



**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. 44/08**

**Date to Members: 31/10/08**

**Member's Deadline: 6/11/08**

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

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

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

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

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to [PlanningApplications@southglos.gov.uk](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: 31/10/08**

**SCHEDULE NO. 44/08**

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 5pm), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email [Planningapplications@southglos.gov.uk](mailto:Planningapplications@southglos.gov.uk).

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

**DATE .....**

# Circulated Schedule 31 October 2008

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK06/1107/F	Refusal	111a Soundwell Road Soundwell South Gloucestershire BS16 4RD	Staple Hill	
2	PK08/2149/F	Approve with conditions	Land adj. to The Gables, Little Sodbury, Chipping Sodbury, South Gloucestershire, BS37 6QA	Cotswold Edge	Little Sodbury Parish Meeting
3	PK08/2541/F	Approve with conditions	135 High Street, Kingswood, South Gloucestershire, BS15 4AG	Kings Chase	
4	PK08/2617/F	Approve with conditions	42 High Street, Staple Hill, South Gloucestershire, BS16 5HW	Staple Hill	
5	PK08/2640/TRE	Approve with conditions	Plot 4 Former Downend Lower School, North View, Staple Hill, South Gloucestershire, BS16 5RX	Downend	Downend and Bromley Heath
6	PK08/2657/F	Approve with conditions	24 Church Road, Yate, South Gloucestershire, BS37 5BQ	Yate North	Yate Town Council
7	PK08/2661/R3F	Deemed consent	Alexander Hosea Primary School, Honeyborne Way, Wickwar, South Gloucestershire, GL12 8PF	Ladden Brook	Wickwar Parish Council
8	PK08/2674/F	Approve with conditions	5 Churchill Close, Barrs Court, South Gloucestershire, BS30 7BW	Parkwall	Oldland Parish Council
9	PK08/2705/F	Approve with conditions	95 Witcombe, Yate, South Gloucestershire, BS37 8SU	Dodington	Dodington Parish Council
10	PK08/2708/TRE	Approve with conditions	Barrs Court Moat, Stephens Drive, Longwell Green, BS30 7JB	Longwell Green	Oldland Parish Council
11	PK08/2727/R3F	Deemed consent	Vinney Green Secure Unit, Emersons Green Lane, Emersons Green, South Gloucestershire, BS16 7AA	Rodway	Mangotsfield Rural Parish Council
12	PT08/2349/F	Approve with conditions	Land at Cookes Drive, Easter Compton, South Gloucestershire, BS35 5RL	Almondsbury	Almondsbury Parish Council
13	PT08/2512/F	Approve with conditions	Hicks Common Livery Stables, Hicks Common Road, Winterbourne, South Gloucestershire, BS36 1LJ	Winterbourne	Winterbourne Parish Council
14	PT08/2577/F	Approve with conditions	55 Watleys End Road, Winterbourne, South Gloucestershire, BS36 1PH	Winterbourne	Winterbourne Parish Council
15	PT08/2594/F	Approve with conditions	The Hornbeams, Marlborough Drive, Frenchay, South Gloucestershire, BS16 1PW	Frenchay and Stoke Park	Winterbourne Parish Council
16	PT08/2623/F	Approve with conditions	4 Gatcombe Drive, Stoke Gifford, South Gloucestershire, BS34 8NX	Stoke Gifford	Stoke Gifford Parish Council

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
17	<b>PT08/2658/F</b>	Approve with conditions	135 Park Lane, Frampton Cotterell, Frampton Cotterell South Gloucestershire, BS36 2ES	Frampton Cotterell	Parish Council
18	<b>PT08/2662/F</b>	Approve with conditions	20 Severn Drive, Thornbury, South Gloucestershire, BS35 1EX	Thornbury North	Thornbury Town Council
19	<b>PT08/2668/RVC</b>	Approve with conditions	41 The Wheatsheaf, High Street, Winterbourne, South Gloucestershire, BS36 1JG	Winterbourne	Winterbourne Parish Council

**CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008**

**App No.:** PK06/1107/F

**Applicant:** Avon Scanning & Planning Ltd

**Site:** 111a Soundwell Road Soundwell BRISTOL South Gloucestershire BS16 4RD

**Date Reg:** 20th April 2006

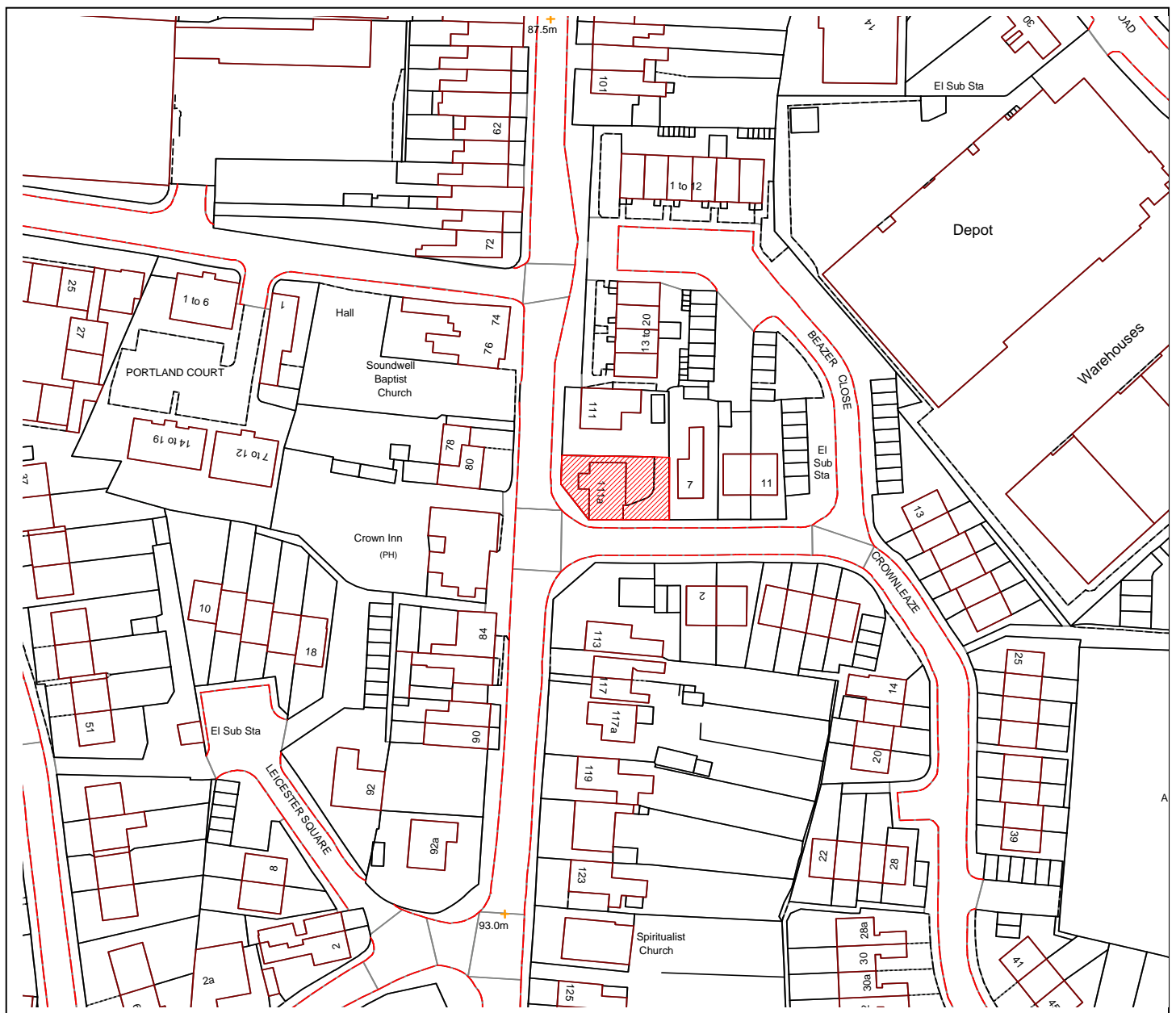
**Proposal:** Conversion of existing dwelling and erection of two storey side extension to form 4no. self contained flats and associated works. Erection of rear entrance porch.

**Parish:**

**Map Ref:** 64835 75357

**Ward:** Staple Hill  
**Target Date:** 30th May 2006

**Application Category:** Minor



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100023410, 2008.

## **INTRODUCTION**

This report relates to an undetermined 2006 application, which was originally referred to Circulated Schedule 28/06 on the 14 July 2006. It was recommended to approve the proposal subject to a Section 106 agreement to secure £2,000 towards public transport improvement. It is considered however that this application should now be determined due to the failure of the applicant to complete the agreement.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the conversion of an existing dwelling and erection of two storey side extension to form 4no. one – bedroomed self contained flats and associated works with erection of rear and side entrance porches.
- 1.2 The site consists of a detached house, in reconstructed stone and render, with a single storey lean-to garage, on the corner of Soundwell Road and Crownleaze. Access to the garage for 111 is at the rear of the site. The site lies within the urban area of Staple Hill. The proposed side extension replaces the garage and is 3m wide, 9.4m long (1.5m is single storey, consisting of the rear entrance porch) and the height of the main house. The materials proposed are render and reconstructed stone and double pan tiles on the main roof to match existing with plain tile roof to the porches. To the rear of the building are proposed two parking spaces, and the rear access to the garage at the rear of 111 is retained.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport

#### **2.2 Development Plans**

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

D1	Design
H5	Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Criteria

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

- 3.1 K3572 Erection of dwelling house, garage and associated vehicular access. Approved 1981
- 3.2 PK07/2704/F Conversion of existing dwelling and erection of two storey side extension to form 4 no. self contained flats and associated works. Recommended approval in the Circulated Schedule 27/08 subject to S106 agreement towards public transport improvements.

## 4. **CONSULTATION RESPONSES**

### 4.1 Parish/Town Council Unparished area

### 4.2 Sustainable Transport

Officers have been provided with additional information, which are worthy of further consideration when determining the planning application.

1) Vehicular manoeuvring space on site - it is being proposed to widen the parking spaces on site to improve the manoeuvring of vehicles on site. I confirm that it is possible to improve the manoeuvrability of vehicles on the site by widening of the spaces. This could be a condition to any planning which is being considered.

Recommendation – widen parking space to dimensions of 3m wide. (Each space would measure 3m wide by 4.8m long).

2) Cycle parking - cycle parking stores would be provided on site to promote sustainability

Recommendation - provide one cycle store per flat on site and maintain them satisfactory thereafter.

3) The applicant has failed to complete to Section 106 agreement which make financial contribution towards the improvements to public transport system in the area.

Recommendation – it is recommended to refuse planning permission.

## **Other Representations**

### 4.3 Local Residents

Three letters of objection have been received, raising the following issues:

- 4 flats would require between 4 to 8 parking spaces, not enough parking provided
- Crownleaze already very congested with on-street car parking, so that residents have trouble egressing their driveways
- Increased on-street parking will restrict access by emergency vehicles
- Further development of flats in Soundwell area unreasonable
- Area already overpopulated causing traffic congestion, parking problems and disruption to local residents
- Soundwell area becoming an overcrowded, unpleasant area of live in
- Too many flats being built in area, there is no need for them
- Block neighbour's driveway
- Legal covenants on the site preventing this development

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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



- 5.2 The area is predominately a residential one, consisting of Victorian properties and postwar housing. There are flats to the north of the site in Beazer Close. On the whole, the area is dominated by housing rather than flats and it is not considered that this proposed conversion would prejudice the character of the surrounding area.
- 5.3 The principle of development is therefore acceptable, subject to the following detailed assessment.
- 5.4 Visual Amenity  
The proposed two storey extension is of an appropriate width and would not look out of place in the streetscene. Since there is an existing single storey structure here, it is not considered that the increase in height would dominate this corner. The existing rubble stone wall to the side boundary will be retained. The existing house is fronted by a poor quality reconstituted stone, and the use of the render on the front elevation of the extension is considered appropriate here. The proposals are not considered to harm the visual amenity of the area. A condition requiring the render to match with the existing render on the rear of the property will be recommended.
- 5.5 Residential Amenity  
The proposed flats will not result in overlooking of no 111, as there is only one non-habitable room window facing this property, which does not have any windows on its side elevation facing the application site. There are no principal habitable room windows on the side elevation of no. 7 Crownleaze that would be affected by the development, and no 113 Soundwell Road is over 21m from the application site, and therefore will not be unduly affected.
- 5.6 Some private amenity space is shown at the rear of the site. The amount of amenity space is considered small, however, PPG3 states that planning authorities should avoid inflexible planning standards and should examine critically the standards they apply to new development, particularly with regard to layouts. In the light of this government policy, refusal of the application on the grounds of lack of private amenity space is not considered appropriate.
- 5.7 No bin storage is shown on the plans. Suitable refuse storage sheds could be accommodated in the front and rear areas of the site, and a condition will be added requiring details of these.
- 5.8 Transportation  
The Highway Officer has raised no objection to the application as long as a condition is attached to the permission regarding the size of the off-street parking spaces and provision of cycle parking. He has also requested that the applicant provide a contribution of £2000 towards improvements in the public transport system. Whilst the applicant has originally agreed to this amount, which will be made by a legal agreement, the Section 106 agreement has still not been completed since July 2006. Officers therefore considered that this application should be refused.
- 5.9 Other matters  
Legal covenants are civil issues, not planning matters, and cannot be taken into account in the assessment of this application.

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

- 7.1 That planning permission be refused.

**Background Papers**      **PK06/1107/F**

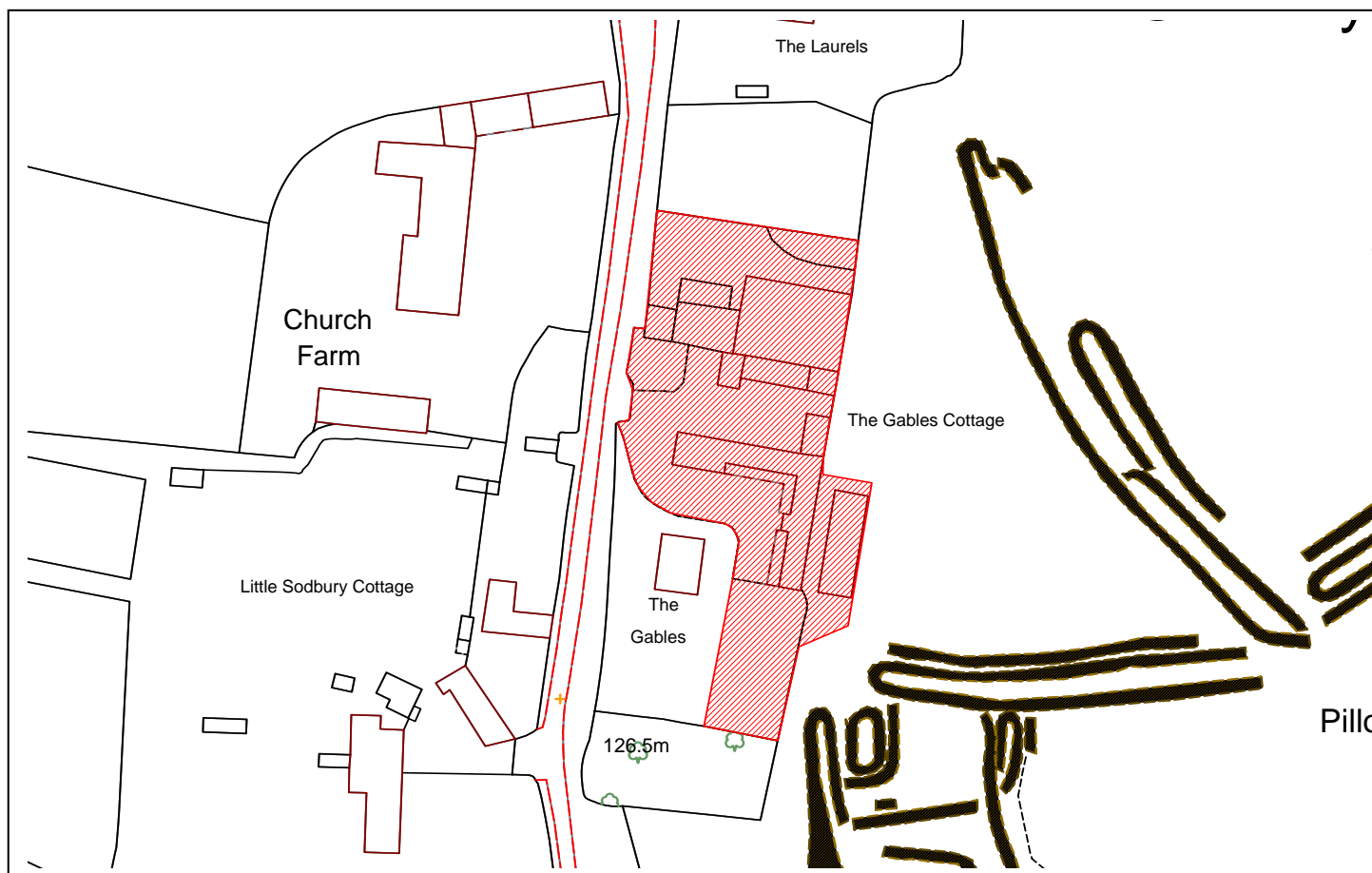
**Contact Officer:**    **Olivia Tresise**  
**Tel. No.**                **01454 863761**

### REFUSAL REASONS

1. The proposed development, by reason of the lack of financial contribution towards improvements in the public transport system, would fail to provide alternative transport modes to the private car. The proposal would therefore be contrary to Policy T12F of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 44/08 - 31 OCTOBER 2008

<b>App No.:</b>	PK08/2149/F	<b>Applicant:</b>	Lord Victor Killearn
<b>Site:</b>	Land adj. to The Gables, Little Sodbury, Chipping Sodbury, South Gloucestershire, BS37 6QA	<b>Date Reg:</b>	30th July 2008
<b>Proposal:</b>	Demolition of Dutch barn, Conversion of Stables to form 1no. dwelling with ancillary workspace to provide 1 live/work unit, Erection of two storey building and conversion of existing barn with single storey link extension to form 1no. dwelling with ancillary workspace and associated works to provide 1 no. live/work unit. Erection of single storey glazed link extension to existing dwelling and conversion of existing barn to form additional living accommodation. Change of use of agricultural land to residential domestic curtilage.	<b>Parish:</b>	Little Sodbury Parish Meeting
<b>Map Ref:</b>	75760 83109	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th September 2008



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100023410, 2008.

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule as result of objections received from local residents and the Parish Council regarding the proposed works.

### **1. THE PROPOSAL**

1.1 This application seeks planning permission for a number of works, which are as follows

- Conversion of Stables to form 1no. dwelling with ancillary workspace (B1 use) to provide 1 live/work unit.
- Erection of two storey building and conversion of existing barn with single storey link extension to form 1no. dwelling with ancillary workspace (B1 use) and associated works to provide 1 no. live/work unit.
- Erection of single storey glazed link extension to existing dwelling with conversion of existing barn to form additional living accommodation.
- Change of use of agricultural land to residential domestic curtilage.

1.2 The application site relates to land that lies outside an established village development boundary but within an Area of Outstanding Natural Beauty.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPG1	General Policy and Principles
PPS7	Sustainable Development in Rural Areas

#### 2.2 Development Plans

##### South Gloucestershire Local Plan

D1	Design
L1	Landscape Protection and Enhancement
L3	Cotswolds AONB
L9	Species Protection
T12	Transportation Development Control Policy for New Development
E6	Employment Development in the Countryside
E7	Conversion and Re-use of Rural Buildings
H10	Conversion and Re-use of Rural Buildings for Residential Purposes.

2.3 Supplementary Planning Document "Design"

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

3.1 None relevant

## 4. CONSULTATION RESPONSES

### 4.1 Little Sodbury Parish Council

Three letters have been submitted by the Parish Council regarding the proposed development. It has been agreed that the comments in the latest letter be reported, which have been summarised by the Planning Officer as follows;

- Development will greatly enhance the site, which currently consist of a number of derelict agricultural buildings
- Concerns regarding possibility of any other future development being different from that approved
- Applicant has assured that this will not happen
- Concerns regarding use of agricultural land. This change of use of land would not be in keeping with nature of the village. This should be excluded from application.

### Other Representations

### 4.2 Local Residents

Three letters have been received from local residents one of the support and the two raising the following:

- Fantastic scheme.
- In general we support the scheme as this is the only way to preserve the outbuildings. We do have the following concerns:
  - Developer may want to build a different scheme
  - No parking for existing dwelling
  - No storage for garden tools/machinery/wood/oil tank
  - Proposed landscaping must be in place prior completion of development
  - Concerns regarding live work units and in particular types of work units
  - Object to change of use of land from agricultural to residential
  - Increase in traffic will impact on Cotswolds Way
  - What type of work will take place in work space
  - No parking for existing residents of The gables
  - Overlooking
  - Issue of bats
  - Ash tree

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The main issues regarding the principle of the development are whether the conversion of buildings to live work units are acceptable in this location. There are a number of policies in the South Gloucestershire Local Plan that are relevant here. The proposal is for a combined residential and work use i.e live work unit and there are no policies directly relating to this specific type of development, both housing policies and employment policies are relevant.

- 5.2 Policy E6 allows for the conversion and re-use of existing buildings for employment uses outside the boundaries of settlements, provided that: the buildings are of permanent construction, the buildings are in keeping with their surroundings and any alterations would not have a harmful effect on the character or amenities of the surrounding area.

- 5.3 Policy H10 allows for the conversion of existing buildings for residential purposes outside the boundaries of settlements provided that: all reasonable attempts have been made to secure a suitable business re-use, or the conversion is part of a scheme for business re-use, the buildings are of permanent construction and capable conversion without major/complete reconstruction, the buildings are in keeping with their surroundings, development would not have a harmful effect on the character of the countryside or the amenities of the surrounding area, and the building is well related to an existing settlement or other groups of buildings.
- 5.4 PPS7 para 18 is also of relevance here, which states: 'Local Planning Authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses, or to provide housing in accordance with the policies in PPG3...'
- 5.5 Assessment of the relevant employment policies outlined above shows that there is no objection in principle to the conversion of existing buildings of permanent construction for B1 employment use in the countryside that are well related to existing settlements, subject to certain criteria. The existing buildings are of a permanent construction and structurally sound, and are capable of conversion without major or complete reconstruction
- 5.6 One of the criteria relating to Policy H10 advises that that all reasonable attempts should be made to secure a suitable business re-use or the conversion is part of a scheme for business re-use. No marketing exercise has been submitted with this application however the proposal is part of a scheme for business re-use. Highways have advised that in this instance this proposed use is preferred due to the lower levels of traffic that will be generated rather than a sole business use which would generate higher levels. On the site the buildings are of permanent construction and capable of conversion without major or complete reconstruction and are well related to an existing settlement. Subject to an assessment on the effect of the proposal on the character of the surrounding area, (see below) the proposal conforms to this policy.
- 5.7 The residential element of the scheme shall be 'tied' to the business use of the site by way of a condition, so that each element cannot be used unless in conjunction with each other, and so that the residential element of the site is restricted to that approved and not increased, to ensure that the B1 element of the scheme is not diminished.
- 5.8 The proposals are therefore considered acceptable in principle, subject to the following detailed assessment.
- 5.9 Effect on Visual Amenity and Cotswold Area of Outstanding Natural Beauty  
Policy L3 states that development will not be permitted where it harms the natural beauty of the Cotswolds AONB. The site is located in the open countryside within the AONB to the north of Old Sodbury. The site comprises of an existing two storey detached dwelling, a vacant but not abandoned two storey cottage, large stable block and a range of disused agricultural buildings.

- 5.10 The proposed scheme comprises of three elements:
- Conversion of existing stable block to residential accommodation with B1 workspace.
  - Conversion of existing building and erection of glazed link to existing cottage on site
  - Conversion of existing outbuilding with glazed line and erection of two storey building for residential accommodation along with conversion of existing workshop for workspace
  - Demolition of large Dutch barn and large timber shed.
- 5.11 The proposed works to the stable block relate primarily to the installation of a number of new openings i.e. roof lights/windows and French doors on the rear elevation of the building along with a glazed porch which will act as an infill on the front elevation. As the alterations are limited to the rear elevation, which is not considered to be a principal elevation, it is considered that such openings would not detract from the original form or character of the stable block. This building is considered structurally sound and capable of conversion in its current state.
- 5.12 The proposed works to the existing two storey detached cottage on site relate to the erection of a single storey glazed link, which will link the cottage to an existing barn which is also subject to conversion for residential purposes. The Council's Building Control Officer has visited the site and confirmed that this building is structural sound and suitable for conversion. Again a number of alterations are proposed in terms of new openings, which are also considered acceptable.
- 5.13 The final part of the scheme relates to the conversion of two existing barns one for residential purposes and the other for the associated workshop unit. This scheme proposes an extension to the existing barn to provide additional accommodation space. Although the proposed extension is considered slightly large scale, it is considered however that as it is of a sympathetic design in terms of scale and form and in light of the removal of the large Dutch barn no objection is raised.
- 5.14 Overall it is considered that across the site the proposed scheme represents an overall reduction in the amount of built forms and involves the demolition of the least attractive existing structures. In this respect the application represents an overall enhancement of the landscape of the immediate locality and the wider AONB. As the proposed buildings on the site are in the same form and style as the existing buildings to be converted and as such will not have any significant adverse landscape implication. Should planning permission be granted a number of planning conditions will be imposed requiring the submission of landscaping details i.e. soft and hard and boundary treatments.
- 5.15 Objections have been raised with regards the proposed change of use of land from agricultural to residential use. Given the extent of land in question and subject to the imposition of a condition removing permitted development rights with regards extensions and outbuildings to the converted barns, so as to ensure that any future development does not have a harmful effect on the character of the countryside, it is considered that the proposed would not harm the natural beauty of the AONB.

5.16 Residential Amenity

It is considered that the proposed units by reason of their layout in relation to one another and in particular with the existing dwelling on site i.e. The Gables, will not have an adverse impact on one another in terms of loss of privacy. Satisfactory levels of private amenity space will be provided for each the new units and the existing property.

5.17 Concerns have been raised regarding the impact of the proposed work elements on the site. Policy accepts the introduction of B1 uses within residential areas. Although the future occupiers are unknown it is considered that given the scale of the work space units it is considered that any future B1 use would not have an adverse impact on the amenities of future or existing occupiers of the site.

5.18 Concern has been raised by the occupiers sited west of the application site on the grounds that the proposed extension will allow for overlooking. As the extension will be set back at a distance of 45.0m, it is considered that the proposed scheme would not have an adverse impact on existing residential amenities.

5.19 Landscaping

There are no landscaping constraints on the application site. Concerns have been raised by local residents regarding an Ash Tree. Members are advised to consider that this tree falls outside the application site, and will not be affected by the proposed development. The impact of the proposed development on the wider landscape has been addressed above.

5.20 Ecology

Concerns have been raised by a local resident regarding the presence of Lesser Horse Shoe Bats on the site. A recent survey has been submitted with this application and assessed by the Council's Ecology Officer. The report has shown that there are signs of bats and has proposed mitigation measures to off set the loss of the buildings containing signs of bat use and this will be controlled by way of a planning condition. The Council's Ecologist has confirmed that this is acceptable.

5.21 Transportation Issues

Planning permission is sought for the erection of two extensions and the conversion of existing stables, two barns and a workshop to provide, in total, two live/work units in addition to the enlarged cottage with associated parking.

5.22 It is proposed to use the existing vehicular and pedestrian access on to the public highway. The existing access is considered to be adequate and there is sufficient visibility splays from the site access on to the public highway. Whilst there would be some additional traffic movements to and from the site access that increase in traffic would not be significant and as such the proposed development is unlikely to adversely impact road safety issues. It is accepted that the proposed use i.e. live work units is a use that in this instance would be preferred due to the lower levels of traffic generated compared with a sole business use on the site.



5.23 Parking for two cars can be provided for each dwelling on the site. There would also be adequate space for manoeuvring such that vehicles can exit the site in forward gear. In view of the above, there are no highway objections to this proposal.

5.24 Other issues

No storage Space & Future Development

Concerns have been raised regarding the removal of on site storage facilities for the existing property The Gables and the possibility of the land being sold on at a later date and a different scheme being implemented. Members are advised to consider that these are not considered material planning considerations with regards the determination of this application and in particular if a different scheme is proposed this would be subject to a new planning application and would be assessed accordingly.

5.25 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.

5.26 Section 106 Requirements

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

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

**Background Papers**      **PK08/2149/F**

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

**CONDITIONS**

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

Reason:

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

2. The ground floor work areas within the live work units of Unit 2 & Unit 4 hereby approved as identified on Ground Floor Layout Plans 07.933/10 & 07.933/12 received on the 22nd July 2008 shall be used for work purposes only and not as residential accommodation.

Reason:

To ensure the proposal does not result in a entirely residential use, that would not be acceptable in this location and to accord with Policy E6 and H10 of the South Gloucestershire Local Plan.

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

Reason:

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

4. Prior the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include hard surfacing materials and bin store enclosure details. Soft landscape works shall include a full detailed landscape scheme taking into account any archaeological constraints and should include details of species, planting sizes, plant locations and spacing, rabbit protection, planting and maintenance specification.

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. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the local planning authority for approval. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason:

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.

6. No development shall take place until full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
- (a) all new windows
  - (b) all new doors
  - (c) all rooflights

Reason:

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

7. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) (Amendment) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The off-street parking facilities for all vehicles shown on the plan hereby approved shall be provided before the buildings are 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 T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

10. Prior to the commencement of development detailed plans showing the provision of car parking facilities for The Gables in accordance with the standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason:

To 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.

11. The development hereby authorised shall comply with the bat & swallow mitigation measures as outlined in the submitted Ecological & protected Species Appraisal dated the 31st August 2008 and the development when carried out shall conform to the details so approved.

Reason:

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

## CIRCULATED SCHEDULE NO. 44/08 - 31 OCTOBER 2008

**App No.:** PK08/2541/F  
**Site:** 135 High Street, Kingswood, South Gloucestershire, BS15 4AG

**Applicant:** Mr J BESALY  
**Date Reg:** 11th September 2008

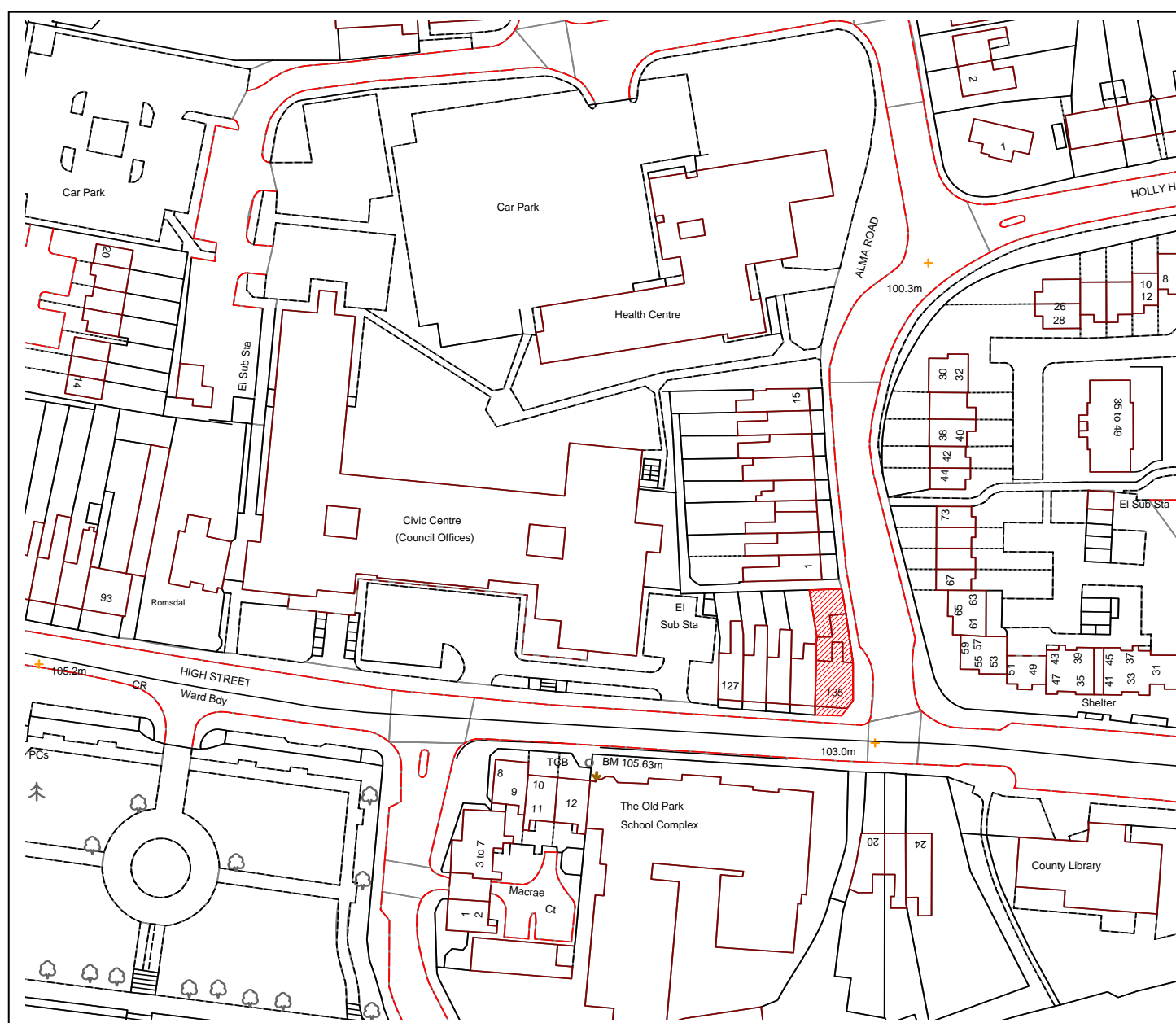
**Proposal:** Erection of two storey and single storey rear extensions to form 1 no. ground floor flat and facilitate conversion of existing first floor flat to form 2 no. flats and associated works. Resubmission of PK07/2367/F.

**Parish:**

**Map Ref:** 65375 73816

**Application Category:** Minor

**Ward:** Kings Chase  
**Target Date:** 27th October 2008



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100023410, 2008.

## **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 full planning consent for the extension of the existing property to allow for the creation of two additional flats. The building currently consists of a shop at ground floor and a flat above. The proposed development would retain the shop at ground floor and subdivide the existing flat at first floor level into two smaller flats. The extensions as proposed would allow the creation of an additional flat at ground floor level and an integral bin and cycle store.
- 1.2 This application is the resubmission of a previous refused application on the same site reference PK07/2367/F. This previous application was refused for three reasons revolving around parking space, amenity space, and design. The current application differs from the previously refused application in the following ways:
- The previous consent was for a total of 4 flats and one shop – this application is for a total of 3 flats and one shop.
  - Large reduction in the proposed volume of extension
  - This application includes two off street parking space – none were proposed in the last application.
  - Provision of a small area of amenity space for one flat – none was included in the previous application.
  - Alterations to bin and cycle store provision
  -

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing

#### **2.2 Development Plans**

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

D1	Design
H5	Conversion of Residential Properties
T7	Cycle Parking Standards
T8	Car Parking Standards
T12	Transportation Development Control
H4	Development within existing residential curtilages.

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

- 3.1 PK07/2367/F           Erection of two and single storey rear extensions to form additional shop and storage area and 2 no. self contained flats. Conversion of existing first floor flat to form 2 no. flats and associated works.  
Refused October 2007

## 4. CONSULTATION RESPONSES

### 4.1 Town/Parish Council

The area is unparished

### 4.2 Highway Engineer

Given the sustainable location of the site, there is no basis for a transportation objection to the proposal.

## Other Representations

### 4.3 Local Residents

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

- Because of the construction of the extension, the occupants of the new flats will be able to look directly in the objectors property
- Loss of privacy
- Limit what little light currently enters to objectors property
- The parking would be cause of concern for pedestrian and vehicular safety
- Cars turning into the parking spaces would cause significant congestion
- Manoeuvring cars will increase level of noise significantly

## 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 proposals for conversion of existing residential properties into smaller units of self contained residential accommodation subject to a number of criteria. Policy H4 allows for extensions within existing residential curtilages where the design and impact upon existing levels of amenity are considered to be acceptable. These include satisfactory parking facilities and not prejudicing the character of the surrounding area and residential amenity. Policy T12 of the South Gloucestershire Local Plan controls development which may affect highway safety.

### 5.2 Design/Visual Amenity

In the design and access statement, the argument is put forward that the proposed development would facilitate the removal of a number of unsightly outbuildings. It is important to note however that these 'unsightly rear outbuildings' do not appear to have the benefit of planning permission.

The application relates to an end terraced property of inter war design. The property was presumably first constructed as a dwelling and one could assume that it would have had a simple appearance in keeping with the rest of the dwellings in the terrace. The ground floor of the building has been in use as shop for some years and thus many of the residential features have been removed. Nonetheless, the building is still of a traditional, simple appearance roughly in keeping with its surroundings.

The application proposes to erect an extension to the rear of the existing building – part two storey and part single storey. The windows as proposed have a vertical emphasis in keeping with the original windows which have a vertical emphasis. The windows are shown to have stone surrounds as per the existing building and stone quoins to replicate the existing. Whilst the plans show the window surrounds and quoins to be made of reconstituted stone, your officer is not confident that this will necessarily be appropriate and that natural stone may be necessary to ensure successful integration. A condition will be attached to ensure the submission of stone samples prior to the commencement of development.

Since the refusal of the previous application on the site, the sheer volume of proposed extension has been greatly reduced. The extension is now to consist of two elements – a narrow two storey element and a wider single storey element. These extensions will both be set in from the main side wall of the original dwelling and thus will appear suitably subservient to the original building and will allow the scale and proportions of the original building to dominate. Whilst the side walls of the extension are to be finished with render as opposed to natural stone, this feature is found at the opposite end of the row of terraces and thus it would be unreasonable to refuse the application on this basis alone. Nonetheless, because of the visual prominence of the extension, a condition will be attached to ensure details of the proposed materials are submitted too and agreed in writing by the Local Planning Authority prior to the commencement of development.

### 5.3 Residential amenity

Since the refusal of the previous application, the bin store has been relocated away from the boundary with the neighbouring residential property and an area of amenity space has been provided to meet the needs of the ground floor flat. Whilst the area of amenity space is small and will be quite overshadowed, your officer is happy that this is the most amenity space that can reasonably be provided on site.

It is noted that a neighbour on the opposite side of Alma Road is concerned about the impact of the proposed works of their residential amenity. The distance between the new habitable room windows in the side elevation of the application site will be approximately 22 metres from the residential properties on the opposite side of Alma Road. Because of this distance, it is not considered that the application will allow for any detrimental issues of overlooking, overshadowing or loss of residential amenity to arise.

### 5.4 Transportation Implications

The application includes the provision of two off street parking spaces – one to serve each of the additional flats. No off street parking is currently available for the shop of existing flat and this situation will remain the same.

The Councils highway engineer has been consulted regarding the application and is happy that the level of off-street parking provision is consistent with the location of the site. Alma Road is an unclassified highway and thus there is no requirement to provide a turning space to allow vehicles to enter and leave the site in a forward gear. Whilst the concerns of the neighbour are appreciated that vehicles using the proposed parking spaces will have to manoeuvre on the highway, this will have little impact on the highway.



The provision of the two off street parking spaces is considered by your officer to be more beneficial than encouraging more on street parking in the 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. The statement explains how the extension and conversion is appropriate for its setting and explains the design rationale behind the application.

#### 5.6 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Background Papers**      **PK08/2541/F**

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

#### CONDITIONS

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

Reason:

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

2. Notwithstanding the submitted plans and prior to the commencement of development, samples of the stone to be used in the construction of the window surrounds and quoins must be submitted to the Council for consideration. If acceptable, the Council will give written agreement to the details so submitted and all development must take place exactly in accordance with the details agreed.

Reason:

To enable officer to assess the suitability or otherwise of using reconstituted stone and ensure the stone used integrates successfully with the character of the building and satisfy policies D1 and H4 of the South Gloucestershire Local Plan (Adopted).

3. A sample panel of the render indicating colour and texture, shall be submitted to the local planning authority and approved in writing prior to the commencement of development. Development shall be carried out in accordance with the agreed sample.

Reason:

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

4. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason:

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

5. No windows or rooflights other than those shown on the plans hereby approved shall be inserted at any time in the extensions hereby permitted.

Reason:

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

6. The integral bicycle and bin stores as shown on the submitted plans must be installed and secured prior to the first occupation of the flats hereby permitted. The stores must be retained for these purposes at all times thereafter.

Reason:

To ensure the satisfactory provision of parking and waste facilities and in the interests of the amenity of the area. To accord with Policies T7 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No boundary treatment may be erected along the eastern boundary of the site dividing the site from Alma Road.

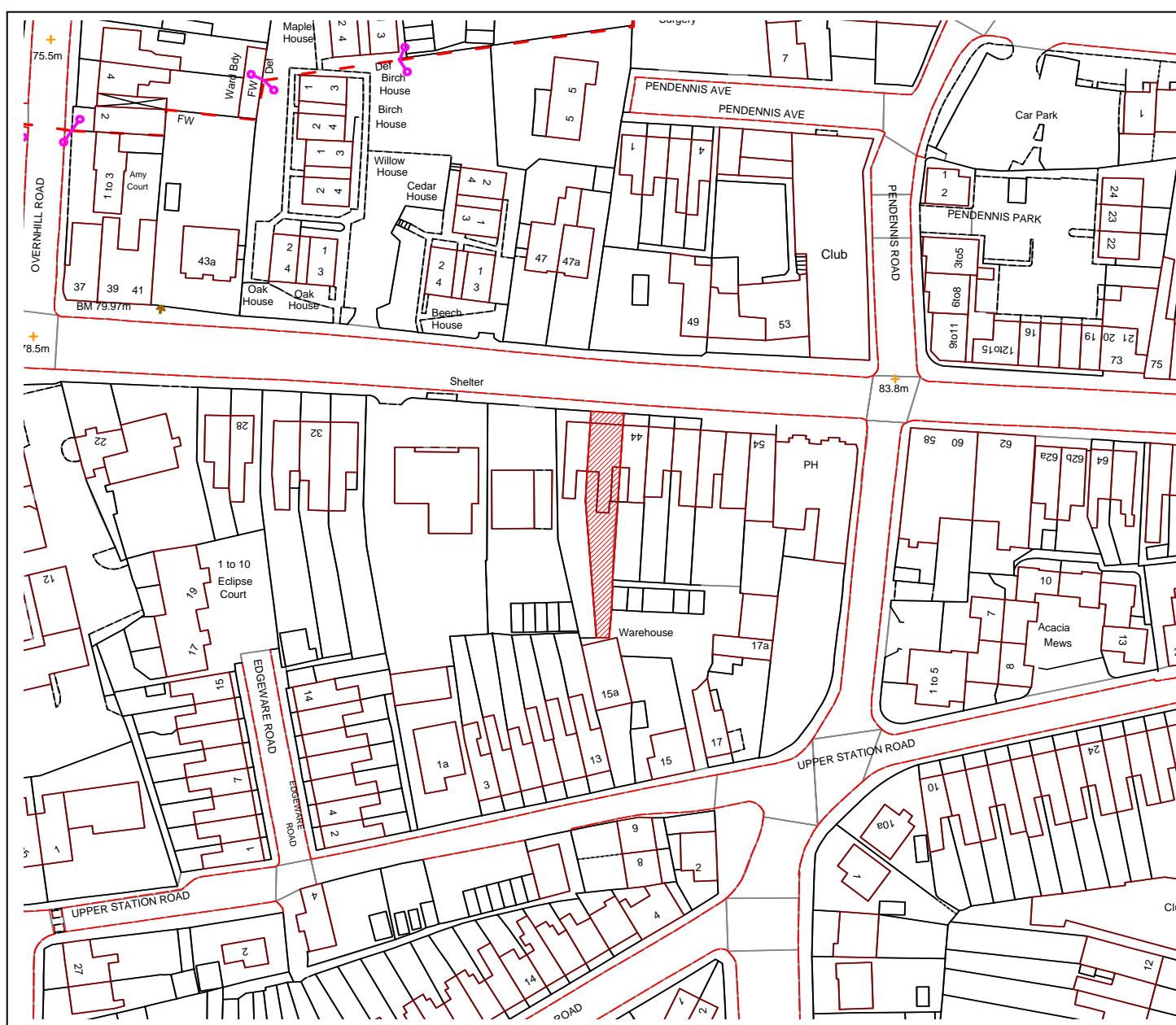
Reason:

To provision of boundary treatment would prevent free access to the bin and cycle stores and would limit access to the parking spaces. In the interests of highway safety and the visual amenity of the area to accord with the requirements of Policies D1, H5 and H4 of the South Gloucestershire Local Plan (Adopted).

**CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008**

**App No.:** PK08/2617/F  
**Site:** 42 High Street, Staple Hill, South Gloucestershire, BS16 5HW  
**Proposal:** Change of use from single dwelling house (Class C3) to multiple occupancy (Class C1) as defined in Town and Country Planning (Use Classes Order) 1987 (as amended).  
**Map Ref:** 64567 75913  
**Application Category:** Minor

**Applicant:** CTS  
**Date Reg:** 23rd September 2008  
**Parish:**  
**Ward:** Staple Hill  
**Target Date:** 12th November 2008



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## **INTRODUCTION**

This application has been forwarded to the Circulated Schedule for Member consideration as representations have been received contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application site is situated on the south side of Staple Hill High Street, directly west of the retail centre. The application site comprises a large two storey mid terraced Victorian dwelling with small front garden and large enclosed rear garden.
- 1.2 The application proposes Change of use of the building from single 6 bedroom dwelling house (Class C3) to 7 bedroom house in multiple occupancy (Class C1).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transport  
PPG24 Planning and Noise

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design  
EP4 Noise Sensitive Development  
T8 Parking Standards  
T12 Transportation for New Development  
H5 Houses in Multiple Occupation

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Consultees

Sustainable transport – No objection

#### **Other Representations**

- 4.3 Local Residents

Two letters of objection received from the occupiers of 40 and 46 High Street raising the following concerns:

Possibly 12 people living in the house; six bed sits would be inappropriate; hygiene and domestic waste build up; parking problems exacerbated; noise issues from poor sound proofing; renovations at the site have been poor to date.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan is supportive in principle of proposals for houses in multiple occupation (HMO's) provided they would not prejudice the character of the area, the amenity of nearby occupiers, would identify an acceptable level of off street parking and would provide adequate amenity space. Policies T8 and T12 consider in detail the impact of development upon the surrounding highway network, provision of off street parking and highway safety in general. Policy EP4 follows guidance in PPG24 considering noise sensitive development.

### 5.2 Visual amenity

The proposal would result in no external changes to the existing building. A condition is recommended to control domestic waste from the site and to provide an adequate bin capacity. As such the proposal would result in no detrimental impact on the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area.

### 5.3 Residential amenity

In terms of noise disturbance, the Building Regulations were extended in 1991 to cover the detailed requirements of sound insulation between converted flats and adjoining properties. The Government considers that the Building Regulations are the most appropriate means of control for sound insulation in such conversions, and local planning authorities should not therefore use planning conditions to control sound insulation in such cases.

The proposal would result in no changes to the existing first floor accommodation. As such the proposal would result in no material reduction in the privacy currently enjoyed by the local residents. As the application proposes no external changes to the building and considering the other matters raised above, the proposal would result in no additional loss of amenity to the adjacent occupiers. Environmental Services have raised no objection to the scheme.

### 5.4 Parking and highway safety

The existing property has no off-street parking and the applicant is not proposing to provide any parking for the new development. Based on information provided, the proposal does not include internal or external alterations. Some local residents have expressed concerns about lack of parking for this property. By reference to the policy T8 of the South Gloucestershire Council Local Plan, car-free development will be permitted at locations which have good accessibility by non-car modes. The Council has also adopted the maximum parking standards (in line with the national government policy for parking) in order to encourage sustainable transport choices, promote development in locations well served by public transport walking and cycling. It must be noted that the property is located in close proximity to Staple Hill shopping Centre with all amenities and employment opportunities.

The property is also well located in relation to access to public transport facilities in High Street and the site is within easy walking distance to local parks and schools. In view of this the site is considered highly sustainable and as such it is inappropriate to raise any highway objections to the proposal in this case.

#### 5.5 Other issues

Local residents have raised concern in relation to potential build up of domestic waste. A condition is recommended to manage domestic waste by requiring details of bin capacity and storage arrangements.

Concern has been raised in terms of the lack of quality of existing renovations which have taken place to date. This is a technical construction matter and as such would be controlled through Building Regulations.

Concern has been raised in relation to 12 people living in the house or the house being subdivided into 6 bed sits. The application proposes a seven bedroom house in multiple occupation and not six bed sits. The number of occupants would be controlled by the Housing Act and as such is not a planning consideration.

#### 5.6 Design and Access Statement

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

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

## **7. RECOMMENDATION**

7.1 Consent is GRANTED subject to the following conditions and informatives:

**Background Papers**      **PK08/2617/F**

**Contact Officer:**    **Sean Herbert**  
**Tel. No.**                **01454 863056**

### **CONDITIONS**

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

Reason:

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

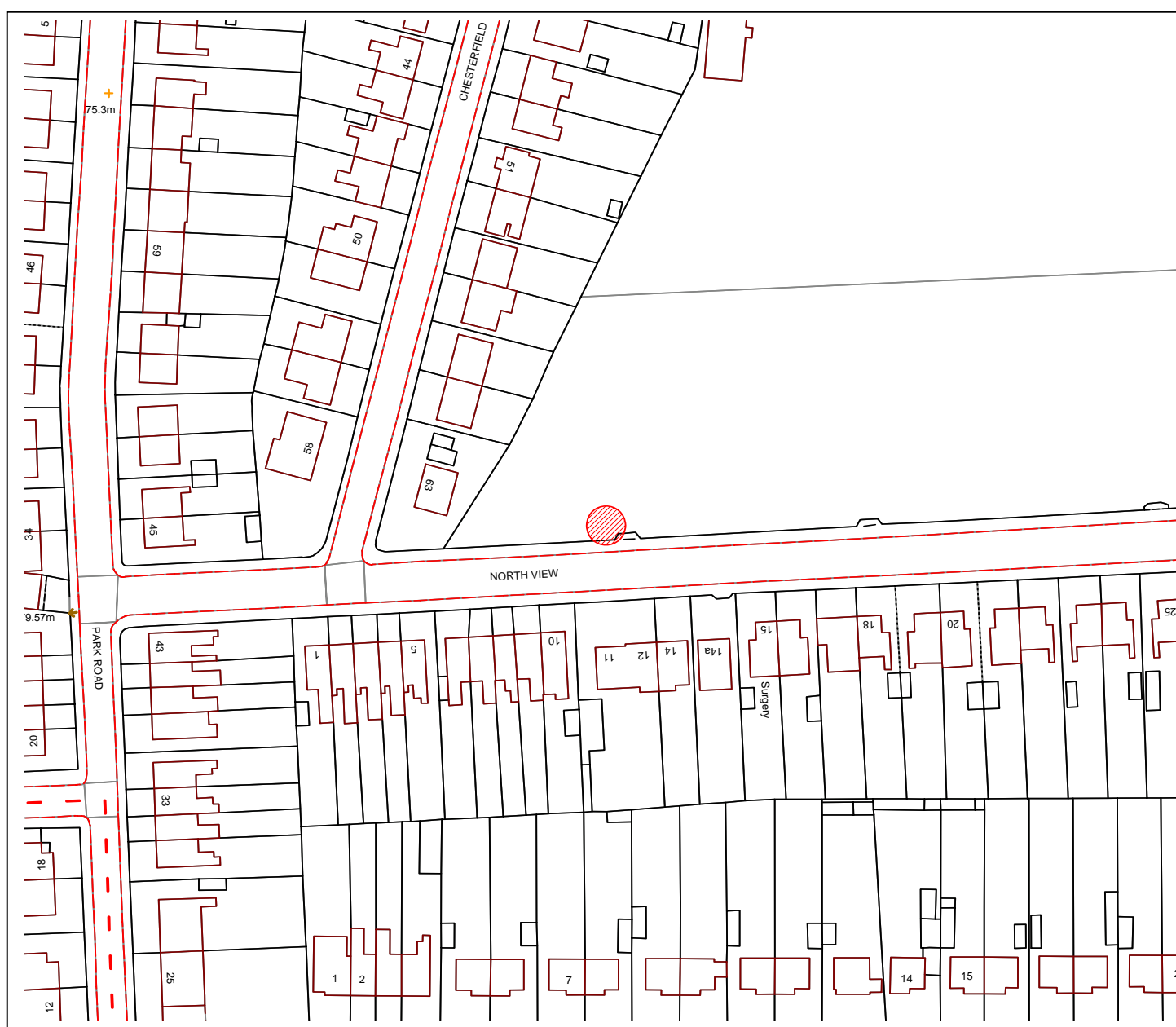
2. Prior to occupation of the house in multiple occupation hereby approved details of bin capacity and provision of storage for refuse bins and boxes shall be submitted to and agreed in writing by the Local Planning Authority. The use hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

Reason:

To ensure a satisfactory standard of external appearance and in the interest of waste management in accordance with Policies H5 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008**

<b>App No.:</b>	PK08/2640/TRE	<b>Applicant:</b>	Barratt Homes
<b>Site:</b>	Plot 4 Former Downend Lower School, North View, Staple Hill, South Gloucestershire, BS16 5RX	<b>Date Reg:</b>	26th September 2008
<b>Proposal:</b>	Works to 1no. Oak tree to crown reshape by 3 metres and cut back from development, covered by Tree Preservation Order SGTPO11/04 dated 13 September 2004.	<b>Parish:</b>	Downend and Bromley Heath
<b>Map Ref:</b>	65434 76273	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th November 2008



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## **INTRODUCTION**

This application appears on the Circulated Schedule due to the receipt of a letter of objection from Councillor Tyzack.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to carry out works to crown reshape 1 no. Oak tree, which is protected by Tree Preservation Order SGTPO11/04 dated 13 September 2004. The applicant states that the Oak tree with a height of about 10 metres. It is heavily one sided in appearance with old pruning scars. It is intended to crown reshape by about 3 metres cut back from the development to facilitate safe working conditions.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 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 PK06/1169/R3O Demolition of former school to facilitate residential development on 1.31 hectares of land. Outline with means of access only, all matter reserved. Approved 16.07.07
- 3.2 PK07/3200/RM Erection of 52 dwellings with car parking and associated works (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK06/1169/R3O) Approved 20.02.08
- 3.3 PK08/2208/RM Erection of 52 dwellings with car parking and associated works (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK06/1169/R3O). Amendment to previously approved scheme. Approved 01.09.08

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection.

#### **Other Representations**

- 4.3 Councillor Tyzack  
Councillor Tyzack raised an objection to the proposal. The objection is summarised as follows:

PK06/1169/R3O granted permission with conditions to protect the tree and the planning permission took account of the location of the tree, so there is no justification to ask for a 30% reduction. If this is allowed it will mean that the tree will be spoilt in its appearance, and the point of the earlier conditions is lost.

## **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 proposal**

The tree is an early mature Oak set to the front of a new development. The tree has a one-sided crown as a result of its position adjacent to another tree that has now been removed. The proposed works will bring the crown of the tree away from the new buildings. Given time the tree will develop a more rounded crown and natural form.

Officers therefore have no objection to the proposal subject to the following conditions.

## **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 Permission be granted subject to the following conditions.

**Background Papers**      **PK08/2640/TRE**

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

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

**CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008**

<b>App No.:</b>	PK08/2657/F	<b>Applicant:</b>	Mr P O'Connell
<b>Site:</b>	24 Church Road, Yate, South Gloucestershire, BS37 5BQ	<b>Date Reg:</b>	29th September 2008
<b>Proposal:</b>	Erection of double garage to provide parking for 2 no. dwellings.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	71631 83014	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th November 2008



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PK08/2657/F

## **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a detached garage to serve 24 Church Road, Yate and a new dwelling to the rear of 24 Church Road. The proposed garage would measure 6.8 metres wide by 7 metres in depth and would have an overall height to ridge of 5 metres.
- 1.2 The application site relates to a two storey semi-detached dwelling located within an established residential area of Yate. A new detached dwelling to the rear of the site is currently under construction. Permission for the erection of two detached single garages was part of the previously approved application for the new detached dwelling reference PK07/0689/F. This application is for the erection of one double garage to serve both properties instead of the approved scheme of two detached single garages.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Council Advice Note No 2: House Extensions  
South Gloucestershire Design Checklist (Adopted) 2007.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P84/2282 Construction of vehicular access  
Approved October 1984
- 3.2 P88/2938 Erection of a single storey rear extension  
Approved November 1988
- 3.3 P88/2929 Erection of three detached dwellings & construction of  
Access drives  
Refused November 1988
- 3.4 P89/1423 Erection of detached dwelling houses & two garages.  
Construction of access road  
Refused April 1989
- 3.5 P89/1712 Erection of detached dwelling house and garage and  
access  
June 1989

- 3.6 P91/1212 Erection of single storey rear extension to provide utility room and study  
March 1991
- 3.7 PK99/0495/F Erection of first floor rear extension  
Approved Feb.2000
- 3.8 PK05/2950/F Erection of two detached dwellings  
Refused Aug 2006 on grounds of impact on existing Levels of residential amenity
- 3.9 PK06/2974/CLE Certificate of lawfulness for existing use of land and Buildings for light engineering business, storage & sales  
Undetermined
- 3.10 PK07/0689/F Erection of detached two storey dwelling with detached garage and associated works. Erection of replacement detached dwelling for existing dwelling.  
Approved Sept 2008

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

- 4.1 Yate Town Council  
No objection

##### **Other Representations**

- 4.3 Local Residents  
One letter of objection was received from a local resident raising the following concern:

- The location of the boundary fence would allow for the parking of 4 additional vehicles. The noise and fumes created by moving vehicles in this area close to their house would result in a loss of amenity.

The letter requested that the fence be moved forward by 3 metres and also requested that the condition attached to the previous permission, stating that no vehicles may be driven past the boundary fence be reinstated.

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

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

## 5.2 Design / Visual Amenity

The proposed garage is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. It was agreed in the previous application for the new dwelling (PK07/0698/F) that this dwelling should be accessed via a pedestrian access only, and that the garage relating to this dwelling should be sited to the front of the site. It is not considered that the detached garage subject to this application would have a detrimental impact upon the character and appearance of the area. In this context therefore, the addition is visually acceptable.

## 5.3 Residential Amenity

The proposed garage would be located approximately 2.5 metres from the nearest neighbouring property No. 22 Church Road. Given the existing boundary treatments in place, combined with the depth and height of the proposal, it is not considered that the detached garage would have any overshadowing or overbearing effect on this neighbouring dwelling.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore subject to the continuation of a condition to restrict access beyond the boundary fence to that of pedestrian access only, the impact on residential amenity is subsequently deemed acceptable.

## 5.4 Other Issues

One letter of objection was received from a local resident regarding the position of the boundary fence. The boundary fence does not form part of this application. Given that the proposed fence would be 1 metre in height, by virtue of the Town and Country Planning (General Permitted Development) Order 1995 the erection of this fence is permitted development.

## 5.5 Section 106 Requirements

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 That the application be approved subject to the following conditions.

**Background Papers**      **PK08/2657/F**

**Contact Officer:**    **Kirstie Banks**

**Tel. No.**                **01454 865207**

### **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. At no time shall the closed board fencing as shown on the approved Block Plan, dated 26th August 2008, be removed or relocated without the prior approval of the Local Planning Authority.

Reason:

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

3. Access to the dwelling from the timber fencing and approved garage shall be restricted to that of pedestrian access at all times as shown on the approved Block Plan dated 26th August 2008.

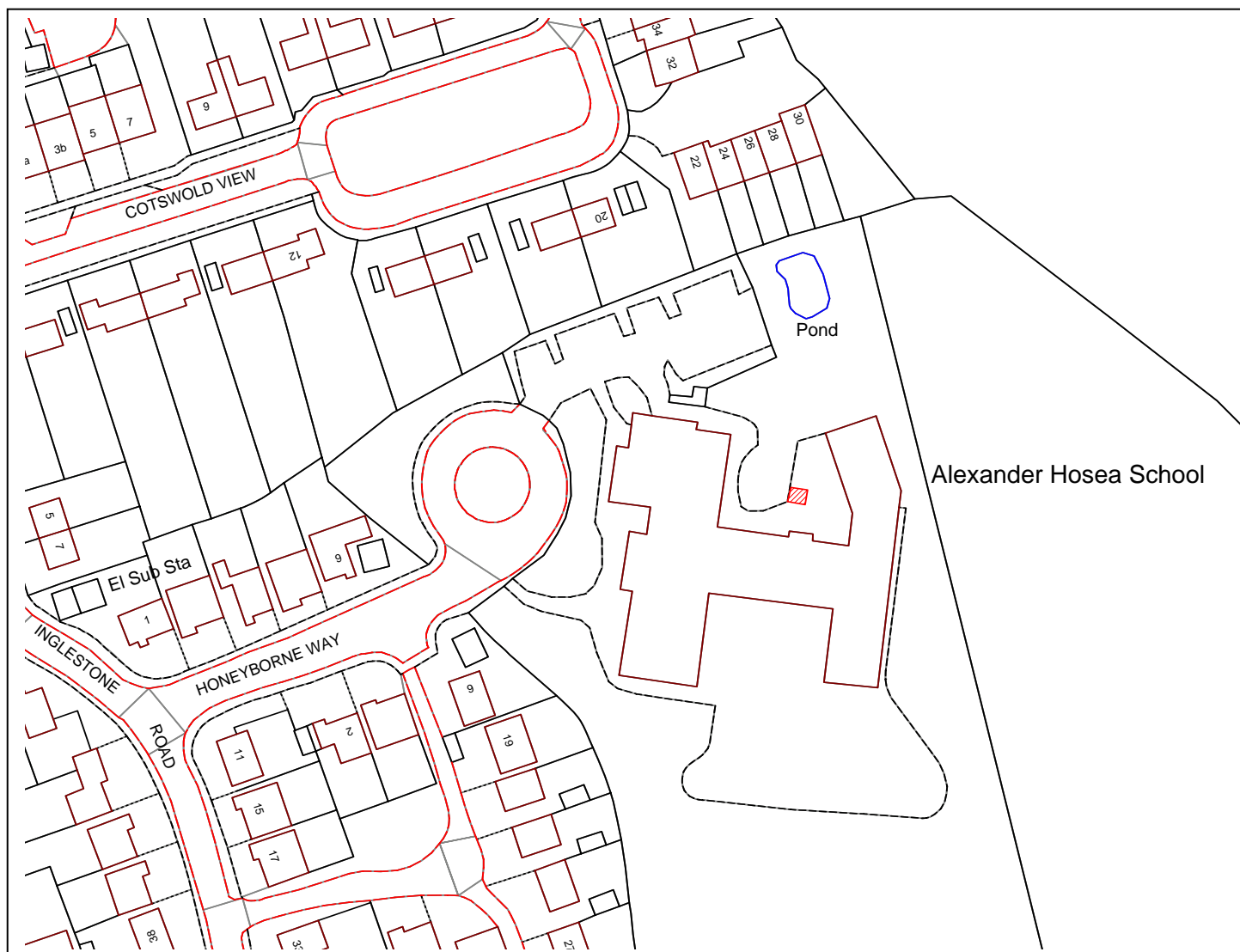
Reason:

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



**CIRCULATED SCHEDULE NO. 44/08 - 31 OCTOBER 2008**

<b>App No.:</b>	PK08/2661/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Alexander Hosea Primary School, Honeyborne Way, Wickwar, South Gloucestershire, GL12 8PF	<b>Date Reg:</b>	29th September 2008
<b>Proposal:</b>	Erection of sunshade canopy.	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	72690 88493	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th November 2008



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**N.T.S**

**PK08/2661/R3F**

## **INTRODUCTION**

This application has been referred to the Councils Circulated Schedule as the applicant is South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the erection of a sun shade canopy at Alexander Hosea Primary School, Wickwar. The application site is located just outside the existing settlement boundary of Wickwar and outside Wickwar conservation area.
- 1.2 The proposed shelter would consist of a steel post and aluminium frame with a square terracotta coloured composite membrane roof. The location of the shelter is partially screened from views from outside the school site. The nearest dwellings to the application site are beyond the edge of the school grounds and are partially screened by the existing trees and shrubs.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development  
LC4 Proposals for Educational and Community Facilities within the Existing Urban Area
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Council Design Checklist (Adopted)

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

- 3.1 P89/3292 Erection of single storey primary school (900sqm) and access road.  
Approved 1990
- 3.2 P90/2687 Erection of single storey primary school (800sqm) and associated landscaping and access road.  
Withdrawn 1990
- 3.3 P94/1944 Erection of an extension to provide three classrooms and activity area including additional toilet and cloakroom  
Approved 1994
- 3.4 PK012395/R3F Erection of single storey extension for reception classroom and construction of new hard play area.  
Deemed consent 2001

- 3.5 PK02/0822/R3F Erection of single storey extension  
Deemed consent 2002
- 3.6 PK02/0852/R3F Erection of single storey extension to provide 2no  
classrooms and toilet block. Creation of hard play area  
Deemed consent 2002

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

- 4.1 Wickwar Parish Council  
No response received
- 4.2 Sustainable Transport  
No objections

#### **Other Representations**

- 4.3 Local Residents  
No response received

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

- 5.1 Principle of Development  
Policy LC4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the expansion of existing educational facilities provided there is no impact on existing residential amenities and highway safety. In addition the proposal is considered against Policy D1 which advises that development will only be permitted provided that; siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.2 Design / Visual Amenity  
The application seeks permission for the erection of a canopy. The proposed canopy is of a simple structure and modest in scale in relation to the application site. The canopy would be supported by one steel post measuring approximately 2.7 metres in height. The curved roof of the canopy would be a composite membrane, terracotta in colour and would measure 5 metres in width by 5 metres in depth with a maximum height of 4.5 metres. Given the location of the canopy within the school grounds and screened from the road by the existing school building it is considered that the proposed canopy is acceptable in terms of its scale, design and material.
- 5.3 Residential Amenity  
Given that the location of the canopy is more than 40 metres away from the boundary with the nearest residential properties in combination with the existing trees/hedges that partially screen views of the school, it is not considered that the proposed canopy would impact on the existing residential amenities.
- 5.4 Transportation  
Considering the scale and location of the canopy, it is not considered that the canopy would have any detrimental impact on highway safety. Further, with no objection from the Transportation Officer the proposal is considered acceptable.

### 5.5 Section 106 Requirements

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

## 6. CONCLUSION

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

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.

## RECOMMENDATION

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

**Background Papers**      **PK08/2661/R3F**

**Contact Officer:**    **Kirstie Banks**  
**Tel. No.**                **01454 865207**

## CONDITIONS

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

Reason:

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

**CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008**

<b>App No.:</b>	PK08/2674/F	<b>Applicant:</b>	Mrs M Corradi
<b>Site:</b>	5 Churchill Close, Barrs Court, South Gloucestershire, BS30 7BW	<b>Date Reg:</b>	1st October 2008
<b>Proposal:</b>	Conversion of existing garage to form additional living accommodation (Retrospective).	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	66090 72232	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th November 2008



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**PK08/2674/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule following objections received from local residents and Oldland Parish Council.

### **1. THE PROPOSAL**

- 1.1 Planning Permission is sought for the conversion of an existing attached garage to form additional living accommodation at 5 Churchill Close, Barrs Court. Work has started on the property (the garage door has been removed and some minor internal works have been carried out).
- 1.2 The application property consists of a link-detached brick built two storey dwelling. It is situated in a cul-de-sac of similar dwellings in the established residential area of Barrs Court. Planning permission is required for the conversion due to the removal of the property's 'permitted development rights'.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Council Advice Note No. 2: House Extensions

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

- 3.1 K1124/136 Permission for dwelling  
Approved 23 April 1991

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
Objection on the grounds that two off-street parking spaces are not provided.
- 4.2 Sustainable Transport  
No objection.

#### **Other Representations**

- 4.3 Local Residents  
Six letters have been received, raising the following objections.
- The proposal will result in the dwelling being turned from a link-detached property into a semi-detached property, affecting the character of the area and having an impact on the adjacent property.

- If allowed, it would be allowed in other properties and some properties could become 'end of terrace'. This would have an impact on the value of the houses, rateable values and would spoil the appearance of the area
- Link-detached houses could be turned into a terrace
- The adjoining house would turn into a semi-detached property, rather than the link-detached house that it is
- The proposals will have an overbearing impact on the adjoining properties
- A precedent would be set, allowing other garages to be converted
- Noise concerns of the resulting new room
- Proposed design would be out of keeping with the well-designed close and character of area
- An application for a property in Churchill Close was refused by the Council due to it altering the front of the house
- Design and appearance out of keeping with neighbouring properties
- Value of neighbouring property would fall due to it becoming semi-detached
- The deeds of the property state that the garage should only be used for storing a car or domestic storage
- The submitted drawings do not show clearly the properties are link detached

4.4 The deeds of a property are not a planning concern, although the planning decision notice does require planning permission for a garage conversion. Any impact on property/rateable values is not a planning concern.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of house alterations subject to considerations of design, residential amenity and highway safety. The principle of development is therefore acceptable subject to the following detailed assessment.

### 5.2 Design/Visual Amenity

This application seeks planning permission for the conversion of an existing attached garage to form additional living accommodation. The garage door will be replaced with one obscure glazed window and the existing rear door and window will be replaced with one window. The bricks used in the walls of the garage conversion will match the host dwelling. The resulting structure will be visible from the highway but will integrate successfully with the host dwelling and as such, it is not considered the conversion would be visually intrusive.

5.3 Objections have been raised regarding the design of the conversion. Concerns have been raised that the conversion will have the effect of turning the row of link-detached properties to semi-detached dwellings. Also, if further applications for garage conversions are approved, the dwellings could turn into terraced properties. However, all these types of dwellings are suitable for a residential area. Other concerns have been raised about the effect of the conversion on the area as a whole, with the conversion being out of keeping with the neighbouring properties.

Again the area is a residential cul-de-sac with different house styles; the application property is directly opposite a row of three detached garages demonstrating the variety of residential buildings appropriate to the street scene of a residential area.

- 5.4 A representation has been received stating that a condition on the planning permission for the dwelling (Condition 7 on planning permission Ref: K1124/136) states that the garage must be used only for the “garaging of private motor vehicles only...”. As stated earlier, this is the only reason why planning permission is required in this case and it is considered that the proposed conversion will not affect the residential character of the area nor affect the amenities of the occupiers of the adjoining properties.
- 5.5 A representation was received stating that an application for permission for works, including a single storey front extension was refused by the Council due to the impact on the design and visual appearance of the immediate streetscene. The author does not give the address but our records show that an application at 19 Churchill Close for a front extension was refused. However, this was an application for extending the property to the front so is not comparable as the current planning application at No. 5 Churchill Close as this application does not involve any extension to the dwelling. Also that application was subsequently allowed on appeal.
- 5.6 Concern has been raised that the drawings do not clearly show the property being link-detached. Both the floor plans and the elevation drawings show this.
- 5.7 In respect of the design of the conversion, with the chosen construction materials it is considered it is an appropriate addition to the dwelling and the street scene.

### Residential Amenity

5.8 Noise Concerns

A concern has been raised that the conversion of the garage to living accommodation will create a noise nuisance. Sound insulation will be controlled by current Building Regulations and due to the proposed use being residential, this is not considered to be grounds for refusal.

5.9 Overbearing Analysis/ Privacy Analysis

An objection has been received stating that the conversion will have an overbearing effect on the adjoining properties. Because there will be no extension to the garage, it is considered that the conversion cannot have an overbearing effect. The rear door of the garage will be removed (leaving one window on the rear elevation) and because the front window will be to a shower room/W.C. the window will be obscure glazed. It is therefore considered that there are no issues of intervisibility or loss of privacy.

5.10 Amenity Space

The application for the conversion does not incorporate any extension to the property; therefore sufficient garden space will remain to serve the occupiers of the property.



#### 5.11 Highway Safety Analysis

The property benefits from an off street parking space. This is situated to the front of the property and consequently the development will not impact upon highway safety. The Parish Council objects to the development on the grounds of concerns regarding the provision of adequate off-street parking for two cars. Local Plan Policy T8 requires a maximum of two spaces for this type of dwelling. Accordingly, the Council's Sustainable Transport section has no objection due to there being one off-street parking space plus unrestricted on-street parking within the vicinity of the site, therefore it is considered the application is acceptable in highway terms.

#### 5.12 Other Issues

A concern has been raised over a precedent being set if this application is approved. Any future applications received for this type of development will be assessed on their own merits and therefore it is considered that the application cannot be refused for this reason.

#### 5.13 Section 106 Requirements

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

### 6. CONCLUSION

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

### 7. RECOMMENDATION

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

**Background Papers**      **PK08/2674/F**

**Contact Officer:**      **Elizabeth Dowse**  
**Tel. No.**                      **01454 862217**

## **CONDITIONS**

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

Reason:

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

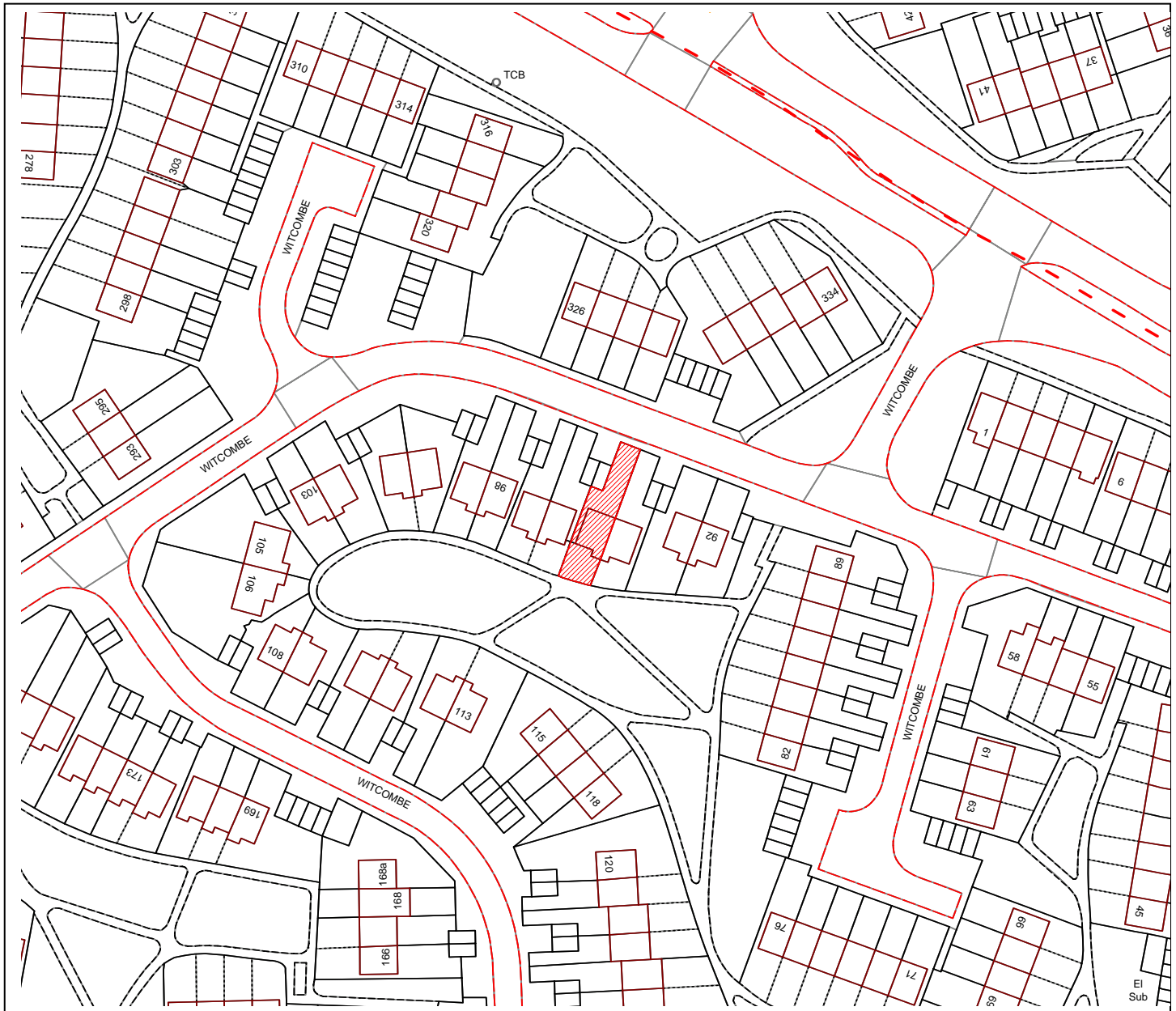
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason:

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

## CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008

<b>App No.:</b>	PK08/2705/F	<b>Applicant:</b>	Mr C Sharpe
<b>Site:</b>	95 Witcombe, Yate, South Gloucestershire, BS37 8SU	<b>Date Reg:</b>	3rd October 2008
<b>Proposal:</b>	Erection of rear conservatory.	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	70385 81149	<b>Ward:</b>	Dodington
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th November 2008



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PK08/2705/F

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of one letter expressing concern from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a conservatory at the rear of 95 Witcombe, Yate. The proposed conservatory would measure 3 metres wide by 3.3 metres in depth and would have an overall height to ridge of 3 metres.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Yate.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Council Advice Note No 2: House Extensions

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Dodington Parish Council  
No response received

#### **Other Representations**

- 4.3 Local Residents  
One letter from a local resident was received. The neighbour did not raise any objections to the proposal but indicated that with regard to privacy it would be preferred if the side elevation of the proposed conservatory facing his property was obscurely glazed.

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

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers,

and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

#### 5.2 Design / Visual Amenity

The proposed conservatory is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The conservatory is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. Furthermore, the bricks used in the low walls of the conservatory would match the main dwelling, assisting the successful integration of the structure with the host dwelling.

The proposed conservatory would be to the rear of the existing dwelling and would be partially screened by the existing rear garage. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

#### 5.3 Residential Amenity

The rear of the property is bound on both sides by neighbouring residential properties and is enclosed and screened by 1.8 metre high closed board fencing. The proposed conservatory would be slightly set back from the boundary with the nearest neighbouring property, No. 94 Witcombe. Given the existing boundary treatments in place, combined with the depth and height of the proposal, it is not considered that the conservatory would have any overshadowing or overbearing effect on the neighbouring dwellings. Furthermore it is considered that the occupiers of No. 94 Witcombe Avenue would not experience a loss of privacy as a result of the conservatory being erected, and as such the imposition of a condition to secure obscure glazing would be unreasonable.

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

#### 5.4 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

7.1 That the application be approved subject to the following conditions

**Background Papers**      **PK08/2705/F**

**Contact Officer:**    **Kirstie Banks**  
**Tel. No.**                **01454 865207**

### **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).

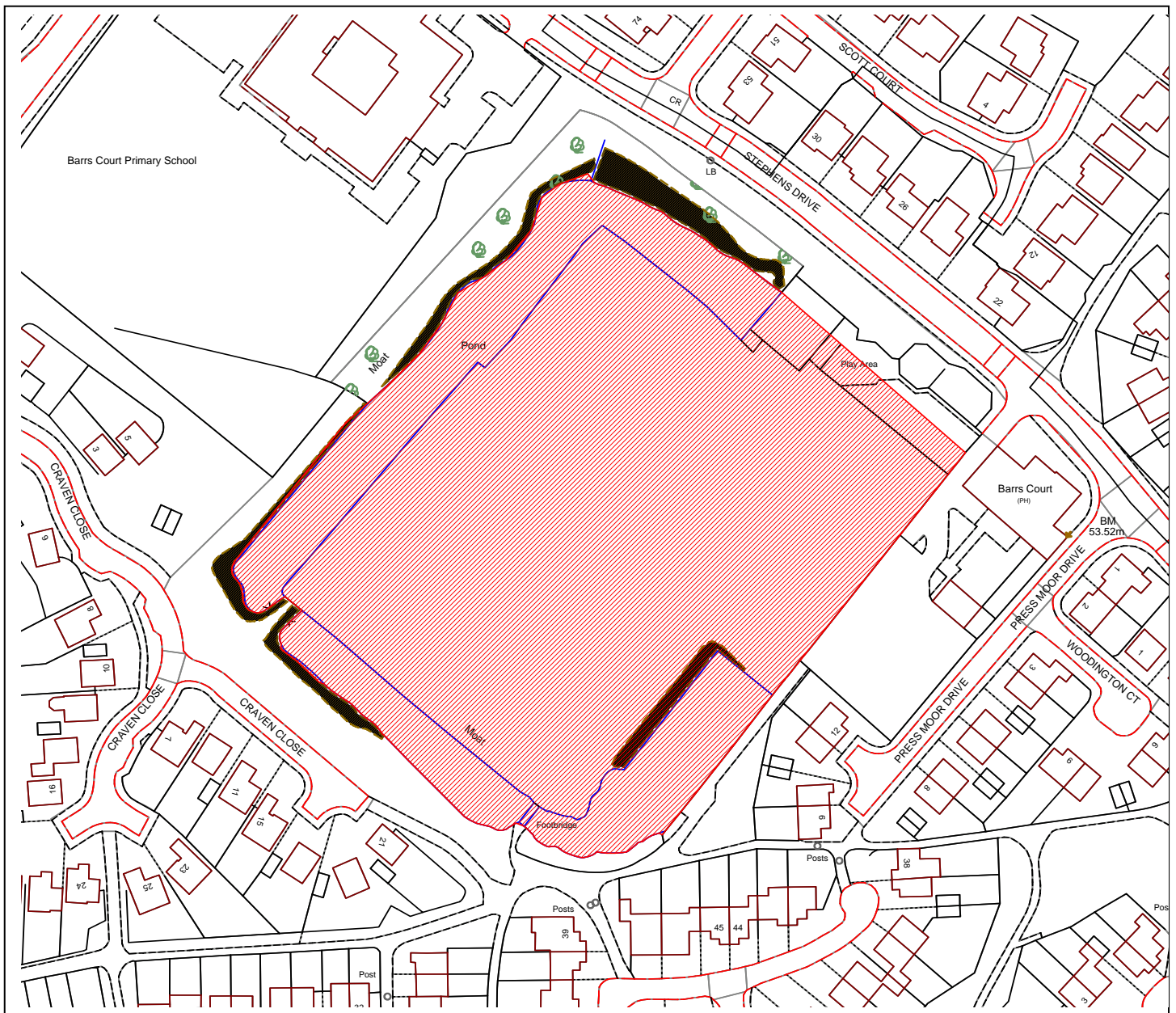
2. The bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason:

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

**CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008**

<p><b>App No.:</b> PK08/2708/TRE</p> <p><b>Site:</b> Barrs Court Moat, Stephens Drive, Longwell Green, BS30 7JB</p> <p><b>Proposal:</b> Works to 10no. trees specified in the application form received 30 September 2008 covered by Tree Preservation Order KTPO1/77 dated 19 September 1977</p> <p><b>Map Ref:</b> 65835 72030</p> <p><b>Application Category:</b> Minor</p>	<p><b>Applicant:</b> Mr J Mathison South Gloucestershire Council</p> <p><b>Date Reg:</b> 3rd October 2008</p> <p><b>Parish:</b> Oldland Parish Council</p> <p><b>Ward:</b> Longwell Green</p> <p><b>Target Date:</b> 25th November 2008</p>
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 100023410, 2008.

## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of one letter of objection from a local resident, and the application has been submitted by South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to carry out works to a variety of trees growing within the grounds of Barrs Court Moat. The works to be carried out to the ten trees are as listed in the survey.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement

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

- 3.1 P91/4351 Engineering works associated with restoration of lower and middle moats, including works to tree group covered by tree preservation order.  
Approved September 1991

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No response received

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection was received raising the following concerns:
- Work has started at the site prior to a decision
  - Healthy plum trees have been cut down and there is concern that a large pear tree may be removed
  - Concern was also expressed that the workforce may cut down protected trees.

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

- 5.1 Principle of Development  
Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 seeks 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 subject to this application are growing within the grounds of Barrs Court Moat. The works proposed are remedial works which will be beneficial to the health and long term viability of the trees and also to the conservation of the Moat. The proposed works would also promote the safety of users of the public open space.

The Councils Tree Officer met with the applicant to discuss the permitted works prior to the submission of the application. Therefore there are no objections to the application.

## 5.3 Other Issues

A letter of concern was received regarding the removal several fruit trees at the application site; these trees do not form part of this planning application. With regard to the possibility of the workforce cutting down protected trees, any unauthorised works carried out on tree protected by a Tree Preservation Order would be dealt with through appropriate enforcement action.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK08/2708/TRE**

**Contact Officer:**    **Kirstie Banks**  
**Tel. No.**                **01454 865207**

## 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.

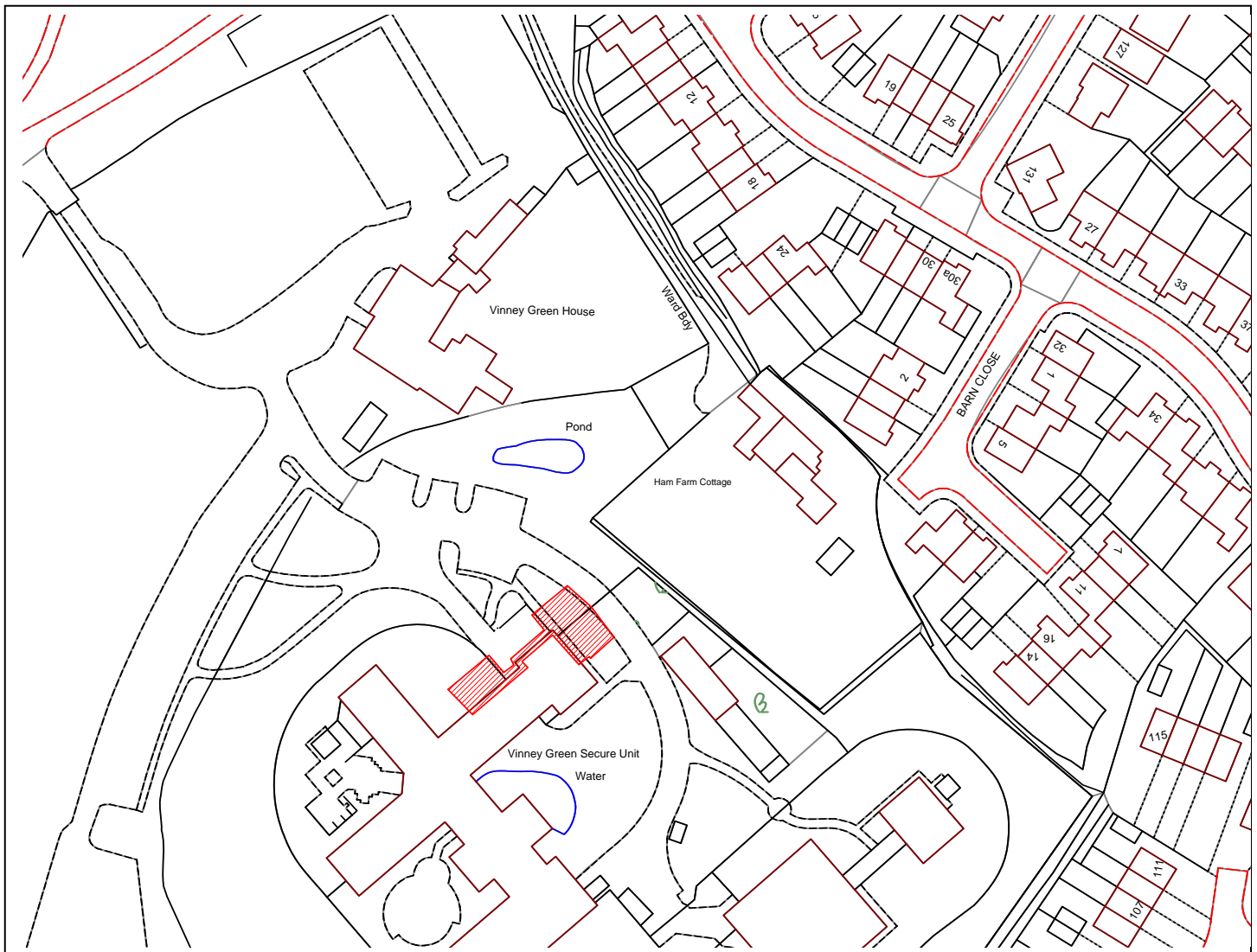
2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

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. 44/08 – 31 OCTOBER 2008

<b>App No.:</b>	PK08/2727/R3F	<b>Applicant:</b>	Mr P Randall South Gloucestershire Council
<b>Site:</b>	Vinney Green Secure Unit, Emersons Green Lane, Emersons Green, South Gloucestershire, BS16 7AA	<b>Date Reg:</b>	7th October 2008
<b>Proposal:</b>	Erection of single storey extension to existing admin wing to form staff locker room. Installation of 2 no. windows to north west elevation and installation of new entrance door and erection of 4.2m high fencing. (Amendment to previously approved scheme PK07/3658/R3F).	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	66576 76547	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th November 2008



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100023410, 2008.

## **INTRODUCTION**

This application is a Regulation 3 application submitted by South Gloucestershire Council. Under the Council's current scheme of delegation, Reg. 3 applications must appear on the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 The application relates to Vinney Green Secure Unit, which is situated within its own expansive grounds to the south of Emersons Green Lane and to the east of Richmond Road. New houses within the Emersons Green Development lie to the east and south of the site. An older property, Ham Farm Cottage, lies to the north east of the site.
- 1.2 Planning permission PK07/3658/R3F was previously granted to erect a small single storey extension at the north-eastern end of the main building to provide a secure locker and changing facility for the staff. It is also proposed to insert a new young persons' entrance in the secure wall adjacent to the main entrance. The existing louvres are to be replaced with matching ones.
- 1.3 Some minor amendments are now proposed to the previously approved scheme, hence this new application. The minor amendments relate to the following:
  - New window to reception office (north-west elevation).
  - New draught lobby to main entrance with new glazed screen (north-west elevation).
  - New entrance lobby and corridor to young persons' entrance (north-west elevation).
  - Omission of glazed screen to locker room (south-east elevation).

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 - Delivering Sustainable Development  
PPG13 - Transport

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design in New Development

LC4 - Community Facilities within the Urban Area and Defined Settlement Boundaries

L1 - Landscape Protection and Enhancement

#### 2.3 Supplementary Planning Document

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

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

- 3.1 P92/4663 - Erection of 16no place secure unit for young offenders and associated secure outdoor activity areas.  
Observations 26<sup>th</sup> Feb 1993
- 3.2 P98/4050 - Erection of security mesh onto existing perimeter wall/fence.  
Approved 4<sup>th</sup> March 1998
- 3.3 P98/4660 - Erection of new building to provide office and meeting room accommodation.  
30<sup>th</sup> Oct. 1998
- 3.4 PK01/3252/R3F - Erection of single storey extension to form waiting area.  
Deemed Consent 14<sup>th</sup> Jan 2002
- 3.5 PK04/2476/R3F - Erection of prefabricated workshop and security fencing.  
Deemed Consent 27<sup>th</sup> Sept. 2004
- 3.6 PK05/3511/R3F - Construction of synthetic sports areas and installation of 4 no. floodlight columns.  
Deemed Consent 27<sup>th</sup> Jan 2006
- 3.7 PK06/3207/R3F - Erection of detached building to form workshop.  
Deemed Consent 8<sup>th</sup> December 2006
- 3.8 PK06/3176/R3F - Erection of single-storey office block (Class B1).  
Deemed Consent 19<sup>th</sup> Jan 2007
- 3.9 PK07/3658/R3F - Erection of single storey extension to existing admin wing to form staff locker room. Installation of 1no. window to north west elevation and installation of new entrance door and 4.2m high fencing.  
Approved 25<sup>th</sup> January 2007

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
No objection
- 4.2 Other Consultees  
None

#### **Other Representations**

- 4.3 Local Residents  
No responses

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

- 5.1 Principle of Development  
Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 permits the expansion or improvement of community or education facilities within the existing urban area, subject to criteria that are discussed

below. Policy D1 seeks to secure good quality designs in new development. The acceptance in principle of the proposal has already been established with the previous grant of planning permission PK07/3658/R3F. This application only relates to the minor amendments listed in para. 1.3 above.

#### 5.2 Scale and Design

The proposed extension would be single storey in height and modest in scale, with a flat roof. The building would be constructed from bricks and windows to match those of the main building and as such will integrate very well within the existing built form. The proposed amendments are relatively minor and would integrate adequately within the scale and design of the building. Officers are therefore satisfied that the scale and design of the proposal are acceptable.

#### 5.3 Impact Upon Residential Amenity

The new development would be located entirely within the perimeter of the secure unit, which is enclosed by a very high wire mesh fence and a thick belt of high vegetation. Views into the site from the public and residential areas immediately adjoining the site are very limited indeed. Being located in the far northern corner of the complex, the only residential property likely to be affected is Ham Farm Cottage. The Cottage is however set well back (26-27m) from the perimeter fence and furthermore the high belt of vegetation between the fence and unit would provide adequate screening, which is enhanced by the numerous trees that grow within the rear garden of Ham Farm Cottage.

5.4 Having regard to the single storey nature of the proposal, the development would have no overbearing impact for the occupiers of Ham Farm Cottage. There would also be no loss of privacy from overlooking or inter-visibility for the occupiers of Ham Farm Cottage or any of the houses beyond. Officers are therefore satisfied that there would be no adverse impact on residential amenity to result from the proposal.

#### 5.5 Transportation Issues

The proposed extension would be for the use of existing staff and there would therefore be no additional traffic to the site to result from the development. Officers noted during their site visit that there was more than ample car parking space within the site and this would be retained. Wooden bollards prevent car parking on the common land adjacent to Emersons Green Lane.

5.6 Officers consider that the existing signage at the site access is acceptable. There are therefore no highway objections to the proposal.

#### 5.7 Landscape Issues

A substantial belt of high vegetation encloses much of the site, not least to the rear of where it is proposed to erect the extension; this vegetation would be retained. The plans also show a tree to be retained adjacent to the development. There is a drainage run and chamber situated under the canopy of the tree; this was not shown on the previously approved plans. The Council's Tree Officer has considered this matter and concluded that to fully assess the impact of the proposed development on the tree, a full tree constraints plan in accordance with BS5837:2008 should be submitted; the plan to include a Tree Protective Plan and method statement for any works within the Root Protection Area of the tree. Subject to a condition to secure these matters, there is no landscape objection.

5.8 Environmental Issues

Subject to an informative relating to construction sites, the Council's Environmental Health Officer raises no objection to the proposal.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 That planning permission be GRANTED subject to the following condition.

**Background Papers      PK08/2727/R3F**

**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. Prior to the commencement of the development hereby approved, a full tree constraints plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be in accordance with BS5837:2008 and shall include a Tree Protective Plan and method statements for any works within the root protection area of any trees affected by the development. Thereafter the development shall proceed in full accordance with the details so approved.

Reason:

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





## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of objections from Almondsbury Parish Council and local residents which are contrary to the officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of two new detached dwellings.
- 1.2 The application site is situated within the Easter Compton settlement boundary, which is “washed over” by Green Belt. The site is approximately 0.05ha in area and is rectangular in shape. The site is adjoined by Cookes Drive to the south-west and a row of residential dwellings to the north-east.
- 1.3 The proposed development comprises of two cottages which would front onto Cookes Drive. The cottages have adopted a simple design style, which responds to the local vernacular within Easter Compton. Access to the site would be from Cookes Drive and each dwelling would be allocated two off-street parking spaces.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Joint Replacement Structure Plan (Adopted) September 2002 (Saved Policies)**

- Policy 1: Sustainable development objectives
- Policy 2: Location of development
- Policy 16: Green Belt
- Policy 33: Housing provision and distribution

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

- D1: Achieving Good Quality Design in New Development
- L1: Landscape Protection and Enhancement
- H2: Proposed Residential Development within Settlement Boundaries
- GB1: Development within the Green Belt
- EP2: Flood Risk and Development
- T12: Transportation Development Control Policy for New Development
- T8: Parking Standards
- L17/L18: The Water Environment

#### **2.3 Supplementary Planning Guidance**

- South Gloucestershire Design Checklist SPD (Adopted) 2007
- South Gloucestershire Development within the Green Belt SPD (Adopted) 2007

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

3.1 None

### **4. CONSULTATION RESPONSES**

#### **4.1 Almondsbury Parish Council**

The Parish Council has no objection in principle to this application. However the adjacent village shop currently has an application, these two applications should be looked at together because they are back to back. The right of way at the end of the bungalow in Cookes Drive and Plot 1 of this application through to the B4055 past the shop should be protected and not closed off by these developments.

#### **4.2 Sustainable Transport**

No objection.

#### **4.3 Local Residents**

Representations have been received from three local residents. Two letters raise objections on the following grounds: -

- The development would restrict access to properties;
- Overlooking
- Historic evidence of flooding;
- The new development would exacerbate flooding problems;
- Access/parking during construction; and
- Devalue properties;

One letter has been received which is generally supportive of the proposal, however concerns have been raised with regard to bin storage and that the application should be view in conjunction within PT08/2172/O.

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

#### **5.1 Main Issues**

The proposed development comprises of the erection of two new dwelling within an existing settlement which is washed over by Green Belt. The main material planning considerations to be addressed in this report are outlined below: -

1. The principle of the development;
2. Density;
3. Design;
4. Green Belt;
5. Residential Amenity;
6. Flooding and Drainage;
7. Transportation; and
8. Environmental Impacts.

#### **5.2 Principle of Development**

The application site is situated within defined settlement boundary of Easter Compton, as shown on the South Gloucestershire Local Plan Proposal Maps (Adopted) January 2006. PPS3 (Housing), the Joint Replacement Structure

Plan and Policy H2 of the Local Plan allow for new residential development within the boundaries of settlements, subject to the proposal:

- not having unacceptable environmental or transportation effects;
- not significantly prejudice residential amenity;
- achieving the maximum density compatible with the site;
- not resulting in unacceptable levels of noise disturbance, air pollution, smell or contamination;
- providing provision for education, leisure, recreation and other community facilities; and
- not being out of scale with the village.

### 5.3 Density

Policy H2 cites that proposals will be expected to provide the maximum density compatible with the site, location, accessibility and surroundings. Therefore, the expectation is that all development will achieve a minimum density 30 dwellings per hectare with higher densities achieved where local circumstances permit. Not least, in and around town centres, and where well served by public transport, densities of upwards of 50 dwellings should be achieved.

5.4 In this application the density of the site equates to some 40 dwellings per hectare (dph). This level is considered to be appropriate for the context of the application site and the surrounding area. Therefore the proposal would accord with the density requirements of Policy H2 of the Local Plan.

### 5.5 Design

National Planning Guidance within PPS1 makes it clear that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development. This is reiterated at the local level within Policy D1 of the Local Plan and the South Gloucestershire Design Checklist SPD.

### 5.6 *Design Process*

The applicant has submitted thorough site appraisal within the Design and Access Statement (DAS) which has identified the context of the surrounding townscape and the site constraints and opportunities. This demonstrates that the applicant has considered the context of the site and its surrounding in their design approach. The development therefore accords to the guidance given in Policy D1 of the Local Plan and also questions 1, 24 and 25 of the Design Checklist SPD.

### 5.7 *Layout and Siting*

The proposed detached dwellings have been arranged in a linear fashion, whereby their front elevations address the highway and their front building lines match that of the adjacent bungalows (Nos. 7-9 Cookes Drive). Furthermore, the each dwelling would include a small area of landscaped front garden, which is similar to the dwellings opposite to the application site (A suitable planning condition would ensure detailed landscape plans prior to commencement). With regard to the above features, it is considered that the proposed layout and siting would respect the character and appearance of the existing cul-de-sac.

### 5.8 *Scale and Massing*

The cul-de-sac comprises of two storey semi detached cottages. These would be akin in scale to the dwellings which are situated to south-west of the application site. It is noted that the scale of adjacent bungalows to the south-east would lesser than the proposal. Nevertheless, it is considered that the scale and massing of the proposed development would be read in context with the other two storey dwelling in the street scene and the wider area. As such, it is considered that the development would respect the character and appearance of the existing cul-de-sac

### 5.9 *Appearance*

Easter Compton is a well established rural village. Within the settlement there is a mix of traditional and more modern development. However, the local vernacular mainly consists of two storey cottages, with pitched roofs which are broken up by chimneys. These cottages normally feature pitched roof porches or canopies and have rendered finishes.

5.10 The proposed development would essentially echo the character and appearance of these buildings. The existing street scene includes brick built semi-detached cottages to the south-west and a row of rendered bungalows to the south-east. As such, in this location there is no prevailing character. It is therefore considered that the introduction of cottages, which respect the local vernacular, would not adversely affect the character or appearance of the existing cul-de-sac.

### 5.11 *Landscaping/Trees*

The Council Landscape Architect has assessed the proposed development. The architect noted that there was a large conifer hedge to the frontage but no other significant vegetation. The hedge carries little amenity value and has potential to offer maintenance difficulties. As such there is no objection to the loss of this hedge. The standard landscape condition will be attached to secure

### 5.12 Green Belt

The application site is also designated as Green Belt. Within PPG2 there is a general presumption against new development which would be harmful to the openness of the Green Belt. However, provision is given in Policy GB1 and H2 of the Local Plan and the Development within the Green Belt SPD for limited infilling within the boundaries of settlements

5.13 Infill development is defined in the South Gloucestershire Development in the Green Belt SPD as a:

*'...development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between buildings, in a linear formation.'*<sup>1</sup>

5.14 The settlement of East Compton relates to a small rural village which is surrounded by open countryside. The settlement pattern is typical of a linear village, with most buildings being developed immediately adjacent to the main road. The application site relates to an area of open space which is surrounded

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<sup>1</sup> South Gloucestershire Development within the Green Belt SPD, (2008)

by residential development. It is considered that the infilling of this space would fit into the existing built up area. Therefore, this arrangement would fall within the definition of infill development given within the Development in the Green Belt SPD.

5.15 Residential Amenity

The application site is surrounded by residential development. The impact on the occupiers of these dwelling is assessed below: -

5.16 *Development to South-West*

To the south-west of the application site there is a row of semi-detached dwellings (Nos. 1-6 Cookes Drive). The proposed development would be almost direct opposite Nos. 5 and 6 and would be separated by some 19.4m. It is considered that this distance is sufficient distance to prevent any inter-visibility between the properties and any overbearing effect. As such, the development would not harm the residential amenity of these occupiers.

5.17 *Development to the North-East*

To the north-east of the application site these are some dwellinghouses and a retail unit. The proposed development would be approximately 11.8m from these buildings. Due to the proximity of these buildings there is a concern with potential inter-visibility. The applicant has overcome this issue by only including obscured bathroom windows in the rear elevation at the first storey level (To be secured via planning condition). It is considered that this arrangement would prevent any material loss privacy. Furthermore, 11.8m is a sufficient distance to prevent an overbearing impact. As such, the development would not harm the residential amenity of these occupiers.

5.18 *Development to the South-East*

To the south-east of the application site these is a row of bungalows (Nos. 7-9 Cookes Drive). These buildings would be separated from the development by approximately 11.4m. It is considered that this distance would prevent any material loss of privacy and overbearing effect.

5.19 *Development to the North-West*

To the north-west of the application site there is a large detached property. This property would be separated from the development by approximately 28m and would be well screened from by the existing landscaping buffer along the boundary. It is considered that these features would prevent any material loss of privacy and overbearing effect.

5.20 Flooding and Drainage

Representations have been received from local residents which suggest that the proposed development would exacerbate existing flooding in their property. To assess this issue the Council Drainage Engineer has been consulted. Following discussions between the applicant and the engineer it was agreed that an appropriate sustainable urban drainage system (SUDS) would alleviate any adverse drainage or flooding problems. It is therefore recommended that a planning condition is attached to ensure that details of the proposed SUDS are submitted and agreed prior to development commencing.

### 5.21 Transportation

Representations have been received from local residents which raise concerns with regard to access, parking and construction traffic. To assess this issue the Council Transport Engineer has been consulted. The engineer has confirmed that the proposed access arrangements are acceptable and that the proposed parking ratio of 2 spaces per dwelling would accord to the Council parking standard under Policy T8. The engineer did note that the Cookes Drive is limited in term of width, although it is an adopted highway and incorporates a turning head. As such, it is considered that there would not be material increase in service vehicles beyond the construction period. To avoid adverse impact on local residents it is recommended that the standard working hours informative is attached to ensure working is carried out during daytime hours.

### 5.22 Environmental Impacts

The Council Environmental Services department have been consulted and have raised no objection to the proposal.

### 5.23 Other Matters

Representations have been received from local residents which suggest that the proposed development would devalue their property. Nevertheless, the potential impact on the value of adjacent property is not a material planning matter.

5.24 Comments have also been received which suggest that this application should be considered in conjunction with planning application: PT08/2172/O. However, it should be noted that this application has been withdrawn by the applicant.

### 5.25 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.

### 5.26 Section 106 Requirements

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

## 6. CONCLUSION

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

The decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PT08/2349/F**

**Contact Officer:**    **Peter Rowe**  
**Tel. No.**                **01454 863131**

### **CONDITIONS**

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

Reason(s):

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

2. Within 3 months from the date of the decision a scheme of landscaping, 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 shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason(s):

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

3. Within 3 months of the date of the decision drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to 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 L17/L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

4. Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed floor windows on the rear elevations (north-east) shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'.

Reason(s):

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



## CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008

**App No.:** PT08/2512/F  
**Site:** Hicks Common Livery Stables, Hicks Common Road, Winterbourne, South Gloucestershire, BS36 1LJ

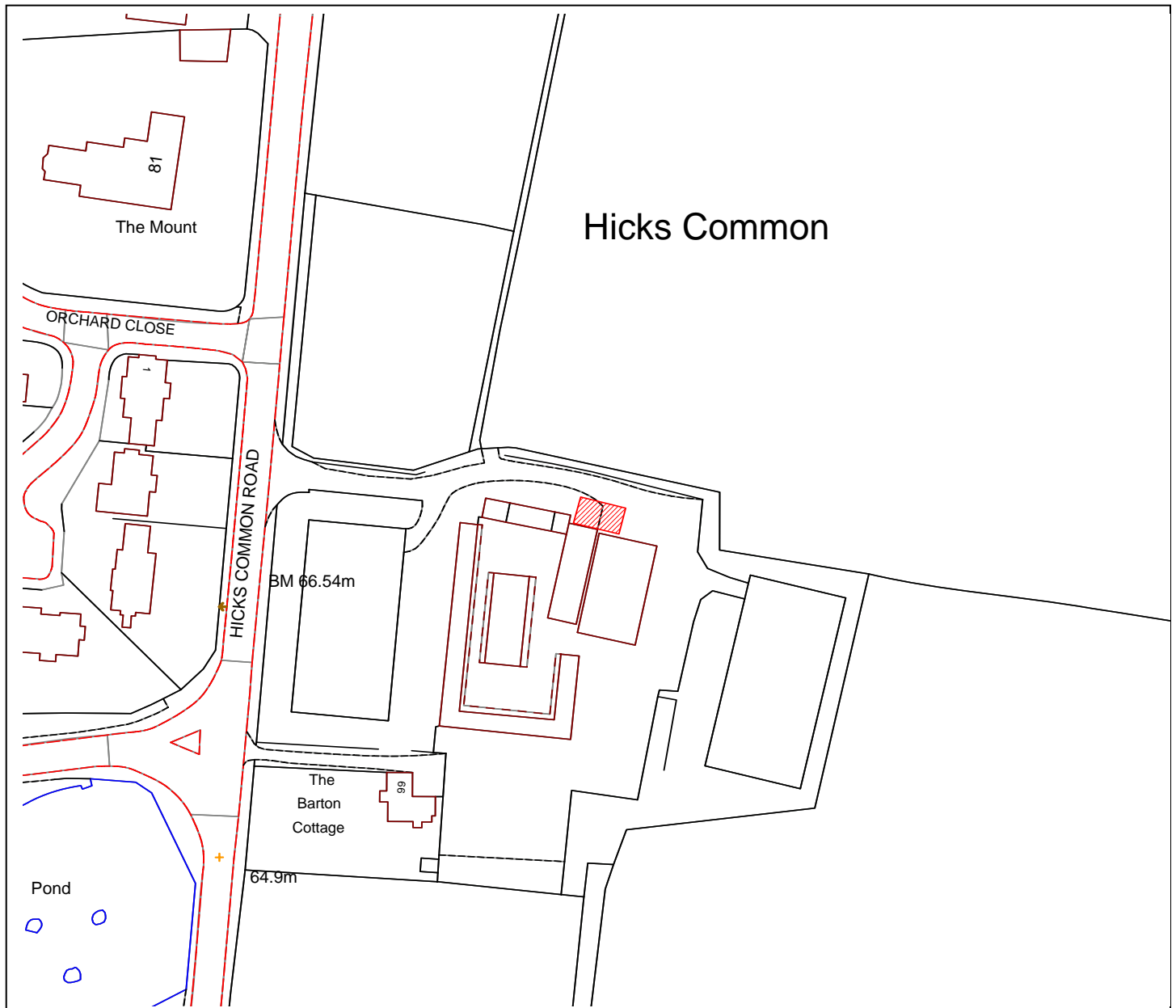
**Applicant:** Mr Mann  
**Date Reg:** 9th September 2008

**Proposal:** Erection of fodder store.

**Parish:** Winterbourne Parish Council

**Map Ref:** 65506 80447  
**Application Category:** Minor

**Ward:** Winterbourne  
**Target Date:** 13th October 2008



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PT08/2512/F

## INTRODUCTION

This application appears on the Circulated Schedule following the receipt of an objection from Winterbourne Parish Council which was contrary to the Case Officers recommendation.

### 1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a fodder store. The store would be approximately 5.5m in width, 10.6m in length and 5.6m in height.
- 1.2 The application site relates to a well established equestrian development which is situated on the edge of the settlement of Winterbourne. The site is situated within the open countryside and is designated as Green Belt.
- 1.3 This application follows an application for prior notification (PT08/1999/PNA). This application was considered to be invalid because the site's primary planning use was not agriculture.

### 2. POLICY CONTEXT

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG2: Green Belts  
PPS7: Sustainable Development in Rural Areas
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
L1: Landscape Protection and Enhancement  
GB1: Development within the Green Belt  
E10: Horse Related Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007  
South Gloucestershire Development within the Green Belt SPD (Adopted) 2007

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT08/1999/PNA Prior notification for the intention to erect an agricultural building for the storage of fodder.  
**Deemed Invalid** – Planning Permission Required
- 3.2 P91/2273 Change of use of land and barn from agricultural to the use for the stabling and grazing of horses.  
**Approved** on 4<sup>th</sup> December 1991

### 4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council  
Objection: -

1. It is in Green Belt
2. As far as can be ascertained, it is NOT a special case, which is required for such buildings;
3. Unpleasant, modern agri-building proposed, when Barton Cottage itself is Victorian, so not in-keeping.

4.2 Local Residents  
None received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Main Issues

The proposed development comprises of the erection of an agricultural building for the storage of fodder. The application site relates to an equestrian centres which is situated outside of the Winterbourne settlement boundary and within the Green Belt. The main material planning considerations to be addressed in this report are outlined below: -

1. Principle of Development - Appropriate Development within the Green Belt?;
2. Design;
3. Residential Amenity;
4. Environmental Affects;

### 5.2 Principle of Development

Within Green Belt locations there is a general presumption in national and local planning policy against inappropriate development. The construction of new buildings inside a Green Belt is inappropriate unless it is for the following categories as defined in PPG2 and Policy GB1: -

- Agriculture and forestry;
- Essential facilities for outdoor sport and recreation
- Cemeteries;
- Limited extension, alteration or replacement of existing dwellings; and
- Limited infilling within the boundaries of settlements.

5.3 The authorised planning use of the application site is for the stabling and grazing of horses, which was established under planning permission ref: P91/2273. The proposed use would be a *quasi* agricultural use. This is because the development is required to store hay which is produced onsite and then used for the purposes of the equestrian centre. Therefore, with regard to the policy context set out in PPG2 and Policy GB1 of the adopted local plan, it is considered that the proposed development would fall within the categories of appropriate development within the Green Belt.

5.4 Policy E10 of the adopted local plan is also particularly relevant to the determination of this application. This policy relates to horse related development out side of settlement boundaries. The policy is supportive of such development provided that:

- There are no unacceptable environmental effects
- It would not prejudices the amenities of nearby occupiers;
- Adequate highway provision;
- Safe and convenient access to bridleways\*

- No suitable underused buildings which are capable of conversion; and
- The design and size of buildings has proper regard to the safety and comfort of horses.\*

\*this criterion is not applicable to this application.

5.5 In addition to the above, the impact upon design and landscape would represent a material planning consideration. Policy D1 and L1 of the adopted local plan would be most relevant to this issues.

5.6 Re-use of Underused Buildings

A site visit of the application site was undertaken and it is considered that there are no suitable underused buildings which are capable of conversion. As such, a new building would be required in this instance.

5.7 Design/Landscape

The proposed development would comprise of an agricultural barn which would be sited adjacent to the existing collection of building on-site. The structure would be steel framed, it would have a grey cement roof and dark green tin cladding on the north, south and east side elevations. Furthermore, it would be well screened from outside the site by virtue of a well established hedge along the northern boundary. In view of these features, it is considered that the proposed development would respect the rural character and visual amenity of the existing site and the surrounding open countryside (Green Belt).

5.8 The Parish Council have raised an objection to the proposal because it would not be in-keeping with Barton Cottage. Notwithstanding these comments, it should be noted that the development would be sited approximately 65m from this property and would be separated by the existing buildings onsite. As such, the development and this property could not be read together. The development would therefore have no impact on the character and appearance of this property.

5.9 Residential Amenity

The proposed barn is situated well away from any dwellinghouse. As such the development would not result in any harm to residential amenity.

5.10 Environmental Impacts

It is considered that the storage of hay would not result in any adverse environmental impact.

5.11 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PT08/2512/F**

**Contact Officer:**    **Peter Rowe**  
**Tel. No.**                **01454 863131**

## CONDITIONS

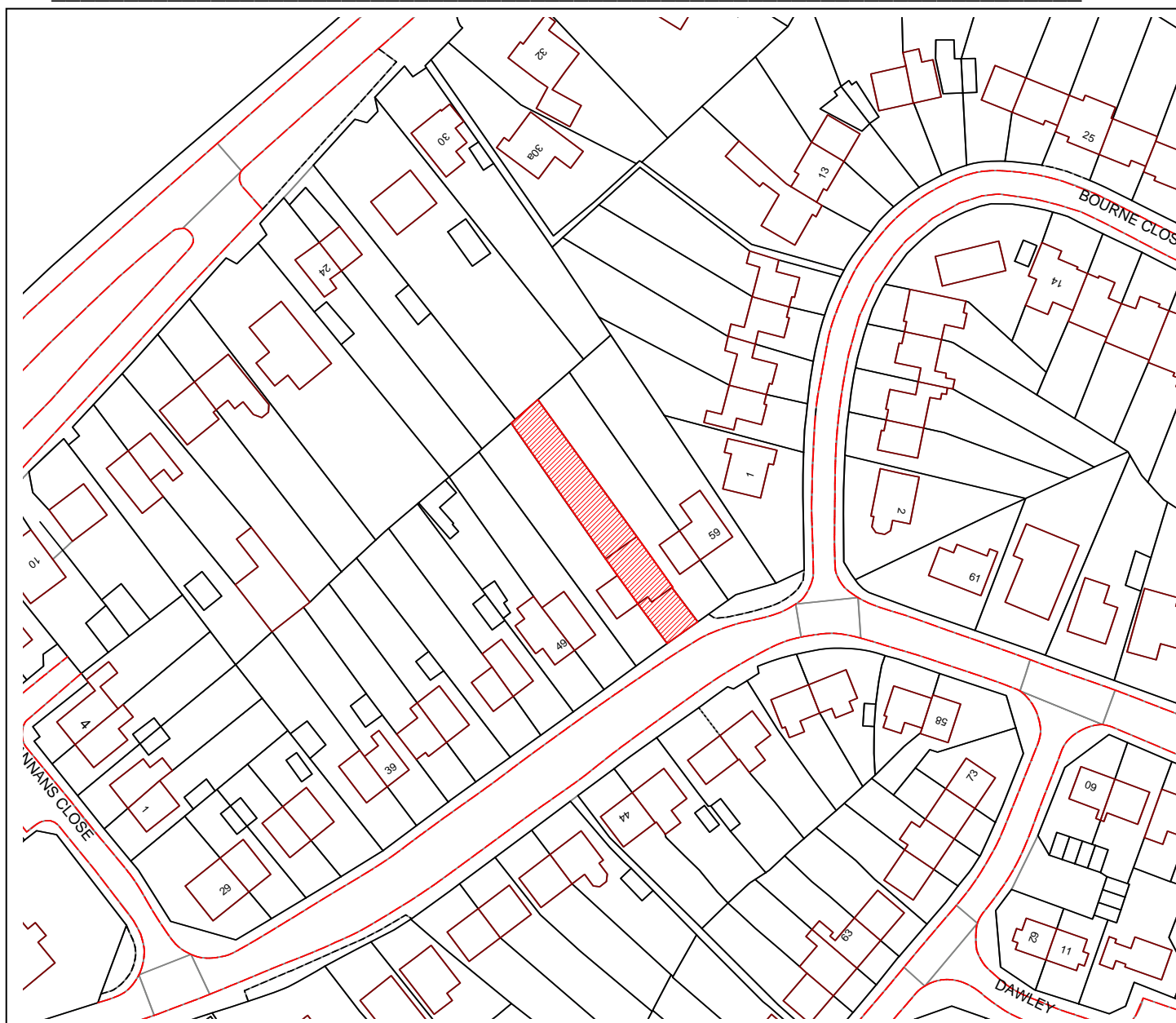
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008**

<b>App No.:</b>	PT08/2577/F	<b>Applicant:</b>	Mr H Street
<b>Site:</b>	55 Watleys End Road, Winterbourne, South Gloucestershire, BS36 1PH	<b>Date Reg:</b>	16th September 2008
<b>Proposal:</b>	Erection of first floor side, rear and front extension to provide additional living accommodation (Resubmission of PT08/1830/F)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	65360 81362	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th November 2008



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PT08/2577/F

## INTRODUCTION

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

### 1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a first floor side and rear extensions. The extension would provide an addition bedroom and an en-suite bathroom.
- 1.2 The application site relates to a semi-detached dwelling situated within a well established residential area.
- 1.3 This application is a resubmission of the previously refused application PT08/1830/F. This application was refused because:

*The proposed front gable extension, by reason of its size, design and external appearance, would not respect the overall design and character of the existing property and the character of the street scene and the surrounding area. The proposal is therefore considered contrary to the South Gloucestershire Design Checklist SPD (adopted) August 2008 and Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*

### 2. POLICY CONTEXT

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

### 3. RELEVANT PLANNING HISTORY

- 3.1 P93/1084 Erection of single storey rear, side and front extension to form dining room, utility room, garage, porch.  
**Approved** 07 March 1993
- 3.2 PT08/1830/F Erection of first floor, front, side and rear extension to form additional living accommodation.  
**Refused** on 14<sup>th</sup> August 2008

### 4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council  
No objection

#### 4.2 Local Residents

Two letters of objection have been received. Their main comments have been summarised below: -

- A. Insufficient drainage capacity;
- B. Overall volume of the said property would increase to over 2.5 times;
- C. It would create a terrace;
- D. Devalue property;
- E. Loss of light - adverse affect to health; and
- F. Overbearing;

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

#### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extension to residential dwelling. This is subject to the proposal:

- respecting the character and appearance of the existing dwelling and the surrounding area;
- not prejudicing the amenities of nearby occupiers,
- maintaining highway safety; and
- providing adequate amenity space.

5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.

#### 5.3 Design and Visual Amenity

The host dwelling is a typical semi-detached post-war house type which has been widely used elsewhere in Winterbourne and the Bristol North Fringe. It forms part of a row of 12 identical dwellings which address Watleys End Road. The dwelling has been extended with single storey extensions to the front, side and rear.

5.4 The previous application was refused because the proposed front gable projection was considered to relate poorly to the character of the existing dwelling and surrounding area. To overcome this issue the applicant has removed this element from the scheme.

5.5 This application now comprises of a side extension above the existing garage and a rear extension above the existing kitchen and dining room. It is considered that these extensions would offer an appropriate scale and mass, which would respect the proportions of the existing dwelling. Furthermore the development would be finished in materials to match the existing dwelling. In view of these features it is considered that the development would respect the character of the existing dwelling and the surrounding residential area.

5.6 Representations have been received that suggest that if No. 57 had a similar extension then the development would appear as terrace. No application has been received for such an application. As such, this does purport a material planning consideration. If an application were to be submitted at No. 57 then it would be assessed on its own planning merits.



5.7 Residential Amenity

The application site is adjoined by two dwellings to the side (Nos. 53 and 57 Watleys End Road) and one dwelling to the rear (26 Bristol Road). Given the length of the applicant's garden, it is considered that the proposed extension would not materially harm the occupiers of 26 Bristol Road. The proposed development would be nearby to both Nos. 53 and 57, as such the impact on these dwellings is assessed in detail below:

5.8 **Overbearing Impact**

Both neighbouring dwellings share a boundary with the existing single storey rear extension and No. 57 also shares a boundary with the existing single storey side extension. This proposal seeks to construct a first storey extension above these existing extensions.

5.9 The total depth of the proposed rear extension would be approximately 2.5m, thus exceeding the rear building line of both adjacent properties. Nevertheless, it is considered that a two-storey extension of this depth would not result in an adverse overbearing impact.

5.10 The proposed first storey extension would be situated along the boundary shared with No. 53 and would be approximately 3m from their side elevation. The neighbouring occupier has objected to this aspect of the proposal because of an alleged loss of light to the first floor hallway window. Notwithstanding these representations, it is considered that the distance separating the proposal from the adjacent dwelling would prevent a material loss of light. Nevertheless, the window serves a hallway (non-habitable room), as such a reduction in light would not be detrimental to residential amenity.

5.11 The neighbour has stated that they could erect a side extension in this location which would include habitable space. Notwithstanding these representations, there is no extension in this location at this moment and therefore this argument does not purport a material planning consideration. Furthermore the neighbour has requested a site visit. Unfortunately no telephone contact details were provided and therefore no visit could be prior arranged. The Case Officer visited the site again on the 28<sup>th</sup> October 2008 and called on No. 53, however there was no answer. Nevertheless, the Case Officer considers that the site could be fully assessed from the public highway and from the within the application site.

5.12 **Loss of Privacy**

The proposed extension would only include two first floor windows, both in the rear elevation. These would be roughly in the same position as the existing rear windows. The windows would afford some oblique views into the adjacent properties, similar to the views from the existing rear windows. It is considered that this level of the oblique visibility is typical of well-established residential areas. As such there would be no material loss of privacy.

5.13 Drainage

The drainage of the proposed extension would connect to the existing drainage system of the dwelling. The capability of this system is not for Local Planning Authority to scrutinise as this would be an issue for the sewage undertaker in

this locality. As such, this would not be a material planning consideration. The construction above the existing sewer would be specifically addressed during Building Regulations.

5.14 Other Matters

Representations have been received from a local resident which has raised concerns regarding the devaluation of their property. Notwithstanding these comments it should be noted that the potential impact on the value of adjacent property is not a material planning matter.

5.15 Section 106 Requirements

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

**Background Papers**      **PT08/2577/F**

**Contact Officer:**    **Peter Rowe**  
**Tel. No.**                **01454 863131**

**CONDITIONS**

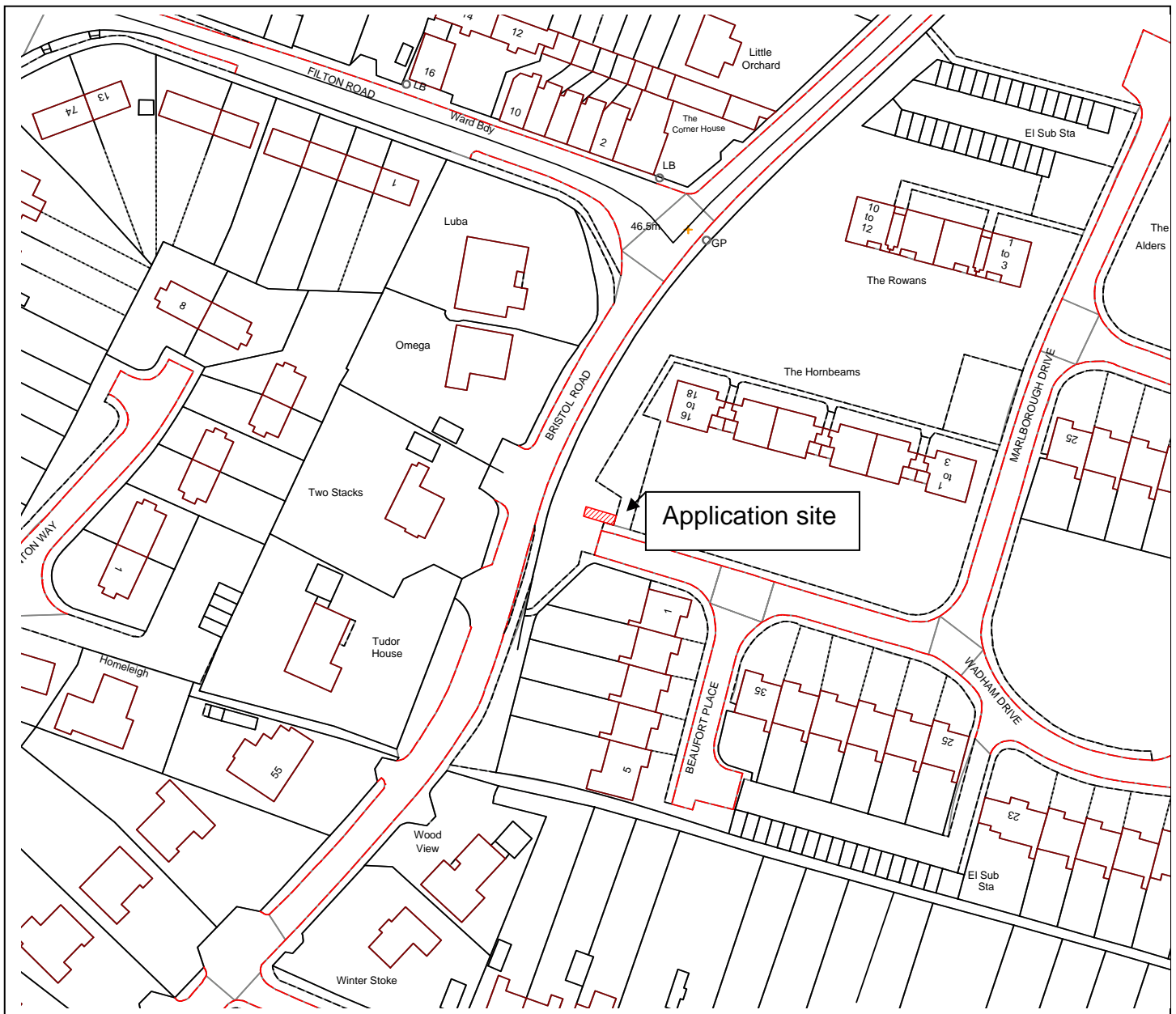
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008**

<b>App No.:</b>	PT08/2594/F	<b>Applicant:</b>	Frenchay Manor Park (The Hornbeams) Ltd
<b>Site:</b>	The Hornbeams, Marlborough Drive, Frenchay, South Gloucestershire, BS16 1PW	<b>Date Reg:</b>	17th September 2008
<b>Proposal:</b>	Erection of 1.8 metre high metal fence to enclose bin storage area	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	63783 78203	<b>Ward:</b>	Frenchay and Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th October 2008



## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a 1.8m high metal fence to enclose a bin store area (7m x 3m).
- 1.2 The application site relates to small piece of land situated at the end of Wadham Drive. The site relates to the adjacent block of flats (The Hornbeams).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design  
L1: Landscape Protection and Enhancement
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) August 2007

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

- 3.1 PT08/0692/F Creation of hardstanding for bin storage.  
**Approved** on 9<sup>th</sup> May 2008

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection
- 4.2 Local Residents  
One letter of has been received which objected on the ground of visual amenity.

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

- 5.1 Principle of Development  
This development will be principally assessed against Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 to ensure the residential and visual amenity is not be materially affected by the development.
- 5.2 Design and Visual Amenity  
The application site relates to a small area of land situated at the end of Wadam Drive. The site is situated off of the main highway and is surrounded by dense landscaping. The proposal involves the erection of a 1.8m dark green

steel fence to enclose an area of hardstanding for the siting of bins (3m x 7m). It is considered that this would be an appropriate solution in context of the area. Furthermore, the dark green colour would help the development blend in with the surrounding landscaping. Therefore, notwithstanding the objection received from a local resident, it is considered that proposed fence would not adversely harm the character and appearance of the surrounding area.

#### 5.3 Design and Access Statement

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

#### 5.4 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Background Papers**      **PT08/2594/F**

**Contact Officer:**    **Peter Rowe**  
**Tel. No.**                **01454 863131**

#### CONDITIONS

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

Reason(s):

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

**CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008**

**App No.:** PT08/2623/F  
**Site:** 4 Gatcombe Drive, Stoke Gifford,  
 South Gloucestershire, BS34 8NX  
**Proposal:** Erection of front porch  
**Map Ref:** 61992 79855  
**Application Category:** Minor

**Applicant:** Mrs E Smith  
**Date Reg:** 24th September  
 2008  
**Parish:** Stoke Gifford Parish  
 Council  
**Ward:** Stoke Gifford  
**Target Date:** 17th November  
 2008



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**PT08/2623/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of an extension to the existing front porch. The development would be approximately 0.6m in width and 1m in depth.
- 1.2 The application site relates to a terrace dwelling situated within a well established residential area of Stoke Gifford.
- 1.3 This minor extension only requires planning permission because the dwellings permitted development rights were removed under the original consent for the existing dwelling.

### **2. POLICY CONTEXT**

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

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No comment.
- 4.2 Local Residents  
Two letters have been received from No.2 Gatcombe Drive. Their comments have been summarised below: -
  - No measurements on the plans;
  - Ventilation for the toilet would be directly facing property;
  - No provision for bins – eyesore; and
  - Work has commenced on site.

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

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extension to residential dwelling. This is subject to the proposal:

- respecting the character and appearance of the existing dwelling and the surrounding area;
  - not prejudicing the amenities of nearby occupiers,
  - maintaining highway safety; and
  - providing adequate amenity space.
- 5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.
- 5.3 Residential Amenity  
The proposed development comprises of a small single storey extension to the existing north-western elevation of the front porch. This development would facilitate the formation of a downstairs toilet. The development would be approximately 0.9m<sup>2</sup> in area and would be set well within the confines of the existing dwellings front elevation. It is therefore considered that the proposal would not significantly harm the residential amenity of nearby occupiers in terms of a loss of privacy or an overbearing effect.
- 5.4 It is noted that the neighbour at No.2 Gatcombe Drive has raised concerns with the proposed ventilation. The applicant has confirmed that the extractor fan would be located within the front elevation. The neighbour has also raised concerns with the proposed side window in terms of ventilation. Notwithstanding this, it is considered that there would be no material impact to residential amenity from this window. Furthermore this is a matter covered by Building Regulations.
- 5.5 Design and Visual Amenity  
The proposed development would be modest in size and would respect the form and materials of the existing front porch. As such, it is considered that the development would not harm the character and appearance of the existing dwelling or street scene.
- 5.6 It is noted that the neighbour at No.2 Gatcombe Drive considers that the removal of the existing bin storage would lead to bins being scattered over front garden. Notwithstanding these comments, it is considered that there is sufficient space within the front garden for the storage of three bins. Furthermore, the storage of bins in this way is in evidence elsewhere in the street scene, and therefore this development would not result in material harm to visual amenity of the street scene.
- 5.7 Other Matters  
The neighbour has stated that the plans have no measurements. However, the plans are drawn to scale and therefore can be accurately read with a scale rule. Work commencing on site is not a material planning consideration. Any such work is done at the applicant's own risk. However, the applicant has indicated that work has commenced due to the urgent need of the applicant to have access to such ground floor facilities due to a medical condition.



## 5.8 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

Background Papers      **PT08/2623/F**

**Contact Officer:**    **Peter Rowe**  
**Tel. No.**                **01454 863131**

## CONDITIONS

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

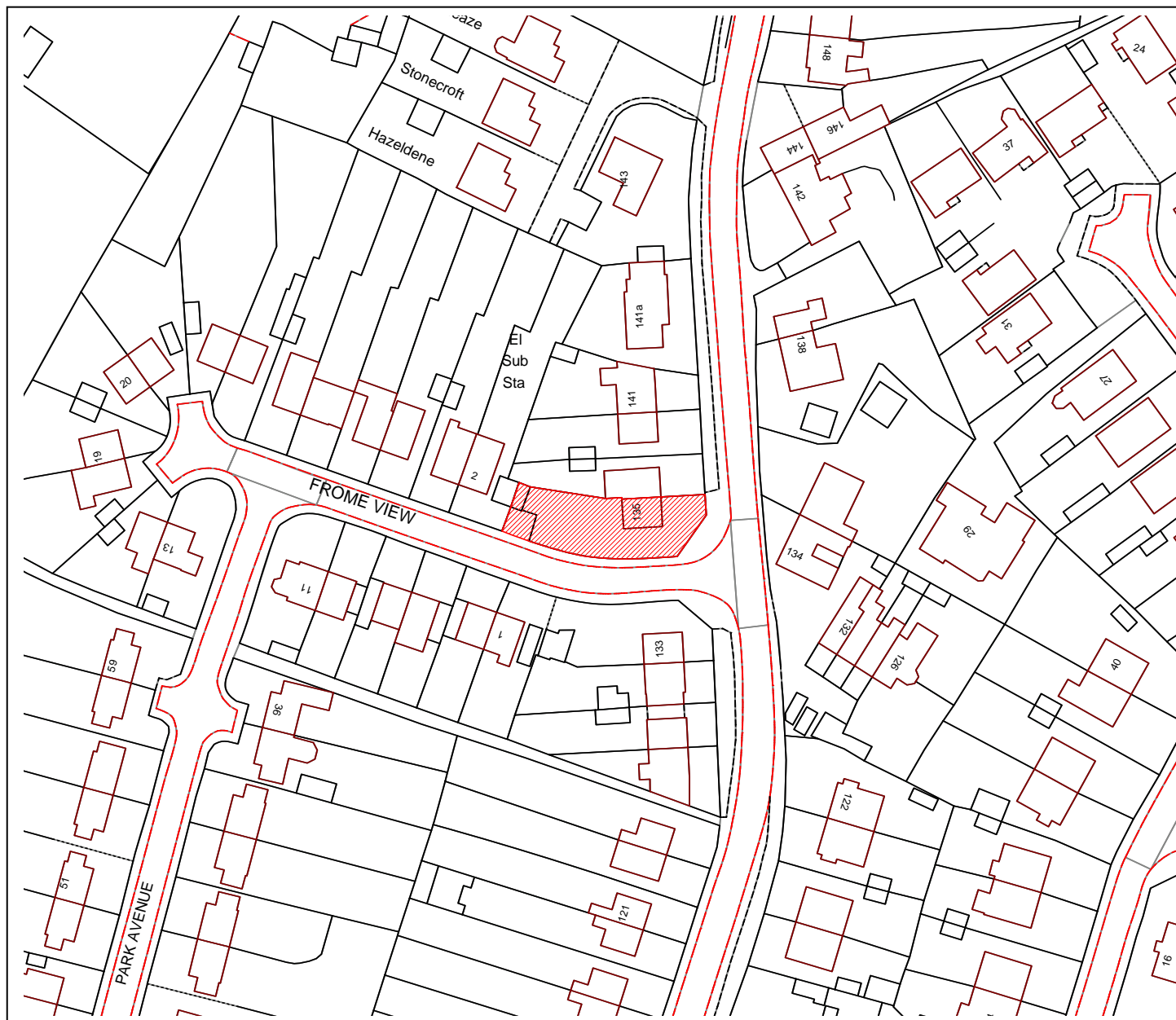
Reason(s):

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

**CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008**

**App No.:** PT08/2658/F  
**Site:** 135 Park Lane, Frampton Cotterell,  
 South Gloucestershire, BS36 2ES  
**Proposal:** Erection of 2 storey side extension to  
 provide additional living  
 accommodation  
**Map Ref:** 66629 81127  
**Application Category:** Minor

**Applicant:** Mr A Hodges  
**Date Reg:** 29th September  
 2008  
**Parish:** Frampton Cotterell  
 Parish Council  
**Ward:** Frampton Cotterell  
**Target Date:** 18th November  
 2008



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N.T.S

PT08/2658/F

**This application appears on the Circulated Schedule list because an objection has been received from a neighbouring occupier.**

## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two-storey side extension to provide additional living accommodation. The extension would measure 4.5 metres in width, 7.69 metres in length, be inset approximately 1 metre from the existing front building line on first floor level, while the apex would be 8.15 metres at ridge height, falling to 5.5 metres at eaves level.
- 1.2 The application site comprises a two-storey semi detached property, which fronts Park Lane. The site is situated within the defined Frampton Cotterell settlement boundary.

## **2. POLICY CONTEXT**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 No planning history

## **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No objection

### **Other Representations**

- 4.3 Local Residents  
One objection received from a local resident. The resident states that they are situated directly opposite the application site and the proposal combined with existing development is detrimental to the views from the property.

## **5. ANALYSIS OF PROPOSAL**

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

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

5.3 Design/Visual Amenity

This application seeks planning permission for the erection of a two-storey side extension to provide additional living accommodation. The proposal would measure 7.69 metres in length, 4.5 metres in width and have an apex of 8.15 metres at ridge height, falling to 5.5 metres at eaves level. The application site comprises a two-storey semi detached property located within the established residential area of Frampton Cotterell. The host dwelling stands on the western side of Park Lane and flanks the entrance into Frome View. The area is residential in nature and is characterised by a mix of housing varieties.

5.4 Amended plans have been received, which reduce the length and width of the proposal. The reduction in length has pushed the front elevation back in-line with the existing front elevation of the host dwelling, while the first floor extension would be set back approximately 0.7 metres from the building line of the existing front elevation. As such, and with the ridge height of the extension approximately 0.4 metres lower than the existing ridge height, it is considered that the extension would appear subservient to the existing host dwelling. The host dwelling sits on the corner of Frome View and subsequently, has no close residential occupier to the south and benefits from a wide residential curtilage. Given this, there is ample room for the extension and it would not result in a cramped form of development. Further, while the side extension would visually close the entrance of Frome View somewhat, the reduction in width to 4.5 metres would allow for a gap of approximately 3.3 metres to the south flank boundary, ensuring that a level of openness is retained, and that it would not be detrimental to the visual amenity of the streetscene. The inclusion of a front lean-to porch is not in-keeping with the existing dwelling, nevertheless, the extension is well designed and with materials to match existing, it is considered that it would not have a negative impact on the character of the existing dwelling. Further, there is no strict uniformity in design of the dwellings that front Park Lane and it is considered that the proposal would not be detrimental to the character of the area.

5.5 Residential Amenity

The corner location of the application site benefits by having only one neighbouring property adjoined on the northern elevation. It is considered that this neighbouring dwelling would not be adversely impacted by the proposal. Further, it is considered that the extension would not introduce any new privacy issues or be adversely overbearing.

5.6 An objection has been received by a neighbouring residential occupier raising concerns that the two-storey addition would be detrimental to outlook. Nevertheless, the loss of private view is not a material planning consideration and since the neighbouring dwelling would be situated at approximately 24 metres from the proposal, it is considered that it would not be overbearing on this property.

## 5.7 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

- 7.1 Planning Permission is GRANTED subject to the following conditions.

**Background Papers**      **PT08/2658/F**

**Contact Officer:**    **Jonathan Ryan**  
**Tel. No.**                **01454 863538**

## CONDITIONS

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

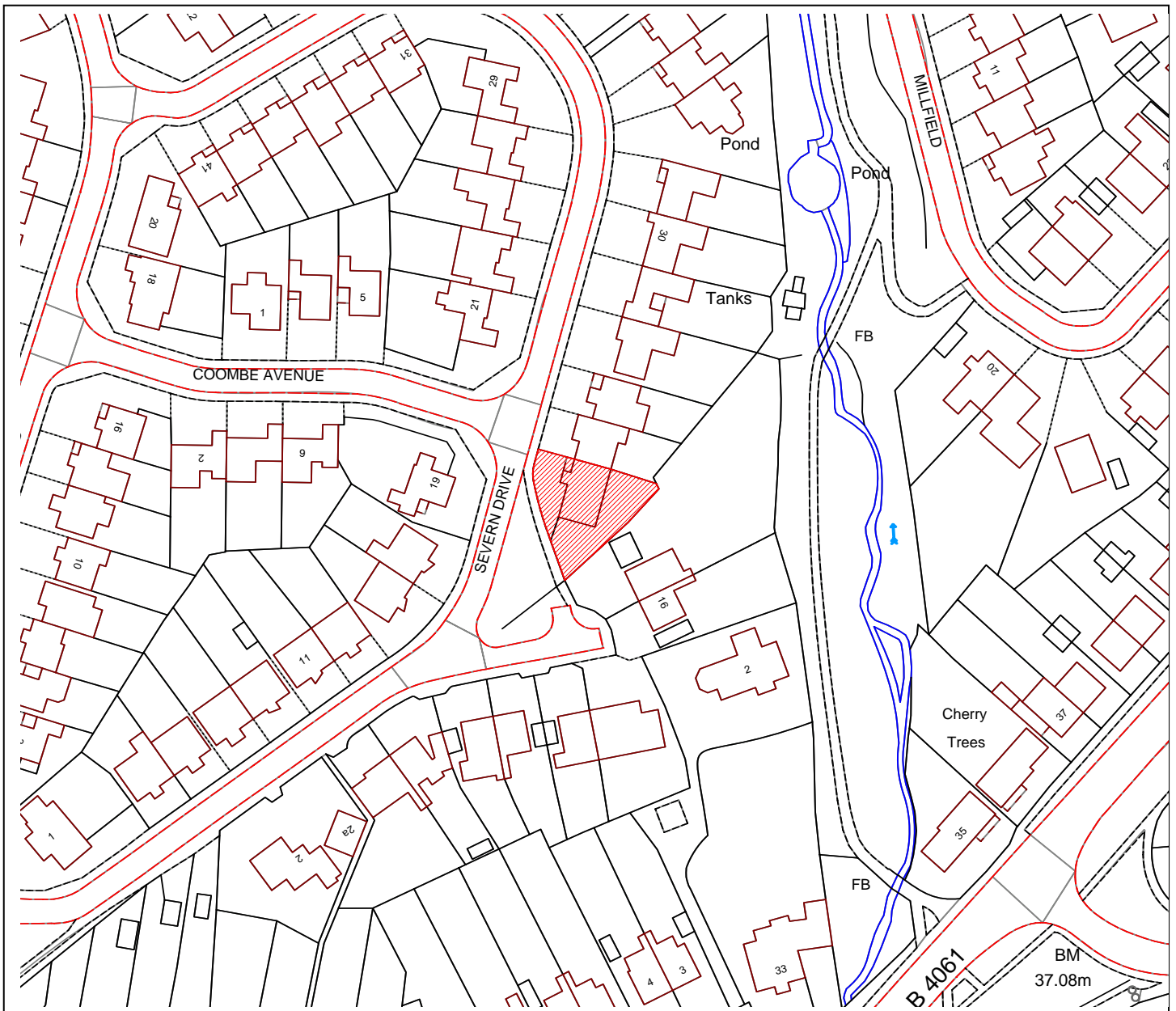
Reason(s):

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

**CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008**

**App No.:** PT08/2662/F  
**Site:** 20 Severn Drive, Thornbury, South Gloucestershire, BS35 1EX  
**Proposal:** Erection of single storey rear extension to provide additional living accommodation and erection of single storey front extension to form enlarged garage and kitchen  
**Map Ref:** 63956 90653  
**Application Category:** Minor

**Applicant:** Mr L S Jones  
**Date Reg:** 30th September 2008  
**Parish:** Thornbury Town Council  
**Ward:** Thornbury North  
**Target Date:** 18th November 2008



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 100023410, 2008.

**This application appears on the Circulated Schedule list because of a neighbour and Parish Council objection.**

## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of single storey rear extension to provide additional living accommodation and the erection of a single storey front extension to form an enlarged garage and kitchen. The rear extension would measure 3.27 metres in width, 2.23 metres in depth and have an apex of approximately 3.35 metres at ridge level. The front extension would encompass an existing porch and extend approximately 6.05 metres in length and 1.64 metres in depth. A pitched roof would encompass the front extension and existing garage/shower room, replacing the existing flat roof.
- 1.2 The application site comprises a two-storey detached dwellinghouse with a linked garage, which is located within the established residential area of Thornbury.

## **2. POLICY CONTEXT**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 N6894, Erection of single storey side extension to dining room, 11/09/80, Approve with conditions.
- 3.2 N6894/1, Erection of single storey side extension to form study and dining room, 30/06/83, Approve with conditions.
- 3.3 P95/1806, Erection of first floor side extension to form two bedrooms, 25/07/95, Approval full planning.

## **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
Objection – Neighbours amenities will be affected by the close proximity of the proposed extension and it is considered out of character with the street scene.

### **Other Representations**

- 4.3 Local Residents

One comment received from a neighbouring occupier with regards to the following:

- The occupier is opposed to the roof alterations as it will affect the street scene and is unnecessary given that the existing flat roof could be raised slightly to comply with building regulations. The occupier is also opposed to the pitched roof being connected to his property.
- He states that there appears to be no sound insulation in the new kitchen wall against his property. In the past he has had to complain about various noises coming through the garage wall. He would like a condition that appliances would not be used after 23:00.
- Not opposed to the lounge extension, or to the hall alterations provided the existing flat roof is raised.
- He queries whether the alterations will increase the number of rooms rented out as traffic congestion currently occurs outside the property.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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

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

### **5.3 Design/Visual Amenity**

This application seeks planning permission for the erection of single storey rear extension to provide additional living accommodation and the erection of single storey front extension to form an enlarged garage and kitchen. The rear extension would measure 3.27 metres in width, 2.23 metres in depth and have an apex of approximately 3.35 metres at ridge level. The front extension would encompass an existing porch and extend approximately 6.05 metres in length and 1.640 metres in depth. A pitched roof would encompass the front extension and existing garage/shower room, replacing the existing flat roof. The application site comprises a two-storey detached dwelling with a linked garage, which has benefited from a previous two storey side extension. The dwelling fronts Severn Drive and is located within the established residential area of Thornbury.

5.4 The rear extension is permitted development by virtue of Part 1 Class A of the General Permitted Development Order 2008 and does not require further assessment.

5.5 The front extension and pitched roof would differ from the typical character of the dwellings in Severn Drive, which consist predominately of flat roofed linked garages. Nevertheless, no. 34 Severn Drive has been extended almost identically with permission granted on 23<sup>rd</sup> October 1994. Given this, any



refusal reason on the grounds of the proposal being out of keeping with the streetscene, would be unlikely to prove sustainable at appeal. Notwithstanding this, the single storey garages in Severn Drive are an important design aspect in terms of visual amenity, because they help to define the space between dwellings. It is considered that the proposed pitched roof, being single storey in nature, would still retain an element of space above the garage, which would provide a degree of separation between the host dwelling and the neighbouring dwelling. As such, and with materials to match the existing dwelling it is considered that the proposed development would not be detrimental to the character of the existing dwelling or to the character of the surrounding area.

#### 5.6 Residential Amenity

The application site comprises an end property and benefits by only having one neighbouring occupier within close proximity to the north. While this property is linked to the garage of the host dwelling, it is considered that the amenities of the neighbouring occupier would not be adversely impacted by the proposal. The front extension would project 1.64 metres forward of the existing building line and would draw level with the north flank boundary shared with the neighbouring dwelling. Nevertheless, with no windows proposed in the northern elevation, it is considered that the privacy of the neighbouring occupier would be retained and given the modest depth of the extension, it is considered that the proposal would not be overbearing or create a significant shadow to the detriment of the neighbouring occupier.

5.7 On balance, it is considered that this proposal adheres to Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 and to the South Gloucestershire Design Checklist (adopted) August 2007, and any refusal reason would be likely to prove unsustainable.

#### 5.8 Other Matters

The neighbouring occupier objected on the grounds that the pitched roof would be connected their property and that the existing flat roof could be raised to comply with building regulations. It is considered that an increase in height of the flat roof would appear as an incongruous element of the streetscene. Further, the applicant would not be able to adjoin the neighbouring dwelling without permission from the neighbouring occupier first, notwithstanding the grant of planning permission. The other points are civil matters and are not planning considerations.

The suggestion of a condition regarding the use of appliances would not meet the tests in Circular 11/95 as reasonable as it would be unduly prescriptive and not necessary on planning grounds.

#### 5.9 Section 106 Requirements

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

- 7.1 Planning Permission is GRANTED subject to the following conditions.

**Background Papers      PT08/2662/F**

**Contact Officer:    Jonathan Ryan**  
**Tel. No.              01454 863538**

## **CONDITIONS**

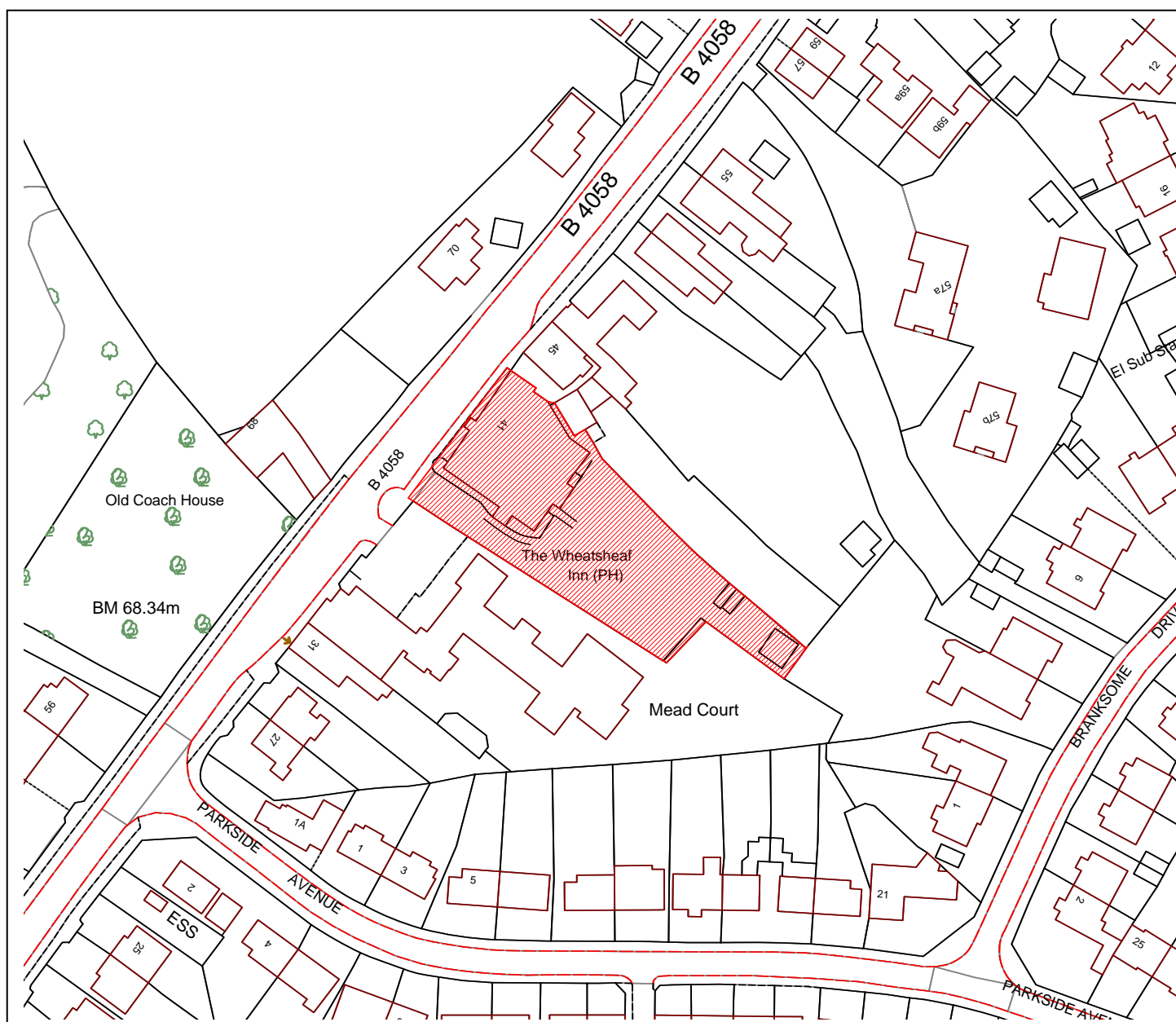
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

## CIRCULATED SCHEDULE NO. 44/08 – 31 OCTOBER 2008

<b>App No.:</b>	PT08/2668/RVC	<b>Applicant:</b>	Mr M Motiouk
<b>Site:</b>	41 The Wheatsheaf, High Street, Winterbourne, South Gloucestershire, BS36 1JG	<b>Date Reg:</b>	30th September 2008
<b>Proposal:</b>	Removal of Condition 4 attached to Planning Permission P98/1380 dated 30 October 1998 to allow the function room to be used for purposes other than those ancillary to the use of the letting rooms.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	65036 80925	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th November 2008



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N.T.S

PT08/2668/RVC

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

**1. THE PROPOSAL**

- 1.1 The applicant seeks consent for the removal of Condition 4 attached to Planning Permission P98/1380 dated 30 October 1998 to allow the function room to be used for purposes other than those ancillary to the use of the letting rooms.
- 1.2 This is a pub with letting rooms known as The Wheatsheaf Inn situated on Winterbourne High Street. The proposal would require no change of use of the function room but would allow the room to be used by members of the general public.

**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  
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

P98/1380 – Conversion and extension of public house and dwelling house to form 10 bedroom hotel with restaurant, bar and function room areas to include amendments to front elevation. Approved 30 October 1998.

**4. CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

No objection raised

**Other Representations**

4.2 Local Residents

One letter of objection from a local resident and one email from a local member on the behalf of two local residents raising the following concerns:

- Live music could cause noise disturbance to neighbouring occupiers
- There is an extractor fan on elevation wall without attenuation

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

In principle there is no policy objection raised for the removal of the condition. In addition the criteria of Policy D1 and T12 must be satisfied and the key issues are as follows.

### 5.2 Transportation

It is considered that transport and parking is the most important aspect of this planning application as the condition that the applicant wishes to remove was imposed in order 'to minimise the potential for on-street parking'. The Council's Highways engineer was consulted as a part of this application and was satisfied that the car park to the rear of The Wheatsheaf Inn could adequately serve the restaurant and that there would be no significant highway implications arising from the removal of the condition. Transportation policy has changed significantly since 1998 when the condition was imposed, with much greater emphasis on moving away from the use of the private car. This is reflected in the Local Plan adopted in 2006.

### 5.3 Impact of Proposal

There is no change of use involved in this planning application and so the proposal would not result in a materially greater impact than the current use. The removal of this condition would merely result in a change of who can use the function room and there is therefore no objection.

### 5.4 Other Matters

Concern has been raised over live music being played in the function room and disturbing residents. It is not considered this is material to this decision as the use of the room will not change and this was not the reason for imposing condition 4 in the first instance. Neither is the point about the extractor fan material to this decision as it is in situ. Planning applications may not be used opportunistically to address existing issues, rather the use of planning conditions must satisfy the tests in circular 11/95 – one of which is relevance.

### 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**      **PT08/2668/RVC**

**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).