



**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. 10/09**

**Date to Members: 13/03/09**

**Member's Deadline: 19/03/09**

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

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

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

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

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

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

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

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

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

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

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

## CIRCULATED SCHEDULE

**DATE: 13/03/09**

**SCHEDULE NO. 10/09**

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

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

**DATE .....**

**Dates and Deadlines for Circulated Schedule  
over the Easter and May Bank Holiday Period 2009**

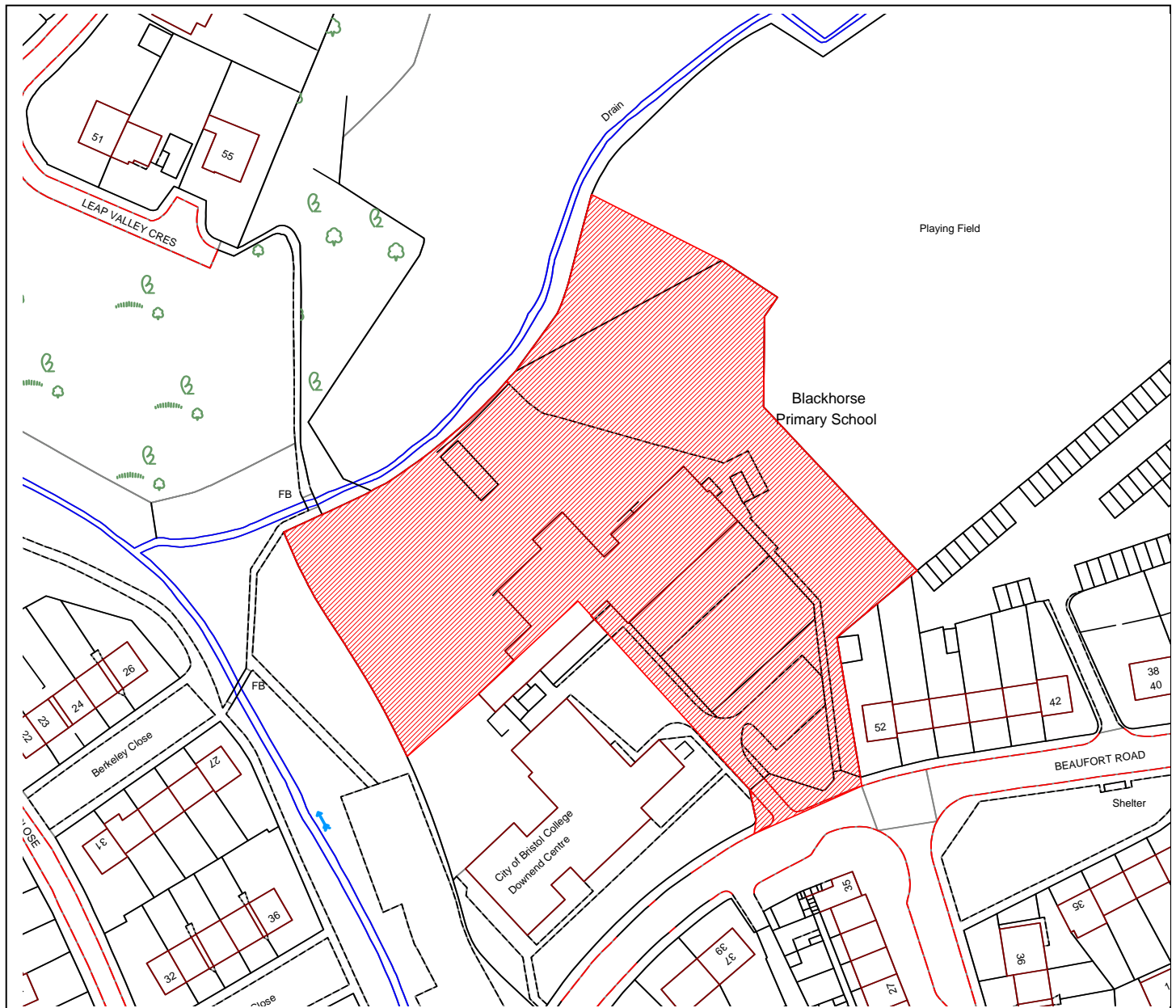
<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm on</b>
13/09	Thursday 2 <sup>nd</sup> April 2009	Wednesday 8 <sup>th</sup> April 2009
14/09	Thursday 9 <sup>th</sup> April 2009	Friday 17 <sup>th</sup> April 2009
17/09	Thursday 30 <sup>th</sup> April 2009	Thursday 7 <sup>th</sup> May 2009
20/09	Thursday 21 <sup>st</sup> May 2009	Thursday 28 <sup>th</sup> May 2009

# Circulated Schedule 13 March 2009

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PK09/0019/F	Approve with conditions	Former Blackhorse Primary School, Beaufort Road, Downend, South Gloucestershire, BS16 6UH	Emersons Green	Mangotsfield Rural Parish Council
2	PK09/0180/F	Approve with conditions	Wick Quarry, London Road, Wick, South Gloucestershire, BS30 5SJ	Boyd Valley	Wick and Abson Parish Council
3	PK09/0255/F	Approve with conditions	1A, Pool Road, Kingswood, South Gloucestershire, BS15 1XL	Rodway	
4	PK09/0300/F	Approve with conditions	5 Berenda Drive, Longwell Green, South Gloucestershire, BS30 9YX	Oldland Common	Oldland Parish Council
5	PT09/0079/F	Approve with conditions	Plot H, Vantage Office Park, Old Gloucester Road, Hambrook, South Gloucestershire, BS16 1GW	Bradley Stoke South	Bradley Stoke Town Council
6	PT09/0126/F	Approve with conditions	1, York House, Church Road, Easter Compton, South Gloucestershire, BS35 5RW	Almondsbury	Almondsbury Parish Council
7	PT09/0200/F	Approve with conditions	70 High Street, Winterbourne, South Gloucestershire, BS36 1JQ	Winterbourne	Winterbourne Parish Council
8	PT09/0261/F	Approve with conditions	Little Orchard, Cowship Lane, Cromhall, South Gloucestershire, GL12 8AY	Charfield	Cromhall Parish Council

## CIRCULATED SCHEDULE NO. 10/09 – 13 March 2009

<b>App No.:</b>	PK09/0019/F	<b>Applicant:</b>	Hanover Housing Association
<b>Site:</b>	Former Blackhorse Primary School, Beaufort Road, Downend, South Gloucestershire, BS16 6UH	<b>Date Reg:</b>	6th January 2009
<b>Proposal:</b>	Erection of 63 self contained units of Extra Care Accommodation (Class C2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), with parking access and associated works.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	66114 77657	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Major	<b>Target Date:</b>	23rd March 2009



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## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of one building containing 63 no. sheltered flats with ancillary accommodation. Creation of parking, landscaping and associated works are also proposed. Of the 63 flats 42 will have one bedroom and 21 will have two bedrooms. The ancillary accommodation includes an occupants lounge, a dining area, hairdresser and treatment room, health suite, laundry room, cinema, buggy store and guest suite.
- 1.2 The proposed development site comprises an area of approximately 0.82 hectares in Downend. The site was previously occupied by Blackhorse Primary School which has been demolished so the site is currently vacant. The site is roughly 'T' shaped although the site has irregular boundaries. The site is relatively flat although the surrounding land slopes up away from the site quite steeply to the north and west. A large playing field lies immediately to the east of the application site.
- 1.3 The proposal consists of three storey building with a 'T' shaped footprint. Access to the site will be via the old school entrance onto Beaufort Road which is to be widened to allow for two way traffic. Car Parking will be provided to the front of the site with landscaped gardens around the rear and side for use by the residents. A detailed landscaping plan has been submitted with the application to show the layout of the landscaped garden.
- 1.4 The applicants are Hanover, a housing association that is proposing this scheme in partnership with South Gloucestershire Council. 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. Downend 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
PPS25	Planning and Flood Risk

## 2.2 Development Plans

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

D1	Design
L1	Landscape Protection and Enhancement
L9	Species Protection
L17	The Water Environment
EP2	Flood Risk and Development
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

## 3. RELEVANT PLANNING HISTORY

3.1 None Relevant

## 4. CONSULTATION RESPONSES

### 4.1 Mangotsfield Rural Parish Council

Query sufficient parking

### 4.2 Other Consultees

#### Police

Make no objection but raise a number of suggestions to ensure the safety and security of the building and the occupants.

#### Wessex Water

Raise no objection. Confirm that the development may be connected to the existing foul sewer and that surface water should be directed to the watercourse on the northern side of the site rather than to the public sewer to the west.

#### Environment Agency

Awaiting comments following the submission of a revised Flood Risk Assessment.

## Other Representations

### 4.3 Local Residents

Two letters of objection have been received from local residents. A summary of the points of concern is as follows:

- The 63 Units facing north are near an open drain and in summer the drain is stagnant.
- It would be far better to culvert the drain to the stream and grass over the area giving a more pleasant outlook
- The height of the apartments being so close to the path leading to the park would make it dark and overbearing.
- The density, buildings mass and building coverage is excessive



- The timber cladded roof projections do not appear to serve any useful purpose
- The watercourse is a breeding ground for vermin, midges and insects.
- Litter is dumped near the watercourse and 'teenagers' gather there
- Culverting the watercourse could be subject of a S106 agreement
- The size and shape of the site has limited the form of development so that 27 units face North West deprived of the benefit of any sunshine
- The site should be developed with the adjacent site owned by Bristol City Council and not in a piecemeal approach.
- The application as submitted is not compatible with the intentions of Policies H2 and D1 and should be refused.

## 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

Part of the site also lies within Flood Zone 2 and therefore the requirements of Policy EP2 along with PPS25 'Planning and Flood Risk' must also be satisfied. Other policies relating to parking and highway safety – Policies T8 and T12 of the Adopted Local Plan must also be taken into consideration.

5.2 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.

5.3 In view of this, the principle of the proposed development on this site is considered to be acceptable. Whilst it is accepted that two local residents have objected to the scheme, the wider context of need for extra care

accommodation within South Gloucestershire it is considered to outweigh these objections. Whilst it is accepted that the density of the scheme is high equating to approximately 76 dwellings per hectare, 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.

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

5.5 Residential Amenity

Policy H2 requires that development would not significantly prejudice residential amenity. Given the previous use of the site as a school, it is probable that historically high levels of noise would have resulted from the site at particular times of day. The use of the site as an extra care housing scheme would clearly be likely to result in significantly lower levels of noise for the surrounding residents than the previous use.

5.6 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 two dwellings that have a curtilage adjoining the application site – No's 54 and 52 Beaufort Road. In addition to this, despite the building being three storeys in height, because of the change in land levels surrounding the site, the bulk of the proposed building will not be immediately apparent from several of the surrounding properties. In particular the site is not particularly visible from Leap Valley Crescent to the northwest of the application site because of a wooded, steep hill. Because of the change in land levels, the floor level of the dwellings on Leap Valley Crescent will be roughly in line with or above the roof line of the proposed new Extra-care scheme. On this basis, and because of the distances involved (the new building will be some 75 metres away from the dwellings along Leap Valley Crescent), it is not considered that the development would have any impact upon the existing levels of residential amenity for the properties along Leap Valley Crescent.

5.7 Although to a lesser extent, the dwellings along Berkeley Close to the southwest of the application site are also at a slightly elevated position relative to the ground floor level of the proposed building. The proposed new building would be some 50 metres away from the properties on Berkeley Close and at this distance it is not considered that there is any potential for intervisibility or overlooking. In addition to this it is important to note that the dwellings on Berkeley Close all face either north or south – they do not face towards the proposed development. Whilst therefore the new building will be visible from the windows of these dwellings, it is considered that it will not be over dominant or oppressive. Again, because Berkeley Close is at a slightly elevated position relative to the application site, the impact of the three storey building will be reduced.

5.8 The land to the northeast of the application site is a playing field with no dwellings.

- 5.9 The two dwelling that stand to be most affected by the proposed development are 54 and 52 Beaufort Road to the southeast of the site. The gardens of these two dwellings adjoin the perimeter of the application site. Despite this however, the proposed new building to accommodate the extra care facility will still stand 29 metres from these dwellings at its closest point.
- 5.10 The proposed new building has been designed so that the windows of the new units will not face directly towards or into any habitable room windows of the surrounding dwellings. Many of the existing trees around the south-eastern 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 – particularly No's 54 and 52 Beaufort Road. In light of the above, and despite the concerns expressed by some residents, 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 is vacant. It is surfaced mainly with concrete and other hard surfacing although there are several trees and small areas of planting. The planting and vegetation has all become overgrown and is untended giving the site a rather un-kempt appearance. Although the footprint of the proposed development is significantly greater than the footprint of the old school buildings, the proposed scheme will allow for significantly greater amounts of soft landscaping. The Councils landscape officers have commented on the submitted landscaping plan and consider that the submitted scheme is appropriate for the site.
- 5.13 As there are a few existing trees on the site, the Councils tree officers have also been consulted regarding the proposal. It is noted by the tree officers that there is only one significant tree at the front of the site. The tree is an over-mature Cherry in a poor condition, this tree is not worthy of retention as it has a relatively short useful life expectancy due to its poor structural condition. There are trees overhanging the rear of the site which are on public open space and in the ownership of South Gloucestershire Council. The remaining trees around the site offer little visual amenity to the area and would be classified as grade C under the BS 5837:2005 guidelines. Grade C trees should not influence the design of any new development, therefore the trees could be removed. The councils tree officer recommends that replacement trees should be incorporated into the layout of the new development to mitigate the loss of the existing trees and these are shown on the submitted landscaping plan.
- 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 In design terms, the scheme has a 'T' shaped footprint and is three storeys in height along its length. The 'T' shaped footprint ensures that the building is never viewed as one large mass but instead will be viewed as a series of smaller elements. In order to respond to the scale of the local context, the bulk

of the building has been kept to the rear of the site – closer to the steep hill leading up to Leap Valley Crescent. The largest northern wing is set well back from the street so the height does not appear overly dominant in the street scene. Whilst there is no disputing that the building is of considerable size, the varying roof forms help to break down the buildings mass. The roof pitches have been kept a low as possible further helping to reduce the visual mass. The use of varying materials – particularly with a horizontal emphasis at ground floor level, give the building a horizontal emphasis helping to visually reduce the height of the building.

5.16 The surrounding built form has no unique character or design. The area is dominated largely by two storey dwellings of the post-war era. The proposed new building will be notably different to the surrounding built form both in size, set back from the highway and design. However, PPS1 states that ‘Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.’ Whilst undeniably different in appearance, it is considered by your officer that the building has been sensitively designed. The external appearance incorporates projecting rendered bays and projecting timber panels to add interesting features to the facade. In conclusion with regard to the design, scale and massing of the scheme, whilst the proposal would look different from the surrounding vernacular, given the local plan context, the proposed innovative design and the lack of any particular character in the local vernacular, the proposal is considered acceptable in visual amenity terms.

#### 5.17 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.

5.18 As explained in paragraph 1.1 at the start of this report, the proposal is for the redevelopment of the site with 63 no. apartments which comprise of 42 no. one bedroom suites and 21no. two bedroom suites. This makes a total of 84 no. bed spaces. The scheme proposes to utilise the existing vehicular access point off of Beaufort Road that previously served the school. The existing access point is single width only and is of insufficient width to allow to vehicles to pass. As part of the proposed scheme, the existing access is to be widened to 5.5m – sufficiently wide to allow two cars to pass. Visibility splays from the site access onto the public highway (Beaufort Road) are satisfactory in both directions. Any works associated with the access that falls within the limits of the public highway would need to be carried out to the Council’s satisfaction and for this

reason, there would be a planning condition imposed accordingly.

- 5.19 Compared to the previous use of the site as a school, it is considered that vehicle movements are likely to be greatly reduced. Vehicle movements are likely to be spread throughout the day with no noticeable morning and evening peaks. This combined with the increase in width of the access point means that highway officers have no objection to the works as proposed.
- 5.20 The application includes a total of 19 parking spaces; 14 no. residents parking spaces and 5 staff parking spaces – this equates to 1 car parking space per 6 bed spaces and 1 parking space for every 2 members staff. One additional parking space is also provided for an ambulance on the site.
- 5.21 Mangotsfield Parish Council queries whether the level of parking provision is adequate for the proposed development. In assessing the parking provision the development must be assessed against policy T8 of the Adopted Local Plan which advises of maximum parking space provision. For residential institutions such as this the policy advises that the maximum level of parking that can be considered acceptable is 1 space per 6 bed spaces plus 1 space per 2 staff. It is apparent therefore that the scheme includes the maximum permissible level of parking provision for the development and therefore the level of parking provision is considered to be acceptable.
- 5.22 There is a bus stop almost immediately outside of the application site served by bus numbers 48 and 49. These busses both run from the city centre through Eastville, Fishponds, Downend and finish at Emersons Green. The busses run every 15 minutes during daytimes and every 30 minutes in the evening. It is therefore considered that the site is easily accessible to many parts of the city by public transport.
- 5.23 Ecology  
The Council's Ecologist has confirmed that there are no known ecological constraints.
- 5.24 Flood Risk and Drainage  
Part of the site lies within Flood Zone 2 and thus the requirements of PPS25 must be taken into consideration. Policy EP2 of the adopted Local Plan explains that when assessing the location of development the Council will apply a sequential approach, dependant upon the nature of the development and the level of risk from flooding in its proposed location.
- 5.25 It is the responsibility of the applicant to submit evidence of the sequential test approach to the Local Planning Authority and then for the local planning authority to ensure that the sequential test has been adequately completed. PPS15 states that the geographical area of search for a sequential test will usually be over the whole of the authority's area but that it can be reduced where justified by the functional requirements of the development. In this instance, and as previously explored in paragraph 1.4 above, there is a specific need for this type of development in the Downend area. It is therefore acceptable in this case for the sequential test to be applied to just this part of South Gloucestershire. The Council's 'Joint Accommodation and Care Strategy for Older People in South Gloucestershire' identifies that 16 extra care schemes are required in South Gloucestershire by 2016. The Care Strategy

(page 34) also identifies that 4 of these schemes could be provided by remodelling existing Council Stock. This application is one of those 4 schemes to be developed on Council owned land as earmarked in the Care Strategy.

- 5.26 It is the considered opinion of the applicant that there are no alternative suitable sites available within the area. Extra Care schemes, by their very nature need relatively large sites to function and such sites are limited in the Downend area. Your officer and the Council's Extra-care officer are unable to identify any better or equally suitable sites in the required search area. Paragraph 4.2 of PPS25 Practice Guide advises that other sites assessed in a sequential test should be reasonably available (developable and deliverable). Your officer is accordingly of the view that there are no such sites within the area of search and thus the Sequential test is satisfied.
- 5.27 Having satisfied the sequential test, and before the application can be supported, a Flood Risk Assessment (FRA) must be submitted to the Environment Agency to demonstrate that the development is safe from flooding itself without increasing the risk of flooding elsewhere.
- 5.28 At the time of the preparation of this circulated schedule report, the Environment Agency is assessing a revised FRA that has been prepared by the applicant. As the scheme is otherwise considered acceptable by your officer in all other regards, this report has been brought forward on the Circulated Schedule in anticipation that the current objection of the Environment Agency on the grounds of flood risk will be removed following assessment by the Environment Agency of the revised FRA. Should however an objection be maintained by the Environment Agency, a further report will be circulated to members, taking account of this advice.
- 5.29 Affordable Housing  
The entire accommodation is classed by the Housing Enabling Team as 'affordable' and as the scheme is being brought 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.
- 5.30 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.
- 5.31 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 72 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. The total contribution requested towards open space is £20,710.08 (that is £10,933.92 towards the enhancement of off-site public open space and £9,776.16 towards the future maintenance of these enhancements). The Community Services team has confirmed that the enhancements are to be carried out within 2km of the development.

5.32 Community Services also seeks a contribution of £1,342.08 towards the home serve library service to contribute towards upgrading or enhancement of existing facilities and stock to offset the increased demand on facilities.

5.33 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. A unilateral undertaking is currently being prepared to secure the funding. The unilateral undertaking can only be used if the applicants have a legal interest in the land. A lease is therefore also being prepared at present and this lease and the unilateral undertaking must both be signed before the planning permission can be issued.

5.34 Other Issues

It is noted that the two letters of objection received both make reference to the watercourse at the northern edge of the application site. This watercourse is outside of the site boundary and is not therefore within the ownership of the applicants. Unless required for an identified reason, the local planning authority is not able to insist that this watercourse be culverted as part of this planning application. As there is no identified planning reason to request this, it cannot be insisted on.

5.35 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 design rationale is thoroughly explained and justifies the reason for the layout of the building and the access.

5.36 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the public open space and library contributions (examined in paragraphs 5.32 – 5.34) are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

## 6. CONCLUSION

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

The recommendation to grant permission (subject to the withdrawal of the objection from the Environment Agency, the signing of a lease so the applicants have a legal interest in the land, and also the signing of a S106 agreement to secure the funding as requested by the Community Services

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

## **7. RECOMMENDATION**

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the following three points all being fully satisfied before the expiration of the circulated schedule deadline:

A) Withdrawal of all objections to the scheme by the Environment Agency;  
AND

B) Completion of a lease to ensure that the applicants have a legal interest in the land; AND

C) Signing of a Unilateral Section 106 Agreement, to secure the following:

1) The contribution of £20,710.08 towards public open space within 2km of the proposed development (that is £10,933.92 towards the enhancement of off-site public open space and £9,776.16 towards the future maintenance of these enhancements).

AND

2) The contribution of £1,342.08 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 reason for this Agreement is:

(i) Due to the lack of open space being provided on site and to mitigate against the impact of the proposed new development on existing public open space in the vicinity of the site to meet the needs that will arise from the development.

(ii) To contribute towards the services ability to meet the needs of the intended residents.

7.2 If any of the points A, B, or C as stated in section 7.1 above are not fully addressed to the satisfaction of the local planning authority before the expiration of the circulated schedule deadline, the decision will not be issued and the application will be subject to further consideration by officers.

**Background Papers**      **PK09/0019/F**

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



## **CONDITIONS**

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

Reason:

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

2. The development hereby permitted shall be used as assisted living accommodation for the over 55's with ancillary facilities only. The use of the site for any other purpose will require the submission of a full planning application.

Reason:

In light of the site specific circumstances most specifically the amount of vehicle parking provided. To allow the Council to consider the implications of any change of use on the surrounding highway and impact upon residential amenity and to accord with the requirements of Policies H2 and T12 of the adopted South Gloucestershire Local Plan.

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

Reason:

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

4. The materials to be used in construction of the building hereby approved shall be as per those stated on the application form unless the Local Planning Authority gives written agreement to any alteration.

Reason:

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

5. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on plans L1C and PL-03A. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

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

6. 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 and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

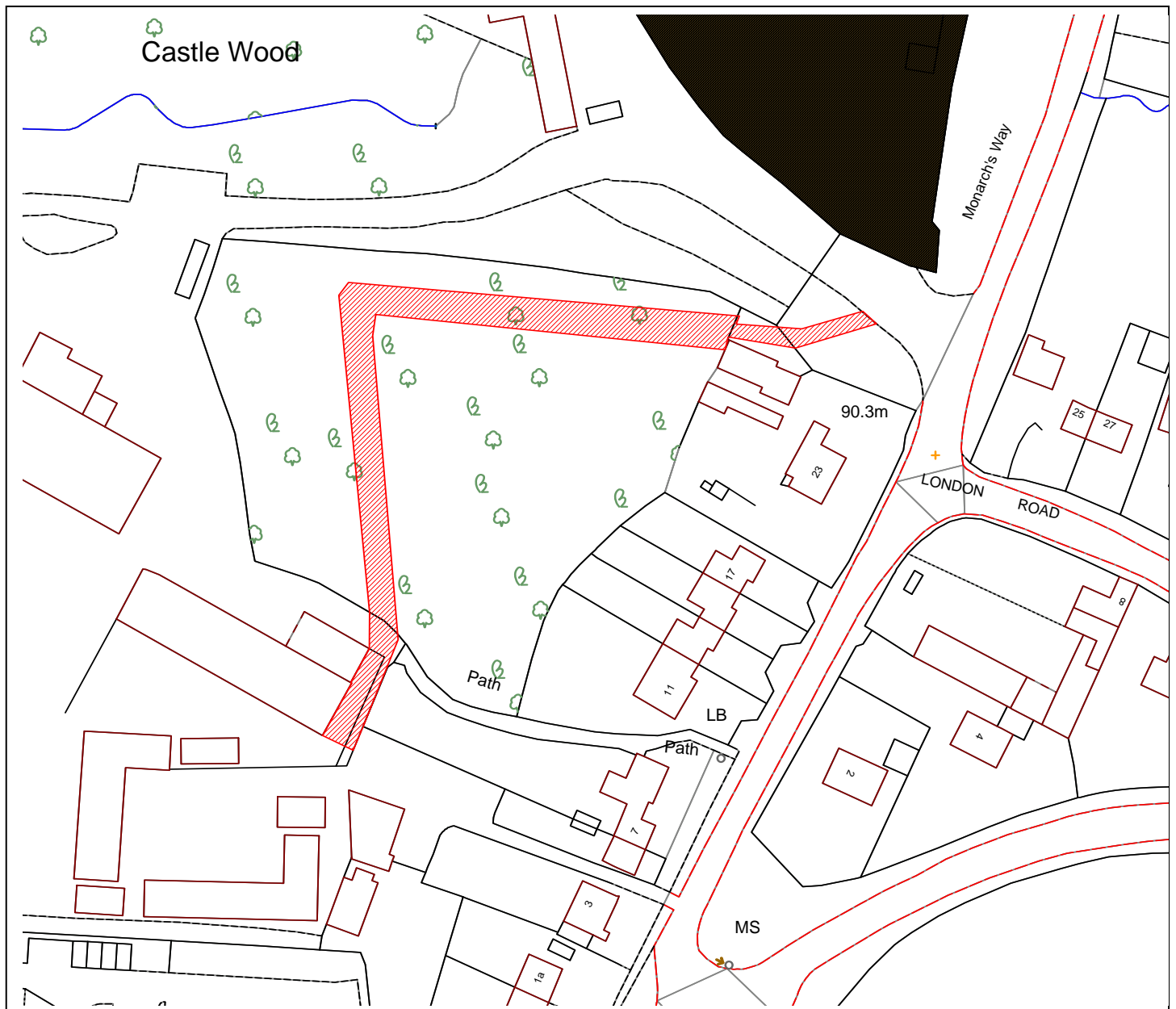
7. Prior to the first occupation of the building hereby permitted, the vehicular entrance to the site shall be widened in accordance with the approved plans. All alterations to the site access within the limits of the public highway shall be carried out to the Councils adoptable standards and with the full and final permission of the Council.

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. 10/09 – 13 March 2009**

<b>App No.:</b>	PK09/0180/F	<b>Applicant:</b>	Cemex Materials UK Ltd
<b>Site:</b>	Wick Quarry, London Road, Wick, South Gloucestershire, BS30 5SJ	<b>Date Reg:</b>	30th January 2009
<b>Proposal:</b>	Engineering works to create private access road.	<b>Parish:</b>	Wick and Abson Parish Council
<b>Map Ref:</b>	70997 72772	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th March 2009



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PK09/0180/F

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of responses received during the consultation process.

### **1. THE PROPOSAL**

- 1.1 The application seeks consent for engineering works to provide a private access road. The road would provide access to existing offices occupied by the company that operates the adjacent quarry. The need for the access has arisen as a result of housing development permitted across the land that provides the existing means of access over which the offices had an access agreement. This access will essentially be given up as it was not considered appropriate to retain access to the offices through the newly constructed residential area.
- 1.2 The offices are located in an area tucked in behind, but not highly conspicuous from, the rear curtilages of residential properties. The proposed route of the new access would, instead of heading directly east towards and onto London Road as it does at present, head north through a plantation area, parallel with the rear curtilage of several residential properties on London Road, and past existing office buildings associated with the quarry, before it joins the main entrance to Wickwar quarry and access onto London Road.
- 1.3 Alternative access to the office area would potentially be possible via a route taken by operational HGV vehicles associated with quarry production around the back of the site, however for health and safety purposes it has been considered necessary by the company to provide a separate access for private vehicles associated with the offices.
- 1.4 The site, the office, the adjacent quarry and the whole of Wick itself is located within the Green Belt. Clearance of the route and some engineering works in the form of the base layers of the track have been undertaken, the application is therefore in part retrospective.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green Belt
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
GB1 Green Belts  
L1 Landscape Protection  
T12 Highways

South Gloucestershire Minerals and Waste Local Plan  
Policy 6 Landscape  
Policy 8 Green Belt  
Policy 22 Local Amenity  
Policy 23 Public Rights of Way  
Policy 27 Ancillary and Secondary Operation

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

3.1 The existing office area and adjacent quarry which are operated by the same company are historically established uses.

### **4. CONSULTATION RESPONSES**

4.1 Wick Parish Council  
No objections but would not want increased traffic volumes

#### **Other Representations**

4.2 Local Residents  
7 letters have been received from local residents registering certain concerns or in some cases objections regarding the proposals. These are summarised below:

- Insufficient information upon the usage of the road by which types of vehicles
- Concerns over security of access road
- Concerns over provisions towards the public footpath that crosses part of the site
- Concerns should there be a change of ownership/use of the site
- Exacerbation of existing traffic problems onto London Road
- Issues of mixing cars and HGV's at the main quarry entrance
- Loss of privacy and amenity at rear of residential curtilages
- Access should be used for pedestrian and emergency vehicles only
- Concerns over retrospective nature of the application

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

5.1 Principle of Development  
The principle of the site for which the access track is intended to serve is established, and therefore it should be considered that the principle of providing access is acceptable. The issue therefore is whether the nature of the route the subject of this application is acceptable in detailed development control terms.

5.2 Green Belt  
The proposal involves the cessation of usage of one access and the creation of a different access. The access would serve a facility already established in the Green Belt. The access itself would involve a small engineering operation and is necessary for the accessing of the offices associated and adjoining with the mineral site. Furthermore the openness, visual amenity and purposes for including land within the Green Belt would not be adversely affected and the proposal is therefore considered to comply with Green Belt requirements.

### 5.3 Local Amenity

The nearest point of the proposed access track would be around 25 metres away from the nearest edge of residential rear curtilage, however, from this point the route would be increasingly further from any other curtilages. Acting as a buffer and screen between the access and the residential curtilages would be the existing trees that make up the plantation. There are a mix of deciduous and evergreen trees in the vicinity and evidently the deciduous trees would not offer full cover all year round but it is considered that significant cover exists. Taking into account the nature of the proposal, the level of existing tree cover and the distance to any residential properties it is not considered that material harm would arise from the proposals.

5.4 The access would only be used by private vehicles and small vans requiring access to the offices. Approximately 20 staff are based at the offices. The use of the access would follow the normal working pattern of the offices i.e. peak times in the morning and afternoon. Service vehicles and HGV's would not use the access and would use accesses into the quarry itself, the use of the proposed route is further restricted by overhead power cables, essentially restricting access to small vehicles. The level and nature of vehicle movements would not significantly impact upon local amenity nor would they be increased. The route would be a private access entirely on the applicants land and users would first need to come through the quarry entrance to be able to get onto it.

### 5.5 Highways

This is an internal road, purely contained within the application site boundary, and as such it would not affect the public highway. In view of this, there are no highway objections to this proposal. The levels of vehicle movements would remain as existing.

### 5.6 Landscape

The woodland plantation has relatively little visual impact in the locality due to its lack of any substantial height and being surrounded by quarry structures and residential properties. The most obvious visual feature of the woodland is a scattering of conifers. The access track has entailed the loss of a number of the young trees but the visual impact upon the locality is extremely limited. It is considered there is no landscape objection in terms of landscape character and distinctiveness or visual amenity.

### 5.7 Ecology

The application site consists of a mixed woodland plantation (coniferous and deciduous). The access road has been largely constructed. This is disappointing in that development has clearly preceded an assessment of the woodland plantation and its ecology, which may in turn have informed the route of the access road. Much of the work has already been completed ahead of the consideration of this application, namely, the removal of vegetation/trees and laying of aggregate to form the roadway – and could have, without being informed by a proper ecological survey of the site, impacted on a variety of wildlife and potential offences in law. The site has no statutory designation, however informatives are recommended to advise the applicants of their responsibilities and the legislation under which they must act.

## 5.8 Public Rights of Way

The proposed access at its southern point crosses footpath LWA/53/10. This point is already within the existing office site and occurs where a gateway access into the plantation area already existed. There are no objections on public rights of way grounds, which are not altered or obstructed by the proposals, however mitigation measures should be considered to address the fact that the footpath is crossed. To this end the footpath is clearly delineated across the point of access and gating has been provided at either side of the access to ensure that pedestrians would stop and open the gate prior to embarking across the access track. A condition is also recommended to provide signage warning drivers of the presence of the footpath.

## 5.9 Drainage

There are no drainage objections to the proposal.

## 5.10 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

- 7.1 That planning permission is granted

**Background Papers**      **PK09/0180/F**

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

## **CONDITIONS**

1. Within three months from the date of this permission, signage shall be provided, in either direction, informing and advising users of the access of the existence and whereabouts of Public Right of Way, crossing the access route.

**Reason:**

In the interests of safety and to accord with Policies T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy 23 of the South Gloucestershire Minerals and Waste Local Plan.



**CIRCULATED SCHEDULE NO. 10/09 – 13 MARCH 2009**

<b>App No.:</b>	PK09/0255/F	<b>Applicant:</b>	Mr Punter Riverbank Art Centre
<b>Site:</b>	1A, Pool Road, Kingswood, South Gloucestershire, BS15 1XL	<b>Date Reg:</b>	11th February 2009
<b>Proposal:</b>	Installation of new shopfront and disabled entrance ramp.	<b>Parish:</b>	
<b>Map Ref:</b>	65427 74959	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd April 2009



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PK09/0255/F

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

## **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the installation of a new shop front and disabled entrance ramp at 1a Pool Road, Kingswood. The proposal includes the repositioning of the entrance door and shop front forward by approximately 500mm.
- 1.2 The application property is the end unit in a parade of 5 units fronting on to Pool Road. The site is located within a residential area of Kingswood.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

## **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Site falls outside any parish boundaries.
- 4.2 Sustainable Transport  
No objections

### **Other Representations**

- 4.3 Local Residents

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

- The application states that there is adequate street parking, however it is considered that by virtue of the row of shops and public house located on a busy crossroad, on street parking is at a premium often resulting in single lane traffic along Pool Road and Sweets Road.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 advises that development will only be permitted provided that; siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

The existing building is currently being used as an art centre. The proposal would not in itself increase the amount of amount of people using the shop and should therefore not have any greater effect on highway or public safety than existing. Furthermore given the location of the premises, and the modest dimensions of the extension proposed, it is not considered that the proposal would impact upon the residential amenity of any nearby properties.

### 5.2 Design / Visual Amenity

The shop is located within a small shopping parade of five units. There are a number of shop front colours and forms of signage found throughout the small parade. It is proposed that the entrance door and shop front be repositioned forward by approximately 500mm. In addition a ramped access is proposed. Given that the proposed front extension is modest in size it is not considered that the proposal would be harmful to the visual amenity of the area. The design and materials would be in keeping with the character of the existing retail unit and would respect the character and distinctiveness of the surrounding units in the parade. It is considered that the alterations to allow access for disabled customers are an improvement on the existing access. As such it is considered that the design of the proposal accords with the criteria set out in policy D1.

### 5.3 Other Issues

Concern has been raised that on street parking in the area is an existing problem. Given that the shop is already established, it is not considered that the proposed alterations to the shop front would result in such a significant increase in customers to detriment highway safety. In addition the Council's Transportation Officer raised no objection to the proposal.

### 5.4 Design and Access Statement

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

### 5.5 Section 106 Requirements

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

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PK09/0255/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.

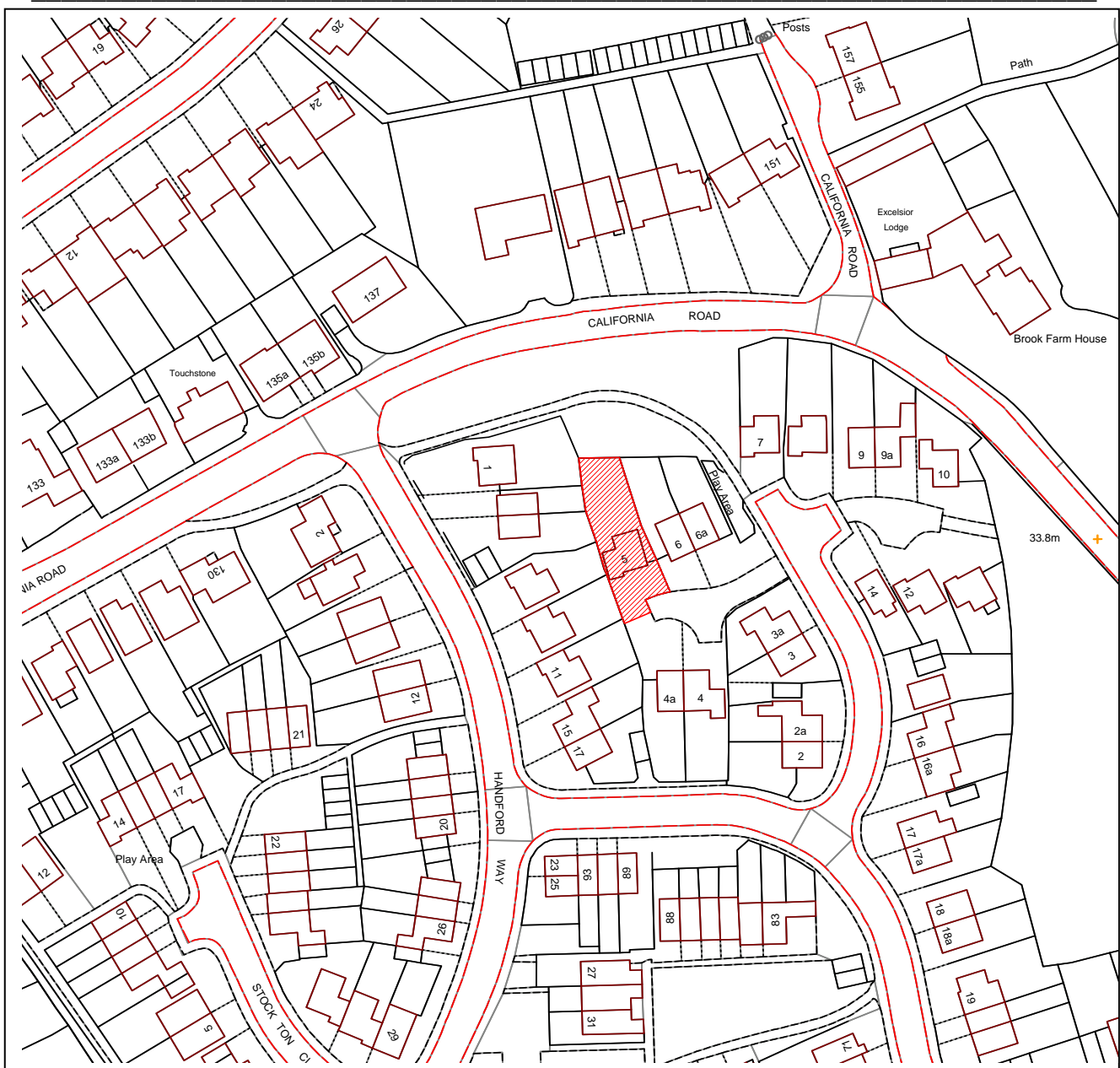
Reason:

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

**CIRCULATED SCHEDULE NO. 10/09 – 13 March 2009**

**App No.:** PK09/0300/F  
**Site:** 5 Berenda Drive, Longwell Green, South Gloucestershire, BS30 9YX  
**Proposal:** Erection of two storey side extension to replace garage and provide additional living accommodation. (Resubmission of PK08/2910/F).  
**Map Ref:** 66678 71477  
**Application Category:** Minor

**Applicant:** Mr A Fear  
**Date Reg:** 17th February 2009  
**Parish:** Oldland Parish Council  
**Ward:** Oldland Common  
**Target Date:** 10th April 2009



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PK09/0300/F

## **INTRODUCTION**

This planning application been referred to the Council's Circulated Schedule due to objections received from a local resident regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the erection of a two storey side extension to replace garage and provide additional living accommodation.
- 1.2 The application site relates to a two storey detached dwelling with attached single garage located within the residential area of Longwell Green.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1

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 PK08/2910/F           Erection of two storey side extension  
Refused on residential amenity grounds Nov. 2008

### **4. CONSULTATION RESPONSES**

4.1 Oldland Parish Council  
No objection

#### **Other Representations**

4.2 Local Residents

One letter has been received from a local resident raising the following objections, which have been summarised by the Planning officer as follows:

-Size of extension too large and intrusive

-Loss of light

-Access required on neighbours land and permission will not be permitted

### **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 may being no adverse impact on existing visual and residential amenities.

5.2 Visual Amenity

The application site relates to a modern two storey detached property with attached single garage, within a cul-de-sac. The scheme proposes a two storey side extension, which is considered to be of a design and scale in keeping with the character of the existing dwelling and the immediate terrace.

5.3 Residential Amenity

Objections have been received from a local resident regarding the impact of the proposed extension. The proposed two storey side extension will be sited along the adjoining rear garden boundary of no. 7 Handford way and will be set back from the rear elevation of no. 7 by 10.5 m at the furthest point. Council guidelines seek to ensure that a minimum distance of 12.0m is retained between a proposed extension with a blank elevation and existing elevation with habitable room windows, so as to ensure there are no issues of overbearing impact.

5.4 Members are advised to consider that a recent planning application (PK08/2910/F) relating to this site which sought planning permission for a full height two storey side extension was refused. At that time the Planning officer made the following assessment:

*In this instance it is considered that as the extension will be set back from the rear elevation of no. 7 by 10.50m at the furthest point and 10.20 at the closest, that a two storey extension of this scale and in this location if allowed would have an overbearing impact on the existing amenities of no.7*

5.5 This application has sought to address the above by reducing the scale of the extension in terms of height and width. Whilst it is accepted that the extension will be in the same location as that refused, it is considered that due to its reduced scale that on balance it would not have such an overbearing impact or have an adverse impact on sun light given the current position of the existing dwelling and its relationship with no. 7. It is considered that regard must be had for a recent appeal decision (PK08/2058/F) whereby a similar scheme which was within closer proximity to a neighbouring property was allowed.

5.6 Transportation issues

The scheme will result in the loss of an existing garage, although adequate space on site for the parking of two cars is maintained.

5.7 Other Issues

The neighbour has advised that they will not permit access onto their land in order for the applicant to erect scaffolding. This is a civil matter and one covered by the Party Wall Act.

5.8 Design and Access Statement

Not required with a householder application.

## 5.9 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

### Background Papers      **PK09/0300/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 western (side) elevation of the property.

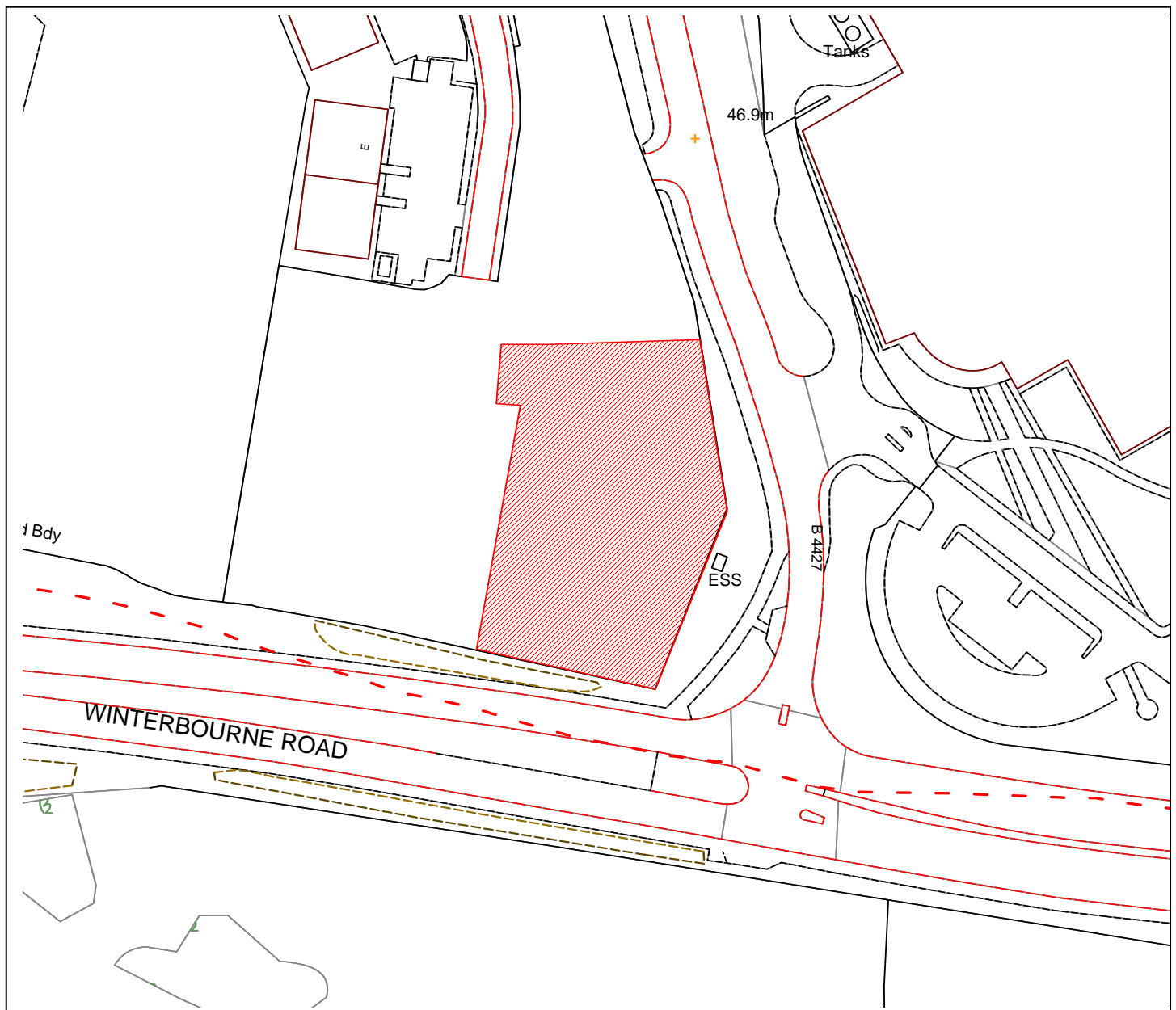
Reason:

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. 10/09 – 13 MARCH 2009

<b>App No.:</b>	PT09/0079/F	<b>Applicant:</b>	Mr M Tyrell Deeley Freed Vantage Park Ltd
<b>Site:</b>	Plot H, Vantage Office Park, Old Gloucester Road, Hambrook, South Gloucestershire, BS16 1GW	<b>Date Reg:</b>	13th January 2009
<b>Proposal:</b>	Erection of office building with associated car parking and works.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	63459 80442	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Major	<b>Target Date:</b>	13th April 2009



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PT09/0079/F

## **INTRODUCTION**

This application appears on the Circulated Schedule as there are comments received which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The site measure 0.33 hectares and is within a larger area of land with outline consent for office and nursing home development (PT03/2952/O). Development of the office park approved is well underway and is formed by various reserved matters approvals as detailed below.
- 1.2 The application site forms 'plot H' of the office park now under construction. This plot is within the site forming the consent under outline planning permission PT03/2952/O. The site is within the North Fringe Urban Area and is access from Old Gloucester Road.
- 1.3 The proposed development consists of the construction of a new office building covering approximately 2340 square metres of floor space over three floors; with associated parking and access. The proposed access will be from the existing access within the site, which in turn leads out to Old Gloucester Road.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1        Delivering Sustainable Development  
PPG13      Transport

#### 2.2 Development Plans

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

D1    Achieving Good Quality Design in New Development  
E3    Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries and/or Permitted by Policies E4/E6/E7  
E4    Safeguarded Employment Areas Area 36  
T12   Transportation  
T8    Parking Standards

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

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

- 3.1    PT03/2952/O        Erection of new office units (Class B1a) and nursing home (Class C2) of the Town & Country Planning (Use Classes Order 1987) on 2.37 hectares of land. Construction of new vehicular access on land at Junction of Winterbourne Road and Old Gloucester Road (Outline).  
Approved

- 3.2 PT05/0647/RM Erection of office building with associated estate road and car parking (Approval of Reserved Matters) (To be read in conjunction with outline Planning Permission PT03/2952/O).  
Approved
- 3.3 PT05/0645/RM Erection of office building and associated estate road and car parking. (Approval of Reserved Matters) (To be read in conjunction with outline planning permission PT03/2952/O)  
Approved
- 3.4 PT05/0651/RM Erection of office building and associated estate road and car parking. (Approval of Reserved Matters) (To be read in conjunction with outline planning permission PT03/2952/O).  
Approved

#### **4. CONSULTATION RESPONSES**

4.1 Bradley Stoke Town Council  
No Objection

4.2 Sustainable Transport

No Objection subject to the provision of a Travel Plan in relation to this development.

#### **Other Representations**

4.3 Local Residents  
No Comments from Local Residents. However, AMCOR Flexibles Ltd (neighbouring manufacturing business to East of site) comment that, although they raise no objection to the development in principle, they wish to draw the apparent parking problems on this site to the attention of the planning department.

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

5.1 The proposed development consists of the construction of a new office building within an allocated employment site; and within the Bristol North Fringe Urban Area.

5.2 Principle of Development

This business park is the subject of an outline planning application (PT03/2952/O) covering the whole of the site. The development of the business park is well underway with occupied buildings developed under subsequent reserved matters applications. Although this application is submitted in full, it would also be possible in this instance to consider the proposal as a reserved matters application as the site has outline consent as a whole. It is therefore considered that the principle of the development is established. Policies E3 and E4 of the South Gloucestershire Local Plan (adopted) are relevant to this

application. These policies also indicate that the proposed development is acceptable in principle subject to the following considerations.

5.3 Design

The siting of the building in a prominent location at the head of the Office Park and junction of two main roads has led to the overall design taking a more contemporary approach and larger scale than its surroundings, which is considered an appropriate response to the site.

5.4 The main entrance to the proposed building responds primarily to the Office Park, and is therefore located toward the north-east corner and highlighted by a small canopy and change in elevational treatment, which will help create a legible environment for the users of the Office Park. The proposed building is broadly similar to the scale and massing of surrounding buildings in the Office Park, but by increasing the footprint and proposing a flat roof rather than a pitched one (as per surrounding buildings) a greater presence suited to the prominent location of the site has been achieved

5.5 The character and quality of surrounding buildings in the Office Park typically comprise of two and three storey, large-scale commercial buildings built in a combination of red brick and aluminium panelling. In this regard the current proposal does not deviate, being of three storeys and constructed in a combination of buff coloured brick and painted, powder-coated panel and windows. The treatment of materials on the elevation, however, is an improvement on its surroundings and creates a more legible and structured elevation with an adequate level of detailing. Given the quality of surrounding context this approach is considered acceptable.

5.6 Notwithstanding the above, insufficient information has been submitted regarding the applicant's commitment to achieve a BREEAM 'very good' rating. However, the submission of a BREEAM pre-assessment demonstrating that such a rating can be met should be submitted and agreed prior to first occupation. Such information and the implementation of the agreed methods can be achieved by way of appropriately worded condition.

5.7 Residential Amenity

The site is located within an established business park. It is located well away from residential development. Indeed the nearest residential development is located within this park at Winterbourne View Nursing Home approximately 70 to 80 metres to the North. On this basis, it is considered that no material impact will occur in terms of residential amenity.

5.8 Transportation

Transportation matters for the development of this whole site have been addressed under the previously approved outline application (PT03/2952/O) with which the principle of this development proposal would comply. At the time of the outline application consideration was given to the anticipated traffic generation from the site and comprehensive mitigation matters approved and implemented, and at this time was considered acceptable. It is not considered that the proposal would introduce development which would generate a materially greater impact in respect of traffic generation. The recent works at the junction with Old Gloucester Road and Winterbourne Road have provided

considerable improvements in traffic movement terms. On this basis, it is considered that the proposed development is acceptable in transportation terms. Given the above it would be unreasonable to request further contributions or works from the developer given that the development has previously been mitigated upon as part of the works associated with the outline application.

5.9 From observations on site and commentary from objectors there does appear to be a parking issue particularly around the main access road. Yellow lines have been painted on the carriageway by the developer and are enforceable by him. They are not enforceable by the authority as no Traffic Restriction Order (TRO) exists to support the parking restrictions at the moment. Officers are currently negotiating with the developer to promote a TRO as part of the adoption process of the highway outside of the planning environment. In relation to this uncontrolled parking it is an offence to obstruct the highway (this includes the pavement) and officers will be looking at this issue prior to formal completion of the adoption process. Accordingly, this matter is not for consideration as part of this planning application and is a matter which can be adequately addressed under other legislation.

5.10 The level of parking proposed for the development is commensurate with the maximum under policy T8 under this use class and is therefore considered acceptable. Cycle parking is also provided at a scale which complies with the authority's standards. Showers are provided within the building to aid cyclists and the sustainability of the site.

5.11 Notwithstanding the above it is considered that a condition requiring a travel plan to be submitted should form part of any consent in this instance. The condition should make reference to the need for agreed modal split targets and mitigation measures should these targets not be met. This would ensure that the parking issues currently occurring would be adequately addressed as part of this development through the reduction in car use/dependency in relation to travelling to this site.

#### 5.12 Design and Access Statement

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

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

## **7. RECOMMENDATION**

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

### **Background Papers      PT09/0079/F**

**Contact Officer:    Simon Penketh**  
**Tel. No.                01454 863433**

## **CONDITIONS**

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

Reason(s):

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

2. No development shall take place until the Local Planning Authority has been provided with, and has approved in writing, a Pre-Assessment of the development carried out by a BRE Licensed Code for Sustainable Homes Assessor, proving BREEAM Very Good rating in respect of the development hereby approved. The office building shall then be subject to a post completion check by the BRE Licensed Assessor (after the Design Stage Report has been carried out and an interim certificate obtained) and a final Code Certificate of compliance for the office building shall be submitted to, and confirmed in writing by, the local planning authority prior to first occupation of the dwelling or building to which the certificate relates.

Reason(s):

To ensure that the development achieves a high standard of design and performance and to comply with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006; the South Gloucestershire Design Checklist (Adopted) and PPS1.

3. Prior to the commencement of development a scheme of landscaping, which shall include details of all 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 and

shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):

To protect the character and appearance of the area to accord with Policies D1, L1, E3 and E4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development full details relating to the provision of the 'Green Roof System', which shall include details of all proposed planting (and times of planting); Development shall be carried out in accordance with the agreed details and shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):

To protect the character and appearance of the area to accord with Policies D1, L1, E3 and E4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the first occupation and use of the development hereby approved a commuter plan shall be submitted to the Local Planning Authority for approval. For the avoidance of doubt the commuter plan should detail modal split targets and mitigation measures should these targets not be met. The agreed commuter plan shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason(s):

To encourage means of transportation other than the private car, to accord with Policy T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 10/09 – 13 MARCH 2009

**App No.:** PT09/0126/F  
**Site:** 1, York House, Church Road, Easter Compton, South Gloucestershire, BS35 5RW

**Applicant:** Mr & Mrs Dix  
**Date Reg:** 21st January 2009

**Proposal:** Erection of single storey front and rear extensions to existing annexe/double garage to provide 2 bed independant dwelling.

**Parish:** Almondsbury Parish Council

**Map Ref:** 57296 82166  
**Application Category:** Householder

**Ward:** Almondsbury  
**Target Date:** 16th March 2009



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N.T.S

PT09/0126/F



## **INTRODUCTION**

This report has been returned to the Circulated Schedule as the site plan has been amended slightly to remove land that is disputed to be within the applicant's ownership. The applicant has amended the site plan on a without prejudice basis. It is not considered that this amendment materially affects the planning merits set out in the report – however a further consultation period has been allowed for any additional comments to be considered. Should the consultation period and amended plan raise any new planning issues that are not already addressed in the officer report it may be necessary to report the matter via the Circulated Schedule once again.

### **1. THE PROPOSAL**

- 1.1 This application relates to alterations and extensions to the existing single storey granny annexe/double garage to form a 2 bed independent dwelling.
- 1.2 To facilitate the proposal the development involves the erection of a single storey rear extension measuring 3.2m in depth, 5.7m in width with a hipped roof with ridge height of 3.3m, some 0.2m lower than the existing building. A single storey front extension is also proposed measuring 1.4m in depth, 3.1m in width with mono-pitch roof. The ridge height of the existing building is unaltered. A large roof-light is proposed to the front roof slope to serve the hallway. The proposed materials consist of horizontal timber cladding finish to the walls and natural slate roofing tiles. The land level rises quite significantly to the rear.
- 1.3 The application site is located directly behind 3 York House and in front of Greenwoods, a bungalow located to the south east and on significantly higher land than the application site. The access lane serving Greenwoods runs along the boundary of the site. The site is served by an access lane that runs adjacent to the boundary of 3 York House.
- 1.4 The site lies within the settlement boundary of Easter Compton and is also within the Green Belt.
- 1.5 The application has been amended to that originally submitted in that the proposal does not involve the raising of the ridge height and no first floor accommodation is provided. The size of the rear extension has also increased in depth by 0.4m but has reduced in width by 2m.

### **2. POLICY CONTEXT**

- 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPG13	Transport
- 2.2 Development Plans

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

- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
- |     |  |
|-----|--|
| D1  | Design   |
| H2  | Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries |
| H4  | Development within Existing Residential Curtilages, Including Extensions and New Dwellings             |
| GB1 | Development within the Green Belt  |
| T8  | Parking Standards  |
| T12 | Transportation Development Control Policy for New Development  |
- 2.4 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist (Adopted)  
 Development in the Green Belt (Adopted)

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

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

### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
 Object to the proposal on the following grounds:-

- a) inappropriate development;
- b) overdevelopment of site;
- c) in Green Belt;
- d) permission originally granted for an annexe;
- e) no special circumstances.

### Other Consultees

- 4.2 Sustainable Transport  
No objection.

### Other Representations

4.3 Local Residents

5 letters have been received objecting to the proposal on the following grounds:-

- a) scale;
- b) restricted size of curtilage;
- c) disproportionate addition;
- d) reduced amenity area;
- e) restricted parking/turning space;
- f) contrary to Green Belt policy and the adopted development plan/supplementary planning document;
- g) previous application for a similar application was dismissed on appeal on the grounds of adverse impact upon neighbouring properties, in particular privacy and outlook and scale of existing building was at the limits of acceptability;
- h) increased roof height;
- i) boundary hedge will limit light to property;
- j) site boundary incorrect/boundary dispute;
- k) permission for the original granny annexe in 1989 was granted with a condition requiring that at no time shall it be severed to form a separate unit of accommodation;
- l) limited access;
- m) property has already been considerably extended over the years;
- n) overbearing impact;
- o) no very special circumstances have been submitted.

Of the above, j is not a relevant planning consideration. Land ownership/boundary disputes are outside the remit of the planning authority and are of a civil nature.

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

As can be seen from the planning history, previous applications for raising the ridge height of the annexe have been refused, one of which was dismissed on appeal. The application has been amended to that originally submitted in that the ridge height now remains the same.

- 5.2 Planning permission was originally granted in 1989 for an extension to the building to form granny annex. It is acknowledged that a condition was imposed

at that time to restrict the additional accommodation to be used incidentally to the main dwelling. However, the purpose of this current application is to assess the proposal as an independent dwelling against current planning policy.

5.3 The application site lies within the settlement boundary of Easter Compton which is washed over by the Green Belt. Residential development is acceptable in principle provided it constitutes infilling. Advice contained within PPS3 states that priority for new residential development should be on previously developed land. Using land efficiently is a key consideration in planning for housing. This advice is generally reflected in the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006. However, such development should achieve good design to ensure that the character of the area is not adversely affected.

5.4 Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant as it sets out the relevant criteria in assessing new residential development within existing defined settlement boundaries as follows:-

**(A) development would not have unacceptable environmental or transportation effects and would not significantly prejudice residential amenity;**

5.5 Transport

The proposal utilises an existing access on to a class 5 highway. The level of additional traffic generated along Church Road is not considered to be significant. Adequate parking is available for the existing dwelling as two off-street parking spaces have been provided within the front garden area of this property. The proposed dwelling will also be adequately served by off-street parking in accordance with the Council's parking standards. The width of the access is also acceptable as it is single vehicle width, regardless of the boundary dispute relating to this access. No transportation objection is therefore raised to the proposal.

5.6 Residential Amenity

It is recognised that a previous appeal decision dismissed an application for the erection of a first floor extension above the existing building. However, that application was significantly larger and materially different to the current scheme, as was the application submitted and refused in 2004. The current proposal addresses previous areas of concern in relation to adverse impact upon surrounding residential amenity as the ridge height remains unchanged and only small, single storey extensions are now proposed. No loss of privacy or overbearing impact will result from the development, especially having regard to existing boundary treatment and the fact that the plot is cut into the hillside. In terms of private garden area, the proposal has a minimum garden depth of 6m. However, the overall garden has an area of 90m<sup>2</sup>. This is considered to be more than adequate to serve the size of the dwelling proposed, especially as the number of bedrooms has been reduced from 3 to 2. Moreover, some 130m<sup>2</sup> garden area still remains for the existing dwelling.

5.7 With regard to loss of light from the existing boundary hedge, the only room to

be affected will be the kitchen. However, this is also served by a window to the rear elevation and is secondary in nature in that it does not serve a principal room. All other rooms are served by windows on the northern elevation or have secondary windows. The application therefore complies with criterion **A** in its entirety.

**(B) the maximum density compatible with the sites location, its accessibility and its surroundings is achieved;**

- 5.8 The application site, excluding the access, has an area of some 0.0368 hectares, resulting in a housing density of 27 dwellings per hectare. Advice contained within the adopted local plan states that within existing urban areas a minimum density of 30 dwellings per hectare should be achieved. Although it is recognised that the density falls just below this figure, it is considered that having regard to the access and the site's context, a greater number of dwellings is inappropriate as it would adversely impact upon the character of the area and the residential amenities of the locality. The proposal therefore complies with this criterion.

**(C) the site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination;**

- 5.9 The site lies within the village of Easter Compton adjacent to open countryside. It will not be adversely affected by any of the above and the proposal therefore complies with this criterion.

**(D) provision for education, leisure, recreation etc. within the vicinity of the site is adequate to meet the needs arising from the proposal.**

- 5.10 The proposal is for 1 small additional dwelling. It is considered that the existing level of service provision within the locality is acceptable to meet the needs arising from the proposal.
- 5.11 Also of relevance is policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy specifically relates to development within existing residential curtilages. Such development is normally permitted provided it respects the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space. These issues have already been addressed under the foregoing paragraphs with the exception of design.

5.12 Design

The proposal is considered acceptable in design terms. The size of the front extension is small, with a depth of only 1.4m. Its visual impact is lessened by the continuation of the roof pitch of the host property over the extension. With regard to the rear extension, this is also acceptable. Its scale and size is subordinate to the original building, its ridge height some 0.2m lower. The

extensions are in keeping with the form and scale of the original building and the proposal accords with the development plan in design terms.

5.13 Green Belt

In Green Belt terms, residential development in the form of infilling within existing settlement boundaries falls within the limited categories of development normally considered appropriate within the Green Belt. The proposal therefore accords with advice contained within PPG2, policy GB1 of the adopted local plan and the adopted Green Belt SPD. As the proposal constitutes appropriate development it is not necessary to make a case for very special circumstances to justify the grant of planning permission. This is only a requirement where development is deemed inappropriate.

5.14 It is considered that the proposal will have no impact upon the openness of the Green Belt due to the characteristics of the site and the amount of surrounding built form. The existing plot is cut into the hillside and screened from open countryside to the south west by conifers. The building therefore has no significant visual impact upon the broader landscape and as the ridge height is no longer to be raised the existing views in the broader landscape will remain unchanged. The visual amenity of the Green Belt will therefore not be unduly compromised.

5.15 The issue of disproportionate additions has been raised by local objectors. However, this test only relates to extensions to existing residential properties and is not relevant in the assessment of this application which relates to the creation of a separate dwelling. However, in order to safeguard the Green Belt it is considered appropriate to remove permitted development rights from both the existing property of 1 York House and the independent dwelling proposed.

5.16 In conclusion, the application accords with adopted policies D1, GB1, H2, H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 as well as adopted SPDs and is acceptable.

5.17 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.

5.18 Section 106 Requirements

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

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 Planning permission be granted.

**Background Papers**      **PT09/0126/F**

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

## **CONDITIONS**

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

Reason(s):

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

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

Reason(s):

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

3. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before

the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason(s):

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

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

Reason(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 Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 10/09 – 13 MARCH 2009**

**App No.:** PT09/0200/F  
**Site:** 70 High Street, Winterbourne, South Gloucestershire, BS36 1JQ  
**Proposal:** Erection of 1 no detached dwelling with new access and associated works.  
**Map Ref:** 64982 80951  
**Application Category:** Minor

**Applicant:** Mr D Potter  
**Date Reg:** 3rd February 2009  
**Parish:** Winterbourne Parish Council  
**Ward:** Winterbourne  
**Target Date:** 27th March 2009



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**N.T.S**

**PT09/0200/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of one letter of objection which has raised representations which are contrary to the case officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of one detached dwelling.
- 1.2 The proposed dwelling comprises of a two storey, detached two bedroom house. The vehicular access to the site would be from High Street and there would be off-street parking provision for two cars.
- 1.3 The application site is approximately 0.02ha in area. The site is roughly square in shape and is adjoined by a main road on its south-eastern boundary and open countryside of the north-western boundary. The site is situated within the Winterbourne settlement boundary and the edge of the Green Belt boundary runs along the north-western boundary.
- 1.4 This application follows the previously refused application (PT08/1810/F) which was refused for the following reasons: -
  1. *The site of the proposed development is restricted in size and the development of the land as proposed, would result in a cramped form of development to the detriment of the visual amenities of the locality. The proposal is therefore considered to be contrary to Planning Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*
  2. *The vehicular access intended to serve the proposed development is located at a point on the 'Class B' road where visibility is restricted. The construction and use of this access would be likely to create additional highway hazards, contrary to the interests of highway safety. The proposal is therefore considered to be contrary to Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*
  3. *The proposed development lies within the Root Protection Area of those trees adjacent to the application site and fails to provide any details regarding the protection of these trees. The proposal is therefore considered to be contrary to Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*

4. *The proposal would result in the loss of the existing Laurel hedge which runs along the front boundary of the application site and which is considered to comprise a significant landscape feature within the locality. The proposal is therefore considered to be contrary to Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*

## 2. POLICY CONTEXT

### 2.1 National Guidance

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

### 2.2 Joint Replacement Structure Plan (Adopted) September 2002 (Saved Policies)

- Policy 1: Sustainable development objectives  
Policy 2: Location of development  
Policy 33: Housing provision and distribution

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

- D1: Achieving Good Quality Design in New Development  
H2: Residential Development within Defined Settlement Boundaries  
H4: Development within Existing Residential Curtilages  
L1: Landscape Protection and Enhancement  
EP1: Environmental Pollution  
T12: Transportation Development Control Policy for New Development

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT08/1810/F          Erection of 1 no. detached dwelling with associated works  
(Re-submission of PT08/0454/F)  
**Approved** on 1<sup>st</sup> August 2008

## 4. CONSULTATION RESPONSES

### 4.1 Winterbourne Parish Council

No objection.

### 4.2 Sustainable Transportation

No objection subject to condition requiring further details regarding visibility splays.

### 4.3 Local Residents

One letter of objection raising the following points:

- The proposal is too close to boundary.
- How can the development be maintained?
- There is a restrictive covenant for this piece of land stating that there should be no more buildings.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site is situated within defined settlement boundary of Winterbourne, as shown on the South Gloucestershire Local Plan Proposal Maps (Adopted) January 2006. PPS3 (Housing), the Joint Replacement Structure Plan and Policy H2 of the Local Plan allow for new residential development within the boundaries of settlements, subject to the proposal:

- not having unacceptable environmental or transportation effects;
- not significantly prejudice residential amenity;
- achieving the maximum density compatible with the site;
- not resulting in unacceptable levels of noise disturbance, air pollution, smell or contamination;
- providing provision for education, leisure, recreation and other community facilities; and
- not being out of scale with the settlement.

### 5.2 Density

Policy H2 cites that proposals will be expected to provide the maximum density compatible with the site, location, accessibility and surroundings. Therefore, the expectation is that all development will achieve a minimum density 30 dwellings per hectare with higher densities achieved where local circumstances permit. Not least, in and around town centres, and where well served by public transport, densities of upwards of 50 dwellings should be achieved.

5.4 In this application the density of the site equates to 50 dwellings per hectare (dph). This level is considered satisfy density requirements in accordance with Policy H2 of the Local Plan.

### 5.5 Design

National Planning Guidance within PPS1 makes it clear that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development. This is reiterated at the local level within Policy D1 of the Local Plan and the South Gloucestershire Design Checklist SPD.

### 5.6 *Design Process*

The applicant has submitted a Design and Access Statement (DAS) which has outlined the context and constraints of the site, and has outlined their design concept. It considered that this indicates a satisfactory design process has been undertaken.

### 5.7 *Siting*

Policy D1 of the adopted local plan advises that the layout of new development is informed by, respects and enhances the character, distinctiveness and amenity of both the site, and the locality. This is supported by question 27 of the Design Checklist SPD which states that there should be a coherent response to settlement pattern of the site and surroundings.

5.8 The character of surrounding area comprises of linear *ad-hoc* residential development which has developed along both sides of the main road (High

- Street). The development alongside the northern side of the road comprises mainly of detached units. These properties have a well established front building line. Furthermore, the area benefits from an attractive stone wall which is situated alongside the pedestrian footpath at the front of the site which.
- 5.9 The proposed dwelling has almost been aligned exactly with the front building line of the adjacent property (No. 70 High Street). As such, it is considered that siting the dwelling in this way would respect the established character of the street scene.
- 5.10 It is noted that the previous application was refused on the grounds that the development would have resulted in a cramped form of development to the detriment of the visual amenities of the locality. To overcome this refusal reason the footprint of the dwelling has been reduced, thus providing a greater buffer between the surrounding developments. In view of this amendment, it is considered that the development would no longer result in a cramped form of development.
- 5.11 *Scale and Massing*  
The proposed dwelling would be two-storey in height (approximately 7.6m). This would be almost identical to adjacent property (No. 70), as shown on the proposed Street Scene plan (Drg. No. 07/1177/104). In view of this, it is considered that the scale and massing of the proposed development would be appropriate, given the context of the surrounding residential properties.
- 5.12 *Appearance*  
The proposed dwelling would adopt a simple gable-ended design approach, which would be finished in render and double roman tiles. The surrounding residential development comprises of various different designs, age and materials. As such, there is no distinctive character to the area. Notwithstanding this, it is considered that the proposal, in terms of its materials should relate to the adjacent dwelling. In view of this it is recommended that a condition is attached to require the applicant to submit material samples to be approved with the Local Planning Authority prior to the commencement of development.
- 5.13 *Landscape*  
The previous application was refused for reasons relating to landscaping, these were:
- The development lay within the Root Protection Area of those trees adjacent to the application site and fails to provide any details regarding the protection of these trees.
  - The proposal would result in the loss of the existing Laurel hedge which runs along the front boundary of the application site and which is considered to comprise a significant landscape feature within the locality.
- 5.14 To overcome any adverse impact to the tree adjacent to application site, the applicant has submitted an Arboricultural Impact Assessment. The Councils Tree Officer has assessed this document and concluded that the proposed construction is possible and the longevity of the trees would be maintained. In

- view of this it is considered that the previous refusal reason has been adequately addressed.
- 5.15 The second refusal reason related to the removal of the Laurel hedge which runs along the front boundary of the application site. In this application the applicant proposes to maintain this feature (as shown on Drg. No. 07/1177/104). To ensure that the hedge and stone wall are retained, it recommended that an appropriate condition is attached to the consent. In view of the above, it is considered that proposal development would overcome the previous refusal reason.
- 5.16 *Conclusion*  
In view of the above, it is considered that the proposed development would respect and enhance the character, distinctiveness and amenity of both the site and the locality. As such the proposal accords to policy D1, H4 and L1 of the adopted local plan and the guidance contained in the Design Checklist SPD.
- 5.17 Residential Amenity  
The application site is adjoined by residential development to either side. The impact on the occupiers of these dwellings has been assessed below: -
- 5.18 *No. 68 High Street*  
The proposed dwelling would be situated approximately 22.5 metres from this property. The proposed dwelling would be screened by existing landscaping which is situated within the curtilage of No. 68, and would include no windows which would directly overlook this property. As such, in view of these features, it is considered that the proposed development would not result in an overbearing effect or a loss of privacy.
- 5.19 *No. 70 High Street*  
The proposed dwelling would be situated approximately 10.5 metres from this nearby property. The proposed dwelling would include no windows which would directly overlook this property. As such, in view of these features, it is considered that the proposed development would not result in an overbearing effect or a loss of privacy.
- 5.20 Transportation  
The previous application (PT08/1810/F) was refused on highway safety grounds because the vehicular access intended to serve the proposed development is located at a point on the 'Class B' road where visibility is restricted. In this application wider visibility spays have been provided by reducing the height of the stone wall at the front of the site. The Council Transport Officer has assessed this and considers the access to be acceptable in highway safety terms. However, the Transport Officer has raised concerns that the hedgerow immediately behind the wall could encroach on visibility. As such, it is recommended that a condition is attached to ensure that the visibility spays are maintained free of obstruction at all times.
- 5.21 The proposed development would include two off-street parking spaces for the two-bedroom dwelling. This level of parking would accord to the Council adopted parking standards. Moreover, the Transport Engineer has raised no objection to the parking provision.

#### 5.22 Drainage

With regard to drainage, the Council Drainage Engineer has been consulted. The Engineer has raised no objection to the development, however they recommended that, if approved, a condition is attached to ensure details of Sustainable Drainage System are submitted and approved prior the commencement of the development.

#### 5.23 Other Matters

Representations have been received from one local resident on the grounds that the applicant would need to access land which is not in their control to maintain the building. Furthermore, they also stated that there is a restrictive covenant for this piece of land stating that there should be no more buildings. These issues are matters between the applicant and respective landowner, and are not material planning considerations. However, for the avoidance of doubt, the standard landownership informative shall be attached to this consent.

#### 5.24 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.

#### 5.25 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

Background Papers

**PT09/0200/F**

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

## **CONDITIONS**

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

Reason(s):

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

2. Prior to the first occupation of the development hereby approved, the stone wall and hedgerow along the south-east boundary of site (as shown on Drg. No. 07/1177/104 Rev B) shall be implemented in its entirety and thereafter retained. The stone type, colour and coursing shall match the existing wall.

Reason(s):

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

3. Prior to the first occupation of the development hereby approved, the visibility splays as shown on Drg. No. 07/1177/1003 shall be provided, and thereafter retained for that purpose. The visibility splays shall be maintained free of obstruction at all times.

Reason(s):

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

4. The development hereby permitted shall be constructed in accordance with the 'Arboricultural Constraints Plan and Method Statements' submitted with this application. Any changes to the Method Statement shall first be agreed in writing with the Local Planning Authority, and carried out in accordance with the approved details.

Reason(s):

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

5. Notwithstanding the submitted details, no development shall begin until details and 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(s):

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

6. No development shall begin until drainage detail proposals incorporating Sustainable



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

Reason(s):

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

**CIRCULATED SCHEDULE NO. 10/09 – 13 MARCH 2009**

**App No.:** PT09/0261/F  
**Site:** Little Orchard, Cowship Lane, Cromhall, South Gloucestershire, GL12 8AY

**Applicant:** Mr R Pickford  
**Date Reg:** 11th February 2009

**Proposal:** Erection of single storey rear extension to existing residential annex to provide additional living accommodation.

**Parish:** Cromhall Parish Council

**Map Ref:** 69791 89149  
**Application Category:** Householder

**Ward:** Charfield  
**Target Date:** 7th April 2009



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PT09/0261/F

## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of one representation which was contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a single storey extension to facilitate the formation of an integral residential annexe. The proposed extension would be attached to the existing rear extension, and would have a floor area of approximately 61 sqm.
- 1.2 The application site relates to a detached bungalow and its associated residential curtilage. The site is situated outside of the Cromhall settlement boundary.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H4: New Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (adopted) 2007

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

- 3.1 Various planning application relating to previous extensions to the property.

### **4. CONSULTATION RESPONSES**

- 4.1 Cromhall Parish Council  
No comments received.
- 4.2 Local Residents  
One letter has been received from a local resident. They were concerned that the proposed window into the existing wall would be very near to the boundary and would overlook their garden.

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

- 5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extensions to residential dwellings. This is subject to the proposal:
  - respecting the character and appearance of the existing dwelling and the surrounding area;

- not prejudicing the amenities of nearby occupiers,
  - maintaining highway safety; and
  - providing adequate amenity space.
- 5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.
- 5.3 Residential Amenity  
The proposed extension is situated on the rear elevation and would extend along the boundary shared with adjacent dwelling (Hazeldene). The application is also adjoined by two further dwellings (Modhurima and Greenacre) however the proposal is set well away from these properties, and thus the development would not be considered to materially harm their amenity.
- 5.4 The existing dwelling already extends alongside the private amenity space of the adjacent dwelling (Hazeldene). The proposed extension would to some extent essentially enclose this space. Nevertheless, along the boundary there is a well established hedge which affords screening to the mass and form of the existing and the proposed extension. In view of this it is considered that the proposal would not result in a material overbearing effect on the adjacent property.
- 5.5 One letter has been received from the adjacent occupier which raised concerns to the potential overlooking of their property from the proposed window in the south-east elevation. Notwithstanding these concerns, it is considered that as the window is situated at the ground floor level the existing boundary treatment (e.g. a well established hedge) would screen direct views into the adjacent property. As such, the proposed development would not result in a material loss of privacy. However, it is recommended that a condition should be attached to the consent ensure that a boundary treatment (e.g. hedge or close boarded boundary fence) of at least 1.8m in height is maintained at all times.
- 5.6 Annex Accommodation  
The proposed extension would include a self contained kitchen, bathroom and two bedrooms. The extension would therefore be a residential annex which would be potentially capable of separate occupation. Given the nature of the extension and its relationship with the dwelling as a whole, it is not considered that the accommodation is suitable for separate residential accommodation. Therefore a condition is recommended to ensure the use of the extension remains ancillary to the main dwelling.
- 5.7 Design and Visual Amenity  
The existing property comprises of a modest bungalow which has been significantly extended to its rear. The proposed development would comprise of a further single storey addition to the existing rear extension. The development would adopt a simple design approach which would match the materials, form, scale and massing of the existing dwelling. As such, it is considered that the proposal would respect the character and appearance of the existing dwelling. Furthermore, the development would be confined to the rear of the property and would not be visible from the street scene. Accordingly, the development would be considered to respect the visual amenity of the surrounding area.

## 5.8 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

### Background Papers      **PT09/0261/F**

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

## CONDITIONS

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

Reason(s):

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

2. Boundary treatment of a height of at least 1.8 metres shall be maintained at all times alongside the south-east boundary for the section adjacent to the dwelling known as 'Little Orchard'. For the avoidance of doubt, the term 'boundary treatment' shall be defined as the existing well established hedgerow, or a close-boarded timber fence.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The integral residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 'Little Orchard'.

Reason(s):

Given the nature of the extension and its relationship with the dwelling as a whole, it is not considered that the accommodation is suitable for separate residential accommodation; and in accordance with the requirements of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.