



**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. 01/08**

**Date to Members: 04/01/08**

**Member's Deadline: 11/01/08**

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](mailto:PlanningApplications@southglos.gov.uk)

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

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

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

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

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

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

## CIRCULATED SCHEDULE

**DATE: 04/01/08**

**SCHEDULE NO. 01/08**

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](mailto:Planningapplications@southglos.gov.uk).

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

**DATE .....**

# Circulated Schedule 04 January 2008

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
<b>1</b>	<b>PK07/3249/F</b>	Approve with conditions	Stanbridge Manor 23 Stanbridge Road Downend South Gloucestershire BS16 6AW	Rodway	
<b>2</b>	<b>PK07/3478/F</b>	Approve with conditions	43 Poplar Road Warmley South Gloucestershire BS30 5JX	Oldland	Bitton Parish Council
<b>3</b>	<b>PK07/3481/CLE</b>	No objection	Field No 3549 Latteridge Road Iron Acton South Gloucestershire BS37 9TL	Frampton Cotterell	Iron Acton Parish Council
<b>4</b>	<b>PK07/3497/R3F</b>	Refusal	Brimsham Green School Broad Lane Yate South Gloucestershire BS37 7LB	Yate North	Yate Town Council
<b>5</b>	<b>PK07/3516/F</b>	Approve with conditions	17 Carmarthen Close Yate South Gloucestershire BS37 7RR	Yate North	Yate Town Council
<b>6</b>	<b>PK07/3520/F</b>	Refusal	12 Moorland Road Yate South Gloucestershire BS37 4BX	Yate Central	Yate Town Council
<b>7</b>	<b>PT07/3365/F</b>	Approve with conditions	22 Oakleaze Road Thornbury South Gloucestershire BS35	Thornbury North	Thornbury Town Council
<b>8</b>	<b>PT07/3413/F</b>	Approve with conditions	50 Hambrook Lane Stoke Gifford South Gloucestershire BS34 8QD	Frenchay and Stoke Park	Stoke Gifford Parish Council
<b>9</b>	<b>PT07/3543/F</b>	Approve with conditions	13 Upper Stone Close Frampton Cotterell South Gloucestershire BS36 2LB	Frampton Cotterell	Frampton Cotterell Parish Council

**CIRCULATED SCHEDULE NO. 01/08 – 4 JANUARY 2008**

**App No.:** PK07/3249/F

**Applicant:** Mr A Javid  
S.A.Capital

**Site:** Stanbridge Manor 23 Stanbridge Road  
Downend BRISTOL South  
Gloucestershire BS16 6AW

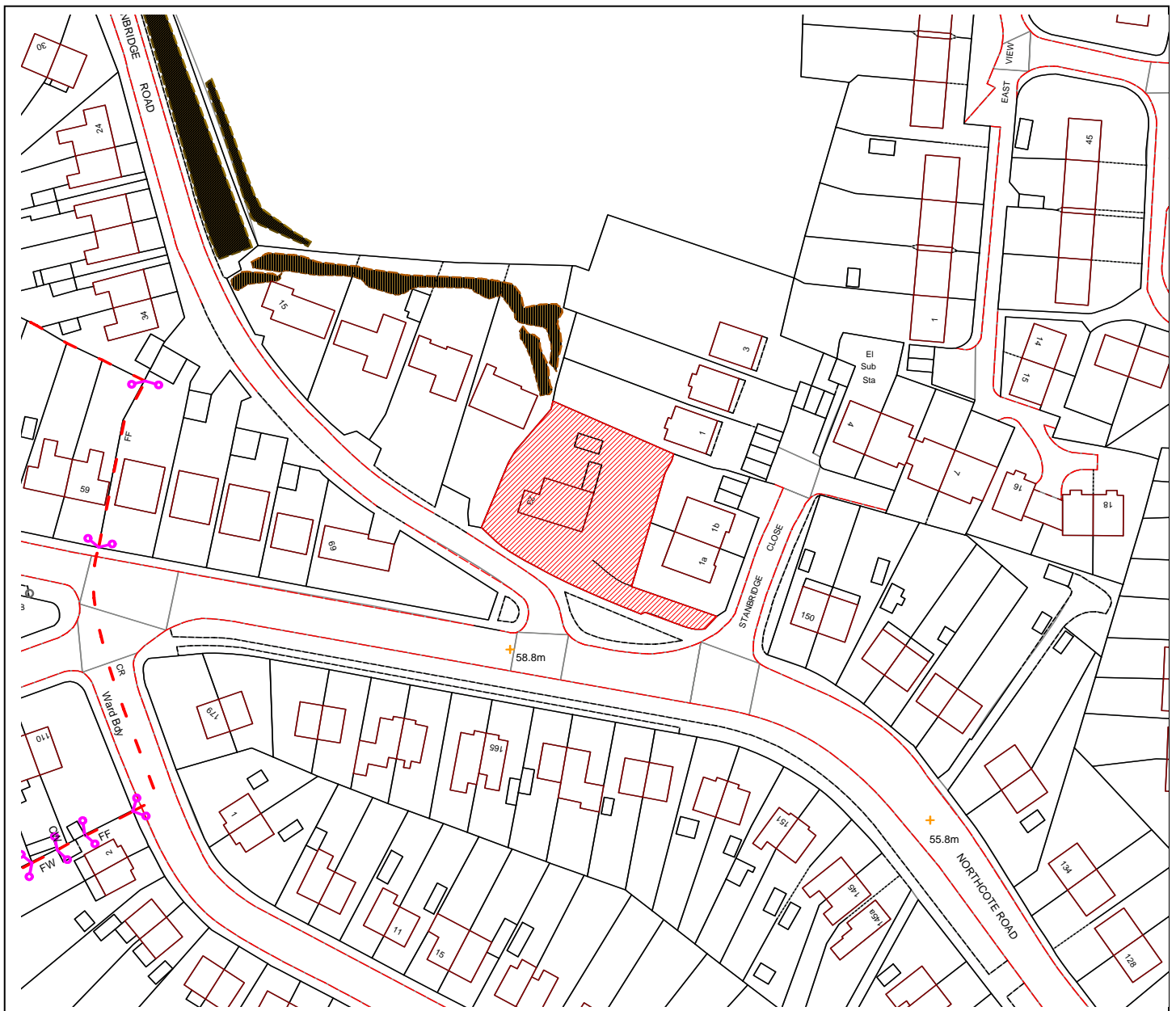
**Date Reg:** 1st November 2007

**Proposal:** Demolition of existing dwelling to facilitate the erection of 12no. self contained flats with access and associated works.

**Parish:**

**Map Ref:** 65801 76709

**Ward:** Rodway



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**N.T.S**

**PK07/3249/F**

## **INTRODUCTION**

This application is referred to the Circulated Schedule to members in accordance with procedure as it is a “major” application and given that objections/concerns have been raised.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent for the demolition of an existing detached two-storey dwelling to facilitate the erection of a single block comprising 12 no. (1 bed) self contained flats on 0.113 hectare of land situated on the northern side of Stanbridge Road close to the junction with Stanbridge Close and the classified Northcote Road. Northcote road is a busy link road between Staple Hill and Downend Shopping Centres. The site rises above Stanbridge Close. Access (vehicular and pedestrian), 12 no. parking spaces, cycle store, bin store and landscaping are all proposed as part of the development.
- 1.2 Vehicular access to the development would be from Stanbridge Road with an access drive running along the western boundary of the site and a small turning head situated at the north-western corner. The parking spaces would be located to the side (west) and rear (north). A pedestrian access to the front entrance would be situated along the route of the current access to the dwelling at the junction of Stanbridge Road and Stanbridge Close.
- 1.3 The proposed building itself would be 3 storey in height and adopt a contemporary design. Features include a central glazed foyer on the front elevation forming a central axis with symmetrical wings to either side, flat roof and narrow balconies to the front and rear. The proposed materials are varied with a mix of white render, horizontal light oak stained timber boarding (at the upper level to the front and part side) and grey/blue brick. Existing planting is retained and additional planting is proposed along other boundaries.
- 1.4 In support of the application, the applicant has submitted a detailed design and access statement, materials schedule and sustainability appraisal.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

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

H2	New Residential Development within the Urban Areas or Village Development Boundary
H4	Development within Existing Residential Curtilages
D1	Achieving Good Quality Design in New Development
T12	Transportation Development Control Policy for New Development
T7	Cycle Parking
T8	Vehicular Parking Standards
L1	Landscape Protection and Enhancement

South Gloucestershire Council Design Checklist (Adopted August 2007)  
Trees on Development Sites (SPD) 2005

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

- 3.1 P89/4136 Erection of 1 no. bungalow (outline) Refused  
P90/4313 Change of Use from Dwelling to Private Day Nursery on Ground Floor (Refused)  
P90/4513 Convert existing house to pre-school nursery (Approved)  
P91/4633 First Floor Side Extension (Approved)  
P92/ 4542 Erection of conservatory to side elevation (Approved)  
P94/4213 Change of Use from Day Nursery with living accommodation to 1 no. dwelling (Approved)  
P96/4109 Change of use of ground floor of dwelling house to Day Nursery (Approved)

PK05/3064 Conversion of existing dwelling and erection of two storey side and rear extension to form 4 no. flats and 2 no. dwellings and car parking with associated works. (Refused on Appeal)

This application was refused on the grounds the proposal would have an adverse impact upon the character and appearance of the area, would prejudice the amenity of neighbouring occupiers by appearing overbearing and oppressive and would be detrimental to highway safety. The Inspector rejected the first two refusal reasons, however the appeal was dismissed on the grounds that the building would be detrimental to highway safety.

### **4. CONSULTATION RESPONSES**

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

The site does not fall within a “parished” area

#### **4.2 Community Services**

It is calculated that this development of 12 (equating to 11 as an existing property is to be demolished) dwellings would generate an average population increase of 15.5 people and that the site comprises sufficient on-site informal open space to satisfy Policy LC8. If this development is implemented it would create a need for extra Public Open Space. 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 24m<sup>2</sup> 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 5m<sup>2</sup> 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: 264.35sqm (as no space is provided this is the shortfall). The total contribution towards off-site enhancements of public open space would be £6,336.47. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £5,665.02, a total requirement of £12,001.49.

### 4.3 Sustainable Transport

The proposal involves the removal of the existing building to facilitate construction of a new building to create 12no. one bedroom flats plus parking on the site. A revised plan has been submitted with the revised access details. Access to the site is proposed via Stanbridge Road which is residential in nature. The road also provides access to Stanbridge Primary school (i.e. Located some 200m from its junction with Northcote Road) and that makes Stanbridge Road a relatively busy traffic route during the school period. The proposed new site access on Stanbridge Road is approximately 20m away from the junction with Northcote Road. Having regards to potential use of the site access and given the road hierarchy of Stanbridge Road, the proposed location of site access is considered acceptable.

The achievable visibility distances from the proposed new site access onto Stanbridge Road are 2.4m by 31m. The officer has taken some speed readings on the Stanbridge Road. The results of these readings backs up the agent's own speed survey and show that vehicular speeds on Stanbridge Road are generally low. The 85% value show vehicular speeds of 25mph at this location. By reference to the visibility guidance as included in the document "Manual for Streets" (Department of Transport document published in March 2007) and in consideration to the actual measured speeds then the visibility splays are acceptable in this case. The proposed site access will be of sufficient width to allow a vehicle enter the site whilst there is a vehicle waiting to exit the site entrance. Additionally, a separate pedestrian access is also available from Stanbridge Close direction. In respect of parking for the development, the applicant will be providing 12 parking spaces and that equates to 1 space per each unit on the site. There is also sufficient space on the site for vehicles to manoeuvre and ensure that vehicles can exit the site access in forward gear. A suitable planning condition would be imposed to ensure that parking spaces are allocated per each dwelling on the site.

Some local residents have expressed concerns about parking issues and state that insufficient parking facilities are provided for the development on the site. It must be highlighted that under policy T8 of the South Gloucestershire, the maximum parking requirement for one bedroom flat is one parking space per each dwelling. In accordance with the SGC parking standards therefore, the applicant has provided the maximum parking provision that is permissible under the Council's policy. In view of this therefore, it is considered that no highway objections can be substantiated in an appeal situation in respect of parking. In compliance with the SGC cycle policy, the applicant is also providing satisfactory cycle facilities on the site. Suitable planning condition would also be imposed to ensure these facilities are provided and maintained properly on the site. In view of all the above therefore, there are no highway objections to this proposal subject to planning conditions.

### 4.4 Local Residents

There have been 9 letters of objection received. The grounds of objection can be summarised as follows:

- Insufficient off-street parking is provided
- The design and appearance will be out of character with the surroundings
- The proposed development will result in detriment to highway safety in particular given the close proximity to nearby schools



- The proposal will result in the loss of a good example of a detached Victorian property
- The proposed development should use local material to be sustainable
- The proposal will result in increased noise and disturbance to neighbouring occupiers

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of the Development

Policy H2 and H4 of the Adopted South Gloucestershire Local Plan are relevant to this planning application. These policies indicate that the principle of such development within the urban area and boundaries of settlements is acceptable subject to consideration of the density, environmental impact and impact upon the surrounding highway network and residential amenity. The proposal is considered acceptable in principle subject to consideration of these issues.

### 5.2 Density

PPS3 indicates that there should be a minimum density of 30 dwellings per hectares in all development subject to consideration of accessibility and compatibility with the area. Policy H2 allows higher density within sustainable locations close to urban centres.

The site measures approximately 1086 sq.m. The development of 12 units on this site achieves approximately 109 dwellings per hectare. It is considered that this density is consistent with the requirements of the above planning policy.

### 5.3 Loss of the Building

Concern has been raised that the proposal will result in the loss of a Victorian Building. It should be noted that the building concerned is not Listed (or on the South Gloucestershire Local List). The building while Victorian in origin and finished in pennant sandstone has been altered to include some rather discordant extensions which are considered to detract from the original building. While the original building is typical of a building from that period it is not considered of importance such as it would be worthy of protection.

### 5.4 Design

Policy H2 and H4 of the Adopted South Gloucestershire Local Plan seeks to ensure that new residential development is of a high standard of design and that new development would not compromise existing visual and residential amenity in the locality surrounding the site. This principle is supported by policy D1 of the Adopted South Gloucestershire Local Plan.

Within context it is not considered that there is a uniform style of property within the vicinity of the site. Properties are both detached, semi-detached and terraced and appear to have been build in piecemeal fashion over time ensuring a variety of styles and designs from the "swiss chalet" properties that back onto the site to the more modern 1960's properties elsewhere along Stanbridge Road and the application site itself being a larger detached Victorian property. Materials also vary although render and brick with some reconstituted stone. It is considered that within this context, where no one style dominates, the introduction of a contemporary styled building is an appropriate design.

The use of a variety of materials (glazing, light oak stained timber boarding and render) and central glazed area on the front elevation along with the use of a flat roof is considered to ensure that the mass and bulk of the building is broken up and in this respect the scale of the development is considered to relate well to neighbouring properties (the proposed building although three storeys in height is actually marginally lower in height than the original building). The scale and proportions of the building are therefore considered acceptable.

The applicant has proposed the use of grey/blue brick on the front elevation. It is considered that a more traditional sandstone as found in the locality may be more appropriate and the applicant has agreed to this alteration and having regard to this matter, a condition will be attached to the decision notice to require the inspection and approval on site of the proposed finishing materials prior to the commencement of development. Appropriate refuse storage is provided and a condition will be attached to the decision notice to ensure that this is in place prior to the first occupation of the building.

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

## 5.5 Residential Amenity

With respect to the physical impact of the development upon the amenity of adjoining occupiers, it is not considered that the proposed building would appear oppressive and overbearing over any impact from the existing building when viewed from such properties given that it sits within a large plot of land. The design of the building also ensures that the mass and bulk is reduced and any impact is reduced by extensive existing landscaping that would be enhanced by additional planting.

With respect to privacy issues, the building is at its closest to neighbouring properties 1A and 1B Stanbridge Close immediately to the east. It is considered that the elevated position of the building would ensure that the uppermost windows in the proposed side elevation would face over the roofs of these nearest properties at a distance of 10 to 12 metres while at the lower levels dense landscaping reduces any impact. It is not considered that any impact would be significant.

To the west, side windows would look out, at a distance of 10 to 12 metres, the front area of No.21 Stanbridge Close, however it is not considered that this impact is significant. It should also be noted that when considering the proposal to significantly increase the size of the existing property such that it would have been closer to the western boundary than the current scheme (PK05/3064 ~ Conversion of existing dwelling and erection of two storey side and rear extension to form 4 no. flats and 2 no. dwellings and car parking with associated works), the Inspector did not consider that there would be any loss of privacy at this point. Given the distances to properties to the north and south it is not considered that there would be any resulting overlooking/loss of privacy. Given the location of the building and distance to adjoining properties it is not considered that any significant loss of privacy to adjoining occupiers would result.

In summary therefore it is not considered that the proposed development would adversely affect the residential amenity of neighbouring occupiers. It is also considered that the scheme adequately addresses the amenity of future occupiers providing areas of informal open space around the building.

To protect the residential amenity of neighbouring occupiers a condition will be added to the decision notice to restrict hours of construction.

#### 5.6 Drainage

There is no objection to the proposal from the Council Technical Services Unit. A condition will be attached to the decision notice to ensure the use of best drainage practice.

#### 5.7 Transportation

Policy T12 of the Adopted South Gloucestershire Local Plan seeks to ensure that new development does not have a detrimental impact upon highway safety in the locality. Policy T7 seeks to ensure the provision of cycle parking to an acceptable standard while Policy T8 provides the maximum parking standards in respect of new development.

Concern has been raised that the development provides insufficient parking provision and that vehicles entering and leaving the site would result in detriment to highway safety.

As has been indicated above, a previous application (PK07/3064/F) was refused on the grounds that the development would have resulted in detriment to highway safety. This decision was upheld on appeal however the access was in the existing location (where a pedestrian access is now proposed). The new access to the site is proposed via Stanbridge Road. Officers consider the road to be residential in nature. The road also provides access to Stanbridge Primary school (i.e. located some 200m from its junction with Northcote Road) and that makes Stanbridge Road a relatively busy traffic route during the school period.

The proposed new site access on Stanbridge Road is approximately 20m away from the junction with Northcote Road. Having regards to potential use of the site access and given the road hierarchy of Stanbridge Road, the proposed location of site access is considered acceptable. The achievable visibility distances from the proposed new site access onto Stanbridge Road are 2.4m by 31m.

The applicant has provided a speed survey. Council Transportation Officers have also taken some speed readings on the Stanbridge Road and consider that these readings backs up the agent's own speed survey and show that vehicular speeds on Stanbridge Road are generally low. The 85%ile value show vehicular speeds of 25mph at this location. By reference to the visibility guidance as included in the document "Manual for Streets" (Department of Transport document published in March 2007) and in consideration to the actual measured speeds then the visibility splays are acceptable in this case. It is also considered that the proposed site access will be of sufficient width to allow a vehicle enter the site whilst there is a vehicle waiting to exit the site entrance. Additionally, a separate pedestrian access is also available from Stanbridge Close direction.

In respect of parking for the development, the applicant will be providing 12 parking spaces and that equates to 1 space per each unit on the site. There is also sufficient space on the site for vehicles to manoeuvre and ensure that vehicles can exit the site access in forward gear. A suitable planning condition would be imposed to ensure that parking spaces are allocated per each dwelling on the site.

While it is noted that concerns have been expressed about parking issues and state that insufficient parking facilities are provided for the development on the site. It should be noted that under policy T8 of the South Gloucestershire, the maximum parking requirement for one bedroom flat is one parking space per each dwelling. In accordance with the South Gloucestershire Council parking standards therefore, the applicant has provided the maximum parking provision that is permissible under the Council's policy. In addition sufficient cycle parking is provided.

A condition will be attached to the decision notice to secure a method statement to be agreed with the Council as to how the existing building on the site would be demolished and material arising from that would be disposed from the site. Furthermore a condition will be attached requiring the applicant to agree in writing with the Council's Street-care manager "a method statement" to maintain safe traffic movements (including pedestrian movements) on the public highway during construction. Additional conditions shall be attached to ensure that the public footway along the site entrance shall be fully surfaced to full and final satisfaction of the Council's Street-Care Manager and the provision of visibility splays from the site access onto Stanbridge Road all in accordance with the submitted and approved plans (and maintain thereafter). The access drive and parking spaces shall be provided prior to the first occupation of the flats and maintained thereafter and a condition shall preclude any gates across the front entrance in the interests of highway safety unless otherwise agreed in writing by the Local Planning Authority.

Subject to the above conditions and agreement it is considered that the proposed development is acceptable in terms of transportation issues and meets the aims and objectives of Local Plan Policy.

#### 5.8 Landscape

Policy L1 of the South Gloucestershire Local Plan (Adopted January 2006) requires that those attributes of the landscape that make a significant contribution to the character of the landscape are conserved and where possible enhanced. Existing landscaping in the form of trees and shrubs, largely located around the boundary of the site in particular the banking to the front is to be retained and some additional landscaping is proposed. A full landscaping condition is proposed to secure these details. In addition a condition requiring the submission of a management plan of the site (internal and external areas) will be attached to the decision notice to ensure the satisfactory management and appearance of the site after occupation.

#### 5.9 Other Issues

Given that the site is situated within a former mining area, a condition will be attached to the decision notice to require the submission of a mining report prior to the commencement of works.

#### 5.10 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. 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 this need. This may include contributions towards the enhancement of existing provision within the vicinity where on-site provision is not possible.

It is calculated that this development of 12 (equating to 11 as an existing property is to be demolished) dwellings would generate an average population increase of 15.5 people and that the site comprises sufficient on-site informal open space to satisfy Policy LC8. If this development is implemented it would create a need for extra Public Open Space. 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 24m<sup>2</sup> 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 5m<sup>2</sup> 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: 264.35sqm (as no space is provided this is the shortfall). The total contribution towards off-site enhancements of public open space would be £6,336.47. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £5,665.02, a total requirement of £12,001.49.

The two sites identified for potential contributions are King George V Playing Fields and/or Page Park both within 2 kms of the site (although the Council would reserve the right to allocate funds accordingly at the relevant time).

#### 5.11 Education

Given that the development is for 1 no. bed flats, there would be no requirement for contributions towards education provision

#### 5.12 Affordable Housing

The proposed development falls below the threshold (15 Units) at which Affordable Housing provision would be required under Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006).

#### 5.13 Design and Access Statement

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

#### 5.14 Section 106 Requirements

In this instance, having regard to the above advice, the Public Open space Contributions are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

## **6. CONCLUSION**

- 6.1 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:

- £6,336.47 towards enhancement of existing open space in the vicinity of the site and £5,665.02 towards the future maintenance of these enhancements

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

**Background Papers**      **PK07/3249/F**

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

## **CONDITIONS**

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

Reason:

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

2. Sample panels of the stonework, render and boarding shall be erected on site and approved in writing before the relevant parts of the work are commenced. The development shall be completed in accordance with the approved details before the building is occupied.

Reason:

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

3. The refuse store shown on the approved plans shall be provided prior to the the first occupation of the building and maintained as such thereafter.

Reason:

In order to ensure the provision of satisfactory refuse storage and to accord with Policy D1(H) of the South Gloucestershire Local Plan (Adopted).

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

Reason:

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

5. Prior to the commencement of development on site the applicant shall submit to and have approved in writing by the Local Planning Authority, a method statement to show how the existing building is to be demolished and the material arising from the demolition is to be disposed of from the site. The method statement shall also show how safe traffic movements (including pedestrian movements) are to be maintained on the public highway during the construction period.

Reason:

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

6. Prior to the first occupation of the development hereby approved the Public Footway along the site entrance shall be fully surfaced to the full and final satisfaction of the Council.

Reason:

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

7. The visibility splays, (from the site access onto Stanbridge Road), shown on the drawings hereby approved shall be provided prior to the first occupation of the development and maintained 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.

8. The access drive and the parking area shall be fully surfaced with a bound material prior to the first occupation of the development hereby approved and maintained as such thereafter.

Reason:

To ensure the satisfactory provision of parking facilities and access 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.

9. The off-street parking facilities (for all vehicles, including cycles) and the turning area shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. The parking spaces on the site shall be marked out such that each space is allocated (one space per dwelling).

Reason:

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

10. There shall be no entrance gates at the site entrance unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

12. The residential units hereby approved shall not be occupied until a scheme for the management of the communal areas of the development (both internal and external) for the first 2 years of occupation has been submitted and agreed in writing by the Local Planning Authority. The scheme should include management responsibilities and maintenance schedules. The scheme for the management of communal areas shall be carried out as 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.

13. The site lies within a former mining area. Prior to the commencement of any works on the site a mining report shall be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason:

To prevent non-point source pollution and flooding, and to accord with Policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 01/08 – 4 JANUARY 2008**

**App No.:** PK07/3478/F  
**Site:** 43 Poplar Road Warmley BRISTOL  
 South Gloucestershire BS30 5JX  
**Proposal:** Erection of two storey side extension to  
 provide additional living accommodation.  
**Map Ref:** 67516 72606

**Applicant:** Mr & Mrs J Andrews  
**Date Reg:** 26th November  
 2007  
**Parish:** Bitton Parish  
 Council  
**Ward:** Oldland Common



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**N.T.S**

**PK07/3478/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a two-storey extension to the side of the existing dwelling. The extension will consist of a two bedrooms at first floor with an enlarged lounge below.
- 1.2 During the course of the application amended plans were requested from the applicant to change the roof on the extension from a gable to a hip and also to ensure that the side window was fitted with obscure glazing. Amended plans have been received as requested.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H4 Development within Existing Residential Curtilages, Extensions and New Dwellings

T8 Parking Standards

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

- 3.1 No history

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Object to the proposals. Whilst they agree a hipped roof would be preferable, they recognise that if constructed to the boundary there would be issues of overhanging gutters etc. The Parish Council also note that there is a window overlooking the neighbouring property and queries whether there would be sufficient parking space.

#### **Other Representations**

- 4.2 Local Residents  
None Received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design/Visual Amenity

The proposed extensions meet an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. The two storey side extension is set back 500mm from the main front wall of the dwelling and the ridge is set down by 400mm. The windows to be added into the two storey extension will match those in the existing dwelling and the materials will also match the existing. The extension will have a front canopy that will be a continuation of the existing canopy of the dwelling and this will further encourage the successful integration of the extension.

The structure will be visible from the highway but will integrate successfully with the host dwelling and as such, it is not considered the additions would be visually intrusive. The design of the extensions is thus considered to be acceptable.

### 5.3 Residential Amenity

The two storey extension is to be erected on the north-eastern side of the existing dwelling – close to the boundary with No. 45 Poplar Road. No 45 Poplar Road is staggered forward slightly of the application property and as a result, the proposed side extension will project approximately 3.75 metres out from the main rear wall of No. 45. However No. 45 has a single storey rear extension already in place that is deeper than the proposed extension. The proposed two storey side extension will thus have no impact whatsoever on the ground floor windows of the neighbouring dwelling. There is only one window on the first floor on the rear elevation of No. 45 and this is on the opposite side of the dwelling to the proposed extension. The impact on existing levels of amenity is therefore considered to be acceptable and will have no overshadowing or overbearing impact on the windows of No. 45.

It is noted that the Parish Council are concerned about possible encroachment – particularly of gutters etc. However, the wall of the extension is to be constructed some 50 cm away from the boundary and this considered sufficient space to accommodate a gutter etc. Nonetheless, an informative will be attached to any consent granted to remind the applicant that the granting of planning permission does not give them the right to access or encroach onto land that is not within their ownership without prior consent.

There is a window to be added into the side elevation of the extension. It is important to note however that there is already a window in this location on the main house – the new window will replace the existing. However, the new window is to be fitted with obscure glass and will be permanently fixed in a closed position. This will be ensured via the attachment of condition. An argument could be made therefore that the new window will actually improve levels of privacy for the neighbouring property.

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

5.4 Transport Implications

The extension will result in the loss of one parking space down the side of the dwelling. To mitigate against the loss of this space, a condition will be added to ensure that two parking spaces are formed to the front of the property prior to the first occupation of the extension. There is sufficient space to the front of the property to easily accommodate two parking spaces in accordance with the requirements of the Local Plan.

5.5 Section 106 Requirements

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

**Background Papers**      **PK07/3478/F**

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

**CONDITIONS**

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

Reason:

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

2. The landing window on the side elevation of the extension hereby approved shall at all times be fitted with obscured glass and be permanently fixed in a closed position. The obscure glazing to be used shall be at least level 3 obscure glazing.

Reason:

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

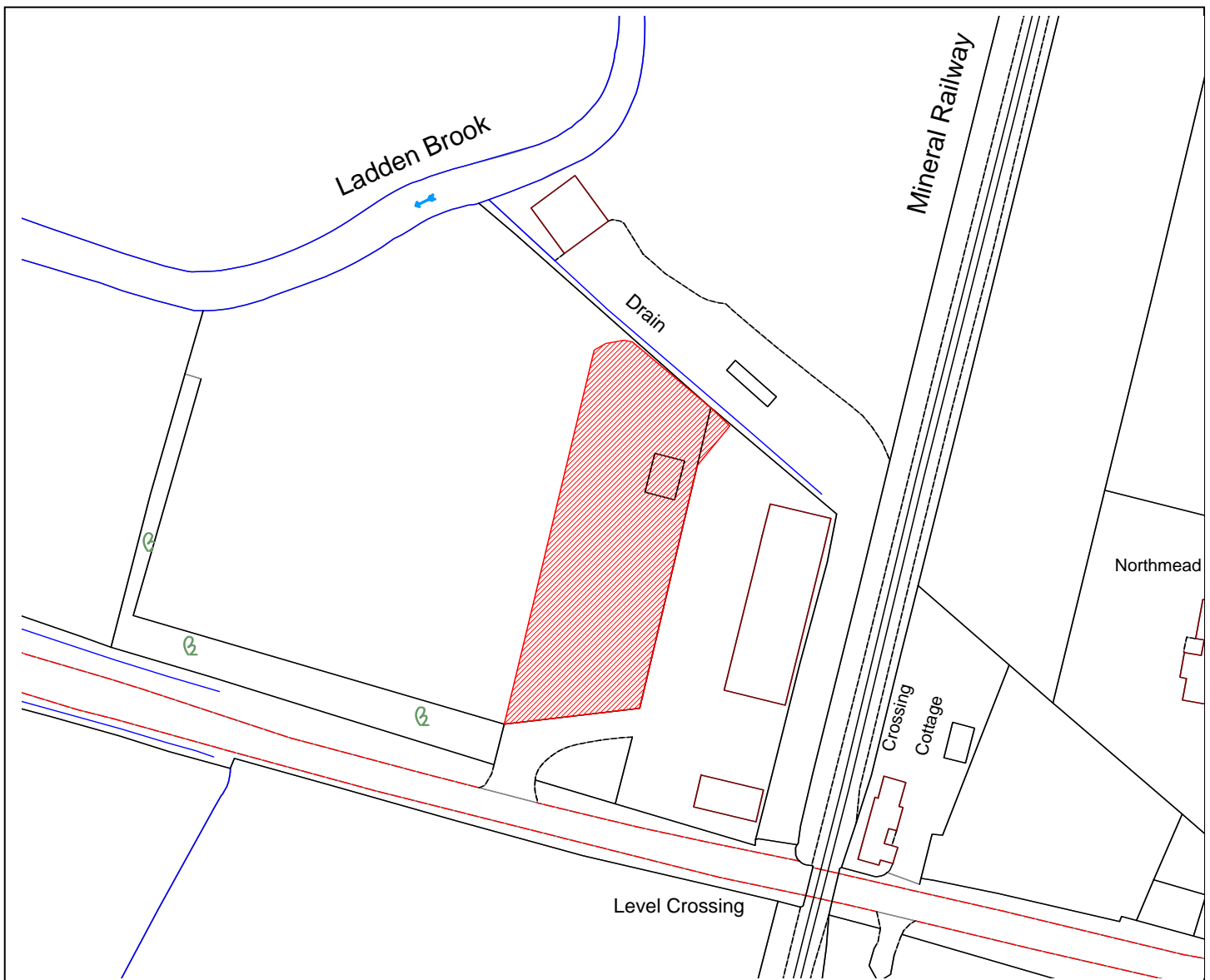
3. Prior to the first occupation of the extension hereby permitted, two off street parking spaces shall be provided on site for the parking of two vehicles. The two spaces must be maintained and be available at all times thereafter.

Reason:

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

## CIRCULATED SCHEDULE NO. 01/08 – 4 JANUARY 2008

<b>App No.:</b> PK07/3481/CLE	<b>Applicant:</b> Mr Rubery
<b>Site:</b> Field No 3549 Latteridge Road Iron Acton BRISTOL South Gloucestershire BS37 9TL	<b>Date Reg:</b> 27th November 2007
<b>Proposal:</b> Application for Certificate of Lawfulness for an existing use of land for storage and distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b> Iron Acton Parish Council
<b>Map Ref:</b> 67382 84492	<b>Ward:</b> Frampton Cotterell



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N.T.S

PK07/3481/CLE

## **INTRODUCTION**

This application is reported on the Circulated Schedule under the standard procedure for the determination of Certificate of Lawfulness applications.

### **1. THE PROPOSAL**

- 1.1 The site is a portion of a field situated to the north of the Yate – Rudgeway road and to the west of the old mineral railway. Views in are prevented by a solid metal barrier including gates along the southern edge of the site. Its eastern and western boundaries are open to other parts are open to the field which surrounds the site.
- 1.2 A site visit carried out on 30 November 2007 showed that there was little appreciable storage on the site at that time.

### **2. POLICY CONTEXT**

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

### **3. PLANNING HISTORY OF SITE**

- 3.1 None for this site.

### **4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION**

- 4.1 A letter has been submitted by the agent to accompany the application. This states that the application is accompanied by seven statutory declarations together with exhibits, aiming to prove the claim.
- 4.2 The evidence amounts to ten affidavits. The first was sworn by Christopher Lock, stating that he has used the site since 1996 for (*unspecified*) storage purposes. He goes on to state that on his numerous visits to the field over 11 years, buildings and materials have always been stored in that area.
- 4.3 The second affidavit, sworn by Donald Welsh, states that he owns and operates a skip hire business locally. He states that he has stored excess skips used in his business on the site for a period in excess of 10 years.
- 4.4 Chris Wright, a tree surgeon, has sworn the third affidavit, stating that he has used to site for the storage of general materials in connection with his business for over ten years.
- 4.5 Barry Payne, a landscape contractor, swore the fourth affidavit, stating that he has continuously used the site for the storage of mulch and otherlandscaping materials for over ten years.
- 4.6 The fifth statutory declaration was sworn by Bryan Green, who states that he operates a landscape gardening and building business and has used to site for the storage and reuse of topsoil, mulch, timber and other materials for a period in excess of ten years.
- 4.7 Neil Gazzard swears in the sixth affidavit that he works as a tree surgeon and has used the site for the last 9 years for the storage of materials and firewood. He also confirms that he is personally aware of sheds and materials stored on the land by other people, two years prior to his first doing the same.

- 4.8 The applicant's son Philip Rubery has sworn the seventh affidavit, stating that he operates a contractors company carrying out engineering work. He states that he has stored contractors plant and excavators in sheds and materials for use in the business on the site for more than 10 years.
- 4.9 Also submitted as evidence is an aerial photograph of the site and its surroundings. No date has been disclosed for when the photograph was taken, although the copyright date appears to be 2007, and it is not referenced in any of the statutory declarations.

## 5. **SUMMARY OF CONTRADICTIONARY EVIDENCE**

- 5.1 None received.
- 5.2 The Council's aerial photograph of the site from 1999 shows no clear evidence of any storage, however a small proportion of the site is in shadow. About half of the site at this time is shown to have lost its grass, unlike the surrounding fields. It is therefore considered to be possible that this could have come about at that time through the grass being covered, possibly by the materials being stored there. It is acknowledged that there could have been limited storage on the site on that day (concealed by shadow) and therefore the photographic evidence cannot be considered to be conclusive in this instance.
- 5.3 The aerial photograph submitted to accompany the application also shows little evidence of storage use on its date. It also shows that trees have been planted on the southern portion of the site, since the 1999 photograph was taken. This would indicate that this part of the site has not been used for storage purposes as growing trees there would preclude that.

## 6. **OTHER REPRESENTATIONS RECEIVED**

- 6.1 Iron Acton Parish Council  
No reply received

### **Other Representations**

- 6.2 Local Residents/ Businesses  
No replies received

## 7. **ASSESSMENT**

- 7.1 The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been carried out for a period exceeding four years and whether or not the use is in contravention of any Enforcement Notice which is in force.
- 7.2 Dealing with the latter point from above first, as noted in the 'History' section above, no Enforcement Notice is in force on any part of the site.
- 7.3 The relevant test of the submitted evidence  
The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probabilities". Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is



sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues which are involved in determining an application. Any contradictory evidence which makes the applicant's version of events less than probable should be taken into account. In this case, no contrary information has been received and the test needs only be applied to the statutory declarations and ancillary evidence provided by the applicant.

#### 7.4 Hierarchy of Evidence

The evidence submitted comprises statutory declarations, in some cases referring to further documents. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.

Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.5 In this case, no contradictory evidence has been received. The test of the balance of probability is therefore limited to the applicant's evidence and the relevant tests are that this evidence is clear and precise. The task of this application is to prove that the land was used for the purpose claimed for the last ten years. The time in question, when proof is required to complete a ten year period is therefore between November 1997 and November 2007, and that this use, if proved, has not been abandoned. The evidence supporting the claim over this period has been detailed at Section 4 above.

7.6 With regard to the series of statutory declarations which form the majority of the submitted evidence. There is storage claimed of a wide range of different (mostly unspecified) materials, plant and buildings, within the red lined area. The statements do not corroborate each other. Even Mr Gazzard, the only one to mention storage carried out by anyone other than themselves, specifies this as before the time he carried out his own use of the site.

7.7 Although there is a lack of corroboration, each statutory declaration applies to the same red lined area on the accompanying plans. This leads to the conclusion that all of the users were using the whole of the site for storage for the whole ten year period (or 9 years in the case of Mr Gazzard). It is considered that this is unlikely to be the case, however, since the size of the site is finite. However, it does seem probable that each of those who provided the statutory declarations could have used part of the site when it was available. This is despite the lack of any corroboration and the assumption is made in the absence of any evidence being submitted from which to infer that

the claimed storage was arranged in any particular way. It seems more probable than not that storage would have occurred on an ad hoc basis within the red line area, for certain periods of time. No evidence of receipts has been put forward either, so it is not known if the storage arrangement was formalised in any way, with the users paying the owner.

7.8 The next issue to be assessed is the nature of the storage. The use claimed is a B8 storage use. Class B8 of the Use Classes Order covers storage and distribution. In this case, no claim is made for the latter function. The evidence of the storage claimed is considered to be too miscellaneous to warrant proof of a particular type of storage, for instance *landscape contractor's equipment*. Under these circumstances, it is considered that a general storage use is an appropriate description for the activities which have been carried out there over the last ten years.

## 8. **CONCLUSION**

8.1 Officers conclude, objectively and on the balance of probability, that, according to the applicant's own evidence, the claimed use of the site is more likely to have taken place than not, at least on the part of the site which was not used for growing trees. No counter evidence has been supplied which would disprove the applicant's contention.

## 9. **RECOMMENDATION**

9.1 That the Certificate of Lawfulness is granted, with the red lined area amended to remove the southern part of the site where trees were being growing within the claimed ten year period.

**Background Papers**      **PK07/3481/CLE**

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

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

## CIRCULATED SCHEDULE NO. 01/08 - 4 JANUARY 2008

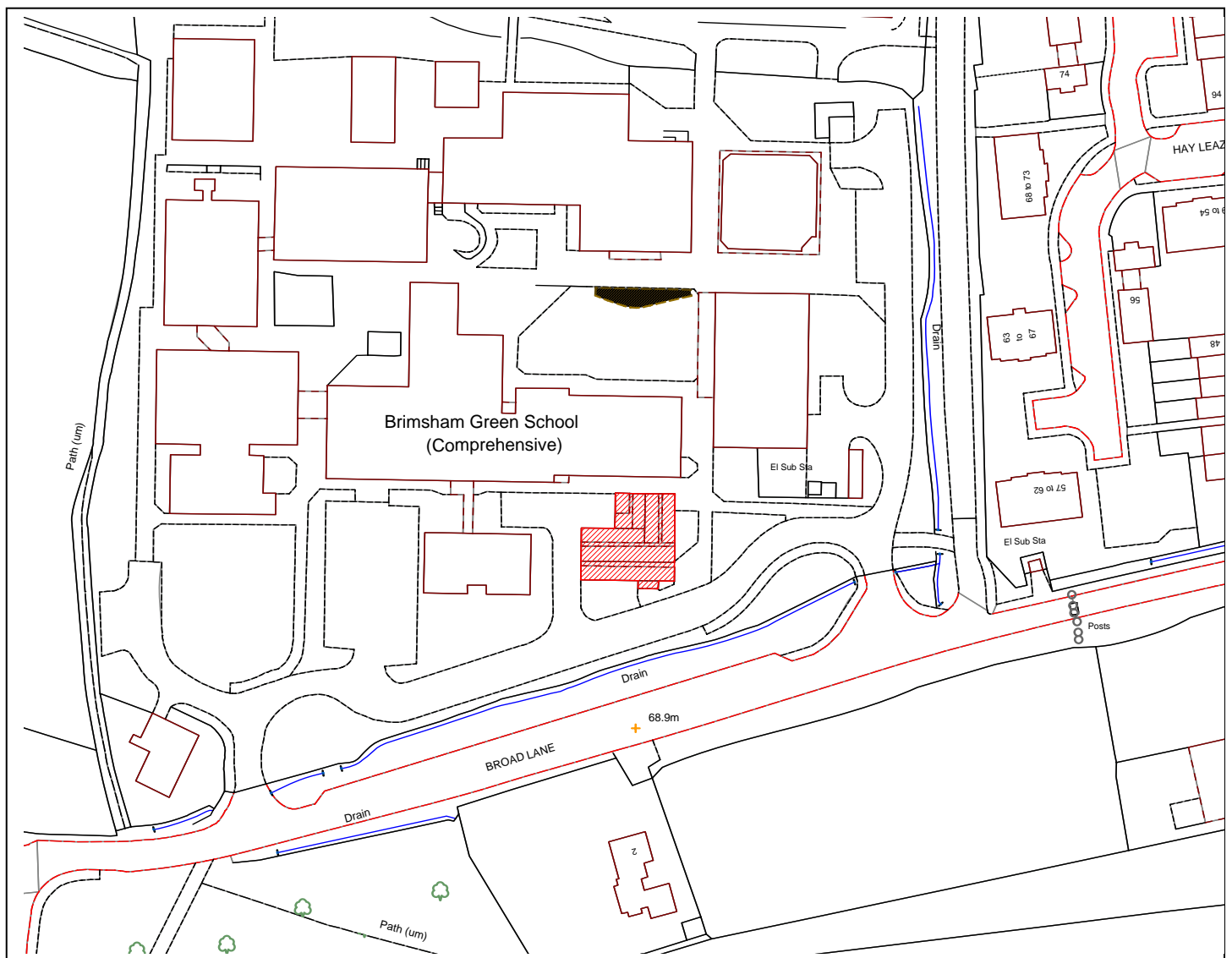
App No.: PK07/3497/R3F

Applicant: South  
Gloucestershire  
CouncilSite: Brimsham Green School Broad Lane  
Yate BRISTOL South Gloucestershire  
BS37 7LBDate Reg: 28th November  
2007Proposal: Demolition of cycle stores to facilitate the  
erection of single storey detached  
building to form resource base with  
offices and toilet facilities, suitable for  
wheelchair users. Construction of  
hardstanding to form lay-by.

Parish: Yate Town Council

Map Ref: 70682 83769

Ward: Yate North



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N.T.S

PK07/3497/R3F

## **INTRODUCTION**

This application is reported on the Circulated Schedule in accordance with the standard procedures for Regulation 3 applications.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a single storey to be used as a resource centre and toilet block. Permission is also sought for the construction of a hardstanding to be used as a lay-by. In order to facilitate this development, it is proposed that the existing cycle store is demolished. This building is single storey, in common with all of the school buildings and constructed from blockwork, under a corrugated roof. The building forms a 'L' shape, with car parking in the crook of the 'L'. The roof is mostly hidden and appears therefore to be missing. There is a prominent tree at the front of this part of the site, otherwise the building is unscreened. The tree is proposed to be removed.
- 1.2 The proposed replacement building would also be single storey, covering approximately the same footprint, although slightly larger and extending further forward. The roof proposed would feature a number of monopitch slopes, joining at different angles. Windows are proposed on all four elevations, with a covered bus shelter as the main feature of the elevations facing Broad Lane.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
L1 Landscaping  
LC4 Education Facilities

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

- 3.1 Nothing relevant to this proposal.

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Object to the proposal unless provision is made somewhere else on the site for secure cycle storage.
- 4.2 Other Consultees  
Transportation  
This development proposes the demolition of an existing cycle. No detail has been submitted on the proposed relocation of this cycle storage. The proposal without adequate cycle storage within the school grounds would be against Policy T7 of the SGLP and is therefore recommended for refusal on this basis.

#### Tree Officer

The tree is a young lime. It has good form and appears to be healthy. It is growing in close proximity to the existing structure and will cause damage either physically or via root activity as the tree increases in size. If the tree was removed to allow the construction a similar size /species tree should be planted

to mitigate the loss. There is no objection to this application with the condition that the tree to be removed is replaced with a similar size/ species tree.

### **Other Representations**

#### **4.3 Local Residents**

One letter was received, not objecting but pointing out that no reference is made to the four trees on the boundary of the school. The writer would object if these trees were to be felled.

## **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 proposal needs to meet the four tests set by policy LC4 and the other issue to be resolved is the loss of the tree at the front of the site.

### **5.2 D1: Design of the proposal**

The design of the proposed replacement building is considered to represent an improvement to visual amenity, over the current situation of an unattractive, utilitarian building. The proposed design is modern in both style and the use of its constituent materials and this is considered to be both appropriate to a complex of school buildings and the location, as it would give a visual lift to the front of the site.

### **5.3 LC4: Major transport generators should be on sites highly accessible by foot and cycle**

This proposal is not considered in itself to be a major transport generator and therefore this policy criteria is not considered to apply.

### **5.4 LC4: Effect on Residential Amenity**

This site is located well away from any residential property, other than No. 2 Broad lane, which is across Broad Lane from the site and set back within its plot. Since the proposal is for the replacement of a single storey building with another, albeit taller single storey building, the proposal is not considered to have much potential impact upon residential amenity in itself. When the distance to the nearest property is taken into consideration, it is considered that no adverse impact would occur.

### **5.5 LC4: Transportation Effects**

The Transportation comments appear above and make clear that without replacement cycle parking facilities the scheme would not comply with policy. Normally it would be possible to add a condition requiring that a cycle store is provided elsewhere on the site. However, it would appear that replacement cycle storage would require planning permission in its own right. It may have to consist of a number of smaller buildings due to the intensive coverage of the land at the front of the site, while a store to the rear of the site would be likely to replace part of a playing field, as well as not being in a practical location in order to encourage trips to school by bike. Given these circumstances, the only option is to refuse planning permission. For any such application to be successful, it would have to be comprehensive in that it should include full details of replacement cycle parking facilities.

5.6 LC4: Effect of the proposal on on-street parking

Given that the proposal as it stands would lead to the loss of cycle parking facilities on site, it is considered that this would in turn lead to more trips being made to the school delivering pupils by car. This would be likely to have a temporary impact on on-street parking due to dropping off and picking up of pupils.

5.7 L1: Tree Issues

The Tree Officer's comments also appear above. Problems in this instance could be remedied through the use of a condition, but if a further application is submitted, replacement tree planting could be addressed at that stage.

5.8 Design and Access Statement

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

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 would be the most appropriate, and a Section 106 Agreement would be 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 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, due to the loss of cycle parking facilities.

**Background Papers      PK07/3497/R3F**

**Contact Officer:    Chris Gosling**

**Tel. No.                01454 863787**

**REFUSAL REASONS**

1. The development proposal would result in the loss of adequate cycle storage within the school grounds and would therefore be contrary to policy T7 of the adopted South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 01/08 - 4 JANUARY 2008**

<b>App No.:</b> PK07/3516/F	<b>Applicant:</b> Mr C Goodchild
<b>Site:</b> 17 Carmarthen Close Yate BRISTOL South Gloucestershire BS37 7RR	<b>Date Reg:</b> 29th November 2007
<b>Proposal:</b> Erection of wooden summerhouse. (Retrospective).	<b>Parish:</b> Yate Town Council
<b>Map Ref:</b> 72029 83533	<b>Ward:</b> Yate North



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**N.T.S**

**PK07/3516/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 full planning permission for the retention of a wooden summerhouse with a tiled roof in the rear garden of this detached brick and tile house in a cul-de-sac location.
- 1.2 The structure is barely visible from the front of the site, but more visible from the rear where it is located behind a trimmed hedge which separates the site from a footpath. The side boundaries of the garden are marked by 1.8 metre high fences.

### **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 Development within residential curtilages

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

- 3.1 Nothing relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection
- 4.2 Other Consultees  
Public Rights of Way  
No reply received

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection was received from a local resident, citing the following concerns:
- \* The building is not used as a 'summerhouse' but as an office, used all year round
  - \* Overbearing impact
  - \* The building is too high and as a result its windows look over the fence dividing the properties, affecting privacy in the rear windows of the house
  - \* The development will affect property values

NB This last point is not a valid planning concern.

### **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 therefore the effect of the proposal on residential amenity and visual amenity.



## 5.2 Residential Amenity

The building is located at the end of the garden, which is relatively long with a footpath to the rear. It is considered that the proposal would have no overbearing impact on neighbouring properties and therefore there would be no harm to residential amenity in its retention. With regard to the issue raised through the consultation process about the effect on privacy, the houses and gardens are situated on a hillside and therefore with a standard boundary treatment, it is considered that it is possible to stand in one garden and see over the fence into the adjoining garden to some extent. This would be the case, whether there is a building erected in this location or not. With regard to it being used as an office, this use is not considered to represent a change of use. No evidence has been put forward that the office is used for any purpose other than ancillary to the main use of the site as a dwelling house. Consequently it is considered that the proposal does not have any harmful effect on residential amenity which would warrant the refusal of the application.

## 5.3 Visual Amenity

While the colour that the building has been painted (cream) allows the building to stand out and this is exacerbated by the material used for the walls (wood), this is considered to be a case of form following function. The building in question is an outbuilding. These are regularly constructed of wood, although often unpainted. It may be better to ensure that outbuildings which are as visible as this one (the top half is highly visible from the footpath) should be constructed of materials to match the host dwelling, but it is considered that this would be unduly onerous. It is considered that the summerhouse reads as an outbuilding in scale and materials and that should be sufficient to identify it in that function. It is considered to be of a neat and tidy appearance and therefore not to harm visual amenity. Therefore it is considered that this proposal complies with policy D1.

## 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**      PK07/3516/F  
**Contact Officer:**    Chris Gosling  
**Tel. No.**                01454 863787

**CIRCULATED SCHEDULE NO. 01/08 – 4 JANUARY 2008**

**App No.:** PK07/3520/F  
**Site:** 12 Moorland Road Yate BRISTOL South Gloucestershire BS37 4BX  
**Proposal:** Erection of two storey side extension to form 2no. flats with associated works.  
**Map Ref:** 70564 82335

**Applicant:** Mr J Pearce  
**Date Reg:** 29th November 2007  
**Parish:** Yate Town Council  
**Ward:** Yate Central



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**N.T.S**

**PK07/3520/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule in accordance with Council procedure as the applicant is an employee of South Gloucestershire Council.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning consent for the erection of a two storey extension on the side of the existing dwelling to form two flats. The flats will be additional and the existing dwelling will remain as an independent dwelling. The new extension will be constructed in place of the existing attached garage that will be demolished to make way for the extension as proposed. Each of the proposed flats is to have two bedrooms.

## **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  
T7 Cycle Parking Standards  
T8 Car Parking Standards  
T12 Transportation Development Control  
H4 Development within existing residential curtilages.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

## **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No Objection

### **Other Representations**

#### 4.2 Local Residents

One letter of objection has been received from a local resident. A summary of the points of concern is as follows;

- There is potential for 4 extra vehicles to park in the area
- The development is on a bend on Moorland Road with lots of on street parking already making it difficult for emergency vehicle access
- The area cannot cope with two more dwellings

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 allows for extensions within existing residential curtilages where the design and impact upon existing levels of amenity are considered to be acceptable. These include satisfactory parking facilities and not prejudicing the

character of the surrounding area and residential amenity. Policy T12 of the South Gloucestershire Local Plan controls development which may affect highway safety. The application does not propose to convert the existing dwelling – this will remain intact. Policy H5 is therefore not relevant in this case.

## 5.2 Design/Visual Amenity

The existing dwelling is a semi-detached property in a street scene of varied design. Most of the surrounding properties are semi-detached although they take a variety of designs and forms. The two storey side extension proposed will, in your officers opinion, have a detrimental impact on the street scene and character of the area.

The two storey side extension is not set back or down from the main dwelling but instead runs flush with the existing property. As such, there is no degree of subservience. In addition to this, the total width of the proposed two storey extension is to be 8.1 metres compared to the width of the original dwelling at only 6.4 metres. It is clear therefore that the proposed extension will be well in excess of 120% wider than the main dwelling it should be subservient too. In light of this, the balance of the pair of semi's will be upset with a detrimental impact on the character of the area. The resultant building will look unusually wide and will not integrate with the existing built form or integrate with the character of the area or street scene.

Further to this, the design of the extension – particularly the window and door arrangement on the front elevation pays little attention to the character of the existing dwelling. There appears to be no relation between the proposed windows and doors compared to the main dwelling that has a very regular layout. The installation of two additional front doors would be out of keeping with the general design of the street scene and would visually, increase the width of the extensions further.

The proposed two storey side extension, because of its bulk and design will upset the balance of the pair of semi-detached properties and will have a detrimental impact on the street scene and character of the area. The application is thus contrary to the requirements of Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## 5.3 Residential amenity

The application shows that a small area of garden will remain to serve the existing three bedroomed dwelling. The useable amount of garden space that will be provided to serve this dwelling is approximately 42 square metres. Whilst this is indeed a very small amount and is significantly lower than the levels afforded to the surrounding dwellings, it would be difficult to sustain a refusal reason on this basis.

The application also shows the provision of a small triangular area of garden for the shared use of the two proposed flats. Your officer has concerns that this is insufficient garden to meet the needs that may arise from two, two bedroomed flats. However, consideration must be given to the fact that the site lies in very close proximity to a large playing field. Whilst the small area of garden could be used for the communal drying of clothes, the playing fields could easily and regularly be used for recreational purposes.

It is not considered that the proposed extension would have any detrimental impact on the amenities of the neighbouring properties. The extension would be erected to the side of the dwelling towards the neighbour at No. 10 Moorland Road. No. 10 is a detached bungalow with a blank roof slope facing towards the application site. The extension will be contained to the side of the neighbour at No. 10 and thus will not have any detrimental overshadowing or overbearing impact upon them. The extension will not be readily visible from the attached property at No. 14 and thus, will have no impact upon this neighbour.

Policy D1 of the South Gloucestershire Local Plan requires that adequate provision be made for the storage of waste and recyclable materials. It is reasonable to expect that each of the proposed flats would be provided with one black bin, one green bin, one bag and one box for recyclables. The plans however only show one bin store – just large enough to meet the needs of one of the proposed flats. As a result, this means that the bins for the existing house and the second flat would need to be stored at the front of the building having a detrimental impact on the visual amenity of the street scene.

Inadequate provision is made for the storage of waste and recyclable materials and as a result, bins would have to be stored to the front of the building with a detrimental impact on the visual amenity of the street scene. The application is thus contrary to the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### 5.4 Transportation Implications

The site is on Moorland Road, an unclassified residential highway, at a location where visibility is restricted due to the horizontal alignment of the road. It is important to understand that Moorland Road is like a very large cul-de-sac with the only vehicular entrance being from the North. It is therefore considered that the parking spaces shown on the block plan for units 12A and 12B would be almost unusable and vehicles would have to turn almost 180 degrees to get into the space. Either that or they would need to drive further along Moorland Road to turn around to be able to drive into the proposed spaces. Either way, the application would result in an increased number of vehicles performing unsuitable manoeuvres on the highway close to a bend. The existing dwelling has a vehicular crossover and a double garage and parking in front. It is proposed as part of this development to demolish the garage and erect a two storey side extension to facilitate conversion of this extension to two two-bed flats. Three parking spaces are proposed, one for each dwelling.

Policy T7 of the South Gloucestershire Local plan requires the provision of secure and undercover cycle parking spaces – none however have been provided. The application is thus contrary to the requirements of Policy T7.

This proposed development is considered unacceptable in transportation terms as it increases the use of a substandard access due to the restricted visibility for vehicles exiting the site. It also reduces the number of vehicular parking spaces for the existing dwelling from four to one. The level of parking proposed will lead to additional on-street congestion interrupting the safe and free flow of traffic, all to the detriment of highway safety. In light of the above, this proposal is recommended for refusal on transportation grounds.

## 5.5 Design and Access Statement

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

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

## 7. RECOMMENDATION

7.1 That the application be refused for the following reasons;

**Background Papers      PK07/3520/F**

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

### **REFUSAL REASONS**

1. The proposed two storey side extension, because of its bulk and design will upset the balance of the pair of semi-detached properties and will have a detrimental impact on the street scene and character of the area. The application is thus contrary to the requirements of Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. Inadequate provision is made for the storage of waste and recyclable materials and as a result, bins would have to be stored to the front of the building with a detrimental impact on the visual amenity of the street scene. The application is thus contrary to the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The development proposes the increased use of a substandard access due to restricted visibility. This will interrupt the safe and free flow of traffic adding to the hazards faced by the travelling public. This is contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) and detrimental to highway safety.
4. The development without adequate off-street parking would lead to additional on-street congestion, at a location where visibility is restricted, thereby interrupting the safe and free flow of traffic. This is detrimental to highway safety and contrary to Policy T12 of the South Gloucestershire Local Plan.

5. No cycle parking has been provided to meet the needs arising from the development. The application is thus contrary to the requirements of Polciy T7 of the South Gloucestershire Local Plan (Adopted) Janaury 2006



**CIRCULATED SCHEDULE NO. 01/08 – 04 JANUARY 2008**

**App No.:** PT07/3365/F  
**Site:** 22 Oakleaze Road Thornbury BRISTOL  
 South Gloucestershire BS35 2LL  
**Proposal:** Erection of first floor side extension to  
 provide additional living accommodation  
**Map Ref:** 64283 90071

**Applicant:** Mr & Mrs C Allan  
**Date Reg:** 13th November  
 2007  
**Parish:** Thornbury Town  
 Council  
**Ward:** Thornbury North



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**N.T.S**

**PT07/3365/F**

This application appears on the Circulated Schedule as a letter was received by a member of the general public contrary to the Officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a first floor side extension to provide additional living accommodation.
- 1.2 This is a pebbledash finished semi-detached property within the existing urban area of Thornbury. The proposal consists of a two storey side extension rendered to match existing, 7.9 m deep, 2.5 m in width and 7.0 m in height. The roof is pitched in line with the existing ridge height.

## **2. POLICY CONTEXT**

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

## **3. RELEVANT PLANNING HISTORY**

No relevant history.

## **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council

No objection raised

### **Other Representations**

- 4.2 Local Residents

One letter of objection was received by a local resident, accompanied by a letter from the residents GP, raising concerns over three issues.

- 1) Windows in side elevation
- 2) Parts of the building or flues protruding onto neighbours land
- 3) The position of a boiler may adversely affect the resident's health

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

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

development is therefore acceptable subject to the following detailed assessment.

## 5.2 Residential Amenity

### Overbearing Analysis

Due to the overall scale and size of the proposed development it is considered that the proposal would not be overbearing on the residential amenity of neighbouring occupiers. Although the extension is to be built right up to the party boundary, a distance of approximately 2.6 m will still remain between the party boundary and the neighbouring property's (no. 24) side wall.

### Privacy Analysis

No windows are proposed in the side elevation of the extension so therefore there would be no overlooking or loss of privacy as a result of the proposal.

### Amenity Space

The extension is located to the side of the property which means that sufficient garden space will remain to serve occupiers of the property.

### Highway Safety Analysis

The ground floor of the extension is to be of a 'drive through' style to serve the existing garage. This means that sufficient off-street parking will remain and the proposal would not prejudice highway safety.

## 5.3 Design / Visual Amenity

The proposal is modest in scale and fits with the character of the existing property. Its location to the side of the building together with the chosen construction materials, which match the palette of materials displayed in the existing building, means that this is an appropriate addition to the dwelling and streetscene. Therefore there is no harm caused to the visual amenity.

## 5.4 Other Matters

In regard to the local residents concern over protruding parts of the building or boiler flues, these are not considered to be of a planning matter but of a personal / civil matter. In regard to the position of a boiler flue, it is unclear at this stage where one may be positioned and this is not something that would require planning permission. Even if the position was shown in the plans, the personal circumstances of the adjacent neighbour are not considered to be material considerations in relation to this domestic extension.

## 5.5 Section 106 Requirements

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

## 6. **CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase

Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

## **7. RECOMMENDATION**

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

### **Background Papers      PT07/3365/F**

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

## **CONDITIONS**

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

Reason(s):

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

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

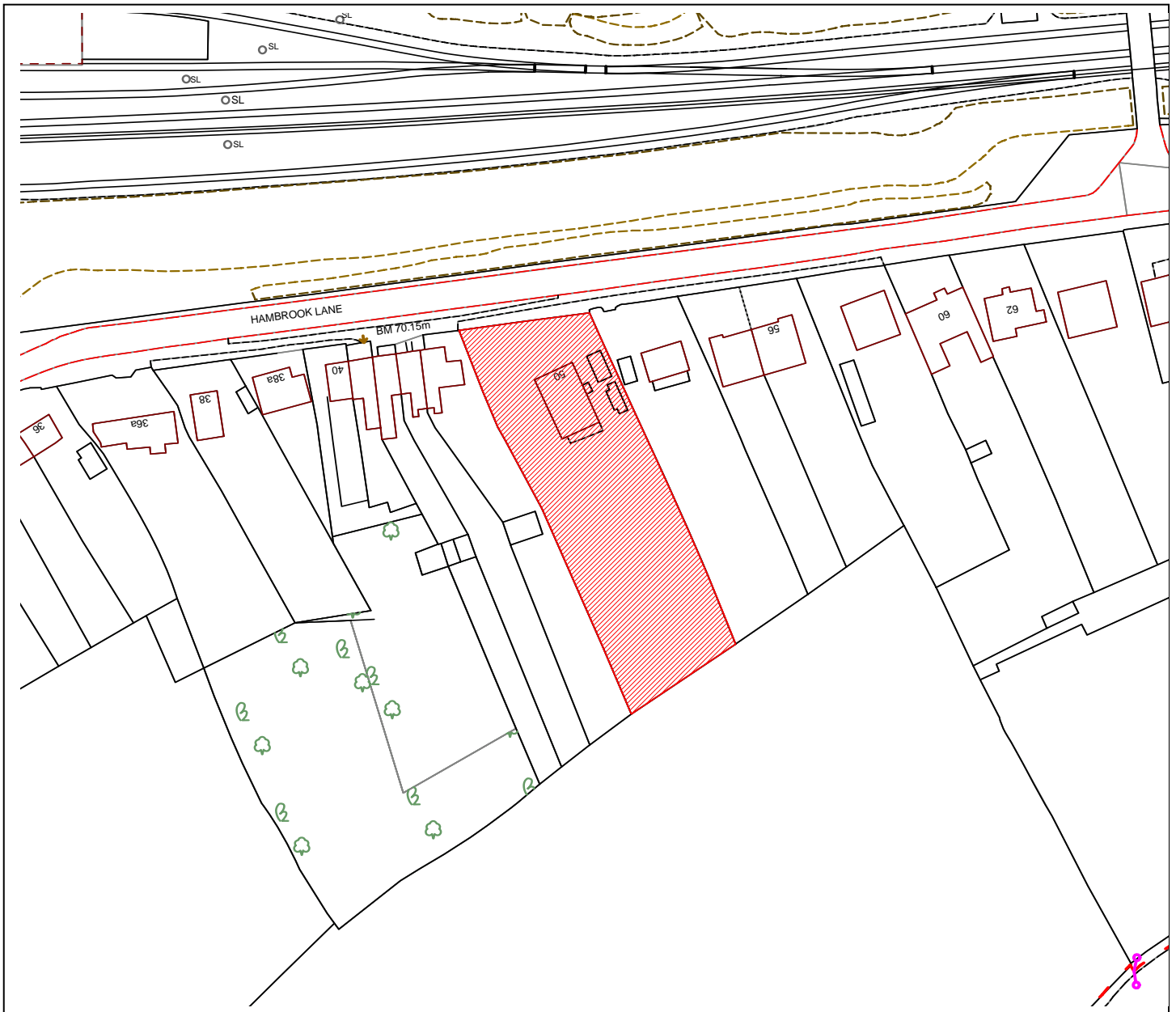
Reason(s):

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

**CIRCULATED SCHEDULE NO. 01/08 – 04 JANUARY 2008**

**App No.:** PT07/3413/F  
**Site:** 50 Hambrook Lane Stoke Gifford  
 BRISTOL South Gloucestershire BS34  
 8QD  
**Proposal:** Installation of 2 no. rear and 2 no.front  
 dormer windows and alterations to  
 roofline to facilitate loft conversion. (Re-  
 Submission of PT07/1984/F)  
**Map Ref:** 62948 79485

**Applicant:** Mr L Coupland  
**Date Reg:** 19th November  
 2007  
**Parish:** Stoke Gifford Parish  
 Council  
**Ward:** Frenchay and Stoke  
 Park



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This application appears on the Circulated Schedule following the receipt of an objection from Stoke Gifford Parish Council.

## 1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the installation of four dormer windows, and alterations to roofline to facilitate a loft conversion. The existing roof slope is hipped in design, it is proposed to add gable ends to the property and raises the roof height.
- 1.2 The application site relates to a detached dwelling which is single storey at the front, due to the sloping land is two-storey at the rear. The site is set outside any settlement boundary, and within designated Green Belt. The site is close to Stoke Gifford, and Bristol Parkway Railway Station.
- 1.3 This is a resubmission of the previously refused application PT07/1984/F which was refused for the following reasons:
1. The proposed dormers, by reason of their size, design and external appearance would be out of keeping with the existing dwellinghouse and other nearby properties and, if allowed, would detract from the visual amenities of the locality and the character of the street-scene. The proposal is therefore considered contrary to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006
  2. The proposed dormers on the west elevation by reason of position and height would result in a significant loss of privacy to the private garden space of 48 Hambrook Lane, which would be to the detriment of residential amenity and would also be contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## 2. POLICY CONTEXT

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG2: Green Belts
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H4: Development within Existing Residential Curtilage  
GB1: Development within the Green Belt
- 2.3 Supplementary Planning Guidance  
Development in the Green Belt SPD (Adopted) June 2007  
The South Gloucestershire Design Checklist (Adopted) August 2007

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1984/F Installation of 8 no. dormer windows and alterations to roofline to facilitate loft conversion.  
**Refused** 13 August 2007
- 3.2 PT07/2746/F Installation of 6 no. dormer windows and alterations to roofline to facilitate loft conversion.  
**Permitted Development** 5 October 2007

- 3.3 PT07/2960/CLP Application for Certificate of Lawfulness for the proposed installation of 6 no dormer windows and alterations to roofline to facilitate loft conversion  
**Refused** 6 November 2007

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

- 4.1 Stoke Gifford Parish Council  
Objection – Overlook neighbouring properties

##### **Other Representations**

- 4.2 Local Residents  
None

#### 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.

The site also lies within designated Green Belt, thus under Policy GB1 any extensions must be limited and should not result in disproportionate additions over and above the size of the original dwelling.

- 5.2 Residential Amenity  
The previous planning application was refused for the reason that windows in the west elevation would have resulted in a significant loss of privacy to the private garden space of 48 Hambrook Lane. To overcome this refusal reason negotiations have taken place with the applicant to ensure that the dormer windows on the west elevation only serve non-habitable rooms. It is also recommended that a condition is attached to ensure the windows are glazed with opaque glass of at least obscurity level 3 to ensure privacy is maintained.

Views from the east elevation would be mainly onto the side elevation of the neighbouring dwelling. When viewing the site it is considered that the relationship between the neighbours is acceptable, and that the proposal would not result in a significant loss of privacy for the neighbours.

Given the above, it is considered that the proposed development would maintain the residential amenity of nearby occupiers in accordance to Policy H4 and as such would overcome the previous refusal reason.

- 5.3 Design and Visual Amenity  
The previous application was refused because the proposed dormers, by reason of their size, design and external appearance would be out of keeping with the existing dwellinghouse and other nearby properties. To overcome this refusal reason negotiations have taken place with the applicant. This has resulted in the number of dormers being reduced to four and for the dormers to be set down from the ridge. This has been facilitated by increasing the roof height by approximately 0.5 metres.

It is considered that the proposed amendments have provided a scheme which respects the character and appearance of the existing dwelling and surrounding area. The proposed materials are not clear from the submitted plans, as such it is recommended a condition is attached to ensure they match the existing dwelling. In light of the above it is considered that the proposal would accord to the design principles in Policy D1 and H4 of the local plan and therefore overcomes the previous refusal reason.

#### 5.4 Transportation

The proposal would not affect the existing arrangement, with a garage and off-street parking adequately serving the dwelling, and proposed dwelling size.

#### 5.5 Green Belt

There is no recorded planning history for the site, although it may be that the conservatory has been added on after the construction of the dwelling. Nevertheless the total volume increase of the conservatory and intended roof alterations would be below 30% addition; as such is considered in volume a proportionate addition. The addition of the dormers and roof line would not appear disproportionate to the original dwelling. It is considered that the addition of dormers would not compromise the openness of the Green Belt at this point.

#### 5.6 Section 106 Requirements

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

### 6. CONCLUSION

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

The 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**      **PT07/3413/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. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed dormer window on the west elevation facing No. 48 Hambrook Lane shall be glazed with obscure glass only. 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.

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

Reason(s):

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

**CIRCULATED SCHEDULE NO. 01/08 – 04 JANUARY 2008**

**App No.:** PT07/3543/F  
**Site:** 13 Upper Stone Close Frampton Cotterell BRISTOL South Gloucestershire BS36 2LB

**Applicant:** Mr R Ware  
**Date Reg:** 3rd December 2007

**Proposal:** Erection of two storey side and rear extension to form garage and porch and provide additional living accommodation. Erection of rear conservatory (Resubmission of PT07/2979/F).

**Parish:** Frampton Cotterell Parish Council

**Map Ref:** 67224 81423

**Ward:** Frampton Cotterell



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

## **1. THE PROPOSAL**

- 1.1 The application seeks approval for a two-storey side and rear extension to provide a garage, utility room and extended kitchen on the ground floor with a two bedrooms and a new bathroom above. The proposal would also include a single-storey front addition and allow for the erection of a rear conservatory.
- 1.2 The application site comprises a semi-detached two-storey dwelling on the west side of Upper Stone Close, Frampton Cotterell.
- 1.3 The application comprises a resubmission of PT07/3543/F that was recently refused for the following reason:
- 'The erection of a two-storey extension as proposed, would adversely affect the present well balanced appearance of this pair of semi-detached houses to the detriment of the street scene and the visual amenities of the locality. The proposal is therefore considered to be contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Urban Design Checklist (Supplementary Planning Doc.)'*
- 1.4 This submission follows subsequent discussions with the applicant to address these concerns.

## **2. POLICY CONTEXT**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT07/2979/F: Erection of two-storey side and rear extension to form garage and porch and provide additional living accommodation; erection of front porch. Refused: 14<sup>th</sup> November 2007

## **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No comments received
- 4.2 Other Consultees  
No comments received

### **Other Representations**

#### 4.3 Summary of Local Residents Comments

One letter received expressing the following concerns:

- The proposal would no longer allow access to the side of the dwelling for maintenance (access to neighbouring land act 1992);
- There would be a significant reduction in light to the landing and hall;
- Windows would be closer to the adjoining property compromising privacy;
- It would not be possible to build a similar extension to no. 11 creating an unacceptable and unequal precedent;
- The previous refusal related to the fact that no other property had been similarly extended- similarly this application would have a detrimental effect on the street scene.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

#### 5.2 Design/ Visual Amenity

The application site forms a detached two-storey dwelling on the west side of Upper Stone Close. It is noted that properties along this side of the road are of identical design with all devoid of any two-storey side extension. There is one property of slightly different design however to the north of the application site which benefits from a two-storey side addition.

5.3 The proposal would allow the erection of a two-storey side extension that would extend across the existing driveway up to the flank boundary. In so doing, it would now adopt a subservient appearance with the front wall at first floor recessed and the new ridge stepped down. Further, a two-storey rear addition behind would project 1.7m into the rear garden with this encompassed by a rear gable that would again be slightly lower. Further, a conservatory would be positioned behind the existing dwelling whilst a single-storey lean-to extension would build to the front of the proposal and encompass the existing porch.

5.4 In response, the revised proposal is considered to have addressed the previous objection given that the two-storey side addition would now appear subservient to the dwelling. As such, the balanced appearance of these semi-detached properties would be maintained whilst in the event that neighbouring dwellings are extended in a similar way, this approach would help avoid an uninterrupted lengthy two-storey terrace along this side of the highway.

5.5 In view of the above, this element of the proposal is considered acceptable as are all other parts of the proposal which attracted no associated refusal reason last time.

#### 5.6 Residential Amenity

The attached dwelling benefits from a single-storey rear lean-to that extends some 1.8m into the rear garden in line with the lean-to behind the host dwelling. This is devoid of any facing windows whilst in view of the size and design of the conservatory (to stand adjacent to this boundary); it is not considered that any significant adverse impact in residential amenity would be caused.

- 5.7 The neighbouring dwelling to the south benefits from a flat roofed garage which appears to provide a workshop at the rear. There is one overlooking window at first floor that is likely to serve the landing area (as per the applicant's).
- 5.8 The proposal would extend across to this shared boundary closing up the area of spacing between. Nonetheless, the impact of the proposal on this dwelling would now be slightly reduced given the revisions made whilst it is also noted that the first floor side facing en-suite window has been removed. As such, and as per the previous application which raised no associated refusal reason in respect of the impact of the proposal on these neighbours, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.9 Notwithstanding the above, having regard to those concerns raised, permission could not be reasonably withheld on the basis that there would be no access to the side of this property whilst the revisions would help to ensure that a similar extension could be added. Finally, as noted, windows to this side do not provide for any of the main habitable rooms whilst any overlooking would only be at oblique angle; not an uncommon relationship within a residential area.

5.10 Design and Access Statement

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

5.11 Section 106 Requirements

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

## 6. CONCLUSION

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

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      **PT07/3543/F**

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

## **CONDITIONS**

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

Reason(s):

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

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

Reason(s):

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

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

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.