

**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. 02/09

Date to Members: 16/01/09

Member's Deadline: 23/01/09

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: 16/01/09

SCHEDULE NO. 02/09

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

Circulated Schedule 16 January 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK08/2251/F	Approve with conditions	60 Broad Street, Chipping Sodbury, South Gloucestershire, BS37 6AG	Chipping	Sodbury Town Council
2	PK08/2901/R3F	Deemed consent	Sir Bernard Lovell School, North Street, Oldland Common, South Gloucestershire, BS30 8TS	Oldland	Bitton Parish Council
3	PK08/3039/LB	Approve with conditions	Brittons Farm, Beach Lane, Upton Cheyney, South Gloucestershire, BS30 6NP	Bitton	Bitton Parish Council
4	PK08/3062/F	Approve with conditions	Long Acre Farm, Dodington Lane, Dodington, South Gloucestershire, BS37 6SD	Westerleigh	Dodington Parish Council
5	PK08/3070/LB	Approve with conditions	Brittons Farm, Beach Lane, Upton Cheyney, South Gloucestershire, BS30 6NP	Bitton	Bitton Parish Council
6	PK08/3083/F	Refusal	Wilton Farm, Abson Road, Wick, South Gloucestershire, BS30 5TT	Boyd Valley	Wick and Abson Parish Council
7	PK08/3091/F	Approve with conditions	10 Goose Green, Yate, South Gloucestershire, BS37 5BJ	Yate North	Yate Town Council
8	PK08/3146/F	Approve with conditions	94 Forest Road, Kingswood, South Gloucestershire, BS15 8EH	Woodstock	
9	PK08/3148/F	Approve with conditions	Land Adjacent to 20 Church Lane, Old Sodbury, South Gloucestershire, BS37 6NB	Cotswold Edge	Sodbury Town Council
10	PK08/3149/F	Approve	17 Penngrove, Longwell Green, South Gloucestershire, BS30 9UQ	Longwell Green	Oldland Parish Council
11	PK08/3152/F	Approve with conditions	The Recreation Ground, Greenbank Road, Hanham, South Gloucestershire, BS15 3RX	Hanham	Hanham Parish Council
12	PT08/0964/F	Approve with conditions	21 Watch Elm Close, Bradley Stoke, South Gloucestershire, BS32 8AL	Stoke Gifford	Bradley Stoke Town Council
13	PT08/2775/F	Approve with conditions	Land to the rear of 161 Roundways, Coalpit Heath, South Gloucestershire, BS36 2LU	Westerleigh	Westerleigh Parish Council
14	PT08/2888/ADV	Approve	94 Masons Arms, Gloucester Road, Rudgeway, South Gloucestershire, BS35 3QJ	Thornbury South and Alveston	Alveston Parish Council
15	PT08/2966/F	Approve	18a Gloucester Road North, Filton, South Gloucestershire, BS7 0SF	Filton	Filton Town Council
16	PT08/3014/F	Approve	The Coach Depot, Pegasus Park, Gipsy Patch Lane, Little Stoke, South Gloucestershire, BS34 6QD	Stoke Gifford	Stoke Gifford Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
17	PT08/3029/F	Approve with conditions	85 Gloucester Road, Thornbury, South Gloucestershire, BS35 1JZ	Thornbury North	Thornbury Town Council
18	PT08/3074/F	Approve with conditions	Heatherlee, Blackhorse Hill, Easter Compton, South Gloucestershire, BS35 5RR	Almondsbury	Almondsbury Parish Council
19	PT08/3104/F	Approve with conditions	Stoke Gifford Medical Centre, Ratcliffe Drive, Stoke Gifford, South Gloucestershire, BS34 8UE	Stoke Gifford	Stoke Gifford Parish Council
20	PT08/3111/CLE	Approve	Kyneton Farm House, Kington Lane, Thornbury, South Gloucestershire, BS35 1ND	Severn	Oldbury-on-Severn Parish Council

ITEM 1

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.: PK08/2251/F

Applicant: Mr D Dawe Beaufort Services

Site: 60 Broad Street, Chipping Sodbury, South Gloucestershire, BS37 6AG

Date Reg: 11th August 2008

Proposal: Change of use from Storage and Distribution (Class B8) to mixed use of Storage and Distribution (Class B8) and the maintenance/servicing and parking/storage of private hire vehicles (Class B2) and the operation of a Private Vehicle Hire Business (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective).

Parish: Sodbury Town Council

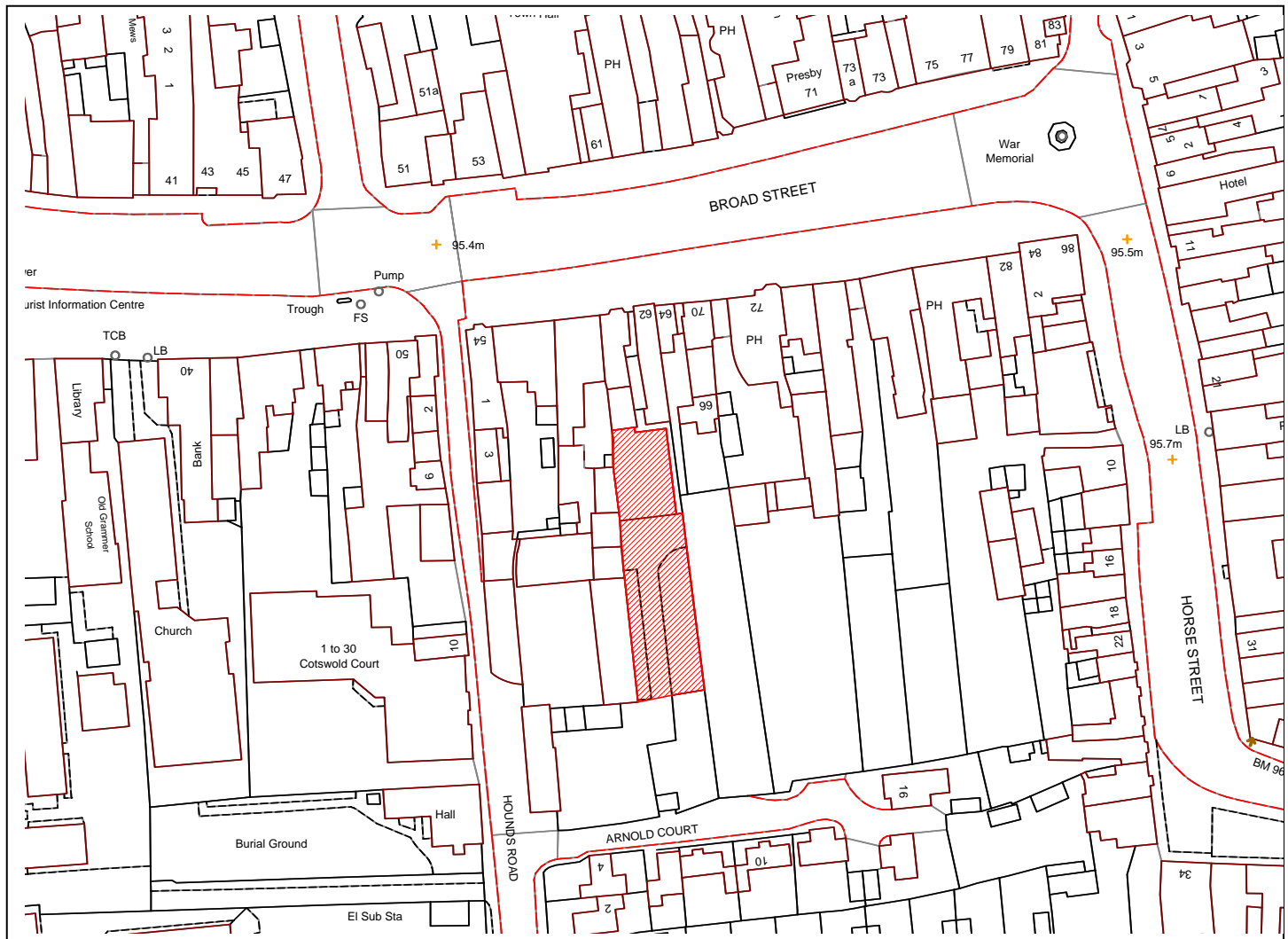
Map Ref: 72844 82155

Ward: Chipping Sodbury

Application Category: Minor

Target Date:

3rd October 2008



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100023410, 2008.

N.T.S

PK08/2251/F

INTRODUCTION

This application has been forwarded to the Circulated Schedule for Member consideration as representations have been received contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated centrally within Chipping Sodbury at the rear of 60 Broad Street. The site comprises a large warehouse building of corrugated construction situated at the north end and surfaced and gravelled service yard forming the majority of the site. The yard is accessed via a gated vehicular access off Hounds Road adjacent to the junction with Arnold Court along an access track through an adjacent car park to the south west.

The application site is situated within the Chipping Sodbury Conservation Area and two Listed Buildings which front Broad Street are located adjacent to the north boundary of the site behind the warehouse.

The site has an authorised use for storage and distribution purposes and this operation currently involves the storage and distribution of specialist motor vehicle parts, although the site has previously been used as a builders merchants. For the past 9 years the applicant has been operating an additional private hire vehicle business from the site, using 4 and 8 seated vehicles. The business function includes contracts for Local Authorities including delivery and collection of school children, local companies and the public with ancillary valleting and maintenance of the vehicles.

- 1.2 The application proposes retrospective change of use of the site from the authorised Storage and Distribution (Class B8) use to a mixed use of Storage and Distribution (Class B8) and the maintenance/servicing and parking/storage of private hire vehicles (Class B2) and the operation of a Private Vehicle Hire Business (Sui Generis)

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG4 Industrial and Commercial Development and Small Firms
PPS6 Planning for Town Centres
PPG13 Transport
PPG15 Planning and the Historic Environment
PPG24 Planning and Noise

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
L12 Conservation Areas
L13 Listed Buildings
EP4 Noise Sensitive Development
T8 Parking Standards

T12 Transportation for New Development
E3 Employment Development within the Urban Area
RT1 Development in Town Centres

2.3 Supplementary Planning Guidance

Chipping Sodbury Conservation Area Unrevised Document – Jan 2005

3. **RELEVANT PLANNING HISTORY**

- 3.1 P84/1071 Use of premises as a warehouse independent of the adjacent shop premises.
Approved 18.04.1984
- 3.2 P89/1805 Use of premises as warehouse (Class B8 as defined in the Town and Country Planning (Use Classes) Order 1987) (renewal of temporary consent) (in accordance with the amended plans received by the council on the 19th June 1989)
Approved 13.07.1989
- 3.3 P94/2099 Use of premises as warehouse (Class B8 as defined in the Town & Country Planning (Use Classes) order 1987) (renewal of temporary consent)
Approved 11.09.1994

4. **CONSULTATION RESPONSES**

4.1 Sodbury Town Council

No objection

4.2 Other Consultees

Sustainable Transport – No objection, subject to conditions

Other Representations

4.3 Local Residents

6 objections received from the occupiers of 6, 8, 12 and 14 Arnold Court, raising the following concerns:

Noise from vehicles; danger from existing vehicles leaving the site; not convinced that all vehicles will be able to leave the site in a forward gear; the business continues to get bigger; damage to the road; operating hours causing disturbance; unauthorised parking on neighbour's land; the site is not of sufficient size to accommodate 16 proposed vehicles; insufficient manoeuvring space within the site; 9 year reach is irrelevant as application is not for Certificate of Lawfulness and the breach is less than 10 years; taxis and phv's started parking at the site in 2006; adverse impact on the Conservation Area.

6 comments of support received from a local resident.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E3 supports proposals for employment uses within existing urban areas subject to acceptable environmental effects, highway safety considerations, residential or visual amenity impacts, density compatible with the site location accessibility and surroundings.

The site is situated within a Conservation Area and policy L12 requires development proposals therein to preserve or enhance the character and appearance of the Conservation Area. Policy L13 requires for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses.

Policies T12 and T8 consider in detail the impact of development upon the surrounding highway network and highway safety in general. Policy EP4 follows guidance in PPG24 considering noise sensitive development.

Policy RT1 of the South Gloucestershire Local Plan is supportive in principle of proposals for development within existing town centres providing that it would not detract from the viability and vitality of the centre, would be consistent with the scale and function of the centre, would be accessible and would not detract from residential amenity.

5.2 Highway Considerations

The existing Class B8 use is unrestricted in relation to numbers and the types of vehicle that could use the site. If the site were to revert to the previous authorised use as a builders merchants this could result in a significant number of heavy goods vehicles moving building materials to and from the site. As such the application submitted provides an opportunity to bring the numbers and types of vehicles operating for the site within the Council's control. The Highways Officer has indicated that the maximum number of vehicles that would be acceptable operating from the site would total 14. The applicant's private hire business incorporates 8 vehicles with a maximum size of 8 seats, which includes three vehicles which have been adapted for disabled passengers. A condition is therefore recommended to restrict the maximum number of vehicles stored or operated from the site at any one time to 14 including a maximum of 8 private hire vehicles (maximum 8 seats). This would result in a material gain in terms of control of the numbers of vehicles using the site, including the parking, manoeuvring and use of the existing access. Therefore, subject to this restrictive condition, the proposal is considered to result in no increase of material harm in relation to highway safety.

5.3 Visual amenity

The application site forms an historic Burbage plot at the rear of the main street frontage in the town within the Conservation Area. The Chipping Sodbury Conservation Area Statement makes reference to Burbage plots such as this and advises that the introduction of large scale development and unsympathetic uses and amalgamation of existing plots are eroding the historic

character of the area. The application site is situated some 26m from the Highway (Hounds Road) and is only visible as a glimpse through entrance gates on Hounds Road. Therefore the visual impact of the activities taking place within the application site is limited. Although the site has been operating as a business use for some years this is an opportunity to bring within planning control the storage potential activities that would create visual harm. A condition is therefore recommended to control any external storage of plant, materials, goods and waste within the site. The proposal would retain the original Burbage plot in spatial terms and in visual terms would not result in a less visually acceptable use than the authorised B8 use. Considering the authorised use, the limited visual impact in the street scene and subject to the recommended condition, the proposal is considered to respect the character, distinctiveness and amenity of the surrounding area and the character and appearance of the Conservation Area. The Conservation Officer has raised no objection to the scheme subject to the recommended condition.

The application site is situated adjacent to the curtilages of Listed Buildings fronting Broad Street to the north. The proposal would take place within the large existing warehouse building at the north end of the site and in the service yard to the south. The external activities would be screened from the Listed Buildings to the north by the warehouse building and as such the proposal is considered not to harm the setting of any Listed Buildings in the locality.

5.4 Residential amenity

The main consideration in terms of residential amenity impact relates to potential noise disturbance from the proposed maintenance of the Private Hire Vehicles within the site. Although the applicant has indicated that only light maintenance is proposed, it is still important for this potential noise generator to be controlled. Therefore the Environmental Health Officer has recommended that no maintenance of vehicles be carried out outside the enclosed workshop. Additional controls are recommended in relation to operating hours for maintenance and servicing of vehicles and operating hours for the Private Hire business. The Private Hire Vehicle business has been operating from the site for the previous 9 years and Environmental Services have received no complaints in relation to noise to date. However, some complaints have been received by our Enforcement Section related to noise, from revving of car engines up to 10pm. Recommended condition 3 would restrict operation of machinery, or maintenance and service of vehicles and deliveries taken to 07.00 and 18.00 Monday to Friday; 08.00 and 13.00 on Saturday and at no times whatsoever on Sunday or Bank Holidays. It is considered that subject to the recommended conditions, the proposal would result in no material increase in disturbance to the local residents as a result of noise when compared to the existing unrestricted use.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

6. CONCLUSION

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

The 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 Consent is GRANTED subject to the following conditions and informatives:

Background Papers **PK08/2251/F**

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason:

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

2. No more than 8 Private Hire Vehicles (maximum size of 8 seats and excluding mini buses) and 14 vehicles in total shall be stored or operate from the site edged red and blue on the approved plan.

Reason:

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

3. No outside storage of material/goods/waste or plant shall take place at the premises other than that shown on the approved site plan.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No machinery shall be operated, no process or maintenance and service of vehicles shall be carried out and no deliveries taken at or despatched from the site outside the following times 07.00 and 18.00 Monday to Friday; 08.00 and 13.00 on Saturday and at no times whatsoever on Sunday or Bank Holidays.

Reason:

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

5. Vehicle maintenance shall only be carried out within the enclosed workshop. Maintenance works include the use of power tools, generators, hammering and grinding, or other activities likely to give rise to elevated noise levels. No vehicle paint spraying shall take place within the application site.

Reason:

To minimise disturbance to the local residents and to accord with Policies E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The Private Hire business the subject of this decision shall not operate from the site outside the following times 07.00 and 21.00 Monday to Friday; 07.00 and 22.00 on Saturday; or 08.30 and 20.00 on Sunday or Bank Holidays.

Reason:

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

7. Within 3 months of the date of this decision the off-street parking facilities (for all vehicles) shown on the plan hereby approved shall be laid out and provided, and thereafter retained for that purpose.

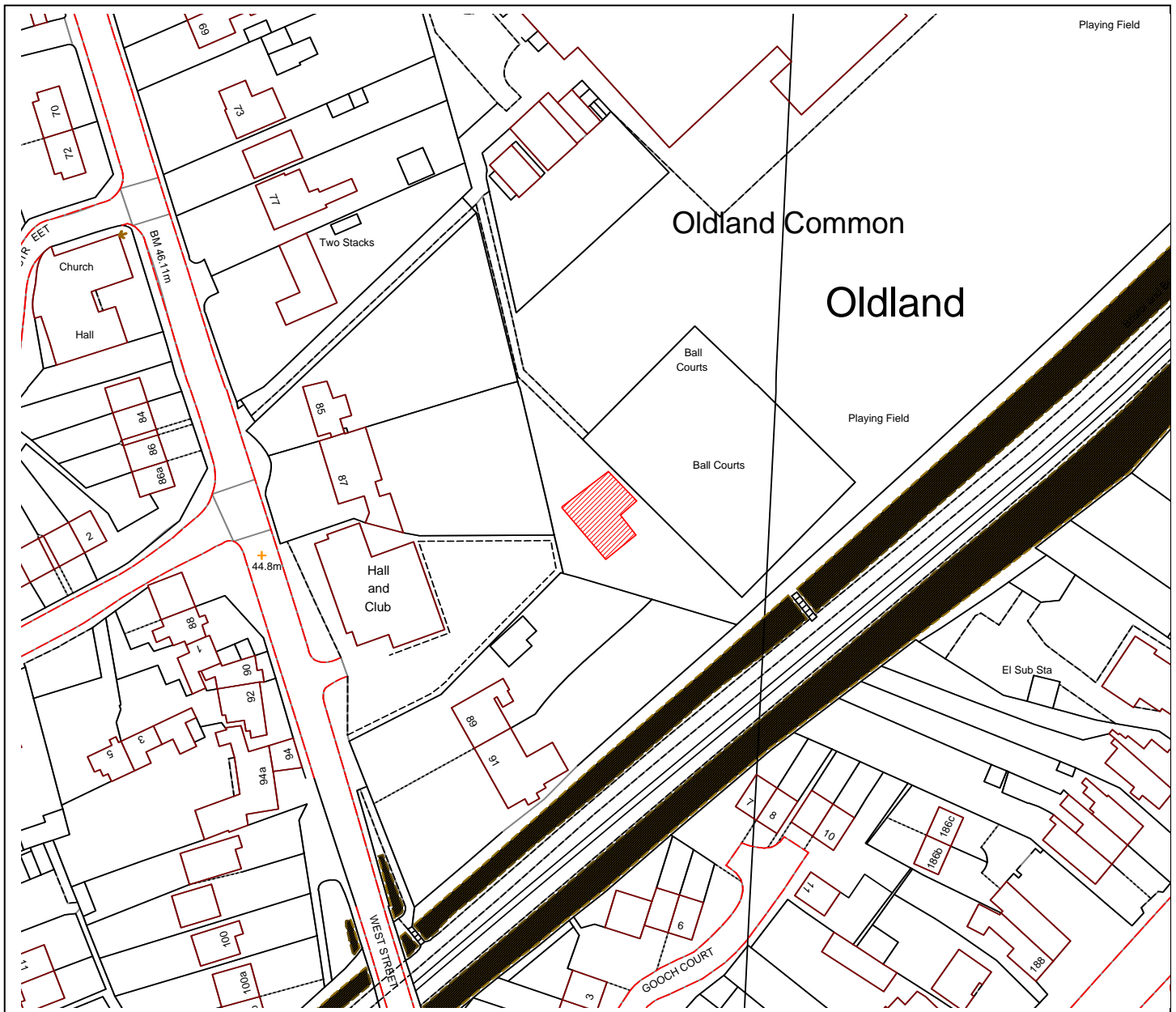
Reason:

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

ITEM 2

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.:	PK08/2901/R3F	Applicant:	The Sir Bernard Lovell School
Site:	Sir Bernard Lovell School, North Street, Oldland Common, South Gloucestershire, BS30 8TS	Date Reg:	31st October 2008
Proposal:	Erection of detached single storey tennis clubhouse with associated works.	Parish:	Bitton Parish Council
Map Ref:	67334 71473	Ward:	Oldland Common
Application Category:	Minor	Target Date:	8th January 2009



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N.T.S

PK08/2901/R3F

INTRODUCTION

This application appears on the circulated schedule because it is a Regulation 3 application submitted by Sir Bernard Lovell School. Objections have also been received from Bitton Parish Council and local residents, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 It is proposed to erect a tennis clubhouse next to the recently approved (see PK05/3624/R3F) floodlit all weather tennis courts at Sir Bernard Lovell School. It is intended that the clubhouse will become the new home of Bitton Tennis Club, which at present is a club in name only.
- 1.2 The clubhouse would be a single-storey building located in the southernmost corner of the school campus, directly opposite the Village Hall & Club located on West Street, Oldland Common. The site is enclosed by the existing school buildings to the north, the Bristol/Bath Cycle Way located in the railway cutting to the south, and the residential properties and Village Club & Hall on West Street. Works to implement the approved all-weather surfaces are now ongoing and some ground level changes have already taken place on the application site.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPG13 - Transport
PPG17 - Sport and Recreation
PPG24 - Planning and Noise
Circular 11/95 - The use of conditions in planning permissions.

2.2 Development Plans

Joint Replacement Structure Plan

Policy 1 - Sustainable development objectives.
Policy 2 - Location of development.
Policy 43 - New recreational facilities.
Policy 54 - Car Parking provision (non-residential).

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Achieving good quality design in new development.
L1 - Landscape Protection and Enhancement
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
T7 - Cycle Parking
T8 - Parking Standards
T9 - Car Parking Standards for People with Disabilities
T12 - Transportation Development Control Policy for New Development
LC3 - Proposals for Sports and Leisure Facilities Within the Existing Urban Area and Defined Settlement Boundaries.

LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Areas and Defined Settlement Boundaries.

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Check List (SPD) Adopted August 2007.
SG Landscape Character Assessment
Character Area 14, Kingswood

3. RELEVANT PLANNING HISTORY

- 3.1 P74/4298 Erection of two terrapin classrooms in accordance with revised plans received on 9th August 1974 (Previous ID: K245)
Approved 11th Sept 1974
- 3.2 P77/4345 Erection of single storey workshop block, floor space approx 2,120 sq.ft. (Previous ID: K245/1)
Approved 19th Sept 1977
- 3.3 P98/4390 Erection of extension to provide new facilities for Design Technology.
Approved 28th Aug 1998
- 3.4 PK00/0823/F Erection of extension to provide a new arts centre.
Approved 10th Aug 2000
- 3.5 PK03/3254/R3F Change of use from dwelling(Class C3) to offices (ClassD1) as defined in the Town and Country Planning (Use Class Order) 1987.
Deemed Consent 16th Dec 2003
- 3.6 PK04/2608/R3F Erection of single storey classroom block on South East Elevation and enclosure of existing Atrium.
Deemed consent 01st Nov 2004.
- 3.7 PK05/2738/R3F Erection of extension to form canopy shelter for students (Retrospective).
Deemed Consent 09th December 2005
- 3.8 PK05/3624/R3F Erection of new sports hall and associated works. Construction of all weather football pitch and tennis courts with No.16 floodlights and fencing. Construction of new car park to front of school, new mounds and associated landscaping.
Approved 16th July 2008 S106 signed.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors appreciate the need for a tennis clubhouse but, as presently proposed, would object to the application for the following reasons:
- 1) Loss of privacy to nearby houses because of the height of the building above them.
 - 2) Overbearing impact on nearby houses because of the proximity to and height above them of the building.
 - 3) No restriction to hours of operation are specified.

4) Concern was expressed about disposal of foul water from the building as proposed.

Councillors suggested that an acceptable proposal might be achieved by re-positioning of the clubhouse nearer to the tennis courts, further from the nearby houses and with any expanse of tarmac being to the north of the clubhouse, rather than to the east, with robust landscaping of the apex of the triangle of land behind the proposed clubhouse to screen nearby houses both visually and to limit noise.

4.2 Other Consultees

4.3 Sport England

The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field. This is further supported by the project being supported by the Lawn Tennis Association, which has encouraged the school to develop tennis facilities which can be used both by the school and the local community. With the scheme hoping to result in providing opportunities for group participation as well as contributing to healthier, fitter and more active communities; Sport England would therefore wish to lend its support in principle to this planning application.

4.4 Avon Lawn Tennis Association

Support the proposal which will be the new home of Bitton Tennis Club. The facilities will benefit the local community and attract more players to tennis and will improve health and fitness in children. The facility will provide more opportunity for people of all ages to access tennis and reach their full playing potential.

4.5 Avon & Somerset Police

No response

Other Representations

4.6 Local Residents

6no. letters of support for the proposal were received. The comments made in favour of the scheme are summarised as follows:

- The new tennis centre will be the new home of Bitton Tennis Club whose aim is to develop tennis for the local community.
- The tennis hut would be an integral part of the tennis club.
- The facility will help Bitton Tennis Club survive, as the Club cannot operate to its full potential without a clubhouse.

3no letters of objection were received. The concerns raised are summarised as follows:

- Increased traffic in North Street.
- Inadequate parking.
- Inadequate playspace for pupils.
- Additional noise.
- Increased ground levels to rear of 91 and 89 West Street.
- Hours of use?

- Clubhouse and tennis courts will be seen from the garden of no.91 West Street.
- Drain and manhole covers can be seen from 91 West Street.
- Drainage problems.
- Additional trees or shrubs should be planted close to the conifers at the rear of no. 91 in order to screen the development.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Planning permission for a new sports hall and a floodlit all-weather football pitch and tennis courts was recently granted under application PK05/3624/R3F, so the acceptance in principle of community sporting facilities at Sir Bernard Lovell School has already been established.

5.2 The ODPM's recently published report entitled *Our Towns and Cities: The Future*, indicated in paragraph 6.20 that the government “..*want to see a stronger cultural and sporting infrastructure, providing opportunities for everyone, and acting as an educational resource, especially for young people.*” The site is an existing school site within the urban area so the proposal is supported in principle by this government objective. Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 permits the development, expansion or improvement of education and community facilities within the existing urban area and within the boundaries of settlements provided that:

- A. Proposals are located on sites which are, or will be, highly accessible on foot and by bicycle; and
- B. Development would not unacceptably prejudice residential amenities; and
- C. Development would not have unacceptable environmental or transportation effects; and
- D. Development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.

Policy LC3 also permits the development, expansion or improvement of indoor and outdoor sports and leisure facilities within the urban area subject to a similar set of criteria.

5.3 Sport England supports the proposal and officers consider that in this case the wider benefit would outweigh the loss of this small patch of on site green sports field which at present has very limited use. PPG17 sets out 5 fundamental objectives, these include the promotion of social inclusion and community cohesion, health and well being, and promoting more sustainable development. It states “...good quality sports and recreational facilities can play a major part in improving people’s sense of well being in the place they live. As a focal point for community activities, they can bring together members of deprived communities and provide opportunities for people for social interaction”. The need to provide such facilities that are easily accessible by walking and cycling is emphasised. The Council has also adopted its own Sports Strategy, which states that provision of a range of facilities will be provided at a network of high quality leisure centres. These will be supplemented by general community

access to Secondary School facilities. It is considered that this proposal accords with the aims of the Sports Strategy.

5.4 In addition to the above, PPG17 advises that residential, and local amenities generally, should be protected. Officers consider that the main issue would be the impact of the proposal on the residential amenities of the nearest houses located on West Street.

5.5 It was always envisaged that the floodlit all-weather tennis courts would be used by the wider community and as such are considered to be located in a sustainable location within the urban area and would be easily accessible by foot or bicycle. The presence of the tennis hut would provide a permanent home for Bitton Tennis Club and a focal point for existing and future tennis players. The proposed facility would help to galvanise support and membership for the club especially for the young, there being planned programmes of junior participation and development.

5.6 Scale and Design

The proposed building would be single storey only with simple gable ends and a low pitched roof. The tennis hut would measure 9m long x 4.5m wide with a roof ridge set at 3m and eaves at 2m. Officers consider that the building is modest in scale and being constructed of materials to match the nearby 'Giotto' Arts and Technical block, would integrate very well within the existing campus and would not appear as an incongruous element in the wider locality.

5.7 Impact Upon Residential Amenities

The proposed building would be appropriately located at the southern end of the school site, adjacent to the tennis courts. It has been suggested by the Parish Council that the building could be located nearer to the tennis courts, but the presence of a main drainage pipe running along the south-western edge of the courts would prevent this.

5.8 As the established ground levels fall away to the south-west, the clubhouse would be positioned at a higher level in relation to the gardens and land associated with the houses and Village Hall & Club on West Street. The difference in ground levels is shown on the submitted plans and is generally 1m to 1.3m. Given that the proposed building would be located directly opposite the Village Hall & Club, the modest scale of the building, the distance of the building from the boundary with the gardens of nos. 85-91 West Street and the fact that there are significant belts of leylandii/conifer trees on the boundaries with these residential properties, officers are satisfied that the building would not have an overbearing impact for the nearest residents.

5.9 In terms of visual amenity, officers consider that the presence of a tennis hut in the location proposed is perfectly appropriate, especially given the location of the tennis courts and the complex of sports facilities that are intended not only for school use but use by the wider community. The building is appropriately designed and would not be prominent in views from the nearest residential properties, all of which have very long rear gardens. Being located beyond the belts of trees at the far eastern ends of the long gardens, the hut would at worst only be intermittently seen from these properties. Furthermore, it is proposed to enhance the level of screen planting by introducing additional trees/shrubs to the side and rear of the clubhouse (see landscape section below). The impact on visual amenity would therefore be acceptable.

5.10 No windows are proposed for the rear or side elevations of the clubhouse which would only be accessible by foot. The building would only be used as a focal point/casual changing facility/meeting room for the tennis club members and would not contain a bar. The use of the tennis courts is already restricted by condition attached to planning permission PK05/3624/R3F. It is proposed to impose a condition to control the hours of use of the tennis clubhouse in line with that which already controls the hours of use of the Sports Hall, which is yet to be constructed at the School. The use of the clubhouse would therefore be restricted to the hours of 8.30hrs to 21.45hrs with vacation of the building and site by no later than 22.00hrs each day.

5.11 On balance therefore, officers are satisfied that, subject to the existing conditions attached to PK05/3624/R3F and a condition to control the use of the proposed clubhouse, there would be no significant loss of residential amenity to result from the proposed scheme.

5.12 Transportation Issues

All highway matters relating to parking provision and access etc. were previously addressed under application PK05/3624/R3F. As previously stated, it was always envisaged that the tennis courts would be used out of school hours by the wider community. Officers therefore consider that the previously approved access and parking arrangements are adequate for any traffic generated by the tennis clubhouse.

5.13 Landscape Issues

Some ground level changes have already resulted from the works to construct the all-weather pitches and courts. The application site is now slightly higher and the ground levels fall away quite steeply to the south-west. The original contour lines are shown on the revised plans along with the spot heights of the new ground levels. It is acknowledged that the newly created earth bank adjacent to the properties on West Street is currently somewhat unsightly. There is also a manhole cover associated with the drain, which can currently be viewed from the garden of no. 91 West Street, between the conifer trees that grow on the boundary of this property.

5.14 In due course, once the ground levels have settled, the bank will be grassed over. Furthermore the revised plans show additional tree planting to the north and rear (south-west) of the proposed clubhouse. Additional tree planting to the south of the proposed clubhouse is not considered feasible given the proximity of the conifers on the boundary and the fact that the application site lies to the north of these very high trees. However some additional shrub planting may be possible and in this regard the applicant has agreed to accept a condition to secure the submission and approval of a scheme of additional shrub planting for this part of the site. There are therefore no landscape objections.

5.15 Drainage and Environmental Issues

Foul disposal would be to the mains sewer and surface water to soakaways. A comprehensive scheme of drainage for the entire sports complex has been negotiated to the satisfaction of the Council's Drainage Engineer. Whilst there may be some disturbance for local residents during the construction phase, this can be mitigated for by imposing a condition to control the hours of construction. Use of the clubhouse would be subject to the normal

Environmental Health Legislation. There are therefore no drainage or environmental objections.

5.16 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.

5.17 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers **PK08/2901/R3F**

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:

The form and appearance of the building(s) is out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case.

2. The use of the clubhouse hereby approved shall be restricted to the hours of 0830hrs to 21.45hrs and all members of the public shall vacate the building and site (the subject of the development hereby approved) no later than 22.00hrs each day.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1, LC3 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The hours of working on site during the period of construction shall be restricted to 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours Saturdays, no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1, LC3 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Notwithstanding the landscape details shown on the approved plans. Prior to the commencement of the development hereby approved, a scheme of additional shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of shrubs to be planted to the southern end of the approved clubhouse.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1, LC3 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason 1:

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

Reason 2:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1, LC3 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.: PK08/3039/LB
Site: Brittons Farm, Beach Lane, Upton
 Cheyney, South Gloucestershire, BS30
 6NP

Applicant: Mrs H Cobb
Date Reg: 24th November
 2008

Proposal: Internal alterations and insertion of
 'arrow slit' window to south elevation,
 and rooflights to northern and southern
 roof pitch.

Parish: Bitton Parish
 Council

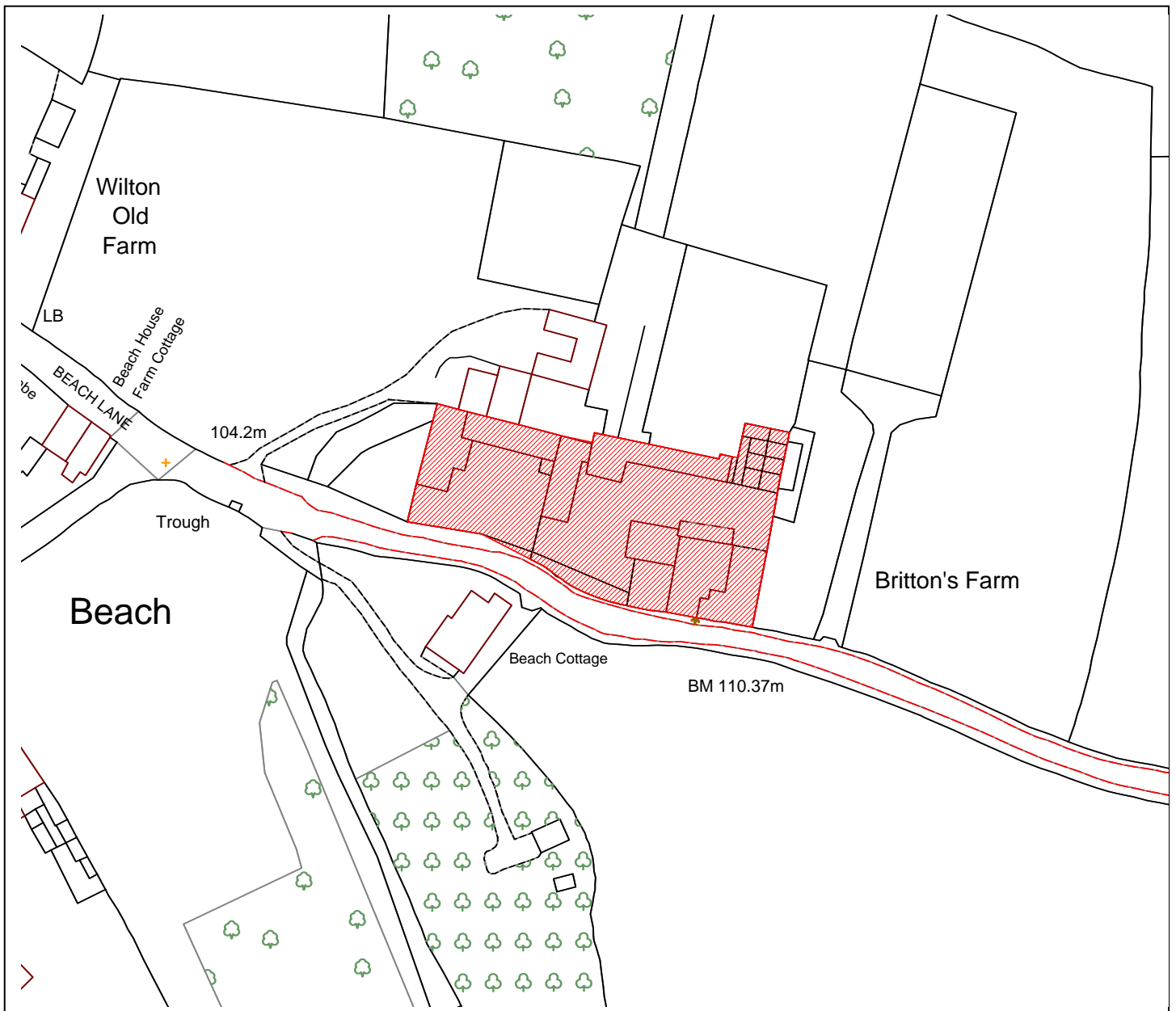
Map Ref: 70585 70754

Ward: Bitton
Target 12th January 2009

Application Minor

Category:

Date:



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100023410, 2008.

N.T.S

PK08/3039/LB

INTRODUCTION

This application has been referred to the Circulated Schedule because an objection has been received from a local resident, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to Brittons Farm, which consists of a Grade II Listed C17 farmhouse with C18 elements and a C19 attached former barn, which has been converted to form an integral part of the house. There are a large number of buildings arranged around three courtyard areas, all of which constitute ancillary buildings within the curtilage of the dwelling house, and which are therefore curtilage listed. The site lies within the Beach Conservation Area.
- 1.2 The proposal consists of the reinstatement (including the removal of a gallery and stair installed circa 2001) of an upper floor in the 'barn'; an associated opening through into the main part of the house (and other minor internal alterations), new 'arrow slit' window opening and two small rooflights; the insertion of a partition into the ground floor at the south end of the house; the removal of modern partitions around the front and back doors; alterations to the modern interior of an existing bathroom; and installing bathroom fittings into an existing bedroom.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
PPG15 - Planning and the Historic Environment
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 - Design
L12 - Conservation Areas
L13 - Listed Buildings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Check List SPD (Adopted) 23rd Aug 2007.

3. RELEVANT PLANNING HISTORY

There have been numerous applications for planning permission and Listed Building Consent relating to Brittons Farm; the most relevant of which are listed as follows:

- 3.1 P99/4236/L - Conversion of barn to 1no. dwelling and repairs to adjacent buildings.
Approved 23rd June 1999
- 3.2 P99/4237 - Conversion of barn to 1no. dwelling.
Approved 23rd June 1999

- 3.3 PK04/0085/F - Construction of roof over courtyard and installation of double doors to form storage area.
Approved 22nd March 2004

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors felt that great care was needed to ensure that the original features of this very old building were retained and no changes permitted which would affect the historic aspects of the property. They would rely on South Gloucestershire Council officers to guarantee that the details specified were of a sufficient and appropriate standard for this special property.
- 4.2 Other Consultees
- 4.3 CPRE
No response
- 4.4 Various Conservation Groups
No responses

Other Representations

- 4.5 Local Residents
One e.mail was received from a local resident who raised concerns relating to the non-protection of the historical fabric of the building.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy L13 of the South Gloucestershire Local Plan seeks to ensure that development, including alterations or additions, do not adversely affect the historic and architectural character of a Listed Building.
- 5.3 The Council's Conservation Officer has inspected the site and concluded that most of the proposed internal alterations would involve the removal of modern additions, which would be desirable. While the creation of an access from the house through to the former barn at first floor level does involve the removal of a certain proportion of historic fabric, this is not considered to have an adverse impact on the architectural and historic interest of the building and is therefore justified.
- 5.4 Officers did however raise objections to the proposed alterations to the exterior of the building i.e. insertion of 2no. new windows in the north and south elevations and insertion of 2no rooflights in the southern roof slope. In response to these concerns, the applicant has submitted revised plans to officer's satisfaction. The revised scheme now proposes the insertion of an 'arrow slit' window in the south elevation and small conservation type rooflights, one in the southern roofslope and one in the northern roofslope of the 'barn'. Officers conclude that this revised proposal would not adversely affect the historic fabric of the building and would accord with the requirements of PPG15

and Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.5 Design and Access Statement

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

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 Listed Building 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 That Listed Building consent be GRANTED subject to the following conditions:

Background Papers **PK08/3039/LB**

Contact Officer: **Roger Hemming**
Tel. No. **01454 863537**

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason:

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Notwithstanding previously submitted details, 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 new windows, including reveals, lintols, head and cill, and glazing details.
 - b. all new conservation rooflights.
 - c. all new vents and flues.

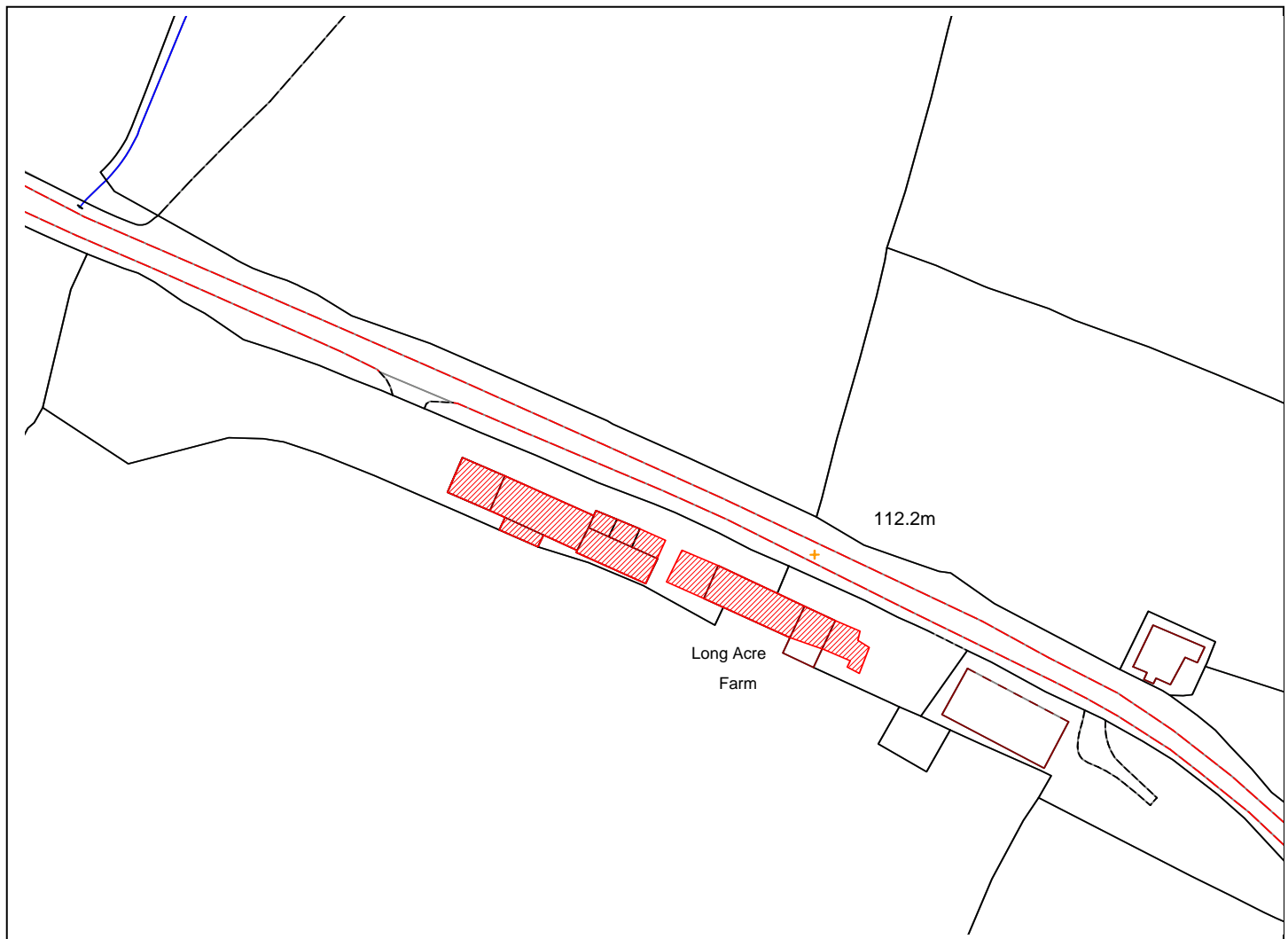
The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason:

To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15, and to safeguard the special architectural and historic character of the building in accordance with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.:	PK08/3062/F	Applicant:	Mr I & J Pitman Pitman Engineering
Site:	Long Acre Farm, Dodington Lane, Dodington, South Gloucestershire, BS37 6SD	Date Reg:	26th November 2008
Proposal:	Change of use from Agricultural to mixed use, General Industry (Class B2) and Agriculture as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective). (Resubmission of application PK08/2565/F)	Parish:	Dodington Parish Council
Map Ref:	74738 80124	Ward:	Westerleigh
Application Category:	Minor	Target Date:	14th January 2009



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N.T.S

PK08/3062/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of objections to the proposal which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of agricultural land to general industry (Use Class B2). The site comprises a total of six buildings on a strip of land to the south of Dodington Lane, in the open countryside in the Green Belt. At the side of the lane is a mature hedgerow, which partially screens some temporary-looking non traditional buildings.
- 1.2 The buildings in question on the site were either erected for agricultural purposes, or later in support of a mixed land use on the site, including agricultural, which was later the subject of an Enforcement Notice. The appeal against this was dismissed, leaving the authorised use of the land as agricultural.
- 1.3 This application follows the refusal of a previous similar proposal, under ref. no. PK08/2565/F. In order to overcome the three refusal reasons for that scheme, a number of changes to that proposal have been made in the resubmission. The three refusal reasons were that the change of use of the land around the buildings was contrary to the Local Plan policy, that there was inadequate parking and turning areas and the lack of information on drainage. The red line area of the site has now been reduced to include only the buildings. The area around them is still in the applicant's ownership and is also subject to the extant Enforcement Notice. Parking has been amended to allow for internalised parking of two vehicles within one of the buildings in order to free up a manoeuvring area by the site entrance. In respect of the third previous refusal reason, drainage details have now been supplied.
- 1.4 In addition to the above, a number other further controlling measures have been agreed with the applicant. These include a reduction in the type of work carried out on the site. A condition has been agreed which will limit all the work on the site to that carried out on agricultural machinery. A further condition has been agreed to ensure that the use of the site is personalised to the company operating there at present.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|---------------------|--|
| PPS1 | Delivering Sustainable Development |
| PPG2 | Green Belts |
| PPG4 | Industrial, commercial and small firms |
| PPS7 | Sustainable Development within Rural Areas |
| DETR Circular 03/99 | |
- 2.2 Development Plans
- | | |
|--|--|
| <u>South Gloucestershire Local Plan (Adopted) January 2006</u> | |
| GB1 | Green Belt |
| E6 | Employment Development in the Open Countryside |
| E7 | Conversion and re-use of Rural Buildings |

- T7 Cycle parking
- T8 Parking standards
- T12 Highway Safety
- EP1 Environmental Pollution
- EP2 Flood risk and Development
- L17 The Water Environment

2.3 Supplementary Planning Guidance
Development in the Green Belt (adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/0306/PNA Prior notification to erect an agric. Building Refused
- 3.2 PK08/2565/F Retrospective change of use from agricultural to general industry (B2) Refused
- 3.3 Enforcement action outlined at 1.2 above

4. CONSULTATION RESPONSES

4.1 Dodington Parish Council

The applicant has applied for retrospective planning permission to change the use of land from Agriculture to General Industry (Class B2). The planning policy supposes that the application will be based on currently available agricultural land and that all development within the green belt land will be subject to the rigorous Policies contained in the Green Belt Supplementary Planning Document.

This application is retrospective and therefore Policy GB1 B2 cannot be applied – it can only be applied if the applicant changes the land back to its original state. In terms of character and design, planning approval could originally have been granted dependant on the impact on views and visibility in the landscape.

Again this application clearly conflicts with this policy as the buildings can be seen from the roadside fails to respect the visual amenity and distinctiveness of the immediate street scene for those who live around the premises and those who pass it on the road.

Our Council concludes that the industrial use of this land is entirely inappropriate and we strongly oppose the retrospective application.

4.2 Other Consultees
Transportation

There is a long planning history on this site and that also includes a recent Enforcement appeal in 2007.

The current planning application is generally seeking to regularise the existing mixed industrial and agricultural uses on the site. Details of this planning proposal differ significantly compared to those associated with the earlier planning proposal that was refused in 2008.

The main difference between this proposal and the previous one is that the application site (i.e. the proposed change of use to general industry) now only applies to the buildings on the site and not the adjoining land. All engineering operation and storage of materials on the site would take place inside the

existing buildings and not outside them. This rationalisation together with the reduced size of the development would limit engineering activity on the site and consequently, it reduces its impact compared to the previous proposal and the present situation.

There are six buildings on the site. The applicant's agent has clarified uses of each building on the site by way of a plan. Reference is made to supplementary plan (drwg no. BRS.2080_03-1).

- It is proposed to use building No. 1 and 2 on the site for engineering purposes.
- All storage of materials would take place inside the buildings no. 3, 4 and 5. It should be noted that no outside storage would be permitted and there would be a planning condition accordingly.
- Building No. 6 on the site is allocated for internal parking for up to 2 vehicles.
- Additional designated parking and turning area is also provided on the site.

A number of concerns have been raised by the local residents in respect of the engineering use on the site and the objectors also concern about off-street parking provision and traffic.

In the recent Enforcement appeal, the Inspector considered various uses on the site and concluded that the current/lawful use of the site can only be considered as agricultural. In a complicated decision notice in relation to this site, it is clear that the site has been operating for number of years as an engineering business and the Inspector acknowledged this although, he ultimately found that the various uses on the site have not taken place continuously for 10 years for those uses to be considered lawful use. Notwithstanding this, it is clear from the Inspector's decision that the original change of use in respect of the engineering businesses occurred in around 1994.

Having regard to the planning history, it is considered that the principle of a limited engineering business is acceptable subject to planning conditions to restrict this use on the site. In this regards, the applicant has declared willingness to accept the following,

- 1) The planning consent is made personal consent to the applicant (i.e. Mr. I & J Pitman) and that
- 2) Engineering operation on the site would be limited to repair of agricultural vehicles and manufacturing of parts in association with agricultural machinery and vehicles.

Parking issue - On the parking issue, it should be noted that the proposal includes provision of parking and a turning facility on the site. Building No. 6 on the site would be used as parking/storage area for up to two vehicles on site. The officer's assessment is that sufficient parking and manoeuvring space is available on site and as such this issue which led to the previous refusal reason, has been overcome.

Traffic issue - The proposed change of use of the buildings from agricultural to engineering use would lead to some traffic in the area. However, this needs to be balanced against traffic likely to be generated if these buildings are used for agricultural purposes or farm animals are kept inside. It is considered that associated traffic movements with this proposal and its impact on the highway

network would be limited in this case particularly, given new the constraints imposed, through agreement with the applicant and through the use of planning conditions.

In view of all the above-mentioned then, there are no highway objections to this planning application but the following planning conditions are recommended,

- a) Planning consent is made personal to the applicant (namely Mr. I & J Pitman).
- b) The engineering use on this site shall be limited to repair and or manufacturing of parts in association with agricultural vehicles/machinery.
- c) Use of the buildings on the site would be in according to those identified on supplementary plan (drwg No. BRS.2080_03-1).
- d) There shall be no outside storage of any material unless written approval is granted by the planning authority.
- e) The parking and turning area shall be provided in according to the details provided in the supplementary plan (drwg no. BRS.2080_03-1) and it shall be maintained satisfactory thereafter. The parking and turning area shall be maintained clear from any obstructions and be used only for purposes intended in association with this planning application.

Environmental Protection

Work should only be carried out inside buildings. Operating hours and deliveries to the site should not start before 7am. Any permission should be personal to the applicant to prevent a more intensive use in the future.

Technical Services

Septic tanks require compliance with DETR Circular 03/99. In order that this can be regularised we need EA consent unless they say otherwise. I have no objection to it being conditional.

Other Representations

4.3 Local Residents

Twelve letters of objection were received, citing the following concerns:

- An industrial use is inconsistent with the rural surroundings
- Noise and light pollution
- Uncontrolled hours of working
- Delivery vehicles block the lane, causing a hazard to highway users
- Large commercial vehicles are unsuitable for the B road serving the community
- Lack of mains drainage
- High water table around the site making it unsafe to discharge waste
- Affects the visual amenity of the Green Belt
- Without a farmhouse, the site does not qualify as a farm and therefore PPS7 should not apply
- The guard dogs on site add to the noise nuisance
- The application is for B2 use and without further restriction would allow a wide range of uses under this class
- Since the site is not a proper farm, the commercial activity would not reduce the vehicular movement which would be generated by a farm use on the site (the present authorised use)

- The Council is yet to enforce the Enforcement Notice

- There is no reason why the applicants could not relocate
- The site has grown over the years while the Council did not deal with the problem
- Drainage ditches have not been properly maintained
- Dumping of waste materials on the verges of Dodington Lane

NB The last five points raised are not valid planning concerns in relation to this proposal.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site lies within the Green Belt and this is the primary consideration in assessing the change of use of the land and buildings on the site. Beyond this, policies E6 and E7 apply and set criteria for examination below. It is considered that policy E8 does not apply in this instance, since that policy relates to farm diversification and, while agriculture is practiced on this site and has been established as the lawful use of the land, this is not in connection with a farm. The immediate task of this application is to overcome the previous three refusal reasons and to that end, the changes between this application and the previous one have been outlined in paragraphs 1.3 and 1.4 above.

5.2 Green Belt

PPG2, as echoed in policy GB1, makes clear that changes of use of existing buildings in the Green Belt can be development that is not inappropriate, as long as it does not harm the openness of the Green Belt. The buildings on the site appear to have been there for more than four years (therefore being immune from enforcement action) and to be mostly of an agricultural nature. The previous application did not simply relate to the buildings, but to the land around them as well. This application has reduced the site area so that it would only affect the 6 annotated buildings. The application is for a B2 General Industrial use, which could lead to one of a range of activities on the site and this must be assessed against the effect that such a use would have on the openness of the Green Belt, outside the buildings. Conditions, for instance preventing outside storage, would have an effect in maintaining the openness of the Green belt. Indeed there is an extant Enforcement Notice covering the whole site, which would still apply to the remainder of the site if planning permission were approved for the change of use of the buildings.

The effect of a B2 use, as proposed, on the openness of the Green Belt, needs to be assessed from the public realm, i.e. from the road frontage. There is a mature screen hedge along most of this frontage, to a height where it screens all but the upper parts of the buildings. There are breaks in this hedgerow where there are gates. However, it is considered that the existing screening is adequate for the limited (and since the previous refused application, much reduced) outside effects of converting the buildings on site to another use. For the same reason, it is considered that the proposal would not harm the visual amenity of the Green belt.

PPG2 states:

3.12 The statutory definition of development includes engineering and other operations, and *the making of any material change in the use of land*. The

carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.

The purposes of including land in the Green Belt are defined as:

- ∞to check the unrestricted sprawl of large built-up areas;
- ∞to prevent neighbouring towns from merging into one another;
- ∞to assist in safeguarding the countryside from encroachment;
- ∞to preserve the setting and special character of historic towns; and
- ∞to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is considered that the proposed change of use would not harm any of the above objectives and therefore, subject to the openness test analysed above, the proposal would not be inappropriate within the Green Belt.

5.3 E6: Conversions or re-use of existing rural buildings

Policy E6 states that proposals for B2 uses will not be permitted in the countryside unless they relate to conversions or re-use of existing rural buildings. In this case, as explained above, the revised scheme only relates to the change of use of the buildings. The proposal therefore, while it previously failed to comply with the terms of policy E6 (A) now complies with it through the reduction in the site area. As such, it is considered that the previous refusal reason has been overcome. It is again emphasised that the extant Enforcement Notice still applies to the whole of the site (other than the buildings, should this planning application be approved).

5.4 E6: Development permitted by policies E4 and E7 to E11

Criterion (c) of policy E6 allows development which is permitted by policies E4, E7, E8, E9, E10 and E11. Policy E4 defines established employment areas and this site does not fall within one of these. E7 relates to the conversion and re-use of rural buildings and this is examined in detail below. Policy E8 relates to farm diversification and this site is not part of a farm. Policy E9 relates to agricultural development and this proposal is for a change of use of agricultural land, which cannot be agricultural development. Policy E10 is for horse related development, which does not apply in this case and the same is true for policy E11, Tourism. Therefore criterion (c) of policy E6 is not considered to have been satisfied by this proposal.

5.5 E6: Effect of development on the Environment, Residential Amenity or Traffic Generation

In all cases, development proposals need to satisfy these safeguards. The Environmental protection comments appear at 4.2 above. No objection is raised in respect of environmental effects or the impact on residential amenity. Indeed, under the current use (to be reduced in scope according to the relevant suggested condition below) no complaints have been received by Environmental Protection. It is considered that the nearest houses are too far away, on the opposite side of the lane, to be affected by the proposed activities on the site. As recommended, a condition appears below to safeguard residential amenity by imposing working hours on the site. This is considered to offer an improvement over the existing level of residential amenity. In addition to this, this proposal explicitly limits activities to within the existing buildings and

this is considered to represent an improvement to the existing situation, albeit that the existing situation could be enforced against. Other environmental effects are dealt with at 5.9 below.

With regard to traffic generation, an assessment needs to be made under policy E6, as that is one of the requirements of the policy which needs to be satisfied. The proposal has changed due to the reduction in site area from the previously refused application. The smaller site area is considered to lead to a smaller capacity to generate vehicular movements from the site. With the previously refused scheme, it was considered that the proposal would lead to an increase in traffic, which the lane would not be able to cope with without compromising road safety for other road users. In an attempt to overcome this previous refusal reason, not only the site size but the scope of operations has been suggested for reduction and would be limited to the agricultural operations conducted on site by the relevant condition below.

The previous application was also refused due to the lack of on site turning and adequate parking. The parking situation is considered to have been improved due to the reduction in site area and the proposed use of one of the buildings (annotated no. 6 on the revised submitted plan) for parking. The site would still be required to be able to provide adequate parking and turning for vehicles up to HGV size. While the current use of the site leads to parking occurring outside the site at present, internalising some of the parking is considered to partially overcome this problem. The smaller site area and reduced scope of activities also reduces predicted traffic generation and parking. Notwithstanding this, the occasional HGV will still be likely to visit the site and it is considered that the manoeuvring area indicated at the site's entrance will allow the necessary on-site turning facility. For these reasons, it is considered that, subject to the relevant conditions shown below, the current proposal has overcome the previous refusal reason with regard to parking and turning.

5.6 E7: State of the buildings

No evidence has been submitted with this application to prove that the buildings are of permanent construction, structurally sound and capable of conversion without major or complete reconstruction, as required by criterion A of policy E7. In the decision letter relating to this site, the Inspector noted that the portacabin has had a concrete base added to it, which was considered to make it a permanent building. The other buildings on the site are of a more temporary nature in that they are not substantial. However, it is not considered that they would require major or complete reconstruction in order to accommodate a B2 use and therefore it is considered that the buildings are likely to comply with this part of policy E7, subject to the submission of a structural report, were planning permission to be approved. As such, it is considered that this is not worthy of a refusal reason.

5.7 E7: Are the buildings in keeping with their surroundings?

The immediate surroundings of the site are at present home to unauthorised activities which are subject to enforcement action. The lawful use of the site, and that beyond it is agricultural, therefore the buildings on site would need to be in keeping with their agricultural surroundings to be appropriate. Since the buildings were constructed at least partially for agricultural purposes, it is considered that they are in keeping with their surroundings in the countryside.

5.8 E7: Effect on the character of the countryside or amenities

This criterion of the policy again relates only to the buildings on the site. The use of the site would be controlled by conditions to ensure that only the buildings are used for the B2 use applied for, as further refined by the conditions below. It is considered that the proposed use would have limited external effects which would be screened from the public realm by the existing hedgerow and gates. Therefore the effect on the countryside would be limited to a level which is not considered to be harmful. The effect of the proposal on visual and residential amenity has been examined above.

5.9 Drainage

Technical Services have commented on the proposal and raised an objection on the basis that the risks to flooding and pollution which may arise from the proposal have not been shown to be overcome. This formed a refusal reason for the previous scheme. The comments received from Technical Services raise no objection in principle to the revised scheme, subject to the inclusion of a condition which requires Environment Agency consent for the existing septic tank in order to comply with DETR Circular 03/99. It is considered therefore that using the relevant condition below, which as the application is retrospective, sets a time limit for compliance, will be acceptable and accordingly the refusal reason for the previous proposal has now been overcome.

5.10 Other Issues

The applicant's agent has made the case that the proposal would benefit the rural economy through providing employment and through providing a service to other agricultural businesses. This is acknowledged, indeed it would be reinforced through the condition below limiting the activities on the site to those which are considered to support the rural economy. While it is noted that there is spare capacity on industrial estates within Yate, a convenient distance from this site, which could accommodate such a use, while providing a better road network, the decision needs to be made on the basis of the submitted application.

5.11 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/3062/F**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CONDITIONS

1. The engineering use on the site shall be limited to the repair and manufacturing of parts in association with agricultural vehicles/machinery only.

Reason:

In order to prevent excessive traffic generation of large vehicles, in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. No outside storage of material/goods/waste or plant shall take place at the premises.

Reason:

In order to ensure that the area around the buildings is not used for ancillary storage in order to prevent excessive traffic generation of large vehicles, in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Within three months of the date of this planning permission the parking and turning area shall be provided in accordance with the details provided in the supplementary plan (drwg no. BRS.2080_03-1). The parking and turning area shall be maintained clear from any obstructions and be used only for purposes in association with this planning application.

Reason:

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

4. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0700 to 1700 from Mondays to Fridays; nor at any time on weekends or Bank Holidays.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Within three months of the date of this planning permission the applicants shall supply to the Council confirmation in writing that the Environment Agency has agreed that the existing septic tanks on site comply with the provisions of DETR Circular 03/99.

Reason:

To ensure provision of a drainage system which will prevent non-point source pollution and flooding, and to accord with Policies L17, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

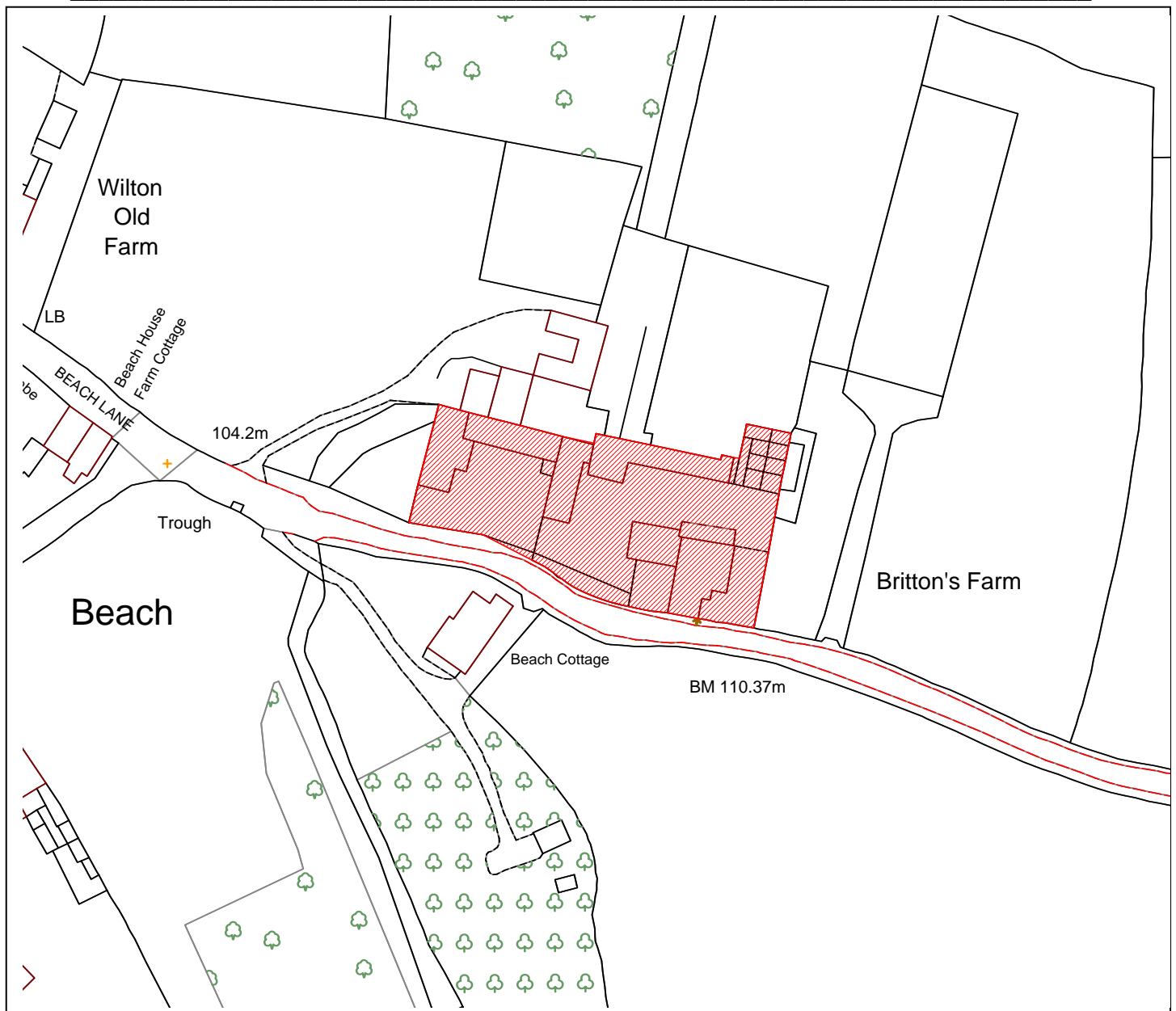
6. The use hereby permitted shall be carried on only by Mr John Edward Pitman and shall be for a limited period being the period of 5 years from the date of this decision or the period during which the premises are occupied by Mr John Edward Pitman whichever is the shorter.

Reason:

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

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.:	PK08/3070/LB	Applicant:	Mrs H Cobb
Site:	Brittons Farm, Beach Lane, Upton Cheyney, South Gloucestershire, BS30 6NP	Date Reg:	26th November 2008
Proposal:	Internal alterations and insertion of new doors and windows to facilitate the conversion of existing garage and store to form garage and games room. Erection of 1.3m high stone wall.	Parish:	Bitton Parish Council
Map Ref:	70585 70754	Ward:	Bitton
Application Category:	Minor	Target Date:	20th January 2009



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100023410, 2008.

INTRODUCTION

This application has been referred to the Circulated Schedule because an objection has been received from a local resident, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to an existing single-storey, stone built outbuilding, located within the curtilage of Brittons Farm, a Grade II Listed building located within the Beech Conservation Area. The outbuilding is currently a garage/store used ancillary to the enjoyment of the farmhouse.
- 1.2 It is proposed to carry out a number of alterations to the building, which would allow more efficient use of the garage and convert the store to a games room with cloakroom. There would be no extensions to the building.
- 1.3 It is also proposed to re-instate a 1.3m high stone wall and gate between the main house and the outbuilding, thus enclosing the main courtyard to provide a safer environment for the applicant's young children.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
PPG15 - Planning and the Historic Environment
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 - Design
L12 - Conservation Areas
L13 - Listed Buildings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Check List SPD (Adopted) 23rd Aug 2007.

3. RELEVANT PLANNING HISTORY

There have been numerous applications for planning permission and Listed Building Consent relating to Brittons Farm; the most relevant of which are listed as follows:

- 3.1 P98/4627/L - Internal and external repairs and alterations to garage, including new roof and installation of doors and new windows.
Approved 26th Oct. 1998
- 3.2 PK04/0087/LB - Construction of roof over courtyard and installation of double doors to form storage area.
Approved 22nd March 2004

- 3.3 PK04/0085/F - Construction of roof over courtyard and installation of double doors to form storage area.
Approved 22nd March 2004

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors felt that great care was needed to ensure that the original features of this very old building were retained and no changes permitted which would affect the historic aspects of the property. They would rely on South Gloucestershire Council officers to guarantee that the details specified were of a sufficient and appropriate standard for this special property.
- 4.2 Other Consultees
- 4.3 CPRE
No response
- 4.4 Various Conservation Groups
No responses

Other Representations

- 4.5 Local Residents
One e.mail was received from a local resident who raised concerns relating to the non-protection of the historical fabric of the building.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy L13 of the South Gloucestershire Local Plan seeks to ensure that development, including alterations or additions, do not adversely affect the historic and architectural character of a Listed Building.
- 5.2 The existing garage is the result of conversion of the original agricultural hay store in circa 2001, which had an open gable and solid flank walls. The gable end was infilled with a modern stained timber garage door and the side walls were partially rebuilt with two casement windows inserted. However the width is not sufficient to park two cars side by side. It is therefore proposed to form openings in the side wall with stone piers between, and infill the gable wall in stone. This would allow more accessible space for two cars with some additional storage space.
- 5.3 The Council's Conservation Officer has inspected the site and concluded that the blocking up of the gable end with stone is acceptable and would enhance the appearance of the building. At officer request, some revisions were made to the originally submitted scheme, so that the openings in the east elevation were reduced in size, the number of garage doors reduced to two sets and a proposed window removed from the scheme. The revised plans incorporate all of these changes and, subject to conditions to secure the prior approval of the facing stonework and colour finish of the new joinery, there are no objections to the scheme.

5.4 The historic map of 1880 shows a wall exactly in the same position as the wall to be re-instated. Subject to appropriate stone construction, the erection of the wall is considered to be entirely appropriate.

5.5 Design and Access Statement

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

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 Listed Building 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 That Listed Building consent be GRANTED subject to the following conditions:

Background Papers PK08/3070/LB

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason:

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of the development hereby approved, a sample panel of stone walling for the new boundary wall, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on the site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in full accordance with the agreed sample.

Reason:

To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with

Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15, and to safeguard the special architectural and historic character of the building in accordance with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of the development hereby approved, the colour finish of all new joinery shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the joinery shall be maintained in the consented finish unless previously agreed in writing by the Local Planning Authority.

Reason:

To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15, and to safeguard the special architectural and historic character of the building in accordance with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of the development hereby approved, a sample panel of stone walling for the rebuilt south gable end of the garage building, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on the site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in full accordance with the agreed sample.

Reason:

To ensure that the design of the details listed are appropriate to the character of the building, which is listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest which it possesses in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 and national guidance set out at PPG15, and to safeguard the special architectural and historic character of the building in accordance with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 6

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.: PK08/3083/F
Site: Wilton Farm, Abson Road, Wick, South Gloucestershire, BS30 5TT
Proposal: Construction of new vehicular access from Abson Road. (Retrospective).
Map Ref: 70484 74505
Application Category: Minor

Applicant: Mrs S Jones
Date Reg: 28th November 2008
Parish: Wick and Abson Parish Council
Ward: Boyd Valley
Target Date: 22nd January 2009



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100023410, 2008.

N.T.S

PK08/3083/F

INTRODUCTION

This application has been referred to the Council's Circulated Schedule as the Officer is recommending refusal of the application but letters of support have been received from local residents regarding the application.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the construction of a new vehicular access from Abson Road. (Retrospective).
- 1.2 The application site relates to land that lies within the open countryside and is washed over by the Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS7 Sustainable Development in Rural Areas.

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- GB1 Green Belt
- L1 Landscape Protection and Enhancement
- T12 Transportation Development Control Policy for New Development.

- 2.3 Supplementary Planning Guidance

- SPD Green Belts
- SPD Design

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/1739/F Conversion of outbuilding into 3 no. self catering holiday Units.
Approved September 2004
- 3.2 CAE/06/0229/1 Enforcement Notice April 2007
Upheld at appeal March 2008

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish
Object on the grounds that the green belt should be restored.

Other Representations

- 4.2 Local Residents

27 letters have been received from local residents regarding this application, 5 letters of objections and 22 letters of support all of which have been summarised by the Planning Officer as follows:

4.3 5 Letters of Objections

- Track inappropriate development across an open field
- Access onto road is very dangerous
- Development interferes with Public Right of Way
- Existing lighting causes light pollution
- Adequate access existing and did before the unauthorised development
- Land should be restored
- Green belt needs to be preserved

4.4 22 Letters of Support

- New access is an improvement to highways to safety
- Adequate access required to the rear of Wilton Farm
- Planting will enhance the area and wildlife
- New sustainable business should have every support
- Proposed surface more in keeping
- The scheme is worthy of being adopted
- Will provide access fit for purpose
- Deliveries can be made without stopping in highway

05. ANALYSIS OF PROPOSAL

5.1 Planning history

Members are advised to have regard for the planning history relating to this application site.

5.2 This application follows on from a recent appeal decision whereby an Inspector upheld the Council's decision to issue an Enforcement notice against an unauthorised track on land at Wilton Farm. Those works subject of the enforcement notice related to the laying of an access track, but did not include the vehicular access onto Abson Road.

5.3 The track subject of the enforcement notice measures approximately 4.0m in width and runs across the field in a curved shape and is bound with ranch fencing. The bulk of the track within the field is constructed of stone chippings, with the entrance finished in tarmac with concrete kerb edging.

5.4 The Council issued an enforcement notice on the following grounds:

It appears to the Council that the above breach of planning control has appeared in the last four years

The construction materials of the track do not preserve the openness of the Green Belt and is contrary to Policy GB1 of the South Gloucestershire Local Plan.

The construction of the track constitutes a visual scar which is detrimental to and does not conserve the amenity of the landscape contrary to Policy L1 of the South Gloucestershire Local Plan.

The construction of the track does not conserve nor enhance the character or appearance of the area in that it harmful and does not retain or protect a green space, which contributes to the character or appearance. It is therefore contrary to Policy L1 of the South Gloucestershire Local Plan and the advice of PPS7.

5.5 Inspector's Findings

The Inspector found that as there was no agricultural necessity for the track then planning permission was required.

5.6 The Inspector considered the principal considerations of the case to be:

- i. Firstly whether the new track is appropriate development in the Green Belt
- ii. Secondly, the effect of the development on the character of the countryside and the landscape.

5.7 Examination of the track demonstrates that its concept in terms of width, formation, kerbs, and protective fencing is an unattractive intrusion in the landscape. In contrast the nearby track on another site that I was invited to inspect has softer features that are less invasive of the rural scene.

5.8 Taking all these matters into account there can be little doubt that the new track is inappropriate development that fails to retain the openness of the Green Belt. There are none of the very special circumstances that PPG2 advises are necessary to justify inappropriate development. The track and its associated features are harmful to the Green Belt and also the countryside. In its present form the track does not conform to the development plan nor are there any conditions that would ameliorate the harm identified.

5.9 Whilst the proposed negotiations might have led to some abatement of the harm identified above, the appellant's have put forward no particular measures. Significant steps would be needed to overcome the harm to the Green Belt and it's objectives.

5.10 The overriding principle is the protection of the Green Belt and the surroundings against the introduction of development that is alien to the countryside. In this case there is a detrimental effect on the character and appearance of the Green Belt and the countryside contrary to development plan policies.

5.11 Principle of Development

In assessing this current planning application the key planning consideration is whether or not this planning application has addressed the harm as identified by the Inspector. Those material changes to the scheme as submitted by the agent will be discussed below in detail.

5.12 PPG2 affirms a general presumption against inappropriate development in the Green Belt while Local plan Policy GB1 provides that development within the Green Belt which would have an adverse impact on its visual amenity will not be permitted.

- 5.13 Paragraph 3.12 of PPG2 confirms that the statutory definition of development includes engineering operations and that the carrying out of such operations are inappropriate development unless they maintain openness and do not conflict with the purpose of including land in the Green Belt. This is reinforced by Policy GB1 of the South Gloucestershire Local Plan.
- 5.14 Policy L1 seeks to ensure that the character, distinctiveness, quality and amenity of landscapes are conserved and enhanced. The attributes of this landscape include openness, views and the provision of green space where people live.
- 5.15 Material Changes
In support of the scheme the agent proposes the following:
1. Track will now incorporate a central grassed reservation.
 2. Implement significant new landscape works.
 3. Scheme also incorporates additional dog leg section.
 4. Use of the access track (subject to this application) is far more preferable in highway safety terms
 5. Personal statement from applicant with regards how her personal work circumstances have change in the past few months
- 5.16 The Planning Officer has addressed each of the material changes in turn in the following Section.
- 5.17 (1) Track will now incorporate a central grassed reservation & (3) Scheme also incorporates additional dog leg section
As discussed above the track subject of the enforcement notice is 4.0m in width and runs across the field in a curved shape and is bound with ranch fencing and measures approximately 64.0m in length. The bulk of the track within the field is constructed of stone chippings, with the entrance finished in tarmac with concrete kerb edging.
- 5.18 This current application proposes to lay a grassed reservation measuring 1.0m in width down the middle of the track, although not the whole length of the track. No changes are proposed to the existing tarmac entrance which measures 8.0m in depth with concrete kerbs or the top end of the track which measures 19.0m in length, despite both sections being subject of the enforcement appeal.
- 5.19 Members are advised to consider that this application also seeks planning permission for an additional section of track which did not form part of the enforcement notice as these works took place at a later date. This track is approximately 18.0m length and is bound by post and rail fencing with natural loose stone finish as opposed to gravel chippings. This track forks off half way along the main track in the direction of the holiday lets. This application proposes to lay a grassed central reservation down this section of track and retain the post and rail.
- 5.20 (2) Implement significant new landscape works.
This application proposes to plant new planting along the access track, around the boundaries of the paddock area and within the enclosed fenced area.

- 5.21 The Planning Officer of the view that those material changes submitted in support of this application i.e. introduction of grass section and additional planting have not addressed the harm as identified as by the Planning Inspector. The Inspector found that the track *“by way of width, formation, kerbs, and protective fencing is an unattractive intrusion in the landscape”* and that *“Significant steps would be needed to overcome the harm to the Green belt and its objectives”*.
- 5.22 Whilst it is accepted that negotiations have taken place between the Council and the applicant in terms of discussing an acceptable scheme, it is considered however that this scheme has not achieved this. The proposed remedial measures do not relate to the entire length of the track despite being subject of the enforcement appeal, the width of the track remains the same, additional track is being applied for and the post and rail fencing is to remain. Whilst its is accepted that the post and rail fencing does not require planning permission as it is less than 2.0m in height the Inspector did refer to it is his decision i.e. *“protective fencing”* and the *“track and its associated features”*
- 5.23 The Council’s Landscape Officer has advised that the grass strip into the centre is acceptable, although it was anticipated the treatment would have been applied to the whole length of the track that was subject of enforcement action. An additional length of track has been added to the original but it is difficult to see the purpose of this. Fencing and gates have also been added giving somewhat cluttered appearance and again it is difficult to see the purpose of the fencing. Although the planting proposal is acceptable it is recommended that it be extended and that the layout could be simplified.
- 5.24 As found by the Inspector The Planning Officer is of the view despite the proposed remedial works that the proposed track and its associated features is inappropriate development as it would fail to preserve the openness of the Green belt and would be harmful to the visual amenities of the Green belt and also the countryside.
- 5.25 Special Circumstances
In support of the retention of the new vehicular access onto Abson Road the applicant has agreed by way of condition to permanently close up the existing vehicular access which is positioned between the holiday lets and the farmhouse.
- 5.26 Objections have been received from local residents regarding the highway safety aspects of this scheme. The Council’s Highway Officer has advised the following. Apart from this new access subject of this application, there is also another vehicular access to Wilton Farm and that access is located immediately to the east of building (i.e. holiday units) on the site.
- 5.27 In assessment of new accesses in terms of road safety, the key point to consider is available visibility splays from the access onto the public highway. In this context, it is the Officer’s assessment that available visibility splays from the new access does not fully meet the design guidance. Notwithstanding this however, the officer also confirms that available visibility distances from this new access is much better than those available from the existing old access.
- 5.28 In view of the above and subject to permanent closure of the existing old access, it is considered that retention of the new access would result in

highway safety benefit because it provides an improved access in comparison to the existing one.

5.29 Members are advised to consider that notwithstanding the above however the Planning officer however is of the view that when planning permission was granted for the conversion of the outbuilding to 3 holiday lets the transportation aspects of that scheme and the use of the existing access were assessed and indeed considered acceptable at that time. The Officer is of the view that this is not considered to be a very special circumstance that would outweigh the harm that has been identified to the Openness and visual amenities of the Green belt and countryside.

5.30 The applicant has submitted a supporting statement in terms of existing and proposed business enterprises at Wilson farm relating to the holiday lets, horses, pedigree cattle etc. Again the Planning Officer is of the opinion that this is not considered to be a very special circumstance that would outweigh the harm that has been identified to the Openness and visual amenities of the Green belt and countryside.

5.31 Other issues

Objections have been received on the grounds that the development interferes with an existing Public Right Of Way. This matter will be referred to the Council's Public Right of Way Team, and would not justify the refusal of this application on Public Right of Way grounds.

5.31 Design and Access Statement

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be refused for the following reasons.

Background Papers **PK08/3083/F**

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

REFUSAL REASONS

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt because the vehicular access by reason of its siting, width, materials, design and associated features would have a materially greater impact than the previously authorised use on the openness of the Green Belt and would conflict with the purposes of including land in it. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, and Policies GB1 of the South Gloucestershire Local Plan and Supplementary Planning Document "Development in the Green Belt".
2. The vehicular access by reason of its siting, width, materials, design and associated features is an unattractive intrusion in the landscape and if allowed would be to the detriment of the character, appearance and visual amenities of the Green Belt and the immediate surrounding area contrary to the provisions of PPS1 and PPG2 and Policies D1, L1 and GB1 and Supplementary Planning Document "Design" and "Green Belts"

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.: PK08/3091/F

Applicant: H&AJ
Developments Ltd

Site: 10 Goose Green, Yate, South
Gloucestershire, BS37 5BJ

Date Reg: 1st December 2008

Proposal: Erection of 1no. detached dwelling with
associated works. (Amendment to
previously amended scheme
PK08/1239/F).

Parish: Yate Town Council

Map Ref: 71360 83457

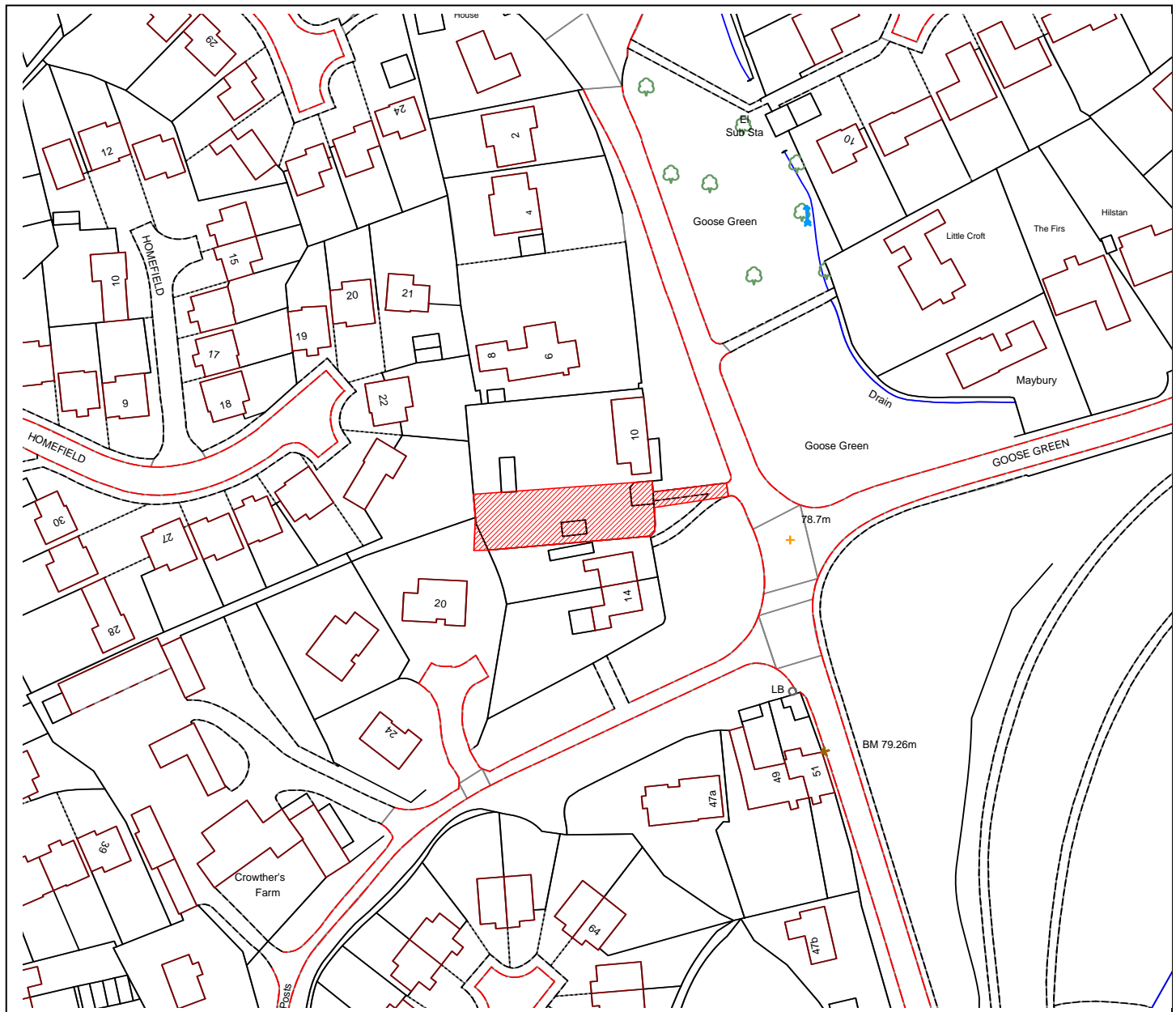
Ward: Yate North

Application Category: Minor

Target Date: 22nd January 2009

Category:

Date:



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N.T.S

PK08/3091/F

INTRODUCTION

This application appears on the circulated schedule due to the receipt of letter of objection from local residents and Yate Town Council.

1. THE PROPOSAL

1.1 This application seeks full planning permission to amend the previous approved scheme PK08/1239/F for the erection of 1 no. four bedroom detached dwelling with access, integral garage, and other associated works at No. 10 Goose Green. The differences of the current proposal are:

- i) There is slightly change in term of the residential boundary of the new dwelling.
- ii) The new dwelling is slightly further away from the southern boundary (from 0.3 metres to 0.5 metres)
- ii) There will be a single vehicular access instead of two accesses.
- iii) The rear single storey structure, which will be a kitchen, will be slightly set back from the gable wall by 0.8 metres.
- iv) The utility window on the south elevation is relocated.
- v) The integral garage is enlarged, and the internal dimensions are 3 metres by 6 metres.

1.2 The application site concerns an area of land approximately 0.0348 ha. The site is currently in use as residential curtilage and is surrounded by group of residential properties.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport: Guide to Better Practice

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
H2	Proposals for Residential Development within Existing Urban Area and Defined Settlement Boundaries
H4	Development with Existing Residential Curtilages, including Extensions and New Dwellings
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

3.1 N2052 Use of land and buildings as a bird farm (renewal of temporary consent) Approved 13.11.75

- 3.2 N2052/1 Use of land and buildings as a bird farm
Approved 15.02.79
- 3.3 P88/3376 Erection of two single storey rear extensions to provide lounge / sun room.
Approved 11.01.89
- 3.4 PK06/3310/F Erection of 1 no. dwelling with integral garage and additional detached garage for use by No. 10 Goose Green.
Approved 05.04.07
- 3.5 PK08/1236/F Erection of 1 no. dwelling with access and associated work
Refused 19.06.08
- 3.6 PK08/1239/F Erection of 1 no. detached dwelling with associated works
(Amendment to the previously approved scheme PK06/3310/F)
Approved 20.06.08
- 3.7 PK08/1242/F Erection of two storey, first floor and single storey rear extensions
And first floor side extension to form garage and additional living accommodation
Approved 05.09.08

4. CONSULTATION RESPONSES

(a) Statutory Consultees

4.1 Yate Town Council

The Town Council objected the proposal and raised the following concerns:

- i) Inadequate parking
- ii) Overdevelopment of locality. Yate Town Council has been sent a notice to indicate a total of three properties are planned on site. (Existing, Plot 1 and Plot 2)
- iii) There is only one legal right of vehicular access to the site of 2.5 metres track width for the existing property at present, therefore the other proposed properties do not yet have vehicular access. Should this application be approved, the track width will remain at 2.5 metres. This may mean parking may occur on the public highway which may have a detrimental effect on Goose Green Common
- iv) The potential impact of the proposed properties on the amenity of Goose Green.
- v) The cottage dated from 18th Century and is an important building in the town. Inspection for listing purpose is requested by Yate Town Council.

4.2 Technical Services Unit - Drainage

The Unit has no objections in principle.

(b) Other Representations

4.3 Local Residents

One letter of objection has been received and the local residents raise the following concerns:

- i) object as before and the application spoil the environment
- ii) a fence has been erected divided the garden into three parts and only one fence is shown on the plans
- iii) the relocation of the access is to allow for better access for a future application in Plot 2, which was previously refused.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

PPG3 – Housing encourages the erection of dwellings of brownfield land wherever possible and encourages the use of higher housing densities where appropriate. Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for development within existing residential curtilages including new dwellings subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

The South Gloucestershire Local Plan (Adopted) identifies the site as being within the settlement boundary. Policy H4 allows for new residential development providing that the following criteria are complied with:-

5.2 Density

There is no change in term of the density of the proposed development.

There would be one unit on the approximately 0.034 ha site, which equates to a density of 29 units per hectare.

Paragraph 58 of Planning Policy Guidance Note 3 – Housing encourages housing development that makes more efficient use of land (between 30 and 50 dwellings per hectare). The proposed density would be slightly fall outside the recommend density, officers consider that a higher density in this location may have an adverse impact upon the residential and visual amenity, and would be out of keeping with the character of the area. It is therefore considered that the proposed density would be acceptable in principle.

5.3 Scale and Design

There is no significant change to the scale and design of the new dwelling. Officers consider that the proposed amendments would be acceptable.

With regard to the provision of amenity space, the new dwelling would still have more than 100 square metres rear garden. The officers therefore considered that the proposal would provide adequate private amenity space both properties.

5.4 Impact upon Residential Amenity

The proposed changes are: (i) the relocation of utility window on the south elevation and (ii) the single storey rear addition will be slightly set back from the southern boundary.

Officers consider that these changes are minor amendments and would not cause any detrimental impact upon the residential amenity of the neighbouring properties.

5.5 Transportation Issues

Planning permission has previously been granted to erect a four-bed detached dwelling on this area of land (PK06/3310/F). A further application to amend the approved scheme has also been submitted and granted planning permission PK08/1239/F.

This current application again seeks amendment of the approved design. The integral garage has now been enlarged to provide the required internal dimensions of 3 metres by 6 metres. The access to the site has also been widened to allow better access for all vehicles using the site.

Subject to a condition ensuring that the access and parking area has a permeable bound surface, there is no transportation objection to this proposal.

5.6 Tree Issues

The Council Tree Officer has the following comments on the previously approved scheme. The officers considered that the previous comments are still relevant to this application.

At the front of the property there is a young sycamore tree standing on the existing driveway; this is a good tree with the potential to become a significant tree contributing to the character of the locality therefore it should be retained, protected and managed in a way that ensures their long-term viability. In addition, the proposal is to alter the existing vehicular accesses, which are underneath the existing Sycamore tree. Officers therefore consider that an arboricultural report including a method statement and a tree protection plan will be required to ensure that the proposed work would not affect the root of the tree, a planning condition is therefore imposed.

There is a row of mature Lime trees growing along the edge of the road in front of the property; these are significant trees contributing to the character of the locality therefore they should be retained, protected and managed in a way that ensures their long-term viability in accordance with South Gloucestershire Council adopted policy L1.

Access to the site for development traffic and storage of materials near the trees should be avoided, protective fencing inline with BS5837: (2005) should be erected around the Sycamore and the Limes either side of the driveway before the development commences and maintained until its completion. A planning condition is suggested to ensure that this is the case.

5.7 Drainage

The Council's Drainage Engineer raised no objection to the principle of the development.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/3091/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

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

Reason:

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

4. The existing Sycamore tree standing / overhanging the driveway shall be retained.

No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the same place and that tree shall be of such size, species and shall be planted at such times, as may be specified in writing by the Local Planning Authority.

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, material and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority an arboricultural impact assessment including method statement and Tree Protection Plan of the existing Sycamore tree and Lime tree. The proposed works shall comply with British Standard 5837: Trees in Relation to Construction.

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.

6. The vehicular parking area and turning space to have a permeable bound surface and be satisfactorily maintained as such.

Reason:

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

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.: PK08/3146/F

Applicant: Mr P Gingell PGS
UK Ltd

Site: 94 Forest Road, Kingswood, South
Gloucestershire, BS15 8EH

Date Reg: 9th December 2008

Proposal: Subdivision of existing dwelling to form
2no. self contained flats. Erection of
first floor rear extension to provide
additional living accommodation.

Parish:

Map Ref: 64510 73151

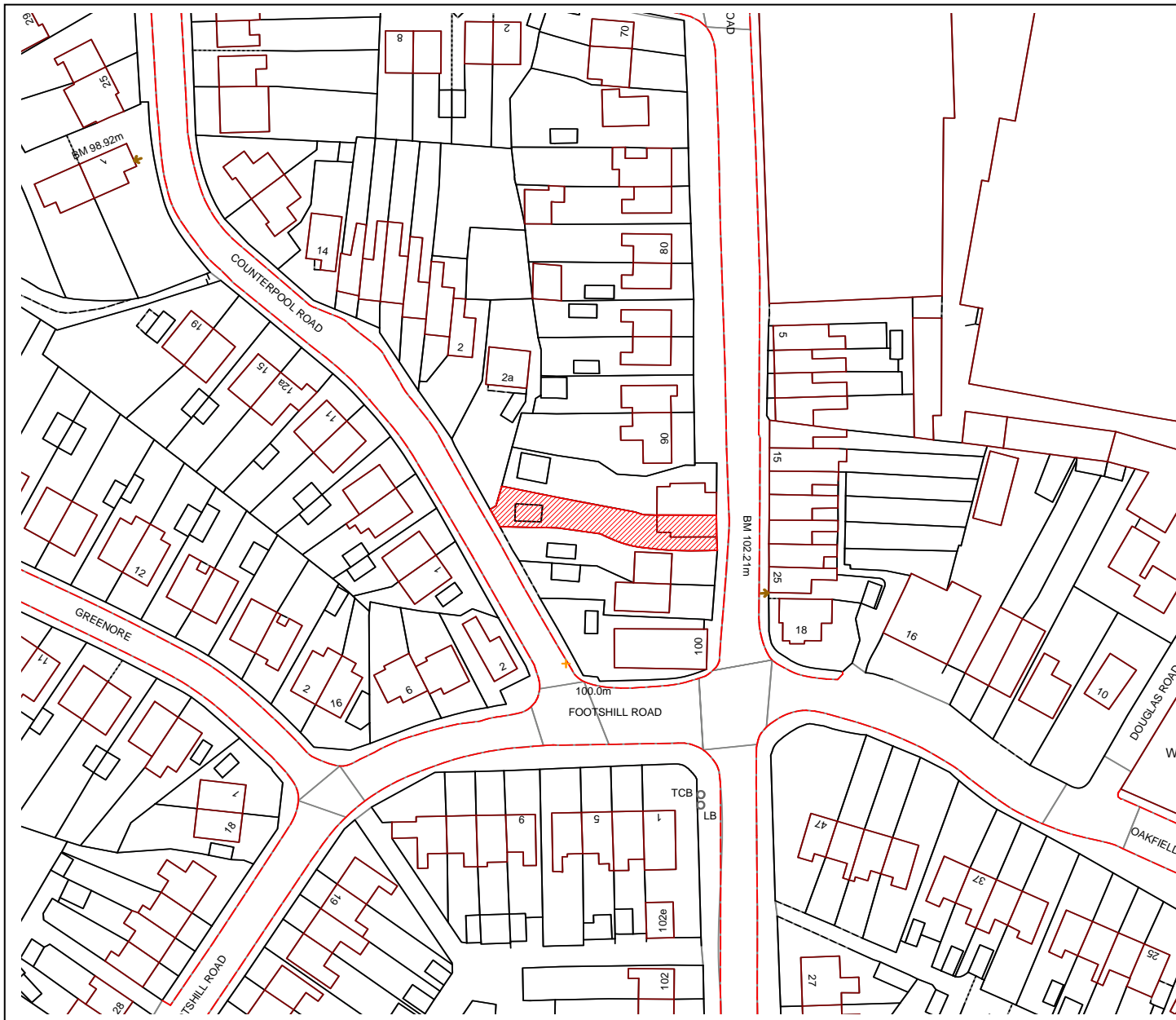
Ward: Woodstock

Application Category: Minor

Target Date: 30th January 2009

Category:

Date:



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N.T.S

PK08/3146/F

INTRODUCTION

This application appears on the Circulated Schedule because letters of objection have been received from local residents, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to no. 94 Forest Road, Kingswood. The property is a two-storey, c1930's semi-detached dwelling house with a single-storey extension to the rear. The property fronts onto Forest Road, whilst the rear garden extends to Counterpool Road at the rear. There is an existing driveway to the side of no.94, which is accessed from Forest Road. An existing single-storey building, located at the bottom of the garden of no.94 may once have been used as a garage and as such there is a second vehicular access to the site from Counterpool Road.
- 1.2 The location is generally residential and sub-urban in character, comprising mainly semi-detached dwelling-houses, some of which have been converted to flats or retail premises. The adjoining property, no.92, already has a two-storey extension, which projects 4m to the rear of the main house.
- 1.3 It is proposed to extend the property, by creating a first floor above the existing single storey rear extension, and then sub-divide the resultant house to create two self-contained, two-bedroom flats. A similar extension to that now proposed was previously granted under application PK02/2206/F but was never implemented.

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 - Principles
- Policy 2 - Location of Development
- Policy 17 - Landscape
- Policy 33 - Housing Provision and Distribution

South Gloucestershire Local Plan (Adopted) 6th January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- H5 - Residential Conversions
- H4 - Development within Existing Residential Curtilages
- H6 - Affordable Housing

LC2 - Provision of Education Facilities
T7 - Cycle Parking Provision
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 K2852 - Erection of a single garage.
Approved 22nd Aug 1979.
- 3.2 PK02/2206/F - Erection of first floor rear extension.
Approved 29th August 2002 (not implemented).
- 3.3 PK08/2820/F - Erection of 1no. dwelling with access and associated works.
Refused 24th Nov 2008

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Not a parished area.

4.2 Other Consultees

None

Other Representations

- 4.3 Local Residents
2no. letters of objection were received from local residents. The concerns raised are summarised as follows:-
- The existing gardens are a mess.
 - The upstairs flat will have windows looking straight into the upstairs side window of no. 96 Forest Road.
 - The extension at the rear could make the kitchen of no.96 darker.
 - Increased on-street parking in congested area with schools and a shop nearby.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of a first floor rear extension of similar proportions to that now proposed was previously established with the grant of application PK02/2206/F. The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield site. There is therefore no in-principle objection to the development of the site for residential use.

- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub-regional centres.
- 5.3 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to “..increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.”
- 5.4 The proposal falls to be determined under Policy H5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the conversion of existing residential properties into smaller units of self contained residential accommodation provided that they :-
- A. Would not prejudice the character of the surrounding area; and
 - B. Would not prejudice the amenities of nearby occupiers; and
 - C. Would identify an acceptable level of off-street parking; and
 - D. Would provide adequate amenity space; and
 - E. (In the case of buildings not previously used for residential purposes) the property is located within the existing urban areas and the boundaries of settlements, as defined on the proposals map.
- 5.5 Density
The proposal is considered to make efficient use of the land in what is a sustainable location, close to the centre of Kingswood within walking distance of the shopping and community facilities and main bus routes. In this respect the proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.6 Scale and Design
Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 only permits new development where good standards of site planning and design are achieved. Criterion A of Policy D1 requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.7 The extension has been designed to be a continuation of the extension to the rear of adjoining no.92 and as such would integrate very well into the existing built form and appear as a subservient addition to the main house. Furthermore

- the materials to be used in construction are intended to match those of the existing buildings.
- 5.8 The extension would be built on the footprint of the existing rear extension and as such would protrude only 0.7m beyond the extension to no.92. The proposed extension would be similar in scale to that at the rear of no.92 and to that previously approved at no.94, officers therefore consider that the proposed scale and design are acceptable.
- 5.9 Landscape
Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape.
- 5.10 It is proposed to lawn the rear garden and plant shrubs. A 1.8m high timber fence and gates would be erected to sub-divide the garden. There no landscape objections to the proposal.
- 5.11 Transportation
The resultant development would create 2no. two-bedroom flats where currently there is a single 2 bedroom dwelling on the site. Two car parking spaces would be provided to the side of the existing property and accessed off Forest Road, and one on the hard-standing to the front of the rear workshop building and accessed off Counterpool Road; both of the accesses are existing. The proposed parking provision accords with the Council's maximum parking standards (1.5 spaces per 2 bed flat) and given the relatively sustainable location of the site the proposed level of on-site parking provision is acceptable and should not result in increased on-street parking. On balance therefore, there are no highway objections.
- 5.12 Impact upon Residential Amenity
Adequate private amenity space would be provided for future occupiers in the large rear garden areas. Separate cycle and bin storage areas would be provided to the side of the property.
- 5.13 In terms of loss of privacy from overlooking or inter-visibility; officers consider that some overlooking of neighbouring gardens is inevitable in urban areas. In this case, the proposed first floor rear windows afford some limited overlooking of neighbouring gardens but this would be no different than already occurs from the adjoining extension, and would certainly not justify the refusal of planning permission.
- 5.14 Whilst it is acknowledged that there are windows in the side of no.96, it is noted that a rear extension to no.94 of similar proportions to that now proposed, was previously approved. There would be no windows at first floor level in the side of the proposed extension and those at ground floor level merely replicate those already present. A new first floor kitchen window would be inserted in what is the gable end of the existing house. Given that this window could be inserted under permitted development rights and is at a reasonable distance and angle from the side of no.96, there would be no significant loss of privacy.

5.15 Given the scale, position and relationship of the proposed extension to no.96 and the presence of a two-storey extension to the rear of no.92, officers do not consider that the proposal would have an overbearing impact for neighbouring occupiers. Officers therefore conclude that the proposal would not result in any significant loss of residential amenity for neighbouring or future occupiers.

5.16 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. Any increase in noise levels, burning of rubbish or anti-social behaviour, would be the subject of normal environmental health controls. There are therefore no objections on environmental grounds. In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposal. Foul disposal would be to the mains sewer.

5.17 Affordable Housing

The proposal is for 2no. flats only, which is below the Council's threshold (15) for affordable housing provision.

5.18 Education Service

The development comprises of 2 x 2 bedroom flats only and for this reason no contributions to the Education Service are requested.

5.19 Community Services

The proposal is for 2no. flats only, which is below the Council's threshold (10) for contributions to Community Services.

5.20 Design and Access Statement

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

5.21 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/3146/F**

Contact Officer: **Roger Hemming**
Tel. No. **01454 863537**

CONDITIONS

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

Reason:

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

2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor, southern side elevation of the property.

Reason:

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

3. 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.

4. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, 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 H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 9

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.: PK08/3148/F	Applicant: Mr T Dobson
Site: Land Adjacent to 20 Church Lane, Old Sodbury, South Gloucestershire, BS37 6NB	Date Reg: 9th December 2008
Proposal: Erection of 1 no. detached dwelling with raised decking area, handrails and associated works to form carport for 3 no. parking spaces. Creation of 1.2 metre wide footpath.	Parish: Sodbury Town Council
Map Ref: 75652 81477	Ward: Cotswold Edge
Application Category: Minor	Target Date: 30th January 2009



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100023410, 2008.

N.T.S

PK08/3148/F

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of one detached dwelling on the site. The dwelling will be served by a carport that will be cut into the existing garden area and will have raised decking above. In order to facilitate the erection of the dwelling, a significant amount of engineering works will have to be undertaken to shape the existing garden.
- 1.2 The proposed dwelling would be erected of Oak and other waste products from the timber industry. The exterior of the building would then be clad with a lime rich render above a plinth of local stone. The application states that the house will have exceptional insulating properties and uses materials that are less damaging to the environment than traditional building materials.
- 1.3 This application is the re-submission of the previously approved application reference PK06/0623/F. There are no changes in this application from the approved scheme. This application has been submitted as the applicant will not be commencing works until after the PK06/0623/F permission has expired.

2. POLICY CONTEXT

The following policies shall be taken into consideration in the determination of the planning application;

- 2.1 National Guidance
PPS1 – Delivering Sustainable Development
PPG3 – Housing
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development control
H4 Development in Existing Residential Curtilages

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/2885/F Erection of 1 No. detached dwelling with raised decking area, handrails and associated works to form carport for 3 No. parking spaces.
Withdrawn October 2005
- 3.2 PK06/0623/F Erection of 1 no. detached dwelling with raised decking area, handrails and associated works to form carport for 3 no. parking spaces. Creation of 1.2 metre wide footpath.
Approved July 2006

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council
No objections

4.2 Sustainable Transport
There were no objections to the previously approved scheme PK06/0623/F subject to a series of conditions. These same conditions will be attached to this application. No further highway comments have been received with regard to this resubmission.

Other Representations

4.3 Local Residents
One letter of objection has been received raising the following concerns

- A local resident wasn't formally consulted
- The creation of a footpath, which is not needed. How far the footpath would go up the lane was also questioned
- The site is not suitable for development

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The South Gloucestershire Local Plan (Adopted) identifies the site as being within the established urban area. Policy H4 of the South Gloucestershire Local Plan (Adopted) permits the erection of dwellings within existing residential curtilages providing a number of criteria are satisfied. Policy T12 also identifies factors relating to parking, access and highway safety that must be taken into consideration. PPG3 identifies that the development plans are the framework against which decisions should be made and thus this application stands to be assessed against the policies listed above and in the light of all material considerations. Policy H4 identifies that residential development within the existing urban area will be permitted provided that the development:

5.2 **A. Respects the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area;**

The application site is surrounded by residential properties of a wide variety of scales and design. The host dwelling No. 20, whilst having an old and traditional appearance, is actually a more recent dwelling having been erected since the 1950's. There are ex Local Authority properties also close to the site as well as large detached family homes with large gardens. Whilst it is therefore accepted that the footprint of the host dwelling may appear larger than the existing property No. 20, the proposed dwelling would not appear out of keeping when taking into account the variety and size of dwellings in the vicinity.

The design of the proposed dwelling is modern yet retaining many of the traditional features of the locality. The steeply pitched gable ends and the use

of natural stone and Lime render will encourage the dwelling to integrate with its surrounding environment. The main bulk of the dwelling is simple in design with low eaves and adequately proportioned windows. The front glazed gable will form an attractive feature and add visual interest to the building. Whilst the front gable is to be mainly glazed, the oak structure will be visible through the glass retaining a historic and traditional emphasis.

It is accepted that the dwelling will be raised up above street level, this is common along Church Lane and the existing dwellings are also raised up above street level. Steps have been taken to soften the impact the proposed car port will have on the street scene and planting has been added. The actual dwelling itself is to be set well back from the highway itself in line with the existing buildings and thus the existing building line is respected.

It is accepted that the dwelling will obviously be clearly visible in views along Church Lane. However, it is not considered that it will be particularly prominent in wider views from the surrounding countryside. The proposal will be viewed against the surrounding dwellings. Indeed the existing dwellings on the opposite side of the Lane, No's 1 to 9 will screen the house from view when looking towards the site from the Old Sodbury Conservation Area.

The proposed car port is considered acceptable and is on suitable height for the street scene. The fence to be added on top of the car port is to be set back from the front and planters will be inserted between the front edge of the car port and the fence on top. It is considered that step back will significantly soften the impact of the car port on the street scene and will avoid any overbearing impact. Consideration must also be given to the fact that the 1.2 metre wide footpath is to be added to the front of the car port. This will significantly open up the street scene and give the existing highway a greater sense of space. It is thus considered that the development will have a widening effect on the highway and will not appear overbearing or overshadowing for users of the highway.

5.3 **B. Would not prejudice the amenities of nearby occupiers;**

The proposed dwelling is to be erected between Numbers 20 and 18 Church Lane. There are no primary habitable room windows to the side of either of these properties that could be overshadowed or overlooked by the proposed dwelling. Further to this, there are no windows proposed to the side of the new dwelling that could result in any issues of overlooking for these properties.

To the rear of the proposed dwelling is vegetation and agricultural land so there are no properties to the rear that could be affected.

The dwelling will naturally face towards the highway and the dwellings on the opposite side of the road – particularly No. 5 Church Lane. However, the proposed dwelling would be in excess of 21 metres from any habitable room windows in the dwellings on the opposite side of the road and thus there are no perceived issues of inter-visibility. Further to this, the dwellings on the opposite side of the road are divided from the highway by a bank and hedges that would further block views of the new dwelling. It is not considered that the proposed dwelling would have any adverse impact on existing levels of residential amenity.

5.4 **C. Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling;**

During the course of the previous application the scheme was amended to include the creation of a footway across the majority of the site. This amendment was in order to overcome concerns raised by the Highways department with regard to manoeuvring vehicles into and out of the proposed carports. By adding a section of footway across the site, the front of the carport would be set 1.2 metres back from the front of the highway. It is therefore considered that access to the site is acceptable and the initial concerns about manoeuvrability have been overcome.

Consideration must also be given to the fact that currently there is no footway along this section of Church Lane. Therefore, by adding a section of footway, an additional safe space is provided for pedestrians using the Lane over and above the existing situation. It could therefore be argued that the proposal will actually slightly increase highway safety for pedestrians using the lane.

Due to the topography of the site, excavation and engineering works will be required allow for the erection of the dwelling. Conditions will be attached to any consent granted to ensure that the footpath is constructed and to an adoptable standard. A method statement will need to be submitted to the Council and agreed in writing to clearly and precisely show how the engineering works will be carried out to cause minimum disruption to the highway and any damage to the highway put right.

There will be no reduction or alteration in the amount of parking that will remain to serve the existing dwelling No. 20 and ample parking will be provided to serve the proposed new dwelling. As such, subject to the attachment of conditions, there are no objections to the proposed development in terms of highway safety.

5.5 **D. Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling.**

It is considered that sufficient amenity space will be provided to serve both the existing and proposed dwellings. Sufficient private amenity space will be created to the rear of the new dwelling and ample useable amenity space and balcony over the carport will be available to the front. As such it is considered that the proposed new dwelling satisfies this criteria also.

5.6 Other Issues

With regard to the objection received by a local resident concerning the fact that they were not consulted. All occupiers of land within a 30m buffer of the site were consulted as per the consultation procedure.

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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable.

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/3148/F**

Contact Officer: **Kirstie Banks**
Tel. No. **01454865207**

CONDITIONS

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

Reason:

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

2. 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 and E), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order), the carports hereby permitted shall be retained as such and shall not be used

for any purpose other than the parking of private motor vehicles without the prior written consent of the Local Planning Authority.

Reason:

To ensure that the carport is available for its prime purpose of providing parking for a domestic vehicle, to ensure that sufficient off-street parking is retained to serve the development in the interests of highway safety and to accord with Policy H4 of the South Gloucestershire Local Plan ((Adopted) January 2006.

4. Before the development hereby authorised is commenced, a sample panel of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panel shall be kept on site for reference until the development is complete.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

8. Prior to the commencement of any development on the site, a method statement should be submitted to the Councils streetcare manager clearly identifying how the works will be carried out. If suitable, the method statement will be agreed in writing. The method statement should then be implemented with the supervision of the Council at all times.

Reason:

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

9. Prior to the first occupation of the dwelling hereby permitted, the footway should be created across the front of the site in accordance with the approved plan. The

footway shall be constructed to fully adoptable standards and to the full satisfaction of the Council.

Reason:

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

10. Prior to the commencement of development, a full delapidation schedule for Church Lane should be prepared in conjunction with the Streetcare manager. Any damage to Church Lane arising from construction traffic shall be fully rectified to the full satisfaction of the Council.

Reason:

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

11. Prior to the commencement of development, details of the hand rails to be added over the proposed car port detailing materials and design shall be submitted to the Council for written approval. The hand rail shall be erected exactly in accordance with the details so agreed.

Reason:

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

12. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
- (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
- (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
- (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
- (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason:

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

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.: PK08/3149/F
Site: 17 Penngrove, Longwell Green, South Gloucestershire, BS30 9UQ
Proposal: Erection of single storey rear extension to provide additional living accommodation. (Retrospective).
Map Ref: 66156 71066
Application Category: Minor

Applicant: Mrs C Rocket
Date Reg: 9th December 2008
Parish: Oldland Parish Council
Ward: Longwell Green
Target Date: 21st January 2009



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100023410, 2008.

N.T.S

PK08/3149/F

INTRODUCTION

This application has been forwarded to the Circulated Schedule for Member consideration as a representation has been received which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated within a predominantly residential part of Longwell Green which forms part of the wider Bristol Urban Area. The application site is broadly rectangular in shape and comprises a modern semi detached bungalow with detached single garage at the rear.
- 1.2 The application seeks retention of a single storey extension at the rear to provide utility room.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P77/4191 Erection of 5 detached houses & 60 semi detached houses. Construction of roads & footpaths. (Previous ID: K1088/7)
Approved 31.05.1977
- 3.2 P77/4188 Residential development on approx. 87 acres. Construction of estate roads & footpaths. (Previous ID: K1088/6)
Approved 19.08.1977

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council

No objection
- 4.2 Other Consultees

None

Other Representations

4.3 Local Residents

One letter of objection received from the occupier of 15 Penngrove raising the following concerns:

Objection to side window which looks straight into my property; loss of privacy to house and rear garden; cooking smells from the side window into the bedroom of no.15.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context. The dwelling the subject of this application is a semi-detached bungalow with detached single garage to the side/rear. The extension is well screened from public vantage points by the existing dwelling. The design and materials are considered to be of good quality in keeping with the character of the existing dwelling and respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the development accords with the criteria of Policy D1.

5.3 Residential Amenity

The extension measures 2.4m to eaves, 3.5m to ridge with 2.6m length and 2.8m width. In terms of scale the extension is considered to be modest and is not harmful in terms of scale, bulk or shadowing. The extension is situated on the north side of the rear elevation 2m from the boundary with no. 15. A window is situated in the side elevation of the extension facing south towards the side boundary with no.15. The window is situated approximately 2m from the boundary with no. 15 and 2.8m from the nearest rear window (bedroom) of no.15. The side extension window is situated at single storey level at a height of between 1.3m and 2.1m above ground level. A 1.7m high fence is situated on the boundary with no. 15. On the basis that the side window is situated at single storey level there would be no material increase in the ability to overlook the neighbouring dwelling (no. 15) or garden than a person standing in the rear garden of no. 17. As such it would be difficult to justify that the side window has resulted in a materially increase in overlooking and on this basis the development is considered not to have further compromised the amenity of the adjacent occupiers.

The side window serves a utility room, the main kitchen benefits from a separate window in the side elevation. The utility window is situated 2m from the boundary with no. 15. The use of the window relates to the existing

residential use and the extension has resulted in no intensification of the existing residential use. As such the development is considered not to have resulted in a material increase in odour nuisance.

5.4 Design and Access Statement

A Design and Access Statement is not required for this application.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

The 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 Consent is GRANTED subject to the following conditions and informatives:

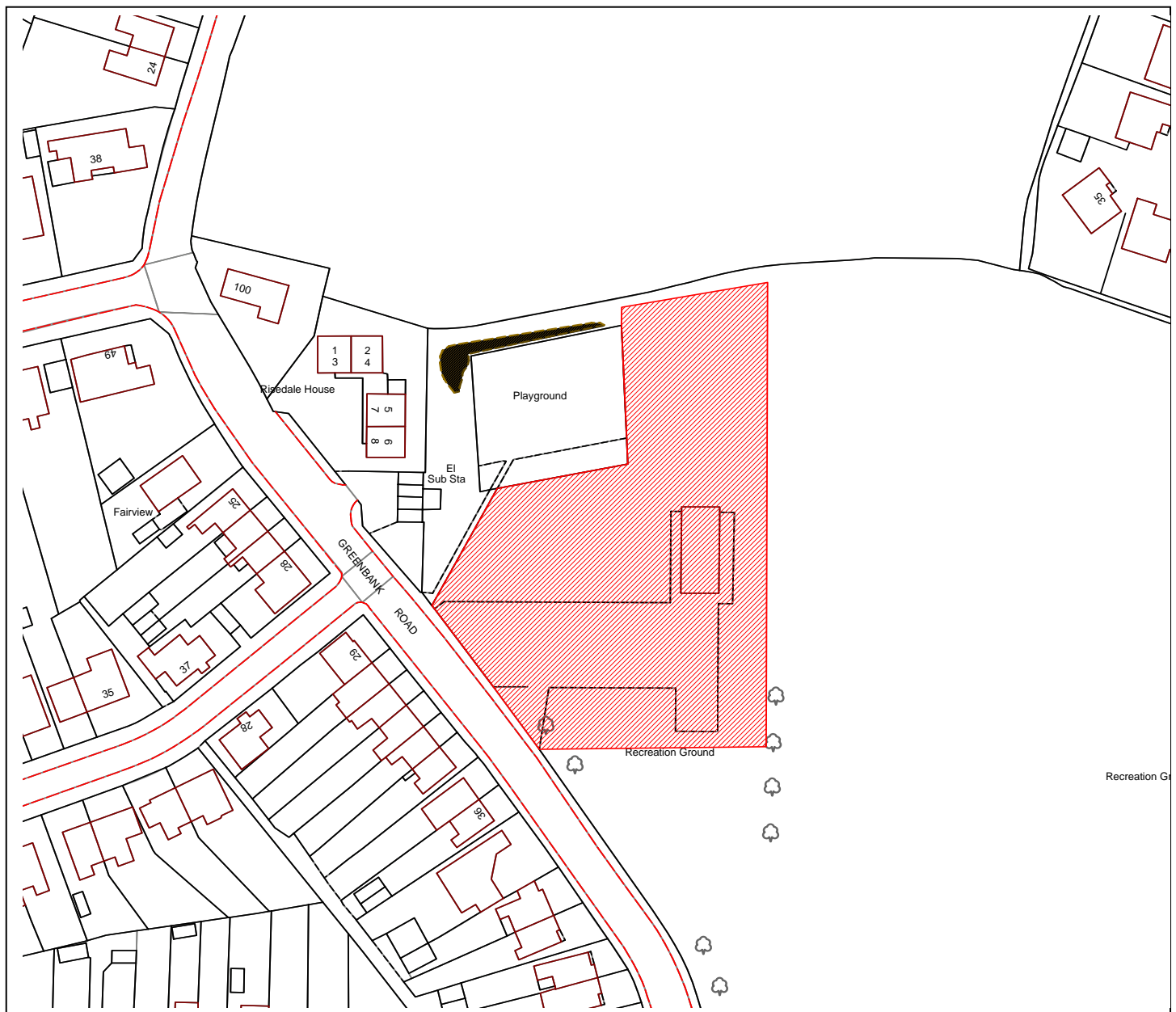
Background Papers **PK08/3149/F**

Contact Officer: **Sean Herbert**
Tel. No. **01454 863056**

ITEM 11

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.:	PK08/3152/F	Applicant:	AEK-BOCO Football Club
Site:	The Recreation Ground, Greenbank Road, Hanham, South Gloucestershire, BS15 3RX	Date Reg:	10th December 2008
Proposal:	Erection of new sports pavilion to replace existing building. Extension of car park.	Parish:	Hanham Parish Council
Map Ref:	64943 72268	Ward:	Hanham
Application Category:	Minor	Target Date:	13th February 2009



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PK08/3152/F

INTRODUCTION

This proposal is referred to the Circulated Schedule to Members, in accordance with procedure, given that objections have been raised.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a new pavillion with the contruction of an extended car park and associated planting and footpath. The proposal will involve the demolition of the existing building.
- 1.2 The new structure would have a length of 37.3 metres, depth of 12.5 metres and a height, (at the centre), to the apex of the roof of approximately 5.5 metres. It should be noted that the sloping ground level ensures the building has a height above ground level of approximately 6.1 metres at the southern elevation and 5.1 metres at the northern elevation). A small, pitched roof, centrally located heat vent and heat recovery system gives a height of 7.5 metres at this part of the roof. The building would have a hipped roof with tile effect sheet roofing. Solar panels would be installed on the south elevation. Brickwork will be used as the external facing material. A covered verandah faces onto the playing fields, with grills covering openings in the interests of security.
- 1.3 The existing car parking area is to be expanded to the rear of the pavilion and to the north of that building. This would involve an expansion from the existing 30 car parking spaces to a new total of 76 spaces. The car park is to be designed to full Sustainable Urban Drainage Standards (Suds). The proposal will involve some additional planting/landscaping in the form of a hedge around the parking area. 20 covered cycle spaces are also to be provided at the northern end of the pavilion. A 1.2 metre wide area of footpath is also to be provided.
- 1.4 The site consists of an area of open space with in the urban and residential area of Hanham. The site already has a small clubhouse on site, with car parking for 30 cars, accessed off Greenbank Road. To the north of the car parking area is a children's playground. The open space is bounded by residential properties on all sides, and appears to be well used. It should be noted that the proposal is of a similar footprint to that previously approved (see paragraph 3.2 – History below), albeit rather than extending the existing structure the current proposal is for an entirely new building. The car park extension, associated planting and footpath are all identical to that previously approved.
- 1.5 In support of the application the applicant has indicated the following reasons for the new application:
 - To fully comply with the Football Foundation Design Standards
 - To provide an entirely new building that is low maintenance
 - To provide a new building that has low energy consumption and therefore low running costs
 - To provide a building that is purpose-built to meet the clubs current requirements

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG17	Planning for Open Space, Sport and Recreation

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L5	Open Areas within the Existing Urban Areas
L17	The Water Environment
EP1	Environmental Pollution
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
LC3	Proposals for Sports and Leisure Facilities within the Existing Urban Area

3.0 RELEVANT PLANNING HISTORY

3.1 PK06/0639/R3F Erection of single storey side extension and alterations to existing building to raise roof height to 5.5 metres to form extended sports pavilion including covered walkway. Construction of extended parking area. Refused April 2006 for the following reasons:

1. The proposed clubhouse extension, due to the provision of a large common room, bar and kitchen, and the likely use of the clubhouse for frequent social activities, close to nearby residential properties, would result in harm to the residential amenities of the area by virtue of increased noise and disturbance. Furthermore, the increased carparking area, due to its proximity to nearby residential properties, would also result in increased noise and disturbance to local residents, due to car doors banging, revving engines and the general noise of people leaving the club. The proposals are therefore contrary to Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The lack of any landscaping to soften the visual effect of the proposed clubhouse extension and carparking in this flat, open and exposed location, the loss of the tree, and the loss of an area of open space to the front of the existing clubhouse, which currently forms a visual buffer, would harm the landscape character and visual amenity of the area. The proposal is therefore contrary to Policies LC3, L1 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3.2 PK07/0716/R3F Erection of a single storey side extension and alterations to existing building to raise roof to 5.5 metres to form extended sports pavilion including covered walkway. Construction of extended car parking area. (Resubmission of PK06/0639/R3F).

This application was approved, subject to conditions by the Development Control East Committee on 25th October 2007.

4. CONSULTATION RESPONSES

4.1 Hanham Parish Council

Concerns over the planned extended car park facilities. This is adjacent to the children's playground raising health and safety issues.

4.2 Sustainable Transport

This new proposal is to demolish the existing pavilion and construct a new building on the similar footprint as the building for which planning consent has already been granted in association with the earlier planning application No. PK07/0716/R3F.

The car park extension and provision of a new footpath will be the same as for the approved application. As with the previous scheme 20No. under cover cycle stand spaces will be provided at the north end of the building accessed directly off the car park.

The site is within the urban area of Hanham and it is well accessible by foot and bicycle as well as by public transport. In view of all above, there are no highway objections to this proposal.

Other Representations

4.3 Local Residents

5 letters of objection have been received. The grounds of objection can be summarised as follows:

- The recreation ground should not be disturbed any more than it has already
- It will affect "green belt" land
- The proposal would result in increased noise from the pavilion (night time functions) and car park where lighting is unnecessary
- The proposal will result in an increased carbon footprint
- The new building will attract local youths
- The football club is not a good neighbour

2 letters of support have been received. One letter stating that "this is a better solution and visually an improvement on the scheme approved some time ago". Also "proactive communication by the football club with local residents and a listening attitude... has improved". One letter states that it is "good to see the ground being in regular use".

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006 states that proposals for the expansion of outdoor sports and leisure facilities within the existing urban area will be permitted, subject to the following criteria:

- Proposals which are likely to be major travel generators are located on sites which are highly accessible by public transport, on foot and bike
- Development would not unacceptably prejudice residential amenities
- Development would not have unacceptable environmental or transportation effects
- Development would not give rise to unacceptable levels of on-street parking to the detriment of the amenities of the surrounding area and highway safety

The site is within the urban area of Hanham, which is well-served by public transport, and close to large centres of population. It is accessible by foot and bike. The proposal therefore fulfils the first criterion of Policy LC3 and is acceptable in principle, subject to the following detailed assessment.

5.2 Residential Amenity

Given the scale and the location of the proposed development it is not considered that it would appear oppressive or overbearing when viewed from neighbouring properties or that it would result in loss of privacy through overlooking those nearest properties given also its single storey aspect.

5.3 Environmental Impact

Policy LC3 allows for development that does not unacceptably prejudice residential amenities. Policy EP1 states that development will not be permitted where it would unacceptably harm the environment, health, safety and amenity of the users of the site or surrounding land.

Concerns have been raised regarding noise and disturbance from the existing site and a potential increase in noise as a result of the facilities being provided. It should be noted that a common room and bar (albeit slightly smaller in size) formed part of the previously approved application PK07/0716/R3F. It should also be noted that there are existing playing fields here and an existing sports pavilion that is currently used by the applicants, AEK Boco FC and therefore existing noise associated with the use of the playing fields and the pavilion. It is not considered that the intensification of the use would be significantly greater than the scheme that has already been approved and the number and location of the car parking spaces to be provided as part of this scheme will be identical to the scheme that has already been approved.

The car parking area is located largely away from the nearest residential properties with the existing playground forming a barrier with Risedale House to the east. While it is noted that there are some concerns regarding the close proximity of the car park to the play area there is physical separation between the two elements. No objection to this has been raised by the Council Environmental Health Officers and as indicated above this aspect of the proposal has already been given consent as part of the previous application. It should also be noted here that the proposal does not involve any physical

change to the existing playing fields on site, as they do not form part of this application.

The current development would involve the construction of a new building and thus it would be subject to the latest Building Regulation requirements relating to noise insulation. Nevertheless It has previously been considered that there is a potential to give rise to statutory noise nuisance (the nearest residential properties lie between 50 to 60 metres from the building).

The proposal has been viewed by the Council Environmental Health Officer who raises no objection to the proposal subject to the use of suitable conditions to control the potential noise and disturbance from the site. The conditions recommended to control noise will be the same as those that were previously attached to PK07/0716/R3F and are as follows:

- A noise limitation system to be provided and maintained within the premises. The system shall be operated at all times when music is being played and set to cut out the power supply to noise amplification and generation equipment at such levels which have been agreed in writing with the Environmental Protection Officers of the Council.
- All windows on the west elevation serving the common room, bar and kitchen are to fixed non-opening at all times
- Use of the premises should cease by 2230 hours with the site cleared of people and vehicles by 2300 hours

It is considered that, subject to the addition of the above conditions, noise levels can be adequately controlled so that they do not disturb local residents to such an extent as to significantly harm their residential amenity. In summary while it is considered that the proposals represent an improvement in the facilities available for sport participants, the needs of the sports club have to be balanced with the needs of the local community in the vicinity of the club. In this case, given that there is an existing club on site, a previous consent and with the addition of suitable noise conditions, it is considered that any harm to the local residents of the area as a result of the proposal would not be so significant as to warrant refusal of planning permission on this basis.

Concern has been raised about noise from the playing fields (the behaviour of players and supporters). Issues regarding alcohol licensing, anti-social behaviour and use of foul language are outside the remit of planning control, and are therefore not material to the assessment of this application. The use of the playing fields by AEK Boco FC is also outside of the remit of this application, which relates purely to the proposed pavilion and associated parking area. Users of the recreation grounds are controlled by the Community Services Department of the Council. For the purposes of planning control, the use of the playing fields remains as recreational, whether that is for formal sport or informal play.

The applicant has indicated that the car park will be lit "by the minimum number of lamps required to keep light levels towards the lower recommended levels to maintain safety in car parks". The operation of the lighting and the lighting

levels will be conditioned to ensure that they do not harm residential amenity. No objection to the lighting has been raised by the Council Lighting Engineers.

5.4 Visual Amenity

Policy D1 states that development will only be permitted where good standards of site planning and design area achieved. Policy L5 states that within existing urban areas development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality.

The proposed new building is large in scale, however the building is of a similar footprint to the building that has consent following application no. PK07/0716/R3F. The current proposal has a length of 37.3 metres as opposed to that approved of 35.3 metres previously approved. The existing building has an average height of 4.6 metres to the apex of the main roof with the proposed having a corresponding height of 5.5 metres. The proposed structure adopts a hipped roof as opposed to the existing gable which is considered to reduce the visual impact. It is also considered that the removal of the current tank room tower is a significant visual improvement.

The erection of a purpose built structure, using brickwork and a verandah is considered to provide a building that appears as an “integrated whole” rather than the rather piecemeal existing structure which has had consent for an extension. The building has the appearance of a sports club house rather than the rather utilitarian temporary appearance of the original building. It is considered that the building is a considerable improvement in visual terms over the original building and is therefore acceptable in design terms.

The extended car parking area is identical to that previously approved and lies mostly to the north of the club house. The space where the majority of the proposed car parking is situated is a rather open and barren part of the site, that has no discernable recreational use. It is considered that the use of this area for car parking would not be contrary to Policy L5, as this section of the recreation ground is not considered to be of a high landscape quality. The lone tree at the front of the site is proposed to be retained.

It is considered that the proposals would be improved with suitable landscaping, and to this end, a condition is recommended requiring landscaping details to be agreed and implemented. The recommended landscaping condition would include details of hard and soft surfacing as well as boundary treatments.

5.5 Transportation

Policy T12 states that development will be permitted provided that it provides adequate safety and secure access for pedestrians, cyclists and those with disabilities and a safe access capable of accommodating the motorised traffic generated from the proposal. In addition the development should not unacceptably exacerbate traffic congestion or harm highway safety or generate traffic that would unacceptably affect residential amenity.

The existing car parking area is to be expanded to the rear of the pavilion and to the north of that building. This would involve an expansion from the existing 30 car parking spaces to a new total of 76 spaces. It is important to note that the proposed Car Park and footpath are identical to that which has already been approved with the previous application (PK07/0716/R3F).

There is no objection from the Highway Officer who indicates that the site is situated within the urban area of Hanham and is also accessible by those choosing to go to the site by bicycle or on foot. A condition is recommended to secure full details of the proposed 20 cycle spaces and how these will be situated at the northern end of the new building and also to ensure that these are in place prior to the first use of the building.

Subject to the addition of this condition there are no highway objections with the scheme.

5.6 Drainage

No objection has been raised by the Council's Drainage Engineers to the proposed development.

5.7 Design and Access Statement

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

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/3152/F**

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

CONDITIONS

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

Reason:

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

2. The premises shall be used for purposes of sporting and associated activity and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), 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 residential amenity and to accord with Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. A noise limitation system shall be provided and maintained within the premises at all times. The system shall be operated at all times when music is being played and set to cut out the power supplies to noise amplification and generation equipment at such levels which have been agreed in writing with the Environmental Protection Section of Local Authority (prior to the installation).

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Use of the premises shall cease by 2230 hours and the site shall to be cleared of people and vehicles by 2300 hours.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses and to accord with Policy LC3 of the South Gloucestershire Local Plan (Adopted)

5. All windows on the west elevation of the building hereby approved serving the common room, bar and kitchen areas shall be fixed non-opening at all times.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Details of any external illuminations of the building and the car parking areas hereby approved, including measures to control light spillage, and low level lighting shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details. The hours of illumination of all external lighting approved shall be between 0800 hours to 2300 hours only, unless the Local Planning Authority agree to any written variation.

Reason:

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments, and areas of hardsurfacing, including grasscrete for the car park surfacing. Development shall be carried out in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the character and appearance of the area to accord with Policies LC3 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. 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.

9. Reason(s):

10. To protect the character and appearance of the area to accord with Policies LC3 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. Prior to the commencement of development, detailed plans showing the provision of 20 secure and covered cycle parking spaces shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the cycle parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

12. Reason(s):

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

14. The hours of working on site during the period of construction shall be restricted to 0830 to 1830 hours 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.

15. Reason(s):

16. To minimise disturbance to occupiers of nearby dwellings and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. Prior to the commencement of work a sample of the proposed brickwork and roof tiling shall be submitted to and approved in writing by the Local Planning Authority.

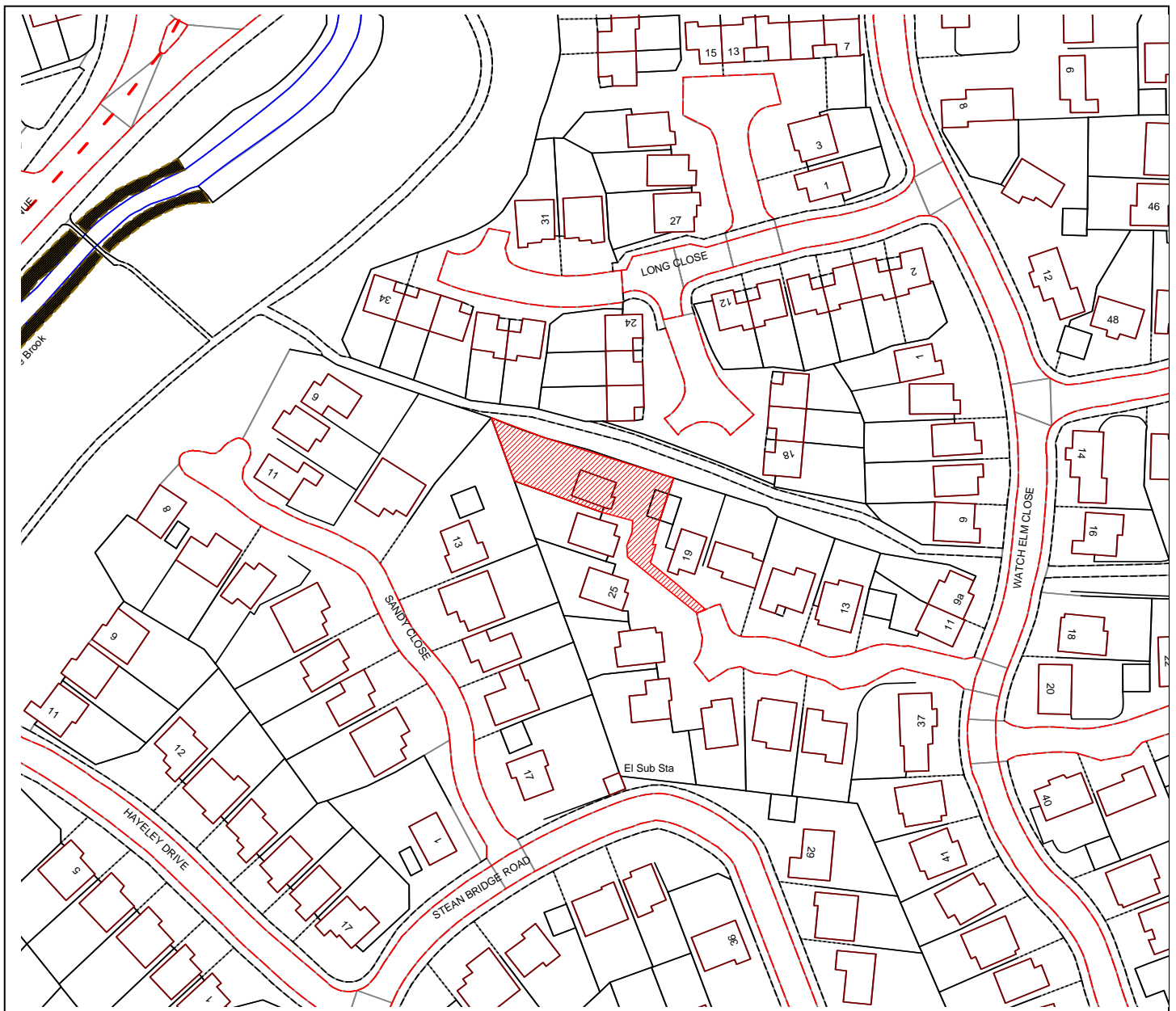
18. Reason(s):

19. 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. 02/09 – 16 JANUARY 2009

App No.: PT08/0964/F
Site: 21 Watch Elm Close, Bradley Stoke, South Gloucestershire, BS32 8AL
Proposal: Erection of two storey side extension to form additional living accommodation.
Map Ref: 62155 80801
Application Category: Minor

Applicant: Mr & Mrs A Corbett
Date Reg: 8th April 2008
Parish: Bradley Stoke Town Council
Ward: Stoke Gifford
Target Date: 28th May 2008



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N.T.S

PT08/0964/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 consent for the erection of a two storey side extension to form additional living accommodation.
- 1.2 This is a modern detached property within the existing urban area of Bradley Stoke. The proposal consists of a two storey extension to the side with brick work to match existing, 8.1 m deep, 3.5 m in width and 8.0 m in height. The roof is pitched to match existing and materials consist of tiles to match existing.
- 1.3 An amended plan was received following concern from the Council's Tree Officer that the proposed extension would damage an adjacent hedgerow to the north of the application site. The amended plan shows that the extension will be built on 'beam and pile' foundations which should safeguard the hedgerows existence.

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
L1	Landscape Protection and Enhancement
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 Bradley Stoke Town Council
No objection.

4.2 Local Residents

One letter of objection was received on the grounds that the adjacent hedgerow could be removed or damaged.

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 side extension is to be located to the north of the host dwelling and will be adjacent to an existing hedgerow and public footpath beyond. The proposal would therefore not be overbearing on neighbouring occupiers.

Privacy Analysis

A single first floor window is proposed in the north elevation however the nearest dwelling is a sufficient distance away and there is also boundary treatment in the form of the hedgerow and associated trees so therefore there would be no overlooking or loss of privacy as a result of the proposal.

Amenity Space

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

Highway Safety Analysis

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

5.3 Design / Visual Amenity

The proposal is modest in scale and fits with the character of the existing property. Its location to the side 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 Landscape

A public footpath, linking Watch Elm Close with a footpath running parallel to Orpheas Avenue, runs beside the northern boundary of the site. This footpath is attractive with a mature hedgerow running along much of its southern boundary. The hedgerow contains hawthorn, elder, bramble and self seeded ash trees. The hedgerow is between 3 – 5m high and effectively screens the residential properties. The footpath it adjoins, running parallel to Orpheas avenue is set within a wide grass area with shrubs and mature trees creating a very attractive public open space.

In the original plans it was proposed to remove the section of hedgerow that consisted of two multi stemmed hawthorn trees which are approximately 6m high. However it was considered that removing these trees and extending the dwelling to the edge of the footpath will be detrimental to the visual amenity of the footpath and detract from its leafy and secluded character. There is a dwelling close to the boundary of the footpath on the opposite side to the proposed extension and the hedge acts as a visual buffer between the two properties.

Consequently, considerable negotiations have taken place on this point. As a result revised plans were sought for a solution in which the extension could be built and the hedgerow protected. Following a site meeting between the applicant, the Planning Officer and Tree Officer it was agreed that a beam and pile foundation would protect the hedgerow and its roots from any damage. The proposal therefore complies with Policy L1 of the Local Plan subject to the extension being built on a beam and pile foundation.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/0964/F**

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

CONDITIONS

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

Reason(s):

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

2. The development hereby approved shall be carried out using a 'beam and pile' method of foundation construction as detailed on the approved plan received by the Local Planning Authority on 15th December 2008.

Reason(s):

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

CIRCULATED SCHEDULE NO. 02/09 – 16th JANUARY 2009

App No.:	PT08/2775/F	Applicant:	Mr D Norris
Site:	Land to the rear of 161 Roundways, Coalpit Heath, South Gloucestershire, BS36 2LU	Date Reg:	14th October 2008
Proposal:	Demolition of existing garage to facilitate erection of 1 no. dwelling and integral garage with associated works (Re-Submission of PT08/0946/F).	Parish:	Westerleigh Parish Council
Map Ref:	67663 80803	Ward:	Westerleigh
Application Category:	Minor	Target Date:	5th December 2008



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INTRODUCTION

This application appears on the Circulated Schedule following the receipt of objections from the local residents which are contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission the erection of one detached dwelling with integral garage.
- 1.2 The proposed dwelling comprises of a two storey, detached three bedroom house. The building would be formed through a pitched roof with gabled ends. The development also includes a single storey garage on the front elevation and a modest lean-to projection on the rear elevation. The vehicular access to the site would be gained from the private rear access lane.
- 1.3 The application site is approximately 0.04 ha in area and currently forms part of the residential curtilage of No. 161 Roundways. The site is situated within a well established residential area within the Coalpit Heath settlement boundary.
- 1.4 This application is a resubmission of the previously withdrawn application PT08/0946/F.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1: Delivering Sustainable Development
 - PPS3: Housing
 - PPG13: Transport
- 2.2 Joint Replacement Structure Plan (Adopted) September 2002
 - Policy 1: Sustainable development objectives
 - Policy 2: Location of development
 - Policy 33: Housing provision and distribution
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
 - D1: Achieving Good Quality Design in New Development
 - H2: Residential Development within the Existing Urban Area
 - H4: New Development within Existing Residential Curtilages
 - L1: Landscape Protection and Enhancement
 - T12: Transportation Development Control Policy for New Development
 - T8: Parking Standards
- 2.4 Supplementary Planning Guidance
 - South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/0946/F Demolition of existing garage to facilitate erection of 1 no. dwelling and integral garage with associated works.
Withdrawn on 21 May 2008.

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection but expressed concerns over the access.

4.2 Local Residents

Seven letters have been received during the consultation period. Five letters have been received from local residents raising objections and one letter has been received from a solicitor on behalf of a local resident. A further letter of no objection has been received. The main points from these letters have been summarised below: -

- A. Concern that the incorrect ownership certificate has been served;
- B. Inadequate public consultation;
- C. The Design and Access Statement is incorrect because refuse collection does not operate to the rear of properties;
- D. Access is liable to obstruction and impassable by large vehicles (e.g. Emergency Vehicles);
- E. Difficulties with manoeuvring around the access lane due to parking;
- F. Additional traffic movements in conjunction with this proposed development would lead to further losses of safety and convenience;
- G. The lane at present a private lane;
- H. Concern for the safety of children playing in Dormer Close and along the lane;
- I. The development would increase additional and regular traffic movements by the private car;
- J. The development is unsustainable;
- K. The lane would not remain private access only, so security would be an issue;
- L. The surface of the lane is only suitable for light vehicles;
- M. The proposed first floor windows would give uninterrupted views into gardens and first/ground floor habitable rooms of the existing homes;
- N. The use of the track would lead to noise, disturbance, fumes and smells which would impact residential amenities;
- O. The development is out of character with the area, since it is ad hoc and over dense;
- P. The materials (tiles and brick) are alien to the local character;
- Q. The gardens and open area are part of the character of the area and the wider amenity it represents for local people;
- R. The development would put further stress on an already overloaded drainage system;
- S. The dwelling would give a overwhelming visual impact which would dominate property and garden;
- T. Inaccuracies in the Design and Access Statement; and
- U. Light pollution.

4.3 Landowner

One letter has been received from a solicitor on behalf of W C H Kembrey & Son Limited who owns the rear access lane. They have objected to the proposed development and believe that planning permission should be refused on the basis that the application site does not benefit from a right of way over the lane and the proposed access is therefore unlawful.

5. ANALYSIS OF PROPOSAL

5.1 Main Issues

This application seeks consent for the erection of a new dwelling situated within the residential curtilage of the host dwelling. Thus the main issues for consideration in this application are: -

1. The principle of the development;
2. Density (efficient use of land);
3. Design implications;
4. Residential amenity;
5. Transportation implications;
6. Drainage Issues; and
7. Landownership Issues.

5.2 Principle of Development

The application site is situated within urban area, as shown on the South Gloucestershire Local Plan Proposal Maps (Adopted) January 2006. PPS3 (Housing), the Joint Replacement Structure Plan and Policy H2 of the Local Plan allow for new residential development within the boundaries of settlements. Sensitive design which respects the character of the surrounding area is essential for developments to fit into existing residential areas. Within this context, the Council also expects schemes to make the maximum effective use of the site by achieving the maximum density compatible with the sites accessibility, environmental constraints, and its surroundings. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare.

5.3 In addition, Policy H4 of the Local Plan allows for infill residential development within the curtilages of existing dwelling. This is subject to the proposal: -

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

5.4 Density

In this instance, the site has an area of 0.04ha which equates to a density of 25 dwellings per hectare. This falls below the expectation of 30 dph which is indicated in PPS3 and Policy H2 of the adopted Local Plan. Nevertheless, given the context of the surrounding area it is considered that more than one dwelling on this site would not be compatible with the surrounding area in terms of design.

5.4 Design Implications

National Planning Guidance within PPS1 makes it clear that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development. This is reiterated at the local level within Policy D1 of the Local Plan and the South Gloucestershire Design Checklist SPD. To ensure the proposed development achieves a good level of design, the applicants design process and their plans have been assessed below:

5.5 *Siting and Layout*

The application site is roughly square in shape and is currently used as residential curtilage for No. 161 Roundways. The proposed dwelling would be sited in the north-eastern corner, a paved parking area would be sited in the south-western corner, and private amenity space would be provided to the west.

5.6 The proposed dwelling would be accessed from an un-adopted rear access lane, which is characterised by single storey rear garages and ad-hoc car parking. Furthermore, the character of the wider area in this location is particularly mixed, with a well defined row of modern semi-detached dwellings to the south-east, whilst to the north-west the area there are number dwellings of various age and style which have no clearly defined settlement pattern.

5.7 Policy D1 of the adopted Local Plan and the guidance in the Design Checklist SPD seeks to ensure that the siting and overall layout of new development is informed by, respect and enhance the character, distinctiveness and amenity of both the site and locality. It is considered that the proposed siting would respect the 'ad-hoc' residential development which is evident to the north-west of the application site. Moreover, the site is situated away from the public realm and the entrance to the site would be well screened by landscaping. As such, in view of the above, it is considered that the proposed development would not materially harm the visual amenity of the street scene.

5.8 *Scale and Massing*

The plans show that the development would be two-storey in height (6.3m). It is considered that the scale and massing of the proposed development would be appropriate, given the surrounding two-storey buildings.

5.7 *Appearance*

The proposed dwelling would be rectangular in layout and would have a pitched roof. The applicant has proposed that the building would be finished in multi stock brick and interlocking grey tiles.

5.8 It is noted that the appearance of the proposed dwelling would be different to the adjacent modern dwellings to the south-west of the site. Nevertheless, it is considered that a new house design in this location would not be unacceptable given the 'ad-hoc' residential development which is situated to the north-east of the site. It is considered that the success of the building is dependant on the quality of materials. As such, if approved, it is recommended that a condition is attached for external materials (bricks and tiles) to be submitted and agreed with the Local Planning Authority prior to the commencement of development

5.9 *Landscaping*

It is proposed that the standard landscaping condition would be required to help soften the visual appearance of the new dwellings.

5.10 *Conclusion*

In view of the above, it is considered that the proposed dwelling would respect and enhance the character, distinctiveness and amenity of both the site and the locality. As such the proposal accords with policy D1, L1 and H4 of the adopted local plan and the guidance contained in the Design Checklist SPD.

5.11 Residential Amenity

The application site is surrounded by residential development. The impact on the occupiers of these dwelling is assessed below: -

5.12 *Development to West (No. 15 South View Crescent)*

Approximately 25m to the west of the proposed dwelling there is an existing dwelling. It is considered that this distance is sufficient to mitigate any overbearing effect. Furthermore, the proposed dwelling would not include any windows which would afford direct visibility into the private amenity space of this dwelling. As such there would be no material harm to the residential amenities of the occupiers of this dwelling.

5.13 *Development to North (No. 9 South View Crescent)*

The proposed dwelling would be adjacent to the end of extensive rear garden of No. 9 South View Crescent. The proposal would include three Velux windows, these would afford some visibility into the private amenity space of this dwelling when open. However, given their distance from the host dwelling (60metres), it is considered that there would be no material harm to the residential amenities of the occupiers of this dwelling.

5.14 *Development to East (Nos. 135 to 165 Roundways)*

To the east of the proposed dwelling there is a well established row of semi-detached dwellings. Some objections have been received from these some of the properties on the grounds of; an overbearing impact; a loss of privacy; and disturbance. These issues shall be dealt with individually: -

1. Overbearing effect

All of these properties are sited at least 12m from the proposed dwelling. It is considered that this distance is sufficient to prevent any material overbearing effect, and loss of light.

2. Loss of Privacy

The proposed dwelling would not include any windows in its north-east elevation which faces onto the rear of the nearby row of dwellings. Please note, it is not considered necessary to attach a condition to prevent windows in this elevation because there would be a 12m separation distance, which would prevent any loss of privacy.

3. It is noted that the first storey windows on the proposed dwellings south-west elevation would afford some oblique views into the amenity space of No. 161, 159 and 157. Nevertheless, it is

considered that the nature of these views would be typical of those expected within a well established residential area. As such, there would be no material loss of privacy which would harm the residential amenities of the occupiers of these dwelling.

4. Disturbance

A local resident claimed that the use of the track would lead to noise, disturbance, fumes and smells which would impact residential amenities. Notwithstanding these comments, the Councils Environmental Services department have assessed the above issues and have raised no objection. Nevertheless, it is recommended to attach informatives (if approved) to reduce any disturbance caused during the construction of the development.

5.15 *Conclusion*

In view of the above, it is considered that the proposed dwelling would not material harm the residential amenity of nearby occupiers. As such, the proposal accords with policy H2 and H4 of the adopted local plan.

5.16 Transportation

The transportation impact of this development has become particularly contentious with local residents. These objections have been summarised in paragraph 4.2 of this report (Points D to J). To assess these issues the Council Transportation Engineer has assessed the development: -

5.17 *Parking*

The proposed parking arrangement are considered to be satisfactory and would accord with the Councils maximum parking standards set out under Policy T8 of the adopted local plan.

5.18 Access

The Transport Engineer raised no objection to the proposed vehicular access to the application site. It is noted that local residents raised concern with regard to refuse collection. The engineer concluded that the proposed bin store at a mid point between the site and the public highway would be acceptable. This was because it is was apparent that a refuse wagon currently makes a collection from the access lane, as such there would be no material change in circumstances. In addition, any visits made to the site by delivery vehicles/fire tender would be infrequent and the impact of occasional reversing vehicles would be at a level considered negligible in highway safety terms.

5.19 Drainage

The applicant has confirmed in their application that the new dwelling would join to the existing drainage system. It was identified by local residents that the proposed development would overload this drainage system. Notwithstanding, the Councils Drainage Engineer has assessed the development and has raised no objection. Nevertheless, it is recommended that the standard sustainable drainage systems (SUDS) condition is attached to ensure a satisfactory means of drainage is provided.

5.20 Land Ownership

It has been highlighted by local residents that the applicant does not have a right of way over the proposed access lane because it is private. This is not a planning consideration and is separate civil matter between the applicant and the landowner. Nevertheless, in this application the correct notice has been served (Certificate B) and the landowner has been consulted. It is noted that an objection was received from the landowner, and the applicant has been made aware of this. For the avoidance of doubt a informative shall be attached to this consent to state that planning permission shall not be construed as granting rights to carry out works on, or over, land not within the ownership, or control, of the applicant.

5.19 Design and Access Statement

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

5.20 Section 106 Requirements

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

6. CONCLUSION

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

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 to be **GRANTED** subject to the following conditions:

Background Papers **PT08/2775/F**

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(s):

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

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

Reason(s):

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

3. No development shall take place until a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason(s):

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

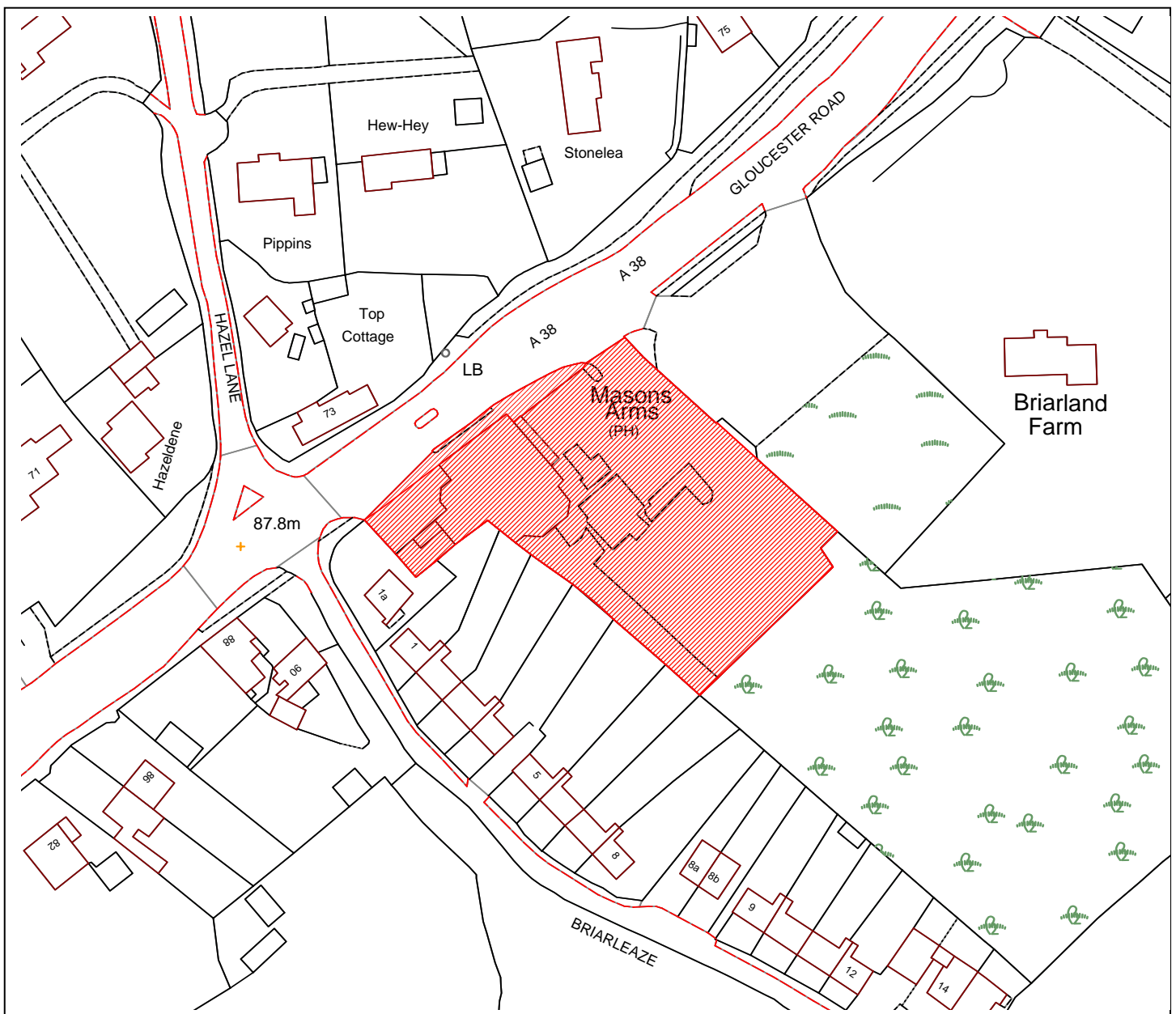
4. No development shall take place until drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason(s):

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

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.:	PT08/2888/ADV	Applicant:	Mr G Sutherland
Site:	Masons Arms, Gloucester Road, Rudgeway, South Gloucestershire, BS35 3QJ	Date Reg:	29th October 2008
Proposal:	Display of 1no. internally illuminated totem sign, 2no. non-illuminated totem signs, 1no. internally illuminated fascia sign and 3 no. externally illuminated fascia signs. (retrospective)	Parish:	Alveston Parish Council
Map Ref:	62921 86955	Ward:	Thornbury South and Alveston
Application Category:	Minor	Target Date:	23rd December 2008



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INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from the Alveston Parish Council which were contrary to the Case Officers recommendation.

1. THE PROPOSAL

1.1 This application seeks retrospective planning consent for the following advertisements: -

- Item 01 - Double sided totem sign – internally illuminated (1.2m width and 4m in height)
- Item 02 – Individual letter fascia sign – externally illuminated (1.5m in width and 0.6m in height)
- Item 02a – Oval fascia sign – internally illuminated (1.8m in width and 1.1m in height)
- Item 03 – Individual letter fascia sign – externally illuminated (3.4m in width and 0.3m in height)
- Item 04 - Individual letter fascia sign – externally illuminated (2m in width and 0.8m in height)
- Item 06 & 07 – Single leg totem sign – no illumination (1.2m in width and 3.6m in height)

1.2 The applications site relates to Public House which is situated adjacent to the busy A38 within the rural settlement of Rudgeway. The site is designated as Green Belt.

2. POLICY CONTEXT

2.1 National Guidance
PPG19: Outdoor Advertisement Control

3. RELEVANT PLANNING HISTORY

3.1 Various advertisement applications none specifically relevant.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council
Alveston Parish Council objects to the application below as the amount and type of signage in the application is both excessive and out of keeping for a rural location. It is also imperative that the Planning Department take into consideration the fact that the signage detailed in the application and two additional tall signs have already been erected with no planning permission granted.

4.2 Sustainable Transport
No objection.

- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The display of outdoor advertisement is controlled through the Town and Country Planning (Control of Advertisements) Regulations 1992. Advertisements can only be controlled in the interests of visual amenity and public safety.

5.2 Visual Amenity

This application seeks retrospective consent for display of seven advertisements. The scheme includes 3no. totem signs and 4no fascia signs. Two of the advertisements are internally illuminated, four are externally illuminated and two have no illumination.

- 5.3 The existing building relates to a well established public house. It is considered that the building has no significant architectural merit. It is noted that the Parish Council objects to the number of advertisements. Notwithstanding this view, it is considered that their scale and siting of the advertisement is proportionate to the existing building and therefore the scheme does not detract from the character and appearance of the existing building, or the surrounding area. Accordingly the cumulative impact on visual amenity has been considered. However, whether signs have been erected without first obtaining consent is not in itself material to the consideration of visual amenity.

- 5.4 Furthermore, it noted that the Parish Council has objected to the level of illumination of the proposed scheme. Notwithstanding these comments, it should be noted that the site is located in an area which is already well lit by street lighting and faces onto a busy classified road. As such, it is considered that the illumination of the advertisements does not materially harm visual amenity is this location.

5.5 Public Safety

The Council Sustainable Transportation has raised no objection to the proposal. It is therefore considered the proposal would not threaten public safety.

6. CONCLUSION

- 6.1 The decision 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 Advertisement consent to be **GRANTED**.

Background Papers **PT08/2888/ADV**

Contact Officer: **Peter Rowe**

Tel. No. **01454 863131**

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.: PT08/2966/F

Applicant: Ms E Demosthenous

Site: 18a Gloucester Road North, Filton, South Gloucestershire, BS7 0SF

Date Reg: 10th November 2008

Proposal: Conversion of existing first floor to form 1 no. self contained flat (retrospective).

Parish: Filton Town Council

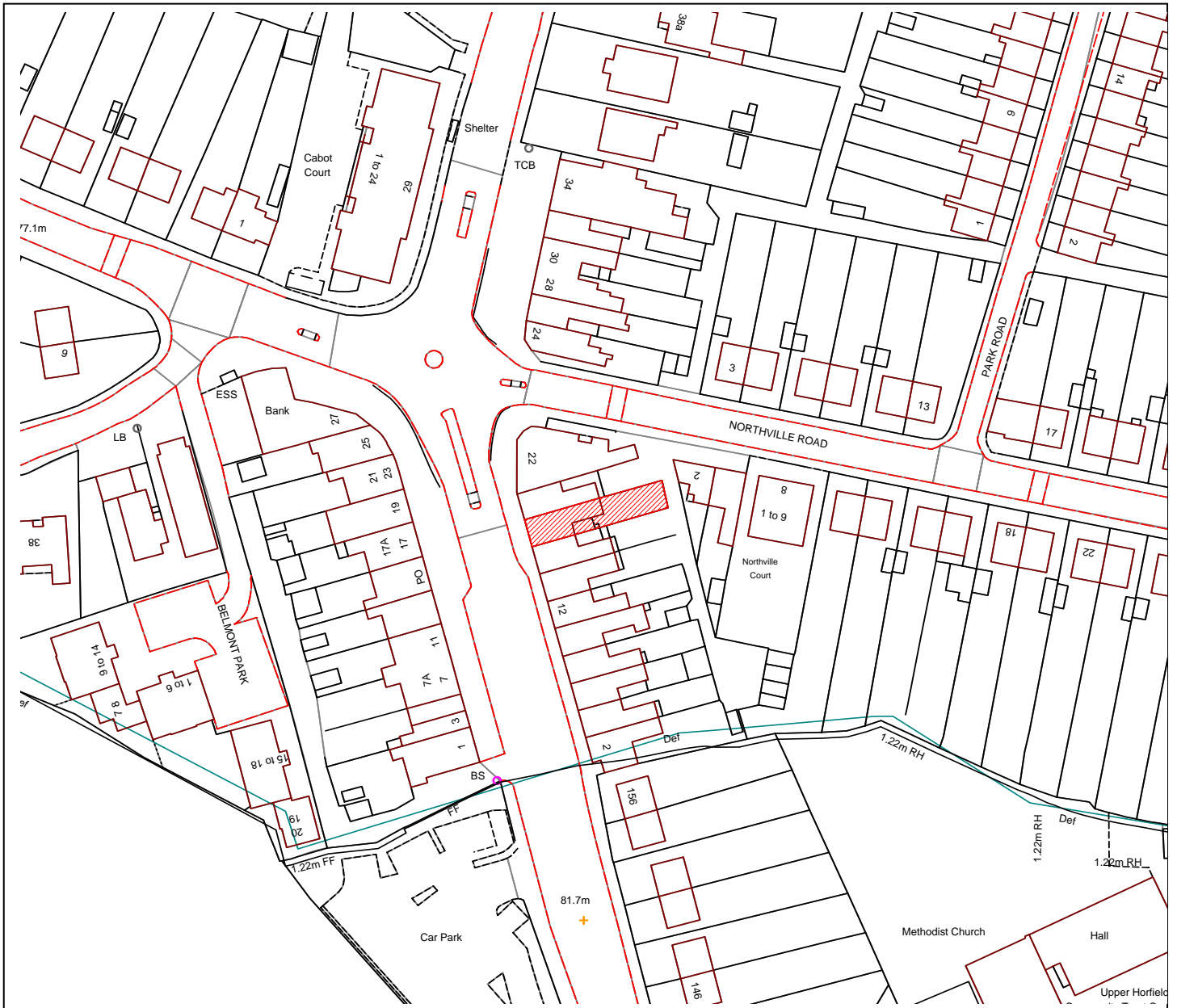
Map Ref: 59911 78204

Ward: Filton

Application Category: Minor

Target Date: 29th January 2009

Category:



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PT08/2966/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of objection from a local resident which are contrary to the Case Officers recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks retrospective planning permission for the conversion of the existing first floor to form 1no. self contained flat.
- 1.2 The application site relates to an existing first floor flat which is situated above an existing A1 retail unit (Pet Shop). The site is situated within the well established urban area of Filton.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H2: Proposal for Residential Development within Existing Urban Areas
H5: Residential Conversions
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2318/CLE Certificate of lawfulness for the existing use of building as a shop (Class A1) on the ground floor and residential use on the first floor.
Withdrawn on 2nd October 2008.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection, but concerned with the increasing number of retrospective applications being received.
- 4.2 Local Residents
Two letters of objection have been received from a local resident. Their comments are summarised below: -
 - The flat has only been converted from a hall within the past 3 years;
 - the building works are not up to BS standards and fire regulations have not been adhered to;

- The flat shares the same front door and stair case to the flat next door (also above a shop), therefore sufficient fire escapes should be made available. This should be investigated under fire regulations; and
- The flat is above a well established pet shop, which can be noisy.

5. ANALYSIS OF PROPOSAL

5.1 Background

The application site relates to a first floor flat situated within a well established urban area of Filton. The building forms part of small shopping parade which was built in the Circa. 1950s. It was noted on the site visit that a number of the shops within the parade have flats at the first floor level. It is therefore assumed that the development was approved as a mixed use scheme. However, no reference could be found to the original planning consent to substantiate this assumption.

5.2 Notwithstanding the above, there is uncertainty with regard to the authorised planning use of the first floor of the application site. This is because during a recent Certificate of Lawfulness application (PT08/2318/CLE) information was received from a previous owner and a local resident which stated that the first floor had been used as a community hall, and was then converted to a flat in 2003.

5.3 The application site has no planning history. As such, the change of use of the site to a flat in 2003 was carried out without planning permission and therefore constitutes unauthorised development. The applicant attempted to regularise the use through a Certificate of Lawfulness, however they could not provide evidence to prove on the balance of probability that the site had been used for residential purposes for four years. As such, they withdrew that application and submitted this retrospective planning application to regularise the planning use.

5.4 Principle of Development

The application site lies within the urban area of Filton. Advice contained within PPS3 encourages the conversion of housing into extra residential accommodation, regarding it as an important source of additional housing, particularly in town centres. This policy stance is reflected in policy H5 of the adopted local plan. This policy allows for the conversion of existing residential properties into smaller units of self-contained accommodation provided the following criteria are complied with:-

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

The conversion of this first floor flat in 2003 involved no external alterations. The well established shopping parade features a number of flats at the first floor level. As such it is considered that the conversion of the first floor did not prejudice the character of the surrounding area.

5.6 **B. the development would not prejudice the amenities of nearby occupiers;**

As previously stated, there are a number of flats at first floor level. As such it is considered that the introduction of this flat has not harmed residential amenity. This is supported by the fact no objection have been received from adjacent occupiers.

It is noted that the tenant of the A1 retail unit beneath the flat has objected to the development on the grounds that the use of the unit as a pet shop would cause noise disturbance to the occupier above. The objector has suggested that sufficient noise prevention needs to be installed to mitigate any impact. Notwithstanding this, it is considered that the level of noise would not cause material harm to the occupiers of the flat to refuse this application. Furthermore, it is also noted that the scope for Building Regulation considerations was extended in 1991 to cover detailed requirements for sound insulation between converted flats and adjoining properties.

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

There is no allocated parking with the two-bedroom flat. Nevertheless, the application site is situated within a sustainable urban area, which has excellent access to public transport links. Furthermore, there is on-street parking on the surrounding street and some informal off-street parking to the rear. As such, it is considered that the development would not result in unacceptable levels of on-street parking.

5.8 D. it would provide adequate amenity space.

The proposal flat has no private amenity space. Nevertheless, this would be same arrangement as other adjacent flats. The site has good access to areas of public open space and nearby leisure facilities. As such, amenity space would not be required in this instance.

5.9 Other Matters

The tenant of the A1 unit of the beneath the first floor flat has raised objections to the building works because they are not up to BS standards and fire regulations have not been adhered to. These issues are not material considerations to this application. However they are matters for Building Control. It is therefore recommended that a condition is attached to ensure that applicant has sought the necessary Building Regulation consent.

5.10 Design and Access Statement

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

5.11 Section 106 Requirements

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

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission to be **GRANTED**.

Background Papers **PT08/2966/F**

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

ITEM 16

CIRCULATED SCHEDULE NO. 02/08 – 16 JANUARY 2009

App No.: PT08/3014/F

Applicant: South Gloucestershire Bus & Coach

Site: The Coach Depot, Pegasus Park, Gipsy Patch Lane, Little Stoke, South Gloucestershire, BS34 6QD

Date Reg: 18th November 2008

Proposal: Change of use of Industrial premises (Class B2) to form extension to existing Bus and Coach Depot (Sui Generis). (Retrospective).

Parish: Stoke Gifford Parish Council

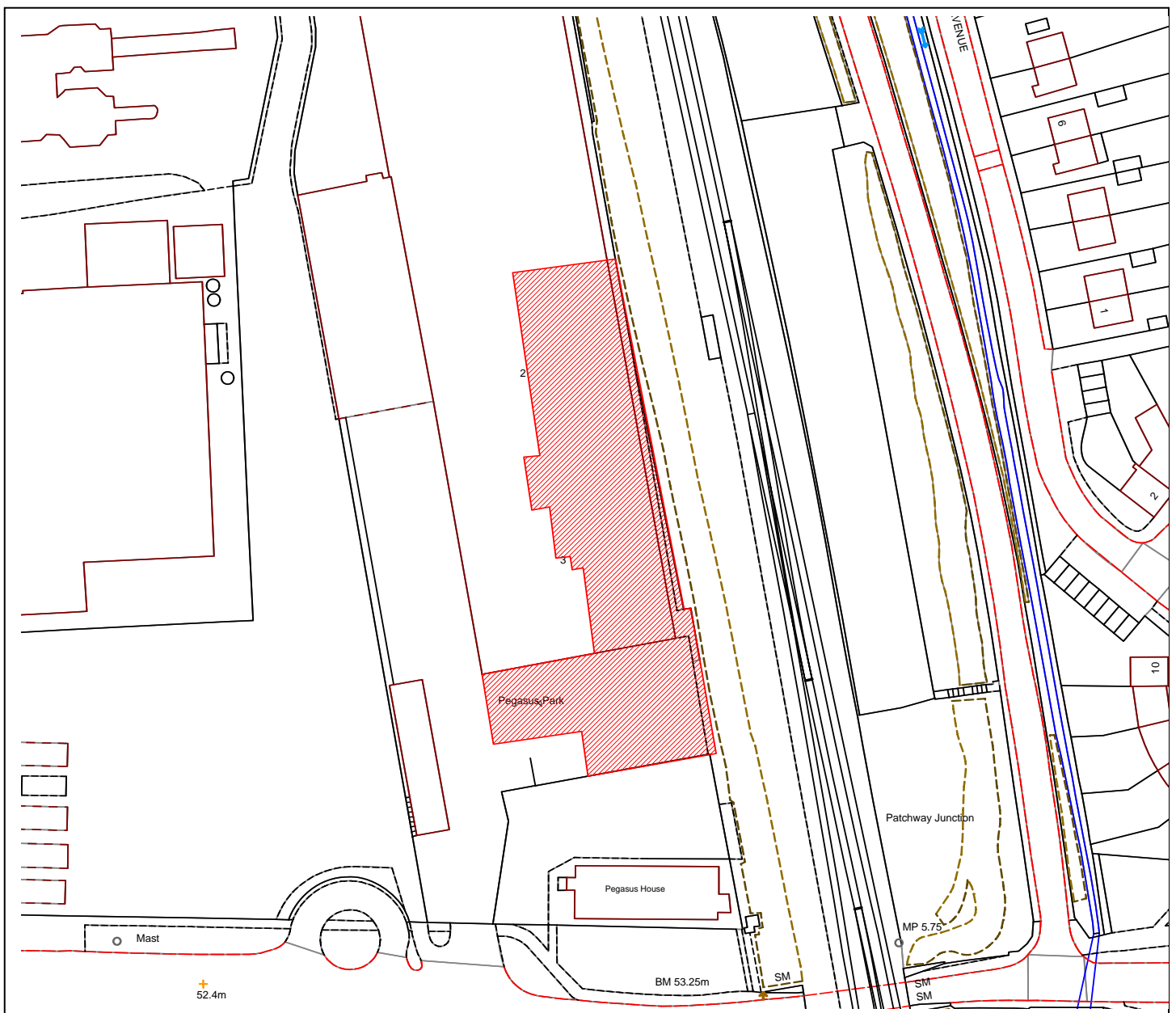
Map Ref: 61110 80657

Ward: Stoke Gifford
Target 7th January 2009

Application Minor

Category:

Date:



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N.T.S

PT08/3014/F

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 a change of use of industrial premises (Class B2) to form extension to the existing Bus and Coach Depot (Sui Generis). (Retrospective).
- 1.2 The site lies to the north of Gipsy Patch Lane within a Safeguarded Employment Area. The section of building covered by the red edge in this application has been used as a Bus and Coach Depot (Sui Generis) for some time and this retrospective application has been submitted following a complaint made to the Council's Planning Enforcement Team.
- 1.3 The description of this application has been altered following discussion between the Case Officer and the applicant's agent. The previous description was considered unclear and potentially misleading reading 'Change of use from industrial premises (Class B2) to Bus and Coach Depot (Sui Generis) to facilitate extension (retrospective)'.

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
E3 Criteria for Assessing Proposals for Employment Development within the Urban Area
E4 Safeguarded Employment Areas
EP1 Environmental Pollution
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

PT03/0553/F – Change of use of part of the former Watson's steel premises from General Industry (B2) (as defined in the Town & Country Planning (Use Classes) Order 1987) to bus and coach depot (sui generis). Approved 02/04/2003.

PT08/2467/ADV – Display of 8 no. non-illuminated fascia signs. (Retrospective). Approved 24/10/2008.

PT08/2757/F - Change of use of land on bus depot forecourt (sui generis) to use of land for the stationing of mobile catering units (class A5) (as defined in the Town and Country Planning (Use Classes) Order 1987). Recommendation of approval 20/11/2008. Site to be inspected and application to be heard at planning Committee on 22 January 2009.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Object on the grounds that the increased number of buses since 2002 has caused staff to park off site and obstruct public parking around and near Gifford Crescent, Kingsway shops and Lawford Avenue; also object in that the use has become over-developed for the site itself.

Other Representations

4.2 Local Residents

Two letters have been received in opposition to the scheme raising the following concerns:

- There is no clear identification of the extent of the change of use
- The alleged one way system is not in operation. In practice, the circulation area to the south of the building is normally fully parked, preventing the free egress of buses and coaches from the southern end of the building
- Congestion close to the access to Pegasus Park causes problems for other businesses within Pegasus Park, in that their customers cannot reach their designated parking spaces because of obstruction by other vehicles
- There is inadequate parking provision, or inadequate supervision of parking on the application site
- Detritus and effluent, including raw sewage, is emptied directly into the drains. This is extremely offensive and unneighbourly
- Employees of the bus company park in neighbouring residential streets, causing serious inconvenience to neighbouring residents, who then, themselves, cannot find parking space near to their homes. Adverse impact on residential amenity
- Contamination of the surface water drainage system

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within a *Safeguarded Employment Area* designated under Policy E4. In assessing applications for developments within such area, proposals are tested against the criteria set out in Policy E3. This proposal allows for such development subject to the following criteria. The design aims

and objectives set out in Policy D1 are also relevant and these will be discussed under criterion D.

A. Development would not have unacceptable environmental effects;

The Council's Environmental Health Officer was consulted as a part of this application. The Officer raised no objection to the change of use but did comment that there were some issues with drainage on the site. Several complaints concerning the application site have been received in regard to poor drainage on site involving constant blockages that are occurring in the vicinity of Tyres Direct which is across the yard from South Glos Bus Company. However, on consulting with the Council's Drainage Engineer it was advised that the change of use under consideration in this application was not the cause of the drainage issues on site. Indeed these matters of drainage would be considered a civil matter and could not constitute a planning refusal reason. As such, it is considered that the development would accord with this criterion.

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;

This is an established industrial site with lawful use as a coach depot with the remainder designated for B2, General Industrial Use. It is likely that the proposed use would generate additional larger, slow moving vehicles (buses) though will not necessarily result in an overall intensification in vehicular use. For instance, were the site also used for "General Industrial" then it is considered there would be more staff, greater parking demand and a significant increase in car movements.

Furthermore there are benefits to consolidating use of the site for a single use rather than multiple occupiers. Sub-divided plots tend to generate more vehicles movements due to separate staff, deliveries, visitors, and have less potential for linked trips.

A transport plan for the site was required as a part of application PT03/0553/F (under condition 3) and details were recently submitted to the LPA and formally discharged. A condition is attached to this decision notice requiring the parking and manoeuvring facilities as agreed to be retained.

Overall it is considered that the proposed use is not a significant departure from the type of activities that could currently/lawfully take place within the site. The immediate highway network has capacity to accommodate the increase in bus movements.

On this basis there is no transportation objection.

C. Development would not prejudice existing residential amenities;

The change of use is located within a commercial area which is not near to any residential properties. In addition the site already experiences high noise levels

due to its close proximity to busy roads such as Gloucester Road and Gipsy Patch Lane. As such, the change of use would not prejudice existing residential amenity and would satisfy this criterion.

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

The application site is located within a Safeguarded Employment Area on an industrial estate. The change of use consolidates an employment use on the site and does not impact adversely on the character of the site. It is considered that the proposal would accord with the criterion set out in Policy D1 of the Local Plan.

E. The maximum density compatible with the sites location, its accessibility and its surrounding is achieved

The change of use consolidates the use of the entire former Watson's steel factory as an employment use. It is considered that the maximum density compatible with the sites location is being achieved.

5.2 Other Matters

It is considered that the block plan submitted clearly shows the section of the former Watson's steel factory subject to this retrospective planning application. As previously mentioned it is considered that issues concerning drainage on the site including alleged contamination cannot be considered as a material planning matter.

5.3 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.

5.4 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/3014/F**

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

CONDITIONS

1. The development shall be carried out in accordance with the transport details (agreed through condition 3 of planning application PT03/0553/F) as submitted to the Local Planning Authority on 22nd August 2008 and formally discharged on 5th December 2008. Thereafter, the parking and manoeuvring facilities as agreed shall be retained for that purpose.

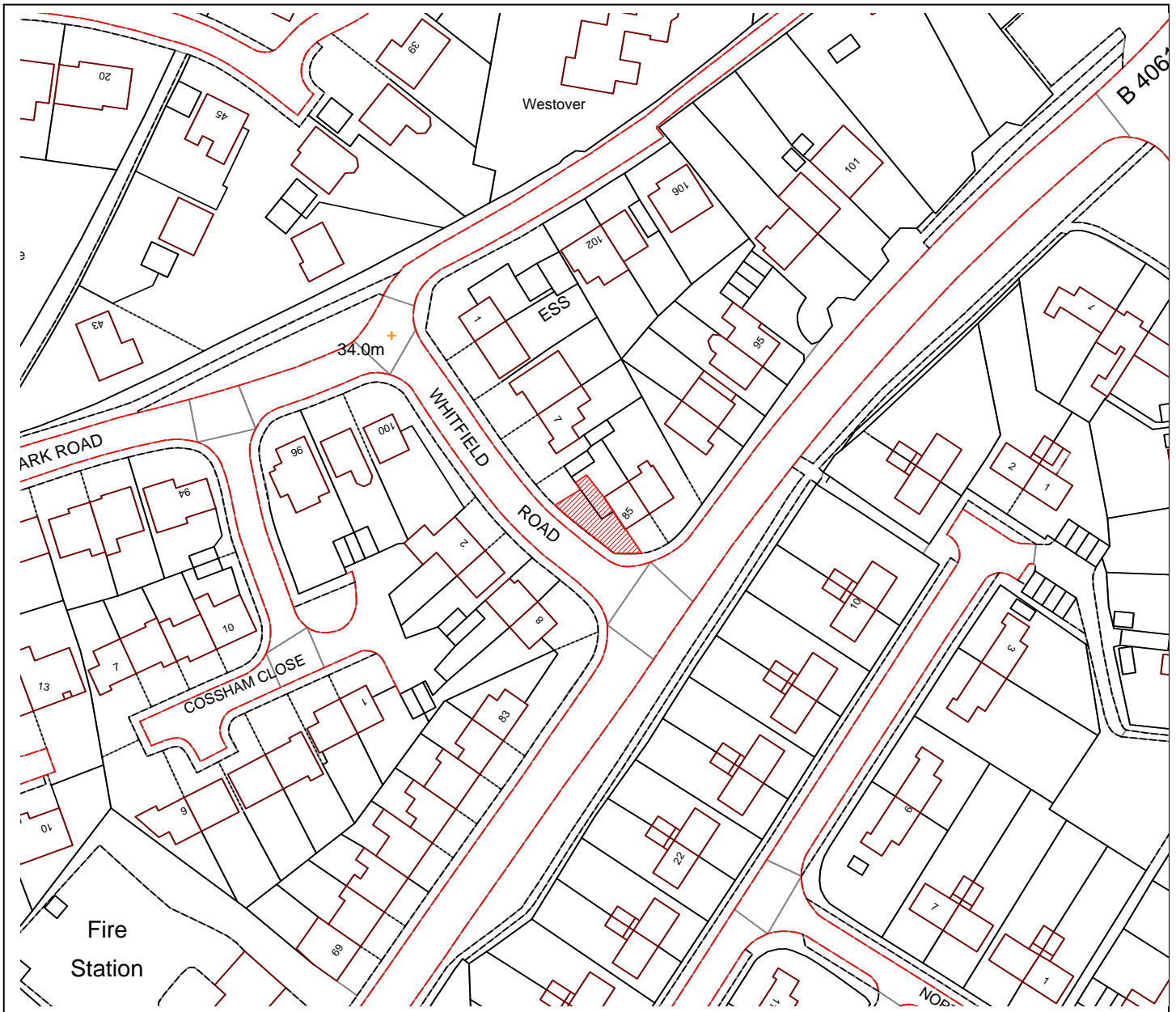
Reason(s):

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

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.: PT08/3029/F
Site: 85 Gloucester Road, Thornbury, South Gloucestershire, BS35 1JZ
Proposal: Erection of front porch and conversion of existing two storey side extension to form 1 no. attached dwelling.
Map Ref: 64277 90895
Application Category: Minor

Applicant: Mr D Owen
Date Reg: 20th November 2008
Parish: Thornbury Town Council
Ward: Thornbury North
Target Date: 13th January 2009



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N.T.S

PT08/3029/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from local residents which are contrary to the Case Officers recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission to erect a front porch to facilitate the conversion of an existing two storey side extension into one attached dwelling. The development would include the provision of one off street parking space to north-west of the application site.
- 1.2 The application site relates to an existing 1960s semi-detached dwelling. The dwelling has recently been extended through a two-storey side extension on its south-west elevation. The application site is situated within a well established residential area of Thornbury.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPS3: Housing
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H2: Proposals for Residential Development, within the existing urban areas and the boundaries of settlements
H4: Development within Existing Residential Curtilages
H5: Proposals for the Conversion of existing residential properties into smaller units of self contained Residential Accommodation
T12: Transportation Development Control for New Development
T8: Parking Standards
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/1690/F Erection of two storey side extension to form dining area, utility and WC with additional bedrooms and ensuite facilities over. Relocation of side boundary wall. (In accordance with amended plans received on 13 July 2004).
Approved 26 July 2004
- 3.2 PT07/1012/F Erection of front porch. Erection of rear extension to garage and construction of pitched roof.
Approved 4 May 2007

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council
No objection.

4.2 Sustainable Transport
No objection.

4.3 Local Residents

Three letters have been received from two local residents in relation to this application. Their comments have been summarised below: -

- A. Nos. 85 & 87 are semi-detached and have a attractive and symmetrical appearance.
- B. The alterations would unbalance frontage;
- C. The development would give a jarring and disharmonious appearance to the terrace as a whole;
- D. Concern over the capability of the drainage system;
- E. New wall and “mini-car park” would obstruct view of road at busy road junction;
- F. Access and egress manoeuvres would not be safe;
- G. It approved, would create a precedent for future planning applications;
- H. Where will be lamp post be moved to?;
- I. Increase on-street parking and resultant inconvenience;
- J. Highway safety – particularly school children; and
- K. Deeds of Covenant

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the conversion of existing residential properties into smaller units of self contained residential accommodation provided that the scheme would:

- not prejudice the character of the surrounding;
- not prejudice the amenities of nearby properties;
- identify an acceptable level of off-street parking; and
- provide adequate amenity space.

5.2 Design and Visual Amenity

To facilitate the conversion of the side extension a single storey front porch would be erected. This would span the entire width of the two storey extension and would match the existing porch in its height and depth. Some representations have been received which have objected to the porch on the grounds that it would unbalance frontage, and would give a jarring and disharmonious appearance to the terrace as a whole.

5.3 The proposed porch would respect the materials, height and depth of adjacent porch. Furthermore it is claimed that the porch would unbalance the frontage, however it is considered that the addition of the existing two storey side extension has had a greater impact on the symmetry of the semi-detached pair. As such, it considered that the addition of this modest porch would not result in semi-detached pair appearing more “unbalanced”. As such, notwithstanding the

- contrary representations, it is considered that the proposed porch would not materially harm the character of the existing dwelling or the surrounding residential area.
- 5.4 Residential Amenity
Given the modest scale of the proposed porch, it is considered that it would have no overbearing effect, or would result in a loss of privacy. Furthermore, the existing extension has a residential use, hence the subdivision of the property into two residential units would have no significant further impact on the amenities of nearby occupiers.
- 5.5 Amenity Space
It is proposed to subdivide the existing garden to provide amenity space for both the existing and proposed dwellings. It is noted that the amenity space would be limited in size. Nevertheless it is considered that it would be sufficient for basic outdoor needs. Furthermore, this part of Thornbury has good access to open space for recreational purposes. In view of this it is considered that adequate private amenity space has been provided in this instance.
- 5.6 Transportation
The transportation impact of this development has become particularly contentious with local residents. These objections have been summarised in paragraph 4.3 of this report (Points E to J).
- 5.7 Notwithstanding these comments, the Transport Engineer has assessed the development and considers the access and parking to accord with Policy T12 of the local plan. As such, the development is considered to be safe in highway safety terms and would not generated unacceptable levels of on-street parking. Nevertheless it is recommended that a condition is attached to ensure the proposed parking space, as shown on plan, is implemented.
- 5.8 It is noted that an existing lamp post would be situated in close proximity to the proposed parking space. This is not a material planning and therefore would not warrant a refusal of planning permission. However, the applicant would have to construct the access to the specification of the Council Street Care team. As such, this issue would be addressed at that point. It is recommended that an informative is attached to advise the applicant of this.
- 5.9 Drainage
One of the objections to the scheme related to drainage. The applicant proposes to connect to the existing main sewer. As such there is no objection to this aspect of the scheme.
- 5.10 Other Matters
One of the objections to the scheme related to the conditions of the deeds of covenant of the original development. These are civil matters between the applicant and the original developer and are therefore not material to the determination of this planning application.

5.11 Design and Access Statement

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

5.12 Section 106 Requirements

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

Background Papers **PT08/3029/F**

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(s):

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

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

Reason(s):

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

ITEM 18

CIRCULATED SCHEDULE NO. 02/08 – 16 JANUARY 2009

App No.: PT08/3074/F
Site: Heatherlee, Blackhorse Hill, Easter Compton, South Gloucestershire, BS35 5RR
Proposal: Erection of single storey side extension to form garage. Replacement flat roof front canopy to pitched roof
Map Ref: 57626 82060
Application Category: Minor

Applicant: Mr R Porter
Date Reg: 27th November 2008
Parish: Almondsbury Parish Council
Ward: Almondsbury
Target Date: 19th January 2009



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100023410, 2008.

N.T.S

PT08/3074/F

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 a single storey side extension to form a garage and replacement of flat roof front canopy to pitched roof.
- 1.2 This is a large detached property located within the Easter Compton settlement boundary which is 'washed over' by the Green Belt.

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
GB1	Development within the Green Belt
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
Development in the Green Belt (June 2007)

3. RELEVANT PLANNING HISTORY

P99/1763 – Erection of dormer extension. Refused 14/06/1999

PT02/0677/F – Erection of two storey side extension. Approved 22/04/2002

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

The Parish Council has no objection to this application but feel the neighbouring properties have valid concerns regarding the extension.

Other Representations

4.2 Local Residents

One letter of objection received raising the following concerns:

- The materials being used in the development

- Guttering may overhang onto neighbouring property

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

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 Green Belt

Consent was granted in 2002 for a two storey side extension to Heatherlee, however it appears that this scheme was not implemented. This proposal is of modest size and scale, essentially building a permanent attached garage where an existing temporary car port stands and converting the existing garage into ancillary living accommodation while adding a pitched roof. The increase in cubic volume to the original property would therefore be minimal and these additions are not considered to be disproportionate. The proposal therefore complies with Policy GB1 of the Local Plan.

5.3 Design Issues

It is considered that the proposal would improve the overall visual appearance of the property by adding a pitched roof to the existing flat roof and replacing the existing timber car port with a permanent structure with materials to match the existing dwelling.

5.4 Residential Amenity

Overbearing Analysis

The proposed garage is primarily replacing the footprint of the existing car port and would therefore not be overbearing on the residential amenity of neighbouring occupiers.

Privacy Analysis

No side elevation windows are proposed in the replacement garage so therefore there would be no overlooking or loss of privacy as a result of the proposal.

Highway Safety Analysis

There is ample off street parking available in front of the property and an integral garage is also remaining on site so therefore there would be no transportation objection to the proposal.

5.5 Other Matters

A local resident raised concern over guttering from the proposal overhanging onto their property. It is noted that this is a civil matter and cannot be

considered as a material planning consideration. The applicant must ensure that they have all ownership or land rights to construct the development in addition to any planning permission. An informative to this effect would be placed on the decision notice in the event of an approval.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/3074/F**

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

CONDITIONS

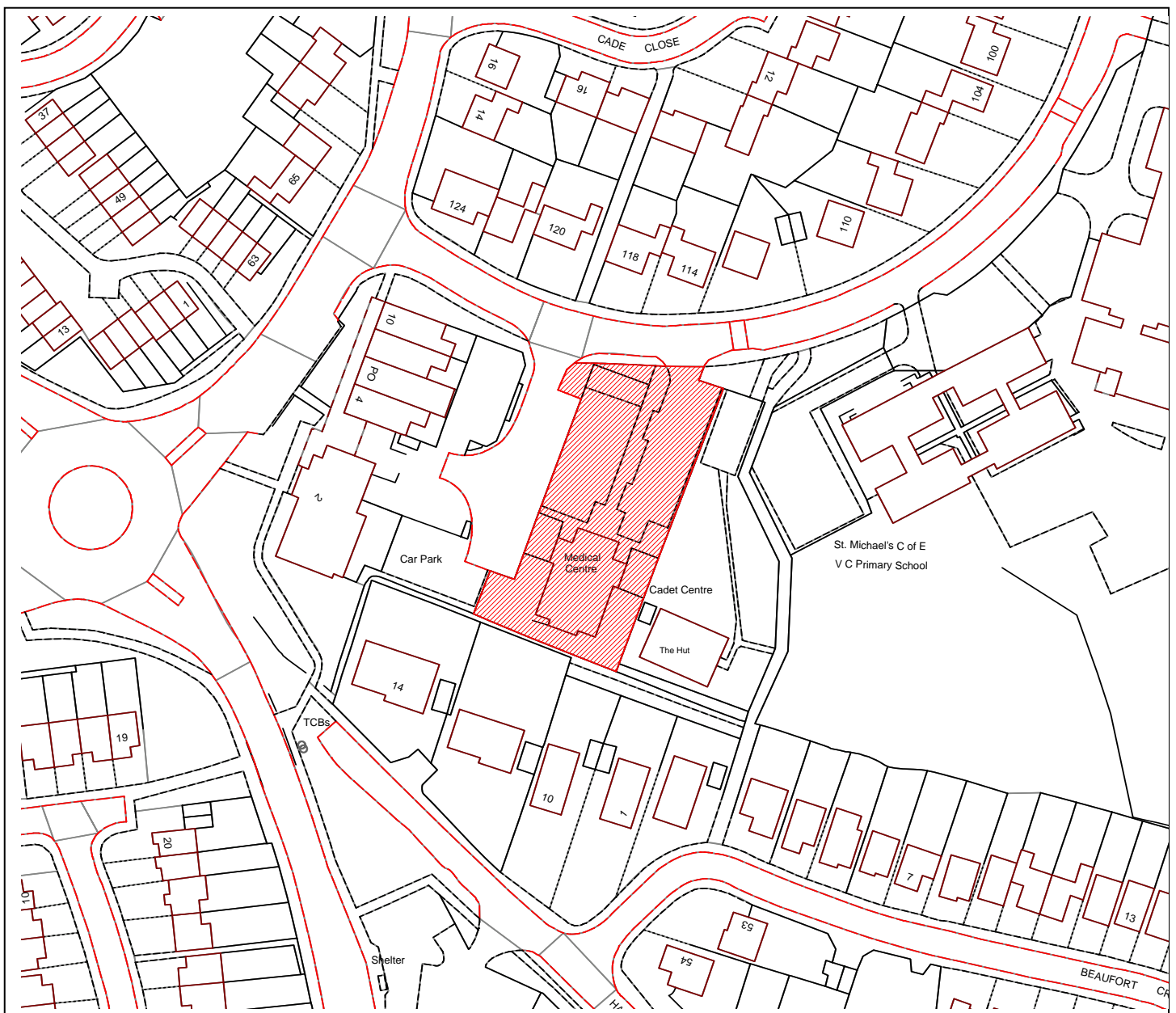
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 02/09 – 16 JANUARY 2009

App No.:	PT08/3104/F	Applicant:	Dr. Dr Deakin & Partners
Site:	Stoke Gifford Medical Centre, Ratcliffe Drive, Stoke Gifford, South Gloucestershire, BS34 8UE	Date Reg:	2nd December 2008
Proposal:	Erection of single storey accommodation to provide additional consulting rooms and offices for a temporary period of 5 years.	Parish:	Stoke Gifford Parish Council
Map Ref:	62216 79982	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	23rd January 2009



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N.T.S

PT08/3104/F

INTRODUCTION

This application appears on the Circulated Schedule as comments from local residents have been received which conflict with the officer recommendation in this case.

1. THE PROPOSAL

- 1.1 The site consists of an existing Medical Centre and associated car parking facilities. Access to the site is from Ratcliffe Drive.
- 1.2 The proposed development consists of the construction of a single storey extension to the East of the existing building to provide additional consulting rooms and administration space. The proposed buildings consist of prefabricated structures and are intended to provide the additional accommodation for a temporary period of up to 5 years; the application seeks temporary planning consent for this period.

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.
LC4 Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries.
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
'No comment'
- 4.2 Sustainable Transport
No Objection. The level of parking available will remain unchanged though is considered sufficient to serve the proposed development particularly given the sustainable location of the site. The access and immediate road network have sufficient capacity to accommodate any development traffic though a significant increase is not anticipated given there will be no change in parking provision.

Other Representations

4.3 Local Residents

Two letters have been received. These letters raise objection to the proposed development and the relevant comments are summarised below.

The proposed development will generate additional traffic to the detriment of highway safety

The proposed development will result in additional parking in the highway where there is already difficulties manoeuvring due to parked cars.

The temporary nature of the proposed development is out of keeping with the character of the existing building.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of an extension to the existing Medical Centre. The site is located within the Bristol North Fringe Urban Area.

5.2 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this application. The policy indicates that the proposed development is acceptable subject to the following considerations.

5.2 Need

The developer does not need to demonstrate that there is a need for the development as it would comply with the broad principles for this type of development as set out in the South Gloucestershire Local Plan (Adopted) January 2006. However, the developer has recognised that the development would utilise temporary structures which would not offer the best visual/design solution. The applicant has set out that, since the development of the existing Medical Centre (1990 to 1991) the patient list has expanded significantly and is forecast to continue to do so. The development is required in order to accommodate immediate and essential accommodation needs that have been identified by the Primary Care Trust. The current building provides approximately half of the recommended accommodation to serve the surrounding community. It is acknowledged that the development of permanent structures would be the preferred solution, however funding for such development is partly dependant upon the implementation of new residential development at Harry Stoke and is not yet available to the Primary Care Trust. The future residential development may also affect the decision as the best way and location to provide permanent facilities.

5.3 Having regards to the above, the developer has requested that the proposed development is granted temporary consent for a period of 5 years to take account of the temporary nature of the buildings proposed.

5.4 Design

The proposed buildings are prefabricated modular type buildings which can be craned into position. Such buildings would not normally be considered acceptable in visual terms, however given the temporary nature of the development and the immediate need as set out above officers have assessed the visual merits of the development as follows.

- 5.5 There are three separate units which would be grouped closely together in order to form two main areas accessed separately via link structures from the existing building. The development will provide two additional consulting rooms, a nurse's consulting room, modest staff accommodation and additional administrative accommodation.
- 5.6 The buildings are functional in appearance and would have a flat roof. The majority of the proposed development would be obscured by the existing brick boundary forming the Eastern Boundary of the site. However, the development will project into the car parking area associated with the Medical Centre and will be clearly visible from the public realm at this point. In this instance, where elevations of the proposed development are visible, it is proposed to clad these elements with vertical boarding. It is considered that, given the temporary nature of the proposed development, these measures are sufficient to mitigate against the visual impact of the development. An appropriate condition is sufficient to make any planning permission temporary for five years.
- 5.7 Residential Amenity
The proposed development would take place to the East of the existing building. The area immediately to the East of the site is made up of open non-residential land and contains development associated with the Army Cadet Force. Beyond this to the East is St Michael's Primary School. Given this relationship, it is considered that there would be no material impact in residential amenity terms.
- 5.8 Transportation.
Local concern is expressed in relation to the potential for the proposed development to generate additional vehicular traffic and to cause on street parking problems in the immediate locality; and as such have a detrimental impact upon highway safety.
- 5.9 Notwithstanding the concerns raised, officers consider that the site is within a sustainable location and that the development would not result in a material increase in the level of traffic in this locality. Furthermore, it is considered that the local highway has sufficient capacity to deal with associated traffic and that the existing level of car parking is sufficient to cater for the proposed development.
- 5.10 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.
- 5.11 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That Planning Permission is granted subject to the following condition.

Background Papers **PT08/3104/F**

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

CONDITIONS

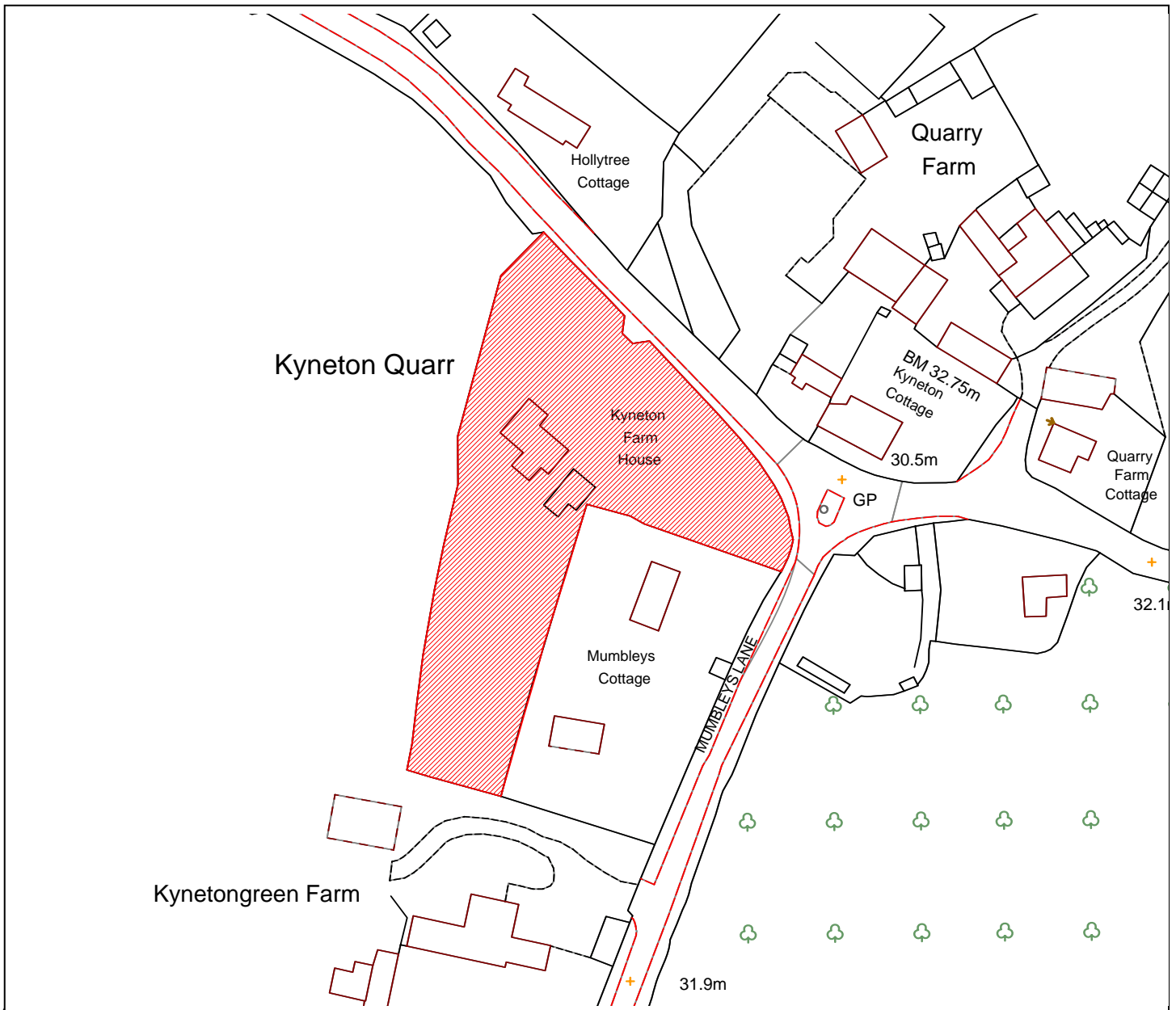
1. The building hereby permitted shall be removed and the land restored to its former condition on or before 23 January 2014 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason(s):

The form and appearance of the development is out of character with the existing building and the surrounding area and is permitted for a limited period only because of the special circumstances of the case.

CIRCULATED SCHEDULE NO. 02/08 – 16 JANUARY 2009

App No.:	PT08/3111/CLE	Applicant:	Mr J Jordan
Site:	Kyneton Farm House, Kington Lane, Thornbury, South Gloucestershire, BS35 1ND	Date Reg:	3rd December 2008
Proposal:	Application for Certificate of Lawfulness for existing use as residential without compliance with agricultural occupancy condition attached to planning permission P84/1566, and for the continued use of land for residential purposes. (Resubmission of PT08/2420/CLE).	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	62222 90052	Ward:	Severn
Application Category:	Minor	Target Date:	27th January 2009



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INTRODUCTION

This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

1.1 This application is for a Certificate of Lawfulness for:

- the continued occupancy of the subject dwelling by persons who are not employed in agriculture or forestry for the purposes of condition (02) of planning permission P84/1566; and
- the continued use of the land to the south and west of the property which was not shown in red under the original planning consent (P84/1566) for residential purposes.

1.2 This application is a resubmission of PT08/2420/CLE which was refused for the following reason: -

The evidence submitted with this application has failed to prove, on the balance of probability, that all of the land outlined in red on the Location Plan dated 20th August 2008 has been used for residential curtilage for a period in excess of 10 years.

1.3 The site consists of a large detached bungalow which is situated within an extensive curtilage. The site is adjoined by agricultural land to the west.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 N.6486 Erection of agricultural workers dwelling. Alteration to existing vehicular access, installation of septic tank (outline).
Approved on 4th March 1980
- 3.2 P84/1566 Erection of an agricultural workers dwelling and garage Together with the construction of vehicular and pedestrian access. Installation of a septic tank.
Approved on 27th June 1984
- 3.3 PT08/2420/CLE Application for Certificate of Lawfulness for continued occupation of dwellinghouse without compliance to condition (02) attached to planning permission P84/1566.
Refused on 10th October 2008

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

4.1 With this application the claimant (Mr J Jordan) has submitted a new individual sworn declaration, this is supported by letters from independent persons and family members known to the claimant. This declaration provides a detailed account and key dates over period of the occupation of the dwelling and site since 1989. Mr Jordan has not been employed in agriculture related business during the period from 1990 to present. Furthermore, the claimant has explicitly stated in the declaration that the whole land outlined in red has been used continuously for residential purposes.

5. SUMMARY OF CONTRARY EVIDENCE

5.1 None Received

6. OTHER REPRESENTATIONS RECEIVED

6.1 No comments received from Oldbury-on-Severn Parish Council.

7. BACKGROUND

7.1 The previous Certificate of Lawfulness application (PT08/2420/CLE) on this site was refused. This was because there was a clear discrepancy between the residential curtilage approved under P84/1566 and the location plan submitted with the previous application. The residential curtilage shown in this application extended to the south and west of the original curtilage, onto land which related to the original farming unit. The applicant did not mention this change of use in this application description. Furthermore, no evidence has been provided which proves, on the balance of probability, that this land has been used for normal residential purposes for a period in excess of 10 years. In view of this, it was considered that a Certificate of Existing Lawful Use cannot be granted.

8. EVALUATION

8.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.

8.2 In this instance it must be proven that: -

- The occupancy of the dwelling subject to this application has been so in breach of condition (02) of planning permission P84/1566 for a period in excess of 10 years:

02 *The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly employed, or last employed, within the Northavon District in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971, or within forestry (including any dependants of such person residing with him, or a widow or widower of such person.*

- The land to the south and west of the property which was not shown in red under the original planning consent (P84/1566) has been used for residential purposes for a period in excess of 10 years.
- 8.3 The claimant has submitted sworn declarations supported with third party evidence in the form of letters to the claimant.
- 8.4 Clearly, the subject dwelling and all the surrounding land as detailed within this application is currently in use by Mr J Jordan for residential purposes. This is shown by the well established residential curtilage which is evident when you visit the site. The evidence presented shows that Mr J Jordan has resided in the dwelling for a period since 1989, and in breach of condition (02) of planning permission P84/1566. Furthermore, the evidence clearly shows that the land to the south and west of the property (which was not shown in red under the original planning consent - P84/1566) has been used for residential purposes since 1990 when the property was sold.
- 8.5 Having regard to the above, it is considered that the weight of evidence presented by the applicant proves that, on the balance of probability, the dwelling subject to and detailed in this application has been used for residential purposes in breach of condition (02) of planning permission P84/1566) for a period in excess of 10 years, and the land to the south and west of the property has been used for residential purposes for a period in excess of 10 years.

9. **RECOMMENDATION**

- 9.1 A Certificate of Existing Lawful Use to be **GRANTED**

Background Papers **PT08/3111/CLE**

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

