

**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. 10/08**

**Date to Members: 07/03/08**

**Member's Deadline: 14/03/08**

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

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

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

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

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

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

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

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

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

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

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

## CIRCULATED SCHEDULE

**DATE: 07/03/08**

**SCHEDULE NO. 10/08**

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

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

**DATE .....**

**Dates and Deadlines for Circulated Schedule  
over the Easter and Bank Holiday periods 2008**

<b>Schedule Number</b>	<b>Date to Members 12 noon on</b>	<b>Members Deadline 12 noon on</b>
12/08	Thursday 20 March 2008	Monday 31 March 2008
18/08	Thursday 1 May 2008	Friday 9 May 2008
21/08	Thursday 22 May 2008	Friday 30 May 2008

# Circulated Schedule 07 March 2008

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATIO</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK07/1566/LB</b>	Approve with conditions	18 Horse Street Chipping Sodbury South Gloucestershire BS37 6DB	Chipping Sodbury	Sodbury Town Council
2	<b>PK07/3538/ADV</b>	Approve with conditions	Aldermoor Way Retail Park Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Longwell Green	Oldland Parish Council
3	<b>PK08/0138/F</b>	Approve with conditions	H J Jefferies Ltd, 58 Westerleigh Road, Downend, South Gloucestershire, BS16 6AH	Rodway	Downend and Bromley Heath
4	<b>PK08/0216/TRE</b>	Approve with conditions	7 Gabriel Close, Cadbury Heath, South Gloucestershire, BS30 8FG	Parkwall	Oldland Parish Council
5	<b>PK08/0244/F</b>	Approve with conditions	1 Sandhurst, Yate, South Gloucestershire, Yate, BS37 4JQ	Yate Central	Yate Town Council
6	<b>PK08/0279/F</b>	Refusal	The Gatehouse 71 Church Road Wick South Gloucestershire BS30 5PE	Boyd Valley	Wick and Abson Parish Council
7	<b>PK08/0315/F</b>	Approve with conditions	Land To The Rear Of 31 Cossham Street Mangotsfield BS16 9EH	Rodway	Mangotsfield Rural Parish Council
8	<b>PT08/0062/F</b>	Approve with conditions	216 North Road Stoke Gifford South Gloucestershire BS34 8RL	Stoke Gifford	Stoke Gifford Parish Council
9	<b>PT08/0180/F</b>	Approve with conditions	34 Albert Road, Severn Beach, South Gloucestershire, BS35 4PT	Pilning and Severn Beach	Pilning and Severn Beach
10	<b>PT08/0199/F</b>	Approve with conditions	First Floor Flat, 123 Gloucester Road North, Filton, South Gloucestershire, BS34 7PY	Filton	Filton Town Council
11	<b>PT08/0222/F</b>	Approve with conditions	Orchard View, Old Gloucester Road, Winterbourne, South Gloucestershire, BS36 1RZ	Winterbourne	Winterbourne Parish Council
12	<b>PT08/0274/CLP</b>	Approve	Airbus UK Ltd, Building 07AH, New Road, Filton, BS99 7AR	Patchway	Almondsbury Parish Council
13	<b>PT08/0280/CLP</b>	Refusal	6 Snowberry Close, Bradley Stoke, South Gloucestershire, BS32 8GB	Bradley Stoke	Bradley Stoke Town Council
14	<b>PT08/0320/F</b>	Approve with conditions	Richmond House 65 High Street Thornbury South Gloucestershire BS35 2AP	Thornbury North	Thornbury Town Council

**CIRCULATED SCHEDULE NO. 10/08 – 07 MARCH 2008**

**App No.:** PK07/1566/LB

**Applicant:** Mr M Iqbal Chicken  
Perfect

**Site:** 18 Horse Street Chipping Sodbury  
BRISTOL South Gloucestershire BS37  
6DB

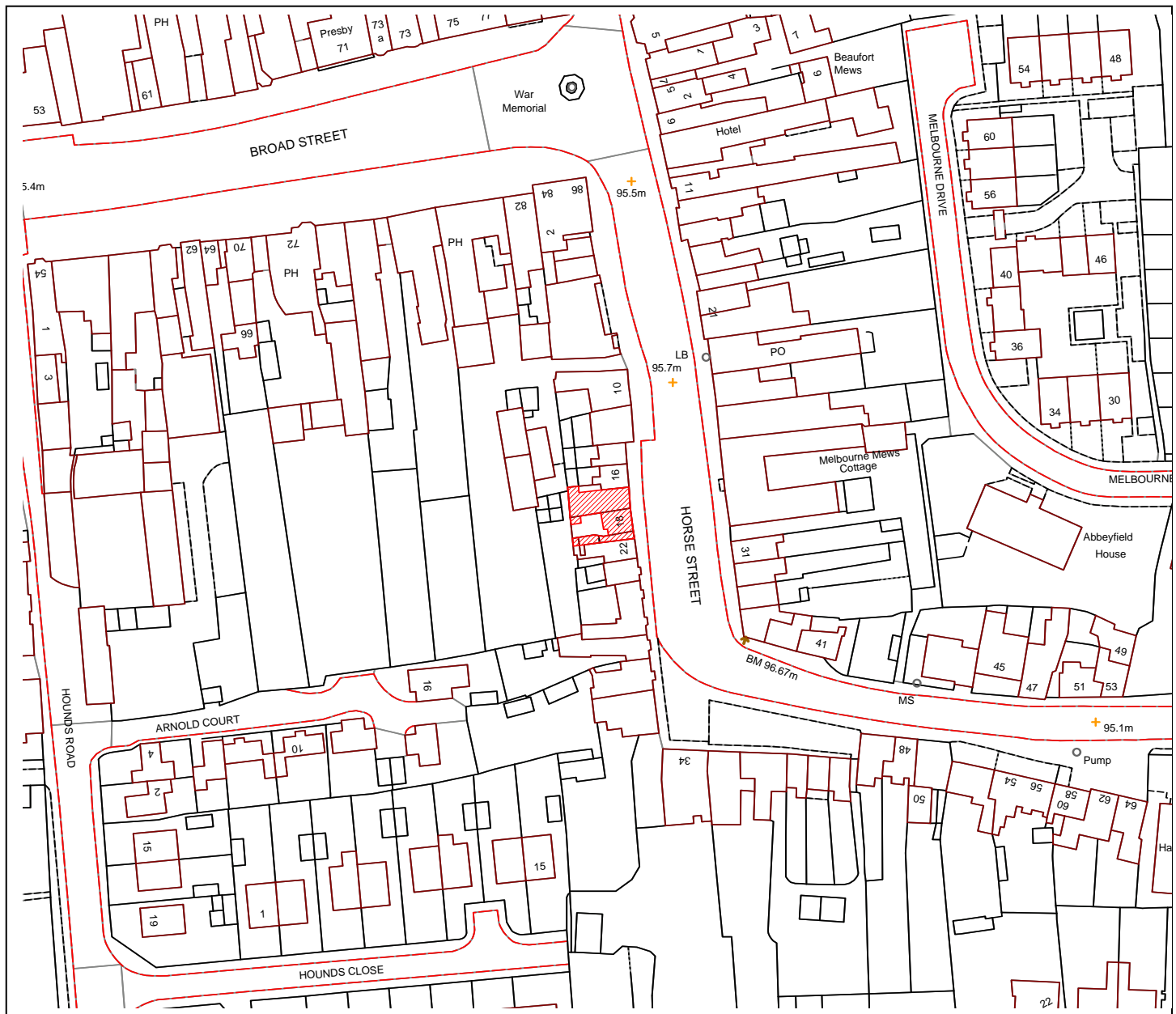
**Date Reg:** 21st May 2007

**Proposal:** Internal and external alterations to  
facilitate use of premises for hot food  
takeaway and seating area.  
(Retrospective).

**Parish:** Sodbury Town  
Council

**Map Ref:** 72926 82147

**Ward:** Chipping Sodbury



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**N.T.S**

**PK07/1566/LB**

## **INTRODUCTION**

This application is referred to the Circulated Schedule due to objections to the proposed scheme being received by the local Town Council and local residents.

### **1. THE PROPOSAL**

- 1.1 This application seeks retrospective listed building consent for internal alterations to accommodate the the change of use of the ground floor of two units from an A1 retail use (No.16b) and a C3 residential use (No.18) to a mixed use of a restaurant (A3) and a takeaway (A5). The existing uses of the building have changed since submission and this will be discussed later within the report. The hours of operation are stated as being from 11am to 11pm. No.18 is Grade II listed and both units are also located within the Chipping Sodbury Conservation Area and also the Horse Street Secondary Retail frontage area.
- 1.2 The application also seeks planning permission to extend an existing chimney so it would terminate 1 metre above the ridge height (it currently terminates at 500mm) and install an up graded extraction system up through an existing chimney. The applicant has however confirmed that no significant changes will be made to the internal layout of the building, as previous alterations are to be utilised and only minor reversible alterations to the original fabric will be made to facilitate to the conversion.
- 1.3 Previously No's 16b and 18 were used as an unauthorised café/ tearoom (from around 2001). It is considered that during this use that the unauthorised internal alterations were undertaken – stripping out of internal features and creation of internal link between the two units.
- 1.4 This application follows two previous applications for the retrospective consent for both the change of use and advertisement consent, both of which were refused due to a lack of detailed information submitted in support of the application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG15 Planning and the Historic Environment
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
L13 Listed Buildings

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

- 3.1 N3622 – Change of Use of No's 14 and 16 at ground floor level from residential use to retail with flats above. Approved 15 September 1977.
- 3.2 P85/2383 – Conversion of Store (No.16b) to lock-up shop. Installation of window. Approved 20 November 1985.

- 3.3 PK06/0867/ADV – Display of 1no. illuminated sign. Refused 03/05/06.
- 3.4 PK06/0863/F – Retrospective change of use from retail (A1) to mixed use café/restaurant (A3/A5). Refused 08/05/06.
- 3.5 PK07/1680/F - Retrospective change of use from retail (A1) to mixed use café/restaurant (A3/A5). Approved 05/10/07.

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

##### **4.1 Sodbury Town Council**

Objection of the grounds of public nuisance; noise level; health and safety; smell; traffic congestion; late night anti-social behaviour; parking problem; and litter.

##### **4.2 Other Consultees**

###### **Wessex Water**

Attention is drawn to a serious blockage in the sewers in Horse Street, which resulted in complaints from the residents. Jetting works with follow up CCTV camera surveys helped alleviate the problem of fat build up.

Therefore approval is to be recommended, a fat trap should be installed to help assist our attempts to keep the sewer clear and fat free.

#### **Other Representations**

##### **4.3 Local Residents**

9no. consultation responses were received from local residents which expressed the following summarised objections to the proposed scheme:

1. No.18 does not have an authorised retail use and so following the ceasing of the unauthorised commercial kitchen use, it should be reinstated as a dwellinghouse;
2. Previously the area outside the takeaway was not kept clean and tidy;
3. The side passage way was used for storage with rubbish bins on the pavement;
4. The pavement outside was covered in grease;
5. There is a fire risk due to the use and the timber framed construction of the buildings and so what fire insulation and precautionary works are being proposed?;
6. Proposal will lead to on-street parking problems and obstruction for existing neighbours;
7. The operation of the previous business resulted in offensive cooking odour;
8. Installation of extraction systems and the heightening of a chimney are out of character for such a listed building;
9. The previous operation created disturbance from customers arriving, consuming and leaving the premises;
10. The operation of a takeaway from the premises detracts from the setting of historic group of late 17<sup>th</sup> century cottages;
11. Unauthorised structural changes to internal and external walls harm the character of the building;
12. Unauthorised use of external blue paint is not in keeping with character of area;
13. The proposal would be contrary to Policy RT10, as it would “*undermine the established character of the secondary frontage*”;



14. The design of the shop frontage is not appropriate for an historic building within the Chipping Sodbury Conservation Area;
15. The previous use of the premises for a takeaway lead to anti-social behaviour from noisy and intoxicated crowds gathering in the late evening causing also an increase in crime and disorder;
16. No.18 has an authorised use as a residential unit until its unauthorised use a kitchen for the commercial premises at No.16b which began in 2001; and
17. The kitchen was fitted out in 2004 without the benefit of planning permission;
18. No.16b was previously a dress shop, prior to its use as a café in 2001

## **5. ANALYSIS OF PROPOSAL**

- 5.1 The use of the premises for a takeaway can not be considered to detract from the character and appearance of a Conservation Area, as such a view would be unreasonable and unsustainable. The key test is whether the alterations to the building would or have either preserved or enhanced the character and appearance of the listed building.
- 5.2 Externally bar a non-illuminated fascia board sign, there have been no external alterations. Previously unsympathetic internally illuminated signage has been removed and no replacements at this stage are being proposed. The blue painted shop front is rather unfortunate, but there are no controls over painted finishes to a non listed building. In view of the above, it is therefore considered that the use of the two units for takeaway/ restaurant purposes as proposed would preserve the character and appearance of the Chipping Sodbury Conservation Area.
- 5.3 With regard to the internal alterations to No.18, there are no objections to the creation of an opening between the two units, and such a feature is reversible. It is considered that a number of original features may have been lost when the kitchen was created some 6 years ago, but without knowing what was lost, the Enforcement Manager previously concluded that it would not be expedient to take any action in light of the lack of evidence on what was removed and also the scale of the unit.
- 5.4 The use of tiles for surface finishes is clearly not in keeping with the character of a listed dwellinghouse, but that is not to say that that there would be an objection if the use is to be changed. Again although tiles may not be the most appropriate option for such a building, they could be removed once the use ceased with original or more sympathetic surfaces restored. Therefore it is not considered the case that kitchens, especially commercial kitchens within listed buildings should not be tiled as a matter of principle. The extension of an existing chimney with materials to match existing is also considered a minor alteration of no significance.
- 5.5 One of the few features that remain in situ is however the fire surround. Although the applicant suggests that any alteration would be minimal, further details would be required and so a condition is to be attached to the listed building application to required large scale details of any alterations to the existing fireplace.

## **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 listed building 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 Listed Building consent is to be GRANTED subject to the following conditions.

**Background Papers**      **PK07/1566/LB**

**Contact Officer:**      **Robert Nicholson**

**Tel. No.**                      **01454 863536**

### **CONDITIONS**

1. Large scale details are to be submitted to the local planning authority detailing the alterations required to the fire surround and the chimney to accommodate the proposed extraction system. These details are to be submitted prior to any alterations being undertaken.

Reason:

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

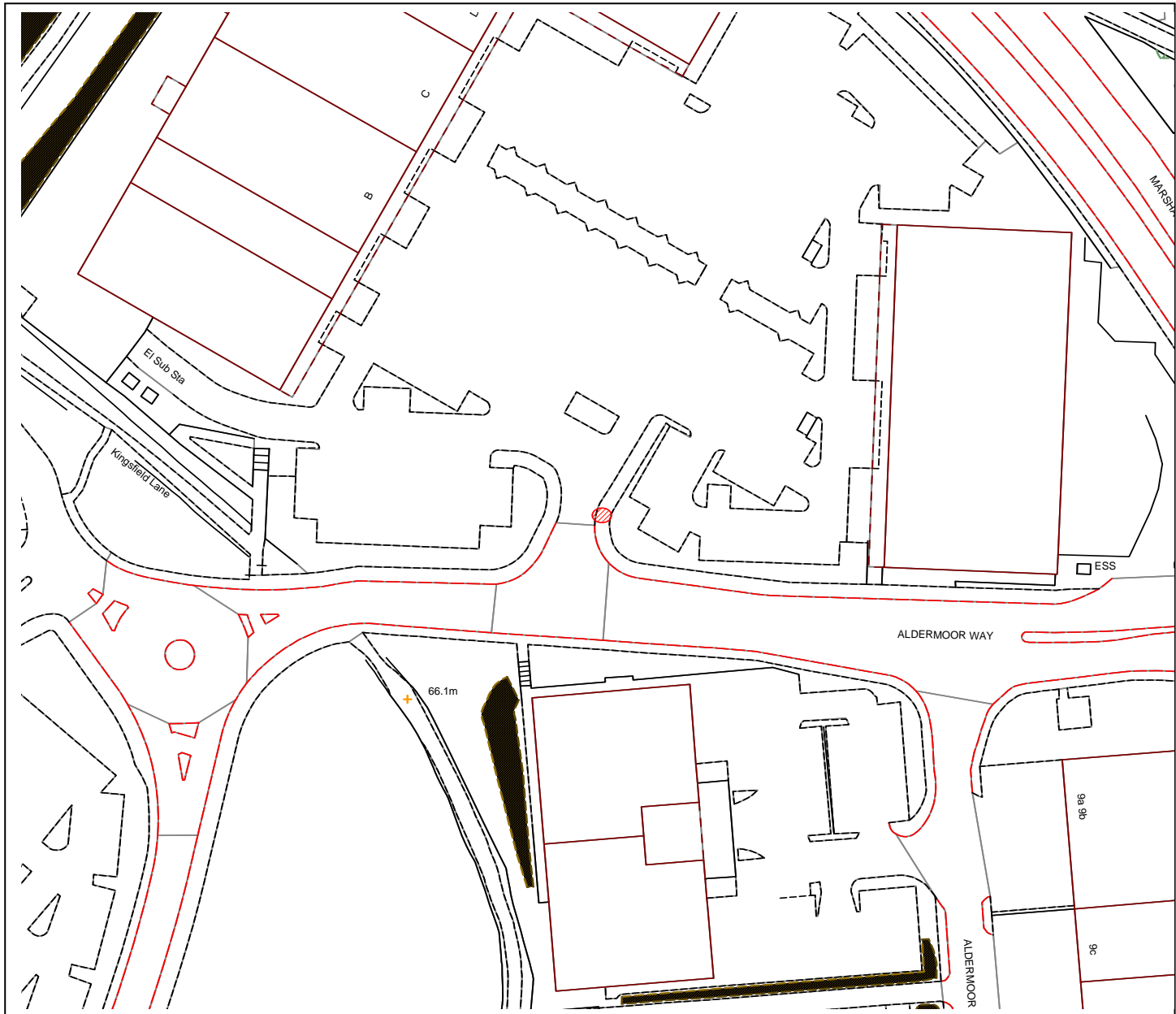
2. The extension to the existing chimney is to be constructed from re-claimed bricks to match existing. A sample of the bricks to be used is to be submitted to the local planning authority for written approval.

Reason:

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

## CIRCULATED SCHEDULE NO. 10/08 – 07 MARCH 2008

<b>App No.:</b>	PK07/3538/ADV	<b>Applicant:</b>	Miss L Busby
<b>Site:</b>	Aldermoor Way Retail Park Aldermoor Way Longwell Green BRISTOL South Gloucestershire BS30 7DA	<b>Date Reg:</b>	3rd December 2007
<b>Proposal:</b>	Display of 1 no. internally illuminated static/scroller free standing sign.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	65479 71964	<b>Ward:</b>	Longwell Green



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**N.T.S**

**PK07/3538/ADV**

The application appears on the circulated schedule as representations have been received contrary to the officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks advert consent for the display of 1 no. internally illuminated static/scroller free standing sign.
- 1.2 The site consists of the entrance to part of the Aldermoor Way Retail Park, within the urban area of Longwell Green. The proposed sign, including the stand, is a total of 3.2m high, 1.6m wide and 0.18m deep, with a tubular steel support structure. The plans have been amended to take on board the comments of the Highway Officer, so the proposed sign runs parallel with the landscaping at the rear of the pavement.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG19 Outdoor Advertisement Control
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
L19 Display of Advertisements

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK07/0735/ADV Display of 1 no. internally illuminated freestanding 4.60m high advertisement display panel. Refused April 2007 for the following reason:  
The proposed advertisement by reason of its size, height, location and appearance would detract from the visual amenity of the locality contrary to Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
Objection of the grounds of the Parish Council's policy to object to internally illuminated signage on the grounds of light pollution.

### **Other Representations**

- 4.2 Local Residents  
One local resident has objected to the scheme on the grounds of light pollution and states that further advertising will worsen this problem and is not appropriate for a suburban residential area.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The application is for an advert only, so the only issues that can be assessed are public safety and amenity.

- 5.2 With regard to public safety, the Highway Officer originally objected to the scheme on the grounds that it interfered with pedestrian movements. The advert has therefore been moved so that is situated at the rear of the pavement, running parallel with the existing landscaping, so that pedestrian movements would not be obstructed by the proposal. There is therefore no objection to the advert on public safety grounds.
- 5.3 In terms of visual amenity the proposed advert is considerably lower in height than the previously refused advert. The previously refused advert was on a pole 2.5m high, with the total height of the advert at 4.6m. The proposed advert is set on two 'legs' 1.3m high, with a total height of 3.2m. This is a considerable visual improvement on the previous refusal, and is considered appropriate for location within a retail park.
- 5.4 Concerns have been raised by the Parish Council and the local resident with regard to light pollution. However, the proposed advert is located in an existing retail park, some considerable distance from the nearest residential properties, and as such, the proposed illuminated advert is considered appropriate. The applicant's have agreed to switch off all illumination on the advert by 9pm, which is when the shop closes, and this will be conditioned. It is considered that given the location of the proposed advert, within a well established retail park, and the relatively small size of the advert, a refusal on the grounds of light pollution could not be successfully defended at an appeal.

## **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 advertisement consent be GRANTED subject to the following conditions:

**Background Papers**      **PK07/3538/ADV**

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

### **CONDITIONS**

1. The illumination on the advert hereby approved shall be switched off completely between the hours of 0830 hours to 2100 hours.

Reason:

To safeguard the amenity of the locality, and to accord with Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 10/08 – 07 MARCH 2008**

**App No.:** PK08/0138/F  
**Site:** H J Jefferies Ltd, 58 Westerleigh Road, Downend, South Gloucestershire, BS16 6AH

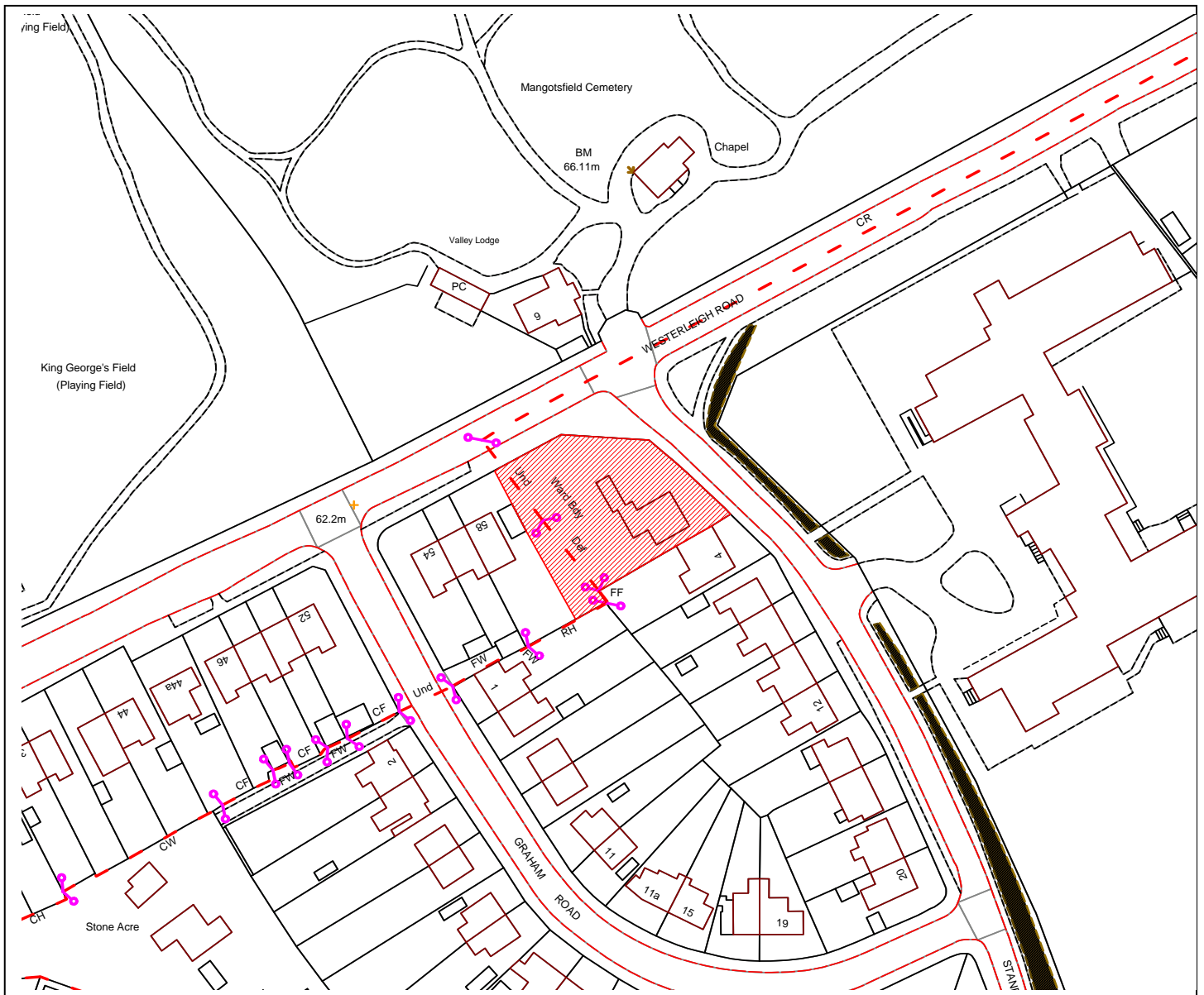
**Applicant:** H.J Jefferies Ltd  
**Date Reg:** 15th January 2008

**Proposal:** Demolition of existing workshop and offices to facilitate the erection of 3 no. dwellings and 1 no. showroom (Class A1) with 1 no. flat over with associated works.

**Parish:** Downend and Bromley Heath

**Map Ref:** 65624 76906

**Ward:** Rodway



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## **Introduction**

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

## **1. THE PROPOSAL**

- 1.1 The application relates to H.J.Jefferies Ltd. Monumental Masons yard, located at the corner of Westerleigh Road and Stanbridge Road, directly opposite Downend Cemetery. The site is currently occupied by a workshop and office, external production area, parking and loading area, and external areas for the display of gravestones. Two-storey residential properties lie within Stanbridge Road and Westerleigh Road to either side of the site and in Graham Road to the rear; Stanbridge Junior School lies opposite the site frontage on Stanbridge Road.
- 1.2 It is proposed to demolish the existing buildings and cease gravestone production on the site. It is then proposed to erect three new two-storey, three-bed houses; two semi-detached on the Westerleigh Road frontage and one detached on the Stanbridge Road frontage, with a new showroom and office, with flat above, on the corner plot in-between the new houses. An external display area would adjoin the new showroom from where gravestones would continue to be sold.
- 1.3 The existing vehicular access and parking area on the corner of the site would serve the new showroom. The new 2-bedroom flat above the Showroom would be served by a separate parking area accessed off Stanbridge Road. Plot 1 would also have its own parking area and access off Stanbridge Road. The existing access off Stanbridge Road, adjacent to no. 4, would be extended into the rear of the site where 4no. new parking spaces would serve plots 3 and 4.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

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

### **2.2 Development Plans**

#### **Joint Replacement Structure Plan (Adopted) Sept. 2002**

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

#### **South Gloucestershire Local Plan (Adopted) 6th January 2006**

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within Existing Urban Areas and Defined Settlements
- L17 & L18 - The Water Environment



- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP7 - Unstable Land
- H2 - Residential Development within the existing Urban Area
- H6 - Affordable Housing
- RT8 - Small Scale Retail Uses within the Urban Areas
- LC2 - Provision of Education Facilities
- T7 - Cycle Parking Provision
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

The South Gloucestershire Design Check List (SPD) Adopted 23<sup>rd</sup> August 2007.

**3. RELEVANT PLANNING HISTORY**

- 3.1 P77/4546 - Extension to workshop for storage and provision of toilet facilities (Previous ID: K2049).  
Approved 30<sup>th</sup> Nov 1977
- 3.2 P79/4389 - Workshop and office extension with flower display area. Total floor area approx. 430sq.ft. (40 sq.m.) (Previous ID: K2049/1).  
Approved 14<sup>th</sup> November 1979.
- 3.3 PK04/2008/F - Erection of 3no. dwelling houses with garages car parking and associated works..  
Withdrawn 16<sup>th</sup> December 2004

**4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No Objection.
- 4.2 Other Consultees  
None

**Other Representations**

- 4.3 Local Residents  
Two letters of objection were received from local residents. The concerns raised are summarised as follows:
  - Loss of security for the rear gardens of 1 & 3 Graham Road.
  - Overlooking of the garden of 1 Graham Road.
  - Loss of view for occupants of 1 & 3 Graham Road.
  - Loss of light to 3 Graham Road.

**5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield windfall site. There is therefore no in-principle objection to the re-development of the site for mixed residential and

A1 use. Whilst gravestone production would cease on the site, the sale of gravestones would continue from the Showroom and by nature this would be a relatively low-key operation that would be more compatible with the neighbouring residential uses. Furthermore the location of such a retail outlet located opposite the graveyard is considered to be appropriate and in the best interests of sustainable development.

5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 34 states that in making allocations for housing provision, Councils should give priority to the re-use of previously developed land. Similarly, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.

5.3 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. With regard to the proposed flat above the showroom, the South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to “*..increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.*”

5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
- B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

#### 5.5 Density

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

5.6 Notwithstanding the proposed Showroom, officers are satisfied that having regard to the site's constraints relating to its location, pattern of development, landscape characteristics, access, and impact on residential amenity, a higher density development could not realistically be accommodated on the site and in this respect the proposal represents the most efficient use of the land in what is a sustainable location, close to the centre of Downend and within walking distance of the shopping and community facilities and main bus routes. The proposal therefore accords with Government guidelines and in terms of its density the development is not considered to be an overdevelopment of the site.

5.7 Scale and Design

The scale and design of the proposed buildings would integrate very well with the residential properties on both the Stanbridge Road and Westerleigh Road frontages, being similar in height and appearance. The proposed layout would merely continue the existing building lines to the street frontages and the Showroom building 'turns the corner' well. The proposed materials to be used in construction would be similar to those of the neighbouring houses and would be controlled by condition. The proposed showroom has been designed to have a similar appearance to the proposed houses and would not appear as an incongruous element within the street scene. Given the utilitarian and somewhat rundown appearance of the existing workshop buildings, the proposal would represent a visual enhancement to this prominent corner plot situated on the approach road to Downend. The proposed scale and design is therefore acceptable.

5.8 Landscape

The application site, although being quite open has little major vegetation growing on it. Some of the open areas are grassed and a few garden shrubs and small trees grow within the site. An ash tree grows on the northern boundary of the site in a prominent position adjacent to Stanbridge Road; it is proposed to fell this tree. The Council's Tree Officer has assessed the tree and concluded that it is a poor semi-mature specimen, not worthy of TPO, it does however help to soften the street scene. A condition could be imposed to secure an appropriate landscaping scheme to include tree planting in mitigation for the loss of the Ash Tree.

5.9 As an open area the site is not considered to make a significant contribution to the quality, character, amenity or distinctiveness of the locality and given the previous uses of the site, officers are satisfied that in terms of Policies L5 and L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 the proposal is acceptable and would not represent a significant loss of open space or have a detrimental impact on the character of the landscape.

5.10 Transportation

There are two existing vehicular accesses into the site, one to the front onto Westerleigh Road and the other to the rear of the site onto Stanbridge Road, next to no.4. These accesses would be retained to serve the proposed Showroom and a new parking area for plots 3 & 4 respectively. A new combined access from Stanbridge Road would be introduced to serve the flat above the Showroom and plot 1. This access arrangement is considered to be acceptable.

5.11 There would be 9 off-street parking spaces in all, 4no. to the rear of the site to serve plots 3 & 4, 2no. in the driveway to plot 1 and a single space in the adjoining driveway to serve the flat above the Showroom. Separate parking would be provided on the hard-standing to the front of the Showroom. This amount of parking provision accords with the Council's maximum parking standards listed in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. Secure cycle parking and adequate bin storage for each property would also be provided. There are therefore no transportation objections to the proposal.

5.12 Impact upon Residential Amenity

The proposed dwellings would be on a corner plot and any overlooking of neighbouring gardens would be from a reasonable distance, angle and height. Some overlooking of gardens is considered to be a ubiquitous situation in a densely populated urban area such as this and any loss of privacy that might occur would be minimal and certainly not considered to be significant enough to justify refusal of planning permission. The gardens that would be most affected are already overlooked to some extent by neighbouring properties, the proposal would merely replicate the relationship between properties and gardens that already occurs throughout the locality. There are no habitable room windows in the side elevations of nos. 4 Stanbridge Road or 58 Westerleigh Road, furthermore the rear gardens to these properties are well screened by high fences, and walls. Officers do however consider it reasonable to impose a condition to, ensure that all of the proposed first floor bathroom/w.c. and landing windows would be obscurely glazed, and a further condition to prevent insertion of additional windows under permitted development rights. There would therefore be no significant loss of privacy due to issues of inter-visibility or overlooking.

5.13 A separate bin store would be provided for each property. Adequate amenity space would be provided in the garden areas provided and in this respect the proposal is not considered to be an overdevelopment of the site. The relationship of the existing and proposed properties to each other would not result in an overbearing impact for neighbouring occupiers. Whilst concerns have been raised about loss of light, this is not in fact controlled under planning law and furthermore there is no right to a view; these matters are therefore not material considerations in the determination of this planning application.

5.14 Concerns have also been raised about loss of security for the properties to the rear of the site. Whilst it is acknowledged that the proposed parking area does open up this area of the site for access, it would still be enclosed by the high boundary fences and walls that would remain in-situ. The existing stonemasons does not operate outside working hours and this would be replaced by residential property and the showroom, which officers consider would provide 24 hour natural surveillance of the site. In this respect overall security of the site may be enhanced. Given the existing and proposed uses of the site, levels of disturbance should reduce as activities associated with the Showroom should be very low key indeed. Having regard to all of the above there would be no significant adverse impact on residential amenity.

5.15 Environmental and Drainage Issues

Whilst there will inevitably be some disturbance for neighbouring occupiers during the demolition and construction phase, this can be adequately mitigated for by imposing a condition to limit the hours of demolition and construction.

There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal. Any connection to the public sewer system would first have to be agreed with Wessex Water; connections to Private Sewers are civil matters.

5.16 Affordable Housing

The proposal is for 4no. dwellings only, which is below the Council's threshold (15) for affordable housing provision.

5.17 Education Service

The proposal is for 4no. dwellings only, which is below the Council's threshold (5) for contributions to the Education Service.

5.18 Community Services

The proposal is for 4no. dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

5.19 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Adopted) 23<sup>rd</sup> August 2007.

5.20 Section 106 Requirements

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

**6. CONCLUSION**

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

6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) 6th 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      PK08/0138/F**

**Contact Officer:      Roger Hemming**

**Tel. No.                      01454 863537**

## **CONDITIONS**

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

Reason:

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

2. Building operations shall not be commenced until samples of the roofing tiles proposed to be used have been submitted to and approved by the Local Planning Authority and all such materials used in construction of the building hereby authorised shall conform to the details so approved.

Reason:

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

3. Sample panels of render, demonstrating the colour and texture are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the rendering is complete.

Reason:

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

4. The hours of working on site during the period of demolition and construction shall be restricted to 7.30am to 6.00pm Mondays to Fridays inclusive, 7.30am to 1.00pm Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: deliveries of construction materials, the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

5. Developments shall not begin until drainage proposals incorporating Sustainable Drainage Systems (SUDS) and hydrological conditions (soil permeability, watercourses, mining culverts etc) within the development site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and thereafter maintained.

Reason:

To ensure that a satisfactory means of drainage is provided and prevent an increased risk of flooding, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

6. The drainage scheme approved, incorporating best management practices, shall be implemented in accordance with the approved details before the development is occupied.

Reason:

To ensure that a satisfactory means of drainage is provided and prevent an increased risk of flooding, and to accord with Policy EP1, EP2, L17 and L18 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

7. Prior to the commencement of the development hereby approved a Coal Mining Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the development can be safely implemented having regard to past coal mining in the area and to identify the possible presence of shafts, adits, drainage levels and culverts, in accordance with Policies EP2 and EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. The off-street parking facilities including cycle parking as shown on the approved Proposed Layout plan nos 299K.8A shall be provided before the buildings are first occupied, and thereafter the parking facilities shall be retained and used only in conjunction with the occupation of the buildings' purpose.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T8, T7 and T12 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

9. Prior to the first occupation of any of the buildings hereby approved hereby approved, a plan indicating the positions, design, materials and type of boundary treatment to be erected or retained, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the boundary treatment shall be completed before the buildings are first occupied or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To protect the privacy and amenity of neighbouring occupiers (existing and future) and in the interests of the visual amenity of the street scene, and to accord with Policies H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no first floor windows, dormer windows or rooflights other than those expressly authorised by this permission shall be constructed.

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 Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Prior to the use or occupation of the buildings permitted, and at all times thereafter, the proposed first floor w.c/bathroom and landing windows on the rear and side elevations shall be permanently fixed in a closed position and glazed with obscure glass only. The obscure glazing to be used shall be at least level 3 obscure glazing.

Reason:

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

12. The (A1) Showroom hereby permitted, shall not be open to customers and neither shall there be any deliveries to it, outside the following times: 08.00 hrs to 17.30 hrs Mon - Sat inclusive, with no opening on Sundays or Bank Holidays.

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.

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

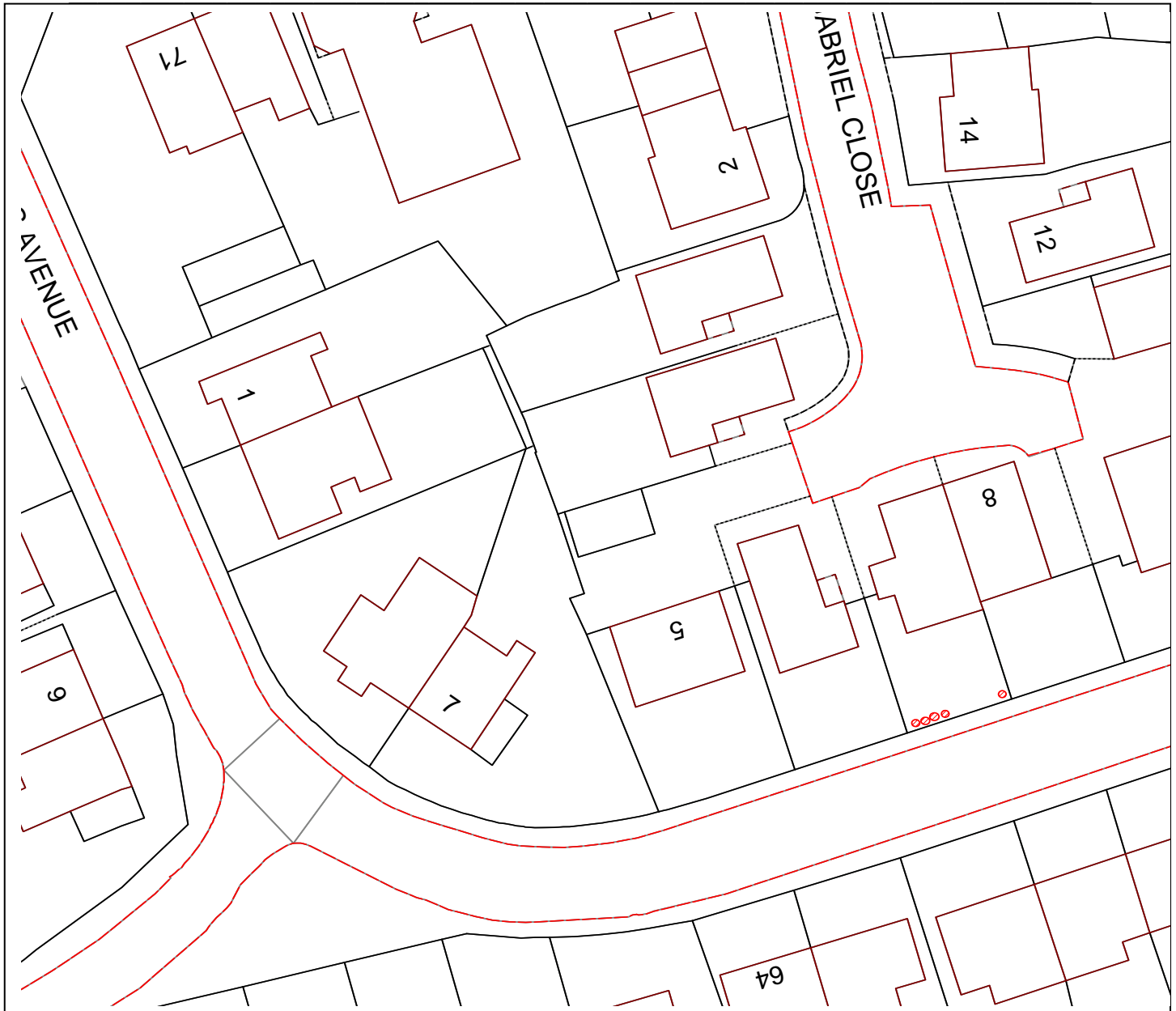
Reason:

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



## CIRCULATED SCHEDULE NO. 10/08 – 07 MARCH 2008

<b>App No.:</b>	PK08/0216/TRE	<b>Applicant:</b>	Mr D Pepper
<b>Site:</b>	7 Gabriel Close, Cadbury Heath, South Gloucestershire, BS30 8FG	<b>Date Reg:</b>	23rd January 2008
<b>Proposal:</b>	Work to reduce 5 no. trees covered by Tree Preservation Order 537 at 65 Cadbury Heath dated 30th March 2006.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	66569 72357	<b>Ward:</b>	Parkwall



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N.T.S

PK08/0216/TRE

## **INTRODUCTION**

This application appears on the Circulated Schedule due to the receipt of one letter of objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to carry out works to reduce the height of 5 Cypress trees by 40%. The application states that the works proposed are the same as granted at the neighbouring dwellings No's 6 and 7. The application states that the trees are 70ft high and block out natural light. The trees bend in the wind and the owners are worried about the trees snapping and falling onto their property.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement  
L5 Forest of Avon

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

- 3.1 PK07/1878/TRE Works to reduce size by 40% and trim back branches of 5 No. Leyland Cypress and 9 No. Lawson Cypress.  
Approved August 2007
- 3.2 PK07/0398/TRE Works to fell 5 Leylandii.  
Refused August 2007
- 3.3 PK06/1623/F Demolition of 1 dwelling to facilitate the erection of 14 dwellings.  
Approved August 2006

### **4. CONSULTATION RESPONSES**

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

- 4.1 Oldland Parish Council  
No objection

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

- 4.2 Local Residents  
One letter of objection has been received from a local resident. A summary of the points of concern is as follows;
- Do not want to be left with trees looking like 'plucked chickens'

- The trees were there when they started to build the houses – the occupiers went ahead with the purchase knowing full well that the trees were there
- The trees should not be touched from 1<sup>st</sup> March to 1<sup>st</sup> September due to nesting birds

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Analysis of the Health of the Trees

The trees are growing on the boundary between 7 Gabriel Close and St. Davids Avenue. They were previously the subject in a prosecution case due to trenching through the roots by the development company. Trenching through the roots may have compromised the structural integrity of the trees and therefore it is for this reason that the proposed reduction of these trees should be allowed. Reducing the trees in height will reduce the sail area of the trees and allow the damaged roots to re-generate removing the concern for the structural safety of the trees.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 Permission be granted subject to the following conditions:

**Background Papers      PK08/0216/TRE**

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

## CONDITIONS

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

Reason:

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

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

Reason:

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

**CIRCULATED SCHEDULE NO. 10/08 – 07 March 2008**

<b>App No.:</b> PK08/0244/F	<b>Applicant:</b> Mr A Hacker
<b>Site:</b> 1 Sandhurst, Yate, South Gloucestershire, BS37 4JQ	<b>Date Reg:</b> 25th January 2008
<b>Proposal:</b> Conversion of existing dwelling to form 2no. separate dwellings with associated works.	<b>Parish:</b> Yate Town Council
<b>Map Ref:</b> 70616 81633	<b>Ward:</b> Yate Central



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 100023410, 2008.

**N.T.S**

**PK08/0244/F**

## **INTRODUCTION**

This application is placed on the Circulated Schedule, in accordance with procedure, given that an objection has been raised.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks consent for the conversion of an end terrace, two-storey property situated at the junction of Barnwood Road and Sandhurst, to two dwellings.
- 1.2 No major works are required to facilitate the conversion as the development is facilitated by an existing two storey extension previously added (see previous history below). A door will be added to the rear elevation and a single window would be added in the side (northern) elevation serving a stairway/landing area. All other alterations to the building are internal. Externally a parking area would be retained for the existing property and a single space is shown for the proposed property. A 1.8 metre high close boarded fence would provide separation between the dwellings.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1 Delivering Sustainable Development
  - PPS3 Housing
  - PPG13 Transportation
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Achieving Good Quality Design in New Development
  - H5 Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
  - T7 Cycle Parking
  - T8 Parking Standards
  - T12 Transportation Development Control Policy for New Development
  - EP4 Noise sensitive development

South Gloucestershire Council Design Checklist (Adopted August 2007)

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

N2017 Erection of rear and boundary walls (Approved with conditions)  
N2017/1 Erection of two storey extension (Approved with conditions)  
P90/1172 Erection of single storey rear extension (Approved)

### **4. CONSULTATION RESPONSES**

#### 4.1 Yate Town Council

No response has been received

## 4.2 Sustainable Transport

The proposal is to split the existing four-bed dwelling to form two dwellings, a three-bed and a one-bed house. The site is located on the corner of a residential cul-de-sac. The existing vehicular access is located to the rear of the site.

It is proposed to create a new vehicular access for the one-bed dwelling to the rear of the site right on the corner where visibility is restricted. To aid the egress of vehicles exiting the site it is requested that there is no boundary treatment enclosing the parking spaces for the both the existing and new dwelling. A revised plan showing this amendment needs to be submitted for approval by the Council.

No detail on bin and cycle storage has been submitted for this development. Revised details will need to be submitted for approval by the Council. Subject to the following conditions, there is no transportation objection to this proposal.

## 4.3 Local Residents

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

- The proposed first floor window in the side elevation to serve the stairs/landing is unnecessary and would result in loss of privacy to the occupier of No.38 Sandhurst.

# 5. ANALYSIS OF PROPOSAL

## 5.1 Principle of Development

PPS3 (Housing) identifies the planning system as a means of widening housing opportunity and choice, maintaining a supply of housing and creating sustainable residential environments. Paragraph 10 of PPS3 indicates among other criteria that the planning system should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas, provide a sufficient quantity of housing taking into account need and demands and seeking to improve choice. Furthermore the planning system should provide housing developments in suitable locations, which offer a good range of community facilities with good access to jobs, key services and infrastructure. It is considered that the current proposal is appropriate within this context.

- 5.2 Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 reflecting the aims and objectives set out in this guidance considers the criteria for proposals for the conversion of existing residential properties into smaller units of self-contained residential accommodation. The policy recognises the important contribution that smaller units can make to the supply, range and mix of housing provision in South Gloucestershire and supports the conversion where appropriate of larger properties subject to consideration of the following criteria.

### 5.3 Character of Surrounding Area

Policy H5A of the South Gloucestershire Local Plan (Adopted) January 2006 allows for such development provided that there is no adverse impact upon the character of the area.

The surrounding area consists of single (family) dwellings within this predominantly residential area. The proposed development would not result in the loss of dwelling as a three bed dwelling is retained. It is not considered that the introduction of 1 no bed house would adversely affect the character of the area. As has been indicated previously the provision of as wide a range of housing types is supported in PPS3 (para 10) which seeks to support the creation of mixed and inclusive communities and opening up housing choice within sustainable locations close to local facilities. The creation of two dwellings on 283sq.m equates to a density of approximately 70 dwellings per hectare. This is considered appropriate and compatible with the character of the area and in the light of the location relatively close to facilities and public transport routes.

### 5.4 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to achieve a high standard of design in all new development having regard to scale, form and materials both in relation to the original property and within the wider context. In this case no building is required to facilitate the development and external alterations are limited to a new boundary fence to provide separation between the dwellings, a new door and side window. These are considered acceptable in design terms and would not detract from the visual amenity of the locality.

### 5.5 Residential Amenity

Policy H5B of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such development should be permitted provided that it would not prejudice the amenities of nearby occupiers. No extensions are required to serve the development.

Concern has been raised by a neighbouring occupier at No.38 Sandhurst, that the proposed new window in the side (northern) elevation would over look that property with a subsequent loss of privacy.

The proposed window is situated approximately 23 metres from the rear elevation of that property. Although not now always applied given changing housing density requirements, a distance of 21 metres between habitable rooms has been an accepted standard in order to preserve privacy. The distance in this case would exceed this standard. Furthermore it not considered that a stairway or landing area can be considered as a main habitable room. For these reasons it is not considered that the proposed window would result in the significant loss of privacy to neighbouring occupiers such as would justify the refusal of the application.

A condition is recommended to require the proposed boundary treatment to be erected prior to the first occupation of the new dwellings in order to preserve the privacy of future occupiers.



It is not considered that the proposed development would result in the loss of privacy to adjoining occupiers and therefore the proposal is in accord with Policy H5 of the South Gloucestershire Local Plan (Adopted January 2006).

#### 5.6 Noise

It is not considered that the addition of an extra unit of accommodation would cause any significant increase in overall noise and disturbance to neighbouring occupiers. The Building Regulations (Part E), would cover the issue of sound insulation between the new units.

#### 5.7 Transportation

Policy H5C of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such a development would be acceptable provided an acceptable level of parking is identified. Policy T8 indicates that development should not exceed the standards set out in the plan. Policy T12 assesses development in terms of the impact of the development upon the wider highway network with the priority being highway safety.

The site is located on the corner of a residential cul-de-sac. The existing vehicular access is located to the rear of the site. It is proposed to create a new vehicular access for the one-bed dwelling to the rear of the site right on the corner where visibility is restricted. It is considered that it is possible to provide adequate parking to serve both dwellings. Two spaces would be retained for the original property.

A condition is recommended to require full details of the parking arrangement and to aid the egress of vehicles exiting the site the plan should show no boundary treatment enclosing the parking spaces for the both the existing and new dwelling. This plan should be submitted to and approved in writing by the Council prior to the commencement of any works on the site. Details of bin storage and a cycle storage facility for the new unit are also required. Subject to these conditions there is no objection raised.

#### 5.8 Amenity Space

Policy H5D requires development to provide adequate amenity space. Both dwellings would be provided with amenity space and it is therefore considered that the proposal is in accord with this criterion of Policy H5.

#### 5.9 Design and Access Statement

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

#### 5.10 Section 106 Requirements

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

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 Planning Permission be granted subject to the following conditions

**Background Papers**      **PK08/0244/F**

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

## **CONDITIONS**

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

Reason:

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

2. The proposed 1.8 metres boundary fence between the 2 no. dwellings shall be erected prior to the first occupation of the dwellings.

Reason:

To protect the privacy and amenity of future occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of any works on site, full details of the proposed parking spaces for the existing and proposed dwellings (to show the position of boundary treatments), shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and the spaces shall be retained for the purposes of vehicle parking thereafter,

Reason:

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

4. Prior to the first occupation of the proposed development, full details of refuse bin storage shall be submitted to and approved in writing by the Local Planning Authority.

The bin storage shall measure at least 2m x 1m in order to accommodate the South Gloucestershire Council Twin Bin Scheme and shall be retained as such thereafter.

Reason:

To ensure that adequate refuse storage is provided in the interests of the amenity of the area and to accord with Policy D1 (H) of the South Gloucestershire Local Plan (Adopted).

5. Prior to the first occupation of the new unit, details of one secure cycle store (secure and overlooked) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall proceed in accordance with the approved details and shall be retained as such thereafter.

Reason:

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

## CIRCULATED SCHEDULE NO. 10/08 – 07 MARCH 2008

App No.: PK08/0279/F

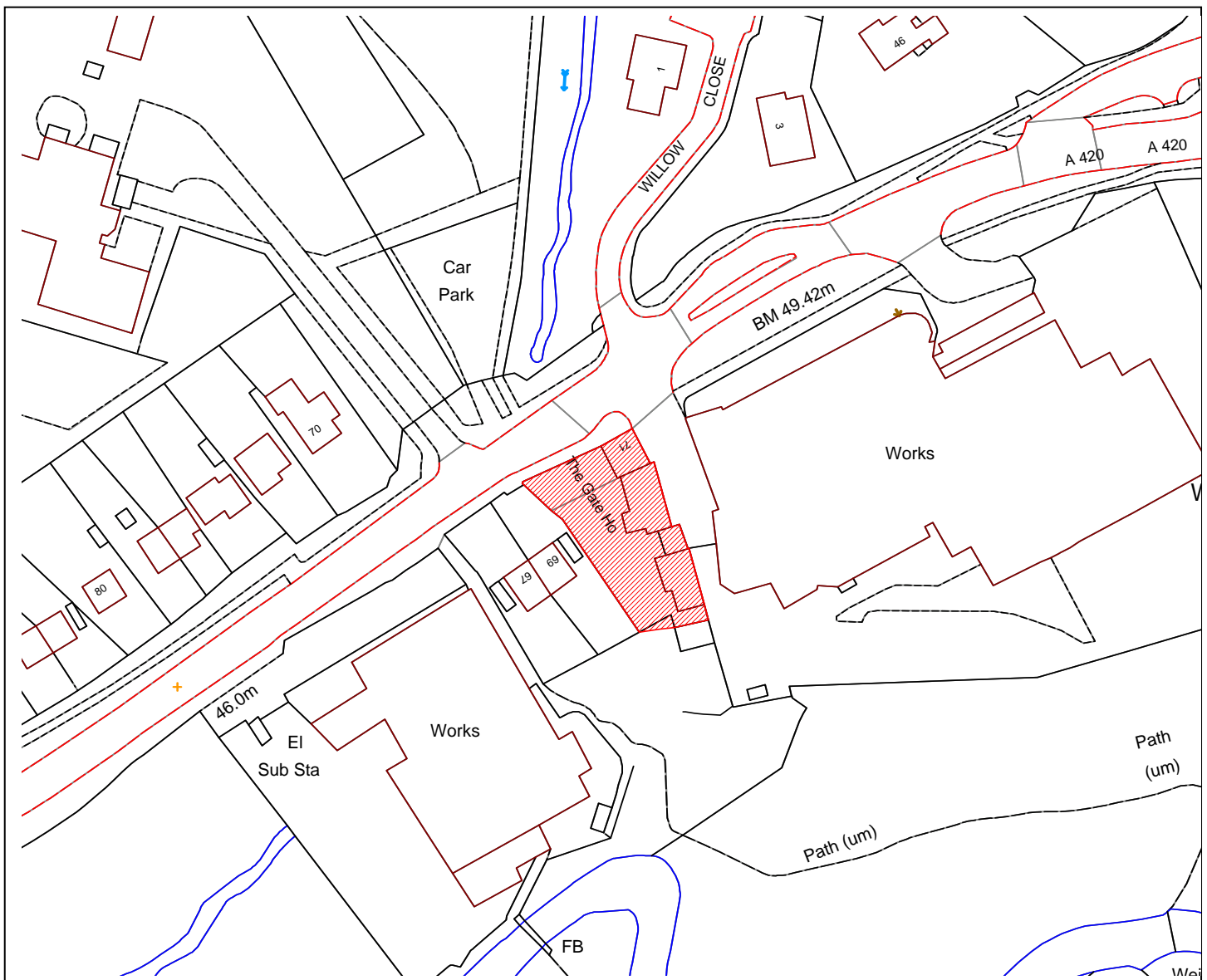
Applicant: Building &  
Commercial LtdSite: The Gatehouse, 71 Church Road Wick  
South Gloucestershire BS30 5PE

Date Reg: 30 January 2008

Proposal: Change of use of Industrial & Offices  
(Class B1) to 10no. residential units  
(Class C3) as defined in the Town &  
Country Planning (Use Classes) Order  
1987 (as amended) and associated  
works.Parish: Wick and Abson  
Parish

Map Ref: 69898 72799

Ward: Boyd Valley



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N.T.S

PK08/0279/F

## **INTRODUCTION**

This application appears on the circulated Schedule in accordance with the Councils procedure for the determination of Major applications.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning consent for the conversion of an existing site used for industrial and office purposes to ten residential units. Six of the proposed units are to have one bedroom each and four of the units are to have two bedrooms each. The bulk of the proposed residential units would be contained within the existing buildings on the site – there would only be limited extension.
- 1.2 The application site relates to an industrial unit that your officer believes was previously owned by Price Iveson who specialise in Industrial Catering Equipment. The Design and Access Statement simply notes that the site is used for industrial purposes and the buildings have been modified and extended over the years. The existing plans show the buildings on the site to be divided between offices, stores and workshops all occupied by the same company. The site lies within the Green Belt and within the settlement boundary of Wick

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG2	Development in the Green Belt

#### **2.2 Development Plans**

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

D1	Design
EP2	Flood Risk and Development
GB1	Development in the Green Belt
T7	Cycle Parking Standards
T8	Car Parking Standards
T12	Transportation Development Control
H5	Conversion of Buildings for Residential Purposes
LC8	Open space and Children's Play
LC2	Provision for Education facilities(Site Allocation &Developers Contributions.)

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

None directly relevant to the determination of this case. The last application on the site however was as follows;

- 3.1 P96/4649 Erection of single storey extension.  
Approved March 1997.

### **4. CONSULTATION RESPONSES**

#### **4.1 Wick and Abson Parish Council**

Object to the application on the grounds of insufficient parking, extra traffic movements of the A420 opposite the school where there are already major traffic problems causing minor accidents.

## **Other Representations**

### **4.2 Local Residents**

A total of 4 letters of objection have been received in relation to application. Two from local residents, one from a planning consultants on behalf of a local business and one from the local primary school. A summary of the points of concern raised are as follows;

- Object to the number of properties and the number of parking spaces
- 4 spaces for 10 properties is not enough
- The development will lead to parking on the busy and congested road
- There is not a good bus service – not bus links in or out of the village after 7pm
- Increased risk of accidents for children coming to school
- Huge lorries reversing out of neighbouring factories make visibility from the site very poor
- After heavy storms the roof right across the front of the site floods
- Could result in 20-30 additional cars regularly using the site
- There is a greater need in Wick for employment than more residences
- Do not need more housing in Wick

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The proposal stands to be assessed against the policies listed above. Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the conversion of non-residential properties into properties for residential use subject to a number of criteria. These include satisfactory parking facilities and not prejudicing the character of the surrounding area and residential amenity. Policies T7, T8 and T12 of the South Gloucestershire Local Plan all seek to control development which may affect highway safety and ensure satisfactory parking provisions. As the site lies within the Bristol/Bath Green Belt, the requirements of Policy GB1 relating to the impact on the green belt must also be taken into consideration.

### **5.2 Green Belt**

PPG2 states that the most important feature of green belt is their openness. Green belts can help shape patterns of urban development and assist in moving towards more sustainable patterns of urban development. Policy GB1 identifies 3 circumstances where the change of use of existing land or buildings within the green belt may be acceptable, predominantly that the new use must not have a greater impact than the present authorised use on the openness of the green belt.

In order to assess the impact of the proposal on the openness of the Green Belt, it is first necessary to discuss how the building will be changed externally to allow for the conversion;

- There are a number of landscaping changes to the surface of the parking yard – including the creation of 7 small courtyard type gardens. The remaining yard will be divided to create parking and turning area.
- Alterations to the roof slope. Installation of six gabled roof extensions allowing half dormers to be added into the roof slope of the existing buildings. Three

of these gablets will have Juliette style balconies attached to them to allow for the insertion of tall French windows rather than traditional windows. One Velux roof light is also proposed.

- Extensions. The most notable extension is the raising of the roof height above proposed unit 8. The application proposes to raise the ridge height of this part of the building by some 1.2 metres and to then insert two gablet dormers into this extended roof slope. The purpose of this extension is to allow for the conversion of the roof of the building to form two bedrooms and a bathroom. A number of canopy roofs over the new proposed front doors of the flats are also proposed.
- Variety of alterations to existing window and door arrangements including the removal of roller shutter doors, blocking up of some existing windows and insertion of a variety of new windows and doors.

By virtue of their small size and minimal volume, it is not considered that the dormer windows or canopies over the doors will have any impact on the openness of the Green Belt. Whilst the dormers will somewhat increase the massing of the building, they will not affect the total height of the building or indeed significantly increase its prominence in the Green Belt. Your officer does however have some concern about the raising of the central section of roof ridge.

The ridge raising would clearly increase the height of a section of building and therefore has potential to impact upon the openness of the green belt. In this instance however, because the area of roof to be raised is sandwiched between two taller sections of building, it is not considered that it will actually have significant or detrimental impact on the openness of the green belt. The new area of roof will not be easily visible from the surrounding area and thus the impact of the proposed development on the greenbelt is therefore considered to be acceptable.

### 5.3 Design/Visual Amenity

As discussed in section 5.2 above, the building is proposed to be quite extensively altered in appearance. This is primarily done through the addition and removal of various windows and doors. The main wall and roof materials however are to remain the same. Whilst certainly not unsightly, the existing building is of no particular visual merit worthy of retention and as such, there are no objections to the principle of altering the visual amenity of the building. The design and access statement claims that the buildings could be considered to be of a small domestic scale – this view is not necessarily disagreed with by the case officer.

There are no specific elements of the proposal that are objectionable in design terms. The somewhat random and hotch-potch layout of the existing building gives an interesting form that could give rise to quite an attractive development. Should the officer recommendation be for that of approval, conditions would be attached to ensure details of timber cladding and the Juliette balconies were submitted to the Council and agreed in writing prior to the commencement of any development on site.

#### 5.4 Residential amenity

The site sits adjacent to a pair of residential semi-detached dwellings – known as 69 and 67 Church Road. The relationship between the dwellings and the site subject of this application is unusual in that the buildings to the rear of the application site actually look out directly over the rear gardens of the dwellings. There is concern that the conversion and extension as proposed would have a detrimental impact on the amenities of the occupiers of No. 69 Church Road (the dwelling closest to the application site). Of particular concern are the first floor windows in units 8, 9 and 10.

The southern most buildings on the site (the elements containing units 8, 9 and 10) are going to have the greatest impact on the amenities of the existing dwellings. This is because they extended beyond the side walls of the dwellings and are clearly visible from the rear windows and rear gardens of these existing dwellings.

The southern most building on the site currently has two first floor windows facing towards the dwelling at No. 69. However, consideration must be given to the likely use of these windows and the amount of overlooking they are likely to result in for the occupiers of the neighbouring dwelling. The plans show that these two windows currently serve the same room – a workshop/store. Whilst there is of course potential for some overlooking to result from these windows, it would not be unreasonable to assume that this would mainly be during normal working hours. Similarly, it would not be unreasonable to assume that there was little use of this room in late evenings/ night times and for parts of the weekend.

By means of comparison and should consent be granted for the proposed conversion works, four first floor windows would result in the western elevation of the buildings overlooking the neighbouring dwelling. All four windows would be habitable room windows (all serving bedrooms) and two of the windows (in proposed unit 8) would actually be French windows with Juliette style balconies.

It is the considered opinion of your officer that the four resultant habitable room windows on the first floor of units 8, 9 and 10 facing to the west would have a significant and detrimental impact on the amenities of the neighbouring dwelling No. 69 Church Road. Particularly given that two of the windows are French windows with balconies, the sense of being overlooked and sense of privacy in the rear garden of No. 69 would be detrimentally reduced. The application is thus contrary to the requirements of Policy H5 of the South Gloucestershire Local Plan and the requirements of PPS1.

#### 5.5 Bin/Cycle Stores

The proposed layout plan shows the provision of 10 bin storage spaces – this presumably being one black bin for each unit. No provision however appears to have been made for green bins or recycling boxes. It is standard for each residential unit in South Gloucestershire to be provided with one black wheelie bin, one green wheelie bin and one green recycling box. There is therefore a deficiency in the bins storage provision on the site.

The plans also show a triangular piece of land at the rear of the site to be allocated as a bicycle parking area. Whilst no details have been submitted as yet, the plans state that the bicycle parking area will be fitted with lockable bicycle stands. In accordance with the requirements of Policy T7 of the South



Gloucestershire Local Plan (Adopted) the scheme is required to provide each of the residential units with one secure and undercover cycle space. Because of the very small space allocated for this purpose, your officer is not satisfied that the requirements of this policy can be satisfied. There is a requirement for 10 cycle storage space to be made available and it is not believed that this can be accommodated on the small piece of land as shown on the plan.

Insufficient bin and cycle stores are provided to meet the needs arising from the development. The application is thus contrary to the requirements of Policies D1 and T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### 5.6 Transportation Implications

This application proposes to provide only four off street parking spaces to serve the whole development. The application states that the parking spaces will be allocated to each of the two bedroomed units – the one bed flats will not have any parking provision.

The design and access statement makes the claim that that the volume and nature of vehicular traffic to the site will be dramatically reduced from that associated with its lawful use. It states that 'there is no need for additional parking spaces because the remaining six units are small and there is adequate public transport nearby' (Bus timetables are included with the design and access statement to demonstrate this point).

There are serious concerns that the proposed development, because the lack of parking spaces would have a detrimental impact on highway safety in the vicinity. It is accepted that the industrial use of the building clearly could generate traffic movements of large vehicles including lorries. It is also accepted that the residential use of the site would mean that most vehicles entering and leaving the site would be standard motor cars. In its industrial use however there is sufficient space in the yard to allow vehicles to enter the site so they park or pull up off of the highway.

The site is located on Church road which is part of the A420, a busy traffic route and in close proximity to a commercial site and located opposite to a local primary school. Directly outside the site there is a lay-by with bus stop. The concern is that insufficient parking on site would encourage parking in the lay-by and bus stop.

Given the location of the site, it is expected that future residents of such a residential development would be highly dependant on the car. Whilst Wick has a range of services and some small shops, it would be unrealistic to believe that future residents could live and work entirely from Wick village. The bus services that pass the site are considered to be limited and they are also part of the Councils supported bus service and therefore, their continued operation would be dependant on funds being available. There is no bus service too or from the village past 6.30pm and thus any journeys after this would need to be by car.

The unsustainable location of the site will result in many more than 4 cars being owned and used by the future occupiers of the proposed dwellings. There is very limited safe on street parking in the area and drivers looking for space to park would lead to increased standing and manoeuvring on the principal classified highway. The application is thus considered contrary to the requirements of Policies T8, T12 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

## 5.7 Community Services and Education

At primary level, there is a projected deficit of school places in the area. The proposed development will generate one additional primary school pupil (based on the pupil number calculator). The current DFES cost calculators give a figure of £8,861.45 per additional primary school place indexed at April 2007 prices. The total sum of £8,862.43 is therefore required to meet the needs arising for additional primary school places from the development. There is a projected surplus of places at secondary schools in the area and thus no contribution towards this is required.

The proposed development would create a need for extra public open space. The application proposes to provide very limited outside open space as part of the development and thus, to offset the increased demand on existing open space a financial contribution is required. Policy LC8 required 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 the development. It is considered by the community services department that 5sq.m. of informal open space per person would be reasonable for the development. A contribution of £8,916.84 is therefore requested for off-site enhancements of public open space with an additional contribution of £7,917.96 towards the future upkeep of this open space. The public open space contribution therefore totals £16,888.80.

Notwithstanding the above, given that the officer recommendation is for refusal it would be unreasonable to ask the applicant to enter into legal agreement to secure this funding at this stage. It is for this reason that these monies have not been requested from the applicant and as such, the proposals are contrary to Policies LC2 & LC8 of the South Gloucestershire Local Plan (Adopted 2006)

## 5.8 Design and Access Statement

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK08/0279/F**

**Contact Officer:**      **Marie Bath**

**Tel. No.**                      **01454 864769**

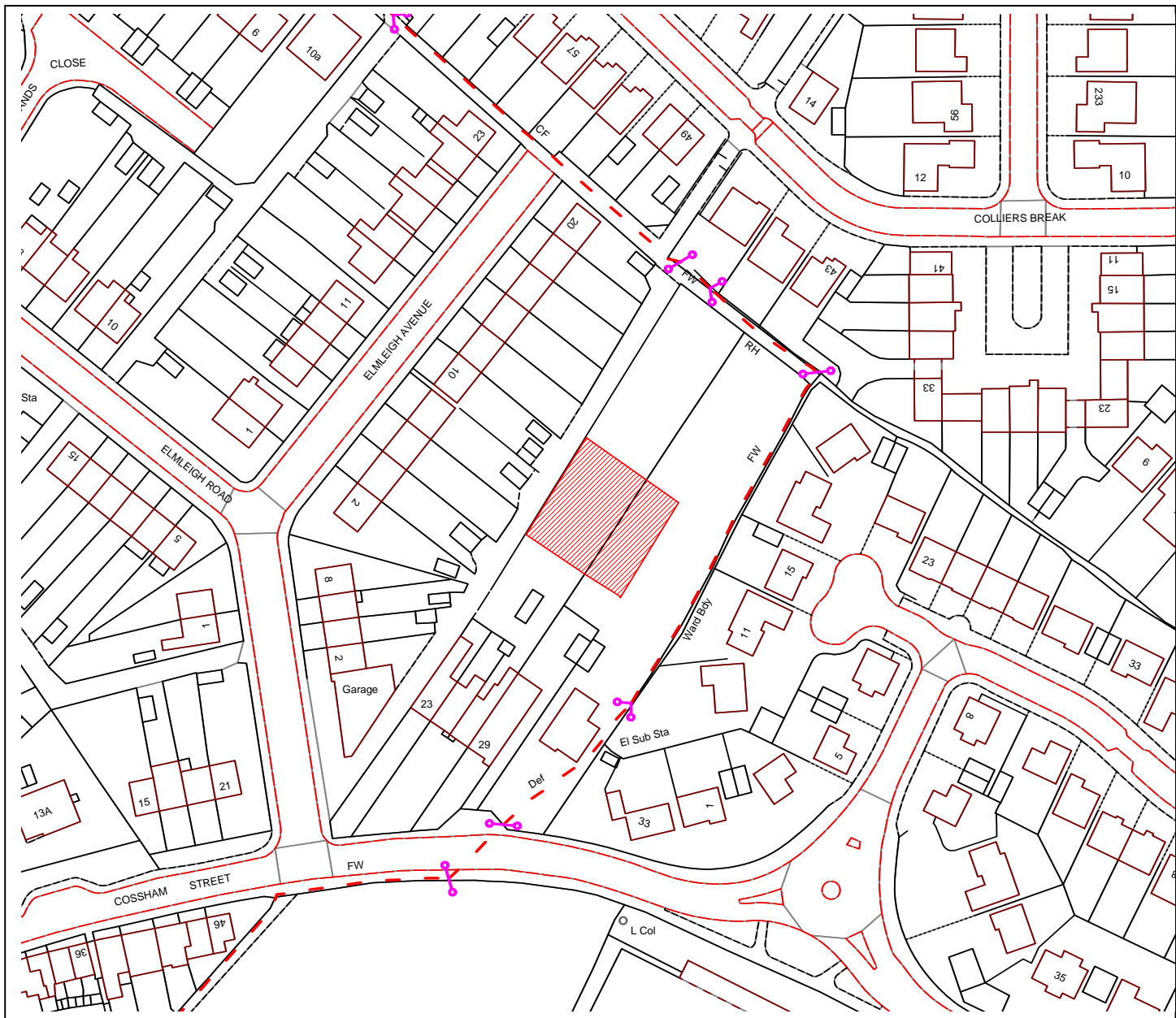
## **REFUSAL REASONS**

1. The four proposed habitable room windows on the first floor of units 8, 9 and 10 facing to the west would have a significant and harmful impact on the amenities of the existing dwelling No. 69 Church Road by means of overlooking and loss of privacy. The application is thus contrary to the requirements of Policy H5 of the South Gloucestershire Local Plan and PPS1.
2. Insufficient bin and cycle stores are provided to meet the needs arising from the development. The application is thus contrary to the requirements of Policies D1 and T7 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposed development as a consequence of its density and number of off-street parking spaces, would lead to the increased standing and manoeuvring of vehicles on a principal classified highway in close proximity to a bus stop and junction. Vehicles associated with the development would cause obstruction to visibility and interfere with the safe and free movement of traffic all the the detriment of highway safety. The application is thus contrary to the requirements of Policies T12, T8 and H5 of the South Gloucestershire Local Plan (Adopted).
4. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the demand placed on the education service, the proposal would be contrary to Policy LC2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
5. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under-provision of public open space and childrens play space in the development, the proposal would be contrary to Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

**CIRCULATED SCHEDULE NO. 10/08 – 07 MARCH 2008**

**App No.:** PK08/0315/F  
**Site:** Land To The Rear Of 31 Cossham Street Mangotsfield Bristol BS16 9EH  
**Proposal:** Demolition of existing dwelling to facilitate the erection of 4no. dwellings and 10no. flats with 4no. garages, car parking, access, cycle/bin stores and associated works. (Amendment to previously approved scheme PK06/2588/F).  
**Map Ref:** 66646 76246

**Applicant:** United Builders  
**Date Reg:** 1st February 2008  
**Parish:** Mangotsfield Rural Parish Council  
**Ward:** Rodway



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100023410, 2008.

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The application appears on the circulated schedule as it is a major application, and therefore, under the current scheme of delegation, falls to be considered as such. Furthermore, representations have been received contrary to the officer's recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission to amend the previously approved scheme PK06/2588/F: Demolition of existing dwelling to facilitate the erection of 4no. dwellings and 10no. flats with 4no. garages, car parking, access, cycle/bin stores and associated works.
- 1.2 The site formerly consisted of the long rear gardens of a several properties on Cossham Street, within the Mangotsfield urban area, within the Bristol East Fringe urban area as defined on the Proposals Map.
- 1.3 The proposal seeks to raise the height of the eaves and ridge of the block of 10 flats by 500mm. The applicant states this is required because of the decision to use a timber frame construction system, which has environmental benefits and that the floor thickness is also increased by the latest sound insulation requirements of Building Regulations.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H2 Proposals for Residential Development within the Existing Urban Area

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK06/2588/F: Demolition of existing dwelling to facilitate the erection of 4no. dwellings and 10no. flats with 4no. garages, car parking, access, cycle/bin stores and associated works. Approved following signing of S106 agreement Sept 2007
- 3.2 PK08/0108/F Demolition of existing dwelling to facilitate the erection of 4no. dwellings and 10no. flats with 4no. garages, car parking, access, cycle/bin stores and associated works. Amendment to previously approved scheme PK06/2588/F Variation of condition 5 attached to planning permission PK06/2588/F. Approved 22 Feb 2008

## **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
No response
- 4.2 Other Consultees  
Wessex Water commented that the site is located within a sewered area.

## **Other Representations**

### 4.3 Local Residents

One local resident has objected to the scheme on the following grounds:

- Windows look into bedrooms at very close distance
- Development is encroaching on private land
- Local residents need access to garages in the lane

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks to amend a previously approved application, and as such, only the amendments can be taken into account. In this case the amendment is the increase in height of the eaves and roof ridge of the flats by 500mm, and this is considered an amendments of minor proportions that will not have a detrimental effect on the visual or residential amenity of the area.

5.2 Concern has been raised regarding the distance of the rear windows of the flats in relationship to existing dwellings on Elmleigh Avenue. However, these windows are on the approved plans and are not proposed to be amended, so cannot be taken into account in the assessment of this application. Furthermore, the windows on the rear elevations of the flats are approx. 26m from the rear elevations of properties in Elmleigh Avenue, which is well within acceptable tolerances for privacy distances.

5.3 Issues regarding encroachment onto private land and access to existing garages are along the existing lane to the north-east of the site are civil issues that cannot be taken into account in the assessment of this application.

### 5.4 Design and Access Statement

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

### 5.5 Section 106 Requirements

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

## **6. CONCLUSION**

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

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

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

## **7. RECOMMENDATION**

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

### **Background Papers      PK08/0315/F**

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

### **CONDITIONS**

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

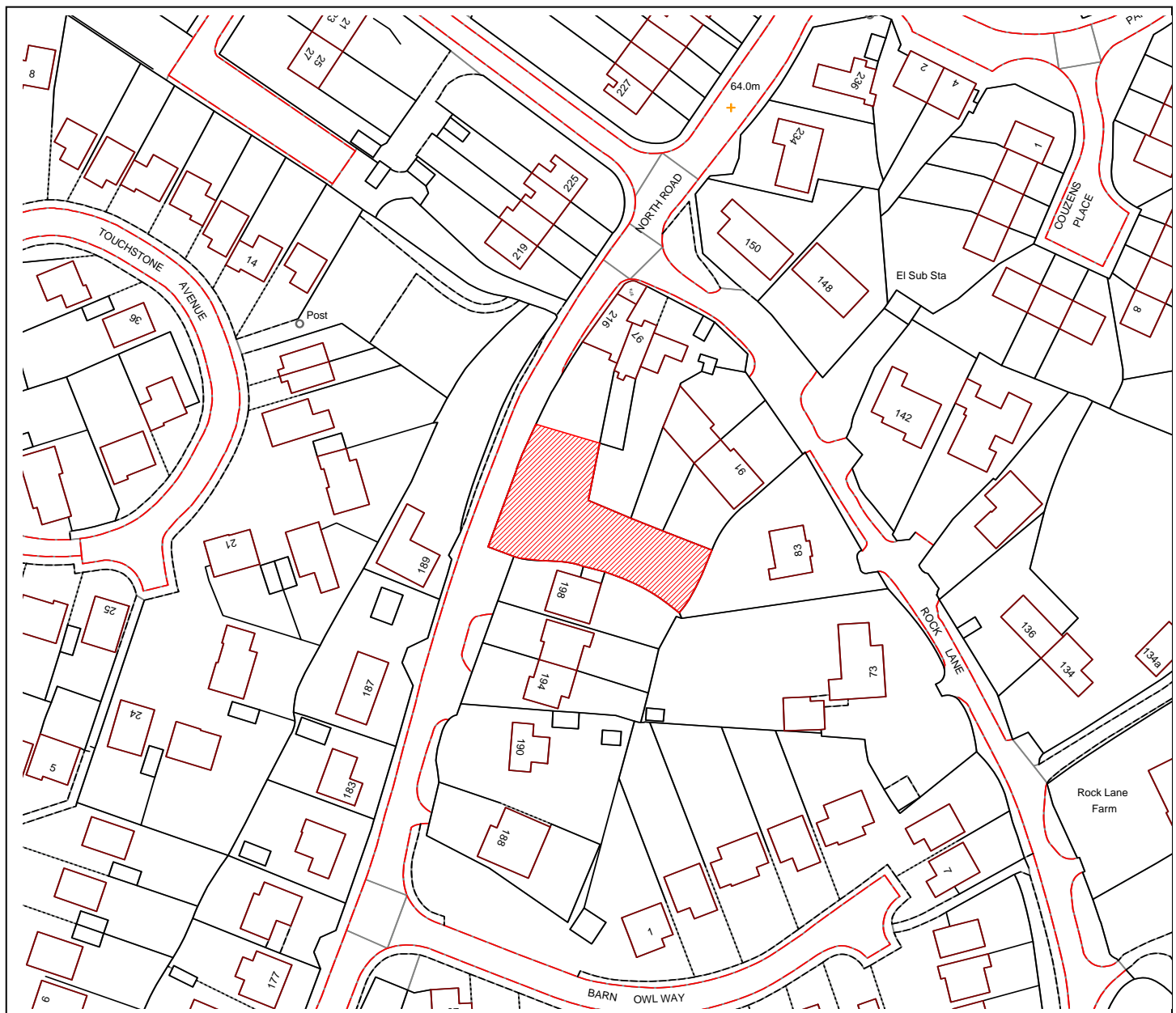
Reason:

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



## CIRCULATED SCHEDULE NO. 10/08 - 7 MARCH 2008

<b>App No.:</b>	PT08/0062/F	<b>Applicant:</b>	Mr & Mrs D Day
<b>Site:</b>	216 North Road Stoke Gifford South Gloucestershire BS34 8RL	<b>Date Reg:</b>	8th January 2008
<b>Proposal:</b>	Erection of detached dwelling and garage. Construction of new vehicular and pedestrian access.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	62679 80115	<b>Ward:</b>	Stoke Gifford



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PT08/0062/F

## **INTRODUCTION**

This application is placed on the circulated schedule due to an objection received from a neighbour in relation to highway safety on North road.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of a detached two storey 5 bed dwelling and detached double garage at 216 North Road, Stoke Gifford.
- 1.2 The site itself lies within the established settlement boundary of Stoke Gifford. The site is surrounded by a wide variety of different house types ranging from bungalows to terraced properties to semi-detached properties. The age of the properties in the area is also quite varied ranging from turn of twentieth century to modern buildings.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

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

D1	Achieving Good Quality Design in New Development
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

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

- 3.1 N754 Outline application for the erection of a dwelling...  
Refusal
- 3.2 P92/1187 Outline application for the erection of dwelling...  
Approval
- 3.2 PT04/1862/O Erection of a house (Outline)...  
Refused
- 3.4 PT04/3581/O Erection of a house (Outline)  
Approval

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No comment

#### 4.2 Sustainable Transport

No overall objection to the proposal subject to conditions in relation to the driveway being finished in a bound material, a contribution to the North Fringe Transport Scheme and Prior to the occupation of the dwelling, the proposed footway at the front of the property shall be constructed to the full and final satisfaction of the Local Highway Authority, in accordance with the approved plans via legal agreement;

#### 4.3 Local Residents

1 letter has been received objecting to the proposal on the following grounds:-

- a) increase in traffic/parking;
- b) traffic hazard;

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

The principle of residential development of this site has been established by planning application PT04/3581/O which granted outline planning permission for the erection of a dwelling on the site.

Notwithstanding the above this application is a new application and as such has to be assessed on its own merits.

Given that the application site lies within the urban area of the Bristol North Fringe and is within a highly sustainable location, advice contained within PPS3 states that priority for new residential development should be on previously developed land. Using land efficiently is a key consideration in planning for housing. This advice is generally reflected in the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006. However, such development should achieve good design to ensure that the character of the area is not adversely affected.

- 5.2 Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant as it relates to new residential development within existing defined settlement boundaries and urban areas, setting out the policy criteria in which such applications are to be assessed. Policy H2 allows for residential development within existing defined settlement boundaries subject to the following :-

**(A) development would not have unacceptable environmental or transportation effects and would not significantly prejudice residential amenity;**

#### 5.3 Transport

The proposal provides off-street parking for the existing and proposed dwellings in accordance with the Council's parking standards. Cycle parking and bin storage/recycling facilities are also provided.

No transportation objection is raised to the proposal subject to a contribution of £1800 to offset the incremental increase in traffic associated with the proposal. This contribution will go towards the North Fringe Development Major Scheme (Transport Measures). It is considered this could be secured under a S278 agreement under the Highways Act.

The developer is also required prior to the occupation of the dwelling, to provide the proposed footway to the front of the site and shall be constructed to the full and final satisfaction of the Local Highway Authority.

The proposal is therefore acceptable in transportation terms.

#### 5.4 Residential Amenity

The application comprises two elements.

##### a. Garage

With regard to the detached garage this part of the proposal is considered acceptable. The design of the garage is in keeping with the area in general and is of a size that can be accommodated on the site. Its design, due to its single storey nature incorporating a gabled roof, its siting with its rear elevation next to the adjacent property's boundary and distance away from this dwelling will ensure that no adverse impact upon the residential amenities of surrounding occupiers will result from the development.

##### 5.5 b. Dwelling

With regard to the dwelling, this element of the proposal is also considered to be acceptable. Its location on the site in line with existing dwellings, facing the road, will ensure that no loss of privacy or overlooking will result from the development. A condition relating to details of boundary treatment will also be a condition of any planning consent. The design of the proposal is also considered to be acceptable. There is no definite vernacular to the area with a wide range of house types and designs evident within the locality. The development is of a similar appearance to the proposed garage and due to its appearance will intergrade well into the street scene.

The application therefore complies with criterion **A** in its entirety.

#### **(B) the maximum density compatible with the sites location, its accessibility and its surroundings is achieved;**

- 5.6. The application site, has an area of some 0.07 hectares, resulting in a housing density of 29 dwellings per hectare. Advice contained within the adopted local plan states that within existing urban areas a minimum density of 30 dwellings per hectare should be achieved. Although it is recognised that the density falls just below this figure, it is considered that having regard to shape of the site a greater number of dwellings is unlikely to work visually. The proposal therefore complies with this criterion.

#### **(C) the site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination;**

- 5.7 The site lies within the residential area of Stoke Gifford and is currently not adversely affected by any of the above. The proposal therefore complies with this criterion.

#### **(D) provision for education, leisure, recreation etc. within the vicinity of the site is adequate to meet the needs arising from the proposal.**

- 5.8 The proposal is for 1 additional dwelling. It is considered that due to the urban nature of the site and the existing level of service provision within the locality, adequate provision within the vicinity of the site is adequate to meet the needs arising from the proposal.
- 5.9 Also of relevance is policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy specifically relates to development within existing residential curtilages. Such development is normally permitted provided it respects 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. These issues have already been addressed under the foregoing paragraphs and the application is also considered to accord with this policy.
- 5.10 In conclusion, the application accords with adopted policies D1, H2, H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and is acceptable.
- 5.11 Design and Access Statement  
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.12 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 106 Agreement (or similar agreement) and would satisfy the tests set out in Circular 05/2005. However this contribution could equally well be secured through a S278 agreement under the Highways Act.

## **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 (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 a legal agreement to secure the following:

- (a) A financial contribution of £1800 towards the North Fringe Development Major Scheme (Transport Matters).

Reason: To provide a contribution commensurate to the scale of the development towards the North Fringe Development Major Scheme (Transport Matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006 and to accord with policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- (2) If the legal agreement is not signed within 12 months of this determination then, in view of the length of time the application should either:

(a) Return to the Development Control Area Committee for reconsideration or alternatively;

(b) The application should be refused due to the failure to secure the Heads of Terms listed above under a legal agreement, for the reasons listed in section (1) a.

**Background Papers**      **PT08/0062/F**

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

**CONDITIONS**

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

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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

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

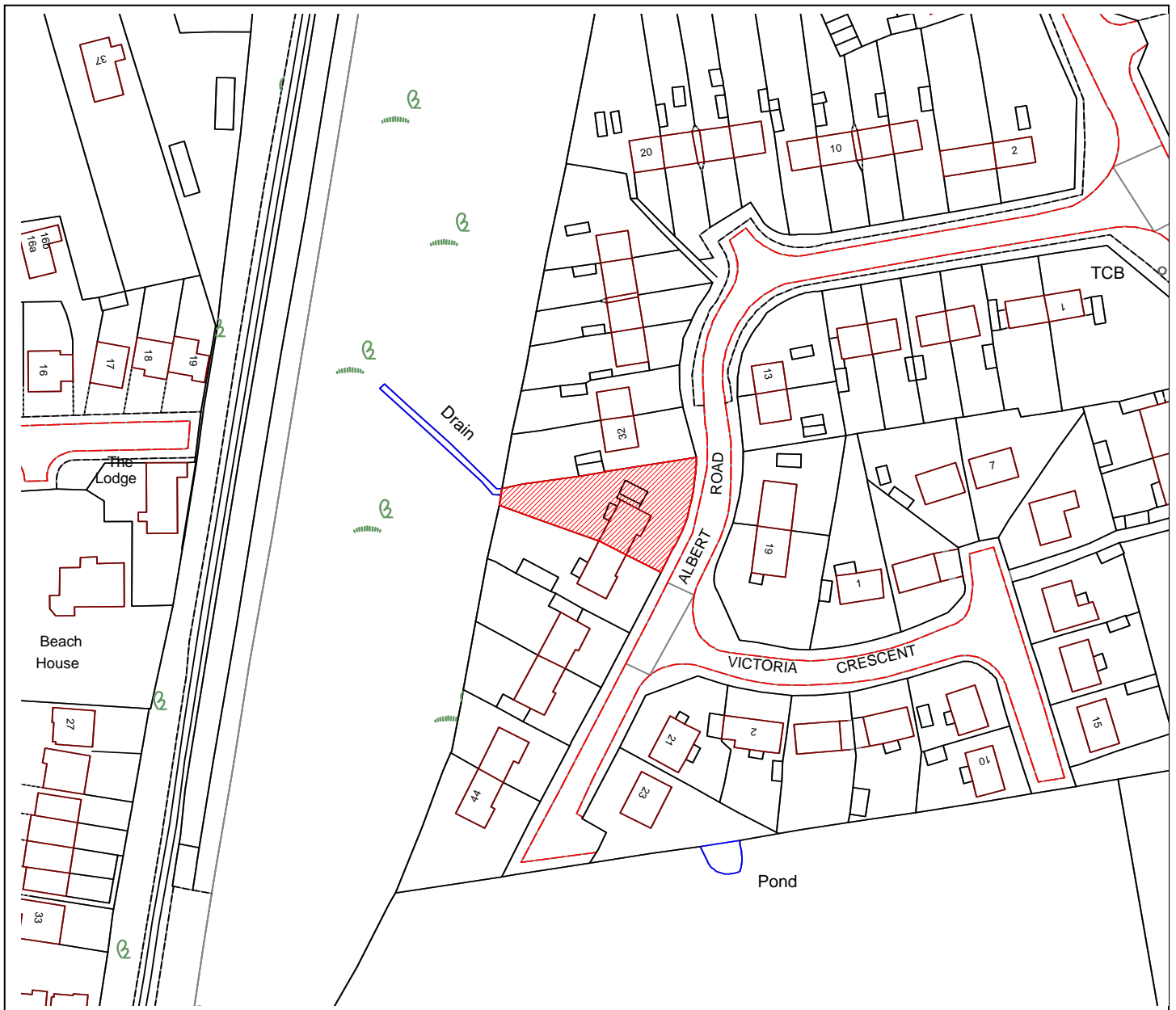
Reason(s):

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

**CIRCULATED SCHEDULE NO. 10/08 – 7 MARCH 2008**

**App No.:** PT08/0180/F  
**Site:** 34 Albert Road, Severn Beach, South Gloucestershire, BS35 4PT  
**Proposal:** Erection of replacement garage.  
**Map Ref:** 54086 84628

**Applicant:** Mr & Mrs Coleman  
**Date Reg:** 21st January 2008  
**Parish:** Pilning and Severn Beach  
**Ward:** Pilning and Severn Beach



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**N.T.S**

**PT08/0180/F**



**This application appears on the Circulated Schedule as a representation was received contrary to the Officer's recommendation.**

**1. THE PROPOSAL**

- 1.1 The applicant seeks full planning consent for the erection of a replacement garage.
- 1.2 This is a semi-detached bungalow within the existing urban area of Severn Beach. The proposal consists of a replacement garage to the side with render to match existing, 5.4 m deep, 5 m in width and 3.9 m in height. The roof is pitched and materials consist of tiles to match existing.

**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

L17 The Water Environment

T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance  
Design Checklist (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

No relevant history

**4. CONSULTATION RESPONSES**

4.1 Parish Council

No objection raised

**Other Representations**

4.2 Local Residents

One letter of objection was received. The local resident raised concern over the proximity of the proposed garage to the boundary fence and also to an existing drainage ditch.

**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 shortest distance between the replacement garage and the party boundary with no. 32 Albert Road is 0.5 m however this is at the corner where two walls meet and no wall runs parallel 2 m high boundary fence. It is therefore considered that the adjacent property would suffer no overbearing impact or excessive loss of light as a result of the proposal.

## 5.3 Privacy Analysis

The proposal is single storey and there is an existing party boundary fence approximately 2 m in height so therefore there would be no overlooking or loss of privacy as a result of the proposal.

## 5.4 Highway Safety Analysis

The garage is replacing the existing garage in situ at the property and therefore there would be no adverse impact on the parking arrangements at the property or on highway safety.

## 5.5 Design / Visual Amenity

The proposal is modest in scale and fits with the character of the existing property. The chosen construction materials, which match the palette of materials displayed in the existing building, means that this is an appropriate addition to the dwelling and streetscene.

## 5.6 Other Matters

The Council's drainage engineer was consulted as a part of this application and raised no objection.

## 5.7 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PT08/0180/F**

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

## **CONDITIONS**

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

Reason(s):

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

**CIRCULATED SCHEDULE NO. 10/08 - 7 MARCH 2008**

**App No.:** PT08/0199/F  
**Site:** First Floor Flat, 123 Gloucester Road North, Filton, South Gloucestershire, BS34 7PY

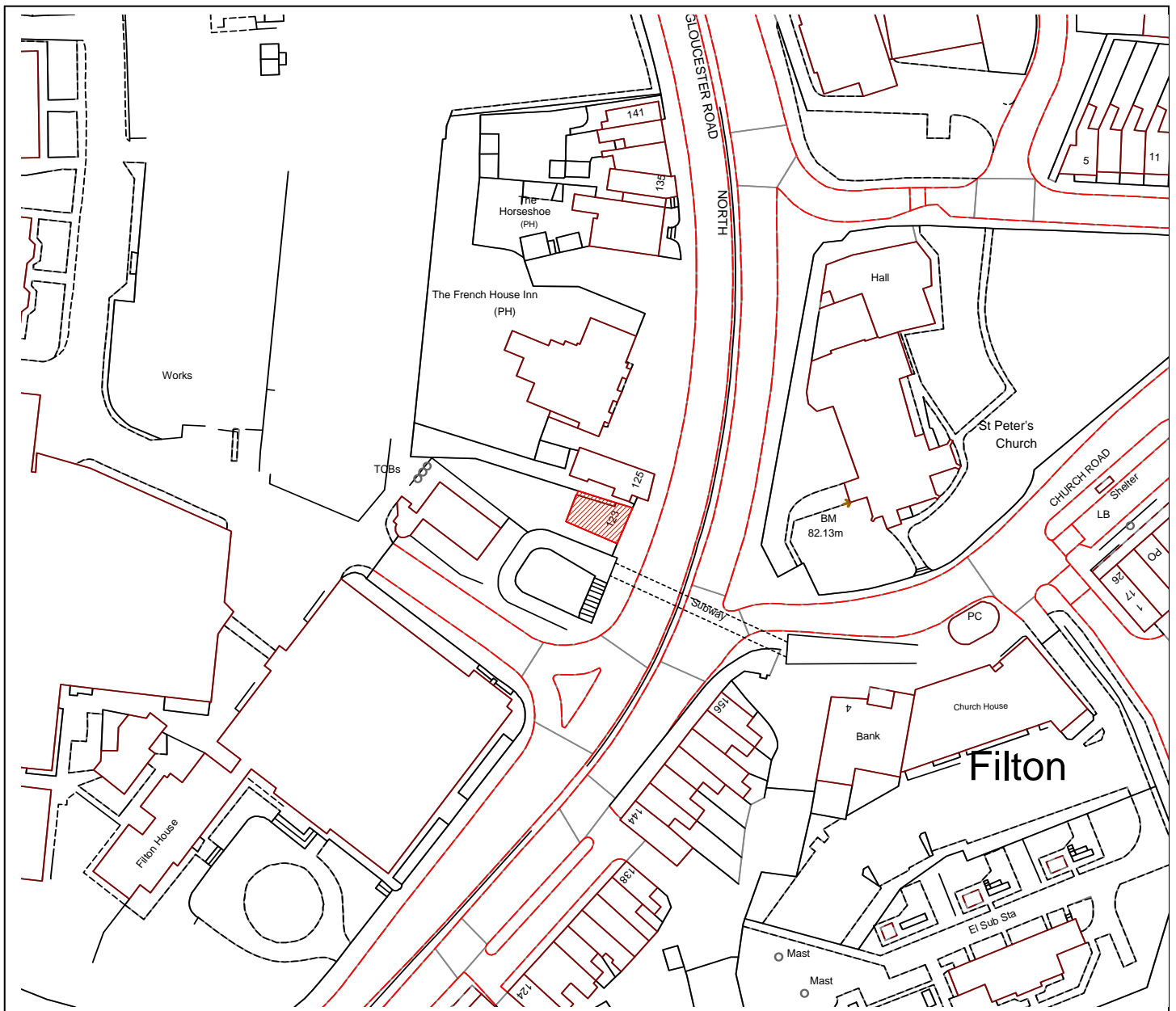
**Applicant:** Mr D Burns  
**Date Reg:** 22nd January 2008

**Proposal:** Change of use of first floor flat from residential (Class C3) to hairdressers (Class A1) as defined in the Town and Country Planning (Use Classes) Order 2005.

**Parish:** Filton Town Council

**Map Ref:** 60247 79180

**Ward:** Filton



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**This application appears on the Circulated Schedule in view of the concerns expressed by Filton Town Council.**

**1. THE PROPOSAL**

- 1.1 The application seeks the change of use of a first floor flat (residential C3) to provide a hairdressers (retail A1).
- 1.2 The application site comprises 123 Gloucester Road North sited on the west side of Gloucester Road North (Filton) opposite St. Peter's Church.

**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: Achieving Good Quality Design in New Development  
RT8: Small Scale Retail Uses  
T7: Cycle Parking  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development  
  
Supplementary Planning Guidance  
Design Checklist

**3. RELEVANT PLANNING HISTORY**

- 3.1 N5019: Installation of new shop front. Permitted: 26 October 1978

**4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
Concerns over parking issues. If approved suggest no parking signs.
- 4.2 Other Consultees  
Environmental Services: no adverse comments  
Highways DC: no objection subject to condition requiring cycle parking facilities

**Other Representations**

- 4.3 Local Residents  
No comments received

**5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Planning policy RT8 cites that small scale proposals falling within the A1, A2 and A3 use class (within the urban areas and boundaries of settlements) will be permitted provided that:

- The development would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of local amenities and highway safety; and
- The development would not prejudice existing residential amenity; and
- The character of the area would not be adversely affected; and
- (In the case of proposals within a local centre) the development would be consistent with that centre's scale and function; or
- (In the case of proposals outside of a local centre) the development would improve the range of services to a local community and not harm the vitality and viability of an existing local centre.

5.2 Design/ Visual Amenity

The application site forms a two-bedroom first floor flat above an existing nail/ beauty parlour on the west side of Gloucester Road North, Filton. The building comprises a flat roofed two-storey storey structure with the frontage at first floor level fully glazed; to this extent the existence of a residential unit in this location is well concealed with the appearance of this part of the building more akin to office/ retail accommodation.

5.3 The application seeks approval for the change of use of this first floor level to provide for enlarged retail accommodation. In this regard, this current proposal would provide for a new hairdresser that would operate in conjunction with the nail/ beauty parlour below.

5.4 The application does not detail any external alterations to the building whilst it is likely that any new/ additional signage would need to be subject to a further application seeking advertisement consent. As such, there is no objection to this current proposal on this basis.

5.5 Residential Amenity

The building sits in relative isolation with the Grade II Listed New Filton House (Pegasus House) (derelict and covered by protective scaffolding/ sheeting) to the south and a small two-storey building immediately to the north; the latter of which provides for a newsagent at ground level with likely residential facilities above.

5.6 In view of the above, and with no external changes shown, it is not considered that any significant adverse impact in residential amenity would be caused.

5.7 Highway Safety

The site is located off the principal A38 that comprises a dual carriageway to the front of the application site. Restrictions prevent vehicles parking with the closest public car park located on the opposite side of the A38 within the Shield Retail Centre.

5.8 In view of the above, there is no transportation objection to the principle of the proposal given that these existing parking restrictions prevent cars parking at this location. Further 'no parking' signage (as suggested by the Town Council) is not considered to be necessary. Concerns have though been expressed in response to the lack of cycle parking facilities. Nonetheless, such could be secured via a condition and thus it would not be reasonable to refuse the application on this basis.

#### 5.9 Impact on the Local Centre

The application site occupies a peripheral location beyond the main Filton retail centre but nonetheless remains readily accessible from the shops and services provided here. In this regard, it is considered that the proposal would be consistent with both the scale and function of this retail centre without detriment to its vitality and viability. No objection is raised on this basis.

#### 5.10 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.

#### 5.11 Section 106 Requirements

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

### 6. CONCLUSION

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

The 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**      **PT08/0199/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. Prior to the first use of the development hereby approved, cycle parking facilities in accordance with Policy T7 of the South Gloucestershire Local Plan shall be provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

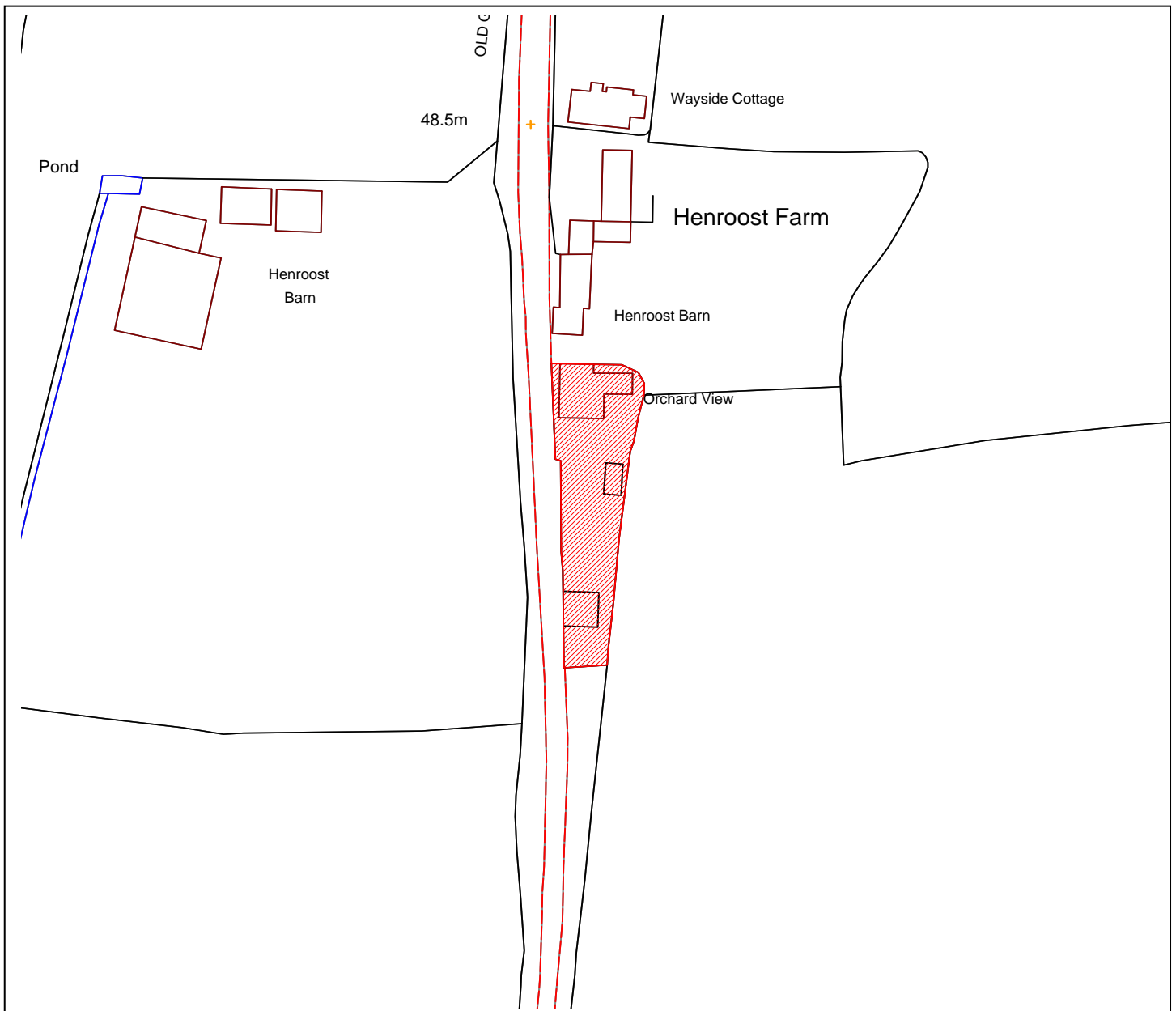
Reason(s):

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. 10/08 – 7 MARCH 2008

<b>App No.:</b>	PT08/0222/F	<b>Applicant:</b>	Mr & Mrs M Parsons
<b>Site:</b>	Orchard View, Old Gloucester Road, Winterbourne, South Gloucestershire, BS36 1RZ	<b>Date Reg:</b>	24th January 2008
<b>Proposal:</b>	Conversion of existing garage to facilitate erection of single storey residential annexe with pitched roof.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	63687 81410	<b>Ward:</b>	Winterbourne



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**N.T.S**

**PT08/0222/F**

**This application appears on the Circulated Schedule given the objection that has been raised by Winterbourne Parish Council.**

**1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the conversion of an existing detached garage building to provide a residential annex.
- 1.2 The application site comprises a detached two-storey dwelling on the east side of Old Gloucester Road, Winterbourne. The property lies outside of the settlement boundary within the green belt.
- 1.3 A condition attached to this garage restricts its use to the garaging of private motor vehicles, domestic storage and for uses incidental to the enjoyment of the associated dwelling but prevents trade or business uses. Permission is required for these works given that the proposal would be tantamount to the creation of a new dwelling (by reason of the facilities provided).

**2. POLICY CONTEXT**

2.1 National Guidance

PPS1: Delivering Sustainable Development  
PPG2: Green Belts

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development  
H4: Development within Residential Curtilages  
GB1: Development within the Green Belt  
T12: Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

Design Checklist  
Development within the Green Belt

**3. RELEVANT PLANNING HISTORY**

- 3.1 P91/1698: Single-storey side addition to form porch & study; detached garage. Permitted: P91/1698
- 3.2 PT04/1081/O: Conversion of existing double garage to form new dwelling. Refused: 2 April 2004

**4. CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

Objection: This property is within the Green Belt and no special circumstances have been shown. Confusion as to whether it is the demolition of garage or conversion. (Application originally incorrectly registered as “demolition of...”)

Objection: The proposed conversion is within the Green Belt with no valid special circumstances given. (In response to correct description)

- 4.2 Other Consultees  
Highways DC: no objection provided it remains as annex accommodation

### **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Planning policy GB1 cites that permission will only be given for the change of use of land or existing buildings where:
- It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purposes of including land within it;
  - The building is of permanent and substantial construction and capable of conversion without major or complete reconstruction; and
  - The form, bulk and general design of the buildings are in keeping with their surroundings.
- 5.2 Policy H4 allows for the principle of development within residential curtilages subject to considerations of design, residential amenity and highway safety.
- 5.3 Planning policy T12 cites that development proposals will be permitted (in terms of transportation) provided (where relevant) that safe access is provided, and that the proposal would not compromise highway safety.
- 5.4 Design/ Visual Amenity  
The application site comprises a detached two-storey dwelling on the east side of Old Gloucester Road, Winterbourne. The proposal relates to its associated detached garage sited to the south of the dwelling adjacent to the highway; this formed part of extensions/ works undertaken following the 1991 permission.
- 5.5 The proposal would allow the conversion of this building to provide a residential annex. However, it is noted that by reason of the facilities provided, the annex would be tantamount to the creation of new dwelling with it to benefit from kitchen, bathroom, living room and bedroom facilities; as such it could therefore operate independently and would not be reliant upon the existing dwelling.
- 5.6 The proposal would utilise the existing build though would require alterations to the front and rear allowing the introduction of two front windows and entrance door in lieu of the two garage doors and two new windows in lieu of the existing rear facing windows and doors. More significantly, works would also introduce a pitched roof to replace the existing corrugated flat roofed structure.
- 5.7 In view of the above, there is no objection to the design of the proposal with the roof alterations considered to enhance the appearance of this prominent building. A condition should however be attached to any favourable decision to restrict further extensions; this is in view of its prominent and restricted position (and given that it lies within the green belt).
- 5.8 Impact upon the Openness of the Green Belt

- This current application follows a previous submission (PT04/1081/O) for the conversion of this garage to provide a new dwelling. Nevertheless, this would have involved substantial changes including the addition of first floor accommodation. Planning permission was refused for two reasons; the first of which related to the impact of the proposal on the openness of the green belt.
- 5.9 In contrast, this current proposal shows the retention of this existing structure in near its current form with the exception of the new roof that would increase the height of the building by 0.9m to the ridge. Further, the existing external walls would be insulated whilst the revised openings would be formed.
- 5.10 Policy GB1 allows for the conversion of existing buildings provided the proposal would not have a materially greater impact on the openness of the green belt and provided that the building is of permanent and substantial construction, capable of conversion without major or complete reconstruction; the proposal should also be in keeping with its surroundings.
- 5.11 The advice of Building Control colleagues' indicates that it would be possible to convert this building whilst its foundations would appear of sufficient depth. As such, it would be unreasonable to withhold permission on this basis whilst the impact of the low pitched roof on the green belt is considered to be minimal. Further, given that the build would comprise annex accommodation only, there would be no intensification of the site with its subdivision no longer required.
- 5.12 Notwithstanding the above, conditions should be attached to any approval restricting extensions to this building and ensuring that it remains as ancillary accommodation. To this extent, policy H4 cites that where works are capable of separate occupation but lack an acceptable level of separate parking provision or private amenity space, the Council will impose a condition to ensure that the proposal is utilised only as ancillary living accommodation.
- 5.13 Residential Amenity  
The application site sits in relative isolation with the garage sited at the furthest possible point from the sole neighbouring property to the north. As such, and in view of the nature of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.14 Highway Safety  
The aforementioned planning application received in 2004 was refused for two reasons; the second of which related to highway safety:  
*'The proposal will result in the creation of a sub standard access by way of inadequate visibility and an increase in vehicles standing, turning and manoeuvring on a classified highway. This is detrimental to the safety of all highway users and contrary to Policy T12 of the South Gloucestershire Local Plan (Revised Deposit Draft).'*
- 5.15 In this instance, with ancillary accommodation proposed, adequate parking and turning facilities would remain (for two vehicles). Further, whilst it is noted that the existing access along Old Gloucester Road suffers restricted visibility which would be unsuited to any significant intensification of use, the annex would be unlikely to result in a material increase in vehicle movements.

5.16 In view of the above, there is no transportation objection to the proposal subject to a planning condition ensuring that the proposal remains as ancillary living accommodation.

5.17 Design and Access Statement

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

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.

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**      **PT08/0222/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 tiles to be used in the development hereby permitted shall match those of the existing dwelling in colour, texture and profile.

Reason(s):

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

3. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Orchard View.

Reason(s):

In the interests of the openness of the green belt, residential amenity and highway safety all to accord with Planning Policies H4, GB1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

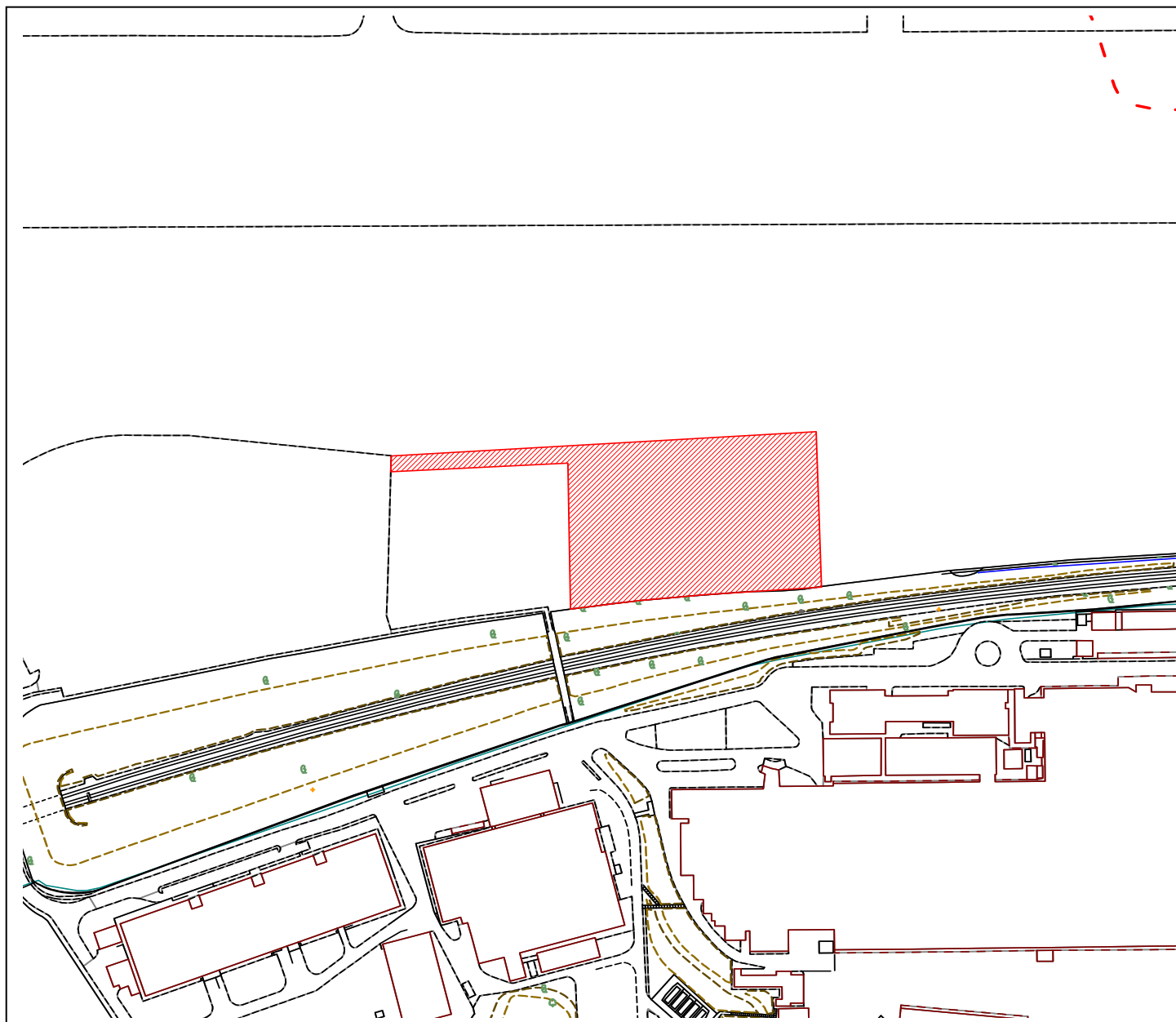
4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the annex building hereby permitted shall not be enlarged/ extended without the prior written consent of the Local Planning Authority.

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity and in view of the prominent position of the building within the Green Belt, all to accord with Planning Policies D1, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 10/08 - 7 MARCH 2008

<b>App No.:</b>	PT08/0274/CLP	<b>Applicant:</b>	Airbus UK Ltd
<b>Site:</b>	Airbus UK Ltd, Building 07AH, New Road, Filton, BRISTOL BS99 7AR	<b>Date Reg:</b>	30th January 2008
<b>Proposal:</b>	Application for Certificate of Lawfulness for proposed creation of 326 temporary car parking spaces for 3 years during redevelopment of industrial buildings.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	59232 80030	<b>Ward:</b>	Patchway



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**This application is on the Circulated Schedule because it is for a Certificate of Lawfulness.**

**1. 1. DESCRIPTION OF DEVELOPMENT**

- 1.1 A Certificate of Lawfulness is sought for a proposed development. This consists of temporary arrangements required whilst the Airbus site is being redeveloped under the recent planning consents granted (detailed below). The period sought is for 3 years. The application site relates to the area of land at the north eastern corner of Filton Airfield, next to the Concorde Visitor Centre compound and it's associated parking area. This is land leased by Airbus. The application site covers an area of 0.92 ha and is currently grassland. An embankment with dense vegetation then separates the site from the rail way. The temporary parking area would be accessed from a new link to car park 28. The circulation roads as well as the new access road would be finished in bitmac surfacing, while the parking bays themselves would be finished in compacted gravel with white line markings. Low level bollard lighting, security fencing up to 2.2m in height and a vehicle barrier along the top of the embankment are also proposed.
- 1.2 The applicant contends that these proposals fall under permitted development rights under The Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 4 Class A for Temporary Buildings and Uses. This allows for the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried on, in, under or over that land or on adjoining land. The Certificate of Lawfulness application is the formal mechanism by which the applicant can confirm the Local Planning Authority concurs with this view.

**2. LEGISLATIVE 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 PT05/0749/O            Redevelopment of site to provide new office campus, research, development and manufacturing buildings, new staff facilities and revised parking and access to A38.  
Granted 27 January 2006
- 3.2 PT05/0747/F            Erection of B2 Industrial building with ancillary offices, parking and construction of new access.  
Granted 19 July 2005
- 3.3 PT06/0296/RM           Erection of industrial building - Reserve matters in conjunction with Outline Planning permission PT05/0749/O  
Approved 15 May 2006
- 3.4 PT06/0310/RM           Erection of industrial building for B2 Use with ancillary offices, parking and associated works.  
Approved June 2006.



3.5 PT06/567/RM           Erection of industrial building for B2 use with parking and associated works (approval of reserved matters to be read in conjunction with outline planning permission PT05/0749/O)  
Approved June 2006.

3.6 PT06/641/CLP           Application for Certificate of Lawfulness for proposed creation of 616 temporary parking spaces and staff accommodation ( in part relocation of existing ) during redevelopment of industrial building.  
Approved 20 July 2006

3.7 PT06/0643/F           Erection of 5 no. two storey temporary office blocks with associated parking to provide accommodation during redevelopment of industrial buildings.  
Withdrawn – 7 August 2006

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

- 4.1 Supporting letter with references to The Town and Country Planning (General Permitted Development) Order 1995.
- 4.2 Site plan, Location plan, Master parking accommodation schedule.

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

- 5.1 None received

#### **6. OTHER REPRESENTATIONS RECEIVED**

- 6.1 Almondsbury Town Council  
No objection
- 6.2 Technical Support  
No objection in principle

#### **7. EVALUATION**

- 7.1 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. The applicant has submitted precise plans showing the nature and extent of the proposal, and in the submission has linked the necessary temporary arrangements to the redevelopment of the Airbus site permitted by PT05/0749/O and subsequent reserved matters consents.
- 7.2 It is considered that the works set out are required because of the redevelopment permitted, and will only be in place for the duration of the operations. Therefore it is accepted that the proposal does fall within permitted development under Class A, Part 4 of the General Permitted Development Order.
- 7.3 An informative will be put on any approval reminding the applicants that the land needs to be re-instated to its current condition i.e grassland when the parking is no longer required.

**8.           RECOMMENDATION**

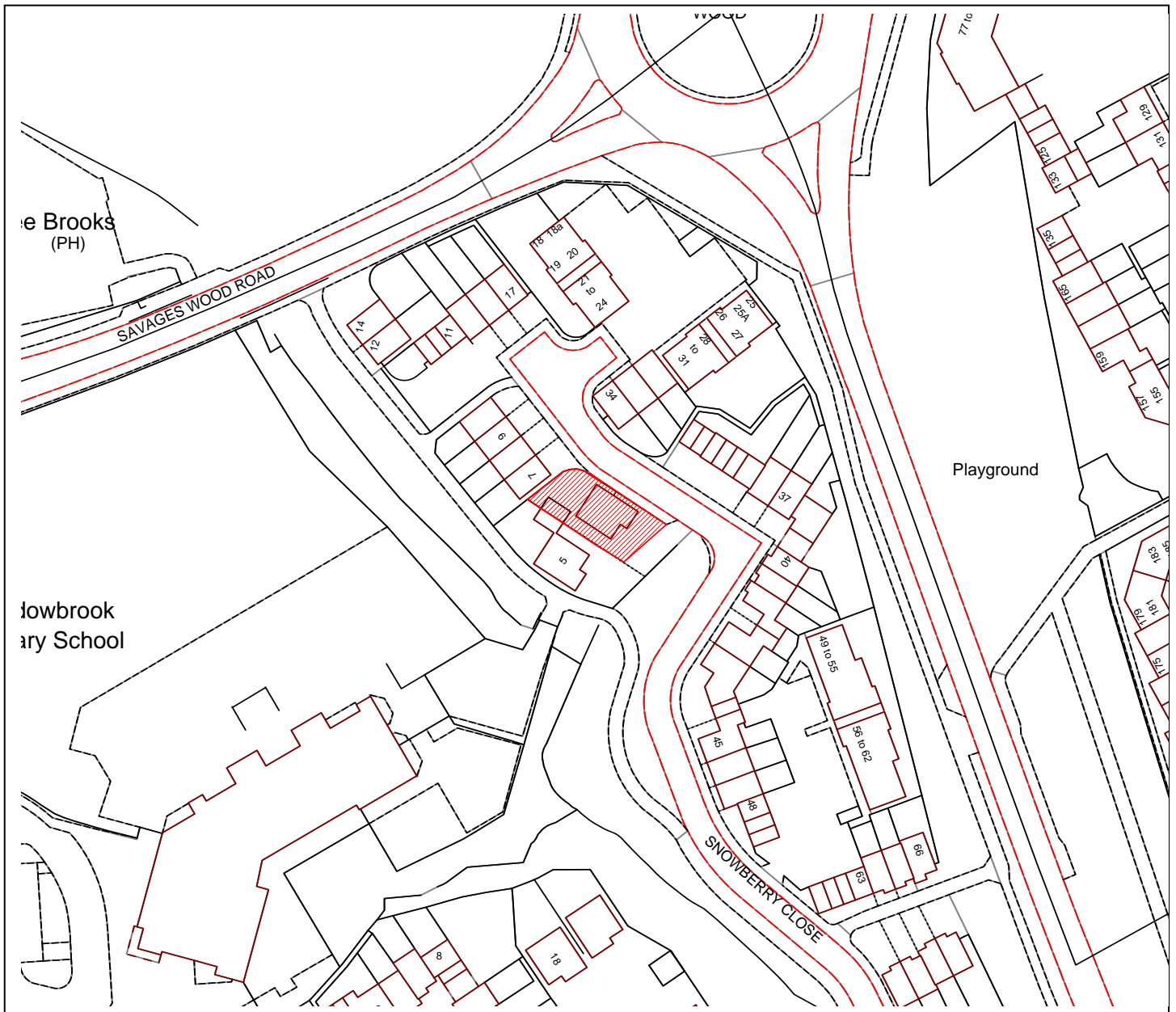
8.1      That a Certificate of Lawfulness for proposed development is granted.

**Background Papers           PT08/0274/CLP**

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

**CIRCULATED SCHEDULE NO. 10/08 - 7 MARCH 2008**

<b>App No.:</b> PT08/0280/CLP	<b>Applicant:</b> Mr & Mrs Everett
<b>Site:</b> 6 Snowberry Close, Bradley Stoke, South Gloucestershire, BS32 8GB	<b>Date Reg:</b> 30th January 2008
<b>Proposal:</b> Application for Certificate of Lawfulness for the proposed installation of rear dormer to loft conversion	<b>Parish:</b> Bradley Stoke Town Council
<b>Map Ref:</b> 62178 81799	<b>Ward:</b> Bradley Stoke South



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**N.T.S**

**PT08/0280/CLP**

**This application is placed on the circulated schedule as it for a Certificate of Lawfulness for Proposed Development.**

**1. THE PROPOSAL**

- 1.1 The applicant seeks a Certificate of Lawfulness for a proposed installation of a rear dormer to facilitate a loft conversion.
- 1.2 The application site relates to a modern detached dwelling which is situated within the settlement of Bradley Stoke.

**2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Permitted Development) Order 1995

**3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

**4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No comments received
- 4.2 Local Residents  
None

**5. SUMMARY OF EVIDENCE SUBMITTED BY APPLICANT**

- 5.1 Site Location Plan submitted to the Council on the 25<sup>th</sup> January 2008 showing the site
- 5.2 Existing Elevations Plan submitted to the Council on the 25<sup>th</sup> January 2008 showing the existing site
- 5.3 Proposed Elevations Plan submitted to the Council on the 25<sup>th</sup> January 2008 showing the existing site
- 5.4 Existing Ground Floor Plan submitted to the Council on the 25<sup>th</sup> January 2008 showing the existing site
- 5.5 Proposed Ground Floor Plan submitted to the Council on the 25<sup>th</sup> January 2008 showing the existing site
- 5.6 Proposed cross section submitted to the Council on the 25<sup>th</sup> January 2008

**6. EVALUATION**

- 6.1 The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local

Plan(Adopted) January 2006 do not apply in this instance. The assessment must be made on the 'balance of probability'.

- 6.2 The proposed development consists of a rear dormer windows and alterations to the roofline to facilitate a loft conversion. This development would fall under the criteria of *Schedule 2, Part 1, Class B* of Town and Country Planning (General Permitted Development) Order 1995 (The enlargement of a dwellinghouse consisting of an addition or alteration to its roof). Developments which fail any of the following criteria would not be permitted:

***(a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof***

It has been shown on the *Proposed Elevation Plan* that the height of the proposed dormer windows and alterations to the roof would be the same or lower than highest part of the existing roof. As such, the proposal **accords** to this section of the legislation.

***(b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which fronts any highway;***

It has been shown on the *Proposed Elevation Plan* that the roof plane subject to the dormers would not front a highway. As such, the proposal **accords** to this section of the legislation.

***(c) it would increase the cubic content of the dwellinghouse by more than 40 cubic metres, in the case of a terrace house, or 50 cubic metres in any other case;***

According to the submitted plans the proposed dormers and roof alterations would have a cumulative cubic content of approximately 33 cubic metres. As such, the proposal **accords** to this section of the legislation.

***(d) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—***

***(i) in the case of a terrace house by more than 50 cubic metres or 10%, whichever is the greater,***

***(ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater, or***

***(iii) in any case, by more than 115 cubic metres; or***

***(e) the dwellinghouse is on article 1(5) land.***

The cumulative volume of the proposed dormers is approximately 33 cubic metres. However, within five metres of the dwelling there is a garage. According to paragraph A.3(b) of the Town and Country Planning (General Permitted Development) Order 1995 where any part of the dwellinghouse would be within 5 metres of an existing detached building within the same curtilage, that detached building shall be treated as forming part of the resulting building and not the original building for the purpose of calculating cubic content.

This is reiterated in the relevant case law cited in the *Encyclopaedia of Planning Law and Practice Vol. 5*. Section 3B-2065 provides an interpretation of the “cubic content” concept used in the GDPO. It states: -

**“An integral garage will be part of the dwellinghouse “as so built” but not a free standing garage, even if within the five metre zone of class A.3(c):**

- 6.3 With reference to the above, the volume of the existing curtilage outbuildings within five metres of the dwelling should be considered when calculating the resulting cubic content. Therefore the proposed development would exceed the 70 cubic metres permitted development allowance. This is as the detached garage amounts to approximately 45 cubic metres. Thus when this is added to the 33 cubic metres of the dormer the total increase is 78 cubic metres. The proposal therefore **fails** this section of the legislation.
- 6.4 In regards to the above, the proposed dormers and roof alteration would require planning consent because they fail criteria (d) of *Schedule 2, Part 1, Class B* of the Town and Country Planning (General Permitted Development) Order 1995.

## **7. RECOMMENDATION**

- 7.1 That a Certificate of Proposed Lawful Development is REFUSED for the following reason:

**Background Papers**      **PT08/0280/CLP**

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

The development proposed does not accord with the criteria in (d) of Schedule 2. Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995.

**CIRCULATED SCHEDULE NO. 10/08 - 7 MARCH 2008**

**App No.:** PT08/0320/F  
**Site:** Richmond House 65 High Street  
 Thornbury Bristol South Gloucestershire  
 BS35 2AP

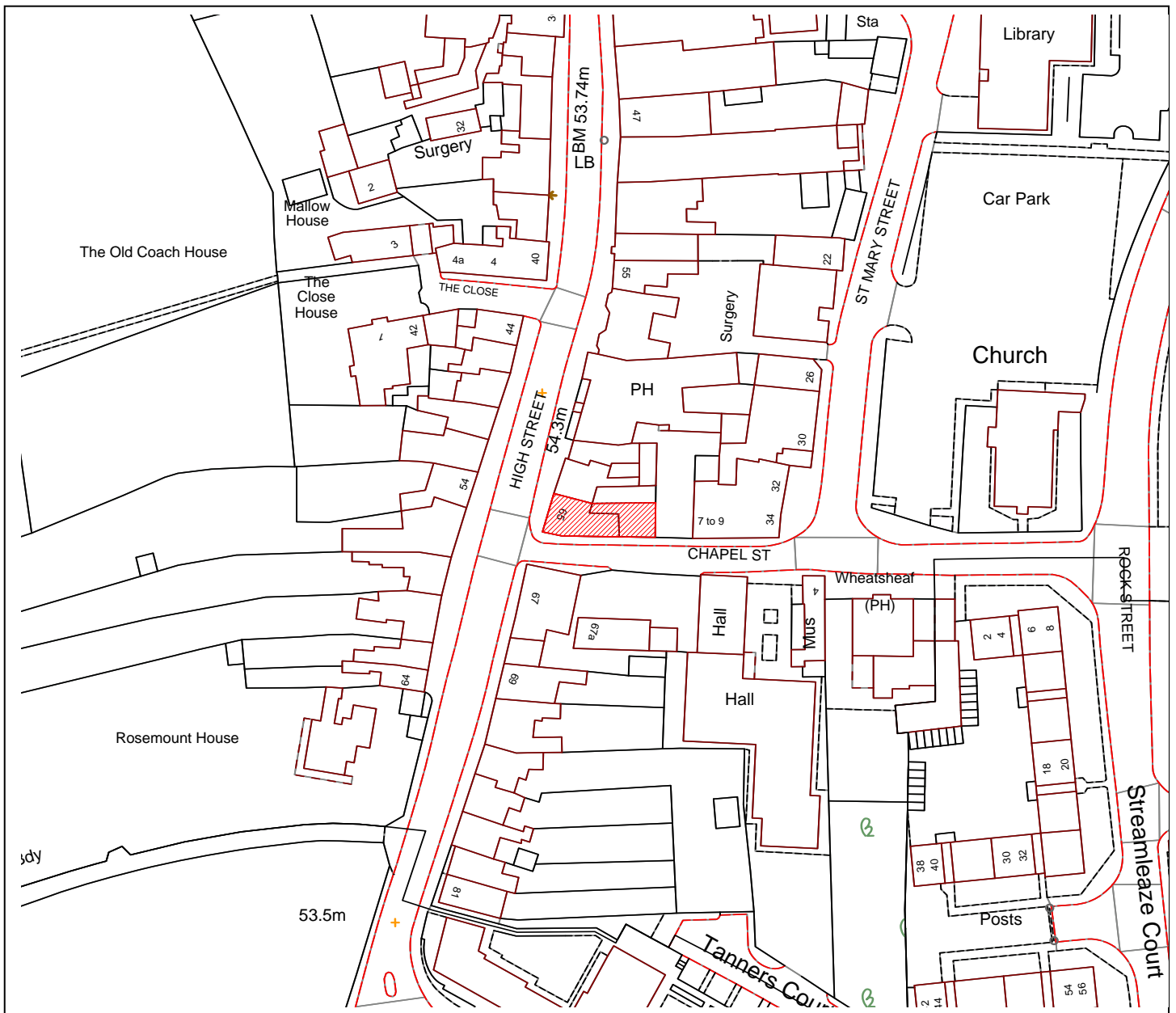
**Applicant:** Mr R L Baker  
**Date Reg:** 4th February 2008

**Proposal:** Change of use of ground floor from  
 Office (Class A2) to Cafe (Class A3) as  
 defined in the Town and Country  
 Planning (Use Classes Order) 1987 (as  
 amended 2005).

**Parish:** Thornbury Town  
 Council

**Map Ref:** 63670 89865

**Ward:** Thornbury North



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**This application appears on the Circulated Schedule as representations were received contrary to the Officer's recommendation.**

**1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the change of use of ground floor from Office (Class A2) to Cafe (Class A3) as defined in the Town and Country Planning (Use Classes Order) 1987.
- 1.2 This is a period building situated on the corner of Thornbury High Street and Chapel Street. The property lies within the Thornbury Conservation Area and is on a designated 'secondary shopping frontage'. The change of use sought only refers to the ground floor of the building and there will be no external alterations to the building.

**2. POLICY CONTEXT**

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres
PPG15	Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
L12	Conservation Areas
T12	Transportation Development Control Policy for New Development
EP1	Environmental Pollution
RT1	Development in Town Centres
RT10	Changes of Use within Secondary Shopping Frontages

2.3 Supplementary Planning Guidance

Design Checklist (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

No relevant history

**4. CONSULTATION RESPONSES**

4.1 Thornbury Town Council

No objection raised

**Other Representations**

4.2 Local Residents



The application has generated much public interest and many representations have been made by local residents. 24 letters were received in support of this application and 24 letters of objection were received.

The comments made in objection to the proposal can be summarised as follows:

- An increase in noise, smells, litter and antisocial behaviour
- Late opening hours
- Alcohol being served
- There are enough cafes/restaurants in Thornbury
- There are more suitable locations in Thornbury for a new café/restaurant
- Increased foot flow on Chapel Street will cause traffic hazard for pedestrians
- The proposed café/restaurant would adversely impact on the nearby residential properties

The comments made in support of the proposal can be summarised as follows:

- The proposal will benefit the local community, particularly families
- The proposal will provide a greater choice of places to eat
- The proposal will attract visitors to the town and bring in more trade

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policies RT1 and RT10 of the South Gloucestershire Local Plan (Adopted) January 2006 following guidance in PPS6 indicates that retail and other appropriate development will be permitted within the Town Centre of Thornbury subject to not detracting from the overall vitality and viability of the centre and it is consistent with the scale and function of the centre, it is accessible to public transport users, there are no adverse environmental or transportation effects or impact upon residential amenity and that other uses including a non-retail use is included on the upper floor.

Policy RT10 considering development within Secondary Shopping Frontages reiterates the above criteria and allows scope for flexibility in the types of use that can be accommodated. The proposed development is therefore considered acceptable in principle subject to detailed consideration of the following issues.

Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the environmental impact of development, with regard to noise and odour. Policy L12 considers the impact of alterations to the building in terms of the Conservation Area following guidance given in PPG15 that all development should preserve or enhance the character and the appearance of the area. Policy T12 considers the impact of development upon the surrounding highway network.

### **5.2 Transportation Issues**

Policy T12 considers the impact of development upon the surrounding highway network with specific reference to highway safety.

Although the proposal has no customer parking associated with it, it is close to free public car parking. Additionally, given the nature of a restaurant (rather than a takeaway), people are likely to park sensibly given their longer dwell time and as it is on the High Street, it could well encourage people to eat locally rather than travel further afield, thus possibly resulting in less trips on the wider network.

In regard to the safety of pedestrians on foot, no objection was raised by the Council's Highways Officer and it is not considered that the change of use to a café/restaurant would adversely affect highways safety.

The proposed development is therefore considered in accord with the aims and objectives of Local Plan Policy.

### 5.3 Residential Amenity / Environmental Impact

It is not considered that the proposed physical alterations to the building will adversely affect the amenity of neighbouring occupiers. Conditions are recommended to ensure the provision of extraction and odour abatement equipment including details of flues, to ensure that the equipment is maintained regularly and ensure that noise prevention measures are adequate. Concern has been raised that there should be no impact upon the sewerage system from grease/food particles and a condition to cover this matter is also recommended requiring the provision of grease traps. A condition will also limit the opening hours to customers from 8am to 11pm on all days.

Concerns were raised by local residents that the proposal would lead to an increase in litter, however it is not considered that this would be the case as the use is for a café/restaurant (where food and drink will be consumed on the premises) not a takeaway.

It is not considered that the change of use would have an adverse impact on residential amenity. Issues concerning noise and smells generated by cooking equipment have been conditioned. In regard to opening hours the café/restaurant would be in close proximity to the Knot of Rope pub which already opens till late. It is not considered that an establishment where the primary purpose is the sale of food would lead to an increase in anti-social behaviour or any increase in noise disturbance.

### 5.4 Design / Conservation Area

As no external alterations are proposed the proposal will preserve the character of Thornbury Conservation Area. The Council's Conservation Officer will ensure any proposed extraction flues are designed to preserve the appearance of the Conservation Area.

### 5.5 Design and Access Statement

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

### 5.6 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under

Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

### **Background Papers      PT08/0320/F**

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

### **CONDITIONS**

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

Reason(s):

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

2. The use hereby permitted shall not be open to customers outside the following times 8am to 11pm Monday - Saturday.

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP1 and RT10 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Full details of the proposed extraction and odour abatement system should be provided. This should include details on the specification and location of all flues, plant and fans.

Reason(s):

To minimise disturbance to occupiers of nearby dwellings and to accord with Policy EP1 and RT10 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Any extraction equipment installed in pursuance of the above condition should be regularly maintained in accordance with the manufacturers recommendations. In the event of a failure in the equipment, the cooking process should cease until it has been fully repaired.

Reason(s):

To safeguard the amenity of the locality, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. In addition to information on odour abatement, details should be provided on predicted noise levels from the extraction system (fan and air movement, through and leaving the ducting). Flues should be well insulated and sited to minimise the effects of vibration transmission and noise to any adjacent building. It may be necessary to install anti-vibration mounts/silencers. Prior to the first use of the equipment full details shall be provided where appropriate to indicate how noise nuisance will be prevented.

Reason(s):

To safeguard the amenity of the locality, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the first use of the site, full details of the proposed grease traps to be installed shall be provided. The grease traps shall hereafter be retained in accordance with these approved details.

Reason(s):

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