



**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. 50/09

Date to Members: 16/12/09

Member's Deadline: 22/12/09 (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: 16/12/09

SCHEDULE NO. 50/09

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
over the Christmas and New Year period 2009/2010**

| Schedule Number | Date to Members 9am on | Members Deadline 5pm on |
|------------------------|--------------------------------------|---|
| 50/09 | Wednesday 16 December 2009 | Tuesday 22 December 2009 |
| 51/09 | Wednesday 23 December 2009 | Monday 04 January 2010 |
| 52/09 | No Circulated Schedule production | No Circulated Schedule production |
| 01/10 | Friday 08 January 2010 | Thursday 14 January 2010 |

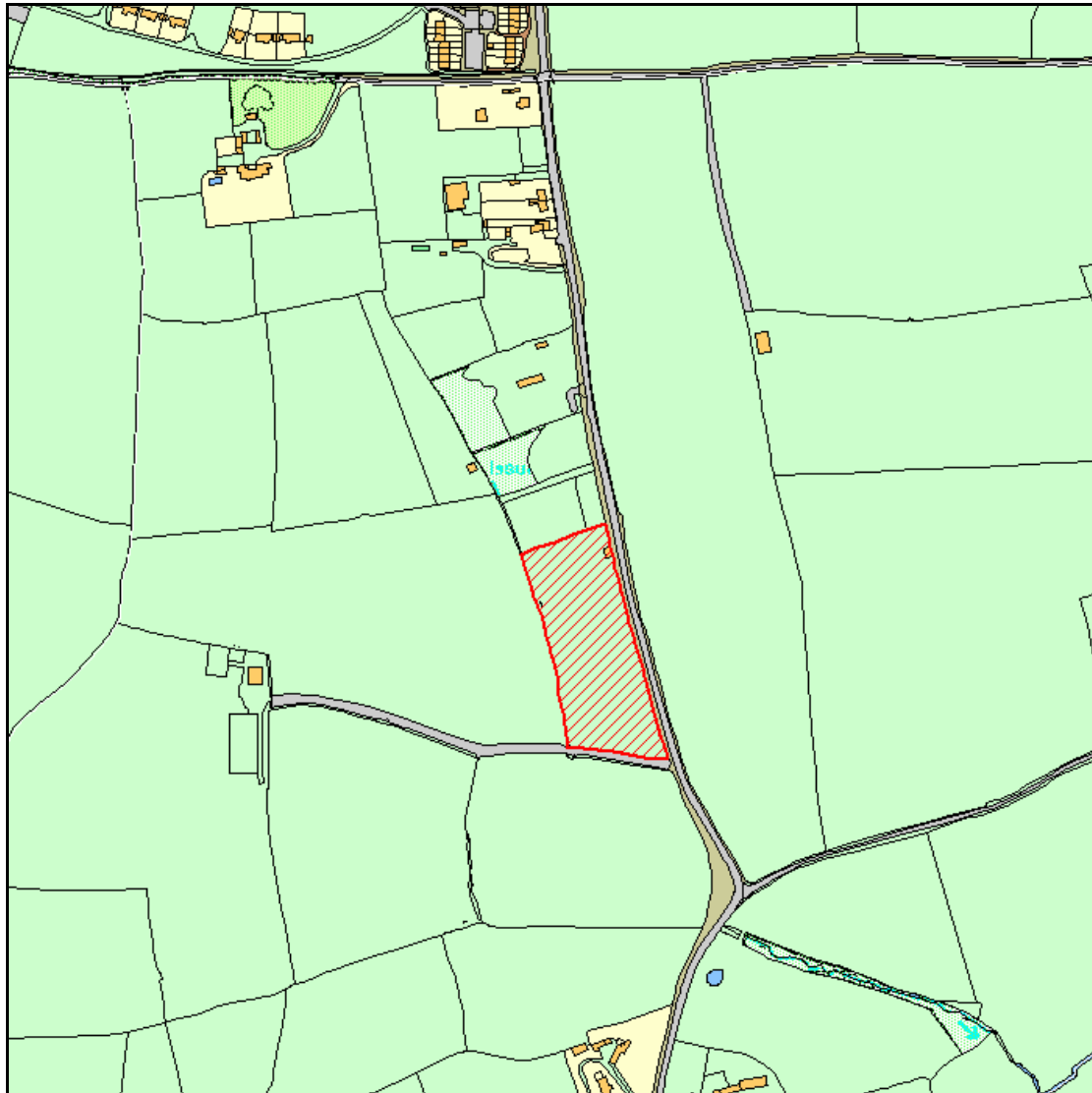
CIRCULATED SCHEDULE – 16 DECEMBER 2009

| ITEM NO. | APPLICATION NO | RECOMMENDATION | LOCATION | WARD | PARISH |
|----------|----------------|----------------------------|--|-----------------------------|--|
| 1 | PK09/5437/F | Approve with Conditions | Land Off Abson Road Pucklechurch South Gloucestershire BS16 9SD | Boyd Valley | Wick & Abson Parish Council |
| 2 | PK09/5604/F | Approved Subject to | Land To The Rear Of 49 Church Road Hanham South Gloucestershire BS15 3AE | Hanham | Hanham Parish Council |
| 3 | PK09/5621/F | Approve with Conditions | 70 Oakdale Close Downend South Gloucestershire | Downend | Downend & Bromley Heath Parish Council |
| 4 | PK09/5723/F | Approve | 206 High Street Hanham South Gloucestershire BS15 3HJ | Hanham | Hanham Abbots Parish Council |
| 5 | PK09/5805/OHL | No Objection | Near To Hill Farm Greenway Lane Cold Ashton South Gloucestershire SN14 8LA | Boyd Valley | Cold Ashton Parish Council |
| 6 | PK09/5823/F | Approve with Conditions | 62 Leicester Square Soundwell South Gloucestershire BS16 4PD | Staple Hill | |
| 7 | PK09/5870/TRE | Approve with Conditions | Land Adjacent To 47 Selworthy Kingswood South Gloucestershire BS15 9RJ | Woodstock | |
| 8 | PT09/1210/CLE | Approve | Storage yard adjoining Pilning Station Station Road Pilning South Gloucestershire BS35 4JT | Pilning And Severn Beach | Pilning & Severn Beach Parish Council |
| 9 | PT09/5646/F | Approve with Conditions | Land At 155 Beesmoor Road Frampton Cotterell South Gloucestershire BS36 2JW | Frampton Cotterell | Frampton Cotterell Parish |
| 10 | PT09/5653/F | Approve with Conditions | 10 Hazel Crescent Thornbury South Gloucestershire | Thornbury North | Thornbury Town Council |
| 11 | PT09/5668/R3F | Deemed Consent | Severn Beach Cp School Ableton Lane Severn Beach South Gloucestershire BS35 4PP | Pilning And Severn Beach | Pilning & Severn Beach Parish Council |
| 12 | PT09/5705/F | Approve with Conditions | 4 Manor Park Tockington South Gloucestershire BS32 4NS | Severn | Olveston Parish Council |
| 13 | PT09/5730/F | Approve with Conditions | Brent Knoll House Cribbs Causeway Almondsbury South Gloucestershire BS10 7TG | Patchway | Almondsbury Parish Council |
| 14 | PT09/5732/F | Approve with Conditions | 3 Davids Lane Alveston South Gloucestershire BS35 3LN | Thornbury South And | Alveston Parish Council |
| 15 | PT09/5778/F | Approve with Conditions | 29 Gloucester Road Almondsbury South Gloucestershire BS32 4HH | Almondsbury | Almondsbury Parish Council |
| 16 | PT09/5806/F | Approve with Conditions | 29 Boverton Road Filton South Gloucestershire BS34 7AH | Filton | Filton Town Council |

ITEM 1

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|----------------------------------|--|-------------------------|--------------------------------|
| App No.: | PK09/5437/F | Applicant: | Mrs D Powell |
| Site: | Land Off Abson Road Pucklechurch Bristol South Gloucestershire BS16 9SD | Date Reg: | 8th October 2009 |
| Proposal: | Change of use of land from agricultural to land for the recreational keeping of horses. Erection of stable block and tack room with ancillary storage. (Resubmission of PK09/1019/F). | Parish: | Wick & Abson Parish Council |
| Map Ref: | 370367 175631 | Ward: | Boyd Valley |
| Application Category: | Major | Target Date: | 4th January 2010 |



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100023410, 2008. **N.T.S.** **PK09/5437/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 site comprises a 1.39ha (3.43 acres) field located to the west of Abson Road, between the villages of Pucklechurch and Abson. The field, which is laid to pasture, lies in open countryside and within the Green Belt. The authorised use of the land is agricultural. Vehicular access to the field is Abson Road via an agricultural track and then via a gate located in the south-eastern corner of the field. A PROW LWA/25/10 crosses the site in a North West-South East direction and has styles at either end.
- 1.2 It is proposed to change the use of the land from agricultural to the recreational keeping of no more than 3no. horses. It is also proposed to erect a stable building incorporating 3 boxes, a Tack Room and ancillary storage space for fodder. The proposed building would be 'L' shaped and strategically located in the far south-eastern corner of the field, close to the access gate. The stable element of the building would measure 13.9m x 3.58m and have a height of 3.035m with eaves at 2.235m. The storage element would measure 9.13m x 3.58m with the same roof height and eaves as the stable element. There would be 3no. boxes within the stable and an additional box to house the tack. The storage area would be 33 sq.m. and used to store winter feed and bedding.
- 1.3 A previous application PK09/1019/F for a similar change of use, erection of stable block and retention of a store, plus the construction of a new access track, was withdrawn on officer advice. The current proposal seeks to overcome the previous officer concerns.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPG2 - Green Belts
- PPG13 - Transport
- PPS7 - Sustainable Development in Rural Areas
- PPS9 - Biodiversity and Geological Conservation.
- PPS25 - Development and Flood Risk

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

- GB1 - Development within the Green Belt
- T8 - Parking Standards
- T12 - Transportation
- D1 - Design
- L1 - Landscape Protection and Enhancement

- L8 - Sites of Regional and Local Nature Conservation Interest
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- E10 - Horse related development
- LC5 - Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
- LC12 - Recreational Routes

2.3 Supplementary Planning Guidance

- Advice Note 9 - Development Involving Horses
- Development in the Green Belt (SPD) – Adopted June 2007
- The South Gloucestershire Design Checklist (SPD) – Adopted August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1019/F - Change of Use of land from agricultural to land for the recreational keeping of horses. Erection of stable block, erection of ancillary storage building (retrospective). Creation of new access track. Withdrawn 12 Aug 2009.
- 3.2 P98/4956 - Erection of agricultural store. Approved 24 Feb 1999

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
No objections.
- 4.2 Other Consultees
- 4.3 The Ramblers Association
No response
- 4.4 Wessex Water
No objection
- 4.5 The Environment Agency
No objection subject to standard informatives.

Other Representations

- 4.6 Local Residents
1no response was received raising objections to the proposal. The concerns raised are summarised as follows:
 - The site lies in the Green Belt and is highly visible.
 - The proposed building is too large to the detriment of visual amenity.
 - How will waste and manure be disposed of?
 - Manure would be burnt.

- The massive storage area is unwarranted.
- The access is on a busy road; additional traffic would cause highway hazards.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In the first instance the proposal must be considered in the light of current Green Belt Policy. Guidance contained in PPG2 states that, the change of use of land or the re-use of existing buildings in the Green Belt is not inappropriate, where it would not have a materially greater impact on the openness of the Green Belt than the present authorised use. Furthermore the construction of new buildings inside the Green Belt is not inappropriate development if it is an essential facility for outdoor sport and recreation. Paragraph 3.5 of PPG2 states that essential facilities should be genuinely required for the uses of the land, which preserve the openness of the Green Belt and gives an example of '*small stables*' as possible essential facilities, the PPG does not however define what is meant by '*small*'. This is supported by Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, which states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.

5.2 Furthermore, PPS7 generally supports equine related developments in the countryside, provided that they maintain environmental quality and countryside character. Policy E10 of the South Gloucestershire Local Plan reinforces the view that '*proposals for horse related development .. such as stables, will be permitted outside the urban boundaries of settlements*', subject to the following criteria being met:

- A. Development would not have unacceptable environmental effects; and
- B. Development would not prejudice the amenities of neighbouring residential occupiers; and
- C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
- D. Safe and convenient access to bridleways and riding ways is available to riders; and
- E. There are no existing suitable underused buildings available and capable of conversion; and
- F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

The analysis of the proposal in relation to these criteria is considered below.

5.3 Green Belt Issues

As stated above '*small stables*' are not inappropriate within the Green Belt. In assessing whether or not a stable is small, officers have taken note of recent appeal decisions relating to similar proposals at Langton Farm, Siston Lane,

- Siston. It was established in the appeal decision (APP/P0119/A/02/1090067) relating to application PK02/2237/F (for the erection of a stable with a footprint of 52sq.m. on Lot 4 Langton Farm), that '*the keeping of horses for recreational purposes is a use of land that is compatible with preserving the openness of the Green Belt*'. The appeal relating to PK02/2237/F also established that, '*..in terms of its overall floorspace and height, the proposed stable would be small.*' This accorded with guidance given in PPG2 and with the supporting text of Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which indicates that small stables are not inappropriate within the Green Belt. The inspector concluded that the proposal was an essential facility required for the use of the land, which retained the openness of the Green Belt and would not therefore be inappropriate development within the Green Belt.
- 5.4 It should be noted however that in relation to another proposal at Langton Farm, the Inspector for the appeal relating to application PK01/3392/F i.e. APP/P0119/A/02/1090067, considered that a stable with 5 individual stores and 2 storage areas and a floor area of over 136sq.m. was not small and was therefore inappropriate development within the Green Belt. In another application PK03/0076/F relating to Langton Farm, officers considered that a stable with a footprint of 96 sq.m. was small. In a more recent application PK08/0036/F, relating to land at Webbs Heath, a proposed American Barn with a foot-print of 250.7 sq.m. and a height of 4.88m with eaves at 3.66m was '*..not remotely considered to be 'small*'.'
- 5.5 Notwithstanding the above-mentioned developments, officers consider that each application should be considered on its individual merits and especially in relation to the character and location of the application site. In this instance the stable/store would have a floor area of 82.76sq.m. and consist of 3 stalls, a Hay/Fodder Store and a Tack Room. Officers consider that the proposed stable building has been kept to a reasonable size and in the context of the proposed use can be considered to be small. Furthermore the stable building has been designed to minimise its impact in the landscape with the roof height restricted to 3.035m in height. The scale of the building is therefore considered to be sufficiently small and would not be inappropriate development within the Green Belt; by definition therefore the stable would not cause harm to the openness of the Green Belt.
- 5.6 Impact on the Visual Amenity of the Green Belt and Landscape in General
- 5.7 The sub-division of the existing field by the planting of hedgerows and erection of fences would **not** require planning permission and neither would the use of temporary mobile field shelters. In this respect officers would rather see the erection of more permanent stables, the siting and design of which, can be suitably controlled via the planning process, to minimise the impact on the landscape.
- 5.8 The proposed stable would have a traditional design, being constructed of Timber Boarding for the walls and Felt sheeting for the roof.
- 5.9 It is proposed to keep a maximum of 3 horses on the site and this can be restricted by condition. Other than a small concrete apron to the front of the

- stable, there would be no new areas of hard-standing. Officers consider that with good management, the existing field would be big enough for the number of horses proposed, without resulting in any unsightly poaching of the land.
- 5.10 The existing hard-standing areas adjacent to the access gate would also be used for parking; no horse-boxes are proposed to be kept on the application site.
- 5.11 The building would be appropriately located in the south-eastern corner of the field where it would relate well to the existing access and an existing area of hard-standing. Since the building would be located in the lowest corner of the field next to the high boundary hedge along Abson Road, the building would not be prominent within the landscape. The applicant is also prepared to accept a condition to control the erection of jumps within the field. Furthermore it is now proposed to enhance the screening of the site by constructing a low earth bund i.e. 300mm high, along the southern boundary of the site, formed from the topsoil cleared from the site of the new stable building; with a new hedgerow planted on top of the bund. The scheme would not therefore adversely affect the visual amenity of the Green Belt and there are therefore no landscape objections.
- 5.12 Transportation Issues
The proposal would utilise the existing access from Abson Road and gated access from the farm track. The Abson Road access is considered acceptable to serve the proposed equine use of the field. Subject to the number of horses to be kept on the field, being limited to 3 and there being no livery use or sub-letting of the stables, there are no highway objections. Criterion C of Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 is therefore satisfied.
- 5.13 Environmental Effects and Drainage Issues
All matters of external lighting, erection of loose jumps and fences, car parking and use of horse boxes or portable buildings or trailers, could be strictly controlled by conditions.
- 5.14 The disposal of foul waste should be undertaken in accordance with the MAFF (now DEFRA) Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency controls. It is intended that accumulated muck would be taken off-site by a local farmer. Foul wash-down would soakaway to the land. There would be no external lighting required. A Flood Risk Assessment has been submitted to the satisfaction of the Environment Agency who raise no objections to the proposal. Any burning of waste manure would be controlled by Environmental Health legislation. Criterion A of Policy E10 is therefore satisfied.
- 5.15 Buildings Capable of Conversion
There are no existing suitable buildings on the field that could be converted for the proposed use. Criterion E of Policy E10 is therefore satisfied.

5.16 Ecology

The site has no special nature conservation designation. The field could already be used for grazing purposes. It is therefore considered that there would be no adverse impact upon the ecology of the area. A condition to secure an ecological management plan to accord with the requirements of the South Gloucestershire Biodiversity Action Plan could be imposed.

5.17 PROW Issues

The field is crossed in a north-western to south-eastern direction by PROW LWA/25/10. In the current proposal the route of the PROW would be restored to its definitive line and a new gate installed within the southern boundary of the field, west of the main access gate. Subject to the installation of the gate, there are no objections.

5.18 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.

5.19 Use of Energy and Sustainability

A condition would be imposed to prevent Livery use.

5.20 Improvements achieved to the scheme

The previous application was withdrawn on officer advice. Following pre-application discussions, significant improvements have been secured to the scheme, these being:

- Removal of unsightly and prominent existing building.
- Re-location of proposed building to corner of field.
- Deletion of unsightly new track along southern field boundary.
- Enhanced PROW access.
- Restoration of definitive line of PROW.
- Enhanced landscaping, most notably along southern boundary of field.

5.21 Section 106 Requirements

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

6. CONCLUSION

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

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

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

7. RECOMMENDATION

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

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 & Country Planning Act 1990 (as amended).

2. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt, and to accord with Policies GB1 L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason

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

3. The number of horses kept on the site edged in red on the approved plans shall not exceed 3.

Reason

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

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt, and to accord with Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt, and to accord with Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. Any temporary jumps erected on the land shall be stored away to the side of the stable hereby approved, immediately after use.

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt, and to accord with Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. At no time shall trailers, horse boxes, van bodies and portable buildings or other vehicles be kept on the land edged in red on the approved plans other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt, and to accord with Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. Details of any external illumination shall be submitted to and approved in writing by the Local Planning Authority. The external illumination shall be implemented in accordance with the approved details.

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt, and to accord with Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. At no time shall there be any burning of foul waste upon the land the subject of the planning permission hereby granted.

Reason

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policies E10 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

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

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt, and to accord with Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

11. No development shall commence until an ecological management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The management plan shall include the results of an ecological survey of the site, and a detailed scheme of protection, mitigation and compensation measures to be incorporated within the development, including a timetable for the implementation of the scheme and for the monitoring of the impact of the development on the ecological features. The development and the requirements of the management plan, shall subsequently be commenced prior to the development being occupied and carried out in accordance with the approved details.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy L8 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS9 - 'Biodiversity and Geological Conservation'.

12. Notwithstanding the details shown on the plans hereby approved; prior to the first use of the land for the purpose hereby approved and in accordance with S.147 of the Highways Act 1980, a new gate (not a stile) shall be erected at the junction of Public Right of Way LWA/25/10 and the southern boundary of the field (the subject of this planning consent) to a minimum width of 1 metre and in accordance with BS:5709. The existing stile within the southern boundary shall be removed and the resultant gap made good with appropriate landscaping.

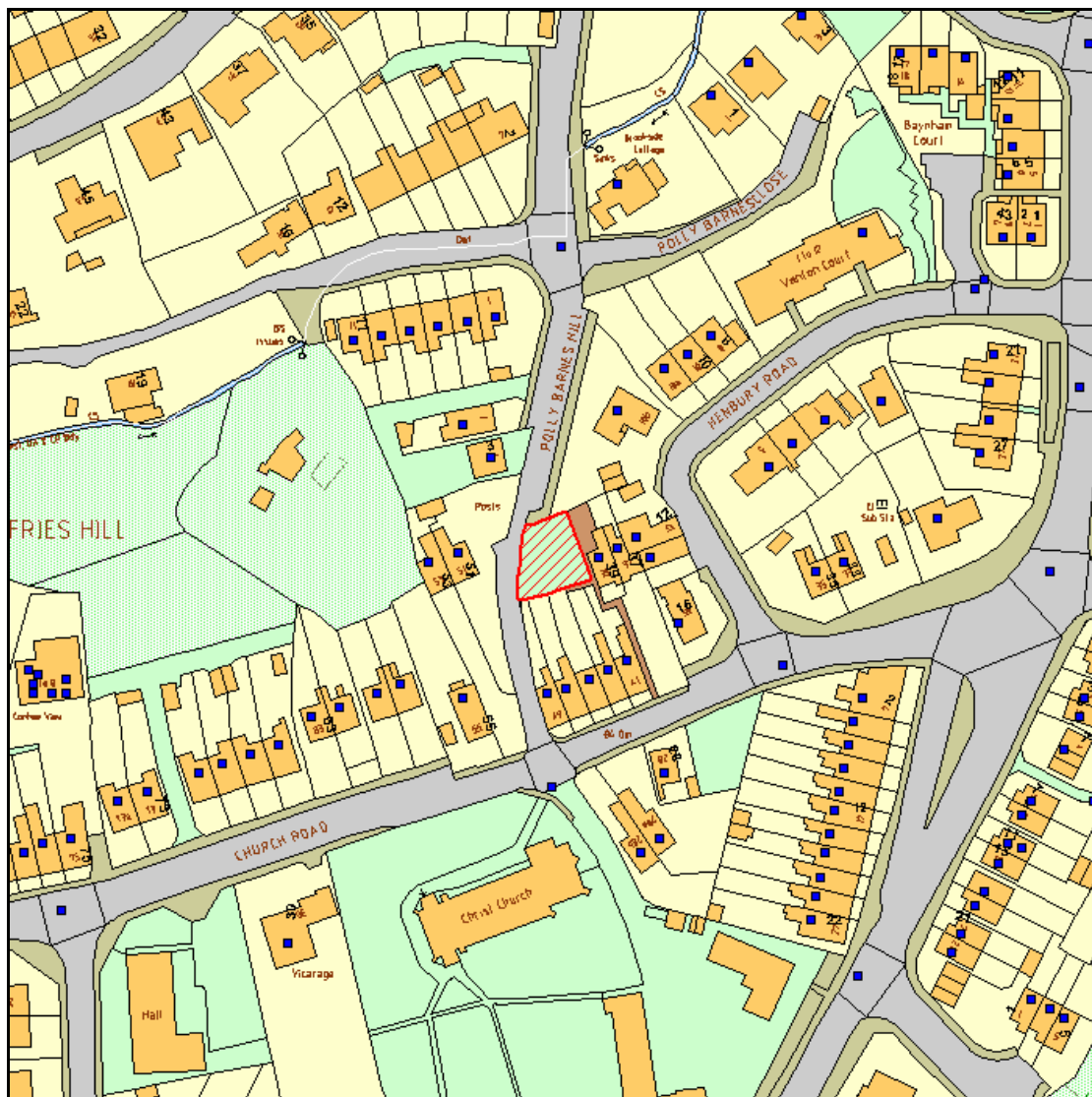
Reason

To prevent the egress of horses and to maintain access to the Public Right of Way in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

ITEM 2

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|----------------------------------|--|-------------------------|--------------------------|
| App No.: | PK09/5604/F | Applicant: | Mr G Wilson |
| Site: | Land To The Rear Of 49 Church Road Hanham Bristol South Gloucestershire BS15 3AE | Date Reg: | 29th October 2009 |
| Proposal: | Erection of 1no. detached dwelling with access, parking and associated works. (Resubmission of PK09/0612/F). | Parish: | Hanham Parish Council |
| Map Ref: | 363812 172349 | Ward: | Hanham |
| Application Category: | Minor | Target Date: | 10th December 2009 |



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INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of objections contrary to the officer recommendation and due to the recommendation including a Section 106 Agreement.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a bungalow with a basement garage on land to the rear of 49 Church Road, Hanham. The submitted plans show the siting of the proposed dwelling approximately in the middle of the site. Its vehicular access is proposed to be solely from Polly Barnes Hill. Works are proposed outside of the site, on highway land, to remove the end of the footpath up Polly Barnes Hill, where it approaches the site, and realign the kerb in order to provide a turning head.
- 1.2 To the side of the proposed dwelling is the blank side elevation of a two storey semi detached dwelling. To the west, across the lane (which is restricted to pedestrians by a row of bollards where it narrows next to the site) is the side elevation of No. 51 Church Road, another semi with no habitable room windows in that elevation. To the south of the site are the rear gardens of a terrace of houses fronting Church Road. The site itself occupies a hillside location, sloping from south down to north, as well as from East down to West. It currently has a half built dwelling on it that occupies a prominent position in relation to the valley it overlooks. If this application is approved, it would be possible for the dwelling to be completed. Work has stopped to date because the dwelling under construction varies from the approved scheme, PK08/0122/F. The variations to the approved scheme amount to changes in the design, access arrangement, the basement behind the retaining wall below the bungalow has been designed as a garage, the building's footprint has been increased and the size of the rear garden has been accordingly reduced. Reconstituted stone has been used at the basement level, with blockwork above this.
- 1.3 The submitted details show a two bedroom dwelling, with the main aspect to the north. The only other habitable room windows would face the rear of the site, across an area of amenity space. A front 'Juliet' balcony and repositioning of the access stairway have also been proposed.
- 1.4 The planning history, shown in full at 3. below is of particular relevance to this proposal. In 2006 an application for outline permission for a dwelling was refused due to cramped nature of the siting, close to the rear boundary, the small area of private amenity space to serve the dwelling, a bedroom window being located close to a boundary wall and the creation of a substandard access. Of particular relevance is application reference no. PK09/0612/F which was refused for three refusal reasons:
- The proposal would lead to the creation of substandard accesses by reasons of the lack of pedestrian visibility splays at the site entrance. This combined with restricted manoeuvring space on site would result in increased vehicular standing and manoeuvring of vehicles on the public highway thereby increasing highway hazards faced by all road users and

to detriment of road safety. This is contrary to the policy T12 of the adopted South Gloucestershire Local Plan.

- The introduction of the proposed balcony would lead to the overlooking of nearby gardens, to the detriment of existing levels of residential amenity and contrary to policy H2 of the adopted South Gloucestershire Local Plan.
- The proposal would not provide adequate private amenity space to serve the needs of future occupants, to the detriment of their residential amenity, contrary to policy H2 of the adopted South Gloucestershire Local Plan and advice contained in PPS3.

1.6 This application has been submitted in order to overcome these previous refusal reasons, therefore further information following a full survey of the site has been submitted to accompany the application. Details appear in the analysis below.

2. **POLICY CONTEXT**

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

| | |
|-----|-------------------------|
| D1 | Design |
| H2 | Residential Development |
| T7 | Cycle Parking |
| T8 | Car parking |
| T12 | Transportation |

3. **RELEVANT PLANNING HISTORY**

| | | | |
|-----|-------------|---|-----------|
| 3.1 | P80/4252 | Erection of bungalow and new access | Refused |
| 3.2 | P88/4258 | Erection of bungalow (outline) | Refused |
| 3.3 | PK06/1926/O | Erection of detached dwelling (outline) | Refused |
| 3.4 | PK07/3532/F | Erection of dwelling | Withdrawn |
| 3.5 | PK08/0122/F | Erection of detached dwelling | Approved |
| 3.6 | PK09/0612/F | Erection of detached dwelling with access, parking and associated works (amendment to previously approved scheme PK08/0122/F) | Refused |

4. **CONSULTATION RESPONSES**

4.1 Hanham Parish Council

Objection: Lack on amenity space and overbearing impact.

4.2 Other Consultees

Sustainable Transport

The applicant seeks permission for the construction of a dwelling on the site. The principal of residential development on this site was approved as part of the planning application No. PK08/0122/F. The planning consent in 2008 was made conditional with several planning conditions one which was related to provision of parking and turning space.

With this planning application, the applicant seeks minor changes to the site access, parking and turning area. Access to the site would be gained from Polly Barnes Hill (as it was with the previous proposal) but it is now proposed that the site access is moved as far as possible from the point where pedestrians and cyclists negotiate the bollards at the intersection of Polly Barnes Hill and Church Road. The suggested change to the access location would mean alteration to a section of footway outside the application site and it would lead to creation of a small turning area at this location. As the required works are within the existing public highway then, the applicant would be required to enter into a legal agreement with the Council.

With the previously approved scheme, there was a planning condition to construct a turntable on site. However, the applicant is now proposing to do away with this requirement and instead the applicant is proposing a turning space within the public highway. The proposal is considered acceptable and hence no highway objection is raised to this application subject to the following:

1) The applicant first enter into an appropriate a s106 legal agreement to carry out the highway works as shown in principal on drawing no. 2055/01 together with all associated works. (Highway works – including change of part of the footway into carriageway, as shown in principal on the drawing No. 2055/01 rev A, together with all associated works).

other planning condition

- Prior to occupation of the dwelling on site, provide off-street parking as proposed and approved and maintain this satisfactory thereafter.
- The boundary wall to the application site which is directly adjacent to the proposed access shall not be constructed higher than 1m above the adjoining carriageway level to allow inter-visibility between car driver and pedestrians and cyclists.

Technical Services

No objection, subject to the inclusion of a condition regarding the submission of Sustainable Drainage details, also covering the paving area to the front of the dwelling.

Environmental Protection

No objection in principle. Informatives are suggested.

Other Representations

4.4 Local Residents

2 letters of objection were received to the proposal, citing the following concerns:

- The building has not been constructed in accordance with the approved plans, being closer to the site boundary, larger and more like a two storey house, even three with the roof space being used
- The balcony would lead to overlooking of surrounding gardens as it would project beyond the front of the house by a further 2 metres, which would be overbearing
- If the original plans had been adhered to, with the turntable incorporated as part of the scheme, the highway itself would be untouched. If the development could not be confined to the site itself, it proves the site is too small
- Unhappy at photographs being taken of the rear of an adjacent property
- The calculations of the amenity space are misleading – the whole of the area is not viable and usable due to shape and lack of privacy
- The public purse will have to fund the highway works proposed
- Risk to pedestrian safety

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site lies within the built up area covered by the South Gloucestershire Local Plan. As such, and in the absence of any other designation preventing residential development, it falls within the area where residential development is acceptable in principle, according to policy H2. The land constitutes a brownfield site. The application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be analysed form the headings below. The task of this application is therefore to overcome the three refusal reasons for the previous scheme, regarding highway safety, lack of amenity space and the effect on residential amenity.

5.2 Site Layout, Design and Visual Amenity

The entire site is virtually taken up with three elements, the front garden, consisting of the proposed parking and turning area, the house itself and the rear garden. The appearance of the development would as a result of this layout be somewhat cramped and this had led to a central position within the site for the bungalow, to allow the creation of usable amenity space both in an aesthetic sense, creating a setting for the proposed dwelling and in a practical sense in that there would be private open space at the rear to service the needs to future occupiers. The rear amenity space for the approved scheme would have been a strip between 3.5 metres to 4 metres wide amounting to over 50 square metres. The survey which has been recently undertaken shows that with the footprint which has actually been built, there is amenity space in excess of 48 square metres in this area. This is considered on balance to be adequate to serve the property, a two bedroom house, as it is only just short of the figure apparently achieved for the approved scheme from 2008. The Design and Access Statement makes clear that the level of private amenity space on offer with this proposal is generally higher than that afforded to nearby properties. The space along the side of the dwelling, however, would amount to no more than a path and that at the front would not offer any privacy to users. The front garden, while not offering usable amenity space, represents an opportunity to provide a landscaped setting for the parking area incorporating the access steps.

The form of development now built no longer appears to be a bungalow. The proposed garage below the living accommodation (in place of the approved retaining wall) gives more of a two storey impression. The use of reconstituted stone is considered to be inappropriate in an area where natural stone predominates and creates a distinctive character. Therefore an amended plan has been submitted, showing that the basement level at the front of the property is faced with natural stone, which is considered to be more appropriate to give the impression that the house is built on a solid base. This amendment also shows that the garage doors will be constructed of timber. The two storey impression of the building is considered to be reinforced by having the garage door in place of the retaining wall. It is considered that using natural materials at basement level will aid the impression that the lower part of the building is part of the hillside to some extent. This would be reinforced to a lesser, but significant extent, through the use of wooden garage doors, varnished rather than painted.

While the design of the proposed house as shown on the submitted plans does not attempt to copy the buildings nearby, it is considered that it does address its own surroundings. The detailing is proposed to be minimal, with few windows facing in any direction other than north, where the windows would be almost floor to ceiling. The proposed materials are predominantly render, under a tiled roof. The building itself would form an 'L' shape. Overall, it is considered that the design of the proposal, subject to compliance with the conditions noted above is acceptable in the sense that it would not harm visual amenity. The latest surveys reveals that the dwelling is reduced in footprint, compared to that approved. Even so, it is considered that the built form on this site appears cramped. However, the degree of this effect is not considered to be too great a departure from the approved scheme to be worth a refusal reason and no such refusal reason was put forward with the last application.

5.3 Transportation

The transportation comments appear above in detail at 4.2. Highways have been involved in negotiations with the applicant's agent following the refusal of the previous application. They raise no objection to the current proposal. Although the problems which were identified with the 2006 scheme, which was refused, being revisited through the absence of the turntable, a new solution was put forward to overcome the highways refusal reason. There is a sign at the top of the hill in Church Road which makes clear that Polly Barnes Hill is closed to traffic from that direction. The only dwelling which currently has an access is due to a historical situation. The proposed solution respects this situation, by ensuring that the only vehicular access would be from Polly Barnes Hill. This route, next to the site, is a Safe Route to School and therefore pedestrian safety is of particular concern. With only one vehicle likely to be using the top part of Polly Barnes Hill and the wall not exceeding 1 metre in height next to the highway for visibility purposes (any increase in this height would require planning permission in its own right) it is considered that pedestrian safety would not be compromised through this proposal.

Highways comments for the approved scheme required the provision of cycle parking on the site and, although none has been specified on this revision, it is considered that this could be achieved within the garage.

Overall it is considered therefore that the highway safety refusal reason for the previous application has been overcome. Due to the mitigating works taking place on the public highway, a Section 106 Agreement would have to be entered into which would ensure that the works are undertaken at the applicant's cost.

5.4 Residential Amenity

With regard to overbearing impact, it is not considered that the bulk of the proposed building would have an overbearing impact upon the rear of No. 39, due to its close proximity to the boundary and its projection beyond the rear building line of No. 39. This is due to the proposed dwelling being single storey (at least above the common ground level) with a roof pitch which extends away from the boundary. While No. 39 has a small rear garden and no other private amenity space, it is noted that the proposed bungalow is set back from the boundary as well.

In addition to the above, there is also the effect of the design of the proposed dwelling on the future occupiers. The 2006 outline scheme was refused for two reasons in this respect. One of these was the failure to create a reasonable amount of amenity space to serve future occupiers. The 50 square metres of private amenity space indicated on the approved scheme was considered to be adequate to meet the needs of the small family which would potentially occupy the house. This has been reduced even though the footprint of the dwelling has been reduced, but, as noted above, it is considered to be adequate to meet the needs of future occupiers.

The proposed design has only a bathroom window, serving a non-habitable room, close to the site boundary. The outlook from the rear bedroom and the kitchen have been reduced, but the departure from the approved scheme is not so great as to warrant a refusal reason. All other habitable room windows are considered to provide a reasonable outlook.

The projecting balcony was a new feature on the revised proposal, but has been removed from this application. It has been replaced with a Juliet balcony design, which is effectively a railing immediately in front of the living room windows. This has the effect of precluding these windows from opening outwards and the occupiers have no space greater than the internal space of the room. The views that occupiers would enjoy are therefore no greater than from within the room itself, through the window. The removal of the projecting balcony is considered to have adequately overcome the residential amenity refusal reason on the previous application and the current proposal is not considered to have any detrimental impact on existing levels of residential amenity for surrounding properties

5.6 Other Issues

The consultation process has raised a number of other issues, such as the use of the roofspace. The plans show that this area would not be used as a room and the roof provides the only storage space within the site, other than potentially part of the garage. It would not require planning permission to undertake a loft conversion (providing that the roof slopes are unaffected), as is the case for any dwelling where there is no planning condition to prevent this

taking place. The plans show some lighting of the roof area through a flush rooflight. It can also be deduced from the plans that the first floor would be open into the roofspace. If a first floor ceiling/ second floor floor was introduced, the headroom available for an additional habitable room would be very limited and only available through the middle of the roof, from one side to the other. It is therefore considered to be highly impractical to achieve and for that reason, there is considered to be no point in recommending a condition to prevent this taking place.

A further comment received through the consultation process was that the site is too small for the proposed dwelling. It is acknowledged that the site is limited in space and that it is only capable of comfortably accommodating a small dwelling. On balance, it is considered that this is what is being proposed.

A comment was also received on the use of photographs. It is understood that all photographs were taken from the site itself, from where there are a number of views out. It should be noted that these views would not necessarily be the same as those available from the windows of the proposed house.

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 Use of Energy and Sustainability

This proposal is essentially similar in terms of sustainability as that approved in 2008. A condition has been recommended below requiring the submission of a drainage plan incorporating Sustainable Drainage and the scheme will be subject to controls through the Building Regulations.

5.9 Improvements Achieved to the Scheme

Through negotiation, as detailed above, the basement will now be faced with pennant stone and the garage doors will be constructed of timber, rather than an up-and-over metal garage door.

5.10 Section 106 Requirements

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

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 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.

6.2 This proposal is for the retention of a half-completed unauthorised building to be used residentially. Material considerations are that a similar dwelling has already been approved on this site and the issues to be resolved therefore stem from the differences between the approved scheme and the partially implemented one. The amended scheme shows a bungalow with an additional basement level, open at the front, but below ground level. This gives the impression of a dwelling taller than a bungalow but only when viewed from the front of the site. The design of the proposed dwelling is considered to be appropriate to the locality in terms of proportions, detailing and choice of materials, according with policy D1 and H4 in this regard. The proposal is not considered to have any adverse impact on the existing level of residential amenity of adjoining dwellings, according with policy H4 and the site is considered to be of sufficient size to meet the needs of future occupiers of the proposed dwelling, again according with policy H4. The proposed parking arrangement, subject to a Section 106 Agreement regarding the changes to be made to the highway outside the site, is considered not to compromise highway safety, according with policy T12.

7. RECOMMENDATION

7.1 That planning permission is approved, subject to the applicant entering into a Section 106 Agreement to ensure that works are undertaken in accordance with the approved plans to alter the highway on Polly Barnes Hill including changing part of the footway into carriageway.

7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. The boundary wall to the application site which is directly adjacent to the proposed access shall not be constructed higher than 1m above the adjoining carriageway level

Reason

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

3. 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 including the hardstanding area at the front of the site shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

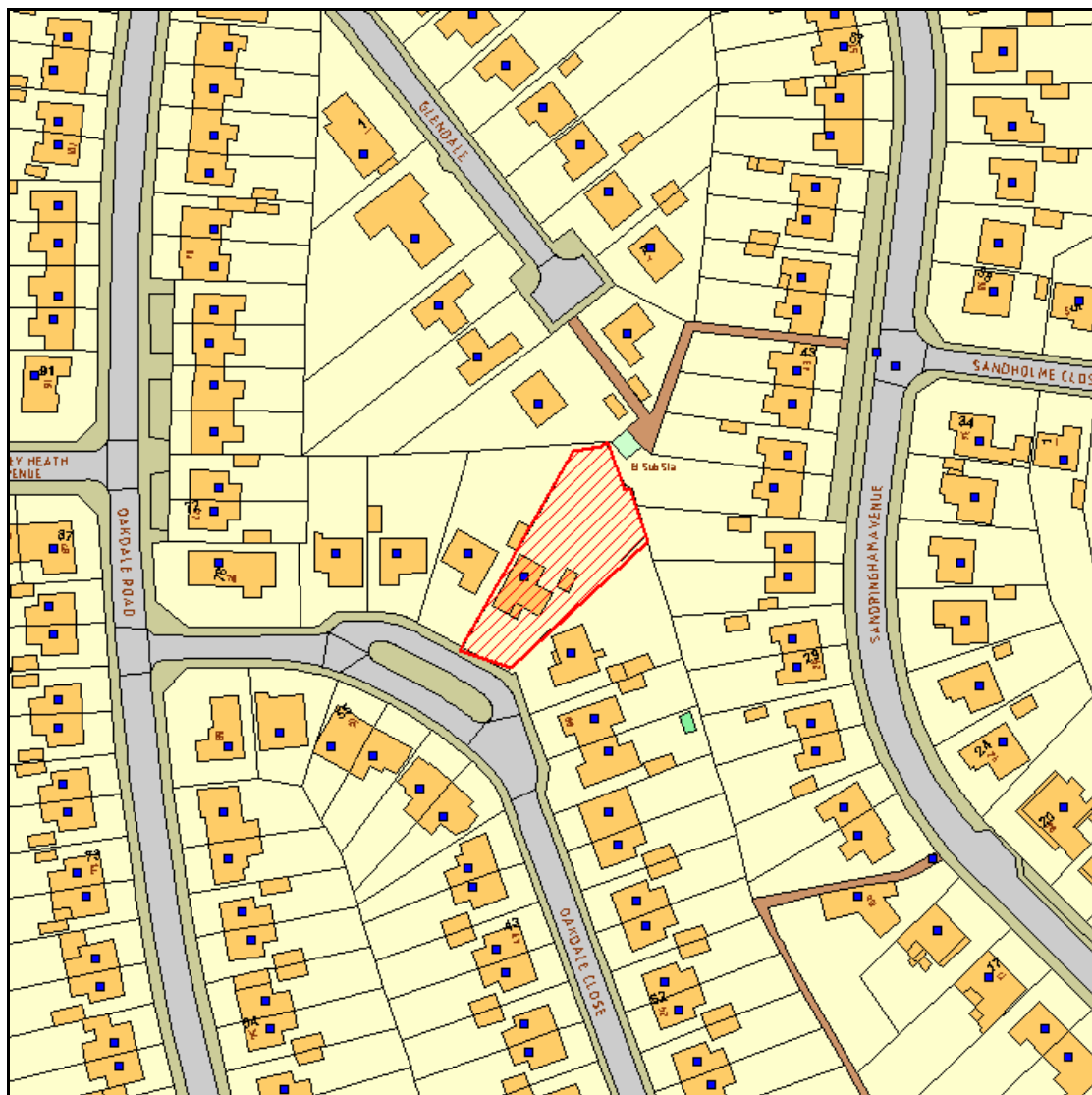
Reason

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

ITEM 3

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|----------------------------------|--|-------------------------|--|
| App No.: | PK09/5621/F | Applicant: | Mrs P Blacker |
| Site: | 70 Oakdale Close Downend Bristol South Gloucestershire BS16 6EB | Date Reg: | 12th November 2009 |
| Proposal: | Erection of 1no. detached bungalow with access and associated works. (Amendment to previously approved scheme PK09/0845/F). | Parish: | Downend & Bromley Heath Parish Council |
| Map Ref: | 365124 177713 | Ward: | Downend |
| Application Category: | Minor | Target Date: | 4th January 2010 |



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100023410, 2008. **N.T.S.** **PK09/5621/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of one dwelling in the rear garden of No. 70 Oakdale Close. Access to the new dwelling would be along the side of the existing property known at 70 Oakdale Close and the existing detached garage serving No. 70 would need to be removed to make way for the new driveway. The proposed new dwelling would be single storey only and would have two bedrooms. An attached car port is also proposed to serve the new dwelling.
- 1.2 The application site is within the established urban area and is surrounded by residential land uses.
- 1.3 Planning permission has already been granted for the erection of a detached bungalow on the site under application number PK09/0845/F which was approved by the Council in July 2009. Since the approval of the previous planning consent the applicants have decided to amend the design of the dwelling to give it an 'L' shaped footprint. The principle of constructing a bungalow on the site however has already been approved under application PK09/0845/F which is extant and could be implemented at any time.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H2 Residential Development
H4 Development within Residential Curtilages
T7 Cycle Parking Standards
T8 Car Parking Standards
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance
South Gloucestershire Adopted Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/0845/F Erection of 1 no. detached bungalow with associated works.
Approved July 2009

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No Objection.

Other Representations

4.2 Local Residents

One letter of objection has been received from a local resident who raises the following concerns:

- You have given the developer extra land without consulting extra parties
- The build will be close to a dry stone wall making it the most dominant feature overlooking houses and gardens
- The developers have cut down evergreen trees that screened the site from the neighbours
- The properties at the rear are 100% exposed now the trees have been cut down
- The trees were important in the previous planning application as they offered screening
- The objector would like the applicant to reinstate all the screening that has been lost within their existing boundaries
- Neighbours should not be expected to re-plant trees in their own gardens at their own expense to compensate for the ones that have been cut down.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages, including new dwellings, subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

- 5.2 The site is located within the existing built up area, as defined on the Local Plan Proposals Maps. In accordance with Policy H2, new residential development will normally be permitted subject to compliance with several criteria. It is considered that Policy H4 of the South Gloucestershire Local Plan (Adopted) encompasses all the relevant issues of the above policies, for Policy H4 allows for the erection of new dwellings within existing residential curtilages providing that the following criteria are complied with;

5.3 **(a) Development would respect the massing, scale, proportions, materials and overall design and existing property and the character of the street scene and surrounding area;**

It is accepted that the proposed new bungalow represents backland or tandem development that has traditionally been resisted by the Council where it would result in demonstrable harm. In this instance however, it is considered that the principle of erecting a new dwelling in this location is acceptable as by doing so there would be no significant or detrimental impact on the character of the area

- or street scene. Key to this assessment are the bungalows on Glendale immediately to the north west of the application site. Whilst these bungalows face onto a highway and are certainly not backland development, the proposed new bungalow will site almost next to No. 5 Glendale. Given that the proposed new bungalow would therefore not be isolated, but instead would follow the line of bungalows along Glendale, it is not considered that it would be out of keeping with the character of the area.
- 5.4 The built form in the locality is quite varied. The existing property No. 70 Oakdale Close is a modest detached bungalow, but the surrounding properties are predominantly two storey semi-detached dwellings. The proposed new dwelling subject of this application would be single storey only – similar to the existing bungalows on Oakdale Close. The application states that the bungalow will be finished with render to match the existing bungalow on site.
- 5.5 Generally it is considered that the proposed new bungalow will integrate successfully with the existing street scene both in terms of its design and also the materials to be used. The change in shape of the dwelling from the previously approved scheme does not detract from the character of the property or affect its successful integration into the street scene.
- 5.6 **(b) Would not prejudice the amenities of nearby occupiers;**
It is accepted that a neighbouring resident is concerned about the impact on the new dwelling upon their existing levels of residential amenity.
- 5.7 In order to protect the amenities of neighbouring dwellings, all habitable room windows in the proposed bungalow will be in excess of 21 metres from any habitable room windows in all of the neighbouring buildings. It is not therefore considered that there are any issues of intervisibility.
- 5.8 It is noted that the gardens of the properties to the rear of the application site along Sandringham Avenue are much lower than the application site. In places, the difference in ground level is as much as two metres. The proposed new dwelling is not to be constructed immediately on top of the retaining dry stone wall but instead is to be set in away from the edge of the site – 1.3 metres at the closest point out to 3.8 metres at its furthest point. A 1.8 metre high close-boarded fence is then to be constructed between the proposed new bungalow and the bottom of the garden as shown on the submitted plans. Whilst the bungalow will undoubtedly be clearly visible from the properties along Sandringham Avenue, given that the eaves height is only 2.5 metres, it is not considered it will have any overbearing effect upon these gardens. Consideration must be given to the fact there is already an existing 2 metre high breeze block wall running across the garden and therefore the resultant situation is likely to be very similar to the existing situation.

- 5.9 Three small windows are proposed in the rear elevation of the bungalow facing towards Sandringham Avenue. These windows serve bathrooms and a utility room only. Whilst a section of the three windows will be obscured by the proposed boundary fence, a condition will be installed to ensure that each of these windows is fitted with obscure glazing and that they have top hung openings only. This will prevent any issues of loss of privacy or overlooking from occurring.
- 5.10 In addition to this, it is not considered that the proposed new dwelling would have any detrimental impact upon the amenities of the existing dwellings along Oakdale Close. As all windows are at ground floor level, there is no potential for overlooking or loss of privacy as the existing and proposed boundary treatments will ensure the retention of adequate levels of privacy for the neighbouring dwellings. There are no windows in the side elevation of the neighbouring bungalow No. 68 Oakdale Close that could be adversely affected by the new dwelling or driveway to the dwelling. There are two small roof lights proposed – one on the front and one on the rear roof slope of the new bungalow. These will give light to the hallway and attic space and are not to facilitate a loft conversion. Because of the limited height in the roof space, it would not be possible to convert the roof space. Nonetheless, a condition will be attached to ensure that no new windows, roof lights or other openings are added on the rear elevation of the bungalow without prior consent.
- 5.11 **c) Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling;**
The site is located on Oakdale Close, an unclassified residential road. There is an existing vehicular access to the site. Currently a single garage and a long driveway with enough parking for approximately three vehicles is provided off of this access.
- 5.12 As part of the application, it is proposed to create a second vehicular access to the site frontage. Vehicles associated with the existing dwelling will be able to utilise the new or existing access and park on hard standing immediately to the front of the property. Vehicles associated with the new dwelling to the rear will be able to access via the existing access point and park in the car port to be provided. As Oakdale Close is an unclassified highway, planning permission is not required for the creation of a new vehicular access point and this can be undertaken by the applicants at any time irrespective of the outcome of this planning application. Sufficient off street parking is therefore being provided to meet the needs of both dwellings.
- 5.13 It is accepted that during the construction period there may indeed be some limited obstruction of the highway as deliveries are made. Upon completion however, the additional vehicle movements from one bungalow will be minimal and will not impact upon the highway safety of Oakdale Close. The level of parking to be provided is within the maximum standards set out in Policy T8 of the South Gloucestershire Local Plan and subject to the attachment of conditions, there is no basis for a transportation objection to this proposal.

5.14 **(d) Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling;**

Each of the existing and proposed dwellings will have two bedrooms. Adequate private and useable garden space is shown to be provided for the proposed new bungalow to allow for the outdoors drying of clothes, limited children's play equipment, sitting out etc. Similarly, the plans also show the provision of adequate private and useable garden space to serve the existing dwelling. The amount of garden space retained will be the same as that currently afforded to the neighbouring property No 6 Glendale. The plans show the provision of boundary treatments to divide the two curtilages and a condition will be attached to ensure that the fences are erected as shown on the plan.

5.15 Other Issues

It is noted that a neighbour is concerned that the trees that were once growing along the bottom of the site have been felled by the applicant. At the time of the case officers site visit this was confirmed to be the case and the large conifers that once stood at the bottom of the garden have been removed. The trees however were not protected and the applicants were free to remove the trees at any time without the need to obtain any consent from the planning authority. The trees were of a non-native species that would not have been worthy of a tree preservation order and the Council cannot insist upon their replacement.

5.16 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document. The statement explains how the characteristics of the site have been taken into consideration when designing the house and how the property is suitable for its setting.

5.17 Use of Energy and Sustainability

The design and access statement notes that the external walls will receive an A+ energy rating. Solar panels located on the south facing roof slope will provide hot water for the dwelling and rainwater will be harvested and stored in an underground tank.

5.18 Improvements Achieved to the Scheme

None required

5.19 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 proposed dwelling has been designed so as to integrate fully with the surrounding environment. The design and layout of the dwelling respects the design of the existing bungalow on the site and the surrounding area. The dwelling has been designed and orientated in such a way to ensure that none of the neighbouring properties suffer loss of privacy or overlooking as a result of the development. Adequate private amenity space is to be provided to serve each of the existing and proposed dwellings and the plans show the provision of suitable off street parking provision for each of the dwellings.
- 6.3 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:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 08.00 to 18.00 Monday to Friday; 08.00 to 13.00 on Saturday nor at any time 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 nearby dwelling houses, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No windows, rooflights or any other means of opening other than those shown on the plans hereby approved shall be inserted at any time in the rear (north western) elevation of the property.

Reason

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

4. The three windows on the rear (north western) elevation of the dwelling shall at all times be fitted with obscured glass to a level 3 standard of above. The windows may have top hung openings only.

Reason

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

5. The parking and turning areas as shown on the submitted plan, including the creation of a second dropped kerb, must be installed prior to the first occupation of the dwelling hereby permitted. Any alteration from the approved plans must be agreed in writing with the local planning authority.

Reason

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

6. All boundary fences as shown on the approved plans must be installed prior to the first occupation of the dwelling hereby permitted.

Reason

To protect the residential amenity of the neighbouring occupiers, to ensure an adequate amount of private garden space is provided for both the existing and proposed dwellings and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006

7. All new vehicular access, parking and manoeuvring space as shown on the submitted plans must incorporate Sustainable Urban Drainage.

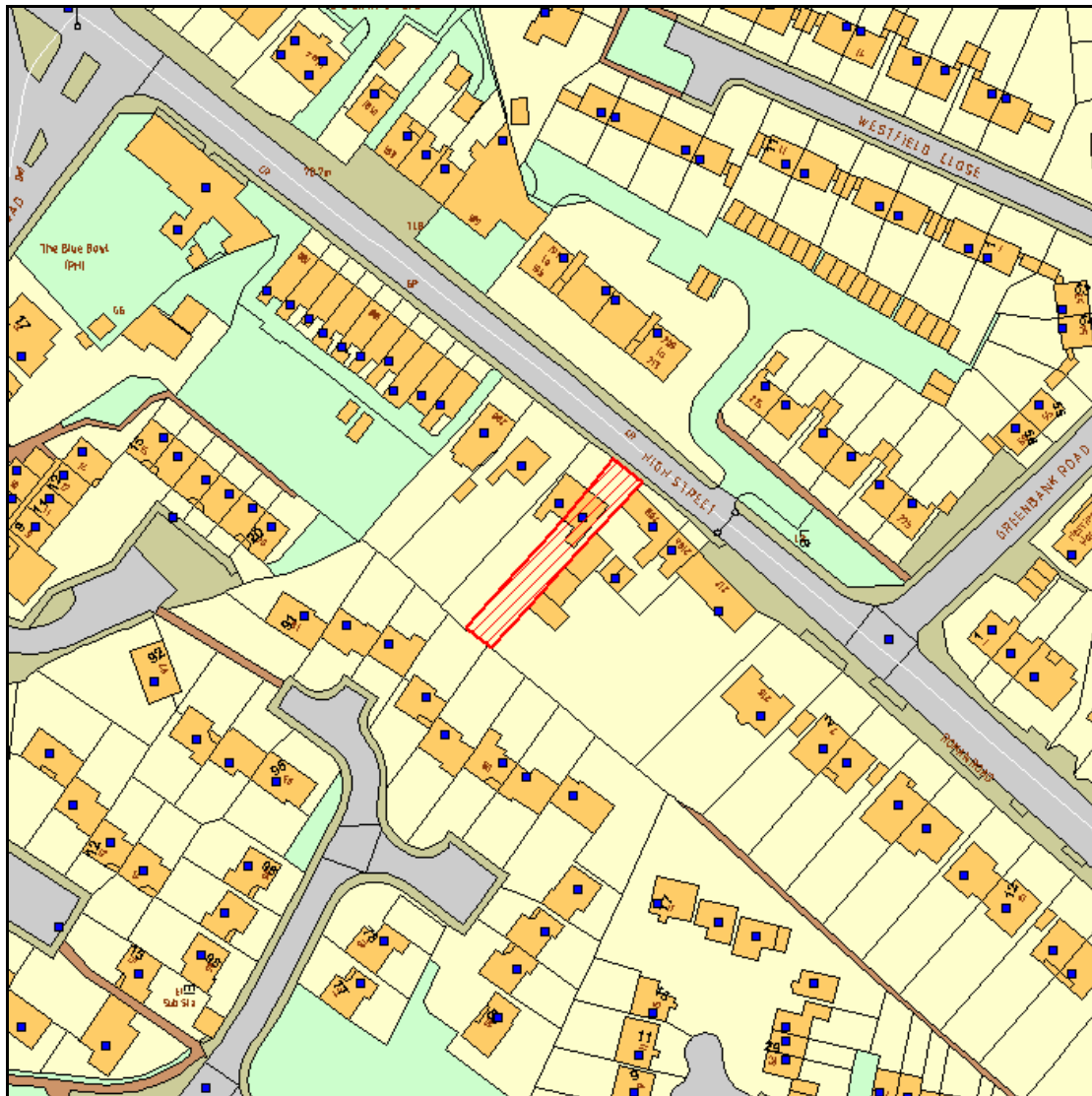
Reason

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

ITEM 4

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|----------------------------------|--|-------------------------|---------------------------------|
| App No.: | PK09/5723/F | Applicant: | Mr D Webb |
| Site: | 206 High Street Hanham Bristol South Gloucestershire BS15 3HJ | Date Reg: | 13th November 2009 |
| Proposal: | Construction of new vehicular access from High Street Hanham. (Retrospective). | Parish: | Hanham Abbots Parish Council |
| Map Ref: | 364825 171969 | Ward: | Hanham |
| Application Category: | Householder | Target Date: | 28th December 2009 |



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100023410, 2008. **N.T.S.** **PK09/5723/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to a letter of objection received from the Parish Council.

1. THE PROPOSAL

- 1.1 This retrospective application relates to the construction of a vehicle access to serve 206 High Street, Hanham. The access, that has already been constructed, gives vehicular access to the paved front driveway of the existing dwelling.
- 1.2 The application site is located on the High Street, within the settlement boundary of Hanham. Planning permission is required for the access as High Street is a classified highway.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

T12 Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant history.

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council

Objection; The proposed access is on a highly congested highway and would impede the safe movement of traffic. This new access would be opposite a bus stop and in close proximity to an existing access road.

4.2 Sustainable Transport

Normally, there is a requirement for provision of on-site turning facility when new accesses are constructed on to a classified road. Provision of such facilities would enable the driver to enter and leave the site access in forward gear. In this case, there is only a limited turning space within the front garden of this property and as such a full turning facility for an average size car cannot be provided on this site.

- 4.3 I consider that the main issue in this case is the effect of the proposal would have upon highway safety and free flow of traffic on High street. High Street is a busy Class 1 highway, and a bus route. I am mindful that there is a bus stop on the opposite side to the application site. On-street parking if to occur outside

the application site and opposite to the existing bus stop, has potential to introduce highway hazards and can further impact on free flow of traffic on High Street. From my site inspection, I note that there are other properties along this length of High Street (with exception of terrace houses) that have off-street parking facilities, although many of these do not appear to have on site turning facilities.

- 4.4 I aware that the lack of off-street turning space on the application site would necessitate reversing movements on the highway when gaining access to, or egress from, the proposed off-street parking facility at this location. Clearly, such reversing movements introduce a hazard and can be detrimental to highway safety and free flow of traffic. However, in the circumstances that exist at this location, I consider that the hazards and effect on traffic flow of on-street parking associated with the dwelling outweigh the hazards and impact on traffic flow that would result from use of the proposed off-street parking facility in this case. Accordingly, I conclude that the application is recommended for approval.

Other Representations

- 4.5 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The main issue to consider in the assessment of this application is transportation. Policy D1 of the adopted local plan requires access to be safe. In addition, policy T12 also requires safe access for all road users and does not permit development that would create or unacceptably exacerbate traffic congestion or have an unacceptable effect on road, pedestrian and cyclist safety.

5.2 Impact upon residential amenity

The dwelling is semi-detached, with mature hedges and shrubs along the boundary with the adjoining dwelling. The dwelling on the southern side boundary is a blank gable end of the neighbouring dwelling. It is considered that the access will not cause an adverse impact on residential amenity.

5.3 Highway Issues

The Parish Council raise a concern that the access would impede the safe movement of traffic, however, as stated by the Council's Highway's Officer (above), although there is not enough space for an on-site turning space, he concludes that the effect on traffic flow of on-street parking associated with the dwelling outweigh the hazards and impact on traffic flow that would result from use of the proposed off-street parking facility in this case, especially with regard to the existing bus stop opposite the site. Accordingly, it is concluded that the application is recommended for approval.

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.
- 6.2 It has been assessed that the access will not have an unacceptable effect on road, pedestrian and cyclist safety, and will not materially harm the amenities of neighbouring properties.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

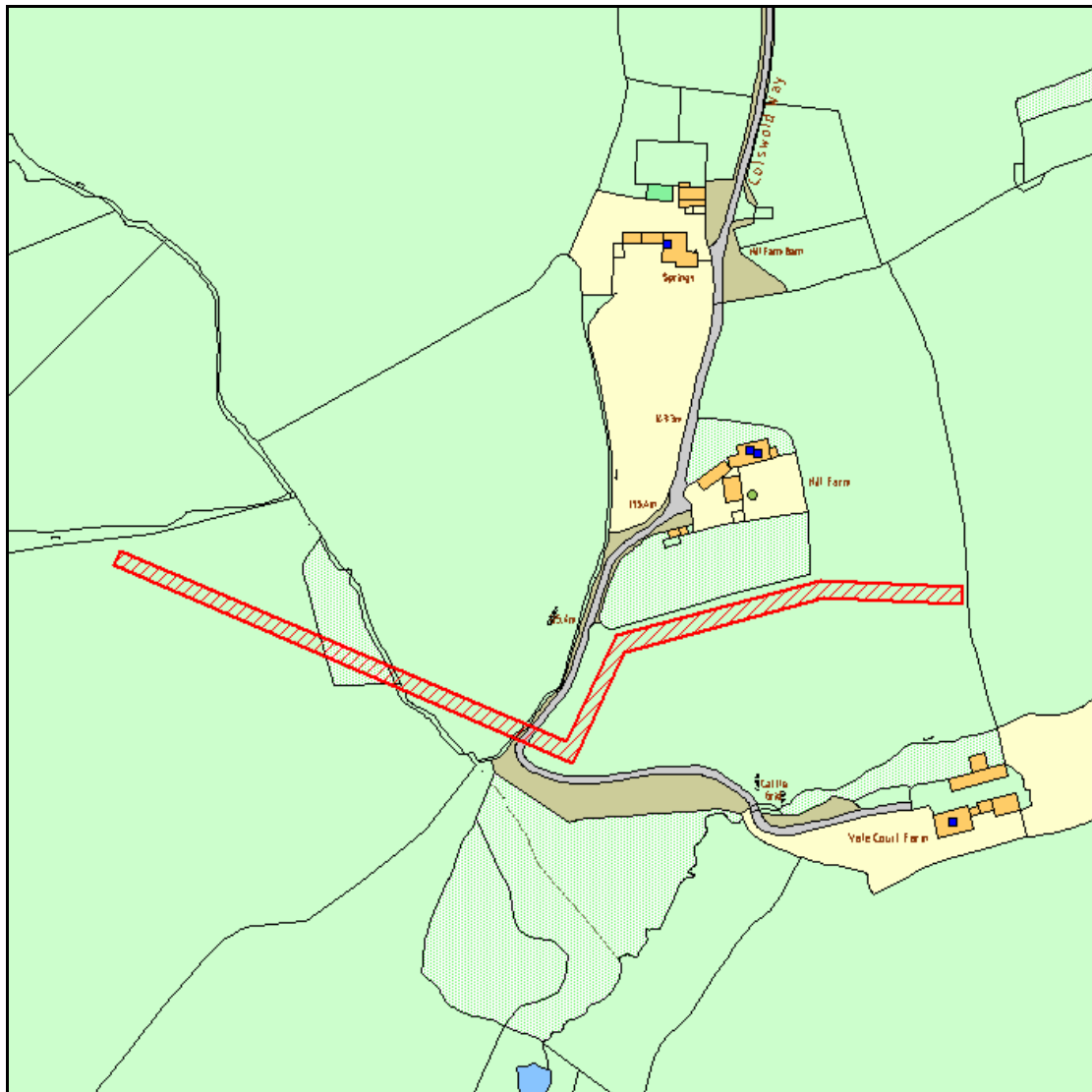
- 7.1 That planning permission be **GRATNED**.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

ITEM 5

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|------------------------------|---|---------------------|----------------------------|
| App No.: | PK09/5805/OHL | Applicant: | Central Networks West |
| Site: | Near To Hill Farm Greenway Lane Cold Ashton Chippenham South Gloucestershire | Date Reg: | 12th November 2009 |
| Proposal: | Application for consent under Section 37 of the Electricity Act 1989 to reposition the existing 11KV overhead line, with a tolerance of 30m and replacement of part with underground cable. | Parish: | Cold Ashton Parish Council |
| Map Ref: | 373806 171737 | Ward: | Boyd Valley |
| Application Category: | Minor | Target Date: | 4th January 2010 |



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100023410, 2008. **N.T.S.** **PK09/5805/OHL**

INTRODUCTION

The application has been forwarded to the Council's Circulated Schedule for Member consideration as an objection has been received from a third party consultee which gives a view which is contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The Overhead Power Lines (OHL) the subject of this application would be situated in a rural location south of the A420 on Greenway Lane which is west of the A46.

The OHL would be situated within the Green Belt as defined in the adopted Local Plan and the Cotswolds Area of Outstanding Natural Beauty (AONB). The Cotswold Way Public Right of Way runs under the proposed route of the OHL. Hill Farmhouse to the north of the proposal is a Grade II Listed Building.

1.2 This is an application for consent by Central Networks West under Section 37 of the Electricity Act 1989 to reposition the existing 11KV overhead line, with a tolerance of 30m and replacement of part with underground cable.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belt
PPS7 Sustainable Development in Rural Areas
Circular 14/90 Electricity Generating Stations and Overhead Lines

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L1 Landscape Protection and Enhancement
L2 Cotswolds AONB
D1 Design
GB1 Development in the Green Belt

2.3 Supplementary Planning Guidance
Development in the Green Belt SPD (June 2007)

3. RELEVANT PLANNING HISTORY

3.1 None.

4. CONSULTATION RESPONSES

4.1 Cold Ashton Parish Council

No response received.

4.2 Other Consultees

The Cotswolds Conservation Board -

The Cotswolds Conservation Board would wish to see all of the proposed new line placed underground, in recognition of its location in an Area of Outstanding Natural Beauty. The applicant is able to access funding through OFGEM to undertake undergrounding of such lines in AONBs.

Views from other consultees incorporated into this report.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Schedule 9 of the Electricity Act 1989 and the provisions of Circular 14/90 set out the relevant matters to be considered in determining applications for consent under Section 37 of the Act. Firstly, the applicant formulating the proposals must have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and reasonably mitigate any effect which the proposal would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects. Secondly, in considering the proposals, the Secretary of State for Energy must have regard to whether the applicant has complied with the duty to mitigate the impact of the proposals.

5.2 In considering the proposal the Local Planning Authority should take into account the normal planning considerations and guidance as set out in the Act, the Circular and Regulations.

5.3 The application therefore needs to be tested against the relevant land use and policy provisions of the development plan and the environmental and other implications of the proposals.

The proposal is to reposition approximately half of the existing 11KV overhead line to the south of the existing route taking the OHL away from the Listed Hill Farm, with a tolerance of 30m. The second half of the OHL would be replaced with underground cable.

5.4 The site is located in the Green Belt, but the proposal does not fall within the limited categories of development normally permissible under PPG2 and Policy GB1 of the SGLP. It is considered however that as the proposal does not require planning permission per se and as the impact on the Green Belt could be said to be 'de-minimus' there would be no objection on Green Belt grounds.

- 5.5 The proposal should not affect a feature of special interest, or affect any buildings or objects of architectural/historic or archaeological interest. The proposal would result in the re routing part of the existing OHL, which is currently situated a minimum of 20m distance from the Grade II Listed Hill Farm to a distance of 120m to the south. The other part would be routed underground. As such the proposal would result in an enhancement to the setting of the Listed Building.
- 5.6 The site and proposal is not affected by or would not have an adverse impact on any flora, fauna, geological or physiographical features of special interest. There will be no adverse highway impact. The main issue to consider is whether there would be any significant visual impact.

As explained above, the proposal would re route an existing OHL, which runs in an east west direction along the southern boundary of Hill Farm. The proposal would redirect part of the OHL to the south west with two new poles. The new route would be situated at a lower ground level than existing, situated within a valley, and the proposed south western pole would be situated adjacent to a group of trees. The new route would result in a visually less prominent and intrusive location for the OHL. The second part of the proposal would be re routed underground resulting in a visual enhancement.

The Cotswold Conservation Board raised a concern that all new OHL's within the AONB should be routed underground as funding is available from OFGEM to facilitate this. The applicant has indicated that it is not possible to route the entire OHL underground due to geological and geographical constraints from extreme changes in ground level in the valley and the need to cross a watercourse. All reasonable steps have been taken to route as much of the line underground as possible. It is considered that the proposal will have no more visual/landscape impact than the cumulative affect of the existing OHL. There will be no wider landscape concerns. In consultation with the Council's Landscape Officer no objection was raised to the scheme.

Having regard to AONB policy, the proposal will not harm the natural beauty of the Cotswolds AONB. As such, the proposal is deemed acceptable.

5.7 Design and Access Statement

A Design and Access Statement is not required for this type of application.

5.8 Use of Energy and Sustainability

Not applicable.

5.9 Improvements Achieved to the Scheme

None necessary.

5.10 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to raise no objection 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

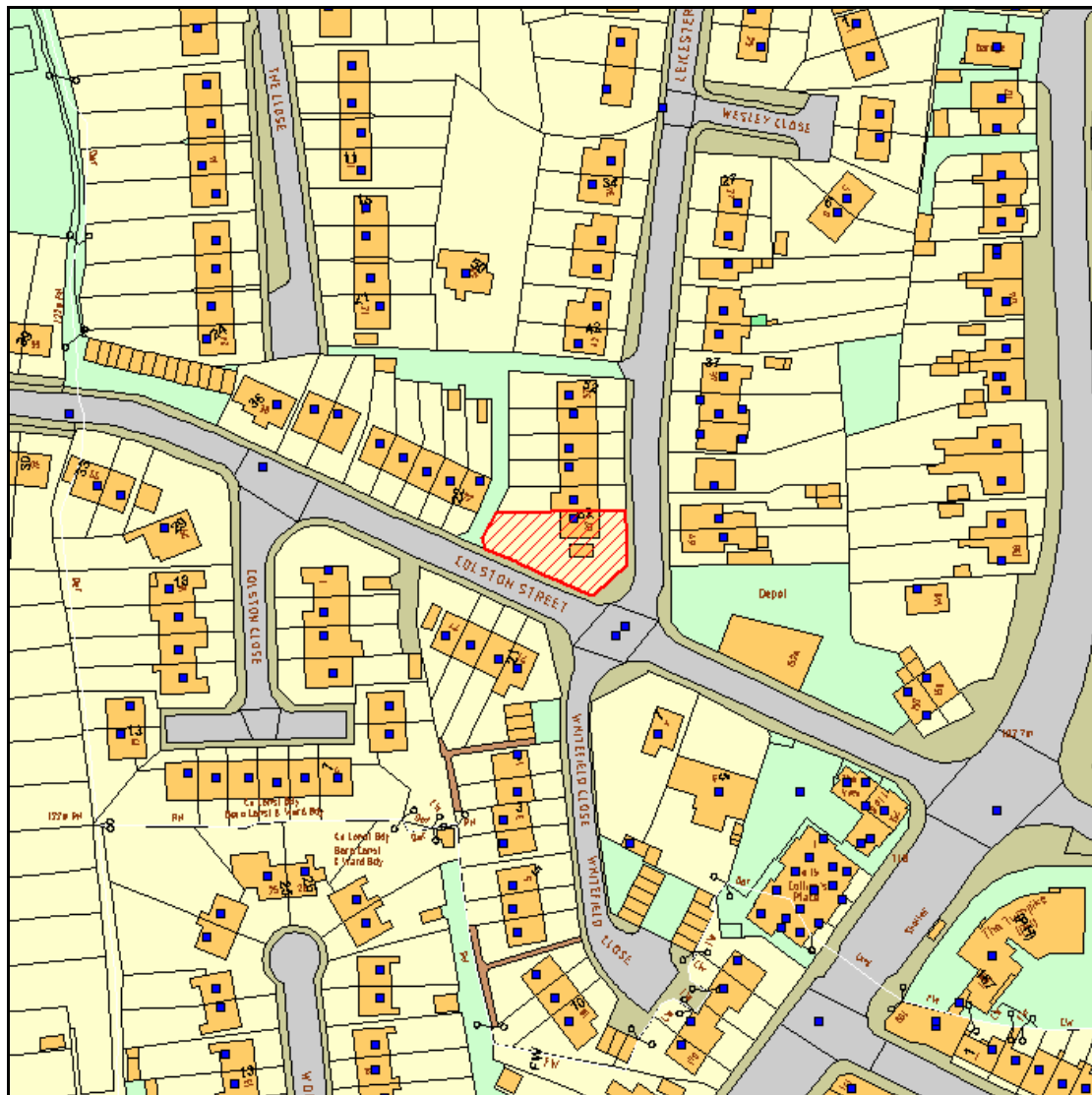
- 7.1 No objection.

Contact Officer: Sean Herbert
Tel. No. 01454 863056

ITEM 6

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|----------------------------------|--|-------------------------|-----------------------|
| App No.: | PK09/5823/F | Applicant: | Mr M Fry |
| Site: | 62 Leicester Square Soundwell Bristol South Gloucestershire BS16 4PD | Date Reg: | 16th November 2009 |
| Proposal: | Erection of two storey side extension to form 1 no. attached dwelling with associated works. | Parish: | None |
| Map Ref: | 364699 175066 | Ward: | Staple Hill |
| Application Category: | Minor | Target Date: | 8th January 2010 |



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100023410, 2008. **N.T.S.** **PK09/5823/F**

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of objections from local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a 0.04 ha. plot of land that currently forms the garden to the side of no.62 Leicester Square. The existing property is a 2 bedroom, end of terrace dwelling house, situated on a corner plot at the junction of Leicester Square and Colston Street. The location is suburban in character, consisting predominantly of two-storey terraced or semi-detached houses, most of which have open-plan front gardens. To the side of no.62 is a detached single garage and shed; vehicular access is via Leicester Square.
- 1.2 It is proposed to demolish the garage and shed to facilitate the erection of a two-storey side extension with single-storey element to the rear; the resultant property would extend the terrace and provide an additional 2-bedroom house. Four new off-street car parking spaces would be provided, 2no. to the front of the existing house and 2no. to the front of the new dwelling and each accessed off Leicester Square. The bin and cycle stores would be located to the side of the new house. The remaining garden area would be sub-divided by a 1.8m high fence enclosing a private garden area to the rear. The existing low boundary wall would be retained.
- 1.3 The submission follows the previous approval of a very similar scheme to provide flats with parking in a similar position to that now proposed.

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
L5 - Open areas
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
- 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 P81/4226 - Erection of rear canopy.
Approved 6 May 1981
- 3.2 PK08/1265/F - Erection of two-storey side and rear and single-storey rear extensions to facilitate the creation of 4no. self-contained flats with parking and associated works. Erection of 1.8 metre high fence to southern boundary. Refused 24th June 2008 for the following reasons:
1. *The development, with off-street parking below the maximum residential parking standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, would lead to an increase in on-street congestion in close proximity to a road junction thereby causing obstructions to visibility, all to the detriment of highway safety; contrary to Policies T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.*
 2. *The proposal would result in built development protruding well beyond the established building line in Colston Street, which would represent an incongruous element within the street scene to the detriment of the visual amenity of the locality, contrary to Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.*
 3. *The proposed built development and high boundary fencing would compromise the attractive open character of the site at this prominent location, all to the detriment of the visual amenity of the open plan street scene, contrary to Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
- 3.3 PK08/2446/F - Erection of two-storey side extension to facilitate the conversion of 1 no. dwelling to 4 no. flats with car parking, bin and cycle stores and associated works. Erection of 1.8m high wall. (Resubmission of PK08/1265).
Approved 7 Oct 2008.

4. CONSULTATION RESPONSES

4.1 Parish Council
Not a parished area.

4.2 Other Consultees
None.

Other Representations

4.3 Local Residents
3no. letters of objection have been received from local residents. The concerns raised are summarised as follows:

- On-street parking congestion will be made worse in narrow roads.
- Densely populated area – extra infilling would lessen quality of life.
- Building would block visibility for cars exiting onto Colston Street.
- Inadequate Design and Access Statement

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of such a scheme as now proposed was established with the previous grant of planning application PK08/2446/F. The main difference in the scheme now proposed is, that the extension would now provide a house rather than 2 flats and the existing dwelling would remain as a house and would not be sub-divided to provide 2no. additional flats. 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.

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 H4 which relates to development within existing residential curtilages. The criteria attached to Policy H4 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 25 units per ha.
- 5.7 Officers are satisfied that having regard to the site's constraints, it is unlikely that additional houses could reasonably be accommodated on the site and 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 and a main bus route on Soundwell Road. The proposal therefore accords with Government guidelines and in terms of its density alone, the development is considered to be acceptable.
- 5.8 Scale and Design
The side extension is designed as a continuation of the Leicester Square terrace and in terms of its form and appearance, achieves its aim. In the current scheme, the width of the side extension would be 4.5m which is only 0.2m wider than previously approved. As a result, the extension would not protrude beyond the well-defined building line along the northern side of Colston Street. Furthermore the overall massing of the scheme would be acceptable and would be much the same as previously approved under PK08/2446/F.
- 5.9 Given that there is currently a sense of space at the junction of Colston Street and Leicester Square, created by the open aspect of the side garden of no.62 Leicester Square and the generally open character of neighbouring front gardens; officers consider that the proposal should, where possible, retain this characteristic. As previously and in the current scheme, the open aspect to the front of the property and at the junction of Colston Street and Leicester Square would be retained.

Furthermore the side/rear gardens would now be enclosed by a 1.8m high close board fence, which would be set back 2m from the footway on Colston Street, with a 2m planting buffer in front. In the previously approved scheme a 1.8m high wall would have enclosed even more of the side garden.

- 5.10 Given that more of the open garden area is retained in the current scheme; and that a high hedge could be grown, without the need for planning permission, to entirely enclose the open areas to the side and front of no.62; officers consider that the proposal now represents an even more acceptable design solution. A refusal reason based on the loss of open space alone could not therefore be reasonably substantiated. The proposed fence would be set back and its appearance would be softened by the vegetation planted in the 2m buffer to the front.
- 5.11 Regarding the proposed single-storey element to the rear, this is considered to be a modest enough addition that would integrate adequately within the built form and being to the rear, would not be prominent within the street scene.
- 5.12 Landscape
There is little vegetation of note on the site other than a hedgerow enclosing the existing garden to the rear of no.62. Whilst this hedgerow would be lost in the scheme, supplementary planting would be secured by way of an appropriate landscape condition.
- 5.13 Transportation
The site is located on the corner of Leicester Square and Colston Street, at a location where on-street traffic congestion is an issue. Four parking spaces have been proposed for this development. In line with officer recommendations for the previously approved scheme, a plan has been submitted to show two of the spaces located to the front of no.62 and the other two spaces located alongside and to the front of what would be the new dwelling; as previously approved, all of the spaces would be accessed directly off Leicester Square.
- 5.14 The residential parking standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, require a maximum of 1.5 spaces be provided for each two-bed dwelling. It is considered that in this case, having regard to the existing levels of congestion in the vicinity of the site, any reduction in the parking provision proposed would merely lead to an increase in on-street congestion, thereby causing obstructions to visibility in close proximity to a road junction. Since hard-standings could be introduced under permitted development rights, no highway objections can be raised in relation to this issue
- 5.15 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. There would be two small windows (one at first floor level) and a door on the southern side elevation facing the houses on the opposite side of Colston Street; these windows would serve a kitchen/diner at ground floor level and a bathroom at first floor level.

The windows would however be situated 23m from the front elevations of the nearest properties opposite and the bathroom window could be obscurely glazed. To the rear the side elevation of no.22 Colston St. is blank. Some overlooking of gardens is considered to be inevitable in a densely populated urban area such as Soundwell/Kingswood and 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.

5.16 Adequate amenity space would be retained in the garden areas to serve the existing and proposed dwellings. Separate bike and bin storage areas, would also be provided.

5.17 The proposal would be subject to Building Control, which would secure an adequate level of enhanced sound-proofing on party walls. Whilst it is acknowledged that the parking areas would be nearer to neighbouring no.60 this could be achieved using permitted development rights and is a common enough scenario in terraced streets in urban areas. Officers noted during the site visit that the front garden area of neighbouring no.60 comprises only hard-standing for cars. The impact on residential amenity is therefore considered to be acceptable.

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 and a miming report for approval before development could commence.

5.19 Affordable Housing

The proposal is for 1no. dwelling only, which is below the Council's threshold (15) for affordable housing provision.

5.20 Education Service

The proposal is for 1no. dwelling only, which is below the Council's threshold (5) for contributions to the Education Service.

5.21 Community Services

The proposal is for 1no. dwelling 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 Use of Energy and Sustainability

A SUDS drainage scheme would be secured by condition.

5.24 Improvements Achieved to the Scheme

None.

5.25 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:

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 & Country Planning Act 1990 (as amended).

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

Reason

To protect the character and appearance of the area to accord with Policies H2/H4/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Policies H2/H4/D1/L1 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 facilities, shown on the Block Plan, Elevations Existing and Proposed No. 2753 Rev A hereby approved shall be provided before the first occupation of the building 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 facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the first occupation of the building hereby approved, the cycle parking as shown on the plans hereby approved, shall be provided.

Reason

To ensure the provision of adequate and secure cycle parking facilities in accordance with Policy T7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2007.

8. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies H4 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. 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.

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

Reason

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

11. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor bathroom window on the side elevation of the dwelling hereby approved, shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

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

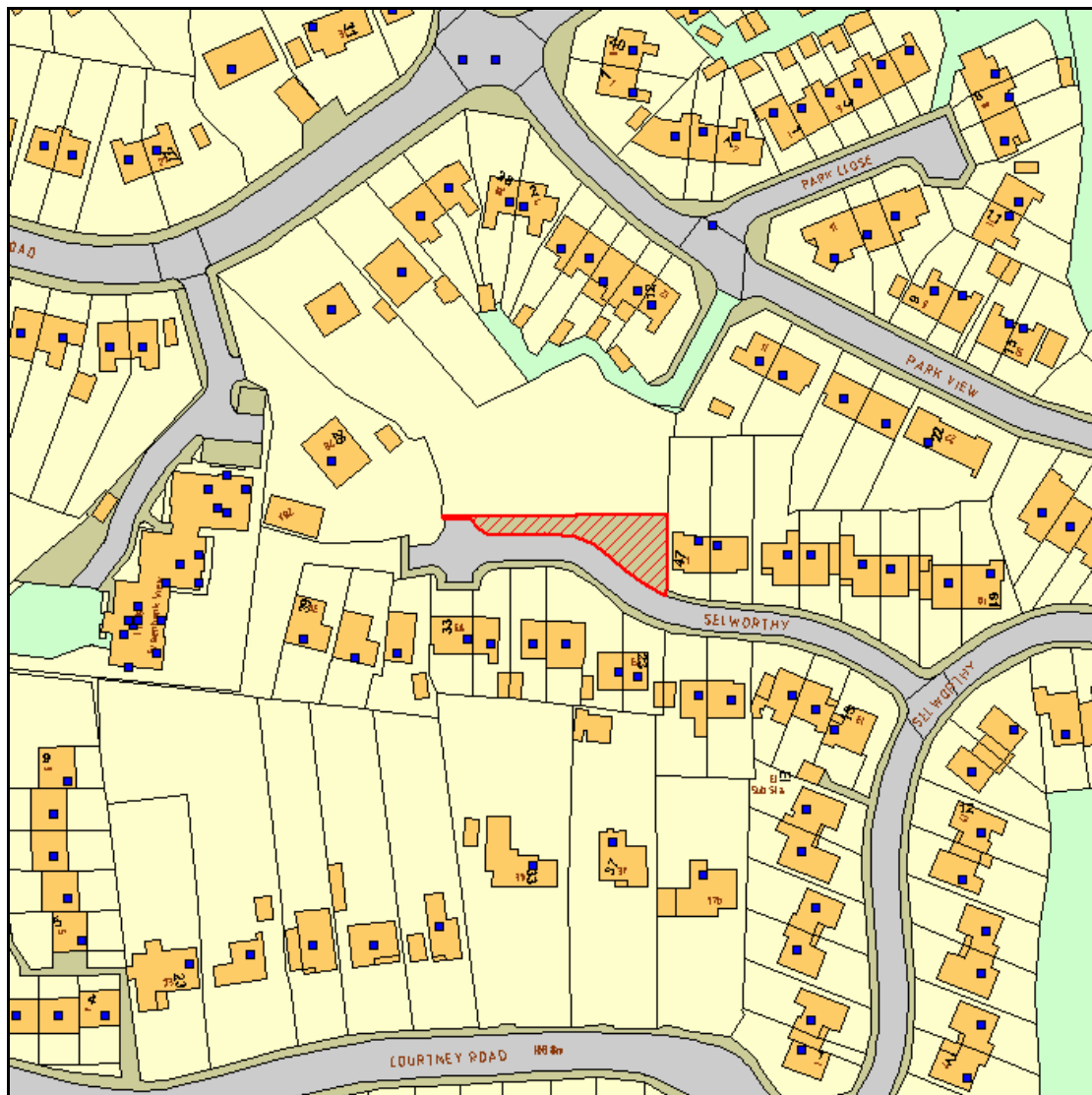
Reason

To ensure that the development can proceed satisfactorily, having regard to the former mining history of the location and to accord with Policies EP7, L17 and L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

ITEM 7

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|----------------------------------|--|-------------------------|---------------------|
| App No.: | PK09/5870/TRE | Applicant: | South Glos. Council |
| Site: | Land Adjacent To 47 Selworthy Kingswood Bristol South Gloucestershire BS15 9RJ | Date Reg: | 25th November 2009 |
| Proposal: | Works to 3 no. Poplar trees, reduce branches to previous points and works to 1 no. Cypress tree by crown lift to large limb at approximately 5m, covered by Tree Preservation Order KTPO09/80 dated 13 August 1980. | Parish: | |
| Map Ref: | 365300 173398 | Ward: | Woodstock |
| Application Category: | Works to trees | Target Date: | 15th January 2010 |



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100023410, 2008. **N.T.S.** **PK09/5870/TRE**

INTRODUCTION

This application has been forwarded to the Council's Circulated Schedule for Member consideration in accordance with the Council's adopted scheme of delegation, as the applicant is South Gloucestershire Council.

1. THE PROPOSAL

1.1 The application proposes works to 3 no. Poplar trees, reduce branches to previous points and works to 1 no. Cypress tree by crown lift to large limb at approximately 5m, covered by Tree Preservation Order KTPO09/80 dated 13 August 1980.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement

3. RELEVANT PLANNING HISTORY

3.1 None relevant.

4. CONSULTATION RESPONSES

4.1 Consultees
Views incorporated into this report.

Other Representations

4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 The trees the subject of this application form part of an open area at the end of the cul de sac (Selworthy), which is surrounded entirely by modern residential development. The trees are situated within a residential suburb within the urban area. The open area is therefore considered to constitute an important feature of green space, which contributes positively to the character, and appearance of the area. The trees the subject of this application for tree works are therefore considered to boast a high amenity value.

The trees within this open area are protected by a Tree Preservation Order (Ref: KTPO09/80 dated 13 August 1980).

5.2 The application proposes works to 3 Poplar trees and 1 Cypress tree along the southern edge of the open space adjacent to the highway. The application has been submitted following pre application discussions with the Council's Tree Officer. The Tree Officer considers the proposed works to represent good arboricultural management and as such no objection is raised. On this basis the application is considered to be acceptable, subject to conditions.

5.3 Design and Access Statement
Not required.

5.4 Use of Energy and Sustainability
Not applicable.

5.5 Improvements Achieved to the Scheme
None.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason

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

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

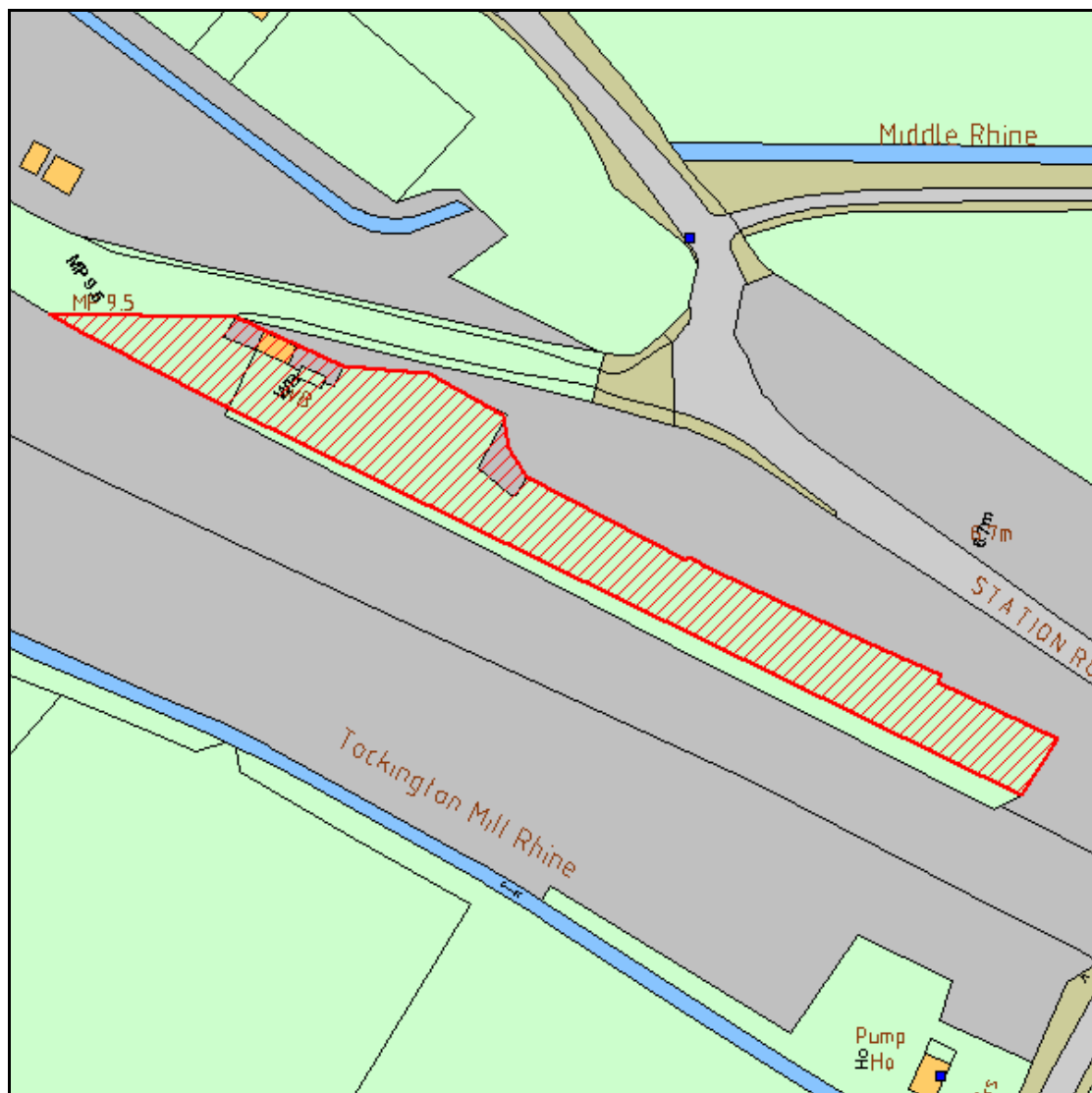
Reason

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

ITEM 8

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|------------------------------|---|---------------------|---------------------------------------|
| App No.: | PT09/1210/CLE | Applicant: | Mr F O Brien |
| Site: | Storage yard adjoining Pilning Station Station Road Pilning South Gloucestershire BS35 4JT | Date Reg: | 2nd July 2009 |
| Proposal: | Application for certificate of lawfulness for the existing use of land for storage of containers. (Class B8 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended). (Resubmission of PT09/0530/CLE) | Parish: | Pilning & Severn Beach Parish Council |
| Map Ref: | 3567910 1842910 | Ward: | Pilning And Severn Beach |
| Application Category: | Minor | Target Date: | 25th August 2009 |



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100023410, 2008. **N.T.S.** **PT09/1210/CLE**

INTRODUCTION

This application appears on the Circulated Schedule because it comprises an application for a Certificate of Lawfulness and in view of the comments received from the Parish Council.

1. THE PROPOSAL

- 1.1 The application submitted forms a Certificate of Lawfulness in respect the existing use of land for the storage of containers.
- 1.2 The application relates to a storage yard located adjacent to Pilning Station, Pilning. It is noted that the application site lies within the open Green Belt and beyond any settlement boundary.
- 1.3 The application comprises a resubmission of a previous application that also comprised a Certificate of Lawfulness in respect of the same use. This was refused for the following reason:

'The evidence demonstrates that the use of land for the storage of containers ceased in 2008. Accordingly, this use has not taken place for a continuous period of 10 years immediately prior to the date of this application.'

2. POLICY CONTEXT

- 2.1 Because the application is a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 10 years up to the date of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 N870: Use of former station car park for the parking of commercial vehicles. Refused: 9 January 1975
- 3.2 P85/2839: Use of land for the parking of six lorries. Refused: 5 February 1986
- 3.3 PT09/0530/CLE: Application for a Certificate of Lawfulness for the existing use of land for the storage of containers. (Class B8 as defined in the Town & Country Planning (Use Classes) Order 1987 as amended.) Refused: 8 May 2009

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
'In respect of a certificate of lawfulness the only consideration is whether the use is continuous. I shall only comment on this aspect. AC Transport (Alan Coward) leased the yard from the rail authority for more than 20 years. When the yard was sold by the rail authority ACT continued to store containers there, renting the site from the new owners for perhaps 3 years. ACT gave up the

use of this site around 18 months ago. Since that time the yard has not been used for container storage. Accordingly the site has not been used for the storage of containers. A CLE application is therefore not relevant.'

4.2 Other Consultees

Lower Severn Drainage Board: no comment

Network Rail: no comment

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks a Certificate of Lawfulness in respect of the use of land for the storage of containers. The site is accessed via the car park associated with Pilning railway station and adjoins the railway line along its south boundary. The main site area is contained behind 2m high metal palisade gates.

5.2 The issue for consideration is whether the evidence submitted proves that on the balance of probability, this land has been utilised for the storage of containers for a continuous period of 10 years immediately prior to the date of this application. The application is purely an evidential test that is irrespective of planning merit.

5.3 Site History

The application has been subject to a recent application in an attempt to establish its use for the storage of containers (PT09/0530/CLE). This was refused on May 8th 2009 with the site empty at the time of the Officer site visit and thus with no continuous use in evidence.

5.4 In response, the covering letter received as part of this application advises that the additional evidence now submitted is considered to provide a measure of certainty that goes well beyond the 'balance of probabilities'; accordingly it is considered that the Authority now has 'a statutory obligation to issue the certificate'.

5.5 In this regard, it is cited that in view of the conduct of the applicant in actively marketing the land for the established use from the date the land became vacant, it has been demonstrated that there has never been an intention to abandon this use; further, had it not been for planning uncertainties it is likely that a new occupier would have been found.

5.6 Evidence in Support of Application

As before, a sworn statement that has been completed by a chartered surveyor acting on behalf of the applicant accompanies the application. The writer has

- worked as their agent since January 2008; the freehold owners of the land purchased the site in April 2007.
- 5.7 It is stated that the site was purchased from the British Rail Board (April 2007) at which time there was a tenant (Mr Coward) in occupation; he had operated a specialist haulage and container sales business from the mid 1970's. The British Railways Board granted Mr Coward a license in October 1979, to utilise part of the yard for the parking of two lorries and trailers; a copy of this license is provided. Avon Bank Builders occupied the remainder of the site supplying building materials including sand, coal and gravel to trade customers. Their two lorries were parked on site.
- 5.8 In 1986 the British Rail Property Board granted permission for the parking of three further lorries and for the storage of steel containers on this site; these containers were hired to contractors and utilised either for secure storage or as office accommodation. Mr Coward also agreed to fence off the compound and enquired about the availability of the adjoining yard when Avon Bank Builders left. Use of the site in this way continued until 1998 although lorries were not kept here in later years due problems of vandalism with the site instead used for the storage of containers.
- 5.9 By 1995 Avon Bank Builders had vacated the site and Mr Coward utilised the whole yard for the storage of steel containers without the permission of the British Railways Board; a situation that was formalised in 1999 (a copy of the tenancy agreement is provided). In March 2000 Mr Coward then received notification of the assessment of the storage yard for non-domestic rates with these payable on an annual basis to South Gloucestershire Council.
- 5.10 In April 2007, Mr & Mrs O' Brien purchased the freehold of the yard and advised Mr Coward of this change in ownership. Mr Coward decided to vacate the site in 2007 writing to them on December 26th advising that he intended to vacate the site by March 28th 2008; a copy of this letter is included. The tenancy agreement required six months notice and Mr Coward remained until autumn 2008.
- 5.11 Since this time, the site has been offered to let by the agent. Expressions of interest have been forthcoming but an agreement had not been made with Amey Rail Ltd instead occupying the site under a short-term license. A copy of this agreement is included (April 1st- April 27th). Amey rail have utilised the site for the positioning of a site access control cabin, temporary welfare facilities, the parking of vehicles and for general site access to carry out plain line track renewal works.
- 5.12 Additional information has also been received further to a request for evidence of the marketing exercise undertaken. In this regard, it is cited that as soon as the outgoing tenant served notice (December 2007) and before he vacated (June 2008), the current agent was instructed to offer the premises to let (February 2008). The premises have been offered since (including during the period with Amey Rail on site).

- 5.13 The application site has continued to be marketed by means of a display board, advertising and with the relevant information shown on the agents website. The relevant details have been submitted with these comprising details of the letting confirming that the site would be vacant in June 2008 and with the price quoted, a list of expenses including the first advert placed in the Western Daily Press (29 March 2008, copy attached). This advert was repeated on 8 April 2008 whilst a signboard was erected on March 4th 2008 and repaired in July 2009 following vandalism. The information also shows print charges initially undertaken in February 2008 with a second run in June 2008. The number of visits to the agents website that has shown the relevant details since August 22 2008 is also detailed.
- 5.14 Conflicting Evidence
The evidence submitted is accepted as true unless any contrary evidence is received. In this instance, the only conflicting evidence relates to those comments received from the Parish Council.
- 5.15 Analysis
The previous certificate failed because the use of the land for the storage of containers had ceased; the previous application stated this was in the summer of 2008 although this proposal states the following autumn. As such, the use has not operated for a continuous period of 10 years up to the date of this application.
- 5.16 At the time of this application, it was noted that planning law states that if non-compliance has ceased by the discontinuance of the offending activity, the breach is at an end. If there is a renewed non-compliance, this would constitute a fresh breach (subject to a renewed 10 year period) thus an application can only be made if non-compliance exists at the time of the application; it should not be granted retrospectively.
- 5.17 Analysis: Time Period
In this instance, advice from the Councils Solicitor has been requested. This highlights that the evidence received is sketchy in 1995 and from the statutory declaration, it would appear that the whole of the site has been used as storage only since 1995. Tenancy for this use was granted on 24th November 1999 with the land vacated by 28 March 2008.
- 5.18 In view of the above, at best the land has been used from 1995 until November 2009 for storage only. If the material land has not been used for storage from 1995, ten years usage (up to the date of the application) has not been proved. Nonetheless, the statutory declaration is likely to be sufficient for the purpose of clarifying this issue.
- 5.19 Analysis: Abandonment
The second issue relates to abandonment. The relevant criteria for this has been set out in the case of Hughes v Secretary of State for the Environment 2000 and is as follows:
(i) the physical condition of the building;
(ii) the period of non-use;
(iii) whether there had been any other use; and

- (iv) evidence regarding the owner's intentions.
- 5.20 Case law considers the weight to be given to the various factors. Having regard to the period of non-use, if the land has remained unused for a considerable period in such circumstances that a reasonable man might conclude that the previous use had been abandoned; a tribunal might consider the use to have been abandoned.
- 5.21 In this instance the site was vacated last year; the question is whether it is likely that the owner intended to resume this use. This test is an objective one: the views of the reasonable man. However, the statutory declaration provides that the land was marketed, but as submitted, no supporting evidence was provided thus the statutory declaration was not considered to be sufficiently precise and unambiguous; further evidence of marketing has now been submitted.
- 5.22 This evidence is considered to demonstrate that the site has been actively marketed since during this time thus helping to overcome the considered ambiguous nature of the sworn statement. Accordingly, it would appear that this use has not been abandoned thus addressing the refusal reason previously cited.
- 5.23 Analysis: Current Use
The sworn statement submitted cites that the Amey Rail occupied the site under a short-term license agreement utilising the site for the positioning of a site access control cabin, temporary welfare facilities, the parking of vehicles and for general site access to carry out plain line track renewal works. A copy of the licensing agreement has been submitted with the commencement date shown as April 1st and termination date April 27th.
- 5.24 In response, at the time of the most recent Officer site visit (December 2009), Amey Rail was still on site. Nonetheless, Part 4 (Temporary Buildings and Uses) of the Town and Country Planning (General Permitted Development) Order 1995 allows for *'the provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land'*. There is no time limitation attached and the works themselves should not require the benefit of planning permission (rail replacement works comprise permitted development).
- 5.25 Further, case law also provides that a test of a temporary use is the distinction of whether the land can easily revert back to its previous lawful use in between the times that the land is used for its temporary new use. In this instance, it is considered that the land could readily revert back to a storage use.
- 5.26 Finally, the agent reasons that this temporary use is almost identical to the established use for storage of materials (rails etc), vehicle parking and the placement of portacabins and therefore would fall within the same use class.
- 5.27 For the above reasons, it is considered that there has been no intention to abandon the storage use whilst this temporary has not introduced a new

different breach. On this basis, there is now no objection to this certificate of lawfulness application.

6. RECOMMENDATION

6.1 A Certificate of Lawfulness is **GRANTED** for the following reason:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

ITEM 9

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|------------------------------|---|---------------------|-----------------------------------|
| App No.: | PT09/5646/F | Applicant: | Wessex Water |
| Site: | Land At 155 Beesmoor Road Frampton Cotterell Bristol South Gloucestershire BS36 2JW | Date Reg: | 3rd November 2009 |
| Proposal: | Change of use from private driveway to operational sewerage infrastructure and erection of pumping station kiosk. | Parish: | Frampton Cotterell Parish Council |
| Map Ref: | 366903 181034 | Ward: | Frampton Cotterell |
| Application Category: | Minor | Target Date: | 4th January 2010 |



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100023410, 2008. **N.T.S.** **PT09/5646/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the change of use from private driveway to operational sewerage infrastructure and erection of pumping station kiosk.
- 1.2 The application site is within the Frampton Cotterell settlement boundary and consists of a strip of land to the front of no. 153 Beesmoor Road. The land is currently in use as a driveway that serves as an access to no. 155 Beesmoor Road.
- 1.3 The proposal consists of the installation of an underground pumping station and associated above ground control kiosk. The kiosk would measure 1.45 m in height, 0.6 m in width and 2.2 m in length.
- 1.4 The original 'site layout plan' submitted showed the size of the control kiosk incorrectly and an amended plan was submitted correcting this.

2. POLICY CONTEXT

2.1 National Guidance

| | |
|-------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPG13 | Transport |
| PPG25 | Development and Flood Risk |

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

| | |
|-----|---|
| D1 | Achieving Good Quality Design |
| EP1 | Environmental Pollution |
| 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

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council
No objection.

4.2 Other Consultees

Environmental Protection
No objection.

Drainage
No objection.

Other Representations

4.3 Local Residents

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

- a) The proposed works would cause disruption and inconvenience
- b) The proposal would de-value neighbouring property
- c) The structure would restrict access
- d) The structure would be visually obtrusive
- e) Siting of kiosk would restrict access to maintain adjacent fence
- f) Proposal could cause subsidence
- g) The proposal would result in smells / raw sewerage
- h) The proposal may be noisy / omit vibration

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 states that proposals will be permitted subject to certain criteria and where good standards of site planning and design are achieved. The principle of the development is therefore acceptable subject to the following detailed assessment.

5.2 Design / Visual Amenity

The proposal consists of a control kiosk to be sited on existing hard standing and various works underground including the construction of a small local pumping station. The control kiosk is to be constructed from green glass reinforced plastic and will be sited on a small concrete plinth. The kiosk will be dark green in colour. It is considered that the kiosk is of a modest size and its colour would make the development inconspicuous given its surroundings. The development would cause no harm to the visual amenity when viewed from the streetscene and therefore the proposal complies with policy D1 of the Local Plan.

5.3 Highway Safety

The control kiosk is 0.6 m in depth and would be located close to the boundary fence of no. 157 Beesmoor Road. Ample space would remain for vehicles to pass in and out of the driveway and onto Beesmoor Road, there is therefore no highways objection.

5.4 Environmental Issues

Drainage

It is stated in the applicant's Environmental Supporting Statement that the sewerage system serving a substantial part of Frampton Cotterell is operating at or near capacity. A number of options were considered to alleviate flooding issues that have recently occurred within the Beesmoor Avenue / Heather Avenue area. The proposal put forward in this application would isolate the affected properties from the surcharging main sewer and intercept flows from the properties and discharge the flows to the proposed pumping station.

The Council's Drainage Engineer was consulted as a part of this application. It is considered that the development would not increase flood risk and the proposal itself is not at risk of flooding. The proposal would not harm the environment or amenity and safety of users of the site or surrounding land and the proposal therefore accords with Policy EP1 of the Local Plan.

Noise

The Council's Environmental Health Officer was consulted as a part of the application. A noise risk assessment was submitted as a part of the application and from this assessment the Officer inferred that the development would not produce unacceptable noise pollution to neighbouring occupiers.

5.5 Other Matters

Concern was raised by a local resident that the proposed works would cause disruption and inconvenience. This matter cannot be considered a material planning consideration and any disruption caused as a result of the building work would need to be pursued as a civil matter.

Local residents raised concern that the proposal would devalue property prices, again this cannot be considered a material planning consideration.

Concern was also raised regarding the proposed control kiosk restricting maintenance access to a neighbouring fence. If such obstruction was caused then this would be a civil matter. It is understood that the kiosk has been set away from the fence to avoid such difficulty.

Due to the size and scale of the proposal and its location set away from the adjacent fence and from nearby buildings it is not anticipated that subsidence would be an issue. In any case this is not considered a material planning consideration.

5.6 Design and Access Statement

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

5.7 Section 106 Requirements

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

6. **CONCLUSION**

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

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The proposed development encompasses a good standard of site planning and design. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- b) The development would not unacceptably harm the environment and the proposal therefore accords to Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- c) The development would not prejudice highway safety and the proposal therefore accords to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. **RECOMMENDATION**

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

Contact Officer: **William 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.

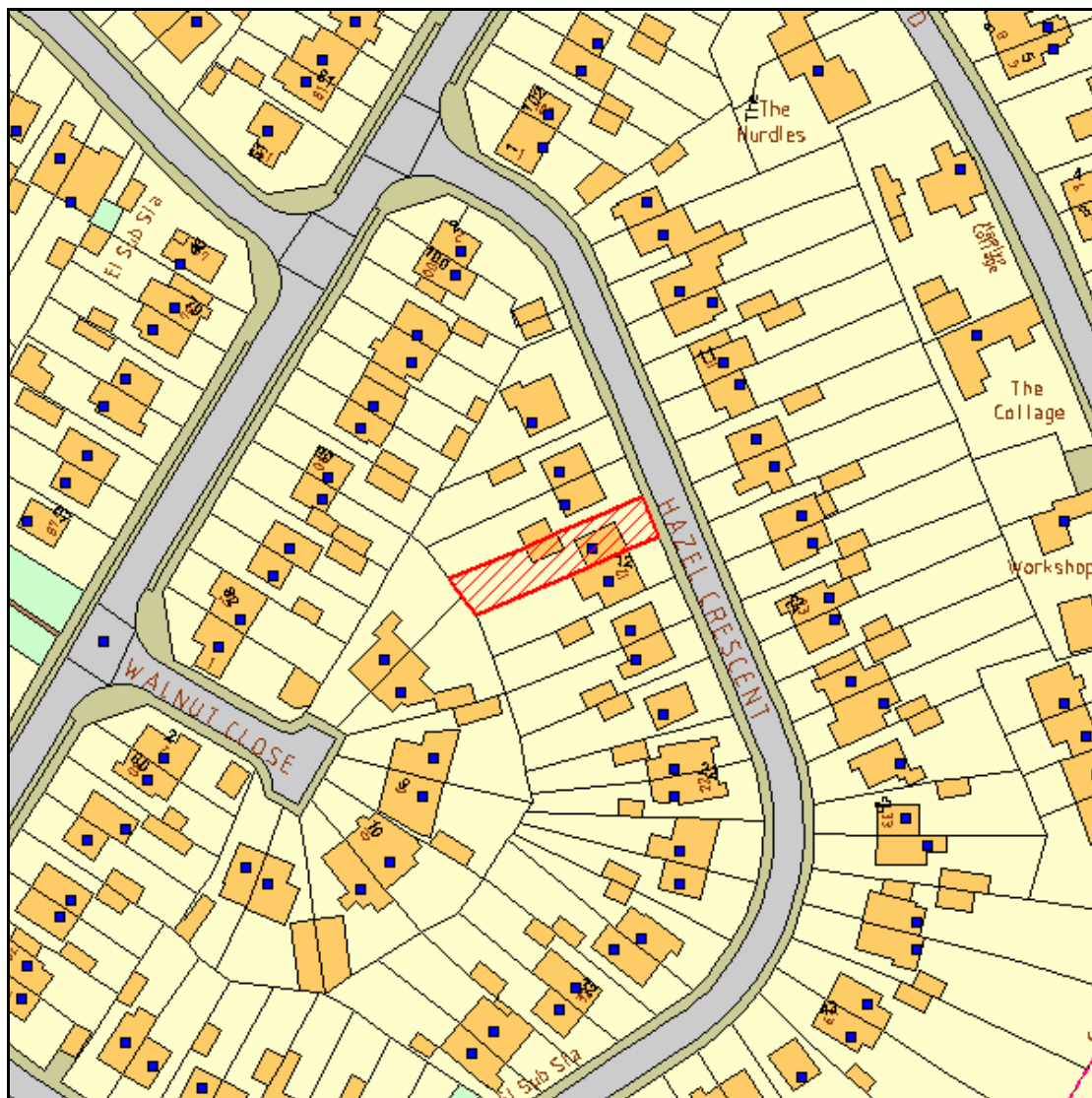
Reason

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

ITEM 10

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|----------------------------------|---|-------------------------|---------------------------|
| App No.: | PT09/5653/F | Applicant: | Mr S Underwood |
| Site: | 10 Hazel Crescent Thornbury Bristol South Gloucestershire BS35 2LX | Date Reg: | 10th November 2009 |
| Proposal: | Erection of two storey side and single storey rear extension to provide additional living accommodation. Erection of porch on front elevation. | Parish: | Thornbury Town Council |
| Map Ref: | 364575 190295 | Ward: | Thornbury North |
| Application Category: | Householder | Target Date: | 4th January 2010 |



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INTRODUCTION

This application appears on the Circulated Schedule List because an objection has been received from Thornbury Town Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey side and single storey rear extension to provide additional living accommodation. Permission is also sought for the erection of a front porch.
- 1.2 The application site comprises a two-storey semi-detached property situated on the western side of Hazel Crescent and within the established residential area of Thornbury.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development
L17 The Water Environment
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Objection – the proposed extension is considered an over development of the site
- 4.2 Public Rights of Way
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved. Planning Policy H4 allows for residential extensions subject to design, residential amenity and transportation considerations.

5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a two-storey side extension, single storey rear extension and front porch. The application site comprises a two-storey semi-detached property located on the western side of Hazel Crescent. The proposal would extend the full extent of the curtilage boundary, covering an existing parking area and comprise an integral garage at ground floor level with accommodation above. The existing detached garage would be demolished to facilitate the build. The proposal would extend the front and rear elevations, eaves and ridge height of the existing building by 2.3 metres. Whilst the extension would not appear subservient to the existing building, many properties in the street have two-storey extensions, which are not set back, including no. 12, which is attached to the host dwelling. The proposed extension would therefore, help to re-balance the semi-detached pair. The front porch would project forward approximately 1.1 metres from the existing front elevation and measure 4.3 metres in width. The porch, encompassed by a lean-to roof, would be in-keeping with the character of the host dwelling and would not bring about any significant issues to the streetscene. The rear extension would extend the full width of the existing dwelling and proposed side extension and project approximately 3 metres into the rear garden. Single and double pedestrian access doors would be located in the rear elevation of the extension and 3no. roof lights would be located in the lean-to roof, which would encompass the build. The rear extension would be in keeping with the scale and design of the host dwelling and would be well screened from the public realm by existing built form. The proposed materials are considered acceptable and a condition will be applied to ensure they would match the existing property.

5.3 Residential Amenity

The host dwelling is flanked by a property to the north and a property to the south, which is attached to the southern elevation. The adjoining dwelling comprises a rear conservatory, which has a depth of 3 metres and is situated approximately 0.27 metres from the shared flank boundary. The Officer had concerns regarding possible overbearing impacts, given the proximity of the extension to the adjoining occupier and since the application site is set at a higher level than the neighbour to the north. The applicant acceded to the Officers request to reduce the depth of the extension and has submitted amended plans, which demonstrate that the rear extension would measure 3 metres in length. This reduction is considered sufficient to ensure that the neighbouring properties would not be significantly adversely impacted by the proposed rear extension. The neighbouring conservatory would help offset the impact of the extension and the extent of possible shadowing to the property to the north would be reduced.

The neighbouring property to the north comprises a first floor and ground floor window in the southern elevation. Whilst the proposed side extension would be approximately 2 metres from the property, it is considered that the proposal

would not be significantly more overbearing than the existing situation. No windows are proposed in the side of the extension, which would ensure that there would be no significant loss of privacy to the neighbouring property. It is however, considered necessary to condition any future introduction of windows in the northern elevation given that it would be within close proximity to existing neighbouring windows.

5.4 Transportation

Off-street parking would be provided by means of the proposed integral garage and hard standing to the front of the property, which would offset the loss of the existing parking to the side of the property. As such, and given that the access would be unchanged, there is no objection in terms of transportation.

5.5 Design and Access Statement

A design and access statement is not required.

5.6 Use of Energy and Sustainability

The proposal will comply with building regulation specifications.

5.7 Improvements Achieved to the Scheme

Reduction in the depth of the proposed rear extension from 3.6 metres to 3 metres.

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.

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

- The proposed development has been designed to be in-keeping with the character of the surrounding area taking into consideration the design, form, materials, siting and scale of the existing dwelling – Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

- The applicant has properly considered the Officers concerns. The amended design ensures that the residential amenity of neighbouring occupiers would not be adversely impacted by reason of loss of privacy or natural light – Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town & 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 northern elevation of the property.

Reason

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

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 building.

Reason

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

4. Notwithstanding the information submitted, either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

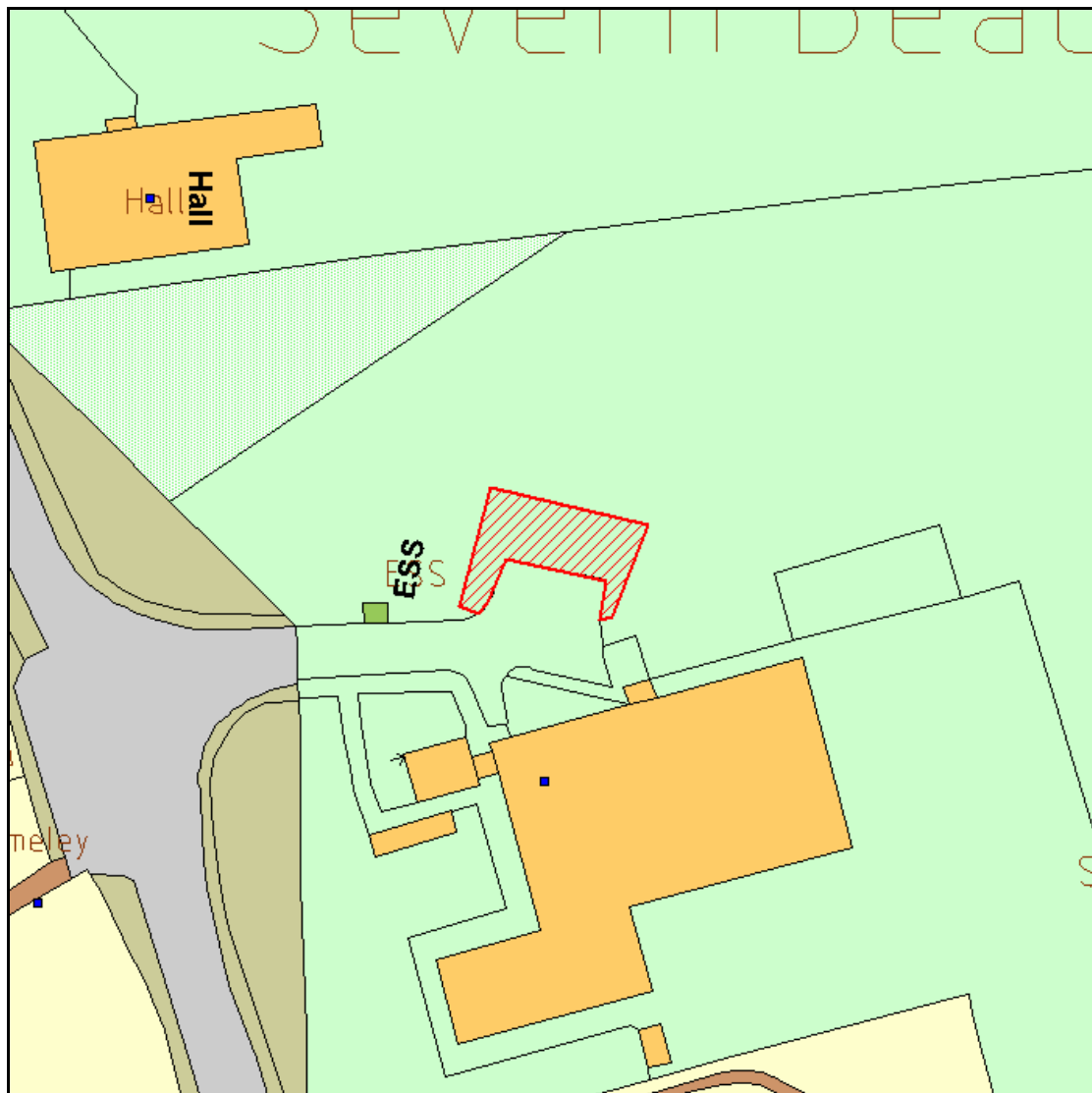
Reason

To ensure satisfactory drainage arrangements for surface water in compliance with policy L17 of the South Gloucestershire Local Plan (adopted) January 2006.

ITEM 11

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|----------------------------------|--|-------------------------|---|
| App No.: | PT09/5668/R3F | Applicant: | South Glos Council |
| Site: | Severn Beach Cp School Ableton Lane Severn Beach Bristol South Gloucestershire | Date Reg: | 3rd November 2009 |
| Proposal: | Construction of new car parking area to facilitate 10 new parking spaces | Parish: | Pilning & Severn Beach Parish Council |
| Map Ref: | 354271 184642 | Ward: | Pilning And Severn Beach |
| Application Category: | Minor | Target Date: | 21st December 2009 |



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100023410, 2008. **N.T.S.** **PT09/5668/R3F**

INTRODUCTION

This application is reported on the Circulated Schedule in accordance with the standard procedure as it has been submitted by the Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the creation of a car parking area to accommodate 10 vehicles. It is proposed to be located opposite the school's main entrance off a hardstanding area, and would take up a small area at the edge of the playing field, where it is at its narrowest.
- 1.2 The site lies within the village development boundary of Severn Beach. Along its northern boundary is an established hedgerow, while the boundary to Ableton Lane is marked with a low fence, allowing views into the school premises. The site lies within the Severn flood plain and a Flood Risk Assessment has been submitted to accompany this application.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
LC4 Development for schools
L17 The Water Environment
L18 The Water Environment
EP2 Flood Risk
T8 Parking standards
T12 Highway Safety
L1 Landscape
L5 Open spaces in settlements

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/0986/F Construction of access path with associated landscaping
Approved

4. CONSULTATION RESPONSES

- 4.1 Pilning & Severn Beach Parish Council
Support the proposal.
- 4.2 Other Consultees
Technical Services Unit
No objection in principle, subject to the inclusion of a condition requiring a drainage plan.
- Transportation
A total of 7 parking spaces are provided for 13 full time staff and this accords with the parking standards outlined in policy T.8 of the Local Plan. A further 2 parking spaces have been provided for the sure start facility with general 1 disabled parking space also available.

The parking that was indicated along the access road has been deleted from the proposal and I understand can be a source of obstruction. On occasions informal parking may continue to overspill onto the access road but it seems reasonable not to include this in the overall parking count.

I raise no transportation objection.

Landscape Officer

The proposal is considered acceptable in landscape terms. Whilst the site does contribute to the setting of an existing development in terms of Policy L5, it is considered the proposals will not adversely affect the contribution the site makes to the character and distinctiveness of the locality.

Recommendation:

It is considered there is no landscape objection to the proposal in terms of policies D1, L1 and L5 of the adopted local plan. It is not considered necessary to impose any landscape conditions in event of consent being granted.

Environment Agency

No objection in principle, subject to the inclusion of a condition controlling the final ground level of the car park being the same as the current ground level, to minimise flooding.

Other Representations

- 4.3 Local Residents
No replies received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in light of all material considerations. The issues to be resolved are set by the criteria in policy LC4, together with flood risk and landscape concerns.

5.2 LC4 A: Accessibility of Major Traffic Generators by Public Transport and Cycle

It is considered that this criterion does not apply to a proposal for a small car park.

5.3 LC4 B: Effect on Residential Amenity

This proposed car park would be centrally located within the site. Whilst it would be visible from Ableton Lane and the houses fronting that road opposite the school, it is not considered that additional car parking would have any detrimental impact on the existing levels of residential amenity enjoyed by those houses.

5.4 LC4 C: Environmental or Transportation Impacts

It is considered that the provision of additional parking within the site, while recognised by the Council's Transportation section as designed to avoid any harm to existing levels of highway safety, would reduce demand for on street parking close to the school premises. It is not considered that, as a result of the

proposal, any harmful transportation impacts would occur. Environmental impacts are analysed below under drainage and flooding.

5.5 LC4 D: Additional On Street Parking and Highway Safety

The analysis under this criterion appears in the preceding paragraph.

5.5 Landscape Issues

Due to the limited size of the proposal, the impact it might have is considered to be limited. Given that the car parking area would not be close to the site boundary, its impact is considered to be further diminished. The comments at 4.2 above from the Landscape Officer identify no particular harm to be caused by the proposal and no remedial measures are therefore required.

5.7 Drainage and Flooding

The comments from the Environment Agency and the Council's Technical Services Unit appear at 4.2 above. It has been determined that the Flood Risk Assessment is acceptable and, as long as the car park would not stand proud of the surrounding land, the proposal would not exacerbate flood risk. This would be achieved through the relevant condition below. A further condition also appears below, requiring detail of how the car park itself would be drained. Subject to compliance with these conditions, it is considered that the proposal complies with policy in this respect.

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 Use of Energy and Sustainability

This does not apply to this development proposal.

5.10 Improvements Achieved to the Scheme

None sought.

5.11 Section 106 Requirements

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

6. CONCLUSION

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

- 6.2 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.
- 6.3 The proposal would help to reduce on street car parking, through relocating it within the school site, while not exceeding the maximum parking limits, to accord with policy T8. In addition, no significant harm would be caused in terms of residential amenity, landscape, flooding or transportation, as the scheme would accord with policies L1, L5, T12, L17, L18, EP2 and LC4.

7. RECOMMENDATION

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

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 & Country Planning Act 1990 (as amended).

2. The finished ground level for the car park shall be the same as the current ground level.

Reason

To prevent flooding, and to accord with Policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

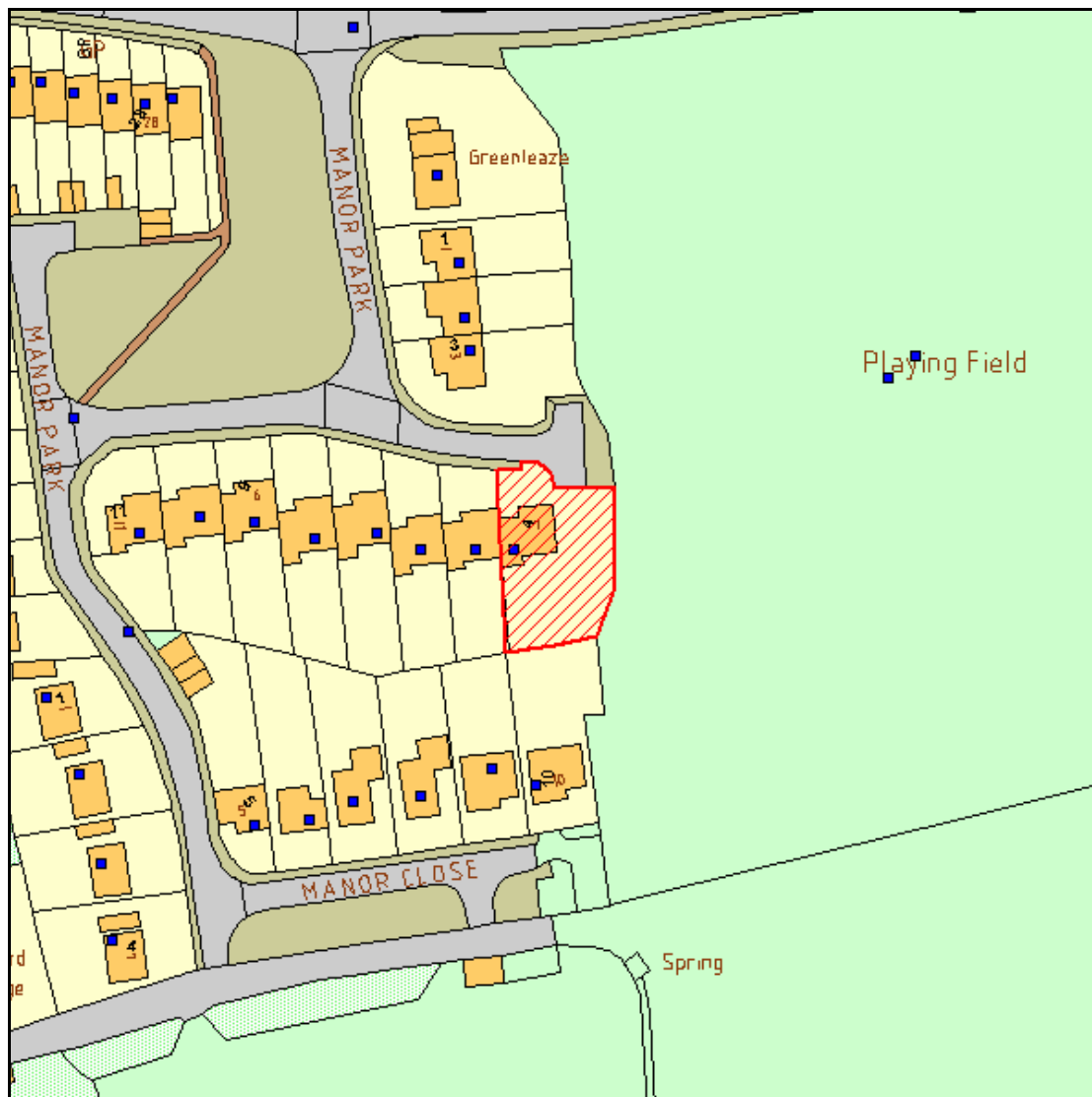
Reason

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

ITEM 12

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|------------------------------|---|---------------------|--------------------------|
| App No.: | PT09/5705/F | Applicant: | Mr And Mrs Carl Lapworth |
| Site: | 4 Manor Park Tockington Bristol South Gloucestershire BS32 4NS | Date Reg: | 12th November 2009 |
| Proposal: | Erection of 2 storey side extension to provide additional living accommodation (Resubmission of PT08/2131/F) | Parish: | Olveston Parish Council |
| Map Ref: | 361061 186470 | Ward: | Severn |
| Application Category: | Householder | Target Date: | 4th January 2010 |



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100023410, 2008. N.T.S. PT09/5705/F

INTRODUCTION

This application appears on the Circulated Schedule in view of the comments received from the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two-storey side extension to provide a sunroom, playroom and WC at ground level with a guest bedroom, guest bedroom and workspace upstairs.
- 1.2 The application site forms a two-storey end of terrace dwelling on the south side of Manor Park, Tockington. The property lies just within the Tockington settlement boundary with this adjoining the east flank boundary of the site. Further, it is noted that the settlement boundary is washed over by the Green Belt although Manor Park is outside of the Tockington Conservation Area.
- 1.3 This application comprises a resubmission of application PT08/2131/F that also sought permission for a two-storey side extension. This was refused on September 16th 2008 for the following reasons:
 1. The proposed extension, by reason of its size, design and external appearance, would be out of keeping with the existing dwelling house and other nearby properties and, if allowed, would detract from the character and appearance of the host dwelling and the visual amenities of the locality. The proposal is therefore considered to be contrary to Planning Policies D1, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
 2. Insufficient evidence is provided to ensure the adequate protection of the protected Pine tree within the rear garden of the application site. The proposal is therefore considered to be contrary to Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG2: Green Belts

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: Development within Residential Curtilages

GB1: Development within the Green Belt
L1: Landscape Protection and Enhancement

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Development within the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/2984/TRE: Works to two Silver Birch trees. Permitted: 28 Oct 2003
- 3.2 PT03/3145/TRE: Works to reduce three Silver Birch trees. Permitted: 14 Nov 2003
- 3.3 PT03/3741/TRE: Fell to Horse Chestnut trees. Permitted: 22 Jan 2004
- 3.4 PT08/2131/F: Erection of two-storey side extension to provide additional living accommodation. Refused: 16 September 2009

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
'Olveston Parish Council objects to the following application as over development in the Green Belt; it appears an annexe as there is no interconnecting door between existing and proposed premises on the first floor level'.
- 4.2 Other Consultees
Tree Officer: no objection
Conservation Officer: no objection subject to condition
PROW officer: no comment

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety. Further, where in the Green Belt, policies H4 and GB1 advise that works should not form a disproportionate addition over and above the size of the original dwelling.
- 5.2 Design/ Visual Amenity
The application site comprises an end of terrace two-storey dwelling on the south side of Manor Park. Planning permission is sought for a two-storey side extension that would provide a WC, playroom and sunroom at ground level with a guest bathroom, guest bedroom & workspace above.

- 5.3 In view of its end of terrace position, the application site benefits from an uncharacteristically wide plot which adjoins the adjacent playing fields to its east side. Further, it is noted that there is a protected Pine tree within the rear garden close to the rear of the extension currently proposed.
- 5.4 The proposal has been designed to appear subservient to the dwelling with it stepped back from the front building line and covered by a lower roof structure. Further, in view of those concerns raised at the time of the previous submission in respect of the width and design of the build, the side-projecting staircase has been removed, the overall width of the extension has been reduced and the floor to eaves height glazing at the rear has been omitted. On this basis, the proposal is now considered to be of an appropriate scale when viewed alongside the host dwelling whilst the design changes would allow a proposal that would appear in keeping with the character and design of the host property.
- 5.5 For the above reasons, this amended proposal is now considered to be acceptable and in keeping with the general character of the area. As such, the proposal is considered to address the first refusal reason that was previously detailed.
- 5.6 Green Belt
The application site lies within the Tockington settlement boundary where the principle of infill development is considered acceptable. Nevertheless, the site is adjacent to the settlement boundary with the proposal visible from the open Green Belt. In this regard, planning policy GB1 cites that development within or conspicuous from the Green Belt which would have an adverse impact on the visual amenity of the Green Belt will not be permitted.
- 5.7 In view of the above, any application for a new dwelling in this position might not be acceptable given its edge of settlement position. However, this revised scheme has been reduced in size and would clearly relate to the host property. It would also appear to equate to less than 50% of the size of the host dwelling and therefore would accord with the Councils supplementary planning document in respect of the Green Belt. As such, it is not considered that it would have an adverse impact on the openness of the Green Belt.
- 5.8 In response to the concerns raised by the Parish Council, the design and size of the extension is considered to be acceptable having regard to its edge of settlement position whilst the build would be interconnected at ground level. The lack of any internal connection at first floor level could not form the basis of a reasonable refusal reason.
- 5.9 Residential Amenity
In considering issues related to residential amenity, it is noted that the previous application that sought permission for a larger extension did not attract any related refusal reason.
- 5.10 The proposal would stand to the east side of the host dwelling adjacent to the adjoining playing fields. Views to the rear would look towards those properties

- fronting Manor Close behind (that are located at an appreciable distance away with tree screening along the rear boundary). To this extent, the build would not introduce any new issues of overlooking whilst the protected Pine tree immediately behind the dwelling would help to screen views between. As such, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.11 To the front, the proposal would overlook the turning head to this cul-de-sac and towards the rear gardens of the dwellings facing Manor Park to the north. Again, no new issues of overlooking would be introduced whilst in view of the distance between these dwellings; it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.12 Landscape Impact
A protected Pine tree stands within the rear garden of the application site; this comprises a remnant of the former parkland setting associated with the listed Tockington Manor with the adjoining playing fields previously comprising part of the former parkland estate.
- 5.13 The previous application was partly refused having regard to the unknown impact of the proposal on this tree. This time an arboricultural report accompanies this application thus provided the recommendations within this report are adhered to, it is not considered that the proposal would have any significant adverse impact on the health or longevity of the tree; this requirement could form the basis of a suitably worded condition.
- 5.14 Impact on Conservation Area/ Listed Building
Comments received from the Councils Conservation Officer highlight that although the application site is outside of the conservation area, it adjoins the playing fields to Tockington Manor school; a listed building. The playing field makes an important contribution to the setting of the listed building and the conservation area forming part of the former parkland to the estate with its important individual and groups of trees.
- 5.15 The application is a revised proposal following an earlier refusal and the scale of the extension has been reduced. Planting along part of the boundary would also help screen and soften the impact of the extension in views from the playing field/ conservation area. It is suggested that the proposal should ensure the retention of this planting with supplementary planting provided; clarification on the impact on the aforementioned tree is also requested.
- 5.16 In response, the reduced size of the proposal would ensure that it would be stepped further away from the flank boundary (3.5m) whilst its design has also been simplified. Accordingly, with the design of the proposal considered acceptable, and with it considered unreasonable to impose a landscaping condition on a development of this type, there is no objection to the current proposal on this basis. In this regard, it also noted that the future health of the tree has been safeguarded.
- 5.17 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
1. The size, design, massing and scale of the extension would be in keeping with the character of the host dwelling and the surrounding area and would be inset from the settlement boundary. The proposal is therefore considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development), H4 (Development within Residential Curtilages) and GB1 (Development within the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal would not cause any significant adverse impact in residential amenity. The proposal is therefore considered to accord with Planning Policy H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposal would not have a significant adverse impact on the health of the protected Pine Tree to the rear of the dwelling. The proposal is therefore considered to be compliant with Planning Policy L1 (Landscape Protection and Enhancement) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town & 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 Planning Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The development hereby permitted, shall comply fully with the details received and the method of construction detailed within the arboricultural report submitted as part of this application.

Reason

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

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|----------------------------------|--|-------------------------|-------------------------------|
| App No.: | PT09/5730/F | Applicant: | Making the Change Ltd |
| Site: | Brent Knoll House Cribbs Causeway Almondsbury Bristol South Gloucestershire | Date Reg: | 11th November 2009 |
| Proposal: | Change of Use from nursing home for the mentally handicapped (Class Use C2) to resettlement centre for young offenders (Class Use Sui generis) as defined in the Town and Country Planning (Use Classes) Order 2005. | Parish: | Almondsbury Parish Council |
| Map Ref: | 357005 180334 | Ward: | Patchway |
| Application Category: | Minor | Target Date: | 28th December 2009 |



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 100023410, 2008. N.T.S. PT09/5730/F

INTRODUCTION

This application appears on the Circulated Schedule in view of the comments that have been received from the Parish Council and the neighbouring residents.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the change of use of Brent Knoll House to allow its use as a resettlement centre for young offenders.
- 1.2 The application relates to a two-storey detached building on the north west side of the A4018 at Cribbs Causeway. The premises are located within the Green Belt the boundary of which aligns with the front boundary of the application site.
- 1.3 The building has been previously utilised as a nursing home providing for the mentally handicapped although is now closed. This existing use is limited by the following planning condition:

'Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning General Permitted Development Order 1988 (as amended) the premises shall not be used for any purpose other than that hereby authorised without the prior written consent of the Council'.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design and New Development
(LC4: Proposals for Educational and Community Facilities)
GB1: Development within the Green Belt
T7: Cycle Parking
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Development within the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 N6397: Erection of detached bungalow. Refused: 27 March 1980

- 3.2 N6397/1: Change of use of existing dwelling from residential to use as an elderly persons home. Permitted: 6 July 1988
- 3.3 P88/1984: Change of use of dwelling to elderly persons home. Permitted: 6 July 1988
- 3.4 P89/2591: Change of use from class C3 (dwelling house) to B1 (business). Refused: 8 Oct 1989
- 3.5 P91/1028: Change of use from residential to nursing home for the mentally handicapped. Permitted: 30 Jan 1991
- 3.6 P91/2470: Erection of building for use as art room. Permitted: 13 Nov 1991
- 3.7 P99/1429: Erection of additional nursing home with associated works. Refused: 4 Aug 1999
- 3.8 PT03/3693/F: Alterations to roofline to facilitate addition of first floor to form three bedrooms, bathroom, sitting room and balcony. Refused: 20 Jan 2004
- 3.9 PT04/1380/F: Erection of single-storey front extension to form porch; erection of first floor extension incorporating front, side and rear dormer windows to form additional bedrooms and bathroom; construction of rear balcony. Permitted: 28 May 2004
- 3.10 PT07/2699/F: Erection of 20 single-storey residential units; construction of new vehicular and pedestrian access. Refused: 8 Nov 2007

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

'The Parish Council strongly objects to this application, this type of development has been tried in the area and did not work, we do not consider the area suitable for this type of resettlement'.

4.2 Other Consultees

Highways DC: no objection

Police Architectural Liaison Officer: no comment

Other Representations

4.3 Summary of Local Residents comments:

Eleven letters received expressing the following concerns:

- o This type of facility has been provided before along Cribbs Causeway it never worked and had to close;
- o The access to the car park is hidden and dangerous;
- o Access to the neighbouring property is through the application site; this presents a personal safety concern;

- o Notification of the application was sent to the wrong address;
- o This type of facility has been previously provided at 'The Laurels'- the experience of this is not good with the Police regularly called;
- o The additional traffic generated (staff, visitors and residents) would be unsafe on Cribbs Causeway;
- o It will be detrimental to the amenity of the existing residents;
- o The premises are too close to a petrol garage, shop, calor gas storage, high value car sales, sales depot and residential area;
- o There is a risk posed by the residents and their visitors;
- o There are existing problems with anti-social behaviour- the proposal might exacerbate these problems;
- o Residents in this area have 'done our share' following the 'disastrous failure of the last venture';
- o The previous similar use closed after neighbouring properties were broken into;
- o Access for parking is onto a dangerous fast moving dual carriageway;
- o The adjoining Rugby Club use to experience significant and recurring problems of break-ins which only abated when the County Care home closed- despite the undoubted best efforts of the limited staff number, this problem is likely to be experienced again;
- o The rugby club receives RFU funding for providing facilities to the local population in actively increasing the number of young people coming to and enjoying the club- however, this influx in young offenders would lead to an increase in petty vandalism and damage to property;
- o The rugby club already suffers at the hands of 'the local unruly young element who enter after we have vacated' and cant afford permanent security;
- o One full time member of staff would not be sufficient;
- o One writer will be looking to the Council for compensation if the proposal goes ahead;
- o The 'wisdom' of having young people on a very busy dual carriageway with no controlled crossing within easy walking distance is questioned.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Planning policy LC4 relates to proposals for the development, expansion or improvement of educational and community facilities within existing urban areas and the settlement boundaries. Given that the application site is located within the Green Belt, this policy is not directly applicable. Nonetheless, it is considered that the spirit of this policy can be applied with such proposals permissible provided that:

- o Proposals are located on sites that are, or will be highly accessible on foot and bike; and
- o It would not unacceptably prejudice residential amenity; and

- o It would not have an unacceptable environmental or transportation effect; and
 - o Development would not give rise to unacceptable levels of on street parking to the detriment of amenities of the surrounding area and highway safety.
- 5.2 Planning policy GB1 details that planning permission will only be given for the change of use of land and existing buildings where it would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purposes of including land within it. Further, buildings should be of permanent and substantial construction and in keeping with their surroundings.
- 5.3 Policy T12 advises that new development will be permitted (in terms of transportation) provided that (here considered relevant) the proposal:
- o Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists, and people with disabilities; and
 - o Provides safe access capable of accommodating the motorised traffic that is generated by the proposal; and
 - o Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and
 - o Would not generate traffic that would unacceptably affect residential amenity or other environmentally sensitive areas in terms of noise, vibration and air quality.
- 5.4 The Proposal
The application seeks full planning permission to allow the change of use of Brent Knoll House to provide a resettlement centre for young offenders. The facility would be operated by Making the Change Ltd, a charity which is understood to have been formed to develop a model of care for 16- 18 year old leaving custody, through the provision of a supportive, structured, community based residential facility with training, work and social development opportunities. Furthermore the residents would have served their secure term and as such the residents are voluntarily seeking a programme with some care to assist their resettlement into the community.
- 5.5 Brent Knoll House currently stands empty but was previously occupied as residential accommodation for the mentally disabled. It is the considered opinion of the agent that the proposal would fall within the sui generis use class (not C2A Secure Residential Institutions) given that there is a limited level of care associated with the proposed resettlement centre.
- 5.6 Further, it is considered that the characteristics of the proposal would not be too different from that of the previous use thus there would be no material change in the nature of use of the building. Nevertheless, in view of the aforementioned condition attached to the previous permission, a planning application is necessary.

- 5.7 Analysis: Change of Use of Building
The application would not involve any physical alterations to the building; accordingly, there is no objection to the proposal on this basis.
- 5.8 Analysis: Impact on the Openness of the Green Belt
The application would not involve any physical alterations to the building and thus on this basis it is considered compliant with the provisions of policy GB1 given that it would not have a materially greater impact on the openness of the Green Belt. For this reason, there is no objection to this current proposal on Green Belt grounds.
- 5.9 Analysis: Residential Amenity
The proposal would not require any physical alterations to the building and would be likely to improve the appearance of this neglected site in visual amenity terms. Further, the nature of the proposal is considered to be similar to that of the extant use thus in principle, it is not considered any significant adverse impact in residential amenity would be caused.
- 5.10 Notwithstanding the above, concerns have been raised in respect of the proposal primarily relating to the anticipated incidences of crime and disorder that might result. In this regard, the question of whether planning decisions should be influenced by the fact that as a possible consequence a criminal activity might be facilitated is an issue of debate. To this extent, it is clear that new developments should be scrutinised in respect of the possibilities for crime (e.g. in new housing layouts) whilst if a development is required in response to a security need, this need would form a material planning consideration. However, where a proposal might result in a possible breach of law because the users are more disposed to criminal activity than others is not straightforward.
- 5.11 In this latter case, it is not always possible to sustain with clear evidence that such incidences would occur and if so whether the remedy should lie with law enforcement rather than the refusal of planning permission. If there is a reasonable likelihood of law breaking routinely occurring as a consequence of the development and planning conditions are not possible to help mitigate this; then planning refusal might be justified.
- 5.12 In view of the above, it is necessary to reason whether there is a real likelihood of such eventualities actually transpiring and, although Planning Authorities are now statutorily bound to consider the effects of crime, they also need to rationalise how much weight should be given to this issue. In such cases, much may depend upon (a) the capability of the breach to cause a problem and (b) the strength of other means of control to deal effectively with the difficulty.
- 5.13 In this instance, the proposal would provide accommodation for 16-18 year olds leaving custody whom have opted to take this stepped approach back into society. It would continue to support residents in education and training, health, job seeking and in progress towards independent living for a maximum of twelve months. Qualified staff would provide twenty-four hour supervision of the premises although residents would be free to come and go subject to

- agreed curfews; i.e. these are likely to relate to time of return etc. Specific counselling and practical assistance from caseworkers (Young Offenders Team) would also be provided. It would be small scale providing for eight persons whilst it is noted that the site is removed from any heavily populated area with only Cribbs Cottage adjoining the application site.
- 5.14 For the reasons outlined above, it is considered that it would be difficult to sustain any objection to this current proposal with regard to the perceived crime and disorder that might be generated. To this extent, having regard to those criterion detailed, whilst any breach of law might cause a problem, it is considered that the strength of other means of control would be appropriate to deal with this; i.e. through law enforcement and/ or with the persons likely to be removed from the premises.
- 5.15 The benefits of the proposed use should also be weighed in the balance in that the residents would otherwise live in the community without the support proposed here; and might be argued to be more likely to re-offend. At the scale of this proposal (eight such residents), it is considered that the likely benefits outweigh the risks. However it is acknowledged that this does depend on the effective management of such premises.
- 5.16 Analysis: Highway Safety
The proposal is considered to be comparable with the existing 'use class' in terms of traffic generation thus the development is considered to be acceptable in principle in highway safety terms. Furthermore, whilst there is only limited on site car parking available, parking problems are not reasonably anticipated given the number of staff whom would be working at the premises. In this regard, the proposal also falls below the threshold at which a Travel Plan would be required with parking arrangements to be managed by the occupiers.
- 5.17 For the above reasons, there is no objection to this current proposal on highway safety grounds. It is though recommended that an appropriately worded planning condition be attached to require details of cycle and car parking provision prior to the commencement of development.
- 5.18 Outstanding Issues
The comments received in respect of The Laurels appear to relate to an application that dates back to March 1978 and which allowed the change of use of a dwelling for 'deprived children' (N1433/1). It is understood that these premises were on the opposite side of the dual carriageway where the car showrooms now stand. However, the circumstances of enterprise will have been different and it is not considered that the problems caused by this use could justify a refusal in respect of this differing scheme.
- 5.19 Design and Access Statement
A Design and Access Statement is not required as part of this application.
- 5.20 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
 - o The proposed change of use of this building would not adversely impact the openness of the Green Belt. The proposal is therefore considered to accord with Planning Policy GB1 (Development within the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006;
 - o The proposal would be acceptable in highway safety terms with the proposed new use considered to be comparable with the existing use in highway terms. Accordingly, the proposal is considered to be compliant with Planning Policies T8 (parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
 - o The scale and nature of the proposal is such that it would not generate any significant adverse impact in residential amenity. The proposal is therefore considered to accord with Planning Policy D1 (Achieving Good Quality Design in New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

2. The premises shall be used for the resettlement of young offenders; and for no other purpose (including any other purpose in Class C2 and Class C2a; of the Schedule to the Town and Country Planning (Use Classes) Order 2006, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In the interests of highway safety and residential amenity and to accord with Planning Policies D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No more than twelve residents, of whom not more than eight shall be young offenders, shall be resident at the premises at any one time.

Reason

In the interests of highway safety and residential amenity and to accord with Planning Policies D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development detailed plans showing the provision of car and cycle parking facilities in accordance with the standards set out in Planning Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

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

ITEM 14

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|------------------------------|---|---------------------|------------------------------|
| App No.: | PT09/5732/F | Applicant: | Mapstone Homes |
| Site: | 3 Davids Lane Alveston Bristol South Gloucestershire BS35 3LN | Date Reg: | 9th November 2009 |
| Proposal: | Demolition of existing dwelling to facilitate erection of 3 no. houses and 1 no. detached garage with associated works. | Parish: | Alveston Parish Council |
| Map Ref: | 363542 188006 | Ward: | Thornbury South And Alveston |
| Application Category: | Minor | Target Date: | 28th December 2009 |



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100023410, 2008.

N.T.S.

PT09/5732/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of an existing dwelling to facilitate the erection of 3 no. houses and 1 no. detached garage with associated works.
- 1.2 The application site lies within the defined settlement boundary of Alveston which is 'washed over' by the Green Belt. The site is on the corner of the junction between the A38 (which heads south to Bristol) and David's Lane. There is another road junction to the west of the application site with Courville Close which is a private road with residents only access.
- 1.3 The site presently contains an unoccupied house set in a garden. It is proposed that the house is demolished and in its place three dwellings are built with one detached garage serving plot 3.

2. POLICY CONTEXT

2.1 National Guidance

| | |
|-------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPG2 | Green Belts |
| PPS3 | Housing |
| PPG13 | Transport |
| PPG24 | Planning and Noise |

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

| | |
|-----|---|
| D1 | Achieving Good Quality Design |
| EP1 | Environmental Pollution |
| EP2 | Flood Risk and Development |
| EP4 | Noise-Sensitive Development |
| GB1 | Development within the Green Belt |
| H2 | Residential Development within Existing Urban Areas |
| H4 | Development within Existing Residential Curtilage |
| L1 | Landscape Protection and Enhancement |
| L9 | Species Protection |
| T8 | Parking Standards |
| T12 | Transportation Development Control Policy for new Development |

2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

PT07/2582/F (Severn View, Davids Lane, Alveston) - Demolition of existing dwelling and garage to facilitate the erection of 4 no. dwellings and garages with associated works. Refused and then allowed on appeal 11/06/2008.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council

The Parish Council strongly object to the application listed below on the following grounds:

1. The development does not comply with South Gloucestershire's Development Plan, in particular most of the sub-sections of Policy H4.
2. There is no respect in the plans for the massing, scale, proportions or character of the adjacent properties. This development would have an overbearing effect on the properties in Courville Close.
3. This development would have a prejudicial effect on the amenities of residents in neighbouring properties.
4. Highway safety is a major concern with a significant number of vehicles joining the road very close to a difficult junction which is already under scrutiny for its safety. There is clearly inadequate vehicle turning space provided within the development.
5. The development is disproportionate to the site.
6. The development may exceed the density suitable for the rural character of the neighbourhood with the design being more appropriate for an urban site.

4.2 Other Consultees

Highways

No objection.

Urban Design

No objection subject to condition.

Environmental Services

Landscape

No objection subject to condition.

Ecology

On site survey of bats and birds required.

Drainage

No objection subject to condition.

Noise

No objection subject to condition.

Other Representations

4.3 Local Residents

Seven letters of objection were received by residents raising the following concerns:

- a) The development would cause additional traffic congestion
- b) Three units on the site is over development
- c) Garden sizes too small
- d) The proposed dwellings look incongruous and out of character
- e) The proposal would be out of keeping with surrounding two storey properties
- f) The attic floor windows are obtrusive to neighbouring residents
- g) The buildings would dominate the skyline's
- h) The density is out of keeping with the vicinity
- i) (Illegal) parking by visitors to the site would have a major effect on traffic movements
- j) A site notice was not displayed prominently
- k) The houses will overlook Courville Close
- l) The development would detract from the attractiveness of the Alveston House Hotel, commercial viability of the area would be reduced
- m) The entrance to the proposed development is a danger
- n) The proposal would result in flood damage caused by run-off

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 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

dwelling per hectare and that higher densities (upwards of 50 dwellings per hectare) will be achieved where local circumstances permit. Increasing the density of this site is in accordance with national and local policy

In this instance, the total site area equates to 0.07ha providing for a satisfactory density given the location of the site. It is not considered that any more than three dwellings could be provided for given the design, access and transportation issues that would arise from more than three dwellings on this site. As such, there is no objection to the proposal on this basis.

5.3 Green Belt

The proposed new dwellings constitute 'limited infilling' and this is considered appropriate development under the provisions of Policy GB1 of the Local Plan. The proposal would not significantly impinge upon the openness of the Green Belt and therefore the proposal for a three new dwellings is acceptable subject to the criteria set out in Policy H2 being satisfied, namely; density, residential amenity, environmental impact, and transportation effects.

5.4 Design and Visual Amenity

The existing property comprises a two storey detached three bedroom house, located centrally in a large plot. The property is in a state of disrepair and detracts from the amenity of the local area. The applicant's Design and Access Statement describes the mixture of architectural styles on display on Davids Lane including a new development of 4 dwellings in close proximity to the application site that is currently being completed, and also the large building to the north Alveston House Hotel. The surrounding area is suburban in character, comprising detached, semi-detached and small groups of terraced, two-storeys dwellings.

The proposed dwellings are relatively tall and narrow in terms of their massing however this will be broken up by the use of facing brick to the side elevations and render to the front and rear. Detailing in the form of 'Juliet style' balconies and large glazing to the 'attic rooms' provides an element of distinctiveness to the front elevations of the dwellings. A condition is recommended requiring the submission of more detailed drawings to show the treatment of windows and proposed balconies at first floor, as the submitted elevations are not of a sufficiently large scale to determine these elements.

The proposed height of the new dwellings, each at 8 m, is deemed acceptable given the scale of Alveston House Hotel opposite and the near comparative height of 1-4 Courville Close to the south which stands at 0.4 m lower than the proposed. The single storey detached garage to the front of plot 3 is considered acceptable and it is positioned in a very similar position to the existing.

It is also noted that a similar scheme (application PT07/2582/F) was allowed on appeal last year. The scheme consisted of the demolition of a bungalow at

Severn View, Davids Lane and its replacement with 4 no. new dwellings. These dwellings are nearing completion and their appearance in terms of massing and scale is similar to the proposed under consideration in this application.

5.5 Residential Amenity

Overbearing Analysis

The three dwellings would not cause any undue overbearing impact on neighbouring occupiers. To the south the dwelling proposed in plot 3 would be located adjacent to the two storey Courville Close residential home and a block of garages to the rear of this. The nearest property to the west of the plots is approximately 25 m away and so there would be no adverse impact on this property and likewise Alveston House Hotel to the north is approximately 25 m away across Davids Lane.

Privacy Analysis

To the north and west of the site the nearest properties are approximately 25 m away and so there would be no undue loss of privacy to neighbouring occupiers. The nearest dwellings are to the south in Courville Close however the north facing elevation of no. 1 Courville Close has a blank elevation as does the south facing elevation of the dwelling on plot 3. Therefore the proposal would not lead to any undue overlooking or loss of privacy in accordance with Policy H4 of the Local Plan.

Amenity Space

The dwellings are all three bedroom properties and the rear garden spaces range from approximately 24 square metres (plot 1) in size to approximately 50 square metres (plot 3). This is considered sufficient private garden space to serve occupiers.

5.6 Transportation

The Council's Highways Engineer was consulted as a part of the application. Concern has been raised by local residents and the Parish Council in relation to the existing accident record at the junction of Davids Lane and the A38 Gloucester Road. Since 2001 there have been 5 recorded personal injury accidents occurring at this junction. From examination of these accidents all of them are as a result of vehicles turning right out of Davids Lane. Therefore it is considered that the intensification of the access point onto Davids Lane will not have any material impact upon the operation of the junction or the overall safety of this junction.

Moving the access point further away from the A38 towards Courville Close is not considered appropriate as it will necessitate the inter junction spacing being below the desirable minimum. The turning and parking arrangements within the application site itself are considered acceptable.

It is considered that the provision of two parking spaces per dwelling is acceptable and any resultant on street parking should not lead to highway safety problems. The proposal is therefore acceptable and accords to Policies T8 and T12 of the Local Plan.

5.7 Environmental Issues

Landscape

The site is visually contained by an existing hedgerow to the east and north and this should not be affected by construction providing it is protected. The hedgerow is a deciduous native/semi-native hedgerow and not a conifer hedge as described in the Design & Access Statement.

Two planning conditions are recommended, one for the applicant to provide a full landscape plan to the Local Planning Authority, and one to ensure the existing trees and hedgerow to the north and east be protected during construction in accordance with BS 5837:2005, 'Trees in Relation to Construction'.

Drainage

The Council's Drainage Engineer raised no objection to the scheme provided surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority, prior to the commencement of development.

Ecology

The Council's Ecologist was consulted as a part of this application. Wildlife surveys of bats and birds were required. A bat survey was completed with no trace of bats found at the existing vacant property. The ecologist that completed the survey did have some recommendations including that an ecologist should be on site prior to demolition of the existing building. A condition will be attached to the decision notice ensuring these recommendations are adhered to and that a bird survey takes place prior to commencement of development.

Noise

The Council's Environment Health Officer suggested a noise survey should be submitted to assess the impact of traffic noise generated from the A38 Gloucester Road. A survey has been submitted with recommendations and a condition will be added to the decision notice ensuring these recommendations are carried out.

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 Use of Energy and Sustainability

The scheme will seek to meet the requirement of code level 3 for sustainable homes, with the exception of the heating systems which could be gas central heating, assessed at code 1 level.

5.10 Section 106 Requirements

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

6. CONCLUSION

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

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- c) The proposal incorporates sufficient off street parking and would not prejudice highway safety. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- d) The proposal would not have any unacceptable environmental effects. The development therefore accords to Policy EP1, EP2, EP4 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.
- e) The proposal constitutes 'limited infilling' and is therefore considered appropriate development within the Green Belt and is of a satisfactory density given the location of the site. The development therefore accords to Policy GB1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: William 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

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

2. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority in respect of measures to:

(i) Identify, through site survey, of nesting birds and/or their habitat at present (as designated under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992).

(ii) Protection, as required, of birds, and/or their habitat referred to under (i) above and as identified through the site survey. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation.

Reason

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

3. All work shall be subject to the recommendations made in the ecological report carried out by The Badger Consultancy and dated 30th November 2009. All works shall be carried out in accordance with said recommendations unless otherwise agreed with the Local Planning Authority.

Reason

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

4. 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, C, D, E, F, and G), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and allow the Local Authority to assess any further extensions on their

impact upon the 'openness' of the Green Belt to accord with Policy D1, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. 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

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

6. The existing trees and hedgerow (The hedgerow is a deciduous native/semi-native hedgerow) to the north and east boundaries of the site shall be protected during construction in accordance with BS 5837:2005, Trees in Relation to Construction.

Reason

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

7. 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 Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

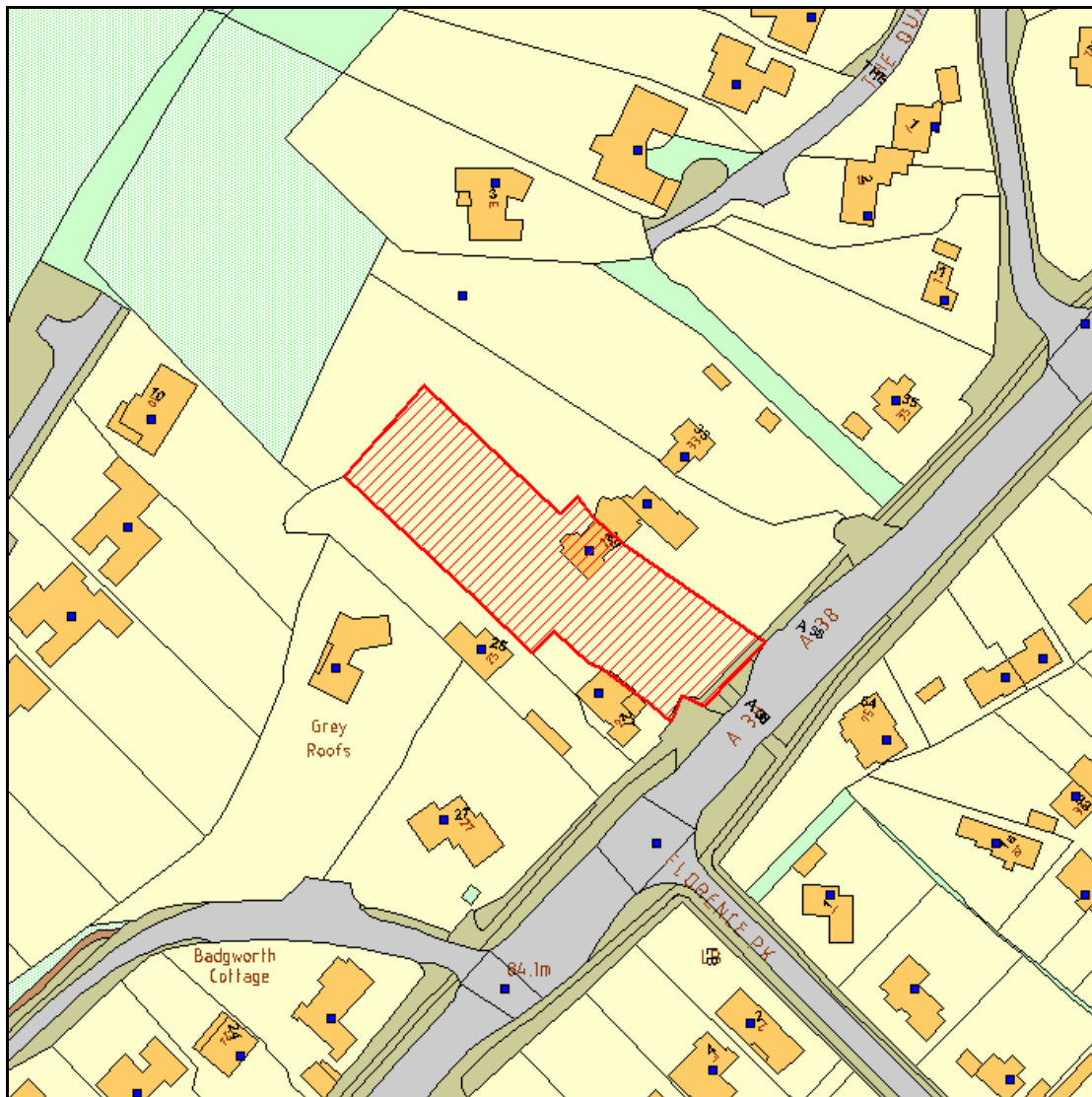
8. No development shall commence until a detailed scheme of noise mitigation detailing the protection of the proposed dwelling and amenity space from the adjacent motorway has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall not be occupied until the noise mitigation measures are fully installed. For the avoidance of doubt, the mitigation measures must be undertaken in accordance with the Acoustic Report by Sound Measurements Limited dated 12th December 2009.

Reason

To ensure the proposed dwelling would not suffer an unacceptable degree of disturbance as a result of a close proximity of the motorway, and to accord to policies EP1 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|------------------------------|--|---------------------|----------------------------|
| App No.: | PT09/5778/F | Applicant: | Mrs C Knowles |
| Site: | 29 Gloucester Road Almondsbury Bristol South Gloucestershire BS32 4HH | Date Reg: | 17th November 2009 |
| Proposal: | Change of Use from Offices (Class Use B1) to residential (Class Use C3) to include associated internal and external alterations (as defined in the Town and Country Planning (Use Classes) Order 2005) | Parish: | Almondsbury Parish Council |
| Map Ref: | 360957 184410 | Ward: | Almondsbury |
| Application Category: | Minor | Target Date: | 1st January 2010 |



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100023410, 2008.

N.T.S.

PT09/5778/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 change of use from offices (Class Use B1) to residential (Class Use C3) to include associated internal and external alterations (as defined in the Town and Country Planning (Use Classes) Order 2005).
- 1.2 This is a semi detached property located off the A38 Gloucester Road. The property is situated within the Almondsbury settlement boundary which is 'washed over' by the Green Belt. The proposal consists of the change of use of the property from Class B1 offices to Class C3 dwellinghouse. In addition it is proposed that single timber windows are added to the front and rear of the building along with two conservation rooflights to be inserted in the rear roof space.

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 |
| H2 | Proposals for Residential Development |
| H4 | Development within Existing Residential Curtilage |
| H5 | Re-use of Buildings for Residential Purposes |
| GB1 | Development within the Green Belt |
| 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

P90/2831 – Change of use of premises from two semi detached dwellings (29 & 31 Gloucester Road) to elderly persons dwelling (Class C2). Approved 14/01/1991.

P97/2128 – Change of use of first floor dwellinghouse to office accommodation (Class C3 to Class B1). Approved 24/10/1997.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

The Parish Council has concerns over traffic coming onto the busy A38 and there is a question to whether the religious ceremonies will still take place in the other half of the building, if the change of use takes place.

Other Representations

4.2 Local Residents

No response.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 of the Local Plan allows for the conversion of non-residential properties for residential use provided that they: -

A. Would not prejudice the character of the surrounding area; and

5.2 No. 29 Gloucester Road and its adjacent attached property no. 31 Gloucester Road were granted consent in 1991 for the change of use from residential dwelling to elderly persons dwelling. Subsequently the first floor of no. 29 Gloucester Road was given consent for B1 office use. The building has therefore largely retained its appearance as a residential institution and there is little evidence of any external works that have altered the appearance of the property, since the conversion.

5.3 No. 29 Gloucester Road is set within the established settlement boundary of Almondsbury and the locality is characterised by residential development. It is therefore considered that this proposed change of use would not prejudice the character of the local area.

B. Would not prejudice the amenities of nearby occupiers; and

5.4 It is not considered that the change of use from offices to a residential dwelling would result in any additional loss in amenity to nearby occupiers. Two windows are being added, one on the front elevation and one on the rear however these would not result in any additional overlooking or loss of privacy to neighbouring occupiers.

C. Would identify an acceptable level of off-street parking; and

5.5 There is sufficient space for off street parking to the front and side of the property.

D. Would provide adequate amenity space; and

5.6 The property is set within large grounds to the front and rear giving ample private amenity space for future occupiers of the property.

E. The property is located within the existing urban areas and the boundaries of settlements, as defined on the proposals map.

5.7 The property is located within the Almondsbury settlement boundary.

Policy D1 and H4 of the Local Plan are also relevant in terms of design and highways safety issues.

Highway Safety

Concern was raised by the Parish Council regarding traffic coming onto the A38. There is an existing access from the property onto the A38 and it is not considered that the change of use would lead to a rise in traffic movements to and from the property. Therefore the proposal would not prejudice highway safety.

5.9 Design

Two minor changes are being made to the exterior of the building in the form of a front and rear window both with timber frames being added. It is considered that these additions respect the character of the building and therefore the proposal complies with Policies D1 and H4 of the Local Plan.

5.10 Other Matters

The Parish Council questioned whether religious ceremonies would continue taking place at the adjacent no. 31 Gloucester Road. This issue is not of material relevance to this planning application.

5.11 Improvements Achieved to the Scheme

None deemed necessary.

5.12 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, 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 proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The proposed change of use would not give rise to a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposed change of use would respect and maintain the overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1, H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- c) The proposal would not prejudice highway safety and therefore accords to Policy T12 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: William 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

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

CIRCULATED SCHEDULE NO. 50/09 – 16 DECEMBER 2009

| | | | |
|------------------------------|---|---------------------|---------------------|
| App No.: | PT09/5806/F | Applicant: | Mr K Eddells |
| Site: | 29 Boverton Road Filton Bristol South Gloucestershire BS34 7AH | Date Reg: | 16th November 2009 |
| Proposal: | Erection of single storey front, side and rear extension to provide additional living accommodation (Amendment to previously approved scheme PT09/5208/F) | Parish: | Filton Town Council |
| Map Ref: | 360542 179541 | Ward: | Filton |
| Application Category: | Householder | Target Date: | 5th January 2010 |



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100023410, 2008. **N.T.S.** **PT09/5806/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks an planning permission for an amendment to the rear extension previously approved under application (PT09/5208/F). This extension shall be increased in depth to 4m.
- 1.2 The application site relates to a semi-detached dwelling situated within a well-established residential area of Filton. The site is in the Bristol North Fringe urban area.

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/2869/F Erection of single storey front and side extension to form porch, extended bedroom and living room and storage shed.
Approved 9th November 2005
- 3.2 PT09/5208/F Erection of single storey front, side and rear extension to provide additional living accommodation.
Approved 6th October 2009

4. CONSULTATION RESPONSES

4.1 Filton Town Council

No comments received.

4.2 Local Residents

One letter has been received from a local resident. Their main points are summarised below: -

- a) Concerned about the size of the development.
- b) Builders or other contractors have no access to my land or to have scaffolding placed thereon due to access requirements to my own property.
- c) The applicant will require party wall access I will need the statutory requirements regarding notice and advice of materials discussed and agreed in advance.

5. ANALYSIS OF PROPOSAL

5.1 The previous planning application (PT09/5208/F) gave consent for a front, side, and rear extension. This application proposes to extend the approved rear extension from 3 metres to 4 metres. On this basis, this report shall only consider this material alteration to the scheme, because the other element already have planning permission.

5.2 Principle of Development

The application site forms the residential curtilage of No. 29 Boverton Road and is situated within the Bristol North Fringe urban area (As defined on the South Gloucestershire Local Plan Proposal Maps). As such the most relevant policies to the proposed extension being considered under this application are:

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

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

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

5.5 Visual Amenity

It is considered that the small addition to the depth of the proposed extension would not prejudice the character and appearance of the existing dwelling. This is because the extension would remain visually proportionate to the host dwelling.

5.6 Residential Amenity

The proposed rear extension would be situated adjacent to the boundaries shared with Nos. 27 and 31 Boverton Road. The proposed extension would exceed the rear building lines of these properties by approximately 4 metres and the extension would be single storey in scale. On this basis it is considered

that the additional one metre extension would not result in an overbearing effect.

5.7 Other Matters

It is acknowledged that the local resident is concerned with regard to builders or other contractors entering their property. This is not a material planning consideration and is a civil matter between the applicant and neighbour. Nevertheless an informative shall be attached to the consent to advise the applicant that this decision does not give consent for the applicant to enter their neighbours' property without their express permission.

5.8 Use of Energy and Sustainability
Built to Building Regulations.

5.9 Improvements Achieved to the Scheme
None.

5.10 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

a) The proposed extension would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

b) The proposed extension has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

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

7. RECOMMENDATION

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

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

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