve with conditions	19 Cesson Close, Chipping Sodbury, South Gloucestershire, BS37 6NJ	Chipping Sodbury	Sodbury Town Council
12	PT07/2793/F	Approve with conditions	Green Farm Gaunts Earthcott Almondsbury South Gloucestershire BS32 4JR	Almondsbury	Almondsbury Parish Council
13	PT07/3460/F	Approve with conditions	1 Manor Lane Winterbourne South Gloucestershire BS36 1QJ	Winterbourne	Winterbourne Parish Council
14	PT08/0057/F	Approve with conditions	Brabazon Office Park, Golf Course Lane, Filton, South Gloucestershire, BS34 7PZ	Filton	Filton Town Council
15	PT08/0083/F	Refusal	Medina Dairy, Rectory Lane, Filton, South Gloucestershire, BS34 7BX	Filton	Filton Town Council
16	PT08/0123/TRE	Approve with conditions	5 Spindles, The Quarries, Almondsbury, South Gloucestershire, BS32 4HL	Almondsbury	Almondsbury Parish Council
17	PT08/0153/CLP	Approve with conditions	Land off Central Avenue, Severnside, Pilning, South Gloucestershire	Pilning and Severn Beach	Pilning and Severn Beach

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
18	PT08/0165/F	Approve with conditions	The Coach House, Upper Tockington Road, Tockington, South Gloucestershire, BS32 4LQ	Severn	Olveston Parish Council
19	PT08/0178/F	Approve with conditions	11 Dean Avenue, Thornbury, South Gloucestershire, BS35 1JJ	Thornbury North	Thornbury Town Council
20	PT08/0214/F	Approve with conditions	27 Beach Avenue, Severn Beach, South Gloucestershire, BS35 4PD	Pilning and Severn Beach	Pilning and Severn Beach
21	PT08/0242/F	Approve with conditions	Land adjacent to 2 Homestead, Frenchay, South Gloucestershire, BS16 1PH	Stoke Park	Frenchay and Winterbourne

ITEM 1

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.: PK07/2079/CLE	Applicant: Mr M Fallows
Site: Cross Hands Farm Tetbury Road Old Sodbury BRISTOL South Gloucestershire BS37 6RJ	Date Reg: 9th July 2007
Proposal: Certificate of Lawfulness for existing use of land and building for car repairs including car breaking and limited sales (Class B2 and sui generis).	Parish: Little Sodbury Parish Meeting
Map Ref: 76126 82770	Ward: Cotswold Edge



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100023410, 2008.

N.T.S

PK07/2079/CLE

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application for a certificate of lawfulness proposes that one outbuilding has been used for car breaking, repairs and sale for a period in excess of ten years. The application claims that this use begun in November of 1995.
- 1.2 Three sworn statements have been submitted in support of the application – two from the applicant Marc Fallows, and one from other gentleman with knowledge of the site.
- 1.3 In light of the planning history (see section 3 below) it is clear that the building already has planning permission for the repair and maintenance of motor vehicles. This application therefore only seeks to prove the breaking and sale of vehicles for a period in excess of 10 years as this has not been approved under any previous consents.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

The site known as Cross Hands Farm has a long history. There is extensive enforcement and planning history to the site. The chronology of events relevant to the determination of this application are as follows,

- 3.1 In early 1997 following an enforcement complaint at the site, a Planning Contravention Notice (PCN) reference number 1997/0093/COM was served alleging car breaking and car repairs. The initial complaint to the authority was on the grounds of 'car breaking'.
- 3.2 No response was received in response to the PCN and subsequently in September 1997 a planning enforcement notice was served for 'Making a material change in the use of the land from agriculture to a B2 general industrial use comprising repair and maintenance of motor vehicles.'
- 3.3 In response to the enforcement notice served, a planning application was submitted - P97/1392 for the Change of use of redundant farm buildings to light industrial workshops (Class B). This was refused by the Council in July 1997.
- 3.4 Following the refusal of the planning application, the enforcement notice was tested at appeal. The inspector allowed the appeal and quashed the enforcement notice and granted planning permission for the use of the building for general industrial use comprising the repair and maintenance of motor

vehicles subject to conditions in June 1998 (appeal reference APP/C/97/P0119/649231-2/P6)

- 3.5 It is important to note that the enforcement notice was not served on and did not mention car breaking. The reason for this is not known as it was referred to in the Planning Contravention Notice.

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

4.1 The supporting evidence submitted with the application takes the form of 3 sworn statements – two from the applicant Mr. Marc Fallows and one from Mr. Douglas Dawe. The following other pieces of information have also been submitted

- A letter from BT dated March 2006
- An Invoice from Trade-It dated 24/9/97
- An invoice from Norman Marshall Ltd dates 3/12/99
- A certificate of achievement dated January 2005
- Yellow Pages Confirmation dates 11th May 1999

The Council also has its own very detailed history file of the site from the previous enforcement action which contains details of letters, officer reports and other information.

5. SUMMARY OF CONTRADICTORY EVIDENCE

5.1 None received

6. CONSULTATION RESPONSES

6.1 Little Sodbury Parish Council
No response received

Other Representations

6.2 Local Residents

One letter of objection has been received from a local resident. A summary of the points made in the letter are as follows;

- The current business interests and activities being carried out at New Cross Hands are inappropriate for the site
- Any planning decision needs to take full account of previous decisions and appeals on the site
- The car breaking, repair/maintenance sales is only one aspect of the business landscape on the site
- Concerns of traffic implications when combined with the other businesses uses on the site (B&B, tenants of longer term rented accommodation, equine livery and farming)
- The lane is not suitable for children to walk along having no footpath
- People drive too fast along the lane
- The lane is frequently used by horse riders – it is not safe for this use
- The lane is in a very poor state of repair due to the volume of traffic using it.

- The state and usage of the lane makes it unsafe for the domestic use of the residential property
- Suggestion that a new access should be created to take the traffic off of the lane

7. EVALUATION

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

7.2 The relevant test of the submitted evidence

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

7.3 Whilst many pieces of evidence have been submitted in support of the application, several pieces have been given little weight by the case officer. This is because they are not considered to give any evidence of the ten years continuous use of the premises. The Trade-it invoice dated 24/9/97 has an address of 3 Amphrey Cruvis, Cirencester - it makes no reference to Cross Hands Farm whatsoever. For this reason, this piece of information cannot be used as evidence in this case. The receipt from Norman Marshall Ltd stamped ‘Breaker Only’ dates only to 3/12/1999 - it thus does not help prove 10 continuous years use – it is only a snapshot of 8 years ago. The Certificate of Achievement submitted dated 1/1/2005 has no address or reference to Cross Hands Farm on it. The Yellow Pages receipt only dates to 1999 and also thus fails to show 10 continuous years use. The first sworn statement signed by Mr. Marc Fallows dated 18th June 2007 is not sufficiently clear and unambiguous. This first sworn statement makes no reference to either car sales or car breaking and thus provides limited evidence in support of the case.

7.4 In light of the summary of evidence above, the two pieces of evidence submitted to which the most weight is being attached by your planning officer is the Statutory Declaration signed by Mr. Marc Jonathan Fallows and received by the Council on 14th December 2007 and the declaration signed by Douglas John Dawe also received by the Council on 14th December 2007. Both declarations were prepared and signed on 10th December 2007. To re-iterate,

the application is only seeking to prove the breaking and selling of cars on the site for a period in excess of ten years.

- 7.5 Whilst a letter of objection has been received from a local resident, the letter objects to the use of the building for business use because of the traffic implications this has. The letter does raise legitimate planning objections but a certificate of lawfulness is an evidential test only – no assessment of the merits of the case needs to be made. The letter contains no evidence to suggest that the use has not been carried out for a period in excess of ten years and does not dispute the evidence submitted in support of the application.
- 7.6 The sworn statement from Marc Jonathan Fallows received by the Council on 14th December 2007 supplements the previous sworn statement made of 18th June 2007. In the second statement Mr. Fallows confirms that *'since November 1995, part of my (Mr. Fallows') business has been breaking cars for spare parts comprised within and I (Mr. Fallows) have been engaged in this activity as part of my said business continuously since then.'*
- 7.7 The sworn statement from Douglas John Dawe states that he previously used one of the buildings at Cross Hands for the purpose of storing and repairing motor vehicles. Mr. Dawe states that he personally knows Marc Jonathan Fallows and is aware of the trade in which he engages. Mr. Dawe states that, *'since August 1994 part of the business to the present day being carried on at the Property was the breaking of cars.'*
- 7.8 In addition to the above, consideration must also be given to the previous enforcement investigation file held by the Council. At the time of the enforcement officers site visit in 1997, the officers site notes make reference to a broken up car on the site. This adds further weight to the applicants claim that in 1997 car breaking was taking place on the site.
- 7.9 It is the considered view therefore that on the balance of probability and in light of the information submitted, the building has been used for the breaking of vehicles for a period in excess of ten years. No evidence has been submitted contrary to this and thus it is recommended that this part of the certificate be granted.
- 7.10 Despite the above, no information has been submitted to demonstrate that there has been any vehicle sale at the property. Neither sworn statement makes reference to the sale of vehicles, the previous enforcement history makes no reference to it, and none of the other miscellaneous details are relevant to the sale of motor vehicles from the site. This element of the certificate therefore is recommended for refusal.

8. CONCLUSION

- 8.1 Officers conclude, that on the balance of probability and in the absence of any supporting information to the contrary, the breaking of vehicles in the building marked red on the plan received by the Council on 4th July 2006 has taken place for the last ten years. The certificate of lawfulness can thus be granted for the use of the land and building to include car breaking. Officers feel that on the balance of probability, due to lack of evidence, a certificate of lawfulness cannot be granted for the use of the land and building to include limited car sales.

9. RECOMMENDATION

9.1 That a split decision be issued for:

The Certificate of Lawfulness should be granted for the use of land and building for vehicle breaking as outlined red on the submitted plan.

The Certificate of Lawfulness should not be granted for the use of the land and building for limited car sales outlined red on the submitted plan.

Background Papers PK07/2079/CLE

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 08/08 – 22 February 2008

App No.: PK07/3548/F
Site: Hillside Church Lane Downend
 BRISTOL South Gloucestershire BS16
 6TB

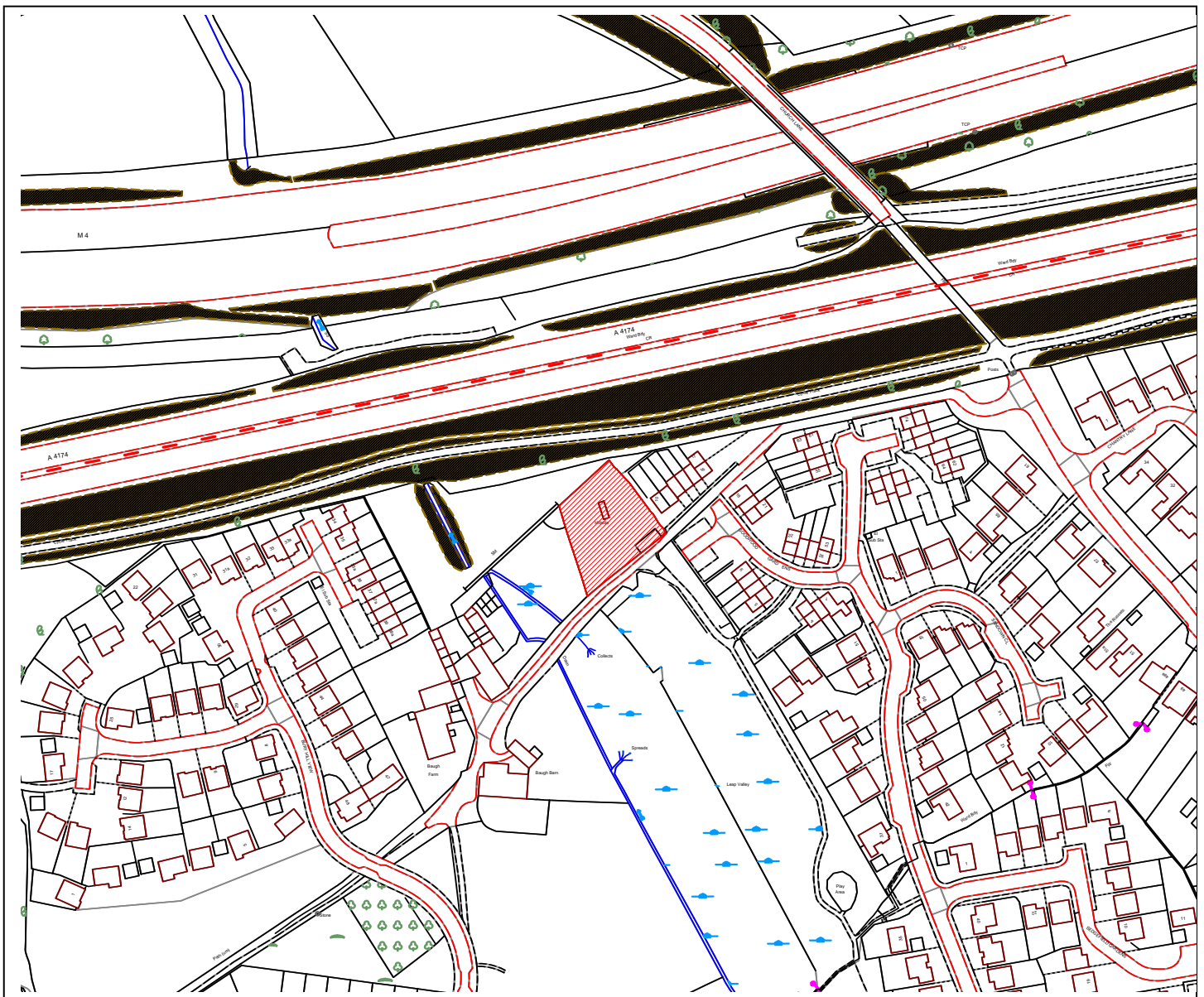
Applicant: Mr S Cave
Date Reg: 3rd December 2007

Proposal: Demolition of existing dwelling to facilitate the erection of 1no. detached dwelling with detached garage and associated works.

Parish: Downend and Bromley Heath

Map Ref: 65480 78428

Ward: Downend



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PK07/3548/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This is a full application for the erection of a two-storey detached dwelling house and garage on a small (0.1ha) plot of land, which is bounded by the Leap Valley to the west, the Avon Ring Road to the north, a bridleway to the south and recent residential development along Goodwood Gardens to the east.
- 1.2 At present a mobile home and outbuildings occupy the site and as such the site is previously developed land. It is intended to remove the mobile home and outbuildings and erect a replacement dwelling and detached garage. Access to the site from Church Lane would continue to be gained via a rough track; the track is a bridleway. Outline consents PK01/2415/O and PK06/0685/O have previously been granted for the erection of one dwelling on this site.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG9 - Nature Conservation
- PPG13 - Transport: Guide to Better Practice
- PPS25 - Development and Flood Risk

2.2 Development Plans

Joint Replacement Structure Plan

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

South Gloucestershire Local Plan (Adopted) 6th January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L5 - Open areas
- L8 - Sites of Regional and Local Nature Conservation Interest
- L9 - Protected Species
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP7 - Unstable Land
- H2 - Residential Development within the existing Urban Area
- H4 - Development within Existing Residential Curtilages
- H6 - Affordable Housing
- LC2 - Provision of Education Facilities
- T7 - Cycle Parking Provision

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

2.3 Supplementary Planning Guidance

Advice Note 1 - "Altering Your Home" - Oct. 1994

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

Trees on Development Sites SPD (Adopted) November 2005

3. RELEVANT PLANNING HISTORY

3.1 P74/4369 - Use of land for the stationing of a mobile home.
Approved 14th Nov 1974

3.2 P79/4488 - Renewal of temporary consent for the stationing of mobile home.
Approved 22nd Jan 1980

3.3 P82/4085 - Continued use of land for the stationing of a mobile home.
Approved 5th May 1982

3.4 PK01/0918/O - Residential development on 0.1 ha of land (Outline).
Refused 30th July 2001

3.5 PK01/2415/O - Erection of 1 no. dwelling on 0.1 ha of land (Outline).
Approved 3rd October 2001.

3.6 PK05/2314/RVC - Variation of condition 3 attached to previously approved planning permission PK01/2415/O to extend the period of reserved matters for residential development of land (outline).
Withdrawn 26th August 2005

3.7 PK06/0685/O - Removal of mobile home from site. Erection of new dwelling and garage (outline) with siting and means of access to be determined. All other matters reserved.
Approved 4th August 2006

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

No objection to erection of 1 dwelling and garage but would like to see some resurfacing of the access area.

4.2 Other Consultees

4.3 The Environment Agency

The flood risk maps have recently been amended with this development now classified as flood zone 1 or low flood risk. The Flood Risk Assessment is also acceptable and therefore the Agency has no objections to the proposed development.

Other Representations

4.4 Local Residents

Two letters have been received from the occupant of Baugh Barn, the concerns raised are summarised as follows:

- No plan showing existing and proposed site levels.
- No information regarding proposed earthworks.
- No drawing showing the proposed dwellings' relationship to neighbouring properties.
- Certificate A does not indicate that another person has an interest in the land.
- The Leap Valley Local Nature Reserve should be kept free of development.
- Development should be single or 1.5 storey only.
- The proposed two-storey house would be visually intrusive in the Leap Valley and from the footpath on the eastern side of the valley.
- The proposed materials are inappropriate – should be natural stone with clay tile or slate roof.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The South Gloucestershire Local Plan identifies the site within the urban area where policy H2 allows new residential development subject to a number of criteria being met. Policy H4 also sets criteria for development within existing residential curtilages. The site is already occupied by a mobile home and the acceptance in principle of a dwelling on this site was previously established with the granting of outline planning consent PK01/2415/O. The site, being residential curtilage, is previously developed land and is not subject to unacceptable levels of noise disturbance, air pollution, smell or dust. There are adequate facilities within the vicinity for provision of education, leisure, recreation and other community facilities.

5.2 Density of Development

The development of the site is constrained by the proximity of the Leap Valley to the west, the position of a sewer running through the site and the presence of established vegetation within the site. The calculated density is only 10 units per ha which falls well below the minimum requirements (30 units per ha) of PPS3 and Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, however having regard to the site constraints to development, officers are satisfied that the site could not realistically accommodate more than one dwelling and therefore the proposal represents the maximum density achievable on this site.

5.3 Scale and Design

The proposed dwelling would be located on the eastern side of the site, similar to the location of the existing mobile home. Levels and sectional drawings have now been submitted to demonstrate the relationship of the proposed dwelling to the neighbouring property no.10 Goodwood Gardens. The front elevation of the proposed house would conform well to the established building line of the neighbouring terrace.

5.4 In terms of its scale and massing, the proposed dwelling, being two-storey, would be larger than the existing mobile home but is not considered to be excessively large for a single detached family home; the foot-print measuring 12m x 8.6m with a 4.5m x 4.5m conservatory to the rear, compared to the mobile home's foot-print, which measures some 8.2m x 9.2m. Furthermore in

addition to the removal of the mobile home, at least four additional outbuildings would also be removed from the site. Whilst the height of the proposed house (9.0m) would be greater than that of the mobile home (3.8m) the roof ridge would in fact be set 0.5m below that of neighbouring no.10, a two-storey end of terrace dwelling; this is due to the relevant differences in site levels.

5.5 Notwithstanding the site constraints in terms of landscape and ecology, which will be discussed under separate headings, officers consider that given the requirements of PPS3 to make the most efficient use of previously developed land within the urban area (which this site is), the scale of development is acceptable.

5.6 In terms of design, the proposal would be constructed of rustic/antique style bricks, with a plain tiled roof, wooden window surrounds and doors, and black rainwater goods. An appropriate condition could ensure the prior submission and approval of samples of these materials.

5.7 Virtually all of the properties adjacent to the access track off Church Lane and on either side of the Leap Valley are modern two-storey dwellings, the exceptions being Baugh Farm and Baugh Barn, which are remnants of the former rural landscape setting. The proposed dwelling would not therefore appear out of place within the street scene or wider locality.

5.8 Impact Upon Residential Amenity

Adequate amenity space would be retained on the site and the dwelling would be sufficiently distant from the nearest residential property i.e. neighbouring no.10 Goodwood Gardens. As the dwelling would be set at a lower level than no.10 there would be no overbearing impact on that property. There are no windows in the side elevation of no.10 that would be affected. At ground floor level the site would be adequately screened from the neighbouring property by the existing high boundary walls and fences that would be retained. Since no windows are proposed for the first floor side elevation facing no.10 there would be no issues of overlooking or loss of privacy; a condition could prevent any future insertion of windows in this elevation. The proposed garage would be set back from the boundary with no.10 and since the proposed driveway is located on the western side of the proposed dwelling, disturbance from cars accessing the site would be minimised. The impact on residential amenity would therefore be acceptable.

5.9 Transportation Issues

The application relates to a replacement dwelling only. The existing access into the site would be utilised. In highway terms there will be no material changes as the proposal is replacement of like for like. Subject to the provision and maintenance of the off-street parking spaces as proposed, there are no highway objections. Since there is an existing mobile home on the site, a condition to re-surface the access track from Church Lane is not considered justified in this case.

5.10 Landscape Issues

The site is surrounded to the west and south by semi-natural open space of the Leap Valley, to the east is a row of terraced houses and to the north is the A4174 (Ring Road) and its associated embankment. The site is a small, unkempt plot with an old static mobile home located in the centre and dilapidated sheds and outbuildings nearby. Access is via a wooden gate off Church Lane and there is a dry-stone wall enclosing much of the site. The dry

- stone wall is in need of repair and being an historic feature of the landscape should be retained and restored.
- 5.11 Officers consider that the site would benefit from the development as it is currently in a dilapidated and unattractive condition. The character of the adjoining Leap Valley should be protected.
- 5.12 A Tree Assessment of the site and Tree Protection plan has been submitted which has identified some trees worthy of retention and this along with supplementary planting, can be secured through a condition to require the submission and approval of a landscape scheme.
- 5.13 The proposed dwelling would be situated on the flattest part of the site to the east, which is considered to be the most appropriate position in landscape terms. On their site visit, officers observed that the land falls steeply away into the more vegetated western half of the site and into the valley bottom beyond. The flatter area of the site, to the east, is more akin to a high terrace perched on the valley edge, rather than being within the valley itself. The proposed dwelling would certainly be no nearer to the valley bottom than several new houses located on the valley edge to the west. Whilst some ground excavations would be required to accommodate the new dwelling, given the details on the sectional and levels drawings, these works are likely to be fairly minor.
- 5.14 Whilst the proposed dwelling would be a larger feature within the landscape, this would to some extent be mitigated for by the enhanced visual amenity of the site itself. Furthermore the high belt of vegetation to the west helps to screen the site from the Leap Valley and this along with other areas of the site could be enhanced by supplementary planting. Subject therefore to the submission of an appropriate scheme of hard and soft landscaping, there is no objection in landscape terms.
- 5.15 Ecology
The Leap Valley is an SNCI, any landscape planting should incorporate a buffer strip of mixed native species planting along the western boundary of the site to protect the SNCI. The dwelling would be located on the eastern half of the site well away from the SNCI. The site has been surveyed for Slowworms between Sept – Oct and none were recorded. The site should however be further surveyed for Slowworms and other reptiles just prior to any clearance works. Subject to conditions to secure these matters there are no objections on ecological grounds.
- 5.16 Drainage Issues
The location has only a low risk of flooding as identified by the Environment Agency. A Flood Risk Assessment has been submitted to the satisfaction of both the Environment Agency and the Council's Drainage Engineer. The Council's Drainage Engineer raises no objection in principle but requires full drainage details to be submitted and approved. This can be secured by condition. A public sewer crosses the site, which would be protected by a 3m easement.
- 5.17 Environmental Issues
Subject to conditions and informatives relating to hours of working during the development phase and assessment of existing buildings for asbestos, the Council's Environmental Health Officer has no objections.

5.18 Other Concerns Raised

Of the concerns raised that have not been addressed above:

- The requisite Notice No.1 has now been served on another party who has an interest in the land and the appropriate 21 days notice given.

5.19 Education

The proposal for a single dwelling only, is below the Council's threshold (5) for contributions towards Education.

5.20 Community Services and Open Space

The proposal for one dwelling only, is below the Council's threshold (10) for contributions towards Education.

5.21 Affordable Housing

The proposal for one dwelling only, is below the Council's threshold (15) for contributions towards Affordable Housing.

5.22 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.

5.23 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK07/3548/F**

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

CONDITIONS

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

Reason:

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

2. 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.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

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.

4. Prior to the first occupation of the dwelling house hereby approved, the existing natural stone walls enclosing the site shall be fully repaired; thereafter the boundary walls shall be retained as such and shall not be altered without the prior written consent of the Local Planning Authority.

Reason:

To protect the character and appearance of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter parking facilities shall be retained and used only in conjunction with the occupation of the buildings purpose.

Reason:

To ensure the satisfactory provision of parking 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.

8. The hours of working on site during the period of construction shall be restricted to 8.00am to 6.00pm Mondays to Fridays inclusive, 8.00am to 1.00pm Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

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

9. Immediately prior to any site clearance works or the commencement of the development hereby approved, whichever is the sooner, a full destructive survey of the site, to ascertain the presence or otherwise of slow-worms shall be carried out. In the event of slow-worms being found measures to ensure their protection shall be submitted to and agreed in writing by the Local Planning Authority. The measures so agreed shall be carried out prior to the commencement of development or site clearance.

Reason:

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

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

Reason:

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

11. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor eastern side elevation of the property hereby approved.

Reason:

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

CIRCULATED SCHEDULE NO. 08/08 – 22 February 2008

App No.: PK07/3705/F	Applicant: Mr W Edbrooke
Site: 42 Naishcombe Hill, Wick, South Gloucestershire, BS30 5QS	Date Reg: 20th December 2007
Proposal: Erection of first floor extension over existing garage and two storey front and rear extensions to provide additional living accommodation.	Parish: Wick and Abson Parish Council
Map Ref: 70326 73285	Ward: Boyd Valley



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N.T.S

PK07/3705/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks permission for the erection of a first floor extension over existing garage and two storey front and rear extensions with dormer windows to provide additional living accommodation.
- 1.2 The modern detached property is situated within the defined settlement boundary of Wick that is also washed over by the Bristol and Bath Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
- 2.2 Development Plans
South Gloucestershire Local Plan
D1 Design
GB1 Green Belt
H4 House Extensions
- 2.3 Supplementary Planning Guidance
Advice Note 2 House Extensions
South Gloucestershire SPD Green Belts

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/3000/F Erection of single storey front and rear extensions and first Floor side extension over existing garage to provide Additional living accommodation.
Approved 8th December 2005.

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
No objections

Other Representations

- 4.2 Local Residents
One letter of objection has been received from a local resident raising the following objections regarding the proposed development, which have been summarised by the Planning Officer as follows:
-Loss of light
-Overbearing impact and imposing
-No objections were raised with regards the previous scheme

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings subject there being no adverse impact on existing visual and residential amenities. Regard must also be had for Policy GB1 as the site is washed over by the Bristol and Bath Green Belt.

5.2 Members are advised to consider that planning permission has already been granted for extensions to this property under planning permission PK05/3000/F, which has not been implemented. This application seeks a number of changes to that approved scheme.

5.3 Green Belt

PPG2 states that an extension to a dwelling is not inappropriate development, as long as it is not disproportionate to the original dwellinghouse. As a general rule of thumb Council guidelines advise that an extension resulting in a volume increase of less than 30% of the original dwelling is likely to be acceptable and that additions that exceed 30% will be carefully assessed i.e. whether the proposal would appear out of scale and proportion with the original dwelling. In this case, the original dwellinghouse has not been previously extended. Taken together the proposed extensions it is considered that the proposed works would result in an addition of 30% and therefore would not represent a disproportionate addition to the original dwellinghouse. Therefore the proposal is considered to be appropriate development within the Green Belt as set in PPG2 and Policy GB1 of the South Gloucestershire Local Plan.

5.4 Openness of Green Belt

The extension would be within the existing residential curtilage of the application site and within the defined settlement boundary of Wick. The site is screened to the rear by boundary planting and the extension would not be higher than the existing dwellinghouse in the street scene. It is considered that long views from public vantage points to the rear of the site on Naishcombe Hill would not be harmed and as such there would be no detrimental impact on the open character of the Green Belt.

5.5 Design

The design and materials of the proposed extension would be appropriate to the existing dwelling. The main difference with this revised scheme is that it introduces a bonnet style dormer window on the front elevation and rear elevation both of which are set down into the eaves. The detached dwelling is a one-off infill development within a street scene characterised by a wide variety of dwelling types, and the proposal is not out of keeping with contemporary detached dwelling designs. As such the overall design and appearance of the extension is deemed acceptable.

5.6 Residential Amenity

At the time of the previous planning application the Planning Officer concluded that the proposed extensions would not have any impact upon existing levels of residential amenity and therefore was deemed acceptable.

5.7 With regards this current application an objection has been received from the neighbouring property sited north of the application site on the grounds that the proposed extension would have an overbearing impact. Members are advised to consider that those objections relate to the plans originally submitted as part

of this application and that the scheme has subsequently been amended. Planning permission has already been granted for a two storey side extension with a single storey front and rear extension. This application had proposed to build up and over both single storey extensions and in particular introduce a two storey gable frontage, which would have increased the overall bulk of the extension. This has been amended and although the scheme still proposes to erect up and over the extensions the extensions are much smaller in scale comprising of two dormers.

5.8 It is therefore considered that given the marginal increase in built form along the northern boundary that the proposed works would not have an overbearing impact or result in a loss of light for those occupiers sited adjacent the applicant site, especially as the dwelling is set back 18.0m from the side elevation of the proposed extension.

5.9 Highways

The proposal would retain the existing level of off-street parking and therefore there are no highway objections.

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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions 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 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 **PK07/3705/F**

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

CONDITIONS

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

Reason:

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

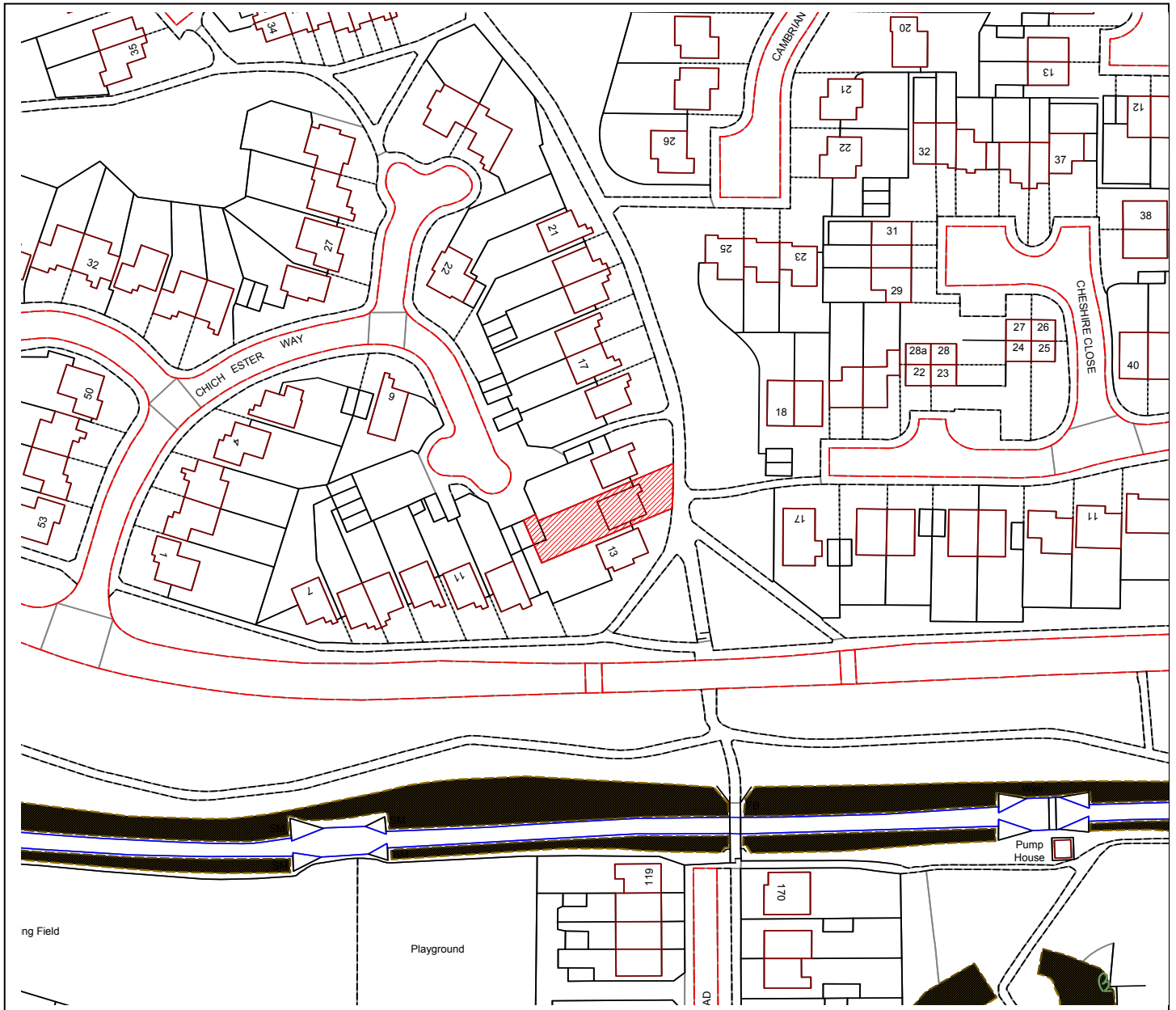
2. No development shall take place until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

CIRCULATED SCHEDULE NO. 08/08 – 22 February 2008

App No.: PK07/3739/CLE	Applicant: Mrs V Blaker
Site: 14 Chichester Way Yate BRISTOL South Gloucestershire BS37 5TA	Date Reg: 31st December 2007
Proposal: Certificate of Lawfulness for erection of rear conservatory.	Parish: Yate Town Council
Map Ref: 71016 83137	Ward: Yate North



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N.T.S

PK07/3739/CLE

INTRODUCTION

The application relates to a certificate of lawfulness and is therefore required to be determined by the circulated schedule under the current scheme of delegation.

1. DESCRIPTION OF DEVELOPMENT

1.1 A Certificate of Lawfulness for an Existing Development is sought for the erection of a rear conservatory. This is located on the rear elevation of a modern two storey dwelling in Yate.

2. POLICY CONTEXT

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

3. SITE HISTORY

3.1 None.

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

4.1 The agent has submitted a combined drawing containing three block plans at various scales. In addition, in section F of the application form (additional information to substantiate your claim) the following statement has been submitted: 'the conservatory was constructed in 2000 without consent and has been used as part of the existing dwelling since'.

5. SUMMARY OF CONTRARY EVIDENCE

5.1 None received.

6. OTHER REPRESENTATIONS RECEIVED

6.1 Yate Town Council
No objection.

7. EVALUATION

7.1 An application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been proved on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence in support of the application that the conservatory has been in situ for four years before the date of this application.

7.2 In these circumstances the Council would normally expect to receive the following evidence – in order of worth – to substantiate the claim:

- verifiable photographic evidence
- contemporary documentary evidence, especially if prepared for some other purpose

- sworn declaration which is clear as to the precise date the conservatory was substantially erected
- unsworn letters

7.3 No evidence to this effect has been submitted. The submitted block plan merely shows the location of the conservatory. Having conducted a site visit this correlates with the position of the conservatory on the ground. It does not, however, prove the conservatory has existed on the site for four years prior to the submission of this application. In addition, the scales annotated beneath the various block plans do not correlate with the dimensions when measured by hand. Furthermore, two plans, which are different in scale, are both annotated at 1:200. As a result there is confusion as to which scales are correct and the exact area dimensions of the conservatory. (When trying to establish the length of the house it would appear to measure 5 metres at 1:000; 5.4 metres at 1:200; and 7.5 metres at 1:100). Finally, the statement in section F of the application form must be given limited weight because of its unsworn status.

7.4 Having regard to the above, it is considered that insufficient and imprecise evidence has been submitted to prove that on the balance of probability the conservatory has existed on the site for four years prior to the submission of this application.

8. **RECOMMENDATION**

8.1 A certificate of Lawful Use be **REFUSED**.

Background Papers **PK07/3739/CLE**

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

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.: PK08/0001/F

Applicant: Mrs J E Gill & Mrs S Pinch

Site: 25 Regent Street, Kingswood, South Gloucestershire, BS15 8JX

Date Reg: 2nd January 2008

Proposal: Change of use of ground floor retail premises (Class A1) to office use (Class A2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Parish:

Map Ref: 64646 73907

Ward: Kings Chase



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N.T.S

PK08/0001/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the change of use of a ground floor retail premises (Class A1) to office use (Class A2).
- 1.2 The unit is located within the defined secondary frontage of Kingswood Town centre.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development
PPS 6 Planning for Town Centres
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
RT9 Change of Use of Retail Premises within the Primary Shopping Frontage
- 2.3 Supplementary Planning Guidance / Documents
Town Centres and Retailing in South Gloucestershire (Annual Audit)

3. RELEVANT PLANNING HISTORY

- 3.1 P86/4671 Use of 1st and 2nd floor as offices (Previous ID: K5264)
Approval: 24th October 1986
- 3.2 P89/4408 Change of use from retail outlet (A1) to restaurant 9
Previous ID: K5264/2)
Refusal of Full Planning: 29th January 1990
- 3.3 P93/4026 Retention of shop front (Previous ID: K5264/3)
Approval: 2nd April 1993

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The area is un-parished.

Other Representations

- 4.2 Local Residents
One letter has been received during the consultation period associated with this planning application. The comments can be summarised as follows:

Object

- loss of retail unit detrimental to Kingswood

- unit is being marketed at too high a rental level

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006 is considered relevant to the determination of this application. The policy text (bold type) states that changes of use of existing A1 retail uses at ground floor level within the primary shopping frontages of town centres, as shown on the proposals map and listed in the schedule of shopping frontages, will not be permitted unless:

5.2 **A. IT CAN BE DEMONSTRATED THAT THE PREMISES COULD NOT BE RETAINED IN A VIABLE RETAIL USE; OR**

5.3 **B. THE PROPOSED USE WOULD MAKE A POSITIVE AND COMPLIMENTRAY CONTRIBUTION TO THE VITALITY AND VIABILITY OF THE CENTRE, AND WOULD NOT UNDERMINE THE RETAIL FUNCTION OF THE FRONTAGE, OR PART OF IT: AND**

5.4 **C. THE PROPOSED USE WOULD NOT RESULT IN UNACCEPTABLE ENVIRONMENTAL OR TRANSPORTATION EFFECTS, AND WOULD NOT PREJUDICE RESIDENTIAL AMENITY**

5.5 Officers also consider that a material consideration in the determination of this application is a recent appeal for the change of use of a shop (A1) to a restaurant (A3) at No. 34 Regent Street (sited almost immediately opposite the application unit). This was allowed on the basis that: the primary frontage retained over 75% of its ground floor units in Class A1 use; the thrust of national and development plan policy is to permit some non retail uses within (primary & secondary) frontages, albeit not of a scale that would compromise the main retail function; and the present vibrancy of the town, low number of vacant units, relatively small proportion of existing A3 class units within the primary frontage, and the attraction and obvious success of the restaurant itself, provided a clear indication that the retail function of the primary frontage was not being undermined by the presence of a restaurant (a non A1 use).

5.6 Concerns have been raised that the unit is being marketed at an unreasonably high rental level. The agent has stated in the Design & Access Statement that 'continuing efforts to re-let the shop for retail purposes have been unsuccessful' and 'there is and remains interest in taking the ground floor accommodation for A2 uses including estate agents and financial businesses'. However, no detail is given as to the number of enquiries received, the time period of marketing or the marketed rental level. As a result, the proposal does not satisfy criterion A. However, the above appeal also concluded that Policy RT9 is explicit in that either criterion A has to be satisfied, or B. Accordingly, provided criteria B & C are satisfied there is no need for criterion A to be met for there to be conformity with Policy RT9.

5.7 With regards to criterion B, the data contained within table The Town Centres and Retailing in South Gloucestershire Annual Audit, states that the primary shopping frontage within Kingswood Town Centre contains 70 units. Of these, including the application site, three are vacant (4%), nine in A2 use (16%), one in A3 (1%), one in A4 (2%), two in A5 (3%) and one sui generis use (1%). This leaves 54 in A1 shop use (77%).

- 5.8 The proposal would increase the number of A2 uses to 10 (14%), decreasing the number of vacant units to 2 (3%) and decreasing the number of A1 units to 53 (76%).
- 5.9 Paragraph 9.103 of the supporting text for Policy RT9 states that 'in assessing whether a proposed use would contribute positively to the vitality and viability of a town centre, and would not undermine the retail function of the frontage or part of it, the Council will consider the following factors:
- 5.10 a) the location and prominence of the premises within the shopping frontage – the unit is centrally located on the north side of Regent Street. To the west, extending away from the town centre, are a further eleven units in A1 use. To the east, extending towards the heart of the town centre are (from an available four units) two in A1 use. Consequently, it is considered that the unit will not result in an oversupply of non retail units which would undermine the retail function of this particular stretch of primary shopping frontage (north side, Regent Street).
- 5.11 b) the size of the premises in terms of floorspace and frontage length in relation to the centre as a whole, and the shopping frontage within which the property is located – the Town Centres and Retailing in South Gloucestershire Annual Audit states that the frontage length of the unit is 5 metres. This represents an average frontage length for Kingswood Town Centre. The proposed development would therefore not result in a large non A1 unit dominating the primary shopping frontage. Furthermore, in relation to the north side of Regent Street, the unit represents just 5% of the total frontage length (98.5 metres total length).
- 5.12 c) the number, distribution and proximity of other ground floor premises in non-shop use – as detailed in paragraph 5.6 above, the proposal would result in 76% of the primary shopping frontage units remaining in A1 shop use. Officers therefore consider that for the primary frontage to retain over 75% of its ground floor units in Class A1 use is a clear indication of the town centre's vitality and viability.
- 5.13 d) the nature of the proposed use, including the level of activity associated with it – some A2 uses, such as banks, would receive a high level of public visits with a corresponding increase in 'activity'. The Council's Planning Policy officer has also commented that a 'busy and active' A2 use and frontage would support the overall retail function by drawing people to this particular end of the town. It is suggested that in order to avoid a dead frontage a condition be imposed requiring that a window display area be maintained. An appeal decision for No.64 Regent Street (PK04/1860/F) for the change of use of a shop to an amusement and tanning centre imposed a condition to this effect. It required that the 'shop windows at all times contain a retail window display of priced goods available for sale within the premises'. In this instance, however, because the proposed use is for A2 use (such as a bank) officers consider that it might not be possible for an operator to display priced retail goods. In addition, it would be unreasonable and overly restrictive for the Council to insist on a specific 'active' A2 use. In spite of this acceptance, officers still consider that the proposed use could increase the level of activity at this end of the town centre, particularly as it involves the reutilisation of a vacant unit therefore increasing the vitality and viability of the town centre.
- 5.14 e) the potential for improvement to the local environment and/or the building itself – no external alterations are proposed (merely an internal

rearrangement which is beyond the control of the planning system). It should be noted that the proposal would enable the reutilisation of a vacant unit. As a result, the scheme would make a positive and complimentary contribution to the vitality and viability of the town centre.

5.15 In light of all the above, it is considered, that the proposal will not undermine the retail function of the frontage and would make a positive and complimentary contribution to the vitality and viability of the centre.

5.16 Finally, with regards to criterion C of Policy RT9, no external changes are proposed and the existing parking at the rear of the site will be retained. Accordingly, the proposal is considered to have no environmental, residential or transportation effects.

5.17 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.

5.18 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/0001/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).

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.: PK08/0028/O

Applicant: The Rotunda Centre Ltd

Site: The Rotunda Club, 82 Moravian Road, Kingswood, South Gloucestershire, BS15 8NF

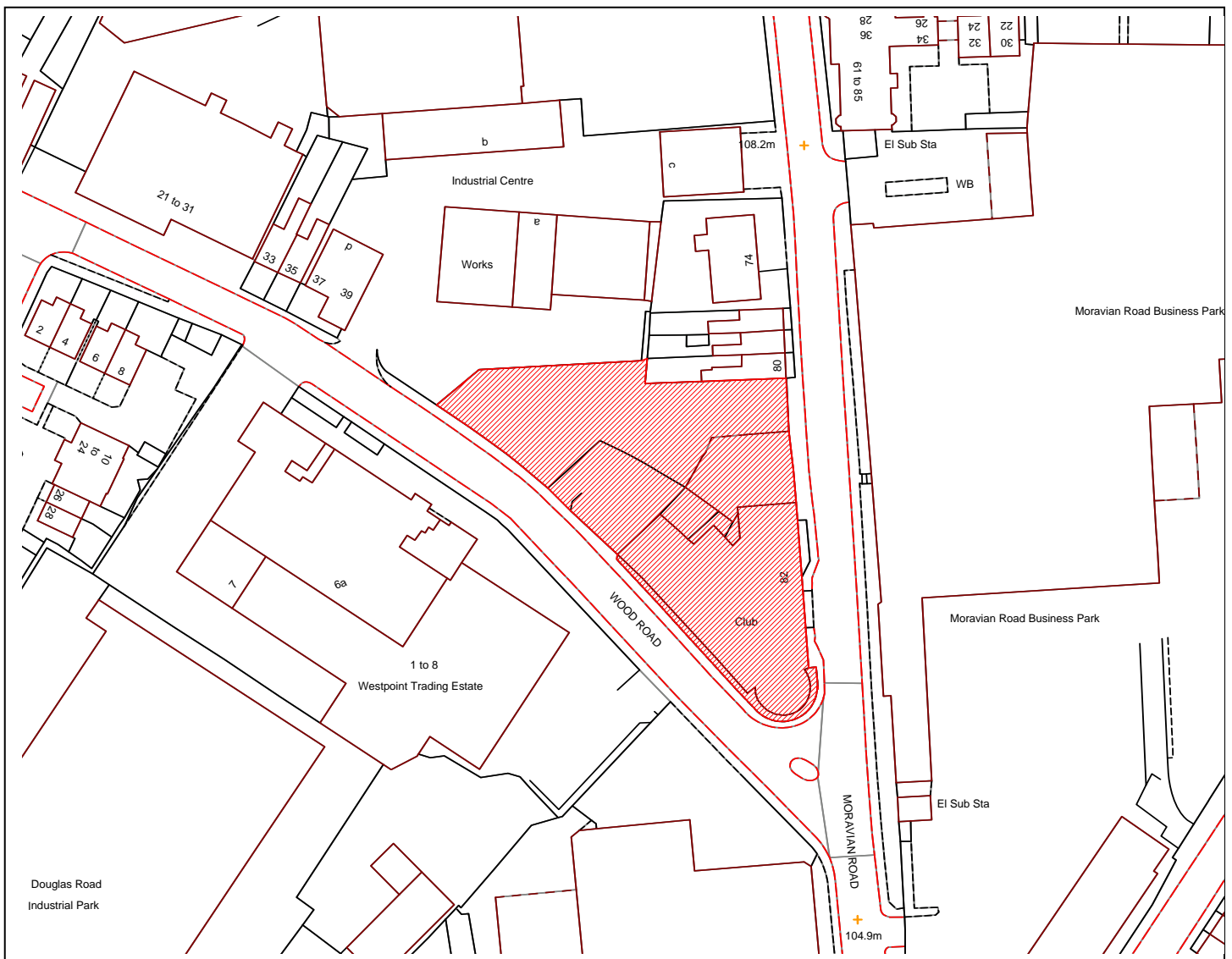
Date Reg: 3rd January 2008

Proposal: Demolition of existing buildings to facilitate erection of mixed use development comprising 268 square metres of commercial B1/A2 office use and 24 no. apartments (Outline) with layout, scale and access to be considered. All other matters to be reserved.

Parish:

Map Ref: 64805 73487

Ward: Woodstock



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100023410, 2008.

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INTRODUCTION

This application is placed on the Circulated Schedule to Members in accordance with procedure as it is a Major Submission.

1. PROPOSAL

- 1.1 The applicant seeks outline planning consent, (with layout, scale and access to be considered – external appearance/design and landscape to be reserved for future consideration), for the redevelopment of 82 Moravian Road (known as the Rotunda Centre). The site comprises a triangular shaped piece of land 0.2694 hectares in area. formed by Moravian Road and Wood Road. The site currently has a D2 use (Assembly and Leisure). The site is situated within an area allocated in the South Gloucestershire Local Plan as an Employment Area (as defined in Policy E4).
- 1.2 The proposal will involve the erection of a mixed use development comprising four commercial units (B1/A2 office use) on the ground floor with a combined floor space of 268sqm. In addition 24 no. apartments are proposed comprising 12no. one bedroom flats and 12no. two bedroom flats. Vehicular access is gained via an archway from Wood Road which gives way to an internal parking area with 35 parking spaces provided. The development will essentially follows the “V” shape of the current building with the four storey “Rotunda” element forming a landmark building at the apex of the “V” with three and then two storeys elements as the development progresses along each road (moving away from the junction).
- 1.3 Amenity space is to be provided for the 24 no. apartments by means of a number of shared roof terraces, both on the Wood Road and Moravian Road elevations. In addition, a proportion of the units would accommodate balconies. Although detailed landscaping is proposed at the outline stage, small areas of communal space are shown within the courtyard area.
- 1.4 Within context, to the immediate north of the site on Moravian Road, there is a terrace of three residential properties, while on the opposite side of this road lies further Industrial/Commercial buildings associated with the Moravian Road Business Park. Further commercial premises lie to the south, north and west along Wood Road. The site lies approximately 50 metres to the east of the 138 dwelling Newland Homes development located on land at Wood Road, Forest Road and Douglas Road (Planning Permission PK03/3222/F).
- 1.5 In support of the proposal the applicant has submitted a Report on the Community Consultation undertaken for the redevelopment of the Rotunda Centre (this consultation was for a scheme of 52 flats), a Detailed Design and Access Statement, Accommodation Schedule and Transportation Schedule.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG4	Industrial and Commercial Development and Small Firms
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

E4	Safeguarded Employment Areas
D1	Design
L1	Landscape Protection and Enhancement
L18	The Water Environment
EP1	Environmental Pollution
EP6	Contaminated Land
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Areas
H6	Affordable Housing
LC1	Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
LC8	Open Space and Children's Play in Conjunction with New Residential Development

Supplementary Guidance

The South Gloucestershire Design Checklist (Adopted August 2007)

3. RELEVANT PLANNING HISTORY

3.1 All previous history relates to the commercial use of the premises

4. CONSULTATION RESPONSES

4.1 Parish Council - This area is unparished

4.2 Wessex Water - Standard comments with respect to connection to the drainage system

4.3 Affordable Housing Requirements

33% affordable housing to be provided on site in line with Local Plan Policy H6, PPS3 and the findings from the JHA Housing Needs Survey 2004. The planning application proposes the provision of 24 dwellings and therefore we would seek 8 of these to be affordable homes.

The unit mix sought on the site is 6 x 1 bed flats for social rent (min 45 sq.m) and 2 x 2 bed flats for shared ownership (min 56 sq.m). The affordable housing will be provided without any public subsidy. The detailed requirements are set out in paragraph 5.13 below.

4.4 Sustainable Transport

The proposed development is to demolish the existing Rotunda Club and then the site would be redevelop with 24 no. flats together with 4 commercial units (total of 268 m² for business use). There are current two vehicular accesses to the site. One access is from Wood road and the other is from Moravian Road. The existing vehicular access from Moravian Road would be closed off as part

of this development.

For the new development, the main vehicular access and pedestrian access would be from Wood Road direction through an archway under one the apartments. However, some of flats would also gain direct access for pedestrians from Wood Road and Moravian Road. The commercial units on the Moravian Road frontage at ground level also have pedestrian access to Moravian Road. Adequate visibility splays can be provided from the site access onto the public highway.

The officer is satisfied that traffic generation that would result from the new development would be less than that likely from the extant or the lawful use on the site. The proposal includes provision of 35 car parking spaces on site to serve the proposed development. This is based on 24 parking spaces for residents (i.e. ratio of 1 space per dwelling), 8 spaces for the office use with an additional 3 parking spaces for visitors. The level of parking as proposed is in line with the SGC parking policy. Additionally, the site is within easy walking distance to Kingswood Town centre and close to other amenities, employment, education establishments, etc and as such, it is considered to be a sustainable site. In order to promote the use of public transport facilities and in line with the national and local policies to reduce the reliance on the use of private vehicles, it is consider appropriate that the developer makes financial contribution towards public transport facilities in the area.

In consideration of all the above therefore, there are no highway objections subject to the followings; 1) Financial contribution of £10,000 would be sought from the development towards public transport facilities. The said contribution would be secured under an appropriate legal agreement and be used towards provision of "Real time information" facility in connection to bus stops improvement in the Kingswood area. 2) The site access shall be 5m wide together with a 2m wide footway. 3) The existing public footway along Wood Road and Moravian Road (i.e. fronting the development site) shall be widened to 2.4m. The said footway widening shall be carried out to full and final satisfaction of the Council's street care manager.

4.5 Community Services

It is calculated that this development of 24 dwellings would generate an average population increase of 36 people. If this development is implemented it would create a need for extra community facilities. In order to offset this increased demand on community facilities we would request contributions towards the following:

Guidelines from the National Playing Field Association recommends a minimum of 24m² of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m² per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development equates to: 918sq.m. The total contribution towards off-site enhancements of public open space would be £22,004.46. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £19,672.74 a total requirement of £41,677.20. In accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006, a contribution towards the

provision of community facilities in scale and kind is required to meet the needs of future residents. In this instance the contribution required would be £757.44 towards the cost of new stock and the purchase, networking and installation of IT equipment at Kingswood Library.

4.6 Education

Confirm that there is a projected surplus capacity at both primary and secondary schools within the area of the proposed development. For this reason we would not currently request an education contribution. We reserve the right to amend this should the number of planned units increase or if the development does not proceed in the near future.

Other Representations

4.7 Local Residents

In response to the original public consultation, one letter of objection has been received. The grounds of objection can be summarised as follows:

- The proposed development does not provide for enough parking to serve the development exacerbating an existing problem of parking congestion

In addition one letter of support for the proposed development has been received subject to measures being put in place to prevent vehicular traffic between the side of the development and No.80 Moravian Road (in the form of a bollard).

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The Site lies within a Safeguarded Employment Area as defined on the South Gloucestershire Local Plan proposals map and as set out in Policy E4. Policy E4 supports the retention of Employment Areas within the Urban Area.

Paragraph 7.54 of the policy states that *“The Council is concerned to ensure that within South Gloucestershire, there is a wide choice of land and premises available to businesses wishing to continue or undertake new investment in the local economy and the local workforce. In this respect, vacant or underdeveloped land situated within the employment areas listed in Policy E4 and defined on the Proposals map represent a valuable resource. Paragraph 7.55 states “long established employment areas located within the urban areas provide a valuable opportunity for people to work near their homes and thereby minimise commuting distances”.*

In summary therefore policy indicates that land and premises subject to Policy E4 should, in the first instance and unless material considerations indicate otherwise, remain available for re-use and redevelopment for employment purposes. The policy recognises however that there may be circumstances where a site is no longer capable of accommodating employment uses or an alternative non-employment generating use may result in improvements to the amenities of any existing neighbouring residential occupiers.

Policy E4 states that Planning Permission will only be granted where it can be clearly demonstrated that:

- A) The proposal would support or would not prejudice the creation of employment uses elsewhere within the defined employment area
- B) No suitable alternative provision for the proposal has been made elsewhere in the plan
- C) It can be clearly demonstrated that the site is no longer capable of offering accommodation for employment purposes
- D) It can be clearly demonstrated that it would contribute to a more sustainable pattern of development
- E) The proposal would provide a significant improvement in the amenities of existing neighbouring residential occupiers

It is therefore necessary to carefully assess the proposal against the above criteria in turn, mindful, as has been indicated above that in the first instance the site should remain available for employment purposes for the reasons set out in Paragraphs 7.54 and 7.55 of Policy E4.

With respect to Criteria A, it must be recognised that there has already been a loss of employment land as a result of the previous development around Douglas Road. Officers consider however that the current proposal would not prejudice the creation of employment uses elsewhere within the defined employment area. It should be noted that the site has been in a non-employment use for approximately 20 years having been used as an entertainment facility and is currently vacant. The applicant has indicated that as an entertainment facility the premises employed 2 or 3 full time staff and up to 6 part staff, the floor area of 268sq.m would be likely, (according to Employment Density guidance), to employ approximately 14 full-time jobs. The current proposal would therefore introduce an element of new office employment and although this is only a small part of the scheme this would mean an effective net gain of employment space. No objection has been raised to the development on these grounds by the Council Economic Development Officer.

With respect to Criteria B, clearly the South Gloucestershire Local Plan makes provision for housing/residential development elsewhere in the plan area. As such the proposal would fail this criteria. PPS3 (Housing) makes clear however that local authorities should demonstrate a 5 year land supply and the need to deliver housing is considered a significant material consideration (this has been demonstrated in recent appeal decisions). Windfall development schemes such as the current proposal form a *“significant role in the process of supplying housing”* (para 8.28 Policy H1). Given that the scheme is considered to comply with the other criteria and is acceptable in terms of other material considerations, (transportation, residential amenity, layout and agreement with respect to affordable housing and community service provision), it is not considered that this criteria is an impediment to this scheme.

With respect to Criteria C, it is considered by Officers that the location, size and not least the shape of the site ensure that the chance of the site being redeveloped wholly for employment use for light industrial or a distribution use is low. The market for offices is unproven in this location. No objection on these grounds is raised by the Council Economic Development Officer.

With respect to Criteria D, as the scheme will provide some employment space it would contribute to a more sustainable pattern of development. The residential units are also situated in a sustainable location close to local services and facilities. It is considered the proposal is in accord with this criterion.

With respect to Criteria E, this vacant property does not contribute anything to the local area and as a vacant property would almost certainly over a period of time become a target for vandalism. There is evidence that has been supplied, (with the design and access statement), to indicate that complaints were received by the Council (this has been confirmed), regarding activities at the club when it was operating. There was opposition to an extension to the hours of the club by the Police as well as local residents. It is considered that a residential use has benefits, in terms of providing natural surveillance opportunities along both Moravian Road and Wood Road. It is therefore considered that the proposal is in accord with this criterion.

In summary, while it is noted that the approval of an application for a predominantly residential use could act as a precedent for further residential development within this protected employment area, it is considered that in this case, having regard to the characteristics of this particular site and its history, that the potential harm that could be caused by losing potential local employment provision does not outweigh the merits of the proposal.

Policy H2 of the South Gloucestershire Local Plan (Adopted January 2006) allows for residential development within existing urban areas, subject to certain criteria, including environmental and transportation effects, effects on residential amenity, the maximum density is achieved for the site's location, with a minimum density of 30 dwellings per hectare, and provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposals. The proposed density on site is 89 dwellings per hectare, which is over the minimum density level set out in Policy H2 and PPS3, this is nevertheless considered appropriate given the sustainable nature of the location, close to local services and public transport routes.

The principle of development is therefore acceptable, subject to the following detailed assessment.

5.2 Residential Amenity

Policy H2 of the South Gloucestershire Local Plan (Adopted January 2006) states that the residential amenity of existing occupiers is to be assessed when determining applications for new residential development. Amenity is assessed in terms of whether the development would appear oppressive or overbearing when viewed from that property and also includes whether overlooking/loss of privacy would result. Premises immediately abutting the site are commercial in character with the exception of a terrace of three properties to the north in Moravian Road.

Although the detailed design is reserved for future consideration and this would include window locations, it is not considered that the submitted layout and indicative design would have any significant impact upon the amenity of neighbouring occupiers given its scale and location. Concern raised by a

neighbouring occupier in relation to the access shown to the side of No. 80 Moravian Road is considered under "Other Issues" below.

5.3 Siting/Layout/Scale

Policy D1 of the South Gloucestershire Local Plan (Adopted January 2006) seeks to achieve good design in all new development. Policy H2 considers the environmental impact of new development, the density of the development and the extent to which the development takes into the account the amenity of future and neighbouring occupiers. The detailed design will be considered as part of the reserved matters, however indicative elevations have been submitted.

The layout largely reflects the existing layout of the site, with buildings along both frontages with space to the rear. The retention of a focal point (effectively retains the Rotunda that gives the site its name) at the junction of Wood Road and Moravian Road provides a landmark building and ensures that the site retains the existing form of the development, with two "wings" extending along each road frontage (albeit more extensive than at present). The courtyard arrangement allows for a degree of surveillance and security and is considered acceptable. It is noted that the presence of south-east and south-west elevations allows for solar gain.

With respect to the scale of the proposal, on the Moravian Road elevation the development is at its maximum height at the "Rotunda" being 4 storeys at this apex but stepping down to 3 storeys and to two storeys at the northern end . This approach is considered acceptable and ensures the integration visually of the development with the adjoining residential properties to the immediate north. The horizontal emphasis of the proposal is welcomed and there is an opportunity to develop this further in the detailed design through the use of a pallet of materials. The majority of the Wood Road elevation will be 2 storeys in height. The Design and Access Statement sets out the scale parameters (being on Moravian Road 61 metres long, 13 metres wide, with the highest point of the entire development being 15 metres at the 4 storey junction and on the Wood Road elevation 65 metres long, 15 metres wide). This is considered appropriate and as the scheme is an outline proposal it is recommended in accordance with the guidance that this forms the basis of a condition attached to the decision notice.

Policy D1(G) states that the design, orientation and location of buildings should achieve energy conservation and the protection of environmental resources. The South Gloucestershire Council Design Checklist (Adopted August 2007) supports this policy. No development shall take place until a scheme for environmental assessment of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for environmental assessment shall require the development to achieve Level 3 as set out in the 'Code for Sustainable Homes'. The approved scheme for environmental assessment shall also require adherence to a formal post-construction assessment regime, which shall be implemented prior to the first occupation of any of the dwellings hereby approved. The development shall be carried out in accordance with the approved scheme for environmental assessment, unless otherwise agreed in writing by the Council.

In summary it is considered that the siting, layout and scale (parameters) of the proposed development is acceptable and in accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted January 2006).

5.4 Landscaping

Policies D1 and L1 seek to conserve those aspects of the landscape that make a significant contribution to the character of the landscape and where possible to conserve these elements. Landscaping should be integral to the entire scheme. Landscaping is reserved, (and would be the subject of condition(s) at the reserved matters stage), however some limited landscaping is shown in the layout within the courtyard area and is considered appropriate.

5.5 Contamination

Given the former use of the site as a factory, it is considered that there is potential for land contamination. In accord with Policy EP6 a condition will be attached to the decision notice requiring a preliminary site investigation including a desk study report for any land contamination. The condition will set out the process and measures to be taken should contamination be discovered at this stage.

5.6 Transportation

Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006 consider standards for both cycle and car parking respectively. Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create with the paramount aim of preserving highway safety and minimising the impact of motorised traffic. Concern has been raised regarding the impact of the development upon parking congestion as it is stated that there is an existing problem.

With respect to access issues, at present there are currently two vehicular accesses to the site from Wood Road and Moravian Road (the later would be closed as part of this development). For the new development, the main vehicular access and pedestrian access would be from Wood Road direction through an archway under one the apartments. It should also be noted that some of the flats would also be able to gain direct access for pedestrians from Wood Road and Moravian Road. The commercial units on the Moravian Road frontage at ground level also have pedestrian access to Moravian Road. Adequate visibility splays can be provided from the site access onto the public highway.

Officers are satisfied that traffic generation that would result from the new development would be less than that generated by the existing use of the site.

With respect to parking issues, the scheme includes provision of 35 car parking spaces on site to serve the proposed development. This is based on 24 parking spaces for residents (i.e. ratio of 1 space per dwelling), 8 spaces for the office use with an additional 3 parking spaces for visitors. This level of parking is in accord with South Gloucestershire Policy and additionally, the site is within easy walking distance to Kingswood Town centre and close to other amenities and facilities and as such, it is considered to be a sustainable site.

The site is close to public transport routes reducing the need to travel by motor car. In order to promote the use of public transport facilities and in line with the national and local policies to reduce the reliance on the use of private vehicles, it is considered appropriate that the developer makes financial contribution towards public transport facilities in the area.

Subject to the payment of the sum of £10,000 secured under an appropriate legal agreement (to be used towards provision of "Real time information" facilities in connection to bus stops improvement in the Kingswood area), a condition to ensure that the site access is 5 metres wide with a 2 metres wide footway and also to ensure that the existing public footway along Wood Road and Moravian Road (i.e. fronting the development site) shall be widened to 2.4m. (to the full and final satisfaction of the Council's street care manager), there is no transportation objection. The applicant has agreed to the above requirement including the inclusion of the payment of the sum outlined above in a Section 106 agreement.

In summary, subject to the above conditions and agreement, the proposed development is considered to be in accord with the aims and objectives of Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted January 2006).

5.7 Drainage

There is no objection to the proposed development subject to the use of best drainage practice to include the use of Sustainable Urban Drainage systems (Suds). A condition is recommended to secure this. In addition given the location of the site within a former mining area, a condition will be attached to the decision notice requiring a mining report to be submitted to and approved in writing by the Council prior to the commencement of works on site.

5.8 Other Issues

Concern has been raised by an occupier at No.80 Moravian Road, regarding possible vehicular access via a gap between the side of that property and the development. The applicant has indicated agreement to the positioning of a suitably designed bollard to address this issue and a condition is recommended.

5.9 Community Services

Policy LC8 of the South Gloucestershire Local Plan (Adopted January 2006) considers provision towards open space and Children's Play Space in relation to new residential development. The Policy indicates that where local provision is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision to meet these needs. In addition Policy LC1 indicates that where local provision for leisure, recreation and other community facilities is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs. This may include contributions towards the enhancement of existing provision within the vicinity where on-site provision is not possible.

Guidelines from the National Playing Field Association recommends a minimum of 24m² of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m² per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development equates to: 918sq.m. The total contribution towards off-site enhancements of public open space would be £22,004.46. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £19,672.74 a total requirement of £41,677.20. Officers indicate that the enhancements would be carried out within 2 km of the development and that it is likely to be spent at Court Road and Kingswood Park.

In accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006, a contribution towards the provision of community facilities in scale and kind is required to meet the needs of future residents. In this instance the contribution required would be £757.44 towards the cost of new stock and the purchase, networking and installation of IT equipment at Kingswood Library which is situated within 1.14km of the site.

The applicant has agreed to the above requirements and their inclusion in a Section 106 Agreement.

5.10 Education Services

Policy LC2 indicates that where local education provision is inadequate to meet the projected need for places arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs via an appropriate agreement. Having regard to this policy, the Department for Children and Young People have indicated that there is no contribution required in this area towards either primary or secondary education.

5.11 Affordable Housing Requirements

Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) in line with guidance given in PPS3 states that the Council will seek an element of subsidised affordable housing without any public subsidy to meet local needs on all new housing development within the Urban Area of 15 dwellings or more (or where the site is 0.5 hectares or more). This proposal therefore falls within this category.

In line with the policy, Officers have negotiated with the applicant on the basis that the development will achieve 33.3% affordable housing to provide for those who cannot afford to rent or buy houses available on the open market.

Reflecting the scale of the proposal the Council seeks 6 x 1 bed flats for social rent, with these to have a minimum floor area of 45 sq.m and 2 x 2 bed flats for shared ownership with a minimum of 56 sq.m. This tenure split reflects the local housing need identified in the John Herrington Associates Housing Needs Survey 2004.

In terms of design and specification criteria, all the units are to be built in line with the same standards as the open market units meeting or exceeding the latest Housing Corporation standards applicable at the time that the S106

agreement is signed (or 6 months prior to the start of work on site which ever is applicable). The scheme shall achieve at least Level 3 of the Code for Sustainable Homes, JRF lifetime homes standard and Secure by Design.

The delivery is preferred through a partnering Registered Social landlord and the Council requires the affordable homes to be built at the same time as the rest of the housing on site. The affordability outputs in the S106 agreement are that social rents are to be set a target rents. With respect to the intermediate home ownership no more than 40% of the market value will be payable by the purchaser to ensure that the units are affordable to those in need of intermediate housing. The annual rent on the equity retained by the Registered Social Landlord or other Affordable Housing Provider shall be no more than 1% of the unsold equity. Any other models of intermediate housing will need to meet similar affordability levels as for intermediate home ownership other than intermediate rented housing that will be delivered at a maximum of 75% of the cost of full market rent. As far as possible the affordable housing shall be retained in perpetuity.

The applicant has agreed to the above terms/criteria and in terms of the detail, 8 units will be provided as follows:

Flats No.1 and No.4	(Ground Floor, 1no. bedroom, 45.52 sq.m)
Flat No.5	(First Floor, 2 no. bedroom, 66.93 sq.m)
Flat No.6	(First Floor, 2 no. bedroom, 62.22 sq.m)
Flat No.7	(First Floor, 1 no. bedroom, 45.00 sq.m)
Flat No.8	(First Floor, 1 no. bedroom, 45.67 sq.m)
Flat No.17	(First Floor, 1 no. bedroom, 45.67 sq.m)
Flat No.18	(First Floor, 1 no. bedroom, 45.00 sq.m)

Subject to the signing of an appropriate agreement (Section 106), the proposed development is therefore considered in accord with Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) and PPS6.

5.12 Design and Access Statement

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

5.13 Section 106 Requirements

In this instance, having regard to the above advice, the transportation improvements, provision of affordable housing, public open space and community facilities are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. **CONCLUSION**

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

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

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

7. RECOMMENDATION

7.1

1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- £22,004.46 towards enhancement of existing open space in the vicinity of the site and £19,672.74 towards the future maintenance of these enhancements to accord with Policy LC8 of the South Gloucestershire Local Plan (Adopted January 2006).
- £757.44 towards the provision of book/IT/audio equipment to the nearest library to the site (Kingswood Library) to accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted January 2006).
- £10,000 to be used towards improvements to Public Transport Links ("Real Time" Information facilities at bus stops in the vicinity of the site to accord with Policy T12(F) of the South Gloucestershire Local Plan (Adopted January 2006)
- 33.3% at nil public subsidy on site and on this basis 8 units of Affordable Housing with a tenure split of 6 x 1 no. bed flat for social rent and 2 x 2 no. bed flats for shared ownership in accordance with details agreed with the applicant (see paragraph 5.11 above) to accord with Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006).

2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

Background Papers **PK08/0028/O**

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

CONDITIONS

1. Approval of the details of the Design/Appearance 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:

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 design/appearance of the buildings and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

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:

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

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:

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

5. Application for the approval of the reserved matters shall be in accordance with the parameters described in the design and access statement hereby approved (in paragraph 5.12)

Reason:

To to accord with Policy H2, T12 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of any works, full details of means of preventing vehicular access along the gap between the site and the side elevation of No.80 Moravian Road, (in the form of a suitably design traffic bollard), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with the approved details and be retained as such thereafter.

Reason:

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

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

Reason:

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

8. No development shall take place until a scheme for environmental assessment of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for environmental assessment shall require the development to achieve, as a minimum, 'Code for Sustainable Homes' Code Level 3. The approved scheme for environmental assessment shall also require adherence to a formal post-construction assessment regime, which shall be implemented prior to the first occupation of any of the dwellings hereby approved. The development shall be carried out in accordance with the approved scheme for environmental assessment, unless otherwise agreed in writing by the Council.

Reason:

To achieve improved energy conservation and the protection of environmental resources and to accord with Policy D1 of the South Gloucestershire Local Plan (adopted January 2006).

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

Reason:

To minimise disturbance to occupiers of the immediately adjoining residential dwellings in Moravian Road and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. 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 to accord with Policies (EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. In accordance with the details shown on Drawing No.302A "Ground Floor Plan" hereby approved, the access shall be not less than 5 metres wide and the footway shall be not less than 2 metres wide and these shall be retained as such thereafter.

Reason:

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

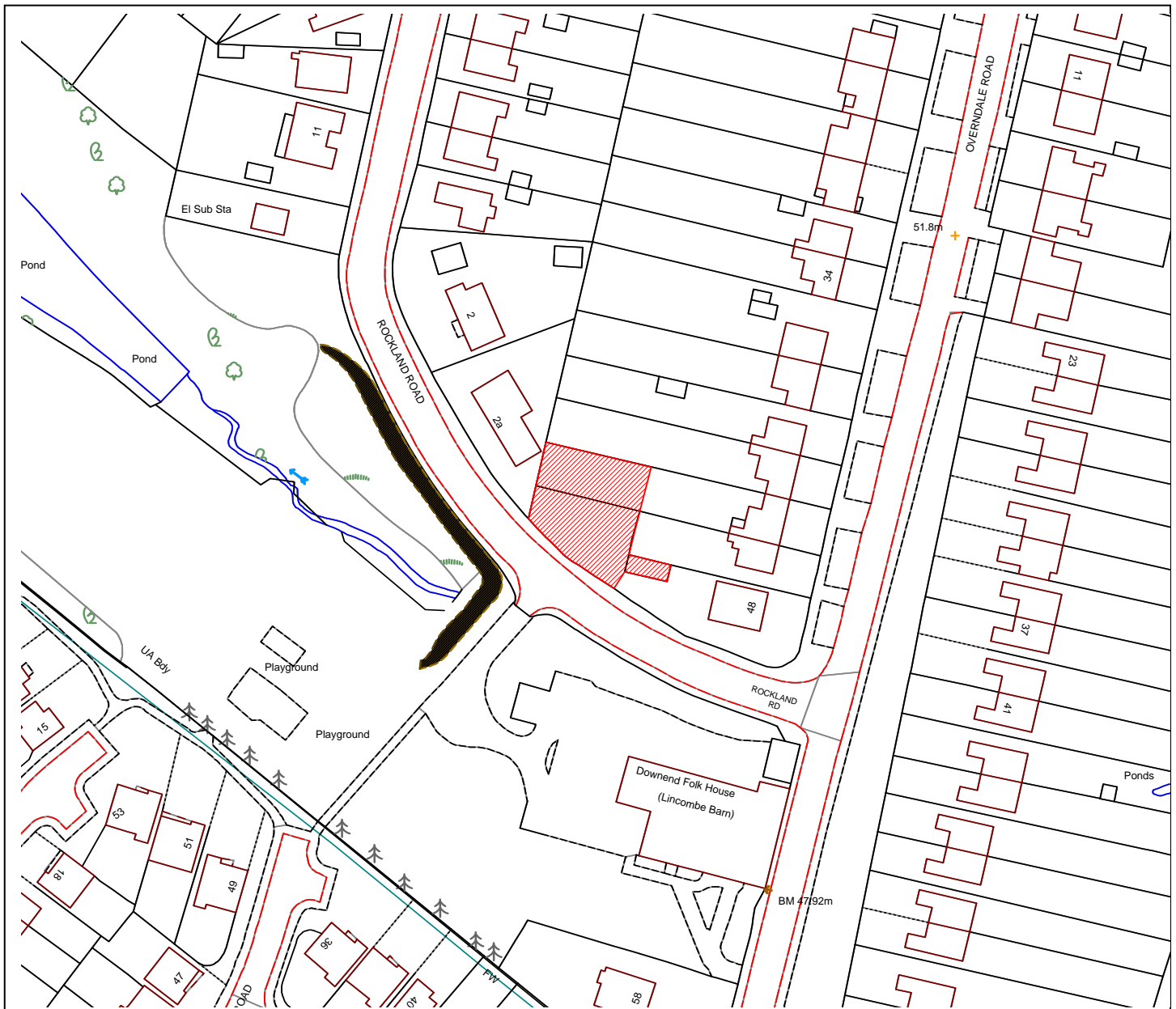
12. Prior to the first occupation of the dwellings hereby approved, the existing public footway along the entire Wood Road and Moravian Road frontages shall be widened to 2.4 metres. The footway widening shall be carried out to the full and final satisfaction of the Council Street Care Manager.

Reason:

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

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.:	PK08/0079/F	Applicant:	Mr Hendy And Ms Russe
Site:	48 Overndale Road, Downend, South Gloucestershire, BS16 2RT	Date Reg:	9th January 2008
Proposal:	Erection of 1 no. detached dwelling with associated works (amendments to previously approved scheme PK07/0579/F).	Parish:	Downend and Bromley Heath
Map Ref:	64598 77036	Ward:	Downend



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N.T.S

PK08/0079/F

INTRODUCTION

The application appears on the Circulated Schedule as there is one representation contrary to the recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 1 no. detached dwelling with associated works.
- 1.2 The site consists of part of the rear gardens of 44, 46 and 48 Overndale Road, with an existing access from Rockland Road to a garage. The site lies within the urban area of Downend. The site lies opposite Downend Folk House, a community centre. No 48 itself is on the junction of Overndale Road and Rockland Road, and has an existing access from Overndale Road.
- 1.3 The proposed house is of a chalet bungalow type, 8.5m deep, 13.5m wide and 11m high, with a pitched roof with three dormer windows on each roof plane. Materials proposed are render, natural stone and plain clay roof tiles. The scheme differs from the previously approved scheme in that it is 1.1m deeper, 2.2m wider and 0.5m higher, and land to the north of the original site (formerly part of the rear garden of no. 44 Overndale Road) has been included within the site as a garden. The existing garage and access is proposed to remain.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Area
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/0579/F Erection of 1 no. detached dwelling with associated works. Approved with conditions 2/7/2007

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
No response

Other Representations

4.2 Local Residents

The occupiers of no. 46 Overndale Road originally objected to the scheme but withdrew their objection following discussions with the applicant. The occupiers of 2A Rockland Road have made the following objections:

- Object to inclusion of windows on the west elevation of the property serving bedrooms 3 and 4 as will result in overlooking and loss of privacy
- Wish for the trees to the boundary be retained for privacy screening- the Tree Officer has stated that he would have recommended that the trees were retained

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H2 allows for residential development within the existing urban area, subject to various criteria, including whether the maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. Policy H4 allows for development within existing residential curtilages, subject to various criteria.

5.2 It is considered that since the site is a part of a rear garden, the maximum density for the site is achieved. The principle of development is therefore acceptable, subject to the following detailed assessment.

5.3 Residential Amenity

The lies at the rear of the nos 44, 46 and 48 Overndale Road and bounds the garden of nos 2a Rockland Road.

5.4 The scheme now includes land to the north as a garden for the proposed property, so overlooking and overbearing impact issues for the gardens of the properties on Overndale Road are not considered problematic. No windows are proposed on the east elevation that would overlook the rear of no. 46 Overndale Road, and this will be secured by condition. The remaining garden of no. 46 Overndale Road is over 20m long, so it is not considered that the east elevation would be overbearing on the occupiers of no. 46.

5.5 The proposal has two bedroom windows on the top of the west elevation. These face the side garden of 2A Rockland Road from a distance of 11m. Concerns have been raised by the occupiers of no. 2a regarding loss of privacy as a result of these windows, especially since the conifer trees on the boundary are not shown on the plan (although the application form states that no trees are proposed to be removed). Even if the conifer trees are removed, it is not considered that the proposed windows on the west elevation would harm the residential amenity of 2a Rockland Road, since they would face the side garden rather than a main elevation, and would be set back from the boundary by 11m. On this basis it would be difficult to substantiate a reason for refusal at appeal on the grounds of harm to residential amenity.

5.6 Visual Amenity

The principle of developing a house in this location has been agreed with the approval of the previous application. The design of the proposed house is

similar to that of the previously approved scheme. The scale of development is considered appropriate here, especially since garden land to the north has been included within the site boundary. The design of a chalet 'bungalow' is considered appropriate in this corner location, and it is not considered that the proposal would not look unduly out of place. The proposed materials, including natural stone and the use of moderately sized dormer windows is considered appropriate for this location.

5.7 Whilst concern has been raised about the loss of the conifer trees, it is a material consideration that they were shown as removed on the previously approved scheme. The row of conifers is not considered to enhance the visual quality of the area, and are a rather overbearing feature of the site. Other trees on site are mostly ornamental. The removal of the trees on site is therefore considered acceptable.

5.8 Transportation

Vehicular access for the proposed new dwelling will be utilising the existing access to the rear of Rockland Road. Parking is proposed on the driveway to the front of the new dwelling and the existing garage. Vehicular access for the existing dwelling will remain on Overndale Road. On this basis, there is no basis for a transportation objection to the proposal.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

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

6. **CONCLUSION**

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

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 **PK08/0079/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

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

Reason:

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

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.: PK08/0151/F

Applicant: Mr & Mrs R N Adams

Site: 32 Highfields, Hawkesbury Upton, South Gloucestershire, GL9 1BJ

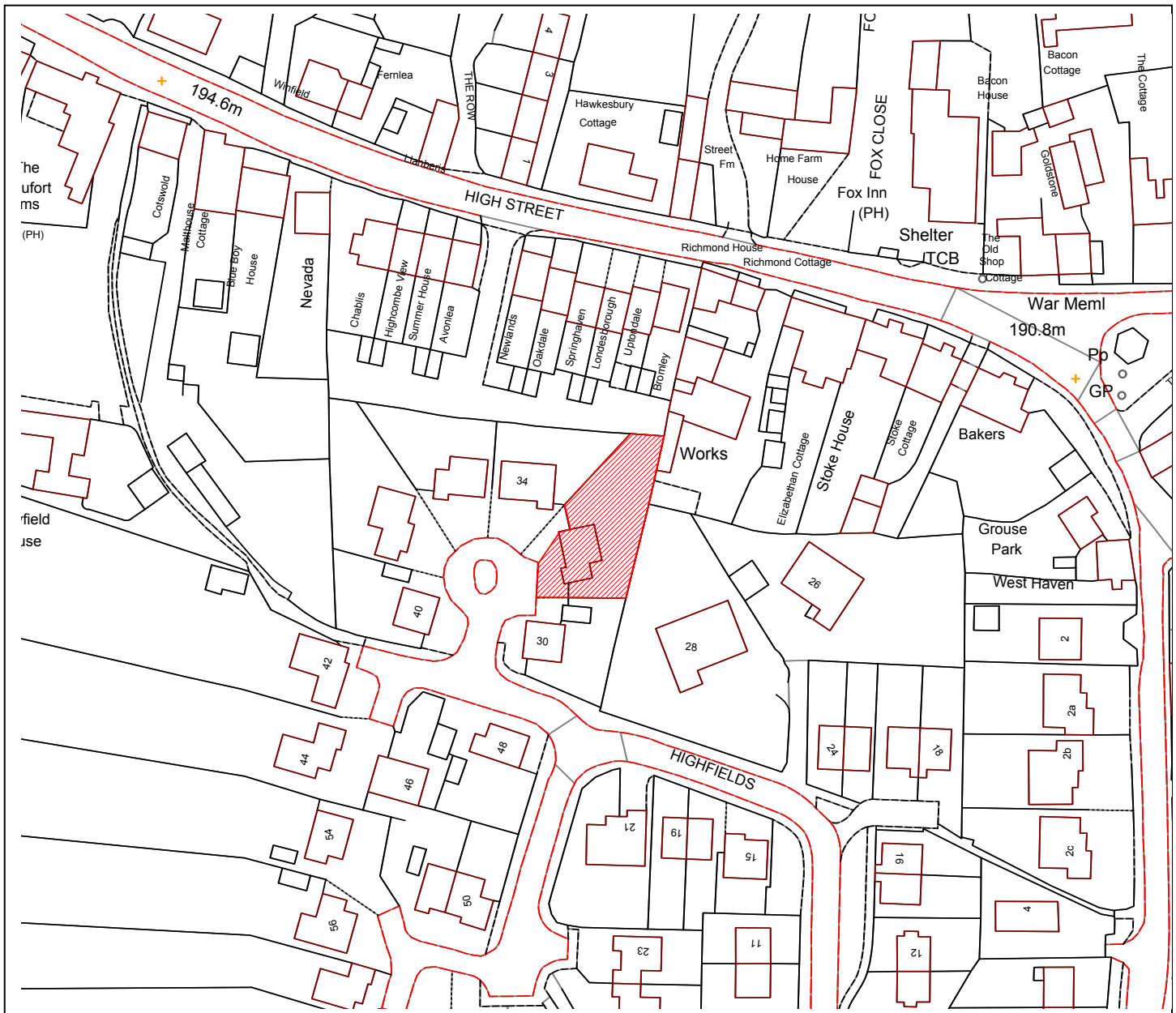
Date Reg: 16th January 2008

Proposal: Erection of two storey and single storey side extensions to form additional living accommodation and integral garage. Erection of front porch.

Parish: Hawkesbury Upton Parish Council

Map Ref: 77887 86904

Ward: Cotswold Edge



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N.T.S

PK08/0151/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 Full planning permission is sought for the erection of a two storey side extension; a single storey side extension; and a porch.
- 1.2 The application property consists of a detached two storey stone faced dwelling with a tiled pitched roof. It is located in the north east corner of an established residential cul-de-sac and is considered to form part of a collective housing group constructed as one development.
- 1.3 The site is located within the Defined Settlement Boundary of Hawkesbury Upton but is outside the Conservation Area. The site is also located within the Cotswolds Area of Outstanding Natural Beauty.

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 None.

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Upton Parish Council
No comments received.

Other Representations

4.2 Local Residents

One letter has been received during the consultation period associated with this planning application. The comments can be summarised as follows:

Object

- detrimental to visual amenities of streetscene
- detrimental to highway safety
- overbearing impact
- loss of privacy
- limited access to bin storage

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. Policy L2 requires that development does not harm the natural beauty of the Cotswolds AONB.

5.2 Design / Visual Amenity

Concern has been raised as to the impact of the development upon the visual amenities of the streetscene. In this instance it is considered that the two storey element has been designed to appear subservient to the host dwelling through a set down ridge height and set back front elevation. This approach is advocated in the Council's supplementary planning guidance. It is acknowledged, however, that the width of the extension will be 1.2 metres wider than the existing side garage. Its scale and mass, however, is not considered to be out of proportion with the host dwelling. It will also be constructed from materials that match the host dwelling. This element of the proposal is therefore considered acceptable in design terms

5.3 With regards to the second element of the proposed development, consisting of a single storey side extension, this will measure 4.5 metres in width X 6.5 metres in length with a maximum ridge height of 4.8 metres. It is considered that this element of the scheme is acceptable owing to its single storey form and it's siting in the side garden approximately 2 metres from the front elevation of the house and behind an existing 2 metre solid front boundary treatment.

5.4 The scheme also includes the creation of a front porch; this effectively involves infilling the space beneath the existing 'open' canopy porch. As a result it is considered to result in a minor and harmless alteration to the façade of the building, which is acceptable in design terms.

5.5 In specific reference to the concern that the development will affect the sense of space and openness between the dwellings, it is considered acceptable on the basis that a separation gap of approximately 8 metres will still exist between the two storey extension and the closest neighbour to the south, No.30. This is, in combination with the subservient form of the extension, which allows the original dwelling to remain dominant, is considered sufficient to avoid harm to the character of the streetscene. With regard to the single storey extension, it is considered that owing to its single storey form and set back location it will not impact on the open character of the estate.

5.6 With regards to the sites location within the Cotswold Area of Outstanding Natural Beauty, it is considered that owing to its limited domestic scale and the fact that it is entirely surrounded by built form, it will not harm the natural beauty of the AONB.

5.7 Residential Amenities

Concern has been raised as to the impact of the two storey element of the development upon privacy and residential amenity of the neighbouring property to the south (No.30). In this instance because the extension is located to the north of No.30 it will not impact on the passage of light into this neighbouring property and for this reason it will not cause significant overshadowing of the dwelling or the garden. This is particularly the case as an 8 metre (approximate) separation gap will remain between the dwellings. In addition, No.30 has a large pitched roof garage extending almost the entire length of the boundary between the two sites, creating what is considered to be a significant visual block between the proposed extension and the rear garden of No.30. In terms of privacy, two openings are proposed at ground floor level. It is that the existence of the large pitched roof garage positioned on the boundary will eliminate any possibility of inter-visibility. Regardless of the garage, the solid boundary treatment is more than adequate to stop inter-visibility as it reaches a height of 1.8 metres and runs along the entire boundary. It is considered necessary, however, to impose a condition requiring that no further openings are created above ground floor height to avoid views towards the rear garden of No.30 from an elevated position.

5.8 In reference to the single storey extension, it is considered that this will have not impact on the residential amenities of the closet neighbour (No.34) owing to its single storey height and position some 3 metres to the south east. Furthermore, No.34 is laid out a north south axis – its primary outlook is towards the cul-de-sac to the south and not towards the application site – and as result its residential amenities will not be harmed by the development.

5.9 Transportation

Concern has been raised as to the impact of the development (5 bedroom house) on parking and highway safety within the cul-de-sac.

5.10 The proposed development will contain an integral garage measuring 5.2 metres in length and 4.1 metres in width. The length of this garage is 0.8 metres below the length now stipulated by the Council. It is considered, however, that because the garage is a replacement for a significantly smaller garage (2.9 metres by 4 metres) the proposal results in an improved parking facility: it would therefore be unreasonable to refuse planning permission on these grounds. In addition, the front of the site is capable of accommodating at least two further cars. This level of parking would satisfy the requirements of Policy T8 (four bedrooms and over: 3 parking spaces). Furthermore, it is not considered that the development will prejudice highway safety. It is therefore considered that the development accords with Policy T8 & T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.11 Concern has been raised that the width of the extension will limit space for bin storage. In this instance it is considered that space will exist within the site to store bins in a safe and suitable location.

5.12 Section 106 Requirements

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

condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers **PK08/0151/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

3. No windows other than those shown on the plans hereby approved shall be inserted above ground floor height at any time in the south elevation of the property (facing towards No.30 Highfields).

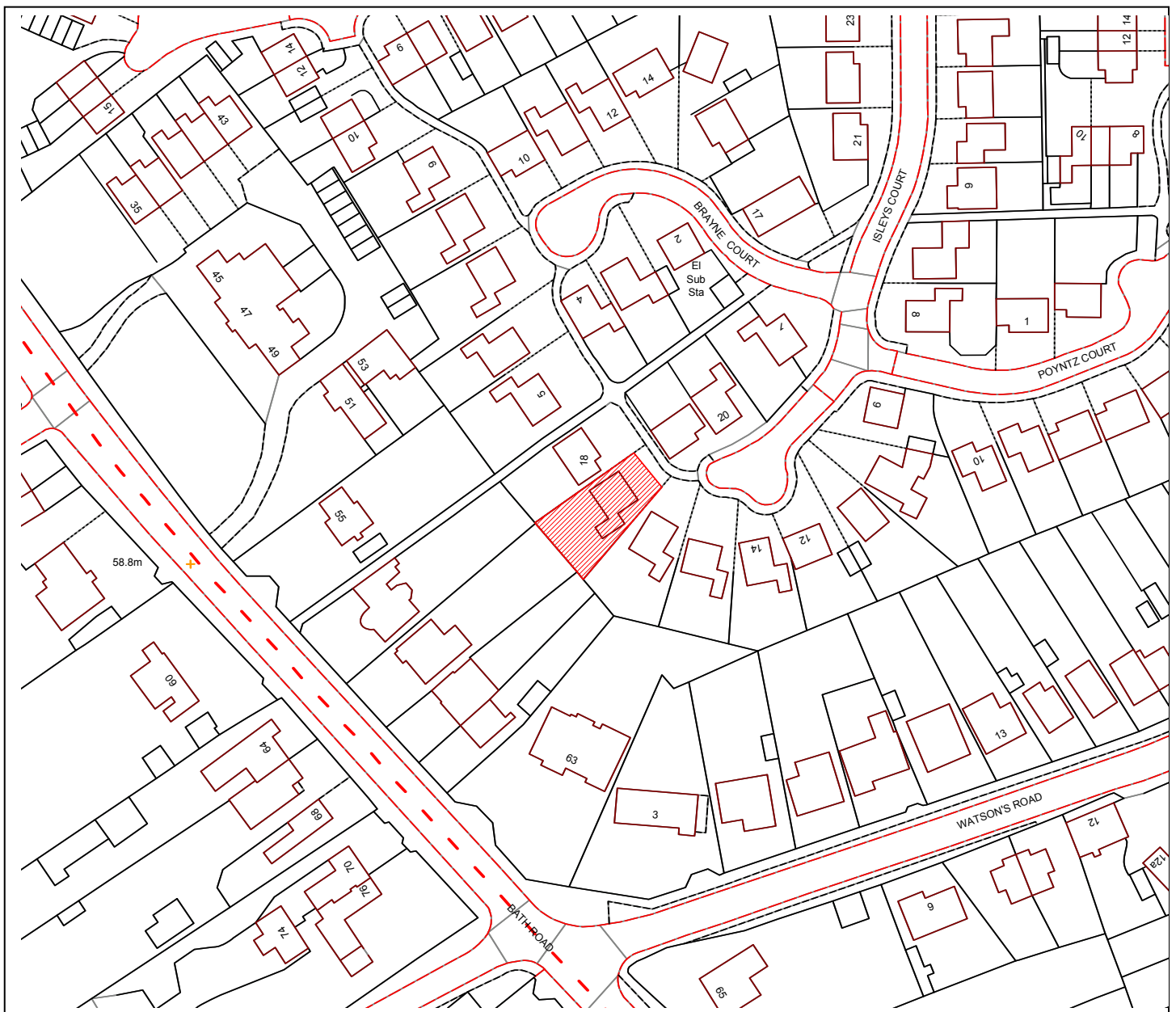
Reason:

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

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.: PK08/0205/F
Site: 17 Isleys Court, Longwell Green, South Gloucestershire, BS30 7DR
Proposal: Erection of two storey side and rear extension to provide replacement garage and additional living accommodation.
Map Ref: 65664 71334

Applicant: Mr N Corbidge
Date Reg: 22nd January 2008
Parish: Oldland Parish Council
Ward: Longwell Green



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N.T.S

PK08/0205/F

INTRODUCTION

This application appears on the circulated schedule following receipt of two objection letters (from the same local resident) which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Full planning permission is sought for two storey side and rear extension.
- 1.2 The application property consists of a detached two storey stone faced dwelling with a tiled pitched roof. It is located in the south west corner of an established residential cul-de-sac and is considered to form part of a collective housing group constructed as one development.

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 None.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection.

Other Representations

4.2 Local Residents

Two letters (from the same local resident) have been received during the consultation period associated with this planning application. The comments can be summarised as follows:

- loss of light
- trespass (encroachment) onto neighbour's land
- contrary to restrictive covenant

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 Visual Amenity / Design

In line with the Council's supplementary planning guidance the extension has been designed to appear subservient and secondary to the host dwelling by way of a set down ridge height and set back front elevation. In addition, the first floor window, through its limited height, will not visually compete with the dominance of the existing first floor bedroom window – a feature which contributes significantly to the character of the dwelling. Accordingly, its scale, mass and design are considered to be in proportion with the host dwelling. In addition, the construction materials will match the palette of materials displayed on the host dwelling, assisting in the development's integration with the host dwelling. As a result the extension is considered to be acceptable in design terms.

5.3 Residential Amenity

Concern has been raised that the extension will restrict the level of light entering No.16, positioned to the south east of the application property.

5.4 Officers have noted that No.16 does benefit from two window openings facing towards the application site. One window serves a landing, and therefore is classified as a 'non-habitable' room. In these circumstances the Council adopts the approach that development that encroaches upon such rooms does not automatically warrant refusal. The second window serves a study, which is classified as a habitable room. The outlook from this window is directly into the existing boundary treatment and the flat roof garage of the application property beyond. As a result, whilst it is accepted that the proposed development will inevitably lead to some overshadowing of this room, it is considered that the fact that the outlook is already enclosed by the existing circumstances means that a refusal reason on overshadowing grounds could not be substantiated. Officers also consider that the residential amenity of this neighbouring property will not be harmed by the development owing to the limited (rear) projection distance of the extension at 3.2 metres; its siting, offset from the boundary; its orientation, projecting away from No.16 in a south westerly direction; and the orientation of No.16 whose primary outlook (particularly from within the main habitable rooms – bedrooms, living room and kitchen) is to the south and not towards the application site to the north. In addition, with the application site to the north of No.16, the passage of the sun will be unaffected by the development. Finally, no openings are proposed in the side elevation facing towards No.16, ensuring that a loss of privacy will not occur. Officers therefore consider that, on balance, the residential amenity of No.16 and surrounding properties will be unharmed by the development.

5.5 In specific reference to the concerns about right to light it should be noted that the Council's 'Commenting on a Planning Application' document states that: 'Generally there are no rights in law to a view across or light from land which is not in your ownership. If you are aware of any special rights which your property has in this respect then you should consult a solicitor'.

5.6 Transportation

The extension will contain an integral garage. The front of the site is capable of accommodating two further cars. As a result sufficient space will be available to park three cars in line with Policy T8 (Parking Standards) of the South Gloucestershire Local Plan. In addition, it also considered there will be no risk to highway safety as a result of the development being approved.

5.7 Other matters arising

The concerns raised in respect of restrictive covenants are legal matters, which fall outside the remit of planning legislation. As a consequence, they are not considered material planning considerations in the determination of this application.

5.8 The concern raised in respect of ownership boundaries and encroachment are civil matters which will be addressed under non planning legislation in the form of the Building Regulations, The Party Wall Act and other related legislation. 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.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/0205/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

3. No windows shall be inserted above ground floor height at any time in the south east elevation of the property (facing towards No.16 Isleys Court).

Reason:

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

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.: PK08/0230/F
Site: Former Linden Hotel, High Street, Kingswood, South Gloucestershire, BS15 4AD

Applicant: M B Estates Ltd
Date Reg: 24th January 2008

Proposal: Erection of a two storey rear extension to form extended existing accommodation and 1 no. flat (resubmission of PK07/0553/F).

Parish:

Map Ref: 65120 73867

Ward: Kings Chase



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N.T.S

PK08/0230/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey rear extension and porch, to form an extension and the creation of one flat within it. The extension would bring the existing building line out by 5.5 metres.
- 1.2 The site is a former hotel which is now used as a hostel, although it appears to be currently not in use. The extension is proposed for the end of a three storey wing to the rear, bringing it almost in line with a similar projection on the adjoining property to the east. To the rear of the site is a car park to serve the former hotel and the proposal was result in the loss of two car parking spaces. To the west of the site lies a terrace of two storey houses in Church Road, with rear-facing habitable room windows and amenity areas limited to yards at the rear. This edge of the site is marked by a stone wall almost three metres high and one mature conifer tree.
- 1.3 This application follows the refusal of a previous similar scheme for three reasons: Overlooking of nearby gardens from proposed balconies/ terraces, lack of subservience in the design of the extension and lack of amenity space to serve the flat, other than the balconies, which could therefore be used for hanging washing etc, with a detrimental impact upon visual amenity resulting
- 1.4 This application has been modified from the previously refused scheme in the following respects:
- * All terraces/ balconies removed and no change shown to the second floor of the existing building
 - * Depth of extension brought down from 6.1 metres to 5.0 metres
 - * Width of two storey part of the extension reduced to show subservience to the host building and single storey element makes up rest of width
 - * Gable end introduced into the extension

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
- | | |
|-----|--------------------------|
| H4 | Extensions to dwellings |
| D1 | Design |
| H2 | Residential Institutions |
| T7 | Cycle Parking |
| T8 | Car Parking |
| T12 | Transportation |

3. **RELEVANT PLANNING HISTORY**

- | | | | |
|-----|-------------|--|----------|
| 3.1 | P77/4259 | Extension to hotel | Approved |
| 3.2 | PK01/2042/F | Erection of second floor extension | Approved |
| 3.3 | PK07/0553/F | Two storey and single storey rear extension to form one flat and extended existing accommodation | Refused |

4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council
No parish
- 4.2 Other Consultees
Environmental Protection
No objection in principle

Transportation

This proposal is a resubmission of PK07/0553/F which was refused planning permission. No highway objection was raised to this proposal. This current submission remains the same in transportation terms as the previous proposal. Subject to a suitable condition to secure two additional cycle parking spaces, there is no transportation objection to this proposal.

Other Representations

4.3 Local Residents/ Businesses

One letter of objection was received, citing the following concerns:

- Problems with arrangements for sewerage in the vicinity
- Tenants at the Linden Hotel regularly park in a nearby private car park. The writer requires confirmation from the owners of the Linden that their site will not be used for car parking and that they will also rectify any problems with sewerage and waste drains

NB The last point is not a valid planning concern as it relates to land ownership.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above in the light of all material considerations. The principle of the proposal is considered to be acceptable, subject to the analysis below. The immediate task of this application is to overcome the previous three refusal reasons. Two of these reasons related to balconies which have now been deleted from the scheme, while the other related to design.

5.2 Design and Appearance

The proposal is to extend a rear wing of the property, but not along its full width. Extensions should normally be subservient to the building which they serve in order to demonstrate good design and that is the case with this proposal. This part of the hotel building is visible from the public realm, although at a distance, across the car park. It does not play a part in the conventional street scene. The design of the extension would be simple, creating a gable end which is considered to create a visually well-balanced elevation, complying with policy D1.

5.3 Effect on Residential Amenity of Surrounding Occupiers

The proposed extension would not project further to the rear than the adjoining building to the east, so there is not considered to be any overbearing impact

arising from this proposal. No windows are proposed on side elevations of the extension and later insertion of windows would be controlled by the condition shown below. This would protect the privacy of rear gardens of the properties in Church Road. Views into these gardens are already limited by the tall boundary wall. The revised design is therefore considered to have overcome the previous refusal reason of the impact on adjoining residential amenity and the current proposal is considered to comply with policy.

5.4 Residential Amenity of Future Occupiers

No outdoor amenity space has been identified to serve the proposed flat and extension to the hostel. The previous scheme was refused for having the amenity area on terraces at first and second floor, effectively putting the activities and uses it is put to on display, with a lack of privacy for the users. The deletion of these terraces in the current proposal is considered to have overcome this previous refusal reason. The proposal is for a one bedroom flat and since this would not provide family accommodation, in common with the rest of the building, it is considered that a requirement for amenity space in this instance could not be sustained.

5.5 Transportation/ Parking Issues

The Transportation comments on this proposal appear at 4.2 above. No objection has been raised and it is considered that the proposal complies with policy in this respect.

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 (Consultation Draft).

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.

Background Papers PK08/0230/F

Contact Officer: Chris Gosling

Tel. No. 01454 863787

CONDITIONS

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

Reason:

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

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

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.

INTRODUCTION

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

1. THE PROPOSAL

1.1 This application seeks planning permission for the erection of a rear extension. The house on the site is the middle of a row of three which form a spur off Cesson Close. All are constructed of brick and tile. The three houses broadly share a common rear building line, although each has projecting elements. This proposal would infill a two storey projection, at single storey level.

1.2 The site's rear garden has a fence as a boundary treatment.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 House Extensions

3. RELEVANT PLANNING HISTORY

3.1 P85/1790 Rear conservatory Approved

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council
No objection

Other Representations

4.2 Local Residents
The proposal would lead to a loss of privacy, as the kitchen window would be moved 2 metres closer to the adjoining property, overlooking the garden, due also to the elevated position of the site in comparison to the adjoining property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be resolved are the impact of the proposal on the residential amenity of adjoining occupiers – whether it is overbearing or not – and whether there is any harm to visual amenity from the proposal.

5.2 Design/ Visual Amenity
The proposal, as it infills a corner, would not be visually obtrusive. The design proposed is simple and all materials to be used would match those of the existing dwelling. It is therefore considered that the design is acceptable and would not harm visual amenity.

5.3 Residential Amenity
The extension would be 2.35 metres deep and set back from the boundary. It is not considered to have a detrimental impact on the residential amenity of the adjoining property, which is also set back from the boundary. The consultation

process has raised the possibility of overlooking the adjoining garden. There is an existing secondary kitchen window which faces the adjoining property, which would be lost through the infill extension. The extension would also have a secondary window facing in the same direction, at a closer position, but smaller than the existing kitchen window. The primary window for the room which would be created by the extension would take the form of French doors looking out over the garden of the site. Secondary windows are not normally held to affect residential amenity and in this case the window is very small in comparison with the main views out of the room. The secondary window would also be closer to the site boundary, but the boundary treatment in place would be closer to the side-facing window than it is at present and this fence is designed to maintain privacy. It should be borne in mind that a boundary treatment of up to 2 metres above ground level can be erected without planning permission and that planting of whatever height would be outside of planning control. Overall, it is considered that this aspect of the proposal would not compromise existing levels of residential amenity.

5.4 Section 106 Requirements

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

6. CONCLUSION

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

The 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.

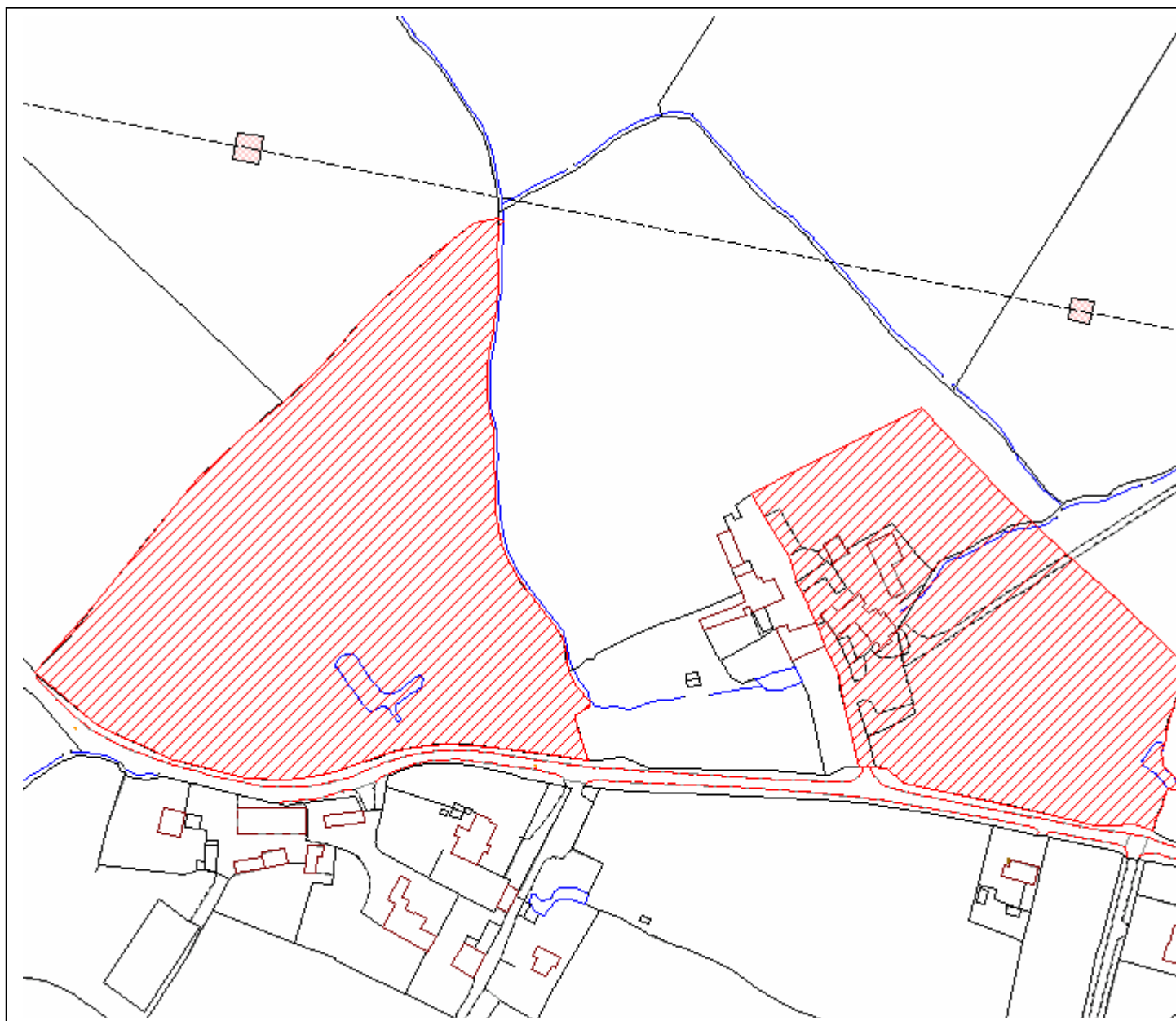
7. RECOMMENDATION

7.1 That planning permission is approved.

Background Papers **PK08/0258/F**
Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.:	PT07/2793/F	Applicant:	Mr R Hopkins
Site:	Green Farm Gaunts Earthcott Almondsbury South Gloucestershire BS32 4JR	Date Reg:	12th September 2007
Proposal:	Erection of stable building and change of use of land to allow the keeping of horses.	Parish:	Almondsbury Parish Council
Map Ref:	63569 84329	Ward:	Almondsbury



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N.T.S

PT07/2793/F

INTRODUCTION

This application appears on the Circulated Schedule given that it forms a major submission.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a stable block and the change of use of agricultural land to provide for the grazing of horses.
- 1.2 The application site lies within the curtilage of the Grade II Listed Green Farm. It is beyond any settlement boundary and is encompassed by the Green Belt.
- 1.3 This application comprises a resubmission of PT07/1337/F that was refused for the following reasons:

'The proposed stable building would be detrimental to the character and setting of the adjoining Grade II listed Green Farm. The proposal is therefore considered to be contrary to planning policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.'

'By reason of its size, the proposal would accommodate a number of horses in excess of the British Horse Society recommendations having regard to the area of grazing land available. The proposal is therefore considered to be contrary to planning policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.'

'The proposed stable building does not represent essential facilities to serve the land to which it relates and thus fails to preserve the openness of the Green Belt. The proposal is therefore contrary to the provisions of Planning Policy Guidance Note 2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.'

- 1.4 This application follows subsequent discussions with the agent with regards to the siting of the proposed stable building.
- 1.5 The application includes amended plans to allow sufficient land for the grazing of horses in accordance with the recommendations of the British Horse Society.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Joint Replacement Structure Plan

Policy 1	Sustainable Development
Policy 16	Green Belt
Policy 19	Cultural Heritage Protection

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L13	Listed Buildings
GB1	Development within the Green Belt

L1	Landscape Protection and Enhancement
E10	Horse Related Development

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT05/2081/F: Demolition of redundant farm buildings to facilitate conversion of existing barn to form dwelling house. Withdrawn: 26 August 2005
- 3.2 PT05/2082/LB: Demolition of redundant farm buildings to facilitate conversion of existing barn to form dwelling house. Withdrawn: 26 August 2005
- 3.3 PT06/0111/F: Demolition of redundant farm buildings to facilitate conversion of existing barn to form dwelling house. Permitted: 14 February 2006
- 3.4 PT06/0252/LB: Demolition of redundant farm buildings to facilitate conversion of existing barn to form dwelling house. Permitted: 14 February 2006
- 3.5 PT07/0960/F: Demolition of redundant farm buildings to facilitate conversion of existing barn to form dwelling house. Permitted: 9th May 2007
- 3.6 PT07/0961/LB: Demolition of redundant farm buildings to facilitate conversion of existing barn to form dwelling house. Permitted: 9th May 2007
- 3.7 PT07/1337/F: Demolition of existing agricultural building; erection of stable block. Refused: 18th June 2007

4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council
No comment/ objection
- 4.2 Other Consultees
No comments received
- 4.3 Local Residents
The application is currently subject to an extended period of consultation. No comments have been received to date. If comments are received that object to the proposal, the application will be referred back to the Circulated Schedule.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Policy E10 cites that proposals for horse related development will be permitted outside of the urban areas and settlement boundaries provided that:
 - o Development would not have an unacceptable environmental impact; and
 - o It would not prejudice neighbouring residential amenity; and
 - o Adequate provision is made for vehicular parking, turning & manoeuvring; &
 - o Safe and convenient access to bridleways/ riding ways is available; and
 - o There is no existing suitable underused building; and
 - o The design of the building, its size and the number of horses would have proper regard to the safety and comfort of the horses.
- 5.2 Policy L13 advises that development including alterations or additions affecting a listed building and its setting will not be permitted unless:
 - o The building and its setting would be preserved; and

- Features of architectural or historic interest would be retained; and
 - The character, historic form and structural integrity of the building would be retained.
- 5.3 The site is within the Green Belt thus policy GB1 applies. This advice cites that planning permission will only be granted for the construction of new buildings in a limited number of circumstances. An essential facility for outdoor sport and recreation and for other uses that preserve the openness of the green belt is cited as one such exception.
- 5.4 The Proposal
The application seeks approval for a new stable building and the change of use of land to allow the grazing of horses. Having regard to the proposed stable, this would be sited to the rear of the existing farm complex on an existing base that would appear to have at one time provided for a structure in this position.
- 5.5 The building would comprise a substantial structure measuring 10.1m in width, 18.6m in length with a ridge height of 4.35m. It would resemble a modern agricultural building with block work rising to 1.4m in height and with the upper half of the structure timber clad. Internally, it would be subdivided to provide eight enclosures, a tack room and feed store.
- 5.6 The application would also allow the change of use of land for the grazing of horses. There is no objection to this element of the scheme on this basis.
- 5.7 Listed Building Considerations
Planning permission and listed building consent has recently been granted in respect of the conversion of the adjoining barns to provide a dwelling. These approvals have allowed alterations to these buildings including an increase in ridge height. In this regard, it was considered that removal of the surrounding dilapidated barns provided an essential element of this scheme. A condition attached to the planning decision notice therefore required the demolition of a number of the barn buildings prior to the first occupation of the proposal.
- 5.8 In light of the above, this scheme was the subject of pre-application discussions to ensure that the siting of the proposal would not have an unacceptable impact on this adjoining listed building. As such, the building has been repositioned from the site originally shown and would now be partly screened from the listed farmhouse and the adjacent curtilage listed barns by the single-storey milking parlour range. To this extent, whilst the new position is not that preferred by Officers, this does overcome the first objection raised to the initial submission.
- 5.9 It is however noted that there are no details in respect of areas of hard standing that might be required around the proposed stable. It is considered that this should be conditioned both to safeguard the setting of this listed building and the amenities of the green belt countryside.
- 5.10 Horse Welfare
In considering proposals for the horse development, the Council takes account of British Horse Society recommendations which provide advice tailored to the comfort and welfare of horses.
- 5.11 Having regard to the above, it is advised that a stable should be big enough for a horse to stand up in and to turn around without difficulty (between 3 x 3.7m and 3.7 x 3.7m dependent upon the size of horse) and 2.7- 3.4m in height. In

- this instance each enclosure would be 3.6 x 3.6m whilst the building would be of ample height. No objection is therefore raised on this basis.
- 5.12 This guidance also cites that an area of land of at least 0.4- 0.6ha should be provided for each horse for grazing. Accordingly, the area of the application site has been increased to 4.4ha to provide sufficient land for the number of horses catered for. The inclusion of this land overcomes the previous second refusal reason thus there is no objection to the scheme on this basis.
- 5.13 Finally, there appears ready access to areas allowing horse riding including a bridleway that runs from the farm; no objection is therefore raised on this basis.
- 5.14 Impact upon the Openness of the Green Belt
Policy GB1 cites that planning permission will be given for the construction of new buildings within the green belt where they provide essential facilities for outdoor sport and recreation; as such there is no objection in principle to the proposal. There was however a related objection to the last scheme; primarily by virtue of the size of the building that was too large for the area of land that it would serve.
- 5.15 The area of the application site has been increased with this now proportionate to the size of building proposed. Further, given the design of this structure (that would appear a modern agricultural structure not uncommon with this type of location); there is now no objection to the proposal on this basis with the last refusal reason attached to the previous scheme also now overcome.
- 5.16 Residential Amenity
Presently, only Green Farm stands within close proximity of the build although the aforementioned approval would introduce a further unit between. To this extent, whilst the proposal would be within close proximity of the conversion, it is not considered that this provides any good reason upon which to refuse this application. Amenity issues also did not comprise a refusal reason in respect of the previous application.
- 5.17 In view of the above, it is not considered that any significant adverse impact in residential amenity would be caused. This is having regard also to the change of use of land as proposed given the rural nature of the locality.
- 5.18 Additional Outbuildings
There appear no further outbuildings in close proximity of the proposed stable building that would be suitable for conversion for this type/ size of proposal.
- 5.19 Highway Safety
There is no highway objection to the proposal subject to a condition prohibiting commercial livery without the prior consent of the planning authority. Further, given the area of land adjacent to the stable that would allow for grazing, use of the more remote field (accessed along the highway) might be infrequent. As such, there is no transportation objection to this current proposal.
- 5.20 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.

5.21 Section 106 Requirements

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Background Papers **PT07/2793/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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

6. All areas of hardstanding shall be restricted to inside of the stable building hereby approved.

Reason(s):

To safeguard the special architectural and historic character of the adjoining Green Farm and curtilage Listed Buildings, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

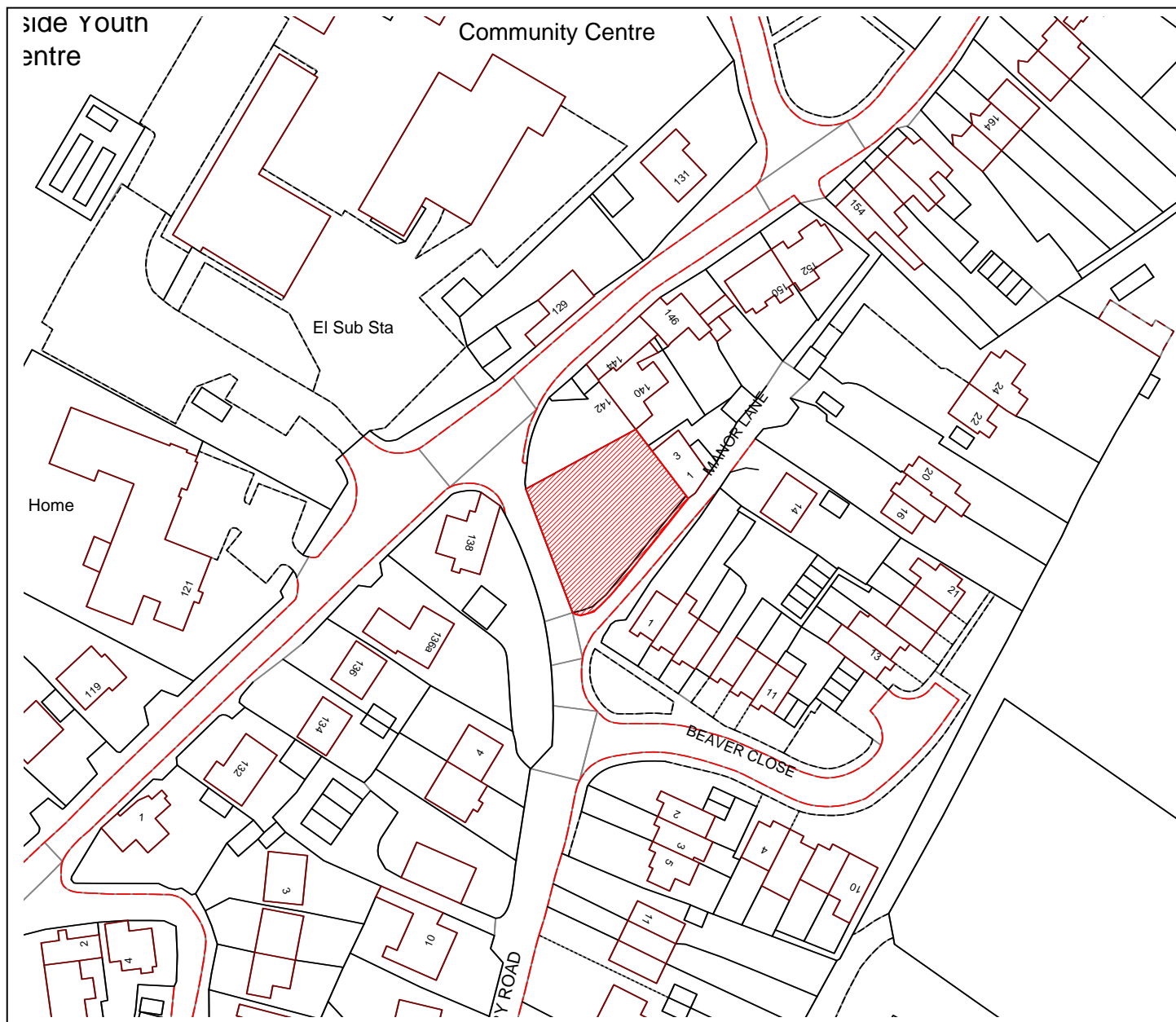
7. No development shall take place until details of the roof colour and staining to the vertical timber boarding proposed have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity and the setting of the adjoining Listed Building, all to accord with Policies D1, L13 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.: PT07/3460/F	Applicant: Mr D Down
Site: 1 Manor Lane Winterbourne South Gloucestershire BS36 1QJ	Date Reg: 22nd November 2007
Proposal: Erection of 1 no. detached dwelling with associated works	Parish: Winterbourne Parish Council
Map Ref: 65880 81331	Ward: Winterbourne



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N.T.S

PT07/3460/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of objections from local residents and Winterbourne Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a three bedroom detached dwelling.
- 1.2 The application site relates to land within the curtilage of 1 Manor Lane. The application site is located within a well established residential area within the Winterbourne settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1: Delivering Sustainable Development
 - PPS3: Housing
 - PPG13: Transport
- 2.2 Joint Replacement Structure Plan (Adopted) September 2002
 - Policy 1: Sustainable development objectives
 - Policy 2: Location of development
 - Policy 33: Housing provision and distribution
 - Policy 34: Re-use of previously developed land
 - Policy 35: Housing density
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
 - D1: Delivering Good Quality Design in New Development
 - H2: Residential Development within Existing Urban Areas
 - H4: Development within Existing Residential Curtilages
 - T8: Parking Standards
 - T12: Transportation Development Control Policy for New Development
- 2.4 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P93/1480 Erection of double detached garage
Refused 16 June 1993
- 3.2 PT05/2165/F Erection of two storey rear extension to form extended kitchen with bedroom and en-suite.
Approved 5 September 2005
- 3.3 PT05/2622/F Erection of two metre high boundary fence with gates
Approved 31 October 2005

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council

Objection. The Parish Council is concerned as the plans are very unclear. There appears to be no change from the previous plans. The proposed dwelling masks the neighbouring property totally.

4.2 Environment Services

No objection subject to standard informative to protect amenity

4.3 Sustainable Transport

No objection

4.4 Technical Services

No objection subject to informative and advice regarding Sustainable Drainage Systems (SUDs) and surface run-off

4.5 Local Residents

19 letters of objection have been received from local residents from 8 different households. Due to amended plans there have been three consultation periods during this application, which explains the multiple letters from households. The grounds of objection have been summarised below:

- a. Increase existing parking problems along Manor Lane and Beaver Close;
- b. Prejudice vehicular access and egress to and from Manor Lane;
- c. The access onto Factory Lane would be dangerous;
- d. Loss of privacy to adjacent properties;
- e. Overshadow adjacent properties;
- f. Loss of garden space in Winterbourne;
- g. Pressure on Council to provide more green space;
- h. This type of housing not affordable for young people; and
- i. It would affect the character of the area;

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Advice contained within PPS3 encourages the provision of additional housing on previously developed land within existing towns and cities to promote more sustainable patterns of development. This policy stance is reflected in policies contained within the Adopted Joint Replacement Structure Plan and South Gloucestershire Local Plan.

- 5.2 Policy H2 of the South Gloucestershire Local Plan March 2006 incorporates current planning advice contained within PPS3 and the JRSP and allows for new residential development within the boundaries of settlements. This is subject to compliance with a number of criteria as expressed through policy H2 and H4, which are assessed below

5.3 Design and Visual Amenity

This application seeks full planning permission for the erection a detached dwelling within the front garden of No. 1 Manor Lane. The site is situated in a prominent position which is visible from both Watleys End Road to the north and Factory Lane to the west. The site is surrounded by traditional rural cottages to the north and east and modern housing to the south.

- 5.4 The front elevation of the proposed cottage would include a small porch and two small gables set into the roof. The initial plans showed two canopies above the ground floor windows. However, these were considered to over complicate

the front elevation and were therefore removed after discussions with the applicant. The rear elevation would comprise of a subservient one and half storey wing and another gable set into the roof. Finally, the dwelling itself would be finished in local Pennant coursed stone and clay tiles. In light of the above, it is considered that this design approach, detailing and materials would provide a modest and simple style cottage which would respect the character and appearance of the surrounding area.

5.5 First floor accommodation would be provided in the roof space. This has been achieved by keeping the ridge and eaves heights at a minimum and providing additional space through gables set into the roof space. It is considered that this design solution would provide a dwelling with an appropriate height, scale and massing, which would respect both the character and the appearance of the surrounding area.

5.6 The front elevation of the proposed dwelling would be orientated north towards Watleys End Road. Due to the expansive front gardens of the Nos. 140 and 142 Watleys End Road the dwelling would be set back from the predominant building line of this street. However, this is not considered to be significant urban design issue given the ad hoc settlement pattern of the surrounds. As such, it is considered that the proposed siting would be acceptable.

5.7 Density

Planning policy H2 cites that the maximum density compatible with the site, its location, its accessibility and surroundings should be achieved. To this extent, the expectation is that all development will achieve a minimum density of 30 dwellings per hectare and that higher densities (upwards of 50 dwellings per hectare) will be achieved where local circumstances permit.

5.8 In this instance, the total site area equates to 0.036ha providing for a density of some 30 dwellings per hectare. Therefore, whilst this falls slightly below the threshold required. It is not considered that any more than one dwelling could be provided for. Given the design, access and transportation issues which would arise from more than one dwelling on this site. As such, there is no objection to the proposal on this basis.

5.9 Residential Amenity

The applications site is immediately surrounded by four dwellings (Nos. 138 and 140 Watleys End Road, No. 1 Manor Lane and No. 1 Beaver Close) the impact of the proposal on the residential amenity of the occupiers of these properties is discussed below:

5.10 ***Impact on 138 Watleys End Road***

This property is situated approximately 10 metres to the west of the application site on the opposite side of Factory Lane. It is considered that the proposal would have no impact on this dwelling. This is because dwelling would face onto the side elevation of the proposal and the boundary of No. 138 is substantially screened from the development through a number of mature Sycamore and Horse Chestnut Trees.

5.11 ***Impact on 140 Watleys End Road***

This property is situated immediately to the north of the application site. The occupier of this dwelling has objected on grounds that the proposal would overlook their front garden. It is appreciated that the proposed front first floor windows would afford some views into the amenity space of No. 140. However,

this amenity space is already overlooked from the public realm due to the low boundary wall. Furthermore, No. 140 has an existing rear garden which provides adequate private amenity space for a dwelling of this size. However, to lessen any overlooking the orientation of the dwelling has been slightly amended so that it faces north-west rather than north-east. In light of the above, it is considered that the proposal would maintain the residential amenity of these occupiers.

5.12 ***Impact on 1 Manor Lane***

The front elevation of this property would be situated approximately 25 metres from the side elevation of the proposed dwelling (There are no windows in this elevation). It is considered that this distance would prevent any overbearing impact. As such, it is considered that the proposal would not adversely affect the residential amenity of this property.

5.13 ***Impact on 1 Beaver Close***

This dwelling is situated approximately 28 metres to the south of the proposed dwelling on the opposite side of Manor Lane. Due to ground levels the proposal would be slightly above that of No. 1 Beaver Close. The occupier of this dwelling has objected on grounds that the proposal would overlook their rear garden and cause an overbearing impact.

It is noted that the first storey rear windows would afford some oblique views into the rear garden of No. 1 Beaver Close. However, given the distance of these views (26 – 32 metres), it is considered that they would not be materially different to those expected in a well established residential area. It is therefore considered on balance that the proposal would not adversely affect privacy of this occupier. Furthermore, the proposal would not be considered overbearing due to the distance separating the dwellings and the height and scale of the proposed dwelling.

5.14 **Amenity Space**

The existing dwelling benefits from a large front garden. It is proposed that this would be subdivided by a 1.8 metre stone wall to provide amenity space for both the new dwelling and No. 1 Manor Lane. It is considered that this would provide sufficient private amenity space for dwellings of this size. As such, it is considered that the proposal would accord to policies H2, H4 and H5 of the local plan.

5.15 **Transportation**

The site is located off the unclassified Factory Road, which serves as access to the wider highway network. The proposed access would be provided from the existing driveway of No. 1 Manor Lane. The proposed development would provide two parking spaces for the new dwelling and two parking spaces for No. 1 Manor Lane. As such, two off street parking spaces would be provided per dwelling, in accordance to the Council's parking standards. It is recommended that a condition is attached to ensure these are provided before the proposal is first occupied.

A number of local residents have raised a number of transportation concerns with the proposal. Notwithstanding these comments, the Council's Transportation Officer has been consulted and they have raised no objection to the proposal. However, the Officer was concerned that right visibility may be eroded through future boundary treatment changes. As such, it is recommended a condition is attached to remove permitted development rights

for the erection of fences and gates. This would ensure the transportation implication of any future boundary treatment is fully assessed.

5.16 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 (Adopted) August 2007.

5.17 Section 106 Requirements

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Background Papers **PT07/3460/F**

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

CONDITIONS

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

Reason(s):

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

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 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):

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

3. 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(s):

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

CIRCULATED SCHEDULE REPORT 08/08 – 22 FEBRUARY 2008

App No.: PT08/0057/F

Applicant: Terrace Hill
Development
Partnership

Site: Brabazon Office Park, Golf Course Lane,
Filton, South Gloucestershire, BS34 7PZ

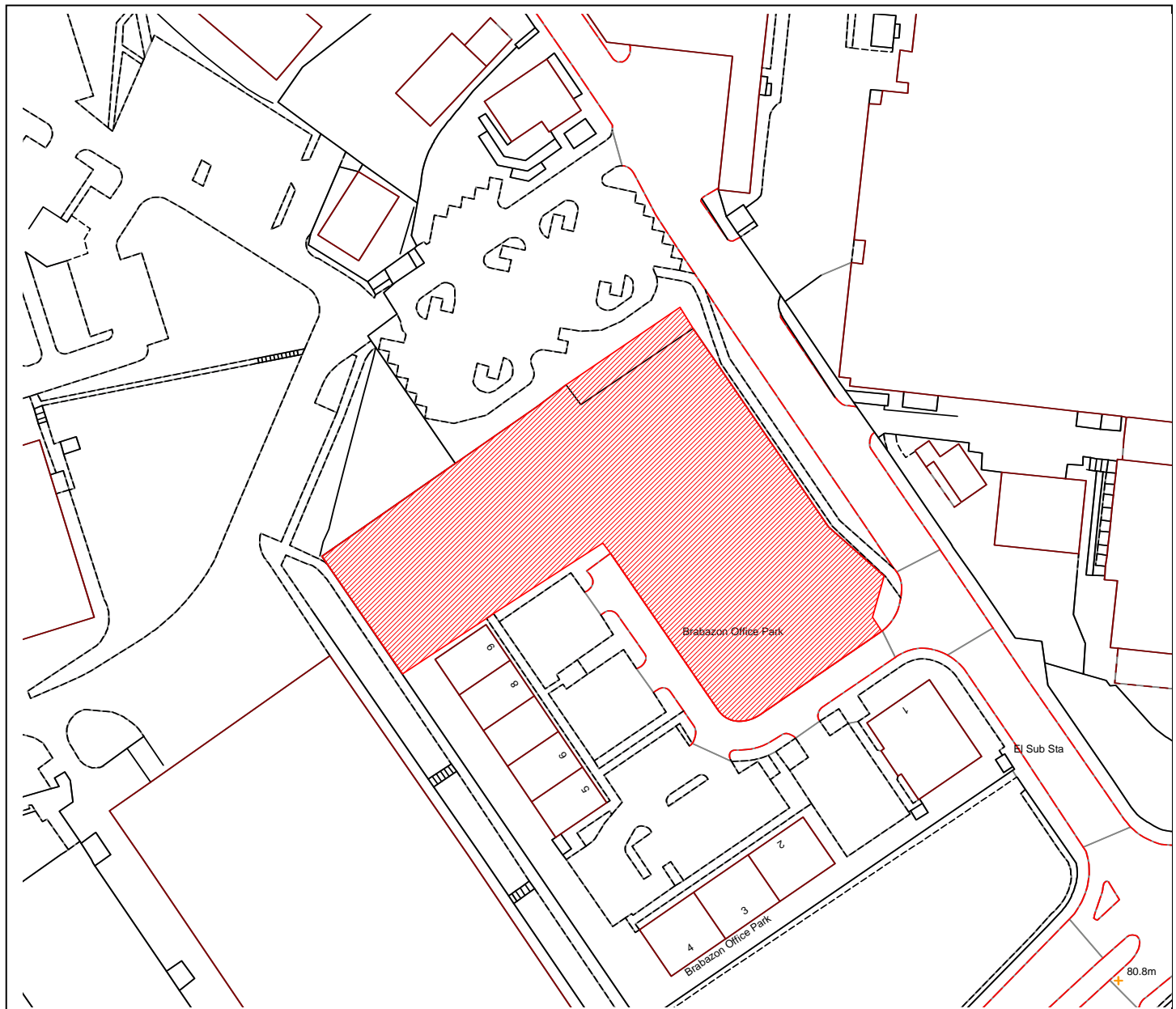
Date Reg: 7th January 2008

Proposal: Erection of 3 no. office units (Class B1)
with associated car parking, cycle
parking and landscaping.

Parish: Filton Town Council

Map Ref: 59824 79070

Ward: Filton



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This application appears on the Circulated Schedule given that it forms a major submission and in view of the concerns expressed by two neighbouring residents & Filton Town Council.

1. THE PROPOSAL

- 1.1 The application concerns some 0.47 hectares of land on the south west side of Golf Course Lane close to its junction with Southmead Road, Filton. The site falls within a Safeguarded Employment Area and formerly provided canteen facilities for the adjoining BAE works. Subsequently, planning permission was granted for fifteen two-storey office units (six separate buildings) to be built in two phases. Phase one has now been completed and this application seeks amendments to phase two.
- 1.2 This application seeks full planning permission for a revised phase 2 that would comprise the erection of three two-storey office buildings. These would be of similar size and occupy a similar position to those already approved although would not be subdivided; those already permitted provide six separate units within three buildings.
- 1.3 The Design and Access Statement accompanying the application details that when the original proposal was submitted, there was a market demand within the north Bristol area for smaller sized office units. However, since 2005, the market demand has changed and larger office units are now considered to be more suitable; the applicants already have some pre-sale/ pre-let agreements in place for these buildings.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG4: Industrial and Commercial Development and Small Firms
PPG13: Transportation
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
L1: Landscape Protection and Enhancement
T7: Cycle Parking
T8: Parking Standards
T10: Travel Plans
T12: Transportation Development Control Policy for New Development
E3: Criteria for Assessing Employment Development within the Urban Area
E4: Safeguarded Employment Areas
L17&18: The Water Environment
EP1: Flood Risk and Development

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0019/F: Erection of six blocks to form fifteen offices for B1 use with car parking, landscaping and associated works. Permitted: 23 March 2006
- 3.2 PT07/1336/ADV: Display of wing-tip sign with internally illuminated lettering. Permitted: 29 May 2007

4. CONSULTATION RESPONSES

4.1 Filton Town Council

No objections in principle but concerns over increased traffic entering an already congested area.

4.2 Other Consultees

Technical Services (Drainage): no objection

Highways Agency: no objection

Landscape Officer: no objection

Environmental Services: no adverse comments

PROW Officer: proposal unlikely to effect nearest recorded right of way

Archaeological Officer: no objection

4.3 Highways DC:

No objection subject to the following conditions:

- Prior to the commencement of on site works, details of the cycle provision shall be submitted and approved with this cycle provision provided prior to the first use of the facility;
- Within six months of the occupation of the development, a full travel plan shall be submitted and approved in writing;
- During the construction phase of development, there shall be no site deliveries during peak hours, i.e. between 09:30 and 15:30.

4.4 Summary of Local Residents Comments

Three letters received (two identical) expressing the following concerns:

- The applicants advertising cites that only 40% of phase 1 has been let/ sold;
- More cars in an area dominated by Airbus are unwanted;
- The application should be refused and the Council allowed adequate time to conduct an independent report into the environmental effect upon the land that is causing subsidence and flood damage to other properties in the area;
- Highway data that forms the basis for further development is both flawed and unsafe- traffic volumes have increased by 45% since the data was collected;
- Golf Course Lane is one of the last few remaining areas in Filton that has not been completely ruined. It is within an area of outstanding natural beauty and more care should be taken in maintaining its unique appearance and preserving the surrounding wildlife habitat;
- Other large scale schemes have been allowed within this area (list provided) whilst houses have been converted into multiple occupancy;
- Permeable paving is only effective with mild rainfall;
- The employment provided is often not for local people;
- The application details are misleading;
- It is understood that there are three footpaths which run across the site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E4 of the adopted South Gloucestershire Local Plan advises that within the Safeguarded Employment Areas, planning permission will be granted for employment generating uses subject to satisfaction of the assessment criteria for planning policy E3. In this regard, this policy allows for employment uses subject to the satisfaction of the following criteria:

- a) Development would not have an unacceptable environmental effect;
- b) It would not give rise to unacceptable levels of vehicular traffic;
- c) Development would not prejudice residential amenity;

- d) The character of the area is not adversely affected;
- e) The maximum density compatible with the sites location is achieved;
- f) The location is well served by public transport.

5.2 Design/ Visual Amenity

The site forms an L shaped parcel of land which interlocks with the L shaped phase 1. It comprises 0.47Ha that fronts Golf Course Lane and extends along the north boundary of the site towards the far western site boundary. Having formerly provided the canteen facilities for the adjoining BAE works, phase 1 is complete and provides three two-storey buildings comprising of three separate buildings. The new access road through the site divides phases 1 & 2 with the application site empty and devoid of any landscape feature. The site falls in a southerly direction and sits at a slightly higher level to that of Golf Course Lane.

5.3 Phase one of the development was speculative and at the time of the site visit, was completed with three of these premises seemingly occupied. The second phase of the development was to be dependent upon market demand although a planning condition attached to the original decision notice required that this stage of development be implemented within five years of this approval.

5.4 The revised proposals for phase two reflect a shift in market demand since this time with a requirement now for larger premises. To this extent, the siting and size of these additional buildings remains similar to those approved although these would not now be subdivided. The car park layout and cycling provision has also been amended to reflect the change from semi-detached detached to detached units.

5.5 Units 1-9 (three buildings) formed part of phase 1 and are now complete; units 10 -15 are the subject of this second application. In so doing, unit 10/ 11 (one building) would form the smallest building measuring 627m². This would be located in the rear corner of the site and as such, would remain largely hidden from public view. This building would face south overlooking the parking area.

5.6 Unit 12/ 13 would also front the central car parking area stood between unit 10/ 11 and Golf Course Lane; this would be larger measuring 919.2m². Unit 14/ 15 would be the largest unit measuring 1045.6m² with its rear elevation facing Golf Course Lane. All three buildings would be of a similar design albeit with some subtle variations. All would comprise brick built structures encompassed by pitched roofs and benefiting from large areas of feature glazing: predominantly to front elevations. Associated parking would be located towards the centre of the site with the visual impact softened by landscaping.

5.7 In view of the above, it is noted that the builds would be very similar to those buildings already approved occupying near identical positions albeit with two benefiting from a slightly larger footprint. Their design would also reflect that of these previously approved structures and complement that of units 1- 9. In this regard, attempts were made at the time of the previous submission to enhance their exterior detailing and in particular, to add some interest to the Golf Course Lane frontage; there was concern given that this development is inward facing neglecting to address the more prominent public viewpoints.

5.8 Citing the more peripheral location of the site (not suited to a larger landmark building) and its relatively discreet location, minor alterations were made that have been carried forward to this revised scheme. Accordingly, these revised

proposals are considered to be acceptable, in keeping with phase one of the development and the general character of the area.

5.9 Transportation Issues

Golf Course Lane comprises an adopted road also serving the BAE systems complex, Filton Golf Club and smaller buildings housing various commercial and industrial uses. It has a signalled junction with Southmead Road. The new vehicular access to the development is some 60m back from this junction with visibility considered acceptable at this position.

5.10 The principle of an office development at this location has been agreed by the previous approval with a contribution of £49,643 paid by the developer to offset the highway impact to traffic within the locality; the resulting traffic volume was considered to be material without appropriate mitigation measures. The monies contributed towards the North Fringe Development Proposal (Transport Matters) that form a range of improvements to help mitigate the incremental harm and increase capacity on the local road network.

5.11 This proposal is broadly similar to the previous approval although the parking layout has been rearranged. Nevertheless, the level of parking accords with the Council's standards whilst adequate room has been provided for the turning of all vehicles. As such, there is no transportation objection to the proposal subject to those conditions detailed.

5.12 Residential Amenity

The application site is set back from Southmead Road behind those units which formed phase one and a car park that is not part of this development. As such, with all properties on the far side of Southmead Road, it is considered that this affords an appreciable distance between these land uses whilst the two-storey nature of the proposals helps ensure a development in keeping with the general massing and scale of these properties. Therefore, it is not considered that any significant adverse impact in residential amenity would be caused.

5.13 Density of Development

The massing and scale of the development is considered appropriate to this site, and in keeping with phase one and the properties fronting Southmead Road. Further, an intensified use would introduce further vehicles onto the site, which having regard to the above, is not considered to be desirable in this location. As such, this policy requirement is considered to be satisfied.

5.14 Further Issues: Archaeology

The site has been the subject of an archaeological evaluation as part of PT06/0019/F. This revealed that there were no surviving archaeological remains that merited further investigation and thus there is no requirement for an archaeological condition on this permission.

5.15 Outstanding Considerations

The closest public footpath runs adjacent to the boundary of the application site with no footpaths crossing the site. No objection is been raised by the Councils Public Rights of Way Officer subject to informatives that advise the applicant of their responsibilities in respect of this right of way.

5.16 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/0057/F**

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

CONDITIONS

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

Reason 1. 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 buildings hereby permitted shall match those used in phase 1 of the development (PT06/0019/F).

Reason 1. To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting those Orders with or without modification) the premises shall not be used for any purpose other than that hereby authorised without the prior written consent of the Local Planning Authority.

Reason 1. To prevent separate uses arising which may be inappropriate or over-intensive, and to accord with Policies EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to commencement of on site works, details of the cycle parking provision shall be submitted and approved. These details shall be implemented prior to the first use of the facility.

Reason 1. To encourage means of transportation other than the private car, to accord with Policy T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason 1. To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Within six months of full occupation, a full travel plan shall be submitted to and approved in writing by the Local Planning Authority.

Reason 1. 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.

7. During the construction phase of the development hereby approved, no site deliveries shall be made between 15.30 and 09.30.

Reason 1. In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Adequate on site wheel wash facilities shall be provided during the construction phase. Details of the method and location of these facilities shall be submitted to and approved in writing prior to the commencement of the works hereby approved. These facilities shall be maintained and utilised during the entire construction period unless their removal is in agreed in writing by the local planning authority.

Reason 1. In the interests of the amenities of nearby occupiers, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. 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 proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason 1. 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.

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

Reason 1. To prevent non-point source pollution and flooding, and to accord with Policies L17, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the

development or in accordance with the programme agreed with the Local Planning Authority.

Reason 1. To protect the character and appearance of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles and commercial lorry parks shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason 1. To prevent non-point source pollution and flooding, and to accord with Policies L17 and EP1, EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

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

Reason 1. To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. No development shall take place until details of the proposed bin stores have been submitted to and approved in writing with the Local Planning Authority.

Reason 1. 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.

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.: PT08/0083/F

Applicant: Mr T Doyle LPC
(Trull)LtdSite: Medina Dairy, Rectory Lane, Filton,
South Gloucestershire, BS34 7BX

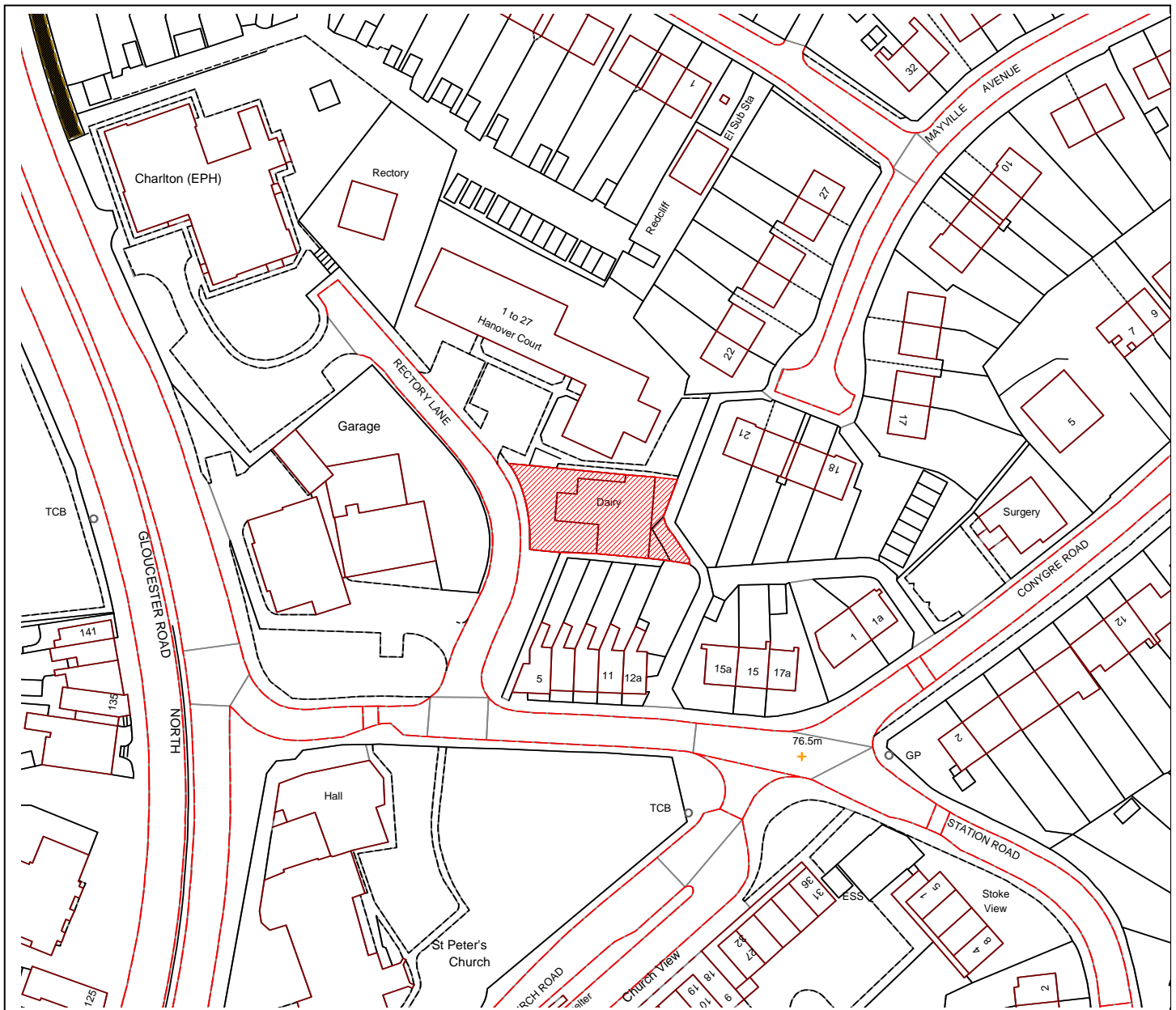
Date Reg: 9th January 2008

Proposal: Change of use from dairy to residential
(Class C3) as defined in the Town and
Country Planning (Use Classes) Order
2005. Erection of 3 storey front and side
extension to facilitate conversion of
existing building to 19 no. flats.

Parish: Filton Town Council

Map Ref: 60361 79286

Ward: Filton



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100023410, 2008.

DC0901MW

1 N.T.S

PT08/0083/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The site consists of a modern building which is currently occupied on its ground floor by business accommodation relating to Medina Dairy. The upper floors of the building is currently residential. The site is located within Filton, which forms part of the Bristol North Fringe Urban Area.
- 1.2 The proposed development consists of the construction of extensions to the existing building which include the addition of second and third floor accommodation. It is proposed that the extended building would provide 19 independent residential flats.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
H5 Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
LC8 Open Space and Children's Play in Conjunction with New Residential Development.
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/2260/F Change of use from dairy/garage to car sales (sui generis) as defined in the Town and Country Planning (Use Classes) Order 2005.
Approved

4. CONSULTATION RESPONSES

4.1 Filton Town Council

Object to the proposal for the following reasons;

Over intensive and out of keeping with neighbouring properties.

Local Objections are supported.

The Town Council wishes to make the point that there are enough flats in Filton.

4.2 Sustainable Transport

There are known parking issues on Rectory Lane and there have been parking restrictions put in place to address this. The development should provide a parking ratio of 1:1 on the site.

There should also be a minimum of 19 secured, covered and lit cycle parking spaces provided on site.

The proposed development generates a requirement of £900 per flat in respect of the North Fringe Development Major Scheme (Transport Measures).

Other Representations

4.3 Local Residents

16 letters/emails have been received during the consultation period associated with this application. The comments are all made in objection to the development and can be summarised as follows;

- The proposed development is out of scale and is out of keeping with the surrounding locality.
- The proposed development is over-intensive
- The proposed development does not provide sufficient parking and would cause additional parking problems along Rectory Lane and the surrounding locality.
- The proposed development would add to vehicular movements along Rectory Lane to the detriment of highway safety.
- The traffic and parking generated by this development will restrict emergency vehicle access
- The proposed development will cause considerable over-looking and loss of light to the surrounding residential properties to the detriment of privacy and residential amenity.
- The occupation of the flats will cause additional noise nuisance in the locality
- There is not sufficient space for wheelie bins.
- Concern is raised as to suitability of the future tenants/occupiers of the development.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the extension of an existing building in order to provide 19 self contained residential flats. The site is located within the Bristol North Fringe Urban Area.

5.2 Principle of Development

Policies H2 and H5 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 and Re-use of Previously developed land

PPS3 encourages the re-use of previously developed land for housing and encourages the most efficient use of the site. Accordingly policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 encourages the re-use of previously developed sites and seeks to ensure that the most efficient use of a site is achieved having regard to the characteristics of the site. The expectation is that at least 30 dwellings per hectare is achieved.

- 5.4 In this instance the submitted design and access statement indicates that the development would achieve a density of 422 dwellings per hectare. Clearly, this is well above the minimum expected density; indeed it is exceptionally high and is at a level that would normally be associated with a city centre environment. This very high density is problematic in design and amenity terms and for the reasons outlined below, it is considered that the proposed density is not compatible with the characteristics of the site and the surrounding locality.
- 5.5 Design
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. This is supported by the South Gloucestershire Design Checklist and by Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.6 In this instance the existing building consists of a modern building. The building is on two floors and contains accommodation within the roof space. The building is 'L' shaped and has a single storey flat roofed element to its Southern side. The building is functional in appearance and is of no particular architectural merit. The immediate surrounding locality is made up of two storey terraced houses and two storey blocks of flats (with retrofitted hipped roofs); as well as single storey industrial and retail units. There are much larger, purpose built flats on the southern side of Station Road; and Pegasus House, also a very large building which is located to the West of Gloucester Road North. Although these are within the vicinity of the site, they are sufficiently removed from it to be removed from its immediate context.
- 5.7 The proposed development would add considerable extensions to the existing building. In particular 3 storey extensions are proposed to the front of the building and in place of the flat roofed element referred to above. Accommodation is also proposed to be provided within the roof space. In general terms the building will become a 3 storey building (with accommodation in the roof space over) where it is currently a two storey building (with limited accommodation in the roof space over). The effect of the proposed development would categorically change the appearance of the building which would become very much larger in terms of scale and presence in the street scape. Whilst the building is marginally higher than the surrounding development, the resulting building would be significantly higher than the adjacent buildings and would dominate the site. This would be further compounded by the fact that the building would take up the vast majority of the area of the site, leaving very little space between the proposed building and its neighbours.
- 5.8 In considering the broader views from the surrounding area, the site is positioned at the top of rising land. Views of the proposed building from the Northeast would become available, and given the scale and height of the building it is considered that the proposed building would be out of character with the skyline in this locality.
- 5.9 Having regards to the above, it is considered that the proposed development would have a very poor relationship with the surrounding locality in visual terms and by virtue of its scale and appearance would have a cramped, over-dominant and very harmful impact upon the character of the site and the surrounding locality.

5.10 Residential Amenity

The site is closely surrounded by existing residential development. The site shares its boundary with the terraced dwellings to the South and is separated by a narrow walk way from development to the East. Existing communal space associated with the adjacent flats is located immediately to the North.

5.11 The existing building already allows views across and into adjacent residential properties, although it is accepted that this impact is such that would be expected in a sub-urban area such as this. However, the proposed development would alter the existing layout of the building and would add a further two residential floors above the existing. This would give a considerable height advantage to the occupants of the proposed development where windows would allow views directly into residential curtilages and windows from a position against the existing boundaries with the adjacent and nearby dwellings. It is considered that this would have a significantly greater impact than the existing situation in terms of views into residential properties to the point that this impact would be harmful to the privacy and residential amenity of the occupants of those dwellings.

5.12 In addition to the above, the sheer scale and height of the building, so close to adjoining boundaries would result in a significant over-bearing impact in respect of the occupiers of the nearby dwellings.

5.13 In respect of the residential amenity of the occupants of the proposed development it is necessary to consider the quality of the accommodation to be provided and whether or not the development would provide an acceptable level of amenity.

5.14 Given that the proposed building would take up the vast majority of the existing site, there would be very little scope for providing specific amenity space directly associated with the development. However, given that the proposed flats are 'one -bedroom' accommodation it is not considered that the development would cater for families and as such specific amenity space is not necessarily required. In this instance, there is public open-space available for use in close proximity to the site; and there is good access to services also in close proximity.

5.15 Notwithstanding the above, a symptom of the very cramped nature of this development is the impact upon the quality of the residential accommodation provided. Whilst it is accepted that there can be a level of choice regarding the size and quality of residential flats, the proposed flats which would be located in the roof space of the narrower part of the proposed development (flats 3 and 4 on the proposed third floor) are such that their size, width and position within the eaves would result in an extremely restricted level of accommodation. In this instance, it is considered that those flats are extremely poor and would not provide a reasonable level of amenity in respect of the occupants and as such this element of the development is contrary to Policies H2, H5 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.16 Open Space Provision

Where appropriate, policy LC8 of the South Gloucestershire Local Plan (Adopted) January 2006 requires that new residential development contribute towards the implementation of new or necessary improvements to existing open space in order to adequately cater for the development proposed.

- 5.17 The proposed development is not considered to be acceptable for the various reasons set out in this report. However, should development at this number of residential units be approved in the future then it would be appropriate to consider open-space provision as part of such development. In this instance, the development would not provide any on site open-space provision. The development is considerable in scale and is such that it is appropriate to seek contributions towards the improvement and maintenance of nearby open space that would be required to meet the needs of the residents of the development. Essentially, the required contribution would amount to a total of approximately £16,500. This contribution would normally be secured by way of a section 106 agreement of unilateral undertaking (or other appropriate legal agreement).
- 5.18 Given that there are fundamental objections in respect of this proposal, the Local Planning Authority has not sought to enter into negotiations or secure this sum during the course of this planning application in order to avoid unreasonable abortive work and costs for the applicant. However, without this contribution the proposed development would be contrary to the requirements of Policy LC8 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.19 Transportation
Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact in respect of highway safety and amenity. Policy T8 provides the maximum on site parking standards in respect of new development.
- 5.20 In this instance, the site is located in very close proximity to the existing public transport network for the local area and nationally. In such circumstances, a reduced number of on site parking spaces could be acceptable. However, the site is served by Rectory Lane, a relatively narrow road and a restricted junction with Station Road which also gives access to existing businesses and residential development. The highway is known to be problematic in terms of its capacity to safely accommodate parked vehicles whilst maintaining a safe access along it. As a result, certain parking restrictions are in place that preclude any reasonable prospect of providing for a potential increase of vehicles serving this site. On this basis, it is considered that the development of this site should provide for on site parking for vehicles on a 1:1 ratio of spaces to flats. Clearly, the very confined nature of the site would only allow to the provision of up six spaces, which in this instance is far too low in comparison the 19 flats proposed. It is very likely that the proposed development would result in a need for an increased capacity for vehicle parking and movements where such an increase could not be reasonably accommodated. As such it is considered that the proposed development would have a detrimental impact upon the highway safety and amenity in this locality.
- 5.21 The site is located within the Bristol North Fringe. As such, the proposed development is subject to a contribution requirement towards the Bristol North Fringe Development (Major Scheme) as identified in Policy H1 of the South Gloucestershire Local Plan (Adopted) January 2006. This would amount to a sum of approximately £9,900 based upon £900 per additional flat (in excess of the existing residential accommodation within the building).
- 5.22 Again, given that there are fundamental objections to the proposed development, the agreement of such a contribution has not been sought with the applicant in order to avoid unreasonable abortive works or costs. However, without this contribution the proposed development would fail to contribute

towards essential transportation improvements that would benefit this scheme and as such is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.23 Design and Access Statement

The Design and Access Statement submitted with this application is not considered to demonstrate that the applicant has adopted a design approach that is consistent with the Councils Design Checklist Supplementary Planning Document (Adopted)

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That Planning permission is refused for the following reasons

Background Papers PT08/0083/F

Contact Officer: Simon Penketh

Tel. No. 01454 863433

REFUSAL REASONS

1. The proposed development, by virtue of its design, scale, and form in relation to the surrounding locality would result in a cramped and over-dominant form of development to the detriment of the character and visual amenity of the site and the surrounding locality. As such the proposed development is contrary to Policy D1, H2 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006, the South Gloucestershire Design Checklist (Adopted) and PSS1 and PPS3.

2. The proposed development, by virtue of its scale, proximity and relationship with immediately surrounding residential properties would allow an unacceptable level of overlooking and would have a significant overbearing impact in respect of those properties. The development would therefore have an unacceptable impact upon the privacy and residential amenity of the occupants of those dwellings and would be contrary to Policy H2 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted).

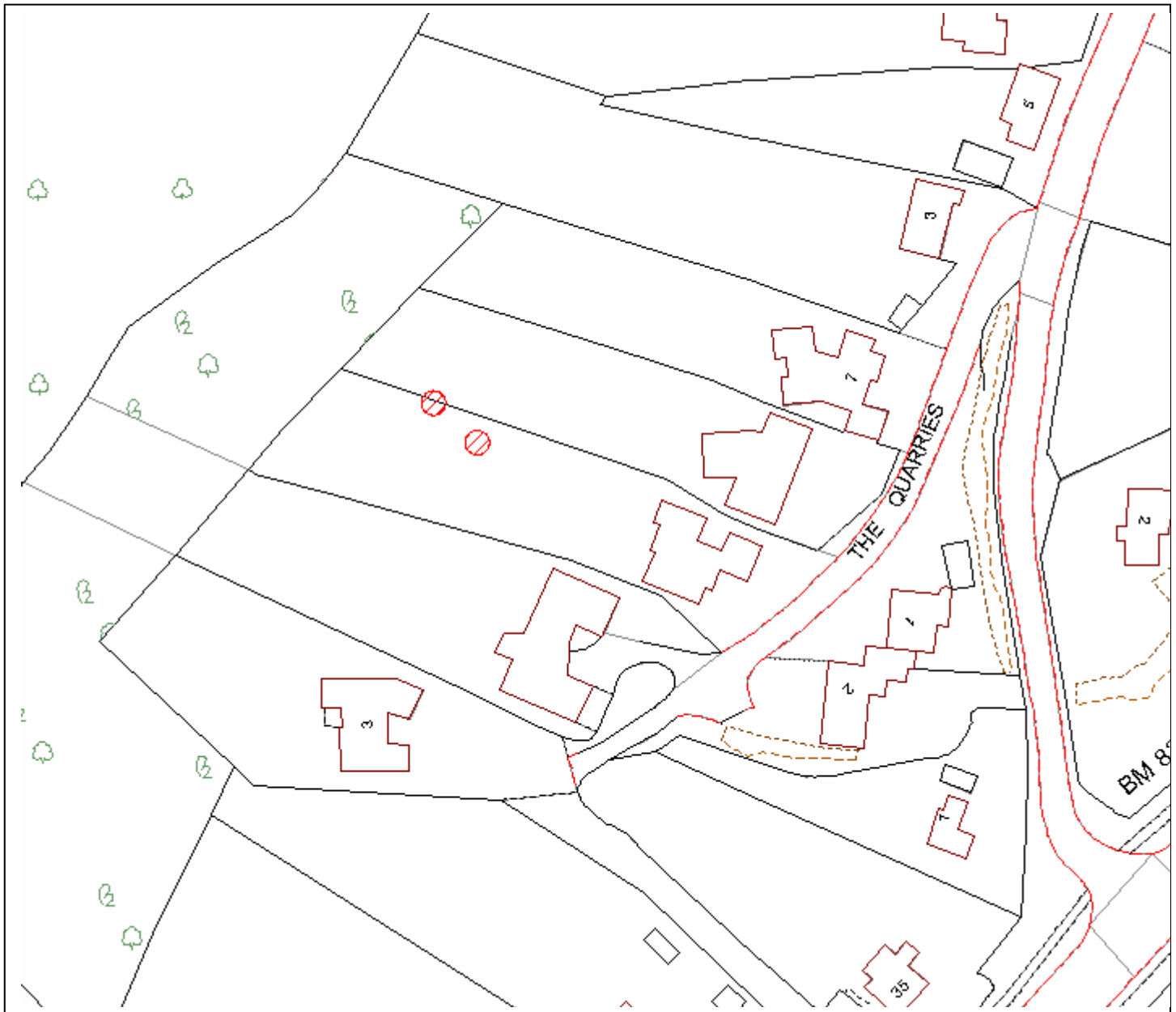
3. The proposed development by virtue of its location and relationship with the surrounding highway network and the lack of on site parking provision would have a detrimental impact upon the highway safety and amenity in the surrounding locality. The proposed development is therefore contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No contribution is made towards the provision of the North Fringe Development Major Scheme (Transport Matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006 as part of this development proposal in order to mitigate against the transportation impact of the scheme. As such the proposed development is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No contribution is made towards the improvement and maintenance of public open space in the vicinity of the application site in order to provide improved provision that is essential to cater for the occupants of the proposed development. Without such contribution the proposed development is contrary to Policy LC8 of the South Gloucestershire Local Plan, PPS1 and PPS3.

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.:	PT08/0123/TRE	Applicant:	Dr. B Newbury
Site:	5 Spindles, The Quarries, Almondsbury, South Gloucestershire, BS32 4HL	Date Reg:	14th January 2008
Proposal:	Works to 1 no. Ash tree and 1 no. Beech Tree covered by Gloucestershire County Council Tree Preservation Order No.31	Parish:	Almondsbury Parish Council
Map Ref:	60951 84533	Ward:	Almondsbury



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100023410, 2008.

N.T.S

PT08/0123/TRE

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of an objection from a local resident and the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks consent to fell 1no. Beech Tree and 1no. Ash Tree. These trees are protected by a blanket Tree Preservation Order (TPO) which was applied when The Quarries was developed. According to the applicant, these works are required because the trees are damaged and diseased.
- 1.2 The application site relates to a two trees within the curtilage of a large detached dwelling. The site is adjoined at the rear to small area of woodland.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
L1: Landscape Protection and Enhancement
L4: Forest of Avon

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
The trees on this site provide a noise and visual screening from the busy motorway. The Parish Council strongly objects to the felling of mature trees. However, if the South Gloucestershire Tree Officer states the trees are diseased then the Parish Council would agree with their felling.
- 4.2 Tree Officer
No objection subject to condition to provide replacement trees
- 4.3 Local Residents
One letter of objection received from local resident stating:
a) These are mature trees part of the wooded nature of the area
b) Loss of amenity value to residents and wildlife
c) They proved screen against noise and sight of the M4

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve and enhance the character, quality and amenity of the landscape and to retain and protect trees which contribute to the overall character or distinctiveness of the area.

5.2 Analysis

The Council Tree Officer has visited the site and has viewed both trees in which this application relates. The Ash Tree (T7) is a mature, tall tree. The Tree Officer identified that there is a substantial decay cavity from ground level to approximately 4 metres. Given the size and position of the cavity, the Tree Officer held concerns and felt that the most appropriate course of action would be to remove the tree and replace.

5.3 The Beech Tree (T8) is a mature tree, of poor form. The Tree Officer stated that at the base of the tree there is a significant cluster of fungal fruiting bodies of the species *Meripilus Giganteus*. This fungus causes a rot of the butt and roots of the tree rendering it unstable once established and susceptible to windthrow. As such, the Tree Officer felt that this tree should be removed and replaced.

5.4 With regard to the above, it has been shown by the Council Tree Officer that the both trees are diseased. As such, it is recommended this application is approved subject to a condition to provide replacement trees.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 Consent to be **APPROVED** subject to the following conditions:

Background Papers **PT08/0123/TRE**

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

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted (or other appropriate timescale).

Reason(s):

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

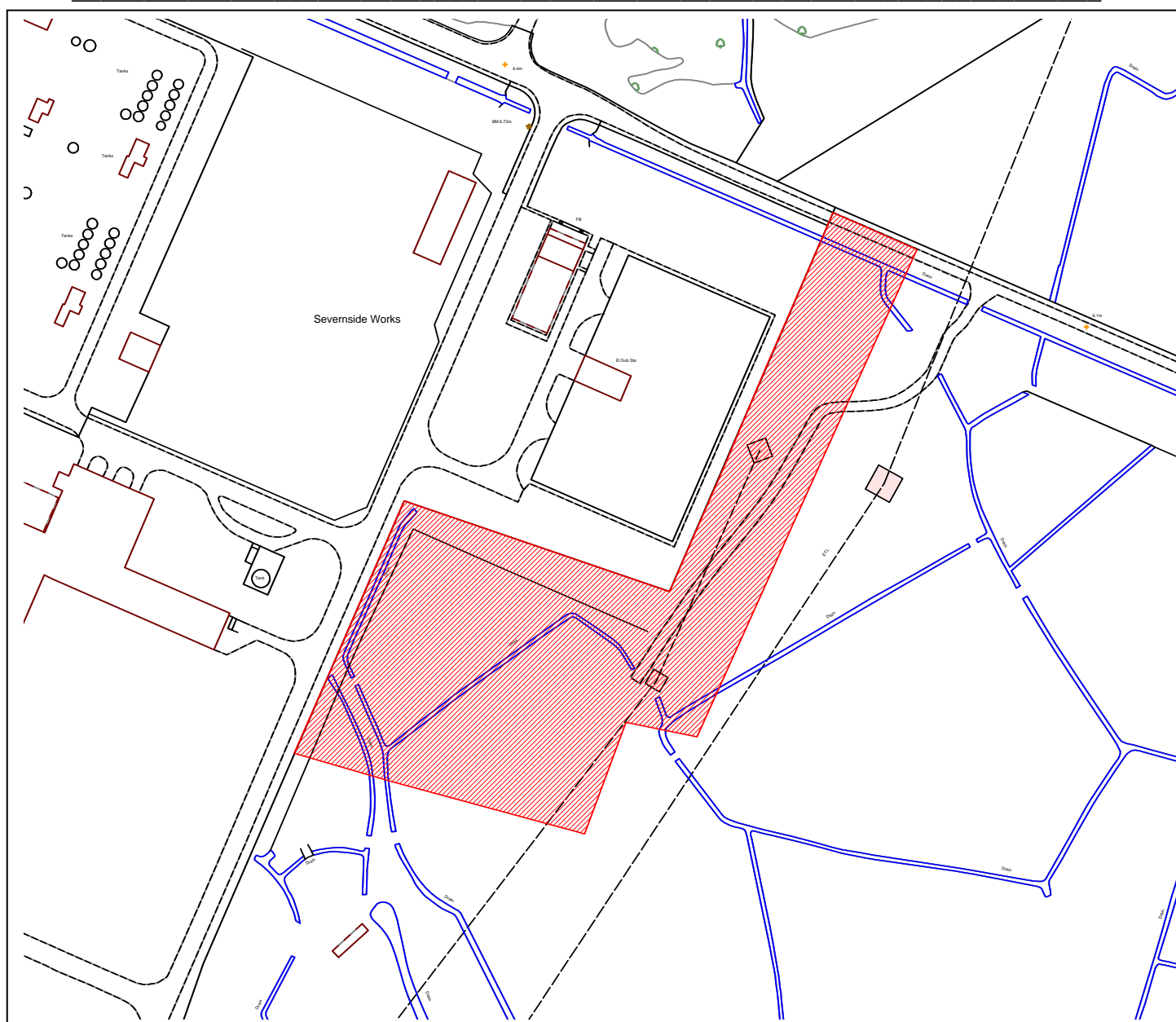
2. Two replacement trees, the species, size and location of which are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason(s):

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

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.:	PT08/0153/CLP	Applicant:	Terramond Sevenside LLP
Site:	Land off Central Avenue, Sevenside, Pilning, South Gloucestershire	Date Reg:	16th January 2008
Proposal:	Application for Certificate of Lawfulness for proposed use as warehouse.	Parish:	Pilning and Severn Beach
Map Ref:	54727 82726	Ward:	Pilning and Severn Beach



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PT08/0153/CLP

INTRODUCTION

This application appears on the Circulated Schedule given that it comprises a Certificate of Lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 The application forms a Certificate of Lawfulness for Proposed Development in respect of the erection of two warehouse buildings.
- 1.2 The application site comprises land on the south side of Central Avenue, Severnside, Pilning.

2. POLICY CONTEXT

- 2.1 The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 SG4244: An area of land lying roughly between Severn Beach and Chittingen Trading Estate, in the rural parishes of Redwick, Northwick and Almondsbury in Thornbury Rural District as shown upon the amended plan. The total area comprising: Area 1 approximately 1,000 acres, No 2 approximately 545 acres and area 1 approximately 1,100 acres. Approved: 27th November 1957

4. CONSULTATION RESPONSES

- 4.1 Pilning & Severn Beach Parish Council
No comment
- 4.2 Other Consultees
No comments received

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Site/ Proposal
The application forms a certificate of lawfulness for a proposed development in respect of the erection of two 2000sq.m industrial/ warehouse buildings. The proposals would stand side by side measuring 40m in width and 50m in depth; each with a ridge height of 13.53m.
- 5.2 The application site measures some 1.8Ha of land located on the south side of Central Avenue, Severnside. The site is adjacent to the existing Severnside works and presently comprises grassland forming part of the existing fields that

extend eastwards. Vehicular access would be via Central Avenue with the new road running along the existing perimeter boundary of the Severnside works.

5.3 Summary of Evidence in Support of the Planning Application

Evidence submitted in support of the application can be summarised as follows:

- 1957 Planning Decision Notice (ref SG4244);
- Approved Plans x 2 (Plan A & B attached to 1957 approval) and height restriction details;
- Decision notice in respect of Ellinghurst Farm, Marsh Common, Pilning.

5.4 Summary of Conflicting Evidence

No conflicting evidence has been received.

5.5 Evaluation: Planning History

The application site is within an area that was subject to an outline approval granted in 1957. This was in relation to: *'An area of land lying roughly between Severn Beach and Chittinging Trading Estate, in the rural parishes of Redwick, Northwick and Almondsbury in Thornbury Rural District as shown upon the amended plan. The total area comprising: Area 1 approximately 1,000 acres, No 2 approximately 545 acres and area 3 approximately 1,100 acres.'*

5.6 The description of development read as follows:

- i. The development of an area of 1,000 acres (area 1):
 - (a) For the construction and operation of factories for the production of chemical and allied products and
 - (b) For the development mentioned in sub paragraphs (ii) and (iii)
- ii. The development within an area of 545 acres consisting of (area 2):
 - (c) The construction and operation of offices, warehouses, stores, reservoirs, pump houses, canteens, clubs, hostels, training establishments, amenity and welfare buildings, sports pavilion and sports and playing fields, and
 - (d) The development mentioned in sub-paragraph (iii) hereof.
- iii. The development within an area of 1,100 acres (area 3) consisting of the construction and operation of works expedient for and ancillary to the construction and operation of the factories mentioned in paragraph (i) above, other than buildings, structures or erections in which actual processes are carried on...

5.7 The application site lies within area 1 of the 1957 permission and thus any of the above uses would be permitted.

5.8 The application remains extant given that no time limit was imposed whilst the permission was commenced prior to the retrospective imposition of time limits (1968). This was recently confirmed by the Secretary of State's decision letter in respect of Redrow's Access 6C Appeal on 16th November 2005 at which time it is concluded that the 1957 permission is 'capable of further implementation'.

5.9 Given that the application site remains undeveloped, the 1957 permission has also not been superseded in this location.

5.10 Evaluation: Relevant Conditions

Condition 1 of this decision notice only requires that details of those buildings to be sited within the buffer zones around the perimeter of the 1957 permission be

submitted. This is in addition to details of buildings within area 2 and within 50ft (15.24m) of the boundaries of the following highways:

- Ableton Lane and the highway from here to British Railway's Severn Beach Branch at the north end of Chittingen Warth and Minor's Farm;
- Berwick Lane;
- Vimpenny's Lane;
- Farm Lane;
- Severn Road.

- 5.11 The application site does not fall within the above specified boundaries thus full details of the proposed buildings are not required. Accordingly, the application is only accompanied by a proposed site plan that details access, location and the footprint of the proposals.
- 5.12 Conditions 2 and 3 relate to the height of new buildings with the first restricting proposals that do not accord with the height limits laid down by the Ministry of Supply (plan A); this is to safeguard aircraft taking off from Filton airfield and concerns structures between 99m and 206m. Condition 3 states that buildings within the perimeter area shall not exceed 120ft (36.576m). The site is not within the perimeter area and the proposals would measure only 13.53m.
- 5.13 Condition 4 stipulates that within twelve months of any development, the Local Planning Authority may ask for a landscaping scheme that shall be provided within six months of this request. This does not prevent the development but a landscaping scheme will be required; it is recommended that an informative is attached to any favourable decision to ensure that the applicant is aware of this.
- 5.14 Conditions 5 and 6 relate to the new access ways shown on the 1957 plan thus are not relevant to this application. Condition 7 is also not relevant given that this relates to development within 400ft (121.92m) of the western boundary of area 1 (the application site is positioned towards the eastern side).
- 5.15 Condition 8 requires that no buildings are erected within 10ft (3.048m) of the pipelines shown on approved plan; the proposals will not be within 10ft of these pipelines.
- 5.16 Condition 9 cites that the land within areas 1 and 2 should remain agricultural until developed. The application site forms grassland occupied by horses.
- 5.17 Condition 10 prevents discharge of waste into the River Severn without three months warning to the Council; this does not prevent the development.

6. RECOMMENDATION

- 6.1 That a Certificate of Proposed Lawful Development is **GRANTED** for the following reason:

Background Papers **PT08/0153/CLP**

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

The application site falls within land that was subject to outline planning permission in 1957 (ref no. SG4244) (Area 1) and this application remains extant. The construction of two warehouse buildings accords with this permission and thus a further planning application is not required.

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.:	PT08/0165/F	Applicant:	Mr & Mrs Moss
Site:	The Coach House, Upper Tockington Road, Tockington, South Gloucestershire, BS32 4LQ	Date Reg:	17th January 2008
Proposal:	Erection of two storey rear extension to form sun lounge with bedroom and ensuite facility above. Erection of single storey front extension to provide study. Erection of 2m high entrance gates and 2m high stone boundary wall with associated works. (in accordance with amended plans received on 18 February 2008).	Parish:	Olveston Parish Council
Map Ref:	60636 86651	Ward:	Severn



INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This full application relates to the following:- erection of two storey rear extension incorporating balcony at first floor level; single storey front extension; erection of 2m high entrance gates and increase in height of existing 1.2m boundary wall to 2m at The Coach House, Upper Tockington Road, Tockington.
- 1.2 The application site is a detached, converted building, attractive and traditional in appearance, originally associated with Tockington Court. It benefits from a substantial rear curtilage and is accessed off Upper Tockington Road. The site lies within the settlement boundary of Tockington, is within the conservation area and also lies within the Green Belt.
- 1.3 The application has been amended to that originally submitted in that a front dormer has been removed and the design of the boundary wall and front access gates have been altered to reflect the concerns of the Council's Conservation Officer.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPG15	Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L12	Conservation Areas
GB1	Development Within the Green Belt
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Development in the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P96/2177 Erection of single storey rear extension.
Approved 14 October 1996.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objection.

Other Consultees

- 4.2 Sustainable Transport
No objection.

Other Representations

- 4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
a) overlooking/loss of privacy;
b) would impact upon a planned orangery adjacent to this site;
c) impact upon Tulip tree in our garden.

Of the above, b is not a relevant planning objection.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
In assessing applications for residential extensions and development within conservation areas, policies H4 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006 are particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space. Moreover, as the site lies within the conservation area the proposal must preserve or enhance the character and appearance of the conservation area. In addition, as the site lies within the Green Belt any extension must not result in a disproportionate addition over and above the size of the original building. These issues will be assessed below.
- 5.2 The application relates to an historic outbuilding originally associated with Tockington Court, and likely to have been the coach house or barn serving the Court. The building is constructed of stone rubble walls and has a tiled roof. It is of a simple rectangular floor plan with a modern single storey porch. The building has been converted to a residential dwelling some years ago, and its appearance modernised quite significantly. It has a number of modern dormers to the front and rear elevation and there is currently a stone boundary wall to the west.
- 5.3 Design/Conservation Issues
The proposed development is for a large two storey rear wing and a modest single storey front extension. These proposed extensions are considered acceptable in principle. The rear extension and glazed staircase enclosure are contemporary in style but are appropriate to the design of the existing building and context of the site. The single storey front extension is also in keeping with the existing building and all materials are to match existing. It is therefore considered that the proposal preserves and enhances the character and appearance of the conservation area and is acceptable in this respect.
- 5.4 Residential Amenity
With regard to residential amenity, the proposal is also acceptable. In relation to the two storey extension, the degree of overlooking to Tockington Court will not be above that which already exists at present and more importantly will only overlook the upper end of this garden in any event. A distance of some 22m exists between the rear elevation of the extension and the rear elevation of

Tockington Court. The location of the single storey front extension will have no impact on residential amenity due to its limited size, single storey nature and distance from the adjacent property. As such levels of privacy are satisfactory. In addition, no overbearing impact will result from the extensions due to the relationship of the existing dwelling with surrounding properties.

5.4 Transportation Issues

In terms of transportation issues, no objection has been raised to the proposal. The existing access onto the highway of Upper Tockington Road remains unchanged with the proposed access gates set well back from the carriageway.

5.5 Green Belt

The proposed extensions have a combined volume of approximately 292m³. The existing building has a volume of approximately 850m³. The resultant increase in volume is some 34%. This is considered to be a limited extension and the proposal represents a proportionate addition to the existing building. The development therefore accords with Green Belt policy and is acceptable.

5.6 Other Issues

Concerning the possible impact of the proposal on an adjacent tree, it is considered that as the development is entirely within the application site and is located a minimum 1m distance away, the application could not be refused on this basis.

5.7 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The 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 **PT08/0165/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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the extensions hereby permitted.

Reason(s):

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

3. Notwithstanding the submitted details and prior to the commencement of development, full details at a scale of 1:5 including materials and finishes of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
 - (a) eaves;
 - (b) rainwater goods;
 - (c) ridges;
 - (d) all new windows (including cill and head treatments);
 - (e) balconies;
 - (f) all new glazing systems;
 - (g) rooflights

Reason(s):

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

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

Reason(s):

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

4. Prior to the commencement of development a representative sample of roofing tile shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the agreed sample.

Reason(s):

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

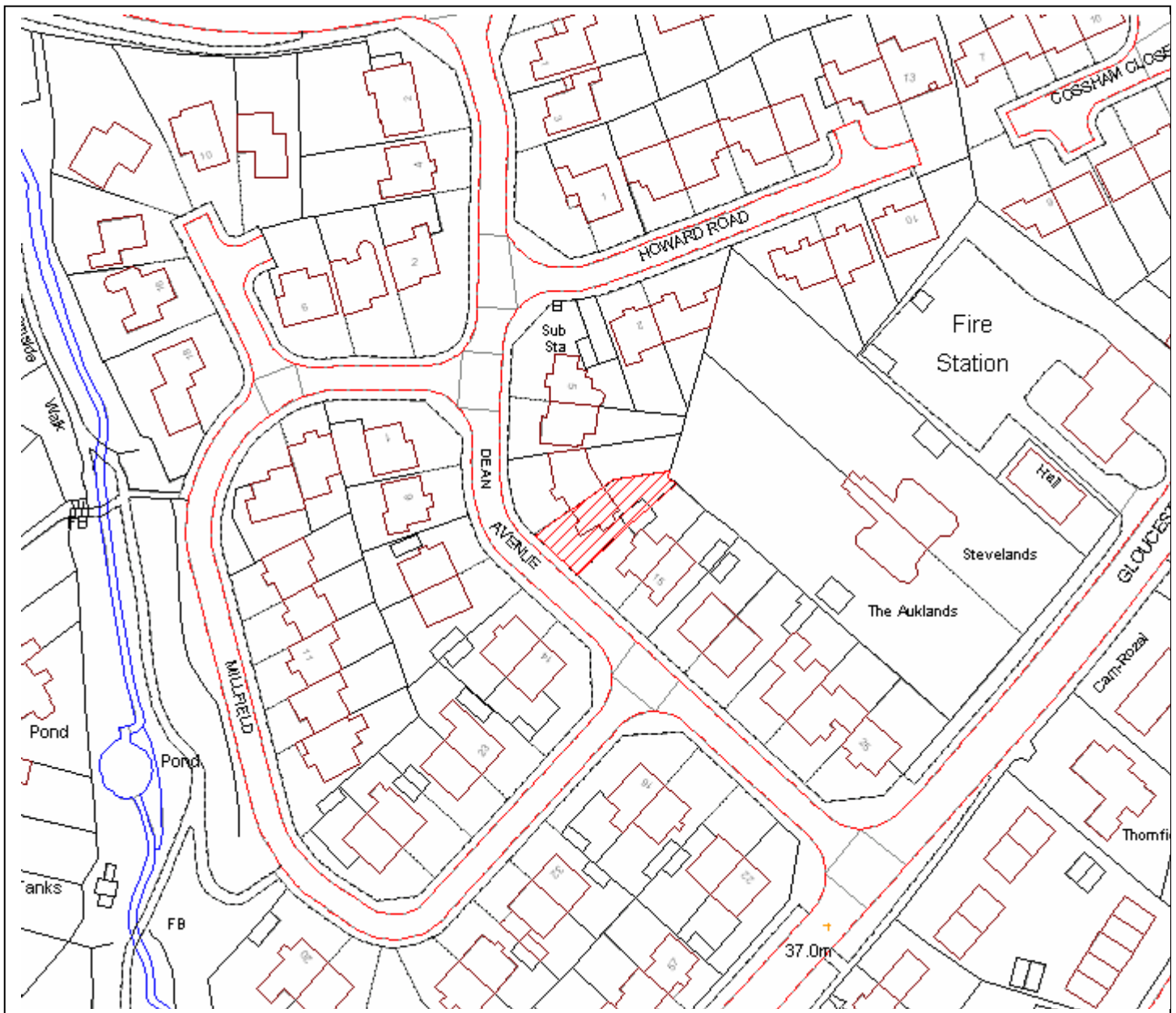
5. A sample panel of of the boundary wall showing the proposed stone, coursing, mortar and coping detail is to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the boundary wall is complete. Development shall be carried out in accordance with the agreed sample.

Reason(s):

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

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.: PT08/0178/F	Applicant: Mr & Mrs A Pearce
Site: 11 Dean Avenue, Thornbury, South Gloucestershire, BS35 1JJ	Date Reg: 21st January 2008
Proposal: Erection of two storey side and single storey front extension to provide additional living accommodation with bedroom and ensuite facilities above and garage.	Parish: Thornbury Town Council
Map Ref: 64100 90771	Ward: Thornbury North



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INTRODUCTION

This application appears on the Circulated Schedule following the receipt of two objections from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission to erect a two storey side extension and front lean-to porch. This would provide additional living accommodation, en-suite bedroom and garage. To facilitate this development the existing single garage would be removed.
- 1.2 The application site relates to a semi-detached dwelling situated within a well-established residential area of Thornbury.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Local Residents
Two letters of objection have been received from local residents, raising the following points:
 - a) The 1.8m fence would not comply with the open aspect of Dean Avenue;
 - b) Size and building line of extension would be detrimental to the open aspect of the area;
 - c) The proposed rendering would not be in-keeping with the rest of the houses in the road;
 - d) The proximity of the extension to No. 13 Dean Avenue could have unfavourable effect on light and air; and
 - e) Party wall issue with garage.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity.

Policy D1 of the Local Plan considers general design principles and ensures good quality design.

5.2 Residential Amenity

The application site is adjoined by two dwellings to the side (Nos. 9 and 13 Dean Avenue) and one dwelling to the rear (The Auklands). The proposed extension would be situated in the south-east side elevation and would extend towards No. 13 Dean Avenue. It is considered that this structure would not result in an overbearing impact because it would be contained within the existing building lines. The proposal would include a rear window which would result in some views into the neighbouring dwellings rear garden. However, it is considered that the window would offer the same relationship as existing first floor rear windows and would therefore not cause any additional harm to the privacy of the neighbouring occupier. Given the above, it is considered that the proposal would have no adverse impact on the residential amenity of nearby neighbouring occupiers.

5.3 Design and Visual Amenity

The proposed extension would comprise of a two storey side extension and front lean-to porch. The proposed extension would maintain the existing front and rear building lines and roof shape. It is proposed that the extension would be finished in white render, facing bricks and tiles to match the existing dwelling.

5.4 A local resident has stated that the size and building line of the proposed extension would be detrimental to the open aspect of the area, and the proposed render finish would not be in-keeping with the rest of the houses in the street. Notwithstanding these comments, it is considered that the massing and scale of the extension would respect the proportions of the existing dwelling and adequate spacing would remain between the extension and No. 13 to maintain the open plan nature of surrounding area. Furthermore, the building line of the front extension would be identical to that of the existing porch. As such, it is considered that therefore would be no adverse impact to the street scene. Finally, it is considered that the use of white smooth render and facing bricks would respect the finish of the existing dwelling.

5.5 Local residents have also raised concerns to this proposal due the proposed 1.8 metre fence along the boundary at the front of the dwelling. In light of these comments the applicant has submitted amended plans removing the fence from the proposal. As such, it is considered that this issue has been overcome.

5.6 Other Matters

A local resident has raised concerns that the removal of the garage would prejudice their property. This is not a planning consideration, however a note on the amended plans states that the garage party wall would be made good to the adjacent occupiers approval. As such, it is considered that this issue has been resolved.

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

7. RECOMMENDATION

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

Background Papers **PT08/0178/F**

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

CONDITIONS

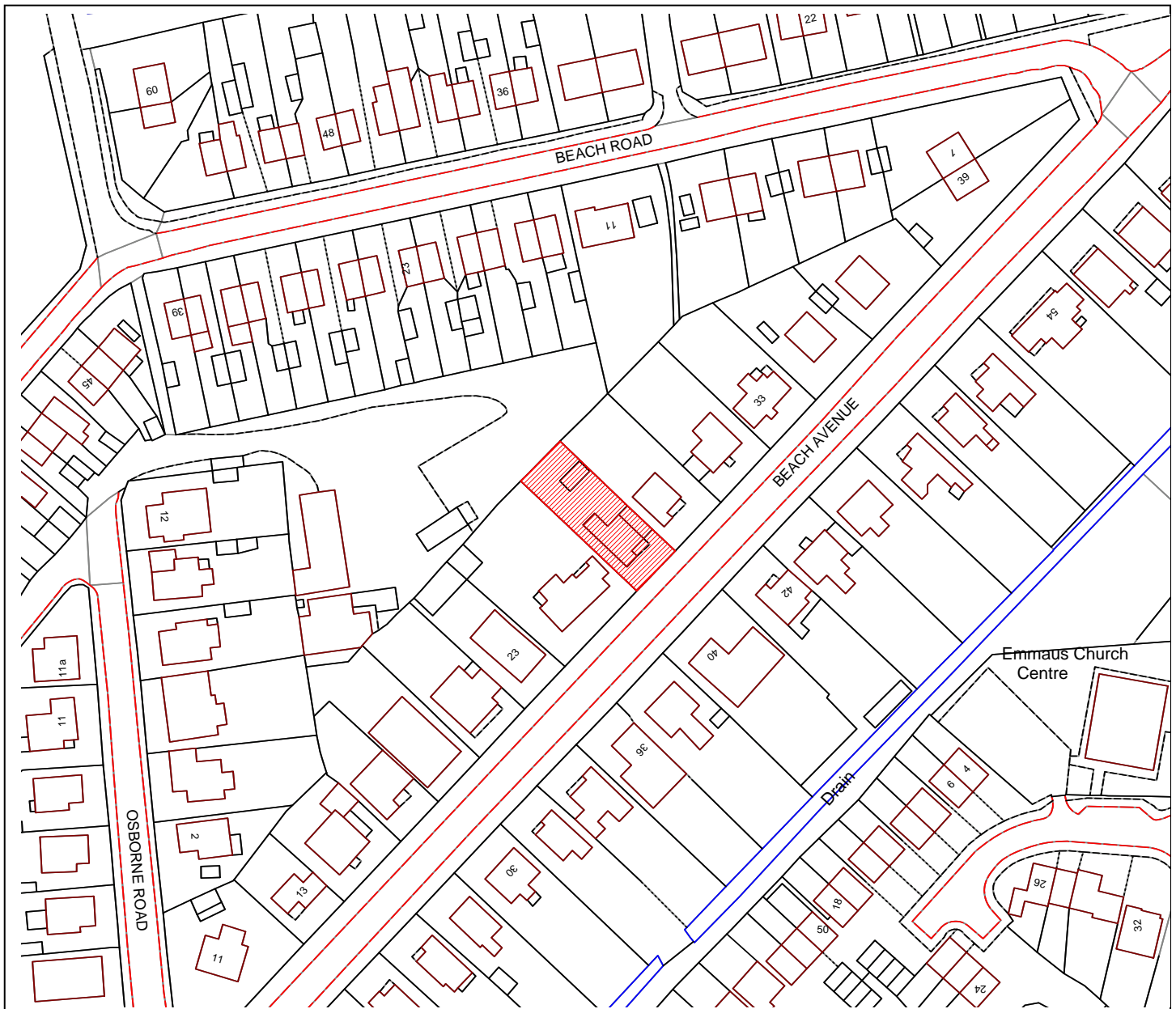
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.:	PT08/0214/F	Applicant:	Mr E Cemery
Site:	27 Beach Avenue, Severn Beach, South Gloucestershire, BS35 4PD	Date Reg:	23rd January 2008
Proposal:	Demolition of existing bungalow and out-buildings to facilitate erection of 1 no. detached dwelling. (Resubmission of PT07/2964/F)	Parish:	Pilning and Severn Beach
Map Ref:	54101 85228	Ward:	Pilning and Severn Beach



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N.T.S

PT08/0214/F

INTRODUCTION

The application appears on the circulated schedule because, although the Parish Council raise no principle objection, they do raise some concerns.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of an existing 2-bed bungalow and its replacement with a 2-bed chalet style bungalow. The application is almost identical to the previous refused consent ref.PT07/2964/F. The main difference is that 2no. ground floor bedrooms previously proposed have now been substituted with a dining room and games room.
- 1.2 The application site is situated in the settlement boundary within an established row of properties.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS25	Development and Flood Risk

2.2 Joint Replacement Structure Plan

Policy 24	Flood Risk
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2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L5	Forest of Avon
H2	Proposals for Residential Development within the existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, including Extensions and New Dwellings
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
L3	Coastal Zone
EP2	Flood Risk

2.4 Supplementary Planning Documents

South Gloucestershire Design Checklist SPD (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/2964/F Demolition of bungalow. Erection of detached dwelling. Refused on flood risk grounds.

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

No objection to demolition and rebuild but makes the following comments:

- Sufficient off-road parking should be provided.

- Some concerns over size but no problem provided neighbours do not object.
- There may be asbestos in the original building.

4.2 Environment Agency
No objection subject to conditions.

Other Representations

4.3 Local Residents
No representations received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for residential development within defined settlement boundaries. Policy H2 requires that the maximum density compatible with the site's location, its accessibility and its surroundings is achieved. The proposed development density is approximately 26dHa (as exists at present). Whilst this is not in accordance with the requirements of PPS3, the maximum density is restricted to a straight replacement dwelling due to the well defined character of the street that needs to be respected and the flood risk objection that would result if more than one dwelling was proposed.

5.2 In terms of other criteria of Policy H2, the site is not subject to unacceptable pollution levels. Due primarily to the scale of development, there are no adverse implications for leisure, recreation, education and other community facilities. The application is below the threshold by which there would be a requirement for affordable housing. The impact in terms of residential amenities is assessed below.

5.3 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant as it relates to new dwellings within existing residential curtilages. Such development is only permitted where it respects the massing, scale and overall design and character of the existing property/street scene; would not prejudice the amenities of nearby occupiers (also in Policy H2); would not prejudice highway safety and would allow for the retention of adequate private amenity space for the proposed new dwellings. Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 gives indicators in respect of assessing the design of development with Policy L1 supplementing Policy D1 in terms of landscaping. Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that in terms of residential development, there is provision for safe access capable of accommodating motorised traffic generated by the proposal. In addition the proposal should not generate additional traffic that would compromise highway safety or residential amenity in the surrounding area. Policy T7 requires cycle parking provision. Policy T8 sets maximum standards in terms of the provision of off street parking for all residential development. Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 supports the above. Having regard to these policies and others of the South Gloucestershire Local Plan (Adopted) January 2006, and Joint Replacement Structure Plan, the remaining main issues are:

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

d. Flood Risk

5.4 Residential amenities

Impact on No.25 : The existing dwelling is single storey with gables front and back. The existing side elevation has a bedroom window and a bathroom window. The proposed new dwelling will have a single bathroom window facing No.25. The existing property is 1.5m off the boundary. No.25, a bungalow, has an attached garage nearest the common boundary. The eaves height of the new property will remain comparable to that existing albeit that the new property will be ½ metre closer to the side boundary and will extend further into its rear garden. Having regard to the new property remaining single storey in character when viewed from No.25, there will be no adverse impact on the amenities of No.25.

5.5 Impact on No.29 : No.29 is a bungalow that has two windows facing No.27. No.29 is 2m from the boundary with No.27. At present, No.27 has an attached garage abutting the boundary with No.29. The proposed dwelling will be a minimum of 1½ metres from the common boundary. A bedroom window is proposed on the side elevation of the new dwelling facing No.29. Providing adequate boundary treatment is secured, there will be no adverse amenity impact for the neighbour. A condition is attached in order to secure this. A small planting bed is also proposed in front of the bedroom window, this will be subject to the landscaping condition. In these circumstances it is not considered that there will be any adverse impact on the residential amenities of No.29.

5.6 The rear elevation of the proposed dwelling will include a first floor balcony underneath the eaves. The rear garden will be 11m deep. There are no neighbours to the rear that could be adversely affected by the proposal.

5.7 Design/visual impact

The building will comprise a chalet style bungalow with gable facing the road; it will respect the existing building line. The street is defined by a variety of different styles of bungalows. Some have gables facing the road. The proposal will entirely respect this character. Render with stone quoins under a tiled roof is proposed. These materials are acceptable but specific details should be secured by condition. To the front of the building two car parking spaces are proposed. The application is deficient on how this is going to be treated in terms of landscaping, front boundary and definition to car parking spaces. A condition is recommended to deal with these matters. Subject to the conditions mentioned, the proposal is considered to respect the character of the locality and is in line with planning policy.

5.8 Transportation

Adequate provision is made for on site parking, details to be agreed by condition. The council's transportation engineer otherwise raises no objection.

5.9 Flood Risk

The application site is within a high flood risk area. The Environment Agency no longer objects to the development on the basis that is a straight replacement in terms of occupancy levels. The Environment Agency recommend conditions.

5.10 Other matters

Due to the proximity of neighbouring dwellings, a condition is recommended to control times of construction. Drainage will be via the existing mains drains as with the existing situation.

5.11 Design and Access Statement

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

5.12 Section 106 Requirements

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

6. CONCLUSION

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

6.1 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 subject to the following conditions:

Background Papers **PT08/0214/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0730 - 1900; nor at any time on Sunday or Bank Holidays.

Reason(s):

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

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

Reason(s):

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

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

5. Prior to the commencement of development, detailed plans showing the provision of 2No. car parking spaces (to have a bound surface) in accordance with the standards set out in Policies T8 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason(s):

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

6. The finished floor levels of the building hereby approved shall be raised a minimum of 300 mm above existing floor levels.

Reason(s):

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

7. No development approved by this permission shall be commenced until a scheme of flood resilience in the construction of the development has been submitted to and approved in writing by the local planning authority.

Reason(s):

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

CIRCULATED SCHEDULE NO. 08/08 – 22 FEBRUARY 2008

App No.: PT08/0242/F
Site: Land adjacent to 2 Homestead, Frenchay, South Gloucestershire, BS16 1PH

Applicant: Mr & Mrs R Davies
Date Reg: 25th January 2008

Proposal: Erection of 1no. detached dwelling with integral garage and construction of new vehicular access with associated works. (Amendment to previously approved scheme PT07/2386/F)

Parish: Winterbourne Parish Council

Map Ref: 63953 77964

Ward: Frenchay and Stoke Park



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This full application relates to the erection of one detached dwelling on land adjacent to 2 Homestead Gardens, Frenchay. This application is an amendment to planning permission PT07/2386/F which allowed for the erection of one detached dwelling. The current scheme is exactly the same except for the following:- a) erection of rear conservatory measuring 3.3m in depth, 4.2m in width with a ridge height of 3.6m; b) removal of a small secondary ground floor window serving the living/dining room to the east elevation and c) the widening of lounge/dining room doors to the southern elevation.
- 1.2 The application site has an area of 0.0476 hectares and is broadly rectangular in shape. Its northern boundary fronts onto Homestead Gardens, a residential cul-de-sac serving 17 dwellings. Its southern boundary backs onto the grounds of Frenchay Hospital. To the east lies a newly erected dwelling and to the west the new, large, detached property now occupying the site of 2 Homestead gardens. The site also lies within the settlement boundary of Frenchay but lies outside Frenchay Conservation Area. The building is currently under construction, with the front pennant stone boundary wall erected.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/0551/F Erection of two detached dwellings.
Refused on 27 November 2003 on the grounds of design and

external appearance.
Appeal dismissed 30 December 2004.

- 3.2 PT05/3154/O Erection of two dwellings (outline).
Approved 16 December 2005.
- 3.3 PT06/1477/RM Erection of house and detached double garage.
Approved 23 June 2006.
- 3.4 PT06/3432/F Erection of 1 detached dwelling and construction of new vehicular access.
Refused 4 January 2007 on the grounds of size, scale, massing and design resulting in an overdevelopment of the site and loss of residential amenity.
- 3.5 PT07/0886/F Erection of 1 detached dwelling with double detached garage and construction of new vehicular access. (Resubmission of PT06/3432/F).
Refused 27 April 2007 on the grounds of its overbearing impact on the adjacent property of 2 The Homestead.
- 3.6 PT07/2386/F Erection of 1 detached dwelling with integral garage and construction of new vehicular access with associated works.
Approved 7 September 2007.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection.

Other Consultees

- 4.2 Sustainable Transport
No objection.

- 4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
a) differs from the outline planning consent;
b) overbearing;
c) conflicts with previous planning refusals;
d) drawings are inaccurate.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of development has already been accepted by virtue of full planning permission PT07/2386/F and that permission is currently being implemented. The only changes to the previous planning consent are the erection of rear conservatory and minor elevational changes, as outlined under paragraph 1.1 above. However, for the sake of completeness, the proposal will be assessed in its entirety.
- 5.2 As the site originally formed part of the curtilage of 2 Homestead Gardens, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. This policy allows for new dwellings within existing residential curtilages and includes criteria covering design and amenity issues.

Policy H4 allows such development only where it complies with the following criteria:-

A) Respects the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area;

The proposal is considered to broadly comply with the above criteria. This amended scheme is much reduced in scale from the 2006 proposal and the size of the dwelling is comparable to the adjacent dwellings of Plot 1 and 2 Homestead Gardens. In terms of design, certain key features have also been repeated from Plot 1, the main similarities being roof pitch, ridge height, gabled features and the use of modest dormers. The size of the plot can adequately accommodate a dwelling of this scale whilst still providing a garden area commensurate with its size. The siting of the dwelling also respects the building line of Homestead Gardens and the character of the street scene.

B) would not prejudice the amenities of nearby occupiers;

Due to the size and shape of the plot, the siting of 2 Homestead Gardens and the dwelling on Plot 1, the proposed dwelling has been sited so that it is not as centrally located as the previous application but set further forward. The detached garage has also been omitted from this current application. Although the new dwelling extends some 12m forward of Plot 1, the siting reflects the curve of the road, with 2 Homestead Gardens projecting some 2.4m forward of the proposed dwelling. The siting of the new dwelling extends a maximum distance of 5.2m beyond the rear elevation of 2 Homestead Gardens, reducing its depth from 8.4m. It is also located a minimum distance of 3m away. It is therefore considered that the proposal, on balance is acceptable in terms of any overbearing impact to adjacent dwellings. With regard to loss or privacy issues, the windows on the side (west) elevations at first and second floor level serve en-suite bathrooms and non-habitable rooms. They are also obscurely glazed and this will be a condition of any planning permission. No overlooking over the dwelling on Plot 1 will occur from windows on the eastern elevation due to the location of this plot.

With regard to the conservatory, the proposal infills the corner formed by the kitchen and living room and as such this element does not extend beyond the rear building line of the property. Moreover, due to its single storey nature and hipped roof, no adverse impact upon residential amenity will occur. Furthermore, the elevational changes do not materially alter the appearance of the building and are in keeping with the proposed dwelling. As such the revised scheme accords with this policy criterion.

C) would not prejudice highway safety or the retention of an acceptable level of parking provision;

The site is located off Homestead Gardens, an unclassified highway which is a small cul-de-sac. The proposal now incorporates an integral double garage. Adequate parking/turning facilities exist within the site and there is adequate space for the storage of the Council's twin bin system/recycling boxes. No objection has been raised from the Council's Transportation Engineer subject to conditions. The proposal therefore complies with this criterion.

D) would not prejudice the retention of private amenity space.

Adequate rear garden area is available for the new dwelling, the rear garden having an area of over 170m². The proposal therefore complies with this criterion.

The amended scheme is in compliance with the development plan and is acceptable in all respects.

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 Planning permission be granted subject to the following conditions:

Background Papers **PT08/0242/F**

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

CONDITIONS

1. Samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority within 3 months of this permission. Development shall be carried out in accordance with the approved details.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The off-street 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(s):

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

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

Reason(s):

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

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

Reason(s):

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

5. The glazing at first and second floor level on the west elevation of the dwelling hereby permitted shall at all times be of obscured glass. The obscure glazing to be used shall be at least level 3 obscure glazing.

Reason(s):

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

6. The driveway/turning/parking area shall be constructed of a bound surface.

Reason(s):

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

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

Reason(s):

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