

**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. 31/10

Date to Members: 13/08/10

Member's Deadline: 19/08/10 (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 **by email 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**

PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (e.g, if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control 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

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 Planning Manager 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. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863518, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- 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.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

Dates and deadlines for Circulated Schedule
During the August Bank Holiday Period 2010

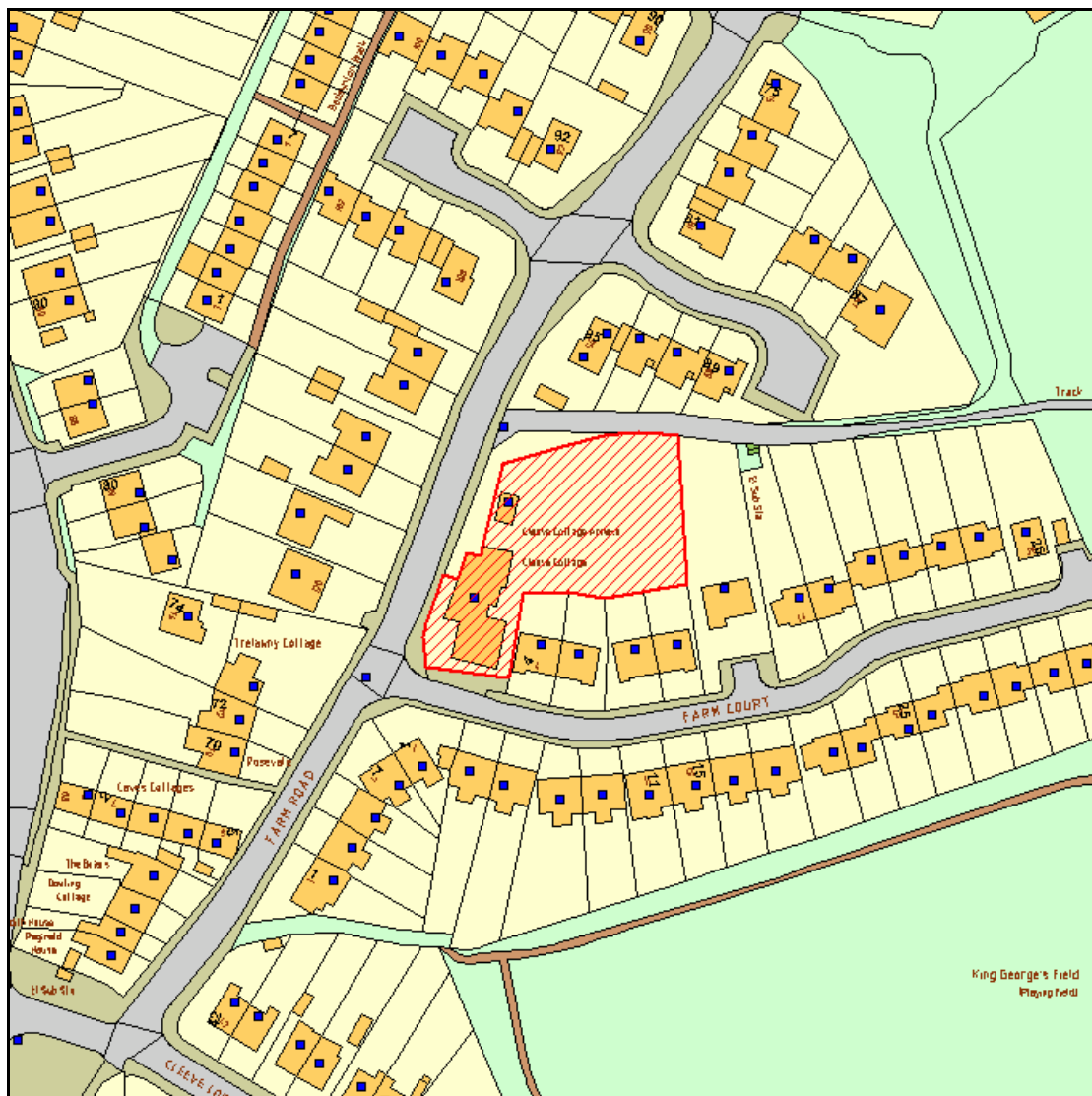
Schedule Number	Date to Members 09.00 am	Members Deadline 5 pm
33/10	Thursday 26 August 2010	Thursday 02 September 2010

CIRCULATED SCHEDULE – 13 AUGUST 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0905/EXT	Approve with Conditions	Cleve Cottage Farm Road Downend South Gloucestershire BS16 6DD	Downend	Downend And Bromley Heath Parish Council
2	PK10/1290/F	Approve with Conditions	Land Rear Of 11 Teewell Hill Staple Hill South Gloucestershire BS16 5PD	Staple Hill	None
3	PK10/1376/F	Approve with Conditions	23 Argyle Drive Yate South Gloucestershire BS37 5TZ	Yate North	Yate Town
4	PK10/1454/F	Approve with Conditions	99 Badgeworth Yate South Gloucestershire BS37 8YJ	Dodington	Dodington Parish Council
5	PK10/1485/F	Approve with Conditions	5a Forest Road Kingswood South Gloucestershire BS15 8EH	Woodstock	
6	PK10/1562/F	Approve with Conditions	10 Mitchell Walk Bridgeyate South Gloucestershire	Siston	Siston Parish Council
7	PK10/1611/F	Approve with Conditions	17 Headington Close Hanham South Gloucestershire BS15 3BF	Hanham	Hanham Abbots Parish Council
8	PT10/1230/TMP	Approve with Conditions	Land North East Of Stoneyard Lane Off Hill Lane Oldbury South Gloucestershire	Severn	Oldbury-on-Severn Parish Council
9	PT10/1639/F	Approve with Conditions	8 Hales Horn Close Bradley Stoke South Gloucestershire BS32 8AG	Stoke Gifford	Bradley Stoke Town Council
10	PT10/1695/CLP	Approve with Conditions	2 Woodleigh Thornbury South Gloucestershire BS35 2JP	Thornbury North	Thornbury Town Council
11	PT10/1792/F	Approve with Conditions	Two Stacks Bristol Road Frenchay South Gloucestershire BS16 1LQ	Frenchay And Stoke Park	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 31/10 – 13 AUGUST 2010

App No.:	PK10/0905/EXT	Applicant:	Trustees of the Estate
Site:	Cleve Cottage Farm Road Downend Bristol South Gloucestershire	Date Reg:	26th April 2010
Proposal:	Demolition of existing dwelling to facilitate the erection of 8 no. dwellings with access and associated works. (Consent to extend time limit implementation for PK06/1092/F)	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365298 177117	Ward:	Downend
Application Category:	Minor	Target Date:	14th June 2010



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 100023410, 2008. **N.T.S.** **PK10/0905/EXT**

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 This application merely seeks an extension in time for the implementation of a previously approved scheme PK06/1092/F for the demolition of an existing dwelling (Cleeve Cottage) to facilitate the erection of 8 no. dwellings with access and associated works (Resubmission of PK05/3548/F). This follows a change in legislation introduced by the Government to help developers through the current financial crises. In this case the scheme remains the same as previously approved; none of the conditions have yet been discharged.
- 1.2 The site consists of a Victorian house, accessed off Farm Road, with a large garden, within the urban area of Downend, close to the junction with Farm Court. Cleeve Cottage is neither listed or locally listed.
- 1.3 The proposal involves the erection of 7 three bedroomed houses, and one two bed bungalow with off-street parking with access from Farm Road.
- 1.4 In the determination of this extension in time application, officers must consider what, if anything, has changed since the original approval, that may justify a revised decision, a revision of the conditions or wording of the S106 Legal Agreement.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing as revised June 2010
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L5	Open Areas within the Existing Urban Areas and Defined Settlements
L9	Species Protection
L17 & L18	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk and Development
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Area
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H6	Affordable Housing

- LC1 Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 Provision for Educational Facilities (Site Allocations and Developer Contributions)

South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010

- CS1 - High Quality Design
- CS5 - Location of Development
- CS15 - Distribution of Housing
- CS16 - Housing Density
- CS17 - Housing Diversity
- CS18 - Affordable Housing

Supplementary Planning Guidance

South Gloucestershire Design Check List (SPD) adopted 23rd August 2007.
Trees on Development Sites (SPG) Adopted Nov 2005.

3. RELEVANT PLANNING HISTORY

- 3.1 K1936 - Erection of 3 no. detached houses with garages. Construction of new vehicular and pedestrian access (outline).
Refused 1977
- 3.2 K1936/2 - Erection to two detached dwellinghouses with garages. Construction of new vehicular and pedestrian access (outline)
Approved 1978
- 3.3 K1936/3 - Alteration and extension to existing dwellinghouse to provide additional living accommodation and a double garage.
Approved 1978
- 3.4 PK05/3548/F - Demolition of existing dwelling to facilitate the erection of 8no. dwellings with access and associated works.
Withdrawn 24 Jan 2006
- 3.5 PK06/1092/F - Demolition of existing dwelling to facilitate the erection of 8no. dwellings with access and associated works. (Resubmission of PK05/3548/F) S106 signed. Approved 4 May 2007

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection
- 4.2 Sustainable Transport
There are no highway objections to the proposed extension of time to implement the development. It must be reported however that approval of the earlier planning application no. PK06/1092/F on the same site, was conditional on the completion of a Legal Agreement in order to secure financial contributions of £12,000 towards highway works and a contribution of £8,000

towards improvements to public transport facilities in the area. The decision which, lead to the need for a financial contribution for traffic management mitigating measures, was partly influenced by the issue of visibility standards. However, the visibility standard has been changed since March 2007 (by the introduction of a new design guidance published by the Department for Transport). Having regards to the new visibility standards, it is officer's judgement that the requirement for the financial contribution should also be reviewed. The only highway works now identified by the traffic management department are improvements to pedestrian facilities and alteration to existing advisory "Keep Clear" marking and replacement of them with yellow lines at the junction with Badminton Road. The estimated cost of these works is £3,500. The requirements for a contribution to a public transportation facility shall remain unchanged at £8,000.

4.3 On the basis of all the above mentioned, the recommended requirement for financial contributions for this development needs to be reviewed downwards to a total of £11,500 (i.e. a sum of £3,500 towards a traffic management scheme in the area plus a sum of £8,000 towards public transport improvements).

4.4 In view of all the above therefore, there are no highway objections to the application subject to the applicant first entering into an appropriate legal agreement to provide a financial contribution of £11,500. Such contribution shall be used towards traffic management/road safety plus improvement and access to public transport facilities in the area.

4.3 Local Residents

2no. e-mails/letters of objection have been received from local residents. The concerns raised are summarised as follows:

- The plot is higher than the adjoining lane and garden/houses of 89-95 Sutherland Avenue thus resulting in overlooking and dominating affect.
- Loss of wildlife habitat.
- Overdevelopment.

Petition

A small petition signed by 7no. residents of Farm Court and 1no. of Sutherland Avenue has been received. The concerns raised are as follows:

- Plot 8 - Loss of privacy to 8 & 10 Farm Court. Loss of aspect to 4 & 6 Farm Court. Rear gardens of 4,6,8 & 10 Farm Court no longer back onto private property of existing garden therefore increasing security risks and criminal damage.
- Plot 7 - Rear gardens of 6,8 & 10 Farm Court no longer back onto private property of existing garden, therefore increasing security risks and criminal damage,
- Plot 6 - Loss of privacy to 12 Farm Court, rear garden, main bedroom & living accommodation. Loss of aspect to 12 Farm Court, rear aspect overwhelmed by two-storey property. Security issues arising from lane between Plot 6 and 12 Farm Court boundary. This includes the security of Plot 6 itself.

- Increased parking issues and traffic hazards due to the many customers of the recently refurbished Green Dragon Public House; parking in Farm Road, Cleve Lodge Road and Sutherland Avenue.
- Plots 3 & 4 - Loss of privacy to 95 Sutherland Av. Loss of aspect to 95 Sutherland Avenue.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Since the approval of application PK06/1092/F in May 2007, there have been a number of changes to the policy framework affecting this proposal. The South Gloucestershire Design Check List was adopted in Aug 2007 and this is now a relevant Supplementary Planning Document. More recently The South Gloucestershire Core Strategy Pre-Submission Publication Draft was issued March 2010. Whilst this document is a material consideration in the determination of planning applications, it can only be afforded very limited weight given the very early stage that the document has reached. In addition, the Draft Regional Spatial Strategy, to which the Core Strategy refers, was recently scrapped by the new Coalition Government.

5.2 A revised version of PPS3 was issued on 9th June 2010 to take account of concerns regarding the redevelopment of neighbourhoods, loss of Green Space and the impact upon local character. The changes involve the exclusion of private residential gardens from the definition of previously developed land and the removal of the national indicative density target of 30 dwellings per hectare. Officers are satisfied however that existing policies within the Local Plan i.e. policies D1, H2, H4 and L5 already provide a robust policy framework that require that proposals to be assessed for their impact upon the character of the area and that proposals make efficient use of land. The original application has therefore already been assessed against these policies.

5.3 Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for residential development within the existing urban areas, subject to the following criteria:

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

5.4 The proposed density of the site is 48 dwellings per hectare, which is appropriate for this urban location, close to bus stops, and walk-able distance to local shops and other facilities. Following the revisions to PPS3 there is no longer a minimum density requirement, nevertheless there is still a government objective to make efficient use of land within the Urban Areas for sustainable

- residential development. The issue of overdevelopment therefore cannot be argued, as the density proposed makes an efficient use of the site. The principle of development is therefore acceptable, subject to the following detailed assessment.
- 5.5 Visual Amenity
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 states that development will only be permitted where good standards of site planning and design are achieved.
- 5.6 The area is a predominately residential one, with a variety of types of house, from a few Victorian cottages, semi-detached inter-war properties and late 20th century terraces. There is no one overwhelming vernacular within the vicinity of the site, and a variety of materials have been used. Properties immediately adjacent to the site have very little architectural merit. In this context the contemporary design of the proposed houses and bungalow is considered acceptable, and whilst they would be different to existing properties in the area, they are entirely appropriate for the local context, and would not detract from the visual amenity or character of the area. The proposed dwellings use a variety of materials on the front and rear elevations, with protruding elements that will create visually interesting elevations. Conditions requiring samples of materials will be recommended, to ensure quality of development.
- 5.7 The site is partially enclosed by a stone wall, approx. 2m in height, which is a feature of the area. It is proposed to retain this wall, and create two stone lined openings within it. This is considered acceptable in visual terms, and a condition will be recommended requiring details of the proposed openings.
- 5.8 Concerns have been raised regarding the loss of Cleeve Cottage itself. Cleeve Cottage is not listed or locally listed, and therefore affords no protection. It is not considered that Cleeve Cottage has any particular visual or historic merit worthy of retention, and has been particularly degraded by a number of extensions.
- 5.9 Plot 1 would be close to the corner of the pavement, however, Cleeve Cottage itself is close to the corner of the junction, and therefore the proposed layout, to this extent, mirrors that of the existing layout.
- 5.10 The proposal is considered acceptable in visual terms, and will not harm the visual amenity of the area.
- 5.11 Residential Amenity
Criterion A of Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 states that acceptable development would not significantly prejudice residential amenity.
- 5.12 Plots 4-6 face the rear of 89-95 (odd) Farm Road, from a distance of between 16m to 24m. These plots would also be screened by existing trees and proposed tree planting, which will include substantial trees, which will be conditioned as part of a landscaping scheme. PPS3 states that local authorities should avoid inflexible planning standards and should think imaginatively about

layouts which make more efficient use of the land. Given this national policy context, and the fact that the site is within a fairly densely built urban area, the distances between properties are considered acceptable in residential amenity terms.

- 5.13 The end elevations of Plots 7 and 8 face the rear of properties 4-8 (even) Farm Court. Plot 7 is a bungalow, and Plot 8 has no windows facing these properties. A condition will be recommended to restrict the installation of any further windows for all plots. Nos 4 and 6 Farm Court have gardens approx. 10m deep, and given this, it is not considered that plot 8 would be overbearing on the residential amenity of the occupiers of nos 4 and 6. Similarly, plot 7 is not overbearing on the garden of no. 8 Farm Court, as it is a bungalow, and plot 6 has no windows on the end elevation, so there would be no overlooking onto the garden of no. 8 Farm Court. No. 8 has a garden of 30m depth, and it is not considered that plot 6 would be overbearing in this context.
- 5.14 Subject to a condition restricting permitted development rights to all plots, it is considered that the proposal does not harm the residential amenity of the area.
- 5.15 Transportation
Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 states that new development will be permitted provided that in terms of transportation, the proposal:
- Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists and people with disabilities
 - Provides safe access capable of accommodation the motorised traffic generated by the proposal,
 - Would not create or unacceptably exacerbate traffic congestion, or unacceptably effect road safety
 - Would not generate traffic which would unacceptably affect residential amenity
 - Incorporates traffic management/calming measures where improved safety and environmental enhancement are required as a result of the development
 - Provides for or contributes to public transport and pedestrian and cycle links- determined by the need arising from the development
- 5.16 It is proposed to relocate the existing access further away from the junction with Farm Road and close the existing access. Visibility from the new access onto Farm Road is 50m to the right and over 90m to the left. The visibility distance to the right of the access now falls within the latest guidance; Farm Road is basically a residential road (unclassified road). The developer is also expected to make some financial contribution towards traffic management and road safety in the area.
- 5.17 Parking for the development would be at a ratio of 1.6 per dwelling and that complies with the South Gloucestershire maximum parking standards. The access road would be constructed as a shared access road and satisfactory turning area is provided on the site to accommodate manoeuvring space for service vehicles. The officer's recommendation is that the access remains as a

private access and an appropriate condition is attached for the applicant to set up a management company.

- 5.18 In consideration of all the above therefore, there are no highway objections subject to a S106 legal agreement to securing a financial contribution of a) £3,500 towards a traffic management scheme in the area and b) a contribution of £1,000 per dwelling towards improvement of the public transport system. The contribution for public transport could include improvement to bus stops (i.e. raised pavement as access for disabled and or bus shelter) or contribution towards subsidised services in the area.

Proposed conditions

1. New site access at its junction with Farm Road shall be constructed to adoptable standards and to full satisfaction of the Council's street-care manager.
 2. Access road shall be constructed with surfaced with bound surfacing material with satisfactory drainage and lighting system and it shall then be maintained satisfactory thereafter.
 3. The developer shall provide the Council with full details of a management company to be set up in order to maintain access road satisfactory.
 4. Provide off street parking for each dwelling and maintain them satisfactory thereafter.
 5. Turning area shall be provided in accordance with details of scheme as submitted and approved and it shall then be maintained satisfactory thereafter.
- 5.19 The proposed parking for the development complies with the maximum parking standards as set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.20 Concerns have been raised about illegal/anti-social parking by traffic associated with the recently re-opened Green Dragon Pub/Restaurant. Officers consider that illegal or anti-social parking is a matter for the appropriate authorities to resolve and is not a material consideration in the determination of this application; especially given that the scheme provides adequate off-street parking provision for the dwellings.
- 5.21 Trees, Landscaping and Ecology
The proposal includes the retention of trees on the northern boundary and the Scots Pine on the eastern boundary and proposes the planting of new native broadleaf trees, which will be conditioned as part of the landscaping scheme. The proposal does involve the loss of a large number of trees, but the Tree Officer has stated that the majority are poor specimens or small ornamental trees of no particular visual amenity. The Tree Officer considered that the group of sycamores on the north-western boundary were of visual importance, although not very good specimens, which are proposed to be removed under the current proposals. It would be desirable to retain these trees, but given that they are poor specimens, their removal is not considered harmful enough to the visual amenity of the area to warrant refusal of the application. A condition

regarding tree protection of the retained trees on site is recommended. Adequate wildlife habitat would therefore be retained on the site.

- 5.22 With the regard to the revisions to PPS3, the value of the site as an open space would have previously been considered in relation to Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The garden is for most part enclosed by high walls and is not in the public domain. Officers do not therefore consider that the site is an important open space that makes a significant contribution to the visual amenity of the street scene. The proposal therefore accords with Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.23 Community Services
The Community Services Officer has stated that the development is below the threshold for community services contribution requests.
- 5.24 Education Services
The School & Early Years Organisation Officer has stated that there is now a projected deficit of primary school places in the local area. The proposed development of eight houses would generate three additional primary school pupils based on the pupil number calculator. A contribution of £32,241.00p is therefore required for additional primary provision. There is however a projected surplus of places at secondary school provision.
- 5.25 Affordable Housing
The proposal for 8no. dwellings falls below the threshold for an affordable housing provision.
- 5.26 Other matters
The Technical Services Team have no objections to the scheme on drainage grounds, although they do state that the site is served by a private foul sewer serving 4-10 (even) Farm Court. Concerns have previously been raised by local residents regarding the private sewers on site, however, this is a civil issue, not a planning one, and cannot be taken into account in the assessment of this application.
- 5.27 It would be difficult to argue that the proposal would create noise and disturbance for neighbouring residents, since the area is a residential one anyway, with a certain level of pre-existing background noise. It is not considered that the security of the surrounding properties would be harmed, since the proposed scheme would afford more natural surveillance than existing of the general area.
- 5.28 Use of Energy and Sustainability
A sustainable drainage system would be secured by condition.
- 5.29 Improvements Achieved to the Scheme
None

5.30 Section 106 Requirements

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

6. CONCLUSION

- 6.1 This application is merely for an extension in time for the implementation of a previously approved scheme. The proposal has been considered in the light of changes to the policy framework that have taken place since the original application was approved. Officers conclude that the Policies within the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 adequately cover the issues of impact on character and loss of open space, against which the scheme was previously considered and found to be acceptable. Officers also consider that any perceived loss of character would in this case be overridden by the acknowledged shortfall of housing provision within the Local Plan area and the need to make efficient use of land within the Urban Area. The S106 requirements have however been revised in line with current requirements and the applicant has accepted these revised figures, which now include a contribution to the education service but a reduced sum to highways. A unilateral undertaking has already been submitted.
- 6.2 A number of concerns have been raised by local residents; most notably about loss of privacy, overbearing impact and loss of security, but all of these matters were previously addressed in the original application. Since the scheme remains the same as previously approved and nothing has physically changed on the site, officers consider that a refusal reason on these grounds could not reasonably be justified.
- 6.3 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.
- 6.4 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

- 1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission, subject to the conditions set out below

and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- i. A contribution of £11,500 towards highway and public transport improvements within the area; broken down as £3,500 towards improvements to pedestrian facilities and alteration to existing advisory "Keep Clear" marking and replacement of them with yellow lines at the junction with Badminton Road; and £8000 towards public transport improvements to include improvements to bus stops (i.e. raised pavement as access for disabled and or bus shelter) or contribution towards subsidised services in the area.
- ii. A contribution of £32,241.00 to the Education Service towards the provision of three additional primary school pupil places.
- iii. A contribution of £107.20p as a contribution towards the Council's costs of monitoring the implementation of this Agreement.

The reasons for the agreement are:

- i. In the interests of highway safety, having regard to the increased traffic generation in Farm Road to result from the development and to promote alternative modes of transport other than the use of private motor cars, to accord with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 - ii. To provide adequate primary school provision, having regard to the increased population generated by the proposal, in accordance with Policy LC2 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 - iii. To allow the Council to fully monitor the progress of the S106 Agreement.
- 2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development as specified in Part 1 (Classes A, B, C, D, E, G), or any minor operations as specified in Part 2 (Class A),

other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In view of the size of the plot any extension/alteration to the dwellings would require further detailed consideration in order to safeguard the amenities of the area and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Samples of all external materials shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be implemented in accordance with the approved samples and maintained thereafter as such.

Reason

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

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees on the land and details of any to be retained, together with measures for their protection during the course of the development; boundary treatments and areas of hardsurfacing. All new trees to be planted shall be of a heavy standard. The development shall accord with the approved details. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Council gives written consent to any variation.

Reason

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

5. Details of all boundary treatments (walls, railings or fences) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the development shall only be carried out in accordance with the details so approved and maintained thereafter as such.

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.

6. Details of the openings in the retained wall shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall accord with the approved details and maintained thereafter as such.

Reason

To protect the character and appearance of the area to accord with Policy D1of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

8. The new site access to Farm Road hereby approved shall be constructed to adoptable standards and to the full satisfaction of the Council's Streetcare Manager, and maintained thereafter as such.

Reason

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

9. Prior to the commencement of development, full details of a management company to be set up in order to maintain the access road in a satisfactory condition shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
 - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
 - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
 - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

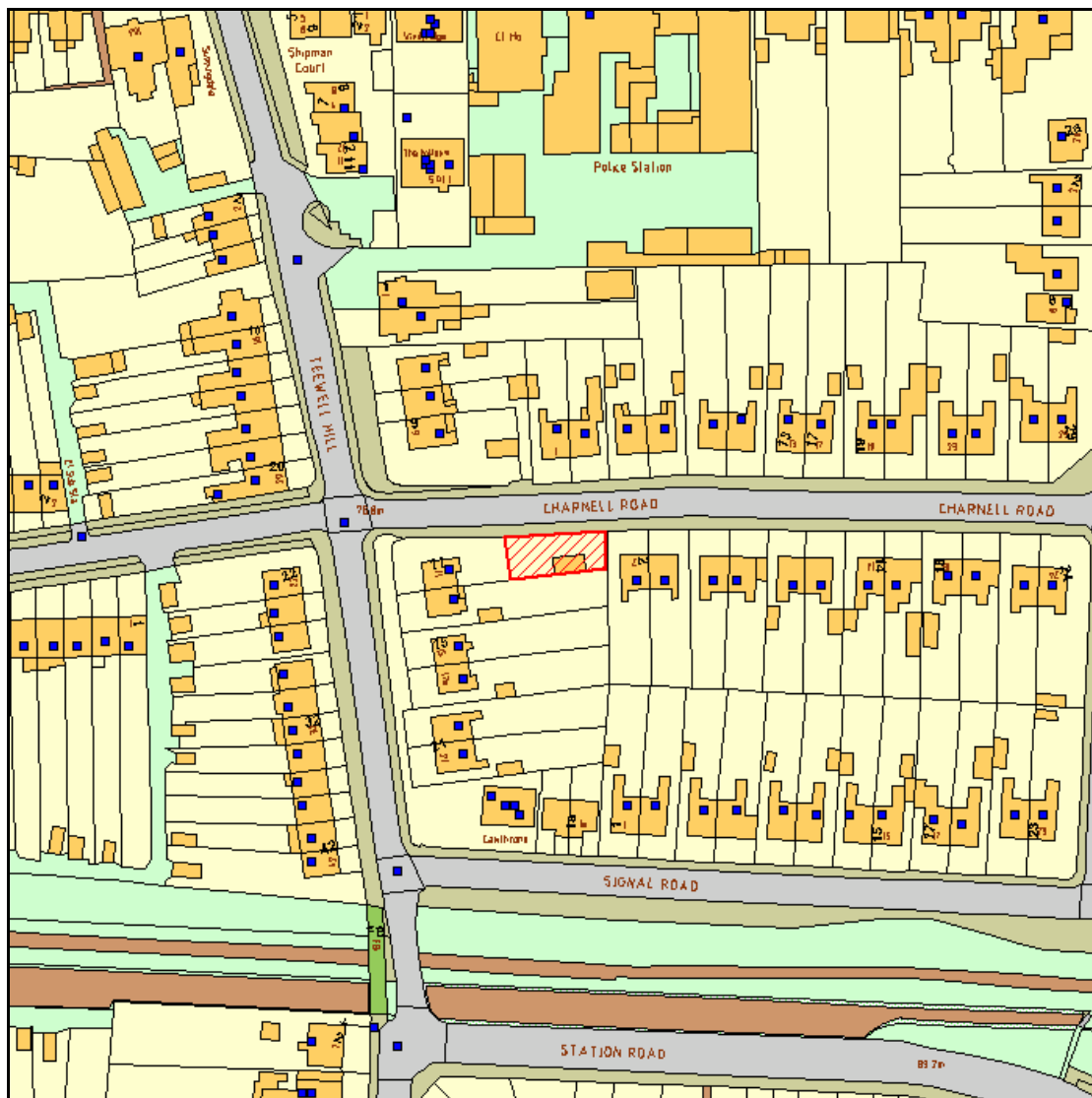
12. The hours for deliveries and of construction work on site shall be restricted to 0730 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and no working shall take place on Sundays or Public Holidays, unless with the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 31/10 – 13 AUGUST 2010

App No.:	PK10/1290/F	Applicant:	Mr Stephen Bream
Site:	Land Rear Of 11 Teewell Hill Staple Hill Bristol South Gloucestershire BS16 5PD	Date Reg:	4th June 2010
Proposal:	Erection of 1no. detached dwelling and associated works.	Parish:	None
Map Ref:	365404 175749	Ward:	Staple Hill
Application Category:	Minor	Target Date:	23rd July 2010



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 100023410, 2008. **N.T.S.** **PK10/1290/F**

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident, which is contrary to the officer recommendation.

1. THE PROPOSAL

1.1 The application site is a long garden area to the rear of 11 Tewell Hill, Staple Hill. No.11 is a two-storey, semi-detached property located on a corner plot at the junction of Tewell Hill and Charnell Road. Site levels fall gently to the south. At the eastern end of the garden is a masonry garage accessed via an existing dedicated access off Charnell Road. The garden is entirely enclosed by high boundary fences. The site lies relatively close to the centre of Staple Hill but the location is sub-urban in character, comprising predominantly two-storey, semi-detached and terraced dwellings.

1.2 It is proposed to demolish the existing garage at the bottom of the garden and erect a two-bedroom bungalow in its place. The existing garden would be subdivided by fences and the existing access and parking area utilised.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing as revised June 9th 2010.
PPG13 - Transport
Ministerial Statement 9th June 2010

2.2 Development Plans

Joint Replacement Structure Plan Adopted Sept. 2002

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

South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010

CS1 - High Quality Design
CS5 - Location of Development
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L5 - Open Areas within existing Urban Areas
L9 - Species Protection

L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
EP7 - Unstable Land
H2 - Residential Development within the existing Urban Area
H4 - Development within Existing Residential Curtilages
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

South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007.

3. RELEVANT PLANNING HISTORY

3.1 PK10/0713/F - Erection of two-storey side extension and single-storey rear extension to provide integral garage and additional living accommodation.
Approved 19 May 2010

4. CONSULTATION RESPONSES

Parish Council

Not a parished area.

Sustainable Transport

Planning permission has previously been granted to extend the existing dwelling to provide a new integral garage and vehicular access onto Teewell Hill (PK10/0713/F).

The current proposal seeks to erect a two-bed detached dwelling on land to the rear of the existing dwelling. The development proposes to utilise the existing vehicular access onto Charnell Road to provide one parking space for the existing dwelling.

Subject to the following planning condition, there is no highway objection:

1. No building work on the new dwelling to be commenced until such time as the new vehicular access and parking has been provided for the existing dwelling (no.11) onto Teewell Hill permitted as part of planning permission PK10/0713/F.

Local Residents

1 letter of objection was received from the occupant of adjoining no.13 Teewell Hill.

The concerns raised are summarised as follows:

- Overdevelopment
- Demolition of existing garage would encroach and damage land and property belonging to no.13.
- Proposed footings would encroach over boundary with no.13 causing damage to property and loss of amenity.

- Loss of privacy to no.13.
- Would result in possible future extensions upwards.
- Building works would have a detrimental affect on wildlife living in garden of no.13.
- Contrary to PPS3.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Urban Area, there is therefore no in-principle objection to the development of the site for residential use.

5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 33 states that priority will be given to the re-use of *previously developed sites within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub-regional centres.

5.3 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. However, recent changes to PPS3 mean that residential gardens are no longer considered to be previously developed, brown field sites. That is not to say however that garden areas cannot be developed at all; any development would need to satisfy local plan policies relating to design, loss of open space and impact on the character of the area in question. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) does seek to *...increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.*

5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
- B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and

- D. Provision for education, leisure, recreation and other community facilities, within the vicinity, is adequate to meet the needs arising from the proposals.
- 5.5 It should be noted however that in the recently revised version of PPS3 the reference to the national indicative minimum density target of 30dph has been deleted. The changes have been introduced to reflect concerns regarding overdevelopment of neighbourhoods, loss of green space and the impact upon local character.
- 5.6 Also of relevance is Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, which permits new dwellings within residential curtilages subject to criteria discussed below. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010, both seek to secure good quality designs that are compatible with the character of the site and locality.
- 5.7 Also of relevance is the fact that much of the site is already taken up by an existing garage, hard-standing and separate access.
- 5.8 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. Whilst not prescribing any maximum or minimum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.
- 5.9 PPS3 (para.50) states that *„ The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment. „*
- 5.10 The proposal is considered to make efficient use of the land in what is a very sustainable location, close to the centre of Staple Hill, within walking distance of the shopping and community facilities and main bus routes. More than one dwelling could not realistically be accommodated on the plot and in this respect the proposal accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.11 Scale and Design
The proposed bungalow would be modest in scale with a roof ridge set at only 4.3m and eaves at 2.3m similar to those of the existing garage, which the bungalow would replace. The roof would be hipped with shallow slopes to reduce the massing. The building's 'L' shaped foot-print would have a maximum length of 11.6m and maximum depth of 8.0m. There would be two bedrooms, a bathroom, a kitchen and living/dining room on the ground floor, with no living accommodation in the roof space.

- 5.12 The materials to be used would be rendered with brick quoin detailing and concrete profiled tiles for the roof. Officers are satisfied that the scale and design are acceptable in this setting.
- 5.13 PPS3 has recently been revised and the Ministerial Statement on so-called 'Garden Grabbing' has been released. A much greater emphasis is now given to the impact of development proposals on the character and appearance of locations. The proposed dwelling would however be viewed in the context of the existing buildings on Charnell Road and in this respect would not be out of character with the location. In terms of its contribution to the street scene, the existing garden has very limited amenity value, being entirely enclosed by high close-board fences. Much of the plot is already developed, being an existing garage and hard-standing. On balance therefore the proposed scale and design are acceptable.
- 5.14 Transportation Issues
Notwithstanding the recent planning permission (PK10/0713/F) to extend no.11, which has not yet been implemented, the existing property retains a garage, off-street parking spaces and access to the side of the main dwelling. The garage to be demolished is not currently used by the occupier of no.11. This may not have been evident from the plans when the Highway officer made her comments. The existing property would therefore retain adequate parking provision and access, so the condition suggested by the Highway Officer is not in fact justified and would not therefore meet the tests of Circular 11/95. The proposed bungalow would utilise the existing separate access off Charnell Road and maintain a separate parking space and turning area. Separate cycle and bin storage would also be provided on-site.
- 5.15 The parking provision for the existing and proposed dwellings therefore accords with the Council's maximum parking standards as listed under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The proposal would not result in any highway hazards and merely replicates an existing situation and as such accords with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.16 Impact on Residential Amenity
A small area of private amenity space would be provided to the side of the proposed bungalow. Given the bungalow's small size and location close to the Town Centre, officers are satisfied that the amenity space provision is acceptable. Adequate amenity space 9.5m in depth, would be retained to serve the existing property (No.11), the scheme is not therefore considered to be an overdevelopment of the site. The building would be located at the far end of the garden, adjacent to the two-storey side extension of no.2 Charnell Road and the rear garden of neighbouring no.13 Teewell Hill.
- 5.17 A number of concerns have been raised by the occupant of adjoining no.13 Teewell Hill. Following a site visit, by the case officer to this property, the applicant agreed an amendment to the scheme, whereby the overall width of the bungalow has been reduced to ensure that there is adequate set-back from

- the boundary with no.13 and that there would be no encroachment of footings over the boundary.
- 5.18 Given the scale and location of the proposed bungalow in relation to the existing garage, officers are satisfied that the proposal would not have a significant overbearing impact for adjoining occupiers. Furthermore, in terms of visual amenity, the proposal would for most part be screened by the existing and proposed high boundary fences, that would entirely enclose the site.
- 5.19 In terms of loss of privacy, it is noted that there are no windows in the side elevation of no.2 Charnell Road. Furthermore, no windows are proposed for the rear elevation or roof slopes of the proposed bungalow and any overlooking from the front and side, would be prevented by the high boundary fences. There would therefore be no loss of privacy from overlooking of neighbouring property, from the highway of between neighbouring and proposed windows.
- 5.20 Concerns have been raised about future increases in size of the proposed dwelling but these would be controlled by the planning process, nevertheless, given the small size of the plot and the relationship to neighbouring property, officers consider it justified to impose a condition to remove all permitted development rights.
- 5.21 Concerns about scaffolding being erected on neighbouring land and damage to neighbouring property is not a planning issue as this would be controlled under separate legislation such as the Access of Neighbouring Land Act and the Party Wall Act; appropriate informatives would be included in any decision notice issued
- 5.22 Having regard to all of the above, including the amendments to the scheme and proposed conditions, no significant harm to residential amenity would result from the scheme.
- 5.23 Landscape Issues
There is no vegetation of note within the actual application site itself. The rear garden of no.13 is however highly vegetated, with most notably a semi-mature Silver Birch tree located close to the boundary with no.11, next to the existing garage; this tree is likely to be affected by the proposed building works. The Council's Tree Officer has inspected the tree and concluded that whilst it does have some amenity value it would not meet the criteria for Tree Preservation Order. In the event of planning permission being granted however, the occupier of no.13 has agreed that the tree can be felled and to this effect a formal agreement with the applicant obtained. Compensatory tree planting within the application site can be secured via an appropriate landscape condition. The proposal is therefore in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 5.24 Given that the site is within an existing garden, an assessment of the proposal in relation to Policy L5 has been made. The site is small and developed in appearance and has very limited amenity value in terms of the visual amenity and character of the street scene and locality in general. For these reasons an

objection on the grounds of loss of open space or loss of garden land is not in this case justified.

5.25 Ecology

The application site comprises mostly of the garage and hard-standing and provides little in the way of wildlife habitat. The neighbouring garden to the rear of no.13 is however heavily vegetated and includes a pond. The occupier of no.13 considers the garden to be a wildlife haven. The Council's Ecologist is satisfied however that the proposal would not have a significant adverse affect on the wildlife living in this garden.

5.26 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 Council's Drainage Engineer raises no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme to include SUDS, for approval before development could commence.

5.27 Affordable Housing

The proposal is for 1no. dwelling only, which is below the Council's threshold (15) for affordable housing provision.

5.28 Education Service

The proposal is for 1no. dwelling only, which is below the Council's threshold (5) for contributions to the Education Service.

5.29 Community Services

The proposal is for 1no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

5.30 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.

5.31 Use of Energy and Sustainability

A SUDS Drainage Scheme would be secured via an appropriate condition. The application is in a sustainable location, close to the centre of Staple Hill. The scheme would incorporate solar water heating panels and a method of recycling rainwater for garden use.

5.32 Improvements Achieved to the Scheme

Amendment to reduce the width of the bungalow to create adequate set-back on the boundary with no.13.

5.33 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D, E, F, and G) or any minor operations as specified in Part 2 (Class A and B), 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

To prevent overdevelopment of the site to retain the character of the locality and to protect residential amenity in accordance with Policies D1, H4 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. Notwithstanding the details shown on the approved plans; prior to the commencement of development details/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 Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Core Strategy Pre-Submission Draft (March 2010).

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17/L18/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17/L18/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the first occupation of the dwelling hereby approved, the off street car parking space, cycle parking facility and turning area for the dwelling hereby approved shall be provided in full accordance with the approved Proposal Sheet 2 plan no. 061 Rev A and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, 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 protect the residential amenity of the neighbouring occupiers and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. 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 D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

CIRCULATED SCHEDULE NO. 31/10 – 13 AUGUST 2010

App No.:	PK10/1376/F	Applicant:	Mrs Charlene Ollerenshaw
Site:	23 Argyle Drive Yate Bristol South Gloucestershire BS37 5TZ	Date Reg:	9th June 2010
Proposal:	Erection of two storey rear and single storey side extensions to form additional living accommodation.	Parish:	Yate Town Council
Map Ref:	371445 183634	Ward:	Yate North
Application Category:	Householder	Target Date:	2nd August 2010



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100023410, 2008.

N.T.S.

PK10/1376/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule Procedure in light of objections received from local residents regarding the proposed development.

1. THE PROPOSAL

- 1.1 This planning application seeks planning for the erection of a two-storey rear and single storey side extension. The submitted plans also illustrate the conversion of part of the existing double garage to provide additional living accommodation. It should be noted that the proposed garage conversion itself does not require planning permission. Revised plans have subsequently been submitted which have gone back out to re-consultation regarding revisions to the proposed two storey rear extension.
- 1.2 The application site relates to a large modern two storey detached dwelling within the residential cul-de-sac of Argyle Drive.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Extensions

South Gloucestershire Core Strategy Pre-submission Draft March 2010
SC1 High Quality Design
- 2.3 Supplementary Planning Guidance
SPD Design

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection has been raised regarding the original and revised submitted plans.
- 4.2 Local Residents
The following 2 letters of objections received from local residents relate to the original submitted plans and one of those objectors has maintained their objections regarding the revised plans and an additional letter has been received, which have all been summarised by the Planning Officer as follows:

- Extension overbearing and oversized for plot
- Within close proximity of no. 24
- Out of character with overall style of housing in Argyle Close. There are two styles of property.
- Loss of light to conservatory
- Issues of parking
- All residents in the main drag up to 23 Argyle Drive should be consulted in particular no. 19.
- Loss of privacy by reason of proposed new window in garage conversion

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Plan allows for extensions to existing dwellings, subject there being no adverse impact on existing visual and residential amenities. Policy CS1 of the Core Strategy seeks to achieve high quality design.

5.2 Visual Amenity

The application site relates to a modern two storey detached dwelling sited at the end of the cul-de-sac of Argyle Drive set within what is considered to be large domestic curtilage. This application proposes a two storey rear extension and single storey side extension and part conversion of existing double garage to provide additional living accommodation. Objections have been raised by local residents regarding the overall scale of the proposed two-storey rear extension and are of the opinion it is out of character within the surrounding area and is oversized for the plot.

5.3 Objections were raised by the Planning Officer regarding the original submitted plans. Although the application is sited at the end of the cul-de-sac, the rear elevation of the property in particular is deemed highly visible from the surrounding street scene due to the dwelling's orientation. The original submitted plans proposed a 4.50m deep two storey rear extension measuring 7.60m in width. It was considered that an extension of this scale would result in large scale extension that if allowed would swamp the rear elevation and appear overly large and be out of keeping with the scale and proportions of the existing dwelling and immediate surrounding properties.

5.4 Revised plans have been submitted reducing the overall scale of the two-storey rear extension to 3.50m in depth and 6.60m in width. In terms of reduced width the rear extension has been pulled in from the right hand side of the property. The rear extension will have a gable end design. It should be noted that gable features are a common feature found within this cul-de-sac both on the front and the rear and no. 19 in particular has a two storey rear gable element measuring 5.0m in width all be it approximately 1.50m in depth. It is considered that an extension of this reduced scale and in this location would not have an adverse impact on the character of the property or the visual amenities of the street scene and would not result in over development of the site given the overall size of the application site.

5.5 Residential Amenity

Objections have been raised by the adjacent occupiers of no. 24 sited east of the application site on the grounds of loss of light and shadow to their conservatory. The proposed extension will be set back approximately 7.0m from the side elevation of no. No. 24 and despite the scale of the proposed extension it is considered given its orientation in relation to no. 24 i.e. westerly setting, that the proposed extension by reason of its siting will not have an unacceptable impact in terms of loss of light. The conservatory in question is set back just under 5.50m of the adjoining boundary.

- 5.6 The proposed single storey side extension again by reason of its scale, design and location in relation to no. 22 will not have an adverse impact in terms of overbearing impact or loss of privacy. Objections have been raised by the neighbour regarding loss of privacy as result of the proposed widow in the garage conversion. Members are advised to consider that the garage conversion and insertion of new window does not require planning permission. Notwithstanding this however, It is considered that as this window will be set back at a distance of approximately 16.0m from the front elevation of no.21m, which comprises of a number of windows, that a window set back at this distance would not have an unacceptable impact on existing levels of privacy.

5.7 Transportation Issues

The proposed extension will result in the loss of one on site car parking space i.e one garage space but will also retain one garage space and two on site unenclosed car parking spaces. Despite the proposed extension this property will remain as a 4 bedroom house. No highway objection is raised as satisfactory levels of on site car parking are provided in line with the Council's car parking standards.

5.8 Other Issues

It has been suggested by a neighbour that all those properties along the road approaching the application site should be consulted. Members are advised to consider that all neighbour consultation is carried out in accordance with the Council's consultation procedures as set down in the Statement of Community Involvement. In this particular instance all relevant neighbours have been consulted in line with applications relating to rear extension i.e. those neighbours on both sides. However in this instance although this application is sited on the rear of the property it is deemed that it reads as a side extension given the orientation of the building so with this in mind those properties at the front within 21 metres have been consulted. The Planning Officer therefore is of the opinion as all relevant neighbours have been consulted, there is no requirement to consult beyond this. In addition no notice has been displayed, as it is not a statutory requirement.

5.9 Design and Access Statement

Not required with this particular type of householder planning application.

5.10 Use of Energy and Sustainability

No specific measures proposed above current Building Regulations.

5.11 Improvements achieved to the scheme

Amended plans have been submitted reducing the scale of the proposed two storey rear extension in terms of width and depth.

5.12 Section 106 Requirements

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

6. CONCLUSION

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

The 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.

- a) The proposed extensions and alterations have been designed to positively enhance the character and appearance of the dwelling and area taking account of materials, design, siting, height and scale of the development-Policies D1 and H4.
- b) The proposed extensions and alterations have taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties by reason of loss of privacy or overbearing impact-Policy H4
- c) The development proposes satisfactory levels of onsite car parking to meet highway car parking standards-Policy T12

7. RECOMMENDATION

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

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

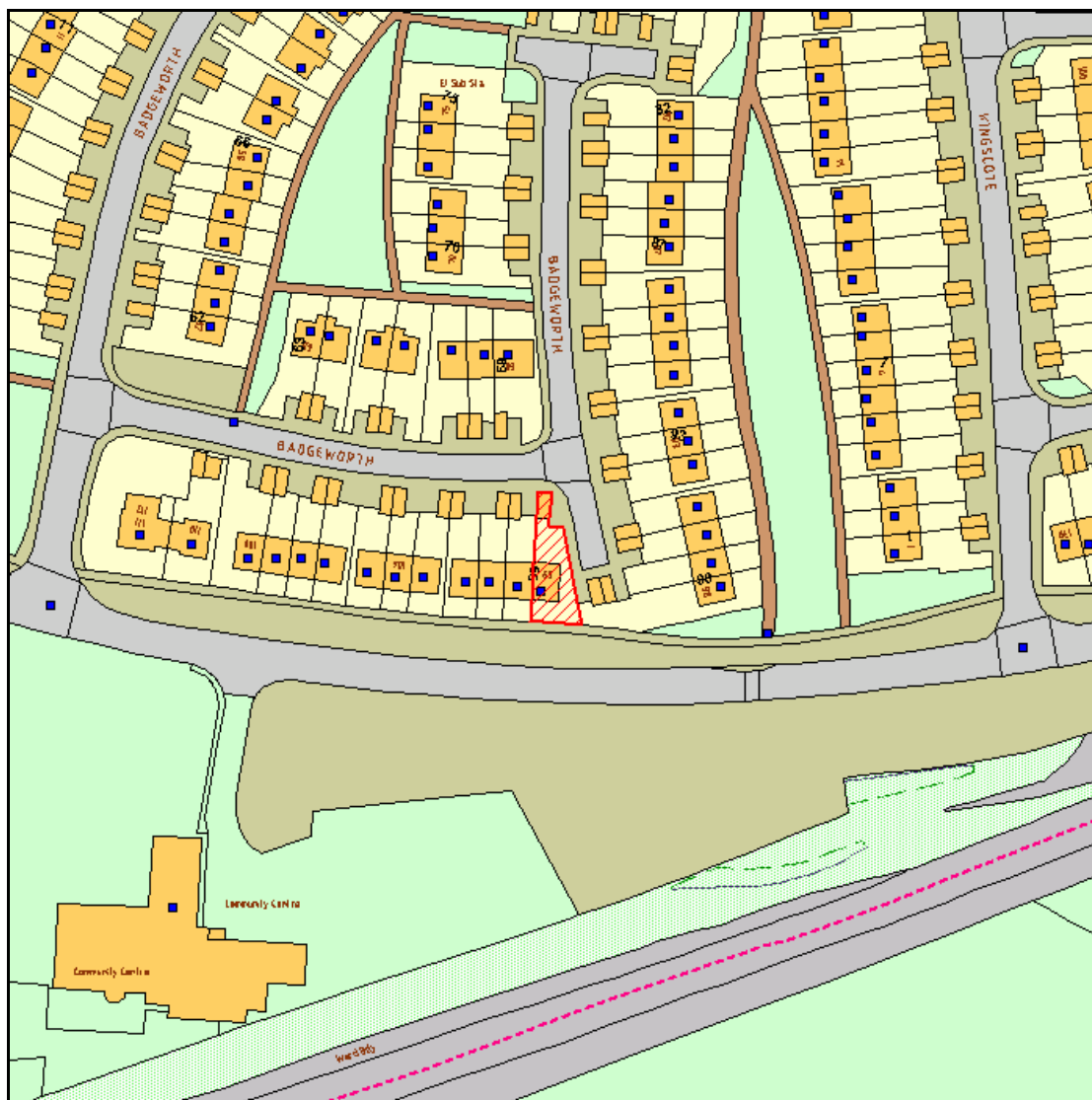
2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 31/10 – 13 AUGUST 2010

App No.:	PK10/1454/F	Applicant:	Mr T Skuse
Site:	99 Badgeworth Yate Bristol South Gloucestershire BS37 8YJ	Date Reg:	16th June 2010
Proposal:	Conversion of 1 no. dwelling to form 2 no. self contained 2 bedroom flats and associated works.	Parish:	Dodington Parish Council
Map Ref:	370609 180575	Ward:	Dodington
Application Category:	Minor	Target Date:	9th August 2010



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INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of objections from Doddington Parish Council and local residents; the objections being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to no.99 Badgeworth, which is a three bedroomed, two-storey, end of terrace dwellinghouse; located at the end of a cul-de-sac within a large Radburn design estate. The property is bounded to the front by Shire Way and to east by a small garage block. There is an enclosed rear garden area and a single garage and separate parking space accessed off Badgeworth also to the rear.
- 1.2 It is proposed to convert the house to form two separate, self-contained, two-bedroom flats. In order to access the first floor flat, it is proposed to erect a metal stairway and glazed doorway to the side of the property. The ground-floor flat would utilise the existing front entrance.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing as revised June 9th 2010.
- PPG13 - Transport
- Ministerial Statement 9th June 2010

2.2 Development Plans

Joint Replacement Structure Plan Adopted Sept. 2002

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

South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010

- CS1 - High Quality Design
- CS5 - Location of Development
- CS15 - Distribution of Housing
- CS16 - Housing Density
- CS17 - Housing Diversity
- CS18 - Affordable Housing

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
EP7 - Unstable Land
H2 - Residential Development within the existing Urban Area
H4 - Development within Existing Residential Curtilages
H5 - Residential Conversions, Houses in Multiple Occupation
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
South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007.

3. RELEVANT PLANNING HISTORY

3.1 P86/1838 - Erection of single-storey rear extension to form utility room.
Approved 2nd July 1986.

4. CONSULTATION RESPONSES

4.1 Doddington Parish Council
Object on the following grounds:

The addition of stairs outside the property :

- Would lead to loss of privacy for adjoining properties as the users would be able to look into both the gardens and back windows.
- Is of metal construction, which would lead to intrusive noise when used.
- Is an inappropriate design for the area. This is the first time that this type of development has been suggested in our Parish and permitting it would set a precedent.
- The accessway is out of keeping with other developments in the Parish.

Additionally the proposal is overdevelopment, which would put a huge pressure on already congested parking provision.

4.2 Other Consultees

Sustainable Transport

The proposed conversion does not involve any extension to the existing building footprint other than to erect an external staircase to provide access to the first floor flat.

The development proposes the demolition of the existing detached garage on site to provide two vehicular parking spaces, one for each dwelling. It is acknowledged that local residents have some issue with the parking proposals for the proposed development but it should be noted that the level of parking

proposed is within the maximum standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 an objection on these grounds could not therefore be substantiated.

In light of the above, there is no basis for a transportation objection to this appeal.

4.3 Local Residents

5no. letters/emails were received from local residents objection to the scheme. The concerns raised are summarised as follows:

- Loss of privacy for nos.97 & 98 due to overlooking of gardens and rear windows from proposed stairway and glazed door serving first floor flat.
- Inadequate parking provision in congested location.
- Likely use of stairway for smoking area.
- Increased noise from comings and goings of visitors/occupants.
- Existing ant-social parking problem.
- Increased traffic problem.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the Urban Area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. The provision of mixed and balanced communities is also supported. The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 (para. 8.26) seeks to “..increase the proportion of smaller dwellings, reflecting the projected growth in one person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire”. There is therefore no in principle objection to flats in this area. The property is an existing residential unit, lying within the urban area and as such, the proposed conversion falls to be determined under Policy H5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Policy H5 permits the conversion of existing houses into smaller units of residential accommodation subject to the following criteria:

5.2 **A. Would not prejudice the character of the surrounding area; and**

5.3 The locality is entirely residential in character. Other than the proposed external staircase, the proposal would not alter the appearance of the dwelling. The proposed staircase would be a relatively lightweight construction of galvanised steel, located on the eastern side of the property, adjacent to an existing garage block and the turning head at the end of the cul-de-sac. Whilst the stairway might be visible from Shire Way and from some of the neighbouring properties, it would not be so prominent as to represent an incongruous element within the street-scene. Although not currently found within the estate, similar such stairways are common enough features in other urban areas. Any such similar proposals would be the subject of planning control and future similar applications would need to be determined on their individual merits; the scheme would therefore not necessarily set a precedent for similar

developments. Given the relatively small scale of the development, officers are satisfied that the proposal would not prejudice the character of the surrounding area or represent an overdevelopment of the site.

5.4 B. Would not prejudice the amenities of nearby occupiers; and

5.5 The existing property is a 3 bedroom terraced dwelling. The proposal would retain the existing residential use by merely creating two-bed flats at ground and first floor. It is unlikely that the number of people occupying the building would significantly increase. Adequate bin storage would be available within the site. Building regulations would secure the required sound proofing on party walls.

5.6 Concerns have been raised about loss of privacy due to overlooking of neighbouring property from future residents using the proposed stairway. Given that the stairway would be partially screened by the adjacent garage block and high boundary treatments, any overlooking would only occur from the upper section of the stairway. The properties most affected by any overlooking would be those directly to the east i.e. nos.96 to 98 Badgeworth. The overlooking is likely to be intermittent only and any windows in the new first floor access door could be obscurely glazed, which can be secured by condition. The gardens in question are already overlooked from the first floor windows in the rear of adjoining properties e.g. the garden of 97 is clearly overlooked by nos.96 and 98. Officers consider that some overlooking of neighbouring property in a densely populated urban area is only to be expected. Furthermore, any overlooking would be across the adjacent garage block and end of the cul-de-sac hammerhead, as opposed to being directly next to the gardens. Given that the main rear elevations of the nearest dwellings to the east would be fully 30 metres or more from the stairway, officers do not consider that a significant loss of privacy would occur.

5.7 As regards noise from people using the stairway; officers consider that given the distance of the stairway from neighbouring property, the likely amount of use and the level of background noise of traffic on Shire Way, any noise generated would not be sufficiently intrusive to warrant refusal of planning permission. The level area at the top of the stairs is considered to be too small and exposed to invite any alternative use. Residential amenity would not therefore be adversely affected.

5.8 C. Would identify an acceptable level of off-street parking.

5.9 The property lies within a reasonably sustainable location, close enough to bus stops and services. There is an existing garage and parking space to the rear of the property, both accessed directly off Badgeworth. The applicant has confirmed that it is not in fact proposed to demolish the garage. There would therefore be one parking space for each flat and this parking provision satisfies the Council's maximum parking standards listed under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. On-street parking within Badgeworth is currently unrestricted but existing anti-social or illegal parking is a matter for the appropriate authorities to control.

5.10 **D. Would provide adequate amenity space; and**

5.11 The existing garden area would be made over to communal use and is an adequate size to serve the two flats.

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

5.13 The building has been previously used for residential purposes.

5.14 Having regard to all of the above, officers are satisfied that on balance, all of the criteria attached to Policy H5 are met.

5.15 Landscape Issues

There is no vegetation of note within the site. The front and rear gardens would be retained.

5.16 Use of Energy and Sustainability

None.

5.17 Improvements Achieved to the Scheme

None.

5.18 Section 106 Requirements

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 That planning permission be GRANTED subject to the following conditions:

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Any glazing in the first floor flat access door on the east elevation shall at all times be of obscured glass to a level 3 standard or above and non-opening.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

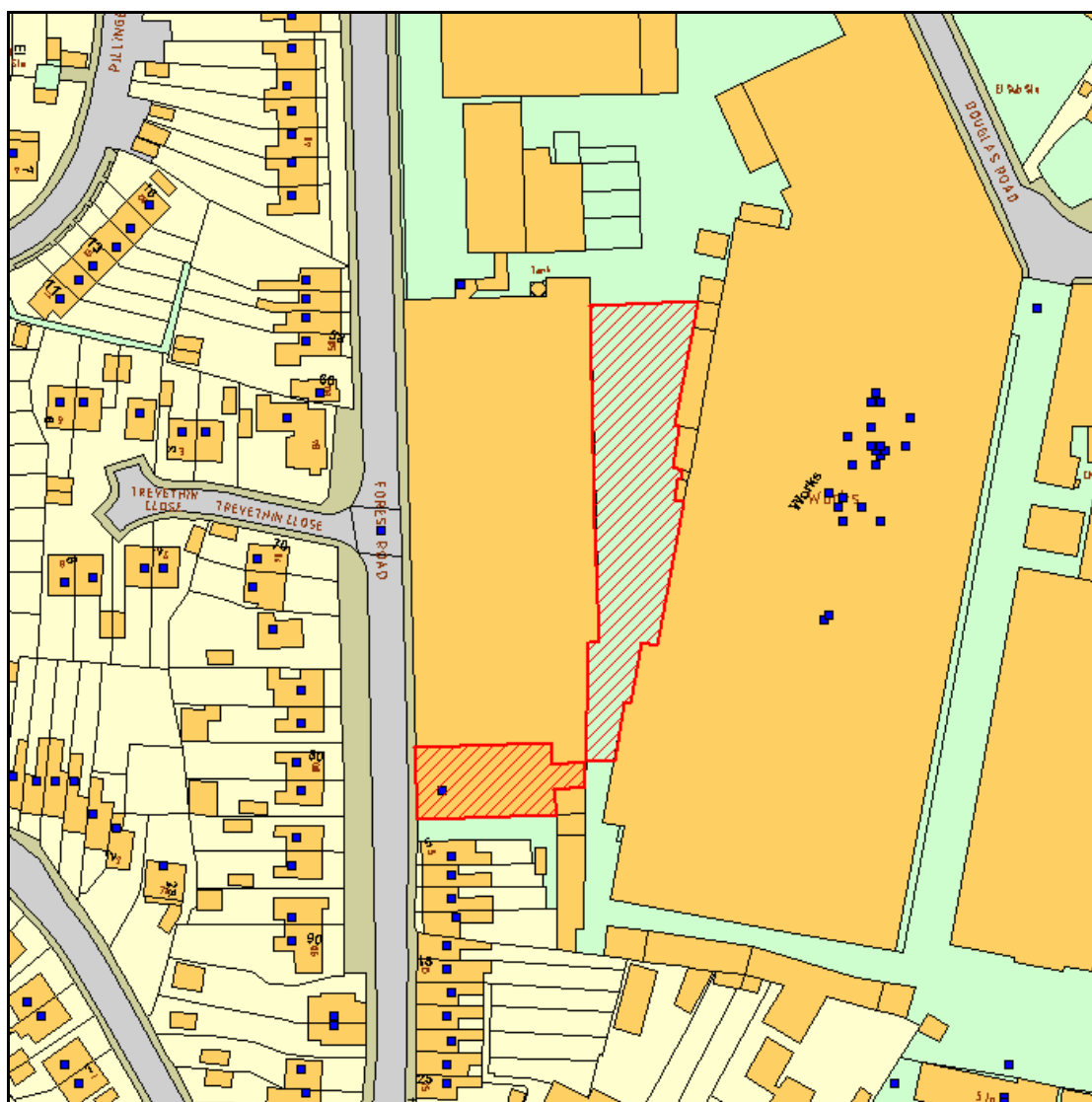
3. The parking spaces shown on the approved plans, shall be designated one per flat and maintained as such thereafter.

Reason

To ensure a satisfactory level of parking provision is provided for each of the approved flats and in the interests of highway safety in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 31/10 – 13 AUGUST 2010

App No.:	PK10/1485/F	Applicant:	Mr Andrew O'Kane
Site:	5a Forest Road Kingswood Bristol South Gloucestershire BS15 8EH	Date Reg:	28th June 2010
Proposal:	Change of use from Warehouse (Class B2) to Boxing Training Centre (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	
Map Ref:	364551 173187	Ward:	Woodstock
Application Category:	Minor	Target Date:	20th August 2010



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PK10/1485/F

1. **THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of a warehouse (B2) use to Boxing Training Centre (Class D2)
- 1.2 The application site is within the residential area of Kingswood and is allocated in the South Gloucestershire Local Plan Adopted January 2006 as Residential development (or for a mix of uses including residential development). The site also lies within an existing employment area.

1(b) **Additional information**

A letter has been submitted by the applicant in support of the application, which has been summarised by the Planning officer as follows:

- Application relevant to local community and serves a need
- This supports the Council's target of 'Somewhere to go, somewhere to do'
- Building perfect for our needs and will provide Kingswood with one of the best facilities of its kind in the country
- No alterations made to exterior of building

2. **POLICY CONTEXT**

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
H1 Allocated residential sites
T8 Parking Standards
T12 Transportation Development Control
LC3 Proposals for Sports and Leisure Facilities within existing Urban areas
EP1 Environmental Pollution

South Gloucestershire Core Strategy Pre-submission Draft March 2010

CS12 Non safeguarded Economic Development Sites

2.3 Supplementary Planning Guidance

SPD Design

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK09/5126/F Change of use of a warehouse (B2) use to Boxing Training Centre (Class D2)
Refused on Highway grounds
- 3.2 PK03/2888/F Change of use from class B2 to mixed use of A1 & B8.

Refused on highway grounds

- 3.3 There have been a number of enforcement actions taken on this site which relate to various change of uses

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Not Covered

Other Representations

- 4.2 Local Residents
1 letter of objection and 1 letter of support have been received from local residents, which have been summarised by the Planning Officer as follows:

Letter of objection

- Concerns regarding parking along Forest Road
- Will proposed parking area realistically be used?
- Parking problems associated with this use will continue
- Noise and disturbance from building when shutter is kept open. Should be conditioned that shutter is kept closed during use be kept close accept for deliveries and emergency access.

Letter of Support

- Brilliant idea to have boxing club for young people
- Proposed use will be better than previous use
- Boxing club has given me no cause for concern

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application site is that of a warehouse (B8 use) and although relates to land which falls within an existing employment area the land does not fall within the safeguarded employment area. The land however is allocated in the South Gloucestershire Local Plan Adopted January 2006 for residential development or mixed use including residential development under Policy H1.
- 5.2 To date no planning application has been approved on this site for residential development although a planning application is currently lodged with the Council for a residential scheme. Originally the Planning Officer was of the opinion that should planning permission be granted it should be done on a temporary basis to allow the Council to re-assess the situation in light of any future residential schemes. However as the applicant does not own the site, it is irrelevant whether or not a temporary or permanent permission is granted as the owner will be in a position to cease any existing uses on the site should a residential scheme be approved. The applicant is fully aware of this situation.
- 5.3 Policy CS13 of the emerging South Gloucestershire Core Strategy Pre-submission Draft March 2010 seeks to protect those economic development

sites not safeguarded under Policy CS12, which would apply to this site. Policy CS13 seeks to ensure a suitable economic use is secured and if this is not possible an alternative mixed scheme or residential would be considered. Members are advised to consider however that this is an emerging policy and clearly weight must be given to the adopted South Gloucestershire Local plan which has identified this site for residential and mixed use development. Until such a use is secured the granting of planning permission for the boxing training centre will allow for the continued use of the building in the interim building without blighting the application site. It should be noted that a recent Inspector's decision allowed the change of use of an existing B2 use to that of a boxing gym on the grounds it was considered a suitable economic use in line with PPS4.

5.4 As this application proposes a D2 use the proposal stands to be assessed against Policy LC3 of the South Gloucestershire Local Plan, which relates to proposals for sports and leisure facilities within existing urban areas subject to a number of criteria being satisfied.

5.5 Residential Amenity

The application site relates to an end B2 unit which lies within an established employment area. The site is also within an established residential area with properties opposite along Forest Road and adjacent the application site. An access lane separates the application site and no. 5, a two storey end terraced dwelling, which has no windows on the two storey flank elevation but has a single storey rear extension with a number of windows. No. 5's private rear garden runs alongside the access lane. Objections have been raised by a local resident regarding issues of noise coming from the units when the shutters are open.

5.6 At the time of the previous application PK09/5126/F which sought planning permission for the same proposal the Planning Officer reported the following:

The application seeks planning permission to operate 7 days a week i.e. Monday-Friday 08.00am –21:30, Saturday 10.00-18:00pm and Sunday 10.00-18:00pm. Access to the building would be gained by an existing pedestrian access on the side of the building near the frontage of the site. Objections have been raised regarding the impact of the proposed use on the residential amenities of neighbouring occupiers in terms of noise and disturbance. Although no written details submitted with this application regarding numbers of people to attend, the applicant did advise that up to 20 people could attend at any one time. Clearly regard must be had for the existing use of the application site and its permitted use i.e. B2 General Industry and those surrounding employment units. It would also appear that the site and surrounding employment units benefit from unrestricted hours of operation.

It is considered that given the existing use of this site and the fact that it falls within large established employment area, where most of the units have an unrestricted hours of operation, the proposed use would have no greater impact on the amenities of neighbouring occupiers than the existing authorised use of the site i.e. B2. The only issue for

consideration relates to a large roller shutter on the side of the building overlooking the private rear garden area of no. 5. There are planning concerns that if the shutter was left open this could result in increased noise levels to the detriment of neighbouring occupiers. Had planning permission been granted a condition would have been imposed requiring that the shutter be kept shut.

- 5.7 This current application is for the same proposal, although the hours of operation as proposed have been reduced to that of Monday-Friday 10.30-9.30, Saturday 12.00-6.00pm and Sunday and Bank Holidays 10.00-13:30. The Councils' Environmental Health Officer has recommended that hours of operation be limited to 08:00-21:00pm Monday to Saturday. This is generally in line with what has been applied for, with the exception for proposed hours of operation on Sunday and Bank Holidays 10.00-13:30. It is considered as most of the units on this employment site have unrestricted hours of operation the proposed use would have no greater impact on the amenities of neighbouring occupiers than the existing authorised position. The applicant has agreed that a condition be imposed requiring that the roller shutter be kept closed at all times during hours of operation.
- 5.8 Transportation Issues
The main transportation issue relating to this application is parking issue. Historically, this site has been part of the larger neighbouring industrial site and has been accessed off Douglas Road through the industrial site. The building can also be accessed via a private lane (and that runs along side the eastern flange of the building through roller shutter doors. Any deliveries to the site or parking associated with this existing building currently take place from this direction.
- 5.9 An objection has been raised by a local resident on the grounds of existing car parking problems along Forest Road and problems associated with the proposed car parking area. The previous application was refused on the grounds that in the absence of any on site car parking provision the proposal would result in additional on-street parking thereby causing congestion on the public highway and this would interfere with the safe and free flow of traffic on Forest Road all to the detriment of the travelling public.
- 5.10 In respect of traffic generation relating to this proposal, it is considered that traffic from this development would be considerably less than the existing commercial use of the building and people visiting the boxing training centre would likely to use the facilities outside the normal traffic peak hour during evening and/or weekend. The applicant has confirmed that the average number of people using the boxing club by day is eight with most people attending in the evening i.e. approximately 20.
- 5.11 This revised planning application significantly differs from that refused in that the applicant has confirmed in writing he has successfully negotiated with the landlord of the employment site to have use of the yard at the rear of the building for car parking. The parking area is considered only a short distance away from the application site. The applicant has confirmed that six to eight spaces can be marked out on site.

- 5.12 The Planning Officer accepts that usage of the club is likely to be lower by day and that people attending the club may live locally and therefore arrive by foot. It is considered as car parking can be provided for at least six to eight cars and provision also retained for the existing users of the industrial estate, that the parking needs for the new training boxing centre can be met and therefore addresses the previous planning objection raised. Additional parking will be made available in the evening once the units close. As the above mentioned car park is included within the red edge plan a planning condition will be imposed requiring the submission of a plan illustrating the provision of car parking spaces to the satisfaction of the Council.
- 5.13 It is therefore considered that this revised application has addressed the previous planning objection and therefore no highway objections are raised.
- 5.14 Design and Access Statement
Not required with change of use application.
- 5.15 Use of Energy and Sustainability
No measures proposed.
- 5.16 Improvements Achieved to the Scheme
None
- 5.17 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.
- a. The proposal offers car parking provision – Policy T12 and LC3
 - b. The proposal has fully taken account of neighbouring residential amenities in terms of acceptable hours of operation-Policies LC3 and EP1

7. RECOMMENDATION

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

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

2. Prior to the commencement of the use hereby authorised detailed plans showing the provision of car parking facilities with the car park area as shown on approved dwg. 01 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

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

3. The use hereby authorised shall not be open to the public outside the following times Monday-Friday 10:30-21:30, Saturday 12:00-18:00 and Sunday and Bank Holidays 10:00-13:30.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies LC3 and EP1.

4. The sliding access door as shown on Block Plan dwg.no02 shall be kept shut at all times during the following approved hours of operation Monday-Friday 10.30-21:30, Saturday 12:00-18:00 and Sunday and bank Holidays 10:00-13:30.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies LC3 and EP1.

CIRCULATED SCHEDULE NO. 31/10 – 13 AUGUST 2010

App No.:	PK10/1562/F	Applicant:	Mr Neil Clouter
Site:	10 Mitchell Walk Bridgegate Bristol South Gloucestershire BS30 5XY	Date Reg:	1st July 2010
Proposal:	Erection of two storey side and rear extension. Formation of concrete hardstanding.	Parish:	Siston Parish Council
Map Ref:	367806 173005	Ward:	Siston
Application Category:	Householder	Target Date:	25th August 2010



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 100023410, 2008. **N.T.S.** **PK10/1562/F**

1. THE PROPOSAL

- 1.1 This planning application seeks planning for the erection of a first floor extension and single storey rear extension and formation of hardstanding.
- 1.2 The application site relates to a two storey detached dwelling within the residential area of Bridgegate.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Extensions

South Gloucestershire Core Strategy Pre-submission Draft March 2010

SC1 High Quality Design

- 2.3 Supplementary Planning Guidance
SPD Design

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No response

- 4.2 Local Residents

Two letters of objections have been received from the same household raising the following planning objections, which have been summarised by the Planning Officer as follows:

-Development by reason of proposed height would result in overlooking, loss of privacy and have an overbearing impact

-Devalue property

-Proposed hard standing will encourage pavement parking to detriment of pedestrian safety

-Extension will result in a loss of view by filling in gap

-Original development laid out this way, so proposal should not be permitted

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Policy H4 of the South Gloucestershire Plan allows for extensions to existing dwellings, subject there being no adverse impact on existing visual and

residential amenities. Policy CS1 of the Core Strategy seeks to achieve high quality design.

5.2 Visual Amenity

The application site relates to a modern two storey detached dwelling with attached single storey garage, with red brick finish. This application seeks permission to build up and over the existing garage along with a single storey rear extension. An objection has been raised to the proposed first floor side extension on the grounds it will close the gap between the neighbouring properties and will result in a loss of view and this will be contrary to the original layout and permission should not be allowed. In principle a property can be extended subject that it complies with the relevant local plan policy and therefore must be considered on its own individual merits.

5.3 Mitchell Close is characterised by two storey detached properties. This application seeks permission to erect a first floor side extension. It is considered as it will be set back 2.30m from the existing front building line with the roof set down from the original by 1.0m it will read as a subservient addition to the host dwelling, and whilst partly fill in the gap, would not have a harmful impact on the character of the dwelling or estate. The property will still read as a detached dwelling.

5.4 The proposed extension on the rear elevation will have a deep roof plain as result of following the roofline on the main dwelling. A small section of the roof over the single storey rear extension will have a flat roof; so as to allow the retention of existing first floor window. Overall the proposed extensions are considered in keeping with the scale and character of the existing dwelling.

5.5 Residential Amenity

An objection has been raised by a local resident on the grounds the proposed first floor side extension will have an overbearing impact and result in a loss of privacy. The proposed extension will be set back at a distance of 14.0m from the rear garden of no.4 on the other side of the road and 24m from the rear elevation. The proposed first floor window on the front elevation is to serve a bathroom. It is considered that an extension of this scale, design and in this location would not have an adverse impact on the existing amenities of those occupiers in terms of loss of privacy or overbearing impact.

5.6 The proposed first floor side extension will be sited alongside no.8, which has 2 small obscurely glazed windows in the side elevation. There is a 1.0m wide gap between both properties. The proposed single storey element will measure 3.50m in depth. Both properties either side of the application site project beyond the rear building line of the application site It is considered that the proposed extensions by reasons of their scale, siting and design will not have an adverse impact on the existing residential amenities in terms of loss of privacy or overbearing impact.

5.7 Transportation Issues

The proposed extension will result in the loss of the garage space leaving one existing on site unenclosed car parking space. The submitted plans propose a second car parking space within the existing front garden, which will lie parallel

with the house. Whilst it is accepted this layout is not a conventional form of parking that would normally be associated with dwellings, no highway objection is raised as satisfactory levels of on site car parking can be provided in line with the Council's car parking standards.

5.8 Other Issues

A local resident has raised an objection on the grounds that the proposed development will devalue the neighbour's property. Issues of house values are not considered a material planning consideration. Notwithstanding this the Officer has demonstrated above the proposed extension is considered in keeping with the scale and character of the existing dwelling and surrounding area.

5.9 Design and Access Statement

Not required with this particular type of householder planning application.

5.10 Use of Energy and Sustainability

No specific measures proposed above current Building Regulations.

5.11 Section 106 Requirements

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

- a) The proposed extensions have been designed to positively enhance the character and appearance of the dwelling and area taking account of materials, design, siting, height and scale of the development-Policies D1 and H4.
- b) The proposed extensions have taken account of neighbouring residential amenities and through careful design, the proposal will not materially harm the amenities of neighbouring properties by reason of loss of privacy or overbearing impact-Policy H4

- c) The development proposes satisfactory levels of onsite car parking to meet highway car parking standards-Policy T12

7. RECOMMENDATION

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

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

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

Reason

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

3. The proposed hardstanding as shown on approved on dwg. 31-10 shall be made either of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason

To ensure that a satisfactory means of drainage for surface water run off is provided, and to accord with policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

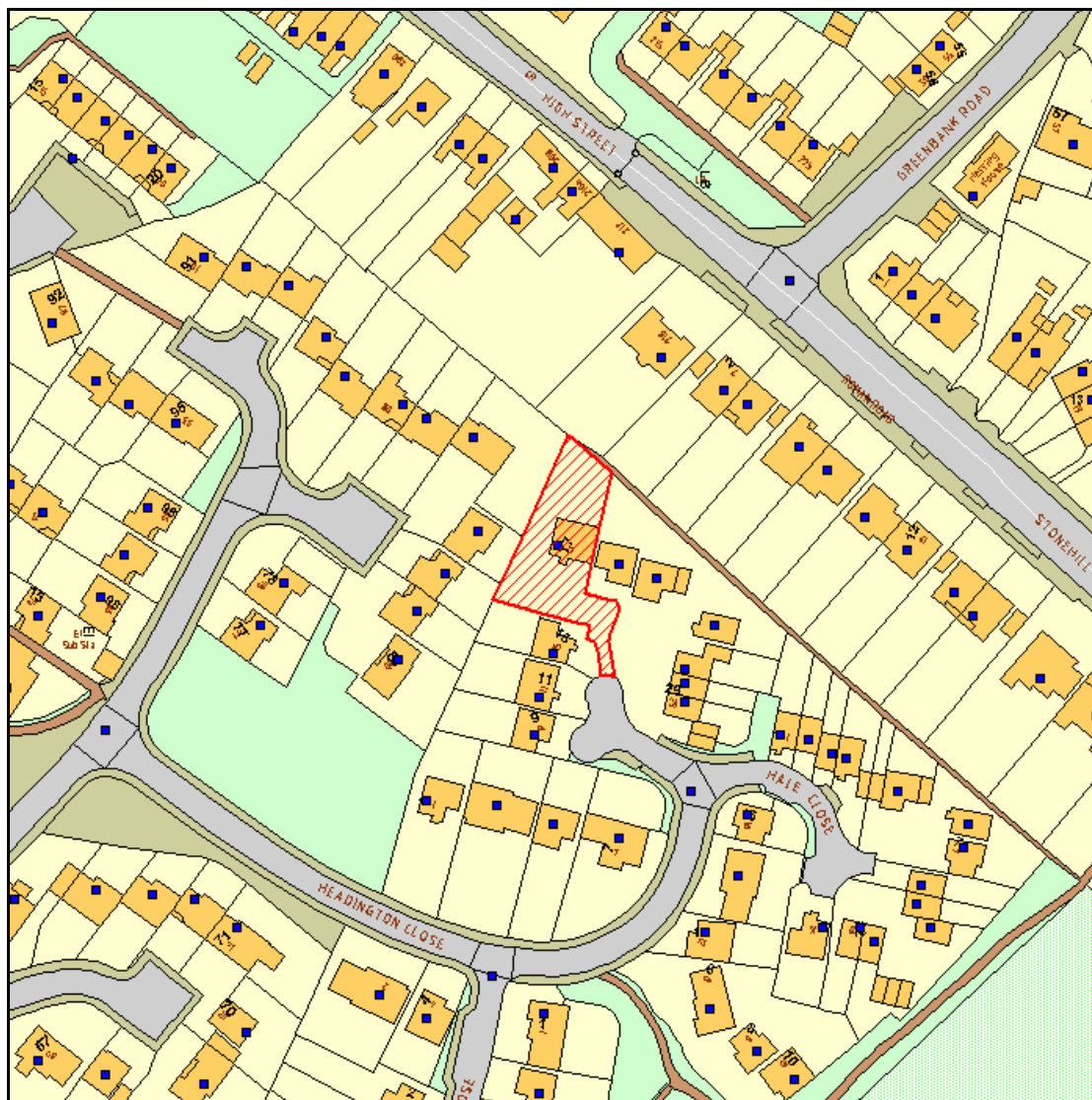
4. The extensions shall not be occupied until the associated car parking area has been provided in accordance with the approved plans. The facilities so provided shall not be used, thereafter, for any purpose other than the parking of vehicles.

Reason

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

CIRCULATED SCHEDULE NO. 31/10 – 13 AUGUST 2010

App No.:	PK10/1611/F	Applicant:	Mr Mark Skelton
Site:	17 Headington Close Hanham Bristol South Gloucestershire BS15 3BF	Date Reg:	29th June 2010
Proposal:	Change of use of land to residential curtilage. Erection of single storey front extension and detached garage.	Parish:	Hanham Abbots Parish Council
Map Ref:	364841 171887	Ward:	Hanham
Application Category:	Householder	Target Date:	25th August 2010



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100023410, 2008.

N.T.S.

PK10/1611/F

INTRODUCTION

This application has been referred to the circulated schedule due to the receipt of two letters of objection from local residents.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the change of use of land to residential curtilage and for the erection of a single storey front extension and detached garage at 17 Headington Close, Hanham.
- 1.2 The property is a two storey detached dwelling and is located within a residential area of Hanham.
- 1.3 During the course of the application amended plans were requested to show the extension of the existing residential curtilage to include land to the front of the dwelling and to reduce the detached garage from a triple garage to a double garage. Amended plans were received as requested.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards

South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objections

Other Representations

- 4.2 Local Residents
One letter of objection has been received raising the following concerns:

- Concern about accessibility and manoeuvrability to property.
- Will there be space to reverse once a garage has been erected and cars parked in front?
- Will there be any rulings to stop the garage being converted into a dwelling in the future?
- Would effect light into neighbouring garden due to the size
- Would block the out look from garden

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Change of use of Land to Residential Curtilage

The application proposes the change of use of land to the front of 17 Headington Close to form residential curtilage. The driveway up to no. 17 Headington Close is all under the ownership of the property, however only the land directly to the front of the dwelling is proposed to be changed to residential curtilage. This area of land is already used by the dwelling for parking and given the orientation of the properties on the estate this area of land to the front of No. 17 is quite enclosed and screened from Headington close. As such it is not considered that the change of use of this land to residential curtilage would appear out of keeping with the grain of development, nor would it detrimentally affect the open plan character of the surrounding area.

5.3 Design / Visual Amenity

The application proposes the change of use of land to the front of 17 Headington Close to residential curtilage to facilitate the erection of a detached double garage. In addition the proposal involves the erection of a small front extension and the conversion of the existing integral garage to living accommodation. The proposal is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties.

The application proposes a small front extension measuring 1.1 metres in depth, extending to the side of the existing front porch and the conversion of the integral garage to form additional living accommodation. The proposed front extension would have a height to match the existing porch and the materials used for the wall and window would match the existing, assisting the successful integration.

The proposed garage is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. Furthermore, the proposal would incorporate materials to match those of the main dwelling, assisting the successful integration of the garage with the host dwelling. The proposed garage would be set forward of the main dwelling house, however given the

orientation of the property the proposal would not be highly visible from Headington Close. The positioning of the garage is well related to the main dwelling as such it is considered to be an appropriate addition. Consequently, it is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.4 Residential Amenity

The proposal involves a small front extension to facilitate the conversion of the integral garage. The addition of a window to the front of the property, in place of the existing garage door is not considered to have any impacts upon existing residential amenities in the vicinity. Furthermore the proposed extension measuring only 1.1 metres in depth is set away from any neighbouring residential properties.

The proposed garage has been reduced in scale and would now measure 6 metres in width by 5 metres in depth with a height to ridge of 3.8 metres. The garage would be set 600mm away from the boundary with the neighbouring property to the west No. 83 The Meadows and approximately 5 metres away from the boundary with No. 15 Headington Close. As such given the existing boundary treatments in place, combined with the depth and height of the proposal, it is not considered that the garage would have any overshadowing or overbearing effect on the neighbouring dwellings. Whilst concern has been raised by No. 15 Headington Close that the proposal would overshadow their rear garden and effect their outlook, given that the proposal has been reduced in scale in combination with the fact that the garage is located approximately 5 metres away from the boundary with this property, it is not considered that a refusal reason on overshadowing grounds could be justified or substantiated at appeal.

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

5.5 Parking and Highway Safety Implications

The application proposes the conversion of the integral garage and the erection of a detached double garage. In addition to the garage space it is considered that there is space for several cars to park on the driveway. Therefore the parking provision would remain in compliance and within the Councils required parking standards. Further, with no objections from the Councils Transportation Officer the proposal is considered acceptable. Concern has been raised from a neighbouring resident that the proposal may result in insufficient space for them to reverse park into their driveway, it should be noted that any rights of access would not be effected by the proposal, as such there is still considered to be ample space for the manoeuvring of vehicles in to and out of No. 19 Headington Close.

5.6 Design and Access Statement

None submitted

5.7 Use of Energy and Sustainability

No additional measures proposed

5.8 Improvements Achieved to the Scheme

The plans have been amended to show the proposed residential curtilage to include the land to the front of the dwelling and the detached garage has been reduced from a triple garage to a double garage.

5.9 Other Issues

With regard to the concern raised over the possibility of the garage being converted into a dwelling in the future, this form of development would require planning permission in its own right.

5.10 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The proposed works are of an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact and the parking provision would remain in compliance with Policy T8. As such the proposal accords with Policies D1, T8 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6.3 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

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

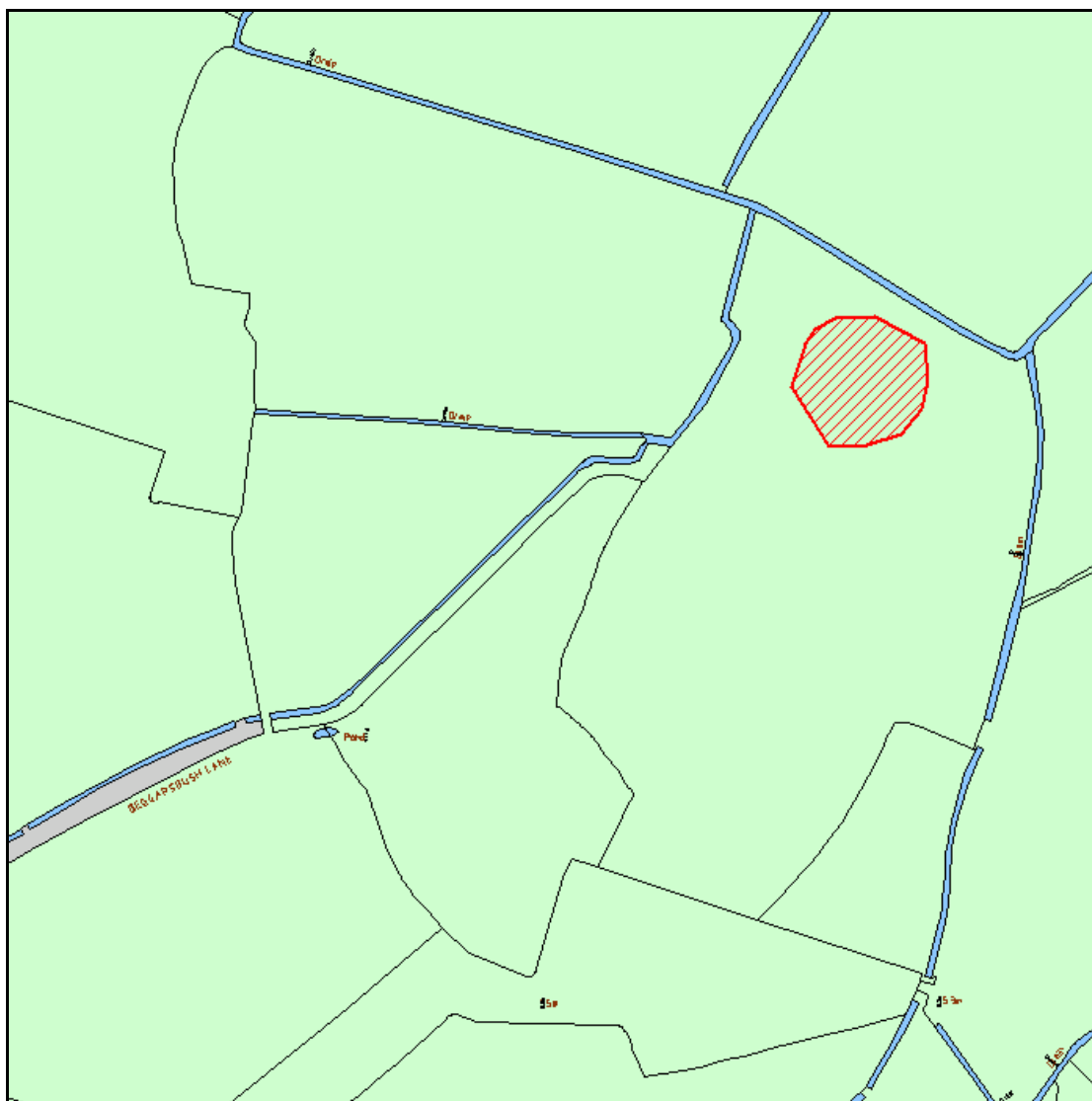
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 31/10 – 13 AUGUST 2010

App No.:	PT10/1230/TMP	Applicant:	Wind Prospects Development Ltd Wind Prospect Developments Ltd
Site:	Land North East Of Stoneyard Lane Off Hill Lane Oldbury South Gloucestershire	Date Reg:	3rd June 2010
Proposal:	Temporary consent for installation of 1 no. 70 metre high meteorological monitoring mast for a period of two years.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	364007 195022	Ward:	Severn
Application Category:	Minor	Target Date:	22nd July 2010



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 100023410, 2008. **N.T.S.** **PT10/1230/TMP**

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from Hill and Oldbury-on-Severn Parish Council's and local residents that are contrary to the case officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks temporary planning permission for the installation of 1no. 70 metre high meteorological monitoring mast for a period of two years.
- 1.2 It should be acknowledged that the applicant originally proposed 1no. 80 metre high meteorological monitoring mast. However, this has been reduced to a 70 metres high mast at the applicant request.
- 1.2 The proposed meteorological monitoring mast is required to collect initial wind data (wind speed and directions) to investigate the feasibility of siting a wind farm in the vicinity of the mast. It is important to note that this application is only considering the proposed mast, and at this stage no planning application has been received for the wind farm itself.
- 1.3 The application site is situated on agricultural land between the settlements of Oldbury-on-Severn, Hill, and Rockhampton. The site itself relates to an agricultural field within the open countryside, and the site is accessed from a field gate via a rural lane known as Stoneyard Lane/Beggarbush Lane.

2. POLICY CONTEXT

- 2.1 European Guidance
EU Renewable Energy Directive 2009/28/EC
- 2.2 National Guidance
PPS1: Delivering Sustainable Development
Planning and Climate Change – Supplement to PPS1
PPS7: Sustainable Development in Rural Areas
PPS22: Renewable Energy
Companion Guide to PPS22
PPS25: Development and Flood Risk
The UK Renewable Energy Strategy 2009
National Renewable Energy Action Plan for the UK
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design In New Development
L1: Landscape Protection and Enhancement
L16: Protecting the Best Agricultural Land
EP2: Flood Risk and Development
EP5: Renewable Energy Installations
T12: Transportation Development Control Policy for New Development

2.3 Emerging Development Plans

South Gloucestershire Core Strategy (Pre-Submission Draft) March 2010

CS1:	High Quality Design
CS3:	Renewable and Low Carbon Energy Generation
CS9:	Environmental Resources and Built Heritage
CS34:	Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

2.4 Other Material Considerations

Report on the Potential for Renewable and Low Carbon Energy Supply in South Gloucestershire June 2010

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/011/SCO Wind energy development
EIA Scoping Opinion Issued on 23.06.2010

4. CONSULTATION RESPONSES

- 4.1 In this application there have been two separate consultation periods. These were because the height of the mast was reduced from 80 metres to 70 metres. The consultation periods were the 3rd June to 28th June 2010 and 20th July to 10th August July 2010. All of the comments received during this period have been summarised below: -

4.2 Hill Parish Council

Hill Parish Council have objected to the proposal for the following reasons(s): -

- 1) Probable inaccuracy/incompleteness of data.
- 2) Visual impact
- 3) Proximity to houses
- 4) Biodiversity
- 5) Benefit vs. Negative impact

A further consultation response was received that raised the following issues: -

- i) inaccuracy and incompleteness of data
- ii) the mast should stay in-situ for two years before any development begins.
- iii) the application should be for a 80m mast.

4.3 Oldbury-on-Severn Parish Council

Oldbury on Severn Parish Council, whilst supporting the principles of using renewable energy resources, objects to the application for the following reason(s): -

- a) The prime objective of the applicant is to construct a Wind Farm.
- b) This application is a sign of things to come.
- c) Adverse affect on house prices.
- d) Heath and Safety Issues.

- e) The mast would not conserve and enhance character, quality, and amenity of the landscape and distinctiveness of the locality.
- f) Impact on biodiversity.
- g) Inaccuracies on the plans.

4.4 Sustainable Transport
No objection.

4.5 Environment Agency

Providing the Local Planning Authority (LPA) are satisfied the requirements of the Sequential Test under PPS25 are met, the Environment Agency would have no objection, in principle to the proposed development, subject to the inclusion of the following informatives which meet the following requirements:

The above proposal falls within Flood Zone 3 which is an area with the highest probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year).

All electrical equipment and cabinet floor levels must be raised 300mm above the 1 in 100 flood event level plus climate change.

4.6 Local Residents

In response to this application 16 letters have been received from local residents. 12 of these letters have raised objections to the scheme and 4 have supported the proposals. These points have been summarised below:

Objection

- a) Consultation period should be extended due to the applicant's consultation period.
- b) The mast is too high.
- c) The mast will not collect accurate data because it is below the height of the proposed wind turbines.
- d) It is out of character with the surrounding area.
- e) An application for the wind farm will be submitted before the mast has finished collecting data.
- f) Noise.
- g) Loss of valuable farmland.
- h) Lead to the industrialisation of Berkley Vale.
- i) Contrary to local plan policies.
- j) Contravenes EU law.
- k) The applicant should resubmit accurate plans for a 80m mast not a 70m mast.

Support

- i. Unobtrusive.
- ii. Collect useful wind data.
- iii. Renewable energy sources are the way forward.
- iv. Wind turbines are pleasing to the eye.

5. ANALYSIS OF PROPOSAL

5.1 The applicant seeks temporary planning permission for the erection of a 70 metre high meteorological monitoring mast. The main issues to address in this application are: -

- (1) The principle of the development.
- (2) The impact of the development on landscape character.
- (3) The impact of the development on residential amenity.
- (4) The impact of the development on transportation.
- (5) The impact of the development on flood risk.
- (6) The impact of the development on best agricultural land.

5.2 Various representations have been received from the Parish Council's and local residents in response to the proposed wind farm. For instance concern has been raised to the fact the consultation period for this application ended before the applicant's own public consultation event for wind farm. Notwithstanding these representations, it is important to acknowledge that this planning application only relates to the temporary meteorological monitoring mast, and accordingly only the comments relating to this development are considered in this report. Nevertheless, if the wind farm proposal progresses, a separate planning application would be submitted and at this stage local residents would have the opportunity submit their representations regarding the scheme.

5.3 A number of representations have raised concerns with regard to the decision to reduce the height of the mast from 80m to 70m, and have suggested that the development should actually be 80m in height to ensure the accuracy of data. Notwithstanding these concerns, it should be acknowledged that the reduction occurred because Officers noticed an inaccuracy between the height on the description of the development and the proposed drawings. This issue was raised with the applicant and they were given two options: 1) to change the description to a 70m mast (to accord with the submitted drawing), 2) submit a new plan showing an 80m mast. The applicant has confirmed it is standard practice for wind farm developers to use data gathered from a 70m mast to inform a development for wind turbines with a hub height of 80m.

5.4 Principle of Development

The proposed meteorological monitoring mast forms part of the applicant's preliminary investigations into the feasibility of developing a wind farm in this location. The applicant has highlighted in their submission that a "slight" overestimate of the wind speed could put the financing of any future development at risk.

- 5.5 It is important to acknowledge that this planning application only seeks consent for the proposed meteorological monitoring mast, and does not include a wind farm. However, it is important to acknowledge that this development will ascertain whether a wind farm is indeed feasible in this location. Therefore weight should be given to one of the key objectives of PPS1 and PPS22, which states that Local Planning Authority's should '...manage the delivery of the Government's Climate Change Programme and energy policies, and in doing so contribute to global sustainability'.
- 5.6 As part of the Government's Climate Change Programme there has been a strong agenda to reduce CO2 emissions through the generation of energy from renewable sources. For instance, the Government has signed up to the EU Renewable Energy Directive, requiring the UK to generate 15% of their total energy requirements (heat, transport and electricity) from renewable sources by 2020. Moreover, the Government have released the UK Renewable Energy Strategy (RES) in 2009 to set out how this would be achieved.
- 5.7 National policy guidance in PPS1 and PPS22 has sought to facilitate the delivery of this policy objective by encouraging renewable energy developments where the technology is viable and environmental, economic, and social impacts can be addressed satisfactorily. This policy context is reiterated at the local level through Policy EP5 of the South Gloucestershire Local Plan and Policy CS3 of the emerging South Gloucestershire Core Strategy. In addition to this the Council has commissioned an independent study that has identified that there is the potential to generate between 20 to 85MW of energy from on-shore wind turbines throughout South Gloucestershire.
- 5.8 Trans-national, national, and local policy has a clear objective to encourage renewable energy developments to help mitigate the effects of climate change. The proposed temporary mast would allow the applicant to collect data to ascertain whether or not a wind farm is indeed feasible in this location. Without prejudice to any future planning decision, if a wind farm were feasible in this location it is likely to make a significant contribution towards renewable energy production in South Gloucestershire and the wider region. It is considered that these potential benefits should therefore be given weight. Therefore, it is considered that the proposed mast is acceptable in principle providing that it would not result in unacceptable harm to: landscape character; residential amenity; ecology; transportation; and flood risk.
- 5.9 Landscape Character
It is noted that representations have been received that have raised some concerns with regard to the height of the mast and its impact on the character of the landscape. Notwithstanding these comments, the application site is location in a flat well-vegetated landscape with some small blocks of woodland. The proposed mast is a very slender and light structure that would be virtually indiscernible when seen totally against the sky, as it would be in this landscape. It is therefore unlikely that the mast would have any significant visual impacts. On this basis, it is concluded that the mast would have no material impact in landscape character terms.

5.10 Residential Amenity

The proposed mast is situated within an isolated location and would not include any moving mechanisms. It is noted that one representation raised concern with regard to noise from 'wind whistling through guy wires'. Notwithstanding this view, the nearest property is over 830m from the proposed location. On this basis, the mast would have no material impact to the residential amenities of nearby occupiers.

5.11 Ecology

It is noted that representations have been received that have raised some concerns with regard to the impact of the proposed mast upon biodiversity. Notwithstanding these comments, it should be noted that the proposal would not result in the loss of any trees or hedgerows. Furthermore, the Council's Ecologist is satisfied that the mast itself would not adversely affect wildlife in the vicinity of the site. On this basis, it is concluded that the mast would have no material impact in ecological terms.

5.12 Transportation

In terms of transportation, Officers need to be satisfied that the mast can be safely delivered and removed from the application site. The Council Transport Engineer has reviewed the application and has confirmed that the monitoring mast can be transported to the site via existing access ways, in a 4 x 4 vehicle & trailer. Furthermore, once constructed the level of traffic associated with the mast is unlikely to be significant. On this basis, it is concluded that the mast would have no material impact in transportation terms.

5.13 Flood Risk

The application site is situated within Flood Zone 3a. This zone has the highest probability of flooding. PPS25 seeks a sequential approach whereby vulnerable land uses are directed to flood zones with the lowest probability of flooding.

5.14 The proposed mast would be unmanned and would not require regular maintenance. It is considered that the proposed would not be vulnerable land use and therefore would be appropriate within Flood Zone 3a. On this basis, it is concluded that the mast would have no material impact in flood risk terms.

5.15 Loss of valuable farmland

Representations have been received that have raised concern with regard to the potential loss of valuable farmland. Notwithstanding this, the site is designated as Grade 4, which is considered to be a low grade of agricultural land. On this basis, it is considered that the development would accord with Policy L16 of the South Gloucestershire Local Plan that seeks to protect the best agricultural land. Furthermore, the proposed mast would not prevent the site being used for agricultural purposes.

5.16 Conclusion

It is considered that the proposed meteorological monitoring mast would provide an opportunity for the applicant to explore the feasibility of siting a wind farm in this location. Generally, wind farms deliver significant wider environmental effects in terms of the delivery of renewable energy and reduction to CO2 emissions. The Local Planning Authority have an obligation

under PPS1 and PPS22 to manage the delivery of the Government's Climate Change Programme and energy policies, and in doing so contribute to global sustainability. Nevertheless, Local Planning Authority has to balance these considerations against other material issues such as visual impact and residential amenity.

5.17 On this basis it is recommended feel that the temporary planning permission should be granted for meteorological monitoring mast to ascertain whether this location is indeed viable. This is because the harm caused by a temporary would be very limited and the potential environmental benefits would outweigh this harm in any case.

5.18 It should be noted that the approval of this planning application does not act to pre-determine the principle of siting wind turbines in this location. Indeed the purpose of the mast is to assess the business suitability of the site. Nevertheless it does not necessarily imply the wind farm would be built. Any wind farm application submitted in due course will need to be assessed on its own merits.

5.19 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.

5.20 Use of Energy and Sustainability

The proposed development will inform a feasibility study into the potential for a wind farm in the locality.

5.21 Improvements Achieved to the Scheme

None.

5.22 Section 106 Requirements

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

a) The proposed meteorological monitoring mast would provide an opportunity for the applicant to explore the feasibility of siting a wind farm in this location. Without prejudice to any future planning decision, if a wind farm

were feasible in this location it is likely to make a significant contribution towards renewable energy production in South Gloucestershire and the wider region. It is considered that these potential benefits should therefore be given weight. Furthermore the assessment of this application has demonstrated that the proposed development would not result in any material harm to the other material considerations of: landscape character; residential amenity; transportation; ecology; flood risk; and protection of best agricultural land. Therefore, on balance, it is considered that temporary planning permission should be granted for the meteorological monitoring mast for a period of two years. The development accords with PPS1, policies D1, L1, L16, EP2, EP5, and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and policies CS1, CS3, CS9 and CS34 of the emerging South Gloucestershire Core Strategy (Pre-Submission Draft) March 2010.

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

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863433

CONDITIONS

1. The meteorological monitoring mast hereby permitted shall be removed and the land restored to its former condition on or before the 23rd August 2012 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

The meteorological monitoring mast is permitted for a limited period to allow the applicant the opportunity to explore the feasibility of siting a wind farm in this location.

1. THE PROPOSAL

- 1.1 This full application relates to the erection of a two storey side extension at 8 Hales Horn Close, Bradley Stoke. The proposal replaces the existing attached single side garage and measures some 3.3m in width, extends the depth of the existing property and has the same ridge height. The front elevation also maintains the building line of the existing dwelling.
- 1.2 The application site is a detached property located to the end of a small cul-de-sac. Vehicular access is to the front of the site with off-street parking and turning available. The dwelling is surrounded by residential development and lies within the urban area of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development Within Existing Residential Curtilages,
Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New
Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
- 2.4 Emerging Policy
South Gloucestershire Core Strategy Pre-Submission Publication Draft March
2010
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection.
- 4.2 Other Consultees
Sustainable Transport
No objection.
- 4.3 Local Residents
2 letters have been received (1 from the owners and 1 from the tenants) of 1 Hayeley Drive objecting to the proposal on the following grounds:-

- a) proposal will damage tree roots in our garden that are planted close to the boundary fence;
- b) tree roots could undermine integrity of any extensions;
- c) due to limited distance of side wall of the extension from boundary, how will this area of land, the side wall and the boundary to be maintained;
- d) loss of light;
- e) extension will dominate our garden;
- f) proposal may require removal of boundary fence during construction which is needed to contain our dog.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

In assessing applications for residential extensions, Policies D1 and H4 of the adopted Local Plan are particularly relevant. Policy D1 purely relates to design considerations whereas Policy H4 sets out the relevant criteria in assessing applications for residential development. Such development is normally permitted provided it is in keeping with the overall character and design of the existing property and street scene in terms of size, massing, proportions; would not prejudice the amenities of nearby occupiers; allows for adequate parking provision; is acceptable in highway safety terms and retains an area of adequate, private amenity space.

5.2 Design Issues

It is considered that the application accords with the above policy criteria in terms of its design. The size and design of the extension is in keeping with the existing property and area as a whole. Its scale and massing is appropriate to the site's context. It is symmetrical in appearance, replicating design features such as the small front dormer window with all materials to match existing. Its proportions and detailing ensure that the extension can be adequately assimilated within the street scene with no detriment to visual amenity.

5.3 Residential Amenity

Its location to the side of the property and the fact that it does not extend beyond the existing front and rear building lines ensures that no adverse impact to residential amenity will result to surrounding occupiers in terms of loss of light/overbearing impact. Although it is recognised that the side elevation of the extension is directly adjacent to the rear boundary of 1 Hayeley Drive, the rear of this property is located a minimum 15.6m from the flank wall of the extension. This is an acceptable distance in terms of any possible overbearing/loss of light issues, especially having regard to the orientation of this property in relation to the application site.

- 5.4 In terms of privacy issues, although the proposal results in additional bedroom windows at first floor level to the front and rear of the property, privacy levels will not be materially worsened by the development. Adequate garden area will remain and access/parking arrangements are unaffected by the proposal.

5.5 Other Issues

With regard to objections raised concerning possible damage to tree roots, root damage to extension, maintenance issues and possible removal of boundary fence, these are all of a civil nature. The existing trees in close proximity to the boundary fence are not covered by any Tree Preservation Orders. Indeed, if these trees overhang the applicant's boundary or the root system extends onto the applicant's land, the applicant is entitled to remove any encroaching material, especially if any structural damage results as a consequence. As such they are not material to the determination of this application.

5.6 The application therefore complies with the adopted local plan and is acceptable.

5.7 Section 106 Requirements

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

6. CONCLUSION

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

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.

6.3 The recommendation to grant permission is for the following reasons:-

1. The proposed extension due to its location to the side of the property, its relationship with surrounding residential development and its design is considered to be acceptable in terms of visual and residential amenity. The proposal would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Existing Residential Curtilages, Including Extensions and New Dwellings) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposal has no impact in highway safety terms. As such the proposal is considered to be compliant with Planning Policy T12 (Transportation Development Control Policy) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission be granted.

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CONDITIONS

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

Reason

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

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

Reason

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

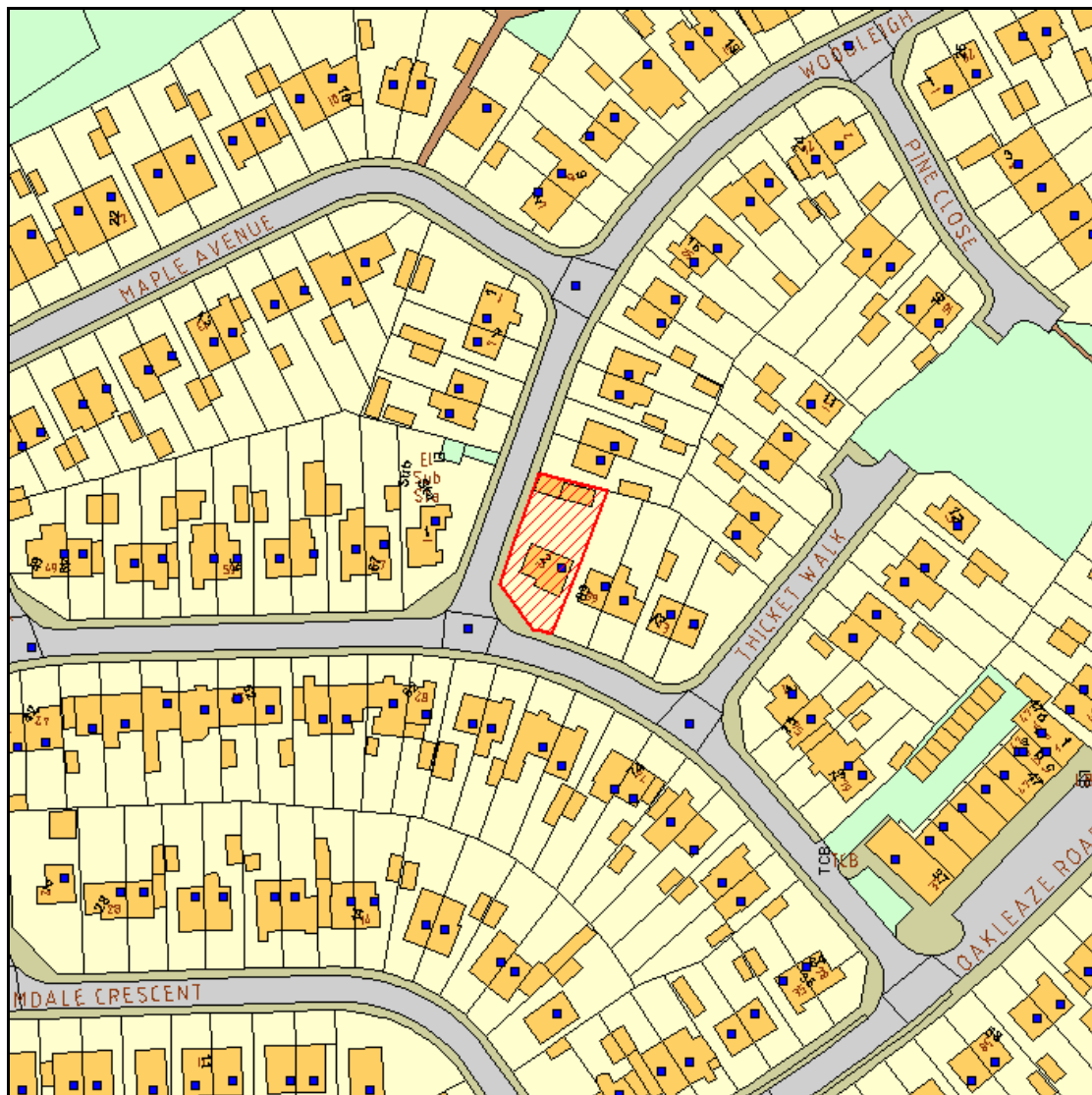
3. No windows shall be inserted at any time at first floor level in the side elevation of the extension hereby permitted.

Reason

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

CIRCULATED SCHEDULE NO. 31/10 – 13 AUGUST 2010

App No.:	PT10/1695/CLP	Applicant:	Mr N Carter
Site:	2 Woodleigh Thornbury Bristol South Gloucestershire BS35 2JP	Date Reg:	12th July 2010
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a single storey extension to existing garage to form double garage and workshop/store.	Parish:	Thornbury Town Council
Map Ref:	364324 190265	Ward:	Thornbury North
Application Category:	Householder	Target Date:	3rd September 2010



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100023410, 2008.

N.T.S.

PT10/1695/CLP

INTRODUCTION

This application appears on the Circulated Schedule List because it comprises a Certificate of Lawfulness submission. In addition, objections have been received from occupiers of neighbouring properties, which are contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application forms a Certificate of Lawfulness for the erection of a single storey extension to an existing garage to form a double garage and workshop/store.
- 1.2 The application site comprises a two-storey corner property situated on the northern side of Woodleigh within the established residential area of Thornbury. The property has its permitted development rights intact.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2684/F, erection of a first floor side extension to form additional living accommodation, 25/11/08, approval.
- 3.2 PT09/1359/F, erection of single storey extension to existing garage to form double garage, garden store/workshop, 15/09/09, refusal.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Local Residents
Four letters of objection have been received from neighbouring occupiers. A summary of the concerns expressed is listed below:

Highway safety issues;
Is not permitted development according to Householder Guide;
Was refused initial planning permission;
Existing carport does not have planning permission;
Proposal would be more permanent and conspicuous than the existing car port;
It would have an adverse impact on the character and visual amenity of the locality;
Noise generated from roller door would be a nuisance;
Might be used for commercial purposes.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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; it is an evidential test of whether it would be lawful to proceed with the proposal without express planning consent. The key evidential test in this case is whether the proposal falls within the permitted development rights afforded to householders. The application relates to the single storey extension of a garage to form a double garage and workshop/store. Therefore, the main consideration is whether the scale and siting of the proposed development falls within the criteria of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development (Amendment) (No.2) (England) Order 2008. An objection received relates to the 'Planning - A Guide for Householders' document. However, the permitted development rules changed on 1st October 2010, therefore, the document is out of date and carries no weight. The host dwelling has its permitted development rights intact.

Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development (Amendment) (No.2) (England) Order 2008 allows for the provision within the curtilage of the dwellinghouse of—

- (a) Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) A container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

The proposal relates to the extension of an existing garage to form a double garage/store within the residential curtilage of the dwellinghouse. Concerns have been raised by local residents that the garage would be used for commercial purposes. There is no evidence to suggest that the proposed building would be used for commercial operations. Indeed, the scale of the proposed building is such that it is consistent with a typical garage that would be used for domestic purposes. Furthermore, the applicant has confirmed that there is no intention of using the proposed development for any purpose than housing domestic cars and for using the space for normal maintenance of the cars that belong to the family. On this basis, it is considered that this use would be satisfactorily incidental to the enjoyment of the dwellinghouse and the proposal, therefore, meets this criterion.

Development is not permitted by Class E if:

- (a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The block plan submitted demonstrates that the proposed extension and existing garage would not exceed 50% of the total area of the curtilage.

- (b) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
The principal elevation of the dwellinghouse is considered to be the southern elevation, which fronts onto Woodleigh. The block plan submitted demonstrates that the garage would not be situated on land forward of this elevation.
- (c) The building would have more than one storey;
The plans submitted demonstrate that the garage would be single storey in height.
- (d) The height of the building, enclosure or container would exceed—
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;

The proposed extension would comprise a flat roof and abut the northern and western boundaries of the site. The elevation plan demonstrates that the garage would have an apex of 2.5 metres; therefore, the proposal complies with this criterion.

- (e) The height of the eaves of the building would exceed 2.5 metres;
The eaves of the proposal would not exceed 2.5 metres in height.
- (f) The building, enclosure, pool or container would be situated within the curtilage of a listed building;
The site is not curtilage listed.
- (g) It would include the construction or provision of a veranda, balcony or raised platform;
The proposal would not comprise a veranda, balcony or raised platform.
- (h) It relates to a dwelling or a microwave antenna; or
The proposal does not relate to a microwave antenna.
- (i) The capacity of the container would exceed 3,500 litres.
The proposal does not relate to a contained.

5.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) A World Heritage Site,
- (b) A National Park,

(c) An area of outstanding natural beauty, or
(d) The Broads,
development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The application site is not situated in any of the above locations.

5.3 In the case of any land within the curtilage of the dwellinghouse which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Article 1(5) land is land designated as a Conservation Area. The application site is not located within a Conservation Area.

5.4 Further Matters

Given that this application is purely an evidential test of whether the proposed development complies with permitted development criteria, then the majority of the comments received by local residents cannot be considered. However, an informative note will be attached to the consent to notify the applicants that any commercial uses of the proposal could lead to enforcement action by the Local Planning Authority.

6. RECOMMENDATION

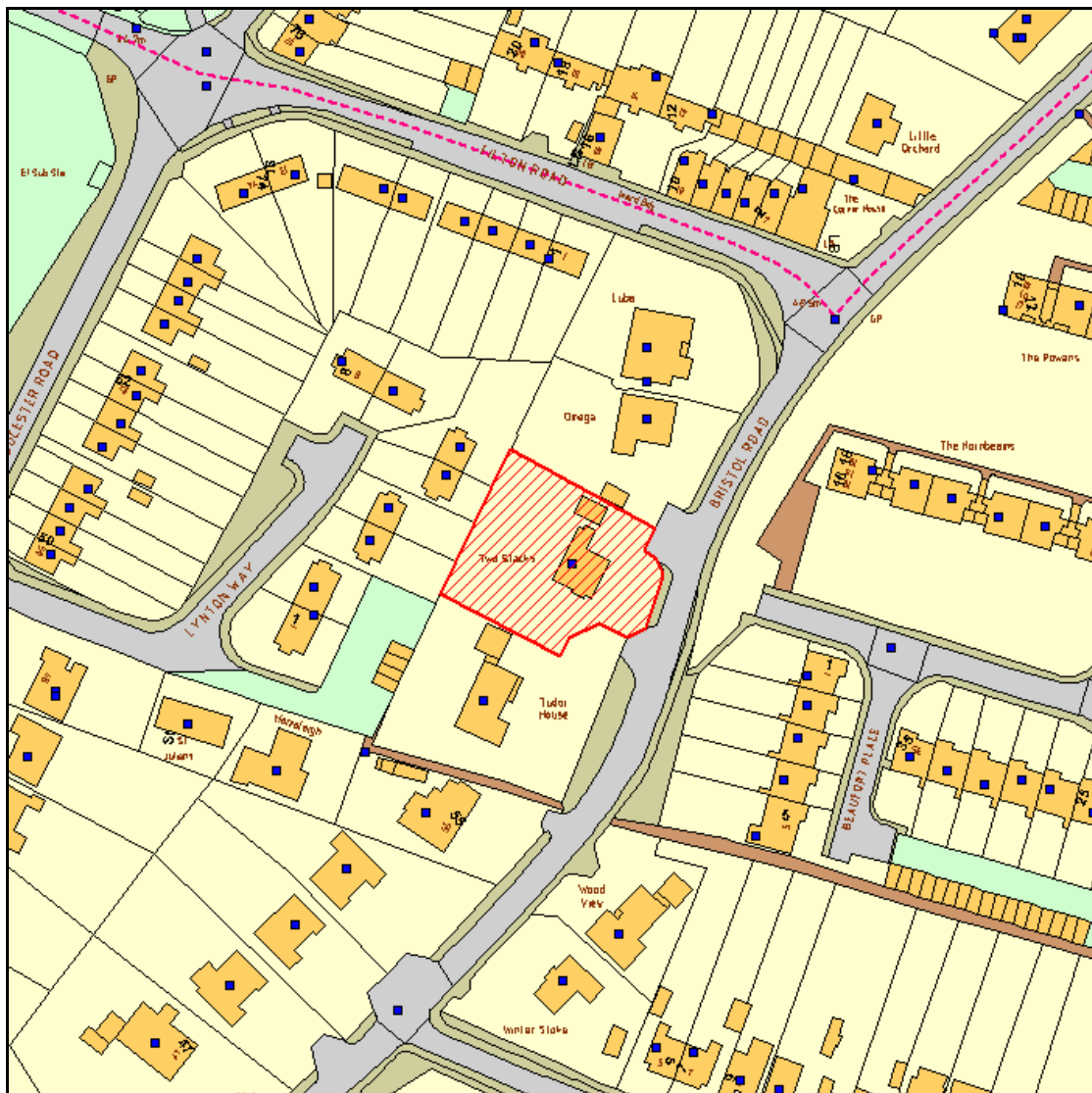
6.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

Evidence has been submitted to demonstrate that the development falls within permitted development within the curtilage of a dwellinghouse under Part 1 Class E of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CIRCULATED SCHEDULE NO. 31/10 – 13 AUGUST 2010

App No.:	PT10/1792/F	Applicant:	Mr S Nazir
Site:	Two Stacks Bristol Road Frenchay Bristol South Gloucestershire	Date Reg:	15th July 2010
Proposal:	Conversion of existing garage to include single storey rear extension to provide residential annexe ancillary to the dwellinghouse.	Parish:	Winterbourne Parish Council
Map Ref:	363743 178206	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	7th September 2010



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 100023410, 2008. **N.T.S.** **PT10/1792/F**

1. THE PROPOSAL

- 1.1 This full application seeks planning permission for the conversion of attached existing double garage to include the erection of a single storey rear extension to provide self-contained residential annexe at 'Two Stacks', Bristol Road, Frenchay. The existing garage measures 5.2m in width by 5.8m in length and has a ridge height of 4.4m. It is attached to the side of the existing property by a utility room. The extension increases the length of the garage by 2.3m with the width and ridge height remaining the same. All materials are to match existing.
- 1.2 The proposed accommodation provides one bedroom, bathroom and kitchen/living room. No interconnecting door is proposed between the host property and converted garage.
- 1.3 The application site is a large, detached chalet style bungalow occupying substantial curtilage. Vehicular access is to the front of the site, off Bristol Road, with the remaining site boundaries adjacent to residential development. The site lies within the settlement boundary of Frenchay, but is outside the conservation area.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H2	Proposals for Residential Development within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

2.3 Emerging Policy

South Gloucestershire Core Strategy Pre-Submission Publication Draft (March 2010)

CS1	High Quality Design
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2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RECENT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Object to the proposal on the following grounds:-

- a) proposal is a separate annexe to property;
- b) applicant does not live in property;
- c) if permission is granted a condition must be imposed to ensure that annexe should only be used as ancillary to main property.

4.2 Other Consultees **Sustainable Transport**

No objection.

4.3 Local Residents

1 letter has been received objecting to the proposal on the following grounds:-

- a) will adversely affect quiet enjoyment of our garden and home;
- b) proximity of extension to boundary may cause disturbance and displacement when trenching for foundations;
- c) proposal cannot be built within confines of site without disruption to ourselves;
- d) pitched roof may result in rainwater being discharged at boundary line causing further disruption;
- e) development extends the footprint of what already is a large property and allows for a separate household;
- f) increased pedestrian and vehicular traffic;
- g) highway safety issues;
- h) property is not owner occupied but let on a 6 monthly rental tenancy since purchase – development is therefore for increased rental purposes.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal has been submitted on the basis of annex accommodation and it is considered that Policy H2 of the adopted Local Plan is not relevant in the assessment of this application.

5.2 In considering applications for residential extensions, planning policies D1 and H4 of the adopted local plan are particularly relevant. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality.

5.3 Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety.

5.4 Design

The proposed extension is considered to be in-keeping with the existing property and area as a whole. It continues the ridge-line of the existing garage,

is of matching materials and is small in size and scale, extending the building by only 2.3m. Although the proposal extends an already large dwelling, the size of the site is more than adequate to accommodate the size of extension proposed. In addition, its location to the rear of the garage ensures that the principle elevation of the property will largely remain unchanged. With regard to the elevational changes resulting from the conversion, the garage door is to be blocked up with facing brickwork and a front door and window inserted. No new windows or openings are proposed on either side elevation. The rear of the extension incorporates French doors. As such the proposal is acceptable in design terms.

5.5 Residential Amenity

The annex provides approximately 34.5m² of floor-space and is therefore modest in size. The only property that would be affected by the proposal is that to the north of the site, known as 'Omega'. The annex, although adjacent to the side boundary of this property will not adversely affect residential amenity as their detached garage is located immediately the other side of the boundary. Furthermore, the actual property of 'Omega' is a minimum 10m distance away. The single storey nature of the proposal, the one-bed nature of the annexe and the fact that no openings are proposed on the side elevation ensures that no loss of privacy/overbearing impact or any noise /disturbance will result from the proposal. As the proposal is for annex accommodation, the provision of separate private amenity area is not a necessary requirement. However, the private garden associated with the main property is substantial. The application is therefore acceptable in terms of residential amenity.

5.6 Transportation

The proposal does not involve any alteration to existing access arrangements. Although the proposal will result in the loss of the garage, adequate parking and turning facilities will remain within the site. The proposal therefore complies with policies T8 and T12 of the adopted local plan.

5.7 Other Issues

Boundary Issues

With regard to concerns raised over the proximity of the development to the boundary, the application indicates that no encroachment, either above or below ground level, will occur to the neighbouring property of 'Omega' as Certificate A has been submitted as part of the application. If planning permission is granted, this does not give the applicant any rights to carry out works on, or over, land not within their ownership. This would include matters such as foundations below ground level, eaves/guttering overhang above ground level and works of construction, finishing, future repairs and maintenance. These matters would be of a civil nature between the two parties.

5.8 Existing use of property

The applicant, although the owner, does not live at the application site. A local resident and the Parish Council state that the property is currently rented out. However, this has no bearing on the determination of the application to be considered before the Council. Indeed, the assessment of this planning permission cannot consider who resides at the dwelling, as this is not a planning consideration.

5.9 The description of the application has been submitted as a self-contained annexe. Provided the additional accommodation is conditioned to be used solely as ancillary to the main property, this is considered acceptable. The size of the accommodation is modest and only provides one small additional bedroom. The accommodation therefore could only sustain a maximum of two residents. Furthermore, use of this accommodation as separate to the main dwelling would require planning permission in its own right.

5.10 Section 106 Requirements

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

6. CONCLUSION

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

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.

6.3 The recommendation to grant permission is for the following reasons:-

1. The proposed extension/conversion due to its limited size, single storey nature, design and siting is considered to be acceptable in terms of visual and residential amenity. The proposal would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Existing Residential Curtilages, Including Extensions and New Dwellings) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal has no impact in highway safety terms. As such the

proposal is considered to be compliant with Planning Policy T12 (Transportation Development Control Policy For New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission be granted.

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CONDITIONS

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

Reason

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

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

Reason

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

3. The garage conversion/extension hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as Two Stacks.

The application has been assessed purely as ancillary accommodation. A separate residential use would require further detailed consideration by the Council to accord with Policies D1, H2, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No windows shall be inserted at any time in the side (north) elevation of the garage conversion/extension hereby permitted.

Reason

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