



**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. 48/09

Date to Members: 04/12/09

Member's Deadline: 10/12/09 (5pm)

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

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

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **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: 04/12/09

SCHEDULE NO. 48/09

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

Dates and Deadlines for Circulated Schedule
Over the Christmas and New Year period 2009/2010

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
50/09	Wednesday 16 December 2009	Tuesday 22 December 2009
51/09	Wednesday 23 December 2009	Monday 04 January 2010
52/09	No Circulated Schedule production	No Circulated Schedule production
01/10	Friday 08 January 2010	Thursday 14 January 2010

CIRCULATED SCHEDULE – 04 DECEMBER 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/5130/R3F	Deemed Consent	South Gloucestershire Council Yate Outdoor Sports Complex Broad Lane Yate South Gloucestershire BS37 7PN	Yate North	Yate Town
2	PK09/5418/R3F	Deemed Consent	Mangotsfield Church Of England Primary Church Farm Road Emersons Green South Gloucestershire BS16 7BF	Emersons	Mangotsfield Rural Parish Council
3	PK09/5442/F	Approve with Conditions	Land Adjacent To Great Kingley Cottage Dodington Lane Dodington South Gloucestershire BS37 6SB	Cotswold Edge	Sodbury Parish Council
4	PK09/5445/F	Approve with Conditions	Unit 1 St Ivel Way Warmley South Gloucestershire	Siston	Siston Parish Council
5	PK09/5525/F	Approve with Conditions	101 Woodmancote Yate South Gloucestershire BS37 4LH	Yate Central	Yate Town
6	PK09/5559/O	Approve with Conditions	31 Southfield Avenue Kingswood South Gloucestershire BS15 4BH	Kings Chase	None
7	PK09/5567/CLP	Approve	135 Court Road Kingswood South Gloucestershire	Woodstock	None
8	PK09/5573/F	Approve with Conditions	11 Park Close Kingswood Bristol South Gloucestershire BS15 9TL	Woodstock	None
9	PK09/5601/TRE	Approve with Conditions	1A Crossleaze Road Hanham South Gloucestershire BS15 3NH	Hanham	Hanham Abbots Parish Council
10	PK09/5641/TRE	Approve with Conditions	59 Cleeve Park Road Downend South Gloucestershire BS16 6DW	Downend	Downend & Bromley Heath Parish Council
11	PK09/5644/F	Approve with Conditions	53 Rangers Walk Hanham South Gloucestershire BS15 3PW		Hanham Abbots Parish Council
12	PT09/0744/F	Approved Subject to	21 Rannoch Road Filton South Gloucestershire BS7 0SA	Filton	Filton Town Council
13	PT09/5199/F	Approve with Conditions	The Old Fire Station High Street Thornbury South Gloucestershire BS35 2AQ	Thornbury North	Thornbury Town Council
14	PT09/5494/F	Approve with Conditions	The Piggery Building Churchend Lane Charfield Wotton Under Edge South Gloucestershire	Charfield	Charfield Parish Council
15	PT09/5518/F	Approve with Conditions	5 Woodend Road Coalpit Heath South Gloucestershire BS36 2LN	Frampton Cotterell	Frampton Cotterell Parish
16	PT09/5581/F	Approve with Conditions	Hollytree Farm Morton Street Thornbury South Gloucestershire BS35 1LE	Thornbury North	Thornbury Town Council
17	PT09/5637/F	Approve with Conditions	17 Martin Close Patchway South Gloucestershire BS34 5RW	Patchway	Patchway Town Council
18	PT09/5638/F	Approve with Conditions	188 Ormonds Close Bradley Stoke South Gloucestershire BS32 0DZ	Bradley Stoke North	Bradley Stoke Town Council
19	PT09/5661/F	Approve with Conditions	Viaduct Nurseries 114A Badminton Road Coalpit Heath Bristol South Gloucestershire	Westerleigh	Westerleigh Parish Council

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.: PK09/5130/R3F
Site: South Gloucestershire Council Yate
Outdoor Sports Complex Broad Lane
Yate Bristol

Applicant: South Glos Council
Date Reg: 19th October 2009

Proposal: Erection of 100no. seater stand to
existing all weather pitch.

Parish: Yate Town Council

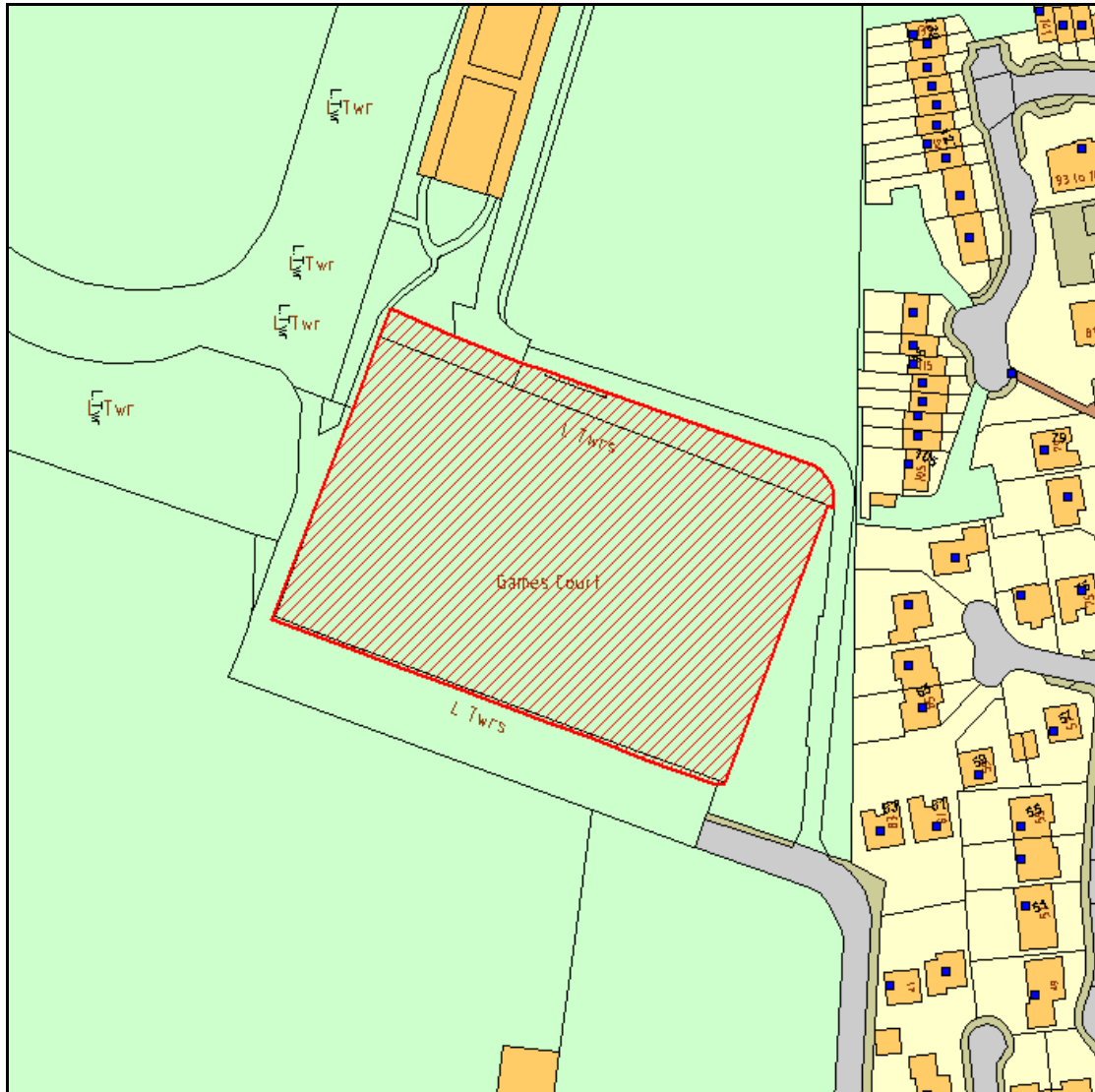
Map Ref: 370161 183795

Ward: Yate North
Target 22nd December

Application Minor

Date: 2009

Category:



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100023410, 2008.

N.T.S.

PK09/5130/R3F

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident, the concerns raised being contrary to the officer recommendation. The application has also been submitted by South Gloucestershire Council and as such is a Regulation 3 application, that under the Council's current Scheme of Delegation, must also be determined via the Circulated Schedule

1. THE PROPOSAL

- 1.1 The application relates to the Yate Outdoor Sports Complex, which is located at the end of Broad Lane and to the north of Brimsham Green School. The site lies in open countryside, adjacent to the western edge of the Urban Area, denoted here by the residential development along Long Cross. Open fields lie to the north and grass sports pitches to the south-west; to the west, the overall complex is bounded by a railway line.
- 1.2 The complex incorporates a 400m all-weather running track and associated floodlights, clubhouse and grandstand, together with a floodlit all-weather sports pitch, used mainly for hockey and football. A large car park lies to the south of the all-weather pitch. Access to the car park is gained via a driveway off Broad Lane, which runs between the school and the residential properties to the east.
- 1.3 It is proposed to erect a small, covered spectator stand on the northern side of the all-weather pitch. The stand would have a capacity for approximately 100 people, including 6 spaces for disabled persons. The stand would be a simple construction some 16.1m long, 3.8m deep with a mono-pitch roof to a maximum height of 4.5m. The external surfaces would be clad in metal sheeting.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPS7 - Sustainable Development in the Countryside
PPG13 - Transport
PPG17 - Sport & Recreation
PPS25 - Development and Flood Risk

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
T7 - Cycle Parking
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development

LC5 - Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries.

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

3. RELEVANT PLANNING HISTORY

- 3.1 There have been numerous applications relating to the various sporting facilities and associated infrastructure at the Yate Outdoor Sports Complex, all of which were approved. The application most relevant to this proposal is as follows:
- 3.2 N158/5 - Construction of hockey pitch/athletic training area and car park.
Approved 7 Dec 1978

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection
- 4.2 Iron Acton Parish Council
No objections
- 4.2 Other Consultees
None

Other Representations

- 4.3 Local Residents
1no response was received from the occupant of 41 Long Croft, Yate, who raised an objection to the scheme. The concerns raised are summarised as follows:
- Noise and disturbance resulting from use; the building will encourage people to watch activities and will add to what is already a noisy environment.
 - It will give a haven to troublemaking youth's.
 - The security is inadequate.
 - Increased traffic during evenings and weekends on inadequate access road.
 - Inadequate parking provision.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy LC5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits the expansion or improvement of outdoor sports and recreation facilities outside the Urban Area subject to the following criteria:

- 5.2 **A. Proposals for facilities which are likely to be major travel generators are located on sites which are highly accessible by public transport, on foot and by bicycle; and**
- 5.3 The proposed stand would be located within a long established sports complex and would only contain 100 seats for spectators. The site is easily accessible, being located on the edge of the Urban Area, close to a cycle route and a main road served by a bus route. The Design & Access Statement confirms that the existing all-weather pitch is already booked almost to capacity, most days of the week. The use of the proposed stand would be in the main for spectators who already watch the various clubs, which currently use the all weather pitch. It is therefore estimated that any increase in use of the facilities as a result of the provision of a spectator stand would be minimal. Apart from a couple of small dug-outs, there is currently no undercover seating for spectators watching matches played on the all weather pitch. Officers do not consider that the proposal would be a major travel generator.
- 5.4 **B. Development would not in itself, or when considered with other recent or proposed sports and recreation developments in the immediate locality, have an unacceptable effect on the character and diversity of the landscape; and**
- 5.5 The proposed stand would be located on a concrete base, adjacent to the half-way line, on the northern side of the pitch; in a location between the fence around the all-weather pitch and the perimeter access road. This location is currently grassed but there are no trees or hedges in this part of the Sports Complex and the area around the stand would be left laid to grass. Given the size of the overall Sports Complex and the scale of the existing buildings, floodlights and perimeter fences, a grandstand of the modest proportions proposed would integrate adequately within the existing landscape character.
- 5.6 **C. Development would not have unacceptable environmental or transportation effects; and**
- 5.7 Subject to the prior submission and approval of a drainage scheme, to include SUDS, the Council's Drainage Engineer has no objection to the proposal.
- 5.8 In transportation terms, it is considered that the improved spectator facilities may result in some additional traffic movements to the site, but given that the pitch is already in existence and virtually used to full capacity, any increase in traffic generation would be too small to warrant refusal of the planning application.
- 5.9 **D Development would not unacceptably prejudice residential amenities; and**
- 5.10 The nearest residential properties are located within Long Croft, adjacent to the eastern boundary of the Sports Complex. The proposed grandstand would be located some 50m from the nearest of the houses and would therefore not have an overbearing impact on this property. Given that the grandstand is of modest

scale and would be orientated end-on to the nearest dwellings, officers do not consider that visual amenity would be significantly affected for nearby residents.

- 5.11 In terms of noise, the matches already take place on the all-weather pitch so the introduction of a grandstand would not affect noise that is generated from the activities taking place on the pitch. Even if the grandstand attracts a few more spectators, it is unlikely that noise levels would significantly increase. Furthermore, it is possible that the grandstand would to some extent contain noise or direct it more to the south, away from the residential dwellings. Given the distance of the grandstand from the nearest residential dwellings, officers do not consider that it would have a significant adverse impact on residential amenity.
- 5.12 Some concerns about security have been raised, but the grandstand would be located entirely within the perimeter mesh fencing surrounding the all-weather pitch and this fencing is between 3m and 5m high. The grandstand would therefore be inaccessible when the pitch is not in use. Any anti-social behaviour involving the scalling of the fence, would be a matter for the police and is not considered to be a material consideration or justification for refusal of this planning application.
- 5.13 **E. Development would not give rise to unacceptable levels of on-street parking to the detriment of the surrounding area and highway safety; and**
- 5.14 The existing access would be utilised and the existing parking provision i.e. 150 cars, 6 disabled spaces and 10 formal cycle parking spaces, is considered to be adequate. There are therefore no highway objections.
- 5.15 **F. Any external lighting or advertisements would not result in the unacceptable loss of amenity, nor constitute a road safety hazard.**
- 5.16 Floodlights are already in-situ around the pitch and any advertisements would most likely require separate advertisement consent. Criterion F is therefore satisfied.
- 5.17 Justification
The scale of the proposed grandstand is considered to be proportionate for its proposed use and given that there are currently no spectator facilities for the all-weather pitch, it is also considered to be an essential facility. There are no existing buildings available that could be converted or re-used to provide the facility.
- 5.18 Scale and Design
The proposed grandstand is appropriate in scale and in terms of its form would have a standard appearance with 4no. layers of seating. The external elevations would be clad in sheet metal and the roof would be corrugated metal sheet. The colours of the seats, roof and external surfaces have yet to be decided but this could be adequately controlled by a condition. The scale and design are therefore acceptable.

5.19 Design and Access Statement

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

5.20 Use of Energy and Sustainability

A sustainable drainage scheme will be secured by condition.

5.21 Improvements Achieved to the Scheme

None

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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17/L18/EP1/LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17/L18/EP1/LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

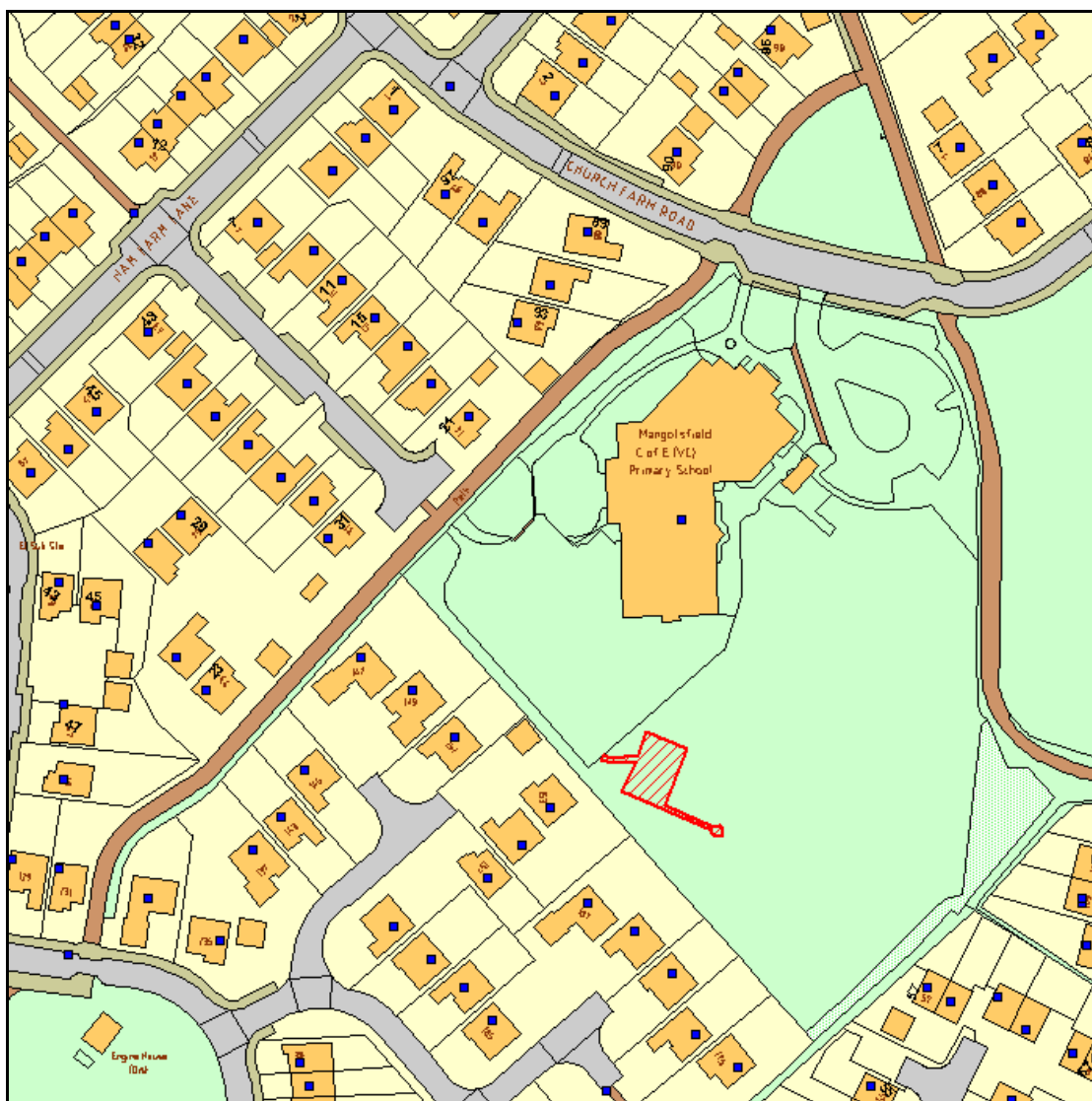
4. Prior to the commencement of the development hereby granted, details of the proposed colours of the external surfaces and roofing of the building hereby approved, together with the colours of the seating, shall be submitted to and approved in writing by, the Local Planning Authority. Thereafter the development shall proceed in full accordance with the details so approved.

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. 48/09 – 04 DECEMBER 2009

App No.:	PK09/5418/R3F	Applicant:	South Glos Council
Site:	Mangotsfield Church Of England Primary Church Farm Road Emersons Green South Gloucestershire	Date Reg:	5th November 2009
Proposal:	Construction of external hard-play area and erection of a timber pagoda. (Retrospective).	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366900 176542	Ward:	Emersons Green
Application Category:	Minor	Target Date:	17th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5418/R3F**

INTRODUCTION

This application is reported on the Circulated Schedule in accordance with the standard procedure for an application that has been submitted by the Council itself.

1. THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for the erection of a free-standing, wooden, open-sided pagoda structure and an area of hardstanding to form a path and a hard-surfaced play area.
- 1.2 The development has been carried out within the playing fields associated with the primary school, to the south of the diamond-shaped site, where it abuts the rear gardens of a number of detached houses.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
LC4 School development

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection
- 4.2 Other Consultees
Sport England
No reply received.

Other Representations

- 4.3 Local Residents
No replies received.

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 following analysis answers the questions posed by the various criteria in policy LC4, which sets the context for development on school sites.

- 5.2 LC4 A: Location of the site
This criterion is not relevant as the school is already established.
- 5.3 LC4 B: Effect on Residential Amenity
The development has been carried out on the playing fields and the use that the development would bring about is also broadly recreational. The Design and Access Statement makes clear that the bulk of the hardstanding will be used as a tarmacadam pitch, to be used to enhance outdoor play in all weathers, while the pagoda will form an outdoor classroom, for supervised lessons as well as providing shelter from the sun and rain during breaks. Since the lessons in the pagoda would be supervised, it is considered that they would not generate a noise nuisance. At other times, the site would be used essentially as it is now, for recreation. The pagoda is considered to be too low and too distant from the rear elevations and gardens of the nearest houses to cause any overbearing impact and have any impact on residential amenity. Therefore it is considered that the retention of the pagoda and hardstanding would not compromise existing levels of residential amenity.
- 5.4 LC4 C: Environmental or Transportation Effects
None have been identified through the consultation process and it is considered that none would occur through the retention of the development. Therefore the proposal accords with this policy criterion.
- 5.5 LC4 D: Effect on levels of on-street parking
It is considered that this proposal would have no effect on on-street parking as it does not specifically raise the number of staff and pupils at the school.
- 5.6 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.7 Use of Energy and Sustainability
This issue would only be applicable through the sourcing of materials for the development, which has already been implemented.
- 5.8 Improvements Achieved to the Scheme
None sought.
- 5.9 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The proposed development would enhance the range of sports/play opportunities at the school without any harm being caused to the residential amenity of surrounding occupiers. The proposal accords with Policies D1 and LC4.

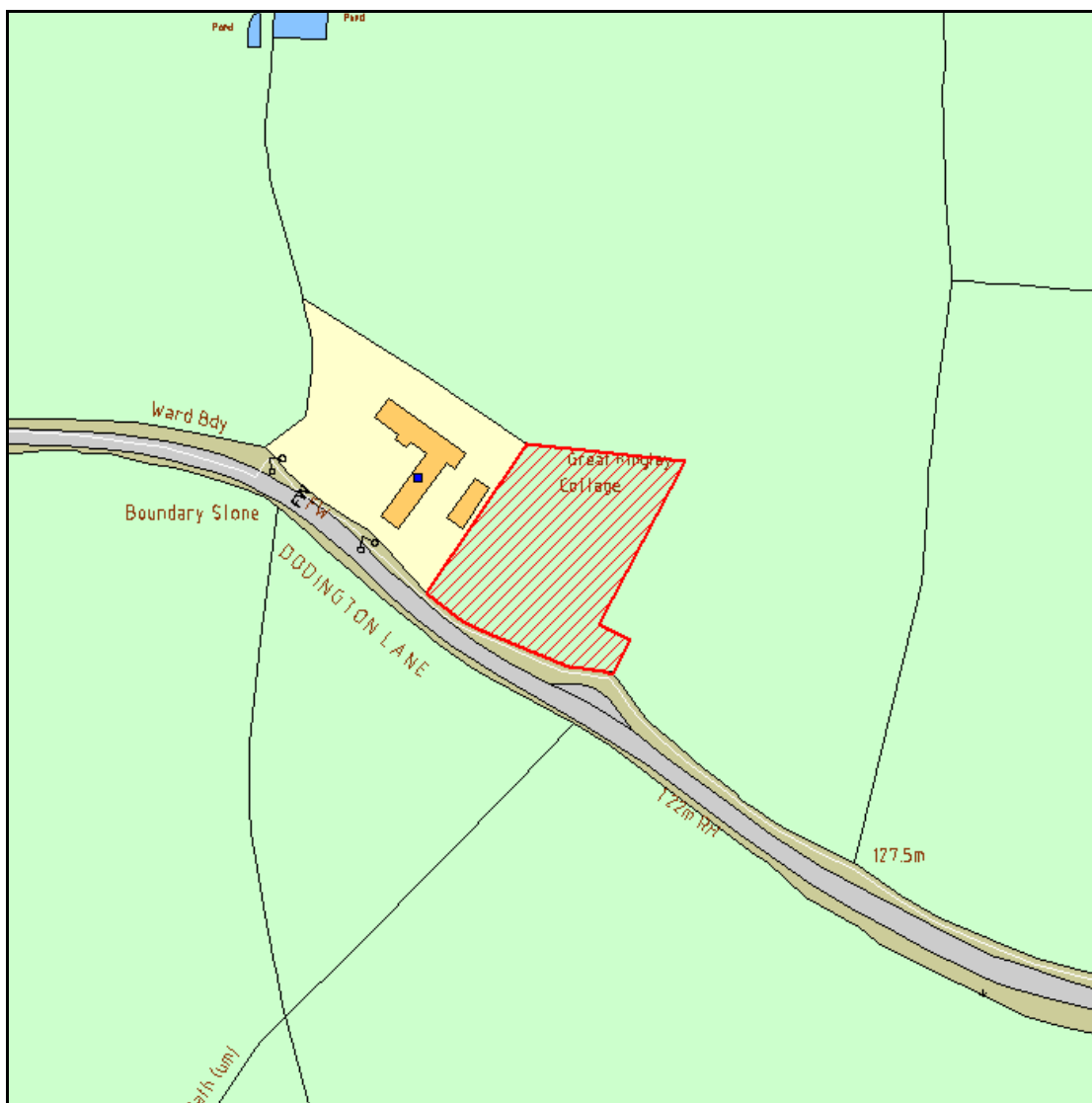
7. RECOMMENDATION

- 7.1 That planning permission is approved. Since the application is retrospective, no conditions are required.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PK09/5442/F	Applicant:	Mr A Hendy
Site:	Land Adjacent To Great Kingley Cottage Dodington Lane Dodington South Gloucestershire	Date Reg:	26th October 2009
Proposal:	Change of use of land from agricultural to land for the stationing of a mobile home for use as an agricultural workers dwelling for a temporary period of three years.	Parish:	Sodbury Parish Council
Map Ref:	372879 180913	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	11th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5442/F**

INTRODUCTION

This application appears on the circulated schedule due to the receipt of three letters of objection – one from Dodington Parish Council, one from Sodbury Town Council, and one from a local resident.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for construction of a temporary agricultural workers dwelling for a period of three years. The agricultural workers dwelling is required in conjunction with the calf rearing business approved under application PK09/5394/F (although not yet constructed).
- 1.2 This application is the resubmission of a previously refused application on the site reference PK09/0972/O. This previous application sought outline planning permission for a permanent agricultural workers dwelling to be used in conjunction with the calf rearing business. Because, at this time, the calf rearing business is not operational, there is no existing functional need and therefore a permanent agricultural workers dwelling cannot be justified. Following the refusal of the application for the permanent dwelling, this application has been submitted for a temporary dwelling in accordance with Annex A of PPS7.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
T12 Transportation Development Control
GB1 Development in the Green Belt
L1 Landscape Protection
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist Adopted August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/5394/F Erection of calf rearing unit comprising 2 no. rearing buildings and Fodder barn (amendment to previously approved scheme PK09/0979/F)
Approved November 2009
- 3.2 PK09/0979/F Erection of calf rearing unit comprising 2 no. rearing buildings and Fodder barn.
Approved July 2009

- 3.3 PK09/0972/O Erection of 1 no. agricultural workers dwelling (outline) with access and layout to be determined. All other matters reserved.
Refused May 2009

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council

No objection subject to evaluation of viability of calf rearing unit after 12 months by South Gloucestershire Council officers.

4.2 Dodington Parish Council

Dodington Parish Council object to this planning application unless conditions are imposed that the calf rearing units must be built prior to the temporary home, and that the calf rearing unit is demonstrated to be viable 12 months from the installation of the temporary home.

4.3 Other Consultees

Independent comments have also been received directly from Cllr. Hope who states, '*Just to confirm that I would like conditions attached to this application, that it should not go ahead, until after the calf units are built and up and running. I understand under national guidance that the minimum term is 3 years, but in that time I would like regular monitoring of the business to see it still complying with the application.*'

Other Representations

4.4 Local Residents

One letter of objection has been received on behalf of a neighbouring resident. The letter raises the following points:

- The proposal is the 'thin end of the wedge' in that, having been refused an application for a dwelling, the applicant is now seeking to achieve a dwelling in two stages; the first stage being the current application, after which there would be a presumption that a permanent dwelling would be acceptable.
- If the calf rearing unit did require full-time supervision, the applicant should be locating it close to his own farm dwelling - then there would be no need for further residential development in what is a fragile green belt.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

All of the supporting information received with this application is exactly the same as that received for the previous application for a permanent dwelling on the site. Therefore, it has not been considered necessary to re-consult Robert Fox on the proposals and the comments received from him in relation to application PK09/0972/O will be used in the consideration of this application also.

- 5.2 The application is for the construction of a temporary agricultural workers dwelling and therefore stands to be assessed against the requirements of PPS7 – more specifically annex A of PPS7. Annex A of PPS7 only allows for the construction of new temporary agricultural workers dwellings providing the following five tests are satisfied;
- 5.3 **(i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);**
The applicant has an existing successful farm enterprise on adjacent land. Key to the determination of this application is the understanding that the applicants have been involved in the farming industry for many years – since 1996. At present, the applicants do not have a rearing unit themselves but instead have to move their calves out to other rearing units – two within 5 miles of Whistledown Farm and one in Bridport in Dorset. In order to reduce time and costs transporting the calves from Whistledown Farm to Bridport the applicant proposes to construct his own calf rearing unit.
- 5.4 The applicant has demonstrated his ability to develop the enterprise by virtue of the fact that he carries it out already – just keeping the calves on different farms instead of his own. He has identified a firm intention to develop the enterprise on this plot by the large investment in the rearing buildings and fodder store approved under application PK09/5394/F that has recently been approved. Should the recommendation be for that of approval, a condition will be attached to ensure that the residential unit may not be installed prior to the construction of the agricultural buildings.
- 5.5 Robert Fox (Independent assessor) is confident that whilst it has not been established on this site, the actual market and calf-rearing side of the business is established and is successful. It is effectively just an extension of an existing enterprise that has been established for a number of years and is demonstrated to be viable with the reputation, experience and skill of the applicant involved.
- 5.6 **(ii) functional need;**
The applicant has an existing successful farm business on adjacent land. The proposed new dwelling is to support a new calf rearing business on a newly created agricultural unit. Whilst planning permission has recently been granted for the erection of the buildings necessary for the calf rearing business, they have not yet been erected. At present therefore, there is no existing functional need.
- 5.7 Once the calf rearing buildings have been erected however, it is considered that there will be an identified functional need. There are good reasons and business acumen behind the creation of a new unit, away from Whistledown Farm under a different holding number, to be able to have the freedom to operate the calf rearing unit and to expand the business and make more use of calves that otherwise would be killed very early in life.

- 5.8 Once the calf rearing buildings are in place, there would be at any time up to 300 calves in the buildings all of which will be vulnerable due to their young age. They will be prone to a variety of problems such as scours, bad navels, going off their milk, needing isolation, medication and sometime developing pneumonia. Calves will often require treatment (i.e. injections and medication) throughout the night just to keep them alive during the early days.
- 5.9 Robert Fox has confirmed that the likelihood is that in a typical year with 300 calves constantly being on site, there will be numerous occasions when out-of-hours quick action might be needed on purely welfare grounds. It has been demonstrated therefore that it is essential to have someone living on site for the effective running of the business and the welfare of the animals involved.
- 5.10 Should the officer recommendation be for that of approval, in order to ensure there is a functional need, a condition will be attached to ensure that the residential unit subject of this application is not installed prior to the erection of the calf rearing buildings as approved under application PK09/5394/F .
- 5.11 **(iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;**
The applicant has trading accounts since establishment in 1996. Your officer has been invited to view the accounts for the period 2001 to 2008 but is of the opinion that this is not necessary. Detailed information and receipts have been submitted with the application to prove that the business currently operates at a profit. A budget/business summary has also been submitted with the application to demonstrate beyond reasonable doubt that the enterprise has been planned on a sound financial basis.
- 5.12 **(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and**
No information has been submitted with this application to demonstrate that a market analysis has been carried out to prove that there is no other accommodation in the area that is available for occupation. However, a search of the internet by your planning officer confirms that there are no properties currently on the market within half a mile of the site and only one property currently on the market within one mile of the site. Your officer is therefore satisfied that there are no existing dwellings in the vicinity that could meet the needs of the development.
- 5.13 Because of issues relating to TB, it is necessary for the calf rearing business to be maintained separately to the existing farming enterprise. It is not appropriate for the workers of the proposed calf-rearing business to live at or closer to Whisltdown Farm because of issues of cross contamination.
- 5.14 **(v) other normal planning requirements, e.g. on siting and access are satisfied.**

5.15 Green Belt

The site lies within the Bristol/Bath Green Belt and outside of any existing defined settlement boundaries. In accordance with the requirements of Policy GB1, the construction of new buildings for agriculture is one of the limited categories of development that may be considered acceptable providing the openness of the green belt is protected.

5.16 PPS7 notes that new agricultural buildings should be of a size commensurate with the established functional requirement. It is the requirement of the enterprise rather than those of the owner or occupant that are relevant in determining the size of the dwelling that is appropriate to a particular holding. It has been proven and agreed by Robert Fox that the business would require at least one full time farm labourer. The supporting information submitted with the application states that theoretically 1.9 additional full time workers are required to serve the proposed calf rearing business. Assuming this is correct, it is considered reasonable to provide a two bedroomed dwelling on site – one room for each of the full time workers.

5.17 The indicative plans submitted with the application show a two bedroomed mobile home. Conditions will be attached to any consent granted to ensure that full details of the proposed temporary dwelling be submitted to the Council for written agreement prior to the commencement of development.

5.18 Access

In transportation terms, the site is considered to be unsustainable and therefore a highway objection would be raised to any new residential development on the site if it were to be sold on the open market. However, if there is a proven agricultural need for the dwelling, no highway objection is raised because of the isolated location. The proposed point of access is considered to be acceptable.

5.19 Other Issues

Both Parish Councils have requested that the site be reviewed in one year to see if the business is still viable. It is considered that this period of time is too short in which to truly assess the viability of the unit. In accordance with guidance found within PPS7, a three year period is considered to be acceptable and re-assessment after this time will allow officers to consider the viability of the farming enterprise. After this time the mobile home will need to be re-considered by officers in light of the financial information available at that time.

5.20 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document. The statement is thorough and explains the reasoning behind the need for the temporary agricultural workers dwelling.

5.21 Use of Energy and Sustainability

It is accepted that in this location the site is not highly sustainable. The temporary dwelling to be provide will be of high quality to ensure the best efficient use of natural resources.

5.22 Improvements Achieved to the Scheme

None required in this instance

5.23 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The applicant, via the submission of supporting information and confirmed through an independent assessment by Robert Fox, has demonstrated the clear intention to develop the rural business and the need for the farm worker(s) to reside on the site. Clear evidence has been submitted to demonstrate that following the construction of the calf rearing units there is a clear functional need for a dwelling and that the enterprise is based on a sound financial basis. There are no existing dwellings in the vicinity that could meet the identified functional need. The proposed temporary dwelling therefore satisfies the test as contacted within Annex A of PPS7.

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

7. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. The temporary agricultural workers dwelling hereby approved can not be installed until the calf rearing buildings and fodder store approved under application number PK09/5394/F (or any approved amendment to that scheme) have been erected and are ready for operation.

Reason

To ensure that there is an identified functional need for the dwelling in order to comply with the requirements of Annex A of PPS7.

2. The temporary agricultural workers dwelling hereby permitted shall be removed and the land restored to its former condition within three years of the date of this application, unless the Local Planning Authority has granted planning permission prior to this date for the continued occupation of the site.

Reason

To enable the Local Planning Authority to fully re-assess the viability of the calf rearing enterprise over the longer term, prior to the temporary agricultural workers dwelling being removed.

3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in agriculture or forestry, to accord with Policies H8 and H9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the installation of the temporary agricultural workers dwelling, full details of the external appearance of the structure shall be submitted to the Council and if acceptable agreed in writing. The details submitted shall be in accordance with the scale parameters as set out in the design and access statement.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity, to protect the openness of the green belt and to accord with Policies D1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

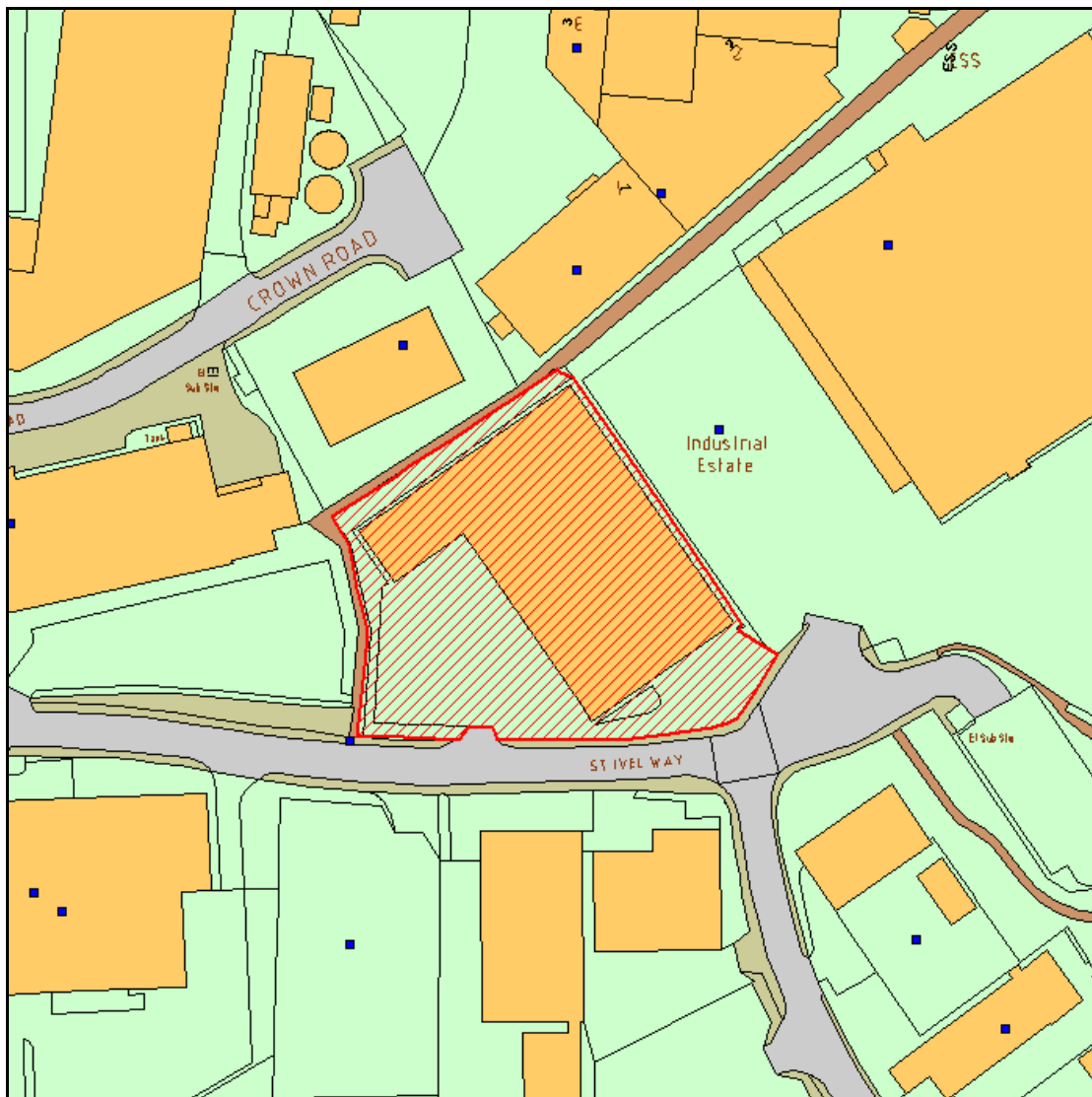
5. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); 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

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

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PK09/5445/F	Applicant:	Threadneedle Pensions Ltd
Site:	Unit 1 St Ivel Way Warmley Bristol South Gloucestershire	Date Reg:	6th October 2009
Proposal:	Change of use from Office Use (Class B1a) to Mixed Use Office Use (Class B1a) and Storage and Distribution (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Siston Parish Council
Map Ref:	367093 172879	Ward:	Siston
Application Category:	Minor	Target Date:	20th November 2009



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 100023410, 2008. **N.T.S.** **PK09/5445/F**

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of objections from Bitton Parish Council and a local resident; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to Unit 1 of the St. Ivel Way Industrial Estate, which is located on the eastern side of Tower Road North, Warmley. Unit 1 is located at the end of St.Ivel Way and is surrounded by the industrial units within St. Ivel Way and Crown Road, which have a variety of B1 Business Uses, B2 General Industrial uses and B8 Storage and Distribution uses. The Industrial Estate is designated in the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 as a Safeguarded Employment Area.
- 1.2 Unit 1 consists of an 'L' shaped building that is for most part single-storey, although there is a small first floor mezzanine within the south-eastern part of the building. Vehicular access is via a gated entrance off St. Ivel Way, which in turn leads onto Tower Road North.
- 1.3 Although Unit 1 was originally in a B8 Storage & Distribution use, planning permission PK03/2786/F was granted in April 2004 for B1a (office) use of the building as a Call Centre. This use of the building however has now ceased and the building has since lain empty for the last 18 months.
- 1.4 Full planning permission is sought for the change of use of the building from B1a to a mixed B8 Storage and Distribution use with ancillary B1a office use. The application form confirms that the total floor space would be 2581 sq.m. made up of 1589 sq.m. B8 and 992 sq.m. B1a respectively.
- 1.5 Whilst there would be a new internal layout to the building and some fairly minor alterations to the external appearance of the south-eastern elevation of the building, the overall scale and form of the building would not alter. The existing vehicular access would be utilised with only minor changes to the parking layout.
- 1.6 The building would be occupied by a small, local, paper distributor. The company is currently located in Bristol and buys bulk paper and re-distributes it locally using only 3.5 tonne and 7.5 tonne vehicles for delivery with the bulk paper delivered to site in 18 tonne vehicles. The proposed operating hours are 06.00hrs to 18.00hrs Mondays to Fridays and 06.00hrs to 13.00hrs Saturdays. The use would generate less than 50 HGV vehicle movements per week (approximately 1 every 1.5 working hours). There would be 12/15 full-time employees.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
PPG04 - Industrial and Commercial Development and Small Firms

PPG13 - Transport
PPG24 - Planning and Noise

2.2 Development Plans

The Joint Replacement Structure Plan (Adopted) Sept 2002

Policy 1 - Sustainable development objectives

Policy 2 - Location of Development

Policy 30 - Safeguarding Employment Sites

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design

E3 - Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries and/or Permitted by Policies E4/E6/E7.

E4 - Safeguarded Employment Areas

L1 - Landscape Protection & Enhancement.

EP1 - Environmental Pollution

T7 - Cycle Parking

T8 - Parking Standards

T9 - Car Parking Standards for People with Disabilities

T12 - Transportation Development Control Policy for New Development.

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 K/80/1 - 4 Warehouse Units with ancillary Office Accommodation. Total floor space 7135 sq.m.
Approved 28 May 1974

3.2 PK02/2046/F - Change of Use from Class B8 to Mixed B1, B2 and B8 Uses.
Withdrawn July 2002

3.3 PK03/2786/F - Change of Use from B8 to B1a. Re-cladding of existing building on South-Western and East elevations and associated works with additional provision of 33 car parking spaces.
Approved 16 Sept 2003.

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Councillors objected to the proposition on the following grounds: Additional traffic on the roads and the proximity to the houses. Suggested there is a restriction on working hours from 8am until 6pm due to the proximity to local housing and a school.

4.2 Other Consultees

None

Other Representations

4.3 Local Residents

1 no. response was received from a local resident who, whilst supporting the need for employment development within the Warmley area raised concerns about information given in the Design and Access Statement regarding para. 9, which states that where Tower Road North joins the A420 (High St. Warmley) there is: "a further mix of industrial/business/storage and distribution uses". The local resident considered that this was a purely residential area. It was also considered that traffic should use the link road (Tower Lane) that was specifically constructed for the industrial estate to get traffic out of Warmley village.

In response to the concerns about para.9 of the Design and Access Statement the applicant has since confirmed that there is a typographic error in para.9, which should have read Station Road not High Street.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is designated in the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 as a Safeguarded Employment Area and as such Policy E3 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits the conversion of and re-use of buildings for employment purposes subject to a number of criteria that are discussed below. Policy E4 seeks to protect the Safeguarded Employment Areas for employment generating uses subject to the satisfaction of the criteria listed in policy E3.

5.2 Policy E3 only permits large scale B8 storage and distribution uses in the following employment areas:

- Severnside
- Cribbs Causeway
- Emersons Green Area B

In the supporting text to Policy E3, the term 'large scale' B8 uses is defined as being greater than 1000sq.m. of floor space, not ancillary to other employment activities on the same site and likely to generate significant HGV traffic requiring ready access to the strategic road network.

5.3 In this case the proposed B8 use would be greater (1589sq.m.) than the 1000sq.m. threshold quoted, but given the nature of the business i.e. paper distribution, involving limited numbers of predominantly smaller HGV's, officers are satisfied that the business does not need to be considered as 'large scale' for the purposes of Policy E3 given that it does not generate significant high movements. There is therefore no in-principle objection to the proposal.

5.4 The criteria attached to Policy E3 that must be satisfied are as follows:

5.5 **A. Development would not have unacceptable environmental effects; and**

The proposed use of the building would be for storage and distribution purposes only with some small-scale ancillary office use. In the absence of any manufacturing processes, the only concerns relating to environmental impacts would relate to any harm from the vehicular movements of cars and HGV's within the site. The unit was originally used for B8 uses but has more recently been used as a call centre. Hours of use of the unit have not in the past been controlled and given the nature of the proposed business and the site's location in the heart of an industrial estate, officers consider that there is no justification to impose controls on the hours of use now. The applicants have however indicated that for most part the hours of operation would mainly occur between the hours of 06.00hrs to 18.00hrs Mon to Fri and 06.00hrs to 13.00hrs Saturday with no working on Sundays or Bank Holidays.

5.6 In order however to control any existing or future noisy operations within the site and to be consistent with other recent planning permissions for developments within the wider industrial estate, the Council's Environmental Health Officer has suggested the imposition of a condition to control the level of noise emitted from the site to 50dB (Laeq 1hr) between 07.00hrs and 22.00hrs Mon to Sat and 40dB at any other time including Sundays and Bank Holidays (as measured at the boundary of the site at the main gate entrance and in accordance with BS4142: 1997).

Officers are satisfied that the proposed HGV's movements can operate within these limits, and would effectively limit any potential impacts upon residential amenity.

5.7 The actual numbers of HGV movements to and from the site would be limited and the applicant has agreed to accept a condition to control the size of HGV's accessing the site at certain times of the day; this is discussed in more detail in the appropriate sections below. Subject therefore to the appropriate conditions to control noise levels emanating from the site and the size of HGV's using the site, there are no objections on environmental grounds.

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

5.9 The building was originally designed and used for B8 uses but has subsequently been used for a B1(a) use; the application is supported by a Transport Statement prepared by a Transport Consultant. The Council's Highway Officer concurs with the findings of the Transport Statement in that the proposed change of use would result in some increase in the number of HGV movements to and from the site but overall, the proposed change of use would result in a significant reduction in traffic generation when compared with the extant B1(a) use; this is due to the reduced numbers of staff associated with B8 uses. The fact that the building was previously used for B8 uses is considered

- to be a material consideration although it is acknowledged that Policy E3 has since been adopted.
- 5.10 The existing site access onto St Ivel Way has been designed to cater for HGV's and St.Ivel Way itself is approximately 7.5m wide and has been constructed to adoptable standards adequate for use by commercial vehicles. There has been no injury recorded accidents on St. Ivel Way. The maximum parking standards for the respective areas of proposed B8 and B1(a) floorspace would be 8 and 28 car parking spaces respectively. The scheme proposes to retain 32no. car parking spaces in all, which meets the maximum standards and would be more than adequate for the numbers of employees proposed. Adequate disabled parking and secure cycle parking would also be retained on the site.
- 5.11 For the HGV's visiting the site, a large yard area would be provided to the front of the building and manoeuvring space within the site would be enhanced by the removal of a small landscaped area currently located in the middle of the yard. An auto-track diagram has been submitted to demonstrate that HGV's could safely manoeuvre and park within the yard area.
- 5.12 In terms of traffic routing, the Highways Officer has confirmed that any of the roads around the site are technically suitable for HGV traffic but the most likely and shortest route to the Ring Road would be via Tower Road South and Tower Lane. Whilst officers consider that a routing condition is not justified in this case, an informative to suggest the use of the shortest route to the Ring Road could be added to any planning consent granted.
- 5.13 Officers therefore conclude that there is no technical or highway safety reason to refuse the application.
- 5.14 **C. Development would not prejudice existing residential amenities; and**
- 5.15 Officers consider that the key issue in the determination of this application is the impact that increased HGV movements to and from the site would have on the residential properties adjoining the surrounding road network. This however should be balanced against the significant reduction in the number of cars that would visit the site. The site itself lies within the heart of the Industrial Estate and does not lie adjacent to any residential property. Given that the nature of the proposed business i.e. stationary and office supplies, is relatively low-key and that there are no noisy manufacturing processes involved, plus the noise condition proposed by the Environmental Health Officer, there should be no adverse impact on residential amenity to result from the on-site activities alone.
- 5.16 The applicants have submitted information about the likely vehicle movements that would be associated with the proposed use and these are listed as follows:
- 06.00hrs to 07.00hrs – access is typically required for smaller 3.5tonne vans and the occasional 7.5tonne rigid vehicle.
 - From 07.00hrs there could be the occasional 18tonne rigid vehicle or HGV.

- From 07.00hrs – general vehicle movement from staff and visitors cars would start to occur, although the vast majority would start to arrive after 08.00hrs.
 - From 10.00hrs the vast majority of deliveries would occur.
 - From 19.00hrs the premises would be vacated and locked although on occasions there would be some minimal staff activity within the building.
 - There would be no more than 50 HGV/articulated vehicle movements per week (approximately 1 every 1.5 working hours).
- 5.17 It is submitted that vehicles of 18tonnes or less are very common on the road and are unlikely to cause a nuisance to amenity; vehicles above 18tonnes are the larger vehicles usually associated with large supermarket and distribution companies.
- 5.18 Officers consider that given the sensitive location of the access routes into and out of the site via Tower Road South and Tower Lane, which lie adjacent to residential properties; that a condition to restrict the size of HGV's accessing and leaving the site in line with the hours outlined in para. 5.16 above, is appropriate in this case and the applicant has expressed a willingness to accept such a condition, which is considered to be both reasonable and enforceable.
- 5.19 Officers also consider that such a condition, together with the proposed noise condition, would deter a more intensive use of the site by some other B8 operator. On balance therefore officers consider that given the proposed conditions to mitigate the impact of the HGV movements as well as a condition to control noise emanating from the site, the proposal would not have a significant adverse impact on residential amenity.
- 5.20 **D. The character of the area or settlement is not adversely affected; and**
- 5.21 Unit 1 is an existing building located within a long established Industrial Estate. No extensions to the building are proposed. The proposed alterations to the building are fairly minor and involve changes to the western end elevation and south-eastern elevation. The changes proposed involve the removal of three windows and a fire escape door and their replacement with two service doors and the insertion of two fire escape doors. Active use of the building will prevent deterioration in terms of visual amenity and also reduce the likelihood of vandalism. The character of the area would not therefore be adversely affected.
- 5.22 **E. The maximum density compatible with the site's location, its accessibility and its surroundings is achieved; and**
- 5.23 The building is an existing unit and the proposed use is considered compatible with the site's location close to the Ring Road, its accessibility close to public transport routes, and surroundings within the Industrial Estate and wider Urban Area.

- 5.24 **F. (In the case of travel intensive B1 (Office) development) the location is well served by public transport.**
- 5.25 Whilst there would be some ancillary B1(a) office use, this would be considerably less than the existing authorised use of the building. The location is close to public transport routes, so this criterion is satisfied.
- 5.26 **Other Material Considerations**
The unit has been empty and unused for over 18 months now and officers consider that the impact, of a long-term empty unit, upon the viability and vitality of the Industrial Estate, is a material consideration of some weight. The applicant has submitted evidence to demonstrate that during this time the unit has been comprehensively marketed for B1(a) uses but with very little response. It is therefore concluded that in order to render the unit marketable a change of use back to B8 is required.
- 5.27 In relation to this issue, officers have consulted the Council's Economic Development Co-ordinator who considers that the support of local industry and employment to be of paramount importance to the East Fringe, and in particular to the declining urban industrial sites. Having considered all of the material considerations outlined above and notwithstanding the relatively small number of jobs created, the Economic Development Co-ordinator supports the proposal.
- 5.28 **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.
- 5.29 **Use of Energy and Sustainability**
None
- 5.30 **Improvements Achieved to the Scheme**
None
- 5.31 **Section 106 Requirements**
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The level of noise emitted from the site shall not exceed the following limits: 50dB(Laeq 1hr) between the hours of 07.00hrs and 22.00hrs Monday to Saturday and 40dB(Laeq 5min) at any other time including Sundays and Bank Holidays (as measured at the boundary of the site at the main gate entrance to the site and in accordance with BS4142: 1997).

Reason

To protect the amenities of the occupiers of the nearest dwelling houses, and to accord with Policies E3, E4 and EP1 of the South Gloucestershire Local Plan (adopted) 6th Jan 2006.

3. No outside storage of material/goods/waste or plant shall take place at the premises without the prior written consent of the Local Planning Authority.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policies E3 and E4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. The building shall not be occupied for the purposes hereby approved until the associated parking and manoeuvring areas have been implemented in full accordance with the approved Proposed Layout Plan no. 0654-02B.

Reason

To ensure the satisfactory provision of parking and manoeuvring facilities and in the interests of highway safety and the amenity of the area, in accordance with Policies E3, E4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. In relation to the building's B8 use hereby approved, the movement of Heavy Goods Vehicles (HGV's) to and from the site shall be restricted as follows:-

No HGV greater than 7.5 tonnes in weight shall access or leave the site between the hours of 06.00hrs and 07.00hrs Monday to Saturday inclusive; larger HGV's i.e. heavier than 7.5 tonnes, shall only be allowed to enter or leave the site between the hours of 07.00hrs and 18.00hrs Monday to Friday inclusive and 07.00hrs to 13.00hrs Saturdays with no HGV's allowed to enter or leave the site outside the aforementioned periods or on Sundays and Bank Holidays.

Reason

To minimise the level of noise and disturbance from Heavy Goods Vehicle movements accessing and leaving the site and to protect the amenities enjoyed by those living in the locality and to accord with Policies E3, E4 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PK09/5525/F	Applicant:	Mr S Marsh
Site:	101 Woodmancote Yate Bristol South Gloucestershire BS37 4LH	Date Reg:	13th October 2009
Proposal:	Extension to existing detached garage	Parish:	Yate Town Council
Map Ref:	370758 181553	Ward:	Yate Central
Application Category:	Householder	Target Date:	2nd December 2009



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 100023410, 2008. **N.T.S.** **PK09/5525/F**

INTRODUCTION

This application appears on the Circulated Schedule as a representation has been received contrary to the officer's recommendation.

1. THE PROPOSAL

1.1 This application seeks to extend an existing detached garage to the rear of 101 Woodmancote, Yate. The property is a mid terrace 'Radburn' style, therefore the front of the dwelling is reached via a pedestrian pathway to the front and access to the garage and rear of the property is via Woodmancote. The garage is one of two garages, the attached garage belongs to No. 100 Woodmancote. The site lies within a residential area of Yate.

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

3. RELEVANT PLANNING HISTORY

3.1 SG6840/E Dwellings
Permitted Development Rights Removed

4. CONSULTATION RESPONSES

4.1 Yate Town Council
Objection due to overbearing in relation to the dwelling house – suggested condition be attached for the extended garage to be subservient to the dwelling house and not to be used for business.

Other Representations

4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of development within the curtilage of the dwelling house subject to considerations of design, residential amenity and highway safety. The principle of development is therefore acceptable subject to the following detailed assessment.

5.2 Design/Visual Amenity

This application seeks planning permission for the extension to an existing detached garage. The garage is attached to the single garage that belongs to No. 100 Woodmancote. The proposed extension will increase the dimensions of the garage by 2.0 metres in width and 2.1 metres in depth (towards the dwelling). The garage has a monopitch roof which will be extended at the same angle, which will result in a slightly lower roof than the existing. The materials used in the walls (which are rendered) will match the existing garage. The front elevation of the garage will retain its up and over door and there will be a roller shutter door to the rear. No other openings are proposed.

5.3 In respect of the design of the garage extension, with the chosen construction materials, it is considered the additions are appropriate additions within the domestic curtilage and the streetscene.

5.4 Overbearing analysis

The proposed garage, when extended, will be sited 7 metres from the dwelling. Additionally, there are mature shrubs along the boundary with No.101 Woodmancote, lessening any impact of the extension. The extension to the garage will replace the existing shed that is sited to the rear of the garage.

5.5 An objection has been received stating the garage, when extended, will be overbearing in relation to the dwelling house. As stated, the garage will be sited 7 metres away from the dwelling house, therefore it will be some distance from habitable room windows. It is considered there are no issues of intervisibility or loss of privacy. It is considered that the 2 metre extension in depth will not create an overbearing effect on the occupiers of adjacent properties. On balance, the scale and design of both the proposed extension is considered to be acceptable.

5.7 Other Matters

An objection has been raised stating that a condition be attached that the garage must not be used for business purposes. The garage is a domestic garage and therefore any business use that is not considered on ancillary use to the residential property would have to gain planning consent. Government Circular 11/95 states that planning conditions should only be imposed where they satisfy the following six tests: (1) the condition is necessary; (2) relevant to planning; (3) relevant to the development permitted; (4) enforceable; (5) precise, and (6) reasonable. As planning permission would be required to change the use of the garage to a business use a condition stating the garage must not be used for business use does not meet Test (1) of Circular 11/95, and therefore cannot be attached.

5.8 Amenity Space

Whilst the proposed extension does project into the rear garden, sufficient garden space will remain to serve the occupiers of the property.

5.9 Highway Safety Analysis

The property has space for off street parking in front of the garage that will not be affected by the proposals. Also, the existing garage parking will remain. It is therefore considered there will be no impact on highway safety.

5.10 Section 106 Requirements

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

6. CONCLUSION

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

6.2 It has been assessed that the proposed garage has been designed to respect and maintain the massing, scale and design of the existing garage. The proposal also takes fully into account the neighbouring residential amenities and will not materially harm the amenities of neighbouring properties.

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

7. RECOMMENDATION

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

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

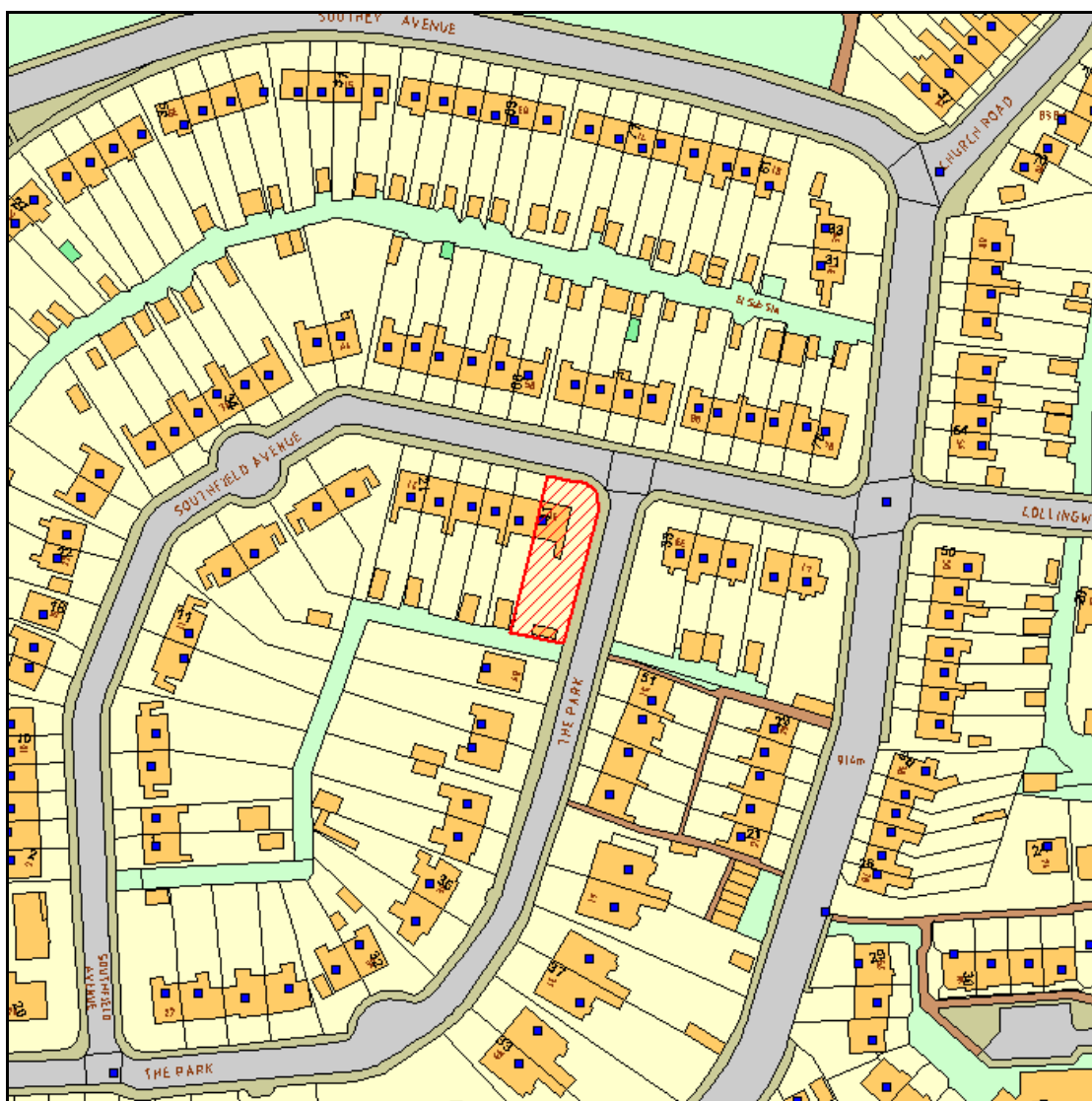
2. The colour, type and texture of the rendered finish to the external walls of the proposed extension shall match that of the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PK09/5559/O	Applicant:	Mr D Cotterell
Site:	31 Southfield Avenue Kingswood Bristol South Gloucestershire BS15 4BH	Date Reg:	28th October 2009
Proposal:	Erection of 1no. end terraced dwelling (Outline) with site and means of access to be determined, All other matters reserved.	Parish:	None
Map Ref:	365149 174088	Ward:	Kings Chase
Application Category:	Minor	Target Date:	16th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5559/O**

INTRODUCTION

This application has been forwarded to the Council's Circulated Schedule of applications for Member considerations representations have been received which are contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The application site is situated within a wholly residential suburb of Kingswood. The site is rectangular in shape and forms a garden area at the end of a long terrace of 1930's two storey dwellings. A row of three fruit trees is situated on the western boundary adjacent to the highway.

The application site is situated within the urban area as defined in the adopted Local Plan.

1.2 This application is for outline consent for erection of 1 no. end terraced dwelling (Outline) with layout and means of access to be determined, all other matters reserved.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
H2	Residential Development within the Urban Area
H4	Development within Existing Residential Curtilages
T8	Parking Standards
T12	Transportation for New Development

2.3 Supplementary Planning Guidance/Documents

South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Consultees

Views incorporated into this report

Other Representations

4.3 Local Residents

Two letters of objection received, one anonymous and one from the occupiers of 23 Southfield Avenue raising the following concerns:

Reduced visibility for vehicles due to new development; increased parking problems, the road is already heavily congested; highway safety concerns especially for children; over-development of an already densely populated area will lead to future social and economic problems; environmental concern in relation to loss of trees; attractive terrace will be ruined by a modern dwelling at the end.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for development within existing residential curtilages including new dwellings, providing that the design is acceptable, there are no adverse highway safety implications and that there is no unacceptable impact on residential and visual amenity. Similarly, Policy H2 supports residential development within the urban area subject to the criteria above and no significant environmental impacts and subject to an appropriate site density.

5.2 Visual amenity

Policy D1 of the Local Plan requires all new development to be well-designed. The detailed design/appearance of the dwelling, scale and landscaping have been reserved for future consideration. Therefore in terms of design only general principles, the layout and means of access should be considered as part of this application. The proposed dwelling would sit at the end of a long terrace of 1930's two storey dwellings all of similar appearance. The layout submitted shows the new dwelling attached to the end of the existing terrace facing onto Southfield Avenue. As there is a distinct pattern to the existing street scene, a two storey attached dwelling of similar design and materials to the other dwellings in the terrace would be appropriate. Officers are confident that this could be achieved within the application site and the layout submitted corresponds with this. The proposed layout would provide new plot sizes for the existing dwelling no.31 and new dwelling (no.31a), which would be similar in appearance and size to other plots in the locality. As such it is considered that in design terms the scheme as submitted accords with the criteria of Policy D1.

The proposal would result in the removal of three Hawthorn trees on the east boundary of the site adjacent to The Park. This was discussed with a Council Arboricultural Officer at pre application stage. He was not concerned about their removal but suggested appropriate replacement trees are planted (Rowan, Cherry or Apple). The applicant has shown replacement Cherry or Apple trees to be planted on the east boundary of the site in the submitted site

plan, although the applicant has requested that landscaping be reserved for future consideration. Appropriate conditions are therefore recommended for landscaping scheme, planting and replanting to control replacement of the trees to be lost. Therefore, subject to conditions, the loss of the three trees is considered not to be materially harmful to the character and appearance of the area.

5.3 Density

The proposal would provide of one additional dwelling on a plot with an area of 212m². This would result in a density of 47 dwellings per hectare (dph). This exceeds the Government minimum threshold of 30dph as specified in PPS3. Additionally, this is considered to be in keeping with the density of the surrounding residential area. As such the density of the proposed development is considered to acceptable.

5.4 Residential Amenity

Adequate rear amenity space to both the existing and proposed dwellings would be provided following the erection of the proposed dwelling. With regard to neighbouring properties, the proposal would create no additional overlooking to neighbours' private garden space or windows. The proposal would be flush with the front and rear elevations of the existing dwelling (no.31). This would ensure there is no prejudice to the amenity of neighbouring occupiers.

5.5 Highway matters

The layout submitted shows sufficient parking for two vehicles at the rear of both the existing plot (no.31) and proposed plot (no.31a). This accords with the Council's adopted parking standard. The vehicles would access the parking spaces via a service road at the rear from The Park. This access is available for rear access to 22-46 (even) The Park and 1-31 Southfield Avenue (odd). The additional trip movements created by the new dwelling would result in no significant intensification of the access, which benefits from good visibility. As such it is considered that the proposal would have no significant additional highway safety implications.

An objector raised a concern that the position of the new dwelling would have highway safety implications. The new dwelling would be situated some 8m from the junction of The Park and Southfield Avenue. The position of the dwelling would result in no materially detrimental visual obstruction to road users of pedestrians.

5.5 Design and Access Statement

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

5.6 Use of Energy and Sustainability

The proposal would be located in a sustainable location within the urban area and close to local facilities and public transport. As such the proposal is considered to constitute a sustainable form of development. In terms of energy efficiency, this would form part of the detailed design, which is reserved for future consideration.

5.7 Improvements Achieved to the Scheme

Replacement of the three Hawthorn trees within the site was negotiated at pre application stage and included in the application.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The recommendation to grant outline permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.

- a) Due to its position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the layout of the proposed dwelling including replacement trees has been designed to respect and maintain the character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposal would provide sufficient off street parking for the existing and proposed dwellings. The proposal would result in no significant intensification of the existing access onto The Park, which benefits from

good visibility. As such the proposal is considered to accord with policies T12 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

- d) The density of the proposed development is considered to reflect the density of the area. As such the proposal is considered to accord with policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 Outline consent is GRANTED subject to the following conditions and informatives:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

1. Approval of the details of the scale and appearance of the building(s), 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 scale and appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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 & Country Planning Act 1990 (as amended).

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

Reason

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

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

Reason

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

6. Any trees or plants which die, are removed, are damaged or become diseased , or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be the same size and species as those lost, unless otherwise first agreed in writing with the Local Planning Authority.

Reason

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

7. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the adjacent dwelling (no.31) or otherwise any alternative external materials shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development.

Reason

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

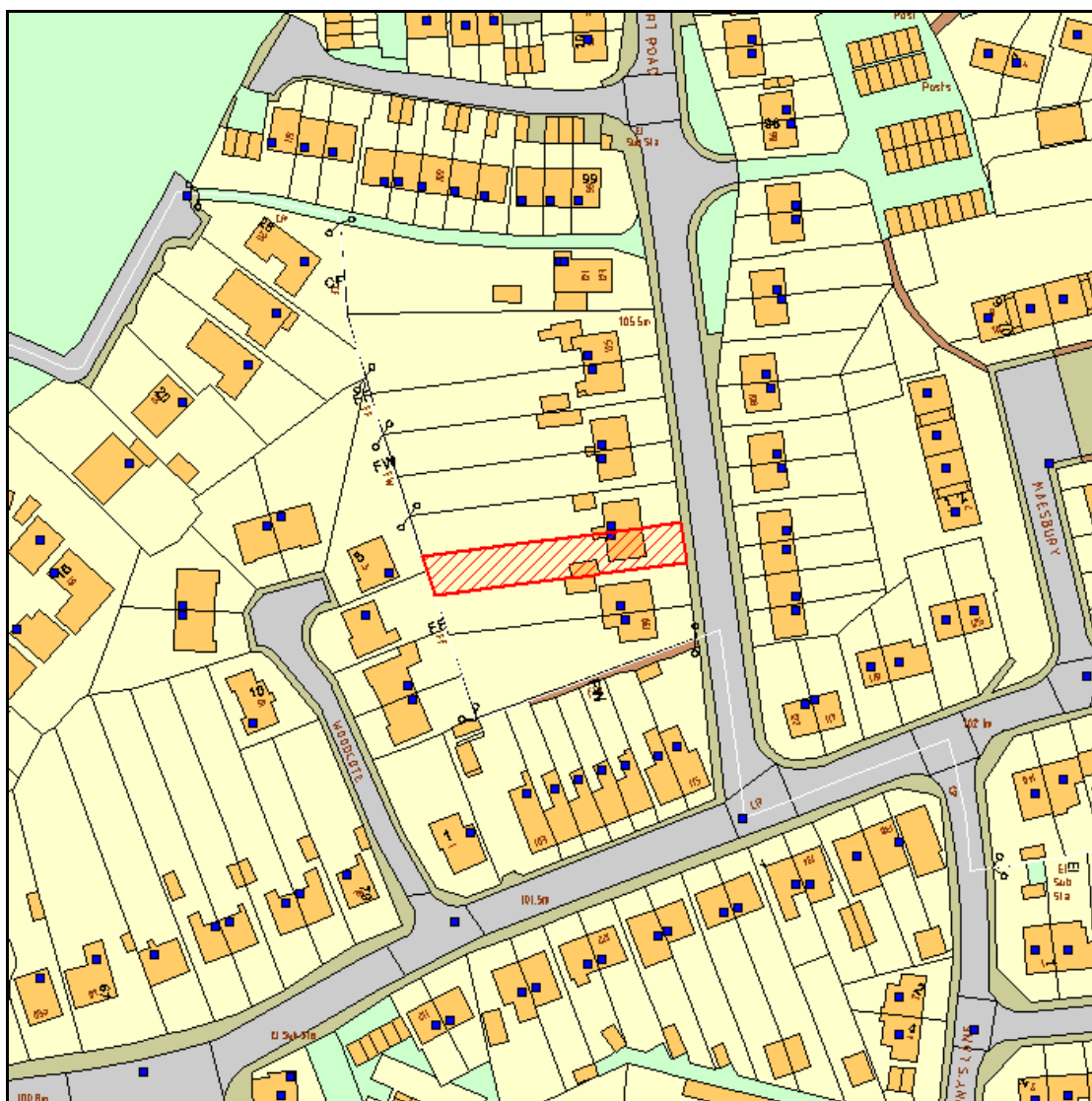
8. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the dwelling is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PK09/5567/CLP	Applicant:	Mr P Brozek
Site:	135 Court Road Kingswood Bristol South Gloucestershire BS15 9QP	Date Reg:	28th October 2009
Proposal:	Application for Certificate of Lawfulness for the proposed alterations to roof and installation of rear dormer to facilitate loft conversion.	Parish:	None
Map Ref:	364950 172712	Ward:	Woodstock
Application Category:	Minor	Target Date:	8th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5567/CLP**

1. THE PROPOSAL

- 1.1 The application site is situated within a wholly residential suburb of Kingswood. The application relates to a Victorian two storey semi detached dwelling fronting onto Court Road to the east. A single detached garage is positioned on the south boundary.
- 1.2 The applicant is requesting a Certificate of Lawfulness for the proposed alterations to roof and installation of rear dormer to facilitate loft conversion.

2. LEGISLATIVE CONTEXT

- 2.1 Town and Country Planning Act 1990
- 2.2 Planning and Compulsory Purchase Act 2004
- 2.3 Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Consultees

None

Other Representations

- 4.3 Local Residents

None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 5.1 The application relates to two extensions to the roof of the dwelling to provide full gabled end to replace an existing hipped roof shape and rear projecting dormer feature. The applicant claims that the development does not require planning permission. Such development could be considered under Art 3, Part 1 as:
- 1) Class A - The enlargement, improvement or other alteration of a dwellinghouse; or
 - 2) Class B - The enlargement of a dwellinghouse consisting of an alterations to its roof

for the purposes of defining whether the development could be considered as permitted development under the Town and Country Planning (General Permitted Development) Order 2008 (The 2008 Order).

- 5.2 In terms of Class A of the 2008 Order, 1(i) states planning permission would be required for development if,

it would consist of or include—

- (i) the construction or provision of a veranda, balcony or raised platform,*
- (ii) the installation, alteration or replacement of a microwave antenna,*
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*
- (iv) an alteration to any part of the roof of the dwellinghouse.*

Therefore the proposal fails under Class A 1(i)(iv) as an alteration to the roof.

- 5.3 Class B of the 2008 Order reads,

Development is not permitted by Class B if—

- (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;
- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—
 - (i) 40 cubic metres in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;
- (d) it would consist of or include—
 - (i) the construction or provision of a veranda, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;
- or
- (e) the dwellinghouse is on article 1(5) land.

Considering the proposal against each part of Class B in turn,

- (f) The proposal as indicated on the submitted drawings would not exceed the height of the highest part of the existing roof.
- (g) The proposal would relate to extensions to the side and rear elevations only and not the principle elevation
- (h) The dwelling is semi detached and as such the volume of extension must not exceed 50m³. The volume of both roof extensions would total 40.79m³ which has been verified by Officers.
- (i) None of the development listed is proposed.
- (j) The development would not take place on Article 1(5) land.

- 5.3 For development to be permitted under Class B, further conditions must be met as follows,

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more

Considering the proposal against each condition of Class B in turn,

- (a) The applicant proposes use of render to the proposed dormer to match the existing dwelling; Marley Malvern roof tiles which are considered by Officers to be similar in appearance to the existing roof tiles.
- (b) One part of the proposal relates to a hip to gable enlargement and is therefore exempt from the requirements of (b); the proposed dormer would be situated a minimum of 30cms from the eaves of the original roof.
- (c) No windows are proposed in the roof slope forming the side elevation of the dwellinghouse.

5.5 Design and Access Statement
Not required

5.6 Use of Energy and Sustainability
N/A

5.7 Improvements Achieved to the Scheme
None

5.8 Section 106 Requirements
N/A

6. CONCLUSION

- 6.1 On the basis of the above analysis, the proposal is considered to constitute permitted development under Art 3, Part 1, Class B of the 2008 Order. No evidence has been received contesting the applicant's claim.

7. RECOMMENDATION

- 7.1 Issue Certificate.

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PK09/5573/F	Applicant:	Ms H Denley
Site:	11 Park Close Kingswood Bristol South Gloucestershire BS15 9TL	Date Reg:	30th October 2009
Proposal:	Erection of two storey side and single storey rear extension to form additional living accommodation. (Resubmission of PK09/5094/F).	Parish:	None
Map Ref:	365366 173467	Ward:	Woodstock
Application Category:	Householder	Target Date:	18th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5573/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of local residents' objections.

1. THE PROPOSAL

- 1.1 This is a re-submitted application seeking full planning permission for the erection of a two-storey side extension to provide additional living accommodation. The proposal would involve the demolition of an existing flat roofed garage. The applicant withdrew the previous application in order to address local residents' objections.
- 1.2 The current proposed extension would be slightly shorter than the previous proposal. Full details are also provided with regard to the retaining wall and adjacent neighbours' garages.
- 1.2 This is a semi-detached property, which is located within a large residential area of Kingswood. The area is characterised by dwellings of similar age and design.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H4	Development within Existing Residential Curtilages
T7	Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/5094/F Erection of two-storey side and single storey rear extension to form additional living accommodation. Withdrawn 01.10.09

4. CONSULTATION RESPONSES

- 4.1 Parish Council
The site is not within parished area.

Other Representations

- 4.2 Local Residents
Four letters of objection have been received and the local residents raised the following comments:

- Houses on Park View are built on a hill and there is a considerable drop from our property to that of Park Close. Has any provision been made for a retaining wall to stop subsidence of our garage and garden
- The two storey extension will have an overbearing impact and give the feeling of encroachment of personal space
- We will not allow any access for scaffolding due to health and safety issues
- There is no mention on the overhead power supply
- There is no mention of whether the roof or guttering will overhang neighbouring properties
- The proposal will result in loss of open space for wildlife
- There is no mention of finish on the outer wall
- There is no mention of the existing trees or hedges
- The proposal will significantly increase the feeling of being overlooked
- The proposed new bedroom will look down to the rear of our house, No. 12 Park Close, into our rear garden.
- The area is already crowded environment and the proposed extension will greatly increase this feeling
- The foundations and footings will cause damage to neighbour rear gardens
- The building process would cause great inconvenience over a period of time.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allow for extensions to existing dwellings subject to criteria relating to scale and design, highways, and impact upon visual and residential amenity.

5.2 Design / Visual Amenity

The proposed extension is of an appropriate design and materials in relation to the characteristics of the main dwelling house and surrounding properties. The extension is set back from the front of the dwelling and set back from the ridge height of the roof. It is considered that the proposed extension would be subservient to the host dwelling and would not be harmful to the character and appearance of the host dwelling and the area.

A local resident is concerned about the materials to be used for the side elevation of the proposed extension. It is proposed that the extension would be finished in render to match that of the host dwelling or finished in brickwork. A planning condition is therefore imposed to seek a sample of material to ensure that appropriate material would be used.

5.3 Residential Amenity

The proposed extension would be approximately 11 metres from the rear elevation of properties on Park View. In addition, the application site is much lower than the houses on Park View and the extension would have a hipped roof. Officers therefore consider that the proposed extension would not cause significant overbearing impact upon the neighbouring properties.

There will be two high level obscured glazed windows on the side elevation of the proposed extension and officers consider that they would not cause significant loss of privacy to the neighbouring properties on Park View. A planning condition is also imposed to ensure that no additional windows will be installed without a prior written consent from the Council.

Local residents of No. 12 Park Close are concerned that the new front bedroom window would cause the loss of privacy. As the proposed extension would sit at an angle of No. 12 Park Close, officers consider that the proposed extension would be mainly overlooking the neighbouring garage and a small part of garden. In addition, the new window would be approximately 10 metres from the gable end of 12 Park Close. In this instance, officers therefore consider that the extension would not cause significant loss of privacy to warrant a refusal of this application.

5.4 Highways/Parking

The proposal would retain one off-street parking space and therefore comply with the maximum standard of Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.5 Other Issues

Local residents are also concerned about the foundations of the proposed extension and the construction process. The proposal will be subject to an approval of building regulations. With regard to the disturbance and nuisance caused by the proposal during the construction process, a planning condition is imposed to restrict the working hours to minimise the impacts upon the neighbouring properties.

With regard to the loss of hedges or trees, the applicant will not need planning permission to remove the existing hedges or trees as they are not protected by the Tree Preservation Order.

The onus would be for the applicant to ensure that the proposed extension would not affect the existing overhead power supply and obtain prior consent from the utility companies.

The applicant is advised of the Wildlife and Countryside Act 1981 with regard to the protection of wildlife habitats

It would be a private civil matter for the applicant and the adjacent owners with regard to the ownership of the site. It is also the responsibility for the applicant to obtain a prior written consent to enter any land to carry out the works.

5.6 Design and Access Statement

This is not a householder planning application, therefore the Design and Access Statement is not required.

- 5.7 Use of Energy and Sustainability
Given the nature of the development, this is not required above building regulations.
- 5.8 Improvements Achieved to the Scheme
None required.
- 5.9 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and H4 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 side elevation of the proposed extension hereby permitted.

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

Reason

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

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PK09/5601/TRE	Applicant:	Mr N Dayman
Site:	1A Crossleaze Road Hanham South Gloucestershire BS15 3NH	Date Reg:	30th October 2009
Proposal:	Works to reduce crown by 30% to 1no. Sycamore tree covered by South Gloucestershire Tree Preservation Order KTP08/91 dated 10 February 1992. Also works to reduce crown by 30% to 1no. Oak Tree in compliance with Condition 2 attached to P96/4057.	Parish:	Hanham Abbots Parish Council
Map Ref:	364320 171063	Ward:	Hanham
Application Category:	Works to trees	Target Date:	14th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5601/TRE**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of local resident's concerns.

1. THE PROPOSAL

- 1.1 It is proposed to crown 1 no. Sycamore Tree by 30% and the tree is protected by Tree Preservation Order KTPO 08/91 dated 10 February 1992. It is also proposed to reduce the crown of 1 no. Oak Tree by 30% in compliance with Condition 02 attached to P96/4057.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objections.

Other Representations

- 4.2 Local Residents
One letter has been received and the local resident is concerned about the owl who perches every night in the tree.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed works will maintain these trees in a rather restricted location, in particular the oak tree, which overhangs the adjacent house. Council Tree Officer assessed the proposal and raised no objections to the proposed works provided that the works will be carried out in accordance with BS3998:1989 'Tree Works'

- 5.2 Other issues
A local resident is concerned about an owl, which currently perches every night in that tree. The Council Ecologist has been consulted and raised no objection the proposal. The applicant is however advised of the Wildlife and Countryside Act 1981, and the requirements to protect species.

- 5.3 Design and Access Statement
Not required.
- 5.4 Use of Energy and Sustainability
Not applicable.
- 5.5 Improvements Achieved to the Scheme
None required.
- 5.6 Section 106 Requirements
Not relevant.

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

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the following conditions and informatives:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

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

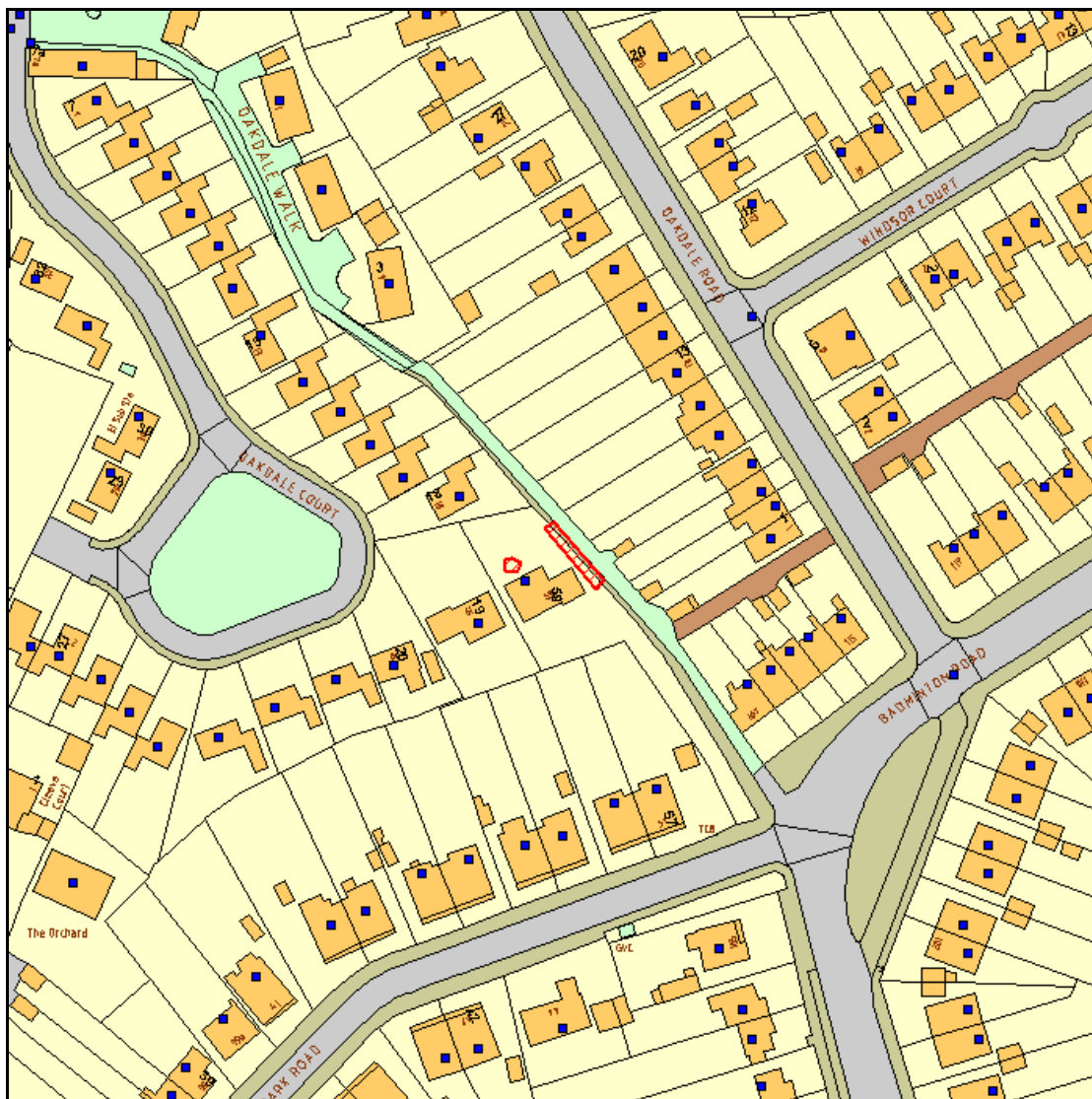
2. The works hereby authorised shall comply with British Standard 3998: 1989, Recommendations for Tree Work.

Reason

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

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PK09/5641/TRE	Applicant:	Mr & Mrs Blanchard
Site:	59 Cleeve Park Road Downend Bristol South Gloucestershire BS16 6DW	Date Reg:	2nd November 2009
Proposal:	Works to crown reduce and thin by 30% 3 no. Ash trees covered by Kingswood Tree Preservation Order 10/83 dated 12 December 1983 and fell 1 no. Maple tree covered by Kingswood Tree Preservation Order 07/85 dated 9 June 1986. (59 Cleeve Park Rd Downend)	Parish:	Downend & Bromley Heath Parish Council
Map Ref:	365107 177311	Ward:	Downend
Application Category:		Target Date:	17th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5641/TRE**

INTRODUCTION

This application has been referred to the Council's Circulated Schedule as objections have been received from the Town Council regarding the proposed works.

1. THE PROPOSAL

- 1.1 This application seeks permission to carry out works to four trees covered by Tree Preservation Orders. Proposed works include crown reduction and thinning of 3 no. Ash trees by 30% and the felling of 1 maple tree.
- 1.2 The three ash trees are situated along the boundary of the rear garden of no. 59 Cleeve Park Road and the maple tree is situated rear of the dwelling.

1(b) Information submitted in support of application

- Works to trees are part of an ongoing maintenance and monitoring program to limit structural risks to house and garage
- Surveys reports indicate that none of the trees are good specimens
- Fell maple due to close proximity to house and concerns regarding roots on the house foundations

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/3280/TRE Reduce crown by 30% & thinning of 3 no. ash trees and 1 no. maple tree
Approved December 06
- 3.2 PK04/1617/TRE Reduce crown and thin by 30% 4 no. Ash Trees and f fell 1 no. Ash Tree. Thin crown by 25% 1 copper maple.
Approved June 2004

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection to pruning the Ash trees.
OBJECTION to cutting down the Maple tree – suggest it is pruned.
- 4.2 Public Rights of Way
Do not wish to raise an objection and would advise that a full risk assessment should be carried out prior to any works and at the very least, site notices

giving warning of the works should be displayed on site. The application would also be subject to a number of limitations, which should be copied to the applicant.

Other Representations

- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.
- 5.2 The main issues when assessing works to trees covered by a Tree Preservation Order relate to the impact of the proposed works on the health and visual amenity of the tree.
- 5.3 The application seeks permission to reduce and thin the crown of the three ash trees by 30%. The Ash trees have been reduced in the past and the proposed works are ongoing management to retain the trees at their reduced size.
- 5.4 An objection has been raised by the Town Council regarding the proposed felling of the maple tree. Members are advised to consider the following. The maple tree has been substantially reduced in the past. It has a poor structure with included bark and a compression fork at the base. The applicant is proposing to remove the tree and replant with a Mountain ash.
- 5.5 The maple is situated at the rear of the property and therefore offers little visual amenity to the area. It has poor form and a relatively short useful life expectancy. The removal of this tree and the replanting of a Mountain Ash will ensure the presence of a tree for the future and remove the risk of the maple falling and possibly damaging the property. The proposed works are in accordance with good arboricultural practice.
- 5.6 Other Issues
With regards those concerns raised by the Council's Public Rights of Way Officer, a copy will be made available to the applicant and an informative attached to the decision notice.
- 5.7 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is

preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

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

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

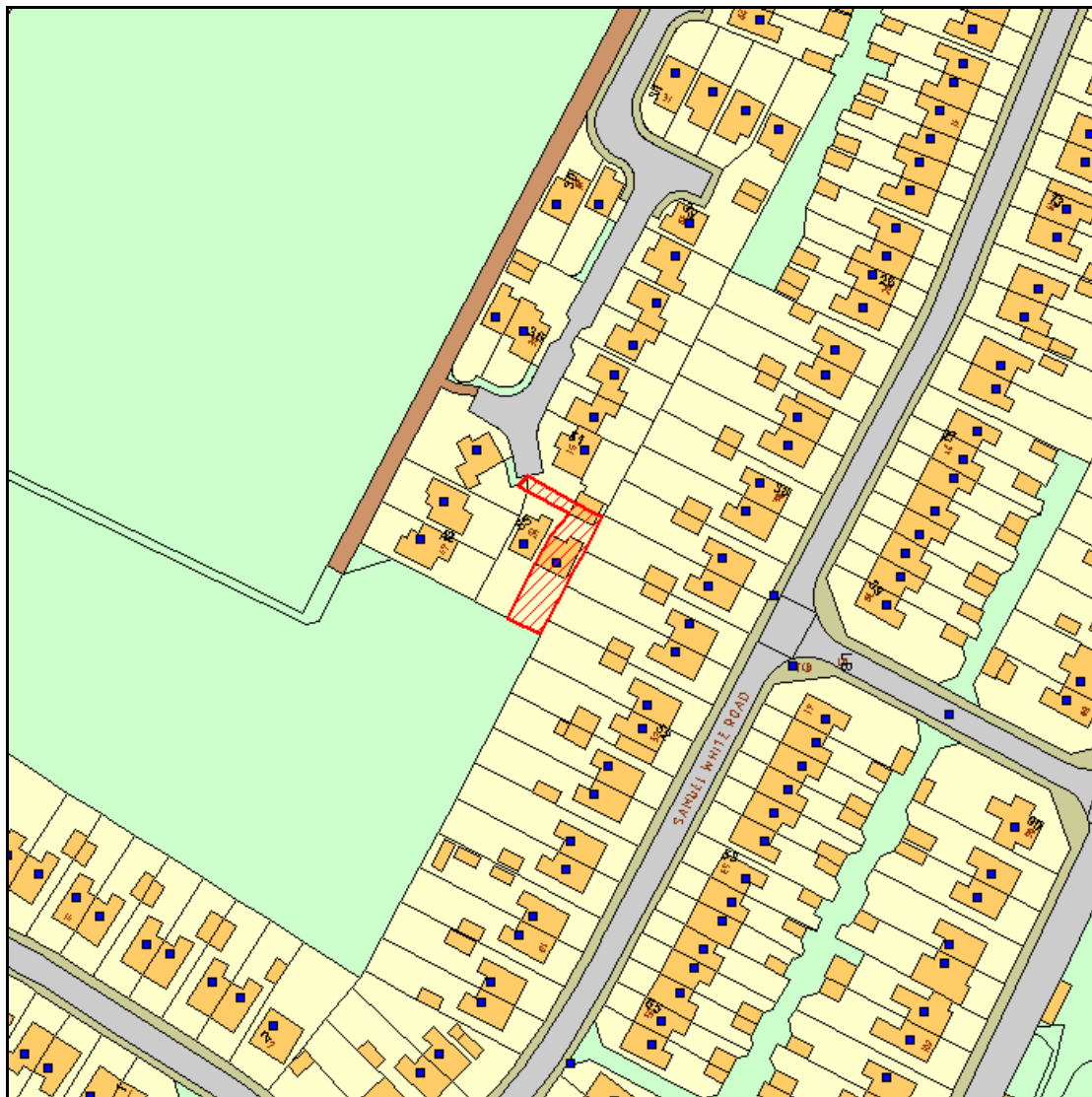
To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the trees, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The replacement tree shall be planted in the first planting season following the felling hereby authorised.

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

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PK09/5644/F	Applicant:	Mr I Farrell
Site:	53 Rangers Walk Hanham Bristol South Gloucestershire BS15 3PW	Date Reg:	26th October 2009
Proposal:	Erection of single storey front and two storey rear extensions to provide additional living accommodation. (Resubmission of PK09/0977/F).	Parish:	Hanham Abbots Parish Council
Map Ref:	364286 171692	Ward:	
Application Category:	Householder	Target Date:	16th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5644/F**

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule as a result of objections received from local residents and the Parish Council regarding the proposed development.

1. THE PROPOSAL

- 1.1 This planning application seeks planning for the erection of a single storey front and two storey rear extension.
- 1.2 Application site relates to a modern two storey detached dwelling within residential area of Hanham.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
H4 Extensions

- 2.3 Supplementary Planning Guidance
SPD Design

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/0977/F Erection of two storey front and rear extensions
 Refused July 09 on design grounds

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council

I refer to my letter dated 4th November, in which I stated that Hanham Abbots Parish Council had no objections to planning application. Since writing this letter, however, we now wish to convey our objections to this planning application for the following reasons:-

The overbearing effect that the proposed rear extension would have on the neighbouring property at 55 Rangers Walk. The close proximity of the extension, which would only be erected 5 feet away from the neighbouring property's downstairs and upstairs windows, would also result in a significant loss of daylight, particularly in the morning.

The proposed extension, which is fairly substantial, would appear to be out of keeping with the surrounding properties and we feel this constitutes over-development.

Other Representations

4.2 Local Residents

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

- Impact on light
- Since no.53 has been built issues over loss of views/light
- Impact on outlook
- Dominating
- Proposed scale not in keeping
- Impact on house value
- Impact on vegetation
- Front extension will damage roots of trees and will compromise privacy
- Cramped development
- Impact on pattern of development
- Extension falls foul of 45 degree rule
- Proposal contrary to policy

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Planning permission was recently refused for the erection of a two storey front and rear extension on design grounds. The key issue therefore with regards the determination of this planning application is whether or not this revised scheme has addressed the previous planning objection.

5.3 Visual Amenity

The application site relates to a large two storey detached dwelling with a 1.50m projected two storey gable frontage, which is a common feature of many of the properties within Rangers Walk. This application seeks planning permission for the erection of a single storey front and two storey rear extension.

5.4 Concerning the recently refused planning application no objection was in raised in principle with regards the two storey rear extension, although the following objection was raised:

An objection is raised however on planning grounds with regards the two storey front extension. It is considered that an extension of this scale and on the principal elevation of the building if allowed would have an adverse impact on the character of the original dwelling. An objection is also raised regarding the cumulative impact of both extensions.

- 5.5 This application has sought to address the above by replacing the two storey front extension with a 3.0m deep single storey extension. It is considered that an extension of this scale and by reason of its siting would not have an adverse impact on the character of the existing dwelling, especially as this part of the site is tucked away at the end of a cul de sac and largely screened by the existing garage.
- 5.6 Objections have been raised on the grounds of the two-storey rear extension being out of keeping and resulting in over development of the site. The application proposes a two-storey rear extension measuring 3.50m in depth. Although the extension will cover the entire width of the dwelling, the extension reflects the character, scale and proportions of the existing dwelling. It is also considered that with an overall garden size of 13.0m in length x 8.0m in width that an extension of this scale i.e. 3.50m in depth would not result in over development of the site or detract from the character of the immediate surrounding area.
- 5.7 Residential Amenity
Objections have been raised regarding the impact on the proposed extensions on adjacent neighbouring occupiers in terms of loss of light, overbearing impact and loss of view.
- 5.8 No planning refusal reason was raised last time round on the grounds of impact on residential amenity grounds, and therefore it would be unreasonable to raise an objection now.
- 5.9 An objection has been raised by the occupiers of no. 55 sited adjacent the application site regarding the impact of the proposed two storey rear extension in terms loss of light, overbearing impact and loss of view. At the time of the previous application the Officer reported the following:
- It is considered that as the property is detached and given the length of the proposed extension i.e. 3.50m that an extension of this scale in this location would not have an adverse impact in terms of overbearing impact or loss of light.*
- 5.10 The application site property is sited along the adjoining boundary of no. 55, so the proposal would result in the erection of a two storey extension along the adjoining boundary with an overall length of 3.50m. Regard must be had for the fact that the neighbouring property is set back from the boundary by 1.0m. There are a number of habitable room windows and conservatory on the rear elevation on no.55. The neighbour has made reference to the 45% degree rule and how the proposed extension falls foul of this. South Gloucestershire Council has no planning guidance with reference to this. Notwithstanding this it is accepted that an extension in this location would result in some loss of morning light given the orientation of the application site dwelling and partial loss of outlook from some of the windows and in particular the conservatory Members are advised to consider that generally the Council supports the principle of 3.0m deep extensions on semi-detached properties. It is considered that on balance as no.55 is set of the boundary by 1.0m and given the overall depth of the gardens it is considered that an extension of this scale would not

have such a harmful impact on the existing amenities in terms of overbearing impact so as to warrant refusal of the planning application.

- 5.11 Occupiers from Samuel White Road sited east of the application have also raised objections in terms of loss of light and overbearing impact. Whilst it is accepted both extensions will be sited within close proximity of the rear garden boundary of those properties and would increase the bulk of the building, it is considered however as they would be set back at a distance of 22.0m from the rear elevations of those dwellings, they would not have such an adverse impact in term of loss of light or overbearing impact. Concerns have also been raised regarding the impact of proposed single storey front extension on neighbour's trees and in turn loss of privacy. The applicant must ensure all works do not impact on those trees, notwithstanding this however view into the neighbour's garden would be restricted by the proposed single storey front extension and existing garage.
- 5.12 Other issues
Concern relating to impact on house values is not material planning consideration with regard the assessment of this planning application.
- 5.13 Design and Access Statement
Not required with this particular type of householder planning application.
- 5.14 Use of Energy and Sustainability
No specific measures proposed above current Building Regulations.
- 5.15 Improvements achieved to the scheme
None.
- 5.16 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be granted subject to the following conditions

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

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

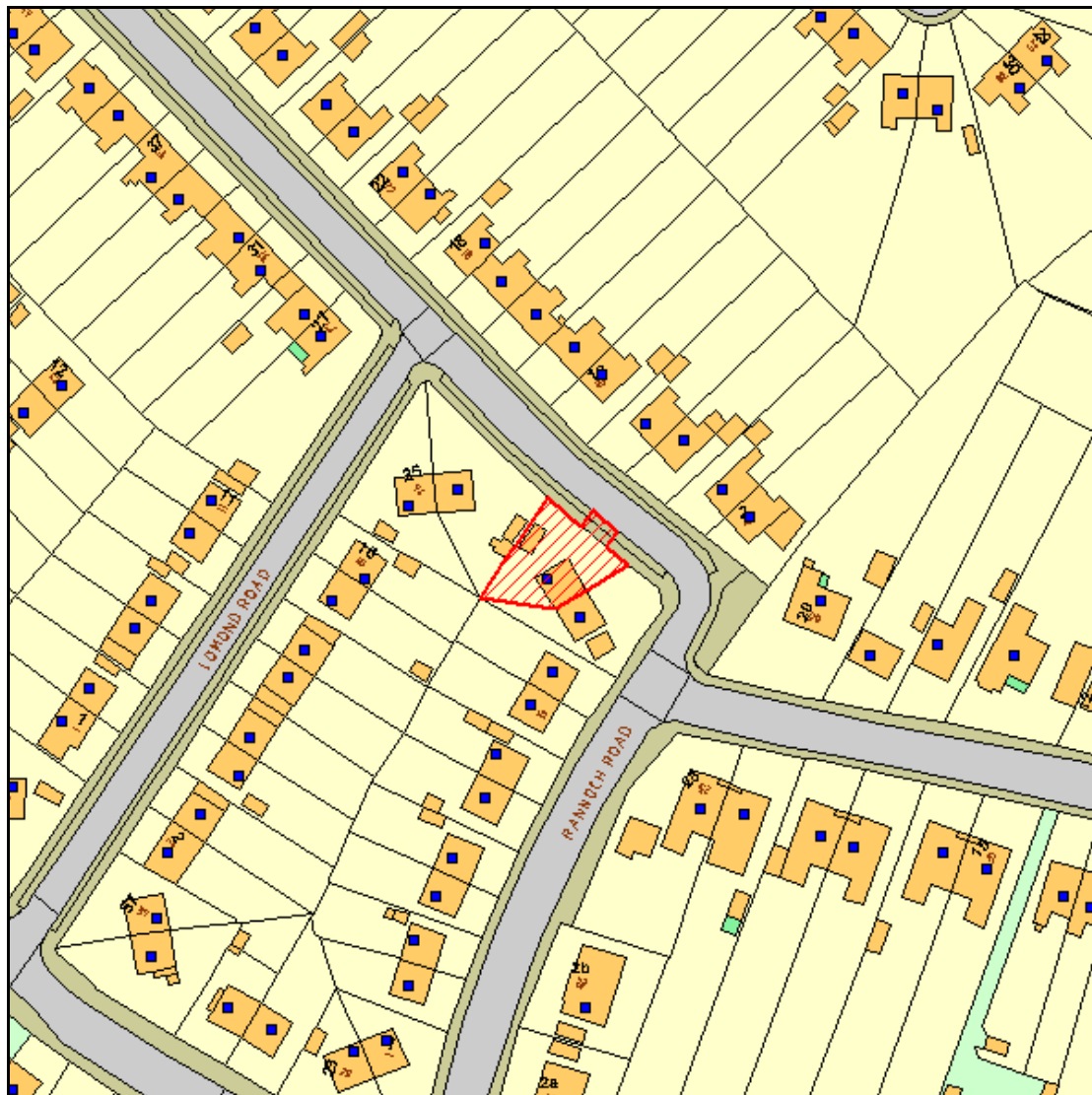
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the two storey rear extension hereby authorised.

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

CIRCULATED SCHEDULE NO. 48/09 – 4 DECEMBER 2009

App No.:	PT09/0744/F	Applicant:	Mr D Gharvy
Site:	21 Rannoch Road Filton South Gloucestershire BS7 0SA	Date Reg:	23rd April 2009
Proposal:	Erection of two storey side and two storey rear extension and conversion of existing dwelling to form 4 no. flats and associated works. Amendment to previously approved scheme PT08/0999/F	Parish:	Filton Town Council
Map Ref:	3597150 1784390	Ward:	Filton
Application Category:	Minor	Target Date:	16th June 2009



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1. INTRODUCTION

- 1.1 Members may recall this application appeared on the Circulated Schedule No. 22/09 dated the 5th June 2009 where it was resolved to grant the proposal conditional planning permission, subject to a Section 278 Agreement for a £1800 financial contribution towards the North Fringe Development Major Scheme (Transport Matters).
- 1.2 The Section 278 Agreement is required to be signed and sealed within 6 months of the resolution, giving a date of 5th November 2009. The resolution stated that if the agreement is not signed within 6 months of this determination then, in view of length of time the application should either:
 - a) Return to the Circulated Schedule to reconsideration or alternatively;
 - b) The application should be refused due to the failure to secure Heads of Terms listed above under a legal agreement.
- 1.3 Since Officer's recommended approval on this application there has been a material change regarding the requirement for a financial contribution towards the North Fringe Development Major Scheme (Transport Matters) following appeal decisions from the Secretary of State. Members are therefore requested to consider the removal of the requirement for this financial contribution.
- 1.4 The original report relating to this application is attached for information. It is not considered that there have been any material changes to the policy context in the intervening period.

2. ANALYSIS OF PROPOSAL

- 2.1 The original recommendation for this application included a £1800 financial contribution towards the North Fringe Development Major Scheme (Transport Matters). This was considered necessary because a previous application (PT08/0999/F) for a similar development on the site granted planning permission included such a contribution. When the original recommendation was made there had been no material changes from a highway perspective, and that the applicant had agreed in principle to make a contribution of £1800 towards the North Fringe Scheme (Transport Measures). On this basis, it was considered that the contribution remained applicable to this application and should be secured via an appropriate legal agreement.
- 2.2 Since this recommendation was made, the Local Planning Authority have received a number of appeal decisions regarding similar development which included Section 278 Agreements for financial contributions towards the North Fringe Development Major Scheme (Transport Matters). In one such decision at No. 14 Cleve Road, Filton the Inspector concluded '*...there was no policy basis on which to request the infrastructure contribution sought and that it would be contrary to advice in paragraphs B25 and B26 of Circular 05/2005 Planning Obligations*'. In this instance the appellant was awarded costs against the Council on this matter. This is reiterated in a recent decision at No. 14 Elm Park, Filton where the Inspector concluded that there is insufficient evidence to

show how the road network would not be adequate to cater for the development without mitigation. In view of this, it is considered that this appeal decision should be given considerable weight.

- 2.3 It is therefore concluded that since the previous recommendation there has been a material change to policy basis which the Local Planning Authority gave weight when requested a financial contribution for minor windfall development. The appeal decisions received have indicated that the authority do not currently have sufficient grounds to justify such contributions and have concluded that these contributions do not comply with *Circular 05/2005 Planning Obligations*. On this basis, it is considered that conditional planning permission should be granted, without a £1800 financial contribution towards the North Fringe Development Major Scheme (Transport Matters).

3. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.
- a) The concerns of local residents in relation to the effect of the proposed dwelling on the character and appearance of the street scene have been fully considered. The proposal has been designed to be informed by, respect and enhance the character of the site and locality. In reaching this conclusion the design, siting, height and materials of the existing house and surrounding area have been considered. The development therefore accords with policies D1, H4 and H5 of the South Gloucestershire Local Plan (adopted) January 2006.
 - b) Through careful design the proposals will not harm the amenities of the proposed development or neighbouring properties by reason of loss of privacy or natural light. The development therefore accords with policies H2, H4, H5 and D1 of the South Gloucestershire Local Plan (adopted) January 2006.
 - c) The proposed development equates to a density of approximately 135 dwellings per hectare. The density satisfies the minimum expectation that development will achieve at least 30 dwelling per hectare. The development therefore accord with policy H2 of the South Gloucestershire Local Plan (adopted) January 2006.
 - d) The concerns of local residents in relation to the effect on the proposal on highway safety and on-street parking have been fully considered. The proposed development has been designed with careful regard to Transportation. Parking, congestion and access issues have been

considered and addressed sufficiently in the design. The development therefore accords to policies D1, H2, H4, H5 and T12 of the South Gloucestershire Local Plan (adopted) 2006.

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

7. RECOMMENDATION

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

CONDITIONS

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

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
4. 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.

To protect the character and appearance of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.
5. The hours of working on site during the period of construction shall be restricted to 07.30 hours to 18.00 hours Monday to Friday and 08.00 hours to 13.00 hours Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any

maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

To minimise disturbance to occupiers of neighbouring properties and to accord with Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development details of the rendering materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

7. The screen walls/fences shown on the approved plan shall be erected in the positions indicated before the flats to which they relate are occupied.

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

CIRCULATED SCHEDULE REPORT

App No.:	PT09/0744/F	Applicant:	Mr D Gharvy
Site:	21 Rannoch Road, Filton, South Gloucestershire, BS7 0SA	Date Reg:	23rd April 2009
Proposal:	Erection of two storey side and two storey rear extension and conversion of existing dwelling to form 4 no. flats and associated works. Amendment to previously approved scheme PT08/0999/F	Parish:	Filton Town Council
Map Ref:	59715 78439	Ward:	Filton
Application Category:	Householder	Target Date:	16th June 2009

This application appears on the Circulated Schedule as representations were made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey side and single storey rear extension and conversion of existing dwelling to form 4 no. flats and associated works. Amendment to previously approved scheme PT08/0999/F
- 1.2 This is a semi-detached property with access onto Rannoch Road to the front of the site. The proposal consists of a two storey rear and side extension to facilitate the conversion of the property into 4 no. flats. It is proposed that there will be 3 no. one bedroom flats and 1 no. two bedroom flat. A paved parking area for up to 4 vehicles is provided as well as secure, covered refuse/recycling storage and cycle storage for 5 bicycles.
- 1.3 A previous application (PT08/0999/F) was refused at Planning Committee and then allowed on appeal. This scheme differs in terms of the design and appearance of the extensions, and now incorporates a two storey rear extension as opposed to a single storey one.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |
| PPG13 | Transport |
- 2.2 Development Plans
- Joint Replacement Structure Plan
- | | |
|----------|------------------------------------|
| Policy 1 | Sustainable Development Objectives |
|----------|------------------------------------|

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

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H5	Residential Conversions, House in Multiple Occupation and Re-use of Buildings for Residential Purposes
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. **RELEVANT PLANNING HISTORY**

PT08/0999/F - Erection of two storey side and single storey rear extension and conversion of existing dwelling to form 4 no. flats and associated works. Refused 26/06/2008. Approved on appeal 27/10/2008.

4. **CONSULTATION RESPONSES**

4.1 Filton Town Council

Object as the development is over intensive and there would be a loss of privacy to neighbouring properties. The renovations have completely changed the character of the building and are excessive to original footprint.

Other Representations

4.2 Local Residents

Seven letters of objection were received from local residents raising the following concerns:

- a) inadequate parking;
- b) loss of view;
- c) in close proximity to blind corner;
- d) extra traffic now uses Rannoch Road due to speed restrictions on Braemar Avenue;
- e) use of family house as flats would change the nature of the road;
- f) set a precedent;
- g) road safety/access issues;
- h) devaluation of property;
- i) loss of privacy/overlooking;
- j) loss of grass at front;

- k) extra waste collection is a health concern;
- l) out of keeping;
- m) adversely impact the street scene;
- n) flats not in keeping with area;
- o) beyond building line;
- p) would introduce inner city problems to area;
- q) similar type of housing has already been developed in area;
- r) increased noise and disturbance;
- s) relocation of dropped kerb area will involve removal of verge and tree;
- t) maintenance of common areas;
- u) size of flats are cramped;
- v) loss of light;
- w) area unsuitable for this type of development;
- x) loss of family home;
- y) overbearing impact;
- z) the change of use could be described as a warren;
- aa) no benefit for local residents;
- bb) loss of tree;
- cc) access for emergency vehicles.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the urban area of Filton. Advice contained within PPS3 actively encourages the conversion of existing dwellings into smaller units of self-contained residential accommodation and the provision of new residential development in urban areas and this advice is reflected in Policies H2 and H5 of the adopted local plan. Policy H5 relates to the conversion of existing dwellings provided the character of the area is not prejudiced, the proposal is acceptable in residential amenity and highway safety terms and provides adequate off-street parking and amenity space. Policy H2 broadly envelops the above policy criteria and specifically relates to new residential development within urban areas and settlement boundaries provided the following criteria are complied with:-

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

5.2 The Council's Highways Engineer was consulted as a part of this application. The previous application (PT08/0999/F) was granted planning permission following an appeal and there has been no material amendments, from a highway perspective. The applicant previously agreed in principle to make a contribution of £1800 towards the North Fringe Scheme (Transport Measures). Therefore, this contribution remains applicable to this application and should be secured via an appropriate legal agreement. It is considered a S278 Agreement under the Highway Act 1980 would be the most expedient.

In environmental impact terms, cycle storage and refuse/bin facilities are provided and it is considered the proposal would have no adverse impact in this regard.

5.3 Residential Amenity

With regard to residential amenity, the proposal is considered acceptable. The two storey element of the proposal is located to the side of the existing property and also to the rear where the extension would protrude 1.9 m from the existing rear building line. This is considered a modest distance and no significant loss of privacy or overlooking will occur due to the siting of the proposal. In addition no windows at first floor level are proposed on the side elevation of the extension. The provision of 1.8m timber fencing to the rear boundaries will also ensure no loss of privacy will occur from the rear amenity space. The amount of private amenity space provided for the ground floor flats is considered acceptable.

The proposal is therefore acceptable in residential amenity terms.

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

5.4 The site has an area of 0.0296 hectares. The provision of 4 residential units on the site results in a density of 135 dwellings per hectare. Advice contained within PPS3 and the adopted local plan encourages higher densities exceeding 50 dwellings per hectare in and around town centres and locations well served by public transport. It is recognised that the density is significantly higher but this is largely due to the small, predominantly one-bed nature of the development. Moreover, the proposal is located within an urban area and in a highly sustainable location and respects the existing pattern of development. The proposal is considered to satisfactorily maximise the efficient use of land without adverse impact to surrounding amenity and therefore accords with this criterion.

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

5.5 The site is not affected by any of the above and as such complies with this criterion.

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

5.6 The proposal is for four additional residential units. Due to the location of the site within the urban area of Filton and the range of facilities available, it is considered that the proposal will not significantly impinge upon the level of service provision within the locality and as such complies with this criterion.

5.7 Design

The proposed two storey side extension would maintain the ridge height of the existing dwelling and replicate the fenestration detail to the front facing the street. Both roofing materials and the render to the walls would match existing. To the rear the two storey extension is considered of an appropriate scale and massing and is to be set down from the existing ridge height ensuring subservience. The proposal does not protrude beyond the front building line of Rannoch Road and the site is large enough to accommodate the size of extension proposed. The proposal is considered to comply with Policies D1 and H4 of the Local Plan.

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 Other Issues

It is not considered that the loss of view or devaluation of property are material planning considerations. The points raised in relation to the loss of family housing, waste, precedent and anticipated inner city problems are not considered to amount to material considerations. No new material considerations have been raised given that consent exists for 4 flats at this location (PT08/0999/F).

5.10 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 106 Agreement (or other similar agreement) and would satisfy the tests set out in Circular 05/2005. It is considered that this would be best secured via an agreement under Section 278 of the Highway Act 1980.

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 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering an agreement under Section 278 of the Highway Act 1980 to secure the following:

(a) A financial contribution of £1,800 towards the North Fringe Development Major Scheme (Transport Matters).

Reason: To provide a contribution commensurate with the scale of development towards the North Fringe Development Major Scheme (Transport matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006 and to accord with Policies T12, H4 and H5 of this plan.

(2) If the Section 278 Agreement is not signed within 6 months of this determination then, in view of the length of time the application should either:

(a) Return to the Circulated Schedule for reconsideration or alternatively;

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

Background Papers **PT09/0744/F**

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

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

CONDITIONS

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

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

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

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

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

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

4. 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.

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

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

To minimise disturbance to occupiers of neighbouring properties and to accord with Policies H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development details of the rendering materials to be used in the construction of the external walls shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

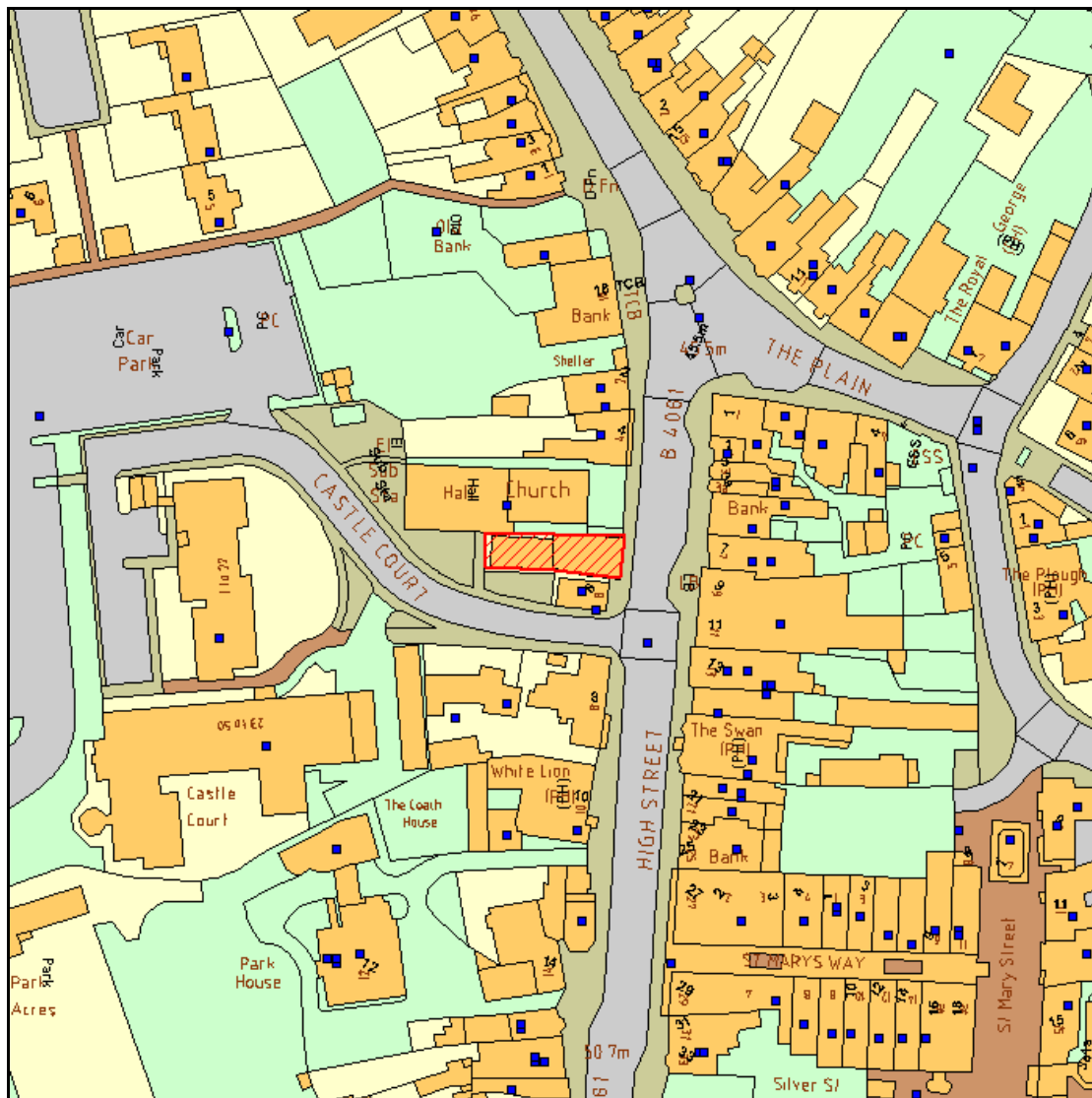
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The screen walls/fences shown on the approved plan shall be erected in the positions indicated before the flats to which they relate are occupied.

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

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PT09/5199/F	Applicant:	Mr Lynes
Site:	The Old Fire Station High Street Thornbury Bristol South Gloucestershire	Date Reg:	18th September 2009
Proposal:	Demolition of existing outbuilding and boundary wall to facilitate erection of attached office building for Class B1 use	Parish:	Thornbury Town Council
Map Ref:	363641 190139	Ward:	Thornbury North
Application Category:	Minor	Target Date:	5th November 2009



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 100023410, 2008. N.T.S. PT09/5199/F

INTRODUCTION

This application appears on the Circulated Schedule as there are objections to this development which are contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The site is located immediately to the rear of the former Thornbury Fire Station and it effectively fronts onto Castle Court. The site is located within the Thornbury Conservation Area.
- 1.2 The proposed development consists of the construction of a new building on the site. It is proposed that the new building provides office accommodation. No car-parking is proposed with this development and access to the proposed building would be via the existing access path across the open space immediately to the South of the development site.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS4 (Draft)	Planning for Prosperous Communities.
PPS6	Planning for Town Centres
PPG13	Transport
PPG15	Planning and the Historical Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
E3	Employment Development in the Urban Area
RT1	Development in Town Centres
L12	Conservation Areas
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Thornbury Town Centre Strategy (Community Strategy Document)
(This document does not form part of the LDF however, PPS12 sets out that such documents should inform the production of the Core Strategy)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Object on the basis that the proposed development will result in the overdevelopment of the site.

4.2 Sustainable Transport
No Objection

4.3 Local Residents
No comments have been received.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the construction of a new building to provide office accommodation. The site is located within Thornbury Town Centre.

5.2 Principle of Development

PPS1, PPS6 and the draft PPS4 are generally supportive of new office developments within established Town Centres such as Thornbury as such locations are sustainable and new office development would encourage more vitality so enhancing the viability of the Town Centre. Accordingly, policy RT1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006 indicates that the proposed development is acceptable subject to the following considerations.

5.3 In addition to the above, the Thornbury Town Centre Strategy sets out priorities for the Social and Economic vitality of the Town. These priorities are such that new development is encouraged where it would make a positive contribution.

5.4 In this instance the proposed building would provide a modest office floor space. It is considered that the location of the building is such that the development would not undermine the retail function of the town centre whilst providing a well located opportunity for new employment in Thornbury Town Centre

5.5 Design and Conservation Areas Considerations

The proposed development will require the demolition of the existing single storey buildings positioned immediately to the rear of the Fire Station. This application effectively seeks consent for the demolition of these buildings in respect of the Conservation Area. In this instance, the buildings are of poor quality and temporary in nature. It is considered that the loss of the buildings would not result in the loss of development that contributes to the character and visual amenity of this part of the Thornbury Conservation Area.

5.6 The proposed building comprises a 2.5 storey structure (2 floors plus mezzanine) with pitched clay tile roof, render and stone walls, full height windows and flat dormers. A single storey flat roof connects the new building to the former Fire Station and houses the bin and cycle store area. Revisions to the initial submission have dealt with previous concerns over a proposed lift shaft. The lift shaft has been removed in its entirety (and the lift requirement now contained within the main building). Subtle revisions to the detailing of the building has the effect of reducing its perceived bulk when viewed in relation to the listed registry office and the traditional church building to the North of this site. The building itself is contemporary in terms of its detailing whilst taking on a traditional 'hall' appearance.

- 5.7 Thornbury Town Council have raised specific concerns that the proposed development represents an over-development of this site. Officers do not concur with this view. Although the development would utilise the whole of the site currently taken up by poor quality single storey buildings, it is considered that the character of the area surrounding the site is such that it is of a tightly packed nature. The majority of buildings are two storeys in height and group closely together occupying the majority of their plots. The design of this building is modest in scale with a modern interpretation of traditional detailing. It is considered that the scale of the building is consistent with the character of the surrounding conservation area and on this basis, it is not considered that the proposal would represent over-development on this site.
- 5.8 In order to ensure that the final detailing is of a high quality and in respect of the surrounding conservation area, it is necessary to require further details in respect of the materials, fenestration, stone detailing and fixtures and fittings. This is appropriately the subject of planning conditions should this proposal be approved. Subject to the submission of acceptable details, it is considered that the proposed building is a positive contribution to the character and visual appearance of The Thornbury Conservation Area.
- 5.9 Impact upon nearby Trees.
There are existing trees located close to the South and East of the site and which would be close to the proposed new building. These trees are not protected by individual Tree Preservation Orders. However they are within the Thornbury Conservation Area and as such are afforded protection. These trees are within informal open-space and are maintained by South Gloucestershire Council (Street Care). The trees are considered to provide a positive contribution to the character of the area and should be retained and protected during the course of the development. The developer has submitted a comprehensive arboricultural report which is considered to demonstrate adequate protective measures and mitigation during the course of development. As such it is considered that the development would not have a material impact upon the health and amenity of the trees. A condition of any approval should ensure that the development is carried out in accordance with the recommendations, protective measures and mitigation set out in the Arboricultural report.
- 5.10 Residential Amenity
The site is located such that there would be no material impact in respect of the privacy and residential amenity of the occupants of nearby residential dwellings.
- 5.11 Transportation
No car parking is proposed to be provided with this development. However, it is proposed to provide cycle storage within the building. A bin store is also proposed to be located within the building.
- 5.12 It is considered that the scale of the proposed development is not such that it would give rise to an unacceptable level of traffic generation. Thornbury benefits from substantial public car-parking facilities. In particular, Castle Court

gives access to the Castle Car Park (with parking for disabled drivers), whilst Rock Street Car Park is within easy walking distance. On this basis it is considered that the development is adequately served by available public car-parking.

5.13 Having regards to the above assessment, it is considered that the proposed development is acceptable in transportation terms.

5.14 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.

5.15 Use of Energy and Sustainability

The scale of the building is such that no specific control over energy use is appropriate through the planning process. However the development will be subject to the minimum requirements of the Building Control Legislation.

5.16 Improvements achieved to the scheme

Improvements to the final design of the building have been negotiated through the process of this assessment.

5.17 Section 106 Requirements

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

6. CONCLUSION

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

6.2 It is concluded the design and scale of the proposed building is consistent with the character and visual amenity of Thornbury Conservation Area and that the proposed building would make a positive contribution to the Character of the Thornbury Conservation Area. The proposed development is therefore compliant with Policies RT1, D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006; and PPG15. It is also concluded that the proposed development would make a positive contribution to the vitality and viability of the Thornbury Town Centre and is compliant with Policy RT1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS6 and draft PPS4.

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

7. **RECOMMENDATION**

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

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

2. Prior to the commencement of development a sample panel of stonework, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of the development, for the purposes of consistency.

In order that the development serves to preserve or enhance the character or appearance of the conservation area, in accordance with Policy L12 of the adopted Local Plan, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPG15.

3. Prior to the commencement of development a sample panel of render, of at least one metre square, showing the colour and texture, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved panel, which shall be retained on site until completion of the development, for the purposes of consistency. For the avoidance of doubt, the render shall be a lime-based render, applied without the use of metal or plastic beading

In order that the development serves to preserve or enhance the character or appearance of the conservation area, in accordance with Policy L12 of the adopted Local Plan, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPG15.

4. Prior to the commencement of development, the detailed design including materials and finishes of the following items shall be approved in writing by the Local Planning Authority:
 - a. All external joinery including frames, architraves and door furniture

- b. Eaves, verges, kneeler stones and ridges
- c. Vents, flues and extracts
- d. External lighting and meter boxes
- e. Segmental stone arches to the ground floor
- f. Plinth at render/stone junction
- g. Rooflights
- h. Rainwater goods

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

In order that the development serves to preserve or enhance the character or appearance of the conservation area, in accordance with Policy L12 of the adopted Local Plan, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPG15.

Prior to the commencement of development samples of all external materials to be used in the construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved samples, which shall be retained on site until completion of the development, for the purposes of consistency.

In order that the development serves to preserve or enhance the character or appearance of the conservation area, in accordance with Policy L12 of the adopted Local Plan, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out at PPG15.

5. Prior to the commencement of the development hereby approved, a Detailed Arboricultural Method Statement (as required by the agreed Preliminary Arboricultural Method Statement as received by the Council on 25th August 2009) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details; and the development shall proceed in accordance with the findings and recommendations as detailed within the Arboricultural Implications Assessment and the Tree Protection Plan as received by the Council on 25th August 2009.

Reason

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

CIRCULATED SCHEDULE NO. 48/09 – 4 DECEMBER 2009

App No.:	PT09/5494/F	Applicant:	Mrs Gillian Rickards
Site:	The Piggery Building Churchend Lane Charfield Wotton Under Edge South Gloucestershire	Date Reg:	26th October 2009
Proposal:	Installation of 1 no. roof light. Installation of 1 no. wooden framed window on east elevation.	Parish:	Charfield Parish Council
Map Ref:	371816 191221	Ward:	Charfield
Application Category:	Householder	Target Date:	11th December 2009



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 100023410, 2008. **N.T.S.** **PT09/5494/F**

INTRODUCTION

This application appears on the circulated schedule list because objections have been received from neighbouring residential occupiers.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the installation of a roof light and window.
- 1.2 The application site comprises a traditional rural outbuilding located within the open countryside. The building, which received approval to be converted to a holiday cottage (PT06/3386/F), is situated on the eastern side of Churchend Lane.
- 1.3 Permitted Development Rights, Parts 1 and 2, were removed in the original consent, to ensure that potential alterations would not adversely harm the building given rural location.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Residential Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/3386/F, conversion of disused agricultural building to form 1no. holiday cottage, approval.

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No objection
- 4.2 PROW
No objection

Other Representations

- 4.3 Local Residents
Two letters of objection have been received from neighbouring residential occupiers. The correspondence highlights the following concerns:

- No neighbouring occupiers were consulted directly despite being located close by;
- Existing work done to the building is completely out of keeping and makes the building stand out as an eyesore;
- The building is prominently sited within the lane and from the surrounding area;
- No guarantee that the proposed works will be in-keeping.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved. Planning Policy H4 allows for residential development within existing residential curtilages subject to design, residential amenity and transportation considerations.

5.2 Design/Visual Amenity

This application seeks planning permission for the installation of a roof light and window. The application site comprises a traditional agricultural building, which is located within the open countryside and on the eastern side of Churchend Lane. The building was granted planning permission to be converted into a holiday cottage (PT06/3386/F).

5.3 The application site comprises a modest sized, single storey building with a rectangular form, natural stone construction and red roof tiles. The building is orientated vertically in the landscape with the western end fronting Churchend Lane and the eastern elevation facing the open landscape beyond. The land slopes from west to east so that the eastern side of the building is elevated. The roadside boundary is flanked by a dwarf natural stone wall, which also forms the western elevation of the building. The building already comprises 3no. full length windows as well as a glazed door in the southern elevation and window in the western elevation. As such, the Officer had concerns that the original proposal, which included a large square window and an additional rooflight would have an adverse impact on the character of the building and surrounding area. It is considered that the existing window frames, which although wood, are painted white and have a domestic uPVC appearance, harm the character of the building.

5.4 Amended plans have been received which have reduced the size of the proposed glazing in the eastern elevation. A narrow vertical window is proposed whereby the frame and glazing would be recessed into the wall. Given that the majority of the frame would be obscured, and the amount of glazing reduced, it is considered that the window would be more sympathetic to the character of the building and less intrusive on the surrounding landscape. The proposal has been reduced to a single roof light, which would illuminate the lounge. The rooflight would be small in size and set down the roof slope close to the eaves so that it would be less conspicuous. It is considered that the amendments address the concerns raised by local residents.

- 5.5 The applicant has also agreed to change the colour of the existing frames to a finish, which would be more sympathetic to the character of the building and surrounding area. It is considered that a dark green or grey or ideally a verdigris colour would be a more appropriate finish. A condition will ensure that a colour sample for the existing and proposed frames is submitted and approved by the Council within 3 months if permission is granted. This will improve the appearance of the building as a whole and addresses the concerns raised by local residents with regards to the appearance of the existing building. A condition will also be applied to the consent to ensure that further details for the roof light are submitted and approved before development commences.
- 5.6 Residential Amenity
Given the location of the cottage in relation to surrounding residential development, it is considered that there would be no significant adverse impacts on the residential amenity of neighbouring occupiers.
- 5.7 Transportation
Given the nature of the proposed development, with no alterations to existing access and parking arrangements, it is considered that the proposal would not have a significant detrimental impact on highway safety.
- 5.8 Further Matters
The concerns raised by residents regarding design have been addressed above. In terms of consultation, the standard consultation procedure was followed and this only required the posting of a site notice at the site.
- 5.9 Design and Access Statement
A design and access statement is not required.
- 5.10 Use of Energy and Sustainability
N/A.
- 5.11 Improvements Achieved to the Scheme
Reduction in the number, size and design of the rooflights/window. Amendments to the finish of the existing frames.
- 5.12 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

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

- Amendments have been requested and received, which reduce the number and size of the proposed glazing. It is considered that the amended glazing would be more in keeping with the character of the building and surrounding area. The re-painting of the existing frames would improve the appearance of the existing building overall – Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.
- The nature of the development would ensure that there would be no significant loss of light to neighbouring occupiers. In addition, there would be no significant adverse loss of privacy to neighbouring occupiers given the location of the host building in relation to residential development near by.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. Within 3 months from the date of this permission and prior to the commencement of the proposed development, a colour finish for the existing window and door frames shall be submitted to the Local Planning Authority for approval. Within 3 months of the colour finish being approved, the existing window and door frames shall be finished in accordance with the agreed details.

Reason

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

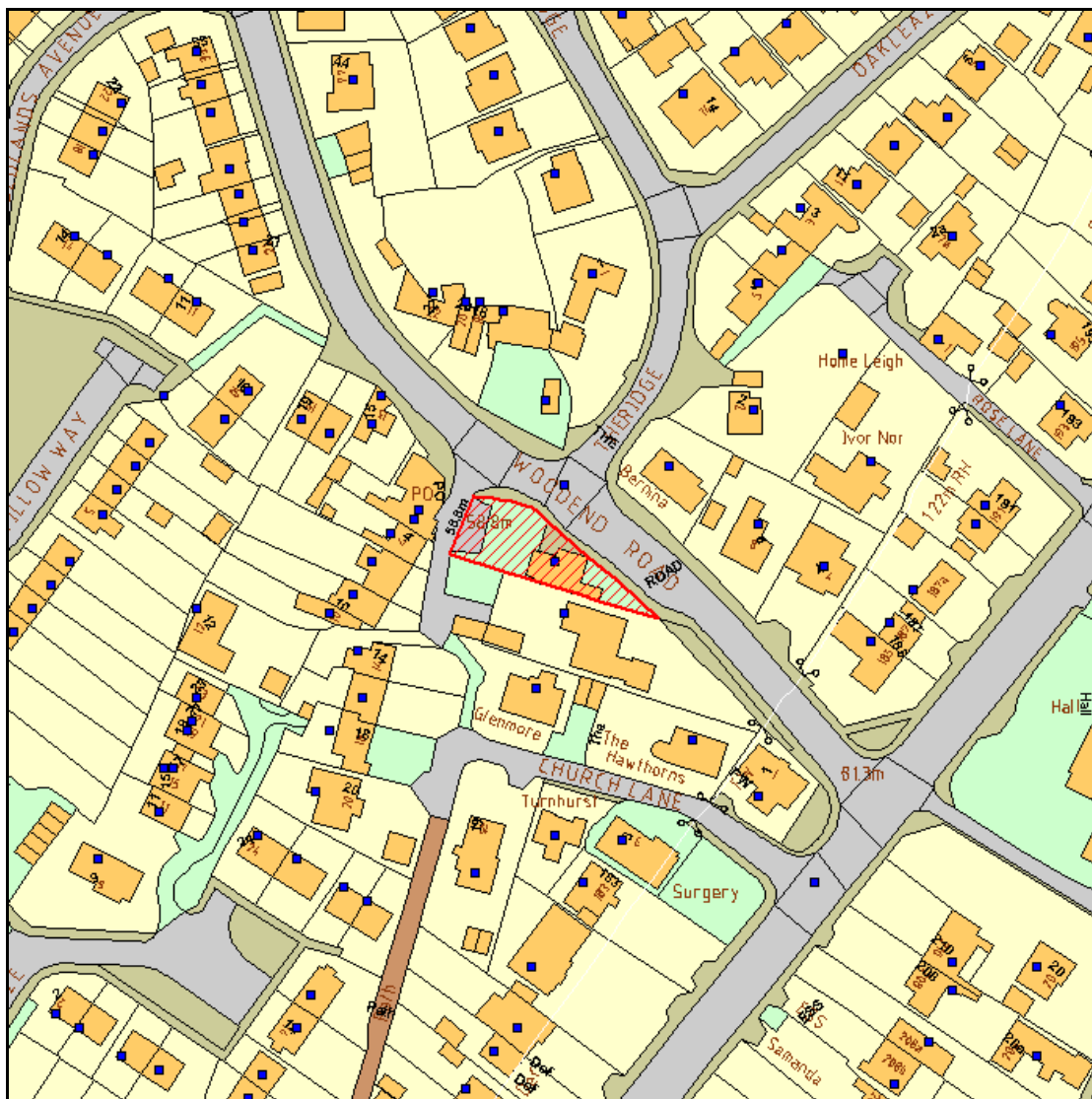
3. Prior to the commencement of the development, further details regarding the rooflight shown on the approved plan 'drawing 1' shall be submitted to the Local Planning

Authority for approval. For the avoidance of doubt, the roof light shall be a flush fitting conservation type with a central vertical glazing bar.

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

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PT09/5518/F	Applicant:	Mr Neil Rogersl
Site:	5 Woodend Road Coalpit Heath Bristol South Gloucestershire BS36 2LN	Date Reg:	28th October 2009
Proposal:	Change of Use from retail premises (Class Use A1 to Bakery Shop and Café (Class Use A3) (as defined in the Town and Country Planning (Use Classes) Order 2005.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367474 180951	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	17th December 2009



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 100023410, 2008. N.T.S. PT09/5518/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the change of use from retail (Class A1) to a Bakery Shop/Café (Class A3).
- 1.2 The application site relates to vacant retail situated within a recent housing development. The site is situated within a well-established residential area in Coalpit Heath.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
PPS6: Town Centres
PPG24: Planning and Noise

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Quality Design in New Development
EP1: Environmental Protection
T12: Transportation Development Control Policy in New Development
RT8: Small Scale Retail Uses within the Urban Areas
RT11: Retention of Local Shop, Parades, Village Shops and Public Houses

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/3121/F Demolition of existing building to facilitate erection of 1 no. shop (to be used under Use Class A1 as defined in the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005) and 4 no. apartments with associated works.
Approved on 28th February 2008

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No objection.
- 4.2 Sustainable Transportation
No objection.

4.3 Local Residents

Three letters have been received from local residents which have raised concerns to the proposed development. The main points have been summarised below: -

- A. Increase congestion.
- B. Highway safety implications, especially to children.
- C. Noise from refrigeration units.
- D. Concern over disturbance from preparation or baking.
- E. Opening hours will be restricted to 9am to 6pm.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the proposed development shall be determined in accordance with Policy RT11 of the South Gloucestershire Local Plan (Adopted) 2007. This policy is most relevant because it applies to local shopping parades which are located within defined settlement boundaries. The Local Plan states ‘ *these centres provide an essential and valuable service to the community, particularly to those who do not have access to the car. Additionally, the ease of walking and cycling to local centres and shops minimise the need to use car*’. Policy RT11 therefore does not permit the change of use of retail premises within local shopping parades unless one of the following criteria is complied with: -

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

It is not essential that this criterion is complied with, please see criterion B.

5.3 **B. There are satisfactory alternative retail facilities available in the locality; or**

The application relates to a new retail unit within a recently completed residential development. It is understood that prior to this development there was originally a bakery (Class A3) on the application. This unit is situated within 200m of a post office and a local supermarket, which provides a wide range of services for local residents. In view of these retail premises, the loss of one retail unit to an café/bakery use (Class A3) would not be to the detriment of the locality as there are satisfactory alternative retail facilities in close proximity to the application site. Moreover, it is considered that the development would improve the range of services to a local community and not harm the vitality and viability of an existing local centre.

5.4 **C. It can be demonstrated that the premises would be incapable of supporting a retail use.**

It is not essential that this criterion is complied with, please see criterion B.

5.5 In view of above, it is considered that the principle of the proposed development is acceptable. As such, Policy RT8 is now particularly relevant because this policy considers small scale retail and service related facilities within urban areas (e.g. Classes A1, A2, A3 and A5). This policy permits these uses within small shopping parades providing that:

- The development would not give rise to unacceptable level vehicular traffic or on-street parking to the detriment of highway safety; and
- The development would not prejudice residential amenity; and
- The character of the area would not be adversely affected; and
- The development would improve the range of services to a local community and not harm the vitality and viability of an existing local centre.

5.6 Transportation

Representations have been received from local residents on the grounds of the increased on-street parking. To assess this issue, the Council's Transportation Officer was consulted as a part of this application. It was concluded that the proposed café/bakery use is comparable to the existing retail unit in terms of traffic generation. Furthermore, the unit is considered relatively sustainable in that it lies within walking distance of the surrounding dwellings, there is on street parking within the adjacent lay-by, and 2 cycle stands are proposed. Therefore, notwithstanding the comments from local residents, it is considered that the development would accord to policies T8 and T12 of the adopted Local Plan.

5.7 Residential Amenity

The proposed development would include the installation of a flue and a ventilation system. Representations have been received from local residents on the grounds of disturbance from noise. To assess this issue, the Council's Environmental Health Officer was consulted as a part of this application. They have requested that further information is submitted with regard to proposed extraction and odour abatement system. Some initial details have been submitted which demonstrated that such a system would be achievable in principle. Nevertheless, it is recommended that a pre-commencement planning condition be attached to ensure that further detailed specifications and drawing are submitted for approval.

5.8 In terms of opening hours the applicant has requested the following hours:

- Monday to Friday - 8.00am to 5.00pm
- Saturday – 8.00am to 12 noon
- Sundays and Bank Holidays – No opening.

- 5.9 It is acknowledged that the current retail unit has no condition restricting opening hours. As such a bakery (Class A1) could open on the site and have unrestricted hours. Nevertheless, it is appreciated that an A3 use could result in some noise disturbance from people entering and leaving the premise, eating food on the premise, and from the preparation of food. On this basis it is recommended that the opening hours for customers and food preparation are restricted.
- 5.10 It is appreciated that local residents have raised concerns to the disturbance result from opening hours of the proposed café/bakery use. Nevertheless, it is considered that there would be no planning policy justification for a closing time of 6.00pm. This is because PPG24 only looks to restrict noisy development where it would disturb residents during hours where they would be likely to be sleeping (e.g. 23.00-7.00). On this basis, it is considered reasonable to restrict the proposed use to the following hours:
- No opening for customers - on Monday to Sunday 8.00am to 8.00pm (including Bank Holidays).
 - No food preparation between the hours of 8.00pm and 7.00am.
- 5.11 Visual Amenity
The proposed development would not involve any external alterations to the existing shop front. Any advertisements would be subject to the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.
- 5.11 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.12 Use of Energy and Sustainability
Built to Building Regulations.
- 5.13 Improvements Achieved to the Scheme
None
- 5.14 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

6.2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

a) There are satisfactory alternative retail facilities in close proximity to the application site. The proposed development therefore accords to Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006.

b) The proposed development would provide appropriate mitigation measures with regard disturbance from noise and opening hours and these would be secured through appropriate planning conditions. The proposed development would therefore maintain residential amenity in accordance with Policy RT8 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

c) The proposed development would not give rise to unacceptable level vehicular traffic or on-street parking to the detriment of highway safety. The proposed development would therefore accord with Policy RT8, T12 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

7. **RECOMMENDATION**

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. The use hereby permitted shall not be open to customers between 20.00 hours to 08.00 hours and no food preparation shall take place between 20.00 hours to 07.00 hours. For the avoidance of doubt, the use may operate between Monday to Sunday, and on Bank Holidays.

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

3. Notwithstanding the submitted details, prior to the commencement of development full details of the extraction and odour abatement system and grease traps to be used in the development shall be submitted to and agreed in writing with the Local Planning Authority. These details shall include:
 - a) The specification and location of all fans, filters, plant and flues, including a detailed schematic diagram of the ventilation system and its location inside and outside the building;
 - b) A maintenance/cleaning schedule of the proposed extraction and odour abatement system, written in accordance with the manufacturers' instructions and recommendations should be incorporated as part of the application; and
 - c) The predicted noise levels from the extraction system (fan and air movement, through and leaving the ducting).

Thereafter the development shall proceed in accordance with the agreed scheme.

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT8 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PT09/5581/F	Applicant:	Mrs S Stoaie
Site:	Hollytree Farm Morton Street Thornbury Bristol South Gloucestershire	Date Reg:	23rd October 2009
Proposal:	Conversion of existing outbuilding to form ancillary accommodation to barn conversion	Parish:	Thornbury Town Council
Map Ref:	364473 192123	Ward:	Thornbury North
Application Category:	Householder	Target Date:	17th December 2009



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 100023410, 2008. **N.T.S.** **PT09/5581/F**

INTRODUCTION

This application appears on the Circulated Schedule in view of the concerns raised by the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the conversion of existing outbuildings to provide ancillary living accommodation in association with a previously approved barn conversion.
- 1.2 The application relates to Hollytree Farm on the north side of Morton Street, Thornbury.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
PPG13: Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
H3: Residential Development in the Countryside
H4: Development within Residential Curtilages
H10: Conversion and Reuse of Rural Buildings for Residential Purposes
L1: Landscape Enhancement and Protection
L9: Species Protection
L18: The Water Environment
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 PT05/3635/F: Two-storey side and rear extensions to provide breakfast and utility room with ensuite bedroom above and front porch. Refused: 26 January 2009
- 3.2 PT06/0770/F: Erection of two-storey rear and two single-storey side extensions to provide additional living accommodation and erection of front porch. Permitted: 18 April 2006
- 3.3 PT06/1558/F: Conversion of outbuilding to form ancillary living accommodation. Permitted: 28 June 2006

- 3.4 PT07/0635/F: Detached double garage and associated works. Refused: 11 April 2007
- 3.5 PT07/0645/F: Conversion of existing outbuilding to provide one dwelling with associated works. Permitted: 20 April 2007

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Object: 'The proposed development is not an extension of an existing building and is outside the development area'.
- 4.2 Other Consultees
Ecology Officer: informatives required
Highways DC: no objection
Environmental Services: condition requested
Technical Services (Drainage): no objection
- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning policy H4 allows for the principle of residential development within residential curtilages subject to considerations of design, residential amenity and highway safety.
- 5.2 Planning policy H10 cites that the conversion and reuse of rural buildings for residential purposes outside of the settlement boundaries and urban areas will not be permitted unless:
- o All reasonable attempts have been made to secure a suitable business reuse; and
 - o The building is structurally sound and capable of conversion without major or complete reconstruction; and
 - o The building is in keeping with its surroundings; and
 - o Any alterations/ extensions or the creation of a residential curtilage would be harmful to the character and amenities of the area; and
 - o The building is well related to an existing settlement/ group of buildings.
- 5.3 The Proposal
The application focuses on a single-storey barn and attached open-sided structure that adjoin the front boundary of the application site. Permission is sought for the conversion/ extension of the buildings to provide ancillary living facilities in association with a larger barn behind that benefits from planning permission for its change of use to residential accommodation (PT07/0645/F).

- 5.4 Permission PT07/0645/F was granted on April 20th 2007 and facilitated conversion of the larger barn behind to provide a dwelling. It is noted that there was no condition attached in respect of the future occupation of this building; i.e. it was not limited to ancillary accommodation in association with the existing Holly Tree Farm. It would appear that this permission has not been implemented although this it remains valid.
- 5.5 Design/ Visual Amenity
The existing building comprises an enclosed barn with this encompassed by a pitched tiled roof. The rear stonewall also forms the front boundary of the application site although it is noted that the east facing gable wall and front wall are predominately formed of block work. This building is attached to a small pigsty that in turn is attached to an open sided barn. The open sided barn comprises of 1.6m high (approx.) stonewalls to the rear and sides and is open fronted. A metalled roof that is supported by a separate timber structure that appears to stand independently of these stonewalls encompasses the building.
- 5.6 The proposal would facilitate the conversion of these buildings to provide ancillary living accommodation in association with the future conversion. To this extent, the enclosed barn would provide an ensuite bedroom with a bathroom replacing the pigsty. A further bedroom and living room would be formed within the extended open fronted structure.
- 5.7 In considering the above, it is noted that the bathroom (that would replace the pigsty) would form a flat roofed structure retaining the appearance of two separate buildings when viewed from the road. It is further noted that windows to this rear elevation would be limited to three conservation style roof lights with further windows generally limited to existing openings; this is with the exception of that within the east-facing gable wall of the enclosed barn but with this noted to comprise of more recent block work.
- 5.8 In the light of the above, it is considered that the proposal would achieve a sensitive conversion/ extension of these buildings. On this basis, there is no objection to this current proposal on design/ visual amenity grounds.
- 5.9 Requirement for a Business Reuse
Policy H10 advises that a business reuse must be firstly considered prior to any scheme for a residential reuse. In this regard, the Council would anticipate details of a marketing exercise with a marketing period of 12 months considered to be reasonable. There is no evidence of any such marketing exercise as part of this application.
- 5.10 Notwithstanding this, at the time of the previous application (PT07/0645/F) this building was considered to fall within the residential curtilage of the host dwelling (albeit with a planning condition omitting the field behind that was also encompassed by the red edge site plan). Whilst this conclusion might be debatable: it is considered that this permission dictates that these buildings also fall within the residential curtilage of Hollytree farm negating the need for a business reuse. It would also ensure that any associated refusal reason would be very unlikely to prove sustainable.

- 5.11 Structural Condition of Buildings
Policy H10 requires that buildings are of permanent and substantial construction, capable of conversion without major or complete reconstruction. In this instance, the enclosed barn would appear to be of substantial construction and capable of conversion without complete or major reconstruction. Accordingly, there is no objection to this element of the scheme.
- 5.12 The pigsty and open sided barn are not considered to be complaint with this policy criterion. Nonetheless, the buildings fall within the residential curtilage where policy H4 is permissive of new residential development. On this basis, and with the design of the extended buildings considered to be acceptable, there can be no reasonable objection to the proposal on this basis.
- 5.13 Residential Amenity
The application site sits within a small group of houses, which are strung out along Morton Lane each within their own sizeable garden area. As such, all neighbouring dwellings are positioned at an appreciable distance from the site of the proposals. On this basis, and in view of the nature of the proposed works, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.14 Highway Safety
Planning permission PT07/0645/F was considered satisfactory in highway safety terms on the basis that a significant increase in traffic generation was not anticipated. In this regard, the same argument is considered to be equally applicable in this instance thus the principle of conversion is considered acceptable in highway safety terms. Further, it is considered that the application site benefits from sufficient hardstanding to provide any associated vehicle parking and turning. As such, there is no objection to the current proposal on this basis.
- 5.15 Ecology
The application site forms a series of outbuildings associated with Hollytree Tree Farm within Lower Morton. The site is not covered by any statutory or non-statutory nature conservation designations.
- 5.16 This application is not supported by any ecological information. However, the buildings are of a design and materials that do not lend themselves to offering roosting opportunities for bats. One is open-fronted, with a wood structure and clad in metal: and the barn is built of single skin concrete blocks, without under felting, which will not offer the sorts of niches that some species of bats would utilise.
- 5.17 In the light of the above, there is no objection to this current proposal on this basis subject to informatives in respect of bats and nesting birds.
- 5.18 Outstanding Issues
Additional information received in respect of this application details that a package treatment plant (for foul drainage) with capacity for the proposed and existing dwellings would be used. Further, a gravel drive (permeable) would be

used. As such, there is no drainage objection to the proposal with these details considered sufficient to address the original concerns raised (by the Councils drainage engineer).

5.19 Comments received from the Councils Environmental Services Department request further details in respect of any land contamination given the likely former uses of these buildings. It is considered that this could be addressed by a suitably worded planning condition.

5.20 Design and Access Statement

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

5.21 Section 106 Requirements

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

6. CONCLUSION

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

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

6.3 The recommendation to grant permission is for the following reasons:

1. The proposed works to these buildings would provide a sensitive form of conversion/ extension that would be in keeping with the design of the existing structures and the rural nature of the locality. The proposal is therefore considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development), H4 (Development within Existing Residential Curtilages) and H10 (Conversion and Reuse of Rural Buildings for Residential Purposes) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The buildings fall within the established residential curtilage of Hollytree Farm thus a business reuse for these buildings is not considered to be necessary. Accordingly, the proposal is considered to comply with Planning

Policy H10 (Conversion and Reuse of Rural Buildings for Residential Purposes) of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The proposal would not result in any significant increase in traffic generation whilst adequate vehicle parking and turning space would be provided. On this basis, the proposal is considered to be compliant with Planning Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. **RECOMMENDATION**

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Planning Policies D1, H4 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The stone work to be used externally in the development hereby permitted shall match that of the original building in type, colour, texture, size, coursing and jointing.

Reason

To ensure a satisfactory standard of external appearance and to accord with Planning Policies D1, H4 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the development hereby approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Planning Policies D1, H4 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Building operations shall not be commenced until details of the proposed new glazing including the proposed roof lights has been submitted to and approved by the Council and all such materials used in construction of the building hereby authorised shall conform to the details so approved.

Reason

To ensure a satisfactory standard of external appearance and to accord with Planning Policies D1, H4 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

In view of the development hereby approved, further extensions/ alterations to the building would require further detailed consideration in order to safeguard the amenities of the area and to accord with Planning Policies D1, H4 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The use of the building for residential purposes shall remain ancillary to the approved barn conversion (PT07/0645/F) and shall not be occupied as a separate dwelling at any time.

Reason

To prevent the building being occupied as a separate dwelling (which would require further consideration) and to accord with Planning Policies H3, H4 and H10 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

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. Prior to the commencement of development a soil survey of the site shall be undertaken and the results submitted to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may

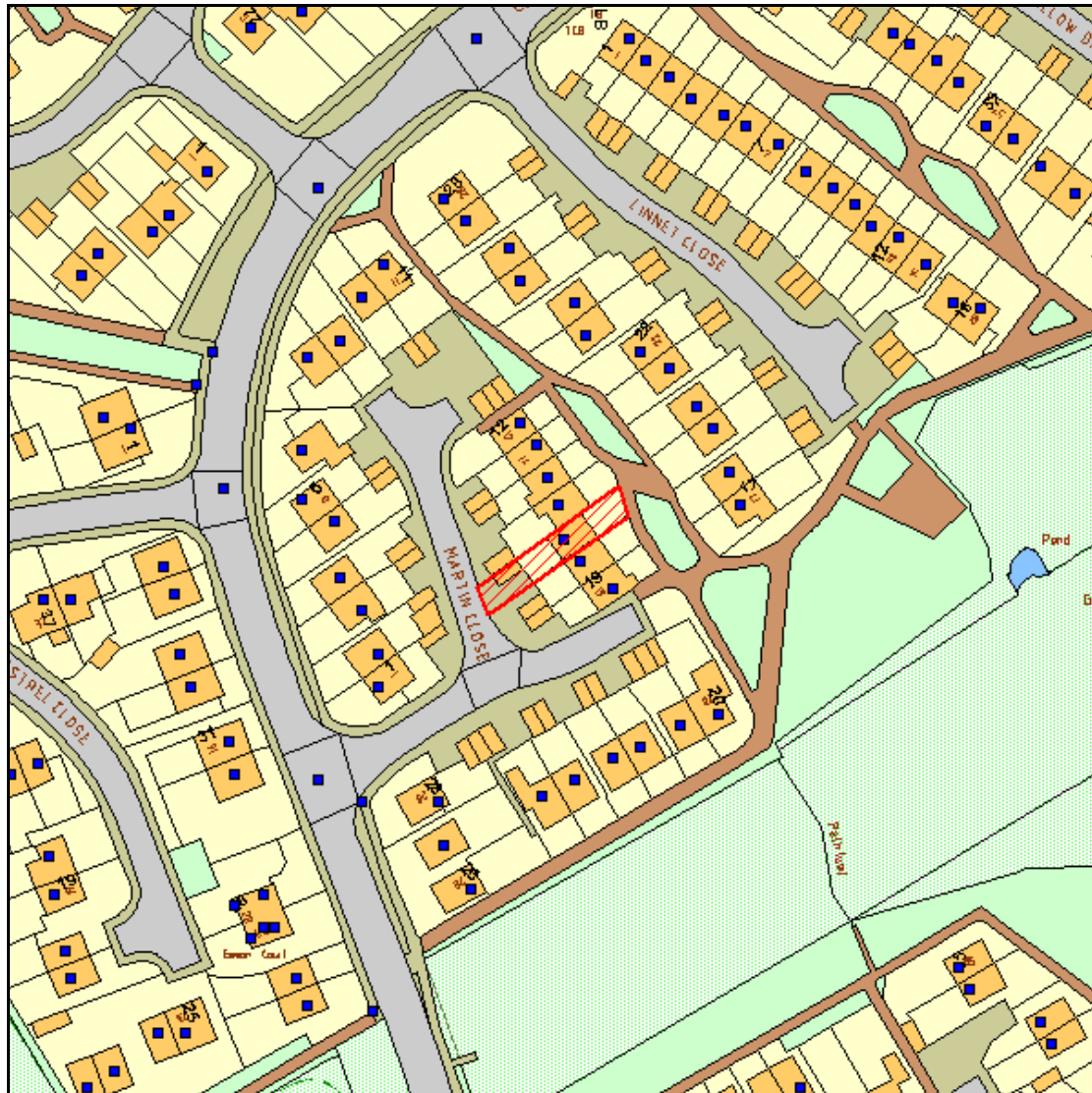
stipulate. A scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as approved shall be fully implemented and completed before any [residential] unit hereby permitted is first occupied.

Reason

To ensure that adequate measures have been taken to mitigate against soil contamination and to accord with Planning Policy EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 48/09 – 4 DECEMBER 2009

App No.:	PT09/5637/F	Applicant:	Mr T Luciano
Site:	17 Martin Close Patchway Bristol South Gloucestershire BS34 5RW	Date Reg:	9th November 2009
Proposal:	Erection of 1.8 metre high double wooden gates	Parish:	Patchway Town Council
Map Ref:	359245 181661	Ward:	Patchway
Application Category:	Householder	Target Date:	30th December 2009



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 100023410, 2008. **N.T.S.** **PT09/5637/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 1.8 metre high double wooden gates.
- 1.2 This is a modern mid-terrace property within the existing urban area of Patchway. The proposal consists of the replacement of an existing single door with double gates to create a wider opening.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
H4	Development within Existing Residential Curtilage
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 Patchway Town Council
No objection raised.

4.2 Other Consultees

Highways
No objection.

Other Representations

4.3 Local Residents

One letter of objection received raising the following concerns:

- There is a dispute as to whether a painted boundary line is accurate
- The proposed gates would obstruct parking at no. 18 Martin Close
- The proposed design encourages the use of more vehicles within an already confined space and taking into account the rear access is used as the main entrance for both parties, this could raise problems with health and safety

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.

5.2 Residential Amenity

Overbearing Analysis

The proposed double gates would be the same height as the existing door and brick wall therefore the proposal would not result in any overbearing impact upon neighbouring occupiers.

Privacy Analysis

The proposal consists of the replacement of a brick wall and door with double gates so therefore there would be no overlooking or loss of privacy as a result of the proposal.

Amenity Space

The proposal solely relates to the replacement of a single brick wall and door with double gates and so sufficient garden space will remain to serve occupiers of the property.

Highway Safety Analysis

The Council's Highways Officer raised no objection to the proposed double gates and envisages no issues in regard to highway safety. The gates would be approximately 2.7 m in width and this would leave approximately 2.5 m of width of tarmac in front of no. 18 Martin Close. Given this width it is not considered that parking arrangements at the neighbouring property would be adversely impacted upon.

5.3 Design / Visual Amenity

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

5.4 Other Matters

A local resident raised concern over a yellow painted boundary line adjacent to the application site. It should be noted that the planning system does not take into account land ownership disputes, and thus this issue should be pursued as a civil matter.

5.5 Improvements to Scheme

No improvements considered necessary.

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 proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The proposed extension would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposed extension has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

- c) The proposal would not prejudice highway safety. The development therefore accords to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: William Collins
Tel. No. 01454 863819

CONDITIONS

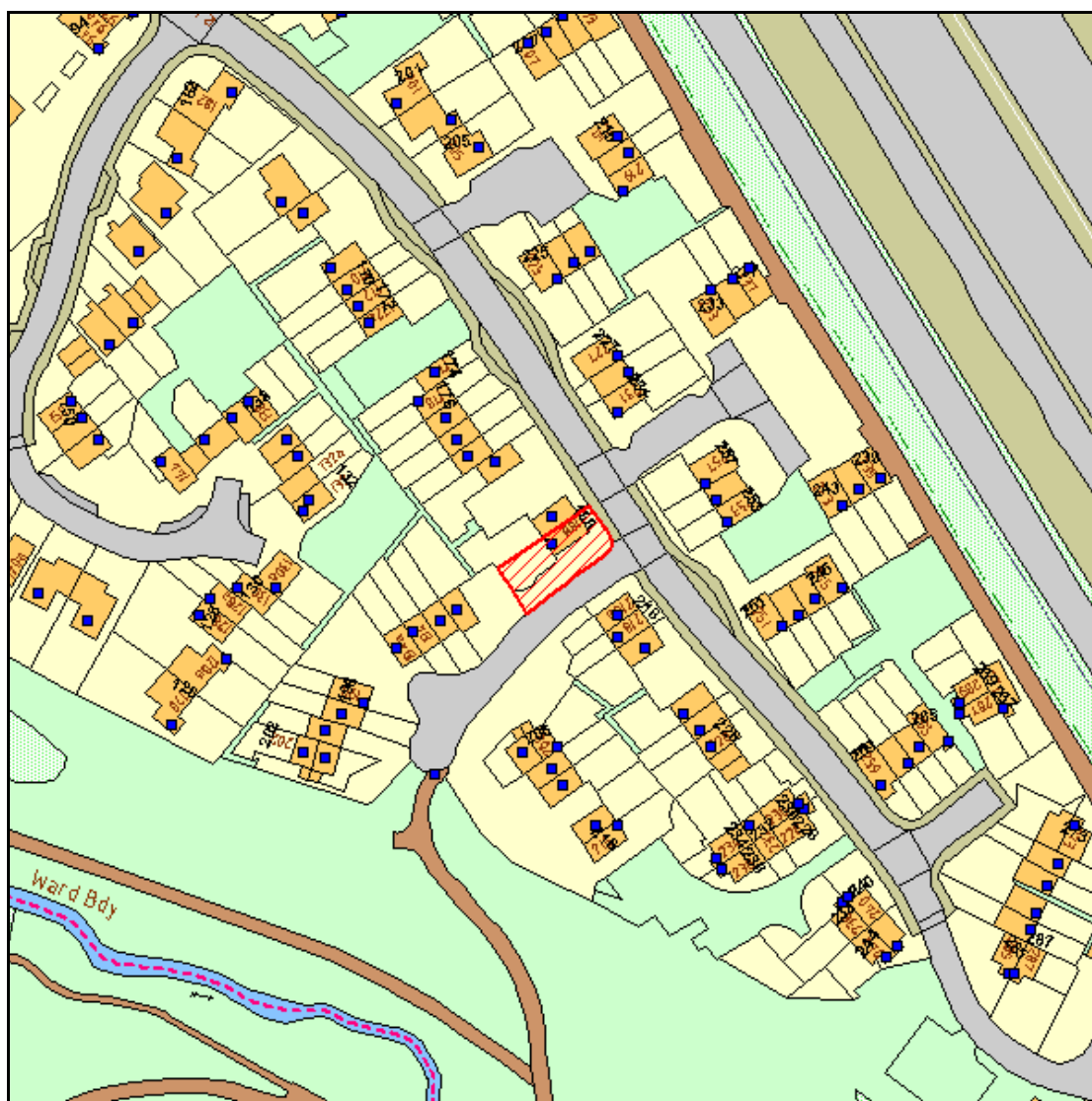
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 48/09 – 4 DECEMBER 2009

App No.:	PT09/5638/F	Applicant:	Ms D Ricketts
Site:	188 Ormonds Close Bradley Stoke Bristol South Gloucestershire BS32 0DZ	Date Reg:	30th October 2009
Proposal:	Erection of two storey side extension to form 1no. dwelling with associated works.	Parish:	Bradley Stoke Town Council
Map Ref:	362447 182336	Ward:	Bradley Stoke North
Application Category:	Minor	Target Date:	15th December 2009



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INTRODUCTION

The application appears on the Circulated Schedule in view of the letter of objection received from the Town Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two-storey side extension to provide a new one-bedroom dwelling.
- 1.2 The application relates to an existing semi-detached two-storey dwelling on the west side of Ormonds Close, Bradley Stoke.

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: Proposals for Residential Development

H4: Development in Residential Curtilages

T7: Cycle Parking

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

L1: Landscape Enhancement and Protection

L18: The Water Environment

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None Specific

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

Objection: ' Over development and detrimental to the street scene. The need for additional parking does not appear to have been met'.

4.2 Other Consultees

Highways DC: no objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H2 allows for the principle of new residential development subject to considerations of design, residential amenity and highway safety. Further, the maximum density compatible with the site and its location should also be achieved. In this regard, the expectation is that development proposals will achieve a density of 30 dwellings per hectare with upwards of 50 dwellings per hectare where circumstances permit.

- 5.2 Planning policy H4 is permissive of development within existing residential curtilages again subject to considerations of design, residential amenity and highway safety. Further, development proposals should not prejudice the retention of adequate private amenity space with adequate private amenity space also provided for any new separately occupied dwelling.

- 5.3 Planning policy T12 advises that development will be permitted (in terms of transportation) provided that (here considered relevant) the proposal:

- o Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists and people with disabilities; and
- o Provides safe access capable of accommodating the motorised traffic generated by the proposal; and
- o Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and
- o Would not generate traffic that would have an unacceptable affect on residential amenity or other environmentally sensitive areas in terms of noise, vibration and air quality.

5.4 Design/ Visual Amenity

The application relates to a two-storey semi-detached dwelling on the west side of Ormonds Close, Bradley Stoke. The host dwelling occupies a corner plot with a short cul-de-sac adjoining the southern flank boundary of the site; this provides for a handful of dwellings to the rear.

- 5.5 The application seeks full planning permission for the erection of a two-storey side extension that would build to the south side of the dwelling and provide a new one-bedroom end of terrace property. Accommodation is similar to that of the host dwelling at ground level with a living room at the front and kitchen behind. First floor facilities would comprise a single front bedroom with a bathroom at the rear.

- 5.6 The proposal would be of equal depth to the host dwelling but of slightly reduced width. However, the overall design approach would mirror that of the existing property albeit with the detailing handed (at both the front and rear). Materials would match those of these existing dwelling with the roof extended continuing the ridgeline of this existing property. Accordingly, there is no objection to the design approach adopted.

- 5.7 Having regard to the siting/ layout of the proposal, the new dwelling would close up the existing area of spacing to this side of the property building on an existing area of hardstanding. Nevertheless, it is noted that there is no pattern of regular spacing between dwellings on this side of the road whilst the proposal would remain inset from the highway. It is also noted that permission has been given for a similar development immediately south of the site on the opposing corner to the cul-de-sac (PT07/2680/F) and with a further new dwelling nearing completion adjoining 220 Ormonds Close (PT09/0034/F). As such, it is considered that there can be no sustainable objection to the current proposal on this basis.
- 5.8 Density
Planning policy H2 cites that proposals for residential development should provide the maximum density compatible with the site and its location with 30 dwellings per hectare anticipated.
- 5.9 In this instance, the application site measures 0.02ha in size and thus the proposal would provide for a density of 50 dwellings per hectare. As such, there is no objection to the current proposal on this basis with it also noted that the pattern of development proposed would be that most suited to the locality.
- 5.10 Residential Amenity
The application site occupies a corner plot with only the host dwelling to be the only directly adjoining unit. In this regard, the existing side facing bathroom window would be blocked but despite the southerly position of the proposal, its equal depth should ensure that there would be no significant impact on sunlight to these existing residents. On this basis, and subject to an appropriately worded condition in respect of boundary treatments it is considered that no significant adverse impact in residential amenity would be caused.
- 5.11 All other neighbouring dwellings stand at an appreciable distance from the site of the proposal, on this basis it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.12 Highway Safety
The proposal would provide one space for the new dwelling at the end of its new rear garden that is considered to be appropriate for a dwelling of this size with further car parking also retained for the host property. On this basis, there is no highway objection to this current proposal. To this extent, it is noted that the corner of the proposed building would abut the public highway; this is considered to be acceptable but care should be taken when setting out prior to any building works.
- 5.13 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.

5.14 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
 1. The design, scale, massing and position of the proposal would be in keeping with the existing property and the street scene. The proposal is therefore considered to comply with planning policies D1 (Achieving Good Quality Design in New Development), H2 (Proposals for Residential Development) and H4 (Development within Existing Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The density of the development proposed would exceed 30 dwellings per hectare. The proposal is therefore considered to comply with Planning Policy H2 (Proposals for Residential Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. It is considered that the proposal would not have any significant adverse impact on residential amenity. The proposal is therefore considered to comply with Planning Policies H2 (Proposals for Residential Development) and H4 (Development within Existing Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
 4. The proposal is considered to provide a sufficient level of car parking and would be acceptable in highway safety terms. The proposal is therefore considered to comply with Planning Policies T8 (Car Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Planning Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

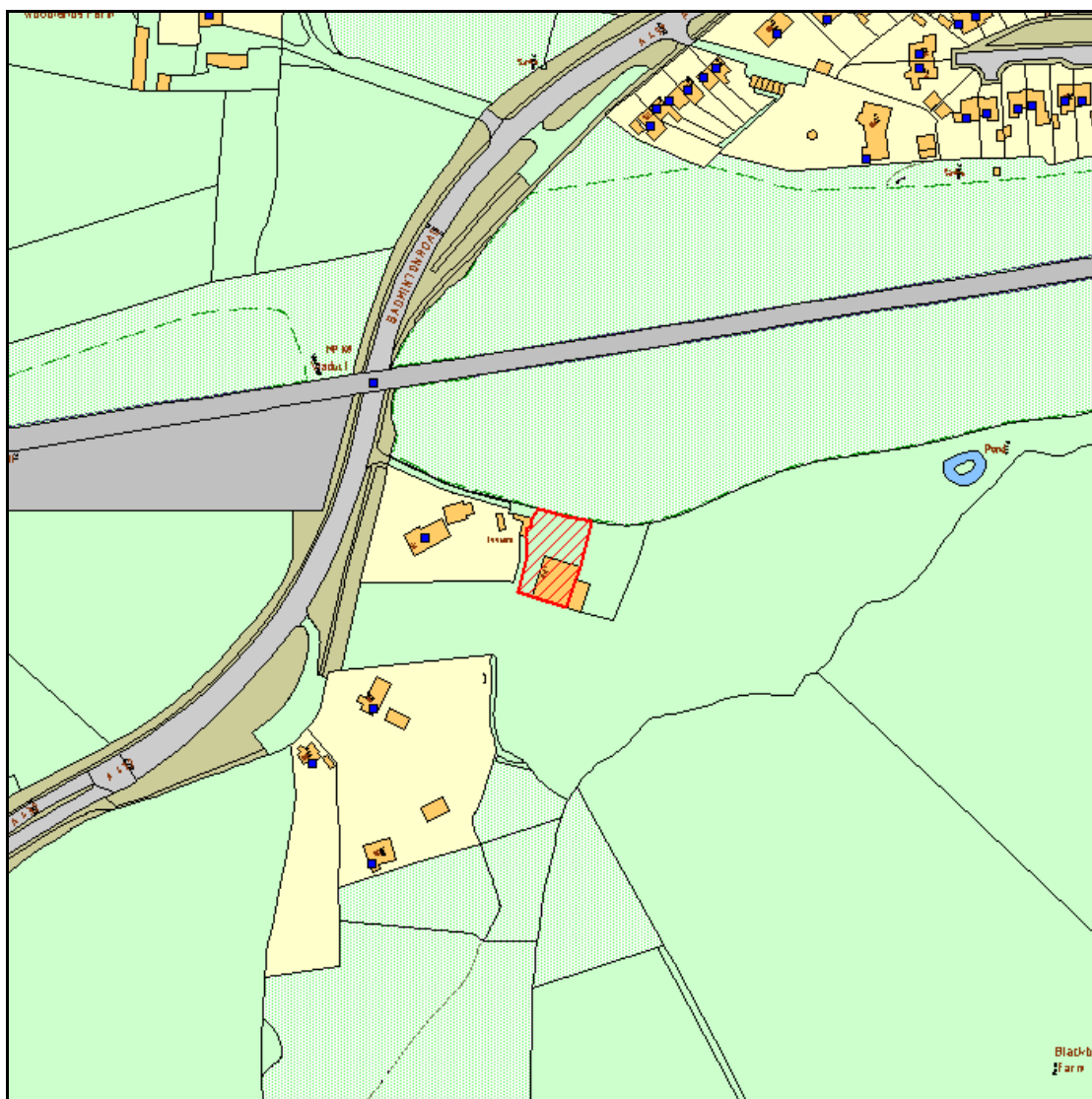
4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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 T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 48/09 – 04 DECEMBER 2009

App No.:	PT09/5661/F	Applicant:	Mr David Roddick
Site:	Viaduct Nurseries 114A Badminton Road Coalpit Heath Bristol South Gloucestershire	Date Reg:	26th October 2009
Proposal:	Change of use from agricultural building to storage of motor vehicles (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective)	Parish:	Westerleigh Parish Council
Map Ref:	366895 180109	Ward:	Westerleigh
Application Category:	Minor	Target Date:	17th December 2009



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 100023410, 2008. **N.T.S.** **PT09/5661/F**

INTRODUCTION

This application appears on the Circulated Schedule given the concerns that have been raised by the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for the change of use of an existing agricultural building to provide storage for motor vehicles.
- 1.2 The application relates to Viaduct Nurseries located immediately south of the railway viaduct on the east side of Badminton Road, Coalpit Heath. The application site lies within the Green Belt and beyond the settlement boundary.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPG13: Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
GB1: Development in the Green Belt
E3: Criteria for Assessing Proposals for Employment Development
E6: Employment Development in the Countryside
E7: Conversion and Reuse of Rural Buildings
T8: Parking Standards
T12: Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 P87/2196: Improvement of agricultural land by means of limited tipping of inert material, after stripping and storing of top soil for reuse. Permitted: 28 September 1987
- 3.2 P88/1703: Improvement of agricultural land by means of limited tipping of inert material, after stripping and storing of top soil for re-use; construction of new vehicular access. Refused: 14 July 1988
- 3.3 P92/1069: Change of use of land from agricultural to use a builder's depot. Refused: 11 March 1992

- 3.4 P99/1839: Change of use of building from workshop/ market garden to dwelling house. Refused: 9 July 1999
- 3.5 PT01/1731/F: Creation of access and use of existing building for B8 purposes. Refused: 11 January 2002
- 3.6 PT02/3367/F: Erection of three poly tunnels and construction of new vehicular access. Refused: 23 August 2004
- 3.7 PT06/0828/O: Erection of replacement greenhouse. Permitted: 12 April 2006
- 3.8 PT08/0708/RVC: Removal of condition 5 attached to planning permission PT06/0828/O dated 18 April 2006 for on site sale of produce to the public. Permitted: 20 June 2008

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
Objection: The site is in the Green Belt and the storage of motor vehicles is not consistent with activities suitable to such designation.
- 4.2 Other Consultees
Highways DC: no objection
- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
National planning guidance supports the principle of the conversion and reuse of former agricultural buildings. As stated within PPS7 (Sustainable Development in Rural Areas), 'reuse for economic development purposes will usually be preferable' (para 17).
- 5.2 Planning policies E6 and E7 reflect this guidance supporting the principle of the reuse of former agricultural buildings. In the case of planning policy E6, this cites that proposals for B8 (Storage and Distribution) might be permitted where it involves the conversion and reuse of existing rural buildings. Policy E7 details the building type, which might be considered; in this regard, proposals will be permitted provided that:
- o The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction; and
 - o The buildings are in keeping with their surroundings in terms of character, form, bulk and overall design; and
 - o Development, including any alterations, intensification or extension, would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

- 5.3 Planning policy GB1 advises that within the Green Belt, the change of use of existing land or buildings will be granted where:
- o It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purposes of including land within it;
 - o The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and
 - o The form, bulk and general design of the buildings are in keeping with their surroundings.
- 5.4 Planning History
Planning application PT01/1731/F has previously sought permission for the change of use of this building to provide storage accommodation. At this time, the Officer report commented that use of the building would 'not have an impact on the green belt, (to) any greater degree than the existing use' (provided there was no outside storage). Nevertheless, this application also sought approval for the formation of an area of hardstanding to the front of the building which was described as a 'yard and turning area'; it was considered that this would adversely impact the openness of the Green Belt; permission was refused partly on this basis.
- 5.5 This decision was subsequently dismissed at appeal. At this time, the Inspector stated 'I accept that storage/ distribution use of the building would not of itself materially erode the openness of the Green Belt subject to a condition prohibiting storage. I also accept that the building is of permanent and substantial construction, and suitable for storage use with little or no adaptation. Also, although utilitarian, the building is not out of keeping with its rural, fairly secluded setting'.
- 5.6 The Inspector also commentated that 'The Council's objection regarding the Green Belt centres on the additional hardstanding needed to service the storage/ distribution use, and I consider that these works would intrinsically materially reduce the openness of this part of the Green Belt notwithstanding their screened location'.
- 5.7 The planning refusal also included a reason related to highway safety. In this regard, it is noted that access to the site has been amended and improved since this time. Issues related to highway safety are addressed below.
- 5.8 The Proposal
The application seeks retrospective planning permission for the change of use of a former agricultural building to provide for B8 storage purposes. The building comprises a large steel framed structure with a block work at the lower levels and metal cladding. The building stands to the rear of 114 Badminton Road and is accessed via lengthy drive that runs to the south of this property. The application seeks to regularise the existing use of this building for car storage.

5.9 Structural Condition of Building

The existing building comprises a modern steel framed building which is likely to have required only cosmetic works to facilitate its change of use. On this basis, and having regard to the aforementioned Inspectors comments, there is no objection to the current proposal on this basis.

5.10 Visual Amenity

The application would not require any significant alterations to a building, which the Inspector described as a 'utilitarian' structure 'not out of keeping with its rural, fairly secluded setting'. On this basis, subject to a planning condition preventing any outside storage, the proposal is considered to be acceptable from a design/ visual amenity viewpoint.

5.11 Impact on the Openness of the Green Belt

In accordance with the Inspectors observations (and as per the provisions of planning policy GB1), it is not considered that the change of use of this building would cause any significant adverse impact on the openness of the Green Belt. This is provided that no outside storage takes place; this could be controlled by an appropriately worded condition. Further, it is considered that an informative should be attached to any favourable to make clear that this application does not regularise the existing area of hardstanding but relates only to internal storage. In this regard, inclusion of this area of land does offer the Local Planning Authority further control given the proposed restriction on outside storage.

5.12 Residential Amenity

Given the location of the application site beyond the settlement boundary, there are only a handful of dwellings within relative close proximity of the site to this side of the railway viaduct. The closest forms 114 Badminton Road; a detached dwelling positioned forward of the application site.

5.13 In view of the nature of the proposal, the low number of car movements anticipated, and the separation distance and screening provided: on balance, it is not considered that any significant adverse impact in residential amenity would be caused. All other neighbouring dwellings sit further from the application site thus again it is not considered that any significant adverse impact in residential amenity would be caused.

5.14 Highway Safety

The proposal accommodates between 20 and 25 vehicles whilst it is understood that HGV's would not be required to transport the vehicles. It is further understood that car sales would not form part of the proposal. On this basis, and with the site access considered to be acceptable given the moderate increase in traffic generation that would result, there is no highway objection to this current proposal.

5.15 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.

5.16 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
 1. The proposal would involve the conversion of an existing agricultural building that is considered to be in keeping with the locality and of suitable construction. The proposal is therefore considered to be compliant with Planning Policies E6 (Employment Development in the Countryside) and E7 (Conversion and Reuse of Rural Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposed reuse of the building would not have a materially greater impact on the openness of the Green Belt. The proposal is therefore considered to accord with Planning Policy GB1 (Development in the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. In view of the nature of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused. The proposal is therefore considered to be compliant with Planning Policy E7 (Conversion and Reuse of Rural Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.
 4. The proposed storage use would not result in any significant increase in vehicle movements. The proposal is therefore considered to be compliant with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

1. No outside storage shall take place at the premises.

Reason

In the interests of visual amenity and the openness of the Green Belt, all to accord with Planning Policies L1, GB1, E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

In the interests of visual amenity, highway safety and to safeguard the residential amenities of the neighbouring occupiers all to accord with Planning Policies E6, E7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.