



**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. 36/08

Date to Members: 05/09/08

Member's Deadline: 11/09/08

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 05/09/08

SCHEDULE NO. 36/08

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.

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

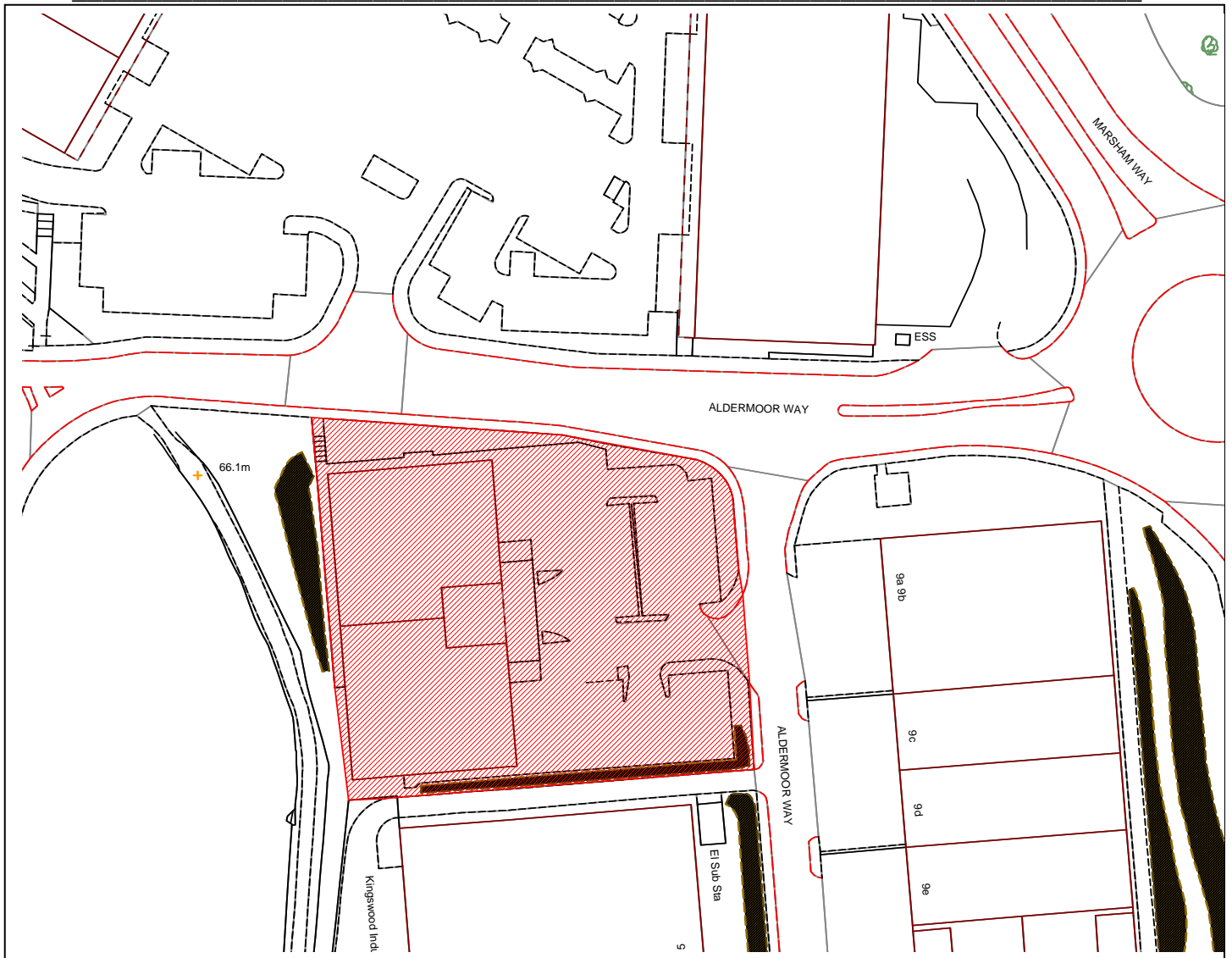
Circulated Schedule 05 September 2008

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK08/1283/F	Approve with conditions	Retail Units, Kingswood Industrial Estate, Aldermoor Way, Longwell Green, South Gloucestershire, BS30 7DA	Longwell Green	Oldland Parish Council
2	PK08/1815/F	Approve with conditions	The Willow Surgery, Coronation Road, Downend, South Gloucestershire, BS16 5DH	Downend	Downend and Bromley Heath
3	PK08/2022/F	Approve with conditions	Garage, Elmleigh Road, Mangotsfield, South Gloucestershire, BS16 9ES	Rodway	
4	PK08/2070/F	Approve with conditions	2 Shellards Road, Longwell Green, South Gloucestershire, BS30 9DU	Longwell Green	Oldland Parish Council
5	PK08/2087/ADV	Approve with conditions	Unit A2, Clinton Cards, Longwell Green Retail Park, South Gloucestershire, BS30 7ES	Longwell Green	Oldland Parish Council
6	PK08/2106/F	Approve with conditions	38 Birkdale, Warmley, South Gloucestershire, BS30 8GH	Parkwall	Oldland Parish Council
7	PK08/2116/F	Approve with conditions	92 Cotswold Road, Chipping Sodbury, South Gloucestershire, BS37 6DS	Chipping	Sodbury Town Council
8	PK08/2122/F	Approve with conditions	28 Baugh Gardens, Downend, South Gloucestershire, BS16 6PP	Downend	Downend and Bromley Heath
9	PK08/2137/F	Approve with conditions	25 Holly Hill Road, Kingswood, South Gloucestershire, BS15 4DF	Kings Chase	
10	PK08/2155/RVC	Approve with conditions	2, Cleeves Court, formerly Land between 47 & 51 Court Farm Road, Longwell Green, South Gloucestershire, BS30 9AW	Longwell Green	Hanham Abbots Parish Council
11	PK08/2173/CA	Approve with conditions	Back Lane, Rear of 43 High Street, Wickwar, South Gloucestershire, GL12 8NP	Ladden Brook	Wickwar Parish Council
12	PK08/2179/F	Approve with conditions	18 Dibden Road, Downend, South Gloucestershire, BS16 6UE	Emersons Green	Mangotsfield Rural Parish Council
13	PK08/2203/F	Approve with conditions	10 Lulworth Crescent, Downend, South Gloucestershire, BS16 6SB	Emersons Green	Mangotsfield Rural Parish Council
14	PT08/0757/F	Approve with conditions	Spaniorum Farm, Berwick Lane, Easter Compton, South Gloucestershire, BS35 5RX	Almondsbury	Almondsbury Parish Council
15	PT08/0797/CLE	Approve	32 The Old Mill, Mill Lane, Frampton Cotterell, South Gloucestershire, BS36 2AA	Frampton Cotterell	Frampton Cotterell Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
16	PT08/1610/F	Approve with conditions	233 Gloucester Road, Patchway, South Gloucestershire, BS34 6ND	Patchway	Patchway Town Council
17	PT08/1725/F	Approve with conditions	Briarland Farm, Gloucester Road, Rudgey, South Gloucestershire, BS35 3QH	Thornbury South and Alveston	Alveston Parish Council
18	PT08/1988/F	Approve with conditions	48 Watermore Close, Frampton Cotterell, South Gloucestershire, BS36 2NH	Frampton Cotterell	Frampton Cotterell Parish Council
19	PT08/1993/CLP	Approve with conditions	8 Over Lane, Almondsbury, South Gloucestershire, BS32 4BP	Almondsbury	Almondsbury Parish Council
20	PT08/2166/F	Approve with conditions	Land at 29 Boundary Road, Coalpit Heath, South Gloucestershire, BS36 2PU	Frampton Cotterell	Frampton Cotterell Parish Council
21	PT08/2206/ADV	Approve with conditions	Winterbourne Express, High Street, Winterbourne, South Gloucestershire, BS36 1RB	Winterbourne	Winterbourne Parish Council
22	PT08/2253/F	Approve with conditions	48 Northville Road, Filton, South Gloucestershire, BS7 0RG	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 36/08 - 5 SEPTEMBER 2008

App No.:	PK08/1283/F	Applicant:	Britten Investments Ltd
Site:	Retail Units, Kingswood Industrial Estate, Aldermoor Way, Longwell Green, South Gloucestershire, BS30 7DA	Date Reg:	14th May 2008
Proposal:	Demolition of existing retail units and erection of building to contain 3no. retail units (Class A1) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended), with associated parking, servicing and landscaping.	Parish:	Oldland Parish Council
Map Ref:	65505 71900	Ward:	Longwell Green
Application Category:	Minor	Target Date:	8th August 2008



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 100023410, 2008.

INTRODUCTION

The application has been referred to the Circulated Schedule as it is a 'major application', and under the revised scheme of delegation, falls to be considered by the Schedule. There are also objections from local residents.

1. THE PROPOSAL

- 1.1 The application relates to a 0.56ha site situated within an existing Retail Park at Longwell Green. The Retail Park is allocated as such in the Local Plan, and has a number of retail units and small warehouses on site including B & Q, Comet, Wickes and Homebase stores. A large Asda store lies on the other side of Marsham Way. The recently constructed Gallaghers Retail Park lies directly opposite the site to the north of Aldermoor Way. The overall layout of the Park is chaotic, with four different access points to the site and confusing internal access arrangements.
- 1.2 The application site is currently occupied by an existing Allied Carpets unit and a Richleys unit, which is vacant. The units, which are semi-detached with a service area between, are located in the western part of the site, with a car park to the front. The existing building has a somewhat dated and run-down appearance. The site is bounded by the main Aldermoor Way to the north and the secondary Aldermoor Way spur, leading to a cul-de-sac to the east. To the west the land rises to an area that is currently undergoing development whilst to the south is an industrial building occupied by Coca Cola Enterprises Ltd. Vehicular access is from the Secondary Aldermoor Way within the cul-de-sac.
- 1.3 It is proposed to demolish the existing outdated buildings and replace them with a single building, sub-divided to provide three retail units. This building would be located on the southern part of the site with its back to the Coca Cola unit and front facing Gallaghers Retail Park. A covered servicing area would be located to the rear with adjacent loading bay. Customer parking would be located to the front of the building, bounded by the existing perimeter planting and accessed via the existing access.
- 1.4 The gross external area of the building footprint would be approximately 2,061 sq.m. The gross internal areas would be approximately 743 sq.m. for Unit A, 557 sq.m. for Unit B and 557 sq.m. for Unit C, in addition each unit would have a 232 sq.m. storage mezzanine. At this stage it is unknown who would occupy the units.
- 1.5 There would be car parking provision for 76 no. cars of which 5 no. spaces would be reserved for the disabled. There would also be secure parking for 20 no. cycles.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPS6 | Planning for Town Centres |
| PPG13 | Transport |

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L7 & L18	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk and Development
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
RT5	Proposals for Out of Centre and Edge of Centre Retail Development
RT6	Proposals for Retail Development at Cribbs Causeway, Longwell Green and Filton Abbey Wood Retail Parks.

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List (Adopted) 23rd August 2007.

3. **RELEVANT PLANNING HISTORY**

The site has a complex planning history with numerous applications, mostly dating from the 1970's and 1980's, for a variety of residential, educational, industrial, retail and warehouse uses and associated applications for advertisement consents. The following are the most relevant to the current application:

3.1 P86/4494 - Erection of non-food retail warehousing (outline)
Approved on appeal 24th April 1987

3.2 P87/4328 Non food/non DIY retail warehousing. Construction of new vehicular and pedestrian access.
Approved 13th July 1987

Also of relevance is the recent development at Gallaghers Retail Park on the opposite side of Aldermoor Way to the north, which relates to the following applications:

3.3 PK04/2530/F - Demolition of all existing retail buildings on site and engineering works to produce a level site. Erection of 8 no. new retail units and construction of new central car park, associated servicing areas and landscaping.

Approved 7th Sept. 2005 with conditions (following signing of S106 agreement to secure monies for an improved crossing over Marsham Way).

3.4 PK06/0854/F - Demolition of all existing retail buildings on site and engineering works to produce a level site. Erection of 8no. new retail units and construction of new central car park, associated servicing areas and landscaping. (Amendment to previously approved scheme PK04/2530/F).
Approved 7th July 2006

4. **CONSULTATION RESPONSES**

4.1 Oldland Parish Council
No objection but would request greater provision for disabled parking.

4.2 Other Consultees

4.3 The South Gloucestershire Council Conservation & Design Advisory Panel

Recommend approval. The landscaping could be much improved by planting trees with minor re-design of the parking area.

4.4 Police Architectural Liason Officer

Business/retail parks are generally vulnerable to crime because during out of office hours, there is no guardian. The nearby Gallagher Retail Park has suffered a number of incidents.

Other Representations

4.5 Local Residents

4no responses were received from local residents (3no. of which were from the occupants of 5 Cromwell Court), the concerns raised are summarised as follows:

- Increased traffic congestion.
- Increased noise, light pollution and crime.
- What type of shops will occupy the units?
- No pedestrian crossing provided.
- Deliveries during anti-social hours.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy RT6 states that retail development, including the redevelopment of existing sites, at Longwell Green, will only be permitted where:

- It would meet needs which cannot be met in sequentially preferable locations.
- It would make a positive contribution towards improving non-car circulation within the retail park.
- It would make a positive contribution towards improving the physical and visual integration of the retail park.
- It would be accessible to public transport users, pedestrians, cyclists etc.

5.2 The existing building comprises 2no. non-food retail units with a total gross internal floor space of 2050 sq.m., the total net tradable area is 1858 sq.m. It is proposed to demolish the existing buildings and replace them with a new building to be relocated along the southern part of the site. The front of the new building would face the new Gallagher Retail Park to the north, with the back of the building facing the neighbouring Coca-Cola building to the south. The proposed building would comprise 3 no. units A, B and C.

5.3 The total gross internal floor space of the three units would be made up as follows:

A – 743 sq.m, B – 557 sq.m. and C – 557 sq.m. = 1857 sq.m. all of which is net tradable area. In addition, each unit would have a mezzanine floor area of 232 sq.m. (3 x 232 = 696 sq.m.) but these areas are for storage purposes only. The total gross internal floorspace proposed is therefore 1857 + 696 sq.m. = 2553 sq.m. The net additional gross internal floorspace would therefore be 2553 – 2050 sq m = 503 sq.m. Since this net additional floorspace is for storage purposes only, there would be no additional tradable floorspace over and above that existing.

5.4 The proposed development merely replaces existing non-food retail units on this site within the established Retail Park. Although the number of units would increase from 2 to 3, regardless of who occupies the units, the type of products sold would still fall into the same category as those sold from the existing units. Since there is no increase in the net tradable floorspace it therefore follows that the proposal would not have an adverse impact on any Town Centre. In line therefore with the requirements of PPS6 para. 3.29, this proposal does not require the submission of a Retail Impact Assessment and neither does the scheme need to be assessed against criterion A of Policy RT6 relating to sequentially preferable locations. Subject therefore to the satisfaction of criteria B, C and D of Policy RT6, which are discussed in the following paragraphs, the proposal is acceptable in principle.

5.5 Transportation Issues

The site is already operating within the uses proposed; there is therefore no objection to the principle of the development on highway grounds. The re-development of the site would result in improvements to the access and improved pedestrian facilities.

5.6 Following discussions with the developers, they have agreed to make a financial contribution of £30,000 towards highway improvements in the area which would include:

- a) Measures towards improved pedestrian facilities on Aldermoor Way to provide stronger links between the site and the new development opposite.
- b) Improved road marking and signing on Aldermoor Way plus any associated Traffic Regulation Orders (TRO's).
- c) Improved access to public transport in the area.

Any future highway improvements would be the subject of wider consultations prior to finalising the scheme.

5.7 A Transportation Assessment has been submitted and fully assessed by the Council's Highway Officer. Notwithstanding that the 503 sq.m. of increased floorspace is for storage space only, it is estimated from the TRICS database that there would be an increased traffic generation of 49 two-way vehicle movements in the worse case scenario during Saturday peak hour between 1400 – 1500 hours. The anticipated increase in traffic to and from the site during the Friday peak period of 1700 to 1800 hours is likely to be 18 two-way movements. The Transportation Assessment concludes that this increase in traffic would not have a material impact on the local road network. In practice the traffic generation is likely to be less than predicted by the TRICS database.

5.8 The main access to the site for both pedestrians and vehicles is from the Aldermoor Way spur, which is a side road off the main Aldermoor Way. The location of the access would remain the same but some alterations would be made to ensure easier access and egress from the site. The work to the access would include increasing the corner radius on the northern side. The works would be contained within the public highway and would therefore be secured by a S106 Agreement.

5.9 There is also a separate pedestrian access via steps from the north-western corner of the site to Aldermoor Way. As part of the new scheme, it is proposed to provide a pedestrian link (suitable for disabled) between the car park and Aldermoor Way. Additionally, the existing footway on Aldermoor Way along the

- site frontage would be widened to allow for potential use as a shared footway/cycleway.
- 5.10 The proposal would provide 76 car parking spaces (the same as existing) of which 5 bays would be disabled parking. Cycle parking for 20 cycles would also be provided. This level of parking provision is compliant with Local Plan Policy.
- 5.11 The site is accessible by foot and cycle and there would be enhanced links from the site into the surrounding pedestrian and cycle network. A condition would secure the provision of a pedestrian ramp access, suitable for disabled, from the car park. There are already adequate bus services on Marsham Way, Bath Road and Asda within easy walking distance of the proposed development.
- 5.12 Servicing would be undertaken from within the site and all service vehicles would be able to access/egress the site in forward gear. Access to each of the units would be via a covered external service route to the rear of the building. A condition would ensure that all servicing would take place outside business hours, thus avoiding conflict between service vehicles and customer traffic. Articulated vehicles leaving the site would not overrun the opposite side of Aldermoor Way; this is a benefit compared to existing vehicle movements at the site.
- 5.13 Having regard to all of the above, the proposal represents an improvement to the current highway situation, both in the surrounding highway network and in the internal circulation within the site. Facilities for non-car circulation would be improved and the parking levels would comply with the maximum standards. Officers therefore consider that Criteria B and D of Policy RT6 are satisfied and subject to the S106 matters and conditions outlined above, there are no highway objections to the proposal.
- 5.14 Visual Amenity
The site at present has a rather unkempt appearance. In comparison to the recently constructed units on the Gallaghers Retail Park, the existing buildings appear very outdated and as such do not integrate very well within the Retail Park. A Tree Condition Survey has been submitted; the existing soft landscaping is not considered to be thriving and is poor quality. The proposal offers the opportunity to significantly improve the visual amenity of the site.
- 5.15 The proposed buildings would be sited to the south of the site, facing Aldermoor Way, with the customer parking to the front. This would result in the development becoming both a visual and physical extension of the Gallagher Retail Park opposite. Much of the low level landscaping to the perimeter of the site could be retained. The general openness of the car park would promote a sense of security and natural surveillance.
- 5.16 The design of the proposed building takes its lead from the form and aesthetic of the Gallagher Retail Park opposite. The main customer frontage comprises panels of buff brickwork and coloured block piers at low level with composite panel cladding above, framed in a contrasting colour perimeter detail. Each of the customer entrance bays are glazed with bi-parting doors and the adjacent half bays either side are also glazed. A glass canopy would project above the full extent of the glazed areas. There would also be free-standing feature signage panels projecting above this canopy. The side elevations would have a similar treatment as the front elevation.

5.17 Being far less prominent, the south (rear) elevation would be treated in full height, horizontally spanning, built up cladding and would include a continuous canopy with metal fascia and columns to offer shelter to the metal faced loading doors below.

5.18 A condition would be added to any permission, requiring the submission of a landscape scheme to incorporate improvements to the site. Furthermore the details of any floodlighting or external illuminations including measures to control light spillage, would be controlled by condition. The applicant has confirmed that there would be no internally illuminated strip lighting on the buildings. Any advertisements, be they internally or externally illuminated would be the subject of a separate application for advertisement consent and need not therefore be considered as part of this application. Subject to these conditions, criterion C of Policy RT6 is satisfied.

5.19 Impact on Residential Amenity

There are residential properties along Craven Way and Marsham Way, approx. 70-90m from the site. The site is however very well screened to the east by the existing units within the Retail Park. Concern has been raised by a local resident regarding deliveries to the site at anti-social hours, but since the site is used for retail at the moment, and is in the context of a Retail Park, with large stores such as Asda, B&Q, Matalan and Comet nearby, it is not considered necessary or reasonable under terms of Circular 11/95 to impose these conditions. The Council's Highway engineer however, has requested a condition to restrict deliveries to hours outside the opening times, this is to prevent conflict between customer traffic and delivery lorries; the applicant has agreed to accept such a condition. Outside storage, would however be restricted by condition, as well as details of external lighting. It is not therefore considered that the proposal would harm the residential amenity of the area.

5.20 Security

The scheme would improve passive surveillance of the site and would include external lighting to the car park. Anti-ramraid bollards would be provided to the glazed frontage of the retail units and a number of other security features requested by the police would be covered under building control regulations.

5.21 Drainage

The Council's Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before the development could commence.

5.22 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.

5.23 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 issues relating to transportation improvements are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

- 6.1 In accordance with Section 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

- (1) That authority be delegated to the Director of Planning, Transportation & Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) A contribution of £30,000 towards highway and transportation improvements in the area.
 - (ii) Widen the existing footway on Aldermoor Way along the site frontage, in accordance with the details shown on the approved Proposed Footway Widening Plan no. 2203.03.
 - (iii) Realign the northern corner radius of the site access, together with associated footway works, all in accordance with the approved Proposed Highway Works Plan no. 2203.02A.

The reasons for this Agreement are :

- (i) To mitigate against the increase in traffic generated by the proposal having regard to Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
 - (ii) To improve non-car circulation within the Retail Park in accordance with Policy RT6 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
 - (iii) To enhance access facilities to the site in the interests of highway safety in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
2. That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
3. Should the S106 Agreement not be completed within 6 months, that authority be delegated to the Director of Planning Transportation and Strategic Environment to refuse the application due to the failure to complete the S106 Agreement offsetting the otherwise adverse impacts of the development.

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. The amount of net tradable retail floorspace on site shall not exceed 1857 square metres at any time, unless agreed in writing by the Local Planning Authority. The proposed mezzanine floors 3 x 232 sq.m. shall be used for storage purposes only.

Reason:

In the interests of protecting the vitality and viability of the existing retail centre in accordance with Policy RT5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the guidance given in Planning Policy Statement 6 - "Planning for Town Centres".

3. At no time shall any food sales take place from the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of protecting the vitality and viability of the existing retail centre in accordance with Policy RT5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the guidance given in Planning Policy Statement 6 - "Planning for Town Centres".

4. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason:

To minimise light pollution and disturbance to occupiers of nearby buildings, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. No outside storage shall take place at the premises without the prior consent, in writing of the Local Planning Authority.

Reason:

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality, and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. Prior to the commencement of the development hereby approved, 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 L17/L18/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17/L18/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To ensure that adequate measures have been taken to mitigate against soil contamination to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for heavy vehicles only, shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained.

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. No development approved by this permission shall be occupied or brought into use until a scheme for the future responsibility and maintenance of the interceptor has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter used only in conjunction with the buildings' purpose.

Reason:

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

13. The building shall not be occupied until the associated car and lorry parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

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.

14. No deliveries shall be taken at or despatched from the site during the opening hours of any of the units hereby approved.

Reason:

To avoid conflict between delivery vehicles and customer traffic in the interests of highway safety, in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

15. Prior to the commencement of the development hereby approved, 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:

To protect the character and appearance of the area to accord with Policies D1/L1/RT6 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Prior to the commencement of the development hereby authorised, details of wheel-washing facilities to be provided on site shall be submitted to and approved by the Local Planning Authority. These facilities shall be provided prior to the development commencing and maintained during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason:

In the interests of the amenities of nearby occupiers, to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. Prior to the first use of the building hereby approved, a pedestrian ramp access (suitable for disabled) shall be installed from the car park on Aldermoor Way and maintained as such thereafter.

Reason:

To secure adequate and safe access for the disabled in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

18. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
- (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
- (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
- (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
- (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

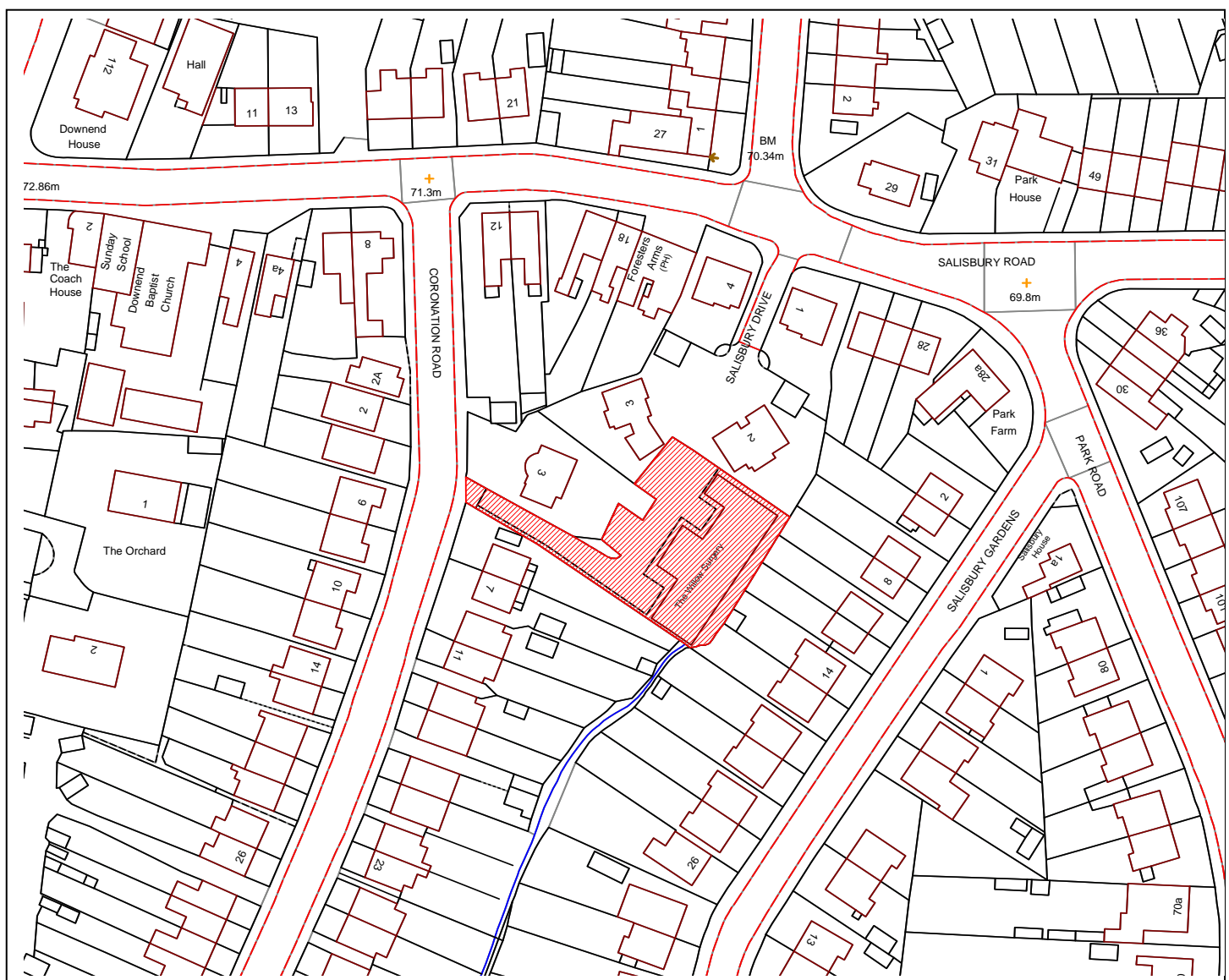
The approved works shall subsequently be carried out in accordance with the agreed details.

Reason:

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 6th 2006.

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.:	PK08/1815/F	Applicant:	The Willow Doctor Surgery
Site:	The Willow Surgery, Coronation Road, Downend, South Gloucestershire, BS16 5DH	Date Reg:	2nd July 2008
Proposal:	Demolition of existing Doctors Surgery and erection of 4no. dwellings with 7no. car parking spaces and associated works. (Resubmission of PK08/0040/F).	Parish:	Downend and Bromley Heath
Map Ref:	65215 76517	Ward:	Downend
Application Category:	Minor	Target Date:	18th August 2008



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N.T.S

PK08/1815/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application relates to a 0.1 ha site comprising the Willows Doctor Surgery and associated car park, located off Coronation Road, Downend. The site lies in a back-land location in the bottom of a shallow valley. Vehicular access is via a driveway off Coronation Road. The location is residential in character and as such, the site is surrounded by the houses along Coronation Road, Salisbury Gardens and a recent development in Salisbury Drive. Although sub-urban in character, the site is in a sustainable location, being close to the centre of Downend. The existing Willows Surgery is a single storey, red brick and render building, with a low pitched roof.
- 1.2 It is proposed to demolish the existing Surgery building and re-develop the site for residential development, consisting of, 1no. two bedroom bungalow, 2no. three bedroom dwellings and 1no 2 bedroom dwelling. The proposals also include the provision of 7 car parking spaces and a bin storage area.
- 1.3 The GP practice is due to re-locate to a new larger facility a short distance away. The applicants have stated that the proposed development would help to fund this re-location, however this is not considered to be a material consideration in the determination of this planning application. In line with PPS1 the application should be determined on its individual merits, having regard to adopted Local Plan Policy, the latest government guidelines (PPS3) and all other material considerations.
- 1.4 This application follows a previous application (PK08/0040/F) for 4no. dwellings and 7no car parking spaces, which was withdrawn on officer advice, mainly due to concerns about the impact of the proposal on neighbouring property, in particular no.2 Salisbury Drive. The current scheme was worked up taking into account the advice given by officers following the withdrawal of PK08/0040/F.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

Joint Replacement Structure Plan

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

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
EP4 - Noise Sensitive Development
EP7 - Unstable Land
H2 - Residential Development within the existing Urban Area
H6 - Affordable Housing
LC2 - Provision of Education Facilities
T7 - Cycle Parking Provision
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

The South Gloucestershire Design Check List (Adopted) SPD 23rd August 2007

3. RELEVANT PLANNING HISTORY

There have been a number of applications relating to this site that date back as far as the 1970's. Those most relevant to the existing Doctor's Surgery are listed below:

- 3.1 P84/4638 - Erection of Doctors Surgery, construction of car parking spaces.
Approved 4th Feb 1985
- 3.2 P91/4612 - Use of existing residential garden to provide single storey side extension to surgery.
Refused 16th Dec 1991 on grounds of inadequate parking.
- 3.3 P92/4264 - Single storey extension to existing Doctors Surgery.
Approved 10 Aug 1992
- 3.4 P99/4809 - Alterations and erection of extension.
Approved 2 Nov 1999
- 3.5 PK08/0040/F - Demolition of existing Doctors Surgery and erection of 4no. dwellings with 7no. car parking spaces and associated works.
Withdrawn 31 Jan 2008

4. CONSULTATION RESPONSES

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

Other Representations

4.3 Local Residents

10 no. letters of objection were received from local residents. The concerns raised are summarised as follows:

- Loss of privacy from overlooking of neighbouring property.
- Loss of house values.
- Loss of security – the surgery site is locked up out of surgery hours.
- Overdevelopment.
- Overbearing impact.
- Loss of a sound building – should be converted.
- Original planning permission for the surgery carried a condition that the building should be single storey only.
- Disruption during development phase.
- Insufficient sewer capacity.
- Financial implications are not planning matters.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield windfall site. The existing Surgery building is not afforded any special protection and does not lie within a Conservation Area. Consideration has been given to the retention of the existing building for some alternative use but this was not considered appropriate in this case. There is therefore no in-principle objection to the demolition of the buildings and the re-development of the site for alternative residential use. PPS3 supports the generation of mixed communities in sustainable locations and at para.20 states:

“Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people.”

The proposal for a mix of houses and a bungalow is therefore considered to be in accordance with the latest government advice contained in PPS3 and as such, there is no in-principle objection to the dwellings being erected in the location proposed and in place of the existing Surgery.

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

5.3 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to

public transport nodes. Officers consider that significant weight must be given to these latest government guidelines.

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

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

5.5 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal equates to 40 dwellings per hectare, which is considered to be appropriate for this location.

5.6 The South Gloucestershire Local Plan (Adopted) 6th January 2006 also seeks to ensure, in achieving higher densities for new development, that *“local planning authorities and developers think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment”*.

5.7 Officers are satisfied that having regard to the site’s constraints relating to its location, pattern of development, landscape characteristics, access, and impact on residential amenity, a larger development could not realistically be accommodated on the site and in this respect the proposal represents the most efficient use of the land in what is a sustainable location, close to the centre of Downend, within easy walking distance of the shopping and community facilities and main bus routes. The proposal therefore accords with Government guidelines and in terms of the number of units alone the density proposed is acceptable.

5.8 Scale and Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and

- enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.9 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*
- 5.10 The proposed buildings would be located on the eastern half of the site, similar to the existing building with a north-east/south west orientation, which would be parallel to the dwellings along Salisbury Gardens. In this respect the proposal follows the existing grain of built development. The parking spaces and bin store would be located on the north western half of the site.
- 5.11 Due to its back-land location and being situated on the floor of a shallow valley, the predominantly two-storey development would not be prominent within the existing street scenes along Coronation Road or Salisbury Gardens.
- 5.12 The proposed buildings would have a contemporary design with the roof line broken up to reduce the overall massing. This approach has been taken in order to make the most efficient use of the site, (as required by PPS3), whilst at the same time keeping the profile and mass of the building to an acceptable level.
- 5.13 PPS1 (para. 38) in addressing design issues states that:
“Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.”
- 5.14 Officers have considered the proposal in the context of the local architectural vernacular. The existing building has no particular architectural merit. The locality is sub-urban in character but does not exhibit a strong local distinctiveness supported by any supplementary planning documents. Many of the buildings are 20thC two-storey, semi-detached and detached dwellings, of varying age and style. Officers consider that the contemporary approach is preferable to an attempt to replicate older styles in a pastiche form.
- 5.15 The proposed residential units would be simple in form, being constructed of brick and painted render, with aluminium windows and a roof of plain concrete tiles. On balance therefore, the proposed scale and design of the buildings would integrate adequately within the existing built form and architectural vernacular of the area.
- 5.16 A local resident has suggested that the original planning permission for the Doctors Surgery restricted the height of the building to a single storey construction. A search of the planning history has revealed that no such conditions were attached to the planning permission for P84/4638.

5.17 Landscape

There is no vegetation of note on the site, which is virtually all taken up with buildings, hard standings and boundary walls. The proposed dwellings would have rear gardens, which could be appropriately landscaped to not only enhance the ecological value of the site but improve the visual amenity of the valley bottom. Subject therefore to the imposition of a condition to secure an appropriate scheme of landscaping for the site, there are no objections on landscaping grounds.

5.18 Transportation

It is proposed to utilise the existing vehicular and pedestrian access off Coronation Road. In assessing this current application, officers have given consideration to the traffic generation of the existing and proposed uses through what is a single width access lane, 30m in length, with only a 1m wide footway on one side. There are currently 11no car parking spaces on the site.

5.19 A traffic survey has been carried out and this demonstrates that the existing use generates a significant number of trips to the site during the day (171 trips between 8.00am and 6.00pm). This level of trip generation is higher than that likely to be generated by the proposed residential development. The proposal therefore offers the potential to reduce the amount of traffic using the narrow access.

5.20 Furthermore the revised scheme now incorporates a communal turning area that would allow vehicles to enter and exit the site in forward gear, which is a further enhancement. A condition would ensure that the turning area is appropriately marked and kept clear for the purpose of turning at all times.

5.21 There would be 7no. car parking spaces on the site to serve the four dwellings. This would be a relaxation of one space below the Council's maximum parking standards. Given the sustainable location of the site, officers are satisfied that this level of parking provision is acceptable.

5.22 Impact upon Residential Amenity

Ample amenity space would be provided in the rear gardens of the properties proposed. A bin storage area would also be provided within the site at the end of the driveway and close to the turning area for ease of collection. In terms of overbearing impact, only a bungalow would be located next to neighbouring no.2 Salisbury Drive. There is a 2.5m high wall on the boundary with this property and since the flank elevation of the bungalow would be set back from the boundary, with an eaves height of only 3m, there would be no significant overbearing impact for the occupier of no.2. To the west the nearest properties on Coronation Road are set well back from the site, whilst no.3 Salisbury Drive has a blank side elevation. To the south, the side elevation of House 1 would be set back from the boundary wall and would only have a minor impact on the end of the very long garden of no.5 Coronation Road.

5.23 To the west (rear) a 2m high wood panel fence marks the boundary of the site with the rear gardens of properties on Salisbury Gardens. The existing surgery building is located hard on this boundary and being only 5.5m high with a low eaves level, does not have any significant overbearing impact for the Salisbury Gardens residents. The proposed houses, although 2-storey would be located 3 to 3.5m from the rear boundary. The façade has been re-designed and broken up to reduce its massing such that its height varies from 3.4m (lowest point of roof to bungalow) to 7.3m (highest point of roof of House 2). The

relationship of the proposed properties to those along Salisbury Gardens would not be an uncommon scenario in a densely populated sub-urban area, close to a Local Centre such as Downend.

5.24 Moving to the issue of overlooking and loss of privacy, it is again acknowledged that the existing surgery building offers little opportunity for overlooking of the neighbouring gardens or inter-visibility between facing windows. The Council's Supplementary Planning Guidance has traditionally required a minimum distance of 21m between facing habitable room windows. This guidance was however drafted back in the early 1990's and is now considered to be outdated. Nevertheless, in the scheme as now proposed, there would be only three windows at first floor level to the rear and these windows would be a distance of between 22.9 to 24.3 metres from the rear windows of nos. 8-16 Salisbury Gardens (see plan no. 07135 07).

5.25 In the determination of this proposal, officers have noted that the latest government advice contained in PPS3 – 'Housing' seeks a high density of development, with a requirement to make the most efficient use of land within the urban areas. Given that there is an acknowledged need for increased levels of housing within South Gloucestershire, officers consider that this policy requirement carries significant weight.

5.26 If the densities envisaged by PPS3 are to be achieved, a review of the Supplementary Planning Guidance will be required with some future relaxation of the traditionally used standards being most likely; this view has been supported by a number of recent appeal decisions. Officers therefore conclude that the level of overlooking proposed should not be justification for the refusal of the proposed scheme, which is considered to be an innovative design that makes the most efficient use of this land in the urban area.

5.27 Security Issues

The access gate to the existing surgery is locked outside normal operating hours. Concerns have been raised about possible loss of security if the proposed houses are constructed. Officers consider however that the presence of four dwellings is likely to increase the level of passive surveillance of the site, similar to that in neighbouring Salisbury Drive. The driveway would become a private one rather than a quasi public one as is currently the case. Officers are therefore satisfied that security for neighbouring occupiers would not be compromised.

5.28 Environmental and Drainage Issues

Whilst there will inevitably be some disturbance for neighbouring occupiers during the construction phase, this can be adequately mitigated for by imposing a condition to limit the hours of construction. The Environmental Health Officer has raised no objection to the position of the proposed bin store. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal. If it is intended to connect to a private sewer then this is a civil matter. Any connection to the public sewer system would first have to be agreed with Wessex Water. Due to past mining activities within the area, a mining report would be required prior to the commencement of any development.

5.29 The site lies in a shallow valley and a small drain/stream currently flows along the valley bottom. The watercourse appears to be culverted to the rear of the Willows Surgery. Since the proposed housing would be set further back from the stream this would, if anything, reduce the risk of flooding. In any event a condition would secure the prior submission and approval (by the Council's Drainage Engineer) of an appropriate drainage scheme, to include Sustainable Drainage Systems (SUDS).

5.30 Affordable Housing

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

5.31 Education Service

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

5.32 Community Services

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

5.33 Other Concerns Raised

The impact of development on house values is not a material consideration in the determination of planning applications. Right to light is not in fact controlled through planning legislation and is not therefore considered to be a material consideration in the determination of planning applications.

5.34 Design and Access Statement

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

5.35 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) 6th January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Background Papers **PK08/1815/F**

Contact Officer: **Roger Hemming**

Tel. No. **01454 863537**

CONDITIONS

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

Reason:

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

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G), 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 protect the residential amenity of the neighbouring occupiers and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

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

Reason:

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

5. The hours of working on site during the period of construction shall be restricted to 7.30am to 6.00pm Mondays to Fridays inclusive, 7.30am to 1.00pm Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: deliveries of construction materials, the use of any plant or machinery (mechanical or other), the carrying out of

any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

9. No windows (including velux roof lights) other than those shown on the plans hereby approved shall be inserted at any time in the first floor elevations of the properties hereby approved.

Reason:

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

10. The glazing for the first floor and bathroom/wc windows on the northern side elevation of 'House 3' hereby approved shall at all times be of obscured glass. "The obscure glazing to be used shall be at least level 3 obscure glazing."

Reason:

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

11. The off-street parking facilities including manoeuvring areas as shown on the approved plan nos 07135 03 Rev B shall be provided before the buildings are first occupied, and thereafter the parking facilities shall be retained and used only in conjunction with the occupation of the buildings' purpose.

Reason:

To ensure the satisfactory provision of parking and turning 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) Jan 6th 2006.

12. Prior to the commencement of the development hereby approved, 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:

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.

13. Prior to the first occupation of any of the dwellings hereby approved, turning area as shown on the approved 'Proposed Site Plan' nos. 07135 03 Rev B, shall be hatched out and marked on the ground 'KEEP CLEAR' using white paint and the turning area shall be retained as such and kept free of obstructions at all times and used only for the turning of vehicles thereafter.

Reason:

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

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.: PK08/2022/F

Applicant: Mr Wakley Wakley
Real Estate

Site: Garage, Elmleigh Road, Mangotsfield,
South Gloucestershire, BS16 9ES

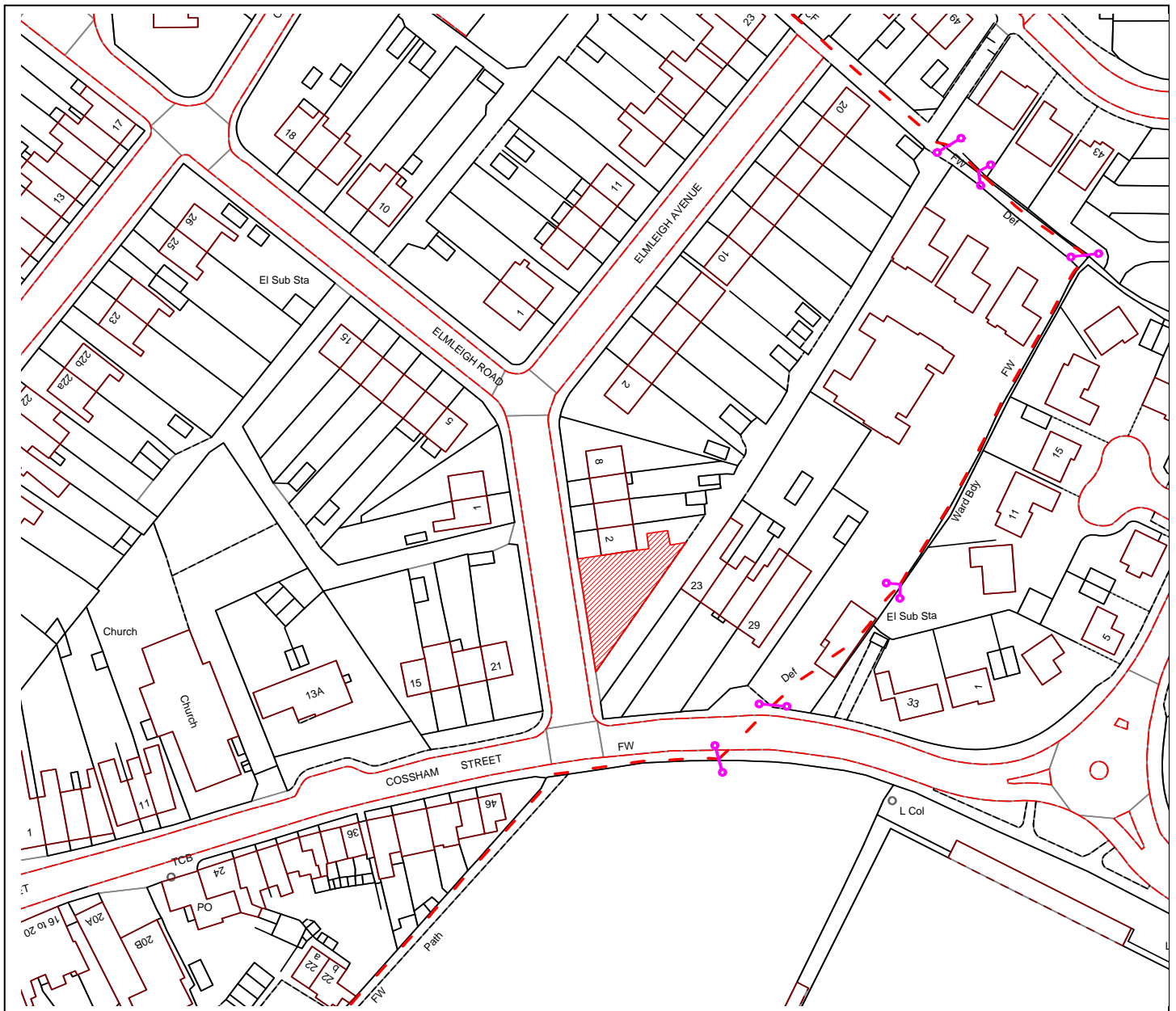
Date Reg: 17th July 2008

Proposal: Erection of 8 no. self contained flats
with associated works.(Amendment to
previously approved scheme
PK07/0061/F)

Parish:

Map Ref: 66598 76209
Application Category: Minor: Dwellings

Ward: Rodway
Target Date: 4th September 2008



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N.T.S

PK08/2022/F

INTRODUCTION

This application appears on the Circulated Schedule because concerns have been raised by a local resident, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a 0.0276 hectare, triangular shaped plot, situated at the southern end of Elmleigh Road, close to its junction with Cossham Street, Mangotsfield. The plot was formerly the site of Elmleigh Garage and Auto Repairs, which operated as a vehicle repair and maintenance workshop from a single storey flat roofed concrete building. Apart from some hard standing to the front, the building took up the entire site. A row of terraced houses, adjoin the site to the north. A metalled track/lane, bounds the site to the south, beyond which is another group of terraced houses. The location is residential in character.
- 1.2 Planning permission PK07/0061/F was previously granted to demolish the garage and erect a 3-storey block of 8no. self-contained flats comprising 3 x2 bed and 5 x 1 bed flats. The building would exhibit a contemporary design with a flat roof. The materials to be used in construction would comprise western red cedar boarding, glazed balconies and self-coloured render. Six car parking spaces would be provided to the front of the site and accessed directly from Elmleigh Road. The building is now in a fairly advanced state of construction.
- 1.3 The current application relates to a number of small amendments to the originally approved scheme, which need to be regularised via a fresh consent. The amendments proposed are as follows:
- a) Windows and External Doors – Change specification to standard softwood.
 - b) Changes in size to Ground Floor window 1 and First Floor window 3.
 - c) The removal of Timber Louvre from First Floor window 4 and Second Floor window 1.
 - d) Replace Clear Glass with Obscure Glass to First Floor window 4 and Second Floor window 1.
 - e) Introduction of an Automatic Roof Light at top of stairwell to meet building regulations.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPS6 - Planning for Town Centres
PPG13 - Transport
- 2.2 Development Plans
Joint Replacement Structure Plan
Policy 1 - Sustainable Development Objectives
Policy 2 - Location of Development

- Policy 33 - Housing Provision and Distribution
- Policy 34 - Re-use of Previously Developed Land (support for infill)
- Policy 59 - Transportation Aspects of Development

South Gloucestershire Local Plan (Adopted) 6th January 2006

- D1 - Design in New Development
- L1 - Landscape Protection and Enhancement
- L17 & L18 - The Water Environment
- H2 - Residential Development in Urban Areas
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP6 - Contaminated Land
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Check List (Adopted) 23rd August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/0487/O - Residential development (Outline)
Approved 20th May 2002
- 3.2 PK07/0061/F - Erection of 8 no. self contained flats with associated works.
Approved 11th July 2007

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Not a parished area
- 4.2 Other Consultees
None

Other Representations

- 4.3 Local Residents
1no. letter of objection was received from the occupant of no.2 Elmleigh Road who raises the following concern:
- Overlooking of rear garden from balconies to the rear.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The acceptance in principle of the erection of the flats has already been established in the granting of application PK07/0061/F. The current application relates to a few small amendments to the previously approved scheme, therefore it is only these amendments which need to be assessed in this current application.
- 5.2 The proposed amendments are listed above in para. 1.3 and are generally required to ensure enough light gets into the building and to also ensure that

the building can be constructed to achieve an EcoHomes/Code for Sustainable Homes standard of 'Very Good'/Level 3.

- 5.3 Ground Floor window 1 faces onto Elmleigh Road and the new dimensions of this window would be 1400mm wide x 1875mm high (previously 1500mm x 750mm) whilst first floor window 3 faces to the rear of the building and would measure 800mm wide x 1050mm high (previously 800mm x 1200mm).
- 5.4 First Floor window 4 and Second Floor window 1 both serve kitchens facing to the rear. These windows face the rear garden of neighbouring no.2 Elmleigh Road. It was originally proposed to obscurely glaze these windows as well as covering them with wooden louvre screens, but it has subsequently been found that the screens would restrict too much light from entering. In order to ensure therefore that there would be no overlooking of neighbouring property, a condition would be imposed to ensure that the windows be appropriately glazed with obscure glass and permanently fixed in a closed position.
- 5.5 Officers consider that the proposed amendments are of a relatively minor nature and are justified. The appearance of the building would barely alter from that originally approved and residential amenities would continue to be protected by the conditions attached to any permission granted. Where relevant, the originally imposed conditions would be carried forward to the current proposal.
- 5.6 A S278 Agreement previously secured a contribution of £5,400 towards the provision of bus passes for the occupants of the one bedroom flats that are not allocated a parking space. Since this payment has already been made, there is no need to repeat the matter for this application.
- 5.7 Concern has been raised by the occupier of neighbouring no.2 Elmleigh Road about overlooking of his garden from the rear balconies, it is noted however that no such objection was previously raised from this party. The balconies would be exactly the same as those previously approved and would be screened and orientated so there are no views of the garden.
- 5.8 Officers therefore conclude that the proposed amendments are acceptable.

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 conditions:

Background Papers **PK08/2022/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

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

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The off street car parking and cycle parking facilities, shown on the approved plan no.1412/10, shall be provided before the building is first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason:

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

6. The 6 no. off-street car parking spaces shown on the approved Plan no. 1412/10, shall be allocated on the basis of one space per each of the 3no. two-bedroom flats and one space for 3no. of the remaining one bedroom flats (whichever they may be) and maintained as such thereafter. Prior to the first occupation of the building hereby approved, the car parking spaces within the forecourt area, shall be clearly identified by markings and maintained as such thereafter.

Reason:

To ensure the satisfactory provision of car 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.

7. Prior to the first occupation of the building hereby approved, the car parking areas, as shown on the approved Plan no. 404/07/01 E, shall be surfaced with bound material and maintained as such thereafter.

Reason:

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

8. Prior to the first occupation of the building hereby approved, the two kitchen windows on the north-eastern facing rear elevation, as shown on the approved plan no. 404/07/02 E, shall be fixed and obscurely glazed (to a minimum of level 3) and retained as such thereafter.

Reason:

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

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

Reason:

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

10. The hours of working on the site for the period of demolition and construction of the development hereby approved, shall be restricted to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the

curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

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

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

Reason:

To protect the character and appearance of the area to accord with Policies D1/L1/H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To protect the character and appearance of the area to accord with Policies D1/L1/H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The landscape scheme to be submitted to the Local Planning Authority for approval, shall include a management plan for all areas to be managed by a management company. Such details as approved shall be permanently implemented.

Reason:

To protect the character and appearance of the area to accord with Policies D1/L1/H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. The development hereby approved shall be constructed to an EcoHomes/Code for Sustainable Homes standard of 'VERY GOOD'/Level 3. A formal assessment pre-construction or following construction, shall be undertaken by a licensed BREEAM assessor and a copy of the assessors report and the certificate shall be submitted to the Local Planning Authority prior to the first occupation of the building hereby approved.

Reason:

In the interests of sustainable development and to ensure that the development minimises the use of energy and resources in accordance with PPS1 - 'General Policy and Principles', PPS3 - 'Housing' and Policy D1 (G) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

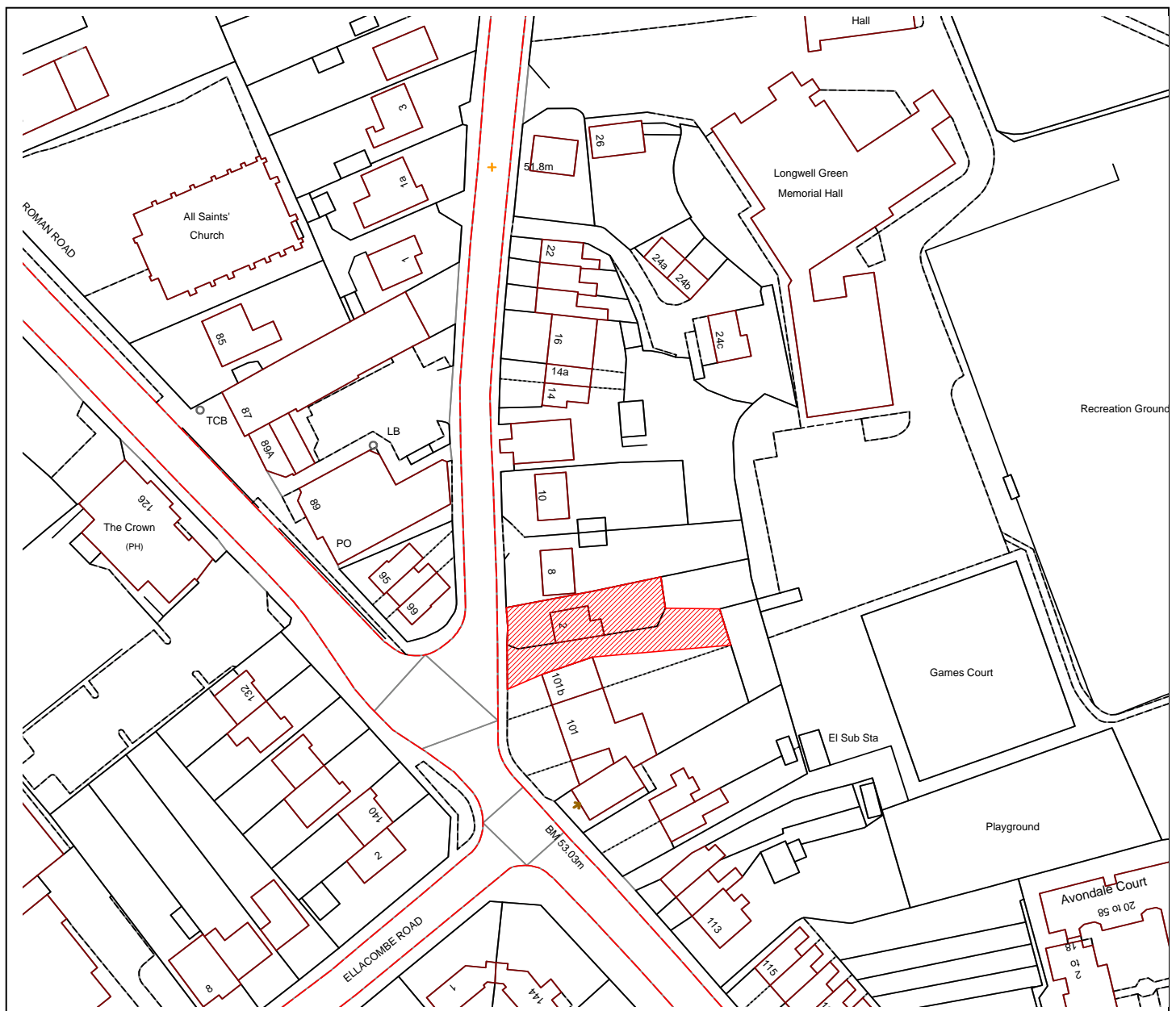
15. Development shall not begin until a scheme to deal with contamination (if any) of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid the risk to the public/buildings/environment when the site is developed. Development shall not commence until the measures in the scheme have been implemented.

Reason(s):

To ensure that adequate measures have been taken to mitigate against soil contamination/contaminated land to accord with Policies EP1/EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.:	PK08/2070/F	Applicant:	Mr J Khoshtaghaza J & P Property Services
Site:	2 Shellards Road, Longwell Green, South Gloucestershire, BS30 9DU	Date Reg:	23rd July 2008
Proposal:	Conversion of 1 no. dwelling to form 2 no. flats with associated works.	Parish:	Oldland Parish Council
Map Ref:	65860 71085	Ward:	Longwell Green
Application Category:	Minor	Target Date:	11th September 2008



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PK08/2070/F

INTRODUCTION

This application appears on the Circulated Schedule following objections and concerns raised by the Oldland Parish Council and the local residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey side extension and a single storey rear extension. The proposal also includes to convert the dwelling into two two-bedroom flats.
- 1.2 The application site relates to a two storey detached dwelling within a residential area of Longwell Green.
- 1.3 During the course of the application, the applicant submitted a revised proposal to reduce the length of the single storey rear extension from 5 metres to 3.5 metres.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
T7	Cycle Parking Standards
T8	Car Parking Standards
T12	Transportation Development Control
H4	Development within existing residential curtilages
H5	Residential Conversions

3. RELEVANT PLANNING HISTORY

- 3.1 P90/4740 (K2035/9) Two storey side extension
Approved 11.02.91

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

The Parish Council objects the proposal on grounds of concerns regarding inadequate provision for off-street car parking.

Other Representations

4.2 Local Residents

A letter is received and the local residents are concerned that the proposed extension would encroach upon the neighbouring property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 allows for extensions, including new dwellings, 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 T8 advised of parking standards and Policy T12 of the South Gloucestershire Local Plan controls development which may affect highway safety. Policy H5 allows for conversion of residential properties into smaller units of self contained accommodation providing a set of criteria are satisfied.

5.2 Design/Visual Amenity

The application property as currently stands is a two-storey detached dwelling. The proposal is to erect a two-storey side extension and a single storey rear extension to the existing dwelling.

The side extension is of subservient width in comparison to the size of the original dwelling and the windows as proposed would be matching to the existing windows. The extension would have a lower ridgeline and would set back from the front elevation. It is considered that the proposed side extension would be subservient to the host dwelling.

The single storey rear extension would have a mono-pitched roof and a hipped roof, which would be in keeping with the character of the host dwelling.

5.3 Residential amenity

The plans show a small area of garden space to be provided to serve the ground floor flat, but no garden space is allocated for the first floor flat. Bin and recycling storage would be located at the corner of each parking space.

Officers consider that the allocated garden space for the ground floor flat is acceptable. With regard to the provision of amenity space for the first floor flat, the site is within a walking distance from local community and leisure facilities. There are playground, games courts and recreation ground within the locality. In this instance, it is considered that there would not be substantiate to refuse the application on the grounds of lack of amenity space.

No windows are proposed on the side north elevation of the two-storey extension, all new windows would look over the garden/parking spaces. The neighbouring property, No. 8, has no windows on the first floor level facing the proposed extensions. It is therefore considered that the proposal would not cause any overlooking or inter-visibility issues upon the neighbouring property.

The proposed two storey extension and single storey extension would be adjacent to the neighbouring property, No. 8 Shellards Road. The two-storey extension would be approximately 1.5 metres beyond the rear elevation of No. 8 and the single storey extension itself would be approximately 3.5 metres deep. The overall length of the extensions would be approximately 5 metres beyond the rear elevation of No. 8, which has a rear conservatory.

Whilst officers consider that the proposed extensions would be quite deep, most part of the extension is a single storey structure with a hipped roof. In

addition, the single storey extension would provide some degree of privacy for the garden of the ground floor flat from a bedroom window of the first floor flat. On balance, it is therefore considered that the proposal would not cause detrimental impact upon the existing and future occupiers to warrant a refusal of this application.

5.4 Transportation Implications

Planning permission is sought to convert the existing three-bed house into two two-bed flats.

The site currently has existing vehicle accesses to both the front and rear of the site. It is proposed to utilise both of these to provide one parking space for each dwelling, one to the front and one to the rear. This level of parking is considered acceptable, it is within the standards set out in Policy T8 of the SGLP ie a maximum of 1.5 spaces for a two-bed dwelling.

In light of the above, there is no transportation objection to this proposal.

5.5 Other Issues

With regard to the encroachment of the boundary, the applicant has been contacted to clarify the ownership of the boundary. However it is still unclear about the ownership of the boundary wall. Nevertheless the issue of ownership is a private civil matter. This is not planning material consideration or a reason to warrant a refusal of application.

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 That planning permission be granted subject to the following conditions.

Background Papers **PK08/2070/F**

Contact Officer: **Olivia Tresise**

Tel. No. **01454 863761**

CONDITIONS

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

Reason:

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

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

Reason:

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

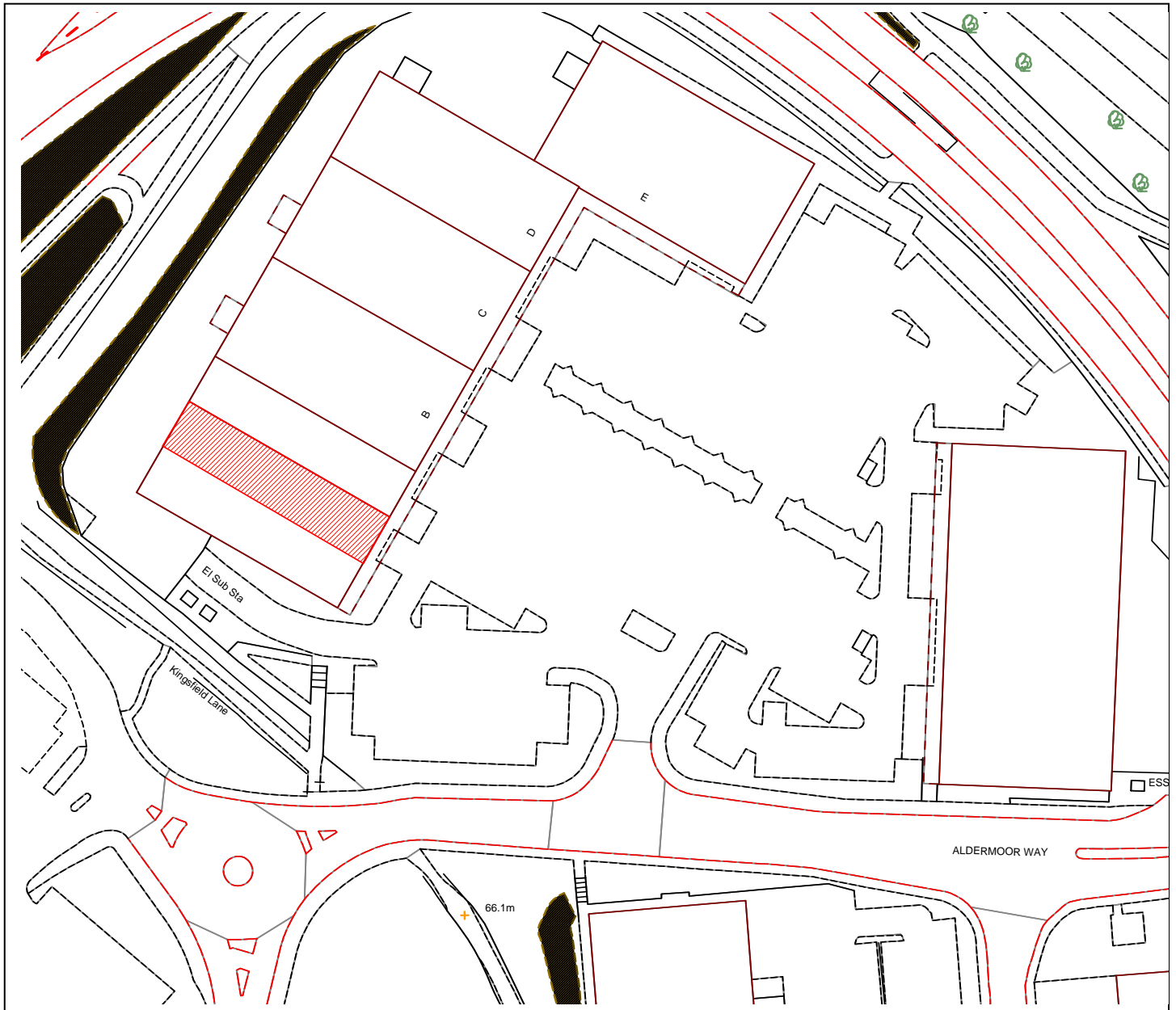
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the flats are first occupied, and thereafter retained for that purpose.

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

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.:	PK08/2087/ADV	Applicant:	Mr M Restall Clinton Cards
Site:	Unit A2, Clinton Cards, Longwell Green Retail Park, South Gloucestershire, BS30 7ES	Date Reg:	24th July 2008
Proposal:	Display of 1no. internally illuminated fascia sign and 1no. internally illuminated hanging sign.	Parish:	Oldland Parish Council
Map Ref:	65401 72015	Ward:	Longwell Green
Application Category:	Minor	Target Date:	11th September 2008



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PK08/2087/ADV

INTRODUCTION

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

1. THE PROPOSAL

1.1 This application seeks advertisement consent for the display of 1 no. internally illuminated fascia signs above the main entrance and 1 no. internally illuminated hanging sign.

2. POLICY CONTEXT

2.1 National Guidance
PPG19 Outdoor Advertisement Control

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
L19 Display of Advertisements

3. RELEVANT PLANNING HISTORY

3.1 There is a lot of history on this site but the most relevant is: PK06/0854/F Demolition of all existing retail buildings on site and engineering works to produce a level site. Erection of 8 no. new retail units and construction of new central car park, associated servicing area and landscaping. (Amendment to previously approved scheme PK04/2530/F). Approved with conditions July 2006

3.2 PK07/2106/ADV Illuminated Sign (Clarks)
Advert Approval 2007

3.3 PK07/1926/ADV Illuminated Signs (Outfit)
Advert Approval 2007

3.4 PK08/0375/ADV Illuminated Signs (Next)
Advert Approval 2008
Condition: No illumination between the hours of 20.00 and 09.00

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
Object in principle to internally illuminated signage as being a cause of light pollution.

Other Representations

4.2 Local Residents
One letter has been received from a local resident and Councillor Calway raising the following objections to the proposed scheme:

- i. Details of mezzanine floor is submitted with the current scheme, any increase in the retail space would have impacts on residents, in terms of noise pollution, light pollution, traffic pollution and crime.
- ii. There are anti-social and threatening behaviour resulting from the continuing development at the Retail Park.
- iii. The parking area became a very attractive gathering place due to its highly illumination.
- iv. Suggested to restrict the hours of illumination.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The only issue that can be taken into account in the assessment of an advert application is amenity and public safety.

5.2 Amenity

Members are advised to consider that a number of applications sought advertisement consent within the Retail Park.

With the current scheme, no signs are proposed on the rear elevation of the building.

The illuminated signages are located on the front entrance of the building. It is considered that the scale and design are acceptable. As they would be facing into the retail park, it is considered that by reason of their sitting that they would have minimal impact on the visual and residential amenity of the immediate locality. Members should also have regard for three recent advert consents on this site relating to Clarks, Outfit and Next where advertisement consent has been granted for similar signage on the front elevation.

It is considered that the proposal would not have a detrimental impact on the existing amenity of those neighbouring properties sites north and northwest of the application site or on the visual amenity of the immediate surrounding area.

5.3 Public Safety

There are no issues of public safety arising as a result of the proposal.

5.4 Other Issues

A local resident raised a number of concerns regarding the increased floor space, anti-social behaviours within the area.

This application is only related to the advertisement signages, any proposal for increased floor space will be subject to a separate planning application. With regard to the anti-social behaviours, officers acknowledges the current circumstances within the locality, nevertheless, the issues are outside planning merits and would not be material consideration to refuse the application.

5.5 Design and Access Statement

The Design and Access Statement will not be required for the advertisement proposal.

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

7. RECOMMENDATION

- 7.1 That advertisement consent granted subject to the following conditions.

Background Papers **PK08/2087/ADV**

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

CONDITIONS

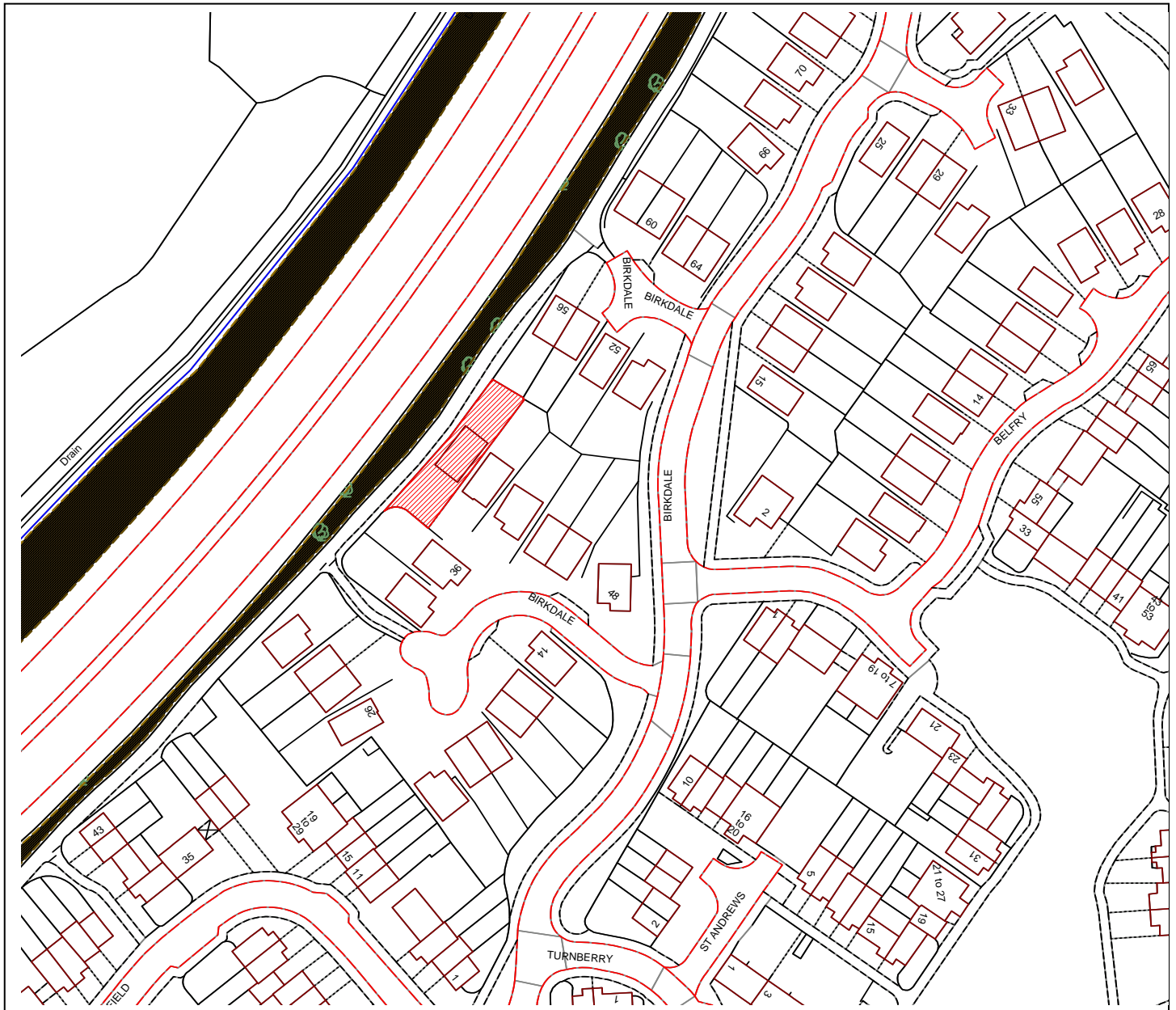
1. There shall be no illumination of the adverts hereby approved between the hours of 20:00 and 09:00 unless the Local Planning Authority give written consent to any variation.

Reason:

In the interests of visual and residential amenity and to accord with Policy L19 of the adopted South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.:	PK08/2106/F	Applicant:	Mr D Hallett
Site:	38 Birkdale, Warmley, South Gloucestershire, BS30 8GH	Date Reg:	25th July 2008
Proposal:	Conversion of integral garage to form additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	66462 72950	Ward:	Parkwall
Application Category:	Minor	Target Date:	15th September 2008



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PK08/2106/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application site is situated in an entirely residential area. The application site contains a detached two storey dwelling with integral garage and space for parking of 2/3 cars in a front drive.
- 1.2 The application proposes conversion of the existing integral garage to provide additional accommodation.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages
T8 Parking Standards
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council

Objection, on the grounds of concerns regarding the adequate provision of off-street car parking. Two off street parking spaces should be provided.

- 4.2 Other Consultees

Sustainable transport – No objection. Even with conversion of the existing garage to living accommodation, it is considered that there is sufficient off-street parking for the dwelling on the site and it is in compliance with the SGC parking policy.

Other Representations

- 4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Additionally, Policy T8 requires an appropriate level of off street parking to be provided relevant to the type of development proposed in the interest of highway safety.

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The closure of the existing garage opening would constitute a modest change to the front elevation. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

As the proposal would result in no increase to the footprint of the existing dwelling, this would ensure there is no prejudice to the amenity of neighbouring occupiers.

5.4 Highway matters

The proposal would result in the loss of one off street parking space through the loss of the integral garage. Since representations were received from the Parish Council raising a concern in relation to the need to provide two off street parking spaces, the applicant has amended the scheme to provide two spaces at the front of the site. Additionally, a condition is recommended such that the parking is provided prior to occupation of the converted garage. As there would be sufficient parking retained at the front of the site, the proposal is considered not to result in a material loss of off street parking and manoeuvring and as such the proposal would not be harmful in terms of highway safety.

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 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 **PK08/2106/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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Reason:

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

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved (Site Location Plan dated 19.08.2008) shall be provided before the development is first occupied, and thereafter retained for that purpose.

Reason:

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

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.:	PK08/2116/F	Applicant:	Mr G Ell
Site:	92 Cotswold Road, Chipping Sodbury, South Gloucestershire, BS37 6DS	Date Reg:	26th July 2008
Proposal:	Erection of first floor side extension over existing garage and erection of single storey rear extension to provide additional living accommodation.	Parish:	Sodbury Town Council
Map Ref:	73236 81743	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	18th September 2008



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N.T.S

PK08/2116/F

INTRODUCTION

This application appears on the Circulated Schedule following objections raised by local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a first floor over existing garage and the erection of a single storey rear extension. The two-storey extension would measure 4 metres wide by 7.5 metres deep and 7.2 metres high and the single storey extension would measure 3.6 metres by 11 metres wide and 3.7 metres high to its ridge.
- 1.2 The application site comprises a detached property situated on the southern side of Cotswold Road.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering sustainable development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
Policy D1 Achieving Good Quality Design in New Development
Policy H4 Development within Existing Curtilages, Including Extensions and New Dwellings

3. RELEVANT PLANNING HISTORY

There is no relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection raised
- 4.2 Local Residents
One objection letter is received, and the local residents raised the following concerns:

There are two windows on the facing wall and any decrease in this gap would seriously restrict light as well as restricting maintenance access to the second floor window.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically relate to extensions and other development within residential curtilages. Policy H4 also specifically considers the impact of development upon residential amenity. The policies indicate that such domestic development is acceptable in principle subject to the following considerations.

5.2 Scale and Design

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 also considers the scale, proportions, materials in relation to the original building and the character of the street. Policy D1 seeks to ensure that a high level of design is achieved.

The proposed first floor extension would not have a 'set-down and set back' architectural element. Nevertheless, there is a similar extension in the locality and the property is a detached dwelling. In this instance, officers considered that the first floor extension would not have a detrimental impact upon the character of the area.

The proposed rear extension would have a mono-pitched roof, which is in keeping with the character of the host dwelling. The extension would not be visible from the public highway and therefore would not have any adverse impact upon the character of the area.

It is considered that the proposed extensions are appropriate in design terms, being of an appropriate form and scale in relation to the existing property. The use of matching materials will ensure that the extension integrates successfully with the original property.

It is considered that the proposed development is acceptable in design terms and is therefore in accord with the aims and objectives of Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.3 Residential Amenity

The proposed first floor extension would be above the existing garage, and it would be adjacent to the neighbour's garage. The local residents from No. 90 Cotswolds Road are concerned that the extension would cause the loss of light and restricting the maintenance of their first floor window.

There are two windows on the side elevation of the neighbouring property, No. 90. The first floor window is frosted glazed and the ground floor window is a small garage window. Whilst officers acknowledge that the proposed first floor extension would be facing these windows, it is considered that these windows are non-habitable windows and the extension therefore would not cause significant overbearing impact to warrant a refusal of this application.

With regard to the future maintenance, this would be private civil matter for the applicant and the adjacent owners to resolve the matter, and this would not be planning merit to refuse the application.

The proposed rear extension would be approximately 3.6 metres deep. The neighbouring property, No. 90, has a two-storey rear extension and the proposed extension would be approximately one metre from both side boundaries. It is considered that the proposal would not have any adverse impact upon the neighbouring properties.

5.4 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.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/2116/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side west elevation of the property.

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.

ITEM 8

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.:	PK08/2122/F	Applicant:	Mr S Bees
Site:	28 Baugh Gardens, Downend, South Gloucestershire, BS16 6PP	Date Reg:	28th July 2008
Proposal:	Change of use of ground floor from Shop (Class A1) to Residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Part Retrospective)	Parish:	Downend and Bromley Heath
Map Ref:	65451 78074	Ward:	Downend
Application Category:	Minor	Target Date:	15th September 2008



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PK08/2122/F

INTRODUCTION

This proposal is referred to the Circulated Schedule to Members in accordance with procedure given that an objection has been raised

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the change of use of the ground floor from retail (Class A1) to a Residential Use (Class C3) as defined in the Town Country Planning (Use Classes Order) 1987 (as amended). There are no external alterations proposed as the proposal effectively involves the internal alteration of the front portion of the premises to incorporate it into the existing residential unit which is spread over the ground and first floor. The application is therefore part retrospective.
- 1.2 The site consists of an empty shop in a row of shops and residential conversions in the suburban area of Downend. The Adopted South Gloucestershire Local Plan January 2006 defines Baugh Gardens as a 'local centre'.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres

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
RT11	Retention of Local Shops, Parades, Villages Shops and Public Houses
T12	Transportation Development Control Policy

3. RELEVANT PLANNING HISTORY

- 3.1 P94/4131 Change of use from shop with flat above to single dwelling house (Refused)

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

Objection.

- 1) More information needed on the appearance of the shop front if it is converted
- 2) More information needed as to the number of tenants regarding parking provision

4.2 Sustainable Transport

The existing use of the building is commercial (A1 use) retail unit.

As a commercial retail unit, this could generate a level of traffic that exceeds the proposed residential use on the site. The existing use could also cause on-street parking during opening hours of the retail unit. Whilst there is no off-street parking proposed for this unit, it is considered that proposal would increase on-street parking to such a level to justify refusal of the planning application in this case.

Other Representations

4.3 Local Residents

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

- 1) The house has been illegally occupied for residential use and no attempt has been to attract a commercial use
- 2) There are concerns over occupancy levels and associated parking problems
- 3) Concerns over the appearance of the frontage and how it would be viewed within the shopping rank
- 4) Given previous problems within the rank it would be inappropriate to allow a permanent change of status to a residential use.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy RT11 of the Adopted South Gloucestershire Local Plan January 2006 states that the change of use of existing retail premises within local shopping parades will not be permitted unless:

- A. The proposed use would not result in an over concentration of non-shop uses in a local centre or be detrimental to the vitality, viability, retail and social function of that centre; *or*
- B. There are satisfactory alternative retail facilities available in the locality; *or*
- C. It can be demonstrated that the premises would be incapable of supporting a retail use; *and*
- D. The proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.

It is of importance to note that for a development to be acceptable in principle when assessed under Policy RT11, it would have to accord with *only* one of criteria A, B or C.

The site consists of retail unit within a local centre as defined in the Adopted South Gloucestershire Local Plan January 2006. The Baugh Gardens rank now consists of the following: no. 31 – residential (granted permission 2004 with a temporary condition), No.30 – Estate Agent (A2), No. 29 – newsagent (Use Class A1), no. 28- Application Site - Vacant, no. 27 hairdressers (Use Class A1), no. 26- day nursery (Use Class D1).

Within a short walking distance, approx. 280m away, is Quaker's Road Parade, also defined in the Adopted South Gloucestershire Local Plan January 2006 as a local centre. Quaker's Road Parade has a number of trading retail units and lies in a location closer to the arterial routes. It would appear that the Quaker's Road Parade is far more vibrant than Baugh Gardens. The Quakers Road frontage consists of six retail units of which five retain an A1 use with just a single residential conversion. It is therefore considered that the proposal accords with criterion B of Policy RT11, in that there are satisfactory alternative retail facilities available in the locality. The proposal accords with Policy RT11, as it satisfies criterion B, and is therefore acceptable in principle.

It is acknowledged that the loss of a shop is regrettable however it must be noted that Baugh Gardens is not protected in the Adopted South Gloucestershire Local Plan January 2006 as a primary or secondary shopping frontage, and as there are satisfactory alternative retail facilities within walking distance, officers conclude it would not be possible to sustain an argument for refusal of the proposal on in principle grounds at appeal. It should also be noted that the applicant has indicated that it is difficult to attract businesses to this area citing that three of the six units in the rank have not traded for between nine and ten years.

It is not considered that an in principle objection to this scheme on the basis of Policy RT11 could not be successfully defended at an appeal.

5.2 Residential Amenity

There are no residential amenity issues arising as a result of the proposed change of use. There are no external alterations proposed. It should be noted that the residential use of the premises would result in less noise/footfall than an operational retail unit.

There are no residential amenity issues arising as a result of the proposal.

5.3 Design/Visual Amenity

There are no changes proposed to the front elevation. The applicant has indicated that the fascia band above the windows will be removed and that the window surrounds will be rendered to match the remainder of the building with the existing shopfront being retained. It is considered that this will be an improvement in terms of visual impact. The retention of the shopfront would allow the possible future re-use of the premises, subject to an application, for retail purposes.

5.4 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006) indicates that new development will be permitted provided among other criteria in terms of transportation the proposal would not exacerbate traffic congestion, generate unacceptable levels of traffic with the maintenance of highway safety the paramount concern. Concern has been raised regarding the proposed impact of the development and possible occupancy levels given that there is no parking provision.

At present the existing use of the building is a commercial (A1 use) retail unit, although the remaining part of the building is occupied residentially, such that only the front part of the building is retained as a shop.

Transportation Officers indicate that as a commercial retail unit, this could generate a level of traffic that exceeds the proposed residential use on the site and that it should be noted that the existing use could also cause on-street parking during the opening hours of the retail unit.

Whilst there is no off-street parking proposed for this unit, it is considered that proposal would not increase on-street parking to such a level to justify refusal of the planning application in this case. The proposal is considered in accord with Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006).

5.5 Other Issues

Concern has been raised that the property has an existing ground floor residential use. This is noted and for this reason the application is deemed “part retrospective” to take this into account.

An unspecified concern has been raised in relation to another property within the rank (No.31). It should be noted that each application must be considered on its own merits.

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 (Adopted).

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/2122/F**

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

CONDITIONS

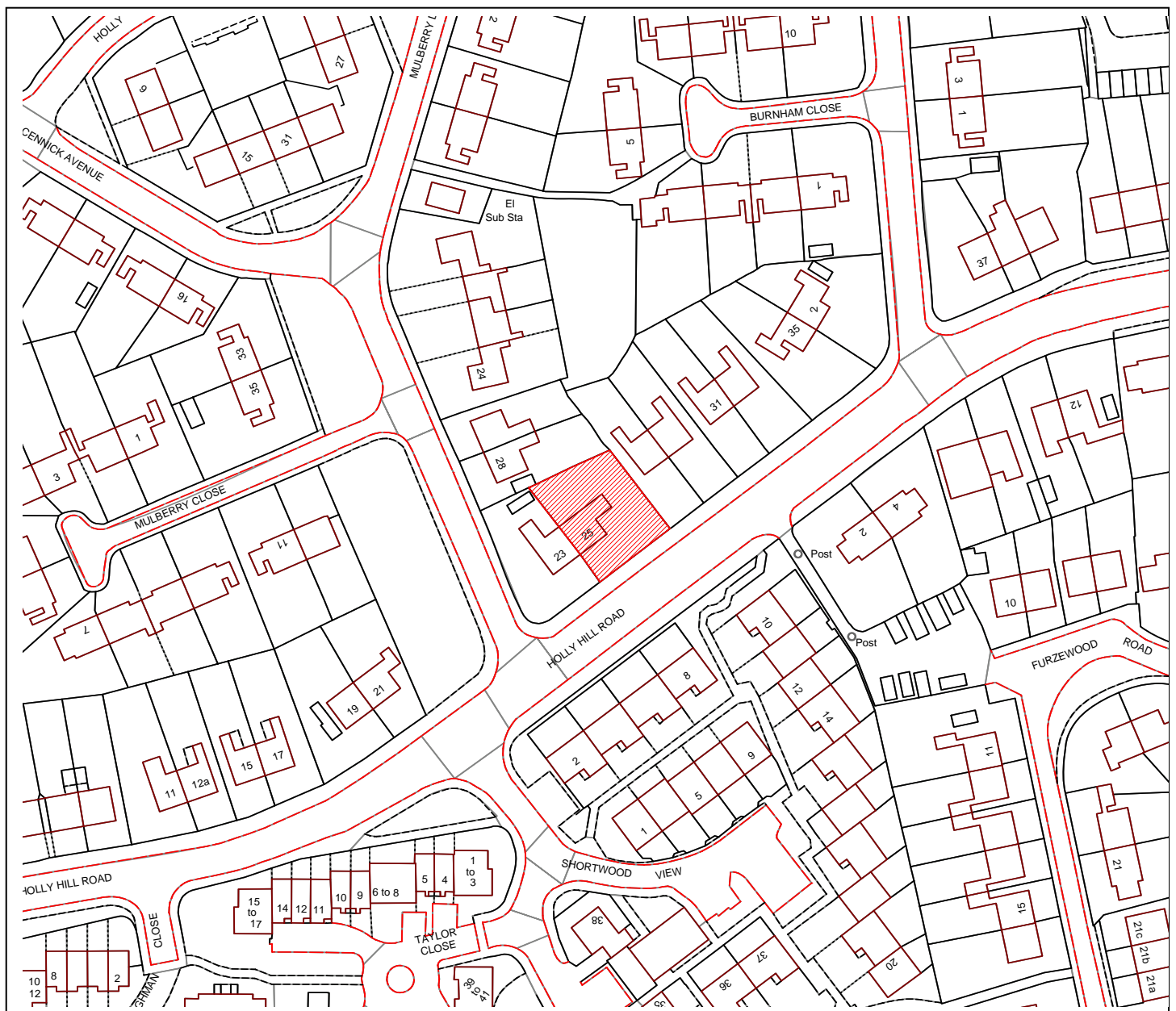
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.:	PK08/2137/F	Applicant:	JW Construction (GB) Ltd
Site:	25 Holly Hill Road, Kingswood, South Gloucestershire, BS15 4DF	Date Reg:	29th July 2008
Proposal:	Erection of 3 no. self contained flats with bin store, cycle store and associated works.	Parish:	
Map Ref:	65557 73987	Ward:	Kings Chase
Application Category:	Minor	Target Date:	16th September 2008



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N.T.S

PK08/2137/F

INTRODUCTION

This application is referred to the Circulated Schedule to Members in accordance with procedure given that objections to the proposal have been raised.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a purpose built building to accommodate 2 no. one bed flats (ground floor) and 1 no. two bed flat (upper floor) on land currently forming part of the garden area of No.25 Holly Hill Road. To facilitate the development, a small single storey storage area located to the side of No.25 will be removed.
- 1.2 4 no. parking spaces are provided to the front with access (5.0 meters wide) onto Holly Hill Road (to include a parking space for the existing property). Cycle and bin storage is provided within this area. An area of amenity space is provided for each ground floor flat and a small area of amenity space would be retained for the original property. Existing boundary treatments are retained, with a low level retaining wall be located to form the boundary of the parking area with the property.
- 1.3 The property features rendered elevations, a hipped tiled roof and bay windows to the front elevation. The building would be two storey to a depth of 6.7 metres with a single storey element of approximately 1.5 metres (projecting beyond the rear elevation of No.25).

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transportation

2.2 South Gloucestershire Local Plan (Adopted) January 2006

H2	Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings.
D1	Achieving Good Quality Design in New Development
T12	Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

No relevant planning history

4. CONSULTATION RESPONSES

4.1 Parish Council

The area is unparished

4.2 Sustainable Transport

The main transportation issue relating to this planning proposal is provision of off-street parking.

The applicant proposes to provide 4no. parking spaces on site (one for each new flat plus one parking space for the existing property). This meets the South Gloucestershire parking policy which is maximum standards.

Whilst there are no highway objections to the numbers of parking spaces as proposed, it is recommended that applicant be asked to re-orient these parking spaces 90 degrees so that all vehicles will be parked on site perpendicular to the road and that would improve access and egress. This would mean wider access with the public highway but it is considered acceptable in this case.

Recommended Planning conditions;

- Prior to occupation of any dwellings on site provide off-street parking and maintain these satisfactory thereafter.
- All parking spaces shall be surfaced with bound surface and permeable materials and these shall be maintained satisfactory thereafter.
- All works associated with vehicular access with the public highway shall be carried to full and final satisfaction of the Council's Street-Care Manager.

4.3 Local Residents

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

- There is adequate parking provision made for the proposed development
- The proposed development would result in loss of privacy
- The area is prone to subsidence and the development may also result in flooding
- The proposed development by reason of the proposed parking area, traffic generation and nature of the road would result in detriment to highway safety for other road and footway users
- The proposal is out of character with the type of development in the area, visually intrusive
- The proposal would appear oppressive and overbearing
- The proposal would result in loss of outlook

One letter of support for the proposal has been received. The grounds of support are as follows:

- The proposal will help in the regeneration of the area
- It is considered that the proposal will not have any adverse impact in terms of impact upon highway safety

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPS3 seeks to widen housing choice, maintain an adequate housing supply within sustainable locations. The guidance places emphasis on good design and the creation of sustainable development. Following this guidance Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 supported by Policy H4 apply. The policy allows for residential development within existing defined settlement boundaries and urban areas subject to the criteria outlined

below. Policy T12 gives more detailed guidance relating to the impact of new development upon the surrounding highways network.

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

These issues are discussed in detail under separate headings below.

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

The site has an area (to include the original property) of 406 sq.m that equates to approximately 99 dwellings per hectare. This is a high density, however given the sustainable location and subject to the scheme satisfying other development control criteria, this is considered compatible and appropriate within the context of this area and within the guidelines indicated in PPS3 which seeks to make best use of available land.

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

The site is not adversely affected by any of the above.

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

The proposal is for 3 flats and is therefore not likely to impact upon the area significantly in terms of service provision.

The impact upon residential amenity, transportation and landscape/design is considered in more detail below. Subject to consideration of these issues the proposed development is considered acceptable in principle.

5.2 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure a high standard of design, this policy is reiterated in Policy H4 and is required by H2 in terms of environmental impact.

It is considered that the site is able to accommodate development without appearing cramped. In terms of character while the street predominantly consists of terraces and semi-detached pairs, it is not considered that the introduction of a detached unit would be detrimental to the street scene. The form of the building, with hipped roof, along with features such as bay windows would help integration with adjoining properties. The building is set down from No.25 and would be marginally greater in height than No.27 thus reflecting the topography of the street. While a new access is proposed, existing boundary treatments are otherwise retained, this is considered important as front boundary walls are a characteristic of the area. The use of matching materials will be supported through a recommended condition.

The removal of soft landscaping from the front of the property is regrettable but it should be noted that this element would not in itself require planning consent. The subsequent re-orientation of the parking spaces following negotiation has

allowed some limited “shrub planting” to the sides and rear of the parking area and it is considered that this will help to “break-up” visually the hardsurfacing.

The proposal is considered acceptable in design terms and thus in accord with Policy H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.3 Residential Amenity

Policy H4 of the South Gloucestershire Local Plan (Adopted January 2006) considering development within existing residential curtilages indicates that development should not prejudice the residential amenity of nearby occupiers. This is reiterated in Policy H2 which also states (para 8.163) that the future amenity of future occupiers of the new development should be acceptable having regard privacy and available amenity space. Concern has been raised that the proposed development would result in loss of amenity would result in loss of privacy and would appear oppressive and overbearing.

In terms of potential impact upon the amenity of neighbouring occupiers, having regard to the scale and location of the proposed development, it is considered that this should be assessed largely against No.25 and No.27 Holly Hill Road located to the side and No.26 and No.28 Mulberry Drive situated to the rear.

With respect to the impact upon No.25, the proposed development given its scale and location/relative position would not have any significant impact upon residential amenity.

No. 27 is set back from the proposed dwelling and thus the side wall of the new building would project by approximately 5.5 metres to the front, however there is a gap of 3.5 metres between the properties. It is considered that any view of the new building would be at an oblique angle and would not therefore result in any significant loss of amenity (in terms of overbearing impact) such as would justify the refusal of the application and sustain that decision at any subsequent appeal. It is not considered that the proposal would result in any significant overlooking of No.27 given the relative position of the properties. A condition is recommended to require consent for any future windows at first floor level in the side (north-east elevation), to prevent overlooking.

With respect to No.26 and No.28 Mulberry Drive to the rear, it is not considered that the proposed building would appear oppressive or overbearing, given the relative positions. In terms of privacy issues, it is not considered that any overlooking would result at ground floor level, (given the levels and intervening boundary treatment), nor would there be any impact from two of the upper floor windows, (to be obscure glazed). It is acknowledged that the remaining bedroom window has the potential to overlook the property to the rear, however it would be located between 7 and 8 metres from the boundary and it would not overlook the rear of No.28 itself, only the end of the garden area. It is not considered that any impact would be so significant such as would justify the refusal of the application and to sustain that decision at an appeal. A condition is recommended to be attached to the decision notice to ensure that the obscure glazing at first floor level on the rear elevation is a minimum of Level 3.

With respect to the amenity of future occupiers, it is considered that adequate private amenity space is retained by the existing property. Ground Floor flats would have access to amenity space. It is noted that the upper floor (2 bed) flat

would not have access to amenity space however it is not considered that there would be an expectation of amenity space for this type of unit (it would not typically attract a family occupancy where the need for amenity space would be important). The site is located within reach of the park in Kingswood High Street.

The proposal is considered acceptable in terms of residential amenity and thus in accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.4 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of new development upon the surrounding highway network. Development will not be permitted where it would result in detriment to highway safety. Concern has been raised in respect of the parking provision and the impact upon highway safety of inadequate provision as well as the additional traffic generation from the development.

It is not considered that additional traffic generation would be significant such as would affect surrounding roads. The main transportation issue relating to this planning proposal is provision of off-street parking. The applicant proposes to provide 4no. parking spaces on site (one for each new flat plus one parking space for the existing property). This meets the South Gloucestershire parking policy which is a maximum standard. In response to a request by officers the applicant has re-oriented parking spaces 90 degrees so that all vehicles would be parked on site perpendicular to the road thus improving access and egress. It is considered that the subsequent access is acceptable. Conditions are recommended to ensure that the parking provision is provided prior to first occupation, that the parking spaces are surfaced with a bound material and that the access is completed to the full and final satisfaction of the Council's Street-Care Manager.

It is considered that the proposed development is in accord with the aims and objectives of Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006).

5.5 Flood Risk/Subsidence/Drainage Issues

Concern has been raised by neighbouring occupiers that the development is in an area where there are land drainage difficulties and where there is a risk of subsidence given the previous history of the area.

The Council Drainage Engineers have no record of any flooding at this specific site, but recommend that a condition is attached to the decision notice requiring the use of best drainage practice to deal with surface water drainage in a satisfactory manner and this has been added to the decision notice. The Council's records show no records of pipelines crossing the site that would be damaged as a result of any development. It is normal practice for the Drainage Engineers and Building Control Officers to liaise when considering the Building Regulation Application to ensure the implementation of the drainage scheme.

With respect to subsidence, the Building Regulations cover construction techniques and ensure that this issue is dealt with. The Council Drainage Engineers recommend that a condition requiring a mining report is attached to

the decision notice to investigate whether subsidence is an issue and to outline a mitigation strategy to ensure that there is no adverse impact. An informative will also remind the applicant of their responsibilities if subsidence is an issue.

5.6 Other Issues

Concern has been raised that the proposal would result in loss of light and would result in the loss of outlook/view. It should be noted that these are not material planning considerations. In addition concern has been raised that the proposal would result in the devaluation of a property however it should be noted that this is not a material planning consideration.

5.7 Design and Access Statement

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

6. 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 conditions

Background Papers **PK08/2137/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

3. The hours of working on site during the period of construction shall be restricted to 0730 hours to 1800 hours Monday to Friday and 0800 hours to 1300 hours Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To minimise disturbance to occupiers of [specify nearby buildings] and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the 1st Floor of the Side (North-East) elevation of the property.

Reason:

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

5. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed Kitchen and Bathroom Windows on the Rear Elevation shall be glazed with obscure glass only (Minimum Level 3).

Reason:

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

6. Prior to the commencement of any works on the site a mining report must be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason:

To prevent non-point source pollution and flooding, and to accord with Policies L17, L8 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

8. The parking spaces hereby approved, shall have be surfaced with bound surface and permeable materials and shall be retained as such thereafter.

Reason:

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

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.: PK08/2155/RVC
Site: 2, Cleeves Court, formerly Land between 47 & 51 Court Farm Road, Longwell Green, South Gloucestershire, BS30 9AW

Applicant: Mr R Jukes
Date Reg: 31st July 2008

Proposal: Variation of Condition 14 attached to planning permission PK05/0010/F to allow the temporary surfacing of the southern 40 metres of the access drive in loose material rather than tarmac.

Parish: Hanham Abbots Parish Council

Map Ref: 65641 70554
Application Category: Minor

Ward: Longwell Green
Target Date: 18th September 2008



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INTRODUCTION

This application is referred to the Circulated List to Members in accordance with procedure given that objections have been received

1. THE PROPOSAL

1.1 The applicant seeks consent for the variation of Condition 14 attached to Planning Application PK05/0010/F. Consent was given for the erection of 2 dwellings to the rear of Court Farm Road with access from a driveway known as Cleeves Court. The condition and its reason read as follows:

“Prior to the first occupation of either of the dwellings hereby approved, the access driveway shall be surfaced with tarmac, as indicated on the approved plans and thereafter maintained as such.

Reason: To reduce vehicular noise levels and protect the amenity of neighbouring occupiers and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted).”

1.2 An Enforcement Notice has been issued with respect to the breach of this condition (CAE/06/0031). It should be noted that the condition has been partially complied with to the extent that some 40 metres of the access from the entrance inwards has been “tarmaced as required” by the condition with the remainder being rough surfaced. The applicant proposes that this remaining part of the drive shall be surfaced with a “loose bound” material as a substitute to the tarmac surface required by the original condition. The surface will be removed and finished with new compacted stone.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H2 Residential Development within the Urban Area (and Defined Settlement Boundaries)

3. RELEVANT PLANNING HISTORY

3.1 The site has a long history however of relevance to this application is: PK05/0010/F Erection 2 no. detached dwellings and 1 no. detached garage with associated access and works. (Approved with Conditions including Condition 14 as set out in paragraph 1.1 above)

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council

Object to the proposal as the condition was applied in order to reduce noise nuisance to neighbouring properties. The Council considers this remains an important issue and the condition should be retained and enforced. The Council is also concerned about

reports received that other Conditions applied to this planning consent have not yet been met or enforced (position of drive, landscaping and retention of trees and hedgerows).

4.2 Hanham District Green Belt Conservation Society

Object to the proposed development. The application is made to overcome objection to a previous refusal PK06/2838/F and Appeal Decision APP/P0119/A/07/2039934. It is considered that the proposed change would not affect the reasons for refusal of Planning Application PK06/2838/F or the reason for the Inspectors decision on appeal.

4.2 Sustainable Transport

No objection raised

Other Representations

4.3 Local Residents

Four letters have been received including three letters of objection and one general observation. The grounds of objection can be summarised as follows:

- (i) The proposed new surface will result in increased noise levels to adjoining occupiers given the large number of vehicles using the road
- (ii) A neighbouring occupier has not been formally notified by the Council or Applicant
- (iii) The proposal will involve the removal of car parking spaces stipulated by Condition 13 of planning application no. PK05/0010/F. It is not acceptable for a neighbouring occupier to be required to park to the side of their property rather than spaces allocated to the side of the access road as part of application no. PK05/0010/F.
- (iv) The existing surface (scalpings) cause disturbance. A neighbouring occupier would be prepared to share the cost of tarmac surfacing
- (v) Disabled access will be prevented by a loose bound material
- (vi) Areas to the side of the drive have not been landscaped in accordance with a condition attached to the original application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As set out above, the sole issue to be considered is whether it is acceptable to surface the area indicated upon the submitted drawings with a loose bound material as a substitute for the tarmac that was required by Condition 14 attached to Planning Approval PK05/0010/F and thus allow a variation of that Condition. The applicant has partially complied with that condition in providing a 40 metres length of driveway from the access with Court Farm Road but has left the remaining length up to the two dwelling no constructed. This condition was attached given concerns that a loose bound material from the access point to the houses would result in noise and thus detriment to neighbouring residential amenity contrary to Policy H2.

5.2 Environmental/Residential Amenity Issues

The reason for the Condition being attached to Decision Notice PK05/0010/F was to protect neighbouring occupiers from a noisy road surface. It should be noted however that approximately half the road length (where the road is closest to the buildings fronting Court Farm Road) has been surfaced with tarmac. The Council Environmental Protection Team do not object to this proposal and do not consider that it would result in any significant detriment to residential amenity. While concerns are noted it is not considered that the refusal of the application could be justified and that decision sustained at an appeal. A condition will be attached to the decision notice to require these works to be completed within three months of the date of the decision.

5.3 Transportation

There is no transportation objection to the proposal

5.4 Other Issues

Comment has been received that the proposal is intended to address a previous reason for refusal for a bungalow (PK06/2838/F). It must be noted however that each application must be determined on its own merits. The matter to be addressed here, is whether this application is acceptable in terms of the impact upon adjoining occupiers.

A neighbouring occupier has indicated that they were not formally notified by the Council or Applicant. It should be noted that due to an error a neighbouring occupier was not formally consulted. This was rectified and the neighbour was subsequently notified and has commented on the proposal. The applicant has not formally served notice on the neighbouring occupier but has notified a third party considering that third party to own part of the land under consideration.

Concern has been raised that the proposal will involve the removal of car parking spaces stipulated by Condition 13 of planning application no. PK05/0010/F and that this would have an impact upon the parking arrangements of a neighbouring occupier. The Case Officer has required the applicant to alter the original plan to remove this alteration to the parking arrangement as this was not included within the description of development and would require a separate application to vary Condition 13 attached to the decision notice. This has been done.

It is not considered that the compacted drive will prevent disabled access.

Concerns relating to landscaping and the compliance with other matters are noted however this application must be determined on its own merits. The Council Enforcement Team are aware of these other matters.

5.4 Design and Access Statement

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

6. 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 a condition

Background Papers **PK08/2155/RVC**

Contact Officer: **David Stockdale**

Tel. No. **01454 864533**

CONDITIONS

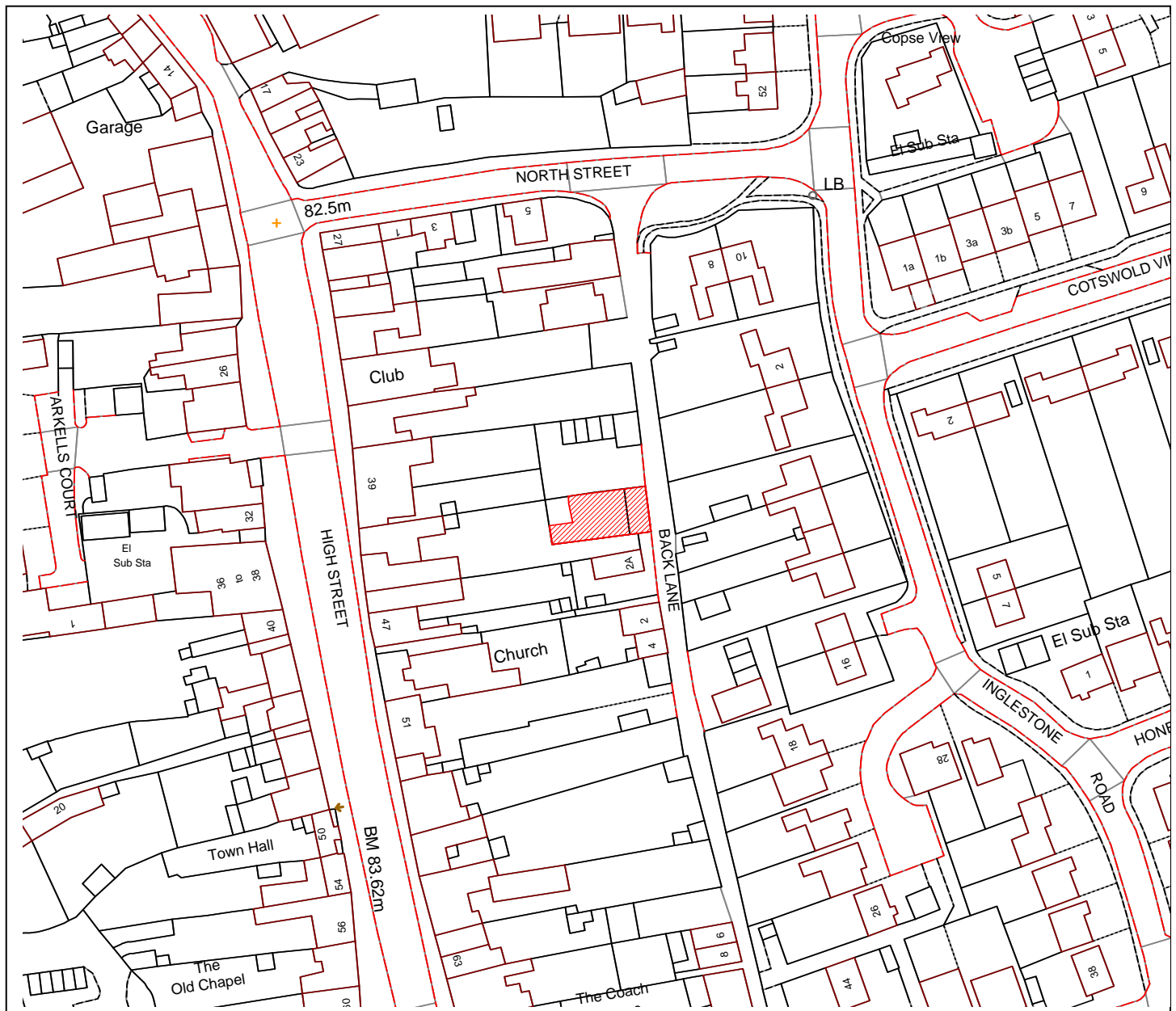
1. The proposed surfacing works to the driveway as shown on the plan (received 1st September 2008), hereby approved shall be completed in full within 3 months of the Date of this permission.

Reason:

To ensure satisfactory access and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted).

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.:	PK08/2173/CA	Applicant:	Mrs S Brown
Site:	Back Lane, Rear of 43 High Street, Wickwar, South Gloucestershire, GL12 8NP	Date Reg:	4th August 2008
Proposal:	Demolition and reconstruction of boundary walls to the North and East sides.	Parish:	Wickwar Parish Council
Map Ref:	72463 88503	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	22nd September 2008



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PK08/2173/CA

INTRODUCTION

This application is referred to the Circulated Schedule to Members in accordance with procedure given that an objection has been raised.

1. THE PROPOSAL

- 1.1 This application seeks conservation consent to demolish and reconstruct boundary walls to the north and east side. A planning application has been submitted (PK08/2092/F) and has been approved for the construction of a two-storey dwelling house and other associated works which involve the creation of a curtilage and off-street parking.
- 1.2 The application site is land to the rear of No.43 High Street and lies adjacent to Back Lane, which is slowly developing its own frontage. The site is occupied by a dilapidated garage that once served No.43 High Street, but the ownership of the property has been fractured so now the application site is outside the ownership of the existing owner/occupier of No.43. The site however includes an access lane which still serves the rear of No.43 as well as a parking area which serves the rear of the neighbouring property of No.45. The access lane that runs along side the existing garages is therefore a shared access for which the properties of No's 43 and 45 have a right of way over. The extent of the right of way is however in question.
- 1.3 An application for the conversion and extension of the existing garage along with associated works was approved in May 2008 (PK06/0382/F). Officers advised at the time of this application that a more accurate assessment of the scheme would lead to the conclusion that the resultant building if approved would be entirely new build. The applicant has therefore submitted this application with the amended description to include the fact that this is, as originally suspected, an entirely new structure.
- 1.4 The resultant building, curtilage and parking arrangements are proposal is therefore almost identical to the previous approval. There is only one minor alteration involving the removal of a first floor window on the west elevation (a condition had previously been applied to ensure that this was obscured glazed in the interests of protecting the amenity of adjoining occupiers).
- 1.4 In support of the proposal the applicant has indicated that the replacement walls can be built to closely match the existing stone walls. In addition the use of new cavity walls will allow the building to meet the latest energy targets.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG15	Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L12	Conservation Areas
L13	Listed Buildings

2.3 Supplementary Planning Guidance

Wickwar Conservation Area Advice Note

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK06/0382/F- Conversion and extension of single garage to form 1 no. dwelling with associated works. (Refused – substandard access, poor parking arrangement, loss of parking to No.43 High Street, detrimental to the traditional pattern of development, failure to preserve or enhance the Wickwar Conservation Area and detrimental impact on the setting of a Listed Building).

4. **CONSULTATION RESPONSES**

4.1 Wickar Parish Council

No objection subject to approval by the Conservation Officer

Other Representations

4.2 Local Residents

One letter has been received. The letter raises the following concerns

- Access will be required across a yard which is in joint ownership, by vehicles associated with the development
- An Bristol Water sewage access manhole is sited in the middle of the yard and has been previously damaged

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site is situated within the Wickwar Conservation Area. Policy L12 of the South Gloucestershire Local Plan (Adopted January 2006). Policy L12 of the South Gloucestershire Local Plan (Adopted January 2006) considers the impact of new development within Conservation Areas. Reflecting the guidance given within PPG15, development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the character or appearance of the Conservation Area. The proposal is therefore considered acceptable in principle subject to an assessment of these issues below.

5.2 Design/Conservation Area Issues

It should be noted that officers previously indicated to the applicant that there was little chance that the existing walls would be able to support the proposed structure. On the basis that the walls were not considered to make any contribution to the character and appearance of the Wickwar Conservation Area, it was suggested that a new build would be a more appropriate solution. Therefore Conservation Officers raise no objection to the proposed demolition of the walls.

It should also be noted that PPG15 in paragraph 4.27 makes it clear that consent for demolition should only be given unless there are acceptable plans for any redevelopment. The proposal is considered acceptable in this respect.

5.3 Other Issues

Concern has been raised that access to garages and parking areas may be blocked during the construction period. It has been indicated that the access area is jointly owned. It should be noted that this is not a material issue in determining this Conservation Area Consent (or the Planning Application, although informatives are attached to the planning decision notice and for the avoidance of doubt this consent, to advise the applicant that consent is needed to enter any land not under their control). In addition while it is noted that a manhole (Wessex Water) cover has been previously damaged it is not a matter that can determine the outcome of this application and would be a matter between the parties concerned.

5.4 Design and Access Statement

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

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

7. RECOMMENDATION

- 7.1 Conservation Consent be granted subject to the following conditions

Background Papers **PK08/2173/CA**

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

CONDITIONS

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

Reason:

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

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.: PK08/2179/F
Site: 18 Dibden Road, Downend, South Gloucestershire, BS16 6UE
Proposal: Erection of conservatory to existing dwelling. Erection of two storey side extension to form 2no. self contained flats with associated works.
Map Ref: 66216 77496
Application Category: Minor

Applicant: Mr P Ford
Date Reg: 4th August 2008
Parish: Mangotsfield Rural Parish Council
Ward: Emersons Green
Target Date: 22nd September 2008



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N.T.S

PK08/2179/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a conservatory to the rear of the existing two-storey end terrace property with the erection of a two storey side extension. The side extension will comprise 2 no. two bedroom flats and would be located in an area currently occupied by the garden of No.18. An area of amenity space is allocated to each flat while a garden is retained by No.18 Dibden Road.
- 1.2 Four parking spaces are provided, a bin storage area and cycle storage all of which have access onto Mendip Crescent situated to the side. A 1.8 metre fence is proposed to facilitate the separation of the amenity space. Plans and the design and access statement indicate that the structure would be of brick and part render (the side/south elevation would be mostly rendered)

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

There is no relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection received

- 4.2 Sustainable Transport

There is no transportation objection to the proposed development

- 4.3 Local Residents

One letter of concern has been raised. The concerns raised are as follows:

- Works should be restricted to normal working hours given possible parking problems during the construction period

- Concern that access to the parking spaces would be restricted if vehicles parked adjacent to them
- A question is raised as to why the site was not deemed suitable for further residential properties originally

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

5.3 Character of Surrounding Area

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for such development provided that there is no adverse impact upon the character of the area. Concern has been raised that the development would introduce a different form of tenure/occupier to the area.

The area predominantly consists of single family dwellings and is predominantly residential in character. No.26 within this rank has been converted to 2 no. flats (PK08/1846/F).

In these circumstances it is not considered that the proposal would have an adverse impact upon the character of the area and it is not considered that permitting smaller units of accommodation within this context would provide a valid justification for the refusal of the application particularly given the guidance in PPS3 (para 10) that has been outlined above that seeks to create mixed and inclusive communities. It is not considered that the proposal would adversely affect the character of the area.

5.4 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to achieve a high standard of design in all new development having regard to scale, form and materials both in relation to the original property and within the wider context.

The proposed conservatory situated to the rear of the original property is considered appropriate in terms of its form, scale and appearance.

To facilitate the development a large extension has been proposed to the side and rear of the existing structure. Part of the extension matches the building line of the terrace to the front albeit with a two storey extension to the rear. The roof pitch and height respects the form of the original roof. Materials throughout are considered appropriate, matching the original terrace.

To enable the provision of a second bedroom to each of the flats an additional element is attached to the end of the terrace. This is set back from the front elevation by 2.5 metres with the roof set down by 0.9 metres. A door is proposed at ground floor level without any windows at the upper floor on this front elevation. Originally there were no windows to the rear of the side elevation leaving a blank, brick elevation and no windows at first floor level on the corresponding front elevation. This element was considered to be poor in appearance and related poorly to the original terrace however the scheme has been amended to include these details and the design is now considered acceptable.

In considering good design Policy D1(H) emphasises the importance of adequate refuse storage to serve new development. Such storage should be easily accessible. An original awkward arrangement has been amended as is now considered acceptable. Subject to a condition to ensure the use of matching materials and a condition to ensure that the refuse storage area is in place prior to the first occupation of the new units it is considered that the design of the proposal would be acceptable.

5.5 Residential Amenity

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such development should be permitted provided that it would not prejudice the amenities of nearby occupiers. It is not considered that the proposal would cause any significant increase in noise and disturbance.

It is not considered that the development as proposed would adversely affect the residential amenity of adjoining occupiers including that of the original property. The two-storey extension to the rear is not of a depth that would appear oppressive when viewed from the original property. The proposed development would not cause any loss of amenity by reason of loss of privacy from overlooking.

Part E of the Building Regulations assesses noise insulation between new flats and between the new build and adjoining properties, however it is not considered that the proposal involving the addition of two units would result in any significant increase in noise and disturbance to neighbouring occupiers.

Concern has been raised that parking difficulties may arise during the construction period if work takes place outside of working hours. A condition is recommended to restrict working hours.

5.6 Transportation

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such a development would be acceptable provided an acceptable level of parking is identified. Policy T12 assesses development in terms of the impact of the development upon the wider highway network with the priority being highway safety.

Concern has been raised that the proposed parking area would be restricted if parking took place adjacent (on Mendip Road blocking the entrance). Such concern would apply to any development, existing or proposed and has to be left to individual courtesy. It is not considered that this would justify the refusal of the application.

The parking arrangement is considered satisfactory having been amended to enable access to the cycling and refuse store. A condition is recommended to ensure that the spaces are in place (allocated and marked on the ground) prior to the first occupation. Subject to this condition the proposal is considered acceptable in highways terms.

5.7 Amenity Space Provision

The proposed development retains adequate private amenity space for the original property while providing space for the proposed units.

5.8 Other Issues

It has been indicated that the site was not considered suitable for further residential properties originally. It should be noted that this is not a material planning consideration given that each proposal must be assessed on its own planning merits having regard to current policy guidance and standards.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning Permission be granted subject to the following conditions

Background Papers **PK08/2179/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. The vehicle parking space allocation shall be clearly marked on the ground prior to first occupation.

Reason:

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

4. The refuse storage area shown on drawing number shall be installed prior to the first occupation of the development and shall be retained for that purpose thereafter.

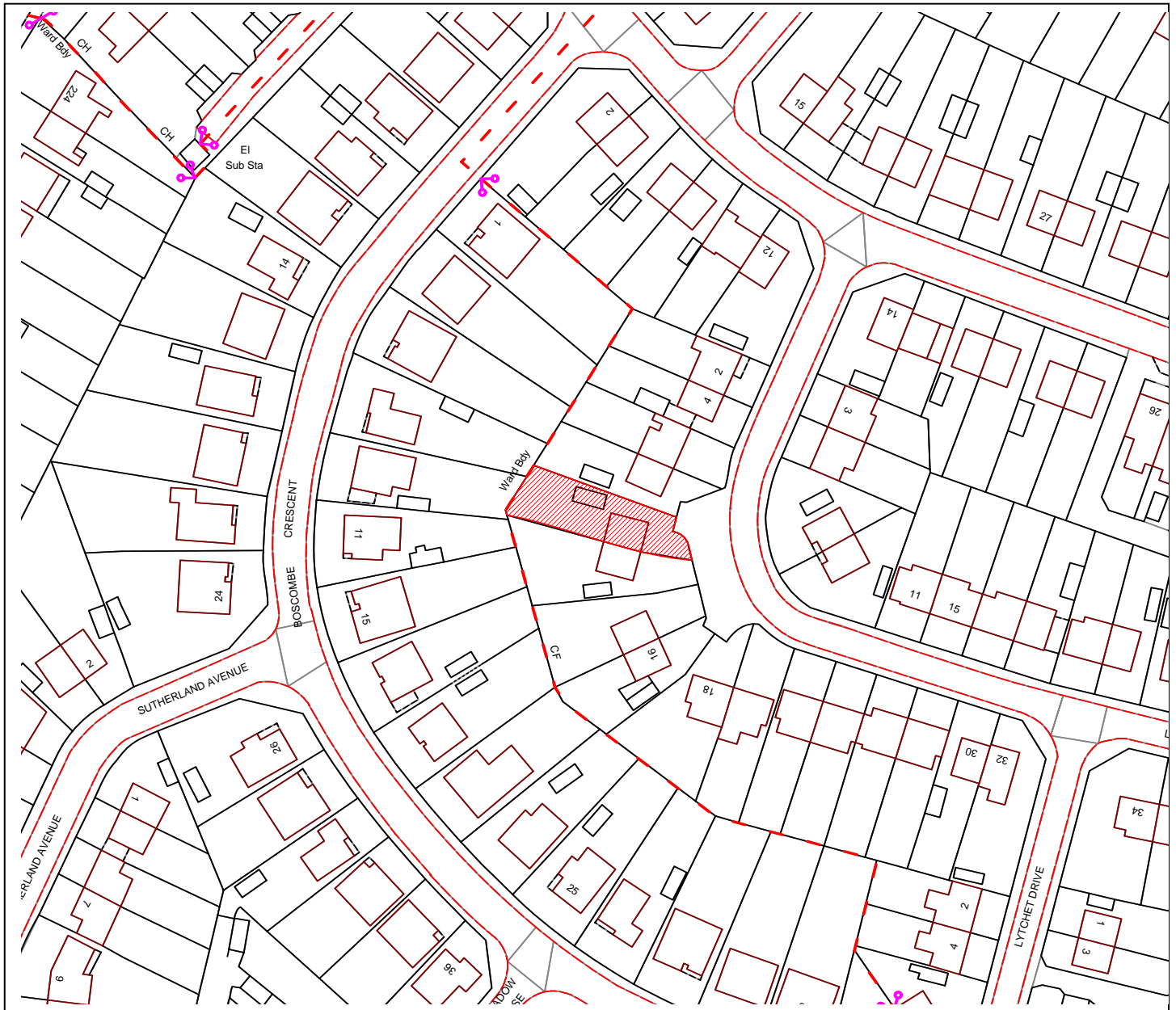
Reason:

To ensure adequate refuse storage having regard to the amenities of the area and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted).

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.: PK08/2203/F
Site: 10 Lulworth Crescent, Downend, South Gloucestershire, BS16 6SB
Proposal: Erection of single storey rear extension to provide additional living accommodation.
Map Ref: 65599 77607
Application Category: Minor

Applicant: Mr M Mehring
Date Reg: 6th August 2008
Parish: Mangotsfield Rural Parish Council
Ward: Emersons Green
Target Date: 22nd September 2008



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N.T.S

PK08/2203/F

INTRODUCTION

This application appears on the Circulated Schedule as a representation has been received contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated within a predominantly residential part of Downend and contains a two storey semi detached dwelling. The dwelling has a two storey side extension and detached outbuilding behind. The proposal would replace a single storey conservatory at the rear.
- 1.2 This planning application comprises the erection of a single storey rear extension to the existing dwelling. The extension would provide an additional sitting room and utility.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P89/4252 Two storey side extension (Previous ID: K6285)
Approved 12.06.1989
- 3.2 P89/4722 Two storey side extension (Previous ID: K6285/1)
Approved 03.11.1989
- 3.3 P98/4319 Proposed first floor rear extension
Approved 09.10.1998

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council

No objection
- 4.2 Other Consultees

None

Other Representations

- 4.3 Local Residents

One letter received from the occupiers of 8 Lulworth Crescent raising the following concerns:

Concern raised in relation to structural damage from the proposed foundations in close proximity to the neighbour's garage; concern in relation to flooding as two previous extensions to no. 10 have contributed to flooding of the drive at no. 8.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling the subject of this application is one of a pair of semi-detached two storey dwellings in a suburban street. The dwelling has been extended at the side previously. The proposal would not be visible from public vantage points. The design and materials would be of good quality in keeping with the character of the existing dwelling, the attached dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

The proposal would replace an existing rear conservatory situated adjacent to the south boundary measuring 2.4m in height to eaves, 3.3m to ridge and projecting 3.5m from the existing rear elevation. The proposed extension would measure 2.4m to eaves, 3.7m to ridge and 3m rear projection. The proposal would incorporate a lean to and hipped roof shape and the extension would be 2.4m in height on the southern boundary. The proposal is therefore considered not to constitute a material increase in size/scale of development on the southern boundary. The proposal would be situated 1m from the north boundary and 4m from the adjacent dwelling no.8. With regard to neighbouring properties, the modest scale of the proposal, the positioning and the distance to the dwelling to the north, would ensure there is no prejudice to the amenity of neighbouring occupiers.

5.4 Other issues

The neighbouring occupier has raised a concern in relation to possible structural damage to their property from the proposed foundation. This matter is controlled through legislation outside the planning system and as such is not a material consideration.

The neighbouring occupier raised concern in relation to flooding to the driveway of no.8. The flooding has been caused by poor construction to an existing side extension. The application site is situated outside of any flood sensitive area recognised by the Environment Agency. The proposal is therefore considered to be acceptable in relation to matters of flooding.

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 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 **PK08/2203/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).

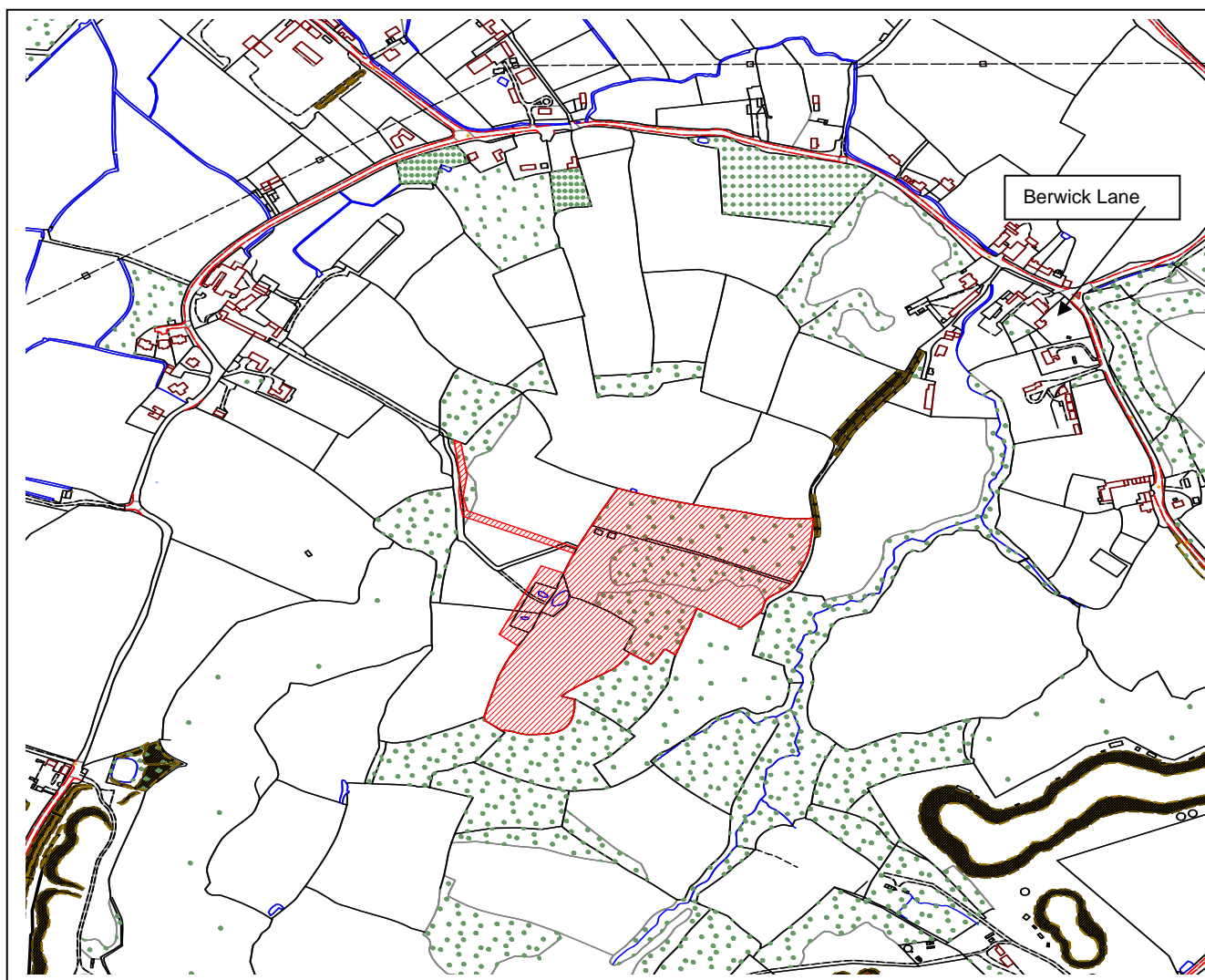
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. 36/08 – 5 SEPTEMBER 2008

App No.:	PT08/0757/F	Applicant:	4th Bristol Scout Group
Site:	Spaniorum Farm, Berwick Lane, Easter Compton, South Gloucestershire, BS35 5RX	Date Reg:	20th March 2008
Proposal:	Demolition of storage building to facilitate the erection of new building to provide toilets, storage area and emergency sleeping accommodation. Construction of disabled ramp, decking with pillars, new access track and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	56504 81442	Ward:	Almondsbury
Application Category:	Major	Target Date:	12th June 2008



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100023410, 2008.

DC0901MW

INTRODUCTION

This application appears upon the Circulated Schedule as there is public comment that is contrary to the officer recommendation in respect of this planning application.

1. THE PROPOSAL

- 1.1 The site consists of a mixture of open grass land and woodland situated on Spaniorum Hill to the west of Easter Compton. The site is located in open countryside within the Bath and Bristol Green Belt and forms part of the Spaniorum Hill Site of Nature Conservation Interest (SNCI).
- 1.2 The application is submitted by 4th Bristol Scout Group and seeks consent to use the site as a Scout camping ground. The proposed development consists of the positioning of a single storey timber clad building and decking to provide limited accommodation and toilet facilities for use by scout groups attending the camping ground.
- 1.3 The site contains various elements of development that are associated with the proposed use. These include prefabricated buildings, an access track, pumping station and engineering works (pond and earth bund). The prefabricated buildings are located in the position of the proposed building are would be removed as part of this proposed development.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belt
PPG9	Nature Conservation
PPG16	Planning and Archaeology

2.2 Adopted Joint Replacement Structure Plan

Policy 16	Green Belt
Policy 18	Nature Conservation
Policy 19	Cultural Heritage

2.3 South Gloucestershire Local Plan (Adopted) January 2006

GB1	Development in the Green Belt
D1	Achieving Good Quality Design in New Development
L1	Landscape Protection and Enhancement
L9	Species Protection
L8	Sites of Regional and Local Nature Conservation Interest
L11	Archaeology
LC5	Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries
LC12	Recreational Routes

2.4 Supplementary Planning Guidance

South Gloucestershire Design Check List, Draft. September 2006.
South Gloucestershire Landscape Character Assessment
Character Area 18, Severn Ridges

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0445/F Change of Use of Land for stationing of 3 no. portacabin units to form toilet block and emergency sleeping accommodation. Construction of new access track and car park with associated works.
Refused
- 3.2 PT06/2805/F Change of use of land for camping. Erection of building to provide toilets and emergency sleeping accommodation. Construction of new access track and car park with associated works. (Resubmission of Planning Application PT06/0445/F).
Refused

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

No Comment has been received in respect of this planning application. However, it should be noted that the Parish Council made representation to the previously refused application (PT06/2805/F) and those comments are as follows;

The Parish Council comments are summarised as follows;

Spaniorum Hill has remained unchanged for 2000 Years. There is evidence of Roman Activity and other early civilisations.

The site is within an SNCI

The report accompanying assumes that the works that have already been carried out will be approved and allowed to remain

The extent of the toilet and emergency accommodation is unnecessary

New buildings should be at the bottom of the hill and obscured from view

It is not understood why electricity is being taken to the site when an electricity generator would suffice

There is no need for additional trees to provide a distinct area for camping

The wooden fencing that has been erected on the site should be masked by hedgerow planting

There is no need for the hill to be adapted as a place of worship

The use of the site should be limited to the use of its site in its natural form. The only building permitted on this site.

The Scouts should respect the ecological importance of the site and not make changes

Noise from this site should be kept to a minimum

The change of use of this site for leisure purposes is not acceptable and any change of use should be restricted for the Scouts only

There is already a scout site near Wood House Down. Investment should be directed into this site rather than spoiling Spaniorum Hill.

4.2 Sustainable Transport

No objection subject to the use of the site being restricted to scouting activity and no commercial activity taking place on the site. The existing rights of way are not effected by the development.

4.3 Local Residents

6 sets of comments have been received from local residents as a result of the consultation process associated with this planning application. Two of these representations have originate from the same address. The relevant comments can be summarised as follows

The site is a valuable green area surrounded by industrialisation.

The site contains valuable wildlife which would be detrimental to the local community to loose

The development would have a detrimental impact on visual amenity.

There would be significant light pollution as a result of the development.

Previous applications have been refused for this development on this site.

The proposed development is located in a prominent position in the Green Belt and as such the development is unwelcome

The site has already been developed and has become unsightly.

Damage has occurred to the adjacent woodlands

There is concern relating to emergency access to the site

5. ANALYSIS OF PROPOSAL

5.1 The activities of the Scout and Guide Association are covered under Schedule 2, Part 27 of the Town and Country Planning (General Permitted Development) Order 1995. Essentially, this allows the organisation to use any land (with the exception of residential curtilages) for the purposes of recreation or instruction, and the erection or placing of tents on the land for the purpose of that use. However, this does not extend to the construction of permanent buildings in association with this use, hence the need to make this planning application for the development proposed.

5.2 The proposed development relates purely to the Scout and Guide Association. In this instance there is a clear distinction between the activities of the Scout and Guide Association and normal tourist camping facilities. Essentially, Scouting activities are classed as recreation and instruction and not regarded as tourism activities in the same way that a public campsite/caravan site may provide for.

- 5.3 Under current Scouting legislation the Scouting Association is not permitted to allow the most junior section of the Scout and Guide Association (known as Beavers) to sleep under canvas in periods of inclement weather. Similarly, under this legislation, portable latrines are not considered suitable for this section of the Scout and Guide Association; nor are they considered acceptable for the next age group (known as Cubs and Brownies). Accordingly, the proposed development consists of the change of the site for use of the land for the provision of associated buildings that would provide the necessary toilet and emergency sleeping accommodation; together with an access track and vehicular parking for use by the Scout and Guide Association. In addition, it is necessary to provide separate sleeping and toilet accommodation for adults responsible for young people making use of the camping facilities. This has largely dictated the size and layout of the building proposed.
- 5.4 For the purpose of the assessment of this planning application, it is the officers view that the proposed access constitutes a private road that would require planning consent in its own right. Officers do not consider that such work is 'permitted development' under Schedule 2, Part 2 (Minor Operations), Class B, of the Town and Country Planning (General Permitted Development) Order 1995 as the track does not itself give direct access to the public highway. Similarly, the track is not required for agricultural purposes and is not 'permitted development' under Schedule 2, Part 6 (Agricultural Buildings and Operations) Class A (b) of the Town and Country Planning (General Permitted Development) Order 1995.
- 5.5 Principle of Development
Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically concerned with the provision of recreational facilities in the open countryside and is therefore relevant to this planning application. This policy indicates that the proposed development is acceptable subject to the following considerations.
- 5.6 Green Belt
In accordance with the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 provides the limited categories of development that is considered appropriate within the Green Belt. These categories include the use of Green Belt land for the provision of essential facilities for outdoor sport and recreation, provided that use preserves the openness of the Green Belt.
- 5.7 The submission details the introduction of a private access way and a timber clad building to provide sleeping and toilet accommodation for the scouting use of the site together with storage for tents and a tractor. PPG2 defines the term 'essential facilities' as those that are genuinely required for the uses of land which preserve the openness of the Green Belt. PPG2 offers examples of suitable facilities, which include small scale changing rooms or stables.
- 5.8 Essentially, it is accepted that the proposed use of the land for Scouting Activities is a recreational use. The assessment of this proposal must therefore consider whether or not the introduction of the buildings, access and vehicular parking can be regarded as 'essential facilities' that would preserve the openness of the Green Belt.
- 5.9 Despite the isolated position of the proposal site, it is possible for the Scout and Guide Association to use the site for camping purposes using tents, without the

- need for planning permission, under Permitted Development Rights. It is reasonably necessary for an access road to be required in order to give vehicular access to the site to carry the necessary camping equipment; and for there to be limited vehicular parking for the vehicles used. On that basis, it is considered that the proposed track leading to the site and the associated vehicular parking facility can be regarded as an essential facility supporting the proposed recreational use. It is not considered that the introduction of the road would itself compromise the openness of the green belt.
- 5.10 Similarly, given that it is a necessary requirement for toilet and emergency sleeping accommodation to be provided in order to allow the Scouting and Guide Association to use this site, it is considered that the proposed buildings are 'essential facilities'. The need to provide separate accommodation for adults and children largely dictates the size of this building. The provision of storage for camping equipment and a tractor (which would be used to assist the distribution of equipment and facilities whilst the site is in use) are also considered reasonably necessary for security reasons and to enable the site and equipment to be kept in order. The scale, design and size of the proposed buildings are very similar to changing facilities or a small club house building, and as such it is not considered that these buildings would themselves compromise the openness of the Green Belt in this instance.
- 5.11 It is therefore considered that the proposed development satisfies the relevant tests and is considered to represent appropriate development within the Green Belt.
- 5.12 Siting and Visual Impact
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves good standards of site planning and design. In particular the policy seeks to ensure that new development is informed by and respects the character and distinctiveness of the site and its surroundings. Existing features of landscape, nature conservation, heritage and amenity value should be safeguarded and enhanced through incorporation into new development. In the context of the protection, conservation and enhancement of the South Gloucestershire Landscape, Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 carries the above principles forward
- 5.13 Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006 also seeks to ensure that new recreational development would not have an unacceptable impact upon the character and diversity of the landscape.
- 5.14 The proposed development includes two key elements. The assessment of them in visual terms is set out below.
- 5.15 Toilet and sleeping Accommodation and Storage.
The proposed development includes the development of a timber clad building to provide toilets and sleeping accommodation (to be used on occasions of extreme bad weather) for the scout groups using the site. This is proposed to be arranged in a 'u' shape in the northwest corner of the site, and includes an area of decking within the 'u' shape to provide a safe outside area immediately adjacent to the access into the building. The decking would also prevent activities from causing the ground to become extremely muddy in this part of the site due to a concentration of foot-fall during the use of the site.

- 5.16 The proposed building is relatively modest in scale and in the broader landscape terms is not particularly significant. However, the site forms part of the Spaniorum Hill Site of Regional and Local Nature Conservation Interest (SNCI). The area has been designated for its semi-natural ancient woodland, protected species and calcareous grassland. As such, the character of the area is considerably sensitive. The building is proposed to be positioned outside the woodland area. From an ecological perspective, it is considered that this building is located in a position where no significant harm would occur. However, the site would need to be managed carefully in respect of ecology and this issue is addressed below
- 5.17 Having regards to the above, it is considered that the proposed building is acceptable in visual and ecological terms.
- 5.18 Private Access Road and Vehicular Parking Facilities
It is also proposed to provide a single vehicle width private access road that would provide access to the site from Spaniorum Farm. This is proposed as a continuation of the existing track giving access to the lower fields associated with Spaniorum Farm currently under equestrian use. The road has been implemented and appears to be consistent with the detail submitted with this planning application.
- 5.19 The proposed track climbs the steep slope associated with Spaniorum Hill in a south-easterly direction, crosses the ridge on Spaniorum Hill, turning in an Easterly direction before terminating in the west of the site, just south of the existing woodland. A gate has been installed at the termination of the road, and post and wire fencing enclose the road along its proposed length. Access gates have been provided within the fence where the existing public right of way (PROW) crosses the site.
- 5.20 Again, subject to the use of appropriate surfacing on the higher area of the track, there is no objection in both visual terms and ecological terms to this element of the proposed development. The surfacing of the track can be dealt with by way of condition that can require further details to be submitted, and if necessary changes made so as to reduce the impact further. Subject to the use of such a condition, this element of the development is acceptable.
- 5.21 Other Development
Development has taken place that provides a small building to house pumping equipment required to supply the application site with water. This has been detailed within the submitted application. In addition to this building, trenching has been dug in order to provide piping for the associated water supply. Further trenching has also occurred in order to supply the site with electricity.
- 5.22 Given that the water and electricity supply trenching is under ground it is not considered that this would itself have a material impact upon the visual character of the landscape; provided that such trenching is sympathetically back filled. Similarly, given the relatively discreet nature of the Pumping Building, it is not considered that this building would have a detrimental impact upon the character and visual amenity of the landscape in this instance. Furthermore is considered that this building is essential in providing water for the use proposed and as such is appropriate development in the green belt.

5.23 Ecology

The site is located within the Spaniorum Hill. As such Policy L8 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. There is also a very high potential for protected wildlife species to be present on or very close to this site. These may include badgers, slow worms and great crested newts. As such policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 is also relevant.

- 5.24 The planning application is supported by an ecological management plan that has been revised during the course of this assessment, and is considered to adequately address the broader issues affecting this site. In particular, the management plan proposes a five year period of intensive management and review that is considered to adequately provide for the introduction of this development proposal without materially impacting upon the sensitive ecological issues on the site. In order to ensure that this management plan is implemented, it is necessary to use an appropriately worded condition in the event that this application is approved. Subject to the use of the condition and the implementation of the management plan the proposed development is considered acceptable in ecological terms.

5.25 Archaeology

The site is located within an area of archaeological interest. As such Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this application. The policy seeks to protect sites or landscapes with archaeological interest from development that would result in a loss or harm to such archaeology.

- 5.26 This landscape is known to contain archaeological remains and there is a possible Neolithic Long Barrow close to this site. As such it is considered that there is a significant potential for archaeological remains to be in existence on the application site. In accordance with the requirements of Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006 an archaeological assessment report/survey has been provided with this planning application. This survey identifies archaeological anomalies in close proximity to the proposed track although it is not anticipated that the track would cut through such remains. Nonetheless, in order to protect against the loss of significant archaeology and to allow adequate recording to take place if necessary, an archaeological watching brief is necessary. Similarly, in order to protect the known archaeological anomalies on the site, protective fencing and marking should be provided during the development works. This can be dealt with by an appropriately worded condition, and subject to the use of such a condition, the proposed development is considered to be acceptable in archaeological terms.

5.27 Public Rights of Way

The proposed access track crosses an existing Public Right of Way (OAY/71). Pedestrian access gates have been installed at the point of intersection. Policy LC12 is therefore relevant to this planning application. The policy is intended to safeguard existing recreational routes and seeks to protect the amenity of such routes from harm as a result of new development.

- 5.28 Although the proposed development has not resulted in the realignment of PROW (OAY/71), access gates have been fitted at the point where the PROW intersects with the proposed track. These access gates are of the standard type

used throughout South Gloucestershire, and are considered to provide the appropriate level of access to the PROW.

5.29 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity.

5.30 It is considered that, given the nature of the use proposed there would be no material impact in terms of additional traffic generation onto Berwick Lane, provided that the use of the site is restricted to the Scouting Activities and occupied only by the Scouting Organisations.

5.31 Other Development

Engineering works have been carried out in order to create a new pond close to the existing Dew Ponds on the site, with the spoil from these being used to create an earth bund in the southern area of the site. These elements are not authorised by way of a planning consent but are shown upon the submitted plans.

5.32 In this instance the earth bund is relatively discreet. These structures have begun to settle into the landscape and are beginning to provide new habitat in their own right. Given that this is occurring, it is not considered that the work would itself have any material impact in terms of the openness of the Green Belt, and it is considered that there would be more harm to ecology on the site if the development is to be removed and the pond effectively filled in. Given that the site is ecologically sensitive, it is considered that it would be more beneficial to allow the features to mature naturally. With careful management (as detailed within the submitted ecological management plan) it is considered that the pond and new bunding would provide additional habitat for that would complement the existing environment and as such should remain. On this basis, this work is considered acceptable in ecological terms.

5.33 Design and Access Statement

In this instance the submitted Design and Access Statement adequately addresses the requirements of the Adopted South Gloucestershire Design Checklist.

5.34 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That Planning Permission is granted subject to the following conditions.

Background Papers **PT08/0757/F**

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

CONDITIONS

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

Reason(s):

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

2. The use of the land, buildings and associated facilities hereby permitted shall not be used by any private, commercial or voluntary group or persons other than those organisations or persons directly associated or affiliated to The Scout and Guide Association.

Reason(s):

The Site is located within the Green Belt where there are specific categories of appropriate development. This development proposal has been considered having specific regards to the recreational requirements of the Scouting Organisation and as such falls within the categories of development that is appropriate within the Green Belt. The use of the land, buildings and facilities provided by this development by any other organisation or persons would need to be considered further in respect of the appropriateness of the development within the Green Belt.

3. The development hereby permitted shall be managed and monitored in accordance with the work schedule as set out in the agreed Ecological Management Plan (Revised), as received by the Council on 18th June 2008 for a minimum period of five years.

Reason(s):

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

4. Notwithstanding the submitted details, detailed information relating to all new planting on the site shall be submitted demonstrating how such planting would be consistent with the details set out within the agreed Ecological Management Plan. Details shall be submitted and agreed in writing prior to the commencement of any further development on this site; or within 6 months of the date of this planning permission, which ever is the sooner. Thereafter the planting shall be implemented in the next available planting season in accordance with the agreed details and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority. Any plants

that should die or are removed within three years of such planting taking place shall be replaced with identical species of plants and to the written agreement of the Local Planning Authority.

Reason(s):

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

5. Prior to the commencement of the development or within 6 months of the date of this planning consent, a fully detailed Tree Constraints Plan set out in accordance with BS5837:2005 detailing protective measures during the construction of the development and the Root Protection Areas in relation to the trees located immediately to the West and to the South of the proposed building (these trees are both located within the hedge forming the West boundary of the site) shall be submitted and to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed with the agreed protection in place unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):

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

6. Details of all new fencing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further development on this site; or within six months of the date of this planning consent whichever is the sooner. Thereafter, the development shall proceed in accordance with the agreed details and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):

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

7. Details of the surfacing of the track giving access to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further development on this site; or within six months of the date of this planning consent whichever is the sooner. Thereafter, the development shall proceed in accordance with the agreed details and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):

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

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

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

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the commencement of the development hereby approved or within 6 months of the date of this planning permission (whichever is the sooner), details of the methods of protective fencing to the known archaeological anomalies on or within the proximity of the site (as identified in the submitted Archaeological Study) shall be submitted and agreed in writing by the Local Planning Authority. Thereafter, the agreed measures shall be retained in position for the duration of the works for this development. In addition, the developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason(s):

In order to ensure the adequate protection of known and potential archaeological remains, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 36/08 – 05 SEPTEMBER 2008

App No.:	PT08/0797/CLE	Applicant:	Mr & Mrs C & M Downing
Site:	32 The Old Mill, Mill Lane, Frampton Cotterell, South Gloucestershire, BS36 2AA	Date Reg:	26th March 2008
Proposal:	Certificate of Lawfulness for Existing Use of barn as Class B1 (business) access and parking as mixed use Class B1 and C3 (residential) and the remaining land for purposes incidental to the residential occupation of the dwelling houses at 32 Mill Lane use Class C3	Parish:	Frampton Cotterell Parish Council
Map Ref:	66774 82193	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	2nd May 2008



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100023410, 2008.

DC0901MW

INTRODUCTION

This application is for a Certificate of Lawfulness and as such under the current scheme of delegation falls to be considered under the circulated schedule procedure.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the continued use of the subject site and barn within the site for the continuation of a mix of residential (C3) and business uses (B1).
- 1.2 The site consists of an area of land to the East of 32 Mill Lane which is occupied by a large building measuring approximately 20 metres by 10 metres. There is also a vehicular access into the site from Mill Lane and an area of open lawn situated to the West of the building referred to above. The submission identifies two uses in that the building is in use as for B1 (Business) (Currently occupied by Deepcblue Ltd), the access for business and residential use, whilst the remainder of the site is identified in use as residential use associated with 32 Mill Lane.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The applicant has an affidavit stating that the building on the site has been used for a business use (Theatre backdrop hire/manufacture) since 1988. There is also submitted, details of that business owned/operated by Fred Gray from the subject address.
- 4.2 A site use plan is submitted detailing the extent of each use being claimed. Additional photographic evidence is also submitted which shows lorries on the site in the mid 1960's and also an area of lawn that is consistent with the submitted site use plan. There is also a photograph of the interior of the building which shows racks associated with the Theatre prop business. A current photograph shows the building stood in the site.
- 4.3 A further written account of the history of the site implies that the subject building was constructed in 1968, and which details the use of the site from 1953 being associated with a haulage company. This is consistent with photographic evidence submitted, which dates back to 1965.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 None Received

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Frampton Cotterell Parish state that they have no evidence as to the activities that have actually taken place on the site but express concern relating to the residential uses as there is not such use shown on the photography.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the building has been used continually for business use for a period of at least 10 years. The residential element of the site need to be proven for a continuous period of four years or more.
- 7.3 The applicant has submitted an affidavit detailing a business use since 1988. In addition the photographic evidence does show that there has been business activity on the site for a period in excess of 10 years, and that there was an area of managed lawn to the West of the building at that time
- 7.3 Having regard to the above it is considered that the evidence presented by the applicant proves that on the balance of probability the building and access has been used for business purposes for a period in excess of 10 years.
- 7.4 Although there is no sworn evidence in respect of the residential element of the site, the LPA cannot show that this area has not been used in such away. The submitted photographic evidence shows a managed lawn that is consistent with the submitted plans and modern photographs show this lawned area in place. The officer site visit revealed a managed area that in all probability has been and remains to be used as incidental residential curtilage associated with 32 Mill Lane.
- 7.5 On the basis of the above, it is concluded that on the balance of probability, the uses claimed have been in existence on this site for a period in excess of 10 years.

8. RECOMMENDATION

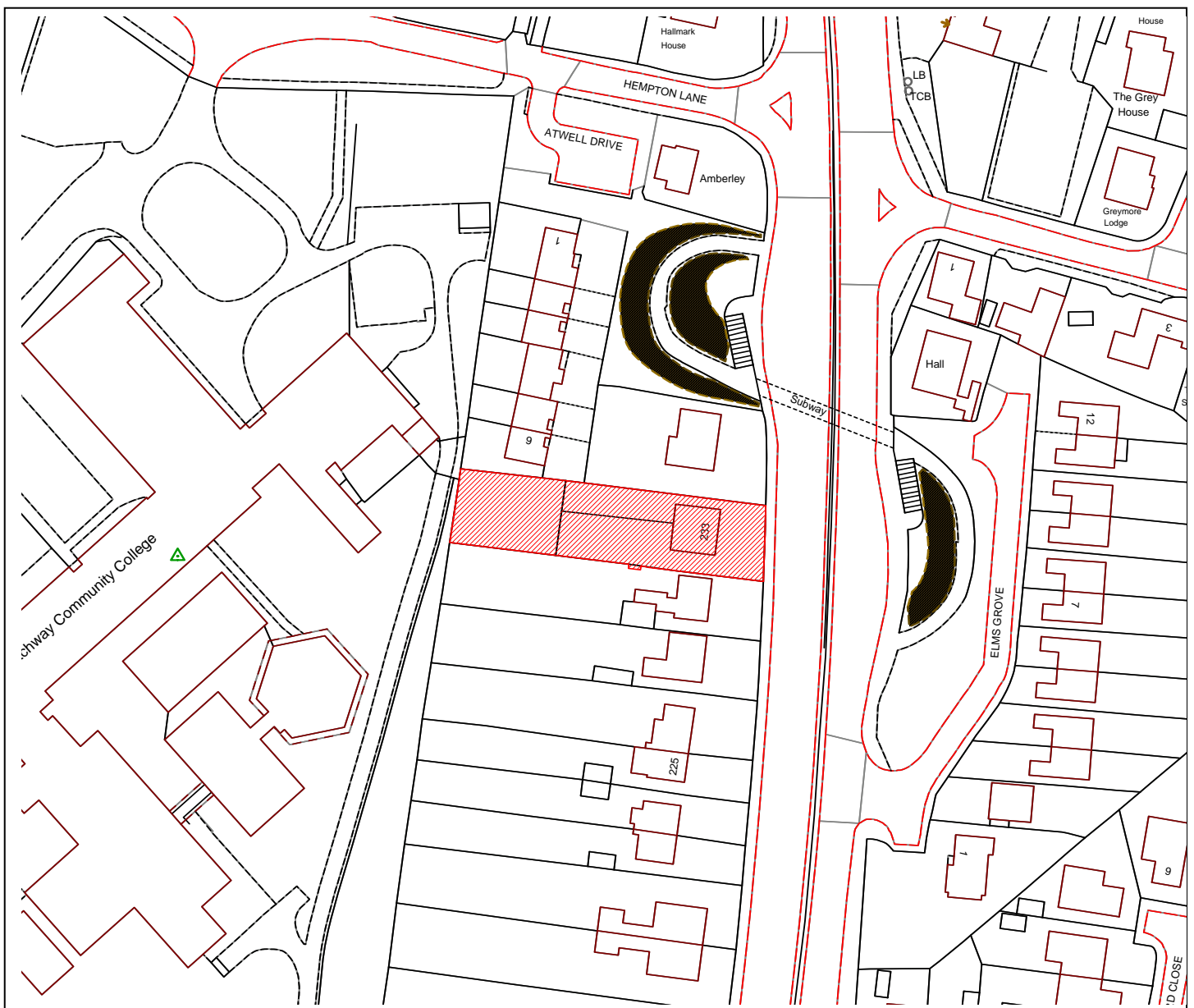
- 8.1 A certificate of existing Lawful Use be granted for the use of the building located adjacent to the Northern boundary of the site for B1 (business) use; the access way as a mixture of B1 (business) and C3 (Residential) and the remainder of the land forming the site as C3 (Residential use) incidental to the enjoyment of 32 Mill Lane, Frampton Cotterell.

Background Papers **PT08/0797/CLE**

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

CIRCULATED SCHEDULE NO. 36/08 – 5 SEPTEMBER 2008

App No.:	PT08/1610/F	Applicant:	Ambourne House Ltd
Site:	233 Gloucester Road, Patchway, South Gloucestershire, BS34 6ND	Date Reg:	16th June 2008
Proposal:	Erection of two storey rear extension to provide additional play area and associated works. Variation of Condition 04 attached to planning permission P98/2352 to extend opening hours to 0800 to 1800.	Parish:	Patchway Town Council
Map Ref:	60764 82409	Ward:	Patchway
Application Category:	Minor	Target Date:	7th August 2008



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INTRODUCTION

This application appears on the Circulated Schedule due to objections received from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the following: -
- i. the erection of a two storey rear extension to provide additional play area and associated works; and
 - ii. variation of Condition 4 attached to planning permission P98/2352 to extend opening hours to 8am to 4pm.
- 1.2 The application site is rectangular in shape and is approximately 0.1 hectares in area. The site comprises of; a detached building which is used as a day nursery; a car park; and a small outdoor play area. The site is adjoined by three residential dwellings. This reflects the building original use as a dwellinghouse.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
PPG13: Transport
PPG24: Planning and Noise

2.2 South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Quality Design in New Development
LC4: Proposals for Education and Community Facilities
T12: Transportation Development Control Policy in New Development
T7: Cycle Parking
T8: Car Parking
EP1: Environmental Protection and Enhancement

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P90/2737 Change of use of premises from residential to private day nursery. (In accordance with the amended plans received by the council on 26th November 1990).
Approved 9 December 1990
- 3.2 P91/1709 Erection of single storey rear extension approximately 48.55 square metres in area to facilitate the provision of kitchen, toilets and playrooms in association with day nursery.
Approved 10 July 1991
- 3.3 P92/1035 Continuation of use of premises as day nursery without complying with condition 03 attached to planning permission P91/1709 dated 11th July 1991)
Approved 11 March 1992

- 3.4 P97/21498 Erection of first floor rear extension and single storey side extension.
Approved 21 August 1997
- 3.5 P98/2532 Variation of Condition 3 attached to planning permission P97/1498 September 1997.
Approval 15 October 1999

4. CONSULTATION RESPONSES

This application has been subject to two consultation periods due to amendment. The following representations have been received: -

- 4.1 Patchway Town Council
No comment received.
- 4.2 Transportation and Highways
No objection subject to the provision of five secure and undercover cycle spaces.
- 4.3 Environmental Services
No comment.
- 4.4 Local Residents
Three letters of objection have been received. The comments have been summarised below: -
- A. The building would be imposing;
 - B. The development would invade privacy;
 - C. Extension would double size of building;
 - D. Increase vehicle movements;
 - E. Increase parking problems outside nursery;
 - F. The windows and fire escape near to adjacent windows are unacceptable; and
 - G. More children will cause more noise from garden.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy LC4 of the Local Plan provides a framework for considering proposals for a range of community facilities within the existing urban area. The policy includes criteria that aim to minimise impact on residential amenities and the environment, and direct facilities to locations that are accessible on foot and bicycle and closely related to areas of demand.
- 5.2 Further material considerations would be design. Policy D1 of the Local Plan and the Design Checklist SPD will look to ensure that the development respects, conserves and enhances the character and quality of the surrounding local environment, including any existing or adjacent buildings or features.

5.3 Residential Amenity

The proposed two storey extension would be situated on the rear elevation. The development would span the entire width of the building and would be approximately 4.6 metres in depth. The application site is adjoined by three dwellings, two of these would be situated beside the proposed extension (Nos 231 and 235), whilst the third is located at the end of the garden (No. 6 Attwel Close)

- 5.4 Representations have been received from three local residents which have raised objections to the proposed scheme. The impacts on these properties are assessed below: -

Overbearing Analysis

The existing building is adjoined on both side boundaries by dwellinghouses. The dwelling on the northern elevation is No. 335 Gloucester Road. This property is sited approximately 9m away from the existing building and its rear building line is approximately the same as the host building. Additionally, an existing flat roof garage is situated between the two buildings. The proposed rear extension would exceed the rear building line of this dwelling by some 4 metres. It is noted that this dwelling is situated to north, therefore some overshadowing would occur. Nevertheless, it is considered that the distance separating the two buildings and the position of the existing flat roof garage, would mitigate any overbearing impact on the residential amenity of the occupiers of this dwelling.

The dwelling on the southern elevation is No. 331 Gloucester Road. This property is sited approximately 4.2m from the existing building and its building line would exceed the host building by approximately 3.5 - 4m. The proposed extension would therefore have a rear building which is approximately the same as this adjacent dwelling. In view of this, it is considered that the proposed extension would not result in any overbearing impact on the residential amenity of the occupiers of this dwelling.

Privacy Analysis

The proposed extension would include new windows on the rear and both side elevations. The proposed rear windows would be in approximately the same position as the existing rear window. The view would therefore be fundamentally the same as the existing. It is therefore considered that there would be no material harm to privacy.

The southern side elevation would include a new window at both the ground and first floor levels. The existing building already has a window which provide direct views into the side window of the neighbouring dwelling (No. 331). The proposed windows would afford some oblique views into this side window and the amenity space of this adjacent dwelling. Whilst these would not result in a material loss of privacy, it would worsen the existing situation. It is therefore recommended that a condition is attached to ensure that these windows are glazed with obscured glass.

The northern elevation would include two new windows at the ground floor and one new window at the first floor. The development would also include a replacement fire exit and stairs. The windows and fire exit would afford some views into the adjacent dwelling (No. 335), however the existing flat roof garage would provide some screening. As such, the windows would not result in direct views into habitable room or the amenity space immediately adjacent to the dwelling. Nevertheless, it is recommended that a condition is attached to ensure that the proposed windows are glazed with obscured glass. This would ensure any impact to privacy would not be intensified.

Disturbance Analysis

Some representations have been received from local residents which have highlighted issues regarding increased disturbance from vehicular movements and from more children using site. Notwithstanding these comments, it is considered that the increased opening hours and the additional children using the site would be marginal. Furthermore the Councils Environmental Services Team has raised no objection. In view of this, it is considered that the proposed development would result in a material disturbance to the detriment of residential amenity.

5.5 Design and Visual Amenity

The existing building has been extended previously through a large rear extension with a gable end. It is considered that the design of extension is particularly poor and fails to respect the character and appearance of the original building. The applicant originally proposed a larger development which continued the form of the original extension. It was considered that this design solution would have been unacceptable and would have resulted in further harm to the character and appearance of the original building

- 5.6 To overcome this issue discussions took place with the applicant. It was agreed to reduce the depth of the extension and replace the gable end with a hipped roof. It is considered that these amendments would improve the integration between the original dwelling and its extension. For example, the hipped end feature would respect a characteristic of the original dwelling. It is therefore considered that the amended extension would enhance the character and appearance of the building.

5.7 Transportation Issues

The Council Transportation Officer has assessed the proposed development. It was considered that the proposed access, parking and cycle provision accorded to the Council Parking and Cycle standards (Policy T7 and T8) and the objectives of Policy LC4. The Transport Officer requested covered cycle storage and amended plans have been received which show this. As such there is no transportation objection to this scheme.

5.8 Design and Access Statement

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

5.8 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 **PT08/1610/F**

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

CONDITIONS

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

Reason(s):

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

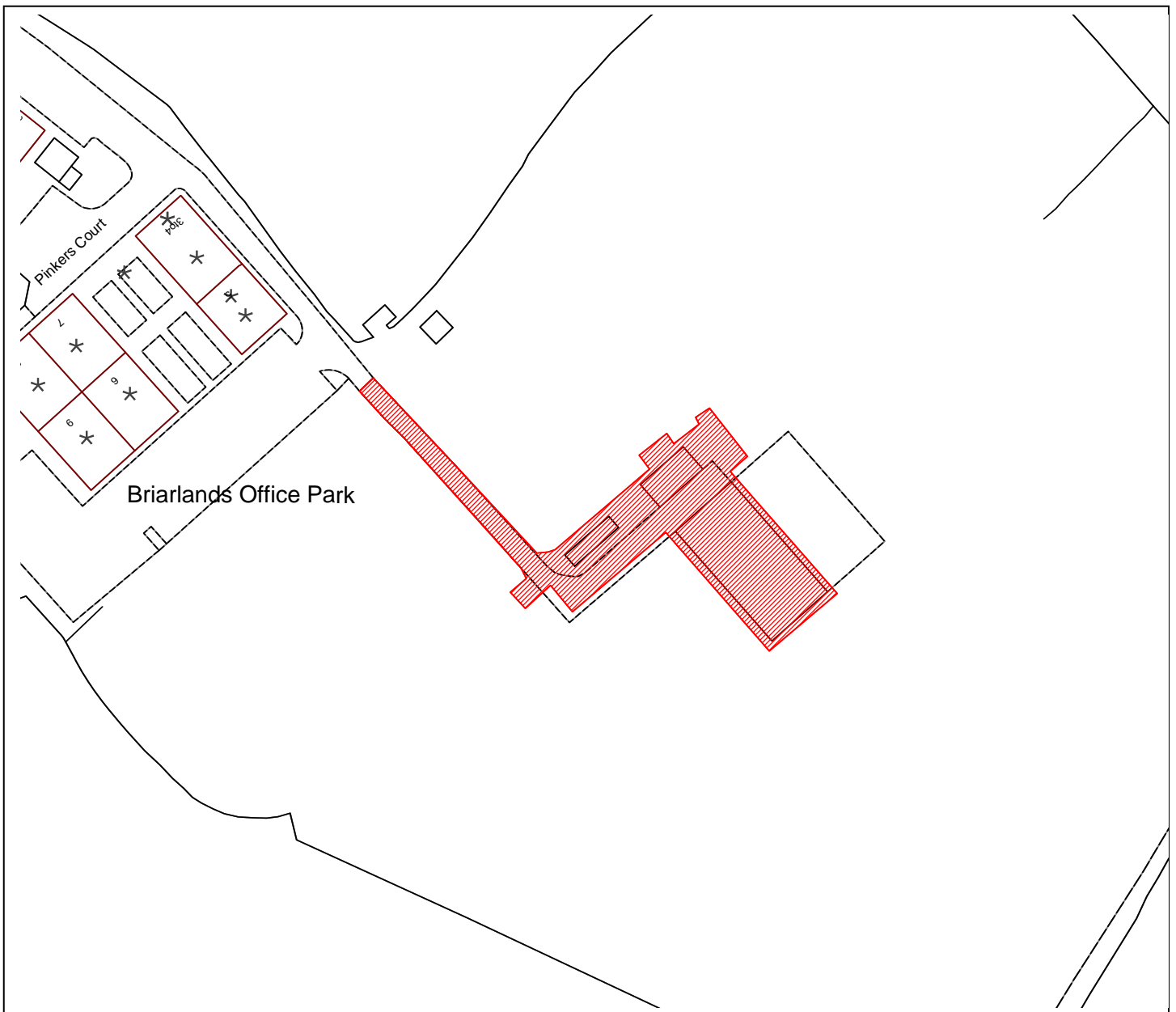
The proposed glazing on the north and south elevations hereby approved shall at all times be of obscured glass (Level 3).

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 36/08 – 05 SEPTEMBER 2008

App No.:	PT08/1725/F	Applicant:	Mr S Pinker Game Farm Ltd
Site:	Briarland Farm, Gloucester Road, RudgeWay, South Gloucestershire, BS35 3QH	Date Reg:	25th June 2008
Proposal:	Change of use of agricultural building to offices (Class B1) with associated works as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Alveston Parish Council
Map Ref:	63185 86920	Ward:	Thornbury South and Alveston
Application Category:	Minor	Target Date:	19th August 2008



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The application appears on the Circulated Schedule in view of the letter of objection received from a neighbouring resident and in view of the objection raised by Alveston Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the change of use of an agricultural building to provide office accommodation (Class B1).
- 1.2 The application site comprises an existing agricultural building at Briarlands Farm on the south east side of Gloucester Road, Rudgebury. The application site lies beyond any settlement boundary within the Green Belt.
- 1.3 An amended plan forms part of this application reducing the site size of the application site; this has altered the classification of this application changing it from a 'major' to a 'minor' submission.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS7: Sustainable Development in Rural Areas
PPG13: Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
GB1: Development in the Green Belt
E6: Employment Development in the Countryside
E7: Conversion and Re-use of Rural Buildings
T7: Cycle Parking
T8: Parking Standards
T10: Travel Plans
T12: Transportation Development Control Policy for New Development
L1: Landscape Protection and Enhancement
L9: Species Protection
L18: The Water Environment

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist
Development within the Green Belt
Biodiversity Action Plan

3. RELEVANT PLANNING HISTORY

- 3.1 N6865/2: Erection of detached dwelling to house farm manager; erection of two buildings for the process and packaging of game birds. Refused: 18 April 1984
- 3.2 P84/1671: Erection of two buildings for the processing and packaging of game birds. Permitted: 12 June 1985
- 3.3 P85/1104: Erection of two buildings for the processing and packaging of game birds and turkeys; alterations to existing vehicular access. Permitted: 12 June 1985

- 3.4 P87/1460: Use of land for the stationing of a residential caravan. Permitted: 30 April 1987
- 3.5 P96/1485: Erection of three portacabins, two for use as game bird rearing units and one to house a standby generator. Permitted: 25 September 1996
- 3.6 PT99/0288/RTC: Continued use of land for the stationing of two portacabin buildings for use as a game bird rearing unit. Permitted: 27 April 2001

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
Objection: proposal forms non-essential commercial development of Green Belt agricultural land
- 4.2 Other Consultees
Environmental Services: no objections in principle
Wessex Water: statutory comments
Technical Services (Drainage): no objection
Ecologist: no objection subject to condition/ informatives
Landscape Officer: no objection subject to conditions
- 4.3 Sustainable Transport
PROW Officer: proposal appears unlikely to affect nearest public right of way
Highways DC: no objection subject to conditions

Other Representations

- 4.4 Local Residents
One letter received expressing the following concerns:
 - o There is opposition to any extension to the large existing office development at Briarlands Farm;
 - o Particular opposition is expressed concerning the change of use of this building on the green fields behind the existing offices- at the previous site visit and committee meetings (regarding the existing conversions) residents were assured that no further development would be allowed.
- 4.5 The agent has made the following comments in response to the Parish Council objection:
 - o PPG2 makes provision for the re-use of buildings within the Green Belt, subject to any scheme not having a materially greater impact than the present authorised use and the purposes of including land within it;
 - o At no point within PPG2 is it stated that the change of use of the building to a commercial use has to be substantiated by a case based upon identified need.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning policy E6 cites that proposals for new employment B1 business uses, B2 general industrial uses and B8 storage and distribution uses outside of the existing urban areas and settlement boundaries will not be permitted with the exception of:
 - o The conversion and re-use of existing rural buildings;

- (On sites not in the Green Belt), the extension or intensification of existing employment generating uses;
 - Development permitted by policies E4 and E7 to E11.
- Further development will only be permitted if it does not have an unacceptable impact on the environment, residential amenity or its terms of traffic generation.
- 5.2 Planning policy E7 details that the conversion and re-use of rural buildings for employment uses, outside the existing urban areas and settlement boundaries will be permitted provided that:
- The buildings are of permanent construction and structurally sound, capable of conversion without major or complete reconstruction; and
 - The buildings are in keeping with their surroundings in terms of character, form, bulk, and overall design; and
 - Development, including any alterations, intensification or extensions, would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.
- 5.3 Planning policy GB1 details that planning permission will only be given for the change of use of land or existing buildings where:
- It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purposes of including land within it;
 - The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and
 - The form, bulk and general design of the buildings are in keeping with their surroundings.
- 5.4 Finally, policy T12 details that new development will only be permitted (in terms of transportation) where (considered here most relevant):
- It provides safe access capable of accommodating the motorised traffic generated by the proposal;
 - It would not create or unacceptably exacerbate traffic congestion or have unacceptable effect on road, pedestrian and cyclist safety; and
 - It would not generate traffic congestion which would unacceptably affect residential amenity or other environmentally sensitive areas in terms noise, vibration and air quality.
- 5.5 Design/ Visual Amenity
The application relates to an existing agricultural building which has been used for the rearing of game birds. Details received in support of the application cite that this operation has temporarily ceased pending the outcome of this current application. When operating at full capacity, it is stated that the site would operate from 5am to 10pm seven days a week with security lighting running 24 hours a day. Nonetheless, at the time of the officer site visit, the building appeared largely redundant with no flood lighting readily apparent.
- 5.6 The proposal seeks the change of use of this building to provide three B1 office units. In so doing, the size of the building would remain unaltered although its external appearance would change by reason of the new roofing and cladding materials proposed. These alterations would allow replacement of the fibrous cement profiled roof with a lightweight steel composite panelled roof whilst timber cladding would replace the existing rendered finish to the outside walls.
- 5.7 Internally, the existing building is subdivided into 10 bays dictating a repetitive external appearance to the building with each bay distinguishable and served

- by a single width door (five doors align each side elevation); larger sliding doors are positioned centrally at either end serving a central corridor. Four of these north east facing doorways would be retained with a small window each side: those to the right hand side of each door would utilise an existing opening.
- 5.8 The south west elevation would benefit from more extensive alterations with full height glass windows introduced centrally to the front of each bay with access to the left hand side of each respective window. New sliding louvered screens would provide an element of shading and help disguise these new windows.
- 5.9 These alterations to the building would facilitate three office units; two of these would be near identical in size at either end of the building with a smaller unit positioned centrally between. Toilet and kitchen accommodation would be sited to the rear of the building behind unit two with the bulk of these facilities allocated to one of the three units; it is noted that unit two would be devoid of kitchen facilities.
- 5.10 In view of the above, with regard to the changes to the building, it is considered that the proposal would enhance its appearance with the introduction of the timber cladding in lieu of the render considered to be beneficial. Further, with the overall size of the building unchanged, there is no objection to the proposal on this basis.
- 5.11 Impact on the Openness of the Green Belt
The mass, bulk and form of the existing building would remain the same whilst changes to the roofing/ cladding materials can be controlled by condition. As such, the alterations to the existing building are considered to be acceptable in Green Belt terms.
- 5.12 It is noted that the proposal would allow the removal of two flat roofed single-storey portacabin style structures that stand to the front of the host building. These both have the benefit of planning permission although in view of their unsympathetic design and rundown appearance, removal of these buildings would be advantageous both in green belt and visual amenity terms.
- 5.13 The proposal also makes provision for the removal of the gravelled area to the front of the site adjacent to the existing car park. Nonetheless, whilst this would again be advantageous both in green belt and visual amenity terms, it is understood that this area of hardcore does not have the benefit of planning permission and instead is the focus of enforcement action; this might therefore need to be removed regardless of the outcome of this submission.
- 5.14 Minor changes are proposed to the access and parking arrangements but it is not considered that this would affect the openness or the visual amenity of the green belt. However, it is suggested that some planting should be provided to help screen the parked vehicles; this could be controlled by condition.
- 5.15 In the light of the above, it is not considered that the proposal would harm the visual amenity of the green belt or have a greater impact on its openness than the existing use. Nonetheless, conditions should be attached to any favourable decision notice requiring submission and approval of a full landscaping plan and the proposed finishing materials to the building.

5.16 Structural Condition of Building

The host building comprises a steel framed structure with block work walls that are clad in render. The proposal would introduce a new roofing material and allow a new cladding material (timber). The structural report submitted with the application details that the building is considered to be capable of conversion without major or complete reconstruction although some strengthening to the roof might be required.

5.17 In response, comments received from the Councils structural engineer concur with these findings with it also noted at the time of the site visit that the building appeared in a good state of repair. Accordingly, there is no objection to the current proposal on this basis.

5.18 Residential Amenity

The application site sits at an appreciable distance from any residential units with extensive landscaping around the field perimeter helping to screen views of the proposal. Further, it is noted that traffic would be routed via the existing Briarlands Office Park; well away from the closest neighbouring properties that front Gloucester Road to the north. For these reasons, it is not considered that any significant adverse impact in residential amenity would be caused.

5.19 Highway Safety

It is considered that the principle of this type of development has already been established (in highway terms) by PT03/0784/F in respect of the adjoining Briarlands Office Park. A number of highway improvements were made at this time including the introduction of a right turn facility (into the site) whilst there was also a financial contribution towards public transport within the vicinity.

5.20 In view of the above, and given that the site shares the same access as this existing development, there is no highway objection to this current proposal. A number of conditions should though be attached to any favourable decision to include the implementation of a travel plan and the receipt of further details in respect of cycle parking facilities.

5.21 Ecology

The application lies within the open countryside and is not supported by any ecological assessment. Nonetheless, it is noted that the design of the host building is not one which would be attractive to bats.

5.22 Parts of the site offer a potentially suitable habitat for slow-worms; a species listed for protection within the Councils Biodiversity Action Plan. In view of the nature of the proposal, the scheme would result in the loss of only limited areas of such land; primarily confined to areas around the existing access way. Notwithstanding this, development should be preceded by a destructive hand search to cover any suitable pockets of habitat, with any reptiles found being moved to an appropriate nearby habitat. This would need to be undertaken by a suitably qualified person and could form the basis of a planning condition.

5.23 A variety of nesting birds are associated with farm buildings thus development should be sympathetically timed to avoid the nesting season. An informative could be added to any favourable decision in this respect.

5.24 Outstanding Issues

Concerns have been expressed regarding the Section 106 Agreement signed in respect of the previous scheme with this understood to prevent any further

development. These concerns appear to relate to a clause in schedule 2 which states:

'The Owner will not at any time (whether for valuable consideration or otherwise) convey or transfer the freehold title to the whole or any part of the Application Land or Agricultural Holding so that the said freehold titles to the whole or any part of the Application Land and the Agricultural Holding come into the ownership of separate persons'.

5.25 Whilst this clause might prevent the sale of the application site, the premises might still be let. Nevertheless, it is not considered that planning permission could be reasonably withheld on this basis.

5.26 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.

5.27 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/1725/F**

Contact Officer: **Peter Burridge**

Tel. No. **01454 865262**

CONDITIONS

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

Reason

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

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

Reason

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

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting those Orders with or without modification) the premises shall not be used for any purpose other than that hereby authorised without the prior written consent of the Local Planning Authority.

Reason

To accord with Planning Policies D1, GB1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Within 6 months from the date of the decision details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In view of the rural position of the application site and to minimise disturbance to occupiers of the nearby dwellings, all to accord with Planning Policies D1, GB1, L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. With the exception of the bin storage area hereby approved, no outside storage of material/goods/waste or plant shall take place at the premises.

Reason

To accord with Planning Policies D1, GB1, L1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. 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

To protect the character and appearance of the area to accord with Planning Policies D1, L1 GB1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Planning Policies D1, L1 GB1 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Within 6 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

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

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

Reason

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

10. Within 6 months from the date of the decision a travel plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the travel plan.

Reason

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

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

Reason

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

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority measures in respect of a destructive search for slow-worms with any slow-worms being relocated within sustainable habitats within or adjoining the application site.

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.

13. Within 3 months of the date of the decision, detailed plans showing the proposed bin storage accommodation shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use.

Reason

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

14. Prior to the first occupation of the development hereby permitted, the two existing single-storey structures (game bird rearing units) shall be permanently removed from the application site in accordance with the plans hereby approved.

Reason

To accord with Planning Policies D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 36/08 – 05 SEPTEMBER 2008

App No.: PT08/1988/F
Site: 48 Watermore Close, Frampton Cotterell, South Gloucestershire, BS36 2NH
Proposal: Erection of enclosure to swimming pool, erection of retaining and screen walls with associated works.
Map Ref: 67550 81565
Application Category: Minor

Applicant: Mr D Hunt
Date Reg: 15th July 2008
Parish: Frampton Cotterell Parish Council
Ward: Frampton Cotterell
Target Date: 1st September 2008



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INTRODUCTION

This application appears on the Circulated Schedule due to the neighbour comment.

1. THE PROPOSAL

- 1.1 Planning permission is sought to enclose an existing outdoor swimming pool, and erect further screen walling around the pool at this end of terrace property on the northern side of Watermore Close. The site lies within the settlement boundary. This is a relatively modern 1960's style property with a large residential curtilage, within which the pool has been constructed. The ground slopes to the south.
- 1.2 The proposal would continue further screen walling to the north west (11.9m) and south west (6.9m) of the pool. This would match the existing screen walling already in situ in terms of height and finish (rendered blockwork). The swimming pool would also be enclosed using dwarf wall rendered blockwork; polycarbonate sheeting and polycarbonate roof. The structure would measure 11.8m x 6.8m and 3.5m to the roof ridge.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 House extensions/alterations
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/1989/F Erection of screen walls to surround swimming pool and decking area. Approved 9.9.02.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No objection
- 4.2 Central Networks
There is a low voltage service cable feed to the front of the property but no apparatus within the vicinity of the work.
- 4.3 Local Residents
2 letters have been received which make the following comments:
 - Concerns that there is adequate drainage of rainwater provided due to the sloping nature of the site
 - Concern that the proposal may cause flooding, it is more likely to occur to adjoining properties, and has occurred in the past.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of extending/altering existing dwellings is supported by policy H4 of the Local Plan. This is however subject to the following considerations:

5.2 Design

The screen walls will match the two already in situ. The enclosure is reasonably modest in terms of the size of the existing swimming pool, and will be 3.5 metres to the roof. It will not be easily visible from any public vantage point, and will read as an outbuilding within a residential curtilage.

5.3 Residential Amenity

The screen wall will assist in mitigating against any impact. Clearly the pool is already in situ and as such the further enclosure could be said to reduce any impact upon adjacent residences. The distance from adjacent properties and size of the curtilage will ensure that this single storey structure would not impact upon the living conditions of adjacent properties.

5.4 Transportation

There will be no material impact.

Drainage and Floodrisk

Some concerns have been raised in relation to the impact the enclosure may have on the drainage of rainwater from the garden area. The addition of further hard surfaces/roof may add to this. The proposal includes rainwater goods on the structure which it is proposed would drain to a soak-away. However in view of the slope of the land, and the incidence of previous flooding a condition requiring more specific details to be agreed has been added to the recommendation.

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 The planning permission is granted subject to the following conditions.

Background Papers **PT08/1988/F**

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

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).

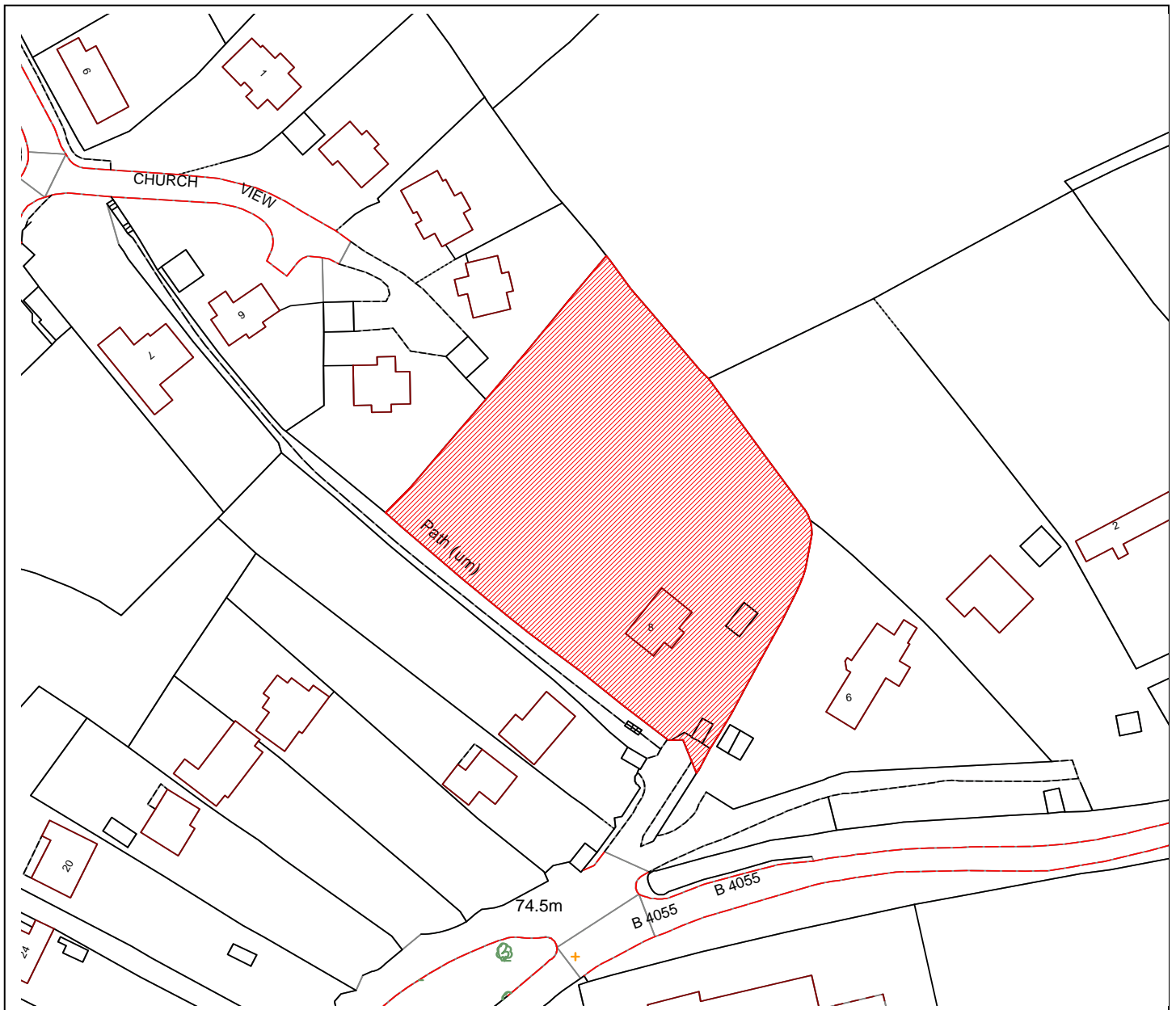
2. Within 3 months of the date of the decision drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local 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 H4 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 36/08 – 05 SEPTEMBER 2008

App No.:	PT08/1993/CLP	Applicant:	Mr S Chohan
Site:	8 Over Lane, Almondsbury, South Gloucestershire, BS32 4BP	Date Reg:	15th July 2008
Proposal:	Certificate of Lawfulness for the proposed installation of a swimming pool within the curtilage of the dwellinghouse.	Parish:	Almondsbury Parish Council
Map Ref:	59978 83715	Ward:	Almondsbury
Application Category:	Minor	Target Date:	5th September 2008



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DC0901MW

INTRODUCTION

This application appears before members as it is an application for a Certificate of Lawfulness for a Proposed Development.

1. DESCRIPTION OF DEVELOPMENT

1.1 The applicant is seeking a formal decision as to whether a proposal to construct an enclosed swimming pool within the residential curtilage of 8 Over Lane is lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order 1995.

1.2.1 The swimming pool proposed would be located to the northeast of the main dwelling (which is a substantial detached house within a large curtilage). The structure would measure approximately 10.2m x 4.1m (although would be a irregularly shaped building) and 2.8m in height with a flat roof. As the site is sloping some excavation and levelling within the curtilage is proposed up to a maximum depth of 1.4 metres.

The site is located outside of any settlement boundary and within the green belt.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 1, Class E. (referred to in this report as GPDO 1995)

3. RELEVANT PLANNING HISTORY

3.1 PT07/0552/F Erection of 2 storey side extension, single storey side and rear extensions. Approved 20.4.07.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

4.2 The site is located within the green belt so we feel any restrictions regarding this must be applied. Suggest a condition to keep the structure as a swimming pool and not used as a dwelling at a later point.

4.2 Other Consultees

Public Rights of Way- Unlikely to be any impact upon OAY121 public right of way that runs adjacent to the boundary of the site. Suggest informatives.

4.3 Local Residents

None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Planning statement setting out case law and extent of permitted development rights under GPDO 1995.

5.2 Plans and elevations of proposed swimming pool.

5.3 Extract from Planning Appeals.

6. EVALUATION

The application for a Certificate of Lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence. As has been set out already the case made here is that the proposed swimming pool falls within the permitted development rights enjoyed by householders under the GPDO 1995. Accordingly, if this case is made successfully there is no consideration of planning merit (such as Green Belt policy) nor an opportunity for planning conditions. The development is simply lawful or not lawful according to the evidence. However, in the event of a certificate being granted for the swimming pool, the structure could not be used as a dwelling without the further need for a planning application.

The key issue here is the operation of the permitted development rights, namely Part 1, Class E which allows householders "The provision within the curtilage of a dwelling house of any building, or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house...". There is no evidence that permitted development rights have been removed in this instance (the recent planning consent for an extension did not do so) and there is no dispute as to the extent of the residential curtilage put forward. Accordingly, it is accepted that the permitted development rights apply to this site which is in use as a single dwelling house. The remaining issues are whether the proposed development falls within the remit. The most sensitive area is in relation to excavation and whether this is covered by the permitted development rights. However the other limitations on the operation of class E are as follows:

- The proposal is no closer to the existing highway than the existing house. The submitted plans demonstrate this.
- The proposal is more than 5 metres away from the main house. The submitted plans demonstrate this.
- The height of the pool is below 3 metres from ground level. The submitted elevations show this.
- The total footprint of the pool does not exceed more than 50% of the total area of the curtilage. The submitted plans demonstrate this point.
- The proposed development is not on "article 1(5)" land eg within a conservation area or within the curtilage of a listed building. This is not the case.

Because the proposal is on sloping land some excavation is shown. If this level of excavation had taken place on its own then it could be argued that this amounted to an engineering operation that required planning permission. Class E does not refer to engineering operations. Engineering operations would therefore not fall within Class E unless they form an integral part of building operation (in this case the swimming pool building). This is where the applicant has concentrated their evidence, in terms of describing the necessity of excavation to construct the pool; and in reference to previous appeal cases. It is accepted that this proposal to construct a pool house should be regarded as a single operation comprising a mixture of engineering operations (excavation) and building operations. Furthermore, in order to achieve such a development the two processes cannot be separated from each other, and therefore should be regarded as one operation falling under Class E (which does not expressly prohibit engineering operations). Indeed, this was the interpretation given to Class E by a Planning inspector in a planning appeal concerning Elmbridge Borough Council. In that case a tennis court was to be constructed on sloping land, and was found to be permitted development falling within Class E despite the excavation required.

Accordingly, on the balance of probability the evidence points to the proposed development falling within Class E, Part 1, Schedule 2 of the GPDO 1995.

7. RECOMMENDATION

- 7.1 That a Certificate of Lawfulness of Proposed Use be granted as it has been shown on the balance of probability that the proposal would fall within Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. Therefore the proposal does not require planning permission.

Background Papers PT08/1993/CLP

Contact Officer: Will Collins
Tel. No. 01454 863819

CIRCULATED SCHEDULE NO. 36/08 – 05 SEPTEMBER 2008

App No.: PT08/2166/F
Site: Land at 29 Boundary Road, Coalpit Heath, South Gloucestershire, BS36 2PU

Applicant: Mr K Bierer
Date Reg: 2nd August 2008

Proposal: Part demolition and alteration to existing outhouse to form 1 no. detached dwelling, garage and access. Erection of new detached double garage and access to existing dwelling.

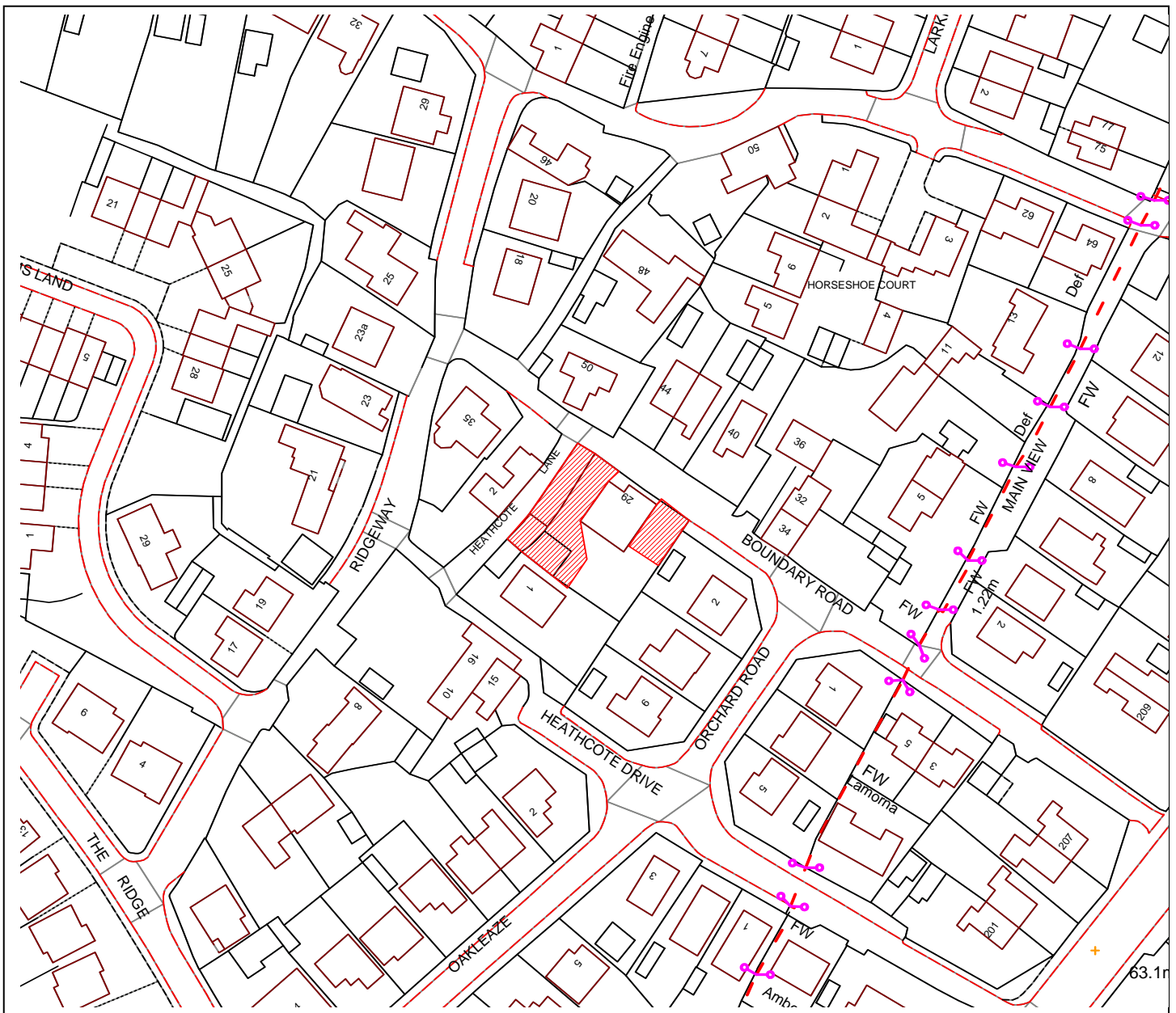
Parish: Frampton Cotterell Parish Council

Map Ref: 67568 81149

Ward: Frampton Cotterell
Target Date: 22nd September 2008

Application Category: Minor

Date: 2008



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100023410, 2008.

DC0901MW

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the part demolition and alteration to existing outhouse to form 1 no. detached dwelling, garage and access. Also the erection of a new detached double garage and access to existing dwelling.
- 1.2 The application site relates to land within the curtilage of 29 Boundary Road, Coalpit Heath. The application site is located within a well established residential area within the Coalpit Heath settlement boundary.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
H2	Residential Development within Existing Urban Areas
H4	Development within Existing Residential Curtilage
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

PT07/1111/F – Erection of 1 no. detached dwelling and erection of detached garage. Refused 30/05/2007.

PT07/3144/F - Erection of 1 no. detached dwelling and erection of detached garage (Resubmission of PT07/1111/F). Refused 13/12/2007.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council

No objection raised

4.2 Local Residents

Four letters of objection were received from local residents raising the following concerns:

- The proposed location of windows would lead to overlooking/loss of privacy.
- The proposed access would cause highway safety issues.

- The new property is overcrowding a small plot.
- The addition of a new dwelling may cause drainage/sewage problems.
- Part of the outbuilding to be demolished is in close proximity to a neighbouring garage wall, and this may damage the property.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Advice contained within PPS3 encourages the provision of additional housing on previously developed land within existing towns and cities to promote more sustainable patterns of development. This policy stance is reflected in policies contained with the South Gloucestershire Local Plan.

Policy H2 of the South Gloucestershire Local Plan March 2006 incorporates current planning advice contained within PPS3 and allows for new residential development within the boundaries of settlements. This is subject to compliance with a number of criteria as expressed through policy H2 and H4, which are assessed below.

5.2 Design and Visual Amenity

The application seeks full planning permission for the part demolition and alteration of existing outhouse buildings to form 1 no. detached new dwelling within the side garden of 29 Boundary Road, Coalpit Heath. The site is situated on the corner of the junction between Boundary Road and Heathcote Lane. The proposal also includes provision for a detached double garage and new vehicular access, to the east of 29 Boundary Road to be used by this property. The previous application for a dwelling on this site was refused on design grounds due to the scale and massing of the proposal and a decrease in private amenity space. This revised proposal makes much better use of the original footprint of the outbuildings and the form of the two storey portion of the proposal integrates much more successfully with the rest of the building. In addition, the private amenity space for the proposed dwelling has been increased to an acceptable level.

The sandstone wall to the north west of the outbuildings (on Heathcote Lane), holds high visual amenity value and this is being retained with only one modest opening of an opaque window at ground level.

The proposed double garage to the east side of 29 Boundary Road would be adjacent to an existing garage serving no. 2 Orchard Road and therefore the garage would also be in keeping with its surroundings. There is no harm caused to the visual amenity and therefore the proposal complies with policies D1 and H4 of the Local Plan.

5.3 Density

Planning policy H2 cites that the maximum density compatible with the site, its location, its accessibility and surroundings should be achieved. To this extent, the expectation is that all development will achieve a minimum density of 30 dwellings per hectare and that higher densities (upwards of 50 dwellings per hectare) will be achieved where local circumstances permit.

In this instance, the site provides for a density of some 40 dwellings per hectare. Therefore, the proposal comfortably falls within the threshold required.

It is not considered that any more than one dwelling could be provided for given the design, access and transportation issues which would arise from more than one dwelling on this site. As such, there is no objection to the proposal on this basis.

5.4 Residential Amenity

Overbearing Analysis

The two adjoining properties to the proposed dwelling are 29 Boundary Road and 1 Heathcote Lane. Adjacent to 1 Heathcote Lane the outbuildings are already at two storey height on the party boundary and so the proposal will not result in any additional overbearing impact on this property. The single storey section of the proposed dwelling would not be overbearing on 29 Boundary Road due to a proposed 1.8 m boundary wall/fence and the two storey section would be approximately 5 m away and therefore not overbearing.

Privacy Analysis

The proposed first floor window on the north west elevation is approximately 15 m from the nearest property (no. 50 Boundary Road) and would therefore not result in a loss of privacy. The proposed roof lights on the north west elevation are not considered to provide the opportunity for any loss of privacy or overlooking due to their location close to ridge height. The proposed window on the south west elevation will not overlook any habitable rooms. On the south east elevation facing 29 Boundary Road there would be no overlooking at ground level due to the proposed 1.8 m boundary wall/fence. At first floor level, windows of habitable rooms in 29 Boundary Road are in close proximity to ground floor windows/sliding doors proposed in the new dwelling. However none of the windows directly face opposite each other and it is therefore anticipated that any overlooking or loss of privacy would be minimal.

Amenity Space

Sufficient garden space will remain to serve occupiers of both the existing property and the new dwelling, as proposed.

5.5 Transportation

Only limited visibility splays are achievable from the proposed access though this is not considered to be a significant issue given the slow speeds and light traffic prevalent on the adjoining residential road. Such conditions facilitate heightened driver awareness and quicker reaction times so that movements from the proposed access would be anticipated. The level of parking provided accords with the Council's standards. The Council's Highways Officer recommended one condition to be attached to the decision notice ensuring that the proposed driveway should be constructed of a bound material (not loose stone or gravel) for highway safety purposes.

5.6 Other Matters

Concern was raised by a local resident regarding extra strain being placed on the local sewage system; however the Council's drainage engineer raised no objection to the proposal. Concern was also raised by a local resident that part of their neighbouring garage could be damaged during demolition work on the application site. It is considered that this is a civil matter and not a planning issue.

5.7 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.

5.8 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 That planning permission is **GRANTED** subject to the following conditions.

Background Papers **PT08/2166/F**

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

CONDITIONS

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

Reason(s):

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

2. The proposed driveway should be constructed of a bound material (not loose stone or gravel).

Reason(s):

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

CIRCULATED SCHEDULE NO. 36/08 – 05 SEPTEMBER 2008

App No.: PT08/2206/ADV
Site: Winterbourne Express, High Street, Winterbourne, South Gloucestershire, BS36 1RB
Proposal: Display 2 no. internally illuminated fascia signs and 2 non illuminated fascia signs and one internally illuminated gantry sign.
Map Ref: 65117 81138
Application Category: Minor

Applicant: TESCO Stores Ltd
Date Reg: 6th August 2008
Parish: Winterbourne Parish Council
Ward: Winterbourne
Target Date: 19th September 2008



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100023410, 2008.

DC0901MW

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks Advertisement Consent for the display of 2 no. internally illuminated fascia signs and 2 non illuminated fascia signs and one internally illuminated gantry sign.
- 1.2 The site comprises of a petrol station and associated Tesco Express retail store. The site is located at the northern end of Winterbourne High Street. The proposed signage would replace the previous occupier's adverts with Esso insignia.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG19 Outdoor Advertisement Consent

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
L19 Display of Advertisements

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

PT06/0059/ADV - Display of 1no. internally illuminated gantry sign, 3no, internally illuminated canopy signs, 4no. internally illuminated forecourt signs, 1 no. internally illuminated fascia sign and various fascia signage. Approved 24/02/2006.

PT07/0429/ADV - Display of 2no. internally illuminated free standing display units. Refused and then dismissed on appeal 06/06/2007.

PT07/1252/ADV - Display of 1no. internally illuminated free standing display units (Resubmission of PT07/0429/ADV). Refused and then dismissed on appeal 07/09/2007.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Strong objection on the grounds of highway safety.

4.2 Local Residents

No objections raised.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPG19 advises that should advertisement be assessed only on visual merit and impact upon public safety. It is not necessary to consider the actual need for new advertisements.

Accordingly, Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006 states that consent for the display of advertisements will be granted provided that the advertisements would not be detrimental to the immediate location in which it is to be displayed, by virtue of its size, siting, materials, colour or illumination, or that the advertisement or the cumulative effect of the proposal would be detrimental to character and visual amenity of locality. The proposal should not prejudice public safety.

The proposal is therefore considered acceptable in principle subject to the following detailed assessment.

5.2 Visual Amenity

The proposed signage is predominantly to replace existing signs. The majority of the illuminated forecourt signs are located under the canopy of the station and consequently do not appear overly dominant. Read in the context of the petrol station it is not considered that they will result in a detrimental visual impact.

5.3 Public Safety

Whilst the principle of the gantry/totem sign is established on the frontage of the site, its positioning in relation to the adopted highway has been a point of contention in the past. Under application PT06/0059/ADV a condition was imposed requiring the gantry advert to be moved back in excess of 2 m from the highway due to traffic visibility concerns. It is important to maintain adequate visibility from the northern access along the carriageway and the existing sign slightly obstructs the driver's sightline. The submitted elevation plans show the base of the proposed sign to be wider than the existing sign (by approximately 0.27 m) and it is therefore considered that visibility could be obstructed further which would be unacceptable.

The distance between the edge of the platform nearest the petrol garage that the gantry sign sits on and the highway is 4.8 m. Therefore if the totem was located nearest to the petrol station a gap of approximately 2.6 m could remain to ensure a suitable visibility splay.

It is therefore considered expedient to require that the proposed "gantry sign" will be positioned no closer to the adopted highway than the existing sign (approximately 2.5m) and this will be attached to the decision notice as a condition.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 That Advertisement Consent is **GRANTED**.

Background Papers **PT08/2206/ADV**

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

CONDITIONS

1. The gantry sign shall be formed no less than 2.5 metres away from the edge of the adopted carriageway.

Reason(s):

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

CIRCULATED SCHEDULE NO. 36/08 – 05 SEPTEMBER 2008

App No.:	PT08/2253/F	Applicant:	Mr J Osbourne
Site:	48 Northville Road, Filton, South Gloucestershire, BS7 0RG	Date Reg:	11th August 2008
Proposal:	Erection of single storey rear extension to facilitate residential annexe	Parish:	Filton Town Council
Map Ref:	60139 78156	Ward:	Filton
Application Category:	Minor	Target Date:	24th September 2008



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N.T.S

PT08/2253/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to letters of objection received from local residents.

1. THE PROPOSAL

- 1.1 This full application relates to the demolition of garage, store and garden room to facilitate the erection of single storey rear extension to form one bed residential annex at 48 Northville Road, Filton.
- 1.2 The proposal measures 13.3m in length, 4m maximum width and has a ridge height of 3.3m. It occupies a similar footprint to the structures to be demolished. The proposal runs along the boundary with the adjoining property of 50 Northville Road.
- 1.3 The application site is an extended semi-detached dormer property located within the urban area of Filton. Vehicular access is to the front of the site and off-street parking is available for 3 cars.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/1930/F Installation of rear dormer window.
Approved 15 August 2000.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
2 letters have been received objecting to the proposal on the following grounds:-
 - a) property is in use as a small care home with highly dependant patients requiring 24 hour carers;
 - b) parking problems already exist with staff cars;

c) clinical waste bin accessible to public is on site and within 2.5m of boundary.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space.

5.2 It is considered that the application accords with the above policy criteria. The proposal is of a similar size and scale to the existing structure to be demolished with only a small increase in footprint and ridge height. It is considered that on balance, the proposal is acceptable. The development will improve the overall appearance of the building by being of a more permanent construction. The roof pitch is also acceptable as it is more in keeping with the surrounding properties.

5.3 In terms of residential amenity, the increased size and height will have no materially greater impact than the existing building. Although the building runs along the site boundary, it remains as a single storey structure with the ridge height marginally increased by 0.6m but moved further away from the site boundary. As such no overbearing impact will result from the proposal and existing boundary treatment will retain levels of privacy. Adequate garden area will also remain.

5.4 Transport Issues

The annex is linked to the main dwelling. Three off-street car parking spaces are available which complies with the Council's standards. As an annex is subservient to the main dwelling and shares a number of facilities, increases in vehicle movements are often either reduced or minimised. The annex is relatively small and as such no financial contribution is required. The proposal is therefore acceptable and in accordance with the development plan.

5.5 Other Issues

With regard to objections raised in terms of the alleged use of the premises as a residential car home, the applicant's agent has confirmed that this is not the case. The property is considered to be in use as a dwelling house (Class C3) and this does allow for care to be provided no more than 6 residents live together as a single household without the need for planning permission. The disposal of clinical waste is not something that would be governed by planning legislation.

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

7. RECOMMENDATION

- 7.1 Planning permission be granted.

Background Papers **PT08/2253/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. No windows shall be inserted at any time in the rear [east] elevation of the extension hereby permitted.

Reason(s):

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

4. The residential annex hereby permitted shall be used solely for ancillary purposes attached to the existing dwelling. The residential annex shall not be sold or let as a separate residential unit.

Reason(s):

An independant dwelling at this location would be unacceptable given the relationship of the annex with neighbouring properties including the existing dwelling, the lack of adequate amenity space and parking provision, contrary to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.