



**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. 04/08**

**Date to Members: 25/01/08**

**Member's Deadline: 01/02/08**

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

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

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

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

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (by 12 noon) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to [PlanningApplications@southglos.gov.uk](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:25/1/08**

**SCHEDULE NO. 04/08**

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.

---

### 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 25 January 2008

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK07/1257/F	Approve with conditions	Carousel Gallery 21a High Street Chipping Sodbury South Gloucestershire BS37 6BA	Chipping Sodbury	Chipping Sodbury Town Council
2	PK07/1268/LB	Approve with conditions	21a High Street Chipping Sodbury South Gloucestershire BS37 6BA	Chipping Sodbury	Sodbury Town Council
3	PK07/3393/RM	Approve with conditions	Harlequin Office Park Folly Brook Road Emersons Green South Gloucestershire BS16 7FH	Emersons Green	Mangotsfield Rural Parish Council
4	PK07/3620/F	Approve with conditions	Land rear of 17 High Street Staple Hill South Gloucestershire BS16 5HA	Staple Hill	
5	PK07/3629/F	Approve with conditions	224 New Cheltenham Road Kingswood South Gloucestershire BS15 4RN	Kings Chase	
6	PK07/3678/F	Approve with conditions	49 Bromley Heath Road Downend South Gloucestershire BS16 6HY	Downend	Downend and Bromley Heath
7	PK07/3684/R3F	Deemed consent	Brimsham Green School, Broad Lane, Yate, South Gloucestershire, BS37 7LB	Yate North	Yate Town Council
8	PK07/3688/TRE	Approve with conditions	10 Brooklea, Oldland Common, South Gloucestershire, BS30 9SD	Oldland Common	Bitton Parish Council
9	PK07/3708/ADV	Approve	Kennedy Way, Yate Shopping Centre, Yate South Gloucestershire BS37 4AP	Yate Central	Yate Town Council
10	PT07/3455/R3F	Approve	South Gloucestershire Council Conygre House Conygre Road Filton South Gloucestershire BS34 7DD	Filton	Filton Town Council
11	PT07/3587/O	Refusal	Land adj The Larches Stowell Hill Road Tytherington South Gloucestershire GL12 8UH	Ladden Brook	Tytherington Parish Council
12	PT07/3639/F	Approve with conditions	16 Ley Lane Olveston South Gloucestershire BS35 4DG	Severn	Olveston Parish Council
13	PT07/3657/F	Approve with conditions	Land adjacent to The Paddock Sibland Road Thornbury South Gloucestershire BS35 2EP	Thornbury South and Alveston	Thornbury Town Council

# ITEM 1

## CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008

**App No.:** PK07/1257/F  
**Site:** Carousel Gallery 21a High Street  
Chipping Sodbury BRISTOL South  
Gloucestershire BS37 6BA

**Applicant:** Mr J Hampton  
**Date Reg:** 20th April 2007

**Proposal:** Change of use from Retail (Class A1) to  
Cullinary Retail/Cafe with ancillary office  
(Sui Generis) as defined in the Town and  
Country Planning (use classes) Order  
2005.

**Parish:** Sodbury Town  
Council

**Map Ref:** 72652 82253

**Ward:** Chipping Sodbury



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2008.

**N.T.S**

**PK07/1257/F**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule procedure in light of a number of objections received from local residents regarding the proposed change of use.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use from Retail (Class A1) to Cullinary Retail/Café with ancillary office use (Sui Generis). The front part of the ground floor will be used as a delicatessen/sandwich shop with a café sited at the rear and on the first floor the A1 element will be retained with an ancillary office serving the operation of the deli and café business.
- 1.2 The application site relates to a Grade II Listed building with an authorised A1 use (retail) located within the primary shopping frontage of Chipping Sodbury and within the Chipping Sodbury Conservation Area.
- 1.3 An associated Listed Building application PK07/1268/LB seeks listed building consent for internal and external alterations to facilitate the proposed change of use which appears elsewhere on this schedule.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS6 Planning for Town Centres.  
PPG15 Planning and Historic Environment

#### **2.2 Development Plans**

##### South Gloucestershire Local Plan (Adopted) January 2007.

RT1 Development in Town centres  
RT9 Changes of use of Retail premises within Primary Shopping Frontages in Town District Centres  
T7 Parking standards  
T12 Transportation Development Control Policy for new development  
L13 Conservation Areas  
L14 Listed Buildings

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

- 3.1 The following planning history relates to the application site:
- 3.2 PK05/1926/F Part change of use of ground floor from retail to betting Shop. Installation of air conditioning units.  
Withdrawn October 2005
- 3.3 PK05/1908/LB Internal and external alterations facilitate partial change of Use of ground floor from Retail (Class A1) to betting Office (Class A2)  
Withdrawn October 2005
- 3.4 PK02/3077/F Installation of satellite dish on rear elevation of property  
Refused March 2003

- |     |              |  |
|-----|--------------|--|
| 3.5 | PK02/3088/F  | Proposed change of use of part of retail unit (A1) to Betting Office (A2)<br>Refused February 2003<br>Dismissed on appeal 2003 |
| 3.6 | PK02/3224/LB | Internal Alterations<br>Refused March 2003<br>Dismissed on appeal 2003   |
| 3.7 | PK02/3065/LB | Installation of satellite dish on rear elevation of property<br>Withdrawn as listed building consent is not required.          |
| 3.8 | P86/2986/LB  | Change of use to Restaurant and construction of chimney<br>Withdrawn   |
| 3.9 | P86/2985     | Change of use to Restaurant and construction of chimney<br>Withdrawn   |

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

- 4.1 Sodbury Town Council  
No objection

##### **Other Representations**

- 4.2 Local Residents  
7 letters have been received from local residents raising the following objections regarding the original submitted plans and the additional revised plans relating to the extraction system.
- Impact on residential amenity i.e. cooking smells, noise and disturbance
  - Previous Inspector's decision with regards impact on neighbouring properties and gardens
  - No rear exit for fire escape and no right of way over neighbours land
  - Number of food outlets in High Street
  - Parking
  - Impact of proposed works on listed building
  - No notice displayed
  - Drainage
  - Sound proofing
  - Will rear garden be used?
  - Proposal has not satisfied local plan policy
  - Already food outlets in area
  - Existing noise from premises.

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

- 5.1 Principle of Development  
Policy RT9 of the South Gloucestershire Local Plan seeks to resist the loss of existing A1 uses within the identified primary shopping frontages unless a number of criteria can be satisfied.

Members are advised to consider that of those three criteria relating to Policy RT9 that only two of those criteria i.e A & C or B & C need to be satisfied. The proposed scheme is assessed against the relevant criteria below:

5.2 **A. It can be demonstrated that the premises could not be retained in a viable retail use; or**

5.3 Planning application PK02/3065/LB relating to this site went before the Development Control East Committee in 2003. That application sought planning permission for the change of use of this unit to a betting shop with a small A1 element i.e 46 square metres being retained at the front of the premises. Members resolved that the application be refused on following grounds:

*“The application proposes the subdivision of an existing A1 retail into two units and the introduction of a betting shop (A2) use into the rear part of the subdivided building. The site lies within an established Shopping Area as defined by the adopted Yate and Chipping Sodbury Local Plan and within a Primary Shopping frontage as defined by the South Gloucestershire Local Plan (Revised Deposit Draft). In the opinion of the Local Planning Authority, the applicant has not demonstrated that the existing premises could not be retained in their entirety in a viable retail (A1) use, and as such the proposal would be contrary to criterion (A) of Policy RT9 of the South Gloucestershire Local Plan (Revised Deposit Draft).”*

5.4 That application went to appeal and the Inspector also concluded the following:

*“No substantial evidence about the viability of the existing ‘unit has been submitted, and the market for the floor space in that location has not been tested”*

5.5 As part of this current planning application the applicant has confirmed that the unit has been vacant for more than 4 years and has also drawn the Councils’ attention to the Council’s own Town Centres and Retailing in South Gloucestershire document 2006 which states that 7.6% of the A1 units within the primary shopping frontage remain vacant.

5.6 Whilst it is accepted that no marketing information has been submitted as part of this application a material consideration is that the unit has now been vacant since November 2002 i.e. 7 years, which if continues will not only have a harmful impact on the setting and character of this Grade II listed building but could also impact on the viability and vitality of the High Street. Regard must be had also be had for the fact that that although this application relates to a mixed use i.e. A1/A3 more than 50% of the ground floor area and the existing first floor will be operated on an A1 basis. I.e. delicatessen.

5.7 **B. The proposed use would make a positive and complementary contribution to the vitality and viability of the centre, and would not undermine the retail function of the frontage, or part of it: and**

At the time of assessing the previous planning application the Planning Officer was of the opinion that the proposed scheme for a betting shop would make a positive and complementary contribution to the vitality and viability of the centre.



5.8 The Inspector concluded the following:

*The Council's 2002 Retail audit demonstrated that Chipping Sodbury has an important concentration of shopping uses in the town, and there is a considerable variety and diversity in the town centres uses and in that context it is important to ensure that the level of choice of shopping particularly within primary shopping frontages remains attractive to customers. He also considered that the custom generated by a 'full' retail use of the premises would be important to the health of other retail business in the primary shopping frontages and the subdivision of the unit to include an A2 use could compromise the letting potential of the retail unit, adversely affecting the primary shopping frontages and gave greater weight to the need to ensure the choice of shopping opportunities in the PSF.*

5.9 Although this application relates to a mixed use i.e. A1/A3 as discussed above more than 50% of the ground floor area at the front of the unit and the existing first floor will be retained on an A1 basis. i.e. delicatessen and sell of delicatessen goods.

5.10 It is therefore considered that given the nature of the proposed use and in particular the extent of the retained A1 use the proposal it would make a positive contribution and complementary contribution to the vitality and viability of the centre.

5.11 **C. The proposed use would not result in unacceptable, environmental or transportation effects, and would not prejudice residential amenity**

The previous application was refused by the Council on the following grounds:

*"The proposed subdivision of the retail unit and the introduction of the betting shop (A2) use would result in a change in the nature of the use and an intensification of activity at the site. In the opinion of the Local Planning Authority this would be seriously detrimental to the residential amenity of the occupiers of the adjoining property, and contrary to criterion (C) of Policy RT9 of the South Gloucestershire Local Plan (Revised Deposit Draft), and Policy LP20 of the adopted Yate & Chipping Sodbury Local Plan."*

5.12 The Planning Inspector concluded the following:

*To my mind, the proposed use as a betting shop would be inherently noisy, due both to the continuous racing news broadcasts, and the responses of customers to them. The intensity of use by customers at some times of the day and evening could be substantial. I consider that there would be significant noise and disturbance...to the adjacent garden area, to the dining room which has a bay window with a door to outside, and the bedroom above. In my view, the extended opening hours during the summer evenings and every Sunday would be unacceptably intrusive at a time when residents would expect to be able to enjoy the peace and quiet of their rear gardens and open windows. The front elevations are built directly up to the public pavement, which makes the private rear garden of particular importance to the quality of life of the occupiers. I understand that the present use is not subject to limitations*

*on its hours of operation. However, in my opinion, the proposed use would be significantly more intrusive to the residential environment to the rear than the usual range of retail activity and the hours of A1 operation in such a location.*

- 5.13 *If the rear doors of the proposed betting shop were open, this would be particularly intrusive, accentuated by the close physical relationships and hard surfaces of the buildings and boundaries.*
- 5.14 Members are advised to consider that regard must be had for the nature of this current proposed use compared to that previously proposed. The proposed use is a mixed use with its primary function remaining A1 i.e. delicatessen and the secondary function i.e. café /sandwich bar at the rear. The hours of operation as proposed are Monday – Friday and 08.00- 18.00 and 11.00- 16.00 on Sundays. The café area and use will be contained within the building and will not extend outside into the rear court yard area. Whilst it is accepted that the café area will be sited at the rear and there may be the possibility of the doors being opened, it is considered that given the scale of the proposed café use and the hours of operation that such a use would not have a detrimental impact on the residential amenities of neighbouring occupiers. Whilst the Council has no objection to the proposed hours of operation for Monday- Saturday the Council would seek to restrict the use being operated on a Sunday given neighbouring properties.
- 5.15 As part of this application details of the proposed extraction system have been submitted. The Council's Environmental Health Officer has advised that those details are considered acceptable and that the kitchen use would not have an adverse impact on the existing amenities of neighbouring occupiers in terms of unacceptable noise, disturbance or smells.
- 5.16 A section of wall within the café area will be sound proofed.
- 5.17 Transportation issues  
In respect of traffic generation to and from the site it is considered that traffic associated with the proposed café would not significantly be different to that of the existing A1 lawful use. In traffic terms therefore there is no highway objection to this proposal.
- 5.18 In respect of parking there is no off street parking with the current use and the applicant is not proposing to provide any off street parking for the proposed café. The dwell time for the customers going to restaurants and cafes tend not to be long. With that in mind then, those customers that specifically travel by car to use this premises would most likely be using long stay parking facilities in the area. In view of this therefore, it is considered that no highway objection could be made to the proposal because of lack of off street parking in this case. In light of the above therefore there are no highway objections to this proposal.
- 5.19 Impact on Conservation and Listed Building  
It is considered that the proposed internal and external works that are required would not have an adverse impact on the character or setting of the Conservation areas or this Grade II listed building. The assessment of the proposed works on the listed building are dealt with in detail under Listed Building Application

PK07/1268/LB which has been recommended for approval and can be found elsewhere on this schedule.

5.20 Other issues

A neighbour has advised that there is no rear fire exit and that no access would be allowed on their land. Members are advised to consider that issue of right of way is a civil matter and that the issue of fire exit will be considered as part of any Building Regulations application.

5.21 Design and Access Statement

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

5.22 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) The Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

**7. RECOMMENDATION**

- 7.1 Planning permission be granted with conditions.

**Background Papers**      **PK05/1926/F**

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

## **CONDITIONS**

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

Reason:

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

2. The use hereby permitted shall not be open to customers outside the following times Monday -Saturday (inclusive) 08.00am - 18.00pm.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No deliveries shall be taken at or despatched from the site outside the hours of Monday -Saturday (inclusive) 08.00am- 18.00pm nor at any time on Sundays, Bank or Public Holidays.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Details of sound proofing measures relating to a section of the adjoining wall within the proposed cafe area shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The use hereby authorised shall not take place anywhere on the site except within the building that forms part of the red edge plan dated the 22nd January 2008.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 2

## CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008

**App No.:** PK07/1268/LB  
**Site:** 21a High Street Chipping Sodbury  
BRISTOL South Gloucestershire BS37  
6BA

**Applicant:** Mr J Hampton  
**Date Reg:** 23rd April 2007

**Proposal:** Internal alterations to facilitate conversion of vacant building to cafe/culinary retail premises. Repairs to existing windows and doors.

**Parish:** Sodbury Town Council

**Map Ref:** 72652 82253

**Ward:** Chipping Sodbury



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

**N.T.S**

**PK07/1268/LB**

## **INTRODUCTION**

This listed building application has been referred to the Council's Circulated Schedule procedure in light of a number of objections received from local residents regarding the impact of the proposed works on this Grade II listed building. The associated planning application (PK07/1257/F) for a change of use can be found elsewhere on this schedule.

### **1. THE PROPOSAL**

- 1.1 This application seeks listed building consent for internal and external alterations to facilitate the change of use of this unit from retail (A1) to Delicatessan/dandwish shop with Café and ancillary office use (Sui Generis).
- 1.2 The application site relates to a Grade II Listed building with an authorised A1 (retail) use located within the primary shopping frontage of Chipping Sodbury and within the Chipping Sodbury Conservation Area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG15 Planning and Historic Environment
- 2.2 Development Plans  
South Gloucestershire Local Plan  
L13 Listed Buildings

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

- 3.1 The following planning history relates to the application site:
- 3.2 PK07/1257/F Change of use from Retail to café/culinary retail  
Recommended for approval.
- 3.2 PK05/1926/F Partial change of use of ground floor from Retail (Class A1)  
to betting Office (Class A2)  
Appears elsewhere on this schedule.
- 3.3 PK02/3224/LB Internal Alterations  
Refused March 2003  
Dismissed on appeal 2003
- 3.4 PK02/3077/F Installation of satellite dish on rear elevation of property  
Refused March 2003
- 3.5 PK02/3088/F Proposed change of use of part of retail unit (A1) to Betting  
Office (A2)  
Refused February 2003  
Dismissed on appeal 2003
- 3.6 PK02/3065/LB Installation of satellite dish on rear elevation of property

Withdrawn as listed building consent is not required.

- 3.7 P86/2986/LB Change of use to Restaurant and construction of chimney  
Withdrawn
- 3.8 P86/2985 Change of use to Restaurant and construction of chimney  
Withdrawn

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

- 4.1 Sodbury Town Council  
No objection
- 4.2 The Georgian Group  
We do not wish to comment on this application

##### **Other Representations**

- 4.2 Local Residents  
3 letters have been received from local residents raising the following objections regarding the proposed application and 1 letter of support has been received in support of the application.  
Many of the objections raised relate to the proposed use itself and these have been reported under the associated planning application PK07/1257/F.

- Support proposed deli/sandwich shop
- This important building needs renovation before it falls into disrepair as it been vacant for many years
- Impact of proposed works on this Grade II listed building.

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

- 5.1 Principle of Development  
Policy L13 of the South Gloucestershire Local Plan seek to ensure that development including alterations or additions do not affect the historic and architectural character of a listed building.
- 5.2 The Council's Listed Building Officer has made the following assessment regarding the proposed scheme. The existing building has been substantially altered during the previous scheme of conversion when it was made into a gallery. The existing detailing is generally poor and there is scope for the re-introduction of well detailed joinery and finishes that would enhance the character of the listed building.
- 5.3 The building is an architecturally important one incorporating a timber framed front range of 16<sup>th</sup> century date. There is also a substantial rear wall separating off the proposed kitchen area which suggests that at least part of the rear range is of a similar date, even though it is concealed by modern finishes.
- 5.4 The proposed removal of the internal partitions at first floor level would be a significant enhancement to the front part of the building in that it would allow the 16<sup>th</sup> century roof structure to be opened up. In this respect this scheme offers a

significant improvement over its predecessor which was refused at appeal because of the proposed level of sub-division.

5.5 Concerns had previously been raised regarding the loss of historic fabric and also the failure to supply details of the extract vents from the kitchens. Additional details have been submitted and these concerns have now been addressed by modifications to the original scheme. The proposed works in particular relating to the extraction system are considered acceptable as the flues will be accommodated on the flat roofed modern extension and will be largely hidden behind a parapet wall.

5.6 There is also a need to upgrade the building to provide fire separation and protection to the steelwork, however this can be carried out using intumescent paper and paints which will not have an adverse impact upon the character of the listed building.

5.7 It is noted that no details of the proposed signage have been submitted, should planning and listed building consent be granted an informative will be imposed advising the owners that any new adverts will be subject to advertisement consent.

5.8 The Planning Officer is therefore of the opinion that the proposed works to enable the change of use are considered acceptable and will not have an adverse impact on the character or setting of this Grade II listed building and it is also considered that this scheme has addressed the previous objections raised by the Local Planning Authority and Planning Inspector.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

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

## 6. CONCLUSION

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



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

## **7. RECOMMENDATION**

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

### **Background Papers      PK07/1268/LB**

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

### **CONDITIONS**

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason:

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of the works hereby approved, a detailed specification and schedule of proposed structural works, including timber treatment and the extent of any proposed demolition, shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval for the submitted details, and the repairs shall be constructed exactly in accordance with the details so approved.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the submitted details, prior to the commencement of the works hereby approved, details of the repairs to the front elevation including large scale details of the replacement sash windows, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved. For the avoidance of doubt the sash windows shall be constructed without horns.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of the works hereby approved, large scale details (in respect of which approval is expressly reserved) of the internal joinery including the new partitions, the doors, doorcases, stairs, panelling and skirtings shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of the works hereby approved, and notwithstanding the submitted details, full details of the proposed sound insulation and plaster finishes, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. No works shall commence until written approval has been given by the Council, for the submitted details and, the insulation and plaster finishes shall comply exactly with the details so approved.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of the works hereby approved, details of the proposed external joinery and fenestration finishes shall be submitted to the Council for approval. No works shall commence until the Council has given written approval. The finish of the fenestration and joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Council.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of the works hereby approved, full details of proposed Mechanical and electrical systems including external electrical fittings including lights, meter boxes and security alarms, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008**

**App No.:** PK07/3393/RM

**Applicant:** Mr N Rees  
Emersons Green  
Ltd

**Site:** Harlequin Office Park Folly Brook Road  
Emersons Green South Gloucestershire  
BS16 7FH

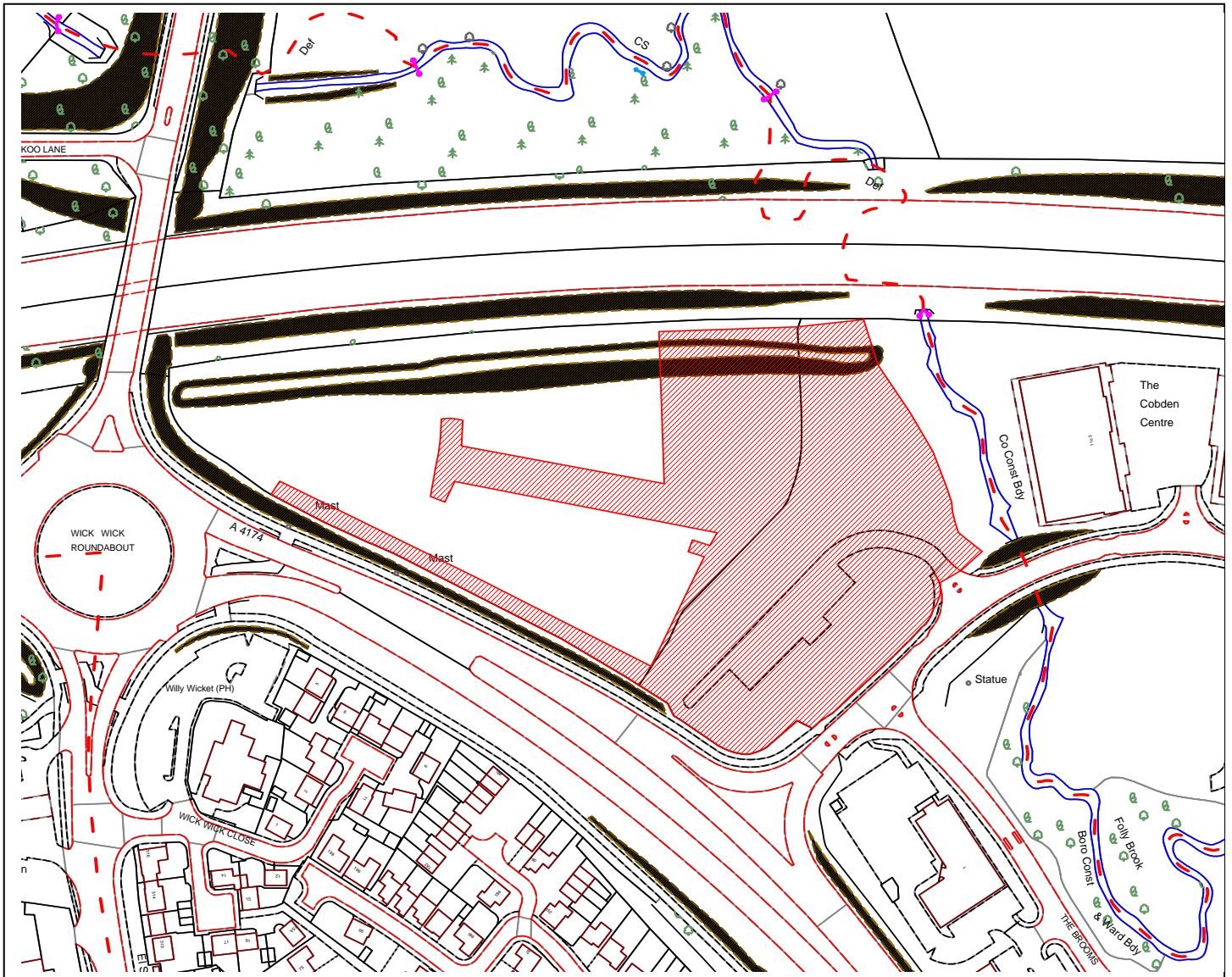
**Date Reg:** 15th November  
2007

**Proposal:** Erection of 3no. (Class B1) Office  
buildings with landscaping and  
associated works. (Approval of all  
remaining reserved matters to be read in  
conjunction with outline planning  
permission P92/4230 and  
PK06/2470/RVC.

**Parish:** Mangotsfield Rural  
Parish Council

**Map Ref:** 66273 78611

**Ward:** Emersons Green



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

DC0901MW

## **INTRODUCTION**

The above planning application relates to part of the site now known as Harlequin Office Park (formerly Viceroy Gate) which is located at the western end of Area B, Emersons Green. The far western part of the site will be the subject of a future Reserved Matters application in due course.

### **1. THE PROPOSAL**

The proposed offices are reserved matters applications (following the original outline consent for industrial development at Area B --P92/4320 and PKO6/2470/RVC) and all reserved matters are to be considered at this stage. The existing Outline consent covers the whole of Area B, and has almost all been built out.

Access to the development would be off the existing Folly Brook Road which already serves the existing office buildings to the east of the site at Emerald Park. It is proposed to erect three detached office buildings with a total floor area of 4,904 sq m, and construct an internal access road that would served the entire remaining development on this part of Area B. One of the buildings would be three stories in height and the others would be two stories in height. Cycle parking and cycle paths would be provided, as well as structural landscaping for the whole of the remaining part of Area B.

#### **Applicant's supporting information**

In support of the current application the applicant has submitted the following documents:

Planning Supporting Statement

Design and Access statement.

Landscape Report

Landscape Management Plan

Noise Report

Flood Risk Assessment

Ground conditions Report

### **2. SITE AND LOCATION**

The site, which has an area of 3.16 hectares occupies a prominent position visible from the M4 motorway to the north, the Avon Ring Road which runs along the south western boundary and the higher ground to the north of the motorway which is Green Belt.

The site is relatively flat, set approximately 2-3 metres below the level of the Ring Road. Existing vegetation is confined to the motorway boundary and Ring Road roundabout verge, together with the Folly Brook corridor, which defines the eastern boundary of the site. In addition, significant planting has been carried out within the last few years on the south eastern edge of the site on the Folly Brook Road (opposite 'Inibis').

### **3. POLICY CONTEXT**

National Guidance

PPS1 Delivering Sustainable Development

Joint Replacement Structure Plan  
30 – Safeguarding existing employment sites

South Gloucestershire Local Plan

D1 Design  
L1 Landscape Protection and Enhancement  
EP2 Flood Risk and Development  
LP9 Sites of Nature Conservation Interest  
T7 Parking  
T12 Transportation  
E2 Employment Development

Supplementary Planning Guidance

South Gloucestershire Council Design Checklist ( Adopted Aug. 2007)

**4. RELEVANT PLANNING HISTORY**

P92/4320 Outline consent granted in 1997 for the development of B1, B2 and B8 uses on land within Area B, Emersons Green. As part of this consent a **Master Plan** was approved which established design principles to guide the submission of reserved matters applications. In addition, the following documents were approved with the Outline consent in order to guide future RM applications on the site:  
**Management Strategy for the Folly Brook Corridor.**  
**Landscape Report**

PK6/2470/RVC Variation of Condition 1 attached to previously approved planning permission P92/4320 dated 28<sup>th</sup> February 1997 to extend the period for the approval of reserved matters. Approved 31<sup>st</sup> October 2006.

A number of reserved matters applications have been approved on this western-most section of Area B ( then known as Viceroy Gate) which is the subject of the current application:

PK01/1745/RM	Erection of office accommodation. (Plots 300, 400 & 500) Floorspace 3,408m <sup>2</sup>
PK00/2602/RM	Erection of office accommodation. (Plot 100) Floorspace 7,000m <sup>2</sup>
PK01/1751/RM	Erection of office accommodation. (Plots 600 & 700) Floorspace 3,450m <sup>2</sup>
PK01/1748/RM	Erection of office accommodation. (Plot 200 Master Plan 1) Floorspace 2,369m <sup>2</sup>
PK01/1746/RM	Erection of office accommodation (Plot 200 Master Plan 2) Floorspace 2,369m <sup>2</sup>
PK00/2605/RM	Construction of vehicular access road off Folly Brook Road.
PK00/2608/RM	Construction of vehicular access off Folly Brook Road.

All approved on 11<sup>th</sup> November 2003.

## 5. CONSULTATION RESPONSES

### (a) Statutory Consultees

Mangotsfield Rural Parish Council: No response received.

### Other Consultees

#### Environment Agency

Objected originally on the grounds that insufficient SUDS have been incorporated, and other technical matters.

Development within Area B of Emersons Green is subject to a previous agreement, which maintains an agreed landscape buffer corridor to the Folly Brook. Provided the agreed corridor is maintained, then the Agency has no objection in principle.

Surface water out-falls have previously been installed as part of the infrastructure for Area B. All surface water drainage must discharge via these existing out-fall points, in order to ensure that the existing ecology of the Folly Brook is not adversely affected.

The EA have now WITHDRAWN their objection as a result of further drainage information. Conditions will however be applicable.

#### Wessex Water

Originally objected on the grounds of location of Unit 1 well within the agreed location of a statutory sewer easement, and other technical matters. Since then, the applicant has provided Wessex Water with revisions and responses to the technical queries. Wessex Water have now confirmed that these issues have been resolved. There are 'notifiable issues for the developer to resolve post planning approval' however.

#### Residents

One letter has been received from a resident living on the opposite site of the Ring Road, with the following summarised objections:

- Concern over 70mph speed limit on ARR
- Site is currently host to a number of bird species: I hope that the Folly Brook corridor will provide a continued habitat.
- A link should be provided between site and Wick Wick roundabout pedestrian crossing.

#### *Police Liaison Officer*

Detailed comments were provided in relation to designing out crime.

## ANALYSIS OF PROPOSAL

### Principle of Development

Having regard to the specific allocation of the site for employment purposes in Policy E2 of the SGLP, and the existence of Outline planning permissions P92/4320 and PK06/ 2470/RVC, the proposed B1 office development with associated access roads is not objected to in principle.

### Layout and Design

The proposal has been considered in terms of Policy D1 of the South Gloucestershire Local Plan (Revised Deposit Draft) as well as the Master Plan Brief for Emersons Green Area B dated March 1996.

The current application sites all fall within an area that the Master Plan refers to as an 'important gateway site'. It states that given its proximity to the motorway the elevations will require sensitive articulation. In addition, the elevation to the Ring Road will need to be carefully addressed and integrate with the landscape solution. The overall design philosophy of the Master Plan is that high quality of designs are required with the objective of providing a unique development with consistency and style, respecting the existing wildlife corridor and enhanced by a unified landscaping strategy.

In support of the proposed site layout, the Design and Access Statement explains the design philosophy of the site. Unit 1 is positioned to the corner of the Ring Road and Folly Brook Road and is the largest within phase 1 and intended to form a gateway building to the business park. The rear long elevation is aligned with the Ring Road (as is the future Phase 2 Unit 5) to provide a strong 3 storey frontage with the Ring Road. Unit 2 is located to the west of the Folly Brook corridor with the intention of retaining sufficient buffer between the corridor and the new development. The buildings have been designed around a 1:23 parking ratio, in accordance with the previous Reserved Matters applications on this site, and in accordance with the original master plan, hence the continuation of the character of the build form being dominated to some extent by large areas of car parking. The detailed landscaping plans (discussed below) are considered to overcome this as far as possible. The proposed buildings have been designed as contemporary buildings which can be considered updated versions of the character of the existing Monarch Court and Brook Office Park. It is considered that the buildings will be more suited to this 'Gateway Site' than the bulky distribution warehouses immediately to the east of the northern part of the site.

Elevational treatment is dominated by brickwork, curtain walling panelling and full height glazing for the entrances. A low pitch roof and secret gutter would provide an unobtrusive roof-scape with a strong eaves line when viewed from a distance.

The layout of the site has been significantly revised during the course of pre application discussions, largely to take account of negotiations preceding the previous approved scheme on this site, as well as the parameters established in the documents accompanying the original outline consent of the site as a whole.

It is considered that at pre application stage the layout appeared to be driven more by the desire to create easily definable plot parking areas, however the application as submitted is considered to comply with the Master Plan objective of careful use of geometric shape.

The siting of the buildings has of course been assessed in conjunction with the proposed indicative structural landscaping plans, as the two are inter-linked. The landscaping is however discussed separately in the report.

It is considered that the proposed scheme is satisfactory in terms of the Master Plan for the site and Policy D1 of the SGLP.

## Landscaping

At present the site comprises improved grassland. The banks of the Folly Brook are lined with woody vegetation, including oak trees. Blackthorn scrub is spreading into the site from the motorway verge which supports a band of dense native shrubs 2-4m in height. The embankments between the site and the Avon Ring Road have also been planted with native woodland species.

Following extensive pre application discussions the applicants have provided a detailed landscaping scheme, together with Landscape Strategy that relates each part of the proposal to the Landscape Report approved with the original Outline consent for Area B as a whole.

The design concept is therefore as follows:

- Retain and enhance the Folly Brook corridor, habitat and landscape feature
- Provide a unifying element of planting around the perimeter of the site to provide a framework of the development and reduce the visual impact of the development from the surrounding highways and the adjacent Green Belt to the north.
- Compartmentalise the site through individual plot landscaping to provide a landscape structure to the site.
- Reflect the character of the nearby countryside hedges through the use of native species.
- Maximize the value to wildlife of all areas through the choice of appropriate species

The Outline consent Master Plan for the area and the Landscape Report sets out the preservation of the Folly Brook and its associated vegetation by leaving a corridor. Beyond this, native trees and shrub planting is required to integrate the development of this green corridor. Revised plans have been submitted that indicate a suitable buffer area between the stream and the new development.

In addition a tree belt of native trees should be established along the northern boundary with the M4 and a landscape corridor along the main access through the site. The Strategy states that the M4 landscape zone should be a minimum of 16 metres wide. This however includes a 10 metre wide water main way leave. Since the previous application on this site Bristol Water have advised that they will not allow *any* planting within their Trunk main easement. In view of this additional screen planting has been proposed further within the site.

The way-leave for the Rapid Transit system runs within the western boundary of the site. The Master Plan states that this must be planted up with native woodland planting which will be removed on construction of the system. Furthermore, an additional 4m wide band of landscaping is required adjacent to this way-leave, within each plot.

The landscape proposals are considered to comply with all of these requirements given the constraints of the service runs to the north and south of the site. The proposed central avenue and linking native hedgerows through the site would give a reasonably robust framework to the development. The proposal is therefore considered to comply with Policy I1 of the SGPL as well as the requirements of the outline consent.



## Ecology

The proposed unit 2 would be sited adjacent to the Folly Brook corridor. (There are no ecological issues relating to the other proposed units.) The preservation of the Folly Brook and its associated vegetation is central to the landscape and ecological strategy for the site and the Master Plan requires a 20m to 70m wide corridor with a strip of meadow adjacent to the brook's vegetation and beyond this native tree and shrub planting to the edges of plots, as does the Management Strategy for the Folly Brook Corridor (1997 – associated with the original Outline planning permission).

Cross-sections have been submitted and indicate that the eastern boundary of the application site is 20 metres from the top of the nearside bank of the Brook. This would allow a 'buffer' strip of semi-natural habitat (grassland) between the development (Unit 2) and SNCI to be established and retained beside the wooded stream corridor.

The grassland in the eastern quarter of the site was identified in the (extended) Phase 1 survey as being the most diverse and species-rich. The grassland comprising the 'buffer' should therefore be formed from the present (semi-improved, species-rich) sward, rather than being re-seeded – i.e. a defined strip should be fenced off and safeguarded, both during the construction and operational phases of the development.

The grassland should be managed to benefit and maximise its botanical/ecological value rather than as part of the formal soft landscaping – i.e. mowing or cutting being limited to 2-3 times in late summer ('conservation cut'), rather than maintaining a short, amenity sward.

Although the submitted plans indicating part of this grassland 'buffer' lies outside the boundary of the application site, the Section Agreement attached to the Outline consent requires the management of the Folly Brook Corridor in accordance with the 1997 Management Strategy for the Folly Brook Corridor attached to the Agreement.

## Transportation

The access to the site was approved as part of the outline consent and the road spur has previously been constructed. The new access road has a carriageway width of 7.3m which includes a 1m wide cycle path on either side and that is similar in design to other access roads in the area serving other development. It is not proposed that the internal road will be adopted, however any consent should include a planning condition to ensure that after construction the road is adequately maintained by a private management company.

With regards to pedestrian/cycle access, it is proposed that existing footpath/cycleway along the A4174 be extended to tie in with a new cycleway running both sides of the new access road. An additional footway/cycleway connection will be made across from the Wick Wick roundabout in order to tie in with the new pedestrian crossing in this location. It is considered reasonable however to relate this to phase 2 of the development, otherwise the link would not lead anywhere. There would be planning conditions imposed to secure these works.

The proposed car parking would be 1:23m<sup>2</sup> floorspace. This is higher than the Council's current maximum standards - 1:35m<sup>2</sup>, but lower than the Master Plan standard of 1:18.5m<sup>2</sup>. Members may recall that these standards have been accepted

previously due to the application being a Reserved Matters application and this level of parking has been provided elsewhere at Area B.

Cycle parking would also be provided for each building and these would be secured by way of imposing a planning condition.

In view of all the above therefore, there are no highway objections to the proposal subject to the conditions mentioned above.

#### Drainage

As noted in the consultation section above, the EA have now approved the revised FRA . A conditions specifying the height of the finished floor levels AOD is required, as well as other conditions dealing with matters of detail. The proposal is therefore satisfactory in terms of surface water drainage. In addition, as noted above, Wessex Water have now withdrawn their objection to the scheme.

#### Residential Amenity

The nearest residential properties would be some 50m away on the other side of the Ring Road. There are therefore no significant issues arising from the proposal.

#### Density of Development

Condition 16 attached to Outline planning permission P92/4320 states that the net floorspace within the net developable areas as identified on the Master Plan shall not exceed 17,500 sq ft per net developable acre for uses falling within Class B1. This equates to 4,062m<sup>2</sup>/ha and the proposals on the various plots all comply with this.

#### Public Art

The Master Plan indicates locations for Public Art within Area B, however none fall within the site of these applications.

#### 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.

#### 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 as the Section 106 attached to the Outline consent already applies to this application.

## **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**

The Reserved Matters submitted in accordance with Conditions 1, 4, 10, 16 and 17 of the Outline planning permission P92/4320 and Pk06/2470/RVC be approved.

### **Background Papers      PK07/3393/RM**

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

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

Reason:

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

3. Prior to the commencement of any works on the site, including clearance, earthworks or development, a protective fence shall be erected along the boundary of the Folly Brook Corridor, as indicated on the approved Landscape Softworks Plan, Drawing No. 5042 193/4950/PI.

Reason:

To protect the Folly Brook Corridor in accordance with Policies L1, L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have the effect until the expiration of [1 year] from [the date of the occupation of the building for its permitted use].
  - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
  - b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the same place and that tree shall be of such size, species

and shall be planted at such times, as may be specified in writing by the Local Planning Authority.

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, material and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason:

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

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

Reason:

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

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

Reason:

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

7. Any oil or chemical storage tanks shall be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank and of a structural design approved in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

9. Prior to the occupation of each unit, a commuter plan shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason:

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

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

Reason:

In order to ensure that the development would incorporate measures to achieve energy conservation and the protection of environmental resources, in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted 2006).

11. The approved cycle parking facilities shall be secure and undercover.

Reason:

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

12. No fences or walls other boundary structures shall be erected on the site without the prior written approval of the Local Planning Authority.

Reason:

To protect the landscape, wildlife and the ecological interests of the site, in accordance with Policies L1, L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The minimum finished floor levels must be as follows:

Unit 1: 47.50m AOD

Unit 2: 45.15m AOD

Unit 3: 45.25m AOD

Reason:

To minimise the effect of any flooding which may occur and to comply with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

15. Prior to the first occupation of any unit hereby approved details of the floodlighting for that unit shall have been submitted to and agreed in writing by the Local Planning Authority. These shall include:

- (i) the intensity of the lighting;
- (ii) the direction and shielding of the lighting;
- (iii) the hours of operation.

Thereafter the development shall proceed in accordance with the agreed scheme.

Reason:

To minimise disturbance to occupiers of nearby buildings and to accord with Policy E3 and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Prior to the occupation of any of the units hereby approved the existing footway/cycleway along the A4175 and Folly Brook Road shall be widened to 3.0 metres, by widening on the development side and integrating with the new site access, in accordance with the plans hereby approved. All such works shall be carried out to adoptable standards.

Reason:

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

17. The internal access and road hereby approved shall be adequately surfaced with bound surface material. This road shall then be maintained by a management company.

Reason:

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

18. Prior to the occupation of any of the units on Phase 2 of this site (i.e. units 4, 5 or 6) a pedestrian and cycle connection (with ramp access suitably designed to accommodate access for the disabled) from the Wick Wick roundabout/A4174 pedestrian crossing into the site shall be provided, in accordance with details to be submitted in any Reserved Matters Applications relating to the later phases of the development of this site as a whole.

Reason:

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

19. The 5 year Landscape Management Plan ( Bellinger Design November 2007) hereby approved shall be fully implemented.

Reason:

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

20. The full set of noise mitigation measures as set out in the Noise Assessment hereby approved (by Halcrow Group Limited August 2007) shall be fully implemented prior to the occupation of the units hereby approved.

Reason:

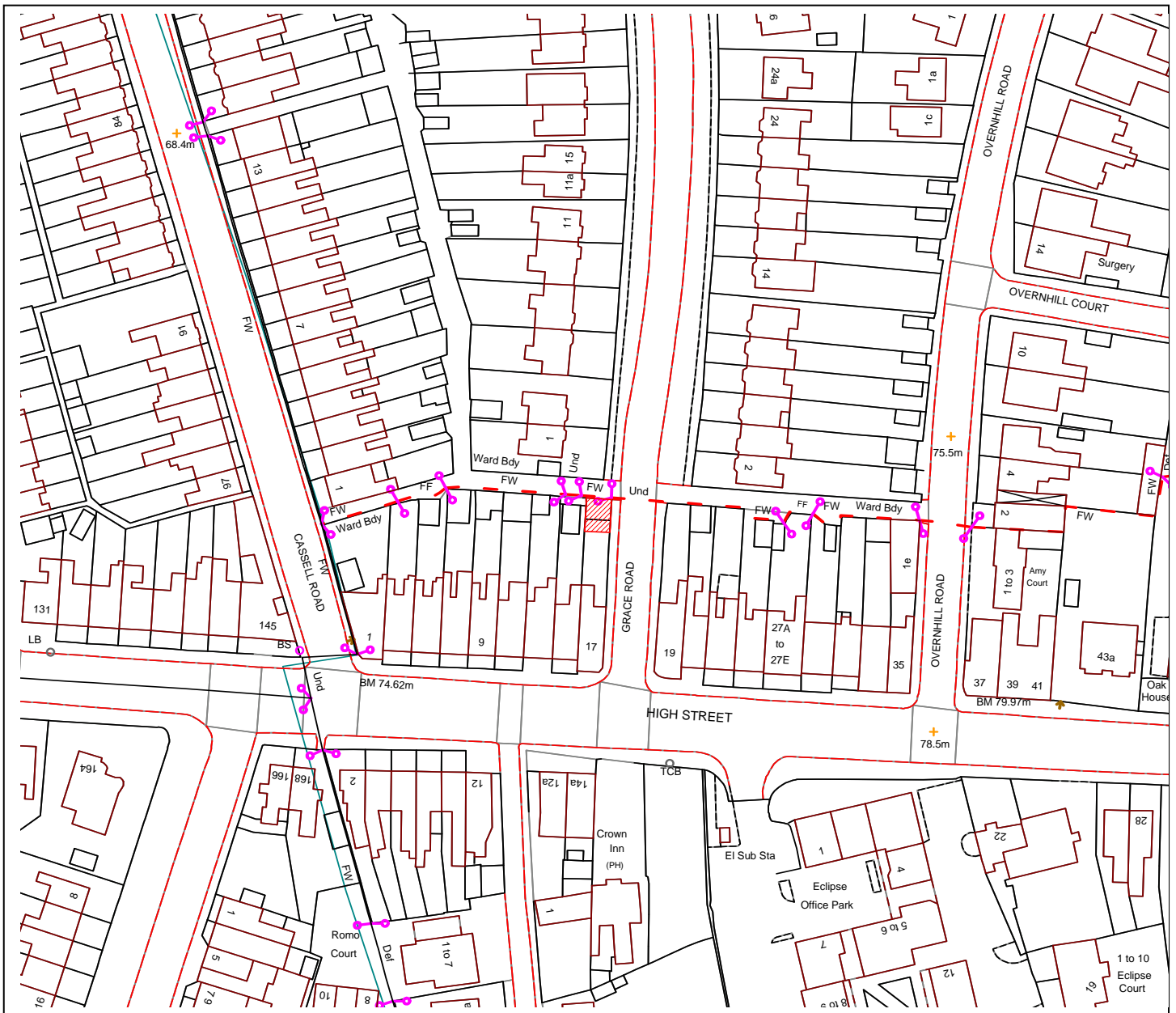
To protect amenity of future occupiers, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008**

**App No.:** PK07/3620/F  
**Site:** Land rear of 17 High Street Staple Hill  
 BRISTOL South Gloucestershire BS16  
 5HA  
**Proposal:** Erection of office / store with (B1) class  
 use.  
**Map Ref:** 64381 75998

**Applicant:** Mr I Hardy  
**Date Reg:** 12th December  
 2007  
**Parish:**  
**Ward:** Staple Hill



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2008.

**N.T.S**

**PK07/3620/F**



## **INTRODUCTION**

This application appears on the Circulated Schedule due to the receipt of four letters of objection from local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a new building to form parking/storage at ground floor with ancillary B1 business space above. There is an existing detached garage on the site that would need to be demolished to make way for the new building as proposed. The proposed new building would be single storey although would have an extended roof height to allow for the insertion of two front dormer windows and conversion of the attic space in the building to a B1 use.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
T8 Parking Standards  
T7 Cycle Parking Standards  
T12 Highways Development Control  
E3 Employment Development within the Urban Area

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

- 3.1 PK02/0652/F Change of use of ground floor from residential (A1) to office (A2) and first floor from residential (C3) to office (A2).  
Approved April 2002.

N.B. As part of this previous application, the use of the existing garage (now to be demolished) was also changed to an A2 use ancillary to the use of the main building.

### **4. CONSULTATION RESPONSES**

- 4.1 Town/Parish Council  
The area is unparished

#### **Other Representations**

- 4.2 Local Residents  
Four letters of objection have been received from local residents (two of the letters have been received from the same resident). A summary of the points of concern is as follows;
- Will result in overlooking
  - There is already a parking problem in the area which will be made worse
  - The building could be converted to residential flats in the future adding further to the problems

- The increase in height will be overbearing
- Unlikely that anyone would want to live so close to where they work
- The height of the building will overlook and overshadow neighbours gardens
- Would result in loss of privacy from neighbouring properties
- The commercial premises would be out of keeping with the residential street
- Risk of noise pollution during the day

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy E3 of the South Gloucestershire Local Plan supports the principle of Employment Development such as this within the existing urban area providing five different criteria are complied with. The five criteria seek to ensure that any development has no detrimental impact on residential or visual amenity and no adverse impact on highway safety. Policy T12 seeks to ensure that any new development will have no detrimental impact on highway safety in the vicinity of the site. Policy E3 allows for employment development provided that;

### 5.2 **Development would not have unacceptable environmental effects; and**

It is noted that neighbours are concerned that the proposed use of the building could have a detrimental impact on their existing levels of residential amenity by way of daytime noise pollution. It is important to note here that the existing building on site can be used ancillary to the existing A2 use of the main building on the site and thus there is potential for some noise to arise from the existing authorised use of the building.

The Use Classes Order (as amended) states that a B1 use covers all business uses that can be '*carried out in a residential area without having any detrimental effect on the amenity of the area (e.g. through creation of noise, vibration, fumes, smell)*'. Whilst no specific end user has been given in the application, the design and access statement suggests that the resultant building may be suitable for use by a plumber or other similar workman operating a small business.

By virtue of the definition of business uses that fall within the B1 category, they are by their very nature appropriate for residential areas. Any use that creates levels of disturbance for residential properties probably does not fall with the authorised B1 category and thus could not occupy the building. Due to the limited nature of the B1 use, it is not felt that the future use of the building would have any detrimental environmental impact on the surrounding residential area.

### 5.3 **Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on-street parking, to the detriment of the amenities of the surrounding areas and highway safety; and**

Given the small size of the building, and the limited storage space available, there is no reason to believe that heavy goods vehicles may frequently visit the site. Whilst certain deliveries may come in large vans, it is not expected that these would be frequent or indeed any more problematic than the standard household deliveries one would reasonably expect.

As discussed above, the end user of the building is not currently known although it is anticipated that it will be occupied by a plumber, electrician or other similar tradesman. Because of the modest size of the building it is considered by the highway officers that the transport implication is also likely to be small. It is highly unlikely that there will be a large number of vehicles coming to and from the building.

Sufficient off street parking will be provided to meet the needs of the development in the proposed ground floor store/garage. A condition will be attached to any consent granted to ensure the provision of one off street parking space inside the building. The remainder of the ground floor of the building can then be used for ancillary storage associated with the B1 use and also provide a bin store.

The proposal will not result in the loss of any off street parking currently provided for the existing business use in the main building. There is insufficient concern to warrant a highway refusal reason. The site is in a sustainable location, on a residential street where on street parking is not restricted and the likely traffic generation by the development is likely to be low. The impact on highway safety is therefore considered to be acceptable.

#### 5.4 **Development would not prejudice existing residential amenities; and**

It is noted that local residents are concerned that the proposal would have a detrimental impact on their existing levels of residential amenity because of loss of privacy, overbearing, overshadowing and loss of privacy. When assessing the application, it is important to remember that the proposed building is to be a replacement for an existing detached garage.

The new building on site will indeed be larger than the existing garage. It will be some 1.8 metres taller than the existing garage and will be 2.4 metres longer than the existing garage. In addition to the increase in size, the application also proposes to add two dormers to the front elevation, to roof lights to the rear and to change the whole roof so the gable ends are now at the sides rather than at the front and rear.

In assessing the impact on the neighbouring property, consideration must be given to the fact that the building would be erected right at the end of the garden of the attached property at No. 15 High Street. It would be erected next to the neighbours detached garage. Whilst the building will be undeniably more visually prominent, because of the distance from the actual main rear wall of the dwelling No. 15 at over 15 metres, it is not considered it would have any overbearing impact on any habitable room windows.

The new building will be 1.8 metres taller than the existing garage and therefore there is scope some additional overshadowing of neighbours gardens. However, the building is at the northern end of the garden of No. 15 and thus, because of the orientation of the sun, will not actually cause any overshadowing of this garden. Also, because the roof has been rotated so the gable ends are now at the ends rather than the front and rear, the height of the building on the boundary line is actually reduced slightly.

It is accepted that the proposed roof lights in the rear elevation could potentially allow for some overlooking of the neighbours rear gardens from an elevated angle. Therefore, a condition will be attached to ensure that the roof lights are fitted with obscure glazing and fitted with a restrictor so the roof lights open a

maximum of 10 centimetres. This would allow sufficient ventilation in the office but would restrict views of the neighbouring gardens.

The neighbours of detached garage will block the bulk of the proposed new building from view – only the roof will be visible. Having analysed the application, officers are confident that the new building will have no significant or detrimental impact on the amenities of the neighbouring dwellings.

**5.5 The character of the area or settlement is not adversely affected; and**

It is not considered that the new building will have any detrimental impact on the character of the area. There is already a building on the site and whilst the new building will be noticeably larger, it will not be an entirely new addition.

The new building will be erected of sympathetic materials and the gable ends will be constructed using the natural stone from the demolished garage. Whilst dormer windows are not a key feature of the street scene, a large number of dwellings along Grace Road have front gables. These front gables will enable to proposed front dormers to blend more successfully with the street scene. Similarly, the majority of the dwellings facing on High Street in the immediate vicinity have flat roofed dormers and on this basis, it is not considered that the introduction of dormers onto the front of this building would be visually incongruous. The impact on the character of the area will therefore be acceptable.

**5.6 The maximum density compatible with the site's location, its accessibility and its surroundings is achieved.**

The proposed new building will simply replace an existing building and thus the density will not be altered. It is not considered possible to increase the density of the buildings on the site further and thus the maximum density compatible with the sites characteristics is achieved.

**5.7 Section 106 Requirements**

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

## **6. CONCLUSION**

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

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) 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**      **PK07/3620/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. Prior to the first occupation of the building hereby approved, a parking space should be marked out using white paint on the ground floor inside the building. The parking space should have a minimum width of 2.8 metres and should span the entire depth of the building. This parking space should remain clearly marked out at all times thereafter. No storage or other use should occur within this marked out space and it should be free from obstruction and available for its primary purpose of vehicle parking 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 Policies T8, T12 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of the construction of the new building, details of the new garage door shall be submitted to the Council and if acceptable, will be agreed in writing. The development must be carried out exactly in accordance with the details agreed.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The roof lights on the rear elevation of the building shall at all times be of obscured glass and fitted with a restrictor so the roof lights can be opened by a maximum of 10cm. 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 E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 5

## CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008

**App No.:** PK07/3629/F  
**Site:** 224 New Cheltenham Road Kingswood  
BRISTOL South Gloucestershire BS15  
4RN

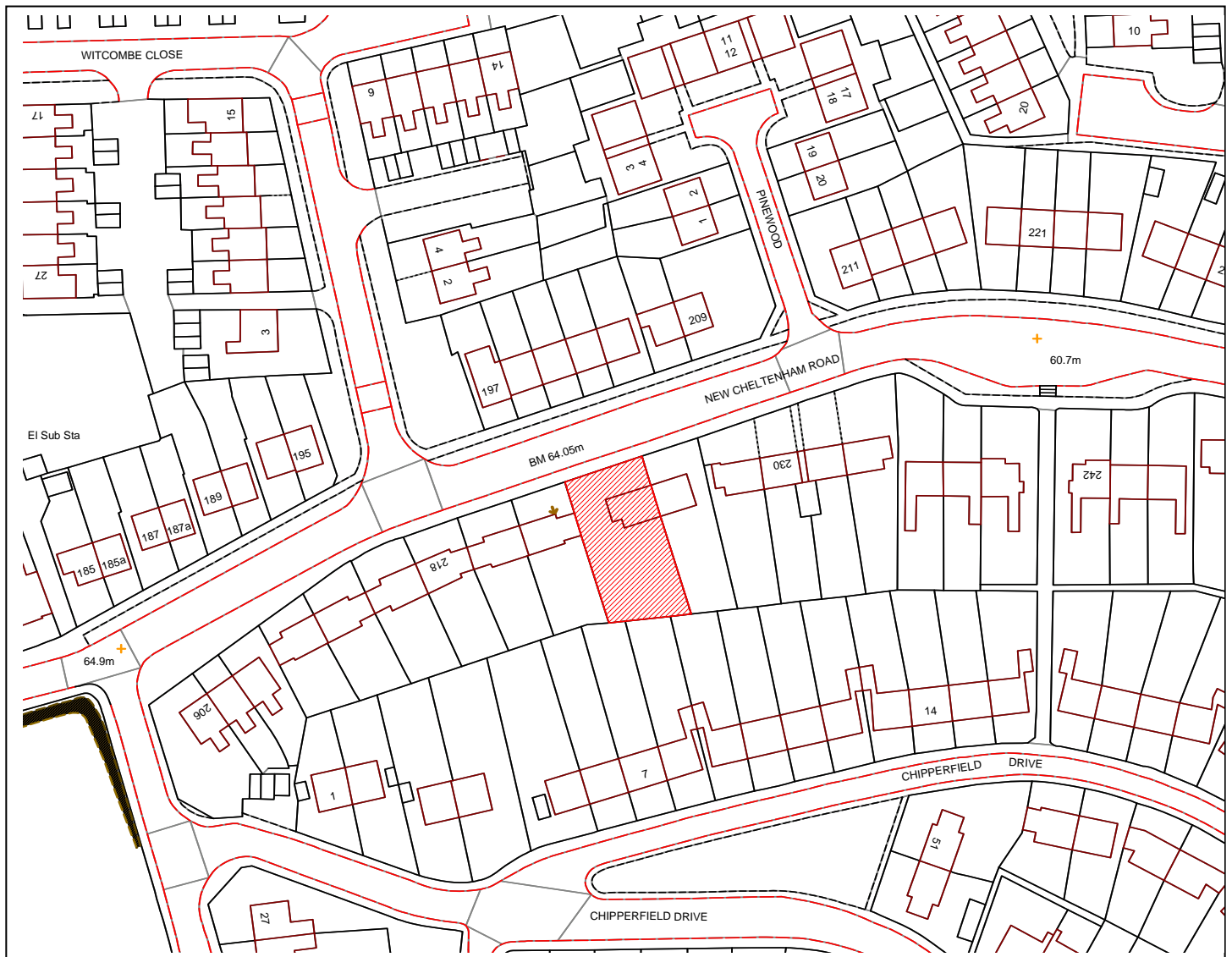
**Applicant:** Mr G Palomeque  
**Date Reg:** 13th December  
2007

**Proposal:** Conversion of existing dwelling and  
erection of single storey rear extension  
to form 2no. self contained flats with  
cycle/bin store and associated works.  
Creation of new vehicular access.

**Parish:**

**Map Ref:** 65689 74320

**Ward:** Kings Chase



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

DC0901MW

1 N.T.S

PK07/3629/F

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the conversion of existing dwelling to form 2 no. self contained flats with associated works. The application also proposes the erection of single storey rear extension for incorporation into the ground floor flat.
- 1.2 The application site relates to a semi-detached property within the urban area of Kingswood. The property has a clearly visible two storey side extension already in place.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H5	Residential Conversions
H4	Development within Residential Curtilages
T8	Parking Standards
T12	Development Control Policy for New Development

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

- 3.1 P99/4438 Erection of two storey side extension and creation of new vehicular access.  
Approved July 1999

### **4. CONSULTATION RESPONSES**

- 4.1 Town/Parish Council  
The area is unparished

#### **Other Representations**

- 4.2 Local Residents

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

- The lounge and kitchen of the first floor apartment would be adjacent to the neighbours main bedroom
- Possible noise transmission issues
- There is no existing access – the application is wrong as it states there is existing access.
- One parking space for each apartment is not sufficient
- Additional on street parking would be dangerous because of the curve in the road

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H2 allows for the conversion of existing residential properties into smaller units of accommodation, subject to certain criteria, including whether the proposal would not prejudice the character of the surrounding area. The area is a predominately residential one, mostly single dwelling houses, but some flats/maisonettes. Policy H4 allows for extensions to residential units providing a number of criteria relating to design and residential amenity are satisfied.

### 5.2 Design/Visual Amenity

The application seeks to convert an existing dwelling into two self contained flats - the majority of the works are internal with very little external alteration. When viewed from the front elevation, the only visible alteration would be the addition of a small lean-to type roof on the existing flat roofed porch.

The application does propose to create an area of hard standing to the front of the dwelling where currently there is none and this will clearly have a visual impact. However the new driveway is to be sensitively designed using block paving and will retain large area of grass and vegetation. The removal of the low front brick wall and the existing scrub grass is not considered to be visually detrimental.

The rear extension as proposed is of standard appearance and is suitably subservient to the scale and design of the main dwelling. The extension will be finished of materials to match the existing and will have a simple lean too type roof. The window and door to be inserted in the extension will fully integrate with the main dwelling and thus the design of the extension is considered to be acceptable.

In general, there are no significant external alterations that would be considered to be unacceptable. To users of the surrounding public space, the conversion would not be immediately noticeable. As such, the design and visual amenity of the proposal is considered to be acceptable.

### 5.3 Residential Amenity

A number of internal alterations are proposed – including the installation of and alteration to stud walls. Externally, the only alteration is the addition of the ground floor patio.

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

Ample garden space will be provided for each of the flats. The existing garden is large and will be divided in two via the erection of a new fence. Cycle and Bin stores have however been provided for both flats and subject to the attachment of conditions to ensure details of these stores are submitted, it is considered that each flat is afforded ample amenity.



There are to be no new or additional windows thus it is not considered that there will be any additional levels of overlooking or loss of privacy of neighbour's gardens.

The proposed rear extension has a depth adjacent to the boundary of only 3 metres. At this modest depth, it is not considered that it will have any overbearing or overshadowing effect on the amenities of the attached dwelling.

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

#### 5.4 Transportation

As noted by the objector, the application form states that there is an existing access whereas in fact there is no dropped kerb. There does appear to be an existing informal driveway but no hard standing is provided. Nonetheless, it is acknowledged that in 1999 planning permission was granted for the creation of a vehicular access so it appears that whilst this was started, it was perhaps never fully implemented. As this consent has now lapsed, it is necessary to consider the creation of an access as part of this application.

The issue of requiring off street turning areas for newly created off-street parking spaces was considered at the Development control (East) Committee on 16<sup>th</sup> February 2006. At this meeting it was resolved '*that (subject to the resolution of the Development Control ((West) Committee) for the purposes of Development Control, the Council will not require turning areas on driveways for existing individual dwellings onto class 3 Highways in urban areas where the statutory speed limit is 30mph or less*'.

No off street turning space is proposed as part of this application – neither is there space for any to be provided. In light of the committee resolution, a turning space is not required for this development and thus there are no objections to the application as proposed.

Two off-street parking spaces are proposed, which is within the maximum parking standards as set out in Policy T8 of the South Gloucestershire Local Plan. Subject to a condition requiring the provision of cycle parking, there is no transportation objection to the proposal.

#### 5.5 Design and Access Statement

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

#### 5.6 Section 106 Requirements

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

preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

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

The recommendation to 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**      **PK07/3629/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. Details of bin and cycle storage shall be submitted to and approved in writing prior to the commencement of development. The bin and cycle storage shall be provided on site in accordance with the approved details prior to the occupation of the flats retained thereafter as such.

Reason:

To protect the residential amenity of the area and to encourage means of transport other than the private car and to accord with Policies T7 and H2 of the South Gloucestershire Local Plan.

3. The two off street parking spaces as show on the approved plans shall be provided prior to the first occupation of either flats. One parking space must be allocated to each of the flats. The parking spaces must remain available and kept free from obstruction 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 Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 6

## CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008

**App No.:** PK07/3678/F  
**Site:** 49 Bromley Heath Road Downend  
BRISTOL South Gloucestershire BS16  
6HY

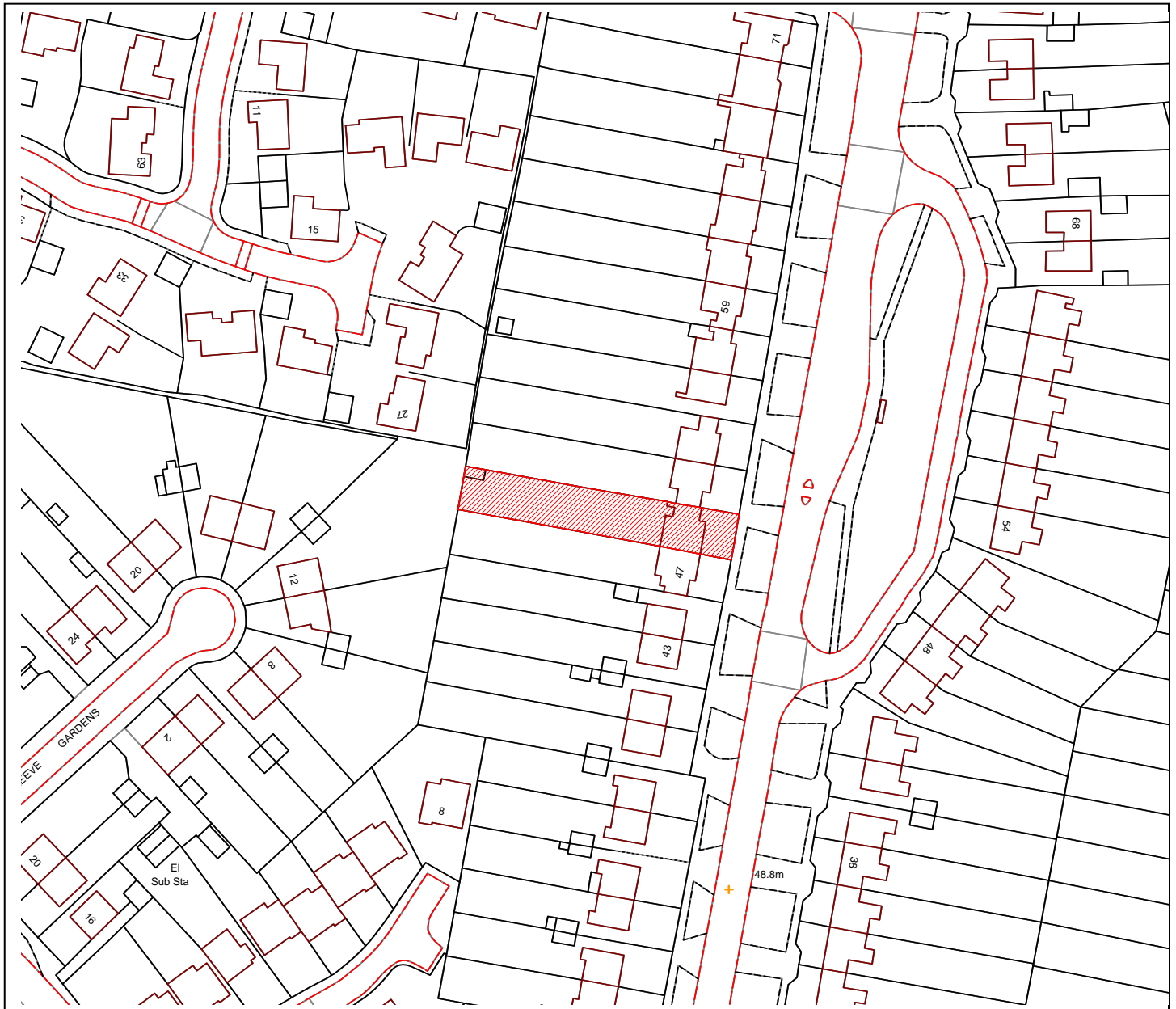
**Applicant:** Mr I Ghauri  
**Date Reg:** 19th December  
2007

**Proposal:** Erection of two storey side and rear  
extensions and single storey rear  
extension to provide additional living  
accommodation.

**Parish:** Downend and  
Bromley Heath

**Map Ref:** 64713 77520

**Ward:** Downend



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

**N.T.S**

**PK07/3678/F**

## **INTRODUCTION**

This application appears on the circulated schedule due to the receipt of one letter of objection from a neighbouring property.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a two-storey extension to the side and rear of the existing dwelling. The application also proposes to erect a single storey extension to span across the rear of the dwelling. The extensions will be joined together to form one large extension. The purpose of the extensions is to provide an enlarged kitchen/diner with utility and day room at ground floor with an additional bedroom and study above.
- 1.2 During the course of the application a letter was sent to the agent asking about the choice of roofing materials. It was confirmed to the case officer verbally on the telephone that the intention is to re-roof the entire dwelling with double roman roof tiles.

### **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 Downend and Bromley Heath Parish Council  
No objection

#### **Other Representations**

4.2 Local Residents

One letter of objection has been received from a neighbouring property. A summary of the points of objection is as follows;

- The application proposes to demolish the existing garage which is attached to the neighbours garage. If this garage is demolished then the neighbours must be also.
- The neighbour has no objection to the two storey side extension but does object to the two storey rear extension because none of the surrounding properties have done this and it would create a precedent.

- The two storey rear extension will be oppressive and overbearing because of the huge expanse of wall created
- The study window will overlook the neighbours garden and patio
- The study could be used as a bedroom effectively making the house a five bedroomed property with associated parking issues
- There is a common drain that will need to be catered for

## 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 900mm from the main front wall of the dwelling and the ridge is set down by 800mm. 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 two-storey rear extension will be attached to the rear of the side extension and will project beyond the main rear wall of the host dwelling by 2.75 metres. Again, the windows and materials to be used on this rear extension will match those of the main dwelling.

The side extension 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. A number of the surrounding dwellings have a variety of side extensions already in place and thus it is not considered that the extension would be incongruous. The design of the two storey extensions is thus considered to be acceptable.

The single storey rear extension is of simple design having a lean too type roof. This single storey extension will also be erected of materials to match the main dwelling. The extension will not be visible from the public realm and thus will have no visual impact on the street scene.

It is noted that the plans and design and access statement make reference to the use of double roman roof tiles on the extension whereas the tiles on the main dwelling and plan, grey tiles. It has been confirmed to the case officer via telephone that it is the intention of the applicant to re-roof the whole house with double roman tiles and thus the extensions will fully integrate. The attached semi-detached dwelling has already carried out such re-roofing and thus the introduction of double romans on this property is considered to be acceptable. A condition will be attached to any consent granted to ensure that the tiles to be used on the extension match those on the main dwelling – be they plain grey tile or new double roam tiles. Subject to the attachment of relevant conditions, the design of all elements of the proposed extensions is considered to be acceptable.

### 5.3 Residential Amenity

It is noted that the neighbour has expressed some concerns about the proposal. The first concern relates to the demolition of the garage. It is true that the garage on the application site is attached to the neighbours garage. Clearly should the garage on the application site be removed, this will impact on the neighbours garage. The impact on the neighbours garage however is not a planning concern. The applicant could, if he so wished, demolish the existing garage at any time without the need for planning permission. What happens to the neighbours remaining garage is a civil issue that needs to be sorted under the party wall act or other relevant legislation. It is understood by your officer that talks may have taken place between the applicant and the neighbour to start to address this issue.

The two storey side extension is also contained to the side of the neighbours property. Other than a landing window, there are no windows in the side elevation of the neighbours property facing towards the application site that could be adversely affected by the works as proposed. Similarly, no new windows are proposed in the side elevation of the extension that could result in loss of privacy or inter visibility.

The rear element of the two storey extension is to project beyond the main rear wall of the neighbouring property by 2.75 metres. The concerned neighbour at No. 51 already has a single storey rear extension in place that projects out beyond the main rear wall by a similar amount. As a result, the proposed rear extension will not be visible from the rear ground floor windows. Whilst the two storey rear extension will be visible from the first floor windows in the rear of the neighbour at No. 51, because of the restricted depth of the extension, it is not considered it will have any overbearing or oppressive impact upon them.

The new study window on the first floor will allow for some overlooking of neighbouring gardens. However, this would not be at a greater level than currently exists from the existing first floor rear windows. A certain degree of overlooking is always the case at semi-detached properties and this would not be increased as a result of the proposed extension.

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 proposal will result in the loss of an off street parking space inside the existing garage. However, sufficient off street parking will remain on the existing driveway. The front garden of the property is currently covered in hard standing and is available for the parking of vehicles. There is ample space for at least two vehicles to park on site. Even should the proposed study be used a bedroom, two off street parking spaces is sufficient to meet the needs arising from a 5 bedroomed family dwelling. The parking provision is in accordance with the maximum standards as set out in policy T8 of the South Gloucestershire Local Plan and thus there is no objection to the scheme on this basis.

### 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**      **PK07/3678/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 tiles to be used in the development hereby permitted shall match those on the roof of the original house building in colour, texture and profile.

Reason:

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

## CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008

App No.: PK07/3684/R3F

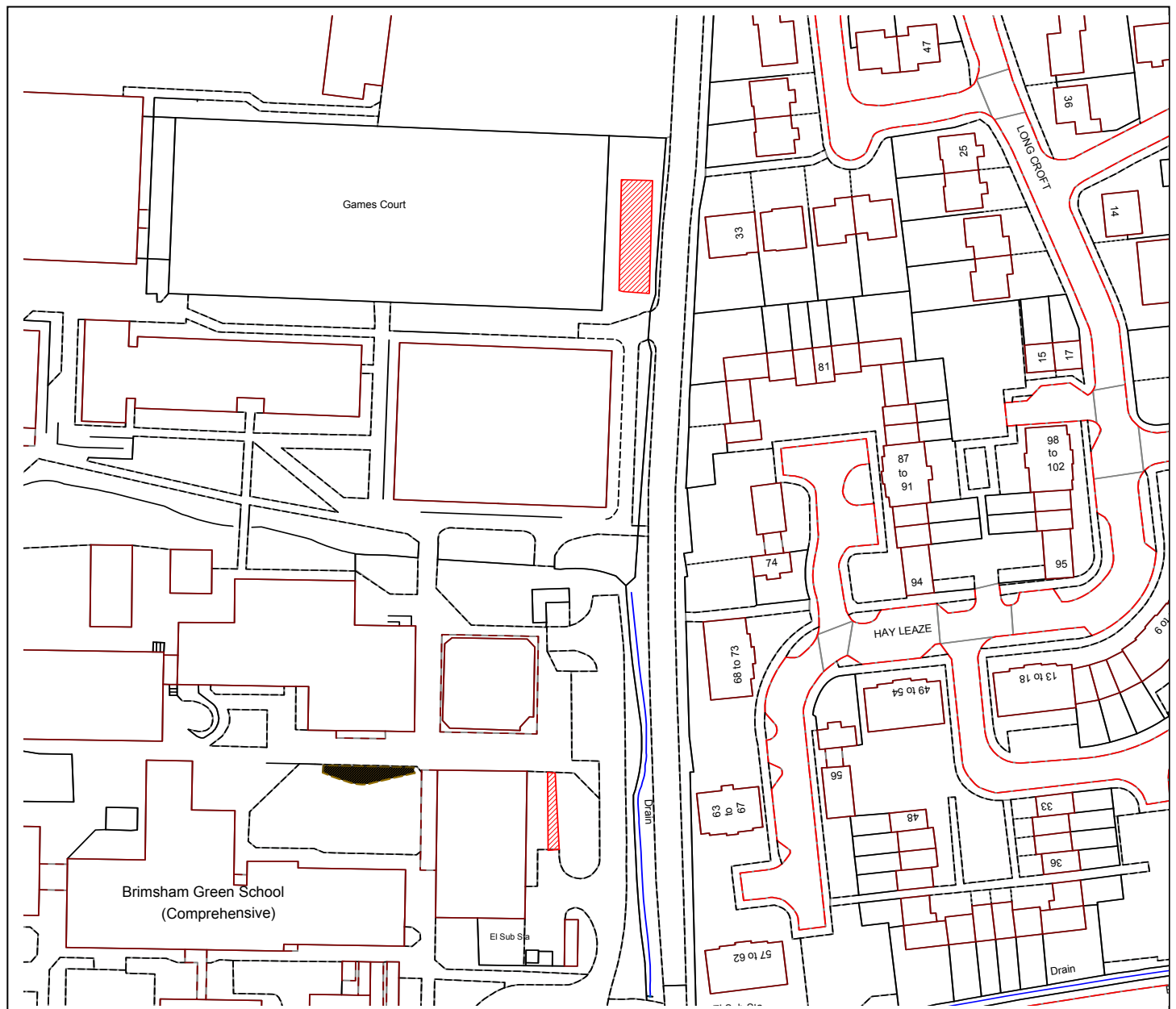
Applicant: South  
Gloucestershire  
CouncilSite: Brimsham Green School, Broad Lane,  
Yate, South Gloucestershire, BS37 7LBDate Reg: 19th December  
2007

Proposal: Erection of 2 no. cycle stores.

Parish: Yate Town Council

Map Ref: 70733 83870

Ward: Yate North



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S

PK07/3684/R3F



## **INTRODUCTION**

This application appears on the circulated schedule following receipt of two objections which are contrary to the officer recommendation. The application is also a Regulation 3, and is required to be determined by the circulated schedule under the current scheme of delegation.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the erection of 2 No. cycle stores. The new stores will replace the existing cycle sheds, which are to be demolished.
- 1.2 The sheds will be located on the eastern perimeter of the site approximately parallel with Broad Lane and the Brimsham housing estate. Shelter No. 1 would be located on a grass verge parallel with the Tennis Courts and shelter No. 2 would be located directly opposite the school canteen.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

T7 Cycle Parking

T12 Transportation Development Control Policy for New Development

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

- 3.1 The site has been the subject of a number of applications in the past. However, the following are the most relevant to the determination of this application.
- 3.2 PK07/3497/R3F 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.  
Refused: 11<sup>th</sup> January 2008

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Refuse: want cycle parking spaces, but they need to be at front of the school on Broad Lane (i) so the children will use them; (ii) for security; (iii) to promote cycling to school.
- 4.2 Other Consultees
- Environmental Services  
No adverse comments.

## **Other Representations**

### 4.3 Local Residents

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

#### Object

- adverse impact on pedestrian safety – proposed location would encourage the use of a pedestrian footway between Nos. 29 to 31 Long Croft.
- sustainability – relocation of cycle storage would force cyclists to cycle further and then walk to the front of the school. This goes against the principles of sustainable travel.
- security – present store is overlooked by pupils, staff, visitors. Moving store to a new location means that it will not be visible and may become a target for thieves.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policies D1, T7 and T12 the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable subject to the following consideration.

### 5.2 Design

Policy D1 seeks to ensure that new development achieves an acceptable design standard. The roof of the shelters will be curved in profile, creating a contemporary appearance which in turn provides visual interest to the site. Shelter 1 will be sited on a grass verge adjacent to the tennis courts and to the north east of a technology block which was granted permission in 2001 (PK01/1388/R3F). The curved form of the shelters is considered to compliment the modern appearance of the technology block whilst the siting of Shelter 2, on a grass verge facing towards the canteen, is considered to be appropriate. Moreover, both shelters are considered to be a visual improvement on the current utilitarian breeze block and corrugated steel bike shelter. Accordingly, the shelters are considered to meet an acceptable design standard.

### 5.3 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity in the locality. Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 provides maximum cycle parking standards.

5.4 Concern has been raised that the proposed location for the cycle sheds would discourage pupils from cycling.

5.5 Having visited the site it is your officer's opinion that the cycle sheds could be easily accessed from the highway serving Yate Outdoor Sport Complex to the rear of the school: pupils would be able to cycle up this highway and enter the site via a side entrance. Once in the grounds pupils would then manoeuvre their bikes to the appropriate cycle store (the design and access statement highlights that one store will accommodate bikes that are to be locked in the compound for the duration of the school day, whilst the other will be available

for students to collect their bikes at lunchtimes). In light of the sheds close proximity to the highway running parallel to the school site (which also doubles as a public right of way) it is considered that the sheds would in no means discourage pupils from cycling. In some respects, those pupils who travel to school from the Brimsham housing estate – to the east of the school – would have access to cycle stores that are more accessible than the existing stores at the front of the site. In addition, the Council's Transportation Development Control Officers have assessed the proposal and not raised an objection. Accordingly, the proposals are considered to comply with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.6 Other matters arising

Concern has been raised that the proposed sheds will not be visible to school users and therefore may become a target for crime.

5.7 In this instance, it is not considered that the sheds are located in unacceptable locations. Shelter No.2 has been sited and designed to ensure that its open side will face directly towards the canteen windows so allowing natural surveillance to occur. Shelter No.1 will be sited adjacent to the Tennis Courts, within the school's perimeter fence and will be locked for the duration of the school day.

5.8 Concern has been raised that proposed sheds will increase the use of pedestrian access to the front of Nos. 29 to 31 Longcroft, to the east of the school site. It would appear that this access provides a link from the Brimsham estate through to the school and Yate Outdoor Sports complex. It is considered that the siting of cycle sheds within the school site would not have a material impact on whether this access is used by pupils with bikes. Furthermore, the fact that pupils do not dismount from their bikes, if indeed they are required to do so, is not considered a material planning consideration in the determination of this application.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PK07/3684/R3F**

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

## **CONDITIONS**

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

Reason:

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

# ITEM 8

## CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008

**App No.:** PK07/3688/TRE

**Applicant:** The  
Owner/Occupier

**Site:** 10 Brooklea, Oldland Common, South  
Gloucestershire, BS30 9SD

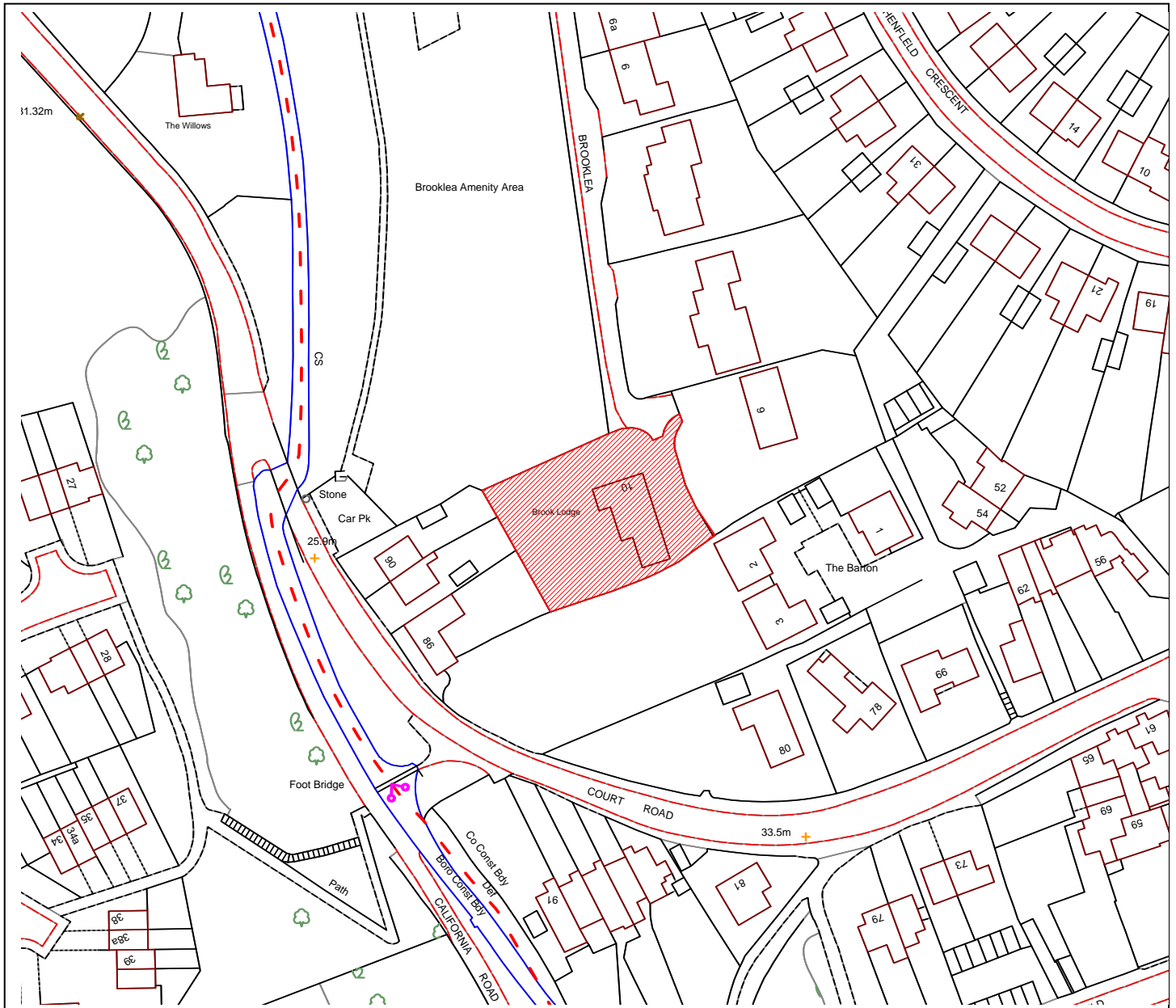
**Date Reg:** 19th December  
2007

**Proposal:** Works to fell 6 no. poplar trees covered  
by Tree Preservation Order KTP03/82  
dated 14th February 1983.

**Parish:** Bitton Parish  
Council

**Map Ref:** 66893 71374

**Ward:** Oldland Common



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

**N.T.S**

**PK07/3688/TRE**

## **INTRODUCTION**

This application appears on the circulated schedule due to the receipt of two letters of objection from neighbouring properties.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to carry out works to fell six Lombardy Poplar trees growing within the rear garden of No. 10 Brooklea. The application states that the trees are to be felled as they have simply outgrown their position.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement  
L5 Forest of Avon

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

- 3.1 PK07/1379/TRE Works to reduce the height of 6 Poplar trees by 40%.  
Approved May 2007
- 3.2 PK02/1710/TRE Reduction in height of trees by 30% and felling of tree.  
Approved June 2002

### **4. CONSULTATION RESPONSES**

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

- 4.1 Bitton Parish Council  
No objection but request that a condition requiring replacement with appropriate native species is attached

#### **(b) Other Representations**

- 4.2 Local Residents  
Two letters of objection have been received from local residents. A summary of the points of concern is as follows;
- The attraction for the neighbouring properties is the view of the trees
  - They are beautiful trees and it would be very disappointing if they were felled
  - Felling would leave the neighbours very exposed and detract from the value of the neighbours houses.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

### 5.2 Analysis of the Health of the Trees

The 6 Lombardy Poplars are close to the perimeters of the rear garden of the property which slopes downwards considerably from East to West. Three of the trees are close to the northern side of the boundary and three are close to the southern boundary. An application to reduce the trees by approximately 40% was approved in May 2007 and the trees were subsequently pruned.

The trees are mature specimens of moderate to low quality all of which contain some amount of deadwood and one that has a significant wound from ground level to approximately 2.5 metres. The trees now offer a negligible amenity to the area and present a disproportionately high maintenance cost to the owners. It is the owners intention to re-landscape their garden and this is to include significant tree planting.

Whilst it is noted that the neighbours feel the trees are valuable, a condition will be attached to ensure the felled trees are replaced with more suitable species.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 Permission be granted subject to the following conditions:

**Background Papers**      **PK07/3688/TRE**

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

## **CONDITIONS**

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

Reason:

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

2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

Reason:

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

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

Reason:

In the interests of the visual amenity of the area and to accord with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted).



**CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008**

**App No.:** PK07/3708/ADV

**Applicant:** Yate Shopping Centre

**Site:** Kennedy Way, Yate Shopping Centre, Yate South Gloucestershire BS37 4AP

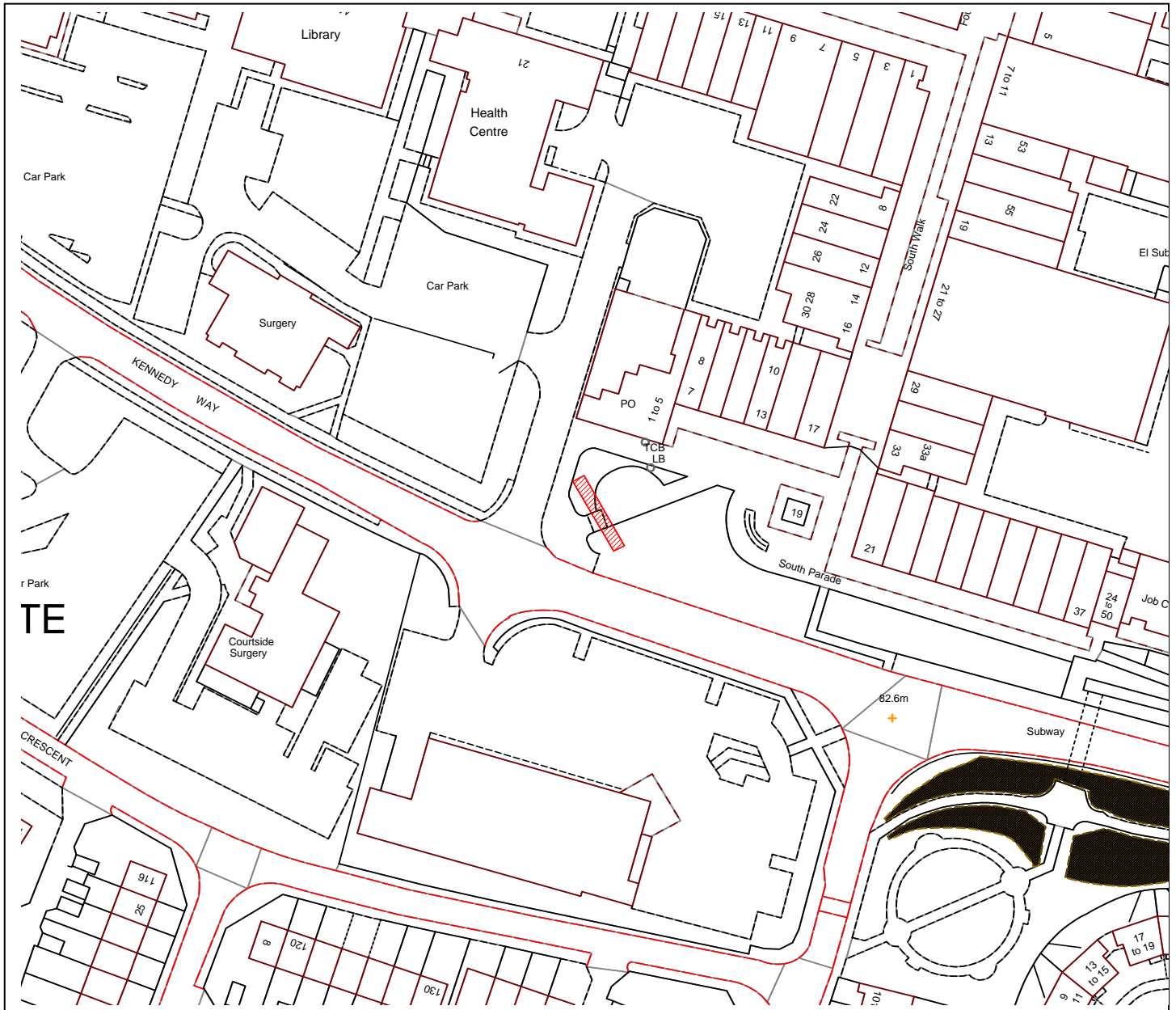
**Date Reg:** 20th December 2007

**Proposal:** Installation of 1no. internally illuminated double sided, freestanding totem sign (marked as A on plan).

**Parish:** Yate Town Council

**Map Ref:** 71371 82343

**Ward:** Yate Central



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

**N.T.S**

**PK07/3708/ADV**

## **INTRODUCTION**

This application is referred to the Circulated Schedule following objections to the proposed scheme being received from the Yate Town Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks advertisement consent to erect a double sided illuminated sign on the southern side of the Yate Shopping Centre. The sign is part of a larger scheme to rebrand the Yate Shopping Centre.
- 1.2 Since submission the position of the sign has been set back away from Kennedy Road and the entrance to the Health Care centre/ service yard for the units fronting South Walk and East Walk. The south-west facing side of the sign (facing Kennedy Way and above mentioned access) will contain directional information with the arrows pointing left indicating the access for the library, Health Care Entrance and Service Yard 3. The bottom half of the sign will contain a reference to free parking and the number of units available and the 7 day opening times for the Yate Shopping Centre.
- 1.3 Each panel which makes up the three sided sign is 2.5 metres in height and 1.66 metres across.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG19	Outdoor Advertisement Control

#### 2.2 Development Plans

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

D1	Achieving Good Quality Design in New Development
L19	Display of Advertisements
T12	Transportation Development Control Policy for New Development

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

- 3.1 PK06/3297/ADV – 43 Station Road Yate – Display of various directional and information signs. Withdrawn 04/01/2007.

### **4. CONSULTATION RESPONSES**

#### 4.1 Yate Town Council

Objection on the basis that the sign is misleading as it refers to free parking, but its location on the corner of the access to the Health Centre and Surgery will mislead people into thinking that it is the Shopping Centre Car Park and increase the problem of shoppers parking in and blocking spaces provided by health bodies for their patients.

## Other Representations

### 4.2 Local Residents

No consultation replies were received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

As outlined in PPG19, outdoor advertisements can only be controlled in the interests of “*amenity*” and “*public safety*”. In terms of “*amenity*”, the affect of the proposal on the visual amenity in the immediate neighbourhood has to be considered. With regard to “*public safety*”, LPA’s must ensure any advertisement does not create a traffic hazard, especially in terms of causing a distraction.

5.2 Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006 incorporates advice contained within PPG19. This policy allows for the display of advertisements provided the following criteria are complied with:-

**A The advertisement would not be detrimental to the appearance of the building on which it is displayed, or detrimental to the immediate location in which it is to be displayed, by virtue of size, siting, materials, colour or illumination; and**

5.3 The proposed sign is considered to be in keeping with the context of a district shopping centre and so it is not considered that the sign would be detrimental to the immediate location. The design and form is simple and the colour is considered to be attractive and would match the colour scheme of existing Yate Shopping Centre signage.

**B The advertisement would not detract from the character of the locality;**

5.4 As above.

**C The cumulative effect of the proposal would not be detrimental to visual amenities;**

5.5 The sign is one of a number that are being placed in and around the Yate Shopping Centre. It is considered the cumulative level of signage would be acceptable in its context and would not therefore be detrimental to levels of visual amenity.

**D The advertisement would not prejudice public safety.**

5.6 With confirmation that the sign will be located on an area of open space and would not interfere with any pedestrian route, there are no objections to the proposed scheme from the Council’s Highways and Transportation Dept. Therefore it is considered that the proposed sign would not prejudice public safety.

## 5.7 Other Issues

The comments of Yate Town Council are noted, but the proposed sign contains directional information which should help indicate that the adjacent access serves local community facilities and does not form part of the access/parking area for the adjacent Shopping Centre. The reference to the “free parking” is noted, but it is considered that this would be seen in the context of a general advertisement and not as a piece of directional signage to guide shoppers into the small car park that serves the Health Care Centre and the adjacent surgery. Therefore although the issue raised by the Town Council falls outside the valid consideration of an advertisement application, it is considered nevertheless that while the concerns of the Town Council are acknowledged, they are not considered sufficient for an objection to be raised.

## 5.8 Design and Access Statement

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

## 5.9 Section 106 Requirements

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

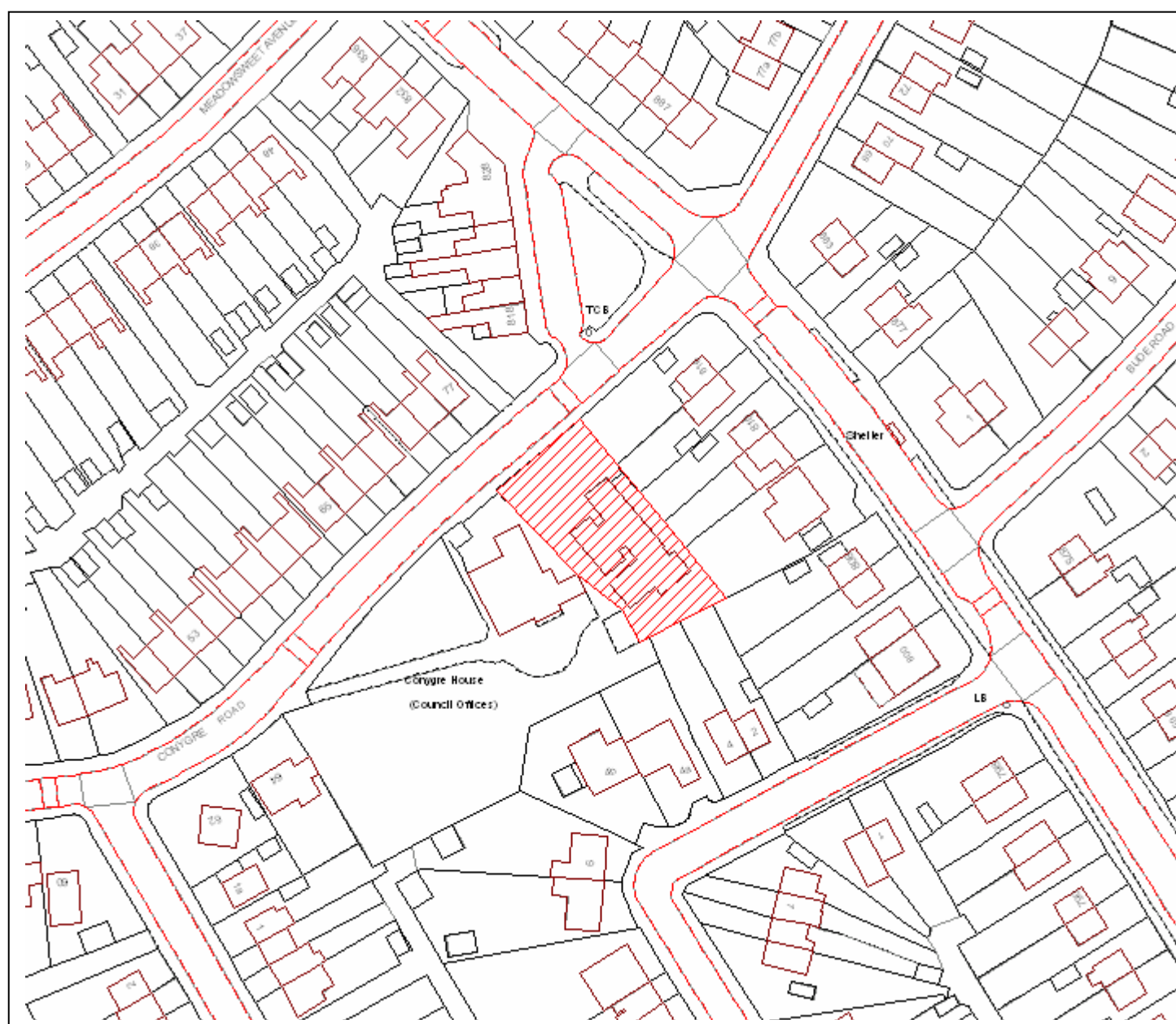
- 7.1 Advertisement consent is to be GRANTED.

**Background Papers**      **PK07/3708/ADV**

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

## CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008

<b>App No.:</b>	PT07/3455/R3F	<b>Applicant:</b>	Mr D Beale South Gloucestershire Council
<b>Site:</b>	South Gloucestershire Council Conygre House Conygre Road Filton South Gloucestershire BS34 7DD	<b>Date Reg:</b>	22nd November 2007
<b>Proposal:</b>	Erection of Sure Start Childrens Centre on 0.022 hectares of land at Conygre House Conygre Road Filton.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	60774 79420	<b>Ward:</b>	Filton



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

DC0901MW

## **INTRODUCTION**

This application is placed on the Circulated Schedule as the development is on Council owned land.

### **1. THE PROPOSAL**

The application seeks full planning permission for the erection of a single storey Children's centre adjacent to Conygre House, on Conygre Road. Which is within the heart of the built up area of Filton.

The centre will be predominantly used by Pre-school children. The site is relatively flat, with an Elliot building presently on the site of the development. This is in a run down condition.

### **2. POLICY CONTEXT**

#### National Guidance

PPS1 Delivering Sustainable Communities

PPG13 Transport

#### Joint Replacement Structure Plan

Policy 1 Guided Principles

Policy 2 Locational Strategy

Policy 43 Facilities for recreation and leisure

#### South Gloucestershire Local Plan

D1 Achieving Good Quality Design in New Development

T12 Transportation Development Control Policy for New Development

LC4 Proposal for Educational and Community Facilities within the existing Urban area and Defined Settlement Boundaries

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

None Relevant

### **4. CONSULTATION RESPONSES**

#### Filton Town Council

No objection

#### Local Residents

Two letters of objection received from residential of Charlton Court:

a. Traffic safety concerns due to increased parking.

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

#### **5.1 Principle of development**

Policy 1 of the Joint Replacement Structure Plan indicates that the social needs of the population should be met by providing facilities at convenient locations, where access is possible by means other than the private car. Policy LC4 of the South Gloucestershire Local Plan supports the principle of providing community facilities within the established urban areas subject to certain criteria (that are set out below).

The principle of development is established by reason of the existing development on the site.

## 5.2 Transportation

Given the location of this facility it will enable the proposed users to travel to it by a range of means other than the private car. Users will be within reasonable walking and cycling distance, and there are reasonable links to public transport. It is not considered that the loss of some of this car park will cause unacceptable parking problems, and indeed will help to encourage travel by means other than the car. A condition is required to ensure that adequate cycle parking provision is made and provided.

## 5.3 Design

The proposed scheme is a somewhat unusual design reflecting the young age of the people using the building. Much of the design is to be commended. A contemporary modern building is proposed that will add design quality and visual interest at this location. The design is considered to incorporate an appropriate mix of glazing, render and steel. A condition requiring prior approval of materials is recommended.

At ground floor level security fencing and gates will enclose a courtyard. This enclosure is perhaps unfortunate for what is a building for the community but is considered essential to provide an adequate level of security. The method of enclosure will be of reasonable quality.

The built form will be positioned between the residential properties and conygre house. Against this context, it is considered that this proposal will be reasonably in-keeping in terms of size and massing, and will also provide an interesting building in the otherwise somewhat bland street scene. The removal of the existing Elliott building will also be a visual improvement to the area.

## 5.4 Landscaping

The existing trees to the south will be retained. The rear yard for the building will be bounded by these trees, a stone wall and fencing. At the front of the site there is presently a 2m high green palisade fencing, which as a result of this development will be mixed with landscaping so this incongruous fence will be softened, thus resulting in a form of development which blends in with its surroundings. This said the exact details of this does not form part of this application so a condition is suggested requiring the submission of a landscaping scheme prior to the first occupation of the dwelling. The lack of details in relation to landscaping is not on its own considered significant enough to warrant the refusal of the application.

## 5.5 Residential amenities

It is considered that given the size and position of the proposed development it will not impact upon the residential amenities of the surrounding properties. This is because the building is only single storey with mature landscaping around it.

In terms of the levels of noise arising from the use of the premises, it is considered that this can be reasonably addressed by way of a planning condition restricting hours of use. It is not considered that the internal uses of the building will create noise to such an extent that this will cause disturbance,

however it is accepted that the use of the court yard area, and people visiting the building would have the potential to cause unreasonable disturbance if used late into the night. Accordingly, a condition restricting the hours of use of the building from 8am to 7pm is suggested.

#### 5.6 Design and Access Statement

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

#### 5.7 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

- 7.1 Planning permission be approved with the following conditions

**Background Papers**      **PT07/3455/R3F**

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

#### CONDITIONS

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

Reason(s):

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



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

Reason(s):

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

3. The building hereby permitted shall not be open to customers outside the following times 8am to 7pm on any day.

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E4 of the South Gloucestershire Local Plan (Adopted) January 2006.

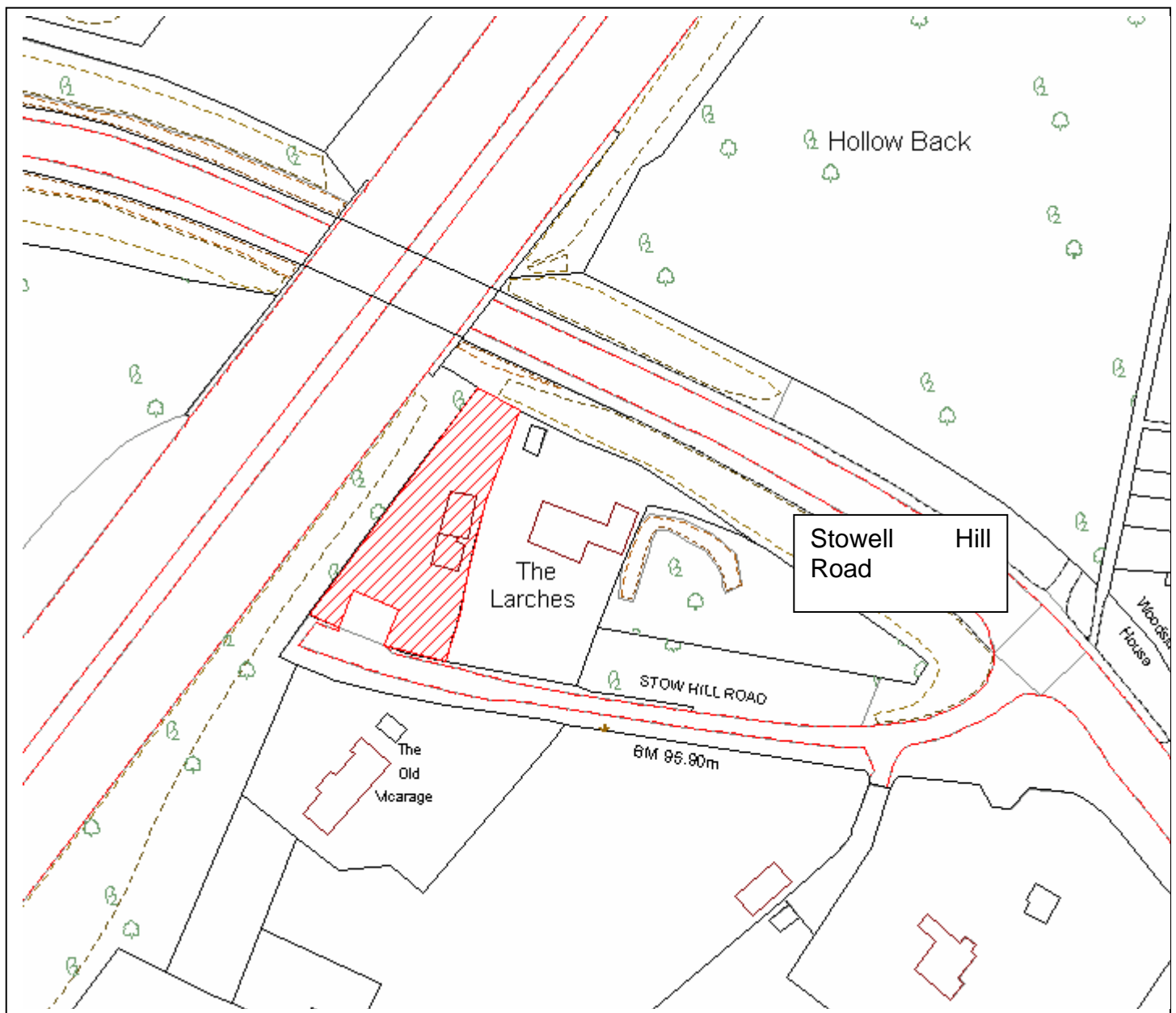
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection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

Reason(s):

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

## CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008

<b>App No.:</b>	PT07/3587/O	<b>Applicant:</b>	Mr A Williams
<b>Site:</b>	Land adj The Larches Stowell Hill Road Tytherington WOTTON UNDER EDGE South Gloucestershire GL12 8UH	<b>Date Reg:</b>	6th December 2007
<b>Proposal:</b>	Erection of acoustic fence and erection of 1 no. dwelling (Outline) with siting and layout to be determined. All other matters to be reserved (Re-Submission of PT06/3202/O)	<b>Parish:</b>	Tytherington Parish Council
<b>Map Ref:</b>	66473 88727	<b>Ward:</b>	Ladden Brook



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

## **INTRODUCTION**

The application appears on the Circulated Schedule because representations received are contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks outline planning permission to erect a dwelling and an acoustic fence. The application includes the siting of the proposed dwelling and fence with all other matters being reserved for later consideration.
- 1.2 The application site relates to land at the end of Stow Hill Road. The road terminates at the point of the application site. To the east is a 2-storey dwelling, The Larches. To the south, the other side of Stow Hill Road, is a dwelling, The Old Vicarage. Immediately to the west, the other side of a belt of mature trees, is the M5 motorway. To the north is an embankment down to Stow Hill Road.
- 1.3 The site itself is unkempt, occupied by steel framed pre-fabricated structures, open storage, machinery and vehicles. A steel palisade fence forms the boundary of the site.
- 1.4 The application site is situated in open countryside outside of any settlement boundary.
- 1.5 The application is a repeat of a similar application (ref.PT06/3202/O) that was refused planning permission on the following grounds:
  - Principle policy objection - new-build residential development in the open countryside.
  - Landscape Impact.
  - Highway Safety.
  - Unsustainable in transport terms.
  - Noise disturbance from motorway.

### **2. POLICY CONTEXT**

- 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS7	Sustainable development in rural areas
PPG13	Transport
PPG24	Noise
- 2.2 Joint Replacement Structure Plan

Policy 1	Sustainable development
Policy 2	Locational strategy
Policy 17	Landscape
Policy 33-35	Housing
Policy 59	Transport in new developments
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape protection
L17 & L18	Drainage

T8	Car parking
T12	Transportation
H2	Residential development
H3	Residential development in the countryside
EP4	Noise-Sensitive Development

2.4 Supplementary Planning Documents  
Design Checklist (adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 P87/2827 Vehicle parking and stationing of one lorry.  
Approved (temporary).
- 3.2 P88/1652 Erection of bungalow  
Refused. Appeal dismissed.
- 3.3 P88/2659 Erection of bungalow for agricultural worker.  
Refused.
- 3.4 P93/1265 Use of land for the stationing of one lorry  
Approved (permanent).
- 3.5 PT06/3202/O Erection of acoustic fence and 1no.dwelling.  
Refused on the following grounds:
- Principle policy objection - new-build residential development in the open countryside.
  - Landscape Impact.
  - Highway Safety.
  - Unsustainable in transport terms.
  - Noise disturbance from motorway.

**4. CONSULTATION RESPONSES**

- 4.1 Tytherington Parish Council  
Support application. Acoustic fence would be of considerable benefit to village.  
Bungalow would not be detrimental to present site.
- 4.2 Sustainable Transport  
Objection – remote from village with inadequate pedestrian links.

**Other Representations**

- 4.3 Local Residents  
Representations of support from two nearby residents:
- Benefit to local residents.
  - Reduction in noise levels.
  - Enhance area.

**5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for residential development but only within the defined settlement boundaries (subject to criteria one of which is that development must be on

previously developed land). The application site is in open countryside outside of any settlement boundary that is defined in the South Gloucestershire Local Plan (Adopted) January 2006. Therefore the development fails to benefit from policy H2.

5.2 Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006 does support new residential development in the open countryside, but only in instances where the development amount to affordable housing (rural exception sites), housing for agricultural and forestry workers, and replacement dwellings. The proposed development falls within neither of these definitions and therefore is contrary to policy H3.

5.3 In the circumstances outlined above, the application could only be supported if there existed other material considerations of sufficient weight so as to allow the principle policy objection to be set aside. In this instance, the applicant and third party representations have raised two other material considerations that should be considered:

- The amenity impact of the existing commercial use.
- The benefits of establishing the acoustic fence.

#### 5.4 The existing commercial use

The planning history for commercial activities relate to the approval of the parking of a lorry at the site. There is no evidence in the planning history that would indicate that a commercial use, over and above this consent, has ever been authorised at the site. Clearly there is some evidence (from the planning history) that commercial activities may have been undertaken at the site for a number of years. Whether this would result in an application for a certificate of lawfulness to be looked upon favourably is not a matter to be decided here. There is no evidence that the site has generated complaints in the past from nearby residential neighbours.

5.5 Furthermore, if the existing commercial use was somehow lawfully authorised at the site but such a use did raise amenity concerns for neighbours and/or the local highway network, the feasibility of retaining an appropriate alternative commercial use would need to be considered in preference to, and before, a residential use. For instance the viability of establishing a class B1 (light industrial) or class B8 (storage and distribution) use would need to be considered. Local Plan Policy and PPS7 Sustainable Development in Rural Areas support this view. Para. 19 and 20 of PPS7 states that whilst the government is supportive of replacement buildings for economic purposes, replacement of non-residential buildings with residential buildings should be treated as new housing development in open countryside and assessed in accordance with PPS3 (and PPS7 Sustainable Development in Rural Areas).

#### 5.6 The acoustic fence

The acoustic fence is indicated at 5m high (although it is only the principle of the fence in the position shown that is considered as part of this outline application). The fence will benefit the proposed house, and to a lesser extent The Larches. There will be minimal benefit for the village of Tytherington. The acoustic report places the existing site in category C in PPG24. Policy advises that applications for residential development within such a context should be refused in principle. However, the proposed fence, if 5m in height, will improve noise exposure levels to category B; guidance in PPG24 raises no principle objection in such circumstances and further attenuation measures can be provided and secured by way of an appropriate condition. Development within

category B was recently supported at appeal by The Planning Inspectorate. Although the Council's Environmental health Officer raises an objection based on their own standards, as confirmed at a recent appeal these have no planning status and should not be used in place of those set out in PPG24.

- 5.7 The fence will have its own landscape impact, although, in this case, if a 5m fence were proposed at the reserved matters stage then, owing to the extensive and retained landscaping between the proposed fence line and the M5 motorway, the landscape impact from the motorway would, on balance, be one that would not raise a substantive objection. There is therefore no objection to the acoustic fence element of the application.
- 5.8 Having regard to the above, there is no case to suggest that there exists material benefits of enough weight to amount to a sufficient justification for departing from established policy H3 that limits new residential development in open countryside for those stated purposes. Having regard to other policies of the development plan, the following matters also need to be addressed:
- Design/landscape impact.
  - Transportation.
  - Sustainability.
  - Residential amenities
  - Noise and air pollution
- 5.9 Design/Visual/landscape impact  
The proposal will be situated in open countryside, albeit relating to the other two properties that are nearby. The dwelling will be substantially single storey and, if consent was granted, it would be restricted by condition as such. The application site is, for the most part, bordered by these two properties and the motorway. The acoustic fence and new dwelling will be viewed from the motorway, particularly in winter. However, existing landscaping along the motorway boundary does exist. If the fence was to be restricted to 5m and the existing landscaping retained, as would be the case, the impact on the landscape will not be substantial. The impact of the acoustic fence would be similar to the fence that has been erected along the boundary between The Old Vicarage and the M5 motorway on the opposite side of the road, albeit that this fence is 4m.
- 5.10 However, whilst the overall visual impact of the fence (with a bungalow for the most part unseen behind the fence) from the motorway will not be substantial, the impact within the street needs to be considered. The existing authorised use of the site relates only to the storage of a lorry. The proposal will see a detached dwelling, probably a bungalow with accommodation in the roof. Externally there is likely to be parking of cars, a garden, and the appendages of modern living.
- 5.11 Whilst there will be no wider impact within the landscape due to the existing adjacent development or impact from the main road to the rear of the site, without the lawfulness of the existing use and buildings been formally agreed by way of a certificate, the visual assessment must be based on a comparison between the existing lawful use, ie. the parking of a lorry, and the proposed development.
- 5.12 The proposal will comprise a permanent building with the external appendages as described and the fence. The visual impact within the street is considered to

be one that will be significant when compared to the existing authorised use of the site. As such, the proposal should be refused for this reason.

5.13 Transportation

The site is remote from the village with inadequate pedestrian links. Pedestrian would need to walk in the highway. The council's transport engineer objects on these grounds.

5.14 Sustainability

There are few services nearby in Tytherington. Existing public transport services are poor. Given that the site is remote from any services and schools, residents will need to rely heavily on the motor car. As such the site cannot be considered a sustainable location for residential development and thus conflicts with sustainable policy objectives.

5.15 Residential amenities (existing neighbours)

An adequate development could be secured without there being any undue impact for neighbouring properties.

5.16 Noise and air pollution

The noise attenuation credentials of the proposed acoustic fence are addressed above. In terms of potential air quality issues, the siting of the dwelling away from the boundary with the motorway is considered acceptable.

5.17 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Adopted). There are deficiencies relating to the sustainability appraisal, and a general lack of detail and a lack of cross-referencing with the questions in the Checklist.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 Planning permission be refused for the following reasons.

**Background Papers**      **PT07/3587/O**

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

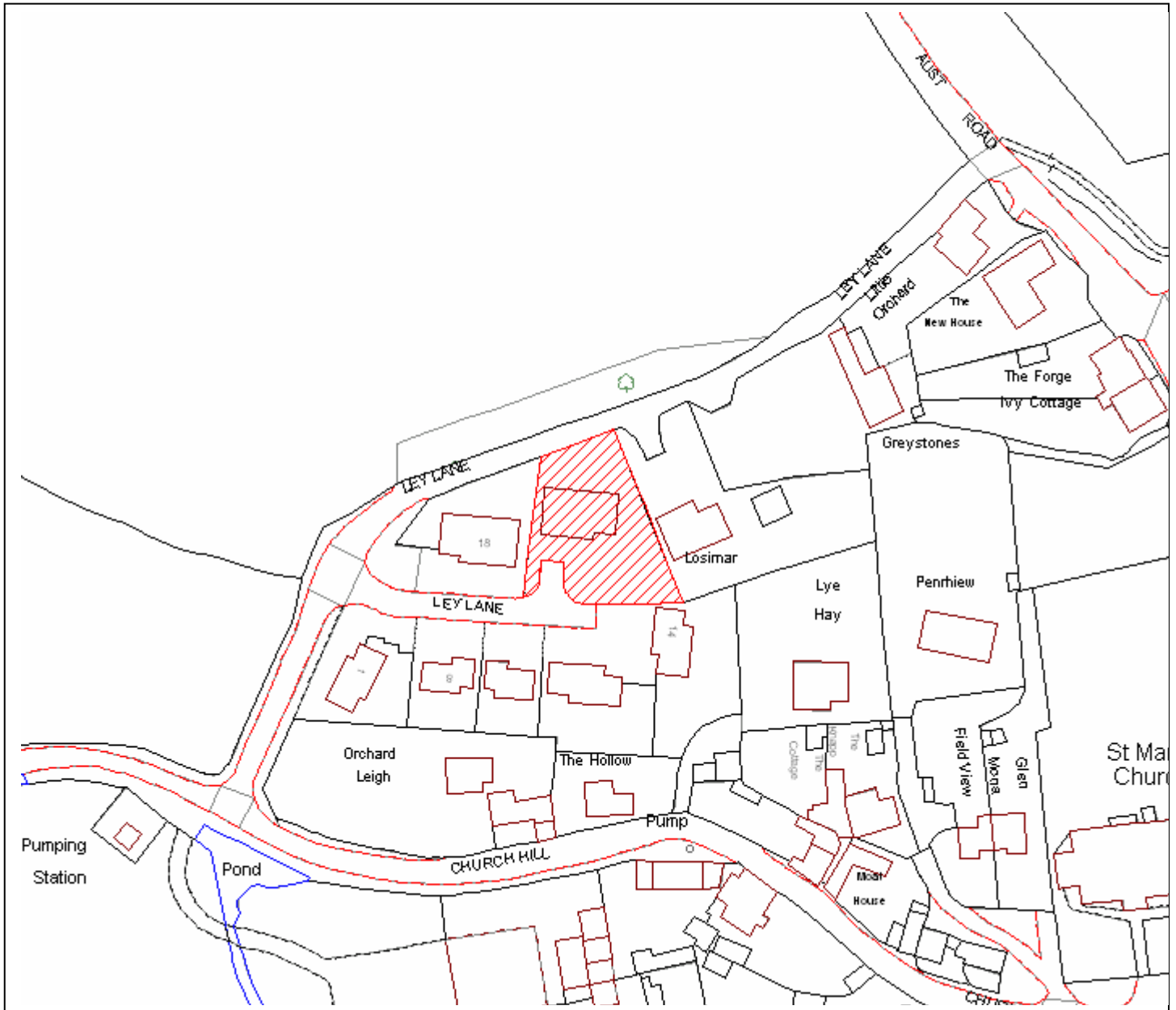
## **REFUSAL REASONS**

1. The application site is located in open countryside outside of any settlement boundary. The proposed development does not fall within the limited categories of residential development considered appropriate within the open countryside. As such the proposal is contrary to Policies H2 and H3 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposed development represents undesirable sporadic development that will be clearly viewed within the street. When compared with the authorised use of the site, the proposal will have a significant adverse visual impact within the locality. The proposal is contrary to Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 .
3. The proposal has inadequate pedestrian facilities to access the village and the wider network. As such, pedestrians would be required to walk on the carriageway or verge of a classified road. This is considered detrimental to highway safety of all users contrary to Policies D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 .
4. Due to the location of the site and extent of local services that exist, the proposed development will be substantially reliant on the car as the primary mode of transport. As such the proposal is not considered sustainable in transport terms, and will be contrary to the aims and objectives of policies contained in the adopted Joint Replacement Structure Plan (Policies 1, 2, 33-35 and 59) and Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 .
5. If the existing commercial use and development on the site was established as lawful, retention of an appropriate class B1 (light industrial) or class B8 (storage and distribution) use would need to be discounted before the merits of a residential use on the site is considered in accordance with guidance in PPS7.



**CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008**

<b>App No.:</b> PT07/3639/F	<b>Applicant:</b> Mr B Amos
<b>Site:</b> 16 Ley Lane Olveston South Gloucestershire BS35 4DG	<b>Date Reg:</b> 14th December 2007
<b>Proposal:</b> Erection of wooden summerhouse. (Retrospective)	<b>Parish:</b> Olveston Parish Council
<b>Map Ref:</b> 59964 87358	<b>Ward:</b> Severn



© South Gloucestershire Council 2007. All rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008.

**N.T.S**

**PT07/3639/F**

## INTRODUCTION

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

### 1. THE PROPOSAL

- 1.1 The applicant seeks retrospective planning consent for the erection of a wooden summerhouse in the front garden. The structure is octagon in shape and is approximately 4 metres in width and 3.2 metres in depth. The summerhouse has a hipped roof.
- 1.2 The application site relates to a modern detached dwelling situated on the edge of the settlement of Olveston. The site is situated within the Olveston Conservation Area and the Bristol and Bath Green Belt.

### 2. POLICY CONTEXT

#### 2.1 National Guidance

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

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

- D1: Achieving Good Quality Design in New Development  
H4: Development within Existing Residential Curtilages  
GB1: Development within the Green Belt  
L12: Conservation Areas

#### 2.3 Supplementary Planning Guidance

- Design Checklist SPD (Adopted) August 2007  
Development within the Green Belt SPD (Adopted) June 2007  
Parish of Olveston Design Statement (Endorsed) 2007

### 3. RELEVANT PLANNING HISTORY

- 3.1 N4972/4 Erection of garden shed/summerhouse  
**Approved** 23 December 1982
- 3.2 N4972/5 Erection of soil retaining walls in private garden  
**Approved** 05 May 1983
- 3.3 P96/1608/C Minor works of demolition to facilitate installation of roof lights in front and rear elevations and windows in gable ends  
**Conservation Area Consent** 07 August 1996

### 4. CONSULTATION RESPONSES

#### 4.1 Olveston Parish Council

Object – the application is within the Conservation Area and it is felt that it is not in an appropriate position because of the present open aspect of the area. It was noted that the building has been partially built.

#### 4.2 Conservation Officer

No objection

#### 4.3 Local Residents

One letter of objection has been received, which states:

- a) The site is within the Conservation Area;
- b) The proposal is out of keeping with the character of the area;
- c) It would have a significant visual impact;
- d) Its size and location would dominate the area;
- e) It is situated very close to the boundary;
- f) It would have an overbearing impact on main living room;
- g) Noise disturbance when summerhouse is used; and
- h) There is ample room for summerhouse to be sited in the rear garden – less impact on the area.

One letter of support has been received, which states that they wish planning consent be granted quickly so that the current temporary blue roofing is replaced.

### 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.

Policy L12 of the South Gloucestershire Local Plan (Adopted) 2006 states that development affecting a conservation area will only be permitted where it would preserve or enhance the character or appearance of the conservation area.

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 application site is adjoined by three dwellings, these are Losimar and Nos. 14 & 18 Ley Lane. Given the siting of the summerhouse in the south-east corner and the extensive landscaping along the southern boundary, it is considered that the structure would not affect the residential amenities of either No. 14 & 18.

The summerhouse is adjacent to the existing low boundary fence shared with Losimar and is approximately 2.5 metres from window to a habitable room (Living Room) in this adjacent property. The summerhouse does not include any windows which face onto this window, as such there is no material impact to privacy. The neighbouring occupier has objected to the proposal because they feel that the summerhouse presents an overbearing impact on their main living room. Notwithstanding these comments, the window in question is secondary to the main window in the dwellings rear elevation. Furthermore, structure is sited to the side of the window and it adopts a similar form, scale and appearance to a typical garden shed or boundary fence. As such, it is

considered, on balance, that the summerhouse does not adversely impact the residential amenity of this dwelling.

The neighbouring occupier has stated that the summerhouse causes noise disturbance when the summerhouse is used. However, the area was previously used as the dwellings amenity space. As such it is considered that the summerhouse does not significantly intensify this use to a level in which it would adversely impact the residential amenity of the neighbouring occupier.

### 5.3 Impact on Design, Visual Amenity and Conservation Area

The proposed scheme seeks retention of an existing timber “summerhouse” structure that is sited on the “lower lawn” to the side of the house. The property is sited away from the historic core of the Olveston Conservation Area and although the conservation test still needs to be applied to any development, clearly there is a greater degree of flexibility considering the modern context of the site.

The structure is screened by existing planting and the neighbouring dwellinghouse. It is considered that although views of the structure can be seen in and around the site, these views are seen against the backdrop of modern residential development. Moreover, it is not the case that the proposal could be considered to exacerbate arguably the existing negative effect this modern residential development has on the character and appearance of the Conservation Area of Olveston.

In view of the scale, existing screening, siting and materials, the structure subject to this application does not detract from the quality of the Conservation Area or the visual amenity of the area. Furthermore, the Council Conservation Officer has raised no objection to this development. As such, it is considered that the character and appearance of the existing dwelling, the street scene and the Olveston Conservation Area is preserved and so consequently, it is considered that the proposal accords to policies D1 and L12 of the local plan.

### 5.4 Green Belt

The proposal is minor in scale and massing and would be contained within the garden in an established residential area. As such, it is considered that the proposal would represent a limited extension which would be a proportionate addition and would not adversely impact the openness of the Green Belt.

### 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 Planning permission to be **GRANTED** .

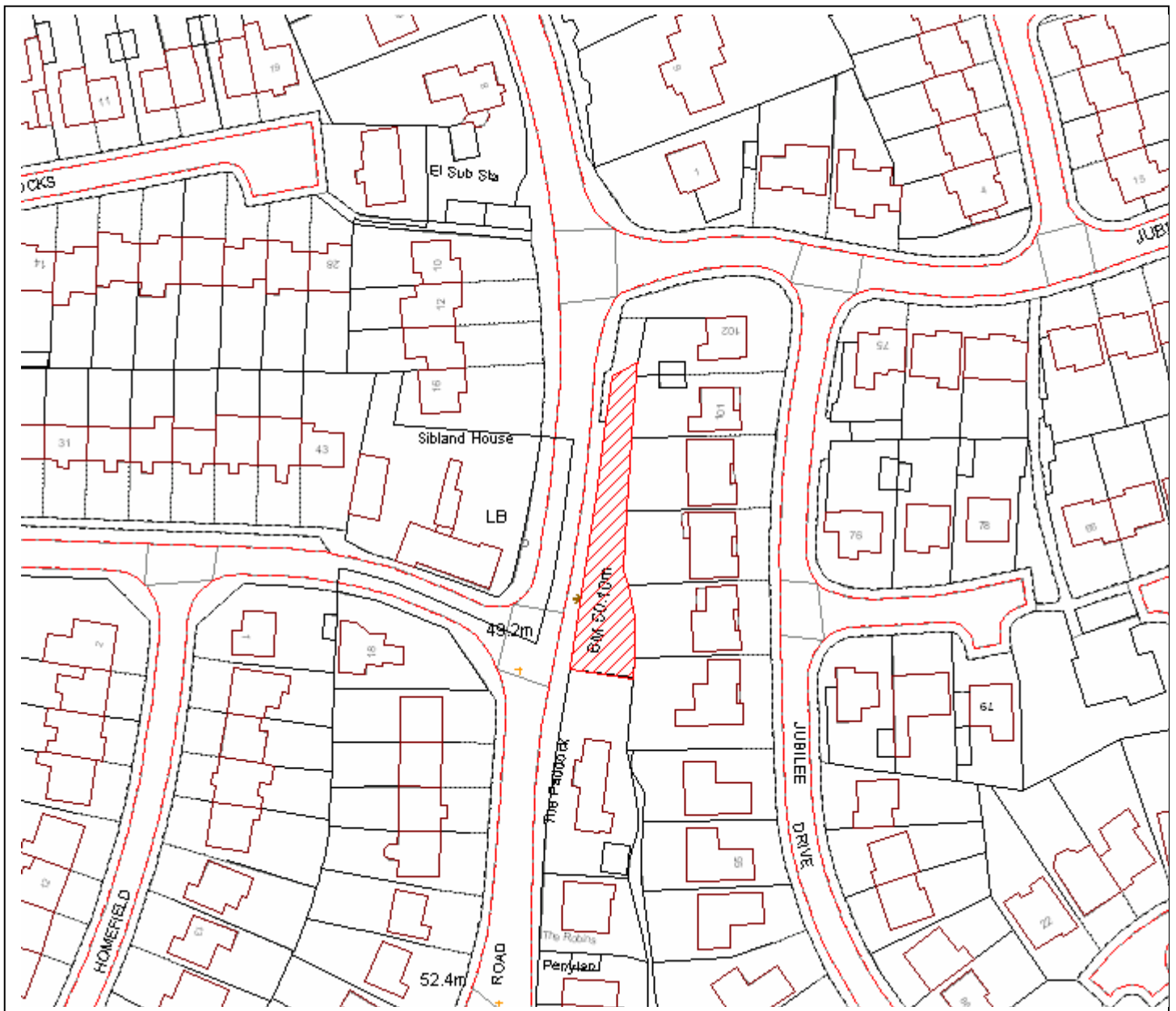
**Background Papers**      **PT07/3639/F**

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

**CIRCULATED SCHEDULE NO. 04/08 – 25 JANUARY 2008**

**App No.:** PT07/3657/F  
**Site:** Land adjacent to The Paddock Sibland Road Thornbury South Gloucestershire BS35 2EP  
**Proposal:** Insertion of 2 no. windows to north elevation and 1 no. window to front elevation (retrospective).  
**Map Ref:** 64737 89969

**Applicant:** Mr & Mrs Pearce  
**Date Reg:** 17th December 2007  
**Parish:** Thornbury Town Council  
**Ward:** Thornbury South and Alveston



© South Gloucestershire Council 2007. All rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008.

## **INTRODUCTION**

The application appears on the Circulated Schedule because of an objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 An application for full planning permission to install 2No. windows in the north side elevation and one window on the west front elevation of a recently constructed detached 2-storey house.
- 1.2 The detached dwelling has recently been constructed on a strip of land formerly used as part of the garden of The Paddocks, a 2 storey house. The property is situated to the side of The Paddocks and has a road frontage. The depth of the site varies from approximately 5m to 12m closest to The Paddock. To the rear, elevated above the application site, are 2-storey properties in Jubilee Drive.
- 1.3 The application site is situated within the settlement boundary.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
H4 Residential Development within Existing Curtilages  
D1 Design
- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (adopted).

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

- 3.1 P89/1363 Detached dwelling with access.  
Appeal dismissed.
- 3.2 PT04/3560/F Detached dwelling with access and garage.  
Application refused on highway safety, residential amenity and design grounds. Appeal dismissed but only on highway safety grounds.
- 3.3 PT05/3641/F Detached dwelling (amendments to overcome previous appeal refusal on highway safety grounds).  
Approved.

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection.
- 4.2 Local Residents  
One objection from resident in Jubilee Drive on grounds of loss of privacy.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seek to secure appropriate development within existing curtilages of properties having regard to issues that include residential amenities and design. There are transportation implications in this case.

### **5.2 Design/Visual Impact**

The proposed windows will be placed on the side (north) and front elevation. On the side elevation an enlarged first floor window will replace that already approved, relocated marginally further to the rear. Within the second floor gable, a full height opening window with Juliet balcony will be formed central to the gable. Whilst the submitted drawings indicate little detail, the works on site have been undertaken in an acceptable manner. Detailing such as lintels, cills and glazing bars match the other openings on the building. The window within the gable is central to the gable and, on balance, is not overly large for the size of the gable. On the front elevation a small window is proposed within the gable. Again the work has already been undertaken and is satisfactory. The window is, on balance, suitably proportioned having regard to the size of the gable and is centrally positioned. Detailing again matches the other openings. In design terms the windows are acceptable. A Design and Access Statement is not necessary with this application.

### **5.3 Residential Amenities**

The window on the front elevation will have no residential amenity implications. The windows proposed on the side elevation face north along the length of the new property's side garden. To the east are properties in Jubilee Drive, their rear elevations facing the rear elevation and rear boundary of the new dwelling and application site respectively. The new windows will, for the most part, be set at a right angle to these properties. In terms of any overlooking, only an oblique viewing angle is possible. Whilst the gardens to properties in Jubilee Drive gradually extend further towards Siband Road as one travels north away from the new property, the level of overlooking is not one that could warrant refusal of planning permission. In residential amenity terms therefore, the proposed windows subject to this application do not impact significantly on nearby neighbours by reason of loss of privacy sufficient to justify refusal of planning permission.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 Planning permission be approved.



**Background Papers**      **PT07/3657/F**

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