



**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. 25/09

Date to Members: 26/06/09

Member's Deadline: 02/07/09(5pm)

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 26/06/09

SCHEDULE NO. 25/09

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

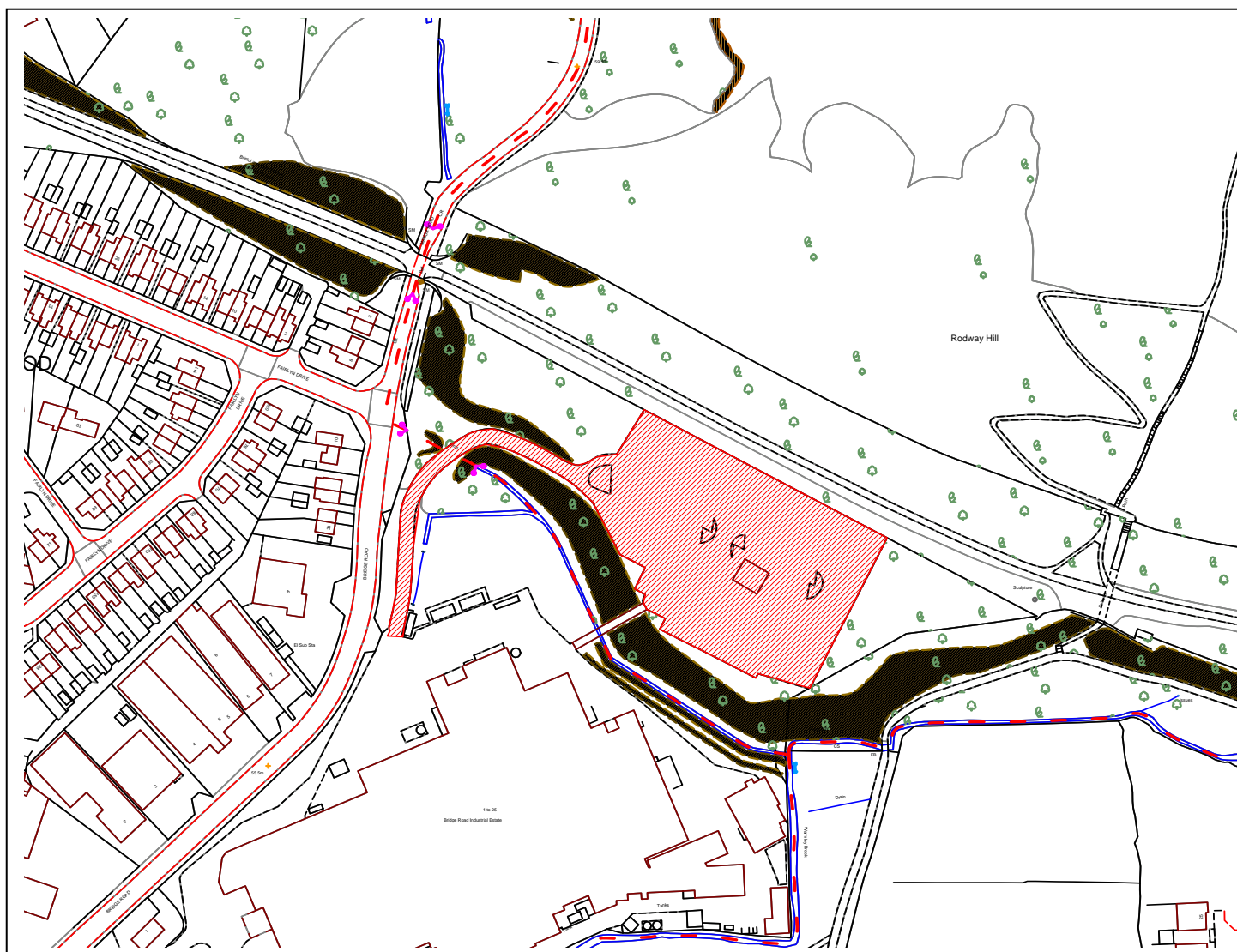
DATE

Circulated Schedule 26 June 2009

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK09/0369/F	Approve with conditions	Former car park, Bridge Road Industrial Estate, Bridge Road, Kingswood, South Gloucestershire,	Emersons Green	Mangotsfield Rural Parish Council
2	PK09/0735/R3F	Deemed consent	Fiveways, New Cheltenham Road, Kingswood, South Gloucestershire, BS15 4FR	Kings Chase	
3	PK09/0895/F	Approve with conditions	57 Oaktree Avenue, Pucklechurch, South Gloucestershire, BS16 9SF	Boyd Valley	Pucklechurch Parish Council
4	PK09/0897/TRE	Approve with conditions	10 Gabriel Close, Cadbury Heath, South Gloucestershire, BS30 8FG	Parkwall	Oldland Parish Council
5	PK09/0932/F	Approve with conditions	1 Dorset Road, Kingswood, South Gloucestershire, BS15 1SJ	Kings Chase	
6	PK09/0940/F	Approve with conditions	103 Hill Street, Kingswood, South Gloucestershire, BS15 4EZ	Kings Chase	
7	PK09/0945/F	Approve with conditions	15 Redwood Close, Longwell Green, South Gloucestershire, BS30 9XU	Longwell Green	Oldland Parish Council
8	PK09/1021/TMP	Refusal	Tog Hill Picnic Site, Tog Hill, Wick, South Gloucestershire, BS30 5RX	Boyd Valley	Doynton Parish Council
9	PT09/0568/F	Approve with conditions	Land between 4 & 5, Blackhorse Hill, Easter Compton, South Gloucestershire BS35 5RR	Almondsbury	Almondsbury Parish Council
10	PT09/0821/F	Approve with conditions	Building 20U, Golf Course Lane, Filton, South Gloucestershire, BS34 7QW	Filton	Filton Town Council
11	PT09/0902/F	Approve with conditions	17 Bitterwell Close, Coalpit Heath, South Gloucestershire, BS36 2UQ	Westerleigh	Westerleigh Parish Council
12	PT09/0957/CLE	Approve	Perrocot, Hallen Road, Hallen, South Gloucestershire, BS10 7RP	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 25/09 – 26 JUNE 2009

App No.:	PK09/0369/F	Applicant:	Mr A Dykes Arcade Plus Limited
Site:	Former car park, Bridge Road Industrial Estate, Bridge Road, Kingswood, Bristol, South Gloucestershire,	Date Reg:	27th February 2009
Proposal:	Retention of building for industrial use (Class B8) and change of use of land for outdoor storage (Class B8) as defined in the Town and Country Planning (use classes order) 1987 (as amended). (Retrospective). (Resubmission of PK08/0357/F).	Parish:	Mangotsfield Rural Parish Council
Map Ref:	66161 75364	Ward:	Emersons Green
Application Category:	Minor	Target Date:	22nd April 2009



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100023410, 2008.

N.T.S

PK09/0369/F

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of letters of objection from local residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission to establish and regularise the use of the site for employment purposes. The history of the site is some what complex and this application is the result of enforcement investigations. The site is currently occupied by a pallet restoration company and a variety of other companies. As currently occupied there are 7 units on the site – 5 of the units are in a B8 storage and distribution use and 2 of the units are in a B2 general industrial use.
- 1.2 The application site relates to a raised area of land covered with hard standing. It is commonly known as and referred to as the 'Top Site'. The majority of the site lies within an established employment area. It is understood that the site has historically been used as a car park associated with the industrial use of the 'Bottom Site'. The bottom site is occupied by an array of industrial buildings and is immediately adjacent to the application site – it is not however for consideration as part of this application. The top site subject of this application sits to the north of the bottom site and has this name because of its elevated height. Access to the top site is via an access lane within the ownership of the applicant up from Bridge Road.
- 1.3 This application is the resubmission of the previously refused application reference PK08/0357/F. This previous application was refused for 4 reasons all of which related to lack of information. This current application has been submitted with additional information in an attempt to overcome the previous refusal reasons.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS23	Planning and Pollution Control

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
E3	Proposals for Employment Development
E4	Safeguarded Employment Areas
EP1	Environmental Pollution
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/0357/F Retention of building for industrial use (class B8) and change of use of land for outdoor storage (Class B8).
Refused April 2008 for the following reasons:

1. Insufficient information has been submitted to allow officers to make a full and detailed assessment of the impact of the proposal on highway safety in the vicinity of the site. Because of the limited information submitted, the applicant has not proven that the development would provide adequate parking and turning space and that it would not have a detrimental impact on existing levels of highway safety. The application is thus contrary to the requirements of Policies E3, T8 and T12 of the South Gloucestershire Local Plan (Adopted).

2. Insufficient information has been submitted to allow officers to make a full and detailed assessment of the impact of the proposal on the local environment. Because of the limited information, the applicant has not proven that the development would not unacceptably harm the environment, or the health and safety and amenity of users of the site or surrounding area, as a result of pollution to water and air. The application is thus contrary to the requirements of Policies E3 and EP1 of the South Gloucestershire Local Plan (Adopted).

3. Insufficient information has been submitted to allow officers to make a full and detailed assessment of the proposal on noise levels in the vicinity of the site. In the absence of an acoustic report, the applicant has failed to provide details of noise levels arising from the proposed development or a scheme of measures to protect nearby dwellings from noise sources. It has not been sufficiently demonstrated that the noise levels will not detrimentally impact on the amenities of the surrounding dwellings. The application is thus contrary to the requirements of Policies E3 and EPI of the South Gloucestershire Local Plan (Adopted).

4. Insufficient information has been submitted to allow officers to make a full and detailed assessment of the impact of the proposal on the character of the area. On the basis of the information submitted, it is not possible to ascertain the location and size of existing and proposed structures and boundary treatments on the site, nor is it possible to understand the location and amount of outside storage. No details have been given to show how the vegetation on and surrounding the site will be protected and retained whilst the site is in operation. The application fails to demonstrate that the proposed change of use will not have a detrimental impact on the character of the area and thus the application fails to comply with the requirements of Policies DI and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection

- 4.2 Other Consultees
Individual responses have also been received directly from Councillors Seagar and Millward. The Councillors do not object to the application but ask that the following points are included –

- Consideration must be given to local residents at weekends and evenings
- Controls must be in place to stop late night working – no later than 6.30pm, no later than 1pm on Saturday and no work before 7.30am
- Environmental controls are in place when it comes to fires, vehicle maintenance, air pollution, noise
- The perimeter fence is kept in good repair and litter free

Other Representations

4.3 Local Residents

Fifteen letters of objection have been received from local residents, a summary of the points of concern raised is as follows;

- Severe environmental impact on the wildlife
- Impact on quality of life of local residents who have to put up with the lorries 24/7.
- Although time restrictions are suggested, will they be monitored and enforced
- The access road is a disgusting state with rubbish and hardcore dumped by it
- There is a caravan on the site
- There are no toilet facilities on the site
- The site storage at present has a very grave impact on the appearance and visual amenity of the surroundings
- There is no height restriction for storage of pallets
- To sanction the change of use would be one of the worst decisions the Council has ever made
- Ducks and Chickens squawk before 7am
- The site is a fire hazard because of the number of pallets and cars stored there
- There is no running water on the site – could be an issue of a fire did break out
- The vegetation is not high enough to screen the storage of pallets
- General support for the site as an area of employment providing it is not to the detriment of the neighbours homes
- Increased levels of traffic
- Lorries got to the site at all times of day and night
- De-valuation of neighbours house prices
- Acrid fumes and smoke coming from the site
- Recent problem of rats and vermin
- The access road is designed for cars not commercial use
- Lack of car parking spaces for the 20 or so employees
- Congestion and workers parking on the highway

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within a safeguarded employment area and within the urban area of Kingswood. Policy E4 of the South Gloucestershire Local Plan states that planning permission will be granted for employment generating uses in

safeguarded employment areas providing the range of criteria set out in Policy E3 are satisfied. Policy E3 also supports employment generating uses within the existing urban area. Policy E3 states that employment generating uses will be permitted providing that:

5.2 **A. The development would not have unacceptable environmental effects; and**

Along the southern boundary of the site runs Warmley Brook. During a recent pollution prevention visit to site the Environment Agency dye-traced the surface water drains on the top part of the Estate. It was observed that all drainage from this area flows to the nearby brook. There are currently a number of vehicles (cars and HGVs) stored on this site along with waste for use in a paragraph 13 exemption. The Environment Agency has no objections to the scheme subject to the attachment of conditions to ensure that details of the surface water drainage system are submitted to the council and implemented.

Policy EP1 of the adopted south Gloucestershire local plan states that *'development will not be permitted which would unacceptably harm the environment... as a result of pollution to water, air or soil'*. It is noted that a large number of local residents are concerned about burning of pallets, hazardous substances and other products at the site and many state acrid smells and smoke have been coming from the site. At present, there are no restrictions on the site whatsoever. In order to overcome this concern, a condition will be attached to ensure that there are no bonfires on the site following the approval of planning permission.

5.3 **B. Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on-street parking, to the detriment of the surrounding areas and highway safety; and**

During the course of the application, additional information was requested from the agent to further break down how the site is used and to show where the access and parking areas are located. In response to this plan 08/951/03 was produced showing access through the site, a loading area for unit 1, and parking for the units. In total, 30 vehicle parking spaces have been shown.

It is fully accepted by the highway and planning officers that the level of information provided is still below the ideal level. However, it is not considered that a highway refusal reason could be substantiated. It is worthy to note that this site is set well back from edge of the public highway. The internal private drive (i.e. access road within the site boundary) leading to the application site itself has a distance of approximately 140m from edge of the public highway. In respect of parking concerns raised by neighbours, because of the distance from the public highway to the site and the fact that it is up-hill, the highway officer is satisfied that proposal is unlikely to increase on street parking on the public highway. From the highway officers own visit to the site, he can confirm that all the parking for these units / operations takes place within the site itself although, it is acknowledged that such parking on site takes place in an ad-hoc basis. Parking issues could not be used as a refusal reason to resist this application.

In respect of traffic generation from the development and its impact on the public highway, the highway officer is happy that the volume of traffic associated with these units is small by comparison to the neighbouring land uses and that existing highway networks can easily accommodate the development traffic. It should be also noted that existing public road, Bridge Road which provide access to the site currently is serving other commercial units in the area. In view of this therefore, traffic issues or the suitability of the existing public highway network can not be used as highway refusal reason to this proposal.

Notwithstanding the above, a series of conditions will be attached to ensure that as far as possible, adequate parking and turning space is available on site.

5.4 **C. Development would not prejudice existing residential amenities; and**

One of the primary issues raised by all neighbours is the impact of the site on their residential amenity – the principal concern being noise. The case officer is sensitive to these concerns and given that the site currently has no restrictions, can understand how noise issues can arise.

A significant difference since the refusal of the last application is the submission of a noise assessment prepared by an independent environmental consultancy. The Councils Environmental Protection team have scrutinised the noise report and having read the noise report submitted, it would appear that the site in question has little impact on the noise environment of the surrounding area. To confirm this, two Environmental Protection officers visited the site and undertook noise measurements on Friday 24th April between the hours of 10am and 11am at the entrance to Fairlyn Drive. The owners and users of the site were not aware that the noise measurements were being taken. During this time the dominant noise source was road traffic on Bridge Road, and noise from the site relating to this application was not discernable.

During the environmental protection officers visit it was evident that there are two speed humps on the entry ramp up to the site which caused additional noise when vehicles drove over them. These speed humps appear to do little in terms of highway safety as they are right at the entrance to the drive where vehicles are already at a low speed as they turn the corner to enter the site. A condition will therefore be attached to ensure that the two existing speed humps are removed as this will reduce noise levels.

In order to minimise noise impact from this site for nearby residential properties, the environmental protection officers recommend that the restriction on hours, offered up in the application, that being 08:00 to 18:00 Monday to Friday; 08:00 to 13:00 on Saturday and closed on Sunday be used as a condition to limit the use of this site.

There is a barrier at the bottom of the access road also. The agent has confirmed that the applicant would be happy to have a condition attached to any consent granted to ensure that this barrier is shut at all times when the site is not open. This will prevent any vehicles driving up the access road outside of working hours. As there is a manned gatehouse at the bottom of the access

drive, this condition is workable for the applicant and can be enforced if necessary.

Subject to the attachment of the above conditions, it is considered that the approval of this application will have significant benefits for the neighbouring dwellings. Whilst industrial activities will still take place at the site, the hours will be controlled to ensure that night time noise is stopped.

5.5 **D. The character of the area or settlement is not adversely affected; and**

The principle of implementing a business use on the site is acceptable given its location. It is still necessary however to ensure that the business use of the site does not allow for degradation of the character of the area. The site is almost devoid of vegetation other than three large trees at the entrance to the site and 7 other smaller trees dotted across the site. Whilst these trees do appear to be surviving adequately in their environment, a plan has been submitted to show the installation of tree protectors to prevent any accidental damage to the trunks from vehicles, machinery etc crashing into them.

The site is surrounded by quite extensive vegetation that contributes very positively to the character and amenity of the area. A detailed plan has been submitted showing the different styles of barrier and fencing on the site. Despite the vegetation, it is accepted that at present the pallets on site are stacked very high and they are clearly visible from the Bristol and Bath Cycle and Pedestrian route. A condition would be attached to any consent granted to restrict any storage on the site to the maximum height of 4.5 metres. Whilst at 4.5 metres the pallets will still be visible from outside of the site, their impact will be reduced. Given that the site is in an established employment area and is surrounded by large, and some of which not very attractive industrial buildings, it would be un-reasonable to expect the application site to have no visual impact.

Subject to the attachment of would be attached to any consent granted to ensure that the tree protection measures are implemented and to restrict the height of storage, it is not considered that the site would have any adverse impact upon the character of the area sufficient to warrant the refusal of the application.

5.6 **Proposals for large scale B8 storage and distribution uses will only be permitted in the following employment areas, as defined on the proposals map; Severnside, Cribbs Causeway and Emersons Green Area B**

The supporting text confirms that *'the council defines 'large scale' B8 uses as greater than 1000 square metres of floor space, not ancillary to other employment activities on the same site and likely to generate significant HGV traffic requiring access to the strategic road network.'* The area of the site exceeds the 1000m² threshold as the site covers an area in the region of 6000m². The site area is therefore classified as a 'large scale' site and is not within one of the three sites where such development is permitted.

However as the site is a mixture of B8 and B2 uses with none of the individual B8 units being over 1000m². The site does not therefore constitute a large scale storage and distribution use, and does not prejudice the locational strategy.

5.7 Other Issues

It is noted that some letters of objection from local residents raise other issues – one of which being the lack of sanitation on the site. The lack of toilets and running water on the site however is controlled by the Workplace (Health, Safety and Welfare) Regulations 1992 and is not covered by planning legislation. Similarly the potential devaluation of neighbouring properties is not a material consideration. Some letters also refer to a caravan and some ducks and chickens. These however are on land adjacent too but not within the application site and therefore are not for consideration as part of this planning application.

5.8 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document. The statement includes documentation to prove that the owner has made steps to make the users of the site aware of the proposed conditions to ensure they are adhered too.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. The B8 and B2 division of the site must be exactly as per that shown on plan 08/951/02. There shall be a maximum of 7 companies operating from the site and the units shall not be sub-divided any further than shown on plan 08/951/02.

Reason:

To allow the council to consider the impacts of any further change of use or subdivision on highway safety and the impact upon residential amenity. In accordance with Policies E3, E4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

2. Within three months of the date of this decision a scheme to dispose of foul drainage shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include a time frame for implementation and shall be implemented as approved.

Reason:

To protect and improve water quality of the surrounding water environment to accord with policies EP1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2009.

3. Within three months of the date of this decision a scheme of surface water drainage for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall include a time frame for implementation and subsequently will be implemented in accordance with the approved details.

Reason:

To protect and improve water quality of the surrounding water environment to accord with policies EP1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2009.

4. The off-street parking spaces, loading bay and access way shown on plan 08/951/03 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. There shall be no storage of goods or materials within these areas.

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 E3, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 08:00 to 18:00 Monday to Friday; 08:00 to 13:00 on Saturday nor at any time on Sunday or Bank

Holidays. Outside of these times, the barrier across the entrance to the site at the bottom of the ramp must be closed to prevent any vehicular access to the site.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Within 2 months of the date of this decision, the two speed bumps across the bottom of access drive shall be removed. Any damage to the driveway whilst carrying out these works shall be prepared to provide a smooth driving surface.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. There shall be no burning of bonfires within the site at any time.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. There shall be no storage of any materials or goods on the site over 4.5 metres in height above existing ground levels.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Within 2 months of the date of this decision, the tree protectors and 1 metre high protective fence as shown on plan 08/951/03 shall be installed and maintained as such at all times thereafter.

Reason:

To help protect the vegetation on site in the interests of visual amenity and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 25/09 – 26 JUNE 2009

App No.: PK09/0735/R3F

Applicant: South
Gloucestershire
CouncilSite: Fiveways, New Cheltenham Road,
Kingswood, South Gloucestershire,
BS15 4FR

Date Reg: 22nd April 2009

Proposal: Demolition of existing buildings to
facilitate the erection of Day Centre and
offices for Adults with Learning
difficulties, Day Centre for the Elderly
Mentally Infirm and 40no. Extra Care
sheltered flats for the elderly with
communal facilities. Creation of
parking, landscaping and associated
works.

Parish:

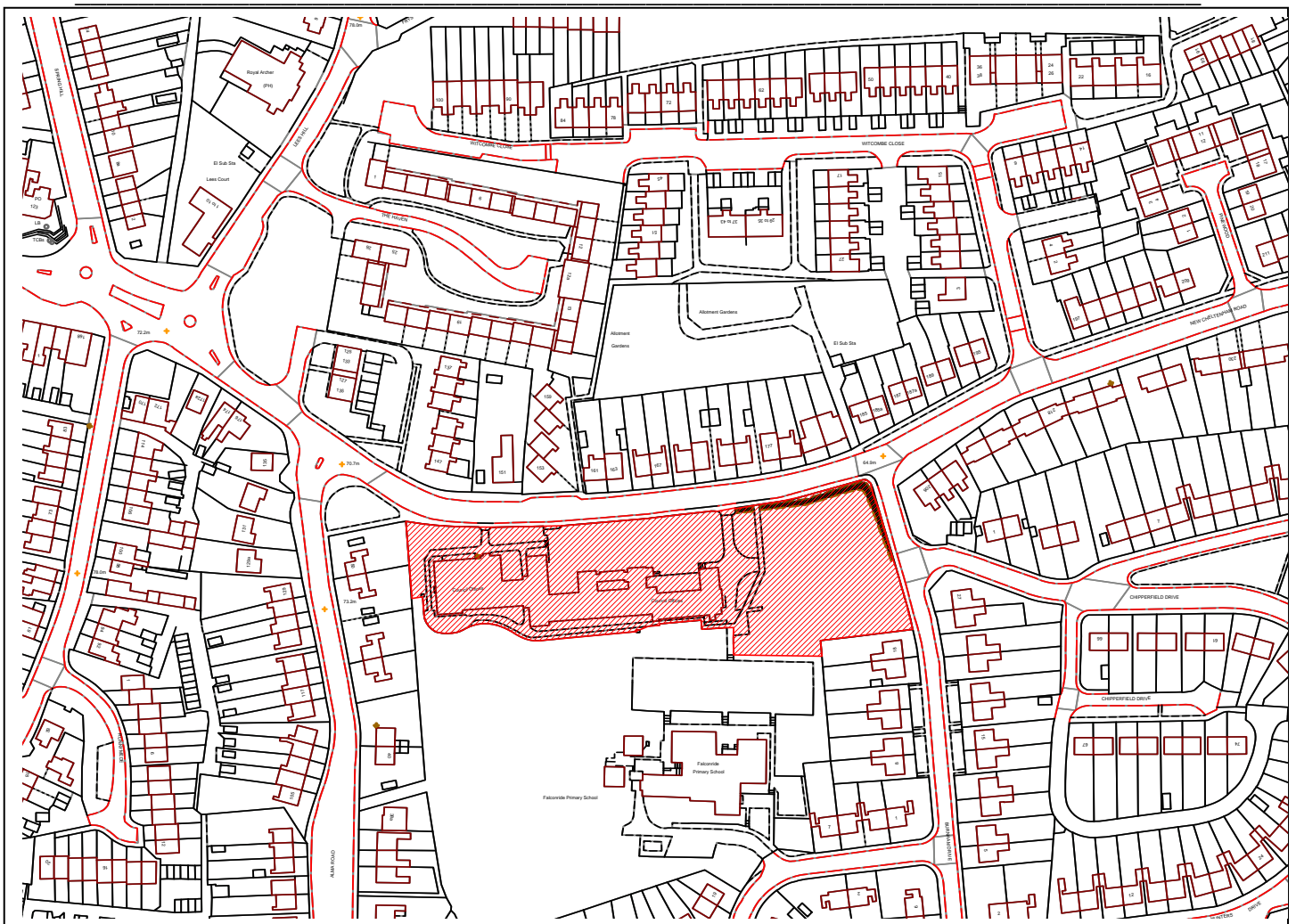
Map Ref: 65504 74257

Ward: Kings Chase
Target: 16th July 2009

Application Major

Date:

Category:



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N.T.S

PK09/0735/R3F

INTRODUCTION

The application appears on the circulated schedule due to the receipt of one letter of objection from a local resident and also in accordance with correct procedure because the Council is the applicant.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of one building containing 40 no. sheltered flats with ancillary accommodation. The application also includes the re-provision of a day care centre for Adults with Learning Difficulties (ALD) and a new day care centre for the Elderly and Mentally Infirm (EMI). Creation of parking, landscaping, access and associated works are also proposed. The site is wholly owned by South Gloucestershire Council and the scheme will involve the demolition of the existing council buildings on site. Of the 40 Extra Care units 35 will have two bedrooms and 5 will have one bedroom.
- 1.2 The proposed development site comprises an area of approximately 0.82 hectares in Kingswood. A vacant building currently stands on the site. This building is in the ownership of South Gloucestershire Council and was previously used partly as an ALD centre. The site is relatively flat although there is a slight downward slope from east to west and from south to north. The site is linear and is bounded to the west by private rear gardens, to the south by Falconride School, to the east by Burnham Drive and by New Cheltenham Road to the north.
- 1.3 The proposed development will consist of one single building. This building is divided into two parts however both functionally and formally to separate the housing (to the west) and the Day centres (to the east). The catering kitchen connects the two halves of the building linking the two separate uses together.
- 1.4 The scheme is being developed by South Gloucestershire Council in conjunction Housing 21. The project seeks to provide a suitable environment to enable the delivery of the Council's 'Joint Accommodation and Care Strategy for Older People in South Gloucestershire' to a wide range of older people in South Gloucestershire. Kingswood is recognised as a location within South Gloucestershire with a high concentration of older people in the South Gloucestershire Strategy for Older People 2008 – 2012 and thus there is a particular need for this type of development in this area. The term 'extra care' means accommodation and services which allows elderly people to remain in their own home for as long as possible, rather than being cared for in residential homes/hospitals, which is often the result of crisis rather than choice. Extra care offers the choice of a home with the availability of 24 hour care and support should it be needed. It offers a real housing alternative to residential care.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

PPS3 Housing
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L5	Open Areas within Existing Urban Areas
L9	Species Protection
LC4	Proposals for Educational and Communal Facilities within the existing urban area
H2	Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation within the Existing Urban Area
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
S3	Proposal for Social Services Provision (Site Allocation and Developer Contributions)

2.3 SPP
Design checklist.

3. RELEVANT PLANNING HISTORY

3.1 None Relevant

4. CONSULTATION RESPONSES

4.1 Town/Parish Council
The area is unparished

4.2 Other Consultees
Wessex Water has commented that there appears to be a foul drainage system and 3 private storm drains serving the existing buildings. Whilst precise details of foul water disposal have been submitted these details would need to be agreed with Wessex Water outside of the development process.

Other Representations

4.3 Local Residents
One letter of objection has been received from a local resident who raises the following points of concern:

- The day care centre buildings will have an overbearing impact upon the residents home and affect their levels of privacy
- The proposals to excavate to a depth of 1.8m has potential to cause subsidence
- The extra care facility would impact significantly on the privacy and quiet enjoyment of the neighbours home. Residents will have direct views into the rear of the neighbours property and garden.
- The occupants of the offices will be able to overlook the neighbours windows

- Measures to protect the Oak should be observed throughout the construction period
- Cause additional congestion and hazards to pedestrians and motorists.
- The resident wants to enter into a contractual agreement with the developer to ensure their interests are not overlooked during the development process.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the established urban area and is a previously developed site. The site therefore needs to be assessed under Policy H2, which states that proposals for residential development, including residential institutions, within the existing urban area, will be permitted, subject to various criteria, as follows:

- Development would not have unacceptable environmental or transportation effects and would not significantly prejudice residential amenity
- The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved, with a minimum density of 30 dwellings per hectare and higher densities where local circumstances permit
- The site is not subject to unacceptable levels of noise disturbance or air pollution
- Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals

5.2 Part of the application is the provision of community and educational facilities in the form of the EMI and ALD day car centres. Policy LC4 of the adopted local plan allows for the provision of such facilities within the existing urban area providing there are no detrimental residential or transportation implications. Policies T8 and T12 of the Adopted Local Plan must also be taken into consideration.

5.3 It is also a material consideration that the proposal seeks to go some way to implementing the Council's formally adopted 'Joint Accommodation and Care Strategy for Older People in South Gloucestershire' which seeks to support older people in South Gloucestershire to continue to live independently in their own home. The Strategy states that there is an unmet need for appropriate housing for older people, and a need to reduce admissions into residential care. One of the ways identified to do this is to develop 'extra care' accommodation, which offers the possibility of supporting higher levels of dependency but also providing an environment for lively and active old age. To achieve this, one of the ways forward detailed in the Strategy is to develop or facilitate 16 extra care housing schemes by 2016.

5.4 In view of this, the principle of the proposed development on this site is considered to be acceptable. Whilst it is noted that one local resident has objected to the scheme, the wider context of need for extra care accommodation within South Gloucestershire is considered to outweigh this objection. It is not appropriate in this instance to give a density calculation as

the figure produced would be skewed by the fact that half of the site is within another use. Whilst it is clear that the Extra Care element is at high density, the nature of the scheme necessitates high densities to operate effectively. PPS3 states that local authorities should promote designs and layouts which make the efficient and effective use of land and given that the high density results in no demonstrable harm it is not considered that this issue alone is sufficient to warrant refusal of the application.

5.5 The proposal is therefore considered acceptable in principle, subject to the following detailed assessment.

5.6 Residential Amenity

Policy H2 requires that development would not significantly prejudice residential amenity. Given the previous use of the site as a day centre and council offices, it is probable that historically moderate levels of noise would have resulted from the site at particular times of day. On balance, it is considered the existing and proposed use of the site would result in similar levels of noise acceptable within an urban area.

The site is unusual in that it is within an urban location but has a relatively low number of immediately neighbouring dwellings – indeed there are only three dwellings that have a curtilage adjoining the application site – No's 48 and 50 Alma Road and No. 18 Burnham Drive. The site is to be divided into two sections and these two sections will be on different levels. The EMI and ALD centres will be at a lower level with the Extra Care facility being at a higher level. This is to take account of the existing topography of the site and to help the building fit into its surroundings. The EMI and ALD centres will be predominantly single storey with a small two storey element. The Extra Care facility will be predominantly three storeys in height with a small four storey section where the site steps down in level.

5.7 By virtue of its height and distance from residential dwellings, it is not considered that the EMI or ALD centres will have any impact upon existing levels of residential amenity. The two storey element of this building will be 24 meters from the nearest residential property on New Cheltenham Road and at this distance, will not have any detrimental impact upon levels of privacy. The building where it runs close to the boundary with No. 18 Burnham Drive is single story only so will have no significant detrimental impact upon this neighbour.

5.8 It is accepted that the Extra Care element of the scheme has more potential to impact upon the neighbouring dwellings simply because it is a taller building. Despite this however, it is not considered that the proposed building will result in any issues of loss of privacy or overlooking. The existing building on site to be demolished stands 24 metres from the main rear walls of the dwellings along Alma Road. The proposed new building would have a far greater degree of separation having a distance from the main rear walls of the dwellings along Alma road of 45 metres. Despite the fact that the proposed building will be significantly taller than the existing building it is to replace, because of the additional distance, no issues of overlooking or overshadowing will result.

5.9 The small element of the scheme that will be 4 storeys in height is tucked well back from the edge of the site. The 4 storey part will be 25 metres from the

- nearest residential dwelling. Whilst 4 storeys gives the impression of an imposing building, because of the site levels when viewed from the street, the 4 storey element will actually be no taller than the three storey sections. Given the degree of separation between the proposed new development and the residential properties along New Cheltenham Road, given that they are separated by a busy road and planting, impact upon existing levels of residential amenity is not considered to be of concern.
- 5.10 The proposed new building has been designed so that only a minimal number of habitable room windows serving the extra care scheme will face towards any habitable room windows of the surrounding dwellings. Many of the existing trees around the northern perimeter of the site are being retained and additional planting across the site is proposed. This will help reduce and screen the visual mass of the building from the neighbouring dwellings. In light of the above, and despite the concerns expressed a resident, your officer is confident that the proposed new building will have no detrimental impact upon existing levels of residential amenity.
- 5.11 Landscape
Policy L1 states that within the existing urban area development will only be permitted where existing features of the landscape are preserved and that the amenity of the landscape is enhanced where possible.
- 5.12 As it currently stands, the site only has a limited amount of vegetation in the form a few trees around the north and west boundaries of the site. There is one large oak tree protected by a tree preservation order that stands in the garden of No. 18 Burnham Drive. Whilst this tree is not within the application site, because of the proximity to the proposed development, it is possible that the tree could be affected by the proposed works. A detailed arboricultural tree survey, tree constraints plan, method statement and tree protection plan has been submitted with the application. The arboricultural report adds that prior to the commencement of any works on site a provisional programme of works shall be submitted to the Local Planning Authority for approval in writing. Subject to the attachment of a condition to ensure the submission of these details, there are no objections to the works as proposed.
- 5.13 Very detailed landscaping plans have been submitted with the application showing in detail all parts of the site. The landscaping to the south of the building will not be visible from the public realm and it is not therefore necessary to condition this landscaping. It is of course important to ensure that the landscaping forward of the building where it will be readily visible from the highway is maintained in the interests of visual amenity. Appropriate conditions will be attached to any consent granted to ensure that the existing trees are protected and that new planting is implemented as on the approved plans.
- 5.14 Design and Visual Amenity
Policy D1 states that development will only be permitted where good standards of site planning and design are achieved.
- 5.15 The general context of the surrounding area is a residential one, typically comprising semi-detached houses of two-storeys. The surrounding properties are not of any particular architectural merit, but their arrangement and massing do serve a useful function in the street scene, providing a sense of enclosure

and regular rhythm reinforced by the use of common materials. The building line of the residential element (to the west of the site) will reinstate a sense of enclosure and rhythm to this part of New Cheltenham Road, which is currently lacking. By setting the entrance to the new Day Centre back into the site this community facility is emphasised in views down New Cheltenham Road, which is appropriate given its more prominent use.

5.16 The scale and massing of the proposal is very important in relieving what could be a long plain elevation, which would overwhelm the residential scale of the surrounding townscape. This is particularly important on the New Cheltenham Road frontage. Whilst the proposal contains elements of three and four storey development these are set back from New Cheltenham Road towards the less sensitive southern boundary. Whilst these will still be visible, the overall mass of the proposal will be effectively broken down by setting two-storey elements forward towards New Cheltenham Road, and recessing the taller elements to the south.

5.17 The scale of the buildings is further reduced by its varied use of materials, with brick, cladding and render emphasising different elements (residential, living areas, and circulation spaces/ entrances respectively). The detailed design will reinforce the sense of rhythm and enclosure to New Cheltenham Road through repetitive building line and roof treatment, common materials and detailing of windows. Therefore, it is considered that every attempt has been made to ensure that the existing building integrates as far as possible. The design of the building is acceptable and complies with the requirements of policies D1, LC4 and H2 of the adopted Local Plan.

5.18 Transportation

Policy T12 allows for new development provided that, in terms of transportation the proposal

- provides adequate, safe, convenient access for pedestrians, cyclists and people with disabilities
- provides safe access capable of accommodating the motorised traffic generated by the proposal,
- would not create or exacerbate traffic congestion or harm highway safety
- would not generate traffic which would harm residential amenity
- incorporates traffic management/calming measures where necessary
- provides for or contributes to public transport and pedestrian and cycle links

Policy T8 advised of maximum parking standards for different types of development.

5.19 There are currently two vehicular accesses to the site off of New Cheltenham Road. It is proposed that the existing site access to the east is modified whilst the access to the west is relocated further along New Cheltenham Road. The new access arrangement to the site would create two parking courts with one car park located at each end of the site. Details of the accesses have been provided with the scheme and whilst the plans do not provide information about visibility splays your highway officer is satisfied that adequate visibility distances can be provided from this location. A planning condition will be attached to any consent granter to ensure that visibility splays of 2.4m by 43m are created from both site access onto public highway. The new vehicular

- entrances have been designed to accommodate movements of small service vehicles and there is suitable turning and manoeuvring area within the site boundary.
- 5.20 There are local amenities within 500m (easy walking distance) of the site including a post office, newsagents, grocery shop, hairdressers, public house and takeaway. Whilst there are pavements on both sides of the road, it is considered that some improvements are needed to the existing pedestrian road crossing facilities in the area. Provision of a new crossing point would also help to gain easy access to bus stop on opposite side of the road to the development. There are bus services that pass the development site along New Cheltenham Road. The nearest bus stops are located directly outside the development itself, a few meters off the main site entrance on New Cheltenham Road. Given the nature and scale of the proposed development, it is required that the applicant make financial contribution towards road safety measures in the area.
- 5.21 There are existing Traffic Regulation Orders on New Cheltenham Road in form of yellow lines (i.e. zig-zag and warning lines and signs) outside the application site. These would be affected by the development and therefore the cost to remove/ alter / revoke the existing TRO would need to be met by the applicant.
- 5.22 The extra care facility itself will generate limited vehicular traffic and the proposed EMI and ALD day care centres alone are expected to generate less vehicular traffic than the current Day Care centre and Social services office accommodation combined. A total of 34 no car parking spaces are to be provided between the two car parks, with an additional 9 no. disabled parking bays and 3no. minibus spaces on the site. Electric buggies are catered for within the Extra Care building in a specifically allocated buggy store with parking provision for up to 5no. buggies located adjacent to the main entrance. Internal bike storage will also be provided for staff and visitors on site.
- 5.23 The applicants have agreed to contribute £20,000 towards road safety measures in the area to mitigate against the impact of the development.
- 5.24 Ecology
An ecological report submitted with the application confirms that there are no known ecological issues facing the site.
- 5.25 Affordable Housing
The entire accommodation is classed by the Housing Enabling Team as 'affordable' and as the scheme is being bought forward by the applicants in partnership with the Council itself, there is no specific requirement for affordable housing to be tied up in a legal agreement.
- 5.36 Education Services
Since the proposal is for the elderly (over 55's) and thus there is no requirement for a contribution to education services in the area.
- 5.37 Community Services
The Community Services department has been consulted regarding the proposed scheme and has stated that the expected population increase resulting from the proposal would equate to 54 people. Taking into

consideration the intended residents and their likely use of community facilities it is considered that the proposed development would create a need for extra public open space and there is a local shortfall of public open space. Due to the age of the intended occupants, no contribution toward children's play space is required. In the interests of consistency given the recent decision at Cambrian Drive (application PK07/1190/R3F) no financial contributions will be requested towards the provision of public open space.

5.32 Community Services also seeks a contribution of £1,006.56 towards the home serve library service to contribute towards upgrading or enhancement of existing facilities and stock to offset the increased demand on facilities. The applicants have confirmed that they are willing to provide this contribution, and as such the proposal is acceptable in terms of community services provision.

5.33 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 (Consultation Draft). The statement is thorough and detailed and fully justifies the proposal and its suitability for its location.

5.34 Section 106 Requirements

A Section 106 agreement cannot be entered into as the Council currently owns the land. With regard to the £20,000 financial contribution requested by the Highways Officer, towards road safety measures, and the £1,006.56 requested by Community Services for improvement to library services, to offset increased demand for facilities, the applicants have agreed to fund this as part of the land transfer, ie when the land is transferred to the applicants following the granting of planning permission.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0735/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).

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

Reason:

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

3. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To minimise disturbance to occupiers of nearby buildings and to accord with Policies H2 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To minimise disturbance to adjacent occupiers of and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

6. The building shall not be occupied until the associated car parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

Reason:

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

7. Prior to the commencement of development on site full details of the proposed extraction and odour abatement system should be provided. This should include details on the specification and location of all fans, plant and flues, including a detailed schematic diagram of the ventilation system and its location inside and outside the building. The plan should also show scaled details of where the flue will terminate in relation to adjoining premises (residential and commercial). A maintenance/cleaning schedule of the proposed extraction and odour abatement system must also be submitted along with predicted noise levels and means to mitigate against noise or vibration. These details must be submitted in respect of both the catering kitchen and the plant room.

Reason:

In the interests of the amenity of the surrounding land uses and the occupants of the proposed flats to accord with the requirements of Policies H2 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2009.

8. All hard and soft landscaping shown on plans 3047/P/14 and 3047/P/15 between the proposed building and the highways (that is both New Cheltenham Road and Burnham Drive) must be implemented in accordance with the approved plans. The landscaping works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.

Reason:

In the interests of visual amenity and to accord with the requirements of Policies D1, L1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2009.

9. Prior to the commencement of any development on site, a provisional programme of works will be submitted to the Council and if acceptable, approval in writing. The report will include details of
 1. Arboricultural works
 2. Erection of protective barriers
 3. Ground works adjacent of the site with No.18 Burnham Drive
 4. Excavation of any trenches for services and
 5. construction of any new structures within identified Root Protection Areas including a detailed method statement for the removal and construction of the boundary wall which clearly demonstrates the protection of tree roots..

Reason 1:

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

Reason 2:

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

10. Visibility splays of 2.4m by 43m shall be provided from both site entrances onto the public highway.

Reason:

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

CIRCULATED SCHEDULE NO. 25/09 – 26 JUNE 2009

App No.:	PK09/0895/F	Applicant:	Mr D Gowling
Site:	57 Oaktree Avenue, Pucklechurch, South Gloucestershire, BS16 9SF	Date Reg:	14th May 2009
Proposal:	Erection of a two storey detached granny annexe, ancillary to main dwelling.	Parish:	Pucklechurch Parish Council
Map Ref:	70160 75795	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	6th July 2009



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 100023410, 2009.

N.T.S

PK09/0895/F

INTRODUCTION

This planning application has been referred to the Councils' Circulated Schedule as a result of an objection 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 detached granny annexe, ancillary to the main dwelling.

1.2 The application site relates to a two storey detached dwelling within the settlement boundary of Pucklechurch.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Development within existing residential curtilages

2.3 Supplementary Planning Guidance
Design Checklist

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council
Councillors object to this application as no evidence has been provided to support the need for a granny annexe.

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 development within existing residential curtilages subject there being no adverse impact on existing visual and residential amenities.

5.2 Visual Amenity

The application site relates to one of three large two storey detached dwellings with large rear garden. The existing dwelling has a brick finish. The rear of the application site backs onto Oak Tree Avenue and is well screened by existing vegetation.

5.3 This planning application seeks permission for a two storey detached building for ancillary accommodation. It is considered that a building of this scale i.e. 7.0m in length x 5.0m in width x 3.80 to the eaves and overall height of 5.50m and in this location would not have an adverse impact on the existing visual amenities of the surrounding area.

5.4 Residential Amenity

The proposed building would be sited in the north east corner of the site and therefore would not have an adverse impact on the existing amenities of no. 56 sited west of the application site.

5.5 Other Issues

Annexe

The Parish Council have objected on the grounds that no evidence has been submitted to support the need for a granny annexe. Members are advised to consider that this is not a requirement for this type of planning application. Should the applicant decide to use it a separate residential unit this would be subject to a new planning application.

5.6 Design and Access Statement

Not required with this particular planning application

5.7 Use of Energy and Sustainability

No measures proposed

5.8 Improvements achieved to the scheme

None required

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0895/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).

CIRCULATED SCHEDULE NO. 25/09 – 26 JUNE 2009

App No.:	PK09/0897/TRE	Applicant:	Mrs H Masters
Site:	10 Gabriel Close, Cadbury Heath, South Gloucestershire, BS30 8FG	Date Reg:	14th May 2009
Proposal:	Works to 1no. Sycamore tree to reduce by 20% covered by Tree Preservation Order SGTPO08/06 dated 8 September 2006.	Parish:	Oldland Parish Council
Map Ref:	66601 72367	Ward:	Parkwall
Application Category:	Minor	Target Date:	7th July 2009



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N.T.S

PK09/0897/TRE

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

1. THE PROPOSAL

- 1.1 The application seeks permission to carry out works to 1no.Sycamore tree, protected by a Tree Preservation Orders. The tree is located on the Southern boundary of No. 10 Gabriel Close, Cadbury Heath. The works proposed involve reducing the tree by 20%.
- 1.2 During the course of the application the details of the proposal were amended from the reduction of the Sycamore tree by 30%, to the reduction by 20% in line with recommendations made by the Councils Tree Officer.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement

3. RELEVANT PLANNING HISTORY

- 3.1 None directly related to this site.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objections

Other Representations

- 4.2 Local Residents
One letter from a local resident has been received raising the following concerns:
 - The trees were subject to a Tree Preservation Order as part of the planning permission for Gabriel Close to act as screening along the boundary with St Davids Avenue. Slowly these trees are being reduced and removed.
 - The tree has barely grown since the property was purchased.
 - No objections to the reduction in height by 30% but object to the width of the tree being reduced as this would leave a large gap between it and the adjoining trees.
 - Raised concern about further reductions in the future

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 seeks to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

5.2 Analysis of the proposal

The tree is growing at the rear of the property and currently forms a screen between Gabriel Close and St David's Avenue. The tree appears to be in good health, however the canopy of the tree extends into the garden and is restricting light as the canopy is dense.

The initial proposal was to reduce the tree by 30%. The reason that there is a Tree Preservation Order on this tree is to maintain a screen between Gabriel Close and St David's Avenue. If the tree is reduced heavily the screening will be interrupted causing a large loss in amenity to the local area. Therefore it was recommended that the tree be pruned by a maximum of 20%.

The agent confirmed in writing that the description of the proposal could be amended to read; works to reduce 1no. Sycamore tree to reduce by 20%. As such there are no objections to the proposed works, on arboricultural grounds.

5.3 Section 106 Requirements

Not applicable

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be approved subject to the following conditions.

Background Papers **PK09/0897/TRE**

Contact Officer: **Kirstie Banks**
Tel. No. **01454 865207**

CONDITIONS

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

Reason:

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

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

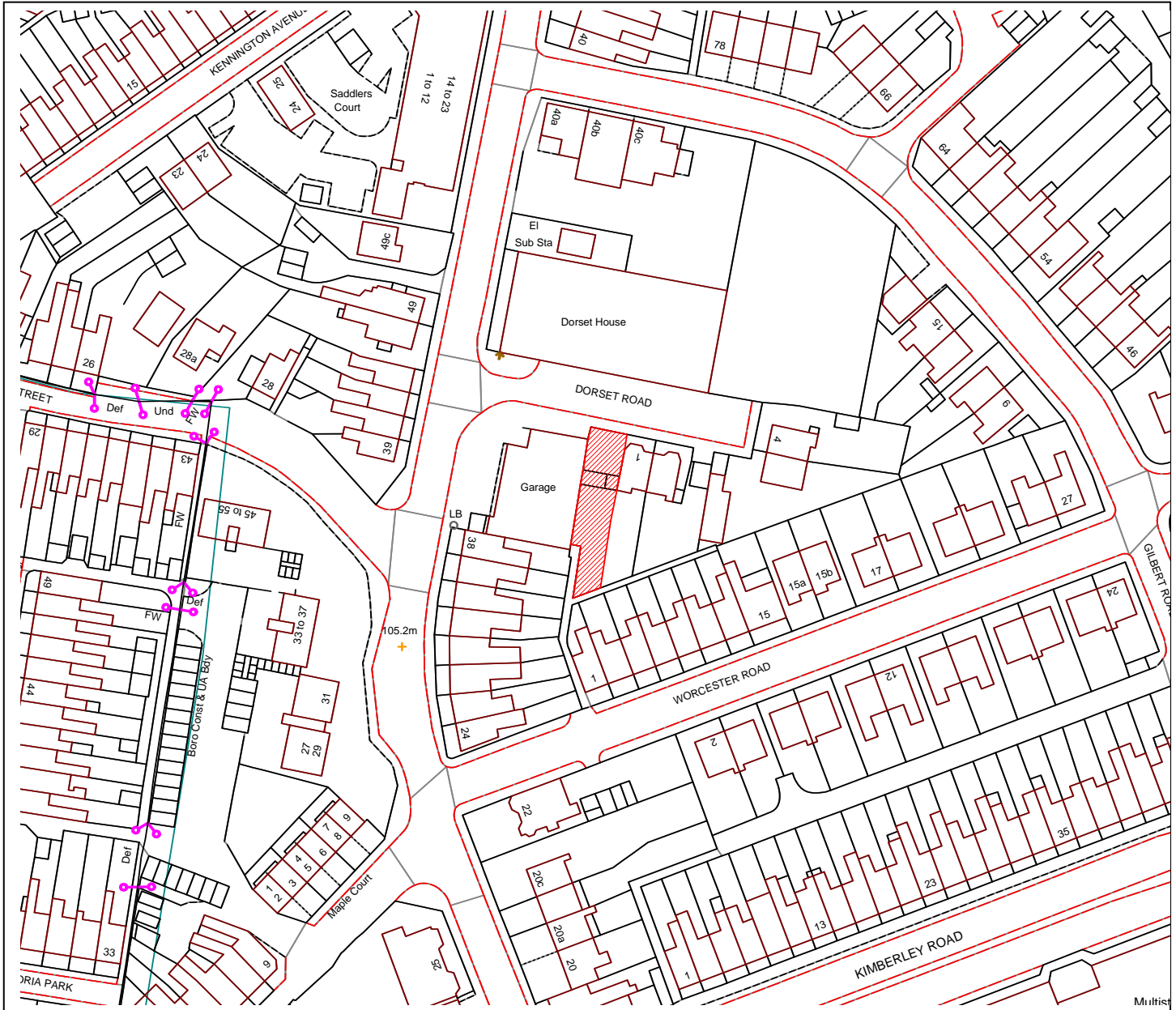
Reason:

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

CIRCULATED SCHEDULE NO. 25/09 – 26 JUNE 2009

App No.: PK09/0932/F
Site: 1 Dorset Road, Kingswood, South Gloucestershire, BS15 1SJ
Proposal: Erection of 1 no. detached dwelling and associated works. (Resubmission of PK09/0285/F).
Map Ref: 64651 74129
Application Category: Minor

Applicant: Mr D.L. Tooker
Date Reg: 20th May 2009
Parish:
Ward: Kings Chase
Target Date: 14th July 2009



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N.T.S

PK09/0932/F

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a detached dwelling within the curtilage of 1 Dorset Road, Kingswood. The proposed dwelling would measure 6.2 metres wide by 7.3 metres in depth and would have an overall height to ridge of 7.5 metres.
- 1.2 The application property is a two storey semi-detached dwelling and is located within a residential area of Kingswood.
- 1.3 An application for a detached dwelling at the site has recently been refused due to the lack of off street parking provision. The main difference in this application is that the proposed dwelling is set back from the road to allow two off street parking spaces, to be provided.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG3 Housing
PPG13 Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H2 Proposals for Residential Development within the Existing Urban Area
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
EP1 Environmental Protection
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P77/4534 Erection of Double Garage (previous ID K2045)
Approved 1977
- 3.2 PK09/0285/F Erection of 1no. detached dwelling and associated works
Refused March 2009 for the following reason

'The development proposes the removal of vehicular parking from the site boundary and fails to provide adequate alternative parking for both the existing and proposed dwellings. If allowed this will lead to additional on-street congestion causing obstruction thereby interrupting the safe and free

flow of traffic. This is detrimental to highway safety and contrary to Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.'

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Site falls outside a parish area.

4.2 Sustainable Transport
No objections

Other Representations

4.3 Local Residents
One letter of objection was received from a local resident raising the following concerns:

- The only apparent change between this application and PK09/0285/F is that the proposed dwelling would be three bedroom rather than 4 bedroom. Therefore the same concerns have been raised again.
- The main sewerage system for No's 1-2 Dorest Road runs under the area where the new dwelling is proposed. Therefore if permission is approved the resident seeks reassurance that the proposal would not result in an additional load on the existing sewerage system increasing the rate of blockage and that access for maintenance would not be restricted.
- Car parking spaces proposed are part of the Dorset House development PK07/0224/O.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposed new dwellings within the existing residential curtilage, providing that the design is acceptable, highway safety would not be compromised, adequate parking and amenity space is provided and that there is no unacceptable impact on residential and visual amenity.

The South Gloucestershire Plan (Adopted) 2006 identifies the site as lying within the urban area. With the exception of design, Policy H2 of the adopted Local plan encompasses all the relevant issues of the above policies. Policy H2 allows for new residential development providing that the following criteria are complied with:-

5.2 **(a) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.**
In the interests of clarity these two issues will be discussed in turn.

Transportation Issues

Concern has been raised by a local resident that the car parking spaces proposed are part of the Dorset House development PK07/0224/O. This was the case for the last application but this application differs in that the proposed dwelling is set back from the road to allow for two off street car parking spaces.

The proposed dwelling would be accessed from Dorset Road. A single parking space for the proposed dwelling and a single parking space for the existing property have been shown on the plans. The parking provision would be in compliance and within the Councils required parking standards. Further, with no objections from the Councils Transportation Officer the proposal is considered acceptable.

Residential Amenity

The proposed dwelling would be erected adjacent to No. 1 Dorset Road. Abutting the western boundary of the application site is an existing Mot test centre. By virtue of the location of the new dwelling and the distance from the surrounding residential properties, it is not considered that there are any issues of overbearing or overshadowing. Whilst the proposed dwelling would be set back approximately 3 metres from the front elevation of the neighbouring MOT garage and neighbouring dwelling, No.1 Dorset Road, it is not considered that the future occupiers of the proposed dwelling would experience a significant overbearing or overshadowing impact to substantiate the refusal of this application.

The rear elevation windows of the proposed dwelling would overlook the rear garden of the property. The neighbouring properties to the rear of the application site, No's 1-9 Worcester Road are over 20 metres away from the rear elevation of the proposed dwelling. As such it is considered that there are no issues of inter-visibility or loss of privacy.

The plans show adequate private and useable amenity space would be provided to serve both the existing and proposed dwelling. The impact on residential amenity is therefore considered to be entirely acceptable.

5.3 **(b) The maximum density compatible with the sites location, its accessibility and surroundings is achieved.**

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3, seeks to avoid development which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used.

Officers are satisfied that having regard to the sites constraints, the pattern and scale of existing development, access and impact on residential amenity, no more than one additional dwelling could be accommodated on the site.

5.4 **(c) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.**

The new dwelling would be subjected to no greater levels of noise, dust, pollutants etc than the existing dwellings in the vicinity.

5.5 **(d) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal.**

The proposal is only for 1 dwelling and therefore would not have a significant impact on the area in terms of service provision.

5.6 Design / Visual Amenity

The application is for the erection of a detached four bedroom dwelling on the land adjacent to No.1 Dorset Road. There is a mix of housing types and ages in the vicinity. The proposed dwelling has been designed to be similar in appearance and scale when viewed from Dorset Road to the neighbouring properties closest to the site, No's. 1-2 Dorset Road. Whilst the dwelling is significantly set back from the front building line of No's 1-2 Dorset Road, given that there are other properties in the vicinity that are also set back from surrounding dwellings, it is not considered that the siting of the proposed dwelling is sufficient concern to warrant the refusal of the application.

5.7 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Councils Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before any development could commence.

5.8 Other Issues

Concern has been raised by a neighbouring resident regarding the sewerage system. This is a civil matter and not a planning issue. However, for the avoidance of doubt, a standard informative would be attached to the decision notice to ensure that the applicant / agent are aware of the issue.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0932/F**

Contact Officer: **Kirstie Banks**
Tel. No. **01454 865207**

CONDITIONS

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

Reason:

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

2. The hours of working on site during the period of construction shall be restricted to Monday -Friday 7.30-18.00 Saturday 8.00-13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

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

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

Reason:

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

4. 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.

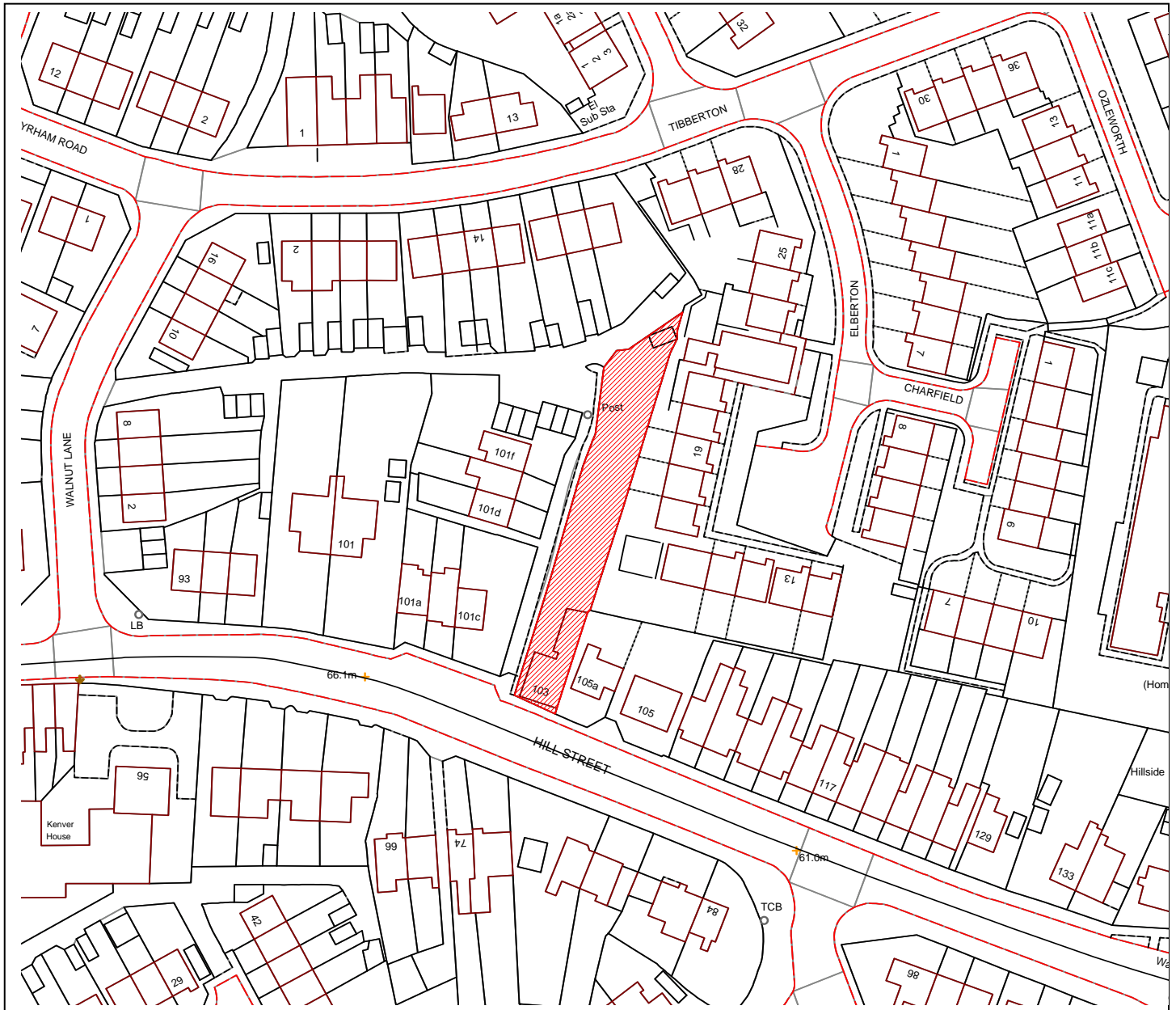
Reason:

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

CIRCULATED SCHEDULE NO. 25/09 – 26 JUNE 2009

App No.: PK09/0940/F
Site: 103 Hill Street, Kingswood, South Gloucestershire, BS15 4EZ
Proposal: Erection of single storey rear extension to form additional living accommodation.
Map Ref: 66140 73713
Application Category: Householder

Applicant: Mr Hargreaves
Date Reg: 21st May 2009
Parish:
Ward: Kings Chase
Target Date: 14th July 2009



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PK09/0940/F

INTRODUCTION

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

1. THE PROPOSAL

1.1 This application seeks planning permission for the erection of a two element single storey rear extension to this two storey pebbledash and tile detached house, fronting Hill Street, with a public footpath running along its side boundary. This footpath is separated from the site by a fence on top of a low stone wall. The boundary on the other side of the rear garden is a tall laurel hedge. The house beyond this boundary is set back in relation to the one on site.

1.2 At present there is a rather dilapidated series of rear extensions, similar to that now proposed. One is a lean-to rear porch, facing into the garden. Connected to this is a long range, covered by two monopitch roofs and reading as an extension on a larger extension. The proposal is for a similar 'L' shaped extension, both single storey elements of which would be wider and therefore bulkier, but the projection from the rear building line would be 10 metres, compared to the existing 12.8 metres. The existing extensions would have to be demolished to facilitate the proposal. In terms of height, there would be little change proposed, as the tallest point of the existing extension is 3.3 metres above ground level, whereas the proposal would be a regular 3.4 metre height.

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	P78/4232	Change of use of shop to residential	Approved	1978
3.2	P89/4779	Erection of bungalow	Refused	1990
3.3	PK09/0941/F	Erection of double garage	On	last week's
		Circulated Schedule, recommended for approval.		

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Unparished area

4.2 Other Consultees
None

Other Representations

4.3 Local Residents

One letter of objection was received, but no reasons for objection were specified.

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 design/ visual amenity.

5.2 Design/ Visual Amenity

The proposed L shaped rear extension to this property would be visible from the footpath which bounds the site, therefore its impact upon visual amenity is considered to be marked. It needs to be assessed against the current arrangement, which is somewhat haphazard and tired looking, especially as it features a mixture of different roofing materials. The proposal would tie together better as the proportions and the proposed materials are both unified. It is therefore considered that the proposal would enhance the appearance of the host dwelling and as such it meets the test set in PPS1. It is also considered that the proposed development complies with policy D1 of the adopted Local Plan.

5.3 Residential Amenity

It is considered that the only effect on residential amenity which could be experienced would be in the adjoining detached property. In this regard, the proposed extension would project 10 metres from the rear building line of the site, in comparison with the current 12.8 metres. This is considered to be have a positive effect on the residential amenity of the adjoining property, which stands further back than the house on site. However, the proposed extension would be taller than the existing rear extensions. Where it is closer to the rear building line of the adjoining property, the height would be increased from 3.3 metres to 3.5 metres and this difference is not considered to be a significant change. Further into the rear garden the change is more marked, from 2.6 metres up to 3.5 metres in height. This increased height of the extension would be largely in line with the adjoining house, however and the overall projection beyond next door's rear building line would only be in the order of two metres and that is offset from the site boundary. It is therefore considered that the proposal would not have any detrimental impact on the residential amenity currently enjoyed by the adjoining property. The proposal is considered to comply with policy H4 in this regard.

5.4 Use of Energy and Sustainability

No particular implications for this proposal.

5.5 Improvements achieved to the scheme

None sought or required.

5.6 Section 106 Requirements

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

preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

The recommendation to 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 below.

Background Papers **PK09/0940/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 eastern elevation of the extension.

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. 25/09 – 26 JUNE 2009

App No.:	PK09/0945/F	Applicant:	Mr M Clark
Site:	15 Redwood Close, Longwell Green, South Gloucestershire, BS30 9XU	Date Reg:	21st May 2009
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	66042 71318	Ward:	Longwell Green
Application Category:	Householder	Target Date:	15th July 2009



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PK09/0945/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a two storey side extension.
- 1.2 The application site relates to a two storey semi detached dwelling within the residential area of Longwell Green.

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 Extensions
- 2.3 Supplementary Planning Guidance
Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history relates to this application site

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
Object on the grounds of overdevelopment and inadequate provision for off street car parking for two vehicles.

Other Representations

- 4.1 Local Residents
One letter has been received from a local resident raising the following objections to the proposed development, which have been summarised by the Planning Officer as follows:
 - Impact on natural light to first floor landing window
 - Boundary issues
 - Access to rear garage on application site will be prohibited
 - Existing problems with on-street car parking
 - Will drains be accessible?

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 Visual Amenity

The application site relates to a two storey semi detached dwelling sited at the top end of a cul-de-sac, with a brick and white wood cladding finish. This application seeks permission for the erection of a two storey side extension. Due to the configuration of the site i.e the land is narrow at the front of the dwelling and widens out towards the rear and the desire to retain a pedestrian access alongside the house, this has influenced the design of the proposed extension.

5.3 The extension will have a staggered appearance when viewed from the front elevation. Although the extension appears slightly awkward in design terms, with regards the roof design and staggered appearance, it considered however that on balance it would not have such an adverse impact on the character of the existing dwelling or visual amenities of the immediate area so as to warrant refusal of the application.

5.4 Objections have been raised on the grounds that the proposed extension will result in overdevelopment of the site. Given the size of the plot and scale of extension in terms of width i.e. 3.0m at the widest point, this is not considered to be the case.

5.5 Residential Amenity

The proposed extension will be sited on the northern elevation of the dwelling alongside the adjoining boundary and side elevation of no. 17. The side elevation of no. 17 comprises of a conservatory and first floor landing window. An objection has been raised by the neighbour regarding the impact of the extension on that window in terms of light.

5.6 As the proposed extension will be set back approximately 5.0m from the side elevation and as the window in question relates to a non habitable room window, it is considered that an extension of this scale and in this location would not have harmful impact of the existing amenities of no.17 in terms of loss of light and overbearing impact.

5.7 Transportation Issues

Objections have been raised relating to existing problems of on street car parking and the lack of parking on the site for two cars, as a result of the development. The proposed extension will remove an element of car parking and will restrict access to the rear garage, however as parking can be provided for two vehicles on the existing driveway which is line with the Council's parking standards it is considered that this proposal will not add to the current situation and therefore no objection is raised on highway grounds.

5.8 Other Issues

The neighbour has asked for assurance that the drains will be accessible. This is not a material planning consideration with regards the determination of this

application, but rather a civil one and one that is covered by the building regulations.

5.9 Boundary Line

Issue of what the correct boundary line is have been raised again. This is not a material planning consideration with regards the determination of this application.

5.10 Design and Access Statement

Not required with this particular planning application.

5.11 Use of Energy and Sustainability

No additional measures aside from that covered by Building Regulations.

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 **PK09/0945/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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the northern (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. 25/09 – 26 JUNE 2009

App No.:	PK09/1021/TMP	Applicant:	Mr R Wootten
Site:	Tog Hill Picnic Site, Tog Hill, Wick, South Gloucestershire, BS30 5RX	Date Reg:	3rd June 2009
Proposal:	Siting of catering unit in public car park. (Temporary consent for 1 year).	Parish:	Doynton Parish Council
Map Ref:	73290 72732	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	24th July 2009



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PK09/1021/TMP

INTRODUCTION

This application is reported on the Circulated Schedule as the Parish Council's support for the application is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site is a car park facility at the top of the Cotswolds scarp, in the Green Belt and the Cotswolds AONB, with a panoramic view westwards. There are limited views into the site due to the screening afforded by a hedgerow at the edge of the roads which form a staggered junction immediately to the east of the site.
- 1.2 The only building currently on the car park is a toilet block situated immediately to the north of the application site. The proposal is change the use of the land to site a mobile food trailer. This submission follows the refusal of a similar proposal in 2004 for three reasons:
1. The application will result in additional traffic using a junction where the visibility is below the recognised standards, the additional use will have an unacceptable effect on road safety and would not accord to policy T12c of the South Gloucestershire Local Plan (revised deposit draft).
 2. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy RP34 of the adopted Rural Areas Local Plan and Policy GB1 of the South Gloucestershire Local Plan (Revised Deposit Draft).
 3. The proposal, by virtue of introducing a commercial outlet in the open countryside and outside a village development boundary, is contrary to policy RP48 of the adopted Rural Areas Local Plan and policy 32 of the approved Joint Replacement Structure Plan.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	General Policies and Principles
PPG2	Green Belts
PPG13	Transport: Guide to Better Practice

2.2 Development Plans

South Gloucestershire Local Plan (adopted 2006)

D1	Design
L2	Cotswolds AONB
GB1	Green Belt
T12	Transportation

Joint Replacement Structure Plan

Policy 32	Commercial development in the open countryside
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2.3 Supplementary Planning Guidance
Development in the Green Belt Green Belt (2008)

3. **RELEVANT PLANNING HISTORY**

3.1 N8321 Erection of replacement public toilet block Approved

3.2 PK04/3332/F Use of land for siting a catering unit Refused

4. **CONSULTATION RESPONSES**

4.1 Doynton Parish Council

The Parish Council is strongly in favour of the proposal.

4.2 Other Consultees

Transportation

A similar planning application was submitted in 2004 and that application was refused on number of issues, including a highway reason.

I have concerns about the lack of visibility from the site access on to the public highway at this location. Visibility to the right of the access, with minor trimming of the hedge, could be considered adequate. To the left of the site access however, the visibility is much more restricted. Lack of visibility to the left is partly because of the presence of existing vegetation and partly due a to slow left-hand bend of the road. Whilst some improvements to visibility from this direction are possible, I am concerned that sufficient visibility splays could not provided due to third party land ownership.

No actual details of visibility splays have been submitted with the application proposal and the applicant does not provide any speed readings at this location. In the "design and access" statement, the applicant suggests that visibility of 70m splays are available in both directions. The Council's highway officer disagrees with this statement and confirms that the measured distance to the left (if visibility splays are measured in accordance with the visibility guidance) is greatly less than the mentioned figure.

In view of all the above, the application is recommended refusal for the following reason:

The proposal would lead to additional vehicular turning movements on and off the public highway at location where visibility distances are restricted thereby increasing conflicts to detriment of road safety and contrary to policy T12 of the SGC Local Plan.

Other Representations

4.3 Local Residents

No replies received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be analysed are whether the development is appropriate in the Green Belt, the effect of the proposal on the openness of the Green Belt and natural beauty of the AONB and whether the proposal meets the terms of policy. Structure Plan policy 32 seeks to prevent

shopping proposals in the open countryside. While there is no direct equivalent in the adopted Local Plan, an assessment still has to be made against the Structure Plan.

5.2 Green Belt

The application falls outside the limited forms of development which are regarded not to be inappropriate within the Green Belt. No very special circumstances have been submitted which may be able to overcome the harm to the Green Belt which would occur through approving planning permission for an inappropriate use. The proposal is therefore unacceptable in terms of policy GB1 of the Local Plan and government guidance in PPG2. The applicant has advanced some very special circumstances, amounting to the following:

- It would deter the use of the site for 'current unsavoury activities'
- The use would allow the site to meet its intended use for outdoor recreation
- The applicant would be willing to accept a condition requiring litter picking
- It would allow the site to be monitored, deterring vandalism
- If the proposed recycling facility at Tormarton goes ahead, it would provide workers there with hot food for which they would not have to travel too far

It is considered that these very special circumstances, which are not necessarily agreed with in any case, would not be sufficient to outweigh the normal policy presumption against inappropriate development in the Green Belt. In regard to the suggested litter picking condition, even if it were reasonable to impose such a condition, it could only apply to land owned or controlled by the applicant or the Local Authority, thereby negating its enforcement.

5.3 Effect on the Open Character of the Green Belt

Despite the proposal being inappropriate as concluded above, the further test is the effect of the proposal on the openness of the Green Belt. In this instance, it is considered that views of the site are limited from outside the car park due to the screening effect of the mature hedge to the east and south of the site. The views in from the west are only afforded from the car park, in which there is the intention of parking vehicles. Longer views in would be from the bottom of the scarp and it is considered that at such a distance, there would be no harm to the openness of the Green Belt from this proposal. A planning condition preventing the use of outdoor furniture could be applied and therefore it is considered that the proposal overall would not have a detrimental impact on the openness of the Green Belt.

5.4 Effect on the Natural Beauty of the AONB

For similar reasons as given above, with particular regard to controls available and the site characteristics, it is considered that this proposal would not be detrimental to the natural beauty of the area.

5.5 Shopping/ Commercial Use in the Open Countryside

The supporting text makes allowances for development which would not be in conflict with Structure Plan policies and would not have a detrimental impact on the rural landscape. In this case, the Joint Replacement Structure Plan policy 32 (inter alia) restricts commercial developments to that which is essential to

agriculture and other rural industries. It is considered that the proposal does not meet this criterion and the proposal would therefore be in conflict with the Structure Plan.

5.6 Nature Conservation

This proposal is not considered to affect the nearby SCNI.

5.7 Transportation

Highways are concerned that visibility from the left of the access is not up to the acceptable standard, due to the geometry of the road. This is not possible to be overcome through the use of planning conditions, as remedying the problem would require works on land not owned by either the applicant or the Council. It is therefore appropriate to refuse this application for highway safety reasons, as the previous application was refused. On site circumstances have not changed since that earlier application was determined. Highways are mindful that this is a South Gloucestershire Council facility and there could be the onus on the authority to seek an improvement of the visibility, however, this could not be achieved to the degree where the application could be supported.

5.8 Design and Access Statement

The Design and Access Statement submitted with the application is [not] considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.9 Use of Energy and Sustainability

Does not directly apply. The proposed facility is considered unlikely to be a destination in itself and will therefore rely on passing trade in this location.

5.10 Improvements achieved to the scheme

None sought

5.11 Section 106 Requirements

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

6. CONCLUSION

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

The decision to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006

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

7. RECOMMENDATION

7.1 That planning permission is refused.

Background Papers **PK09/1021/TMP**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

REFUSAL REASONS

1. The application will result in additional traffic using a junction where the visibility is below the recognised standards, the additional use will have an unacceptable effect on road safety and would not accord to policy T12c of the adopted South Gloucestershire Local Plan.
2. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2 and Policy GB1 of the adopted South Gloucestershire Local Plan.
3. The proposal, by virtue of introducing a commercial outlet in the open countryside and outside a village development boundary, is contrary to policy 32 of the approved Joint Replacement Structure Plan.

CIRCULATED SCHEDULE NO. 25/09 – 26 JUNE 2009

App No.:	PT09/0568/F	Applicant:	Ms L Davies-Evans I D Homes
Site:	Land between 4 & 5, Blackhorse Hill, Easter Compton, South Gloucestershire BS35 5RR	Date Reg:	27th March 2009
Proposal:	Erection of 1 no detached dwelling and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	57711 82004	Ward:	Almondsbury
Application Category:	Minor	Target Date:	27th May 2009



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 100023410, 2009.

INTRODUCTION

The application is on Circulated Schedule as a result of the neighbour objection.

1. THE PROPOSAL

- 1.1 The proposal seeks full planning permission for the erection of one dwelling on land between 4 & 5 Blackhorse Hill, Easter Compton. There is a history of planning approvals for an additional dwelling on this site.
- 1.2 The application site comprises an orchard on land between 4 & 5 Blackhorse Hill and formally provided the garden area to this latter dwelling. The site lies within the village boundary of Easter Compton although is washed over by the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Principles of Sustainable Development
PPG2	Green Belts
PPS3	Housing

2.2 Adopted Joint Replacement Structure Plan

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 33	Housing Provision and Distribution
Policy 34	Re-use of Previously Developed Land
Policy 35	Housing Density

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Residential Development
H4	Development in residential curtilages
H6	Affordable Housing
T7	Cycle Parking
T8	Vehicle Parking
T12	Transportation Development Control Policy
LC2	Education Provision
L1	Landscaping
GB1	Green Belt

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Supplementary Planning Document) Adopted 2007

Development in the Green Belt (Supplementary Planning Document) Adopted May 2007

South Gloucestershire Council Affordable Housing Supplementary Planning Document (Adopted) September 2008

3. RELEVANT PLANNING HISTORY

- 3.1 P98/1330: Residential Development (outline).

Approved: 15 May 1998

- 3.2 PT02/0510/R30: Residential Development on 0.1 hectares of land to form one dwelling.
Approved: 6 August 2002
- 3.3 PT05/1116/R3O Erection of one dwelling on 0.0405 hectares of land(outline). (all matters reserved) Approved 2/6/2005.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comment/objection
- 4.2 Street care/drainage
No objection provided that a suitable SUDS condition is imposed along with informatives regarding surface water run off.
- 4.3 Local Residents
One letter of objection received from the neighbour at No. 4 Blackhorse Hill as they would like to see obscure glazing fitted in the side window in order to offer a degree of privacy to the writer's dining room.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The site lies within the settlement area of Easter Compton where the provision of additional housing is acceptable in principle and is considered under policy H4 of the Local Plan under the following topics. However the site is also in the Green Belt and as such the site needs to be considered in terms of Green Belt policy. GB1 of the Local Plan permits limited infilling within the boundaries of settlements provided that they would not have an adverse impact on the visual amenity of the Green Belt. In this case the house is sandwiched between two houses and does not extend the built form of settlement and is of a similar mass to the neighbouring houses. As such it is considered to meet the tests of policy GB1.
- 5.2 Design and character
The house is located alongside the neighbouring houses and reflects the ribbon development at this part of the village. The proposed materials are white render over a blue engineering brick base and reconstituted slate tiles to the roofs. The house also has red brown brick chimney and reconstituted stone cills and lightly stained timber features. The plan form of the house is deeper than that of the neighbouring houses but retains an appropriate ridge height between the ridge heights of the neighbouring houses. The modern appearance of the proposed house results from the applicants desire to include sustainable design features. The unusual roof form makes good use of natural daylight whilst also reflecting the general direction of the ridges of houses along this stretch of road. A garage is located in the rear garden in a similar manner to neighbouring houses and its appearance is more contemporary with a pyramid roof form. This minimises the volume of the double garage whilst also giving it an acceptable form.

With regard to landscaping the site would be screened to a reasonable degree from the road by the highway landscaping which is outside of the site and this would serve to retain the character of the street scene outside the site. One tree is shown to be retained within the site, with the others being of little long term value and the Councils Landscape Officer suggests that they would not merit being the subject of a tree Preservation Order. However details of a proposed landscape scheme and tree protection measures are required and these can be secured by an appropriate condition.

Sufficient amenity space is also provided for the new dwelling and retained by the neighbouring house at No.5 Blackhorse Hill. A bin store is also provided to the rear of the property.

5.3 Amenity of neighbours

The privacy of neighbours is protected as there are no side facing windows with the exception of a staircase window facing No 4 Blackhorse Hill. This can be adequately conditioned to be obscure glazed. The mass of the house is located sufficiently far from the neighbours houses so as to prevent any other detrimental impact.

5.4 Transportation

There is no objection to the erection of a single new dwelling and the double garage and parking space provides sufficient space to get three cars off the public highway. The garage provides space for cycle parking. As such the proposal complies with Policies T7, T8 and T12.

5.5 Design and Access Statement

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

5.6 Use of Energy and Sustainability

The house has been designed with energy consumption and sustainability in mind and includes the following features. However no claim is made that the building meets any particular level of the Code for Sustainable Homes.

Solar panels

High levels of insulation

Large amount of north facing glazing in the walls and roof.

Open fires

Local Vernacular materials

Timber windows

5.7 Improvements achieved to the scheme

The application was subject to pre-application advice which turned around the roof form and removed a first floor element to the porch and as a result an acceptable scheme was received.

5.8 Other matters

The site is below the threshold for affordable housing , or financial contributions to services provided by the Council.

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 **PT09/0568/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

2. Prior to the commencement of development a scheme of landscaping, which shall include details for the protection of the retained tree shown on plan 3067/11 Rev A, in accordance with BS5837:2005 (Trees in Relation to Construction), proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason(s):

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

3. Prior to the commencement of development samples of the roofing and timber boarding (including the stain) proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is 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 Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 25/09 – 26 JUNE 2009

App No.: PT09/0821/F

Applicant: Mr B Mugridge

MBDA UK Ltd

Site: Building 20U, Golf Course Lane, Filton,
South Gloucestershire, BS34 7QW

Date Reg: 5th May 2009

Proposal: Erection of two storey extension to
create additional office space and
installation of mezzanine floor to
existing office area with external
alterations

Parish: Filton Town Council

Map Ref: 59552 79361

Ward: Filton

Application Category: Major

Target Date: 30th July 2009



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PT08/0821/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two-storey extension to an existing industrial building and would also allow the introduction of a mezzanine floor to part of these existing premises.
- 1.2 The application relates to Building 20U accessed via Golf Course Lane and located towards the end of this road close to the Filton Golf Club. The site is located within the built up area and is also within a Safeguarded Employment Area.
- 1.3 Permission for the existing building was granted as part of PT05/0970/RM; in this regard the description of development detailed the erection of a new industrial unit for Class B1 purposes with the report describing the build as a facility for research and development, testing and storage with a planning condition restricting the building to this use class.
- 1.4 In view of the above, the agent has confirmed that use of the building is still compliant with this permission despite the Design and Access Statement incorrectly detailing its use for storage purposes. The Design and Access Statement has now been amended accordingly.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG4: Industrial and Commercial Development
PPG13: Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
E3: Criteria for Assessing Proposals for Employment Development
E4: Safeguarded Employment Areas
T7: Cycle Parking
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
L1: Landscape Protection and Enhancement
L18: The Water Environment
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RECENT PLANNING HISTORY

- 3.1 PT04/2564/O: Demolition of two existing buildings to facilitate erection of new light industrial unit (Class B1) on 0.90Ha. Permitted: 11 January 2005
- 3.2 PT04/4061/F: Siting of six portacabins to provide temporary office accommodation. Permitted: 11 January 2005
- 3.3 PT05/0970/RM: Demolition of two existing buildings to facilitate erection of new light industrial unit (Class B1). Permitted: 20 January 2005
- 3.4 PT06/1277/F: Erection of 5.6m and 2.4m high security fences. Permitted: 2 June 2006

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection in principle but concerns over loss of parking and would suggest a landscaping scheme.
- 4.2 Other Consultees
Wessex Water: statutory comments
PROW Officer: appears unlikely to affect the nearest PROW
Highways Agency: no objection
Technical Services (Drainage): no objection in principle
Landscape Officer: no comment
Ecological Officer: no objection
Highways DC: no objection
- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning policy E4 advises that within the Safeguarded Employment Areas, planning permission will be granted for employment generating uses subject to the satisfaction of the assessment criteria as detailed for policy E3. This policy allows for employment uses subject to the satisfaction of the following:
 - Development would not have an unacceptable environmental effect;
 - It would not give rise to unacceptable levels of vehicular traffic;
 - Development would not prejudice residential amenity;
 - The character of the area is not adversely affected;
 - The maximum density compatible with the sites location is achieved;
 - The location is well served by public transport.
- 5.2 Policy T12 allows for the principle of new development (in highway safety terms) provided that (here considered relevant) it provides adequate, safe, convenient, attractive and secure access and is capable of accommodating traffic that would be generated by the proposal. Further, it should not create or unacceptably exacerbate traffic congestion or have an unacceptable impact on road, pedestrian or cyclist safety. The proposal should also not generate traffic

that would be detrimental to residential amenity or other environmentally sensitive areas in terms noise, vibration or air quality.

5.3 Design/ Visual Amenity

The application relates to building 20U that is accessed via Golf Course Lane, Filton. The existing building comprises a modern two-storey industrial unit that nestles to the rear of an adjacent three-storey office building and forms part of the wider MBDA complex albeit with separate vehicular access.

5.4 This current application seeks planning permission for a two-storey extension to the front of the building and would also allow the introduction of a mezzanine floor to part of the existing building.

5.5 Concerning the two-storey front extension proposed, this would project 17.5m forward of building and measure 23.6m in depth. It would occupy the south western corner of the car park and would be encompassed by a mono-pitched roof which would continue the roof profile of the existing structure. The build would contain a new foyer/ reception with this fronting the car park and also provide toilets, showers, a kitchenette, meeting room and presentation suite on the ground floor. First floor accommodation would provide a large open plan office area with additional toilet facilities.

5.6 In response, it is considered that this extension would occupy a relatively discreet position in view of the aforementioned office building to the south, the tree screening behind (bordering the Golf Club) and in view of the site topography with the site at a lower level to the passing Golf Course Lane. Further, with the design of the proposal to match that of the existing building and with the build utilising the same palette of materials, there is no objection to the proposal on this basis. In view of the concerns raised by the Town Council, it is however considered that a landscaping condition might be attached to any permission to help enhance the level of landscaping currently provided.

5.7 Further floor space would also be created by virtue of a new mezzanine floor that would extend the depth of the existing building aligning with the extension currently proposed (thereby covering slightly less than half of the existing floor area); in this regard it is noted that the existing building is devoid of first floor accommodation. These works would necessitate the introduction of first floor windows to the south western elevation (facing the adjoining Golf Course) with a new external fire escape and wider access door on the north west side of the building.

5.8 In response, these alterations are also considered acceptable with the external alterations also not focused on the more visible elevations of the building (when approaching from Golf Course Lane). On this basis, there is also no objection to this element of the proposal.

5.9 Residential Amenity

The application site forms part of the wider MBDA/ British Aerospace site and is located within a safeguarded employment area. Accordingly, there are no residential properties within close proximity of the application site and thus it is not considered that any significant adverse impact in residential amenity would be caused.

5.10 The proposal would however be sited within relative proximity of building 20Z; a three-storey office building that is also understood to be occupied by the applicant. The north elevation of this building provides for a large number of on looking windows that face towards the application site although given the 'L' shaped footprint of this building, this wall is set back with a landscaping area proving a degree of spacing to the application site. On this basis, and given the nature of this adjoining building, this proposed relationship is considered to be acceptable with no objection raised on this basis.

5.11 Highway Safety

The proposal would not be anticipated to generate any significant increase in traffic levels along Golf Course Lane and thus it is considered that any impact on the surrounding highway network would be minimal. Further, despite the reduction in size of the car park, this would still be consistent with the Councils car parking standards (which are based upon maximum levels). Further, the reduction in spaces might encourage staff to utilise more sustainable modes of transport.

5.12 In view of the above, there is no objection to the current proposal on highway safety grounds.

5.13 Design and Access Statement

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

5.14 Section 106 Requirements

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

6. CONCLUSION

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

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

7. **RECOMMENDATION**

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

Background Papers **PT09/0821/F**

Contact Officer: **Peter Burridge**

Tel. No. **01454 865262**

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. 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 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

5. 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.

CIRCULATED SCHEDULE NO. 25/09 – 26 JUNE 2009

App No.:	PT09/0902/F	Applicant:	Mr B Hammond
Site:	17 Bitterwell Close, Coalpit Heath, South Gloucestershire, BS36 2UQ	Date Reg:	14th May 2009
Proposal:	Demolition of existing garage to facilitate erection of two storey side extension to provide additional living accommodation and front extension to form integral garage. Erection of single storey rear extension to provide kitchen and dining area. Installation of front and rear dormer windows to facilitate conversion of loft.(Re-Submission of PT09/0375/F)	Parish:	Westerleigh Parish Council
Map Ref:	67796 79432	Ward:	Westerleigh
Application Category:	Householder	Target Date:	6th July 2009



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INTRODUCTION

This application appears on the Circulated Schedule list because of concerns expressed by the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of an existing garage to facilitate the erection of a two storey side extension, a single storey front extension to form an integral garage and the erection of a single storey rear extension to provide additional living accommodation. Planning permission is also sought for the installation of front and rear dormer windows.
- 1.2 The application site comprises a modest semi detached cottage located within the Green Belt and outside the designated settlement boundary. Whilst the property is 2-storeys in height, the property has a single storey internal layout. The property is located on the western side of Bitterwell Close.
- 1.3 This application is a resubmission of application no. PT09/0375/F, which was withdrawn.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
GB1 Development within the Green Belt
H4 Residential Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
Development within the Green Belt (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/0375/F, Demolition of existing garage to facilitate erection of two storey side extension to provide additional living accommodation and garage. Erection of single storey rear extension to provide kitchen and dining area with veranda over. Installation of front and rear dormer windows to facilitate conversion of loft. Construction of rear raised platform with fencing around, 15/04/09, Withdrawn.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection but Council expresses concern as to the overall size of the development.
- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved. Planning Policy H4 allows for residential extensions to properties subject to design, residential amenity and transportation considerations. Planning Policy GB1 allows for limited extensions and alterations to existing dwellings provided that it does not result in disproportionate additions over and above the size of the original building.

5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a two storey side extension, front and rear extensions and the installation of front and rear dormer windows. The application site comprises a modest single storey semi detached cottage located within the open Green Belt. Access to the site is via Bitterwell Close which, despite its isolated rural location, serves a number properties of varying size and design. The property has a rectangular form with a rendered finish for the walls and double roman tiles covering the roof.

Following Officers concerns, amended plans were received which replaced the end gables in the proposed side extension with smaller dormer windows. It was considered that a large front gable combined with the projecting lean-to garage would be prominent and would dominate the appearance of the existing property. It was also considered that the projecting front lean-to would appear at odds with the large gable positioned directly above. The revised scheme features a continuous catslide roof with a pitch to match the existing property and a modest sized dormer window located centrally in the roof slope. The proposed dormer window is small in scale and would appear subservient to the dormers in the main dwelling. It is considered that this design would be more sympathetic to the character of the existing property. Whilst the extension would still project forward of the front elevation, given the mix of dwelling designs and sizes nearby, it would not be harmful to the streetscene.

The use of roof dormers would allow for second floor accommodation, whilst retaining the eaves and apex height of the existing property. This is the correct approach in this instance to ensure that the horizontal proportions of the cottage are retained to match the adjoining dwelling. The front dormers would also add character to a somewhat plain front elevation.

The rear elevation would comprise a first floor dormer window, 2no. roof lights and a single storey flat roof extension. The flat roof extension would measure 2.7 metres in height, 3.3 metres in length and 6.7 metres in width and replace an existing conservatory. The extension would comprise a door and window in the western elevation and an additional window in the southern elevation. It is considered that the scale of the extension is proportionate to the existing dwelling and the form would not be detrimental to the character of the existing dwelling. In addition to this, the rear elevation is well screened from the public realm and therefore, it would not have a significant adverse impact on the character of the area.

5.3 Green Belt

The proposal would result in a volume increase of approximately 50% over and above the volume of the original dwelling. The Council has no record of the property being extended in the past and on this basis, the side extension and detached garage were included as part of the 'original dwelling'. The Council Development in the Green Belt SPD states that an addition resulting in a volume increase of 50% or more of the original dwelling would most likely be considered in excess of any reasonable definition of 'limited extension'. Clearly this proposal is at the upper limits of acceptability and the concerns of the Parish Council are acknowledged on this point. The SPD states that house extensions that exceed 30% will be carefully as to whether the proposal would appear out of scale and proportion with the original. In this instance the revised scheme ensures that the scale and form of the extension is in-keeping with the original dwellinghouse. The use of matching materials would also integrate the extension well into the existing dwelling and be sympathetic to the character of the surrounding Green Belt. The Officer requested that the extension be made subservient to the existing dwelling, however, the agent did not accede to this request. Nevertheless, given the lower eaves line and the vertical emphasis of the proposal on the front elevation, it is considered that the extension would be read separately to the main horizontal bulk of the dwelling. Moreover the wider impact on openness has been carefully considered given the scale of the proposal. Given that the property is closely flanked by other dwellings and built form the openness of the area is not harmed.

On balance it is considered that the proposal would not be disproportionate to the main dwelling and adheres to Policy GB1 of the South Gloucestershire Local Plan (adopted) 2006 and the Development in the Green Belt SPD (adopted).

5.4 Residential Amenity

Following concerns from the Officer, an emergency rear egress door has been removed from the scheme. The Officers concerns were that the door would allow for access onto the flat roof rear extension which could be used as a veranda. This would have had a detrimental impact on the privacy of no. 15 to the south, since it would have allowed views into their rear garden. A window is sufficient for building regulations in this instance. No windows are present in the northern elevation of no. 15 to the south, therefore the proposed side windows in the side extension would not bring about any significant privacy issues. Whilst a side window is proposed in the southern elevation of the rear extension, it would be situated at a sufficient distance from the neighbouring property to not bring about any significant adverse privacy issues.

The front elevation of no.15 extends further forward than the existing front elevation of the host property and this would compensate for any impact of the proposed front extension. The rear extension would project approximately 3.3 metres into the rear garden of the host property. Given that it is single storey in form, it is considered that it would not be adversely overbearing on no. 15 to the south. It would not impact significantly on no. 19 to the north since this property benefits from an existing rear 2-storey extension which projects further than the proposed rear extension.

5.7 Improvements achieved to the scheme

A reduction in the scale of the proposal and alterations to the front elevation.

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 is GRANTED subject to the following conditions.

Background Papers **PT09/0902/F**

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

CONDITIONS

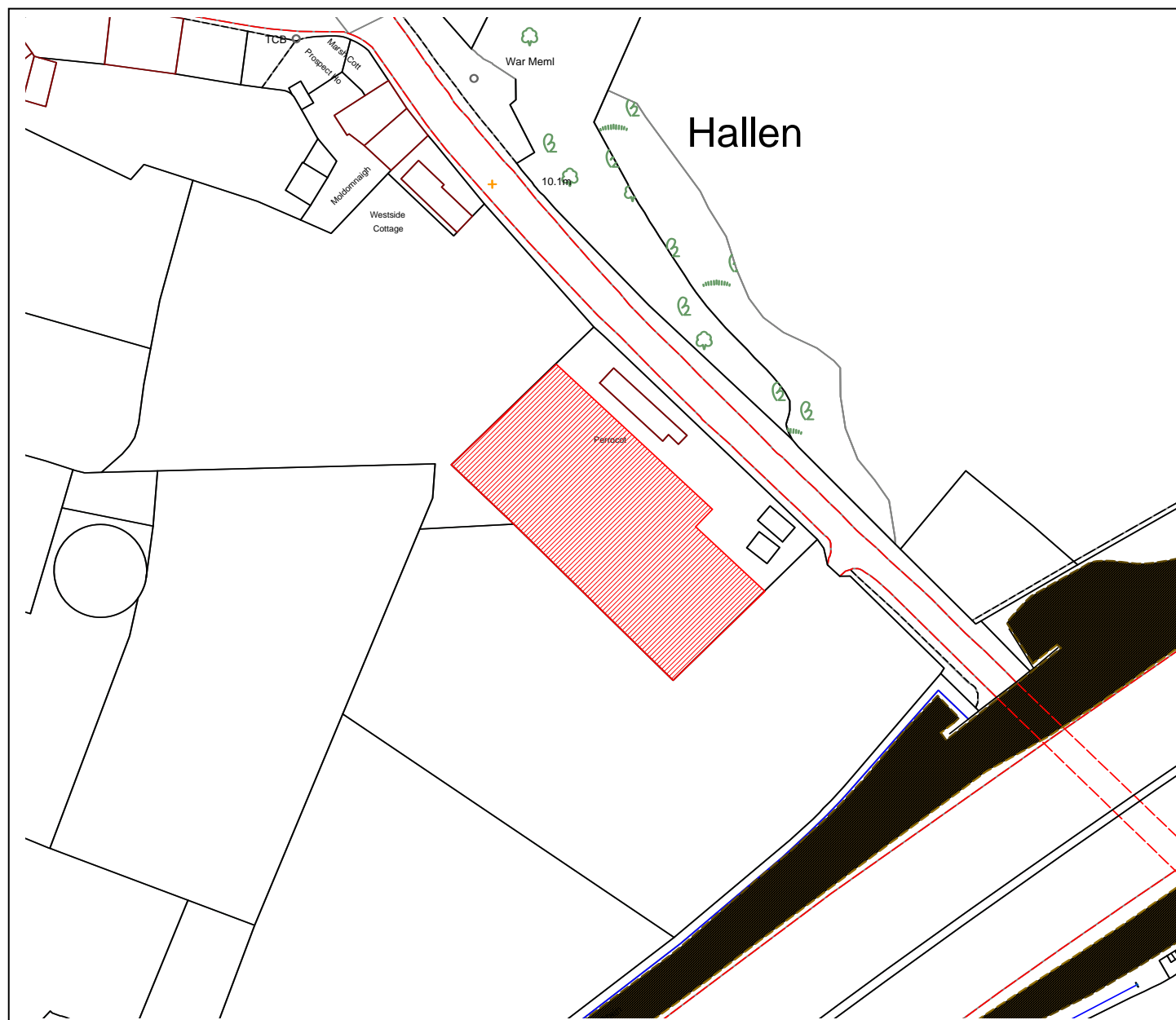
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 25/09 – 26 JUNE 2009

App No.:	PT09/0957/CLE	Applicant:	Mr D Harris
Site:	Perrocot, Hallen Road, Hallen, South Gloucestershire, BS10 7RP	Date Reg:	26th May 2009
Proposal:	Application for Certificate of Lawfulness for an existing use of land as residential curtilage	Parish:	Almondsbury Parish Council
Map Ref:	55115 79882	Ward:	Almondsbury
Application Category:	Householder	Target Date:	16th July 2009



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100023410, 2009.

N.T.S

PT09/0957/CLE

INTRODUCTION

This application is submitted to the Circulated Schedule in line with the delegation arrangements as it relates to a certificate of lawfulness.

1. DESCRIPTION OF DEVELOPMENT

The application is for a Certificate of Lawfulness for an existing Use of land for Class C3 (residential curtilage). The applicant claims that this has been the use of the land for a continuous period in excess of ten years immediately prior to the date of the application, and that there has been no material change in the use of the site since the activity began.

This is not an application for planning permission where the planning merits of the case are to be considered against the development plan policies, but an application for a Certificate of Lawfulness. The test is to assess whether on the balance of probability the evidence submitted proves that the use has been carried out on the site for a continuous period of at least ten years. The evidence submitted by the applicant and any counter evidence considered is analysed in this report.

2 SITE AND LOCATION

The site, measuring 1820 square metres, is located close to the south of Hallen and immediately north of the M5 Motorway. The site is open to the surrounding area and is associated with the dwelling known as Perrocot. To the north of the house is a static caravan and to the south is a business yard from where the applicant operates his business.

The site comprises of an area of open grass, mown and kept as a garden lawn with a few shrubs located around the edges.

3 RELEVANT PLANNING HISTORY

PT08/2326/F Change of Use from business (Class B8) to mixed use of business and residential (Class B8 and C3) as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended) Withdrawn

PT08/1352/F Erection of double garage and relocation of office door. (Resubmission of PT08/0300/F) Refused

PT08/0300/F Erection new double garage building for the purpose of storing business vehicles. Refused

PT07/1903/RTC Retention of mobile dwelling to provide disabled living accommodation for the sole use of Mr T Harris and Mrs N Harris. Approved with conditions.

PT01/2885/TMP Erection of mobile home linked to existing dwelling to provide ground floor disabled living accommodation. Approved with conditions.

PT01/1326/F Change of use of land to domestic curtilage to erect single storey extension. Approved with conditions.

PT99/0114/CLE Certificate of Lawfulness for existing use for the land edged red to be used as base for running a roofing/carpentry business in accordance with the evidence submitted. Namely use of the garage and shed on the site for the storage of materials, equipment and an ancillary office. The stationing of up to 3 light goods vehicles associated with the business, the stationing of one skip in association with the business, and the limited storage of surplus materials as described in the evidence submitted. Approved Feb 2000.

4 POLICY CONTEXT

Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97 'Enforcing Planning Control: Legislative provisions and Procedural Requirements'.

5 ANALYSIS OF EVIDENCE

Evidence that has been submitted in support of the application:

1. A land use plan received on the 21 May 2009 showing the area claimed to be used as garden. The redline includes a large area laid to lawn, part of the driveway and parking area to the house and part of the Mobile home permitted on a temporary basis in 2007. Outside of the red line is the business use subject of the Certificate of Lawful use dated 2000, and the original house and associated garden.
2. Statutory declaration of Paul Warren Cox dated 15 April 2009. He knows the site as a result of contracts taken up by the applicant and also by being appointed to prepare planning applications at Perrocot. He has visited the site regularly since 1999 for both business and social purposes and confirms that the land edged red has always been used for residential curtilage.
3. Statutory declaration of Mr TWE Harris dated 15 April 2009. He is the applicants father who claims to have bought the land outlined in red in 1995 when he fenced off the land and began using it as garden. The land was grass seeded and cultivated for residential purposes.
4. Statutory declaration of Mr D Harris dated 15 April 2009. He is the applicant and having moved out of the family home at Perrocot in 1989, he moved back to live at Perrocot in 1999. He has run or helped to run the roofing and carpentry business from Perrocot since 1982 and so has not been estranged from the property whilst living elsewhere.

6 ANALYSIS OF COUNTER EVIDENCE

1. Aerial photo taken around July 1999 shows:
 - the entire area within the red line being grassed and mown differently to that of the adjacent fields and what appears to be a hedge lining the sides and bottom of the garden. This appears to be well established given the apparent thorough fares in the adjacent fields.
 - The business yard is outside of the red lined area.
2. Aerial photo taken May to July 2005 shows
 - the majority of the land outlined in red appears to be used as garden area but

an unauthorised extension to the yard by approximately seven metres, which is fenced, shows that there has been an intervening use.

5. **EVALUATION.**

Legal implications

The current application was submitted on 20 May 2009 and the grounds upon which the certificate is sought is that the use began more than ten years before the date of the application and has continued as such. The applicant claims that the use began on 1 February 1995, that there has been no interruption in the existing use and that there has been no material change of use of the land since the start of the use for which a certificate is sought. The purpose of this application is to test whether the evidence submitted supports this on the balance of probability.

Hierarchy of evidence

When assessing the evidence supplied in support of certificate of lawful use application, different types of evidence are given different weight. Generally speaking the weight to be attached to such evidence in order of worth is as follows:

1. Verifiable photographic evidence
2. Contemporary documentary evidence, especially if prepared for some other reason
3. Sworn written statements / appearance under oath at Public Inquiry.
4. Unsworn letters

Material change of Use

This application is concerned with the use of the red lined site between May 1999 and May 2009 when the application was submitted. The information provided within the statutory declarations clearly show that most of the site outlined in red has been used as domestic garden ancillary to the house but the contrary evidence of overhead photography disproves this claim on an area approximately 16m by 7.5m.

In conclusion on the balance of probability a change of use of land within the site did occur prior to 1999 but excluding an area immediately to the rear of the commercial yard.

6. **CONCLUSION**

It is considered that on the balance of probability the applicant has provided sufficient clear and unambiguous evidence to demonstrate that the majority of the land outlined in red on the submitted plan has been used as residential curtilage. However the plan which will form the Certificate will show a smaller red line area, to remove the unauthorised yard area.

7. **RECOMMENDATION**

That a Certificate of Lawful Existing Use is granted on a smaller area as attached because on balance that part of the site has been used as residential curtilage to Perrocot, Hallen Road Hallen.

Background Papers **PT09/0957/CLE**

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