



**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. 18/09

Date to Members: 08/05/09

Member's Deadline: 14/05/09 (5pm)

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 08/05/09

SCHEDULE NO. 18/09

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

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

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
20/09	Thursday 21 st May 2009	Thursday 28 th May 2009

Circulated Schedule 08 May 2009

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK09/0016/F	Approve with conditions	The Laurels, Stover Road, Yate, South Gloucestershire, BS37 5JN	Frampton Cotterell	Iron Acton Parish Council
2	PK09/0459/F	Approve with conditions	179 Memorial Road, Hanham, South Gloucestershire, BS15 3LH	Hanham	Hanham Abbots Parish Council
3	PK09/0585/F	Approve with conditions	13 Castle Farm Road, Hanham, South Gloucestershire, BS15 3NJ	Hanham	Hanham Abbots Parish Council
4	PK09/0592/TRE	Split decision See D/N	Land adjacent to 233 Blaisdon, Yate, Bristol, South Gloucestershire, BS37	Dodington	Dodington Parish Council
5	PK09/0594/RM	Approve with conditions	Land to rear of 6-14 Hilltop Road, Soundwell, South Gloucestershire, BS16 4RN	Kings Chase	
6	PK09/0598/F	Approve with conditions	Land adjacent to 11 Rockland Road, Downend, South Gloucestershire, BS16 2SP	Downend	Downend and Bromley Heath
7	PK09/0609/CLP	Approve	Vine Cottage 69 North Street, Oldland Common, South Gloucestershire, BS30 8TP	Oldland Common	Bitton Parish Council
8	PK09/0626/F	Approve with conditions	7 Kingsholme Road, Kingswood, South Gloucestershire, BS15 1RJ	Kings Chase	
9	PK09/0642/F	Approve with conditions	23 Woodhall Close, Downend, South Gloucestershire, BS16 6AJ	Rodway	
10	PT09/0324/F	Approve with conditions	111 Beach Road, Severn Beach, South Gloucestershire, BS35 4PQ	Pilning and Severn Beach	Pilning and Severn Beach
11	PT09/0549/F	Approve with conditions	824 Filton Avenue, Filton, South Gloucestershire, BS34 7AP	Filton	Filton Town Council
12	PT09/0556/F	Approve with conditions	Allsopps Green, Cliff Farm Road, Westerleigh Hill, Westerleigh, South Gloucestershire, BS37 8RD	Westerleigh	Westerleigh Parish Council
13	PT09/0557/F	Approve with conditions	Stokes Medical Centre, Braydon Avenue, Little Stoke, South Gloucestershire, BS34 6BQ	Stoke Gifford	Stoke Gifford Parish Council
14	PT09/0614/F	Approve with conditions	The Castle School, Park Road, Thornbury, South Gloucestershire, BS35 1HT	Thornbury North	Thornbury Town Council

CIRCULATED SCHEDULE NO. 18/09 – 8 MAY 2009

App No.: PK09/0016/F
Site: The Laurels, Stover Road, Yate, South Gloucestershire, BS37 5JN

Applicant: Mr R May
Date Reg: 6th January 2009

Proposal: Demolition of existing dwelling.
Erection of 1 no. new dwelling with associated works. (Resubmission of PK08/2354/F),

Parish: Iron Acton Parish Council

Map Ref: 69338 82890

Ward: Frampton Cotterell
Target Date: 13th February 2009

Application Category: Minor

Date:



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100023410, 2008.

N.T.S

PK09/0016/F

INTRODUCTION

The application has been forwarded to the Circulated Schedule for Member consideration as a representation has been received which is contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated west of Yate town on the west side of Stover Road. The site is bounded by a detached dwelling to the north, agricultural land to the west, a field used for dog training to the south with vehicular access onto a track leading onto Stover Road to the east. A dwelling in a converted forge is situated at the entrance to the east of the site. A large industrial estate is situated beyond Stover Road to the east. The site comprises a large detached two storey stone built dwelling with a number of outbuildings and garage. The dwelling is in a poor state of repair and is currently unoccupied.

The application site is situated within the Bristol Bath Green Belt and outside any settlement boundary as identified in the adopted Local Plan.

- 1.2 The application proposed replacement of the existing dwelling with a single detached two storey dwelling. This application is a revised scheme following withdrawal of PK08/2354/F which was considered to represent a disproportionate increase over the existing dwelling.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS7	Sustainable Development in Rural Areas
PPG24	Planning and Noise

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
EP4	Noise Sensitive Development
GB1	Green Belt
H4	Development within Existing Residential Curtilages
H11	Replacement Dwellings in the Countryside
T12	Transportation for new development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist – August 2007
Development in the Green Belt – June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/1004/F Demolition of existing dwelling to facilitate the erection of 1no. dwelling with detached garage and associated works.
Refused 13.08.2007
Reasons for refusal: Replacement dwelling would constitute a disproportionate increase in size and scale; No justification that the existing dwelling can be retained in its current state; Replacement would be visually intrusive due to size and scale; Inappropriate design and materials; The replacement would appear overbearing in relation to The Old Forge; Insufficient information submitted to assess the scheme in relation to noise impact from the adjacent dog training centre.
- 3.2 PK08/2354/F Demolition of existing dwelling to facilitate the erection of 1no. dwelling with associated works.
(Resubmission of PK07/1004/F).
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No response received.
- 4.2 Other Consultees
Sustainable transport – No objection

Other Representations

- 4.3 Local Residents
One letter of objection received from the occupiers of Stover Bridge raising the following concern:
There is no public sewer in the area; The first floor patio would look into my garden.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for the replacement of existing dwellings within their curtilage, providing that the design is acceptable, the replacement is of similar size and scale to the existing dwelling and that there is no unacceptable impact on residential and visual amenity. Similarly, policy H11 of the South Gloucestershire Local Plan is supportive in principle of proposals for the replacement of existing dwellings in the countryside subject to scale and provided the existing dwelling has not been abandoned or is incapable of retention in its current state. The application site is also situated within the designated Green Belt and to accord with Policy GB1 of the South Gloucestershire Local Plan proposals for replacement dwellings must not result

in 'disproportionate additions' over and above the size of the original dwelling or compromise the openness of the Green Belt.

5.2 The existing dwelling

The existing dwelling is constructed from natural stone walling with rendered finish and slate roof. The building has for many years suffered from dry rot which has caused irreparable structural damage to the building. A large tree is situated adjacent to the north elevation of the dwelling sandwiched between the dwelling and the adjacent boundary wall. Over time it is clear that the root system of the tree has penetrated the foundations of the dwelling causing additional structural damage.

5.3 Visual amenity

The proposed dwelling would be of a similar size and scale to that existing. The design of the replacement dwelling would use references to features in the existing building such as parapet roof features, render and stone walling, slate roofing and timber frame detailing. The previously refused application (PK07/1004/F) was considered unacceptable in design terms, with a poorly conceived mock Tudor theme and substantial overall scale. These concerns have now been overcome and the proposed dwelling would sit comfortably within the site, screened well from public views by existing mature boundary hedging and trees. The design and materials would be of good quality in keeping with the original character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the proposed replacement dwelling would preserve the character and appearance of the area in accordance with the criteria of Policies D1 and H11.

5.4 Residential amenity

The previous application PK07/1004/F was refused amongst other reasons, on the grounds of overbearing impact. This impact related to a substantial garage building proposed in a position abutting the east boundary adjacent to the former forge. This garage does not form part of the current submission and no development is proposed on the east boundary of the site. The proposed dwelling would be of a similar size and scale to that existing. The proposed dwelling would be situated further from the former forge to the east and the adjacent dwelling to the north. Considering all of the above matters, the proposal would have no significant additional impact on the amenity enjoyed by the adjacent occupiers.

5.5 Green Belt

The existing dwelling measures 9.0m in height and occupied a footprint of 143m². The proposed dwelling would measure 8.8m in height occupying a footprint of 147m². Policy GB1 accepts in principle replacement of existing dwellings within the Green Belt provided the replacement does not constitute a disproportionate increase over and above the size of the original dwellinghouse. The proposal has been reduced in scale from the two previous submissions and has been calculated as representing a 9.15% increase over the original dwelling. This is considered to represent a proportionate increase

and as such the proposal is considered to represent appropriate development in the Green Belt.

The second test necessary to assess whether the scheme is acceptable development in the Green Belt relates to the safeguarding of openness. The replacement building is considered to have a similar size, scale and volume to the original dwellinghouse. Additionally, the form, bulk and general design are considered to be in keeping with the surroundings for reasons as explained in par. 5.3. As such the proposal is considered not to compromise the openness and visual amenity of the Green Belt. The development is considered acceptable in accordance with policy BG1 of the adopted South Gloucestershire Local Plan.

5.6 Noise

The applicant has provided justification for the development in relation to potential noise impact from the adjacent dog training centre. The amended scheme has been designed to orientate many windows away from the south elevation facing the dog training centre. Additionally, the applicant has indicated that the windows in the proposed dwelling are to be triple glazed to reduce potential noise impact. The Environmental Health Officer raised no objection to the proposal subject to two informatives. On this basis the scheme is considered to be acceptable in relation to noise.

5.7 Transportation

The proposed development retains sufficient parking and raises no highway concerns. There is no objection to the proposed development.

5.8 Trees

A number of trees have been removed from the site. These were not covered by a preservation order. Subject to a condition requiring the submission of a full landscaping scheme, there is no objection raised to the proposal by the Council Tree Officer.

5.9 Design and Access Statement

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

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

Background Papers PK09/0016/F

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason:

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

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

Reason:

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

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (Amended) (No 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no extensions, porches or buildings within the curtilage of the dwellinghouse hereby permitted shall be carried out without prior written consent of the Local Planning Authority.

Reason:

To retain future control over additional development to protect the openness of the Green Belt to accord with Policies D1, H3, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. A sample panel of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy D1, H11 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To protect the residential amenity of the neighbouring occupiers and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor windows on the north west elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason:

To protect the residential amenity of the neighbouring occupiers and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

8. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

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

9. No development shall commence until details of a proposed means of foul drainage disposal and supporting evidence have been first submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in full prior occupation of the dwelling hereby permitted.

Reason:

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

CIRCULATED SCHEDULE NO. 18/09 - 8 MAY 2009

App No.: PK09/0459/F
Site: 179 Memorial Road, Hanham, South Gloucestershire, BS15 3LH

Applicant: Mr Hwmmati
Date Reg: 13th March 2009

Proposal: Change of use of shop (Class A1) to Hot Food Take Away (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of extractor flue to roof.

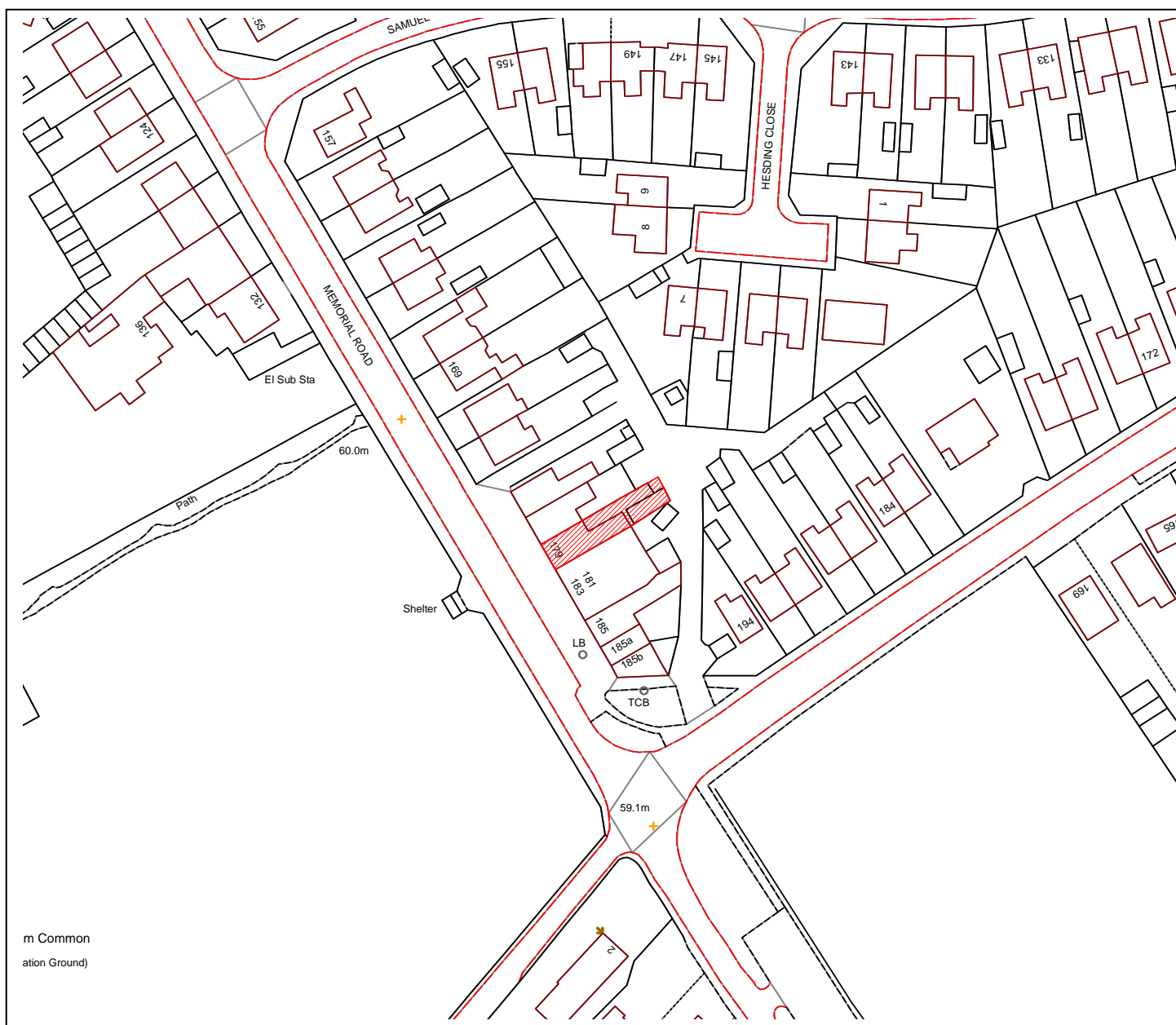
Parish: Hanham Abbots Parish Council

Map Ref: 63989 71373

Ward: Hanham
Target Date: 30th April 2009

Application Category: Minor

Date:



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 100023410, 2008.

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of a vacant shop to a hot food takeaway outlet. The site is a former independent DIY store which stands in a central position within a parade of shop units, all but one of which remain in active A1 retail use.
- 1.2 The site faces a park. The one non-retail unit in the parade is a fish and chip hot food takeaway (Use Class A5), two doors down from the site. There is currently a flat above the site. Parking provision for the parade is in the form of unrestricted on-street parking in front of the parade.
- 1.3 The hours of operation applied for are 1100 to 2200 from Monday to Saturday and 1700 to 2200 on Sundays. Also included in this application is a flue extractor to the roof of the property. Later details were received outlining the means by which odours were to be dealt with. As detailed below, this application follows the refusal of a previous one in 2008, with the refusal reason being the lack of adequate information regarding the management of odour from the site. The primary task of this application therefore is to overcome that previous refusal reason.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
RT11 Retention of shops in parades
T7 Cycle parking
T8 Car parking standards
T12 Highway safety

3. RELEVANT PLANNING HISTORY

- 3.1 P96/4629 Change of use from A1 to A3 (Hot food takeaway) Refused
due to the impact on highway safety from the increase in standing and manoeuvring of vehicles in close proximity to a junction.
- 3.2 PK03/2052/F Change of use from A1 to A3 (Hot food takeaway) and installation of 2 air ducts Refused
due to loss of a retail unit without suitable justification and the effect of the inadequate ventilation system on residential amenity.
- 3.3 PK03/3280/F Change of use from A1 to A3 (Hot food takeaway) and installation of flue Withdrawn
- 3.4 PK04/0383/F Change of use from A1 to A3 (Hot food takeaway) Withdrawn
- 3.5 PK08/1414/F Change of Use from A1 to A5 (Hot food takeaway) Refused

This application was refused due to inadequate details due to the lack of adequate information regarding the proposed extraction and odour abatement system and lack of information over what system is proposed to be used.

3.6 PK08/2325/F Change of Use from A1 to A5 (Hot food takeaway) Withdrawn

4. **CONSULTATION RESPONSES**

4.1 Hanham Abbots Parish Council

Objections. The Council is concerned that neighbouring residential properties would be affected by cooking smells from this proposed development, together with increased levels of litter. There is limited parking adjacent to the property and the traffic generated by a second food takeaway is likely to result in indiscriminate parking close to a dangerous road junction. The Council is of the view that there are already sufficient hot food take away outlets in the area. A Sites Inspection is recommended.

4.2 Other Consultees

Environmental Protection

No objection in principle.

Noise: Whilst the submitted acoustic report does not detail specifically how noise will be controlled, assuming that any proposed plant does not exceed the recommended 38 dBA LAeq 5 min at 1 metre, noise should be adequately controlled. A condition is recommended to ensure that these levels are achieved: The level of noise emitted from the plant shall not exceed 38 dBA LAeq 5 min as measured at 1 metre. The measurements and assessment shall be made in accordance with the provisions of BS4142:1997.

Odour: A condition is recommended ensuring that odour neutralising plant including electrostatic precipitators and high velocity discharge is installed as per the specification provided.

The reasons for both suggested conditions is to protect the residential amenity of nearby residents.

Transportation

The property, the subject to this planning application, is within an existing rank of shops which is situated on Memorial Road. There are some formalised parking spaces on Memorial Road directly outside this rank of the shops and within approximately 100m of this site, there is also a public car parking area which can be used by the people visiting these shops.

By reference to the planning history of the site, it is noted that last planning application (PK08/1414/F) which was for a similar change of use (i.e. from retail to takeaway use) after consideration by the Council, was refused in 2008 but that refusal reason did not include highway reason.

In view of all the above therefore, no highway objections could be justified in this case.

Other Representations

4.3 Local Residents

22 letters of objection were received, citing the following concerns:

- * There is already a fast food outlet in the parade and others within walking distance. At present a further one is unnecessary
 - * The common opposite is a focus for anti social behaviour and litter, which is also dropped in nearby streets and gardens
 - * Cooking smells
 - * The extractor flue at the nearby chip shop has little effect
 - * Noise, for instance from slamming car doors
 - * The proposal would add extra traffic to the service lane at the rear of the shops, which also serves the houses and potentially damage its surface
 - * Sunday opening and longer opening hours than the existing fish and chip shop would affect residential amenity
 - * Staying open into the evening would affect residential amenity
 - * A flue of between 50 and 100 feet in height would be needed to tackle pollution
 - * Parking problems in the area and problems for visibility caused by parked cars
 - * The noise report only focuses on three houses directly adjacent to the site
 - * Existing drainage problems at the rear of the premises
 - * More vermin would be attracted to the area
 - * The site is unsuitable as it is in a residential area
 - * No evidence that an attempt has been made to sell the shop
 - * If the application is approved, with the opening hours sought, this will lead to longer opening hours for the nearby fish and chip shop
 - * Impact on highway safety, particularly at the zebra crossing
 - * The proposal, if approved, would undermine the retail function of the parade. Policy RT11 does not deal with this factor.
- There are plenty of other hot food takeaways available in Hanham
 - The Council road-sweeping vehicle is only 50% effective, moving rubbish from one place to another

NB The last two points are not valid planning concerns.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The principle of the loss of a retail unit is governed by policy RT11. This policy sets criteria to be met by any subsequent use, if the loss of the retail unit is deemed acceptable. Policy RT11 sets criteria to be met: The policy requires that either A, B or C is met, in each case along with D. Criterion A is that the proposal should not result in an over-concentration of non-shop uses in a local; centre, or be detrimental to the vitality and viability of that centre, OR criterion B needs to be met, that there are satisfactory retail facilities in the locality, OR criterion C, that it can be proved that the premises is incapable of supporting a retail use. The other issues to be analysed below are the environmental effects of the proposal, together with those effects upon residential amenity, as well as transportation and the effect of the proposed flue. This application follows the refusal of a previous one in 2008, with the refusal reason being the lack of adequate information regarding the management of odour from the site.

5.2 Loss of retail unit

Policy RT11 sets three criteria to be met if a retail unit in a location such as the site can be lost. Only one of these needs to be met for the proposal to be

acceptable. In this case it is considered that criterion B applies, as, there are satisfactory alternative retail facilities in the locality. Regional guidance states that the walking distance to the nearest shop should be 400 metres. In this case, there is a convenience store located in the parade, a few metres away. Having met this test, there is one further criterion to be met by the development proposal:

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

These issues and others are analysed below:

5.3 Environmental Effects

The Council's Environmental Protection section has commented on this proposal, as at 4.2 above. Information has been submitted with this application and it is considered this time to be sufficient to allow for a full and proper assessment of the proposal with regard to this limb of the policy. As such, the proposal is considered to have overcome part of the previous refusal reason. The remaining test is whether the proposed measures to control noise and odour would be of a sufficient standard to protect residential amenity. In this regard, the Council's Environmental Protection Officer is satisfied with these measures, which include further additional details received after the consultation on the proposal was carried out. It is recommended therefore that the proposed measures are required by condition, as shown below and it is considered that, subject to compliance with those conditions, the change of use would not harm existing levels of residential amenity. This has regard to the appeal decision in close proximity to the site as well as the principle of requiring full details of odour and noise abatement measures as part of the application, rather than relying on their provision under a planning condition.

5.4 Transportation effects

The Council's Transportation section commented on the application above. Given the planning history of the nearby site and the available of on street parking in the rank in front of the parade, together with the close proximity of a car park, no transportation objection has been raised to this proposal.

5.5 The proposed flue – Visual amenity

A flue is proposed to emerge from close to the ridgeline of the main roof of the property, next to the existing chimney. As such, it is considered that the flue would only be seen from one side of the site or from the front. It is considered that it would be read in conjunction with the adjacent chimney and therefore its visual impact would be limited and not harmful. In addition to this, the plans indicate that the flue would be painted in a matt colour in order to better integrate with its surroundings. In visual terms, this is considered to be satisfactory to protect visual amenity.

5.6 Residential Amenity

When assessing the effects of this proposal on residential amenity, it should be borne in mind what the existing situation is. There is an existing hot food takeaway in the parade which is open in the evening at the moment. The effect of this proposal would be to bring about an additional unit. While there is potential for additional noise, fumes and activity to arise as a result, the impact

of this proposal, in each instance, would be to increase the effects which already exist. With regard to this issue, paragraph 5.3 above applies.

The operating hours applied for with this application are noted in section 1 above. However, any opening times beyond those of the nearby hot food takeaways is considered to have an impact on residential amenity of their own, rather than in tandem with the existing situation. This is a matter which has been resolved through imposing the operating hours condition below.

5.7 Design and Access Statement

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

5.8 Other issues

It is considered that the issue of litter could be partially resolved with a condition requiring that a bin is provided and erected on land in front of the site. While this would be outside of the applicant's declared ownership, it would be possible to locate a bin on the footway, which is highway land, without compromising freedom of movement for pedestrians. It should be noted that, beyond this measure, the planning system cannot deal with littering.

The number of A5 units in the area was also raised through the consultation process. This is not a valid planning concern, as the planning system should encourage and not stifle competition.

The issue of anti-social behaviour is one for the police. It is considered that there could be no link which could be proved between the change of use from a shop to a hot food takeaway and anti-social behaviour and the sale of food in itself on the premises (as applied for) would not have any impact on residential amenity which would warrant a refusal of planning permission.

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 would be the most appropriate, and a Section 106 Agreement would be unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0459/F**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CONDITIONS

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

Reason:

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

2. The level of noise emitted from the plant shall not exceed 38 dBA LAeq 5 min as measured at 1 metre. The measurements and assessment shall be made in accordance with the provisions of BS4142:1997.

Reason:

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

3. The premises shall not be open to the public outside the following times 1130 - 1400 and 1630 - 2200 Monday to Saturday; nor at any time on Sundays.

Reason:

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

4. No outside storage of material/goods/waste or plant shall take place at the premises.

Reason:

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

5. Prior to the first use of the premises under the use hereby approved, a litter bin shall be installed on the footway in front of the site in a location and of a design to be submitted to the Council and approved in writing. The litter bin shall thereafter be retained as long as the approved use continues.

Reason:

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

6. The odour neutralising plant including electrostatic precipitators and high velocity discharge shall be installed as per the specification provided with this application and thereafter maintained.

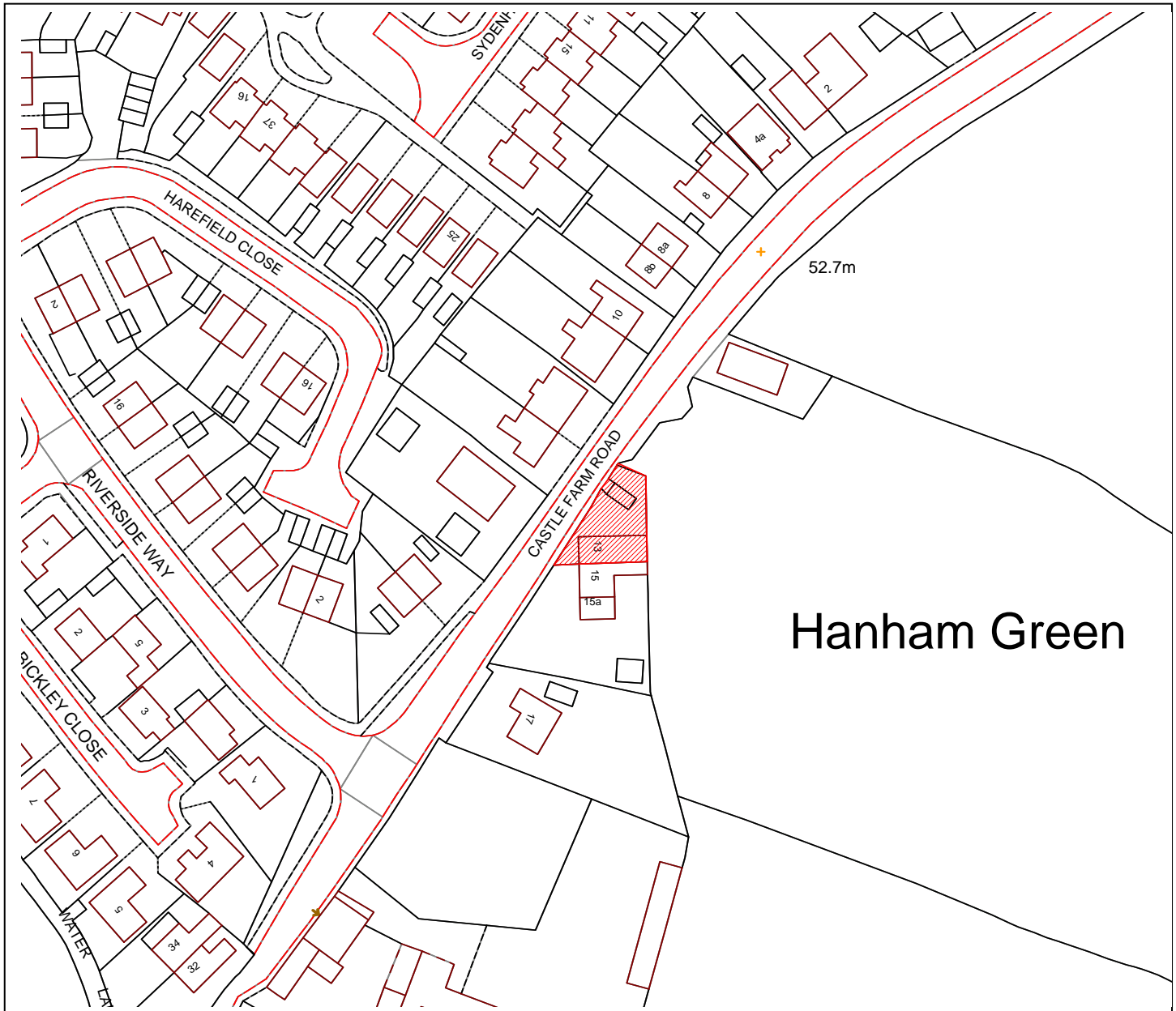
Reason:

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

CIRCULATED SCHEDULE NO. 18/09 – 8 MAY 2009

App No.: PK09/0585/F
Site: 13 Castle Farm Road, Hanham, South Gloucestershire, BS15 3NJ
Proposal: Erection of stone boundary wall and gate to a maximum height of 1.3 metres. Erection of replacement store.
Map Ref: 64123 70871
Application Category: Householder

Applicant: Mr I Thomas
Date Reg: 31st March 2009
Parish: Hanham Abbots Parish Council
Ward: Hanham
Target Date: 22nd May 2009



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100023410, 2008.

N.T.S

PK09/0585/F

INTRODUCTION

This application appears on the circulated schedule due to the receipt of two letters of objection.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a detached store/workshop in the garden of the dwelling to replace an existing garage. The store would have a depth of 2 metres and a length of 4 metres and a maximum height of 3.3 metres. The application also seeks consent to construct a new boundary wall with vehicular entrance gates along the front of the site.
- 1.2 The application has been changed quite significantly from that originally submitted. As initially proposed the front boundary wall was to be 2 metres in height and constructed of rendered block work with fencing on top. This was not supported by the case officer and therefore amended plans were received to show a much lower wall to be constructed of natural stone. The size of the proposed replacement garage building has also been reduced. Re-consultation has been carried out on the amended plans.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development
PPG2 Development in the Green Belt
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Extensions and New Dwellings
GB1 Development in the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 No history

4. CONSULTATION RESPONSES

The following consultation responses were received following the initial consultation of the first set of plans submitted. No consultation responses were received following reconsultation on the revised plans.

- 4.1 Hanham Abbots Parish Council
Object to the application for the following reasons:
The proposed wall is a block stone wall and it is not clear whether it is to be rendered, topped by a wooden fence. This side of Castle Farm Road is rural (and green belt) and all the surrounding walls are natural stone to a height of

about 5 feet with toppers and we believe that any new boundary walls in this location should be in the vernacular.

4.2 Hanham District Green Belt Conservation Society

Raise the following comment - The replacement of the existing boundary wall with one topped with wooden fencing is not in keeping with adjacent properties, it is also too high. Bearing in mind that this property is within the green belt the wall should match the property.

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met. The site lies within the Green Belt and therefore policy GB1 must also be taken into consideration. Policy GB1 notes that the most important attributes of the green belt is its openness and this should be protected.

5.2 Green Belt

Policy GB1 allows for extensions to existing dwellings providing they do not result in disproportionate additions over and above the size of the original dwelling. As the proposed replacement workshop/store is within the residential curtilage, it must be assessed against this criteria. The proposed outbuilding is modest in scale – much smaller than the garage it is to replace. Whilst the host dwelling has been extended in the past, because of the reduction in size of the outbuilding, there will be no detrimental impact on the openness of the green belt. The proposed front boundary wall will have an average height of 1m along its length. The height will increase to 1.3 metres at its northern point and the new vehicular access gate will be 1.3 metres in height. The front of the property is currently contained by a low reconstituted stone wall of similar height which is to be replaced by the natural stone wall subject of this application. The replacement wall will have no greater impact on the openness of the green belt than the existing front boundary wall. The application thus satisfies the requirements of PPG2 and Policy GB1 of the Adopted South Gloucestershire Local Plan.

5.3 Design/ Visual Amenity

The proposed store/workshop is to have a simple rectangular footprint with gable ends to the side elevations. The store will be finished with render and have natural stone quoins to match the boundary wall. The store will be erected to the side of the dwelling and will be easily visible from the surrounding public highway. Whilst the store will be visible, because of its simple design and the existence of extensions and garages at some of the surrounding properties, it is not considered that it will appear visually incongruous.

It is noted that the two letters of objection mention the design of the boundary wall. As initially submitted, the proposals did include a low wall with wooden panelling on top. Your officer is in full agreement that this design would not have been suitable for its location and would appear out of keeping. Amended plans were received to address this point. The front boundary treatment is now to be a natural stone low boundary wall that will integrate fully with the existing low stone wall that runs along the side of the highway. The proposals as amended are therefore considered to integrate fully with the street scene and comply with the requirements of the Local Plan.

5.4 Residential Amenity

Due to the small size of the proposed outbuilding, the modest height of the wall, and the fact that there are no immediately adjoining neighbours, it is not considered that the works as proposed would have any detrimental impact upon existing levels of residential amenity.

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

5.5 Improvements achieved to the scheme

As referred to in sections 5.3 and 1.2 above, several significant improvements have been made to the scheme both to improve the appearance of the proposal but also to ensure that there is no detrimental impact upon the openness of the green belt.

5.6 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0585/F**

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

CONDITIONS

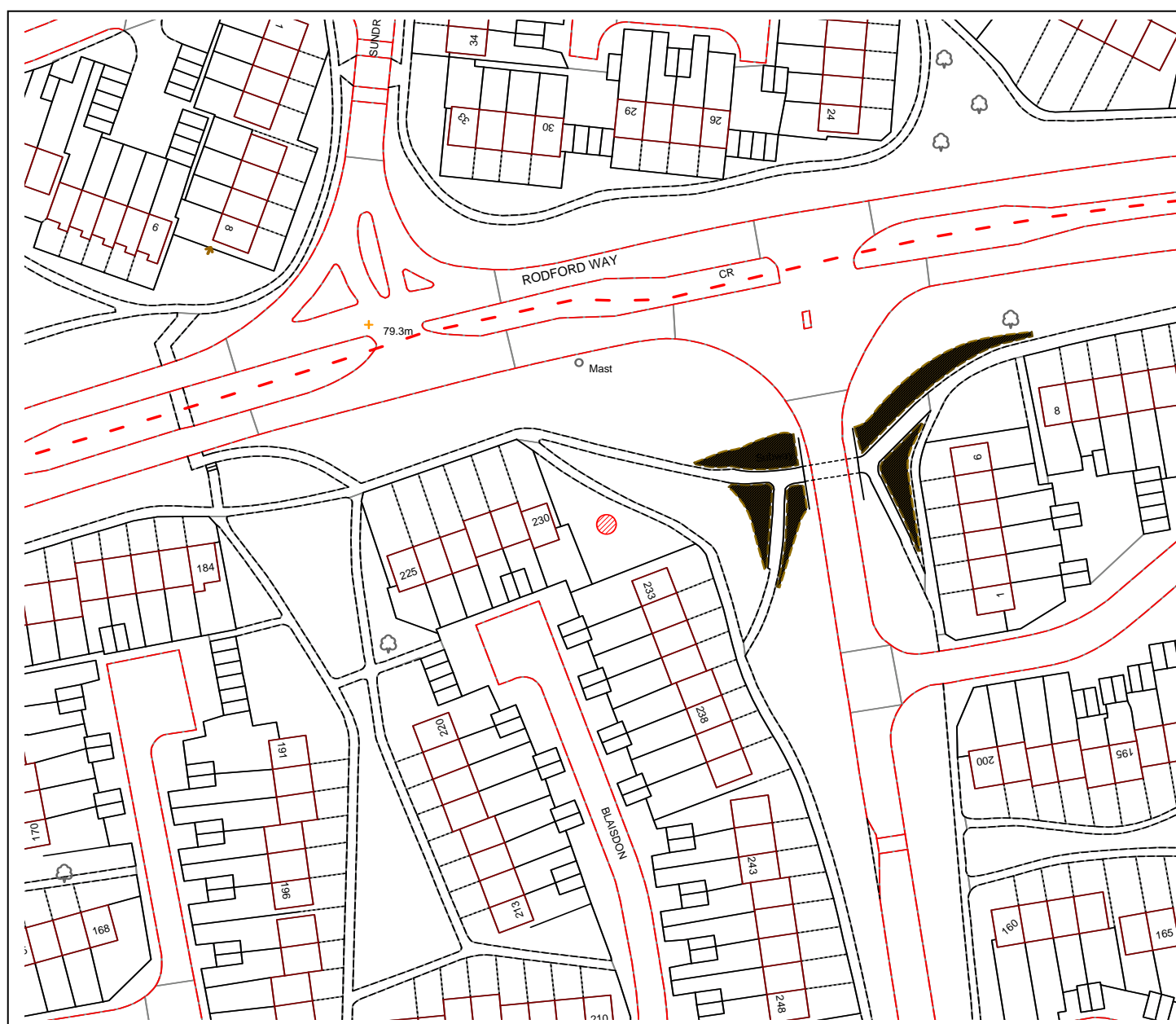
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

CIRCULATED SCHEDULE NO. 18/09 – 08 MAY 2009

App No.:	PK09/0592/TRE	Applicant:	Mr P Dye South Gloucestershire Council
Site:	Land adjacent to 233 Blaisdon, Yate, Bristol, South Gloucestershire, BS37	Date Reg:	31st March 2009
Proposal:	Works to 1no. London Plane tree to crown lift to 2.5m and crown reduce by 25% covered by Tree Preservation Order TPO 5 dated 17 October 1961	Parish:	Dodington Parish Council
Map Ref:	71252 81344	Ward:	Dodington
Application Category:	Minor	Target Date:	21st May 2009



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100023410, 2008.

INTRODUCTION

This application is reported on the Circulated Schedule as it has been submitted by the Council itself.

1. THE PROPOSAL

- 1.1 This application seeks consent for works to 1no. London Plane tree covered by Tree Preservation Order to crown lift to 2.5m and crown reduce by 25%. The tree is a mature specimen, located on a green which separates the end terrace properties facing Shire Way and the main road.
- 1.2 The tree stands on an open, grassed public area. There are other trees in the vicinity, but none with the spread of the one for which works have been applied for.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L1 Landscape and trees
- 2.3 Supplementary Planning Guidance
Trees on development sites

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council
No reply received

- 4.2 Other Consultees
Tree Officer

This is a mature plane tree growing on Council owned land. The crown lifting work has been carried out to abate a nuisance where it impinged on pedestrian use of the footpath. The tree is in reasonable condition and provides considerable amenity situated close to well-used highways.

It is not generally considered that crown reduction should be entered into where it is either unnecessary or where an alternative operation can provide the desired effect. Where reduction has already occurred there is a case for repeating the works. In this case it is not felt that crown reduction is necessary, nor has it been carried out on this tree before.

I recommend that the application to reduce the crown is refused. The crown lifting work has effectively been applied for retrospectively, but there is no objection to this element of the application.

Other Representations

- 4.3 Local Residents
No replies received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in light of all material considerations. The issues to be resolved are the effect of the proposed works on the health of the tree and the visual amenity it brings to the locality.

5.2 Tree Issues

The comments from the Tree Officer at 4.2 above make clear that the application is made for two connected elements, the crown lift and crown reduction. It is possible to assess the works already undertaken, to lift the crown and no objection is raised to this part of the proposal. The crown reduction of 25% is not considered acceptable and this forms a refusal reason for that part of the proposal.

5.3 Landscape and Visual Amenity

The prominence of the tree adds to its considerable amenity value. The proposal to crown lift and to then reduce the crown by 25% are considered to change the appearance of the tree, and therefore its amenity value, significantly due to the scope of the works. While the crown lift is considered to be acceptable, the 25% reduction is not and forms a refusal reason in this split decision, due to the effect it would have on the amenity value of the tree to its location.

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

7. RECOMMENDATION

- 7.1 Split decision: That consent is granted for works to this tree for the crown lift, but the application for a 25% crown reduction for covered by a Tree Preservation Order is refused. As the element of this proposal to be approved is retrospective, no conditions are required for this.

Background Papers PK09/0592/TRE

Contact Officer: Chris Gosling

Tel. No. 01454 863787

REFUSAL REASONS

The proposed 25% reduction in the crown of the tree covered by a Tree Preservation Order would result in a detrimental effect on the existing level of visual amenity which the tree provides to the locality, contrary to policy L1 of the adopted South Gloucestershire Local Plan.

CROWN LIFT:

CONDITIONS

None

CIRCULATED SCHEDULE NO. 18/09 – 8 MAY 2009

App No.: PK09/0594/RM
Site: Land to rear of 6-14 Hilltop Road, Soundwell, South Gloucestershire, BS16 4RN

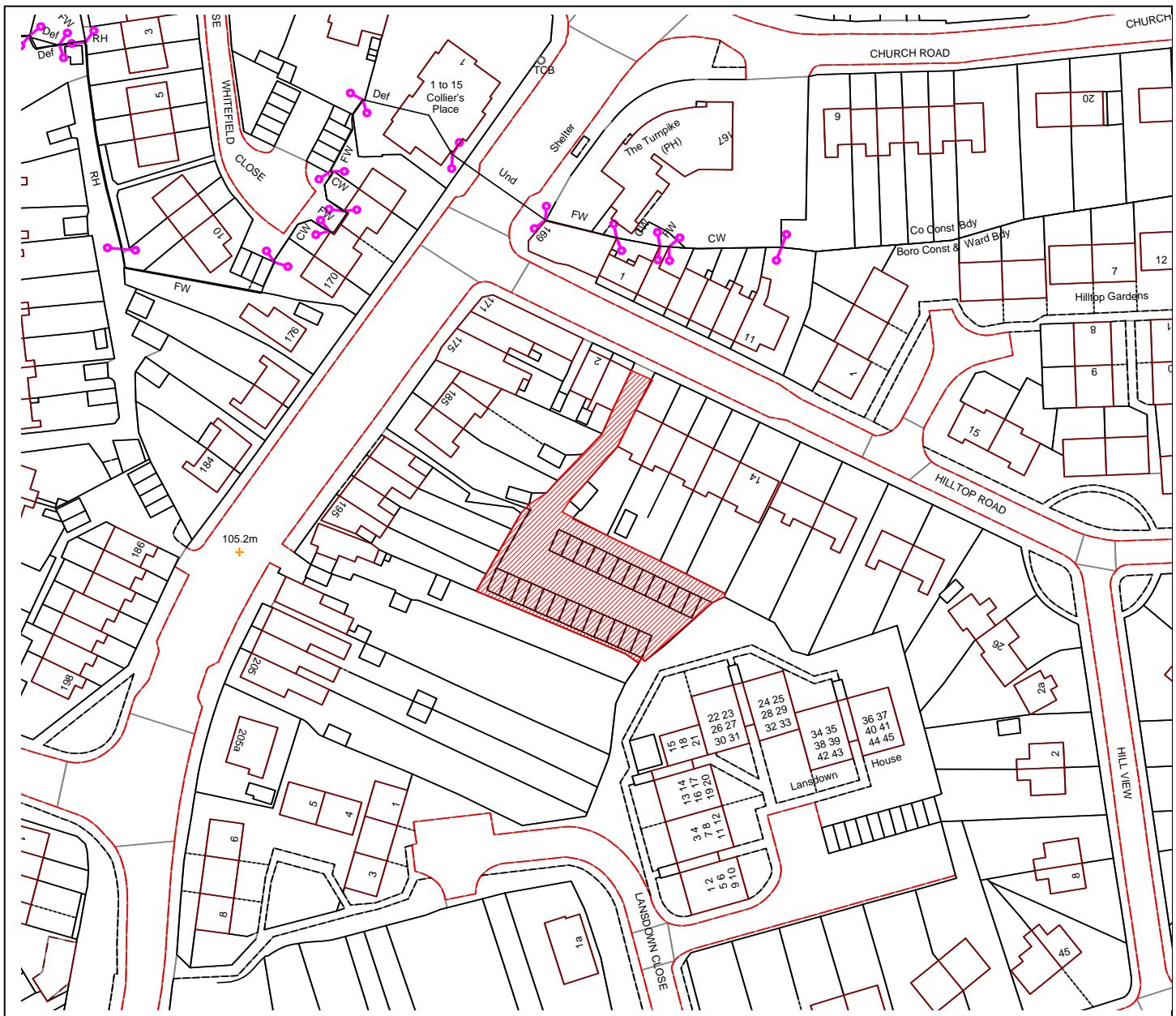
Applicant: Mr Coombs
Date Reg: 31st March 2009

Proposal: Demolition of existing garages and erection of 6no. self contained flats and 1no. maisonette. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK08/1062/O)

Parish:

Map Ref: 64780 74903
Application Category: Minor

Ward: Kings Chase
Target Date: 22nd May 2009



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100023410, 2008.

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PK09/0594/RM

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of objections from local residents, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is a 0.098h plot located in a back-land location behind houses fronting Hilltop Road and houses/flats/shops fronting Soundwell Road. The site is accessed via a narrow track leading off Hilltop Road. Within the site are 25no. lock-up garages in two linear blocks. Only a few of the garages appear to be in current use and some are in a state of dereliction following a number of arson attacks. A good deal of fly tipping has taken place at the eastern end of the site. The access track also serves a number of garages associated with the properties on Hilltop Road and Soundwell Road. The location is predominantly residential in character.
- 1.2 Outline planning permission PK08/1062/O for the demolition of the garages and the erection of 6no. self-contained flats and 1no maisonette with layout and access determined, was allowed on appeal (see para. 3.2 below). The approval established the acceptance of the proposal in terms of the layout of the site, the position and size of the footprint of the building, the number of dwellings and the access arrangements.
- 1.3 The current application merely seeks approval for the outstanding reserved matters i.e. the scale and appearance of the building and the proposed landscaping of the site.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport
- PPS15 - Planning and the Historic Environment

2.2 Development Plans

Joint Replacement Structure Plan

- Policy 1 - Principles
- Policy 2 - Location of Development
- Policy 17 - Landscape
- Policy 33 - Housing Provision and Distribution
- Policy 54 - Car Parking Provision

South Gloucestershire Local Plan (Adopted) 6th January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development

- EP4 - Noise Sensitive Development
- EP7 - Unstable Land
- H2 - Residential Development within the existing Urban Area
- H6 - Affordable Housing
- LC2 - Provision of Education Facilities
- T7 - Cycle Parking Provision
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

The South Gloucestershire Design Check List (Adopted) SPD 23rd August 2007

3. **RELEVANT PLANNING HISTORY**

3.1 PK07/1196/O - Demolition of 25no. garages to facilitate the redevelopment of the site, to form 8no. flats with access and layout to be determined (Outline).
Withdrawn 2nd November 2007.

3.2 PK08/1062/O - Demolition of existing garages and erection of 6no. self-contained flats and 1no. maisonette (Outline) with layout and access to be determined. All other matters to be reserved.
Refused 11th June 2008 for the following reason:

'The proposal would lead to the increased use of a substandard access which has inadequate width for two-way traffic, insufficient visibility splays with the public highway, lacks footway provision and has inadequate turning and manoeuvring space for service vehicles, thereby adding to highway hazards faced by highway users, all to the detriment of highway safety. This would be contrary to policies T12 and H2 (A) of the South Gloucestershire Local Plan (Adopted) January 6th 2006.'

Appeal APP/P0119/A/08/2084361 allowed 15th Jan 2009.

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council
Not a parished area.

4.2 Other Consultees
None

Other Representations

4.3 Local Residents
3no. letters of objection have been received from local residents. The concerns raised are summarised as follows:

- Unsuitable narrow access.
- On street parking will be exacerbated.
- Loss of privacy for properties in Hilltop Road.
- Increased light pollution.

- Restricted access for fire engines.
- Flats not in-keeping and not required.
- Potential crime.
- Mature Ash Tree on the western boundary should be protected.
- Adverse impact on protected species.
- Inadequate bin storage?
- Proposed colour of render inappropriate for the area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of the proposed development, together with the layout of the site and the access arrangements, was previously established with the grant on appeal of Outline Planning application PK08/1062/O. The only outstanding matters that therefore need to be considered under this reserved matters application, relate to the scale and appearance of the building and the landscaping of the site.

- 5.2 The site is located within the existing built-up area, as identified on the South Gloucestershire Local Plan (Adopted) 6th January 2006 Proposals Map, where Policy H2 allows new residential development, subject to a number of criteria being met. Policy D1 and The South Gloucestershire Design Checklist SPD seek to secure good quality sustainable designs in new development. Policy L1 seeks to conserve and enhance the character of the landscape. The reserved matters are discussed as follows:

5.3 Transportation Issues

The vehicular parking and access arrangements were secured under the outline scheme and remain unchanged. Conditions imposed by the Inspector at the outline stage ensure that the flats are one bedroom only and that the parking spaces, manoeuvring areas, cycle parking and bin storage facilities including a 'collection day' storage area, shall be provided in accordance with submitted and approved details, prior to the first occupation of any of the dwellings. There are therefore no highway objections.

5.4 Landscape Issues

A hard and soft landscaping scheme has been submitted and this is shown on the submitted Proposed Site Plan no. 1722/10. The site is already very well enclosed by the existing dwellings around the site and garages to the rear of the houses on Hilltop Road. New shrub planting would be introduced to the west and north of the proposed flats. New Rowan and Silver Birch trees would also be planted on the eastern, western and southern boundaries of the site. The new gardens would be turfed and enclosed by 1.8m high fencing. Officers consider that this low-key landscaping proposal is appropriate for the site and would enhance the visual amenity of the site. The landscaping proposal is therefore acceptable.

- 5.4 Boundary trees do overhang the site to the east, south and west but these trees are located on adjoining property and would not therefore be removed. The only landscape feature likely to be affected is a mature Ash Tree that overhangs the western boundary. The Council's Tree Officer has previously

confirmed that the tree could be appropriately protected and subject to the prior submission and approval of a method statement for works around the tree, there is no objection on landscape grounds.

5.5 Scale Design and External Appearance

The proposed building would have a one and half storey, gable ended, dormer design with a maximum height of 7m to the roof ridge and 4.5m to eaves level; the building's foot-print would be as approved at the outline stage. A building of these proportions would not be excessive in scale and given the scale and design of the existing buildings, would not look out of place in this location. Furthermore the orientation and general form of the building would be in-keeping with the linear grain of development to be found on Hilltop Road.

5.6 The existing buildings within the location exhibit a rich mix of external surface types and colour. Many of the buildings are rendered in grey, cream or white render with some isolated examples of darker render. Other properties are constructed from red brick or natural Pennant Sandstone.

5.7 It is proposed to use black pantiles for the roof, which officers consider would not look out of place in this location. It is also proposed to use buttermilk coloured rendering for the external surfaces of the walls. The proposed building, being in a back-land location, would not be prominent within the street scene; it would however be visible from the numerous properties surrounding the site. Render would not look out of place within this location and whilst the 'buttermilk' colour proposed is common enough within the wider locality, officers consider that for enhanced quality reasons, alternative darker renders should at least be considered or alternatively a mix of render colour to add interest. This issue can be appropriately controlled via a condition.

5.8 Impact Upon Residential Amenity

The precise internal layout of the building and window arrangement is now known. The north and west gable end elevations are blank and since the proposed dwellings are flats, any new windows would require planning permission. Concerns have been raised about loss of privacy due to overlooking of neighbouring property, particularly those on Hilltop Road. This issue was addressed in the officer report for the outline application and read as follows:

'In terms of overlooking, there should not be a problem at ground floor level as the site would be very well screened by the existing garages to the north and west, and boundary treatments that would no doubt be enhanced by the proposed landscaping that would be decided as a reserved matter'.

'At first floor level there would be some overlooking of neighbouring properties but this is a ubiquitous situation in densely populated urban areas such as this. In terms of direct inter-visibility with windows of neighbouring property, the Council has traditionally required a minimum of 21m between facing habitable room windows. These guidelines are however quite old and are currently up for review. With the higher density of development now required by PPS3, some relaxation in the standard is likely. In this case the front elevation of the building would be some 25/26 metres from the rear elevations of the nearest houses in Hilltop Road, more than satisfying the 21m guideline. Furthermore the building would be set well back from the rear gardens to these properties. Similarly to

the west the rear elevations of the properties on Soundwell Road would be some 34 metres from the proposed building. To the south, the back of the proposed building would be set back 6.0m from the rear garden of no.197 Soundwell Road, with a substantial landscape buffer on the boundary. The garden to no. 197 is extremely long and any overlooking would be to that part of the garden that is furthest from the house and therefore least likely to be used. To the east, Lansdown House would be only 13.0 to 18.0 metres away but given that there is already a number of large trees along this boundary, any overlooking would be limited. It may also be possible at the reserved matters stage to design out some of the overlooking by obscurely glazing the windows serving bathrooms or landings etc. Officers are therefore satisfied that, any loss of privacy to neighbouring property, would not be so significant as to justify the refusal of planning permission’.

5.9 As envisaged, the proposed landscape scheme does enhance the amount of screening to the west, south and east. The majority of the first floor windows on the south and west elevations i.e. those nearest to neighbouring gardens, serve bathrooms or kitchens and these could be obscurely glazed, which could be secured by condition.

5.10 It is acknowledged that only shrubs are proposed to the front (north) of the building, but this elevation would be further from the houses on Hilltop Road. In assessing the appeal, the Inspector in his decision letter (para.17) stated the following:

‘I have taken into account the concerns raised by local residents about the potential for overlooking, but I am satisfied that there would be sufficient distance between the proposed block and Hilltop Road properties to ensure that privacy would not be materially harmed and that the issue can be dealt with adequately at reserved matters stage.’

5.11 Given the scale of the building, the proposed fenestration and distance from neighbouring properties, officers are satisfied that there would be no overbearing impact or significant loss of amenity from overlooking. The impact of the scheme on residential amenity is therefore considered to be acceptable.

5.12 Other Concerns Raised

Most of the concerns raised by local residents relate to matters that were determined at the outline stage e.g. access and parking issues and the principle of flats in this area etc.; these matters cannot be re-visited under the reserved matters application. Whilst raising some concerns about the proposed access arrangements and location of bin stores, the Inspector considered that these concerns were outweighed by the need to provide new housing and the improvements to the appearance of the site that the scheme would bring. Some issues were addressed by conditions attached to the outline consent and these are all carried forward should the reserved matters be approved.

5.13 Design and Access Statement

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

5.14 Use of Energy and Sustainability

Whilst a number of the main rooms face north, many are also served by windows on the southern elevation. Condition 5 of the outline consent seeks to secure a sustainable drainage system for disposal of surface water. Condition 7 encourages sustainable forms of transport.

5.15 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 the Reserved Matters submitted in accordance with Condition 1 associated with Outline Planning Permission PK08/1062/O granted on appeal on the 15th January 2009, be APPROVED.

Background Papers **PK09/0594/RM**

Contact Officer: **Roger Hemming**
Tel. No. **01454 863537**

CONDITIONS

1. Notwithstanding the details shown on the approved plans, a sample panel of the render to be used, indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason:

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

2. All hard and soft landscape works shall be carried out in accordance with the approved details shown on the approved Proposed Site Plan No. 1722/10. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

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

3. Prior to the commencement of the development hereby approved, a Tree Protection Plan and Arboricultural Method Statement, relating to works beneath the canopy of the mature Ash Tree growing adjacent to the western boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved.

Reason:

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

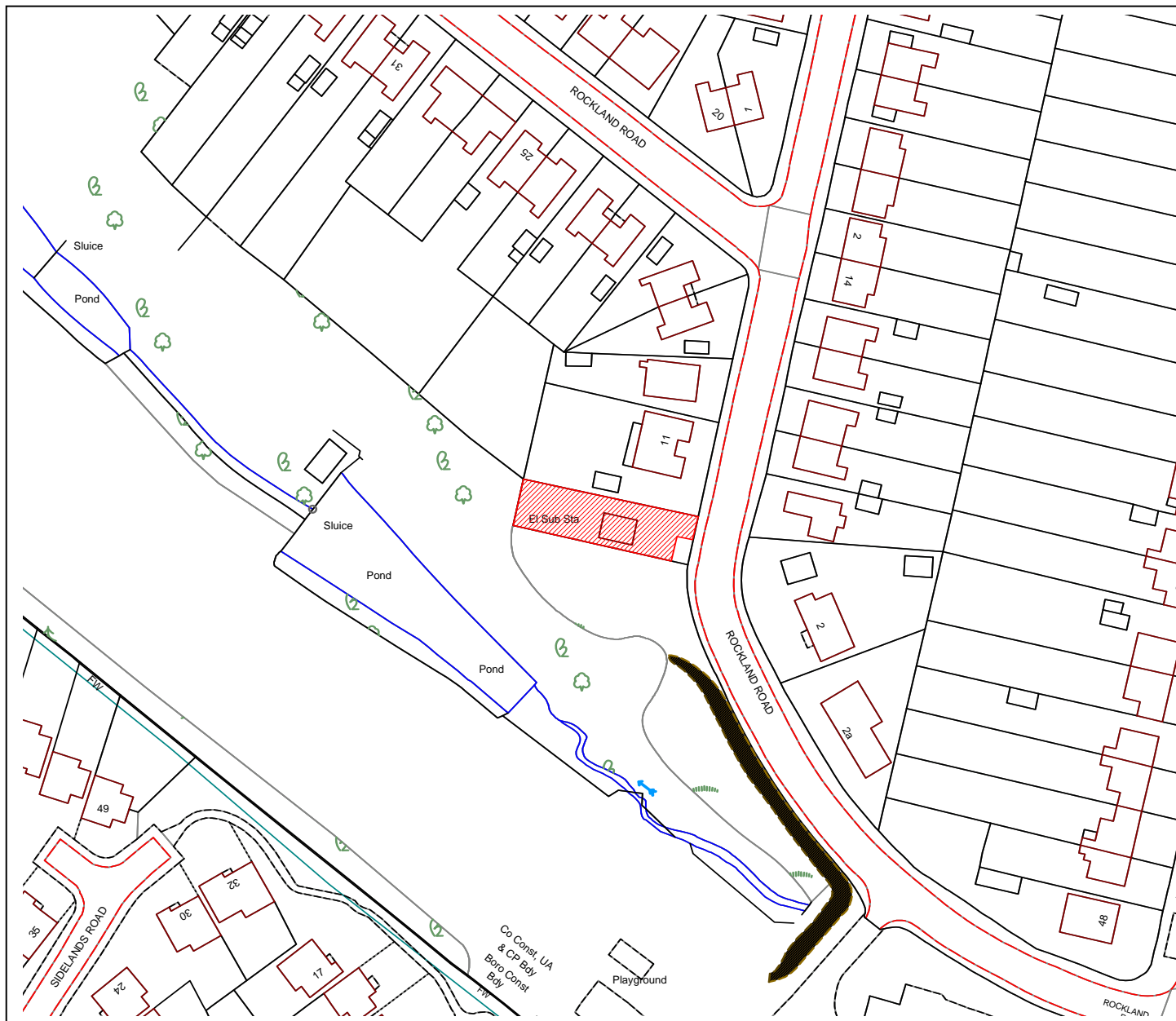
4. Prior to the first use or occupation of the building hereby permitted, and at all times thereafter, the proposed first floor kitchen and bathroom windows shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room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

Reason:

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

CIRCULATED SCHEDULE NO. 18/09 – 8 MAY 2009

App No.:	PK09/0598/F	Applicant:	Noma Architects
Site:	Land adjacent to 11 Rockland Road, Downend, South Gloucestershire, BS16 2SP	Date Reg:	1st April 2009
Proposal:	Erection of 1no. detached dwelling with access and associated works.	Parish:	Downend and Bromley Heath
Map Ref:	64528 77099	Ward:	Downend
Application Category:	Minor	Target Date:	22nd May 2009



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N.T.S

PK09/0598/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a detached property. The application site comprises an area of 344sq.m situated on the western side of Rockland Road. The site is currently occupied by an electricity sub-station and its grounds. To the north of the site lies a detached residential property No.11 Rockland Road, while to the immediate south and west lies an area of open spaces and trees known as the Lincombe Barn Open Space, a site of nature conservation. Submitted details indicate that the existing sub-station is to be relocated to the front of the site.
- 1.2 The detached dwelling would have a depth of 9 metres on the side elevation, (with additional projecting 0.9 metre double bay on the front elevation), and width on the front elevation of 7.0 metres. The hipped roof building would have an approximate height to the apex of the roof of 7.9 metres (the height above ground level varies marginally given that the site slopes from north to south). The building would be finished in white render and horizontal weather boarding and red roof tiles. An existing entrance is to be used, with space for two cars shown. A 1.8 metre fence is to be installed along the southern, western and northern boundaries while to the front the boundary would be marked by a wall of brick and timber boarding.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transportation

2.2 South Gloucestershire Local Plan (Adopted) January 2006

H2	Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
D1	Achieving Good Quality Design in New Development
T12	Transportation Development Control Policy for New Development
L1	Landscape Protection and Enhancement
L8	Local nature Conservation Interest
L9	Species Protection

3. RELEVANT PLANNING HISTORY

There is no relevant planning history

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

Object to the proposed development for the following reasons:

- Large detached house not in-keeping with adjacent bungalows.
- Sub station to be moved further back from the pavement.
- Insufficient car parking and turning spaces for a 4 bed family house.

4.2 Sustainable Transport

Planning permission is sought to demolish an existing building on site to allow the erection of a four-bed detached dwelling. It is proposed to resite the existing electricity sub-station in a smaller building to the front of the site.

The site currently has an existing vehicular access which has adequate visibility onto Rockland Road, a Class 4 highway. Two parking spaces will be provided off this access. This level of parking is within the maximum standards set out in Policy T8 of the SGLP and is therefore considered acceptable.

In light of the above, there is no transportation objection to this proposal.

4.3 Local Residents

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

- The proposed development will detract from the character and appearance of the area
- Trees would be felled to accommodate the proposal
- Parking provision is inadequate
- The electricity substation will be more visible in the more forward location to the detriment of visual amenity

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPS3 seeks to widen housing choice, maintain an adequate housing supply within sustainable locations. The guidance places emphasis on good design and the creation of sustainable development. Following this guidance Policy H2 of the South Gloucestershire Local Plan (Adopted) applies. The policy allows for residential development within existing defined settlement boundaries and urban areas subject to the criteria outlined below. Policy T12 gives more detailed guidance relating to the impact of new development upon the surrounding highways network.

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

These issues are discussed in detail under separate headings below.

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

The site including the original property has an area of 361 sq.m, that equates to approximately 29.1 dwellings per hectare. This density, although marginally below 30 dwellings per hectare is considered compatible and appropriate within the context of this area and within the guidelines indicated in PPS3 and cannot be considered to be overdevelopment of the site.

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

The site is not adversely affected by any of the above.

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

The proposal is for 1 dwelling and is therefore not likely to impact upon the area significantly in terms of service provision.

The impact upon residential amenity, transportation and landscape/design is considered in more detail below. Subject to consideration of these issues the proposed development is considered acceptable in principle.

5.2 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure a high standard of design and is required by H2 in terms of environmental impact.

Concern has been raised that the proposed development would be detrimental to the character and appearance of the area.

It is considered that the site is able to accommodate a new dwelling without appearing cramped. In terms of character, the street consists of a mix of semi-detached pairs and detached properties, single and two storey dwellings of different styles. It is not considered that anyone style overwhelmingly predominates and within this context a two storey detached property particularly at the end of a rank of properties is entirely appropriate and would not appear out of character. It is considered that the form and scale of the building is appropriate, with the height respecting the change in topography in the street being marginally set down from No.11 the nearest property. The use of render and weatherboarding is also to be welcomed and ensures that the building makes a positive contribution to the street scene and that it is in accord with the aims and objectives of Policy D1 in so far as it gives the building a distinctive appearance. The bay window is also welcomed as it creates a focal point on the front elevation. Boundary treatments are considered acceptable. Refuse and cycle storage is also successfully integrated into the scheme.

The Case Officer has negotiated changes to the scheme to ensure that the replacement electricity sub-station is set back from the edge of the pavement

by 0.4 metres to allow screening gates. The substation will largely be screened from view given a height of just over two metres.

The design of the proposal is considered acceptable and in accord with Policy H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.3 Residential Amenity

Given the location of the proposed dwelling, any impact should be assessed against No.11 Rockland Road. It is not considered given the scale and location of the proposed development that there would be any significant impact upon the residential amenity of occupiers on the opposite side of the road.

Given the relative positions of the proposed building and No.11 Rockland Road (it is located to the side and does not project significantly beyond the rear of the existing property), it is not considered that the new structure would appear oppressive or overbearing. It is not considered that the proposed development would result in any loss of privacy due to overlooking, a condition will however be attached to the decision notice requiring the first floor window on the side (north-east) elevation to be obscure glazed to Level 3 standard for the avoidance of doubt.

The development is considered able to provide adequate private amenity space for future occupiers. A condition will be attached to the decision notice to require that the proposed new boundary treatments are erected prior to the first occupation of the development to protect residential amenity and to ensure a satisfactory appearance of the development.

Given the close proximity of adjoining properties, a condition will be attached to the decision notice to restrict working hours during the construction period.

Subject to these conditions the proposed development is not considered to affect the residential amenity of neighbouring occupiers and is therefore in accord with Policies H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.4 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of new development upon the surrounding highway network, having regard to access and parking. Development will not be permitted where it would result in detriment to highway safety.

The existing access is to be used. Concern relating to the level of parking provision is noted however the site provides two parking spaces, which are considered to be adequate to serve the development and this amount is within the Council maximum parking standards as set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. There is no transportation objection to the proposal.

5.5 Drainage

There is no objection to the proposed development by the Council Drainage Engineers.

5.6 Landscape/Trees

Concern has been raised that the proposed development would involve the removal of trees at the site. The Council Arboriculturalist has visited the site and has indicated that no trees of significance will be removed to facilitate the development. No objection to the proposal is raised. It is not considered given the scale and the location of the development that there would be any significant impact upon the adjoining area of landscape conservation interest.

5.7 Ecology

While the application site is not covered by any statutory or non-statutory nature conservation designations, it abuts Lincombe Barn Open Space Site of Nature Conservation Interest (SNCI), designated for its broadleaved woodland, flowing open water and bankside vegetation.

It is not considered that the proposed development would have an adverse impact upon the ecology of land outside of the application site. With respect to the application site itself, no objection is raised by the Council Ecologist subject to conditions recommended to secure a survey for slow-worms, bats and hedgehogs. Informatives are also to be included relating to nesting birds and bats to remind the applicant of their duties under Wildlife legislation.

The proposed development is in accord with the aims and objectives of Policy L9 of the South Gloucestershire Local Plan (Adopted).

5.8 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the South Gloucestershire Council Design Checklist (Adopted August 2007)

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Planning Permission be granted subject to the following conditions

Background Papers **PK09/0598/F**

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

CONDITIONS

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

Reason:

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

2. Prior to the commencement of development, a Survey for slow-worms shall be undertaken and the results submitted to the Council. If present a mitigation strategy shall be drawn up and agreed with the Council prior to the commencement of the development and all works carried out in accordance with the approved details.

Reason:

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

3. Prior to the commencement of development, a Bat Survey of the sub-station building shall be undertaken and the results submitted to the Council. If present a mitigation strategy shall be drawn up and agreed with the Council prior to the commencement of the development and all works carried out in accordance with the approved details.

Reason:

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

4. Prior to the commencement of development, a Survey for hedgehogs shall be undertaken and the results submitted to the Council. If present a mitigation strategy shall be drawn up and agreed with the Council prior to the commencement of the development and all works carried out in accordance with the approved details.

Reason:

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

5. The proposed boundary treatments shall be installed prior to the first occupation of the dwelling unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy D1 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 0730 to 1800 hours Monday to Friday, 0800 hours to 1300 hours 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 occupiers of No.11 Rockland Road and other nearby buildings and to accord with Policy of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed First Floor bathroom window on the side [north-east] elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'.

Reason:

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

CIRCULATED SCHEDULE NO. 18/09 – 8 MAY 2009

App No.: PK09/0609/CLP
Site: Vine Cottage 69 North Street, Oldland Common, South Gloucestershire, BS30 8TP

Applicant: Mr P Morgan
Date Reg: 2nd April 2009

Proposal: Application for Certificate of Lawfulness for the proposed erection of a single storey rear extension.

Parish: Bitton Parish Council

Map Ref: 67465 71718
Application Category: Householder

Ward: Oldland Common
Target Date: 22nd May 2009



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N.T.S

PK09/0609/CLP

INTRODUCTION

This application is reported on the Circulated Schedule in accordance with the standard procedure for determine Certificates of Proposed Use or Development.

1. THE PROPOSAL

- 1.1 This application forms a Certificate of Lawfulness for Proposed Development submission for the erection of a single storey rear extension.
- 1.2 The application site comprises a two storey detached property located within the established urban area. The host dwelling fronts North Street, Oldland Common. The site visit has revealed that the submitted plans showing the existing built form are correct, with the exception of the existing extension to the rear, which has now been demolished.
- 1.3 The proposed single storey rear extension would be 3.9 metres deep, 5.4 metres wide and 2.24 metres to eaves and 3.2 metres to the apex.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Not in a position to respond.
- 4.2 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Introduction
This application is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy, rather it is an evidential test of whether it would be lawful to proceed with the proposal. Accordingly, the key evidential test in this case is whether proposals fall within the permitted development rights afforded to householders.

It stands to be ascertained whether the proposed development falls within the limits set in The Town and Country Planning (General Permitted Development) Order 2008, Schedule 2, Part 1, Classes A, B, C and D by means of size and positioning.

- 5.4 The application site relates to a two storey detached, stone and tile dwellinghouse which has its permitted development rights in tact.

Rear Extension

Class A allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is not permitted by Class A if—

As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The submitted site location plan shows that the host property benefits from a large curtilage and the proposed development, together with the existing dwelling would not exceed 50% of the total area of the curtilage.

The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse; Plan 160209/1 demonstrates that the rear extension would not exceed the height of the roof apex of the existing dwellinghouse.

The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse; Plan 160209/1 demonstrates that the eaves heights of the extension would not exceed that of the existing dwellinghouse.

The enlarged part of the dwellinghouse would extend beyond a wall which—
(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

The principal elevation of the property is the southwestern elevation, which fronts onto North Street. The rear extension would not extend past the front building line of the property.

The enlarged part of the dwellinghouse would have a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

The proposed extension would be an addition to a detached dwellinghouse and does not exceed 4 metres in depth, nor would any part of it be of a height greater than 4 metres above ground level. The proposal therefore meets this criterion.

The enlarged part of the dwellinghouse would have more than one storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The rear extension would not be more than one storey tall.

The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The rear extension would be 2.1 metres from the boundary of the curtilage of the dwellinghouse, and the height to eaves of the extension would be under 3 metres above ground level.

The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

- (i) exceed 4 metres in height,*
- (ii) have more than one storey, or*
- (iii) have a width greater than half the width of the original dwellinghouse;*

The proposal is not for a side extension. The proposed rear extension would not extend beyond a side wall of the original dwellinghouse.

It would consist of or include—

- (i) the construction or provision of a veranda, balcony or raised platform,*
- (ii) the installation, alteration or replacement of a microwave antenna,*
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*
- (iv) an alteration to any part of the roof of the dwellinghouse.*

The extension would not comprise any of the above.

Conditions

Development is permitted by Class A subject to the following conditions—

The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The cross section plan is labelled to show Redland Regent roof tiles matching those of the existing dwelling. The walls would be rendered concrete block. This would be similar to the pebbledash rendered side wall of the property on the northwest boundary and therefore this condition is considered to be met.

Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—

- (i) obscure-glazed, and*
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and*

No upper-floor windows are proposed. This condition is considered to be met.

Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposal is only for a single storey extension. This condition is also considered to be met.

6. RECOMMENDATION

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

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of a dwellinghouse under Part 1 of

The Town and Country Planning (General Permitted Development)
(Amendment) (No.2) (England) Order 2008.

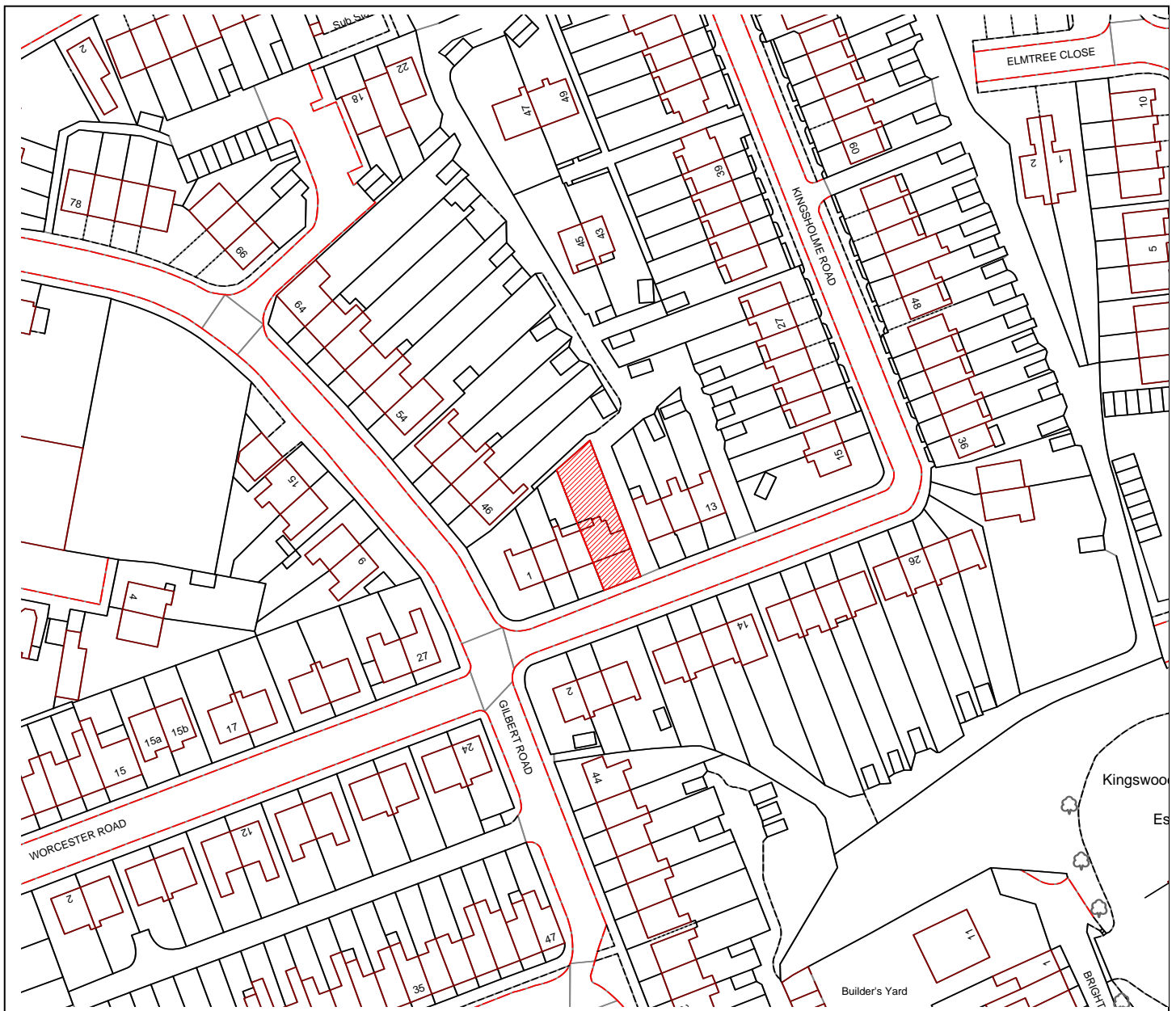
Background Papers **PK09/0609/CLP**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CIRCULATED SCHEDULE NO. 18/09 – 8 MAY 2009

App No.:	PK09/0626/F	Applicant:	Mr D Newhouse
Site:	7 Kingsholme Road, Kingswood, South Gloucestershire, BS15 1RJ	Date Reg:	6th April 2009
Proposal:	Erection of single storey side and rear extension to facilitate the conversion of existing dwelling to form 2no. self contained flats with associated works.	Parish:	
Map Ref:	64784 74160	Ward:	Kings Chase
Application Category:	Minor	Target Date:	27th May 2009



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N.T.S

PK09/0626/F

This application has been referred to the Circulated Schedule due to the receipt of three letters of objection from local residents.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey rear and side extension at 7 Kingsholme Road, Kingswood to facilitate the conversion of the existing dwelling to form 2no self contained flats. The proposed rear extension would measure 8.4 metres wide by 3 metres in depth and would have an overall height to ridge of 4.4 metres. The addition would extend 3 metres to the side of the property.
- 1.2 The property is a two storey end terrace dwelling and is located within a residential area of Kingswood.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H5 Residential Conversions
EP1 Environmental Pollution
T8 Parking Standards
T12 Transportation in New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Council Advice Note No 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

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

Other Representations

- 4.3 Local Residents
Three letters of objection have been received from local residents raising the following concerns:

- Lack of suitable parking on Kingsholme Road and this development would add to the problem.
- It is likely that the residents of the properties will require more than two parking spaces.
- Houses are of similar appearance, the conversion would distort this and devalue properties.
- The back bedroom would become a living room and would overlook the neighbouring garden.
- No indication of who future residents may be or whether the properties will be rented or owner occupied.
- No indication of the level of disruption during building works and the ability to use the rear access lane.
- There are several inaccuracies in the supporting statement.
- Concern about the location of satellite dishes.

With regard to the devaluation of the properties and the lack of information regarding the future occupiers of the properties, these are not material planning considerations.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal stands to be assessed against the policies listed above. Policy H4 of the South Gloucestershire Local Plan (adopted) 206 allows for extensions within existing residential curtilages where design and impact upon existing levels of amenity are considered to be acceptable. Policy H5 allows for residential conversions providing that criteria relating to the character of the area, residential amenities, off street parking and amenity space are met.

5.2 Design / Visual Amenity

The application site as currently stands is a two storey end terrace dwelling. The application seeks to erect a single storey side and rear extension, the existing rear conservatory and the existing side garage would be demolished to allow for the extension. It is considered that the proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Whilst the extension is large, given that the addition is single storey it is considered to be suitably subservient to the bulk of the main dwelling. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

Concern has been raised that the proposed extensions would detract from the appearance of the existing property and surrounding area. Given that there is an existing garage to the side of the property it is not considered that the proposal would significantly alter the existing appearance of the dwelling when viewed from Kingsholme Road. Furthermore it is considered that the appearance of the resultant building is well proportioned and would remain in keeping with the scale of the surrounding dwellings within Kingsholme Road.

5.3 Residential Amenity

The application site is adjacent to a rear access lane which provides access to the rear garages of a number of neighbouring properties. The proposed rear extension would replace the existing conservatory and lean to extension. The addition would extend 3 metres from the rear building line of the host dwelling adjacent to the existing rear extension of No. 5 Kingsholme Road. At the rear of the property the proposed extension would have a height to eaves of 3 metres and a maximum height of 4.4 metres. Whilst this is quite high the existing neighbouring lean-to extension has a height to ridge of 3.5 metres. The proposed extension would be located over 3.6 metres from the neighbouring property to the east, No. 9 Kingsholme Road. As such given the siting and depth of the proposal, it is not considered that the proposed extensions would have any significant overshadowing or overbearing effect on the neighbouring dwellings.

All windows facing No. 9 Kingsholme Road serve non habitable rooms. Concern has been raised by the adjoining neighbours, No. 5 Kingsholme Road, that the conversion would result in a first floor living room window overlooking the rear garden of their property. The application property currently has two first floor windows on the rear elevation, one serves a bathroom and one serves a bedroom which is classed as a habitable room. The application proposes to convert the first floor rear bedroom into a kitchen/living room which is also classed as a habitable room. Given that both a bedroom and a kitchen/living room are classed as habitable rooms it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the existing levels of overlooking from the first floor window. As such, it is considered that a refusal reason on loss of privacy and overlooking grounds could not be substantiated.

The plans show adequate and useable amenity space would be provided for the 3 bedroom ground floor flat but there would be no amenity space allocated to the first floor flat. PPS3 indicates that the provision of amenity space is an important criteria, however this is in relation to family housing. It is not considered that there would be an expectation that amenity space would be provided for one and two bedroom flats as these would be unlikely to attract families. Given that this is a dense urban location, the lack of amenity space is considered acceptable and in this case does not warrant a refusal of planning permission. Provision of bin storage would be provided for both flats. Overall the impact on residential amenity is subsequently deemed acceptable.

5.4 Transportation Implications

Concern has been raised that the information submitted with regard to the current parking contains several discrepancies. On visiting the site it was apparent that the existing dwelling has one garage and room for three cars on the driveway. The applicant proposes to provide two car parking spaces within the site curtilage and those spaces would be allocated as one space per each unit. Whilst the proposed level of off street parking would be less than existing, the proposed number of parking spaces for this development meets with the South Gloucestershire Council maximum parking standards. It should also be noted that site is within easy walking distance to Kingswood High Street where there is excellent access to public transport facilities. The site is considered sustainable and as such there can be no highway objections to this proposal.

5.5 Environmental and Drainage Issues

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

It is not considered that the addition of an extra unit of accommodation would cause any significant increase in overall noise and disturbance albeit the alignment of rooms between those proposed and those in adjoining existing properties will be different. The Building Regulations (Part E), would cover the issue of sound insulation between the new units themselves. As this issue is covered by the Building Regulations (ie other legislation), legal advice has indicated that it is not appropriate to impose a condition requiring insulation details.

5.6 Other Issues

The concern raised in respect of loss of access to the rear garages during construction, this is a civil matter which would be addressed under non planning legislation. However, for the avoidance of doubt, two informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant and consent must be sought from the owner of the land.

With regard to concerns about the installation of satellite dishes, subject to the size, two satellite dishes could be installed on the property without planning permission. Government guidance advises that satellite dishes should be positioned in such a way so that its effect on the outside appearance of the building is reduced as far as possible.

Concern has been raised that there are several inaccuracies in the supporting statement. A site visit was carried out and the application has been assessed with regard to the relevant local plan policies and not solely on the information contained within the design and access and the supporting statements.

5.7 Design and Access Statement

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

5.8 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 **PK09/0626/F**

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

CONDITIONS

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

Reason:

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

2. The hours of working on site during the period of construction shall be restricted to 07.30-18.00 Monday - Friday and 08.00-13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

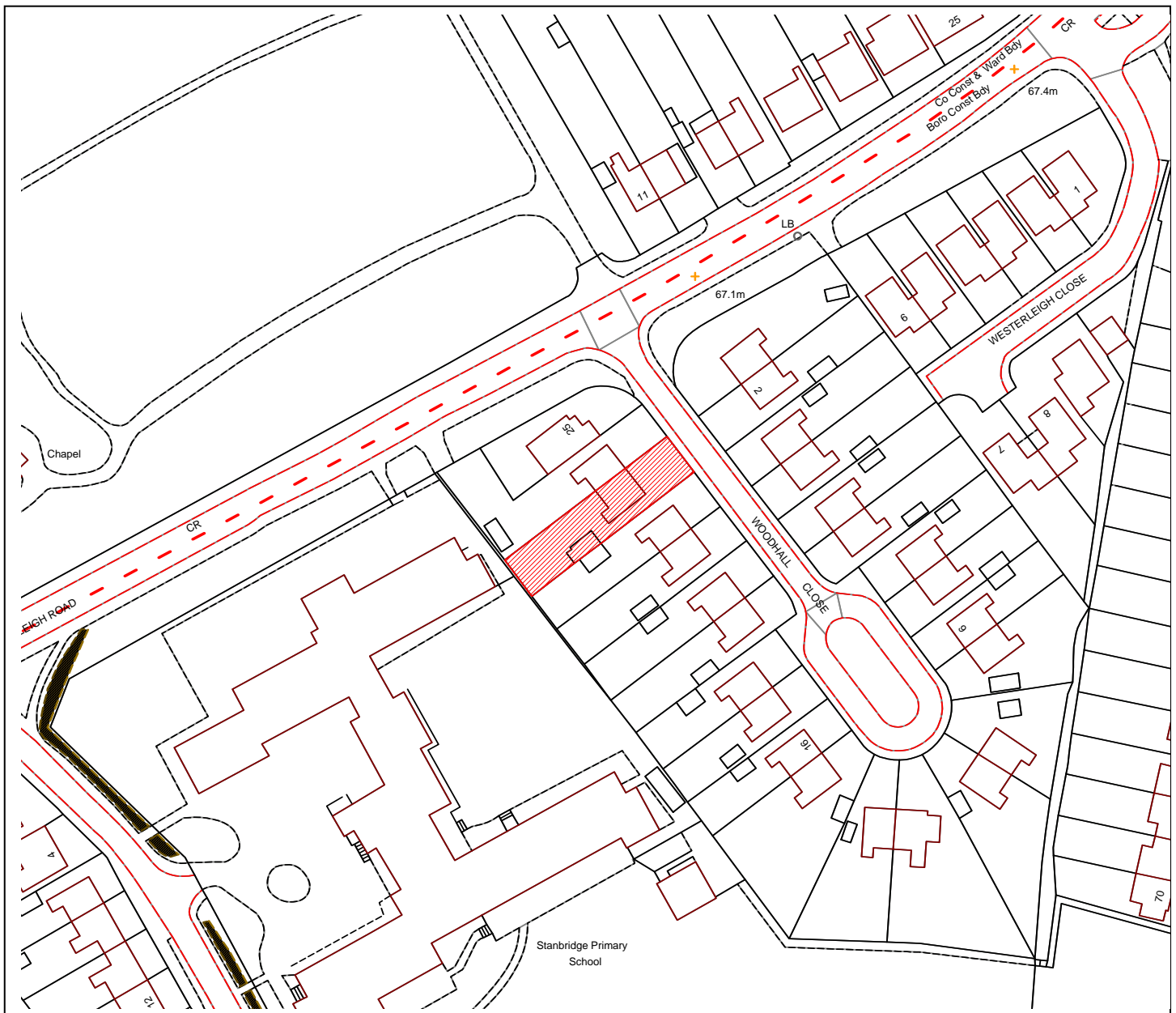
Reason:

To minimise disturbance to occupiers of nearby buildings and to accord with Policy H5 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 18/09 – 8 MAY 2009

App No.: PK09/0642/F
Site: 23 Woodhall Close, Downend, South Gloucestershire, BS16 6AJ
Proposal: Erection of a single storey side and rear extension to form additional living accommodation. (Amendment to previously approved scheme PK08/1914/F)
Map Ref: 65759 76969
Application Category: Householder

Applicant: Mr M Harris
Date Reg: 7th April 2009
Parish:
Ward: Rodway
Target Date: 2nd June 2009



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100023410, 2008.

N.T.S

PK09/0642/F

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of one letter of concern from a local resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey extension to wrap around the rear and side of the dwelling. The extension as proposed would have a maximum depth out from the main rear wall of the existing dwelling of 3 metres and would extend down the side of the dwelling by 3.3 metres. The purpose of the extension is to provide additional downstairs living space required to meet the needs of a disabled resident.
- 1.2 This application is the resubmission of the previously approved application for an almost identical extension (reference PK08/1914/F). Since the approval of this previous application, the applicants have needed to alter the window and door arrangement slightly. This application varies from the previously approved application in the following ways:
- Minor increase in the width of the proposed toilet window on the front elevation
 - Removal of utility window and door in side elevation
 - 2 kitchen windows on the rear elevation joined to form one larger window
 - Addition of a roof light on the front elevation of the extension

2. POLICY CONTEXT

2.1 National Guidance
PPS 1 Delivering Sustainable Development

2.2 Development Plans

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

3. RELEVANT PLANNING HISTORY

3.1 PK08/1914/F Erection of a single storey side and rear extension to form additional living accommodation.
Approved August 2008

4. CONSULTATION RESPONSES

4.1 Town/Parish Council
The area is unparished

Other Representations

4.2 Local Residents

One letter has been received from a local resident. Whilst the resident does not object to the principle of the extension they are concerned that the window which will be behind the toilet will be visible from their kitchen window. The neighbour requests that this window be removed from the plans as there is a roof light. The letter draws attention to the fact that the floor level of the neighbours kitchen is approximately 2 feet higher than the floor level of the application site.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design/ Visual Amenity

The proposed extension meets an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The minor alterations from the previously approved scheme will have no significant impact upon the character of the extension. The extension is to have a simple lean too type roof in keeping with the simple character of the host dwelling. Matching render further attributes to its integration. The extension is of very modest size in comparison to the bulk of the main dwelling and is suitably subservient too it.

The structure will be visible from the highway but it will be tucked in between the two dwellings and will not be obtrusive in the street scene. A large number of the other dwellings on Woodhall Close already have side and/or rear extensions already in place. The extension as proposed therefore will integrate fully with the extensions already in place on the neighbouring properties it is not considered the addition would be visually intrusive.

5.3 Residential Amenity

The extension will have a limited depth out from the main rear wall of the property of only 3 metres. At this depth, it is not considered that the extension would result in any issues of overshadowing or overbearing for the neighbouring dwellings.

It is noted the neighbour is concerned that there may be some visibility between the kitchen window of the neighbouring dwelling and the toilet window in the proposed extension. It is accepted that the neighbours kitchen window does face toward the proposed extension. However, because of the oblique angles involved, your officer does not believe it will possible for any intervisibility. Because of the very small size of the bathroom window and the fact that it will be fitted with obscure glazing, there are no concerns about the impact upon residential amenity in this regard.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient

garden space would remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

5.4 Other Issues

The side extension will block vehicular access to the existing garage. However, ample off street parking will be provided on the existing driveway to meet the needs of the development.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0642/F**

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

CONDITIONS

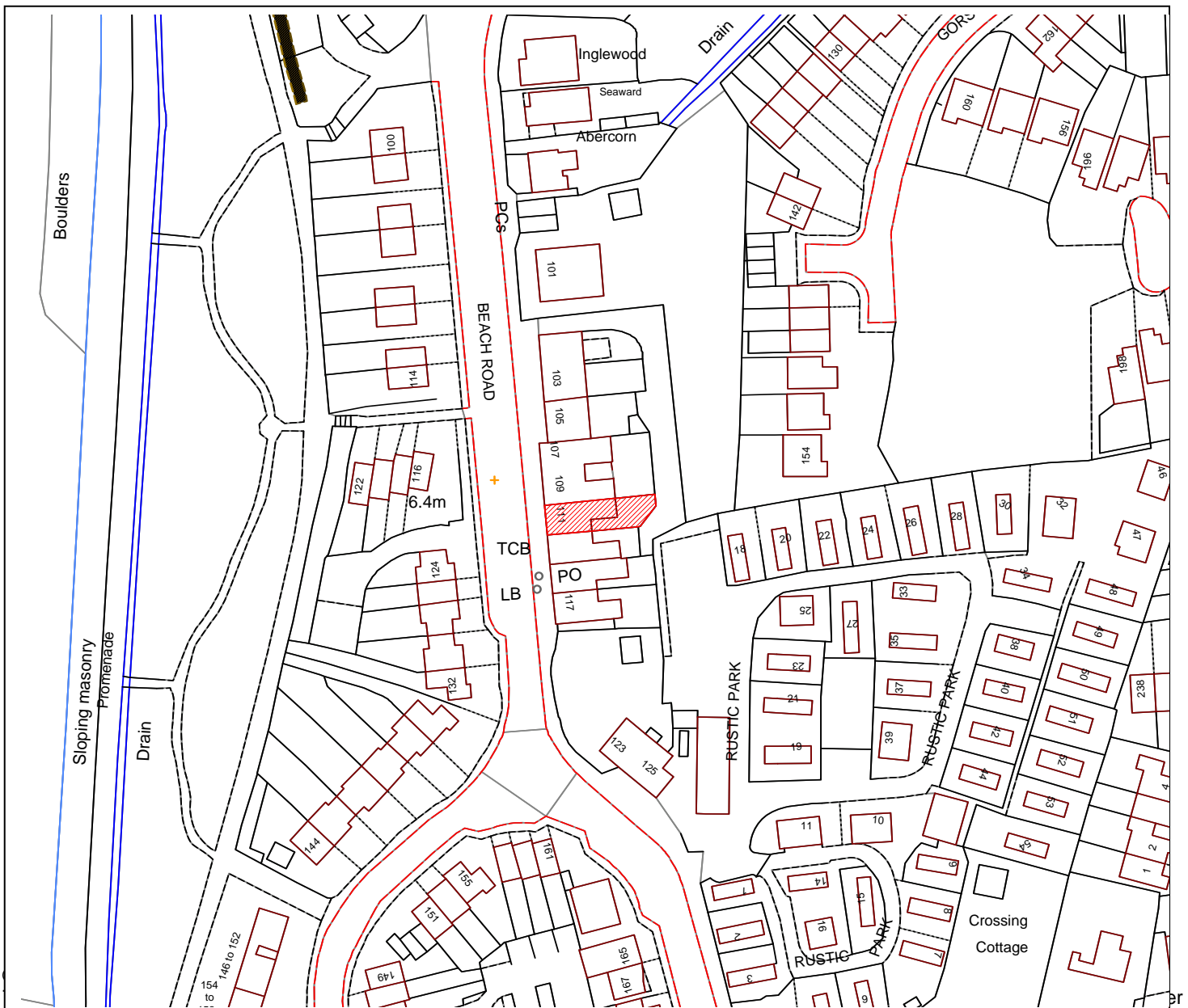
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

CIRCULATED SCHEDULE NO. 18/09 – 8 MAY 2009

App No.:	PT09/0324/F	Applicant:	Mr B Reeves
Site:	111 Beach Road, Severn Beach, South Gloucestershire, BS35 4PQ	Date Reg:	19th February 2009
Proposal:	Conversion of existing dwelling into 2 first floor flats. Change of use of ground floor from dwelling (Class C3) to business (Class B1) shops (Class A1) and financial and professional services (Class A2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and associated parking.	Parish:	Pilning and Severn Beach
Map Ref:	53964 84911	Ward:	Pilning and Severn Beach
Application Category:	Minor	Target Date:	22nd April 2009



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100023410 2009
DC990 MW

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of an objection from Pilning and Severn Beach Parish Council which is contrary to the Case Officers recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the following development: -
- A. The conversion of first and second floors of the existing dwelling into two flats.
 - B. The change of use of the ground floor of the dwelling to an office (Class B1), retail use (Class A1) and financial and professional services use (Class A2).
- 1.2 The application site relates to a locally listed three storey dwelling which is situated within a well established residential area within the Severn Beach settlement boundary. The site is also situated within the Environment Agency's Flood Zone 3.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPG4: Industrial, Commercial Development and Small Firms
- PPS6: Planning for Town Centres
- PPG13: Transport
- PPS25: Development and Flood Risk

2.2 South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Quality Design in New Development
- H2: Proposals for Residential Development within Settlements Boundaries
- H4: Development within Existing Residential Curtilages
- H5: Proposals for the Conversion of existing residential properties into smaller units of self contained Residential Accommodation
- E3: Criteria for Assessing Proposals for Employment Development within Settlements Boundaries
- RT8: Small Scale Retail Uses within Settlements Boundaries
- L15: Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality.
- EP2: Flood Risk and Development
- T12: Transportation Development Control for New Development
- T8: Parking Standards

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist SPD (Adopted) 2007
- South Gloucestershire Local List SPD (Adopted) 2008

3. **RELEVANT PLANNING HISTORY**

- 3.1 P94/2264 Change of use from retail to residential. Alterations to front elevation.
Approved on 16th March 1995.

4. **CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council
The Parish Council would value the renovation of this somewhat dilapidated building, previous applications have been turned down. There is no change of circumstances that suggest that conditions are now different. The main concerns would be increase in vehicular use, including parking and the prevailing flood risk in this area. Accordingly the Parish Council feels unable to support this application.
- 4.2 Local Member - Cllr Peter Tyzack
My view, as Local Member, is that the return of this former shop to a commercial use can only be a positive step for the local economy, so I welcome it. I hope that the associated proposals for the former over-the-shop maisonette will not be an obstacle, as I guess that the proposal to convert would constitute part of the viability equation and in my view should be allowed.
- 4.3 Lower Severn Internal Drainage Board
No comment.
- 4.4 Environment Agency
No objection in principle.
- 4.5 Local Residents
None received.

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application consists of two separate proposals. These shall be considered separately below: -

A. Flat Conversion

- 5.2 Principle of Development
Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the conversion of existing residential properties into smaller units of self contained residential accommodation provided that the scheme would:
- not prejudice the character of the surrounding area;
 - not prejudice the amenities of nearby properties;
 - identify an acceptable level of off-street parking; and
 - provide adequate amenity space.
- 5.3 Design
The proposed conversion of the first and second floors into flats would not include substantial external alterations to the existing property. As such, it is

considered that the proposed development would have no impact on the character and appearance of the existing building and the surrounding area.

5.4 Residential Amenity

The host dwelling relates to a terrace building which is adjoined by a dwelling to either side. The proposed conversion to flats would not involve any extensions. As such any impact to residential amenity would only result from the use of the building. The existing building has an established use as a residential dwellinghouse (Class C3). The plans do not include details of sound proofing between the converted flats and the adjoining dwellings. However, this issue would be dealt with during a Building Regulations application. As such, it is considered that the conversion to flats would not materially harm the residential amenity of the adjoining occupiers.

5.5 Transportation

The current proposal to segregate the upstairs rooms into separate flats, and provide a commercial unit on the ground floor is considered to be acceptable from a transportation perspective. The application included parking and cycle storage in line with the Council's maximum standards. Moreover the proposed use would generate a similar level of vehicle movements to the building's extant use. Therefore, in view of the above the application is considered acceptable.

5.6 Amenity Space

The proposed flats would not have any formal private amenity space. Nevertheless, it is considered this size of accommodation would not be a family unit and there is sufficient open space in the surrounding area to satisfy the occupier. In view of the above, it is considered that adequate private amenity space is provided for basic outdoor needs. As such, it is considered that the proposal would accord to policies H2, H4 and H5 of the local plan.

5.7 Flood Risk

The proposed development is sited in a high area of flooding and within the breach hazard area behind the existing tidal defence. The residential accommodation shall not be on ground level following advice from the Environment Agency. In view of this, the proposed conversion of the ground floor from residential use to a work unit represents a lowering of flood risk vulnerability under PPS25. It is understood that the occupant of the ground floor will have access to the first floor landing in the event of a sudden tidal inundation or fluvial flood. Furthermore, it is evident that occupancy levels on the first and second floors will be reduced. As such, it is considered that the proposed development accords to PPS25 and Policy EP2 of the adopted Local Plan.

5.8 Conclusion

In view of the above, it is considered that the proposed conversion of the first and second floors to form a one bedroom and a two bedroom flat would accord to Policy H5 of the adopted Local Plan. As such, it is recommended that planning permission is granted for this part of the planning application.

B. Change of Use

5.9 Principle of Development

The applicant seeks planning permission to change the use of ground floor of existing dwelling into an office use (Class B1), retail use (Class A1) and financial and professional services use (Class A2). The applicant seeks this range of business uses in order to allow a greater flexibility to prospective tenants. Due to the characteristics of these uses different policies are applicable to each use and this therefore affect the principle of development, for instance: -

- **Office Use (Class B1)**

With regard to this use Policy E3 of the adopted Local Plan is most relevant. This policy allows employment development in settlement boundaries providing that the use does not; prejudice residential amenity, cause unacceptable transportation affects, affect the character of the area, and result in unacceptable environmental effects.

- **Retail use (Class A1) and financial and professional services use (Class A2)**

With regard to this use Policy RT8 of the adopted Local Plan is most relevant. This policy allows small scale retail use subject to the same material considerations as the above employment policy (e.g. residential amenity, the character of the area and transportation). However this policy also considers whether the development would be consistent with the local centres scale and function; or would the development improve the range of services to a local community and not harm the vitality and viability of an existing local centre.

5.10 In view of the above, it is considered that the principle of these uses would be acceptable in this location. However the development must accord to the following material considerations: -

5.11 Design

The ground floor of the existing building relates to a former retail unit which has been converted to a dwellinghouse. The shop frontage has remained in situ, however it is in a dilapidated state of repair. The building is locally listed, as such the building makes as significant contribution to the character and distinctiveness of the area. The Council Conservation Officer has recommended that the existing shop front is retained or sympathetically replaced. This is because this is one of last original shop fronts within the parade, furthermore the shop fronts on adjacent units have been eroded through unsympathetic conversions. This is supported by the South Gloucestershire Local List SPD which states ‘...it is important the special features of a building which contribute to its importance are retained’ (page 4). As such, following discussions with the applicant amended plans were submitted which showed that the original shop front would be repaired and retained. It is considered that the development would respect character and distinctiveness of the building and the surrounding area in accordance with Policy D1 of the adopted Local Plan and the adopted Local List SPD.

5.12 Residential Amenity

The proposed B1/A1/A2 unit would be situated beneath and adjacent to residential units. Accordingly it is important that the proposed development does not result in prejudice to the amenities of nearby properties. It is considered that the daytime operation of any of these uses would not result in disturbance. However, operation of these uses during the evening and night time would materialise harm the amenities of adjacent occupiers. As such, it is recommended that a condition is attached to limit the working hours from 7am to 7pm Monday to Saturday and no opening at any time on Sunday or Bank Holidays.

5.13 Transportation

See paragraph 5.5 of this report.

5.14 Environment

The proposed retail and commercial use would not give rise to any unacceptable environmental effects.

5.15 Retail Considerations

Policy RT8 considers whether the development would be consistent with the local centres scale and function; or would the development improve the range of services to a local community and not harm the vitality and viability of an existing local centre. It is considered that the proposal would satisfy both of these criteria. This is because the proposed unit would be modest in scale and akin to adjacent retail unit. Furthermore the provision of a retail unit in this location would offer more services to local residents. This would help ensure that residents have convenient access to a reasonable range and choice of facilities, while helping to reduce car travel and car use and secure a more sustainable environment.

5.16 Flood Risk

See paragraph 5.7 above.

5.17 Conclusion

In view of the material considerations, it is considered that the proposed A1/A2/B1 uses would be accord with the adopted South Gloucestershire Local Plan. As such planning permission should be granted for this element of the scheme.

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.

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 **PT09/0324/F**

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

CONDITIONS

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

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

2. The use hereby permitted shall not be open to customers outside the following times: 19.00hrs to 0700hrs Monday to Saturday; nor at any time on Sunday or Bank Holidays.

Reason: To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies E3 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The premises shall be used for business (Class B1), shops (Class A1) or financial and professional services (Class A2) and for no other purpose (including any other purpose in Classes A or B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies E3 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The flood resilient construction techniques listed in Appendix A of the Flood Risk Assessment must be incorporated into the refurbishment of the property.

Reason: To prevent mitigate flood risk and to accord with PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 18/09 – 8 MAY 2009

App No.: PT09/0549/F
Site: 824 Filton Avenue, Filton, South Gloucestershire, BS34 7AP
Proposal: Change of use from shop (Class A1) to hot food takeaway (Class A5) as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended)
Map Ref: 60742 79479
Application Category: Minor

Applicant: C/o Agent
Date Reg: 25th March 2009
Parish: Filton Town Council
Ward: Filton
Target Date: 20th May 2009



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100023410, 2009.

N.T.S

PT09/0549/F

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning consent for the change of use from shop (Class A1) to hot food takeaway (Class A5) as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The application site is a currently unused building located on a local shopping parade on Filton Avenue, Filton. The shop has been empty for some time. The proposal consists of a change of use from shop (Class A1) to hot food takeaway (Class A5). It is proposed that the premises would be open from 6pm – 11pm Monday to Friday, 6pm – 12 am Saturday, and 7pm – 10 pm Sunday and Bank Holidays.
- 1.3 This application is essentially for a renewal of consent as a previous planning approval for change of use from a shop to hot food takeaway under planning application PT03/1008/F has expired.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 South Gloucestershire Local Plan (Adopted) January 2006

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

PT03/1008/F - Change of use from shop (Class A1) to hot food takeaway (Class A3) as defined in the Town & Country Planning (Use Classes Order 1987). Approved 19/05/2003.

4. CONSULTATION RESPONSES

4.1 Filton Town Council

No objection in principle but would suggest a time curfew of 11pm and for extra bins to be provided and maintained by the applicant.

Other Representations

4.2 Local Residents

Five letters of objection were received from local residents raising the following concerns:

- The proposal would generate extra traffic and create parking problems.
- The proposal would lead to more litter in the area.
- Traffic visiting the premises would lead to noise disturbance.
- Noise created by takeaway would impact adversely on residential amenity of neighbouring occupiers.
- The takeaway would produce smells and fumes adversely impacting on residential amenity.
- Increased fire hazard to nearby dwellings.
- Youths congregate by shops causing a nuisance.
- A hot food takeaway already exists on the shopping parade and two on this parade is too many.
- Inaccurate information has been provided by the applicant regarding the premises being previously used as a café.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As can be seen from the planning history, a proposal for a hot food takeaway has previously been approved on this site in 2003. Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 incorporates national advice contained within PPS6 and the emphasis on retail proposals focuses on the need to protect the vitality and viability of existing centres. Policy RT8 of the Local Plan requires small scale retail uses within the urban area to improve the range of services to a local community and to satisfy a number of criteria relating to highways safety and residential amenity. Policy RT11 does not permit the change of use of retail premises within local shopping parades unless the following criteria are complied with (only one of the first three criteria A, B, or C need be satisfied):-

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

- 5.2 The application site resides in a small shopping parade to the north of Filton Avenue. This parade consists of five shop units. Of these five units, two are in A1 shop use, one is in A5 hot food takeaway use and two units including the application site are currently vacant.

The parade's vitality has suffered in recent years due to derelict premises that have not been in use. The majority of the frontage of the parade is taken up by McColls newsagent. The application essentially seeks the renewal of planning consent PT03/1008/F which was granted in addition to an existing consent for 822 Filton Avenue (application P97/2124) also for a change of use to hot food takeaway. It is considered that the change of use proposed would help secure the vitality of this shopping parade's future and would not result in an over concentration of non-shop uses. Number 828 Filton Avenue is currently occupied by a large convenience store that can provide sufficient retail facilities to cater for the locality. It is therefore considered that the change of use of the retail unit to a takeaway would not result in the loss of local retail facilities to the detriment of the local community. In the light of the policy advice given in PPS6, it is considered that a hot food takeaway can provide a complementary use that would act to reinforce the established local shopping parade.

In addition Cribbs Causeway is located approximately 1 mile from the local parades and is easily accessible by road, public transport and on foot and cycle. This provides for a significant range of retail facilities. There are also nearby local shopping parades on Gloucester Road in Patchway and Gloucester Road North in Filton.

It is considered that the proposed A5 use of 824 Filton Avenue, Filton would not be to the detriment of the locality as there are satisfactory alternative retail facilities in close proximity to the application site.

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

- 5.3 It is not essential that this criterion is complied with, please see criterion A.

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

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

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

- 5.5 The Council's Highways Officer was consulted as a part of this application. The unit lies within an established rank of shops adjacent to a parking lay-by and within walking distance of a large catchment of dwellings. The majority of traffic generated by the takeaway will be off-peak and the level of associated parking is unlikely to compromise highway safety. The lay-by along the frontage provides some on-street parking for customers and therefore it is considered that the proposal complies with Policies T8 and T12 of the Local Plan.

The application site lies within an existing rank of shops that includes one other hot food takeaway. Although there are residential properties relatively close to the application site it is not considered that the proposal would be detrimental to the residential amenity of neighbouring occupiers. The Council's Environmental Officer has advised that the proposal is acceptable subject to conditions being attached to the decision notice requiring further information regarding the proposed extraction and odour abatement system, the proposed flue, the proposed grease traps and noise levels to be generated from the extraction system.

There is adequate bin storage to the rear of the shopping parade and side adjacent to Costcutter. The immediate locality benefits from litter bins, which can be easily accessed by customers using the hot food takeaway. These bins are regularly emptied by the Council organised refuse collection service. It is therefore considered that it is unlikely that there will be an unacceptable level of litter generated as a result of the proposed development.

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

5.6 Designing Out Crime

It is not anticipated that the addition of a hot food takeaway to the shopping parade would result in an increase in antisocial behaviour or crime. It was noted on site that there is CCTV and ram raid bars present.

5.7 Other Matters

One local resident raised concern that the proposal would lead to an increased fire hazard for neighbouring dwellings. It should be noted that this cannot be considered a material planning consideration and it would be up to the owners of the property to ensure that the proposal meets with fire and building regulation criteria.

Another concern raised was over inaccurate information being submitted with the application regarding the property being previously used as a café. It is noted that the letter submitted by the agent contains several inaccuracies and seems to refer to correspondence with Bristol City Council. As such, much of this information has been discounted and not used to assess this planning application.

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

Background Papers **PT09/0549/F**

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

CONDITIONS

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

Reason(s):

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

2. No development shall take place until full details of the proposed extraction and odour abatement system and grease traps have been submitted to and agreed in writing by the Local Planning Authority. This should include details on the specification and location of all flues, plant and fans. Thereafter the development shall proceed in accordance with the approved details.

Reason(s):

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

3. Any extraction equipment installed in pursuance of the above condition should be regularly maintained in accordance with the manufacturers recommendations. In the event of a failure in the equipment, the cooking process should cease until it has been fully repaired.

Reason(s):

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

4. No development shall take place until details on predicted noise levels from the extraction system (fan and air movement, through and leaving the ducting) are submitted to and agreed in writing by the Local Planning Authority. (Flues should be well insulated and sited to minimise the effects of vibration transmission and noise to any adjacent building. It may be necessary to install anti-vibration mounts/silencers). The extraction system shall be installed in accordance with the agreed details.

Reason(s):

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

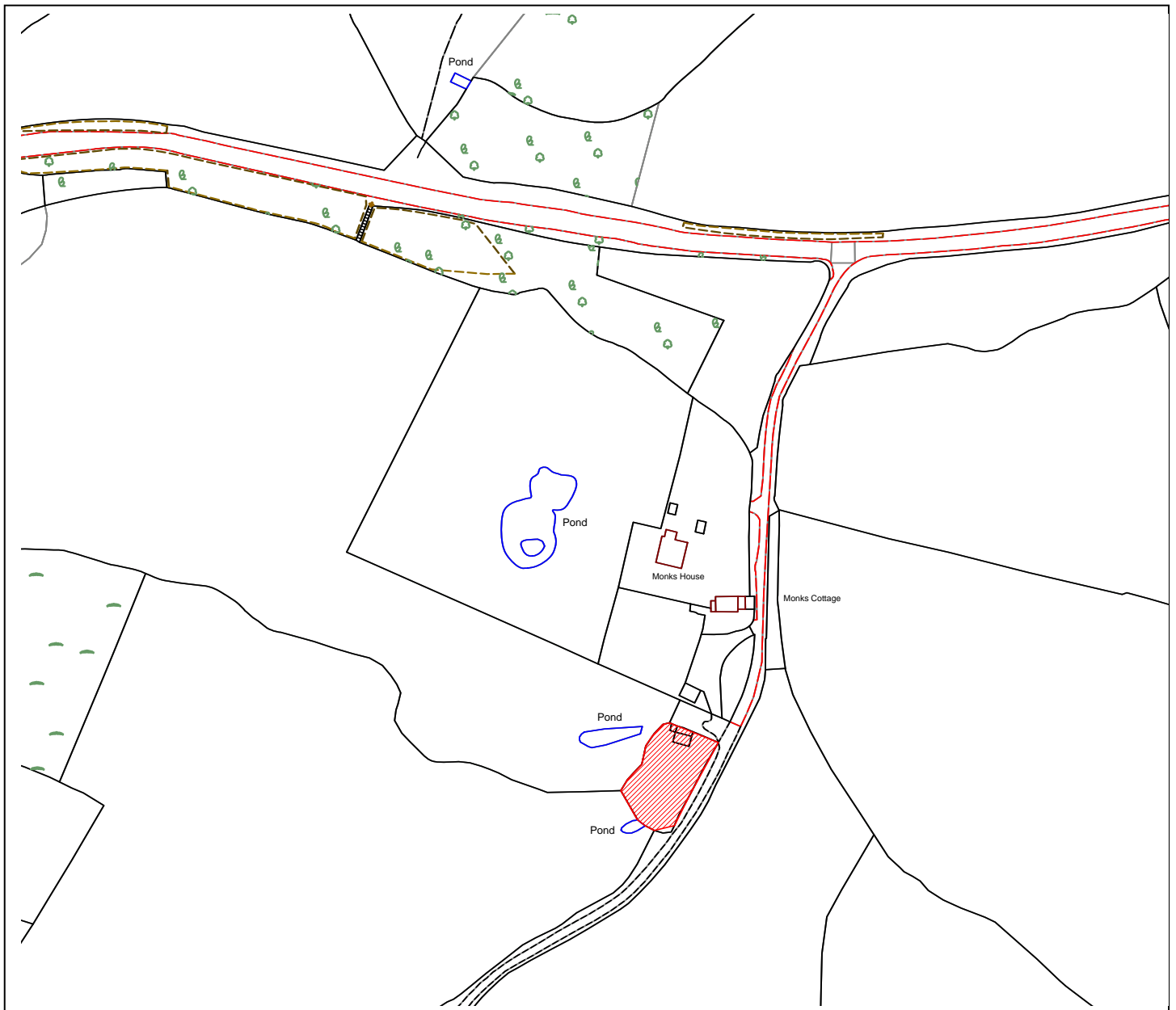
5. The use hereby permitted shall not be open to customers outside the following times Monday to Saturday 12.00 - 23.00 and Sunday and Bank Holidays 12.00 - 22.00.

Reason(s):

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

CIRCULATED SCHEDULE NO. 18/09 – 8 May 2009

App No.:	PT09/0556/F	Applicant:	Mr & Mrs A.E. Gibbs
Site:	Allsopps Green, Cliff Farm Road, Westerleigh Hill, Westerleigh, South Gloucestershire, BS37 8RD	Date Reg:	26th March 2009
Proposal:	Retrospective erection of agricultural worker's dwelling. (Amendment to previously approved scheme N1713). Erection of detached double garage.	Parish:	Westerleigh Parish Council
Map Ref:	69909 78946	Ward:	Westerleigh
Application Category:	Minor	Target Date:	20th May 2009



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 100023410, 2009.

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

1. THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for amendments to a previously approved planning application which allowed the erection of a two-storey agricultural workers dwelling. The amendments which are considered to necessitate this application comprise minor alterations to the roof design, the introduction of two dormer windows, changes to the fenestration and an increase in the size of the detached garage.
- 1.2 The application relates to a two-storey detached dwelling (under construction) on the west side of Cliff Farm Road, Westerleigh. The site is located to the south of the Westerleigh settlement boundary within the open Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG2: Green Belt
PPS3: Housing
PPS7: Sustainable Development in Rural Areas
PPG13: Transport
PPG16: Archaeology and Planning

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
GB1: Development within the Green Belt
H3: Residential Development in the Countryside
H4: Development within Residential Curtilages
T12: Transportation Development Control Policy for New Development
L11: Archaeology
L18: The Water Environment

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Development within the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P1609: Erection of agricultural workers dwelling (outline). Permitted: 12 Nov 1973
- 3.2 N1713: Erection of agricultural workers dwelling. Permitted: 11 Sep 1975

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council
No objection

4.2 Other Consultees
Highways DC: no objection
PROW Officer: unlikely to affect the nearest public right of way
Landscape Officer: no objection

Other Representations

- 4.3 Summary of Local Residents Comments:
One letter received expressing the following concerns:
- The application is misleading because the site address is incorrect;
 - The original application was for an agricultural workers dwelling- a five bed three-storey property has been erected;
 - It is understand there have been no inspections by building control officers;
 - It is not understood why a further agricultural workers dwelling is required, the applicant already has two dwellings in his ownership in close proximity;
 - Several large and well established trees have already been felled;
 - The site is within 50m of a natural spring- no drainage details are provided;
 - The dormer windows overlook all of the neighbouring bedroom windows;
 - The applicant used a flailing machine to knock off the upper parts of those trees growing within the foundations and has left the roots in place;
 - The applicant is a local councillor and appears to be using his position to flout planning requirements;
 - The original application required timber framed windows but plastic windows have been installed.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning policy H4 allows for the principle of residential development subject to considerations of design, residential amenity and highway safety. Furthermore, where in the Green Belt, policies GB1 and H4 advise that extensions should not comprise a disproportionate addition over and above the size of the original dwelling.
- 5.2 Policy H3 is not considered to be directly applicable but reference is made to this policy given the circumstances of the application. In this regard, proposals for new residential development outside of the urban areas and the settlement boundaries will not be permitted with the exception of the following:
- Affordable housing on rural exception sites; or
 - Housing for agricultural or forestry workers; or
 - Replacement dwellings.
- 5.3 Planning Policy Statement 7 (Sustainable Development in Rural Areas) details that *'Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct*

in relation to the income it can sustain in the long-term, should not be permitted... (Annex A, para 9)

5.4 Site History

Outline planning permission was granted for an agricultural workers dwelling in this position in 1973 (P1609) with the proposal to replace a derelict cottage in connection with Cliff Farm. The following condition was attached:

'The occupation of the dwelling shall be limited to a person employed, or last employed, locally in agriculture as defined in Section 290 (1) of the Town and Country Planning Act 1971 or in forestry, or a dependent of such a person residing with him (but including a widow or widower of such a person).'

Reason: 'The site is not in an area intended for general development, permission is granted to the present proposal solely because the development is required to house a person (or persons) employed in agriculture.'

5.5 A subsequent application granted approval of the reserved matters (P.1069) with the same condition attached; neither removed the permitted development rights for this new dwelling.

5.6 The foundations were laid and inspected for building regulation purposes in 1979 (reference BR75/880); building control officers have inspected the works since development recommenced.

5.7 At the time of this site visit, externally, the property appeared largely complete although the majority of the internal works were still to be completed.

5.8 Given the length of time since the original permission, Officers have given consideration as to whether this new residential use might have been abandoned. However, case law indicates that a basic rule of abandonment is where there has been the deliberate intention to cease a use; this does not appear to be the case in this instance. For this reason, and with the previous permission having been implemented, it is considered that these permissions remain valid. Accordingly, this application concentrates on the amendments to the originally approved scheme.

5.9 Design/ Visual Amenity

The application relates to a two-storey detached dwelling which sits within the open Green Belt. Planning permission is sought for amendments to an extant planning permission which would allow minor alterations to the roof design, the introduction of two dormer windows and changes to the approved fenestration.

5.10 With regards to the roof design, it is noted that the approved drawings detail an eaves level that was directly above the first floor window; as built it is noted that there are two courses of stonework between that appear to increase the height of the building. In response, the agent has stated that this is due to a different method of roof construction with no alterations having been made to either the roof shape or the overall building height.

5.11 The dormer windows are on the rear roof slope and provide for two bedrooms within the roof space; this is in addition to two additional openings in the gable

- ends. It is noted that these extra openings emphasise the height of the building with those windows within the prominent gables creating the appearance of a three-storey property. Nevertheless, the dormers are relatively small and are encompassed by a pitched roof whilst also align with the openings below. It is noted that all of these openings might be added as permitted development upon completion of the development; this also includes the enlarged landing window to the rear.
- 5.12 Given the above it is considered that any associated refusal reason in respect of these alterations to the previously approved proposal would be very unlikely to prove sustainable at appeal. On this basis, on balance there is no objection to these alterations.
- 5.13 The application would also allow for alterations to the approved single garage to provide a double garage; at the time of the site visit work on the garage was still to commence. In this regard, the garage would occupy a less prominent position tucked alongside the dwelling although the submitted plan details an excessively high roof structure to this element of the proposal. Accordingly, it is considered that amended plans should be submitted lowering the roof height with this to form the basis of a planning condition.
- 5.14 Impact on the Openness of the Green Belt
Policy H4 allows for extensions to existing dwellings provided these would not result in a disproportionate addition over and above the size of the original dwelling. In this instance, the proposal introduces two dormer windows which would sit against the backdrop of the rear roof slope. As such, it is considered that there can be no reasonable objection to the proposal on this basis with no significant adverse impact to the openness of the Green Belt considered to have been caused.
- 5.15 The scheme would also allow the introduction of an enlarged garage that would occupy a less prominent position to the side of the dwelling. In this regard, it is considered that subject to those amended plans as detailed, this would have no significant adverse impact on the openness of the Green Belt.
- 5.16 Residential Amenity
The application site occupies a relatively remote position with only two other neighbouring dwellings within close proximity of the site; these comprise Monks Cottage and Monks House both of which sit to the north of the site with the former the closer of the two.
- 5.17 Concerns have been expressed regarding the introduction of the extra windows with these allowing views towards these neighbouring properties. Nonetheless, given the separation distances involved, it is not considered that permission could be reasonably withheld on this basis with no significant adverse impact in residential amenity considered to be caused.
- 5.18 Highway Safety
Given that this application seeks alterations to a previously amended scheme, there is no transportation objection to this current proposal whilst no objection is raised on sustainability grounds.

5.19 Use of Energy and Sustainability

This application seeks alterations to a previously approved scheme thus this criterion is not considered to be applicable to this application.

5.20 Improvements achieved to the scheme

No alterations have been made to those plans as submitted.

5.21 Outstanding Issues

In response to those concerns which have been raised, the type and size of dwelling in this position has already been established by the previous approval and thus there can be no reasonable objection on this basis. Similarly, this application established that there was an agricultural need for the build.

5.22 The site appeared devoid of any significant trees whilst if those removed have grown within the last 25 years, they are very unlikely to have been worthy of a preservation order. Nevertheless, it is suggested that a landscaping condition be attached to any favourable decision in addition to a drainage condition that would help to address the drainage concerns that have been raised. Further, it is considered that there can be no reasonable objection to the materials which have been used.

5.23 The site address differs on various documents referred to either as Westerleigh Hill (application form), Leigh Lane or Cliff Farm Road. To this extent, local knowledge suggests a lack of consensus and thus whilst the details advertised would appear to accurately detail the site location, the name 'Cliff Farm Road' has been added. Finally, any suggestion that the applicant is flouting planning requirements is considered to be unsubstantiated with all applications having been subject to the necessary planning controls.

5.24 Design and Access Statement

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

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

7. RECOMMENDATION

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

Background Papers **PT09/0556/F**

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

CONDITIONS

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

Reason(s):

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

2. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason(s):

The site is not in an area intended for development and the development has been permitted solely in view of the extant planning permission and having regard to Planning Policies D1, GB1, L1 and H3 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To accord with Planning Policies D1, L1, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The developer shall appoint an archaeological contractor immediately upon the granting of planning permission and shall afford him/ her or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason(s):

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

5. Within one month of the grant of planning permission, amended plans of the detached garage detailing a reduced ridge height shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord strictly in accordance with this approved plan. For the avoidance of doubt, those garage plans submitted as part of the application are not approved.

Reason(s):

To accord with Planning Policies D1, L1, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

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

Reason(s):

To protect the character and appearance of the area to accord with Planning Policies H4, D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To protect the character and appearance of the area to accord with Planning Policies H4, D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

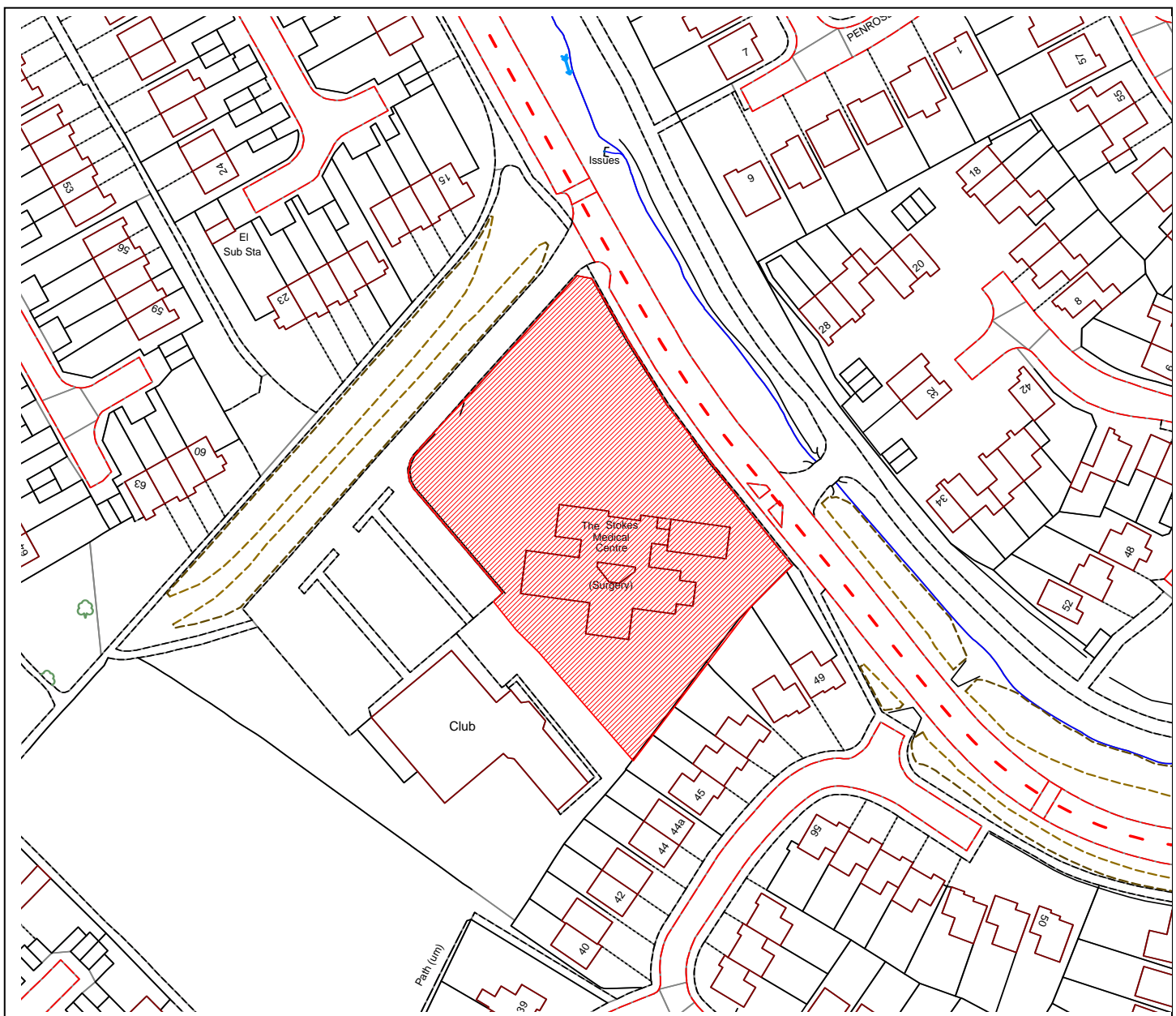
9. Within two months of the date of this decision, drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local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

Reason(s):

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

CIRCULATED SCHEDULE NO. 18/09 – 8 MAY 2009

App No.:	PT09/0557/F	Applicant:	Dr Boyd & Partners
Site:	Stokes Medical Centre, Braydon Avenue, Little Stoke, South Gloucestershire, BS34 6BQ	Date Reg:	26th March 2009
Proposal:	Erection of two storey building and extension to existing surgery to form additional accommodation, 2 no. flats, optician, pharmacy, dental unit and diagnostic site. (Re-Submission of PT09/0030/F)	Parish:	Stoke Gifford Parish Council
Map Ref:	61603 81331	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	23rd June 2009



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100023410 2009
 DC090 MW

INTRODUCTION

This application appears on the circulated schedule as there are comments made contrary to the officer recommendation

1. THE PROPOSAL

- 1.1 The site consists of Stokes Medical Centre. This includes a small pharmacy and associated car parking. Vehicular access is direct from Braydon Avenue and from the shared access off Braydon Avenue also leading to the adjacent Social Club.
- 1.2 The proposed development is in two parts. Firstly, it is proposed to extend the existing surgery accommodation with a mixture of single storey and two storey development. Secondly, it is proposed to construct a new two storey building to provide additional surgery accommodation, an opticians, dental surgery and new pharmacy, to replace the existing pharmacy accommodation. Vehicular access is to be retained.
- 1.3 The existing vehicular access is to be retained with additional car parking spaces provided within the site.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transportation

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
LC4	Proposals for Educational and Community Facilities Within the Existing Urban Area and Defined Settlement Boundaries
H2	Residential Development in Urban Areas and Defined Settlement Boundaries
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted SPD)

3. RELEVANT PLANNING HISTORY

- 3.1 P85/0004/6 Erection of General Practitioners surgery. Construction of new vehicular and pedestrian access (Outline).
Outline Planning Permission Granted

- 3.2 P86/0004/8 Erection of group medical practice premises. Construction of new vehicular and pedestrian access and car parking areas (Details following Outline) (To be read in conjunction with P85/0004/6) (In accordance with the revised plans received by the Council on 27th December 1986).
Approval of Reserved Matters
- 3.3 P87/0004/9 Construction of new vehicular access and amendments to parking arrangements in connection with the erection of group medical practice premises (To be read in conjunction with P85/0004/6).
Approval of Reserved Matters.
- 3.4 P87/0004/10 Application for permission to construct a new vehicular access and amended car parking areas in connection with the erection of a group medical practice premises without complying with conditions 04 and 05 attached to planning permission P87/0004/9 dated 30th June 1987.
Approved
- 3.5 P97/2000 Erection of single storey extension.
Approved
- 3.6 PT09/0030/F Erection of two storey building and extension to existing surgery to form additional accommodation, 4 no. flats, optician, pharmacy, dental unit and diagnostic site.
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Object on the grounds of increased facilities and usage causing many more cars and therefore a parking problem. Also object on grounds of over-massing.

- 4.2 Sustainable Transport
No objection subject to the following conditions:-

Prior to the commencement of development, detailed plans showing the provision of cycle parking shall be submitted and approved in accordance with policy T7 of SGLP.

The residential flats are restricted to workers at the medical centre

Other Representations

- 4.3 Local Residents
1 local resident has commented in support of this development. This comment is made in support of the proposal.
- 4.4 Little Stoke Social Club
(The social club is located adjacent to the site and shares its access with the existing medical centre)

Make the following observations

- i) Use of car park for extra volumes of traffic/agreement between both parties has not been discussed or agreement drawn up.
- ii) Unlawful parking/obstructing access and management, clamping and vehicle removal policy.
- iii) Residential development and usage. Any potential resident should be made aware that a social club and recreational area directly behind the proposed dwellings. This would avoid conflict with any potential residence after habitation, regarding noise.
- iv) Little Stoke Social Club is operational seven days a week and has a licence to sell alcohol to 12.59am when required. Normal licensing hours would apply.
- v) Access to site whilst works are carried out and storage areas for materials
- vi) Heavy goods Lorries parking and turning area required.
- vii) Access times start/finish
- viii) Health and safety considerations to be looked into by the applicant, as the walkway to Wrington close and housing area behind both premises is well used.
- ix) Security guard required to police area after dark
- x) Appropriate lighting to be installed in car park area of social club whilst works are in progress.
- xi) Little Stoke social club land on completion of construction to be returned to operational standard and car park surface damage to be reinstated as new.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the construction of extensions to the existing medical practice accommodation on this site; and for the construction of a new building for the provision of additional medical practice accommodation, dental surgery and opticians as well as four residential flats. The development would take place within the Bristol North Fringe Urban Area.

5.2 Principle of Development

The proposed use of the development would be for the provision of community facilities (Medical Centre and ancillary uses) within the Bristol North Fringe Urban area; and for which Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 would apply. The policy indicates that the introduction of this uses is acceptable in principle.

- 5.3 The proposed development is therefore acceptable in principle subject to the following considerations.
- 5.4 Design and Layout
The existing site is occupied by a single storey building albeit with accommodation within its roof space. The building has been extended to provide associated pharmacy accommodation. The existing building was constructed in the late 1980's and early 1990's and is 'of its time' in terms of appearance. The surrounding context is residential and sub-urban in character, with dwelling set in matured landscaping and open space. The building is of no particular architectural merit, however the site is well matured in respect of its landscaping which together form a relatively modest development, of domestic scale, in this context.
- 5.5 There are two elements to the proposed development. The assessment of the development in each case is addressed as follows;
- 5.6 Extensions to the Existing Building
It is proposed to extend the existing building by adding single storey development to the rear (Southern Elevation) of the building and the addition of two storey development and first floor development across the central part of the building. This would increase the bulk of the building significantly, and, in terms of the elevational drawings, the new first floor element would dominate the form of the building. Nonetheless, the existing building has a very deep footprint and the impact of the first floor addition would be reduced as it would sit centrally within the spread of the existing building. The design of the development and the materials proposed are consistent with the character and form of the existing building. In this instance the approach taken is a reasonable one, and is acceptable in design terms on a stand alone basis.
- 5.7 The New building (Medical Services Building)
It is also proposed to develop a new two storey building to the Northeast of the existing building. This would provide additional consulting accommodation associated with out-patient services currently provided at hospitals, a dental facility, opticians and new pharmacy. It is also proposed to provide limited accommodation to benefit visiting consultants and other medical professionals who may require to stay overnight for operational purposes. These are effectively small flats. However, the accommodation is not regarded as normal living accommodation and will be assessed on the basis of ancillary accommodation in direct connection with the medical centre. Essentially, the accommodation would fall to be part and parcel of the D1 (Clinic and Health Centres) Use Class Category rather than C3 (Residential Dwellings) Use Class Category. Nonetheless, it is appropriate to condition the occupancy of the flats to medical/practicing personnel directly associated with the centre; for avoidance of doubt.
- 5.8 It is considered that there is a good opportunity to provide a well designed and distinctive building which would complement the existing development and make the most of the site characteristics and opportunities. The previous planning application (PT09/0030/F) was withdrawn in order to allow the applicant to further consider the approach to the design of a new building in this context. This submission details a building which takes on a modern approach

- in terms of its visual appearance; this is in contrast to the previous approach which followed a more traditional form. Nonetheless the comparative footprints between the previous submission and that which is detailed in this application are very similar. It is the 'dressing' of the building which has been changed in order to address the context of the site and the appearance of the buildings in its surroundings.
- 5.9 Stoke Gifford Parish Council have expressed concern over the massing of the building. It is the officers view that this proposal (in presenting revisions to the original proposal (PT09/0030/F as withdrawn)) allow the scale of the new building to be effectively broken down by the changes in massing and materials, which will also serve to highlight main entrances. In addition the height of the building has been designed to match that of the existing adjacent building. The proposed materials, as set out in the accompanying Design and Access Statement, have been chosen to compliment those of the existing medical centre whilst also helping to reduce the scale of the new building as it is approached.
- 5.10 It is considered that the proposed building now takes advantage of the opportunities for this site in terms of creating a well designed building with appropriate presence in the street scene. It is further considered that the development as a whole is of an appropriate scale and visual appearance and is a development which would not have a detrimental impact upon the character and visual amenity of the site and its surroundings. The revised proposal is considered an improvement on the previous submission that is fully explained and justified in the submitted Design and Access Statement. The proposals accords with Policy D1 and the South Gloucestershire Design Checklist.
- 5.11 Residential Amenity
The site is located in a sub-urban residential area and as such there are existing residential dwellings within the surrounding context of the site. However, the immediate context of the site is set in well matured landscaping. Dwellings to the Southeast on Silverbirch Close have boundaries which abut the application site. However, these dwellings are separated from the existing building by associated garden space and significant landscaping surrounding the existing building. This amounts to a minimum of approximately 30 metres between built development. The proposed extensions to the existing building would involve a single storey element which would effectively reduce this distance by half, whilst the remainder of the development (including the first floor extensions) would take place over existing foot print and would be not closer to existing development on Silverbirch Close than the existing building.
- 5.12 On this basis it is considered that the works proposed which effect the existing building will not have a detrimental impact in residential amenity terms.
- 5.13 The new building is to be located to the immediate Northwest of the existing building. This part of the site is separated from residential development associated with Wrington Close by the existing access road (also leading to the social club) and significant bunding and landscaping immediately adjacent to the Northern boundary of the site. There is also some 40 metres of separation from this residential area to the new building itself. It is considered that these

- combined elements together with the layout and orientation of the proposed building is sufficient to preclude any negative impact in residential amenity terms.
- 5.14 Having regard to the above, it is considered that the proposed development is acceptable in residential amenity terms.
- 5.15 Drainage
The South Gloucestershire Council have raised no objection to this development from a drainage perspective. Nonetheless it is considered appropriate to apply a standard drainage condition to any approval so as to ensure that the best methods of drainage are utilised in the interest of sustainability and the water environment.
- 5.16 Transportation
Stoke Gifford Parish Council have expressed concern regarding the level of traffic that would be generated by the proposed development in relation to the intensified use and proposed level of car-parking. The level of vehicle parking will be increased from 22 spaces to 32 spaces. In respect of the level of proposed parking consideration has to be given to the sustainability of the site in respect of its location within this sub-urban residential area. Essentially, the site lies within walking and cycling distance of a large catchment of dwellings and public transport links are considered to be very good. Officers are therefore satisfied that the level of vehicle parking conforms to standards as set out in Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006. Officers also consider that any increase in traffic generated by the medical centre is largely off-set by local patients not having to travel further-a-field for the services proposed.
- 5.17 The submitted travel plan includes a good package of measures aimed to promote sustainable travel. Nonetheless there is a short fall in terms of the level and standard of cycle parking proposed to be provided. Essentially, all cycle parking should be secure, undercover and conform closely to the minimum levels outlined in the local plan. There is room within the proposed site to address any under-provision in cycle parking and as such this is appropriately the subject of a condition of any approval of this development proposal.
- 5.18 Having regards to the above assessment, it is considered that the proposed development is acceptable in transportation terms, and that the development will not have a material impact in highway safety and amenity terms.
- 5.19 Two residential flats are also proposed for trainees associated with the medical centre. Such accommodation would be ancillary to the operation and function of the medical centre. It is not considered that this provision would trigger the requirement of a financial contribution towards the mitigation of the traffic congestion within the North Fringe as the flats are not independent residential dwellings. As set out above, a suitably worded condition will ensure that the ancillary nature of the flats is retained should this application be approved.

5.20 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.

5.21 Use of Energy and Sustainability

In terms of energy efficiency/ sustainability the relatively shallow plan for allows advantage to be taken of passive measures such as solar gain and ventilation. Solar panels are also proposed to provide hot water. However, it is not considered that this development is of such a scale as to warrant the inclusion of onsite alternative energy production, and that the measures set out above are consistent with the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist.

5.22 Improvements achieved to the scheme

This application comprises a revised proposal to that previously submitted under PT09/0030/F. That application was withdrawn as officers raised an objection on design grounds. It was considered that the previous submission having regard to its poor design was inappropriate in its context, and did not respond adequately to the surrounding area in terms of siting, form, scale and detailing. It was therefore considered contrary to Policy D1, and the application was withdrawn in order to revise the proposal to satisfy these concerns. Negotiations with the developer preceded this submission and which resulted in this proposal being acceptable for the reasons set out above.

5.23 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That Planning Permission is Granted subject to the following conditions.

Background Papers **PT09/0557/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 full details and samples of all 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 and shall thereafter be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):

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

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

Reason(s):

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

4. The hours of working on site during the period of construction shall be restricted to 08:00 until 18:30 on any Monday to Friday, 08:00 until 13:00 on any Saturday and no working shall take place on any Sunday 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(s):

To minimise disturbance to occupiers of nearby residential properties on Silverbirch Close and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The residential accommodation comprising two single bed flats shall be used solely in

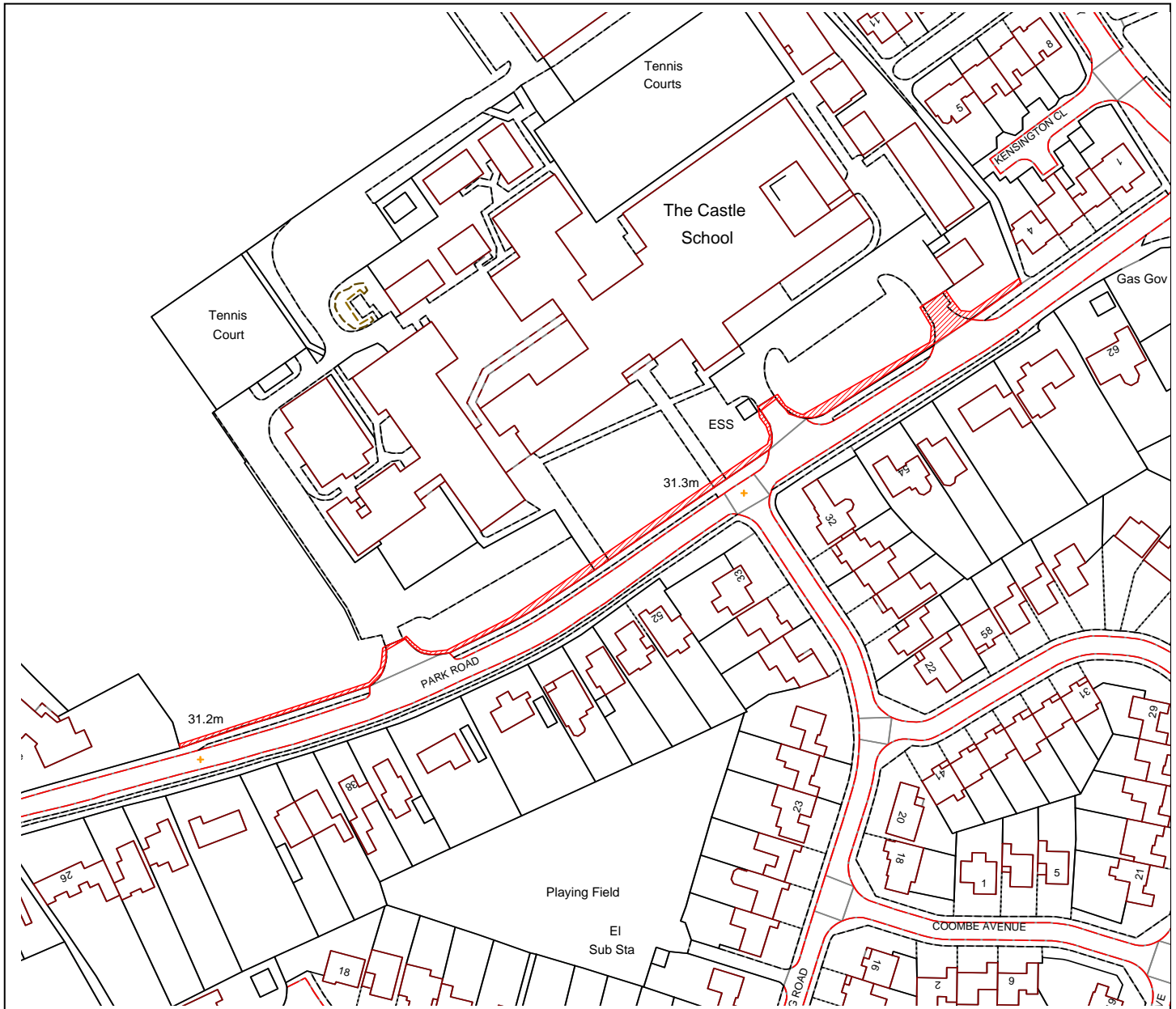
conjunction with the operation and function of Stokes Medical Centre and shall not be occupied at any time by persons other than those who are employed, contracted or retained by Stokes Medical Centre or visiting for purposes relating directly relating to Stokes Medical Centre.

Reason(s):

The residential accommodation is considered on the basis that it is ancillary to Stokes Medical Centre. The use of the residential accommodation as independent residential dwellings would require further consideration by the Local Planning Authority against Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 18/09 – 8 MAY 2009

App No.:	PT09/0614/F	Applicant:	Mr P Morland
Site:	The Castle School, Park Road, Thornbury, South Gloucestershire, BS35 1HT	Date Reg:	2nd April 2009
Proposal:	Erection of 2 metre high boundary fence and gates	Parish:	Thornbury Town Council
Map Ref:	63779 90800	Ward:	Thornbury North
Application Category:	Minor	Target Date:	28th May 2009



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100023410, 2009.

N.T.S

PT09/0614/F

This application appears on the circulated schedule because two objections have been received from neighbouring residential occupiers.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a 1.8 metre high boundary fence and gates. The fence would replace an existing 1 metre high fence, which according to the applicant, is in need of replacing.
- 1.2 The fence would extend approximately 300 metres along the front boundary of the School adjacent to the highway.
- 1.3 The height of the proposed fence and gates has been reduced from 2 metres to 1.8 metres following Officers advice. This would ensure that the fence would have less of an impact on the street scene.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transportation
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0784/F, Construction of 11no. additional car parking spaces and 1 no. additional bus collection points with associated works, 23/04/07, Withdrawn.
- 3.2 P97/1626, Erection of single storey four-classroom extension to existing two-classroom block, 26/06/97, Approval.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Transportation
No objection
- 4.3 Public Rights of Way
No objection
- 4.4 Children and Young People
No comments received

Other Representations

4.3 Local Residents

Three letters received from local residents. One supports the proposal, the other two object.

The objections cover the following:

- Loss of views of the Forest of Dean hills, the Shelling school park, trees at the bottom of the school playing field, the school playing field itself;
- The loss of views would reduce the value of the property;
- Neighbours properties would also lose view and reduce in value.
- Concern regarding the colour of the fence. The fence should be a dark blue colour as opposed to light blue.

The letter in support of the application states that the current fencing is tired and ineffectual.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy D1 is relevant to all kinds of development and ensures that a good standard of design is achieved. Policy T12 only allows for development that makes adequate and safe transportation provisions.

5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a 1.8 metre high boundary fence and gates. The proposal would replace an existing 1 metre high fence, which stands adjacent to the highway. The fence would be located to the front elevation of Castle School adjacent to Park Road and extend approximately 300 metres in length. The applicant states that the existing fencing is in need of replacing, and would also benefit the school by way of security and safety.

5.3 The fencing would comprise a bow top, similar to the existing fence and be finished in blue. Access into the school would be controlled by five double gates, at different access points along the front of the school. The fence would comprise an open design, which would allow for a high degree of through visibility, minimising the impact on the streetscene. Whilst the fence is taller than the existing fence at 1.8 metres, its open design would ensure that it would not be adversely oppressive for pedestrians using the pavement. By reason of the design, siting, materials and scale of the proposed fence, it is considered that it would not have a negative impact on the character of the area.

5.4 The colour of the fence is considered acceptable in principle. The applicant does not however, specify an exact shade of blue for the fence. A condition will be applied to the permission to ensure that a sample colour of the proposed

fence is submitted to the Council for approval first. It will be the Council's discretion as to whether the colour submitted is acceptable. This would address a concern received from a neighbouring occupier with regards to the colour of the fence.

5.5 Transportation

The replacement fence is taller than the existing fence, although it will remain set back from the carriageway and therefore, visibility would not be compromised. The fence line would not provide a solid barrier and so pedestrians would be able to sight vehicles emerging from the access points. There are no transportation objections to the proposal.

5.6 Outstanding Matters

A neighbouring occupier objected to the proposal on the basis that the fence would result in loss of views from his and neighbouring properties and thus devalue the property. There is however, no private 'right to a view' that the planning system should protect and therefore, this is not a material consideration that can be taken into account.

5.7 Design and Access Statement

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Planning Permission is GRANTED subject to the following conditions.

Background Papers **PT09/0614/F**

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

CONDITIONS

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

Reason(s):

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

2. Prior to the commencement of development a sample of the fence and gate colour proposed 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 appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.