



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC
ENVIRONMENT**

CIRCULATED SCHEDULE NO. 18/10

Date to Members: 14/05/10

Member's Deadline: 20/05/10 (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
Over the May Bank Holiday Period 2010**

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
16/10	Thurs 29 April 2010	Thurs 06 May 2010
20/10	Thurs 27 May 2010	Thurs 03 Jun 2010

CIRCULATED SCHEDULE – 14 MAY 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0249/F	Approve with Conditions	Land To Rear Of 6 - 14 Hilltop Road Soundwell South Gloucestershire BS16 4RN	Kings Chase	None
2	PK10/0540/F	Approve with Conditions	97 Guest Avenue Emersons Green South Gloucestershire BS16 7DA	Emersons	Mangotsfield Rural Parish Council
3	PK10/0692/R3F	Deemed Consent	Mangotsfield Church Of England Primary Church Farm Road Emersons Green South Gloucestershire BS16 7BF	Emersons	Mangotsfield Rural Parish Council
4	PK10/0703/F	Approve without conditions	69 Chiphouse Road Kingswood South Gloucestershire BS15 4TY	Rodway	
5	PK10/0716/F	Approve with Conditions	86 Bye Mead Emersons Green South Gloucestershire BS16 7DQ	Emersons	Mangotsfield Rural Parish Council
6	PK10/0746/F	Approve with Conditions	12 Cedar Close Oldland Common South Gloucestershire BS30 9PY	Oldland	Oldland Parish Council
7	PT09/5704/CLE	Approve with Conditions	Unique Gardens Cuttsheath Road Buckover Wotton Under Edge South Gloucestershire GL12 8QH	Thornbury North	Thornbury Town Council
8	PT10/0302/F	Approve with Conditions	Land At Wheatfield Drive Bradley Stoke South Gloucestershire BS32 9DP	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
9	PT10/0476/RVC	Approve	Wyman Dillon Ltd Silverhill Gloucester Road Rudge Way South Gloucestershire	Thornbury South And	Alveston Parish Council
10	PT10/0664/F	Approve with Conditions	5 Barn Owl Way Stoke Gifford South Gloucestershire BS34 8RZ	Stoke Gifford	Stoke Gifford Parish Council
11	PT10/0671/TRE	Approve with Conditions	Hortham Village Hortham Lane Almondsbury South Gloucestershire BS32 4JH	Almondsbury	Almondsbury Parish Council
12	PT10/0691/R3F	Deemed Consent	St Chads Primary School Cranham Drive Patchway South Gloucestershire BS34 6AQ	Bradley Stoke Central And Stoke Lodge	Patchway Town Council
13	PT10/0775/F	Approve with Conditions	111 Beach Road Severn Beach South Gloucestershire BS35 4PQ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council

CIRCULATED SCHEDULE NO. 18/10 – 14 MAY 2010

App No.:	PK10/0249/F	Applicant:	Mr Coombs
Site:	Land To Rear Of 6 - 14 Hilltop Road Soundwell Bristol South Gloucestershire	Date Reg:	15th February 2010
Proposal:	Demolition of existing garages and erection of 6no. one bedroom houses with parking, access and associated works.	Parish:	None
Map Ref:	364788 174919	Ward:	Kings Chase
Application Category:	Minor	Target Date:	9th April 2010



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100023410, 2008.

N.T.S.

PK10/0249/F

INTRODUCTION

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

1. THE PROPOSAL

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

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport
- PPS15 - Planning and the Historic Environment
- Circular 05/2005 : Planning Obligations

2.2 Development Plans

Joint Replacement Structure Plan

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

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

Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

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

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

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

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

3.3 PK09/0594/RM - Demolition of existing garages and erection of 6no. self-contained flats and 1no. maisonette. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK08/1062/O).
Approved 15 May 2009.

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council
Not a parished area.

4.2 Other Consultees

Wessex Water

No objection – the site is located within a sewered area with foul and surface water sewers.

Other Representations

4.3 Local Residents

5no. letters of objection have been received from local residents. The concerns raised are summarised as follows:

- Unsuitable narrow access.
- On street parking will be exacerbated in already congested area.
- Loss of privacy for properties in Hilltop Road.
- Restricted access for fire engines.
- Potential crime.
- Increased noise and disturbance.
- Loss of garages.
- Increased use of sub-standard access.
- No visitor parking.
- Private land encroached upon.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The appeal against refusal of PK08/1062/O established the acceptance in principle of the residential development of the site with a layout, scale and access the same as now proposed. The only difference in the current proposal is, that there are now 6no. one-bedroom houses proposed as opposed to the previously approved (on appeal) 6 flats and one maisonette.

5.2 Back-land developments are generally resisted due to the difficulties of access and the disturbance and lack of privacy suffered by the houses at the front of the site. Officers consider that in this case, since the site is already occupied by 25no. garages, no in-principle objection on back-land grounds can be justified. The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield windfall site. The existing garage buildings are not afforded any special protection and do not lie within a Conservation Area. There is therefore no in-principle objection to the demolition of the buildings and the re-development of the site for alternative residential use. PPS3 supports the generation of mixed communities in sustainable locations and at para.20 states:

Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people.

The proposal for small one-bedroom houses is therefore considered to be in accordance with the latest government advice contained in PPS3 and as such, there is no in-principle objection to the proposal in the location proposed. The houses would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock.

- 5.3 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.
- 5.4 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 South Gloucestershire Local Plan (Adopted) 6th January 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.*
- 5.5 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.
- 5.6 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. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal equates to 61.2 dwellings per hectare but this higher figure merely reflects the fact that the development would comprise 6 small one-bedroom dwelling houses.

- 5.7 The South Gloucestershire Local Plan (Adopted) 6th January 2006 also seeks to ensure, in achieving higher densities for new development, that *local planning authorities and developers think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment*.
- 5.8 Officers are satisfied that having regard to the site's constraints relating to its location, pattern of development, landscape characteristics and impact on residential amenity, a larger build could not realistically be accommodated on the site and in this respect the proposal represents the most efficient use of the land in what is a relatively sustainable location, close to the centre of Kingswood and within walking distance of local shops/cafes/pubs, Kingswood Leisure Centre and the main bus routes on Soundwell Road. The proposal therefore accords with Government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.9 Scale and Design
Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. These criteria are carried forward to Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.
- 5.10 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.*
- 5.11 The proposed buildings would have a one and half storey, gable ended, dormer design with a maximum height of 7m to the roof ridge and 4.5m to eaves level, the same as previously approved; the building's foot-print would also be much the same as previously approved. Buildings of these proportions would not be excessive in scale and given the scale and design of the existing buildings, would not look out of place in this location. Furthermore the orientation and general form of the buildings would be in-keeping with the linear grain of development to be found on Hilltop Road.
- 5.12 The existing buildings within the location exhibit a rich mix of external surface types and colour. Many of the buildings are rendered in grey, cream or white

- render with some isolated examples of darker render. Other properties are constructed from red brick or natural Pennant Sandstone.
- 5.13 It is proposed to use black pantiles for the roof, which officers consider would not look out of place in this location. It is also proposed to use ivory coloured rendering for the external surfaces of the walls. The proposed building, being in a back-land location, would not be prominent within the street scene; it would however be visible from the numerous properties surrounding the site. Render would not look out of place within this location and whilst the 'ivory' colour proposed is common enough within the wider locality, officers consider that for enhanced quality reasons, alternative darker renders should at least be considered or alternatively a mix of render colour to add interest. This issue can be appropriately controlled via a condition.
- 5.14 The proposed building would be sited to the rear of the houses on Wellington Road and having a predominantly north-west to south-east orientation, generally follows the existing grain of built development. The parking spaces, bin and bike store, would be located on the western half of the site with adequate amenity areas to the front, rear and south-eastern side of the building; in this respect the proposal does not represent an overdevelopment of the site.
- 5.15 Given that the scale and design of the scheme is much the same as previously approved, then officers consider that it accords with the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.16 Landscaping
A hard and soft landscaping scheme has been submitted and this is shown on the submitted Proposed Site Plan no. 1722/100. The site is already very well enclosed by the existing dwellings around the site and garages to the rear of the houses on Hilltop Road. New shrub planting would be introduced to the west and north of the proposed dwellings. New Rowan and Silver Birch trees would also be planted on the eastern, western and southern boundaries of the site. The new gardens would be turfed and enclosed by 1.8m high fencing. Officers consider that this low-key landscaping proposal is appropriate for the site and would enhance the visual amenity of the site. The landscaping proposal is therefore acceptable.
- 5.17 Boundary trees do overhang the site to the east, south and west but these trees are located on adjoining property and would not therefore be removed. The only landscape feature likely to be affected is a mature Ash Tree that overhangs the western boundary. The Council's Tree Officer has previously confirmed that the tree could be appropriately protected and subject to the prior submission and approval of a method statement for works around the tree, there is no objection on landscape grounds.
- 5.18 Impact on Residential Amenity
Concerns have been raised by local residents about loss of privacy from overlooking, additional noise and disturbance, and loss of security. The west and north facing gable ends would be blank. In terms of overlooking, there should not be a problem at ground-floor level as the site would be very well

screened by the existing garages to the north and west, and boundary treatments that would be enhanced by the proposed landscaping.

- 5.19 At first floor level there would be some overlooking of neighbouring properties but this is a ubiquitous situation in densely populated urban areas such as this. In terms of direct inter-visibility with windows of neighbouring property, the Council has traditionally required a minimum of 21m between facing habitable room windows. These guidelines are however quite old and are currently up for review. With the higher density of development now required by PPS3, some relaxation in the standard is likely. In this case the front elevation of the building would be some 25/26 metres from the rear elevations of the nearest houses in Hilltop Road, more than satisfying the 21m guideline. Furthermore the building would be set well back from the rear gardens to these properties. Similarly to the west, the rear elevations of the properties on Soundwell Road would be some 34 metres from the proposed building. To the south, the back of the proposed building would be set back 6.0m from the rear garden of no.197 Soundwell Road, with a substantial landscape buffer on the boundary. The garden to no. 197 is extremely long and any overlooking would be to that part of the garden that is furthest from the house and therefore least likely to be used. To the east, Lansdown House would be only 13.0 to 18.0 metres away but given there are a number of large trees along this boundary, any overlooking would be limited. Some of the overlooking can be reduced by obscuringly glazing the windows serving bathrooms, this can be secured by condition. Officers are therefore satisfied that, any loss of privacy to neighbouring property, would not be so significant as to justify the refusal of planning permission.
- 5.20 It is acknowledged that only shrubs are proposed to the front (north) of the buildings, but this elevation would be further from the houses on Hilltop Road. In assessing the appeal, the Inspector in his decision letter (para.17) stated the following:
- 'I have taken into account the concerns raised by local residents about the potential for overlooking, but I am satisfied that there would be sufficient distance between the proposed block and Hilltop Road properties to ensure that privacy would not be materially harmed and that the issue can be dealt with adequately at reserved matters stage.'*
- 5.21 Moving to the issue of disturbance; notwithstanding the garages serving the properties on Hilltop Road and Soundwell Road, the existing 25no garages within the application site already have the potential to generate significant amounts of traffic movements to the site at various times of the day. The proposed development would have 7no car parking spaces only and these would be restricted to the western end of the site. Whilst there would be noise and disturbance during the construction phase, this would be on a temporary basis and the hours of construction could be controlled by condition. Excessive noise or anti-social behaviour from future residents would be the subject of normal environmental health legislation.

5.22 In terms of security, the existing garages have been the subject of repeated arson attacks and fly-tipping, which has resulted in the eastern part of the site in particular, having a most unsightly appearance. The proposal offers the opportunity to clear up the site and introduce habitable properties that would provide a degree of natural surveillance, thus increasing security. On balance therefore there would be no significant adverse impact upon residential amenity; this view was supported by the Inspector for the previous appeal.

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

5.24 Transportation Issues

Notwithstanding the extant use of the site, any new residential development on the site would need to provide suitable access for all types of vehicle likely to serve the new development, as well as the existing users of the shared access. In addition, the new development would also be expected to provide adequate parking provision, as well as suitable manoeuvring space to meet the needs of the development.

5.25 The proposal follows the approval of planning application PK09/0549/RM, which itself followed a successful planning appeal for application PK08/1062/O. In the appeal decision letter, the Inspector considered that the main issue was whether or not the proposal would harm highway safety. The Inspector's decision related to a development of 6 flats and 1 maisonette. The current proposal is for 6no. one-bedroom houses, so from a highway point of view, both development proposals are broadly the same and their impact would be similar. On this basis the Inspector's decision is a material consideration of significant weight in the determination of the current proposal.

5.26 Access Issues

Currently the access lane is used to access existing garages only and as such the traffic movements are limited, particularly given the poor state of repair of the lane; the lane is privately owned by the applicant.

5.27 The lane is unlit and it is poorly surfaced, although the applicant has indicated that it would be re-surfaced. The lane width is restricted and there is no formal footway at this location. At its junction with Hilltop Road, the lane width is 4.4m but at its narrowest point, the lane is only 3.8m wide, there is also a pronounced dog-leg right half way up the lane. The existing boundary treatment to the lane comprises third party walls and fences to either side, including access points to gardens and garages. As such, the lane is unsuitable for two-way traffic movements, as clearly demonstrated in photographs submitted by Mr Powell who lives at adjoining no.6 Hilltop Road. Furthermore the visibility splay from the existing lane onto the public highway i.e. Hilltop Road, are limited.

5.28 The Inspector took the view (para.4) that any concerns about the visibility splay at the junction of the access road and Hilltop Road, had been overcome following the results of a speed survey of traffic on Hilltop Road. The Inspector

concluded that the obtainable sightlines would comply with the recommendations of *Manual for Streets*.

5.29 Moving to the concerns about the width and alignment of the access, the Inspector noted in his decision letter (paras. 5 to 9) that it was proposed to improve the access and that most of the access is not wide enough to allow two vehicles to pass and there is no provision for pedestrians. Furthermore it was considered that the lawful use of the site as a garage block had the potential to generate considerably more traffic movements than the proposed 6no. dwellings.

5.30 As regards the lack of separate provision for pedestrians, *Manual for Streets* indicates that shared surfaces may be suitable in certain circumstances, including where they are over short lengths and where the volume of motor traffic is below 100 vehicles per hour and where parking takes place in designated areas. The Inspector considered that the access met these criteria; he also considered that in the rare event of a conflict between cars entering and exiting the site, that it would be easy for any exiting traffic to reverse into the site to allow the incoming car to enter.

5.31 Proposed Turning Area and Refuse Collection

The Inspector (paras. 10 to 15) did express some concern about the lack of on-site turning space for larger vehicles such as bin lorries or delivery vehicles; Avon Fire and Rescue did not raise any objection. Whilst the Inspector was concerned that goods vehicles delivering goods from Hilltop Road would result in double parking and obstruction of the highway, this concern was however tempered by the fact that such deliveries would only be occasional.

5.32 More concern was expressed (para.13) about the proposal to site bins on collection days some 40m away from the bin storage area. The Inspector concluded however that these concerns were outweighed by the shortfall in housing supply in the area and the improvements to the appearance of the site. In the current proposal it is proposed to site the bin store near the turning area for ease of collection and would comprise 2no. 1100 litre euro bins.

5.33 Parking Issue

The parking standards for residential development, as listed in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, are based on the number of bedrooms in each property. In the previous and current scheme the dwellings are all one-bedroom properties.

5.34 The proposal provides 7no. parking spaces on the site and the design and access statement says that this would represent 100% parking provision i.e. one space for each house plus a visitor space. This level of parking provision would be in compliance with Policy T8, which is a maximum parking standard. The Inspector (para.16) considered that one space per dwelling in this accessible location, well served by buses, and with access to shops and facilities, would be satisfactory.

5.35 Concerns have been raised about the loss of the existing garages, some of which are apparently still used. These garages are however private lock-up garages, which could be demolished at any time without planning permission.

5.36 On balance therefore, given the similarities between the current scheme and that allowed on appeal, officers consider that it would be unreasonable to refuse the application on highway grounds as any refusal reason could not be adequately substantiated in an appeal situation.

5.37 Environmental and Drainage Issues

The Environmental Health Officer has raised no objection to the position of the proposed bin store. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal. If it is intended to connect to a private sewer then this is a civil matter. Any connection to the public sewer system would first have to be agreed with Wessex Water.

5.38 Affordable Housing

The proposal is for 6no. houses only, which is below the Council's threshold (15) for affordable housing provision.

5.39 Education Service

There is now a projected deficit of places at primary level in the local area. At secondary level there is a surplus of places. The proposed development for 6no one bedroom houses generates a requirement of £10,747.00p towards Education facilities for one primary place.

5.40 Community Services

The proposal is for 6no. houses only, which is below the Council's threshold (10) for contributions to Community Services.

5.41 Other Concerns Raised

It is claimed that the pedestrian footpath from Soundwell Road to the rear of the houses adjacent to the site is privately owned and not in the ownership of the applicant. Disputes of land ownership are however civil matters that are not resolved by the planning system.

5.42 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.

5.43 Use of Energy and Sustainability

A sustainable drainage system would be secured via a condition.

5.44 Improvements Achieved to the Scheme

None

5.45 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 education contributions are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 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 (1) That authority be delegated to the Director of Planning, Transportation and Strategic environment to grant permission, subject to conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- A contribution of £10,747.00p towards the Education Service, for the provision of an additional primary school place, having regard to the projected deficit in the local area; in accordance with Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
 - A contribution at a rate of 4% of the total requirement sum for monitoring purposes. This equates to £429.88p
- 2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.2 Should the agreement not be completed within 6 months of the date of the resolution, that planning permission be refused.
- (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. Developments shall not begin until drainage proposals incorporating Sustainable Drainage Systems (SUDS) and hydrological conditions (soil permeability, watercourses, mining culverts etc) within the development site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and thereafter maintained.

Reason

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

3. 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 EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The off-street car parking facilities and manoeuvring areas, shown on the Proposed Site Plan 1722/100 hereby approved shall be provided before the first occupation of any of the dwellings so approved, and thereafter retained as such and used only in conjunction with the occupation of the buildings' 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.

5. Cycle parking facilities and bin storage facilities (including a 'collection day' storage area) shall be provided prior to the occupation of any of the dwellings hereby approved, in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure the provision of adequate and secure cycle parking facilities and bin storage in accordance with Policy T7, T12 and D1(H) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2007.

6. Details of any floodlighting and external illumination shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.

Reason

To prevent light pollution in the interests of residential amenity and to accord with Policies EP1 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have 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 Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

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

Reason

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

10. Prior to the commencement of the development hereby approved, a Tree Protection Plan and Arboricultural Method Statement, relating to works beneath the canopy of the mature Ash Tree growing adjacent to the western boundary of the site, shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved.

Reason

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

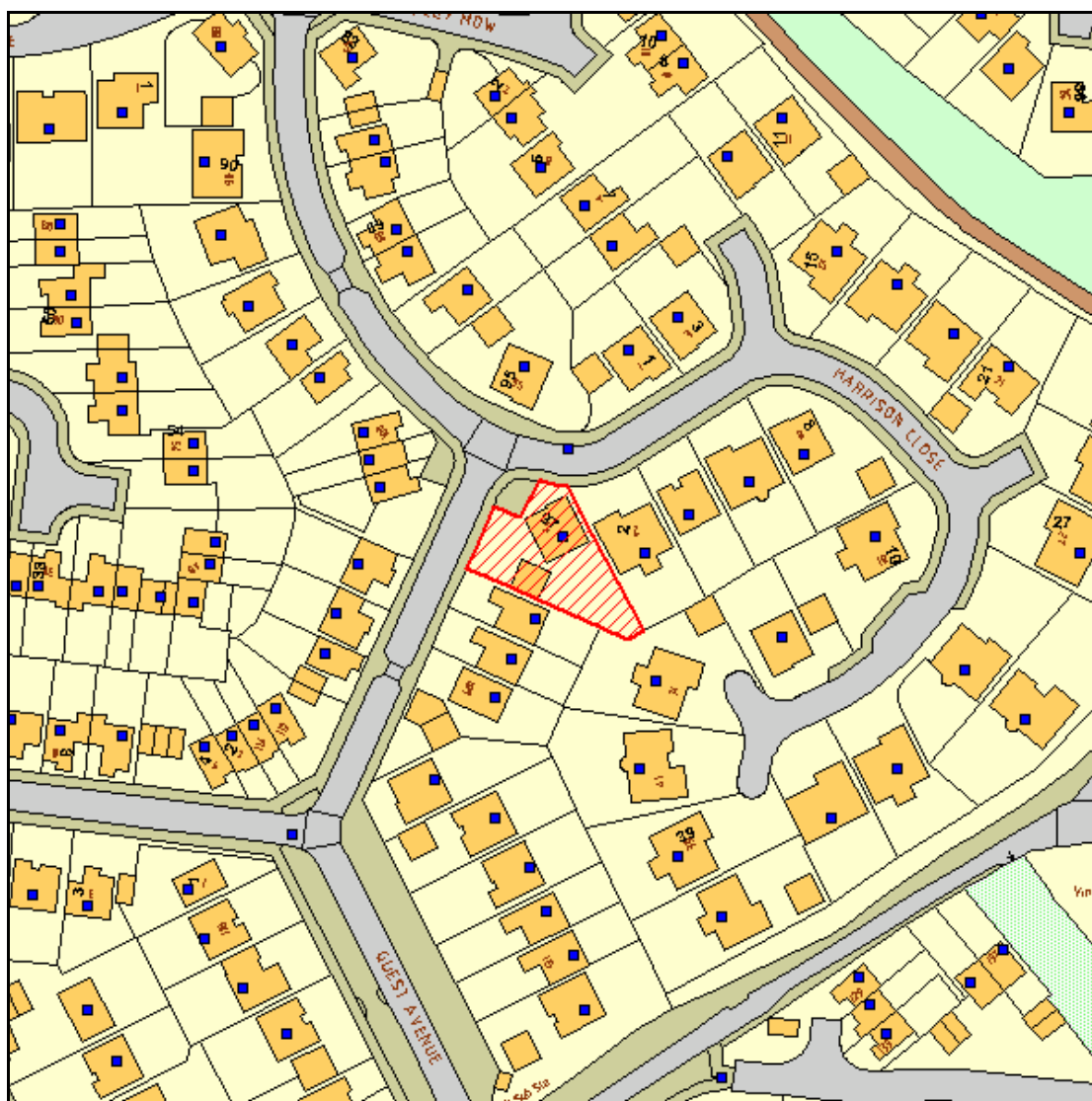
11. Prior to the first use or occupation of any of the buildings hereby permitted, and at all times thereafter, the proposed first floor bathroom windows shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in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

Reason

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

CIRCULATED SCHEDULE NO. 18/10 – 14 MAY 2010

App No.:	PK10/0540/F	Applicant:	Mr And Mrs Trueman
Site:	97 Guest Avenue Emersons Green Bristol South Gloucestershire BS16 7DA	Date Reg:	10th March 2010
Proposal:	Erection of two storey rear extension to form additional living accommodation.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366699 176874	Ward:	Emersons Green
Application Category:	Householder	Target Date:	3rd May 2010



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100023410, 2008.

N.T.S.

PK10/0540/F

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of objections from local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a modern, family size dwelling house, located within the new Emersons Green Estate. The house stands on a corner plot at the junction of Harrison Close and Guest Avenue. Similar properties lie to either side and to the rear. The location is entirely residential in character. A conservatory has been added to the rear of the house and a large detached double garage lies to the southern side of the house, accessed off Guest Avenue.
- 1.2 It is proposed to replace the existing conservatory with a two-storey rear extension to provide a dining room at ground floor with a bedroom above. An originally proposed Juliet balcony, at first floor level, has since been deleted from the scheme, following the receipt of objections from neighbours.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 The South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010
CS1 - High Quality Design
- 2.3 South Gloucestershire Local Plan (Adopted) 6th January 2006
D1 Design
H4 Development within Existing Residential Curtilages
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
- 2.4 Supplementary Planning Guidance
The South Gloucestershire Design Check List SPD (Adopted) 23rd Aug 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/2760/F - Erection of rear conservatory
Approved 13 Nov 2000

4. CONSULTATION RESPONSES

(a) Statutory Consultees

- 4.1 Mangotsfield Rural Parish Council
No objection

(b) Other Representations

4.2 Local Residents

2no. letters of objection were received, the concerns raised are summarised as follows:

- Loss of privacy due to overlooking of no.14 Harrison Close from proposed first floor Juliet balcony and glazed doors.
- Juliet balcony would not be in-keeping with any of the neighbouring properties.
- Loss of sunlight to ground floor side window of no. 2 Harrison Close.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 states that house extensions will be permitted subject to issues relating to massing, scale, proportions, materials, design, highways, and impact upon residential amenity.

5.2 Design and Scale

The proposed extension would have an appropriate design and scale in relation to the characteristics of the main dwellinghouse and surrounding properties. The extension would measure 3.8m wide x 4m deep. The roof ridge would be set well down from that of the main house, creating a sense of subservience; the eaves would be set at the same level as those of the main house. The proposed addition uses sympathetic materials i.e. brick plinth and cream plain render with red concrete pantiles to match the existing. The proposal is considered to adequately integrate within the existing built form. The scale and design are therefore considered to be acceptable.

5.3 Visual Amenity

It is considered that the addition would not have a detrimental impact upon the character and appearance of the area. The site is well screened from the public domain by existing buildings and high boundary walls and fences. Being to the rear of the house, the extension would not be seen within the street scene. There would therefore be no adverse impact on visual amenity.

5.4 Residential Amenity

In response to the concerns raised by the occupant of no.14 Harrison Close, to the rear, the originally proposed Juliet Balcony and glazed doors have now been deleted from the scheme and replaced with a standard sized bedroom window. Given the distance from the rear elevation of the proposed extension, to the nearest rear windows of no.14, i.e. some 21m, officers are satisfied that there would now be no significant loss of privacy from overlooking to the rear. No windows are proposed for the eastern side elevation, whilst the proposed bedroom windows on the western side would mainly face the existing double garage. Officers consider that some overlooking of neighbouring gardens from first floor windows is inevitable in suburban areas such as this and should not be justification for refusal of planning permission provided that the overlooking

- is from a reasonable distance. At ground floor level the gardens are well screened by high fences and boundary treatments.
- 5.5 The proposed 4m long extension is quite large but this is off-set because no.97 is sited well forward of no.2 Harrison Close, such that the extension would not in fact project beyond the rear elevation of no.2. Due to this relationship with the neighbouring property and distance from the properties to the rear, the extension would not have an overbearing impact. To the south-west, neighbouring no.99 Guest Avenue would not be affected, as the extension would be partly screened by the large double garage of no.97.
- 5.6 Concern has been raised about the likely loss of sunlight to a 'window' in the side elevation of neighbouring no.2 Harrison Close. Officers have noted that this 'window' is in fact an obscurely glazed door serving a utility room. The 'window' being at ground floor level, directly faces the high boundary fence. The end portion of the proposed extension would be located in front of this 'window' but would not completely obliterate it. Given that the window does not serve a principle habitable room and that adequate daylight would still be available to the window, officers consider that some loss of sunlight to this window would not be justification for refusal of planning permission. On balance therefore there would be no significant loss of residential amenity to result from the proposal.
- 5.7 Highways
Parking and access are not affected. There are therefore no highway objections to this application.
- 5.8 Use of Energy and Sustainability
Not applicable
- 5.9 Improvements achieved to the scheme
Removal of first floor Juliet balcony and glazed doors on rear elevation.
- 5.10 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Adopted) 23 Aug 2007.
- 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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the adopted South Gloucestershire Local Plan (Adopted) 6th 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. 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 and Policy CS1 of The South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.

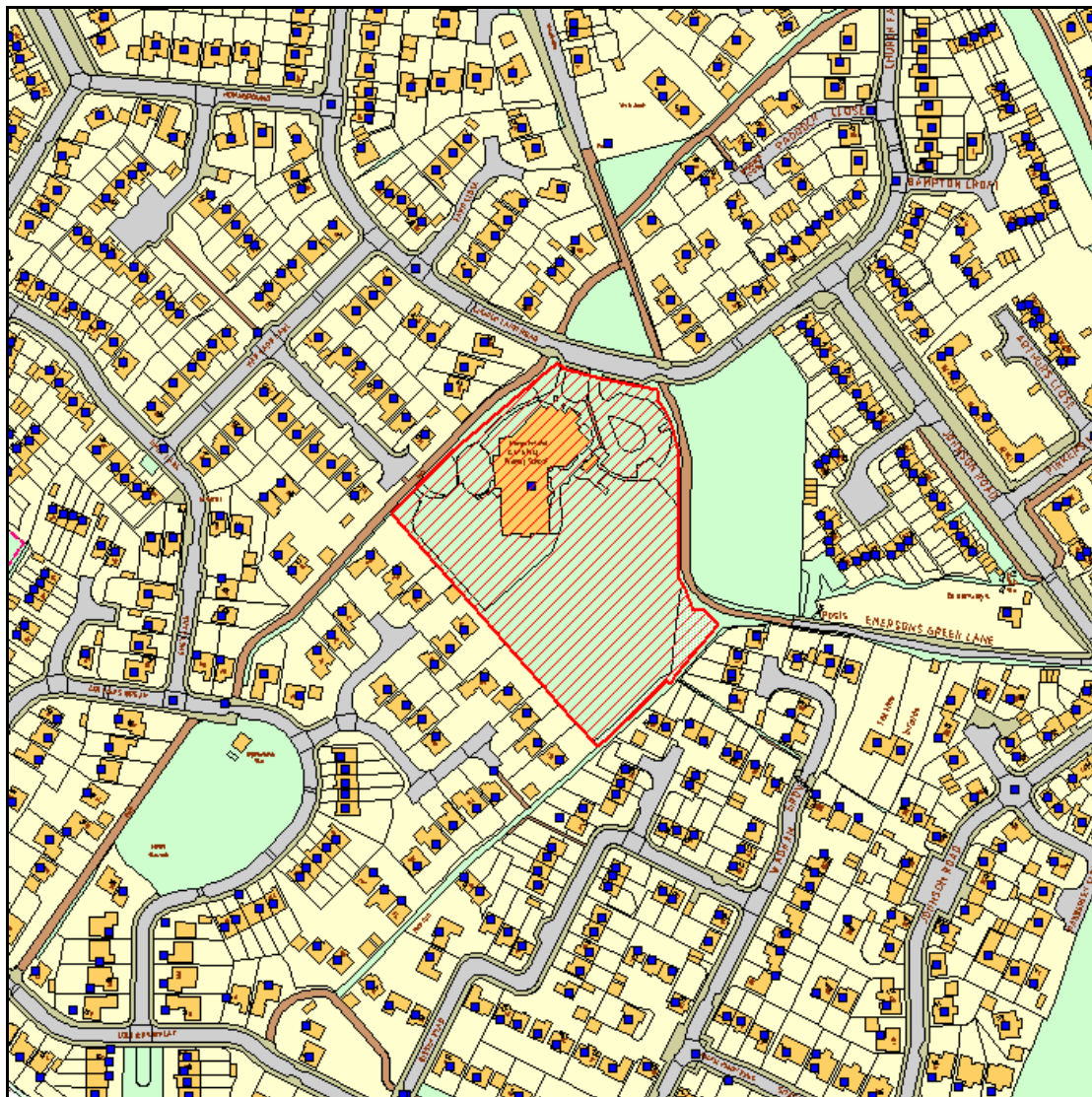
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor, north-east side elevation of the extension hereby approved unless otherwise agreed in writing by the Local Planning Authority.

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. 18/10 – 14 MAY 2010

App No.:	PK10/0692/R3F	Applicant:	Mr P Toghill
Site:	Mangotsfield Church Of England Primary Church Farm Road Emersons Green Bristol South Gloucestershire	Date Reg:	13th April 2010
Proposal:	Erection of single storey extension to existing school hall to provide storage space.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366900 176542	Ward:	Emersons Green
Application Category:	Minor	Target Date:	27th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0692/R3F**

INTRODUCTION

This application is reported on the Circulated Schedule as it proposes development on land in the ownership of South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The application site is situated centrally within the modern residential development of Emersons Green on the north east edge of Bristol. The application site relates to a modern Primary School with associated grounds and playing fields. The main school building is a modern two storey building located on the north side of the site constructed from red brick with some rendered panels and walls and concrete tiled roof. The school building faces onto a parking and turning area with vehicular access onto Church Farm Road to the north.
- 1.2 The application proposes erection of a single storey extension to the front elevation of the existing school hall to provide additional storage space.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
LC4 Expansion of Educational Facilities within the urban area
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/0354/F Erection of storage sheds for outdoor play equipment.
Approved 18.03.2002
- 3.2 PK03/2531/F Erection of single storey extension.
Approved 19.09.2003
- 3.3 PK09/1154/R3F Erection of single storey extension to west elevation to form additional classroom space. (Option C)
Approved 24.07.2009
- 3.4 PK09/1157/R3F Erection of single storey extension to west elevation to form additional classroom space. (Option B).
Approved 24.07.2009

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council

No objection

4.2 Other Consultees

Sustainable transport – No objection

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing schools within the urban area, providing there would be no detrimental impact in terms of residential amenity, environmental or transportation effects, the site is highly accessible on foot or by bike and the proposal would not give rise to an unacceptable level of on street parking.

The proposal is to provide a single storey extension to the existing school hall. The extension would be enclosed to provide additional storage for equipment which is stored in the hall at present and would free up an area necessary for increased student numbers in the next school year.

5.2 Residential amenity

The proposed extension would be situated more than 50m from the nearest adjacent dwelling. As such it is considered that the proposal would result in no material loss of amenity to the local residents.

5.3 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The proposed extension would be situated on the front elevation of the existing school which would be clearly visible from the highway. The extension would occupy an area which is used only for soft landscaping adjacent to the main school entrance. The design and materials would be of good quality in keeping with the character of the existing school building and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.4 Highway safety and transportation

The proposal would provide additional floorspace to be used for storage only. The proposal would therefore generate no increase in employee or student numbers. As such it is considered that no additional vehicle movements or on street parking would be generated as a result of the proposed development.

5.5 Other issues

Considering all of the above matters the proposal is considered not to result in any unacceptable environmental effects.

5.5 Design and Access Statement

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

5.6 Use of Energy and Sustainability

The proposal would use materials similar to those existing. The extension would be of good quality construction. The proposal is considered to represent a sustainable form of development which maintains the existing level of energy efficiency.

5.7 Improvements Achieved to the Scheme

None required

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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 summary of reasons for granting planning permission in

accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.

- a) Due to its scale and position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed extension has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) As the proposal would provide additional storage space only staff and student numbers would not increase and as such there would be no additional highway safety or transportation implications. The development therefore accords to Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 That planning permission is approved, subject to conditions.

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason

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

2. The render and roof tiles 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.

CIRCULATED SCHEDULE NO. 18/10 – 14 MAY 2010

App No.:	PK10/0703/F	Applicant:	Mr J Reynolds
Site:	69 Chiphouse Road Kingswood Bristol South Gloucestershire BS15 4TY	Date Reg:	6th April 2010
Proposal:	Erection of two storey side extension to provide additional living accommodation. (Resubmission of PK10/0315/F).	Parish:	
Map Ref:	365783 175021	Ward:	Rodway
Application Category:	Householder	Target Date:	20th May 2010



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100023410, 2008.

N.T.S.

PK10/0703/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side extension. This follows a recently withdrawn planning application PK10/0315/F, which also sought permission for a two-storey side extension. This current application differs from the previous one in that additional car parking provision is proposed.
- 1.2 The application site relates to a modern two storey semi detached dwelling within residential area of Kingswood.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Extensions

T8 Car Parking

T12 Transportation Development Control Policy

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 PK10/0315/F Erection of two storey side extension
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Not covered

Other Representations

- 4.2 Local Residents
One letter has been received from a local resident raising the following planning objections regarding the proposed development. The resident has

referred to his previous letter relating to an earlier application on this site. Regard can only be had for those comments submitted as part of this current application, which have been summarised by the Planning Officer as follows:

- I see little change from previous scheme
- Application proposes parking for two small cars
- Proposal takes property out of its original concept

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 semi detached dwelling within a row of two similar style properties. The application site property has a two-storey front gable feature. This application seeks planning permission for a two storey side extension which will be set back at first floor level from the existing front building line and will be set lower in height than the existing dwelling. The proposed extension will read as a subservient addition to the host dwelling. An objection has been received on the grounds that the proposed extension will take the property out of its original concept. The Planning Officer is of the opinion the proposed extension is relatively small scale in terms of width and is of a scale and design in keeping with the existing dwelling and immediate surrounding area.

5.3 This application will result in the removal of the front boundary wall to allow provision of additional car parking space. This immediate area is characterised by enclosed front gardens although a number have been removed to enable on site car parking. It is considered that the loss of wall will not have an adverse impact on the visual amenities of the immediate surrounding area.

5.4 Residential Amenity

This application proposes a two-storey side extension along the western boundary of the site adjacent no. 67. The ground levels of the application site are lower than that of no. 67 by approximately 0.50m. The proposed extension will be set back from the side elevation of no. 67 by 1.0m and will project beyond the front building line of no. 67 by 1.0m and rear building line by 2.0m. There are no windows in the side elevation of no.67. It is considered the proposed extension by reason of its scale, siting and design will not have an adverse impact on the existing residential amenities of no.67 in terms of loss of privacy or overbearing impact.

5.5 Transportation Issues

The proposed extension will result in the loss of on site car parking leaving one car parking space. The submitted plans propose the provision of a second car parking space and on this basis no highway objection is raised as satisfactory

levels of on site car parking are provided in line with the Council's car parking standards.

5.6 Design and Access Statement

Not required with this particular type of householder planning application.

5.7 Use of Energy and Sustainability

The proposed car parking area is shown as being constructed of porous paviers.

5.8 Improvements achieved to the scheme

Amended plans have been submitted proposing a second car parking space.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

- a) The proposed extension has 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 extension 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-Policies T8 and 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 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.

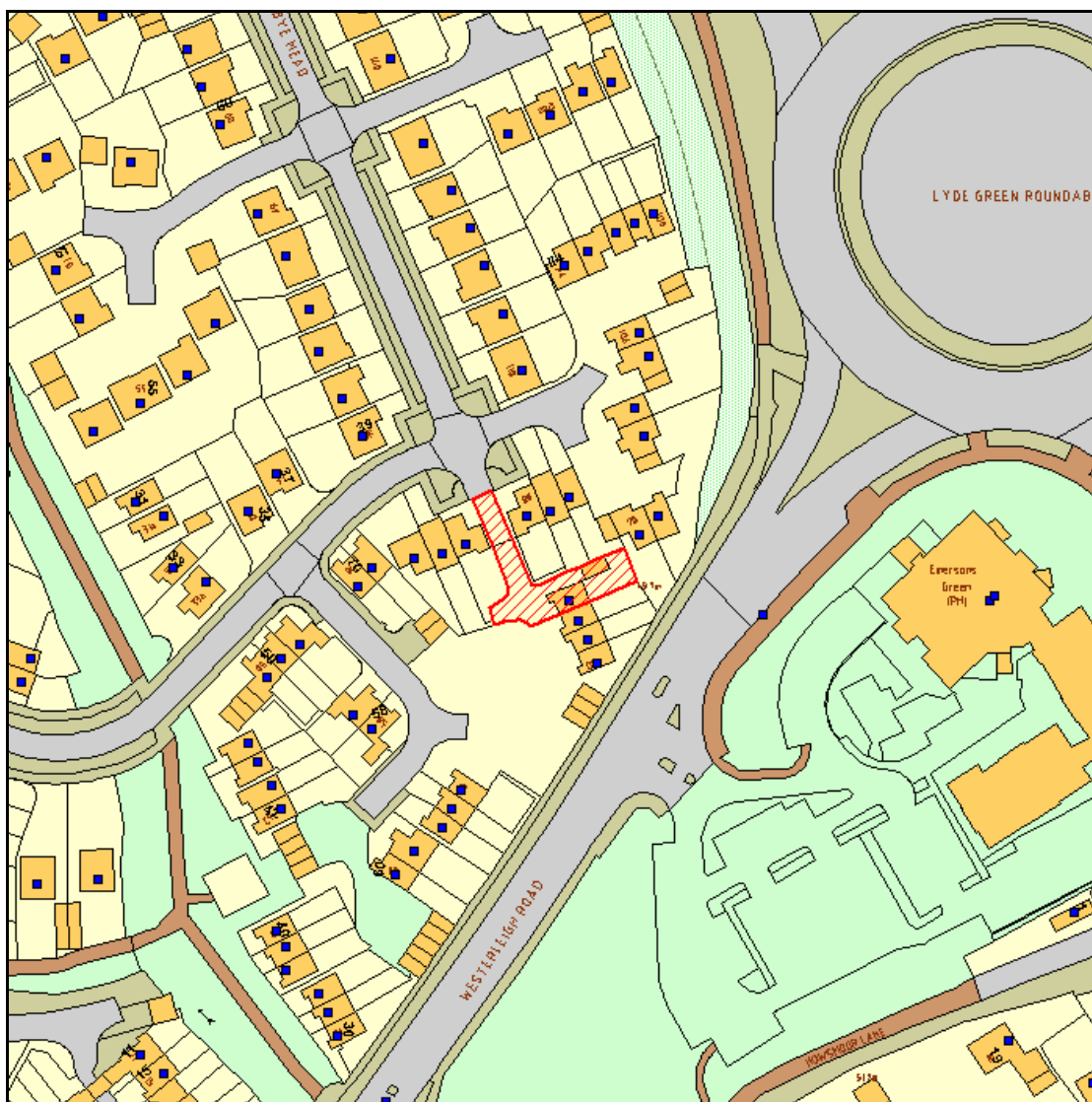
3. The extension shall not be occupied until the associated car parking has been drained and surfaced in accordance with the approved details dwg.no. PLN-01A. The facilities so provided shall not be used, thereafter, for any purpose other than the parking of vehicles.

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. 18/10 – 14 MAY 2010

App No.:	PK10/0716/F	Applicant:	Mr M Winter
Site:	86 Bye Mead Emersons Green Bristol South Gloucestershire BS16 7DQ	Date Reg:	7th April 2010
Proposal:	Erection of two storey and single storey side extensions to form additional living accomodation with integral carport. Conversion of existing garage to living accommodation.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366666 177826	Ward:	Emersons Green
Application Category:	Householder	Target Date:	23rd May 2010



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a two storey and single storey side extension and the conversion of the existing garage into living accommodation at 86 Byemead, Emersons Green. The proposed extension would measure 2.7 metres wide by a maximum of 7.8 metres in depth and would have an overall height to ridge of 6.3 metres.
- 1.2 The property is a two storey end terrace dwelling and is located within a residential area of Emersons Green.
- 1.3 During the course of the application amended plans were received changing the roof of the proposed extension from a hip to a gable.

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 PK06/0901/F Erection of rear conservatory
Approved April 2006

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objections

Other Representations

- 4.2 Local Residents

Following the receipt of amended plans a letter of objection has been received from a local resident, raising the following concerns.

- Concerns regarding the gable style roof rather than the hip roof initially proposed.
- The height of the gable will be overly imposing given location close to boundary
- The proposal would result in a reduction in light to rear of property
- Front room of property already receives little light due to being north facing, light is therefore borrowed from the rear.
- A reduction in light would have an adverse affect on living accommodation.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions 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 Design / Visual Amenity

The applicant is seeking permission for a two storey side extension, the first floor would be used as additional living accommodation and the ground floor would form a car port. The proposed extension would link to the existing detached garage, which would be converted into a utility and playroom.

It is considered that the proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The extension is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it, this is particularly the case given that the ridge height is set down lower than the main dwelling ridge height and the front elevation of the extension is set back. It is considered that the resultant building is well proportioned and would remain in keeping with the scale of the surrounding dwellings within Byemead. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling. Whilst concern has been raised regarding the proposed gable, the design of the roof has been amended so that it is a gable to match the existing terrace of properties, it is considered that a hipped roof as initially proposed would have been out of keeping with the design of the surrounding properties.

The application property is located in a small cul-de-sac, set away from the main routes through Byemead. As such the proposal would not be readily visible from the main highway. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

The side elevation of the proposed extension would be located 12 metres away from the rear elevation of the neighbouring properties No's 88 and 90 Byemead. Whilst concern has been raised regarding the closeness of the proposal in relation to these properties, several properties within the immediate vicinity are orientated in a way that the rear elevation is 12 metres away from a gable elevation of a neighbouring dwelling. The width of the extension has been reduced slightly and the ridge height lowered, as such, whilst it is accepted that the proposal would result in a slight increase in overshadowing over and above the existing situation, given the orientation of the property this likely to be limited to the rear of the neighbouring properties gardens. As such it is not considered that a refusal reason based on overshadowing or overbearing could be justified or substantiated at appeal.

The proposal includes the addition of three new first floor windows one on the front elevation one on the side and one on the rear elevation. Given the location of these windows and the fact that the side elevation window would be obscurely glazed and serve a bathroom, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing first floor windows. It is considered that sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Parking and Highway Safety Implications.

The proposal would include a car port and front driveway space would remain for the off street parking of vehicles. 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.

5.5 Design and Access Statement

None submitted

5.6 Use of Energy and Sustainability

No additional measures proposed

5.7 Improvements Achieved to the Scheme

The roof the two storey extension has been changed to a gable to match the main property, furthermore the ridge height has been set down so that the proposal appears subservient to the main dwelling.

5.8 Other issues

The applicant has stated in the application form that their mother in law works for the community care department of the Council, given that the application does not directly involve or effect the mother in law, the determination of the application has been processed in accordance with the scheme of delegation.

5.9 Section 106 Requirements

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

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the extension would not significantly harm the amenities of the neighbouring properties by reason of overshadowing or overbearing impact. As such the proposal accords with Policies D1 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

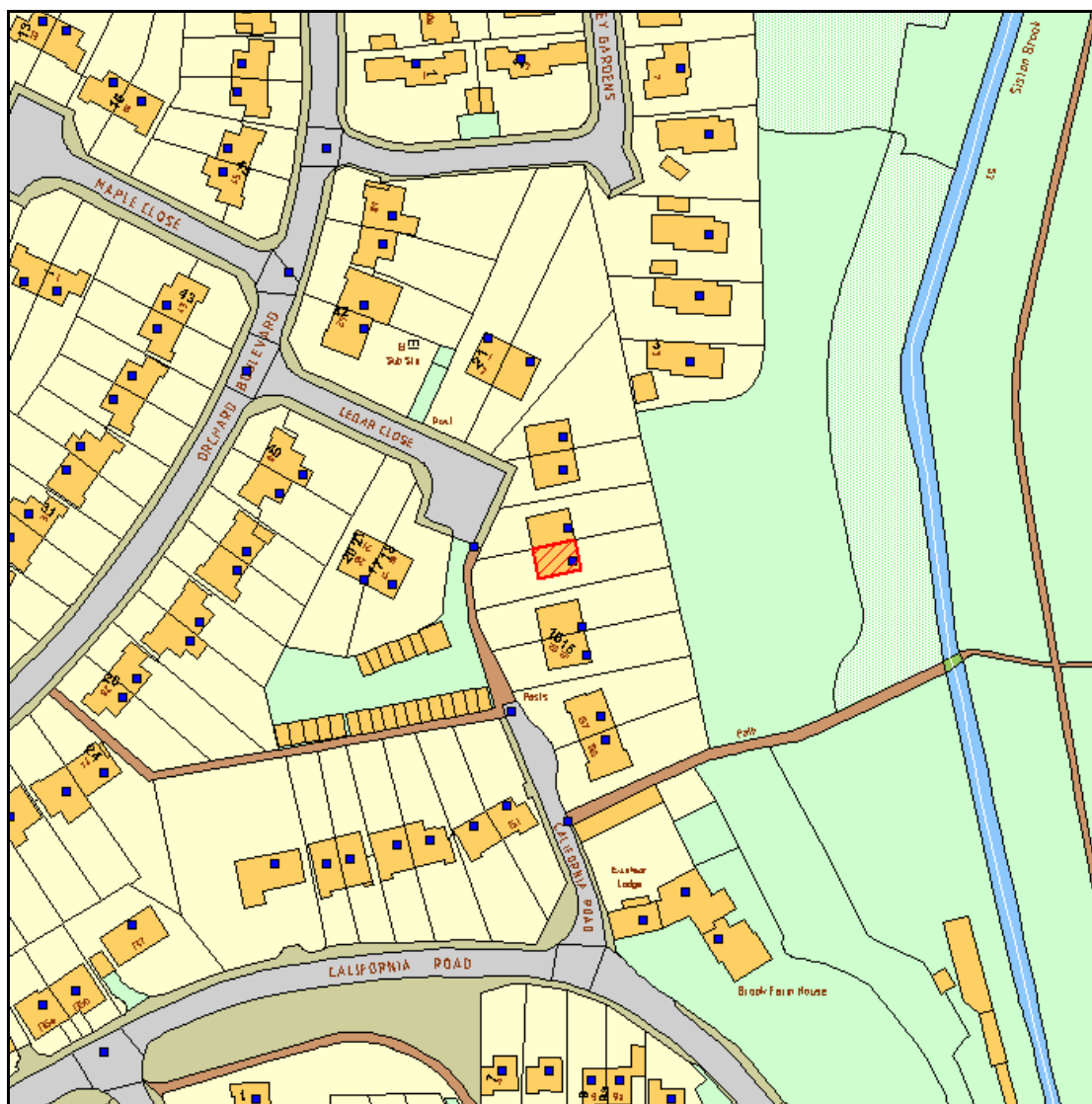
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 18/10 – 14 MAY 2010

App No.:	PK10/0746/F	Applicant:	Mr A Nicholas
Site:	12 Cedar Close Oldland Common Bristol South Gloucestershire BS30 9PY	Date Reg:	6th April 2010
Proposal:	Erection of rear dormer to replace the existing dormer and installation of 2 no. front roof lights (Re-Submission of PK09/1226/F)	Parish:	Oldland Parish Council
Map Ref:	366720 171606	Ward:	Oldland Common
Application Category:	Minor	Target Date:	25th May 2010



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100023410, 2008.

N.T.S.

PK10/0746/F

INTRODUCTION

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

1. THE PROPOSAL

1.1 The application site is situated in the residential suburb of Oldland Common. The site is bounded by residential development to the north and south with Cedar Close to the west and an area of open space leading down to Siston Brook to the east. The site comprises a two storey building split into two flats. The application relates to the first floor flat and the roofspace above. The flat currently has a long flat roofed dormer on the rear roofslope with felt roof and uPVC cladding on all sides. The dormer is in a poor state of repair.

The application site is situated within the urban area as defined in the adopted Local Plan.

1.2 The application proposes erection of rear dormer to replace the existing dormer and installation of 2 no. front roof lights (Re-Submission of PK09/1226/F)

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

South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010
CS1 High Quality Design

2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

3.1	PK09/1226/F	Erection of rear dormer to replace the existing dormer Refused 25.08.2009
	Appeal dismissed	

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No response received

4.2 Other Consultees

None

Other Representations

4.3 Local Residents

One letter of objection received from the occupiers of 11 Cedar Close raising the following concerns:

No 11 is the flat directly below no.12; design and appearance would be out of keeping with the character of the area; overbearing impact on no.12; two new rooflights in the front roofslope would have a detrimental impact on the character and appearance of the area, breaking up an otherwise entirely tiles roofslope.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

The proposal is a revised scheme to a dormer previously refused (PK09/1226/F). The refusal reason reads,

'The proposed rear dormer by reason of its scale, design and external appearance would result in visually dominant element out of keeping with the character and appearance of the existing building. In addition, it is considered that the proposal, by virtue of its siting, scale and design, would cause a significant harm to the character and appearance of the area.'

A subsequent appeal was dismissed as the Inspector agreed with the Case Officer's view that the replacement dormer would be oversized for the rooflope, effectively creating an additional storey and a discordant fenestration which would not align with the lower floor windows.

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. It is considered that in this revised scheme the applicant has sought to remedy the reasons for refusal of the previous scheme PK09/1226/F. The scale and form of the dormer now more closely resembles the existing dormer feature. The proposal would match the length and width of the existing dormer and would be situated 200mm lower in the roofslope than existing. The fenestration would contain two larger windows than existing and two additional smaller windows either side. This would result in a larger ratio of window to facing

material when viewed from the rear. However, the proposal would remove the existing uPVC plastic cladding to the front and side faces and provide a cladding to match the existing roofing material. This would soften the impact of the dormer assimilating dormer with roofslope when viewed from the rear. Therefore due to no change being proposed to the shape, size, scale and form of the dormer and only the minimal change to its position, in addition to improved facing material, it is considered that the applicant has resolved the previous refusal reason and the Inspectors subsequent concerns. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential amenity

The neighbour below raised a concern that the proposed dormer would appear overbearing. The proposal would closely match the existing dormer in terms of size, scale, volume and form. Due to the clear similarities to the existing situation Officers consider the proposal not to result in any significant additional harm to the amenity enjoyed by the neighbouring occupiers.

5.4 Other issues

The objector at no.11 raised concerns in relation to two rooflights proposed for the front elevation. The rooflights are considered to constitute Permitted Development and as such do not require planning permission. Although included on the application drawings which could be misleading, they are not a material planning consideration as part of this proposal.

5.5 Design and Access Statement

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

5.6 Use of Energy and Sustainability

The proposal would bring back into use an existing loft space. The occupation of this space coupled with the replacement of an existing dormer in a poor state of repair would be likely to result in improved energy efficiency for the dwelling.

5.7 Improvements Achieved to the Scheme

Non required.

5.8 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 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 summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.
- a) Due to its similar scale, form, volume and position in relation to the existing dormer, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) It has been assessed that the proposed dormer has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the following conditions and informatives:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 18/10 – 14 MAY 2010

App No.:	PT09/5704/CLE	Applicant:	Mr Mitchell Bracey
Site:	Unique Gardens Cuttsheath Road Buckover Wotton Under Edge South Gloucestershire	Date Reg:	4th November 2009
Proposal:	Application for Certificate of Lawfulness for existing use as a garden centre for retail sales of garden and landscaping materials.	Parish:	Thornbury Town Council
Map Ref:	366307 189962	Ward:	Thornbury North
Application Category:	Minor	Target Date:	22nd December 2009



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 100023410, 2008. **N.T.S.** **PT09/5704/CLE**

INTRODUCTION

This application appears on the Circulated Schedule as it relates to an application for a Certificate of Lawfulness for an existing use.

1. DESCRIPTION OF DEVELOPMENT

- 1.1 An application is made to demonstrate on the balance of probability that the site known as Unique Garden Centre, Milbury Heath has been used for retail sales in addition (and in breach of condition) to the use granted under planning consent P94/1400 for the construction of hardstanding area for material storage and car parking; change of use of building to office and store; ancillary trade sales of landscape materials in association with landscape centre with show gardens; and that this use has continued for at least 10 years immediately prior to submitting the application.

The application is made on behalf of Mr Mitchell Bracey, the owner of the site, and is for a Certificate of Lawfulness for an existing Use of land. The existing use claimed is that of :- Garden Centre for retail sales of garden and landscaping materials.

The application form does not specify which class of the Town and Country Planning (use classes)Order 1987 the use falls into but goes on to describe the existing uses as:

- 1 Use of the land as a garden centre for the sale of garden and landscaping materials to the trade and general public.
- 2 Use of temporary structure as sales desk/office (wooden structures fixed to each other in excess of four years ago-sales to trade and public)

The applicant claims that the use began more than ten years before the date of this application and that the use, building work or activity in breach of condition began more than 10 years before the date of this application.

It is claimed that there has been no interruption in those activities since the use began and that there has been no material change in the use of the site since the activity began.

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

2. POLICY CONTEXT

2.1 National Guidance/legislative framework

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

3. MOST RELEVANT SITE HISTORY

- 3.1 P94/1400 Planning permission for the construction of hardstanding area for material storage and car parking; change of use of building to office and store; ancillary trade sales of landscape materials in association with landscape centre with show gardens. Granted 28 June 1994. Condition 5 states that "There shall be no retail sales to the general public from the site without express planning permission. Reason: In the interest of highway safety and local amenity."
- 3.2 PT00/2087/F Erection of two adjoining portacabins Refusal
- 3.3 PT01/0023/TMP Two portacabins measuring total 8 by 3m Approved for 12 month period.
- 3.4 PT02/0763/F Erection of two dwellings. Refused and dismissed on appeal. This was on the north/east area of the site.
- 3.5 PT02/2081/F Retention of portacabin for ancillary office use Refused Aug 2002
- 3.6 PT05/0340/F Retention of 2.4 metre high link fence and alteration to 2 accesses. Granted 6 June 2005.
- 3.7 PT07/2661/O Outline planning application to erect a dwelling. Refused 28 November 2007 and dismissed on appeal 8 September 2008. Appeal Inspector states that the site "forms part of a garden centre selling timber products, paving and garden structures."
- 3.8 PT09/1219/F – Erection of workshop/store and toilet block (Retrospective). Withdrawn.
- 3.9 Enforcement History
- an enforcement investigation in relation to the compliance with the conditions under P94/1400 resulted in this submission.
 - Car sales - enforcement
- 3.10 In January 2005 diggers were on site in relation to topsoil removal and a letter of complaint was received by the Planning Enforcement Team: "they have already sawn down trees and shrubs without thought".

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 Statutory declaration from MD Bracey who owns the site. He purchased the site in September 2003 on the understanding that it was a garden centre. He is a landscape gardener and provides landscaping services using the materials that are also sold on the site. The sales area has been improved and enhanced by providing parking. A list of goods sold is provided as part of the evidence as is a map of the site. He states he

was unaware of the condition on the 1994 consent preventing sales to the general public; and he himself had purchased goods from the site prior to owning it. Retail sales of landscape goods have occurred from the site for in excess of 10 years.

- 4.2 Statutory declaration from H L Newsome who states he is a customer of Milbury Heath Garden supplies; and prior to that a retail customer of the previous owners Landcraft. The earliest incidence recalled was purchasing fencing supplies in 1996.
- 4.3 Sworn Declaration of P A Hanson who has lived in a house adjacent to the site for 23 years. She recalls some previous planning history for housing which failed at appeal in the early 1990's. The previous owners cleared an area and landscaping materials were stored on the site, and there were vehicles calling on a regular basis. She saw the previous owner selling the landscaping products but did not purchase any personally. The current owner took over the site in 2003 and tidied it up and continued the sale of garden and landscaping materials that has been a feature of the site for many years. She had assumed this was lawful.
- 4.4 Statutory Declaration of T Whiles dated 27 October 2009. (no accompanying map) who visited the site as a child between 1977 and 1985 to buy plants with his parents. He states that during the late 1980s the site was used as a nursery and one paid for ones selection on the other side of the road (Severnvale/Wyvale). The site was left empty for several years from approximately 1990/1991 until Land craft bought the site in 1994. They were selling plants, shrubs and large stones/landscaping materials and he bought plants from them at this time. After 4-5 years Mr Bracey bought the site and continued the sales to trade and retail. No map supplied.
- 4.5 Further Statutory Declaration of Mitchell Bracey dated 15 March 2010 sets out the site area of the application in MB1.
- 4.6 He states that he is willing to make the detail of his client's names, addresses and items purchased available to the Council. It is from this information that he claims that in excess of 60% of the sales taking place were to the public rather than trade.

His appendices MBS1 and MBS2 show that the site area and uses had changed from a smaller red outline in 1994 to a larger red site outline. An Arial photograph MBS3 confirms the wider use of the site for landscaping in his view. Mr Bracey believes that the larger was approved and established the larger site and as such he believes that MBS4, a plan, shows a true reflection of site uses. He goes to state that despite a letter written on his behalf by a planning agent which gave a description of the existing use at that time as being 'Landscape Gardeners with Trade Sales'. He states that he was not asked for the actual use of the site and implies that it would not have been his use at that time, rather it was 'landscaping business and this included retail sales'.

- 4.7 Since submission of the above Statutory declaration the agent has submitted:
 - a) a further plan, being an amendment to that described as MBS4. This area remains larger than the P94/1400.
 - b) graphs setting out the split between retail and trade sales to support the contention regarding the percentage of retail sales. This does only cover from 2003 to date but clearly indicates that the percentage of stock sold to the general public was in excess of that sold to trade and that this occurred right from the beginning of the ownership.

5. **SUMMARY OF CONTRARY EVIDENCE**

Three letters of objection have been received from local residents.

The first states that the yard causes highway problems due to delivery times; and comments on the poor access. It does state that “often the retail customers are elderly” thereby sometimes adding to the highway problems. Further concerns are expressed at the quality of the landscaping scheme at the site, and the way the area has changed over the years.

The second states that despite living close to the site for 27 years he was unaware of retailing taking place from the site, rather the previous owner used the site for his internet based landscape design business. Discussions with the current owner led the writer to believe that he had no intention of retailing from the site, and thinks he recalls a trade only sign. It was only more recently that retail activity has been advertised.

Comments from the final contributor are a detailed critique of the evidence submitted indicating where in the writer’s opinion there are omissions. It does not in itself offer evidence, rather questions the adequacy of the evidence submitted and concludes that it is not compelling or credible. The following points are summarised:

- The sworn declaration of Mr Bracey is questioned in the sense that the suitability of the buildings on site to accommodate a retail use is questioned. There was a lack of advertising for retail use. The list of goods sold is not credible given the space available at the site. The writer questions how credible it is that the owner of the site was not aware of the condition on the 1994 consent. Reference is made to correspondence on the 2005 planning application file from the current applicant’s then planning agent referring to the business as having trade sales. He disputes further opinion and points expressed in the declaration.
- The sworn declaration of P A Hanson is questioned in so far as the writer considers it unlikely that this resident would have a good view of the adjacent site given the boundary treatment. This perspective would be no better than any other local resident.
- It is alleged that H L Newsome lives on a working livestock farm and on this basis the incidents of retail sales that he refers to in his statutory declaration are questioned. In the writer’s view this could be considered to be a trade sale.
- Further comments are made in relation to the supporting statement and copies of extracts from the planning history and the Unique Garden’s web-site are submitted.

Overhead Aerial photography

1. Aerial photo taken around July 1999 shows:

- The majority of the land now owned by Mr Bracey now being well landscaped with trees hedges grass with the exception of approximately a sixth of the area which appears to be a storage area. This appears to be about a half of the red lined area permitted under P94/1400.
- The photo shows a substantial number of trees close to the bend in Cuttsheath Road, both close to the boundary and more centrally within the site.

2. Aerial photo taken May to July 2005 shows

- Almost two thirds of the site area has been hard surfaced and it appears that storage of goods is generally laid out to the front of the site.
- The trees noted on the 1999 photo have been removed and set out with timber product storage.
- There is some random 'dumping of artefacts in the western most third of the overall site, however the area remains green (grassed) which indicates that the use is not significant.

3. Aerial photo taken in 2006 shows similar to the 2005 photo but the random 'dumping' taking place has been formalised into a small area of yard with a new vehicular access from the original yard area.

6. OTHER REPRESENTATIONS RECEIVED

6.1 Thornbury Town Council

No objection

7. EVALUATION

The application for a certificate of lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence. The current application was submitted on 27 Oct 2009 and as such the purpose of this application is to test whether the site has been in general retail use since 27 October 1999.

Hierarchy of evidence

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

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

7.1 Retail Sales in breach of condition

This application is concerned with the use of the red lined site between October 1999 and October 2009 when the application was submitted. The information provided within the statutory declarations clearly shows that retail sales have been occurring to the public for over ten years in breach of the condition but this appears to have been from a smaller area of the site than the location plan MB1 forming part of Mr Braceys first Statutory Declaration expresses. It appears from the Enforcement complaint received in January 2005 that the expansion of the site began only in physical terms in January 2005 when trees and shrubs were removed and diggers were on site, which gives doubt that the area central to the south-eastern boundary could have been in use for retail sales until that time (prior to that the original trees and shrubs appear to have been in situ).

- 7.2 The 2002 application PT02/2081/F for the retention of a portacabin included two photos sent in by the agent which indicate an area of scree surfaced hardstanding and a rather unorganised array of paviers. This appears to be located within the area set out in the 1994 application.
- 7.3 The PT02/0763/F application shows a hardstanding area and polytunnels and glass house but with the trees at the bend in the road still in situ. That polytunnel also appears on the P94/1400 plan as being outside of the site.
- 7.4 In 2005 the application to fence around the site was received and showed a different proposed layout than that which existed by the time the aerial photo was taken later that year. This indicates that the ground works and tree clearance had only occurred during the early months of 2005. This appears to have included the removal of the polytunnel (still in evidence on PT02/2081/F and PT02/0763/F).
- 7.5 The area shown on the agents submission 2920: 101C shows an area of retail sales marked in blue from where, it is claimed, the public retail sales have been carried out. The Council has assessed the contemporary evidence found in previous applications and it appears that the expansion of the site, by way of hard surfaced area was only undertaken along the road frontage in early 2005. As such retail sales of gardening and landscape products were not undertaken except in the area marked red on the P91/1400 application in breach of condition five.
- 7.6 In conclusion on the balance of probability retail sales of garden and landscape goods on land, outlined in red on the Council's attached plan, site did occur prior to 1999.

However the application fails to show on the balance of probabilities that the land shaded red on the submitted plan and indeed part of the land shaded blue, has been used for retail purposes. Indeed there appears to be insufficient evidence to suggest that the rest of the site has been used for garden and landscape maintenance for a period in excess of ten years. At best it appears that some of the land in question appears to have been in horticultural use.

6. CONCLUSION

It is considered that on the balance of probability the applicant has provided sufficient clear and unambiguous evidence to demonstrate that the land outlined in red on the Councils attached plan has been used for retail sales to the general public of garden and landscape goods.

7. RECOMMENDATION

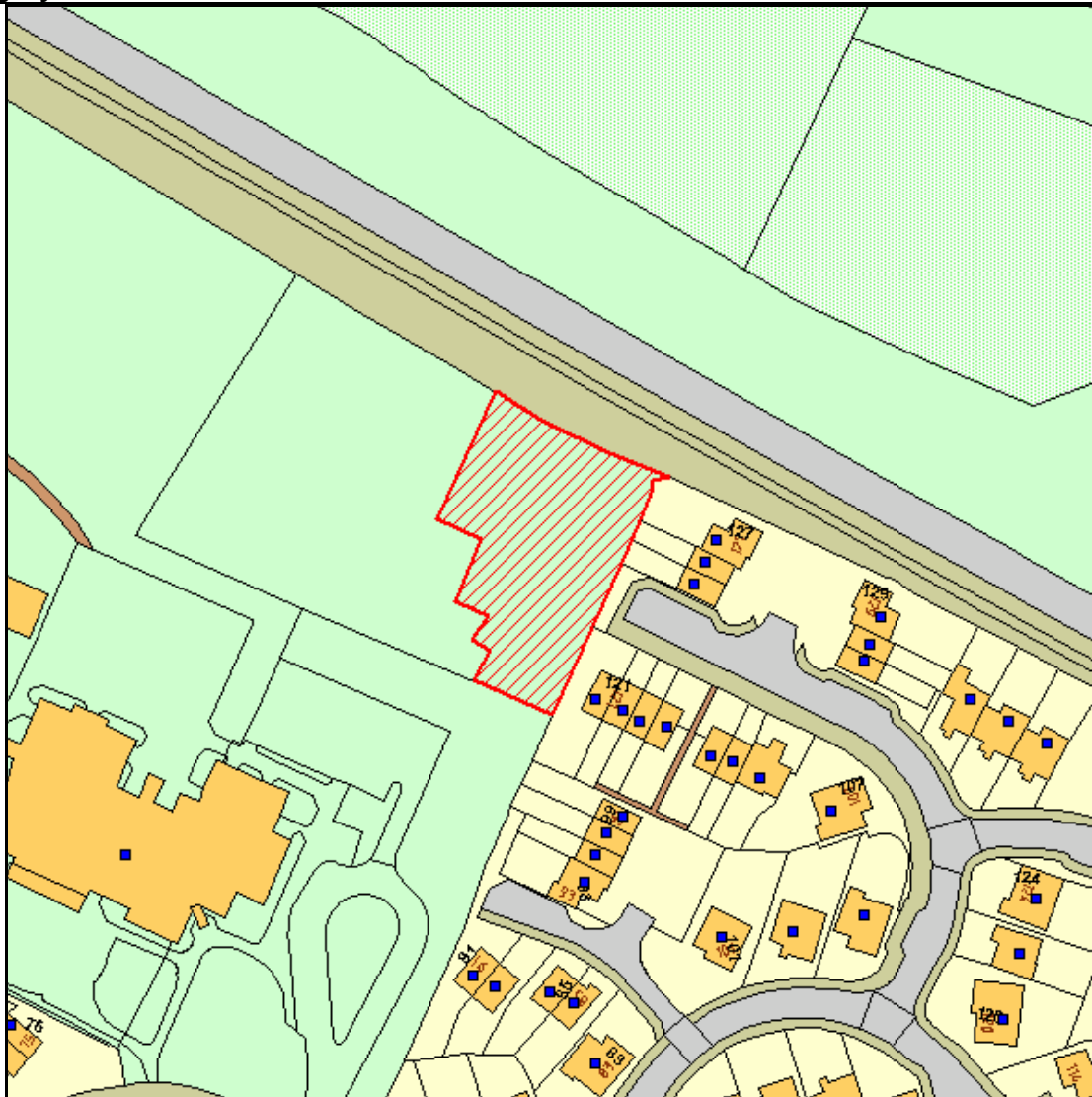
That a Certificate of Lawful Existing Use is granted on a smaller area than applied for, as attached, because on balance only that part of the site has been used for retail sales of garden and landscaping goods.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

On the balance of probabilities the evidence submitted demonstrates that retail sales to the general public of garden and landscaping goods as set out in the appendix MB3 of the Statutory declaration of Mitchell Donald Bracey declared on 27th October 2009 were occurring from the site outlined in red, as set out on the attached plan, in breach of the condition attached to planning permission P94/1400 for a period in excess of 10 years prior to the submission of the application.

CIRCULATED SCHEDULE NO. 18/10 – 14 MAY 2010

App No.:	PT10/0302/F	Applicant:	Perpetual Legacy Ltd
Site:	Land At Wheatfield Drive Bradley Stoke Bristol South Gloucestershire BS32 9DP	Date Reg:	26th February 2010
Proposal:	Erection of New Multiple Sclerosis Therapy Treatment Centre to include amended access and associated works related to PT09/1158/F	Parish:	Bradley Stoke Town Council
Map Ref:	361626 182260	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Minor	Target Date:	21st April 2010



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 100023410, 2008. N.T.S. PT10/0302/F

INTRODUCTION

The application appears on the Circulated Schedule in view of the public comment received in connection with the proposal. It should be noted that the applicant has now exercised the right to appeal the application with the Planning Inspectorate as the Local Planning Authority has not determined the application within the eight weeks period since the submission of the application. In this instance a further application has been submitted in duplicate in order to allow the further consideration of the proposal by the Local Planning Authority. The duplicate application is detailed below and will be reported in due course.

The Local Planning Authority can no longer determine this application and as such a formal decision cannot be issued by South Gloucestershire Council. The following report sets out the officer assessment and recommendation as it would have been had the application not been appealed. Any conditions are suggested in the event that the Council Members agree with the officer recommendation and the application not being referred to the Development Control (West) Committee from this Circulated Schedule.

1. THE PROPOSAL

- 1.1 The site within an open area of ground adjacent to Bradley Stoke Way and off Wheatfield Drive. Currently the whole site remains undeveloped, however the Western Part of the site benefits from Planning Consent for a new Multiple Sclerosis Treatment Centre under PT09/1158/F albeit with access from Bradley Stoke Way.
- 1.2 The proposed development site takes the Eastern Area of the site and which was formally excluded from the previously approved planning application. The proposal details a modest single storey building to provide specialist accommodation for the treatment of patients with Multiple Sclerosis and which would complement the purpose of the larger building approved under PT09/1158/F. The position of the proposed building is such that it would fill the width of the site between the approved building and adjacent dwellings backing onto the site. This would be across the previously approved access onto Bradley Stoke Way. This application details an alternative access from Wheatfield Drive. It is proposed to provide parking and turning facilities within the site.
- 1.3 The original development of a Multiple Sclerosis Centre was considered by the Development Control (West) Committee under PT01/2785/F. In this instance, the application was submitted on the basis that the access to the site is from Wheatfield Drive; and is a route which gained officer support at that time. However, the Development Control (West) Committee deferred the decision of that application to allow the applicant to re-submit proposals on the basis of access from Bradley Stoke Way. The applicant made these revisions and the application was approved subject to a section 106 legal agreement. The subsequent application PT09/1158/F also proposed this access from Bradley Stoke Way and was approved. However, due to constraints affecting the site (as set out in this report) this application now

details the access being from Wheatfield Drive as originally intended by the applicant.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

S3 Proposals for Social Services Provision (Site Allocation and Developer Contributions)

LC4 Education and Community Facilities in the Urban Areas and Settlement Boundaries

D1 Achieving Good Quality Design in New Development

T7 Cycle Parking

T8 Parking Standards

T9 Parking Standards for People with Disabilities

T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

2.4 Other Material Considerations

South Gloucestershire Core Strategy – Pre-Submission Publication Draft

CS1 High Quality Design

CS23 Community Buildings and Cultural Activity

3. RELEVANT PLANNING HISTORY

3.1 PT01/2785/F Erection Of A New Multiple Sclerosis Therapy Treatment Centre.
Approved; section 106 legal agreement signed 25th May 2007.

3.2 PT09/1158/F Erection Of A New Multiple Sclerosis Therapy Treatment Centre.
Approved 19th November 2009; section 106 legal agreement signed.

3.3 PT10/1053/F Erection of New Multiple Sclerosis Therapy Treatment Centre to include amended access and associated works related to PT09/1158/F.
(Resubmission of planning application PT10/0302/F)

Currently Undetermined.

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

Comment as follows;

The proposed access to the site via Wheatfield Road will lead to an unacceptable increase in traffic movement through this, already congested residential area, which will be detrimental to highway safety, and have a negative impact on surrounding residents.

4.2 Sustainable Transport

No Objection. Officers consider that the existing highway network is capable of handling substantially more traffic than currently exists and the traffic generated by the proposed development (including the approved development under PT09/1158/F) would have no material impact upon the existing situation. It is further considered that there is no justification for modifications or traffic calming to the highway on Wheatfield Drive and Dewfalls Drive.

Other Representations

4.3 Local Residents

22 sets of comments have been received. In this case all the comments received are made in objection. The main thrust of the objections relate to the use of Wheatfield Drive as the main access to the site rather than from Bradley Stoke Way as previously approved.

The comments are summarised as follows;

Wheatfield Drive already suffers with traffic congestion particularly at School 'drop off' and 'pick up' times. The proposed development will compound this issue.

The proposed development would introduce an unacceptable level of traffic to the area and would be detrimental to highway safety and the estate character of the locality.

The existing highway network is residential in character and does not cater for delivery vehicles which could service the proposed development.

The traffic generated as a result of the proposed development may hinder access for emergency vehicles.

There is not sufficient on site parking and the development will result in additional parking on Wheatfield Drive so compounding the existing congestion problem.

The traffic survey does not account fully for the traffic that may be generated by the development.

The proposed development will impact upon the Schools improvised use of its one way system around Wheatfield Drive.

Concern is raised as to the introduction of large vehicles during the construction of this development.

The proposed access is as a result of the Esso Pipeline and fibre optic cable crossing the approved access point onto Bradley Stoke Way. The proposed access from Wheatfield Drive is for the purpose of saving money and this matter should have been address in the previous proposals for development.

The change to the approved access may have the impact of raising the height of the approved building such that it would could no longer be constructed in accordance with the approved plans.

The proposed development will result in the loss of a hedgerow as a result of the proposed access. This would have a negative impact in respect of bio-diversity.

The development is not family orientated as suggested by the applicant as there is no facilities for families in the building.

Concern has been raised as to the opening times of the proposed development.

The developer has indicated that certain elements of the new facilities (such as the Gym) may be open to the public and concern is raised as to the additional impact that this may have in the locality.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the construction of a Multiple Sclerosis Therapy Respite Care Facility. The proposed development is in addition to the previously approved Multiple Sclerosis Treatment Centre.

5.2 Principle of Development

The site is allocated under Policy S3 of the South Gloucestershire Local Plan (Adopted) January 2006 for use for Social Services. In this instance, the proposed development is intended to complement the development approved under planning consent PT09/1158/F for a Multiple Sclerosis Centre; and become part of the whole use of the site for this purpose. This is consistent with the requirements of Policy S3 and as such the proposal detailed is acceptable in principle. The detailed consideration is set out below.

5.3 Design and Layout

The proposed building is position immediately to the east of the approved building (Phase one and two). The building would take up the whole width of this part of the site. The building is single storey in height and would sit lower than the approved building along side. The proposed building is approximately half the size of the approved building (Phase one and two), and is proposed to be constructed using modern techniques and materials, consistent with the materials approved to be used in Phase one and two. The proposed Respite Centre is residential in nature although directly associated with the Multiple Sclerosis Centre approved on the adjacent area of this site. The Respite Centre

would accommodate 5 bedrooms with kitchen, dining room and lounge accommodation; as well as ancillary office, reception and storage/plant room accommodation.

- 5.4 The building is modest in scale with a modern appearance. The building is consistent with the appearance of the development approved on the adjacent area of the site and the surrounding locality. On this basis, the design and appearance of the building is considered to be acceptable.
- 5.5 The development proposal details significant a change to the access for the whole site; and to the two buildings which would make up the Multiple Sclerosis Treatment Centre as a whole. Essentially, this application details the access to the site as being from Wheatfield Drive as apposed to Bradley Stoke Way. The developer has set out a number of reasons for making this change and these are set out below. In respect of the design, layout and appearance of the development in this context, it is the opinion of officers that the change would have a positive impact. Notwithstanding the nature of the previous decision and the extant planning permission, it is considered that the introduction of an access onto the site from Bradley Stoke Way would compromise the context of Bradley Stoke Way as a result of the need to cut out the steeply banked verges associated with that highway; and that the use of Wheatfield Drive to provide access to the site would enable the verges to remain untouched. In addition, the proposed access from Wheatfield Drive enables the position of the proposed building to such that it forms a good quality enclosure to the spaces surrounding the buildings; and a sense of place.
- 5.6 On this basis, it is considered that the provision of access from Wheatfield Drive would be beneficial in visual amenity terms. Nonetheless, it is appropriate to apply the following suggested condition;

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

Reason

In the interests of the appearance and visual amenity of the development site and the surrounding locality and to accord with Policy D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006’

5.7 Landscape Considerations

The site is enclosed by hedgerows. Concern has been raised as to the loss of part of the hedgerow in order to facilitate the development. In this instance the hedgerow is poor quality and does not meet the criteria for protection under the Hedgerow Regulations. On this basis, officers do not consider that the loss of part of the hedgerow would have a material impact in landscape terms. Nonetheless, a suggested condition would allow for further landscaping proposals to be submitted in order to ensure that the development would be landscaped appropriately.

5.8 The following condition is suggested;

‘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 hard-surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

In the interests of the appearance and visual amenity of the development site and the surrounding landscape and to accord with Policy L1 and LC4 of the South Gloucestershire Local Plan (Adopted January 2006’

5.9 Residential Amenity

The proposed building is located between the approved Multiple Sclerosis Centre and the adjacent dwellings on Wheatfield Drive. Those dwellings back onto the site and are approximately 14½ metres, or more to the east of the proposed building. The proposed building is single storey and does not contain windows in its east elevation. Given this relationship with the nearby dwellings it is considered that there would be no material impact in respect of overlooking. Notwithstanding this, officers are aware that residents have suggested that the proposed access changes would result in the approved buildings and site levels to become higher and as such development cannot be implemented in accordance with the approved/proposed plans. The approved access from Bradley Stoke Way would be cut into the bank as apposed to the whole site being reduced. On this basis, the levels on the main development areas of the site would not change as a result of this revised access.

5.10 It is proposed to introduce an additional 5 parking spaces into the Eastern part of the site as well as reconfiguring the spaces as approved under the previous planning consent. It is considered that this would not result in a material impact upon the residential amenity of the occupants of nearby dwellings. As has been set out, the proposed access detailed within this application is from Wheatfield Drive. This would introduce additional vehicle movements along Wheatfield Drive and clearly at the access onto the site. Concern has been raised as to the impact of these movements in respect of residential amenity and the character of the residential highway. Notwithstanding these concerns, it is considered that the development would not result in an increase in the level of vehicles that would be so large as to compromise the existing situation, and that the normal speeds of these vehicles would be slow so reducing noise levels to a minimum. On this basis, and in the context of the volumes of traffic using Bradley Stoke Way on a normal basis, it is considered that the introduction of vehicle movements would

not have any material impact in respect of the residential amenity of the occupants of the surrounding dwellings.

The application is therefore acceptable in respect of residential amenity.

5.11 Transportation Issues

The proposed development details access to the site from Wheatfield Drive. This would supersede the approved access from Bradley Stoke Way. Clearly, this is a very contentious issue with the residents of Wheatfield Drive and Wheatfield Primary School. The main thrust of objection to this development is the use of Wheatfield Drive rather than Bradley Stoke Way on the basis that Wheatfield Drive becomes congested during arrival and departure times at the Primary School; and that the development of the Multiple Sclerosis Centre would compound this issue to the detriment of highway safety and amenity.

5.12 The applicant has set out that the main reason for abandoning the access from Bradley Stoke Way, in favour of reverting back to an access from Wheatfield Drive is due to the presence of a major pipeline route passing the Northern Boundary of the site along Bradley Stoke Way. There are other services present in this part of the highway also. It is also noted that the cost of creating this access due to these constraints and the method of construction would be very high.

5.13 In this instance, a proposal to access the site from Wheatfield Drive has been previously considered under PT01/2785/F. At that time officers were content that the proposal was acceptable. However, following the consideration of the issue at The Development Control (West) Committee the access was amended to be from Bradley Stoke Way. The previous application (PT09/1158/F) utilised the same access principle from Bradley Stoke Way and has subsequently been approved.

5.14 Notwithstanding the previous planning consents, officers have assessed the proposal to access the site from Wheatfield Drive having regards to the merits of the case and in the context of the objections received from the local community. The developer has carried out a specific assessment in relation to the implications of this development (including the approved development associated with the site) in highway terms. This is set out in the submitted Transport Assessment. Officers find the results of the assessment and the report to provide reasonable conclusions and as such find those results acceptable. Notwithstanding the issues of school time congestion raised by the local community, officers are of the opinion that the nature of Wheatfield Drive and Dewfalls Drive is such that there is sufficient capacity to serve substantially more traffic than currently exists. The proposed development would introduce an increased level of vehicular movements throughout the day. However, these levels would be relatively low and in the majority during off peak hours. It is considered that the level of additional traffic would be well within the available capacity of Wheatfield Drive and Dewfalls Drive and as such there would be no material impact upon highway safety and amenity as a result of the proposed

development. It is considered that there is sufficient on-site parking and turning provided as part of the proposed development.

5.15 On this basis, officers conclude that the proposed access from Wheatfield Drive is acceptable, and given the benefits in visual terms in respect of Bradley Stoke Way, is the preferred option.

5.16 Notwithstanding the above, it is considered appropriate to control the times of working and delivery during the construction of the development; in the interests of the residential amenity of the surrounding residents and, given the presence of the Primary School, in the interests of highway safety. Given the difficulties expressed by the applicant in respect of accessing the site from Bradley Stoke Way, it is considered unreasonable and unpractical to require construction traffic is routed via Bradley Stoke Way, however the use construction management plan to set out and agree the logistics of the construction phase would be an appropriate way of minimising its impact. The following conditions are therefore suggested;

“The hours of working on site during the period of construction shall be restricted to 08:00 until 18:00 Monday To Friday, 08:00 until 13:00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term ‘working’ shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of Wheatfield Drive and to accord with Policy LC4 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.”

and;

“No development shall occur until a Construction Management Plan has been submitted to the Council and agreed in writing by the Local Planning Authority. The Construction Management Plan shall detail the times and route of all deliveries utilising Heavy Goods Vehicles as well as the location of site storage and off street parking specifically for the use of site operatives during the construction phase of this development.

Reason

To minimise disturbance to occupiers of Wheatfield Drive and in the interests of highway safety so as to accord with Policy T12, LC4 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.”

5.17 Notwithstanding the above, it is considered that sustainable modes of transport should be encouraged in respect of attending this site. However, it is accepted that the nature of the proposed use is such that patients and clients may find public transport unpractical. On this basis, it is considered that a Travel Plan should be drawn up in connection with the use of the development having

regards to the needs of its client base; and that the Staff associated with the building are encouraged to utilise sustainable modes of transport. The following condition is suggested;

“Prior to the commencement of development a commuter plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason

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

5.18 Other Issues

Concern has been raised in respect of the potential for this development to move into other uses without the need for further planning consent. In this instance, it is considered appropriate to control the free movement of uses within the same use class group in order to allow the Local Planning Authority to consider the implications of such an instance further. This can be done by way of restrictive condition, although it should be noted that such a condition would not act to preclude such a change of use or prevent a further planning application being submitted should the operator/owner wish to do so. The following condition is suggested;

“The development shall be used for a Multiple Sclerosis Respite Centre; and for no other purpose (including any other purpose in Class C2; of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In reflection of the Constraints of the site and so as to allow the Local Planning Authority to consider any changes to this use in the context of those constraints.”

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

In this instance, the scale and nature of the proposed development is such that very high standards of energy efficiency are unlikely to be reasonably achieved. On this basis, it is considered that the appropriate levels of energy efficiency and building performance are suitably controlled under the Building Regulation Legislation.

5.21 Improvements Achieved to the Scheme

It is considered that the proposed development is acceptable and as such improvements are not considered necessary.

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.

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 Had the Local Planning Authority been in a position to determine this application that the application be approved subject to the suggested conditions set out in this report.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CIRCULATED SCHEDULE NO. 18/10 – 14 MAY 2010

App No.:	PT10/0476/RVC	Applicant:	Mr Allan Douglas
Site:	Wyman Dillon Ltd Silverhill Gloucester Road Rudgeway Bristol BS35 3NS	Date Reg:	13th April 2010
Proposal:	Removal of conditions 03 (single office) and condition 05 (use of flats) attached to planning permission P93/1595 dated 17th June 1993	Parish:	Alveston Parish Council
Map Ref:	362171 186144	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	27th May 2010



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PT10/0476/RVC

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks permission for the removal of condition 03 (single office) and condition 05 (use of flats) attached to planning permission P93/1595 dated 17th June 1993.
- 1.2 The application site relates to Silverhill Offices on Gloucester Road in Rudgey. The site is located within the Bristol / Bath Green Belt and outside any defined settlement boundary. The site was formerly a school but gained planning permission in 1993 for a change of use to offices (Use Class B1).

2. POLICY CONTEXT

2.1 National Guidance

Circular 11 / 95	Use of Conditions in Planning Permission
PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS4	Planning for Sustainable Economic Growth
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
E6	Employment Development in the Countryside
E7	Conversion and Re-use of Rural Buildings
EP1	Environmental Pollution
GB1	Development within the Green Belt
T12	Transportation Development Control Policy for New Development

Emerging Development Plan

Core Strategy Pre-Submission Publication Draft (March 2010)

CS1	High Quality Design
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2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

P93/1595 – Change of use of premises from school to office (Class D1) to Class B1 as defined in the Town and Country planning (Use Classes) Order 1987. Retention of two flats. Approved 17th June 1993.

PT01/2061/F – Retention of hardstanding. Approved 20th May 2002.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council

No objection raised.

4.2 Other Consultees

Highways

No objection raised.

Other Representations

4.3 Local Residents

Two letters of objection (from the same household) were received, raising the following concerns:

- Resulting noise and disturbance
- Increase in traffic generation and use of vehicular access
- Highway safety
- Silverhill is a residential site, not just commercial
- A traffic management plan should be produced

One letter from a local resident was also received requesting a copy of the traffic management plan from the P93/1595 application and was informed that it appears this plan was never submitted to the Local Planning Authority.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In 1993 planning permission was granted for the change of use of Silverhill School from Class D1 (school) to office (Class B1) under application P93/1595. Two flats were also retained for residential use under the application.

5.2 Two conditions were attached to the decision notice, which read as follows: -

Condition 03 – ‘The offices hereby authorised shall not be occupied by more than one identifiable business or undertaking (which for the avoidance of doubt shall include any firm, company or individual) and

the office shall only be used in connection with a single business activity’.

Condition 05 – ‘The residential flats shall be used only as ancillary to the main use of the premises as offices and shall not be used for general residential accommodation without the prior written consent of the Council.

The reasons for both of these conditions is shown as;

‘To allow the Council to review the position in the light of experience at the end of the limited period’.

5.3 Circular 11 / 95 states that in dealing with applications for the removal of a condition under section 73 or section 73A: a condition should not be retained unless there are sound and clear-cut reasons for doing so. The proposal is therefore acceptable subject to the following detailed assessment.

5.4 Assessment of Proposal

The application is for a removal of conditions and no external alterations are proposed. The applicant justifies the removal of condition 03 as the economic downturn has adversely impacted upon business and at the present time there are a number of vacant rooms. The company (Wyman Dillon) would therefore like the opportunity to share or sub-let parts of the building to suitable, like minded service companies. In respect of condition 05, the two flats require substantial refurbishment and Wyman Dillon are only able to justify this expenditure if the flats could be let on a commercial basis.

5.5 The reason for imposing conditions 03 and 05 on the original permission is ambiguous in that the planning permission is not restricted to any time limitations. Also, there is no specific reason (such as highway safety) for the conditions to be in place. Indeed, the correspondence on file under planning application P93/1595 does not allude to any reasoning on why the conditions were added. The reason for the imposition of these conditions is therefore not clear and the conditions appear unnecessary. Guidance contained within Circular 11 / 95 therefore allows for these conditions to be removed.

5.6 Concern has been raised by local residents in regard to the potential for increased traffic movements and an adverse impact on highway safety. The Highways Officer was consulted as part of this application process. It is considered that the removal of these conditions are unlikely to result in a significant increase in traffic generation or parking demand though the site could accommodate a moderate increase in vehicle movements should this occur. The parking layout approved under planning application P93/1595 shows provision for 25 on site parking spaces and this is considered acceptable. Continued compliance with this would not result in an adverse impact on neighbouring occupiers in terms of noise and disturbance due to the limited parking provision. Submission of a traffic management plan is not considered necessary. The retention of the two flats would maintain the residential use at the site and it is not considered that there is a justifiable

reason as to why their availability on a commercial letting basis should not be allowed.

5.7 Design and Access Statement

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

5.8 Section 106 Requirements

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

6. CONCLUSION

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

The proposal has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The proposal would not materially impact adversely on the residential amenity of nearby occupiers. The proposal therefore accords to Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal would not result in an undue increase in traffic movement and would not prejudice highway safety. The proposal therefore accords to Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- c) The planning conditions subject to application P93/1595 are no longer considered necessary and are therefore not worthy of retention. The proposal accords with Circular 11 / 95: Use of Conditions in Planning Permission.

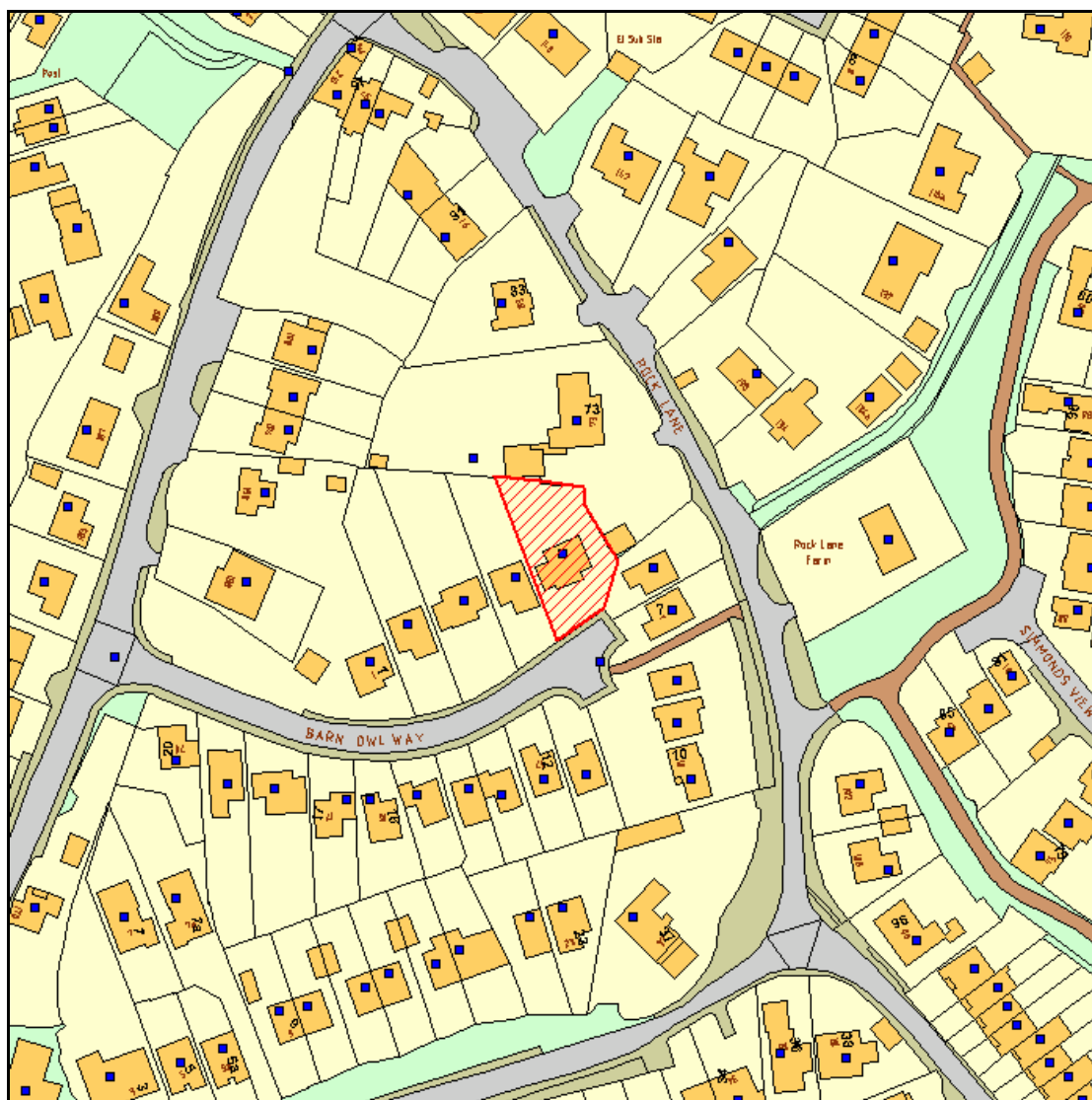
7. RECOMMENDATION

- 7.1 That planning permission be **GRANTED**.

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

CIRCULATED SCHEDULE NO. 18/10 – 14 MAY 2010

App No.:	PT10/0664/F	Applicant:	Mr J Parker
Site:	5 Barn Owl Way Stoke Gifford Bristol South Gloucestershire BS34 8RZ	Date Reg:	29th March 2010
Proposal:	Erection of two storey side extension to provide additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	362729 180054	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	19th May 2010



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PT10/0664/F

INTRODUCTION

This application is being circulated to Members because the Officer's recommendation is contrary to written representations received by local residents and the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a two storey side extension. The proposal would be situated on the east side of the host dwelling. It would measure approximately 3.7 metres in width, 8 metres in depth with a ridge height of approximately 7 metres falling to circa 5 metres at the eaves. It would be set back slightly from the front of the existing property and appear subservient to this host dwelling, constructed of materials to match the existing.
- 1.2 The application site relates to a modern two-storey detached dwelling situated at the end of a cul-de-sac in the well-established residential area of Stoke Gifford.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Design
H4: Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist Supplementary Planning Document 2007
- 2.4 Emerging Policy
South Gloucestershire Core Strategy Pre-Publication Draft March 2010
CS1: High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Objection on the grounds of over massing.

Other Representations

- 4.3 Local Residents
2 letters of objection were received. These objected to the proposal on the following grounds:
 - a) too large for the site

- b) too close to neighbouring property.
- c) Front elevation would be out of line with established building line
- d) Loss of light
- e) Loss of privacy
- f) Access will be restricted leading to potential health and safety issues whilst building work taking place
- g) Development would involve removal of a tree.

These objections will be addressed in the relevant section of the main body of this report. Other objections, which are not covered in the main body of this report, will be addressed in section entitled 'Other Matters' found towards the end of this report.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The development consists of an extension to a residential dwelling within an existing residential curtilage. Policy H4 permits such development in principle and as such the proposal is acceptable subject to the following considerations.

5.2 Residential Amenity

The application site is on a corner plot at the end of a cul-de-sac. The proposed development would be situated on the eastern side of the host dwelling, on the opposite side to No. 4 Barn Owl Way and set at right angles to No.6 Barn Owl Way. To the rear of the application site is an existing annexe attached to 73 Rock Lane with a high wall (approximately 3 metres running the length of this acting as a boundary treatment. This wall continues round to the eastern Boundary where it increases in height approximately 4 metres as the level of the application site steps down from the adjacent properties of No.6 Barn Owl Way and 73 Rock Lane by approximately 1 metre. The other side of this brick wall is an existing garage associated with 73 Rock Lane. The proposed rear elevation would include an upper floor window and a set of double doors on the ground floor to match the existing property. The occupiers of No. 6 Barn Owl Way have raised concerns that the development would result in a loss of privacy to them. However, the rear elevation cannot overlook 6 Barn Owl and the proposed side elevation would be windowless. As such it is considered that there would be no inter-visibility between principal rooms, no overlooking would occur and no loss of privacy would result. A further concern was raised that the proposed development would be too close to adjacent properties. By virtue of the existing wall, adjacent to which is a garage and with No. 6 Barn Owl Way sat at a right angle to the application site, it is considered that there would be sufficient space and would not result in an overbearing impact to neighbouring properties. A further concern was raised regarding loss of light resulting from the proposed development. Following a site visit and study of plans submitted with the application, it appears that the property is South facing and with the proposed development located on the Eastern side of the existing dwelling, any loss of light resulting from the proposed extension would be negligible. As such it is considered that the proposed two-storey extension would not result in material harm to or a detrimental impact on the residential amenity of neighbouring occupiers. Accordingly it is not considered contrary to Policy H4 of the South Gloucestershire Local Plan 2006.

5.3 Design/Visual Amenity

The existing property is constructed of red brick with brown double roman tiles and white uPVC windows and doors. The applicant has indicated that the proposed development would be constructed of materials to match the existing and a condition is recommended to ensure this. The locality demonstrates a mixture of materials and architectural styles where extensions to surrounding properties are evident. As such it is not considered that the proposed two-storey side extension would appear out of keeping with the character of the area.

Local residents are concerned that the proposed development would not follow the established building line. Nevertheless it is considered that the proposal does not protrude forward of the established building line of the properties given that the proposed extension would be set back from the existing front elevation by approximately 0.3 metres. A concern has been raised by both the Parish Council and local residents that the proposed side extension would result in over massing and appear too large for the site. Notwithstanding that the ridge height and eaves height would be level with the existing house, the front elevation of the roof is set lower than that of the host dwelling and together with the proposal being set back from the front elevation, it is considered to appear subordinate to the host dwelling and suit the main property in terms of appearance. Moreover, there is a modest rear and front garden and when taken as a whole, the proposed development is not considered to be too large in relation to the application site nor is it considered to result in over massing or over development of the site. Accordingly it is considered that the proposed extension meets criteria contained in Policy D1 of the South Gloucestershire Local Plan 2006 and adequately addresses the South Gloucestershire Design Checklist Supplementary Planning Document 2007.

5.4 Other Matters

The occupiers of No. 6 Barn Owl Way raised concern about the access to their property being restricted during the construction of the proposed development and that equipment used in such construction may pose a health and safety hazard to people entering and/or leaving No. 6 Barn Owl Way. Whilst this concern is appreciated, these are often concerns that affect all development sites and separate legislation governs this. They are not considered material to this planning proposal. Concern was also raised at the removal of a tree to facilitate the development. This tree is neither a protected tree nor does it fulfil criteria to be protected. As such the removal of this tree is not considered sufficient to object to the proposal.

5.5 Design and Access Statement

A Design and Access Statement was not necessary with this application.

5.6 Use of Energy and Sustainability

Will be in accordance with Building Regulation standards.

5.7 Improvements Achieved to the Scheme

None.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

6.2 There would be no inter-visibility between principal rooms and no loss of privacy. There would be sufficient space and would not result in an overbearing impact to neighbouring properties. Any loss of light resulting from the proposed extension would be negligible and the proposed two-storey extension would not result in material harm to or a detrimental impact on the residential amenity of neighbouring occupiers. Accordingly it is not contrary to Policy H4 of the South Gloucestershire Local Plan 2006.

6.3 The proposal does not protrude forward of the established building line, appears subservient to the host property with materials to match the existing dwelling. Accordingly it is considered that the proposed extension meets criteria contained in Policy D1 of the South Gloucestershire Local Plan 2006 and adequately addresses the South Gloucestershire Design Checklist Supplementary Planning Document 2007.

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

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

Contact Officer: Genevieve Tuffnell
Tel. No. 01454 863438

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).

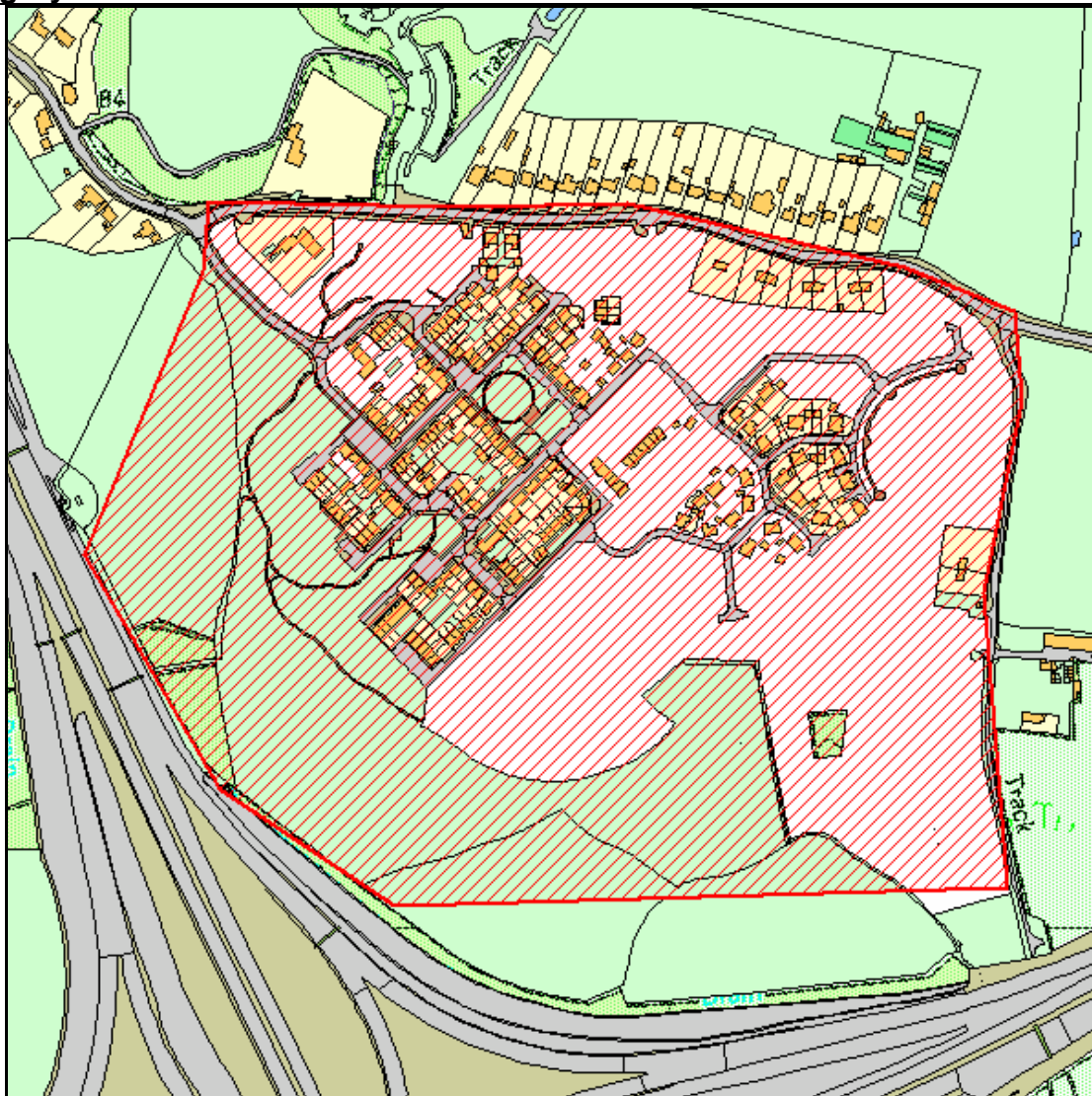
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 18/10 – 14 MAY 2010

App No.:	PT10/0671/TRE	Applicant:	Greenman Enviromental Management
Site:	Hortham Village Hortham Lane Almondsbury Bristol South Gloucestershire	Date Reg:	30th March 2010
Proposal:	Works to various trees covered by Tree Preservation Orders in Hortham Village as per schedule of works.	Parish:	Almondsbury Parish Council
Map Ref:	361624 184504	Ward:	Almondsbury
Application Category:		Target Date:	14th May 2010



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 100023410, 2008. **N.T.S.** **PT10/0671/TRE**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 Works to various trees covered by Tree Preservation Orders in Hortham Village as per schedule of works.
- 1.2 The application site relates to the Hortham Village housing development at Hortham Lane, Almondsbury. The application seeks consent for works to 20 trees throughout the site.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement

L5 Forest of Avon

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0865/F – Erection of 270 dwellings on 34.17 hectares of land. Approved 29/03/2007.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

No objection raised.

4.2 Other Consultees

Tree Officer

No objection.

Other Representations

4.3 Local Residents

One letter of concern received from a local resident raising the following issues:

- The key given for the trees to be retained and removed is too similar.
- The plan is not accurate as it shows trees where there are now houses.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

5.2 Assessment of Proposal

A survey was carried out in January 2010 by Greenman Environmental Management consisting of approximately 300 individual tree assessments. As a consequence of this survey it has been recommended that works are carried out to 20 trees, the majority of which are in the woodland group to the east of the main entrance. Of these 20 trees it is proposed that 9 are removed.

The Council's Tree Officer was consulted as a part of the application and considers the proposed schedule of tree works represents sound arboricultural practice and demonstrates duty of care within a location where potential hazard targets are numerous. The proposed works are appropriate for the prevalently aging tree stock and will not have a detrimental impact on the overall visual provided by the trees on this site.

Trees to be removed must be replaced with trees of species and in locations to be agreed by the Local Planning Authority Tree Officer.

5.3 Other Matters

Concern was raised by a resident regarding accuracy and legibility of the plan submitted. It is considered that the plan is legible and accurate and the Tree Officer has been able to assess the application based on the information provided, which is considered acceptable by both the Tree Officer and Planning Officer.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 That consent is GRANTED subject to the following conditions.

Contact Officer: William Collins
Tel. No. 01454 863819

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted (or other appropriate timescale).

Reason

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

2. Replacement trees, the species, size and location of which are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

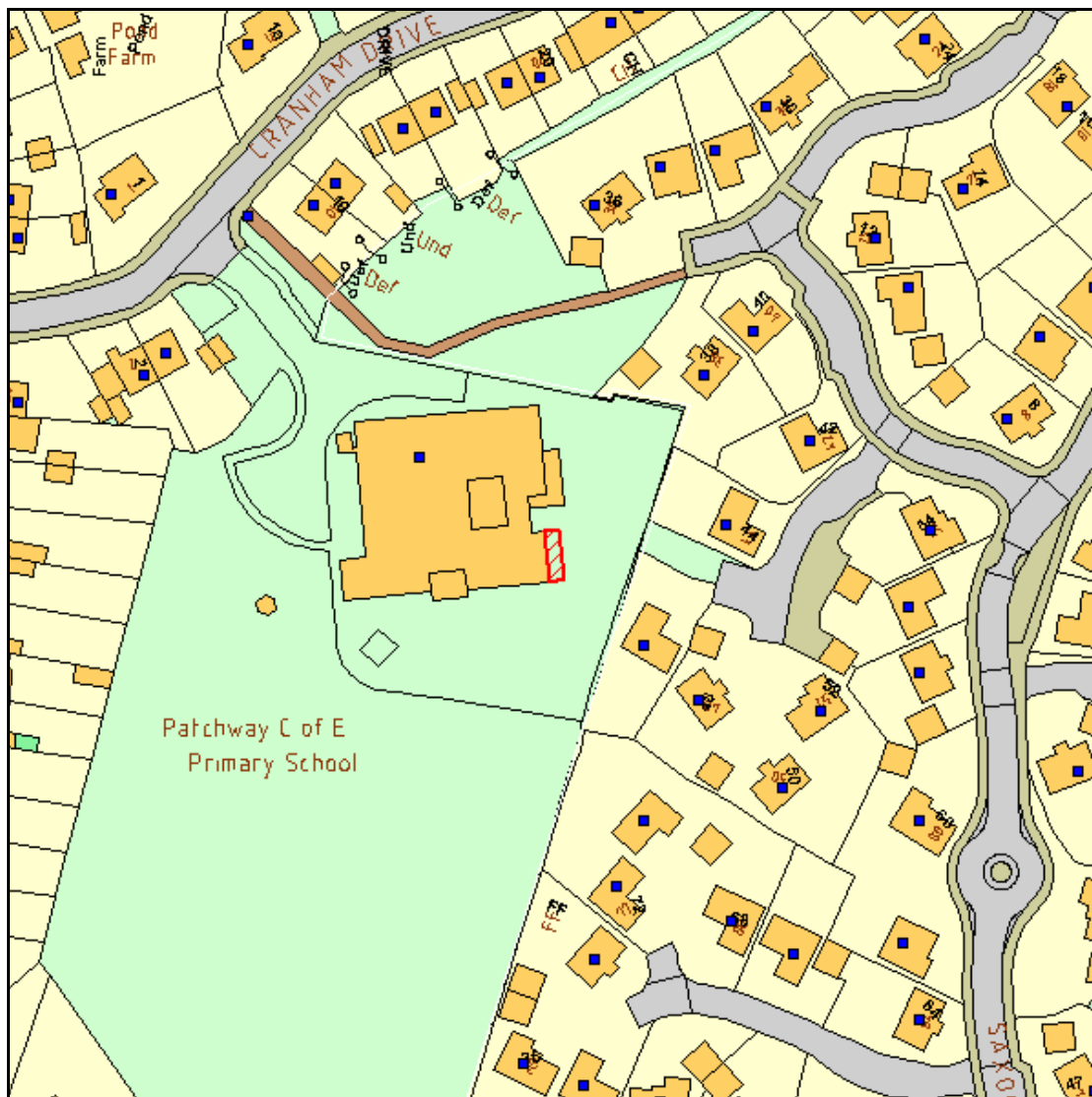
In the interests of the long term health of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 18/10 – 14 MAY 2010

App No.: PT10/0691/R3F
Site: St Chads Primary School Cranham Drive
 Patchway Bristol South Gloucestershire
Proposal: Erection of single storey extension to
 existing classroom
Map Ref: 361119 182272

Applicant: South Glos.Council
Date Reg: 30th March 2010
Parish: Patchway Town
 Council
Ward: Bradley Stoke
 Central And Stoke
 Lodge
**Target
 Date:** 20th May 2010

Application Category: Minor



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 100023410, 2008. **N.T.S.** **PT10/0691/R3F**

INTRODUCTION

This application appears on the Circulated Schedule List because it forms an internal submission by the Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey extension to an existing classroom.
- 1.2 The application site comprises St Chads Primary School, which is located within the Patchway settlement boundary and is accessed off Cranham Drive.
- 1.3 According to the applicant, the proposal is to increase the size of the existing year 6 classroom, which is currently slightly below the recommended size and unsuitable for the oldest children in the school. The extension would not increase the number of pupils or teachers at the school.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
LC4 Proposals for Education and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/1183/R3F, Infill of existing courtyard to create a two-storey extension to form children's play area, with storage area above, 02/06/03, Deemed Consent.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No comments received
- 4.2 Environmental Protection
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved. Planning Policy LC4 allows for proposals for the development, expansion or improvement of education and community facilities within the existing urban area and within the boundaries of settlements subject to transportation, residential amenity and environmental considerations.

5.2 Design

The proposal would extend the southeastern corner of the building for 2.1 metres in length and approximately 8.7 metres in width. The existing eaves and ridge heights of the building would be retained in the build and the proposal would be encompassed by a flat roof to match the existing building. The only fenestration proposed is 3no. large windows in the eastern elevation and the materials proposed for the extension comprising facing brick for the walls, single ply for the roof and uPVC windows in white are considered to be acceptable. The applicant has specified that the brick and ply roof would match the existing materials, therefore, a condition on this basis is not required. The siting, form, scale, height, colour and materials of the proposed extension would be in-keeping with the existing building and on this basis, and given that the extension would be to the rear of the building, it is considered that it would not adversely affect the character of the building or locality.

5.3 Residential Amenity

It is considered that the only dwellings that would be affected by the proposal are situated adjacent to the eastern flank boundary of the application site and the residential curtilages of nos. 44 and 48 Saxon Way abut the application site directly. The extension would only move part of the eastern building line 2.1 metres closer to the flank boundary and it would not be larger in scale than the existing building. On this basis, and given that the proposal would be approximately 12 metres from the flank boundary, it is considered that it would not have a significant adverse impact on the residential amenity of the neighbouring properties through loss of natural light or privacy.

5.4 Transportation

Given that the extension would only increase the floor area of the existing classroom by approximately 15 square metres, it is considered that the proposal would not have material impact on the level of street parking or highway safety. The site is surrounded by residential development and is accessible by foot and bicycle.

5.5 Design and Access Statement

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

5.6 Use of Energy and Sustainability

The proposal will comply with building regulation specifications.

5.7 Improvements Achieved to the Scheme

N/A

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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 for the following reasons:

- The proposal would be in-keeping with the character of the existing building in terms of scale, design, form, materials and siting – Policy D1 of the South Gloucestershire Local Plan (adopted) January 2006.
- Given the scale and siting of the proposal, it is considered that it would not have a significant adverse impact on the residential amenity of the surrounding properties through loss of privacy or natural light – Policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006.
- The proposed extension would be modest in size and would not affect existing pupil or teacher numbers at the school. As such, the proposal would not have a material impact on congestion or off street parking to the detriment of highway safety - Policies T12 and LC4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following condition.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

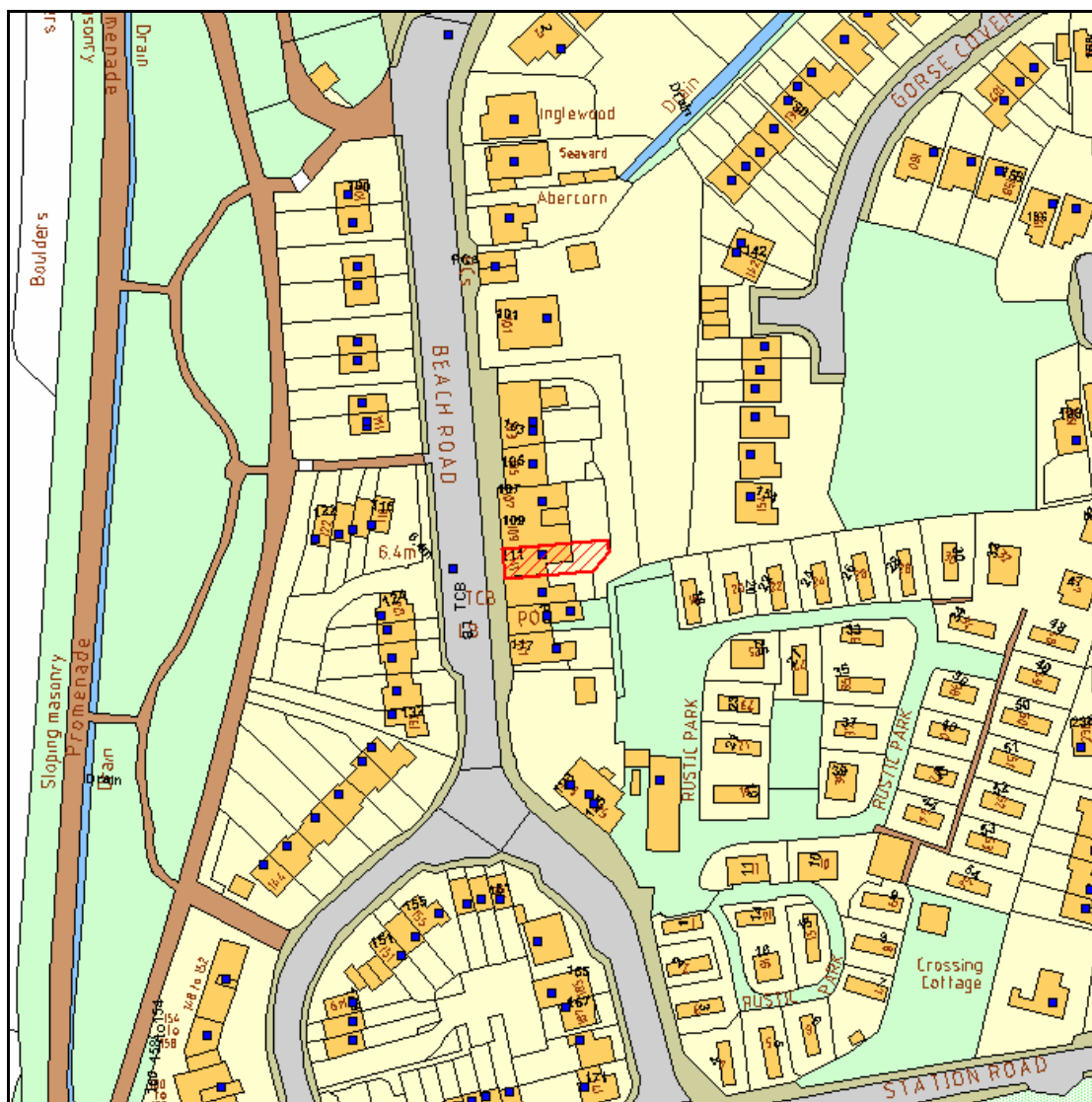
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 18/10 – 14 MAY 2010

App No.:	PT10/0775/F	Applicant:	Mr B Reeves
Site:	111 Beach Road Severn Beach Bristol South Gloucestershire BS35 4PQ	Date Reg:	13th April 2010
Proposal:	Conversion of existing dwelling to 2no. maisonettes, 1no. flat with associated works.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	353961 184912	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	27th May 2010



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 100023410, 2008. **N.T.S.** **PT10/0775/F**

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the conversion of existing dwelling into 2no. maisonettes and 1no. flat.
- 1.2 The application site relates to a locally listed mid-terrace dwelling and its associated curtilage. The site is situated within a well-established residential area and lies within the Severn Beach settlement boundary. The site is designated as Flood Zone 3a.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPG13: Transport
- PPS25: Development and Flood Risk
- PPS25: Development and Flood Risk Practice Guide

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 Settlements Boundaries
- H4: Development within Existing Residential Curtilages
- H5: Proposals for the Conversion of existing residential properties into smaller units of self contained Residential Accommodation
- L15: Buildings and Structures which Make a Significant Contribution to the Character and Distinctiveness of the Locality.
- EP2: Flood Risk and Development
- T12: Transportation Development Control for New Development
- T8: Parking Standards

2.3 Emerging Development Plans

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

- CS1: High Quality Design
- CS5: Location of Development
- CS9: Environmental Resources and Built Heritage
- CS16: Housing Density
- CS17: Housing Diversity
- CS35: Rural Areas

2.4 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 P94/2264 Change of use from retail to residential. Alterations to front elevation.
Approved 16.03.1995.
- 3.2 PT09/0324/F Conversion of existing dwelling into 2 first floor flats.
Change of use of ground floor from dwelling (Class C3) to business (Class B1) shops (Class A1) and financial and professional services (Class A2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and associated parking.
Approved 15.05.2009

4. CONSULTATION RESPONSES

- 4.1 Severn Beach & Pilning Parish Council
The Parish Council registers an OBJECTION to this application. The objection is based on the following:
- The property is in a flood risk area.
 - Other applications in the immediate area have been refused permission for flood reason. Extension and 'new-build' are included in this.
 - Such an application would lead to an increase in vehicular use in area where there is no parking facility and congestion is already a problem.
 - The application is no different to any of those previously refused.
- 4.2 Sustainable Transportation
No objection.
- 4.3 Environmental Agency
No objection subject to conditions.
- 4.4 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the conversion of the existing seven bedroom dwellinghouse into 1no. two bedroom maisonette, 1no. one bedroom maisonette, and 1no. one bedroom flat. The main issues to consider in this application are: -

1. Is the principle of the proposed sub-division into smaller residential units acceptable?
2. Would the proposed development be acceptable in terms of flood risk and vulnerability?
3. Would the proposed development adversely affect the character of the locally listed building and the surrounding area?
4. Would the proposed development prejudice the amenities of nearby occupiers?
5. Would the proposed development provide satisfactory amenity space?
6. Would the proposed development be acceptable in transportation terms?

5.2 Principle of the Development

Policy H5 of the adopted local plan allows for the conversion of larger residential properties into smaller units of accommodation. On this basis, it is considered that the principle of the proposed development would be acceptable providing that the development would not: prejudice the character of the surrounding area, prejudice the amenities of nearby occupiers; identify an acceptable level of off-street parking; and would provide adequate amenity space.

- 5.3 The principle of the sub-division of existing dwellings would also be acceptable under Policy CS17 of the emerging Core Strategy. This policy states that the sub-division of existing dwellings to form flats will be allowed where, cumulatively, it would not unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.

5.4 Flood Risk

The application site is situated within Flood Zone 3a. This zone comprises of land that has been assessed as having the highest probability of flooding. It should be noted that the Parish Council have raised concerns to be proposed development on grounds of its location within a flood risk area.

- 5.5 A key objective of PPS25 is to ensure that land uses, which are vulnerable to flooding, are steered towards areas with the lowest probability of flooding. This approach is known as the 'Sequential Test'. Under PPS5 residential uses are classified as a 'more vulnerable' land use and therefore such development should generally be located in Flood Zones 1 and 2 before any site within Flood Zone 3 is considered.
- 5.6 Notwithstanding this strategic policy objective, it is important to make a distinction between new stand-alone residential developments and the sub-division of buildings with an existing residential use. For instance, the erection of a new dwelling would introduce more people into a vulnerable location,

- however a sub-division of an existing residential unit might just re-distribute a similar number of occupants and not increase flood risk.. On this basis, the key test for this application is to determine whether the proposed conversion would intensify the existing residential use to a level that would place more people within a vulnerable location. This is reiterated in the guidance in PPS25, which states that the 'Sequential Test' is not required for change of use applications which do not involve operational development.
- 5.7 The existing dwelling is a seven bedroom unit which includes accommodation on the ground floor. The proposed conversion would sub-divide the dwelling into 1no. two bedroom unit and 2no. one bedroom units, and would remove the sleeping accommodation from the ground floor. These works would therefore reduce the overall number of bedrooms within the building by three. It is considered that the level of occupation of the existing dwelling would be comparable to that of the proposed units. It is therefore concluded that the proposed development would not intensify the residential use over and above that of the existing dwelling, and thus would not materially change the number of people at risk from flooding at this unit. This is considered a distinctly different situation from other applications that have been refused for units, and even conversions where the resulting density would have been likely to lead to an increased number of occupants.
- 5.8 Furthermore, the applicant has submitted a Flood Risk Assessment with their application. This has been assessed by the Environment Agency and they have confirmed that the applicant has demonstrated that the proposed development would be safe and resilient to flooding. Nevertheless to secure improvements to the building the Environment Agency have recommended a number of conditions. These relate to raising the floor levels and ensuring that there is no bedroom accommodation at the ground floor level.
- 5.9 In view of the above, it is considered that the proposed development would accord with PPS25 and Policy EP2 of the adopted local plan.
- 5.10 Visual Amenity
The property is part of a terrace of locally listed buildings. Most of the properties have been converted to residential accommodation with just two retaining their shop fronts. All buildings have uPVC windows/doors with the exception of the two timber shop fronts. The proposal would echo the conversion of the properties to either side, therefore respecting the character and appearance of the surrounding area. It is noted that the loss of the shop front marks the further erosion of the original character and appearance of this locally listed building, nevertheless given the adjacent conversions this would not warrant a reason to refuse the application. On this basis it is considered that the proposed development would accord with Policy D1, L15, and H5 of the adopted local plan.
- 5.11 Residential Amenity
The host dwelling relates to a terrace building which is adjoined by a dwelling to either side. The proposed conversion to flats would not involve any extensions. As such any impact to residential amenity would only result from the use of the building. The existing building has an established use as a residential

dwellinghouse (Class C3). The plans do not include details of sound proofing between the converted flats and the adjoining dwellings. However, this issue would be dealt with during a Building Regulations application. As such, it is considered that the conversion to flats would not materially harm the residential amenity of the adjoining occupiers.

5.12 Amenity Space

It is acknowledged that the proposed units would not include any private amenity space. Nevertheless it is considered that the proposal would have good access to public open space within Severn Beach, and many public rights of ways in the nearby countryside, such as the Severn Way Recreational Route (Policy LC12). Due to the size of the units they are unlikely to house a family with children. Therefore it is considered that the access to public open space would be sufficient for the outdoor needs of the occupiers. On this basis, it is considered that the proposal would provide a satisfactory level of living accommodation. The development would therefore accord with policy D1 of the adopted local plan and the Design Checklist SPD.

5.13 Transportation

It is acknowledged that the Parish Council have raised concerns to the proposed development on the grounds of congestion and parking. Notwithstanding these comments the Council's Highway's Engineer has assessed the proposal and has concluded that the parking and access arrangements would be acceptable.

5.14 The Engineer identified that the development would only provide off-street parking spaces for two units. Nevertheless they satisfied that should all 3 units own a car then some on-street car parking would be available. Furthermore the level of additional on street parking generated would be unlikely to have any impact on highway safety. To ensure the implementation and retention of the car and cycle storage shown on the plans an appropriately worded planning condition shall be attached.

5.15 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.

5.16 Use of Energy and Sustainability

To be built to Building Regulations standards.

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.
- a) The principle of the proposed sub-division of the existing dwelling into smaller residential units would be acceptable in accordance with policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) The proposed development would not increase vulnerability to flood risk. Moreover the submitted Flood Risk Assessment has been demonstrated that the proposal has been designed to be safe and resilient to flood risk. The proposed development therefore accords to PPS25 and policies EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - c) The proposed development would respect the character and appearance of the locally listed building and the surrounding area. The proposed development therefore accords to policies D1, L15, H4, and H5 and of the South Gloucestershire Local Plan (Adopted) January 2006.
 - d) The proposed development would not prejudice the residential amenities of nearby occupiers. The proposed development therefore accords to policies H4 and H5 and of the South Gloucestershire Local Plan (Adopted) January 2006.
 - e) The proposed development would not provide any private amenity space, however it would have good access to areas of public open space and recreational routes. The proposed development therefore accords to policies H4 and H5 and of the South Gloucestershire Local Plan (Adopted) January 2006.
 - f) The proposed development would provide acceptable levels of parking provision and would not result in unacceptable levels of on-street parking to the detriment of highway safety. The proposed development therefore accords to policies T8, T12, H4 and H5 and of the South Gloucestershire Local Plan (Adopted) January 2006.
- 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 conditions: -

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the first use of the residential units hereby approved the car parking spaces and cycle storage shall be implemented and retained thereafter in accordance with Drawing Ref: DWG-063-P010.

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 T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until details showing the finished floor levels of the front maisonette have been submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out prior to the first occupation of the development and shall be retained in accordance with the approved details. For the avoidance of doubt, the finished floor level of the new dwelling shall be raised 300mm above existing ground levels.

Reason

In the interests of flood prevention, and to accord to PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006

4. No development shall take place until a scheme demonstrating that the ground floor of the development would be flood resilient to a minimum of 900 mm above ground level has been submitted to, and approved in writing by the Local Planning Authority. Development shall be carried out prior to the first occupation of the development shall be retained in accordance with the approved details

Reason

In the interests of flood prevention, and to accord to PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006

5. The ground floor living accommodation as shown on Drawing No. DWG-063-P010 shall at no time be used for the purposes of sleeping accommodation.

Reason

In the interests of flood prevention, and to accord to PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006