



**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. 48/08

Date to Members: 28/11/08

Member's Deadline: 04/12/08

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 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

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 (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to PlanningApplications@southglos.gov.uk

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 28/11/08

SCHEDULE NO. 48/08

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 5pm), 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

Circulated Schedule 28 November 2008

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK07/2704/F	Refusal	111a Soundwell Road Soundwell South Gloucestershire BS16 4RD	Staple Hill	
2	PK08/2592/RVC	Approve with conditions	Land at units 45-48, Beeches Industrial Estate, Waverley Road, Yate, South Gloucestershire, BS37 5QT	Ladden Brook	Iron Acton Parish Council
3	PK08/2838/F	Approve with conditions	75 Inglestone Road, Wickwar, South Gloucestershire, GL12 8PH	Ladden Brook	Wickwar Parish Council
4	PK08/2854/O	Approve with conditions	26 & 28 Church Road, Yate, South Gloucestershire, BS37 5BQ	Yate North	Yate Town Council
5	PT08/1566/CLP	Refusal	Bloomfield Farm, Lower Stone Road, Rockhampton, South Gloucestershire, GL13 9DT	Severn	Rockhampton Parish Council
6	PT08/2288/CLE	Refusal	Moorend House, Moorend Road, Hambrook, South Gloucestershire, BS16 1SW	Winterbourne	Winterbourne Parish Council
7	PT08/2626/F	Approve with conditions	24 Court Avenue, Stoke Gifford, South Gloucestershire, BS34 8PJ	Stoke Gifford	Stoke Gifford Parish Council
8	PT08/2690/F	Approve with conditions	52 Simmonds View, Stoke Gifford, South Gloucestershire, BS34 8HL	Stoke Gifford	Stoke Gifford Parish Council
9	PT08/2797/F	Refusal	34 Hortham Lane, Almondsbury, South Gloucestershire, BS32 4JL	Almondsbury	Almondsbury Parish Council
10	PT08/2806/F	Approve with conditions	35 Dumaine Avenue, Stoke Gifford, South Gloucestershire, BS34 8XH	Stoke Gifford	Stoke Gifford Parish Council
11	PT08/2812/PN1	No objection	Cooper Road, Thornbury, South Gloucestershire, BS35 3UR	Thornbury South and Alveston	Thornbury Town Council
12	PT08/2817/F	Approve with conditions	Churchill House, The Street, Olveston, South Gloucestershire, BS35 4DP	Severn	Olveston Parish Council
13	PT08/2834/F	Approve with conditions	Tesco Stores Ltd, Midland Way, Thornbury, South Gloucestershire, BS35 2BS	Thornbury South and Alveston	Thornbury Town Council
14	PT08/2886/F	Approve with conditions	19 Meadow View, Frampton Cotterell, South Gloucestershire, BS36 2NF	Frampton Cotterell	Frampton Cotterell Parish Council

**Dates and Deadlines for Circulated Schedule
over the Christmas and New Year period 2008/2009**

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
50/08	Friday 12 December 2008	Thursday 18 December 2008
51/08	Thursday 18 December 2008	Wednesday 24 December 2008
52/08	Wednesday 24 December 2008	Tuesday 6 January 2009
01/09	No Circulated Schedule Production	*

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PK07/2704/F	Applicant:	Avon Scanning & Planning Ltd
Site:	111a Soundwell Road Soundwell BRISTOL South Gloucestershire BS16 4RD	Date Reg:	4th September 2007
Proposal:	Conversion of existing dwelling and erection of two storey side extensions to form 4no. self contained flats and associated works.	Parish:	
Map Ref:	64834 75357	Ward:	Staple Hill
Application Category:	Minor	Target Date:	26th November 2007



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INTRODUCTION

This report relates to an undetermined 2007 application, which was originally referred to Circulated Schedule 27/08 on the 4 July 2008. It was recommended to approve the proposal subject to a Section 106 agreement to secure 2,000 towards public transport improvement. It is considered however that this application should now be determined due to the failure of the applicant to complete the agreement.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the conversion of an existing dwelling and erection of extensions to form 4 self contained flats and associated works.
- 1.2 Previously planning application was made for a similar development, the Council made a decision to grant the proposal conditional consent provided that the applicant enters into an agreement under Section 106 of the Town and Country Planning Act 1990 in respect of a financial contribution towards public transport improvements. The planning consent has yet been issued due to the absence of the completed legal agreement.
- 1.3 The current proposal is slightly different from the previous scheme. The differences are summarised as follows:
 - The proposed side and rear single storey extensions would be larger than the previous scheme.
 - One of the first-floor flat will have a study room in addition to a bedroom room.
- 1.4 The site consists of a detached house, in reconstructed stone and render, with a single storey lean-to garage, on the corner of Soundwell Road and Crownleaze. Access to the garage for 111 is at the rear of the site. The site lies within the urban area of Staple Hill.
- 1.5 The proposed single storey side extension would measure 1.3 metres wide by 5.5 metres deep and 6 metres high, and the proposed single storey rear extension would measure 3.1 metres by 3.3 metres and 4.8 metres high. The materials proposed are render and reconstructed stone and double pan tiles on the main roof to match existing with plain tile roof to the porches. To the rear of the building are proposed two parking spaces, and the rear access to the garage at the rear of 111 is retained.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H5	Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Criteria

3. **RELEVANT PLANNING HISTORY**

- 3.1 K3572 Erection of dwelling house, garage and associated vehicular access. Approved 1981
- 3.2 PK06/1107/F Conversion of existing dwelling and erection of two storey side extension to form 4 no. self contained flats and associated works. Erection of rear entrance porch.
Recommended Approval subject to S106 for seeking financial contribution towards public transport improvements.

4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council
Unparished area

- 4.2 Sustainable Transport

Planning permission has previously been sought to convert the existing dwelling to four one-bed flats (PK06/1107/F).

This current application seeks planning permission to amend the previous scheme.

The two parking spaces to the rear of the site are proposed for flats 1 and 3 and have been widened as per the previous comments. It is requested however that the turning stub is hatched and marked as a turning area only.

Detail of cycle storage has again not been included as part of this planning application. Details of this cycle parking need to be submitted for approval by the Council.

Detail of bin storage needs to be submitted for approval by the Council. It needs to be large enough to accommodate the Council's current twin bin system for each of the four flats.

Subject to the following conditions, there is no transportation objection to this proposal.

Other Representations

4.3 Local Residents

Two letters of objection have been received, raising the following issues:

- Insufficient parking provided, and Crownleaze is already very congested. It would lead to more cars parked on pavement, restricting access for buggys and disabled people and emergency vehicles
- Blocking neighbour's driveway or access
- There are a lot of flats in the area

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H5 states that conversion of existing residential properties into smaller units of self-contained residential accommodation will be permitted, subject to certain criteria, including whether it would prejudice the character of the surrounding area.

The area is predominately a residential one, consisting of Victorian properties and postwar housing. There are flats to the north of the site in Beazer Close. It is not considered that this proposed conversion would prejudice the character of the surrounding area.

The principle of development is therefore acceptable, subject to the following detailed assessment.

5.2 Visual Amenity

The proposed two storey extension is of an appropriate width and would not look out of place in the streetscene. Although the proposed single storey extensions would be larger than the previous scheme, officers consider that the increase in size would not cause any harm to the character and appearance of the area. The existing rubble stone wall to the side boundary will be retained. The existing house is fronted by a poor quality reconstituted stone, and the use of the render on the front elevation of the extension is considered appropriate here. The proposals are not considered to harm the visual amenity of the area. A condition requiring the render to match with the existing render on the rear of the property will be recommended.

5.3 Residential Amenity

The proposed flats would not result in overlooking of no 111, as there is only one non-habitable room window facing this property, which does not have any windows on its side elevation facing the application site. There are no principal habitable room windows on the side elevation of no. 7 Crownleaze that would be affected by the development, and no 113 Soundwell Road is over 21 metres from the application site, and therefore will not be unduly affected.

Some private amenity space is shown at the rear of the site. The amount of amenity space is considered small, however, PPG3 states that planning authorities should avoid inflexible planning standards and should examine critically the standards they apply to new development, particularly with regard to layouts. In the light of this government policy, refusal of the application on the grounds of lack of private amenity space is not considered appropriate.

No bin storage is shown on the plans. Suitable refuse storage sheds could be accommodated in the front and rear areas of the site, and a condition will be added requiring details of these.

5.4 Transportation

The Highway Officer has raised no objection to the application as long as a condition is attached to the permission regarding the size of the off-street parking spaces and provision of cycle parking. The Highway Officer has also requested that the applicant provides a contribution of £2000 towards improvements in the public transport system. Whilst the applicant has originally agreed to this amount, which will be made by a legal agreement, the Section 106 agreement has still not been completed since July 2008. Officers therefore considered that this application should be refused.

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, having regard to the above advice, the public transport improvements, are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005. In addition, Circulars states that permission cannot be granted subject to a condition that the applicant enters a planning obligation under S106 of the Act or an agreement under other powers. In this instance, as the applicant failed to complete the S106 Agreement, officers do not consider that a planning condition can be imposed to overcome a planning objection.

6. CONCLUSION

6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

7. RECOMMENDATION

7.1 That planning permission be REFUSED.

Background Papers **PK07/2704/F**

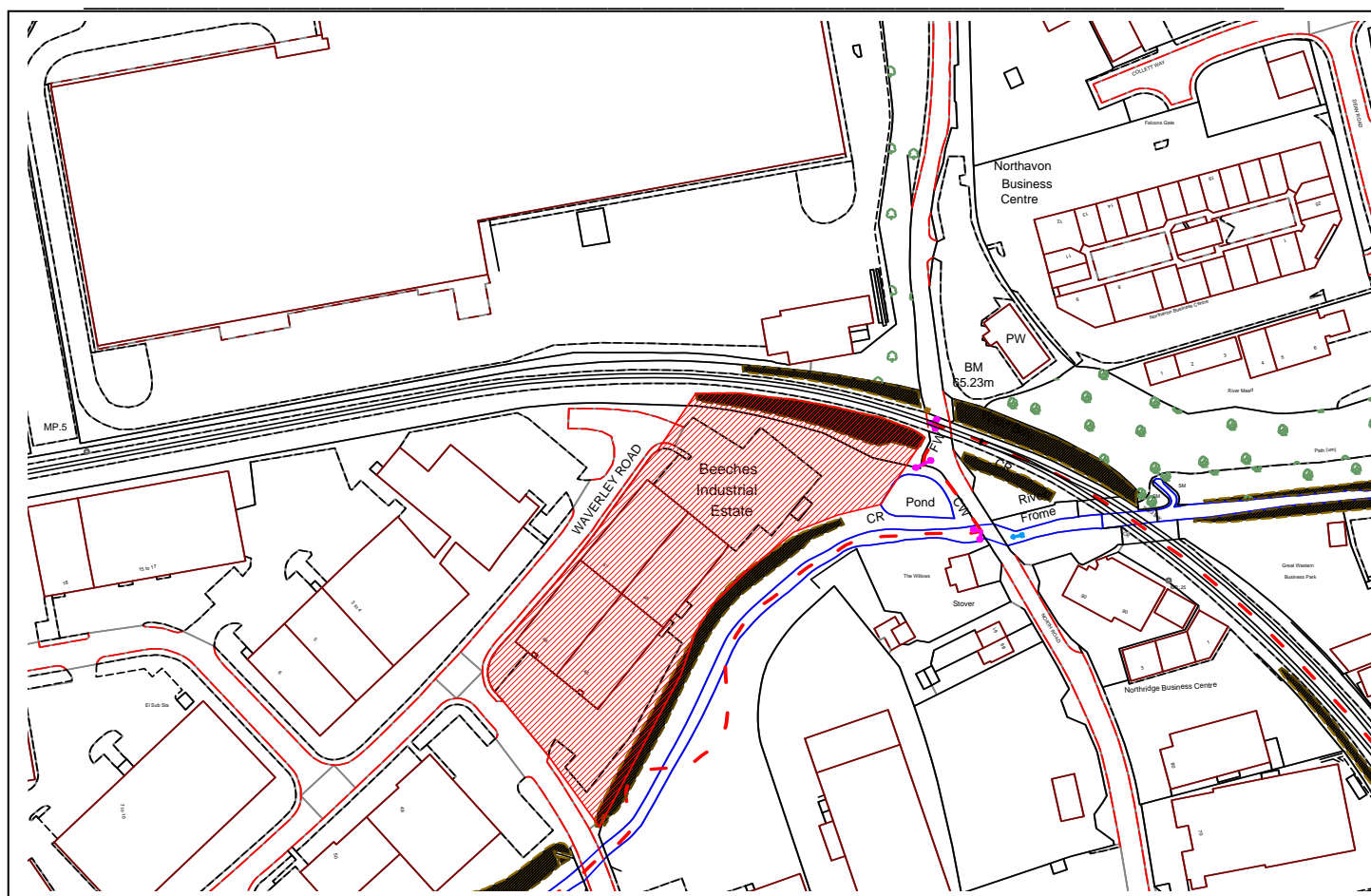
Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

REFUSAL REASONS

1. The proposed development, by reason of the lack of financial contribution towards improvements in the public transport system, would fail to provide alternative transport modes to the private car. The proposal would therefore be contrary to Policy T12F of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PK08/2592/RVC	Applicant:	Segro Properties Ltd
Site:	Land at units 45-48, Beeches Industrial Estate, Waverley Road, Yate, South Gloucestershire, BS37 5QT	Date Reg:	17th September 2008
Proposal:	Removal of condition 10 attached to planning application PK08/1026/F which states 'No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0600 to 2000 Mondays to Fridays; 0800 to 1300 on Saturdays; nor at any time on Sunday or Bank Holidays.'	Parish:	Iron Acton Parish Council
Map Ref:	69861 82980	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	7th November 2008



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100023410, 2008.

This application is reported on the Circulated Schedule due to the receipt of neighbour objections counter to the officer recommendation. Members will note that this report originally appeared on Circulated Schedule 46/08 last week. It appears again on this Schedule with condition 10 further refined in its wording to reflect the noise limits set on the use of the approved buildings. The changes in the wording of condition 10 accord with the advice given by the Environmental Health Officer as per paragraph 4.2 below.

1. THE PROPOSAL

1.1 This application seeks to remove condition 10 from planning permission ref. no. PK08/1026/F, which states 'No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0600 to 2000 Mondays to Fridays; 0800 to 1300 on Saturdays; nor at any time on Sunday or Bank Holidays.'

The reason given for this condition states: To protect the amenities of the occupiers of nearby dwelling houses, and to accord with policy E3 of the South Gloucestershire Local Plan (adopted) January 2006.

1.2 This application does not propose any amendment to this condition, rather its removal, and therefore seeks 24 hour operation at this site. The original planning permission is for two buildings to the southern edge of the site, to replace the existing building along the northern edge of the site. When the scheme is implemented, it would leave parking areas largely to the north of the buildings, but with some parking in the southeast corner. Six of the seven units would have small yards to the rear of them.

1.3 The nearest residential properties to the site are located to the southeast of the site, separated by the river Frome and a landscaped buffer on each bank. These properties are accessed from North Road. The shortest building to building distance would be 20 metres. The distance from the site to the edge of the residential curtilage would be substantially shorter. The site is part of a safeguarded employment estate under policy E4 in the Local Plan. An acoustic report was submitted to accompany this application. This was later updated to take in properties which were nearer to the site than those originally surveyed.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG4 Industrial, commercial and small firms
Conditions Circular 11/95

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
E3 Development proposals within the urban area
E4 Safeguarded employment sites

3. RELEVANT PLANNING HISTORY

3.1 PK08/1026/F Erection of two buildings for use under Use Classes B1©, B2 and B8, with ancillary office space, car parking and landscaping Approved 2008

3.2 PK08/ 2530/RVC Variation of condition 8 which prevents outside storage
Approved 2008

4. **CONSULTATION RESPONSES**

4.1 Iron Acton Parish Council
No objection

4.2 Other Consultees
Environment Agency
Do not wish to comment

Transportation

There is no transportation objection to the proposal to vary condition 10 attached to PK08/1026/F.

Environmental Protection

I have no objections subject to the following condition offered up by the applicant being applied;

The rating level of noise emitted from the site shall not exceed;

Saturday	13.00 - 23.00 hrs	39dB LAeq 1hr
Sunday and Bank Holidays	07.00 - 23.00 hrs	39dB LAeq 1hr
Sat, Sun & Bank Holidays	23.00 - 07.00 hrs	39dB LAeq 5min
Monday to Friday	20.00 - 23.00 hrs	39dB LAeq 1hr
Monday to Friday	23.00 - 06.00 hrs	39dB LAeq 5min

The noise levels should not be exceeded anywhere along the south eastern boundary of the site as defined by drawing 2180-01 rev A.

The measurements and assessment shall be made in accordance with BS4142; 1997.

Compliance with this condition would not preclude the Council taking enforcement action for Statutory Nuisance, should noise from the site be established as a Nuisance.

Other Representations

4.3 Local Residents

Two replies were received , under the reference no. for the variation of condition 8. However, they clearly relate to this application, stating that they wished to see work stopping at 1800, with no weekend working and the other that they wished to see closing times of 2000 in the week, 1300 on Saturdays, with no Sunday working.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above in the light of all material considerations. The condition imposed and the proposal for its substitution with a noise limit condition both need to be assessed against the tests for conditions set out in the Circular. In this case, the condition was imposed in order to protect the existing levels residential amenity enjoyed by residents of detached houses to the south east of this site. The analysis will therefore concentrate on this factor.

5.2 Residential Amenity

As outlined above, the critical factor in the determination of this application is the distance between the potential noise source (the development which has been approved) and the receptor, the dwellings to the southeast of the site. Material considerations are considered to be the landscape between the source and the receptor as well as the fact that the site is part of a safeguarded employment site and would therefore be expected to continue in an employment use.

The potential uses for each unit in the development could be under Use Classes B1 © B2 or B8. It is considered that daytime operations of each would not be likely to have much of an impact on residential amenity. Night time and evening operations are more likely to coincide with residents being at home. Units 7 is the closest to the residential properties, but the other units have small yards backing onto the landscape buffer of the River Frome which are their closest parts to the residential properties. In these yards it is possible that industrial processes, for instance, could be carried out. Other than the prevention of storage under condition 8 (which has been approved to be amended as detailed below), no conditions control the use of these areas. It is therefore considered that there could be activities in fairly close proximity to the houses, taking place over 24 hours, under this proposal. However, the current permission for the site imposes no restriction to working times and this applies until the current planning permission is implemented. Therefore, should the current scheme not be implemented, the situation could be worse for the residents than that already approved or the amendment now proposed. The intention behind condition 10 was to safeguard residential amenity and this would have been achieved above the existing level under the approved scheme.

While this may have been a desirable outcome, it is considered that the condition is not absolutely necessary, given the level of screening and the separation distance between the noise source and the receptors. Environmental Protection have commented that the revised acoustic report submitted to accompany the application is acceptable. The impact on the nearest residential occupiers, based on existing background noise levels would be acceptable for 24 hour working as long as the noise limits put forward in the amended condition are adhered to. Should the noise limits set in the condition be exceeded, along the southern boundary of the site (the boundary closest to the nearest residential properties, as defined by drawing no. 2180-01 rev A), then enforcement action could be taken in that regard. Aside from this, as noted in the comments at 4.2 above, it is possible that the site could be deemed a statutory nuisance under Environmental Health legislation, depending on the noise that it generates, whether the terms of the condition are breached or not. This sets a fall-back position but is not a planning concern in the determination of this application.

5.3 Tests for Conditions

Circular 11/95 sets the following tests for the validity of planning conditions: that they must be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects. In the case of this application, it is considered that condition 10 is relevant to planning and the development permitted, precise and enforceable. However, the relevant test in this instance is whether the condition is necessary (particularly

with regard to safeguarding residential amenity – the reason it was imposed) and that has been analysed in the foregoing paragraph. It is concluded that the noise level condition substituted for the working hours limitation originally imposed would be acceptable in achieving the same effect of preserving residential amenity.

5.4 Section 106 Requirements

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

6. CONCLUSION

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

The decision to remove this condition 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 planning permission is re-issued with condition 10 replaced with a noise limit condition as shown below. Since development is yet to be commenced, it is not appropriate to remove any of the other conditions at this juncture.

Background Papers **PK08/2592/RVC**
Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CONDITIONS

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

Reason:

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

2. As the area may be prone to flood from time to time, the internal ground floor level(s) of the building(s) shall be constructed no lower than 66.72m above Ordnance Datum.

Reason:

In the interests of flood prevention.

3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in

writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason:

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

4. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.
 1. A desk study identifying:
 - (i) all previous uses
 - (ii) potential contaminants associated with those uses
 - (iii) a conceptual model of the site indicating sources, pathways and receptors
 - (iv) potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

The current/previous uses of the site may have had the potential to cause contamination, therefore investigations are required to determine the extent of any potential contamination from these current and previous site uses.

Under Planning Policy Statement 23: Planning and Pollution Control (PPS23) the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through the appropriate measures.

It is possible that a desk study may be sufficient in addressing the above Conditions.

Reason:

To prevent pollution of the water environment.

5. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total

volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourses, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:

To prevent pollution of the water environment.

6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. NOTE: Detergents entering oil interceptors will render them ineffective.

Reason:

To prevent pollution of the water environment.

7. Within 3 months from the date of the decision, 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 the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; 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 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Outside storage on the site shall only take place in the area marked on plan no. 2180-03 Rev. C. Received by the Council on 13 October 2008.

Reason:

In the interests of ensuring the provision of adequate on site parking and turning for highway safety reasons, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

10. The works hereby authorised shall comply with British Standard 5837: 2005 - Recommendations for Tree Work, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

11. The rating level of noise emitted from the site shall not exceed;

Saturday	13.00 - 23.00 hrs	39dB LAeq 1hr
Sunday and Bank Holidays	07.00 - 23.00 hrs	39dB LAeq 1hr
Sat, Sun & Bank Holidays	23.00 - 07.00 hrs	39dB LAeq 5min
Monday to Friday	20.00 - 23.00 hrs	39dB LAeq 1hr
Monday to Friday	23.00 - 06.00 hrs	39dB LAeq 5min

The noise levels should not be exceeded anywhere along the south eastern boundary of the site as defined by drawing 2180-01 rev A.

The measurements and assessment shall be made in accordance with BS4142; 1997.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority measures in respect of:

- (i) The identification, through site survey, of protected wildlife species, namely badgers, and their habitat at present (as designated under the Wildlife and Countryside Act 1981 (as amended) and the Badger Act 1992).
- (ii) The protection, as required, of wildlife species, and/or their habitat referred to under (i) above and as identified through the site survey. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation.

Reason:

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

13. Prior to the commencement of development a method statement shall be submitted to the Local Planning Authority for agreement in writing to safeguard the ecology of the River Frome SNCI, its water quality and the semi-natural habitat associated with the river corridor, both during the constructing and the operating of the units. The development shall proceed in accordance with the details so approved.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the first occupation of any of the approved buildings, the steps linking the site to Public Footpath L1A 51X shall be cleared of all vegetation and maintained in such a state thereafter.

Reason:

To ensure that the link from the site to the footpath network is maintained free of obstruction, to accord with policy LC12 of the adopted South Gloucestershire Local Plan.

15. Prior to the commencement of development a plan shall be submitted to the Local Planning Authority and approved in writing, indicating the location and details of protective fencing to all the retained vegetation.

Reason:

To protect the character and appearance of the area to accord with Policies D1, L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

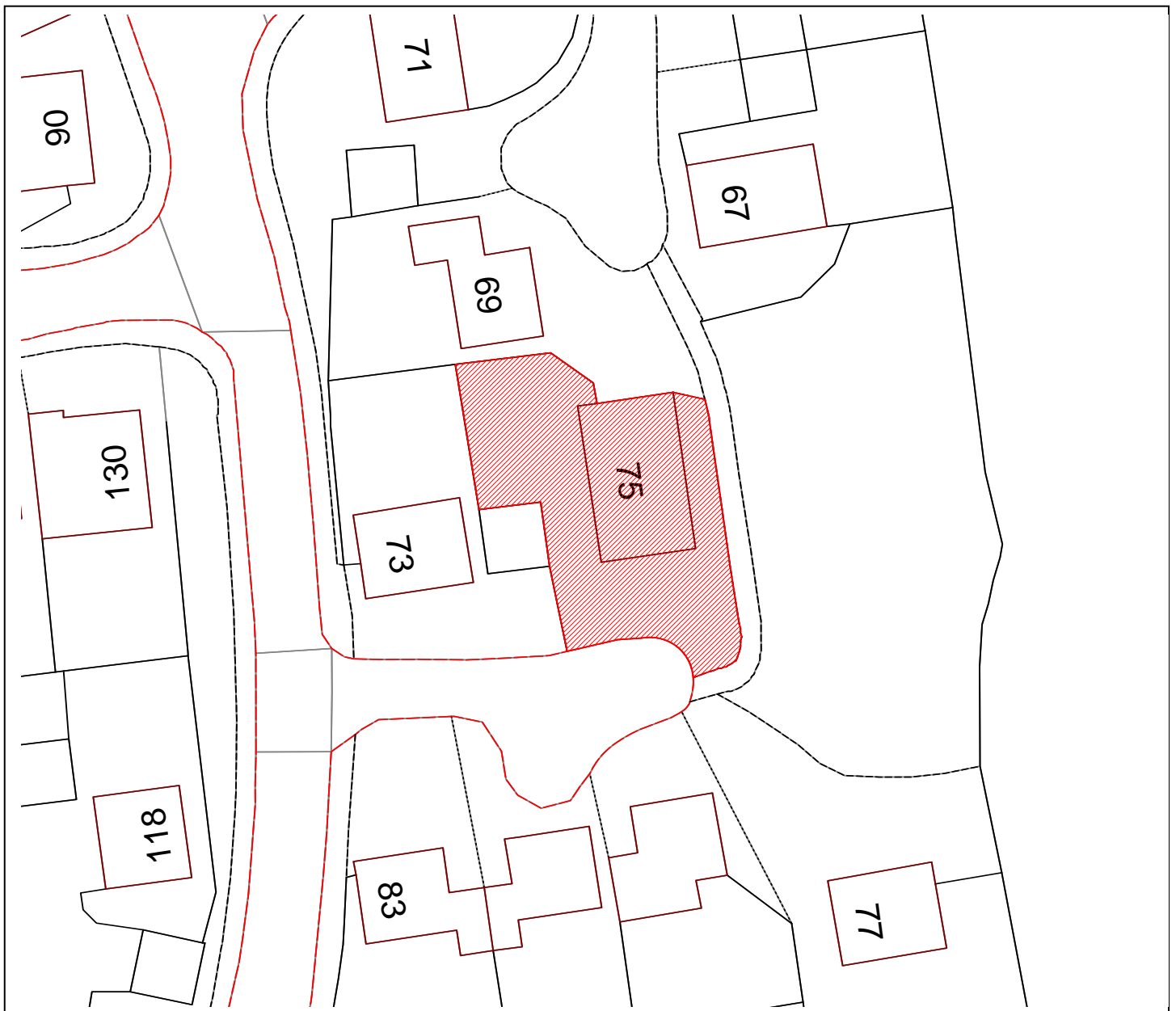
16. The development shall be carried out, leaving a 6.5 metre stand-off of buildings and vegetation from the public foul water sewer which crosses the site.

Reason:

To prevent damage to the sewer which could cause non-point source pollution and flooding, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PK08/2838/F	Applicant:	Mr & Mrs J Fletcher
Site:	75 Inglestone Road, Wickwar, South Gloucestershire, GL12 8PH	Date Reg:	22nd October 2008
Proposal:	Erection of first floor and single storey side extensions to form additional living accommodation and extension to garage.	Parish:	Wickwar Parish Council
Map Ref:	72648 88257	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	16th December 2008



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N.T.S

PK08/2838/F

INTRODUCTION

This application has been placed on the Circulated Schedule due to the receipt of one letter of objection.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a first floor and single storey side extension to form additional living accommodation and extension to garage.
- 1.2 The application site relates to a two storey detached dwelling within the settlement boundary of Wickwar but falls outside the Conservation Area.

2. POLICY CONTEXT

2.1 National Guidance
PPS1

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Extensions

2.3 Supplementary Planning Guidance
Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history relates to the application site.

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council
No objection.

Other Representations

4.2 Local Residents

One letter has been received from a local resident advising that although no objection is raised to the proposed extensions concerns are raised regarding the construction aspect of the scheme:

-Large vehicles should not access the site from the cul-de-sac adjacent no. 67 & 69

-Public space should not be used for storage of skips or damaged by vehicles

-Tree in front of house is vulnerable.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings subject there may be no adverse impact on existing visual and residential amenities.

5.2 Visual Amenity

The application site relates to a two storey detached dwelling with single storey side extension. Although situated within a small cul-de-sac the dwelling is turned away from the other dwellings and overlooks the green. The immediate area is characterised by two storey dwellings of a simple form and character.

5.3 This application proposes a first floor extension up and over the existing single storey side extension plus a two storey front gable extension and a small single storey side extension. As this building is largely viewed in isolation to those immediate surrounding properties it is considered that an extension of this scale and the introduction of a front gable extension would not detract from the character of the existing dwelling or immediate surrounding area. Indeed the Planning Officer is of the view that the proposed works would enhance the existing dwelling.

5.4 Residential Amenity

The proposed extension will be sited on the southern elevation of the dwelling. The rear elevation of the proposed two storey side extension will be set back 10.0m from the side elevation of no. 73, which has first floor landing window. The application site is set at a lower level and it is considered that an extension of this scale and in this location would not have an adverse impact on the amenities of neighbouring occupiers particularly no. 73 or 79 in terms of loss of privacy/overbearing impact.

5.5 Other Issues

Concerns raised regarding construction access and storage of materials are not considered relevant material planning considerations with regards the determination of this application, but are issues that need to be addressed by the applicant. If material is stored on open space land that is owned by Community Spaces, then they as the owners can take the appropriate action. Again if the tree in question falls on land outside the applicant's ownership, they need to ensure that no damage is caused to it. An informative will be imposed advising the applicant of the above.

5.6 Design and Access Statement

Not required with a householder application.

5.7 Section 106 Requirements

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

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

6. CONCLUSION

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

The recommendation to 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 **PK08/2838/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).

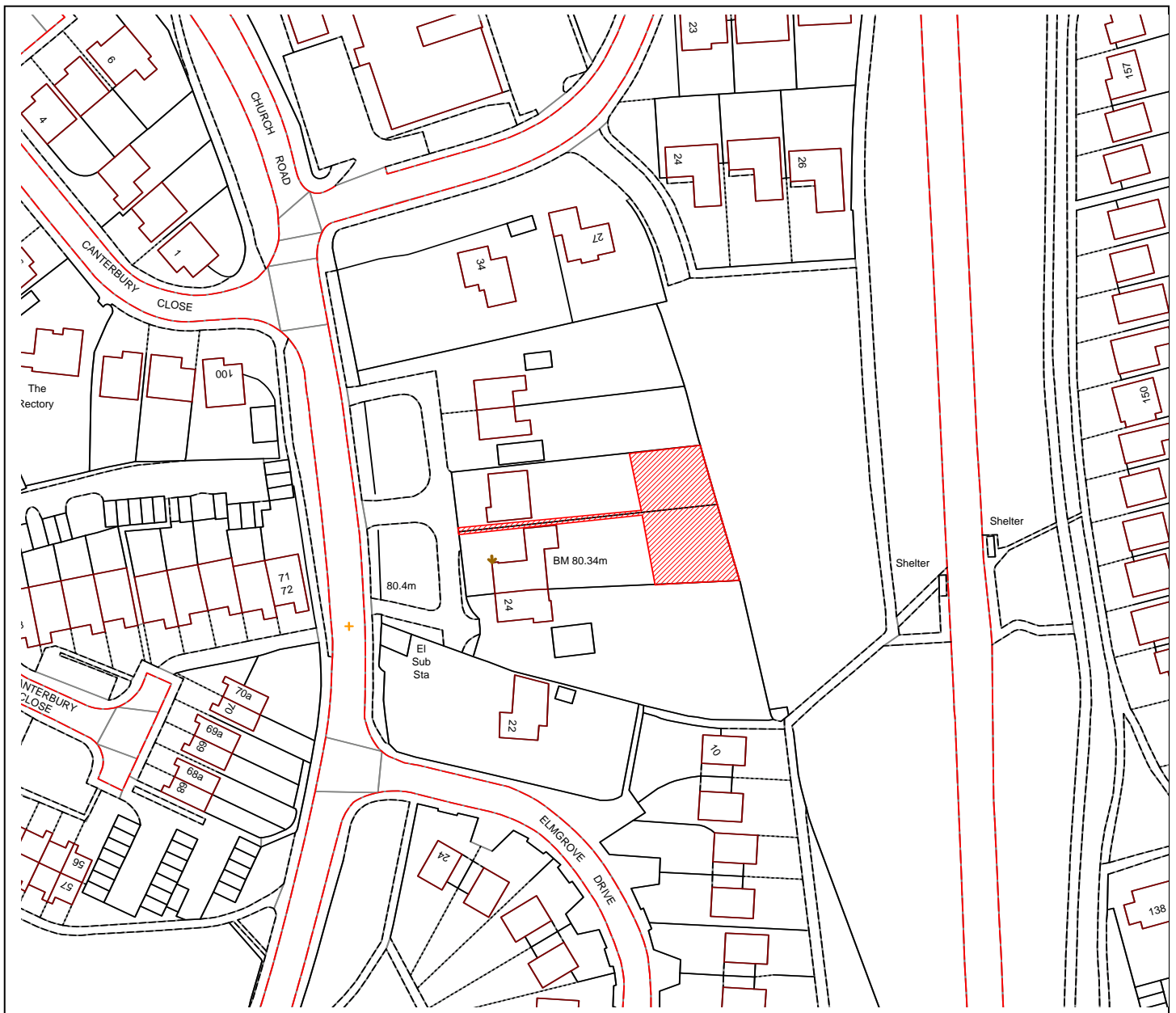
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

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. 48/08 – 28 NOVEMBER 2008

App No.:	PK08/2854/O	Applicant:	Mr & Mrs G S Dyer/Pearce
Site:	26 & 28 Church Road, Yate, South Gloucestershire, BS37 5BQ	Date Reg:	24th October 2008
Proposal:	Erection of 2no. dwellings (Outline) with access to be determined. All other matters reserved.	Parish:	Yate Town Council
Map Ref:	71627 83042	Ward:	Yate North
Application Category:	Minor	Target Date:	12th December 2008



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PK08/2854/O

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for erection of two detached dwellings in the rear gardens of No's 26 and 28 Church Road, Yate. The design and access statement confirms that each of the proposed dwellings would be single storey. This is an outline application with layout, scale, landscaping and appearance being held as reserved matters. The only matter for consideration at this outline stage is the means of access.
- 1.2 The new access to the proposed dwellings would be inserted between No's 26 and 28 Church Road. There is an existing single storey flat roofed extension on the side of No. 28 that would be demolished to create the new access as proposed.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/0689/F Erection of detached two storey dwelling with detached garage and associated works. Erection of replacement detached garage for existing dwelling.
Approved September 2007
This is a recently approved application at a neighbouring property – No. 24 Church Road.

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Objects to the application on the basis that the access arrangements would be detrimental to 26 and 28 Church Road and the proposals will effect the amenity of those properties.

Other Representations

4.2 **Local Residents**

One letter of objection has been received from a local resident. The resident is concerned that car parking in the back gardens will cause unacceptable noise and fumes causing loss of amenity. Also requests a conditions ensuring the access road be repaired and resurfaced after construction.

5. ANALYSIS OF PROPOSAL

5.1 **Principle of Development**

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

The South Gloucestershire Local Plan (Adopted) identifies the site as lying within the urban area. With the exception of design, it is considered that Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) encompass all the relevant issues of the above policies. Policy H2 allows for new residential development providing that that following criteria are complied with:-

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

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

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

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

Transportation

Access is the only issue for consideration as part of this application. The plans show the demolition of the existing side extension attached to no. 28 and the installation of a new driveway between the two existing dwellings. The new vehicular access will be 3.7 metres wide – sufficient to allow access by a fire engine. Whilst layout is not for consideration as part of this application, the indicative plans demonstrate how two off street parking spaces would be provided to serve each of the proposed new dwellings. The existing property No. 28 would be provided with a new detached garage and would retain one parking space on the hard standing to the front of the property. There is ample hard standing to the front of No. 26 similarly to provide sufficient off street parking for this dwelling. It is therefore considered that sufficient off street parking is available for all existing and proposed dwellings sufficient to comply with the requirements of Policy T8. There is ample space within the site to provide adequate turning and manoeuvring space for the parking spaces although again this would need to be fully investigated when layout is considered at reserved matters stage.

The new driveway will lead off of a private drive joined to Church Road. Vehicle speeds at the entrance to the private drive are very slow and despite the front boundary walls reducing the visibility, it is not considered that the new access would have any significant or detrimental impact upon highway safety.

Residential Amenity

The plans submitted are indicative only but they show the provision of a large amount of garden space for the existing dwelling No. 26, and a more than adequate amount of amenity space for the existing dwelling No. 28.

The indicative plots shown with the two proposed new bungalows are admittedly very small. However, given the fact that both buildings are to be bungalows with small footprints, it is likely that each property will have one or two bedrooms only. Whilst the design and access statement claims that each dwelling might possibly have a room in the roof space, this would need to be assessed at reserved matters stage and is likely to be resisted by the Council.

The ridge height of the proposed bungalows is not given at this outline stage. However, the design and access statement confirms that the eaves height of both properties will be approximately 2.4 metres. The design of the roof of the bungalows and the ridge height would be controlled at reserved matters stage. Given that each new dwelling is single storey only, there will be no high level windows that could allow for additional overlooking of neighbouring gardens or properties. The distances between the proposed front walls of the bungalows and the existing two properties is in excess of the 21 metre guideline and thus no adverse issue of intervisibility or loss of privacy would result for the existing dwellings.

It is accepted that a local resident and the parish council raised objection regarding possible disturbance and impact on existing levels of residential amenity. Consideration however must be given to the new dwelling recently approved in the back garden of a neighbouring dwelling – No. 24 Church Road. This approved dwelling is two storey in height and thus could possibly result in issues of overlooking and loss of privacy far in excess that that which could arise from the two proposed bungalows.

Your officer is also sensitive to the backland nature of the development and the fact that the driveway would have to pass between to existing properties and would allow vehicle movements in what is currently rear gardens. As a general rule of thumb, the Council tends to resist tandem development where some demonstrable harm would arise. In this instance, it is considered that the principle of backland development is acceptable and would integrate with the existing street scene. Key to this view is the recent approval of a dwelling in the rear garden of No. 24 Church Road. The new dwelling in the rear garden of No. 24 Church Road was considered acceptable partly because it is in line with dwellings No's 10 to 18 Elmgrove Drive. The two new bungalows subject of this application would continue this linear pattern of development thus maintaining the overall pattern of development in the locality. Given the current climate and the requirements of PPS3, it is not considered possible or reasonable to refuse the application solely on the argument that it is backland development alone when it is not considered that the new dwellings would have a significant or detrimental impact on either residential amenity or the character

of the area. At reserved matters stage, details of boundary treatments including walls, fences and vegetation will be required to ensure that sufficient mitigation measures are imposed to prevent significant adverse impact. Also, given that each of the proposed dwellings is likely to have one or two bedrooms only, it is probable that traffic movements too and from the properties are likely to be low.

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

Planning Policy Statement 3 encourages housing densities to respect the density of the surrounding area. A density calculation on the site provides a density of approximately 33 houses per hectare. This density is in keeping with the surrounding land uses and represents an appropriate density for the suburban location.

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

Due to the location of the site in a residential area, it is not considered that the site would be subject to environmental disturbances.

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

The proposal is only for 2 additional dwellings (over and above the existing situation) and therefore would not have a significant impact on the area in terms of service provision.

5.7 Design/Visual Amenity

In addition to the requirements of Policy H2, Policies D1 and H4 of the South Gloucestershire Local Plan require the design of the new dwellings to be suitable for their location and of a high standard. Design is held as a reserved matter at this stage and would be assessed in completeness in the reserved matters application.

5.8 Design and Access Statement

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

6. **CONCLUSION**

6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

7. RECOMMENDATION

7.1 That outline consent be granted subject to the following conditions;

Background Papers **PK08/2854/O**

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

CONDITIONS

1. Approval of the details of the layout, 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:

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 layout, scale and appearance of any buildings to be erected, the and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

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:

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:

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

5. Application for the approval of the reserved matters shall be in accordance with the parameters described in the design and access statement hereby approved.

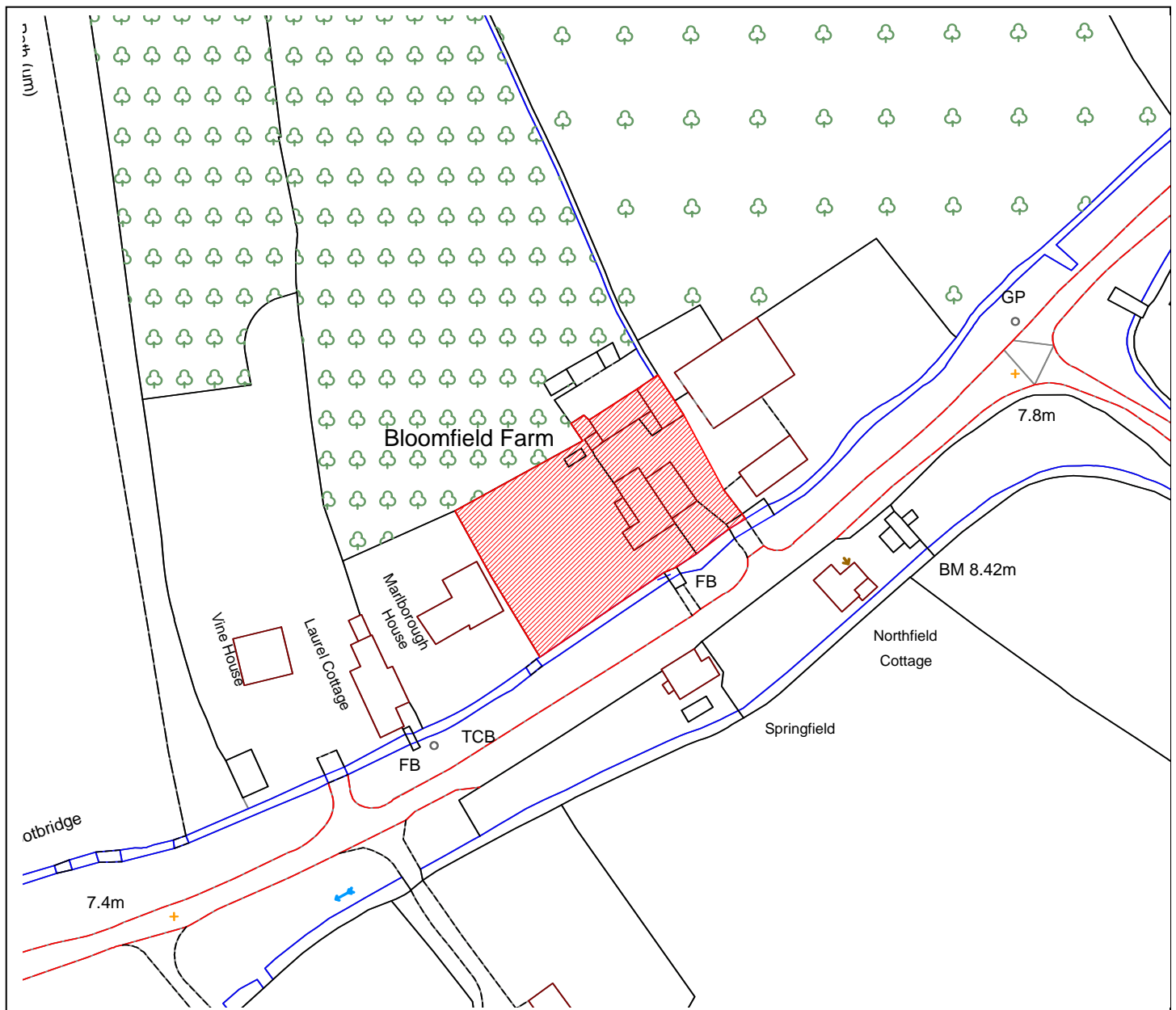
Reason:

In the interests of visual and residential amenity and to accord with Policies D1, H4 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 5

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PT08/1566/CLP	Applicant:	Mr & Mrs Clark
Site:	Bloomfield Farm, Lower Stone Road, Rockhampton, South Gloucestershire, GL13 9DT	Date Reg:	11th June 2008
Proposal:	Application for Certificate of Lawfulness for the proposed use of barn as granny annexe ancillary to farmhouse.	Parish:	Rockhampton Parish Council
Map Ref:	65570 93749	Ward:	Severn
Application Category:	Minor	Target Date:	31st July 2008



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N.T.S

PT08/1566/CLP

DC0901MW

INTRODUCTION

This application appears on the Circulated Schedule given that it comprises a Certificate of Lawfulness in respect of a proposed development.

1. THE PROPOSAL

- 1.1 The application forms a Certificate of Lawfulness in respect of the proposed use of a barn for granny annexe accommodation.
- 1.2 The application site comprises Bloomfield Farm on the north side of Lower Stone Road, Rockhampton.

2. POLICY CONTEXT

- 2.1 Town and Country Planning (General Permitted Development) Order 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/3461/F: Conversion of barn to form residential annexe. Withdrawn: 9th January 2007
- 3.2 PT06/3466/LB: Conversion of existing barn to form dwelling. Withdrawn: 9th January 2007
- 3.3 PT08/1568/LB: Internal and external alterations to facilitate conversion of existing barn to form granny annexe. Permitted: 1st August 2008

4. CONSULTATION RESPONSES

- 4.1 Rockhampton Parish Council
No comments received
- 4.2 Other Consultees
No comments received
- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Site/ Proposal
The application relates to Bloomfield Farm on the north side of Lower Stone Road, Rockhampton. The proposal focuses on an existing two-storey barn situated behind the main farm house and forming part of the rear yard.
- 5.2 The granting of the certificate would allow the change of use of this building to provide annexe accommodation. Living facilities would comprise a lounge and kitchen/ dining room at ground level in addition to a WC. Two bedrooms, a study and bathroom would be provided at first floor. Accordingly, the proposal would provide all facilities necessary to allow its occupation independent of the host dwelling.

- 5.3 Notwithstanding the above, the proposal in itself does not include any physical works to the building with the applicant aware that these works would require a further application; this would be necessary in order to implement the use of the building facilitated by the certificate if granted.
- 5.4 The purpose of submitting the application is, as stated, in view of the planning history of the site whereby a previous application was withdrawn in view of the concerns raised by the Environment Agency. This seeks to demonstrate that the new use of this building for residential purposes is lawful without the benefit of an application. The applicant considers that it would be unreasonable for the Environment Agency to maintain their objection should a certificate be granted.
- 5.5 The proposal would be occupied by the existing occupants of the farm house and their son; hence the requirement for two bedrooms. The main farmhouse would then be occupied by the applicant's daughter and her family whom rent locally. It is cited that the extended family would continue to share meals with the kitchen/ diner provided for snacks. External areas would all be shared.
- 5.6 Summary of Evidence in Support of the Application
In support of the application, attention is drawn to an appeal decision in respect of the conversion of a curtilage building to provide a two bed bungalow. Dated October 31st 2005, this appeal was allowed with the Inspector stating that:
- 'Were the building to lack some facility necessary for independent living and just provide additional sleeping, study or recreational space, for example, the functional ancillary relationship to the main house would flow from the limited physical provision. In what is proposed there is a clear potential for the character of the use to amount to independent occupation, as a matter of fact and degree. While the appellant cites family members as an example of ancillary occupation, blood relationship is not conclusive where all the facilities for day to day living are available. As indicated above a level or type of use less than the physical attributes of the building could support would be necessary to remain within the terms of the certificate. In Uttlesford DC V SSE and White [1992] JPL 171 it was held that there was no reason in law why a building that had the facilities expected in a self contained unit should, as a consequence, become a separate planning unit from the main dwelling. There is therefore no contradiction in terms in which the application has been made. It is not unfeasible that the building could be used in those terms.'*
- 5.6 As cited, this case was reliant upon the findings of an earlier decision. To this extent, at this time it was concluded that there is no reason in law why a unit of self-contained accommodation has to be used as such. Accordingly, to remove an essential element (i.e. the kitchen) to maintain dependence on the host unit would be unnecessary.
- 5.7 In further support of the proposal, attention is drawn to application PT04/3023/F where permission was sought for the proposed alterations/ refurbishment of an existing annexe (Lodge Farm, Rockhampton). However, the application was deemed unnecessary with all works covered by a listed building submission.

5.8 Analysis

- Since the 1980s the Secretary of State has, in the main, been of the view that Class E of the General Permitted Development Order doesn't provide for living accommodation where the facilities contained would be integral to the everyday requirements of a house. Accordingly, a building that contains a living room, bedroom, bathroom and kitchen has not been considered as 'incidental to the enjoyment of the dwelling house'. Instead, the Secretary of State's view has been that to be incidental, the function of the accommodation provided must be subordinate to the accommodation within the dwelling house. The Courts have generally been reluctant to interfere with this stance.
- 5.9 Notwithstanding the above, there is a variety of case law with arguments in support of both interpretations gaining favour. However, the majority appears to concur with the interpretation of the Secretary of State thus concluding that Class E can not provide for accommodation where the facilities proposed would ensure that the proposal would be tantamount to creation of a new dwelling.
- 5.10 As an example, in the case of East Hertfordshire District Council (12/5/2003 DCS No: 55016118) a lawful development certificate was sought to confirm that a garden building erected under Class E was capable of being occupied by family members associated with the main house. The appellant claimed that Class E permitted the erection of a building within the curtilage of a dwelling for 'purposes incidental to the enjoyment of the dwelling'; its use for eating and sleeping as an annexe to the main house, but not independently occupied from it, was therefore permitted development. However, the Inspector concluded that accommodation put to a purpose that was integral to an ordinary residential use was not incidental and thus was not permitted development.
- 5.11 A less harsh interpretation of the term 'incidental to the enjoyment' is that used when referring to buildings that already exist. In this instance, the interpretation given by the Courts embraces primary accommodation, so long as there has been no material change in the use of the planning unit or the formation of a separate self-contained living unit.
- 5.12 As a further example, a further lawful development certificate is noted (West Devon 9/12/03 DCS No. 35562830) where confirmation was sought that the use of a garage and games room in the garden could be used as ancillary living accommodation. In this instance, the appellant claimed that Class E authorised the use of the building for purposes incidental to the enjoyment of the dwelling. This would allow its occupation as residential accommodation provided that there was no change in the use of the planning unit. However, the inspector concluded that a second dwelling within the curtilage of the first would involve a material change in the character of the land and thus permission was required.
- 5.13 While Class E was not an issue in the following case, the question of whether a second planning unit had been created was (as per this application). This case involved the redevelopment of a stable block with the inspector noting that the application had been refused on the basis that it would be tantamount to a new dwelling within the countryside with all facilities necessary for independent occupation. The inspector found that the appellant's contention that they did not wish to rely on their son having to put up with guests in the house inferred

that the annexe would be occupied with a significant degree of independence. (Test Valley 10/6/05 DCS No. 100037566)

5.14 With regards to the information submitted, it has been demonstrated that there is case law which is supportive of either stance. Nevertheless, the majority of evidence would not appear to reflect the arguments advanced by the applicant whilst the Council have always sought to request a planning application where the proposal would be tantamount to the creation of an additional dwelling. To this extent, the application cited by the applicant would appear to differ in that the accommodation proposed formed an integral part of the existing dwelling and thus by virtue of its lack of separation, would not reasonably be occupied as an independent dwelling.

5.15 Conclusion

The current application seeks confirmation that permission is not required for the occupation of this building as residential accommodation ancillary to the host dwelling. Nevertheless, the proposal would be tantamount to the creation of a new dwelling given the level of accommodation proposed. Furthermore, it would allow a second family to occupy the application site and this, in light of the above advice, would result in a material change in the character of the land. The proposal would not be subordinate to the existing dwelling, thus a planning application would be required. The application is therefore recommended for refusal on this basis.

6.0 RECOMMENDATION

6.1 That a Certificate of Proposed Lawful Development be **REFUSED** for the following reason:

Background Papers **PT08/1566/CLP**

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

REFUSAL REASON

By virtue of the level of accommodation proposed and the intended use of the building, the proposal would result in a material change in the character of the land and would not be subordinate to the existing dwellinghouse. The proposal therefore fails to constitute permitted development under Schedule 2, Part 1, Class E of the the Town and Country Planning (General Permitted Development) Order 2008.

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PT08/2288/CLE	Applicant:	Mr Chesterman
Site:	Moorend House, Moorend Road, Hambrook, South Gloucestershire, BS16 1SW	Date Reg:	15th August 2008
Proposal:	Application for certificate of lawfulness for the existing use of land for storage of vehicles.	Parish:	Winterbourne Parish Council
Map Ref:	64737 78925	Ward:	Winterbourne
Application Category:	Minor	Target Date:	12th January 2009



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INTRODUCTION

This appears on the Circulated Schedule as it is an application for a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 This application relates to a certificate of lawfulness for the existing use of land for the storage of vehicles on land at Moorend House, Moorend Road, Hambrook.
- 1.2 The site has an area of 0.1415 hectares. It forms part of the walled kitchen garden associated with Moorend House, its southern boundary adjacent to Bromley Heath Road. The site lies outside any defined settlement boundary and is also within the Green Belt.
- 1.3 In order to obtain such a certificate the applicant must produce evidence that demonstrates on the balance of probabilities that the use has occurred for at least the last 10 years preceding the application. Accordingly, this is purely an evidential test and not a question of planning merit. The applicant should produce precise and unambiguous evidence to this end.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection.

Other Representations

- 4.2 None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 A site plan.
- 5.2 Letter from the applicants daughter stating that house and land is owned by parents and that the person using the land will reduce number of vehicles and the complete removal of all gas cylinders.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 Aerial photos 2006.

7. EVALUATION

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. With regard to the latter point, no Enforcement Notice is in force on any part of the site.

7.2 The relevant test of the submitted evidence

The onus of proof is on the applicant and the relevant test of the evidence in 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 the stricter criminal burden of proof, ie “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 its 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.

7.3 Hierarchy of Evidence

The only evidence submitted comprises a site plan and letter from the applicant’s daughter which gives no information in support of the case.

7.4 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;
7. 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, and in light of the above, it is considered that the information submitted in support of the application carries very little weight. The submitted site plan and letter does not provide any evidence as to the length of time the site has been used for the storage of vehicles or provide any details as to the numbers and types of vehicles. In addition, the aerial photos demonstrate that between 6-10 vehicles were on the site in 1999, approximately 6 were on site in 2005 but the aerial photo of 2006 indicates no vehicles on the site. This would suggest that the any use of the site for the storage of vehicles has not been for a continuous 10 year period or at lease indicates it is less than probable.

7.6 Having regard to the above, the information submitted is not considered to demonstrate that on the balance of probability, the land has been used for the storage of vehicles for a continuous period of ten years to the date of this submission. It is therefore considered that the granting of this certificate should be refused in this instance.

8. **RECOMMENDATION**

8.1 A Certificate of Lawfulness be **REFUSED** for the following reason:

Background Papers **PT08/2288/CLE**

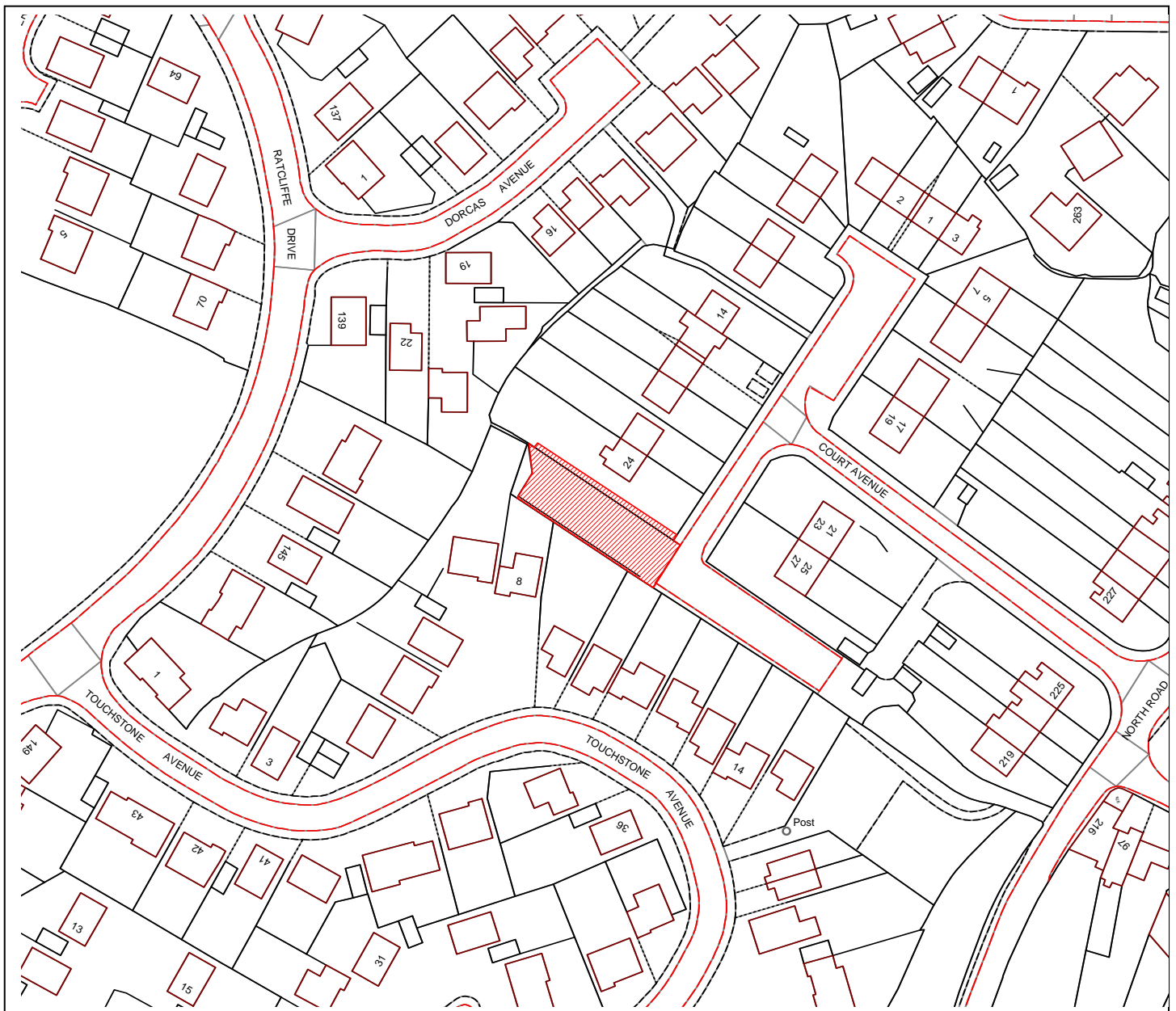
Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

REFUSAL REASON

1. The applicant has failed to provide evidence to demonstrate that on the balance of probability, the described use of the application site has subsisted for more than 10 years prior to the date of the application.

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PT08/2626/F	Applicant:	Mr D Simmonds
Site:	24 Court Avenue, Stoke Gifford, South Gloucestershire, BS34 8PJ	Date Reg:	24th September 2008
Proposal:	Erection of 2. no. dwellings with associated works (Resubmission of PT08/2165/F)	Parish:	Stoke Gifford Parish Council
Map Ref:	62579 80220	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	16th November 2008



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PT08/2626/F

INTRODUCTION

This application has been referred to the Circulated Schedule in view of the Legal Agreement which is required.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of two semi-detached dwellings.
- 1.2 The application site forms 0.05Ha of land on the north side of Court Avenue, Stoke Gifford. The application site forms a relatively narrow strip of grassland at the far end of this cul-de-sac that runs parallel with the adjoining property and which is understood to have been Council owned until recently.
- 1.3 The application comprises a resubmission of application PT08/2165/F that sought approval for four detached dwellings. These would have formed back to back style units; the application was refused for the following reasons:
 1. The proposed development, by reason of the two rear facing dwellings proposed, would result in a poor quality layout at odds with the established pattern of residential development within the locality. The proposal is therefore considered to be contrary to Planning Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
 2. It is considered that the scale, massing and design of the four dwellings proposed would comprise an overdevelopment of the site and appear an incongruous feature within the street scene, out of keeping with the existing character of residential development. The proposal would therefore be detrimental to visual amenity and is considered to be contrary to Planning Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
 3. The application fails to provide any mitigation measures to offset the impact of the proposal on the Bristol North Fringe highway network. The proposal is therefore considered to be contrary to planning policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) January 2006.
- 1.4 Amended plans form part of this application allowing alterations to the design of the proposed front porches and additional detailing to the dwellings.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

H2: Development within Residential Curtilages

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 P88/1593: Residential development on 0.08 acres of land (outline). Permitted: 27 April 1988
- 3.2 P90/2901: Residential development on 0.08 acres of land (outline). Permitted: 20 February 1991
- 3.3 P93/2623: Residential development on 0.08 acres of land (outline). Permitted: 9 February 1994
- 3.4 P97/1765: Residential development on 0.34 hectare (outline). Permitted: 15 July 1997
- 3.5 PT00/1648/R30: Residential development on 0.34 hectare (renewal of outline). Deemed Consent: 4 August 2000
- 3.6 PT03/2413/R30: Residential development on 0.34 hectare (renewal of outline). Deemed Consent: 29 September 2003
- 3.7 PT06/2484/R30: Residential development on 0.34 hectare (renewal of outline). Withdrawn: 21 November 2006
- 3.8 PT08/2165/F: Erection of four dwellings and associated works. Refused: 8 September 2008

4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council
No comment
- 4.2 Other Consultees
Technical Services (Drainage): no objections in principle
Highways DC: no objection subject to S278 Agreement
Environmental Services: no objections in principle
- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy D1 details that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and locality.

5.2 Planning policy H2 allows for the principle of residential development subject to considerations of design, residential amenity and highway safety. Furthermore, the maximum density compatible with the site, its location, accessibility and its surroundings should also be achieved. In this regard, proposals should seek to achieve a density of 30 dwellings per hectare and upwards of 50 dwellings per hectare where local circumstances permit.

5.3 Planning policy T12 cites that development will only be permitted (in terms of transportation) where (considered here most relevant) proposals would not generate traffic that would be detrimental to residential amenity and where it provides safe access capable of accommodating the traffic that is generated.

5.4 Design/ Visual Amenity

The application seeks full planning permission for two semi-detached dwellings on an area of grassland at the far end of Court Avenue, Stoke Gifford. It is noted that a history of outline applications establish the principle of residential development on this site although there appear to be no details in respect of the number, size or design of any future development.

5.5 The application seeks approval for the erection of two semi-detached dwellings which would align with the existing residential units on this side of the highway. The proposals would comprise two-bed dwellings with front and rear bedrooms and a central bathroom sandwiched between. At ground level, accommodation would comprise a rear facing lounge with a front kitchen and hallway. A ground floor WC would be provided in between whilst a front porch would straddle the new boundary providing two forward facing entranceways.

5.6 In considering the above, it is noted that Court Avenue is characterised by two-storey development which fronts the highway set back behind a strong building line on either side of the road. The area benefits from a sense of spaciousness by virtue of the front gardens provided and the rear gardens behind. The scale and massing of all buildings appears broadly similar with dwellings occupying wide but relatively shallow footprints and encompassed by roof structures of equal height.

5.7 The refused scheme would have been in contrast to this established pattern of development with the two rear facing dwellings attached to the forward facing properties. Such dictated that the proposals would have benefited from only small 'front' gardens whilst this layout would have necessitated a lengthy drive providing access to the rear and a footprint to the building double the depth of the existing dwellings; this would have been readily apparent from public view.

- 5.8 In the light of the above, Officer advice suggested that the scheme be amended to allow two forward facing dwellings. With this alteration having been made, this therefore is considered to address the first refusal reason in respect of the initial scheme and also help address the second refusal reason.
- 5.9 With regards to this amended submission, concerns remained in respect of the original plans given the lack of detailing to the dwellings, the porch shape and treatment of the front garden. The plot width was also of concern given the available space to the side of the adjoining property (owned by the applicant).
- 5.10 In view of the above, amended plans have been received providing a revised porch with the gable roof omitted and the front doors reoriented to face forward; additional detailing to the dwellings has also been provided. It was not possible to extend the front gardens further forward given that the area of hardstanding proposed is required for vehicle turning (this alteration would have introduced a highway objection). Further, it has not been possible to address the concerns related to the large area of spacing retained between no. 24 Court Avenue and the proposals; this is in view of an existing sewer in this location that requires 3m clearance either side.
- 5.11 In this instance, having regard to the alterations that have been made and the reasoning for those which have not, on balance, the proposals are considered acceptable with no objections now raised to the proposal on this basis.
- 5.12 Density
Policy H2 seeks to ensure that proposals for new residential development provide a minimum density of 30 dwellings per hectare with upwards of 50 units per hectare where local circumstances permit. In this instance, the proposal would provide a density of development equating to 40 dwellings per hectare and thus there is no objection to this current application on this basis.
- 5.13 Residential Amenity
The neighbouring dwelling to the north of the application site forms a two-storey semi-detached property fronting Court Avenue. One secondary kitchen window within the flank wall faces the application site whilst boundary screening is provided by a 1.8m high (approx.) close-boarded fence; this stands at a lower level with the aforementioned kitchen window visible above. This dwelling is inset from the boundary with vehicular access running to this side.
- 5.14 The proposals would stand some 6m from this dwelling with the reduced size of the building ensuring that there would not be a significant projection beyond the rear building line of this existing property. Further, flank windows would be limited to the ground and first floor bathroom windows. For these reasons, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.15 Neighbouring properties to the south comprise two-storey detached dwellings that front Touchstone Avenue. In view of the identical design of the new units (albeit handed), openings to this side would again be limited to ground and first floor bathroom windows. For this reason and in view of the level of spacing provided (by reason of the adjoining rear gardens), it is not considered that any significant adverse impact on residential amenity would be caused.

- 5.16 The dwelling behind stands at an appreciable distance from the application site (separated by a neighbours' rear garden) whilst is relatively well screened and faces away from the application site. Accordingly, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.17 There are no properties immediately opposite the application site with this area of land instead given over to hardstanding and formerly providing an area of car parking.
- 5.18 Highway Safety
There is no highway objection to the access, parking and turning arrangements although a condition would need to be added to any favourable decision notice to provide further details concerning the proposed cycle storage facilities.
- 5.19 A contribution of £3600 is applicable towards the North Fringe (Transport Measures) Scheme. This contribution is assessed at £1800 per unit for two bedroom dwellings and should be secured via an appropriate legal agreement prior to the issue of any favourable decision.
- 5.20 Notwithstanding the above, in an attempt to address those concerns related to the area of hardstanding at the front of the application site, it was suggested that a formal turning head be provided that would then be adopted as part of the highway. The applicant has resisted this proposal and thus the requirement remains for the proposed hardstanding. Given that there was no associated refusal reason in respect of the last application, it is considered that it would be unreasonable to withhold planning permission on this basis.
- 5.21 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.
- 5.22 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 278 Agreement under the Highway Act 1980, but would nevertheless satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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 Authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission subject to conditions set out below and the applicant first voluntarily enter into an agreement under Section 278 of the Highway Act 1980 to secure the following:
- 7.2 A contribution of £3600 towards the North Fringe Development Proposal (Transport Matters) initiative. The reasons for this agreement are to mitigate against the impact on the Bristol North Fringe local road network to comply with Policy T12.
- 7.3 Should the section 278 agreement fail to be determined within 6 Months of this resolution, then the application is refused on the failure to secure the head of term set out in section 1 of the recommendation.

Background Papers PT08/2626/F

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason(s):

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

2. 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.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north and south (flank) elevations of the dwellings.

Reason(s):

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

4. Prior to the occupation of the dwellings hereby permitted, and at all times thereafter, the proposed bathroom windows on the north and south (flank) elevations shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason(s):

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

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

Reason(s):

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

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

Reason(s):

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

7. Prior to the commencement of development, a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the local planning authority for approval. The boundary treatment shall be completed before the buildings 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 Planning Policies D1, H2, H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

9. The off-street parking and turning facilities shown on the plan hereby approved shall be provided before the buildings 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 Planning Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

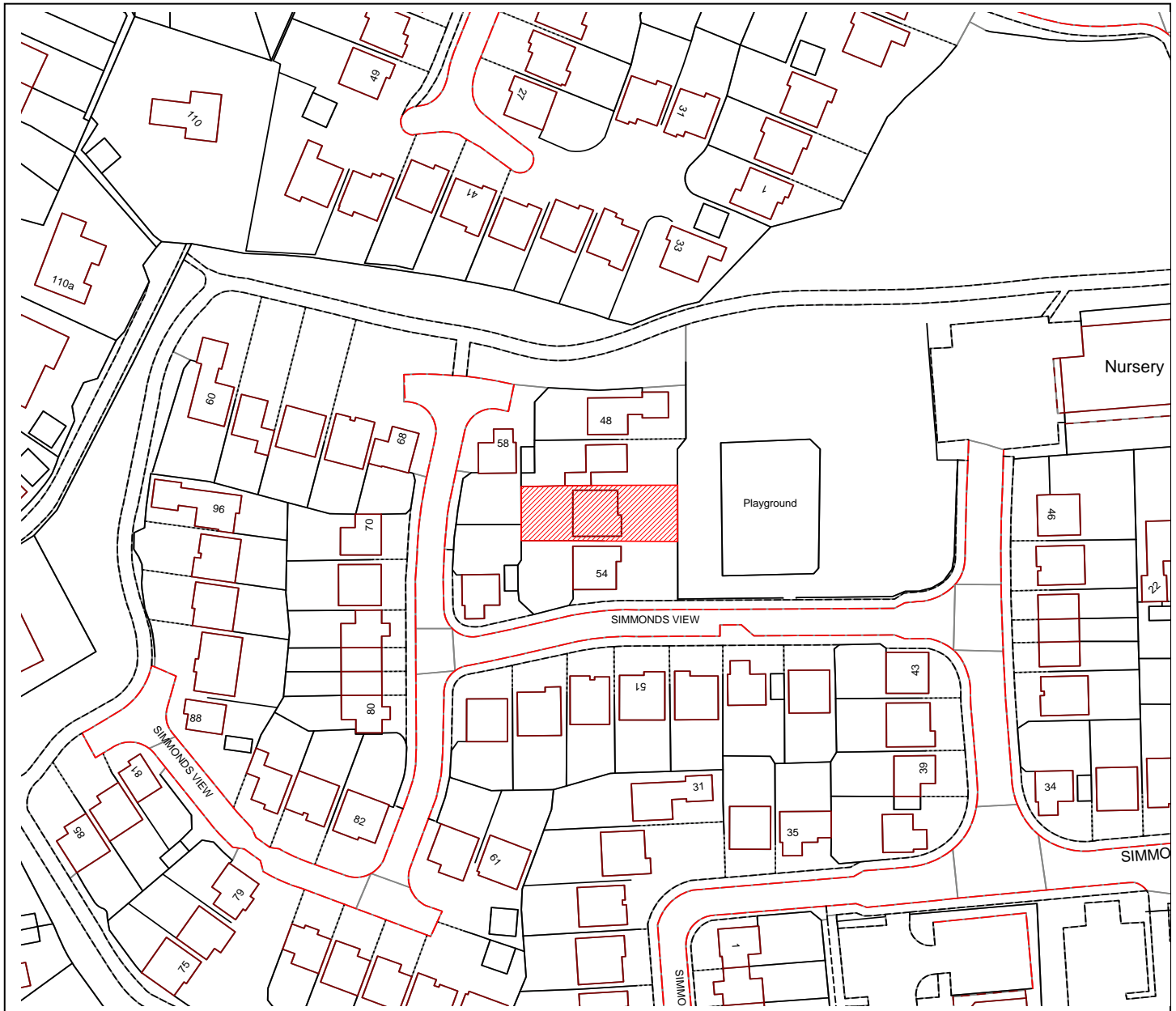
Reason(s):

To encourage means of transportation other than the private car, to accord with Planning Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 8

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PT08/2690/F	Applicant:	C/o Agent
Site:	52 Simmonds View, Stoke Gifford, South Gloucestershire, BS34 8HL	Date Reg:	2nd October 2008
Proposal:	Installation of rear dormer windows to facilitate loft conversion.	Parish:	Stoke Gifford Parish Council
Map Ref:	62919 80083	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	25th November 2008



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N.T.S

PT08/2690/F

1. THE PROPOSAL

- 1.1 The application seeks permission to erect three small dormer windows on the rear elevation roof slope of this two storey house. The materials appear to be to match the existing house but have not been specified.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving good quality design in new development
H4 Development within existing residential curtilages, including extensions and new dwellings.
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Supplementary Planning Document)
Adopted 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/3297/F First floor side extension Approved

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection
- 4.2 Other Consultees
None
- 4.3 Local Residents
Two letters of objection received on the following grounds(one anonymous):
- three dormers windows will look directly into writers property and garden and encroach on privacy.
 - windows will be higher than others in this facility and will not be in keeping with the structure of the property and will spoil the ambiance/aesthetics of this part of Simmonds View/surrounding area.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of South Gloucestershire Local Plan specifically relates to extensions and other development within residential curtilages. The policy indicates that such domestic development is acceptable in principle subject to the following considerations. Policy D1 seeks to achieve good design in development.
- 5.2 Design and Residential Amenity
Policy H4 seeks to ensure that any extension should be in keeping with the character and visual amenity of the building and the surrounding area. The

policy also seeks to protect the privacy and residential amenity of the neighbouring properties.

The house is located between other detached houses and at the end of the properties 10.5m long rear garden are the gardens to two other houses, situated side on to the proposal site.

In terms of design the dormers are well proportioned and located appropriately on the roof slope directly above the first floor windows. Their presence would not be dominant on the streetscene and an appropriate condition can ensure matching materials. The dormer windows are therefore considered to be acceptable to the appearance of the house and in relation to the surrounding area.

With regards to the amenity of the neighbours the dormer windows are considered to be of limited scale in relation to the roof slope and shall therefore be read as part of the roof without being overbearing on the neighbouring houses. In respect of privacy it is considered that as the houses at the rear of the site are at ninety degrees to the proposal and as the windows would be at least fifteen metres apart (where the angle is most acute) there would be no material loss of privacy to the neighbouring dwellings. As such the relationship is considered acceptable.

5.4 Transportation

The existing parking spaces and garage space are unaffected within the curtilage. As such no objection is raised.

5.5 Design and Access Statement

Not required

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, conditions are appropriate.

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 is granted subject to the following conditions.

Background Papers **PT08/2690/F**

Contact Officer: **Karen Hayes**
Tel. No. **01454 863472**

CONDITIONS

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

Reason(s):

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

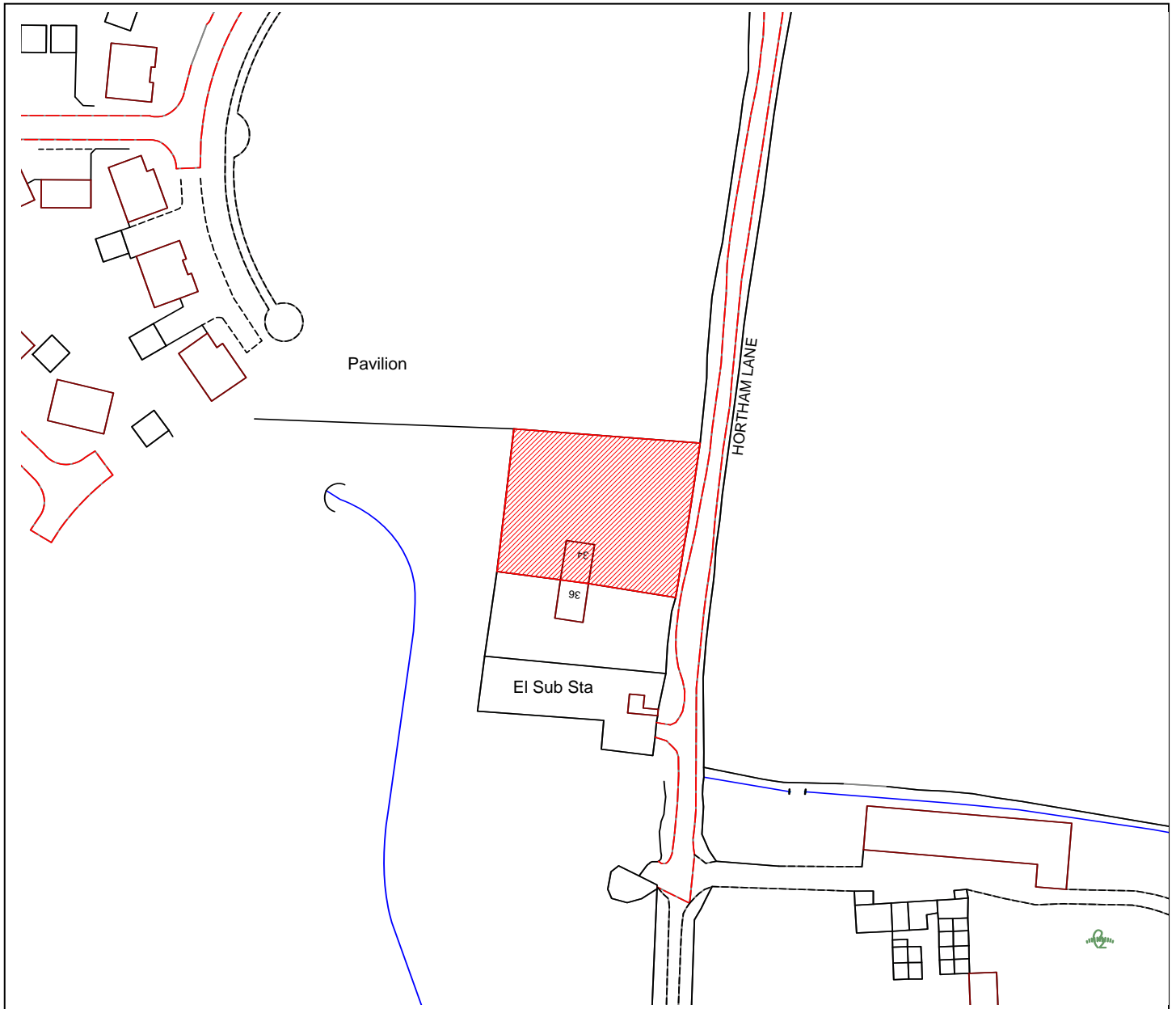
2. The materials to be used in the construction of the external surfaces of the dormer windows hereby permitted shall match those used in the existing building.

Reason(s):

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

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PT08/2797/F	Applicant:	Mr L Mead
Site:	34 Hortham Lane, Almondsbury, South Gloucestershire, BS32 4JL	Date Reg:	15th October 2008
Proposal:	Erection of two storey rear extension to provide additional living accommodation	Parish:	Almondsbury Parish Council
Map Ref:	62219 84272	Ward:	Almondsbury
Application Category:	Minor	Target Date:	8th December 2008



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N.T.S

PT08/2797/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of a letter of support from Almondsbury Parish Council which is contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a two storey rear extension to provide addition living accommodation. The extension would comprise of two hip end projections and a single storey lean to. The proposal would be approximately 7m in width, 3.6m in depth and 6.5m in height.
- 1.2 The application site relates to a semi-detached dwelling which is situated within a rural area. To the rear of the site the former Hortham Hospital which is currently being redeveloped for residential purposes. The site is situated outside of the Almondsbury settlement boundary and is designated as Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG2: Green Belts
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: New Development within Existing Residential Curtilages
GB1: Development within the Green Belt
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
South Gloucestershire Development within the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P99/1147 Erection of two storey side extension.
Approved on 8 March 1999.
- 3.2 P99/1927 Erection of double detached garage.
Refused on 27 July 1999.
- 3.3 P99/2533 Erection of double detached garage.
Approved on 11 November 1999.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
The Parish Council has no objection to this application and in light of the development of 270 houses across the road and feel that planning consent should be granted.

- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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

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

5.3 Policy GB1 of the Local Plan allows for limited extensions to dwellings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original building. The South Gloucestershire Development within the Green Belt SPD states that an addition resulting in a volume increase of 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'.

5.4 Whether an addition is considered disproportionate or not, depends on the individual circumstances on the site, and what type of addition is proposed. To facilitate this assessment the *South Gloucestershire Development in the Green Belt SPD* outlines a "Disproportionate Test". This test states that an additions which result in volume increases of 50% or more of the original dwelling (The volume of the dwelling at construction or it volume on July 1st 1948) would most likely be considered in excess of any reasonable definition of 'limited extension'. Such a proposal would normally therefore be viewed as a disproportionate addition.

5.5 Impact on the Green Belt

The planning history and officer's site visit identified that the original dwelling has been extended through a side extension. It is estimated that the original dwelling had an approximate volume of 274m³. The volume and cumulative percentage change for the existing and proposed extensions have been detailed below: -

Planning Ref	Extension Description	Volume (m ²) [†]	Cumulative Volume of Dwelling (m ²) [†]	Cumulative Percentage Change (%) [†]
P99/1147	Erection of two storey side extension.	130	404	> 47

Permitted Development	Single storey rear extension.	50	454	> 66
PT08/2797/F	Erection of two storey rear extension	131	534	> 95

Table 1 – Volume increase to original dwellings

† These figures are only approximate estimates which have been scaled from the submitted plans.

- 5.6 Table 1 outlines the volume for the previous and proposed extension, and the cumulative percentage increase over and above the volume of the original dwelling. This information demonstrates that the dwelling has already been extended by approximately 66%. This application proposes a further 32% extension to the dwelling, which would equate to a 95% addition over and above the volume of the original dwelling.
- 5.7 The proposed extension would undoubtedly exceed 50% of the volume of the original dwelling. As such, with regard to the ‘Disproportionate Test’ outlined in the adopted *Development in the Green Belt SPD*, the proposed extension would be considered in excess of any reasonable definition of ‘limited extension’. Thus, the proposal is considered to be a disproportionate addition, contrary to policy GB1 and H4 of the adopted South Gloucestershire Local Plan. The applicant has not submitted very special circumstances to prove the exceptional nature of the proposal outweighs the harm the extension would cause to the Green Belt.
- 5.8 It is noted that the Parish Council has supported the application due to the large residential development to the rear of the site at Hortham Hospital. Notwithstanding this representation, it must be noted that this particular site was allocated under Policy GB3 and H1 of the adopted South Gloucestershire Local Plan for residential re-development. The site was allocated as an exception site in the Green Belt because of its redundant use and the fact that its redevelopment would see a beneficial use made of the site and environmental improvements. The application site is situated outside of this allocated site. As such, only Policy GB1 of the adopted South Gloucestershire Local Plan applies and therefore no significant weight can be given to the Hortham Hospital development.
- 5.9 Residential Amenity
The proposed development would be situated on the rear elevation. The extension would be set in from the boundary and would extend no further than the existing rear extension. The extension would include windows on the rear elevation. These would only afford oblique views into the amenity space of the adjacent property. In view of these features it is considered that the development would not cause an adverse overbearing effect, or a material loss of privacy.
- 5.10 Design and Visual Amenity
The proposed rear extension comprises of a two-storey double hip-end projection. The scale and massing of the proposal would appear subservient to

the existing dwelling, and it would be finished in materials to match the existing dwelling. Furthermore, the extension would be well screened from the wider area and the street scene by virtue of the existing boundary treatments and landscaping. In view of these features, it is considered that the development would respect the appearance and character of the existing dwelling.

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

7. RECOMMENDATION

- 7.1 Planning permission to be **REFUSED** for the following reason:

Background Papers **PT08/2797/F**

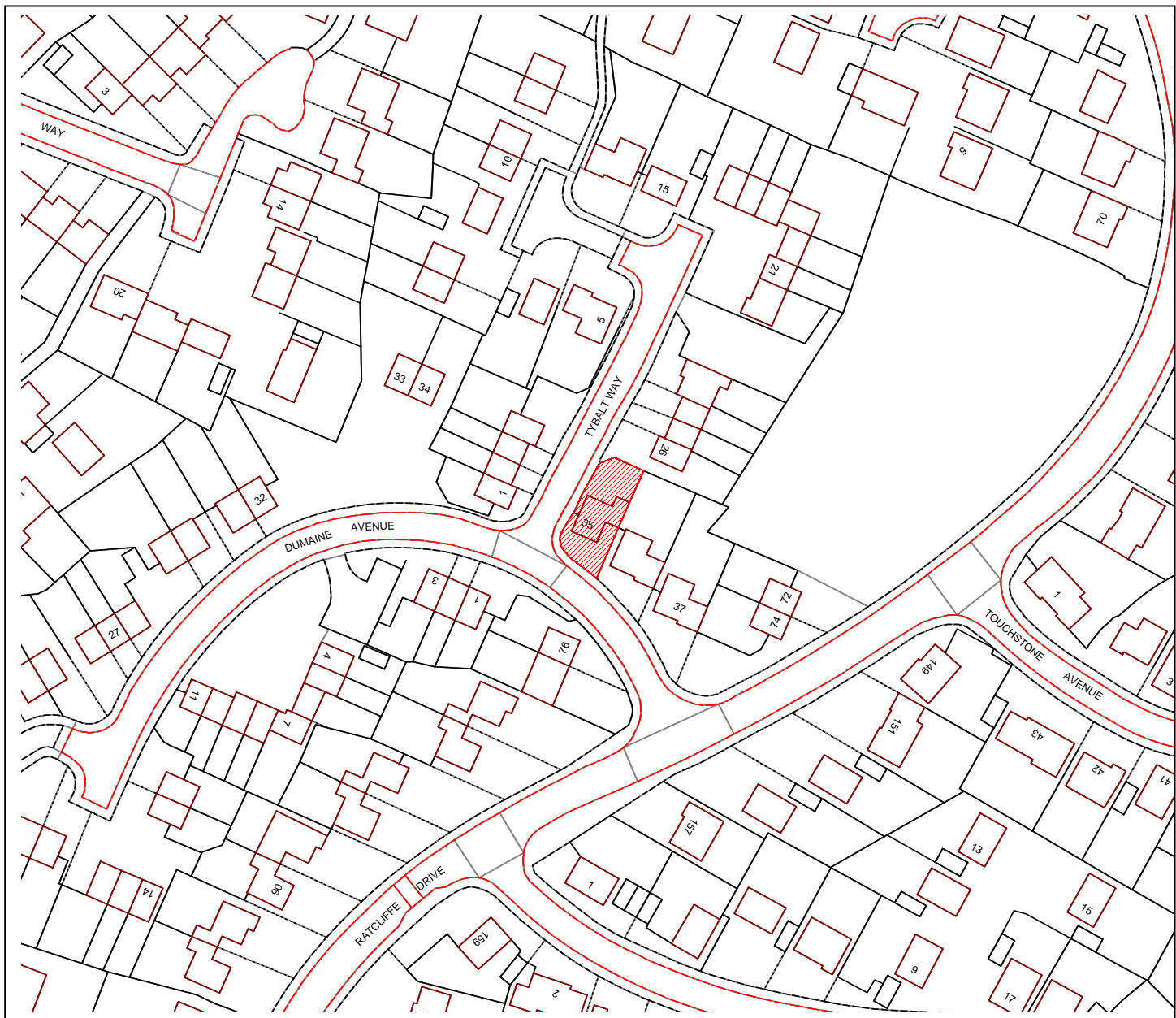
Contact Officer: **Peter Rowe**
Tel. No. **01454 863131**

REFUSAL REASON

The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt because the proposed extension would result in a disproportionate addition over and above the size of the original building. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policies GB1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and, the Development within the Green Belt SPD (Adopted) June 2007.

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PT08/2806/F	Applicant:	Mr M Webb
Site:	35 Dumaine Avenue, Stoke Gifford, South Gloucestershire, BS34 8XH	Date Reg:	16th October 2008
Proposal:	Erection of two storey side extension to provide additional living accommodation. Erection of front porch.	Parish:	Stoke Gifford Parish Council
Map Ref:	62394 80205	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	8th December 2008



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100023410, 2008.

N.T.S

PT08/2806/F

This application appears on the Circulated Schedule in view of the concerns that have been raised by the neighbouring residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for a two-storey side extension and single-storey rear extension. This would replace an existing attached garage to this side of the property.
- 1.2 The application site comprises a detached two-storey dwelling on the corner of Dumaine Avenue and Tybalt Way fronting the former.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: Development within Residential Curtilages
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P88/1089: Erection of two-storey side extension to provide garage and utility room with bedroom over; erection of canopy over forward projection of garage. Refused: 30 March 1998
- 3.2 PT04/1991/F: Erection of rear conservatory. Permitted: 1 July 2004

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comment
- 4.2 Other Consultees
No comments received

Other Representations

- 4.3 Summary of Local Residents Comments
One letter received expressing the following concerns:
 - o There is no objection to the proposed extension itself;
 - o Concerns are raised in respect of the proposed foundations which would build over an existing drain- this is within the neighbouring property and any

- damage caused to the structure of this drain would be the responsibility of the neighbour;
- Permission has been given for access to this neighbouring property to allow building works;
 - Permission has not been given for access to any drains;
 - Prior to permission being granted, it would be helpful for an individual with the necessary expertise to view the application site.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design/ Visual Amenity

The application site comprises a detached two-storey dwelling on the corner of Dumaine Avenue and Tybalt Way. It is noted that surrounding dwellings are of differing design with nos. 36 and 37 Dumaine Avenue both having the benefit of a two-storey side extensions.

5.3 The application would provide a two-storey side extension which would allow a garage (albeit substandard in size), utility and dining room at ground level with an ensuite bedroom above. At ground level, it is noted that the garage would project forward of the host dwelling by 1.5m although first floor accommodation would be stepped back behind the existing front wall at first floor. Similarly, the dining room would project beyond the rear wall of the property (albeit in a near identical position to the existing garage) again with the first floor inset. The proposal would also allow a front lean-to porch to align with the new garage.

5.4 In response, it is noted that the existing dwelling is of gabled design with front and rear gables. Given the recessed position of the proposal at first floor, the build would appear subservient and retain the character and proportions of the host dwelling. For these reasons, the proposal is considered to be acceptable and in keeping with the general character of the area.

5.5 Residential Area

The neighbouring dwelling comprises a two-storey detached property which sits slightly forward of the host dwelling. The existing driveway associated with the host property currently provides an element of spacing between the dwellings whilst it is noted that there are no facing windows within the flank wall of this neighbouring unit.

5.6 The impact of the proposal on this neighbouring property at the rear would be slightly exacerbated given the forward positioning of this neighbouring property. However, the two-storey element would only project 2m beyond the rear of this property (with no. 36 also inset from the boundary) whilst the rear projecting dining room would near align with the rear of the existing garage. Accordingly, there can be no reasonable objection to the proposal on this basis.

5.7 Finally, it is noted that a side facing window is proposed within the bedroom; however, this would form a secondary window that would face the blank wall of the existing building. It is considered that a condition should be attached to any favourable decision to require obscure glass to this window.

5.8 With regard to the issues raised, the application is accompanied by certificate A thus confirming that all works would fall within the application site. Further, any planning permission would not authorise works beyond the application site with any issues related to the existing drains and proposed foundations covered by the building regulations process and with any outstanding issues related to land ownership a civil matter. Planning permission could not be reasonably withheld on this basis.

5.9 All other neighbouring dwellings stand at an appreciable distance from the site of the proposal with that dwelling behind fronting Tybalt Way. There is only one first floor overlooking window contained within this flank elevation and this appears secondary. As such, it is not considered that any significant adverse impact in residential amenity would be caused.

5.10 Highway Safety

A previous application (P88/1089) for a two-storey side addition in this position was refused for the following (single) reason:

'The proposed development would result in the hardstanding area provided to the front of the property being so diminished that it could no longer adequately provide for incidental parking within the curtilage of the property and would lead to on-street parking to the detriment(al) of highway safety.'

5.11 This aforementioned application was 20 years ago and thus planning policy has subsequently changed with an emphasis on maximum standards; policy T8 advises that for a four bedroom property should be provided with a maximum of three parking spaces.

5.12 In this instance, the proposal would result in the loss of the existing garage and a large area of the existing drive. To help compensate for this, the area of hardstanding to the front of the dwelling would be enlarged although this would not be large enough to accommodate two standard parking spaces (2.4m x 4.8m). Nonetheless, in view of the current policy context and the sustainable location of the site, there is no objection to the current proposal on this basis.

5.13 Design and Access Statement

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

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.

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

7. RECOMMENDATION

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

Background Papers **PT08/2806/F**

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

CONDITIONS

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

Reason:

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 east elevation of the property.

Reason:

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

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

Reason:

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

5. The off-street parking facilities shown on the plan hereby approved shall be provided within 1 month of the completion of the extension hereby approved 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 Planning Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PT08/2812/PN1	Applicant:	Vodafone UK Limited
Site:	Cooper Road, Thornbury, South Gloucestershire, BS35 3UR	Date Reg:	17th October 2008
Proposal:	Prior notification for the intention to install 1 no. 15 metre telegraph pole with 1 no. antenna, 1 no. equipment cabinet and associated works.	Parish:	Thornbury Town Council
Map Ref:	63827 89362	Ward:	Thornbury South and Alveston
Application Category:	Minor	Target Date:	8th December 2008



INTRODUCTION

This application appears on the Circulated Schedule as a representation was received contrary to the Officer's recommendation. Prior notification applications have a 56 day deadline under which they must be determined. In this instance the recommendation is 'no objection' and if the Local Planning Authority fails to determine within this period then consent is automatic. As no Committee date is now available within this time scale the application can no longer be 'called in'.

1. THE PROPOSAL

- 1.1 The applicant seeks prior notification for the intention to install 1 no. 15 metre telegraph pole with 1 no. antenna, 1 no. equipment cabinet and associated works.
- 1.2 The development is required to provide a high level of coverage and high grade of service to the near by residential area in response to Vodafone's customer demands. The mast would also improve the company's '3G' coverage in Thornbury.
- 1.3 The application site relates to an adopted highways verge on Cooper Road, Thornbury. This area is an industrial estate and safeguarded employment area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPG8 Telecommunications
Code of Best Practice on Mobile Phone Network Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
Policy S5 Telecommunications
- 2.3 Supplementary Planning Guidance
Telecommunications Network Infrastructure (Adopted) August 2005

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection raised.
- 4.2 Local Residents
One letter of objection received raising the following concern:
- The mast has potential health risks.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of development is permitted by Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995. The issues for consideration here are the siting and visual appearance of the intended equipment.

An additional consideration is Policy S5 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy specifically relates to proposed telecommunications equipment and seeks to protect the environment from negative impact relating to telecommunications equipment. In accordance with advice contained in PPG8, the policy encourages discreet siting where possible. Alternatively the use of site sharing or the use of other existing structures to position telecommunications should be considered where the technical needs of the operator can be achieved. In all cases, PPG8 advises that telecommunications equipment installations should be sited, designed and landscaped in order to minimise the negative impact on the built and natural environment.

5.2 Consideration of Alternative Sites and Mast Sharing

The applicant has submitted evidence which identifies that six alternative sites have been considered. This suitably demonstrates there are no other suitable locations, existing masts, tall building or other structures which would meet the technical needs of the applicant.

5.3 Design and Visual Amenity

The mast is to have a 'galvanized' finish which will give a shiny metallic appearance. The cabinet on ground level will be finished in green. It is considered that the mast will resemble many of the lamp posts visible on Cooper Road and so the visual amenity will not be adversely impacted upon.

5.4 Residential Amenity

There are no residential properties in close proximity to the proposed location of the telecommunications mast and therefore the proposal would have no adverse impact on residential amenity.

5.5 Health Issues

Many of the objection received raised issues regarding the health implications of the mast. Notwithstanding these comments, PPG8 advises that it is not for Local Planning Authorities to consider the impact upon health as a result of the implementation of the telecommunications network. This is a matter for consideration by the Health and Safety Executive. However, proposals for such telecommunications equipment should meet the ICNIRP guidelines for public exposure to radiation, and provided that the proposed equipment does this then it is not necessary for the Local Planning Authority to consider health effect and concerns about them.

The proposal is submitted with a certificate of conformity with ICNIRP guidelines in relation to the proposed telecommunications equipment. Therefore health concerns need not be addressed as part of this submission.

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 raise no objection 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

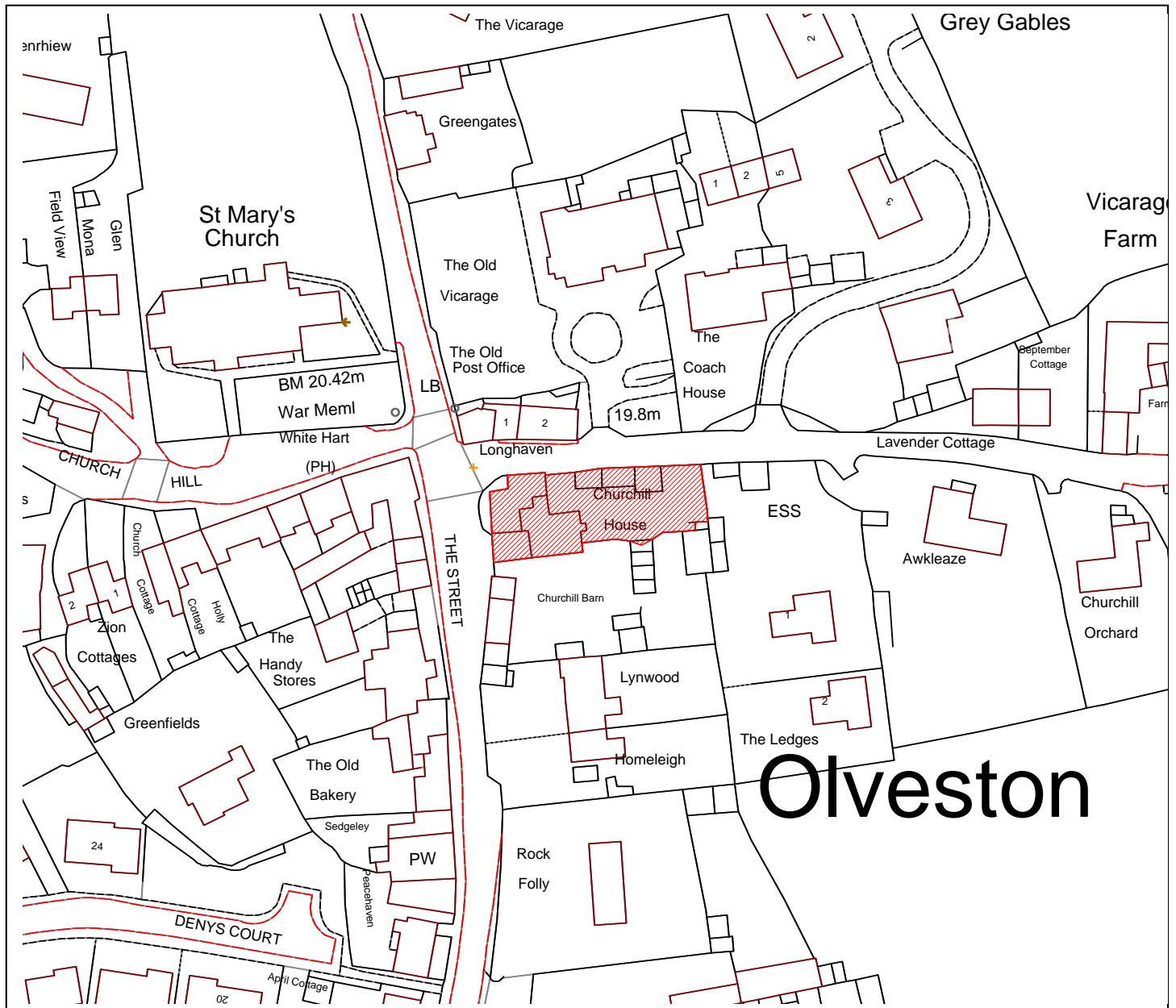
- 7.1 No objection.

Background Papers **PT08/2812/PN1**

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

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PT08/2817/F	Applicant:	Mr A Macaskill
Site:	Churchill House, The Street, Olveston, South Gloucestershire, BS35 4DP	Date Reg:	20th October 2008
Proposal:	Increase height of boundary wall to 2.1 metres, formation of gateway and installation of access gates.	Parish:	Olveston Parish Council
Map Ref:	60149 87247	Ward:	Severn
Application Category:	Minor	Target Date:	10th December 2008



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100023410, 2008.

N.T.S

PT08/2817/F

This application appears on Circulated Schedule due to a letter of objection from a local resident

1. **THE PROPOSAL**

- 1.1 This application relates to the increase in height of boundary wall to 2.1m; formation of gateway and installation of access gates within the southern boundary wall separating Churchill House with Churchill Yard, The Street, Olveston.
- 1.2 The application site is a Grade II listed building located within the settlement boundary and Olveston Conservation Area.
- 1.3 This application proposes to increase the height of the boundary wall from 1.2m to 2.1m as well as forming a new 2.4m opening in the wall to provide gated access.
- 1.4 Listed building consent for these works was recently granted under Listed Building Consent reference PT08/2285/LB.

2. **POLICY CONTEXT**

2.1 National Guidance

- PPS1 Delivering Sustainable Development
- PPG2 Green Belt
- PPG15 Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
- L12 Conservation Areas
- L13 Listed Buildings
- H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist (Adopted)
- Olveston Conservation Area

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT06/3572/LB Erection of dwelling and conversion of outbuilding. Approved 19 January 2007.
- 3.2 PT06/3577/F As above. Approved 19 January 2007.
- 3.3 PT07/3019/F Erection of dwelling and conversion of outbuilding (Amendment to PT06/3577/F). Approved 7 November 2007.

- 3.4 PT07/3101/LB Demolition of part of existing boundary wall; erection of new infill section and replacement of existing concrete wall with stone wall to match the remainder.
Approved 16 November 2007.
- 3.5 PT08/2285/LB Increase in height of boundary wall to 2.1m; formation of gateway and installation of access gates.
Approved 26 September 2008.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objection.

Other Representations

- 4.2 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
a) increased noise;
b) loss of privacy;
c) increased use of Churchill Yard will increase congestion on The Street.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Listed building consent has recently been granted for the proposal, subject to numerous conditions. As such the effect of the development on the character and setting of Churchill House is considered acceptable in principle.
- 5.2 In assessing applications for development within existing residential curtilages, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. In this particular instance such development is normally permitted provided it would not prejudice amenities of nearby occupiers or highway safety.
- 5.3 The application proposes an increase in the height of the wall by 0.9m and introduces double gates. The wall is adjacent but perpendicular to an outbuilding recently converted to residential use. The wall is located over 2.4m from the window which serves the living room. It is considered that this distance is acceptable without resulting in any overbearing impact/loss of privacy to occupiers of this property. In terms of transportation issues, the proposal is also acceptable. It does not create a new access onto a highway but rather provides a new access within the site. The applicant's already have right of access off The Street and as such the proposal is acceptable in transportation terms. On this basis there would be no material change in terms of noise to nearby residents. The development is therefore in accordance with the development plan and is acceptable.
- 5.4 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers **PT08/2817/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:

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

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

Reason:

To maintain and enhance the character and setting of the listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The new entrance gates hereby permitted shall exactly match the existing gates of Churchill House fronting Vicarage Lane, as indicated on the approved plans.

Reason:

To maintain and enhance the character and setting of the listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

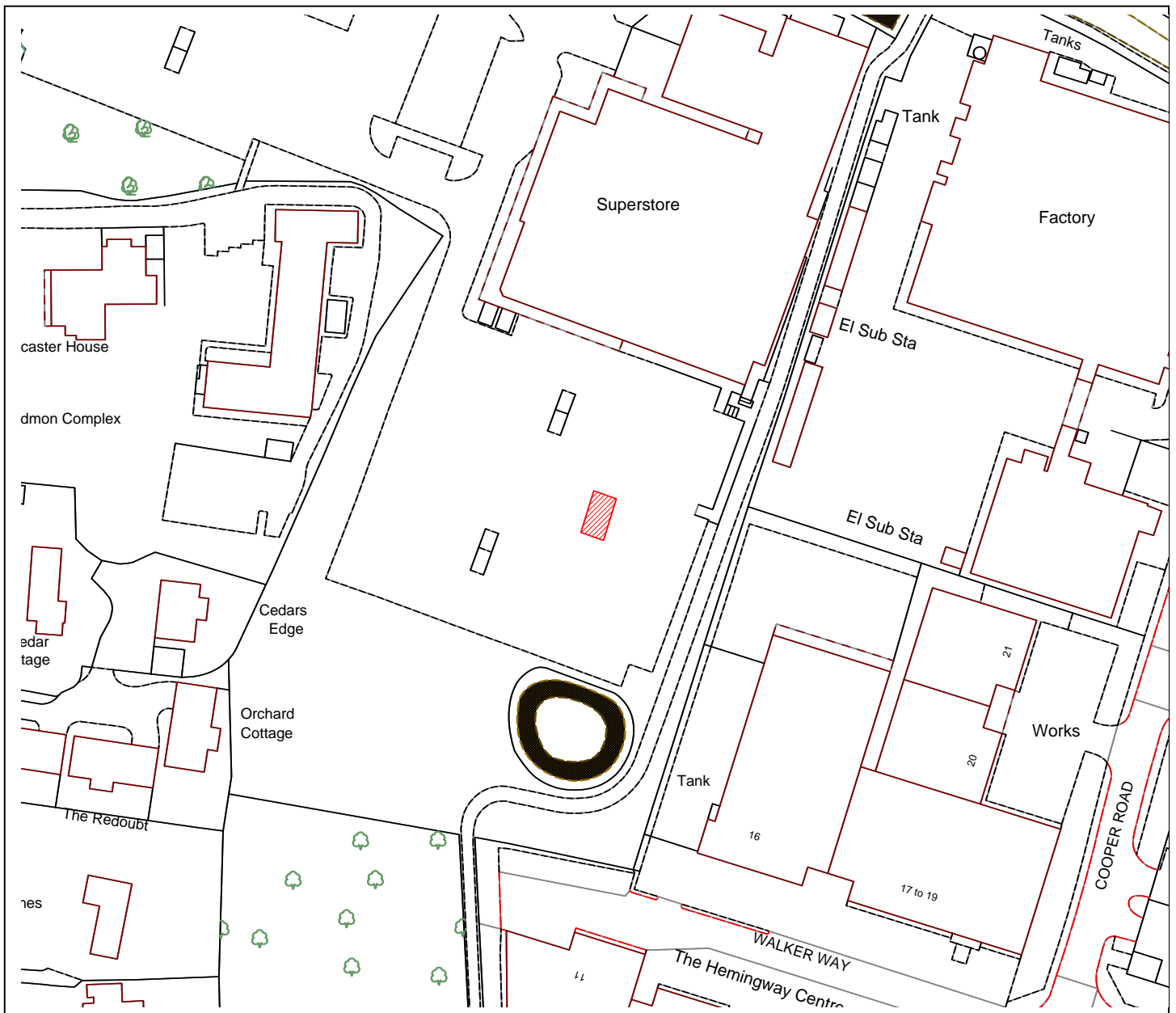
4. Prior to the commencement of development, details of the finish of the new gates shall be submitted to and agreed in writing by the Local Planning Authority and the development when carried out shall conform to the details so approved.

Reason:

To maintain and enhance the character and setting of the listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PT08/2834/F	Applicant:	Tesco Plc
Site:	Tesco Stores Ltd, Midland Way, Thornbury, South Gloucestershire, BS35 2BS	Date Reg:	21st October 2008
Proposal:	Erection of 10.6 metre high wind turbine	Parish:	Thornbury Town Council
Map Ref:	63749 89530	Ward:	Thornbury South and Alveston
Application Category:	Minor	Target Date:	11th December 2008



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 100023410, 2008.

INTRODUCTION

This application appears on the Circulated Schedule as representations were made contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning consent for the erection of a 10.6 metre high wind turbine.
- 1.2 The application site is set within Tesco Store, Thornbury. The site is within the existing urban area and outside the Thornbury Conservation Area. It is proposed that the wind turbine be located in the car park to the south of the main store. The turbine would measure 10.6 m in height and 3.3 m at its widest point and is constructed of a steel tower and frame with aluminium blades and will be colour coated white (RAL9016).

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport
PPG15	Planning and the Historic Environment
PPS22	Renewable Energy

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
EP5	Renewable Energy Installations
L12	Conservation Areas
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

No objection.

4.2 Local Residents

Four letters of objection were received by local residents raising the following concerns:

- The turbine would generate unacceptable levels of noise and vibration.
- Approval of this application would set a precedent for further wind turbines in South Gloucestershire.
- The plan fails to show new homes to the west of the existing car park.
- Potential for vandalism and antisocial behaviour.
- This site is unsuitable and there are more suitable sites in South Gloucestershire.
- The proposal would have an unacceptable impact on the visual amenity of the locality.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy EP5 of the South Gloucestershire Local Plan (Adopted) January 2006 states that proposals for renewable energy installations will be permitted provided that the development would not have unacceptable environmental or transportation effects, and would not prejudice residential amenity.

It should be noted that no 'sequential test' needs to be applied to this application in regard to suitability of the application site or other sites in South Gloucestershire.

5.2 Noise Issues

The Council's Environmental Health Officer was consulted as a part of this application and raised no objection provided that a condition is attached to the decision notice stating that 'when in operation, noise from the turbine shall be limited to a level of 35dB (A) L90 10min, up to wind speeds of 10 m/s when measured at 10 metres in height, at the nearest sensitive premises'. It is not considered that the proposal would lead to unacceptable levels of noise or vibration as the nearest residential properties lie approximately 60 m away.

5.3 Transportation

The Council's Highways Officer was consulted as a part of this application. The loss of parking will be immaterial given the level of parking remaining and the components for construction can be transported to the site via standard delivery vehicles. Therefore the proposal complies with Policies T8 and T12 of the Local Plan.

5.4 Visual Impact and Landscape

The proposed wind turbine would be set within an existing car park within the Tesco store. Directly to the north, east and west of the proposed turbine are industrial units, with some residential accommodation to the south west. To the east and south of the site runs a Public Right of Way and to the south this footpath runs through a heavily vegetated area.

It is considered that the location and design of the wind turbine is informed by the character of these surroundings and that existing features of landscape that provide high amenity value are being safeguarded. In regard to the dwelling houses to the south west of the application site, these are approximately 60 m away and it is considered that there is ample boundary treatment in the form of

tall, mature trees. It is therefore considered that no harm is caused to the visual amenity and the proposal therefore complies with Policy D1 of the Local Plan.

5.5 Conservation Area

The proposed wind turbine would be located in excess of 100 m from the Thornbury Conservation Area. The car park to the south of the Tesco store, where the turbine is to be located, is on a considerably lower ground level than that of Bristol Road and Midland Way where the Conservation Area resides. In addition the turbine would be positioned behind tall, mature trees to the west of the site and by the Tesco store itself and further industrial units to the north meaning that the turbine would be barely visible from the Conservation Area.

5.6 Designing out Crime

It is not considered that this proposal would lead to an increase in vandalism or antisocial behaviour in or around the application site. The proposal therefore complies with Policy D1 of the Local Plan.

5.7 Other Matters

It has been noted following local residents concerns that the proposed site plan does not include the residential properties to the south west of the application site, however this was not a necessity on behalf of the applicant and the impact the proposal would have on these properties has been given full consideration in this report. In regard to this application, if approved, setting a precedent for further wind turbine applications to be approved, it is noted that any such applications will be dealt with on their own individual merits.

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.

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 **PT08/2834/F**

Contact Officer: **Will Collins**
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).

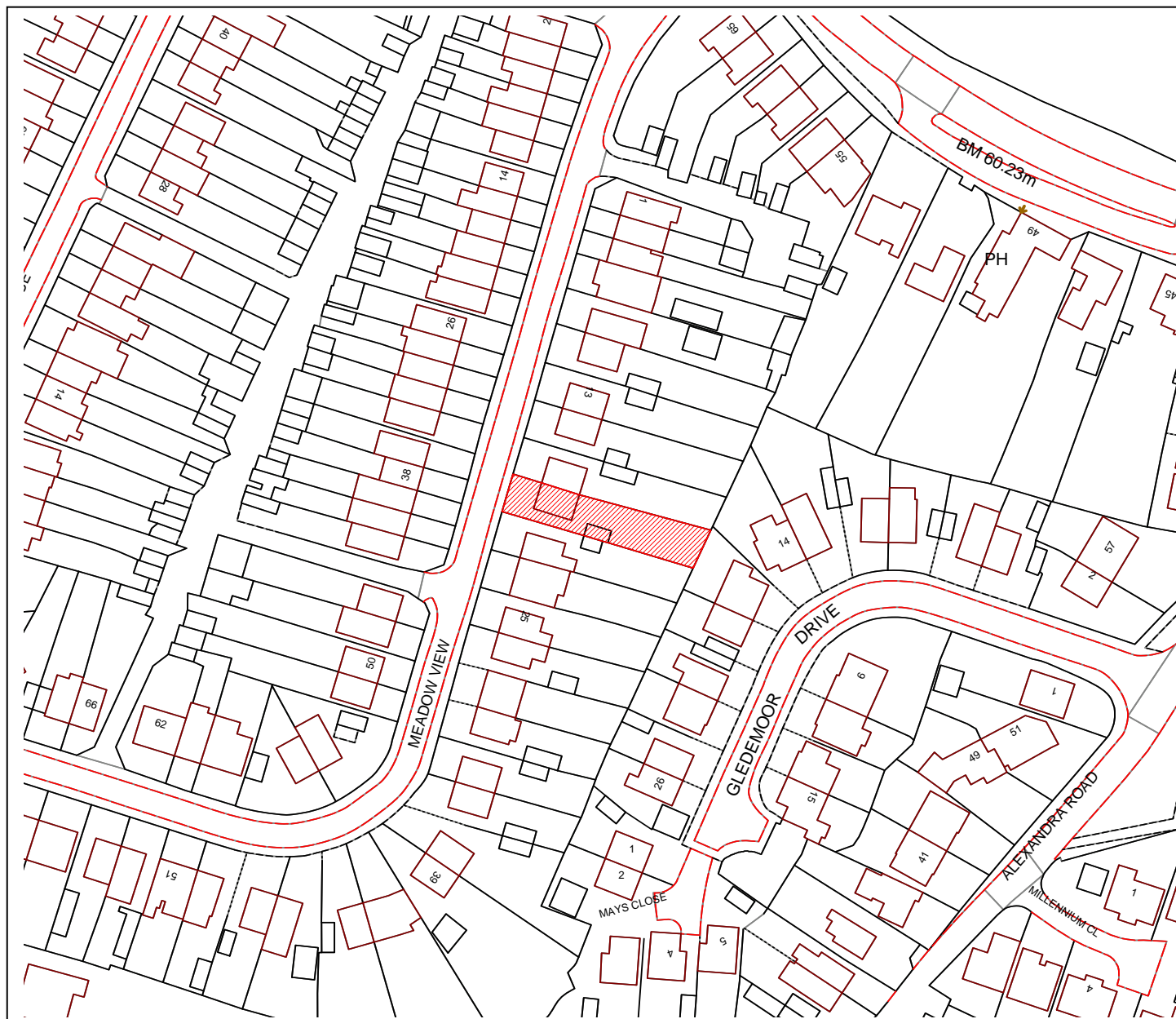
2. When in operation, noise from the turbine shall be limited to a level of 35dB (A) L90 10min, up to wind speeds of 10 m/s when measured at 10 metres in height, at the nearest sensitive premises.

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP5 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 48/08 – 28 NOVEMBER 2008

App No.:	PT08/2886/F	Applicant:	Mr & Mrs Trotman
Site:	19 Meadow View, Frampton Cotterell, South Gloucestershire, BS36 2NF	Date Reg:	29th October 2008
Proposal:	Erection of two storey side extension to provide additional living accommodation.	Parish:	Frampton Cotterell Parish Council
Map Ref:	67602 81428	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	19th December 2008



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PT08/2886/F

INTRODUCTION

This application appears on the Circulated Schedule List because a neighbour and Parish Council objection have been received.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side extension to provide additional living accommodation. The proposal would measure approximately 2.3 metres in width, 9.3 metres in length and have an apex of 8 metres at ridge level, while an existing lean to porch would continue across the build.
- 1.2 The application site comprises a two storey semi-detached dwelling, which is located within the established residential area of Frampton Cotterell. The host dwelling is situated on the east side of the street and fronts Meadow View.

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 in New Development
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No site history

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Objection on the basis that there will be no parking provision because the proposed development goes right up to the boundary and therefore, the ability to access the rear parking space will be lost.
- 4.2 Transport Officer
No objection
- 4.3 Local Residents
One letter received from a neighbouring occupier expressing the following concerns:
 - The extension appears to draw level with the boundary line on the 1:50 plan, which would mean that the roof verge would overhang their driveway.

- It would appear that the boundary wall would need to be removed in part for the duration of the work and they would therefore want assurance that it would be replaced as existing.
- The front porch, in reducing the size of the driveway could cause their vehicles to overhang the pavement, which could exacerbate highway problems.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity.

5.2 Policy D1 of the Local Plan considers general design principles and ensures good quality design.

5.3 Design/Visual Amenity

This application seeks planning permission for the erection of a two-storey side extension to provide additional living accommodation. The proposal would measure 2.3 metres in width, 9.3 metres in length and have an apex of 8 metres at ridge height, while an existing the lean-to porch would continue across the build. The application site comprises a two-storey semi-detached dwelling, which is located within the established residential area of Frampton Cotterell. The host dwelling is situated on the eastern side of the street and fronts Meadow View. Meadow View contains a mix of terrace and semi-detached properties, and is non uniform in character, while several properties in the street exhibit extensions.

5.4 The proposed extension would draw level to the south flank boundary, while the existing front elevation and roof line of the host dwelling would continue across the build. The existing porch would extend across the build, it is considered that the proposal would be reasonably in keeping with the existing dwelling. No.23 located close to the host dwelling has benefited from a similar side extension. The extension would encompass materials which match the existing dwelling, which would include brick and render, tiles and UPVC windows and doors.

5.5 Given the above, is considered that the proposed extension would not be detrimental to the character of the existing dwelling or the character of the surrounding area and accords with Policy H4 and D1 of the South Gloucestershire Local Plan (adopted) 2006.

5.6 Residential Amenity

The build would not extend further than the existing front and rear building line and on this basis, it is considered that the proposal would not have an overbearing impact on no. 17 adjoined on the northern elevation or no. 21 to the south. With regards to privacy, no windows are proposed in the southern elevation of the proposal, ensuring that there would be no material loss of privacy to the residential occupiers of no. 21 to the south. While windows are proposed in the front and rear elevations, it is considered that the proposal will not introduce any new privacy issues, on the basis that existing windows are

present in the front and rear elevations. As such, and with all other dwellings located at an acceptable distance from the application site, it is considered that the proposal is acceptable in terms of residential amenity and accords to Policy H4 of the South Gloucestershire Local Plan (adopted) 2006.

5.7 Transport Officer

There is no transport objection to the proposal. The Parish Council and a neighbouring occupier objected to the proposal on the basis of a loss of parking, given that the proposed extension would block access to a garage and shorten the length of the driveway slightly. Nevertheless, a Council Transport Officer is satisfied that sufficient parking will remain on the hard standing for 2 no. cars following the extension.

5.8 Outstanding Matters

The neighbour concerns regarding the boundary wall and the overhang of the roof verge are civil in nature and are not material planning considerations in this instance. Certificate B has been submitted with the application form and as such, the applicant has given the neighbouring occupier notice of the intended works. The concerns regarding the boundary wall can be resolved by both parties following guidance contained in the Party Wall Act 1996. Further, any works that will be carried out on or over land not in ownership of the applicant will not be able to proceed without prior consent from the neighbouring occupier, regardless of the grant of planning permission.

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 Planning Permission is GRANTED subject to the following conditions.

Background Papers **PT08/2886/F**

Contact Officer: **Jonathan Ryan**
Tel. No. **01454 863538**

CONDITIONS

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

Reason(s):

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