



**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. 15/09

Date to Members: 17/04/09

Member's Deadline: 23/04/09 (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

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: 17/04/09

SCHEDULE NO. 15/09

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

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

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

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
17/09	Thursday 30 th April 2009	Thursday 7 th May 2009
20/09	Thursday 21 st May 2009	Thursday 28 th May 2009

Circulated Schedule 17 April 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/0406/F	Approve with conditions	209 Station Road, Kingswood, South Gloucestershire, BS15 4XN	Rodway	
2	PK09/0485/F	Approve with conditions	Longwell Green Community Association, Shellards Road, Longwell Green, South Gloucestershire, BS30 9DU	Longwell Green	Oldland Parish Council
3	PK09/0487/F	Approve with conditions	50 Alma Road, Kingswood, South Gloucestershire, BS15 4EG	Kings Chase	
4	PK09/0513/F	Approve with conditions	25 Holly Hill Road, Kingswood, South Gloucestershire, BS15 4DF	Kings Chase	
5	PK09/0524/F	Approve with conditions	96-98, High Street, Hanham, South Gloucestershire, BS15 3EJ	Hanham	Hanham Parish Council

CIRCULATED SCHEDULE NO. 15/09 – 17 APRIL 2009

App No.:	PK09/0406/F	Applicant:	Mr R Hawkins
Site:	209 Station Road, Kingswood, South Gloucestershire, BS15 4XN	Date Reg:	6th March 2009
Proposal:	Erection of first storey rear extension to provide additional living accommodation	Parish:	
Map Ref:	65634 75430	Ward:	Rodway
Application Category:	Householder	Target Date:	28th April 2009



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100023410, 2009.

N.T.S

PK09/0406/F

INTRODUCTION

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

1. THE PROPOSAL

1.1 The application site is situated to the north of Kingswood within a suburban residential context. The site is bounded by residential development to the north west and south east with vehicular access via a service track to the rear. The site comprises a post war two storey mid terraced dwelling with large single storey outbuilding at the rear.

The site is situated within the built up area as defined in the adopted Local Plan.

1.2 The application proposes erection of first floor rear extension to provide additional living accommodation.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

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

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

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Consultees

None

Other Representations

4.3 Local Residents
Two letters of objection received from the occupiers of 207 and 211 Station Road, raising the following concerns:

No windows should be inserted in the side elevation to retain privacy; rooflight in no. 209 adjacent to the site should be protected during construction; construction is undertaken at reasonable hours; concern that existing foundations are not able to hold a further storey; loss of light; side wall should be rendered; issue with shared sewer pipe.

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 is situated within a suburban residential context. The dwelling the subject of this application is a mid terraced two storey building with detached garage to the rear. The proposed extension would only be visible from views from the service track at the rear. 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.

Concern was raised by an adjacent occupier that the side elevations of the extension should be rendered to match existing. A condition is recommended to control external materials to match existing.

5.3 Residential Amenity

Adequate rear amenity space to the property would be retained following the erection of the proposed extension. The extension would have the same footprint as the existing single storey addition and would project by 3.7m to the rear at the same eaves height as the original dwelling and with a fully hipped roof 0.9m lower than the original ridge. The proposal would project no further to the rear than the neighbours' single storey rear extensions (207 and 211). The extension would be inset from the side boundaries by approximately 150mm. The neighbour to the north west (no. 211) has a bathroom window adjacent to the application site and as such the proposal would result in no significant loss of amenity to this window. The neighbour to the south east (no. 209) would have a first floor bedroom window which would be situated 1.3m from the side elevation of the proposed extension. Considering the rear projection of the extension, the position of the first floor window of no 207 and the orientation of the extension in relation to the adjacent dwellings, the proposal would result in no material loss of amenity to the adjacent occupiers.

Concern was raised by a neighbouring occupier that additional windows in the side elevations of the extension would result in an unacceptable loss of privacy. A condition is recommended to control any future openings in the side elevations of the extension.

5.4 Other issues

Concern was raised by neighbouring occupiers in relation to foundations, construction times, and possible damage to property through construction. These matters are not material planning considerations. Concern was raised in relation to an existing foul sewage pipe. The proposal would result in no material increase in foul waste and the dwelling is connected to the existing mains system. Therefore the proposal is considered to be acceptable in relation to foul drainage considerations. The technical aspects of the foul system itself would not be a material planning consideration.

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 Use of Energy and Sustainability

The proposal would result in improved energy efficiency to the building. The building is situated in a sustainable location and as such the development is considered to be a sustainable form of development.

5.7 Improvements achieved to the scheme

The application has been amended only to include the surveyed position of the first floor rear window of no 207 so a full amenity impact assessment could be carried out.

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 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 **PK09/0406/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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side (north west or south east) elevations of the extension hereby permitted.

Reason

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

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

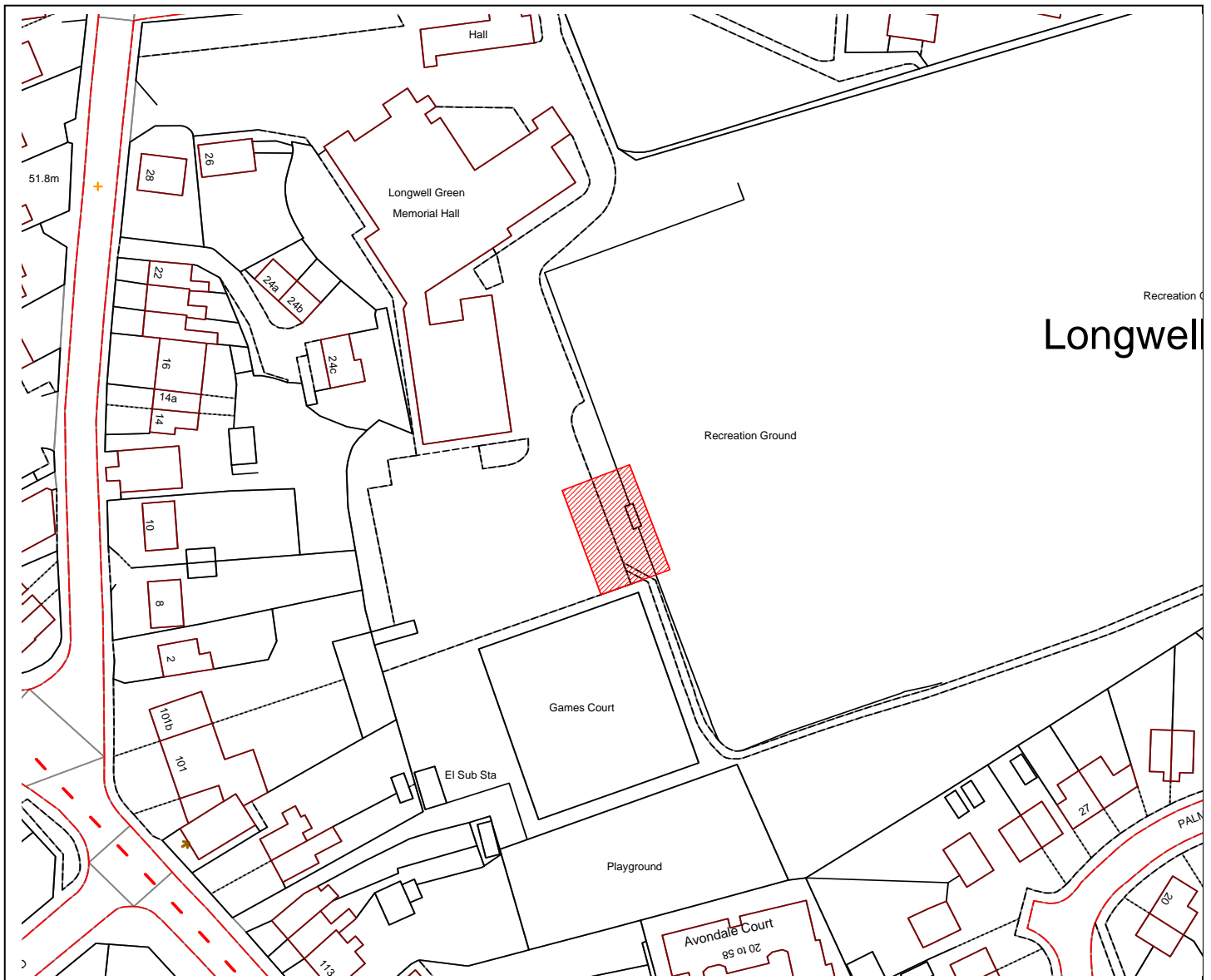
Reason

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

ITEM 2

CIRCULATED SCHEDULE NO. 15/09 – 17 APRIL 2009

App No.:	PK09/0485/F	Applicant:	Mr C Wyrill Longwell Green Sport
Site:	Longwell Green Community Association, Shellards Road, Longwell Green, South Gloucestershire, BS30 9DU	Date Reg:	17th March 2009
Proposal:	Erection of pre-fabricated metal 100no. seater stand to football pitch.	Parish:	Oldland Parish Council
Map Ref:	65938 71112	Ward:	Longwell Green
Application Category:	Minor	Target Date:	11th May 2009



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PK09/0485/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of objections, contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a pre-fabricated metal 100no. seat stand to be located along the touchline of the primary football pitch at the Community Association recreation grounds. The stand is intended to straddle the half way line on the western touchline, where at present there is grass at the edge of the pitch and a hardsurfaced car parking area behind.
- 1.2 The spectator facilities at the ground are limited to railings around the pitch and a demountable covered stand, offering cover for standing spectators. This is also used as a secure store. The pitch is floodlit and the FA requirements for progress up the 'pyramid' require seating capacity as applied for at the ground. Without this, success on the pitch would not result in promotion to a higher level of competitive football. Longwell Green Sports FC currently play at (amateur) Western League level.
- 1.3 The site at present is open, with housing on four sides, although in most cases at a distance with other sports pitches in between. The nearest buildings to the proposed stand are the clubhouse and offices to the northwest. All other dwellings surrounding the playing fields either back on to them or present side elevations.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
LC3 Sports facilities within the urban area
L18 Sustainable Drainage

3. RELEVANT PLANNING HISTORY

- 3.1 Nothing relevant to this application

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection
- 4.2 Other Consultees
Sport England
Does not wish to object to the proposal as the proposed development is ancillary to the principal use of the site as a playing field and does not affect the quantity or quality of the pitches or adversely affect their use.

Environmental Protection

No adverse comments

Technical Services Unit

No objection, subject to the submission of a drainage plan required by condition, which demonstrates that it complies with Sustainable Drainage (SUDS) requirements.

Sustainable Transportation

Some local residents have expressed concerns that the proposal would lead to increased traffic in the area. It is worthy to note that the proposal is aimed at the provision of improved seating facilities within an existing community sport facility in the area. Whilst some additional visitors may be attracted by better facilities on site, it is reasonable to say that the new visitors would not all be travelling by private vehicles and some may walk, cycle or use the public transport to access the site. The officer's assessment is that increased vehicular traffic resulting from this development to and from the site would not be significant in this case.

The access to the site by foot and by public transport is considered good and as such, it is not proposed to raise any highway objections to this proposal.

Other Representations

4.3 Local Residents

Three letters of objection were received, citing the following concerns:

- The use of the playing fields seems to have changed over the years from a park to a football ground, leading to increased noise and foul language, which the new stand would intensify
- Additional traffic
- A new stand would devalue my house

NB This last reason is not a valid planning concern in the determination of this planning application.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The main policy to be considered in relation to this proposal is LC3, which supports new sporting facilities, subject to the following analysis. A further consideration is the design and appearance of the proposed stand.

5.2 LC3: Location of major travel generating uses

This proposal does not relate to a change of use and it is considered that the provision of covered seating facilities, would enhance the facilities provided for existing users. For that reason and because the use of the land is not considered to be a major traffic generator, it is considered that the proposal would not materially increase traffic to and from the site to the detriment of highway safety.

5.3 LC3: Residential Amenity

It is considered that the facility proposed would allow the existing regular supporters to be able to shelter from the elements and watch matches in a greater degree of comfort than at present. Therefore, it is considered that the most likely effect would be that the stand would allow spectators to congregate in one place, particularly when the weather is inclement. As such, it would go

some way towards moving spectators away from the present touchline position, which in some cases is closer to the surrounding houses than the stand. The back of the stand will also help to shield the nearest dwellings (to the east of the stand) from any possible impact upon existing levels of residential amenity. With regard to the issue of foul language and noise brought up in the consultation replies, this is not a planning issue, but a private issue for the football club to manage.

5.4 LC3: Unacceptable environmental or transportation effects

Neither Environmental Protection nor Sustainable Transportation have objected to the proposal. The issues raised in the consultation process by local residents can be summarised as additional noise and additional traffic generation. In terms of numbers of people attracted to the football ground and therefore greater traffic generation, there would not be a material increase as a result of providing more seated accommodation at the ground, at the expense of some existing standing accommodation. Even if this is the case, then the ground's location is considered to provide access options to local people of walking, cycling or bus, as well as by car. It is therefore considered that the proposal meets the terms of the policy in this respect. The noise issue has been covered at 5.3 above.

5.5 LC3: Increase in on-street parking with detrimental effects on amenities of the area and highway safety

For the reasons given in the preceding paragraph it is considered that this proposal would not be contrary to the aim of this criterion of policy LC3.

5.6 D1: Design

Since the proposal is for a building which is pre-fabricated, opportunities to influence the design are limited. It is considered however that the design is acceptable in this location and fulfils the functional role successfully. The design also incorporates disabled access, as explained in the Design and Access Statement. It is considered, on balance, that the proposal accords with policy D1.

5.7 Other Issues

A condition appear below requiring the submission of drainage details. It is considered that given the proposed location of the stand at the edge of a large playing field, there will be adequate opportunity to disposed of water to soakaways, thereby meeting Sustainable Drainage requirements.

5.8 Design and Access Statement

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

5.9 Section 106 Requirements

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That planning permission is approved, subject to the conditions shown.

Background Papers **PK09/0485/F**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CONDITIONS

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

Reason:

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

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

Reason:

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

CIRCULATED SCHEDULE NO. 15/09 – 17 APRIL 2009

App No.: PK09/0487/F
Site: 50 Alma Road, Kingswood, South Gloucestershire, BS15 4EG

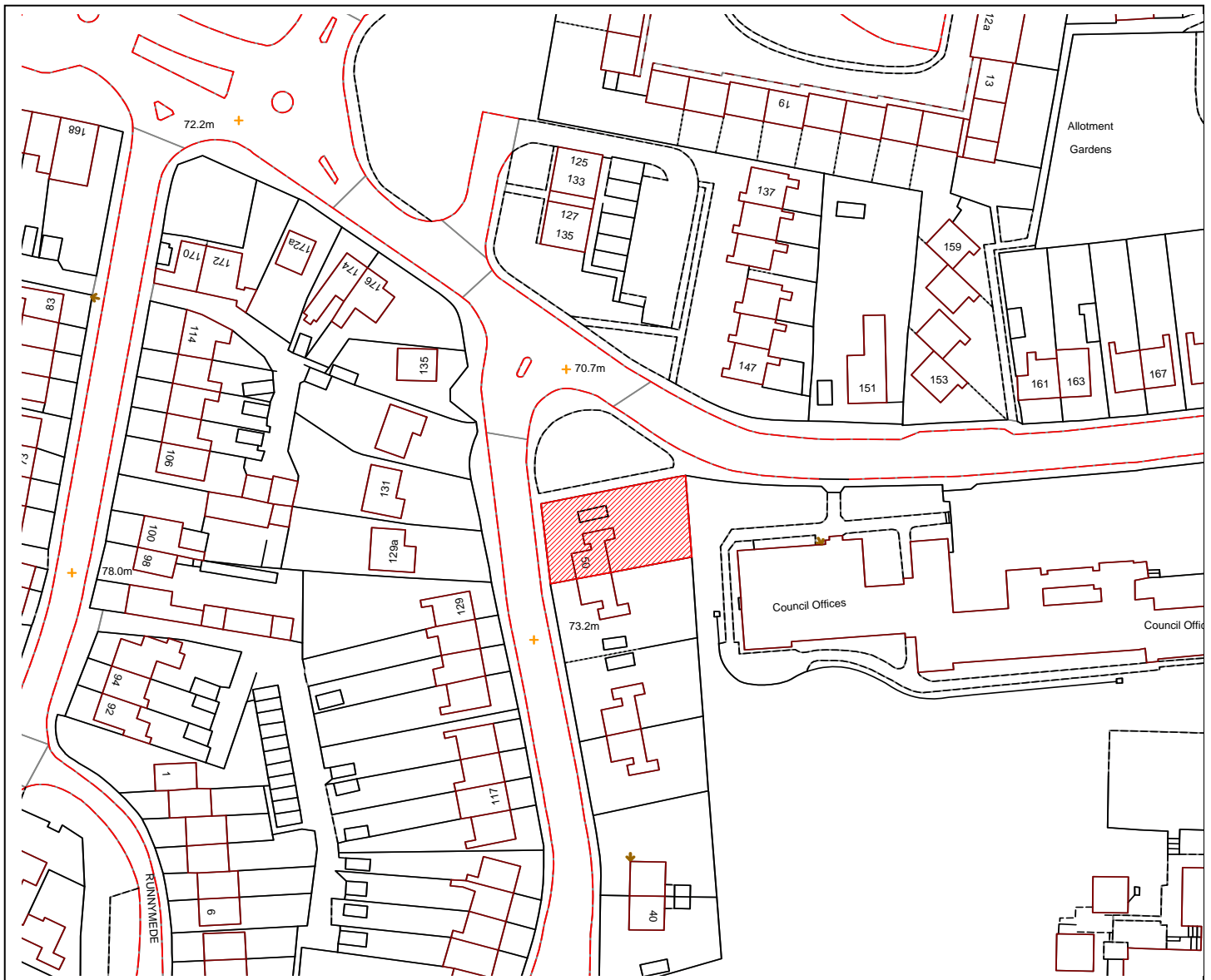
Applicant: Mr S Stevens
Date Reg: 18th March 2009

Proposal: Subdivision of existing dwelling to form 4no. self contained flats. Erection of two storey side and single storey rear extensions to facilitate subdivision with revised vehicular access, parking and associated works.

Parish:

Map Ref: 65395 74265
Application Category: Minor: All other minor developments

Ward: Kings Chase
Target Date: 6th May 2009



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PK09/0487/F

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a two-storey, semi-detached dwelling house located at the northern end of Alma Road, Kingswood; adjacent to the junction of Alma Road with New Cheltenham Road. The Alma Road street-scene is characterised by two-storey blocks of semi-detached or terraced houses. Immediately to the rear of the application site is an office development currently occupied by South Gloucestershire Council, whilst on the opposite side of New Cheltenham Road is a mix of residential development including flats, bungalows and houses. The location is generally residential and suburban in character. The property has been previously extended to the side and a front porch added.
- 1.2 Vehicular access is currently gained directly off Alma Road, onto an area of hard-standing to the front of a single detached garage, which is situated to the northern side of the house. Alma Road slopes steeply down from south to the north, where the land levels off across the application site.
- 1.3 In order to facilitate the sub-division of the dwelling into 4no. self-contained flats, it is proposed to erect a single-storey rear and two-storey side extension. There would be a one bed and a two bed flat on the ground floor, with two one bed flats on the first floor. The existing garage would be demolished to provide access to parking, bin and cycle storage areas in the rear garden area. The scheme has been designed in close consultation with officers.

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 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
EP7 - Unstable Land
H2 - Residential Development within the existing Urban Area
H4 - Development within Existing Residential Curtilages
H5 - Houses in multiple Occupation
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
South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/2919/F - Erection of single-storey side and two storey side extension.
Approved 28 Nov 2001
- 3.2 PK02/0374/F - Erection of Front Porch
Approved 22nd March 2002

4. CONSULTATION RESPONSES

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

Other Representations

- 4.3 Local Residents
1no. e.mail of objection has been received from a local resident. The concerns raised are summarised as follows:
- The property has previously been extended.
 - Increased on-street parking.
 - No need for more flats.
 - Extra rubbish to collect.

5. ANALYSIS OF PROPOSAL

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

- 5.2 Having regard to the adopted Joint Replacement Structure Plan, 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.
- 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. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to “*..increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.*”
- 5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.
- 5.5 Also of relevance is Policy H5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which relates to the conversion of existing residential properties into smaller units of self-contained residential accommodation. Policy H4 relates to development within existing residential curtilages. The criteria attached to Policy H5 are generally covered by those attached to Policy H2.
- 5.6 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 approximately 100 units per ha. which reflects the fact that the development would comprise of 4 small flats.

- 5.7 Officers are satisfied that having regard to the site's constraints, it is unlikely that a larger building containing more than 4 flats could reasonably be accommodated on the site. In this respect the proposal represents the most efficient use of the land in what is a fairly sustainable location, reasonably close to the centre of Kingswood and within walking distance of local shopping and community facilities as well as the bus routes on both Alma Road and New Cheltenham Road. The proposal therefore accords with Government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.8 Scale and Design
With the ridge level set down and front elevation set back, the side extension is designed to appear subservient to the main body of the semi-detached dwelling. Furthermore the form of the two-storey side extension reflects that of the existing building, having a blank end elevation and hipped roof. The proposed external render and roof tiles would also match those existing. The proposed single-storey rear extension would be a lean-to type structure, modest in scale, being only 3m deep with a mono-pitch roof and set back from the boundary with the adjoining property. The rear extension steps in height at the line of the existing building, to reflect the two-storey extension. The rear extension is also set in from the boundary to reduce impact on the neighbouring property. The scale and design would therefore integrate adequately within the existing built form and street scene.
- 5.9 Landscape
There is little vegetation of note on the site, other than a row of tall Leylandii trees enclosing the existing garden to the rear. It is proposed to remove these trees and retain the existing high fences that enclose the rear garden area. The Leylandii are considered to have only limited amenity value and due to their extreme height, such trees are not generally encouraged in residential gardens. Much of the rear garden would be taken up with car parking and manoeuvring areas, leaving little scope for further planting. The high boundary fences would however generally screen the rear of the site from public view; low boundary walls would however be retained to the front of the property, thus maintaining the open aspect from Alma Road. There are therefore no landscape objections.
- 5.10 Transportation
The site is located on the junction of Alma Road and New Cheltenham Road, at a location where on-street traffic congestion is an issue. In line with officer recommendations, five parking spaces have been proposed for this development, one for each of the proposed flats, allocated on a 1:1 basis, with an additional space for visitors. The existing access would be utilised to provide a driveway of minimum 3.5m width, which is acceptable. Sufficient turning and manoeuvring space would be provided to allow vehicles to exit the site in forward gear.
- 5.11 Also at officer request, the front elevation of the side extension would be set back 6m from the pavement edge in order to allow two cars to pass each other within the site. In order to maintain visibility at the access, the first three panels of the boundary fence to the north would be maintained at only 1.2m high.
- 5.12 Cycle parking for 4no. cycles, as well as a bin store, would be provided to the rear of the site. Officers therefore conclude that, subject to conditions to ensure

the provision of the car parking and cycle parking spaces, as well as the allocation of the parking spaces on a 1:1 basis, there are no highway objections.

5.13 Impact upon Residential Amenity

The proposed extension would be on a corner plot and would not have a significant overbearing affect on neighbouring property. Any overlooking of neighbouring gardens from the proposed windows would be from a reasonable distance, angle and height. Two of the first floor rear windows would serve bathrooms and would be obscurely glazed. Any loss of privacy from overlooking, that might occur, would be minimal and certainly not considered to be significant enough to justify refusal of planning permission.

5.14 An enclosed private courtyard area would be provided for the two-bedroom ground floor flat. A communal drying area would also be provided to the rear of the property. Separate bike and bin storage areas, would also be provided.

5.15 The proposal would be subject to Building Control, which would secure an adequate level of enhanced sound-proofing on party walls. Whilst the parking areas would be located within the rear garden, this could currently be achieved using permitted development rights. In any event, the parking would be located on the far eastern boundary of the site, next to the Council Offices, where it would have less impact on residential amenity. Given that the site lies next to a very busy junction, where a high level of vehicle noise already exists, officers are satisfied that the introduction of the parking areas to the rear of the property would in this case be acceptable. Officers therefore conclude that there would be no significant adverse impact on residential amenity.

5.18 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before development could commence. As regards the resident concerns about the additional need for rubbish collection; officers consider it perfectly reasonable for new dwellings to have their rubbish collected, which would be funded by the additional Council Tax generated. Any refusal reasons related to this issue could not therefore be substantiated.

5.19 Affordable Housing

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

5.20 Education Service

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

5.21 Community Services

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

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 (Adopted) 23rd August 2007.

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, 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 approve 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 **PK09/0487/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. 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 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, 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 protect the residential amenity of the neighbouring occupiers and to accord with Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. 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 EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The off-street car parking, cycle parking and turning facilities, shown on the Proposed Site Plan No. 1237-04 hereby approved shall be provided before the first occupation of the dwellings so approved, and thereafter retained as such 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 Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Four of the car parking spaces shown on the approved 'Proposed Site Plan' numbered 1237-04 shall be allocated on the basis of one space per flat with the fifth space allocated to visitors and maintained as such unless the Local Planning Authority gives written consent to any variation.

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. Prior to the first occupation or use of the flats hereby approved, the screen walls/fences shown on the approved plan shall be erected in the positions indicated and retained as such unless the Local Planning Authority gives written consent to any variation.

Reason:

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H2 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

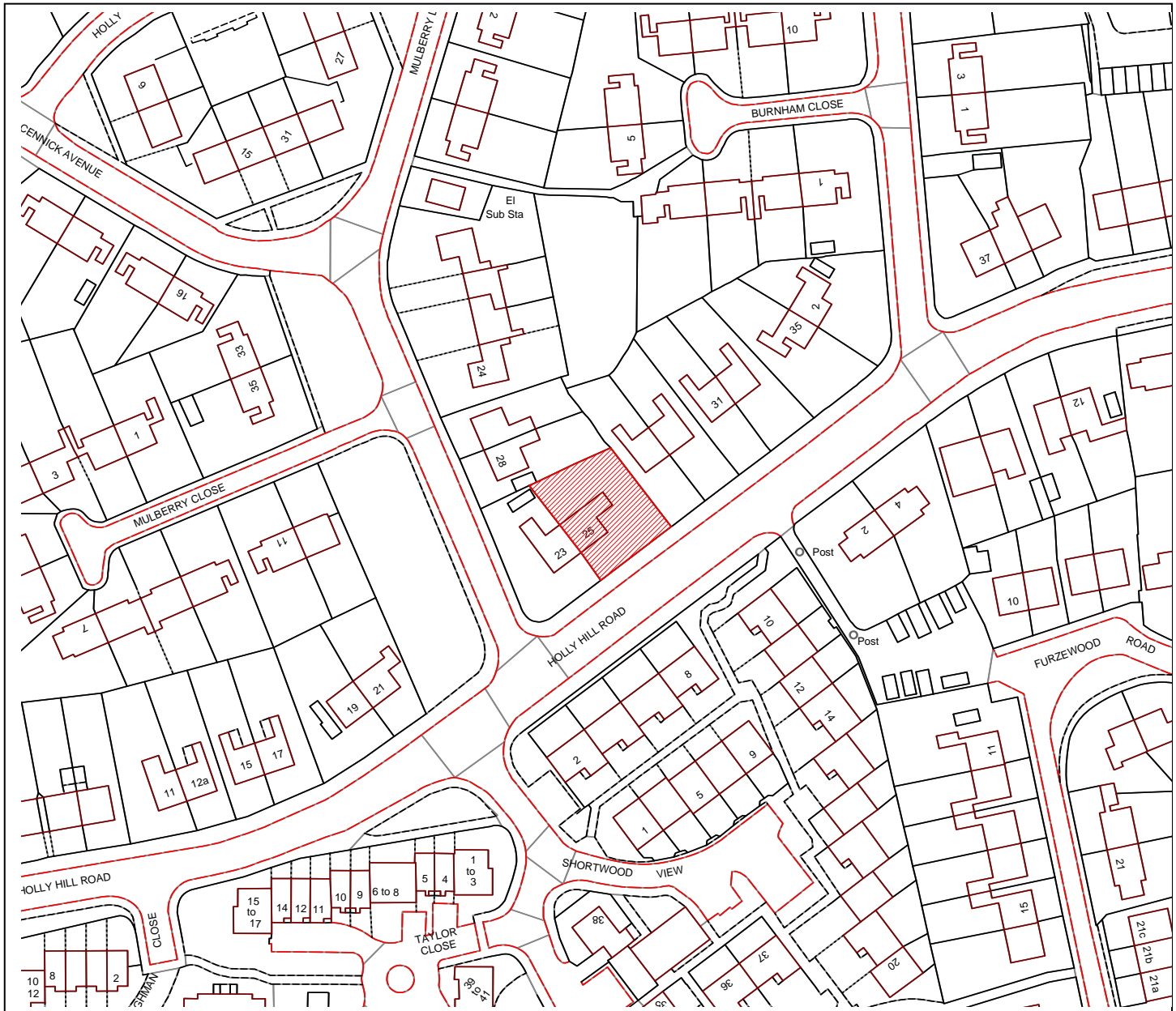
9. The building shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans.

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. 15/09 – 17 APRIL 2009

App No.:	PK09/0513/F	Applicant:	Mr J Woodman
Site:	25 Holly Hill Road, Kingswood, South Gloucestershire, BS15 4DF	Date Reg:	20th March 2009
Proposal:	Erection of 2no. semi-detached dwellings with access and associated works.	Parish:	
Map Ref:	65557 73987	Ward:	Kings Chase
Application Category:	Minor	Target Date:	8th May 2009



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 100023410, 2008.

N.T.S

PK09/0513/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of 2 no. semi-detached dwellings with access and associated works. The building would be located on land currently forming part of the garden area of No.25 Holly Hill Road. To facilitate the development, lean to located to the side of No.25 and a shed and greenhouse would be removed.
- 1.2 5 no. parking spaces are provided to the front with access (to be used in conjunction with the previously approved scheme for 2 no. self-contained flats within the original property – PK09/0046/F) directly onto Holly Hill Road. Cycle and bin storage is provided within this area. Amenity space is provided for each unit to the rear.
- 1.3 The new building would feature 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). The building is identical in terms of its size and footprint to that previously approved as part of Application No.PK08/2137/F (see history below para 3.1). Differences are proposed to the openings, to include the removal of entrances on the side elevations (a single window to be installed on the north-east elevation and two windows on the south-west elevation), an additional window at first floor level on the rear elevation and alteration to the position of entrances on the ground floor rear elevation. The entrance to each unit will be from the front.

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

- 3.1 PK08/2137/F Erection of 3 no. self contained flats with bin/cycle storage and associated works (Approved with Conditions)

- 3.2 PK09/0046/F Subdivision of existing dwelling (No.25), to form 2 no. self contained flats with associated works. Erection of single storey rear extension. (Approved with Conditions)

4. **CONSULTATION RESPONSES**

4.1 Parish Council

The area is unparished

4.2 Sustainable Transport

There have been two recent planning applications and approvals on this site for development of the land for new residential flats but the current proposal seeks to create 2no. two bedroom house on the same site.

The applicant would be creating 5no. off-street parking spaces which would be allocated as 1no. parking space for each new dwelling plus 2no. for the conversion of no. 25 and 1 space for visitor. The proposed parking provision on site meets the South Gloucestershire Council maximum parking standards. The cycle facility on site ought to be secure and under cover. The proposed cycle parking as suggested in front is not acceptable and the details and their location must be revised.

In view of all above therefore, there are no highway objections to the proposal subject to changes to be made to cycle provision on site and to the following planning conditions.

1. Prior to occupation of any dwelling on site provide the car parking as shown on the submitted and approved plan and maintain those satisfactory thereafter.
2. Prior to occupation of any dwellings on site, provide secure and undercover cycle parking in accordance with details to be submitted for approval by the Council and maintain such facilities satisfactory thereafter.

4.3 Local Residents

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

- There is a problem of subsidence in the area (possible underground springs and well)
- Loss of natural drainage and impact upon existing drains
- The proposed development does not provide sufficient off-street parking spaces
- The proposed development would result in detriment to Highway Safety
- The proposal would be out of keeping with the character of the area
- The development would result in loss of daylight and sunlight
- The proposed development would result in loss of residential amenity appearing overbearing/oppressive and resulting in loss of privacy from overlooking
- A Party Wall Agreement will be necessary
- The plans do not give adequate measurements and are not specific in relation to the works required

- The refuse storage is inadequate and would be visually intrusive and result in highway safety issues
- The proposed planting will result in future maintenance issues
- The proposal will result in unacceptable noise and disturbance

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. If the previously approved scheme for the sub-division of No.25 is implemented, the overall density upon the site would be 99 dwellings per hectare, without the conversion of No.25 the density would be approximately 73 dwellings per hectare. Both these densities are high (albeit Policy H2 seeks densities upwards of 50 dwellings per hectare in sustainable locations). It is considered that given the sustainable location and subject to the scheme satisfying other development control criteria, this density 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 not of a scale that is 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/Visual Amenity

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.

Concern has been raised that the proposal is out of character with the area. It should be noted that the development is largely the same in terms of its design as that previously approved as part of Application PK08/2137/F albeit with the alterations to openings set out in Section 1.3 above. The semi-detached form of the proposal is considered entirely in keeping with the pattern of development and character of the area in the locality.

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.

The removal of soft landscaping from the front of the property is regrettable but some limited replanting is proposed which would help to “break-up” visually the hardsurfacing. Concern regarding the location of refuse storage is noted however this would be partially screened by landscaping and it is not in any case considered that it would be detrimental to visual amenity such as would justify the refusal of the application.

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. The impact of the proposal has been assessed previously but is as follows.

As has been indicated above the proposed footprint/location and height of the building is identical to that previously approved. The position of some opening has been changed from the approved scheme reflecting that the proposal is now for a semi-detached pair rather than the three flats previously proposed.

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 4.0 metres (at second storey level), 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 even having regard to the difference in levels. It is not considered that the proposal would result in any significant overlooking of No.27 given the relative position of the properties.

A single window is proposed at ground floor level on the side elevation (north-east) and given its position it would not significantly overlook the adjoining property given its height and location however the avoidance of doubt a condition will require this window to be obscure glazed. A further 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 three 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. The site is also 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. Concern has also been raised that the scheme would involve the removal of parking spaces to the front of the property because of the new access.

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 5no. parking spaces (with a paviour finish) on site covering the semi-detached pair now under consideration and the 2 flats that would form part of No.25 previously approved.

(one for each new flat plus one parking space for the existing property). While some space would be removed to accommodate the access Transportation Officers do not consider in this location that this will result in significant problems. It is considered that the development itself meets the South Gloucestershire parking policy which is a maximum standard. Cycle parking is shown, however the Council Transportation Officer is not satisfied that the provision is secure and has requested a condition to require details of cycle provision to be submitted for approval prior to the first occupation of the dwellings. This would enable officers to secure cycle provision that was secure both in terms of location and type of provision. No objection is raised to the location of refuse storage in highway safety terms.

It is considered that the subsequent access is acceptable in terms of visibility into and out of the site. Conditions are recommended to ensure that the parking provision is provided prior to first occupation and to secure full details of cycle provision also before first occupation.

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 indicated previously that they 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. This consideration is important where hardstanding for parking areas is proposed.

It has been indicated by a neighbouring occupier that there are pipelines that would be affected by the development. The Council's records do not show such pipelines although it should be noted that there may be private sewers. However that this is not a material planning consideration as it is dealt with through the Building Regulations. Advice from the Council's Building Control Team indicates that this is a common problem and construction methods can and indeed must have regard to any pipelines. It is possible to construct foundations such that they can accommodate pipelines. It is normal practice for the Drainage Engineers and Building Control Officers to liaise when considering the Building Regulations Application to ensure the implementation of the drainage scheme. Ultimately, if pipelines, in which a neighbour has an interest are damaged during the construction process due to lack of care and attention, this would be a private/civil matter.

With respect to subsidence as a result of mine workings, a mining report was submitted to discharge a condition attached to the previous consent. This indicated that the site is not affected by mine workings and this has been accepted by the Council's Drainage Engineers.

5.6 Noise

Concern has been raised that the proposal will result in additional noise and disturbance to neighbours by reason of a higher level of occupancy/density of development. It is not considered that a single semi-detached pair of properties would

result in a significant increase in noise and disturbance. The building regulations cover sound insulation as part of the construction process. If unacceptable noise levels are made by future occupiers of the building then this would be covered by the Environmental Protection Act 1990 and action would be taken against those individuals if deemed appropriate.

A condition is recommended to restrict the working times during the construction period to protect the amenity of neighbouring occupiers.

5.7 Other Issues

Concern has been raised that the proposal would result in loss of light. It is important to note that a right to light is attached to a property if that has been enjoyed for 20 years or more, granted by deed or registered under the Rights of Light Act 1959. The grant of planning permission does not override a legal right to light.

Where a right to light is claimed, this is a matter of property law rather than planning law. The right to light is not therefore a matter which can determine the outcome of a planning application. The local planning authority has no role or interest in any private dispute arising. It should be noted that it is for the neighbouring occupier to see if a legal remedy is available. If an injunction can be obtained it might be possible to prevent someone proceeding with works even if those works have both Planning and Building Regulations approval.

Concern has been raised that building works have the potential to damage the adjoining property, given the close proximity. Particular concern relates to the relative positions of the foundations. This matter would be a legal/civil matter between the two parties should it occur. The Party Wall Act is mentioned, however this is not a planning matter but informs the parties of their rights and duties before and throughout the construction process and provides a structure whereby disputes can be resolved. Informatives are recommended in accordance with standard practice, to advise the applicant that there is no right of access over land not within their ownership. Planning permission does not give such rights and arrangements must be made between parties. If access were to be denied clearly it may not be possible for the work to proceed however the availability of access is not an issue that can determine the outcome of the application.

Concern has been raised that the proposed shrub planting may result in future maintenance difficulties and may extend across the boundary with the neighbouring property. The shrub planting is quite minimal, however it may grow over the boundary line. It is considered that this is quite a common issue where a residential boundary is marked by a hedge or other foliage and consent would be needed to enter the adjoining land.

Concern has been raised that there is a lack of key measurements on the plans. It is not normal practice to include measurements on plans as the plans are to scale although in this case some key measurements have been included. The submitted plans clearly show the relationship between the proposed building and neighbouring properties.

Concern has been raised that the Description of Development is not specific as it includes the phrase "associated works". When describing an application that includes minor landscaping, boundary treatments, paving etc it is standard practice to use the

phrase “associated works” to describe these elements. The submitted drawings show the works which are also described in the Design and Access Statement.

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

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 **PK09/0513/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 Bedroom Window (Unit 1) and two Bathroom Windows (Unit 1 and 2) on the Rear Elevation shall be glazed with obscure glass only (Minimum Level 3). The proposed ground floor window on the side (north-east) elevation shall also be obscure glazed to level 3 standard.

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

Reason:

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

7. Notwithstanding the details shown on Drawing No. 1985/11 hereby approved, details of the location and method of cycle storage shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the units. All works shall be carried out in accordance with the approved scheme and retained for that purpose thereafter.

Reason:

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

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.

9. Prior to the commencement of any works, full details of all proposed boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the approved details.

Reason:

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

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

Reason:

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

CIRCULATED SCHEDULE NO. 15/09 – 17 APRIL 2009

App No.: PK09/0524/F
Site: 96-98, High Street, Hanham, South Gloucestershire, BS15 3EJ

Applicant: Mr A Milton
Date Reg: 23rd March 2009

Proposal: Erection of single storey extension and change of use of ground floor and ancillary storage area from Shop (Class A1) to 2no. self contained flats (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 as amended.

Parish: Hanham Parish Council

Map Ref: 64269 72294

Ward: Hanham
Target Date: 11th May 2009

Application Category: Minor



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 100023410, 2008.

INTRODUCTION

This application has been referred to the Circulated Schedule, in accordance with procedure given that objections have been raised.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the change of use of the ground floor area of No.96-98 High Street from an A1 Retail Unit to two self-contained flats. The conversion encompasses not only the retail floorspace to the front that would house one of the flats but also a detached outbuilding currently used for ancillary storage situated to the rear that would house the other. The rear flat is accessed through the front part of the building. Cycle storage is provided to the rear of the site with bin storage within a paved area to the front of the site. Both flats would be one-bed.
- 1.2 Minor changes are proposed to the ridge height of the outbuilding and a single storey porch replacing two existing openings would be added. On the front elevation the shop front will be replaced by a single window and two entrance doors (one to the proposed ground floor flats and the other to the existing upper floor residential unit). There are no vehicular parking spaces provided.
- 1.3 The application site is situated with the Local Centre of Hanham within a Secondary Shopping Frontage (No.88 to 114 High Street). In support of the application details of efforts to market the premises have been submitted.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPS6 Planning for Town Centres
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
RT1 Development in Town Centres
RT10 Changes of Use of Retail Premises within Secondary Shopping Frontages in Town Centres
H5 Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
T12 Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 All the previous history relates to the use of the premises as a retail unit.

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council

The Council is reluctant to see the loss of another retail premises

4.2 Sustainable Transport

No objection is raised

Other Representations

4.3 Local Residents

There have been two letters of objection received the grounds of objection can be summarised as follows:

- The dwelling is too close with resultant problems to neighbours
- There is a fire risk from the new unit
- Privacy will be invaded given the close proximity of the building
- The proposal would devalue a neighbouring property
- The proposal may attract the wrong type of tenant with resultant problems to neighbours
- The accommodation is not suitable

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy RT1 of the South Gloucestershire Local Plan (Adopted January 2006) considers development in Town Centres and seeks to ensure that appropriate development is guided towards these areas. Policy RT10 is more specific and considers development within Secondary Shopping Frontages which by their definition are located at the fringes of the main shopping area. Policy RT10 indicates that proposals for change subject to the following considerations:

- **The proposed use would result not undermine the established character, vitality or civic role of that frontage:**

In August 2008, South Gloucestershire Council produced a study on Retailing in its area. As a Town Centre Hanham was covered by the study which indicated that just 2.4% of the Secondary frontage remained in an A1 use. The particular frontage within which the site sits, No.88 to 114 High Street comprises 2 no. A2 uses with the remainder being residential (C3) uses including the properties either side. The rank of properties that comprises the larger part of this secondary retail frontage, No.100 to 114 is completely residential in terms of its use and has the appearance of always having had this use. It is clear that the site is away from the main retail centre and has become an isolated unit.

The applicant has submitted details from an Estate Agency which indicates that the site has been marketed without success since March 2008, and that this exercise has involved a reduction in the original rental price. The submitted information indicates that there has been little interest.

Given the above, it is not considered that the loss of this unit to a non-retail use would adversely affect the character, vitality and role of the frontage because this frontage does not have such a function and therefore the proposal does accord with this criteria.

- **The proposed use would result in unacceptable environmental or transportation effects or would prejudice residential amenity**

It is not considered given the scale and location of the proposal, which only includes some minor alterations to the fabric of the building that there would be any adverse environmental impact or impact upon residential amenity. An assessment of the transportation impact is set out below.

Policy H5 considers the criteria relating to the re-use of buildings for residential purposes. Subject to consideration of the following issues the proposed development is considered acceptable in principal.

5.2 Impact upon the Character of the Surrounding Area/Residential Amenity

It is considered that the introduction of two additional residential units will not adversely affect the character of the area, which as has been described above has a large residential element including properties either side and on upper floor levels. The scheme identified adequate refuse storage.

Concern has been raised that the proposal would result in detriment to residential amenity. Design changes are minor and will not have any significant impact upon the character of the area or residential amenity (the proposal would not result in any additional overlooking or involve significant extensions to the building that would result in overshadowing). The overall impact of the built form in the rear area would be reduced as an outside WC and single storey extension to the shop both of which are set against the boundary with No.94 would be demolished as part of the proposal.

The single storey building to the rear is single storey set within existing boundaries (the building itself partly creates the boundary treatment with No.100 High Street and there is a stone boundary wall forming the boundary with No.94) and thus it is not considered that any significant loss of privacy would result from the proposed development.

It is not considered that the residential occupation of the unit would result in any significant impact upon residential amenity. It is noted that concern has been raised regarding the possible behaviour of future occupiers and the possibility that this could devalue property. These are not matters that are material planning considerations. If unacceptable noise levels result, this would be a matter dealt with under Environmental Health legislation (Environmental Protection Act 1990) or the police if criminal behaviour occurs.

5.3 The Proposal identifies an acceptable level of off-street parking

The site will not provide any off-street parking which as such is the same as the current arrangement. It is considered that in terms of use, a residential use would result in less vehicle movement than a fully functioning retail unit. The site is located in a very sustainable location in close proximity to local services

and public transport routes. Cycle storage is provided as part of the proposal. Transportation officers raise no objection to the proposed development and the proposal is therefore considered acceptable in these terms.

5.4 The Proposal provides adequate amenity space

Other than a very small courtyard area to the front of the rear flat, there is no amenity space provided. It is not usual to require private amenity space for single bed flats however and it is not considered that there would be an expectation that this would be provided by potential future occupiers on the basis that this is not family accommodation where such provision is a requirement (as set out in PPS3).

5.5 The Property is located within the Existing Urban Area

The property is situated inside the Urban boundary.

5.6 Other Issues

Concern has been raised that the scheme represents a possible fire risk. This is a matter that would be considered by the Building Regulations and 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 **PK09/0524/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 refuse storage shown on Drawing No. 1042-06 hereby approved shall be provided prior to the first occupation of the flats.

Reason:

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