



**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. 13/09**

**Date to Members: 02/04/09**

**Member's Deadline: 08/04/09 (5pm)**

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

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

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

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

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

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

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

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

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

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

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

## CIRCULATED SCHEDULE

**DATE: 02/04/09**

**SCHEDULE NO. 13/09**

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

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

**DATE .....**

**Dates and Deadlines for Circulated Schedule  
over the Easter and May Bank Holiday Period 2009**

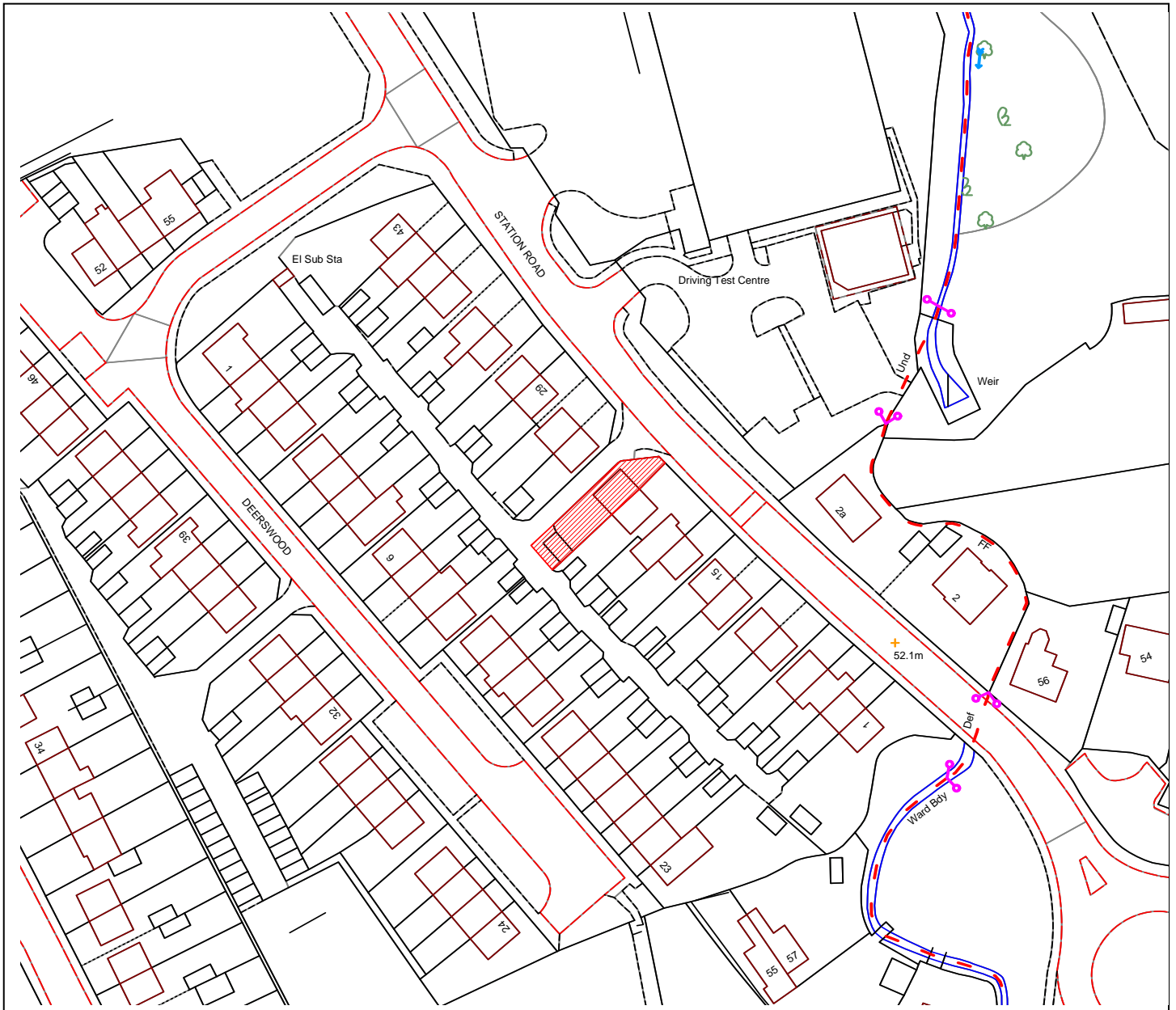
<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm on</b>
13/09	Thursday 2 <sup>nd</sup> April 2009	Wednesday 8 <sup>th</sup> April 2009
14/09	Thursday 9 <sup>th</sup> April 2009	Friday 17 <sup>th</sup> April 2009
17/09	Thursday 30 <sup>th</sup> April 2009	Thursday 7 <sup>th</sup> May 2009
20/09	Thursday 21 <sup>st</sup> May 2009	Thursday 28 <sup>th</sup> May 2009

# Circulated Schedule 02 April 2009

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATIO</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK09/0351/F</b>	Approve with conditions	23 Station Road, Kingswood, South Gloucestershire, BS15 4PG	Rodway	
2	<b>PT09/0021/F</b>	Approve with conditions	69 Oak Cottage, Gloucester Road, Rudgey, South Gloucestershire, BS35 3SG	Thornbury South and Alveston	Alveston Parish Council
3	<b>PT09/0292/F</b>	Approve with conditions	23 Eastland Avenue, Thornbury, South Gloucestershire, BS35 1DU	Thornbury North	Thornbury Town Council
4	<b>PT09/0305/F</b>	Approve with conditions	13 The Avenue, Little Stoke, South Gloucestershire, BS34 6LJ	Stoke Gifford	Stoke Gifford Parish Council
5	<b>PT09/0310/F</b>	Approve with conditions	1 Quarry Road, Alveston, South Gloucestershire, BS35 3JL	Thornbury South and Alveston	Alveston Parish Council
6	<b>PT09/0331/F</b>	Approve with conditions	122 Bristol Road, Frampton Cotterell, South Gloucestershire, BS36 2AX	Frampton Cotterell	Frampton Cotterell Parish Council
7	<b>PT09/0340/F</b>	Approve with conditions	16 Gloucester Road North, Filton, South Gloucestershire, BS7 0SF	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 13/09 – 2 APRIL 2009**

<b>App No.:</b>	PK09/0351/F	<b>Applicant:</b>	Mr D Long
<b>Site:</b>	23 Station Road, Kingswood, South Gloucestershire, BS15 4PG	<b>Date Reg:</b>	24th February 2009
<b>Proposal:</b>	Erection of detached replacement garage.	<b>Parish:</b>	
<b>Map Ref:</b>	66126 74812	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Householder	<b>Target Date:</b>	20th April 2009



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N.T.S

PK09/0351/F

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

## **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a detached replacement garage to the rear of 23 Station Road. The proposed garage would measure 6.5 metres wide by a maximum of 6.5 metres in depth and would have an overall height to ridge of 3.9 metres.
- 1.2 The application property is a two storey semi-detached dwelling and is located within a residential area of Kingswood. The garage is access via a rear access lane.

## **2. POLICY CONTEXT**

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

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Site falls outside a parish area.
- 4.2 Sustainable Transport  
No objections

### **Other Representations**

- 4.3 Local Residents  
One letter of objection was received from a local resident raising the following concerns.
- The proposal would enclose land that is part of a communal access and has been added onto the applicant's property.
  - The proposal would severely restrict access to their garage

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design / Visual Amenity

The proposed garage is of unusual design with a maximum height of 3.9 metres to allow access for a larger vehicle. Two garage doors are proposed on the north western elevation, the access to the garage from the rear access road would be as existing. The proposed garage would be finished with render and would have a tiled roof sloping from 3.9 metres on the north western elevation to 2.5 metres on the southeast. A double door and two small windows would face the main dwelling house.

The proposed garage would be to the rear of the existing dwelling, located on a rear access road surrounded by garages of various sizes and designs. Furthermore the existing flat roofed garage is of poor quality. Consequently, it is considered that the proposed garage is an acceptable addition. Furthermore, given the location of the garage to the rear of the property, it is considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

### 5.3 Residential Amenity

The proposed garage would be located to the rear of the property and accessed via the rear access road. The access road separates the application site from the neighbouring property to the north west, No. 25 Station Road and from the rear gardens of the properties to the south west, No's 11-13 Deerswood. The proposed garage would be adjacent to the boundary with the adjoining property, No. 21 Station Road which is defined by a 1.8 metre high wall. Furthermore the roof of the proposed garage angles away from this neighbouring property. Given the location of the garage, away from the neighbouring properties, it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings.

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

### 5.4 Sustainable Transport

The proposed garage would replace the smaller existing garage on the site. Access to the garage would be via the rear access lane as existing. Concern has been raised by a local resident that the proposal would restrict access to their garage which is located opposite the application site to the South West. Given that a number of the surrounding rear garages are located directly opposite other rear garages on the access lane, it is not considered that the location of the proposal opposite the rear garage of No. 12 Deerswood is of sufficient concern to warrant the refusal of the application. Furthermore, the Councils Transportation Officer raised no objections to the proposal.



5.5 Other issues

The applicants have confirmed in writing that the proposed garage would be constructed on land under their ownership. Any further disputes with regard to land ownership are civil matters which can be addressed under non planning legislation. However, for the avoidance of doubt, three informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant; consent must be sought from the owner of the land; and, that the Building Regulations must be complied with.

5.6 Section 106 Requirements

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

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

**Background Papers**      **PK09/0351/F**

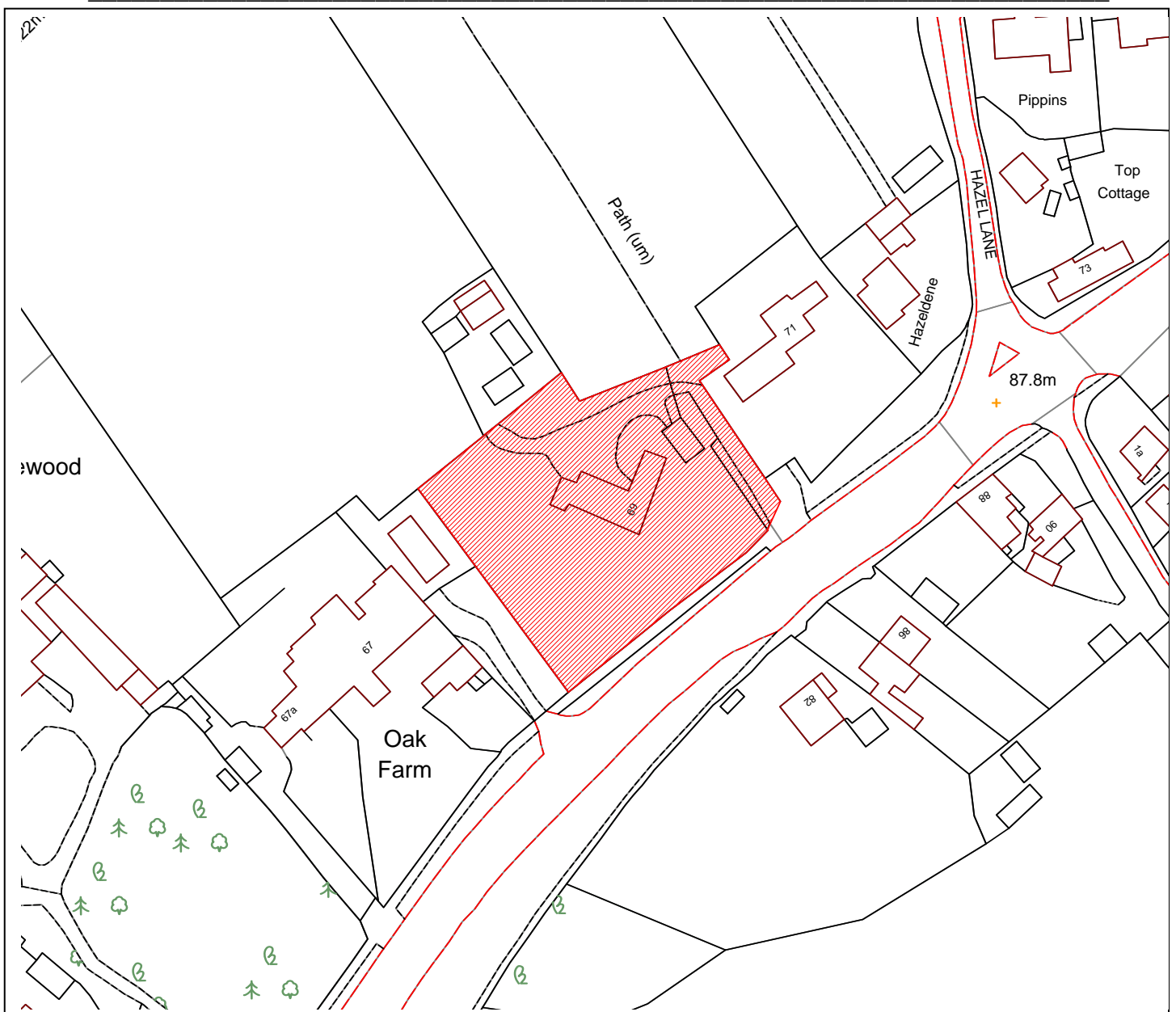
**Contact Officer:**    **Kirstie Banks**  
**Tel. No.**                **01454 865207**

**CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason:  
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

## CIRCULATED SCHEDULE NO. 13/09 – 2 APRIL 2009

<b>App No.:</b>	PT09/0021/F	<b>Applicant:</b>	Themejob
<b>Site:</b>	69 Oak Cottage, Gloucester Road, Rudgeway, South Gloucestershire, BS35 3SG	<b>Date Reg:</b>	6th January 2009
<b>Proposal:</b>	Alterations to existing garage to form single storey residential annexe.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	62765 86927	<b>Ward:</b>	Thornbury South and Alveston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th April 2009



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PT09/0021/F

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

**1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for alterations to the existing garage to form a single storey residential annexe.
- 1.2 This is a modern detached property outside the settlement boundary of Rudgeway. The application site lies in the Green Belt. The proposal consists of the conversion of a flat roof outbuilding into a residential annexe with pitch roof to provide a bedroom, bathroom and lounge.
- 1.3 The original proposal was for a two storey residential annexe with two dormer windows however following Officer's concerns over the size and scale of the proposal, revised plans were submitted and the description amended accordingly.

**2. POLICY CONTEXT**

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
GB1	Development within the Green Belt
H3	Residential Development in the Countryside
H4	Development within Existing Residential Curtilage
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007  
Development in the Green Belt (June 2007)

**3. RELEVANT PLANNING HISTORY**

No relevant history.

**4. CONSULTATION RESPONSES**

4.1 Alveston Parish Council

The Parish Council object to the planning application on the grounds that it appears to be a new and separate residence which the application should reflect.

## **Other Representations**

### 4.2 Local Residents

One letter received raising concern over building materials obstructing neighbours access.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application site lies within the Green Belt, therefore, consideration must be taken in regards to the impact on the openness of the Green Belt. PPG2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 allow in principle for extensions to residential dwellings subject to the cumulative additions to the dwelling house being proportionate to the original size.

Policy H4 states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. Annexes are considered as extensions to the existing property. The principle of the development is therefore acceptable subject to the following detailed assessment. The proposal put forward is an annex and has been assessed as such. Notwithstanding the concerns of the Parish Council the scheme has been reduced to reflect a more modest scale commensurate with an ancillary annex. A condition is suggested to ensure the ancillary nature of the proposal.

### 5.2 Green Belt

The original property has not been previously extended and the overall cubic volume increase of the extension would be minimal (essentially the volume of the roof space) with the footprint remaining the same. It is considered that the proposed extension, represents a proportionate addition to the original property and as such would constitute appropriate development. As the proposal is an annex no additional or separate residential curtilage is proposed which may be harmful to the openness of the Green Belt. The proposal is considered to accord with Local Plan Policy.

### 5.3 Residential Amenity

#### Overbearing Analysis

It is considered that the proposal would have no overbearing impact on the nearest property, no. 67 Gloucester Road.

#### Privacy Analysis

The only windows proposed in the development would be facing the north west, and not lead to any overlooking or loss of privacy.

#### Amenity Space

The footprint of the proposed development will remain the same and therefore sufficient garden space will remain to serve occupiers of the property.

### Highway Safety Analysis

The proposal will result in an additional bedroom at the property and it is considered that this will not impact adversely on the property's parking arrangements, located at the front of the house, nor will it prejudice highway safety.

#### 5.4 Design / Visual Amenity

The proposal is modest in scale and the chosen construction materials, which match the palette of materials displayed in the existing building, means that this is an appropriate development. The development will improve on the existing building which is in a poor state of repair. The proposal is well screened from the public realm to the front and therefore there is no harm caused to the visual amenity.

#### 5.5 Other Issues

The grant of planning consent would not permit the obstruction of accesses onto other land. Such matters in relation to delivery would be governed by either specific Road Traffic legislation or private land law.

#### 5.6 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PT09/0021/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 extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 69 Gloucester Road, Almondsbury.

Reason(s):

The site lies outside any defined settlement boundary and in the Green Belt and the creation of a separate dwelling unrelated to the needs of forestry or agriculture would be contrary to Policies GB1 and H3 of the South Gloucestershire Local Plan (Adopted) January 2006, as it would constitute an unsustainable form of development and would be likely to have a more harmful impact on the openness of the Green Belt.

## CIRCULATED SCHEDULE NO. 13/09 – 02 APRIL 2009

<b>App No.:</b>	PT09/0292/F	<b>Applicant:</b>	Mr A Cullimore
<b>Site:</b>	23 Eastland Avenue, Thornbury, South Gloucestershire, BS35 1DU	<b>Date Reg:</b>	16th February 2009
<b>Proposal:</b>	Erection of two storey side and rear extension to facilitate conversion of existing dwellinghouse to 2 no. one bedroom apartments and 1 no. two bedroom apartment. (Resubmission of PT08/3096/F).	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	64375 90664	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	10th April 2009



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PT09/0292/F

## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of representations from local residents which are contrary to the Case Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a two storey side and rear extension, and a front porch, to facilitate the conversion of the existing dwellinghouse into two one-bedroom apartment and one two bedroom apartment.
- 1.2 The proposed side extension would be situated on the dwellings northern elevation and the proposed rear extension would be on the east elevation. The development would be two-storey in scale. The development includes the formation of two off street parking spaces at the front and rear.
- 1.3 The application site relates to an end-terrace dwelling and its associated curtilage. The site is situated within a well established residential area within the Thornbury settlement boundary.
- 1.4 This application is a resubmission of the previously withdrawn application PT08/3096/F.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPS3: Housing
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H2: Proposals for Residential Development, within the existing urban areas and the boundaries of settlements  
H4: Development within Existing Residential Curtilages  
H5: Proposals for the Conversion of existing residential properties into smaller units of self contained Residential Accommodation  
T12: Transportation Development Control for New Development  
T8: Parking Standards
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) August 2007

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

- 3.1 P97/2032 Erection of attached dwelling.  
**Refused** on 7 May 1998.
- 3.2 PT08/3096/F Erection of two storey side extension to facilitate conversion of existing dwellinghouse to form 4 no. one bedroom apartments with associated works.



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

4.1 Thornbury Town Council  
No objection.

4.2 Sustainable Transport  
No objection, subject to cycle parking condition.

4.3 Local Residents  
One letter of objection has been received. The main points are summarised below: -

##### **Material Planning Considerations**

- No plans to install adequate sound installation.

##### **Non-Planning Considerations**

- Damage to property during construction.
- Fence should be repaired.
- The Leyandi Tree should be reduce in size.

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

##### 5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the conversion of existing residential properties into smaller units of self contained residential accommodation provided that the scheme would:

- not prejudice the character of the surrounding;
- not prejudice the amenities of nearby properties;
- identify an acceptable level of off-street parking; and
- provide adequate amenity space.

##### 5.2 Design Considerations

The existing dwelling relates to an end-terrace dwelling. The dwelling is a typical post-war house type which is widely seen within this area of Thornbury.

##### 5.3 Side Extension

The proposed side extension would be situated on the northern elevation. The extension has been designed so that front and rear building line of the existing dwelling are maintained. Furthermore, the width of the extension (approximately 4.2 metres) would respect the proportions of the existing dwellings front elevation. It is considered that this approach would give rise to an extension which would respect the character and existing dwelling and the street-scene.

##### 5.3 Rear Extension

The proposed two-storey rear extension comprises of a double-gable design solution. The ridge height of these would be set down from the existing dwelling by approximately 0.6m. It is considered that this subservient design approach

would give rise to an extension which would appear proportionate and would respect the character and existing dwelling and the street-scene.

5.4 Landscaping

The existing application site includes an untidy hedge along the southern boundary. Notwithstanding its current state, it is considered that this would add amenity to the street-scene and would provide “green” buffer which would lessen the visual impact of the side and rear extension on the street-scene. It is noted that some parts of the hedge would need to be removed to facilitate the side extension, however it is considered important that the hedgerow should be retained along the northern boundary of the site adjacent to the highway. This would be secured through a landscaping condition.

5.5 Residential Amenity

The application site is adjoined by two dwellings, these are No. 21 Eastland Avenue and No. 17 Park View Avenue. The effect of the proposed development on the residential amenities of these properties is assessed below: -

5.6 No. 21 Eastland Avenue

The proposed two-storey extension would be situated adjacent to this dwelling. It is considered that this proposal would not result in an overbearing effect. This is because the built form would be set in from the boundary by 0.5m and it would be 3 metres in depth, which is considered to be an appropriate depth for a two storey extension. Moreover, No. 21 features a single storey lean-to, which means that the proposed development would not exceed the rear building of the adjacent property at the ground floor level.

5.7 It is considered that this proposal would not result in a material loss of privacy on this property. This is because the development would not include any windows which would afford any windows which would afford direct inter-visibility into this property.

5.8 It is noted that the occupier of this dwelling has objected to the proposal on the grounds of that the plans do not include sound proofing measures to prevent internal disturbance between the proposed flats and adjacent dwelling. Notwithstanding these representations, it should be noted that Building Regulations were extended in 1991 to cover detailed requirements for sound insulation between converted flats and adjoining properties. As such, this issue shall be resolved at this stage.

5.9 No. 17 Park View Avenue

The proposed rear extension would be situated approximately 17 metres from this property. It is considered that this distance would prevent and material overbearing effect, or loss of privacy.

5.10 Amenity Space

The existing dwelling benefits from a large rear garden. It is proposed that this would be subdivided by a 1.8 metre timber fencing to provide amenity space for the two bed maisonette and ground floor flat. The proposed first floor flat would have no access to amenity space, however it is considered this size of accommodation would not be a family unit and there is sufficient open space in

the surrounding area to satisfy the occupier. In view of the above, it is considered that adequate private amenity space is provided for basic outdoor needs. As such, it is considered that the proposal would accord to policies H2, H4 and H5 of the local plan.

5.11 Transportation

The Councils Transportation Officer has raised no objection to this proposed development. They considered the proposed car and cycle parking provision to be adequate.

5.12 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.

5.14 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      **PT09/0292/F**

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

## **CONDITIONS**

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

Reason(s):

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

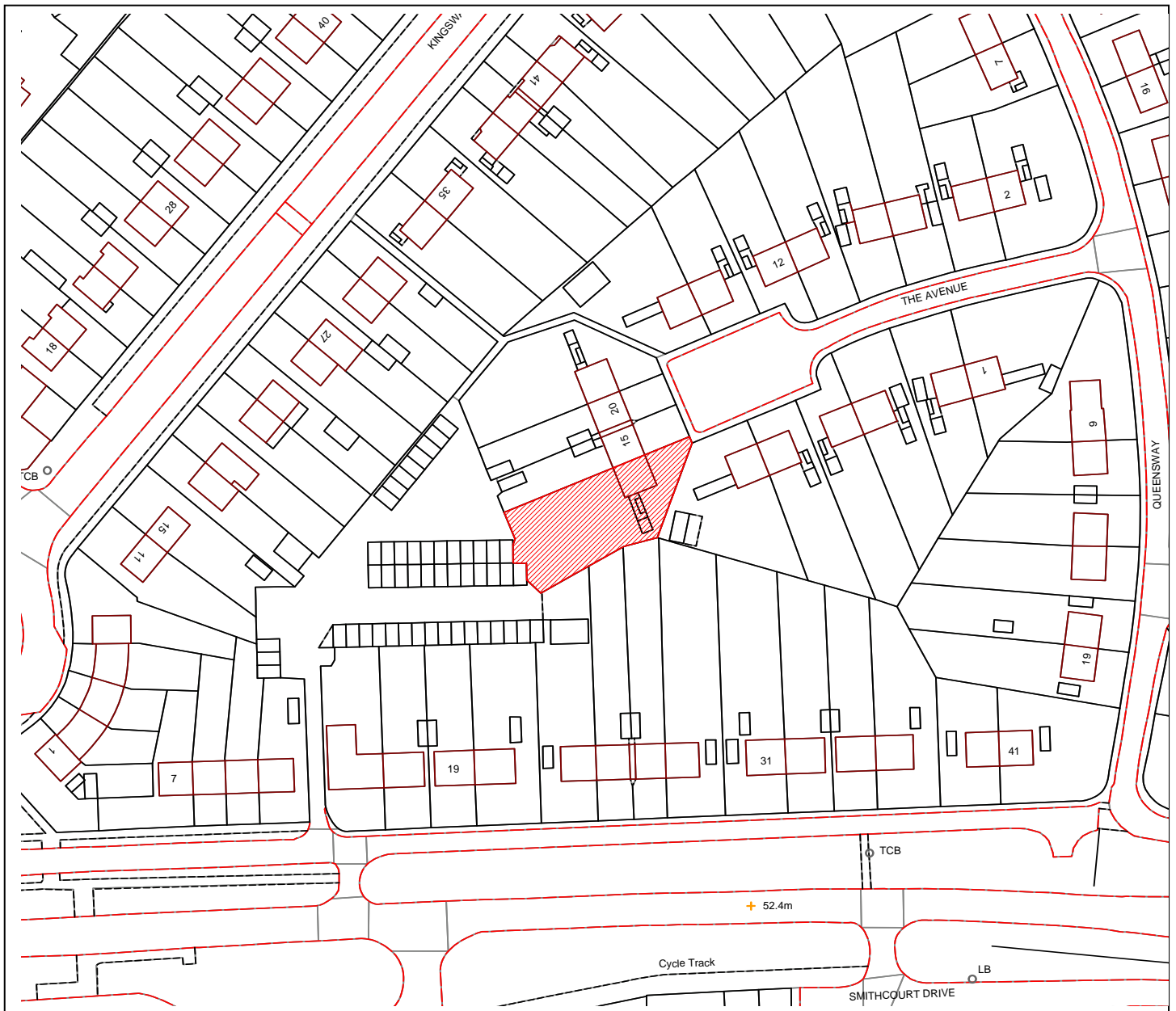
2. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason(s):

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

## CIRCULATED SCHEDULE NO. 13/09 – 2 APRIL 2009

<b>App No.:</b>	PT09/0305/F	<b>Applicant:</b>	Messrs T & C Key & Faulkner
<b>Site:</b>	13 The Avenue, Little Stoke, South Gloucestershire, BS34 6LJ	<b>Date Reg:</b>	17th February 2009
<b>Proposal:</b>	Erection of two storey side extension to existing dwelling to form 1 no. additional dwelling and construction of new vehicular access with associated works.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	61392 80647	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th April 2009



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## **INTRODUCTION**

This application appears on the Circulated Schedule as there is a public and parish council comment that is contrary to the officer recommendation in this report.

### **1. THE PROPOSAL**

- 1.1 The proposal is for the erection of a two storey side extension to existing dwelling to form 1 no. additional dwelling and construction of new vehicular access with associated works.
- 1.2 The site is located within the end corner of a cul de sac in an established residential estate located within the defined settlement boundary of Little Stoke. The applicant's property is a 1960s end of terrace dwelling set within a moderate curtilage. There is on street parking located to the front of the property.
- 1.3 The two storey side extension/dwelling will be located where there is currently a single storey flat roofed extension and will feature materials to match the existing dwelling. A new access way is proposed from the rear of the property through the existing block of garages. Two parking spaces are proposed for each dwelling with associated driveway/turning area. The garden to the rear will be subdivided.
- 1.4 The applicant submitted an amended location plan that was received on 27/3/2009 which included secure bike parking within the curtilage of the proposed dwelling.

### **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 Achieving Good Quality Design in New Development  
H2 New Residential Development within the Urban Areas or Village Development Boundary  
H4 Development within Residential curtilages  
T12 Transportation Development Control Policy for New Development  
T8 Parking Standards  
T7 Cycle Parking
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) SPD

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

- 3.1 No relevant history.

## 4. **CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council  
Objection due to over massing at the site.

4.2 Other Consultees

Sustainable Transport:  
No Objection.

### **Other Representations**

4.3 Local Residents

One letter of objection has been received from the public which is summarised as follows:

- Loss of residential amenity due to overlooking.
- Proposal is oversizing of the host dwelling.
- Loss of light.
- Encroachment onto neighbour's boundary.
- Concern over lack of parking provision and lack of availability within the street.
- Concern over noise and mess resulting from construction

## 5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 are the most relevant to this development proposal. The policies indicate that the proposed development is acceptable in principle.

5.2 Housing Density

PPS3 advises that new housing development should achieve a minimum density of 30 dwellings per hectare. This density should be higher in areas where the characteristics of the site and its surroundings would permit, in order to make the most efficient use of land. Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 carries this principle forward; and requires that new development should achieve the maximum density of housing having regard to the characteristics of the site. A minimum density of 30 dwellings per hectare would normally be expected.

In this instance, the site is surrounded by predominantly terraced and semi detached dwellings set within relatively moderate cartilages. The sub-urban characteristics of the site and the surrounding locality would facilitate a density that is between 30 and 50 dwellings per hectare.

The proposed development achieves a density of approximately 43 dwellings per hectare. As such the density of the proposed development is considered acceptable.

### 5.3 Visual Amenity

The proposal is characteristic of the neighbourhood within which it is set and is similar in type and form to other dwellings within the street, which features a mixture of terraced and semi detached dwellings. In particular it is noted that the majority of the proposal is characterised as a continuation of the block of terraces on the end of which it is located; respecting the pitch of the roof, front building line and windows. The South facing elevation of the proposed features a two storey element that has been set back from the front of the existing dwelling and is lower in height. Whilst this not only creates a development that is less rudimentary in appearance, it also helps to ensure that the development will not detract from the scale and character of the existing dwelling. In addition, the removal of the single storey element can be considered to be an improvement as it was incongruous addition that detracted from the character of the terraced residential close.

The proposed rear and front elevations of 13A will not extend beyond the existing building line of no. 13 and will feature a pitched roof, materials to match. Therefore it is considered to be of a character and scale that will not detract from the area or the street scene, in accordance with policy D1, H2 and H4 of the Local Plan 2006.

### 5.4 Residential Amenity

The only proposed window on the south elevation will be that of an obscured glazed bathroom window.

Although the proposed two storey side element of the proposed that is set back from the existing front building does feature a facing window at first floor level that does overlook the neighbouring property of no. 11's rear amenity area. Consideration is given to the substantial scale of the garden and the distance achieved between the proposed facing window and the side elevation of the applicant's dwelling which is over 18m. At this point the neighbouring property still enjoys a rear private amenity area of over 100 square metres. This is considered sufficient enough to overcome any justification for refusal based on a loss of light or impact on residential amenity, which on balance is not considered to be significantly affected as a result of this proposal.

The concerns raised in relation to noise and mess resulting from construction are acknowledged. Any construction project may temporarily generate additional noise and mess. This in itself does not justify refusal of planning consent, and informatives have relating to these matters are put on most decision notices. In this instance a condition has also been applied to restrict construction hours to minimise noise during out of hours periods in order to protect the amenity of the surrounding properties.

The proposed new dwelling is located 1m (at the closest point) to the boundary with the neighbouring property of no.11, and a distance of 14m is achieved between the proposed elevations and the neighbouring main dwelling. This is considered substantial enough so that the adjacent property will not be affected in terms of a loss of light or encroachment. Further, the applicant has signed a Certificate of Ownership indicating the development proposed is entirely on land within the ownership or control of the applicant. Accordingly, there is no



evidence to indicate encroachment onto a boundary. Ultimately, any developer must secure all land rights necessary to carry out development and an informative to this effect will be placed on a decision notice in the event of an approval.

#### Amenity

The amenity provision to the rear of the proposed and existing dwelling is considered to be adequate in size (approximately 140 square metres and 130 square metres respectively).

Therefore it is not considered that any loss of amenity will result and this proposal is in accordance with policy H2 and H4 of the Local Plan 2006.

#### 5.5 Transportation Issues

There is proposed a new access way to the rear of the dwellings through the block of garages (which it is understood that the applicant has a legal agreement with the property owner in place guaranteeing this) into a turning area and two parking spaces for each of the dwellings respectively. This is adequate for the size of the dwellings and it is noted that the Council's sustainable transport team has no objections to the proposal.

A shed for cycle storage has been provided within the rear garden area of each dwelling. The parking allocation for the properties has been conditioned to ensure that the area remains for parking only, in order to prevent parking at the front of the dwellings where there is constricted space.

Therefore having regard to the above, it is considered that the proposed development is in accordance with the broad principles of Policy H2, T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### 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 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** subject to the following conditions:

**Background Papers**      **PT09/0034/F**

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

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity [and to protect the residential amenity of the neighbouring occupiers] and to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity [and to protect the residential amenity of the neighbouring occupiers] and to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The building shall not be occupied until the associated car 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(s):

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

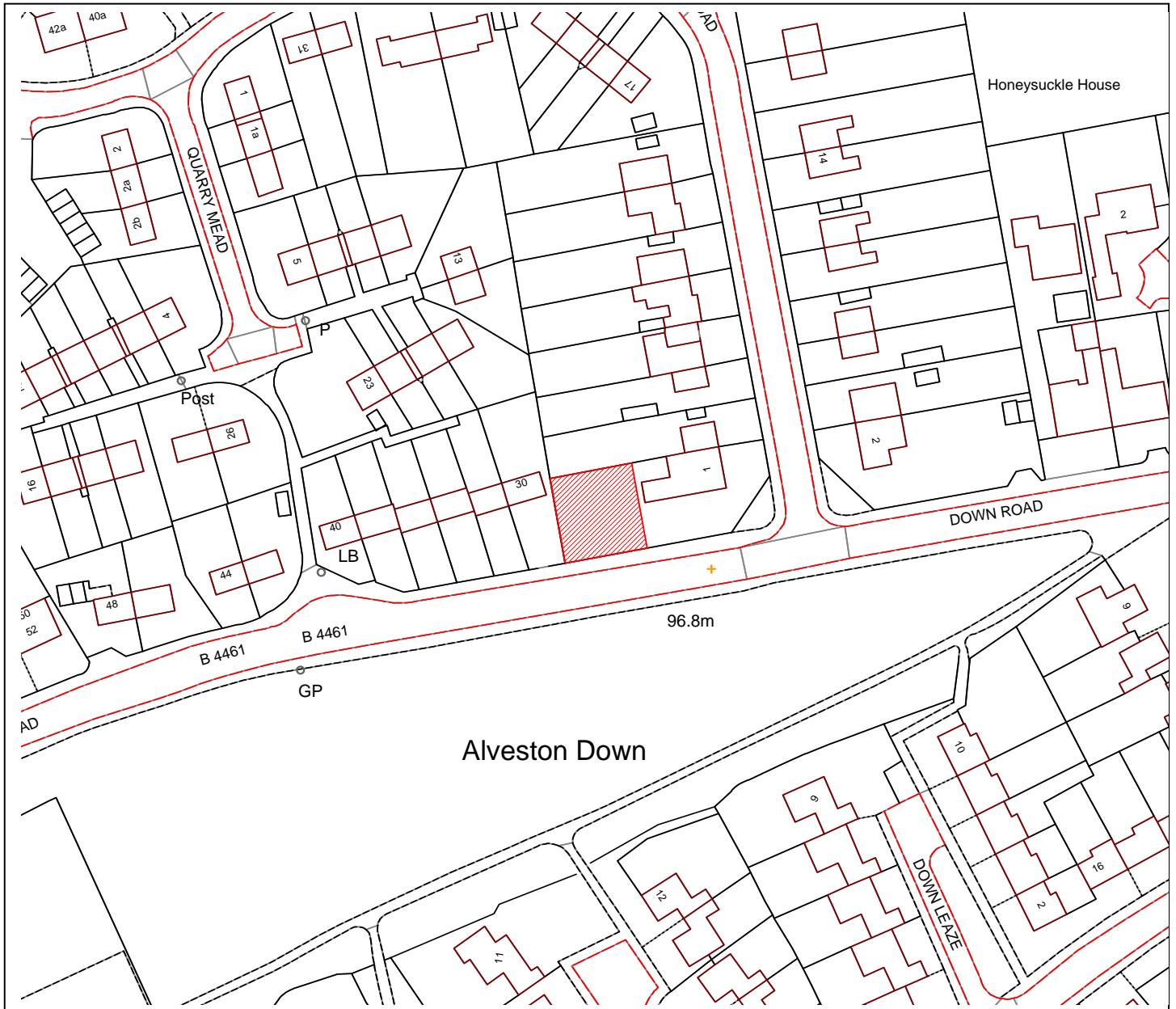
5. The hours of working on site during the period of construction shall be restricted to 8.00-18.00 Monday-Friday and 8.00-13.00 Saturdays, no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant 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(s):

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

## CIRCULATED SCHEDULE NO. 13/09 – 02 APRIL 2009

<b>App No.:</b>	PT09/0310/F	<b>Applicant:</b>	Mr J Curtis
<b>Site:</b>	1 Quarry Road, Alveston, South Gloucestershire, BS35 3JL	<b>Date Reg:</b>	17th February 2009
<b>Proposal:</b>	Erection of 1 no. new dwelling with associated works.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	63067 88268	<b>Ward:</b>	Thornbury South and Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th April 2009



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PT09/0310/F

## **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 full planning permission for the erection of 1 no. new dwelling with associated works.
- 1.2 The application site relates to land within the curtilage of 1 Quarry Road, Alveston. The application site is located within a well established residential area within the Alveston settlement boundary which is 'washed over' by the Green Belt.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPG13	Transport

#### 2.2 Development Plans

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

D1	Achieving Good Quality Design
GB1	Development within the Green Belt
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  
Development in the Green Belt (June 2007)

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

PT04/2112/O – Erection of single dwelling on 0.03 hectares of land (Outline).  
Refused 02/08/2004. Refused on Appeal 21/04/2005.

### **4. CONSULTATION RESPONSES**

#### 4.1 Alveston Parish Council

No objection raised.

#### 4.2 Local Residents

One letter of objection was received raising the following concerns:

- The plans showing the party boundary fence between no. 1 Quarry Road and no. 3 Quarry Road are inaccurate as the fence is not 2.2 m high, but 1.5 m high with a 0.6 m trellis on top.
- The proposal would lead to a loss of light in the rear garden of no. 3 Quarry Road.
- The angles demonstrated on the plans showing loss of light are inaccurate.
- Loss of light in rear garden of no. 3 Quarry Road would have detrimental effect on quality of life of occupiers.
- The proposed dwelling would not be in keeping with nearby properties.
- The door and window on the east elevation will lead to overlooking.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application site lies within the Green Belt, therefore, consideration must be taken in regards to the impact on the openness of the Green Belt. PPG2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 allow in principle for limited infilling within 'washed over' boundaries of settlements provided the criteria set out in Policy H2 are satisfied.

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 within the South Gloucestershire Local Plan.

Policy H2 of the South Gloucestershire Local Plan January 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 Green Belt

The proposed new dwelling consists of the filling in of a small gap within built development. Given the built up nature of Quarry Road and Down Road it is considered that the new dwelling is not out of scale and character with the host dwelling and nor would it harm the openness of the Green Belt. The proposal would not significantly impinge upon the openness of the Green Belt and therefore the proposal for a new dwelling is acceptable subject to the criteria set out in Policy H2 being satisfied, namely; density, residential amenity, environmental impact, and transportation effects.

### 5.3 Design and Visual Amenity

The application seeks full planning permission for the erection of 1 no. detached single storey new dwelling within the rear garden of 1 Quarry Road, Alveston. The site is situated on the corner of the junction between Quarry Road and Down Road. The proposal also includes provision for vehicular and pedestrian access.

Down Road, onto which the proposed new dwelling would face, has a mixture of detached, semi-detached and terrace properties that are two storey in height. The new dwelling would sit in between a single storey structure to the

rear of 1 Quarry Road and a two storey dwelling (no. 30 Down Road) of similar height to the proposed. It is considered that the proposal is modest in scale and fits with the character of properties in the immediate surrounding area. The chosen construction materials that consists of brick, render and red/brown double roman tiles are sympathetic to the proposed dwellings surroundings meaning that this is an appropriate addition to the streetscene.

There is no harm caused to the visual amenity and therefore the proposal complies with policies D1 and H4 of the Local Plan.

#### 5.4 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 total site area equates to 0.03ha providing for a density of some 30 dwellings per hectare. Therefore, the proposal 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.

#### 5.5 Residential Amenity

##### Overbearing Analysis

The previous outline planning application (PT04/2112/O) on this site was refused by the Local Planning Authority and then refused on appeal by an Inspector on the grounds that a two storey dwelling would be overbearing on the rear garden of no. 3 Quarry Road. In the Inspector's opinion the previous proposal would have had a significant adverse impact on the amount of sunlight and daylight received by the neighbouring property. The current proposal is for a single storey bungalow 6.1 m in height with an apex style roof. The proposed dwelling would be set back from the party boundary fence by approximately 1.5 m.

A Light Amenity Impact Report has been submitted at the request of the Planning Officer. The report concludes that there will be no impact on the garden area of no. 3 for 10 months of the year and that only in the months of November and February would there be a minor impact on a small area of the garden showing an increase in shadow. This assessment is considered reasonable and given the single storey nature of the building and its narrow apex roof it is considered the overbearing impact on the garden of no. 3 Quarry Road would be minimal and greatly less than a two storey dwelling with a wide pitch roof. It is considered that the majority of the garden area of no. 3 Quarry Road would remain unaffected by the proposal particularly in the summer when private garden usage tends to be at its highest and daylight hours are longest.

##### Privacy Analysis

No windows are proposed on the rear elevation facing the rear garden of no. 3 Quarry Road. To the east side elevation one window is proposed however any

views into the rear garden space of no. 3 Quarry Road would largely be obscured by the existing boundary treatment of a fence with trellis on top. It is considered that there would be no overlooking or loss of privacy as a result of the proposal.

#### Amenity Space

It is considered that sufficient garden space will remain to serve occupiers of 1 Quarry Road, Alveston. Limited private amenity space is to be provided for the proposed dwelling however due to the small size of the proposal the garden space is considered acceptable.

#### 5.6 Transportation

The Council's Highways Officer was consulted as a part of this application. The principle of a dwelling at this location was considered acceptable by the Local Planning Authority in the assessment of a previous application; PT04/2114/O. This application shows the access in the same location though the turning area has been altered. The parking and turning area would only comfortably serve one car though this is considered sufficient for a dwelling of this size.

#### 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**      **PT09/0310/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.    Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B and E), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason(s):

To ensure a satisfactory standard of external appearance and to allow for assessment of any further development on the residential amenities of nearby occupiers to accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 13/09 – 02 APRIL 2009**

<b>App No.:</b>	PT09/0331/F	<b>Applicant:</b>	Mr E Totten
<b>Site:</b>	122 Bristol Road, Frampton Cotterell, South Gloucestershire, BS36 2AX	<b>Date Reg:</b>	19th February 2009
<b>Proposal:</b>	Erection of a two storey rear extension to form additional living accommodation.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	65788 81935	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th April 2009



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PT09/0331/F

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two storey rear extension to form additional living accommodation.
- 1.2 This is a modern detached property within the existing urban area of Frampton Cotterell. The proposal consists of a two storey extension to the rear with render to match existing, 3.0 m deep, 5.1 m in width and 6.5 m in height. The roof is of a 'gable-end' design and materials consist of tiles to match existing.

### **2. POLICY CONTEXT**

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

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

No relevant history

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No objection raised.
- 4.2 Local Residents  
One letter of objection was received (after the consultation expiry date) raising concern over loss of light to the rear garden space and to the back of a neighbouring property (no. 124 Bristol Road).

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

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

## 5.2 Residential Amenity

### Overbearing Analysis

The proposed extension would project approximately in the centre of the rear garden of the host dwelling, 3.6 m from the boundary with no. 120 Bristol Road and 4.0 m from the boundary with no. 124 Bristol Road. The proposed extension is south east facing and as such from mid to late morning until mid-afternoon it is not anticipated the extension would lead to any loss of light at neighbouring properties. In early morning and late afternoon the extension may cause some shadowing to adjacent properties although this is expected to be minimal considering the extensions modest depth of 3 m. During the summer months when the sun is highest, sunlight is most frequent and daylight hours are longest there would be little or no impact on neighbouring properties.

### Privacy Analysis

No side elevation windows are proposed in the new extension and the window in the south west elevation is to be obscure glazed so therefore there would be no overlooking or loss of privacy as a result of the proposal.

### Amenity Space

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

### Highway Safety Analysis

As the extension is located at the rear of the property it will not impact on the property's parking arrangements, located at the front of the house, nor will it prejudice highway safety.

## 5.3 Design / Visual Amenity

The proposal is modest in scale and fits with the character of the existing property. Its location to the rear of the building together with the chosen construction materials, which match the palette of materials displayed in the existing building, means that this is an appropriate addition to the dwelling and streetscene. The proposal is well screened from the public realm to the side and rear and therefore there is no harm caused to the visual amenity.

## 5.4 Section 106 Requirements

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

## 6. CONCLUSION

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

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

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PT09/0331/F**

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

## **CONDITIONS**

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

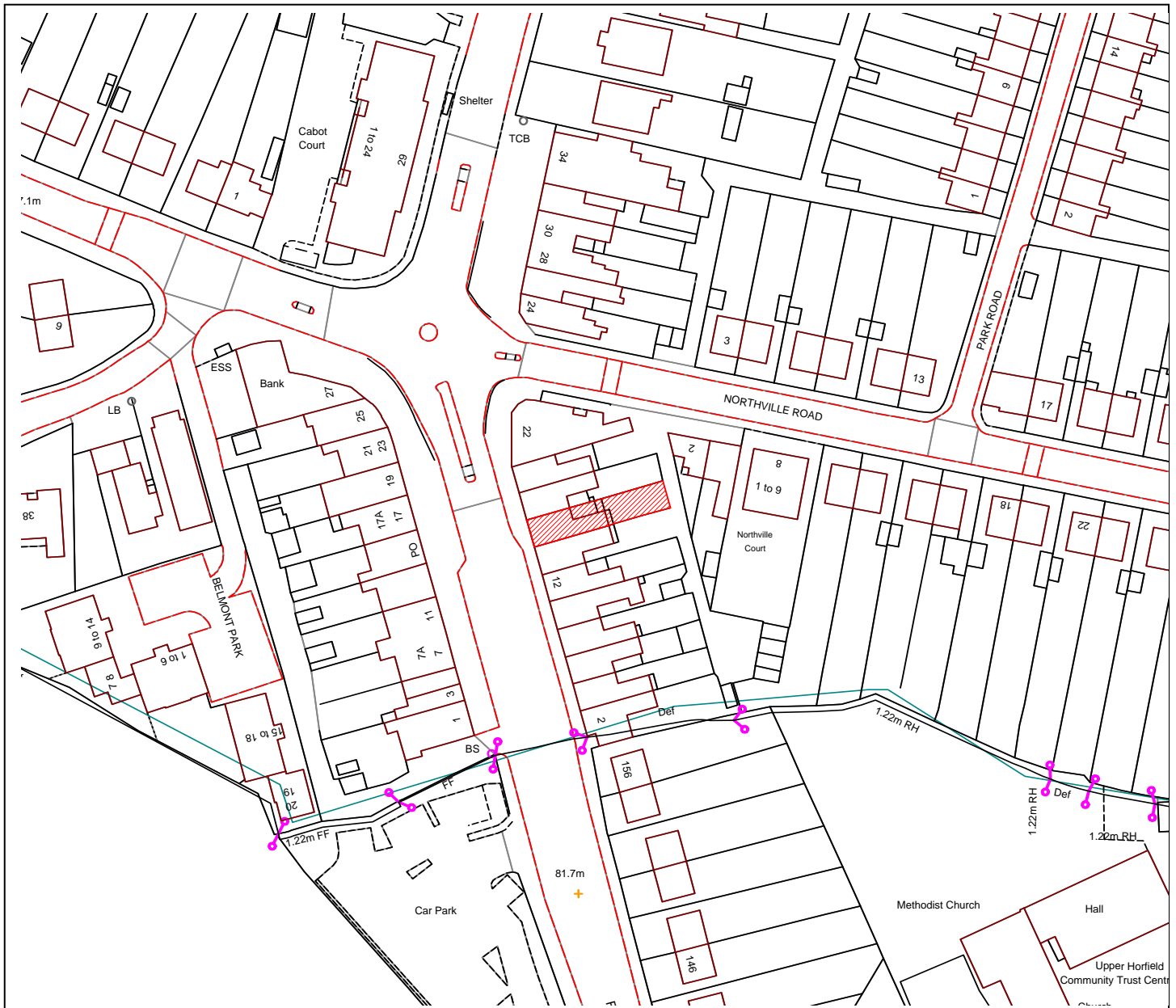
Reason(s):

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

## CIRCULATED SCHEDULE NO. 13/09 – 02 APRIL 2009

**App No.:** PT09/0340/F  
**Site:** 16 Gloucester Road North, Filton, South Gloucestershire, BS7 0SF  
**Proposal:** Change of use of ground floor from Class A1 (Retail) to Class A5 (Hot Food Takeaway) as defined in the Town and Country Planning (Use Classes) Order 1987. Creation of new front entrance door. (Resubmission of PT08/2756/F)  
**Map Ref:** 59912 78198  
**Application Category:** Minor

**Applicant:** Mr P Smith  
**Date Reg:** 20th February 2009  
**Parish:** Filton Town Council  
**Ward:** Filton  
**Target Date:** 16th April 2009



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PT09/0340/F

## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of representations which are contrary to the Case Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning consent for the Change of use from Retail (Class A1) to include Hot Food Takeaway/Cafe (Classes A5) as defined in the Town and Country Planning (Use Classes) Order 1987.
- 1.2 The proposed development would involve internal works to create a retail and kitchen area, and external works involving the erection of a flue and the provision of a secure bin storage area.
- 1.3 The application site relates to a vacant retail unit fronting onto Gloucester Road North. The site is situated within the Bristol North Fringe Urban Area.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1:	Delivering Sustainable Development
PPS6:	Planning for Town Centres
Circular 5/94:	Planning Out Crime
Circular 05/05:	Planning Obligations

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

D1:	Achieving Good Quality Design in New Development
RT8:	Small Scale Retail Uses within the Urban Areas
RT11:	Retention of Local Shops, Parades, Village Shops and Public Houses
EP1:	Environmental Pollution
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**

- 3.1 PT08/2756/F Change of use of ground floor from Class A2 (Offices) to Class A3 (Food and Drink) as defined in the Town and Country Planning (Use Classes) Order 1987.  
**Withdrawn** on 27 November 2008
- 3.2 P94/1379 change of use of first and second floor of premises from financial and professional services to health and beauty salon (Class A2 to Class A1, as defined by the Town and Country Planning (Use Classes) Order 1987)  
**Approved** on 27<sup>th</sup> April 1994

#### 4. CONSULTATION RESPONSES

4.1 Filton Town Council

No objection in principle but would like to suggest a contribution towards car parking improvements i.e. improved lighting.

4.2 Local Member – Councillor David Bell

I agree with the comments made by the Town Council.

4.3 Sustainable Transport

No objection.

4.4 Police

No comment.

4.5 Local Residents

Five letters of objection have been received from four households. The main points from these are summarised below: -

- Noise and disturbance of extractor fans.
- Disturb families.
- Litter.
- Smell.
- Attract vermin.
- Parking problems – on-street parking would block bus stop.
- Highway Safety.
- Too many takeaways.

#### 5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the proposed development shall be determined in accordance with Policy RT11 of the South Gloucestershire Local Plan (Adopted) 2007. This policy is most relevant because it applies to local shopping parades which are located within urban areas. The Local Plan states that "...these centres provide an essential and valuable service to the community, particularly to those who do not have access to the car. Additionally, the ease of walking and cycling to local centres and shops minimise the need to use car". Policy RT11 therefore does not permit the change of use of retail premises within local shopping parades unless one of the following criteria is complied with: -

5.2 **A. The proposed use would not result in an over concentration of non-shop uses in a village centre or local centre or be detrimental to the vitality, viability, retail and social function of that centre; or**

It is not essential that this criterion is complied with, please see criterion B.

5.3 **B. There are satisfactory alternative retail facilities available in the locality; or**

The application site is situated within a well established shopping parade in the residential area of Filton. The parade comprises of thirty units: thirteen are in A1 shop use, eight are in A2 financial services use, three are in A3/A5



restaurant/takeaway use, two are in D1 dentist/optician use, and four units including the application site are currently vacant. The thirteen retail premises present all provide a mixture of services for local people including, a newsagent, a butchers, a beauty therapist, a carpet shop and an electronic shop. In addition, the parade is situated 0.5 miles from Filton retail park, 0.8miles from Abbey Wood retail park, and 1.8miles from Cribbs Causeway retail park. All of these are easily accessible by road, public transport and on foot and cycle. It is therefore considered that the existing parade and the locality provides for a significant range of retail facilities.

It is therefore considered that the loss of one retail unit to an A5 use would not be to the detriment of the locality as there are satisfactory alternative retail facilities in close proximity to the application site.

5.4 **C. It can be demonstrated that the premises would be incapable of supporting a retail use.**

It is not essential that this criterion is complied with, please see criterion B.

5.5 In view of above, it is considered that the principle of the proposed development is acceptable. As such, Policy RT8 is now particularly is relevant because this policy considers small scale retail and service related facilities within urban areas (e.g. Classes A1, A2, A3 and A5). This policy permits these uses within small shopping parades providing that:

- The development would not give rise to unacceptable level vehicular traffic or on-street parking to the detriment of highway safety; and
- The development would not prejudice residential amenity; and
- The character of the area would not be adversely affected; and
- The development would improve the range of services to a local community and not harm the vitality and viability of an existing local centre.

5.6 Transportation

Representations have been received from local residents on the grounds of the increased on-street parking. To assess this issue, the Council's Transportation Officer was consulted as a part of this application. It was concluded that the proposed takeaway lies within a sustainable location and in close proximity to other shops and services which promotes the potential for linked vehicles trips. As such, it is considered that the proposed development would not generate significant parking demand on the street. Therefore, notwithstanding the comments from local residents, it is considered that the development would accord to policies T8 and T12 of the adopted Local Plan.

5.7 Residential Amenity

The proposed development includes the installation of a flue on the rear elevation. Representations have been received from local residents on the grounds of disturbance from noise and smell. To assess this issue, the Council's Environmental Health Officer was consulted as a part of this application. They have requested that further information is submitted with regard to proposed extraction and odour abatement system. However, the principle of the proposed flue is acceptable subject to these details. As such it is recommended that a planning condition is attached to ensure these details are submitted and agreed prior to the commencement of development.

- 5.8 In terms of opening hours it is recommended that the opening should match those of the adjacent hot food takeaway at No. 14 Gloucester Road North to maintain residential amenity. As such a planning condition shall be attached to ensure the premises does not open to customers during the following times:
- Monday to Thursday 23.00 hours to 08.30 hours;
  - Friday and Saturday 23.30 hours to 08.30 hours; and
  - Sunday and Public Holidays 23.00 hours to 08.30 hours.
- 5.9 With regard to disturbance to residents, the Police Planning Liaison Officer was consulted as a part of this application. No response has been received from the Police in this instance. Therefore, in view of this and the conditioned opening hours, it is considered that there would not be a material impact to residential amenity. With regards to litter, it is considered that there are existing litter bins in the near close proximity to the development would be sufficient.
- 5.10 It noted that representations were made with regard to the development attracting vermin. Notwithstanding these comments, the Council Environmental Health Officer has assessed the proposal and has not raised vermin as an issue.
- 5.11 Other Matters  
It is noted that the Town Council and Local Member have requested that a contribution should be made to improve car parking in the area. Notwithstanding this request, there is no evidence to suggest this is a material issue. It is therefore considered that this contribution would not be necessary to make the proposed development acceptable in planning terms. As such, this contribution would not pass all of the 5 tests laid out in Circular 05/05: Planning Obligations.
- 5.12 Local residents have raised objections to proposal on the grounds that the change of use would result in an over concentration of hot food takeaways. Notwithstanding this, it is considered that the parade currently offers a broad range of retail and service facilities. Moreover, there are currently four vacant units in the parade. As such it is considered that the proposed change of use would add vitality to the parade and would improve the range of services offered to the local community.
- 5.13 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.
- 5.14 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

### Background Papers      **PT09/0340/F**

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

### CONDITIONS

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

Reason(s):

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

2. The use hereby permitted shall not be open to customers during the following times:- Monday to Thursday 23.00 hours to 08.30 hours, Friday and Saturday 23.30 to 08.30 hours and Sundays and Public Holidays 23.00 hours to 08.30 hours.

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the submitted details, prior to the commencement of development full details of the extraction and odour abatement system and grease traps to be used in the development shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include:

a) The specification and location of all fans, filters, plant and flues, including a detailed schematic diagram of the ventilation system and its location inside and outside the building;

b) A maintenance/cleaning schedule of the proposed extraction and odour abatement system, written in accordance with the manufacturers' instructions and recommendations should be incorporated as part of the application; and

c) The predicted noise levels from the extraction system (fan and air movement, through and leaving the ducting).

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

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.