



**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. 27/08

Date to Members: 04/07/08

Member's Deadline: 10/07/08

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 5pm)**. 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 (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to PlanningApplications@southglos.gov.uk

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 04/07/08

SCHEDULE NO. 27/08

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

IMPORTANT NOTE REGARDING RESPONSE DEADLINES

As a result of a review of the Circulated Schedule procedure, Legal Services have advised us that the wrong response deadlines are being set. The Constitution allows referrals to be made by any member within 5 working days of the issue of the Circulated Schedule. The first working day includes the date the schedule is issued. Therefore, since in most cases the schedule is published on a Friday, the deadline (assuming no bank holidays) would be the end of Thursday, not the end of that week. The deadline for responses has been changed to reflect this latest advice to ensure referrals are being made within the timeline allowed for by the Constitution.

IMPORTANT NOTE REGARDING POTENTIAL STRIKE

It is possible that the Council's services will be affected by planned strike action by Unison members on 16th and 17th July. As a result of Management action to limit the impact of this on customers, it is intended that the Circulated Schedule for that week will be prepared for issue on the Wednesday (two days earlier than normal) with the deadline for referrals being the end of Tuesday in the week following.

**Dates and Deadlines for Circulated Schedule
For Proposed Strike on 16th and 17th July 2008**

Schedule Number	Date to Members 12 noon on	Members Deadline 5 pm on
29/08	Wednesday 16 July 2008	Tuesday 22 July 2008

Circulated Schedule 04 July 2008

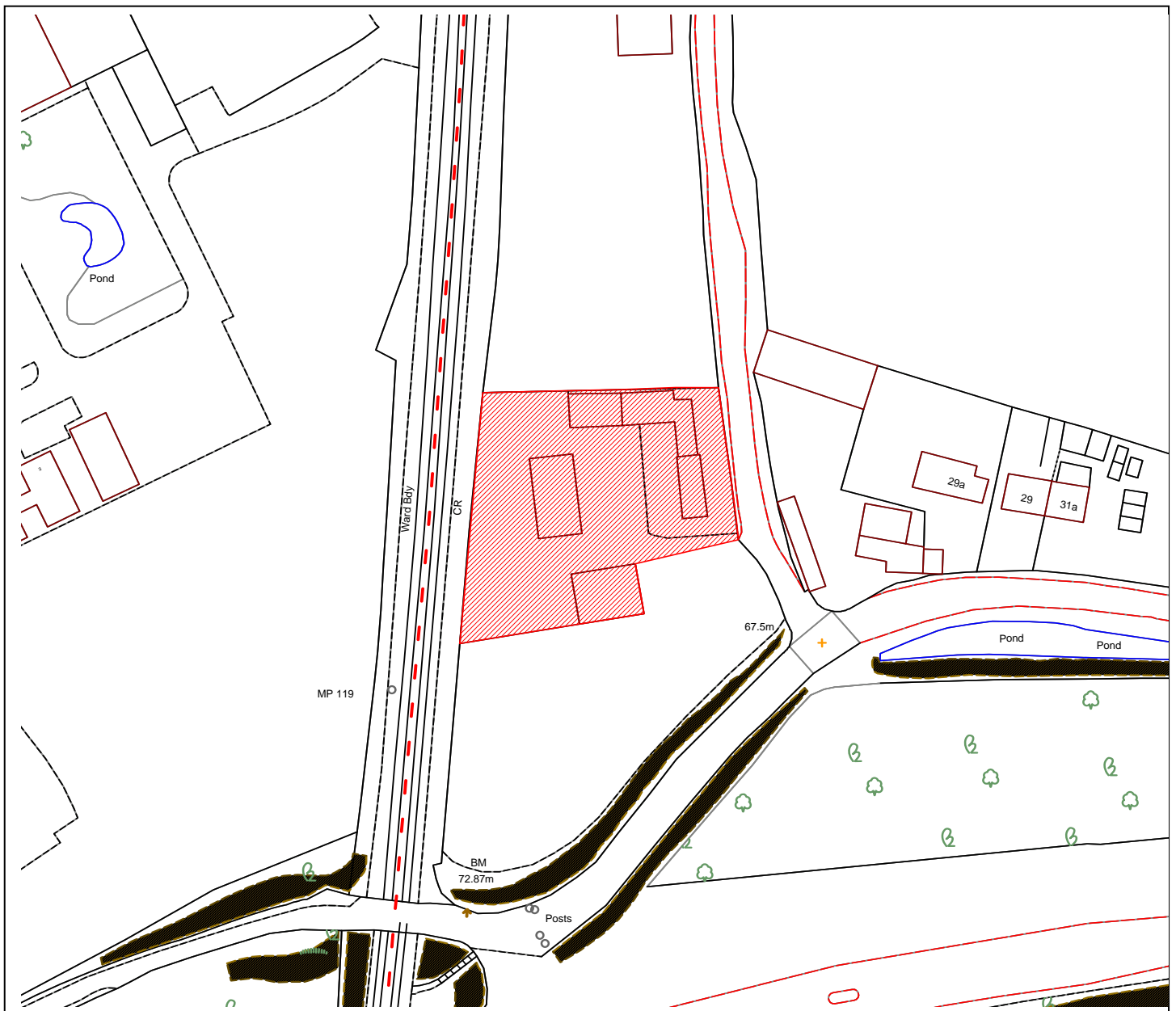
ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK06/3549/F	Approve with conditions	Unit 4 Rowley Fields Watery Lane Yate South Gloucestershire BS37 7LB	Yate North	Yate Town Council
2	PK07/2704/F	Approve with conditions	111a Soundwell Road Soundwell South Gloucestershire BS16 4RD	Staple Hill	
3	PK07/3355/F	Approve with conditions	Court Farm Lodge Court Farm Road South Gloucestershire BS30 9AE	Longwell Green	Hanham Abbots Parish Council
4	PK08/0953/F	Approve with conditions	51 Broad Street, Staple Hill, South Gloucestershire, BS16 5LS	Staple Hill	
5	PK08/1301/F	Approve with conditions	22 Springfield Road, Mangotsfield, South Gloucestershire, BS16 9BG	Rodway	Mangotsfield Rural Parish Council
6	PK08/1410/R3F	Deemed consent	Yate Library, 44 West Walk, Yate, South Gloucestershire, BS37 4AX	Yate Central	Yate Town Council
7	PK08/1432/F	Approve with conditions	77 Quakers Road, Downend, South Gloucestershire, BS16 6NH	Downend	Downend and Bromley Heath
8	PK08/1437/F	Approve with conditions	27 Glenwood Drive, Oldland Common, South Gloucestershire, BS30 9RZ	Oldland Common	Bitton Parish Council
9	PT07/3188/F	Approve with conditions	Land at Catbrain Lane Cribbs Causeway BRISTOL South Gloucestershire BS10	Patchway	Almondsbury Parish Council
10	PT08/0751/F	Approve with conditions	Captiva Cottage, Itchington Road, Tytherington, South Gloucestershire, BS35 3TH	Ladden Brook	Tytherington Parish Council
11	PT08/1218/F	Approve with conditions	136 Badminton Road, Coalpit Heath, South Gloucestershire, BS36 2SZ	Westerleigh	Westerleigh Parish Council
12	PT08/1451/CLP	Refusal	Rosary Cottage, Shaft Lane, Severn Beach, South Gloucestershire, BS35 4NQ	Pilning and Severn Beach	Pilning and Severn Beach
13	PT08/1464/F	Approve with conditions	14 Elming Down Close, Bradley Stoke, South Gloucestershire, BS32 8AQ	Stoke Gifford	Bradley Stoke Town Council
14	PT08/1468/F	Approve with conditions	113 Palmers Leaze, Bradley Stoke, South Gloucestershire, BS32 0HH	Bradley Stoke South	Bradley Stoke Town Council
15	PT08/1470/CLP	Approve with conditions	76 Lower Chapel Lane, Frampton Cotterell, South Glos, BS36 2RH	Frampton Cotterell	Frampton Cotterell Parish Council
16	PT08/1473/ADV	Approve with conditions	Aldi Stores Ltd, St Marys Centre, Horseshoe Lane, Thornbury, South Gloucestershire, BS35 2AZ	Thornbury North	Thornbury Town Council

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
17	PT08/1506/F	Approve with conditions	142 Bush Avenue, Little Stoke, South Gloucestershire, BS34 8NF	Stoke Gifford	Stoke Gifford Parish Council
18	PT08/1558/F	Approve with conditions	4 Travers Walk, Stoke Gifford, South Gloucestershire, BS34 8XW	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 27/08 – 4 JULY 2008

App No.: PK06/3549/F
Site: Unit 4 Rowley Fields Watery Lane Yate
 BRISTOL South Gloucestershire BS37
 7LB
Proposal: Demolition of existing building to
 facilitate the erection of 3 no. storage
 units.
Map Ref: 70400 83734
Application Category: Minor

Applicant: Mr G Pope
Date Reg: 11th December
 2006
Parish: Yate Town Council
Ward: Yate North
Target Date: 30th January 2007



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100023410, 2008.

N.T.S

PK06/3549/F

INTRODUCTION

This application appears on the Circulated Schedule due to response received during the consultation process.

1.0 THE SITE AND PROPOSAL

- 1.1 The application seeks consent for the demolition of an existing buildings in order to facilitate the erection of 3no. storage units. These storage units would be used for the existing use of the site approved under consent ref. PK00/0505/F for the change of use of land for skip hire (occupying northern part of the site).which was approved on 17th April 2008, subject to a legal agreement to secure highways improvements. This consent has now been issued.
- 1.2 Rowley Fields itself extends to 0.56 hectares and is located at the junction of Broad Lane and Watery Lane, Yate and is bounded on the western side by the main Bristol to London railway line. Several residential properties and Brimsham Green School lie close by along Broad Lane, the main access road to the site.
- 1.3 The site is bounded by a close boarded timber fence along two of the boundaries, combined with a hedgerow along the road frontage.
- 1.4 The hours of working at the site are 07.30 to 18.00 hours Mondays to Fridays, with a restriction on lorry movements between 08.15 to 09.00 hours and 15.15 to 16.00 hours so as to avoid conflict with school arrival and departure times at nearby Brimsham Green School. This application does not seek to alter the use of the site or existing conditions of operation.

2.0 POLICY CONTEXT

- 3.1 National
PPS1 Delivering Sustainable Development
PPS2 Controlling and Mitigating Environmental Impact
PPS10 Planning for Sustainable Waste Management
- 3.2 South Gloucestershire Minerals and Waste Local Plan
Policy 3 Secondary and Recycled Materials
Policy 6 Landscape Protection
Policy 20 Water Resources
Policy 22 Residential/Local Amenity
Policy 24 Traffic Impact
Policy 38 Materials Recovery and Recycling

3.0 RELEVANT PLANNING HISTORY

- 3.1 P93/2092/CL Certificate of Lawfulness - storage and breaking of scrap motor vehicles covering the entire 0.56 hectare site at Rowley Fields was granted 9 May 1996.
- 3.2 P94/2340/CM Waste Transfer Station for skip hire business granted (temporary 2-year permission) 17 February 1995.
- 3.3 PK00/0505/F Change of use of land for skip hire was received on 22 February 2000 (occupying northern part of the site).

4.0 CONSULTATION REPLIES

4.1 Yate Town Council

Objection until a report from Health and Safety is received regarding storage of items.

Other representations

4.2 Local Residents

No comments received

5.0 ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the use of the site has been established by other consents which are listed in the relevant sections above. This application seeks consent for replacement buildings which will be used in conjunction with the approved use. Certain buildings already exist for such purposes, however it is considered by the applicants that these need to be replaced. The issue is therefore the acceptability of the proposed buildings.

5.2 Visual Amenity

The proposed location of the building would be near to the Watery Lane boundary of the site. To this elevation there is fencing to height of around 3 – 3.5 metres beyond which established hedgerow interspersed with trees to a height of around 5 metres. The height of the proposed units would be 5 metres at the apex. The units would be set approximately 2 metres back into the site from the boundary fencing with the sloping away. The specified finish would be green profile metal sheeting. The site is industrial in nature and units exist on the other side of the road in close proximity. The units proposed would be of greater height and scale of the ones they aim to replace, however taking the above factors into account, it is not considered that the proposal would have a significant impact upon local visual amenity.

5.3 Residential Amenity

The use of the site would not change under the terms of this application. Hours of use of the units the subject of this application should therefore also reflect the existing approval for the sites operations. The provision of the new units in their own right would not therefore impact upon local residential amenity.

5.4 Storage of Items

This application seeks consent for replacement buildings to facilitate operations associated with the use approved at the site by virtue of consent ref. PK00/0505/F, which already occur at the site. No additional operations or storage other than that associated with the existing consent would therefore be permitted. The site, as occupied by a waste operative, will also require an Environment Agency Waste Management License which would provide further control over the types and nature of any storage permitted and further ensure that operations within the confines of the site are acceptable and meet the relevant environmental standards.

5.5 Highways/Traffic Impact

The traffic impact associated with the use of the site has been addressed through the other applications and an accompanying Section 106 Agreement that seeks highway improvements to the access to the site, vehicle movements

and use of the site do not alter as a result of this application which merely seeks to upgrade existing facilities for the use approved.

5.6 Design and Access Statement

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

6.0 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 Minerals and Waste Local Plan (Adopted) May 2002 and South Gloucestershire Local Plan (Adopted) January 2006 as set out above, and to all the relevant material considerations set out in the report.

7.0 RECOMMENDATION

- 7.1 That planning permission is granted.

Background Papers

PK06/3549/F

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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).

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the site shall be used for the development approved by the Local Planning Authority under permission reference PK00/0505/F (or any approved variations to this consent) and for no other purpose.

Reason(s):

To enable the Local Planning Authority to control the development of the site and in the interests of local amenity, in accordance with Policies 22 and 24 of the South Gloucestershire Minerals and Waste Local Plan.

REFUSAL REASONS

No data found

DESCRIPTION OF PROPOSAL

No data found

CIRCULATED SCHEDULE NO. 27/08 – 4 JULY 2008

App No.:	PK07/2704/F	Applicant:	Avon Scanning & Planning Ltd
Site:	111a Soundwell Road Soundwell BRISTOL South Gloucestershire BS16 4RD	Date Reg:	4th September 2007
Proposal:	Conversion of existing dwelling and erection of two storey side extensions to form 4no. self contained flats and associated works.	Parish:	
Map Ref:	64834 75357	Ward:	Staple Hill
Application Category:	Minor	Target Date:	26th November 2007



The application has been referred to the circulated schedule as the recommendation is for approval and there are two objections.

1. **THE PROPOSAL**

- 1.1 The application seeks full planning permission for the conversion of an existing dwelling and erection of extensions to form 4 self contained flats and associated works.
- 1.2 Previously planning application was made for a similar development, the Council made a decision to grant the proposal conditional consent provided that the applicant enters into an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of a financial contribution towards public transport improvements. The planning consent has yet been issued due to the absence of the completed legal agreement.
- 1.3 The current proposal is slightly different from the previous scheme. The differences are summarised as follows:
- The proposed side and rear single storey extensions would be larger than the previous scheme.
 - One of the first-floor flat will have a study room in addition to a bedroom room.
- 1.4 The site consists of a detached house, in reconstructed stone and render, with a single storey lean-to garage, on the corner of Soundwell Road and Crownleaze. Access to the garage for 111 is at the rear of the site. The site lies within the urban area of Staple Hill.
- 1.5 The proposed single storey side extension would measure 1.3 metres wide by 5.5 metres deep and 6 metres high, and the proposed single storey rear extension would measure 3.1 metres by 3.3 metres and 4.8 metres high. The materials proposed are render and reconstructed stone and double pan tiles on the main roof to match existing with plain tile roof to the porches. To the rear of the building are proposed two parking spaces, and the rear access to the garage at the rear of 111 is retained.

2. **POLICY CONTEXT**

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H5	Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
T7	Cycle Parking

3. RELEVANT PLANNING HISTORY

- 3.1 K3572 Erection of dwelling house, garage and associated vehicular access. Approved 1981
- 3.2 PK06/1107/F Conversion of existing dwelling and erection of two storey side extension to form 4 no. self contained flats and associated works. Erection of rear entrance porch.
Recommended Approval subject to S106 for seeking financial contribution towards public transport improvements.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished area
- 4.2 Sustainable Transport

Planning permission has previously been sought to convert the existing dwelling to four one-bed flats (PK06/1107/F).

This current application seeks planning permission to amend the previous scheme.

The two parking spaces to the rear of the site are proposed for flats 1 and 3 and have been widened as per the previous comments. It is requested however that the turning stub is hatched and marked as a turning area only.

Detail of cycle storage has again not been included as part of this planning application. Details of this cycle parking need to be submitted for approval by the Council.

Detail of bin storage needs to be submitted for approval by the Council. It needs to be large enough to accommodate the Council's current twin bin system for each of the four flats.

Subject to the following conditions, there is no transportation objection to this proposal.

Other Representations

- 4.3 Local Residents
Two letters of objection have been received, raising the following issues:
- Insufficient parking provided, and Crownleaze is already very congested. It would lead to more cars parked on pavement, restricting access for buggys and disabled people and emergency vehicles
 - Blocking neighbour's driveway or access
 - There are a lot of flats in the area

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 states that conversion of existing residential properties into smaller units of self-contained residential accommodation will be permitted, subject to certain criteria, including whether it would prejudice the character of the surrounding area.

The area is predominately a residential one, consisting of Victorian properties and postwar housing. There are flats to the north of the site in Beazer Close. It is not considered that this proposed conversion would prejudice the character of the surrounding area.

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

5.2 Visual Amenity

The proposed two storey extension is of an appropriate width and would not look out of place in the streetscene. Although the proposed single storey extensions would be larger than the previous scheme, officers consider that the increase in size would not cause any harm to the character and appearance of the area. The existing rubble stone wall to the side boundary will be retained. The existing house is fronted by a poor quality reconstituted stone, and the use of the render on the front elevation of the extension is considered appropriate here. The proposals are not considered to harm the visual amenity of the area. A condition requiring the render to match with the existing render on the rear of the property will be recommended.

5.3 Residential Amenity

The proposed flats would not result in overlooking of no 111, as there is only one non-habitable room window facing this property, which does not have any windows on its side elevation facing the application site. There are no principal habitable room windows on the side elevation of no. 7 Crownleaze that would be affected by the development, and no 113 Soundwell Road is over 21 metres from the application site, and therefore will not be unduly affected.

Some private amenity space is shown at the rear of the site. The amount of amenity space is considered small, however, PPG3 states that planning authorities should avoid inflexible planning standards and should examine critically the standards they apply to new development, particularly with regard to layouts. In the light of this government policy, refusal of the application on the grounds of lack of private amenity space is not considered appropriate.

No bin storage is shown on the plans. Suitable refuse storage sheds could be accommodated in the front and rear areas of the site, and a condition will be added requiring details of these.

5.4 Transportation

The Highway Officer has raised no objection to the application as long as a condition is attached to the permission regarding the size of the off-street parking spaces and provision of cycle parking. The Highway Officer has also requested that the applicant provides a contribution of £2000 towards improvements in the public transport system. The applicant has agreed to this amount, which will be made by a legal agreement.

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, having regard to the above advice, the public transport improvements, are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

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

- To secure £2000 towards public transport improvements

That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

Background Papers **PK07/2704/F**

Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

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 colour, type and texture of the rendered finish to the external walls of the proposed two storey extension shall match that of the rear wall of the existing building.

Reason:

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

3. Details of external refuse storage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The refuse storage shall be implemented in accordance with the approved details, and maintained thereafter solely for the storage of refuse.

Reason:

In the interests of the residential amenities of the area and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason:

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

5. Details of the layout of the off-street car parking spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Each space shall be 3m wide and 4.8m long. The development shall be implemented in accordance with the approved details and maintained thereafter as such.

Reason:

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

6. The turning stub to the rear of the site shall be kept clear of obstructions at all times and marked/hatched as no parking.

Reason:

In the interest of highway safety and the amenity of the area, and to accord with Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

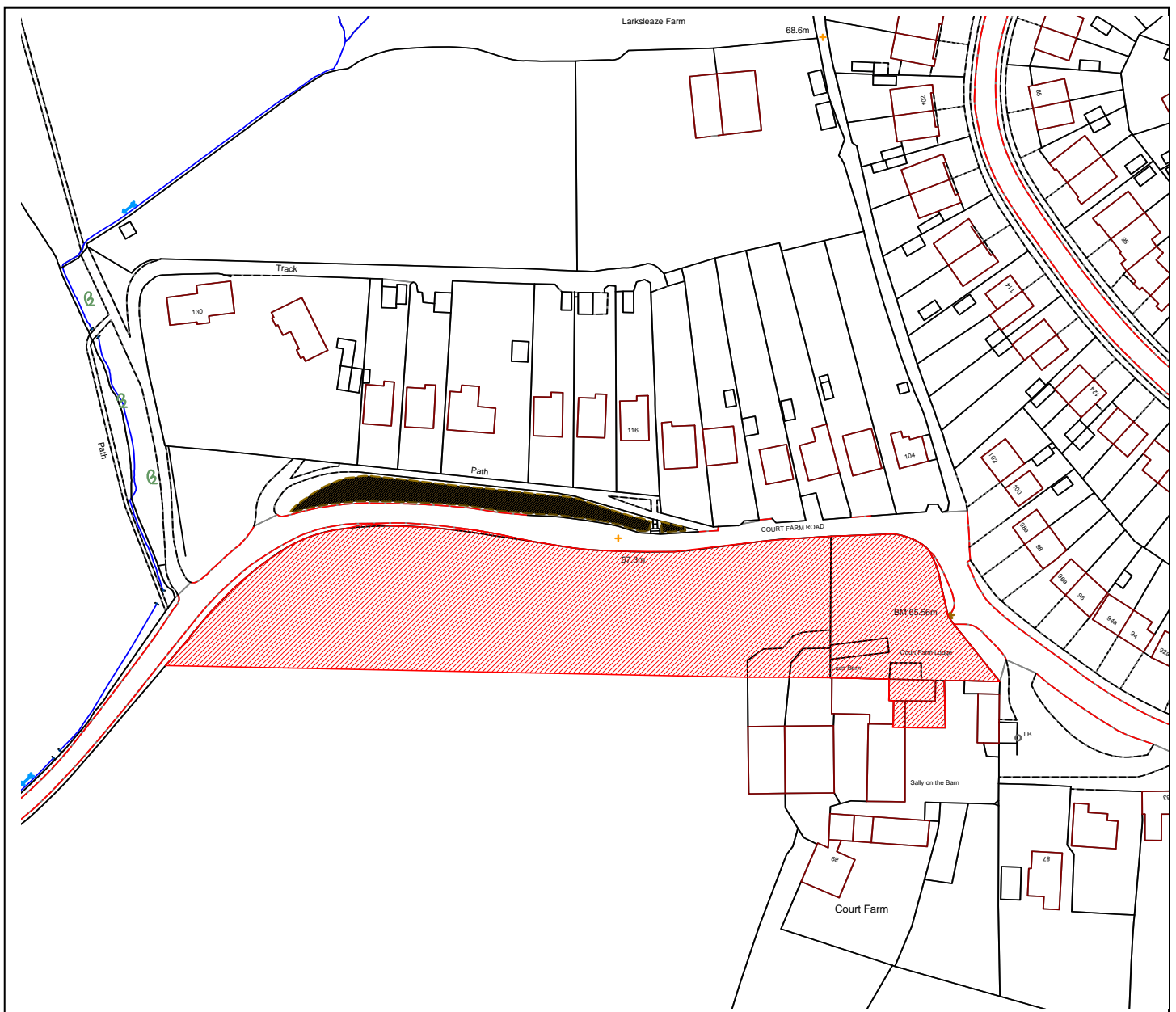
7. The parking and turning area shall have a bound surface and shall be maintained as such thereafter.

Reason:

In the interest of highway safety and the amenity of the area, and to accord with Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 27/08 – 04 JULY 2008

App No.:	PK07/3355/F	Applicant:	Mr Bracey
Site:	Court Farm Lodge Court Farm Road BRISTOL South Gloucestershire BS30 9AE	Date Reg:	13th November 2007
Proposal:	Change of use of agricultural land to residential curtilage, hard and soft landscape works and access arrangements. Amendments to previously approved scheme P99/4573.	Parish:	Hanham Abbots Parish Council
Map Ref:	65198 70662	Ward:	Longwell Green
Application Category:	Minor	Target Date:	31st December 2007



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N.T.S

PK07/3355/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of objections from local residents, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission to amend the hard and soft landscaping and access arrangements previously approved under Planning permission application reference P99/4573 that allowed the conversion of agricultural buildings to 4 No. dwellings and associated vehicular access.
- 1.2 The amendments relate to the details of hard and soft landscaping shown on the approved plan. The amendments are required in order to regularise breaches of planning control relating to the landscaping of the site, which does not conform to the originally approved details. In order to implement the proposal the red edge site plan has slightly changed and will require the change of use of a small area of agricultural land to residential curtilage, hence this full application.
- 1.3 Following protracted negotiations with the applicant, a revised plan was submitted, which was the subject of further consultations with interested parties.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L12	Conservation Areas
L13	Listed Buildings
GB1	Green Belt
H10	Conversion and Re-Use of Rural Buildings for Residential Purposes

2.3 Supplementary Planning Guidance

Hanham Abbots Conservation Area Advice Note
The South Gloucestershire Design Check List SPD (Adopted) 23rd Aug 2008

3. RELEVANT PLANNING HISTORY

There have been a number of planning applications relating to the former agricultural buildings. The most relevant applications to the current proposal are listed as follows:

- 3.1 P99/4573 - Conversion of agricultural buildings to 4 No. dwellings and associated vehicular access.
Approved 9th March 2001
- 3.2 P99/4574 - Conversion of agricultural buildings to 4 No. dwellings and associated vehicular access.

Approved 9th March 2001

- 3.3 PK05/2536/LB - Erection of detached double garage.
Approved 21 April 2006
- 3.4 PK05/2538/F - Erection of detached double garage.
Refused 28 April 2006
- 3.5 PK06/0542/RVC - Variation of Condition 2 attached to planning permission P99/4573 to amend details of hard and soft landscaping works on the site.
Refused 27 March 2006 for the following reasons:

1. The site is located in the Bristol/Bath Green Belt and the proposed extensive paving and hard surfacing is considered to have an adverse impact on the openness and visual amenity of the Green Belt. Therefore the proposal is contrary to Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

2. The site is located within the Hanham Abbots Conservation Area and the open countryside. It is considered that the proposed extensive hard surfacing and paving does not preserve or enhance the character or appearance of the Conservation Area or the character and quality of the landscape. Therefore the proposal is contrary to Policies L1 and L12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

3. The site is within the curtilage of a Grade II Listed Building. The extensive areas of hard standing and paving are considered to detract from the setting of the listed and curtilage listed buildings. Therefore the proposal is considered contrary to Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

- 3.6 There are two outstanding Enforcement actions relating to the site that have the following references:-

CAK/06/0130
COE/07/0858

The complaints relate to non-implementation of the approved landscape scheme and use of the land for a minibus/taxi company.

4. CONSULTATION RESPONSES

There have been two rounds of consultations, one for the originally submitted scheme and a second for the revised scheme. The following are the responses to the first round of consultations:

- 4.1 Hanham Abbots Parish Council
No objection

- 4.2 Other Consultees

Hanham District Green Belt Conservation Society

No objection in principle. The existing Leylandii trees on the Court Farm Road Boundary should be replaced with a more appropriate species.

Other Representations

4.3 Local Residents

3no. letters of objection were received from local residents, the concerns raised are summarised as follows:

- Mini busses are parked on the site and the land is being used for commercial purposes.
- The hedge on Court Farm Road does not screen the site from 110 Court Farm Road, especially in the winter.
- The 4m wide planted ransom strip on the perimeter of the site is reduced to 3m wide in places and is encroached upon by the driveway.
- The proposed 3m width for the driveway would be too narrow for fire engines.
- The originally approved 1.8m wall between Lees Barn and Court Farm Lodge has been reduced to 0.85m resulting in overlooking and loss of privacy for the occupants of Lees Barn.
- The large wall running north-south is made of concrete blocks and should be replaced by a single hedgerow.

4.4 The following are the consultation responses to the revised scheme:

4.5 Hanham Abbots Parish Council

No objections.

4.6 Avon Fire and Rescue

No objection. There is no need to traverse the access lane as a fire appliance can park at the entrance to the site and will be within 45m of every point on the plan.

4.7 Local Residents

In response to the revised plans, 3no. letters of objection were received from local residents, the concerns raised are summarised as follows:

- Mini busses are parked on the site and the land is being used for commercial purposes.
- The hedge on Court Farm Road does not screen the site from 110 Court Farm Road, especially in the winter.
- The perimeter planting should be 4m wide along its whole length.
- The land behind the north block wall has been raised 1.5m resulting in an overbearing impact.
- The north-south block wall should be either re-built or replaced with shrubs.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of residential use with associated landscaped curtilage has already been established through the granting of planning permission ref P99/4573 and Listed Building Consent ref P99/4574/L. The only issues therefore that need to be considered with regard to the determination of this application relate to the hard and soft landscaping to the north of Lees Barn and Court Farm Lodge. Incorporated within the scheme are revised access track arrangements and the change of use of a small tract of agricultural land bounding Court Farm Road to the north, to residential curtilage. This area of land was however within the original blue edged land.

- 5.2 Policy H10 of the South Gloucestershire Local Plan (adopted) January 2006 is relevant and criterion D reads as follows
- 'Development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area..'*
- 5.3 The site is also Curtilage Listed, within the Green Belt, Hanham Abbots Conservation Area, and the open countryside. As such the following policies will inform the consideration of this application.
- 5.4 Policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006 reflects the principles established in PPG2 Green Belts and states that any proposals for development within or conspicuous from the Green Belt which would have an adverse impact on the visual amenity of the Green Belt will not be permitted.
- 5.5 Requirements for development within Conservation Areas are contained within Policy L12 of the South Gloucestershire Local Plan (adopted) January 2006 and Supplementary Planning Guidance 'Conservation Areas' and 'Hanham Abbots Conservation Area'. In this context, development will only be permitted where it would preserve or enhance the appearance of the Conservation Area.
- 5.6 Listed Building Policy L13 of the South Gloucestershire Local Plan (adopted) January 2006 states that development affecting the setting of a Listed Building will not be permitted unless the building and its setting would be preserved.
- 5.7 Policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 requires proposals to conserve and, where possible, enhance the amenity, character and quality of the landscape.
- 5.8 Landscape Issues
The landscape layout now proposed, and in most part already implemented, is substantially different to that approved under P99/4573, nevertheless the basic principles of screening the site with perimeter planting, containing the parking areas within the centre of the site and keeping the hard-surfaced areas to a minimum have been incorporated within the scheme. In order to regularise the situation a small area of land to the north will need to be incorporated within the residential curtilage. The appearance of this parcel of land will not significantly change however as even in the originally approved scheme the land would have been landscaped with part of the access track encroaching upon it.
- 5.9 In terms of impact on the green belt, the site would be well screened by the retention of the conifers on the western boundary and would not therefore be prominent in views from the open fields to the west. Officers therefore raise no objections on landscape or Green Belt grounds.
- 5.10 Transportation Issues
The same number of car parking spaces are retained as in P99/4573 and adequate access is provided. An adequate turning area is provided to allow vehicles to enter and exit the site in forward gear. The fire brigade have raised no objections to the proposed access arrangements. There are therefore no highway objections.

5.11 Impact Upon Residential Amenity

A condition can be imposed to ensure that the perimeter hedgerow on the Court Farm Road boundary is maintained at a minimum height of 2 metres, which should ensure that the site is adequately screened thus preventing overlooking and inter-visibility with the properties on the opposite side of Court Farm Road. The height of the eastern boundary wall with Lees Barn would be raised to 1.8m in line with the originally approved scheme, this will prevent overlooking to the rear of Lees Barn from the east facing window in the side of the rear extension to Court Farm Lodge. The raised garden areas are not considered to be sufficiently overbearing as to justify refusal of planning permission. There would therefore be no significant adverse impact on residential amenity.

5.12 Listed Building and Conservation Issues

All boundary walls would now be either constructed of natural stone or faced with natural stone. Additional hedge planting would enhance the boundaries to the respective gardens and help to contain the parking areas and access track, which is not excessively wide. To the west, the tipped material would be removed, the land re-graded, top-soiled and re-seeded. All of these measures, together with the native species planting proposed, adequately preserve or enhance the character and setting of the both the Listed Building and Conservation Area.

5.13 Other Issues

The matters relating to land ownership, maintenance of a 4m ransom strip to the north and disputes over rights of access, are not matters to be controlled through this application. Furthermore the issue of land use for unauthorised commercial uses is a separate enforcement matter.

5.14 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.

5.15 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK07/3355/RVC**

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

CONDITIONS

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

Reason

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

2. All hard and soft landscape works shall be carried out in accordance with the approved details. The soft landscaping shall be carried out in the first planting season available after the date of this permission.

Reason

To protect the character and appearance of the area to accord with Policies H10/D1/L1/L12/L13/GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The new perimeter hedgerow on the northern boundary of the site as shown on the approved Landscape Proposals plan no.864-02 Rev D, shall be allowed to grow to a minimum height of 2 metres and thereafter retained as such unless approved in writing by the Local Planning Authority.

Reason

To screen the site in the interests of visual and residential amenity in accordance with Policies H10 and L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. The belt of conifer trees on the western boundary of the site as shown on the approved Landscape Proposals plan no.864-02 Rev D, shall be allowed to grow to a minimum height of 2 metres and thereafter retained as such unless approved in writing by the Local Planning Authority.

Reason

To screen the site in the interests of the visual amenity of the Green Belt in accordance with Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. Within 6 months of the date of this permission the remaining section of wall on the eastern boundary with Lees Barn shall be raised to a total height of 1.8m in accordance with the approved plans.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 27/08 – 04 JULY 2008

App No.:	PK08/0953/F	Applicant:	Theme Job
Site:	51 Broad Street, Staple Hill, Bristol, South Gloucestershire, BS16 5LS	Date Reg:	8th April 2008
Proposal:	Erection of 14 no. self contained flats with 7no. car parking spaces, bin stores, cycle sheds and associated works. (Re-submission of PK07/2461/F.)	Parish:	
Map Ref:	65121 75925	Ward:	Staple Hill
Application Category:	Major	Target Date:	15th July 2008



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INTRODUCTION

This application appears on the Circulated Schedule as the correct procedure for the determination of Major applications and due to the receipt of one letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the re-development of a vacant site on Broad Street, Staple Hill. The application proposes to erect a large building which will contain 14 residential flats. Associated parking will also be provided on the site. The proposed building to accommodate the flats would be three storeys in height and would have an 'L' shaped footprint with an archway in the middle to allow vehicles to pass through to the parking area at the rear of the site.
- 1.2 The existing site is currently occupied by a car sales place which is surrounded to the front by very tall wire mesh fencing. There is currently no authorised vehicle access to the site and no dropped kerb. The entire site frontage has marked vehicle parking bays painted on the road. Planning permission has recently been granted for a new library and associated development on the adjacent site.
- 1.3 During the course of the application, contact was made with the agent to seek some amendments to the design of the building and also to discuss possible S106 contributions. Amended plans have been received as requested slightly altering the design of the building.
- 1.4 This application is the resubmission of a previous application on the site reference PK07/2461/F. In addition to the 14 flats subject of this application, the previous scheme also sought consent to erect 3 offices. The design and layout have been amended and a S106 agreement has been entered into since the refusal of the previous application in an attempt to overcome the previous refusal reasons.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
- H2 - Residential Development within the existing Urban Area
- H6 - Affordable Housing
- L1 - Landscape Protection and Enhancement
- LC2 - Provision of Education Facilities
- LC8 - Open Space
- T7 - Cycle Parking Provision
- T8 - Parking
- T12 - Transportation
- EP1 - Environmental Pollution

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2461/F Erection of 3 no. office units, 14 no. self contained flats, 9 car parking spaces and associated works.
Refused February 2008 – an appeal has been lodged against the decision to refuse this application – appeal decision pending.
- 3.2 PK05/3603/F Construction of vehicular access.
Refused January 2006

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 neighbouring business. The letter raises the following points of objection;
- The proposed plans will mean the neighbouring office window will look onto a brick wall thus blocking the light into this office
 - Concerns about safety as the plan propose a new access onto the main road and many elderly residence and customers use the pavement.
 - Parking is already a problem in the area and the reduction of spaces due to the entrance will cause further problems.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The site is located within the established urban area and is covered in hard standing. The application must be considered against two key policies - Policy H2 which permits residential development within the existing urban areas subject to compliance with a series of criteria, and Policy T12 which seeks to ensure highway safety and avoid any adverse highway implications.
- 5.2 Density
Policy H2 of the South Gloucestershire Local Plan, seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3, seeks to avoid development which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.
- 5.3 PPS3 (para.50) states that “*The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.*” Given that the site lies close to staple hill town centre, one could reasonably expect to find high densities.

- 5.4 A density calculation of the residential units on the site gives a proposed site density of approximately 200 dwellings per hectare. It is acknowledged by your officer that this is a very high density. However, consideration must be given to the other flat developments that have recently been erected or granted planning approval around Staple Hill Broad Street and High Street. The density as proposed is in keeping with the surrounding area and is situated close to local facilities including shops and open space. Therefore, whilst the density is very high, this in itself does not result in any issues arising sufficient to warrant the refusal of the planning application.
- 5.5 Scale and Design
The area and buildings surrounding the site is very varied in design. The buildings range from a relatively modern office block, to Victorian stone built properties with quoins, to purpose built supermarkets and then the very modern and contemporary library that has been approved on the neighbouring site (although not yet constructed). The previous application on the site (PK07/2461/F) was refused partly on the grounds of the inappropriate design. It is the opinion of your officer that the amended building as proposed, whilst not being inspiring, is also not poor design.
- 5.6 During the course of the application the front bay windows have been removed from the plan, the height of the building has been increased slightly and the balconies have been re-designed. The proposed building, because of its height, will help act as a visual step between the recently approved library building which is 3 storeys tall down to the slightly older shops and offices that lie to the east of the site. The building is to be erected of brick at ground floor with render at first and second floors. The windows and doors will be finished with blue uPVC and the Juliette style balconies will be black. Oak boarding will be fixed to the building at the stair towers. A condition will be attached to any consent granted to ensure that all gutters and down pipes are coloured black to match in with the black balcony detailing and another condition will be attached to ensure details of the render
- 5.7 Subject to compliance with the conditions attached, the proposed building will be visually pleasing and whilst the shape, bulk and form will integrate appropriately with Staple Hill town centre, the building will be distinctive in appearance.
- 5.8 Impact Upon Residential Amenity
Whilst it is fully accept that the library scheme on the adjacent site has not yet been commenced (approved PK07/1210/R3F), it would be naive of the officer not to take it into consideration as the application has been approved and the legal agreement has been signed. The study and kitchen window in proposed flat No. 12 would face directly towards a kitchen window in one of the flats of the already approved scheme at a very short distance. Given that plenty of light can enter the kitchen from other windows in the lounge and study, in order to respect the amenities of the flats, a condition will be attached to any consent granted to ensure that the kitchen window in Flat 12 is fitted with obscure glazing and this is maintained satisfactorily all times thereafter,
- 5.9 Using current data and the proposed dwelling mix, it is estimated that the development of 14 units would create a population increase of 21 people. The proposed development would create a need for extra public open space in an area where there is a local shortfall of Public Open space. As the Applicant does not intend to comply with Policy LC8 of the South Gloucestershire Local

Plan (SGLP) in terms of open space provision on site, to offset the increased demand on existing public open space the council request a financial contribution towards enhancing existing open space nearby.

- 5.10 Policy LC8 of the South Gloucestershire Local Plan (Adopted) requires a minimum of 24sq.m. of public open space per person where there is evidence of a shortfall to meet the needs that will arise from development. Policy LC8 also requires provision for informal open space. It is considered that given its urban location, 5sq.m of informal open space per person would be reasonable for this development. A contribution towards off-site open space should be provided as per the following;
- Cat 1 Formal Open space – shortfall 375sq.m – Contribution £8,557.29
 - Cat 2 Equipped children’s space – shortfall 18.75sq.m. – Contribution £449.44
 - Cat 3 un-equipped child’s space – shortfall 33.75sq.m. – Contribution £808.99
 - Informal open space – shortfall 105.00sq.m. – Contribution £2,516.85.
 - Contribution towards future maintenance of enhancements - £12,332.5
- The total contribution therefore that need to be secured through appropriate legal agreement is £23,358.30

5.11 Transportation

Currently there is no formal or authorised vehicular access to the site — there was a previous attempt to get a formal access to the site back in 2005 but this was refused. This application would therefore necessitate the creation of a new access onto Broad Street which is part of the B4465 – a very busy traffic route. There are currently formalised parking facilities on both sides of Broad Street along the entire site frontage. It is important to note that all of the parking areas along Broad Street carry a legal Order under the Traffic Regulations Order (TRO). The removal or change in the statutes of these parking areas and TRO’s would necessitate review of the existing legal Order and this would involve public consultation.

- 5.12 Due to existing road safety issues in the area, the Council is currently looking into a scheme of traffic management/road safety measures along the Regent Street and in vicinity of the development site. The proposed traffic management scheme is currently out for public consultations but the scheme may have to be subject to further review as the result of the this proposals.

- 5.13 During the course of this application, the highways officer has advised the developer of the Council’s scheme in the area. If the application receives a recommendation for approval the changes to design of the traffic management/road safety scheme currently being considered would be necessary. In order to mitigate against the cost of this, the developer would be required to make appropriate level of financial contribution towards this and implementation of the scheme at this location.

- 5.14 The applicant is proposing to provide seven car parking spaces on site for a development of 14 no. flats. The level of parking as proposed for this development falls below the maximum South Gloucestershire Council parking standards. Whilst the standards are maximum only, it is acknowledged that parking on Broad Street/ Regent Street and the surrounding highway networks is extensive and therefore, increased parking and congestions in the area would not be supported.

It is considered appropriate in this case that the developer makes mitigating measures and provides improvement to public transport facilities in the area.

- 5.15 Should the officer recommendation be for that of approval, an appropriate S106 unilateral undertaking would need to be signed by the applicant to secure the total sum of £25,000 towards;

- a) Improvements to public transport facilities in the area and
- b) Traffic management scheme in the area.

The agent has given agreement to this sum and the unilateral has been prepared and is just awaiting signing. The agreement will be received before the decision notice is issued.

- 5.16 One of the concerns relating to the previous application on the site resulted from the narrow width of the access tunnel from Broad Street into the site. The tunnel has now been increased in width to allow safe passage of vehicles and pedestrians.

5.17 Cycle and Bin Stores

The plans show how and where one secure and undercover cycle storage space would be provided to serve each of the flats. The cycle storage provision is therefore in accordance with the requirements of Policy T7 of the South Gloucestershire Local Plan. The plans also show the provision of bin storage.

5.18 Affordable Housing

The proposed number of residential units (14) is below local and national policy guidance on the threshold for requiring affordable housing (15). There is therefore no requirement for the provision of affordable housing in this case.

5.19 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, having regard to the above advice, the provision of contribution towards improvements to public transport facilities in the vicinity of the site are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005. Relevant conditions will also be attached.

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 authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the signing of a Unilateral Section 106 Agreement, to secure the following:

- 1) The contribution of £25,000 towards improvements to public transport facilities in the area and the preparation, consultation and implementation of a traffic management scheme in the area.

The reason for this Agreement is:

- (i) To mitigate against the impact of the proposed new access point on the existing Traffic Regulation Order and the current scheme of traffic management/road safety measures being investigated by the Council.
 - (ii) To contribute towards public transport improvements in the area to mitigate against the shortfall in off street parking provision in an already congested area.
- 2) The contribution of £23,358.30 towards public open space improvements and maintenance in the area.

The reason for this agreement is:

- (i) Due to the lack of open space being provided on site and to mitigate against the impact of the proposed development on the existing public open space in the vicinity

Background Papers PK08/0953/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 permitted, and at all times thereafter, the proposed kitchen window in Flat marked number 12 on the submitted plans on the first floor shall be fitted with obscure glass only.

Reason

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

3. No development shall take place until details/samples of the render, brick and oak cladding to be used external on the building hereby permitted 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 the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All new external rainwater and soil pipes shall be formed finished in black.

Reason

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

5. The railings along the front of the site must be installed as per the details hereby approved. The railings must be finished in black.

Reason

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

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

Reason

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

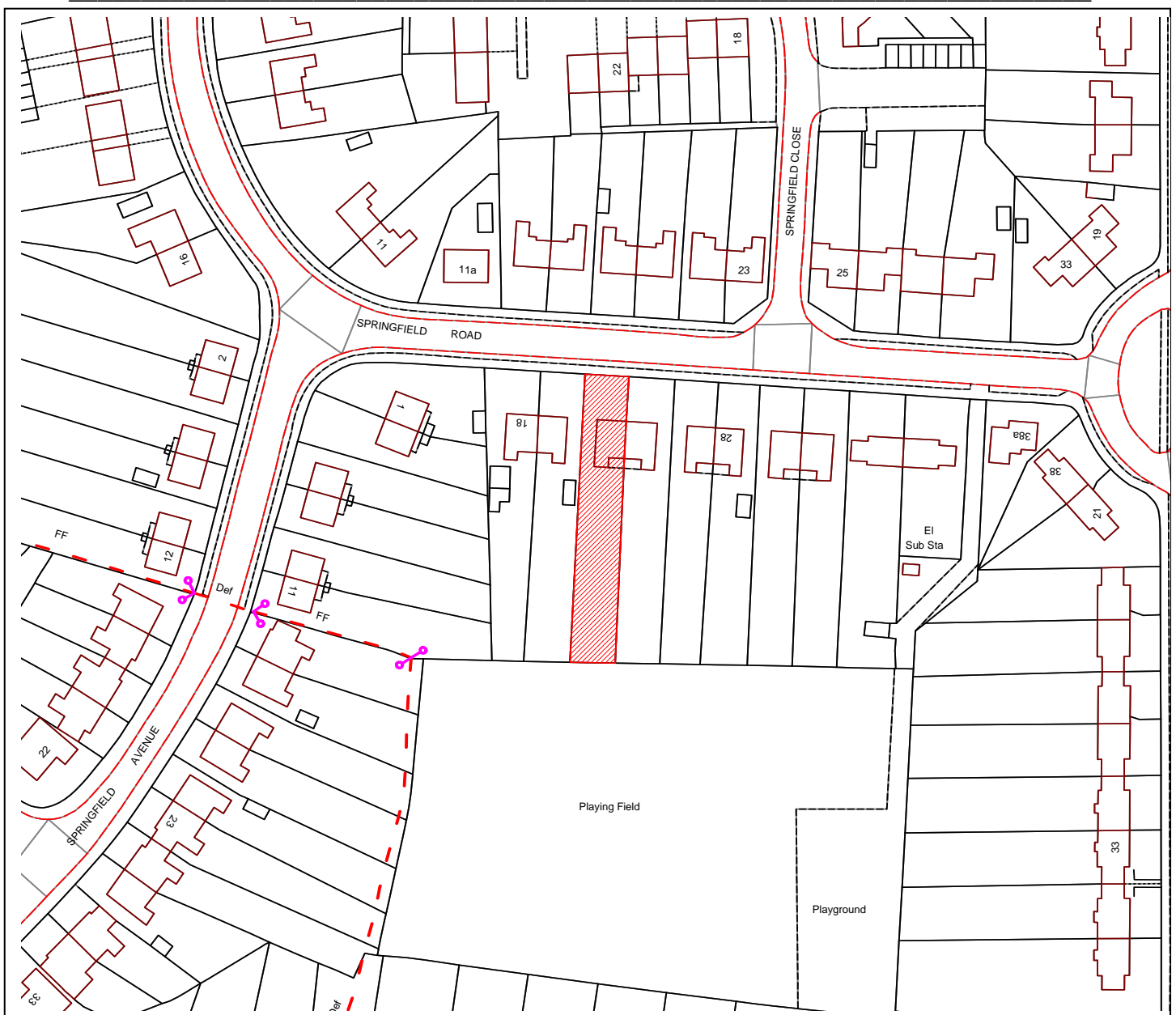
7. Prior to the commencement of development, a landscaping scheme shall be submitted to the council containing details of all hard and soft landscaping on the site. The plan shall include species choice and number along with details of the colour of all hard landscaping. If acceptable, the Council will give written approval to the landscaping scheme and all development must take place exactly in accordance with the details so agreed.

Reason

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

CIRCULATED SCHEDULE NO. 27/08 – 4 JULY 2008

App No.:	PK08/1301/F	Applicant:	Mr M Millard
Site:	22 Springfield Road, Mangotsfield, South Gloucestershire, BS16 9BG	Date Reg:	14th May 2008
Proposal:	Erection of two storey side and rear extensions to form additional living accommodation and integral garage. Erection of front porch and canopy.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	66253 77152	Ward:	Rodway
Application Category:	Minor	Target Date:	3rd July 2008



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N.T.S

PK08/1301/F

This application has been placed upon the Circulated Schedule due to the receipt of one letter of objection from a local resident.

1. THE PROPOSAL

1.1 This application relates to a two-storey semi-detached property. It is proposed to erect a two storey extension across the width of the rear of the property and along its side. In addition a porch is proposed at the front of the house.

1.2 The property is within an established residential area of Mangotsfield.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

3.1 N/A

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council

No comments received.

4.2 Other Consultees

N/A

Other Representations

4.3 Local Residents

The occupiers of no. 20 Springfield Road have commented on the application in the following respects:-

- There is a gap between the extension at no. 20 and the boundary of 100mm, this should be the same for no. 22's proposed extension;
- Possibility of overhang of guttering if the extension adjoins the boundary;
- Rear extension may impact upon occupiers of no. 24; and
- Possible error with the plans

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed; it lists eight criteria to be considered.

The proposed side extension would add almost 3m to the width of the property. It would be recessed 0.9m back from the front of the original dwelling and extend the full depth of the property. Although the block plan shows the extension adjoining the neighbouring property, a gap of 100mm is shown on the floor plans between the extension and the boundary. Whilst the plans submitted do not indicate that there will be an issue of overhanging guttering, members should note this is not an issue which may be taken into consideration as part of this application albeit the proposed separation distances outlined would allow guttering to be provided within the application site.

At the rear of the property, the extension covers the full width of the existing dwelling (6m) and also the side extension (3m). This would be two storey in height with eaves identical in height to the existing and the ridge would be 200mm lower than the original. The shape of the roof has been designed to incorporate a bedroom in the roofspace, with three velux windows proposed.

The final element of the proposal is a new porch that would be incorporated into the same roof structure as an existing bay window at the front of the house.

Whilst large in extent, it is considered that the height and massing of the rear extension and other extensions proposed would respect the design of the semi-detached property and it complies with Policies D1 and H4 of the Local Plan.

5.3 Residential Amenity

There is adequate rear amenity space to the property that would be retained following the erection of the extension. Despite the close proximity between the proposed extension and the site boundary, there is considered to be no detrimental impact arising from this. Furthermore, no fenestration is proposed in the side of the extension, thus privacy will be maintained.

It is considered that the relationship between the rear extension and the neighbouring property to the east (no. 24) is acceptable in terms of any overbearing impact, as the depth of the rear extension is only 2 metres from the rear elevation of the original house.

In addition, there will be no overlooking issue as no windows are proposed in the side elevations of the proposed two storey extension. Any approval would need to be conditioned to prevent the insertion of windows at first floor level.

5.4 Neighbour Comments

The comments of third parties have been considered; the distance between the extension and the boundary, the overhanging eaves and the impact on no. 24 have been assessed above. In relation to the error on the plan, this appears to be a misinterpretation of the plans.

5.5 Design and Access Statement

N/A

5.6 Section 106 Requirements

N/A

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 Consent is GRANTED subject to the following conditions

Background Papers **PK08/1301/F**

Contact Officer: Donna Whinham
Tel. No. 01454 865204

CONDITIONS

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

Reason:

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

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

Reason:

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

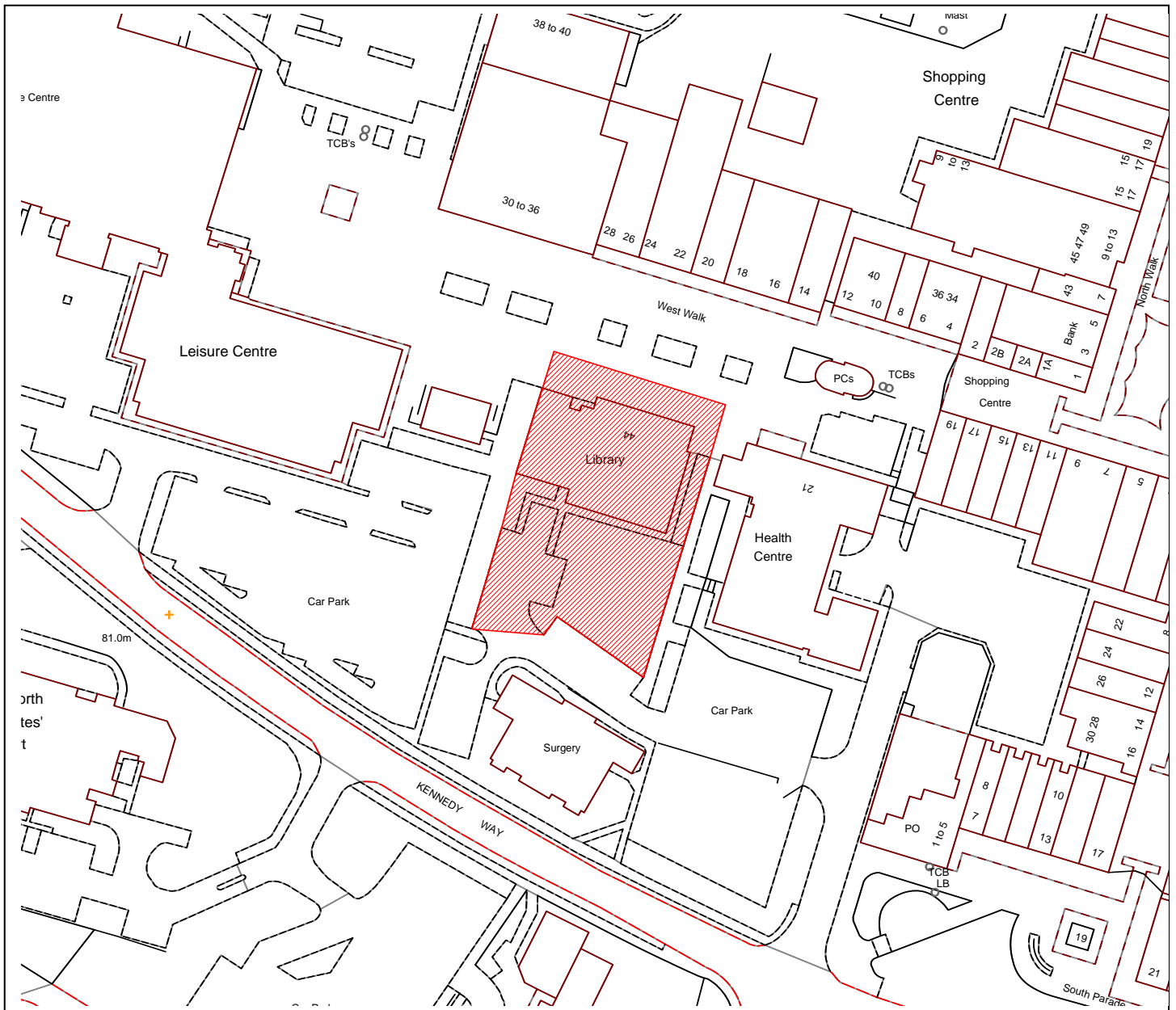
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the eastern and western elevations of the first floor part of the two-storey extension.

Reason:

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

CIRCULATED SCHEDULE NO. 27/08 – 4 JULY 2008

App No.:	PK08/1410/R3F	Applicant:	Ms G Stables South Gloucestershire County Council
Site:	Yate Library, 44 West Walk, Yate, South Gloucestershire, BS37 4AX	Date Reg:	23rd May 2008
Proposal:	Erection of single storey front and rear extensions to form new entrance lobby and additional library area.	Parish:	Yate Town Council
Map Ref:	71313 82431	Ward:	Yate Central
Application Category:	Minor	Target Date:	8th July 2008



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 100023410, 2008.

INTRODUCTION

This application is reported on the Circulated Schedule as it relates to proposed development by the Council itself. In addition, an objection has been received to the proposal.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for extensions to the existing library building in West Walk in the centre of Yate, which will have an effect tantamount to a replacement building. The existing library fronts West Walk where it widens out, with shops on one side and public buildings on the other. The library stands between the Pop Inn cafe and the recently demolished and soon to be replaced health centre. It is a two storey and single storey flat roofed brick building. Its western side elevation offers no active relationship to the path which runs alongside it, which links West Walk with the car park to the rear of the library.
- 1.2 The replacement library is proposed to be of a similar mass, with two storey and single storey elements. In place of most of the existing, tired brickwork would be through colour render, from a palette of primary colours. Some of the original brickwork would be retained, where it is not replaced by the extensions and a discrete, screened storage area created next to the car park. The proposed design would exhibit four active frontages, with windows in close proximity with passing pedestrians. Two entrances to the building are proposed at the front of the library, with a staff entrance in the rear elevation. The library is proposed to maintain its own small, on-site car park next to the larger public car park.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L1 Trees
LC4 Community Facilities
- 2.3 Supplementary Planning Guidance
Design Checklist (adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Object to the proposal on the basis that the design fails to make provision for a future upper floor for this extended site. Ensure that oak tree is safe.
- 4.2 Other Consultees
Transportation
Planning permission is sought to erect single storey front and rear extensions onto the existing library building to provide a new entrance lobby and additional library area. Vehicular parking for the existing building is located to the rear of the site with allocated parking for the mobile library van. It is proposed as part

of this development to alter this part of the parking area to provide a more secure facility for the mobile van in future. This will involve the loss of one parking space currently allocated as staff parking. It is also proposed that deliveries to the site will be made via the rear entrance but no parking is allocated for this purpose. It is therefore recommended that the allocated parking for the mobile library van is made available for deliveries during the working day when the mobile van is out on call. It is also recommended that an additional vehicular parking space is provided within the site boundary to overcome the loss of the staff parking near the rear entrance to the building.

Subject to the following conditions, there is no transportation objection to this proposal.

CONDITIONS

1. The secure parking area to be made available for deliveries during the working day.
2. An additional vehicular parking space to be made available within the site boundary. A plan showing the proposed location of this space to be submitted for approval by the Council.

Tree Officer

The details in the Tree Report are considered to be acceptable. Fencing will be provided and the Tree Officers will be able to monitor works as they progress.

Other Representations

4.3 Local Residents/ Businesses

Kennedy Way surgery replied that they were concerned that when works start to the library, there will be disruption to patients and visitors to the surgery. It is essential that access to the surgery is kept open at all times and car parking spaces are kept clear.

NB The surgery has its own car park and therefore unauthorised use of it would be trespass. Disruption caused by building works is not a valid planning matter.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of this proposal is straightforward. The library is located in the town centre. Policy LC4 sets criteria to be met in the case of providing new community facilities and these form the headings below. This proposal is considered to fall within the terms of this policy. The other issues to be assessed are the design of the proposal in its context and protection of the nearby tree. The design of the adjacent replacement health centre, which is soon to be constructed, is a material consideration to that assessment.

5.2 LC4A: Is the site highly accessible by foot and cycle?

As noted above, the site lies within the town centre. The primary access is pedestrian, served by a pedestrian area, West Walk, which also has cycle parking provision. The site is located in the town centre and journeys to the centre allow for making shared trips, due to the number of shops and facilities around the pedestrianised area. It is considered that the proposal meets this criterion of policy LC4.

5.3 LC4B: Effect on residential amenity

There are some flats across West Walk from the site, but otherwise there are no residential properties close to the proposed extended library. The proposal would replace existing parts of the library and therefore there is considered to be a neutral effect on residential amenity. No likely problems which may affect residential amenity have been identified.

5.4 LC4C: Environmental or Transportation effects

The highway network is served by the car parking facilities grouped around the town centre. The proposal would result in the loss of one staff car parking space, which is considered to be likely to have a negligible effect on the overall parking provision of the centre of Yate. Subject to a condition intended to ensure provision of a delivery area, there is no transportation objection raised to the proposal. It is considered, given the very limited effect of losing one staff car parking place through this proposal, that it would be too onerous and unreasonable to include a condition requiring the creation of an additional parking place within the site to mitigate for the loss of staff car parking.

5.5 LC4D: Would the development give rise to on street parking?

As noted above, car parking is available in the car parks nearby. The site is considered to be too far away from the nearest streets to give rise to on street parking and this criterion of the policy is considered to have been met.

5.6 Design

The basic design principles in this scheme are that the extended library should be modern and inviting. It is considered that this has been achieved, especially in comparison with the present, tired-looking building. The active frontages have been noted above and also represent an improvement to the current situation. The shape and prominence of the entrance to the proposed building is considered to mark it out as a public building, which invites the public in and this is also considered to be a visual enhancement over the current street scene. The effect of the rear elevation is considered to be similar and the design is considered to meet the aim of new buildings within the town centre to face outwards as well as in towards the pedestrian area. This follows the design approach which was taken with the replacement health centre and will aid the appearance and function of the centre as a whole, where most of the outward-facing elevations are read as rear elevations. The sides of the proposed building are designed to achieve almost equal presence to the front and rear. Large windows are considered to be inviting to people walking by, which is considered entirely appropriate for the function of a library.

The Town Council has raised an objection about the lack of preparation for a second storey on the building. Part of the footprint of the building does have a second storey. It is considered that this element could be extended over the rest of the single storey element of the library. In that manner, although not specifically prepared for, a second storey across the whole footprint could be provided, should the demand and the opportunity arise in the future.

Overall, it is considered that the proposal meets the terms of policy D1 and the adopted Design Checklist.

5.7 Tree Issues

A Tree Report was requested and received. This has been assessed by the Tree Officer and its terms are considered to be acceptable. A condition appears below to ensure that the tree protection details given in the tree report are

adhered to. Subject to this, it is considered that the proposal would not be detrimental to the health of nearby trees.

5.8 Design and Access Statement

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

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/1410/R3F**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CONDITIONS

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

Reason:

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

2. The works shall be implemented in accordance with the details in the Tree Report submitted with this application.

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

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

4. The secure parking area shall be made available for deliveries and kept free of obstruction during the opening hours of the library.

Reason:

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

5. Within 3 months from the date of the decision, detailed plans showing the provision of an additional car parking space within the site boundary shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason:

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

ITEM 7

CIRCULATED SCHEDULE NO. 27/08 – 4 JULY 2008

App No.:	PK08/1432/F	Applicant:	Mr G Abbott
Site:	77 Quakers Road, Downend, South Gloucestershire, BS16 6NH	Date Reg:	27th May 2008
Proposal:	Erection of single storey rear extension to form storage area.	Parish:	Downend and Bromley Heath
Map Ref:	65161 77959	Ward:	Downend
Application Category:	Minor	Target Date:	1st August 2008



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N.T.S

PK08/1432/F

INTRODUCTION

This application is referred to the Circulated Schedule to Members in accordance with procedure given that a letter indicating concerns has been received.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a single storey rear extension to form a storage area to serve a retail premise situated within the Quakers Road Local Centre. The property is a two storey building with a retail frontage.
- 1.2 The proposed single storey extension would measure approximately 7.2 metres by 1.9 metres and would have a height to the top of the flat roof of 2.8 metres. The structure would sit between two similar single storey extensions with the flat roof liking with that at No.79. All materials will match those of the existing building.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
RT1	Development in Town Centres

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

The site does not fall within a Parish / Town Council.

Other Representations

4.2 Local Residents

One letter has been received. The letter raises concerns in respects of the storage of gas cylinders and the availability of means of escape in an emergency to occupiers of the building.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 aims to achieve development that adds to rather than detracts from the quality of the environment. This policy applies to all types of development including new build and the reuse of, and alterations to, existing buildings. New development should respect, conserve and enhance the character and quality of surrounding local environment, including any existing or adjacent buildings or features.

The site is located within a Local Centre, and the proposal is to erect a single storey extension to the rear of the property in order to provide facilities for the existing shop in the front. The proposal is therefore considered acceptable in principle.

5.2 Design and Visual Amenity

The site is surrounded by a group of two-storey buildings, and the area appears to be a courtyard at present. The proposed extension is located at the rear of the property. The adjoining properties No.75 and No.79 have similar extensions and the current scheme would “sit” neatly between these. Matching materials are to be used. It is considered that the proposal is subservient to the principal building, and would not have an adverse impact to the character and appearance of the host building and street scene and is therefore the design is considered appropriate and would accord with Policy D1 of the South Gloucestershire Local Plan (Adopted January 2006).

5.3 Residential Amenity

Given the scale of the proposal and the location of the development in relation to existing extensions to the rear of the adjoining property and the commercial nature of the site/parade it is not considered that there would be any significant detriment to the residential amenity of adjoining occupiers.

5.4 Transportation

There are no highway objections to the proposal.

5.5 Other Issues

Concern has been raised by a neighbouring occupier that the enclosure of the rear area will remove the ability of the users of No.77 to store gas cylinders at the premises given that for Health and Safety reasons these must be stored outside. It should be noted that this is a matter covered by separate legislation and cannot be a material consideration in determining the outcome of this application. The applicant will clearly have to conform to such separate legislation.

Concern has been raised that there may not be adequate means of escape at the premises. This matter is to be considered by the Building Regulations upon the submission of an application (however the Building Regulations Team have indicated informally that this is not a concern).

6. CONCLUSION

6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine

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

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

7. RECOMMENDATION

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

Background Papers **PK08/1432/F**

Contact Officer: **David Stockdale**
Tel. No. **01454 864533**

CONDITIONS

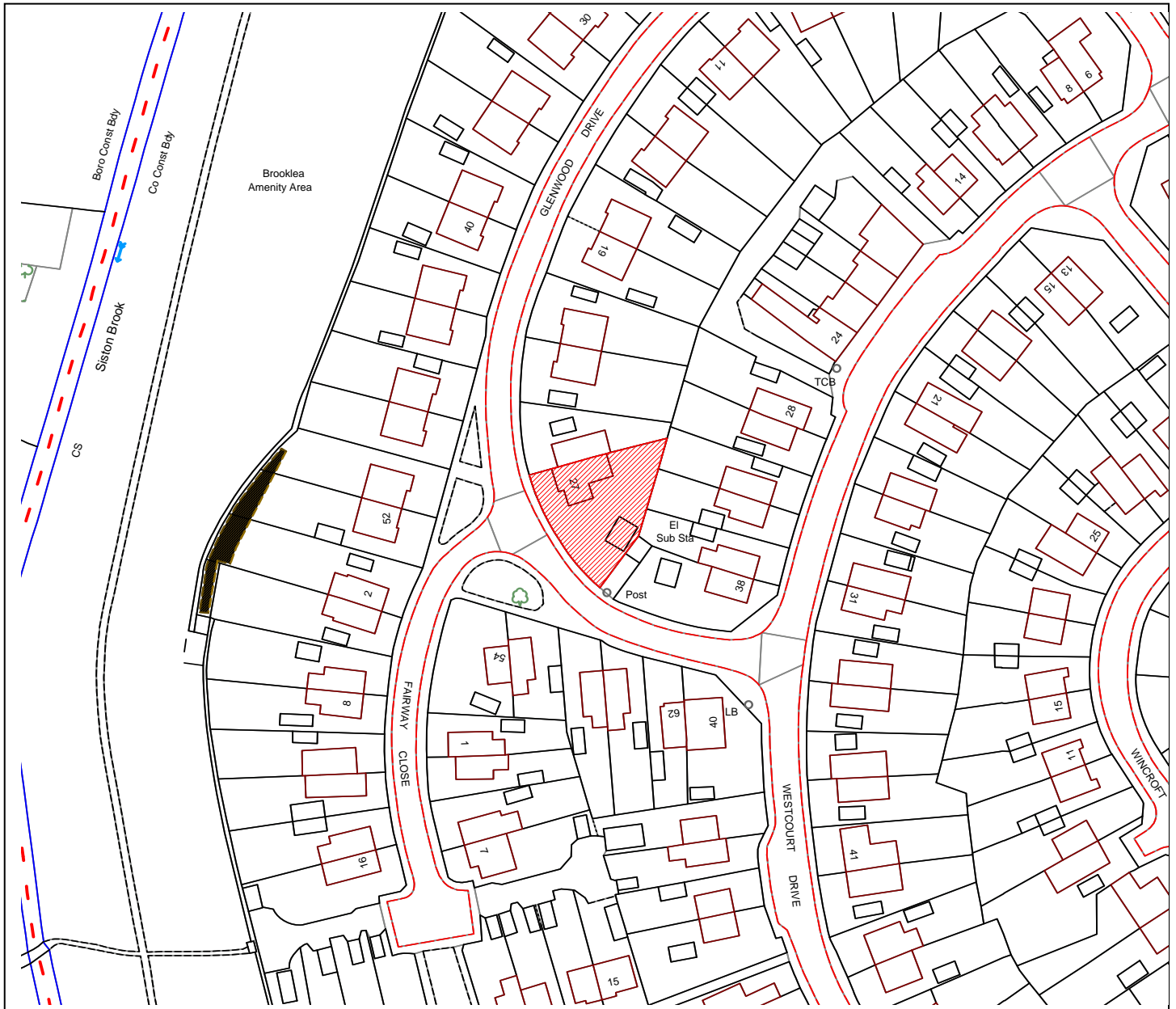
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

CIRCULATED SCHEDULE NO. 27/08 – 4 JULY 2008

App No.:	PK08/1437/F	Applicant:	Mrs Henson
Site:	27 Glenwood Drive, Oldland Common, South Gloucestershire, BS30 9RZ	Date Reg:	27th May 2008
Proposal:	Erection of 1no. detached dwelling with access, cycle store and associated works.	Parish:	Bitton Parish Council
Map Ref:	66917 71675	Ward:	Oldland Common
Application Category:	Minor	Target Date:	15th July 2008



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100023410, 2008.

N.T.S

PK08/1437/F

INTRODUCTION

This application appears on the circulated schedule due to the receipt of one letter of concern from the parish council and letters of objection from local residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 1 No. detached dwelling within the residential curtilage of the existing dwelling No. 27 Glenwood Drive. Vehicular access to the site will be from Glenwood Drive. The proposed dwelling will have four bedrooms and will be two storeys in height.
- 1.2 The site is located within a residential estate in Oldland Common. The surrounding properties are mainly semi-detached but come in a variety of forms from bungalows to two storey dwellings. There is an existing detached garage and side summerhouse at the application property that would be demolished to make way for the new dwelling as proposed.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/1299/F Erection of two storey side extension to form additional living accommodation with front entrance porch.
Approved May 2007.
This permission has not been implemented. If this current planning permission was granted, it would no longer be possible to implement this extant planning permission.

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

In principle Bitton parish councillors accepted the viability of the site to provide a setting for another dwelling. However, they were concerned at the possible dominance of the proposed dwelling over existing properties nearby, the creation of an additional access on the inside of a bend in the road and the need for the proposed dwelling to fit in with the existing street scene (size, type, design, etc)

Other Representations

4.2 Local Residents

Four letters of objection have been received from local residents. A summary of the points of concern raised is as follows;

- The property already has a summerhouse and a garage on the site and for most of the day has several large vans, small trucks and cars parked outside which is unsightly and causes driving problems.
- The new house will block the neighbours view
- Trying to shoe horn a building onto a plot of land that isn't really big enough
- More houses in a heavy populated area would be detrimental to residents and visitors to nearby houses
- Lead to additional congestion and on street parking
- A small two bedroomed house would be more realistic
- Overbearing and reduce existing levels of privacy for neighbouring properties
- Other houses in the area have been on the market for a long time and not been sold
- This is an old estate not squashed together like a new estate.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages including new dwelling subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

The South Gloucestershire Local Plan (Adopted) identifies the site as lying within the urban area. With the exception of design, Policy H2 of the South Gloucestershire Local Plan (Adopted) encompasses all the relevant issues of the above policies, for Policy H2 allows for new residential development providing that the following criteria are complied with:-

5.2 **(a) Development would be on previously developed land.**

The proposed site is considered previously developed land by virtue of its status as land being within the curtilage of the existing residential property. This complies with the definition outlined in PPG3 (Annex C).

The site is therefore considered an appropriate site for residential development subject to compliance with the following criteria.

5.3 **(b) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.**

In the interests of clarity these two issues will be discussed in turn;

Transportation Effects

The site is located on Glenwood Drive which is an unclassified residential highway. The road is in a crescent formation which links at both ends with

Westcourt Drive. It is proposed to demolish the existing garage to facilitate the erection of the new dwelling. The proposed new dwelling will utilise the existing dropped kerb and vehicular access point and a new dropped kerb will be created to provide access for the existing dwelling. The proposed new dwelling will have three off street parking spaces – one in the integral garage and two spaces in front of the proposed dwelling. The existing dwelling on the site will be provided with two off street parking spaces within its curtilage. The level of parking proposed is within the standards set out in Policy T8 of the South Gloucestershire Local Plan and are therefore considered acceptable.

The new dropped kerb, because it will be formed onto an un-classified road does not need planning permission in its own right. This access point could be installed at any time without the need to submit a formal planning application. Whilst the new access will be on a bend in the road, because of the nature of the road in a residential area with low vehicle speeds, there are no objections to the access arrangements as proposed.

It is noted that some local residents express concern that currently there are a large number of vans, trucks etc parked on the road associated with the occupation of the existing dwelling. It is outside the remit of planning control to limit the number of vehicles parked on the highway associated with the use of a dwelling. Every attempt has been made with the application to ensure that ample off street parking is provided to meet the needs of the new dwelling that will avoid the need for vehicles to park on the highway.

Residential Amenity

It is noted that a number of local residents are concerned about the impact of the development on the existing levels of residential amenity. It is important to note that this stage however that there is no such thing in planning law to a right to a view over land that is not within your ownership.

The new dwelling is to be erected to the side of the existing dwelling. The proposed new dwelling will not project beyond the front or rear walls of the original dwelling and thus will have no impact upon the existing levels of amenity.

Three bedroom windows would be inserted into the first floor on the rear elevation of the new dwelling. These new windows would result in no significantly greater levels of overlooking of the surrounding gardens than the existing dwellings. All gardens in the area are, to a certain extent, all overlooked by neighbouring dwellings – as is normally the case in residential estates with semi-detached dwellings. This proposed new dwelling would not exacerbate the existing situation to such an extent that would warrant the refusal of the application. The new windows would not result in any issues of intervisibility between habitable room windows because of the distances involved.

Similarly, it is not considered that there are any issues of overbearing or overshadowing for neighbouring dwellings. Because of the location of the new dwelling and the distance from the surrounding residential properties, no issues of overbearing arise.

The plans show how adequate private and useable amenity space will be provided to serve both the existing and proposed dwellings. The impact on residential amenity is therefore considered to be entirely acceptable.

5.4 **(c) The maximum density compatible with the sites location, its accessibility and its surroundings is achieved.**

A density calculation on the site provides a density of approximately 40 houses per hectare. This density is in keeping with the character of the surrounding area, makes efficient use of the land and is in keeping with the guidance contained within PPS3.

5.5 **(d) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.**

The new dwelling would be subjected to no greater levels of noise, dust, pollutants etc than the existing dwellings it would be erected next too.

5.6 **(e) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal**

The proposal is only for 1 dwelling and therefore would not have a significant impact on the area in terms of service provision.

5.7 Design/Visual Amenity

The surrounding built form is very varied – although most of the surrounding dwellings are semi-detached. The existing dwelling on the site is a two storey property although many others in the street are single storey bungalows and dormer bungalows. The proposed dwelling, simply because of the fact that it will be detached rather than semi-detached will be different to the others in the street scene. However, satisfactory attempts have been made to ensure that it integrates with the surrounding dwellings – the new dwelling will have brick at ground floor and render at first floor to match the neighbouring buildings and the width of the new dwelling will match the width of the pairs of semi-detached properties. It is also accepted that front gablets are not a traditional form of design in the area, however given that front dormers are present in the area; it would be unreasonable to refuse the application on this basis.

Subject to the attachment of relevant conditions, the design of the new dwelling is considered to be acceptable.

5.8 Design and Access Statement

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

5.9 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 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 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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 **PK08/1437/F**

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

CONDITIONS

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

Reason:

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

2. The materials to be used in the construction of the dwelling hereby approved shall match those of the existing dwelling No. 27 Glenwood Drive. The ground floor of the new dwelling shall be finished in brick to match the existing dwelling, the first floor shall be finished with render to match the existing and the roof shall be tiled to match the existing dwelling.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policies H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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 H4, H2, T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 27/08 – 04 JUNE 2008

App No.: PT07/3188/F

Applicant: PMH Portishead Ltd

Site: Land at Catbrain Lane Cribbs Causeway BRISTOL South Gloucestershire BS10

Date Reg: 26th October 2007

Proposal: Erection of 7 no. 2 and 3 storey office buildings with car parking, cycle storage, bin storage and associated works. Construction of new pedestrian access.

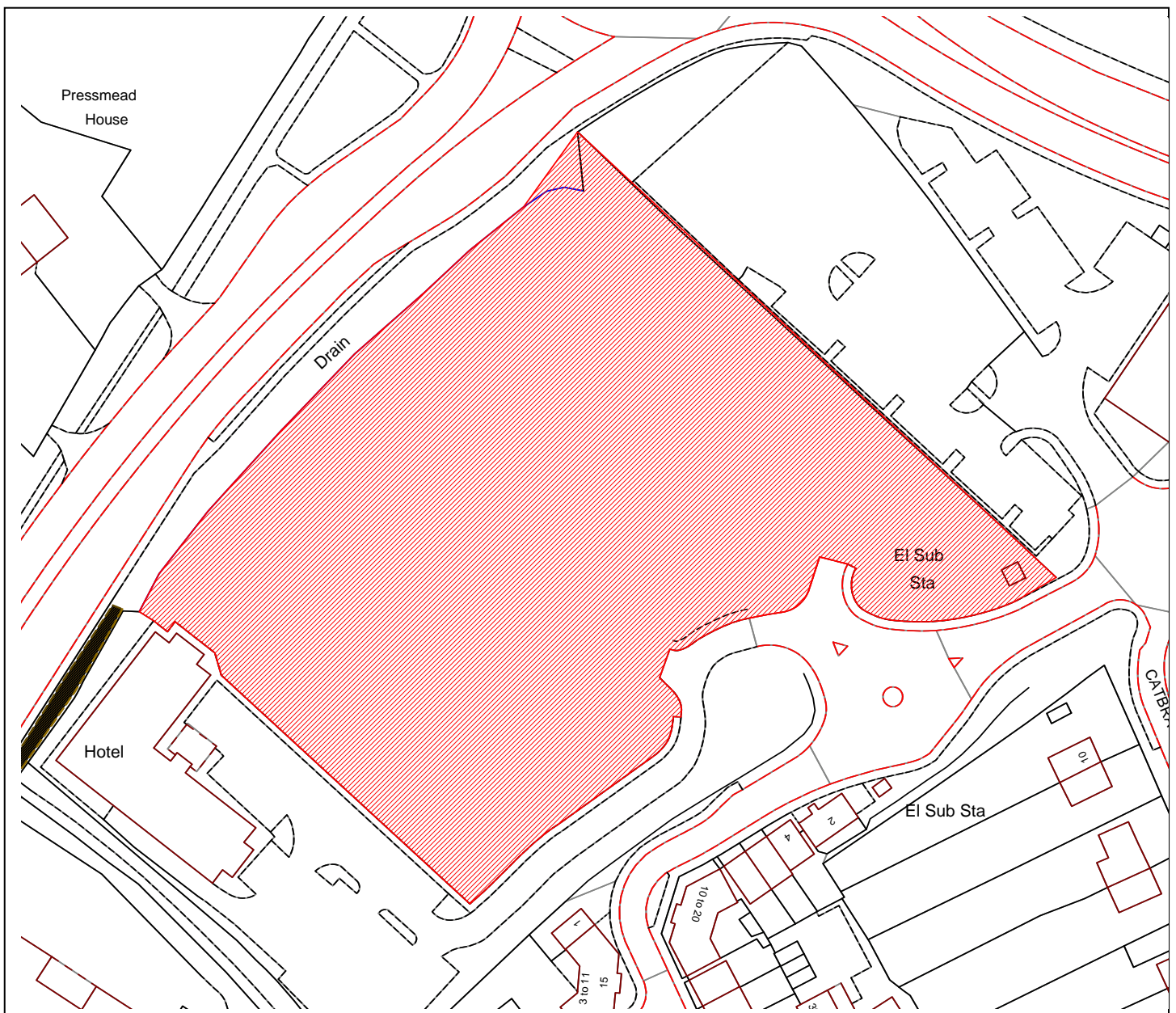
Parish: Almondsbury Parish Council

Map Ref: 57424 80722

Ward: Patchway

Application Category: Major

Target Date: 18th January 2008



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100023410, 2008.

DC0901MW

INTRODUCTION

This application appears on the Circulated Schedule as there is an objection to the proposed development which is contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The site consists of a vacant area of land off Catbrain Lane at Cribbs Causeway.
- 1.2 The proposed development consists of the construction of a new office development and associated works

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Design
L1	Landscape Protection and Enhancement
L17 and L18	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
E3	Employment Development
E4	Safeguarded Employment Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P87/1429 ERECTION OF WAREHOUSES ON APPROXIMATELY 4.18 HECTARES (Outline)
Refused
- 3.2 P88/1664 ERECTION OF OFFICES ON APPROXIMATELY 4.73 HECTARES (Outline)
Approved

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Overdevelopment of the site. Inadequate parking provision for the number of staff could result in spilling over to a congested residential area.

4.2 Sustainable Transport

The site benefits from an appropriate means of access onto the surrounding highway network. The level of parking is acceptable. A travel plan will be required in order to secure measures by which to limit the impact of the development upon the highway networks and a contribution towards the upgrade of local traffic signalling and towards the implementation of the Bristol North Fringe Major Scheme (Transport Measures).

Subject to the above, there is no transport objection to this development.

Other Representations

4.3 Local Residents

No comments have been received

5. ANALYSIS OF PROPOSAL

5.1 The site is located off Catbrian Lane and is to the Southeast of Cribbs Causeway. The development would provide an employment generating use in the form of Offices (Class B1). The site is within the Bristol North Fringe Urban Area and is on land identified as a Safe Guarded Employment Area (Site 3 – Cribbs Causeway) as set out in Policy E4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.2 Principle of Development

Policy E3 and E4 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the principle of the proposed development is acceptable subject to the following considerations.

5.3 Density

Policy E3 seeks to ensure that the maximum density of development is achieved that is compatible with the characteristics of the site. In this instance, the development would provide approximately 9000 sq/m of office floor space on the site which measures 1.2 hectares (12000 sq/m). It is considered that this level represents a very efficient use of the land having regards to the need to provide appropriate levels of parking on the site. On this basis the density of the proposed development is considered acceptable.

5.4 Design Considerations

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. This is supported by Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted).

5.5 The proposed development consists of 7 separate office units. The buildings situated on the frontage of the site (units 1, 2, and 3) with Cribbs Causeway are three storeys in height whilst the remaining buildings (units 4, 5, 6 and 7) are two storeys. The buildings share the same detailing and design principles, in that they all use a barrel type roof clad in grey profiled sheeting, the same white powder-coated aluminium window detail and white rendered finish to the walls. The buildings are contemporary and functional in appearance. The height of the buildings against the Cribbs Causeway elevation is considered to offer beneficial enclosure and strong definition to this employment area; and would act to visually tie the new development on the adjacent site (former Harry

- Ramsden's Restaurant) and the hotel development to the Southwest. The buildings are proposed to be arranged on the site so that there is wide circulation space between them. It is considered that the development is set out well and that the development would not represent an over-development of the site.
- 5.6 The proposed development would be set in landscaped car-parking, with a landscaped strip of land enclosing the development along its frontage with Cribbs Causeway. The exact planting and materials used in this element of the development have not been provided with the application. However, the layout provided plan is sufficient to show the principles of the planting and car-parking design, and the exact detail can be required by condition in the event that this planning application is approved. Glimpses of the car-parking area will be allowed between the buildings from Cribbs Causeway, however, the car-parking is generally enclosed within the buildings and this is considered to be beneficial in that it avoids areas of open car-parking, creating a strong frontage with Cribbs Causeway. The design and layout of the site also allows for good surveillance of the parking (including Cycles) areas from within the office spaces.
- 5.7 Having regards to the above assessment, it is considered that the design of the proposed development is acceptable.
- 5.8 Sustainability
The site is located well in relation to bus routes to and from Bristol City and to the Bristol North Fringe. Links to Parkway Station are readily available via bus services. The site is also well served by Hotels so minimising the need to travel from hotel accommodation for visiting business persons; and there is a wide choice of other amenities within a walking distance from the site. The site is also close to J17 of the M5.
- 5.9 The applicant has indicated that the proposed development is capable of achieving BREEAM 'very good' in terms of its environmental performance. In this instance, it is appropriate to secure that this level is met by way of a planning condition, should the application be approved.
- 5.10 The proposed development is capable of performing well in sustainability terms.
- 5.11 Residential Amenity
The site is located close to existing residential development associated with Catbrain Lane. However, given the orientation and scale of the proposed development in relation to the nearby residential development; together with the separation of the new buildings from the existing dwellings, it is considered that there would be no material impact upon the privacy and residential amenity of the occupants of those dwellings.
- 5.12 Further, given that the vehicular movements to this site are relatively low, and that the access would not involve vehicles passing directly adjacent to existing nearby dwellings, it is considered that there would be no material impact in respect of noise from vehicular movements.
- 5.13 Drainage
The site benefits from close proximity to existing drainage network in the highway adjacent to the site. The developer has indicated that were possible,

- the surface water drainage of the site will be via SuDS subject to the capacity of the site. The developer has provided two drainage options; the first utilising SuDS and the second utilising a connection to the existing surface water drainage systems. Both of these methods will have to be assessed and agreed as part of the Building Regulations Legislation, in terms of flood risk the developer has demonstrated that the sufficient mitigation is available to allow adequate drainage of the site.
- 5.14 The implementation of SuDS is the preferred method of surface water drainage. Having regards to this, any approval of this development should be conditioned so that the submitted SuDS drainage system is utilised unless it is shown that the characteristics of the site are such that the use of SuDS is not practical.
- 5.15 Subject to the above condition, it is considered that the development is acceptable in drainage terms.
- 5.16 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. Policy T8 and T7 of the South Gloucestershire Local Plan (Adopted) January 2006 provide maximum standards in respect of on site parking of motor vehicles and cycles for new development.
- 5.17 In this instance, the site is accessed via the existing access arrangements provided recently in respect of development very close to this site. This access is designed to modern standards and is appropriate for the proposed development. The development would provide adequate parking on site for motor vehicles and cycles.
- 5.18 The Highways Agency has now released its holding direction in respect of this development as the agency is now satisfied that the submitted travel plan is sufficient to act as the basis for minimising the impact of traffic on the wider highways infrastructure as a result of this development. The Council's highway engineer is also content that this is the case. However, in this instance it is appropriate to require a condition (in the event that this application is approved) in order to secure the detail and implementation of an appropriate travel plan that is consistent with the submitted detail.
- 5.19 The development is located within the Bristol North Fringe and is sited in such a way that it would utilise an existing traffic light controlled road junction. In order to mitigate against the direct impact of this development upon this infrastructure and contribute towards the implementation of the broader North Fringe Majors Scheme (Transportation Measure) it is necessary to secure a sum of £85,000. The developer has agreed to this sum, and this can be secured by way of a Unilateral Undertaking (Legal Agreement) from the developer.
- 5.20 Subject to the above provisions, the proposed development is considered acceptable in transportation terms.
- 5.21 Design and Access Statement
The Design and Access Statement submitted with this application is considered to demonstrate that the applicant has adopted a design approach that is

consistent with the Councils Design Checklist Supplementary Planning Document (Adopted)

5.22 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, having regard to the above advice, the required financial contribution towards transportation improvements are appropriately the subject of a Unilateral Undertaking and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Planning , Transportation and Strategic Environment to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into an appropriate legal agreement within 12 months of the date of this decision to secure the following:
- i) The provision of £85,000 towards the costs of the implementation of the Bristol North Fringe Major Scheme (Transport Measures) and the implementation of improvements to the junction at Catbrain Lane and Lysander Road
- 7.2 Should the legal agreement not be completed within 12 months of the date of this determination then the application be refused or returned to the DC West Committee for further consideration on this basis.

Background Papers **PT07/3188/F**

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

CONDITIONS

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

Reason

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

2. Within 3 months from the date of the decision a scheme of landscaping within this site, which shall include details of proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Within 3 months from the date of the decision a schedule of landscape maintenance (in respect of the landscaping works to be agreed under condition 2 of this planning consent) for a minimum period of 10 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

5. Within 3 months from the date of the decision a commuter plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved 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 Policy T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

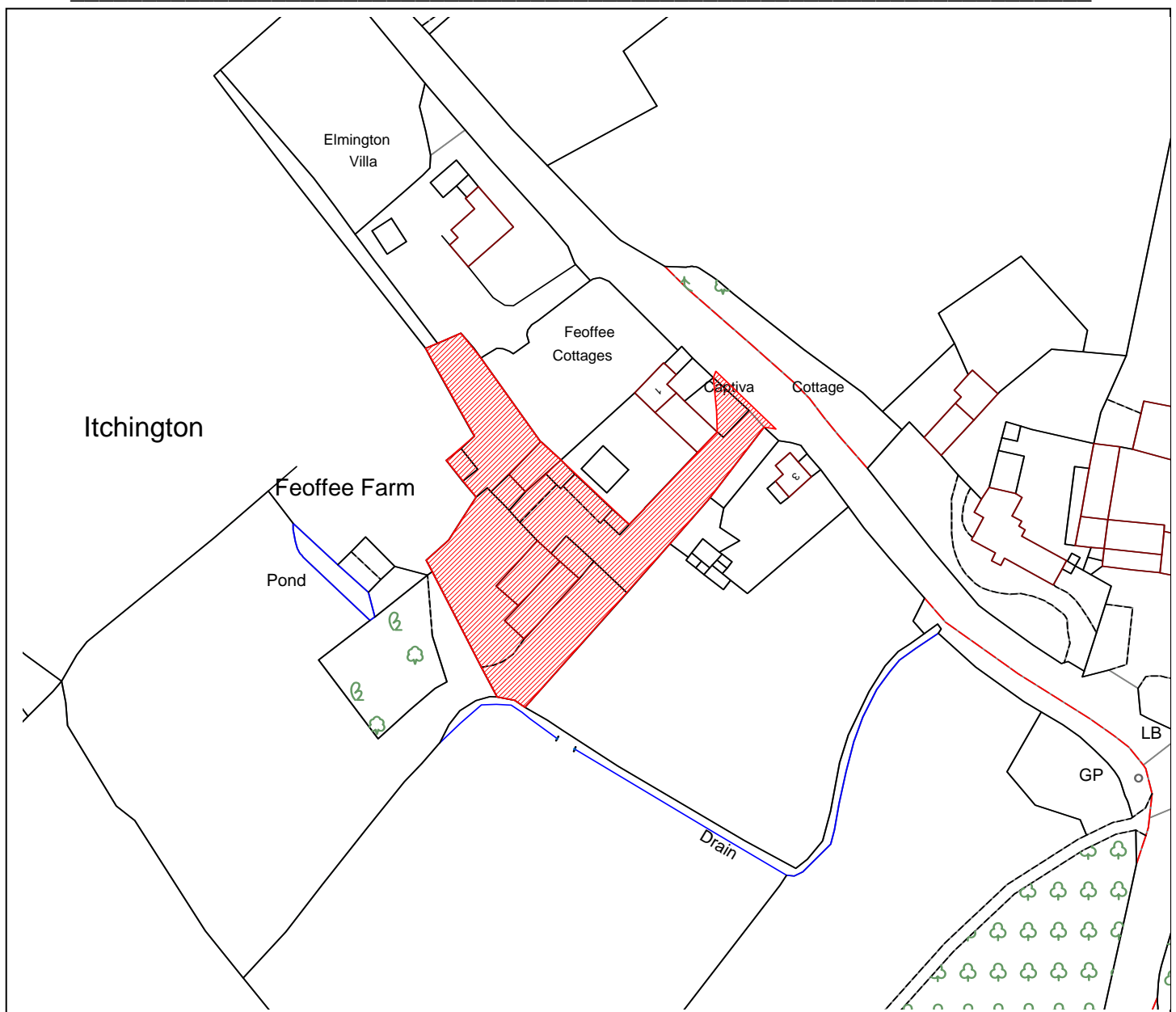
7. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS) (as detailed on approved drawing 07070-SK100revA), shall be implemented in accordance with the approved details before the development is occupied; unless the Local Planning Authority agree to any variation of the drainage scheme in writing.

Reason(s):

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

CIRCULATED SCHEDULE NO. 27/08 – 4 JULY 2008

App No.:	PT08/0751/F	Applicant:	Mr G Hutchins
Site:	Captiva Cottage, Itchington Road, Tytherington, South Gloucestershire, BS35 3TH	Date Reg:	19th March 2008
Proposal:	Conversion of outbuildings to form 2 no. holiday cottages and games room. (Re-Submission of PT07/3169/F)	Parish:	Tytherington Parish Council
Map Ref:	65811 86834	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	7th May 2008



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1. THE PROPOSAL

- 1.1 The site consists of two agricultural barns associated with Captiva Cottage. Access to the existing dwelling and subject barns is from Itchington Road, which is a single track highway.
- 1.2 The proposed development consists of the conversion, and extension of the subject barns to form two residential holiday lets and associated games room.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPG2	Green Belt

2.2 Development Plans

Adopted Joint Replacement Structure Plan

Policy 16	Green Belt
Policy 19	Historical Environment

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L1	Landscape Protection and Enhancement
L13	Listed Buildings
L17	The Water Environment
H3	Residential Development in the Countryside
H10	Conversion and Re-use of Traditional Buildings for Residential Purposes
E7	Conversion and Re-use of Rural Buildings
E8	Farm Diversification
E11	Tourism
T12	Transportation Development Control Policy for New Development
EP1	Environmental Pollution
EP6	Contaminated Land

2.3 Supplementary Planning Guidance (SPD)

South Gloucestershire Design Checklist (Adopted)
Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/3169/F Conversion of outbuilding to form 2no. work live dwellings, including formation of associated parking and cycle store. Alterations to existing access.
Withdrawn

4. CONSULTATION RESPONSES

4.1 Tytherington Parish Council

The Parish Council do not object to the principle of the proposed development. However, the Parish Council is concerned that further development will exacerbate the problem of flooding at the cross roads in Itchington.

4.2 Sustainable Transport

No objection provided that the holiday lets remain permanently associated with the main dwelling.

Other Representations

4.3 Local Residents

No Comments have been received

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the conversion of existing rural buildings for the purposes of providing holiday accommodation

5.2 Principle of Development

Policy E11 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the proposed development is acceptable in principle subject to the following considerations.

5.3 Green Belt

In line with the requirements of Policy GB1 provides the limited categories of development that is appropriate within the Green Belt. These categories include the conversion of existing buildings located within the green belt provided that the conversion itself would not involve works or a use that would have a detrimental impact upon the character and openness of the Green Belt.

5.4 In this instance, the development would involve the removal of existing modern extensions to Barn A that are associated with former uses. These would be replaced with a new extension that would amount to a reduction in the overall volume of the building; and would itself amount to approximately 30% to 35% of the volume of the original barn. Existing elements of Barn B would also be removed and again this would be replaced with a modest extension. The net addition would be less than 10% of the original building. The design of this development is considered below. In this instance it is considered that the modest scale and net volume of the development is such that there would be no material impact in terms of the character and openness of the Green Belt. The re-use for holiday accommodation is not considered to constitute a change of use that would have material impact upon the character of the Green Belt.

5.5 Having regard to the above, it is considered that the proposed development is acceptable in Green Belt terms

5.6 Use Considerations

Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006 requires that the conversion of existing rural buildings should be considered sequentially with the re-use for a business use. This approach is supported by E7 and E8 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.7 In this instance the site is located off a relatively narrow lane (Itchington Road) that has a poor visibility at its junction with the proposed access. In addition, the subject buildings have a very close relationship with the existing dwelling associated with this site, and the access to the site would utilise the existing

- driveway/yard which is directly related to the dwelling with no reasonable prospect of obtaining an alternative access with adequate separation from the dwelling. On this basis, it is considered that the access is not compatible from a residential and highway amenity perspective.
- 5.8 Sequentially, the next most preferable use would be for the development of the buildings to provide for a tourism use. This use is being proposed and it would enable some benefit for the local economy and is supported by Policy E11 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.9 Having regard to the above, it is considered that the proposed use is acceptable.
- 5.10 Structural, Design and Character Considerations
Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006 requires that buildings should be capable of conversion for residential use without the need for major reconstruction. Although, there would be some minor remediation work required in the roof structures of the buildings they are generally in a good sound condition, and it is very likely that the proposed works can be carried out without the major or complete reconstruction of them. Policy H10 makes allowances for limited extensions to traditional buildings provided that they would not have a harmful impact upon the character and visual amenity of the buildings. In this instance it is considered that the design of the proposed extensions are reflective of the scale and character of the existing buildings; and would offer betterment in respect of the removal of the existing structures currently in place. On this basis it is considered that the existing fabric is reasonably capable of conversion without the need for major reconstruction; and the proposed development satisfies the requirements of Policy H10 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.11 Notwithstanding the above, it is appropriate to require details of the materials to be used in respect of the new extensions and the fenestration and detailing of them to ensure that the final development is in keeping with the existing buildings. This can be secured by way of appropriately worded conditions
- 5.12 Having regard to the above, the proposed development is considered acceptable in design and character terms.
- 5.13 Residential Amenity
The subject buildings have a very close relationship with the associated residential dwelling. The proposed residential holiday units overlook the same yard area; and there is the potential for intervisibility to occur between the new units. However, provided that the proposed use is retained as ancillary holiday accommodation, this relationship is considered acceptable. This is appropriately the subject of a suitably worded planning condition of an approval of this planning application.
- 5.14 Transportation
Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact in highway safety terms. As discussed earlier, the junction of the access with Itchington Road is substandard in visibility terms. However, in considering in the existing and potential agricultural use on this site, the scale of the proposed

use will not generate a level of traffic that would be materially greater than the farm traffic associated with it. Provided that the holiday use is retained at all times, this is considered acceptable.

5.15 Although it is not possible in planning terms to restrict the ownership of the barns to the same as the ownership of the associated dwelling, it is possible to restrict the use so that it is only utilised as residential holiday lets. This can be achieved by the use of appropriately worded conditions

5.16 It is therefore considered that the proposed development is acceptable from a highway safety perspective.

5.17 Design and Access Statement

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

5.18 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/0751/F**

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

CONDITIONS

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

Reason(s):

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

2. The units hereby permitted shall be used for holiday accommodation, ancillary to the occupancy of Tockington Park Farm House only and shall not be used as a principal residential dwelling.

Reason 1.

The construction and design of the unit are such that it is unsuitable for permanent occupation as a residential dwelling house. To do so would be contrary to policy E11, E7, E8, H10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2. The relationship of the buildings with the associated farm house is such that the use of them to provide independent dwellings would be unacceptable in residential amenity terms and would be contrary to policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 3. The development has been assessed having regards to the commercial merits of the case under policy E11 of the South Gloucestershire Local Plan (Adopted) January 2006. Given the isolated nature of the site, the occupation of the buildings for permanent residential dwellings would be contrary to policy H3 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason(s):

In order to allow the Local Planning Authority to control the introduction of further development within this site in the interest of the protection of the character and openness of the surrounding Green Belt to accord with Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Notwithstanding the submitted details, no development shall take place until details and/or 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 and H10 and E11 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

- (a) All external joinery;
- (b) rainwater goods;
- (c) eaves overhang;

Reason(s):

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

CIRCULATED SCHEDULE NO. 27/08 – 4 JULY 2008

App No.:	PT08/1218/F	Applicant:	Mr D Drew Rose Oak Homes Ltd
Site:	136 Badminton Road, Coalpit Heath, South Gloucestershire, BS36 2SZ	Date Reg:	7th May 2008
Proposal:	Demolition of existing dwelling to facilitate the erection of 2 no detached dwellings and 2 no flats to include new pedestrian and vehicular access.	Parish:	Westerleigh Parish Council
Map Ref:	67043 80326	Ward:	Westerleigh
Application Category:	Minor	Target Date:	24th June 2008



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This application has been referred back to the Circulated Schedule for a second time in view of the additional comments received following publication of the previous report.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 2 detached dwellings and 2 flats to replace an existing single-storey property.
- 1.2 The application site comprises an existing single-storey dwelling on the south east side of Badminton Road, Coalpit Heath. The site is located within the Coalpit Heath settlement boundary.
- 1.3 The application forms a resubmission of PT07/3032/F that was refused by the Development Control (West) Planning Committee last year for the following reason:

'The proposed scale, design and layout of the units would result in a cramped development which would have an unreasonable and detrimental impact upon the street scene, and the proximity to a protected tree would increase the likelihood of harm to that tree. The proposal is therefore considered to be contrary to Planning Policies D1, L1, H2 and H4 of the South Gloucestershire Local Plan, and the South Gloucestershire Design Checklist (Supplementary Planning Document).'
- 1.4 This above application has been subsequently allowed on appeal.
- 1.4 This current submission follows further discussions with the architect in an attempt to address the aforementioned initial refusal reason.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H2: Proposals for Residential Development
H4: Development within Residential Curtilages
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
L1: Landscape Protection and Enhancement
L9: Species Protection
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1644/F: Demolition of existing dwelling to facilitate the erection of four detached dwellings and associated works to include pedestrian and vehicular access. Withdrawn: 12th July 2007
- 3.2 PT07/3032/F: Demolition of existing dwelling to facilitate the erection of four dwellings & associated works to include new pedestrian and vehicular access. Refused: 13 December 2007; Appeal Allowed: 24 June 2008

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection
- 4.2 Other Consultees
Technical Services (Drainage): no objection in principle
Environmental Services: no comment
- 4.3 Highways DC
No objection in principle

Other Representations

- 4.4 Summary of Local Residents Comments
Nine letters received (three households) expressing the following concerns:

Design/ Density/ Residential Amenity

- The size/ number of the buildings has been reduced and appears better in keeping- it is an improvement on the previous application;
- There is little to address the previous reason for refusal- the proposal would still appear cramped and have an unreasonable impact on the street scene;
- Given the above, it is assumed that the proposal remains contrary to policy;
- There is an inter-visibility issue between units- windows face blank walls;
- Flats are out of keeping with the character of the area;
- There can be no justification for moving the building line forward- a recent application for a garage forward of the building line was refused;
- The units would appear out of keeping with a line of existing development characterised by larger properties set within large plots;
- Units of equally narrow width generally comprise semi/ terraced properties.

Residential Amenity

- The developer has not supplied drawings to show the impact/ relationship with the adjoining property at no. 138 Badminton Road;
- It appears that unit 1 will project 2m in front and behind this existing dwelling thus reducing visual amenity;
- A 1.8m high boundary wall should be erected to safeguard the privacy of the residents at no. 138 if the existing boundary screening is removed;
- The garage to plot 1 is too close to the existing adjoining living room;
- The cramped design of the proposals has resulted in very small windows- this would be detrimental to the residential amenities of future occupiers.

Highway Safety

- The Highways Department are requested to reconsider their initial response;
- Two past applications were refused on highway grounds setting a precedent;
- Since the time of the above, the volume of traffic has significantly increased;
- Co2 emissions are greater than ever with seemingly no attempt to reduce it;

- The proposal will encourage on street parking and traffic generation close to the 40mph zone;
- The traffic access to no. 136 is dangerously close to a pedestrian crossing;
- Development will exacerbate vehicular usage of Badminton Road;
- Noise, fumes and general pollution will negatively impact residential amenity;
- Photos are supplied of existing parking problems/ traffic levels;
- Visitors parking on the grass verge might cause significant visibility problems for vehicles using the lane between nos. 126 and 136;
- If four cycles are stored in the garage there will be no room for a car thus increasing the likelihood of on street parking;
- Insufficient parking is provided for the proposals;
- Double yellow lines should be put down to stop illegal parking.

Ecological Issues

- A condition is requested to ensure the retention (at a minimum height of 2m) of the hedge that provides privacy to the residents at no. 126;
- The site was originally an orchard and the proposal will result in the loss of a considerable number of trees;
- Removal of trees/ hedgerows is contrary to the planning objectives that focus on the conservation and enhancement of wildlife;
- Clearance works prior to the submission of the application indicates that the developer was trying to remove plants/ species/ animals of scientific interest;
- The proposal will exacerbate the decimation of local wildlife caused by the works to the nearby railway bank;
- How will the tree roots of the mature tree in the neighbouring garden at the front be protected?

Further Issues

- A complaint is made about the noise coming from the existing occupants;
- A limit on the intended working hours should be set if approved;
- The developer appears to be clearing the site ready for development;
- The plans are misleading- there is no existing glass house;
- Garden land will be reduced and surface water increased increasing the risk of flooding as has recently happened under the viaduct;
- According to the submitted noise report, noise levels within the front garden area serving the flats will be in excess of that permissible (Category C states that planning permission should not be granted);
- The size of the units contravenes the original decision for the bungalow;
- Many similar developments of this type have not sold increasing the potential for empty houses and targets for crime;
- The new foundations that might undermine the neighbouring property.

- 4.5 Two further letters have now been received expressing the following concerns:
- The initial Circulated Schedule report was published prior to the close of the neighbour consultation date;
 - Paragraph 5.14 of the Officer report contains a mistake- no. 126 Badminton Road is 11m from the road but due to the curvature of the road, the flats will be 9m from the road; the developer is pushing the building line forward;
 - Paragraph 5.14 of the Officer report contains a mistake- the proposed flats are in line with no. 126 thus the building line is not staggered;
 - Paragraph 5.19 of the Officer report contains a mistake- there is no hedge between nos. 138 and 136;
 - Paragraph 5.29 of the Officer report contains a mistake- one of the flats has a front patio that will be subject to noise levels within category C; this states that planning permission should not be given;

- If the development proceeds, the Council might be liable to noise related health problems given their failure to adhere to environmental policies;
- A full noise survey should be undertaken in the location of the new patio;
- If approval is granted, a condition should be imposed requiring a 1.8m high brick wall along the boundary with no. 138;
- Given the good local facilities and services, the flats might be occupied by young families resulting in children in the front garden area (whom would be subject to high noise levels)- this garden area should therefore be removed;
- A condition should be added preventing people with children (or those who might have children in the future) from buying the first floor flat (to prevent children utilising the garden area given the high noise level);
- Warnings should be given to future occupants to safeguard their hearing;
- The Council has a legal obligation to protect the public.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Planning policies H2 and H4 allow for new residential development subject to considerations of design, residential amenity and highway safety. Further, policy H2 cites that the maximum density compatible with the site, its location, accessibility and surroundings should be achieved. As such, the expectation is that a minimum of 30 dwellings per hectare will be provided with upwards of 50 units per hectare where local circumstances permit.

5.2 More specifically, policy H4 cites that new development will only be permitted where it respects the massing, scale, proportions, materials and overall design and character of the street scene and the surrounding area. Further, proposals should not prejudice the retention of adequate private amenity space with such provided for any new separately occupied dwelling.

5.3 Planning policy T12 details that development will only be permitted where safe access capable of accommodating motorised traffic generated by the proposal is provided whilst it should not have unacceptable impact upon road, pedestrian and cyclist safety.

5.4 Policy L1 cites that those attributes of the landscape which make a significant contribution to the landscape should be either conserved or enhanced.

5.5 **The Proposal**

The application site comprises some 0.1337ha of land on the south east side of Badminton Road, Coalpit Heath. It benefits from a wide frontage measuring 40m across but by virtue of its tapered south boundary, is triangular in shape with the rear site boundary measuring only 10m.

5.6 The site currently provides for a single-storey detached unit with a detached double garage positioned towards the rear. The property sits centrally forward of the neighbouring property and is well screened by a thick hedgerow along the front and flank boundaries. There are a number of mature trees within the garden area, one of which is subject to a tree preservation order.

5.7 The application seeks full planning permission for the demolition of this existing property and its replacement with two two-storey dwellings and two-storey flatted accommodation. The two dwellings would each comprise four bedroom detached properties which would include an integral single garage. The flatted

accommodation would be of similar appearance comprising two two-bedroom units; one above the other.

5.8 Density

Planning policy H2 advises that the maximum density compatible with the site, its location, its accessibility and surroundings should be achieved. In this regard the expectation is that all developments will achieve a minimum density of 30 dwellings per hectare whilst higher densities should be achieved where local circumstances permit.

5.9 In view of the above, it is noted that whilst Badminton Road to the north of the application site is characterised by larger two-storey dwellings set within more spacious plots, development opposite and to the south is more compact formed of two-storey semi-detached properties contained on narrower plots.

5.10 As such, and in view of this policy expectation, the previous application sought approval for a development comprising four link-detached units in order to satisfy this density threshold. Nevertheless, given the constraints imposed by the site shape, this dictated that the proposal was initially considered to be of cramped appearance with permission refused. With this application received prior to the outcome of the subsequent appeal, this revised scheme seeks to address this initial objection by removing one of the buildings albeit with the density level maintained through the subdivision of one of the remaining buildings. As such, there is no objection to the proposal on this basis.

5.11 It should also be noted that PPS3 makes it clear that *'The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing form'*. PPS3 goes on to describe how good design is key to achieving successful intensification; *'If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment'*.

5.12 Design

Dwellings to the north of the application site on this side of Badminton Road form two-storey detached and semi-detached units of differing size and design. Those to the south and opposite are of more uniform appearance comprising two-storey semi-detached dwellings of similar design.

5.13 Given the differing size and design of properties within the locality, and having regard to the density threshold aspired to, this proposal would provide three two-storey buildings. Two of these would comprise detached dwellings with the third (adjacent to the southern boundary) of similar appearance but subdivided in to two units of flatted accommodation.

5.14 The units would adopt a staggered building line stepping closer to the highway towards the southern site boundary. In so doing, the proposals would form a link between 138 Badminton Road which sits back from the highway (building one would align with this dwelling) and 126 which sits much closer to the road (with which building three would align). It is noted that the approved scheme adopts a similar design approach with the Inspector commenting that:

'Whilst building lines along Badminton Road exist, they are not prominent features, as the dwellings are well set back from the road and views along the building lines are thus difficult to obtain. The proposed dwellings therefore would not appear out of keeping with the existing building lines...'

- 5.15 In this instance, the omission of one building allows for a more spacious form of development with the buildings now detached, wider and set within larger plots. This allows a form of development that it is considered to be in keeping with those properties on this side of the highway to the north of the site whilst is also considered to address the initial concerns detailed as part of the refusal reason.
- 5.16 This revision also helps address previous design concerns with the proposals now benefiting from forward facing front entranceways, wider front gables and with the integral garages no longer such a prominent feature. The design of the flatted accommodation also helps ensure that this building appears similar to the two dwellings aiding to ensure that this element of the proposal does not appear out of keeping within a line of detached and semi-detached dwellings.
- 5.18 In view of the above, this revised proposal is considered to be acceptable with no objection raised on this basis. Further, in view of the valid approval for the four link-detached dwellings, any refusal reason is unlikely to be sustainable.
- 5.19 Residential Amenity
The application site adjoins no. 138 Badminton Road along its north east flank boundary. This dwelling forms a two-storey detached property which is slightly inset from this boundary and which is devoid of side facing windows with the exception of a rear conservatory. Boundary screening is provided by a close-boarded fence with tree/ shrubbery planting on both sides.
- 5.20 Unit 1 would stand alongside this property projecting 1m further forward and extending 1m behind the rear building line of the main dwelling (where adjacent to the boundary). Further, with the flank elevation of the proposal facing this existing property, there would be only one facing first floor ensuite window. As such, it is not considered that any significant adverse impact in residential amenity would be caused. Further, it is noted that in respect of the previous scheme (which arguably has a greater impact), the Inspector concluded that:

'The proposed first floor side windows of the dwelling on Plot 1, which would face no. 138, would serve an ensuite and a family bathroom. As a result of the use and position of these windows, they would not lead to any harmful loss of privacy to the occupiers of no. 138... I therefore conclude that the proposal would not have a harmful effect on the occupiers of no. 138 in relation to visual intrusion, daylight, sunlight, noise, disturbance and privacy.'
- 5.21 All other existing neighbouring properties stand at an appreciable distance from the site of the proposals including those to the south of the application site that sit to the far side of the vehicular entranceway which runs along side this south boundary to those properties behind. (In this regard, it is noted that the existing flanking hedgerow is to be maintained at a height of 1.8m which would help to offset the impact of the proposals.) Accordingly, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.22 Finally, having regard to the relationship between the proposed dwellings, the staggered positioning of the properties dictates that rear gardens serving unit 2 and the ground floor flat would be flanked by the adjoining building to the north. However, these elevations would be devoid of any main habitable windows whilst given the orientation of the application site, there should be no significant affect on sunlight. As such, there is also no objection on this basis.

- 5.23 Lastly, it is noted that the issues related to residential amenity did not comprise a refusal reason in respect of the previous application. Therefore, given that the number of buildings has now been reduced, it is considered that the overall impact of the proposal has been reduced.
- 5.24 Highway Safety
The revised application is essentially a duplicate of the previous submission (in transportation terms) with no objection to this scheme previously raised. The reduction from four dwellings to two dwellings and two flats would potentially reduce the number of vehicles entering and leaving the site thus there is no transportation objection to this current scheme.
- 5.25 Notwithstanding the above, it is noted that the design and access statement refers to the provision of four cycle spaces within each garage. Whilst the garages would appear of sufficient size to accommodate cycles and cars no such provision appears to have been made for the flats. It is considered that this can be secured for the flats thus this can be controlled by condition.
- 5.26 Existing Trees/ Hedgerow
Concerns have been expressed with regards to the loss of a number of mature trees and the hedgerow that encompasses the front and southern boundaries of the application site. To this extent, it has previously been noted that the only trees of any real stature are the protected Field Maples (two) and Oak on the southern boundary of the site; all of these would be retained. Arboricultural advice indicated that the previous proposal should not have had a major impact on the trees despite a new patio area under one tree canopy. Nonetheless, the application was subsequently refused by committee partly on this basis.
- 5.27 The new buildings are now further away from these trees whilst the new patio area serving unit 2 is positioned to the far side of the garden; not under the tree canopy. As such, and in view of the arboricultural advice previously received, there is no objection to this current proposal having regard to its impact on the existing trees. Nevertheless, in the interests of the health of these trees, the protective fencing shown on the plans should be controlled by condition.
- 5.28 Concerning the front boundary hedgerow, the Inspector concluded that it *'does not appear to have any particular value'* thus despite its loss, it is not considered that approval could be reasonably withheld although a landscaping condition should be attached to any permission to allow for new planting.
- 5.29 Noise Concerns
Further to a request from the Councils Environmental Services department, a noise survey has been received as part of this application; the details of which are considered to be acceptable. Nonetheless, in response to the neighbours concerns, it is concluded that whilst ideally the monitoring location would be at the façade of the new flats, the location chosen by the surveyor is considered to be representative of this and would not be overly affected by attenuation due to ground and air absorption. As such, any difference in noise levels would be negligible thus the survey is considered to be compliant with PPG24 with it considered a *'reliable indicator of the level at the building to be protected'*.
- 5.30 Concerning the proposed front garden area which would serve the first floor flatted accommodation, this would not benefit from the screening provided by the new buildings whilst part of the hedgerow screening along the road frontage would also be removed. For these reasons, the external noise levels are likely

to be in the area of 59dB_{L_{Aeq}(16hr)} (daytime) thus exceeding the World Health Organisation guidance with it desirable to have general outdoor noise levels of less than 55dB_{L_{Aeq}(16hr)}.

- 5.31 Notwithstanding the above, all other units would benefit from external areas of less than 55dB_{L_{Aeq}(16hr)}, whilst regard should also be had to the nature of this outside area, i.e. it is unlikely to be used as a family garden due it belonging to a first floor flat. Further, given that other examples of flatted accommodation have been permitted which have been devoid of any garden space and with the approved scheme including the garden to plot 4 (a three bed dwelling) in this position, it is not considered that permission could be reasonably refused with any refusal reason very unlikely to be sustained at appeal. In this instance, the Inspector in respect of the previous appeal stated:

'The private garden space for the occupiers of the dwelling on Plot 4 would be situated along the A432. The proposal would include a noise barrier (wall and hedgerow) between the garden and the road, and I am satisfied that the garden would be adequate in terms of location and size for the future occupiers of Plot 4.'

- 5.32 Finally, it is noted that the provision of an acoustic fence would help to improve the external noise levels within this garden. Therefore, with the approved wall (detailed as part of the approved scheme) replaced by a fence in this instance, a condition is suggested to provide an acoustic fence in this position.

5.33 Outstanding Issues

In view of the concerns raised in respect of the previous application, a condition requiring a bat survey was previously suggested. However, in the absence of any expert views in support of this evidence, the Inspector concluded that this was not necessary with it noted that if any bats were found, these would be subject to statutory protection.

- 5.33 With the Code for Sustainable Homes not supported within Local Plan policies, the Inspector concluded that a condition requiring compliance with such would be unreasonable. Therefore, it is not considered that this could be reasonably attached in this instance.

- 5.34 Within the most recent letter received, the neighbour requests a condition to ensure provision of a 1.8m high wall along the boundary with the neighbouring property. Whilst this would be addressed by the boundary treatment condition suggested, it is noted that the Inspector stated that *'I cannot see any justification for the replacement of the fence with a wall'*.

- 5.35 Finally, it is also noted the Inspector concluded that *'I am also not convinced that exceptional circumstances would exist sufficient to warrant the withdrawal of permitted development rights as suggested by the Council and the occupier of no. 138'*. Accordingly, with the built form reduced as part of this proposal, it is not considered that permitted development rights should be removed in this instance.

5.36 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.

5.37 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/1218/F**

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

CONDITIONS

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

Reason(s):

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

2. No development shall take place until 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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the dwellings hereby approved.

Reason(s):

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

4. Prior to the occupation of the dwellings hereby permitted, and at all times thereafter, the proposed first floor ensuite window in the north east elevation of plots 1 and 2 shall be glazed with obscure glass only (level 3).

Reason(s):

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

5. Within 3 months from the date of the decision a scheme of landscaping, which shall include details of all existing trees and hedgerows on and adjoining 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 shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason(s):

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

6. 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(s):

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

7. Within 3 months from the date of the decision a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the local planning authority for approval. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason(s):

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

8. Prior to the occupation of the dwellings hereby approved, the proposed vehicular parking/ turning areas shall be finished with a bound surface and thereafter retained as such.

Reason(s):

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

9. Within 3 months from the date of the decision, detailed plans showing the provision of cycle parking facilities for the flatted accommodation in accordance with the standards

set out in Policies T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason(s):

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

10. The erection of fencing for the protection of the retained protected trees shall be undertaken in accordance with the approved plans before any equipment, machinery or materials are brought on to the site for the purposes of development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in the 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(s):

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

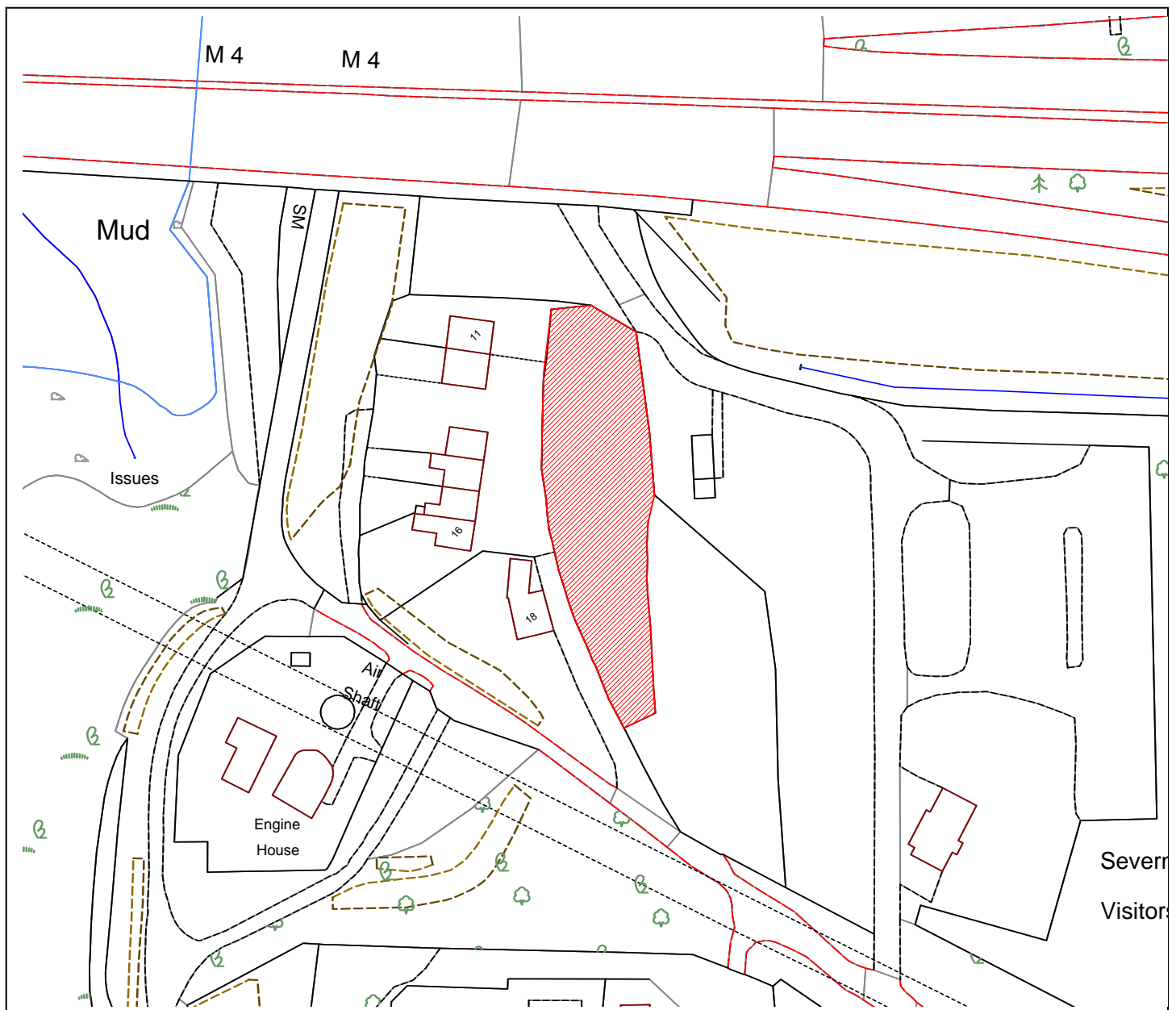
11. Within 3 months from the date of this decision, details of the acoustic fence to be provided along the north boundary of the garden serving the flatted accommodation shall be submitted to and approved in writing by the Local Planning Authority; works shall thereafter accord with these approved details.

Reason(s):

In the interests of the amenity of the future occupiers of the development and to accord with Planning Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 27/08 – 4 JULY 2008

App No.:	PT08/1451/CLP	Applicant:	Mr M Bhakerd
Site:	Rosary Cottage, Shaft Lane, Severn Beach, South Gloucestershire, BS35 4NQ	Date Reg:	28th May 2008
Proposal:	Certificate of Lawfulness for proposed development for the erection of new dwelling in accordance with planning permission P98/2112 without compliance with conditions 2 and 4.	Parish:	Pilning and Severn Beach
Map Ref:	54057 85748	Ward:	Pilning and Severn Beach
Application Category:	Minor	Target Date:	17th July 2008



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This report is circulated to Members in accordance with the Scheme of Delegation as it is an application for a Certificate of Lawfulness. (The previous application for a Certificate of lawfulness was circulated on 13 January 2006).

1. DESCRIPTION OF THE PROPOSAL

- 1.1 An application for a Certificate of Lawfulness is purely an evidential and the planning merits of the development are not relevant considerations. The test of evidence to be applied is whether the case has been shown on the balance of probability.
- 1.2 This application is for a Certificate of Lawfulness for a Proposed Use or Development, namely the demolition and proposed replacement of a house at the site. The application has come about as a result of the following events:
- a) the application P98/2112 was granted on 22 September 1998 and was to be begun, within the five year time frame allowed at that time, by 22 September 2003.
 - b) It is understood that the house was demolished within the five year period but this was carried out without submitting or having discharged condition 2 relating to the submission of materials.
 - c) The rebuilding of a house has not commenced on site.
- 1.3 The application claims that it would be lawful for the development to continue, under planning reference P98/2112. The key issues are in relation to conditions 2 and 4 under that consent. Condition two is a condition precedent and condition four relates to works to a vehicular access.
- 1.4 Condition Two reads as follows on the decision notice dated 22 September 1998.
- ‘Building operations shall not be commenced until details of the roofing and external facing materials proposed to be used have been submitted to and approved by the Council and all such materials used in the construction of the building(s) hereby authorised shall conform to the details so approved.’
- Reason ‘ To ensure the satisfactory appearance of the development in the interests of visual amenity.’
- 1.5 Condition Four reads as follows on the decision notice dated 22/9/1998
- ‘The existing vehicular access indicated in approved Drawing No. MB/01060/C shall be permanently closed and all vehicular access to the site shall be via the new access indicated on the same drawing.’ (It should be noted that there is no trigger date for this condition).

2. LEGAL CONTEXT

- 2.1 National Guidance
S.191 of the Town and Country Planning Act 1990
S.10 of the Planning and Compensation Act 1991

3. RELEVANT PLANNING HISTORY

- 3.1 P97/2341 Two storey extension
Approved 6 Feb 1998.
- 3.2 P98/2112 Demolition of dwelling and erection of dwelling and garage.
Conditional Approval dated 22/9/98.
- 3.3 PT05/0061/RVC Removal of condition 4 of P98/2112 Returned to agent as
invalid application due to permission having lapsed.
- 3.4 PT05/2161/CLP Application for Certificate of Lawfulness for proposed
development for the erection of new dwelling in accordance
with planning permission P98/2112 without compliance with
Conditions 2 and 4. Refused for the following reason:
Under Section 192 of the Town and County Planning Act
1990, as amended by Section 10 of the Planning and
Compensation Act 1991 insufficient evidence has been
submitted to demonstrate the lawfulness of the proposed
development.

4. **SUMMARY OF EVIDENCE IN SUPPORT OF PROPOSAL**

The following information summarised the case submitted by the applicant.

- 4.1 The description of development approved refers to the demolition and the
erection of a replacement dwelling as two distinct elements.
- 4.2 Condition four is unenforceable, and represents an unenforceable condition.
- 4.3 In respect of the submission of approval of roofing and facing materials the
case of *R. v Flintshire CC ex parte Somerfield Stores*, 19 March 1998 is
relevant. The agent claims that in this case the court held that there was no
record of an application for approval under the condition, or a record of a
decision being made and communicated to the applicant, strictly there had
been a failure to comply with the condition. However the Court concluded that
common sense had to be applied and the condition had in substance been
complied with, albeit without the formality of a written notice of approval. The
agent argues that the materials were indicated on the approved plans and he
considers that the principles established in this case are relevant to the
determination of this current application for a certificate of Lawfulness.
- 4.4 It is submitted in the agents letter dated 11 October 2005 that an alternative
approach to this case is to consider that the site represents residential land, the
use of which has clearly not been abandoned by the applicant, whose
intentions were only ever intended to instigate his planning approval for a
replacement dwelling.
- 4.5 *Leisure Great Britain PLC v Isle of Wight Council [1999]* confirms that it is within
the Council's power to adopt a positive attitude, effectively agreeing that the
development can continue, especially given that sufficient information has
already been logged as part of the full application to address the conditions at
issue. In that case the court held that there were four exceptions which would
overrule the general rule that work carried out in breach of planning control
cannot constitute start to development. These four exceptions are :
- 4.6 The developer has done everything practicable to meet the condition.

Approval has subsequently been given so that unauthorised work carried out within the time limits was lawful.

The planning authority has agreed that development can start without complying with the relevant conditions.

The condition has been complied with but the procedural formalities were not completed before work started.

- 4.7 A replacement dwelling is not inappropriate in the green belt.
- 4.8 There is a strong possibility that many properties within the South Gloucestershire area have been pursued without discharging the relevant conditions precedent.
- 4.9 Further to the previous application the agents supporting letter dated 7/5/2008 advised of his opinion that as the site 'does not lie in a sensitive area, such as a Conservation Areas, these details (those on the approved plans) should have been considered to adequately satisfy the requirement of condition No.2.' The agent claims that the legends on the drawings which read, 'Double roman tiles to match existing' and 'Rough cast render to match ex', 'explain that the construction materials would match the existing, providing a clearly quantifiable assessment point'. He further claims that it is reasonable for his client to have assumed that the case officer would have made some assessment of the then existing building.
- 4.10 The agent argues that it is usual practice to preface a condition 'Notwithstanding the information shown on drawing No.....' and that as this was not used his client had no reason to imagine that his actions were not carried out in conformity with the full knowledge and co-operation of the Council.
- 4.11 Photographs of the now demolished house have been submitted with this Certificate of Lawfulness.
- 4.12 Agents Counsel advise is that the Flintshire case is applicable, as in the same way as the requested traffic study had been provided , so were the roof and walling details in the councils possession, sufficient to satisfy the specific terms of the condition.

5. **SUMMARY OF CONTRARY EVIDENCE**

No evidence has been submitted by any other party.

6. **CONSULTATION RESPONSES**

- 6.1 Pilning and Severn Beach Parish Council
The Parish Council objectsno change in circumstances.
- 6.2 Wessex Water
No objection to this proposal.
- 6.3 Sustainable Transport
This is an evidential test, therefore no transportation comments required.
- 6.4 Local Residents
Two letters received but these contained no evidence.

7 EVALUATION

The application for a Certificate of Lawfulness is purely an evidential test and as such the merits of the development are not relevant considerations. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.

A Certificate of Lawful Proposed Use or Development is used when an applicant wishes to ascertain whether

- a) any proposed use of buildings or other land; or
- b) any operations proposed to be carried out in, on, over or under land, would be lawful.

7.1 This application seeks to find that the continuation of the development, ie building the house, would be lawful under planning application P98/2112 and that, as such, the house can be lawfully continued without being liable to enforcement action. Hence this application ascertains the legal position, and is therefore not directly concerned with the planning merits of the case.

7.2 The term building operation is one of the operations considered to be development and condition two needed materials to be agreed before building operations started on site. In a practical sense this would have enabled the proposed materials to be considered in the context of the now demolished house and the neighbouring houses. In S.55(1A) of the Town and Country planning Act 1990 demolition is clearly considered to be a building operation and as such the application has lapsed and the demolition works carried out over four years ago were carried out unlawfully.

7.3 The approved plans state that double roman tiles and rough cast render to match existing were to be used on the proposed dwelling. The approved plan number is MB/01060/02C which does show this detail but nevertheless it was felt appropriate to impose a condition requiring the submission of specific products for the external materials. This was condition two on the final decision notice. This does not seem unreasonable as double roman tiles vary widely in colour, profile, texture and material. Furthermore once the house were demolished there would be, and in fact is, no trace of a building to match the proposed materials to. The applicant has submitted photographs of three elevations of the original building with this application. There is no evidence that this condition was formally discharged prior to building operations commencing. Neither is there any evidence that materials had been informally agreed.

7.4 The *R. v Flintshire CC ex parte Somerfield Stores, 19 March 1998* case is not considered directly applicable to the facts of this case. The Flintshire case concerned a condition to do with a study of traffic impact which was to be submitted and approved by condition. In that case the Council claimed that the condition had been satisfied by a report submitted and approved prior to the decision being issued. The works had been in conformity with the full knowledge and co-operation of the Local Planning Authority and the Highway Authority and it would have been unreasonable for it to have decided that the planning permission had not been implemented. The same cannot be said of

the current application as the specific materials proposed have never been submitted. At the time of the last application PT05/2161/CLP the now demolished building had long been cleared from the site and it was impossible to assess what the new building would be constructed in if the 'to match existing' clause were reconsidered. The photographs provided by the agent for assistance in determining this Certificate of Lawfulness appear to show a white painted rendered building with clay double roman tiles and some form of flat tile along the lower course. Notwithstanding this the condition stated 'Building operations shall not be commenced until details of the roofing and external facing materials proposed to be used have been submitted to and approved by the Council and all such materials used in the construction of the building(s) hereby authorised shall conform to the details so approved.'

Reason 'To ensure the satisfactory appearance of the development in the interests of visual amenity.'

- 7.5 It remains the view of the council that it was reasonable to ask for details of materials to be submitted, given that the building were to be demolished and that this submission was not received and is not considered to have been discharged. Therefore, any development that did take place was in breach of this condition and as such unlawful.
- 7.6 The agent claims that the lack of abandonment of the garden from a domestic use is relevant to the case but this is not disputed by the Council. The Council would not dispute the land being used as domestic garden as that is its lawful use, having been used in connection with the original house for a significant period of time. However the right to erect a new house on the site is disputed due to the lapsed application.
- 7.7 With regard to *Leisure Great Britain PLC v Isle of Wight Council [1999]* the Council does not accept that any of the four exceptions are relevant in this instance. The agent claims that a replacement dwelling is not inappropriate in the Green Belt. The point may be argued as being a very special circumstance for allowing development under a new planning application but that policy stance is not relevant to this Certificate of Lawful Existing Use application. Neither is it relevant to this case that there may be other instances, where development has proceeded without discharging all of the relevant conditions.
- 7.8 With regard to Condition four it is accepted that the condition cannot be enforced as there is no specific time limit by which the works are to be carried out. As such the developer would never be in breach of the condition due to the wording not being sufficiently specific.

8. RECOMMENDATION

- 8.1 To continue building the scheme approved under P98/2112 would be in breach of that planning consent specifically condition two required discharge of condition prior to building operations commencing. Condition one states that development shall commence not later than the expiry of five years from the date of the permission and as such this should have been commenced by 22 September 2003. To continue now would be unlawful, and a Certificate of Lawful Proposed Use or Development cannot be issued.

8.2 The Certificate of Lawful Proposed Development is refused for the following reason:

Under Section 192 of the Town and County Planning Act 1990, as amended by Section 10 of the Planning and Compensation Act 1991 insufficient evidence has been submitted to demonstrate the lawfulness of the proposed development. On the balance of probabilities it has not been demonstrated that the development that took place was undertaken lawfully in compliance with the conditions on P98/2112 for 'Demolition of dwelling and erection of replacement dwelling and detached garage'.

Background Papers **PT08/1451/CLP**

Contact Officer: **Karen Hayes**
Tel. No. **01454 863472**

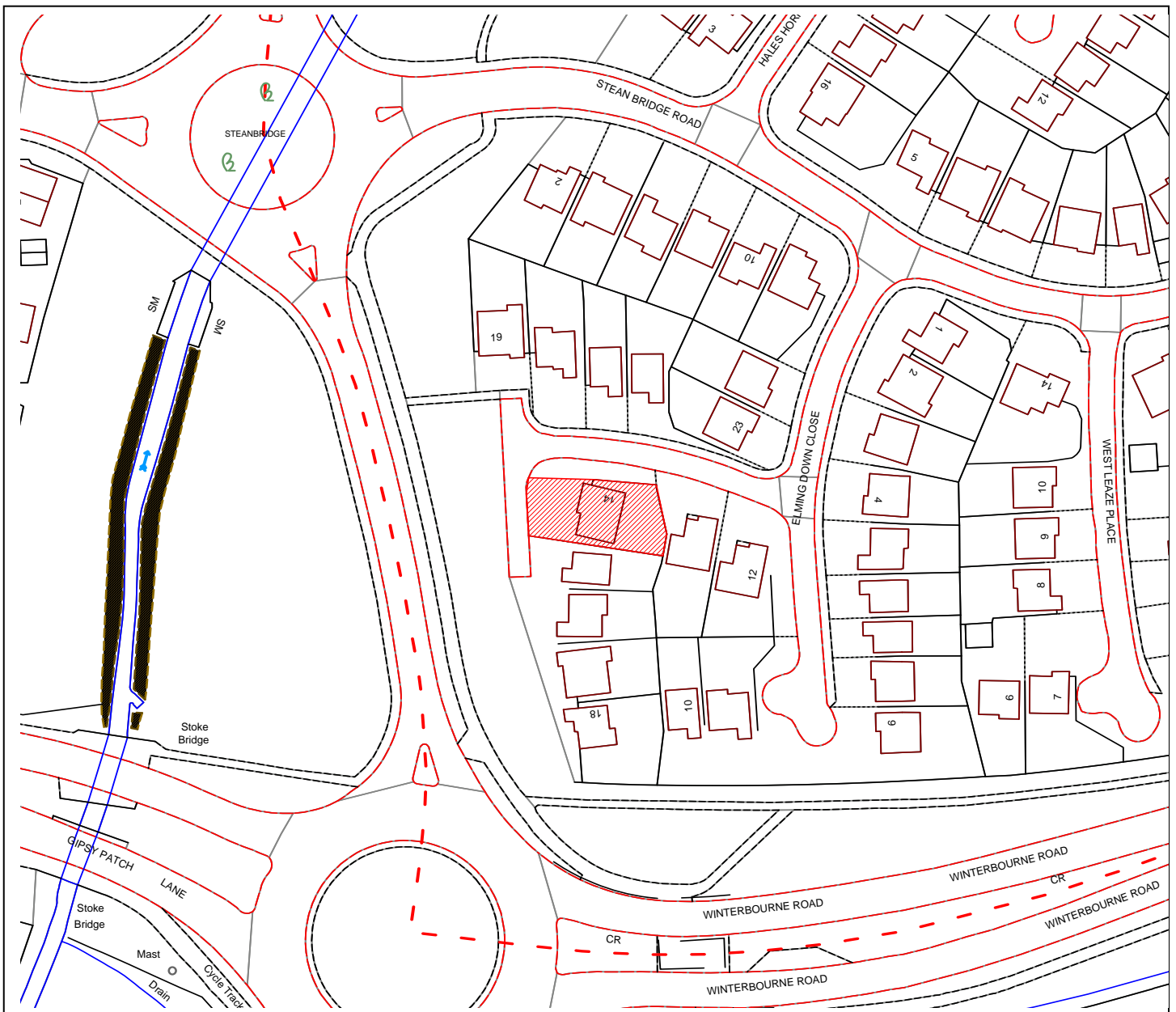
REFUSAL REASONS

Under Section 192 of the Town and County Planning Act 1990, as amended by Section 10 of the Planning and Compensation Act 1991 insufficient evidence has been submitted to demonstrate the lawfulness of the proposed development. On the balance of probabilities it has not been demonstrated that the development that took place was undertaken lawfully in compliance with the conditions on P98/2112 for 'Demolition of dwelling and erection of replacement dwelling and detached garage'.

CIRCULATED SCHEDULE NO. 27/08 – 04 JULY 2008

App No.: PT08/1464/F
Site: 14 Elming Down Close, Bradley Stoke, South Gloucestershire, BS32 8AQ
Proposal: Erection of single storey and first floor extension to form garage and study with additional bedroom accomodation over.(Re-Submission of PT08/0663/F)
Map Ref: 61938 80565
Application Category: Minor

Applicant: Mr R Thorne
Date Reg: 30th May 2008
Parish: Bradley Stoke Town Council
Ward: Stoke Gifford
Target Date: 11th July 2008



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N.T.S

PT08/1464/F

This application appears on the Circulated Schedule due to the objection from the Town Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey side extension to form additional living accommodation. This is an amended scheme to a previous refused scheme (detailed in the history below). This scheme has been reduced in size following that application.
- 1.2 This is a modern detached property within the existing urban area of Bradley Stoke. The proposal consists of a two storey extension to the side with brick to match existing, 9.0 m deep, 8.0 m in width at the ground floor (but 4.9 at the first floor) and 7.5 m in height. The roof is pitched and materials consist of concrete tiles. The previous scheme had the width at the first floor at 8 metres.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilage

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

PT08/0663/F – Erection of two storey side extension to form additional living accommodation. Refused 22.4.08.

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

Objection raised – ‘Substantial overdevelopment of the site, not in keeping with neighbouring dwellings’.

Other Representations

4.2 Local Residents

No objection raised.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Residential Amenity

Overbearing Analysis

Due to the overall scale and size of the proposed development and sufficient boundary treatment between the neighbouring properties the proposal would not be overbearing on the residential amenity of neighbouring occupiers. The proposed extension would be adjacent to the highway serving Elming Down Close approximately 12 m from the nearest property to the side and 12 m from the nearest property to the rear.

Privacy Analysis

To the rear there would be approximately 12 m in distance between the windows on the proposed extension and the habitable rooms at no. 13 Elming Down Close. It is considered this is a sufficient distance to ensure no overlooking or loss of privacy as a result of the proposal.

Amenity Space

Whilst the proposed extension does project into the rear garden its modest size means that sufficient garden space will remain to serve occupiers of the property.

Highway Safety Analysis

The proposal would not adversely impact on the property's parking arrangements, located at the front of the house, nor will it prejudice highway safety. There will be no material difference.

5.3 Design / Visual Amenity

The proposal is has been reduced in scale from the previous refusal. The reduction at first floor level particularly effectively reduces the impact of the mass and bulk in the street scene to an acceptable degree. The extension is subordinate to the original dwelling as it uses a slight set back and the reduction in height of the roof ridge. It further echoes the original building in the use of a pitched dormer, and the use of similar materials. The revisions to the scheme overcome the previous objection.

5.4 Section 106 Requirements

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

05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. [In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That planning permission is granted subject to the following condition.

Background Papers **PT08/1464/F**

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

CONDITIONS

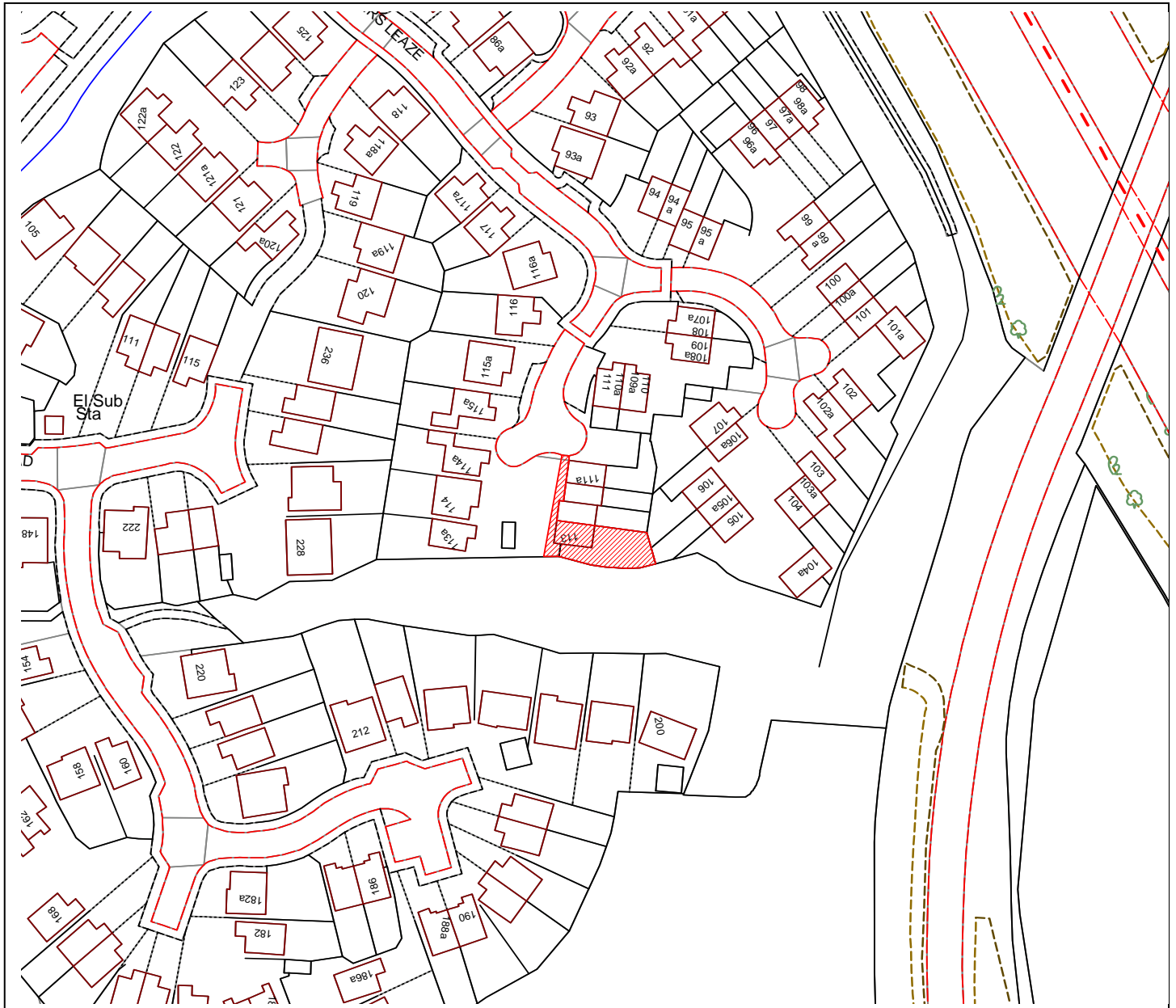
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 27/08 – 4 JULY 2008

App No.:	PT08/1468/F	Applicant:	Mr R Richard
Site:	113 Palmers Leaze, Bradley Stoke, South Gloucestershire, BS32 0HH	Date Reg:	30th May 2008
Proposal:	Erection of two storey side extension to facilitate conversion of 1 no. dwelling to 2 no. flats.	Parish:	Bradley Stoke Town Council
Map Ref:	63376 80799	Ward:	Bradley Stoke South
Application Category:	Minor	Target Date:	24th July 2008



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N.T.S

PT08/1468/F

INTRODUCTION

This application appears on the Circulated Schedule following six letters of objection received from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a two storey side extension to facilitate the conversion of the existing dwelling into 2no. two bedroom flats.
- 1.2 The application site relates to a modern end terrace dwelling situated within a well established residential area of Bradley Stoke.

2 POLICY CONTEXT

2.1 National Guidance

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

2.2 Joint Replacement Structure Plan (Adopted)

- Policy 1: Sustainable Development Objectives
- Policy 2: Location of Development
- Policy 34: Re-use of Previously Development Land
- Policy 35: Housing Density

2.3 South Gloucestershire Local Plan (Adopted) January 2006

- Policy D1: Achieving Good Quality Design in New Development
- Policy H4: Development within Existing Resident Curtilages
- Policy H5: Residential Conversions
- Policy T7: Cycle Parking
- Policy T8: Parking Standards
- Policy T12: Transportation Development Control Policy

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist SPD (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

No comment received

4.2 Sustainable Transportation

No objection subject to the provision of two secure cycle spaces and a financial contribution towards the North Fringe development proposal (Transport Measures) is required. This should be secured via an appropriate agreement and provided prior to the issuing of any permission. This is assessed at £1800.

4.3 Local Residents

Six letters of objection have been received from local residents raising the following points:

Planning Considerations

- A. Exacerbate existing parking problems;
- B. Disturbance during construction;
- C. Adversely affect character of the area – over concentration of student flat or houses of multiple occupation;

Non-Planning Considerations

- D. Disturbance from the existing student house in cul-de-sac;
- E. Proposal is contrary to Policy 177 of the adopted Bristol Local Plan 1997 – not relevant to South Gloucestershire Council;
- F. Alter the community of Palmer Leaze; and
- G. Discharge of oil onto driveway.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan allows for the conversion of residential properties into smaller units provided that the proposal:

- a) Would not prejudice the character of the surrounding area;
- b) Would not prejudice the residential amenities of neighbouring occupiers;
- c) Allows an acceptable level of off-street parking provision;
- d) Would provide adequate amenity space.

5.2 Residential Amenity

The application site is adjoined by one dwelling to the north (No. 12A Palmers Leaze), two dwelling to the east (106 and 105A Palmers Leaze) and an area of open space to the south. PP53 does however encourage a mixture of units of accommodation in terms of size. Two flats would not be classed as a House in Multiple Occupation. The proposed extension would be situated on along the dwellings southern side elevation. Therefore, given the proposals siting, it would not prejudice the residential amenity of any nearby neighbouring occupier. The objections also raise an issue regarding the character of the area. It is not material to consider the tenure of the resulting property, nor in normal circumstances the occupation of likely residents. The issue regarding disturbance during construction is acknowledged. Any building project is likely to cause additional temporary disturbance but this would not be a bar to all development.

5.3 Amenity Space

The proposed flats have been arranged so that there are separate flats at the ground floor and first floor levels. As such, the ground floor unit would have the sole access to the rear amenity area. Given the size of the amenity space, the possibility of providing access to the amenity space for the first floor flat was explored with the applicant. However, no satisfactory solution could be achieved.

5.4 Notwithstanding this, consideration should be given to the type and level of accommodation provided. For instance, it is more likely that a two bed unit (with no amenity space) would be occupied by young professionals rather than a family. Furthermore, the flat would be situated within a sustainable urban area, where there are excellent cycle, pedestrian and public transport links to nearby leisure facilities and areas of public open space. Thus, giving the occupier access to recreational areas/facilities if required. In view of these features, it is

- considered that the lack of amenity space for the first floor flat would not justify the refusal of this application.
- 5.5 It is noted that the first floor that would overlook the amenity space of the ground floor unit. In view of this it is considered that the area cannot be considered private. However, given that the first floor flat would have no amenity space, it is considered the lack of privacy would not purport a reason for refusal. Nevertheless, it is considered that an area of outdoor space for the ground floor unit would be advantageous for the ground floor flat. This is because it would provide an area for basic outdoor needs, such as drying clothes etc.
- 5.6 Design and Visual Amenity
This application relates to a modern end terrace dwelling. To facilitate the conversion into flats, the development includes a two-storey side extension to the dwellings southern elevation. The extension would adopt a very simple design, whereby the width dwelling would be elongated by approximately 3 metres, whilst maintaining the form and materials of the existing building. It is therefore considered that this approach would respect the proportions, scale and massing of the existing dwelling in accordance with the design guidance include within the Local Plan and Design Checklist.
- 5.7 Please note, some minor amendments were sought to rearrange the fenestration on front elevation to ensure the ground floor and first floor window were aligned.
- 5.8 Highway Safety and Parking
A number of representations have been received from local residents which have raised transportation concerns regarding the level of parking provision. The applicant has demonstrated that one parking space would be provided per flat, this would accord with the Council maximum parking standards within Policy T8 of the Local Plan. Furthermore, the Council Transportation Engineer has confirmed that these facilities are adequate.
- 5.9 The applicant has indicated the proposed locations for bin and cycle storage for both flats, however no detailed plans have been provided. It is considered that there is adequate space for such development. Therefore it is recommended that a condition is attached for further details to be submitted and agreed with the Local Planning Authority.
- 5.10 Furthermore, in order to mitigate the incremental damage on the North Fringe accumulated via numerous small developments a financial contribution of £900 is requested towards the North Fringe development proposal (Transport Measures). The applicant has been contact and advised of this issue.
- 5.11 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions and a S278 Highway Act legal agreement are considered the most appropriate.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That Authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission subject to conditions set out below and the applicant first voluntarily enter into an agreement under Section 278 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- 7.2 A contribution of £900 towards the North Fringe Development Proposal (Transport Matters) initiative. The reasons for this agreement are to mitigate against the impact on the Bristol North Fringe local road network to comply with Policy T12.
- 7.3 Should the section 278 agreement fail to be determined within one year of this resolution, then the application be refused on the failure to secure the contribution to mitigate against transportation impact

Background Papers **PT08/1468/F**

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

CONDITIONS

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

Reason

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

2. Within 3 months of the date of the decision details of provision of storage for refuse bins and boxes shall be submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Within 3 months from the date of the decision, detailed plans showing the provision of car storage in accordance with the standards set out in Policies T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 27/08 – 04 JULY 2008

App No.: PT08/1470/CLP
Site: 76 Lower Chapel Lane, Frampton Cotterell, South Gloucestershire, BS36 2RH
Proposal: Installation of rear dormer to facilitate loft conversion.
Map Ref: 67240 81187
Application Category: Minor

Applicant: Mr M Seymour
Date Reg: 30th May 2008
Parish: Frampton Cotterell Parish Council
Ward: Frampton Cotterell
Target Date: 25th July 2008



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This application appears on the Circulated Schedule as it is a Certificate of Lawfulness proposal.

1. THE PROPOSAL

- 1.1 A Certificate of Lawfulness for a Proposed Development has been applied for in relation to a proposed rear dormer window at this relatively modern semi-detached property on the East side of Lower Chapel Lane.
- 1.2 This application is a formal way of establishing whether what is proposed requires planning permission or not, that is to say whether the development would fall within the permitted development rights afforded to householders under the Town and Country Planning (General Permitted Development) Order 1995. Accordingly, there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) Order 1995

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. REPRESENTATIONS RECEIVED

- 4.1 Frampton Cotterell Parish Council
- 4.2 No objection

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 5.1 Proposed plans to indicate size and location of loft conversion and dormer window.

6. SUMMARY OF CONTRARY EVIDENCE

None

7. EVALUATION

The application for a Certificate of Lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO).

The site is in use as a dwellinghouse, and there is no evidence to indicate that the permitted development rights have been removed. Class B, Par1, Schedule 2 of the GPDO allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This is subject to the following restrictions:

- a) The dormer window should not be any higher than the highest part of the roof. The submitted plans show this would not be the case.
- b) The dormer window must not extend beyond any plane of the roof slope which fronts any highway. The dormer is proposed on the rear of the property which does not front onto a highway,
- c) The cubic content of the dwellinghouse should not be increased by more than 50 cubic metres. The plans show a dormer window well below 50 cubic metres in volume.
- d) The cubic content of the entire dwellinghouse should not be increased by more than 70 cubic metres or 15% of the original dwellinghouse, whichever is the greater subject to an upper limit of 115 cubic metres. The plans show that this dormer when taken together with a previous lean –to rear extension would be below 70 cubic metres in volume.
- e) The site should not comprise article 1(5) land within the meaning of the GPDO – for example this would include Conservation Areas. The site is not article 1(5) land within the meaning of the GPDO 1995.

Accordingly, the submitted plans show a development that would fall within the permitted development rights for dwellinghouses and as such planning permission is not required. To carry out this development on the submitted without planning permission would be lawful.

8. RECOMMENDATION

A Certificate of proposed Lawful Development be granted for the following reason:
The proposal falls within the permitted development rights afforded to householders under the Town and Country Planning (General Permitted Development) Order 1995. Schedule 2, Part 1, Class B.

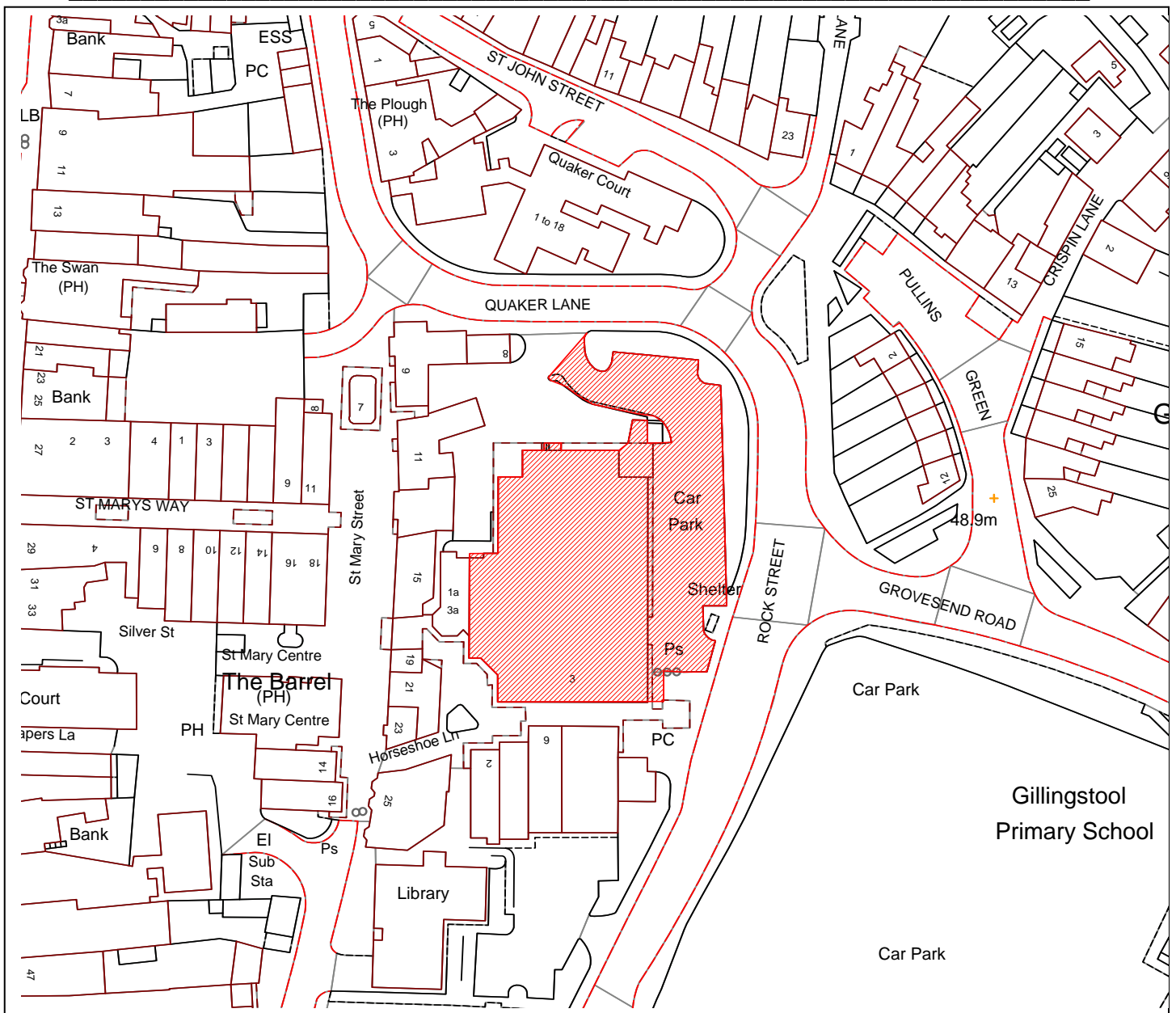
Background Papers **PT08/1470/CLP**

Contact Officer: **Helen O'Connor**
Tel. No. **01454 863430**

CIRCULATED SCHEDULE NO. 27/08 – 04 JULY 2008

App No.: PT08/1473/ADV
Site: Aldi Stores Ltd, St Marys Centre, Horseshoe Lane, Thornbury, South Gloucestershire, BS35 2AZ
Proposal: Display of 1 no. halo illuminated fascia sign, 3 no. wall mounted internally illuminated signs and 1 no. pole mounted internally illuminated sign (Resubmission of PT08/0439/ADV)
Map Ref: 63797 90041
Application Category: Minor

Applicant: Aldi
Date Reg: 2nd June 2008
Parish: Thornbury Town Council
Ward: Thornbury North
Target Date: 11th July 2008



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This application appears on the Circulated Schedule following the receipt of objections from the Town Council, local conservation groups and a Local Resident.

1. THE PROPOSAL

- 1.1 The applicant seeks retrospective advertisement consent for the erection of the following signs:
- 1no. halo illuminated fascia sign;
 - 3no. wall mounted internally illuminated signs; and
 - 1no. pole mounted internally illuminated sign.

1.2 The application site relates to modern retail unit which forms part of St. Mary Shopping Centre, situated within the Thornbury Conservation Area.

1.3 This application follows the previously refused application PT08/0439/ADV which was refused for the following reasons:

The proposed development is located within Thornbury Conservation Area, the character and appearance of which it is desirable to preserve and enhance. The proposed advertisements, by virtue of the combined affects of their colours, level of illumination, size, form and the quantity, would cause harm to visual amenity and the character and appearance of the conservation area, contrary to national guidance set out at PPG15 and policies L12 and L19 of the South Gloucestershire Adopted Local Plan (Adopted) January 2006.

1.3 N.B. This application relates to the advertisements which were agreed through pre-application discussions with the applicant and their agent. The pole mounted adjacent to Quaker Lane does not form part of this application. It is being dealt with through the concurrent application PT08/1508/ADV.

2. POLICY CONTEXT

2.1 National Guidance

PPG19: Outdoor Advertisement Control
PPG15: Planning and the Historic Environment

2.2 South Gloucestershire Local Plan (Adopted) January 2006

L19: Display of Advertisements
L12: Conservation Areas

2.3 Supplementary Planning Guidance

Thornbury Conservation Area Advice Note: 12 (Adopted) March 2004

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/0439/ADV Display of 1 no. internally illuminated fascia sign, 4 no. wall mounted internally illuminated signs and 2 no. pole mounted internally illuminated signs
Refused on 7th April 2008
- 3.2 PT07/2908/ADV Display of 3 no. internally illuminated fascia panels and 1 no. acrylic vinyl window sign.

(Lloyds Pharmacy, Horseshoe Lane)

Refused on 16 November 2007

- 3.3 P97/2265/A Display of 4no. 6-sheet illuminated advertising panels
Refused on 28 October 1997
- 3.4 Various other advertisement applications between 1982 and 1983.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Object – Internally illuminated signs are not permitted within the Conservation Area and there is no reason to make an exception in this case. The effect of the signs would detract enormously from the character of the Thornbury Conservation Area. The effect of the internal illumination sign on the pole at the entrance to the car park is not only visually obtrusive and dominating in the Conservation Area, it also has a detrimental affect on the elderly residents of Quaker Court.

4.2 Archaeology and Conservation Officer

I take the view that on balance, the signage will not have an adverse impact on the character of the Conservation Area and would support the current application subject to conditions ensuring the illumination is turned off out of shop opening hours.

4.3 Sustainable Transport

No objection

4.4 Thornbury District Heritage Trust

Objection – The applications relate the newly refurbished Aldi store located in a prominent position within the Thornbury Conservation Area. It is both adjacent to and within sight of a number of listed buildings within the Conservation Area and therefore has a significant impact on the visual appearance and character of the area.

4.5 Concern for Thornbury

Object – illuminated signs in Thornbury has been discouraged to keep the rural feel in the town.

4.6 Local Residents

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

- A. Detriment to character of town;
- B. Illuminated at night; and
- C. Very bright and tacky;

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The display of outdoor advertisement is controlled through the Town and Country Planning (Control of Advertisements) Regulations 1992. Advertisements can only be controlled in the interests of visual amenity and public safety, which is reiterated at local level with Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.2 Visual Amenity and Impact on the Conservation Area

The application site relates to a modern building which forms part of the St. Mary Shopping Centre complex. The site is situated within the heart of the Thornbury Conservation Area and is surrounded by many historic buildings. The shopping centre has been designed to respect its historic context, as such any advertisements need to adopt a sensitive design solution to ensure the character and appearance of the area is not compromised.

5.2 The proposed advertisement scheme involves the installation of a number of signs, the implications of these on visual amenity and the Conservation Area are considered below:

5.3 **Facia sign**

The fascia sign is situated on the eastern elevation which faces onto Rock Street. This is a prominent position on the roof of the trolley bay canopy, which is clearly visible from Rock Street and from the junction with Grovesend Road. The fascia sign is approximately 4.8 metres in width and 0.6 metres in height and is mounted on the existing brackets used for previous signage. The advertisement includes two ALDI logos (coloured light blue) and would have the lettering "ALDI" (finished in stainless steel on a grey background). It is considered that the scale and design of the signs respect the proportions and appearance of the existing building. As such, this sign does not adversely impact visual amenity or the character of the Conservation Area.

5.4 **Wall-mounted internally illuminated signs**

The application includes three wall-mounted internally illuminated signs on the south, east and north elevations. This application does not include the sign on the west elevation, which is subject to separate enforcement action.

In the previous refused application (PT08/0439/ADV) it was noted that these style of signs were excessively boxy and would project some distance from the elevations. The sign on the eastern is set behind a trolley bay and the sign on the northern elevations is well away from the highway. As such, the siting of the signage would mitigate the impact of the signs themselves. The sign on the south elevation is inset into the window panel, therefore the sign does not project excessively at this location. In view of these features, it is considered that the signs would not adversely affect visual amenity. Furthermore, the Conservation Officer commented "...the building is a modern one and the signage is appropriate in terms of scale to that building and is not felt to have an adverse impact on the character of the Conservation Area here"

5.5 **Pole mounted internally illuminated sign**

This application includes one pole mounted internally illuminated sign which is 5.8 metres in height and 1.9 metres in width. In the previous application, a similar sign was proposed which was approximately 2.6 metres in width and 7.6 metres. This was considered to be excessively high for a town centre location which is designated as a Conservation Area. Following discussions with the applicant, the height of the sign was reduced by 1.8 metres and its width was reduced by 0.5 metres. It is considered that these amendments to the signs scale have significantly reduced its impact upon visual amenity and the character of the Conservation Area. This was reiterated by the Conservation Officer who commented:

"The most controversial element of this application is the pole mounted sign at Rock Street entrance to the site. Whilst this will be prominent, the sign is read

in contact with the modern building beyond and the modern entrance to the shopping centre. The planting to the north screen the sign from the historic parts of the Conservation Area round Pullens Green and St. John Road.”

5.6 **Internal Illumination**

All of the signs in this application would be internally illuminated. Given the number of signs, it is considered that the cumulative effect of illumination of these signs would not be appropriate due to its context within the Conservation Area. Nevertheless, it is recognised that retail centres require a degree of illumination to have a sense of vitality. Furthermore, the signs in this application are situated in a modern shopping centre which is away from the historic core of the Conservation Area. Therefore, in these circumstances it is recommended that a condition is attached to ensure that the illumination is turned off outside of the shops opening hours.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

7.1 Advertisement consent to be **GRANTED** subject to the following condition:

Background Papers **PT08/1473/ADV**

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

CONDITIONS

1. The advertisements hereby permitted shall not be illuminated outside of the supermarkets opening hours.

Reason

To maintain visual amenity and the character and appearance of the Thornbury Conservation Area, and to accord with Policy L19 and 12 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 17

CIRCULATED SCHEDULE NO. 27/08 – 4 JULY 2008

App No.: PT08/1506/F
Site: 142 Bush Avenue, Little Stoke, South Gloucestershire, BS34 8NF

Applicant: Mr & Mrs G Morley
Date Reg: 3rd June 2008

Proposal: Erection of single storey rear extension to provide additional living accommodation

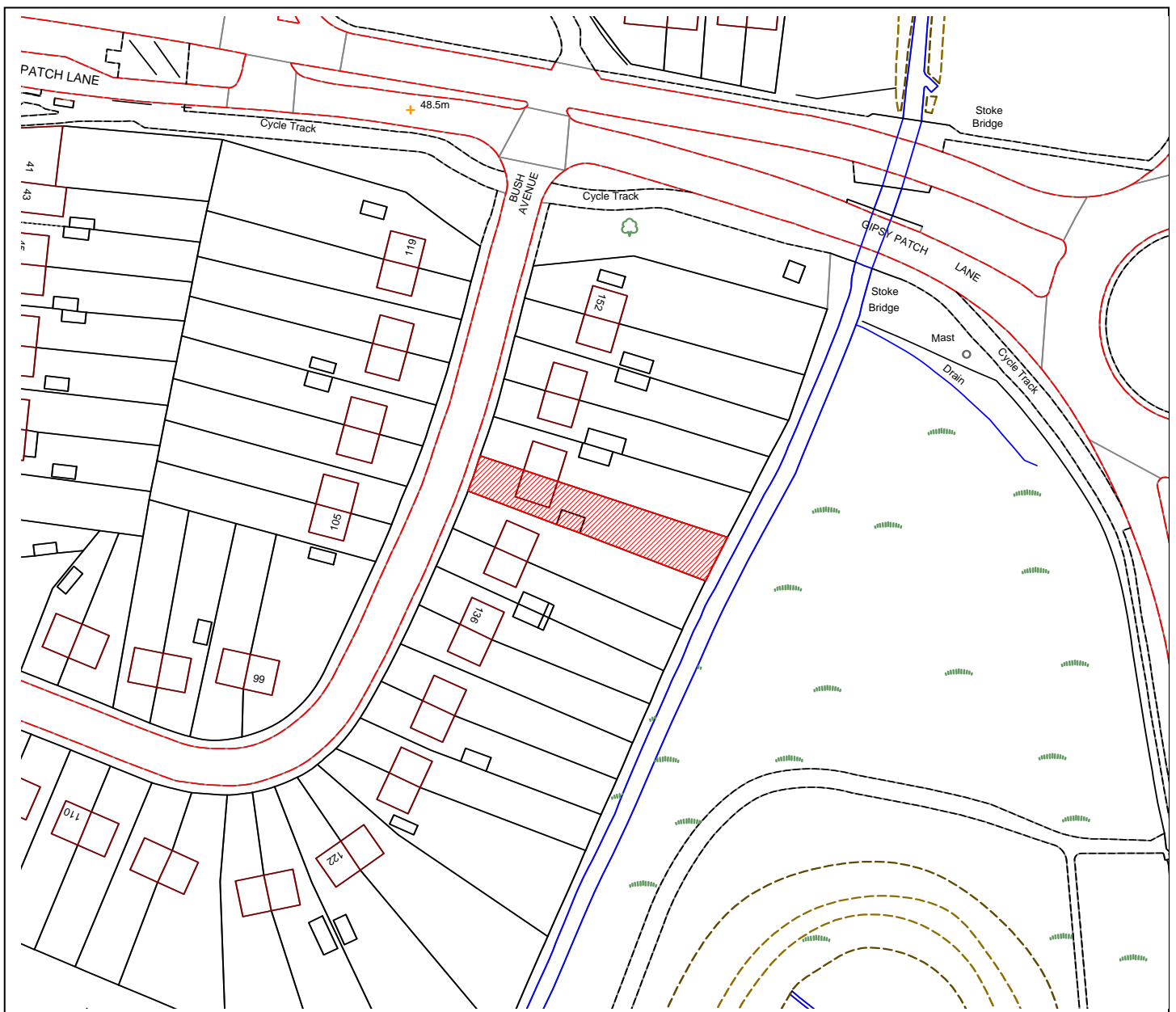
Parish: Stoke Gifford Parish Council

Map Ref: 61773 80439

Ward: Stoke Gifford
Target Date: 18th July 2008

Application Category: Minor

Date:



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100023410, 2008.

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1 N.T.S

PT08/1506/F

The application appears on the Circulated Schedule in view of the concerns raised by the adjoining neighbour.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a single-storey rear extension to provide an extended kitchen and dining room.
- 1.2 The application site forms a semi-detached two-storey dwelling on the east side of Bush Avenue, Little Stoke.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: House Extensions
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N3728: Erection of two-storey side extension to provide garage with bedroom and study over. Refused: 3 November 1977
- 3.2 N3728/1: Erection of single-storey rear extension. Permitted: 27 July 1978
- 3.3 N5314/1: Erection of car port and front porch. Permitted: 1 July 1982
- 3.4 PT01/0177/F: Single-storey rear extension and conservatory. Permitted: 13 February 2001

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comment
- 4.2 Other Consultees
Technical Services (Drainage): No objection in principle

Other Representations

- 4.3 Summary of Local Residents Comments
One letter received expressing the following concerns:
 - 'No protest against the proposed extension providing the following points are strictly observed';
 - The 'complete project must be totally contained and conducted' within the site boundaries (including foundations);

- Any damage caused to the neighbouring property/ fences etc must be 'rectified expediently' at the applicants' expense.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design/ Visual Amenity

The application site comprises a semi-detached two-storey dwelling on the east side of Bush Avenue, Little Stoke. The application seeks approval for a single-storey rear addition to provide an extension to the kitchen and dining rooms; this would replace an existing conservatory.

5.3 The build would encompass the full width of the original dwelling and project 3.3m into the rear garden area. It would be covered by a lean-to roof with patio doors to the rear of the dining room and with a window to the kitchen. Materials would match those of the existing dwelling.

5.4 In view of the rear positioning of the proposal, it would not appear readily visible from the public viewpoints. As such, and in the light of the above, the proposal is considered acceptable and in keeping with the general character of the area.

5.5 Residential Amenity

The adjoining dwelling to the north of the application site is devoid of any rear extensions whilst screening is provided by a 1m high (approx.) boundary wall with fencing above (approx 1m). Nevertheless, in view of the size of the build and with no side facing windows proposed, it is not considered that any significant adverse impact in residential amenity would be caused.

5.6 The proposal would be inset from the southern flank boundary and thus having regard again to the size and positioning of the build, it's not considered that any significant adverse impact in residential amenity would be caused.

5.7 In response to the concerns raised, the grant of permission would not authorise works beyond the application site with the consent of the adjoining landowner firstly required; an explanatory informative would be added to any approval.

5.8 Design and Access Statement

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

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/1506/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. No windows shall be inserted at any time in the north elevation of the property as extended.

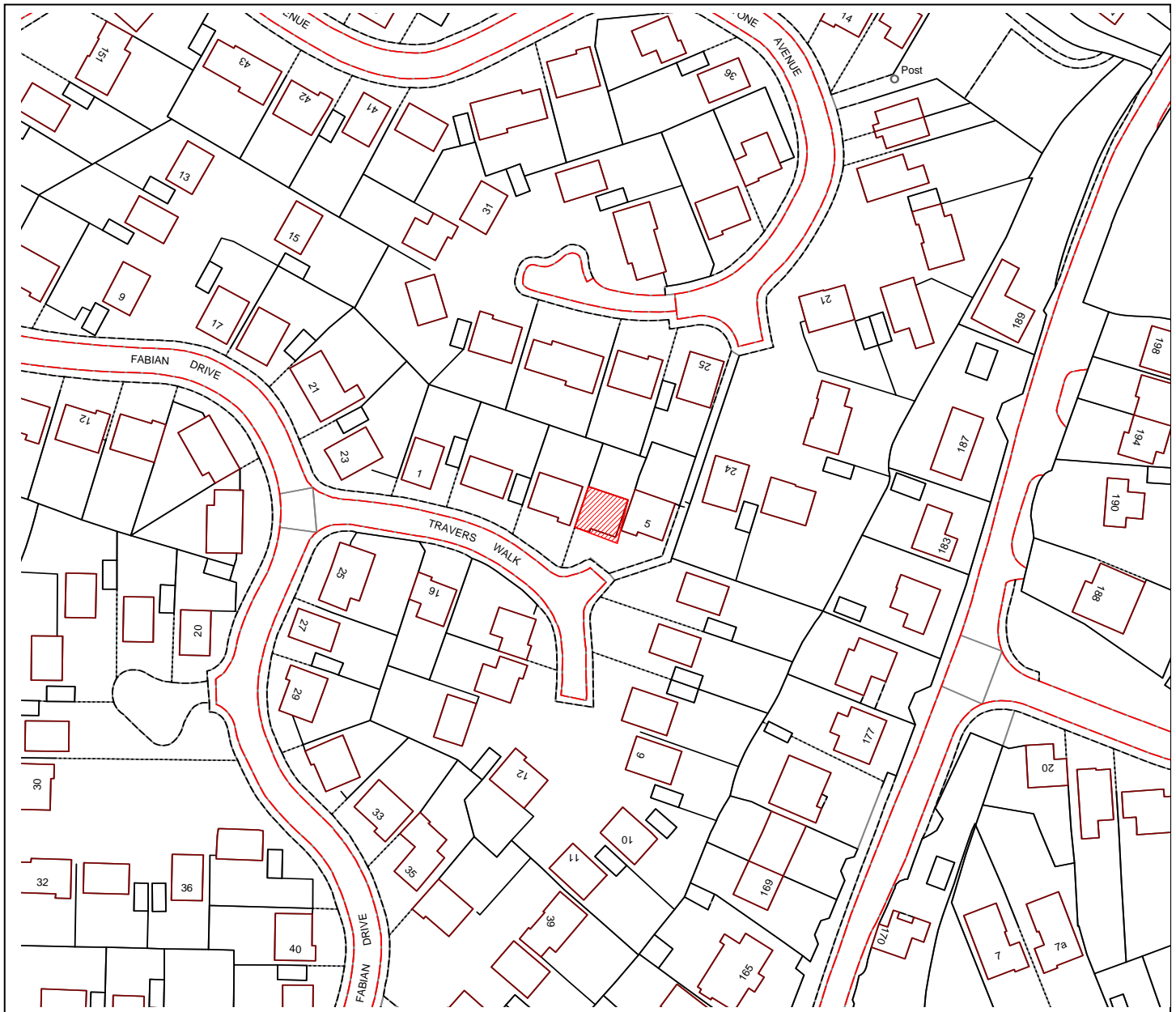
Reason(s):

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

CIRCULATED SCHEDULE NO. 27/08 – 4 JULY 2008

App No.: PT08/1558/F
Site: 4 Travers Walk, Stoke Gifford, South Gloucestershire, BS34 8XW
Proposal: Erection of rear conservatory.
Map Ref: 62556 80066
Application Category: Minor

Applicant: Mr P C Carter
Date Reg: 10th June 2008
Parish: Stoke Gifford Parish Council
Ward: Stoke Gifford
Target Date: 29th July 2008



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N.T.S

PT08/1558/F

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

1. THE PROPOSAL

- 1.1 This application relates to the erection of a rear conservatory at 4 Travers Walk, Stoke Gifford. The extension measures 3m in depth, width and ridge height. The property is detached in nature and located to the end of a cul-de-sac. Access to the property is to the front of the site. The site lies within the urban area of Stoke Gifford.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P88/2243 Erection of part two storey and part first floor extension. Approved 3 August 1988.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection.

Other Consultees

- 4.2 Sustainable Transport
No objection.

Other Representations

- 4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
a) proposal will obscure a dining room window and result in loss of light.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and street scene and

would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space.

- 5.2 It is considered that the application accords with the above policy criteria. The size and design of the extension is in keeping with the existing property and other similar extensions are evident within the locality. With regard to residential amenity it is recognised that the neighbouring property of 5 Travers Walk has a single storey rear extension that directly abuts the site boundary. This extension also has a high level window and serves a dining room. By way of background, planning permission for this extension, when granted in 1988 under planning reference P88/1632, described the development as a utility room and was therefore not a habitable room. In addition, no window was shown or permitted in the side elevation of the approved plans.
- 5.3 This window is a secondary window and the dining room is also served by a door and window to the rear elevation. It is not considered that this proposal will materially affect the light to a high level window. Furthermore, a 2m boundary fence or other boundary treatment could be erected in front of this window without the need for planning permission. It is also considered that any loss of light/obstruction of this window would be limited in any event due to the nature of construction of the proposed conservatory. The conservatory is also located over 1m away from the window. It would therefore be unreasonable to refuse the application on this basis.
- 5.4 The proposal also only marginally extends beyond the rear building line of the neighbouring extension. In addition, 1.8m fencing also runs along this boundary. As such no overbearing impact will result from the proposal. Adequate garden area will remain and access/parking arrangements are unchanged by the proposal. The application therefore accords with the adopted development plan and is acceptable.
- 5.5 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 Planning permission be granted.

Background Papers **PT08/1558/F**

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

CONDITIONS

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

Reason

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