



**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. 07/09

Date to Members: 20/02/09

Member's Deadline: 26/02/09

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: 20/02/09

SCHEDULE NO. 07/09

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

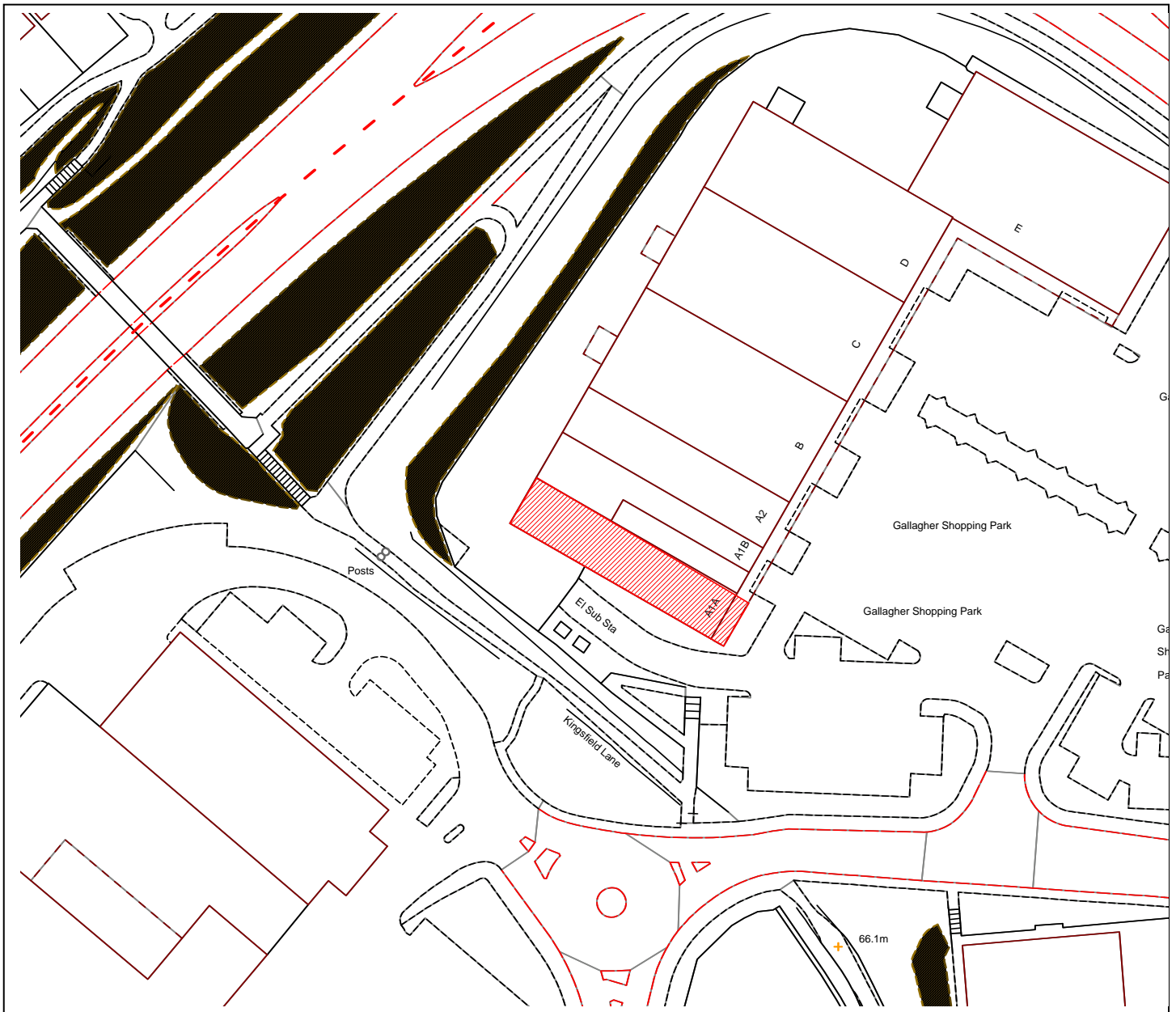
DATE

Circulated Schedule 20 February 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK08/2071/F	Approve with conditions	Unit A1A, Longwell Green Retail Park, Longwell Green, South Gloucestershire, BS30 7DA	Longwell Green	Oldland Parish Council
2	PK08/2371/F	Approve with conditions	Unit A2, Clinton Cards, Longwell Green Retail Park, South Gloucestershire, BS30 7ES	Longwell Green	Oldland Parish Council
3	PK09/0036/F	Approve with conditions	68 Cleeve Hill, Downend, South Gloucestershire, BS16 6HQ	Downend	Downend and Bromley Heath
4	PK09/0046/F	Approve with conditions	25 Holly Hill Road, Kingswood, South Gloucestershire, BS15 4DH	Kings Chase	
5	PK09/0057/F	Approve with conditions	2, Hyde Park Row, Back Street, Hawkesbury Upton, South Gloucestershire, GL9 1AZ	Cotswold Edge	Hawkesbury Upton Parish Council
6	PK09/0071/F	Approve with conditions	92 Long Croft, Yate, South Gloucestershire, BS37 7YW	Yate North	Yate Town Council
7	PK09/0102/F	Approve with conditions	16 Court Road, Oldland Common, South Gloucestershire, BS30 9SR	Oldland Common	Bitton Parish Council
8	PK09/0145/F	Approve with conditions	20 Gunning Close, Hanham, South Gloucestershire, BS15 8BQ	Hanham	Hanham Parish Council
9	PT08/2763/F	Approve with conditions	53 Underhill Road, Charfield, South Gloucestershire, GL12 8TD	Charfield	Charfield Parish Council
10	PT08/3118/RM	Approve with conditions	Wallscourt Farm, Phase 4, Filton Road, Stoke Gifford, South Gloucestershire, BS34 8AZ	Frenchay and Stoke Park	Stoke Gifford Parish Council
11	PT08/3177/F	Approve with conditions	Filton Playing Fields, Elm Park, Filton, South Gloucestershire, BS34 7PS	Filton	Filton Town Council
12	PT08/3224/F	Approved subject to Section 106	Unit 3130, Great Western Court, Hunts Ground Road, Stoke Gifford, South Gloucestershire, BS34 8HP	Stoke Gifford	Stoke Gifford Parish Council
13	PT09/0012/F	Approve with conditions	19 Bude Road, Filton, South Gloucestershire, BS34 7HW	Filton	Filton Town Council
14	PT09/0013/F	Approve with conditions	14 Salem Road, Winterbourne, South Gloucestershire, BS36 1QF	Winterbourne	Winterbourne Parish Council
15	PT09/0048/CLE	Approve with conditions	759 Filton Avenue, Filton, South Gloucestershire, BS34 7JX	Filton	Filton Town Council
16	PT09/0112/F	Approve with conditions	2 Gatcombe Drive, Stoke Gifford, South Gloucestershire, BS34 8NX	Stoke Gifford	Stoke Gifford Parish Council
17	PT09/0130/F	Approve with conditions	Abbots Stables, Westerleigh Road, Westerleigh, South Gloucestershire BS37 8QH	Westerleigh	Westerleigh Parish Council
18	PT09/0148/CLE	Approve with conditions	Sundance, Hortham Lane, Almondsbury, South Gloucestershire, BS32 4JP	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 07/09 – 20 February 2009

App No.:	PK08/2071/F	Applicant:	River Island/Gallagher
Site:	Unit A1A, Longwell Green Retail Park, Longwell Green, South Gloucestershire, BS30 7DA	Date Reg:	23rd July 2008
Proposal:	Installation of mezzanine floor to provide additional retail and storage areas. (Resubmission of PK08/0038/F).	Parish:	Oldland Parish Council
Map Ref:	65396 72006	Ward:	Longwell Green
Application Category:	Minor	Target Date:	9th September 2008



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 100023410, 2008.

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the installation of mezzanine floor in Unit A1A of Longwell Green Retail Park. The current application proposes to add a mezzanine floor: The proposed floor area for the new mezzanine floor would be 411 square metres and it would provide an extra 212 square metres of sales floorspace.
- 1.2 The site consists of a recently built retail centre, which opened in late 2007, accessed off Aldermoor Way, within the urban area of Longwell Green. Conditions on the original permission for the retail centre restricted the overall retail floorspace.

A further consideration is an application by Clinton Cards' for a similar mezzanine floor, which is also to be found on this schedule, under a separate report.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

T8	Parking Standards
T12	Transportation Development Control for New Development
RT5	Proposals for Out of Centre and Edge of Centre Retail Development
RT6	Proposals for Retail Development at Cribbs Causeway, Longwell Green and Filton Abbey Wood Retail Parks

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0854/F Demolition of all existing retail buildings on site and engineering works to produce a level site. Erection of 8 no. new retail units and construction of new central car park, associated servicing areas and landscaping. (Amendment to previously approved scheme PK04/2530/F). Approved July 2006 Condition 2 of this permission restricted the amount of gross non food retail floorspace, and condition 3 restricted all food sales.
- 3.2 PK07/0253/F Installation of mezzanine floor (Next) to provide retail and storage area. Approved 07.10.08

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objection

4.2 Sustainable transport

No objection

Other Representations

4.3 Local Residents

One letter has been received from a local resident, raising the following issues:

- The proposed mezzanine floor will take up 90% of the existing floor, and it would have significant detrimental impact on the community and to local residents' lives.
- The proposal will have an impact upon the residential amenity in the form increased noise, light pollution, traffic pollution and crime.
- The new car park outside Next and Boots has become a particular problem area as it is a very attractive site which is highly illuminated and has a wide open parking area with very little restrictions, for a large number of people gathering and this develops into anti-social behaviour.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The key consideration in the determination of the acceptability of the principle of development for this application relates to an assessment against Policy RT6 of the South Gloucestershire Local Plan. This policy states that retail development will only be permitted at Longwell Green where:

A. It would meet needs which cannot be met in sequentially preferable locations

B. It would make a positive contribution towards improving non-car circulation within the retail park

C. it would make a positive contribution towards improving the physical and visual integration of the retail park

D. It would be accessible to public transport users, pedestrians, cyclists and those with special mobility needs

5.2 The decision to approve the original re-development scheme was a balanced one, taking into account the existing and approved unrestricted non-food retail on the original development. It was considered at the time that it would be very difficult to sustain an argument to refuse the application on the grounds of non-conformity with the relevant policy when the applicant could implement the extant permission, increasing the overall unrestricted non-food retail on the site.

5.3 The current application seeks to increase the amount of non-food retail on site over and above the restrictive condition on the original application.

5.4 Local plan policy RT6 and PPS6 seek to restrict retail development in the retail parks to ensure that the vitality and viability of existing town centres is

maintained. In this case, the centre that the application would most impact on is Kingswood. It is also material, given that there are two applications that have the potential to impact on Kingswood Town Centre, that the cumulative impact of all of these applications is fully considered (application PK08/2371/F found elsewhere on this schedule). The following is an assessment of the application in relation to retail policy, including PPS6, and discusses the following issues:

- The need for the development
- That the development is of an appropriate scale
- That there are no more central sites (sequentially preferable) for development (i.e. within Kingswood Town Centre)
- There are no unacceptable impacts on the existing centres (i.e. Kingswood)

Need and Appropriate Scale of Development

In making an informed assessment of the proposal, the Council appointed a retail consultant to assess the information submitted by the applicant's in respect of their Retail Impact Assessment.

It is concluded and accepted by the Council that there would be large increase in comparison goods retail spending in the area simply as a result of the large population in the catchment area and growth in retail spending per head, and the turnover of the additional floorspace would be very small in comparison with this. While this might not constitute need and the proposal would do little to meet the need as a whole, it does indicate that there would be capacity to support the proposed development. Officers consider that the proposal would not alter the role or character of the retail centre.

Impact on existing centres

The key concern is related to the cumulative impact of all the proposals at Longwell Green on Kingswood, which is facing significant difficulties. There is no doubt that the Longwell Green Retail Park has developed as a competitor to town centres but this derives largely from its historic nature and the conditions applied under very different planning policies.

Officers consider that, given the scale of the proposal and a proposal from Clinton Cards, the additional impact from these current proposals, taken together with those earlier proposals would not cause significant impact upon the vitality and viability of Kingswood Town Centre.

Sequentially appropriate sites

The function of the sequential approach is to explore the possibility of enabling the development to fit onto more central sites.

The relevant centres would be Kingswood and Keynsham. Having considered the opportunities in these centres in relation to earlier applications, it is considered that there are no suitable opportunities and either of these centres to accommodate the retail floorspace required.

- 5.5 Given the above assessment, Officers accept that the decision on whether the principle of development is acceptable in retail policy terms is a finely balanced one.

Officers acknowledged that the need for the proposed additional floorspace has not been demonstrated and the development is not in a designated centre and the proposal would not be of appropriate scale. Nevertheless, the proposal would not alter the role and function of the Retail Park. Government policies seek to enhance consumer choice and encourage competition. There are no sequentially preferable sites or units of suitable size available. Given the proposal would not cause harm to interests of acknowledged importance or undermine the objectives of the policy, officers consider that the above issues are likely to outweigh the failure to demonstrate need.

It is therefore the carefully considered opinion of Officers, that the principle of development is acceptable, subject to the following transportation assessment.

5.6 Transportation

There have been similar planning proposals for the installation of new mezzanine floor for other retail units within the same retail park at this location.

In association with the recent planning applications (PK07/0895/F, PK07/0900/RVC and PK07/0253/F) Marks and Spencer and Next, planning permission was granted on the basis that the applicant / landowner first entered into a legal agreement to deliver a package of improvements towards traffic management measures and to enhance the public transport facilities in the area. Traffic management works and financial contributions are covered under a S106 legal agreement and this agreement has been signed and sealed.

The improvement works are in hand and are due to be implemented in 2009.

In the view of the above, there are no highway objections to this proposal.

5.7 Residential Amenity

The proposal is to install a mezzanine floor to provide additional retail and storage area. There is no proposed change to the existing external appearance of the building. Advertisement consent was granted for the existing illuminated signs subject to a number of conditions. It is not therefore considered that the proposal would harm the residential amenity of the area.

5.8 Other Issues

The concern about anti-social behaviour is noted, however this would not form a material consideration in the determination of this particular application.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/2071/F**

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

CONDITIONS

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

Reason:

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

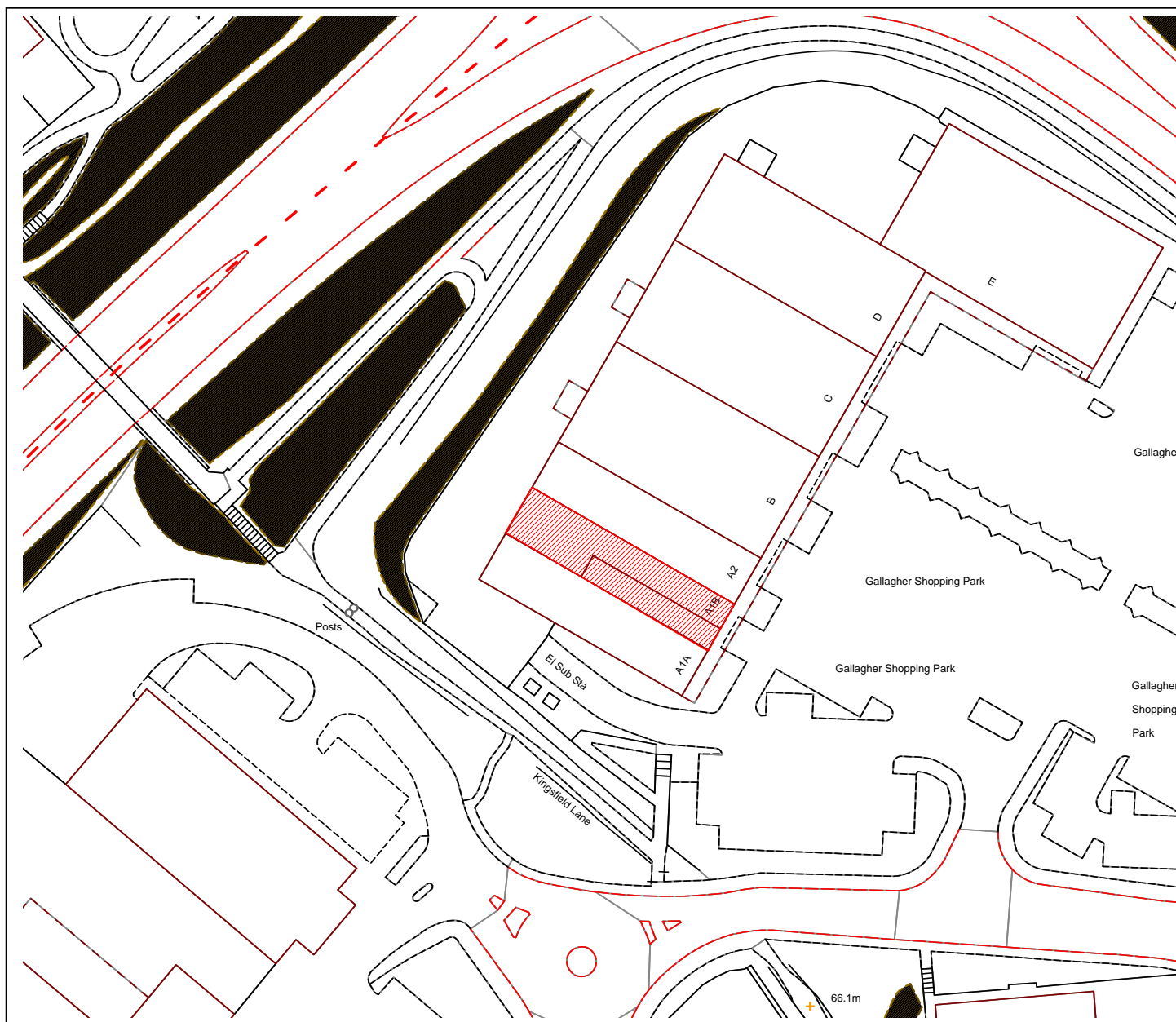
2. Notwithstanding the submitted details, the retail sale floorspace on the mezzanine floor shall not be more than 212 square metres.

Reason:

To protect the vitality and viability of Kingswood Town Centre and in accordance with Policies RT5 and RT6 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 07/09 – 20 February 2009

App No.:	PK08/2371/F	Applicant:	Mr M Restall Clinton Cards
Site:	Unit A2, Clinton Cards, Longwell Green Retail Park, South Gloucestershire, BS30 7ES	Date Reg:	22nd August 2008
Proposal:	Installation of mezzanine floor to provide additional retail area. Installation of new shopfront.	Parish:	Oldland Parish Council
Map Ref:	65401 72015	Ward:	Longwell Green
Application Category:	Minor	Target Date:	13th October 2008



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 100023410, 2008.

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the installation of mezzanine floor in Unit A2 of Longwell Green Retail Park. The proposed floor area for the new mezzanine floor would be approximately 197 square metres and it would provide an extra 110 square metres of retail floorspace. In addition, the proposal includes the installation of new shopfront.
- 1.2 The site consists of a recently built retail centre, which opened in late 2007, accessed off Aldermoor Way, within the urban area of Longwell Green. The unit has been sub-let in part to the Carphone Warehouse. Conditions on the original permission for the retail centre restricted the overall retail floorspace. A further consideration is an application by River Island for a similar mezzanine floor, which is also to be found on this schedule, under a separate report.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
T8	Parking Standards
T12	Transportation Development Control for New Development
RT5	Proposals for Out of Centre and Edge of Centre Retail Development
RT6	Proposals for Retail Development at Cribbs Causeway, Longwell Green and Filton Abbey Wood Retail Parks

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0854/F Demolition of all existing retail buildings on site and engineering works to produce a level site. Erection of 8 no. new retail units and construction of new central car park, associated servicing areas and landscaping. (Amendment to previously approved scheme PK04/2530/F). Approved July 2006 Condition 2 of this permission restricted the amount of gross non food retail floorspace, and condition 3 restricted all food sales.
- 3.2 PK07/0253/F Installation of mezzanine floor (Next) to provide retail and storage area. Approved 07.10.08

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
No objection

4.2 Sustainable transport
No objection

Other Representations

4.3 Local Residents

One letter has been received from a local resident, raising the following issues:

- The proposal appears to be a piecemeal, stealthy, and back-door route
- Lack of an overview of the Gallagher development
- Increase in noise and light pollution
- Increase in anti-social and threatening behaviour

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The key consideration in the determination of the acceptability of the principle of development for this application relates to an assessment against Policy RT6 of the South Gloucestershire Local Plan. This policy states that retail development will only be permitted at Longwell Green where:

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

5.2 The decision to approve the original re-development scheme was a balanced one, taking into account the existing and approved unrestricted non-food retail on the original development. It was considered at the time that it would be very difficult to sustain an argument to refuse the application on the grounds of non-conformity with the relevant policy when the applicant could implement the extant permission, increasing the overall unrestricted non-food retail on the site.

5.3 The current application seeks to increase the amount of non-food retail on site over and above the restrictive condition on the original application.

5.4 Local plan policy RT6 and PPS6 seek to restrict retail development in the retail parks to ensure that the vitality and viability of existing town centres is maintained. In this case, the centre that the application would most impact on is Kingswood. It is also material, given that there are two applications that have the potential to impact on Kingswood Town Centre, that the cumulative impact of all of these applications is fully considered (application PK08/2071/F found elsewhere on this schedule). The following is an assessment of the application in relation to retail policy, including PPS6, and discusses the following issues:

- The need for the development
- That the development is of an appropriate scale
- That there are no more central sites (sequentially preferable) for development (i.e. within Kingswood Town Centre)
- There are no unacceptable impacts on the existing centres (i.e. Kingswood)

Need and Appropriate Scale of Development

In making an informed assessment of the proposal, the Council appointed a retail consultant to assess the impact of the proposal.

Although the applicant has not submitted any supporting document/evidence to demonstrate the need of the proposal, it is accepted by the Council that there would be large increase in comparison goods retail spending in the area simply as a result of the large population in the catchment area and growth in retail spending per head, and the turnover of the additional floorspace would be very small in comparison with this. While this might not constitute need and the proposal would do little to meet the need as a whole, it does indicate that there would be capacity to support the proposed development. Officers therefore consider that the proposal would not alter the role or character of the retail park.

Whilst the Car Phone Warehouse sublet is made possible by the proposed mezzanine floor, it is considered that there is insufficient reason to believe that the sub-division of the unit would not go ahead if this application were refused.

Impact on existing centres

It is considered that there is a risk that Clinton Cards might close a shop in either Kingswood or Keynsham, however this would be more attributable to the ability to operate from the existing ground floor than the proposal subject of this application. It is not considered that the closure of one shop in either centre would seriously affect the vitality and viability of the centre.

The key concern is related to the cumulative impact of all the proposals at Longwell Green on Kingswood, which is facing significant difficulties. There is no doubt that the Longwell Green Retail Park has developed as a competitor to town centres but this derives largely from its historic nature and the conditions applied under very different planning policies. Due to the scale of the proposal, it is considered that the retail impact of this proposal would not be materially harmful in that it would be reasonable to refuse planning permission.

Sequentially appropriate sites

The function of the sequential approach is to explore the possibility of enabling the development to fit onto more central sites.

In this case, it is considered whether there are suitable units available in preferred locations which could accommodate the existing retail floorspace and the proposed mezzanine floor. In this case the centre would be Kingswood and Keynsham. Clinton Cards already have outlets in both centres and could not be expected to consider another unit there in preference to Longwell Green Retail Park.

- 5.5 Given the above assessment, Officers accept that the decision on whether the principle of development is acceptable in retail policy terms is a finely balanced one.

Officers acknowledge that the need for the proposed additional floorspace has not been demonstrated and the development is not in a designated centre. Nevertheless, the proposal would not alter the role and function of the Retail Park. Government policies seek to enhance consumer choice and encourage competition. There are no sequentially preferable sites or units of suitable size available in Kingswood or Keynsham that Clinton Cards could reasonably be expected to occupy. Given the proposal would not cause harm to interests of acknowledged importance or undermine the objectives of the policy, officers consider that the above issues are likely to outweigh the failure to demonstrate need.

It is therefore the carefully considered opinion of Officers, that the principle of development is acceptable, subject to the following transportation assessment.

5.6 Transportation

There have been similar planning proposals for the installation of new mezzanine floor for other retail units within the same retail park at this location.

In association with the recent planning applications (PK07/0895/F, PK07/0900/RVC and PK07/0253/F Marks and Spencers and Next), planning permission was granted on the basis that the applicant / landowner first entered into a legal agreement to deliver a package of improvements towards traffic management measures and to enhance the public transport facilities in the area. Traffic management works and financial contributions are covered under a S106 legal agreement and this agreement has been signed and sealed.

The improvement works are in hand and are due to be implemented in 2009.

In view that all mitigating measures have been agreed, there are no highway objection to this proposal.

5.7 Design of shop front

The design of the new shop front is considered compatible with other shop fronts within the frontage. The proposed entrance to the shop is appropriate and accessible to all. It is considered that the design and material of the proposal would not be harmful to the appearance of the building and the character of the surrounding area.

5.8 Residential Amenity

This application is related to the installation of a mezzanine floor to provide additional retail and storage area and the installation of new shop front. Advertisement consent was granted for the existing illuminated signs subject to a number of conditions. It is not therefore considered that the proposal would harm the residential amenity of the area.

5.9 Other Issues

The concern about anti-social behaviour is noted, however it is considered that this would not form a material consideration in the determination of this particular application.

5.10 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.

5.11 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/2371/F**

Contact Officer: **Olivia Tresise**

Tel. No. **01454 863761**

CONDITIONS

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

Reason:

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

2. Notwithstanding the submitted details, the retail sale floorspace on the mezzanine floor shall not be more than 110 square metres.

Reason:

To protect the vitality and viability of Kingswood and Keynsham Town Centre and in accordance with Policies RT5 and RT6 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 07/09 – 20 February 2009

App No.:	PK09/0036/F	Applicant:	Mr A Milton
Site:	68 Cleeve Hill, Downend, South Gloucestershire, BS16 6HQ	Date Reg:	7th January 2009
Proposal:	Erection of single storey side extension to provide additional living accommodation.	Parish:	Downend and Bromley Heath
Map Ref:	64886 77093	Ward:	Downend
Application Category:	Minor	Target Date:	2nd March 2009



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N.T.S

PK09/0036/F

INTRODUCTION

This application appears on the Circulated Schedule as representations have been received.

1. THE PROPOSAL

- 1.1 Planning Permission is sought for the erection of a single storey side extension at 68 Cleeve Hill, Downend. The proposed extension will measure 0.8 metres in width at the front, increasing to 1.8 metres at the rear, and will measure 6.3 metres in depth. The walls of the proposed extension will have a parapet, masking a lean-to roof. The height of the parapet walls will be 3.7 metres. Revised plans have been received, replacing the proposed rear dormer window with a roof window balcony system. Due to officer concern, amended plans have been submitted replacing the proposed rooflight balcony system with a rooflight.
- 1.2 The application property consists of a semi detached two storey rendered dwelling. It is situated in a road of similar dwellings in the established residential area of Downend. The property has a detached garage, which is accessed from a side access lane leading to a group of listed buildings. The property is located within the historic garden of Cleeve Hill.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L10 Historic Parks and Gardens
L13 Listed Buildings

3. RELEVANT PLANNING HISTORY

- 3.1 No history.

4. CONSULTATION RESPONSES

- 4.1 Downend & Bromley Heath Parish Council
No objection to the proposed side extension, however the Parish Council would prefer a rooflight instead of proposed rear dormer window as the dormer will be overlooking the listed buildings and a rooflight would be in keeping with the adjoining dwelling.

Other Representations

4.2 Local Residents

Two letters of objection have been received. The first letter was in response to the original proposal, objecting to the proposed rear dormer for the following reasons.

- Fear of overlooking, inter-visibility and loss of privacy.
- The proposed dormer window would look out of place compared to the adjoining property that has a rooflight in the rear roof elevation.

4.3 After revised plans were received altering the roof scheme to a roof window balcony system, one further letter of objection was received, raising the following points.

- The proposed balcony system will allow a person to stand on the balcony and overlook adjoining properties.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a single storey side extension. The proposed side extension will measure 0.8 metres in width at the front, increasing to 1.8 metres at the rear, and will measure 6.3 metres in depth. The side wall of the extension will replace the existing side boundary fence. The bricks used will be rendered to match the host dwelling. The walls of the extension will have a parapet to mask the lean-to roof.

5.3 The dwelling is located alongside the access road that leads to a complex of listed buildings. The Council's Conservation Officer assessed the impact of the proposals on the setting of the listed buildings. Although he is concerned that the side extension will create quite an imposing feature, he concludes that there is sufficient distance and visual separation (vegetation, garage & walls) between the house and the listed buildings to prevent that the proposed side extension having an adverse impact on the setting of the listed buildings. The proposals therefore accords with Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006.

5.4 The property is located within the historic garden of Cleeve Garden. This is a former garden associated with a now demolished mansion plus the group of listed buildings that are sited at the end of the access lane adjacent to the application property. The English Heritage "Heritage Gateway" website describes how some planting of the historic garden still remains amongst the suburban development. Policy L10 requires that the historic character and appearance of the site would not be unacceptably harmed. The Garden History Society has no objection to the proposals. It is considered that the proposed side extension will not affect the character or appearance of the garden;

therefore the proposals are not contrary to Policy L10 of the South Gloucestershire Local Plan (Adopted) 2006.

- 5.4 In respect of the design of the side extension, the Council's Conservation Officer would prefer a lower parapet; however, it is considered that it would be unreasonable to refuse this application entirely for this reason. It is therefore considered that the side extension is an appropriate addition to the dwelling and the streetscene.

5.5 Residential Amenity

Overbearing Analysis/Privacy Analysis

The extension is to be constructed on the side of the dwelling. There are no windows in the side or front elevations, and there will be one door in the rear elevation. The proposals for the rear dormer window have been amended to one rear rooflight. It is therefore considered that there are no issues of intervisibility or loss of privacy.

5.6 Amenity Space

Whilst the extension does project into the side garden, sufficient garden space will remain to serve the occupiers of the property.

5.7 Highway Safety Analysis

The property benefits from a detached garage. This is situated to the rear of the property and consequently the development will not impact upon the property's parking arrangements or affect highway safety

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

7. **RECOMMENDATION**

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

Background Papers **PK09/0036/F**

Contact Officer: **Elizabeth Dowse**

Tel. No. **01454 862217**

CONDITIONS

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

Reason:

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

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

Reason:

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

CIRCULATED SCHEDULE NO. 07/09 – 20 FEBRUARY 2009

App No.: PK09/0046/F

Applicant: JW Construction Ltd

Site: 25 Holly Hill Road, Kingswood, Bristol, South Gloucestershire, BS15 4DH

Date Reg: 8th January 2009

Proposal: Subdivision of existing dwelling to form 2no. self contained flats with associated works. Erection of single storey rear extension to provide additional living accommodation.

Parish:

Map Ref: 65557 73987

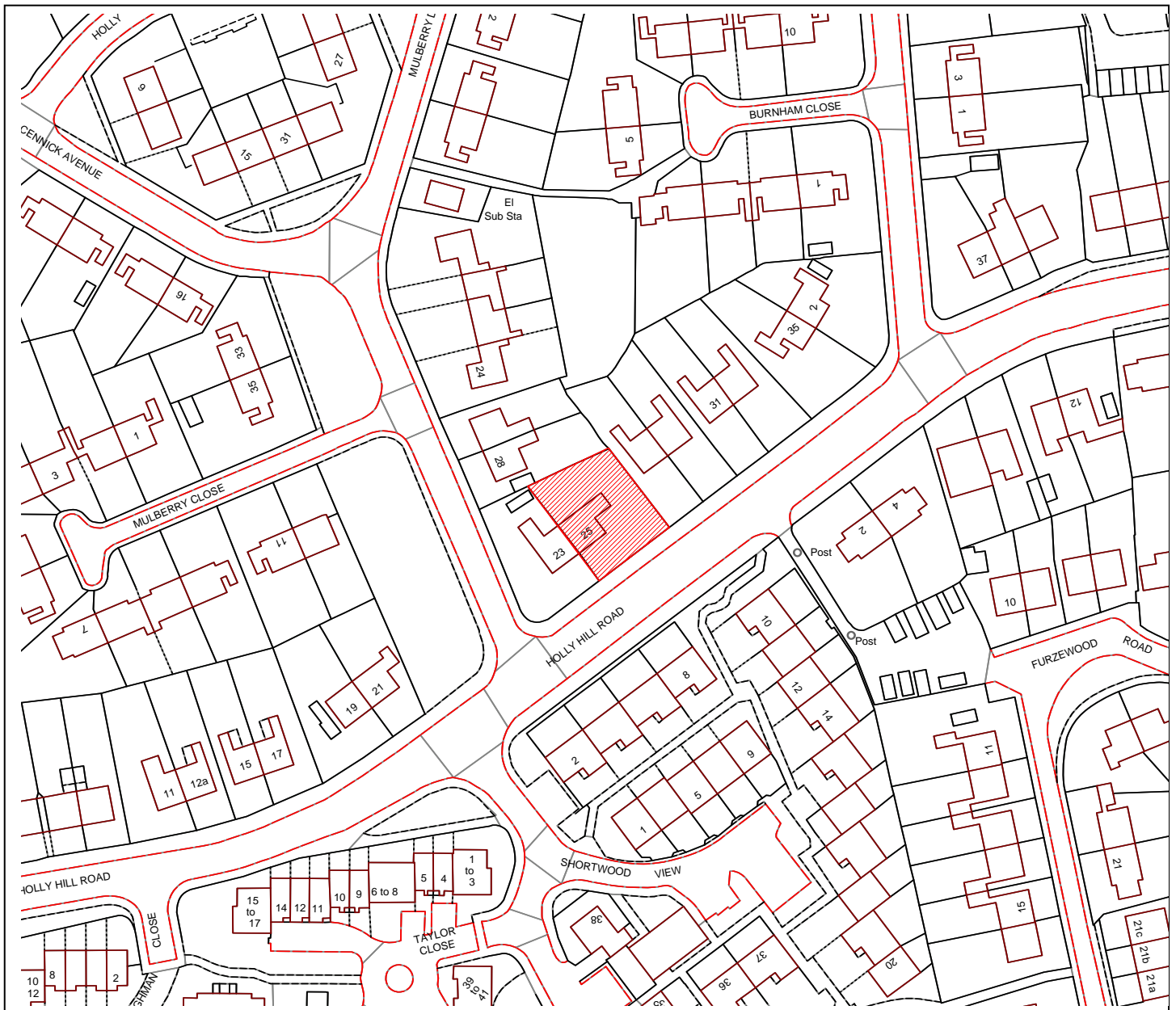
Ward: Kings Chase

Application Category: Minor

Target Date: 10th February 2009

Category:

Date:



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the conversion of a two-storey semi-detached property (No.25), to 2 no. two bedroom flats. The application site is situated on the northern side of Holly Hill Road.
- 1.2 To facilitate the conversion of the building, a single storey extension is proposed on the rear elevation. The extension would have a depth of 2.5 metres, width of 4.4 metres and height to the top of the mono-pitch roof of 3.7 metres. The extension will be finished in render to match that of the original building and pantiles (Beckland Black) will be used. The other external alteration would be the removal of all side windows on the north-east elevation. Access to the building would be from the front. The rear garden will be accessible to the occupiers of the ground floor flat. No amenity space is available for the upper floor flat.
- 1.3 Consent has recently been given for the erection of 3 no. flats on land situated to the side of No.25 (part of the current garden area). As part of that proposal (PK08/2137/F), 4 no. parking spaces were to be provided for the three new flats and the then existing 3 no. bedroom house. Originally the submitted details for this current proposal were to include the original parking layout, however this has been amended to provide an additional space giving a total of 5 no. parking spaces (when taken with the adjacent approved scheme), thus there would be one space available to each flat. Refuse storage is also to be provided.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1 Delivering Sustainable Development
 - PPS3 Housing
 - PPG13 Transportation
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Quality Design in New Development
 - H2 Proposals for Residential Development within the Existing Urban Area and Defined Settlement Boundaries
 - H5 Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
 - T7 Cycle Parking
 - T8 Parking Standards
 - T12 Transportation Development Control Policy for New Development
 - EP4 Noise sensitive development

South Gloucestershire Council Design Checklist (Adopted August 2007)

3.0 RELEVANT PLANNING HISTORY

PK08/2137/F Erection of 3 no. self-contained flats with bin store, cycle store and associated works (Approved subject to conditions)

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

The area is unparished

4.2 Sustainable Transport

The proposal is to extend the building with the view then to convert it into two separate dwellings. The main transportation issue relating to this application is provision adequate level of off-street parking.

Recently approved planning proposal (i.e. planning application No. pk08/2137/f) on the adjoining land (under the same ownership) was made conditional so that the applicant provides parking facilities to ratio of one parking space per each dwelling on the site. That early proposal sought approval for creation of four dwellings on the site with a total parking provision of four parking spaces (i.e. parking ratio of one space per each dwelling).

Associated with the current planning application, the applicant has now submitted a revised plan showing one parking space for each dwelling on the site. The level of parking proposed complies with the South Gloucestershire Council maximum parking standard and it also in line with the Council's previous decision for parking ratio for new development on this site.

In view of the above therefore, there can be no highway objection to the proposal.

4.3 Local Residents

There have been 2 letters of objection received. The grounds of objection can be summarised as follows:

- The area has had a lot of redevelopment and is a high density development
- Car Parking is not sufficient
- Amenity Space is not sufficient
- The extension will result in the loss of amenity space
- Measurements for the extension are not given
- The proposed development would have an adverse impact upon highway safety for all road and pavement users
- The proposal will result in possible noise and disturbance to neighbouring occupiers in the locality
- The bin storage will be detrimental to visual amenity and would be ineffective
- The proposal would overload the drainage system

Given that changes to the car parking arrangement has occurred following the original submission, the re-consultation of neighbouring occupiers has taken place.

Following the re-consultation, a further objection has been raised. The grounds of objection can be summarised as follows:

- The provision of an additional parking space is unacceptable as the maximum standard is four spaces and this cannot be exceeded. In addition parking space would be lost to the front of the property.
- The proposal will be detrimental to highway safety due to the increase in traffic and activity

- The bin storage is inadequate and will block pavements and be detrimental to highway safety
- The proposed development represents over-development

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPS3 (Housing) identifies the planning system as a means of widening housing opportunity and choice, maintaining a supply of housing and creating sustainable residential environments. Paragraph 10 of PPS3 indicates among other criteria that the planning system should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas, provide a sufficient quantity of housing taking into account need and demands and seeking to improve choice. There is a need for both family and smaller accommodation across South Gloucestershire. Furthermore it is the role of the planning system to provide housing developments in suitable locations, which offer a good range of community facilities with good access to jobs, key services and infrastructure as well as public transport. It is considered that the current proposal which is within reach of Kingswood High Street where services are available and there is access to a public park.

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

5.3 Character of Surrounding Area

Policy H5A of the South Gloucestershire Local Plan (Adopted) January 2006 allows for such development provided that there is no adverse impact upon the character of the area.

The surrounding area consists of single (family) dwellings within this predominantly residential area. It should be noted that there are no examples of other flat conversions in the immediate vicinity of the site albeit consent has been given for a purpose built development of flats to the side of this site. The area is therefore predominantly one of family housing. It is not considered within this context that the current proposal could be reasonably considered to undermine the character of the area, particularly given the given the guidance in PPS3 (para 10) that has been outlined above that seeks to create mixed and inclusive communities and opening up housing choice within sustainable locations close to local facilities.

Concern has been raised that the proposed development represents a high density of development. The proposal when taken into account with the existing approved scheme represents a density of approximately 120 dwellings per hectare. This figure greatly exceeds the minimum target figure of 30 dwellings

per hectare set out in PPS3 and the South Gloucestershire Local Plan (Adopted January 2006). Such densities are however usual when a flatted development is being considered. Policy H2 reflecting guidance in PPS3 states that *“higher densities will be achieved 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”*. It is considered that this site within an urban setting, a sustainable location close to local facilities such as shops, parks and public transport links is such a site that can support a higher density development such as that which is proposed.

5.4 Design

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

It is considered that the proposed rear extension is of a scale and appearance that is appropriate to the original building and within the wider residential context. Submitted details indicate that the structure is to be finished in matching render and the roof tiles are also considered acceptable.

5.5 Residential Amenity

Policy H5B of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such development should be permitted provided that it would not prejudice the amenities of nearby occupiers.

The proposed extension would have a depth of 2.5 metres, width of 4.4 metres and height to the top of the mono-pitch roof of 3.7 metres. Given this scale and location it is not considered that the extension would adversely affect the residential amenity of neighbouring occupiers in terms of appearing oppressive or overbearing. The proposal would also not result in any loss of privacy to adjoining occupiers (existing windows on the side/north-east elevation would be removed as a result of the development).

The proposed development is considered in accord with Policy H5B of the South Gloucestershire Local Plan (Adopted January 2006).

5.6 Transportation

Policy H5C of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such a development would be acceptable provided an acceptable level of parking is identified. Policy T8 indicates that development should not exceed the standards set out in the plan (figure 6.6) ie one space per bedroom. Policy T12 assesses development in terms of the impact of the development upon the wider highway network with the priority being highway safety.

Concern has been raised regarding the impact of the proposal on traffic generation/impact upon the surrounding road and highway safety, visibility issues and car parking. It should be noted that Transportation Officers have not raised any concerns about the level of traffic generated from the site and its

impact upon the highway network nor about the loss of on-street parking spaces through the creation of the new access. Visibility into and out of the site is considered acceptable.

The main transportation issue relating to this application is considered to be whether the off-street parking provision serving the development is adequate. The recently approved scheme for flats on the adjoining land was permitted on the basis that parking was provided at a ration of one space per unit. Negotiations have taken place to provide an additional parking space (ie five spaces for five units), to accord with the previous ratio.

Concern has been raised that the proposed provision exceeds the maximum permitted of four spaces, however this maximum standard was for the previous scheme. The new proposal increases the maximum permitted number of parking spaces on the basis that more units are being provided. Five spaces at a ration of one space per unit are now provided. This level of parking is within the South Gloucestershire Council maximum parking standard which would only permit 6.5 (effectively 6 spaces) and is considered appropriate given this sustainable location. In this respect it is important to note that PPG13 para 51 (Transport), states that local authorities *“should not require developers to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety.....”*. It is not considered that the proposal would fall within this category of development.

Subject to a condition to ensure that the parking facilities are in place prior to the first occupation of the units (as well as the refuse storage facility), there is no transportation objection to this proposal which is in accord with the objectives of Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006).

5.7 Amenity Space

Policy H5D requires development to provide adequate amenity space. The policy indicates that space may be provided either communally or on an allocated basis. Members should be aware that there is no specific guidance in either National or Local Guidance on the amount of amenity space that should be provided for any one development.

Having regard to this specific application, private amenity space will be provided for the ground floor flat to the rear. Submitted details do not indicate amenity space for the upper flat. Given that the proposal is for a two-bedroom flat at the upper level it is not considered that this would be considered automatically to be family accommodation. The site is within close proximity to public open space. It is considered that the proposal is in accord with this criterion of Policy H5.

5.8 Noise

Concern has been raised that the “nature, density and high level of occupancy” of the proposal would result in noise and disturbance to adjoining occupiers.

This proposal is for the conversion of a single dwelling to two units (albeit consent has previously been given for the erection of a new building

immediately adjoining No.25). It is not considered that the addition of an extra unit of accommodation would cause any significant increase in overall noise and disturbance. The development is within a semi-detached property. The Building Regulations (Part E), would cover the issue of sound insulation between the new units themselves and between the units and the other half of the semi-detached pair.

5.9 Drainage

No objection to the proposal by the Council Drainage Engineers. A condition is recommended to secure drainage details prior to the commencement of any development. It should be noted that following approval of the previous proposal PK08/2137/F, a mining report was submitted to the Council Drainage Engineers, (as required by a condition attached to the decision notice), and the findings accepted.

5.10 Other Issues

Concern has been raised that the submitted plans do not include measurements for the proposed single storey extension and thus the impact of the development cannot be properly determined. In this regard it should be noted that the only requirement in submitting an application is that plans should be scaled. It is considered that there is sufficient information to be able to assess the impact of this element upon the residential amenity of neighbouring occupiers from the information that has been supplied

Concern has been raised regarding the siting of the refuse storage. It is acknowledged that the siting of a total of 10 wheelie bins in a single location could appear unsightly, however this number is required to accommodate the South Gloucestershire Council Twin Bin Scheme implemented to encourage recycling. The applicant has agreed to the storage of bins in more than one location and this is considered to “break up” the visual impact. It is acknowledged that for a limited period the bins would be located to the front of the site but this would only be for a limited period at the time that the bins are being collected and it is not considered that this would cause such an impact such as would justify the refusal of the application. No objection to the siting or number of the refuse bins has been raised by Transportation Officers.

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.

5.12 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent

with the South Gloucestershire Council Design Checklist (Adopted August 2007)

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning Permission be granted subject to the following conditions.

Background Papers **PK09/0046/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17, L18 and EP1 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 Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

5. The parking spaces hereby approved shall be surfaced with a bound surface and permeable materials and shall be retained as such thereafter.

Reason:

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

6. The refuse storage provision shown on drawing 1985/101 Revision A hereby approved shall be installed prior to the first occupation of the flats and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the amenity of adjoining occupiers and to ensure adequate refuse provision to accord with Policy D1H of the South Gloucestershire Local Plan (Adopted).

CIRCULATED SCHEDULE NO. 07/09 – 20 February 2009

App No.: PK09/0057/F
Site: 2, Hyde Park Row, Back Street, Hawkesbury Upton, Gloucestershire, GL9 1AZ

Applicant: Mr P Cordier
Date Reg: 9th January 2009

Proposal: Erection of two storey rear extension to provide additional living accommodation. Construction of chimney stack. (Amendment to previously approved scheme PK08/1019/F).

Parish: Hawkesbury Upton Parish Council

Map Ref: 78021 86992
Application Category: Minor

Ward: Cotswold Edge
Target Date: 4th March 2009



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100023410, 2008.
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N.T.S

PK09/0057/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 This application concerns a two-storey mid-terraced cottage. The site lies within the settlement boundary and the Conservation Area of Hawkesbury Upton. This applicant seeks full planning permission to amend the previous approved scheme (PK08/1019/F) for a two-storey rear extension.
- 1.2 The proposed amendments include enlargement of the projecting rear extension by a further 650mm up to the boundary line. Other changes involve additional roof-lights to the rear roof and a new chimney stack. At the front an existing porch would be replaced by a larger porch in stone.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
H4 Development within Existing Residential Curtilages including Extensions
L12 Conservation Areas

Supplementary Planning Guidance

Hawkesbury Upton Conservation Area SPG

3. RELEVANT PLANNING HISTORY

- 3.1 P95/1487 Erection of garden shelter / fuel store
Approved 06.06.95
- 3.2 P95/1488/C Demolition of existing garden shed / fuel store.
Approved 06.06.95
- 3.3 P95/2064/C Demolition of existing front porch.
Approved 23.08.95
- 3.4 PK03/3065/F Erection of single storey rear extension and first floor extension to form additional living accommodation.
Approved 09.12.03
- 3.5 PK08/1019/F Erection of two storey rear extension to form additional living accommodation.
Approved 24.07.08

4. CONSULTATION RESPONSES

4.1 Hawkesbury Parish Council

The Parish Council objects the proposal as the size and scale of the proposal would have an impact onto neighbouring properties.

Other Representations

4.2 Local Residents

No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to existing dwellings subject to criteria relating to scale and design, highways, and impact upon visual and residential amenity.

An additional consideration is the affect of the proposed scheme upon the character and appearance of the Marshfield Conservation Area.

5.2 Conservation Issues/ Visual Amenity

This proposal involves amendments to application PK08/1019/f - previously approved in July 2008.

The property forms part of a group of traditional cottages within the historic core of the village. A number of amendments are now sought to the previously approved scheme – most of these are to the rear of the property and not generally visible in views.

Whilst officers have some concerns regarding the cumulative impact of the various extensions, in view of the marginal increase from the already approved scheme this is considered acceptable.

Similarly the conservation type roof-light and chimney are also considered acceptable.

To the front of the house the proposed replacement porch will be of increased height and width. A revised scheme was submitted to reduce the scale to ensure the porch would not dominate and upset the balance of the cottage. Officers therefore have no objection to the proposal subject to the following conditions.

5.3 Residential Amenity

The proposed extension would not be higher than the host dwelling and the neighbouring property. Although the proposed extension would attach to the rear elevation of the neighbouring property, No. 1, no existing window will be blocked by the proposal. In addition, the existing window is a non-habitable window. It is therefore considered that the proposal would not have significant overbearing impact to the neighbouring properties.

The new windows are proposed in the rear elevation of the extension, and they would look over its garden area. It is considered that the proposal would not cause significant loss of privacy to the neighbouring properties.

With regard to the proposed rooflights, officers consider they would not cause any loss of privacy as they would be looking over the applicant's rear garden.

The Parish Council is concerned that the proposal would have an impact upon the neighbouring properties. Although the proposed further projection of the new extension would be immediately adjacent to the side boundary, the projection would only be adjacent to the applicant's own kitchen and bedroom. It is therefore considered that the proposal would not cause significant adverse impact to warrant a refusal of this application.

5.4 Design and Access Statement

This is a householder application, therefore the Design and Access Statement is not required.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0057/F**

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

CONDITIONS

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

Reason:

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

2. Prior to the commencement of development a sample panel of new facing roughcast render of at least one square metre shall be constructed on site to illustrate the proposed render finish and colour. The sample panel shall be approved in writing by the local planning authority and thereafter retained on site until the completion of the scheme to provide consistency.

Reason:

To ensure a satisfactory form of development which serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

3. Notwithstanding previously submitted details, prior to the commencement of development a representative sample of clay roofing tile shall be submitted and approved in writing by the local planning authority. The development shall be carried out strictly in accordance with the approved sample. The replacement roofing tiles for the roof of the existing building shall be re-clad using reclaimed clay tiles to match the adjacent roof slopes.

Reason:

To ensure a satisfactory form of development which serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

4. Notwithstanding the submitted details, all woodwork shall be of paint finished.

Reason:

To ensure a satisfactory form of development which serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

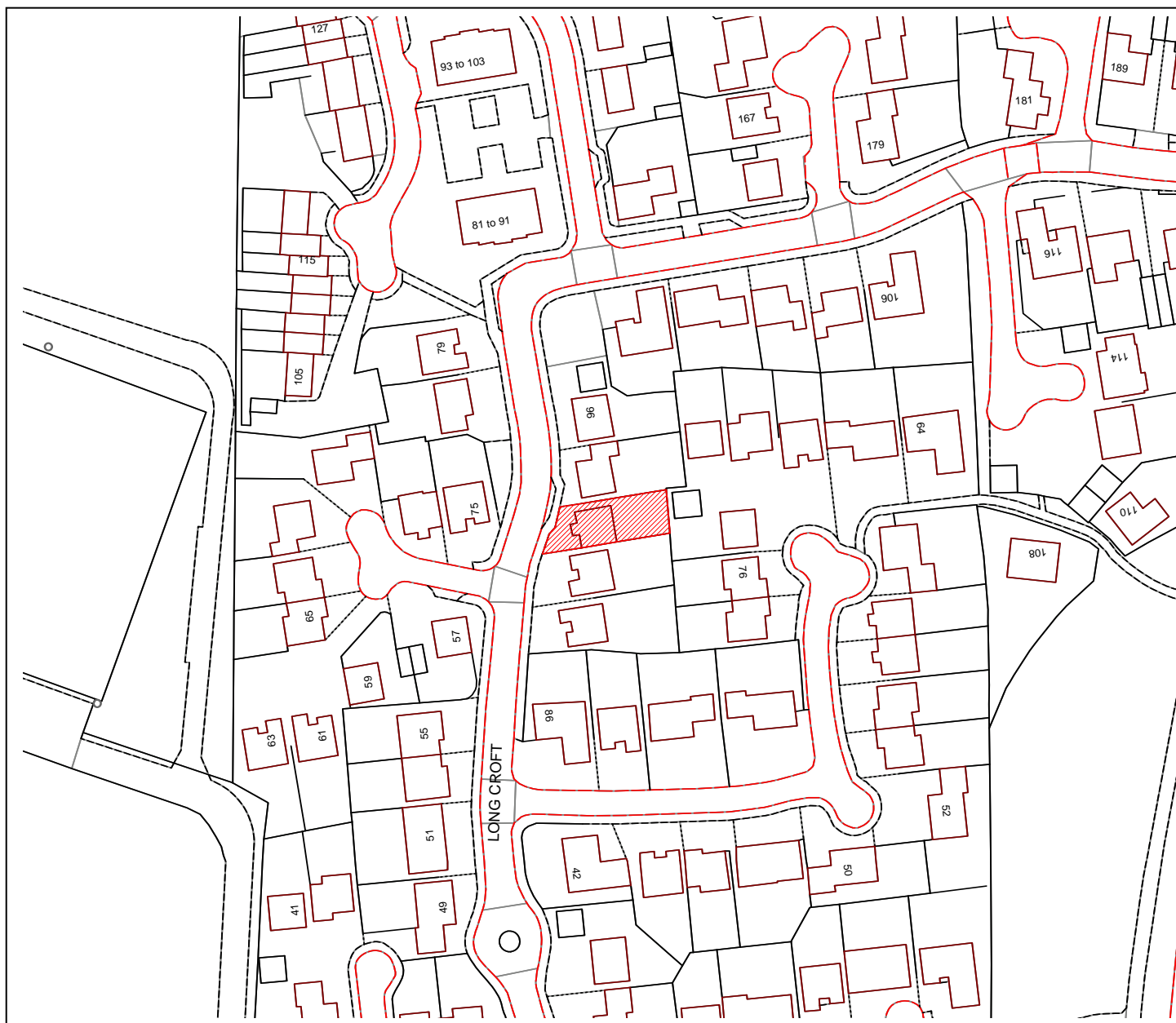
5. Prior to the commencement of development a sample panel of new stonework of at least one square metre shall be constructed on site to illustrate the proposed finish and colour. The sample panel shall be approved in writing by the local planning authority and thereafter retained on site until the completion of the scheme to provide consistency.

Reason:

To ensure a satisfactory for of development which serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

CIRCULATED SCHEDULE NO. 07/09 – 20 FEBRUARY 2009

App No.:	PK09/0071/F	Applicant:	Mr D Davies
Site:	92 Long Croft, Yate, South Gloucestershire, BS37 7YW	Date Reg:	13th January 2009
Proposal:	Erection of first floor side extension to form additional living accommodation.	Parish:	Yate Town Council
Map Ref:	70830 84070	Ward:	Yate North
Application Category:	Minor	Target Date:	5th March 2009



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N.T.S

PK09/0071/F

This application has been placed upon the Circulated Schedule due to the receipt of one letter of objection.

1. THE PROPOSAL

1.1 The application site is situated within a predominantly residential area on the north side of Yate. The site is broadly rectangular in shape and is bounded by residential development to the north and south, residential garages to the east with vehicular access onto Long Croft to the west. The site comprises a two storey modern detached dwelling with attached single storey garage at the side.

The site is situated within a settlement boundary as defined in the adopted Local Plan.

1.2 The application proposes erection of first floor side extension to form additional living accommodation.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

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

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

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Yate Town Council
No response received

4.2 Other Consultees
None

Other Representations

4.3 Local Residents

One letter of objection received from the occupiers of 90 Long Croft raising the following concerns:

Adverse impact on light to both kitchen and bathroom; loss of sunlight to rear garden.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context. The dwelling the subject of this application is a modern detached two storey building with attached single garage to the side. The proposed extension would be situated above the existing garage. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

Adequate rear amenity space to the property would be retained following the erection of the proposed extension. The existing garage measures 2.3m to eaves and 4.6m to ridge. The proposed extension would be situated above the garage using the same footprint and would measure 4.7m to eaves and 7.5m to ridge. The existing dwelling projects 2.4m beyond the rear elevation of no.90. The proposed side wall would form the boundary with no.90 and the extension would be situated 1.2m from no.90. The 2.4m rear projection with a gap of 1.2m to no.90 is considered to be sufficient for there to be no material increase in the overbearing presence of no.92. Additionally, the proposal would be situated north of no.90 and as such any shadow would be cast over the applicant's rear garden rather than that of no.90. Therefore accounting for all of these matters the proposal is considered not to result in a material loss of amenity to the occupiers of no.90 or the other surrounding residents.

5.4 Design and Access Statement

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

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0071/F**

Contact Officer: **Sean Herbert**

Tel. No. **01454 863056**

CONDITIONS

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

Reason:

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

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

Reason:

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor side (South) 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.

CIRCULATED SCHEDULE NO. 07/09 - 20 February 2009

App No.:	PK09/0102/F	Applicant:	Mr A R Trace
Site:	16 Court Road, Oldland Common, South Gloucestershire, BS30 9SR	Date Reg:	19th January 2009
Proposal:	Erection of replacement rear conservatory.	Parish:	Bitton Parish Council
Map Ref:	67172 71448	Ward:	Oldland Common
Application Category:	Minor	Target Date:	10th March 2009



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PK09/0102/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of an objection from Bitton Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a conservatory to the rear of the dwelling. The conservatory as proposed would have a depth adjacent to the boundary of 4.6 metres, a width of 3.2 metres and a maximum height of 3 metres (approximately 2.2 metres to its eaves). The proposed conservatory would be a replacement for an existing conservatory on site which would be demolished.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 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, Extensions and New Dwellings

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/1701/F Erection of single storey front extension to form porch and w.c. Approved 28.07.05

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors objected to the proposed new conservatory which they felt extended too far away from the house and would have an adverse impact on the adjoining property's amenity.

Other Representations

- 4.2 Local Residents
No comments.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met.

5.2 Design/ Visual Amenity

The proposed conservatory extension meets an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The conservatory is of a simple design that is in keeping with the character of the host dwelling and does not detract from it. The conservatory is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. As such, it is not considered that the new conservatory will have any impact on existing levels of visual amenity.

The structure will be not visible from the highway because of its location and as such, it is not considered the addition would be visually intrusive. The design of the conservatory is thus considered to be acceptable.

5.3 Residential Amenity

The conservatory will have a depth along the boundary with the neighbouring dwelling of approximately 4.6 metres, which is significantly deeper than the recommended guidance. However, consideration has to be given to the fact that there is an existing conservatory, which is approximately 2.4 metres deep, to the neighbouring property. Further to this, the proposed conservatory would have a hipped roof and its eaves height would be approximately 2.2 metres. Officers therefore considered that the proposal would not cause significant overbearing impact to warrant a refusal of this application.

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

5.4 Design and Access Statement

This is a householder application, therefore the Design and Access Statement is not required.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0102/F**

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

CONDITIONS

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

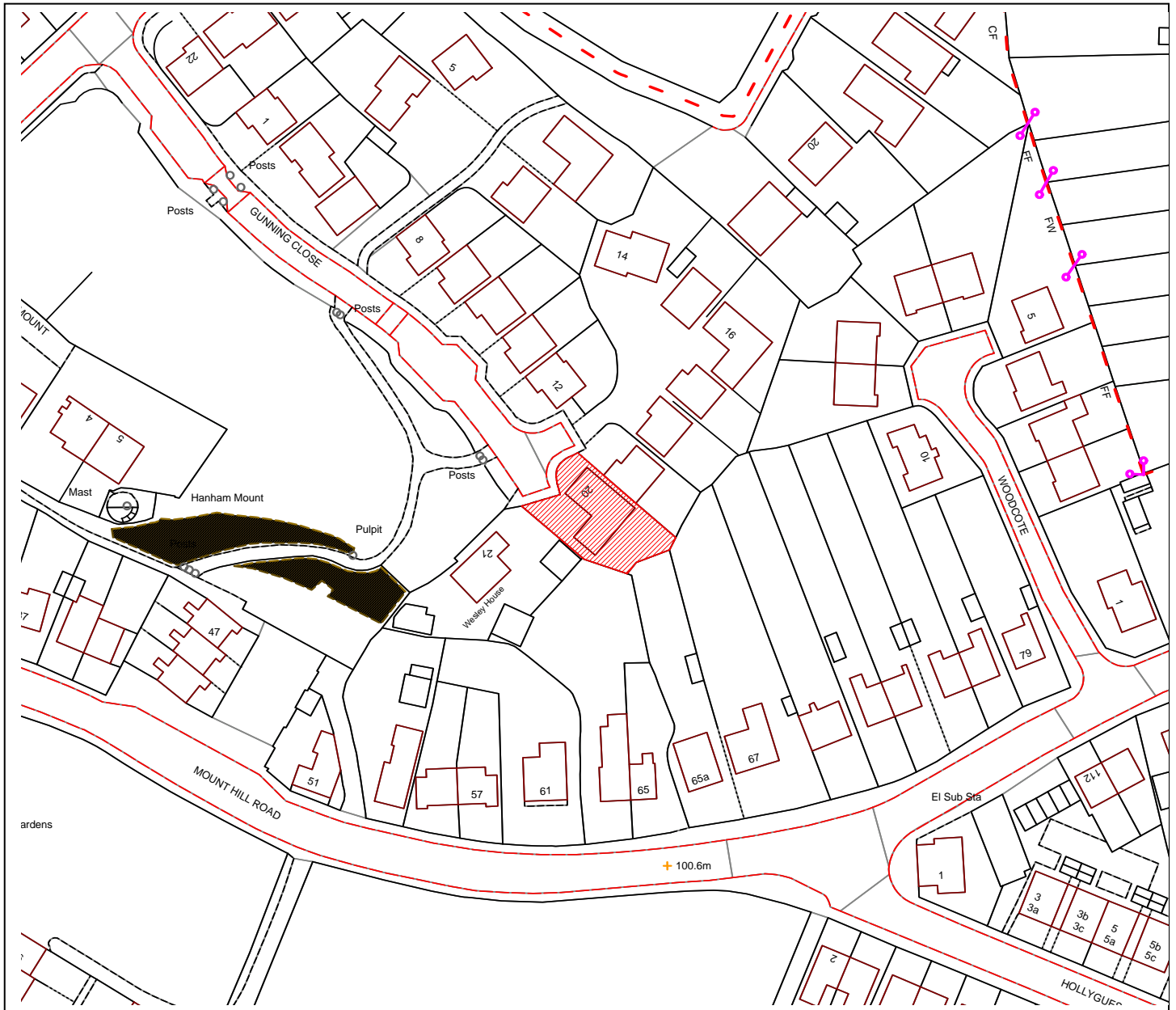
Reason:

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

CIRCULATED SCHEDULE NO. 07/09 – 20 February 2009

App No.: PK09/0145/F
Site: 20 Gunning Close, Hanham, South Gloucestershire, BS15 8BQ
Proposal: Erection of single storey rear extension and part garage conversion to form additional living accommodation.
Map Ref: 64808 72666
Application Category: Minor

Applicant: Mr R Withers
Date Reg: 26th January 2009
Parish: Hanham Parish Council
Ward: Hanham
Target Date: 25th March 2009



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PK09/0145/F

INTRODUCTION

This application appears on the circulated schedule due to the receipt of two letters of objection – one from a local resident and one from a planning consultant on behalf of the same local resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey extension to the rear of the existing dwelling. The extension as proposed would have a depth of 2.5 metres, a width of 7 metres and a maximum height of 5 metres. The application also includes the conversion of half of the integral double garage to additional living space.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 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
T8 Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No Objection

Other Representations

- 4.2 Local Residents

One letter of objection has been received from a local resident. The resident explains that they do not object to the principle of the extension but they do not wish their quality of living to deteriorate as a result. A summary of the points of concern are as follows:

- Impact on sunlight – loss of daylight/sunlight into the rear habitable rooms and patio. The resident requests a mini daylight/sunlight analysis survey be conducted.
- Overbearing – the extension will be visually oppressive due to its size in close proximity to the neighbours property. It will be truly domineering.
- Loss of outlook
- Suggest alterations to improve the impact on their property of reducing the pitch of the roof or moving the extension further away from their property.

One letter of objection has also been received from a planning consultant on behalf of the above resident. A summary of the points raised are as follows:

- 'The extension has failed to respond to the immediate context of the site in relation to its local surroundings, notably the immediate proximity and height of the extension to the south-eastern boundary with No. 19 Gunning Close.'
- The extension would breach the existing rear building line creating an unacceptable relationship with the adjoining property.
- The extension would have an unacceptable and overbearing impact on the neighbours property as it is basically 'too large and too close'.
- Unsatisfactory loss of sunlight to habitable room windows particularly because the proposed extension is directly to the south of the neighbouring dwelling
- The application should be accompanied by a daylight/sunlight analysis and the application cannot be determine din its current form without this

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met. Policy D1 supports applications where good design is demonstrated.

5.2 Design/ Visual Amenity

The proposed extension meets an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Indeed an almost identical extension can be found at property No. 6 Gunning Close further round the cul-de-sac. The extension is to have a simple gable ended roof in keeping with the simple character of the host dwelling. Matching face Bradstone further attributes to its integration. The extension is of appropriate size in comparison to the bulk of the main dwelling and is suitably subservient too it.

The structure will be not be clearly visible from the highway and as such, it is not considered the addition would be visually intrusive. The design of the extension is thus considered to be acceptable.

5.3 Residential Amenity

The opposition to the application by the neighbouring is noted by your planning officer. Your officer has also visited the neighbouring property to fully consider the potential impact from their perspective. It is not considered however that the proposed extension would have any significant detrimental impact upon the amenities of the neighbouring dwelling sufficient to warrant the refusal of the application.

Whilst the extension will be clearly visible from the neighbouring dwelling, the extension is of modest size and of a design, size and depth commonly accepted by the Council. Whilst each planning application is indeed determined on its own merits and in light of the site specific circumstances, it is

not considered that there are any extenuating circumstances at this address that deem the rear extension unsuitable.

The extension will have a depth of 2.5 metres and therefore, because of the existing stagger, will project to a maximum of 2.8 metres out from the main rear wall of the neighbouring dwelling. There is an existing 2m high close boarded boundary treatment and the two properties are detached. Whilst having a substantial height to the ridge of 5 metres, the extension will be 1 metre from the boundary with the neighbouring property. It is considered that this is a very common arrangement and will have no significant detrimental impact on existing levels of residential amenity for the neighbouring occupant.

The objecting resident and the planning consultant representing them have requested a daylight/sunlight analysis. Given the modest size of the extension, it is considered that it would be unreasonable to request one in this instance. The roof of the extension will slope away from the boundary and whilst there may be some slight overshadowing, this is only likely to be in late afternoon and evening in the winter months when the sun is lower in the sky.

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

5.4 Garage Conversion

Half of the existing integral double garage is also to be converted as part of the application. The window to be inserted into the blocked up garage door is suitable and integrates successfully with the existing dwelling. Three off street parking spaces would remain to serve the dwelling following the conversion and thus a suitable level of off-street parking is retained.

5.5 Other Issues

It has been suggested by the neighbour and the planning consultant that the scheme could be amended to reduce the impact upon them – e.g. by lowering the pitch of the roof. Whilst this may indeed be physically possible, the application is determined on the basis of the plans submitted.

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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0145/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

CIRCULATED SCHEDULE NO. 07/09 – 20 FEBRUARY 2009

App No.:	PT08/2763/F	Applicant:	Mr N Cloke
Site:	53 Underhill Road, Charfield, South Gloucestershire, GL12 8TD	Date Reg:	13th October 2008
Proposal:	Erection of single storey rear extension to form kitchen, hall & WC linking to existing garage. Erection of two storey side extension to provide garage with additional bedroom & WC over.	Parish:	Charfield Parish Council
Map Ref:	72305 92045	Ward:	Charfield
Application Category:	Minor	Target Date:	1st December 2008



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INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from Charfield Parish Council and local residents which are contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of two storey side extension on the dwellings south-east elevation. The extension would be 2.4m in width, 8.3m in length and 6.7m in height. The application also includes a single storey rear extension, which would be 3.7m in depth, 6m in width and 3.5m in height.
- 1.2 The application site relates to a semi-detached dwelling which is situated within a well established residential area of Charfield.
- 1.3 Amended plans have been received following discussions with the applicant. These plans removed the proposed brick piers and made the side extension subservient by the setting its front elevation back and its ridge height down.

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 Developments
H4: Development within Existing Residential Curtilages
T8: Parking Standards
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Under this application there have been two consultation periods. The responses to these have been summarised separately below: -

1. Original Plans - October 13th 2008 to November 3rd 2008 (21 days).

- 4.2 Charfield Parish Council
Charfield Parish Council has received objections from villagers to this application and objects to this application on the grounds of: -
 - The terracing effect would be detrimental to the street scene & not aesthetically pleasing and could set a precedent.

- Parking issues would result in the neighbour No.55 having difficulty reaching rear of property and being able to open car doors, leading to more street parking on what is an already an overcrowded road.
- Concerns that the ground works would seriously undermine the foundations of neighbouring property as it is so close.
- There is a roof overhang onto the neighbouring onto the neighbouring property No. 55.
- The extension would restrict the light which the neighbour No. 55 receives through an upstairs window.
- The open aspect viewed above garage level towards the playing fields from Underhill Road would disappear.

4.3 Local Residents

The Council have received six objection letters from four differing households. In addition a letter was also received from the applicant with a letter attached from one of the objectors. This letter was in the support of the development and contradicted the objector's previous comments. The main points raised have been summarised below: -

Planning Considerations

- The proposal would totally alter the outlook from our house.
- The extension would not be in-keeping with the row of houses because it would create a terracing effect.
- The development would set a precedent.
- The difficulties to park cars on the shared drive will lead to parking problems (on-street parking).
- The extension would make both drives difficult to use.
 - Entering and exiting driveway would be very difficult
 - Unable to use garage.
- The development would result in converting front garden to driveway – not in keeping with surrounding area.
- The extension would cause a loss of light.
- The extension would block views of hill.
- Foundations would encroach onto adjacent property.
- The application was not advertised in local press, and no notification was posted in the village.
- Inaccuracies on the planning application
 - The roof fascia, foundations, and soffits would overhang boundary with No. 55.
 - This makes certificate A incorrect and the application invalid.
 - The block plan is inaccurate – it makes driveway of No. 55 appears narrower.
- The extension by means of it height, poor design, scale and position, would have an overbearing impact on the residential amenity of No. 55.
- The proposed could be converted into extra living accommodation at a later date.
- The remaining garden area would not be suitable for a dwelling of this size.
- The proposed extension would make access to the rear of No. 55 very difficult (e.g. vehicular access, placing wheelie bins out etc.)

Non-Planning Considerations

- Devalue the price of property.

- The covenant states that no extra buildings should be built.
- The existing garage has been extended without planning permission.
- Concern over future development above garage.
- No access will be given for scaffolding, ladders, etc.

2. Amended Plans - January 19th 2009 to February 2nd 2009 (14 days).

4.4 Charfield Parish Council

Charfield Parish Council wishes to still object on the following grounds:

- Strong impact on residential parking; loss of usable parking space will lead to more on street parking by neighbours in what is already a busy residential road
- Detrimental to the street-scene and the setting of a precedent for terraced effect linear style development in what was intended to be separate semi-detached houses with some space between
- The viewable open aspect from the road towards the playing fields and escarpment beyond would be lost, again adding to the terracing effect

4.5 Local Residents

The Council have received three objection letters from local residents in this second consultation period. The additional points which have been made are summarised below:

Planning Considerations

- The proposed garage is too narrow for a family car and therefore would lead to on-street parking problems.
- The development would have an overbearing impact which is contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- The cumulative effect on future dwellings in the neighbourhood.
- The extension would not be in-keeping with the row of semi-detached dwellings in Charfield, creating a terracing effect detrimental to the character of the street scene. This is considered contrary to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- The recent planning practice is to 'step down and step back' to be subservient. This is not the case in this extension and still poor design.
- The supporting wall of garage would make entering and exiting drive extremely difficult, verging on the impossible.
- The existing house (No. 55) has three parking spaces for three average family cars. The proposed extension would leave only one space for an average car.
- The two properties are built too close to each other to permit such an extension
- Whilst every planning application is treated on its own merits, however planning application PT07/0828/F was very similar and was refused.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extensions 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.
- 5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.
- 5.3 **Residential Amenity**
The application site relates to a semi-detached dwelling and its associated residential curtilage. The site is adjoined by two dwellings to the side (Nos. 51 and 55 Underhill Road) and playing fields to the rear. During the consultation periods of this application letters have been received from local residents which have objected to the proposal due to its adverse impacts on residential amenity. This issue is explored in further detail below: -
- 5.4 ***Overbearing Effect***
The proposed development includes a two storey side extension and a single storey rear extension. The adjacent occupiers have raised representations that the two-storey element of the development would result in an overbearing effect on their property.
- 5.5 Notwithstanding this view, it is considered that the two-storey extension would not result in an overbearing affect which would materially harm residential amenity. There are two main reasons for this judgement. Firstly, the proposed two-storey extension would be parallel to the side of the adjacent property and therefore would not exceed the rear building line. Secondly, the elevation of adjacent dwelling (no. 55) which faces the proposed two-storey extension includes a landing window. A landing serves a secondary function and would not normally be considered to be a room of principal habitation within the house. As such any loss of light caused by the proposed extension would not result in material overbearing effect which would be detrimental to the amenities of the adjacent occupier.
- 5.6 The single storey rear extension would be 3.6m in depth and 3.5m in height at its ridge. In view of this modest scale and massing, it is considered that the proposed single extension would not result in an overbearing effect on the adjacent occupiers.
- 5.7 ***Loss of Privacy***
The proposed extension would include rear windows at the ground and first floor levels. These would not afford any direct inter-visibility into the adjacent properties or their private amenity. The only views would be oblique and these would be typical of the inter-visibility expected within residential areas.
- 5.8 ***Amenity Space***
Local residents have raised concerns to the proposal on the grounds that the remaining garden area would not be suitable for a dwelling of this size. Notwithstanding this claim, it is considered that the remaining garden area (approximately 50m²) would be sufficient for the outdoor needs of a dwelling of

this size. Furthermore the dwelling has excellent access to public open space, including the extensive playing fields which are situated to the rear of the existing dwelling.

5.9 Design and Visual Amenity

In response to the consultation periods of this application various representations have been received which have objected to the proposed two-storey extension on the grounds of design. The main concerns have been with the perceived “terracing effect” which is considered to detract from the character of the surrounding area. This issue is explored in further detail below:-

5.10 ***Impact on the character and appearance of existing dwelling***

Notwithstanding the objections from the Parish Council and local residents, it is considered that the proposed two-storey and single storey extension would respect the character and appearance of the existing dwelling. There are two main reasons for this judgement. Firstly, the proposed extension has been designed to appear subservient to existing dwelling by setting its front elevation back and its ridge height down, thus ensuring the character of the original dwelling dominates. Secondly, the extension would be finished in bricks and tiles to match the finishes of the existing dwelling.

5.11 ***Impact on the character and appearance of the surrounding area***

The Parish Council and local residents are particularly concerned that the proposed extension would make the dwelling appear like a terrace, thus detracting from the character of the surrounding area, which consists mainly of semi-detached dwellings. Notwithstanding these objections, it is considered that the proposal would not harm the character and appearance of the surrounding area. This is because the extension would be typical of domestic extension observed in well established residential areas. Moreover the subservient design approach of the extension would ensure that the development would not unduly “unbalance” the semi-detached pair. With regard to the “terracing effect”, the existing dwelling would remain as a semi-detached dwelling following the proposed extension and therefore would not appear as a terrace.

5.13 Highway Safety

The Parish Council and local residents are particularly concerned that proposed two-storey extension would prevent the existing driveways from being used for parking, thus generating unacceptable levels of off-street parking. Notwithstanding these objections, the applicant’s property would include one standard off-street parking space, one sub-standard parking space within the proposed garage, and access to the off-street parking bays opposite. This is considered an appropriate level of parking provision in view of the Council maximum parking standards which are set out under Policy T8 of the adopted South Gloucestershire Local Plan.

5.14 The neighbouring occupier is concerned that the proposed development would prejudice their access and egress to their garage, and would also hinder their parking. Notwithstanding these concerns, the proposed extension would be erected entirely within the applicant’s curtilage. Equally the applicant could erect a 2m height boundary wall/fence along their boundary which would result

in a similar impact on the adjacent occupier. Moreover, the neighbour's parking space would remain as 2.4m in width, which accords to the national standards for car parking spaces. In view of this it is considered that the proposal would not materially prejudice the parking provision for the adjacent occupier.

5.15 Other Matters

The representations have raised several other outstanding issues which are addressed below: -

5.16 ***Precedent***

Concerns have been raised that a decision to grant planning permission would set a precedent for similar development within the surrounding area. It is noted that this decision would add weight to future developments, nevertheless all planning decision are considered on their own merits.

5.17 ***Other Planning Decisions***

A local resident identified a planning decision (PT07/0828/F) which was very similar to the proposed extension and was refused. Notwithstanding this decision, it should be noted that each planning application is made on it own merits.

5.18 ***Landownership***

Concerns have been raised the Certificate A was invalid, because roof fascia, foundations, and soffits would overhang boundary. Notwithstanding this claim, the submitted block plan clearly shows that the proposed would be built entirely within the applicant's curtilage. Nevertheless, for the avoidance of doubt the standard landownership informative shall be attached to any Decision Notice.

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.

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

7. RECOMMENDATION

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

Background Papers **PT08/2763/F**

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

CONDITIONS

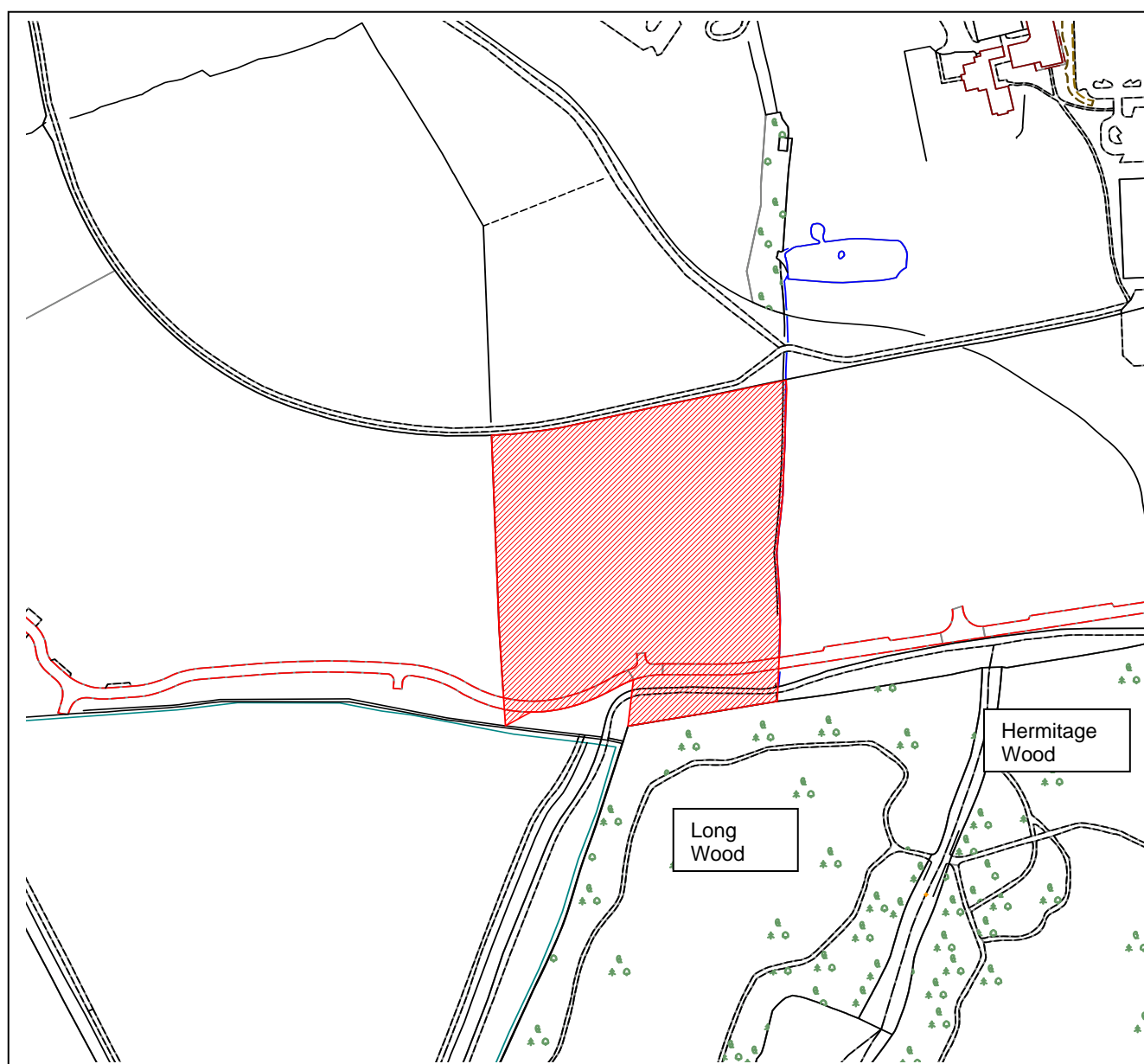
1.The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 07/09 – 20 FEBRUARY 2009

App No.:	PT08/3118/RM	Applicant:	Elan Homes Ltd
Site:	Wallscourt Farm, Phase 4, Filton Road, Stoke Gifford, South Gloucestershire, BS34 8AZ	Date Reg:	3rd December 2008
Proposal:	Reserve Matters Application for 77 dwellings, parking, landscaping, public open space and associated infrastructure. (Approval of reserved matters to be read in conjunction with outline planning permission PT04/0684/O).	Parish:	Stoke Gifford Parish Council
Map Ref:	61606 77741	Ward:	Frenchay and Stoke Park
Application Category:	Major	Target Date:	27th February 2009



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PT08/3118/RM

INTRODUCTION

This application appears on the circulated schedule because it is a major development and there have been representations of objection from Winterbourne Parish Council and Bradley Stoke Town Council.

1. THE PROPOSAL

- 1.1 The application seeks consent for those matters that were reserved by reason of conditions 1 and 2 of outline planning permission PT04/0684/O; specifically matters relating to siting, design and external appearance of buildings, and landscaping. A total of 77No. dwellings are proposed within what is identified in the approved masterplan as the fourth phase of development. Furthermore, condition 3 of outline planning permission PT04/0684/O states that these details shall accord with the approved masterplan; and condition 9 states that the reserved matters should achieve an average density of 50 dHa across the site with the proposed density of development being 54.7 dHa.
- 1.2 The application relates to an outline planning permission on 24Ha land that is allocated for residential development (minimum dwelling target – 900) in the South Gloucestershire Local Plan (Adopted) January 2006. The first and second phases of development (for a 100 and 225 dwellings respectively) have already been granted reserved matters consent under references PT07/1715/RM and PT07/3519/RM. The third phase has yet to be developed, as a deed of variation on the outline permission S106 agreement altered the phasing.
- 1.3 The proposed development comprises 25No.2-bed, 14. 3-bed and 38No. 4-bed units. Of the total 77No. units 23No. will be for affordable housing comprising 16No. units for rent (6No. 2-bed, 3No. 3-bed and 7No. 4-bed) and 7No. 2-bed shared ownership units. The composition of the affordable housing accords with the approved Affordable Housing Masterplan and the completed section 106 legal agreement.
- 1.4 Summary of planning permission ref.PT04/0684/O
On 19th May 2005 outline planning permission was approved for residential development at a net density of 50 dHa together with supporting infrastructure and ancillary facilities. Planning permission has also been approved by Bristol City Council for residential development that forms part of the site but which is within their boundary (Phase 6). The consent relates to land that is allocated for residential development in the South Gloucestershire Local Plan (Adopted) January 2006 for a minimum of 900 dwellings. A number of conditions were attached to the outline planning permission; and many of those conditions requiring pre-commencement approval have been satisfactorily discharged.
- 1.5 A section 106 attached to the outline planning permission ensures that numerous planning obligations are delivered including a neighbourhood centre, nursery, primary school, public art, 30% affordable housing (60% rented and 40% shared ownership (achieved through an approved affordable housing masterplan)), bus link (including rapid transit route), open spaces (including play areas) and various other financial contributions (education, various community facilities, community care, transportation (including car club, bus season tickets, cycle/parking facilities).

- 1.6 The section 106 also required a masterplan to be approved prior to the first reserved matters application. This masterplan has now been approved albeit that some matters including the design code were excluded from that approval.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation
PPS25	Development and Flood Risk

2.2 Joint Replacement Structure Plan: Saved Policies

Policy 1	Sustainable development
Policy 2	Location of development
Policy 12	Development in North Fringe
Policy 33	Housing provision and distribution

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L1	Landscape Protection and Enhancement
L5	Forest of Avon
L17/18	Water Environment
H1	Proposed sites for new residential development (site no.12).
H2	Proposals for Residential Development within the existing Urban Area and Defined Settlement Boundaries
H6	Affordable Housing
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
EP2	Flood Risk and Development
EP4	Noise Sensitive development
LC8	Open space and children's play in conjunction with residential development.

2.4 Supplementary Planning Documents

Design Checklist (Adopted).
Biodiversity Action Plan (Adopted).

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/0684/O Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities. Approved. This planning permission also agreed the details of the access from Coldharbour Lane. A masterplan, required of a section 106 legal agreement, has also been approved.

- 3.2 PT06/1893/F Extension and alteration to access road (from MoD roundabout). Approved.
- 3.3 PT07/1107/F Alterations to existing access road (from Coldharbour Lane) Approved.
- 3.4 PT07/1432/RM Access road for construction vehicles. Approved.
- 3.5 PT07/1886/F Alterations to access and junction (onto Coldharbour Lane). Approved.
- 3.6 PT07/2424/R3F Formation of public transport bus link. Approved 11 October 2007.
- 3.7 PT07/1715/RM 100No. dwellings (Phase 1). Approved 15 November 2007.
- 3.8 PT07/3519/RM 225No. dwellings (Phase 2). Approved 16 May 2008.
- 3.9 PT08/3093/F Construction of Access Road to link Phases 4,5 and 6 and Primary School Site. Approved 06 February 2009.

4. **CONSULTATION RESPONSES**

4.1 Local Parish Councils

Winterbourne Parish Council

Objection – there is no additional infrastructure in place and traffic on the A4174 is very heavy and additional houses will only make matters worse. This will have a direct impact on Frenchay and Hambrook with a build up of traffic. The ring road is inadequate to deal with the volume of traffic. Access to Southmead hospital will be impaired.

Stoke Gifford Parish Council

No objection on the basis that all buildings will be fitted with low-energy appliances. There was some concern however over the arrangements for waste bins.

Filton Parish Council

No objection

Bradley Stoke Town Council

A development of this size is ill advised on this site because of the additional traffic problems it will create on already congested and inadequate roads and roundabout.

4.2 Other Consultees

The Highway Agency

Comments summarised below:

The proposal will have no detrimental effect on the Strategic Road Network and therefore there are objections to the proposed scheme.

Wessex Water

No agreement for adoption of the drainage has yet been made. The surface water pond in the SW corner of the site provides storm water attenuation for Phase 6 and the proposed discharge level is within the limited contained in the FRA, however, attention will be required to ensure that the cumulative discharge from all plots meetings the requirements of the FRA.

Technical Services

No objection subject to a pre-commencement condition requiring approval of a sustainable drainage system to serve the development.

Other Representations

4.3 Local Residents

No consultation replies were received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks consent only for those matters that were reserved by reason of conditions 1 and 2 of outline planning permission PT04/0684/O; specifically matters relating to siting, design and external appearance of buildings, and landscaping. It is appropriate to deal with the outstanding reserved matters under the headings of layout (including landscaping, block structures, spaces, affordable housing placement) and building design and appearance, to also include environmental performance.

5.2 Layout and Landscaping

A net density of 54.7dHA is proposed. This is consistent with what was expected for this development area within the approved masterplan.

5.3 As with the previous Phases 1 and 2 applications, the development encompasses part of the primary avenue included in the masterplan, albeit a shorter section in comparison to both previously approved phases. However, as identified within the masterplan, Phase 4 does contain one the development's important nodal points that will lie adjacent to the primary avenue in the south-western corner the Phase 4. The rationale for its position is that the nodal point will help with legibility through this key movement corridor. As identified within the masterplan, the nodal point is to be a surface water pond and public play area. Along with aiding legibility through the site, the pond should also provide a feature of high landscape and amenity value within the public realm. However through the consideration of the application it became clear that through the adoption of the Drainage Strategy the functional requirements of the pond have left it only taking overflow drainage from Phase 6, as the surface run off from Phase 6 will feed into the attenuation pond in Phase 2. The consequence of this is that the pond for Phase 4 has been left only providing a flood storage capacity and so there will not be a constant supply of water into this pond. Its design has also been influenced by the need to accommodate flood storage for a 1in 100 year storm +20% and this has resulted in the requirement for steeply graded banks and a substantial retaining wall along its northern edge and the cumulative result of the steep banks and retaining walls is a pond that would

have a very engineered appearance, although this has been exacerbated by the poor choice of materials.

- 5.4 Therefore in trying to achieve the objective that is envisaged within the masterplan of a high quality landscape feature that provide direct access to the waters edge which would add a stimulating and attractive edge to both the play area and the site as a whole, the appearance and functional requirements of the pond present a significant threat to this objective being realised.
- 5.5 To address the issue of appearance, a condition is to be attached to any consent to seek alternative materials but also allow an opportunity to reconsider the design of the pond, as the gradients proposed are not up current adoptable standards. However even if the physical appearance of the pond was significantly improved, the supply of water remains a concern as without a constant supply and sufficient drainage, the pond could potentially be dry for long periods of time and when it is wet the water held could become stagnant. Both of these scenarios are unacceptable in terms of a visual appearance but also from a safety and maintenance position.
- 5.6 To address this issue the applicant has approached Wessex Water to see if some of the surface run-off from Phase 6 could be diverted into Phase 4's pond, but this has been rejected by Wessex Water. The lack of flexibility to amend the functionality of the pond has also been frustrated by the fact that the surface water from Phase 6 is a phase of the development that remains in the ownership of Redrow Homes and also lies within the administrative boundary of Bristol City Council.
- 5.7 In conclusion it would seem that the pond has two roles of an important nodal point along with flood storage and these seem incompatible when the detail of how it would function is examined. Therefore although a condition is to be attached to seek an improvement to its appearance, in light of the remaining problems of water supply discussions with the applicant have also considered reviewing the principle of the pond as the nodal point with a view to seeking an alternative solution such as a swale. This would however require a subsequent application to vary a condition of the outline consent which currently requires compliance with masterplan.
- 5.8 The proposed nodal point in the south west corner of the site also includes a 400m² local equipped area of play (LEAP). No details on the play equipment to be specified have been submitted and there were proposed trees to be planted in and around the LEAP thus reducing the area available for equipment. To address these issues a condition is to be attached requiring prior written approval of the equipment to be installed and revised plans have also been received showing the LEAP clear of any proposed vegetation.
- 5.9 Moving onto the wider layout of the development, the housing follows the design principles set out in the masterplan in the way it comprises of perimeter blocks served by a clear hierarchy of streets which allow for permeability by facilitating linkages and maximising connectivity. The blocks are defined by strong outward looking frontages that face the street with well defined corner buildings where appropriate. The layout is dominated by a central street scene which is considered a continuation of the primary street. The primary avenue

will provide a tree lined boulevard with a combination of two and three storey townhouses on either side. The layout also features 4no. parking courts in total with the two largest running behind the primary avenue which have been designed to ensure only a single access point, and one that is appropriately gated in line with advice of the Council's Urban Design Officer and the Police Architectural Liaison Officer. Securing an appropriate locking system for the gates is to be a requirement of a planning condition as is a condition to control their appearance.

- 5.10 The primary avenue itself will include a rhythm of street trees between which there will be on-street parking that was in itself a design objective of the masterplan. Care has been taken also to ensure the northern end of the central street is enclosed by a key building to help terminate the vista through the main thoroughfare and place emphasis on the east and western vistas which look out towards areas of public open space. To the south of the site, substantial detached villas will help continue a line of similar buildings that line the southern boundary of the adjacent Phase 2 to help provide a strong street scene. To help frame the nodal point in the south west corner, the masterplan indicated that the buildings facing the pond and the LEAP should be important buildings in terms of design and form. In response to this a crescent of 9 units has been proposed to overlook the fore mentioned areas which in terms of layout, is considered to address this requirement of the masterplan.
- 5.11 Another key characteristic of the masterplan is the need for a linear network of public open space based around existing hedgerows which should also act as a conduit for pedestrian movement. In response to this the proposed layout features two linear parks of POS to the east and western side boundaries of the site. These areas and their public footpaths and cycle footpaths will, along with the primary avenue, help provide the necessary opportunities for links through the site and out towards the adjacent areas and thus would help reinforce the need for more sustainable modes of transport. These areas also feature the existing hedgerows which are to be retained as laid out in the masterplan. The masterplan also clearly set out a need for their protection and so a condition ensures that the applicant is aware of the expectation in this respect. Furthermore, as required of a relevant condition of the outline planning permission, a full landscaping scheme has been submitted which shows a variety of trees will border the POS areas along with areas of ground planting. These areas of trees planting would more informal in comparison to the more formal trees that will be regularly interspersed amongst the street parking along the primary avenue. The design of these areas however still needs clarification and so a condition is suggested to address this matter along with also the need for samples of the surface materials to be submitted for written approval. Boundary treatment is considered acceptable in general but again further details are required and so a condition is also to be attached. Finally all the units adjacent to the public open space have been carefully orientated so that the development fronts the open space and so benefits these areas from high levels of surveillance.
- 5.12 Overall it is considered that the hierarchy of streets are well defined. The layout provides a very well defined primary avenue with secondary streets running perpendicular giving a formal "cross-road" layout and more informal "mews" areas set back or behind the main streets. This is considered an appropriate

response to the requirements of the masterplan. Parking will primarily be contained within the mews courts and squares and as noted previously, there is to be some degree on-street parking. Initially there was concern over the potential conflict over dedicated on-street parking and casual/visitor parking, but as per previous approved phases, the solution has been to demarcate the different parking areas through different surface materials. Although this would help go some way towards addressing the issue, as per the two previous approved phases, a condition is to be attached to request details of a scheme of well designed low signposts which further helps motorists identify the different functions of the on-street parking bays.

- 5.13 The level of car and bike parking provision is acceptable to the Council's Transportation Engineer in accordance with the Council's guidelines.
- 5.14 With regards to refuse collection strategy, the concerns of Stoke Gifford Parish Council were shared and also bin collection points were identified, there was concern that these areas were simply footpaths and so this would lead to a level of unacceptable obstruction and conflict. Following discussions with the application, a revised plan has been submitted demonstrating dedicated areas for bin storage/collection. This however falls short on detail as it is not clear whether these areas would be clearly delineated to help identify and control their use and also whether they take into account of the twin bin system. A condition is therefore to be attached requesting details of how the twin bin system can be accommodated within the bin storage points identified and what steps will be taken to ensure they are adequate for their purpose.
- 5.15 Along the northern boundary will run the approved public transport route. This area is outside the application site. This route has already been granted full planning permission (ref.PT07/2424/R3F). As with development area 1, the boundary with these routes will be defined by walls and railings of consistent material, the specific treatment will secure maximum visual permeability.
- 5.16 Affordable Housing
Within the phase of development subject to this application, following revisions to the provision to accord with the requirements of a clause within the S106 agreement, the affordable housing will be provided in small clusters throughout the site that are integral to the development in accordance with the approved masterplan. The tenure mix is also acceptable and so overall the provision of affordable housing specified is to the satisfaction of the Council's Housing Enabling Officer.
- 5.17 Building design and appearance
The development will comprise a 2 and 3 storey development. The positioning of the various scales of building has been appropriately considered in accordance with the masterplan and in some cases (the villas to the south) provides a repetition of unit type from the adjacent phase of development that will create a rhythm along the main street.
- 5.18 The Design and Access statement submitted reflects the masterplan which identifies the application site within the "eastern area". The masterplan sets out a design rationale for this area, as it states that *"The eastern area will be traditional in character, responding to the existing development within the*

adjacent Stoke Park scheme. Development within Stoke Park has sought to draw reference from the Bristol Regency style and nearby listed building – The Dower House. The scale, form and detailing and use of materials will reflect the traditional style of housing”. (page 38)

- 5.19 Despite the recognition within the Access and Statement of what the masterplan has set out in terms of architectural approach, as submitted it was considered that the design of the buildings failed to encapsulate any of the Regency style through either materials or detailing. Therefore since submission the appearance of the scheme has changed with the previously proposed facing brick being replaced with render. A high specification of detailing has also been introduced such as bell casts over the windows. One particular area that did however fall far short of the required standard in terms of appearance was the proposed crescent in the south-west corner. To address this, the proposed materials have been changed and the design has been refined to provide a building of the visual interest that the masterplan seeks.
- 5.20 The use of materials will also help reinforce the hierarchy running through the site, as the primary avenue will feature render with the secondary parts of the site faced in brick. The small front gardens, staggered levels and massing of the terraces will also be a characteristic of the townhouses along the primary avenue making them more imposing and adding to the primacy of the avenue in comparison to the detached and link-detached nature of the rest of the site.
- 5.21 It is considered, that following the revisions achieved, across the site a good quality building design is achieved. Low level walls and planting privacy strips create appropriate thresholds to property and a feeling of defensible space. A condition is recommended to approve the specific details of all materials (this was not included on the outline planning permission). In order to ensure that the position of utility meters is appropriate, a condition is recommended to agree their position in respect of elevations fronting the primary avenue and the secondary roads.
- 5.22 Building Performance
The developer has agreed to ensure that the development achieves Level 2 of the Code for Sustainable Homes across. Although this falls below the Code 3 that Phase 2 proposes, it still exceeds current building regulations and is therefore in itself not a reason for refusal. The justification for not achieving a Code 3 rating is that due to economics of the current housing market and the limited nature of the development and the developer, imposing a Code 3 requirement could leave the site economically unviable. This argument has been accepted in principle by the Case Officer and ultimately it will be left for market forces to decide as with the surrounding phases achieving a higher standard, there will be a clear choice for prospective purchasers. An appropriate condition is recommended in order to ensure compliance.
- 5.23 Third party representations
The main issue raised by Winterbourne Parish Council relates to a matter of principle that has already been considered under the outline planning permission and so it would be unreasonable to revisit such matters within this reserved matters application.

5.24 Summary

The layout and design, that will comprise a Level 2 of Code for Sustainable Homes development, is one that can be considered to achieve a good standard of site planning as required by policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and one that accords with the objectives contained within the approved masterplan. Although it is noted that the proposed approval will be subject to a number of conditions, on balance it was considered that a refusal wouldn't be justified as these matters are ones of mainly detail that are satisfactorily addressed by conditions.

5.25 The provision of affordable housing and public open space also accords with the approved masterplan and the completed section 106 agreement. Whilst the Design Codes were not approved as part of the masterplan, it is considered that this application satisfactorily addresses previous concerns. Drainage details are not a reserved matter, they are required to be approved by reason of condition 5 of the outline planning permission. Finally 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 Adopted Design Checklist Supplementary Planning Document.

6. CONCLUSION

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

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 including the approved masterplan forming part of planning permission ref.PT04/0684/O.

7. RECOMMENDATION

7.1 That the Reserved Matters submitted in accordance with conditions 1 and 2 associated with outline planning permission PT04/0684/O dated 2nd November 2005 be APPROVED subject to the following conditions.

Background Papers **PT08/3118/RM**

Contact Officer: **Robert Nicholson**
Tel. No. **01454 863536**

CONDITIONS

1. The open market dwellings hereby approved shall be constructed to the Code for Sustainable Homes standard of Level '2'. A formal assessment shall be undertaken by a licensed Code for Sustainable Homes assessor and a copy of the assessors report and the post completion certificate shall be submitted to the Local Planning Authority prior to first occupation of any dwelling unless otherwise agreed by the local planning authority.

Reason

To ensure the development minimises green house gas emissions as well as the use of energy and natural resources in accordance with PPS1 and its supplement Planning and Climate Change, SGLP Policy D1, The South Gloucestershire Design Checklist SPD and the draft Regional Spatial Strategy for the South West of England Policy G.

2. Notwithstanding the details submitted, prior to the commencement of development further details are to be submitted to the local planning authority for written approval concerning the specification (materials and levels) of the flood storage pond to be positioned in the south-west corner of the site. The development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

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.

3. Prior to the commencement of development, details are to be submitted to the local planning authority for written approval concerning the play equipment in the proposed local equipped area of plan (LEAP) in the south-west corner of the site. The development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

to ensure the adequate provision of play facilities to accord with Policy LC8 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Before development commences the following details shall be first submitted to and agreed in writing by the local planning authority:
 - i) Furniture to the public open space areas including seating;
 - ii) A locking strategy for the gates to parking courts;
 - iii) alighting strategy for parking courts.
 - iv) details of the design and appearance of the parking court gates.
 - v) Details of surfacing and landscaping to the privacy strips to the frontage of plots 11-16, 28-43, 58-67 and 68-77.
 - vi) A strategy for the appropriate positioning of all gas and electricity meters for those plots that have elevations facing the primary avenue (plots numbers noted above)
 - vii) Signage to allocated on-street parking spaces.

Development shall thereafter proceed in accordance with the agreed details.

Reason

To ensure the development is of good design quality and its external appearance reflects the approved masterplan, in accordance with policies D1 and H2 of the South

Gloucestershire Local Plan (Adopted). To ensure that the allocated on street parking is appropriately controlled for the intended users having regards to highway safety and policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure the development is of good design quality and its external appearance reflects the approved masterplan, in accordance with policies D1 and H2 of the South Gloucestershire Local Plan (Adopted).

6. Prior to the commencement of development, further details concerning the appearance of the north facing gable elevation of unit 55 is to be submitted to the local planning authority for written approval. Development shall thereafter proceed in accordance with the agreed details.

Reason

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

7. Prior to the commencement of development, details of the boundary treatments enclosing the residential properties and the site along its northern boundaries are to be submitted to the local planning authority for written approval. Furthermore details of railings to enclose the front curtilages of the primary streets (plots 11-16, 28-43, 58-67 and 68-77) are to be submitted to the local planning authority for written approval. Development shall therefore proceed in accordance with the approved details.

Reason

To ensure the development is of good design quality and its external appearance reflects the approved masterplan, in accordance with policies D1 and H2 of the South Gloucestershire Local Plan (Adopted).

8. Prior to the commencement of development, further details concerning the bin storage collection points are to be submitted to the local planning authority for written approval. For clarity, the areas already identified within the submitted plans need to demonstrate ability to accommodate the twin bin system and how they integrate with the design of the street scene. Development shall therefore proceed in accordance with the approved details.

Reason

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

9. Prior to the commencement of development, details of the position and design of the dog and litter bins which will serve the site are to be submitted to the local planning authority for written approval. Development shall therefore proceed in accordance with the approved details.

Reason

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

10. Notwithstanding the details shown on the submitted layout plan (drg no.PL/4039/01 Rev.A), to comply with the Section 106 requirements regarding clustering of affordable homes, prior to the commencement of development a revised schedule of affordable housing units is to be submitted to the local planning authority for prior written approval. For the sake of clarity, the affordable unit shown in Plot 15 is to be swapped with the open market unit shown in Plot 24 to help reduce the number of affordable units to 10 that would be considered clustered in the main terrace. Development shall therefore proceed in accordance with the approved details.

Reason

To comply with the affordable housing provision criteria set out both in the Section 106 agreement and the approved masterplan and so accord with Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Prior to the commencement of development, details of the locking system for the parking courts gates are to be submitted to the local planning authority for written approval. Development shall therefore proceed in accordance with the approved details.

Reason

In the interests of both Secure By Design and the accessibility of the flat units within such areas and to accord with policies H2 and T12 South Gloucestershire Local Plan (Adopted) January 2006.

12. Notwithstanding the submitted landscape details, 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 Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

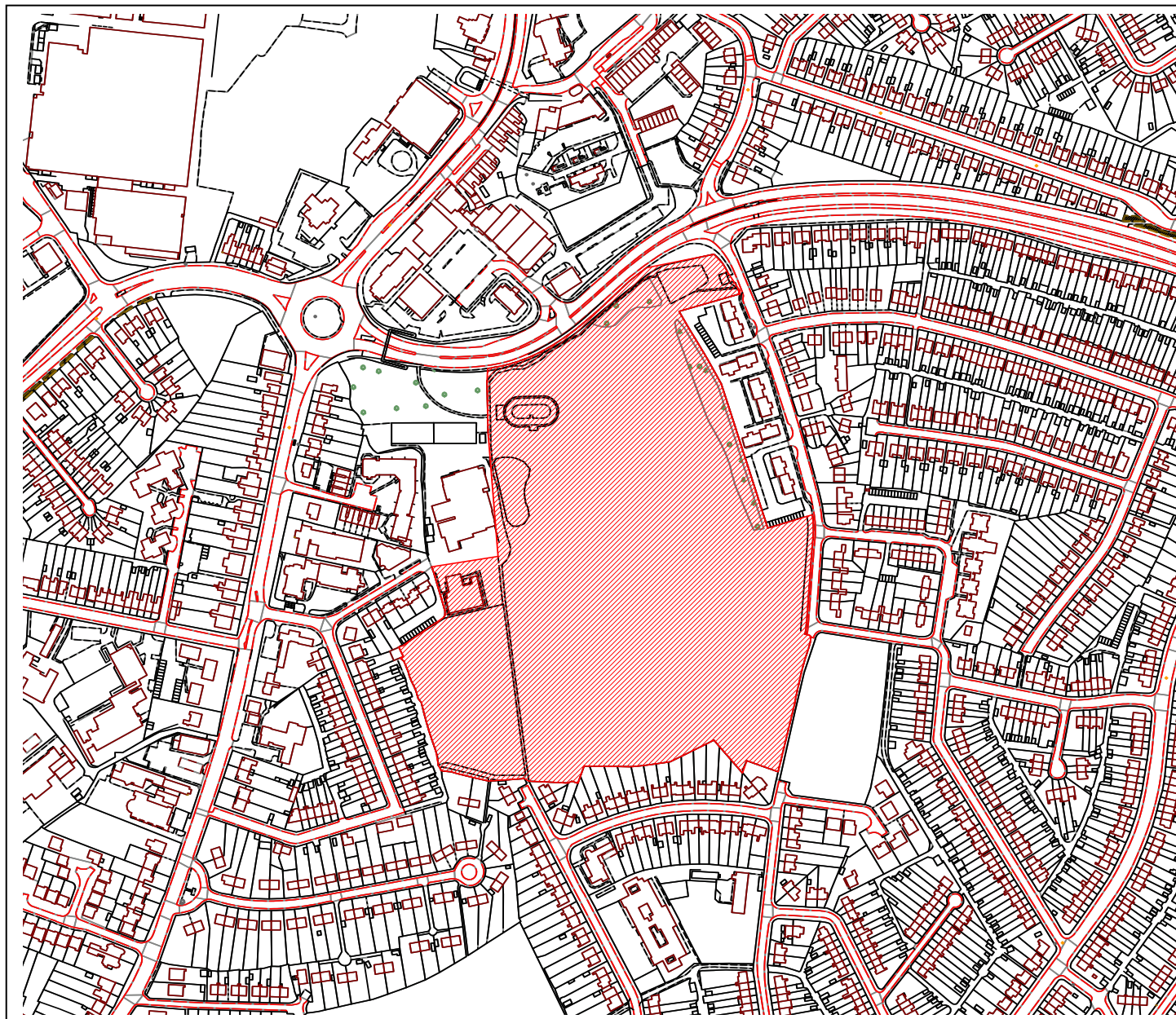
13. No development shall commence until surface water drainage details including Sustainable Drainage Systems (SUDS) for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Development shall therefore proceed in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

To comply with Policies L17, L18, EP1, EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of PPS25.

CIRCULATED SCHEDULE NO. 07/09 – 20 February 2009

App No.:	PT08/3177/F	Applicant:	Filton Town Council
Site:	Filton Playing Fields, Elm Park, Filton, South Gloucestershire, BS34 7PS	Date Reg:	15th December 2008
Proposal:	Redevelopment and reprofiling of existing playing pitches for continued recreational use. (Resubmission of PT08/1005/F).	Parish:	Filton Town Council
Map Ref:	60346 78806	Ward:	Filton
Application Category:	Major	Target Date:	11th March 2009



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100023410, 2008.

N.T.S

PT08/3177/F

1. THE PROPOSAL

- 1.1 The application is a resubmission of a previous application, reference PT08/1005/F, which was withdrawn by the applicants on 9th June 2008, and has sought to further address issues of, in particular, further supporting information, justification, volumes of material and landscaping details, in line with Council advice. The applicants have undertaken significant independent local consultation to gauge the views of local residents, users and potential users of the site, which has aided the re-drafting of this re-submitted proposal.
- 1.2 The application seeks planning permission for the redevelopment and reprofiling of existing playing pitches for continued recreational use and would involve the introduction of new drainage systems. This would involve the importation of around 100,000 cubic metres of soils over the site which is 9.4 hectares in size. It is stated that the works are forecast to take up to 18 months to complete. This would equate in turn to approximately 11,765 HGV movements, equating to 29-30 HGV's deliveries to the site per working day. Access to the site by HGV's would be gained from Elm Park, i.e. the current access to the Leisure Centre. HGV's would then exit the site via a new access onto Shellards Road in the north east corner of the site. The scheme would raise the profile of the land by between 1 metre and 3.5 metres.
- 1.3 The purpose of this development as put forward by the applicants is to create level playing pitches and accommodate a drainage system. New provisions would include a cricket pitch, 3 rugby/football pitches developed to Sport England standards, a new network of paths which will increase circulation and use by walkers and joggers, exercise areas and landscaped amenity areas. It is intended to increase activities at the site whilst retaining informal usage. The development would be split into 6 different operational phases, each taking between 1.5 and 5.5 months, depending upon size, and will be fenced off from other areas of the site at the time to allow continued use and access to the remainder of the site at all times, in this respect it is considered that at least 50% would remain accessible and usable at all times.
- 1.4 The site itself belongs to Filton Town Council and consists of a large open expanse of open recreational field continually sloping from west to east. The site is at the existing Filton Leisure Centre complex, which is located immediately to the west of the playing fields, to the north the site is bounded by the A4174, whilst in all other direction the site is surrounded by residential development. At present the fields themselves are considered to be of a relatively informal layout and use, providing capacity for up to 5 playing pitches. It is however considered by the applicants that the current surface provision is not of an optimal quality due to differences in levels across the site and the site does not lend itself to further usage and in this respect is a relatively underused resource. Poor drainage also limits the usage of the pitches during bad weather and do not meet with Sport England Standards.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS2	Green Belts
PPS10	Planning for Sustainable Waste Management

2.2 South Gloucestershire Minerals and Waste Local Plan

Policy 6	Landscape Protection
Policy 20	Water Resources
Policy 22	Residential/Local Amenity
Policy 24	Transport
Policy 28	Restoration
Policy 43	Inert, Construction and Demolition Waste

2.3 South Gloucestershire Local Plan

D1	Achieving Good Quality Design in New Development
L1	Landscape Protection and Enhancement
LC3	Proposals for Sports and Leisure Facilities within Existing Urban Area and Defined Settlement Boundaries
L17	The Water Environment
EP1	Environmental Pollution
T12	Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 There have been numerous permissions for incremental improvements to the community centre and leisure centre facilities, mainly in terms of the buildings themselves. Most recently, on 17 January 2008, approval was given for planning reference PT06/1723/F for the retention of earth banks on the existing cycle track, on part of the fields.

4. CONSULTATION RESPONSES

4.1 Filton Town Council

No objections

4.2 The Environment Agency

No objections subject to additional drainage conditions to address ongoing surface water drainage and maintenance.

4.3 Highways Agency

No objections

4.4 Sport England

The current condition of the site does not meet Sport England standards. The proposals would improve the facility, offer greater capacity of the recreational area and introduce other activities to the site. Sport England therefore support the proposal.

4.5 Wessex Water

It is advised that the Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal, however should the proposals to dispose of to soakaway prove to be ineffective Wessex Water would not permit any groundwater/land drainage connection to their sewers.

4.6 Local Residents

4 letters raising objections and/or certain concerns to the proposals have been received from local residents. The reasons for the objections and concerns are summarised below:

- Traffic issues along Elm Road, including safety of other users, vibration and volume
- Parking provision
- Noise and dust created by operations
- Inconvenience to residents not justified by proposals
- Concern over duration of works and loss of use of playing fields

4.7 In addition to this two letters of support, from local football clubs, have been received on the basis of the improvements that will be made to the existing facility.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Whilst the proposal essentially necessitates the requirement for the importation of materials during the temporary period of re-working of the site to enable the achievement of the required finished development, it is necessary to look at what the issues are with the site as existing and whether the proposal is reasonably necessary to achieve the outcome required. It is considered in this instance that it has now been sufficiently demonstrated within the context of this application that the driver behind the scheme is the improvement of the sports pitches for recreation use and that this requirement has been demonstrated to be a material consideration and a beneficial improvement to the recreational provision in the area. This application does not change the use of the site which will remain as public recreational land and essentially improved sports pitches. The development therefore falls to be considered under the provisions of Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006. In this respect policy states that proposals for the improvement of outdoor sports and leisure facilities within the existing urban area will be permitted, provided they are accessible, would not prejudice residential amenities or have significant environmental or traffic impacts. The scheme is considered to comply with the broad principles of the provisions of this policy for providing recreational facilities. Provided that this can be achieved without causing any material harm it is considered that the scheme and the benefits it offers can be acceptable. It therefore remains to assess the development, including the operational phase, against the detailed and site specific development control requirements of the Development Plan.

5.2 Local Amenity

There are a significant amount of residential properties around the immediate periphery of the site and in the general locality. The works however have been incrementally phased into smaller sections of the total site, each lasting

between 1.5 and 5.5 months. This would reduce the impact of the operational stage of development. Similarly much of the works have been designed so to remain away from the boundaries and rear curtilages of existing properties thus reducing impact further. The final developed form would not be considered to be of detriment to the visual or residential amenity of the area, moreover it would provide an improved community facility. It is not considered therefore that there would be any unreasonable amenity impacts arising as a result of this development.

5.3 Highways

There are no transportation objections to the proposals on the basis of the proposed access and egress or the forecast vehicle movements on the local highway network, subject to controls over the deliveries of material to the site, which should avoid peak hours before 09.30. Further to this the deposit of mud or debris on the public highway will also need to be controlled and to this end a further condition is recommended.

5.4 Landscape

It is not considered that the scale and nature of the proposal, nor its end use, which would remain the same as existing, would have a significant impact upon the local landscape. There is therefore no objection to the proposals in principle. Conditions are however recommended that seek specific refinement and further detail in respect of certain areas in particular with regards to proposed planting, site furniture and lighting.

5.5 Public Rights of Way

Public Rights of Way (LFN 4 and 9) cross the existing playing fields. The definitive route of LCN4 crosses part of the site from north to south in the western sector, partly across one of the existing pitches, whilst the definitive route of LCN9 crosses a small part of the site in the south eastern corner. In both cases a tarmaced footpath exists in close proximity, although not precisely on, the route of the recognised routes and essentially forms the actual routes widely used across the site. The applicants have addressed the issue of access across the site during development taking into account the existing footpaths provided. In this respect access across the site would remain as existing and available at all times. The issue of the actual definitive routes across the site would however still need to be addressed during the course of the phased development. It is considered that this could be achieved through appropriate measures during the course of each part of the phased re-working of the sports field for the temporary diversion of the definitive routes to the existing tarmaced paths and that this would provide adequate and reasonable means of access across the site in the meantime and also reflect and maintain the existing utilised routes across the site. The definitive routes of the public rights of way would thereafter revert. These definitive routes would not be materially affected nor access prevented in the longer term after the completion of the relatively short, phased development as the proposals seek only to improve the relevant areas of the site for existing sports and recreation use. Each phase that would affect the definitive routes is scheduled to last for between 1.5 and 3 months, after which time these routes would again be available for use. Only two out of the six proposed phases would be located in proximity to the definitive routes. It is not considered therefore that this application would be the appropriate vehicle, or a reasonable requirement, to address any existing longer term aspirations for the permanent alteration of public rights of way which should

otherwise be achieved through the appropriate means as a separate measure, if deemed necessary. Any permission would not permit the obstruction of definitive routes. An appropriate informative would be attached on any consent advising the applicants of any requirements in this respect and the need to retain access across the site either through the retention of existing definitive rights of way or through addressing this issue appropriately during the course of the re-working of the sports field the subject of this application.

5.6 Drainage

The Environment Agency raise no objection to the proposal, however a further detailed scheme is requested in order to address the continued management of surface water drainage. Taking this into account, there are no outstanding drainage objections to the proposals.

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 it is considered that it would be appropriate to impose conditions.

6. CONCLUSION

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

6.2 The decision to recommend the granting of permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002, set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is granted, subject to conditions.

Background Papers **PT08/3177/F**

Contact Officer: **Simon Ford**
Tel. No. **01454 863714**

CONDITIONS

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

Reason:

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

2. The development hereby permitted shall be implemented solely in accordance with the approved plans and details submitted in support of this application except as modified by the conditions of this permission.

Reason:

For the avoidance of doubt, to maintain planning control over the site and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy 22 of the South Gloucestershire Minerals and Waste Local Plan.

3. The importation of material for the purposes of the development hereby authorised shall cease on or before the expiry of two years from commencement date which shall be provided to the Council in advance. Thereafter remaining restoration works, contouring and planting shall be completed within a further 3 months.

Reason:

To ensure that the development is completed within a reasonable timescale in the interests of local amenity and to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies 22, 28 and 29 of the South Gloucestershire Minerals and Waste Local Plan

4. No operations shall take place and no plant or machinery shall be operated:
 - (a) other than between 09.00 and 18.00 hours Monday to Friday,
 - (b) at any other times or on Saturdays, Sundays or Bank Holidays
 - (c) no lorries shall enter or leave the site before 09.30, Monday to Friday and at no times on Saturdays, Sundays or Bank Holidays

Reason:

In the interests of the amenities of the local area, and to accord with Policies D1, T12 and LC3 of the South Gloucestershire Local Plan (Adopted) January 2006 and 22 and 24 of the South Gloucestershire Minerals and Waste Local Plan.

5. No more than 100,000 cubic metres of material shall be imported to the site for the purposes of the development hereby permitted, upon written request the Local Planning Authority shall be provided with volumes of imported material.

Reason:

To ensure a satisfactory form of development, in accordance with the approved plans, to enable the Local Planning Authority to monitor the development and to accord with Policies D1, LC23 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies 6, 22 and 28 of the South Gloucestershire Minerals and Waste Local Plan.

6. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include surfacing materials of pedestrian routes, details of structures such as furniture, play and exercise equipment, signs, lighting and further detailed planting design and specification.

Reason:

To protect the character and appearance of the area to accord with Policies D1, L1 and LC3 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies 6 and 28 of the South Gloucestershire Minerals and Waste Local Plan.

7. Prior to the commencement of the development hereby permitted details of dust suppression methods during the operational phases of development shall be submitted to the Local Planning Authority for written approval. Upon such approval the details shall be implemented at all times.

Reason:

In the interests of residential amenity and to accord with Policies D1 and LC3 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy 22 of the South Gloucestershire Minerals and Waste Local Plan.

8. Prior to the commencement of the development hereby permitted details of topsoil stripping and subsequent storage shall be submitted to the Local Planning Authority for written approval. Upon such written approval such details shall be implemented at all times.

Reason:

In the interests of local amenity and to aid restoration of the site in accordance with Policies D1 and LC3 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy 22 of the South Gloucestershire Minerals and Waste Local Plan.

9. No mud, dust or other debris shall be deposited on the highway. No vehicle shall leave the site unless its wheels and chassis are clean. Details of how mud, dust or other debris shall be prevented from being deposited onto the public highway shall be provided to the Local Planning Authority for written approval prior to the commencement of the development hereby permitted.

Reason:

In the interests of highway safety and to prevent materials from being deposited on the highway and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy 24 of the South Gloucestershire Minerals and Waste Local Plan.

10. Prior to the commencement of the development hereby approved details of the site exit shall be submitted to the Local Planning Authority for written approval, such details shall include:
 - (i) Radii and visibility splays
 - (ii) Surfacing of the area with a bound surface material
 - (iii) Details of any temporary haul road including materials, route and subsequent removal.

11. All works in the creation of a site access must be carried out to the satisfaction of the Council's Street Care Manager. All works must be carried out prior to the commencement of development and maintained during the period of construction.

Reason:

In the interests of highway safety and local amenity and to accord with Policies D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies 22 and 24 of the South Gloucestershire Minerals and Waste Local Plan.

12. Prior to the commencement of the development hereby approved a scheme for the provision of surface water drainage works shall be submitted to the Local Planning Authority for written approval. Such details shall include the future ownership and maintenance provision for all drainage works serving the site. Upon such approval the details shall thereafter be implemented in full at all times.

Reason:

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to accord with Policy L17 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy 20 of the South Gloucestershire Minerals and Waste Local Plan.

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

Reason:

To prevent pollution of the water environment and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy 20 of the South Gloucestershire Minerals and Waste Local Plan.

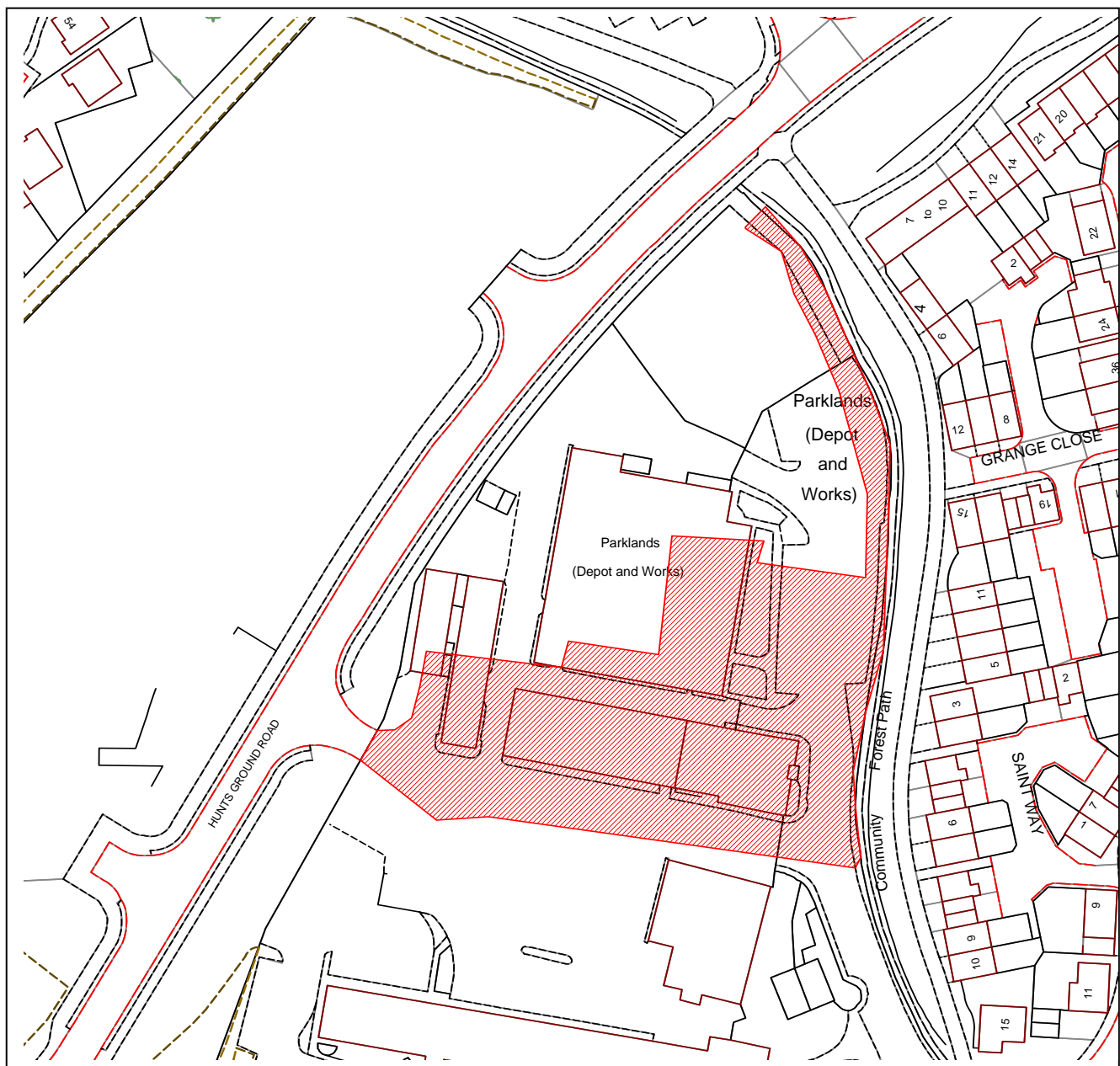
14. Nothing other than uncontaminated excavated natural materials shall be deposited on the site.

Reason:

To ensure a satisfactory form of development is achieved and to prevent pollution of the water environment and to accord with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies 20, 22 and 28 of the South Gloucestershire Minerals and Waste Local Plan.

CIRCULATED SCHEDULE NO. 07/09 – 20 FEBRUARY 2009

App No.:	PT08/3224/F	Applicant:	Mr M Wallace WCR Developments
Site:	Unit 3130, Great Western Court, Hunts Ground Road, Stoke Gifford, South Gloucestershire, BS34 8HP	Date Reg:	22nd December 2008
Proposal:	Erection of 3 storey office block and structure containing Biomass boiler and fuel store and associated works. (Resubmission of PT08/1991/F)	Parish:	Stoke Gifford Parish Council
Map Ref:	62973 79741	Ward:	Stoke Gifford
Application Category:	Major	Target Date:	20th March 2009



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PT08/3224/F

The application has been referred to the circulated schedule as it is a major one and representations have been received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a 3 storey B1 office block and biomass boiler and fuel store building.
- 1.2 The site consists of the former Parkland's Depot, which has now been demolished, accessed off Hunts Ground Road, within the urban area of Stoke Gifford. The site is allocated for park and ride purposes under Policy T3.
- 1.3 The proposed office development consists of 2 075 sq m gross internal floorspace, a max. of 13.7m high (with stack ventilation 2m above the roof), 41m wide, in a curved profile and 20.5 m deep. The proposed biomass boiler is 2190 sq m gross internal floorspace, triangular in shape 15m deep, max. of 7.5m wide and 3.8m high, with a clad flue 6.7m high. 65 car parking spaces are proposed with 20 cycle parking spaces. A landscaping scheme is also proposed. An 11m wide buffer at the front of the site adjacent to Hunts Ground Road is being retained for a future rapid transit route.

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
L1	Landscape Protection and Enhancement
T3	Public Transport Route and Park and Ride
T7	Cycle Parking
T12	Transportation Development Control Policy for New Development
E3	Criteria for Assessing Proposals for Employment Development within the Urban Area

3. RELEVANT PLANNING HISTORY

- 3.1 N443/10 Use of land as transit depot and retention of existing structures in connection therewith. Approved 1981
- 3.2 P87/1948 Use of land for storage of motor vehicles. Approved 1987
- 3.3 PT08/1991/F Erection of 3 storey office block and structure containing Biomass boiler and fuel store and associated works. Withdrawn on officer advice due to requirement for future rapid transit route buffer zone.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Town Council

Object on the grounds of over-massing, loss of sunlight to neighbouring houses, and impracticality of mechanical ventilation, query as to how hot water gets to phase one from biomass boiler.

4.2 Other Consultees

Police Community Service Department

We generally find business parks/commercial buildings are more vulnerable to crime because out office hours there is no capable guardian. Inadequate detail has been included in the design and access statement with regard to safety, security and crime prevention.

No mention of how boundary is going to be treated. It is not how or if access is going to be restricted to the rear of the buildings.

How wide is the new footpath and what is the boundary to this footpath will be treated. If natural ventilation involves the automatic opening of ground floor or vulnerable windows, it could make the building vulnerable to crime.

Highways Agency

No objections. There is a commitment within the Framework Travel Plan (FTP) to keep the Highways Agency informed of the Travel Plan's progress following each traffic count during the four year period. We note the agreement to secure a bond to fund mitigation measures if at any point the agreed trip generation is exceeded, as outlined as a target in the revised FTP. We would welcome the opportunity to enter into discussions at such a time that the bond might be required to further mitigate traffic impact.

Wessex Water

The development is located within a sewered area, with foul and surface water sewers.

Other Representations

4.3 Local Residents

Seven objections to the scheme have been received, objecting on the following grounds:

- Proposed building would shade adjacent residential properties
- Natural ventilation will not work for such a deep and multi-level building
- The two vertical ventilation shafts are not sufficient to remove the internal heat gains
- Building unsightly and obscure view of local residents
- Insufficient car parking for development
- Increased emissions from biofuel plant
- Noise levels rise due to arrival and departure of vehicles especially at peak times

- The proposed footpath will result in commuters parking in residential areas as it gives quick access to the station
- Offices could be open 24 hours a day, resulting in noise disturbance to local residents
- Inadequate number of parking spaces for development
- Restrictions should be imposed on on-street parking for commuters
- Hunts Ground Road already a rat-run to Parkway Station, proposal result in increased parking in residential areas
- Further on-street car parking would result in increased highway hazards
- Other sites suitable for office development should be considered first
- Loss of privacy to residential properties
- De-value homes in close proximity to the development
- Worried about health risks about biomass boiler
- Construction of building cause noise, mess and dust
- Development proposed is too large as there is currently vacant office accommodation across the road from the site
- Office will not fit in with its surroundings
- Trees in buffer zone will take many years to establish
- Preferable layout would be for the office buildings to be sited near to the main road and parking spaces near the boundary
- Problems with demolition of buildings on site
- Construction work and deliveries should be restricted

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site is allocated under Policy T3 for a park and rides site off Hunts Ground Road. The policy states that development which would unacceptably prejudice the implementation, function or safety of the park and ride site will not be permitted.

5.2 The plans include an 11m reserve for future rapid transport proposals, which although shown as part of the development, consist of additional 'overflow' car parking and landscaping and therefore could be easily converted. This 11m reserve on site will be secured by way of a condition.

5.3 Highway officers consider this adequate to fulfil the requirements of Policy T3. Whilst the majority of the site is itself covered by the T3 allocation, this is an historical allocation related to the Parkway North Section 106 agreement. However, the land acquisition of this site was not achieved and therefore officers feel that they could not reasonably seek to enforce T3 on this basis.

5.4 Policy E3 allows for employment uses within the existing urban area, subject to certain criteria, including whether B1 office development is well served by public transport. Given that the site is very close to Parkway Station (certainly within easy walking distance) the development is considered to be well served by public transport.

5.5 Given the above, the principle of development is considered acceptable.

5.6 Design and Landscape

The proposed building is situated at the rear of the site, with a landscape buffer zone and bund separating it from the Community Forest Path to the east of the site.

5.7 The position of the proposed building has been informed by maximising solar gain in the context of the site and to avoid intruding into the buffer zone for the future rapid transit route.

5.8 The proposed design of the building is a very contemporary one, with materials such as render, aluminium windows, curtain walls and 'brise soleil', timber louvres, glazing, zinc rainscreen cladding and a 'Sedum' green roof. The front (west) elevation is four storeys, with balconies and a glazed entrance atrium, with the rear (east) elevation much plainer, 3 storeys high, in render and clay block faced walls, and aluminium framed windows. The front and side elevations are well articulated with a using a variety of shapes and materials to visually 'break up' the elevations. The rear elevation is plainer, and will be partially screened from view from the Community Forest Path by existing retained and proposed planting.

5.9 The proposed design of the buildings is considered appropriate for the location, on a long established business park, and is of a high design quality.

5.10 The proposed hard and soft landscape proposed is considered acceptable, with substantial planting on the boundaries of the site and also within the car park. A condition requiring details of the retention/removal of existing trees will be requested. A further condition will require details of boundary treatment.

5.11 Residential Amenity

The nearest residential dwelling is 3 Saint Way, which is 16.5m from the rear of the proposed building, with the furthest one, 6 Saint Way, which is 30m from the rear of the proposed building. The Community Forest Path, with its associated planting which is outside the site and therefore retained separates the dwellings from the site itself.

5.12 The proposed building is 11m high at the rear, over 2m lower than the maximum height of the building; the decrease in height due to the mono-pitch roof. This is higher, though, than the nearby residential dwellings. However, the proposed building is set back from the boundary of the site, behind a proposed bund and landscaping, which will further add to screening currently afforded along the Community Forest Path. The proposed building, due to its mass and height, will have an impact on the outlook of the properties facing the site from Saint Way. However, given the existing and proposed landscaping, and the location of the Community Forest Path, this is not considered harmful to such an extent as to warrant refusal of the application on these grounds. Furthermore, the development has to be assessed in the context of the previous use of the site, which was a transit depot and works.

5.13 Concerns have been raised by local residents regarding shading and loss of sunlight of nearby residential properties. However, the proposed office building is situated to the west of residential properties in Saint Way, and since the path of the sun is from east to west, there would be very little loss of sunlight or

- shading of the properties as a result of the proposal, with the most loss being when the sun is very low in the evenings, such as in the early part of the year. The Community Forest Path is shaded by the existing trees bounding the site, and has a shady, enclosed feel to it, afforded by both the trees and the houses along it. As such, the houses fronting the path are shaded already from the west- the proposed office development would not make a material difference to this, and this could not be considered a robust reason for refusal.
- 5.14 Concerns have been raised by local residents regarding loss of privacy for residential dwellings. Windows are proposed on the rear elevation of the proposed building, but no balconies are proposed. The windows would be partly obscured by existing and proposed planting on site and on the Community Forest Path. Given the existing and proposed planting, and the distances from the rear of residential properties in Saint Way, it is not considered that the proposal would result in unacceptable loss of privacy to local residents.
- 5.15 Concerns have been raised by local residents regarding noise and disturbance from the proposed building and car parking. In the first instance, the proposal has to be viewed in the context of the previous use- a transit depot and works- and the pre-existing noise levels associated with this and other employment uses in the area. The Community Forest Path provides an interface between the residential part of the area and the well-established employment area, in which this site is located. In addition to this, the proposed building itself would provide a form of 'buffer' from the noise of the movement of cars and people in the car park. Whilst there is the potential for noise from the building itself, this is considered limited, as noise would only be heard when the windows were open, and the use itself, as B1 office use, is unlikely to result in particularly noisy activities. The proposed building is also passively ventilated, so that there would be no mechanical ventilation that would cause a disturbance to local residents. Given the above it is not considered that the proposal would result in undue noise and disturbance to local residents, however, a condition will be recommended restricting any mechanical ventilation on the rear of the proposed building.
- 5.16 Transportation
The proposal overcomes the previous concerns in relation to the potential for future rapid transit proposals in that a reserve of 11m is safeguarded for this purpose, at the front of the site abutting Hunts Ground Road. The submitted plans indicate that this safeguarded zone is to be 'developed', however, this is in the form of additional 'overflow' car parking and landscaping, which can be converted easily.
- 5.17 The proposed development provides both car and cycle parking facilities to an appropriate standard. In the event that rapid transit does progress, the site's sustainability credential will be enhanced which would reduce the demand on on-site car parking further.
- 5.18 The applicant has agreed to construct a 2m wide footpath along the southern boundary which will be dedicated as highway and subsequently maintained by the authority with the potential to upgrade this to a cycle way should the adjacent plot of land come forward for development.

- 5.19 As part of the mitigation measures associated with the whole development (which will be the subject of a future outline application for the rest of the land) the developer has agreed to contribute £257 000 towards off-site highway improvements- this contribution is split in the form of 70% (£179 900) upfront with the remaining 30% (£77 100) held in a bond and linked to the performance of the travel plan. However, given that the current application under consideration is for one block out of three (the other 2 to be the subject of the future outline application), the contribution would be reduced accordingly, which would give a contribution figure of £65 470.85 for the contribution and £28 058.94 for the travel plan bond.
- 5.20 Works are also required within the highway to provide a refuge island within the access bell mouth to facilitate safer movement of pedestrian and cyclists.
- 5.21 Subject to a section 106 agreement to secure the above items, the highway officer raises no objection to the scheme.
- 5.22 Other matters
The Design and Access Statement states that the development aims to achieve BREEAM assessment of 'Outstanding', and the applicants have stated that it will definitely achieve 'Excellent', which will be required by condition.
- 5.23 Concerns have been raised regarding the effectiveness and efficiency of the passive ventilation of the building. Other than concerns of noise regarding mechanical ventilation, how a building is ventilated is not a planning issue, and in itself, would not be a robust reason for refusal.
- 5.24 The issue regarding de-valuation of nearby properties is not a material consideration in the assessment of this application.
- 5.25 Hours of construction will be controlled by a recommended condition.
- 5.26 Emissions from the biomass boiler will be controlled by current, stringent, environmental health controls and are therefore controlled by legislation other than planning and are not material to this application.
- 5.27 Concerns have been raised by the Police Architectural Liaison Officer regarding the installation of a footpath at the south end of the site, that links to the Community Forest Path. However, this is considered necessary to ensure that there is a direct access from the residential part of the site to Hunts Ground Road, close to the station, to enable greater pedestrian and cyclist permeability of the site and the existing residential development adjacent. This sustainable permeability is considered to override the concerns of the Police Architectural Liaison Officer, given the site's location in relation to the station and especially since boundary treatments will be conditioned.
- 5.28 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.

5.29 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements and contributions are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant 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 1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- Contribution towards the North Fringe major scheme (transport matters)
£65 470.85
 - A bond figure of £28 058.94 linked to the performance of the travel plan
 - Provision of a pedestrian refuge island at the site entrance
 - Construction of a 2m footpath to the south of the site and dedication of footpath as highway
- 2) Should this agreement not be complete within 6 months of the date of this report that planning permission be refused.

Background Papers **PT08/3224/F**

Contact Officer: **Sarah Tucker**
Tel. No. **01454 863780**

CONDITIONS

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

Reason

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

2. Prior to the commencement of development samples of the external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

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

Reason

To minimise disturbance to occupiers of Saint Way and Grange Close and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No mechanical ventilation shall be installed or used at the rear of the office building hereby approved facing Saint Way at any time.

Reason

To minimise disturbance to occupiers of Saint Way and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

6. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details and maintained thereafter as such.

Reason

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

7. A tree survey and details of tree protection and retention, together with the measures for their protection during the course of the development shall be submitted to and agreed in writing to the local planning authority. Development shall be carried out in accordance with the submitted details.

Reason

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

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

Reason

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

9. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied. The car and cycle parking shall thereafter retained for that purpose, unless included within the 11metre buffer zone safeguarded for a potential future rapid transit route.

Reason

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

10. An 11 metre buffer zone, as shown on approved plan no: 2547 1101 A lodged with the Council on 19/12/2008, shall be retained for the purposes of a future rapid transit route and shall not be developed in any way apart from as shown on the aforementioned plan.

Reason

Reason: To protect the future route of a potential rapid transit route and to accord with Policy T3 of the adopted South Gloucestershire Local Plan

11. The development hereby approved shall be constructed to a Building Research Establishment Environmental Assessment Method (BREEAM) standard of 'Excellent.' A formal assessment shall be undertaken by a licensed BREEAM assessor and a copy of the assessors report and the Post Construction Certificate shall be submitted to the Local Planning Authority prior to occupation of the building.

Reason

To ensure the development minimises green house gas emissions as well as the use of energy and natural resources in accordance with PPS1 and its supplement Planning and Climate Change, SGLP Policy D1, The South Gloucestershire Design

Checklist SPD and the draft Regional Spatial Strategy for the South West of England
Policy G.

CIRCULATED SCHEDULE NO. 07/09 – 20th FEBURARY 2009

App No.:	PT09/0012/F	Applicant:	Mr D Hanna
Site:	19 Bude Road, Filton, South Gloucestershire, BS34 7HW	Date Reg:	5th January 2009
Proposal:	Erection of single storey rear extension to form dining area and garage (Retrospective).	Parish:	Filton Town Council
Map Ref:	60889 79504	Ward:	Filton
Application Category:	Minor	Target Date:	2nd March 2009



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100023410, 2009.

N.T.S

PT09/0012/F

INTRODUCTION

This application appears on the Circulated Schedule in view of the comments received from the neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for a single-storey rear extension and an attached garage.
- 1.2 The application relates to a two-storey semi-detached dwelling on the west side of Bude Road, Filton.

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 Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Object to retrospective application; suggest a site visit
- 4.2 Other Consultees
No comments received
- 4.3 Local Residents
One letter received expressing the following concerns:
 - A letter was received from the applicant's agent stating that they are the co-owners of the conservatory which has been built; however this has not been built on the boundary or on the writer's property thus they are unsure as to how they could be the co-owners;
 - The writer of the supportive letter has not had to endure both the stress and the mess which has been caused during construction works.
- 4.4 One further letter received in support of the proposal:
 - The work has been undertaken 'very professionally and courteously';
 - The team of builders have made sure their work has always been cleared up and they have 'made a wonderful job to the house';

- 'It makes the house look so much better and hope its spurs the rest of the street to improve their houses too'.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 allows for the principle of new residential development subject to considerations of design, residential amenity and highway safety.

5.2 Design/ Visual Amenity

The application relates to a two-storey semi-detached dwelling on the west side of Bude Road, Filton. Properties along Bude Road are generally all of similar design although many have been altered and extended.

5.3 The application seeks retrospective planning permission for a single-storey rear extension which provides dining room accommodation. This projects 3m into the rear garden area and aligns with the flank walls of the dwelling. The build is encompassed by a lean-to roof with windows either side of patio doors facing down the rear garden.

5.4 The application also makes provision for a garage which stands within the rear garden adjacent to the north flank boundary. The front wall of this structure aligns with the original rear wall of the host dwelling with this garage attached to the aforementioned rear extension. The garage measures 2.6m in width, extends 8m into the rear garden and is encompassed by a pitched roof.

5.5 The garage would appear to replace a previous structure in the same position although concern has been expressed in view of its restricted width and the provision of patio doors within the side elevation. Nevertheless, it is considered that planning permission could not be reasonably withheld solely on this basis provided sufficient on site parking provision is available (see below). In this regard, an application for additional living accommodation in this position might be acceptable.

5.6 In view of the above, there is no objection to the proposal with these extensions considered to be in keeping with the general character of the locality.

5.7 Residential Amenity

The adjoining property is devoid of any rear extensions behind the main house with an attached garage to the far side; it is noted that it is the kitchen window within this rear elevation closest to the boundary. Nevertheless, the new rear addition extends only 3m into the rear garden whilst it is devoid of side facing windows. Further, this dwelling is located south of the application site thus the proposal would not have any significant impact on sunlight. For these reasons, it is not considered that any significant adverse impact in residential amenity has been caused.

5.8 With regards to the comments that have been raised, it is understood that the applicant originally intended to erect a conservatory but the design has evolved to allow this extension. Certificate B has been served on this neighbour that confirms that there might be some encroachment; this therefore comprises a civil matter and thus planning permission could not be reasonably withheld on

this basis. Finally, planning permission could also not be reasonably withheld having regard to any nuisance caused during the construction works.

5.9 Concerning that dwelling to the north, this property sits apart from the host unit by virtue of the two driveways that run alongside these dwellings. Further, this neighbouring dwelling also benefits from an existing garage in a similar position which helps offset the impact of the proposal. As such, it is not considered that any significant adverse impact in residential amenity has been caused.

5.10 All other neighbouring properties are positioned at an appreciable distance from the site of the proposals and thus it is not considered that any significant adverse impact in residential amenity has been caused.

5.11 Highways Safety

The garage is substandard in width and thus is less likely to be used for parking (although it is understood that a car can be accommodated). Nevertheless, sufficient space exists forward of the dwelling for the parking of two vehicles and thus there is no objection to the current proposal on this basis.

5.12 Design and Access Statement

A Design and Access Statement is not required as part of this application.

5.13 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT09/0012/F**

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

CONDITIONS

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

Reason(s):

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

2. No windows shall be inserted at any time in the south (side elevation) of the single-storey extension and the north (side elevation) of the garage hereby approved.

Reason(s):

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

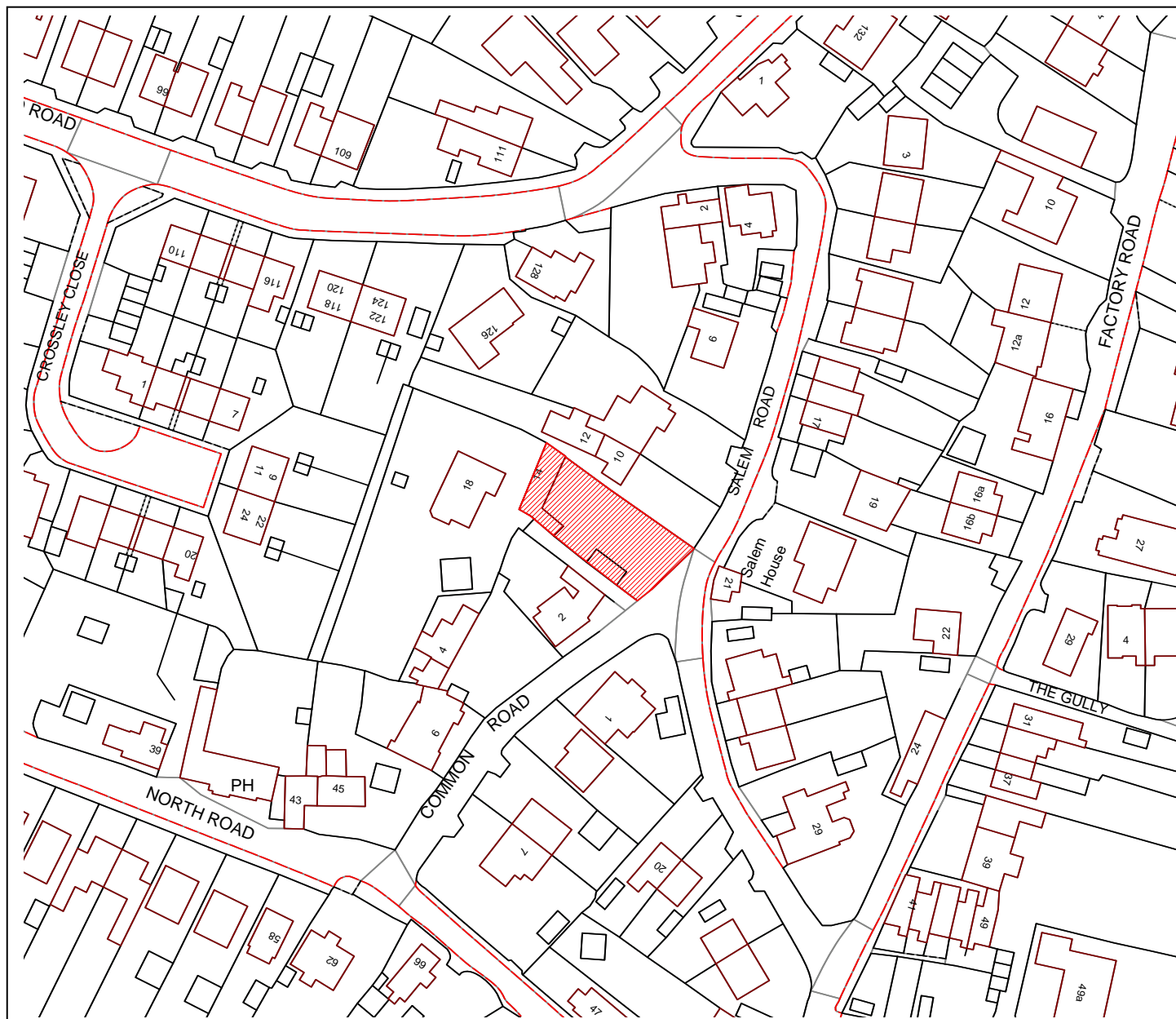
3. Notwithstanding the details hereby approved, this permission does not grant planning permission for the external flue positioned above the single-storey rear extension.

Reason(s):

The flue is not shown on the plans and is positioned at an unacceptable height in close proximity to the neighbouring dwelling. Further consideration of this element of the proposal is therefore required in order to satisfy planning policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 07/09 – 20 FEBRUARY 2009

App No.:	PT09/0013/F	Applicant:	Mrs J Sheldrake
Site:	14 Salem Road, Winterbourne, South Gloucestershire, BS36 1QF	Date Reg:	5th January 2009
Proposal:	Erection of a single storey attached elderly persons annexe, ancillary to main dwelling.	Parish:	Winterbourne Parish Council
Map Ref:	65752 81182	Ward:	Winterbourne
Application Category:	Minor	Target Date:	2nd March 2009



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N.T.S

PT09/0013/F

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 planning permission for a single-storey front extension that would form granny annex accommodation and provide a sitting room, WC and bedroom.
- 1.2 The application relates to a two-storey cottage style dwelling on the west side of Salem Road, Winterbourne.

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 in New Development
H4: Development within Residential Curtilages
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N4709: Demolition of existing outbuildings; alterations & extensions to existing cottage to provide additional living accommodation. Permitted: 17 August 78
- 3.2 N4709/1: Erection of domestic garage. Permitted: 12 July 1979
- 3.3 PT08/2269/F: Erection of detached dwelling & associated works. Withdrawn: 29 September 2008

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection:
- The Parish Council is concerned about parking in this very congested area;
 - The neighbour who attended made the following comments:
 - The site plan is inaccurate, the driveway to no. 18 is included;
 - The roof/ guttering might overhang the drive of no. 18 thus further narrowing access to high sided vehicles;
 - The rainwater soak away must not encroach onto neighbouring units;
 - Service pipes under the drive are very close to the new development;
 - The boundaries are not straight, there must be no encroachment.

- 4.2 Other Consultees
Highway DC: no objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.
- 5.2 Design/ Visual Amenity
The application site forms a two-storey cottage style dwelling set back behind a lengthy front garden on the western side of Salem Road at its junction with Common Road. The property is not readily visible from the highway given the level of tree screening within this front garden whilst there is also a detached garage positioned forward of the property.
- 5.3 The application seeks full planning permission for the erection of an attached granny annexe that would stand adjacent to the southern flank boundary. The proposal would be single-storey and project 8m forward of the host dwelling. It would provide a bedroom and sitting room either side of a central shower room with this behind the main entrance to the proposal.
- 5.4 Pre-application advice sought to discourage any two-storey extension in this position (the host dwelling is devoid of any rear garden) with it considered that a small single-storey addition might be acceptable; this was in view of the a previous single-storey addition that stood in this position and which projected some 5m forward of the property.
- 5.5 The plans submitted detail a slightly larger addition than was anticipated whilst arguably the proposal might appear more ancillary in nature. Nonetheless, the proposal would occupy a discreet position and thus would not be readily visible from the main public viewpoints. Further, it is considered that it would retain the character and appearance of the host dwelling. On this basis, on balance it is considered that there can be no reasonable objection to the current proposal.
- 5.6 Residential Amenity
The neighbouring dwelling to this southern side of the application site sits to the far side of the entranceway which leads to that property behind. Further, it sits forward of the host dwelling aligning with the applicant's existing detached garage. Therefore, and with only velux roof light shown in the rear elevation, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.7 The immediately adjoining property to this side sits back behind the application site overlooking the host dwelling from behind. The driveway to this property adjoins the south flank boundary of the application and already suffers a slight

sense of enclosure given the boundary walls and fencing that run along either side. Nonetheless, it is not considered that the proposal would significantly add to this with any impact not considered sufficient to justify withholding planning permission. For these reasons, there is no objection to the proposal on this basis.

5.8 With regard to those concerns which have been raised by the Parish Council, the Council's site plan has been amended so as not to include this adjoining driveway (there is no error on the applicant's plans) whilst Certificate A has been completed. This confirms that all works would be within the confines of the application site with an informative added to any favourable decision advising that the planning permission does not authorise any works outside of the site boundaries.

5.9 All other neighbouring dwellings are positioned at an appreciable distance from the site of the proposal including those stood to the far side of the application site. In this regard, it is noted that these dwellings contain a number of side facing windows that overlook the applicant's front garden whilst the proposal would also face towards these properties. However, with the proposal single-storey and primarily facing onto this front garden area, it is not considered that permission could be withheld; as such, there is no objection on this basis.

5.10 Highway Safety

There were a number of concerns raised in respect of the previous application for an additional dwelling given that the new vehicular access was considered substandard whilst there was also potential for conflict with the Common Road/Salem Road junction. Nonetheless, this new proposal would introduce annex accommodation which would not be considered to result in a material increase in traffic. On this basis, and subject to a condition which would ensure that the proposal remained ancillary to the dwelling, there is no transportation objection in this instance.

5.11 Design and Access Statement

A Design and Access Statement is not necessary as part of this application.

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

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions:

Background Papers **PT09/0013/F**

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south [rear] elevation of the property as extended.

Reason(s):

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

4. The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 14 Salem Road.

Reason(s):

To accord with Planning Policies D1, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 07/09 – 20 FEBRUARY 2009

App No.:	PT09/0048/CLE	Applicant:	R Mockridge
Site:	759 Filton Avenue, Filton, South Gloucestershire, BS34 7JX	Date Reg:	8th January 2009
Proposal:	Application for Certificate of Lawfulness for the existing use of vehicular access from Filton Avenue to serve the dwelling at 759 Filton Avenue.	Parish:	Filton Town Council
Map Ref:	60937 78853	Ward:	Filton
Application Category:	Minor	Target Date:	9th March 2009



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N.T.S

PT09/0048/CLE

This application appears on the Circulated Schedule given that it forms an application for a Certificate of Lawfulness for an existing use.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness for an existing use in respect of the use of a vehicular access to serve a dwellinghouse.
- 1.2 The application relates to a mid terrace two-storey dwelling on the east side of Filton Avenue close to its junction with Station Road.

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 4 years up to the date of the application as it relates to a dwellinghouse.

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection
- 4.2 Other Consultees
Highways DC: this is an evidential test thus no highway comments are required

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 an existing vehicular access onto Filton Avenue. Planning permission would have been required for this access given that Filton Avenue comprises a classified highway.
- 5.2 The issue for consideration is whether the evidence submitted proves that on the balance of probabilities, this access has been in existence and utilised for a continuous period of four years up to and including the date of this application.

5.3 Evidence in Support of the Application

The applicant's letter received in support of the application states that the dropped curb and hardstanding have been in situ for some 10 to 11 years at which time; the applicant was unaware that Filton Avenue was classified thus necessitating the need for a planning application. Photos and block plans also accompany the application.

5.4 Two letters have been received in support of the proposal from local residents. One letter from the resident of no. 745 Filton Avenue states that the writer has been a neighbour for almost 30 years and that the dropped curb and access has been in existence for at least 10 years and maybe 12 years. The second letter states that the writer has lived next door to the applicant for almost 19 years and again confirms that the access was put in place some 10 to 11 years ago. Further, it is assumed that given it has been here for this length of time, it will be retained when the bus lane is put into place.

5.5 Conflicting Evidence

The evidence provided is accepted as true unless contradictory evidence indicates otherwise. There is no contradictory evidence.

6. **RECOMMENDATION**

6.1 A Certificate of existing lawful use is **GRANTED**.

Background Papers **PT09/0048/CLE**

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

REASON

The applicant has demonstrated that on the balance of probability the existing vehicular access has been in situ for a continuous period in excess of four years prior to the date of the application.

CIRCULATED SCHEDULE NO. 07/09 – 20th FEBURARY 2009

App No.: PT09/0112/F
Site: 2 Gatcombe Drive, Stoke Gifford,
 South Gloucestershire, BS34 8NX
Proposal: Erection of 1 no. semi detached
 dwelling with integral garage and
 associated works.
Map Ref: 61981 79856
Application Category: Minor

Applicant: Mr N Milliner
Date Reg: 20th January 2009
Parish: Stoke Gifford Parish
 Council
Ward: Stoke Gifford
Target Date: 13th March 2009



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 100023410, 2009.

INTRODUCTION

This application appears on the Circulated Schedule in view of the concerns that have been raised by the neighbouring residents and given that a legal agreement is required.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for an end of terrace two-storey dwelling which would include an integral single garage.
- 1.2 The application site comprises an existing end of terrace two-storey dwelling on the corner of Sandringham Road and Gatcombe Drive, Stoke Gifford.
- 1.3 The application comprises a resubmission of PT08/1699F that was refused earlier this year for the following reasons:
 - 1) It is considered that the proposed dwelling would comprise an unsatisfactory form of development by reason of the layout proposed. If allowed, the proposal would therefore be detrimental to the residential amenity of future occupants and the residential amenity of the neighbouring residents. Accordingly, the proposal is considered to be contrary to Planning Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
 - 2) The application fails to provide any mitigation measures to offset the impact of the proposal on the Bristol North Fringe highway network. The proposal is therefore considered to be contrary to planning policy T12 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
PPS3: Housing
PPG13: Transport

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

H2: Proposals for New Residential Development

H4: Development within Residential Curtilages

T7: Cycle Parking

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

L1: Landscape Protection and Enhancement

L18: The Water Environment

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N2483/AP: Erection of 331 dwellings with garages and associated footpaths, parking areas, and landscape scheme. Permitted: 13 September 1977
- 3.2 P94/1172: Erection of two-storey side extension to form dining room and kitchen with two bedrooms over. Permitted: 6 March 1994
- 3.3 P94/2650: Change of use of land to domestic curtilage; new side boundary wall and erection of side attached double garage. Permitted: 16 February 1995
- 3.4 P97/2655: Erection of rear conservatory/ store. Permitted: 6 February 1998
- 3.5 PT05/0114/F: Conversion of garage to reception room. Refused: 14 February 2005
- 3.6 PT05/1402/F: Conversion of double garage into reception room. Permitted: 30 June 2005
- 3.7 PT08/1037/F: First floor extension over garage to facilitate conversion of garage to 1 dwelling. Refused: 22 May 2008
- 3.8 PT08/1699/F: Erection of first floor extension over existing garage to form one dwelling. Refused: 28 October 2008

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council
No comment

4.2 Other Consultees
PROW Officer: no objection in principle
Highways Officer: no objection
Environmental Services: no objections in principle
Technical Services (Drainage): no objection in principle

4.3 Summary of Local Residents Comments:
Two letters received (same neighbour) expressing the following concerns:

- Concerns are expressed with regard to the proposed parking arrangements and the restriction of access to garages at the rear;
- The proposal shows an increase the level of available parking space but parking in front of the existing garages will be lost;
- The immediately adjoining neighbour and the neighbour beyond are both registered as disabled and require 24 hour access to the rear garages via the lane that runs adjacent to the application site;
- The house has already been extended twice and 'further building will detract from the existing outlook';
- Further development will cause visibility problems when driving in and out of the rear garage area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policies H2 and H4 allow for new residential development subject to considerations of design, residential amenity and highway safety. Further, policy H2 cites that the maximum density compatible with the site, its location, accessibility and surroundings should be achieved. As such, the expectation is that a minimum of 30 dwellings per hectare will be provided with upwards of 50 units per hectare where local circumstances permit.

5.2 More specifically, policy H4 cites that new development will only be permitted where it respects the massing, scale, proportions, materials and overall design and character of the street scene and the surrounding area. Proposals should not prejudice the retention of adequate private amenity space with this also provided for any new separately occupied dwelling.

5.3 Policy T12 details that development will only be permitted where it provides safe access capable of accommodating motorised traffic that is generated by the proposal whilst the works should not have unacceptable impact upon road, pedestrian and cyclist safety.

5.4 Design/ Visual Amenity

The application site forms an attached double garage that adjoins a two-storey end of terrace dwelling on the corner of Gatcombe and Sandringham Roads; the site also includes the driveway to the front of this garage and the strip of garden land to the rear. Planning approval is sought for the erection of a two-storey attached dwelling in lieu of this existing garage.

5.5 The new dwelling would be of similar design to the existing property and would be stepped back slightly to help ensure a visual break in the newly extended building line and reflect the curvature of the existing terrace. This would dictate a minimal projection at the rear with a single-storey lean-to extension at ground floor similar to that of the existing dwelling. Accommodation would comprise a single garage, kitchen and lounge/ dining room at ground level with two bedrooms and a bathroom above.

5.6 This proposal differs from the previous schemes given that it would now allow a self-contained dwelling in lieu of the first floor flatted accommodation originally proposed; this was in order that the applicant retained use of the existing double garage. Nonetheless, this previous arrangement introduced objections in relation to the proposed relationship between the dwellings whilst the initial application would also have been larger extending well beyond the rear building line at first floor.

5.7 In response to this current proposal, the previous refusal reasons in respect of the last applications have not sought to preclude residential development at this site with the addition of first floor accommodation considered to be acceptable in principle. As such, with the proposal now considered to reflect the massing, scale and design of the existing dwelling, there is no objection to the current proposal on this basis.

5.8 Density

Planning policy H2 advises that the maximum density compatible with the site, its location, its accessibility and surroundings should be achieved. In so doing, the expectation is that development will achieve a minimum density of 30 units per hectare with higher densities achieved where circumstances permit.

5.9 In this instance, the application site measures some 0.0105Ha, therefore the proposal would allow for a density of development equating to over 95 units per hectare. This exceeds the minimum threshold level and thus as per the previous applications, there is no objection to the proposal on this basis.

5.10 Residential Amenity

The neighbouring dwelling forms a two-storey unit which benefits from a single-storey extension to the rear in addition to this attached garage. The impact of the proposal on this neighbouring dwelling formed the basis for the first refusal reason in respect of the previous scheme given the contrived relationship that was proposed; this was by reason of the internal arrangement with garaging retained by the applicant and with rear workshop behind also retained allowing direct views into the newly formed garden area.

5.11 This proposal seeks to address this objection given it would allow the creation of a separately occupied dwelling with the existing residential curtilage divided. In this regard, the new boundary would align with the flank wall of the existing dwelling with the new garage within the ownership of the new occupants and with the rear workshop removed. Further, its size has been reduced since the time of the initial application with the ground floor lean-to to align with that of the existing property and with the build to project only 0.5m at first floor. As such, this proposed relationship is now considered to be acceptable with it is also noted that any overlooking into either garden would be at an oblique angle only (not uncommon within a residential area). As such, there is now no objection on this basis with no significant adverse impact in residential amenity considered to be caused.

5.12 All other neighbouring units stand at an appreciable distance from the proposal. As such, it is not considered that permission could be reasonably withheld with regard to any impact on these dwellings. This is despite the concerns raised regarding restrictions to access with any associated issues considered to form a civil matter: all building works would be within the confines of the application site with certificate 'A' having been signed.

5.13 Highway Safety

Following implementation of the proposal, a total of three parking spaces would be provided with one in the garage (for the new dwelling) and two to the front of the existing dwelling. This differs from the arrangement previously shown with the applicant seeking to retain a garage space and parking for the new unit provided in front of the existing property.

5.14 In this instance, there is no transportation objection to the proposal with the level of parking provided for both the existing and new dwelling considered to be acceptable; the revised parking arrangement is also considered preferable.

5.15 There is some concern that the proposed building is shown very close to the flank boundary of the site; in this regard, the applicant should be aware that any encroachment onto the public highway would be unlawful.

5.16 The proposed development is also applicable for a contribution towards the North Fringe (Transport Measures) scheme, assessed at £1800 per dwelling and secured via appropriate legal agreement prior to the issue of any planning permission.

5.17 Amenity Space

The host dwelling would retain the area of garden space directly to the rear of this existing property with the proposal to benefit from the area of garden land behind. Accordingly, it is considered that sufficient amenity space would be provided for both dwellings thus there is no objection to the current proposal on this basis.

5.18 Outstanding Concerns

Neighbours have expressed concern with regards to the impact of the proposal during construction works given that access might be restricted to the adjoining garages. To this extent, any approval would not authorise works outside of the site where the consent of any adjoining land owner would firstly be required.

5.19 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.

5.20 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, having regard to the above advice, the transportation improvements are appropriately the subject of a legal agreement and would satisfy the tests set out in Circular 05/2005. The most appropriate route would be through an agreement under section 278 of the Highway Act 1980.

6. CONCLUSION

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

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

January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That Authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission subject to conditions set out below and the applicant first voluntarily enter into an agreement under Section 278 of the Highway Act 1980 to secure the following:
- 7.2 A contribution of £1800 towards the North Fringe Development Proposal (Transport Matters) initiative. The reasons for this agreement are to mitigate against the impact on the Bristol North Fringe local road network to comply with Policy T12.
- 7.3 Should the section 278 agreement fail to be determined within 6 Months of this resolution, then the application is refused on the failure to secure the head of term set out in section 1 of the recommendation; or alternatively the matter should be referred back to the Circulated Schedule.

Background Papers **PT09/0112/F**

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. Notwithstanding the provisions of 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 and B), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers, all to accord with Planning Policies D1, H2, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the buildings is occupied. Development shall be carried out in accordance with the approved details.

Reason(s):

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

5. 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 (with the garage occupied in association with the new dwelling).

Reason(s):

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

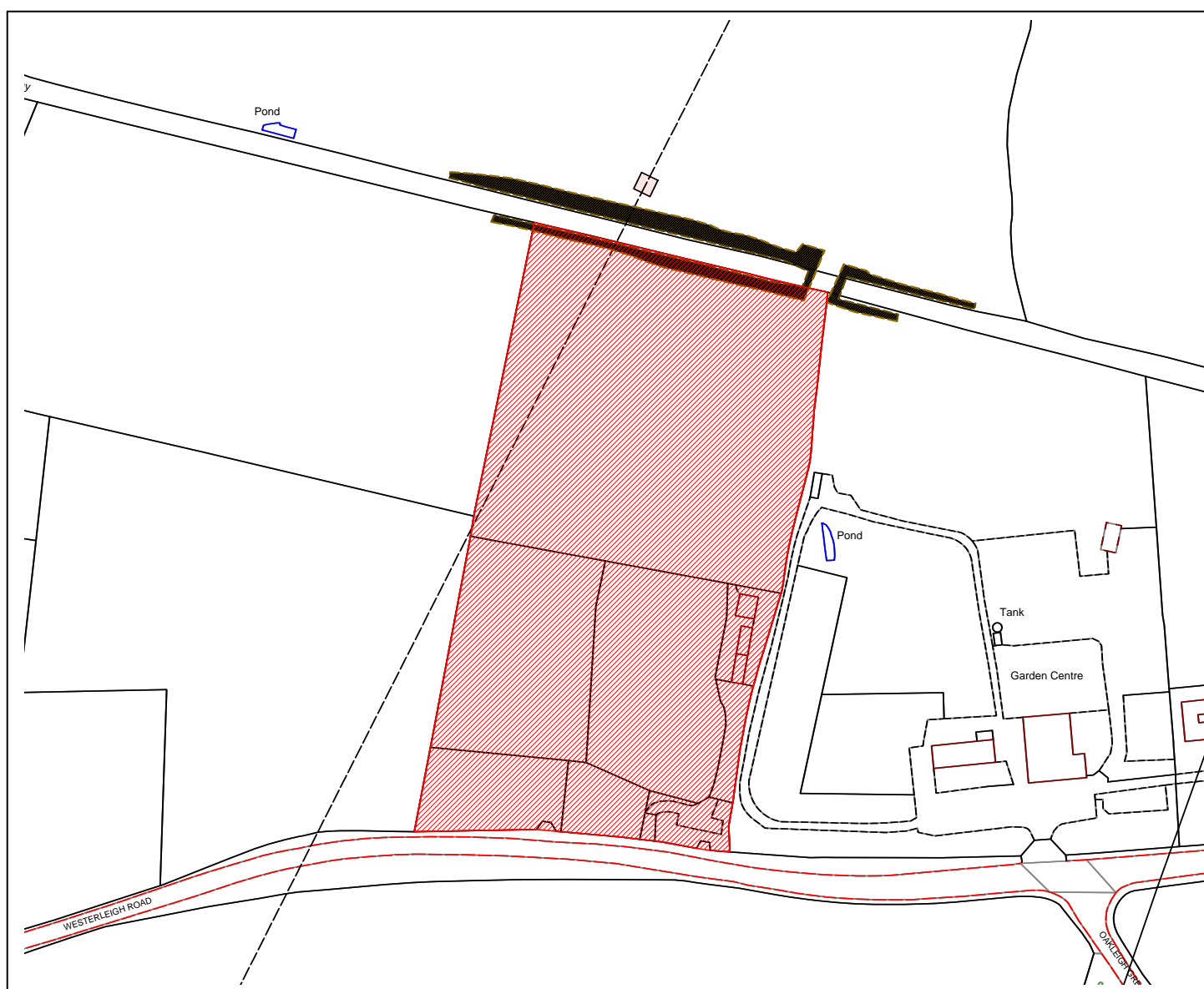
6. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason(s):

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

CIRCULATED SCHEDULE NO. 07/08 – 20 FEBURARY 2009

App No.:	PT09/0130/F	Applicant:	Mr L Kemp
Site:	Abbots Stables, Westerleigh Road, Westerleigh, South Gloucestershire BS37 8QH	Date Reg:	21st January 2009
Proposal:	Change of use of land from keeping of horses to horticultural with ancillary retail. Erection of polytunnels and glasshouses. Construction of carpark, plant sales area and water retention pond. Construction of new vehicular access. (Resubmission of PT08/1389/F)	Parish:	Westerleigh Parish Council
Map Ref:	68726 79282	Ward:	Westerleigh
Application Category:	Minor	Target Date:	20th April 2009



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PT09/0130/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to the proposal representing major development and a letter of objection received.

1. THE PROPOSAL

- 1.1 This full application relates to the change of use of land from keeping of horses to horticultural and retail (Class A1 use); erection of polytunnels and glasshouses; construction of car park and service yard; formation of new vehicular access; laying out of plant sales area and formation of water retention pond at Abbots Stables, Westerleigh Road, Westerleigh.
- 1.2 The application site has an area of approximately 2.92 hectares. It is broadly rectangular in shape, its southern boundary fronting onto Westerleigh Road. To the rear of the site is a disused railway line which is also a designated major recreational route. To the east lies Henfield Nurseries and Garden Centre and to the west an agricultural field. The site is enclosed by mature hedgerows and laid to grass. It is currently vacant but was last used for the keeping of horses and stabling purposes. At present a stable building and hay barn are on the site, adjacent to the eastern boundary and set back from Westerleigh Road by some 70m. These are to be demolished. The site currently has a 6m wide access off Westerleigh Road with a hardcored track and turning area for horseboxes and trailers. A main gas pipeline crosses the site as well as a high voltage overhead electricity line.
- 1.3 The application site lies within open countryside and within the Green Belt. It also is on a gradient, rising some 9m from the Westerleigh Road frontage to the north of the site. It is particularly open to the west.
- 1.4 The purpose of the application is to allow the applicant to relocate his existing business, Kemps Plants, from Westerleigh village. The 0.3 hectare site is rented on an annual basis and the landlord is terminating the rental agreement. The applicant should have vacated the site in June 2008 and has not been offered a new lease. The site has been chosen due to the applicant's existing customer base, ability to increase production with a larger site area and the southerly aspect of the site.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPG6	Planning for Town Centres
PPS7	Sustainable Development in Rural Areas
PPS9	Biodiversity and Geological Conservation
PPG13	Transport

2.2 Development Plans

<u>Joint Replacement Structure Plan</u>	
Policy 16	Green Belts

- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
- D1 Design
 - L1 Landscape Protection and Enhancement
 - L4 Forest of Avon
 - E9 Agricultural Development
 - GB1 Development Within the Green Belt
 - T8 Parking Standards
 - T12 Transportation Development Control Policy for New Development
 - RT5 Proposals for Out of Centre and Edge of Centre Retail Development

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

3. RELEVANT PLANNING HISTORY

- 3.1 P97/1484 Use of land for the keeping of horses. Erection of 6 stables and hay barn and alterations to existing access. Approved 11 August 1997.
- 3.2 PT05/3593/F Change of use of land from keeping horses to horticultural and retail (Class A1 use). Relocation of stables to facilitate erection of retail and plant storage building, potting shed and polytunnel. Construction of car parks, access and plant sales area. Landscaping of nature reserve, reshaping of pond and construction of new pond. Withdrawn April 2006.
- 3.3 PT06/2253/F Change of use of land from keeping horses to horticultural and retail garden centre (Class A1). Relocation of stables to facilitate erection of retail and plant storage building, potting shed, office and polytunnel. Construction of car parks, access and plant sales area. Landscaping of nature reserve, reshaping of pond and construction of new pond. Withdrawn September 2006.
- 3.4 PT08/1389/F Change of use of land from keeping of horses to horticultural and retail (Class A1 use). Erection of polytunnels and glasshouses. Construction of car park, plant sales area and water retention pond. Withdrawn July 2008.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
 No objection.
- 4.2 Sustainable Transport
 No objection.

4.3 Wessex Water

The site is located within a foul sewerage area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal. The development proposes to dispose of surface water to existing water course or pond/lake. Advises that the Council should be satisfied with any arrangement for the satisfactory disposal of surface water from the proposal. Bristol Water Company is responsible for water supply in the area.

4.4 Environment Agency

No objection subject to conditions.

4.5 Local Residents

1 letter of objection has been received objecting to the proposal on the following grounds:-

- a) would affect our neighbouring horticultural business;
- b) Roman Road and fuel pipes go through the land;
- c) road is fast and entrance on a bad bend.

(Of the above **a** is not a relevant planning objection. With regard to **b**, the Roman Road runs in a north-east to south-westerly direction and is located over 100m away, passing through the adjacent Oakley Green Nurseries to the east. In terms of the gas line, the proposed buildings have been sited having regard to the proximity of the gas pipe where there is a requirement under the GPSS Wayleave that no development should take place 3m either side of the pipeline route).

5. ANALYSIS OF PROPOSAL

5.1 The Proposal

The application incorporates a number of elements. The proposal involves the change of use of land from the keeping of horses to horticultural and retail and the erection of glasshouse, growing polytunnel and open sided polytunnels. The built development is located to the south-eastern part of the site. The glass house has a floor area of 225m² and measures some 15m in width and length and a ridge height of 4.7m. The open-sided polytunnels are located adjacent to the glasshouse and have a floor area of 915 (787)m². This structure has a maximum length and width of 38m and 30m respectively, is arranged as a series of spanned structures, each with a maximum height of 3.6m. The growing polytunnel is a detached, single span structure with floor area of 180 (297)m². It has a length of 20m, width of 9m and a maximum height of 3.9m. The overall floor area of the glasshouse and polytunnels is 1320m².

5.2 To the west of the built development is a proposed nursery plant display and sales area with an area of 923m². Car parking for 36 vehicles is also provided. The majority of the site (19,000m²) will be used as nursery stock open ground growing area.

5.3 In the assessment of this application the main issues to consider are green belt issues including an agricultural appraisal, retail, policy, design, transportation, landscaping and ecology.

5.4 Green Belt

National advice in terms of Green Belt policy is set out in PPG2 and reflected under Policy 16 of the approved Joint Replacement Structure Plan and Policy GB1 of the adopted local plan. This advice sets out the limited categories of development normally considered appropriate within the Green Belt. In land use terms the use of a site for horticultural purposes is generally regarded as agricultural. Buildings constructed for agriculture are considered an appropriate development in Green Belt areas, and therefore accord with Green Belt policy.

5.5 Retail

It is recognised that the application refers to a degree of retail use. However, it is considered that advice contained within PPS6 and retail policy in the adopted local plan does not apply in this instance due to the ancillary and minor nature of the proposed retail use. It is established that retailing may be ancillary to agriculture/horticulture provided the only products to be sold are grown at the holding. The main issue to consider in the assessment of this application is the level of retailing which would be undertaken from the site and whether this would constitute predominantly a retail use such as a garden centre.

5.6 The application has been independently assessed by the Council's Agricultural Consultant. The applicant proposes to relocate his current horticultural business, Kemps Plants, from Westerleigh village which is restricted in size and the lease has been terminated. The applicant grows a full range of bedding plants, perennials, herbaceous plants and trees etc. The majority of the bedding plants are grown from seed, ensuring that the applicant is not reliant on buying in plugs. This results in a much higher return per plant and a greater self-reliance. Herbaceous plants are grown from root cuttings and the applicant buys in bare root stock, such as fruit trees and landscaping trees to grow for sale. Some specialist plants are bought in. However, the vast majority of the stock is grown from seed or root cuttings. There are a certain amount of imported goods for sale such as compost and garden accessories but this forms a very small part and less than 5% of the sales.

5.7 The applicant, based on the success and popularity of Kemps Plants wishes to continue in the same vein, producing the vast majority of his stock from seed or cuttings and making the most of the 5 acres of open area of land available to harden off the plants, as well as growing other varieties and vegetables.

5.8 The Agricultural Consultant is of the view that it is highly unlikely that the applicant will go down the route of importing a greater proportion of goods directly for sale as opposed to propagating or growing on plants as would befit a horticultural nursery. It is recognised that the vast majority of stock would be sold to visiting members of the public, as has been the mainstay on the present site. However, if the majority of those plants have been propagated and in this particular case many will have been grown from seed, then despite this method of sale, it would still be classed as a horticultural unit rather than a retail business. This is also true of plants that have been bought in but grown on, hardened off etc. and then sold to the public. Effectively this is a form of propagation and would also come under the title of horticulture as opposed to retail sale.

- 5.9 In conclusion, the intention of the applicant is to maintain the proposed business as a horticultural business, producing a high proportion of stock from seed and cuttings. It is not considered necessary to impose a condition restricting the amount of retail sales as the levels proposed ensure that the site is predominately in horticultural use. If retail sales increase this would be vulnerable to enforcement action it is considered a material change of use has occurred. An informative is proposed in the event of an approval to indicate this moreover the description of development explicitly refers to the retail as “ancillary”
- 5.10 Agricultural Policy
It has been established under the preceding paragraphs that in Green Belt terms the proposal is acceptable as the use would constitute an agricultural use. In assessing applications for agricultural development policy E9 of the adopted local plan is particularly relevant and sets out the criteria against which such proposals are considered. Agricultural buildings are only permitted where they are sited on land in use for agricultural purposes and are acceptable in transportation, environmental and residential amenity terms. The site was previously used for the keeping of horses but is currently vacant and as such is acceptable in this respect. In terms of transportation, this issue will be addressed separately below.
- 5.11 In environmental terms, the use of the site for horticultural purposes is appropriate. No objections have been raised from the Council’s Environmental Health Officer, Wessex Water or the Environment Agency. With regard to residential amenity issues, the nearest residential property is that associated with the adjoining premises of Henfield Nurseries, located over 85m away from the site boundary. Having regard to this distance and existing boundary treatment it is considered that the proposal is acceptable in this respect.
- 5.12 Design
The proposed nursery buildings consist of a glasshouse, a polytunnel and open sided polytunnels. The buildings are utilitarian in appearance and appropriately designed, the majority being open in appearance due to the nature of the structures. It is considered that the application is acceptable in this respect and would be assimilated within this rural landscape.
- 5.13 Transportation Issues
The access has been centralised within the site and the hedgerow set back along the frontage to provide an acceptable level of visibility in both directions. Consideration has also been given to forward visibility so that westbound traffic can slow for stationary right turning vehicles. The access has been widened to facilitate the turning movements of larger service vehicles with minimal manoeuvring required on the carriageway. Two-way vehicle movements can be accommodated at the access. An appropriate level of vehicle parking is also provided although cycle storage facilities should also be included.
- 5.14 No transportation objection is therefore raised to the proposal subject to conditions.

5.15 Landscaping

The site lies within the Green Belt and the land rises up towards the north. There is a dismantled railway embankment on the northern boundary which is well vegetated and screens the site from views from the north. There is a substantial hedge to the west, partially screening the site from views from Box Hedge Farm Lane, which a major recreational route passes along, and the open countryside beyond. Additional screen planting consisting of a 5m wide tree belt is proposed along the entire western boundary of the site.

5.16 A fairly substantial hedge runs along the eastern boundary of the site separating it from Henfield Nurseries. The site will be visible from distant views from the Pucklechurch Ridge to the south west. There is a public footpath along the top and down the side of this ridge. There is a substantial hedge along the front of the site along its boundary with Westerleigh Road. However, in order to improve the visibility splay at the proposed entrance to Westerleigh Road, a section of the hedgerow will be removed. This will increase the visual impact of the development from views to the south and from Westerleigh Road. In order to minimise the effects of removing the hedge it is important that the new hedge establishes well and quickly. A detailed planting specification and five year management statement should be a condition of any planning permission. A number of standard trees should also be included within the new hedge.

5.17 The proposed structural elements of the open sided polytunnels and glass house will be powder coated white. This colour will increase the visibility of the development from Westerleigh Road and the open countryside, including the Pucklechurch Ridge. A dark or khaki green colour would be preferable and this can be a condition of any consent. The roof of the proposed glasshouse structure is profiled metal and this colour finish will also be a condition of any planning consent.

5.18 Ecology

The site comprises fields which appear to be sown grassland of limited botanical interest and unlikely to support any protected or local Biodiversity Action Plan Species. The field hedge between the existing garden centre to the eastern boundary appears to be species rich and is likely to support a range of birds, insects and small mammals. If planning permission is granted, a condition should be imposed to require a management strategy for the existing eastern boundary hedge and for the proposed created habitats, including the new hedges, pond, woodland strip and grassland. This management strategy should include a survey of the existing hedge in its current condition.

5.19 Other Issues

With regard to the issue of the Roman Road, it is located over 100m away to the east and runs in a north-east to south-westerly direction, passing through the adjacent Oakley Green Nurseries. Although a roadside settlement is possible the application site was archaeologically monitored during the construction of the Seabank to Pucklechurch pipeline where no archaeological finds or features were noted.

5.20 In terms of the gas line, the proposed buildings have been sited having regard to the proximity of the gas pipe where there is a requirement under the GPSS

Wayleave that no development should take place 3m either side of the pipeline route.

5.21 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.

5.22 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission be granted.

Background Papers **PT09/0130/F**

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

CONDITIONS

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

Reason(s):

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

2. No development shall commence until the access has been constructed and the visibility splays shown on approved plan 'ITB4083-GA-004' have been provided, with no obstruction beyond a height of 0.9m above the nearest carriageway level. The visibility shall be maintained free of obstruction at all times.

Reason(s):

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

3. No development shall commence until detailed plans showing the provision of cycle parking facilities in accordance with Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and approved in writing by the Council. The approved cycle parking facilities shall be provided prior to the first occupation of the building and thereafter retained for that purpose.

Reason(s):

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

4. No development shall commence until an ecological management plan for the existing eastern boundary hedge and the proposed new hedges, pond, woodland strip and grassland 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(s):

To protect the wildlife and the ecological interests of the site, in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall commence until a scheme of landscaping, including a 5 year management plan, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason(s):

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

6. No development shall commence until, and notwithstanding the approved plans, details of the colour finish to the glasshouse roof and the structural elements to the proposed open-sided polytunnels and glasshouse shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the avoidance of doubt the colour finish shall be a dark or khaki green finish.

Reason(s):

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

7. No development shall commence until drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

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

Reason(s):

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.

9. All surface water run-off from outside storage, parking or vehicle washdown areas shall pass through a properly constructed oil/ petrol interceptor or such other alternative system as may be agreed with the Local Planning Authority, before discharge to the public sewer, or other drainage system.

Reason(s):

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.

10. No development shall take place until a scheme for the provision of foul and surface water drainage has been submitted to approved in writing by the Local Planning Authority and the development when carried out shall conform to the details approved.

Reason(s):

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

CIRCULATED SCHEDULE NO. 07/09 – 20 FEBRUARY 2009

App No.: PT09/0148/CLE

Applicant: Mr C Draper C J
Draper Welding &
FabricationSite: Sundance, Hortham Lane,
Almondsbury, South Gloucestershire,
BS32 4JP

Date Reg: 26th January 2009

Proposal: Application for certificate of lawfulness
for the existing use as residential
without compliance with agricultural
occupancy condition attached to
planning permission SG10297.Parish: Almondsbury Parish
Council

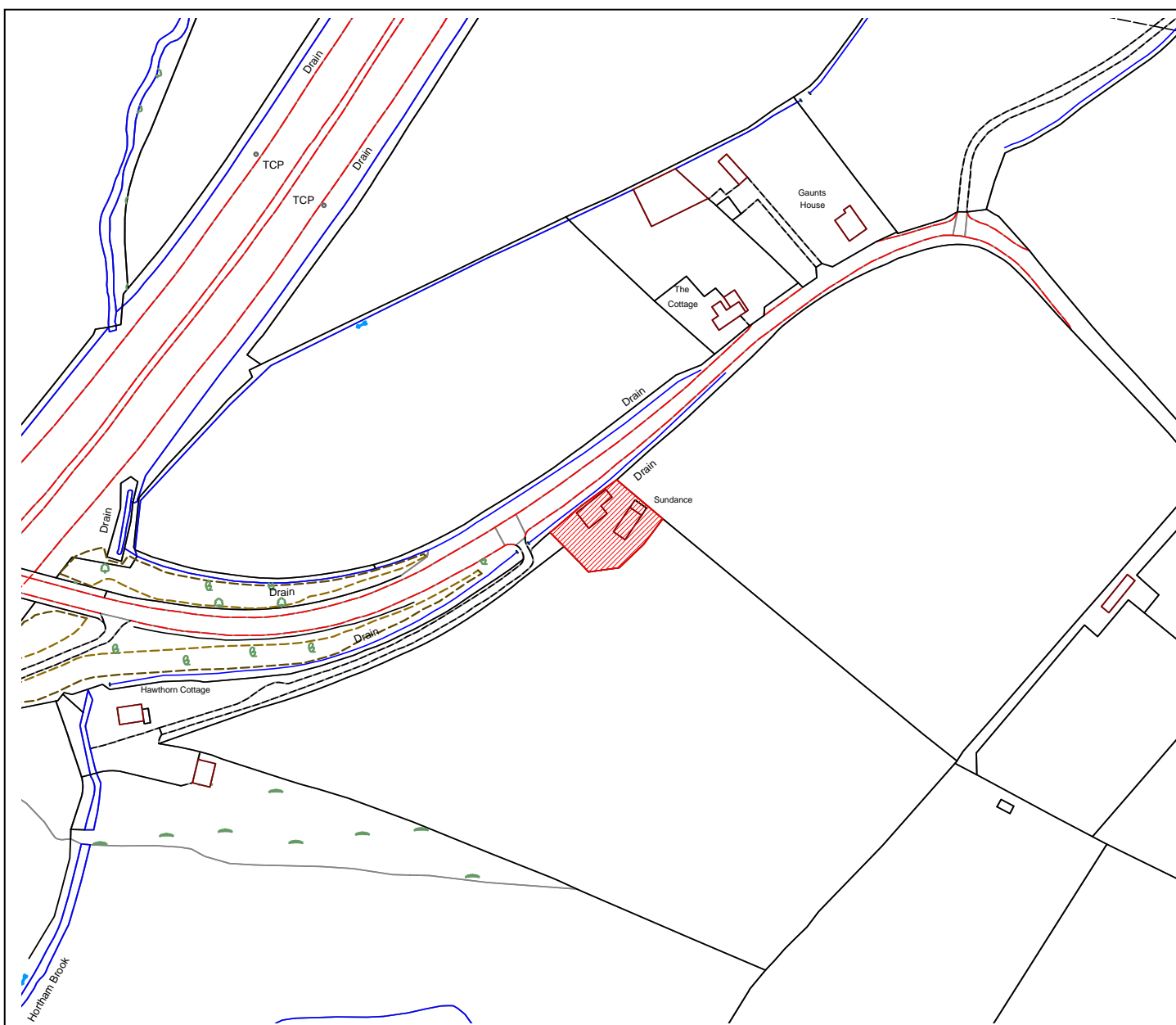
Map Ref: 63010 84320

Application Category: Minor

Ward: Almondsbury
Target Date: 19th March 2009

Category:

Date:



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N.T.S

PT09/0148/CLE

This application comprises a Certificate of Lawfulness and thus appears on the Circulated Schedule.

1. THE PROPOSAL

1.1 The application submitted comprises a Certificate of Lawfulness in respect of the occupation of Sundance, Almondsbury without compliance with the agricultural occupancy condition attached to planning permission SG10297.

1.2 The application site forms a detached dwelling on the south side of Hortham Lane, Almondsbury. The property lies in isolation and is positioned within the open countryside beyond any settlement boundary.

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 in breach of this condition for a continuous period of 10 years up to the date of this application.

3. RELEVANT PLANNING HISTORY

3.1 PT04/1755/RVC: Continued use of dwelling without complying with condition f attached to permission N2558 dated March 22 1976 (limiting occupancy to persons employed in agriculture or forestry and the dependents of such persons). Refused: 2 July 2004

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council
No comments received

4.2 Other Consultees
Highways DC: evidential test, no highway comments required

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 detached Sundance on the southern side of Hortham Lane, Almondsbury with it seeking to demonstrate that this dwelling has been occupied without compliance to the agricultural occupancy condition attached to this unit (condition c of permission SG10297).

5.2 As such, the issue for consideration is whether the evidence submitted proves that on the balance of probabilities, this dwelling has been occupied for a continuous period of 10 years up to the date of this application without compliance with this condition. The application is purely an evidential test that is irrespective of planning merit.

5.3 History of Dwelling

Planning permission for the dwelling was initially granted in 1970 (SG10297) with the following condition attached:

'The occupation of the dwelling shall be limited to persons solely employed or mainly or lastly employed locally in agriculture as defined by Section 221(1) of the Town & Country Planning Act, 1962, or on forestry and the dependents (which shall be taken to include a widow or widower) of such persons.'

5.4 An application was received in 2004 to remove this condition (PT04/1766/RVC) although it would appear that reference was made to the wrong application with this relating to N2558. This historic reference refers to outline permission for a further dwelling within the adjoining field with a similar condition attached. This was not implemented whilst the 2004 application was refused:

'The proposal fails to comply with policy H8(b) of the South Gloucestershire Local Plan (Revised Deposit Draft) in that there exists no evidence of a genuine and unsuccessful attempt to market the property at a realistic price reflecting the occupancy condition and no demonstrable evidence has been presented establishing that there exists no agricultural need within the locality. As such no realistic assessment of the potential need for such accommodation in the area has been submitted in support of the application as advised in PPS7 (Annex I).'

5.5 The applicant's case for removal of this condition stated that farming activities had ceased with no occupier of the dwelling having worked in agriculture for at least 20 years. However, there was no evidence of any marketing of the building at a realistic price that would have reflected this condition whilst there was no evidence to indicate that such accommodation was not required locally; in this regard a full agricultural appraisal was considered to be necessary. It is noted that planning policy H8 has now been deleted.

5.6 Evidence in Support of Application

The application is supported by a sworn affidavit submitted by the joint owner of the property. This states that after leaving school, the writer worked on his father's farm at Manor Farm, Gaunt's Earthcott. In 1971, an application was approved for the erection of a new farm worker's dwelling tied to Manor Farm; the writer and his wife moved into the property in the same year.

5.7 The writer ceased working for his father in 1972 and started a new job as an engineer with Geoffrey Shipp Engineering at Old Sodbury. The writer was employed here until 1976 and during this time, remained at Sundance.

5.8 In 1976, the writer established his own mobile welding and fabrication business which has been in operation for the previous 32 years. Meanwhile, Manor Farm was sold in 1992 following the retirement of the writer's father with the

ownership of Sundance transferred to the writer and his wife. Both have continued to live at this address since this date (including their children whom have since moved away) with no one at this address employed for purposes related to agriculture, forestry or any similar activity.

- 5.9 Further letters in support of the application have been received. These include a letter from Whittaker Gregory and Company chartered accountants (dated October 31 2008) who confirm that they have acted on behalf of the applicant for the previous 15 years during which time; he has carried out the business of welding and machinery repair. A letter has also been received from the managing director of Shipp Engineering (dated September 7 2007) which states that the applicant worked for this business between 1972 and 1976 since which time, he has worked as a self employed mobile welder and fabricator.
- 5.10 In further support of the application, letters have been received from Alan Coward Portacabin and Container Transport Services (dated 27 March 2007) and Yate Windows (dated 30 August 2007) stating that the applicant has undertaken work for them; the second letter also confirms his address.
- 5.11 Two more letters from Fred R Powell & Son Ltd (dated 30 August 2007) and Phil Weeks Welding Machines (dated 8 November 2008) state that materials have been supplied to the applicant's business; since 2003 in the case of the former and 1994 in the case of the latter.
- 5.12 Finally, two letters have been received from neighbours of the applicant (dated January 19th 2009 & 24 September 2007) confirming the applicant's occupation and in the case of the latter, state that to the best of their knowledge, there has not been any involvement in agriculture or forestry.
- 5.13 Conflicting Evidence
The evidence provided is accepted as true unless the contradictory evidence indicates otherwise. There is no contradictory evidence.

6. RECOMMENDATION

- 6.1 A Certificate of existing Lawful Use is **GRANTED**.

Background Papers **PT09/0148/CLE**

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

The applicant has demonstrated on the balance of probability that the dwelling has been occupied without compliance with the agricultural occupancy condition attached (Condition 'c' of SG10297) for a continuous period of 10 years immediately prior to the date of this application.