



**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. 16/10**

**Date to Members: 29/04/10**

**Member's Deadline: 06/05/10 (5pm)**

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

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

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

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

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

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

To refer an application(s) members are asked to email [MemberReferral@southglos.gov.uk](mailto: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](mailto: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 your request, please contact 01454 863518, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

**Dates and Deadlines for Circulated Schedule  
Over the May Bank Holiday Period 2010**

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

# CIRCULATED SCHEDULE – 29 APRIL 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0150/F	Approve with Conditions	Land Opposite Green Farm Business Park Folly Road Iron Acton South Gloucestershire BS37 9TZ	Frampton Cotterell	Iron Acton Parish Council
2	PK10/0418/AD	Approve	Unit 5 Coca Cola Enterprises Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Longwell Green	Oldland Parish Council
3	PK10/0426/F	Approve with Conditions	7 North Parade Yate South Gloucestershire BS37 4AN	Yate Central	Yate Town
4	PK10/0433/F	Approve with Conditions	43 Victoria Street Staple Hill South Gloucestershire	Staple Hill	None
5	PK10/0460/F	Approve with Conditions	42 Samuel White Road Hanham South Gloucestershire BS15 3LZ	Hanham	Hanham Abbots Parish Council
6	PK10/0504/F	Approve with Conditions	43 Kingsholme Road Kingswood South Gloucestershire BS15 1RJ	Kings Chase	None
7	PK10/0602/F	Approve with Conditions	12 Pearsall Road Longwell Green South Gloucestershire BS30 9BG	Longwell Green	Hanham Abbots Parish Council
8	PK10/0614/F	Approve with Conditions	Jeeves Convenience Store 1 Poplar Road Warmley South Gloucestershire BS30 5JX	Oldland	Bitton Parish Council
9	PK10/0622/R3F	Deemed Consent	The Park Primary School Hollow Road Kingswood South Gloucestershire BS15 9TP	Woodstock	None
10	PK10/0640/F	Approve with Conditions	1 Engine Common Lane Yate South Gloucestershire	Ladden Brook	Iron Acton Parish Council
11	PT10/0310/F	Approve with Conditions	Rear Of 448 Church Road Frampton Cotterell South Gloucestershire BS36 2AQ	Frampton Cotterell	Frampton Cotterell Parish
12	PT10/0448/F	Approve with Conditions	Land Between Baden Hill Road And Stidcot Lane (North Of Townsend Orchard) Tytherington Wotton Under Edge South Gloucestershire GL12 8UG	Ladden Brook	Tytherington Parish Council
13	PT10/0450/F	Approve with Conditions	28 St Peters Crescent Frampton Cotterell South Gloucestershire BS36 2EJ	Frampton Cotterell	Frampton Cotterell Parish
14	PT10/0538/CLP	Refusal	Watleys Cottage 74 North Road Winterbourne South Gloucestershire BS36 1PX	Winterbourne	Winterbourne Parish Council
15	PT10/0546/F	Approve with Conditions	10 Charles Road Filton South Gloucestershire BS34 7ET	Filton	Filton Town Council
16	PT10/0619/F	Approve with Conditions	The Old Stores New Road Olveston South Gloucestershire BS35 4DX	Severn	Olveston Parish Council

**CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010**

<b>App No.:</b>	PK10/0150/F	<b>Applicant:</b>	Mr R Thier
<b>Site:</b>	Land Opposite Green Farm Business Park Folly Road Iron Acton Bristol South Gloucestershire	<b>Date Reg:</b>	2nd February 2010
<b>Proposal:</b>	Erection of stable block, tack room and feed store. (Retrospective).	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	366298 184469	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th May 2010



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## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the erection of a stable block, tack room and hay store (Retrospective)
- 1.2 The building is L shaped measuring 18.60m in length x 4.72m in width at the shortest point and 8.37m at the longest point. The building is constructed of concrete block work and timber cladding with slate roof.
- 1.3 The application site relates to land sited within the open countryside and is washed over by the Green Belt. The land surrounding the application site has already been granted planning permission and implemented for the change of use of land for keeping of horses (PK07/3595/F) and construction of manage (PK07/3669/F).

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1  
PPG2

#### 2.2 Development Plans

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

D1 Design  
L1 landscape  
GB1 Green Belt  
E10 Horse related development

#### 2.3 Supplementary Planning Guidance

Development in the Green Belt Adopted June 2007

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

- 3.1 PK07/3669/F Construction of ménage  
Approved January 2008
- 3.2 PK07/3595/F Change of use from agricultural to equestrian  
Approved January 2008
- 3.3 Pk07/3166/F Construction of manage and change of use of land from  
agricultural to equestrian  
Withdrawn November 2007
- 3.4 PK07/2174/F Erection of stable block and change of use of land from  
agricultural to equestrian  
Refused September 2007  
Planning Appeal upheld October 2008

- 3.5 PK07/2165/F Construction of ménage  
Withdrawn November 2007
- 3.6 Pk07/1285/F Erection of stable block, construction of ménage and  
change of use of land from agricultural to equestrian  
Withdrawn July 2007

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

- 4.1 Iron Acton Parish Council  
Object to this application on the following grounds:
- Over development of green belt land
  - Access to site is on a dangerous bend

##### **Other Representations**

- 4.2 Local Residents  
One letter has been received from a local resident raising the following planning objections regarding the proposed development which have been summarised by the Planning Officer as follows:
- Complete disregard for planning protocol
  - Formally a Greenfield site, this is a precedence for area.

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

- 5.1 Principle of Development  
Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for horse related development, subject to a number of criteria being satisfied. In addition regard must be had for the provisions of PPG2 and Policy GB1 of the South Gloucestershire Local plan as the site is washed over by the Green Belt.
- 5.2 In addition to the above development plan policies regard must be had for the previous planning history (PK07/2174/F) relating to this site, which is a material planning consideration with regards the determination of this planning application. Planning permission has been refused on this site for the erection of a stable block with an upheld Planning and Enforcement appeal. The planning history is discussed in detail below.
- 5.3 Green Belt  
Paragraph 3.4 of PPG2 and Policy GB1 of the South Gloucestershire Local sets out types of development that would not be inappropriate in the Green Belt and include essential facilities for outdoor sport and recreation and other uses which preserve the openness of the Green belt and which do not conflict with the purposes of including land in it. Paragraph 3.5 of PPG2 states "essential facilities" should genuinely be required for the uses of land which preserve the openness of the Green Belt and gives an example of small stables as possible essential facilities.
- 5.4 Appropriateness  
The previous planning application PK07/1285/F was refused on the following grounds:

The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt due to the size of the stable block. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy GB1 of the South Gloucestershire Local Plan, Policy 16 of the Joint Replacement Structure Plan and Supplementary Planning Document "Development in the Green Belt" Adopted June 2007.

- 5.5 The previous application sought permission for a stable block comprising of 4 individual stalls, 1 feed store, 1 tack room, 1 store room and 1 hay store and measuring 29.13m in length x 4.72m in width at the shortest point and 8.37m at the longest point x 2.50m in height to the eaves x 4.0m in height to the ridge and 4.30m at the highest point. It was deemed that a stable block of this scale was not considered small and therefore considered inappropriate development in the Green belt. The Council at that time also questioned the need for a separate feed store/tack room/store room and hay store and whether or not all of these facilities of this scale are genuinely required and considered essential facilities.
- 5.6 Objections have been raised by the Parish Council and a local resident on the grounds that this is over development of the site. This current planning application has sought to overcome the previous objection by reducing the overall length of the stable block by omitting the storeroom and hay store. The scheme now proposes 4 stables, a small tack room and feed store, which has resulted in the stable block being reduced in length from 29.0m to 18.60m, with an overall reduction of 10.40m.
- 5.7 It is considered that a stable block of this scale is now deemed appropriate development and has therefore overcome the previous planning objection. Should planning permission be granted a planning condition has been imposed requiring that the stable block be reduced in scale in accordance with the submitted plans within a stipulated time period.
- 5.8 Harm  
Paragraph 3.2 of PPG2 advises that inappropriate development is by definition harmful to the Green belt and paragraph 1.4 states that the most important attribute of green belts is their openness. The previous planning application was refused on the following grounds:
- The proposed stable block by virtue of its scale (in terms of length and height) siting and materials if allowed would have a detrimental impact on the open character and visual amenities of the surrounding landscape and Green Belt. The proposal is therefore contrary to the provisions of PPS1 and PPG2, Policies D1, L1 and GB1 of the South Gloucestershire Local Plan and Supplementary Planning Document "Development in the Green Belt" Adopted June 2007.
- 5.9 The stable block is sited just within the entrance of the field and runs along the northern boundary of the application site. At the time of the previous application the Officer raised concerns regarding the use of materials and visible nature the stable block by reason of its siting and scale.



5.10 As discussed above under paragraph 5.6 this scheme has reduced the length of the stable block by 10.40m and by omitting the hay store this has reduced the height of the stable block by 0.30m at that particular point. Whilst the materials and siting remain, it is considered that the reduction in length and height of the stable block reduces the scale and massing which in turn would no have harmful impact on the openness or visual amenities of the Green Belt.

5.11 Policy E10 Horse Related Development:

A. Development would not have unacceptable environmental effects; and  
All matters of external lighting, erection of loose jumps and fences, car parking and use of horse-boxes or portable buildings or trailers, have been dealt with by way of planning conditions as part of the approved change of use planning application.

The disposal of foul waste should be undertaken in accordance with the MAFF (now DEFRA) Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency and Environmental Health controls.

B. Development would not prejudice the amenities of neighbouring occupiers;  
No nearby neighbouring properties that would be affected by the proposed scheme.

C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and  
Objections have been raised by the Parish Council regarding the access to the site being onto a dangerous bend. Members are advised to consider that highway safety matters have already been considered as part of the previously approved application for change of use of land for equestrian use where suitable conditions were imposed i.e. restriction of number of horses on site to 4 and restriction of use to that of personal and not commercial, no new conditions are therefore required.

D. Safe and convenient access to bridleways and ridings is available to riders; and  
Adjacent lane runs alongside application site, which links with the under bridleway network.

E. There are no existing suitable underused buildings available and capable of conversions; and  
There are no existing buildings on the land that could be converted for the use as a stable

F. The design of the buildings, the size of the site and the number of horses to be accommodated has proper regard to tee safety and comfort of horses.  
The proposal accords with the advice given in Supplementary Guidance Note 9 concerning care and housing of horses. It is proposed to keep a maximum of 4 horses on the site. The horses would be exercised in the field. There is sufficient space in the field for the number of horses proposed and this number can be limited accordingly by condition which in this case would be 4.

5.12 Design and Access Statement

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

5.13 Use of Energy and Sustainability

No proposed measures.

5.14 Improvements Achieved to the Scheme

This application was subject to lengthy negotiations prior its re-submission.

5.15 Section 106 Requirements

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

**6. CONCLUSION**

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

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

- A) The proposed stable block has been designed to safeguard and preserve the visual amenities and openness of the Green belt and surrounding area taking account of scale and height of development. Policies D1 and GB1.
- B) The proposed development due to its siting has fully taken account of neighbouring residential amenities-Policy E10

**7. RECOMMENDATION**

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

**Background Papers      PK10/0150/F**

**Contact Officer:      Tracey Price**  
**Tel. No.                      01454 863424**

## **CONDITIONS**

1. The existing stable block on site as refused under planning permission PK07/2174/F shall be amended and completed in accordance with approved dwg.no. 50933/004 entitled "Revised Construction of Stables " received by the Council on the 22nd January 2010 within 6 months from the date of the decision notice.

### Reason

To protect the openness and visual amenities of the Green Belt and immediate surrounding area in accordance with Policies D1, L1 and GB1 of the South Gloucestershire Council.

## CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010

<b>App No.:</b>	PK10/0418/ADV	<b>Applicant:</b>	Miss J Hatcher
<b>Site:</b>	Unit 5 Coca Cola Enterprises Aldermoor Way Longwell Green Bristol	<b>Date Reg:</b>	17th March 2010
<b>Proposal:</b>	Display of 1no. internally illuminated single sided freestanding totem sign.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365512 171995	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th May 2010



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**PK10/0418/ADV**

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of concerns raised by a Local Resident, the concerns being contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to the Coca Cola Enterprises unit 5 located on Aldermoor Way, within the Kingswood Industrial Estate.
- 1.2 It is proposed to erect a single-sided, part internally illuminated totem sign adjacent to the north-west corner of the building and to the east of Kingsfield Lane.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG19 - Outdoor Advertisement Control  
Circulars 5/92 and 15/94

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

- 3.1 Over the years there have been numerous applications relating to the unit, none of which are directly relevant to this proposal.

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No objection but requested a condition to require that the internally illuminated signage be turned off at night.
- 4.2 Other Consultees  
None

#### **Other Representations**

- 4.3 Local Residents  
1 no. response was received from the occupant of 5 Cromwell Court, who requested that the illuminated signage should not be on 24 hours a day but restricted by condition to hours similar to other signage within the estate.

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

- 5.1 Principle of Development  
In accordance with the advice given in PPG19, the display of outdoor advertisements/signs can only be controlled in the interests of amenity and public safety, however the need to advertise the presence of the business is accepted as valid. Officers are of the view that it is reasonable for a limited amount of advertising/signage to be displayed on or adjacent to the buildings and that it is inevitable that the advertising/signage will be visible from public areas.

- 5.2 Whilst officers have no objection to the principle of advertising/signage at the site, careful consideration should be given to the amount and size of the advertisements/signs, which should not be detrimental to the appearance of the building, to which they relate or to the character of the locality. The cumulative effect of the proposal should not be detrimental to visual amenity and the advertisements/signs should not prejudice public safety.
- 5.3 Visual Amenity  
The existing building to which the sign would relate is a large construction of utilitarian appearance, similar to other units within the estate.
- 5.4 It is proposed to erect a new single-sided, totem sign on an open area of land between the north-western corner of the building and Kingsfield Lane, which runs in a north-south direction just to the east of the site. Part of the lane is a designated PROW- POL 5. The site is at the northern end of the main staff car-park located at the back of the main building, where it would be seen by employees entering the car park. The sign would measure approximately 2000mm high by 1750mm wide and 168mm deep and would be encased in an aluminium frame and mounted on two 100mm wide posts; there would be no external illumination. The application form confirms that the height from the ground to the base of the sign would be 300mm. The wording would comprise white lettering on a red background. Although the company logo would be displayed at the top section of the sign, the majority of the lettering relates to safety information for employees. The maximum height of any individual letter would be 100mm. Only the lettering relating to the safety information would be internally illuminated to an LED brightness of 3000 Mcd.
- 5.5 The proposed sign is considered to be appropriate in scale and design for its purpose; similar signs are displayed at other Coca Cola works throughout the country. Given that the sign would face into the site and that to the west is a wooded area and builders yard beyond, the sign would not be prominent within the landscape or visible from the nearest residential properties to the south-east.
- 5.6 Officers have considered the impact of the sign on light pollution within the wider locality; but given that only the modest sized lettering of the safety information would be internally illuminated, it is considered that a condition to restrict the hours of illumination is neither necessary or justified in this case.
- 5.7 Public Safety Issues  
There are no transportation objections to the proposed sign, which would be divorced from the public highway. The amount of information on the sign would not be excessive. There would therefore be no public safety issues.
- 5.8 Use of Energy and Sustainability  
None
- 5.9 Improvements Achieved to the Scheme  
None

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

## **7. RECOMMENDATION**

- 7.1 That advertisement consent be GRANTED.

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

**CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010**

<b>App No.:</b>	PK10/0426/F	<b>Applicant:</b>	Barclays Bank Plc
<b>Site:</b>	7 North Parade Yate Bristol South Gloucestershire BS37 4AN	<b>Date Reg:</b>	17th March 2010
<b>Proposal:</b>	Alterations to external facade. Installation of 5no air conditioning units to rear elevation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371435 182552	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th May 2010



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## **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 installation of five air conditioning units to be attached to the rear of the building and external alteration to upgrade the appearance of the building. Externally the works include removing the existing fascia panels and re-installing deeper fascia panels, rendering over the existing mosaic tilework and fitting vinyl to the windows to obscure views into parts of the building. The proposals also include the installation of a CCTV camera to monitor the ATM machine.
- 1.2 The application site relates to an existing Barclays bank at the edge of the Yate shopping precinct. The unit lies within the secondary shopping frontage. The works are proposed in line with current branch improvements and upgrading taking place across the country.
- 1.3 The plans submitted with the application also show a series of new signs. It is important to note that these signs are not for consideration as part of this current application and these have already been considered under separate advertisement consent.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1            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            Design  
EP1            Environmental Protection
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist - Adopted

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

- 3.1 PK10/0424/ADV            Display of 3 no. internally illuminated fascia signs and 2 no. internally illuminated projecting signs.  
Approved April 2010

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council

The Parish Council objects on the grounds of the noise generated in terms of affecting the amenity of the residents in the adjacent flats.

- 4.2 Other Consultees  
Environmental Protection – No Objection

### **Other Representations**

- 4.3 Local Residents  
None Received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy D1 of the South Gloucestershire Local Plan and CS1 of the draft core strategy seek to ensure the development respects and enhances both the character of the application site and the surrounding area. Policy EP1 of the Adopted Local Plan notes that development which would unacceptably harm the environment through noise, dust, smell or vibration will not be permitted.
- 5.2 Design  
The application includes a number of minor alterations to the existing unit frontage. Most significantly being the covering up of the existing mosaic tiles with render. The existing mosaic tiles are considered by your officer to look rather dated and that their replacement by render will result in a visual improvements. Other works such as the flooding of windows with vinyl and the installation of slightly deeper fascia panels will only have minimal effect on the appearance of the building. The design of the proposed alterations is therefore considered to be acceptable.
- 5.3 Noise and Disturbance  
The application site relates to the ground floor of a three-storey building. The first and second floors of the building are in use as residential flats. It is noted that the Parish Council are keen to ensure that the proposed five air conditioning units do not have any adverse effect upon existing levels of residential amenity for occupants of these flats.
- 5.4 The application has been assessed by the Councils Environmental Protection team. It is noted that air conditioning units are common place along this rear walkway and service yard with the majority of the units having similar air conditioning systems already in place. There have been no recorded complaints made to the Council concerning noise from any of the existing air conditioning units.
- 5.5 The modern units as proposed are designed to have low noise levels. Information submitted with the application demonstrates that the air conditioning units will have a maximum outside sound pressure of 53dBA under full load. Consideration must also be given to the fact that the units are only likely to be operated during working hours when background noise levels are already high. The location of the units in relation to the residential properties is also taken into consideration. The units are below the existing flats and there is

an open access balcony to the front of the flats with a width of some 10 metres. This will greatly reduce any noise from the air conditioners that reach the flats. The Environmental Protection officers are confident that the proposed works will have no impact upon existing levels of residential amenity.

5.6 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.

5.7 Use of Energy and Sustainability

None applicable for a scheme of this nature.

5.8 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 proposed external alterations will help to modernise and improve the aesthetics of the building providing a more attractive entrance to Yate shopping centre. The air conditioning units have been sited on the rear of the building so will have no impact upon the appearance of the wider area. By reason of the siting and chosen model of the proposed air conditioning units, existing levels of residential amenity afforded to the neighbouring residential units will be protected.

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: 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.

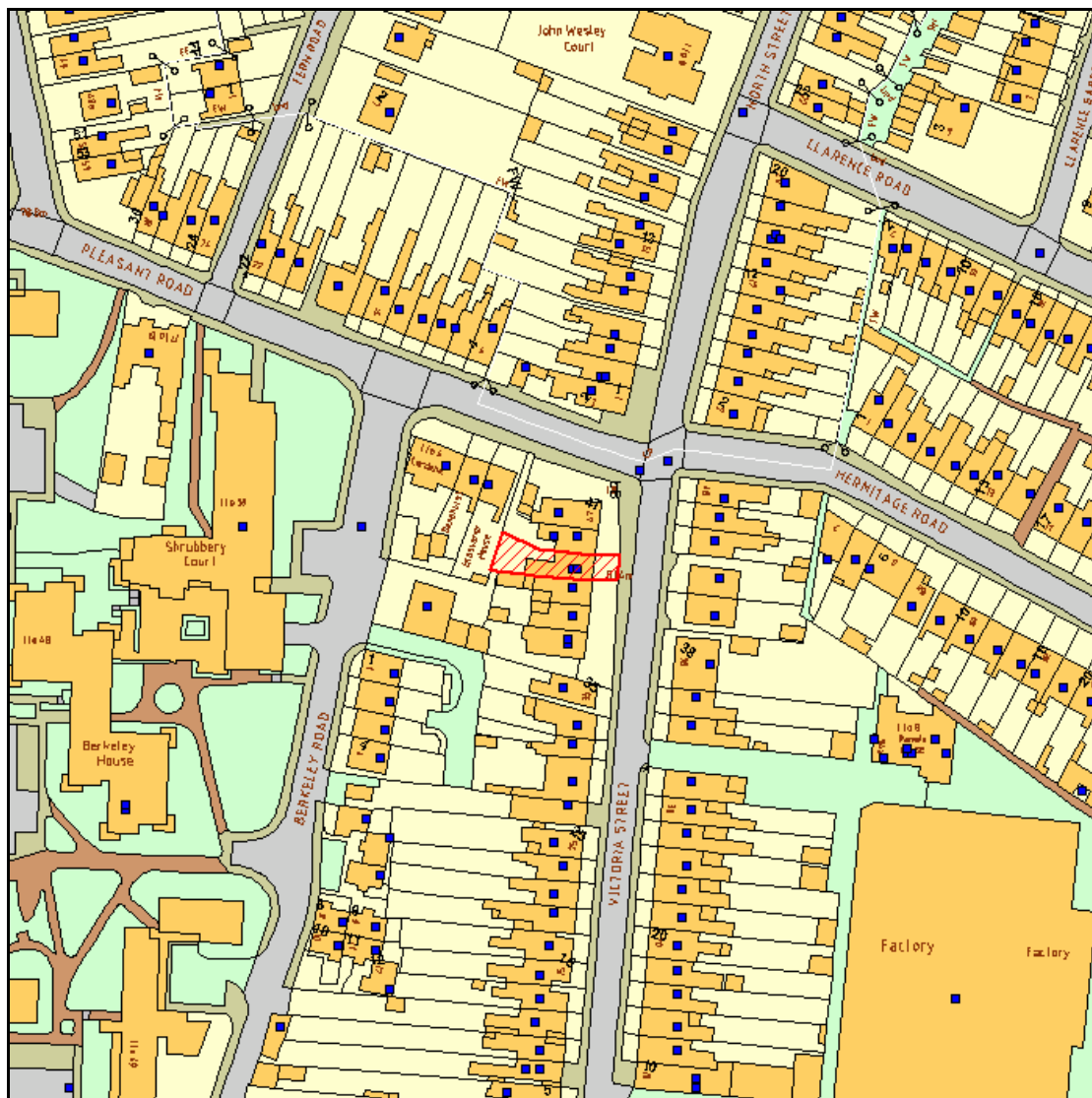
Reason

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

# ITEM 4

## CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010

<b>App No.:</b>	PK10/0433/F	<b>Applicant:</b>	Mrs S Sullivan
<b>Site:</b>	43 Victoria Street Staple Hill Bristol South Gloucestershire BS16 5JP	<b>Date Reg:</b>	16th March 2010
<b>Proposal:</b>	Change of use from tanning salon (sui generis) to charity shop and cafe (Class A3) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended).	<b>Parish:</b>	None
<b>Map Ref:</b>	364908 176116	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th May 2010



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100023410, 2008. **N.T.S.** **PK10/0433/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the change of use of No. 43 Victoria Street Staple Hill, from a tanning Salon (sui generis) to a café and charity shop Use Class A3. The unit would be predominantly a café but would also sell a small amount of charity goods such as clothes, books and bric-a-brac. No external changes are proposed.
- 1.2 The property is a two storey mid terrace property, located within a parade of 5 shops, situated on the western side of Victoria street, close to the town centre of Staple Hill. The surrounding area is characterised by two storey terrace dwellings.

### **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

RT8 Small Scale Retail uses within the Urban Areas

EP1 Environmental Pollution

T12 Transportation Development Control

South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010

CS1 High Quality Design

CS14 Town Centres and Retail

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

- 3.1 PK05/2855/F Change of use from retail (Class A1) to a nail and beauty salon (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 2005. Approved November 2005
- 3.2 PK09/0805/F Erection of single storey rear extension with associated works to facilitate the change of use of ground floor nail and beauty saloon to retail (Class A1). Installation of new shop front including access to first floor flat. Approved June 2009

## 4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council  
Site falls outside a parish area.

### Other Representations

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

- There are far too many charity shops in the shopping area and to open another would add to the decline of a diverse shopping experience.
- There are already several cafes in Staple Hill
- If another café opens it will struggle to find enough business and add to the difficulties of existing businesses.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Staple Hill has been allocated as a Priority Neighbourhood, as such this area has been identified as a site where additional attention should be made with regard to supporting and improving the quality of life for local residents. The application site is located within a local parade as defined in the South Gloucestershire Local Plan, and is located within an urban area. Policy RT8 allows for small scale proposals falling within Use Class A3 within the existing urban area provided that the following criteria are met;

**(a) The development would not give rise to unacceptable levels of vehicular traffic or on street parking to the detriment of the amenities of the surrounding area and highway safety; AND**

The site is located to the western side of Victoria Street and there are two off street parking spaces to the front of the site. The Councils highway officer has assessed the proposed and raised no objections. Taking into consideration the existing authorised use of the unit, the proposal is considered acceptable in terms of parking and highway safety.

**(b) The development would not prejudice existing residential amenity: AND**

No extensions or exterior alterations are proposed, as such the proposal would not result in any overbearing or overshadowing impact on neighbouring properties. The Councils Environmental Protection Officer has assessed the proposal and has no concerns regarding noise or smell, as such given the location of the unit, within a parade of retail units, it is not considered that the proposed change of use would have any detrimental impacts on the existing levels of residential amenity in the vicinity.

**(c) The character of the area would not be adversely affected: AND**

The unit is currently in a sui generis use as a tanning salon. The application property is located within a small parade of units, including a hair salon, veterinary clinic and electrical shop. The property has an existing shopfront and no alterations to the exterior of the property have been proposed. Given that Victoria Street is classed as a local centre in the South Gloucestershire Local Plan and taking into consideration the existing use as a tanning salon, it is considered that in this instance the proposed change of use would be acceptable. It is considered that the proposal would provide a mix to the services available in the parade of units and would have a positive impact on the vitality and character of the area.

**(d) (In the case of proposals within a local centre) that development would be consistent with that centres scale and function.**

No extensions to the property are proposed and the shopfront would remain as existing. The change of use of the tanning salon to a café which would also sell a small amount of charity goods, would retain the range and choice of facilities available at the site. As such the proposal is considered to be in keeping with the scale and function of the local centre.

5.2 Environmental Protection

The Councils environmental protection officer has raised no objections to the proposed development, furthermore, a condition would be attached to the permission to limit the opening hours of the proposed café to ensure the amenity of the neighbouring residents is not detrimentally impacted.

5.3 Other issues.

Whilst concern has been raised that there are several cafes within Staple Hill, the application site is located away from the High Street and Broad Street which are the main shopping areas of Staple Hill, and is located within a small local parade on Victoria Street. There are no other cafes within the parade of units, as such it is not considered that the proposal would impact on the existing vitality of the local parade. Concern has also been raised that there are too many charity shops in Staple Hill. It should be noted that the proposed use of the unit would predominantly be a café, only a small proportion of the unit would be used for the selling of charity goods such as books and clothes.

5.4 Design and Access Statement

None submitted.

5.5 Use of Energy and Sustainability

No additional measures proposed.

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 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 change of use is appropriate within the local centre and reflects the character of the area. The development would not result in any unacceptable levels of vehicular traffic or on street parking and it is not considered that the proposal would prejudice existing residential amenity. As such the proposal accords with Policies, RT8, EP1 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

## CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010

<b>App No.:</b>	PK10/0460/F	<b>Applicant:</b>	Mr McNally
<b>Site:</b>	42 Samuel White Road Hanham Bristol South Gloucestershire BS15 3LZ	<b>Date Reg:</b>	5th March 2010
<b>Proposal:</b>	Erection of first floor side extension to form additional living accommodation.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	364321 171693	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	10th May 2010



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100023410, 2008.

**N.T.S.**

**PK10/0460/F**

## **INTRODUCTION**

This application has been referred to the circulated schedule due to the receipt of one letter of objection from a neighbouring resident.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a first floor side extension at 42 Samuel White Road, Hanham. The proposed two storey would measure 2.4 metres wide by a maximum of 8.5 metres in depth and would have an overall height to ridge of 8 metres. The ground floor section of the proposal would be open to allow access to the rear garage.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Hanham.
- 1.3 The plans also show the addition of two rear dormers and two front roof lights to facilitate a loft conversion. These works fall under the provisions of The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order 2008 and as such do not require planning permission.
- 1.4 During the course of the application amended plans were received changing the columns so that they are to be brick clad, rather than render clad.

### **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  
  
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 P99/4546                      Erection of single storey rear extension and detached garage.  
Approved August 1999

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
No objections

## **Other Representations**

### 4.2 Local Residents

One letter of objection has been received from a neighbouring resident stating the following concerns:

- Pillars are shown as clad, whereas in previous discussions it was agreed that the columns would be brickwork to match the rest of the side elevation.
- Clad columns would be out of character and a eyesore.

## **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. Whilst the open ground floor car port area is slightly unusual in design, a property in the immediate vicinity has an existing extension of similar design. 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 that the extension is set back 900mm from the front elevation of the main dwelling and the ridge height is approximately 400mm lower than the main ridge. Consequently, 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. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

### 5.3 Residential Amenity

The proposed extension would be located adjacent to the side elevation and driveway area of the neighbouring property, No. 40 Samuel White Road. This neighbouring property has one small first floor landing window that faces the application site, and one ground floor door which is located towards the front of the property. Given the depth and height of the proposal, and its siting in relation to the neighbouring property, it is not considered that the extension would have any overshadowing or overbearing effect on the neighbouring dwellings.

The proposal includes the addition of two new first floor windows one on the front elevation and one on the rear elevation. Given the location of these

windows, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing first floor windows. 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 Design and Access Statement

None submitted

5.5 Use of Energy and Sustainability

No additional measures proposed

5.6 Improvements Achieved to the Scheme

The columns were initially proposed to be clad, this has been amended so that the columns are brick clad to match the upper floor and the main dwelling. This change also addresses the concerns raised by the neighbouring resident.

5.7 Section 106 Requirements

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

## 6. CONCLUSION

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

6.2 The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the extension would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. In accordance with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

## 7. RECOMMENDATION

7.1 That the application be approved subject to the following conditions

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

**CONDITIONS**

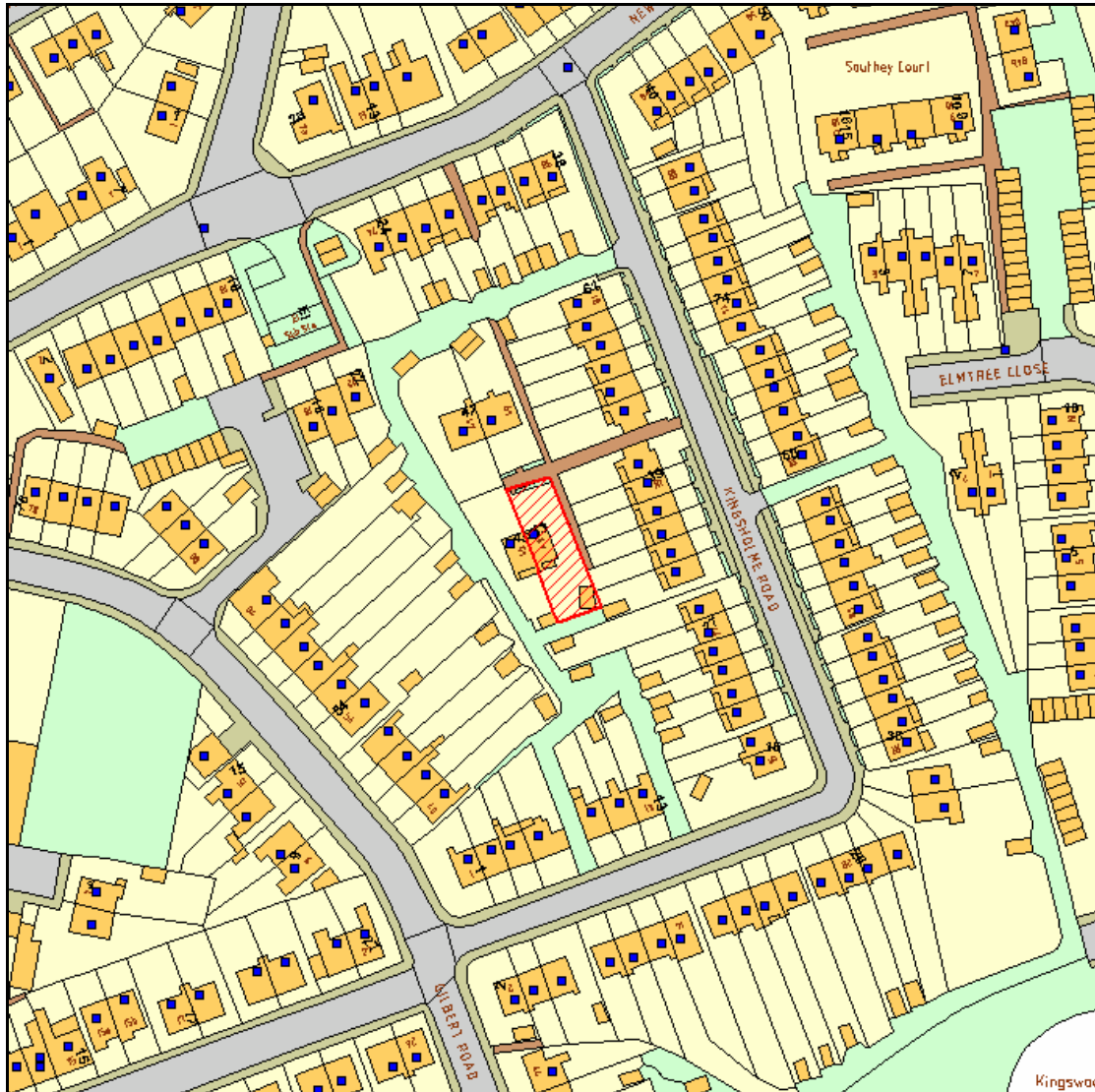
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010

<b>App No.:</b>	PK10/0504/F	<b>Applicant:</b>	Mr C Godwin
<b>Site:</b>	43 Kingsholme Road Kingswood Bristol South Gloucestershire BS15 1RJ	<b>Date Reg:</b>	15th March 2010
<b>Proposal:</b>	Erection of two storey side extension to provide additional living accommodation.	<b>Parish:</b>	None
<b>Map Ref:</b>	364783 174219	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Householder	<b>Target Date:</b>	6th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0504/F**

## **INTRODUCTION**

This application has been referred to the circulated schedule due to the receipt of 4 letters of objection from neighbouring residents.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a two storey side extension at 43 Kingsholme Road, Kingswood. The proposed extension would measure 3.7 metres wide by 8 metres in depth and would have an overall height to ridge of 7.5 metres.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Kingswood.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards  
  
South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.

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

- 3.1 None relevant.

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Site falls outside a parish area.

#### **Other Representations**

- 4.2 Local Residents  
Four letters of objection has been received from neighbouring residents, raising the following concerns:
  - Loss of daylight and sunlight due to proximity of proposed extension.
  - Overbearing and loss of outlook



- Loss of privacy due to side elevation window.
- Density of buildings in area already oversubscribed.
- Add to congestion

## 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. Whilst the proposal has a ridge and eaves height to match the existing, the extension is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. 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 application property is one of 4 properties located behind the terrace of houses fronting onto Kingsholme Road, as such the site is not visible from the highway. The opposite property No. 49 Kingsholme Road has an existing two storey side extension of similar design, as such it is considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

### 5.3 Residential Amenity

The application property is located to the rear of No's 31-41 Kingsholme Road. The proposed extension is slightly set back from the boundary of the property, furthermore a rear access track divides the application site from the rear gardens of the neighbouring dwellings. Given that the proposed extension would be located approximately 15 metres away from the rear elevation of No's 37 and 39 Kingsholme Road, it is not considered that the extension would have any overshadowing or overbearing effect on the neighbouring dwellings. Furthermore given that No. 49 Kingsholme Road has an existing extension of similar size and design and is orientated in the same way as the application property, it is not considered that a refusal reason based on overbearing or overshadowing could be justified.

The proposal includes the addition of three new first floor windows one on the front elevation and one on the rear elevation and a small obscurely glazed window on the side elevation, to serve an en-suite. Given the location of these windows, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing first floor windows.

Concern has been raised regarding overlooking from the side elevation window, it should be noted that this window is obscurely glazed and serves a bathroom. A condition would be attached to any permission to ensure this window is obscurely glazed at all times, therefore it is not considered that this window would result in any detrimental impacts on residential amenity. It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Parking and Highway Safety implications

Whilst concern has been raised regarding an increase in congestion, access and off street parking for the property would remain as existing and the parking provision would remain in compliance and within the Councils required parking standards. Further, with no objections from the Councils Transportation Officer the proposal is considered acceptable.

5.5 Design and Access Statement

None submitted.

5.6 Use of Energy and Sustainability

No additional measures proposed.

5.7 Improvements Achieved to the Scheme

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

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

## **7. RECOMMENDATION**

7.1 That the application be approved subject to the following conditions:

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

### **CONDITIONS**

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

Reason

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

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

Reason

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

**CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010**

<b>App No.:</b>	PK10/0602/F	<b>Applicant:</b>	Mrs T Dorrington
<b>Site:</b>	12 Pearsall Road Longwell Green Bristol South Gloucestershire BS30 9BG	<b>Date Reg:</b>	18th March 2010
<b>Proposal:</b>	Erection of single storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	365646 170967	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	10th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0602/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a single storey rear extension at 12 Pearsall Road, Longwell Green. The proposed extension would measure 6 metres wide by 3.4 metres in depth and would have an overall height to ridge from the rear elevation of the main dwelling at ground floor of 3.3 metres.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Longwell Green.

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

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
No objections, but raised concern that there may be issues with the party wall. However, it is understood that this is a civil issue that needs to be resolved between the parties concerned.

#### **Other Representations**

- 4.2 Local Residents  
One letter of objection has been received from a local resident raising the following concerns:
- No objection in principle but are not happy with the intention for the extension to extend off the existing rear extension.

- Would like a separate wall rather than using the existing extension wall.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design / Visual Amenity

The applicant is seeking permission for a single storey rear extension. Given the gradient of the land to the rear of the property a set of steps would lead down from the rear of the extension to allow access to the rear garden. 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. 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.

Given the location of the existing detached garage the proposed extension be angled at one corner and as such would have a slightly unusual appearance when viewed from the rear. Given that the proposal is located to the rear of the property and would not be highly visible from the highway, it is considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

### 5.3 Residential Amenity

The adjoining property has an existing rear extension of a similar depth and height. Furthermore the neighbouring property to the west No.14 Pearsall Road is located over 2.5 metres away from the proposal. As such, it is not considered that the extension would have any overshadowing or overbearing effect on the neighbouring dwellings.

Whilst the ground floor level of the proposed extension is raised up, the extension would be at the same level as the existing rear patio of the dwelling. The extension would be slightly deeper than the existing patio area but given the existing boundary treatments in place, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the existing situation. 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 Other Issues

The concern raised in respect of the building using the wall of the neighbouring property is a civil matter which will be addressed under non planning legislation in the form of the Building Regulations, The Party Wall Act and other related

legislation. However, for the avoidance of doubt, three informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant; consent must be sought from the owner of the land; and, that the Building Regulations must be complied with.

5.5 Design and Access Statement

None submitted

5.6 Use of Energy and Sustainability

No additional measures proposed

5.7 Improvements Achieved to the Scheme

The applicant was advised of the option to build the extension set away from the wall of the neighbouring property but due to concerns about the possible damage to foundations that could occur it was decided that the application should remain as submitted.

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 proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the extension would incorporate the use of materials to match the existing dwelling and would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

## 7. RECOMMENDATION

7.1 That the application be approved subject to the following conditions

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

### **CONDITIONS**

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

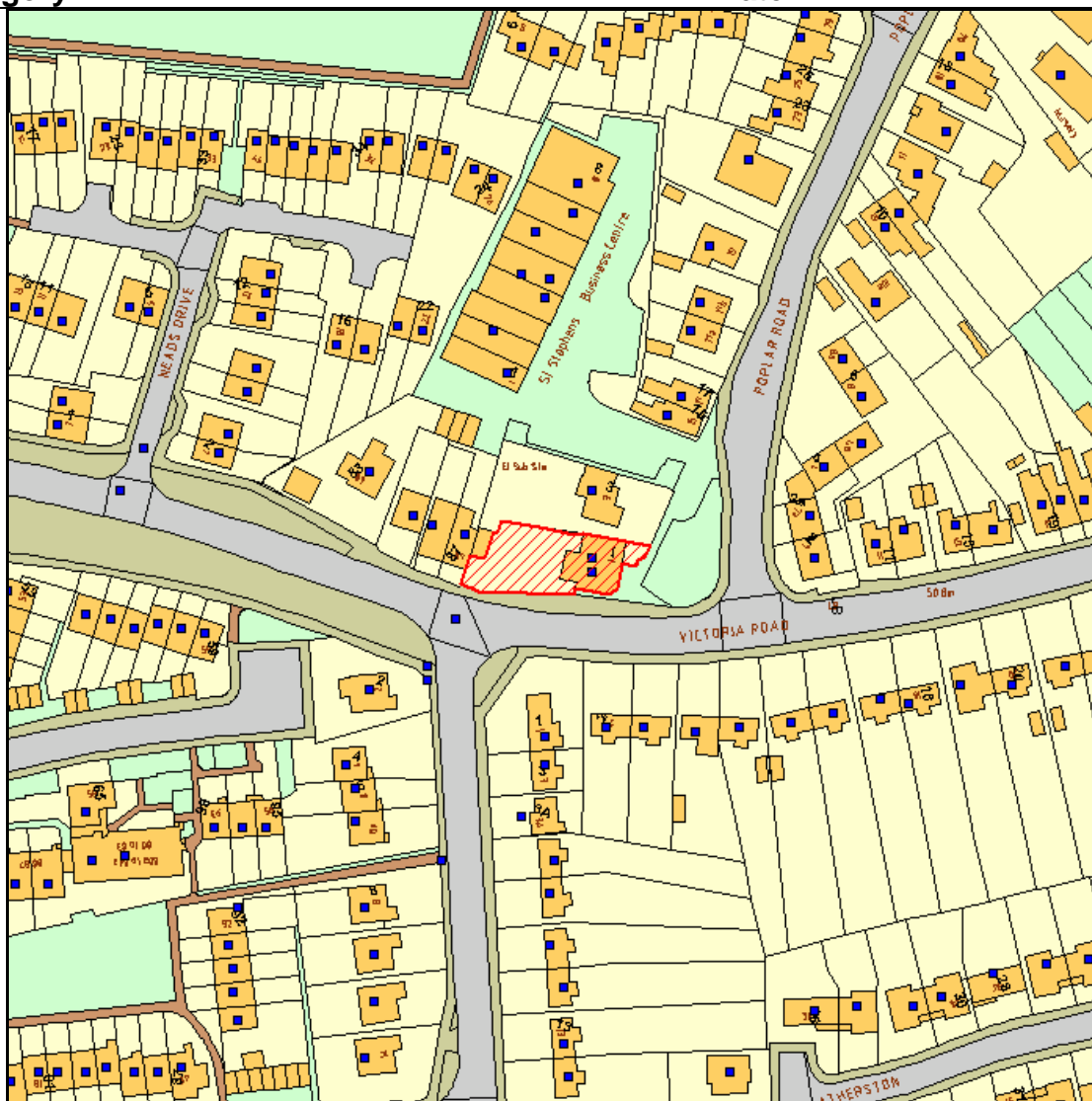
Reason

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



**CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010**

<b>App No.:</b>	PK10/0614/F	<b>Applicant:</b>	Jeeves Convenience Store
<b>Site:</b>	Jeeves Convenience Store 1 Poplar Road Warmley South Gloucestershire BS30 5JX	<b>Date Reg:</b>	18th March 2010
<b>Proposal:</b>	Erection of single storey rear extension to form additional retail space. Installation of 1no. new window and enlargement of existing window in rear elevation of existing first floor flat. Installation of 3no. condensing units on South elevation of the proposed extension. (Resubmission of application PK09/6015/F).	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367419 172402	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0614/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of objections raised by local residents; the concerns raised being contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a two-storey building located on a corner plot at the junction of Poplar Road and Victoria Road, Warmley. The ground floor of the property is a convenience store (A1) whilst there is residential accommodation above. The store has a single-storey extension to the rear with vehicular access off Victoria Road into a yard area to the rear of the store. Residential properties lie to the north and east. The location is entirely residential and suburban in character.
- 1.2 The original building is probably early 20thC in age and has attractive Pennant Sandstone elevations and boundary walls, the extension to the rear is much later in age. The elevation facing Victoria Road is currently blighted by 4no. chiller units, that have been erected in breach of planning control.
- 1.3 It is proposed to demolish part of the existing rear extension and erect an enlarged single-storey extension to the rear/side of the shop to form additional retail space. It is also proposed to install one new window and enlarge an existing window in the rear elevation of the first floor flat. The existing chiller units (7no in all) would be replaced by 3no new chiller units located on the southern side elevation of the new extension. It is also proposed to construct a new access into the yard by removing a section of boundary wall and one of the existing safety bollards on Victoria Road.
- 1.4 The current application replaces an earlier proposal Pk09/6015/F that was withdrawn on officer advice. The current proposal also seeks to overcome the outstanding two enforcement complaints.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1 - Delivering Sustainable Development
  - PPS4 - Planning for Sustainable Economic Growth
  - PPG13 - Transport
  - PPG24 - Planning and Noise

- 2.2 Development Plans

The South Gloucestershire Core Strategy Pre-Submission Draft – March 2010

- CS1 - High Quality Design
- CS5 - Location of Development

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement

L17 & L18 - The Water Environment  
EP1 - Environmental Pollution  
T7 - Cycle Parking  
T8 - Parking Provision  
T12 - Transportation Development Control Policy for New Development  
RT8 - Small Scale Retail uses within the Urban Area

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

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

- 3.1 PK01/2393/F - Erection of ground floor and first floor rear extensions to form extensions to existing shop, extension to ancillary living accommodation and attached double garage.  
Withdrawn 31 Aug 2001
- 3.2 PK02/0139/F - Erection of single-storey extension to shop to provide additional retail area and garage.  
Approved 19 Feb 2002
- 3.3 PK09/6015/F - Erection of single-storey rear extension to form additional retail space. Installation of 1no. new window and enlargement of existing window in rear elevation of first floor flat. Provision of 7no. air conditioning units on south elevation of the proposed extension.  
Withdrawn 20 Jan 2010.

#### Outstanding Enforcement Issues

- 3.4 COM/09/5325/OD - 4no. large air conditioning units on building.
- 3.5 COM/09/5355/OD - Installation of 4no. external air conditioning units without permission.

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Councillors were concerned about the removal of the bollard from the road edge. Provided that the South Gloucestershire Council Highways Officer has no objections to the proposals then neither would the Council.
- 4.2 Other Consultees  
None

#### Other Representations

- 4.3 Local Residents

2 letters of support were received; the matters raised are summarised as follows:

- Extension of shop will provide wider choice.
- Will encourage local car-free shopping.
- Reduce carbon footprint and foster sustainability.
- Will ease pollution in Kingswood.
- Easier access for the elderly.

3no letters of objection were received; the concerns raised are summarised as follows:

- Excess size.
- Lack of staff parking – will increase on-street parking.
- Access will be dangerous for vehicles and pedestrians – opposite Cloverlea Rd. junction and close to pedestrian crossing.
- Removal of highway safety bollard.
- Inappropriate delivery times, especially for milk 3-4am.
- Noise from chillers.
- Danger from customer parking.
- Access in narrowest part of road.
- A previous application for extension was considered overdevelopment.
- Noise and disturbance to local residents.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy RT8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits small scale retail (A1) uses outside Town Centres and within the existing Urban Areas subject to a number of criteria. The supporting text to Policy RT8 states that the Council recognises that the provision of small scale local shops and related service facilities will help to ensure that residents have convenient access to a reasonable range and choice of facilities, while helping to reduce travel and car use and to secure a more sustainable environment. Such local shops and facilities provide an essential and valuable service to the community, particularly for less mobile people and for those wishing to make frequent small purchases. The criteria attached to Policy RT8 are discussed as follows:

### 5.2 **A. The development would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of the amenities of the surrounding area and highway safety; and**

5.3 The existing yard access is shared, providing access to the garage of neighbouring no.87 Mill Lane as well as the store. Given the restricted space on site for parking and manoeuvring and the likely impact of the proposed extension on the space to the rear of the store, it is considered necessary to alter the existing access arrangement.

5.4 The scheme proposes to create a separate access and dropped kerb for the store; this would necessitate the removal of part of the boundary wall and removal of one of the existing bollards on the highway land in front. The proposed access would ensure that there would be easier access for a delivery van and parking space behind the store. A condition could be imposed to

- ensure that the works associated with the new access would be completed to the satisfaction of the Council's Street-Care Manager. The proposed new access arrangement, including removal of the bollard, has been designed in consultation with the Council's Highway Officer.
- 5.5 From officer site visits, it is evident that many of the store's customers are local and arrive on foot, and that the majority of the drivers who visit the store are 'passing by' traffic, who are already on the highway for some other reason. The proposal may allow a greater range of goods to be stocked, which might attract some additional 'passing' traffic, but given the size and nature of the store, and the scale of the extension proposed, officers are satisfied that the proposal would not result in a significant increase of traffic to the store. Furthermore and for the same reasons, there would be little or no increase in delivery vans to the store. There is therefore no objection on the grounds of increased traffic generation.
- 5.6 Whilst on-street parking has the potential to create a highway safety hazard, there is a lay-by on Victoria Road directly adjacent to the store, where some 4/5 vehicles can park. Customers visiting the shop tend to use this lay-by although it is acknowledged that some drivers park elsewhere on e.g. Mill Lane where there is unrestricted parking. If some of these vehicles block existing accesses, this is a matter for the police and is not controlled through the planning process. Additional secure on-site cycle parking would also be provided for two cycles.
- 5.7 In response to concerns about the proximity of the pedestrian crossing point to the access; officers are satisfied that a sufficient distance and sufficient number of safety bollards would be retained between the two. Whilst the new access would be close to the junction with Cloverlea Road, this would be much the same as the existing situation. By having separate accesses however for the store and no.87, there would be less conflict between the domestic traffic and commercial traffic respectively, which would be an improvement on the current situation.
- 5.8 Subject therefore to conditions relating to the provision of the new access and works to the highway, there are no objections on highway grounds.
- 5.9 **B. The development would not prejudice existing residential amenity; and**
- 5.10 The proposed single-storey extension would extend the built form by an additional 5.2m on the boundary with the rear garden of no.3 Poplar Road. In order to reduce its impact, the extension would be stepped down, with the additional section having a lower eaves level set at only 2.6m. A 1.8m high fence would be erected on the northern boundary, which in part would screen the extension. Officers acknowledge that the extension would have some impact on the rear garden of no.3 and for the outlook of the occupants of this property. The rear garden to no.3 is however generous in size and given that the application site fronts the highway, officers consider that a similar relationship between gardens and neighbouring buildings, as that proposed, would not be unusual in an urban area. The height of the extension is not excessive and officers consider that any harm to residential amenity that may

- result from the scale and siting of the proposal, would be outweighed by the advantages of the scheme in relation to improved access, increased choice of goods and associated reduction in the need to travel, increased employment opportunities for up to 8no. local employees, control on opening hours and the improved chiller system.
- 5.11 With regards to the latter, the existing 7no. chiller units, would be replaced by 3no. units that would be just as efficient but with a reduced noise output. The units would now be hidden out of site on the extension's southern elevation and behind the high front, boundary wall.
- 5.12 No windows are proposed for the northern elevation so there would be no loss of privacy for the garden of no.3. There are already first floor windows in the west elevation serving the flat above the shop. Given that there is only one very small first floor window in the side of no.87 to the west, there would be no significant loss of privacy for this property. Furthermore there would be sufficient set-back (3.5-4.5m) between the proposed end elevation and the side elevation of no.87.
- 5.13 Separate access from the yard would be retained for the flat above the shop and a separate domestic wheelie bin storage area provided.
- 5.14 The building is an existing convenience store that stays open from 06.30 hrs–22.00 hrs Mon – Sun; it is not proposed to alter these opening hours. The opening hours are not currently controlled but the proposal gives the opportunity to impose a condition to ensure that there would be no extension in opening times. Concern has been raised about likely disturbance from vehicles delivering milk early in the morning, but there is the potential for this to already occur and besides, officers consider that this would most likely involve 1no. vehicle movement only at a time when milk is often delivered to domestic properties as well as shops.
- 5.15 On balance therefore there are no objections on the grounds of adverse impact on residential amenity.
- 5.16 **C. The character of the area would not be adversely affected; and**
- 5.17 The location is suburban and residential in character with the convenience store being appropriately located on a corner plot in a building of traditional design. The existing chiller units on the prominent southern elevation are considered to be an eyesore and their removal will considerably improve the appearance of the existing premises. The proposed extension would be single-storey only and built of materials to match the existing, with natural Pennant Sandstone for the southern elevation, rendered facades to the north and west and a slate roof. The proposed built form would integrate adequately within that of the existing street-scene. The character of the area would not therefore be adversely affected.
- 5.18 **D. (In the case of proposals within a Local Centre) that the development would be consistent with that centre's scale and function; or**

- 5.19 The site does not lie within a Local Centre
- 5.20 **E. (In the case of proposals outside of a Local Centre) development would improve the range of services to a local community and not harm the vitality and viability of an existing Local Centre.**
- 5.21 The proposal would allow the Convenience Store to provide a greater choice to the customer, including healthy option meals and fresh produce. The increased product base would reduce the need to travel to Kingswood Town Centre, but given the relatively small scale and convenience nature of the shop, the vitality and viability of the Town Centre would not be affected.
- 5.22 Landscape Issues  
The majority of the traditional stone boundary wall to Victoria Road would be retained. The only tree within the site, located on the western boundary, is not considered worthy of Tree Preservation Order. The tree would be retained and is unlikely to be adversely affected by the proposal. The site is an existing yard, there are therefore no landscape objections.
- 5.23 Drainage and Environmental Issues  
Foul sewage and surface water would be disposed of to the mains sewer. The existing 7no. chiller units that are currently located; 4no. on the southern façade and 3no. on the western façade; would be replaced by 3no. new chiller units located at ground floor level on the southern side elevation of the new extension and behind the high stone boundary wall to Victoria Road. This position would render the units virtually invisible from public and residential areas, which is considered to be a considerable improvement on the existing situation.
- 5.24 The 3no. new chiller units would have the same capability as the existing 7no. units but with an overall reduced noise level. The applicant has submitted sufficient supporting information to substantiate this claim. The Council's Environmental Health Officer therefore raises no objection to the proposal. Should there be excessive noise breakout in the future, this would be the subject of normal environmental health legislation.
- 5.25 A Euro Bin would be located within the yard together with a recycling cage for cardboard. The cage would be screened by a stained timber enclosure, the details of which have been submitted and are acceptable. A waste collection company would empty the bin and collect the re-cyclable material on a regular basis. There are therefore no objections on Environmental Grounds.
- 5.26 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.

### 5.27 Use of Energy and Sustainability

7no existing chiller units would be replaced by 3no. A re-cycling cage would be introduced along with new on-site cycle parking. The improved local shopping facilities will reduce the need to travel.

### 5.28 Improvements Achieved to the Scheme

The previous application PK09/6015/F was withdrawn on officer advice. Following negotiation, the scheme was re-designed to include the following:

- Natural stone to south elevation.
- Chiller units re-located from west elevation to ground floor level on south elevation.
- Eaves height reduced on north elevation.

### 5.29 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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



2. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010.

3. The colour, type and texture of the rendered finish to the external walls of the proposed extension shall match that of the existing building.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March 2010.

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north or western; elevation or roof slope of the extension hereby approved.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy D1 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The extended shop, the subject of the planning permission hereby approved, shall not be open to customers outside the following hours 06.30hrs - 22.00 hrs Monday to Sunday inclusive.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy D1 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the first use of the extension hereby approved, the new access shall be implemented in full accordance with the approved plan No. CA/0962/07 A and maintained as such thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety and to accord with Policies T12 and RT8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

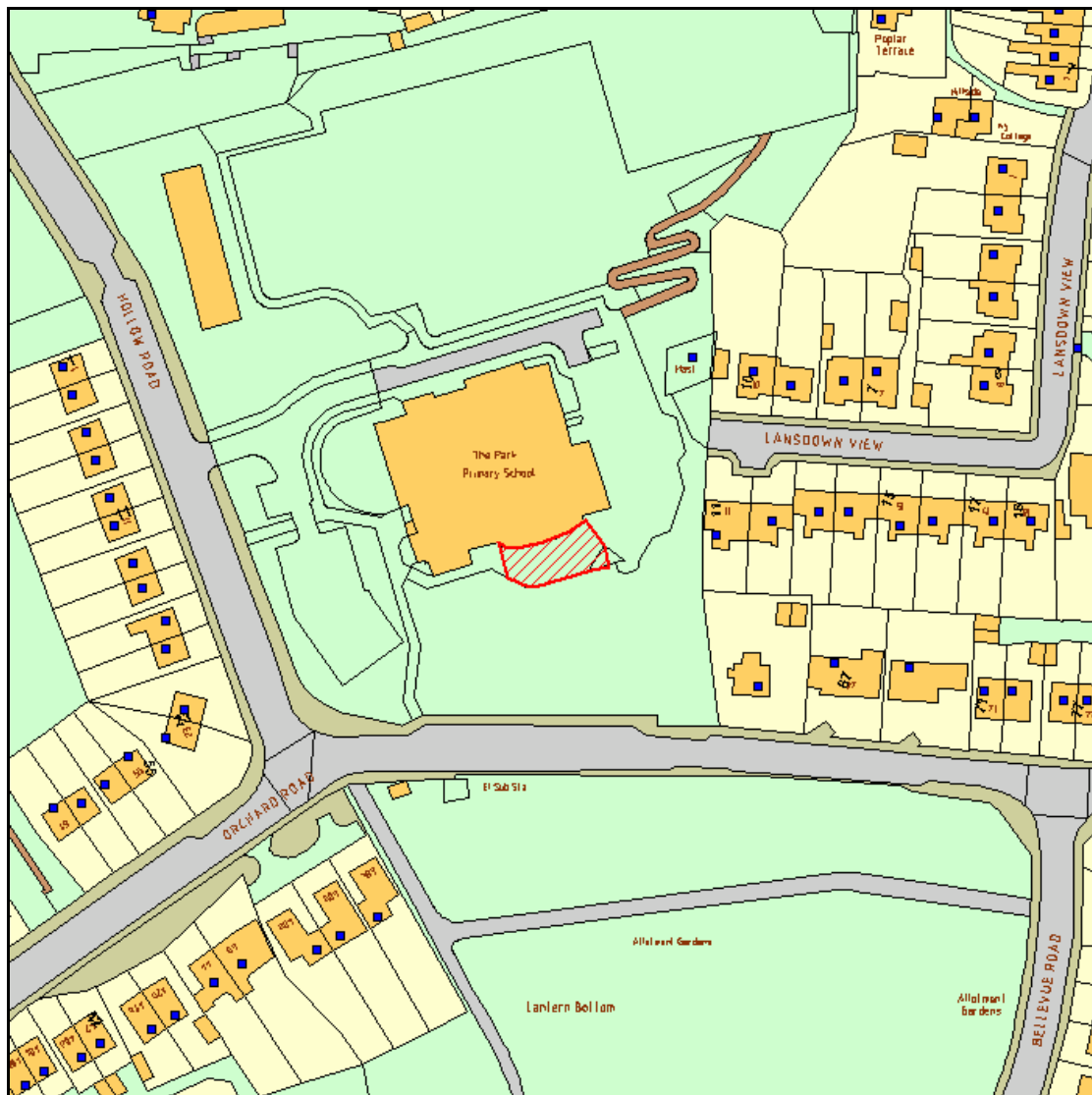
8. Prior to the first use of the extension hereby approved, the proposed works to the public highway in association with the access hereby approved, shall be completed in consultation with and to the full written satisfaction of the Council's Street Care Manager.

Reason

In the interests of highway safety and to accord with Policies T12 and RT8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

## CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010

<b>App No.:</b>	PK10/0622/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	The Park Primary School Hollow Road Kingswood Bristol South Gloucestershire	<b>Date Reg:</b>	22nd March 2010
<b>Proposal:</b>	Erection of 3no. sails to provide shade cover.	<b>Parish:</b>	None
<b>Map Ref:</b>	365344 173783	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th May 2010



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## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule as the applicant is South Gloucestershire Council and this is in accordance with the Council's procedure.

### **1. THE PROPOSAL**

1.1 This planning application seeks planning permission for the erection of 3 sails to provide shade cover over the play area.

1.2 The application site relates to an existing primary school within the residential area of Kingswood.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

LC4 Proposals for Education facilities

L1 Landscape Protection

South Gloucestershire Core Strategy Pre-Submission Draft March 2010

Policy CS1 High Quality Design

2.3 Supplementary Planning Guidance  
Supplementary Planning Document Design Checklist

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

3.1 A number of planning applications have been submitted on this site:

3.2 PK01/3281/R3F Variation to external layout as approved under PK00/ 2563/R3F

3.3 PK00/2563/R3F Erection of primary school (variation to planning permission PK99/0026/F)  
Deemed Consent Nov. 2000

### **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 LC4 of the South Gloucestershire Local Plan allows for the expansion or improvement of education facilities subject to the satisfaction of a number of criteria being stratified. Regard must also be had for Policy D1 of the South Gloucestershire Local Plan which seeks to achieve good standards of design and the emerging Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft March which seeks to achieve the highest possible standards of design.

### 5.2 Visual amenity

This application seeks permission to erect 3 sails on the southern elevation of the building. These are required to provide shade cover over the play area, which is south facing. The sails are independent of the building supported by 8 freestanding poles. The sails will be made of cloth and will be in three colours i.e. dark green, bright blue and red.

- 5.3 The school building is set at a higher level to that of Orchard Road and is a modern building with red brick and render finish. The southern elevation is visible within the public domain. The proposed sails are considered acceptable in terms of their design and materials and considered to enhance the building.

### 5.4 Residential Amenity

The proposed works by reason of their siting and scale would have no adverse impact on neighbouring properties.

### 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

Not provided for in this instance, due to the nature of the application.

### 5.7 Improvements achieved to the scheme

None required, as submitted scheme is considered acceptable in design terms, as addressed above.

### 5.8 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under

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

## **6. CONCLUSION**

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

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

- A) The proposed sails have been designed to positively enhance the character and appearance of the building taking account of materials, design and siting- Policies D1
- B) The proposed development has taken fully account of neighbouring residential amenities-Policy LC4

## **7. RECOMMENDATION**

- 7.1 That planning permission be granted.

**Contact Officer: Tracey Price**  
**Tel. No. 01454 863424**

## **CONDITIONS**

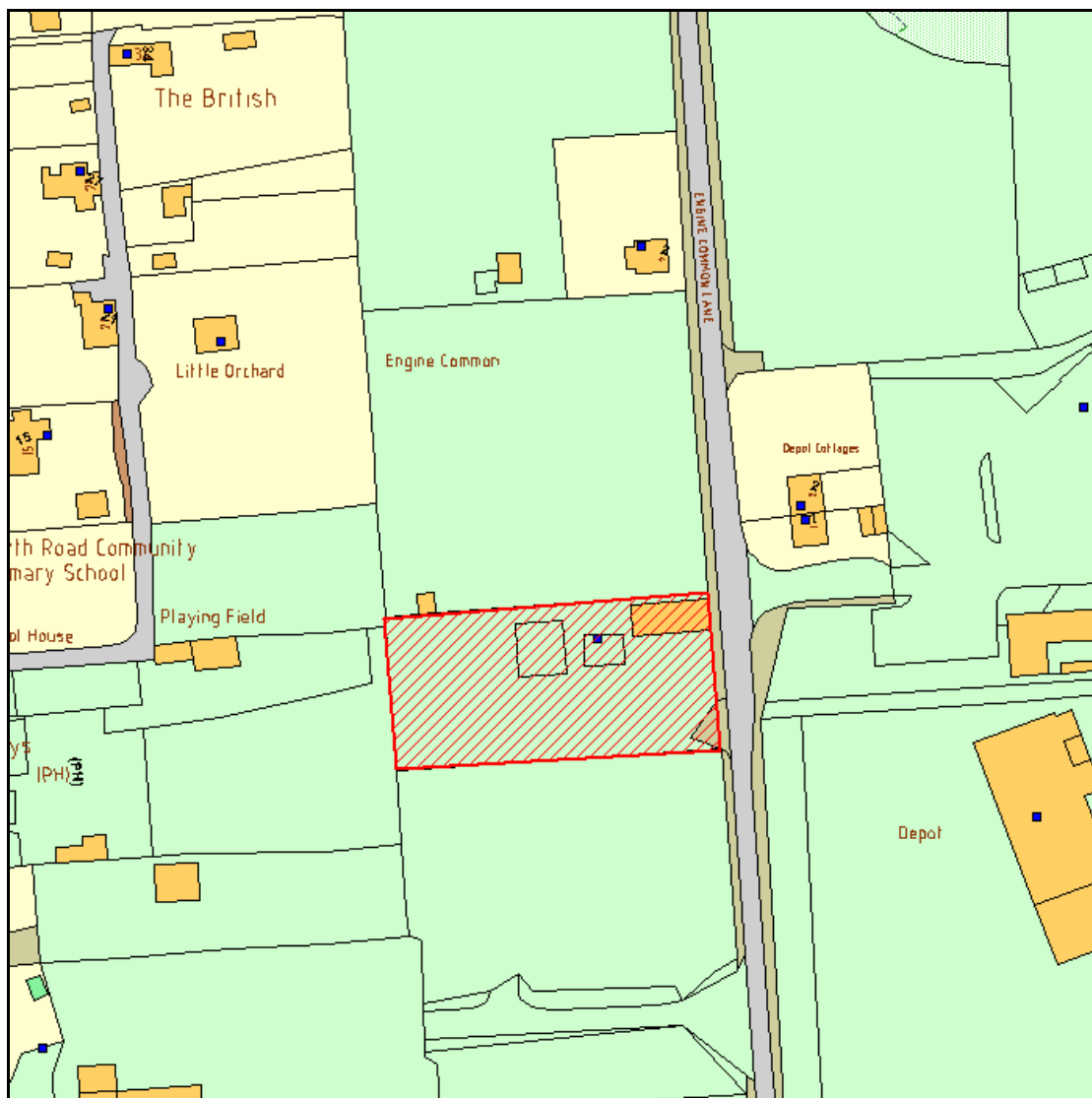
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010

<b>App No.:</b>	PK10/0640/F	<b>Applicant:</b>	Mr R Porter
<b>Site:</b>	1 Engine Common Lane Yate Bristol South Gloucestershire BS37 7PU	<b>Date Reg:</b>	25th March 2010
<b>Proposal:</b>	Use of land for the siting of 3no. pitches for travelling showpeople (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective).	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	370058 183746	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th May 2010



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 100023410, 2008. **N.T.S.** **PK10/0640/F**

## **INTRODUCTION**

This application is referred to the Circulated Schedule to Members in accordance with procedure given that representations have been received that are contrary to the Case Officer's recommendation.

### **1. THE PROPOSAL**

1.1 This application seeks to regularise the use of a 0.23 hectare site for the use by travelling showpeople. The site will accommodate three showmen's families. The residential accommodation will be located to the front of the site while the rear, (to the west), will be used for the storage of fairground equipment. The site has in the past had buildings on it and their remains lie principally in the north-eastern quadrant of the site, this will be largely retained. The site is generally level and covered predominantly in hard standing. Access to the site will be from Engine Common Lane.

1.2 Within context to the south there is a vacant plot of overgrown land separated from the site by a wire mesh fence while to the south-west lies a scrapyard. To the west the site boundary is marked by a tall/mature conifer hedge beyond which lies a grassed area and some storage buildings. To the east of the site on the opposite side of Engine Common Lane there is the large Council Depot. To the north beyond a deciduous hedge along the northern boundary lies a plot of grassland.

#### 1.3 Summary of the Supporting Information submitted by the Applicant

The applicant has submitted a Design and Access Statement. The Design and Access Statement sets out the applicant's case. The document sets out details of the occupants of the site, their links to the locality, their annual schedule and some details of the equipment that they own. The statement sets out the history of the site and the current national and local policy as it related to travelling showpeople.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

Circular 04/07 – Planning for Travelling Showpeople

#### Development Plans

South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010

Policy CS1 High Quality Design  
Policy CS22 Travelling Showpeople



## South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L9	Species Protection
L17/18	The Water Environment
EP1	Environmental Pollution
T12	Transportation Development Control Policy for New Development
H3	Residential Development in the Countryside
H13	Sites for Travelling Showpeople

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

There have been no planning applications specifically relating to the use of the site for travelling showpeople.

P96/2444 Use of land as contractors yard and stationing of ancillary structures (Refused – Impact upon the amenity of neighbouring occupiers)

P98/1206 Use of land for the stationing, maintenance and overhaul of HGV lorries and the stationing of a portacabin (Refused - Impact upon the amenity of neighbouring occupiers and highway safety) Appeal dismissed

An Enforcement Notice (CAE/07/0047/2) was issued on 13<sup>th</sup> May against the use of the site for the stationing of showmens caravans and equipment and the carrying out of work to that equipment).

An appeal against this Notice was dismissed on 29<sup>th</sup> October 2008 (APP/P011(/C/08/2078100). The appellants case that the site had been used as a showmens site since 1971 was not accepted by the Inspector and the appeal was dismissed. It should be noted that the Inspector recognised that the site had been used at intervals by Showmen however it could not be proven that this had been for an uninterrupted period of 10 years.

### **4. CONSULTATION RESPONSES**

#### **4.1 Iron Acton Parish Council**

Iron Acton Parish Council object to this application: The Council note that the Enforcement Notice and subsequent appeal decision required the removal of the caravans, all fittings, ceasing of the use, removal of equipment and ceasing of works to that equipment. This should be complied with and is a statement that the sites should not be used for showmen's purposes.

Also, the Parish Council would object to the number of traffic movements on at an already inadequate junction onto North Road.

## 4.2 Other Consultees

### Sustainable Transport

The site has a long history and it has also been subject to a planning and enforcement appeal before. In 1998, South Gloucestershire Council refused a planning permission (i.e. pl. app. No. P98/2344) for temporary use for a period of two years of land and building for stationing, maintenance and overhaul of HGV lorries and stationing of a 'portacabin'. Associated with that refusal, there were highway issues raised with that application. The appeal was conducted as a hearing on 25<sup>th</sup> May 1999 when all issues including highway matters were considered by the planning Inspector.

On highway issues - In his appeal report, the Inspector concluded that access to the sufficient principal road network is far from ideal but the potential harm to road safety is not on its own to justify refusing planning permission.

In view of the planning history of the site and having taking into account of the planning appeal and the Inspector's decision, I consider that no highway objections can be substantiated in this case.

## **Other Representations**

### 4.3 Local Residents

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

- The proposal is at odds with maintaining the visual amenity of the area which is an Area of Outstanding Natural Beauty.
- The submitted plans do not reflect the current layout.
- The lane is not adequate to serve the development. Parking outside of the site would be detrimental to highway safety.
- Noise generated from the development would be detrimental to neighbouring residential amenity.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Circular 04/2007 sets Government Policy in relation to Planning and Travelling Showpeople, the document published on 21<sup>st</sup> August 2007 replaced Circular 21/91. Policy H13 of the South Gloucestershire Local Plan (Adopted) January 2006 (Travelling Showpeople) although pre-dating this latest policy document is in line with this policy and allows for the stationing of caravans occupied by

travelling showpeople and the storage of their associated equipment provided that:

- A. The proposal would meet an identified need for travelling showpeople with established links with the locality
- B. The Development would not have an unacceptable environmental effect
- C. The land is not the subject of unacceptable levels of noise disturbance, air pollution, smell, dust or contamination
- D. The proposal would not prejudice the amenities of neighbouring residential occupiers
- E. Adequate provision is made for vehicular access, parking
- F. Sites are within reasonable distance of local services and facilities

It should be noted that Policy CS22 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft (March 2010) reiterates the above criteria. These issues are discussed in detail below.

#### The Identified Need for the Development

Circular 04/2007 (published 21<sup>st</sup> August 2007), sets out Central Government Policy on 'Planning for Showpeople' replacing Circular 22/91. The Circular stated (para 9) that '*a new Circular is necessary because evidence shows that the advice set out in Circular 22/91 has failed to deliver adequate sites for travelling showpeople*'. The Circular draws a distinction between travelling showpeople's needs and those of Gypsy and Traveller communities stating that they have different traditions and also the nature of their business is unique given that it combines both residential, business/ semi-industrial elements. The Circular (para 9) draws attention to the fact that 'the nature of the business can have a visual impact and can create noise in the immediate surrounding areas' and this issue will be addressed separately below.

The Circular recognises the difficulties in finding suitable sites (para 5) and that this has led to overcrowding on some sites. It is considered that the well being of the families is a material consideration to the determination of the application but the applicant must satisfy Policy H13(A) as indicated above.

The Circular indicates that although there are clear distinctions between the two groups, travelling Showpeople's needs will be assessed under Gypsy and Traveller accommodation assessments (GTAAs). This is an assessment of local need and will be used to inform the preparation of Development Plan Documents. Policy H13(A) of the South Gloucestershire Local Plan (Adopted) January 2006 in accord with this guidance indicates that such development will be permitted '*provided that the proposal would meet an identified need for travelling showpeople with established links with the locality*'. This is reiterated in Policy CS22 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft (March 2010).

The applicant has submitted as evidence an extract from the West of England Gypsy Traveller Accommodation (and Other Needs) Assessment 2006-2016 (Appendix IBA4) prepared by Buckinghamshire Chilterns University College covering South Gloucestershire and neighbouring Authorities prepared for the Regional Spatial Strategy. This indicates an unmet need across the West of England of 51 pitches until 2011 and 69 pitches to 2016 however, due to the limitation of the data, this is not disaggregated to district level. Notwithstanding this and also notwithstanding a recent consent for 10 pitches in Mapleridge Lane near Horton, officers accept that the level of need across the West of England exceeds available, existing pitch provision.

It is considered in the light of the above Government Policy and the evidence supplied, that there is a clear demonstrable need for site provision for Travelling Showpeople in the South Gloucestershire area and that those identified have established links with the locality. It is considered that Policy H13A has been satisfied in this regard. It is therefore necessary to consider whether the site itself is suitable.

#### Environmental Impact

The site is located within the settlement boundary of Engine Common within an area of mixed use that includes a large Council yard opposite, scrapyard to the south-west but also some residential properties at intervals along Engine Common Lane. An assessment of the impact of the proposal upon landscape/visual amenity, drainage and ecology is made elsewhere in this report.

In addition the site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination

#### Impact upon Neighbouring Residential Amenity

Policy H13 of the South Gloucestershire Local Plan (Adopted) January 2006 indicates that such proposals will be permitted provided that the proposal would not prejudice the amenities of neighbouring residential occupiers.

The access to the site would be located approximately 35 metres from the nearest residential property known as 1 Depot Cottages, with the nearest residential plot being a similar distance. No overlooking will result from the proposal. The nearest residential properties/buildings to the west of the site are located 70 to 80 metres distant. It should be noted that there is significant screening along the northern and western boundaries.

Submitted details show the showmen's equipment, trailers etc located at the western end of the site. This position is located such that it would be screened to the west but is 65 to 70 metres from the nearest property in Engine Common Lane and is considered the most appropriate location in this respect. A condition is recommended to ensure that the site is laid out in accordance with the submitted drawings, to ensure that this equipment and hence any repair work taking place to it, is located as shown.

Concern has been raised that the proposal would result in noise and disturbance to neighbouring occupiers. It is considered that through the use of conditions any impact will be mitigated thus conditions are recommended to ensure that no vehicles, equipment, caravans or any other structures shall exceed 5 metres in height above ground level, to secure details of any external lighting, to limit the number of pitches to three and to strictly control the use of power tools and equipment testing to within reasonable hours such as to protect the amenity of neighbouring residential occupiers. It also should be noted that the 'travelling' nature of the showmens business means that these sites are usually only fully occupied in the winter months and are known as 'winter quarters'.

Given the distance to the nearest residential properties and the above recommended conditions it is not considered that there would be a material impact upon the residential amenity of neighbouring occupiers.

#### Adequate provision is made for vehicular access, parking

An assessment of the transportation implications of the development is made below.

#### Sites are within reasonable distance of local services and facilities

Policy H13 indicates that sites should be within reasonable distance of local facilities and services. The purpose of this criteria is to ensure that a development is sustainable and does not increase the need to travel.

Circular 04/2007 provides the most recent government guidance and indicates that development in open countryside away from existing settlements should be strictly controlled (para 45) although does not indicate that they should not be allowed under any circumstances. Paragraph 55 of the Circular states that in deciding whether to provide for travelling showpeople's sites, local planning authorities should have regard to the same broad principles for locating housing developments as set out in PPS3 namely that accessibility to existing local community facilities, infrastructure and services including public transport should be a consideration. It should also be noted that the showmen would be away from the site for periods given the nature of the traditional lifestyle of travelling showmen whereby they live and work from the same location omits the need to travel to work thus contributing towards sustainability.

It is considered that the application site is situated close to services located within Chipping Sodbury and Yate and there is no direct route from the site to these locations.

## 5.2 Transportation

Policy T12 allows for new development provided that, in terms of transportation the proposal, provides adequate, safe, convenient access for pedestrians, cyclists and people with disabilities, provides safe access capable of accommodating the motorised traffic generated by the proposal, would not create or exacerbate traffic congestion or harm highway safety, would not

generate traffic which would harm residential amenity, incorporates traffic management/calming measures where necessary and provides for or contributes to public transport, pedestrian and cycle links. Among other criteria Policy H13 indicates that proposals for the use of land for the stationing of caravans occupied by travelling showpeople and the storage of their associated equipment will be permitted provided that “adequate provision is made for vehicular access and parking”.

The Council Sustainable Transport Officer has viewed the proposed development and raises no objection to the proposal, noting that a previous highway refusal reason associated with application P98/2344 (stationing, maintenance and overhaul of HGV vehicles) was not upheld by the Inspector at a subsequent appeal. The Inspector examined in detail the potential vehicle movements per day (14 to 20) and examined the geometry of the road, visibility distances and potential speeds concluding that although not ideal the refusal of the application could not be sustained on highway safety grounds.

It should also be noted that traffic associated with the site is likely to be limited for large parts of the year by reason that the majority if not all those associated with the travelling showman business are likely to be away from the site from the spring through to the autumn. The proposed development is therefore considered acceptable in transportation terms.

### 5.3 Landscape/Trees

Policy D1 states that development will only be permitted where good standards of site planning and design are achieved. Policy L1 states that development will only be permitted where the character, distinctiveness, quality and amenity of the landscape are conserved and where possible enhanced.

Concern has been raised relating to the visual impact of the development. It should be noted that the site does not fall within a designated landscape and is not located either within the Green Belt or Cotswold Area of Outstanding Natural Beauty. The site is considered reasonably well integrated into the landscape by the existing vegetation and hidden from view from the west by tall conifers. It should be noted however that the site is highly visible from Engine Common Lane. Within context it should be noted that the most significant landscape feature of the lane are the roadside hedgerows but at the entrance to the site the hedgerows have overtime been removed and replaced with unsightly corrugated metal fencing and gates, which are boundary treatments that are considered wholly out of character with the locality.

Officers have negotiated a landscape proposal for the frontage to Engine Common Lane that will ensure the removal of the metal fencing and its replacement with a 2 metre high timber close boarded fence with a hedgerow of native / semi native species to be planted in front. The line of the hedgerow will be located behind the required visibility splays. The hedgerow contains Wild Privet, an evergreen species that will provide a degree of year round cover. The planting proposal includes a planting and maintenance specification which should ensure the hedgerow becomes established. The specification also requires the replacement of dead, dying and diseased plants as necessary.

The proposal shows the existing gates being retained but being painted Olive Green of a shade that equates with a military camouflage green. This is a colour that is visually recessive in the landscape and should merge with the vegetation.

Conditions are recommended to ensure that the hedgerow is planted in accordance with the specification in the first available planting season following installation of the new fencing. A further condition is recommended to require the hedgerow to be maintained in accordance with the specification and allowed to grow on to the same height as the fencing (2 metres) and thereafter to be maintained at that height. Subject to this condition the landscape proposal is considered acceptable and should offer an appropriate level of landscape enhancement as required by Policy L1 of the adopted local plan.

With respect to trees, the Council Tree Officer has viewed the site and the proposal and it is not considered that there will be any impact as a result of the proposal upon any significant trees.

#### 5.4 Drainage

Policy L17 and EP2 of the South Gloucestershire Local Plan (Adopted January 2006) state that development will not be permitted where it would have an unacceptable effect on the water environment, including surface and ground waters. Policy L18 requires that development proposals incorporate Sustainable Drainage Systems (Suds) for the disposal of surface waters or where this is not practicable alternative means of surface water disposal is incorporated.

The Council's Drainage Engineers indicate that they have no objection in principle to the proposed development indicating that the scheme is acceptable in terms of surface and foul water drainage (which will be connected to the main sewerage system) subject to a condition to a standard drainage condition requiring the submission of drainage details to incorporate Sustainable Drainage Systems (SUDS). Advices will be included to advise the applicant of their duties and responsibilities in respect of the discharge of water onto the public highway and the maintenance of an access strip between the development and an identified watercourse.

Subject to the above condition the proposed development is considered acceptable in terms of both foul and surface water drainage and in accord with Policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted January 2006).

#### 5.5 Ecology

Policy L9 following guidance in PPS9, considers the impact of development upon protected species, indicating that development that would directly or indirectly have an adverse effect on nationally or internationally protected species or flora or fauna or habitats listed in national, regional or local biodiversity action plans, will not be permitted unless any damaging effects are capable of being avoided, overcome or offset by mitigation measures.

Policy D1 states that development should consider landscape/habitat protection as part of the scheme. The scheme has been viewed by the Council's ecologist who raises no objection to the development.

The proposed development is considered in accord with the aims and objectives of Policy L9 and D1 of the South Gloucestershire Local Plan (Adopted).

#### 5.6 Use of Energy and Sustainability

This is not relevant to this application.

#### 5.7 Improvements Achieved to the Scheme

Officers have negotiated the removal of corrugated sheeting which forms a large part of the existing front boundary treatment. This unsightly element will be replaced with wooden fencing and hedging and will as the hedge matures more closely resemble the boundary treatments in the locality that are more appropriate within this semi-rural location.

#### 5.8 Other Issues

Iron Acton Parish Council have noted the previous Enforcement Notice issued and the subsequent appeal decision.

It is very important to note that the Inspector in his decision was not considering the merits of whether the site was appropriate for use as a Showman's site by examining the usual material planning considerations (ie whether there would be impact upon residential amenity or highway safety).

The Inspector was considering the grounds of appeal against the enforcement notice which revolved the validity of evidence submitted by the appellant to prove that the site had been occupied uninterrupted for at least ten years thus being immune from enforcement action, and is therefore not material in the determination of this current application.

#### 5.9 Design and Access Statement

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

#### 5.10 Section 106 Requirements

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



Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 Planning permission be granted subject to the following conditions:

**Contact Officer: David Stockdale**  
**Tel. No. 01454 866622**

### **CONDITIONS**

1. No vehicles, equipment, caravans or any other structures shall exceed 5 metres in height above ground level.

Reason

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

2. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy L1 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The site hereby permitted shall be for the benefit for Travelling Showpeople and their families only and shall at no time be occupied at any time for any other purpose.

Reason

The site hereby permitted shall be for the benefit for Travelling Showpeople and their families only and shall at no time be occupied at any time for any other purpose and to accord with Policy H13 of the South Gloucestershire Local Plan (Adopted) January

4. The use of power tools for the maintenance of the rides and the testing of the rides where generators are run, should not take place outside the following hours:

Monday to Friday 0800 to 1800 hours

Saturday 0800 hours to 1300

No such activities shall take place on Sundays or any Bank Holiday

Reason

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

5. The number of pitches within the site shall at all times hereafter be limited to three.

Reason

To safeguard the amenity of the locality, and to accord with Policy H13 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been 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 that a satisfactory means of drainage is provided, and to accord with Policies L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The siting of the fairground equipment shall be located to the west of the site as shown on Drawing No.10050-1 (March 2010)

Reason

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

8. The hedgerow shall be planted in accordance with the specification received 21st April 2010, in the first available planting season following installation of the new fencing.

Reason

In the interests of the visual amenity of the locality and to accord with Policy L1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006

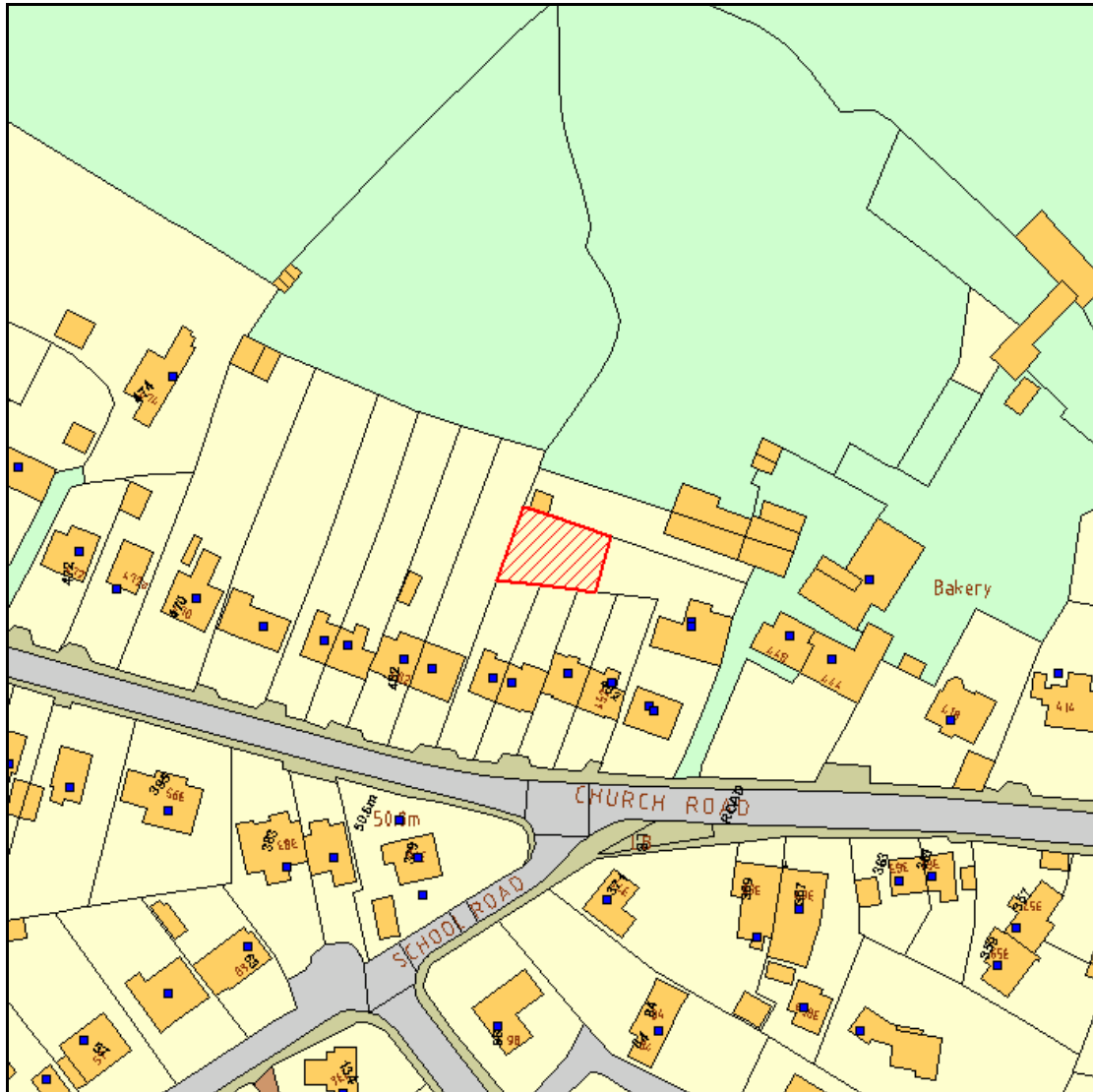
9. The hedgerow shall be maintained in accordance with the specification and allowed to grow on to the same height as the fencing (2 metres) and thereafter to be maintained at that height.

Reason

In the interests of the visual amenity of the locality and to accord with Policy L1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010

<b>App No.:</b>	PT10/0310/F	<b>Applicant:</b>	Mr Nick Hopkins
<b>Site:</b>	Rear Of 448 Church Road Frampton Cotterell Bristol South Gloucestershire BS36 2AQ	<b>Date Reg:</b>	23rd February 2010
<b>Proposal:</b>	Erection of 1 no two storey detached dwelling. Alteration to existing access.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366347 182085	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th April 2010



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 100023410, 2008. **N.T.S.** **PT10/0310/F**

## **INTRODUCTION**

The application appears on the Circulated Schedule in view of the comments received from the Parish Council and a neighbouring landowner.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a three-bedroom chalet style dwelling.
- 1.2 The application relates to land associated with an existing vehicle repair workshop to the rear of properties fronting Church Road, Frampton Cotterell. The site lies within the Frampton Cotterell settlement boundary with this running close to the north flank boundary of the site and briefly adjoining the western rear boundary of the application site.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1: Delivering Sustainable Development  
PPG2: Green Belt  
PPS3: Housing  
PPG13: Transport

#### 2.2 Development Plans

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

D1: Good Quality Design in New Development  
H2: Proposals for Residential Development  
(GB1: Development within the Green Belt)  
T7: Cycle Parking  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development  
L1: Landscape Protection and Enhancement

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

CS1: High Quality Design  
CS16: Density  
CS17: Housing Diversity

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

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

- 3.1 P89/2652: Residential development, alteration to existing access. Permitted: 28 March 1990
- 3.2 P92/2659: Residential development (renewal of outline application). Permitted: 10 March 1993

- 3.3 P94/1567: Erection of detached dwelling house (outline). Permitted: 8 December 1995
- 3.4 P97/1140: Erection of bungalow. Permitted: 1 July 1997

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

- 4.1 Frampton Cotterell Parish Council  
Objection: 'The Parish Council objects on the following grounds: Access to the property is from a very busy road. There is insufficient information about amenities.'
- 4.2 Other Consultees  
Highways DC: no objection subject to condition  
Conservation Officer: no objection

#### **Other Representations**

- 4.3 Summary of Local Residents Comments  
One letter received expressing the following concerns:
- o There is no objection to the application but wish to draw attention to the site access that is via a private road;
  - o As a result of PT05/2056/F the owner was required to widen this road and relocate an electricity pole;
  - o The applicant might have a right of way over the original access but does not have any right of way over the widened part (clearly defined in tarmac);
  - o Should the applicant wish to use the widened access, the writer's consent will be required with a financial contribution required towards the widening and maintenance of this strip of land.

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

- 5.1 Principle of Development  
Policy H2 allows for the principle of residential development within the urban areas and the settlement boundaries subject to considerations of design, residential amenity and highway safety. Further, the maximum density compatible with the site, its location and its accessibility should be achieved. In this regard, the expectation is that a minimum of 30 units will be provided with upwards of 50 dwellings per hectare where local circumstances permit.
- 5.2 Policy T12 advises that development proposals will be permitted (in terms of transportation) provided that (considered here most relevant) it:
- o Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists, and people with disabilities; and
  - o Provides safe access capable of accommodating the motorised traffic generated by the proposal; and
  - o Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and

- o Would not generate traffic that would unacceptably exacerbate traffic congestion, or have an unacceptable effect on other environmentally sensitive areas in terms of noise, vibration and air quality.

### 5.3 Site History

There is history of planning permissions for residential development on and including this site. Notably, this includes P97/1140 that allowed a single-storey dwelling. This permission has been implemented with the foundations having been completed but subsequently covered over; the Council's Building Control department has a record of these works.

### 5.4 Design/ Visual Amenity

The application relates to land associated with an existing vehicle repair garage behind two-storey semi-detached properties that front Church Road. The application site is accessed via a vehicle entrance that runs between nos. 446 and 450 Church Road and which leads through to the former Brookmans Bakery building behind.

5.5 The application seeks full planning permission for the erection of a chalet-style dwelling that would be positioned towards the far end of the existing parking area (behind 456 Church Road). The proposal would comprise a three-bed property with all bedrooms at first floor level. Ground floor accommodation would comprise a large open plan dining/ living room with a kitchen, utility hall and WC. The Design and Access Statement advises that the footprint of building corresponds to that previously permitted.

5.6 The design of the proposal would reflect the converted stone barn (that hosts the existing vehicle repair workshop) and the other converted barns to the north. In so doing, the proposal would comprise a part stone, part rendered building with gabled flank walls and a gable front entrance that near provides the appearance of a small chapel. Velux roof lights (with the exception of the rear bathroom with this contained by a large rear dormer) would serve first floor facilities.

5.7 In considering the above, it is noted that the build seeks to replicate the former agricultural buildings that stand to the rear of those properties fronting Church Road; there is no objection to this design approach given that the build would be seen in this context with in the open Green Belt behind. There is some concern with regards to the porch design and the size of the rear dormer window but these elements of the proposal would remain subservient to the appearance of the building as a whole. On this basis, on balance there is no objection to this current proposal on design/ visual amenity grounds.

### 5.8 Density

Planning policy H2 advises that the maximum density compatible with the site, its accessibility and location should be achieved; in this regard the expectation is that the development will achieve a density of 30 dwellings per hectare with upwards of 50 units per hectare where circumstances permit. Policy CS16 of the emerging Core Strategy increase this to an average of 40 dwellings per hectare across all new housing development in South Gloucestershire.

- 5.9 In this instance, the application site measures 0.02Ha thus this would allow a density of development equating to 35 dwellings per hectare. This therefore accords with the Local Plan policy requirement and is not considered to significantly undermine the threshold referred to with the emerging Core Strategy. As such, there is no objection to the current proposal with it also noted that the previous permission for one unit on this site has already been implanted.
- 5.10 Impact on the Openness of the Green Belt  
Planning policy GB1 advises that any proposals for development within or conspicuous from the Green Belt which would have an adverse impact on the visual amenity of the Green Belt will not be permitted. In this instance, the proposal stands within the Frampton Cotterell settlement but close to the Green Belt boundary. Notwithstanding this, whilst the proposal would be slightly larger than the previously approved scheme, it is not considered that this would result in any adverse impact to the openness of the Green Belt. Accordingly, there is no objection to the current proposal on this basis.
- 5.11 Listed Building Considerations  
The application site is considered to fall within the setting of a nearby listed building and its associated curtilage (no. 444 Church Road); to this extent planning policy L13 advises that development should preserve the setting of listed buildings. Comments from the Councils Conservation Officer advise that there is no objection to the proposal on this basis.
- 5.12 Residential Amenity  
Neighbouring dwellings comprise two-storey semi-detached units that face Church Road with their associated rear boundaries adjoining the flank boundary of the application site. The rear gardens associated with these neighbouring properties afford a degree of spacing to the proposal (gardens measure some a minimum of 14m in length) whilst existing tree screening on this boundary also currently limits views from the application site. Further, it is noted that the proposal would face east with the flank wall of the proposal to face these existing properties; this would be devoid of side facing windows (which could be controlled by an appropriately worded condition in the event that permission is granted).
- 5.13 For the above reasons, it is not considered that any significant adverse impact in residential amenity would be caused to these neighbouring units to the south.
- 5.14 Land to the rear of the application site comprises the lengthy rear gardens of those dwellings further along Church Road. As such, with the proposal only to overlook the far end of these gardens, it is again not considered that any significant adverse impact in residential amenity would be caused. In this regard, it is noted that the large dormer would serve the bathroom and thus would be obscure glazed.
- 5.15 Further dwellings around the application site comprises the converted Brookmans Barn to the east and further dwellings fronting Church Road to the



- far side of the existing vehicle repair garage. In view of the level of separation involved, and with first floor front windows limited to velux roof lights, it is again not considered that any significant adverse impact in residential amenity would be caused.
- 5.16 Highway Safety  
Comments received from the Councils Highway Officer advise that the level of parking shown would accord with the Councils standards whilst a medium sized vehicle such as an ambulance could turn within the site. Turning for a larger vehicle such as a refuse vehicle would be difficult and whilst roadside collections and deliveries are not considered preferable; in practice there would be no material change from the current situation.
- 5.17 The proposal would result in a slight increase in traffic using the shared access into the site. As part of a previous permission (PT05/2056/F) the driveway was widened to facilitate two-way vehicle movements although the corresponding kerbing stones have not been dropped: minor access improvements should therefore form part of this proposal with these works to be the subject of an appropriately worded condition in the event that planning permission is approved. This would involve works to the public highway and not any further land under separate ownership.
- 5.18 For the above reasons, and subject to this condition, there is no transportation objection to this current proposal. In this regard, it is noted that the concerns raised comprise a civil matter thus planning permission could not be reasonably withheld on this basis. Furthermore, whilst the submitted plans show the access, the grant of planning permission would not allow works on land outside the applicant's ownership; an informative should be added in this respect.
- 5.19 Outstanding Issues  
Access to the application site would be via the service yard associated with the aforementioned workshop; this is understood to be within the same ownership. In this instance, it is not considered that the same form of condition (as previously added) could be attached to any planning permission given that this building now stands outside of the application site. Nonetheless, it is noted that the Councils Environmental Services Department have raised no objection to this arrangement (i.e. in respect of potential noise/ disturbance issues) with this workshop also closer to other existing residential properties. This existing use also does not appear to have caused any significant amenity concerns in the past. As such, there is no objection to the current proposal on this basis.
- 5.20 Design and Access Statement  
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.21 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular

05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
1. The proposal is considered to be acceptable in design/ visual amenity terms and thus in accordance with Planning Policies D1 (Achieving Good Quality Design in New Development) and H2 (Proposals for Residential Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
  2. The proposal would provide a level of density compliant with the requirements of planning policy H2 (Proposals for Residential Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
  3. The proposal would not cause any significant adverse impact to the setting of no. 444 Church Road (a listed building) and its associated curtilage. The proposal is therefore considered to comply with Planning Policy L13 (Listed Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.
  4. The proposal would not cause any significant adverse impact to the residential amenities of the neighbouring residents. The proposal is therefore considered to accord with Planning Policy H2 (Proposals for Residential Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
  5. The proposal is considered to be acceptable in highway safety terms and compliant with Planning Policies T8 (Parking Standards) and 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. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

3. No windows shall be inserted at any time in the south elevation of the property.

Reason

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

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

Reason

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

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

Reason

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

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

before in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

7. 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 planning policy L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development, amended plans to show a widened access across the public footway into the application site shall be submitted to and agreed in writing with the Local Planning Authority. Development shall accord with these approved details with the access widened prior to the first occupation of the dwelling.

Reason

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

9. Prior to the commencement of development, a corrected west elevation to show the omitted side dormer window on the rear elevation shall be submitted to and approved in writing with the Local Planning Authority. Development shall accord with these agreed details.

In the interest of visual amenity and to ensure a good standard of design, all to accord with Planning Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

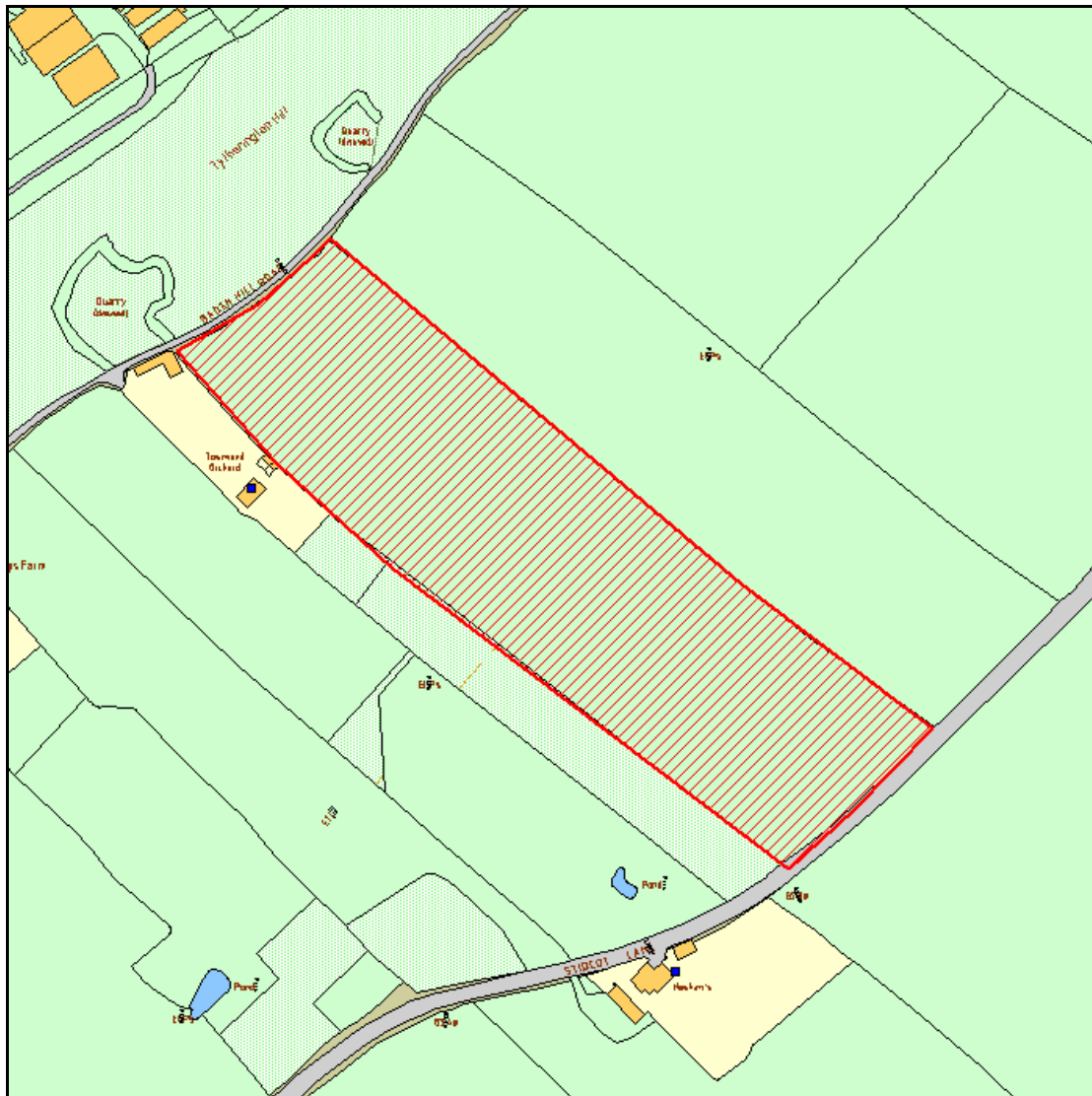
10. Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed rear bathroom window on the west elevation shall be glazed with obscure glass to level 3 standard.

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.

**CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010**

<b>App No.:</b>	PT10/0448/F	<b>Applicant:</b>	Mr M Talbot
<b>Site:</b>	Land Between Baden Hill Road And Stidcot Lane (North Of Townsend Orchard) Tytherington Wotton Under Edge South Gloucestershire	<b>Date Reg:</b>	8th March 2010
<b>Proposal:</b>	Change of use of field from agricultural land to land for the keeping of horses. Erection of stables and riding arena. Creation of new vehicular access.	<b>Parish:</b>	Tytherington Parish Council
<b>Map Ref:</b>	367306 188549	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Major	<b>Target Date:</b>	7th June 2010



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 100023410, 2008. **N.T.S.** **PT10/0448/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule List because objections have been received from local residents.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of a field from agricultural land to land for the keeping of horses and the erection of stables.
- 1.2 The application site comprises a 02.86 hectare agricultural field situated between Baden Hill Road and Stidcot Lane. The site is located within the open countryside outside the defined settlement boundary.
- 1.3 The stable building would be situated in the northern corner of the field against a backdrop of trees and hedgerows approximately 12 metres from the northern boundary and 5.2 metres from the eastern boundary of the site. The application site is flanked by open fields to the east and a residential property and annex to the west. A curved access track off Baden Hill Road would lead to a parking area to the front of the stables with provision for 1no. car and 1no. small horsebox capable of carrying 2no. horses. An arena measuring approximately 50 metres in width and 20 metres in length would be situated beyond. The proposed stables would provide accommodation for 5no. horses, a hay barn, tack room, feed room and straw barn in a 'U' shaped layout and be encompassed by a pitched roof with the front of the building facing southwest onto a parking area. The applicant has specified that the stables would be for personal use only and proposal does not include provision for floodlighting.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS7 Sustainable Development in Rural Areas  
PPS9 Biodiversity and Geological Conservation  
PPG13 Transport
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
L1 Landscape Protection and Enhancement  
L9 Species Protection  
L16 Protecting the Best Agricultural Land  
T12 Transportation Development Control Policy for New Development  
E10 Horse Related Development  
EP1 Environmental Pollution  
L17 & L18 The Water Environment
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)
- 2.4 The South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010

**3. RELEVANT PLANNING HISTORY**

3.1 No relevant planning history.

**4. CONSULTATION RESPONSES**

4.1 Tytherington Parish Council  
No comments received

4.2 Transportation DC  
No objection

**Other Representations**

4.3 Local Residents

Six letters of objection have been received from local residents. The letters raise the following concerns:

- Over development in unspoilt countryside;
- Harmful visual impact;
- Stables, riding arena and parking area would have a detrimental effect on the use of the field for any future agricultural use;
- Potential spectators and livery could necessitate a larger car park;
- The proposal will cause congestion from large vehicles and be detrimental to highway safety;
- Land is Grade 2 agricultural land making it the best 10% in the country and should be safeguarded;
- Possible impact on single-track lane used by horse riders, joggers, walkers and dog walkers;
- Speed limit is the same as Stidcot Lane, which is used for agricultural use, therefore a change should not be required;
- Application is for a riding school to offer training and for livery services;
- Significant impact on Townsend Orchard through smells, noise, visual distraction and disruption by the riding school;
- Access will cause stationary vehicles on the road, which would be detrimental to highway safety;
- Noise and disruption from additional traffic would be harmful to residential amenity;
- No mention made to the management of bedding and manure which would cause smells and harbour disease and pests;
- Other stables are available nearby to accommodate horses;
- No indication of how electricity or water will be supplied to the stables;
- Devaluation of property;

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Planning Policy D1 applies to all types of development and requires that proposals achieve a good standard of design. Planning Policy E10 allows for proposals for horse related development subject to environmental, residential amenity, transportation, horse welfare and access considerations.

### 5.2 Design/Visual Amenity

The application seeks planning permission for the change of use of agricultural land to land for the keeping of horses and the erection of stables. Objections have been received on the basis that the proposed stables would be an over development in what is un-spoilt countryside. However, it is considered that the scale of the proposal, on balance, would be in-keeping with the proposed use. Moreover, the simple design and form of the proposed building with the solid walls with no outward facing fenestration notwithstanding a gable covered front walkway and low ridge and eaves height of approximately 3.4 metres and 2.3 metres respectively, is considered to be appropriate given the rural context. Moreover, the building would primarily be constructed of timber with tanalised loglap covering the walls, timber fenestration and a coroline plastic roof. Whilst a more traditional material would be preferable for the roof, the material is lightweight and would allow for a lower roof pitch. On this basis, subject to samples and further details of materials, which would be obtained by condition if permission were granted, on balance, the proposal would acceptably respect the character of the surrounding area.

5.4 A neighbouring occupier has raised concerns that the stable would be viewed in isolation and would not be viewed in conjunction with existing built form. Whilst the typical approach is to cluster new and existing development together to reduce the impact on the surrounding landscape, in this instance locating the proposed stable adjacent to the Townsend Orchard Annex might introduce residential amenity issues, therefore, the stable has been sited in a more isolated location in the opposite corner of the field. However, the stable, arena, parking area and access would be sited close together in the corner of the field leaving the majority of the site as open pasture. This is considered to be a sympathetic approach and given the design and materials proposed, on balance, it would not be adversely intrusive on the surrounding landscape. No existing buildings are located on the site, which could be converted. In addition, the site is bounded by mature hedging to all sides, which would help to screen views of the proposal from the wider landscape. A significant amount of planting has also been specified, including supplementing existing hedgerows, which would help to assimilate the proposal with the surroundings. The existing access from Stidcot Lane is to be closed using a combination of post and rail fencing and new hedgerow. The hedgerow mix should be the same as other new hedgerows on the site and further details regarding the planting mix will be obtained by condition if permission is granted. Concern has been raised regarding the impact of the arena, as well as the horse and rider on views from the surrounding area. However, it is considered that the arena, which would lie flush with the ground and be partly screened by hedging would not be



significantly prominent from the surrounding area. Views of horse and rider would not be adversely harmful to the character of the area.

#### 5.5 Horse Welfare

The applicant has specified that 5no. horses would be kept at the site. Concern has been raised by a neighbouring occupier that this is too many for one person to manage. However, there are no restrictions on how many horses a person can keep provided that the British Horse Society recommendations are adhered to in terms of horse welfare. The applicant has specified that the pasture would provide each horse with approximately 1.4 acres, which complies with the British Horse Societies recommendation of between 1 and 1.5 acres per horse. If permission is granted a condition will be applied to the consent to restrict the number of horses that can be kept on the site to 5 to comply with the British Horse Society recommendations. In addition, the floor area of the stables accords closely with British Horse Society recommendations of 3.65 metres by 3.65 metres per horse and the height of the stables would provide sufficient head-room for the horses. Baden Hill Road is a quiet Country Road, which would be adequate for riding the horses. Given the residential properties along Baden Hill Road, it is considered that electricity and a fresh water supply could be provided for the stables. The means of obtaining this supply is not strictly relevant to this application.

#### 5.6 Residential Amenity

Concerns have been raised by a neighbouring occupier with regards to possible smells, noise and disruption resulting from the proposed use. In addition the neighbour has concerns that the site might be used for tuition, competition and other business uses, which could cause additional noise and disruption to the detriment of residential amenity. The applicant has specified however, that the site would be for personal use only and would only be used to stable the applicant's horses. If permission were granted conditions would be applied to the consent to restrict the use so that the site could not be used for livery, tuition or any other business purpose. The stable would be approximately 50 metres from the neighbouring boundary, the car park 34 metres from the neighbouring boundary, whilst the exercise yard would be approximately 20 metres from the neighbouring boundary, and these are considered to be generous levels of separation. On this basis, it is considered that the scale of the proposed use, with the restrictions imposed, would not have a significant adverse impact on the neighbouring property through noise, smells or disruption. If permission were granted, the treatment of horse manure would be conditioned to ensure adequate disposal, whilst the burning of horse manure would be prevented on the site. The neighbouring occupiers have also objected on the basis that the proposal would be detrimental to the views they currently enjoy. This is not a valid planning consideration since there is no right to a view, therefore, a refusal on this basis would not prove sustainable at appeal. Conditions would also be applied to the consent if permission is granted to restrict the use of floodlighting in the interests of residential amenity.

#### 5.7 Environmental Considerations

The Council Arboriculturalist initially objected to the proposed plans because part of the development would have been located within the Route Protection Area (RPA) of mature Oak and Sycamore trees located on the northwestern

boundary of the site and a mature Ash tree in the northeastern corner of the site. The route protection area of the trees is a radius of approximately 12 metres from the base of the trees according to the Council Arboriculturalist. Consequently a Tree Preservation Order was applied to the Oak and Sycamore trees to ensure their protection and retention. The applicant has submitted an amended site layout plan no. 004 A, which demonstrates that the proposed stable block, access drive and car parking area would be outside the identified Root protection Areas of the mature trees with a grass buffer zone being created between the boundary with Baden Hill Road and the proposed car park and stable block. Given the amended location of the proposed development the Council Arboriculturalist is satisfied that there would be no adverse impact on the health of the mature trees but has advised that the 12m buffer zone between the proposed development and the boundary with Baden Hill Road should be protected by a temporary fence to prevent accidental ingress during the construction and erection phases of the project and this will be ensured by condition if permission is granted.

The Council Ecological Officer considers that formal consent under the 1997 Hedgerow Regulations to remove part of the hedge for the access off Baden Hill Road is not required, although the requirement to plant up the existing field access should be ensured by condition if permission is granted. In accordance with PPS9, ecological gain should be sought within the development. The Ecological Officer considers that the application could usefully contribute towards several action plans within the South Gloucestershire Biodiversity Action Plan and this will be ensured by condition if permission is granted.

#### 5.8 Transportation

Concerns have been raised with regards to the impact of increased traffic along Baden Hill road as a result of the development, which, according to local residents, would be disruptive to local residents and would be detrimental to the highway safety of the users of the lane. Whilst the use of the site would be likely to create more traffic than the existing agricultural use, the use of the site would be restricted, if permission were granted, for no livery, tuition or competition purposes. On this basis it is considered that the level of traffic visiting the site would not be to a degree that would significantly adversely impact on highway safety or residential amenity. Concern has also been raised with regards to the proposed access since there is no speed limit along Baden Hill Road and cars can travel as fast as they do along Stidcot Lane. However, the access from Baden Hill Road is the preferred location from a highway perspective since this route is generally less busy than Stidcot Lane and the location for the access was decided upon following pre-application discussions between the applicant and the Council Transportation Officer. In addition, local residents have expressed concerns that the level of parking proposed would not be sufficient for the 5no. stables proposed. The Council Transportation Officer however, has not objected to the proposed scheme provided that conditions are applied in respect of restricting the use and ensuring that the access is constructed of a bound material. On this basis, the proposal is considered to comply with Policies T12 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

## 5.9 Further Matters

Local residents have objected on the basis that the land is Grade 2 Agricultural Land. However, according to Council records, the land is Grade 3 agricultural land, which is widespread within the South Gloucestershire area. Nevertheless, the main aim of Policy L16 is to protect the best agricultural land. In this instance, given that the majority of the site would not be built over, it is considered that the site could be changed back to agricultural use in the future if required. The devaluation of property is not a valid planning consideration and a refusal on this basis would therefore, not prove sustainable at appeal. An objection has been received on the basis that there are other stables available for use nearby. In this instance this is not a valid planning consideration as policy E10 does not require an applicant to establish need, nor go through a sequential approach.

## 5.10 Design and Access Statement

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

## 5.11 Use of Energy and Sustainability

N/A

## 5.12 Improvements Achieved to the Scheme

N/A

## 5.13 Section 106 Requirements

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

## **6. CONCLUSION**

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

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

- The design, siting, scale and materials proposed are considered to be sympathetic to the character of the surrounding area. In addition, the proposal, by reason of the proposed siting and design as well as existing and proposed screening, would not be adversely intrusive on the character of the surrounding

landscape – Policies D1, L1, E10 of the South Gloucestershire Local Plan (adopted) January 2006 and the Design Checklist SPD (adopted).

- With adequate restrictions with regards to the use of the site, it is considered that the proposed use would be of a scale that would not adversely harm the amenities of surrounding neighbouring occupiers – Policies E10 and EP1 of the South Gloucestershire Local Plan (adopted) January 2006.
- The Council Transportation Officer has inspected the site and considers that the proposed parking and access arrangements are acceptable and with appropriate restrictions the proposal would not have a detrimental impact on highway safety – Policies E10 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.
- Amended plans have been received, which demonstrate that the proposal would be outside the Root Protection Area of the mature trees. The Council Tree Officer is therefore, satisfied that there would be no adverse impact on the health of the mature trees – Policy L1 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. Prior to the commencement of the development, an ecological (habitat creation and) management plan shall be submitted in writing and agreed with the Local Planning Authority. For the avoidance of doubt this shall include details of the habitat to be created or retained within the site and how this will be sympathetically managed to benefit local wildlife. The development shall be carried out strictly in accordance with the agreed details.

Reason

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

3. Prior to the commencement of the development, the native shrub species to be used to re-plant the existing access off Stidcot Lane shall be agreed in writing with the Local Planning Authority. The re-planting of the existing access shall be carried out within 8 months of the creation of the new access off Baden Hill Road.

Reason

To provide a sympathetic boundary hedge to accord with Policies L1, L9 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

4. Prior to the commencement of the development a method statement demonstrating the adequate protection of the mature boundary trees shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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.

5. Prior to the commencement of the development a planting specification for the proposed hedgerows shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include details of the planting mix, planting species, plant sizes, plant protection and a planting and maintenance specification. The development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies D1, L1 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

6. Prior to the commencement of the development details/samples of the roofing and external facing materials proposed for the stable shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

7. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The number of horses kept on the site edged in red shall not exceed 5.

Reason

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. At no time shall floodlighting shall be used on the site whatsoever.

Reason

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. No burning of manure shall take place at anytime on the property, unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the amenities of the occupiers of the nearby dwellings and to accord with Policies E10 and EP1 of the South Gloucestershire Local Plan (adopted) January 2006.

11. Prior to the commencement of the development a management plan detailing the manner in which horse manure shall be dealt with on the site shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

To protect the amenities of the occupiers of the nearby dwellings and to accord with Policies E10 and EP1 of the South Gloucestershire Local Plan (adopted) January 2006.

12. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

In the interests of visual amenity and to accord with Policies D1, L1 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

13. Notwithstanding the information submitted, the access shall be surfaced with a lbound surface up to the gate.

Reason

To stop gravel from encroaching onto the highway and to accord with Policies T12 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

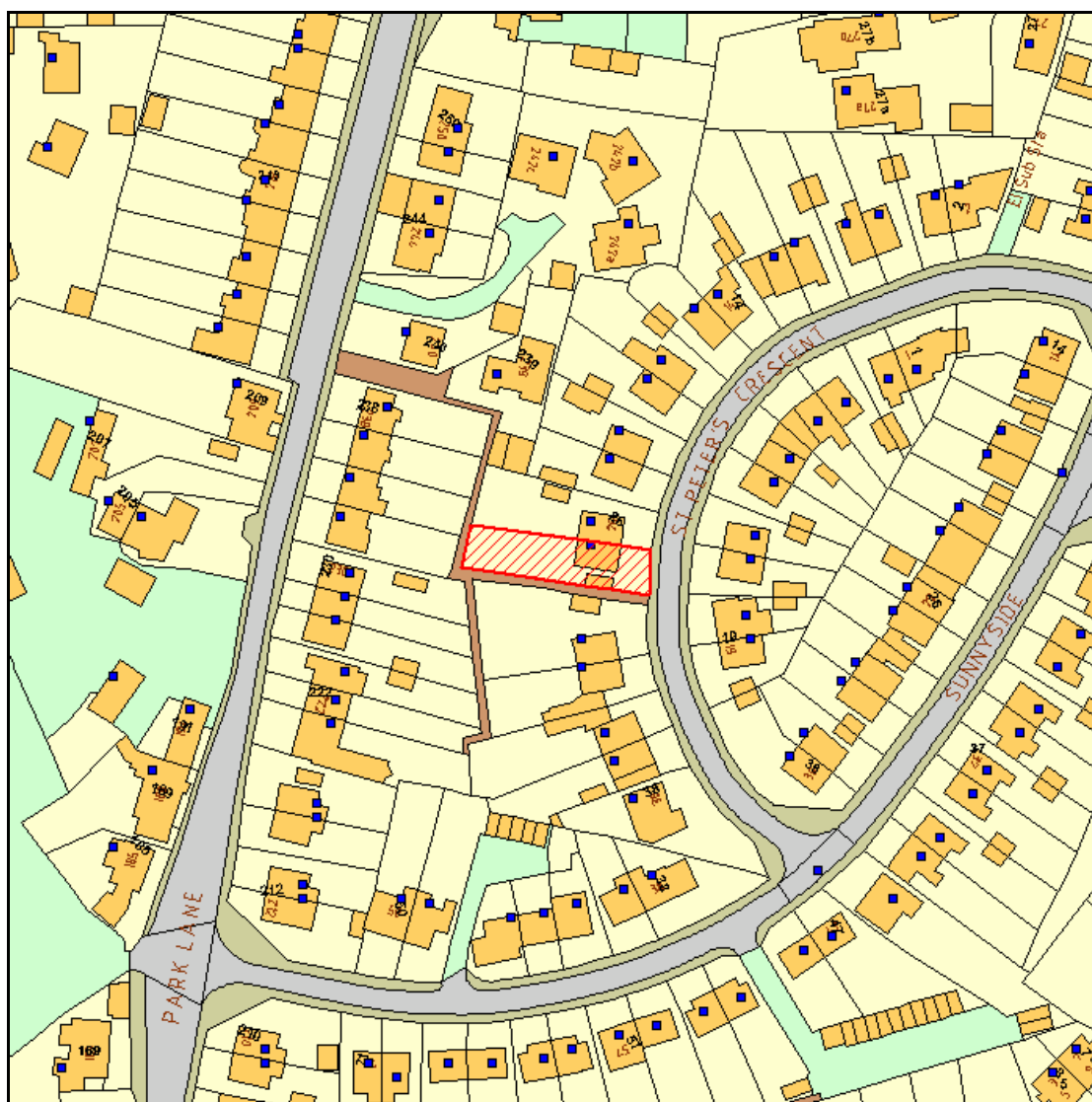
14. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason

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

**CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010**

<b>App No.:</b>	PT10/0450/F	<b>Applicant:</b>	Mr J Adie
<b>Site:</b>	28 St Peters Crescent Frampton Cotterell Bristol South Gloucestershire BS36 2EJ	<b>Date Reg:</b>	3rd March 2010
<b>Proposal:</b>	Erection of two storey side extension and single storey front and rear extension to provide integral garage and additional living accommodation.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366808 181534	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	26th April 2010



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## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for a two-storey side extension that would incorporate single-storey front and rear extensions.
- 1.2 The application site comprises a two-storey semi-detached dwelling on the west side of St. Peter's Crescent that falls within the Frampton Cotterell settlement boundary.

### **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

T12: Transportation Development Control Policy for New Development

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

CS1: High Quality Design

CS16: Housing Density

Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

### **3. RECENT PLANNING HISTORY**

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No objection

- 4.2 Other Consultees  
Highways DC: no objection

#### **Other Representations**

- 4.3 Summary of Local Residents Comments



One letter received expressing the following concerns:

- o There is concern regarding the access lane to St. Peter's Crescent that is the sole access to a nearby mid-terraced property and which is on the deeds to this nearby dwelling.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Planning policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

### **5.2 Design/ Visual Amenity**

The application relates to a two-storey semi-detached dwelling on the west side of St. Peter's Crescent; it is noted that surrounding dwellings appear of similar design with some having been previously extended.

5.3 The application seeks planning permission for a two-storey side extension that would incorporate single-storey extensions at the front and rear. In so doing, the build would provide a garage, WC, utility and living room at ground level with a new ensuite bedroom and extended bedroom above. The build would replace an existing detached garage to this side of the property.

5.4 The proposal would measure a little over 3.5m in width and project 1.6m forward of the dwelling and extend 2m at the rear. The ridgeline of the proposal would be set down slightly from that of the host dwelling with the front wall set back slightly at first floor level; this would allow a subservient appearance to the proposal.

5.5 In response, the proposal is considered to be acceptable and in keeping with the general character of the area. In this regard, it is also noted that some of the surrounding dwellings (which are of similar design) have been similarly extended with not all of these extensions of subservient design.

### **5.6 Residential Amenity**

The neighbouring dwelling to the south of the application site benefits from an uncharacteristically wide plot with this property inset from the boundary with a detached garage on this boundary. Nonetheless, it is noted that a footway appears to run between these dwellings that would have run through to the highway behind thus further separating these properties; this footway is overgrown with its entrance at the opposing end having disappeared. Irrespective of this, given this level of separation, and with no first floor side facing windows, it is not considered that any significant adverse impact in residential amenity would be caused.

5.7 All other neighbouring dwellings stand at an appreciable distance from the site of the proposal. On this basis, it is again not considered that any significant adverse impact in residential amenity would be caused. In this regard, views from the front and rear windows would cause no new issues of overlooking with dwellings to the front and rear at an appreciable distance from the site of the proposal.

- 5.8 In response to the concerns that have been raised, the proposal would abut the flank site boundary but would not build across this access. As such, it is not considered that planning permission could be withheld on this basis.
- 5.8 Highway Safety  
The build would replace the existing detached garage but would provide a new garage with the retained drive also able to accommodate further car parking. On this basis, there is no transportation objection to this current proposal.
- 5.9 Design and Access Statement  
A Design and Access Statement is not required as part of this application.
- 5.10 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
1. The proposal would appear in keeping with the design of the host property and the surrounding dwellings. On this basis, the proposal is 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. The proposal is therefore considered to accord with Planning Policy H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
  3. The proposal is considered to be acceptable in highway safety terms and would therefore accord with Planning Policy T12 (Transportation

Development Control Policy) 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.

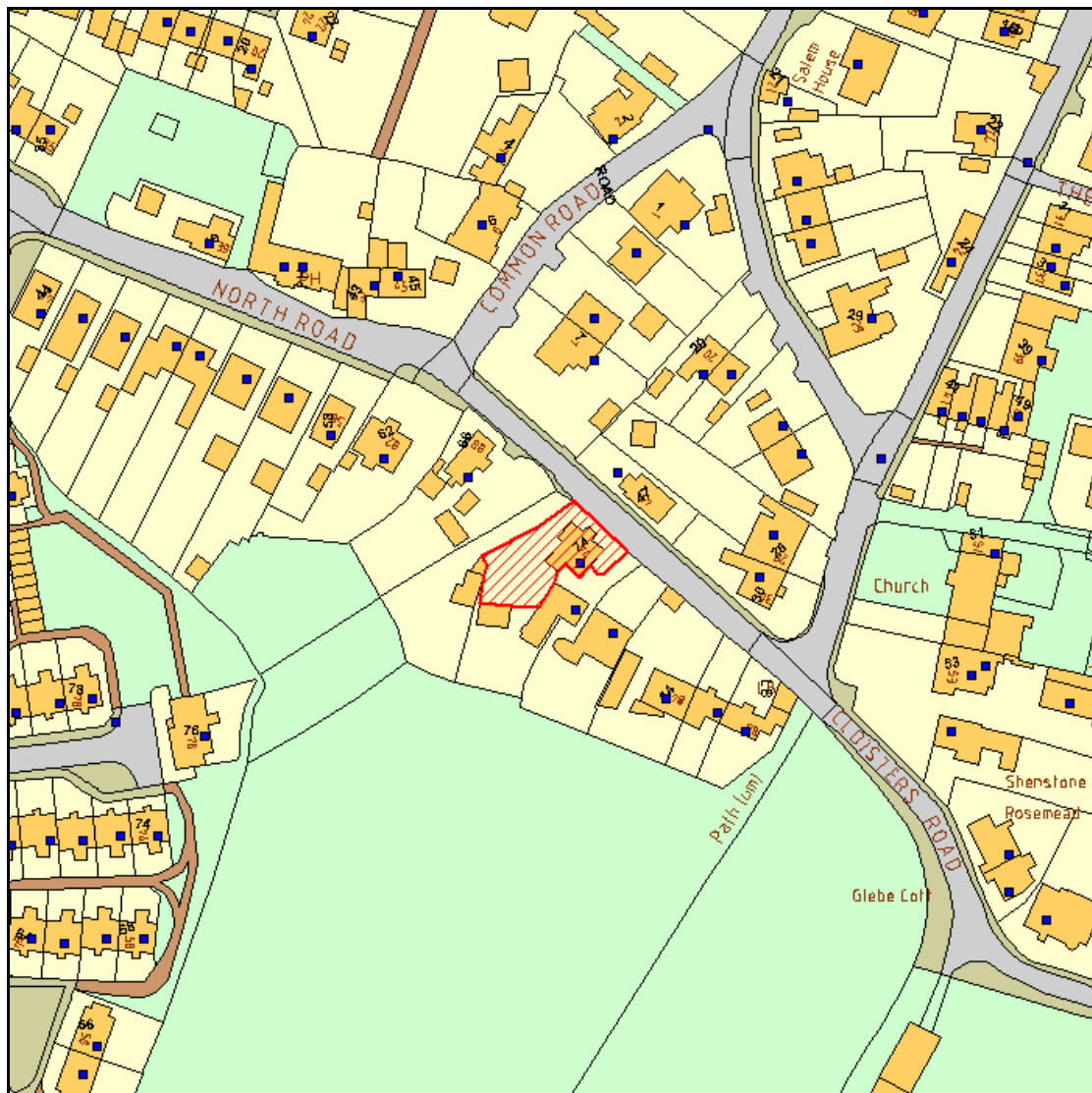
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the south (side) elevation of the property.

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.

**CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010**

<b>App No.:</b>	PT10/0538/CLP	<b>Applicant:</b>	Mr D Gillians
<b>Site:</b>	Watleys Cottage 74 North Road Winterbourne Bristol South Gloucestershire	<b>Date Reg:</b>	19th March 2010
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed use of raising of roofline to form additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365735 181067	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	10th May 2010



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 100023410, 2008. **N.T.S.** **PT10/0538/CLP**

## **INTRODUCTION**

This application appears on the Circulated Schedule because the Council's scheme of delegation requires all Certificate of Lawfulness applications to be circulated to Members.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks a Certificate of Lawfulness for the proposed raising of the roofline to form additional living accommodation.
- 1.2 The application site relates to detached cottage and its associated curtilage. The site is situated within a well-established residential area and lies within the Winterbourne settlement boundary.

### **2. POLICY CONTEXT**

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

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection.
- 4.2 Local Residents  
One letter has been received in response to this application. The resident claims that the proposed development would not fall within the permitted development regulations.

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

- 5.1 This application is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy rather it is an evidential test of whether it would be lawful to proceed with the proposal. Accordingly, the key evidential test in this case is whether proposals fall within the permitted development rights afforded to householders.
- 5.2 There was a disagreement with the applicant over which class of the General Permitted Development Order (GDPO) the proposed development should be tested against. The applicant claimed that the proposal would fall within '*Class B: The enlargement of a dwellinghouse consisting of an addition or alteration to its roof*'. The development was tested against the criteria of this Class and it was concluded that it would fail condition B.2 (b) that requires the edge of the enlargement closest to the eaves of the original roof to be no less than 20 cm from the eaves of the original roof.

- 5.3 Notwithstanding this, Officers felt that the proposed development should be considered under 'Class A: The enlargement, improvement or other alteration of a dwellinghouse'.
- 5.4 The proposed development has been assessed against the criteria of Class A and it is considered that the proposal would not be permitted development. This is because: -
1. The proposed would be situated within 7 metres of the boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse. The development therefore conflicts with A.1 (f) (ii).
  2. The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres. The development therefore conflicts with A.1 (g).
- 5.5 Accordingly, on the balance of probability the evidence points to the proposed development falling outside Schedule 2, Part 1, Classes A and B, of the GPDO and therefore requires planning permission.

## **6. RECOMMENDATION**

- 6.1 That a Certificate of Lawfulness of Proposed Use be refused as it has been shown on the balance of probability that the proposal would fall outside Schedule 2, Part 1, Classes A and B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore the proposal does require planning permission.

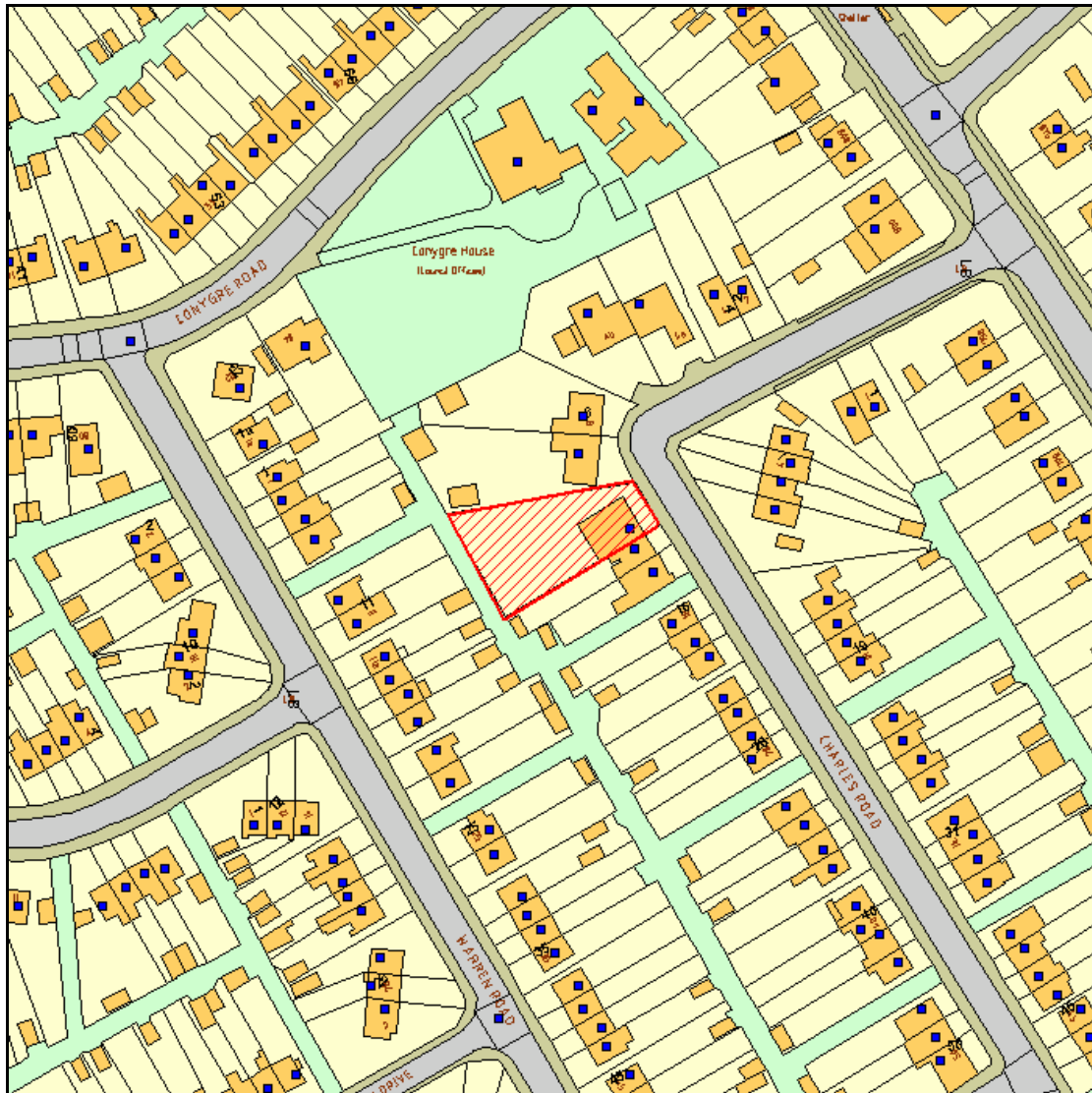
**Contact Officer: Peter Rowe**  
**Tel. No. 01454 863131**

## **REASON FOR REFUSAL**

1. That a Certificate of Lawfulness of Proposed Use be refused as it has been shown on the balance of probability that the proposal would fall outside Schedule 2, Part 1, Class A and B of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore the proposal does require planning permission.

## CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010

<b>App No.:</b>	PT10/0546/F	<b>Applicant:</b>	Care UK
<b>Site:</b>	10 Charles Road Filton Bristol South Gloucestershire BS34 7ET	<b>Date Reg:</b>	29th March 2010
<b>Proposal:</b>	Erection of single storey rear extension	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	360778 179329	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th May 2010



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 100023410, 2008. **N.T.S.** **PT10/0546/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of representations from a local resident that were contrary to the Case Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a single storey rear extension. The proposal would be approximately 3m in depth, 4.9 in width, 3.8m in height.
- 1.2 The application site relates to a semi-detached dwelling and its associated curtilage. The site is situated within a well-established residential area and is within the Bristol north fringe urban area.

### **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

#### 2.3 Emerging Development Plans

South Gloucestershire Core Strategy Pre-Submission Draft March 2010

#### 2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

#### 4.1 Filton Town Council

No objection.

#### 4.2 Local Residents

One letter has been received in response to this application. The main objections are summarised below: -

- A. Concern with regard to access for plant and materials
- B. Potential for damage to rear garage.
- C. General disruption from construction (e.g. early mornings).



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extension to residential dwellings. This is subject to the proposal:

- respecting the character and appearance of the existing dwelling and the surrounding area;
- not prejudicing the amenities of nearby occupiers,
- maintaining highway safety; and
- providing adequate amenity space.

5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.

### 5.3 Residential Amenity

Due to the overall scale and size of the proposed development and sufficient boundary treatment between the neighbouring properties the proposal would not be overbearing on the residential amenity of neighbouring occupiers. The proposal is single storey and there is an existing party boundary fence so therefore there would be no overlooking or loss of privacy as a result of the proposal.

### 5.4 Visual Amenity

The proposed single storey extension would be situated on the rear elevation. The proposal would be subservient and proportionate to the existing dwelling in terms of its height, scale, and massing, and moreover its detailing and materials would match the existing dwelling. On this basis, it is considered that the proposed development would respect the character and appearance of the existing dwelling and the surrounding residential area.

### 5.5 Other Matters

It is acknowledged that a local resident has raised concern with regard to the construction of the proposed garage. The main issues related to access, disturbance, and potential damage to their property. These are primarily civil matters between the applicant and their neighbours. All development will generate some temporary disturbance during the construction period. This is acknowledged but given the scale of this proposal this is not sufficient to prevent or restrict the proposal. Nevertheless it is recommended that an informative be attached advising the applicant of best practices to be undertaken during the construction period and appropriate hours of working.

### 5.6 Use of Energy and Sustainability

To be built to Building Regulation standards.

### 5.7 Improvements Achieved to the Scheme

None.

## 5.8 Section 106 Requirements

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

## 6. CONCLUSION

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

a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

b) The proposal would respect the overall design and character of the existing dwelling and the 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.

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

## 7. RECOMMENDATION

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

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

### CONDITIONS

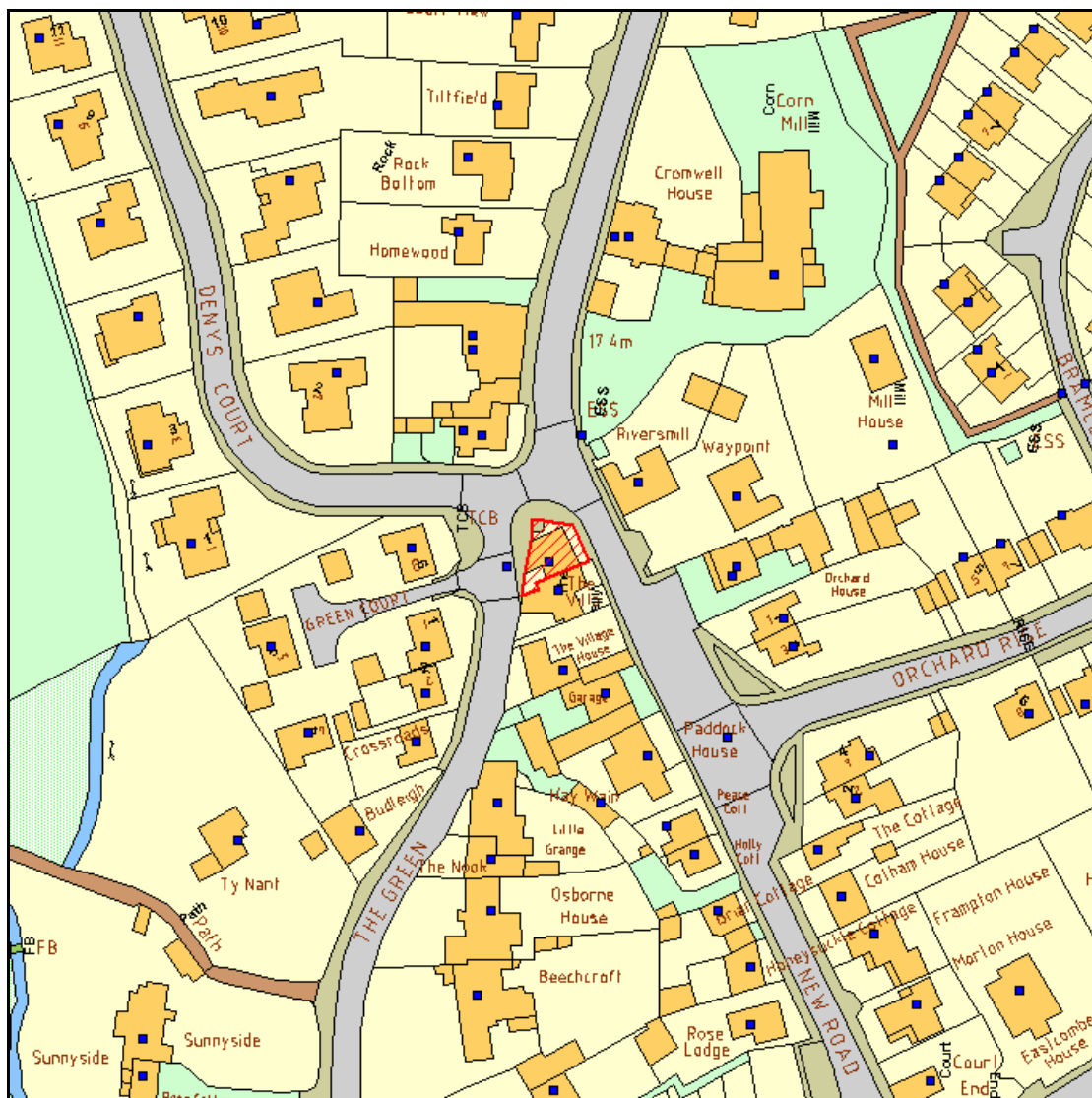
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 16/10 – 29 APRIL 2010**

<b>App No.:</b>	PT10/0619/F	<b>Applicant:</b>	Mr G Frost
<b>Site:</b>	The Old Stores New Road Olveston Bristol South Gloucestershire	<b>Date Reg:</b>	22nd March 2010
<b>Proposal:</b>	Erection of first floor side extension and front porch to facilitate conversion of 1 no. dwelling to 2 no. 1 bedroom flats and associated works (Re-Submission of PT09/1204/F)	<b>Parish:</b>	Olveston Parish Council
<b>Map Ref:</b>	360092 186987	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th May 2010



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 100023410, 2008. **N.T.S.** **PT10/0619/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule following the receipt of representations from a local resident that were contrary to the case officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission to convert the existing building into two one bedroom flats. To facilitate these works the development would include the erection of a first floor side extension and a front porch.
- 1.2 The application site relates to an existing shop which is situated within the village centre of Olveston. The site is within the Olveston settlement boundary and is washed over by Green Belt.
- 1.3 This application is a resubmission of the previously refused application PT09/1204/F. This application was refused for the following reason(s): -
  1. *The proposed flats, in particular the two bedrooms, would be restricted in floor space and height. It is therefore considered that the proposed flats would give rise to a cramped form of development and would fail to provide a sufficiently good quality living environment for occupiers. Thus the development is contrary to Planning Policy Statement 3: Housing, Policy D1, H2, and H5 of the South Gloucestershire Local Plan (Adopted) January 2006, and the South Gloucestershire Design Checklist SPD (Adopted) 2007.*

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1:	Delivering Sustainable Development
PPG2:	Green Belts
PPS3:	Housing
PPS4:	Planning for Sustainable Economic Growth
PPS5:	Planning for Historic Environments
PPG13:	Transport

#### **2.2 Development Plans**

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

Policy 1:	Sustainable Development Objectives
Policy 2:	Location of Development
Policy 16:	Green Belts
Policy 33:	Housing Provision and Distribution

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

D1:	Achieving Good Quality Design in Development
L12:	Conservation Areas
GB1:	Development within the Green Belt

- T12: Transportation Development Control
- H2: Proposals for Residential Development within Defined Settlement Boundaries
- H5: Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
- RT11: Retention of Local Shops, Parades, Village Shops and Public Houses

### 2.3 Emerging Development Plans

#### South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010

- CS1: High Quality Design
- CS15: Distribution of Housing
- CS16: Housing Density
- CS17: Housing Diversity
- CS34: Rural Areas

### 2.4 Supplementary Planning Guidance

- South Gloucestershire Design Checklist SPD (Adopted) 2007
- South Gloucestershire Development within the Green Belt SPD (Adopted) 2007

## 3. RELEVANT PLANNING HISTORY

- 3.1 N8303 Erection of single storey side extension to existing shop.  
Approved 21.10.1982
- 3.2 PT06/2245/F Change of use from retail (Class A1) to residential (Class C3).  
Approved 6.09.2006
- 3.3 PT08/3036/F Erection of front porch and first floor front extension to provide additional living accommodation.  
Approved 12.01.2008
- 3.4 PT09/1204/F Erection of first floor side extension and front porch to facilitate conversion of dwelling to 2 no. 1 bedroom flats.  
Refused 26.08.2009

## 4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council  
No objection.
- 4.2 Sustainable Transport  
No objection.
- 4.3 Local Residents  
One letters of objection have been received from a local resident. The main points raised are summarised below: -

- a) No off street parking provided.
- b) Highway safety.
- c) Increasing traffic and congestion.

One further letter has been received raising concerns with regard to the boundary of the application site.

## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission to convert the existing dwelling into 2no. one bedroom dwellings. The main issues to consider in this application are: -

- a) Is the loss of the existing retail use acceptable?
- b) Is principle of the proposed development acceptable?
- c) Is the proposed an appropriate development within the Green Belt and would it maintain openness?
- d) Does the proposed development respect the character and appearance of the existing dwelling?
- e) Does the proposed development provide a good quality living accommodation?
- f) Does the proposed development prejudice the amenities of nearby occupiers?
- g) Does the proposed development have acceptable transportation effects?

5.2 Notwithstanding these main issues, it is considered that key matter is to balance the positive effects of small residential units within a rural settlement verses the acceptability of the standard of design and living conditions that were previously considered unacceptable under PT09/1204/F.

### 5.3 Loss of Retail Use

The site has an extant planning permission (PT06/2245/F) for the conversion of an A1 retail unit into one dwelling, however this permission has not been implemented. Accordingly the site's authorised planning use remains as an A1 retail unit.

5.4 Policy RT11 of the adopted local plan sets out the change of use of existing retail premises within village centres will not be permitted unless: -

- A. The proposed use would not result in an over concentration of non-shop uses in a village center or local center or be detrimental to the vitality, viability, retail and social function of that center; or

- B. There are satisfactory alternative retail facilities available in the locality; or
  - C. It can demonstrated that the premises would be incapable of supporting a retail use; and
  - D. The propose use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.
- 5.5 Under planning application PT06/2245/F it was concluded that there were satisfactory alternative retail facilities available in the locality. Since this decision there has been no material changes to makeup of these nearby retail facilities, as such it is considered that the proposed development would also satisfy policy RT11 of the adopted local plan. In any event the principle for the change of use of the retail unit to a residential use has been established and thus carries significant weight.
- 5.6 Principle of the Proposed Residential Conversion  
Policy H5 of the South Gloucestershire Local Plan allows for the conversion of existing residential properties into smaller units of self contained residential accommodation; providing that they: -
- A. Would not prejudice the character of the surrounding area; and
  - B. Would not prejudice the amenities of the nearby occupiers; and
  - C. Would identity an acceptable level of off-street parking; and
  - D. Would provide adequate amenity space; and
  - E. (In the case of building not previously used for residential purposes) the property is located with the existing urban area and the boundaries of settlements, as defined on the proposal maps.
- 5.7 Moreover, Policy H4 of the South Gloucestershire Local Plan allows for the extension of existing dwellings, providing that they would respect the character and appearance of the existing dwelling, and would not prejudice the residential amenity of nearby occupiers.
- 5.8 As the proposed development would relate to an existing dwelling within the Bristol north fringe urban area, it is considered that the principle of the proposed conversion and the extension would be acceptable.
- 5.9 Green Belt  
The proposal consists of two separate extensions that are modest in size and scale. At first floor level the roof is being raised to facilitate an extra bedroom and extension to bathroom. A front porch is also being added to the front elevation. It is considered that the cumulative impact of these two additions would see a proportionate increase in the cubic volume of the host dwelling. The property is within the Olveston settlement boundary and there would be no significant adverse impact upon the 'openness' of the Green Belt. The proposal complies with Policy GB1 of the Local Plan.

#### 5.10 Design

The proposed development would include a first floor side extension and a front porch to facilitate conversion of the building into 2 no. 1 bedroom flats. The application follows PT08/3036/F which received approval for the front porch and first floor extension that forms part of this scheme. The proposed extension would be fundamentally the same in form and appearance, and materials, as this previous scheme. Moreover, the Council Conservation Officer supports the scheme. On this basis, it is considered that the proposed development would not harm visual amenity and would preserve the character and appearance of the Olveston Conservation Area. It is recommended that the conditions that were attached to PT08/3036/F are also attached to this application.

#### 5.11 Quality of Living Accommodation

The primary housing objection of PPS3 (Housing) is that the planning system should deliver *'high quality housing that is well-designed and built to a high standard'*. It is considered that the term 'well-designed' does not solely relate to the external appearance and architectural quality of a building. It is also equally important that new 'high quality' housing is fit for purpose and provides a well-designed internal living accommodation, which work wells for the occupier and contributes to their well-being. This is reiterated by the Design Checklist SPD which states that the building needs to be functional and work well for its intended users, including good space standards, natural light, energy efficiency and sound insulation<sup>1</sup>. Furthermore this is supported by question 53 of the checklist which states that *'the building or space works well for its intended user and take full advantage of opportunities of the site'*.

5.12 On this basis an assessment of the living accommodation is undertaken below. The Council does not have any adopted policy regarding minimum bedroom standards. In light of this, the 'Regulation of Crowding and Space in Residential Premises'<sup>2</sup> shall guide the assessment of the accommodation. This is a publication from a Government agency and provides guidance on acceptable room and bedroom sizes in dwellings. The guidance is meant to inform Local Authority practitioners on overcrowding across all housing tenures. Therefore it is considered that it is reasonable to give weight to the guidance in this document to judge the acceptability of the living accommodation in the proposed flats when interpreting and implementing PPS3, Policy D1 and question 53 of the South Gloucestershire Design Checklist SPD.

5.13 According to LACORS<sup>2</sup> a room with a minimum size of 9.5 square metres is suitable as a double bedroom for two persons and room of 6.5 square metres is suitable as a single bedroom for 1 person. In the previously refused planning application (PT09/1204/F) the bedrooms of both flats fell significantly beneath this bedroom size. As such the accommodation was considered to be cramped in size and would not provide good quality accommodation for the occupiers.

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<sup>1</sup> **South Gloucestershire Design Checklist SPD (Adopted) 2007 - Page 17**

<sup>2</sup> **LACORS - Regulation of 'Crowding and Space' in Residential Premises 2009**



- 5.14 In this application the applicant has increased the bedroom size within both units to 10 square metres. As such the proposal now exceeds the minimum room size advocated in the above guidance. Notwithstanding this, it is noted that the headroom of the first floor flat is restricted and would therefore make occupiers feel enclosed further. Nevertheless, it is considered that the increase to the size of the room itself would mitigate this effect.
- 5.15 It is acknowledged that the proposed units would not include any private amenity space. Nevertheless it is considered that the proposal would have good access to public open space within Olveston and there are many public rights of ways in the nearby countryside. Due to the size of the units they are unlikely to house a family with children. Therefore it is considered that the access to public open space would be sufficient for the outdoor needs of the occupiers.
- 5.16 In view of the above, it is considered that the positive benefits of two small residential units to local housing need would outweigh the negative effects of the size of the living accommodation and the lack of access to private amenity space. On this basis, it is considered, on balance, that the proposal would provide a satisfactory level of living accommodation. The development would therefore accord with policy D1 and the Design Checklist SPD.
- 5.17 Residential Amenity  
The proposal would not result in any loss of residential amenity to neighbouring occupiers. Windows are proposed in the side (north) elevation however the nearest property is approximately 20 m away, across a highway and therefore there would be no overlooking as a result of the proposal.
- 5.18 Transportation  
The proposed development does not include any off street parking provision and representations have been received from local residents objecting on these grounds. Notwithstanding this, policy T8 (Parking Standards) of the adopted local plan states that a one bedroom should have a maximum of 1 parking space, and 'car-free development' will be permitted in locations which have good accessibility by non-car modes and where there is adequate public off-street parking. The development is situated in a sustainable village centre location and public parking is available. In addition the buildings current use as shop would generate a greater need for parking than two one-bedroom flats. The Council Transport Engineer has assessed the development and raised no objection. On this basis it is considered that the proposed development would accord to policy T8 and T12 of the adopted local plan.
- 5.19 Other Matters  
It is noted that a representation has been received with regard to the ownership of the rear yard. This has been queried with the applicant and they have confirmed that this land is indeed owned by them, and the neighbour has access to store their bin. It is understood that this arrangement would not change as part of application. On this basis, Officers are satisfied that the correct ownership certificate has been submitted and the application is therefore valid. Any subsequent ownership disputes would be a civil matter between the applicant and the neighbour.

5.20 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.

5.21 Use of Energy and Sustainability

To be built to Building Regulation standards.

5.22 Improvements Achieved to the Scheme

Increase to the standard of living accommodation.

5.23 Section 106 Requirements

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

**6. CONCLUSION**

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

- a) The effect of the loss of the existing retail unit has been assessed under this application. It is considered that there are satisfactory alternative retail facilities available in the locality. The proposed change of use would therefore accord with Policy RT11 of the South Gloucestershire Local Plan (adopted) January 2006.
- b) The proposed residential conversion would take place within an existing building and within the Olveston settlement boundary. It is considered that this is an appropriate area for such a residential development. It is therefore considered that the principle of the proposed development would accord with PPS3 and policies H2, H4, and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
- c) The proposed development would constitute an appropriate development within the Green Belt and would not prejudice openness. The proposed development therefore accords with PPG2, Policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006, and the South Gloucestershire Design Checklist SPD (Adopted) January 2006.
- d) The design of the proposed development and the quality of the proposed living accommodation has been fully assessed. It is considered that the

development respects the character and appearance of the existing dwelling and the Olveston Conservation Area. Moreover the development would provide a satisfactory standard of living accommodation for future occupiers. The proposed development would therefore accord with policies D1, H2, H4, and H5 of the South Gloucestershire Local Plan (adopted) January 2006.

- e) The impact of the proposed development on nearby properties has been fully assessed. It is considered that the siting and layout of proposal would not result in a material loss of privacy or an overbearing effect. The proposed development would therefore accord with Policy H2, H4, and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
- f) The impact of the proposed development in terms of transportation has been fully assessed. It is considered that proposal would have satisfactory access and parking arrangements. The proposed development would therefore accord with Policy T8 and T12 of the South Gloucestershire Local Plan (adopted) January 2006

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

2. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

To ensure a satisfactory standard of external appearance in the Olveston Conservation Area, and to accord with and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The colour, type and texture of the rendered finish to the external walls of the proposed extension shall match that of the existing building.

To ensure a satisfactory standard of external appearance in the Olveston Conservation Area, and to accord with and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until full details of the conservation rooflight are submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

To ensure a satisfactory standard of external appearance in the Olveston Conservation Area, and to accord with and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.