



**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. 19/08

Date to Members: 09/05/08

Member's Deadline: 16/05/08

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:09/05/08

SCHEDULE NO. 19/08

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 Whitsun Bank Holiday period May 2008**

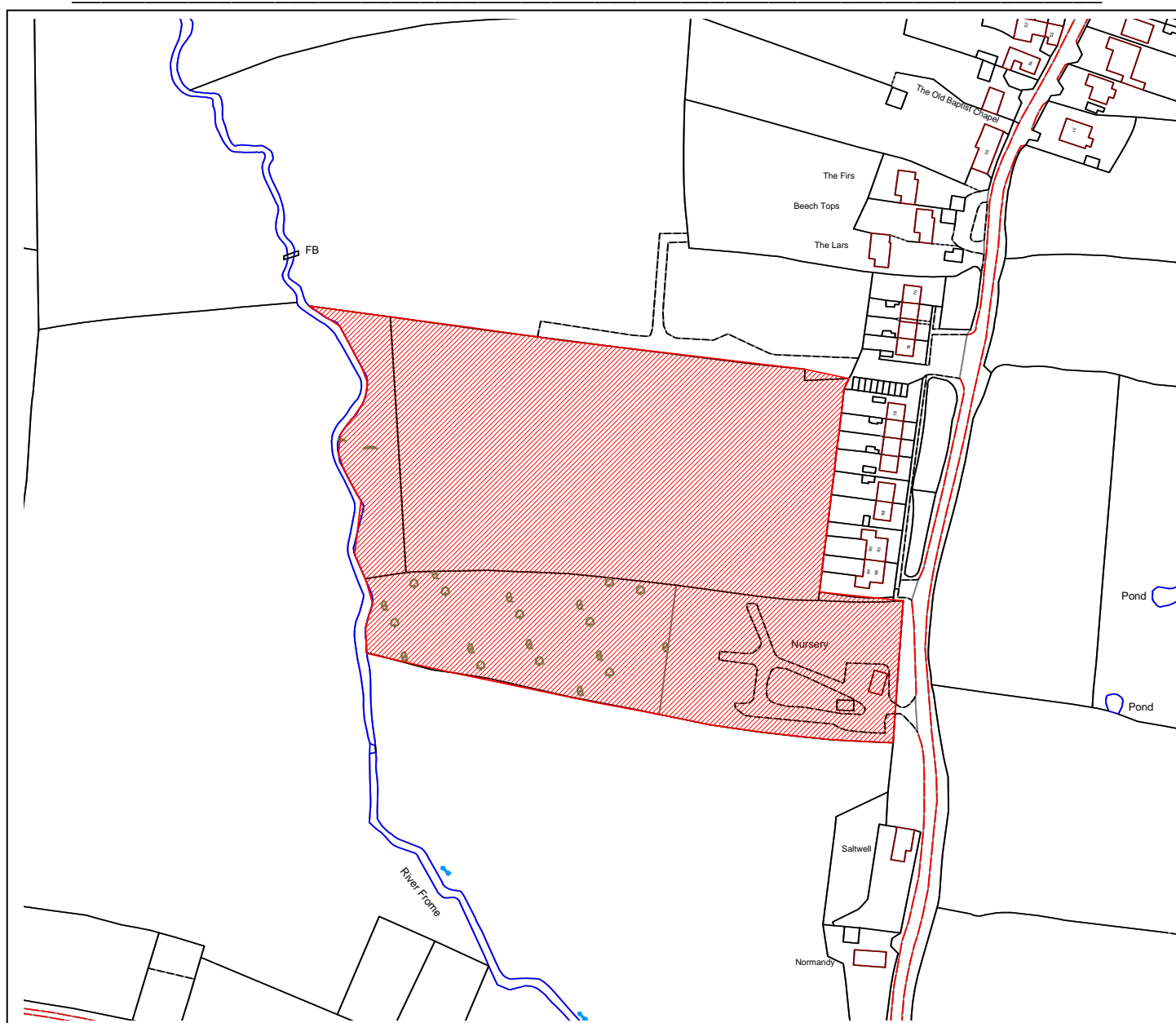
Schedule Number	Date to Members 12 noon on	Members Deadline 12 noon on
21/08	Thursday 22 May 2008	Friday 30 May 2008

Circulated Schedule 09 May 2008

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK08/0457/CLE	Approve	Saltwell, Chapel Lane, Old Sodbury, South Gloucestershire, BS37 6SJ	Cotswold Edge	Sodbury Town Council
2	PK08/0811/F	Approve with conditions	23 Princes Court, Longwell Green, South Gloucestershire, BS30 7EB	Longwell Green	Oldland Parish Council
3	PK08/0861/F	Approve with conditions	Land adjacent to 44 Courtney Road, Kingswood, South Gloucestershire, BS15 9RH	Woodstock	
4	PK08/0895/F	Approve with conditions	31 Highfield Road, Chipping Sodbury, South Gloucestershire, BS37 6HD	Chipping Sodbury	Sodbury Town Council
5	PK08/0914/F	Approve with conditions	16 Birkdale, Warmley, South Gloucestershire, BS30 8GH	Parkwall	Oldland Parish Council
6	PK08/0925/CLE	Approve	Land to the rear of 60-62, Broad Street, Chipping Sodbury, South Gloucestershire, BS37 6AG	Chipping Sodbury	Sodbury Town Council
7	PK08/1001/F	Approve with conditions	2 Kensington Road, Staple Hill, South Gloucestershire, BS16 4LX	Staple Hill	
8	PT07/3519/RM	Approve with conditions	Walls Court Farm Filton Road Stoke Gifford South Glos BS34 8QZ	Frenchay and Stoke Park	Stoke Gifford Parish Council
9	PT08/0641/RVC	Approve with conditions	Tesco Stores Ltd, Bradley Stoke District Centre, Bradley Stoke, South Gloucestershire, BS32 8EF	Bradley Stoke Central and Stoke Lodge	Bradley Stoke Town Council
10	PT08/0772/F	Approve with conditions	76 Over Lane, Almondsbury, South Gloucestershire, BS32 4BT	Almondsbury	Almondsbury Parish Council
11	PT08/0841/F	Approve with conditions	24 Breaches Gate, Bradley Stoke, South Gloucestershire, BS32 8AZ	Bradley Stoke South	Bradley Stoke Town Council
12	PT08/0904/RM	Approve with conditions	Land adj to Meadow Cottage, New Road, Rangeworthy, South Gloucestershire, BS37 7QH	Ladden Brook	Rangeworthy Parish Council
13	PT08/0910/F	Approve with conditions	The Three Brooks, Bradley Stoke District Centre, Bradley Stoke, South Gloucestershire, BS32 8EF	Bradley Stoke Central and Stoke Lodge	Bradley Stoke Town Council
14	PT08/0944/F	Approve with conditions	Hallmark House, Hempton Lane, Almondsbury, South Gloucestershire, BS32 4AR	Patchway	Patchway Town Council
15	PT08/0979/F	Approve with conditions	2 Sixth Avenue, Filton, South Gloucestershire, BS7 0LT	Filton	Filton Town Council
16	PT08/1014/O	Approve with conditions	6 The Causeway, Coalpit Heath, South Gloucestershire, BS36 2PD	Frampton Cotterell	Frampton Cotterell Parish Council

CIRCULATED SCHEDULE NO. 19/08 – 9 MAY 2008

App No.:	PK08/0457/CLE	Applicant:	Landcare
Site:	Saltwell, Chapel Lane, Old Sodbury, South Gloucestershire, BS37 6SJ	Date Reg:	18th February 2008
Proposal:	Application for Certificate of Lawfulness for existing use of land as a tree nursery and for use of portacabin as an office.	Parish:	Sodbury Town Council
Map Ref:	75049 81126	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	8th April 2008



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100023410, 2008.

N.T.S

PK08/0457/CLE

INTRODUCTION

This application is for a Certificate of Lawful Use and under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use, is that the applicant has to prove on the balance of probability that the use of the land as a tree nursery and the use of the portacabin as an office has occurred for a period of 10 years consecutively, prior to the receipt of the application on the 28th Jan 2008.

1. THE PROPOSAL

- 1.1 The application has been submitted under Section 191 (1) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for an existing use of the site and portacabin.
- 1.2 The application relates to an area of land to the west of Chapel Lane on the outskirts of Old Sodbury. Within the site, adjacent to the access is a small portacabin currently used as an office in association with the Tree Nursery.
- 1.3 The applicant considers that the land has been used as a Tree Nursery for at least 10 years consecutively prior to the submission of this application; and that the existing portacabin has been stationed on the site and used as an office for a period in excess of 10 years in breach of condition 1 of planning permission P94/2425 dated 8th December 1994.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97: Enforcing Planning Control.
- 2.2 Development Plans
As the application is for a Certificate of Lawfulness the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only prove that on the balance of probability the use has taken place for an uninterrupted period of at least the last 10 years prior to the receipt of the application (28th January 2008).

3. RELEVANT PLANNING HISTORY

- 3.1 N4985 - Erection of dwellinghouse and garage. Construction of new pedestrian access and alteration of existing vehicular access (outline).
Refused 25th Jan 1979
- 3.2 N4985/1 - Erection of 15 dwellings and garages. Construction of vehicular and pedestrian access (Outline)
Refused 25th October 1979
- 3.3 N4985/2 - Erection of a dwelling and garage. Alteration of existing access to highway (outline).
Refused 24th July 1980

- 3.4 P90/2945 - Installation of external insulation. Erection of mono-pitched roof to provide porch canopy.
Approved 10th Jan 1991
- 3.5 P94/2425 - Use of land for siting of one portacabin to provide office associated with tree nursery.
Approved 7th December 1994

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

The applicant has submitted the following evidence in support of the application :

- One red edged site location plan.
- Copy of the land purchase and Land Registry documents.
- Copy of planning permission P94/2425 relating to the siting of a portacabin on the land.
- A plan showing the layout of the land and buildings within the site.
- An aerial photograph of the site taken in 2006.
- A letter of support from Miss J Johnson, occupant of 92 Chapel Lane, Old Sodbury, Bristol.

5. SUMMARY OF CONTRARY EVIDENCE

5.1 None

6. OTHER CONSULTATIONS

6.1 Sodbury Town Council
No objection

6.2 Councillor Sue Hope
No response

6.3 Local Residents
No response

7. EVALUATION

7.1 The application seeks to prove that on the balance of probability the land has been used as a Tree Nursery for a period of 10 years consecutive to the receipt of the application and that the Portacabin has been used for a similar period as an office associated with the Tree Nursery. The application has been supported by an assortment of documents including a letter from an adjacent resident and a previous temporary planning permission relating to the portacabin. There is no contrary evidence relating to this 10 year period.

7.2 The temporary planning permission P94/2425 was submitted by Mr R Mellors of Landcare Tree Nursery i.e. the same as the current applicant. The decision notice dated 10th Oct. 1994 clearly refers to the portacabin being used as an office in association with a tree nursery, although this is not accompanied by any site plan. A search of Council records has also failed to reveal any site plan. The planning permission granted temporary use of the portacabin until 31st December 1996 only.

- 7.2 The conveyancing document is not accompanied by a site plan but indicates that 2.73 acres of land known as 'Little Gorlands' and referred to as plot 0009 located at grid reference ST7581 changed hands in 1983. The document refers to the land as 'pastureland'. Since this transaction falls well outside the 10 year period prior to 28th Jan 2008 this piece of evidence is of little relevance.
- 7.3 The Land Registry document has also been submitted without any site plan. The document is dated 12th February 1993 also well outside the relevant 10 year period.
- 7.4 The aerial photograph was apparently taken in 2006 and the structures within the site do appear to conform with those shown on the submitted layout plan. The portacabin appears to be in situ and part of the land appears to be planted with ordered rows of trees, which would suggest tree cultivation. This is however merely a snap shot of the relevant 10 year period and is not conclusive evidence.
- 7.5 Of more weight is the letter from the occupant of 92 Chapel Lane, Old Sodbury who confirms that the land i.e. within the application site, to the rear of this property, has been used for tree cultivation since 1991, which would cover the full 10 year period of relevance to this application.
- 7.6 Although the evidence provided is somewhat limited, it does suggest that the site has been used as a tree nursery for the ten year period and that the portacabin has been used as an associated office. Furthermore officers of the Council are familiar with this site and have no reason to suspect any alternative use during the 10 year period.
- 7.7 In the absence of any contrary evidence, it is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

8. RECOMMENDATION

- 8.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the land as a Tree Nursery with the continued use of the portacabin as an associated office.

Background Papers PK08/0457/CLE

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 19/08 – 9 MAY 2008

App No.:	PK08/0811/F	Applicant:	Ms L Little
Site:	23 Princes Court, Longwell Green, South Gloucestershire, BS30 7EB	Date Reg:	27th March 2008
Proposal:	Conversion of existing garage and erection of first floor side extension to form additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	65861 71568	Ward:	Longwell Green
Application Category:	Minor	Target Date:	13th May 2008



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PK08/0811/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule procedure as a result of objections received from the Parish Council.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the conversion of an existing attached garage to form additional living accommodation and the erection of a first floor side extension.
- 1.2 The application site relates to a two storey semi detached dwelling within the residential area of Longwell Green.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Extensions
- 2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note No.2 extensions.
Supplementary Planning Document Design

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
Objection on grounds of loss of off street car parking.

Other Representations

- 4.2 Local Residents
None

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plans allows for extension and alterations to existing dwellings subject there being no adverse impact on existing visual and residential amenities.
- 5.2 Regard must also be had for Policy T8 which relates to satisfactory levels of car parking.

5.3 Visual Amenity

The application site relates to a two storey semi detached property with an attached single storey side extension which accommodates three garages for the applicant and two other nearby neighbours. The front elevation of the single storey extension is flush with the main dwelling and has a blank elevation with access to the garages gained from the rear.

5.4 This application proposes to erect a first floor extension up and over the applicant's garage and convert the garage into a study/utility room. The proposed first floor extension will be flush so as to mirror the existing line of the garage. The roof line of the proposed extension will be set lower than the existing main roof, so as to read as a subservient extension. The proposed extension is considered in keeping with the character of the existing dwelling and the immediate surrounding area. No windows are proposed on the rear elevation. As this is not the principal elevation it is considered that this blank rear elevation will not detract from the visual amenities of the street scene.

5.5 Residential amenity

It is considered that the proposed first floor extension by reason of its siting in relation with neighbouring properties would not have an adverse impact on existing residential amenities in terms of loss of privacy or overbearing impact.

5.6 Transportation issues

Objections have been received from the Parish Council regarding the loss of car parking. The proposed development will result in the loss of one car parking space as a result of the proposed garage conversion. The applicant has submitted a plan indicating that they own the land directly behind the garage which will provide off street parking for one car. It is considered that as parking could also take place within the rear courtyard for a second car that satisfactory levels of car parking can be provided in line with the Council's maximum car parking standards.

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 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 planning conditions.

Background Papers **PK08/0811/F**

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

CONDITIONS

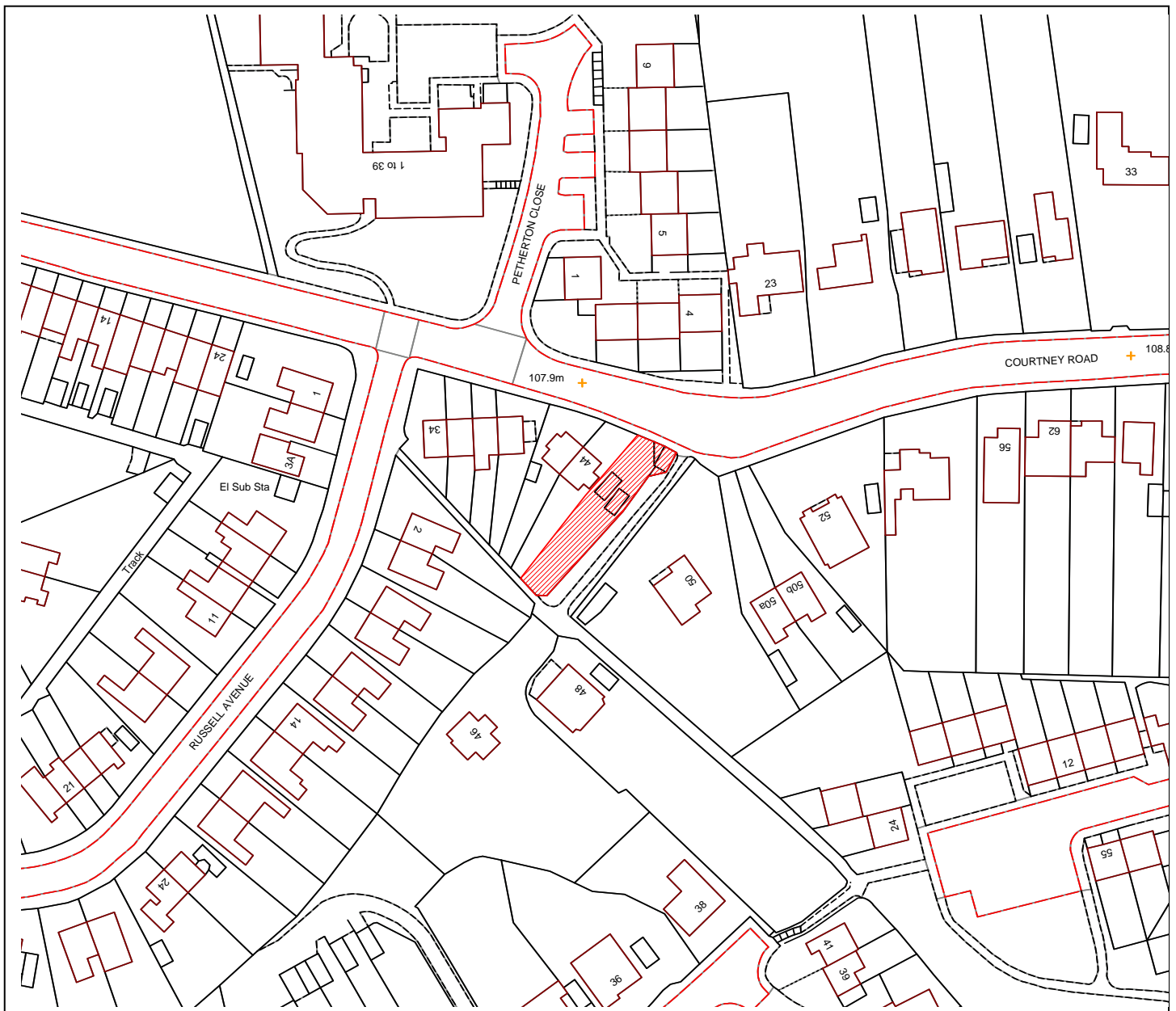
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

CIRCULATED SCHEDULE NO. 19/08 – 9 MAY 2008

App No.:	PK08/0861/F	Applicant:	SKS Development
Site:	Land adjacent to 44 Courtney Road, Kingswood, South Gloucestershire, BS15 9RH	Date Reg:	1st April 2008
Proposal:	Erection of 1no. detached dwelling and associated works. Erection of 1.8m high wall, fencing and gates.	Parish:	
Map Ref:	65152 73258	Ward:	Woodstock
Application Category:	Minor	Target Date:	20th May 2008



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 100023410, 2008.

INTRODUCTION

This application is referred to the Circulated Schedule to Members in accordance with procedure, given that an objection to the proposal has been received. Please note that this application is re-circulated to Members given that an incorrect map was included previously.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a detached property. The application site comprises an area of 302sq.m situated on land to the immediate south-west of No.44 Courtney Road. The site is currently vacant land and is bounded by a timber 1.8 metre. To the east of the site lies a private access lane, while to the rear there lies a public footpath. The site lies within a predominantly residential area with varying forms and styles.
- 1.2 The detached dwelling would have a depth of 10.2 metres and width of 6.3 metres. The building featuring a gable on the front elevation would have a height of 7.8 metres to the apex of the roof. The building line matches that of No.44 as would the eaves height. The building would be finished in facing brickwork on the rear elevation and front gable and the porch, with render on remaining elevations. Tiles are to match the adjoining property. Access is onto Courtney Road, with two parking spaces provided to the rear of the front boundary comprising a brick and timber wall with gates between brick piers. 1.8 metre timber fencing is retained along the other boundaries and a 19 metre south-west facing garden is to be provided to the rear.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transportation

2.2 South Gloucestershire Local Plan (Adopted) January 2006

H2	Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
D1	Achieving Good Quality Design in New Development
T12	Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

P91/4343 Erection of 1 no. 2 bed detached dwelling with parking (Approval)
P93/4158 Erection of 1 no. 3 bed house with parking and alteration to access (Outline Approval)

4. CONSULTATION RESPONSES

4.1 Parish Council

The area is unparished

4.2 Sustainable Transport

Having visited the site it is evident that sufficient parking (for at least 2 parking cars) will be retained for the existing dwelling within the frontage of no.44 via a separate access, though this has not been indicated on plan.

The proposed boundary fence will be located at least 2 metres from the effective edge of the carriageway and so I am satisfied intervisibility will be maintained between cars emerging from the proposed access and vehicles travelling along Courtney Road. Visibility will not be adversely affected for vehicles egressing the access lane to the east and the boundary fence will not encroach onto the Public Right of Way.

I am satisfied with the access and parking arrangements for the proposed dwelling and so raise no transportation objection.

4.3 Local Residents

One letter of objection has been received. The grounds of objection can be summarised as follows:

- The visibility from the access is inadequate given the position of the wall/fence and would result in danger to other road users
- The fence/wall will narrow the access to the side of the property preventing access

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPS3 seeks to widen housing choice, maintain an adequate housing supply within sustainable locations. The guidance places emphasis on good design and the creation of sustainable development. Following this guidance Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 supported by Policy H4 apply. The policy allows for residential development within existing defined settlement boundaries and urban areas subject to the criteria outlined below. Policy T12 gives more detailed guidance relating to the impact of new development upon the surrounding highways network.

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

These issues are discussed in detail under separate headings below.

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

The site including the original property has an area of 302 sq.m, that equates to approximately 33 dwellings per hectare. This density is considered compatible and appropriate within the context of this area and within the guidelines indicated in PPS3.

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

The site is not adversely affected by any of the above.

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

The proposal is for 1 dwelling and is therefore not likely to impact upon the area significantly in terms of service provision.

The impact upon residential amenity, transportation and landscape/design is considered in more detail below. Subject to consideration of these issues the proposed development is considered acceptable in principle.

5.2 Design/Visual Amenity

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure a high standard of design, this policy is reiterated in Policy H4 and is required by H2 in terms of environmental impact.

It is considered that the site is able to accommodate a new dwelling without appearing cramped. In terms of character, while the street and area predominantly consists of semi-detached and terraced properties, there are also examples of detached properties including No.60 the immediately adjoining site. The design and appearance is considered acceptable. While it is noted that Policy D1 promotes distinctive buildings, in this location it is considered important that the building integrates successfully into the street scene where there is a degree of uniformity of appearance. In this respect the use of render and brickwork is considered appropriate. The front boundary is considered appropriate and is similar to others in the vicinity.

At present the site, which is fenced to the front appears completely incongruous within the general street scene. The erection of a dwelling and more modest enclosure to the front, is considered to enhance the appearance of the locality.

The scheme has been amended following negotiations to ensure acceptable window proportions and to add some detailing at the upper level. This is considered to enhance the appearance of the proposal.

Subject to the above conditions the design of the proposal is considered acceptable and in accord with Policy H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.3 Residential Amenity

Amenity is assessed in terms of whether a development would appear oppressive or overbearing when viewed from adjoining properties and in terms of whether loss of privacy would occur as a result of overlooking.

In terms of privacy issues, it is not considered that the proposal would result in significant overlooking of the adjoining properties. No windows are proposed in the side elevations. In order to assess the potential impact of future windows on No.44 and No.60 situated to either side of the proposed dwelling a condition will be attached to the decision requiring consent for future windows at first floor level in the side elevations.

In terms of the physical impact of the proposal, given its location any impact must be assessed largely against No.44. The proposal would extend by 3

metres beyond the rear of No.44 and would lie alongside the boundary of that property. This is considered to be acceptable. It should be noted that a carport, (associated with No.44), provides separation from the main windows in the rear elevation of No.44. The proposal is considered acceptable in this respect and the distance to other neighbouring properties ensures that there is no significant impact.

The development is considered able to provide adequate private amenity space for future occupiers. A condition will be attached to the decision notice to require that all boundary treatments are in place prior to the first occupation of the dwelling in order to protect residential amenity and to ensure a satisfactory appearance of the development.

Given the close proximity of adjoining properties, a condition will be attached to the decision notice to restrict working hours during the construction period.

Subject to these conditions the proposed development is not considered to affect the residential amenity of neighbouring occupiers and is therefore in accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.4 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of new development upon the surrounding highway network, having regard to access and parking. Development will not be permitted where it would result in detriment to highway safety.

Officers consider that it is evident that sufficient parking (for at least 2 parking cars) will be retained for the existing dwelling within the frontage of no.44 via a separate access, although this has not been indicated on plan. A condition is recommended to ensure that all parking provision is in place prior to the first occupation of the new dwelling.

Concern has been expressed regarding visibility into and out of the property in particular given the position and height of the wall/fence. Officers consider however that given that the boundary fence will be located at least 2 metres from the effective edge of the carriageway, intervisibility will be maintained between cars emerging from the proposed access and vehicles travelling along Courtney Road. In addition visibility will not be adversely affected for vehicles egressing the access lane to the east. It is not considered that there would be any adverse impact upon other road users or pedestrians.

Concern has been expressed that the proposal will have an adverse impact upon the access to the side of the property, however the development takes place within the red line (ownership of the applicant) and does not encroach upon this area. Any encroachment upon land outside of the ownership of the applicant would be a legal matter between the different parties.

Subject to the above condition there is no transportation objection to the proposal and thus the development is considered to be in accord with the aims and objectives of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.5 Drainage

There is no objection to the proposed development by the Council Drainage Engineers. Informatives will be added to advise the applicant of their duties with respect to surface water run-off.

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.

5.7 Design and Access Statement

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Planning Permission be granted subject to the following conditions

Background Papers **PK08/0861/F**

Contact Officer: **David Stockdale**
Tel. No. **01454 864533**

CONDITIONS

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

Reason:

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

2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor side (north-west and south-east) elevations of the property.

Reason:

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

3. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 hours Monday to Friday and 0800 to 1300 hours Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To minimise disturbance to occupiers of [specify nearby buildings] and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The boundaries treatments shown on Drawing No.2369 (L) 010 shall be in place prior to the first occupation of the dwelling hereby permitted and shall be retained as such thereafter.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and in the interests of privacy to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

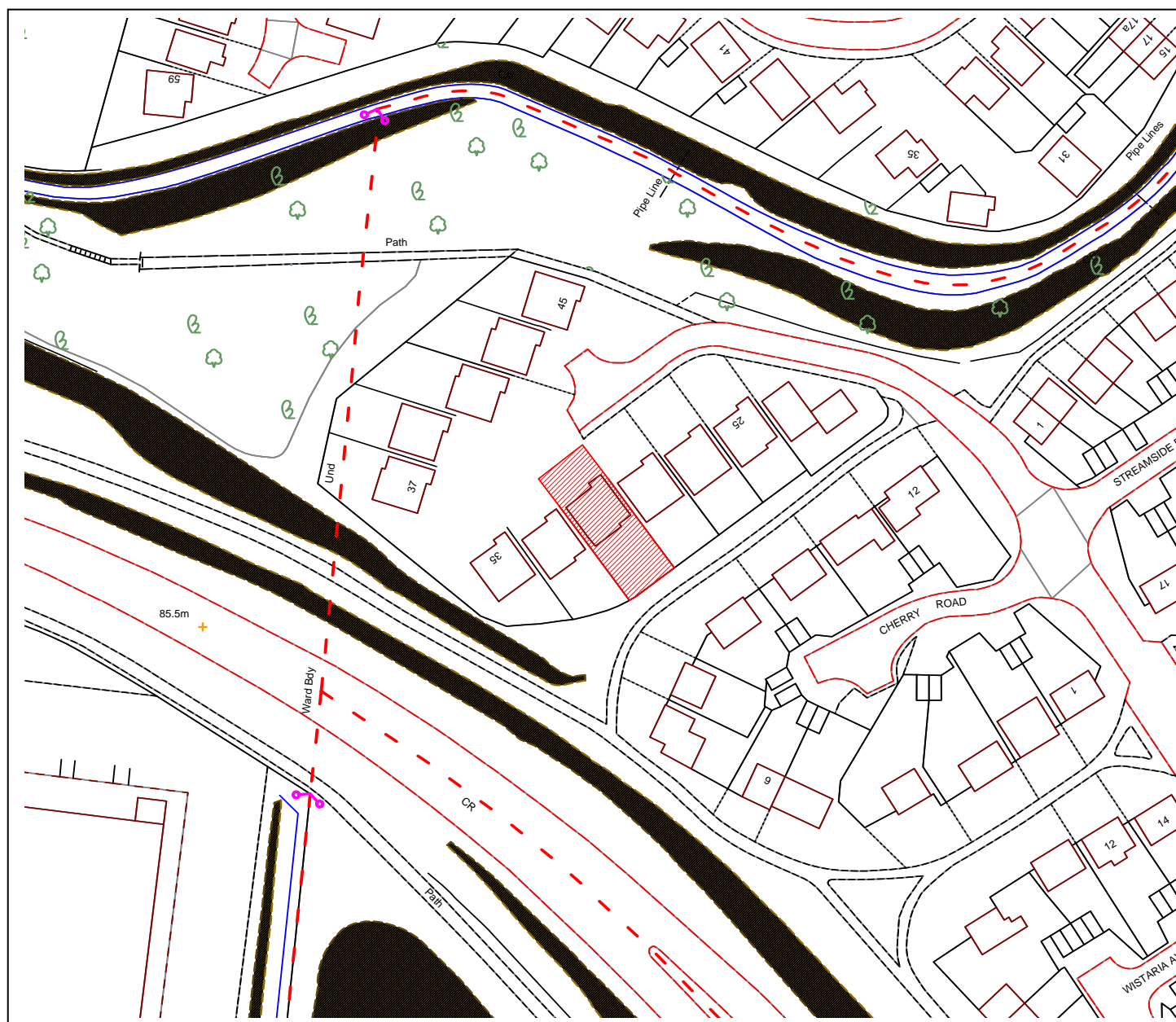
Reason:

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. 19/08 – 9 MAY 2008

App No.: PK08/0895/F
Site: 31 Highfield Road, Chipping Sodbury, South Gloucestershire, BS37 6HD
Proposal: Erection of first floor side extension over existing garage to provide additional living accommodation. (Resubmission of application PK07/2616/F).
Map Ref: ST72004 82183
Application Category: Minor

Applicant: Mr D Bolan
Date Reg: 3rd April 2008
Parish: Sodbury Town Council
Ward: Chipping Sodbury
Target Date: 22nd May 2008



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 100023410, 2008.

This application has been placed upon the Circulated schedule due to the receipt of a letter of objection contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This planning application proposes to erect a first floor extension above the garage to provide additional living accommodation to the detached modern dwelling in Chipping Sodbury. The existing dwelling features a brick finish and dark framed UPVC windows. This is a re-submission of application ref. PK072616/F which was refused on the grounds of poor design.

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2616/F - Erection of first floor side extension over existing garage to form additional living accommodation. Refused 17th October 2007.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council

No objection

- 4.2 Other Consultees

No comments received.

Other Representations

- 4.3 Local Residents

One letter of objection from no. 29 Highfield Road received stating the following concerns:

- “loss of day light and sunlight”
- “proposed extension upward to the garage area would be in breach of the original planning consent”
- “increase in reflective noise levels experienced both at night with general noise levels and when the council allows fairgrounds in the close proximity”
- “loss of privacy...during construction”
- “disturbance during construction”
- “loss of daylight and sunlight into the lounge and front garden area”

- “increase the direct effect on environmental carbon emissions”
- “increase the damp conditions”
- “subsidence”
- “first floor extension could have a direct bearing on the main wall of no 29”
- “whilst the revised plan shows the proposed extension to no 31 to be subservient to the main building the forward elevation due to the staggered plot layout would then place no 29 as subservient to that extension”

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design

The scale of the proposed extension as well as the choice of materials (to match the existing house) is acceptable. The application now proposes a first floor extension that is subservient to the front elevation of the dwelling and thus is entirely acceptable in terms of being sympathetic to the original dwelling and the visual amenities of the street scene.

5.3 Residential Amenity

The extension does not prejudice the amenity of the occupiers of neighbouring properties given its design, siting and scale. The extension would be located adjacent to the boundary with no. 29 Highfield Road and the side elevation of that dwelling. Nevertheless, there would not be a harmful impact upon the residential amenity of the occupiers of this dwelling. This is due to the positioning and design of the proposed extension not protruding further forward or back from the existing front and rear elevations of no. 30 Highfield Road, adjacent to the blank elevation wall of no. 29 Highfield. There are no habitable room windows in this elevation.

A number of concerns have been raised by the local resident with regard to the loss of light, increased noise, damp, subsidence, increased carbon emissions and disturbance during construction. Members should be advised, that issues relating to the loss of light, subsidence and disturbance are not material planning considerations and can not therefore be taken into account in the determination of this application.

As the application proposed involves the erection of a domestic extension, which is subject to compliance with Building Regulations issues of noise and damp will be addressed at the construction stage. Any future issues of noise disturbance can also be controlled through the Environmental Protection Act. The extension will also conform to current building regulation standards to address the issue of carbon emissions.

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 Planning Permission be GRANTED subject to the following conditions

Background Papers PK08/0895/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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason:

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north east elevation of the first floor extension.

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. 19/08 - 9 MAY 2008

App No.:	PK08/0914/F	Applicant:	Miss J Phillips
Site:	16 Birkdale, Warmley, South Gloucestershire, BS30 8GH	Date Reg:	4th April 2008
Proposal:	Conversion of garage to form additional living accommodation.	Parish:	Oldland Parish Council
Map Ref:	ST66479 72898	Ward:	Parkwall
Application Category:	Minor	Target Date:	29th May 2008



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N.T.S

PK08/0914/F

This application has been placed upon the Circulated Schedule due to the receipt of an objection from Oldland Parish Council which is contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 This planning application relates to a semi-detached dwelling and proposes the conversion of an integral garage to a dining room. A condition on the original planning permission for the housing development removed permitted development rights to convert the garage into living accommodation.
- 1.2 The property is located in a late twentieth century cul-de-sac characterised mostly by semi-detached dwellings, the majority of which have integral garages.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages
T8 Parking Standards
- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 N/A

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council

Object on the basis of loss of off-street car parking.
- 4.2 Other Consultees

N/A

Other Representations

- 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 extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed; it lists eight criteria to be considered.

The effect of this proposal in design terms would be the replacement of the existing garage door with a ground floor window. So long as the wall and frame materials match the existing, it is considered that the design would be appropriate.

5.3 Residential Amenity

There would be no impact on residential amenity as a result of the proposed conversion.

5.4 Parking and Highway Safety Implications

The application proposes the conversion of the garage, leaving the driveway as the only off-road parking for the dwelling. It is considered that two cars could fit on the driveway. It is considered that the application accords with the requirements of Policy T8 for a maximum of two spaces per three bedroom dwelling and maximum of three spaces per four bedroom dwelling and is thus acceptable on highway safety grounds.

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 planning permission be GRANTED subject to the following conditions

Background Papers **PK08/0914/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).

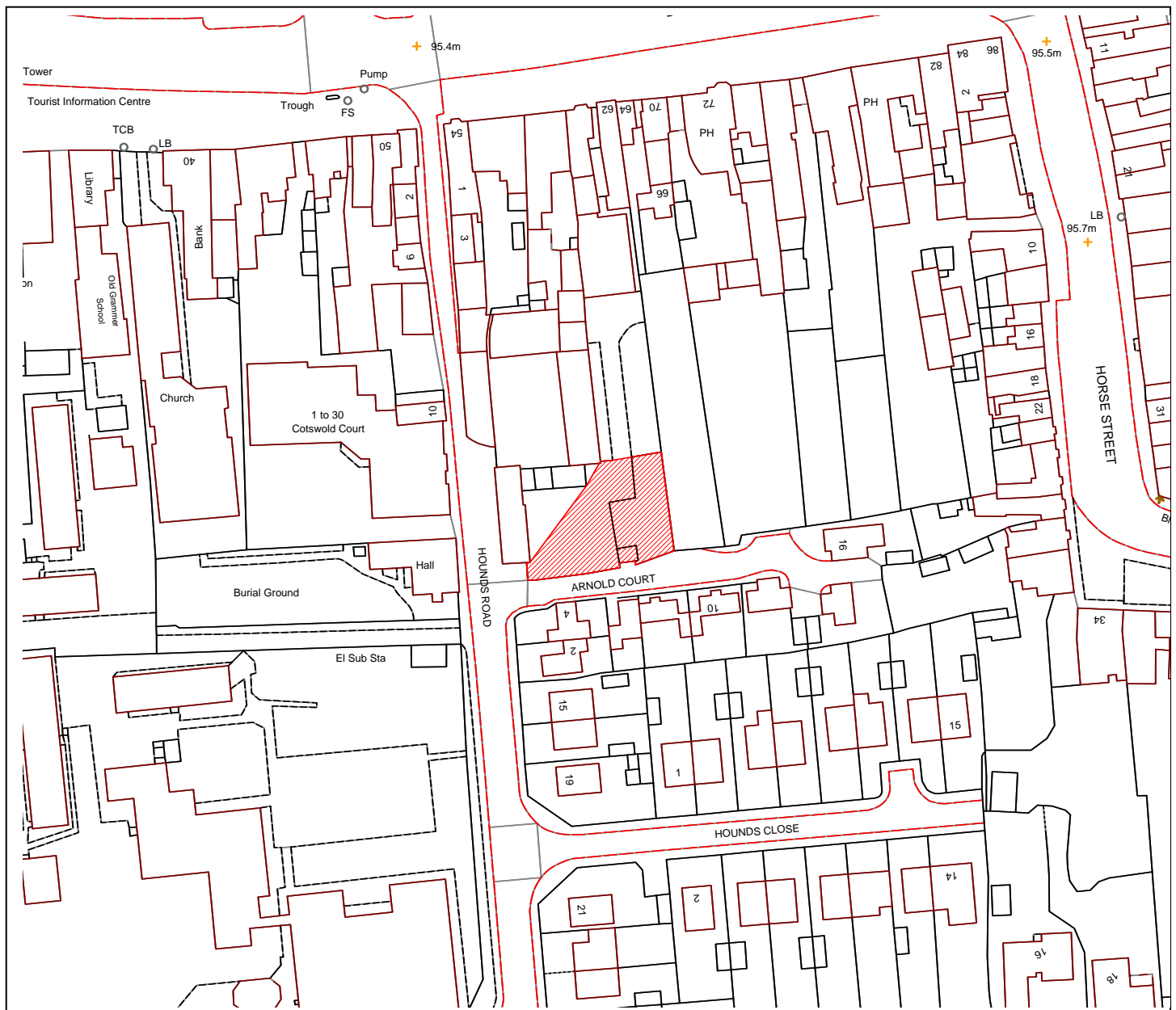
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. 19/08 – 9 MAY 2008

App No.:	PK08/0925/CLE	Applicant:	D Hume & O A Haire
Site:	Land to the rear of 60-62, Broad Street, Chipping Sodbury, South Gloucestershire, BS37 6AG	Date Reg:	7th April 2008
Proposal:	Application for Certificate of Lawfulness for existing use of land as storage and parking for caravans and vehicles.	Parish:	Sodbury Town Council
Map Ref:	72840 82118	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	26th May 2008



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100023410, 2008.

INTRODUCTION

This application is reported on the Circulated Schedule under the standard procedure for dealing with Certificate of Lawfulness applications.

1. THE PROPOSAL

1.1 This application makes the claim that land to the rear of 60-62 Broad Street, Chipping Sodbury was used for caravan storage for a period exceeding 10 years prior to the submission of this application. The site is in two parcels, the westernmost accessed by vehicles from a position next to the junction of Hounds Road and Arnold Court. It is possible to drive through this part of the site and gain access to the second portion. The boundary between the two parts of the site is marked by an overgrown building at present.

1.2 A site visit carried out on 7 April 2008 showed that there was little appreciable caravan storage on the site at that time, amounting to two derelict caravans. The rest of the site was used for the parking of cars and other motor vehicles.

2. POLICY CONTEXT

2.1 National Guidance

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

3. PLANNING HISTORY OF SITE

3.1 None for this site with any relevance to this application.

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

4.1 The application form states that the application is accompanied by nine affidavits together with photographs, aiming to prove the claim.

4.2 The first affidavit was sworn by Anthony Haas, stating that he has leased the land nearby to the site from 1995 to the end of July 1998 and previously worked at that site from 1985. From 1989 until 1998 he was the caretaker of the application site, being paid for this job through rents for the caravans. He goes on to state that until 1997 there were 2 or 3 caravans parked on the site; in 1998 there were 2. He also states that over the time he knew this site it was regularly used for car parking by visitors to the nearby businesses, including Mr Haas' business, especially in the nearest part of the site to the access, as well as used for parking for pick up and drop off for the nearby school. There were cars or other vehicles parked there almost every day of the week.

4.3 The second affidavit, sworn by Andrew Dawe, Director of Dawe Taxis, situated to the rear of a Broad Street property north of the application site. He states that in 1998 there were either one or two caravans parked on the site and latterly only one parked or stored there. He goes on to reiterate the points in 4.2 about the nature of parking on the site and states that since 1999 his business stored vehicles and trailers on the land, especially to the rear of their office.

4.4 Julie Eddlestone, has sworn the third affidavit, stating that she has lived close to Hounds Road from 1972-1996 and since then has visited family near to the site about three times a week. From 1972-2004 she has observed one, two or three caravans parked on the site and that there were usually cars there too. She has worked for Mr Dawe (see 4.3) since 2004 since when she reiterates the evidence of car parking given above.

4.5 Peter Smith, swore the fourth affidavit, stating that he has lived in the area for over 15 years and has worked for Dawe's Taxis since 2002. Up to about 1997 he recalls seeing several caravans parked on the site, visible from the road. After that time, the numbers declined to 1 or 2. He reiterates earlier evidence about car parking on the site.

4.6 The fifth statutory declaration was sworn by Brian Dash, caretaker of the site from 1998-2000. He recalls that in 1998 there were two caravans parked on the land and one was removed shortly after. He again reiterates evidence above about car parking which took place on the site, for school drop off and pick ups and visitors to the nearby businesses.

NB All his evidence is from August 1998 and therefore does not cover the full ten year period in question.

4.7 Les Underdown swears in the sixth affidavit that he has worked for Chipping Sodbury Glass for at least 20 years and that from his workplace he has a good view of the part of the site nearest Hounds Road. Up to about 1997 he recalls that several caravans were parked or stored on the site. This number declined to two and then one after about 1997. He reiterates the evidence given by other regarding car parking on the site.

4.8 The seventh affidavit has been sworn by Derek Stenner, the owner of 'the Mews' Hounds Road since 1999 at which time he recalls one or two caravans being stored on the site, declining to one, which was moved away from the site access in about 2002. Mr Stenner corroborated Mr Dawes evidence at 4.3 about business use of part of the land for the taxis from 1999 and reiterates earlier evidence of the use of the site for parking, including customers of his business.

NB All his evidence is from 1999 and therefore does not cover the full ten year period in question.

4.9 David Hume, one of the co-owners of the site since 1985, who knew the site since 1975, swore the eighth affidavit. He states that the land has been used for parking or the storage of caravans since approximately 1950. Until up to 1997 there were three caravans parked on the site. After then the number declined and in 2002 there was only one. Any land not used for the parking of caravans was used for parking of cars, dropping off and picking up from school, or for visitors to the nearby businesses on all days. Since 1998, the rear of the site has also been used by Mr Dawes under agreement.

4.10 The final affidavit was sworn by the other co-owner, Olive Haire, who has known the site since 1975, ten years prior to purchase. She repeats the submitted evidence by Mr Hume at 4.9.

4.11 All the submitted affidavits state that no attempts have been made to prevent parking on the site.

4.12 Also submitted as evidence are partial photographs of the site, dated on the back between 14 November 2007 and 25 March 2008. These are not referenced in any of the statutory declarations other than the final two (at 4.9 and 4.10). In summary all the photos show one caravan situated in the same space in the rear portion of the site.

5. SUMMARY OF CONTRADICTIONARY EVIDENCE

- 5.1 The Council's aerial photograph of the site from 1999 shows no clear evidence of any parking at all, however there are two white vehicles/ structures within the application site which are the size of caravans. About half of the site at this time is shown to have some form of greenery on it. It is therefore considered that on that day (at the time when the aerial photograph was taken) the photographic evidence cannot be considered to be conclusive. It does however support the claim in that it corroborates the evidence submitted regarding the level of caravan storage. It is considered that the fact that some of the site is covered by greenery would not necessarily preclude it being used for parking purposes.
- 5.2 The aerial photograph of the site from 2005 clearly shows one caravan parked on the site in the position shown on the submitted photographs. A van/ lorry and one car is also shown parked within the site, all in the area furthest from the access, which is again covered from greenery. The area closest to the access is hard-surfaced at this stage, but there was no parking on it at the time the photograph was taken.
- 5.3 Although outside of the ten year period in question, the 1991 aerial survey shows a similar picture to that in 1999 and 2005. The area furthest from the access is covered in greenery with no parking of any kind evident. This part of the site appears to be divided from the other area by two mature trees. The part closest to the access appears to be a hardstanding and three cars are shown parked on this area.

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Chipping Sodbury Town Council
No objection.

Other Representations

6.2 Local Residents/ Businesses

One letter was received, commenting on the information in the affidavits, providing a copy of a planning contravention notice and previous planning refusal notices on the site for development unrelated to this application, other than they were refused for highway reasons, inter alia. A recent aerial photograph shows one caravan parked on the site but no other evident parking, although part of the site is obscured by trees. Undated (recent) photos were also submitted, showing quite intensive parking on the site and another shows a no parking notice claimed to be on the site.

Along with the details listed above, the letter claims that the greenery on the site, the portion farthest from the access, would have precluded vehicle parking on it, as shown by an aerial photograph from 2006 and the fact that the taxi company bulldozed the land, and laid hardcore to facilitate parking on it. The letter goes on to request conditions be applied, if the use of the land for parking is proved, in order to protect highway safety.

NB A certificate of lawfulness application is the subject of an evidential test. Planning policy is not part of this test and conditions cannot be applied should a Certificate of lawfulness be granted.

7. ASSESSMENT

7.1 The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been carried out for a period exceeding ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 Dealing with the latter point from above first, as noted in the 'History' section above, no Enforcement Notice is in force on any part of the site. A Planning Contravention Notice was served, but no further action was taken after this.

7.3 The relevant test of the submitted evidence

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

7.4 Hierarchy of Evidence

The evidence submitted comprises statutory declarations, in some cases referring to further documents. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.

Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.5 In this case, some contradictory evidence has been received, in the form of a letter, which does not equate with the weight of evidence supplied with the application, in accordance with the above hierarchy. The test of the balance of probability will therefore be applied to the evidence and the counterevidence in turn. In the case of both, the relevant tests are that this evidence is clear and precise. The task of this application is to prove that the land was used for the purpose claimed for the last ten years. The time in question, when proof is required to complete a ten year period is therefore between March 1998 and

March 2008, and that this use, if proved, has not been abandoned. The evidence supporting the claim over this period has been detailed at Section 4 above. It is noted that most of the evidence by way of the affidavits covers the time period of the last ten years. Two of the affidavits however state that the land has been used for caravan storage since the 1950's. This raises the possibility that such a use could have been in place prior to the last ten years, but that that use has continued or discontinued since, however this possibility is not borne out by the photographic evidence from 1991. It is therefore considered that, on the balance of probabilities, a pre-existing use of the land before the ten year period in question for caravan parking and storage, particularly utilising the entire site, is unlikely to have taken place.

- 7.6 With regard to the series of statutory declarations which form the majority of the submitted evidence. There is the use of the land as a car park claimed by all the witnesses, within the red lined area. The statements do not corroborate each other exactly when it comes to the issue of caravan parking or storage, but this is recognised by all to be in decline in terms of the number of vehicles on the site. On the face of it, therefore, from the evidence presented and on the balance of probabilities, it is considered that the site has been used over the last ten years for car parking. The subsequent question, arising from the aerial photographic evidence of greenery, and minimal levels of parking, if at all, on the part of the site furthest from the access, is how much of the site has been used for parking purposes.
- 7.7 Although there is some lack of corroboration, each statutory declaration applies to the same red lined area on the accompanying plans. Each of the plans makes a distinction between two constituent parts of the site, which has been referred to as the part closest to the access and the part further away. A further distinction is added in some of the affidavits, referring to the taxi parking on land outside the application site (Mr Stenner's evidence) and on the part of the site furthest from the access (Ms Eddleston and Mr Dawe). This could only have taken place since 1999, when Mr Dawe took the lease of the building and therefore cannot have continued for a ten year period. If it had started prior to that, none of the evidence makes such a claim.
- 7.8 The use of the site is therefore considered to be either for the parking of caravans, the parking of cars, or neither, over the last ten years. It is clear from photographic evidence that at some times parts of the site were in no condition to be likely to have supported parking, as they had been overgrown. This is borne out by the counter evidence and aerial photographs from 1991, 1999 and 2005. While it is acknowledged that these photographs were taken at three precise moments in time over a 14 year period, it would be reasonably expected that they would show evidence of a long term storage use as claimed. What they do show is that the whole of the area of the site furthest from the access was not used for storage or parking. The area closest to the access does appear to have been used for parking. It is considered that the available evidence points to very limited caravan storage over the ten years in question on some parts of the site, but that these parts of the site were not necessarily constant. The corollary of this is considered to be that the whole of the site was not used for caravan storage, as claimed.

While the claimed use is considered not have been proven, the evidence of car parking in the area closest to the access is considered to have been proven to be more likely than not. This is shown through the submission of consistent affidavits, backed by the available photographic evidence.

8. CONCLUSION

8.1 Officers conclude, objectively and on the balance of probability, that, according to the submitted evidence, the claimed use of the site is unlikely to have taken place on the whole of the site, given the size of the red lined area and the precise recent evidence over the number of caravans stored or parked there. What has been proved is that over a period of the last ten years, part of this site has been used for car parking, either for taxis in connection with Mr Dawes business, for customers of local businesses or for dropping off and picking up school pupils. All the affidavits state that there has been no effort made to dissuade parking on the site.

9. RECOMMENDATION

9.1 That the Certificate of Lawfulness is granted for the use of part of the site as a car park.

Background Papers PK08/0925/CLE

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 19/08 – 9 MAY 2008

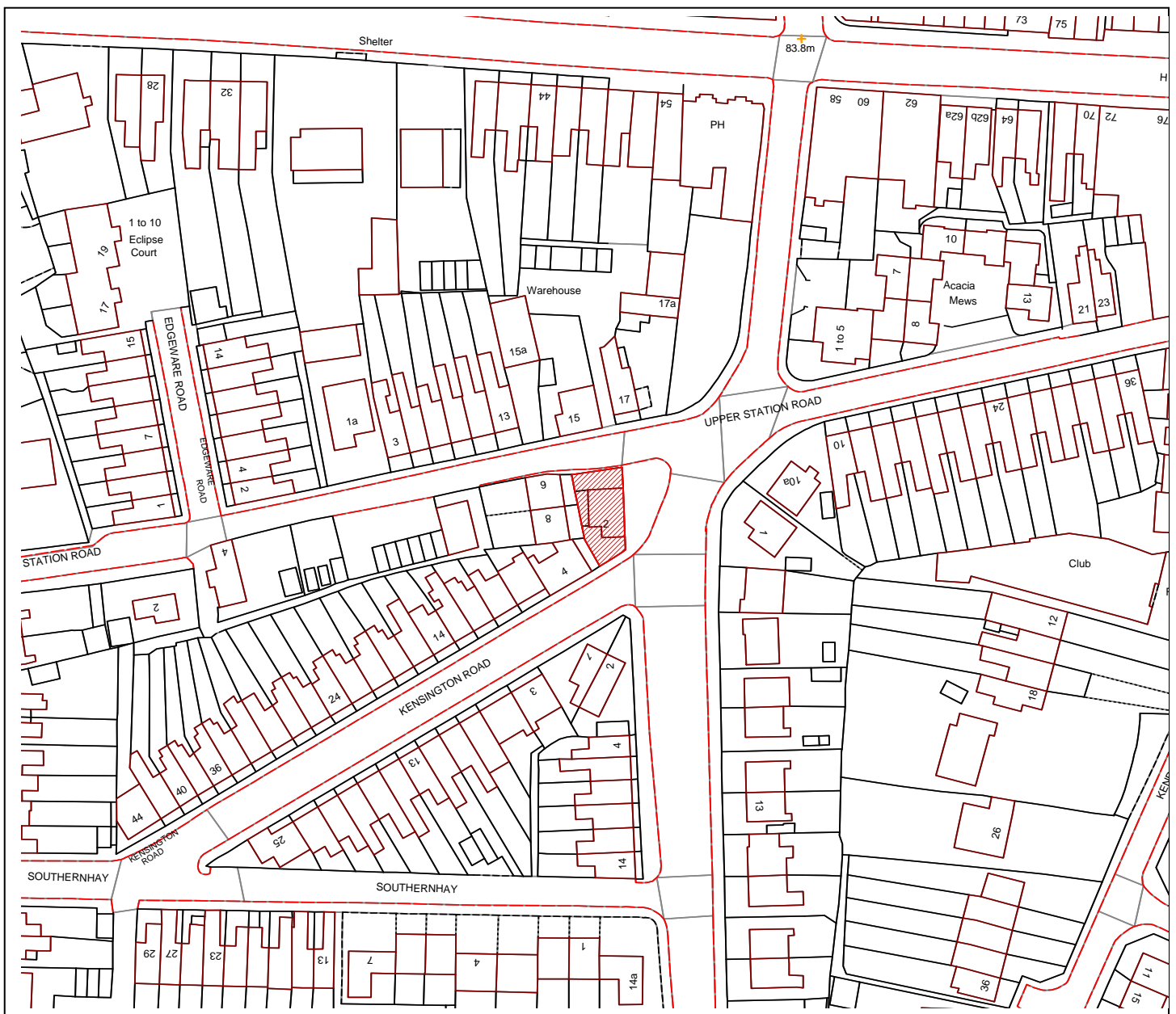
App No.: PK08/1001/F
Site: 2 Kensington Road, Staple Hill, South Gloucestershire, BS16 4LX
Proposal: Demolition of existing residential building to facilitate the erection of 4no. self contained flats with 4no. car parking spaces, bin and cycle stores and associated works. (Resubmission of PK08/0047/F).

Applicant: Mrs M Patel
Date Reg: 10th April 2008

Parish:

Map Ref: 64584 75844
Application Category: Minor

Ward: Staple Hill
Target Date: 2nd June 2008



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100023410, 2008.
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INTRODUCTION

This application is referred to the Circulated Schedule to Council Members in accordance with procedure given that an objection has been received.

1. PROPOSAL

- 1.1 The applicant seeks consent for the erection of a three storey building to incorporate 4 no. self contained flats. The scheme would create 1 no. 1 bed and 1 no. 2 bed flats on the ground and first floor. The proposal will involve the demolition of the existing building on the site, a three storey building, probably Victorian in origin finished in traditional pennant sandstone. The original building, (and the site), are prominently located at the junction of Upper Station Road, Kensington Road and Soundwell Road.
- 1.2 The proposed building would largely follow the line of the existing building albeit the building will be extended into Kensington Road. The building will be two storeys in height with hipped ends being approximately 7.4 metres to the apex of the roof. Materials include brown coloured facing brickwork to above the ground floor windows, with painted render. Brown concrete roof tiles are to be used.
- 1.3 Access to the flats is from the front. Bin and cycle storage are to the rear within a rear courtyard accessed across the car parking area located on Upper Station Road. A boundary wall is to be removed on the Upper Station Road elevation and 4 no parking spaces put in place.
- 1.4 The proposed development represents a resubmission of Application No. PK08/0047/F, for a development of 5 no. flats (see relevant history below). The development was of a building 8.7 metres to the apex of the roof, involving room in the roofspace, a rear spiral staircase and extension to the rear with four parking spaces.

2.0 POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transportation

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
EP1	Environmental Pollution
EP4	Noise Sensitive Development
L17/18	The Water Environment
T8	Parking Standards
T12	Transportation
H4	Development within existing residential curtilages
H2	Residential Development within Existing Urban Areas and Settlement Boundaries
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)

The South Gloucestershire Design Checklist (Adopted August 2007)

3. RELEVANT PLANNING HISTORY

P95/4464 Change of use of existing dwelling to provide bed and breakfast accommodation. Erection of two storey extension to provide self contained living accommodation. (Refused)

PK08/0047/F Demolition of existing residential building to facilitate the erection of 5 no. self contained flats with 24 no. car parking spaces and other works. The application was refused for the following reasons:

- The proposal would have resulted in an oppressive and overbearing impact upon No.6 and No.8 Upper Station Road to the detriment of residential amenity
- The proposal would have resulted in a loss of privacy by reason of the overlooking of No.6 and No.8 Upper Station Road
- The building by reason of its bulk, massing, materials and appearance would appear out of character with the type of building in the area
- The parking provision was inadequate to serve the development and would result in detriment to Highway Safety.

4. CONSULTATION RESPONSES

4.1 The area is unparished

4.2 Sustainable Transport Team

Planning permission has previously been sought to demolish the existing building on site to allow for the erection of five flats (PK08/0047/F). Transportation objection was raised to this proposal on the lack of parking and pedestrian facilities in the vicinity of the site.

This current submission now seeks to erect 4 flats on the site. Four vehicular parking spaces and pedestrian access is now proposed off Upper Station Road. It is now proposed to widen the existing footway along the whole site fronting onto Upper Station Road. It would appear from the plan submitted that the boundary wall along the parking space closest to Acacia Road is extending onto the new footway. This will need to be amended to allow the widened footpath to link into the existing footway network.

Although it has been indicated that cycle parking will be provided in the amenity area, no detail of the type of storage has been provided. Detail will need to be submitted for approval by the Council prior to first occupation of any of the dwellings.

Subject to the following conditions, there is no transportation objection to this proposal. The existing footway along the site fronting Upper Station Road needs to be widened to provide a minimum footway width of 1.2m. This footway will need to link into the existing footway network and be constructed to the full and final satisfaction of the Council. The boundary wall alongside the parking space closest to Acacia Road must not encroach onto the proposed footway and must be kept to a maximum height of 0.9m to allow for pedestrian visibility. Four vehicular parking spaces to be provided, one for each dwelling. This parking needs to be provided prior to first occupation of any of the dwellings. All vehicular parking spaces to have a bound surface and be satisfactorily maintained as such. Four cycle parking spaces to be

provided prior to first occupation of any of the dwellings. Detail of the proposed cycle parking to be submitted for approval by the Council.

4.3 Education

Confirm that there is a projected surplus capacity at both primary and secondary schools within the area of the proposed development. For this reason we would not currently request an education contribution. We reserve the right to amend this should the number of planned units increase or if the development does not proceed in the near future.

4.4 Local Residents

There has been 1 letter of objection received. The grounds of objection can be summarised as follows

- The proposal will result in loss of privacy to an adjoining occupiers
- The proposal is out of character with the type of building in the local area
- The proposal not provide sufficient or appropriate parking and will result in congestion/highway safety problems/pavement parking
- There are inaccuracies in the design and access statement (these have subsequently been corrected)

One letter of support for the proposed development has been received stating that the building will improve the “look-out” from their property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 following guidance in PPG3 allows for residential development within existing Urban Areas and within settlement boundaries as defined on the proposals maps subject to the following criteria relating to:

- Unacceptable environmental and transportation effects and whether it would significantly prejudice residential amenity
- The maximum density compatible with the site is achieved, the expectation that all developments will achieve a maximum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit
- The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination
- Provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposal.

The environmental impact of the proposal, design, landscaping, impact upon both the highway network and residential amenity and Service provision will be assessed in detail below.

With respect to the density of the development, 4 flats on a site of 163 sqm equates to a density of 244 dwellings per hectare. Even accounting for this being a development of flats, this represents a very high density. High densities in themselves are not inappropriate in particular within an urban area in close

proximity to local facilities, however clearly with such densities there can be implications in terms of other development control criteria and this is assessed in detail below.

Given that the site lies within the settlement boundary it falls within an area considered acceptable in principle for residential development as defined by Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 subject to the following detailed assessment.

5.2 Design and Layout

Policy H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 require the siting, overall layout, scale, height and massing to be informed by and respect the character of the surrounding area.

With respect to the scale of the proposed building, the height would be significantly less than the original building and less than original proposal. The current proposal having a height of 7.4 metres (5 metres to eaves level) and the original proposal having a height of 8.7 metres (6.5 metres to eaves level). A bulky rear extension and visually poor spiral staircase have also been removed and the building now extends by curving the frontage into Kensington Road. The form and scale of the development is now considered appropriate. A hipped roof is to be used (this will be more appropriate in amenity terms) which is also appropriate and a form used extensively within the vicinity of the property.

The building is quite simple in form with the use of brick and painted render. The use of brown bricks and tiles will enable the building to integrate to a degree with its surroundings albeit brown pennant stone is pre-dominant in the area.

It is considered that the design and appearance of the proposed development is not acceptable and would be contrary to the aims and objectives of Policies D1 and H2 and guidance given in PPS3.

5.3 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of development upon the surrounding highway network having regard to safe access, impact upon traffic congestion and road safety, impact upon residential amenity and where necessary provides measures to improve safety and environmental enhancement where that is required as a result of a development. The policy is supported by guidance given in PPG13.

Four vehicular parking spaces and pedestrian access is now proposed off Upper Station Road. This is considered to accord with the maximum parking standards set out in the South Gloucestershire Local Plan (Adopted January 2006), having regard to the provision of cycle parking and the sustainable location of the site close to local facilities and bus services. A minimum footway width of 1.2 metres is required along the Upper Station Road frontage and this will be secured by condition. The boundary wall closest to Acacia Road shall be maintained at a height of 0.9 metres and this shall again be secured by condition (to be retained at that height thereafter). Conditions are also recommended to secure full details of cycle parking prior to commencement of any development, the provision of parking spaces (and refuse storage) as shown prior to the first occupation of the dwellings.

Subject to these conditions Officers have no transportation objection to the proposal which is considered in accord with Policy T12 of the South Gloucestershire Local Plan (Adopted January 2006)

5.4 Residential Amenity

Residential Amenity is assessed in terms of the physical impact of a proposal ie whether it would appear oppressive or overbearing when viewed from that property. In addition the impact upon the privacy of neighbouring occupiers will be assessed. The amenity of future occupiers is also considered both in terms of the impact from adjoining properties and the level of amenity space that is provided for the dwelling.

Given the location of the proposed development any impact upon residential amenity must largely be assessed in terms of the potential impact upon No.6 and No.8 Upper Station Road and No.4 Kensington Road. The principle concerns relating to the previous proposal (PK08/0047/F) related to the impact from the windows/doors and principally the spiral staircase on the rear west elevation and the resultant overlooking of No.6 and No.8 situated immediately to the rear. The current proposal, with only one window now proposed at first level on the rear elevation with this being to a bathroom has removed this concern. Subject to a condition to require the use of obscure glazing in this window it is considered that the proposal is acceptable in terms of impact upon privacy.

It is considered that the revised form of the proposal and subsequent removal of a rear extension also overcomes previous concerns. It is acknowledged that a degree of enclosure will remain as a result of the extension alongside the side elevation of No.4 Kensington Road, however there are considered to be mitigating circumstances. Firstly the overall height of the building will be reduced from the current 9.6 metres (6 metres to eaves level) to 7.4 metres (5 metres to eaves level), a significant reduction. Secondly, hipped roof slopes on the end elevations have been negotiated by the case officer reducing any impact and reducing the impact significantly to No.6 to the north over the current situation. Lastly a gap of 2 metres will be retained to the side of No.4 Kensington Road and given the orientation (to the south) any reduction in light would be limited given the height of the building. In addition amenity space (greater in area than to the rear) is available to No.6 and 8 to their front.

Concern has been raised by the occupier of No.17 Upper Station that proposed windows in the northern elevation would result in overlooking/loss of privacy. Given that the distance between the properties is approximately 15 metres (at an angle) this is considered a normal residential relationship for buildings on either side of a street and it is not considered that the refusal of the application could be sustained on those grounds.

Bin storage is provided to the rear, this is not sited immediately adjoining the neighbouring boundary but on the rear elevation and will be fully enclosed. In terms of amenity space for future occupiers, none is provided however it is not considered that there would be such an expectation for one and two bedroom flats. The site lies relatively close to public open space in Soundwell and Page Park.

It is therefore considered that the proposed development would adversely affect the residential amenity of neighbouring occupiers and is therefore

contrary to Policy H2 of the South Gloucestershire Local Plan (Adopted January 2006).

5.5 Drainage

There is no objection to the proposed development from the Council Technical Services Unit.

5.6 Affordable Housing

The proposal involves less than 15 dwellings (and is on a site less than 0.5 hectares) and therefore under the threshold set down in Policy H6 at which contributions towards affordable housing would be sought from the developer.

5.7 Community Services

The proposal falls below the threshold at which contributions towards Open Space or other Community facilities would be required.

5.8 Education Services

Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006 indicates that where local education provision is inadequate to meet the projected need for school places arising from future occupiers of proposal for new residential development.

Education Services indicate that contributions are not required in this case given a surplus of provision in this area.

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.

5.10 Design and Access Statement

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

6.0 CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning Permission be granted subject to the following conditions

Background Papers **PK08/1001/F**

Contact Officer: **David Stockdale**
Tel. No. **01454 864533**

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

Reason:

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

3. The four off-street parking spaces shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. The parking spaces shall have a bound surface and the allocation of the spaces to the flats shall be clearly marked on the ground.

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 boundary wall alongside the parking space adjacent to Acacia Road shall be kept at a maximum height of 0.9 metres at all times thereafter (and shall not encroach upon the proposed footway).

Reason:

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

5. Full details of the proposed cycle parking spaces, (to be provided at a ration of 1 secure space per flat), shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason:

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

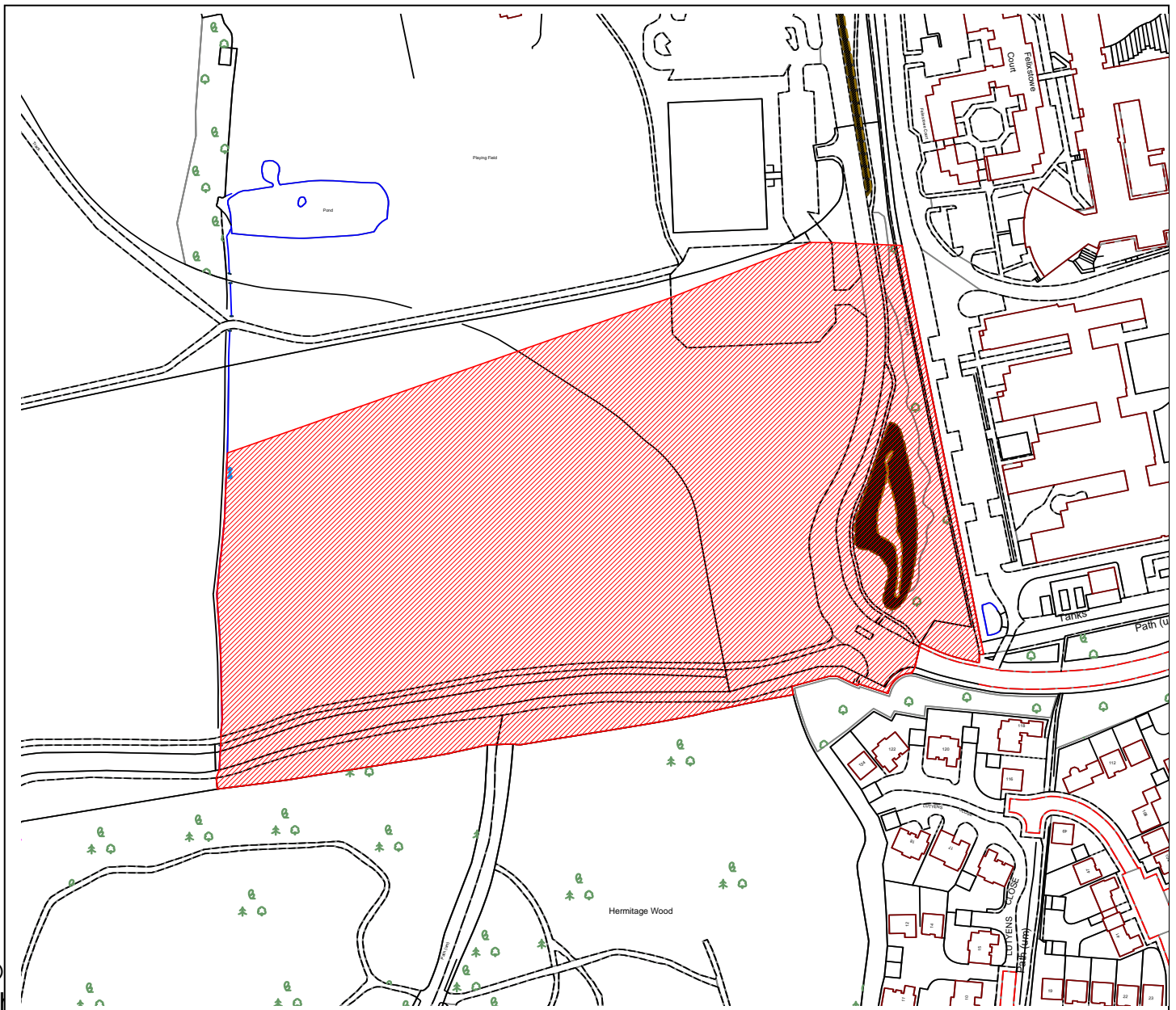
6. The existing footway on the Upper Station Road frontage shall be widened to a minimum width of 1.2 metres prior to the commencement of the development, (this footway shall link to the existing footway network) and be constructed to the full and final satisfaction of the Council)

Reason:

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

CIRCULATED SCHEDULE NO. 19/08 – 9 MAY 2008

App No.:	PT07/3519/RM	Applicant:	Redrow Homes(South West) Ltd
Site:	Walls Court Farm Filton Road Stoke Gifford South Gloucestershire BS34 8QZ	Date Reg:	29th November 2007
Proposal:	Erection of 225 no. dwellings with car parking, landscaping and associated works (Approval of Reserved Matters to be read in conjunction with planning permission PT04/0684/O).	Parish:	Stoke Gifford Parish Council
Map Ref:	61839 77772	Ward:	Frenchay and Stoke Park
Application Category:	Major	Target Date:	25th February 2008



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DC0901MW

The application appears on the circulated schedule because it is a major development and there have been representations of objection from third parties.

1. THE PROPOSAL

- 1.1 The application seeks consent (on the second development area) for those matters that were reserved by reason of conditions 1 and 2 of outline planning permission PT04/0684/O; specifically matters relating to siting, design and external appearance of buildings, and landscaping. A total of 225No. dwellings are proposed within the second development area (as identified in the approved masterplan). Furthermore, condition 3 of outline planning permission PT04/0684/O states that these details shall accord with the approved masterplan; and condition 9 states that the reserved matters should achieve an average density of 50 dHa across the site.
- 1.2 The application relates to an outline planning permission on 24Ha land that is allocated for residential development (minimum dwelling target – 900) in the South Gloucestershire Local Plan (Adopted) January 2006. The first development area of 100 dwellings has already been granted reserved matters consent (reference PT07/1715/RM). The second development area comprises 4.87 hectares situated on the eastern side of the site at the entrance point into the site from the Coldharbour Lane access road. A net density of 58dHa is proposed.
- 1.3 The proposed development comprises 28No. 1-bed, 85No. 2-bed, 51No. 3-bed, 57No. 4-bed and 4No. 5-bed units. Of these, 67No. units will be for affordable housing comprising 42No. units for rent (6No. 1-bed, 15No. 2-bed, 10No. 3-bed and 11No. 4-bed) and 25No. shared ownership units (3No 1-bed, 19No 2-bed and 3No. 3-bed). The composition of the affordable housing accords with the approved Affordable Housing Masterplan and the completed section 106 legal agreement.
- 1.4 Summary of planning permission ref.PT04/0684/O
On 19th May 2005 outline planning permission was approved for residential development at a net density of 50 dHa together with supporting infrastructure and ancillary facilities. Planning permission has also been approved by Bristol City Council for residential development that forms part of the site but which is within their boundary. The consent relates to land that is allocated for residential development in the South Gloucestershire Local Plan (Adopted) January 2006 for a minimum of 900 dwellings. A number of conditions were attached to the outline planning permission; and many of those conditions requiring pre-commencement approval have been satisfactorily discharged.
- 1.5 A section 106 attached to the outline planning permission ensures that numerous planning obligations are delivered including a neighbourhood centre, nursery, primary school, public art, 30% affordable housing (60% rented and 40% shared ownership (achieved through an approved affordable housing masterplan)), bus link (including rapid transit route), open spaces (including play areas) and various other financial contributions (education, various community facilities, community care, transportation (including car club, bus season tickets, cycle/parking facilities).

- 1.6 The section 106 also required a masterplan to be approved prior to the first reserved matters application. This masterplan has now been approved albeit that some matters including the design code were excluded from that approval.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPG17	Planning for Open Space, Sport and Recreation
PPS25	Development and Flood Risk

2.2 Joint Replacement Structure Plan: Saved Policies

Policy 1	Sustainable development
Policy 2	Location of development
Policy 12	Development in North Fringe
Policy 33	Housing provision and distribution

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L1	Landscape Protection and Enhancement
L5	Forest of Avon
L17/18	Water Environment
H1	Proposed sites for new residential development (site no.12).
H2	Proposals for Residential Development within the existing Urban Area and Defined Settlement Boundaries
H6	Affordable Housing
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
EP2	Flood Risk and Development
EP4	Noise Sensitive development
LC8	Open space and children's play in conjunction with residential development.

2.4 Supplementary Planning Documents

Design Checklist (Adopted).
Biodiversity Action Plan (Adopted).

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/0684/O Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities.

Approved. This planning permission also agreed the details of the access from Coldharbour Lane. A masterplan, required of a section 106 legal agreement, has also been approved.

- 3.2 PT06/1893/F Extension and alteration to access road (from MoD roundabout).

Approved.

- | | | |
|-----|-----------------------|--|
| 3.3 | PT07/1107/F
Lane) | Alterations to existing access road (from Coldharbour Lane)

Approved. |
| 3.4 | PT07/1432/RM | Access road for construction vehicles.
Approved. |
| 3.5 | PT07/1886/F
Lane). | Alterations to access and junction (onto Coldharbour Lane).

Approved. |
| 3.6 | PT07/2424/R3F | Formation of public transport bus link.
Approved 11 October 2007. |
| 3.7 | PT07/1715/RM | 100No. dwellings
Approved (Development Area 1) |

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection.
- 4.2 Bradley Stoke Town Council
Objection on the same grounds as Stoke Gifford Parish Council:
Objection on inconsistencies in drawings, open space issues, problems with bin storage, whether there exists enough car parking spaces in the right locations, design statement is weak on reduction in CO₂, question whether there is enough play-space, the formal entrance square should also be delivered, and wildlife should be appropriately addressed.
Also that the development will create additional traffic problems on inadequate roads.
- 4.3 Stoke Gifford Parish Council
Objection on inconsistencies in drawings, open space issues, problems with bin storage, whether there exists enough car parking spaces in the right locations, design statement is weak on reduction in CO₂, question whether there is enough play-space, the formal entrance square should also be delivered, and wildlife should be appropriately addressed.
- 4.4 Winterbourne Parish Council
No objection.
- 4.5 Wessex Water
Comments in relation to agreeing drainage details.
- 4.6 Highways Agency
No comment.
- 4.7 Environment Agency
No objection subject to approval of drainage details. Interests covered at outline stage.
- 4.8 Natural England
Comments on the opportunities to enhance biodiversity/wildlife habitat.

- 4.9 Sustainable Transport
No objection.
- 4.10 B Ae Systems
No objection subject to buildings not exceeding 101.5m
- 4.11 Sport England
No objection.

Other Representations

- 4.12 Local Residents
No representations received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks consent only for those matters that were reserved by reason of conditions 1 and 2 of outline planning permission PT04/0684/O; specifically matters relating to siting, design and external appearance of buildings, and landscaping. It is appropriate to deal with the outstanding reserved matters under the headings of layout (including landscaping, block structures, spaces, affordable housing placement) and building design and appearance, to also include environmental performance.
- 5.2 Layout and Landscaping
A net density of 58dHa is proposed. This is consistent with what was expected for this development area within the approved masterplan.
- 5.3 As with the previous Development Area 1 application, the development encompasses part of the primary avenue included in the masterplan. At the gateway to the site is a Public Square around which will be situated, on three sides, more imposing 2 and 3 storey detached houses. The houses suitably enclose this important public space. The square itself comprises part of the 0.89Ha of public open space required to be delivered as part of this phase of development. Significant tree planting will be undertaken within the square. The appropriate form of enclosure to the square should be dwarf wall with railings or railings, not the timber bollards indicated by the applicant. A condition to secure an appropriate form of enclosure to the square and furniture within the square including seating is recommended. The square and development that encloses it will positively address an important nodal point that was identified within the approved masterplan.
- 5.4 To the south of the public square will be the primary avenue, the other side of which will be linear public open space. The primary avenue will provide a tree lined boulevard with semi-detached villas on the north side. The primary avenue itself will include a rhythm of street trees between which there will be on street parking that was in itself a design objective of the masterplan. The south side of the primary avenue will be occupied by the linear open space within which there will be set the cycleway/footway. Appropriate landscaping with trees is achieved along this route to make an attractive environment for users. The design of the buffer with Long Wood and Hermitage Wood ancient woodland is that envisaged and achieves the retention and enhancement of the woodland edge that was an objective within the masterplan.

- 5.5 To the rear of the primary avenue the development will be characterised by a well defined block structure. Larger blocks will have running through them mews courts that will comprise units fronting a mews street. Within the mews, parking is provided. A suitable design and enclosure for these spaces has been achieved. The blocks are defined by strong outward looking frontages that face the street with well defined corner buildings where appropriate. Following negotiation with officers, mews parking courts have been redesigned to ensure only a single access point, and one that is appropriately gated in line with advice of the Council's Urban Design Officer and the Police Architectural Liaison Officer. Securing an appropriate locking system for the gates is a requirement of a planning condition.
- 5.6 At the western end of the application site another linear public open space is provided culminating in a new pond towards the northern boundary. This area has at its core the retained important hedgerow and protected trees that are enshrined within the masterplan. An important hedge is also suitably retained along the eastern boundary. Protection to these hedgerows is defined within the masterplan; a condition ensures that the applicant is aware of the expectation in this respect. Full details of the new pond and jetty is required by reason of condition; this should ensure that the detailed design achieves not just a water attenuation function but also as a positive contribution to the POS; for instance allowing direct access to the waters edge thus adding a stimulating and attractive edge to the play experience as envisaged within the masterplan. All public open space across the site has development fronting it and benefits from high degrees of natural surveillance.
- 5.7 The hierarchy of streets are well defined. The layout provides a very well defined primary avenue with primary streets and access streets off this, and the mews street at the bottom of the hierarchy. This is an appropriate response to the requirements of the masterplan. Parking will primarily be contained within the mews courts and squares. The level of car and bike parking provision is acceptable to the Council's Transportation Engineer in accordance with the Council's guidelines.
- 5.8 An appropriate response to bin storage requirements has been provided within a detailed refuse collection strategy based on the twin bin system. The location of the bin storage areas have been sensitively positioned and designed.
- 5.9 Along the northern boundary will run the approved public transport route. This area is outside the application site. This route has already been granted full planning permission (ref.PT07/2424/R3F). As with development area 1, the boundary with these routes will be defined by walls and railings of consistent material, the specific treatment will secure maximum visual permeability.
- 5.10 As required of the relevant condition of the outline planning permission, a full landscaping scheme has been submitted with the application. The scheme is a product of negotiation with officers. A variety of trees will border the primary avenue on the south side along the POS and next to the ancient woodland. More formal trees regularly interspersed amongst street parking will be situated along the northern side of the primary avenue. Elsewhere, areas of tree planting will be suitably provided as well as areas of ground level planting. Surfacing materials will be agreed by way of a recommended condition. Boundary treatment is appropriate. Retention of existing landscaping will

accord with the approved masterplan. The landscaping scheme reflects the thrust of the masterplan in focusing on securing habitat enhancement.

- 5.11 Of the two equipped play areas proposed in the approved masterplan, none are located within this phase of development. Informal opportunities for play are afforded within the public square and linear open space.
- 5.12 Within the phase of development subject to this application, affordable housing will be provided in small clusters throughout the site that are integral to the development as a whole in accordance with the approved masterplan. This is to the satisfaction of the Council's Housing Enabling Officer.
- 5.13 Building design and appearance
The development will comprise 2, 3 and 4 storey development. The positioning of the various scales of building has been appropriately considered in accordance with the masterplan. A more traditional architectural style has been provided compared with the contemporary nature of Development Area 1 having regard to the adjacent Stoke Park. There are modern references but in the main buildings are of simple proportions with terraces and other rows being designed as one entity rather than as individual house types. This has been achieved in an acceptable manner and the Design and Access Statement refers to the cues from which the themes for the architecture have been taken.
- 5.14 Along the primary avenue, there are some references to Regency architecture. The villas along the avenue will be of good architectural quality and will provide a repetition of unit type that will create a rhythm along the street. Each 3-storey villa will comprise a 2-storey bay of varying colour to rusticated render. The remainder of the building will be through colour render (under a roof that will be formed, required by condition, of a slate or substitute slate material). Small front gardens and a raised entrance level will be characteristic of the villa along the primary avenue making them more imposing and adding to the primacy of the avenue.
- 5.15 Across the site a good quality building design is achieved. Low level walls and planting privacy strips create appropriate thresholds to property a feeling of defensible space. Where this feature is absent on the submitted landscaping proposals, a condition to require such in compliance with the design and access statement is recommended.
- 5.16 An appropriate mix of render, brick, and tile is proposed. The Design and Access Statement indicates that the detailing are based on contextual cues. However, it is important that the detail of materials are appropriate and that the materials are, where necessary (eg. along the primary avenue) consistent with Development Area 1. A condition is recommended to approve the specific details of all materials (this was not included on the outline planning permission). In order to ensure that the position of utility meters is appropriate, a condition is recommended to agree their position in respect of elevations fronting the primary avenue and the secondary roads.
- 5.17 Building Performance
The developer has agreed to ensure that the development achieves Level 3 of the Code for Sustainable Homes. This is in accordance with the Council's adopted Design Checklist and the Draft Regional Spatial Strategy. It also complies with policy Policy D1(G) of the South Gloucestershire Local Plan

(Adopted) January 2006 that states “...Proposals will be required to demonstrate that ...the design, density, orientation and location of buildings and associated landscape proposals seek to achieve energy conservation and the protection of environmental resources...”. An appropriate condition is recommended in order to ensure compliance.

5.18 Third party representations

Many of the issues that have been raised by the Town and Parish Councils have been addressed above. Others relate to matters of principle that have already been considered under the outline planning permission. Issues relating to inconsistencies, open space issues and bin storage have now been adequately addressed. A comprehensive bin collection strategy has been agreed and appropriate provision of twin bin storage secured. Within the masterplan adequate equipped play-space is to be provided on the adjacent phase. There is no requirement to provide an equipped play-space in this phase. The formal entrance square will be delivered. The landscaping scheme and protection of existing important vegetation has been considered from an ecological perspective, as required of the approved masterplan.

5.19 Summary

The layout and design, that will comprise a Level 3 of Code for Sustainable Homes development, is one that can be considered to achieve a good standard of site planning as required by policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and one that accords with the objectives contained within the approved masterplan. The provision of affordable housing and public open space also accords with the approved masterplan and the completed section 106 agreement. Whilst the Design Codes were not approved as part of the masterplan, it is considered that this application satisfactorily addresses previous concerns. Drainage details are not a reserved matter, they are required to be approved by reason of condition 5 of the outline planning permission. 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 Adopted 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.
- 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 including the approved masterplan forming part of planning permission ref.PT04/0684/O.

7. RECOMMENDATION

- 7.1 That the Reserved Matters submitted in accordance with conditions 1 and 2 associated with outline planning permission PT04/0684/O dated 2nd November 2005 be APPROVED.

Contact Officer: Michael Simmons
Tel. No. 01454 863643

CONDITIONS

1. Before development commences the following details shall be first submitted to and agreed in writing by the local planning authority:

i) Railings above dwarf wall or solely railings to enclose the public square in the south east corner of the site.

ii) Furniture to the public squares including seating.

iii) A locking strategy for the gates to mews courts.

iv) Pond (including cross sections), jetty and seating. The details shall indicate an embankment that does not extend underneath the canopy of retained trees and hedgerows.

v) Details of surfacing and landscaping to the privacy strips to the frontage of plots 2006-2007, 2010,2120-2127, 2070-2072, 2076-2083,2045-2048, 2115-2118, 2090-2091 in the manner described in the Design and Access Statement.

vi) A strategy for the appropriate positioning of all gas and electricity meters for those plots that have elevations facing the primary avenue, Road 01, Road 02, Road 03, Road 04 and Road 05 indicated on approved draing no.301 rev E.

vii) Signage to allocated on-street parking spaces (referred to on "Parking Allocation" Plan).

viii) Footpath over drainage ditch along western boundary,
Development shall thereafter proceed in accordance with the agreed details.

Reason(s):

To ensure the development is of good design quality and its external appearance reflects the approved masterplan, in accordance with policies D1 and H2 of the South Gloucestershire Local Plan (Adopted). To ensure that the allocated on street parking is appropriately controlled for the intended users having regards to highway safety and policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To ensure the development is of good design quality and its external appearance reflects the approved masterplan, in accordance with policies D1 and H2 of the South Gloucestershire Local Plan (Adopted).

3. 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 (CSH) 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 supplement Planning and Climate Change, SGLP Policy D1, the South

Gloucestershire Design Checklist, and the draft Regional Spatial Strategy for the South West of England.

4. 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 a programme first agreed with the Local Planning Authority. The protection of retained hedgerows and trees and the management of the landscaping shall accord with the Landscape and Ecological Management Plan approved as part of the Masterplan that forms part of planning permission ref.PT04/0684/O.

Reason(s):

To ensure the development is of good design quality and its external appearance reflects the approved masterplan, in accordance with policies D1 and H2 of the South Gloucestershire Local Plan (Adopted).

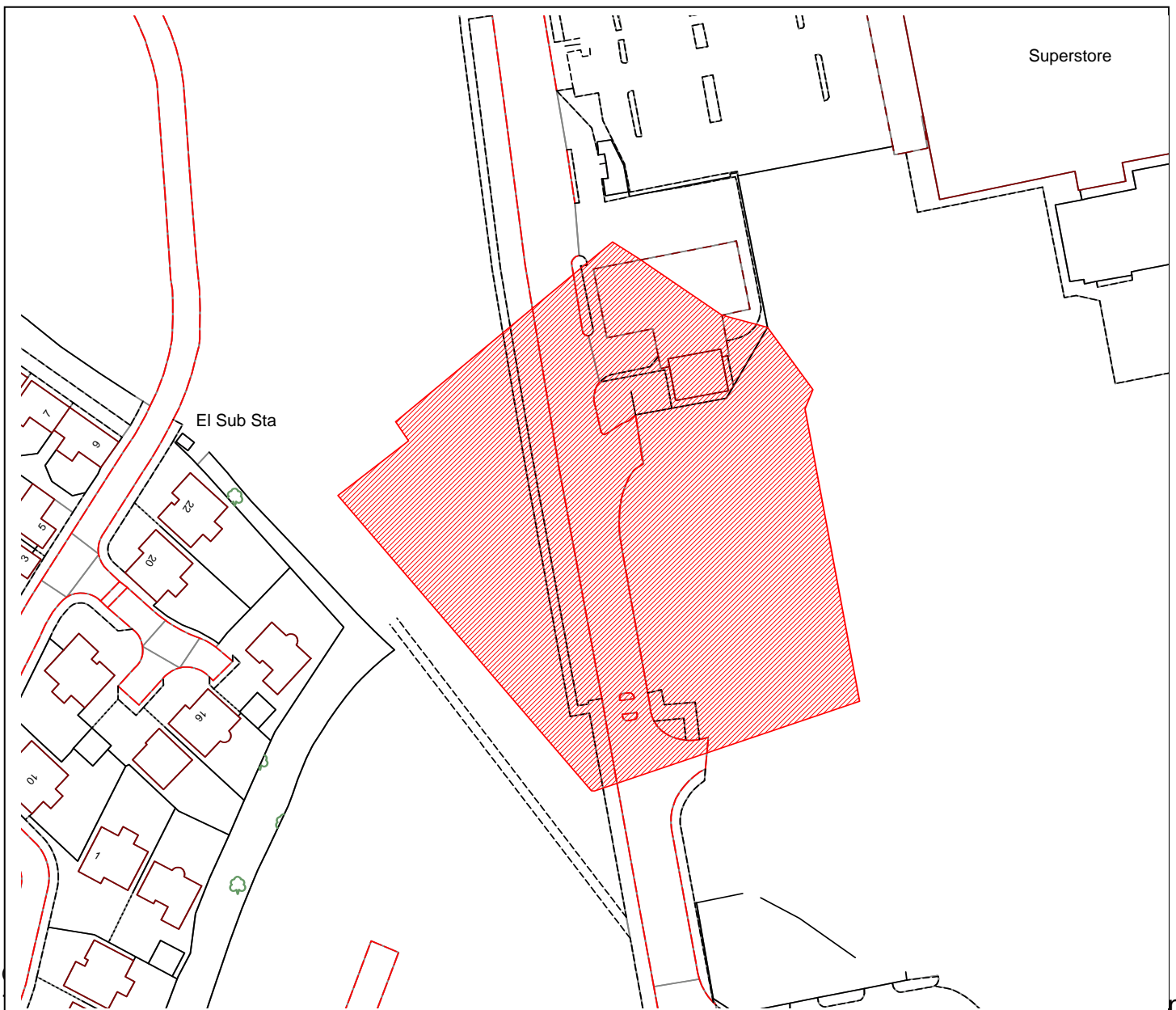
5. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 Classes B and D, or any minor operations as specified in Part 2 Class A (other than development wholly within rear gardens or on the boundary between rear gardens), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason(s):

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. 19/08 – 9 MAY 2008

App No.:	PT08/0641/RVC	Applicant:	Tesco Stores Ltd
Site:	Tesco Stores Ltd, Bradley Stoke District Centre, Bradley Stoke, South Gloucestershire, BS32 8EF	Date Reg:	10th March 2008
Proposal:	Variation of Condition 26 attached to planning permission PT05/1949/F to allow the provision of 7 units. Amendment of the condition to require 3 of these units to be used for Class A3 or Class A4 use.	Parish:	Bradley Stoke Town Council
Map Ref:	61975 81991	Ward:	Bradley Stoke Central and Stoke Lodge
Application Category:	Minor	Target Date:	14th April 2008



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100023410, 2008.

DC0901MW

1. THE PROPOSAL

1.1 Planning permission reference PT05/1949/F for Demolition of existing buildings to facilitate mixed use development to include retail, leisure, community facilities, public open space, bus station, shop mobility centre, petrol filling station, new access arrangements, car parking and other associated works on land at Bradley Stoke Way was granted on 19 October 2007, subject to the following condition number 26.

‘Two of the five ground floor town centre units as shown on drawing 9839 P1102 Rev J A, or on any further revision to this plan agreed in writing by the Local Planning Authority, shall be used as for Class A3 and/or Class A4 uses as indicated in the Town and Country Planning (Use Classes) Order 1987 (as amended April 2006). Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development Order 1995 or any order revoking those Orders with or without modification) the premises shall not be used for any purpose other than that hereby authorised without the prior written consent of the Local Planning Authority.

Reason:

To ensure the vitality of the town centre in accordance with Policy RT4 of the South Gloucestershire Local Plan (adopted 2006).

1.2 The submitted application seeks to increase the number of units in this area from five to seven and to vary the number of A3/A4 units from two to three. It seeks a change in the wording of the first part of the condition to read :-

‘Three of the seven ground floor town centre retail units as shown on drawing reference 9839P1122 ,or any further revision to this plan agreed in writing by the Local Planning Authority shall be used for Class A3 or Class A4 uses as indicated in the Town and Country Planning (Use Classes) Order 1987 (as amended April 2006).

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS6 Town Centres and Retail Developments

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
RT4 Emerging Town Centre at Bradley Stoke

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

3.1 PT05/1949/F

Demolition of existing buildings to facilitate mixed use development to include retail, leisure, community facilities, public open space, bus station , shop mobility centre, petrol filling station, new access arrangements, car parking and other associated works – Revised Layout
Approved subject to section 106 – 19 October 2007.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection

Other Representations

- 4.2 Local Residents

Two letters received that object on the following grounds:-

- 1) Implications of planning application on increase of pedestrian traffic via Manor Farm Crescent access point to the town centre. Already plagued by littering, disturbance and vandalism.
- 2) Additional Fast food/ take away outlets would exacerbate anti-social behaviour in the area.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The principle of development has already been agreed under the main application PT05/1949/F.

- 5.2 These town square units will help to ensure the vitality and vibrancy of the town centre, while the condition to ensure two of the units remain as Class A3 - Restaurants and Cafes and Class A4 – Drinking Establishments is to ensure that the centre stays active through the evening. The increase in unit numbers to seven would ensure that there is further variety and the requirement sought for three out of the seven units to be in Class A3/A4 use would retain a similar ratio to the previous condition. To ensure that the town square units do 'house' a variety of units, a further condition is suggested that each unit as shown on the plan is individually occupied to prevent a single occupier taking up two or three of them and reducing the variety.

- 5.3 With regard to the minor physical alterations to the original proposal to provide additional doors, these alterations are considered acceptable.

- 5.4 In response to the concern mentioned above with regard to pedestrian access, it should be noted that the accesses remain as the approved scheme. With regard to takeaways, it should be noted that takeaways are Class A5 as opposed to A3 or A4 and would therefore require a further planning permission to operate as a takeaway.

- 5.5 Design and Access Statement

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

- 5.6 Section 106 Requirements

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That Planning Permission be Granted subject to the additional condition that each unit shall be for individual occupation as opposed to let as part of a multiple.

Background Papers PT08/0641/RVC

Contact Officer: Ron Moss
Tel. No. 01454 863425

CONDITIONS

1. The hours for construction work shall be restricted to 8am to 6pm Monday - Friday; 8am to 1pm on Saturdays and no working shall take place on Sundays or Public Holidays, unless with the prior written consent of the Local Planning Authority.

Reason(s):

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

2. Within three months of this permission a construction traffic management plan to include matters such as hours of construction traffic movements, traffic management, routing and signage, load protection and wheel cleaning shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with this approved plan.

Reason(s):

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

3. Before the first of the non food retail units are occupied a landscape scheme for the area shown outlined in blue on drawing number 9839 P1102 Rev J, or on any further revisions to this plan agreed in writing by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall then be implemented in accordance with condition 8 on this planning permission.

Reason(s):

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

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Council gives written consent to any variation.

Reason 1. To protect the character and appearance of the area to accord with Policies D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Within three months of this permission details of all boundary treatments (walls, railings or fences) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the development shall only be carried out in accordance with the details so approved.

Reason 1. In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The approved attenuation fence shall be erected before the start of operations of the non food retail units and any necessary amendments to the fence required by the local planning authority within 6 months of its erection shall be carried out within three months of the Local Planning Authority putting their request in writing. The fence shall be retained in accordance with approved drawings.

Reason 1. To minimise disturbance to occupiers of nearby buildings, and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The development shall be carried out in accordance with the approved ecological strategy , which shall show any newts found during the destructive search of the grassland being moved to the existing pond on the neighbouring Brook Way.

Reason 1. To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No deliveries for the non food retail outlets, NFR Units 1-5, shown positioned towards the western boundary of the site shall be taken at or despatched from the site outside the hours of 0800 to 2000.

Reason 1. To minimise disturbance to occupiers of nearby buildings, and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Vehicles servicing the non food retail units ,NFR Units 1-5, shown positioned towards the western boundary of the site, shall turn off their reversing alarm systems when operating between the hours of 0730 - 0930 in the mornings and between 1800 - 2100 in the evenings

Reason 1. To minimise disturbance to occupiers of nearby buildings, and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Within three months of this permission details of the refuse bin provisions for the retail/commercial units shall be submitted to and approved in writing by the Local Planning Authority before work commences on site. The development shall then be carried out in accordance with these approved details.

Reason 1. To safeguard the amenities of the locality, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason 1. To safeguard the amenities of the locality, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. The scheme shall be implemented in accordance with the approved drainage details.

Reason 1. To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. Any oil or chemical storage tanks shall be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank and of a structural design approved in writing by the Local Planning Authority.

Reason 1. To prevent non-point source pollution and flooding, and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surfacewaters, whether direct or via soak aways.

Reason 1. To prevent pollution of Controlled Waters and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. The parking facilities (for all vehicles, including cycles) shown on the plans hereby approved shall be provided in accordance with the phased construction plan shown on drawing no; 9839 P1106 Rev B, or as on any further revision to this plan agreed in writing by the local planning authority, and thereafter retained for that purpose.

Reason 1. In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Within three months of this permission, detailed plans showing the provision of cycle parking facilities shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided in accordance with the phased construction plan shown on drawing no; 9839 P1106 Rev B, or as shown on any further revision to this plan agreed in writing by the local planning authority, and thereafter retained for that purpose.

Reason 1. In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. Within three months of this permission, details of the surfacing and drainage of the accessways, car and lorry parking areas and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with these approved details and the facilities so provided shall not be used, thereafter, for any purpose other than for the access, parking and manoeuvring of vehicles.

Reason 1. To ensure access is available to all members of the community, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. Prior to the first occupation of the development hereby authorised a commuter plan shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason 1. To encourage means of transportation other than the private car, to accord with Policy T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

19. Three of the seven ground floor town centre units as shown on drawing 9839-P1122, or on any further revision to this plan agreed in writing by the Local Planning Authority, shall be used as for Class A3 and/or Class A4 uses as indicated in the Town and Country Planning (Use Classes) Order 1987 (as amended April 2006) . Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting those Orders with or without modification) the premises shall not be used for any purpose other than that hereby authorised without the prior written consent of the Local Planning Authority.

Reason 1. To ensure the vitality of the town centre in accordance with policy RT4 of the South Gloucestershire Local Plan (adopted 2006)

20. The development hereby approved shall achieve a "very good" rating measured against the Building Research Establishment Environmental Assessment Method (BREEAM) or any other similar scheme as may be approved in writing by the Local Planning Authority. Details to verify that the minimum "very good" rating has been achieved for each phase of the development shall be submitted to and approved by the Local Planning Authority prior to the first occupation of that respective phase of the development

Reason 1. To ensure that the proposed building is constructed to be as energy efficient as possible and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

21. Within three months of this permission a detailed scheme of artwork (including timescale for completion , estimated budget and any method of lighting) shall be submitted to and agreed in writing by the Local Planning Authority . The artwork so agreed shall be installed prior to occupation of the first of the five Non Food Retail units shown positioned towards the western boundary of the site. .

Reason 1. In the interest of achieving a high quality distinctive design to accord with Policies D1 and LC13 of the South Gloucestershire Local Plan (Adopted) January 2006.

22. The works shall be carried out in accordance with the approved waste management scheme.

Reason 1. To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

23. The western end of the mall units, the town square and the town square units to the south of the bus lane shall be completed before the hereby approved Tesco store is opened to members of the public. The town square units to the north of the bus lane and the non food retail units shall then be constructed within 12 months of the date of the hereby approved Tesco store being opened to members of the public.

Reason 1. To ensure the vitality and viability of the emerging town centre in accordance with policy RT4 of the South Gloucestershire Local Plan (adopted) 2006.

23. Within three months of this permission details of a taxi rank for 4 vehicles and 4 holding bays for vehicles shall be submitted to and approved in writing by the Local Planning Authority. These bays and the rank shall be constructed prior to the opening of the Tesco store and thereafter retained .

Reason 1. To ensure access for all to the town centre and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

24. Within three months of this permission a scheme and timescale for the delivery of directional signage within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details and timescale as agreed.

Reason 1. To ensure the ease and safety of movement of both vehicles and pedestrians through the site and to accord with policy D1 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

24. There shall be no sub division or merging of the units within the town centre unless agreed in writing by the Local Planning Authority

Reason 1. To ensure the vitality of the town centre in accordance with policy RT4 of the South Gloucestershire Local Plan (adopted) January 2006.

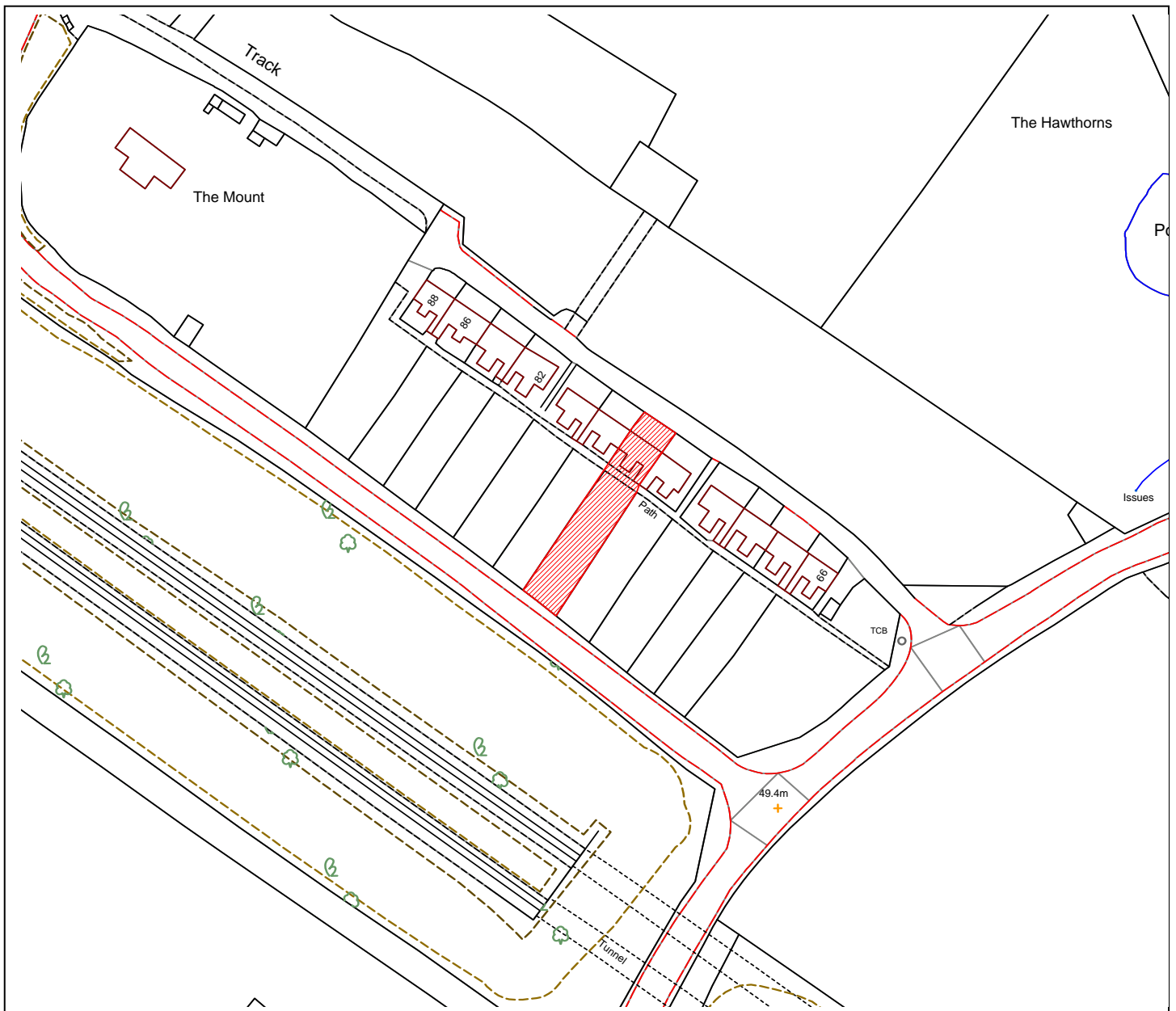
25. There shall be no blocking up/gating of the access to the town centre for the public unless otherwise agreed in writing by the local planning authority .

Reason 1. To ensure the vitality of the town centre in accordance with policy RT4 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 19/08 – 9 MAY 2008

App No.: PT08/0772/F
Site: 76 Over Lane, Almondsbury, South Gloucestershire, BS32 4BT
Proposal: Erection of 2 storey rear extension to provide additional living accommodation. Erection of front porch.
Map Ref: 59216 82966
Application Category: Minor

Applicant: Mr & Mrs J Day
Date Reg: 25th March 2008
Parish: Almondsbury Parish Council
Ward: Almondsbury
Target Date: 2nd May 2008



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DC0901MW

This application appears on the Circulated Schedule as a representation was received 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 provide additional living accommodation and also the erection of a front porch.
- 1.2 This is a mid terrace property outside of the existing urban area of Almondsbury and also within the Green Belt. The proposal consists of a two storey extension to the rear with matching brick, 2.8 m deep, 7.6 m in width and 6.0 m in height. The roof is pitched and materials consist of tiles to match existing. The proposal also includes an alteration to the front porch.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG2 Green Belts

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
H4 Development within Existing Residential Curtilage
GB1 Development within the Green Belt

2.3 Supplementary Planning Guidance

Design Checklist (Adopted) 2007
Development in the Green Belt (June 2007)

3. RELEVANT PLANNING HISTORY

P99/1811 – Erection of single storey rear extension. Approved (21/06/1999).

PT00/0518/F – Retention of single storey rear extension (retrospective).
Approved (05/04/2000).

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

No objection raised.

Other Representations

4.2 Local Residents

One objection received raising concern over how the proposed extension would tie in with an existing outbuilding and a possible loss of light / view.

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.

The application site lies within the Green Belt, therefore, consideration must be taken in regards to the impact on the openness of the Green Belt. PPG2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 allow in principle for extensions to residential dwellings subject to the cumulative additions to the dwelling house being proportionate to the original size.

5.2 Green Belt

The original property has been subject to one previous extension, a ground floor rear addition. This extension 'filled in' a gap between the party boundary and an existing extension to the rear built at the same time as the original dwelling. Calculations of cubic volume were included within the Design and Access Statement. The total volume of the original house is estimated at 237.5 cubic metres. The cubic volume of the proposed rear extension and porch is estimated at 99.75 cubic metres, consequently this would result in a 43% increase in the cubic volume of the original dwelling.

The Council's Supplementary Planning Document 'Development in the Green Belt' advises that house extensions that exceed a 30% volume increase shall be assessed as to whether or not they result in a disproportionate addition. In this instance it is considered that the proposal represents a proportionate addition to the original property. The ground floor rear extension remains as existing and the first floor extension will be set down from the ridge height of the host dwelling and set back from the sides.

5.3 Residential Amenity

Overbearing Analysis

The proposed rear extension at first floor level will be set back from the neighbouring party boundaries by 1.3 m (no. 78) and 1.5 m (no. 74) respectively. Therefore the proposal would not be overbearing on the residential amenity of neighbouring occupiers and will not result in a loss of light to neighbouring properties.

Privacy Analysis

No side windows are proposed and there are no neighbouring properties to the rear so therefore there would be no overlooking or loss of privacy as a result of the proposal.

5.4 Other Matters

A local resident raised concern over the impact the proposal may have on a rear boundary wall and any future development at the neighbouring property. In response your officers state that the proposal would not have any adverse

impact upon the boundary wall nor impact upon proposed development at the adjacent property.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/0772/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).

2. No windows shall be inserted at any time in the first floor flank elevations of the approved 2 storey rear extension.

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.

REFUSAL REASONS

No data found

DESCRIPTION OF PROPOSAL

No data found

CIRCULATED SCHEDULE NO. 19/08 – 9 MAY 2008

App No.: PT08/0841/F
Site: 24 Breaches Gate, Bradley Stoke,
 South Gloucestershire, BS32 8AZ
Proposal: Erection of rear conservatory.
Map Ref: 62906 80852
Application Category: Minor

Applicant: Mr Bowkett
Date Reg: 29th March 2008
Parish: Bradley Stoke Town
 Council
Ward: Bradley Stoke South
Target Date: 20th May 2008



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 100023410, 2008.

N.T.S

PT08/0841/F

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a rear conservatory.
- 1.2 This is a modern semi-detached property within the existing urban area of Bradley Stoke. The proposal consists of a conservatory to the rear with white UPVC plinth, 3.0 m deep, 3.0 m in width and 3.0 m in height. The roof is hipped and materials consist of white UPVC.

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

No relevant history

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

No objection raised.

Other Representations

4.2 Local Residents

One local resident raised concerns over –

- a) The height of the conservatory and possible loss of light.
- b) The impact of the size and position of the conservatory on neighbouring properties.
- c) Loss of trees.
- d) Possible impact on a boundary fence.

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

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 or lead to a loss of light at the adjacent property. The conservatory would be modest in depth and there is existing boundary treatment consisting of a 2 m high fence.

Privacy Analysis

The proposal is single storey and there is an existing party boundary fence approximately 2.0 m in height so therefore there would be no overlooking or loss of privacy as a result of the proposal.

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.

Highway Safety Analysis

As the conservatory is located at the rear of the property it will not impact on the property's parking arrangements, located at the front of the house, nor will it prejudice highway safety.

5.3 Design / Visual Amenity

The proposal is modest in scale and 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.

5.4 Other Matters

Concern was raised by a local resident about the possible loss of trees. It is not anticipated that the proposal would result in a loss of trees and there are no trees protected by Preservation Orders in the local vicinity. Concern was also raised regarding the impact the proposal may have on a boundary fence. The nearest boundary fence is 0.5 m from the proposed conservatory and it is noted that with regard to any encroachment the applicant has stated the land is within his ownership.

5.5 Section 106 Requirements

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

condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/0841/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. 19/08 – 9 MAY 2008

App No.: PT08/0904/RM
Site: Land adj to Meadow Cottage, New Road, Rangeworthy, South Gloucestershire, BS37 7QH
Proposal: Erection of 1 no. detached dwelling (Approval of Reserved Matters to be read in conjunction with PT07/0626/O) (In accordance with amended plans received on 24 April 2008).
Map Ref: 69253 85848
Application Category: Minor

Applicant: Mrs E Sephton
Date Reg: 3rd April 2008
Parish: Rangeworthy Parish Council
Ward: Ladden Brook
Target Date: 22nd May 2008



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100023410, 2008.

DC0901MW

This application has been referred to the Circulated Schedule due to objections from local residents.

1. THE PROPOSAL

- 1.1 This reserved matters application relates to the erection of one detached three/four bed dwelling and integral garage on land at Meadow Cottage, New Road, Rangeworthy. Details of siting/layout, design/appearance, scale, access and landscaping are all to be considered under this application.
- 1.2 The application site lies to the side (north) of Meadow Cottage and is within the settlement boundary of Rangeworthy. It has an area of approximately 242m². It has a frontage on to Gifford Close, a small residential cul-de-sac serving twelve properties accessed off New Road. Properties of Gifford Close lie to the north and west of the site with the property of 'Oakmead' to the east (rear) of the site. The plot is broadly rectangular in shape and currently contains the double garage for Meadow Cottage. It is proposed to open an existing, albeit overgrown access off New Road to serve Meadow Cottage. However, a dropped kerb suggests that an access was previously in existence.
- 1.3 The application has been amended to that originally submitted in that the siting of the dwelling has been repositioned 2.7m closer to Gifford Close to reflect the existing building line and to reduce any overbearing impact upon occupiers of the adjacent dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
- 2.2 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 Achieving Good Quality Design in New Development
L4 Forest of Avon
H2 Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development
- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

5.5 In terms of loss of privacy, the proposal is also acceptable. The proposed boundary treatment consists of 2m close boarded timber fencing/wall to the northern boundary and 1.8m fencing to the rear and southern boundaries which is appropriate. It is recognised that a degree of overlooking will occur from the rear window of bedroom 3 over the rear garden of 'Oakmead' immediately to the rear of the site. However, the minimum distance from this window to the rear boundary is some 10m. This distance is considered adequate. It is considered that a refusal reason could not be substantiated on appeal on this ground due to an element of overlooking being a common issue on residential estates.

5.6 Transportation Issues

The site is located off Gifford Close, an unclassified cul-de-sac which serves as an access to the classified New Road. The speed limit for the area is 30mph. The proposal provides 2 off-street parking spaces for the existing and proposed dwelling and has adequate visibility provided for both properties. The application is therefore acceptable and in accordance with the development plan.

5.7 Amenity Space

The proposal provides a rear garden with a minimum depth of 10m and an area of approximately 100m². This is of adequate size to serve the size of dwelling proposed. In addition, the existing dwelling will have a rear garden in excess of 100m² which is also acceptable. The application therefore complies with this criterion.

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.

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 the Reserved Matters submitted in accordance with Conditions 1, 2 and 3 associated with Outline Planning Permission PT07/0626/O dated 30 March 2007 be APPROVED.

Background Papers PT08/0904/RM

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CONDITIONS

1. Prior to the commencement of development, the off-street parking facilities for the existing dwelling shown on the plan hereby approved shall be provided and thereafter retained for that purpose.

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

2. The screen walls/fences shown on the approved plan shall be erected in the positions indicated before the dwelling hereby permitted is occupied.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H2 and H4 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(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. The new dwelling shall not be occupied until the off-street parking facilities associated with the new dwelling and shown on the plan hereby approved have been provided, and thereafter retained for that purpose.

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

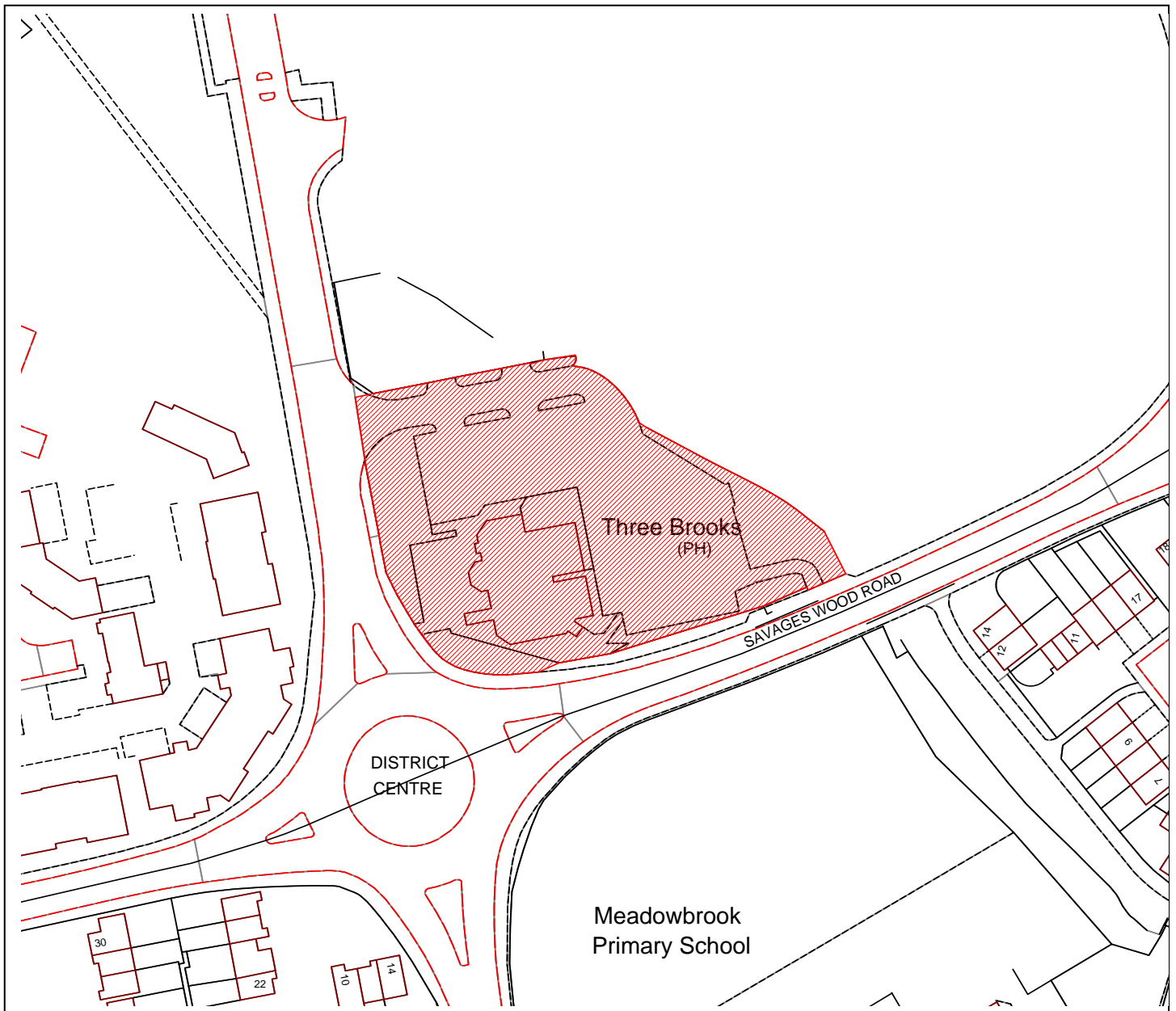
5. No windows shall be inserted at any time at first floor level in the side elevations of the dwelling hereby permitted.

Reason(s):

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

CIRCULATED SCHEDULE NO. 19/08 – 9 MAY 2008

App No.:	PT08/0910/F	Applicant:	Mitchells & Butlers Ltd
Site:	The Three Brooks, Bradley Stoke District Centre, Bradley Stoke, South Gloucestershire, BS32 8EF	Date Reg:	4th April 2008
Proposal:	Erection of smoking shelter.	Parish:	Bradley Stoke Town Council
Map Ref:	62049 81863	Ward:	Bradley Stoke Central and Stoke Lodge
Application Category:	Minor	Target Date:	23rd May 2008



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100023410, 2008.

DC0901MW

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

1. THE PROPOSAL

- 1.1 This application relates to the erection of a smoking shelter as a result of new Government Smoke Free legislation introduced on 1st July 2007, at The Three Brooks public house, Bradley Stoke.
- 1.2 The smoking shelter is to be sited to the front of the building adjacent to the district centre roundabout. The shelter would be modest in size measuring 3.25 m in width, 4.6 in depth and 2.6 m in height. It infills a small area and does not extend beyond the front line of the existing building. The shelter is constructed of timber with a lean-to roof and two of the four sides are open.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design

EP1 Environmental Pollution

T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

No relevant history

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

Object on the grounds that the shelter is; out of keeping with the existing building, detrimental to visual amenity, and in view of Meadowbrook Primary School.

Other Representations

4.2 Local Residents

No response.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In the assessment of this application, policies D1 and EP1 are particularly relevant. These policies seek to achieve the highest standards of design whilst protecting the amenity of surrounding users.

5.2 Shelters should not generally be sited on a front elevation or visually prominent elevation to ensure that the character of the host property and surrounding street-scene is not harmed. They should also be acceptable in design terms, incorporate materials that respect the character of the host property and the surroundings, and not appear excessively dominant. Careful consideration should also be given to the siting of shelters to ensure they do not result in a nuisance to adjoining property and occupiers.

5.3 The smoking shelter is low key in size and unobtrusive in appearance. It is well related to the existing building, infilling a small area to the south west elevation. As such the proposal does not detract from the visual amenities of the locality. The shelter is also well screened by the existing building and boundary treatment in the form of a 1.2 m hedgerow adjacent to the highway. The nearest dwelling is approximately 30 m away as is Meadowbrook School. The proposal will not adversely affect the amenities of neighbouring occupiers in terms of noise/smell due to its location and the fact that the existing beer garden can and is also used for smoking purposes. As such the proposal complies with the Local Plan and is acceptable.

5.4 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.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/0910/F**

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

CONDITIONS

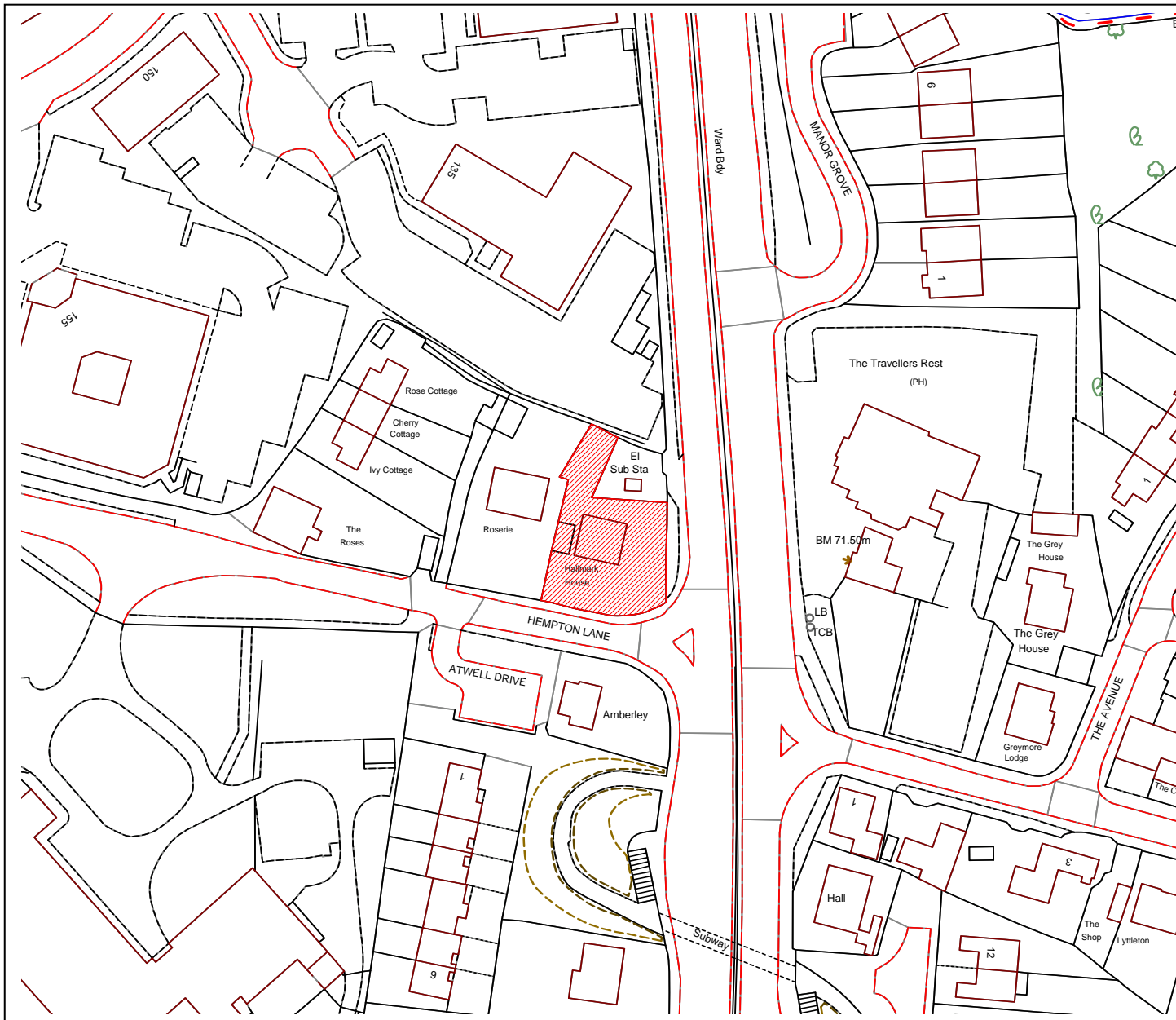
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 19/08 – 9 MAY 2008

App No.: PT08/0944/F	Applicant: Mr & Mrs Balmond
Site: Hallmark House, Hempton Lane, Almondsbury, South Gloucestershire, BS32 4AR	Date Reg: 7th April 2008
Proposal: Conversion of existing dwelling and annex into 6 no. apartments with associated works. Alterations to existing access.	Parish: Patchway Town Council
Map Ref: 60783 82519	Ward: Patchway
Application Category: Minor	Target Date: 28th May 2008



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100023410, 2008.

DC0901MW

This application has been referred to the Circulated Schedule due to objections received from a local resident.

1. THE PROPOSAL

- 1.1 This application relates to the conversion of existing dwelling and annex to form 6 no. one bedroom apartments at Hallmark House, Hempton Lane, Almondsbury.
- 1.2 The existing dwelling is two storey in nature with a single storey side extension. It is a large, 6 bed property with a 1 bed self-contained ground floor annex. It is set within a large curtilage, with parking to the front of the site. It is accessed off Hempton Lane, a no through road, which is off the dual carriageway of the A38 Gloucester Road.
- 1.3 The conversion works do not propose any elevational changes apart from the insertion of an additional front door. Off-street parking/turning for 6 vehicles is proposed to the front of the property as well as cycle and bin storage facilities. The existing access is to be repositioned to the east to facilitate the parking layout. Private gardens to serve all three ground floor flats are also provided as well as a separate communal garden and drying area. Access to the apartments is to the front of the building with apartments 1 and 3 having separate entrances.
- 1.4 The application site is a large, extended property located within a large curtilage. The front of the site faces onto Hempton Lane, with the side (east) of the property facing directly onto Gloucester Road. The rear of the site backs onto an electricity sub-station and the employment area of Aztec West. To the west and south of the site lie residential dwellings. The front of the site is enclosed by wall, fence and conifer hedging. The site is also located within the urban area of the Bristol North Fringe.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

Joint Replacement Structure Plan

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 34	Re-use of Previously Developed Land
Policy 35	Housing Density

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H5	Residential Conversions, House in Multiple Occupation and Re-use of Buildings for Residential Purposes
T7	Cycle Parking
T8	Parking Standards

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P96/1758 Change of use if part of existing dwelling to form a chauffer company base.
Approved 16 October 1997.
- 3.2 P98/2450 Change of use from existing office/residential to offices for chauffer company base. Construction of internal roadway and parking spaces and demolition of existing garage.
Approved 7 January 1999.
- 3.3 PT00/2554/F Erection of single storey side extension to form granny annexe and construction of pitched roof on existing garage.
Approved 17 November 2000.
- 3.4 PT04/3707/F Erection of first floor side extension to form bedroom, bathroom and study.
Approved 22 December 2004.
- 3.5 PT05/1242/F Demolition of existing garage. Erection of single storey side extension to form additional living accommodation.
Approved 21 June 2005.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No response received.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
a) increase in cars;
b) parking;
c) use of existing premises.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application site lies within the urban area of Patchway. Advice contained within PPS3 encourages the conversion of housing into extra residential accommodation, regarding it as an important source of additional housing, particularly in town centres. This advice is reflected in the Adopted Joint Replacement Structure Plan where policies encourage a mixture of housing types in sustainable locations, especially dwellings for smaller households, subject to compatibility with local amenity and site characteristics. This policy stance is reflected in policy H5 of the adopted local plan. This policy allows for

the conversion of existing residential properties into smaller units of self-contained accommodation provided the following criteria are complied with:-

A. the development would not prejudice the character of the surrounding area;

- 5.2 The only elevational change is the insertion of an additional front door and this is acceptable in design terms. With regard to the subdivision of the property the proposal is also considered acceptable. The site is located within the urban area of Patchway. Although the use of the site is intensified the property already provides 7 bed accommodation. The dwelling is also detached in nature. The size of the site can adequately accommodate off-street parking and turning facilities, cycle and bin storage and private/communal gardens without adversely impacting upon the residential and visual amenities of the locality. The development is therefore of a scale that will not impinge upon the character of the area and therefore complies with this policy criterion.

B. it would not prejudice the amenities of nearby occupiers;

- 5.3 Although the residential use will be intensified, the level of accommodation is not materially increased. The existing dwelling including the annexe is capable of providing 7 bedrooms. Provided adequate boundary treatment is provided/maintained the proposal will not adversely affect the amenities of adjacent occupiers and accords with this criterion.

C. it would identify an acceptable level of off-street parking;

- 5.4 Access to all apartments is to the front of the site. The proposal provides 6 off-street parking spaces and turning area within the front garden. Cycle parking is also provided for all flats. The level of parking is at a ratio of 1 per flat. The parking spaces have been arranged perpendicular to a central aisle that would enable turning on site. The access is wide enough to allow 2-way vehicle movements with bin storage facilities introduced close to the frontage. No objections have therefore been raised to the proposal from the Council's Transportation Engineer and the application complies with this criterion.

D. it would provide adequate amenity space.

- 5.5 The proposal provides rear garden to all 3 ground floor flats, ranging in size from approximately 25m² to 50m². A communal area of garden to serve the 3 first floor flats is also provided. It includes a drying area, is located to the rear of the site and has an area of some 84m². These gardens are considered ample in size to serve the type of 1 bed accommodation proposed. Boundary treatment to divide the proposed garden areas will also ensure that privacy levels are also acceptable. Due to the size of the existing property the garden area can be subdivided without appearing cramped in appearance or unacceptable in terms of visual amenity. The proposal is therefore acceptable in this regard.
- 5.6 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is also relevant as it specifically relates to development within existing residential curtilages, including extensions and new dwellings. All the issues relating to this policy have already been addressed under policy H5 above and it is considered that the application is in full accordance with the development plan.

5.7 Design and Access Statement

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

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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.

Background Papers **PT08/0944/F**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

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 off-street parking facilities (for all vehicles, including cycles) shown on the plan 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 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.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the flats are first occupied and the development shall be carried out in accordance with the approved details.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until details of a scheme of noise protection and sound insulation has been submitted to and agreed in writing with the Local Planning Authority. The residential units hereby approved shall not be occupied until the noise protection and sound insulation measures have been provided in accordance with the agreed scheme.

Reason(s):

To ensure a satisfactory standard of noise protection for the residential units to accord with policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until details of provision of storage for refuse bins and boxes has been submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details. For the avoidance of doubt the details shall include scaled elevations of the proposed store.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the cycle parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose. For the avoidance of doubt, the cycle parking shall be secure and covered.

Reason(s):

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

7. The existing vehicular access shall be permanently closed upon construction of the new access and the dropped vehicular crossing shall be constructed to the satisfaction of the Street Care Manager.

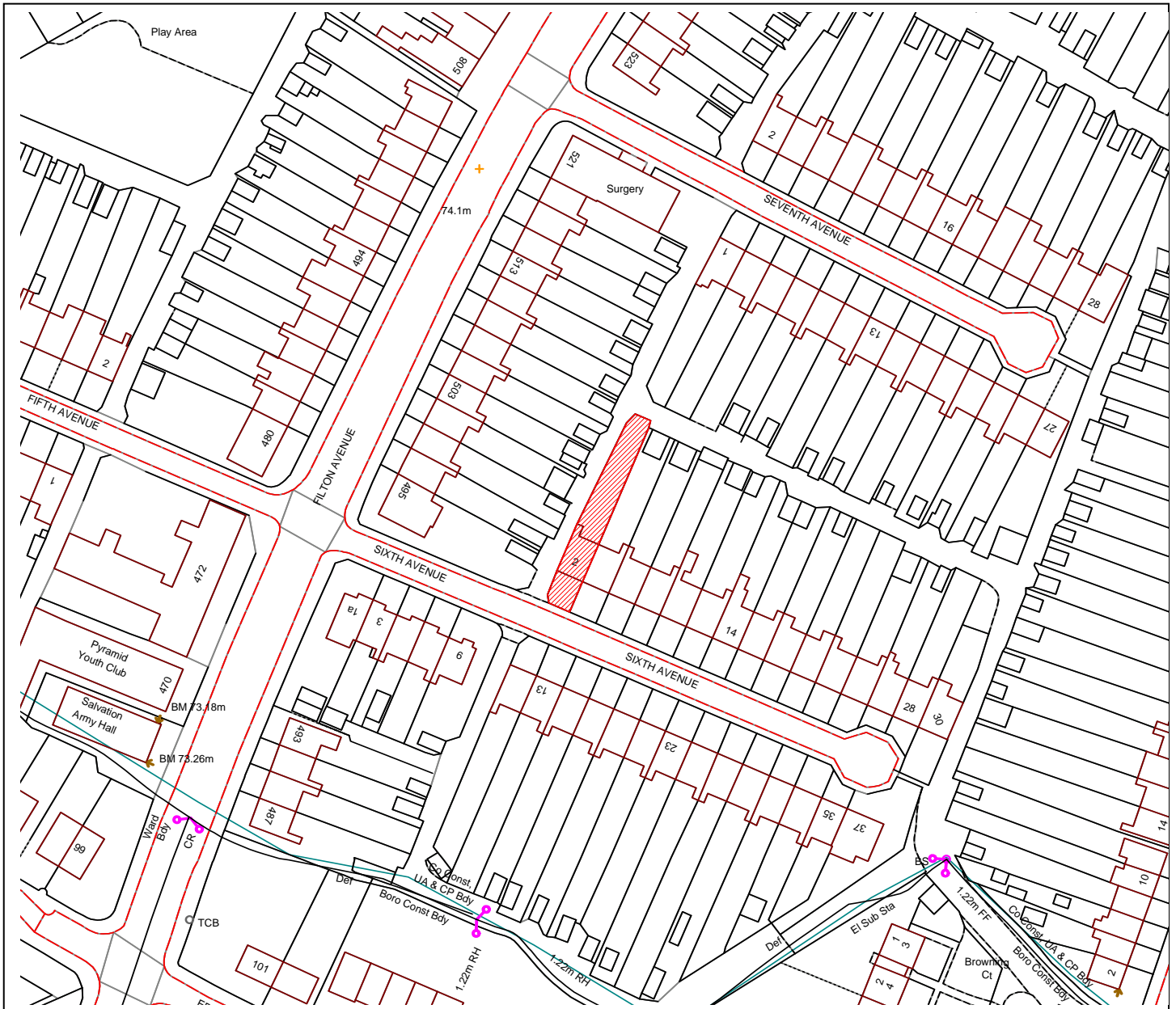
Reason(s):

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

CIRCULATED SCHEDULE NO. 19/08 – 9 MAY 2008

App No.: PT08/0979/F
Site: 2 Sixth Avenue, Filton, South Gloucestershire, BS7 0LT
Proposal: Conversion of existing dwelling house to form 2 no. flats and associated works.
Map Ref: 60522 78071
Application Category: Minor

Applicant: Mr Holmes
Date Reg: 9th April 2008
Parish: Filton Town Council
Ward: Filton
Target Date: 28th May 2008



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N.T.S

PT08/0979/F

This application has been referred to the Circulated Schedule due to objections received from Filton Town Council and local residents.

1. THE PROPOSAL

- 1.1 This full application relates to the conversion of existing three bed dwelling to form 2 no. two bed flats at 114 Mortimer Road, Filton. No elevational changes are proposed. One off-street parking space is provided for each flat, the ground floor flat allocated the existing space within the front garden of the property. The rear garage is to provide off-street parking and cycle storage for the first floor flat. Both flats have their primary access to the front with the ground floor flat also having rear access. The existing rear garden is to be divided to form two garden areas for both flats. The garden associated with the ground floor flat is nearest to the dwelling and incorporates secure cycle storage. Garden area to the first floor flat is divorced from the dwelling but adjacent to the garage. The gardens are to be separated by a 1.6m wall. A bin and recycling store is also proposed to the front of the site.
- 1.2 The application site is an end-terraced property with hardstanding area to the front, capable of providing two off-street parking spaces. A private, surfaced access runs directly to the side and rear of the dwelling which also serves the rear of the properties of Sixth, Seventh and Filton Avenue. The dwelling has been extended by a single storey rear extension which appears to have been erected under permitted development rights. The rear garden is enclosed by a 1.6m breeze block wall. The site lies within the urban area of Filton.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
- 2.2 Development Plans
Joint Replacement Structure Plan
Policy 1 Sustainable Development Objectives
Policy 2 Location of Development
Policy 34 Re-use of Previously Developed Land
Policy 35 Housing Density
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H5 Residential Conversions, House in Multiple Occupation and Re-use of Buildings for Residential Purposes
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

3.1 None.

4. CONSULTATION RESPONSES

4.1 Filton Town Council
Object to the proposal on the grounds of family home being converted into flats.

4.2 Sustainable Transport
No objection.

4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
a) enough house conversions/student lets in road/area;
b) family homes required;
c) traffic flow;
d) tenants may not maintain property.

Of the above **a** and **d** are not relevant planning objections.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The application site lies within the urban area of Filton. Advice contained within PPS3 encourages the conversion of housing into extra residential accommodation, regarding it as an important source of additional housing, particularly in town centres. This advice is reflected in the Adopted Joint Replacement Structure Plan where policies encourage a mixture of housing types in sustainable locations, especially dwellings for smaller households, subject to compatibility with local amenity and site characteristics. This policy stance is reflected in policy H5 of the adopted local plan. This policy allows for the conversion of existing residential properties into smaller units of self-contained accommodation provided the following criteria are complied with:-

A. the development would not prejudice the character of the surrounding area;

5.2 No elevational changes are proposed. In terms of the subdivision of the property the development is also considered acceptable. The site is located within the urban area of Filton in a predominately residential area. Local shops are in close proximity to the site as well as other services and public transport. Although the use of the site will be intensified, the number of bedrooms has only increased marginally from three to four overall. This is considered appropriate to the size of the existing dwelling and the area of amenity space and off-street parking available for both flats. The development is therefore of a scale that will not impinge upon the character of the area and complies with this criterion.

B. it would not prejudice the amenities of nearby occupiers;

5.3 No extensions are proposed. Although the residential use will be intensified, the size of the dwelling and its available garden and off-street parking ensures that the site can accommodate the proposed development adequately without

detriment to residential amenity. The proposal therefore complies with this criterion.

C. it would identify an acceptable level of off-street parking;

- 5.4 The proposal provides adequate off-street parking spaces, at a ratio of 1 per flat. Cycle parking for both flats is also provided. No objections have been raised to the proposal from the Council's Transportation Engineer as the application accords with the Council's adopted parking and cycle parking standards. The application therefore complies with this criterion.

D. it would provide adequate amenity space.

- 5.5 The proposal provides rear amenity space to both flats. Both garden areas are similar in size having a depth of 9m and an area of around 45m². The development is therefore acceptable in this regard.
- 5.6 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is also relevant as it specifically relates to development within existing residential curtilages, including extensions and new dwellings. All the issues relating to this policy have already been addressed under policy H5 above and it is considered that the application is in full accordance with the development plan.

5.7 Design and Access Statement

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

5.8 Section 106 Requirements

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

6. CONCLUSION

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

Background Papers **PT08/0979/F**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

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 off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the flats are first occupied, and thereafter retained for that purpose.

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.

3. The screen wall shown on the approved plan shall be erected in the position indicated before the flats hereby permitted are occupied.

Reason(s):

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

4. No development shall take place until details of a scheme of noise protection and sound insulation has been submitted to and agreed in writing with the Local Planning Authority. The residential units hereby approved shall not be occupied until the noise protection and sound insulation measures have been provided in accordance with the agreed scheme.

Reason(s):

To ensure a satisfactory standard of noise protection for the residential units to accord with policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until details of provision of storage for refuse bins and boxes has been submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The hours of working on site during the period of construction shall be restricted to 07.30 hours to 18.00 hours Monday to Friday and 8.00 hours to 13.00 hours on

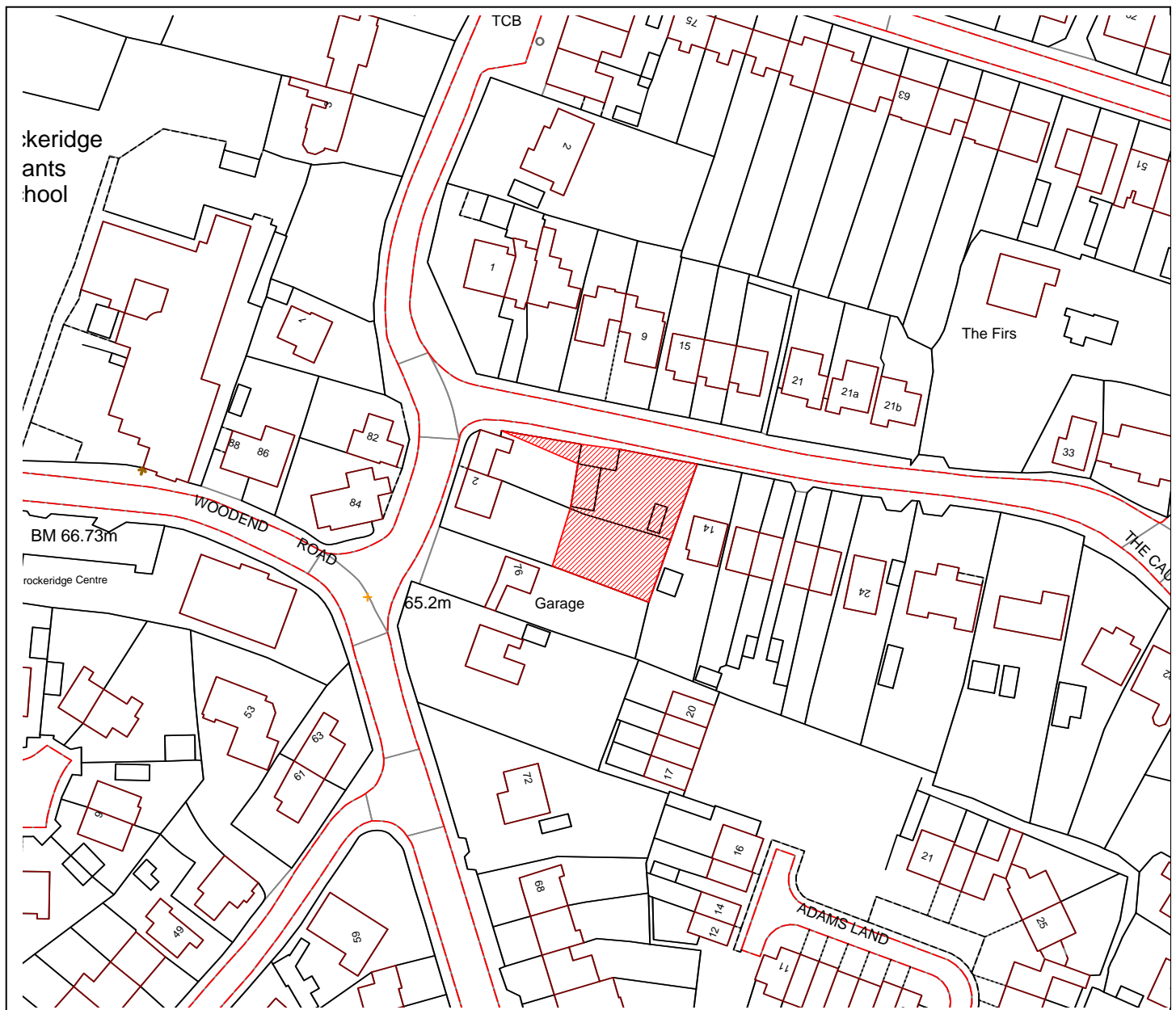
Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

To minimise disturbance to occupiers of neighbouring properties and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 19/08 – 9 MAY 2008

App No.:	PT08/1014/O	Applicant:	Mr J Watson
Site:	6 The Causeway, Coalpit Heath, South Gloucestershire, BS36 2PD	Date Reg:	11th April 2008
Proposal:	Erection of 4 no. dwellings on 0.062 hectares of land (Outline) with access and layout to be considered all other matters to be reserved (Re-Submisiion of PT06/0260/O)	Parish:	Frampton Cotterell Parish Council
Map Ref:	67400 81284	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	2nd June 2008



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1 N.T.S

PT08/1014/O

This application has been referred to the Circulated Schedule due to objections received from the Parish Council and local residents.

1. THE PROPOSAL

- 1.1 This outline application relates to the erection of 4 no. dwellings on land at 6 The Causeway, Frampton Cotterell. Access and layout are to be determined as part of this application with scale, appearance and landscaping reserved for future consideration.
- 1.2 The site has an area of 0.066 hectares. It is broadly rectangular in shape having a minimum and maximum depth of 26m to 31m and a width of 22m. The proposed development is laid out in the form of two pairs of semi-detached dwellings fronting The Causeway. Each dwelling incorporates two off-street parking spaces arranged in tandem to also allow for the provision of front garden area. Off street parking for 4 The Causeway is also provided to the rear of this property and off The Causeway. At present, the site consists of number 6 The Causeway, a commercial premises operating as a hairdressers with off-street parking to the front. This building is to be demolished to make way for the proposal. The majority of the site is overgrown in appearance and largely vacant. Other residential properties surround the site and it also lies within the settlement boundary of Frampton Cotterell.
- 1.3 As part of the development the footway along The Causeway is to be widened to 2m. This also involves the removal of the side boundary enclosing the rear garden area of 4 The Causeway being set back to facilitate this.
- 1.4 Members may recall the previous application PT06/0260/O. This application also included 76 Woodend Road. The application went before the Development Control (West) Committee on 22 June 2006 where it was resolved to grant planning permission, subject to the applicant first voluntarily entering into a Section 106 Agreement to provide a scheme of build-outs on the junction of Woodend Road/Lower Stone Close. The agreement was not signed due to reluctance on the part of the then co-applicant and as a consequence the application was refused in October 2007.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 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	Achieving Good Quality Design in New Development
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L4	Forest of Avon
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
RT11	Retention of Local Shops, Parades, Village Shops and Public Houses

- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P.559 Use of land for the erection of shop and workshop for wireless repairs (outline).
Approved 29 March 1949.
- 3.2 P.559A Erection of wooden hut to be used as ladies hairdressers.
Granted temporary consent 1 June 1951.
This consent was renewed many times on a temporary basis up to 1987 (P87/1637). The 1987 application was also granted temporary consent but was never renewed nor permanent consent applied for. However, due to the length of time that has elapsed, the use as a hairdressing salon is now lawful.
- 3.3 PT06/0260/O Demolition of commercial garage and hairdressing salon to facilitate erection of 4 dwellings (outline) with means of access and siting to be considered.
Refused 4 October 2007 on the following ground:-
1) the applicant failed to secure the Heads of Terms to provide a scheme of build-outs on the junction of Woodend Road/Lower Stone Close and as such would be detrimental to highway and pedestrian safety.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Object to the proposal on the following grounds:-
a) loss of hairdressing salon;
b) highways concern due to speed and volume of traffic entering The Causeway from Lower Stone Close, particularly during peak hours.

Request that if the Council is minded to grant consent that some local stone is used.

- 4.2 Sustainable Transport
No objection.

Other Representations

- 4.3 Local Residents
3 letters have been received, one objecting to the proposal on the following grounds:-

- a) parking;
- b) highway safety;
- c) increased traffic especially in view of other recent development in area;
- d) infant school in close proximity.

1 letter has also been submitted supporting the application in principle but asking that access arrangements into The Causeway are carefully considered as this area is used for resident parking.

A further letter has been received raising no objection but requesting no windows or obscurely glazed windows to the side elevation overlooking property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As mentioned above, the principle of residential development on this site has previously been accepted. Advice contained within PPS3 states that Local Planning Authorities should make effective use of land by re-using land that has been previously developed. Using land efficiently is a key consideration in planning for housing. Additional housing on previously developed land within existing towns and cities promotes more sustainable patterns of development. This policy stance is reflected in policies contained with the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006. However, such development must be acceptable in terms of its impact upon the character of its surroundings and must be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Policy H2 of the adopted local plan is particularly relevant as it allows for residential development within existing settlement boundaries subject to the following criteria:-

A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity;

- 5.2 As can be seen from the above planning history, a long-standing commercial premises (hairdressers) currently occupies the site. In principle there is no objection to the proposal as it is likely to result in a reduction in the potential volume of traffic.
- 5.3 The access on to The Causeway proposes a footway widening that will link into the wider network while providing adequate visibility for the reversing vehicles. The widening should be carried out to the full and final satisfaction of the Local planning Authority and the land dedicated as highway. These works are to be secured by an appropriate condition and constructed to adoptable standards and completed prior to the first occupation of the dwellings.
- 5.4 All parking spaces should preferably be at least 2.4m x 5m in size to avoid any encroachment onto the adjacent footway. The parking areas should also have a bound surface.
- 5.5 As the proposal no longer includes development off Woodend Road, the previous requirement for build-outs is no longer applicable to the current application.

5.6 Residential Amenity

With regard to residential amenity it is considered that the proposed dwellings can be adequately accommodated on the site without adversely affecting the amenities of surrounding occupiers. The site is large enough to accommodate the development and the proposed dwellings are sited to ensure that no overlooking/loss of privacy or overbearing impact results from the proposal. The dwellings are sited to largely respect the existing building line of properties fronting The Causeway and the provision of tandem parking is more in keeping with the locality. The development will integrate within the street scene as its siting and layout respects the grain of surrounding development. The provision of appropriate boundary treatment will also minimise any adverse impact and this will be a condition of any planning consent.

B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved;

5.7 The site has an area of 0.066 hectares. The density of the proposed development equates to 60 dwellings per hectare. Advice contained within the adopted local plan expects a minimum density of 30 dwellings per hectare and that higher densities exceeding 50 dwellings per hectare net being achieved in and around existing town centres. Although this figure is above the higher density level, it is considered that the proposal is in accordance with the local plan. The site is large enough to satisfactorily accommodate four dwellings without detriment to its surroundings. The proposal therefore complies with this criterion.

C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination;

5.8 The site is not subject to any of the above and therefore complies with this criterion.

D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

5.9 The proposal is for an additional four dwellings. It is considered that the level of service provision within the vicinity of the site is adequate to meet any future needs arising from the development.

5.10 Also of relevance is Policy H4 of the Adopted Local Plan. This policy relates to new residential development within the curtilages of existing residential development provided the scheme is acceptable in terms of design, massing, scale and character of the street scene; residential amenity; access/parking and adequate private amenity space. As the application is in outline with matters of scale, appearance and landscaping reserved, design issues will be assessed at reserved matters stage. In terms of garden area, the dwellings have a minimum garden depth of some 7.5m, the smallest garden having an area of 45m². It is considered that the level of private amenity space is adequate for the small size of dwellings proposed. Residential amenity and transportation issues have already been discussed under paragraphs 5.2 - 5.6 of this report.

5.11 Retail Issues

The proposal will result in the loss of a small retail unit that has been used for many years as a hairdressing salon. However, this consent was given on a temporary basis largely due to the temporary nature of the building and the fact that it could fall in to disrepair and be detrimental to the visual amenities of the locality. Although temporary consent was renewed again in 1987 it has not been renewed or granted permanent consent since. As such the building is lawful on the grounds of the expiration of time.

5.12 Nevertheless, the loss of this retail unit complies with the thrust of Policy RT11 which allows for the change of use of existing individual local shops outside town centres where the proposal is not detrimental to the viability or vitality of the local centre or there are satisfactory retail facilities available in the locality. It is considered that the loss of this unit will have a negligible impact upon service provision of the area, especially as there are other hairdressing salons within the immediate vicinity of the site. Moreover, a rank of shops is located within close proximity to the site at Lower Stone Close. As such the proposal accords with this adopted policy.

5.13 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.

5.14 Section 106 Requirements

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

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CONDITIONS

1. Approval of the details of the scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason(s):

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the scale and appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason(s):

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason(s):

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

5. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, C, D and E), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason(s):

In view of the limited size of the plots any extension/alteration to the dwellings would require further detailed consideration in order to safeguard the amenities of the area and to accord with policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the development hereby permitted first being brought into use, the footway and kerb to be provided on the frontage of The Causeway and shown on approved drawing no. 2430/3 shall be provided in its entirety and constructed to the satisfaction of the Local Planning Authority.

Reason(s):

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

7. The hours of working on site during the period of construction shall be restricted to 07.30 hours to 18.00 hours Monday to Friday and 08.00 hours to 13.00 hours on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

To minimise disturbance to occupiers of nearby dwellings and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

Reason(s):

To protect the character and appearance of the area to accord with Policies H2/H4/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The off-street parking facilities shall be provided before the dwellings are first occupied, and thereafter retained for that purpose. Notwithstanding the details submitted on approved plan no. 2430/3, the off-street parking area for 4 The Causeway shall be extended to 10m in length to provide off-street parking for two vehicles.

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

10. The off-street parking areas shall be constructed of a bound surface.

Reason(s):

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

11. 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 Policy L18 of the South Gloucestershire Local Plan (Adopted) January 2006.