



**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. 13/08

Date to Members: 28/03/08

Member's Deadline: 04/04/08

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: 28/03/08

SCHEDULE NO. 13/08

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

**Dates and Deadlines for Circulated Schedule
over the Easter and Bank Holiday periods 2008**

Schedule Number	Date to Members 12 noon on	Members Deadline 12 noon on
12/08	Thursday 20 March 2008	Monday 31 March 2008
18/08	Thursday 1 May 2008	Friday 9 May 2008
21/08	Thursday 22 May 2008	Friday 30 May 2008

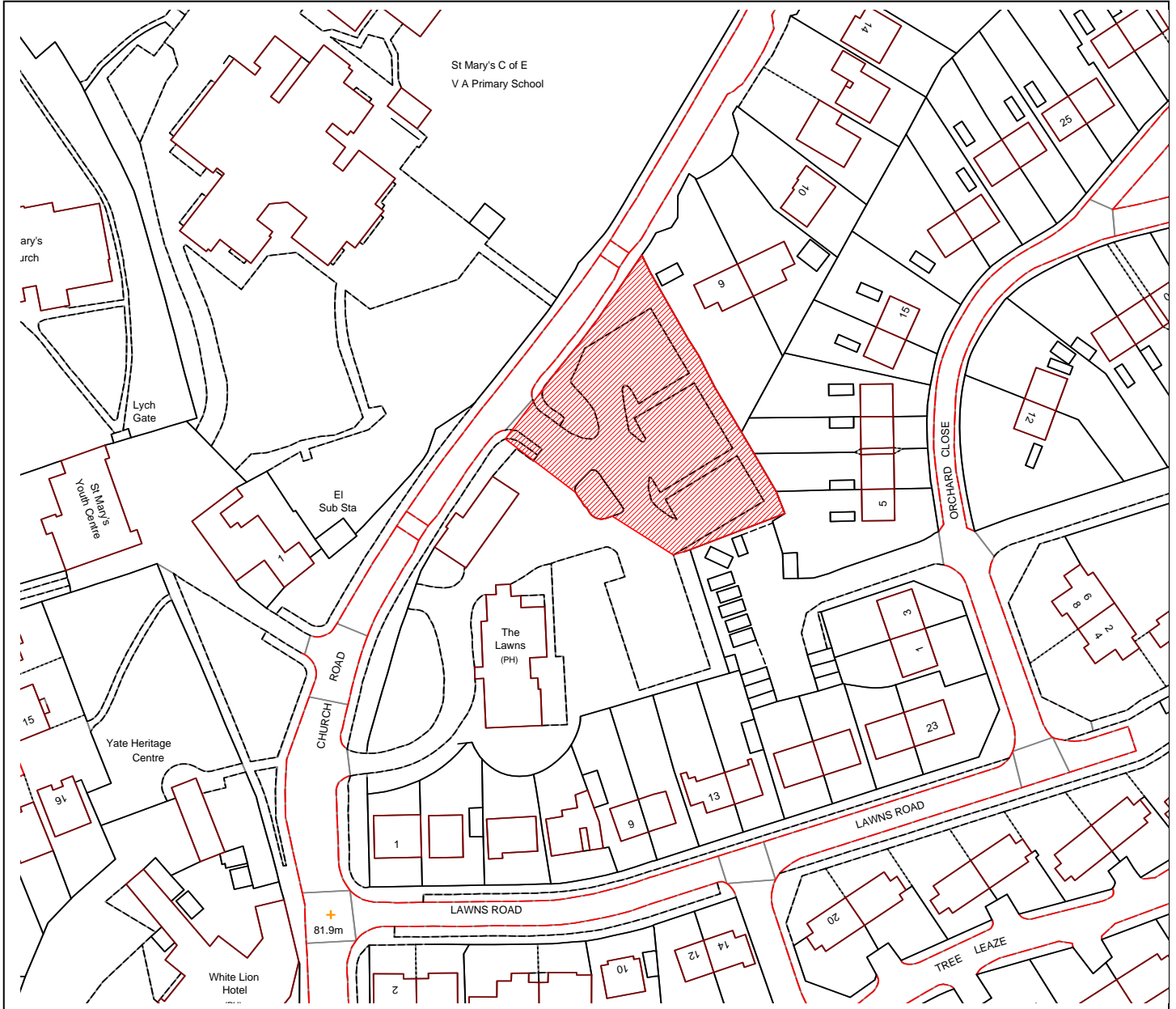
Circulated Schedule 28 March 2008

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK07/3713/F	Approve with conditions	Lawns Inn, Church Road, Yate, South Gloucestershire, BS37 5BG	Yate Central	Yate Town Council
2	PK08/0357/F	Refusal	Bridge Rd Industrial Estate, Kingswood, South Gloucestershire, BS15 4PT	Emersons Green	Mangotsfield Rural Parish Council
3	PK08/0371/F	Approve with conditions	47 Causley Drive, Barrs Court, South Gloucestershire, BS30 7JD	Parkwall	Oldland Parish Council
4	PK08/0423/TRE	Approve with conditions	Holy Trinity Church, High Street, Kingswood, South Gloucestershire, BS154AB	Woodstock	
5	PK08/0441/F	Approve with conditions	48 Overndale Road, Downend, South Gloucestershire, BS16 2RT	Downend	Downend and Bromley Heath
6	PK08/0483/TMP	Approve with conditions	Barretine Group, St Ivel Way, Warmley, South Gloucestershire, BS30 8TY	Siston	Siston Parish Council
7	PK08/0515/F	Approve with conditions	63 Summers Mead, Yate, South Gloucestershire, BS37 7RB	Yate North	Yate Town Council
8	PK08/0523/F	Approve with conditions	80A, Cock Road, Kingswood, South Gloucestershire, BS15 9SG	Parkwall	Oldland Parish Council
9	PK08/0563/F	Approve with conditions	35 Creswicke Avenue, Hanham, South Gloucestershire, BS15 3HE	Hanham	Hanham Parish Council
10	PT02/2932/CLE	Refusal	Land at Vine House, Northwick Road, Pilning, South Gloucestershire, BS35 4HA	Pilning and Severn Beach	Pilning and Severn Beach
11	PT08/0211/F	Approve with conditions	2 Frome Valley Medical Centre, Court Road, Frampton Cotterell, South Gloucestershire, BS36 2DE	Winterbourne	Winterbourne Parish Council
12	PT08/0391/F	Approve with conditions	7 Wotton Road, Charfield, South Gloucestershire, GL12 8TP	Charfield	Charfield Parish Council
13	PT08/0401/F	Approve with conditions	Greenleaze, The Common, Patchway, South Gloucestershire, BS34 6AS	Bradley Stoke Central and Stoke Lodge	Patchway Town Council
14	PT08/0420/F	Approve with conditions	M J Fews Ltd, Wotton Road, Charfield, South Gloucestershire, GL12 8SR	Charfield	Charfield Parish Council
15	PT08/0487/F	Approve with conditions	2 The Ridge, Coalpit Heath, South Gloucestershire, BS36 2PR	Frampton Cotterell	Frampton Cotterell Parish Council
16	PT08/0509/F	Approve with conditions	63 Conygre Grove, Filton, South Gloucestershire, BS34 7DW	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.: PK07/3713/F
Site: Lawns Inn, Church Road, Yate, South Gloucestershire, BS37 5BG
Proposal: Erection of 14no. flats with bin and cycle stores.
Map Ref: 71499 82784
Application Category: Major

Applicant: Beaumont Homes
Date Reg: 21st December 2007
Parish: Yate Town Council
Ward: Yate Central
Target Date: 16th April 2008



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100023410, 2008.

N.T.S

PK07/3713/F

INTRODUCTION

This application appears on the Circulated Schedule because it is a Major Application and objections have been received from Yate Town Council and local residents.

1. THE PROPOSAL

- 1.1 The application relates to a 0.2ha area of land that was formerly part of the car park serving the nearby Lawns Public House. Planning permission PK04/3431/F granted conditional consent for the conversion of The Lawns and outbuildings to form 17 no. dwellings with the erection of 15 dwellings, car parking spaces, landscaping and associated works; this was granted subject to a S106 Agreement to secure a number of financial contributions and a 33.3% affordable housing provision. Due to viability issues the S106 was never signed, instead the site has been divided in two and sold off as separate lots. The public house has been sold to Marstons Brewery and restored to its former pub use whilst the north eastern part of the pub car park is now in separate private ownership.
- 1.2 The original site comprised “The Lawns” Public House Circa 1830, its outbuilding “The Barn” and large car park, which lay to the northern side and rear. “The Lawns” is a large two/three-storey building which has been altered over the years but retains its attractive gabled frontage; “The Barn” is a natural stone two-storey building datemarked 1897, both buildings are ‘locally listed’ and are located to the east of Church Road, Yate. To the south of the pub the site is bounded by residential properties situated along Lawns Road. To the south-east is a block of garages whilst to the east and north-east are further residential properties along Orchard Close and Church Road respectively. Within and around the site are a variety of trees, many of which are protected by Tree Preservation Order. The site lies within the Established Settlement Boundary of Yate close to the Town Centre.
- 1.3 Both “The Lawns” and “The Barn” together with some of the older trees are remnants of the older part of Yate and form an attractive setting for a number of Listed Buildings located on the opposite side of Church Road, most notably the Grade I St Marys Church and the Grade II The White Lion Public House, St Mary’s Church Youth Centre and The Schoolmasters House. It is important therefore that any development respects this setting. Also situated on the north-western side of Church Road is St Mary’s Primary School. The location is not a Conservation Area.
- 1.4 The application site was formerly that part of the pub car park which lay to the north of the access off Church Road. The site is predominantly hard-standing and is bound to the front by a grass bank. Outline consent PK06/2832/O was previously granted for 14 flats, with access and siting/layout to be determined at the outline stage; all matters of design/appearance, scale and landscaping were to be the subject of a later reserved matters application. Due to Building Regulations requirements however the site layout had to be slightly altered, so to incorporate these changes the applicant has now submitted the current full application. As previously it is again proposed to erect 14 one/two-bedroom flats in two main blocks, the front block being two-storey and the rear block three-storey. The existing single access from Church Road would be shared between the pub and the application site. All car parking for the proposed development would be within an enclosed courtyard to the rear of the flats.

There would be separate bin and cycle stores located to the front and rear of the parking areas respectively. All of the protected trees within the site, would be retained.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport : Guide to Better Practice
PPG15 - Planning and the Historic Environment
PPG24 - Planning and Noise

2.2 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 (support for infill)
Policy 59 - Transportation Aspects of Development

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design in New Development
L1 - Landscape Protection and Enhancement
L5 - Open Areas within the Existing Urban Areas and Defined Settlement Boundaries
L13 - Listed Buildings
L17 & L18 - The Water Environment
H2 - Residential Development in Urban Areas
H6 - Affordable Housing
T7 - Cycle Parking
T8 - Parking Standards
T12 - Transportation Development Control Policy
EP1 - Environmental Pollution
EP4 - Noise-Sensitive Development
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
LC8 - Open Space and Children's Play in Conjunction with New Residential Development

2.3 Supplementary Planning Guidance

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

A vision for Yate Town Centre - 2002

Trees On Development Sites - 2006

3. RELEVANT PLANNING HISTORY

3.1 There have been numerous applications relating to the existing public house, which were mostly for minor extensions to the pub building and display of advertisements on and around it. All but one of these applications were approved.

- 3.2 PK00/1368/TRE - Works to 1 no. Corsican Pine (T10) and felling of 1 no. Ash tree (T14) covered by Tree Preservation Order.
Approved 03 Oct 2000.
- 3.3 PK03/2751/F - Residential development comprising of the conversion of The Lawns and outbuildings to provide 16 dwellings and the erection of 26 dwellings with car parking, landscaping, access and associated works.
Withdrawn 14th Oct 2003.
- 3.4 PK04/1662/TRE - Works to fell trees (T1-T4 and reduce TG1) covered by (TPO308) Northavon District Council Tree Preservation Order dated 14th August 1978.
Withdrawn 4th Feb 2005
- 3.5 PK04/3431/F - Conversion of The Lawns and outbuildings to form 17 no. dwellings. Erection of 15 dwellings, car parking spaces, landscaping and associated works.
Approved subject to S106 Agreement 15th Sept 2005 (not yet signed)
- 3.6 PK06/0799/O - Erection of 14no. flats (Outline) with siting and means of access to be determined. All other matters to be reserved.
Withdrawn 2nd June 2006
- 3.7 PK06/2445/F - Erection of single storey extension to link coach house/play barn with main public house. Various alterations to doors and windows. Erection of canopy to west elevation. Alterations to car park
Approved 5th December 2006
- 3.8 PK06/2832/O - Erection of 14no. flats and construction of new vehicular access (Outline) with layout and means of access to be determined. All other matters to be reserved. Resubmission of previous application PK06/0799/O.
Approved 24th October 2007

4. **CONSULTATION RESPONSES**

The following are responses to the originally proposed scheme.

4.1 Yate Town Council

Object to Block 2. The front doors are on the opposite side of the car parking spaces and the bin store. No access is provided on the path to the bin store and parking spaces without walking on the shrub beds or on the road.

The access to doors is along a narrow alley. There is no route or paved area to bin store 2.

Objection to block 1 bin store unless entrance is fully concealed from roadway by stone wall and the door onto Church Road is removed and becomes a wall. There is no collection from Church Road, the bin lorry has to enter car park for collection from bin store 2 in any event so should collect from bin store 1 as well. The doors onto Church Road will be left open and become an eyesore.

4.2 Other Consultees

4.3 Councillors Chris Wilmore and Mike Drew

Object to block 2, car park is to the rear and front door is along a narrow path. The three-storey part of Block 2 comes within a few feet of boundaries of properties in Lawns Road and Orchard Close resulting in overbearing impact and overlooking of gardens. Occupants may park in the pub car park.

4.4 Wessex Water

No objection. The development is located within a foul sewer area.

4.5 Police Community Safety Officer

Whilst not specifically objecting to the proposal, the Police Architectural Liaison Officer makes the following recommendations:

- The recess on the front approach to Block 1 is quite large and should therefore be protected by lighting.
- Flat 7 needs to have at least 1m defensible space along all of the wall.
- The security of the doors from the bin store opening onto Church Road will be very important. If it is not of a sufficient standard it could allow unauthorised access to the rear car parking and could also be an arson risk.
- The landscaping situated in the recess of the block one fronting Church Road must be kept below 1m in height and should be of a thorny variety.

Other Representations

4.6 Local Residents

7no. responses were received all objecting to the proposal. The concerns raised are summarised as follows:

- Lack of drainage on The Lawns site causes flooding of gardens at nos.5 and 7 Orchard Close.
- Loss of privacy from overlooking of nos 5 and 7 Orchard Close and no. 17 Lawns Road.
- Bin stores will attract rats.
- Quietness of cul-de-sac will be disrupted.
- Loss of view.
- Portakabins have been erected on the site.
- Not in keeping with locality.
- Increased traffic opposite the school site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of residential development on this site was previously established with the granting of application PK04/3431/F.

Furthermore the acceptance of a scheme for 14 flats in two blocks of the scale parameters now proposed, with the same access arrangements, was also previously established with the granting of outline consent PK06/2832/O. PPS3 supports the development of sustainable sites such as this for residential development. Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 allows for residential development within the Defined Settlement Boundaries subject to certain detailed criteria, which are discussed below. The site is within the Defined Settlement Boundary as defined in the South Gloucestershire Local Plan (Adopted) 6th January 2006. 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.”

- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 34, supports the re-use of previously developed land and infill development in existing built up areas. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design. The scheme is not considered to adversely affect the Vision for Yate Town Centre.
- 5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.
- 5.4 Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs. Policy L13 seeks to preserve or enhance the setting of Listed Buildings.
- 5.5 The site is not subject to unacceptable levels of air pollution, smell, dust or contamination; the issue of noise and disturbance is discussed under the Environmental Issues heading below. Subject to contributions towards the enhancement and maintenance of Public Open Space, there is adequate provision in the locality for Education, Leisure, Recreation and other Community Facilities to meet the needs arising from the proposal.
- 5.6 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The proposal equates to 70 dwellings per hectare but this higher figure merely reflects the fact that the development would comprise of 14 flats as opposed to individual dwelling houses. Densities of over 50 dwellings per hectare would not be out of place in and around Town Centre locations.

- 5.7 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.”* Officers are satisfied that having regard to the site’s constraints relating to its location, pattern of development, landscape characteristics, access, proximity to Listed buildings and impact on residential amenity, a larger scheme containing more than 14 flats could not realistically be accommodated on the site and in this respect the proposal represents the most efficient use of the land in what is a very sustainable location, close to the centre of Yate. The proposal therefore accords with Government guidelines and in terms of its density, the development is not considered to be an overdevelopment of the site.
- 5.8 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.
- 5.9 The layout and scale of the proposed buildings has previously been the subject of considerable negotiation between the applicant and the Council’s Officers. The acceptance in principle of the scale and layout of a very similar scheme to that now proposed, was previously established with the granting of application PK06/2832/O. The layout of the scheme as now proposed only differs very slightly from that previously approved, in that the respective footprints of the individual blocks has slightly changed. The impact of the scheme on the setting of the nearby Listed Buildings will be discussed under the Conservation Issues heading below. In general terms the current scheme is considered to be acceptable in terms of its layout and relationship to the existing buildings on and around the site. The two-storey element would be located to the front of the site with the three-storey element hidden behind. The maximum height of the 3-storey element would be 11m to ridge height, which is not considered to be excessive; this is the same as was approved under PK06/2832/O. This arrangement is considered appropriate bearing in mind the 2/3 storey character of ‘The Lawns’ pub itself and the general two-storey character of development along Church Road. With the existing boundary treatments and vegetation retained and to some extent enhanced, the site will be well contained. On balance therefore the proposed layout is acceptable.
- 5.10 The buildings have been designed to replicate the appearance of “The Lawns Public House” having cream rendered walls with timbered gable features and a clay tiled roof. The scale and design would not therefore look out of place in this context.
- 5.11 Impact Upon Residential Amenity
Officers consider that whilst it is perfectly normal for buildings to be in close proximity to each other in densely populated urban locations (such as this), careful consideration still needs to be given to the impact of the development on the residential amenities of neighbours and future occupiers alike.

- 5.12 Since the proposal is for one and two-bedroom flats only, officers consider that the requirement for open amenity space is less than for family type housing, where children are far more likely to live. For prospective occupiers of the proposed flats, only limited areas of amenity space would be provided within the site, however having regard to the location of the site, close to the Town Centre and all of its amenities, the level of amenity space proposed is in this case considered acceptable.
- 5.13 The site would be well enclosed at ground floor level by the existing and proposed walls, fences and trees. Any overlooking of neighbouring property would be further minimised by the proposed location of the individual blocks, which have been purposely set well back into the site. Any overlooking of neighbouring property would therefore be from a reasonable distance and this is a ubiquitous situation only to be expected within urban locations such as this. The proposed three-storey block would not have an overbearing impact on neighbouring property, it being located adjacent to the pub car park to the west and a block of garages to the south. The side windows of block 2 only directly overlook the far ends of the gardens to residential properties in Orchard Close and Church Road; furthermore it would be at least 30m between the nearest habitable room windows in this direction. To the south the end elevation windows directly overlook the adjacent garages, it being some 50m to the rear windows of no.17 Lawns Road. Any loss of privacy would be further reduced by the high boundary vegetation that would be retained or planted on the site.
- 5.14 Regarding the proximity of the public house to the proposed flats. Officers consider that it is not unusual in Town Centre locations for residential properties to be located close to public houses, indeed there are already properties in Lawns Road that bound the pub site to the south. The issue of noise and disturbance is discussed under the Environmental Issues section below but in short, it is proposed to mitigate for disturbance by erecting an acoustic barrier on the boundary of the application site with the remaining pub car park. Block 2 is purposely orientated with its back facing into the site, thus reducing the number of habitable room windows facing the pub car park.
- 5.15 Enclosed bin stores would serve each of the two blocks, the store for Block 1 has been modified to ensure collection is from inside the site only, there are no longer any doors onto Church Road from this bin store. All of the proposed car parking spaces would be contained within the courtyard area and would not be hard on the boundaries with neighbouring property. Given that the site was previously a car park, this arrangement is considered acceptable.
- 5.16 The scheme has been amended to provide paved access from the front doors of Block 2 to the car park and bin/cycle store to the rear. Concerns about loss of view are not in fact material, as there is no right to a view. The portakabins that have been erected on the site are temporary only and have been erected by the developer prior to the development of the site. On balance therefore, officers conclude that the proposal would not have a significant adverse impact on residential amenity.
- 5.17 Transportation Issues
The key transportation issues relate to access and parking provision. In application PK06/2832/O it was originally proposed to introduce a second access from Church Road to serve the application site, with the existing access retained for the pub's use only. This access arrangement was however considered inappropriate due to concerns about the proximity of the second access to the school crossing point and traffic calming features on Church

Road. Following consultations with the Council's Highway Officer, it is now proposed to retain the existing access for dual use by both the public house and proposed development; with this arrangement adequate visibility splays would be retained on Church Road. Details of the access road at its junction with the pub car park will however need to be secured by condition. It is recommended that the junction be formalised in the form of a priority junction, which can be achieved by road markings and signing. The proposed access road into the site would be 5.5m wide with a 2m footpath and rumble strip to slow traffic entering/exiting the site.

- 5.18 The proposed scheme includes the provision of 14no car parking spaces which would be allocated on the basis of one space per flat. Whilst this number of spaces satisfies the Council's adopted maximum parking standards as listed in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, it does fall 7no spaces short of the potential maximum number of spaces that could be provided under this policy for these 14 x 1/2-bedroom flats. In line therefore with Central Government's aspiration to promote sustainability and in order to reduce the reliance on use of private vehicles, the Council seeks a financial contribution of £7,000 towards the improvement of public transport facilities including the provision of disabled access/bus shelters at bus stops within the vicinity of the site. The applicant has agreed in principle to pay this amount, which would be secured by a S106 Agreement.
- 5.19 Concerns have been raised about the impact of increased traffic generation and the level of car parking provision for the existing public house. Officers acknowledge that the proposal would result in some increased traffic generation, which would amount to 8-10 traffic movements during the morning peak hour. Viewed in the context of the existing high levels of traffic already using Church Road, this is not considered to be significant.
- 5.20 The Lawns Public House and its remaining car park is now in separate ownership and is not, in any way, in the applicant's control, so conditions relating to the pub cannot be imposed via this current application. The Council's adopted maximum parking standards for Public Houses are listed under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006; 1 space per 5sq.m. of dining area or public drinking area is required. The revised parking arrangement i.e. 41spaces (2 disabled) for The Lawns (300 sq.m. drinking/dining area) were previously assessed under application PK06/2445/F when the Council's Highway Officer considered that this level of parking provision was considered to be acceptable in this sustainable location. The original pub car park was very large and the remaining parking provision is considered adequate to serve the pub. Further concerns have been raised about the loss of parking for parents delivering and picking up children attending the nearby St Mary's Primary School. It should be stressed that any prior use of the site for this purpose was on an entirely informal basis by arrangement with the previous pub owners. The current owners of the application site have since fenced their site off, which is of course their right to do so. Any refusal reason on the basis of the loss of the car park for such school uses described could not therefore be reasonably substantiated in an appeal situation.
- 5.21 The proposed bin stores would have doors that open into the site only, it is therefore envisaged that collection would be from within the site only. There is therefore no objection to the siting of the bin store.

5.22 Having regard to all of the above there are no objections on highway grounds.

5.23 Landscape and Tree Issues

A scheme of landscaping has been designed in consultation with the Council's Tree and Landscape officers. All of the trees protected by SGTPO 13/04 would be retained and the landscaping scheme includes details of protective fencing and a method statement for the works to the road surface in the vicinity of the trees. The Council's Landscape Architect raises no objection to the loss of the site as an open space, it being only a remnant car park. The important open space to the front of 'The Lawns P.H.' which does contribute to the quality, character and visual amenity of the locality would be retained in its entirety. There are therefore no objections on landscape grounds.

5.24 Conservation Issues

The site lies within one of the more historic and sensitive areas of Yate. 'The Lawns' and its outbuildings are both "locally listed" with Grade II Listed buildings lying on the western side of Church Road. There is therefore a need to protect the character and setting of these buildings.

5.25 The open landscaped areas to the front of the 'The Lawns Public House' as well as on the opposite side of Church Road help to enhance the setting of the nearby Listed Buildings. The application site is however far removed from the Grade I listed St Mary's Church, and there are intervening trees as well as other buildings and open areas between the sites. Officers are satisfied that the proposal would not adversely affect the open landscaped areas adjacent to 'The Lawns Public House'. The protected trees would all be retained and further planting would help to soften the appearance of the development. Officers are satisfied that the two storey element would be appropriately located at the front of the site with the three-storey element set well back into the site where it would have minimum impact on the setting of the listed buildings. So as to be in-keeping with the locality, the scheme has been designed to replicate features of "The Lawns" itself; further modifications have been made in response to comments from the Conservation Officer. The roof plans have been simplified; feature brickwork has been replaced with re-constituted stone sills and heads; a rear gable has been removed from block 2; the bin store doors onto Church Road have been removed and this elevation would now be natural stone to match the front boundary wall; feature woodwork would now be painted rather than stained. Officers are therefore satisfied that the character and setting of the listed buildings would be preserved.

5.26 Environmental Issues and Drainage

Wessex Water has raised no objection to the proposal and neither has the Council's Drainage Engineer. Conditions will secure a drainage scheme to incorporate Sustainable Drainage Systems (SUDS). The Council's Environmental Health Officer has raised concern about the potential for noise disturbance to the occupiers of the proposed development arising from 'The Lawns' public house and its associated car park. This however can be adequately mitigated for by installing an appropriate acoustic barrier between the flats and the pub car park. Some of the problems have been 'designed out' by locating habitable rooms, especially bedrooms, on the facades facing into the application site.

- 5.27 Whilst there would inevitably be some disturbance for neighbouring residents during the construction phase, this would only be on a temporary basis and a condition would be imposed to restrict the hours of working on the site. The bin stores would be enclosed and any vermin infestation would be controlled by the normal Environmental Health legislation.
- 5.28 Education
Since there is a projected surplus capacity at both primary and secondary schools within the area of the proposed development, no contributions are requested towards the provision of education facilities on this occasion.
- 5.29 Affordable Housing
The proposal for 14 flats and the site area (0.2ha) falls below the Council's threshold (15) and (0.5ha) respectively, for affordable housing provision.
- 5.30 Community Services
The development of 14 x 1/2 bed flats would generate an average population increase of 21 people. The Council's Community Services section, having regard to the lack of on-site open space within the proposed development, have requested a total contribution of £27,106.59p towards the enhancement and maintenance of off-site public open space near to the development i.e improvements to Category 1 at YOSC, category 2 & 3 at Kingsgate Park (through Yate Town Council), Informal Open Space – Brinsham Park. This amount would be index-linked and secured by a S106 Agreement. The applicant has already agreed in principle to pay this amount.
- 5.31 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document Adopted 23rd August 2007.
- 5.32 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the issues of transportation improvements and provision of public open space are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 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 into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- a) A contribution of £7,000, towards the improvement of public transport infrastructure, to include the provision of disabled access/bus shelters at bus stops within the locality of the site.
- b) A contribution of £27,106.59p towards the enhancement and maintenance of off-site Public Open Space within 2km of the development site's location.

The reason for this Agreement is:

- (i) To mitigate the affect of lack of off-street parking provision for the proposed 14 flats.
- (ii) To mitigate for the lack of on-site open space provision within the development site and to offset the increased demand on existing public open space.

7.2. That the Head of Legal and Democratic Services be authorised to prepare and seal the Agreement.

7.3 Should the agreement not be completed within 6 months of the date of the decision that planning permission be refused.

Background Papers PK07/3713/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. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies H4/D1/L1/L13 of the South Gloucestershire Local Plan (Adopted) January 2006

3. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

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

Reason

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

5. The off-street car and cycle parking and vehicle manoeuvring facilities, shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason

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

6. Prior to the commencement of the development hereby permitted, details of the priority junction arrangement between the proposed access road to the residential development and access to 'The Lawns Public House' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the means of vehicular access shall be implemented in full accordance with the details so approved and prior to the first occupation of the approved buildings and maintained as such thereafter.

Reason

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

7. The 14 no. car parking spaces shown on the approved 'Planning Layout' plan numbered 100 Rev B, shall be allocated on the basis of no more than one space per flat (whichever they may be) and maintained as such unless the Local Planning Authority gives written consent to any variation.

Reason

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

8. Building operations shall not be commenced until samples of the roofing and external facing materials proposed to be used have been submitted to and approved by the Council and all such materials used in construction of the building(s) hereby authorised shall conform to the details so approved.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1/H2/L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1/H2/L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

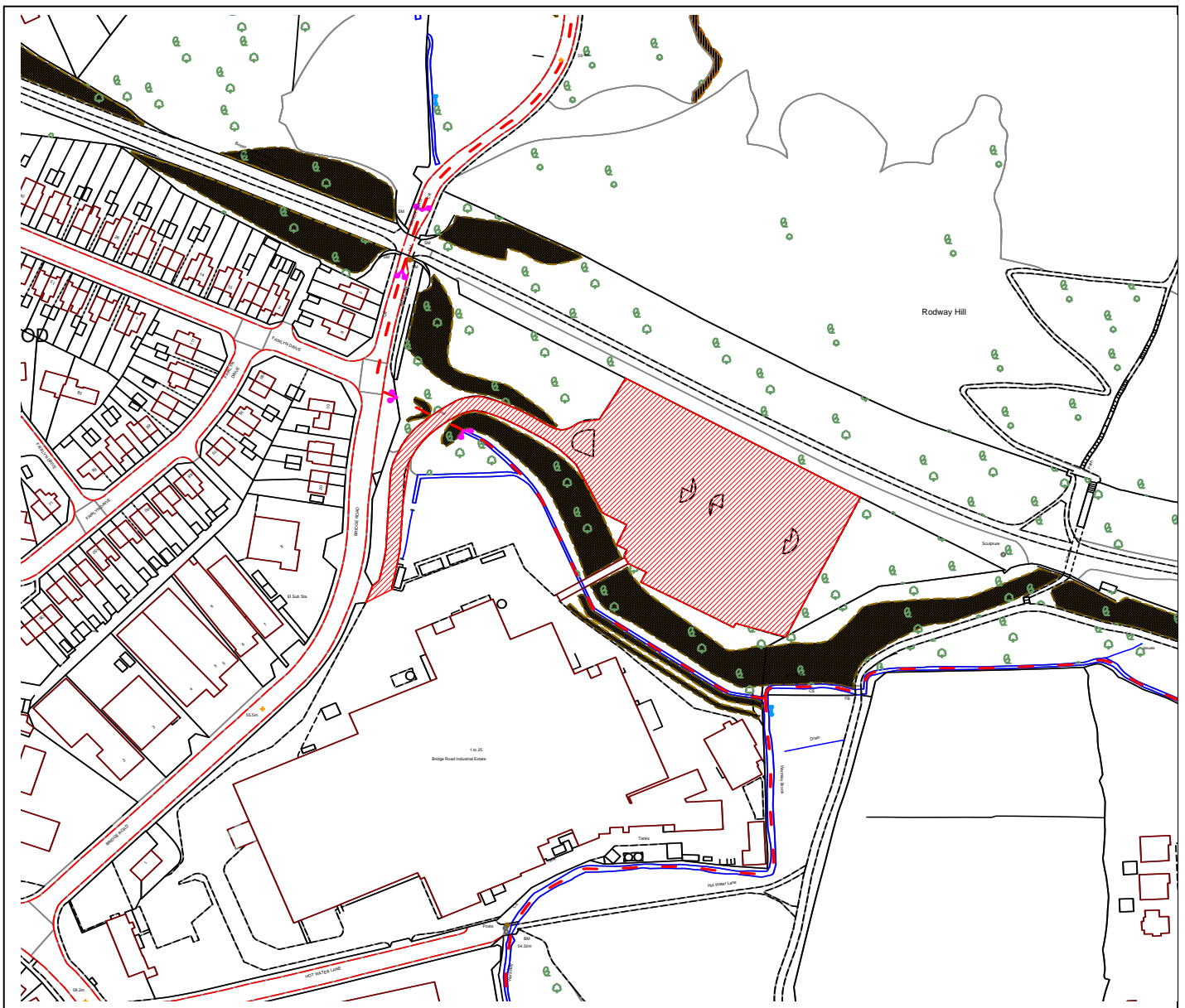
11. Before the development hereby permitted is commenced details of the proposed finished floor levels of the building relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance and to ensure that the development would, in terms of scale and massing, respect the character and visual amenity of the location in accordance with Policy D1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.:	PK08/0357/F	Applicant:	Mr A Dykes
Site:	Bridge Road Industrial Estate, Kingswood, South Gloucestershire, BS15 4PT	Date Reg:	6th February 2008
Proposal:	Retention of building for industrial use (Class B8) and change of use of land for outdoor storage (Class B8) as defined in the Town and Country Planning (use classes order) 1987 (as amended). (Retrospective)	Parish:	Mangotsfield Rural Parish Council
Map Ref:	66158 75364	Ward:	Emersons Green
Application Category:	Major	Target Date:	2nd May 2008



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100023410, 2008.

INTRODUCTION

This application appears on the Circulated Schedule in accordance with the Council's procedure for the determination of major applications and also to the receipt of letters of objection from local residents and the parish council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission to establish and regularise the use of the site as a B8 use. The history of the site is some what complex and this application is the result of enforcement investigations. The site is currently occupied by a pallet restoration company and a variety of other companies – predominantly 2 waste management companies, a disabled travel service, some car storage and a ground workers compound. Despite the separate occupation, the whole site is to be covered by a B8 use.
- 1.2 The application site relates to a raised area of land covered with hard standing. It is commonly known as and referred to as the 'Top Site'. The majority of the site lies within an established employment area. It is understood that the site has historically been used as a car park associated with the industrial use of the 'Bottom Site'. The bottom site is occupied by an array of industrial buildings and is immediately adjacent to the application site – it is not however for consideration as part of this application. The top site subject of this application sits to the north of the bottom site and has this name because of its elevated height. Access to the top site is via an access lane within the ownership of the applicant up from Bridge Road.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS23	Planning and Pollution Control

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
E3	Proposals for Employment Development
E4	Safeguarded Employment Areas
EP1	Environmental Pollution
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control

3. RELEVANT PLANNING HISTORY

- 3.1 There are no applications that are directly relevant to the determination of this case.

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council

No objection to the retention of the building but do object to the operating hours. The Parish Council would like to see no Sunday working, and hours restricted to Monday-Friday 7.30am – 6pm and Saturday 7.30am – 1pm

4.2 Other Consultees

Individual responses have also been received directly from Councillors McCarthy, Seagar and Millward. The Councillors all voice the same opinion – The proposed business hours are from 6am – 9pm Monday to Friday, 6am – 1pm Saturday and Sunday. The councillors are of the opinion that these hours are excessive and would like reduced hours of operation conditioned. The Councillors also request that Sunday is a non trading day. The councillors request details of the extent of outdoor storage as the site could become an unsightly dumping ground.

Other Representations

4.3 Local Residents

Nine letters of objection have been received from local residents, a summary of the points of concern raised is as follows;

- Risk of fire
- The proposed working hours are very inconsiderate
- People are kept awake late a night due to movements on the site
- Lorries driving up the access road to the site are very noisy
- More restricted operating hours would be more reasonable – 7.30am – 6pm Monday to Friday and reconsidered weekend working
- Uncertainty as to what will be stored on the site
- Potential for hazardous items to be stored
- Description is ambiguous as to exactly what is proposed
- Piles of pallets are visible from the cycle path and from Bridge Road
- Where will the employees park
- History of environmental protection problems
- Fires keep being lit on the site
- Trees are being removed
- The site is on Bridge Road Industrial Estate not Station Road Industrial Estate
- The surrounding woodland should be protected
- The access lane was designed for cars – not the large lorries that are now using it.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within a safeguarded employment area and within the urban area of Kingswood. Policy E4 of the South Gloucestershire Local Plan states that planning permission will be granted for employment generating uses in safeguarded employment areas providing the range of criteria set out in Policy E3 are satisfied. Policy E3 also supports employment generating uses within the existing urban area. Policy E3 states that employment generating uses will be permitted providing that:

5.2 A. **The development would not have unacceptable environmental effects; and**

Along the southern boundary of the site runs Warmley Brook. During a recent pollution prevention visit to site the Environment Agency dye-traced the surface water drains on the top part of the Estate. It was observed that all drainage from this area flows to the nearby brook.

There are currently a number of vehicles (cars and HGVs) stored on this site along with waste for use in a paragraph 13 exemption. The Environment Agency also believes that one of the businesses in this area is also intending to install an oil tank.

Policy EP1 of the adopted south Gloucestershire local plan states that *'development will not be permitted which would unacceptably harm the environment... as a result of pollution to water, air or soil'*. The supporting text notes that new development should be designed to ensure it does not cause environmental pollution which then has to be controlled by other agencies. It is therefore for the applicant to clearly demonstrate compliance with this requirement. Before comment can be made on the acceptability of the scheme, additional information was requested regarding what measures will be taken to prevent potential pollution incidents from impacting on the brook. Whilst this information has been requested by the planning officer, it has not been received during the course of the application, your officer must therefore determine the application on the basis of the information available.

Currently there is uncertainty and lack of clarity with regards to exactly what will be stored on site as there are a number of businesses operating in this area. A detailed site plan showing the location of units and what they intend to store is fundamental to allow for an assessment of the application.

Insufficient information has been submitted to allow officers to make a full and detailed assessment of the impact of the proposal on the local environment. Because of the limited information, the applicant has not proven that the development would not unacceptably harm the environment, or the health and safety and amenity of users of the site or surrounding area, as a result of pollution to water and air. The application is thus contrary to the requirements of Policies E3 and EP1 of the South Gloucestershire Local Plan (Adopted).

5.3 **B. Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on-street parking, to the detriment of the surrounding areas and highway safety; and**

As mentioned in paragraph 5.2 above, very limited information has been submitted with the application to help officers understand what is actually proposed on the site. Whilst additional information has been requested, it has not been possible for the agent to prepare this information within the limited timeframe. The design and Access statement refers to the Pallet restoration company but does not give details of all other businesses on the site. Further communications with the agent and a site visit has revealed that the other businesses on the site include;

- Disabled Travel Service - Storage of vehicles with ancillary offices
- M & M Waste Management - Storage of Plant and equipment and ancillary offices
- Globelink Bristol - Ground workers compound- storage of plant and machinery
- Reece waste management - storage of vehicles
- Car storage

The plans submitted however do not show the location of any of these businesses or give details of numbers of vehicles, layout arrangements, parking, turning and access arrangements, how vehicles travel across the site etc.

On the basis of the level of information submitted, your officer is not able to fully understand how the site is used. No information on vehicle numbers or movements have been submitted and there are no details of parking or turning arrangements. The application fails therefore to demonstrate that the change of use will not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on-street parking, to the detriment of the surrounding areas and highway safety.

Insufficient information has been submitted to allow officers to make a full and detailed assessment of the impact of the proposal on highway safety in the vicinity of the site. Because of the limited information submitted, the applicant has not proven that the development would provide adequate parking and turning space and that it would not have a detrimental impact on existing levels of highway safety. The application is thus contrary to the requirements of Policies E3, T8 and T12 of the South Gloucestershire Local Plan (Adopted).

5.4 **C. Development would not prejudice existing residential amenities; and**

As previously discussed, because of the insufficient information submitted, your officer is not able to understand how neighbouring properties will be affected by the proposed development. Because of this lack of information, officers are not able to attach and conditions that may be relevant and necessary to protect the amenities of the surrounding dwellings.

It is noted that neighbours are concerned about the proposed hours of operation and they also claim that fires are burnt on the site. The Councils Environmental Protection team have previously been involved in complaints about the site although these previous complains are not directly relevant to the determination of this application. The proposed hours of operation given on the application form are 6am to 9pm Monday to Friday and 6pm to 1pm at weekends. Whilst your officer is inclined to feel that the hours of operation are excessive, because no information on what activities are taking place has been submitted, this cannot be justified. If the activities taking place are quite and will not result in any disturbance, these hours may be found acceptable. In order to assess this, a full acoustic report is required to help officers understand the potential impact on neighbouring dwellings along with details of how any noise pollution will be mitigated against. The information required in paragraph 5.3 will also help officers to understand how vehicle movements could impact on the neighbouring dwellings.

Insufficient information has been submitted to allow officers to make a full and detailed assessment of the proposal on noise levels in the vicinity of the site. In the absence of an acoustic report, the applicant has failed to provide details of noise levels arising from the proposed development or a scheme of measures to protect nearby dwellings from noise sources. It has not been sufficiently demonstrated that the noise levels will not detrimentally impact on the amenities of the surrounding dwellings. The application is thus contrary to the requirements of Policies E3 and EP1 of the South Gloucestershire Local Plan (Adopted).

5.5 **D. The character of the area or settlement is not adversely affected; and**

The principle of implementing a business use on the site is acceptable given its location. It is still necessary however to ensure that the business use of the site does not allow for degradation of the character of the area. Other than the basic site layout plan and elevations of the workshop on the site, no information has been submitted regarding site layout. The site has clearly been subdivided into a number of units but no information is given of any other structures, portacabins, dividing fences or walls. Whilst this is a retrospective application and thus the site can be viewed in its current state, there are concerns that the change of use could possibly have an impact on the character of the area. Whilst the site is surrounded by vegetation which does form an effective screen around the most of the site, the stacked up pallets are clearly visible from the cycle track and from parts of Bridge Road. It may be necessary to impose conditions restricting the amount, location and type of outside storage that occurs on the site to prevent an adverse impact on the visual amenities of the area.

The site is almost devoid of vegetation other than three large trees at the entrance to the site. However, the site is surrounded by quite extensive vegetation that contributes very positively to the character and amenity of the area. Because officers are unable to understand how the site will be used, it is not possible to ascertain any possible impact on the surrounding vegetation.

Insufficient information has been submitted to allow officers to make a full and detailed assessment of the impact of the proposal on the character of the area. On the basis of the information submitted, it is not possible to ascertain the location and size of existing and proposed structures and boundary treatments on the site, nor is it possible to understand the location and amount of outside storage. No details have been given to show how the vegetation on and surrounding the site will be protected and retained whilst the site is in operation. The application fails to demonstrate that the proposed change of use will not have a detrimental impact on the character of the area and thus the application fails to comply with the requirements of Policies D1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.6 **Proposals for large scale B8 storage and distribution uses will only be permitted in the following employment areas, as defined on the proposals map; Severnside, Cribbs Causeway and Emersons Green Area B**

The supporting text confirms that *'the council defines 'large scale' B8 uses as greater than 1000 square metres of floor space, not ancillary to other employment activities on the same site and likely to generate significant HGV traffic requiring access to the strategic road network.'* The area of the site exceeds the 1000m² threshold as the site covers an area in the region of 6000m². The site area is therefore classified as a 'large scale' site and is not within one of the three sites where such development is permitted.

As previously discussed, it is believed that the site is actually to be subdivided into six smaller units of occupation. Each of these smaller units would work independently and would not be ancillary to one another. Unfortunately, because of the insufficient information provided, it is not possible to determine the floor space covered by each of the individual units. Similarly, the agent has not actually confirmed that the site is to be legally subdivided.

Should the application be resubmitted, this issue would need to be fully discussed and the intentions set out in the design and access statement.

Also, because of the lack of information relating to vehicle movements (see paragraph 5.3) it is not possible to confirm if the proposed use will generate significant HGV traffic requiring access to the strategic road network. It is the considered opinion of your officer that if the site is to be subdivided into smaller units of occupation, it is very unlikely that any one unit will generate significant HGV traffic requiring access to the strategic road network. It is for the applicant however to justify and confirm this position in any resubmitted application.

Consideration also has to be given to the fact that this is a retrospective application and that businesses have been operating from the site for a few years - albeit without the necessary consent. The Council has to consider that to refuse permission would result in the dislocation of these businesses and the subsequent loss of employment – contrary to the purposes of including the site in a safeguarded employment area. A balanced decision has to be made weighing up the 'large scale' B8 use of the whole site against the impact on the surrounding area. Any resubmitted application containing enough information to overcome the attached refusal reasons should allow officers to make a full and balanced decision on the appropriateness of the large scale B8 use of the site.

5.7 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 That the application be refused for the following reasons;

Background Papers **PK08/0357/F**

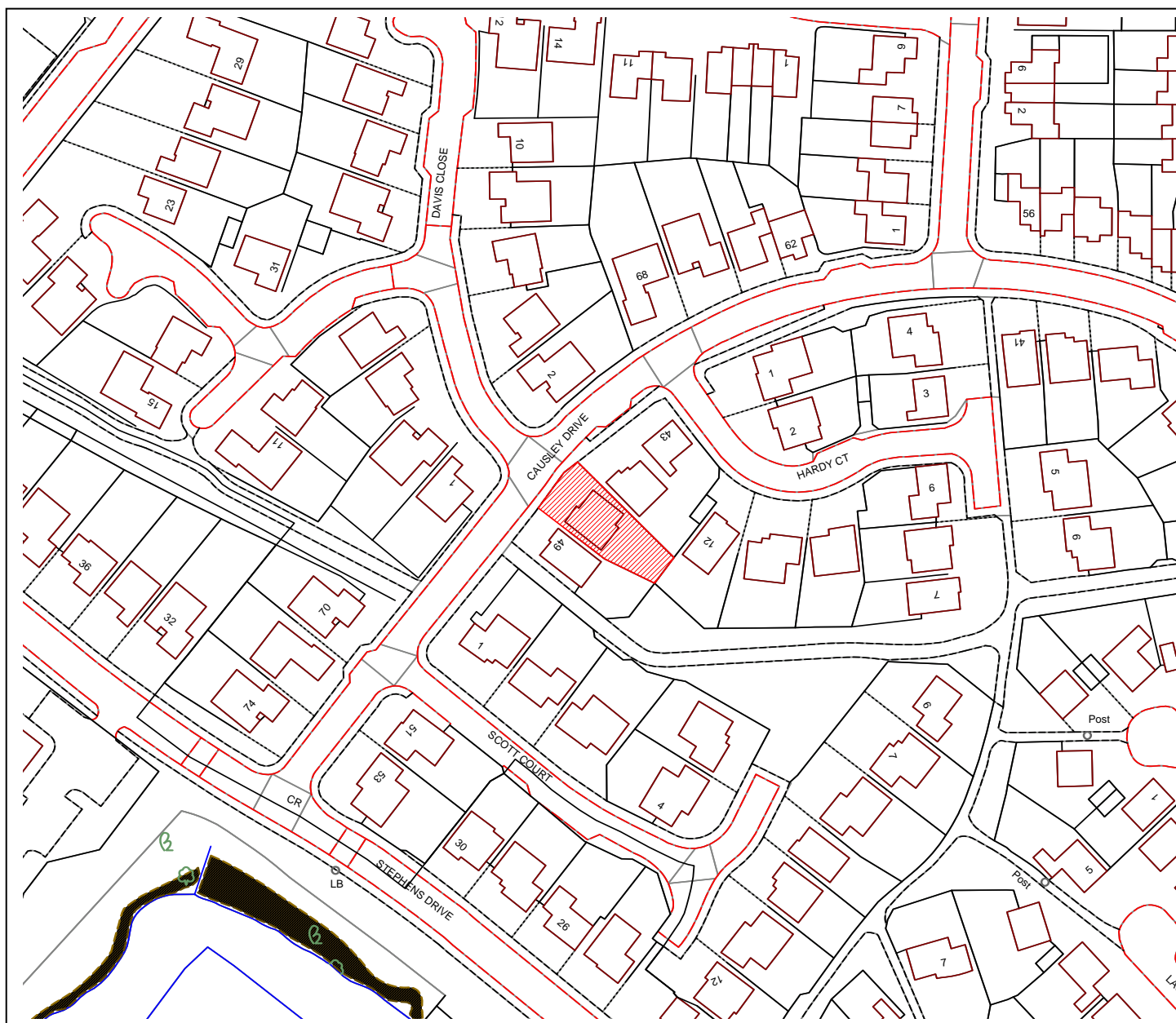
Contact Officer: **Marie Bath**
Tel. No. **01454 864769**

REFUSAL REASONS

1. Insufficient information has been submitted to allow officers to make a full and detailed assessment of the impact of the proposal on highway safety in the vicinity of the site. Because of the limited information submitted, the applicant has not proven that the development would provide adequate parking and turning space and that it would not have a detrimental impact on existing levels of highway safety. The application is thus contrary to the requirements of Policies E3, T8 and T12 of the South Gloucestershire Local Plan (Adopted).
2. Insufficient information has been submitted to allow officers to make a full and detailed assessment of the impact of the proposal on the local environment. Because of the limited information, the applicant has not proven that the development would not unacceptably harm the environment, or the health and safety and amenity of users of the site or surrounding area, as a result of pollution to water and air. The application is thus contrary to the requirements of Policies E3 and EP1 of the South Gloucestershire Local Plan (Adopted).
3. Insufficient information has been submitted to allow officers to make a full and detailed assessment of the proposal on noise levels in the vicinity of the site. In the absence of an acoustic report, the applicant has failed to provide details of noise levels arising from the proposed development or a scheme of measures to protect nearby dwellings from noise sources. It has not been sufficiently demonstrated that the noise levels will not detrimentally impact on the amenities of the surrounding dwellings. The application is thus contrary to the requirements of Policies E3 and EP1 of the South Gloucestershire Local Plan (Adopted).
4. Insufficient information has been submitted to allow officers to make a full and detailed assessment of the impact of the proposal on the character of the area. On the basis of the information submitted, it is not possible to ascertain the location and size of existing and proposed structures and boundary treatments on the site, nor is it possible to understand the location and amount of outside storage. No details have been given to show how the vegetation on and surrounding the site will be protected and retained whilst the site is in operation. The application fails to demonstrate that the proposed change of use will not have a detrimental impact on the character of the area and thus the application fails to comply with the requirements of Policies D1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.:	PK08/0371/F	Applicant:	Mr C Woodman
Site:	47 Causley Drive, Barrs Court, South Gloucestershire, BS30 7JD	Date Reg:	7th February 2008
Proposal:	Erection of two storey side and rear extension to provide additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	65919 72186	Ward:	Parkwall
Application Category:	Minor	Target Date:	4th April 2008



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N.T.S

PK08/0371/F

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

1. THE PROPOSAL

- 1.1 The application property is a detached two-storey dwelling with an existing hipped roof over a ground floor WC, garage, utility room and part of the kitchen; this wraps around the south western (side) elevation. The main roof is gabled. There appears to be an additional room in the roofspace.
- 1.2 The planning application proposes to extend the ground floor by 1.1m to the side/south west and to extend the first floor and main roof by approximately 3m (to the side/south west), creating a ground-to-ridge gable end at both ends. A mono-pitch will be retained and extended across the front elevation. On the rear elevation, the existing hipped wrap-around roof will be retained in part, but at the south western end there will be a new two-storey secondary gable. This new extension will create space for a new larger kitchen and two new en-suite bedrooms, but will result in the loss of the garage and utility room.
- 1.3 The application site is located in an urban area characterised predominantly by detached dwellings.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Housing
T8 Parking Standards
- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire's Design Checklist (adopted August 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 N/A

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No comments received.
- 4.2 Other Consultees
N/A

Other Representations

4.3 **Local Residents**

No. 49 Causley Drive Object for the following reasons:

- Proposed extension likely to block out light to utility room;
- Back door faces proposal, will be faced with 2 storey high wall only 3 ½ feet distant;
- Proposal does not respect the massing, scale, proportions or character of the street scene, and is out of character;
- Occupier has not been served with a notice concerning the Party Wall Act.

The agent for the planning application has responded to this objection, saying that habitable rooms will not be overlooked or overshadowed, the dwelling will be similar in size to other dwellings in the area once extended and that notice under the Party Wall Act will be served in due course in accordance with the Act.

5. ANALYSIS OF PROPOSAL

5.1 **Principle of Development**

Policy H4 of the South Gloucestershire Local Plan requires development within the curtilage of a dwelling to conform to four criteria in order for it to be permitted. Policy D1 lists eight criteria which proposals should accord with in order to be considered appropriate in design terms.

5.2 **Design**

When viewed from the front, the extension is sympathetically designed when viewed against the existing dwelling. The distance between the proposed extension and the boundary with no. 49 will only be 150mm, with a gap in excess of one metre from the new side wall to the side wall of no. 49.

In terms of the effect on the streetscene, the proposal will not completely fill a gap between two dwellings, as a gap in excess of 1m will be retained. Therefore it is considered that the scale and height of the proposed side extension would not cause any detrimental impact to the streetscene and accords with the relevant Local Plan policy.

5.3 **Residential Amenity**

It is considered that the proposed extension would retain adequate outdoor amenity space for the occupiers of the resultant property hence maintaining an acceptable level of residential amenity.

The new side wall is a gable and will therefore cover the full height from ground to ridge, however because the proposal will face a back door, utility room and landing window in the adjacent dwelling, i.e. non-habitable rooms, it is not considered to prejudice the amenities currently enjoyed by the occupiers of the neighbouring property at no. 49 to a material extent, so that a refusal of planning permission could be substantiated in this instance.

5.4 Other Considerations

In addition Local Plan Policy T8 says that dwellings of 4 or more bedrooms should have a maximum of 3 spaces per dwelling. Although this proposal would lose the garage space, there is considered to be adequate space on the front driveway to accommodate cars.

5.5 Design and Access Statement

N/A

5.6 Section 106 Requirements

N/A

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

- 7.1 That planning permission be granted.

Background Papers **PK08/0371/F**

Contact Officer: **Donna Whinham**
Tel. No. **01454 865204**

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 bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.: PK08/0423/TRE

Applicant: Mr P Maher South Gloucestershire Council

Site: Holy Trinity Church, High Street, Kingswood, South Gloucestershire, BS15 4AB

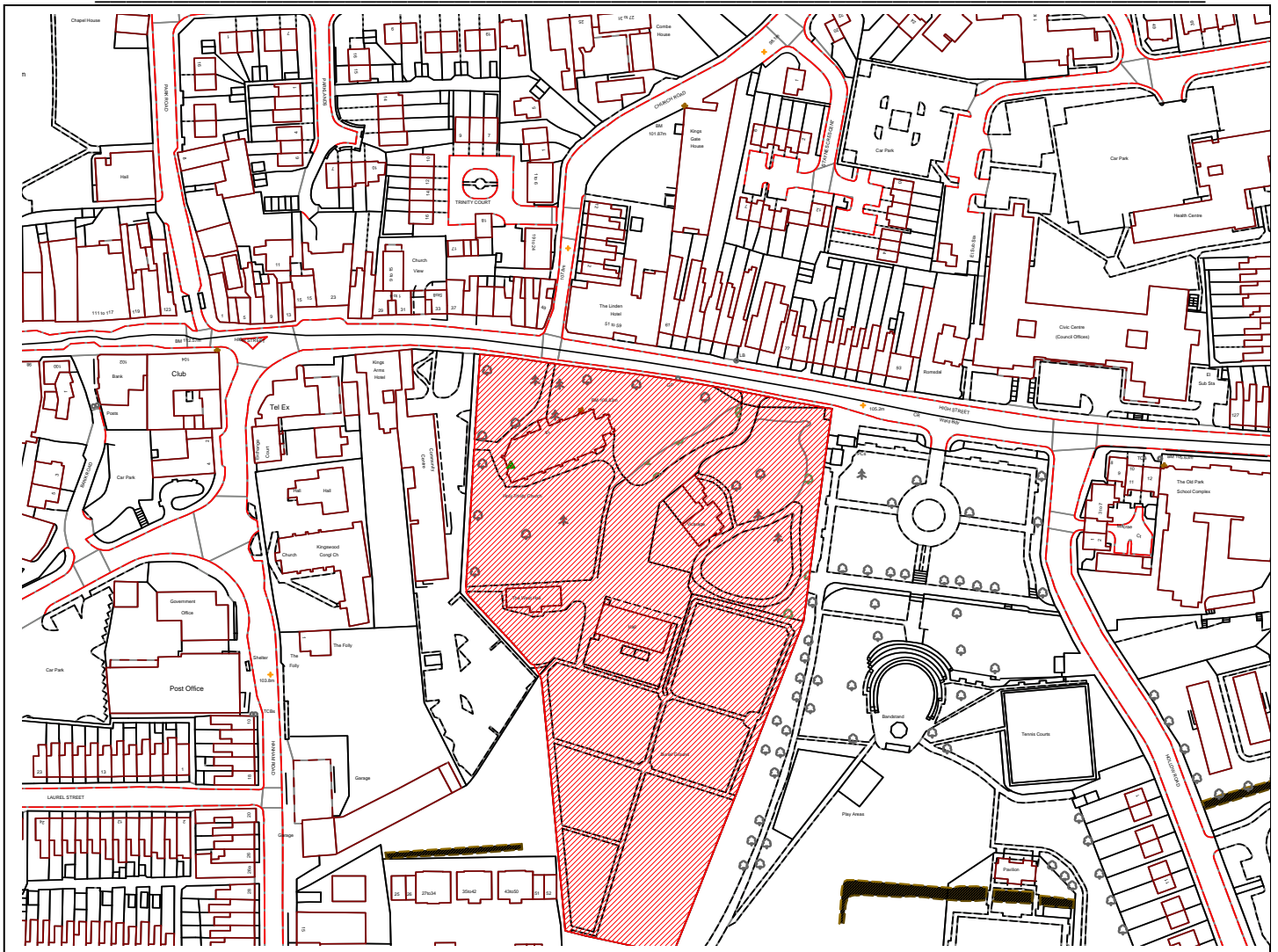
Date Reg: 14th February 2008

Proposal: Works to the trees identified in the Holy Trinity Church Cemetry Arboricultural Survey received 13 February 2008 that are covered by South Gloucestershire Council Tree Preservation Order KTPO 6/93 dated 27 September 1993.

Parish:

Map Ref: 65130 73721
Application Category: Minor

Ward: Woodstock
Target Date: 9th April 2008



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N.T.S

PK08/0423/TRE

This application was referred to the Circulated Schedule because the application has been submitted by the Council.

1. THE PROPOSAL

- 1.1 The application seeks permission to carry out works to 81 mature Lime trees within the grounds of Holy Trinity Church Cemetery, High Street, Kingswood.

The applicant states that the 29 mature Lime trees on the north and west boundary have been managed as pollards in the past but have been left to grow unmanaged over the past 15 years. The re-growth from the pollard points is inherently weak and prone to failure if left unchecked and with their location adjacent to a busy main road several of the Limes are in need of re-pollarding.

Many of the Limes could be left for several of more years as they are not currently at risk of failure. However, it is necessary to re-pollard these trees in order to minimise further risk of failure due to a change of wind stress dynamics.

The remaining trees are in good overall condition requiring only minor tree surgery. There are several small Ash trees on the east boundary that have been recommended for removal as they are growing through the chain-link fence causing damage to the tree and the fence.

- 1.2 The applicant also mentioned that there was no mention of Tree Preservation Orders (TPO) pertaining to the trees on site in the original tree surveys. After the work commenced at the end of January 2008, the Community Services was informed that the trees had been protected by TPO. The work therefore immediately stopped and this application has therefore been submitted following a site visit meeting with the Council Tree Officer.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement

L4 Forest of Avon

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

(a) Statutory Consultees

- 4.1 Parish Council
The site is outside parished areas.

(b) Other Representations

- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies L1 and L4 of the South Gloucestershire Local Plan (Adopted) seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

5.2 Analysis of the Health of the Trees

The trees are significant specimens in a highly visual position adjacent to the High Street which passes through Kingswood. The mature Lime trees are situated around the northern and western boundary of the church.

They have been pollarded in the past but allowed to grow a substantial new canopy. The re-growth on pollarded trees has a weak union to the main stem and can be prone to wind damage and branch failure.

Once a tree is pollarded it should be re-pollarded on a regular basis to control the size of re-growth and maintain the tree in a safe condition.

The arboricultural report provided with the application highlights decay within the main stems and around the pollard heads of the tree. This will create a weakness which along with the poor union increases the risk of branch failure.

As the trees are growing adjacent to the main road the possibility of branch failure creates an unacceptable health and safety risk. Repollarding the trees will remove the risk of branch failure.

The Council officers therefore have no objections to the application.

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) set out above, and to all relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Permission be granted subject to the following conditions:

Background Papers **PK08/0423/TRE**

Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

CONDITIONS

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

Reason

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

2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

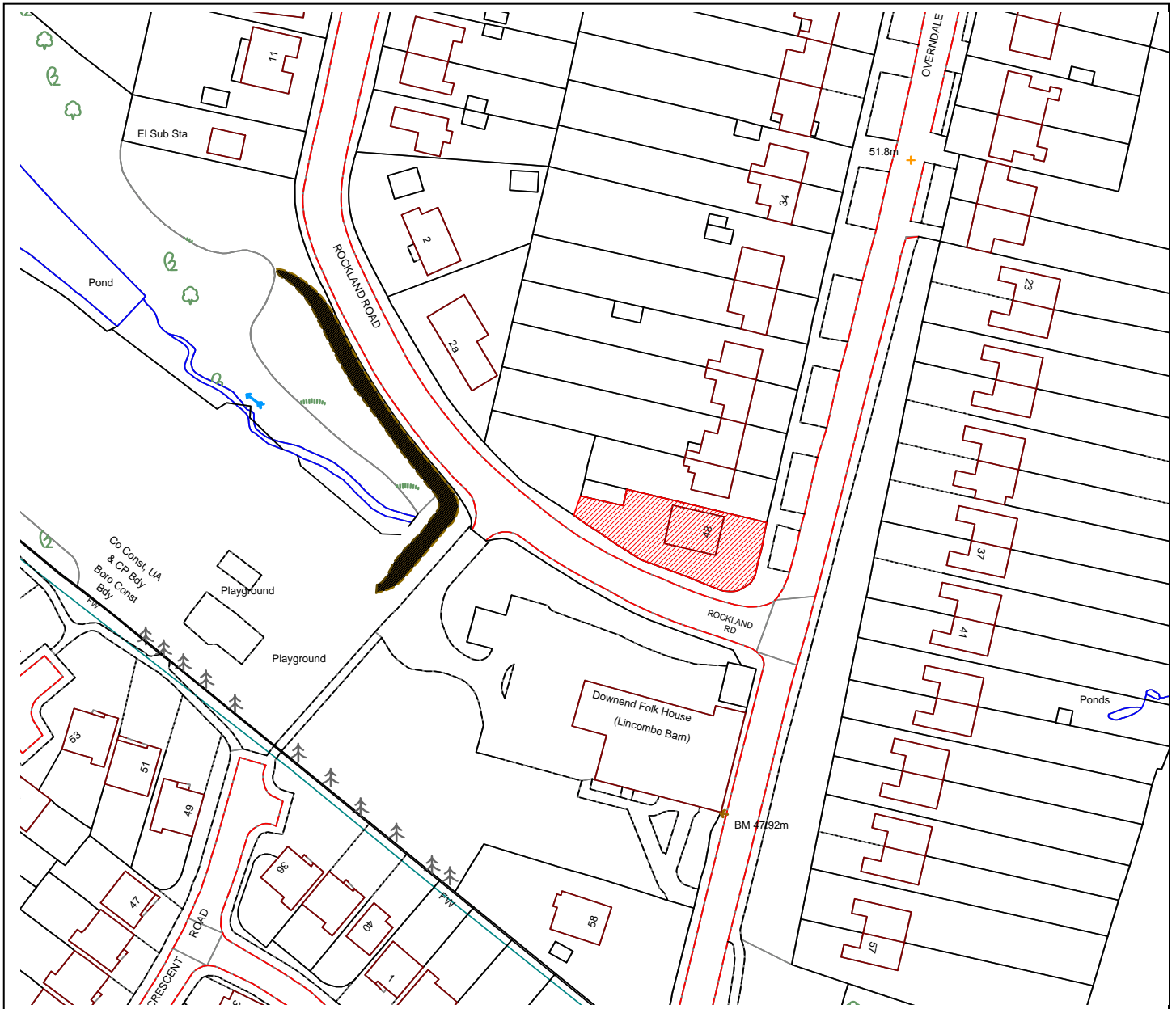
Reason

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

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.: PK08/0441/F
Site: 48 Overdale Road, Downend,
 South Gloucestershire, BS16 2RT
Proposal: Erection of 1no. detached garage.
Map Ref: 64622 77015
Application Category: Minor

Applicant: Mr Stone
Date Reg: 15th February 2008
Parish: Downend and
 Bromley Heath
Ward: Downend
Target Date: 7th April 2008



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N.T.S

PK08/0441/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of an objection from Downend & Bromley Heath Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a detached garage to the side of No. 48 Overndale Road, Downend. The proposed garage would measure 3.1 metres wide by 6.2 metres long and 3.5 metres high to its ridge.
- 1.2 The site located near the junction of Overndale Road and Rockland Road, and comprises a detached bungalow with two dormers to the west. The existing hedges along the west boundary would be retained.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilage, Including Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 P86/4833 (ID K5328) Garden Fence.
Approved 07.04.87

4. CONSULTATION RESPONSES

- 4.1 Downend & Bromley Heath Parish Council
Objection – no provision for turning space within the curtilage of the property.
- 4.2 Sustainable Transport
No objection.

Other Representations

- 4.3 Local Residents
No comment received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows proposals for development within existing residential curtilages, including extensions to existing dwellings provided that it would not prejudice the visual and residential amenity and highway safety.

Policy D1 of the Local Plan requires development will achieve good standards of site planning and design.

5.2 Design and Visual amenity

The proposed garage would be finished in painted render under a hipped plain tiled roof. The garage would match to the principal dwelling in terms of design and material.

The garage would set back from frontage of the principal dwelling and mostly screened by the existing hedge, which would be retained.

It is therefore considered that the proposal would not prejudice the visual amenity and the design would be considered to be acceptable.

5.3 Residential amenity

The nearest property to the site is No. 46 Overndale Road. As the proposed garage would be more than 9 metres away from the boundary, it is considered that the proposal would not cause significant harm to the residential amenity of the adjacent property.

5.4 Highway issues

The site is located off the classified Overndale Road, which serves as access to the wider highway network.

The proposal features the erection of a detached garage within the curtilage of No. 48 Overndale Road, utilising the existing driveway.

The Council does not require turning areas on driveways for existing individual dwellings which gain access onto Class 3 highways in urban areas where the statutory speed limit is 30mph.

On that basis there is no transportation objection to the proposal.

5.5 Design and Access Statement

The Design and Access Statement submitted with the application is [not] considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.6 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 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 **PK08/0441/F**

Contact Officer: **Olivia Tresise**

Tel. No. **01454 863761**

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town 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. 13/08 – 28 MARCH 2008

App No.: PK08/0483/TMP

Applicant: Mr S Bailey J V
Barrett & Co Ltd
(Barrettine Group)Site: Barrettine Group, St Ivel Way, Warmley,
South Gloucestershire, BS30 8TY

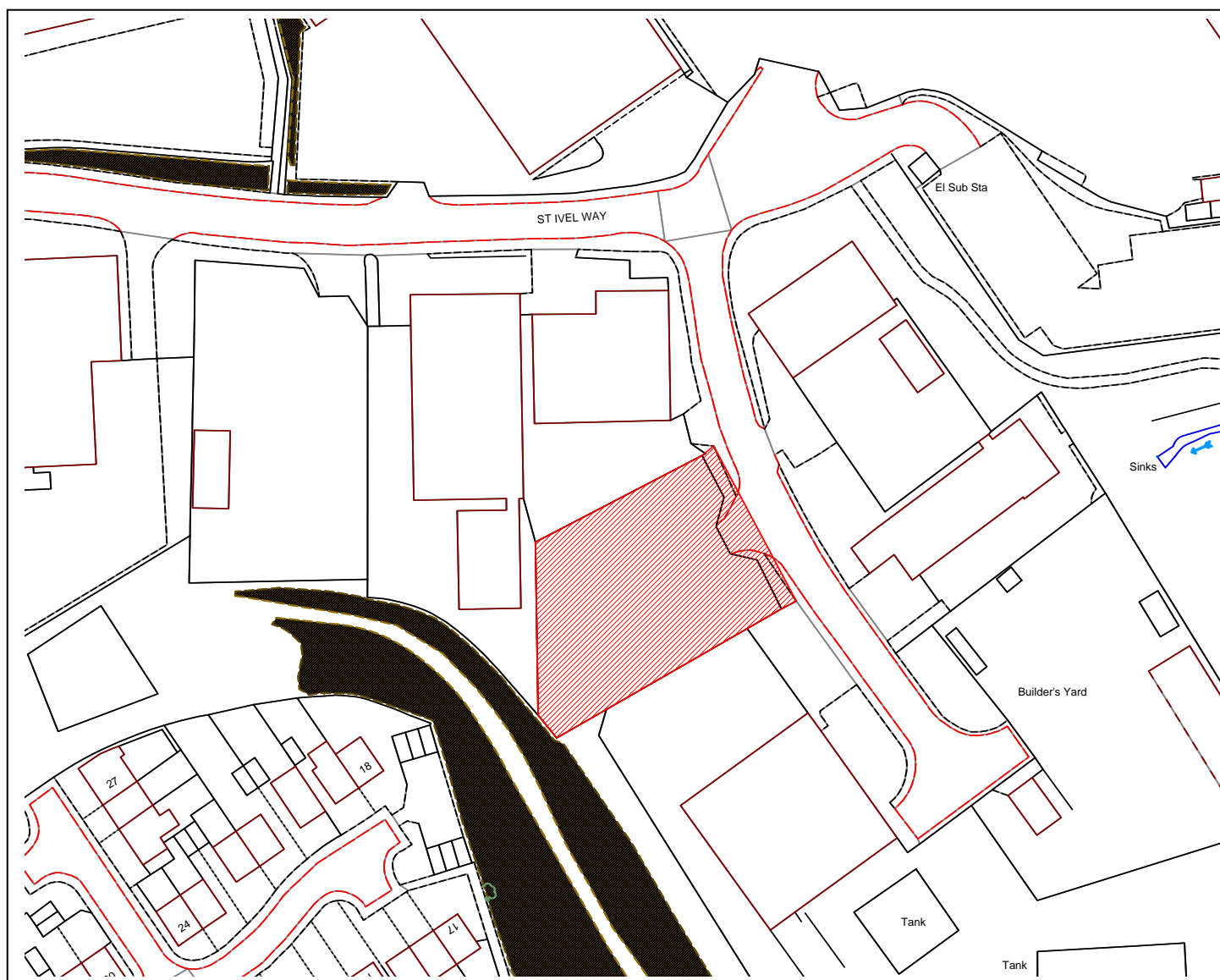
Date Reg: 19th February 2008

Proposal: Temporary consent for the erection of
storage shed Class B1, B2 & B8 Uses
as defined in the Town and Country
Planning (Use Classes) Order 1987 (as
amended) for a period of five years.
(Resubmission of PK07/3227/TMP)Parish: Siston Parish
Council

Map Ref: 67238 72834

Ward: Siston
Target Date: 25th March 2008

Application Category: Minor



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N.T.S

PK08/0483/TMP

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a new storage shed on land associated with the Barretine Group. The application seeks temporary consent for the storage building to be in place for a period of 5 years. The reason for the temporary consent is that the land is leased to Barretine from South Gloucestershire Council. The lease expires in 2013 and thus the buildings is only required for a limited period. The shed is to be constructed of profile metal sheeting having a length of 25 metres, a depth of 15m and a maximum height to the ridge of 8.2 metres.
- 1.2 The site consists of an existing industrial unit within the St Ivel Way industrial estate. The site is a safeguarded as employment land as defined in the South Gloucestershire Local Plan.
- 1.3 This application is the resubmission of a previously refused application for the same building on the same site. The previous application was refused for the following reason;

'The proposed development will result in the loss of parking and turning space currently available for use by both cars and lorries. No evidence has been submitted with the application to demonstrate that the existing area is surplus to requirements or to demonstrate that the proposal will not impact on existing traffic movements in the area. The application is thus contrary to the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.'

Additional information has been received with this application in the form of a more detailed parking assessment and a detailed parking layout plan in an attempt to overcome the previous refusal reason.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- | | |
|-----|--|
| D1 | Achieving Good Quality Design |
| E3 | Employment Development within the Urban Area |
| E4 | Safeguarded Employment Areas |
| T12 | Transportation Development Control Policy |

3. RELEVANT PLANNING HISTORY

There is extensive history to the site with the most recent applications being:

- 3.1 PK07/3227/TMP Temporary consent for the erection of storage shed Class B1 & B8.
Refused December 2007
- 3.2 PK07/3082/F Erection of shed for storage.
Approved November 2007
This application was on an adjacent site within the Barretine Plot.
- 3.3 P82/4078 Use of land for the open storage and distribution depot for propane and gas cylinders & associated equipment.
Approved March 1982

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors noted that the applicant required only to store empty packaging but were concerned that the permission could be used for other uses which would not require permission for a change of use. The applicant manufactures chemicals and councillors were concerned that bottles may contain residue of these. They felt that a Fire Officers report should be requested.

Other Representations

- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy E3 allows employment development within safeguarded employment areas subject to certain detailed criteria. The principle of development is therefore acceptable, subject to the following detailed assessment.
- 5.2 Residential Amenity
The current authorised use of the land subject of this application is questionable. The last application on the site was for the open storage and distribution of gas cylinders. It appears however from the officers site visit that the current primary use of the land is parking. At the time of the officer site visit the site was occupied by many cars and also two parked lorries. The site also appears to be used for a little amount of small scale storage in the form of piles of pallets. The new storage building would be erected towards the rear of the site – along the boundary closest to the neighbouring properties. The proposed building is some 40m from the nearest residential property on Hinton Drive. Whilst this distance is not great, there is quite extensive greenery and vegetation forming a visual and acoustic screen. The proposed new structure will not therefore be visible from the neighbouring dwellings and any noise would be noticeably reduced by the vegetation. Should the officer recommendation be for approval, in order to ensure that the future use of the site does not impinge on existing levels of residential amenity, restrictions will be put on the building limiting the hours in which it can be used for noisy activity.

5.3 Visual Amenity

The proposed storage building is undeniably large in size. However, the industrial design of the building fits in with the existing industrial buildings on site and will match the main Barretine building in a number of ways. It is therefore considered that the construction of the new building will not detract from the character and visual amenity of the established employment area.

5.4 Transportation

As mentioned in paragraph 5.2 above, the authorised use of the land is questionable. However, it is the opinion of your officer that the site is used predominantly as a car and lorry park associated with the occupation of Barretines. At the time of the case officer's site visit, there were numerous cars parked on the site and two lorries stationed in the yard. With the previous application there were concerns that the parking and turning space available would be greatly reduced should this storage building be granted consent.

The design and access statement explains the existing number of vehicle movements and parking arrangements on site. The site layout plans show that there is enough space to maintain the existing level of car parking on the site. In addition to this, there will be no alteration to the way lorries are currently able to enter and park on the site whilst unloading. The design and access statement also makes the claim that the development will have no impact on traffic movements in the vicinity but that 'existing levels of traffic using this area of our site will stay exactly the same.' The purpose of the shed is to allow for more organised storage of materials, it is not to intensify the use of the site.

In light of the additional information received, the highway officers and planning officers are satisfied that the previous highway refusal reason has been overcome.

5.5 Purpose of the shed

The purpose of the shed is to store empty packaging only. The applicants have confirmed in writing that the shed will be purely used as dry storage for empty packaging (No filled stock or chemicals). Barretine define empty packaging as follows: Empty containers of different sizes, either plastic or tin and some glass. Bottle tops and closures/caps. Outer carton packaging and cardboard.

It is noted that the Parish council is concerned that the shed could be used for the storage of chemicals. There is no reason however to believe that this will ever be the case. In either case, the storage of chemicals would be controlled and regulated by legislation other than planning control. Other legislation such as Chemicals (Hazard Information and Packaging for Supply) Regulations 2002 (CHIP) and Control of Substances Hazardous to Health 2002 (COSHH) would come into force should chemicals ever be involved. These other regulations would ensure that there was no increased risk to surrounding properties. Given that this shed is not designed to accommodate chemicals and neither is it the intention of the applicant to store chemicals in it, no conditions are recommended in respect of this.

5.6 Design and Access Statement

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

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

7. RECOMMENDATION

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

Background Papers **PK08/0483/TMP**

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. The building hereby permitted shall be removed and the land restored to its former condition within 5 years of the date of this permission in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

There is insufficient evidence available at this stage to assess the impact of the development and permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations.

2. The operation of heavy plant, noisy equipment or operations and deliveries, should not take place outside the hours of;

Monday to Friday - 7.30am to 18.00pm

Saturday - 8.00am to 13.00pm

And no noisy activities shall take place on Sundays or Bank Holidays.

Reason

To minimise disturbance to occupiers of [specify nearby buildings] and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The off-street parking facilities for all vehicles shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose for the life of the building.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The building hereby permitted shall only be used for the storage of empty packaging ancillary to the main occupation of the site by Barretine. The site shall not be used for any other purpose without the prior written consent of the local planning authority.

Reason

To avoid subdivision of the site and the associated risk of adverse impact on the highway network in the vicinity of the site and to ensure the provision of adequate off street parking in accordance with Policies T12 and T8.

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.:	PK08/0515/F	Applicant:	Mr N Harvey
Site:	63 Summers Mead, Yate, South Gloucestershire, BS37 7RB	Date Reg:	21st February 2008
Proposal:	Erection of first floor side extension to form additional living accommodation.	Parish:	Yate Town Council
Map Ref:	71216 83915	Ward:	Yate North
Application Category:	Minor	Target Date:	14th April 2008



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N.T.S

PK08/0515/F

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of one letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a first floor extension over the existing attached garage to the side of the existing dwelling. The purpose of the extension is to provide an additional bedroom with en suite bathroom.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H4 Development within Existing Residential Curtilages, Extensions and New Dwellings

T8 Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No Objection

Other Representations

- 4.2 Local Residents
One letter of objection has been received from a local resident. The resident expresses concern that the extension will block light from the garden of the neighbouring property No. 61 summers Mead. It may also have a detrimental effect on the view from the neighbours lounge, affect the environment and devalue the neighbours property.

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 providing a number of criteria relating to design, scale, highway and impact upon visual and residential amenities are met.

5.2 Design/Visual Amenity

The proposed extension is of appropriate design and will integrate successfully with the host dwelling and the surrounding street scene. The windows to be inserted will match the windows of the main dwelling and the materials to be used externally will match those of the main house. It is accepted that the extension is not subservient to the host dwelling in that it is not set back or set down. This type of extension that lacks subservience is usually resisted by the council. In this case however, consideration must be given to the fact that flush extensions exist on some of the surrounding properties – most notably at No. 22 Summers Mead. Given the fact that almost identical extensions exist on other dwellings in the street and the that the design of the extension is acceptable in all other terms, it would be entirely unreasonable to refuse the extension solely for this reason.

The structure will be visible from the highway but will integrate successfully with the host dwelling and as such, it is not considered the additions would be visually intrusive. Subject to the attachment of a condition to ensure that the materials used match those of the existing dwelling the design of the extensions is considered to be acceptable.

5.3 Residential Amenity

The extension is to be constructed on the side of the dwelling – closer to the neighbour at No. 61. The extension will be situated to the bottom of the garden of No. 61 and the rear windows in this neighbouring dwelling will face out towards the extension. At its closest point the extension will be 10 metres from the main rear wall of No. 61 and 12m away at the furthest point. Your officer does not dispute that the new extension will be clearly visible from all rear windows on dwelling No. 61. The issue for consideration is whether the extension will have significant impact on No. 61 sufficient to warrant the refusal of the application.

Because of the orientation of the properties, the existing dwelling on the application site will inevitably overshadow part of the garden belonging to No. 61. The extension, whilst being closer to No. 61 will not actually increase the height or massing of the property as viewed from No. 61. As the extension is to be added to the northern elevation of the existing dwelling, it is unlikely that the extension will result in any additional overshadowing than the existing situation. No windows are proposed in the side elevation of the extension and thus there are no issues of intervisibility, overlooking or loss of privacy.

It is noted that the neighbour is concerned about the view from their lounge and possible devaluation but unfortunately these are not planning issues that can be considered as part of the planning application.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no significant 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 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 That the application be approved subject to the following conditions;

Background Papers **PK08/0515/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.

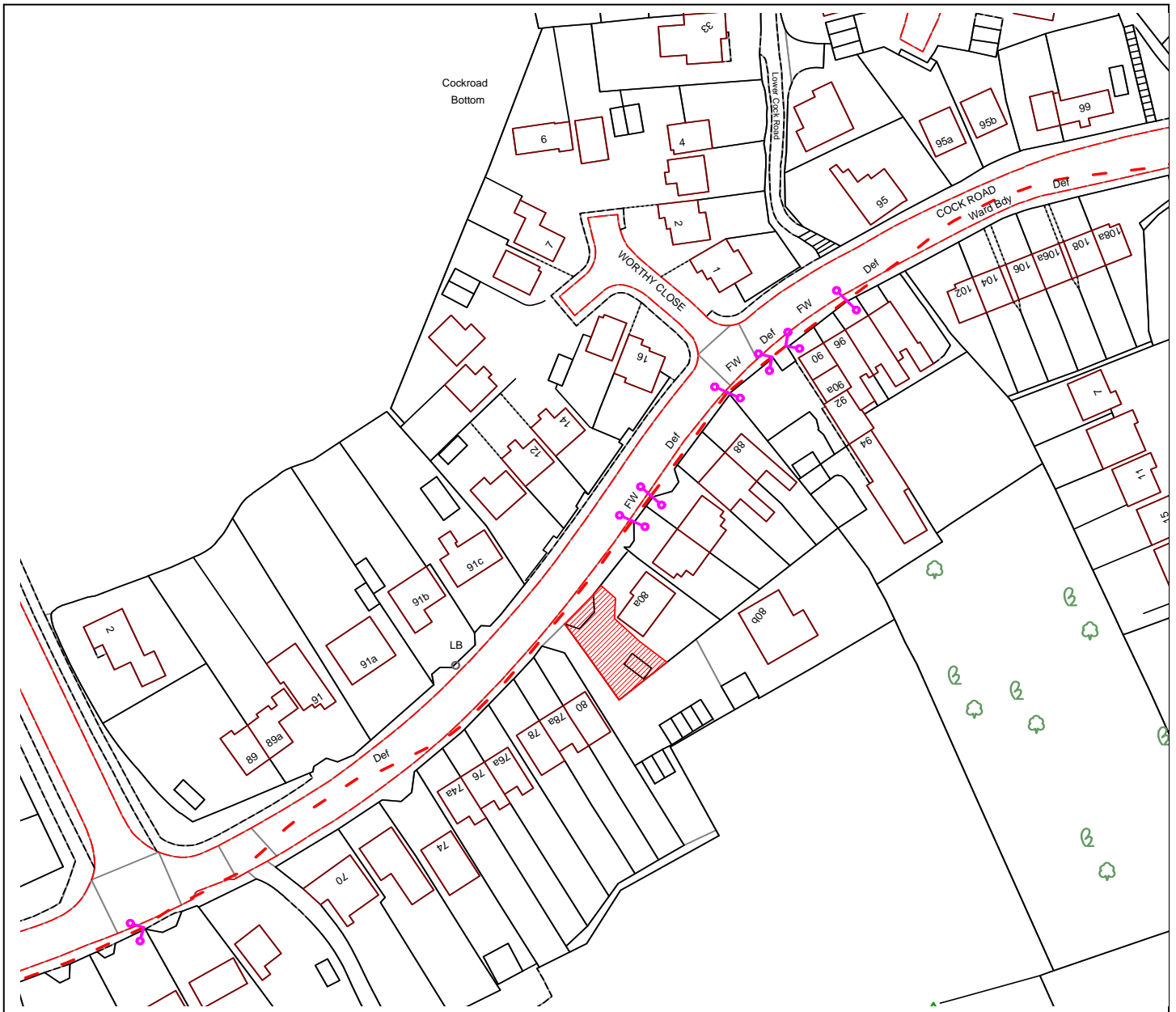
Reason

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

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.: PK08/0523/F
Site: 80A, Cock Road, Kingswood, South Gloucestershire, BS15 9SG
Proposal: Erection of 1no. dwelling with associated works. (Resubmission of PK07/3601/F).
Map Ref: 65941 72903
Application Category: Minor

Applicant: Mr B Bennett
Date Reg: 22nd February 2008
Parish: Oldland Parish Council
Ward: Parkwall
Target Date: 14th April 2008



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N.T.S

PK08/0523/F

INTRODUCTION

This application appears on the circulated schedule due to the receipt of two letters of objection from local residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 1 No. detached dwelling within the residential curtilage of the existing dwelling No. 80a Cock Road. The proposed new dwelling would be in the form of a detached dormer bungalow and would have two bedrooms.
- 1.2 The existing property on the site consists of a detached bungalow. The new dwelling would be erected in the side garden of the existing bungalow – a site that is currently occupied by a detached garage. The existing detached garage and garden wall would need to be demolished to make way for the dwelling as proposed.
- 1.3 This application is the resubmission of a previously refused scheme on the site. The previous application (PK07/3601/F) was for the erection of an identical dwelling and was refused for the following reasons;

1. The development proposes inadequate off-street vehicular parking and if permitted, would lead to additional on-street parking causing congestion on the public highway all to the detriment of highway safety. The application is thus contrary to the requirements of Policies T8 and T1 2 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposed new bungalow, because of its very close proximity to the large windows in the side elevation of the existing bungalow of the site No. 80a Cock Road, would have a detrimental impact on existing levels of residential amenity by way of overshadowing and overbearing. The application is thus contrary to the requirements of Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

Amendments have been made to the scheme since the previous refusal in an attempt to overcome both refusal reasons.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering sustainable Development
PPS3	Housing
PPG13	Transport - Guide to Better Practice

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Residential Development in Urban Areas
H4	Development within Existing Residential Curtilages
T8	Parking Standards
T12	Transportation Development Control Policy

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/3601/F Erection of 1 no. dwelling with associated works.
Refused January 2008
- 3.2 PK04/2548/O Erection of 1 no. detached dwelling (outline) with siting and means of access to be determined. All other matters reserved.
Refused September 2004

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No response received.

Other Representations

- 4.2 Local Residents
Two letters of concern have been received from local residents. A summary of the points of concern is as follows:

- Shocked that a new dwelling could be considered in such a small space
- The current owners have so many cars
- Currently lots of on street parking
- The new dwelling would seriously exacerbate the dangerous traffic problem
- A taxi business currently operated for 80a Cock Road
- Difficult to see how additional vehicles will manoeuvre and park
- Cock Road is the worst 'rat-run' in Kingswood with vehicles travelling at excessive speeds.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages including new dwelling subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

The South Gloucestershire Local Plan (Adopted) identifies the site as lying within the urban area. With the exception of design, it is considered that Policy H2 of the South Gloucestershire Local Plan (Adopted) encompasses all the relevant issues of the above policies, for Policy H2 allows for new residential development providing that that following criteria are complied with:-

5.2 **(a) Development would be on previously developed land.**

The proposed site is considered previously developed land by virtue of its status as land being within the curtilage of the existing residential property. This complies with the definition outlined in PPG3 (Annex C).

The site is therefore considered an appropriate site for residential development subject to compliance with the following criteria.

5.3 (b) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.

Transportation

Cock Road is unclassified but it is a busy local distributor road on which it has been necessary to introduce traffic calming measures to reduce accident potential. The site at present has a detached garage and vehicular parking for at least an additional two vehicles. The existing garage and parking will be lost to allow for the erection of the new dwelling.

It is intended that the existing access, parking and turning areas serving no.80A would be replaced by a new shared access and parking for each dwelling. The existing dwelling would retain two off street parking spaces and the new bungalow would be provided with one space.

Under the previously refused application (PK07/0523/F) only one space was provided to serve each dwelling. It was considered that that level of off-street was unacceptable and was likely to result in additional on-street congestion on a road that already has an on-street parking issue.

Given that an extra off street parking space has now been provided, highway and planning officers are satisfied that adequate off street parking has been provided to meet the needs arising from the development. Policy T8 of the South Gloucestershire Local Plan (adopted) advises of maximum parking standards and the proposal is in line with these maximum parking standards.

Residential Amenity

The application shows how an area of garden space will be provided to serve each of the existing and proposed dwellings. Whilst the gardens are limited, they are sufficient to meet the needs arising from the small bungalows and it would be difficult to substantiate a refusal reason on this basis.

There are two large windows in the side elevation of the existing dwelling facing towards the application site. In the previous application, a refusal reason was substantiated on the basis that the new dwelling would have an overbearing impact on these windows. As part of this application however, the proposal is to block up these two existing windows as they are secondary windows only and are not needed. This is conformed in the design and access statement. In light of this new information, the previous refusal reason no longer stands.

5.4 (c) The maximum density compatible with the sites location, its accessibility and its surroundings is achieved.

Planning Policy Statement 3 encourages housing densities to respect the density of the surrounding area. A density calculation on the site provides a density of approximately 80 houses per hectare. Whilst this density is very high, and is admittedly higher than the average density of the immediately surrounding area, it would again be difficult to substantiate a refusal reason on this basis alone.

5.5 (d) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.

Due to the location of the site in a residential area, a condition would be attached to any consent granted to limit construction hours. Subject to compliance with this condition, it is considered that the proposed site would not result in environmental disturbances.

5.6 (e) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal

The proposal is only for 1 dwelling and therefore would not have a significant impact on the area in terms of service provision.

5.7 Design/Visual Amenity

The application site is surrounded by residential properties in a wide variety of designs and forms. The street scene contains both houses and bungalows constructed in a wide variety of materials. Whilst front dormers are not a common feature of the street scene, many of the surrounding properties do have front gables or front gablets reducing the visual impact of the proposed front dormer. Whilst the design of the new bungalow does not fully match that of the existing bungalow, it is not felt that it would be entirely desirable to simply replicate the existing bungalow. Subject to the use of appropriate building materials, the design of the proposed new dwelling is acceptable.

5.8 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).

6. CONCLUSION

6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), 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 approve 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 PK08/0523/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 off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

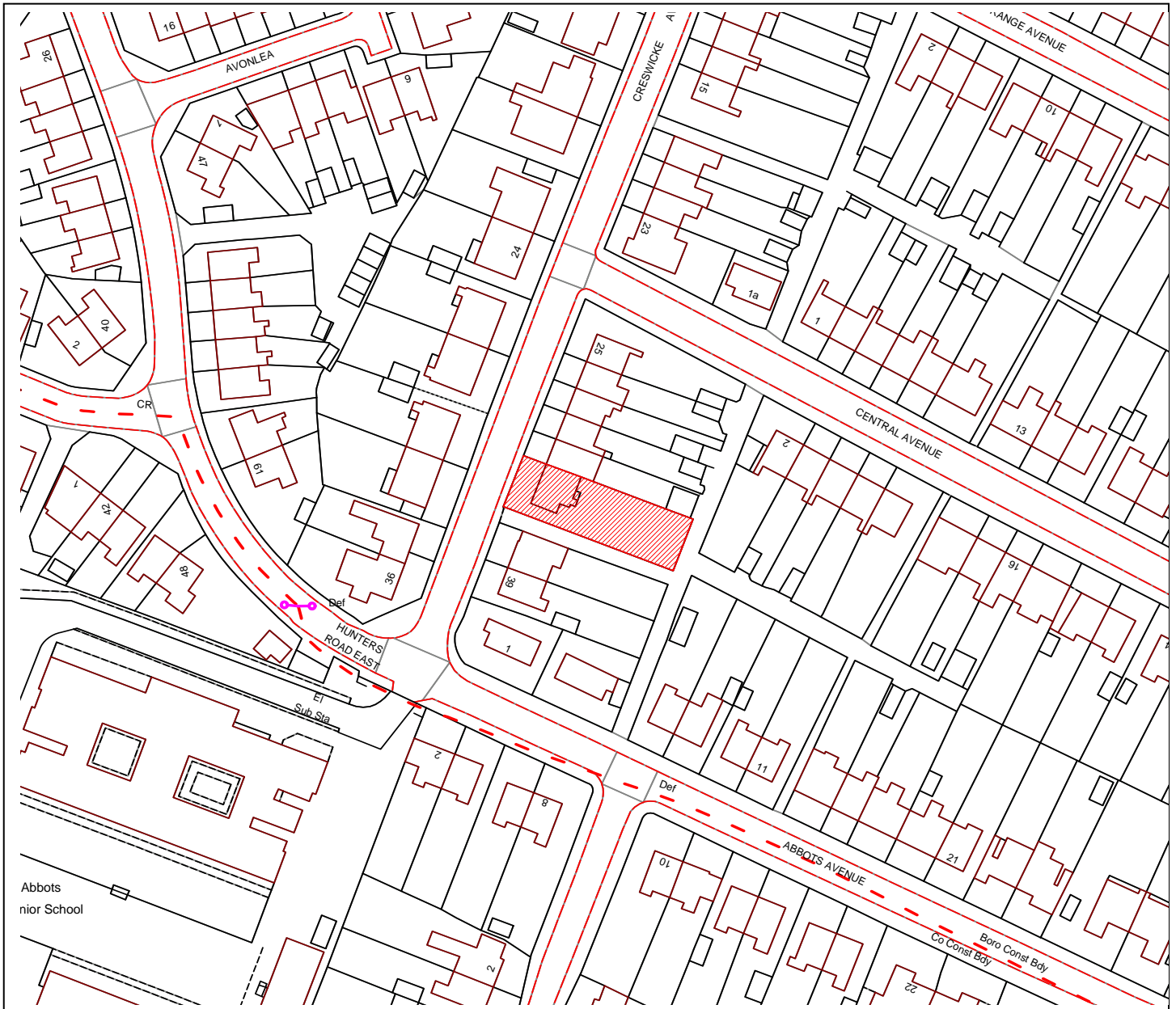
Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.: PK08/0563/F
Site: 35 Creswicke Avenue, Hanham, South Gloucestershire, BS15 3HE
Proposal: Erection of 1 no. attached dwelling with associated works.
Map Ref: 64365 72021
Application Category: Minor

Applicant: Mr & Mrs S Thomas
Date Reg: 27th February 2008
Parish: Hanham Parish Council
Ward: Hanham
Target Date: 18th April 2008



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PK08/0563/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of a neighbour objection.

1. THE PROPOSAL

- 1.1 This application seeks full permission for the erection of a dwelling in the side garden of the site. At present there is an uncompleted two storey extension at the side of the dwelling, a render and tile terraced house.
- 1.2 Creswicke Avenue is a regular street, with two storey houses on the eastern side and single storey opposite. To the rear of the site is a private access lane. To the side is what appears to be an access lane which connects the street to the rear access lane. Across this is the next property, which has a blank side elevation, with the exception of a high level first floor window, which obscurely glazed.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within residential curtilages
T7 Cycle parking
T8 Parking standards
T12 Transportation policy
- 2.3 Supplementary Planning Guidance
Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/3552/F Two storey side and rear extensions Approved
- 3.2 PK07/2566/F Single storey rear extension Approved

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection.
- 4.2 Other Consultees
Transportation
The main transportation issue relating to this proposal, which seeks the creation of an additional dwelling on the site, is the provision of adequate off-street parking. As part of the new development, it is proposed to create two parking spaces for the new dwelling in the front of the new dwelling. Additionally, the applicant is proposing the provision of two parking spaces for the existing dwelling and these would be located to the rear of the property.

The suggested numbers of parking spaces are considered adequate and they are in compliance with the South Gloucestershire parking policy. In view of the above therefore, there are no highway objections however, the following conditions are recommended:

1. Prior to occupation of the new building provide parking spaces as proposed for the existing dwelling and the new property and maintain these satisfactory thereafter.
2. All parking spaces shall be surfaced with bound surfaced material and these shall be maintained satisfactory thereafter.
3. Works associated with creation of vehicular access onto Creswicks Avenue shall be carried out to full and final satisfaction of the Council's Street-Care Manager.

Other Representations

4.3 Local Residents

One letter of objection was received, citing the following concerns:

- * The house would be squeezed into a small space
- * The area is subject to indiscriminate school parking
- * No guarantee that the parking to the rear of the site will be used and on street parking could be taken up instead

- * A new house was the applicants' original intention when they applied for the extension

NB The last quoted point is not a valid planning concern as each application is treated on its own merits.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site lies within the urban area and therefore the provisions of policy H4 apply and the criteria in the policy forms the headings below.

5.2 Does the proposal respect the massing, scale, proportions, materials and overall design of the street scene?

It is considered that the only way that a new dwelling could be successfully introduced into this highly regular street scene is to match the style of building prevalent on this side of the street. The submitted design reflects this approach and conditions have been appended to ensure that materials match the host dwelling. Subject to this, it is considered that the proportions, scale and massing are successful and that the proposal meets the relevant criterion in policy H4 as well as the terms of policy D1 and the Design Checklist. Regardless of whether this proposal is an adaptation of an existing side extension, adequate room exists for a house to be built on this site in proportions which are entirely appropriate in the established street scene.

5.3 Effect on residential amenity

It is considered that there would be no harmful effect on residential amenity as a result of introducing an additional dwelling into the street. The proposal is not considered to result in any overbearing impact on either adjacent property.

5.4 Transportation Effects

The Transportation comments appear above. Concern over parking was raised through the consultation process. Off street parking is shown to be supplied to the front and the rear of the site and this is considered to comply with parking standards. Due to available parking at the front of the site, there is no reason to assume that the site will be under-provided in terms of convenient parking spaces for both the existing and proposed dwellings.

5.5 Provision of amenity space for proposed and residual dwellings

Given the regular pattern of development in this street, it can be seen from the site location plan that the majority of the two storey houses have garden widths which match that of the house and extends as far as the rear access lane. The proposal would leave both the proposed dwelling and the residual house with gardens which conform to this pattern and this is considered to provide adequate amenity space to serve the houses.

5.6 Design and Access Statement

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

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

7. RECOMMENDATION

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

Background Papers **PK08/0563/F**

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

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 off-street parking facilities shown on the plan hereby approved shall be provided and surfaced with a bound material for the dwelling hereby approved and the residual dwelling before the new dwelling is first occupied, and thereafter retained for that purpose.

Reason

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

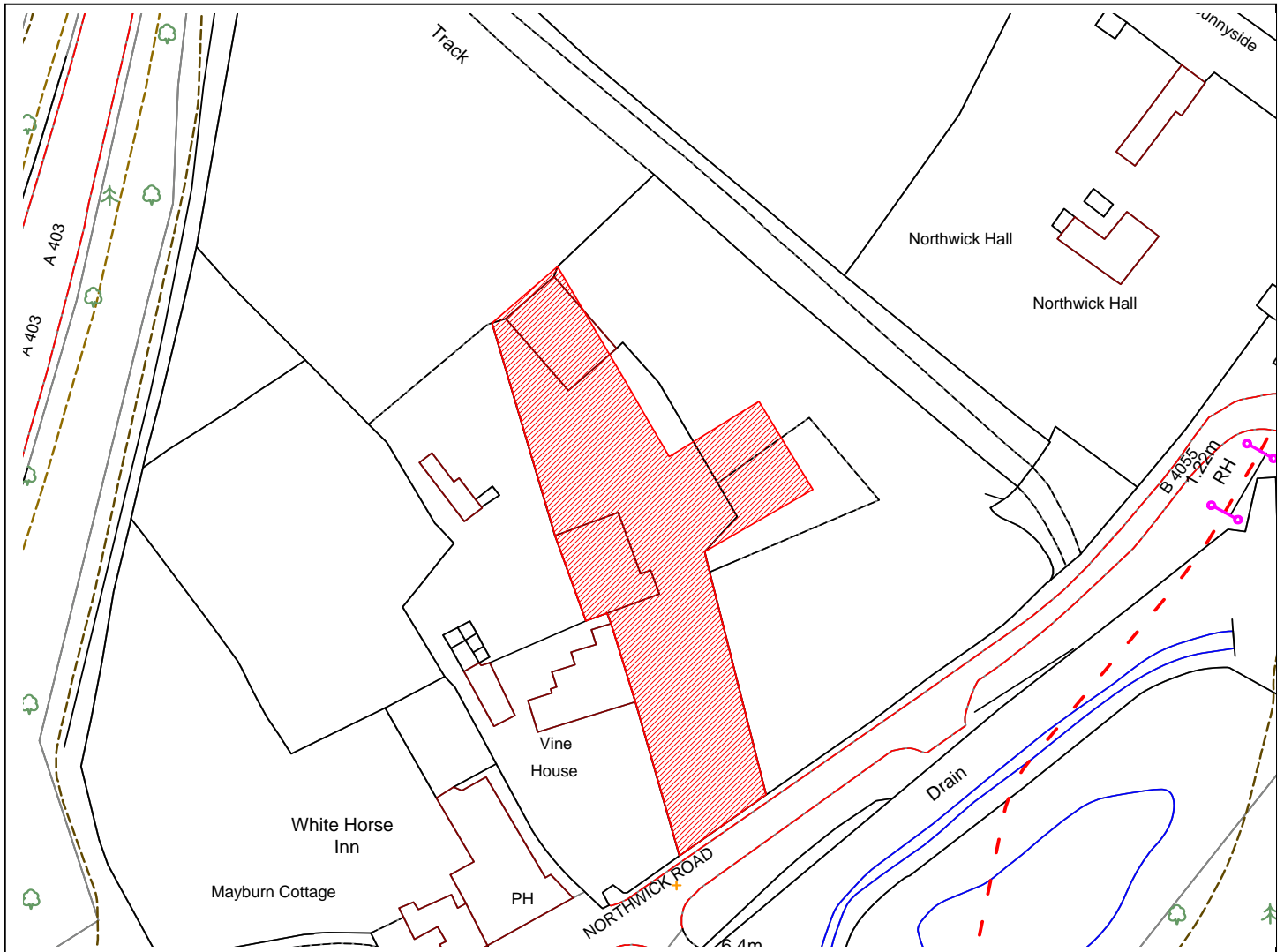
3. No development shall take place until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.:	PT02/2932/CLE	Applicant:	Mr A J Pook
Site:	Land at Vine House, Northwick Road, Pilning, South Gloucestershire, BS35 4HA	Date Reg:	4th October 2002
Proposal:	Continued use of workshop building for repairing, maintaining and assembling electronic equipment and for office (Class B1) and storage use (Class B2 and B8). Use of portacabin as office (Class B1). Use of land for the storage and distribution of electronic equipment for hire (Class B8).	Parish:	Pilning and Severn Beach
Map Ref:	55808 85948	Ward:	Pilning and Severn Beach
Application Category:	Minor	Target Date:	25th November 2002



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1. DESCRIPTION OF DEVELOPMENT

- 1.1 The application is for a Certificate of Lawfulness for the, Continued use of land ,workshop building and portacabin for the repair, maintenance, assembly of electronic equipment, with ancillary office and storage (Sui generis) for a period in excess of ten years.

2 SITE AND LOCATION

- 2.2 The site is located close to the White Horse Inn of the old spur of the B4055 and backs on to a field alongside the A403.
- 2.3 The site comprises of an area of hard standing which is presently used for the stationing of motor vehicles in connection with the business and other associated outside storage. The large (unauthorised) green industrial looking building at the rear of the site is used as the main undercover storage facility on site. The concrete workshop is presently used as a workshop in connection with the electronic equipment business. To the east of the site on piece of land owned by the applicant where caravan storage takes place (this is not part of the application). This is without the benefit of planning permission. The audio business, Vine House and the caravan storage share the same entrance from the B4055. To the rear of the site are open fields upon which animals' graze.

3 RELEVANT PLANNING HISTORY

- 3.1 There have been no relevant planning applications on this site.
- 3.2 However the large green industrial building at the rear of the site is subject to an enforcement notice dated 26th November 2002 requiring its removal within two months of the date of the notice along with its constituent elements which include its plinth.
- 3.3 Given that this application was an attempt to prove why the building was needed the Enforcement notice was held in abeyance. Now a decision has been reached on the Certificate of Lawfulness the Enforcement notice will be resurrected, and the applicants will be given a time to comply with the notice.

4 POLICY CONTEXT

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

5 ANALYSIS OF EVIDENCE

- 5.1 Evidence that has been submitted in support of the application:
1. Statutory declaration, under the Statutory Declarations Act 1835, of Alister James Pook (received 30/9/2002 with the application), the specific evidence of which is set out below:
 - A In June 1986 he started trading in the provision of mobile disco and public address systems. He has traded successfully under three names since that date (Alisters Starlight Roadshow, Starlight Musical Entertainment

- and South West Audio) at the rear of Vine House and outlined in red on the submitted plan.
- B The building (coloured red on the submitted plan) has been used for the repair and maintenance of sound systems, and also for the construction/assembly of special electronic equipment. It has also been used to provide office, storage and toilet facilities since 1986. These areas are marked on AJP1.
 - C There is a portacabin which is used as an office.
 - D A new warehouse unit was erected on land coloured green at the rear of the site in July 2000 (This is being considered under planning application reference PT02/2934/F).
 - E Before that new warehouse unit was erected there was a concrete plinth upon which a large number of containers were placed (or stacked two high). These were used to store the equipment.
 - F During the whole of the business Mr Pook has had to use large commercial vehicles to move the equipment about. A goods vehicle Operators Licence was first granted on 20/2/1992 (copy submitted-marked AJP2) and it has been renewed ever since then.
 - G Mr Pook has been registered with the Inland revenue in respect of the use of the site since 1986. (A copy of the accounts is submitted as AJP3 and is addressed to A J Pook Esq, Trading as Alisters Starlight Roadshow, Vine House, Northwick, Pilning).
- 5.2 A Certificate of Registration for Value Added Tax for effective from 26/10/1992 and addressed to Alister James Pook Esq, Starlight Entertainment's, Vine House Northwick, Pilning.
- 5.3 Copies of staff invoices starting in 1993. These show invoices for expenses the business has had to pay out each year. There are also some receipts included within this information showing what money the business received for services it has provided. Annex F
- 5.4 Copies of accounts of the three Audio equipment businesses that have allegedly operated from this property. The person carrying out the accounting process has signed these. However no Statutory Declaration accompanies any of these accounts. Annex E.
- 5.5 Eight letters from suppliers and ex-employees stating that the business in its various guises has been carried out from these premises for period in excess of ten years. Annex D.
- 5.6 A letter dated 25th October 2002 from the applicants' solicitors on behalf of the applicant it states:
- a) The business's turnover has increased steadily over the ten years, from £4,723 in 1992 to £493,291 in 2001
 - b) The number of employees employed by the business has increased from 4 full time and 20 regular part time employees in 1992 to 7 full time and 50 regular Part time employees in 2002.
- 5.7 A land use plan received on the 22 march 2005 showing the full extent of the application site and land uses on it.

- 5.8 A Further 8 letters (received on the 22nd March 2005) supporting the scheme and confirming that the site has been use for a period in excess of ten years for the use.

6. EVALUATION.

6.1 Legal implications

The current application was submitted on 30TH September 2002 and the grounds upon which the certificate is sought is that the use began more than ten years before the date of the application. The applicant is endeavouring to prove that on the balance of probability the use of the site for the audio business started prior to September 1992. It is therefore essential to establish when the material change of use of the land occurred. In order to do this the applicant has supplied the following information in support of his claim that the site has been used for a period in excess of ten years.

6.2 Hierarchy of evidence

When assessing the evidence supplied in support of certificate of lawful use application, different types of evidence is given different weight. This is because some evidence is more reliable than others are. The weight to be attached to such evidence in order of worth is as follows:

1. Verifiable photographic evidence
2. Contemporary documentary evidence, especially if prepared for some other reason
3. Sworn written statements
4. Unsworn letters

6.3 Material change of Use

The applicant has stated that an audio equipment business has been based at this property for period in excess of ten years. Over this period the business has expanded and now in terms of number of employees has doubled in size. In terms of overall turnover it has grown by about 10,444%. Thus over this period the use has substantially intensified. However in relation to the point when a material change of use took place. It is evident that the material change of use would have actually took place prior to 1992 as at that time there were 4 full time and 20 part time employees employed by the business at this time. This is supported by the sworn affidavit by the applicant and the letters from ex employees and companies who deal with the applicant ie suppliers etc.

6.4 The Workshop

The assertion that a workshop has been used for the repair and maintenance of audio equipment for this period this is supported by the applicant's-sworn affidavit. There is no evidence to the contrary, and it is accepted as proven on the balance of probability. However as part of the submitted evidence is a statement that the applicants father used to run an engineering business from the site. It is not stated where on the premises the applicants' father worked. However as the workshop is one of the older buildings on site it may be from here that the fathers business was run. Despite this confusion it is still accepted that on the balance of probability a business has been carried out in the workshop for period of 10 years. However it is not clear whether it is solely used

for the business subject of the application as the whole development is taken to be one unit.

6.5 Green Storage Building

The applicant has stated that prior to the unauthorised erection of the large green building in 2000, he would store his equipment in storage containers. He has not identified where exactly these were stationed on the site. Thus until this is done the council cannot on the balance of probability identify where on the site the storage activity took place .

6.6 Parking area / land

The applicant has also included within his site area, a section that is presently used for the stationing of lorries, caravans and cars . The lorries it is assumed are those for which the applicant holds a vehicle operator's licence, and therefore forms part of this application. However this has not been identified on any of the submitted plans. This is needed in order to identify what parts of the site are used for which use. Thus again it not possible to prove that on the balance of probability the parking area identified has been used for the intended purpose for a period in excess of ten years.

6.7 Porta-cabin as office

In relation to the porta-cabins it is considered that their use as an office is unsubstantiated as the aerial photographs do not show them as being in the same spot as they were in either 1991 or 1999. Therefore on the balance of probability it cannot be stated that the porta-cabin has been on site and used as an office for a period in excess of ten years. Thus this conflicts with assertion put forward by the applicant that the porta-cabins have been on site and used as offices for a period in excess of 10 years.

7. CONCLUSION

7.1 It is considered that on the balance of probability the applicant has failed to provide clear and unambiguous evidence to demonstrate that he has been using the site to run audio business for period in excess of ten years.

7.2 It has been proven that on the balance of probability the business in its various forms have been operating for ten years. Over that period it has expanded and its operation intensified, which makes establishing the relevant position difficult. The plan attached to the application lacks detail and clarity, and it is hard to prove intervening uses such as the storage of caravans which takes place on adjoining fields has not taken place on the application site. (caravans are evident on the aerial photographs).

8. RECOMMENDATION

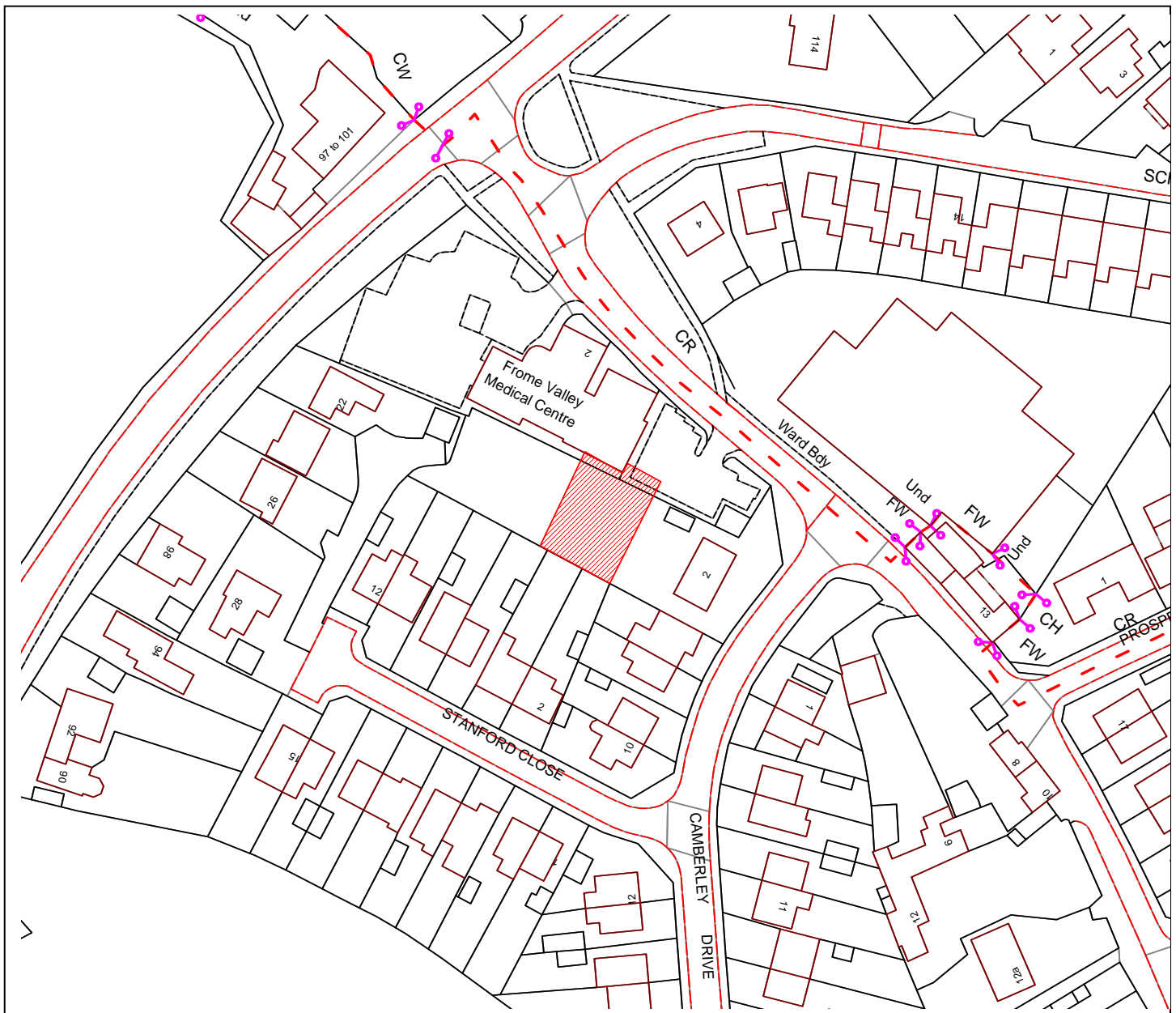
8.1 On balance the continued use of land ,workshop building and portacabin for the repair, maintenance, assembly of electronic equipment, with ancillary office and storage (Sui generis) has not been proven.

Background Papers PT02/2932/CLE

**Contact Officer: Gareth John
Tel. No. 01454 863438**

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.:	PT08/0211/F	Applicant:	Dr. C Sellick & Partners
Site:	2 Frome Valley Medical Centre, Court Road, Frampton Cotterell, South Gloucestershire, BS36 2DE	Date Reg:	23rd January 2008
Proposal:	Construction of temporary car park and associated works	Parish:	Winterbourne Parish Council
Map Ref:	65697 81801	Ward:	Winterbourne
Application Category:	Minor	Target Date:	17th March 2008



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PT08/0211/F

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the construction of a temporary staff car park for a period of four years and associated works on land to the rear of Frome Valley Medical centre. This site benefits from outline planning permission to construct an extension to the medical practice. The area of this application would have been used as a car park for that application.
- 1.2 Frome Valley medical centre is within the centre of Winterbourne in the settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Communities
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
T12 Transportation Development Control Policy for New Development
LC4 Community facilities
- 2.3 Supplementary Planning Guidance
South Gloucestershire Council design checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0054/O Erection of extension to medical practiceApproved

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No Objection
- 4.2 Transportation Section
No objection provided the spaces are for staff only.
- 4.3 Local Residents
Eight letters have been received in connection with the development most raise no objection to the principle of the scheme, but raise concerns over the security of site as people will now be able to enter the rear of the practice. There is also concern that people using the car park will impact upon the privacy of the properties in Stanford close and Camberley Drive. There is also a request in one of the letters to install double yellow lines outside the medical practice to improve highway safety.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
In terms of assessing this proposal the most relevant policies are LC4 which relates to community development and policy T12 Transportation Development Control Policy for New Development. These support this type of development

provided there are no highway safety concerns and the scheme doesn't impact upon the residential amenities of the surrounding properties.

- 5.2 Given the history of the site the overall principle of placing a car park in this location has been established. However details as to its finish, or boundary treatments were never agreed as this was to form part of the landscaping which was reserved for reserved matters stage. These details have now been submitted with scalplings being the ground finish and a 1.8 metre wooden fence being the boundary treatment between the practice and Stanford Close. This fence will ensure privacy is protected as well as ensuring light, noise and fumes are blocked.
- 5.3 Some of the neighbouring properties have raised the issue of the loss of a number of trees within the site as a result of the development. Most of these are fruit trees and as such cannot be considered for a Tree Preservation Order. Furthermore, the large conifer trees along the boundary are of no visual significance in the area. This said the trees along the boundary do provide a buffer between the site and the residential properties. The proposed fence would carry out the same function.
- 5.4 The proposed car park would not give rise to any transportation concerns as extra parking is being created, which will use an existing access. The car park should be for staff only. This was identified in the original application as being the need at the premises.
- 5.5 The issue of security has been raised but it is considered that a 1.8 metre fence is sufficient to protect the security of the neighbouring residential premises. It must also be noted that the car park will be behind the practice so not readily accessible.

5.6 Design and Access Statement

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

5.7 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 Planning permission be granted subject to the following conditions

Background Papers **PT08/0211/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. The proposed car park shall be for staff use only.

Reason(s):

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

3. A 1.8 metre high timber post and feather edged fence shall be erected along the south western boundary of the site with the rear gardens of properties 2, 4 and 6 Stanford Close before the use as a car park commences. The fence shall thereafter remain for as long as the site is used for car parking.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The use hereby permitted shall be discontinued on or before the 4th April 2012.

Reason(s):

The permission has been granted solely having regard to the special circumstances of the case and use not in accordance with the requirements of the condition would require the further consideration of the Local Planning Authority in the light of the Development Plan, and any other material considerations.

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.:	PT08/0391/F	Applicant:	Mr M Flynn
Site:	7 Wotton Road, Charfield, South Gloucestershire, GL12 8TP	Date Reg:	11th February 2008
Proposal:	Erection of detached dwelling with associated works	Parish:	Charfield Parish Council
Map Ref:	71841 92160	Ward:	Charfield
Application Category:	Minor	Target Date:	8th April 2008



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100023410, 2008.

N.T.S

PT08/0391/F

INTRODUCTION

This report appears on the circulated schedule as there are comments received in respect of the planning application which are made contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site consists of part of the rear garden associated with 7 Wotton Road. Access to the site is via the existing access to the existing dwelling direct from Wotton Road
- 1.2 This application seeks approval for the construction of a new dwelling within the rear garden of the existing dwelling. Access to the new dwelling would be shared with the existing dwelling onto Wotton Road.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
- H4 Development within Residential curtilages
- H2 New Residential Development within the Urban Areas or Village Development Boundary
- T7 Cycle Parking
- T8 Off Street Parking Standard
- T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

Adopted South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/1047/O Erection of 1 no. dwelling on 0.036 hectares of land (Outline) with means of access to be determined. All other matters reserved.
Refused
- 3.2 PT06/1032/F Erection of 1 no. dwelling with associated works.
Refused
- 3.3 PT6/1999/O Erection of 1 no. detached dwelling (outline) (Resubmission of PT06/1032/F)
Withdrawn
- 3.4 PT06/2557/O Erection of 2 no. dwellings (Outline) with siting and means of access to be determined. All other matters reserved.
Approval

- 3.5 PT07/2835/F Erection of 1 no. detached dwelling with integral garage and associated works. Erection of 1 no. detached garage.
Refused

4. **CONSULTATION RESPONSES**

4.1 Charfield Parish Council

The Parish Council Object to the proposed development on the following grounds;

- a) The proposed access would be detrimental to the safety and free flow of vehicles and pedestrians on Wotton Road
- b) The proposed access between the two houses would be detrimental to the residential amenities of their occupiers
- c) The problems of piecemeal and uncoordinated designs of developments in the long rear gardens this and nearby dwellings
- d) There is no evidence of tests to show that the ground conditions are satisfactory for soak-away drainage
- e) The dwelling proposed is too large for the site and cannot be adequately maintained due to its proximity to the site boundary
- f) Narrow drive access for emergency vehicles
- g) Lack of local school places for what would be considered a family home.

4.2 Sustainable Transport

No Objection is raised to this proposal

4.3 Local Residents

No Comments received

5. **ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the construction of a new dwelling within the curtilage of an existing dwelling. The site is within the Village Development Boundary (VDB) associated with Charfield

5.2 Principle of Development

Policy H2, and 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 in principle subject to the following considerations.

5.3 In addition, the previously approved planning application (PT06/2557/O) has granted outline planning consent for the development of two dwellings on the site made up of this property and the adjacent property at 9 Wotton Road. This approved the siting and access in respect of the development across the two properties. However, this application is submitted independently and in full. As such the issues of siting and access must be re-addressed along with issues relating to the design of the development generally. These are considered below.

- 5.4 Density
In calculating the density of the development on the basis of two dwellings within this site (existing and proposed), the development would achieve approximately 31 dwellings per hectare. This is consistent with the requirements of PPS3 and Policy H2 South Gloucestershire Local Plan (Adopted) January 2006.
- 5.5 Design
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. This is supported by Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the South Gloucestershire Design Checklist.
- 5.6 The site is located at the rear of 7 Wotton Road and would be accessed via the existing access associated with that dwelling. The dwelling is one of a row of former local authority semi-detached housing dating back from the early to mid 20th Century. They are brick built and take on an appearance typical of this period of house building; and the dwelling are not of particular architectural merit. The context of the development site is rural. The site is located at the edge of the VDB and looks out onto open countryside and would be relatively prominent within the surrounding landscape. It is considered that this site provides the opportunity to develop a very distinctive building in its own right, whilst taking its design concept from the local vernacular building style.
- 5.7 The siting of the proposed dwelling is approximately the same as its equivalent under the outline approval. The previously refused application (PT07/2835/F) detailed a proposed building very similar in form to a standard, volume built house typical of modern suburban areas. In that instance officers considered that the development would dominate the site in a negative way and would not take account of the qualities of the site; nor would it address its context in a way that would enable a distinctive and high quality development to take place within the site.
- 5.8 This submission details a contemporary design which is bespoke in appearance and would utilise traditional materials in a contemporary way. The scale of the building (when compared to the previously refused proposal) is reduced by virtue of providing first floor accommodation within the roof space. The footprint of the proposed dwelling is largely dictated by the relatively narrow nature of the site and as such retains a narrow and deep proportion. However, the arrangement of the building is such that it will address the open-countryside to the rear of the site very well. Views of the building from this area would be of a relatively modest building. In this instance, it is considered that the proposed dwelling achieves a good standard of design and adequately addresses the previously refusal reasons. The development is therefore considered acceptable.
- 5.9 Minimising the Use of Energy and Natural Resources
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to establish high standards in terms of energy conservation. This is supported within the South Gloucestershire Design Checklist. The Local Planning Authority would expect a minimum standard of Level 3 of the Code for Sustainable Homes. In addition, in developments of this size should be expected to provide on site energy production from renewable sources that will reduce CO2 emissions from this building by 10%.

- 5.10 The developer has not submitted any specific 'sustainability statement' in support of this application. As such, there is no detailed information to show how the development would be constructed to a minimum standard of Level 3 of the Code for Sustainable Homes. Also, there is no indication of how the development would implement on site renewable energy sources. However, it is noted that the development will introduce certain elements (rain water storage, wood burning heating) that would go some way to achieving the above standards. It is also considered that, given the orientation of the building, there may be the opportunity to provide renewable energy sources. Despite this there is a lack of information by which to assess the environmental merits of the proposed building. As such the proposed development fails to comply with the requirements of Policy D1, and the South Gloucestershire Design Checklist; and PPS: Planning and Climate Control.
- 5.11 Notwithstanding the above, there is a willingness to provide sustainable qualities as part of this development. Should the application be approved, it is considered that a suitably worded planning condition would be sufficient to require that the Level 3 of the Code for Sustainable Homes is achieved and confirmed prior to first occupation of the dwelling.
- 5.12 Residential Amenity
Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 seek to ensure that new development would not have an unacceptable impact upon the privacy and residential amenity of the occupants of nearby dwellings.
- 5.13 Given the position and orientation of the proposed development in relation to the surrounding dwellings, it is considered that the proposed development would have no material impact in residential amenity terms.
- 5.14 Drainage
It is proposed to utilise soak-aways to deal with surface and the existing drains within Wotton Road to deal with foul water. Notwithstanding this, it is considered necessary for the developer to provide further information regarding the drainage of the site to ensure that the most sustainable form of drainage is implemented in relation to the characteristics of the site. This can be achieved through and appropriately worded condition.
- 5.15 Transportation
Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity. Policy T8 provides maximum parking standards for new development.
- 5.16 Although the current outline planning consent (PT06/2557/O) would utilise a shared access for two dwellings (to the rear of 7 and 9 Wotton Road) the principle of accessing onto Wotton Road has been established. In the event that two independent accesses are introduced side by side at this point, to serve two independent dwellings, there would be no material increase in the volume of vehicles entering Wotton Road. On this basis, the use of the proposed access is acceptable in principle. Notwithstanding this, it is essential that vehicles using the access can enter and egress the site in forward gear.

5.17 The previously refused proposal (PT07/2835/F) was such that there was not sufficient parking and turning space provided within the site and as such there would be a detrimental impact in highway safety terms. In this instance, elements of the previous application have been removed (garage building) and the turning and parking spaces revised to allow a freer movement within the application site. This has allowed sufficient turning to become available and as such the previous highway safety issues have been overcome. With regards to access by emergency vehicles, the proposed development would be compliant with the minimum access requirements.

5.18 On this basis, the proposed development is acceptable in transportation terms.

5.19 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)

5.20 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 is granted subject to the following conditions

Background Papers **PT08/0391/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. 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.

3. Notwithstanding the submitted details, further details showing the design of the decorative chimney stack shall be 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 in writing to any variation.

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.

4. 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 and shall be retained as such unless the Local Planning Authority agree to any variation in writing.

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.

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

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

Reason(s):

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

7. 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 L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

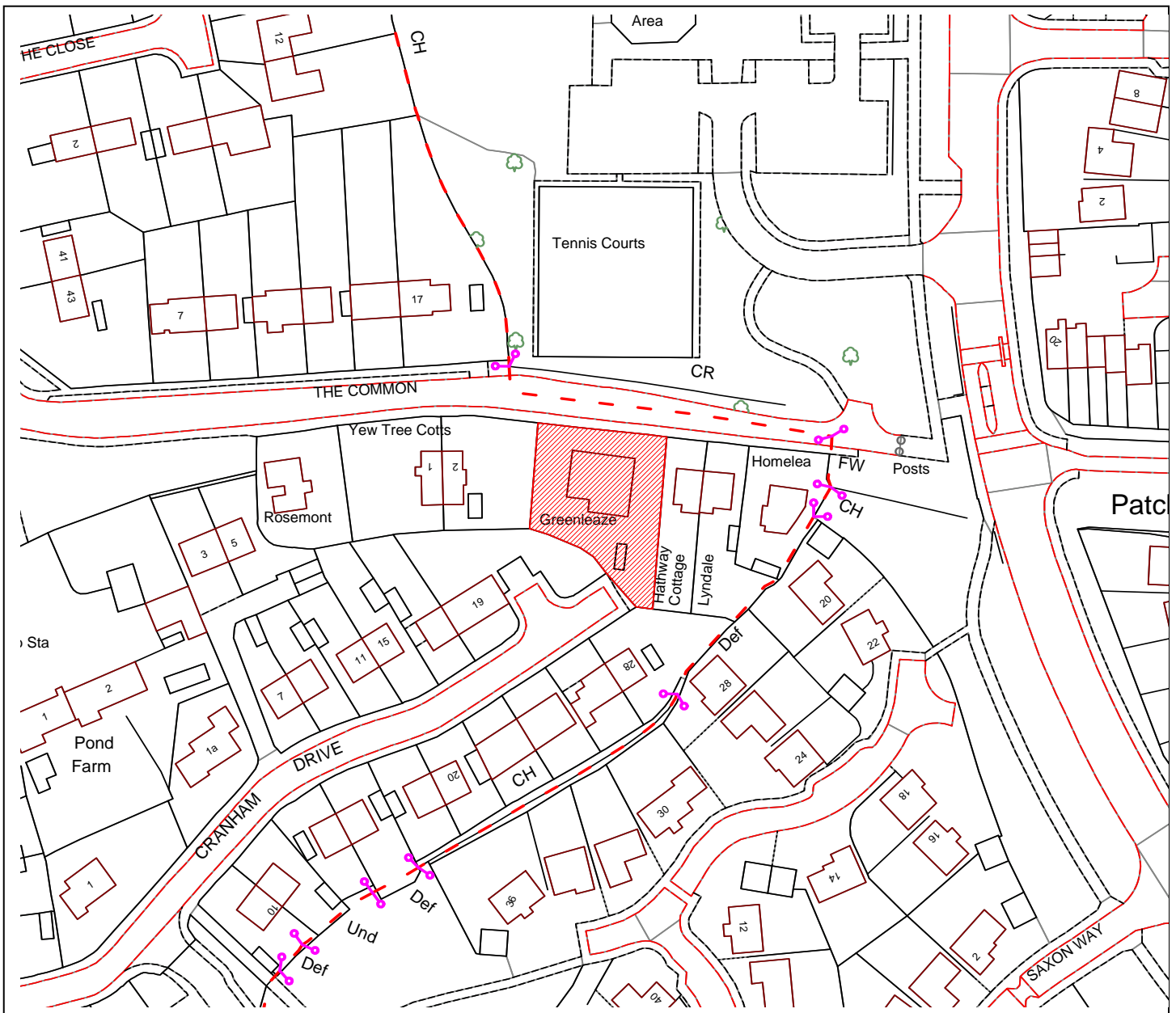
8. No windows or rooflights other than those shown on the plans hereby approved shall be inserted at any time at first floor level in the east and west elevation of the property.

Reason(s):

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

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.:	PT08/0401/F	Applicant:	Mr J M Butler
Site:	Greenleaze, The Common, Patchway, South Gloucestershire, BS34 6AS	Date Reg:	12th February 2008
Proposal:	Demolition of existing house to facilitate erection of 2 no. dwellings with associated works.	Parish:	Patchway Town Council
Map Ref:	61172 82398	Ward:	Bradley Stoke Central and Stoke Lodge
Application Category:	Minor	Target Date:	9th April 2008



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INTRODUCTION

This application appears on the Circulated Schedule following the request from the Highways Department for a legal agreement (Section 278 Agreement) to secure a highway contribution to mitigate against the incremental damage on the North Fringe accumulated through numerous small developments.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of two detached dwellings (1no. four bedroom and 1no. one bedroom), to replace an existing bungalow.
- 1.2 The application site relates to a detached bungalow in need of repair and its associated garden land. The site is located within a well-established residential area of Patchway. It was noted on the Planning Officers site visit (3/3/2008) that the dwelling had been partially demolished.
- 1.3 This application follows extensive pre-application discussions with the applicant, following the refusal of the previous application PT07/2153/F. The previous application was refused because:
 - a) *The proposed development is not at a density that would make the most efficient use of the land compatible with the site's location. No satisfactory reasons have been forwarded to justify why this could not be achieved. As such the proposal is contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of PPS 3 Housing.*

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1 Delivering Sustainable Development
 - PPS3 Housing
- 2.2 Adopted 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
 - Policy 35 Housing density
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Delivering Sustainable Development in New Development
 - L1 Landscape Protection and Enhancement
 - L17&L18 The Water Environment
 - EP1 Environment Protection
 - H2 Proposals for Residential Development within the Existing Urban Areas
 - H4 Development within Existing Residential Curtilages
 - T8 Parking Standards
 - T7 Cycle Storage
 - T12 Transportation Development Control Policy for New Development
- 2.4 Supplementary Planning Guidance
 - South Gloucestershire Design Checklist (Adopted) August 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/2153/F Demolition of existing dwelling to facilitate erection of 1 no. dwelling with associated works.
Refused 31 August 2008

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No comment
- 4.2 Drainage Engineer
Objection. The submitted application did not clearly demonstrate the precise form of foul and surface water drainage.
- 4.3 The Drainage Engineer has confirmed verbally that the applicant proposal to link to the sewers at adjacent Hathway Cottage is acceptable in principle, subject to an appropriate drainage condition. Written confirmation of this has been sought.
- 4.4 Environmental Services
No objection subject to standard informative.
- 4.5 Sustainable Transport
No objection, subject to the following conditions:
- a. A Financial contribution towards the North Fringe development proposal (Transport Measures) is required. This should be secured via an appropriate agreement and provided prior to the issuing of any permission. This is assessed at £900;
 - b. Provide and maintain one secure/undercover cycle store for proposed one-bed dwelling;
 - c. The proposed parking and manoeuvring surface should have a sealed surface;
 - d. Any works in the highway should be carried out to the satisfaction of the Street Care Manager.
- 4.5 Local Residents
None

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Advice contained within PPS3 encourages the provision of additional housing on previously developed land within existing towns and cities to promote more sustainable patterns of development. This policy stance is reflected in policies contained with the Adopted Joint Replacement Structure Plan and South Gloucestershire Local Plan.
- 5.2 Policy H4 of the South Gloucestershire Local Plan is relevant as it relates to residential development within existing residential curtilages and is concerned with detailed issues. This policy allows for new development provided the massing, scale, proportions, materials and overall design and character of the existing property and street scene are respected; the amenities of nearby

- occupiers are not adversely affected; highway safety/parking is acceptable and adequate private amenity space is available for the existing and proposed dwelling.
- 5.3 Policy H2 of the South Gloucestershire Local Plan March 2006 incorporates current planning advice contained within PPS3 and the JRSP and allows for new residential development within the boundaries of settlements provided the following are complied with.
- 5.4 Density
Policy H2 cites that proposals will be expected to provide the maximum density compatible with the site, location, accessibility and surroundings. Therefore, the expectation is that all development will achieve a minimum density 30 dwellings per hectare with higher densities achieved where local circumstances permit. Not least, in and around town centres, and where well served by public transport, densities of upwards of 50 dwellings should be achieved.
- 5.5 The previous refused application (PT07/2153/F) was refused because the proposal for one dwelling did not meet the density requirement of Policy H2. Following lengthy pre-application discussions held with applicant, a second smaller dwelling has been added to the proposed development. The density therefore now equates to some 30 dwellings per hectare. It is noted that this falls slightly below the threshold required. However, it is considered that the surrounding area is characterised by its low density nature, as such, it is considered that a higher density development would not respect this.
- 5.6 Residential Amenity
The applications site is immediately surrounded by four dwellings (Hathway Cottage, No. 2 Yew Tree Cottages and No. 29 & No. 19 Cranham Drive). The impact of the proposed development on the residential amenity of the occupiers of these nearby properties is discussed below:
- 5.7 ***House 1 (One bedroom unit)***
This unit is situated to the east of the application site, immediately adjacent to Hathway Cottage. The proposed dwelling would be approximately 4 metres from the side elevation of this dwelling, which includes two ground floor side windows. Given the distance which separates the two dwellings and the unassuming scale of the proposed dwelling, it is considered that the proposal would not result in an adverse overbearing impact on this dwelling. Furthermore, it is considered that the relationship with *House 2 (Four bedroom unit)* would not give rise to an overbearing impact.
- 5.8 With regard to privacy, the proposed dwelling would not include windows on either side elevation, apart for one roof light. As such, there would be no direct relationship with the windows within the west side elevation of Hathway Cottage. However, to maintain privacy, it is recommended that a condition is attached to ensure no windows are inserted into the east side elevation at a later date. Furthermore, there would be no adverse overlooking of the adjacent *House 2 (Four bedroom unit)*.
- 5.9 ***House 2 (Four bedroom unit)***
This unit would be sited to the west of the application site. The proposed neighbouring dwelling would be adjacent to the proposed *House 1 (One bedroom Unit)* and No. 2 Yew Tree Cottages. The massing and scale of this unit would be slightly larger than the original bungalow (now demolished) due

- to the second storey, however the unit would occupy a similar siting and footprint. Therefore, given that the distance which separates the proposal from adjoining properties would be maintained, it is considered that dwelling would not result in an overbearing impact on the neighbouring occupiers. Furthermore, the proposed window arrangement would not result in any direct overlooking of the adjacent properties, as such it is considered that privacy of nearby neighbouring occupiers would be maintained.
- 5.10 In view of the above, it is considered that the proposed dwellings would maintain the amenity of the adjoining occupiers in accordance with Policy H2 and H4 of the Local Plan.
- 5.11 Amenity Space
The existing dwelling benefits from a large rear garden. It proposed that this would be subdivided by a fencing to provide amenity space for both the new dwellings. It is considered that this would provide sufficient private amenity space for dwellings of this size. As such, it is considered that the proposal would accord to policies H2 and H4 of the local plan.
- 5.12 Design and Visual Amenity
On the southern side of “The Common” the street-scene is characterised by row of traditional cottages of various designs and scales, which include both detached and semi-detached dwellings. The proposed dwelling would replace a deteriorating bungalow which is in need of repair (As of 3/3/2008) the bungalow has been partially demolished).
- 5.13 The proposed development would comprise of a large four bedroom dwelling (*House 2*) and a smaller one bedroom dwelling (*House 2*). The larger dwelling would be sited on the western side of the application site. This dwelling would adopt a simple design solution which would include an attached double garage and front porch. The second dwelling (*House 1*) would be much smaller and would be sited to the east of the application site. The proposal would have a gable end which would face onto the road and would have an entrance into the west side elevation. Furthermore, the dwelling would be approximately one and half storey in height, as such the ridge and eaves heights would be lower than the adjacent the four bedroom dwelling.
- 5.14 The street-scene is characterised by low density residential development of various styles and age. It is considered that the applicant has adopted a suitable design solution which would respect this context. The front building line of the proposed dwellings would match that of the adjacent buildings, the proposed dwellings would adopt an appropriate height, scale and mass which would respect the adjacent dwelling and the majority of the existing front stone wall would be retained (It recommended that a condition is attached to ensure this wall is not further eroded). Furthermore, the applicant has proposed to finish the elevations of the proposed dwelling in a mix of stone and render and the roofs in red tiles. It is considered that these would respect the appearance of the adjacent buildings.
- 5.15 In light of the above, it is considered that the proposed design approach, detailing and the materials would provide two modest and simply styled dwellings, which would respect the character and appearance of the street scene. This would therefore accord to Policies D1 and H4 of the local plan and the South Gloucestershire Design Checklist (Adopted) August 2008.

5.16 Transportation

The site is located off the unclassified “The Common”, which serves as the only access to the wider highway network. The Councils Transport Officer commented that the proposed parking and turning facilities within the curtilage of the application site are considered to be acceptable. However, there is no provision for cycle storage and therefore it is recommended that a condition is attached to provide and maintain two secure or undercover cycle spaces.

5.17 Furthermore, in order to mitigate the incremental damage on the North Fringe accumulated via numerous small developments a financial contribution of £900 is requested towards the North Fringe development proposal (Transport Measures). The applicant has been contact and advised of this issue.

5.18 Drainage

The Council Drainage Engineer objected to this proposal on the grounds that the submitted application did not clearly demonstrate the precise form of foul and surface water drainage. In response to this, the applicant has clarified that informal discussions have taken place with the owner of Hathway Cottage to the east of the application, in order to gain access to their sewers. The Council Drainage Engineer has verbally confirmed that this would be acceptable in principle, subject to an appropriate condition to ensure no development takes place until drainage details are submitted and approved in writing by the Local Planning Authority.

5.19 Design and Access Statement

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

5.20 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 Authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission subject to conditions set out below

and the applicant first voluntarily enter into an agreement under Section 278 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- 7.2 A contribution of £900 towards the North Fringe Development Proposal (Transport Matters) initiative. The reasons for this agreement are to mitigate against the impact on the Bristol North Fringe local road network to comply with Policy T12.
- 7.3 Should the section 278 agreement fail to be determined within one year of this resolution, then the application to be refused on the failure to secure the contribution to mitigate against transportation impact.

Background Papers PT08/0401/F

Contact Officer: Peter Rowe
Tel. No. 01454 863538

CONDITIONS

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

Reason(s):

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 side elevations of the House 1 as shown on Drg No. 1387-1 Rev C (Floor Plans & Elevations) dated the 26th March 2008.

Reason(s):

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

3. Prior to the use or occupation of the proposed dwelling hereby permitted (House 1, as identified on Drg No. 1387-1 Rev C (Floor Plans & Elevations) dated the 26th March 2008.), and at all times thereafter, the proposed ground floor window on the east elevation shall be glazed with obscure glass only. The obscure glazing to be used shall be at least level 3 obscure glazing.

Reason(s):

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

4. The one bedroom dwelling (House 1) shall not be occupied until space has been laid out within the site for one bicycle to be parked in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason(s):

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The proposed off-street parking facilities shall be finished with a bound surface.

Reason(s):

To ensure that loose material does not interfere with the classified highway for the maintenance of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The existing stone wall situated along the north boundary of the site shall be retained in accordance with details shown on Drg No. 1387-1 Rev C (Site Plan) dated the 26th March 2008

Reason(s):

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

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

8. No development shall take place until foul and surface water drainage 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 L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

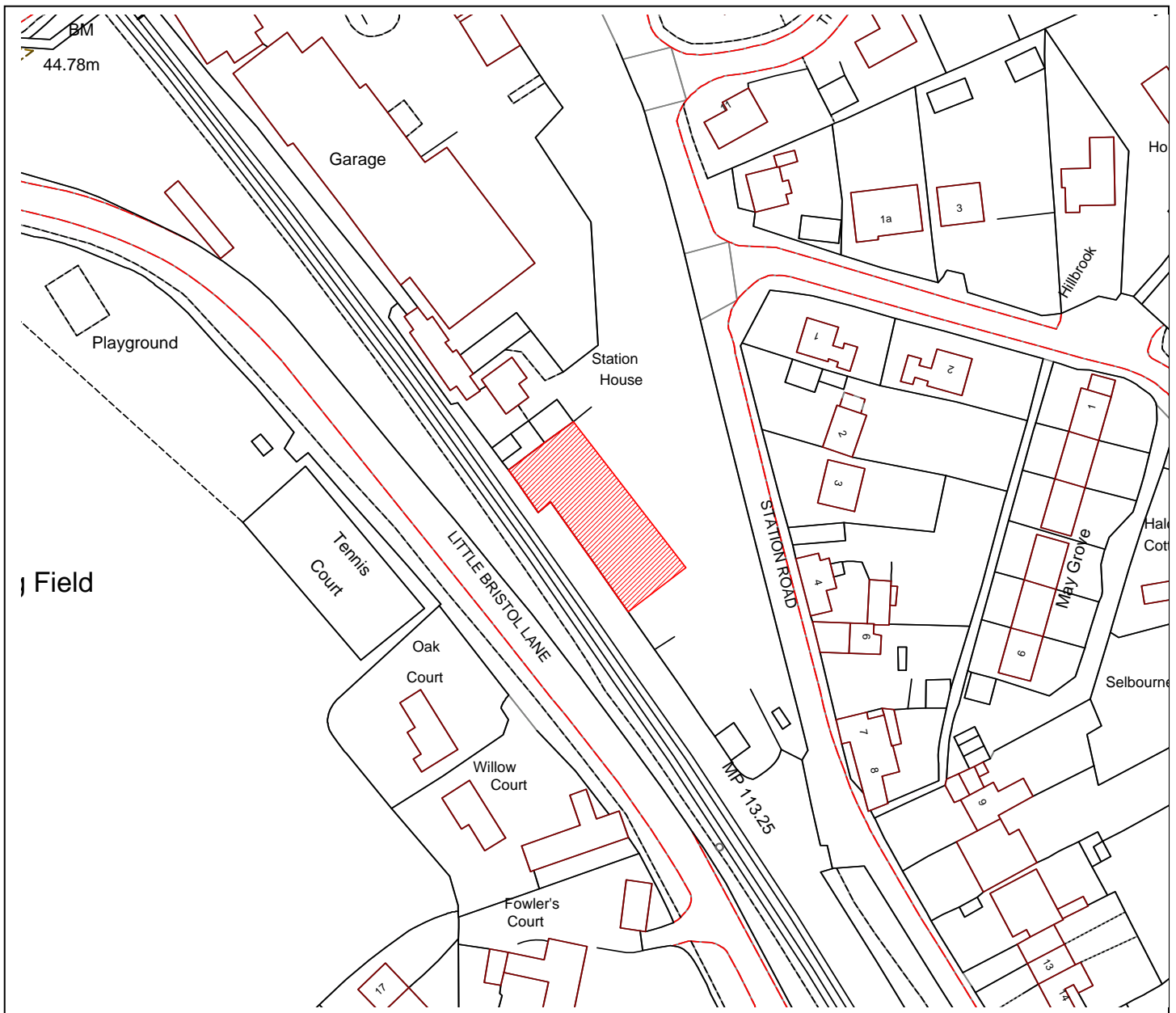
CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.: PT08/0420/F
Site: M J Fews Ltd, Wotton Road, Charfield, South Gloucestershire, GL12 8SR
Proposal: Change of use from vehicle parking (sui generis use) to stationing of shipping containers (Class B8) as defined in the Town & Country Planning Order 1987 (as amended). (Temporary consent for 5 years).

Applicant: M J Fews Ltd
Date Reg: 13th February 2008
Parish: Charfield Parish Council

Map Ref: 72462 92183
Application Category: Minor

Ward: Charfield
Target Date: 4th April 2008



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100023410, 2008.

INTRODUCTION

This application appears on the Circulated Schedule in view of the three letters of objection that have been received.

1. THE PROPOSAL

- 1.1 The application seeks temporary consent to allow the stationing of shipping containers for the purpose of B8 storage for a period of five years.
- 1.2 The application site forms part of the car parking area associated with the MJ Fews Ltd site, Charfield. The site is within the Charfield settlement boundary and outside of the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
- PPG4 Industrial and Commercial Development and Small Firms
- PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
- L1 Landscape Protection and Enhancement
- T1 Rail Passenger/ Services and Facilities
- E3 Employment Development within the Settlement Boundaries
- T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance Design Checklist

3. RECENT PLANNING HISTORY

- 3.1 P96/2782: Temporary use of land for the stationing of two portable office units, one portable toilet unit, and storage of powered access machines for the purposes of access platform hire. Refused: 12 March 1998
- 3.2 PT99/0086/CLE: Certificate of Lawfulness for the existing use of land as operating centre for the parking/ storage of heavy goods vehicles. Refused: 6 December 1999
- 3.2 PT00/0053/F: Erection of four industrial units. Refused: 16 February 2000
- 3.3 PT05/1083/TMP: Use of land for stationing of two shipping containers used for storage, two portacabin offices and ancillary vehicle storage. Permitted: 5 January 2006
- 3.4 PT06/2491/AAD: Application for Certificate of Appropriate Alternative Dev. Withdrawn: 10 September 2006

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No objection

4.2 Environmental Services

No adverse comments

4.2 Highways DC

No objection subject to the following conditions:

- a) The proposal's remains for the long term storage and not distribution;
- b) The proposal should be for a temporary period of five years only.

4.3 Summary of Local Residents Concerns:

Three letters received expressing the following concerns:

- a) No objection to the storage of shipping containers provided they are stored on the railway side of the yard;
- b) There is no mention as to what will be stored in the containers-hazardous/ toxic substances would endanger health;
- c) There should be a time restriction on the movement of vehicles;
- d) It is hoped that there will be no increase in parking along Station Road;
- e) The existing yard is used for parking, where will these vehicles then park?
- f) Parking restrictions would be required to prevent vehicles blocking in neighbouring residents;
- g) Visibility when exiting The Sidings is already hindered by parked vehicles;
- h) Lorries already make deliveries to MJ Fewes between 3- 4am in the morning;
- i) It is no good setting guidelines for deliveries because they are not enforced;
- j) How many vehicular movements will there be/ how will these be monitored?
- k) Local roads are not safe for lorries carrying 40ft containers.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site forms part of land that is safeguarded for a future railway station (policy T1) thus applications for alternative permanent developments have been resisted. Nevertheless, the development proposed is considered to be acceptable in principle provided that this is for a temporary period only.

5.2 Policy E3 cites that development proposals for employment uses within urban areas and the settlement boundaries will be permitted provided that:

- a) Development would not have an unacceptable environmental impact; and
- b) Adequate provision is made for servicing and delivering requirements whilst it would not give rise to unacceptable levels of vehicular traffic or on street parking to the detriment of residential amenity or highway safety; and
- c) Development would not prejudice residential amenity; and
- d) The character of the area is not adversely affected...'

5.3 Planning policy L1 cites that new development will only be permitted where the character, distinctiveness, quality and amenity of the landscape is conserved and enhanced.

- 5.4 Policy T12 advises that development proposals will be permitted provided that in terms of transportation it (here considered relevant):
- a) Provides adequate safe, convenient and attractive and secure access; and
 - b) Provides safe access capable of accommodating traffic generated by the proposal; and
 - c) Would not create or unacceptably exacerbate traffic congestion; or have an unacceptable effect on highway safety; and
 - d) Would not generate traffic to the detriment of local/ residential/ environmental amenity.
- 5.5 The Proposal
The planning application seeks temporary consent for the stationing of shipping containers for the purposes of storage and distribution. The site forms part of a car parking area associated with MJ Fews; a Land Rover dealership. The site previously formed part of the station yard serving Charfield railway station with plans to reopen this facility ensuring the safeguarding of this area by policy T1.
- 5.6 The shipping containers would occupy a relatively small area of this existing car park with the application site set against its rear boundary adjoining the existing railway line behind. In so doing, the application site would measure some 33m in length running along this boundary and projecting some 13m into the parking area. The site adjoins the redundant station buildings along its north boundary with the Stuart Security site to the south; this forms a number of portacabins and trailers on land leased from MJ Fews.
- 5.7 The application seeks temporary consent given that this area is safeguarded for the future development of Charfield station. To this extent, the application has been received following a refused submission (PT00/0053/F) which sought approval for the erection of permanent industrial buildings in this location; the first refusal reason read as follows:
- a) *'It is considered that the proposal, if allowed, would preclude the reopening of Charfield Station contrary to the provisions of Policies 1, 2 and 50 of the Joint Replacement Structure Plan (Deposit Plan) and Policy N74 of the Northavon Local Plan (Deposit Draft).'*
- 5.8 In view of the above, the statement received in support of the application cites that the applicant would be willing to accept conditions limiting the development to a period of five years and in the event that the land is at any time required for purposes in connection with the reopening of the station, this use shall cease within a period of 90 days, and the shipping containers shall be removed from the site within a period of a further 28 days.
- 5.9 Design/ Visual Amenity
The application would allow the change of use of this land from the existing car parking area to provide nine shipping containers. These would stand tangential to the rear site boundary projecting forwards. In so doing, the containers would measure 12.2m in length, 2.5m in width and 2.6m in height.
- 5.10 The height of the containers would help to ensure that they would not appear readily visible beyond the site boundaries given their siting towards the rear of the site and thick tree screening which extends along the road frontage. They would also remain lower than the surrounding two-storey buildings.

- 5.11 In view of the above, and given that this application seeks temporary consent pending the future development of Charfield station, there is no objection to this current application subject to conditions preventing further shipping containers being stacked above (the supporting statement cites that a condition restricting the height of the containers to 3m would be acceptable). A further condition to ensure a suitable uniform colour to all containers should also be imposed with the details submitted with the application advising that the applicants would be willing to accept this.
- 5.12 Residential Amenity
The application site is set back from the highway with tree screening along the road frontage and with all properties contained on the opposite side of Station Road. Therefore, subject to conditions controlling the number/ height of the shipping containers and restricting the use to storage only, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.13 Highway Safety
The site is accessed via the unclassified Station Road close to its junction with the classified Wotton Road. Given the proximity of the site to this road junction and the nature of the local road network, there was some concern regarding a proposed storage and distribution use operating from this site given the impact and likely frequency of heavy goods vehicles operating from the application site. Nevertheless, the agent has confirmed that the proposal is to provide for long term storage only and would be happy to accept a condition to this effect.
- 5.14 In view of the above, there is no highway objection to this current proposal subject to this aforementioned condition and a further condition to ensure that that the proposal is for a temporary period of five years.
- 5.15 Outstanding Considerations
Some residents have expressed concern regarding the possibility of hazardous material being stored within the containers. To this extent, it is not possible to control precisely what would be stored although storage of any such material is likely to require the benefit of further consent under separate legislation. There is no indication that hazardous materials would be stored however whilst the containers proposed would not appear to lend themselves to this purpose.
- 5.16 Design and Access Statement
A Design and Access Statement is not required as part of this application.
- 5.17 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers **PT08/0420/F**

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

CONDITIONS

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

Reason(s):

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

2. The storage containers shall be used for B8 storage and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason(s):

In the interest of residential amenity and highway safety; all to accord with Policy E3 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The use hereby permitted shall be discontinued and the land restored to its former condition on or before five years of the date of this decision unless at any time before this date, the site is required in connection with the reopening of Charfield Railway Station. In this case, the use hereby approved shall cease within 90 days of notice being given and the storage containers shall be removed within a further 28 days from the date of notice.

Reason(s):

In view of the nature of the proposal and given that the site is situated within land allocated in the Development Plan for the reopening of Charfield Railway Station and permission for a longer period would prejudice the implementation of the Plan; all to accord with Policies D1, L1 and T1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No outside storage of material/goods/waste or plant shall take place on the application site.

Reason(s):

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policies L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The number of storage containers sited within the application site (outlined in red on the plan hereby approved) shall not exceed nine with all at ground level and no containers stacked one above the other.

Reason(s):

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policies L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

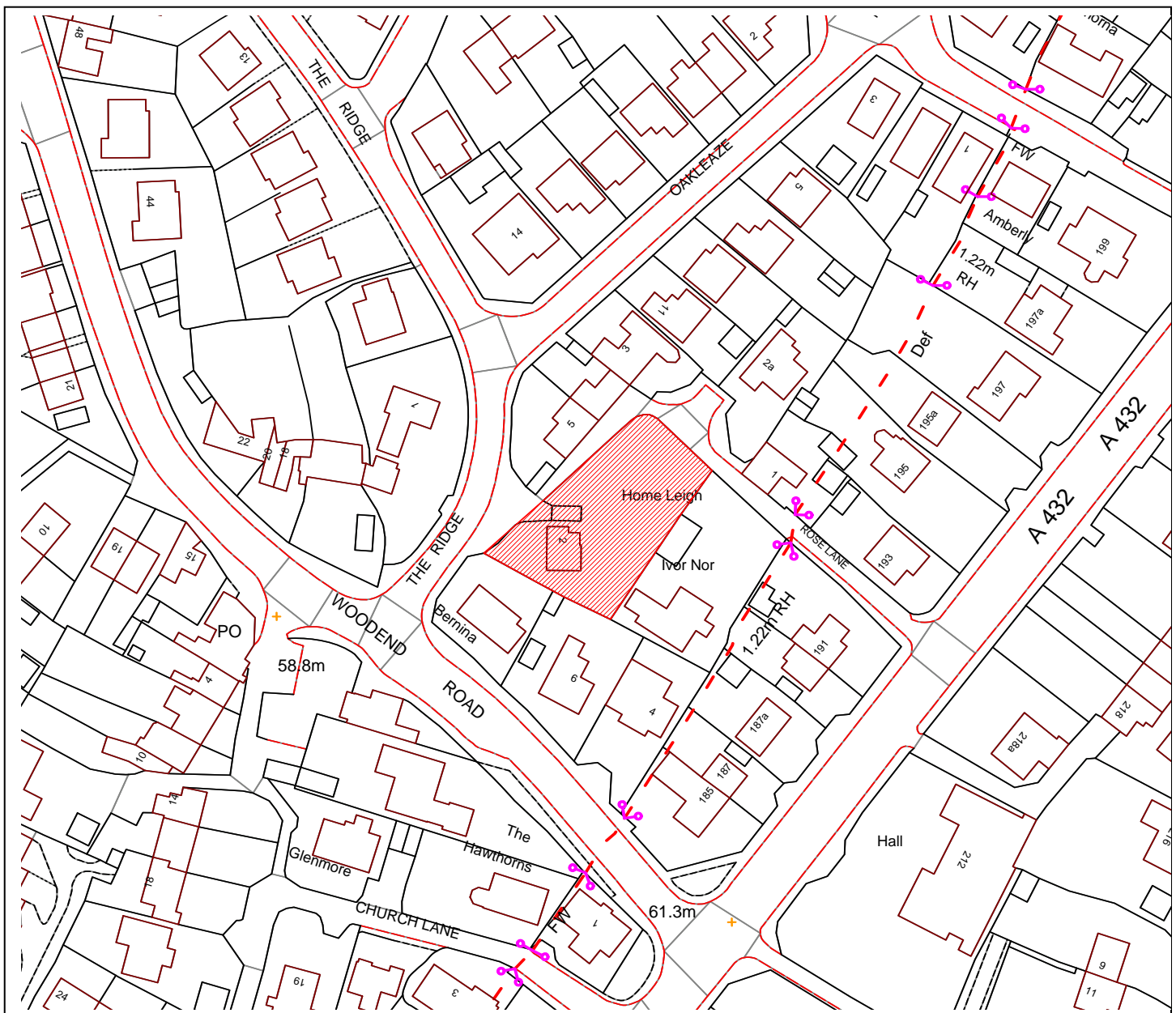
6. The storage containers hereby approved shall all be finished in an identical uniform colour with these details firstly agreed in writing with the Local Planning Authority. Development shall be carried out strictly in accordance with these agreed details with any replacement container finished in an identical colour.

Reason(s):

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policies L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.:	PT08/0487/F	Applicant:	Mr P McGrath
Site:	2 The Ridge, Coalpit Heath, South Gloucestershire, BS36 2PR	Date Reg:	20th February 2008
Proposal:	Erection of 2 storey rear extension to form additional living accommodation and single storey side extension to form garage. (Resubmission of PT08/0009/F)	Parish:	Frampton Cotterell Parish Council
Map Ref:	67522 80989	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	11th April 2008



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N.T.S

PT08/0487/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey rear extension to form additional living accommodation and a single storey side extension to form garage. (Resubmission of PT08/0009/F)
- 1.2 This is a detached property within the existing urban area of Coalpit Heath. The proposal consists of a two storey and single storey extension to the rear with render to match existing, 4.2 m deep, 13.2 m in width and 7.4 m in height. The roof is pitched and materials consist of double roman tiles. The proposal also includes the addition of a single storey side extension to form a garage, 7.3 m deep, 4.9 m in width and 5.3 m in height.
- 1.3 A previous application on the site was withdrawn following Officer's advice that the proposal was too large in scale and not subservient to the original dwellinghouse. Consequently, the first floor side extension to the rear has been omitted from this application.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilage
- 2.3 Supplementary Planning Guidance
Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/0009/F – Erection of two storey rear extension and erection of single storey side extension (Withdrawn).

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No objection raised
- 4.2 Local Residents
One letter of objection was received by a local resident raising concern over loss of light to a house and garden.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the

development is therefore acceptable subject to the following detailed assessment.

5.2 Residential Amenity

5.3 Overbearing Analysis

Due to the overall scale and size of the proposed development and sufficient boundary treatment between the neighbouring properties the proposal would not be overbearing on the residential amenity of neighbouring occupiers. The proposed side extension to form a garage is single storey and will not affect any neighbouring properties.

5.4 The two storey rear extension would not be overbearing on the property to the rear (Ivor Nor) approximately 10 m away. To the (south) side of the two storey extension is 6 Woodend Road. It is not considered that the single storey extension would result in a loss of light or be overbearing on the property as there is an existing 1.8 m boundary fence and the extension will be 1.1 m from this boundary fence at its closest and 3.3 at its furthest. The two storey section of the extension meanwhile will be approximately 6 m from the party boundary and given the proposals modest depth of 4.2 m it is not considered that the rear extension would be overbearing or lead to a significant loss of light at neighbouring properties.

5.5 Privacy Analysis

There is one window proposed in the (south facing) single storey extension and there is an existing party boundary fence approximately 1.8 m in height so therefore there would be no overlooking or loss of privacy as a result of the proposal.

5.6 Amenity Space

Whilst the proposed conservatory does project into the rear garden its modest size means that sufficient garden space will remain to serve occupiers of the property.

5.7 Highway Safety Analysis

Two off street parking spaces are to be provided at the property and this is considered sufficient for a three bedroom property.

5.8 Design / Visual Amenity

The proposal fits with the character of the existing property. Its location to the rear of the building together with the chosen construction materials, which match the palette of materials displayed in the existing building, means that this is an appropriate addition to the dwelling and streetscene. The proposal is well screened from the public realm to the side and rear and therefore there is no harm caused to the visual amenity.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

Background Papers **PT08/0487/F**

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

CONDITIONS

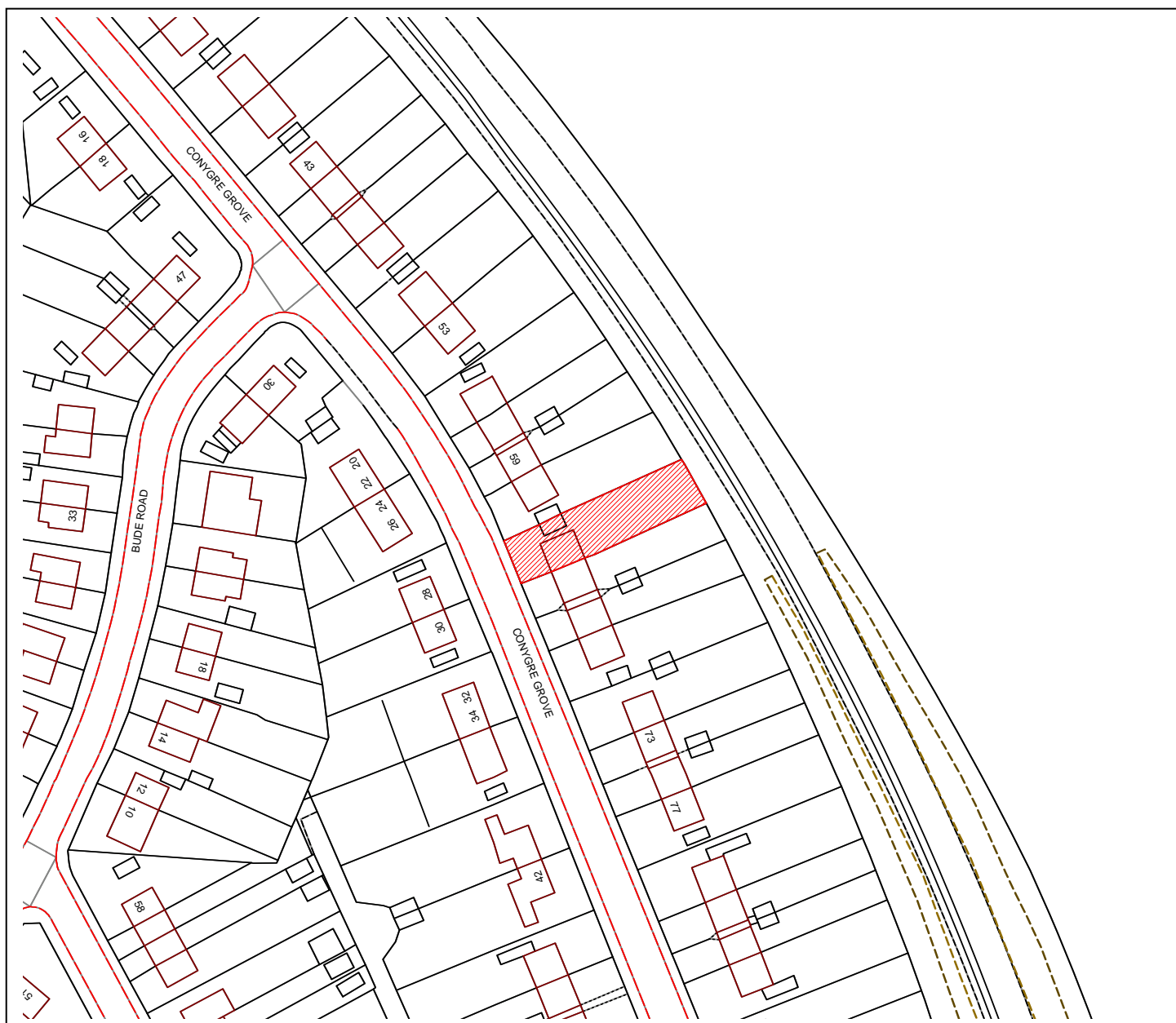
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 13/08 – 28 MARCH 2008

App No.:	PT08/0509/F	Applicant:	Mr R Paisey
Site:	63 Conygre Grove, Filton, South Gloucestershire, BS34 7DW	Date Reg:	21st February 2008
Proposal:	Erection of two storey side and single storey rear extensions to provide additional living accommodation.	Parish:	Filton Town Council
Map Ref:	61024 79552	Ward:	Filton
Application Category:	Minor	Target Date:	11th April 2008



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N.T.S

PT08/0509/F

1. THE PROPOSAL

- 1.1 The application property is located on the eastern side of Conygre Grove, the last in a block of four terraced twentieth century dwellings.
- 1.2 The proposed development includes: extending to the side to provide an integral garage (replacing an existing) and en-suite bedroom and extending to the rear to create a utility room and an enlarged kitchen/diner.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Design
 - H4 Development within Existing Residential Curtilages
 - T8 Parking Standards
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/2127/F Erection of two storey side and rear extension to facilitate conversion of 2 no. flats and 1 no. maisonette.
Refused 2007.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Object as over intensive and the size of the original footprint would be greatly increased.
- 4.2 Sustainable Transport
No objection because a garage and one parking space on the driveway will remain.
- 4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extension to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.
- 5.2 Design
Policy D1 of the Local Plan requires all new development to be well designed; it lists 8 criteria to be considered.

- 5.3 The proposal will extend the dwelling to the side, retaining the mansard style roof form. The single storey rear extension will extend out 3.8 metres from the existing rear elevation and will cover the full width of the property.
- 5.4 A material consideration to this planning application is the refusal of application PT07/2127/F. One of the reasons for the refusal was that the proposed extension by reason of size, design and external appearance would be out of keeping and would detract from the visual amenities of the locality.
- 5.5 The design of the new proposal is considered to be better suited, as it retains the mansard style roofscape (rather than adding a hip as proposed previously) and also proposed more acceptable fenestration than previously (the extremely long box dormer has been deleted from the scheme). Even though the new side extension is proposed to be flush with the front façade and the ridge of the roof will continue at the same height as that of the existing, it is considered that this is acceptable in this instance. This is an end terrace of four properties rather than a semi-detached and the existing porch helps to break up the building form. As such, it is considered that the proposal is acceptable in design terms.
- 5.6 Residential Amenity
The rear extension will measure approximately 37 square metres. There is judge to be adequate rear amenity space retained as part of the proposal for the occupiers of the property.
- 5.7 There are currently no rear extensions along this block of four dwellings; however, so long as no fenestration is proposed in the elevation facing No. 65, the single storey extension will not prejudice the amenity of the neighbouring occupiers. Similarly, although two storey in height, the side extension will not prejudice neighbouring amenities either.
- 5.8 Parking
As there would be a garage and driveway provided for the dwelling, the application proposal accords with the maximum parking standards set out in Policy T8 of the Local Plan.
- 5.9 Design and Access Statement
The Design and Access Statement submitted with the application is [not] considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.10 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.] **OR** [In this instance, having regard to the above advice, the (insert issues eg transportation improvements, provision of affordable housing, pos, education contributions etc) are

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be GRANTED subject to conditions and informatives.

Background Papers **PT08/0509/F**

Contact Officer: **Helen O'Connor**
Tel. No. **01454 863538**

CONDITIONS

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

Reason(s):

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(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. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor rear window on the north-eastern elevation shall be glazed with obscure glass only. "The obscure glazing to be used shall be at least level 3 obscure glazing."

Reason(s):

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