



**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. 01/09

Date to Members: 09/01/09

Member's Deadline: 15/01/09

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: 09/01/09

SCHEDULE NO. 01/09

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

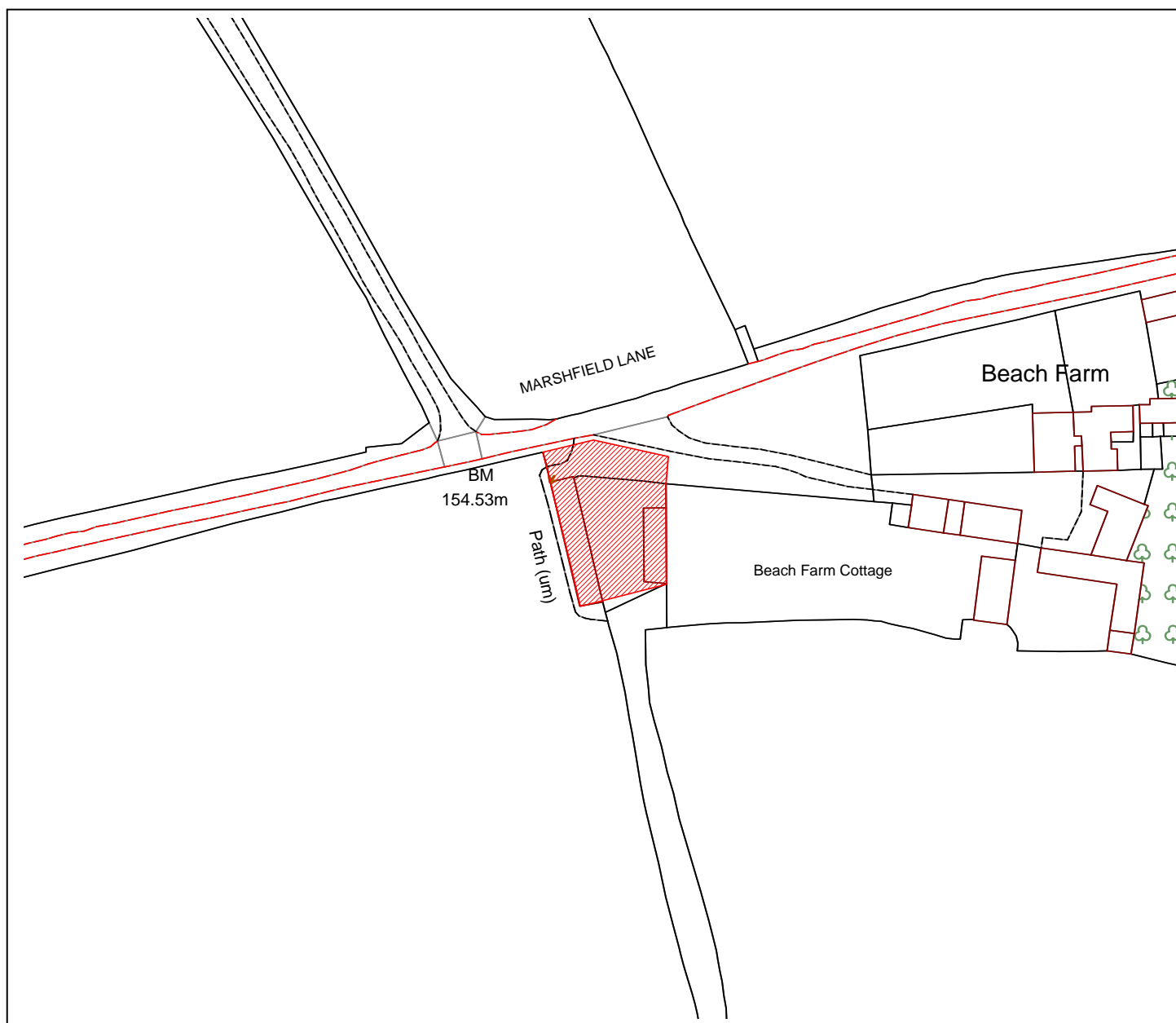
DATE

Circulated Schedule 09 January 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK08/1753/F	Approve with conditions	The Fattig Shed, Beach Farm, Hanging Hill, Wick, South Gloucestershire, BS30 5RW	Bitton	Bitton Parish Council
2	PK08/2859/F	Approve with conditions	Bristol Christian Fellowship, Soundwell Centre, Soundwell Road, Bristol, BS16 4QR	Staple Hill	
3	PK08/3066/TRE	Approve with conditions	Land to the side of 1 Fussell Court, Kingswood, South Gloucestershire, BS15 4EU	Woodstock	
4	PK08/3069/F	Refusal	The Cabin, Lydes Vale, Dodington Lane, Dodington, Bristol, South Gloucestershire, BS37 6SB	Westerleigh	Dodington Parish Council
5	PK08/3100/F	Approve with conditions	Two Stacks, 94 London Road, Warmley, South Gloucestershire, BS30 5JL	Siston	Siston Parish Council
6	PT08/2932/F	Approve with conditions	132 Gloucester Road, Patchway, South Gloucestershire, BS34 5BP	Patchway	Patchway Town Council
7	PT08/3048/F	Approve with conditions	Overdowne, The Dingle, Winterbourne Down, South Gloucestershire, BS36 1AA	Winterbourne	Winterbourne Parish Council
8	PT08/3060/F	Approve with conditions	Broadway, The Common East, Bradley Stoke, South Gloucestershire, BS34 6AY	Bradley Stoke Central and Stoke Lodge	Bradley Stoke Town Council
9	PT08/3122/F	Approve with conditions	3 Itchington Road, Tytherington, South Gloucestershire, GL12 8QE	Ladden Brook	Tytherington Parish Council
10	PT08/3123/F	Approve with conditions	5 Heath Close, Winterbourne, South Gloucestershire, BS36 1LQ	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 01/09 – 9 JANUARY 2009

App No.:	PK08/1753/F	Applicant:	Mr & Mrs Todd
Site:	The Fattig Shed, Beach Farm, Hanging Hill, Wick, South Gloucestershire, BS30 5RW	Date Reg:	27th June 2008
Proposal:	Conversion of barn to form 1 no. holiday accommodation unit. (Re- submission of PK08/0364/F).	Parish:	Bitton Parish Council
Map Ref:	71435 70616	Ward:	Bitton
Application Category:	Minor	Target Date:	12th August 2008



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100023410, 2008.

N.T.S

PK08/1753/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule Procedure as a result of objections received from a local resident and the Parish Council regarding the proposed development.

1. THE PROPOSAL

- 1.1 This planning application seeks permission for the conversion of a detached single storey outbuilding to that of holiday accommodation.
- 1.2 The application site is located within the open countryside and within the designated Green Belt and the AONB. The building is curtilage listed with that of Beach Farm.

2. POLICY CONTEXT

2.1 National Guidance

- PPG1 General Policy and Principles
PPG2 Greenbelt
PPG15 Planning and the Historic Environment

2.2 South Gloucestershire Local Plan

- D1 Design
E7 Conversion and Reuse of Rural Buildings
E11 Tourism
GB1 Greenbelt
L1 Landscape Protection and Enhancement
T12 Transportation
L2 Cotswolds Area of Outstanding Natural Beauty.
EP1 Environmental Protection.
L9 Species Protection
L13 Listed Buildings

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates to the application site:
- 3.2 PK08/0364/F Conversion of agricultural building to 1 holiday cottage
Withdrawn March 2008
- 3.3 PK08/2804/LB Internal and external alterations
Listed Building Consent granted.

4. CONSULTATION RESPONSES

4.1 Wick & Parish Council

Councillors found the drawings of a poor quality and therefore did not fully understand the intentions of the applicant. They felt that their previous comments were still applicable ie. they had no objections to the application but felt that the following concerns need to be addressed:

- 1) PBN 59 runs beside the building and a window is shown on this elevation. The window would have to open inwards in order not to obstruct the footpath;
- 2) it would be preferable if the adjacent building were to be upgraded at the same time;
- 3) a condition limiting letting to any one person to a maximum of 42 days per year is requested to avoid future claims for the building as a dwelling; and
- 4) officers are asked to ensure that there is adequate visibility for drivers leaving the site as vehicles travel at speed along this lane. It was not clear if the window which had been proposed to open onto PBN59 still did so, although on the end elevation now rather than the side, which appears to be land outside of the development area.
- 5) Councillors could not understand why the development site shown had been changed from the previous application, unless it was to provide the site with direct road access. If this is so, it is essential that a condition is attached to any permission limiting the use as a holiday let so as to avoid claims for its use as a separate dwelling.
- 6) Overall no objection, but would like there to be a condition that the units are only used as holiday lets.

Other Representations

4.2 Local Residents

One letter has been received on behalf of a local tenant raising the following objections regarding the proposed development:

- Site is used for collecting and loading livestock being the only available land.
- Position of PROW was shown as being east of building.
- The buildings are utilised as holding pen and the access provides the only access onto Marshfield lane. If this is not available then a new access will be required.
- Is a bat a& bird survey required with this application?

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E7 of the South Gloucestershire Local Plan allows for the change of use of existing buildings outside the settlement boundary for employment uses e.g. agricultural, industrial, commercial or tourism purposes.

5.2 In addition Policy E11 supports the conversion of rural buildings for holiday accommodation, where it can be demonstrated that a business use including other tourism related activity cannot be achieved.

5.3 In addition Green Policy GB1 supports the principle of change of use of existing buildings within the Green Belt. Whilst the principle is considered acceptable, the proposed development must however satisfy the following criteria:

- A. The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction; and
The building subject of this application is considered to be structurally sound and is capable of conversion.

B. The buildings are in keeping with their surroundings in terms of character, form, bulk an overall design; and

The building subject of this application is single storey, constructed of stone, and is open fronted, separated by piers. The roof is clad with clay double Roman tiles. Internally much of the lath and lime plaster roofing is retained. The building is enclosed by attached stone walls to the north and east. It is considered in keeping with the character of the surrounding area.

C. Development, including any alterations, intensifications or extensions, would not have a harmful effect on the character of the countryside or the amenities of the surrounding area

The proposed works relate mainly to internal alterations and some external alterations i.e. window openings, to facilitate the proposed change of use. No extensions are proposed. The proposed works are considered acceptable and are subject to a recent approved listed building consent.

5.2 Landscaping

Should planning permission be granted a landscaping condition will be imposed requiring all landscaping details particularly all new hard surfaces to be submitted to and approved by the Council

5.3 Transportation Issues

In traffic terms, traffic associated with holiday lets is likely to be seasonal and will be limited in numbers. It is estimated that traffic movements associated with this development to be approximately 4 movements per day and that will be lower than traffic associated with a business use/dwelling house. In respect of parking adequate parking is provided. On this basis there no objection on highway grounds.

5.4 Drainage

In the absence of drainage details this will be subject to a planning condition, requiring the submission of drainage details prior to the commencement of development.

5.5 Ecological Issues

Should planning permission be granted a condition will be imposed requiring the submission of a bat and bird survey. An informative will also be attached advising the applicant that if the building is used by breeding birds, work should not take place between March and August, so as to avoid potential offences under the Wildlife & Countryside Act 1981 or CROW ACT.

5.6 Archaeological Interests

As the site lies within a registered monument an archaeological watching brief is required and this will be subject to a planning condition.

5.7 Other issues

The Parish Council has suggested that a planning condition be imposed ensuring that the unit is used only as a holiday let. A condition will be imposed to this effect.

5.8 Public Right of Way

On the ordinance survey plan a public right of way is shown along the western boundary of the application site, although it has been raised by local residents that there may be path running within the site along the eastern boundary of the barn. The Council has no records of this. The agent however has been advised by the Planning Officer that local residents have advised that the access next to the barn has been used as a bridleway for the past 30 years, and if can be proven then the applicant will have to keep this open and free from any obstructions. If this is the case Members are advised to consider that the scheme can still be implemented as all vehicles can be parked along the eastern boundary of the application site.

5.9 Tenants & Access

It has been raised that this application will result in the loss of a building and loading space for a tenant and will result in the need for a new access point. Members are advised to consider that the application site is owned by the applicant and issues of rights of access and storage are a civil matter. Should a new access be required this would be subject to a new planning application and would be assessed accordingly.

5.10 Concerns are raised regarding a window opening onto PBN 59. This application does not propose a window on this elevation. The previous planning PK08/0364/F did.

5.11 Building

The Parish have advised that they would like to see the other barn on the site upgraded. Members are advised to consider that the building in question is akin to a lean to, and for the building to be completely renovated would be contrary to policy as it would be tantamount to a new building in the green Belt. The agent has confirmed however that the applicant intend undertake minor repair works.

5.12 Concerns have been raised that the boundary of the application site is not the same as the previous application, this is the case. However it is considered that this has no bearing on the determination of this application.

5.13 Design and Access Statement

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

5.14 Section 106 Requirements

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

6. CONCLUSION

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

The 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 planning conditions.

Background Papers PK08/1753/F

Contact Officer: Tracey Price
Tel. No. 01454 863424

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 unit of tourist accommodation hereby authorised shall not be occupied or let to any person for a period in excess of 42 days in any 12 month period and at no time shall the unit be occupied as permanent residential occupation.

Reason:

To ensure the accommodation is retained for its proposed use and in the interests of the character and appearance of the area and to accord with Policy D1 and E11 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior the commencement of development a scheme of landscaping relating to ground surfaces 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 D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior 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 EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority measures in respect of:
 - (i) The identification, through site survey, of protected wildlife species and/or their habitat at present (as designated under the Wildlife and Countryside Act 1981 (as amended) and/or Habitat Regulations 1994; and
 - (ii) The protection, as required, of the wildlife species, and/or their habitat referred to under (i) above and as identified through the site survey. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation.

Reason:

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

8. The applicant shall ensure that all groundworks, including geotechnical investigation and the installation of services are monitored and recorded by a competent archaeological organisation, to be approved by the Local Planning Authority and working to a brief and specification prepared by the Local Planning Authority. No development, including preliminary site clearance, shall commence until at least two weeks notice has been given to the Local Planning Authority and the appointment of a suitable archaeological organisation has been confirmed.

Reason:

In the interest of archaeological recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 01/09 – 9 JANUARY 2009

App No.: PK08/2859/F
Site: Bristol Christian Fellowship, Soundwell Centre, Soundwell Road, Bristol, BS16 4QR

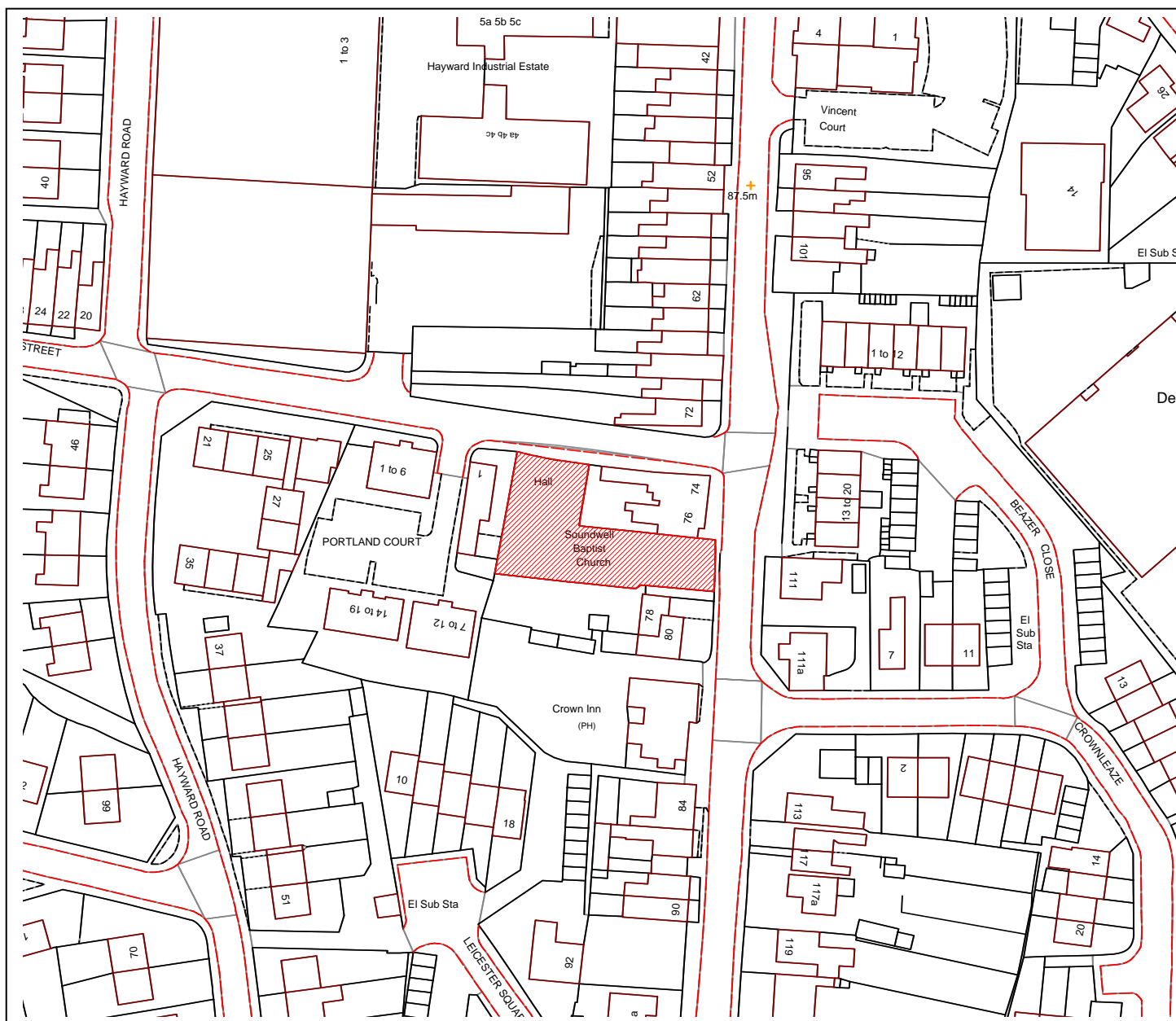
Applicant: UK Screeners
Date Reg: 24th October 2008

Proposal: Erection of 11no. apartments with parking and associated works.

Parish:

Map Ref: 64791 75385
Application Category: Major

Ward: Staple Hill
Target Date: 19th January 2009



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PK08/2859/F

INTRODUCTION

This application appears on the Circulated Schedule because it is a Major Application. Objections have also been received from local residents, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to the site of the former Bristol Christadelphian Church, located on the western side of Soundwell Road, just south of the junction of Soundwell Road and Portland Street. The Church, which has recently been demolished, was built in 1912 and comprised a single-storey gothic style construction of natural stone and rendered walls, with stained glass windows, with a late C20 extension to the rear. Prior to its demolition the Church was earmarked for local listing. Until recently the building was used by the Bristol Christian Fellowship, who have since moved to new premises. Despite fronting onto Soundwell Road, vehicular access was afforded to a car park at the rear, from Portland Street. The site has since changed hands and is currently a vacant plot which, having an unkempt appearance, would benefit from development.
- 1.2 The location is suburban in character with a mix of residential and commercial properties in close proximity.
- 1.3 An initial application PK05/0702/F, proposing the complete demolition of the Church building and erection of a building of very contemporary design, containing 12 flats, was withdrawn on officer advice, thus giving the opportunity to address a number of officer and local resident concerns. A subsequent scheme (PK05/2627/F) for 10 flats, which retained the front façade of the Church, was approved subject to a S106 agreement, but this was never signed.
- 1.4 Application PK07/3349/O was then made by the new site owners for an outline consent (with layout and means of access determined) to erect 14no.apartments in three blocks. The blocks were to be 2/3 storey and constructed to achieve an Eco Homes rating of very good. The scheme included 7 car parking spaces and 14 secure cycle spaces; vehicular access was proposed from Portland Street. The application was refused for the reasons listed in para. 3.4 below.
- 1.5 The current application has been submitted following consultation with Council officers and now seeks full planning permission for the erection of 11no apartments with parking and associated works. The apartments would now be contained within 2no. two/three storey blocks. Block 1 would be situated to the rear of the site, fronting onto Portland Street and would contain 2 x 2 bedroom and 3 x 1 bedroom apartments. Block 2 would front onto Soundwell Road and contain 6 x 2 bedroom apartments. A car parking court, providing 11no. car parking spaces, would be accessed from Portland Street via an undercroft access in Block 1. A bin/recycling store and cycle shelter for 10no. cycles would also be situated within the courtyard area.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG15 - Planning and the Historic Environment
PPG13 - Transport

2.2 Development Plans

Joint Replacement Structure Plan

Policy 1 - Sustainable development objectives.
Policy 2 - Location of development.
Policy 17 - Landscape
Policy 33 - Housing provision and distribution.
Policy 54 - Car Parking Provision

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
EP4 - Noise-sensitive development
EP7 - Unstable Land
T7 - Cycle Parking
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
H6 - Affordable Housing
LC2 - Provision of Education Facilities
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
LC8 - Open Space and Children's Play in Conjunction with New Residential Development.

2.3 Supplementary Planning Guidance

Advice Note 2 - House Extensions
The South Gloucestershire Design Checklist (SPD) Adopted 23rd August 2007.
Local List (SPD) Adopted Feb. 2008

3. RELEVANT PLANNING HISTORY

3.1 P92/4032 - Single storey kitchen extension.
Approved 17th March 1992

3.2 PK05/0702/F - Demolition of existing Church buildings to facilitate the erection of 12 no. flats with creation of new vehicular access, car parking, cycle parking, bin stores and associated works.
Withdrawn 07th June 2005

- 3.3 PK05/2627/F - Partial demolition of existing Church buildings to facilitate the erection of 10no. flats with construction of new vehicular access, car parking, cycle parking, bin stores and associated works.
Withdrawn – S106 not signed.
- 3.4 PK07/3349/O - Erection of 14no. apartments (Outline) with layout and means of access to be determined. All other matters reserved.
Refused 22nd Feb. 2008 for the following reasons:
- 1. The development proposes a sub-standard vehicular access by way of its narrow width, which is unsuitable for two-way traffic, and insufficient visibility splay for both vehicles and pedestrians. This proposal if allowed would result in an increase of vehicles standing and manoeuvring on the highway in close proximity to the junction with Soundwell Road. All of which would be detrimental to highway safety and contrary to Policies T12 and H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.*
 - 2. The proposal will result in a development with an inadequate level and poor layout of vehicular parking provision, which would lead to additional on-street congestion thereby interrupting the safe and free flow of traffic, all to the detriment of highway safety. This would be contrary to policies T8, T12 and H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.*
 - 3. The proposed density, scale and massing of the proposal is considered to represent an overdevelopment of the site which would be neither informed by, respect or enhance the character, distinctiveness or amenity of the site or locality in general, contrary to Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.*
 - 4. By reason of lack of adequate amenity space or bin storage; overbearing impact, overshadowing, loss of privacy and poor outlook from existing windows; the proposal would have a significant detrimental impact on the amenities of future occupiers of the proposed flats and existing occupiers of neighbouring dwellings respectively; contrary to Policies H2 and D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.*
 - 5. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under-provision of public open space the proposal would be contrary to Policies LC8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*
 - 6. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure the provision of appropriate public transportation infrastructure works, the proposal would be contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Not a Parished area.

4.2 Other Consultees

4.3 Wessex Water

No objection. Foul and surface water sewers are available in the area.

4.5 Avon & Somerset Police Crime Reduction Officer

No comment

Other Representations

4.6 Local Residents

3no. letters of objection were received from local residents. The concerns raised are summarised as follows:

- Adverse impact on neighbouring access (Fleur De Lys Furniture Shop) where lorries deliver and load up.
- Boundary walls with Furniture Shop would need to be demolished in order to construct flats.
- Adverse impact on Fleur De Lys Furniture Shop business.
- Overbearing impact on 78 Soundwell Road.
- Overlooking and loss of privacy 78 Soundwell Road.
- Car parking hard on boundary of no.78 resulting in noise and pollution.
- Front façade of Church should have been retained.
- Overall design not in-keeping with street.
- Increased no. of neighbours for no.78 Soundwell Road.
- Loss of privacy due to walkway adjacent to no.78 Soundwell Road.
- Increased on-street parking.
- Inconvenience during construction phase.
- Increased light pollution.
- What materials are to be used for the boundary with no.78 Soundwell Road.
- A mining report should be submitted.
- Gable wall would be too close to 1 Portland Street, thus reducing light to side living room window.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The original Church building had no statutory protection. Although officers sought to retain the original front façade of the Church through application PK05/2627/F, this was subsequently not possible because a decision notice was never issued; the S106 Agreement never having been signed. The new owners of the site opted to entirely demolish the Church, which they were entitled to do under permitted development rights.

5.2 The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield windfall site. PPS3 supports the generation of mixed communities in sustainable locations and at para.20 states:

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

- The proposal for flats is therefore considered to be in accordance with the latest government advice contained in PPS3 and as such, there is no in-principle objection to flats being erected in the location proposed. The flats would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock.
- 5.3 Having regard to the adopted Joint Replacement Structure Plan, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres.
- 5.4 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to “*..increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.*”
- 5.5 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.
- 5.6 The acceptance in principle of a scheme for apartment blocks on this site has in effect already been established with the approval (subject to S106) of application PK05/2627/F.
- 5.7 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need

- to be taken into account. The site is 0.0736ha in area and the proposal equates to 149.4 dwellings per hectare, this higher figure does however reflect the fact that the development would comprise of 11 small flats as opposed to individual dwelling houses.
- 5.8 The South Gloucestershire Local Plan (Adopted) 6th January 2006 also seeks to ensure, in achieving higher densities for new development, that *“local planning authorities and developers think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment”*. Furthermore PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*
- 5.9 Nevertheless officers must have regard to the site’s constraints relating to its location, pattern of development, landscape characteristics, access, size of plot and impact on residential amenity. Whilst these issues are addressed in more detail below, officers consider that the scheme is an innovative one and that it is unlikely that a higher density scheme could be accommodated on the site. The proposal would therefore make the most efficient use of this site in the urban area and in density terms alone is not considered to be an overdevelopment of the site.
- 5.10 Scale and Design
Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.11 The location is characterised by predominantly 2/3-storey buildings of varying age and character, interspersed with smaller cottages of a more traditional design. Whilst there are modern 3-storey buildings on the opposite side of Soundwell Road, these are generally set down and are no higher than the neighbouring 2-storey dwellings. Portland Court however, to the rear of the site, is a modern 3-storey development.
- 5.12 The massing and height of the proposed Block 2 fronting Soundwell Road, would not be dissimilar to that of the original Church building and this is demonstrated on the submitted ‘Proposed Site Section’ drawing no.27/11 Rec A, where the outline of the Church has been superimposed on the proposed front elevation of Block 2. The original front elevation of the Church in relation to the neighbouring buildings is also shown on the ‘Existing Site Sections’ drawing no. 27/02.
- 5.13 On the Portland Road frontage, the proposed Block 1 would be larger than the original Baptist Church Hall that was attached to the rear of the Church. The proposed building would not however appear out of scale with the other buildings within the street scene.

- 5.14 In terms of the proposed layout, the proposal would now include some small landscaped amenity areas to the front, rear and side of Block 2 and to the front of Block 1. Given that the site was previously entirely taken up by the Church building, the Church Hall and associated parking areas, officers consider that the scale and massing of the proposal is not excessive for the location and would adequately relate to the neighbouring properties and street-scene.
- 5.15 The design of the building however would be contemporary in appearance, with an asymmetrical roof pitch and irregular window arrangement. A variety of material types and colours would be used for the construction, adding interest and relief to the elevations.
- 5.16 PPS1 (para. 38) in addressing design issues states that:
“Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.”
- 5.17 Officers have considered the proposal in the context of the local architectural vernacular. There is a distinct mix of building scales and designs, including 3-storey buildings within the locality. The site does not lie within a Conservation Area and there are no supplementary design constraints relating to the area in general.
- 5.18 The modern contemporary appearance of the building would be radically different from that of the buildings within the immediate locality. This does however allow the building to be viewed in isolation as an individual landmark building. The proposed building is a high quality, architect designed, modern, innovative and original design. In this respect the scheme is considered to be an enhancement to the character, distinctiveness and amenity of the locality. The scheme would be constructed to meet an Eco Homes rating of very Good. Similarly designed buildings have been granted planning permission within South Gloucestershire and successfully incorporated within the built environment e.g. the new Staple Hill Library/Flats on Broad Street/Beaufort Road and new flats in Downend at the corner of Cleeve Hill and Badminton Road. Officers consider that a contemporary designed building is preferable to a pastiche of outdated designs. On balance therefore the scale and design of the building is considered to be acceptable.
- 5.19 Impact Upon Residential Amenities
Officers consider that whilst it is perfectly normal for buildings to be in close proximity to each other in densely populated urban locations (such as this), careful consideration still needs to be given to the impact of the development on the residential amenities of neighbours and future occupiers alike.
- 5.20 For prospective occupiers of the proposed flats, small amenity areas are now provided. Both PPS3 (para.16) and the Council’s Design Checklist (Q16) requires developments to provide communal open space of sufficient size to meet the needs of the future occupants. Officers are however mindful that in a recent appeal decision relating to a similar scheme on Cleeve Hill (PK07/1171/F) Downend, the Inspector noted that such amenity space was

only required where appropriate and that account should be taken of the size and type of accommodation, and the provision of, and access to, public amenity space. The Inspector was also mindful that many people who choose to live in the type of accommodation proposed (flats), do not require garden space. In this instance the site is close to Kingswood Leisure Centre and contributions towards the enhancement of open space and provision of children's play space would also be secured through a S106 agreement. The amenity space provision is therefore considered to be acceptable.

- 5.21 Adequate bin storage and a cycle store would be provided within the complex. The boundary walls and fences, which are likely to be retained or erected, would be high enough to provide adequate screening and privacy for future occupiers at ground floor level. There would be no sources nearby of excessive levels of noise, smell, dust or pollution.
- 5.22 Moving to the impact of the scheme on neighbouring occupiers; there would be little additional impact on the commercial property to the north, over and above that which already exists. There are no windows in the facing side elevation of this adjacent commercial property. Whilst the proprietor of the furniture shop occupying this building considers that his boundary walls would need to be demolished in order to construct the proposed buildings, this is a civil matter. The applicant would be alerted via an informative, to the requirements of the Party Wall Act and Access of Neighbouring Land Act.
- 5.23 To the rear (west) there would only be some 4.0 m between the proposed flank elevation of Block 1 and the facing windows in the residential property opposite, i.e. 1 Portland Street. One of these windows is apparently the only living room window in the property, the ground floor front room having been converted to a bedroom; it is believed that the house is in multiple occupation.
- 5.24 Under application PK07/3349/O officers considered that this arrangement would result in an adverse impact on the residential amenities for occupiers of no.1. Under the current scheme however, the previously proposed Block 3 has been deleted, thus allowing more light to penetrate from the south. Given that the side window in No.1 was originally only intended as a secondary window, officers are of the view that whilst there would be some loss of amenity from overshadowing and loss of outlook, this should not in this instance be justification in itself for refusal of the scheme; if it was, the government's objective of making the most efficient use of land in the urban would be frustrated and given the weight given to this policy in a number of recent appeal decisions, officers consider that the relationship of Block 1 to the window is now acceptable.
- 5.25 A number of concerns have been raised by the occupant of no. 78, Soundwell Road, which is situated immediately to the south of the application site. Officers have previously viewed the site from within the rear garden of no.78, which is currently well enclosed by high fences and walls. With the development as now proposed, with the deletion of Block 3, the scheme is no longer considered to have an overbearing impact for the occupier of no.78. Block 1 would be situated a reasonable distance away from the garden of no.78 and Block 2 is in a similar position and is a similar scale as the former Church building that stood on this site.

To address concerns about loss of security for the occupier of no.78 a condition will be imposed to secure the erection of a 2m high wall along the southern boundary of the site with security gates at either end of the corridor created between the wall and the southern elevation of Block 2.

- 5.26 In terms of overlooking and loss of privacy, all of the windows in the southern side elevation of Block 2 serve either stairwells or bathrooms and can therefore be obscurely glazed. There would be no windows in the northern side elevation of Block 2. Some of the windows in the southern elevation of Block 1 would overlook the western end of the garden of no.78 but this would be from a reasonable distance. Some overlooking of gardens in a densely populated suburban location such as this is considered to be a ubiquitous situation, only to be expected if the density of development envisaged by PPS3 is to be achieved.
- 5.27 There are no windows proposed for the western side elevation of Block 1 and the small windows on the eastern elevation would be obscurely glazed. Subject therefore to conditions to secure the obscure glazing and to prevent the insertion of additional windows, there would be no significant loss of privacy from overlooking.
- 5.28 Whilst there would inevitably be some disturbance during the development phase, this would be on a temporary basis only; furthermore disturbance during the development phase could in some way be mitigated for by the imposition of a condition to control the hours of working. The work would also be the subject of the normal Environmental Health legislation. Any access of neighbouring land, required to erect the flats, is not controlled through the planning system.
- 5.29 Six of the proposed car parking spaces would be located close to the boundary with no.78 but with appropriate boundary treatment, such as an acoustic fence or wall, this would be acceptable. Parking courts are commonly located to the rear of flats and given that the site previously accommodated a car park, albeit to the front of the Church Hall, and that the site lies close to a very busy main road i.e. Soundwell Road, officers consider that the level of disturbance would be at an acceptable level.
- 5.30 The flats would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock. Given all of the above, officers are now of the view that the revised scheme has now overcome the previous concerns about adverse impact on residential amenity.
- 5.31 Transportation Issues
As with the previously approved scheme PK05/2627/F, vehicular access to the site is proposed from Portland Street. The details submitted with the application show that adequate visibility splays can be achieved from the site access onto Portland Street. The front garden onto Portland Street would be open plan with no fence or wall which would ensure that adequate visibility splays are provided and this could be secured in the future by a condition.
- 5.32 A total of 11no. car parking spaces would be provided i.e. one per flat, along with 12no. cycle parking spaces. The parking provision would comply with the Council's maximum parking standards and is considered to be adequate for this scheme in this location. Auto tracking diagrams have been provided which demonstrate that all of the parking spaces can be accessed.

- 5.33 In line with the previous permission on this site, a condition would be attached to any permission granted to secure a 2m wide footway along the site frontage on Soundwell Road. Furthermore a financial contribution of £3000 towards public transport improvements would be secured by a S106 Agreement.
- 5.34 Subject to the above, the scheme is acceptable in highway terms.
- 5.35 Landscape Issues
Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. There is no vegetation of note on the existing site and all of the historic boundary walls have been removed. A landscaping scheme has been submitted to the satisfaction of the Council's Landscape Architect. Confirmation of the boundary treatments are still required. These matters can be secured by condition. There are therefore no objections on landscape grounds.
- 5.36 Drainage
PPG25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 require that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. The Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control. A condition to secure the submission of a coal mining report is considered necessary in order to assess the impact of the development on old mine workings, which should not be grouted.
- 5.37 Environmental Issues
Policy EP1 does not permit development that would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation. The Council's Environmental Health Officer has raised no objections to the proposal.
- 5.38 Conservation Issues
An application was previously made to English Heritage with a view to the original Church building being given full Listed status. The application was refused because the building did not meet the high standards required for full listing. A subsequent appeal against this decision, lodged by a local resident, was also dismissed for the same reasons. The building has since been entirely demolished.
- 5.39 Concern has been expressed about the impact of the scheme on the setting of nearby locally listed buildings i.e. The Crown Inn Public House and the Fleur de Lys furniture shop at 74-76 Soundwell Road. It is acknowledged that the recently adopted Local List SPD states that : - "*new buildings in the grounds of buildings on the Local List, or in close proximity, should ensure that the setting of Locally Listed Buildings is not compromised*".
- 5.40 Given that the Crown Inn is not immediately adjacent to the application site and that the Fleur de Lys furniture shop is of limited visual quality, officers consider that in this case the requirements of the SPD can carry only limited weight.

The layout and scale of the proposed buildings is not dissimilar to that of the original Church buildings. Views in to or through the site have always been limited, there being high walls enclosing the Fleur de Lys site. A scheme of landscaping is proposed including planting where none previously existed on the site. Notwithstanding what is shown on the submitted plans, the historic boundary wall to the Soundwell Road frontage has been demolished. Officers consider that a condition to secure the erection of a similar replacement wall would not be unreasonable.

5.41 The existing site has a derelict look about it and the erection of an architect designed building would enhance the setting of the Locally Listed building. Given that a building of modern design was previously approved in principle on this site, officers consider that a contemporary design should not now be resisted. Officers are also mindful that a block of flats of contemporary design to be erected in Bath Street, Staple Hill (PK07/2485/F) was recently refused by the Council on design grounds but subsequently allowed on appeal. Since there are distinct similarities between that location and Soundwell Road, officers are satisfied that an objection on conservation grounds could not be adequately substantiated.

5.42 Education

Since there is a projected surplus capacity at both primary and secondary schools within the area of the proposed development, contributions towards Education facilities are not required.

5.43 Affordable Housing

The proposal for 11no. flats falls below the Council's threshold (15) for affordable housing provision.

5.44 Community Services

The following contributions are required:

£11,313.57 towards enhancement of public open space, to be spent on public open space within a 2Km radius of the development i.e. most likely at Lees Hill or Soundwell Playing Fields.

£10,115.61 towards the maintenance of the enhanced open space.

£182.50 towards the Library Service.

5.45 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, enhancement and maintenance of open space and library contributions are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

5.46 Design and Access Statement

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

6. CONCLUSION

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

7. RECOMMENDATION

- (1) That authority be delegated to the Director of Planning, Transportation & Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) A contribution of £3000 towards public transport facilities namely improvements to the adjacent bus stop.
 - (ii) A contribution of £182.50 towards the enhancement of library facilities to be spent within 5 years of receipt on facilities within a 2 mile radius of the site.
 - (iii) A contribution of £11,313.57 towards enhancement of public open space, to be spent on public open space within a 2Km radius of the development.
 - (iv) A contribution of £10,115.61 towards the maintenance of the enhanced open space.
 - (v) A S106 monitoring fee to the value of 4% of the total contributions.

The reasons for this Agreement are:

- (i) To promote alternative modes of transport other than the use of private motor cars having regard to Policy T12(F) of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (ii) To ensure the adequate provision of Library facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

- (iii) To ensure the adequate provision of Public Open Space facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (iv) To ensure the maintenance of the Public Open Space facilities provided in (iii) within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (v) To cover the Council's costs of monitoring the S106.

(2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.

(3) Should the S106 agreement not be completed within 6 months, that authority be delegated to the Director of Planning Transportation and Strategic Environment to refuse the application due to the failure to complete the S106 Agreement offsetting the otherwise averse impacts of the development.

Background Papers PK08/2859/F

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason:

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

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Council gives written consent to any variation.

Reason:

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

3. Development shall not begin until drainage details incorporating best management practices and the hydrological context of the development have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details.

Reason:

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

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

Reason:

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

5. The off-street car parking and manoeuvring facilities, and cycle parking facilities, shown on the plan hereby approved shall be provided before the buildings are first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason:

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

6. The 11 no. car parking spaces shown on the approved 'Proposed Site Plan' numbered 27/10 Rev A, shall be allocated on the basis of one space per flat and maintained as such unless the Local Planning Authority gives written consent to any variation.

Reason:

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

7. Prior to the first occupation or use of the building hereby approved, the footway on the entire Soundwell Road frontage of the application site shall be widened to 2 metres in width and resurfaced to the full satisfaction of the Local Planning Authority.

Reason:

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

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

Reason:

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

9. No windows other than those shown on the plans hereby approved shall be inserted at any time in the building hereby approved, unless the Local Planning Authority gives consent in writing to any variation.

Reason 1:

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

Reason 2:

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

10. Prior to the first use or occupation of the building hereby permitted, and at all times thereafter, the proposed stairwell and bathroom windows on the southern elevation of Block 2, and the windows on the eastern elevation of Block 1 shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason:

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

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

Reason:

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

12. Before the development hereby permitted is commenced details of the proposed finished floor levels of the building relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory standard of external appearance and to ensure that the development would, in terms of scale and massing, respect the character and visual amenity of the location in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. Prior to the commencement of the development hereby authorised, details of the location of any construction compound to be provided on the site shall be submitted to and agreed in writing with the Local Planning Authority and the works shall subsequently be carried out in accordance with the agreed details.

Reason:

To safeguard the amenities of the locality, and to accord with Policy H2 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the commencement of the development and notwithstanding the information given on the approved plans, a plan indicating the positions, design, materials and type of boundary treatment to be erected/retained shall be submitted to the local planning authority for written approval. The boundary treatment shall be completed before the building is occupied.

The details shall include a natural stone wall, constructed of rubble pennant sandstone, to be constructed along the Soundwell Road frontage. Development shall be carried out in full accordance with the approved details.

Reason:

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

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

Reason:

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

16. No development shall take place until a coal mining report identifying the location of any mining activity on the site has been submitted to and agreed in writing by the Local Planning Authority. The report must demonstrate that the development hereby permitted can be constructed satisfactorily, having regard to the conditions within the site.

Reason:

To ensure that development can be constructed having regard to local ground conditions, and to accord with Policies EP1/EP7 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. Prior to the commencement of the development hereby approved, details of a 2 metre high boundary wall, to be erected on the southern boundary of the site, together with details of security gates to be erected at either end of the alleyway so produced (between the boundary wall and building hereby approved) shall be submitted to and approved in writing by the Local Planning Authority; thereafter the wall and gates so approved shall be erected in full accordance with the approved details, prior to the first occupation of the building and retained as such at all times thereafter. (For the avoidance of doubt, the boundary wall shall be constructed of random rubble Pennant Sandstone to match that of the existing low boundary wall).

Reason:

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

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

Reason:

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

19. The building shall not be occupied until the means of vehicular access has been constructed in accordance with the approved plans. The visibility splays shall be in accordance with those shown on the approved Proposed Site Plan no. 27/10. Notwithstanding the details shown on the approved plan, there shall be no obstructions to visibility (constructions or planting) within the splayed areas at any time.

Reason:

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

CIRCULATED SCHEDULE NO. 01/09 – 09 JANUARY 2009

App No.: PK08/3066/TRE

Applicant: Ms L Thomas South Gloucestershire Council

Site: Land to the side of 1 Fussell Court, Kingswood, South Gloucestershire, BS15 4EU

Date Reg: 26th November 2008

Proposal: Works to 1no Pinus Nigra tree to remove three lowest limbs deadwood and clean, 1no Pinus Nigra tree to remove deadwood and clean, 1no Pinus Nigra tree to remove 2 lowest limbs, deadwood and clean, all covered by Tree Preservation Order SGTPO 29/08.

Parish:

Map Ref: 65933 73676

Ward: Woodstock

Application Category: Minor

Target Date: 16th January 2009

Category:

Date:



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INTRODUCTION

This application has been submitted by the South Gloucestershire Council Tree Officer. Under the current scheme of delegation such applications must be determined via the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application seeks permission to carry out a number of works to 3 no Pinus Nigra trees, the works include the removal of lowest limbs, deadwood and clean, all trees are covered by Tree Preservation Order SGTPO 29/08.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement
L4 Forest of Avon

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The site does not fall within any parished area.

Other Representations

- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policies L1 and L4 of the South Gloucestershire Local Plan (Adopted) January 2006 seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

- 5.2 Analysis of the Health of the Trees
The trees are growing to the side of No. 1 Fussell Court, Kingswood and adjacent to the highway. They have not had any formal management and as a result there is a considerable amount of deadwood within the crown of T2 and the extension growth of the crowns (T1 & T3) is causing a nuisance to the property.

It is a natural feature of Pine species that they abscise their lower limbs over time in the same way that deciduous trees abscise their leaves. The removal of the lower limbs of T1 & T3 should prevent the natural abscission of the limbs.

The remaining crowns of T1 & T3 are to be cut back from the property in order to prevent further problems caused by the trees.

The removal of deadwood is exempt from regulations and a crown clean will remove debris and crossing or malformed branches within the crown. It is a common Arboricultural practice and should not have a detrimental affect on the trees.

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 Permission be granted subject to the following conditions.

Background Papers **PK08/3066/TRE**

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

CONDITIONS

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

Reason:

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

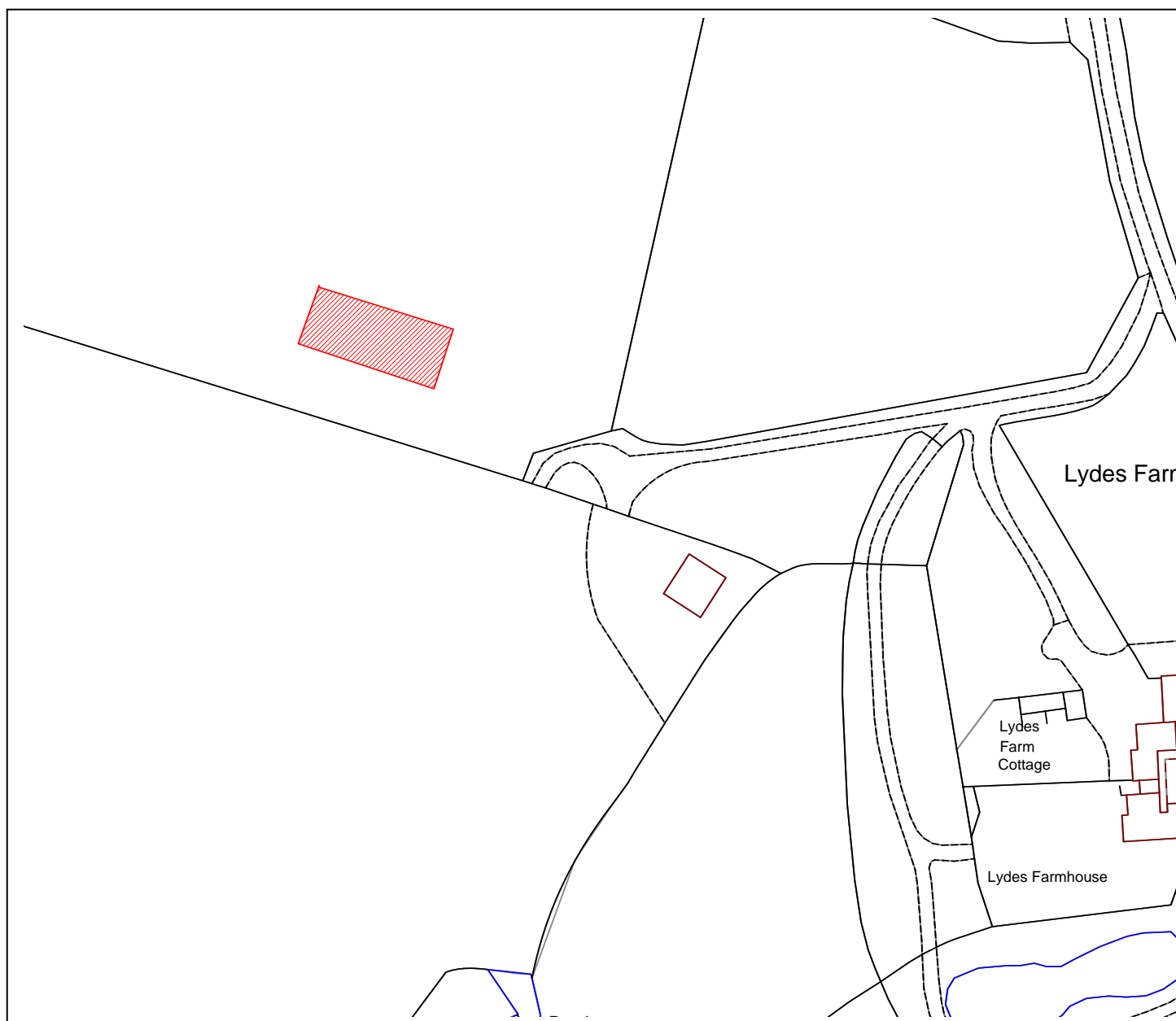
2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

Reason:

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

CIRCULATED SCHEDULE NO. 01/09 – 9 JANUARY 2009

App No.:	PK08/3069/F	Applicant:	Mr D A Jeal AGRI Services
Site:	The Cabin, Lydes Vale, Dodington Lane, Dodington, Bristol, South Gloucestershire, BS37 6SB	Date Reg:	26th November 2008
Proposal:	Change of use of agricultural land for the stationing of a mobile home. (Retrospective)	Parish:	Dodington Parish Council
Map Ref:	73335 79720	Ward:	Westerleigh
Application Category:	Minor	Target Date:	19th January 2009



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N.T.S

PK08/3069/F

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of consultation replies variously supporting and objecting to the proposal.

1. THE PROPOSAL

- 1.1 This planning application seeks retrospective planning permission for the stationing of a mobile home to be used in connection with the agricultural use of a 6 acre area of land surrounding it. The red lined area submitted shows the whole of a field, but the mobile home itself is situated to the south of it. The site is to the northwest of the farm complex at Lyde's Farm, much of which is now in equestrian use. It is screened to the south by a hedgerow taller than the mobile home, while there is a lower screen hedge to the north of it.
- 1.2 The site lies within the Bristol and Bath Green Belt. The mobile home is proposed to be occupied by the person or persons farming the land within that holding.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|------|--|
| PPS1 | Delivering Sustainable Development |
| PPG2 | Green Belt |
| PPS3 | Housing |
| PPS7 | Sustainable Development Within Rural Areas |
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
- | | |
|-----------|-----------------------------------|
| D1 | Design |
| GB1 | Development within the Green Belt |
| L1 | Landscape |
| H3 | New dwellings in the countryside |
| LC12 | Recreational Routes |
| EP1 | Environmental Pollution |
| L17 & L18 | The Water Environment |
- 2.3 Supplementary Planning Guidance
Green Belt guidance note 2007

3. RELEVANT PLANNING HISTORY

- 3.1 Nothing relevant to this site

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council
Our Council supports the above planning application but would like conditions attached:
The rest of the land tied to agricultural use and the operation of a farming business.
That any further development is subject to a planning application.

4.2 Other Consultees

Transportation

If there is proven need that necessitates the applicant lives on this land for agricultural/farming purposes then it would be inappropriate to object the application on highway grounds. If there is not a proven need, it is considered that the access does not link to the principle highway network and there are no alternative means of travelling to the site other than through the use of private vehicles. There are no public transport facilities within easy walking distance and there are no footways along Dodington Lane. All in all, it is considered that the site is in an unsustainable location, contrary to policy T12 of the adopted Local Plan.

Landscape

The site is located in an area of gently undulating countryside that has a good network of hedgerows and mature trees. The topography of the area and good network of hedges screens the site from long distant views. The site is visible for a short section of the Monarchs Way. Planting a native hedgerow along the field boundary adjacent to the Monarchs Way would help to screen the dwelling from views, helping to conserve and enhance the character of the landscape. There are a number of structures proximate to the mobile home, it is not clear if these are considered necessary for the agricultural enterprise and this needs clarifying.

Recommendations:

If the need for the retention of the mobile home can be demonstrated it is considered that additional hedge and tree planting could be undertaken that would satisfy Policy L1 and LC12 of the adopted local plan. In the event of planning permission being granted permitted development rights should be removed.

Gloucestershire Estates

Gloucestershire Estates were commissioned by the Council to make an assessment of the agricultural needs of the proposed development. Their summarised findings were as follows:

- A case has not been made that there would be a functional need to be living on site in the future let alone at the present.
- There is no evidence that the proposed agricultural business has been planned on a sound financial basis. There is neither a business plan nor has any feasibility been carried out. There is therefore doubt as to whether a sustainable business could be created here.
- I cannot see that one would be looking at a full time occupation. (the applicant at present works as a builder, laying block paving)
- As far as ability is concerned the applicant has no agricultural experience although I believe in his intention to farm the land.
- A house in Yate for example would cover any existing functional need.

Technical Services

Object to the proposal in the absence of drainage details to prove that the risks of flooding and pollution have been eliminated.

Other Representations

4.3 Local Residents

3 letters of support were received for the proposal, citing the following reasons:

- There is more land available for the applicant to if it is needed to run a successful and viable farming enterprise
- Starting up a smallholding will be good for the environment and local economy
- Locally grown produce is environmentally friendly and a supply on the doorstep would be good

One letter of objection was received, citing the following concerns:

- * Question the feasibility of running a viable agricultural unit on 7 acres
- * Lydes Farm was sold for a golf course development as the land was inadequate for farming
- * The field is next to a bridle path and public right of way – the landowner has already parked cars and boats and has erected a timber construction all before achieving planning permission

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H3 states that “proposals for new development outside the existing urban areas and the boundaries of settlements, as defined on the proposals map, will not be permitted with the exceptions of the following:

- A. Affordable housing on rural exceptions site; or
- B. Housing for agricultural or forestry workers; or
- C. Replacement dwellings.

It is understood that it is intended that the 6 acre site will be run as a small holding. Annex A of PPS7 requires that permission for a permanent agricultural workers dwelling will only be granted if the dwelling is required to satisfy a clearly established existing functional agricultural or forestry need within the immediate area and that that need could not be fulfilled by another existing dwelling. Temporary consent can be granted if there is clear evidence of a firm intention and ability to develop the enterprise concerned.

Should these concerns be addressed successfully, the only Green Belt consideration to be addressed is the effect on the openness of the Green Belt through the chosen siting. If these concerns are not addressed satisfactorily, then the development would be inappropriate development in the Green Belt.

5.2 Justification for mobile home

The summarised findings following an interview between the applicant and Gloucestershire Estates appear at 4.2 above. These conclude that the applicant is not permanently involved in agriculture and has no business plan in place to do so. The occupation of the caravan is therefore not required in connection with the agricultural use of the land, which at the present scale is no more than a part-time smallholding. Even if more land should be acquired, there is no proven functional requirement established why the owner of the landholding should have to live on the land.

5.3 Green Belt

Following the conclusion to the preceding paragraph, with a functional requirement not proven, the development does not fall into the categories of development which are not inappropriate in the Green Belt. Since the proposal is inappropriate in the Green Belt, it stands that it should be assessed against any very special circumstances which have been advanced which may be adequate to outweigh the policy presumption against inappropriate development. In this case, no very special circumstances have been advanced and the development is considered to be inappropriate in the Green Belt. Furthermore, in this exposed location, despite some degree of screening being available, the mobile home is still highly visible to public view and as such is considered to be detrimental to the openness of the Green Belt. These two issues form the basis of two of the refusal reasons shown below.

5.4 Landscape

As stated in the Landscape Officer's comments reproduced above, the landscape considerations also hang on the justification for the retention of the mobile home for agricultural purposes. Without the necessary justification, the siting of the mobile home in this location is considered to be harmful to the visual amenity of the Green Belt, but due to the existing level of screening, not harmful to the landscape in this location.

5.5 Transportation

Since the proposed development has not been adequately justified, the existing mobile home is not considered to be located in a sustainable location. Due to the isolated location and lack of public transport or safe walking options, occupants of the mobile home would have to meet their leisure, education, social and shopping needs through the use of the private car, which is borne out by the parking of a car at this location when the site visit was made. For this reason, the proposal is recommended for refusal in transportation/ sustainable development terms.

5.6 Other Issues

The application is not supported by any information regarding overcoming potential problems with pollution and flood risk. None was sought due to the assessment that the proposal was not adequately justified in line with Annex A of PPS7. In the absence of this information an assessment of the potential risk of pollution and flood risk were unable to be made and this has led to a further refusal reason for this proposal.

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, a Section 106 Agreement would be 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 refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is refused.

Background Papers PK08/3069/F

Contact Officer: Chris Gosling

Tel. No. 01454 863787

REFUSAL REASONS

The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the adopted South Gloucestershire Local Plan.

The siting of the mobile home proposed to be retained in this location would be detrimental to the openness and visual amenity of the Green Belt at this location, contrary to policy GB1 of the adopted South Gloucestershire Local Plan and the provisions of PPG2.

Insufficient details have been provided to demonstrate that the development proposed to be retained would not lead to risks of flooding and pollution, contrary to policies EP1 and L17 of the adopted South Gloucestershire Local Plan.

The proposal, due to its remoteness from employment, leisure and education facilities would be overwhelmingly reliant on carborne travel, contrary to policy T12 of the adopted South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 01/09 – 09 JANUARY 2009

App No.:	PK08/3100/F	Applicant:	Mr C Huntley
Site:	Two Stacks, 94 London Road, Warmley, South Gloucestershire, BS30 5JL	Date Reg:	2nd December 2008
Proposal:	Erection of single storey rear extension, conversion of existing garage and erection of front bay window to form additional living accommodation.	Parish:	Siston Parish Council
Map Ref:	67829 73241	Ward:	Siston
Application Category:	Minor	Target Date:	26th January 2009



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100023410, 2008.

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the conversion of an existing garage and erection of front bay window and the erection of a single storey extension at the rear of 94 London Road, Warmley.
- 1.2 The property is a two storey detached dwelling and is located within a residential area of Warmley. The proposed extension would measure a maximum of 5.7 metres in depth by approximately 10 metres in width with a maximum height to ridge of 4 metres.
- 1.3 During the course of the application it was brought to the Councils attention that some plans show a strip of land to the east of the application site as being within the curtilage of the application site while other plans show this as a separate lane. It has been confirmed by the applicant that they own this strip of land.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 K1680 Erection of two storey rear extension to enlarge the existing lounge on the ground floor and provide an additional bedroom at first floor level
Approved Feb1977
- 3.2 K1680/1 Erection of two storey front extension to enlarge the existing lounge and provide an additional bedroom above.
Approved March 1977
- 3.3 P89/4763 Two storey extension (previous ID K1680/3)
Approved December 1989.

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No response received

Other Representations

4.3 Local Residents

One letter of objection has been received raising the following concerns:

- The plans show a lane to the side of the property that the applicant has taken over 16 months ago.
- The extension is too large for the garden.
- The applicant has an existing large summer house in the garden that causes flooding
- The sky light would directly overlook their garden causing loss of privacy.
- The property is big enough and should not be extended.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The applicant is seeking planning permission for the conversion of the existing garage to form additional living accommodation. The effect of this aspect of the proposal in design terms would be the replacement of the existing garage door with a ground floor bay window. The materials used for the wall and window details would match the existing, assisting the successful integration.

The proposed rear extension would replace and enlarge the two existing rear extensions. The proposed rear extension is of an appropriate standard in design and reflects the character of the main dwelling house. It is considered that the rear extension is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. Furthermore, the materials used in the construction of the extension would match the main dwelling, assisting the successful integration of the structure with the host dwelling. Both existing rear extensions have lean-to roofs, it is therefore considered that the proposed rear extension with the addition of a hipped roof to match the main dwelling house would be an improvement on the existing.

Overall it is considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

The addition of a window to the front of the property, in place of the existing garage door, is not considered to have any impacts upon existing residential amenities in the vicinity.

The rear of the property is bound on all sides by neighbouring residential properties and is enclosed and screened by a combination of 1.8 metre high closed board fencing and trees/hedges. Whilst the proposed extension is quite deep measuring 5.7 metres, the extension would not extend any further than

the existing rear extension. Furthermore the height to eaves has been lowered and the roof would be hipped away from the neighbouring property, No. 96 London Road. The extension would be approximately 3 metres away from the boundary with No. 92 London Road, in addition, this neighbouring property has an existing single storey rear extension that abuts this boundary. The application site has a large rear garden, measuring approximately 19 metres in depth from the rear building line of the proposed extension to the boundary with No. 55 Scott Walk. Given the existing boundary treatments in place, combined with the depth and height of the proposal, it is not considered that the rear extension would have any overshadowing or overbearing effect on the neighbouring dwellings.

Concern has been raised that the proposed sky lights would result in overlooking and loss of privacy. Given that the proposed sky lights would be 3.2 metres above ground level it is not considered that these windows would result in any overlooking. Furthermore the majority of windows and doors on the rear elevation would predominantly be replacing existing windows and doors. The additional doors on the proposed lounge would overlook the rear garden and given the depth of the garden and the existing boundary treatments in place, it is not considered that the addition of these doors is of sufficient concern to warrant the refusal of the application. There are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Other Issues

With regard to the summerhouse in the rear garden of the application site, this has been built without planning permission under provisions of the General Permitted Development Order 1995. The objections raised regarding the summerhouse are not therefore relevant to this application.

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 the application be approved subject to the following conditions.

Background Papers **PK08/3100/F**

Contact Officer: **Kirstie Banks**

Tel. No. **01454 865207**

CONDITIONS

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

Reason

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

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. 01/09 – 9 JANUARY 2009

App No.:	PT08/2932/F	Applicant:	Mr R Gomez Brazilian Taste Ltd
Site:	132 Gloucester Road, Patchway, South Gloucestershire, BS34 5BP	Date Reg:	5th November 2008
Proposal:	Change of use from Retail (Class A1) to include Hot Food Takeaway/Cafe (Classes A3 and A5) as defined in the Town and Country Planning (Use Classes) Order 1987.	Parish:	Patchway Town Council
Map Ref:	60565 81197	Ward:	Patchway
Application Category:	Minor	Target Date:	25th December 2008



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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning consent for the Change of use from Retail (Class A1) to include Hot Food Takeaway/Cafe (Classes A3 and A5) as defined in the Town and Country Planning (Use Classes) Order 1987.
- 1.2 The application site is a former photography shop located on a local shopping parade on Gloucester Road, Patchway. The shop is currently empty and not in use. The proposal consists of a change of use of the premises from A1 to A3 and A5 use as a café and hot food takeaway. Inside the café, seating will be provided for up to 15 customers. It is proposed that the premises would be open Monday to Saturday 0700 – 2200 and Sundays and Bank Holidays 0900 to 2200.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design
EP1 Environmental Pollution
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
RT8 Small Scale Retail Uses within the Urban Areas
RT11 Retention of Local Shops, Parades, Village Shops and Public Houses

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

P97/1328 – Change of use of shop unit to form hot food takeaway. 09/05/1997 refusal – a further loss of shop units within this area would undermine the retail function of the centre.

4. CONSULTATION RESPONSES

4.1 Patchway Town Council

No objection raised.

Other Representations

4.2 Local Residents

One letter received raising the following concerns:

- There is a lack of car parking.
- If it is intended to sell alcohol then objection on the basis of noise and disturbance relating to use and detrimental to the area and local residents safety.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As can be seen from the planning history, a proposal for a hot food takeaway has previously been refused on this site in 1997. Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 incorporates national advice contained within PPS6 and the emphasis on retail proposals focuses on the need to protect the vitality and viability of existing centres. Policy RT8 of the Local Plan requires small scale retail uses within the urban area to improve the range of services to a local community and to satisfy a number of criteria relating to highways safety and residential amenity. Policy RT11 does not permit the change of use of retail premises within local shopping parades unless the following criteria are complied with (only one of the first three criteria A, B, or C need be satisfied):-

A) The proposed use would not result in an over concentration of nonshop uses in a local centre or be detrimental to the vitality, viability, retail and social function of that centre; OR

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

B) There are satisfactory alternative retail facilities available in the locality; OR

5.3 The application site resides in a shopping parade to the east of Gloucester Road. This parade consists of eight shop units. On the opposite side of the road there is another row of shops consisting of nine units. Of these seventeen units, seven are in A1 shop use, five are in A2 financial services use, three are in A3/A5 restaurant/takeaway use and two units including the application site are currently vacant. It is considered that the two parades on either side of Gloucester Road currently represent a good mix of shops, financial services and food and drink sales. The seven retail premises present all provide a mixture of services for local people including, a newsagent, a bakery, a picture framers, a hairdressers, a party shop and a bedroom and bathroom shop. In addition Cribbs Causeway is located approximately 1 mile from the local

parades and is easily accessible by road, public transport and on foot and cycle. This provides for a significant range of retail facilities. There are also local shopping parades in Patchway in Coniston Road.

It is considered that the proposed A3/A5 use of 132 Gloucester Road, Patchway would not be to the detriment of the locality as there are satisfactory alternative retail facilities in close proximity to the application site.

C) It can be demonstrated that the premises would be incapable of supporting a retail use; AND

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

D) The proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.

- 5.5 The Council's Highways Officer was consulted as a part of this application. The proposed café/takeaway lies in a sustainable location and has the benefit of off street parking to the rear for staff and occupants of the flat. A lay-by along the frontage provides some on-street parking for customers and therefore it is considered that the proposal complies with Policies T8 and T12 of the Local Plan.

The application site lies within an existing rank of shops that includes two hot food takeaways. Although there are residential properties relatively close to the application site it is not considered that the proposal would be detrimental to the residential amenity of neighbouring occupiers. The matter raised by a local resident concerning the sale of alcohol cannot be considered as a part of this application as the proposal is not related to an alcohol consumption based use (such as A4 Use). If the applicant wishes to sell alcohol then a license must be sought from the Council's Licensing Team. The Council's Environmental Officer has advised that the proposal is acceptable subject to conditions being attached to the decision notice requiring further information regarding the proposed extraction and odour abatement system, the proposed flue, the proposed grease traps and noise levels to be generated from the extraction system.

There are therefore no objections to the proposal in terms of Policies EP1, RT8 and RT11.

- 5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/2932/F**

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

CONDITIONS

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

Reason(s):

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

2. The use hereby permitted shall not be open to customers outside the following times Monday to Saturday 0700 - 2200 and Sundays and Bank Holidays 0900 to 2200.

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1, RT8 and RT11 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Full details of the proposed extraction and odour abatement system should be provided. This should include details on the specification and location of all flues, plant and fans.

Reason(s):

To minimise disturbance to occupiers of nearby dwellings and to accord with Policy EP1 and RT10 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Any extraction equipment installed in pursuance of the above condition should be regularly maintained in accordance with the manufacturers recommendations. In the

event of a failure in the equipment, the cooking process should cease until it has been fully repaired.

Reason(s):

To safeguard the amenity of the locality, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. In addition to information on odour abatement, details should be provided on predicted noise levels from the extraction system (fan and air movement, through and leaving the ducting). Flues should be well insulated and sited to minimise the effects of vibration transmission and noise to any adjacent building. It may be necessary to install anti-vibration mounts/silencers. Prior to the first use of the equipment full details shall be provided where appropriate to indicate how noise nuisance will be prevented.

Reason(s):

To safeguard the amenity of the locality, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the first use of the site, full details of the proposed grease traps to be installed shall be provided. The grease traps shall hereafter be retained in accordance with these approved details.

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.

CIRCULATED SCHEDULE NO. 01/09 – 9 JANUARY 2009

App No.:	PT08/3048/F	Applicant:	Mr G Wilson
Site:	Overdowne, The Dingle, Winterbourne Down, South Gloucestershire, BS36 1AA	Date Reg:	24th November 2008
Proposal:	Erection of 3 storey side extension to provide additional accommodation	Parish:	Winterbourne Parish Council
Map Ref:	65457 79461	Ward:	Winterbourne
Application Category:	Minor	Target Date:	13th January 2009



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N.T.S

PT08/3048/F

This application is circulated to Members as the recommendation conflicts with the objections from the Parish Council and neighbours.

1. THE PROPOSAL

1.1 The application relates to a detached dwelling situated in an elevated position on the Frome Valley. The site lies within the defined settlement boundary for Winterbourne and close to the edge of but not in the defined Greenbelt. The Frome Valley Walkway and The Community Forest Path pass the site to the southern (lower) side of the site at the bottom of the valley.

1.2 It is proposed to replace the existing concrete tiles on the house and cover the extension with clay double roman tiles and to repaint the whole house, including the extension one colour.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development

PPS9 Biodiversity and Conservation

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Development within Residential Curtilages

L1 Landscape Protection & Enhancement

L5 Forest of Avon

L8 Sites of Conservation interest

L9 Species protection

LC12 Recreational Routes

T12 Transportation Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Supplementary Planning Document)
Adopted 2007.

SG Biodiversity Action Plan (adopted)

3. RELEVANT PLANNING HISTORY

3.1 PT02/1920/F Demolition of former swimming pool and games room extension to facilitate erection of three storey extension to form swimming pool with master bedroom and ensuite and new entrance and kitchen. Approved September 2002.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection. Very large extension. Overdevelopment of site. The property borders the Frome Valley Walkway and is very intrusive and overbearing. Not in keeping with the surroundings.

4.2 Other Consultees

Other Representations

4.3 Local Residents

One letter of objection relating to the following points:

- a) The proposal would overlook the currently not overlooked frontage and gardens of 5 and 7 the Dingle and into the main living area of 5 The Dingle.
- b) The balcony level appears to be 1.5m above the existing road level.
- c) Design would be out of keeping and would have an overbearing impact on the adjoining property. Set on a rarely trafficked road consisting of a mixture of styles and sizes, ages of housing. This would lead to Overdown being the largest property in the road. A two metre high wall will obstruct views from the road to the Frome Valley and affect and be out of keeping with the Frome Valley walkway.
- d) viability of the project is questioned due to the engineering challenge.
- e) The proposal is unlikely to be carried out and this is a material consideration (Sovmots Investments Ltd v SoS). The demolition took place over six years ago and other works have continued on a piecemeal basis ever since.

With reference to b) above this is incorrect and in fact the balcony level is at the same level as the street level floor of the house.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the local Plan seeks to ensure that the design and character of extensions respect the existing property and surrounding area, that the proposal would not prejudice the nearby occupiers, that transportation issues are considered and that adequate amenity space is provided.

5.2 Policy D1 of the Local Plan sets out criteria for achieving a high standard of design in development proposals. In particular proposals should be informed by and respect the character, distinctiveness and amenity of both the site and the locality. Features of landscape, nature conservation, heritage or amenity value should be safeguarded and enhanced.

5.3 Design

The proposal is similar in mass to a scheme approved in 2002 with the main external differences being the loss of the raised coping at the edge of the roof, the altered roof form over the front of the proposal which is now proposed to project towards the street, loss of the projecting conservatory type structure at the rear and the narrowing of the extension overall. That scheme has been pursued on site with the demolition works having been undertaken to remove the old built form and utilities having been installed.

5.4 The majority of the built form would be below road level owing to the nature of the site on the valley side. Turning firstly to this, the proposal would be viewed in relation to the existing imposing rear elevation of the house which from the rear is three storeys high and the higher level road known as The Dingle which is edged by a low level wall. From the front the property appears to be a small bungalow with a garage projecting forward into the street scene. The side extension is only visible from the street in respect of a single storey side and front extension which does not project as far towards the street as the existing garage. The balcony/patio level created is at street level, giving level access to the proposed dining room and this is screened from the road by a 1.4m high solid wall with a softwood trellis over to a maximum height of 2.1m. This is not considered to have a significant impact on the view from the Frome Valley. Windows at the front are narrow and reflect those on the front of the house and the larger fenestration reflects the design of the extension and the larger windows on the rear elevation. The whole house is to be repainted and retiled in clay double roman tiles such that the extension and house would match. As such the design of the proposal is considered acceptable. Further the current proposal is considered to be less intrusive on the Frome Valley Walkway than the original scheme due to the loss of the conservatory type structure at base level at the rear.

5.5 Residential amenity

The proposal is not considered to detrimentally effect the residential amenity or privacy of neighbours. This is due to the ground floor nature of the front extension which houses windows to a store and hallway fronting the road and the distance between the proposal and the neighbouring house. Additionally the previous scheme and the previous extension housed similar patio and/or side fenestration.

5.6 Ecology

The existing house and area for extension sits on the edge of The Dingle, a steep part of the wooded Frome River Valley designated a site of nature conservation interest (SNCI). The proposed extension area itself presents little of ecological interest but is within a sensitive location ecologically where protected and local BAP species inhabit.

Of relevance to this application in particular, birds and bats will be using the Frome Valley as a wildlife corridor as well as a resource for nesting, roosting and foraging.

Policy D1 states that development will only be permitted where good standards of site planning and design are achieved. L8 indicates that development that would cause damage to local nature conservation interests will not be permitted unless the importance of the development outweighs the value of the substantive interests affected. Policy L9 indicates that development which would directly or indirectly have an adverse effect on nationally or internationally protected species of flora or fauna or species or habitats listed in national, regional or local biodiversity action plans, will not be permitted unless any damaging effects are capable of being avoided, overcome or offset by mitigation measures.

Planning Policy Statement 9 advises that development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.

As such consideration needs to be given to outside lighting and an appropriate condition is considered necessary and has been recommended to mitigate the effects of such lighting on local protected wildlife, such as bats.

5.7 Other matters

Rights of Way team advise that the proposal is unlikely to have any impact on the nearest public right of way.

The objection that refers to case law is not considered to be a relevant consideration to this application to extend a domestic house as it appears to refer to whether there is a practical possibility of the proposal being implemented. There is clear intent to carry out an extension at this site despite it having been undertaken in piecemeal fashion. It would therefore not be a reasonable and robust reason for refusal.

5.5 Design and Access Statement

A Design and Access Statement is not required.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/3048/F**

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

CONDITIONS

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

Reason(s):

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

2. 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 the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to occupation of the extension details of the extent, direction, duration and number of candelas of the outside lighting at the site shall be submitted and agreed in writing by the Local Planning Authority.

Reason(s):

To minimise light reaching the Dingle and disturbing its wildlife (most notably bats) and to accord with Policies L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and to accord with the objectives of the South Gloucestershire Biodiversity Action Plan (adopted 2007).

CIRCULATED SCHEDULE NO. 01/09 – 9 JANUARY 2009

App No.: PT08/3060/F
Site: Broadway, The Common East, Bradley Stoke, South Gloucestershire, BS34 6AY

Applicant: Mrs H Mccarragher
Date Reg: 25th November 2008

Proposal: Erection of two storey side extension to form additional living accommodation. Alteration to existing roofline to facilitate installation of 2 no. front dormer windows. Erection of front porch.

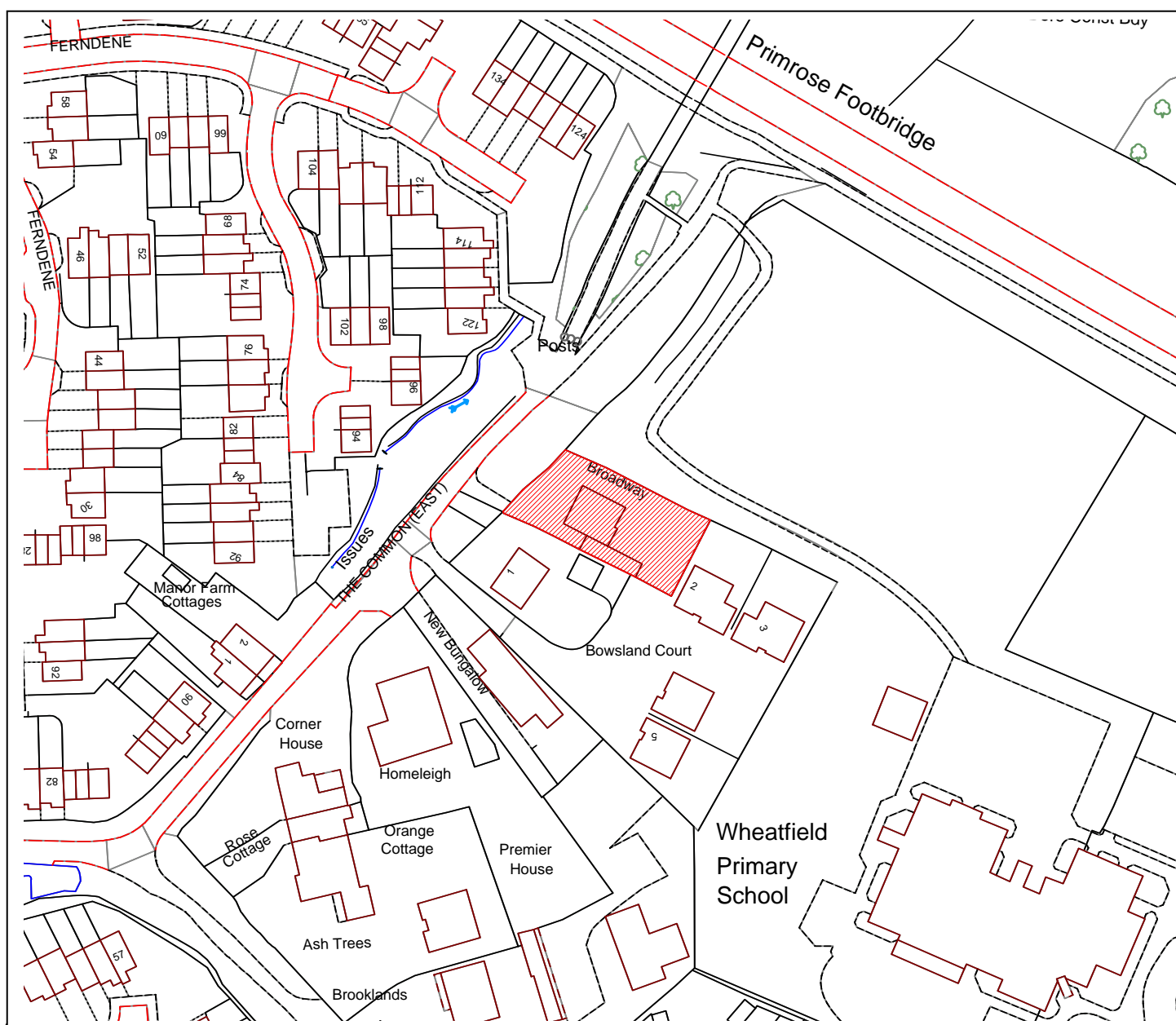
Parish: Bradley Stoke Town Council

Map Ref: 61573 82479

Ward: Bradley Stoke Central and Stoke Lodge

Application Category: Minor

Target Date: 19th January 2009



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The application appears on the Circulated Schedule in view of the concerns which have been expressed by Bradley Stoke Town Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for ground floor side and rear extensions and an increase in height of the enlarged roof structure to provide a chalet style dwelling.
- 1.2 The application relates to an existing single-storey dwelling on the east side of The Common (East), Bradley Stoke.

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
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
'Concern is expressed for the size of these proposals as being possible overdevelopment of the site.'
- 4.2 Other Consultees
No comments received

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 relates to a single-storey building which nestles in the corner of a new cul-de-sac development of five two-storey dwellings. Approval is sought for extensions to this property to allow its conversion from a modest two bed bungalow into a chalet style dwelling.

5.3 The proposal would allow a wrap around ground floor extension that would build to the north side and rear of the dwelling; the rear addition would replace an existing conservatory and kitchen extension. Above, a new level of first floor accommodation would be formed under a heightened roof structure with two front dormers and three velux roof lights formed. Further, a central porch would be added with this introducing a front gable with floor to ceiling height glazing.

5.4 In considering the above, it is noted that the existing single-storey dwelling appears somewhat at odds with the immediately adjoining development within Bowsland Court and thus there is no objection to the principle of development currently proposed. Further, given the nature of the surrounding development a fully expressed two-storey dwelling might also have been acceptable. As such, the works are considered to be acceptable with no objection raised in this instance.

5.5 Residential Amenity

There is only one directly adjoining property with this forming no. 1 Bowsland Court. This dwelling comprises a two-storey detached unit which fronts The Common (East) and which sits apart from the application site by reason of vehicular access to this north side of the property serving its double garage. As such, and with no first floor side facing windows proposed, and in view of this spacing provided, it is not considered that any significant adverse impact in residential amenity would be caused.

5.6 Concerning that dwelling to the rear, this fronts Bowsland Court with its flank elevation facing the application site. There is only one window contained within this elevation of the main dwelling with this a first floor ensuite window. As such, in view of the spacing retained between these dwellings and with two of the three velux to serve bathroom accommodation, it is not considered that any significant adverse impact in residential amenity would be caused.

5.7 All other neighbouring dwellings sit at an appreciable distance from the site of the proposals. As such, it is not considered that any significant adverse impact in residential amenity would be caused.

5.8 Design and Access Statement

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

5.9 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/3060/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 (side) and east (rear) elevations of the property.

Reason(s):

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

4. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor bathroom windows on the rear elevation shall be glazed with obscure glass to level 3 standard or above.

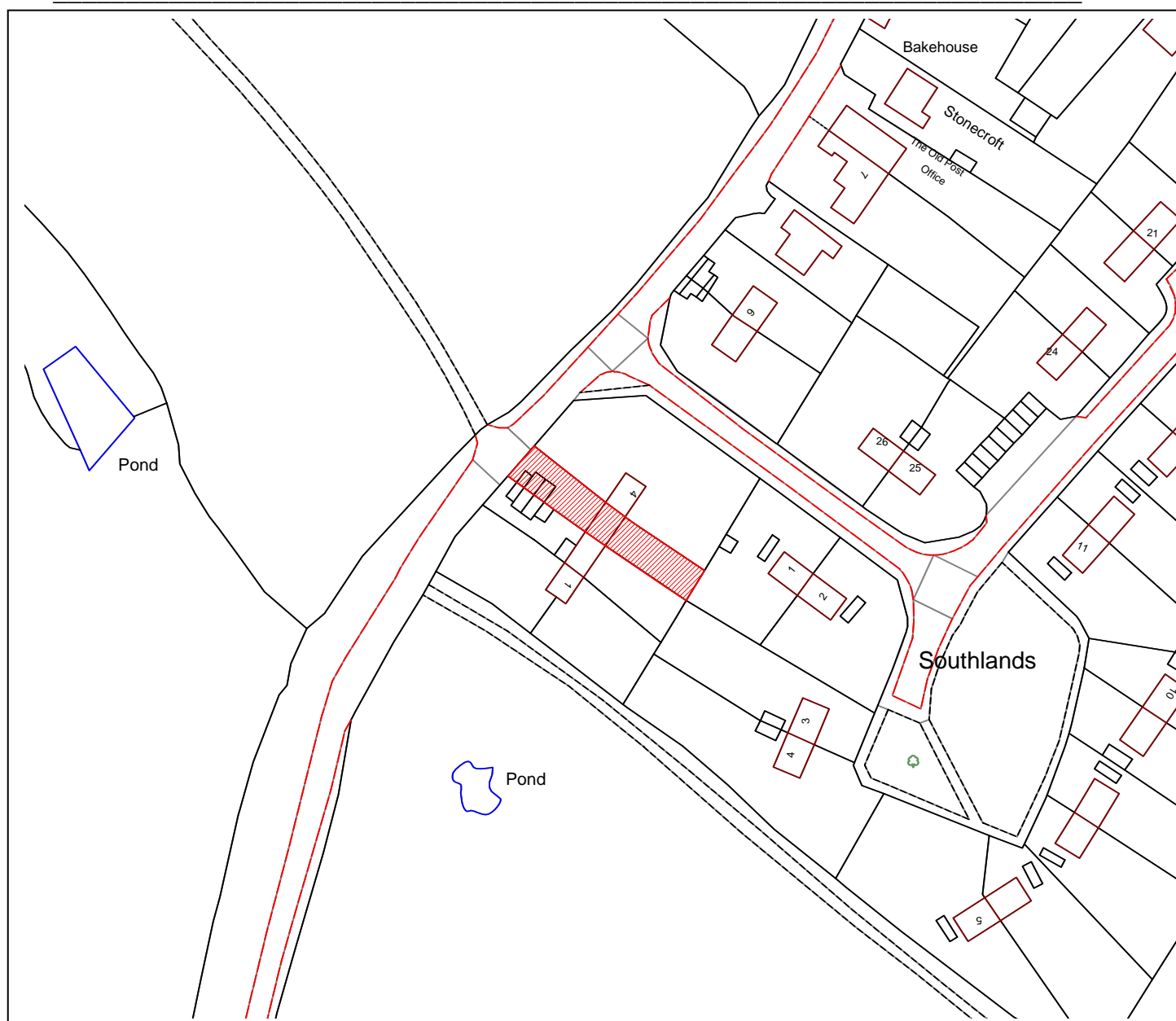
Reason(s):

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.

CIRCULATED SCHEDULE NO. 01/09 – 9 JANUARY 2009

App No.: PT08/3122/F
Site: 3 Itchington Road, Tytherington, South Gloucestershire, GL12 8QE
Proposal: Erection of two storey front extension to form additional living accommodation. Installation of 2 no. front velux windows to roof.
Map Ref: 66750 87941
Application Category: Minor

Applicant: Mr & Mrs Saunders
Date Reg: 4th December 2008
Parish: Tytherington Parish Council
Ward: Ladden Brook
Target Date: 26th January 2009



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100023410, 2008.

N.T.S

PT08/3122/F

INTRODUCTION

This application appears on the circulated schedule report as a letter of objection has been received which is contrary to the officer decision.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a two-storey front extension to provide additional living accommodation. In terms of dimensions the proposed development would measure 3.5 metres (depth) by 4.3 metres (width) and 6 metres (height to roof apex). The proposed materials are stone facing the road match the existing and render painted magnolia at the side, tiles are to match the existing and the windows will all be replaced with brown uPVC. There will also be two Velux windows either side of the roof of the extension.
- 1.2 The application site features a south east facing mid terrace dwellinghouse of late Victorian origin that fronts the Itchington Road at the most southerly point within the settlement boundary of Tytherington, located within the Bristol/Bath Green Belt. The land located adjacent is open fields.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG 2 Green Belts
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Curtilages, Including Extensions and New Dwellings
GB1 Development within the Green Belt
- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007
Development in the Green Belt (June 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
No objection received.
- 4.2 Local Residents
One letter of Objection has been received that is summarised as follows:
- Land ownership issues.
 - Loss of amenity in the form of encroachment of neighbouring windows and garden patio area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 considers development within the Green Belt. Policy H4 specifically relates to extensions and other development within residential curtilages in terms of their design and their impact on residential impact. Policy D1 considers general design principles and seek to ensure a high quality of design in all development. These policies indicate that such domestic development is acceptable in principle subject to the following considerations.

5.2 Green Belt

PPG 2 – Green Belts carries a presumption against “inappropriate development” within the Green Belt. PPG2 defines “inappropriate development” as development that is harmful to the Green Belt, however the guidance identifies the extension or alteration of a dwelling as appropriate development provided that it does not result in a disproportionate addition over and above the size of the original building or affect the open character of the green belt.

The proposed extension represents a 33% increase over the original property and this is not considered to be disproportionate. This is further supported because the property is situated within the settlement boundary of Tytherington and it is not considered that the wider open character of the Green Belt will be affected. The proposal is considered acceptable in these terms.

5.3 Visual Amenity/ Design

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 states that extensions to existing dwellings should respect the massing, scale, proportions and materials of the original property. Policy D1 of the plan seeks to ensure that a high level of design is achieved. It is considered that the extension is acceptable in these terms and the proposal will not dominate the character of the main dwelling.

The applicant’s proposal will only be partially viewable from the main road of Itchington Road, as it will be screened by a large hedge at the front boundary of the property. Although the land adjacent is open countryside, the proposal will feature front facing stone to match the existing dwelling and it is not considered that any loss of visual amenity will result.

5.4 Residential Amenity

A letter of objection has been received from the neighbouring property of Orchard Dene, No.4 Itchington Road. The issues raised can be addressed as follows:

The issues relating to land ownership is not a material planning consideration and this department is satisfied that the relevant 21 days notice has been served on the affected neighbouring property.

With regards to the impact on garden amenity it is not considered that this proposal will significantly affect the neighbouring property as the extension will extend to 3.5m which is similar to the other properties along the terrace that reach 3.3m. In addition, the windows affected are a kitchen window and a bathroom window and it is not considered that these are significant enough to warrant refusal on these grounds as any detriment to residential amenity will not be material.

The applicant has removed the window that was to be located on the South facing elevation of the proposed extension in order to ensure no loss of privacy results to the adjacent property of No.2's facing window.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

6. CONCLUSION

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

The 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 Permission is **granted** subject to the following condition.

Background Papers **PT08/3122/F**

Contact Officer: Toby Adams
Tel. No.

CONDITIONS

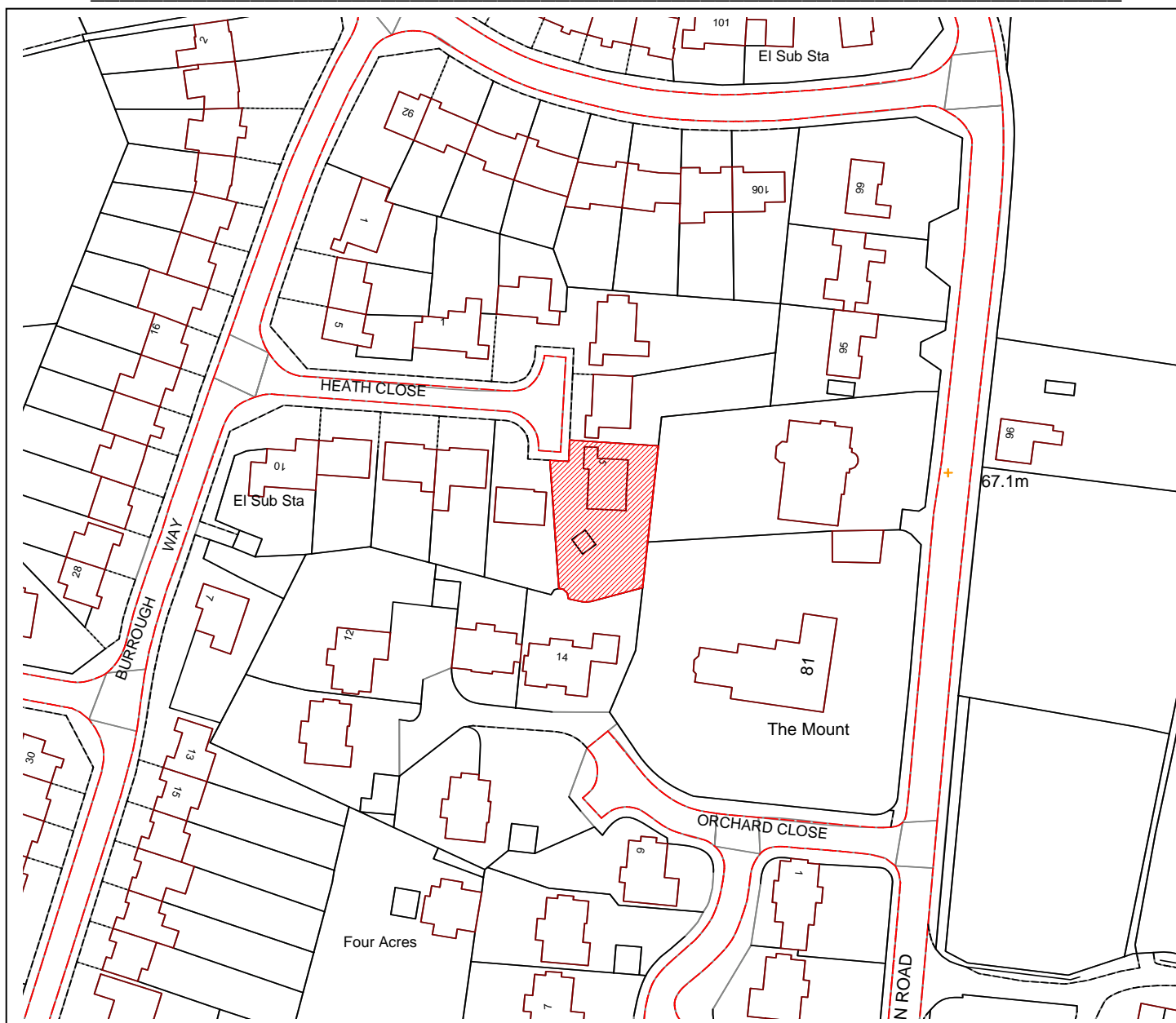
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 01/09 – 9 JANUARY 2009

App No.:	PT08/3123/F	Applicant:	Mr M Hunt
Site:	5 Heath Close, Winterbourne, South Gloucestershire, BS36 1LQ	Date Reg:	4th December 2008
Proposal:	Erection of two storey side extension to provide additional living accommodation. Erection of front porch.	Parish:	Winterbourne Parish Council
Map Ref:	65373 80550	Ward:	Winterbourne
Application Category:	Minor	Target Date:	26th January 2009



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N.T.S

PT08/3123/F

Introduction:

This report appears on the Circulated Schedule as the case officer's decision is contrary to a public letter of objection that was received within the consultation period.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a two-storey side extension to be attached to the eastern elevation of this detached house. In terms of the dimensions the extension would have a height of 8 metres, width of 2.8 metres and depth of 6.8 metres. The extension would be built to the rear of the existing single storey extension that projects to the front but would be set back from the front of the house by approximately 1.2 metres and set down from the main ridgeline by 0.4 metres. A gap of approximately 0.5 metres will remain to the boundary of the site denoted by the edge of the adjoining garage.
- 1.2 The application site comprises a modern two-storey detached property situated in the south east corner of Heath Close, a small cul-de-sac characterised by predominantly detached properties often without a clear building line. No.4 Heath Close, the adjoining property, is set as an opposite to the application site.

2. POLICY CONTEXT

- 2.1 National Guidance:
PPS1 Delivering Sustainable Communities

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

Supplementary Planning Document
South Gloucestershire Council Design Checklist (adopted)

3. RELEVANT PLANNING HISTORY

There is no relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objections.

- 4.2 Local Residents
One letter of objection has been received that is summarised as follows:

- Loss of residential amenity will occur to the neighbouring property of 4 Heath Close in the form of an overbearing effect.
- A similar extension at No.5 will result in the two detached properties appearing semi detached which will be out of character within the street scene.

5. Principle of Development

- 5.1 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically relates to residential development including extensions to dwellings. It states that any development should be in keeping with the character of the property and the area generally in terms of size, design and materials and that residential amenity should not be adversely affected by the proposal.

6. Design/Visual Amenity

- 6.1 The extension will be located at the side of the property, set back down from the roof line of the applicant's dwelling and back from the front building line away from the road.
- 6.2 Although the neighbouring property is currently set as an opposite of the applicant's, it is noted that other properties within the close have had similar style two storey additions located at the rear of the single storey element at the front of their properties. In addition the area is characterised by a mixture of dwelling types, all located in relative close proximity to one another. Therefore the concerns raised by the letter of objection are not considered to be problematic and any impact on the street scene will be minimal.
- 6.3 Additionally with regards to the scale and design of the proposal it is considered to be subservient to and compliment the character of the original dwelling. This is further supported because the materials proposed are in keeping with the existing and that the proposed pitched roof on the single storey element at the front will be an improvement visually over the current flat roof.
- 6.4 The site already benefits from a double garage and there is ample parking within the driveway so that any additional parking requirement will not be an issue as a result of the additional bedrooms resulting from the extension. Therefore it is considered that this proposal in terms of its overall size, design and external appearance is in keeping with the existing property and will not result in any loss of visual amenity.

7. Residential Amenity

- 7.1 The only neighbouring property to be affected by the applicant's proposed two storey extension is that of the adjacent No.4 as the others are set a substantial distance away. Although there is a window facing the applicant's property from No.4, this is a landing window and therefore it is not considered that any resulting detriment to residential amenity in the form of encroachment and a loss of light would be significant enough to warrant refusal.
- 7.2 The applicant's property features substantial rear garden space so that this proposal will not result in any significant loss of residential amenity to their dwelling house.

8. Section 106 Requirements

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Planning permission be approved with a condition.

Background Papers **PT08/3123/F**

Contact Officer: Toby Adams
Tel. No.

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).