



**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. 24/10

Date to Members: 25/06/10

Member's Deadline: 01/07/10 (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.

CIRCULATED SCHEDULE – 25 JUNE 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0848/RV	Approve with Conditions	Yate Leisure Centre Kennedy Way Yate South Gloucestershire BS37 4DQ	Yate Central	Yate Town
2	PK10/0953/F	Approve with Conditions	38 Homefield Yate South Gloucestershire BS37 5US	Yate North	Yate Town
3	PK10/0972/F	Approved Subject to	Garage Workshops And Studio Hounds Road Chipping Sodbury South Gloucestershire BS37 6EE	Chipping Sodbury	Sodbury Parish Council
4	PK10/0973/CA	Approve with Conditions	Garage Workshops And Studio Hounds Road Chipping Sodbury South Gloucestershire BS37 6EE	Chipping Sodbury	Sodbury Parish Council
5	PK10/1097/F	Approve with Conditions	314 North Road Yate South Gloucestershire BS37 7LL	Ladden Brook	Iron Acton Parish Council
6	PK10/1129/CLP	Approve with Conditions	154 Milton Road Yate South Gloucestershire BS37 5ET	Yate North	Yate Town
7	PK10/1143/F	Approve with Conditions	The Village Emerson Way Emersons Green South Gloucestershire BS16 7AE	Emersons Green	Mangotsfield Rural Parish Council
8	PK10/1158/F	Approve with Conditions	21 Baron Close Bitton South Gloucestershire BS30 6LS	Bitton	Bitton Parish Council
9	PT10/0328/F	Approve with Conditions	Units 105-117 ,125 And 127 Morton Mill Thornbury Bristol South Gloucestershire BS35 1FN	Thornbury North	Thornbury Town Council
10	PT10/0913/CLP	Approve with Conditions	The Garden House Beacon Lane Winterbourne South Gloucestershire BS36 1JT	Winterbourne	Winterbourne Parish Council
11	PT10/0958/F	Approve with Conditions	Units 3 And 5 Severn View Industrial Park Central Avenue Severn Beach South Gloucestershire BS10 7SD	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
12	PT10/1138/F	Approve with Conditions	116 Ellicks Close Bradley Stoke South Gloucestershire BS32 0EU	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
13	PT10/1181/F	Approve with Conditions	34 Penn Drive Frenchay South Gloucestershire BS16 1NN	Frenchay And Stoke Park	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 24/10 – 25 JUNE 2010

App No.:	PK10/0848/RVC	Applicant:	Ms R Toms
Site:	Yate Leisure Centre Kennedy Way Yate Bristol South Gloucestershire	Date Reg:	27th May 2010
Proposal:	Variation of condition 4 attached to previously approved planning permission PK09/5746/R3F dated 5 January 2010 to vary the time from 0900 to 2200 to 0900 to 0000.	Parish:	Yate Town Council
Map Ref:	371231 182478	Ward:	Yate Central
Application Category:	Minor	Target Date:	7th July 2010



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 100023410, 2008. **N.T.S.** **PK10/0848/RVC**

INTRODUCTION

This application has been refereed to the Council's Circulated Schedule Procedure as this is standard procedure as the applicant is South Gloucestershire Council.

1.0 **THE PROPOSAL**

- 1.1 This application seeks planning permission to vary condition 04 attached to recently approved planning permission PkK09/5746/R3F dated the 05th January 2010. The existing condition reads as follows:

No machinery shall be operated, no process shall be carried out, no deliveries taken and the site shall not be open to the public outside the following times 0900 to 2200.

- 1.2 This application seeks permission to vary the hours of operation from that of 2200 to midnight.

- 1.3 The recently granted permission relates to the erection of a two-storey extension to Yate leisure centre to form a youth café with landscaping and associated works. The leisure centre stands at the western end of the 'island' in the middle of Yate, bounded by Kennedy Way, Link Road and Station Road, where the majority of Yate's civic functions are located, along with the town's shopping centre and associated peripheral car parking.

1(b) **Information submitted in support of application**

The following information has been submitted by the Youth café Partnership Project Board explaining the reason why they want to extend the hours of operation. This has been summarised by the Planning Officer as follows:

- Do not intend to open to midnight routinely, but only when necessary if we are to deliver the purpose of building. This will give us more general flexibility to make a judgement about when the evening is ready to be wound down.
- Building is to provide an informal, alcohol free venue for young people to reduce issues arising from on street gatherings of young people
- Café is being delivered in partnership between Yate Town Council and South Gloucestershire Council
- Through extensive consultation with young people and older residents recognise that young people are currently poorly served by appropriate venues at weekends
- We have discussed opening hours this with young people, mapped those findings against usage of night bus and have worked with the police
- Evidence is clear that particularly at weekends 10.00 is too early a closing time to meet the aims of the project
- We would draw your attention to the fact that the original planning application dealt with on site noise, such that no noise will affect neighbouring properties during the operation of eth facility and that accordingly have no impact upon neighbours.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
LC4 Community facilities

2.3 Supplementary Planning Guidance
Design checklist

1. RELEVANT PLANNING HISTORY

3.1 PK09/5746/R3F Erection of two storey extension to form Youth Centre and café and associated works. Erection of 3.4m wire mesh
Approved January 2010

3.2 N1559 Erection of sports centre Approved

2. CONSULTATION RESPONSES

4.1 Yate Town Council
No objection

Other Representations

4.2 Local Residents
No replies received.

3. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against Policy LC4 of the South Gloucestershire Local Plan, which relates to proposals for community facilities within existing urban areas. Criteria B and C of Policy LC4 advises development should not unacceptably prejudice residential amenities or have unacceptable environmental effects

5.2 LC4 B: Effect on Residential Amenity/Environmental Effects

At the time of the previous planning application for the café the Planning Officer reported the following:

Three sides of the site are bounded by roads and the roundabout while the eastern side abuts the leisure centre. The nearest housing is to the south of the site, across Kennedy Way and this is considered to be too

distant, at approximately 100 metres, to be affected by the proposed development.

- 5.3 In light of the Officer's previous assessment and having regard for the supporting statement that has been submitted as part of this planning application, it is considered that the extension of hours of operation to midnight if allowed would not have an adverse impact on the residential amenities of those residential properties sited 100 metres away. The Council's Environmental Health Officer and Crime Prevention Design Officer have raised no objection. Members are also advised to have regard for the fact the main front entrance to the proposed café will be on the northern elevation of the café on the other side from those nearest residential properties.
- 5.4 Design and Access Statement
Not required with this particular type of planning application.
- 5.5 Use of Energy and Sustainability
Not applicable
- 5.6 Improvements Achieved to the Scheme
None requested
- 5.7 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

4. 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 approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- a) The use is appropriate to the site's town centre location and given its relation to neighbouring properties the proposed extended hours of operation would not have an adverse impact on residential amenity. The proposal is considered to accord with policy LC4 of the South Gloucestershire Local Plan.

5. RECOMMENDATION

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

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

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

Reason

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

3. The premises shall be used for a youth centre and cafe (Class A3); and for no other purpose (including any other purpose in Class A3); of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

To prevent a change of use to a function less suitable within a town centre and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No machinery shall be operated, no process shall be carried out, no deliveries taken and the site shall not be open to the public outside the following times 0900 to 2400.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development, a Tree Protection Plan specifying the method of protection of the trees on site including their root areas and the times when any protective measures shall be provided and removed as well as an Arboricultural Method Statement covering the proposed works to trees shall be submitted for approval in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved.

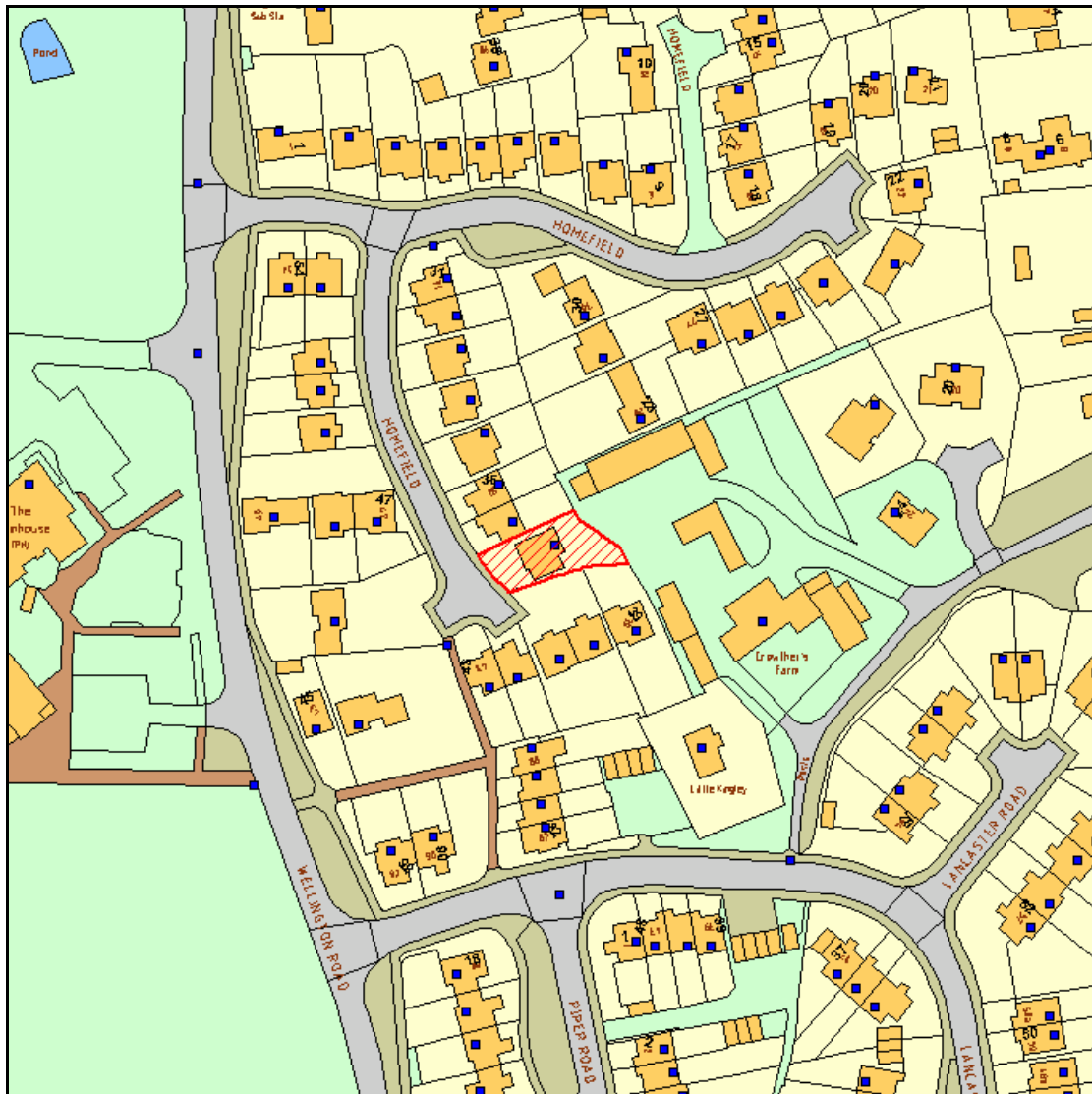
Reason

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

ITEM 2

CIRCULATED SCHEDULE NO. 24/10 – 25 JUNE 2010

App No.:	PK10/0953/F	Applicant:	Mr Charles Hart
Site:	38 Homefield Yate Bristol South Gloucestershire BS37 5US	Date Reg:	20th May 2010
Proposal:	Erection of single storey side extension to form garage and additional living accommodation.	Parish:	Yate Town Council
Map Ref:	371241 183405	Ward:	Yate North
Application Category:	Householder	Target Date:	6th July 2010



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100023410, 2008. **N.T.S.** **PK10/0953/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of an objection raised by Yate Town Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey side extension to form additional living accommodation at 38 Homefield, Yate. The proposed extension would measure 3 metres wide by 7.4 metres in depth and would have an overall height to ridge of 4.4 metres.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Yate.

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 PK03/3358/F Erection of single storey side extension to form garage and additional living accommodation.
Approved November 2003

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Object to the proposal in terms of the effect the proposed extension will have on the amenity of the neighbouring access. Plans do not show sufficient information as to how the proposal will sit in relation to other properties.

Other Representations

- 4.2 Local Residents
No response received

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 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 especially the case given the single storey nature of the proposal. It is considered that the appearance of the resultant building is well proportioned and would remain in keeping with the scale of the surrounding dwellings. 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.

The proposed extension would be located to the side of the existing single storey extension and would be visible from highway. Given the moderate dimensions and the simple design of the proposal it is not considered that the proposal would result in any demonstrable harm to the character and appearance of the principal dwelling and street scene. As such the proposal is considered to be an appropriate addition.

5.3 Residential Amenity

The proposed extension would be located to the side of the dwelling adjacent to the driveway area associated with No's 39 – 41 Homefield. The proposal would be located approximately 9 metres away from the front elevation of these neighbouring dwellings and would predominantly be located opposite the garages associated with No's 40 and 41 Homefield. As such given the location, combined with the depth and height of the proposal and the existing boundary treatments in place, it is not considered that the proposal would have any overshadowing or overbearing effect on these neighbouring dwellings. No side elevation windows are proposed, therefore, it is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Parking and Highway Implications

The applicant proposes the erection of a single storey side extension to form a garage and additional living accommodation. There is an additional parking space on the front driveway area, as such the parking provision would remain in compliance and within the Councils required parking standards. The proposed garage would be erected within the residential curtilage of the dwellinghouse, in place of the existing shed, as such the proposal would not

affect the access drive which serves the neighbouring properties, No's 39 – 41 Homefield. The proposal is therefore considered acceptable in terms of parking and highway safety.

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

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 proposal would incorporate the use of materials to match the existing dwelling, as such it is considered that the proposal would respect the character and appearance of the principal dwelling and street scene in accordance with Policy D1. The proposal would not have any impact on neighbouring residential amenities and the resultant parking provision would remain in compliance with Policy T8 of the South Gloucestershire Local Plan (Adopted) January 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. 24/10 – 25 JUNE 2010

App No.:	PK10/0972/F	Applicant:	Mr S Portch
Site:	Garage Workshops And Studio Hounds Road Chipping Sodbury Bristol South Gloucestershire	Date Reg:	7th May 2010
Proposal:	Demolition of garage workshop to facilitate erection and conversion of existing buildings to 9 no. residential units with associated works (Amendment to previously scheme PK09/5113/F)	Parish:	Sodbury Parish Council
Map Ref:	372824 182139	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	19th June 2010



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 100023410, 2008. **N.T.S.** **PK10/0972/F**

INTRODUCTION

This application has been referred to the Circulated Schedule as the current scheme raises a fundamental issue regarding the provision of off-street parking within the application site.

A previous planning permission and conservation area consent were granted for the demolition of a garage workshop to facilitate the erection and conversion of existing buildings to 9 no. residential units with associated works. Officers recommended the approval of the previous scheme with 5 no. parking spaces, however, the Development Control East Committee requested an alternative scheme without off-street parking. The proposal was referred back to the Development Control Committee and was approved without car parking space provision.

1. THE PROPOSAL

1.1 The proposal seeks full planning permission for the demolition of a garage workshop to facilitate the erection and conversion of existing buildings to provide 9 no. residential units with associated work. There would be 6 no. one-bedroom units and 3 no. two-bedroom units. The current proposal differs from that previously approved at the Development Control Committee on the 12th November 2009 (PK09/5113/F) as 5 no. parking spaces are now included.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPS15	Planning for Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1	Design
L1	Landscape Protection and Enhancement
L5	Open areas
L9	Protected Species
L12	Conservation Areas
L17 & L18	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk and Development
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.

3. RELEVANT PLANNING HISTORY

3.1 N4119 Change of use of premises from garage and workshop to glass workshop and store. Approved 02.02.78 - no highway/parking/ movement restriction.

N4119/1 Change of use of premises from garage and workshop to glass workshop and store. Approved 26.03.81 – no highway/parking/movement restriction.

N8414 Change of use of premises from printers workshop to retail shop. Refused 27.01.83

PK04/0443/F Demolition of stores to facilitate the erection of 2 no. dwellings with associated works at stores *adjoining 3 Hounds Road*, Chipping Sodbury. Refused 15.4.04 for the following reasons:

1. Having regard to its scale, siting and design the proposal represents an over intensification of development on this small back lane site, which would not preserve or enhance the character and appearance of the Chipping Sodbury Conservation Area.
2. The proposal would constitute a cramped form of development, lacking any form of private amenity spaces, which would be detrimental to the amenity of the future occupiers of the proposed dwellings.
3. The proposed development would result in overlooking and inter-visibility between facing windows, resulting in a significant loss of privacy to the detriment of the amenity of neighbouring occupiers.
4. The proposed development by reason of its position, mass and height, would have an overbearing affect to the detriment of the amenity of neighbouring occupiers.

PK09/5113/F Demolition of garage workshop to facilitate erection and conversion of existing buildings to 9 no. residential units with associated works. Approved 29.03.10

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council
No comments received.

Other Representations

4.2 Sustainable Transport
No objection

4.3 Community Services - Drainage
No objection

- 4.4 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield windfall site. There is therefore no in-principle objection to the development of the site for residential use.

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.*

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.

In view of the Ministerial statement, which was issued dated 9th June by Greg Clark MP Minister for Decentralisation, the reference to a minimum density of 30 dwellings per hectare in Policy H2 should now be given very limited weight. Instead any assessment will now only need to ensure any given scheme makes most efficient use of land and represents the maximum density compatible with the site’s location.

- 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.

5.3 Impacts upon conservation area

This proposal follows an earlier permission for the same site (PK09/5113/F). The only difference between the currently proposed form of development compared to the extant permission relates to the area of parking. The approved scheme provided for zero parking. The proposal for the buildings remains the same. The Council Conservation Officer commented on the previous application and was satisfied that the development served to enhance the character and appearance of the conservation area. Officers had commented on the previous application however that the following issues required further information or revision and as these elements have not changed with the new submission, these comments remain:

Areas of re-building - Care will need to be taken when re-building areas of stone walling that have been replaced in the past with brickwork, in order that sufficient historic stone walling is maintained, i.e. minimal amount of demolition takes place. Reclaimed stone should be used for areas of re-building. Where significant areas of the structures are being rebuilt a condition requiring a schedule of structural works will be required.

Ventilation, heating & extraction – It would be appropriate to have a collection of vents and flues inserted in the principal building elevations. Therefore details of these installations will need to be submitted prior to the commencement of the works to avoid a collection of vents and flues inserted in the building elevations.

Landscaping – the surface treatments as proposed on the drawings are not considered appropriate for this historic and sensitive context, in particular the raised concrete kerbing and tarmac. A planning condition is imposed to seek details of landscaping scheme and surface treatment.

5.4 Transportation

The development proposes the redevelopment of the Hounds Road site, which is currently occupied by a number of employment units (i.e. a mechanics workshop, a glazing and conservatory company, and a photographic studio) to provide nine residential apartments, including three two-bed units and six one-bed units.

The site is located on the east side of Hounds Road, approximately 80 metres to the south of the B4060 High Street in the centre of Chipping Sodbury. There is an existing vehicular access from the site onto Hounds Road. The existing site access has a restricted visibility but it is acknowledged that the access is currently used by commercial traffic generated from existing employment units on the site. Hounds Road provides access to other residential roads (i.e. Arnold Court, Hounds Close and Woodmans Road) and there is also a primary school (i.e. St. John's Church of England) some 50 metres south off the site. In traffic terms, it is considered that peak hour traffic movements associated with the proposed residential use would be less than the extant commercial use on site. However, parking is an issue in the area. Immediately outside the application site, there is a waiting restriction in the form of yellow lines outside the application site but it is also evident from the site inspection that there is on-

street parking on some other parts of Hound Road particularly, during the school peak times (i.e. dropping off-periods and pick-up periods).

The applicant proposes 5 no. parking spaces for the proposed development of 9 residential units. This level of parking provision falls below the maximum standard as set out within Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. According to the South Gloucestershire parking standard the development should provide a maximum total of 11 parking spaces. Currently, the site layout provides relatively larger parking and turning facilities (and up to 12 vehicles have been observed parking on site) however; the applicant only proposes 5 no. parking spaces to the existing courtyard for conservation and visual reasons. This new proposal restricts available parking area on site.

The Town Council and some local residents objected to the previous scheme with 5 no. parking spaces based on the lack of parking on site.

In order to decide whether or not the scheme should be refused on parking provision grounds then other factors/policies should also be considered. There is a general government strategy to reduce the need to travel by cars and to promote developments in sustainable locations particularly where there is a good accessibility to jobs, shopping, leisure facilities and service by public transport, walking and cycling. South Gloucestershire Council's own policy in the Local Plan also backs those Central Government policies and seeks to promote developments in sustainable areas and to minimise the need to travel by private vehicles. It must be noted that South Gloucestershire parking standards are maximum standards.

In this case, the site lies within easy reach of a broad range of services and facilities by a range of means of transport including walking, cycling and bus. The site is in the middle of the town of Chipping Sodbury and it is considered highly sustainable. It is also an important factor that the existing site is a commercial site which can generate more traffic (including traffic by larger commercial vehicles) compared to the proposed residential.

Officers have been advised that the Council Traffic Management department are investigating the implementation of some traffic calming / traffic management works on Hounds Road. In light of this therefore, it is considered appropriate and necessary in this case that the applicant makes some financial contribution towards such schemes in the area.

Officers were also advised that the most recent traffic survey, which was carried out by the South Gloucestershire Council's transport policy Team on Hounds Road went back to September 2006.

The count was taken south of Hounds Close between dates of 11th Sept and 24th Sept 2006. The officer has been advised that Part of this traffic survey may have been carried out during the period when the Mop Fair in Chipping Sodbury, and therefore, the result may not be typical.

Over the surveyed dates the worst case result shows followings;

Network peak hour (between 08.00 to 09.00): there were 118 vehicles moving northbound and 41 vehicles moving southbound.

12 hours count (between 07.00 to 19.00) indicates there were total of 809 vehicles northbound and 443 vehicles southbound.

In view of all the above-mentioned and on balance, officers consider that the proposal would be acceptable subject to the following,

a) The applicant makes financial contribution of £5,000 towards the traffic management works in the area. The contribution should be secured under the terms of a legal agreement.

b) Prior to the occupation of any dwelling on site, the applicant provides the parking court in line with submitted and approved plans. In addition, the spaces shall be clearly allocated and marked on the ground.

5.5 Impact upon Residential Amenity

The proposal is to demolish an existing garage workshop and to erect a single storey building and convert all the buildings in order to provide 9. no. residential units.

The proposed new building (former Unit B) would be single storey and would be approximately 3 metres from the existing northern boundary wall. As the new building would be further away from the existing building, it is therefore considered that the proposal would not cause a significant overbearing impact upon the neighbouring properties. A number of habitable windows are proposed on the north elevation of the new building and they would be looking over their own private amenity space. Therefore, they would not cause significant loss of privacy to the neighbouring properties.

With regard to Unit A, one new window is proposed on the west elevation and it would be looking over the adjacent highway and no new opening is formed on the east elevation. There is no change proposed in terms of the scale and height of the building.

There would be no window on the east elevation of Unit C, D and E, and all windows are looking over the courtyard. These windows would be approximately 14 metres from those windows of Unit A. It is therefore considered that there is no significant loss of privacy or overbearing impact to these properties.

A drying space is proposed to the north of Unit 3 and the space will be allocated for one-bedroom units. Although the space is not large in scale, it would provide adequate facility for future occupiers of these units.

With regard to the provision of waste storage, officers have concerns about the proximity number of waste bins. It is therefore considered that a number of shared Eurobins for residual waste would be more appropriate. A planning

condition is therefore imposed to seek further details of the provision of waste storage.

5.6 Environmental and Drainage Issues

There are therefore no objections on environmental grounds. In order to protect the residential amenity of the neighbouring properties during the demolition and construction works, a planning condition is imposed to restrict the working hours during the construction work and seek details of the decontamination of the site.

In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme, to include Sustainable Drainage Systems (SUDS) and a mining report, for approval before development could commence.

5.7 Ecological Issues

The site comprises a series of outbuildings east of Hounds Road, between Arnold Court and High Street in Chipping Sodbury. The site is not covered by any statutory or non-statutory nature conservation designations.

The outbuildings were surveyed in July 2009 and the survey found no signs of use by bats with the buildings proving unsuitable as a roosting location. There is no sign of use by nesting birds such as swallows. There are no ecological constraints provided that a planning condition is imposed to ensure artificial nest boxes will be provided within the site.

5.8 Affordable Housing

The proposal is for 9 no. residential units on land measuring 0.07 hectares and therefore falls under the affordable housing threshold requirements. There will be no requirement for affordable housing in this instance.

5.9 Education Services

There is a projected surplus capacity at both primary and secondary schools within the area of the proposed development. For this reason, there is no requirement for seeking an education contribution.

5.10 Community Services

The proposal is for 3no. dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

5.11 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.

5.12 Use of Energy and Sustainability

A drainage condition would secure a SUDS drainage system.

5.13 Improvements achieved to the scheme

Not required.

5.14 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the issues of transportation improvements 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 permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

(1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set up 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 financial contribution of £5,000 towards traffic management within the area.
- A contribution at a rate of 4% of the total requirement sum for monitoring purposes. This equates to £200.00

The reasons for the agreement are:

- In the interest highway safety and amenity of the area to satisfy policy of the South Gloucestershire Local Plan (Adopted) January 2006.

(2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

(3) Should this agreement not completed within six months of the date of this report that planning permission be refused.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. Notwithstanding previously submitted details, prior to the commencement of development, the design and details including materials and finishes of the following shall be approved in writing by the Local Planning Authority:
 - a. Eaves, verges and ridges
 - b. rainwater goods
 - c. all new windows (including cill and head details and reveals)
 - d. all new external doors (including furniture & fittings)
 - e. all new extract vents and flues, and the locations of these installations
 - f. all new rooflights
 - g. all new lighting
 - h. lintels

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. The scheme shall be implemented strictly in accordance with the approved details.

Reason

To ensure that the development is of a suitable quality, thereby serving to preserve or enhance the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

3. Prior to the commencement of development a sample panel of reclaimed facing stonework of at least one square metre shall be constructed on site to illustrate the proposed stone, coursing, mortar and colour and texture of pointing of all new boundary walls and all areas of rebuilding of stone walling to the buildings. The development shall be completed in accordance with the approved panel, which shall be approved in writing by the Local Planning Authority and thereafter retained on site until the completion of the scheme to provide consistency.

Reason

To ensure that the development is of a suitable quality, thereby serving to preserve or enhance the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the adopted South

Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

4. Prior to the commencement of development a sample panel of re-pointing of the existing stonework, of at least one metre square, shall be completed and approved in writing by the Local Planning Authority, and thereafter retained on site until the completion of the scheme to provide consistency. For the avoidance of doubt the pointing should be carried out using a lime mortar.

Reason

To ensure that the development is of a suitable quality, thereby serving to preserve or enhance the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

5. Prior to the commencement of development a representative sample of reclaimed natural roofing slate and clay tile shall be submitted and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason

To ensure that the development is of a suitable quality, thereby serving to preserve or enhance the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

6. Notwithstanding previously submitted details, prior to the commencement of development a detailed specification and schedule of proposed structural works, including the extent of demolition and replacement of existing stonework and brickwork, shall be submitted and approved in writing by the Local Planning Authority.

Reason

To ensure that the development is of a suitable quality, thereby serving to preserve or enhance the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

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

Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure that the development is of a suitable quality, thereby serving to preserve or enhance the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

8. Notwithstanding the previously submitted details, prior to the commencement of development a scheme of landscaping, which shall include details of proposed planting (and times of planting); boundary treatments, including gates, walls, fences and any kinds of enclosure, areas of hardsurfacing including surface treatment, kerbing, and marking of parking spaces, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure that the development is of a suitable quality, thereby serving to preserve or enhance the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the adopted South Gloucestershire Local Plan. These are important details which need to be constructed in the traditional local manner to ensure that the development is compatible with its surroundings.

9. Artificial nest boxes for starling, house sparrow and swallow shall be erected prior to the occupation of any part of the development. Details of the locations of artificial nest boxes shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

10. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved in writing by the Local Planning Authority. A detailed development layout showing surface water and SUDS proposals is required as part of this submission. The approved drainage scheme incorporating best management practices, shall be implemented in accordance with the approved details before the development is occupied.

Reason

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

11. Prior to the commencement of development a soil survey of the site shall be undertaken and the results submitted to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before the commencement of development.

Reason

To ensure that adequate measures have been taken to mitigate against soil contamination / contamination land to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. The hours of working on site during the period of demolition and construction shall be restricted to 08.00 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.

Reason

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

13. The proposed Eurobins, green bins and boxes shall be provided prior to any residential unit hereby permitted is first occupied.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1/H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. No development shall take place until details of the hard and soft landscaping proposed, to include details of the trees and the paving have been submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the approved details.

Reason

To protect the character and appearance of the Chipping Sodbury Conservation Area to accord with Policy D1, L1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Prior to the occupation of any dwelling on site, the parking court shall be provided in accordance with the submitted and approved plans.

Reason

To ensure the satisfactory provision of parking facilities and in the interests 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.

CIRCULATED SCHEDULE NO. 24/10 – 25 JUNE 2010

App No.:	PK10/0973/CA	Applicant:	Mr S Portch
Site:	Garage Workshops And Studio Hounds Road Chipping Sodbury Bristol South Gloucestershire	Date Reg:	7th May 2010
Proposal:	Demolition of garage workshop situated within Chipping Sodbury Conservation Area	Parish:	Sodbury Parish Council
Map Ref:	372824 182139	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	19th June 2010



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INTRODUCTION

This application has been referred to the Circulated Schedule as the current scheme raises a fundamental issue regarding the provision of off-street parking within the application site.

A previous planning permission and conservation area consent were granted for the demolition of a rage workshop to facilitate the erection and conversion of existing buildings to 9 no. residential units with associated works. Officers recommended the approval of the previous scheme with 5 no. parking spaces, however, the Development Control East Committee requested an alternative scheme without off-street parking. The proposal was referred back to the Development Control Committee and was approved without car parking space provision.

1. THE PROPOSAL

1.1 The proposal seeks full planning permission for the demolition of a garage workshop, which is within the Chipping Sodbury Conservation Area. The site lies on the eastern side of Hounds Road, Chipping Sodbury. The current proposal differs from that previously approved at the Development Control Committee on 12th November, 2009 (PK09/5114/CA) as 5 no. parking spaces are now included.

2. POLICY CONTEXT

2.1 National Guidance
Planning (Listed Building and Conservation Areas) Act 1990
PPS15 Planning for Historic Environment

2.2 Development Plans

South Gloucestershire Core Strategy Pre-Submission March 2010
CS1 High Quality Design
CS9 Environmental Resources and Built Heritage

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
L12 Conservation Areas

3. RELEVANT PLANNING HISTORY

3.1 N4119 Change of use of premises from garage and workshop to glass workshop and store. Approved 02.02.78

3.2 N4419/1 Change of use of premises from garage and workshop to glass workshop and store. Approved 26.03.81

3.3 N8414 Change of use of premises from printers workshop to retail shop
Refused 27.01.83

- 3.4 PK04/0654/CA Demolition of stores to facilitate the erection of 2 no. dwellings and associated works at stores adjoining 3 Hounds Road Chipping Sodbury. Refused 15.04.04 for the following reason:

The proposed demolition would fail to maintain the enclosure to Hounds Road and neither is the demolition part of an acceptable scheme that would preserve or enhance the character or appearance of the Chipping Sodbury Conservation Area.

- 3.5 PK09/5113/F Demolition of garage workshop to facilitate erection and conversion of existing buildings to facilitate 9 no. residential units with associated works. Approved 29..03.10
- 3.6 PK09/5114/CA Demolition of garage workshop situated within Chipping Sodbury Conservation Area. Approved 29.03.10

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection

Other Representations

- 4.2 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy L12 of the South Gloucestershire Local Plan states that proposals for development involving demolition of buildings or structures which make a contribution to the character or appearance of a conservation area will not be permitted unless (i) the building or structure is not capable of repair, or (ii) there is no compatible or viable alternative use, and (iii) an acceptable replacement scheme has been approved.

5.2 Impact upon Conservation Area

This proposal follows an earlier permission for the same site (PK09/5114/CA) The difference between the currently proposed form of development compared to the extant permission relates to the area of parking. The approved scheme was for zero parking. The proposal for the buildings remains the same. The Council Conservation Officer commented on the previous application and was satisfied that the development served to enhance the character and appearance of the conservation area.

Officers therefore consider that the proposal to demolish Unit B and the conservatory is acceptable.

6. **CONCLUSION**

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 Conservation Area consent is to be GRANTED subject to the following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

CIRCULATED SCHEDULE NO. 24/10 – 25 JUNE 2010

App No.:	PK10/1097/F	Applicant:	Mr Rushent
Site:	314 North Road Yate Bristol South Gloucestershire BS37 7LL	Date Reg:	20th May 2010
Proposal:	Erection of detached garage/hobby room	Parish:	Iron Acton Parish Council
Map Ref:	369872 184168	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	7th July 2010



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4. **CONSULTATION RESPONSES**

4.1 Iron Acton Parish Council

Objection for reasons:

Over-development of the site; 'back garden' development; reiterating the point that a business use is taking place on site.

4.2 Other Consultees

None

Other Representations

4.3 Local Residents

One letter of objection received from the occupiers of 318 North Road raising the following concerns:

The existing garage are being used for repair of damaged cars, the trade could increase as a result of the new building; noise and smoke from the business are already problems and out of keeping with the area; a toilet is shown on the floor plan and the sewer is location at the front of the plot.

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.

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a semi rural residential context. The existing dwelling occupies a position on the street frontage and a 1.8m high fence and gated entrance to the side of the dwelling provides a full visual screen from views from the highway into the plot. The existing plot is relatively flat. As such only the roof of the proposal would be visible from the highway. The proposal in design terms is of good quality using a rendered walling construction with red concrete tiled roof which is considered to be in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area.

However, measuring 18.5m length by 8m width, 2.5m to eaves and 4.3m height to ridge with a front gable with height of 4.8m, the proposal is substantial in terms of scale. The existing dwelling is currently being redeveloped to include two storey side and rear extensions. The proposal would not be

disproportionately scaled in relation to the dwellinghouse once completed. The proposal would provide a triple garage and hobby room which are not considered as excessive to a large detached family home. Therefore considering the proposal would benefit from significant visual screening and on the basis of its proportionate scale in relation to the new dwellinghouse it is considered that it would be difficult to substantiate the proposal to be harmful in terms of scale alone. As such the proposal is considered to be acceptable in visual amenity terms.

5.3 Residential Amenity

The existing plot is substantial in area, ample rear amenity space to the property would be retained following the erection of the proposed building. As such the proposal is considered not to represent over-development of the site. Situated at the rear of the plot, the proposal would be almost 40m from the rear elevation of the nearest dwellings. As such the proposal is considered not to be harmful in terms of residential amenity

5.4 Other issues

The neighbouring occupier has raised concern in relation to a business use from the site and concern that the proposal, which would be situated in the location where the business use is thought to take place. The applicant has in response stated that no business uses operate from the site. A condition is recommended to ensure the proposal would remain for uses ancillary to the residential use of the site and the dwellinghouse specifically. Therefore to use the proposed building for any business uses would require planning permission.

The neighbouring occupier also raised a concern that the proposed toilet facility within the building would be situated some considerable distance from the main sewer which is located at the front of the site (west side). The applicant has indicated that proposal would be connected to the main sewer at the front of the site and that foul waste would be discharged using a mini pump drainage solution, commonly used in situations such as this. As such the proposal is considered to be acceptable in foul drainage terms.

In terms of highway safety factors, the application site already provides sufficient space for parking to meet the maximum parking standard adopted by this Council. As the building proposed would be ancillary, no material intensification of the existing access onto North Road would be created. As such the proposal is considered to be acceptable in highway safety terms.

The Parish Council raised a concern that the proposal would represent a 'back garden' development. It is not clear what is intended by this term, but this may be making reference to the term 'garden grabbing' and the new amendments to PPS3 (Housing). The proposal is for an ancillary residential development within an existing plot and as such would not fall within the Government's new 'garden grabbing' advice.

5.5 Design and Access Statement

A Design and Access Statement is not required for this application

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 position some distance from 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 development have been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the existing dwelling, 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 [details/samples] of the roofing and external facing render proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

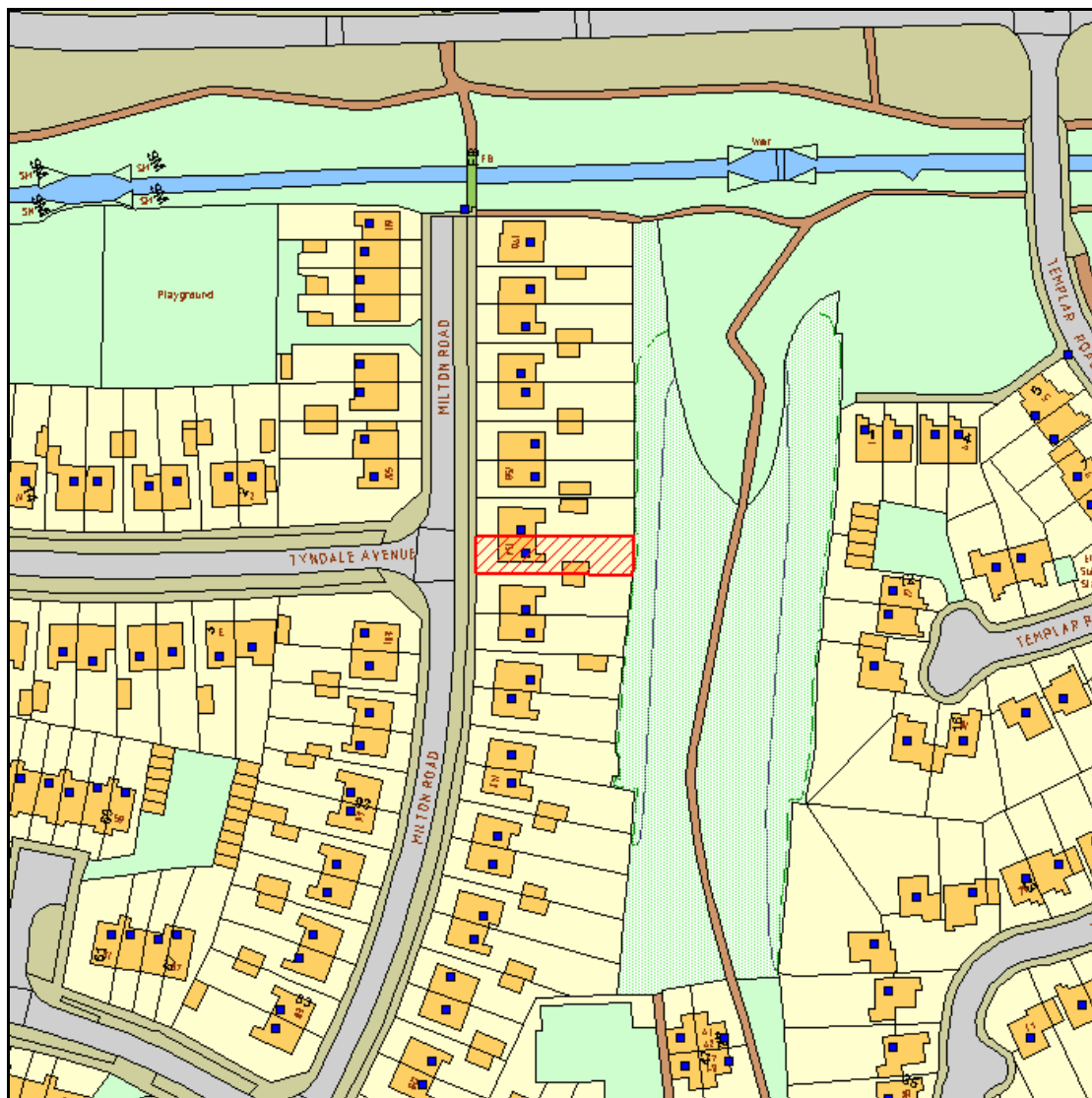
3. The detached garage/hobby room hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 314 North Road, Yate.

Reason

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

CIRCULATED SCHEDULE NO. 24/10 – 25 JUNE 2010

App No.:	PK10/1129/CLP	Applicant:	Mr Paul Gibb
Site:	154 Milton Road Yate Bristol South Gloucestershire BS37 5ET	Date Reg:	20th May 2010
Proposal:	Application for Certificate of Lawfulness for proposed alterations to roof and installation of rear dormer window to facilitate loft conversion.	Parish:	Yate Town Council
Map Ref:	371055 182992	Ward:	Yate North
Application Category:	Minor	Target Date:	14th July 2010



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 100023410, 2008. **N.T.S.** **PK10/1129/CLP**

INTRODUCTION

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the installation of a rear dormer to facilitate a loft conversion at 154 Milton Road, Yate. The property is a two storey semi-detached dwelling and is located within the residential area of Yate.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/1262/F Erection of single storey rear extension to form additional living accommodation.
Approved June 2008

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objections

Other Representations

- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented

lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

- 5.2 The proposed development consists of a rear dormer. This development would fall under the criteria of *Schedule 2, Part 1, Class B* of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 1995 (The enlargement of a dwellinghouse consisting of the addition or alteration to its roof). Developments which fail any of the following criteria would not be permitted:

Class B

- (a) **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**
The dormer would not exceed the ridge height of the existing roof.
- (b) **Any part of the dwellinghouse would as a result of the works, extend beyond the plane of any roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**
The dormer would be located on the rear elevation of the dwelling, this is not the principle elevation nor does it front a highway.
- (c) **The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**
(i) **40 Cubic metres in the case of a terrace house, or**
(ii) **50 Cubic metres in any other case:**
The property is a mid terrace dwelling, the cubic content of the proposed dormer would be approximately 21 cubic metres. The proposal therefore meets this criterion.
- (d) **It would consist of or include-**
(i) **The construction or provision of a veranda, balcony or raised platform, or**
(ii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**
The proposal does not consist of any of the above.
- (e) **The dwellinghouse is on article 1(5) land.**
The dwelling is not located on article 1(5) land.

Conditions

- (a) **The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
Whilst the plans do not state the materials that would be used to finish the proposed dormer, the agent has confirmed that the materials would

match the existing dwelling. As such it is considered that the exterior of the proposed dormer would be similar in appearance to the main dwelling house.

- (b) **Other than in the case of a hip-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and**

The proposed dormer would be located approximately 50cm above the eaves height of the main dwellinghouse, therefore this condition is met.

- (c) **Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be-**

(i) **obscure-glazed, and**

(ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

No windows on the side elevation of the dormer are proposed.

5.3 Use of Energy and Sustainability

No measures proposed

5.4 Improvements Achieved to the Scheme

None necessary

5.5 Conclusion

It is therefore considered that the proposal does fall within the categories of development which are permitted development, and therefore planning permission is not required.

6. RECOMMENDATION

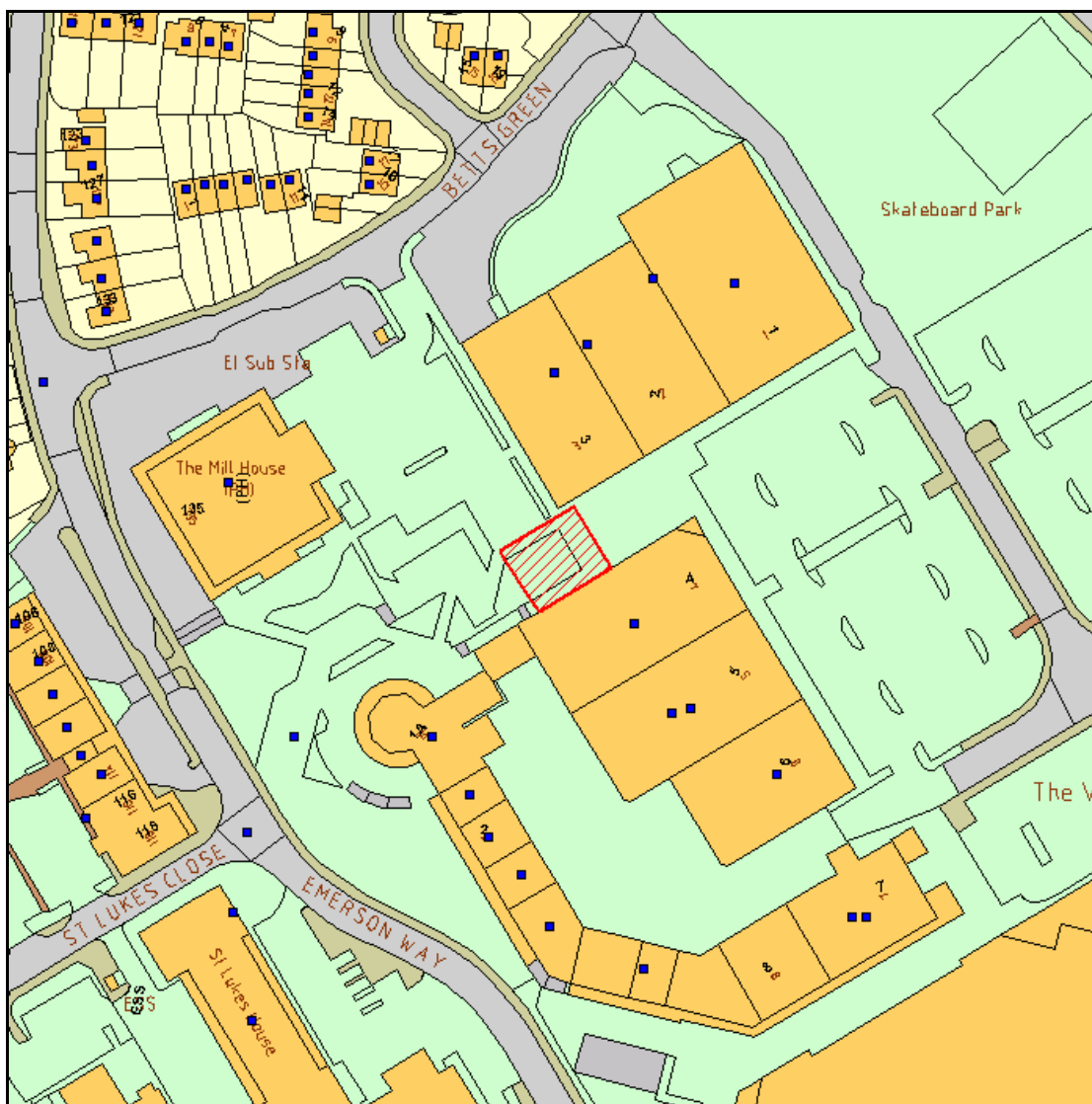
- 6.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason;

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

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 24/10 – 25 JUNE 2010

App No.:	PK10/1143/F	Applicant:	Prudential Pensions Ltd
Site:	The Village Emerson Way Emersons Green Bristol South Gloucestershire	Date Reg:	20th May 2010
Proposal:	Erection of building for use within (Class A1) Retail or (Class A2) financial services as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended) with landscaping and associated works.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	367103 177213	Ward:	Emersons Green
Application Category:	Minor	Target Date:	5th July 2010



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 100023410, 2008. **N.T.S.** **PK10/1143/F**

INTRODUCTION

This application appears on the circulated schedule due to the receipt of one letter of objection from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a detached building for A1 or A2 uses. The new building would be single storey only and would have a flat sedum roof. The building would be constructed between the existing stores occupied by Argos and Lidl. The proposed new unit would create approximately 118 sq.m. of additional floor space within the centre.
- 1.2 The site on which the building would be constructed is currently an area of landscaping that would be removed to make way for the development. The existing pedestrian accesses however – both the ramp and the steps – would remain unaltered by the development.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth

2.2 Development Plans

South Gloucestershire Core Strategy – Pre Submission Publication Draft

CS1 Design
CS14 Town Centres and Retail

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L1 Landscape Protection and Enhancement
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control
RT1 Development in town Centres

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist - Adopted
Town Centre and Retail Study

3. RELEVANT PLANNING HISTORY

- 3.1 K7528 Comprehensive development for residential/district centre/public house/restaurant/roads/footpaths/open space and other associated uses.
Approved October 1995
- 3.2 P96/4467 Erection of non-food retail units, 2 no. restaurants (A3), public house and associated car parking.
Approved December 1997

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council

Recommend refusal of the application as they believe the site would become over developed.

4.2 Other Consultees

Highway Officers

Traffic associated with the proposed unit would not be significant on its own and is likely to be part of a wider shared trip to the shopping centre. Therefore there are no highway objections to the proposal.

Other Representations

4.3 Local Residents

None Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within Emersons Green Town Centre and the existing units to either side of the application site are within the Primary Shopping frontage. PPS4 and the Core Strategy both support development within existing town centres, which will protect and enhance the vitality and viability of those existing centres. Policy RT1 sets out the Councils criteria for assessing retail and other development within town centres. Policies T7, T8 and T12 seeks to ensure that new development is appropriate in terms of cycle and vehicle parking provision. Policy RT11 advises that retail development within the town centre of Emersons Green will be appropriate providing that :

5.2 **A. It would not detract from the overall vitality and viability of the centre; and**

The proposed development would be an addition to the existing town centre. Its erection would have no detrimental impact on the existing retail units or result in any reduction of loss of primary shopping frontage. Whilst the end user of the proposed unit is not known, a mixed A1 and A2 use has been applied for. Given that this is an entirely new unit and not a change of use, any additional A1 or A2 use in this location can only have a positive effect on the vitality of the area attracting business to the area. The addition of the further unit will increase retail options for shoppers increasing the attractiveness of Emersons Green Centre as a whole. Care has been taken in the design of the building to ensure that the frontage along the side facing towards the Lidl store and the pedestrian access ramp contains large areas of glass to ensure an attractive frontage is provided. Therefore, the proposed new building would contribute positively and not detract from the vitality and viability of the centre.

5.3 **B. It would be consistent with the scale and function of the centre; and**
Emersons Green is a main town centre serving local residents and the wider rural community. It is recognised in the emerging core strategy that there is potential to expand the existing centre to meet the needs of the proposed new housing. By comparison to the size of the existing retail units in the centre, the proposed building subject of this application is relatively modest in scale. It is not considered that the erection of this one additional unit will have any detrimental impact on smaller local centres in the area. The scale and function of the centre are to meet the needs of residents that cannot reasonably be met at the local centres and parades. The proposed additional unit is therefore consistent with the scale and function of the centre.

5.4 **C. It would be accessible to public transport users, pedestrians, cyclists and those with special mobility needs; and**
Emersons Green town centre is well served by public transport. Sainsburys at Emersons Green is a well-used bus stop served by a variety of services travelling across the city. Most recently the new eighties service has been included to the number of services accessing Emersons Green. The site is very easily accessible to local residents of Emersons Green with pedestrian links through into the centre. All of the existing pedestrian walkways are to be retained as part of this development. Access to the unit is level and there are no steps to encounter therefore making the unit accessible to those with special mobility needs. There is ample cycle parking in the centre as a whole with many established cycle routes in the vicinity.

5.5 **D. It would not have unacceptable environmental or transportation effects, and would not prejudice residential amenity; and**

5.6 Environmental Impacts. Given the proposed end user of the site will fall within the A1 or A2 use class, it is unlikely that the operation of the unit once constructed would result in any adverse environmental impact through noise, fumes, vibration, dust or smells. Notwithstanding this, to avoid any potential disturbance from delivery lorries, a condition will be attached to restrict delivery hours to the same restrictions as the rest of the units on Emersons Green centre.

5.7 Transportation
It is not envisaged that the proposed new unit will generate many additional traffic movements in its own right but that the majority of visitors to the unit will be as part of a larger shopping trip to the centre. There is no requirement to provide additional parking facilities for cycles or vehicles as any vehicles associated with the unit would use the existing car parks. The proposed new unit will have a very minimal impact on the highway network in the vicinity of the site and therefore there is no highway objection to the works as proposed.

There are two existing pedestrian routes along either side of the proposed building – steps to one side and a ramp to the other. At the time of the officer site visit the ramp was well used by the steps were not being used. Both existing pedestrian routes are retained as a result of the proposal.

- 5.8 Residential Amenity
There are no residential properties adjacent to the site that could be affected by the proposal. Because of the distance to the nearest residential property, no issues of overbearing or overshadowing will arise.
- 5.9 **E. It would, include residential accommodation or other non-retail uses appropriate to a town centre on upper floors.**
This is a single storey building only and therefore this criteria is not relevant in this instance.
- 5.10 Design/Visual Amenity
The proposed building would have a rectangular shaped footprint constructed of brick, glazing and cladding. The building is to have a sedum roof. In order to facilitate the erection of the building, an existing area of landscaping will need to be removed.
- 5.11 The proposed new building will be quite noticeably different to the existing buildings facing the main car park. The existing buildings are all tall and constructed of brick whereas the proposed building is single storey and finished with glass and cladding. This however is not of concern. The proposed new building is of a more modern design than the existing buildings and will add visual interest to an otherwise architecturally bland shopping centre. The use of lots of glass also improves safety in the area increasing surveillance and overlooking. The difference in height will reduce the impact the new building will have on the character of the area ensuring that the existing views between the buildings remain predominantly open.
- 5.12 It is acknowledge that the proposal will include the loss of a small area of landscaping. The building however attempts to compensate for the loss of this landscaping through the addition of a sedum roof, which will re-introduce 'green' landscaping to the area. On balance, it is the opinion of your officer that the design of the building, including the green sedum roof is of sufficient high design quality to mitigate for the loss of landscaping.
- 5.13 Design and Access Statement
The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document. The statement is thorough and clearly explains the reasons behind the design and siting of the building as well as justifying its approval in light of prevailing policy.
- 5.14 Use of Energy and Sustainability
The proposal includes the introduction of a sedum roof which will help to 'green' the development. The use of large areas of glazing will enable passive heating of the interior and the scheme has been designed to ensure high levels of thermal efficiency.
- 5.15 Improvements Achieved to the Scheme
None Required

5.16 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 additional unit for A1/A2 purposes will have a positive effect on the vitality and viability of Emersons Green by increasing the retail options for shoppers. Given that the proposal is for one additional unit only, the proposal will not impact upon the smaller local centres but instead is consistent with the scale and function of Emersons Green centre. Because of the distances from the site to the nearest residential property, existing levels of residential amenity will be protected.
- 6.3 The site is easily accessible by public transport, foot and cycle therefore encouraging the use of more sustainable modes of transport. Any traffic associated with the unit would not be significant on its own but instead is likely to be part of a wider shared trip to the shopping centre. The existing pedestrian access routes along either side of the proposed building will remain unaffected as a result of the proposed development.
- 6.4 The design of the building, incorporating more modern materials such as large glass panels, cladding and a sedum roof will ensure that the building adds positively to the character of the area.
- 6.5 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: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. No deliveries shall be taken at or despatched from the site outside the hours of 07.00am to 10.00pm Monday to Saturday; and between 09.00am to 12 noon on Sundays, Bank or Public Holidays.

Reason

To safeguard the amenities of neighbouring residents, to be consistent with similar restrictions on other units within Emersons Green Centre and to comply with the requirements of Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 24/10 – 25 JUNE 2010

App No.:	PK10/1158/F	Applicant:	Mrs J Saville
Site:	21 Baron Close Bitton Bristol South Gloucestershire BS30 6LS	Date Reg:	21st May 2010
Proposal:	Erection of single storey side extension to form additional living accommodation (Re-Submission of PK10/0395/F)	Parish:	Bitton Parish Council
Map Ref:	368294 169629	Ward:	Bitton
Application Category:	Householder	Target Date:	8th July 2010



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 100023410, 2008. **N.T.S.** **PK10/1158/F**

INTRODUCTION

This application appears on the circulated schedule due to the receipt of one letter of objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey extension to the side of the existing dwelling. The extension would form an enlargement to the existing kitchen.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Core Strategy Pre-Submission Publication Draft
CS1 Design

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages
L12 Conservation Areas
T8 Parking standards
T12 Transportation Development Control

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/0395/F Erection of two-storey side extension to form additional living accommodation.
Withdrawn April 2010.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Object to the application due to the inadequate parking arrangement and detrimental visual effect within the conservation Area. The Parish Council does not feel the amended proposals overcame their initial objections (to PK10/0395/F).

Other Representations

- 4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met. The site also lies within Bitton Conservation Area and therefore the requirements of Policy L12 must also be taken into consideration. Policy L12 allows for development in conservation areas where it would preserve or enhance the character or appearance of the conservation area.

5.2 Design/ Visual Amenity

The single storey side extension has been designed to fully integrate with the existing dwelling. The windows to be inserted will match those in the existing house and the pitch of the roof will match the existing pitch on the gable end. The materials to be used externally in the finishing of the extension will match those used in the existing dwelling and these will be conditioned to ensure the successful visual integration.

The Council's conservation officer has been consulted regarding the proposal and is happy that the extension will preserve the character of the conservation area.

The extension because of its small scale and suitable design will have no significant or detrimental impact on the character of the area. Whilst being located at the side of the dwelling at a prominent position into the cul-de-sac respects the character of the existing dwelling and the street scene.

5.3 Residential Amenity

The proposed alterations will have no detrimental impact upon existing levels of amenity for neighbouring occupiers. The extension will be erected between the existing dwelling and the highway and will not be immediately adjacent to any boundary with a residential property.

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

5.4 Transportation/Parking

It is noted that the Parish Council raises concerns over the loss of one parking space. It is not considered however that the space to be occupied by the extension is actually useable for the parking of an average car. At its narrowest point, the space occupied by the extension is limited to only 2.1 metres - this is insufficient width in which to park a car. Notwithstanding the above, one off street parking space will be retained to serve the dwelling. Policy T8 only advises of maximum parking standards and does not set minimum figures. No objection is therefore raised to the erection of the extension and any impact on levels of off street parking.

- 5.5 Use of Energy and Sustainability
None above building regulations statutory minima.
- 5.6 Improvements Achieved to the Scheme
None required.

5.7 Section 106 Requirements

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

6. CONCLUSION

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

The proposed extension demonstrates a good standard of design that reflects and enhances the character of the original dwelling. Attention has been paid to the detail of the extension through the use of appropriate materials and roof detailing to ensure the extension is appropriate for its setting and compliments the existing dwelling and neighbouring properties. The character of the conservation area is protected through the development. One off street parking space will remain to serve the dwelling in line with the council's maximum parking standards.

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

7. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town & 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. For the avoidance of doubt the front elevation of the extension shall be finished with natural stone to match the existing, the side and rear elevations shall be finished with render to match the existing. The roof tiles to be used must match those on the existing dwelling in profile, colour and material. Rainwater goods shall all be black.

Reason

To ensure a satisfactory standard of external appearance to protect the character of the conservation area and to accord with Policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

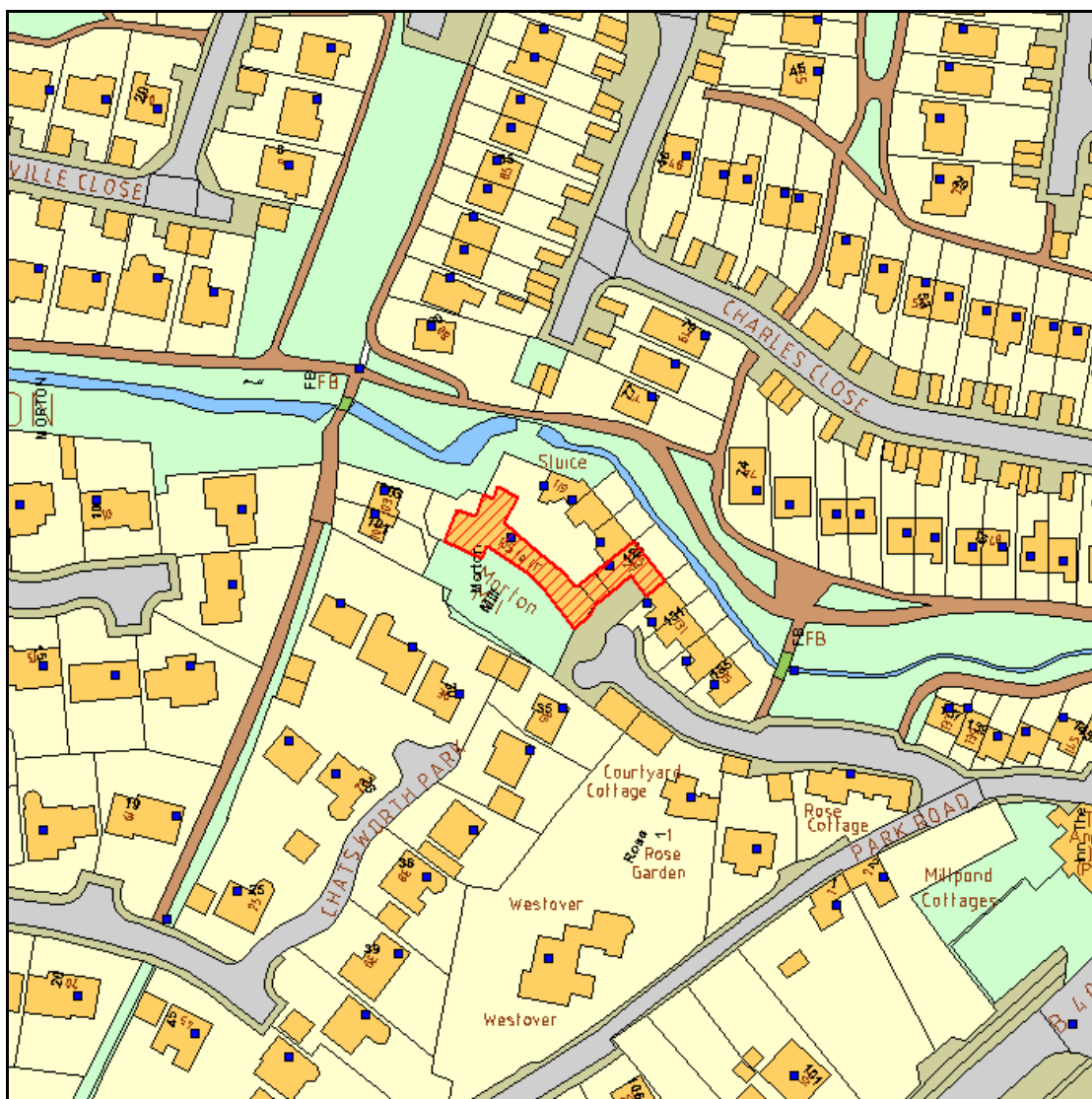
3. Prior to the commencement of development full details of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out exactly in accordance with the agreed details.
 - (a) eaves
 - (b) verges
 - (c) rooflights
 - (d) window detail (including lintel, reveal and cill)

Reason

To ensure a satisfactory standard of external appearance to protect the character of the conservation area and to accord with Policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 24/10 – 25 JUNE 2010

App No.:	PT10/0328/F	Applicant:	Morton Mill Management Company
Site:	Units 105-117 ,125 And 127 Morton Mill Thornbury Bristol South Gloucestershire	Date Reg:	15th March 2010
Proposal:	Installation of UPVC window and door frames to replace existing timber window and door frames.	Parish:	Thornbury Town Council
Map Ref:	364117 191008	Ward:	Thornbury North
Application Category:	Householder	Target Date:	19th July 2010



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 100023410, 2008. **N.T.S.** **PT10/0328/F**

INTRODUCTION

This application is being circulated to Members due to the officer's recommendation being contrary to written representations received from a local resident.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to replace all the windows and doors as well as cladding on a block of apartments/maisonettes and two terrace houses.
- 1.2 The replacement consists of changing the existing black painted timber windows, doors and cladding all of which are in desperate need of repair. These would be replaced with rosewood stain Upvc windows, doors and cladding. Five top floor windows will also be slightly changed in style to accommodate the change to Upvc.
- 1.3 The application site relates to an old converted mill consisting of apartments/maisonettes and terrace dwellinghouses situated off Park Road in the well-established residential area of Thornbury outside the Thornbury Conservation Area.
- 1.4 The proposed works require planning permission because they are considered to amount to development by virtue of the alteration in material and colour to all doors and windows and some cladding in addition to the alteration of style of 5 top floor windows. This is considered to affect a material alteration to the external appearance of the building. The dwellinghouses included in the application (no's 125 and 127) have had permitted development rights removed and the units (no's 105-117) are apartments/maisonettes and do not benefit from permitted development rights.

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
H2: Residential Development within Existing Urban Areas.
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist Supplementary Planning Document 2007
- 2.4 Emerging Policy
South Gloucestershire Council Core Strategy Pre-Submission Publication Draft March 2010:
CS1: High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 P91/1840 Residential Development on 0.41ha land to include conversion of existing mill to form 5 units and 13 dwellings and carports. Construction of access and parking facilities. (Removal of permitted development rights).
Approved. 10 July 1991.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection.

Other Representations

- 4.3 Local Residents
2 letters were received from a resident objecting to the application. These letters from the resident object to the proposal on the following grounds:
- a) the proposed windows would result in a detriment to the existing visual amenity of the individual properties and overall character of the building;
 - b) horizontal frame at eye level of proposed windows would compromise views looking out;
 - c) the proposed windows by reducing the height of the frame would result in ventilation difficulties and accordingly bedrooms in the roof would get hot;
 - d) the windows are incorrectly numbered on the plans.

These concerns will be addressed in the relevant sections in the report any falling outside the remit of these sections will be addressed in the 'Other Matters' section found towards the end of the report.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The proposal consists of residential development. The application site consists of both dwellinghouses with residential curtilage and some apartments without residential curtilage. As such the main policies are considered to be Policy H4 and Policy H2. Policy H4 permits development within existing residential curtilages in principle and policy H2 permits residential development in urban areas in principle. Accordingly the proposal is acceptable in principle subject to the following considerations.
- 5.3 Residential Amenity
A concern has been raised by a local resident relating to the reduction in height of the opening part of the five windows to be altered (see Proposed Plan Drg No: TCWC-12A-10 received 24 May 2010:E W4 & W6, elevation F W21 & W22 & elevation D W24). The resident is concerned that this would make ventilation difficult resulting in the top floor bedrooms becoming extremely hot. Whilst this concern is appreciated, the new windows would remain openable and allow ventilation and is not considered to cause material harm to the residential amenity of occupiers to warrant a refusal of the application.

Notwithstanding the above, given that the proposed works consist primarily of replacing materials rather than significant physical alterations, it is considered that the existing residential amenity of the neighbouring, current and future occupiers would not be compromised. As such it meets criteria contained in Policy H4 and Policy H2 of the South Gloucestershire Local Plan 2006.

5.4 Design/Visual Amenity

One resident has raised concerns regarding the addition of a horizontal frame to the top five windows (see Proposed Plan Drg No: TCWC-12A-10 received 24 May 2010: Elevation E W4 & W6, elevation F W21 & W22 & elevation D W24). He believes that the additional horizontal frame on the top five windows would be out of character with the overall building as the existing windows to be replaced are a character feature of Morton Mill. Moreover he is also concerned that the horizontal frame would compromise the views out of the building from within.

Whilst these concerns are appreciated, it is considered that the addition of a single horizontal frame to the 5 top floor windows does not result in material harm in terms of visual amenity when taken in the context of the other works involving some 75 windows, several doors and cladding and windows and doors of two dwellinghouses. It is not considered that the overall character of the block would be compromised by this addition given that the windows will remain the same in every other regard. Regarding the views out of the windows it is not considered that these would be significantly compromised.

The existing apartments have a mixture of black and crimson painted timber windows, doors and cladding and the dwellinghouses have dark timber stained doors and windows. The windows and doors on the apartments are in a severe state of disrepair with the timber frames rotting.

The surrounding dwellinghouses not subject to this application have already got rosewood timber stained Upvc windows and doors and accordingly the proposed development would respect the locality and remain in keeping with the street scene. The replacement of the existing windows, doors and cladding on the apartment block to the more sturdy Upvc material in a single uniform colour of rosewood timber stain, which appears to be the original colour, is considered to respect the character of the existing properties. Accordingly the proposal is considered acceptable in terms of both Policy D1 of the South Gloucestershire Local Plan 2006 and the South Gloucestershire Design Checklist Supplementary Planning Document 2007.

Other Matters

The local resident also highlighted that the windows were incorrectly numbered on the plans and that several numbers had been duplicated. Having studied the plans it appears that these numbers are not incorrect. The windows and doors on the proposed plans are not sequential but separate. The windows and doors are numbered the same on two different plans and thus are easily distinguishable on the basis of the Elevation and the Drawing Number of the proposed plan upon which it is indicated.

5.5 Design and Access Statement

A Design and Access Statement was not necessary for 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 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 Given that the proposed works consist primarily of replacing materials rather than significant physical alterations, it is considered that the existing residential amenity of the neighbouring, current and future occupiers would not be compromised. As such it meets criteria contained in Policy H4 and Policy H2 of the South Gloucestershire Local Plan 2006.

6.3 The proposed development would respect the locality and remain in keeping with the street scene and the character of the existing and surrounding properties. Accordingly the proposal meets Policy D1 of the South Gloucestershire Local Plan 2006 and 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).

CIRCULATED SCHEDULE NO. 24/10 – 25 JUNE 2010

App No.:	PT10/0913/CLP	Applicant:	Mr J Clarke
Site:	The Garden House Beacon Lane Winterbourne Bristol South Gloucestershire	Date Reg:	28th April 2010
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a detached garage.	Parish:	Winterbourne Parish Council
Map Ref:	364500 180555	Ward:	Winterbourne
Application Category:	Minor	Target Date:	15th June 2010



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 100023410, 2008. **N.T.S.** **PT10/0913/CLP**

INTRODUCTION

This application for a Certificate of Lawfulness appears on the Circulated Schedule in line with the arrangements for delegated powers. In addition objections have been received in relation to the proposal.

1. DESCRIPTION OF DEVELOPMENT

- 1.1 The application seeks a Certificate of Lawfulness of Proposed Use (CLOPUD) to establish the lawfulness of a detached garage at the dwelling known as The Garden House. The property comprises a detached dwelling on the south side of Beacon Lane located outside the settlement for Winterbourne, and within the Green Belt.
- 1.2 The proposed garage measures 7 metres by 5.3 metres and 3.96 metres to the roof ridge. It is proposed to locate it in the south eastern corner of the site.
- 1.3 The evidence submitted attempts to demonstrate that the proposal constitutes permitted development by virtue of Class E, Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2008. Accordingly the test is one of evidence rather than a balancing of planning merits against the Development Plan policy.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
Town and Country Planning (General Procedures Order 1995 Article 24

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/6042/F Erection of two storey side extension and first floor rear extension to provide additional living accommodation (resubmission of PT08/0234/F). Approved 22 January 2010.
- 3.2 PT08/0234/F Erection of single storey extension to north elevation; two storey side elevation to provide additional living accommodation. Refused 17 March 2008.
- 3.3 PT04/3839/F Erection of replacement double garage, garden store and games room. Refused 14.12.04.
- 3.4 There is also some earlier planning history detailing applications for separate dwellings.
- 3.5 There is an enforcement investigation in 2008 in relation to an allegation that the residential boundaries had encroached into agricultural land to the south and west. No formal action has been taken to date, but the owner was advised that this would require planning permission for a change of use.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection -This is extremely large for a garage on a green belt site, disproportionate to the size of the existing property.

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident who makes the following points;

- The building cannot be classed as a replacement for the timber structure that is already present.
- The proposal would affect the visual amenity and light to the adjacent dwelling and garden, and previous planning applications have been refused due to such an impact.
- The proposal does not fall within permitted development rights because it is forward of the Principal elevation
- The proposal extends into land that has only recently been annexed from agricultural land.
- The proposal would be disproportionate to the original structure and therefore contrary to green belt policy.

5 SUMMARY OF EVIDENCE IN SUPPORT

The submission has plans drawn to scale and a covering planning assessment detailing how it is considered the proposal falls within the terms of Class E, Part 1 of the GPDO 2008.

The planning history does not indicate that permitted development rights have been removed by condition.

6. SUMMARY OF CONTRARY EVIDENCE

- Aerial photographs from 2005 and 2006 indicate that the extent of the domestic curtilage at that time had the rear boundary of the site level with the adjacent property's (to the east). The 2008/9 photograph indicates that those boundaries seem to have moved to the south and west into what was otherwise agricultural land.
- The site plan submitted in relation to planning history for this property (reference PT09/6042/F, PT08/ 0234/F and PT04/3839/F) all show a smaller area for the curtilage of the site, which does show the rear boundary level with the adjacent property.
- There is a letter from a neighbour alleging that the residential boundaries were extended in 2008 and there was a subsequent enforcement investigation which advised the owner that this would need planning permission.

7. EVALUATION of EVIDENCE

- 6.1** 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 in relation to demonstrating the lawfulness of what is proposed. The evidence put forward here is that the proposed garage building constitutes an outbuilding within a residential curtilage and falls within the allowances of Class E, Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) Order 2008.
- 6.2** Accordingly the comments and objections received raising concerns in relation to Green Belt policy and impact on residential amenity are not relevant in relation to the assessment of this Certificate. The test is an application of the General Permitted Development Order 2008 (GPDO), in particular Part 1 which only confers such allowances for development within the curtilage of a dwellinghouse. The first question to ask then is whether the property benefits from permitted development rights. The evidence would indicate that generally the residential property does (as the planning history does not show that the rights have been removed). However there is some ambiguity over sections of land to the south and west of the property. A local neighbour alleges that the boundary has been moved further south and west into what was an agricultural field and aerial photographs are provided showing the line of the original rear boundary as level with their rear boundary. The Council's aerial photographic records would confirm that this appears to be the case. Furthermore the site area the subject of this proposal is larger than those submitted in relation to recent planning applications made in 2009 and 2008 where the rear boundary is shown level with the neighbouring property. There is also evidence of an enforcement complaint in relation to this "encroachment" issue in 2008. A letter was sent to the applicant at that time advising that such a development would require planning permission for a change of use. No such planning application has been granted.
- 6.3** The agent has addressed this matter by amending the application and moving the garage building such that it sits 2m within the area accepted as being residential curtilage. The revised location of the garage and the two metre wide strip are shown on plan BRS.1998_07-1 although it is noted that the 'Boundary of established residential use' remains in dispute. Whilst the area of residential use is disputed it does not affect the recommendation regarding the specific details of the proposed garage. Furthermore any Certificate of Lawfulness issued will restrict the terms of the Certificate to the area of residential curtilage that is accepted historically. The Enforcement team have been asked to review the situation as to whether it is expedient to take enforcement action in relation to the boundary issue.
- 6.4** Otherwise it is considered that the assessment of the proposal would fall within the terms of Class E – outbuildings. The interpretation of the term "Principal elevation" has been considered, and in this case it is considered a reasonable interpretation that the elevation that faces the main road is considered to be the Principal elevation, and as such the garage would not be located forward of it. In coming to this conclusion weight has been given to the objectives and principles that lay behind the wording of the GPDO – which was generally to be more permissive of domestic development that was less visible in the streetscene, but to ensure that development that would have an impact in the more public streetscene would still need consent. In this instance the

garage would be located in the rear southeastern corner of the site and have little to no impact on the streetscene.

- 6.5** Therefore on the balance of probability the evidence indicates that the garage proposed does fall within the remit of permitted development rights that apply within the curtilage of a dwellinghouse.

7. RECOMMENDATION

- 7.1 That the Certificate of Lawfulness for Proposed Development is granted because it appears that the proposed garage is located in its entirety on land that lawfully forms part of the curtilage of the dwelling house. Therefore on the balance of probabilities the permitted development rights under Class E, Part 1 of the Town and Country Planning Act (General Permitted development)(Amendment) Order 2008 permit the garage proposed at the location shown on drawing BRS.1998_07-1.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

INTRODUCTION

This application appears on the Circulated Schedule List because concerns have been expressed regarding the proposed development by the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the removal of modular buildings to facilitate the erection of a two-storey office building. Permission is also sought for the installation of a portakabin and the retention of a two-storey portakabin, single storey portakabin, jet wash facility and storage containers with fork lift parking.
- 1.2 The application site comprises a haulage yard (Use Class sui generis) within the Severn View Industrial park, which is situated on the eastern side of Severn Road. The site is designated as a safeguarded employment area within the South Gloucestershire Local Plan (adopted) January 2006 and is located within Flood Zone 3.
- 1.3 The application is a resubmission of application no. PT09/1224/F, which was refused for the following reason:

The site is located within an area identified as being at high risk of flooding and the Flood Risk Assessment (FRA) submitted with the application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement PPS25. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The proposal is therefore, contrary to Policy PPS25 and Policies EP1 and EP2 of the South Gloucestershire Local Plan (adopted) January 2006, and Policy 24 of the adopted Joint Replacement Structure Plan.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
PPS25 Development and Flood Risk
PPG13 Transportation
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
E2 Severnside
E3 Employment Development within the Urban Area, Defined Settlement Boundaries and/or Permitted by Policies E4/E6/E7
E4 Safeguarded Employment Areas
L3 Coastal Zone
T12 Transportation Development Control Policy for New Development
EP1 Environmental Pollution
EP2 Flood Risk and Development

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/1224/F, removal of modular buildings to facilitate the erection of 2 storey office building. Installation of portakabin and retention of 2-storey portakabin, single storey portakabin, jet wash facility and storage containers with fork lift parking, refusal, 25/08/09.
- 3.2 PT05/1940/F, change of use to haulage transport yard (sui generis use) including associated hard surfacing, parking, landscaping and mobile office unit, approval, 26/09/05.

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

There seems to be little comment that can be made. This is a retrospective application and the procedures are already being carried out on the site.

The greatest concern of the parish council is that relating to traffic, an ever-increasing amount using the A403. The parish council sees no solution to this until a link is made onto the M49.

4.2 Transportation DC

No objection

4.3 Environment Agency

No objection to the proposal subject to condition and the requirements of the sequential test being met.

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal relates to an employment use and is therefore supported by PPS4 subject to the criteria in Policy EC10.2 being satisfied.

In addition, Planning Policies E3 and E4 of the South Gloucestershire Local Plan (adopted) January 2006 allow for employment uses within the boundaries of settlements and safeguarded employment areas subject to environmental, transportation, residential amenity, design and density considerations.

- 5.2 The proposal was considered to satisfy the above criteria in the previous application and was refused on the basis that the Flood Risk Assessment submitted did not comply with the requirements set out in Annex E, Paragraph E3 of PPS25. An amended Flood Risk Assessment has been submitted with

the application, which the Environment Agency considers to sufficiently address the risk of flooding to the development and the risk of flooding as a result of the development.

Storage and distribution is classified as a less vulnerable use within the Flood Risk Vulnerability Classification in PPS25 and the Flood Risk Vulnerability and Flood Zone Compatibility table within PPS25 demonstrates that low risk development is compatible within Flood Zone 3a areas. On this basis, it is considered that the proposed development passes the sequential test. In addition to this, flood risk mitigation measures have been incorporated into the design of the proposal, such as a safe egress hatch in the roof of the office building to allow for rescue by emergency services in the case of severe flooding. Given the above, it is considered that the proposal overcomes the previous refusal reason and complies with PPS25 and Policies EP1 and EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

5.3 Transportation

The concerns of the Parish Council regarding vehicular traffic are noted, however, there is no objection in terms of transportation. It is considered that the proposed development would be ancillary to an existing lawful employment use and would not increase vehicular trips significantly.

5.4 Design

The Environment Agency's requirements regarding flood risk have resulted in minor change to the design of the proposed office building. A flat roof instead of a pitched roof is proposed over the office building with an egress hatch to allow for rescue by emergency services in case of extreme flooding. This is the only change proposed and in the industrial context it is considered that the proposed building is acceptable in terms of design. The site is screened from the public realm and the proposal would not adversely affect the character of the wider area. It is considered that advertisement consent is required for the proposed sign on the building and an informative will notify the applicants of this if permission is granted.

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 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 principle of employment development in the proposed location is acceptable – PPS4 and Policies E3 and E4 of the South Gloucestershire Local Plan (adopted) January 2006.

The Council's Transportation Officer has no objections to the proposed development and it is considered that the proposal would not increase vehicular trips significantly or have an adverse impact on highway safety – Policies T12 and E3 of the South Gloucestershire Local Plan (adopted) January 2006.

The site relates to an employment area with no residential properties within close proximity. On this basis, it is considered that the proposal would not have a significant adverse impact in terms of residential amenity – Policy E3 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal is considered to be acceptable in terms of design, form, scale, siting and materials given the industrial context. The site is screened from the public realm and the proposal would not have a negative impact on the character of the wider area – Policies D1 and E3 of the South Gloucestershire Local Plan (adopted) January 2006.

The Flood Risk Assessment submitted has enabled the flood risks arising from the development to be assessed fully. The Environment Agency considers that the proposed development is acceptable and it is considered that the proposed development meets the requirements of the sequential test – PPS25 and Policies E3, EP1 and EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

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

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).

2. Notwithstanding the information submitted, the finished floor level(s) of the portakabin shall be raised no lower than 9.5 metres above Ordnance Datum.

Reason

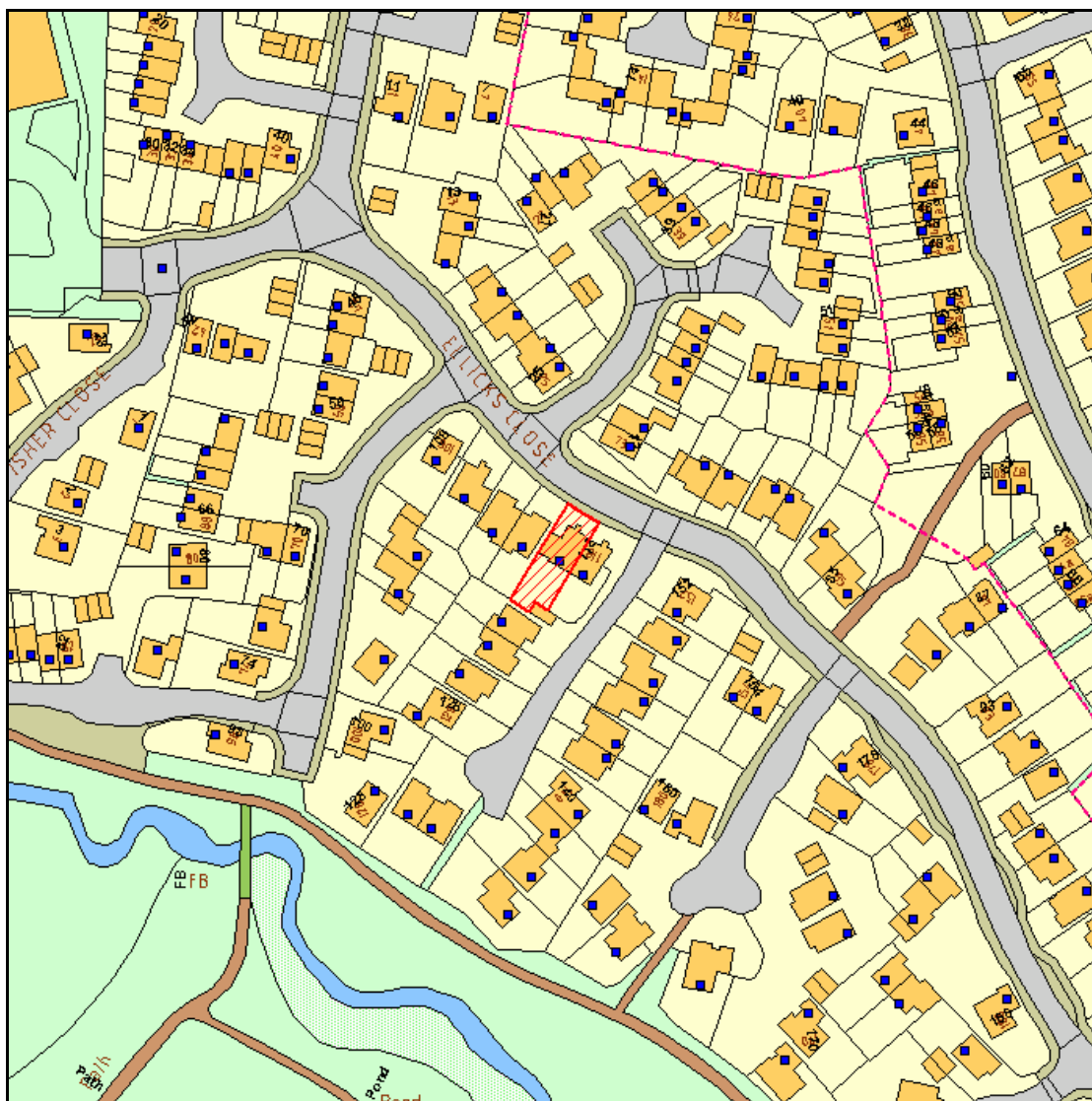
In the interests of flood prevention and to accord with PPS25 and Policies EP1 and EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

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

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

CIRCULATED SCHEDULE NO. 24/10 – 25 JUNE 2010

App No.:	PT10/1138/F	Applicant:	Mr Tim Patten
Site:	116 Ellicks Close Bradley Stoke Bristol South Gloucestershire BS32 0EU	Date Reg:	20th May 2010
Proposal:	Erection of single storey side and rear extension to provide additional living accomodation.	Parish:	Bradley Stoke Town Council
Map Ref:	362183 182509	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Householder	Target Date:	6th July 2010



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 100023410, 2008. **N.T.S.** **PT10/1138/F**

INTRODUCTION

This application is being circulated to members because the officer's recommendation is contrary to a written representation received from the Bradley Stoke Town Council on the grounds of over development of the site.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a single storey rear extension with a small wrap around extension to the side on the West corner of the main property to connect to the rear of the existing garage. The rear extension would measure approximately 7.2 metres in width (the same width as the main house including the attached garage), approximately 2.3 metres in depth with a ridge height of approximately 3.5 metres falling to circa 2.5 metres at the eaves. The application form indicates that the materials would match those existing.
- 1.2 The application site relates to a two storey modern semi-detached dwelling. It is located in the well-established residential area of Bradley Stoke.

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 Council Core Strategy Pre-Submission Publication Draft March 2010:
CS1: High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/3669/F Erection of rear conservatory. **Approved.**
13th December 2004.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection on the grounds of over development of the site.

Other Representations

- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposed development consists of extensions to a dwelling within an existing residential curtilage. Policy H4 of the Local Plan permits this type of development in principle subject to the following considerations.

5.2 Residential Amenity

The application site has an approximately 1.5 metres tall timber fence acting as a boundary treatment on all sides with a small outhouse/shed at the rear of a modest garden. Given that the proposal is single storey and set back from either side boundary, it is considered that it would not result in an overbearing impact on adjacent occupiers. The proposed development would be windowless on both side elevations with French doors on the rear elevation, two rooflights and a window measuring approximately 1 metre by 1 metre. Notwithstanding this it is recommended given the proximity of the proposal to the neighbouring occupiers at 118, that a condition be attached to any grant of permission restricting additional windows on the southeast elevation without further assessment of the impact. It is considered that the proposal would not result in inter visibility between principal rooms or overlooking. Sufficient space remains to serve the host dwelling and the proposal raises no highway safety issues. On this basis it is considered that the existing residential amenity of neighbouring occupiers would be maintained thereby meeting criteria contained in policy H4 of the South Gloucestershire Local Plan (adopted) 2006.

5.3 Design/Visual Amenity

The existing property is constructed of red brick with a white rendered porch and grey slate tiles finished with rosewood timber stain Upvc windows and doors. The applicant has indicated that the materials would all match the existing and a condition is recommended to ensure this in the interests of visual amenity.

There has been an objection raised by the Town Council that the proposal would result in over development of the site. The rear conservatory that was granted planning in 2004 is not currently in situ and it appears there has been no development on this site so far save a small outbuilding/shed at the bottom of the garden. It is considered that the minor nature of the single storey proposal, which would be situated to the rear of the main property, would not result in any material harm in terms of over development of the site. There would be sufficient space retained to adequately serve the main dwelling and the proposal is not considered to result in a cramped design. The style and size of the proposal would suit the host dwelling. The roofline and pitch would match the existing. As such it is considered that the proposed development meets criteria contained in policy D1 of the South Gloucestershire Local Plan 2006 and the South Gloucestershire Design Checklist 2007.

5.4 Design and Access Statement

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

5.5 Use of Energy and Sustainability

Will be in accordance with building regulation standards

5.6 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 proposal is single storey and set back from the boundaries. it would not result in an overbearing impact and would not result in inter visibility between principal rooms. The existing residential amenity of neighbouring occupiers would be maintained thereby meeting criteria contained in policy H4 of the South Gloucestershire Local Plan (adopted) 2006.

6.3 The materials and roofline would match existing and the proposal would not result in any material harm in terms of over development of the site. Sufficient space would be retained to adequately serve the main dwelling. The style and size of the proposal would suit the host dwelling. As such the proposed development meets criteria contained in policy D1 of the South Gloucestershire Local Plan 2006 and the South Gloucestershire Design Checklist 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.

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

Reason

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

CIRCULATED SCHEDULE NO. 24/10 – 25 JUNE 2010

App No.:	PT10/1181/F	Applicant:	Mr Singh
Site:	34 Penn Drive Frenchay Bristol South Gloucestershire BS16 1NN	Date Reg:	21st May 2010
Proposal:	Erection of two storey rear and single storey side extension to provide additional living accommodation	Parish:	Winterbourne Parish Council
Map Ref:	364366 178314	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	9th July 2010



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 100023410, 2008. **N.T.S.** **PT10/1181/F**

INTRODUCTION

This application appears on the Circulated Schedule in view of the concerns expressed by local residents and the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two-storey side extension and a single-storey rear extension.
- 1.2 The application relates to a two-storey detached dwelling on the north side of Penn Drive, Frenchay. The property lies within the built up area outside of the Frenchay Conservation Area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG13: Transport

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

H4: Development within Residential Curtilages

L1: Landscape Protection and Enhancement

T12: Transportation Development Control Policy for New Development

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

CS1: High Quality Design

CS9: Environmental Resources and Built Heritage

CS17: Housing Diversity

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Trees on Development Sites

3. RELEVANT PLANNING HISTORY

- 3.1 P84/1558: Erection of lean-to greenhouse between front boundary wall and side of dwelling. Permitted: 27 June 1984
- 3.2 P96/1942/T: Reduce height of 4 trees covered by TPO. Permitted: 19 March 1987
- 3.3 PT09/1201/TRE: works to fell three maple trees (T1, T3 and T4) and one Rowan covered (T2) covered by TPO. Split decision: 11 August 2009

Refusal Reason for refused part of application:

The tree is in good health and the felling of the tree would have a detrimental impact on the visual amenity of the area. No sound justification has been put forward to give good reason for the proposed works. As such the proposal is contrary to the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection: The proposed extension removes the three maples previously refused in August 2009 (ref PT09/1201/TRE)

4.2 Other Consultees

Tree Officer: no objection subject to conditions

Other Representations

4.3 Summary of Local Residents Comments:

Four letters received expressing the following concerns:

Trees:

- o The application includes the removal of three maple trees covered by a TPO which has been previously refused in August 2009;
- o Objections received in response to the previous application remain;
- o Building an extension should not provide reason to fell these trees;
- o The officer report in respect of the previous application cites that these trees are of good health, offer good visual amenity and preserve the distinctiveness of the locality and the street scene. They also play an important environmental & ecological role in reducing traffic pollution;
- o Loss of the trees would not be in the interests of the community given the increasing levels of traffic on the ring road and would be politically insensitive;
- o The trees help to provide a noise barrier from the ring road.

Further Issues:

- o The position of the rear boundary is wrongly indicated- the narrow strip of land to the rear is not a 'large rear garden' as claimed or 'typical' of other properties that enjoy larger rear gardens;
- o The side addition would detract from visual amenity and the character of the street scene;
- o The new windows in the front of the side extension would overlook the neighbouring gardens- the existing windows only overlook the blank side elevation of the neighbouring house;
- o The proposal would step out of the established building line that is integral to the design rationale of these dwellings.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 allows for the principle of residential development subject to considerations of design, residential amenity and highway safety.

5.2 Planning policy L1 advises that in order that the character, distinctiveness, quality and amenity of the landscape is conserved and enhanced, new development will only be permitted where attributes of the landscape that make a significant contribution to the landscape are conserved and where possible enhanced. Further, they should be protected and managed in a way that ensures their long-term viability with the amenity of the landscape conserved and where possible, enhanced.

5.3 Design/ Visual Amenity

The application seeks planning permission for the erection of a two-storey side extension and a single-storey rear extension. The side extension would build to the north side of the dwelling and provide a utility room and pantry on the ground floor with a new bedroom and ensuite to an existing bedroom above. The rear extension would provide a breakfast room.

5.4 In view of the orientation of the property (which faces westwards) the side extension would be built to the far side of the property furthest away from the highway. It would appear subservient to the dwelling with the front and rear walls inset and with a lower ridgeline. It would measure 3.5m in width thus would appear in proportion with the scale and massing of the dwelling. For these reasons, and with materials to match those of the host dwelling, there is no objection to this element of the proposal on design/ visual amenity grounds.

5.5 The rear addition would be positioned centrally to the rear of the extended property and measure 3.5m in length and 5.1m in width. Again, this would not be readily visible from the public viewpoints; this time in view of the existing flank boundary wall that fronts the highway and screens the rear garden from view. Nonetheless, this element of the proposal is again considered to be acceptable with no objection on design/ visual amenity grounds.

5.6 In response to the concerns raised, it is not considered that the proposed change to the established rear building line formed by these dwellings fronting this side of Penn Drive can provide a sustainable reason for refusal. Such, might also preclude a rear extension to any of these further dwellings, which would be unreasonable on these grounds alone.

5.7 Residential Amenity

The host unit faces west with its flank elevation fronting the highway. As such, this property overlooks the side elevation of 32 Penn Drive (which fronts the road) albeit with the detached garage serving the host dwelling stood between. There appear no windows in this side elevation of the neighbouring property although the side addition would extend beyond the rear boundary line of this dwelling allowing a limited view from the new bedroom towards this neighbouring garden (as originally proposed). On this basis, given that this

- view would be directed towards the more private part of this garden immediately behind this dwelling; amended plans have been received repositioning this window to the sidewall of the proposal. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.8 The neighbouring dwelling to the east comprises a single-storey dwelling with its associated detached garage adjoining the rear boundary of the application site. With the rear extension single-storey only, and with the side extension stood at an appreciable distance from this property, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.9 Impact on Protected Trees
The proposal would necessitate removal of four trees that would include two Field Maples, and a Rowan that are covered by a tree preservation order. It is noted that these are the same trees that were the subject of the previous application as detailed above (PT10/1201/TRE).
- 5.10 Advice from the Councils Tree Officer confirms that at the time of the previous application, there were no substantial arboricultural reasons for the removal of these trees. Nevertheless, the fact that the trees are the subject of a tree preservation order should not prevent development *per se* provided their loss does not have a significant adverse impact on visual amenity and provided their loss is adequately mitigated for. On this basis, this application differs from the last given that development works are proposed and it is for this reason that their removal is required.
- 5.11 In response, T1 (Field Maple) has an old wound scar on the main stem that appears to have compartmentalised successfully. However, the branch structure of the tree is poor with numerous tight forks whilst its proximity to the house is likely to increase pressure for remedial works preventing the tree from realising its full growth potential. T2 (Rowan) is a suppressed specimen with a structurally poor stem whilst similarly to T1, T3 (Field Maple) has poor branch structure and its proximity to the house constrains its full growth potential.
- 5.12 In view of the above, current advice cites that the trees are considered to have a limited useful life expectancy whilst it is noted that the larger trees to the rear of the property on the ring road verge are of greater visual merit; on this basis, whilst these trees do make a contribution to the visual amenity of the site it is not considered that their loss would have an unacceptable impact on the wider landscape; this is subject to an appropriately worded condition in the event that permission is granted to secure a scheme of replacement planting. This replacement planting would allow development of mature specimens that would help screen the acoustic fence and which would not be compromised by the proposed development. This replacement planting would also help to provide additional noise mitigation from the adjoining ring road as is provided by the existing trees.
- 5.13 For the above reasons, there is no objection to this proposal on arboricultural grounds subject to the landscaping condition suggested and a further condition in respect of a tree protection plan.

5.14 Highway Safety

The current proposal would not impact upon the parking and access arrangements with the drive and detached double garage retained. As such, it is considered that there can be no reasonable objection to the proposal on highway safety grounds.

5.15 Outstanding Issues

The applicant's rear garden has been extended in the past to include an area of land originally owned by the Council alongside the ring road. To this extent, the Council's Property Records Officer has confirmed that this was transferred in March 1996 since which time; the agent has advised it has been used as garden land. This would therefore be immune from any form of enforcement action thus there is no objection to the proposal on this basis.

5.16 Design and Access Statement

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

5.17 Section 106 Requirements

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

6. CONCLUSION

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

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

6.3 Planning permission is recommended for the following reasons:

1. The design, scale and massing of the extensions proposed would be in keeping with the design of the host property and the development within the surrounding area. The proposal is therefore considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal would not cause any significant adverse impact in residential amenity thus is considered to accord with Planning Policy H4 (Development

within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The scheme of replacement planting that would be conditioned would offset the loss of the protected trees and help preserve the character and appearance of the area; all in accordance with Planning Policies D1 (Achieving Good Quality Design in New Development) and L1 (Landscape Protection and Enhancement) of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The proposal is considered to be acceptable in highway safety terms and would accord with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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 Planning Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the west (front) elevation of the property as extended.

Reason

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

4. No works shall commence until a Tree Protection Plan and Detailed Arboricultural Method Statement in accordance with BS5837:2005 Trees in Relation to Construction

have been submitted to and approved in writing by the Local Planning Authority. Development shall accord with these approved details.

In order to protect the retained trees in the interests of visual amenity and to accord with Planning Policies D1, L1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. 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) which shall include details of three replacement trees, their size, species and location to mitigate against the loss of the 2 Maple trees and the Rowan; boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

To mitigate for the removal of 3 No. trees protected by a Tree Preservation Order and to accord with Planning Policies D1, L1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.