



**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. 24/09**

**Date to Members: 19/06/09**

**Member's Deadline: 25/06/09(5pm)**

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

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

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

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

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

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

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

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

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

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

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

## CIRCULATED SCHEDULE

**DATE: 19/06/09**

**SCHEDULE NO. 24/09**

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

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

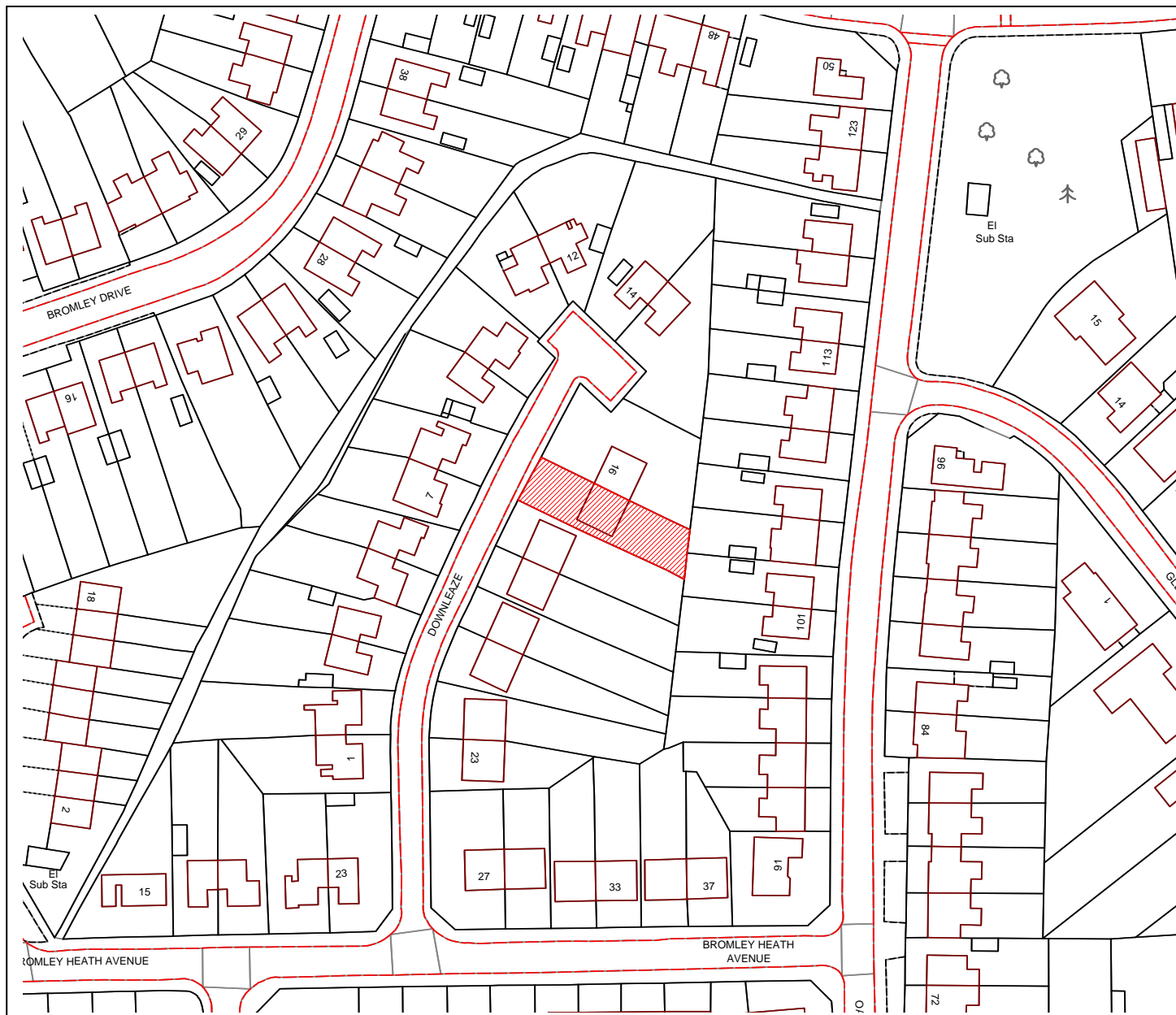
**DATE .....**

# Circulated Schedule 19 June 2009

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK09/0703/F	Approve with conditions	17 Downleaze, Downend, South Gloucestershire, BS16 6JR	Downend	Downend and Bromley Heath
2	PK09/0855/F	Approved subject to Section 106	Tungrove Farm, Horton Road, Horton, South Gloucestershire, BS37 6QH	Cotswold Edge	Horton Parish Council
3	PK09/0860/F	Approve with conditions	40 Brook Street, Chipping Sodbury, South Gloucestershire, BS37 6AZ	Chipping Sodbury	Sodbury Town Council
4	PK09/0863/R3F	Deemed consent	Stanbridge Cp School, Stanbridge Road, Downend, South Gloucestershire, BS16 6AL	Rodway	
5	PK09/0865/F	Approve with conditions	10 Pettigrove Gardens, Kingswood, South Gloucestershire, BS15 9QL	Woodstock	
6	PK09/0941/F	Approve with conditions	103 Hill Street, Kingswood, South Gloucestershire, BS15 4EZ	Kings Chase	
7	PT08/2626/F	Approve with conditions subject to signing of Section 278	24 Court Avenue, Stoke Gifford, South Gloucestershire, BS34 8PJ	Stoke Gifford	Stoke Gifford Parish Council
8	PT09/0833/ADV	Approve with conditions	3 Plough Inn, Quaker Lane, Thornbury, South Gloucestershire, BS35 2AD	Thornbury North	Thornbury Town Council
9	PT09/0916/LB	Approve with conditions	The Plough, Quakers Lane, Thornbury, South Gloucestershire, BS35 2AB	Thornbury North	Thornbury Town Council
10	PT09/0842/F	Approve with conditions	Frenchay Hospital, Frenchay Park Road, Frenchay, South Gloucestershire, BS16 1LE	Frenchay and Stoke Park	Winterbourne Parish Council
11	PT09/0851/F	Approve with conditions	9-11 Chelford Grove, Stoke Lodge, South Gloucestershire BS34 6DD	Bradley Stoke Central and Stoke Lodge	Patchway Town Council
12	PT09/0920/F	Approve with conditions	1, York House, Church Road, Easter Compton, South Gloucestershire, BS35 5RW	Almondsbury	Almondsbury Parish Council
13	PT09/0931/F	Approve with conditions	Ringtail Cottage, Butt Lane, Thornbury, South Gloucestershire, BS35 1RA	Thornbury North	Thornbury Town Council
14	PT09/0936/CLP	Refusal	6 The Brake, Coalpit Heath, South Gloucestershire, BS36 2TL	Westerleigh	Westerleigh Parish Council

## CIRCULATED SCHEDULE NO. 24/09 – 19 June 2009

<b>App No.:</b>	PK09/0703/F	<b>Applicant:</b>	Mr & Mrs House
<b>Site:</b>	17 Downleaze, Downend, South Gloucestershire, BS16 6JR	<b>Date Reg:</b>	17th April 2009
<b>Proposal:</b>	Erection of two storey side extension to form additional living accommodation.	<b>Parish:</b>	Downend and Bromley Heath
<b>Map Ref:</b>	64987 77826	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	9th June 2009



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N.T.S

PK09/0703/F

## **INTRODUCTION**

This application is reported on the Circulated Schedule due to the receipt of an objection which is contrary to the officer recommendation.

### **1. THE PROPOSAL**

1.1 This application seeks planning permission for the erection of a two storey side extension in place of the existing attached garage for this semi detached dwelling towards the end of a cul-de-sac. The house and its attached neighbour on site is set back in comparison with others in the street scene. This is so pronounced that its front building line is close to the rear building line of the adjacent house. The property has a large side dormer, unlike most others in the street.

1.2 Amendments were sought and received to the submitted design. These amounted to changes in the roof shape from hipped to gabled and the re-design of the intended double doors at the front in the extension. The other materials and design features are shown on the plans to match those of the host dwelling.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 House extensions

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

3.1 None

### **4. CONSULTATION RESPONSES**

4.1 Downend & Bromley Heath Parish Council  
No objection

#### **Other Representations**

4.2 Local Residents

One reply was received, stating the following concerns:

My concern with the application has arisen from the revised plan 2686/01 Gable end formed over side extension. As you will be aware I have not objected with regards to the previous plans however after studying the new revised plans I believe this will cause significant issues to my property at no 18 Downleaze. As no 17 is set back from the street and behind my property, with the direction of the sun-rise, I believe the proposed gable end will block sunlight during the morning/early noon hours to the side window of my property and in turn dramatically reducing light to my landing and stairs. The gable end I believe would also reduce morning light the rear bathroom window with possible casting shadows to my rear patio. My other main concern is regards the aesthetics and over bearing appearance to the rear of my property. The original design before the revised plan followed the same roof lines and contours which minimised the appearance of the extension from the rear of my property but the new revised introduction of a gable end makes a very high

prominent three storey wall visible very close to my property boundary. Due to the layout of the Downleaze rear gardens, the proposed gable end extension would form a casting structure which would dominate the rear view of my property when in the garden and in my conservatory. After speaking to the local South Gloucestershire planning office we were unable to understand the reasoning for the revised plans as they have not been requested by the applicants and with respect to the other properties in the street, none of the extended properties have a gable end and all follow the same roof lines (as the applicant original plans) therefore the revised plan of a gable end would stand out and not conform with the streets appearance and aesthetics.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above in the light of all material considerations. The issues to be resolved are the effect of the proposal on residential amenity and the effect of the design on the street scene.

### 5.2 Residential Amenity

The window pattern of the adjacent property is the same as that of the site, only handed, which means that the rear rooms next door closest to the site are a kitchen and bathroom at ground and first floor respectively. The only window in the side elevation of No. 18 serves the landing. While it is acknowledged that almost all of No. 18 stands to the rear of No. 17, it is considered that an overbearing impact, as regards the view out of rear facing windows, would not affect habitable rooms. The effect in the rear garden of No. 18 is considered to be more noticeable, but not detrimental to existing levels of residential amenity enjoyed by that property. The justification for this conclusion is the same as for the other issue raised in the consultation reply, that of shading: The house on site stands to the south/ southeast of No. 18 and therefore sunlight would enter the garden of No. 18 principally in the middle of the day from the direction of the proposed extension. The existing situation should also be borne in mind. The house at No. 17 is two storeys tall, with a hipped roof, but also a bulky dormer forming a gable end on the side of it. The proposed extension would be slightly lower than the top of the ridge of the existing house and the top of the existing dormer. The width of the proposed extension would bring the side of the property 2.6 metres closer than the gable end formed by the dormer. Whilst there would be some increase in overshadowing of the rear garden of No. 18, it is not considered that this would be so marked as to compromise the existing level of residential amenity, given the existing situation of the bulk of No. 17 already standing to the rear of No. 18. The proposal is therefore considered to comply with policy H4 in this respect. To ensure that there would be no direct overlooking of the rear garden of the adjoining property, a condition has been appended to prevent the later insertion of windows into the side elevation.

### 5.3 Visual Amenity/ Design/ Street Scene

The key material considerations in this analysis are that the house is somewhat different from the majority of the houses in the cul-de-sac and that its withdrawn location in the street scene makes it rather unobtrusive. However, the design of the proposed side extension is considered to be critical to the assessment of the proposed scheme. The original design was considered to be unacceptable in terms of design and impact on the street scene and a number of other proposed designs were put forward. From these, the current proposal was

considered to be the best option. The revised scheme shows an extension which is considered to be balanced with the host dwelling in terms of height and width and demonstrates subservience. The re-designed second door at the front now has more of an appearance of a rear door, but manages to not to compete with the existing front door. The overall appearance of the proposal is considered to slightly enhance the street scene, even taking account of its relatively withdrawn position in the frontage. This is in accordance with the guidance in PPS1 and policy D1 of the Local Plan.

5.4 Use of Energy and Sustainability  
Building Regulations compliant.

5.5 Improvements achieved to the scheme  
Negotiated changes to the roof slope for the extension and the proposed double doors at the front, which would not be appropriate with this kind of design.

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

**7. RECOMMENDATION**

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

**Background Papers**      **PK09/0703/F**

**Contact Officer:**    **Chris Gosling**

**Tel. No.**                **01454 863787**

**CONDITIONS**

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

Reason:

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



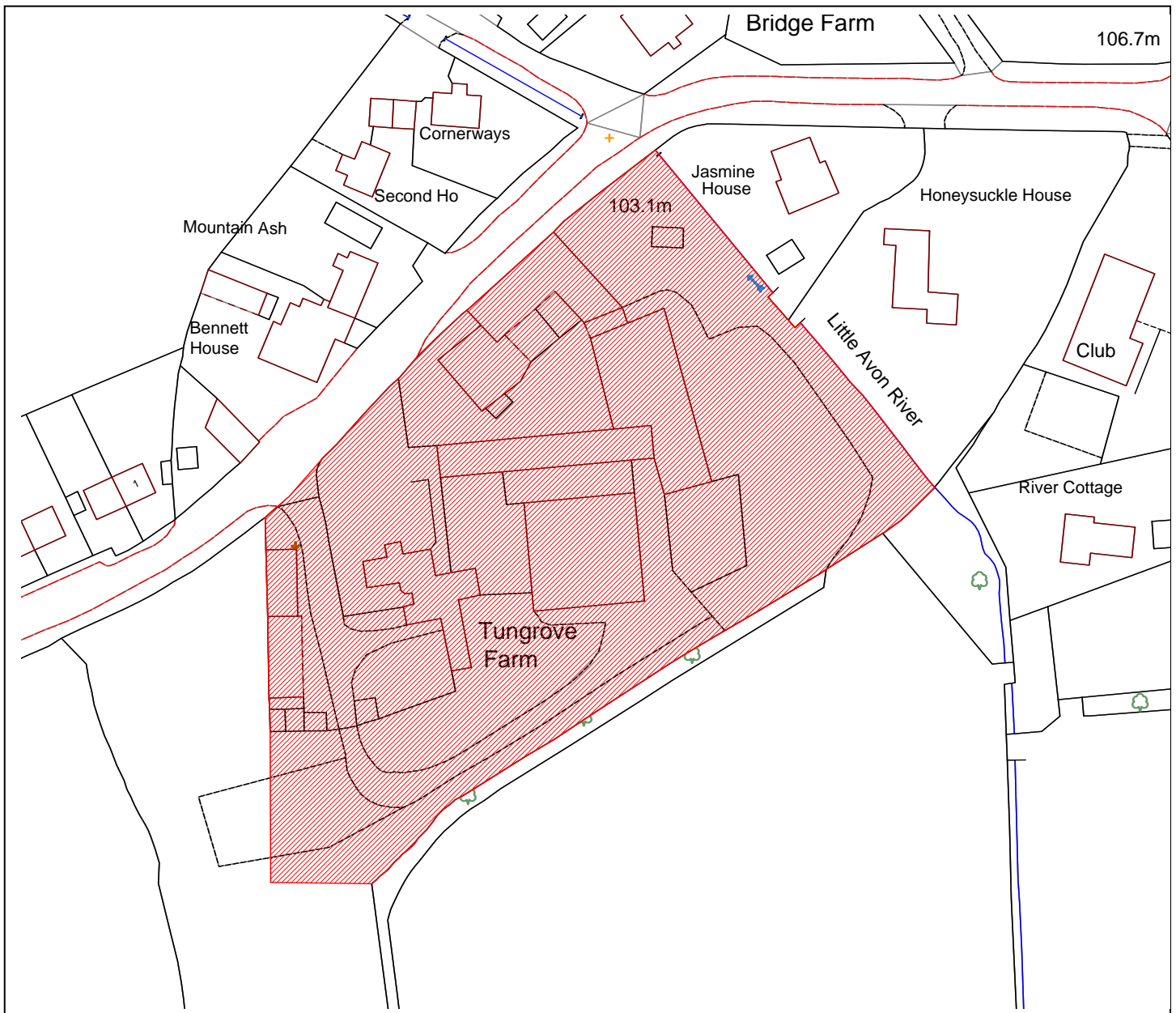
2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevation of the property.

Reason:

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

## CIRCULATED SCHEDULE NO. 24/09 – 19 JUNE 2009

<b>App No.:</b>	PK09/0855/F	<b>Applicant:</b>	Mr A Daniell
<b>Site:</b>	Tungrove Farm, Horton Road, Horton, South Gloucestershire, BS37 6QH	<b>Date Reg:</b>	8th May 2009
<b>Proposal:</b>	Conversion of 5 no. agricultural buildings to form 4 no. dwellings with associated works. (Resubmission of PK07/0247/F).	<b>Parish:</b>	Horton Parish Council
<b>Map Ref:</b>	75522 84464	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Major	<b>Target Date:</b>	13th July 2009



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PK09/0855/F

## **INTRODCUTION**

This application appears on the circulated schedule as a Section 106 agreement is required.

### **1. THE PROPOSAL**

- 1.1 This full planning application seeks planning consent for the conversion of a series of agricultural barns to 4 residential dwellings. The application states that due to changes in the farming industry, the barns are no longer needed or useable in connection with their original agricultural use. The barns all lie within the defined settlement boundary of Horton. The application includes the demolition of two large modern agricultural buildings and also the removal of a corrugated sheet structure attached to the side of one of the historic buildings.
- 1.2 The barns subject of this application all lie within the former farmyard area of Tungrove Farm. To the south of the site lies open countryside and the Cotswold Area of Outstanding Natural Beauty and to the north of the site the road is lined with residential properties. Tungrove Farm is at a prominent position on the main road through the village of Horton.
- 1.3 Of the four new units proposed, one of the units is to be affordable and this will be secured via the attachment of a S106 agreement. This full planning application is supported by the associated listed building application reference PK07/2564/LB.
- 1.4 This application is the resubmission of the previously withdrawn application PK07/0247/F. This previous application appeared on the circulated schedule with a recommendation for approval. Before the consent could be issued an issue arose over the garden area to be allocated to the affordable unit – proposed Unit 3. The Registered Social Landlord and the applicant both agreed that the boundary between the gardens of units 3 and 4 had been drawn in slightly the wrong place. Because the application had reached such an advanced stage, it was not possible to resubmit amended plans as part of that application and therefore the application was withdrawn. This current application is identical to that previously considered under application PK07/0247/F but incorporates that slight boundary difference between units 3 and 4.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

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

D1	Design
L1	Landscape Protection

- L2 Cotswold Area of Outstanding Natural Beauty
- L13 Listed buildings
- EP6 Contaminated Land
- T7 Cycle Parking
- T8 Vehicle Parking
- T12 Transportation Development Control
- H2 Residential Development within the defined settlement boundaries
- H5 Residential Conversions
- H6 Affordable Housing

- 2.3 Supplementary Planning Guidance  
Affordable Housing Supplementary Planning Document

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

- 3.1 PK07/0247/F Conversion of 5 no. agricultural buildings to form 4 no. dwellings with associated works (resubmission of PK05/3106/F).  
Withdrawn March 2009
- 3.2 PK07/2564/LB Demolition of units 6 and 7. Internal and external alterations including part demolition of existing farmhouse. Internal and external alterations including part demolition to units 1-5 to facilitate conversion to residential accommodation (resubmission of PK05/3111/LB).  
Approved December 2008
- 3.3 PK05/3106/F Conversion of 5 no. agricultural buildings to residential accommodation with associated works. Erection of 2 no. semi-detached cottages and 4 no. detached garages. Construction of vehicular access.  
Withdrawn January 2006
- 3.4 PK05/3111/LB Demolition of units 6 & 7. Internal and external alterations including part demolition to farmhouse. Internal and external alterations including part demolition to units 1-5 to facilitate conversion to residential accommodation.  
Withdrawn January 2006

### 4. **CONSULTATION RESPONSES**

- 4.1 Horton Parish Council  
Have no objection to the scheme but would like to request that local natural stone is used wherever possible

#### **Other Representations**

- 4.2 Local Residents  
No letters of objection have been received from local residents

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

- 5.1 Principle of Development

The application relates to a series of agricultural buildings within the defined settlement boundary of Horton. In accordance with policies H2 and H5 of the adopted South Gloucestershire Local Plan the scheme is acceptable providing a series of criteria relating to the character of the area, highway implications, residential amenity and design are satisfied. The site is not within but borders the edge of the Cotswold Area of Outstanding Natural Beauty and thus the requirements of Policy L2 must be given due weight and attention. Policy L15 is also of importance given the fact that Tungrove Farmhouse is a Grade II listed building. Finally, as the site is within a rural area and has a size of more than 0.2ha, the requirements of Policy H6 must be taken into account and affordable housing is required.

5.2 Policy H5 allows for the conversion of non-residential properties for residential use providing the following criteria are satisfied:

5.3 **Development would not prejudice the character of the surrounding area; and**

Tungrove Farm is at a very prominent position on the main road running through Horton. It is surrounded by open countryside to the south and west with residential development to the east and north. Whilst the site is very rural in character, the buildings are all within the defined settlement boundary and are well related to the rest of the village. The existing buildings to be converted contribute significantly to the character of the area. There are several unattractive modern agricultural buildings at the site but these are to be demolished as part of the application. The removal of these existing unattractive buildings would have a positive impact on the character of the area.

When viewed from the highway the attractive features of the site would be retained. The large Copper Beech trees that contribute positively to the character of the area are to be retained. Similarly the northern elevation of units 3 (the building that runs along the edge of the road and thus most visually prominent) will remain free from any new windows and doors and thus will still look like an agricultural building.

The application does include the change of use of some land from agricultural to residential. The areas of residential curtilage to be afforded to each of the dwellings is shown on the submitted landscaping plan (4/42004-36). Some of the gardens to the four new properties will fall just outside of the defined settlement boundary – they will not however encroach into the Area of Outstanding Natural Beauty. The creation of the gardens in accordance with the landscape plan will facilitate the removal of large areas of hard standing currently associated with the agricultural use of the land. Whilst not readily visible from the public realm, it is considered that the proposal will help preserve and enhance the character of the area and the adjacent AONB.

5.4 **Development would not prejudice the amenities of nearby occupiers; and**  
There are a limited number of nearby occupiers that could possibly be affected by the proposed development. Jasmine House and Honeysuckle House lie to the east of the application site – closest to proposed units no's 3 and 4. The application site is separated from these two neighbouring properties by a watercourse with vegetation. Given that there is a distance of over 30 metres

from the proposed development to these two existing house, it is not considered there will be any impact on existing levels of residential amenity.

The other houses closest to the application site are those to the north of the site – on the opposite side of Horton Road. Again it is not considered that the proposed development would have any impact on these properties because of the distances between them. It is also important to re-iterate that that the proposal is to convert existing buildings and demolish other unsympathetic buildings only – there is to be no new build as part of the application. It is therefore considered that the scheme will actually ‘open up’ the site when viewed from the road and thus the impact on existing levels of residential amenity could be argued to be improved.

**5.5 Would identify and acceptable level of off-street parking; and**

The plans clearly show the provision of ample off street parking to serve the new development. Unit 1 will have a single garage whereas all other units will be provided with a double garage. Should the application be successful, a condition would be attached to ensure that the garages are provided and retained. Whilst clearly the intention is to ensure all vehicles park in the garages provided, there is ample space on site to park any additional vehicles.

With regards to the other highway safety issues, the proposal will utilise existing access points and does not involve the creation of any new vehicle accesses onto Horton Road. Ample turning and manoeuvring space is provided on site and this will be finished with a permeable surface. The plans also clearly show each of the units to be provided with a large bin and cycle store to ensure that adequate cycle storage sufficient to satisfy the requirements of Policy T7 are provided. Whilst the number of vehicles using the site is likely to increase from its current authorised agricultural use, the types of vehicles using the accesses must also be taken into consideration. In its current agricultural use it is likely that the accesses are used by large, heavy and slow farm vehicles. The substitution of this with a slightly higher number of cars is considered to be wholly acceptable and will have no detrimental impact on existing levels of highway safety.

**5.6 In the case of buildings not previously used for residential purposes, the property is located within the existing urban areas and the boundaries of settlements , as defined on the proposals map.**

The buildings are all within the settlement boundary as defined on the proposals map.

**5.7 Affordable Housing Provision**

33.3% affordable housing on site has been agreed in line with Local Plan Policy H6 and the findings of the JHA Housing Needs Survey 2004 (JHA HNS). The planning application is in a rural location and proposes the provision of a total of 4 dwellings on a site of 0.58ha and therefore the Councils Enabling Department has agreed to take 1 of those to be an affordable home.

It is confirmed that unit 3 offered by the applicant meets the requirement for affordable housing under policy H6 and give our approval to drawing 4/4/2004/6D Rev E. All affordable housing delivered through planning obligations to be in line with the definitions contained in PPS3.

The unit will be for social rent to meet identified housing need reflecting the local housing need identified in the JHA HNS for affordable housing in the Districts rural areas.

The unit agreed on for affordable housing is a 3 bedroomed, 5 person dwelling which would meet identified need as based on the findings of JHA HNS, and would therefore be acceptable. The internal floor area of barn unit 3 is over the minimum requirement of 85m<sup>2</sup> for a 3 bedroomed 5 person dwelling.

This affordable housing will be delivered without any public subsidy.

The Councils Enabling Team are aware that the buildings are listed and that therefore certain design standards will not be reached but it is understood that the applicant is making every effort to comply with Code for Sustainable Homes Level 3/ Joseph Rowntree Foundation Lifetime Home Standards/ Secured by Design. In addition to this the affordable housing should be built to standards equal to the other dwellings on site and to the requirements of the RSL design brief and HCA design and quality standards applicable at the time the S106 agreement is drawn up or at 6 months prior to start on site.

Delivery is through Western Challenge Housing Association, the Councils rural RSL partner and member of the South Gloucestershire Housing Partnership. Western Challenge have confirmed that they will take the unit as shown in drawing 4/4/2004/6D.

In relation to phasing the affordable house should be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement.

The applicant will also confirm agreement to the following through completing the S106 agreement.

- The Council will define affordability outputs in the S.106 agreement and currently that would be social rents to be set at target rents
- Social rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- 100% initial and 75% subsequent nomination rights for the Council. A local connection lettings cascade will be required due to the location.
- As only one unit is expected to be provided no specific pepper potting strategy is required by the Council.

The applicant has agreed to the above terms/criteria and has indicated this in the submitted plan of unit 3 drawing 4/4/2004/6D subject to signing of an appropriate agreement (Section 106), the proposed development is therefore considered in accord with Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) and PPS6.

### 5.8 Other Issues

There is a public right of way that runs across the south eastern corner of the site. This public right of way will effectively run through the garden of proposed unit no. 4. An informative will be attached to any consent granted to remind the applicant that it is an offence to stop up a public right of way. Should the applicants or future occupants of unit 4 wish to have the footpath diverted they would need to apply for a footpath diversion under section 257 of the Town and Country Planning Act 1990.

### 5.9 Design and Access Statement

The Design and Access Statement submitted with the application is detailed and is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document. The statement clearly explains the rationale behind the scheme and how it will integrate successfully with its setting.

### 5.10 Section 106 Requirements

In this instance, having regard to the above advice, the provision of affordable housing contributions are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the signing of a bilateral Section 106 agreement to secure the following:

- Provision of 1 affordable housing unit in accordance with the details agreed with the applicant (see Paragraph 5.7 above)

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

Should the agreement not be complete within a period of six months from the date of the resolution, that authority be delegated to the Director of Planning, Transportation and Strategic Environment to refuse planning permission due to the failure to complete the agreement and provide the affordable housing.



**Background Papers**      **PK09/0855/F**

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

**CONDITIONS**

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

Reason:

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

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

Reason:

In order to maintain and retain the character of the area, the adjacent AONB and the setting of the listed building and to accord with Policies D1, L1, L2, L13, and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) no windows, dormer windows or rooflights other than those shown on the plans hereby approved shall be constructed at any time in any of the new residential units.

Reason:

In order to retain the agricultural sense of character and the setting of the listed building and to accord with Policies D1, L13, and H5 of the South Gloucestershire Local Plan (Adopted) January 2006

4. All hard and soft landscape works as shown on the approved plan 4/4/2004-36 (Amended 31/3/09) shall be carried out in accordance with the approved plan. No boundary treatments other than those shown on this plan may be constructed at any time without the prior written consent of the local planning authority. The works shall be carried out prior to the occupation of any of the converted buildings.

Reason:

To protect the character and appearance of the area to accord with Policies H5, D1, L1, L2 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006

5. The existing stone walls within and surrounding of the site shall be retained.

Reason:

To protect the character and appearance of the area to accord with Policies H5, D1, L1, and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The garages hereby approved must be provided and available prior to the first occupation of any of the four new units hereby permitted. The garages must remain available for their primary purpose of vehicle parking and ancillary domestic storage at all times thereafter.

Reason:

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

7. The cycle store and bin stores for each unit as shown on the plans hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason:

To ensure the satisfactory provision of cycle and waste facilities facilities to accord with Policies T7 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The buildings shown to be demolished on plan 4/4/2004-31a must be fully removed from site and the site restored in accordance with the landscaping plan prior to the occupation of any of the four units hereby approved.

Reason:

To ensure adequate access and garden arrangements for each of the units in accordance with the requirements of Policies D1, H5, L13 and L2 of the Adopted Local Plan.

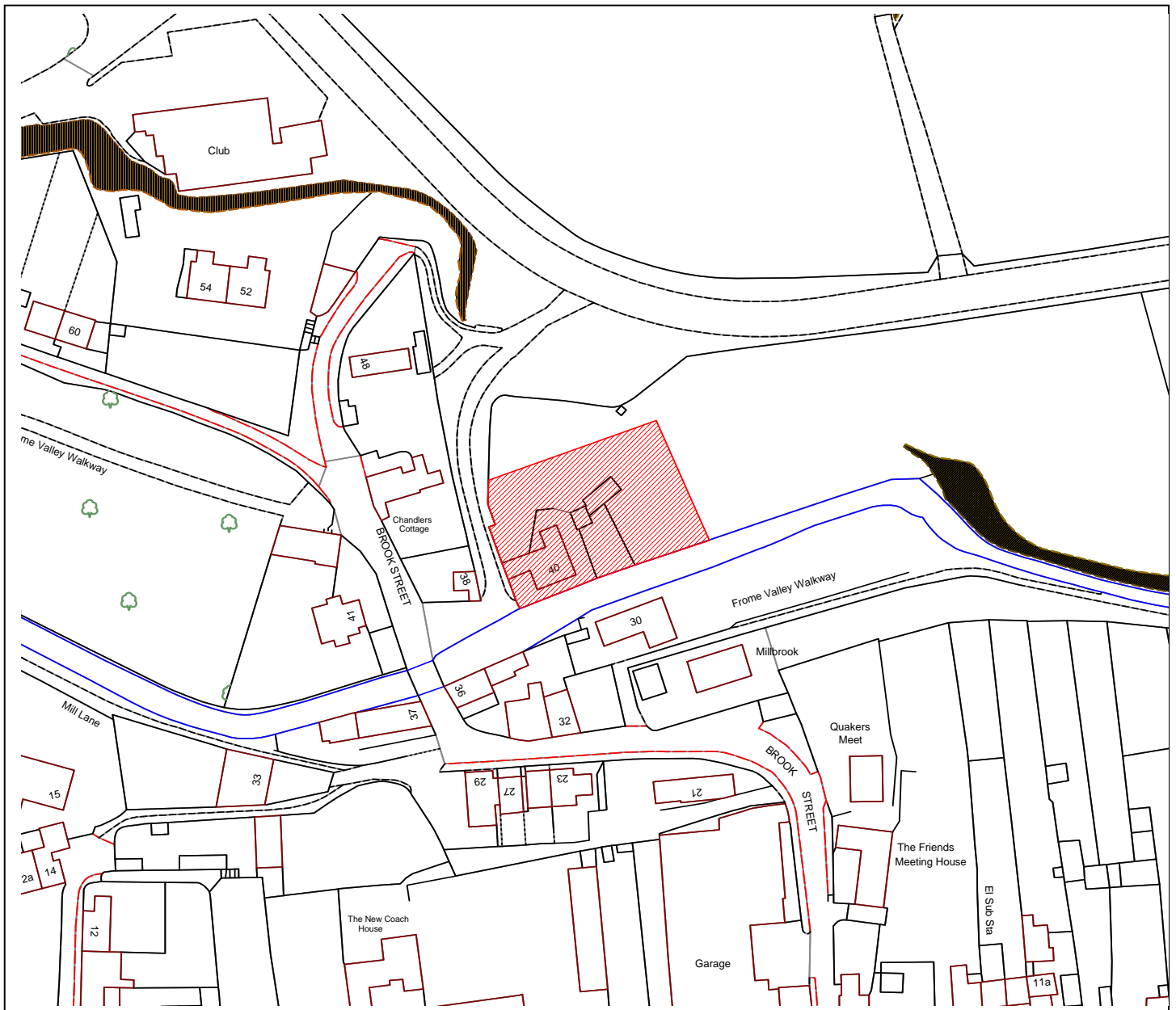
9. Prior to the commencement of development a tree constraints plan, which shall include details of all existing trees on the land and details of protective fencing, together with a method statement for any works within the root protection area of the trees shall be submitted to the Council and if acceptable agreed in writing. Development shall be carried out in accordance with the agreed details.

Reason:

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

**CIRCULATED SCHEDULE NO. 24/09 – 19 June 2009**

<b>App No.:</b>	PK09/0860/F	<b>Applicant:</b>	N/k
<b>Site:</b>	40 Brook Street, Chipping Sodbury, South Gloucestershire, BS37 6AZ	<b>Date Reg:</b>	11th May 2009
<b>Proposal:</b>	Erection of two storey side extension and single storey front extension to provide additional living accommodation. (Resubmission of PK09/0237/F).	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	72517 82357	<b>Ward:</b>	Chipping Sodbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	2nd July 2009



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## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the erection of a two storey side extension and single storey front extensions to provide additional living accommodation.
- 1.2 The application site relates to a three storey detached dwelling which falls just outside of the settlement boundary of Chipping Sodbury but lies within the Chipping Sodbury Conservation Area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1 Delivering Sustainable Development
  - PPG15 Planning and the Historic Environment
- 2.2 Development Plans
  - South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Design
  - H4 Extensions
  - L12 Conservation Area
- 2.3 Supplementary Planning Guidance
  - SPD Design
  - SPD Chipping Sodbury Appraisal

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

The following planning history relates to the application site:

- 3.1 N7801 Erection of dwelling and garage and formation of vehicular access  
Refused April 1982
- 3.1 PK09/0237/F Erection of two storey side extension and single storey rear  
Extension to provide additional accommodation  
Withdrawn Feb. 2009

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
Object-over development

## Other Representations

- 4.2 Local Residents  
No response

## 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings subject there being no adverse impact on existing visual and residential amenities.
- 5.2 As the application site lies within the Chipping Sodbury Conservation Area, regard must be had for Policy L12 of the South Gloucestershire Local Plan which only permits development that “*preserves or enhances the character or appearance of the Conservation Area*”
- 5.3 Visual Amenity  
Objections have been received from the Parish Council on the grounds that the extension would result in an overdevelopment of the site
- 5.4 The property is located in the Brook Street area of the Chipping Sodbury Conservation Area. The application site is perhaps one of just a handful of larger properties in the area, being three storeys high, the gable of which is very prominent in certain views along Brook Street. It sits with its back to the rest of the cottages, which reads as the front of the building. This elevation presents a much simpler, more modest rear elevation to the conservation area, but is slightly marred by the proliferation of rooflights, UPVC windows and a part rendered finish.
- 5.5 This planning application seeks planning permission for the erection of a two storey side extension with single storey front extension on the northern elevation plus a single storey extension on the front elevation of the existing dwelling. This scheme is a revision of a recently withdrawn application and the changes have addressed many of the concerns raised with regards to the accuracy of the surveys and the scale and detail of the extensions. The superfluous dormers in the extension have been removed and the overall design has been simplified. The size of the kitchen extension has also been reduced and the roof is no longer an over-bearing and dominant feature. The proposed extensions are considered in keeping with the scale and character of the existing dwelling and indeed those alterations on the rear elevation would result in an enhancement to the Conservation area.
- 5.6 The larger scale of the original building allows it to accommodate the extensions without them becoming overwhelming, and the location of the building means that the additions will be generally screened from the public highway. It is considered that the proposed extensions would not result in an overdevelopment of the site.
- 5.7 Residential Amenity  
It is considered that the proposed extensions by reason of their siting and design would not have an adverse impact in terms of overbearing impact or loss of privacy on the nearby property of no. 38.

5.8 It should be noted that the proposed plans indicate a first floor bedroom window on the southern elevation of the dwelling. This window is already in place and was carried out under permitted development rights.

5.9 Drainage Issues

The application site lies within Flood Zone 2. The proposed flood risk mitigation details submitted are considered acceptable, and no objection is raised on drainage grounds.

5.10 Design and Access Statement

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

5.11 Use of Energy and Sustainability

No measures proposed.

5.12 Improvements achieved to the scheme

None required as part of this planning application.

5.13 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 Planning permission be granted subject to following planning conditions.

**Background Papers**      **PK09/0860/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. Prior to the commencement of development, the detailed design including materials and finishes, of the following items shall be approved in writing by the local planning authority:
  - a. all new external doors and screens including frames & architraves
  - b. all new windows (including cill, head & reveal details)
  - c. dormers
  - d. lintels
  - e. all new vents and flues

3. The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006

4. A sample panel of stonework, of at least one metre square, showing the stone, coursing, jointing and pointing, shall be erected on site and approved in writing by the local planning authority before the relevant parts of the work are commenced. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of the development, for the purposes of consistency.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006

5. A sample panel of render, of at least one metre square, showing the colour and texture, shall be erected on site and approved in writing by the local planning authority before the relevant parts of the work are commenced. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of the development, for the purposes of consistency. For the avoidance of doubt, the render shall be a roughcast render and all plaster angles shall be formed by hand and no sharp arrises or angle beads shall be used in the detailing of the render.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006

6. All new external rainwater goods shall be formed in cast metal and painted black.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006

7. The roof tiles are to be reclaimed, clay double-roman tiles to match the existing on the original building.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006

8. 6. All new coping stones are to be natural stone and shall match the existing in profile and dimensions.

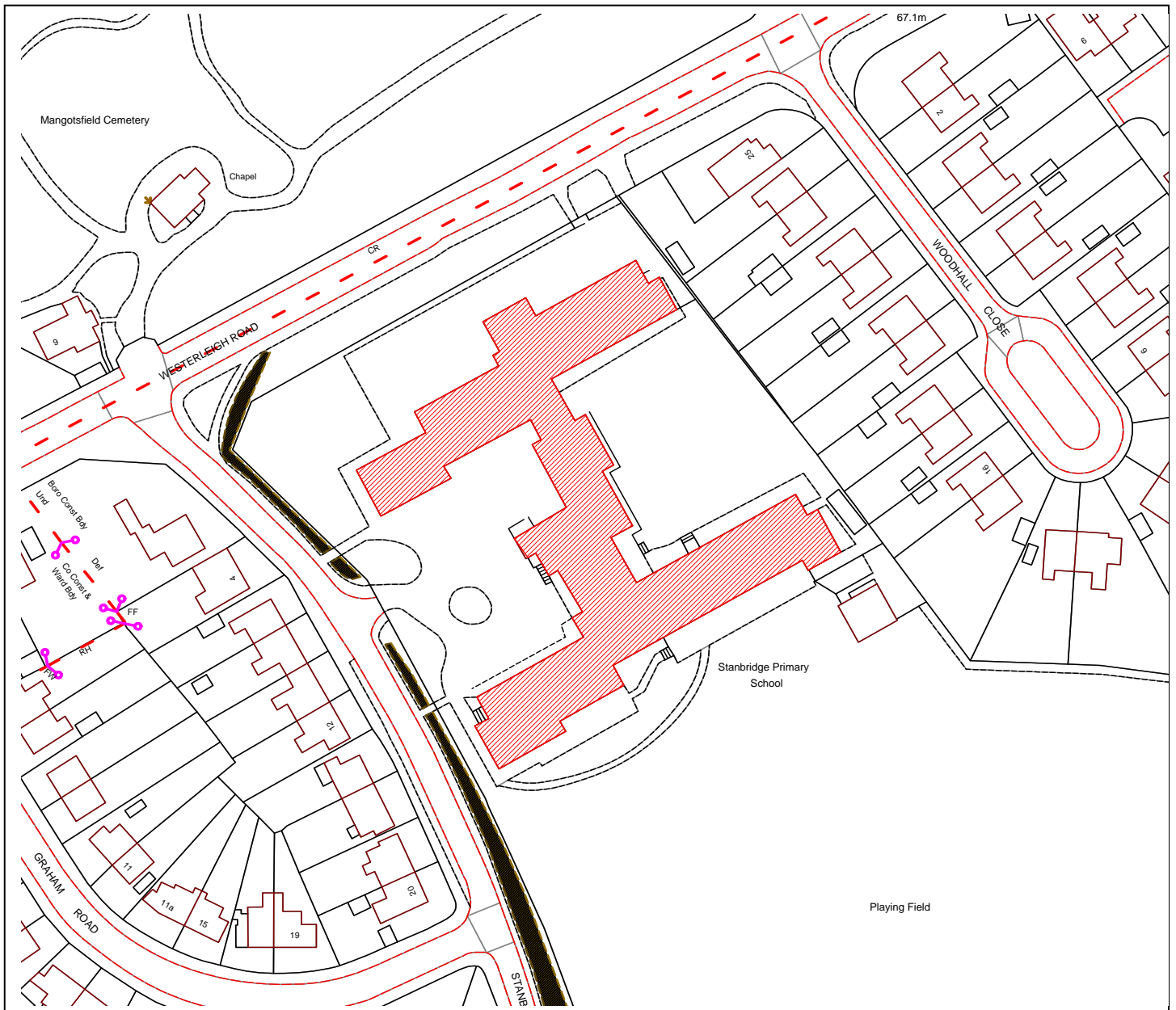
Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006



**CIRCULATED SCHEDULE NO. 24/09 – 19 JUNE 2009**

<b>App No.:</b>	PK09/0863/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Stanbridge Cp School, Stanbridge Road, Downend, South Gloucestershire, BS16 6AL	<b>Date Reg:</b>	11th May 2009
<b>Proposal:</b>	Installation of replacement double glazed windows.	<b>Parish:</b>	
<b>Map Ref:</b>	65720 76912	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd July 2009



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PK09/0863/R3F

## **INTRODUCTION**

This application appears on the Circulated Schedule in accordance with Council procedure as this is a Regulation 3 application – the application is on land within the ownership of South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 Full planning permission is sought for the installation of new windows and doors at the school. The application states that the existing windows at the school are single glazed units, some of which have corroded and are difficult to open. The proposal is to replace all windows with powder coated white aluminium windows. The replacement fire doors will be blue aluminium.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

LC4 Proposals for Education Facilities

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

- 3.1 The site has been the subject of a number of applications in the past none of which however are relevant to the determination of this application.

### **4. CONSULTATION RESPONSES**

- 4.1 Town/ Parish Council  
The area is unparished

#### **Other Representations**

- 4.2 Local Residents  
None Received

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

- 5.1 Principle of Development  
Policy D1 seeks to ensure that the development is appropriate and sympathetic for its setting. Policy D1 seeks to ensure that new development respects the site and the wider locality. Policy LC4 allows for development within school grounds providing there is no adverse impact upon amenity, transportation or parking.

- 5.2 Design

The proposed new windows and doors will have very little impact upon the appearance of the building. Upon completion, the school will appear practically the same as it did prior to the works. Whilst it will be apparent that new windows have been inserted, the new clean frames will only improve the appearance of the school. The application thus complies with the requirements of Policy D1 of the adopted Local Plan.

5.3 Transportation

Other than the vehicles associated with the workmen actually installing the windows, the proposal will have no impact upon parking or access at the school. The application thus complies with Policy LC4 of the Adopted Local Plan.

5.4 Residential Amenity

The application is to replace the existing window frames – no new windows are to be inserted as part of the application. The proposal therefore has no impact upon existing levels of residential amenity in accordance with Policy LC4 of the Adopted Local Plan.

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 and help justify the need for the large building.

5.6 Section 106 Requirements

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

**6. CONCLUSION**

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

**7. RECOMMENDATION**

7.1 Planning permission be approved subject to the following conditions;

**Background Papers**      **PK09/0863/R3F**

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

**CONDITIONS**

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

Reason:

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

**CIRCULATED SCHEDULE NO. 24/09 – 19 JUNE 2009**

<b>App No.:</b>	PK09/0865/F	<b>Applicant:</b>	Mr B Davey
<b>Site:</b>	10 Pettigrove Gardens, Kingswood, South Gloucestershire, BS15 9QL	<b>Date Reg:</b>	11th May 2009
<b>Proposal:</b>	Conversion of existing integral double garage to form 1no. self contained flat with associated works.	<b>Parish:</b>	
<b>Map Ref:</b>	65109 73016	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st July 2009



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**PK09/0865/F**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule as objections have been received from local residents regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the conversion of the existing integral double garage to form 1no. self contained flat with associated works.
- 1.2 This application has originally applied for an external staircase leading up to the first floor granny annexe but this has been omitted from the proposed scheme.
- 1.3 The application site relates to a two storey semi detached dwelling with two storey side extension within the residential area of Kingswood.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H5 Residential Conversions  
T8 Parking Standards  
T12 Transportation policy for new development
- 2.3 Supplementary Planning Guidance  
SPD Design

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

- 3.1 P87/4509 First Floor Side Extension  
Approved Aug. 1987
- 3.2 PK04/0661/F Installation of rear dormer  
Approved April 2004

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Not parished
- 4.2 Other Representations
- 4.3 Local Residents

8 letters have been received from local residents raising the following planning objections regarding the proposed development, which have been summarised by the Planning Officer as follows:

- Existing agreement restricting use of dwellings for commercial works
- Issues of car parking on road
- Property let out
- Front garden could be turned over to parking
- Access for Emergency vehicle and refuse vehicles
- What is purpose of external staircase?

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan allows for the conversion of existing residential properties within urban areas and settlement boundaries into smaller units of self contained residential accommodation, subject to the following criteria being satisfied:

### 5.2 A. would not prejudice the character of the surrounding area:

The application site relates to a two storey semi detached dwelling with large flush two storey side extension situated with a cul-de-sac of similar style properties. The dwelling has a render finish and clay roof tiles.

5.3 In terms of proposed external alterations required to facilitate the conversion of the garage into a self contained residential unit, the application proposes the replacement of the garage door with a window, new separate entrance plus a canopy along the front elevation. It is considered that the proposed conversion by reason of its scale and alterations would not prejudice the character of the immediate surrounding area.

### 5.4 B. would not prejudice the amenities of nearby occupiers:

It is considered that the introduction of a 1 bed flat within this residential area would not have an adverse impact on the existing amenities of nearby occupiers.

### 5.5 C. Would identify an acceptable level of off street parking:

The main objections raised by local residents regarding this application relate to the issue of the existing car parking problems within the cul-de-sac and the need for access for refuse and emergency vehicles.

5.6 The Council's Highway Officer has advised the following. This development proposes the widening of the existing vehicular crossover to provide two parking spaces for the whole development which is within the maximum car parking standards set out in Policy T8 of the South Gloucestershire Local Plan. The site is located on an unclassified residential cul-de-sac which is within walking distance of Kingswood High Street which has good access to public transport.

5.7 Whilst local residents concerns over on street congestion is acknowledged, it is considered that as the development provides off-street parking this proposal will not add to the current situation. In light of the above, there is no basis for a transportation objection to this proposal.

5.8 D. *Would provide adequate amenity space.*

A private patio area is proposed within the existing rear garden, which is considered acceptable in terms of size given the proposal relates to a 1 bed flat

5.9 Other Issues

Issues raised relating to agreements restricting the use of the dwelling for commercial use is not a material planning consideration with regards the determination of this planning application.

5.10 Design and Access Statement

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

5.11 Use of Energy and Sustainability

No measures proposed

5.12 Improvements achieved to the scheme

None required

5.13 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK09/0865/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).

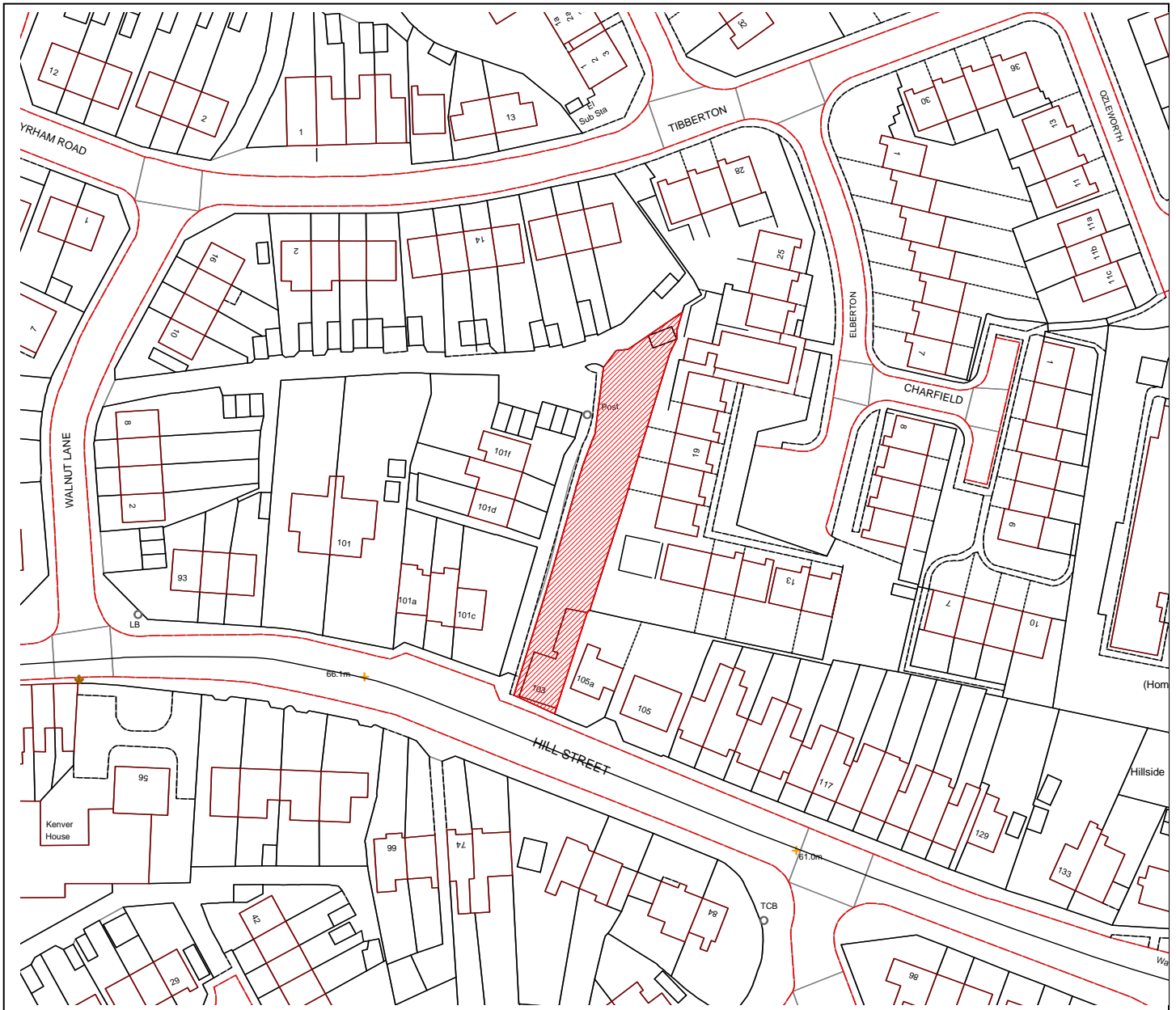
2. The off-street parking facilities for all vehicles shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason:

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

**CIRCULATED SCHEDULE NO. 24/09 – 19 JUNE 2009**

<b>App No.:</b>	PK09/0941/F	<b>Applicant:</b>	Mr Hargreaves
<b>Site:</b>	103 Hill Street, Kingswood, South Gloucestershire, BS15 4EZ	<b>Date Reg:</b>	21st May 2009
<b>Proposal:</b>	Erection of detached outbuilding to form garage and store/workshop.	<b>Parish:</b>	
<b>Map Ref:</b>	66140 73713	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th July 2009



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PK09/0941/F

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a double garage at the end of the long rear garden of No. 103 Hill Street, an end terraced property. Access to the garage would be derived from an access lane to the rear of the site, which serves the rear of other properties and garage blocks for properties in Hill Street as well as Tibberton and Walnut Lane.
- 1.2 The proposed garage would measure 6.7 metres wide by 6.7 metres deep, according to revised plans, reducing its size by omitting a proposed triangular storage/ workshop area, which would have formed a second room in the building. The proposed materials are rendered blockwork, under a concrete tiled roof, with uPVC doors, one for vehicles and one for pedestrians in its front elevation. There is a tall blockwork wall along the northern part of the site boundary and tall metal gates at the existing vehicular access point off the access lane. At the northern end of the site is a mature hedgerow.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development within residential curtilages

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

- |     |             |  |               |
|-----|-------------|--|---------------|
| 3.1 | P78/4232    | Change of use of shop to residential     | Approved 1978 |
| 3.2 | P89/4779    | Erection of bungalow                     | Refused 1990  |
| 3.3 | PK09/0940/F | Erection of single storey rear extension | Undetermined  |

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Unparished area
- 4.2 Other Consultees  
Technical Services Unit  
No objection in principle, subject to the submission of a SUDS complaint drainage plan.

#### **Other Representations**

- 4.3 Local Residents

7 letters of objection were received, citing the following concerns. These comments were based on consultation on the scheme which included the workshop, which has now been deleted.

- \* The garage will probably be used on a commercial basis
- \* Access would be from a private lane which is too narrow and could be damaged by additional vehicular movements
- \* Extra traffic could block other residents in
- \* The building would be too big
- \* Noise and fumes from cars using the garage
- \* The previous owner was refused permission to build on this site
- \* Health & Safety issues from the storage of flammable material
- \* Risk of loss of some trees and bushes
- \* Effect on residential amenity in the gardens which border the site

- The lane drains downhill into existing garages
- Health & Safety issues from the storage of flammable material

NB These last two points are not a valid planning concerns. Health and Safety has its own legislation.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be resolved are the design/appearance of the garage and its impact on residential amenity. The site is in a residential use and therefore any use of the garage for purposes which are other than incidental to the enjoyment of the dwelling could be construed as a material change of use, for which planning permission would be required. For this reason, the assessment is made on what has been applied for, a garage building for domestic use.

### 5.2 Design/ Visual Impact

The revised design shows a square outbuilding of standard, simple design. The scale, although wider and slightly longer than usual for a double garage, is subservient to the host dwelling, which is distant to it in any event. It is considered that the revised design is appropriate to its setting and complies with policy D1 of the adopted Local Plan.

### 5.3 Residential Amenity

Through the consultation process, issues have been raised over the effect of this proposal on the existing levels of residential amenity in adjoining gardens. It is considered that, since this part of the curtilage, particularly as it is next to its vehicular access, would be expected to be used by vehicles, potentially for parking. The proposed garage would contain noise and fumes and is considered to lead to a minor improvement to residential amenity in this regard. The present screening at the rear of the garden is considered adequate to avoid any overbearing impact from the new structure. Overall it is considered that the proposal would not harm existing levels of residential amenity and that it complies with policy H4 of the adopted Local Plan in this regard.

#### 5.4 Other Issues

The drainage comments which appear at 4.2 above have led to the inclusion of a condition requiring drainage details, which will need to be Sustainable Drainage compliant. The possibility of the garage being used commercially has been explained at 5.1 above. The previous refusal of planning permission on this site is noted in the planning history. It related to a proposed bungalow, which is wholly different in character to the current proposal, which needs to be analysed on its individual merits. The reduction in footprint of the garage is considered to preclude the need for the removal of any trees or bushes on the site. The private status of the lane is not a planning concern, nor is the rights of access over it.

#### 5.5 Use of Energy and Sustainability

Not directly applicable to a garage building, other than in the materials used in its construction. In this regard, no specific information is available.

#### 5.6 Improvements achieved to the scheme

The proposed store/ workshop element has been deleted from the scheme, leaving a square building.

#### 5.7 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Background Papers**      **PK09/0941/F**

**Contact Officer:**      **Chris Gosling**

**Tel. No.**                      **01454 863787**

## **CONDITIONS**

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

Reason:

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

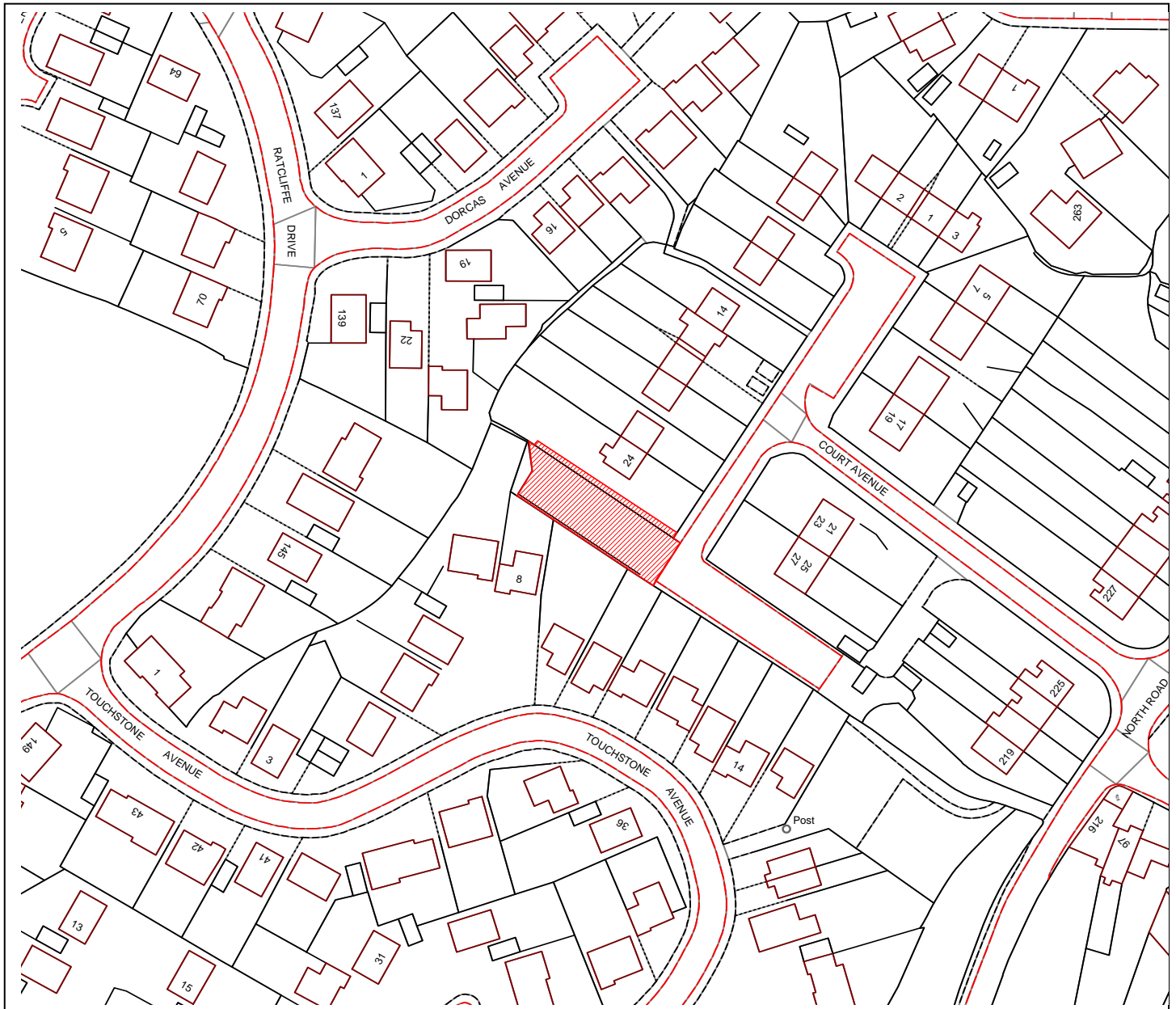
2. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason:

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

## CIRCULATED SCHEDULE NO. 24/09 – 19 JUNE 2009

<b>App No.:</b>	PT08/2626/F	<b>Applicant:</b>	Mr D Simmonds
<b>Site:</b>	24 Court Avenue, Stoke Gifford, South Gloucestershire, BS34 8PJ	<b>Date Reg:</b>	24th September 2008
<b>Proposal:</b>	Erection of 2. no. dwellings with associated works (Resubmission of PT08/2165/F)	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	62579 80220	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th November 2008



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100023410, 2008.

N.T.S

PT08/2626/F

## **1. INTRODUCTION**

- 1.0 Members will recall that this application was previously referred to the Circulated Schedule on November 28<sup>th</sup> 2008 with a recommendation for approval. The application was not referred to the DC (West) Planning Committee. Authority was delegated to the Director of Planning, Transportation and the Strategic Environment to grant permission subject to the receipt of a £3600 contribution towards the Bristol North Fringe Development Proposal (Transport Matters) initiative within 6 months of this resolution.
- 1.2 The original report is attached as an appendix to this update sheet.

## **2.0 UPDATE**

- 2.1 Six months have now passed since the date of this resolution to grant planning permission and the £3600 contribution towards the Bristol North Fringe Development Proposal (Transport Matters) has not been received.
- 2.2 The applicant has confirmed in writing acceptance of this payment but cites that the current economic climate within the property sector has hindered the ability to fulfil this obligation. For this reason, an extension of time to this agreement is requested with a further six month time period requested.
- 2.3 Officers consider this requirement to be reasonable but would not anticipate that a further extension of time would be acceptable should this extended time period lapse without payment.

## **3. RECOMMENDATION**

- 3.1 That Authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission subject to conditions set out below and the applicant first voluntarily enter into an agreement under Section 278 of the Highway Act 1980 to secure the following:
- 3.2 A contribution of £3600 towards the North Fringe Development Proposal (Transport Matters) initiative. The reasons for this agreement are to mitigate against the impact on the Bristol North Fringe local road network to comply with Policy T12.
- 3.3 Should the section 278 agreement fail to be determined within 6 Months of this amended resolution date, then the application is refused on the failure to secure the head of term set out in section 1 of the recommendation.

**Background Papers**      **PT08/2626/F**

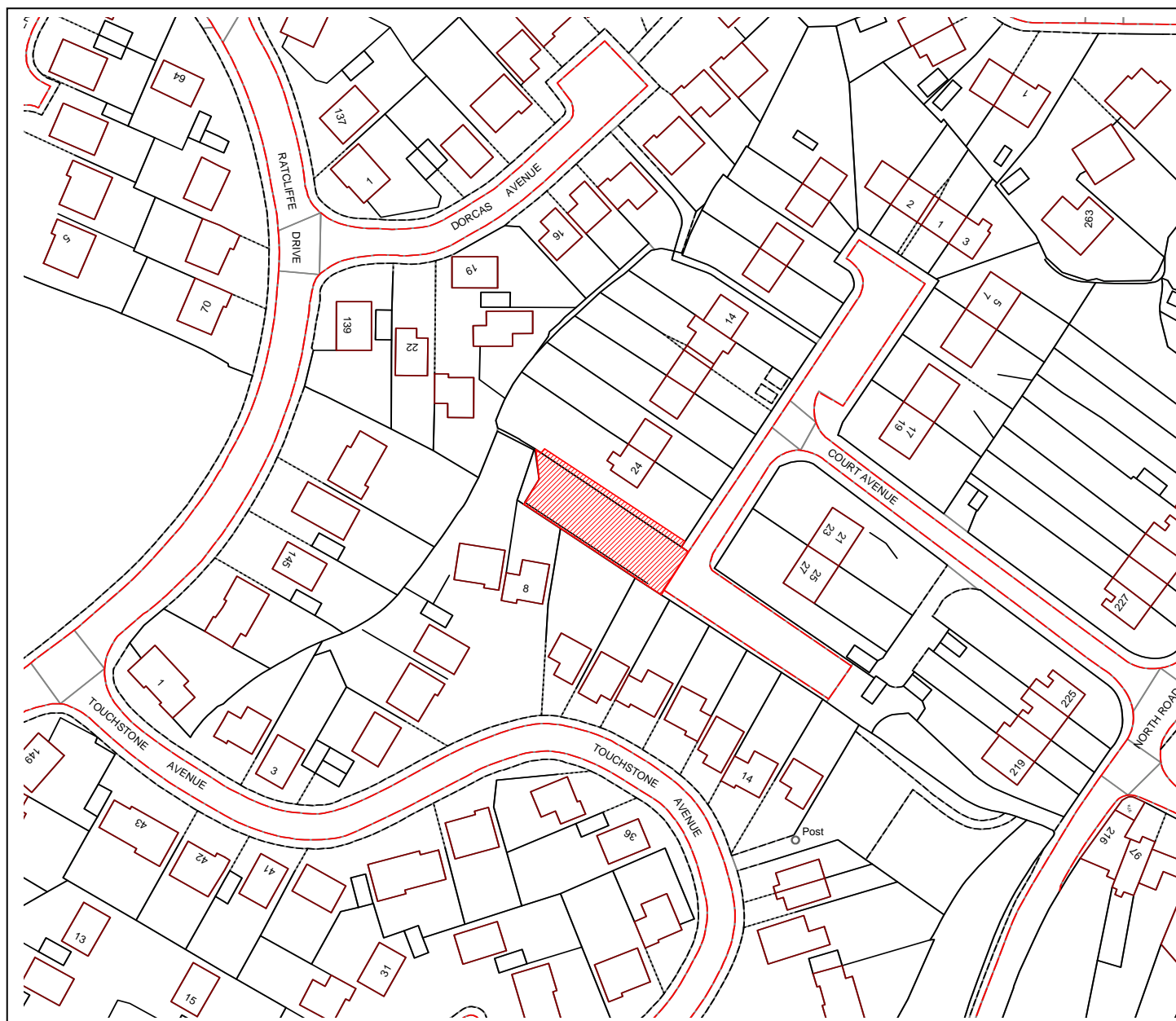
**Contact Officer:**    **Peter Burridge**  
**Tel. No.**                **01454 865262**



## APPENDIX

### CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

<b>App No.:</b>	PT08/2626/F	<b>Applicant:</b>	Mr D Simmonds
<b>Site:</b>	24 Court Avenue, Stoke Gifford, South Gloucestershire, BS34 8PJ	<b>Date Reg:</b>	24th September 2008
<b>Proposal:</b>	Erection of 2. no. dwellings with associated works (Resubmission of PT08/2165/F)	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	62579 80220	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th November 2008



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DC0901MW

N.T.S

PT08/2626/F

## **INTRODUCTION**

This application has been referred to the Circulated Schedule in view of the Legal Agreement which is required.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of two semi-detached dwellings.
- 1.2 The application site forms 0.05Ha of land on the north side of Court Avenue, Stoke Gifford. The application site forms a relatively narrow strip of grassland at the far end of this cul-de-sac that runs parallel with the adjoining property and which is understood to have been Council owned until recently.
- 1.3 The application comprises a resubmission of application PT08/2165/F that sought approval for four detached dwellings. These would have formed back to back style units; the application was refused for the following reasons:
  1. The proposed development, by reason of the two rear facing dwellings proposed, would result in a poor quality layout at odds with the established pattern of residential development within the locality. The proposal is therefore considered to be contrary to Planning Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
  2. It is considered that the scale, massing and design of the four dwellings proposed would comprise an overdevelopment of the site and appear an incongruous feature within the street scene, out of keeping with the existing character of residential development. The proposal would therefore be detrimental to visual amenity and is considered to be contrary to Planning Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
  3. The application fails to provide any mitigation measures to offset the impact of the proposal on the Bristol North Fringe highway network. The proposal is therefore considered to be contrary to planning policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) January 2006.
- 1.4 Amended plans form part of this application allowing alterations to the design of the proposed front porches and additional detailing to the dwellings.

### **2. POLICY CONTEXT**

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

## 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

H2: Development within Residential Curtilages

T7: Cycle Parking

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

## 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

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

- 3.1 P88/1593: Residential development on 0.08 acres of land (outline). Permitted: 27 April 1988
- 3.2 P90/2901: Residential development on 0.08 acres of land (outline). Permitted: 20 February 1991
- 3.3 P93/2623: Residential development on 0.08 acres of land (outline). Permitted: 9 February 1994
- 3.4 P97/1765: Residential development on 0.34 hectare (outline). Permitted: 15 July 1997
- 3.5 PT00/1648/R30: Residential development on 0.34 hectare (renewal of outline). Deemed Consent: 4 August 2000
- 3.6 PT03/2413/R30: Residential development on 0.34 hectare (renewal of outline). Deemed Consent: 29 September 2003
- 3.7 PT06/2484/R30: Residential development on 0.34 hectare (renewal of outline). Withdrawn: 21 November 2006
- 3.8 PT08/2165/F: Erection of four dwellings and associated works. Refused: 8 September 2008

### 4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No comment
- 4.2 Other Consultees  
Technical Services (Drainage): no objections in principle  
Highways DC: no objection subject to S278 Agreement  
Environmental Services: no objections in principle
- 4.3 Local Residents  
No comments received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Planning policy D1 details that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and locality.

5.2 Planning policy H2 allows for the principle of residential development subject to considerations of design, residential amenity and highway safety. Furthermore, the maximum density compatible with the site, its location, accessibility and its surroundings should also be achieved. In this regard, proposals should seek to achieve a density of 30 dwellings per hectare and upwards of 50 dwellings per hectare where local circumstances permit.

5.3 Planning policy T12 cites that development will only be permitted (in terms of transportation) where (considered here most relevant) proposals would not generate traffic that would be detrimental to residential amenity and where it provides safe access capable of accommodating the traffic that is generated.

### 5.4 Design/ Visual Amenity

The application seeks full planning permission for two semi-detached dwellings on an area of grassland at the far end of Court Avenue, Stoke Gifford. It is noted that a history of outline applications establish the principle of residential development on this site although there appear to be no details in respect of the number, size or design of any future development.

5.5 The application seeks approval for the erection of two semi-detached dwellings which would align with the existing residential units on this side of the highway. The proposals would comprise two-bed dwellings with front and rear bedrooms and a central bathroom sandwiched between. At ground level, accommodation would comprise a rear facing lounge with a front kitchen and hallway. A ground floor WC would be provided in between whilst a front porch would straddle the new boundary providing two forward facing entranceways.

5.6 In considering the above, it is noted that Court Avenue is characterised by two-storey development which fronts the highway set back behind a strong building line on either side of the road. The area benefits from a sense of spaciousness by virtue of the front gardens provided and the rear gardens behind. The scale and massing of all buildings appears broadly similar with dwellings occupying wide but relatively shallow footprints and encompassed by roof structures of equal height.

5.7 The refused scheme would have been in contrast to this established pattern of development with the two rear facing dwellings attached to the forward facing properties. Such dictated that the proposals would have benefited from only small 'front' gardens whilst this layout would have necessitated a lengthy drive providing access to the rear and a footprint to the building double the depth of the existing dwellings; this would have been readily apparent from public view.

- 5.8 In the light of the above, Officer advice suggested that the scheme be amended to allow two forward facing dwellings. With this alteration having been made, this therefore is considered to address the first refusal reason in respect of the initial scheme and also help address the second refusal reason.
- 5.9 With regards to this amended submission, concerns remained in respect of the original plans given the lack of detailing to the dwellings, the porch shape and treatment of the front garden. The plot width was also of concern given the available space to the side of the adjoining property (owned by the applicant).
- 5.10 In view of the above, amended plans have been received providing a revised porch with the gable roof omitted and the front doors reoriented to face forward; additional detailing to the dwellings has also been provided. It was not possible to extend the front gardens further forward given that the area of hardstanding proposed is required for vehicle turning (this alteration would have introduced a highway objection). Further, it has not been possible to address the concerns related to the large area of spacing retained between no. 24 Court Avenue and the proposals; this is in view of an existing sewer in this location that requires 3m clearance either side.
- 5.11 In this instance, having regard to the alterations that have been made and the reasoning for those which have not, on balance, the proposals are considered acceptable with no objections now raised to the proposal on this basis.
- 5.12 Density  
Policy H2 seeks to ensure that proposals for new residential development provide a minimum density of 30 dwellings per hectare with upwards of 50 units per hectare where local circumstances permit. In this instance, the proposal would provide a density of development equating to 40 dwellings per hectare and thus there is no objection to this current application on this basis.
- 5.13 Residential Amenity  
The neighbouring dwelling to the north of the application site forms a two-storey semi-detached property fronting Court Avenue. One secondary kitchen window within the flank wall faces the application site whilst boundary screening is provided by a 1.8m high (approx.) close-boarded fence; this stands at a lower level with the aforementioned kitchen window visible above. This dwelling is inset from the boundary with vehicular access running to this side.
- 5.14 The proposals would stand some 6m from this dwelling with the reduced size of the building ensuring that there would not be a significant projection beyond the rear building line of this existing property. Further, flank windows would be limited to the ground and first floor bathroom windows. For these reasons, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.15 Neighbouring properties to the south comprise two-storey detached dwellings that front Touchstone Avenue. In view of the identical design of the new units (albeit handed), openings to this side would again be limited to ground and first floor bathroom windows. For this reason and in view of the level of spacing provided (by reason of the adjoining rear gardens), it is not considered that any significant adverse impact on residential amenity would be caused.

- 5.16 The dwelling behind stands at an appreciable distance from the application site (separated by a neighbours' rear garden) whilst is relatively well screened and faces away from the application site. Accordingly, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.17 There are no properties immediately opposite the application site with this area of land instead given over to hardstanding and formerly providing an area of car parking.
- 5.18 Highway Safety  
There is no highway objection to the access, parking and turning arrangements although a condition would need to be added to any favourable decision notice to provide further details concerning the proposed cycle storage facilities.
- 5.19 A contribution of £3600 is applicable towards the North Fringe (Transport Measures) Scheme. This contribution is assessed at £1800 per unit for two bedroom dwellings and should be secured via an appropriate legal agreement prior to the issue of any favourable decision.
- 5.20 Notwithstanding the above, in an attempt to address those concerns related to the area of hardstanding at the front of the application site, it was suggested that a formal turning head be provided that would then be adopted as part of the highway. The applicant has resisted this proposal and thus the requirement remains for the proposed hardstanding. Given that there was no associated refusal reason in respect of the last application, it is considered that it would be unreasonable to withhold planning permission on this basis.
- 5.21 Design and Access Statement  
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.22 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 278 Agreement under the Highway Act 1980, but would nevertheless satisfy the tests set out in Circular 05/2005.

## **6. CONCLUSION**

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

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

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

## **7. RECOMMENDATION**

- 7.1 That Authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission subject to conditions set out below and the applicant first voluntarily enter into an agreement under Section 278 of the Highway Act 1980 to secure the following:
- 7.2 A contribution of £3600 towards the North Fringe Development Proposal (Transport Matters) initiative. The reasons for this agreement are to mitigate against the impact on the Bristol North Fringe local road network to comply with Policy T12.
- 7.3 Should the section 278 agreement fail to be determined within 6 Months of this resolution, then the application is refused on the failure to secure the head of term set out in section 1 of the recommendation.

### **Background Papers      PT08/2626/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. No development shall take place until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(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 north and south (flank) elevations of the dwellings.

Reason(s):

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

4. Prior to the occupation of the dwellings hereby permitted, and at all times thereafter, the proposed bathroom windows on the north and south (flank) elevations 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(s):

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

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

Reason(s):

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

6. 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(s):

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

7. Prior to the commencement of development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the local planning authority for approval. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason(s):

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

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



Reason(s):

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

9. The off-street parking and turning facilities shown on the plan hereby approved shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

Reason(s):

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

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

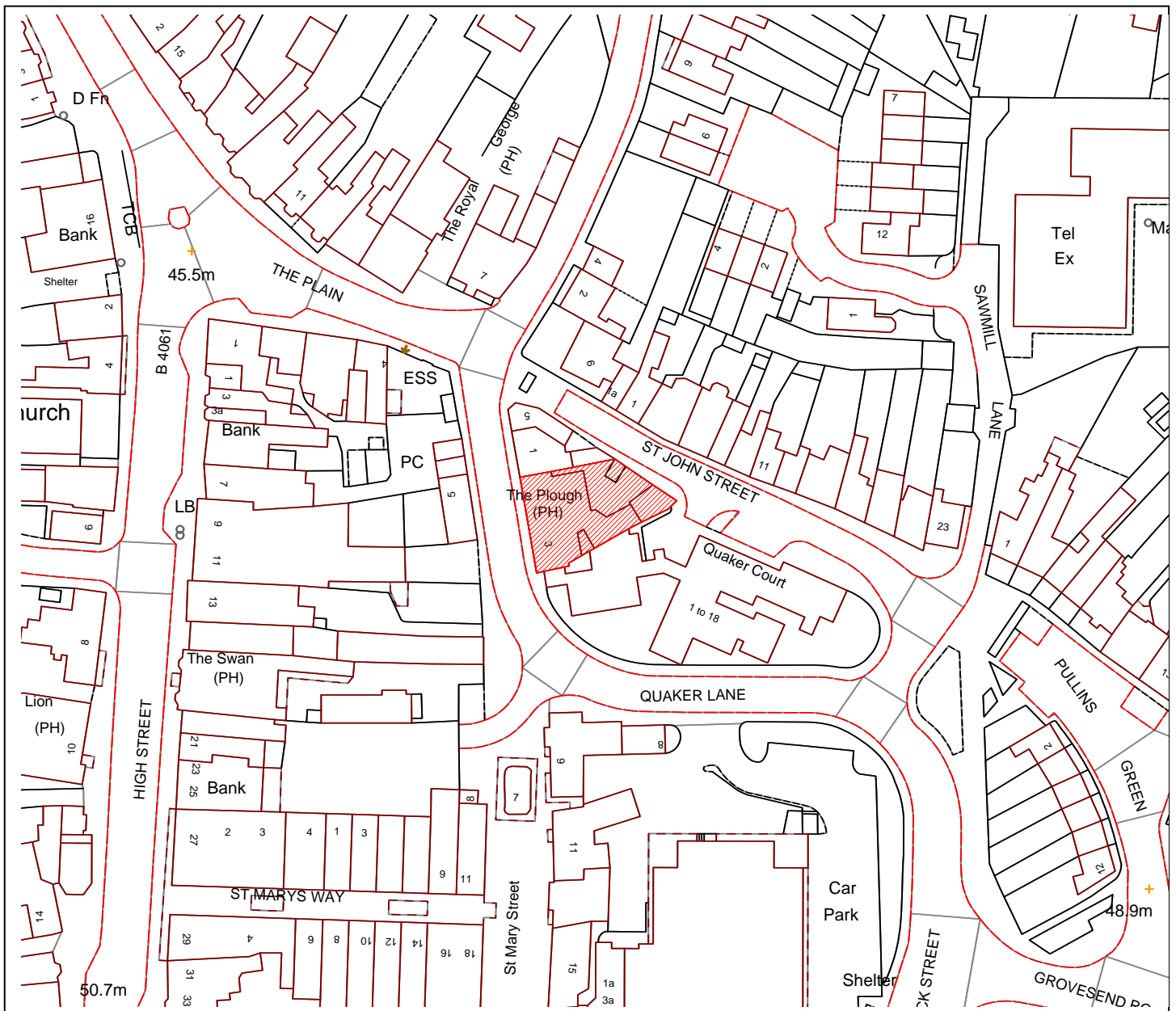
Reason(s):

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

**CIRCULATED SCHEDULE NO. 24/09 – 19 JUNE 2009**

**App No.:** PT09/0833/ADV  
**Site:** 3 Plough Inn, Quaker Lane, Thornbury, South Gloucestershire, BS35 2AD  
**Proposal:** Display of 1 no. externally illuminated display sign, 1 no. hanging sign, 2 no. lanterns, and 4 no. fascia signs and 3 no. floodlights  
**Map Ref:** 63765 90122  
**Application Category:** Other

**Applicant:** Punch Taverns Ltd  
**Date Reg:** 6th May 2009  
**Parish:** Thornbury Town Council  
**Ward:** Thornbury North  
**Target Date:** 26th June 2009



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This application appears on the Circulated Schedule List because a local resident has raised concerns regarding the proposal

**1. THE PROPOSAL**

- 1.1 This application seeks approval for the display of 1no. externally illuminated display sign, 1no. hanging sign, 2 no. lanterns and 4 no. fascia signs.
- 1.2 The application site comprises a grade II listed building which is located on the eastern side of Quakers Lane within the Thornbury Conservation Area and settlement boundary. A listed building application has been submitted in conjunction with this application (PT09/0916/LB).

**2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG19 Outdoor Advertisement Control
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
L12 Conservation Areas  
L13 Listed Buildings
- 2.3 Supplementary Planning Guidance  
Thornbury Conservation Area (SPD)

**3. RELEVANT PLANNING HISTORY**

- 3.1 P94/2068/A, Display of fascia sign, heritage plaque and amenity board, Installation of three down lighters. Display of replacement projecting sign, 16/10/94, Advert Approval.

**4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection
- 4.2 Conservation  
No objection subject to conditions
- 4.3 Transportation  
No objection

**Other Representations**

- 4.3 Local Residents  
One reply has been received from a neighbouring occupier. The resident

agrees with the Conservation Officers comments stating it is important to use materials sympathetic to the age of buildings and the character of the town. The resident makes clear that they strongly object to any changes of illumination to the rear of the property where there are residences since the pub uses the out door area very late into the night and the resident has a bedroom window 'opposite-ish'.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The display of outdoor advertisements is controlled through the Town and Country Planning (Control of Advertisements) Regulations 1992. Advertisements can only be controlled in the interests of visual amenity and public safety. Given the context of the property, the main issue in terms of amenity in this instance is the impact on the character and appearance of the listed building and Conservation Area.

### 5.2 Visual Amenity

This application seeks approval for the display of 1no. externally illuminated display sign, 1no. hanging sign, 2 no. lanterns and 4 no. fascia signs. The application site comprises a grade II listed building located on the eastern side of Quakers Lane within the Thornbury Conservation Area. The property is attached to a dwelling on the northern elevation and the more modern Quakers Court building on the southern elevation. The majority of the signage is proposed to be located on the principal elevation of the property which is prominent from Quakers Lane. Further signage is proposed to the rear.

The main display sign would be located at first floor level above the main entrance and would replace an existing externally illuminated sign. The proposed individual lettering and silhouetted plough scene is an acceptable approach and the design as well as the colour and material proposed would be in-keeping with the character of the listed building and Conservation Area. Following Officer concerns, amended plans have been received which illustrate a reduced scale of lettering, which is considered acceptable. There were further concerns that the proposed illumination method of 3 further lights would be detrimental to the appearance of the building and the surrounding area. Revised plans have been received which propose a trough light instead and this is considered acceptable.

5.3 The proposed hanging sign would replace an existing externally illuminated sign in the same location. The proposed sign depicts a traditional farming scene and would be hung from an existing gibbet. Revised drawings have been received which illustrate that the sign would be constructed from Plywood with a hardwood timber frame and illuminated by overhead trough lights. The 2no. fascia signs proposed on the principal elevation would be located either side of the entrance and would replace 2no. existing chalk boards. The 2no. fascia signs proposed to the rear of the building would replace existing signs of a similar size. These 4no. signs would be non-illuminated, constructed of Plywood with a hardwood timber frame. It is considered that the proposed detailing, materials and illumination of the fascia and hanging signs would

respect the character and appearance of the listed building and surrounding Conservation Area.

The proposed signs would replace existing signs which would ensure that there would be no significant adverse cumulative impact on the appearance of the property. Whilst the lanterns would add additional illumination to the frontage, a condition will be applied to the consent to ensure that the existing flood lights near the eaves are removed and details of the cable runs submitted to the Council before the commencement of the works. This would reduce the amount of illumination on the front elevation to an acceptable level to preserve the character and appearance of the listed building and the surrounding Conservation Area.

#### 5.4 Public Safety

It is considered that the proposed signs would not impede pedestrian or vehicular movements nor be adversely distracting to the detriment of public safety. In addition to this, no transportation objection has been received.

#### 5.5 Further Matters

A neighbouring occupier raised concerns that there should be no illumination to the rear of the property where it might be detrimental to residential amenity. The only signs that would be illuminated are to the front of the property, no illumination is proposed to the rear.

#### 5.6 Improvements achieved to the scheme

Reduction in the scale of the letter sign, removal of additional flood lights, more discreet lighting scheme, more traditional materials and detailing.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

7.1 Advertisement Consent is GRANTED subject to the following conditions.

**Background Papers**      **PT09/0833/ADV**

**Contact Officer:**    **Jonathan Ryan**  
**Tel. No.**                **01454 863538**

## CONDITIONS

1. Before the commencement of development all existing flood lighting and associated cabling on the principal elevation shall be removed.

Reason(s):

In the interests of visual amenity and to accord with PPG19 and Policies D1, L12 and L13 of the South Gloucestershire Local Plan (adopted) 2006.

2. Before the commencement of development full details of cable runs associated with the approved lighting scheme on the principal elevation shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

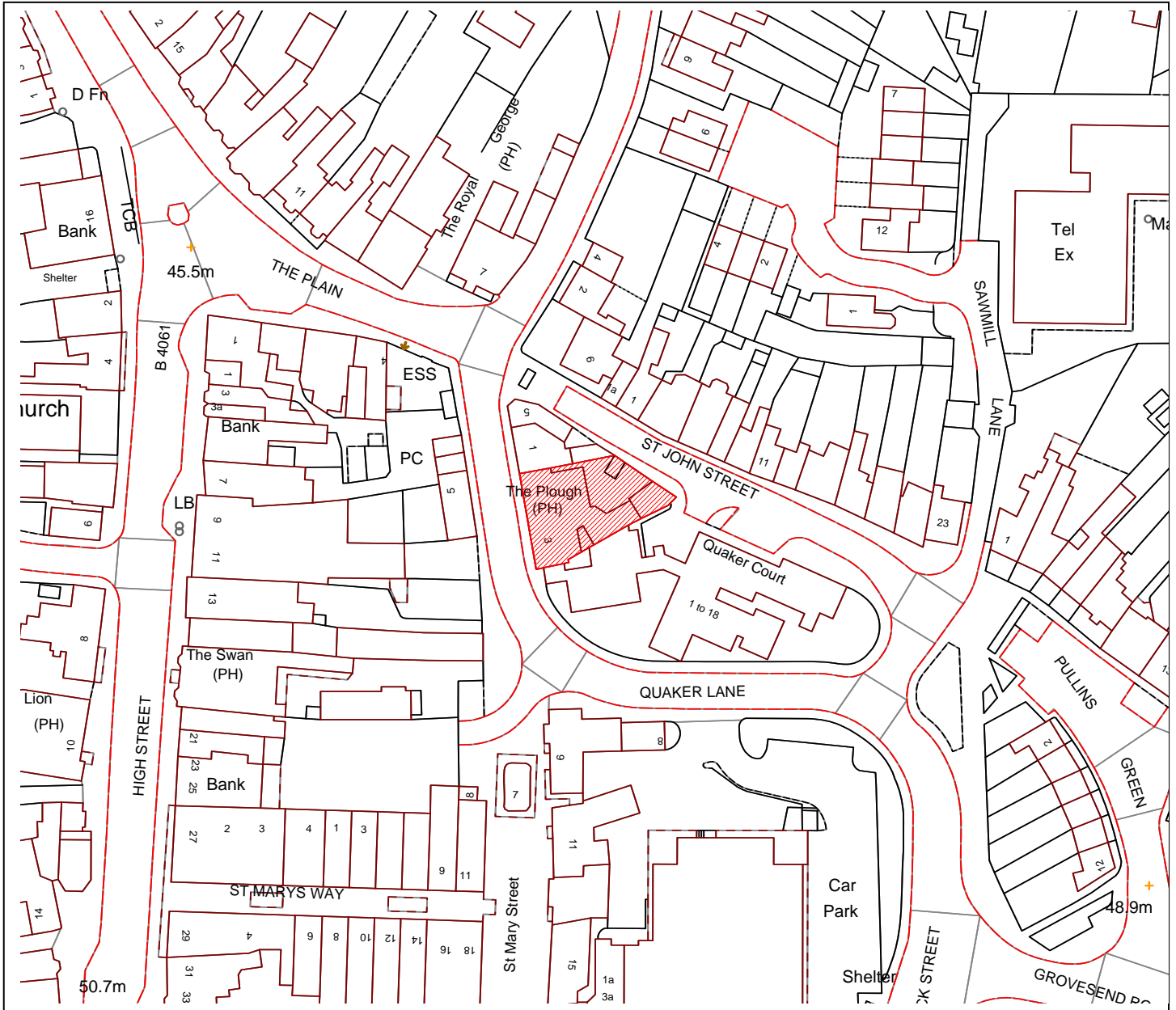
Reason(s):

In the interests of visual amenity and to accord with PPG19 and Policies D1, L12 and L13 of the South Gloucestershire Local Plan (adopted) 2006.

CIRCULATED SCHEDULE NO. 24/09 – 19 JUNE 2009

**App No.:** PT09/0916/LB  
**Site:** The Plough, Quakers Lane, Thornbury, South Gloucestershire, BS35 2AB  
**Proposal:** External alterations to include new name signs, notice boards and lighting.  
**Map Ref:** 63765 90122  
**Application Category:** Other

**Applicant:** Punch Taverns Ltd  
**Date Reg:** 18th May 2009  
**Parish:** Thornbury Town Council  
**Ward:** Thornbury North  
**Target Date:** 8th July 2009



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N.T.S

PT09/0916/LB

This application appears on the Circulated Schedule List because of concerns raised by a local resident.

## **1. THE PROPOSAL**

- 1.1 This application seeks consent for works to display 1 no. externally illuminated display sign, 1 no. hanging sign, 2 no. lanterns, and 4 no. fascia signs.
- 1.2 The application site comprises The Plough Inn, which is a grade II listed building situated on the eastern side of Quaker Lane within the Thornbury Conservation Area. An advertisement application has been submitted in conjunction with this application (PT09/0833/ADV).

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG15 Planning and the Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
L13 Listed Buildings

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P94/2069/L, Display of fascia sign, heritage plaque and amenity board. Installation of three down lighters. Display of replacement projecting sign, 16/10/94, listed building consent.
- 3.2 P84/1886/L, Demolition of lean-to & outbuildings. Renovation of structure to form common room for elderly persons flats, 21/08/84, listed building consent.

## **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection
- 4.2 Conservation  
No objection subject to conditions

### **Other Representations**

- 4.3 Local Residents  
One reply has been received from a neighbouring occupier. The resident agrees with the Conservation Officers comments stating it is important to use materials sympathetic to the age of buildings and the character of the town.



The resident makes clear that they strongly object to any changes of illumination to the rear of the property where there are residences since the pub uses the out door area very late into the night and the resident has a bedroom window 'opposite-ish'.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The only consideration in this application is the impact of the listed building and its setting.

### 5.2 Consideration of Proposal

This application forms part of a wider scheme of restoration and enhancement of this grade II listed public house located within the Thornbury Conservation Area. The building currently has a series of notice boards, signs, lamps and floodlights across its frontage, not to mention the extensive network of wires and junction boxes that connect all the electrical items together.

5.3 The proposal seeks to enhance the signage on the principal elevation and add further signage to the rear elevation. Improving the signage is generally acceptable in principle and the individual lettering and silhouetted plough scene is an acceptable approach. Following Officer concerns, amended plans have been received which illustrate a reduced scale of lettering, which is considered acceptable.

5.4 It was considered that the additional external illumination would be detrimental to the character of the listed building, adding further extraneous clutter to a simple façade. Following these concerns, amendments were received which removed the flood lights close to the eaves and exchanged the 3no. flood lights above the fascia sign for a more discreet trough light. The removal of the existing lights will be ensured via condition. In addition to this, a condition will be applied to the consent to ensure that details of cable runs, which are unobtrusive and preferably run internally are submitted to the Planning Authority before the commencement of the works.

5.5 In terms of the signage, the design, materials, detailing and choice of colours appears acceptable. The signs would be constructed from Plywood with a hardwood timber frame while the hanging sign would be hung from an existing gibbet. No details have been submitted with regards to the construction or fixing detail of the projecting front lanterns. Nevertheless, in terms of appearance and siting they appear acceptable in principle and the additional information will be ensured via a condition.

### 5.6 Further Matters

Notwithstanding comments received from a neighbouring occupier, this application is only concerned with the impact on the listed building and its setting. These concerns have been addressed in application no. PT09/0833/ADV).

## 5.7 Design and Access Statement

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

## 5.8 Improvements achieved to the scheme

Reduction in the scale of the letter sign, removal of additional flood lights, more discreet lighting scheme, more traditional materials and detailing.

## 6. CONCLUSION

- 6.1 The decision to grant consent has been taken having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in PPG15 (Planning and the Historic Environment).

## 7. RECOMMENDATION

- 7.1 Listed Building Consent is GRANTED subject to the following conditions.

### Background Papers      **PT09/0916/LB**

**Contact Officer:**    **Jonathan Ryan**  
**Tel. No.**                **01454 863538**

### CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason(s):

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Before the commencement of development all existing flood lighting and associated cabling on the principal elevation shall be removed and any damage to the render made good to match the existing.

Reason(s):

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPG15.

3. Before the commencement of development full details of cable runs associated with the approved lighting scheme on the principal elevation shall be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason(s):

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPG15.

4. Before the commencement of development material and fixing details relating to the proposed lanterns on the principal elevation shall be submitted to and agreed by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason(s):

In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPG15.

**CIRCULATED SCHEDULE NO. 24/09 – 19 JUNE 2009**

<b>App No.:</b>	PT09/0842/F	<b>Applicant:</b>	North Bristol NHS Trust
<b>Site:</b>	Frenchay Hospital, Frenchay Park Road, Frenchay, South Gloucestershire, BS16 1LE	<b>Date Reg:</b>	7th May 2009
<b>Proposal:</b>	Erection of single storey building to provide relocated speech and hearing therapy unit with associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	63675 77605	<b>Ward:</b>	Frenchay and Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st July 2009



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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 erection of a single storey building to provide relocated speech and hearing therapy unit with associated works.
- 1.2 The application site is located within the grounds of Frenchay Hospital. The hospital itself is set within the grounds of the Grade II Listed Frenchay House, built in the late eighteenth century. It is proposed that a lightweight single storey building is constructed on a plot of open space that straddles the Frenchay Conservation Area boundary. The proposed building is to be used as a speech and hearing therapy unit.

**2. POLICY CONTEXT**

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design
- L1 Landscape Protection and Enhancement
- L5 Open Areas within the Existing Urban Areas
- L10 Historic Parks and Battlefields
- L12 Conservation Areas
- L13 Listed Buildings
- LC4 Proposals for Education and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries
- T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

- Frenchay Conservation Area (Adopted) 2007
- South Gloucestershire Design Checklist (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

The site has been subject to a number of previous planning applications; however none are specifically related to the determination of this application.

## 4. **CONSULTATION RESPONSES**

### 4.1 Winterbourne Parish Council

Objection. No extra parking provided for additional vehicles that will be generated. The Parish Council has received 50 planning applications for Frenchay Hospital since 2002 and the parking has only been addressed on two occasions.

### **Other Representations**

### 4.2 Local Residents

No response.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy L12 of the Local Plan allows for development within a Conservation Area provided that development would preserve or enhance the character or appearance of the Conservation Area having regard to design considerations.

Policy LC4 allows for the expansion of education and community facilities provided that the development would not have unacceptable transport effects or prejudice residential amenity.

Policies L1 and L5 allow for development provided that significant landscape features and open spaces are not adversely affected.

The proposal is therefore acceptable subject to the following detailed assessment.

### 5.2 Transportation

The Council's Transportation Engineer was consulted as a part of this application. It is considered that the proposed development would not give rise to a significant increase in traffic generation within the wider context of the hospital site. Two vehicles have been allocated specifically for this unit and the North Bristol NHS Trust have an ongoing Travel Plan in place which will manage car use, parking and sustainable travel. It is considered therefore that the proposal complies with Policy T12 of the Local Plan.

### 5.3 Residential Amenity

The proposed building would be set within the grounds of the hospital and there are no residential dwellings in close proximity. Therefore the proposal would have no impact on residential amenity.

### 5.4 Landscaping

### Loss of Open Space

The Council's Landscape Officer was consulted as a part of this application. The proposed unit is to be situated on a plot of green open space which would be lost as a result of the development and as such Policy L5 of the Local Plan is relevant. This open space has existing buildings on three sides and it is not considered that the character of the site is of significant quality, visually, or that it is of any practical use. Paragraph 4.59 of Policy L5 lists six 'ways in which an open area may contribute to the quality, character, amenity and distinctiveness to the locality' and it is considered difficult to attribute any of these to this site.

Consequently, it is considered that the proposal is not contrary to Policy L5 of the Local Plan.

### Trees / Tree Preservation Orders

The Council's Tree Officer was consulted as a part of this application. To the front of the application site stand two Lime trees growing along the main hospital driveway. These trees are covered by a Tree Preservation Order and the proposed development would encroach into the trees Root Protection Area. Initially, no details of tree protection were supplied with this application. Following contact with the applicant's agent a Tree Constraints Plan (in accordance with BS5837:2005) showing Root Protection Areas, and protective fencing distances for the two adjacent Lime trees, and a method statement were submitted to the Local Planning Authority.

The Council's Tree Officer has assessed the information provided and raises no objection. Therefore the proposal is considered to comply with Policy L1 of the Local Plan.

### 5.5 Visual Amenity / Impact on Conservation Area

The Council's Conservation Officer was consulted as a part of this application. The application site lies on the Frenchay Conservation boundary. It is apparent that the Lime Tree avenue (which was formerly the main approach to Frenchay House) to the south of the site is within the Conservation Area and the hospital area to the north, outside of it. The lime trees are an important feature in the landscape and are essential in screening the modern hospital buildings in views from Beckspool Road and the Common to the south.

The proposed development would essentially infill one of the last remaining plots of open space on the north side of the Lime Tree avenue. All along the north edge of the avenue there are buildings of a mixture of style and appearance. Whilst the buildings are predominantly low rise, some are brick and some are temporary and lightweight in appearance resembling Portakabins.

It is proposed to erect a single storey flat roof building of plastic coated steel sheet and ply polemeric sheet roof and upvc windows. In support of the application the applicants have stated the building will be tucked away and the

modular construction / materials have been chosen as the building will only be of temporary construction pending the redevelopment of the hospital site by 2013 / 14.

It is considered that the proposal would not have an adverse impact upon the Frenchay Conservation Area. The application site, when viewed from the Common and Beckspool Road (which reside in the Conservation Area), is set to the backdrop of a large, low-rise, built development in which a mixture of building styles are prevalent. The hospital development immediately to the north of the Lime Tree's already spans the entire length of the avenue. It is considered that the proposal would be in keeping with the existing built form of the hospital and would not be detrimental to views and vistas from the Conservation Area. The protected Lime Trees to the front of the site would provide a degree of screening.

The applicant has agreed to two conditions being attached to the decision notice. The first concerns the proposed colour of the new building, to be agreed. The second ensures that the building is given a temporary consent in line with future plans to redevelop the hospital site in 2014. Consequently, a 7 year temporary consent is proposed for this building.

#### 5.6 Drainage

It is not considered that this proposal raises any material concerns in relation to drainage.

#### 5.7 Design and Access Statement

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

#### 5.8 Improvements achieved to the scheme

- The colour of the building to be agreed in writing by the Local planning Authority.
- A temporary consent granted to assist the ongoing redevelopment of the hospital sites at Southmead/Frenchay.
- Drainage details submitted prior to determination of application.
- Tree constraints plan submitted to protect tree's covered by TPO's.

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

## 7. RECOMMENDATION

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

**Background Papers**      **PT09/0842/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 building hereby permitted shall be removed and the land restored to its former condition on or before 1st September 2016 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason(s):

The proposal is for a modular building and its long term retention would not be an acceptable long term solution given the application sites character and context.

3. Prior to the commencement of development details of the colour of the building shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 24/09 – 19 JUNE 2009**

<b>App No.:</b>	PT09/0851/F	<b>Applicant:</b>	Mr S Kalaiichelvan
<b>Site:</b>	9-11 Chelford Grove, Stoke Lodge, South Gloucestershire BS34 6DD	<b>Date Reg:</b>	8th May 2009
<b>Proposal:</b>	Erection of single storey rear extension to include security shutters and refrigeration unit. Associated works.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	60950 81828	<b>Ward:</b>	Bradley Stoke Central and Stoke Lodge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd July 2009



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 100023410, 2009.

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

**1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single storey rear extension to include security shutters and refrigeration unit with associated works.
- 1.2 This is a newsagent covering 3 shop units at the end of a local shopping parade in Patchway. The flats above are residential units and parking is provided in a lay by to the front, with vehicular access to the shops to the rear.

**2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG13 Transport
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design  
EP1 Environmental Pollution  
RT8 Small Scale Retail Uses within the Urban Areas  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
  
South Gloucestershire Design Checklist (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

No relevant history.

**4. CONSULTATION RESPONSES**

- 4.1 Patchway Town Council  
No objection raised.

**Other Representations**

- 4.2 Local Residents

Three letters of objection were received raising the following concerns:

- The refrigeration unit will create noise pollution.

- The refrigeration unit would create fumes.
- Loss of light to door of flat

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The proposal consists of the extension of an existing A1 use and in principle there is no policy objection raised as it is considered that the development would be consistent with the local centre's scale and function. In addition the criteria of Policy D1, EP1 and T12 must be satisfied and the key issues are as follows.

### 5.2 Visual Amenity / Design

The proposal consists of a single storey flat roof extension to the rear of no. 11 Chelford Grove. Materials are to match existing and the building would be largely obscured due to a brick wall on the north east elevation and an existing garage and shed to the south west elevation. Therefore, it is considered that no harm would be caused to the visual amenity.

### 5.3 Transportation

It is not anticipated that the proposed extension would lead to an intensification in transport use to and from the site. Parking is provided for in a lay by to the front, with vehicular access to the shops at the rear.

### 5.4 Residential Amenity

The Council's Environmental Health Officer was consulted as a part of this application. Concern has been raised by local residents regarding noise and fumes being emitted from the rear of the shop. In terms of the noise, on visiting the site it was noted that there is already background noise being emitted from the existing refrigeration unit. This unit sits close to the rear access lane and it is understood has been in situ for a number of years. It has been confirmed by Environmental Health that no complaints have been received by residents in regard to noise emission from the property. It is proposed that this unit would be relocated to sit behind no. 9 Chelford Grove in a more enclosed location between the proposed extension and the existing garage. The new location would actually mean that the unit would be further away from the closest properties to the east.

In regard to fumes, it is not anticipated that the refrigeration unit would produce any. If this did become an issue then it would be for Environmental Health to pursue any complaints. Concern was raised from a local resident that light would be lost to the ground floor flat door. The door may suffer a slight loss of light but this leads into a corridor, not a habitable room and so this would not adversely impact upon the occupier's residential amenity.

### 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 Improvements achieved to the scheme

None deemed necessary.

5.7 Section 106 Requirements

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

6. CONCLUSION

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

The 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      **PT09/0851/F**

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

CONDITIONS

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

Reason(s):

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

## CIRCULATED SCHEDULE NO. 24/09 – 19 June 2009

**App No.:** PT09/0920/F  
**Site:** 1, York House, Church Road, Easter Compton, South Gloucestershire, BS35 5RW

**Applicant:** Mr & Mrs Dix  
**Date Reg:** 19th May 2009

**Proposal:** Erection of single storey front and rear extensions to existing annexe/double garage to provide 2 bed independant dwelling.  
 Amendment to previously approved scheme PT09/0126/F)

**Parish:** Almondsbury Parish Council

**Map Ref:** 57296 82166

**Ward:** Almondsbury

**Application Category:** Minor

**Target Date:** 9th July 2009



## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of representation which is contrary to the case officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks an amendment to the previously approved scheme PT09/0126/F to alter the fenestration and convert the garage to living accommodation.
- 1.2 The application site is located directly behind No. 3 York House and in front of Greenwoods, a bungalow located to the south east and on significantly higher land than the application site. The access lane serving Greenwoods runs along the boundary of the site. The site is served by an access lane that runs adjacent to the boundary of No. 3 York House.
- 1.3 The application site is situated within the settlement boundary of Easter Compton which is 'washed over' by Green Belt.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPG13	Transport

#### 2.2 Development Plan

Joint Replacement Structure Plan (adopted) September 2002  
Policy 16 Green Belts

South Gloucestershire Local Plan (Adopted) January 2006

D1:	Achieving Good Quality Design in New Development
H2:	Residential Development within the Existing Urban Area
H4:	Development within Existing Residential Curtilage
GB1:	Development within the Green Belt
T8:	Parking Standards
T12:	Transportation Development Control Policy for New Development

#### 2.3 Supplementary Planning Guidance

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

### 3. RELEVANT PLANNING HISTORY

- 3.1 P85/1690 Single storey rear extension  
**Approved** 11 July 1985.
- 3.2 P89/1452 Erection of single storey extension to form granny annex.  
**Approved** 27 April 1989 *with a condition imposed to ensure that the additional accommodation is used incidentally to the dwelling house and for no other purpose.*
- 3.3 PT03/3132/F Installation of dormers in front and rear elevations of annexe and alterations to roofline to facilitate addition of first floor to form lounge, bathroom, hall, storage room and study.  
**Withdrawn** 17 October 2003.
- 3.4 PT03/3620/F Erection of first floor extension to existing garage and granny annex.  
**Refused** 28 January 2004 *and dismissed on appeal 9 September 2004.*
- 3.5 PT04/0145/F Erection of dormer in side elevation.  
**Approved** 10 February 2004.
- 3.6 PT04/2153/F Erection of first floor over existing single storey accommodation to form separate dwelling.  
**Refused** 14 July 2004 *on the grounds of design and adverse impact upon living conditions of adjacent properties to the south-east.*
- 3.7 PT05/2136/F Alterations and extensions to existing annexe.  
**Withdrawn** 18 August 2005.
- 3.8 PT09/0126/F Erection of single storey front and rear extensions to existing annexe to provide independent dwelling (in accordance with amended plans received by the Council on 23 February 2009).  
**Approved** 23 March 2009

### 4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council  
No comment
- 4.2 Sustainable Transport  
No objection.
- 4.3 Local Residents  
One letter of objection has been received. The main points are summarised below:  
a) The previous application stated that the access and off-street parking arrangement would be unaltered by the proposal.  
b) The previous application indicated two cycle spaces in the garage.



- c) It seems strange that plans so recently approved should be significantly changed.
- d) The original decision should stand and no further amendment should be allowed.
- e) Alternatively the application could be considered anew, cancelling the previous permission.
- f) Work on the site has already commenced.
- g) Condition 2 of the previous application has not been complied with.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Planning application PT09/0126/F granted planning consent for the erection of single storey front and rear extensions to existing annexe/double garage to provide 2 bed independant dwelling. This planning application seeks consent for a amendment to alter the ground floor fenestration replace the garage door with a window, and by converting the garage to living accommodation.

5.2 Since the determination of the PT09/0126/F there have been no changes to national or local policy. As such, this application will only assess the material issues resulting from amendment to the first floor windows (e.g. impact to visual and residential amenity). The other planning issues from this application were satisfactory dealt with in PT09/0126/F and are discussed in detail in the officers report.

5.3 The main issues resulting from this amendment would be impact on visual amenity, transportation and residential amenity. These issues will be assessed with regard to policies D1, H4, T8 and T12 below:

### 5.4 Visual Amenity

The proposed amendments would involve:

- The removal of the garage door and roof lights on the north-west elevation, and the insertion of two windows.
- The insertion of a front door into the north-east elevation.
- The removal of window in the south-west elevation
- The replacement of window with French doors in the south-east elevation.

5.5 It is considered that these minor changes to fenestration would not harm the character and appearance of the existing building and surrounding area. The development therefore accords with policy D1 and H4 of the adopted local plan

### 5.6 Transportation

The proposed development would involve the conversion of garage into living accommodation. The Council's Transportation Engineer concluded that whilst the garage has been deleted from this latest application, adequate off-street parking and turning would remain available on the hard standing and the storage room would allow for cycle storage. The level of additional traffic generated by this development is not considered significant in terms of the wider road network. The development therefore accords to Policy T8 and T12 of the adopted local plan.

### 5.7 Residential Amenity

The amendment would result in additional windows on the north-west elevation. Given that these windows would be at the ground floor level, it is considered that they would not give-rise to direct inter-visibility into the habitable rooms of the adjacent property. Therefore the proposal would have no impact on residential amenity and would accord to Policy H4 of the adopted local plan.

### 5.8 Other Matters

Representations have been received which have raised concern to the fact that development has commenced on the site, and condition 2 has not been complied with:

1. It is understood that the works which have been commenced on site have been undertaken in accordance with the previously approved planning application PT09/0126/F. If the applicant has commenced the works under consideration in this application, then this would be at his own risk, and if planning permission were to be refused, they would be at risk from enforcement action.
2. Condition Two of the PT09/0126/F removed permitted development rights for extensions, dormers, porches and outbuildings, and therefore the applicant would be required to apply for planning permission for these works. This condition does not require the formal discharge of the local authority.

### 5.9 Design and Access Statement

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

### 5.10 Use of Energy and Sustainability

None

### 5.11 Improvements achieved to the scheme

None

### 5.12 Section 106 Requirements

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

## 6. CONCLUSION

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

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

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PT09/0920/F**

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

### **CONDITIONS**

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

Reason:

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E), or any minor operations as specified in Part 2 (Class A) on the land edged blue and red on approved drawing number DIX/531/PL/1108/001A, other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

The site is constrained in size and any further extensions would require the further consideration of the Council in order to protect visual and residential amenity and any impact upon the Green Belt, and to accord with Policies D1, GB1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

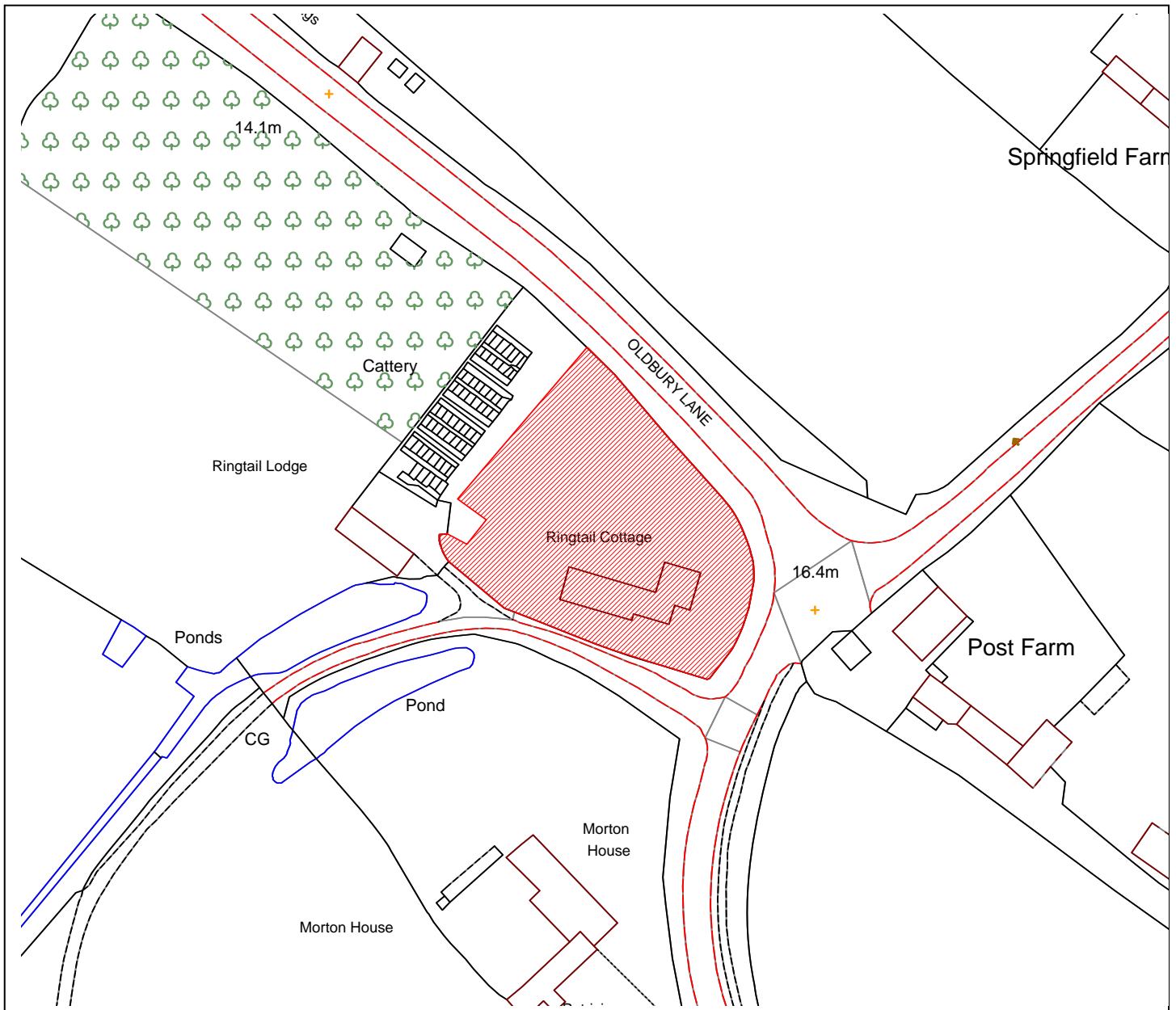
4. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason:

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

**CIRCULATED SCHEDULE NO. 24/09 – 19 JUNE 2009**

<b>App No.:</b>	PT09/0931/F	<b>Applicant:</b>	Mr S Killeen
<b>Site:</b>	Ringtail Cottage, Butt Lane, Thornbury, South Gloucestershire, BS35 1RA	<b>Date Reg:</b>	20th May 2009
<b>Proposal:</b>	Erection of 2 storey rear extension and detached garage. Erection of front boundary gates.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	64017 91643	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	13th July 2009



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PT09/0931/F

## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of a representation which is contrary to the case officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a two storey rear extension on the dwellings rear elevation, a detached garage, and front boundary gates.
- 1.2 The application site relates to a large cottage which is situated within an extensive curtilage. The site is located within the open countryside, outside of the Thornbury Settlement Boundary.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

- PPS1: Delivering Sustainable Development
- PPS25: Development and Flood Risk
- Circular 03/99: Planning Requirement in Respect of the Use of Non-mains Sewerage Incorporating Septic Tanks in New Development

#### 2.2 Development Plan

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

- D1: Achieving Good Quality Design in New Development
- H4: Development within Existing Residential Curtilages
- L17 & L18: The Water Environment
- EP2: Flood Risk and Development
- T12: Transportation Development Control Policy in New Development

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 N6261 Erection of extension to cottage to provide car port and granny flat comprising two bedrooms, sitting room/kitchen and bathroom.  
**Approved** 24 January 1980
- 3.2 N6261/1 Erection of outbuilding for the use as a boarding cattery.  
**Approved** 28 January 1982
- 3.3 P86/2072 Demolition of existing garage and erection of building to form garaging accommodation with workshop/store over.  
**Approved** 13 August 1986

- 3.4 P87/1525 Retention of outbuildings for use as a boarding cattery.  
**Approved** 17 June 1987
- 3.5 P93/1294 Conversion of first floor of garage to form bed-sitting room, toilet and kitchen.  
**Approved** 28 April 1993
- 3.6 PT05/1088/RVC Variation of Condition 5 attached to planning permission P91/2633 dated 08 January 1992 (to allow the cattery to be used in association with Ringtail Barn as approved by planning approval PT05/0080/F).  
**Approved** 19 May 2005

#### 4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council  
No objection.
- 4.2 Drainage Comments  
No objection.
- 4.3 Local Residents  
One letter of objection has been received from a local resident. Their main points have been summarised below: -
- a) Highway safety – parking, loading, turning.
  - b) Disruption to business during construction.
  - c) Issues of access, egress and health & safety during construction.
  - d) Ground contamination.
  - e) New sewerage treatment plant should be installed to service any newly extended property.
  - f) Risk of flooding.

#### 5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings. This is subject to the proposed development:
- respecting the character and appearance of the existing dwelling and the surrounding area;
  - not prejudicing the amenities of nearby occupiers
  - maintaining highway safety; and
  - providing adequate amenity space.
- 5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.
- 5.3 Visual Amenity  
Ringtail Cottage is an attractive rural cottage, which is typical of the local

- vernacular. The building is two-storey in height and has an existing side and rear extension. The site is well enclosed by existing landscaping and is situated within a small hamlet of dwellings, which is surrounded by open countryside.
- 5.4 The proposed development comprises of a two storey rear extension, a single storey detached garage, and new entrance gates. The extension would be attached to the existing side extension and would replace the existing single storey flat roof extension. This extension would be subservient in height, scale, and massing to the original dwelling, thus respecting the proportions of the original dwelling. The proposed garage, would be modest in scale and massing, and would appear subservient to the existing dwelling. Furthermore, it would be finished in random stone, which would contribute to the character of the street scene. In view of the above, it is considered that the proposed design approach is acceptable, and would ensure that the character and appearance of the existing dwelling and surrounding area is respected.
- 5.5 Residential Amenity  
The application site is situated in an isolated location away from other dwellings. Furthermore, the proposed development would be well screened from outside the site by existing landscaping. In view of this it is considered that the proposed development would not harm residential amenity.
- 5.6 Ground Contamination  
The existing dwelling currently shares a septic tank with Ringtail Lodge. Representations have been received from a local resident that has raised concerns to the intensification of this facility, and have cited that there is historical evidence that the existing septic tank is wholly inadequate because it has been the source of untreated discharges in the past.
- 5.7 Circular 03/99 identifies that before deciding a planning application, the local planning authority needs to be satisfied that the sewerage arrangements are suitable. **If the non-mains sewerage and sewage disposal are assessed as being unsatisfactory, this would normally be sufficient to justify refusal of planning permission**
- 5.8 In this instance there is evidence from the local resident that indicates that the existing septic tank has been the source of untreated discharges in the past. On Drg. No.09-09-1238-104 Rev A the applicant has shown a new sewerage treatment plant. The proposed development would result in an addition bedroom and one further bathroom. It is noted the dwelling would only accommodate one household, nevertheless a formation of an additional bedroom could result in an increase of occupants. Given that the existing septic tank has known problems, it is considered that the intensification of the residential use of the site could exacerbate this situation. As such the provision of a new sewerage treatment plant would materially enhance the non-mains sewerage and sewage disposal between both properties. In view of this, it is recommended that a condition is attached to secure further information regarding the sewerage treatment plant is submitted and agreed with the local authority, and that the plant is installed prior to the first occupation of the extension.



#### 5.9 Flooding

Representations have been received from a local resident that has raised concerns with regard to risk flooding from the development, and has questioned the adequacy of a soak away system. Notwithstanding these comments, the application site is situated within the Environment Agency's Flood Zone 1. This is land with the lowest probability of flooding. It is noted that some flood events have occurred in this locality in recent year, nevertheless it is considered that a soak away system would be appropriate, but the details would be addressed by building regulations.

#### 5.10 Transportation

Representations have been received from a local resident that has raised concerns with regard to Highway safety – parking, loading & turning. The proposed development would provide parking in accordance with the Council parking standards. With regards to turning, the site would access onto a unclassified road, as such there would be no requirement for the vehicles to enter and leave the site in a forward gear. In view of this it is considered that the proposed development would not harm highway safety, and would accord with policy H4 and T12 of the adopted local plan.

#### 5.11 Other Issues

Representations have been received from a local resident that has raised concerns with regard issues of noise, disturbance and health & safety during construction. It is considered that the given the nature and scale of the proposed development it is considered that the construction would be akin to those expected within residential curtilages from time to time. Whilst it is noted that some disturbance may occur, however this is likely to occur over a short period and would therefore be unlikely to materially prejudice residential amenity and the business activities undertaken in the area.

#### 5.12 Use of Energy and Sustainability

Introduction of a package treatment plan would be an improvement over the existing septic tank.

#### 5.13 Improvements achieved to the scheme

None.

#### 5.14 Section 106 Requirements

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

## 6. CONCLUSION

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

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

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PT09/0931/F**

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

### **CONDITIONS**

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

Reason(s):

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

2. No development shall take place until a full specification of the new sewerage treatment plant as shown on Drg. No. 09-09-1238-104 Rev A (dated 20th May 2009) has been submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details and prior to the first occupation of the extension hereby permitted.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 24/09 – 19 JUNE 2009**

**App No.:** PT09/0936/CLP

**Applicant:** Wilson Property Developments

**Site:** 6 The Brake, Coalpit Heath, South Gloucestershire, BS36 2TL

**Date Reg:** 20th May 2009

**Proposal:** Application for Certificate of Lawfulness for the proposed erection of a detached building within the curtilage of the existing building for purposes incidental to the use of the existing dwelling house.

**Parish:** Westerleigh Parish Council

**Map Ref:** 67224 80361

**Ward:** Westerleigh  
**Target Date:** 13th July 2009

**Application Category:** Other



This application appears on the Circulated Schedule given that it comprises a Certificate of Lawfulness in respect of a proposed development.

## **1. THE PROPOSAL**

- 1.1 The application forms a Certificate of Lawfulness in respect of the proposed erection of a detached building within the curtilage of an existing dwelling with this to provide for purposes incidental to the use of this property. These are noted on the plan as a games room, store room, wc and play room.
- 1.2 The application relates to land forward of 6 The Brake at the far end of this private cul-de-sac. The application site is located within the Coalpit Heath settlement boundary.

## **2. POLICY CONTEXT**

- 2.1 Town and Country Planning (General Permitted Development) Order 2008

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT04/2702/O: Erection of two bungalows with garages and one replacement garage for existing dwelling on 0.123Ha of land. Refused: 16 Sept 2004
- 3.2 PT04/4134/O: Erection of one bungalow and two garages. Permitted: 17 March 2005
- 3.3 PT05/3281/O: Erection of two dwellings with means of access and siting to be determined; all others matters reserved. Refused: 20 Dec 2005
- 3.4 PT05/3441/F: Erection of one dwelling on 0.12Ha. Permitted: 3 March 2006
- 3.5 PT05/3540/F: Demolition of existing garage; erection of single-storey extension to form integral garage; installation of two rear dormers to facilitate loft conversion. Permitted: 3 March 2006
- 3.6 PT06/3535/F: Erection of one dwelling on 0.12Ha of land. Refused: 18 Jan 2007; Appeal Allowed: 2 Aug 2007
- 3.7 PT07/1091/O: Demolition of garage to facilitate new dwelling and detached garage; alterations to access. Refused: 17 May 2007; Appeal Dismissed: 27 Nov 2007
- 3.8 PT07/2410/O: Erection of one detached bungalow with siting, layout, scale and access to be considered, all other matters reserved. Refused: 26 Sept 2007; Appeal Dismissed: 29 Jan 2008

## **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No objection

- 4.2 Other Consultees  
No comments received

### **Other Representations**

- 4.3 Summary of Local Residents Comments:  
Three letters received expressing the following concerns:
- The application site was previously part of the road/ turning area;
  - The Land Registry Plan shows this area of land belonging to 4 The Brake;
  - In March 2009 a wall was built across 'The Brake';
  - The new wall causes difficulty for vehicles trying to turn around;
  - Until recently, no. 4 was used by disabled people generating up to 7 cars;
  - With part of the access road now blocked, large vehicles have to reverse;
  - A previous application for a bungalow on this site was refused, the applicant is obviously trying a different approach;
  - If successful, the proposal will be converted into a bungalow;
  - The new wall and gate might encroach onto neighbouring properties.
- 4.4 One of the letters provides three photographs dated November 2006 showing vehicles parked on the application site with no physical boundary separating this from the road. They also show 6 The Brake set behind a front boundary wall; a copy of the aforementioned Land Registry Plan has also been received.

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Site/ Proposal  
The application relates to land in front of 6 The Brake. The Brake comprises a private cul-de-sac accommodating seven dwellings with two recent additions behind 4 and 6 The Brake.
- 5.2 The granting of this certificate would allow the erection of a detached building that would provide a gym, playroom, WC and store. It would measure some 7.8m in width and 8.2m in depth and would be encompassed by a pitched roof reaching 4m in height. The proposal is described as 'annex' accommodation and would stand on land which the applicant considers to form part of the residential curtilage associated with 6 The Brake.
- 5.3 Principle of Development  
It must be ascertained whether the proposal would exceed those parameters set by the General Permitted Development Order, Class E, Part 1 of Schedule 2 (Development within Residential Curtilages) by means of its size, positioning and scale.
- 5.4 General Permitted Development Order Class E  
Class E of the General Permitted Development Order restricts development to that within the curtilage of a dwelling where it relates to a building or enclosure, swimming or other pool which is required for purposes which are incidental to the enjoyment of the dwelling. This would be subject to those criteria as listed below:
- 5.5 The total area of the ground covered by the building should not exceed more than 50% of the total area of the curtilage (excluding the ground area of the

- original house). In this instance, the original rear garden serving the host unit has been curtailed to allow the erection of an additional dwelling behind with a detached garage serving both properties sited between. For this reason, the proposal (in addition to this garage) would occupy in excess of 50% of the garden area which is considered to serve this dwelling. The proposal fails on this basis.
- 5.6 The proposal should not be sited on land forward of that which forms the principle elevation of the original dwelling. In this instance, the original dwelling was built to face the highway but following building works, would now appear to face northwards with the original front window removed. Nevertheless, it is considered that the proposal would also fail on this basis given that the wording of this legislation relates to the 'principal elevation of the original dwelling'.
- 5.7 The building should not have more than one storey. In this instance, a single-storey structure is proposed.
- 5.8 With regards to the height of the building, given that this structure would form a pitched roofed building, its height should not exceed 4m with the eaves level no higher than 2.5m. In this instance, the height of the building is shown to equal 4m whilst the eaves level is shown at 2.5m. Accordingly, the proposal would accord with these legislative requirements.
- 5.9 The proposal must not be sited within the curtilage of a listed building if it is to comprise permitted development. No. 6 The Brake does not comprise a listed building and thus there is no objection to the proposal on this basis.
- 5.10 The proposal should also not include the construction or provision of a veranda, balcony or raised platform. This is not the case thus again there is no objection to the proposal on this basis.
- 5.11 Development is not permitted if it relates to a dwelling (or microwave antenna). The proposal describes the building as an 'annex' whilst it is not shown to benefit from independent living facilities. Accordingly, there is no objection to the proposal on this basis.
- 5.12 Outstanding Issues  
Concerns have been expressed by neighbours that this land does not form part of the residential curtilage associated with 6 The Brake but instead relates to 4 The Brake and has always formed part of the road providing a turning area. If this is the case, the proposal would not form permitted development given that it would not relate to land which falls within the curtilage of the host dwelling.
- 5.13 Officers share this concern given that previous site visits have shown this area of land to form part of the road with cars parked here and no formal boundary treatment in place. This is further evidenced by the original orientation of the host dwelling (facing forwards) and the 'front' wall to this property which aligns with those serving the neighbouring dwellings. Previous plans in respect of the recent applications within The Brake also show the road to extend to the rear boundary of 16 Rathbone Close.

5.14 In view of this concern, it is considered that a Certificate of Lawfulness in respect of the existing use of this land to form part of the residential curtilage associated with this dwelling would firstly be required.

## **6. RECOMMENDATION**

6.1 That a Certificate of Proposed Lawful Development is **REFUSED** for the following reason:

**Background Papers**      **PT09/0936/CLP**

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

## **REFUSAL REASONS**

The proposed annex accommodation would be sited on land forward of the principal elevation of the original dwellinghouse on land which is not considered to form part of the residential curtilage associated with this property. Accordingly, the proposal would also occupy more than 50% of the garden area associated with this dwelling. The proposal therefore fails to constitute permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2008.