



**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. 06/08

Date to Members: 08/02/08

Member's Deadline: 15/02/08

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

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

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **within five working days of the publication of the schedule (by 12 noon)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (by 12 noon) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to PlanningApplications@southglos.gov.uk

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 08/02/08

SCHEDULE NO. 06/08

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 12 noon), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email Planningapplications@southglos.gov.uk.

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

For your information, from 25 February 2008, we will be running a 3 month trial within the Development Control West area of sending out consultations to neighbours on A5 card instead of by letter. The card will contain all the same information that is currently included in the A4 letters but will be formatted slightly differently.

We have seen this consultation method working well in other authorities and hope that by introducing the card system, we will be able to send consultations out more quickly (letters will not need to be collated and enveloped). This change should result in a simpler process, with a reduced carbon footprint and overall in an improved customer service.

If you have any queries or comments during the trial period please contact Rebecca Patten, Business Support Manager.

Circulated Schedule 08 February 2008

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK07/1050/F	Refusal	Douglas House Hanham Road Kingswood South Gloucestershire BS15 8NP	Woodstock	
2	PK07/2934/R3F	Deemed consent	Cranleigh Court School Cranleigh Court Road Yate South Gloucestershire BS37 5DQ	Yate North	Yate Town Council
3	PK07/3457/O	Refusal	60 Barrs Court Road Barrs Court South Gloucestershire BS30 8DH	Parkwall	Oldland Parish Council
4	PK08/0058/F	Approve	B & Q Plc, Station Road, Yate, South Gloucestershire, BS37 5PQ	Yate North	Yate Town Council
5	PK08/0067/CLE	Approve	48 & 48A High Street, Hanham, South Gloucestershire, BS15 3DR	Hanham	Hanham Parish Council
6	PK08/0077/F	Approve with conditions	98 Ellacombe Road, Longwell Green, South Gloucestershire, BS30 9BP	Longwell Green	Hanham Abbots Parish Council
7	PK08/0085/F	Approve with conditions	10 West Street, Kingswood, South Gloucestershire, BS15 8JJ	Woodstock	
8	PT01/1996/CLE	Refusal	Land at The Pump House, Sandy Lane, Aust, South Gloucestershire, BS35 4AU	Severn	Aust Parish Council
9	PT07/3606/F	Approve with conditions	Snaefel The Drive Charfield South Gloucestershire GL12 8HX	Charfield	Charfield Parish Council
10	PT08/0062/F	Approve with conditions	216 North Road Stoke Gifford South Gloucestershire BS34 8RL	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 06/08 – 08 FEBRUARY 2008

App No.: PK07/1050/F

Applicant: Mr W Braund & A Dykes

Site: Douglas House Hanham Road
Kingswood BRISTOL South
Gloucestershire BS15 8NP

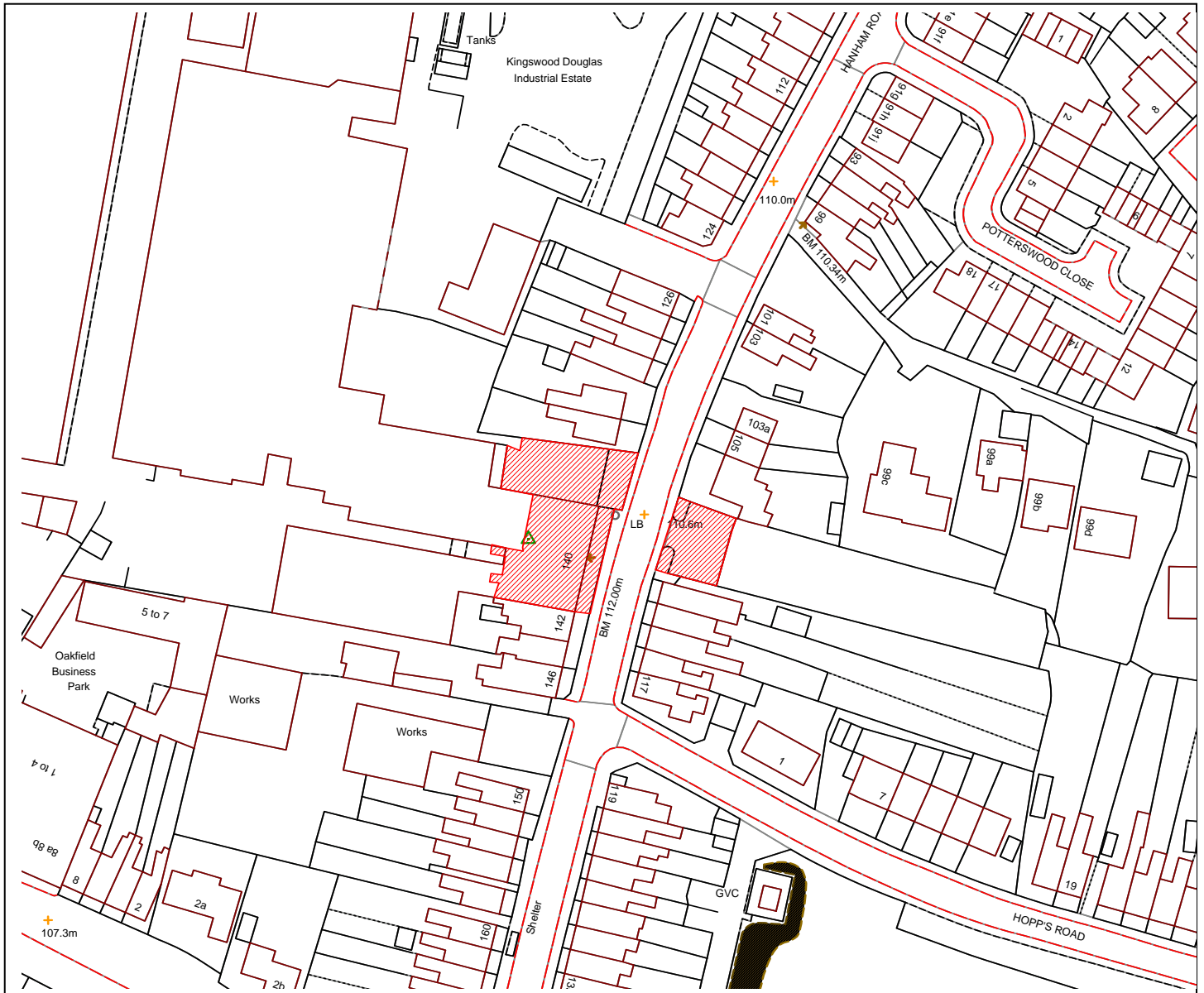
Date Reg: 3rd April 2007

Proposal: Change of Use of offices (Class B1) business to (Class C3) creating 10 No. dwellings as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and installation of 5 No dormer window to the rear elevation. Erection of 4 no. flats with associated car parking, bin and cycle store.

Parish:

Map Ref: 64757 73154

Ward: Woodstock



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100023410, 2008.

INTRODUCTION

This application appears on the Circulated Schedule because it is a major application.

1. THE PROPOSAL

- 1.1 The application relates to Douglas House and a vacant plot of land (immediately to the north) located to the west of Hanham Road, Kingswood. Douglas House is a substantial, 4-storey red brick building which, between 1907-1957 was the home of the Douglas Motorcycle Factory, a result of which the building is Locally Listed. The building is now mostly empty but its authorised is now offices (B1). The vacant plot of land to the side (north) was formerly the site of two semi-detached houses. Further residential properties lie to the south of Douglas House, whilst to the rear (west) is an array of industrial buildings within an industrial estate.
- 1.2 It is proposed to convert Douglas House into 10no. self-contained flats with a bin store to the front. The vacant land to the side of Douglas House would be used to erect a 2-storey building containing 2no. 2-bedroom flats and 2no.1-bedroom flats with associated garden/drying areas, bin store and cycle store.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport
PPG14 - Development on Unstable Land
Circ 05/05 - Planning Obligations

2.2 Regional Planning Guidance

RPG10 - Regional Planning Guidance for the South West

2.3 Development Plans

Joint Replacement Structure Plan

Policy 1 - Sustainable development objectives.
Policy 2 - Location of development.
Policy 33 - Housing provision and distribution.
Policy 34 - Re-use of previously developed land.

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L11 - Archaeology
L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
EP4 - Noise-sensitive development
EP7 - Unstable Land
T7 - Cycle Parking
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
H1 - Proposed Sites for New Residential Development and Mixed Use Schemes including Residential Development.

H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.

H5 - Residential Conversions, Houses in Multiple Occupation and Re-Use of Buildings for Residential Purposes.

H6 - Affordable Housing

L15 - Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality.

LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).

LC4 - Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries.

LC13 - Public Art

2.4 Supplementary Planning Guidance

Advice Note 2 - House Extensions

The South Gloucestershire Design Checklist (SPD) – Adopted 23rd August 2007.

3. RELEVANT PLANNING HISTORY

3.1 P78/4559 - Erection of temporary building to be used as fitting shop.
Approved 31st October 1978

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Not a parished area

4.2 Other Consultees

4.3 Wessex Water
Commented as follows:

- The development is located within a foul sewered area. A point of connection onto the system will need to be agreed with Wessex Water.
- There may be a sewer crossing the site which by reason of age could be deemed to be a public sewer. Such sewers require a 3.0m statutory easement.
- Surface water is to be disposed of to the existing drains for Douglas House and to soakaway for the new build. This should be agreed with the Council.

4.4 South Gloucestershire Council Conservation & Design Advisory Panel
Recommended refusal for the following reasons:

- The relationship between the existing building and the surrounding buildings is totally unsatisfactory and unlikely to provide suitable living conditions.
- The design of the new build is inappropriate in the context.
- Totally inadequate amenity space.
- Parking should be adjacent to the existing building.

Other Representations

4.5 Local Residents

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

- The parking provision is inadequate and would result in increased on-street parking congestion close to schools.
- Loss of privacy and overlooking from upper floors for 109 Hanham Rd.
- Increased noise and loss of privacy from car park.
- Extra wheelie bins on the pavement would cause hazards for health and for pedestrians.
- Loss of privacy and security for 136 Hanham Rd.
- Waste bins too close to windows of 136 Hanham Rd.

4.6 Applicant's Supporting Information

In support of the application, the applicant has submitted the following:

- Planning Policy, Design and Access Statement
- Scale Parameters of proposed new build.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within land allocated under Policy H1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, for residential development (see site 1 – South of Douglas Road, Kingswood). Paragraph 8.42 of the supporting text to Policy H1 states that site 1 is previously developed and located within the principal/main urban area of Bristol and is therefore considered suitable for residential development.

5.2 Paragraph 8.45 states that within these developments, the Council will seek the creation of attractive, high quality living environments in which people will choose to live and, in this respect, the criteria set out in Policy D1 'Achieving Good Design in New Development' are particularly relevant. Paragraph 8.46 states that the Council considers that the best way of achieving these objectives will be through the preparation of Concept Statements and the adoption of satisfactory planning guidance in the form of a planning Brief and where appropriate a Master Plan covering the whole H1 site in question.

5.3 The scheme as proposed would represent the piecemeal development of only part of the overall H1 site without any consideration being given to any overall Concept Plan for the designated area. Officers therefore have an in-principle objection to the scheme as proposed.

5.4 Given that the development of the application site should be considered in relation to the development of the rest of the H1 site and the strategic issues associated thereto, any consideration of contributions towards Community Services, Education or Affordable Housing Provision should be assessed at that stage rather than on the basis of the piecemeal development currently proposed.

5.5 Notwithstanding the above, the retention of the Locally Listed building is to be welcomed. PPS3 supports the generation of mixed communities in sustainable locations and at para.20 states:

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

The proposal for flats is therefore considered to be in accordance with the latest government advice contained in PPS3 and as such, there is no in-principle objection to the conversion of Douglas House to flats or to flats being erected in the location proposed. The flats would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock.

5.6 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to *“..increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.”*

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

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

Policy H5 relates to the conversion of non-residential properties into residential use and permits such uses subject only to the following criteria:

- A. Would not prejudice the character of the surrounding area; and
- B. Would not prejudice the amenities of nearby occupiers; and
- C. Would identify an acceptable level of off-street parking; and
- D. Would provide adequate amenity space; and
- E. (In the case of buildings not previously used for residential purposes) the property is located within the existing urban areas and the boundaries of settlements, as defined on the proposals map.

5.8 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal equates to 140 dwellings per hectare but this higher figure merely reflects the fact that the development would comprise of 14 small flats as opposed to individual dwelling houses. Ideally the density should be calculated for the whole H1 site as opposed to a small portion of it, as is proposed in this application.

5.9 Officers however consider that a higher density development could not be accommodated on this site. The proposal therefore accords with Government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.

5.10 Scale and Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.11 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*

5.12 Other than the insertion of a number of velux and dormer windows into the front and rear of the roof-space respectively, the appearance of Douglas House would not significantly change. The scale, form, design and siting of the proposed new build would be similar to neighbouring no.136 and would not therefore appear as a discordant feature within the street scene. The scale and design is therefore considered to be acceptable.

5.13 Landscape

The vacant plot to the side of Douglas House contains two small trees and a variety of other vegetation, none of which is considered to have any great significance in terms of amenity value. Whilst there is little scope to landscape the Douglas House site, an appropriate scheme of landscaping could be secured to enhance the curtilage of the new build to the side.

5.14 Transportation

The extant use of Douglas House is for offices (B1) and the traffic generation from such a use would be higher than the proposed residential use. There could therefore be no objection to the proposal in terms of traffic generation.

5.15 14no car parking spaces are proposed i.e. one per flat but these would be located on the opposite side of Hanham Road and within a larger shared (communal) parking area. Whilst not considered ideal, the distance involved in walking from the parking area to the dwellings would not be great.

- The parking layout however would be cramped and the turning/manoeuvring areas restricted; parking spaces no.1 and 8 are too close to the site access. For this reason there is a highway objection. A cycle store would be provided for Douglas House but this would be in a remote location on the adjoining site and therefore less likely to be used and more prone to theft.
- 5.16 Officers consider that there is scope for a developer contribution to fund raised boarders at the nearest bus stops, but any contributions would best be calculated taking into consideration the strategic issues relating to the overall co-ordinated development of the H1 site as a whole, rather than the piecemeal development of part of it as proposed.
- 5.17 Impact Upon Residential Amenity
There would be an adequate distance between the proposed windows and the residential properties on the opposite side of Hanham Road. Any side windows are either existing or would serve en-suites and could be obscurely glazed; there would therefore be no significant issues of overlooking or inter-visibility. Due however to the close proximity of the industrial buildings to the rear of Douglas House, the outlook from the rear windows in Douglas House would be particularly poor, which would be to the detriment of the residential amenity of future occupiers.
- 5.18 Whilst Douglas House is an existing building and would not be extended, the new block of flats proposed would be adequately set back from neighbouring no.136 and would not have an overbearing impact. Furthermore the introduction of adequate boundary treatments could be secured to ensure that there would be no significant loss of privacy.
- 5.19 In terms of amenity space, save for a small drying area located in a remote position on the neighbouring plot, the Douglas House conversion would be utterly devoid of such areas. Notwithstanding the fairly sustainable location of the site, officers consider that some amenity space provision should be provided for future occupiers and this is also a requirement of Policy H5 and PPS3. Adequate garden areas would be provided for the occupiers of the ground floor flats in the new build, but only a drying area would be provided for the first floor flats. Officers therefore conclude that the overall amenity space provision for this scheme is deficient and its arrangement is also inappropriate for this proposal, all to the detriment of the residential amenity of future occupiers.
- 5.20 Furthermore, the bin stores would only be sufficient to accommodate 1no. bin per flat where 2no. are generally required.
- 5.21 Affordable Housing
The proposal is for 14 units only, which falls below the Policy H6 threshold (15) for affordable housing on windfall sites. If assessed however under Policy H1 33.3% affordable housing would be required. Paragraph 8.196 of Policy H6 indicates that where a site is to be sub-divided the Council will take the whole site for the purpose of determining whether the scheme falls above or below the thresholds. In this instance therefore it is considered that an affordable housing provision would be required.

5.22 Community Services

A contribution of £26,953.92 towards Public Open Space and £441.84 towards Library provision is requested. Officers however consider that the Community Service contributions would best be calculated taking into consideration the whole H1 site.

5.23 Education

As for the Highways and Community Service provision, officers consider that any assessment of the contributions towards Education should be done in relation to the whole H1 site.

5.24 Environmental and Drainage Issues

Whilst there will inevitably be some disturbance for neighbouring occupiers during the construction phase, this can be adequately mitigated for by imposing a condition to limit the hours of construction. The Environmental Health Officer has raised no objection to the position of the proposed bin stores which could be adequately screened. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal. If it is intended to connect to a private sewer then this is a civil matter. Any connection to the public sewer system would first have to be agreed with Wessex Water. Due to past mining activities within the area, a mining report would be required prior to the commencement of any development.

5.25 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 (Adopted) 23rd August 2007.

5.26 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The recommendation to refuse 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 REFUSED for the following reasons:

Background Papers **PK07/1050/F**

Contact Officer: **Roger Hemming**

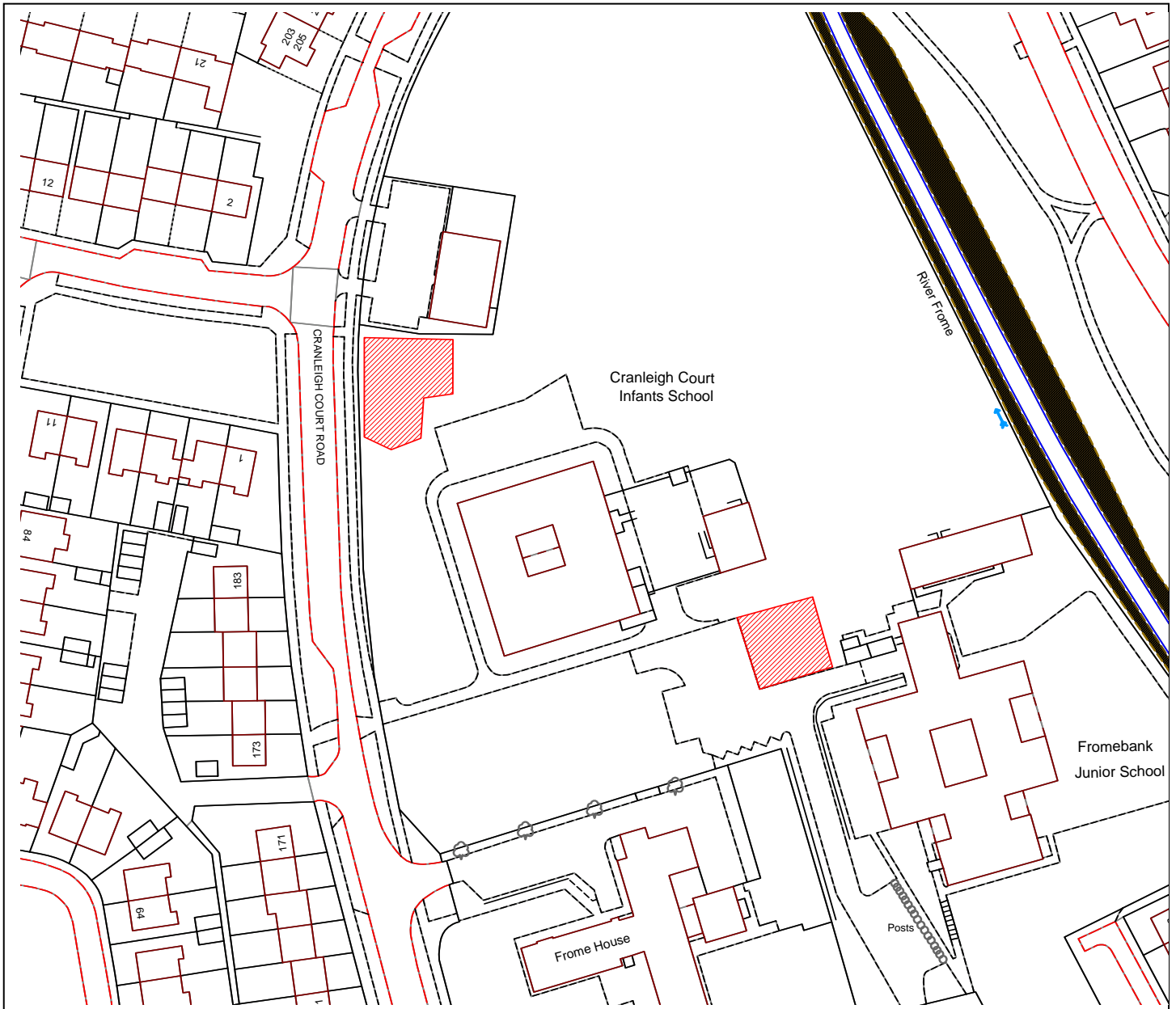
Tel. No. **01454 863537**

REFUSAL REASONS

1. The application site lies within a larger site that is allocated for housing under Policy H1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. In the absence of a Concept Statement or Planning Brief, the proposal represents an uncoordinated piecemeal form of development that would be contrary to H1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
2. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under-provision of public open space in the development and the demand placed on the library services; the proposal would be contrary to Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure an appropriate level of affordable housing, the proposal would be contrary to Policy H6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
4. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure financial contributions towards improvements to public transport facilities in the area, the proposal would be contrary to Policy T12, of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
5. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the increased demand on Education facilities to result from the increased population generation; the proposal would be contrary to Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
6. By reason of poor outlook due to the close proximity of industrial buildings to the site; insufficient and poorly arranged amenity space; and insufficient bin storage, the proposal would be detrimental to the residential amenities of future occupiers, contrary to Planning Policy Statement 3 - 'Housing' and Policies D1, H2 and H5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
7. By reason of a cramped car parking layout and restricted turning/manoeuvring areas, the proposed parking area would be detrimental to highway safety, which would not accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

CIRCULATED SCHEDULE NO. 06/08 – 08 FEBRUARY 2008

App No.:	PK07/2934/R3F	Applicant:	Mr D Beale Property Services Division
Site:	Cranleigh Court School Cranleigh Court Road Yate BRISTOL South Gloucestershire BS37 5DQ	Date Reg:	27th September 2007
Proposal:	Erection of Childrens Centre and associated car park.	Parish:	Yate Town Council
Map Ref:	70684 83148	Ward:	Yate North



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N.T.S

PK07/2934/R3F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This planning application seeks permission for the erection of childrens centre and associated car park.
- 1.2 The application site relates to an existing Primary school within the established residential area of Yate.

2. POLICY CONTEXT

2.1 National Guidance
PPS1

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

T7 Parking Standards

T12 Transportation Development Control Policy for New Development

LC9 Protection of Open Space and Playing Fields

LC4 Proposal for Educational Facilities

3. RELEVANT PLANNING HISTORY

3.1 The most recent planning history relates to the application site:

3.2 PK02/0290/R3F Erection of extensions
Deemed Consent March 2002.

4. CONSULTATION RESPONSES

4.1 Yate Town Council
No objection

4.2 Other Consultees

Sport England

We have assessed the application in light of our national playing fields policy 'A Sporting Future for the playing Fields of England'. In our opinion the proposals meet with the requirements of Exception 3 of our playing fields Policy. In light of this Sport England does not wish to object to this application.

Environment Agency

No objection in light of additional information.

Other Representations

4.3 Local Residents
No response.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This is an existing school located within the existing Urban Area of Chipping Sodbury. Within such locations, proposals for expansion or improvement of educational facilities are acceptable, subject to following criteria.

5.2 Visual Amenity

This application seeks permission for an L shaped single storey detached building. Due to the constraints of the site in terms of size this has resulted in the building being sited close to the road frontage of the site. The building will however be sandwiched between existing built form on the site with a youth centre north of the application site and main school buildings south of the site. A landscaping condition will be imposed which will ensure that landscaping be planted along the frontage and side of the site so as to minimise its impact.

5.3 It is considered that as the building is single storey and will be constructed of satisfactory external facing materials, it will not have a harmful impact on the visual amenities of the immediate locality.

5.4 Residential Amenity

It is considered that the proposed development by reason of its siting and scale i.e. single storey would not have an adverse impact on the existing amenities of neighbouring properties in terms of overbearing impact or loss of privacy, especially as the nearest residential are sited on the other side of the road.

5.5 Landscaping Issues

There are no landscaping constraints on this site that would prohibit the proposed development. A landscaping condition has been imposed to secure planting along the frontage of the site.

5.6 Drainage

The application site lies with Flood Zone 2. In light of additional information submitted in support of this application the Environment Agency do not object to the proposed scheme subject to the imposition of a planning condition requiring the submission of drainage details relating to surface water run off and that the finished floor level be set at a minimum of 71.975m.

5.7 Transportation issues

It is proposed to erect a new children's centre building in the grounds of Cranleigh Court Infants School. The building will be located adjacent to an existing group car park. Eleven parking spaces are proposed for this development. This parking will be located adjacent to the existing car parking for the school, accessed via Tyndale Avenue.

5.8 Although there are concerns that this parking is located a little remotely from the site, it is considered however that as the majority of the journeys to the site will be made by pedestrians from the immediate locality or shared trips to and from the school that no objection is raised.

5.9 Design and Access Statement

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

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.

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 planning conditions.

Background Papers **PK07/2934/R3F**

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 and Country Planning Act 1990 (as amended).

2. No development shall take place until samples of the roofing and external facing materials proposed to be used 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 a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until a scheme for the provision and implementation of a surface water off limitation has 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 prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The finished floor level of the building hereby permitted shall be set at a minimum of 71.975 above ordnance datum.

Reason

To minimise the effect of any flooding which may occur and to comply with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. 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 of the South Gloucestershire Local Plan (Adopted) January 2006.

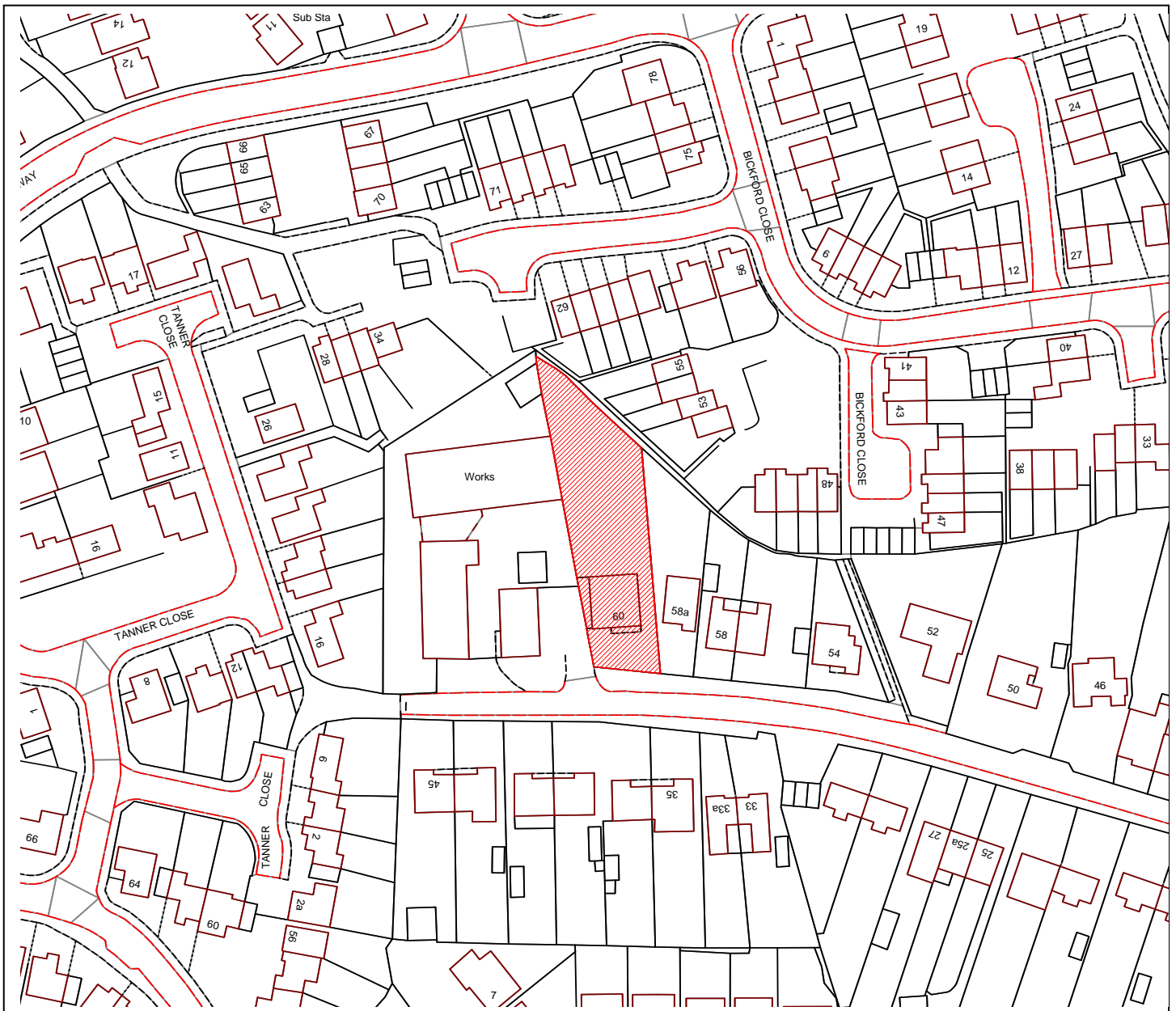
6. All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

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

CIRCULATED SCHEDULE NO. 06/08 – 08 FEBRUARY 2008

App No.: PK07/3457/O	Applicant: Mr M Grant
Site: 60 Barrs Court Road Barrs Court BRISTOL South Gloucestershire BS30 8DH	Date Reg: 22nd November 2007
Proposal: Demolition of existing dwelling and outbuildings to facilitate the erection of 12no. flats (Outline) with layout and access to be determined. All other matters reserved.	Parish: Oldland Parish Council
Map Ref: 66071 72473	Ward: Parkwall



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INTRODUCTION

This application has been referred to the Council's Circulated Schedule procedure as this is a major planning application and this is in line with the Council's Procedure.

1. THE PROPOSAL

- 1.1 This planning application seeks outline planning permission for the demolition of an existing dwelling and the erection of 12no. self contained flats with access and associated works with all matters reserved except for 'layout' and 'means of access'
- 1.2 The application site relates to 0.15 hectares of land, which is occupied by 1 detached dwelling. The site is located within the established residential area of Barrs Court.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Joint Replacement Structure Plan

2	Location of development
34	Reuse of previously developed land
35	Range of housing types
59	Transport issues – new development

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	landscape Protection and Enhancement
H1(A)	Proposed Sites for New Residential Development
H2	Residential Development
H6	Affordable Housing
T6	Cycle Parking Provision
T7	Parking Standards
T12	Development Control Transportation Policy
LC2	Provision of Education facilities
LC8	Open Space

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD Adopted August 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 Previous planning applications on this site relate to householder applications i.e. extensions, garage extension and vehicular access.

4. CONSULTATION RESPONSES

(a) Statutory Consultees

- 4.1 Oldland Parish Council
No objection.

(b) Other Representations

4.2 Local Residents

23 letters have been received from local residents raising the following planning objections regarding the proposed development which have been summarised by the Planning Officer as follows:

- Transportation issues i.e. access/visibility/parking/congestion/pedestrian safety
- Noise and disturbance
- Out of keeping with character of area and overbearing
- Loss of privacy
- Plans incorrect do not illustrate existing extensions
- What will buildings be used for
- Object to demolition of existing house
- lack of landscaping

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H2 and H4 of the South Gloucestershire Local Plan allows for residential development within the existing urban area. Therefore the principle of residential development is considered acceptable subject to the following being satisfied.

5.2 It should be noted that as part of this outline application only issues of 'layout' and 'means of access' are to be determined.

5.3 Layout/Scale of Development

The application site and surrounding is characterised as follows. The application site relates to a large two storey detached dwelling situated within a predominantly residential area. Those surrounding properties along Barrs Court comprise of detached and semi detached dwellings of varying heights i.e two storey and single storey. Those properties directly opposite the application site relate to single storey dwellings. It is considered that there is a mix of styles within this road.

5.4 Whilst it is accepted that only layout and means of access have been applied for as part of this outline application. It is considered that the Council can also have regard for the proposed scale of the development. The submitted plans with the application although indicated as 'illustrative' clearly illustrate that the scheme is for 3 storey as this is substantiated by the submitted floor plans. As the scheme has specifically applied for 12 units it is considered prudent in this case to assume that the development would be proposing a three storey unit. On this basis it is considered that the proposed development by reason of its scale i.e. 3 storey and layout in particular Block 2 which would result in a backland form of development would fail to respect or enhance the character and distinctiveness of the surrounding area.

5.5 Impact of Layout on existing Residential Amenity

The application site is bound by a residential property and rear private garden along the eastern of the application site. It is considered that the proposed development by reason of its layout in terms of the proposed parking area adjacent no. 58a Barrs Court, would have an unacceptable impact on existing levels of residential amenity. The parking area in this area would generate unacceptable levels of noise and disturbance compared with the existing situation.

- 5.6 The application proposes a two storey block at the rear of the site. Objections have been raised that the proposed development would allow for overlooking and loss of privacy. Although the proposed block would be set back at a distance of 13.0m at the nearest point from the rear elevation of those houses , it is considered that a building of this scale and in this location would have an overbearing impact on those and result in a loss of privacy.
- 5.7 Impact of layout on Residential Amenity of Future Occupiers
Although the proposed development by reason of its layout has failed to provide satisfactory on site communal amenity space it is considered that as the units relates to 1 bed units that it would not be necessary to provide.
- 5.8 The proposed development by reason of its layout in terms of the proposed car parking area and spaces would have an unacceptable impact on the future occupiers of the development. The parking area would be sandwiched between both blocks.
- 5.9 The proposed refuse facilities for Block 1 are not considered to be in a safe position in terms of access due to their close relationship with the proposed vehicular access point. The recycle boxes are considered to be inaccessible and the cycle facilities are considered to remote for the future occupiers of Block 1
- 5.10 Transportation Issues
The proposed flats would be accommodated into two separate buildings located in tandem with an access in the form of an undercroft arrangement. Whilst there are no highway objections to the principal of the residential development on this site, there are concerns about suitability of the proposed access for this level of density.
- 5.11 The proposed access is considered inadequate for two-way traffic and it does not accommodate suitable provisions for pedestrians. If allowed, the proposed access is likely to create conflicts.
- 5.12 Parking arrangement on the site is cramped and access to some of parking spaces is considered difficult. The proposed parking spaces in vicinity of the site access would cause access difficulties and likely to cause conflicts with safe movements of other vehicles.
- 5.13 Vehicular manoeuvring space on the site is restricted. If allowed, the proposed development would lead to increased standing and manoeuvring of vehicles on the public highway causing congestion. All of the above would be to the detriment of highway safety.
- 5.14 Landscaping Issues
It is considered that there are no landscaping constraints on this site that would prevent this site from being developed.
- 5.15 Drainage Issues
The Council's Drainage Engineer has advised that in principle no objection is raised with regards the drainage aspects of the proposed development, and has advised that where appropriate the Council will require the use of soakaways for roofs or permeable surfaces for private drives and parking areas to satisfy ground water replenishment and surface water pollution in compliance with Sustainable Drainage System requirements.

Had planning permission be granted a drainage condition would have been imposed requiring the submission of full drainage details.

5.16 Financial Contributions.

Community Services

The proposed development would create a need for extra public open space and therefore a financial contribution towards off site open space would be required. However in the absence of such a contribution this will substantiate a refusal reason.

Education

No request has been made for an education contribution.

Affordable Housing

As the proposed level of development falls under the threshold for Affordable housing no provision is required.

5.17 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.

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 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 be refused for the following reasons.

Background Papers **PK07/3457/O**

Contact Officer: Tracey Price
Tel. No. 01454 863424

REFUSAL REASONS

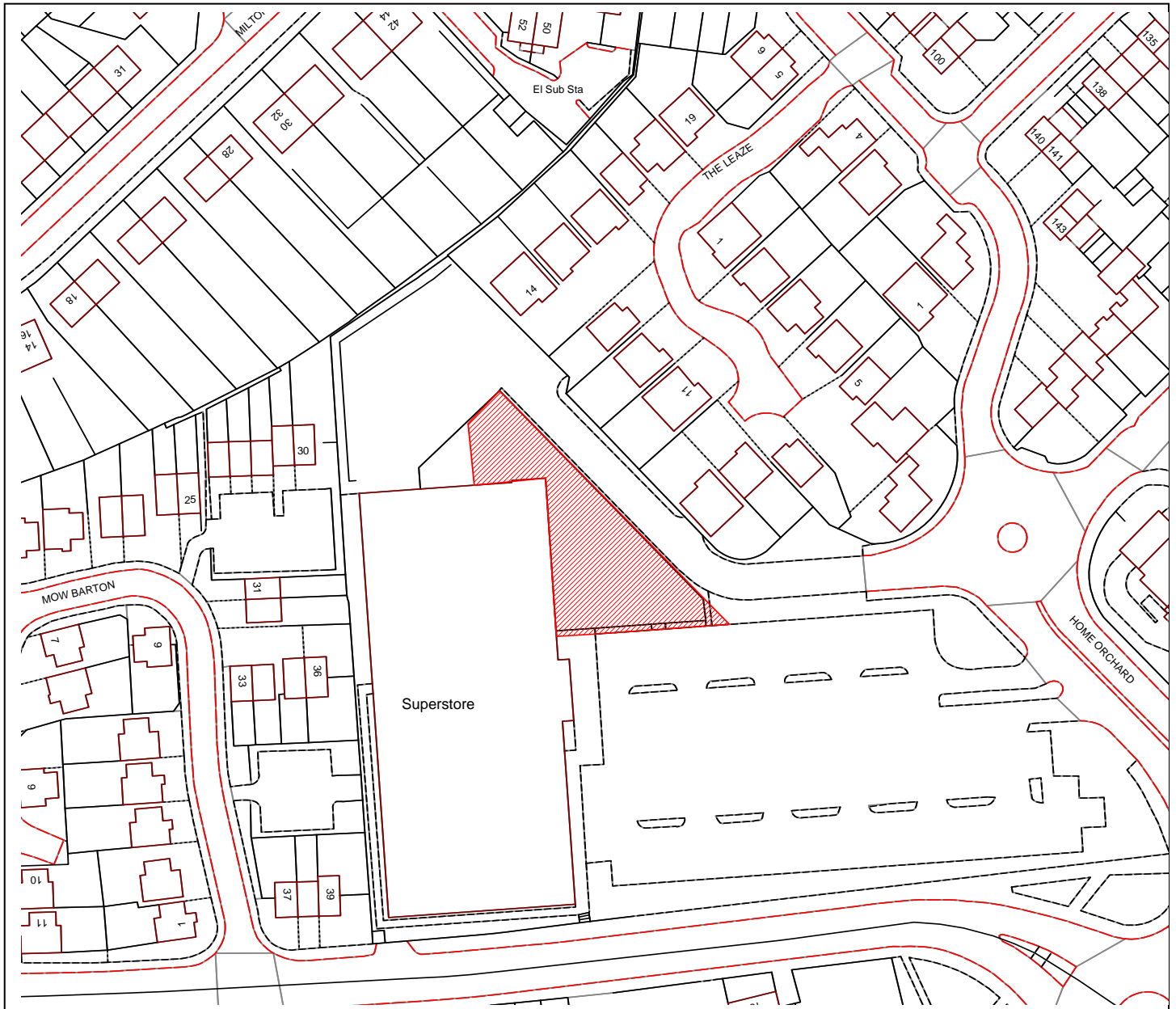
1. The proposed development by reason of its layout in terms of the proposed car parking area if allowed would result in the introduction of unacceptable levels of noise and disturbance which would be to the detriment of residential amenity for existing residents i.e 58a Barrs Court Road and the future occupiers of the development and would be contrary to the provisions of PPS1 and Policies D1and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposed development would lead to the creation of a substandard access by reasons of insufficient width for two-way traffic and inadequate pedestrian facilities. Additionally, the proposed high-density development combined with restricted manoeuvring space on site would result in additional standing and manoeuvring of vehicles on the public highway thereby causing congestion on public highway all to the detriment of highway safety. This is contrary to policy T12 and H2 of the South Gloucestershire Local Plan.
3. The proposed development by reason of its layout in particular Block 2 would constitute an unacceptable form of backland development and Block 1 by reason of its scale in terms of height all of which would fail to respect or enhance the character of the street scene and the visual amenities of the locality. The proposal is therefore considered contrary to the provisions of PPS1 and PPS3 and Policies D1 and H4 of the South Gloucestershire Local Plan and the South Gloucestershire Design Checklist.
4. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards providing suitably enhanced public open space in the vicinity to meet the needs of the future occupants the proposal would be contrary to Policy LC8 of the adopted South Gloucestershire Local Plan.
5. Block 2 by reason of its scale and siting if allowed would have an overbearing impact and result in a loss of privacy for those properties sited rear of the application site which would be to the detriment of residential amenity and would be contrary to Policy H2 of the South Gloucestershire Local Plan.
6. The proposed development by reason of its layout would fail to provide safe and accessible on site cycle and refuse facilities which would be to the detriment of the residential amenity for the future occupants. The proposal is therefore considered contrary to the provisions of Policies D1 and H2 of the South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 06/08 – 08 FEBRUARY 2008

App No.: PK08/0058/F
Site: B & Q Plc, Station Road, Yate, South Gloucestershire, BS37 5PQ
Proposal: Retention of 3.6 metre high anti-theft netting around perimeter of external garden centre. (Retrospective) Resubmission of PK07/2975/F.
Map Ref: 70920 82607

Applicant: Ms V Hill B & Q Plc
Date Reg: 7th January 2008
Parish: Yate Town Council
Ward: Yate North



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PK08/0058/F

INTRODUCTION

This application appears on the Circulated Schedule following an objection raised by Yate Town Council which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to the B & Q Retail Warehouse and Garden Centre, Yate; located in an edge of centre location to the north of Station Road and east of The Leaze, a residential cul-de-sac. The Garden Centre, which is open air, lies to the north-east of the main store, adjacent to a service road leading to a yard at the rear, and north of the main car park. The rear elevations of properties within The Leaze face the Garden Centre across the service road. The garden centre is enclosed by a high fence.
- 1.2 The application seeks retrospective planning permission to retain anti-theft netting that has been erected on 3.6m high poles around the southern and north-eastern edge of the garden centre.
- 1.3 The application is a re-submission of a previous proposal PK07/2975/F for similar netting on 7m high poles, which was refused for the reasons listed under paragraph 3.5 below.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
PPS6 - Planning for Town Centres
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 - Design
RT5 - Proposals for Out of Centre and Edge of Centre Retail Development
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (SPD) Adopted 23rd August 2007

3. RELEVANT PLANNING HISTORY

There have been a number of applications, relating to this site, for planning permission and advertisement consent, the most relevant of which are listed below :

- 3.1 P85/1777 - Erection of D.I.Y Store and Garden Centre totalling 3681 sq.m. gross floor area; construction of associated car park, access road and roundabout. Erection of 3m high brick wall around service yard.
Approved 24th July 1985
- 3.2 P86/1737 - Erection of external lighting columns in car park and garden centre.
Approved 3rd Sept 1986
- 3.3 P96/2502 - Modification of condition to permit unrestricted Class A1 retailing (Planning permission P85/1777)
Refused 9th August 1999

- 3.4 P99/2355/E - Enforcement Notice – Breach of conditions.
- 3.5 PK07/2975/F - Erection of 7 metre high anti-theft netting around perimeter of external garden centre.
Refused 15th November 2007 for the following reasons:
1. The proposal by reason of its excessive height and massing; and inappropriate design is neither informed by or respects and enhances the character and amenity of the site or the locality in general, which would be to the detriment of the visual amenity of the street scene; contrary to the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 and The South Gloucestershire Design Checklist (SPD) Adopted 23rd August 2007.
 2. The proposal by reason of its unsightly appearance and overbearing impact would adversely affect the residential amenity of occupiers of the nearest properties situated within The Leaze; contrary to Policy RT5 (G) of the South Gloucestershire Local Plan (Adopted) 6th January 2006 The South Gloucestershire Design Checklist (SPD) Adopted 23rd August 2007.
- 3.6 CAE/07/0045/1 - Enforcement Notice

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Object – At this height we feel it is still obtrusive to neighbouring properties.
- 4.2 Other Consultees
- Avon and Somerset Police Community Safety Officer
No adverse comments.

Other Representations

- 4.3 Local Residents
No responses

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The Garden Centre forms part of an edge of centre retail warehouse and has an established A1 use. The proposal therefore falls to be determined under Policy RT5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. Criterion G of Policy RT5 requires that development should not prejudice residential amenity. Furthermore Policy D1, which seeks to secure good quality design in new development, only permits developments that meet a number of criteria, amongst which are the following:
- A. Siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
 - F. The overall layout and design takes account of personal safety, security and crime prevention.

- 5.2 Also of relevance is the recently adopted South Gloucestershire Design Checklist SPD, which also seeks to achieve good quality designs. Question 14 of the checklist asks whether “*..the development maximises development potential whilst respecting and enhancing the environment, the physical characteristics of the site, its features and surroundings without prejudice to the existing uses or potential development of adjacent sites and adjoining amenities ?* “
- 5.3 Need
In the applicant’s Design and Access Statement it is stated that B & Q suffer significant losses due to theft via the external garden centre, when goods are thrown over the fence to an accomplice on the outside.
- 5.4 This claim has not been substantiated with any further evidence and the Police made no comment about this in their consultation response, nevertheless officers acknowledge that notwithstanding the presence of a substantial security fence around the site, the potential to throw items over the fence does exist.
- 5.5 Given that there is a need for enhanced security at the site, officers must consider whether or not the development satisfies the criteria listed above, most notably in terms of the impact of the scheme on visual and residential amenity. These matters are discussed below.
- 5.6 Scale and Design
The security netting, all of which lies within the perimeter fence, consists of a woven nylon chord of 1.5mm diameter with a mesh size of 50 x 50mm. The netting now consists of a 7m wide band suspended in the horizontal plane, at approximately 3.6m above the ground level, by galvanised steel posts 150mm diameter at approximately 10m centres. The netting is also fixed to the top of the perimeter fence, which is also 3.6m high.
- 5.7 The netting has already been erected and due to the significant reduction in height i.e. from 7m to 3.6m, no longer protrudes above the perimeter fence. Due to the height and mass of the perimeter fence and the fine mesh size of the net, the security netting is barely visible through the fence and as a result is no longer prominent within the street scene or visible from the nearest residential properties. (It is noted that there have in this instance been no objections from local residents whereas there were 6no. objections to the previously refused proposal).
- 5.8 Having considered the need for the netting, officers are of the opinion that the revised height of the netting and the poles upon which it is suspended is now an acceptable compromise, especially as the net does not protrude above the existing perimeter fence. Whilst the security net remains somewhat ‘Heath Robinson’ in appearance, this is now only evident from inside the Garden Centre itself so that the visual amenity of the street scene is not compromised. The scale and design are therefore now considered to be acceptable.
- 5.9 Impact Upon Residential Amenity
The nearest properties lie within The Leaze and are some 20m from the Garden Centre perimeter fence. For the reasons stated above the revised position of the security netting no longer has an overbearing impact for local residents and will therefore not adversely affect residential amenity.

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 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 neither planning conditions or a Section 106 Agreement are necessary.

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

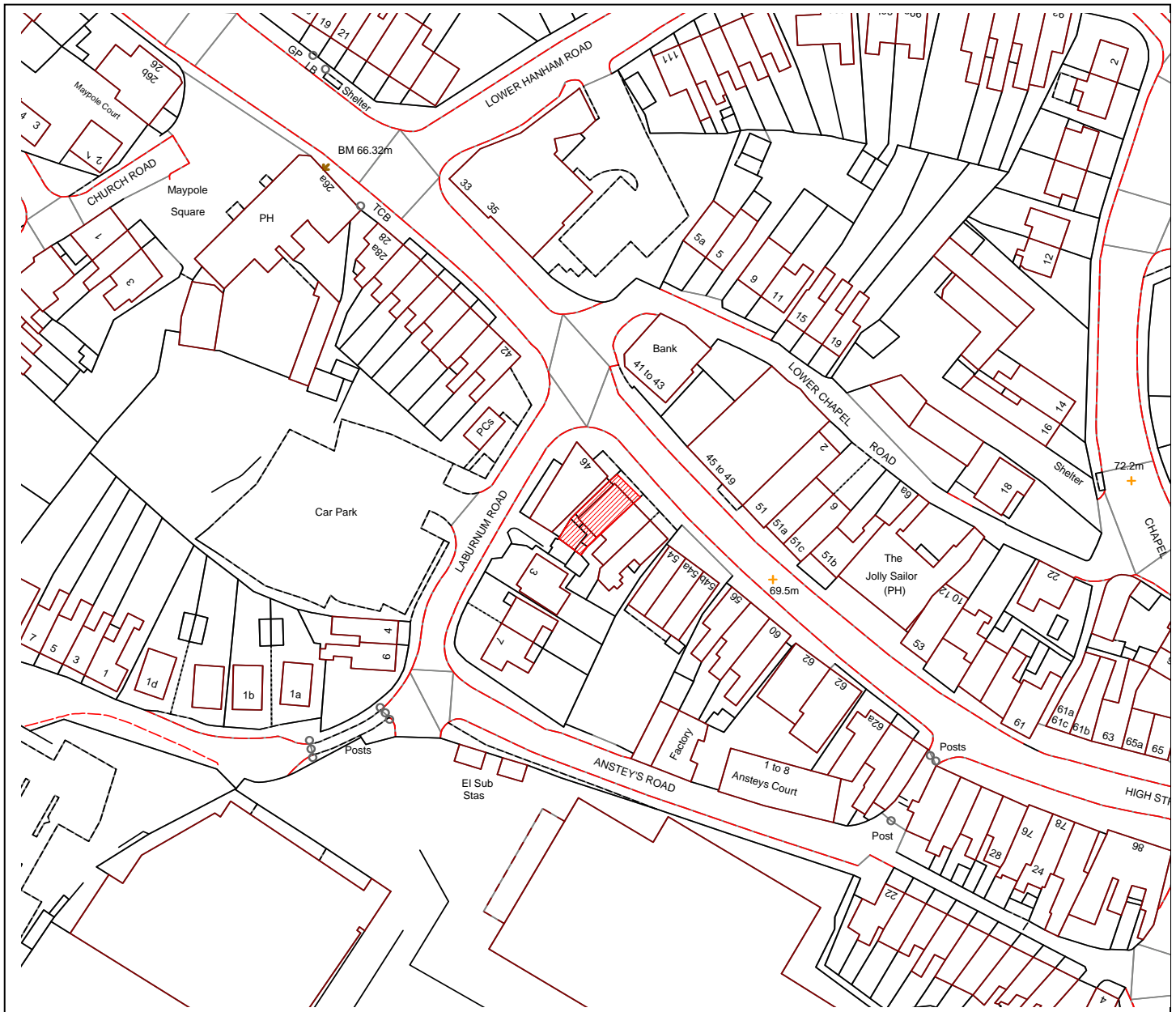
7.1 That planning permission be GRANTED.

Background Papers PK08/0058/F

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 06/08 – 08 FEBRUARY 2008

App No.: PK08/0067/CLE	Applicant: Ms B Y Smith
Site: 48 & 48A High Street, Hanham, South Gloucestershire, BS15 3DR	Date Reg: 8th January 2008
Proposal: Application for Certificate of Lawfulness for the existing use of land as a private parking bay.	Parish: Hanham Parish Council
Map Ref: 64111 72385	Ward: Hanham



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PK08/0067/CLE

INTRODUCTION

This application appears on the Circulated Schedule under the standard procedure for determining Certificates of Lawfulness.

1. THE PROPOSAL

- 1.1 The application for a Certificate of Lawfulness seeks to prove that an area of pavement in front of a shop on Hanham High Street has been used for parking purposes for a continuous period over the last ten years. If proven, the ongoing use of this land as a private parking bay would be lawful.
- 1.2 The site indicated on the plans supplied with the application includes the shop at No. 48, the footway to the side of it and highway land (footway) up to the edge of the kerb of the High Street, where that kerb has been dropped.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97: Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 P88/4651 New shop front Approved
- 3.2 PK00/3056/F Change of use from shop (A1) to fast food outlet
Refused, appeal dismissed

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The supporting evidence submitted with the application takes the form of four affidavits, one from the applicant, Beverley Yvonne Smith, who states that she has owned 48 and 48A High Street since 2002. Before then, for approximately 15 years she has visited the High Street frequently, being aware that the owners have used the front of the property for parking. The kerbs have been lowered. A copy of a photograph stated as being from 1957 showing a van parked is produced. Since 2002, Ms Smith's daughter has lived above the site in the flat 48A and has run the business downstairs jointly with the applicant and has used the space at the front of the premises for parking. Ms Smith claims use of the site (see 1.2 above) as a parking bay for 20 years prior to submitting the application.
- 4.2 A second affidavit was sworn by Margaret Leonard, stating that she has lived in Hanham for 57 years and the previous owners since it has been a shop have used the front of 48 and 48A High Street continuously as a parking bay for as long as she can remember.
- 4.3 The third submitted affidavit was sworn by Phillip John Stokes, stating that the previous owners since it has been a shop have used the front of 48 and 48A High Street continuously as a parking bay for as long as she can remember.
- 4.4 The fourth submitted affidavit was sworn by Joyce Smith, who is not related to the applicant. She repeats the statement of the previous two affidavits.

5. SUMMARY OF CONTRADICTION EVIDENCE

5.1 None received

6. CONSULTATION RESPONSES

6.1 Hanham Parish Council
No objection

Other Representations

6.2 Transportation

Under normal circumstances, there would be highway objections to this application as it would lead to inappropriate parking on the public footway thereby creating obstructions on the public highway and increase safety hazards to the travelling public. I have been advised however that there is a Legal challenge in the process based on the facts of this matter. As the outcome of the legal challenge can not be prejudged then, I am unable to confirm that this application is unlawful. In view of all the above therefore, it is not possible to raise a highway objection to this proposal and sustain it in an appeal situation.

6.3 Local Residents
None Received

7. EVALUATION

7.1 The application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been actively in use on site for a consistent period of not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probabilities". Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues that are involved in determining an application. Any contradictory evidence which makes the applicant's version of events less than probable should be taken into account.

7.3 The sworn statement from Beverley Smith states that she has owned the properties known as 46 and 46a High Street Hanham, Bristol, BS15 3DR with her husband since 2002. She states he has knowledge of these properties and the parking at the front for 15 years prior to that. The photograph submitted is claimed to be from 1957.

- 7.4 The other affidavits make the same statement as each other that since the site has been used as a shop, that the owners have used the front of the site continuously as a parking bay.
- 7.5 The submitted evidence shows that the use of the front of the site has been used in the manner claimed since 2002. Prior to that date, the evidence is anecdotal, but consistent and corroborated.
- 7.6 The red lined area claimed for this use covers the shop itself, the walkway next to it and all the land between the kerb line and the front of the shop. It is considered to be a physical impossibility for any of this land, with the exception of the footway itself to have been used for parking. It is within the Local Planning Authority's power to reduce the red line area to meet the area which has been proven and that would be done in this case.

8. CONCLUSION

- 8.1 Officers conclude, that on the balance of probability and in the absence of any supporting information to the contrary, the activities seeking lawful use consent has taken place for the last ten years. The certificate of lawfulness should thus be granted for the use claimed, with the red line area on the submitted plan amended to exclude the shop and walkway next to it, leaving a certificate of Lawfulness which relates to the area immediately in front of the shop.

9. RECOMMENDATION

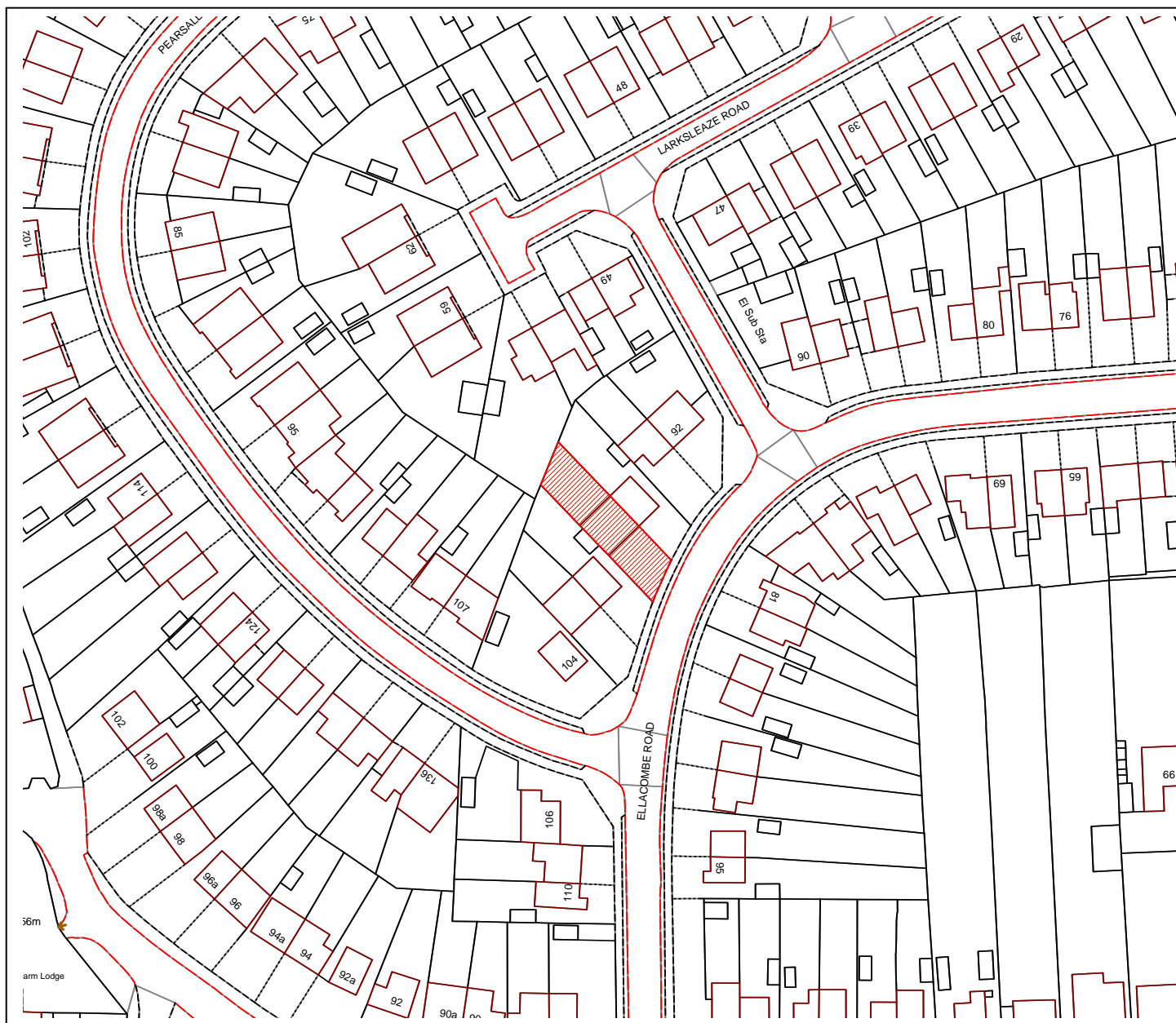
- 9.1 A certificate of lawful development is granted, with the red line amended as explained above.

Background Papers **PK08/0067/CLE**

Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CIRCULATED SCHEDULE NO. 06/08 – 08 FEBRUARY 2008

App No.: PK08/0077/F	Applicant: Mr K Sanders
Site: 98 Ellacombe Road, Longwell Green, South Gloucestershire, BS30 9BP	Date Reg: 9th January 2008
Proposal: Erection of single storey front extension to form porch, canopy and additional living accommodation.	Parish: Hanham Abbots Parish Council
Map Ref: 65411 70746	Ward: Longwell Green



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N.T.S

PK08/0077/F

INTRODUCTION

This application appears on the circulated schedule due to the receipt of one letter of objection from a local resident and an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey extension to the front of the dwelling. The extension as proposed would have a depth of 1.5 metres, a width of 5.843 metres and a maximum height to the ridge of 3.1 metres. The extension would span the entire front of the existing house and would form a porch and an extended living room.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H4 Development within Existing Residential Curtilages, Extensions and New Dwellings

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
Objection on the basis that the development would extend beyond the existing building line and have an overbearing effect on and be out of keeping with neighbouring properties.

Other Representations

- 4.2 Local Residents
One letter of objection has been received from a local resident. A summary of the main points of concern is as follows;
- The extension will protrude 1.5 metres out at 90 degrees only 750mm from the neighbours lounge window and thus will result in loss of light.
 - Reduction of sunlight meaning the neighbours living room will be darker so they will need to have their lights on more
 - Increases neighbours electricity costs and opposing efforts towards a greener environment.

5. ANALYSIS OF PROPOSAL

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

5.2 Design/ Visual Amenity

The proposed extension meets an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The extension is to have a simple lean too type roof in keeping with the simple character of the host dwelling. Matching face brick further attributes to its integration.

It is noted that the parish council is concerned that the extension would protrude forward of the building line and would be out of keeping with the street scene. In certain locations, this view would be supported by the case officer as front extensions can sometimes be visually intrusive. In this instance however consideration must be given to the numerous other single storey front extensions in the vicinity. Property numbers 91, 110, 95, 81 and 86 Ellacombe Road all have front extensions already in place. It could not therefore be argued by the case officer that this front extension would be out of keeping when there are many others already in existence. The design of the extension is thus considered to be acceptable.

5.3 Residential Amenity

The extension will have a very modest depth at only 1.5 metres. It is true that the extension will be erected close to the neighbours living room window and there are no boundary treatments to block views of the extension. However, at only 1.5 metres in depth, the extension would not have a significant overshadowing effect on the amenities of the neighbouring property sufficient to warrant the refusal of the application. It is very common place for the council to grant approval for extensions of three metres in depth adjacent to habitable room windows. Whilst a three metre deep front extension would not be acceptable in this location, the shallow extension at only 1.5 metres is acceptable. Given limited depth and height of the proposal, it is not considered that the extension will have any overshadowing or overbearing effect on the neighbouring dwellings.

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

5.4 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/0077/F**

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

CONDITIONS

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

Reason

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

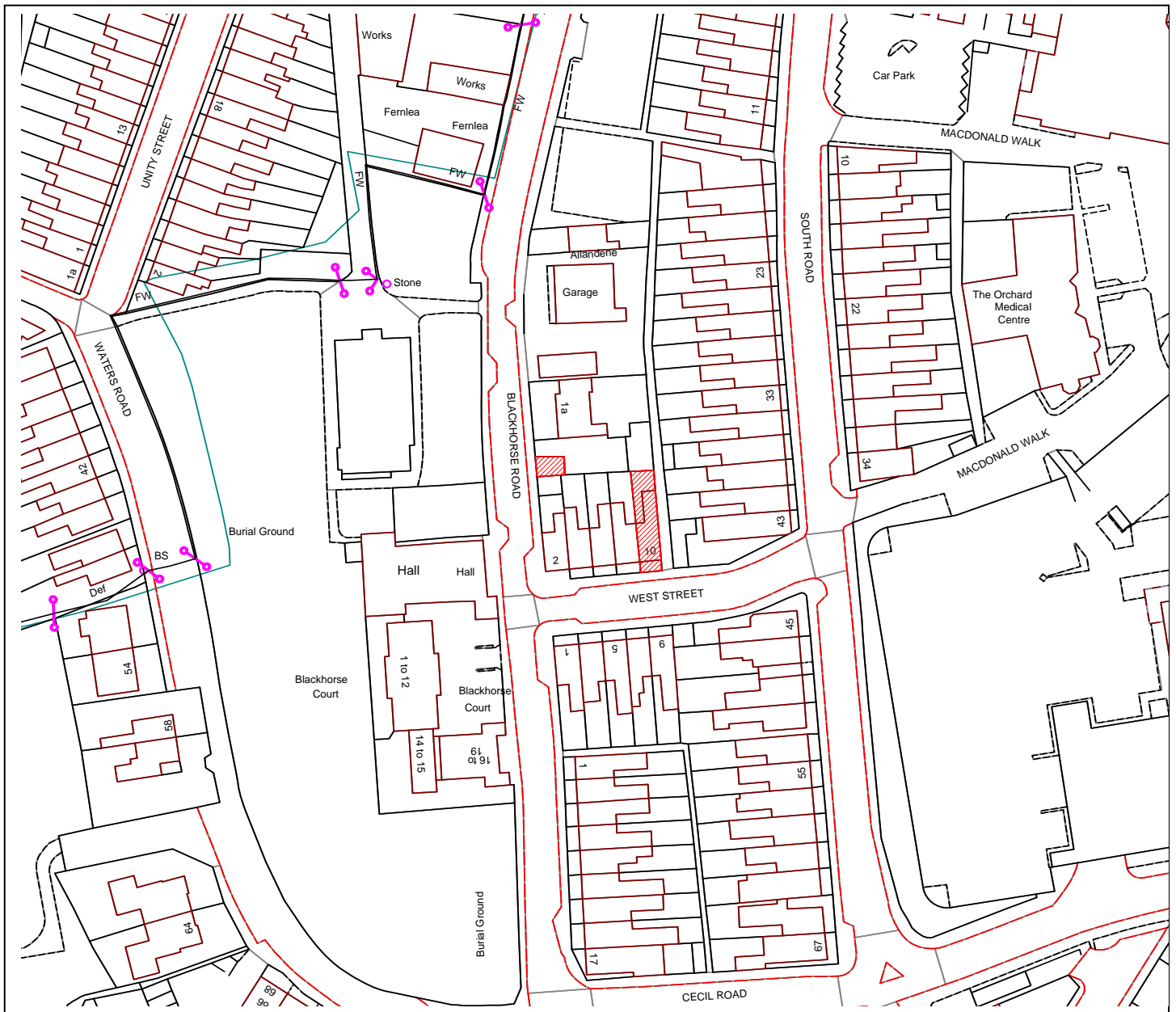
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 06/08 – 08 FEBRUARY 2008

App No.: PK08/0085/F	Applicant: Mr P Silverthorne
Site: 10 West Street, Kingswood, South Gloucestershire, BS15 8JJ	Date Reg: 9th January 2008
Proposal: Conversion of existing dwelling to form 2no. self contained flats.	Parish:
Map Ref: 64531 73762	Ward: Woodstock



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N.T.S

PK08/0085/F

INTRODUCTION

This application appears on the Circulated Schedule as a result of concerns raised by a local resident.

1. THE PROPOSAL

- 1.1 The application relates to a 3 bedroom, end of terrace dwelling house, located on the northern side of West Street, Kingswood. Similar residential properties lie within the street, which lies close to Kingswood Town Centre. A narrow alleyway to the rear of houses in South Road, runs to the side of the application site. The property is served by a single garage located just around the corner in Blackhorse Road.
- 1.2 It is proposed to convert the property into 2no. self-contained one-bedroom flats. The existing front doorway would provide pedestrian access from West Street, internal stairs would be utilised to provide separate internal accesses to the flats, off the hallway. There would be no external works involved in the proposed conversion.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - General Principles and Policy
- PPS3 - Housing
- PPG13 - Transport

2.2 Development Plans

Joint Replacement Structure Plan

- Policy 02 - Location of Development
- Policy 33 - Housing Provision and Distribution
- Policy 59 - New Development – Transport Issues

South Gloucestershire Local Plan (Adopted) 6th January 2006

- D1 - Design
- H4 - Development within Existing Residential Curtilages
- H5 - Residential Conversions
- T8 - Parking Standards
- T12 - Transportation Development Control Criteria

2.3 Supplementary Planning Guidance

- Advice Note 1 – “Altering Your Home’
- Advice Note 5 – “Conversion of Houses into Flats”
- South Gloucestershire Council Design Checklist (SPD) Adopted 23rd August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Not a parished area.

- 4.2 Other Consultees
None

Other Representations

- 4.3 Local Residents

One response was received from the occupant of no. 41 South Road; the concerns raised are summarised as follows:

- In order to maintain privacy the glass in the existing first floor side window should remain frosted.
- Any additional windows should also be obscured only.
- The side lane belongs to residents of South Road.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The application site is located within the established residential area of Kingswood. Policy H5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 states that 'the conversion of larger residential properties into smaller units of accommodation can make a valuable contribution to the supply and range of housing within South Gloucestershire'. The sub-division of the property to provide 2 units of self-contained living accommodation is therefore considered acceptable in principle subject to compliance with detailed development control criteria outlined within Policy H5 addressed within this report.

- 5.2 Policy H5 of the South Gloucestershire Local Plan allows for the conversion of existing residential properties into smaller units of self-contained accommodation, subject to the following criteria:

- Would not prejudice the character of the surrounding area
- Would not prejudice the amenities of nearby occupiers
- Would identify an acceptable level of off-street parking
- Would provide adequate amenity space

- 5.3 Impact upon the Character and Visual Amenity of the Area

There are no external works proposed, so the appearance and character of the dwelling would not significantly alter from that existing.

- 5.4 Impact Upon Residential Amenity

The existing rear garden/yard area currently serves the 3 bedroom house. This garden/yard would be directly accessible from the proposed ground floor flat but would not be accessible from the proposed top floor flat. There is however a lane to the side of the terrace, which does afford an alternative access to the garden/yard. It is intended that this garden/yard would be for the sole use of the future occupiers of the ground floor flat only. The intensity of the use of the garden area is likely therefore to be less than at present.

- 5.5 In reaching their recommendation, officers have taken into consideration the latest government guidelines contained in PPS3 – Housing, as well as the policies contained in the South Gloucestershire Local Plan, which reflects this latest government advice. PPS3 positively supports a greater choice and mix of housing type and size, particularly in sustainable town centre locations such as Kingswood. In such locations a much higher density of residential

- development is also supported. Furthermore the majority of projected growth is in one-person households. The government does not accept that different types of housing and tenures make bad neighbours. As regards conversions of existing buildings PPS3 promotes such development by taking a more flexible approach to development plan standards with regard to densities, car parking, amenity space and overlooking.
- 5.6 With this guidance in mind and having regard to the site's very sustainable location close to Kingswood Town Centre, officers consider that the intensity of development proposed and lack of amenity space for the proposed top flat, would not justify refusal of planning permission. A number of similar schemes have been approved within the vicinity of this site.
- 5.7 Like most of the houses in West Street, no.1 stores its refuse bins on the area of hard-standing located behind railings to the front of the house. This arrangement would not alter if the house is converted to flats.
- 5.8 No additional windows are proposed and conditions can be imposed to ensure that no windows are inserted in the side elevation in the future and that the existing first floor window facing no. 41 South Road remains obscurely glazed.
- 5.9 On balance therefore and having regard to the latest government guidelines and Local Plan Policy, officers are satisfied that the proposal would not have a significant adverse impact on residential amenity
- 5.10 Design and Layout
The conversion would not result in any alteration to the appearance of the property. The conversion of the property is contained entirely within the existing building. The design and layout are therefore considered to be acceptable and would be in line with Policy D1 of the South Gloucestershire Local Plan.
- 5.11 Transportation
Parking is restricted in West Street, with stays limited Mon – Sat to no more than 1 hour between 10.00am and 4.00pm with no return within 1 hour. There is however no restriction for resident parking permit holders. These permits are currently issued on the basis of 1 per household. The permit for no.10 would be allocated for use by the occupant of the proposed ground floor flat whilst the garage would be for the use of the top floor flat.
- 5.12 In terms of transportation impacts, comparisons must be made between the traffic associated with the existing 3 bedroom dwelling and that likely to be generated from the proposed smaller units i.e. 2 x 1 bed flats. Based on national traffic figures 3 bedroom dwellings generate approximately twice the level of traffic to that of a 1 bedroom flat. In this context therefore the impact of the proposal would be neutral.
- 5.13 Similarly there are parking demands for the existing dwelling, which must be compared with the demand for the proposed flats. In making this comparison, officers must have regard to the Council's adopted maximum parking standards as outlined in Policy T8 of the South Gloucestershire Local Plan, which reflects the latest government guidelines contained in PPG13 – 'Transport'. For most of the houses in West Street, there is currently no off-street car parking provision but no.10 is an exception in having access to a single garage located just around the corner in Blackhorse Road.

- 5.14 The SGC parking policy requirement for a 3 bedroom house is 2 car parking spaces, whilst that for a 1/2 bedroom flat is 1 car parking space. So for the two flats proposed two spaces are required and this is no different than the existing 3 bedroom house. The car parking demand would therefore remain the same. Adequate cycle parking would be available in the existing garage or within the lobby area or rear garden/yard.
- 5.15 Officers are aware that other properties within nearby South Road have recently been granted planning permission for conversion to flats i.e no.69 (3 flats) and no.30 (2 flats) no.31 (2 flats) and no.1 (2 flats) see PK03/3044/F, PK03/0757/F, PK05/2892/F and PK05/3560/F respectively. The cumulative impact of a further conversion in this location has been taken into consideration but having regard to the above paragraphs and the very sustainable location near to the Town Centre facilities and public transport links, officers are satisfied that a further conversion to 2 flats can be tolerated. There are therefore no highway objections to the proposal which meets the guidance contained within PPG13 and Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 5.16 Environmental Issues
Surface water and foul sewage would be disposed of via the existing system. The Council's Environmental Health Officer raises no objection to the proposal. Sound proofing between the flats and neighbouring dwellings is proposed and this would be a requirement of Building Control Legislation.
- 5.17 Community Services Department
The proposal is for 2no. flats only and since this falls below the 10 unit threshold for contributions to Community Services, no contributions are requested in this case.
- 5.18 Education Service
Due to the relatively small size of the development i.e. only 2 no. flats, it is considered that no contributions to education provision can be justified for this development.
- 5.19 Affordable Housing
The site area is below 0.5 hectares in area and the proposed number of units (2) is below local and national policy guidance on the threshold for requiring affordable housing (15). There is therefore no requirement for the provision of affordable housing in this case.
- 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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the 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:

Background Papers **PK08/0085/F**

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.

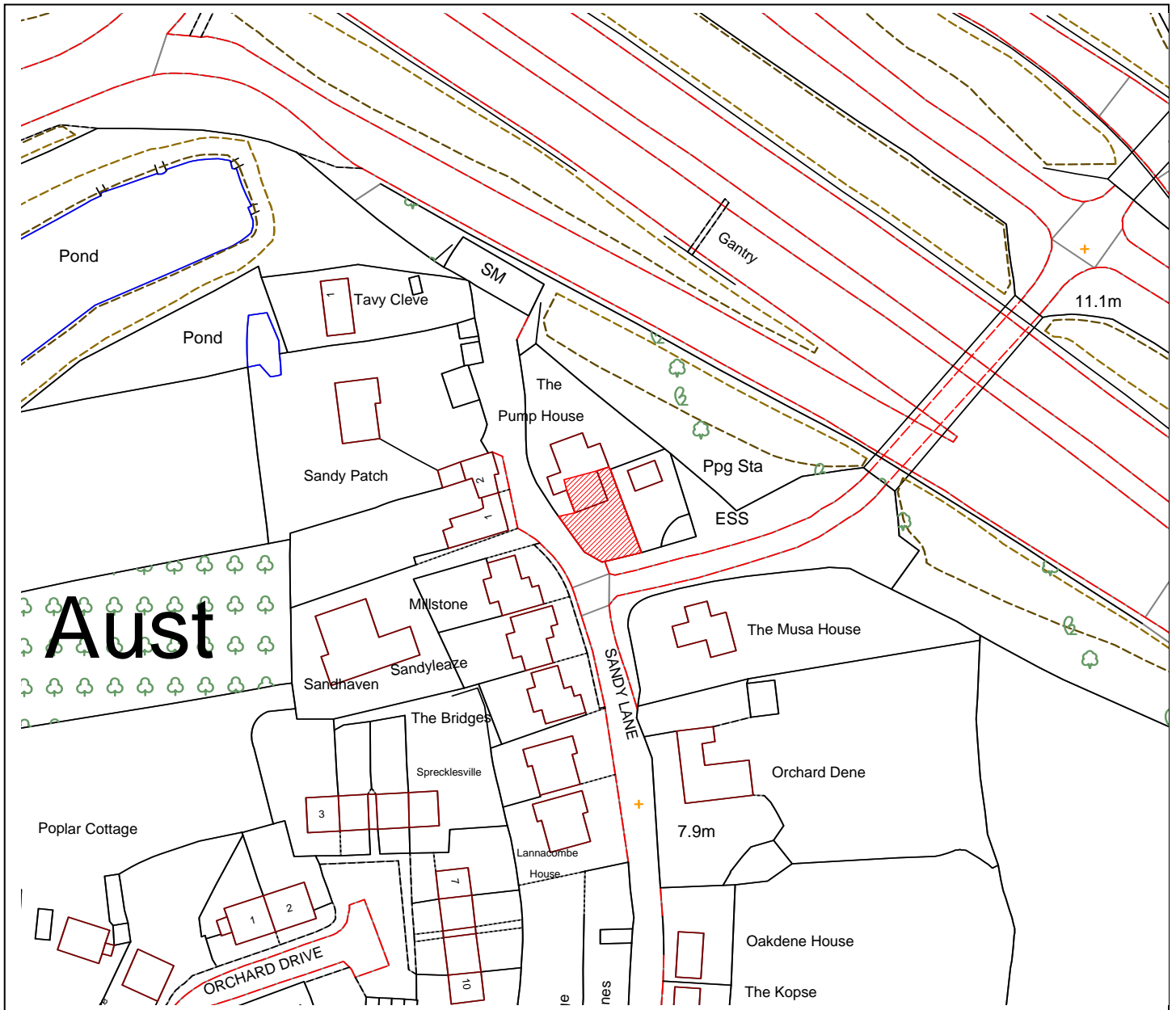
Reason
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the east side elevation of the property.

Reason
To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The glazing in the existing window on the east elevation of the property shall at all times remain obscured glass and be permanently fixed in a closed position.

Reason
To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 06/08 - 08 FEBRUARY 2008

App No.: PT01/1996/CLE	Applicant: Mr R Tucker
Site: Land at The Pump House, Sandy Lane, Aust, South Gloucestershire, BS35 4AU	Date Reg: 12th July 2001
Proposal: Use of land for display and sales of motor vehicles (Certificate of Lawfulness)	Parish: Aust Parish Council
Map Ref: 57461 89170	Ward: Severn



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N.T.S

PT01/1996/CLE

1. THE PROPOSAL

- 1.1 A Certificate of Lawfulness is sought in relation to the use of a domestic garage and land associated with the house for the display and sale of motor vehicles. A site visit confirms that the area of the house to which the applicant refers is a garage at basement level, and the approved drawings of the house indicate that this extends for the length of the house. The certificate has been submitted under Section 191 of the Town and Country Planning Act 1990, as amended by Section 10 of the Planning and Compensation Act 1991. The applicant contends that when the application was submitted, (June 2001), this had occurred for a period of more than 10 years.
- 1.2 In order to obtain the certificate applied for, the applicant must produce evidence that on the balance of probability, he has demonstrated that the use had occurred for the requisite period of 10 years. Accordingly, this is purely an evidential test and not a question of planning merit to be tested against policy and planning guidance. The evidence submitted should be precise and unambiguous.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97 Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 P88/2739 - Erection of detached dwelling and garage. Alterations to existing vehicular and pedestrian access
Approved 12-OCT-1988

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

- 4.1 Statutory declarations have been received from:-

The applicant, Mr Tucker who declares that he has been in the motor trade from about 30 years, mainly dealing in the sale of second-hand motor cars and light vans. He states that he purchased the building plot in Sandy Lane in 1988 but placed cars for sale on the tarmac surface here with no display prices. He commenced building a house here in 1989 and sold two vehicles to the builder. He states that he has advertised his activities twelve years before signing the declaration. He states that in 1988/9 he had a visit from an enforcement officer regarding the sales of them, had no further contact and continued with the sales 1988 to the date of the declaration.

- 4.2 He states that the number of cars stored here has averaged between six and ten, with six in the garage and up to twelve on the land.

- 4.3 Mr Roger Fox: He had owned Elberton garage for 9 years, and before that ran another local repair garage for 7 years and for all that time has carried out service and repair work on cars that Mr Tucker would re-sell.

- 4.4 Has known Mr Tucker to be a motor trader for the last 28 years remembers looking at cars that he had to sell first in 1988 and states that he has been carrying out MOTs on cars that Mr Tucker has been selling all the time that he has owned the Elberton garage, collecting them from the Pump House. He is aware that the previous owner of the garage carried out MOT's for Mr Tucker. During the last 12 years he has referred people to Mr Tucker for the purchase of cars.
- 4.5 He states that in his certain knowledge Richard Tucker has been selling cars from the site for more than 12 years.
- 4.6 Mr Roland Panes states that formerly he lived close to the site but left here in 1999. He can recall people asking him for directions to the site and constantly see cars stored here before Mr Tucker built his house and after. He remembers first noticing the storage of cars on Mr Tucker's site in 1989 and adds that cars were always there for sale until he left the village in 1999.
- 4.7 Mr Jon Young: He states that he was in partnership with Mr Tucker between 1985 and 1993. He recalls that Mr Tucker bought a building plot in 1988 and that the business stored and sold second-hand cars and other vehicles from the site in Aust.
- 4.8 After the business partnership was dissolved in 1993 he continued visiting the site and always noticed cars for sale at the property.
- 4.9 Other evidence
- Two invoices for body work dated 1998, letter from an accountant stating that records held indicate car trading since May 1989 and in memory the applicant had been trading even earlier.
- 4.10 Copy of customs and excise certificate issued 25 February, 2002 effective date 1 April, 1986, classifying wholesale and retail of used motor vehicles and one issued date 12 November, 2001. 28 sales invoices of cars sold to applicant of various dates from 20 July, 1993 at least one every year to 11 September, 1998
- 4.11 Sales invoices showing that the applicant purchased 28 cars between the years 1993 – 1998.

5. **SUMMARY OF CONTRARY EVIDENCE**

- 5.1 None Received

6. **OTHER REPRESENTATIONS RECEIVED**

- 6.1 Aust Parish Council – No Objection

7. **EVALUATION**

- 7.1 The application seeks to prove that on the balance of probability the land and buildings the subject of the application has been used as for the display and sale of motor vehicles in excess of ten years 1991 – 2001 at the earliest. As such the applicant must provide precise and unambiguous evidence.
- 7.2 The onus of proof is on the applicant and in his support he has, firstly, submitted four statutory declarations. Only the applicant's declaration is

supported by plans to show the land to which they refer, the witnesses do refer to either the Pump House or the applicant's house/site in Aust but they do not link their declarations to the land edged red.

- 7.3 Only the applicant's declaration refers to the number of cars stored at the Pump House.
- 7.4 Invoices are provided that show that the applicant bought at least 28 cars in 5 years showing that he is likely to be in the car trade but they do not indicate that the cars were sold from the Pump House site. No receipts for the sale of vehicles are provided. The evidence from the accountant does not identify the premises, the number of cars or details of the site.
- 7.5 Although it appears that there has been some use of the site for the sale of vehicles the evidence is not clear and unambiguous. The parts of the land on which cars have been stored on is not clear, neither the linking of three of the declarations nor the invoices to the area edged red, has been made, the number of vehicles sold has only been supported in the applicant's declaration. The description of the use would appear to be incorrect as it should be a mixed use, including residential use since the garage is below the house, and no indication of the hours of the operation has been made.
- 7.6 It is considered that the applicant has not proved on the balance of probabilities that the use has been continuing for a period of at least ten years from the land edged red at the Pump House.

8. RECOMMENDATION

- 8.1 A Certificate of Existing Lawful Use be refused for the following reason:

Background Papers **PT01/1996/CLE**

Contact Officer: **Miss Mellergaard**
Tel. No. **01454 863431**

On the balance of probability on the evidence submitted it is considered that the use of the basement of the dwelling and land to the front/side of the house has not been used continuously for a period in excess of ten years for the display and sale of motor vehicles.

CIRCULATED SCHEDULE NO. 06/08 - 08 FEBRUARY 2008

App No.: PT07/3606/F

Applicant: Mr D Hawkins
Morley Road
Developments

Site: Snaefel The Drive Charfield WOTTON
UNDER EDGE South Gloucestershire
GL12 8HX

Date Reg: 11th December
2007

Proposal: Erection of 1 no. detached bungalow
with associated works.

Parish: Charfield Parish
Council

Map Ref: 71782 92146

Ward: Charfield



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N.T.S

PT07/3606/F

INTRODUCTION

This application appears on the circulated schedule as there is public comment which is made contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site consists of an existing single storey dwelling with access onto The Drive. There is open curtilage immediately to the South of the existing dwelling.
- 1.2 The proposed development consists of the construction of a new single storey dwelling and access on the residential curtilage area.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
H4 Development within Residential curtilages
H2 New Residential Development within the Urban Areas or Village Development Boundary
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/2787/F Erection of 1 no. detached bungalow with associated works
Withdrawn

4. CONSULTATION RESPONSES

4.1 Charfield Parish Council

The Parish Council Objects on the following grounds;

Cramped overdevelopment of the site with an even bigger footprint than the previous application

History of the site flooding due allegedly to nearby house construction

Lack of amenity space for the existing and the proposed dwelling

The proposed dwelling will be intrusive on the existing dwelling and will affect its privacy.

Poor access conditions onto the road and even less parking/turning than the last planning application

4.2 Sustainable Transport

No Objection subject to the provision of a bound surface along The Drive in accordance with drawing number 6854/004/A

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the construction of a new dwelling and access within the curtilage of an existing dwelling and within the Village Settlement Boundary associated with Charfield.

5.2 Principle of Development

Policy H2 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable subject to the following considerations.

5.3 Density

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new housing development achieves the highest density compatible with the characteristics of the development site. The general assumption is that new development would achieve a minimum density of 30 dwellings per hectare. This is consistent with the requirements of PPS3.

5.4 The proposed development would achieve a density of approximately 20 dwellings per hectare (including the existing dwelling). However, in this instance the site is triangular in shape and is located in a prominent position at the junction with The Drive and Wotton Road. Although there is physically enough space to provide a further dwelling on the site, it is considered that the characteristics of the site and the surrounding locality are such that this would not be possible without compromising the visual amenity of the locality and in particular, would not leave a reasonable level of amenity for the occupants of such dwellings. In addition, for the reasons outlined below, it is considered that the development of one dwelling is the maximum that this site can support from a highway safety perspective.

5.5 It is therefore considered that the proposed density is acceptable in this instance.

5.6 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new buildings achieve a high standard of design; and would achieve a high standard of construction that would allow a highly sustainable performance.

5.7 The visual appearance of the dwelling is such that it is single storey (with limited accommodation in the roof space) and it would use a hipped roof. The proposed dormer windows use a 'cat-slide' style and are very modest in size. The footprint of the building is consistent with the scale of the buildings in the immediate locality. The general appearance and scale of the building is also

consistent with the surrounding dwellings which display a wide variation of styles and ages. The proposed dwelling would appear modern and contemporary and uses traditional materials with a modern interpretation. The primary elevations are proposed to be clad with larch ship-lap boarding with traditional render. Cambrian Slate tiles are proposed for the roof, whilst timber is proposed for the doors and windows. Having regard to these design principles, it is considered that the finished building will display a high quality finish and is well designed.

- 5.8 Although there is no detailed information submitted with this application that demonstrates how the building would perform in energy conservation terms, the applicant has indicated that there is a commitment to achieving Level 3 of the Code for Sustainable Homes. Nonetheless, in order to ensure that this level is achieved at build-out this can be specifically required by way of planning condition. Subject to the compliance with this condition, the proposed development would satisfy this requirement.

5.9 Residential Amenity.

The existing site is relatively large in area. The proposed building is positioned in line with the existing building on the site. The proposed dwelling is positioned so that the surrounding properties would not be materially affected by the development. Although the existing dwelling is very close to the proposed, the orientation of the existing dwelling and the design of the proposed dwelling is such that its residential amenity and privacy would not be materially affected.

5.10 Transportation.

The site is located at the junction of The Drive, Wotton Road and the narrow lane which forms the southern boundary of the site. Although the site area would technically allow the development of two dwellings, it is considered that the introduction of more than one dwelling at this point would generate a level of vehicular movement that would be in conflict with highway safety in the locality. In addition, given the shape of the site, there would not be sufficient room to provide parking and turning space for two dwellings. On this basis, the proposed development of one dwelling is the maximum compatible with the site.

- 5.11 The proposed development would introduce one dwelling and as such is acceptable in principle. There would be a new access introduced into the boundary wall centrally within the Western boundary of the site. It is considered that this position is acceptable. The developer also proposes to improve the length of The Drive (Private Road) up to boundary of the site with the adjacent property at Greenleaze. This is considered essential in providing improvements to cater for the increase traffic generation. The exact detail of the improvements can be addressed by way of a Grampian style condition to any approval of this application. Subject to the use of this condition, the proposed development is considered acceptable in highway terms.

5.12 Design and Access Statement

The Design and Access Statement submitted with this application is considered to demonstrate that the applicant has adopted a design approach that is consistent with the Councils Design Checklist Supplementary Planning Document (Adopted)

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

7. RECOMMENDATION

7.1 That Planning Permission be granted subject to the following conditions.

Background Papers **PT07/3606/F**

Contact Officer: **Simon Penketh**
Tel. No. **01454 863433**

CONDITIONS

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

Reason(s):

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

2. Notwithstanding the details upon the approved plans, no development shall take place until details and samples of the roofing and external facing materials proposed to be used 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(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the submitted details, no development shall take place until the Local Planning Authority has been provided with, and has approved in writing, a Pre-Assessment of the development carried out by a BRE Licensed Code for Sustainable

Homes Assessor, proving CSH Level 3 achievement for each dwelling. Each residential building shall then be subject to a post completion check by the BRE Licensed CSH Assessor (after the Design Stage Report has been carried out and an interim certificate obtained) and a final Code Certificate of compliance for each dwelling shall be submitted to, and confirmed in writing by, the local planning authority prior to first occupation of the dwelling or building to which the certificate relates.

Reason(s):

To ensure the development minimises the use of energy and natural resources as required by PPS1 and its draft supplement Planning and Climate Change, SGLP Policy D1, the South Gloucestershire Design Checklist, and the draft Regional Spatial Strategy for the South West of England.

4. Notwithstanding the submitted details, no development shall be commenced until full details of the works to The Drive, demonstrating the methods of working and construction of the new surface has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details and shall be retained as such unless the Local Planning Authority agrees to any variation in writing; and the new dwelling shall not be occupied until the agreed works are completed to the written satisfaction of the Local Planning Authority.

Reason(s):

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

CIRCULATED SCHEDULE NO. 06/08 - 08 FEBRUARY 2008

App No.: PT08/0062/F
Site: 216 North Road Stoke Gifford South
 Gloucestershire BS34 8RL

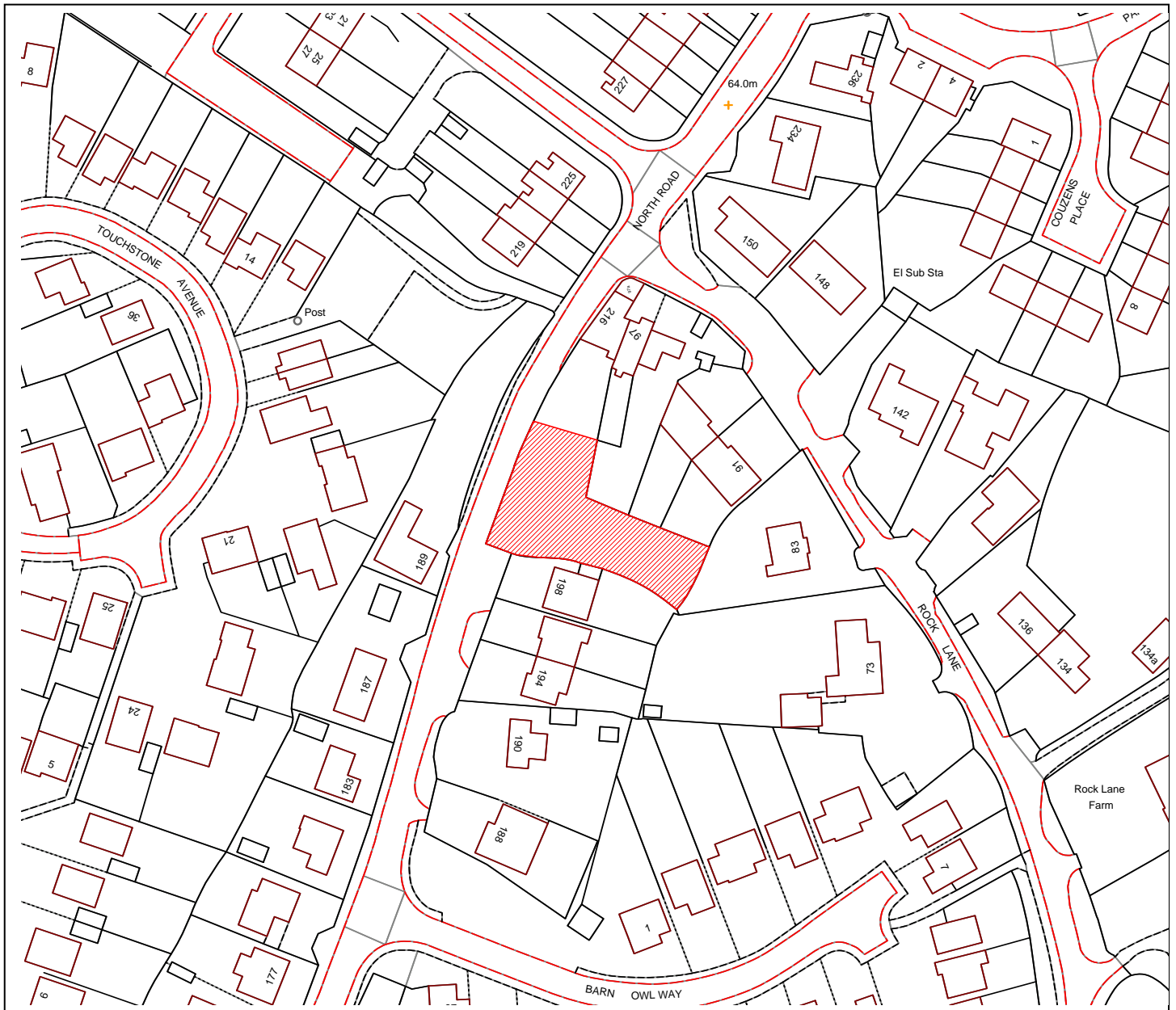
Applicant: Mr & Mrs D Day
Date Reg: 8th January 2008

Proposal: Erection of detached dwelling and
 garage. Construction of new vehicular
 and pedestrian access.

Parish: Stoke Gifford Parish
 Council

Map Ref: 62679 80115

Ward: Stoke Gifford



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 100023410, 2008.

N.T.S

PT08/0062/F

INTRODUCTION

This application is placed on the circulated schedule due to an objection received from a neighbour in relation to highway safety on North road.

1. THE PROPOSAL

- 1.1 This full application relates to the erection of a detached two storey 5 bed dwelling and detached double garage at 216 North Road, Stoke Gifford.
- 1.2 The site itself lies within the established settlement boundary of Stoke Gifford. The site is surrounded by a wide variety of different house types ranging from bungalows to terraced properties to semi-detached properties. The age of the properties in the area is also quite varied ranging from turn of twentieth century to modern buildings.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N754 Outline application for the erection of a dwelling...
Refusal
- 3.2 P92/1187 Outline application for the erection of dwelling...
Approval
- 3.2 PT04/1862/O Erection of a house (Outline)...
Refused
- 3.4 PT04/3581/O Erection of a house (Outline)
Approval

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comment

4.2 Sustainable Transport

No overall objection to the proposal subject to conditions in relation to the driveway being finished in a bound material, a contribution to the North Fringe Transport Scheme and Prior to the occupation of the dwelling, the proposed footway at the front of the property shall be constructed to the full and final satisfaction of the Local Highway Authority, in accordance with the approved plans via legal agreement;

4.3 Local Residents

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

- a) increase in traffic/parking;
- b) traffic hazard;

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of residential development of this site has been established by planning application PT04/3581/O which granted outline planning permission for the erection of a dwelling on the site.

Notwithstanding the above this application is a new application and as such has to be assessed on its own merits.

Given that the application site lies within the urban area of the Bristol North Fringe and is within a highly sustainable location, advice contained within PPS3 states that priority for new residential development should be on previously developed land. Using land efficiently is a key consideration in planning for housing. This advice is generally reflected in the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006. However, such development should achieve good design to ensure that the character of the area is not adversely affected.

- 5.2 Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant as it relates to new residential development within existing defined settlement boundaries and urban areas, setting out the policy criteria in which such applications are to be assessed. Policy H2 allows for residential development within existing defined settlement boundaries subject to the following :-

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

5.3 Transport

The proposal provides off-street parking for the existing and proposed dwellings in accordance with the Council's parking standards. Cycle parking and bin storage/recycling facilities are also provided.

No transportation objection is raised to the proposal subject to a contribution of £1800 to offset the incremental increase in traffic associated with the proposal. This contribution will go towards the North Fringe Development Major Scheme (Transport Measures). It is considered this could be secured under a S278 agreement under the Highways Act.

The developer is also required prior to the occupation of the dwelling, to provide the proposed footway to the front of the site and shall be constructed to the full and final satisfaction of the Local Highway Authority, and secured via an appropriate legal agreement;

The proposal is therefore acceptable in transportation terms.

5.4 Residential Amenity

The application comprises two elements.

a. Garage

With regard to the detached garage this part of the proposal is considered acceptable. The design of the garage is in keeping with the area in general and is of a size that can be accommodated on the site. Its design, due to its single storey nature incorporating a gabled roof, its siting with its rear elevation next to the adjacent property's boundary and distance away from this dwelling will ensure that no adverse impact upon the residential amenities of surrounding occupiers will result from the development.

5.5 b. Dwelling

With regard to the dwelling, this element of the proposal is also considered to be acceptable. Its location on the site in line with existing dwellings, facing the road, will ensure that no loss of privacy or overlooking will result from the development. A condition relating to details of boundary treatment will also be a condition of any planning consent. The design of the proposal is also considered to be acceptable. There is no definite vernacular to the area with a wide range of house types and designs evident within the locality. The development is of a similar appearance to the proposed garage and due to its appearance will intergrade well into the street scene.

The application therefore complies with criterion **A** in its entirety.

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

- 5.6. The application site, has an area of some 0.07 hectares, resulting in a housing density of 29 dwellings per hectare. Advice contained within the adopted local plan states that within existing urban areas a minimum density of 30 dwellings per hectare should be achieved. Although it is recognised that the density falls just below this figure, it is considered that having regard to shape of the site a greater number of dwellings is unlikely to work visually. The proposal therefore complies with this criterion.

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

- 5.7 The site lies within the residential area of Stoke Gifford and is currently not adversely affected by any of the above. The proposal therefore complies with this criterion.

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

- 5.8 The proposal is for 1 additional dwelling. It is considered that due to the urban nature of the site and the existing level of service provision within the locality, adequate provision within the vicinity of the site is adequate to meet the needs arising from the proposal.
- 5.9 Also of relevance is policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy specifically relates to development within existing residential curtilages. Such development is normally permitted provided it respects the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space. These issues have already been addressed under the foregoing paragraphs and the application is also considered to accord with this policy.
- 5.10 In conclusion, the application accords with adopted policies D1, H2, H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and is acceptable.
- 5.11 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.12 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 106 Agreement (or similar agreement) and would satisfy the tests set out in Circular 05/2005. However this contribution could equally well be secured through a S278 agreement under the Highways Act.

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 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering a legal agreement to secure the following:

- (a) A financial contribution of £1800 towards the North Fringe Development Major Scheme (Transport Matters).

Reason: To provide a contribution commensurate to the scale of the development towards the North Fringe Development Major Scheme (Transport Matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006 and to accord with policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- (b) Prior to the occupation of the dwelling, the proposed footway at the front of the site shall be constructed to the full and final satisfaction of the Local Highway Authority, and then allocated to them.

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

- (2) If the legal agreement is not signed within 12 months of this determination then, in view of the length of time the application should either:

(a) Return to the Development Control Area Committee for reconsideration or alternatively;

(b) The application should be refused due to the failure to secure the Heads of Terms listed above under a legal agreement, for the reasons listed in section (1) a.

Background Papers PT08/0062/F

Contact Officer: Gareth John
Tel. No. 01454 863438

CONDITIONS

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

Reason(s):

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

2. No development shall take place until details/samples of the roofing and external facing materials proposed to be used 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(s):

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

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees 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. Development shall be carried out in accordance with the agreed details.

Reason(s):

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

4. 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(s):

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