



**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. 46/09

Date to Members: 20/11/09

Member's Deadline: 26/11/09 (5pm)

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

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

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to PlanningApplications@southglos.gov.uk

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 20/11/09

SCHEDULE NO. 46/09

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

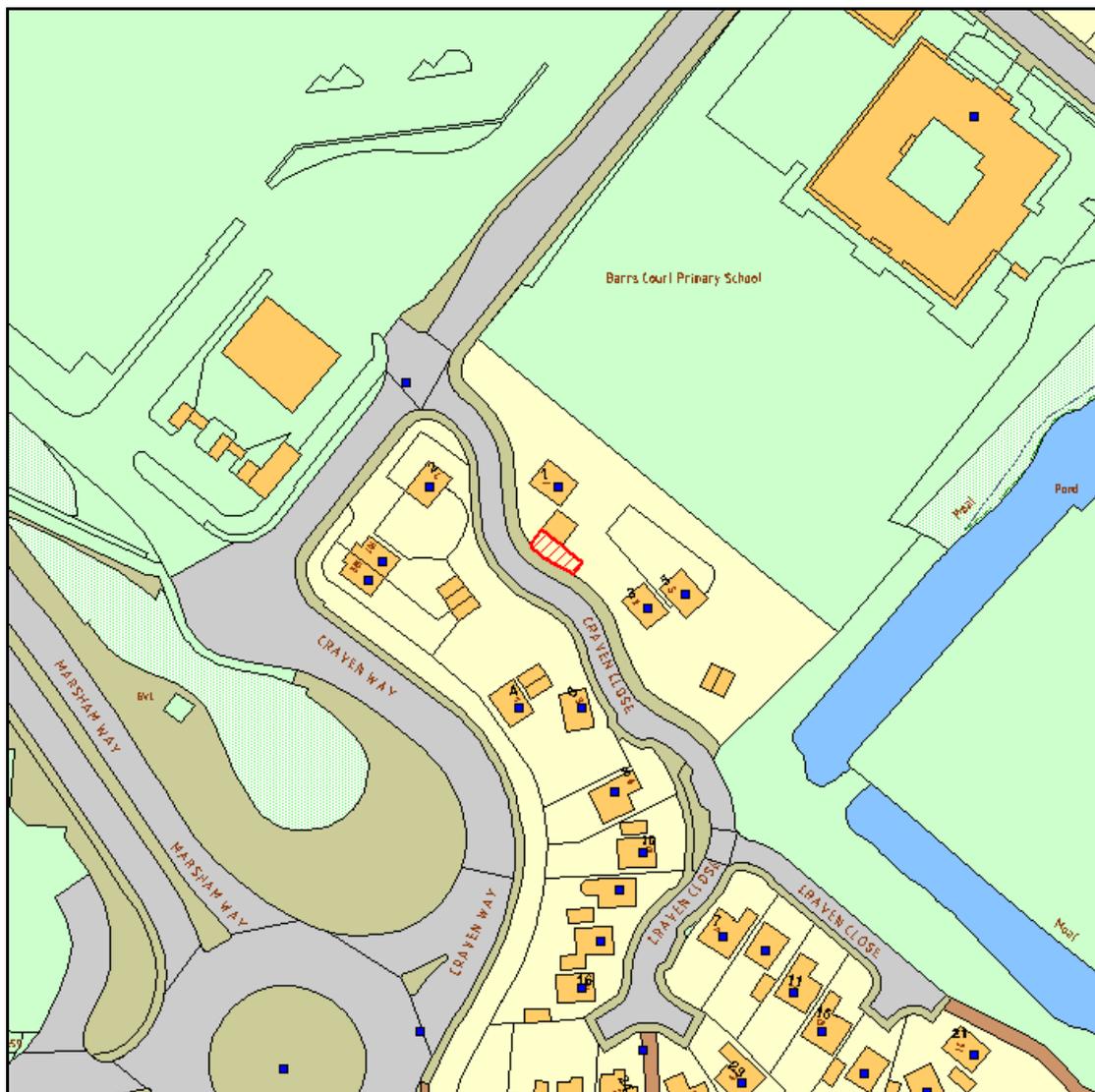
DATE

CIRCULATED SCHEDULE – 20 NOVEMBER 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/5259/F	Approve with Conditions	Sherborne 1 Craven Close Barrs Court South Gloucestershire BS30 7BX	Longwell Green	Oldland Parish Council
2	PK09/5276/R3F	Deemed Consent	Mulberry Drive Kingswood South Gloucestershire BS15 4EA	Kings Chase	None
3	PK09/5288/F	Refusal	17 Berenda Drive Longwell Green Bristol South Gloucestershire BS30 9YX	Oldland	Oldland Parish Council
4	PK09/5317/R3F	Approve with Conditions	Sir Bernard Lovell School North Street Oldland Common South Gloucestershire BS30 8TS	Oldland	Bitton Parish Council
5	PK09/5388/F	Approve with Conditions	99 North Street Oldland Common South Gloucestershire BS30 8TP	Oldland	Bitton Parish Council
6	PK09/5389/F	Approve with Conditions	Crest Haven Redfield Hill Bitton South Gloucestershire BS30 6NX	Oldland	Bitton Parish Council
7	PK09/5394/F	Approve with Conditions	Land Off Dodington Lane Dodington Bristol South Gloucestershire BS37 6SB	Cotswold Edge	Sodbury Parish Council
8	PK09/5400/F	Approve with Conditions	Deanna Court Cleeve Lodge Close Downend South	Downend	Downend & Bromley Heath Parish Council
9	PK09/5475/F	Approve with Conditions	Oldland Abbotonians Football Club Castle Road Oldland Common South Gloucestershire BS30 9SZ	Oldland	Bitton Parish Council
10	PK09/5483/CLE	Refusal	Flexor Farm Hawkesbury Hill Hawkesbury Badminton South Gloucestershire GL9 1JT	Cotswold Edge	Hawkesbury Parish Council
11	PT09/5380/F	Approve with Conditions	1 Kipling Road Filton South Gloucestershire BS7 0QP	Filton	Filton Town Council
12	PT09/5547/CLP	Approve with Conditions	20 Conygre Road Filton South Gloucestershire BS34 7DA	Filton	Filton Town Council
13	PT09/5591/F	Approve with Conditions	2 Mayville Avenue Filton South Gloucestershire BS34 7AA	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 46/09 – 20 NOVEMBER 2009

App No.:	PK09/5259/F	Applicant:	Mr B Clark
Site:	Sherborne 1 Craven Close Barrs Court Bristol South Gloucestershire	Date Reg:	19th October 2009
Proposal:	Change of use of amenity land to residential curtilage. Erection of 1.8m high boundary wall.	Parish:	Oldland Parish Council
Map Ref:	365697 172070	Ward:	Longwell Green
Application Category:	Minor	Target Date:	1st December 2009



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 100023410, 2008. **N.T.S.** **PK09/5259/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the change of use of amenity land to residential curtilage and erection of boundary wall.
- 1.2 The application site relates to a two storey detached dwelling located within the established residential area of Barrs Court.
- 1(b) Information submitted in support of application, which as been summarised by Planning Office as follows:
- New wall to be built to the specification of original Redrow wall
 - Area consists of two rowan trees to be left in place
 - Land subject to dumped rubbish i.e. drink cans, plastic bottles etc.
 - Proposed changes will improve look of area
 - Retain trees and shrubs to east side of drive

2. POLICY CONTEXT

2.1 National Guidance
PPS1

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Extensions and Development within existing residential curtilages

2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note no.2 Extension

3. RELEVANT PLANNING HISTORY

3.1 No planning history relates to the application site

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
One letter has been received from the Parish Council on grounds of loss of amenity space.

Other Representations

4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the SGLP (Adopted) January 2006 allows for development within existing residential cartilages subject there being no adverse impact on the existing visual and residential amenities.

5.2 Visual Amenity

The application site relates to a modern two storey detached dwelling on the entrance of the cul-de-sac.

5.3 The application proposes to re-site an existing boundary wall to enclose an area of incidental open space and to re-site a 2.0m high boundary wall along the southern boundary of the application site adjacent the road. An objection has been raised by the Parish Council on the grounds of loss of amenity land. The land to be enclosed relates to an un-enclosed strip measuring 11.50m in length x 3.0m in width. The land is well landscaped with two rowan trees which will be retained.

5.4 Generally it is Council practice to resist the loss of land that has been laid out as open plan, in order to retain the openness of a development. In this instance it is considered that the loss of land as a result of the proposed re-sited wall would be off set by the garden land which is laid out as open plan to the front of the property and a small section to be retained next to the driveway and therefore would not have such a harmful impact on this open plan estate so as to warrant refusal of the application. Regard must also be had for similar works that have been granted planning permission and implemented next to the application site at no. 3 Craven Close.

5.5 Residential Amenity

It is considered that the proposed works will not have an adverse impact on the existing amenities of neighbouring occupiers by reason of their siting.

5.6 Design and Access Statement

Not required with this type of planning application

5.7 Use of Energy and Sustainability

No specific measures proposed.

5.8 Improvements Achieved to the Scheme

None required

5.9 Section 106 Requirements

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

Section 106 Agreement is unnecessary a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- a) Although the proposal will result in the loss of amenity land the proposal has been designed to positively to maintain the appearance of the area by taking account of matching materials-Policies D1 and H4
 - b) The proposed development has taken fully account of neighbouring residential amenities-Policy H4

7. RECOMMENDATION

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

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

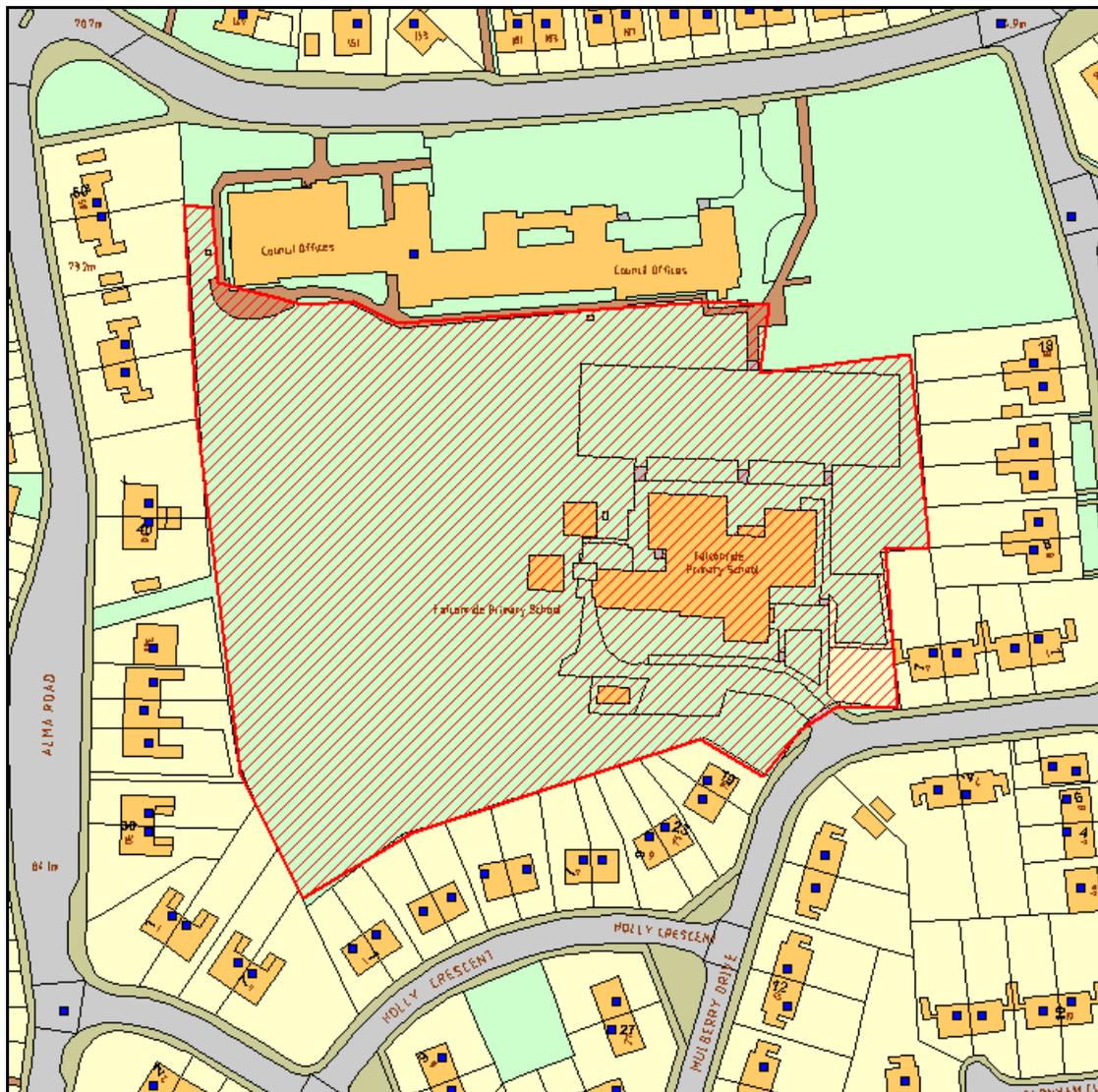
2. The materials to be used in the construction of the wall hereby permitted shall match those used in the existing.

Reason

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

CIRCULATED SCHEDULE NO. 46/09 – 20 NOVEMBER 2009

App No.:	PK09/5276/R3F	Applicant:	South Gloucestershire Council
Site:	Mulberry Drive Kingswood Bristol South Gloucestershire BS15 4EA	Date Reg:	17th September 2009
Proposal:	Erection of new 35 place BESD special secondary school with associated works. Erection of 2.4m high fences and gates within site and 3m high along proposed games court eastern elevation.	Parish:	None
Map Ref:	365591 174165	Ward:	Kings Chase
Application Category:	Major	Target Date:	4th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5276/R3F**

INTRODUCTION

This application is reported on the Circulated Schedule as it represents major development to which objections have been received and because it has been submitted by the Council itself.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a special school to educate 35 pupils, on the former site of Falconride School, which has recently been demolished. The site is on a hillside, sloping down to the north, with its main access at the southern end of the site, off Mulberry Drive, as was the case for the previous primary school. It is proposed that the new school would be located in the middle of the site. The access and parking would be to the south of the building, a hard play area to the east, with open space running up to the site boundary in other directions. The existing gated pedestrian access between nos. 40 and 38a Alma Road would be retained. The intention was to retain as many of the trees on site as possible and due to the hillside location, the proposed landscaping is based around terracing the site, with the building partially sunken into the hillside.
- 1.2 The building is proposed to have three wings, around a central core. The main entrance would be facing the proposed car parking area, featuring a raised canopy. This elevation, being at the top end of the hill, would be single storey. The northern elevation, benefiting from the downhill slope, would be two storey and feature mostly glass, especially in the central feature of the building, a glass wall which would extend slightly above the flat roof to form a central focal point. Other than glass the predominant material would be render, with feature panels of colour. The majority of the roof is proposed to be flat, again emphasising the entrance canopy.
- 1.3 The site is proposed to be bounded by weldmesh fencing up to a maximum of 2.4 metres above ground level. This also requires planning permission. Planning permission has been approved for the erection of a day centre for adults with learning difficulties on land to the north of this site, fronting New Cheltenham Road. Details of this planning permission appear in section 3 below.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transportation
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
LC4 Educational Facilities
T7 Cycle parking
T8 Parking standards
T12 Highway safety

- L9 Protected species
- EP1 Environmental Pollution
- EP2 Flood risk
- L17 The Water Environment
- L18 The Water Environment

- 2.3 Supplementary Planning Guidance
 - Design Checklist
 - Trees on Development Sites
 - Biodiversity Action Plan

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK09/0735/R3F Erection of day centre for adults with learning difficulties - Approved.

4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council
 - Unparished area

- 4.2 Other Consultees
 - Transportation

Planning permission is sought to erect a new 35 place special secondary school on the site of the demolished Falconride Primary School which has now merged with Deerswood Primary School and been relocated. This proposal uses the existing vehicular entrance to the site. Adequate vehicular parking is proposed and turning for service and delivery vehicles will be provided. On that basis, there is no transportation objection to this proposal.

Environment Agency

The Agency originally objected to the proposal, but following amendments made to the Flood Risk Assessment, have withdrawn their objection, subject to the inclusion of a condition requiring details of surface water drainage to be approved, prior to the commencement of development.

Avon & Somerset Police

I can confirm, I have no objections to this application and I am satisfied that the points covered in my previous report are being addressed by the Architect.

Ecology Officer

Further to discussions with the applicants on 6th October 2009, revised plans and a report on surveys for slow-worms and bats have been received by the Council.

Bats

The survey found no bats or signs of use by bats associated with the two trees to be (soft) felled near the main entrance to the school.

Slow-worms

A survey of the grassland on site did not record any reptiles (slow-worms). The grassland is to be mown to render it sub-optimal and prevent slow-worms moving out into it from adjoining land/gardens.

Site Layout

The new site layout and species-rich grass mix reflects the discussions on 6th October 2009 and the revisions agreed at the same meeting and is now acceptable.

The revisions enable the application to contribute towards the aims and targets of the South Gloucestershire Biodiversity Action Plan and are welcomed.

Technical Services Unit

No objection in principle, subject to the inclusion of a condition requiring a drainage plan compliant with SUDS principles.

Landscape Officer

It is considered there is no in principle landscape objection to the proposal and a full landscape scheme has been submitted but there are some detailed comments with regard to that scheme. The pond and the 'habitat area' are not adjoining and this seems to be a lost opportunity to create a more worthwhile nature conservation area. The native planting mix contains a number of species that for a variety of reasons it is recommended be changed.

- *Quercus petraea*, is a variety of Oak requiring somewhat specific soil conditions that are not found in South Gloucestershire. It is therefore suggested this is omitted and be replaced with the English Oak, *Quercus robur*.
- It is proposed to plant Elm, *Ulmus glabra*. This is not to be recommended in South Gloucestershire where Dutch Elm Disease is still endemic.
- *Rhamnus frangula*, is a very toxic plant not acceptable for use in schools especially a special school where the pupils can be vulnerable. This plant should be omitted.
- The hedge mix contains *Prunus spinosa*, which is a plant Community Services will not accept because of its tendency to sucker and become invasive. This plant should also be omitted.

A tree survey is included in the Design & Access Statement but there is no plan so it is not possible to check the recommendations against the submitted drawings. I defer to the tree officers for detailed comments.

The fencing and surface finishes are all considered acceptable.

It is not considered the site meets the criteria to be considered under Policy L5.

Recommendation

It is considered there is no landscape objection to the proposal in terms of Policies D1 and L1 of the adopted local plan but there are a number of suggested revisions to be made to the planting schedule before the landscape scheme is wholly acceptable.

The revised planting details are acceptable.

Other Representations

4.3 Local Residents

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

- Drop off and pick up parking will affect Mulberry Drive
- Students at the school should not be allowed to roam unsupervised
- Trees should be left in place as they support nesting birds

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. One material consideration is that the site was previously used for a school, using the same access as is proposed for the new school. The context for the following assessment is set mainly by policy LC4. Other issues are raised by policies: D1, L9, EP1, L17 and 18.

5.2 LC4: A.Location of site

The policy requires that sites of new schools should be easily accessible on foot and by bicycle. In the case of this school, it is not anticipated that pupils will be reaching the school independently. However, if that was to be the case, then it is considered that the proposed school is well located in terms of access by foot or cycle, according with policy LC4 A.

5.3 LC4: B. Effect on residential amenity

Given the material consideration that the site previously housed a school (a larger school) then it is considered that this proposal would not have any impact upon residential amenity in principle. The school building is set well within the borders of the site, where they abut rear gardens. The building is proposed to be one storey or rising to two storey in the elevations which border on housing, but at such a distance as to preclude any overbearing impact. The building itself will contain any noise and disturbance which may occur, while outdoor activities generally will be confined to break and lunchtimes, albeit with the provision of an area, appropriately remote from adjacent housing, to be used for outdoor lessons, such as art. Overall therefore it is considered that the proposal would comply with policy LC4 in this respect.

5.4 LC4: C. Environmental or Transportation Effects

The proposal would re-establish the educational use of the site, therefore the environmental effects are considered to be minimal overall. In the same way, the transportation effects would not be significant as the current access is to be employed.

As noted in the Transportation consultation reply above, there is considered to be adequate turning space proposed for the site to accommodate turning movements for both cars and service vehicles.

5.5 LC4: D. On street parking

Due to the nature of the function of this school there will be a high staff to pupil ratio, hence the amount of parking spaces that will be available under this proposal. It is considered that these will meet the parking requirements of the staff and not lead to any overspill parking in surrounding streets. Therefore the proposal is considered to comply with the last criterion of policy LC4.

5.6 D1: Design

The design of the proposed building is considered to be successful. In terms of its mass, it sits on the hillside, making good use of the natural topography, presenting its largest (two storey) elevation in the direction which would be most visible in longer views. This reduces the scale of the building when viewed on approach.

The overall appearance of the building advertises it as an institution, demonstrating that form follows function. The same principle applies to the approach and the entrance to the building. The design overall would provide a modern building, appropriately centrally spaced within its grounds, retaining much of the established tree cover around it and therefore allowing it to blend into its surroundings following construction.

The windows are shown as being generally large and are considered to create a pleasing solid to void ratio. The palette of materials is minimal and again emphasises the balance between render and glass. The landscaping, both hard and soft is well used to compliment the building and soften the edges of the site. The curved edge of the open hardstand to the northern elevation of the building is curved to reflect the transition from the building to its surroundings and this also considered to be a successful feature, which exploits the topography of the site and is appropriate to its setting.

Overall, the scheme is considered to be appropriate to its setting, making the best use of the topography and surrounding features, providing a modern building, the design of which makes clear its institutional use. The building will be to BREEAM very good standard and it is considered that the design is both attractive in itself and successful in its context, complying with policy D1, and the Design Checklist.

5.7 D1: Secure by Design

While this is a concern which is generally addressed in the design of the site, it is examined separately here due to the fact that Avon & Somerset police were specifically consulted on this issue. Their consultation reply at 4.2 above indicates that the proposal has taken into account all the necessary details with regard to site security and no objection has been raised.

5.8 L9: Ecology

Since the receipt of amended plans and surveys, it is considered that ecological concerns, relating to potential roosts for bats and slowworm habitats have been addressed. The survey revealed that there are no reptiles on the site. The proposal is considered to comply with policy in this respect. Efforts have been made to comply with the South Gloucestershire Biodiversity Action Plan in that there will be new hedgerows planted within the site, a new species-rich neutral grassland will be created, using a seed mix appropriate to the locality and soil type and the proposed pond will create a habitat new to the site.

5.9 L1: Trees and Landscape

One of the principles of the proposal was to retain as many of the existing trees on the site as possible. Since the footprint of the school was to be moved in comparison to the previous building, it has not been able to retain all of the existing trees, but the vast majority of them will be kept. The trees to be felled under this proposal have been surveyed and do not show evidence of bat nesting. The comments at 4.2 above refer to the species of proposed replacement trees. These have now been amended on the plans to more suitable species for the locality. A further concern was the lost opportunity to connect the pond and the 'habitat area' by having them next to each other. Due to the pond area requiring access to a main drain, it has not been possible to achieve this. The consultation replies raised a concern for nesting birds. It is considered that the loss of so few trees on the site would not reduce the habitat for nesting birds to a significant extent. As stated above, the scheme retains the vast majority of the existing trees and planting of further trees (and hedgerows) on the site will improve the amount of habitat for birds. The proposal is therefore considered to accord with policy L1.

5.10 EP1, L17 and L18 Drainage Issues

The consultation replies at 4.2 above show that both the Council's Technical Services Unit and the Environment Agency have no objection in principle to the proposed development, subject to the inclusion of conditions shown below regarding sustainable drainage and surface water drainage works. Subject to these conditions it is considered that the proposal would accord with policy in this regard.

5.11 Other Issues

The issue of student supervision has been raised through the consultation process. Whilst not being within the remit of the planning system it is not in any event that there would be a high teacher-pupil ratio in operation at the school (evidenced by the parking provision).

5.12 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.

5.13 Use of Energy and Sustainability

As outlined in the Design and Access Statement to accompany this application, a number of elements and approaches to achieve energy conservation have been adopted in the design. These include:

- maximising natural lighting to usable rooms
- efficient equipment and controls
- thermal efficiency through insulation and air tighteners
- low emission materials
- a ground source heat pump for site generated renewable energy
- a very efficient gas boiler as back up for the above
- a fan assisted system to provide heating, cooling and ventilation to be provided to most internal areas from a high thermal mass of structural, hollow core slabs
- provisions have been made for managing flood risk and water resources
- recycling, composting and provision of bin storage
- Waste reduction will be considered as part of the proposed waste management regime

NB This scheme is intended to reach BREEAM very good level and the above measures are considered to be instrumental in achieving this level of sustainable development.

5.14 Improvements Achieved to the Scheme

Improvements were limited to adaptation of the Flood Risk Assessment and the proposed landscaping details. Negotiation on the design of the building itself was undertaken prior to the submission of the application.

5.15 Section 106 Requirements

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

6. CONCLUSION

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

6.3 The scheme is considered to be appropriate to its setting, making the best use of the topography and surrounding features, providing a modern building, the design of which makes clear its institutional use. The building will be to BREEAM very good standard and it is considered that the design is both attractive in itself and successful in its context, complying with policy D1. The proposed school is well located in terms of access by foot or cycle; it would not have a harmful impact on residential amenity; not create unwarranted impacts on transportation, the environment or existing on-street parking, according with policy LC4 A. Any negative ecological impact of the scheme has been demonstrated to be more than proportionately mitigated and the landscaping proposed is considered to be appropriate, according with policies L9 and L1. With regard to drainage issues, again the proposal is considered to accord with policy.

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the commencement of development details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

4. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved by the Local Planning Authority (LPA). The drainage works shall be completed in accordance with the details and timetable agreed.

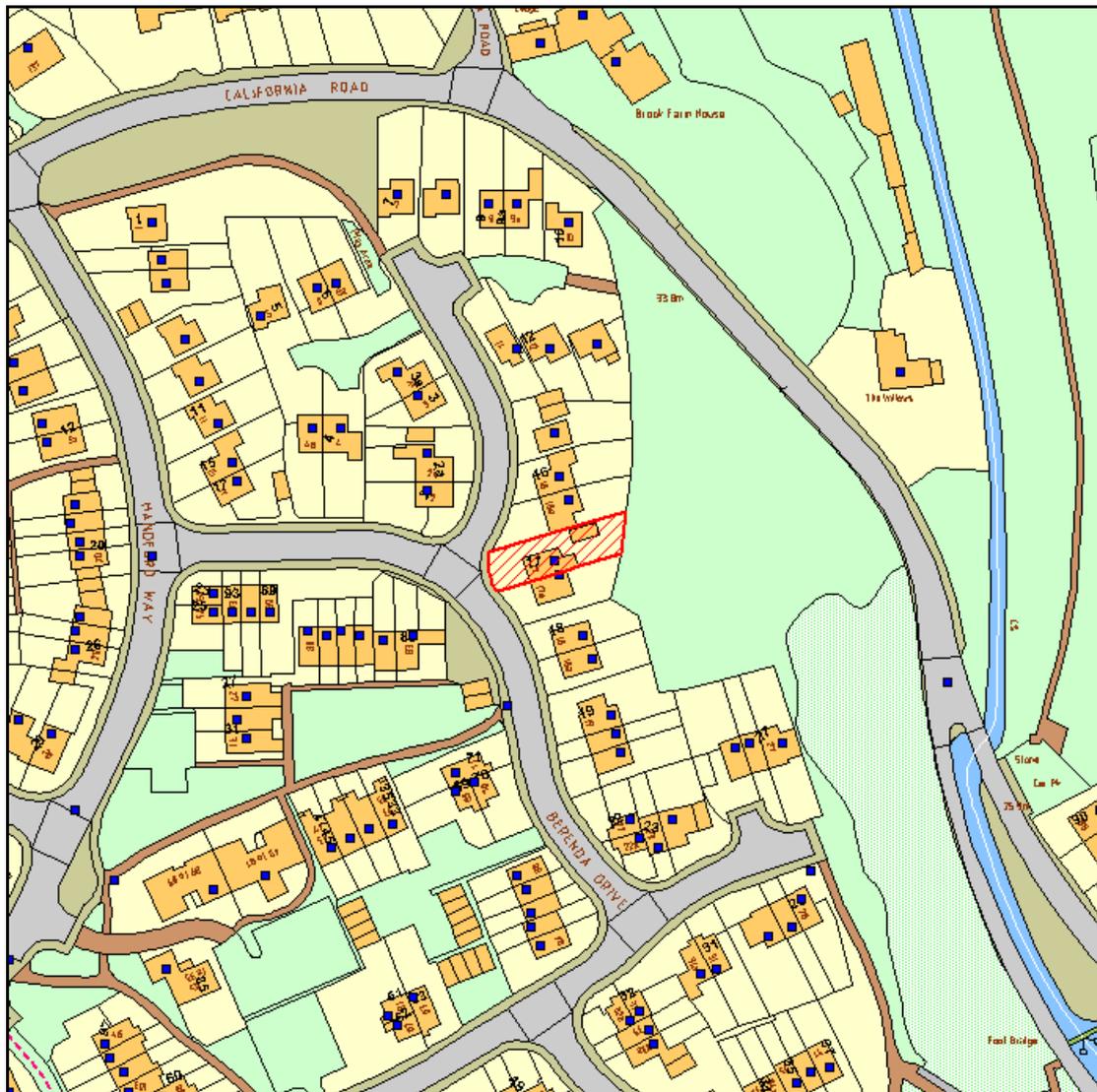
Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to accord with policy EP2 of the adopted South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 46/09 – 20 NOVEMBER 2009

App No.: PK09/5288/F
Site: 17 Berenda Drive Longwell Green
 Bristol South Gloucestershire BS30
 9YX
Proposal: Erection of 1.9 metre high boundary
 fence (retrospective).
Map Ref: 366738 171420
Application Category: Householder

Applicant: Miss N Smerdon
Date Reg: 7th October 2009
Parish: Oldland Parish
 Council
Ward: Oldland Common
Target Date: 30th November
 2009



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 100023410, 2008. **N.T.S.** **PK09/5288/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application site is situated in a modern residential street and the local area is predominantly residential. The application site is broadly rectangular in shape and is bounded by residential development to the north and south, open space to the rear (east), with vehicular access onto Berenda Drive to the west. The application site comprises a two storey semi detached dwelling with single garage to the side/rear.
- 1.2 The application seeks retention of a 1.9 metre high boundary fence on the southern boundary of the front garden between no.17 and the attached dwelling 17A Berenda Drive. The fence is made up of fence panels approximately 1.5m in height with a curved trellis on top.

Planning permission is required for the retention of the fence due to a restrictive condition, which was attached to the original planning permission for residential development including no.17 (Condition E of planning permission K1088/73), which reads,

'Notwithstanding the provisions of the Town and Country Planning (General Development) Order 1977 as amended:

(i) No walls, fences or other means of enclosure shall be erected, placed or constructed in front of the wall of a dwelling unit which fronts onto a highway unless it is in accordance with the guidelines attached to this permission.

Reason:

In the interest of the appearance of the development and the residential amenity of the residents.

The decision notice further reads,

'Guidelines for the enclosure of front gardens

This housing development is laid out as an open plan estate. However, the District Council recognises that some occupiers may wish to enclose their front gardens, and this will be acceptable, provided it is done in a way which does not harm the overall appearance of the estate. Therefore, the front gardens may be enclosed in one of the following ways without seeking permission from the Council:-

- 1. Where there is a footway, a wall not exceeding 0.5m in height above footpath level, constructed in bricks to match the related dwellinghouse.*
- 2. The use of trees, shrubs or other plants to form a hedge or herbaceous border, or other similar provision lying within normal garden practices.*

Any other form of enclosure will require planning permission to the District Council and will be considered on the merits of the particular case.

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 P85/4005 Erection of 78 no. dwelling houses and associated garages formation of associated roads, footpaths, parking areas, open spaces and childrens play areas. (Previous ID: K1088/73) Approved 22.03.1985

3.2 An Enforcement Notice was served by the Council on 16.01.2009 following erection of the fence the subject of this application without the benefit of planning permission. The reasons for issuing the enforcement notice were:
1) It appears to the Council that the above breach of planning control has occurred in the last four years.
2) The erection of a 1.6m high fence at the front of the property is considered to appear incongruous to the surroundings and is unsympathetic within the context of the open place estate. The development is therefore contrary to Policies D1 and H4 of the south Gloucestershire Local Plan 2008.

An appeal was subsequently lodged against the Enforcement Notice on ground (c), that there has not been a breach of planning control.

The appeal was dismissed and the enforcement notice was upheld. The decision related to ground (c) alone, thus specifically establishing that planning permission is required.

4. CONSULTATION RESPONSES

4.1 Consultees

None

Other Representations

4.3 Representations

4 letters of support received raising the following points:

The Council advised the applicant's mother that planning permission would not be required for erection of the fence; there are other similar fences in the area; the visual impact of the fence has been softened by vegetation and planting; the fence is in keeping with the character of the area; The fence is required to maintain the applicant's privacy; Other issues were raised in relation to harassment, trespass and vandalism resulting in the erection of the fence and the health of the applicant but these have not been substantiated.

1 letter of objection received raising the following concern:
If granted permission the fence would set a precedent.

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.

Background

As indicated above there were two reasons for issuing an enforcement notice related to the fence the subject of this application. As a result of the appeal it is now established that planning permission is required for the retention of the fence the subject of this application. As such the first reason has been substantiated. As this was the one ground to which the applicant wished their appeal to be considered, the matter of the acceptability or otherwise of the fence in planning terms was not substantiated. In issuing the enforcement notice, the Council's Officers considered the fence to be unacceptable for reason,

'The erection of a 1.6m high fence at the front of the property is considered to appear incongruous to the surroundings and is unsympathetic within the context of the open place estate. The development is therefore contrary to Policies D1 and H4 of the south Gloucestershire Local Plan 2008. '

The applicant is asking the Council to consider the same fence that was the subject of the enforcement notice. As such unless there are new material factors to consider since the issue of the enforcement notice, this application must be considered in the same way. It is considered that there could be three factors that would result in new material considerations in this case:

- 1) A change to policy
- 2) A material physical change
- 3) Other special circumstances that would outweigh the Development Plan.

5.2 A change to policy

As shown in section 2 above, there have been no policy amendments to the Council's Development Plan that would relate to consideration of this type of application.

5.3 A material physical change

The fence has not materially changed in terms of size, scale and design since the enforcement notice was issued. The colour is substantially similar having been the subject of 10 months of weathering. The planting in the front garden has also grown and additional planting may have been provided which has provided some additional screening to the fence when viewed from the north. The fence is situated on a prominent fork in Berenda Drive such that it is still clearly visible from views from the west, north and south. It is therefore considered that no physical changes have taken place since the enforcement notice was issued. As such, due to the open plan character of the area, the proposal remains an incongruous feature in relation to its surroundings and is unsympathetic within the context of the open place estate. The development is therefore contrary to Policies D1 and H4 of the south Gloucestershire Local Plan 2008.

5.4 Other special circumstances

The applicant has provided information to show other examples of similar fences in the area that have been erected. Officers have visited the site and the street scene and the character and appearance of the locality remains open plan. Additionally, this application must be considered on its own merits and as such this evidence is not sufficient to outweigh the material visual harm created by the fence the subject of this application.

The applicant and other third parties have indicated that the applicant erected the fence due to continued harassment, vandalism and trespass. Unfortunately, these issues do not carry sufficient weight as material planning issues to outweigh the material visual harm of the fence.

The applicant has also indicated that the Council advised her that the fence is below the height where planning permission would be necessary. Whilst this may be unfortunate it is not specifically a material planning issue and as such does not carry sufficient weight to overcome the detrimental visual impact.

It is therefore considered that no new material planning issues should be considered since the issue of the enforcement notice in 16.01.2009 and as no special circumstances have been presented that are sufficient to outweigh the material visual harm created by the fence, the fence is therefore considered to be unacceptable for the same reasons as specified in section 3.1 above.

5.5 Design and Access Statement

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

5.6 Use of Energy and Sustainability

Not applicable

5.7 Improvements Achieved to the Scheme

None

5.8 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The recommendation to 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 Consent is REFUSED for the following reason:

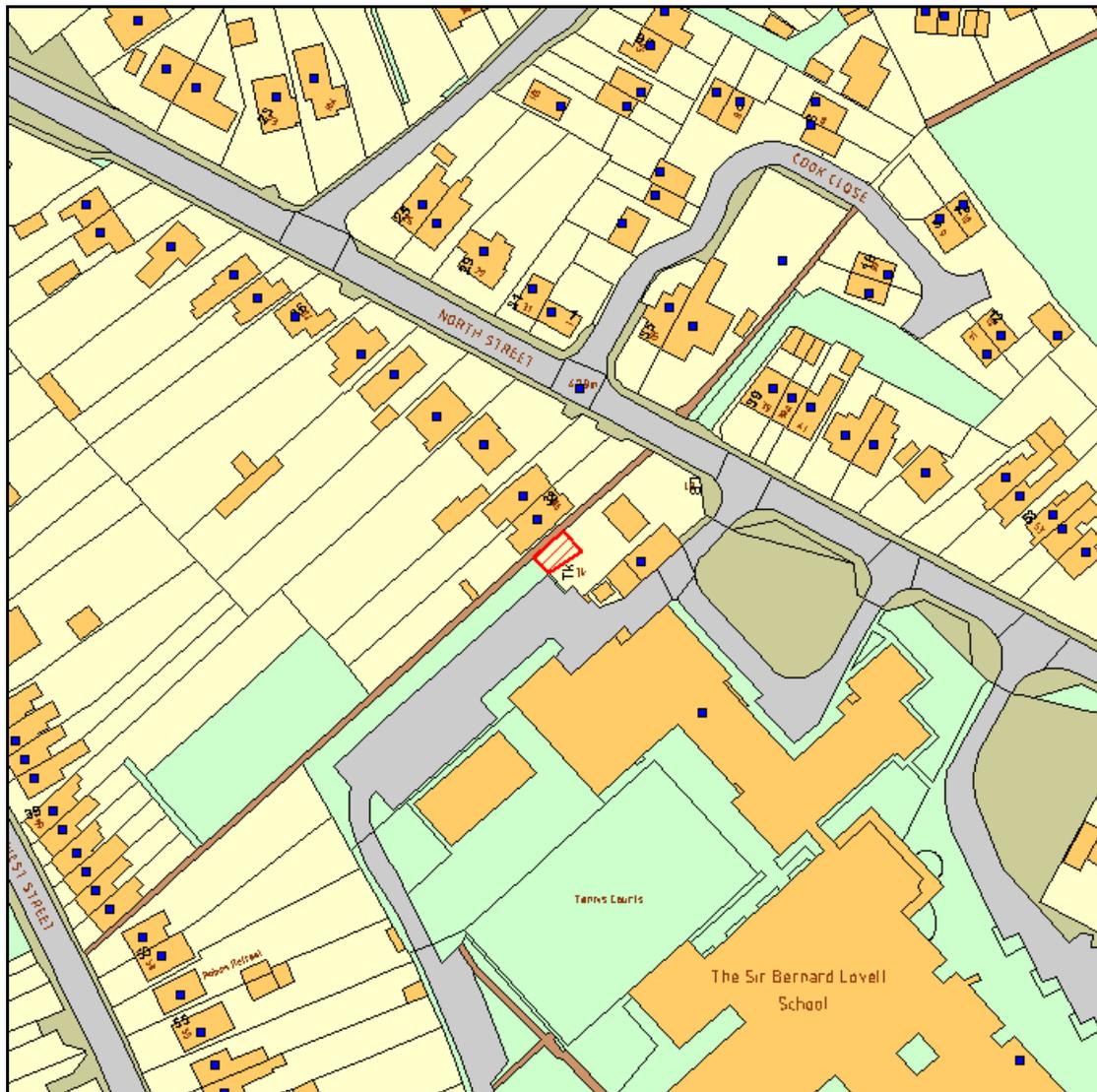
Contact Officer: Sean Herbert
Tel. No. 01454 863056

REASONS FOR REFUSAL

1. The erection of a 1.6m high fence at the front of the property is considered to appear incongruous to the surroundings and is unsympathetic within the context of the open place estate. The development is therefore contrary to Policies D1 and H4 of the south Gloucestershire Local Plan 2008.

CIRCULATED SCHEDULE NO. 46/09 – 20 NOVEMBER 2009

App No.:	PK09/5317/R3F	Applicant:	Mr B Rose
Site:	Sir Bernard Lovell School North Street Oldland Common Bristol South Gloucestershire	Date Reg:	8th October 2009
Proposal:	Erection of single storey temporary office accommodation for a period of five years.	Parish:	Bitton Parish Council
Map Ref:	367334 171703	Ward:	Oldland Common
Application Category:	Minor	Target Date:	2nd December 2009



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INTRODUCTION

This application has been submitted by Sir Bernard Lovell School. The application site is owned by South Gloucestershire Council and as such the application is a Regulation 3 submission, which under the Council's current scheme of delegation, must appear on the Circulated Schedule. Furthermore Bitton Parish Council have raised concerns that are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 Sir Bernard Lovell School is situated on the south-western side of North Street, Oldland Common. The location is residential in character and the site is bounded to the south-west by the rear gardens of properties on West Street. To the south the site is bounded by the railway cutting which includes the Bristol to Bath Cycle Way; North Street lies to the front of the school campus, whilst to the north-west a narrow public footpath separates the site from the nearest residential properties on North Street.
- 1.2 A temporary 5-year consent is sought for the erection of a single-storey office building, to be located adjacent to the north-western boundary of the site and to the rear of the former school house, which now houses the school administration offices (see PK03/3254/R3F). The building would have the appearance of a portakabin with a footprint measuring 12m x 8.4m; a low pitched roof is proposed with an apex at 3.5m and eaves at 2.5m. Only 108sq.m. of new office space would be created.
- 1.3 The proposed offices are intended to house administration staff serving the Kingswood Partnership of Schools, of which the Sir Bernard Lovell School is one.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
PPG13 - Transport
Circ 11/95 – The Use of Planning Conditions
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 - Design
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
LC4 - Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundary.
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

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 (Class D1) 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.
- 3.9 PK08/2901/F Erection of detached single-storey tennis clubhouse and associated works.
Approved 23rd Jan 2009

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Object due to the close proximity to residential properties and the over intensification of the site. Councillors would like it demonstrated that a more appropriate site was not available.
- 4.2 Other Consultees
None

Other Representations

- 4.3 Local Residents
No responses

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the adopted South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits the development, expansion or improvement of education and community facilities within the existing urban area subject to the following criteria:

- 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.

- 5.2 Policy D1 seeks to secure good quality designs in new development whilst Policies T8 and T12 relate to parking and highway matters.

- 5.3 The school is a well-established campus, located within the urban area, so subject to the above criteria the proposal would be acceptable in principle. As the proposed building is intended as a temporary measure only, pending possible future funding for the 'Building Schools for the Future', a 5-year consent only is sought. Should funding be made available in the future for a more permanent building, that would be the subject of a separate full application, which would be determined on its individual merits.

5.4 Supporting Information

In support of the application the applicant has submitted the following statement:

'Due to the continued expansion of The Kingswood Partnership, both at post 16 and pre 16, with the successful introduction of the new Diplomas, the core team of professionals co-ordinating and administering the Partnership and its courses has grown correspondingly. Currently these staff members are housed in ad hoc offices across the Partnership and the partner schools have now run out of even desk space for the partnership's staff. We want to erect temporary offices to house the core team to facilitate the delivery of a quality education to young people in Kingswood for a 5 year period until the 'Building Schools For The Future' funding reaches South Gloucestershire and purpose designed permanent accommodation can be constructed as part of this programme.'

5.5 Scale & Design

The proposed building would be constructed of pre-fabricated modular sections, comprising plastisol steel walls in goosewing grey with ocean blue trim; white UPVC windows and a blanket grey marley type roof covering. A disabled access ramp would be provided to the main door located in the south-eastern elevation. The scale and appearance of the building is considered appropriate for its proposed temporary use but would be unsuitable for a permanent construction. Since the building would be single-storey with a very low roof pitch, it would appear subservient to the two-storey administrative building behind which the proposed building would be located. Having regard to the scale and character of the surrounding buildings, officers are satisfied that the proposed building would integrate adequately within the existing built form and given its proposed location behind the existing administrative block, the building would not be prominent within the street scene or have any long standing detrimental impact on the visual amenity of the area. The proposed scale and design are therefore acceptable for the temporary period proposed.

5.6 Impact Upon Residential Amenity

The proposed building would be located adjacent to the north-western boundary of the site, close to the nearest residential property i.e. no.38 North Street. The site is however separated from the curtilage of no.38 by a narrow public footpath that runs between the two sites and which links North Street with West Street. The footpath is enclosed on either side by an array of fences, walls and high vegetation, all of which helps to maintain privacy to the adjoining properties.

- 5.7 During their site visit, officers noted that there are currently only two windows in the facing side elevation of no.38 and these windows are both situated at ground floor level where any loss of privacy is already mitigated for by the existing high boundary treatments. In order however to eliminate any possible overlooking of no.38, there would be no windows in the facing side elevation of the proposed building and this could be secured by a condition.
- 5.8 The proposed hours of use of the office are 07.45hrs to 17.30hrs Mon to Friday only and the applicant has agreed to accept a condition to restrict the use of the building to these hours. Given the relatively small number of employees that would occupy the building i.e. 7 full-time and 3 part-time, and the fact that for much of the time the staff are out on site at the Partnership's member centres, the level of disturbance would be minimal, indeed this is likely to be imperceptible when compared to the existing daily comings and goings to and from the school and along the adjacent footpath.
- 5.9 In terms of overbearing impact, the proposed building has been designed to minimise its massing, with a low eaves level and a very low roof pitch. There would be a 4.3/4.4m gap between the side elevation of no.38 and the side of the proposed building; officers consider that this is considered to be a normal relationship for the proximity between respective neighbouring buildings.
- 5.10 Having regard to the scale, design and siting of the building; the existing uses of the site and proposed use of the building; together with the proposed

conditions; officers consider that the proposal would not adversely affect the amenities of the nearest residential properties.

5.11 Justification

The Parish Council have requested that it be demonstrated that a 'more appropriate site' for the proposed building is not available. In terms of the buildings' location within the School Campus, the proposed location adjacent to the existing administrative block is considered to be wholly appropriate. The south-eastern part of the campus is entirely taken up with the new car park, sports hall and all-weather football pitches and tennis courts. The central part of the campus is taken up with the main school building with driveway and parking areas to the front; to the north-west are further school buildings with the playground to the rear. The far north-western part of the site is less developed, comprising the existing administrative block and utilities and car parking. The proposed temporary building would utilise an open area to the rear of the administrative block and is considered to make efficient use of an otherwise unused area.

5.12 In terms of a wider strategic location, the applicants have submitted the following information:

The Sir Bernard Lovell School was chosen as the site for the proposed new temporary building for the following reasons:

For staffing and organisational reasons the core team needs to be housed near the existing administrative block. The Kingswood Partnership's IT website/e.mails/programmes/security etc. are all hosted by the Sir Bernard Lovell School.

5.13 Officers therefore conclude that the proposed location for the building is appropriate.

5.14 Transportation Issues

The site lies within the urban area and within the heart of Oldland Common, which is predominantly residential in character and close to the Bristol to Bath Cycle Way; as such the site is highly accessible by both foot and bicycle.

5.15 Those administrative staff with cars would park within the school grounds. A new sports centre is currently being constructed at the school and part of this project creates new parking provision within the school grounds. The new parking to the front of the school is now in use and has provided a net addition of 50 parking spaces, not counting the additional spaces to be provided in front of the sports centre. There is also an existing car park within the site immediately adjacent to the existing administrative block. The existing accesses to the school from North Street would be utilised. Officers are therefore satisfied that the proposal would not result in any unacceptable transportation effects or result in additional on street parking to the detriment of residential amenity.

5.16 Environmental & Drainage Issues

The proposed scheme is modest in scale and would not result in any increased risk of flooding. There would be no landscape implications and foul waste would be disposed of to the mains sewer. Due to the pre-fabricated nature of the building the period of construction is likely to be short with minimal impacts upon the environment. Arrangements for the collection of re-cyclable wastes are already in place. There are therefore no objections on environmental or drainage grounds.

5.17 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.

5.18 Use of Energy and Sustainability

None

5.19 Improvements Achieved to the Scheme

None required

5.20 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The building hereby permitted shall be removed and the land restored to its former condition on or before 27th Nov 2014; in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason

The building is pre-fabricated in character and is intended for a temporary 5 year period and as a permanent building would be out of character with the location. Permission is granted for a limited period only because of the special circumstances of the case and would otherwise not be in accordance with the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The hours of use of the building, for the purpose hereby approved, shall be restricted to the following times : 07.45hrs to 17.30hrs Mon to Friday only with no working on weekends or Bank Holidays.

Reason

To protect the amenity of neighbouring occupiers and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

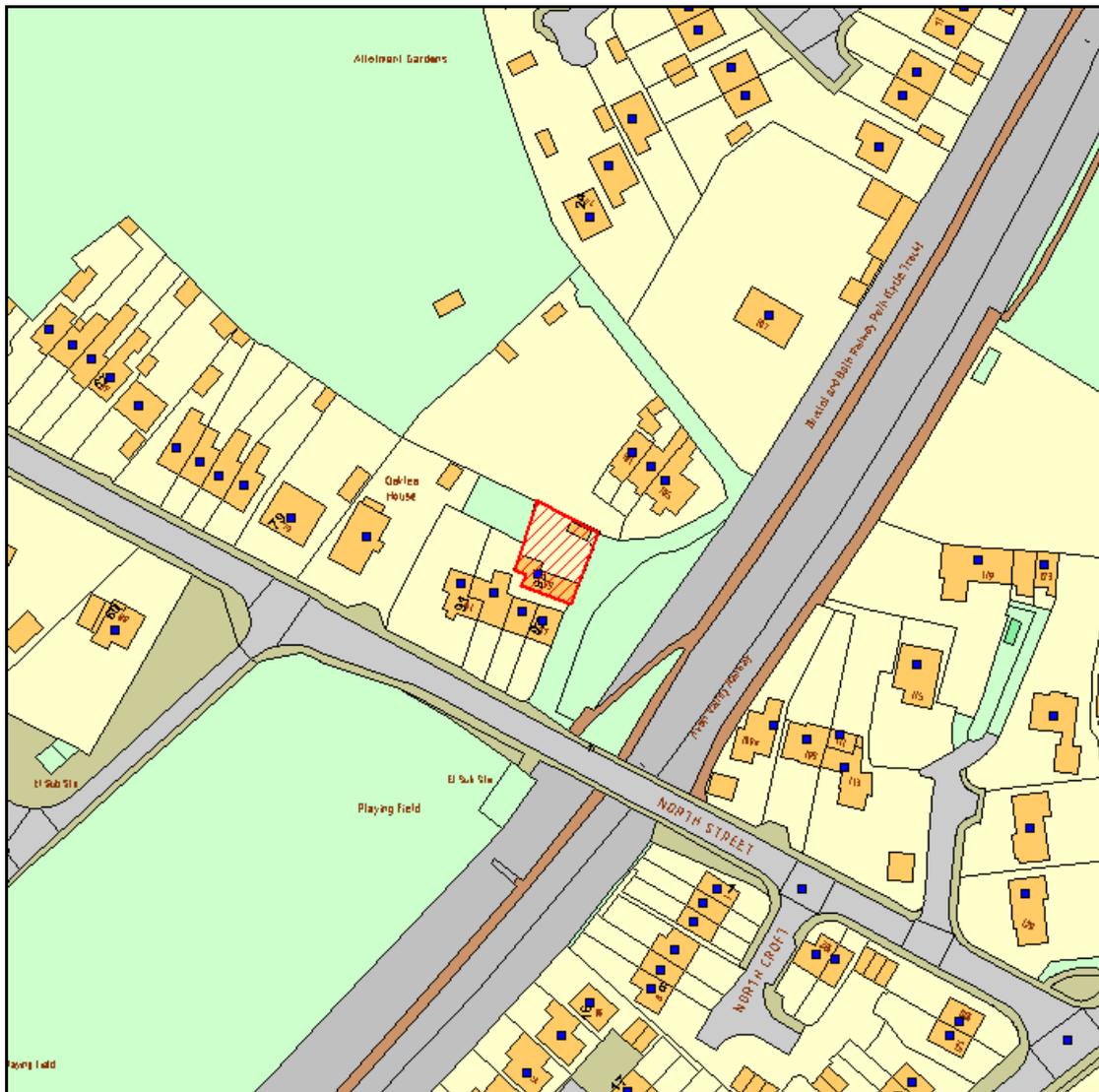
4. There shall be no windows inserted at any time within the north-western side elevation of the building hereby approved.

Reason

To protect the privacy and residential amenity of neighbouring occupiers in accordance with Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 46/09 – 20 NOVEMBER 2009

App No.:	PK09/5388/F	Applicant:	Mr L Williams
Site:	99 North Street Oldland Common Bristol South Gloucestershire BS30 8TP	Date Reg:	1st October 2009
Proposal:	Erection of two storey and single storey rear extension to form additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	367546 171677	Ward:	Oldland Common
Application Category:	Householder	Target Date:	30th November 2009



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 100023410, 2008. **N.T.S.** **PK09/5388/F**

INTRODUCTION

The application has been forwarded to the Council's Circulated Schedule for Member consideration as a representation has been received from the Parish Council, which expresses a view contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The application site is situated on the north side of North Street forming part of a cluster of traditional stone cottages behind the main street frontage. The application site is bounded by the rear access passage for terrace 91-97 North Road to the south and west, the access lane to the east and a paddock and a further terrace of cottages to the north. The site comprises a two storey stone built dwelling with single storey extension to the north elevation and detached garage in the north east corner. The dwelling is accessed from the north elevation which therefore constitutes the front elevation.

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

1.2 The application proposes erection of two storey and single storey rear extension to form additional living accommodation.

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 PK04/3583/F Erection of front conservatory
Approved 06.12.2004

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

‘Councillors objected to this extension and have concerns over the size of the 2 storey extension in relation to the size of the site and reduction of garden provision.’

4.2 Other Consultees

None

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context although due to the traditional nature of the surrounding dwellings and the open character of the paddocks to the north and east, the area has an unusually open and green character for an urban area. The dwelling the subject of this application is a two storey detached dwelling. The proposed single storey extension would be barely visible from public vantage points; only views of the roof of the extension would be afforded from the lane to the east. The single storey extension would replace an existing poorer quality conservatory. The two storey extension would be more conspicuous and would be clearly visible from the lane to the east only, behind a 2m fence on the east boundary. The extensions would not be visible from the main North Road to the south. The two storey extension would appear subservient to the main dwelling. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such considering the limited visual impact and the quality of the proposal, it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

The Parish Council raised concern in relation to the potential loss of private garden. The proposed single storey extension would replace an existing conservatory of the same footprint. The proposal has incorporated moving the side boundary (east) fence into the site to provide a parking area. It is worth noting that this can be achieved without the requirement of planning permission and as such is not a consideration as part of this application. Nevertheless, the resultant garden including the area lost by the proposed extension and the new parking area would be 92m² in area. This is considered to represent a sufficient size of garden for this type of family home. As such it is considered that adequate rear amenity space to the property would be retained following

the erection of the proposed extension. With regard to neighbouring properties, the proposed single storey extension would be 3.9m to ridge 2.4m to eaves and 4m width on the boundary to the west. This compares to 2.5m to eaves with a hipped ridge and 4m width for the existing conservatory. On this basis the proposed single storey extension would have no significant additional amenity impacts. The proposed two storey extension would be situated 6.8m from the boundary with the dwelling to the west and some considerable distance from any other dwelling in the locality. On this basis the proposal is considered not to prejudice to the amenity of neighbouring occupiers.

5.5 Design and Access Statement

A Design and Access Statement is not required for this application

5.6 Use of Energy and Sustainability

The proposal would use materials similar to those existing. The extension would be of good quality construction and would be situated in a sustainable location close to local facilities and public transport network. Therefore the proposal would result in a sustainable form of development and the maintenance of the existing level of energy efficiency.

5.7 Improvements Achieved to the Scheme

The original scheme submitted has now been amended further to advice from Officers. The amendment involves a reduction in the ridge height and the eaves of the extension by 300mm in order to give the extension a subservient appearance to the main house.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.

- a) Due to the similar scale of the proposed single storey extension to the existing extension scale and the position of the two storey extension some 6.8m from the nearest adjacent dwelling, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed extensions have been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

7. RECOMMENDATION

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

Background Papers **PK08/1904/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 & Country Planning Act 1990 (as amended).

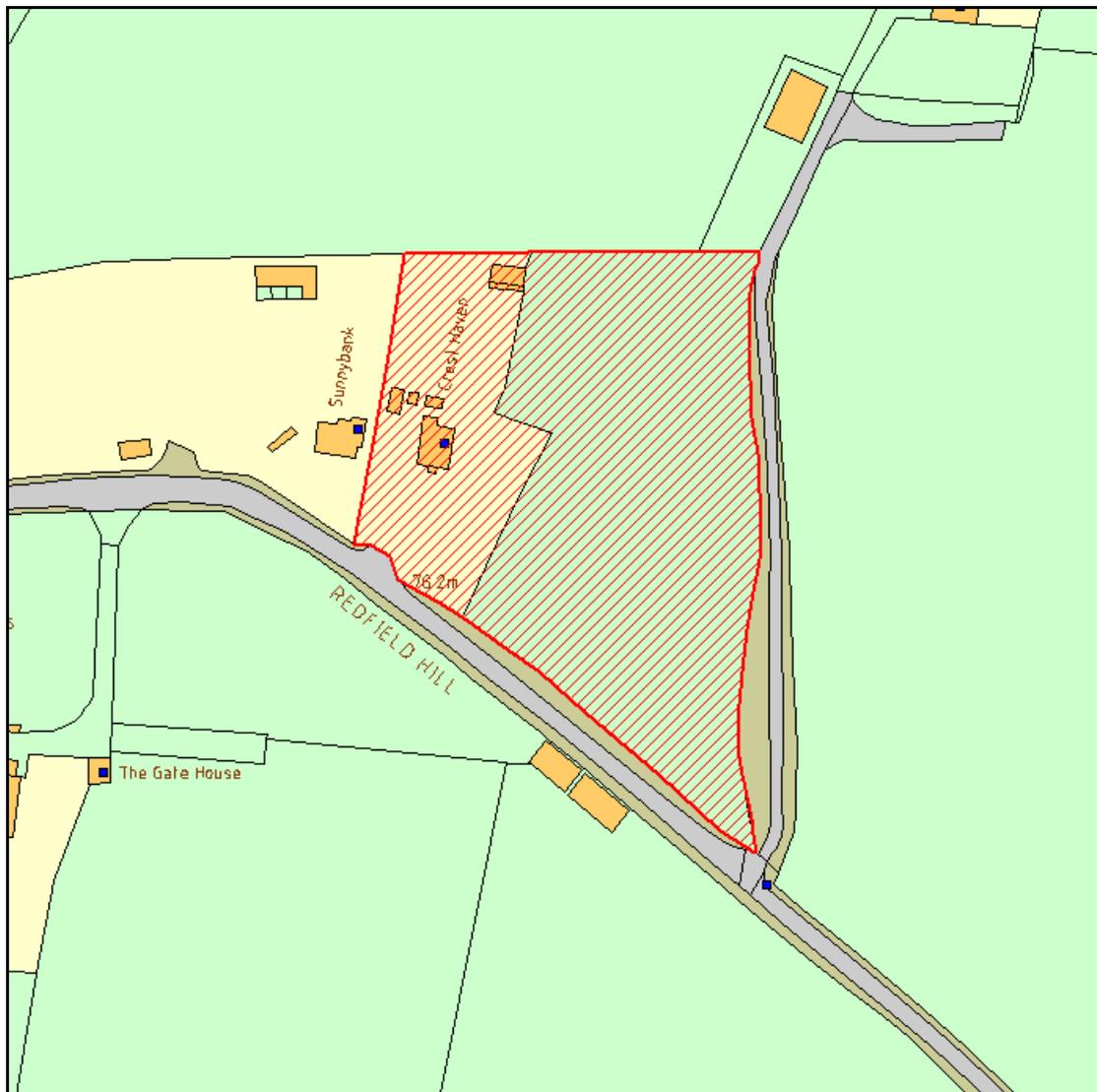
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 46/09 – 20 NOVEMBER 2009

App No.:	PK09/5389/F	Applicant:	Mrs C Cross
Site:	Crest Haven Redfield Hill Bitton Bristol South Gloucestershire	Date Reg:	8th October 2009
Proposal:	Demolition of existing dwelling and garage to facilitate the erection of 1no. detached dwelling with access and associated works. Construction of new vehicular access from Redfield Hill. Erection of 2m high wall and gates. (Resubmission of PK08/1620/F)	Parish:	Bitton Parish Council
Map Ref:	368227 171505	Ward:	Oldland Common
Application Category:	Minor	Target Date:	30th November 2009



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 100023410, 2008. **N.T.S.** **PK09/5389/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a detached replacement dwelling and the repositioning of the existing vehicular access onto Redfield Hill which a Classified road.
- 1.2 The application site lies within the open countryside and is washed over by the Green Belt. The existing two-storey detached dwelling sits in a substantial plot accessed via the south west corner of the site onto Redfield Hill. A large mixed hedge provides a visual screen to the highway.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS3 Housing
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPS23 Planning and Pollution Control

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- EP1 Environmental Pollution
- GB1 Green Belt
- H11 Replacement dwellings in the countryside
- T6 Cycle Routes and Pedestrian Routes
- L1 landscape Protection and Enhancement

- 2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist – August 2007
- Development in the Green Belt – June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P98/4142 Erection of two storey rear extension
Approved 30.04.98
- 3.2 PK01/0857/F Erection of detached double garage
Refused 03.05.01
- 3.3 PK08/1620/F Demolition of dwelling for replacement dwelling
Refused 2008 and dismissed at appeal

- 3.4 Pk09/0730/F Erection of single and two storey extensions
Refused June 2009 on Green Belt grounds and visual
Amenity grounds

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors objected to this development on the following grounds: the design not felt to be in keeping with the area and the argument to demolish is not substantiated.

4.2 Other Consultees

Environmental Services – No objection
Public Rights of Way – No objection
Sustainable transport – No objection, subject to conditions
Drainage engineer – Objection
The proposal includes a new septic tank but no DETR assessment has been submitted to demonstrate that the risks of flooding and pollution have been eliminated.

Other Representations

- 4.3 Local Residents
No response.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for the replacement of existing dwellings within their curtilage, providing that the design is acceptable, the replacement is of similar size and scale to the existing dwelling and that there is no unacceptable impact on residential and visual amenity.
- 5.2 Similarly, policy H11 of the South Gloucestershire Local Plan is supportive in principle of proposals for the replacement of existing dwellings in the countryside subject to scale and provided the existing dwelling has not been abandoned or is incapable of retention in its current state.
- 5.3 The application site is also situated within the designated Green Belt and to accord with Policy GB1 of the South Gloucestershire Local Plan proposals for replacement dwellings must not result in 'disproportionate additions' over and above the size of the original dwelling or compromise the openness of the Green Belt.
- 5.4 Bitton Parish Council question the argument as to whether the demolishing of the house is substantiated. Members are advised to consider that no planning objection was raised with regards the principle of demolition and its proposed replacement during the assessment of the last planning application, and therefore it would be unreasonable to raise this now.

However a report undertaken by a structural Engineer has been submitted with this current application and has concluded the following:

Overall we consider that although the existing building appears to be performing adequately there are indications that elements are not up to current standards and therefore any alterations of the structure or increase in loadings may result in unacceptable stress concentrations and structural movement

In our opinion to bring the current structure up to current code requirements and to stabilise the existing foundations in order to allow significant alterations or extension would not be economically viable.

5.5 Based on the findings of the structural survey report the Planning Officer is of the opinion that the dwelling is not reasonably capable of being repaired and improved.

5.6 Green Belt

The overriding concern with the replacement of existing dwellings within the Green Belt is the effect upon openness and replacement buildings will only be allowed if there is no greater impact on the openness of the Green Belt than that of the original dwelling.

5.7 The previous application was refused on the following grounds:

The applicant has calculated the replacement dwelling to constitute a 105% increase in volume terms over the existing dwelling. This is considered to represent a substantial increase to the existing dwelling which is at odds with Policy GB1 which requires the replacement to be proportionate to that existing. The proposal is therefore considered to be harmful to the openness of the Green Belt contrary to policy GB1 of the South Gloucestershire Local Plan, and no very special circumstances agreement has been put forward to justify why planning permission should be granted.

5.7 This revised application has significantly reduced the scale of the proposed dwelling and the applicant has calculated the replacement to constitute a 25% increase in volume over and above the size of the original dwelling, although the Planning Officer is of the view it is 33%. Whilst it is accepted the proposed building is marginally larger than the existing, Members are advised to have regard for the following. The Planning Officer accepts the additional increase in size on the grounds that this reflects what the Council generally accepts when considering extension/s to existing dwellings. The footprint of the building has been designed as an L shape, which has resulted a compact built form of a similar height to the existing. It is considered that on balance the proposed replacement dwelling by reason of scale and design would not prejudice the openness of the Green Belt, and constitutes a replacement dwelling of similar size and scale to accord with Policy H11.

5.8 Design

The Parish Council has raised an objection on design grounds in terms of the dwelling not being in keeping with the area. Policy D1 of the South Gloucestershire Local Plan advises that development must be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.9 The application site and surrounding area is that of a rural context. The existing dwelling on site relates to a cottage style two storey detached dwelling with render finish and clay roof tiles.

5.10 The South Gloucestershire Design Checklist advises that good building design is less to do with a particular style and more to do with the successful co-ordination of proportions, materials, colour and detail and how these relate to the character and identity of the surroundings.

5.11 The proposed dwelling is considered to be of a simple form and partly reflects the character of a traditional barn conversion, with low eaves and steep roof pitch. The storey and half design ensure the overall height of the building is kept low but also mirrors the ridge height of the existing dwelling on site. The scheme proposes clay roof tiles and natural stone finish, both of which are characteristic of this area. The new dwelling will incorporate a number of energy efficient measures i.e. high levels of insulation, solar roof panels and under floor heating. The building has also been designed and positioned to take full advantage of solar gain, with main habitable room windows being east and south facing.

5.12 The proposed dwelling is considered to be of a high quality design, which not only has regard for the character of the area but also will also significantly enhance the existing situation.

5.13 Visual Amenity

As discussed above the proposed dwelling by reason of its scale and design is considered to be in keeping with the character of the area and that of the Green Belt.

5.14 The application proposes the loss of a section of hedgerow along the frontage of the site to allow for the new access. Whilst it is accepted that the section of hedgerow to be removed is considered to be of good quality, this however is outweighed however by the significant highway benefits gained from closing of the existing access which is significantly substandard in terms of visibility. A condition will be imposed to secure additional planting where appropriate.

5.15 Residential amenity

The proposed dwelling would have no material impact on the amenity enjoyed by the adjacent occupiers due to its design, distance from the neighbouring dwelling (12m) and substantial existing boundary treatment which comprises mixed hedging and trees.

5.16 Highway safety

The proposal would result in no increase in the number of dwelling units on site, therefore the proposal is considered not to result in a material increase in car-borne traffic. The proposal would include the re-location of the existing vehicular access off Redfield Hill which is a Classified Road. The existing access is poor in terms of manoeuvrability with poor visibility on both sides. The proposed access is considered to be acceptable and would be a material gain in terms of highway safety factors due to the significantly improved visibility and manoeuvrability the new access would provide.

5.17 Drainage

The existing means of foul drainage is via a cesspit. The previous scheme was refused on the grounds that in the absence of details relating to the means of foul waste disposal the Council was unable to assess the application in terms of pollution risk. The Inspector concluded however that such information could be dealt with by means of an appropriately worded planning condition.

5.18 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.

5.19 Use of Energy and Sustainability

The new dwelling will incorporate a number of energy efficient measures i.e. high levels of insulation, solar roof panels and under floor heating. The building has also been designed and positioned to take full advantage of solar gain, with main habitable room windows being east and south facing.

5.20 Improvements Achieved to the Scheme

None required

5.21 Section 106 Requirements

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

6. CONCLUSION

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

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

- a) The proposed development has been designed to positively enhance the character and appearance of the area taking account of materials, design, siting, height and scale of development. The proposal will safeguard the openness of the Green Belt - Policies D1, H11 and GB1
- b) The proposed development has taken fully account of neighbouring residential amenities and through careful design will not materially harm the amenities of the neighbouring property by reason of loss of privacy or overbearing impact - D1
- c) The proposed vehicular access and closure of existing access will result in significant highway safety benefit - T12
- d) Landscaping measures will mitigate against the loss of hedgerow - L1

7. RECOMMENDATION

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

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

2. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used in the construction of the dwelling and front boundary wall shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

3. Before the vehicular access hereby permitted is first used, the existing vehicular access onto Redfield Hill as shown on approved drawing 59/21 shall be permanently stopped up in accordance with the approved plans.

Reason

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

4. Prior use of the approved vehicular access, visibility splays of 2.0m x 43.0m shall be provided and permanently maintained.

Reason

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

5. Prior occupation of the dwelling hereby authorised the existing garage as shown on dwg. no.59/21 shall be demolished.

Reason

To preserve the openness and visual amenity of the Green Belt and to accord with Policy GB1 of the South Gloucestershire Local Plan.

6. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment)(No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E,), 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

To safeguard the openness of the Green belt and to accord with Policy GB1 of the South Gloucestershire Local Plan.

7. Any required cutting back of the hedgerow to enable the provision of satisfactory visibility splays must be agreed on site with a relevant officer of the Council.

Reason

In the interests of visual amenity and to accord with Policy L1 of the South Gloucestershire Local Plan.

8. Prior to the commencement of development a scheme of proposed 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) shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

9. Prior the commencement of development hereby authorised details of the proposed sewage treatment plant must be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 49/09 – 20 NOVEMBER 2009

App No.:	PK09/5394/F	Applicant:	Mr Andrew Hendy
Site:	Land Off Dodington Lane Dodington Bristol South Gloucestershire BS37 6SB	Date Reg:	5th October 2009
Proposal:	Erection of calf rearing unit comprising 2 no. rearing buildings and Fodder Barn (Amendment to previously approved scheme PK09/0979/F that includes improved ventilation and re- positioning of buildings 5 metres to the west)	Parish:	Sodbury Parish Council
Map Ref:	372879 180913	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	25th November 2009



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 100023410, 2008. **N.T.S.** **PK09/5394/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This planning application seeks consent to amend a previously approved scheme. In August 2009, full planning permission was granted to construct two calf rearing buildings and one fodder store on the site. The originally approved application showed the barn to be erected close to the existing boundary hedge. This application seeks consent to move the barns five metres to the west – further away from the hedge to ensure tractors can get access to all sides of the building. It is also proposed to move the entrances to the barns. In the originally approved scheme the open front of the barn faced to the west. Whilst the barns will be of exactly the same size and design as those previously approved, the open fronts will now face to the east
- 1.2 Other than moving the barns five metres to the west and swapping the open side of the barn from the west to the east, the application remains identical to that approved under reference PK09/0979/F.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L1 Landscape Protection
E9 Agricultural Development
EP1 Environmental Pollution
GB1 Development in the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/0979/F Erection of 2 no. calf rearing buildings and 1 no. fodder barn.
Approved August 2009

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council
No Objection

Other Representations

4.2 Local Residents

One letter of objection has been received on behalf of a neighbouring property. The points of concern raised are as follows:

- The industrial farming unit will seriously affect the enjoyment of the neighbour's home
- As a result of the development the neighbours will suffer noise, smells, and flies
- To move the units closer to their home, even by 5 metres would only make matters worse particularly as there is no earth bund.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E9 of the South Gloucestershire Local Plan allows for agricultural development subject to a number of criteria to ensure the development has no adverse impact on environmental, visual or residential amenity. The site also lies within the Bristol/ Bath Green Belt where the requirements of Policy GB1 are also applicable.

5.2 Green Belt

The site lies within the designated green belt. The erection of agricultural buildings is one of the five categories of development that may be considered acceptable in the green belt and thus the principle of development is considered appropriate. Attention has also been paid to the design of the buildings. The eaves height at 3.6 metres is lower than found on many agricultural buildings as the operation is more manual than mechanical and therefore tractor movements are limited. This combined with the additional landscaping proposed means that the impact of the buildings upon the openness of green belt is considered to be acceptable. The buildings are of exactly the same dimensions as approved in August this year and moving the buildings 5 metres to the west will have no material impact on the openness of the Green Belt.

5.3 Design/Visual Amenity

The site is in the open countryside in a relatively isolated location. There is one existing dwelling nearby. The buildings are considered to be appropriate for their agricultural setting and have an agricultural form. The buildings are to be constructed with concrete walls at low level with Yorkshire boarding above. The roof is to be constructed of concrete boarding. Moving the doors to the opposite side of the building will have no significant impact upon visual amenity when viewed from the public realm. Similarly, considering the size of the buildings proposed, moving them 5 metres away from the boundary hedge will have no material impact on the character of the area of openness of the countryside.

The plans show additional screen planting around all sides of the site. New planting areas are proposed to the north and west of the site and the existing hedgerow to the south and west is to be thickened and improved.

The proposed buildings will be clearly visible from the highway, the public footpath and surrounding area. However, consideration must be given to the fact that this is an agricultural location and all surrounding land is in agricultural

use. The buildings are of a simple design that one would reasonably expect to find in an agricultural setting. Subject to the attachment of conditions, the design of the buildings are considered to be entirely acceptable.

5.4 Residential Amenity

There is one property near to the site – Great Kingley Cottage. It is noted that the occupants of this neighboring dwelling have raise concern about possible noise disturbance from the farm. The occupants of this dwelling are concerned that moving the buildings 5 meters closer toward their property will impact upon their existing levels of residential amenity. However, this must be considered against the fact that the doors to the barn are also to be moved. As initially approved in August, the doors and open side of the barns faced towards this neighbouring dwelling. The proposal is not to turn the barns around so the doors and open sided face away from the neighbouring dwelling. It is therefore considered that despite the 5 metre move, the change in door position will actually materially improve levels of residential amenity over and above the initially approved scheme.

The agent has also submitted information to address the issue of noise and to demonstrate that the units will not result in unacceptable noise levels. Notably the calves will have food available at all times rather than at set feeding times. This should alleviate the concerns of neighbours regarding the noise at feeding times. Whilst it is expected that some noise will indeed be heard at surrounding areas, given the rural setting and the low number of immediate neighbours, the noise levels will not be unacceptable. It is not considered that the scheme will have any other impact upon existing levels of residential amenity by means of overlooking or overshadowing. Impact upon existing levels of residential amenity are therefore considered to be acceptable.

5.5 Agricultural Justification

Policy E9 of the South Gloucestershire Local Plan, criterion A, allows for agricultural development providing there are no suitable underused buildings available. Your officer is happy from the site visit that there are no existing underused buildings. Similarly Robert Fox, who undertook an agricultural planning appraisal for the previously approved scheme in August, confirmed that the siting of the proposed buildings is sensible and necessary. With the proposed number of extra calves to be reared there would potentially be a serious welfare problem if, for instance, Whistledown Farm was closed through TB. With the number of calves running out of space it would seem sensible if possible to source a site on a different holding from the Whistledown Farm. Also if, ironically, you are providing a TB isolation unit and bio-security measures are kept up, you also need to have a separate holding otherwise you not be able to bring those calves onto Whistledown Farm for example. There are good reasons and business acumen behind the creation of a new unit, away from Whistledown Farm under a different holding number, to be able to have the freedom to operate the calf rearing unit and to expand the business and make more use of calves that would otherwise be killed early in their lives and reared on for beef.

5.6 Transportation

It is accepted that the site is on a single tracked rural lane. It is likely that there will be two deliveries of calves each week. There will also be deliveries of food and other associated visits. The types of vehicles associated with the unit are to be expected at most agricultural holdings many of which are also along narrow country lanes. There is ample space within the boundaries of the site to park, manoeuvre and turn vehicles off of the public highway. It is not considered therefore that any objection could be upheld on transportation grounds.

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 Use of Energy and Sustainability

None required for a scheme of this nature although the buildings do incorporate clear panels in the roof to encourage as much natural sun light as possible to enter the buildings.

5.9 Improvements Achieved to the Scheme

None Required

5.10 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The proposed buildings are agricultural buildings of modern appearance and sympathetic materials and size. The buildings are entirely appropriate for their rural setting and are of the design one would expect to see in a rural location. Consideration has been given to increasing landscaping buffers in the vicinity to ensure the visual amenity of the area is protected and also to act as a noise filter to protect the neighbouring property. The Public right of way that runs across the site is protected and retained and adequate provision is made for the safe transporting of animals and goods too and from the site. The development falls within the categories of development that are acceptable in the green belt and the openness of the green belt will not be unduly impacted upon by the proposal.

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

7. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, a detailed landscaping plan shall be submitted to the Council and if acceptable agreed in writing. The detailed planting plan must include details of species and locations, a planting specification and a five year maintenance plan. Details must be submitted in relation to the new screen hedge/scrub to the west, the new native hedge to the north, and the existing hedgerow to the south and east. All development must take place exactly in accordance with the details so agreed.

Reason

To protect the character and appearance of the area to accord with Policies D1, GB1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The landscaping scheme as agreed must be fully implemented prior to the first occupation of the buildings hereby permitted by animals.

Reason

To protect the character and appearance of the area to accord with Policies D1, GB1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The access to the site must be finished with tarmac as shown on the approved plans unless the local planning authority give written consent to any variation.

Reason.

To prevent the spread of gravel onto the highway in the interests of highway safety and to accord with the requirements of Policy E9 of the South Gloucestershire Local Plan (Adopted)

5. Prior to the commencement of development details of the roofing and external facing materials, and hard landscaping materials proposed to be used must be submitted to

and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

6. Prior to the commencement of development full details of the new outfall must be submitted to the Council and if acceptable, agreed in writing. For the avoidance of doubt, the outfall must be a brick or stone headwall - the use of concrete bags will not be permitted. Full details must also be submitted to confirm that the drainage ditch is within the applicants ownership and that the proposed discharge will not cause of exacerbate and downstream flooding. Full details must also be submitted to confirm there will be no surface water gullies or access points where manure or wash down can enter the drainage system to cause pollution. All development must be carried out exactly in accordance with the details so agreed.

Reason

To ensure that a satisfactory means of drainage is provided, and to prevent pollution and flooding and to accord with policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006. (*select as appropriate).

CIRCULATED SCHEDULE NO. 46/09 – 20 NOVEMBER 2009

App No.:	PK09/5400/F	Applicant:	Hendrik Rijken
Site:	Deanna Court Cleeve Lodge Close Downend South Gloucestershire	Date Reg:	15th October 2009
Proposal:	Conversion of lower ground floor to form 3 no. self contained 1 bedroom flats and associated works.	Parish:	Downend & Bromley Heath Parish Council
Map Ref:	365387 176862	Ward:	Downend
Application Category:	Minor	Target Date:	3rd December 2009



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 100023410, 2008. **N.T.S.** **PK09/5400/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of the ground floor of an existing block of flats to form 3 number 1 bed flats.
- 1.2 The application site relates to a 7 storey high detached block of flats within the established residential area of Downend.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- T12 Transportation Development Control Policy for New Development
- T8 Parking Standards
- T7 Cycle Parking
- H5 Residential Conversions
- EP1 Environmental Pollution
- L1 Landscaping

- 2.3 Supplementary Planning Guidance
SPD Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 K4297 Additional penthouse flat, erection of block of five flats, nine car ports and 20 car parking spaces
Refused September 1983
- 3.2 K4297/1 Replacement of existing penthouse and erection of further three flats
Refused April 1984
- 3.3 K4297/2 Replacement of existing penthouse, erection of three flats, surfacing of car parking area and construction of pedestrian stairway
Refused July 1984
- 3.4 K4297/3 Alterations and additions to existing block of flats to provide 4 flats and erection of 3 houses

Refused January 1989 on highway & residential amenity grounds, felling of trees, lack of drainage details and site unable to accommodate further development.

4. CONSULTATION RESPONSES

4.1 Downend & Bromley Parish Council
No objection

4.2 Other Consultees

Tree Officer: provided the existing garages to the south of the flats remain in situ the trees located on the southern boundary of the site will not be impacted by the proposed conversion.

Environmental Services: No objection

Other Representations

4.3 Local Residents

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

- Existing parking problems and congestion and proposed development will worsen existing problems
- No existing parking for Deanna Court
- Existing narrow road
- Rear of building must be kept clear for refuse and emergency vehicles
- Poor outlook from proposed flats
- Road in poor state of repair
- Basement of flat houses communal rubbish chute, boiler and electrics
- The land next to building is sinking and nearby mine shaft
- Existing Sewage problems
- Previous planning applications
- Management Company
- Densely populated cul-de-sac
- Health & safety issues with existing refuse area
- Oil tank and refuse chute must stay in place
- Management issues
- High density
- Safety of proposed boilers & servicing
- Proposed heating system not energy efficient & costly
- Is Building structurally capable of being converted
- Vulnerable adults living in flats and risk assessment need to be carried out

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan accepts the principle of conversion of existing residential properties into smaller self contained

residential accommodation, subject to a number of criteria being satisfied as detailed below:

- 5.2 Would not prejudice the character of the surrounding area;
The application site relates to a 1970's block of flats within the established residential area of Downend. The immediate area is characterised by two storey-detached dwellings and Cleeve Lodge, a large detached Nursing home.
- 5.3 To enable the conversion the application proposes a number of internal alterations and external alterations to the fabric of the building i.e window and door openings. All new brickwork will match existing. The application proposes to upgrade the existing access areas leading to the flats by forming new tarmac paths suitable for wheelchair access to the front doors of each new flat. It is considered that the proposed alterations required to enable the conversion would not prejudice the character of the area.
- 5.4 Would not prejudice the amenities of nearby occupiers
As the proposed use is that of residential within an existing residential environment and given the scale of development it is considered that the introduction of three additional 1bed flats would not prejudice the amenities of nearby occupiers.
- 5.5 Would identify an acceptable level of off street parking; and
Objections have been raised by local residents on the grounds of existing parking problems in and around the area. The application form states that there is a total of 20 car parking spaces for Deanna Court and the scheme proposes 2 disabled spaces. The agent has subsequently confirmed that the existing lock up garages on site which once belonged to Deanna Court have subsequently been sold of. Therefore as it stands there is no allocated car parking provision for the existing occupiers of Deanna Court.
- 5.6 Notwithstanding the absence of car parking spaces, Members are advised to have regard for the following. The Council's Highway Officer has advised that the site is considered to be in a sustainable location, which is within walking distance of Downend High Street where there is good access to shops, services and public transport. On that basis, there is no basis for a transportation objection to this proposal.
- 5.7 However as the application proposes to build the flats to Lifetime Home Standards the application proposes the provision of three car parking spaces. The Planning Officer however has agreed that only 1 car parking space is required, in light of concerns raised regarding the need to retain access to the rear of the building for emergency and refused vehicles.
- 5.8 Reference has been made by local residents to previous planning refusals on this site, which are outlined above in detail under paragraph 3.0 of this report. Unfortunately the Council has no detailed planning information relating to the first three applications but does with K4297/3. This application was refused on a number of planning grounds one of which being highways and lack of parking. However that scheme related to 4 new flats and 3 houses, so there are clearly different material planning consideration. In addition regard must be had for the

fact that the Council's car parking standards have now changed since these proposals were submitted.

5.9 Would provide adequate amenity space.

As the proposed development relates to 1-bed flats, it not considered that the lack of amenity space would have an adverse impact on the future occupiers of the development. It should be noted however that a large playing field ¼ Kings Georges Filed ¼ is within walking distance, as it abuts the application site along the eastern boundary.

5.10 Residential amenity of future occupiers

Objections have been raised regarding poor outlook for the future occupiers of the development. The proposed flats on the southern elevation of the building will overlook a terrace row of single storey flat roof garages at a distance of approximately 7.50m, it is considered that this would not have an unacceptable impact on the future occupiers of the development.

5.11 Pedestrian and vehicular access to the proposed flats will be from the rear and side of the building. The Design & Access Statement acknowledges that the ground surface around the building is of a poor quality and proposes to form new tarmac paths suitable for wheelchair access to the front doors of each new flat. Proposed external lighting will be operated by passive infrared switching. These proposed measures will be secured by way of planning conditions which will provide enhanced and secure means of access to the flats.

5.12 The Council's Environmental Heath Services have raised no objections with regards use of the basement for residential purposes. Issues of noise from the refuse chute would be addressed as part of the Building regulations application.

5.13 Drainage

Objections have been raised regarding existing drainage problems on site. This is a matter to be dealt with Via Building Regulations. Issue of nearby mine shaft has been raised. The Council's Drainage Engineer has advised that the Council has no record of this.

5.14 Other Issues

Management Company

Concerns have been raised regarding the management of Deanna Court by the management company. This is not a material planning consideration with regards the determination of this planning application.

Retention of Refuse Chute and boiler

The Design and Access Statement advises that the refuse chute is to remain in situ and that that the existing oil fired central heating and water systems will be replaced with individual gas fired combination boilers. Objections have been raised on the grounds of the proposed type of system being introduced, involved costs, issues of future servicing of the boilers plus the need for a risk assessment to be carried out due to vulnerable adults living in the flats. These issues are not material planning considerations with regards the determination

of this planning application and in particular the Planning System has no control over the type of system being introduced as this is a decision for the residents of Deanna Court and the Management Company.

Structural Issues

Issues regarding the structural aspects of the building and suitability for conversion are Building Regulation Issues.

5.15 Design and Access Statement

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

5.16 Use of Energy and Sustainability

The application proposes to build the flats to Lifetime Home standards.

5.17 Improvements Achieved to the Scheme

A number of planning conditions are recommended requiring the submission of details relating to the upgrade of road service to provide footpaths to flats and external lighting details, so as to ensure safe and secure access to the flats.

5.18 Section 106 Requirements

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

6. CONCLUSION

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

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

a) The proposal has been designed to positively enhance the immediate character and appearance of the area by enhancing pedestrian access to the proposed flats-Policy D1

b) The proposed development has fully taken account of neighbouring and future residential amenities and through careful design the proposal will not harm the amenities of existing neighbouring occupiers or future occupiers of

the development by reason of loss of privacy, overbearing impact and noise and disturbance-Policy H5

c) The proposal offers car parking provision and a condition is imposed requiring the provision of cycle parking provision-Policies H5, T12, T7 and T7.

d) The development will not prejudice existing trees on site-L1

7. RECOMMENDATION

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

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

2. Prior to the commencement of development samples of the external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 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 07.30am-18:00pm Monday -Friday (Inclusive) and 08:00am-13:00pm Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of the block of flats and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until details of proposed pedestrian access measures in terms of satisfactory surface treatment and security lighting measures

have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To provide safe, secure and attractive pedestrian access into and out of the site and to accord with Policy D1 of the South Gloucestershire Local Plan

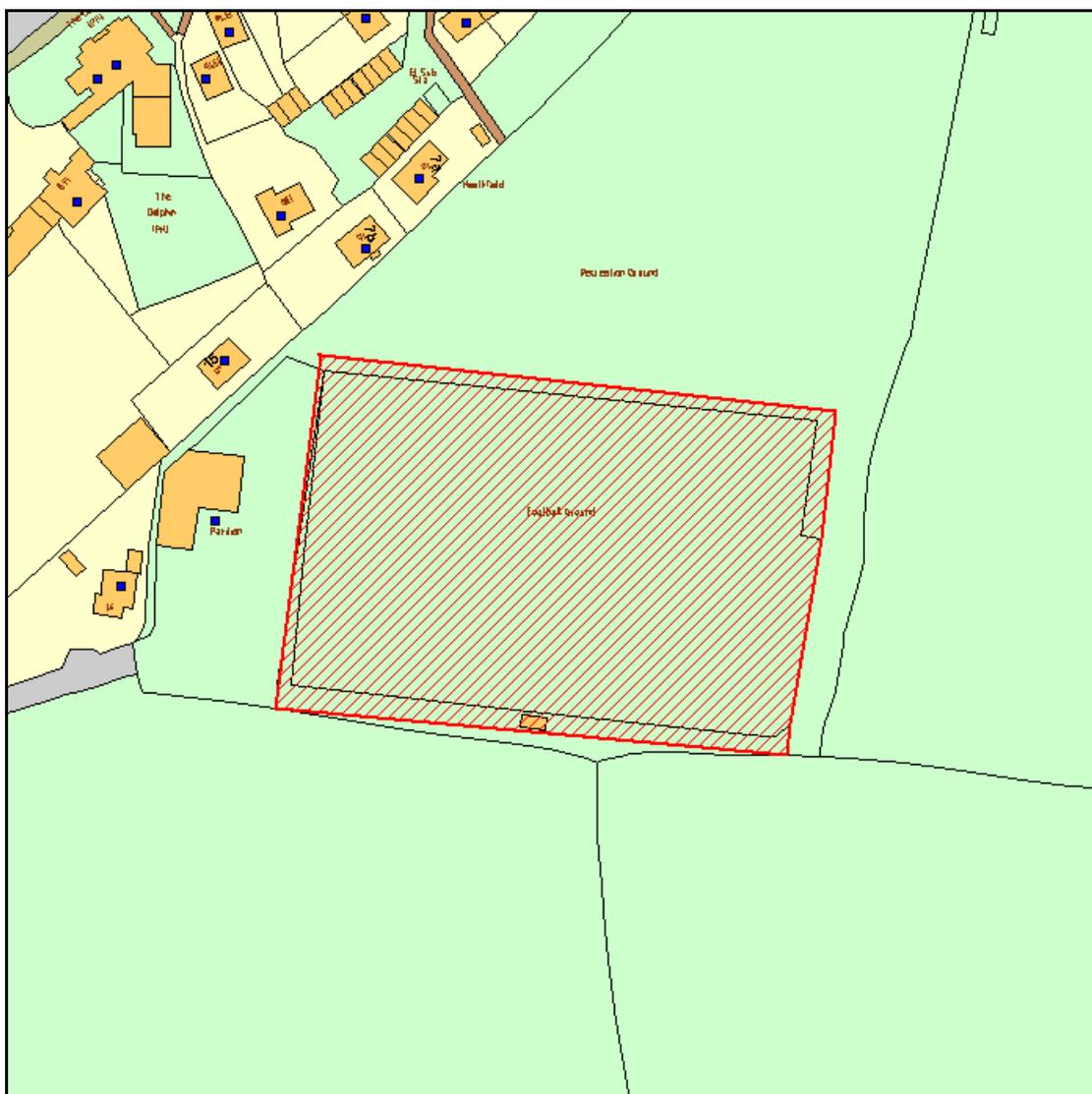
5. The off street parking facilities for vehicles shown on the plan hereby approved shall be provided before the flats are first occupied and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 46/09 – 20 NOVEMBER 2009

App No.:	PK09/5475/F	Applicant:	Mr R Hayball
Site:	Oldland Abbotonians Football Club Castle Road Oldland Common Bristol South Gloucestershire	Date Reg:	7th October 2009
Proposal:	Erection of 4 no. floodlights to senior football pitch. (Resubmission of PK08/2346/F).	Parish:	Bitton Parish Council
Map Ref:	367509 171388	Ward:	Oldland Common
Application Category:	Minor	Target Date:	26th November 2009



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 100023410, 2008. **N.T.S.** **PK09/5475/F**

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of objections from both Bitton Parish Council and local residents.

1. THE PROPOSAL

- 1.1 The application relates to Oldland Abbotonians Football Club, which is based at a recreation ground located at the end of Castle Road, Oldland Common. The site lies within open countryside and Green Belt land adjacent to the eastern edge of the Existing Urban Area. The football pitch forms part of a larger area used for sports pitches and other recreational uses.
- 1.2 The actual playing area is enclosed by a low spectator barrier. To the north of the main pitch is an area used for training purposes; low level floodlights are utilised to illuminate this training area during winter training sessions. Vehicular access to the site is via a very narrow lane off Castle Road, which in turn leads onto High Street, Oldland Common. A Public Right of Way (PROW) – PBN 19 runs from Castle Road in an easterly direction across the southern extremity of the pitch.
- 1.3 A previous planning application (PK08/2346/F) for 5no. floodlighting columns was refused for the reasons listed in para. 3.5 below. The current proposal seeks to overcome the previous reasons for refusal.
- 1.4 It is now proposed to erect only 4no floodlighting columns around the pitch, two along the northern edge and two along the southern edge of the pitch. The floodlighting columns would all be 18m in height.
- 1.5 The applicant has submitted a supporting statement, the main points of which are summarised as follows:
- The design specifications, layout and all light calculations are submitted and have been provided by the specialist Musco 'green generation lighting company'.
 - All light lux levels and back light emissions are shown on the drawings, the light heights ensuring minimum spill of light.
 - Oldland Abbotonians F.C. play in the Tool Station Western League Div 1. There are currently 21 teams in Div 1 so 20 home league games would be played with a chance of some cup knock-out games and a possibility of a few pre-season friendly games. The majority of games would kick off at 3.00pm on Saturday afternoons.
 - The club have a thriving junior section and a ladies team.
 - Bitton Road Runners are also based at the club.
 - A variety of other activities take place at the club throughout the year.
 - During the last few years the club have made in excess of £100,000 worth of improvements to the ground and these are ongoing.
 - No change to the Castle Road access is proposed.
 - The impact of not having the lights at the club would be devastating in terms of the clubs survival. If our top-flight team are unable to play under floodlights it would mean relegation to a lower league with resultant reduced support and loss of income. With less income the maintenance of

the facility and pitches would suffer and the club would most likely not survive.

- Several clubs within a 5 mile radius have been given permission for floodlights e.g. Longwell Green, Cadbury Heath, Bitton, Keynsham Town and Mangotsfield United.
- The Club are prepared to accept conditions to restrict the use of the lights as follows:

Saturdays – No later than 17.30 hrs

Weekdays (Tuesdays – Thursdays) – only one day per week up to 22.00hrs.

1.6 The current application differs from that previously refused as follows:

- Only 4no. floodlighting pylons are now proposed compared to the previously proposed 5no. pylons.
- The position of the pylons has been slightly revised.
- All 4no. pylons would now be 18m high as opposed to the previously proposed lights that varied in height from 15.2m to 18.3m.
- The illumination details have been revised and enhanced information provided.
- Additional justification for the lights has been submitted.
- The applicants have confirmed that the existing dugouts will be re-located away from the definitive line of the PROW.
- Conditions to restrict the use of the lights have been suggested.

2. **POLICY CONTEXT**

2.1 National Guidance

PPS1 - Delivering Sustainable Development

PPG2 - Green Belts

PPG13 - Transport

PPG17 - Sport and Recreation

Circular 11/95 - Use of Conditions in Planning Permissions

2.2 Development Plans

Joint Replacement Structure Plan

Policy 16 - Green Belt

Policy 42 - Open Space safeguarding and provision.

Policy 43 - New Recreational Facilities

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design in New Development

L1 - Landscape Protection and Enhancement

L9 - Species Protection

GB1 - Green Belts

EP1 - Environmental Pollution.

T12 - Transportation Development Control Policy for New Development.

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

LC12 - Recreational Routes

Supplementary Planning Guidance

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

South Gloucestershire Landscape Character Assessment Adopted August 2005 – Character Areas 12 Westerleigh Vale and Oldland Ridge and 14 Kingswood.

3. RELEVANT PLANNING HISTORY

- 3.1 Over the last 30 years, there have been numerous planning applications mostly relating to the clubhouse, all of which were approved; the only exception being the following:
- 3.2 P97/4097 - Erection of single-storey extension to existing Sports Pavilion. Refused 8th Sept. 1997 for reasons of:
- Disproportionate addition in the Green Belt. No very special circumstances.
 - Proposal would attract additional vehicles to the site, increasing highway hazards on access lane.
 - Adverse impact on residential amenity from increased traffic.
- 3.5 PK08/2346/F - Erection of 5no. floodlights to senior football pitch. Refused 6 Oct 2008 for reasons of:
- Inappropriate development in the Green Belt. No special circumstances.
 - Fails to enhance the visual amenity of the Green Belt.
 - Insufficient information to fully assess the impact of light spillage.
 - Siting of pylons would adversely affect PROW.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Object on the grounds that : It is not believed that South Gloucestershire Council's objections have been overcome and light spilling will interfere with footpaths and local housing. If council grant the application, Councillors would wish to see restrictions on the use of the lighting after 9 pm, to mirror permissions at SBL School.

4.2 Other Consultees

Sport England

The following is a summary of Sport England's response: It is understood that the site constitutes a playing field and as such the application is considered in the light of Sport England's playing fields policy, the aim of which is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area.

Sport England are satisfied that the proposal meets the above policy. Floodlighting is integral to a number of sports facilities, as this will enable them to accommodate higher levels of use and considerably extend the hours of use outside the summer months. The proposed development would result in an improved level of sport and recreation provision in the area, and Sport England would therefore wish to lend its support in principle to this planning application.

The National Playing Fields Association

No response

The Ramblers

No response

Other Representations

4.3 Local Residents

2no. letters of objection were received from local residents. The concerns raised are summarised as follows:

- The site is adjacent to Green Belt land and the lights will further urbanise the area.
- Sir Bernard Lovell School, just a few feet away from the proposed site, has 9 metre high floodlighting in operation impacting on the visual aspect of the area and residents' homes – two lots of lighting of this nature are simply unnecessary so close to each other.
- The area is now subjected to additional noise late into the evening of shouting and training instructions from football and other games being played. To have this at the front as well as the back of our house will be intolerable.
- The lighting at SBL has to be turned off at 9pm to at least protect the residents slightly, therefore if approved the same restrictions must apply. Lighting and additional noise from this site until 10pm will impact on the quality of life and enjoyment of our property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application is for the erection of 5no floodlighting columns for the purposes of illuminating the football pitch (senior football pitch only) at Oldland Abbotonians F.C. The latest Government guidelines regarding such development, is to be found in PPG17 – 'Sports and Recreation'. With regard to applications for floodlighting, the guidance indicates that, *local authorities should ensure that local amenity is protected. The impact on the openness of the Green Belt, or on the character of the countryside, of floodlighting towers or pylons should be a key factor in determining whether planning permission should be granted.* Since the site lies within the Open Countryside and Green Belt, officers consider that the impact of the floodlights and lighting columns on the openness and visual amenity of the Green Belt, as well as the landscape in

- general, to be a key issue. Also of importance is the impact of the proposal on local residential amenity.
- 5.2 In the first instance the proposal must be considered in the light of the latest Green Belt policy contained in PPG2, which is also encompassed within Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. Inappropriate development within the Green Belt is by definition, harmful to the openness of the Green Belt and would only be permitted where very special circumstances exist; the onus is on the applicant to demonstrate the very special circumstances.
- 5.3 The various categories of development, which are considered to be appropriate within the Green Belt, are listed within PPG2 and Policy GB1; these include the construction of new buildings for essential facilities for outdoor sport and recreation and for other uses, which preserve the openness of the Green Belt, and do not conflict with the purpose of including land in it.
- 5.4 In this case the proposed floodlighting pylons and lanterns are not considered to be buildings; however they are considered to be essential facilities for outdoor sport. The proposal is considered to fall within the limited categories of development that are permitted within the Green Belt. Officers also acknowledge that the use of the site as a football pitch does in itself preserve the openness of the Green Belt. The applicant has submitted a Design & Access Statement and a Needs Assessment in support of the application, the information contained therein is summarised in paragraph 1.5 above.
- 5.5 Officers have carefully assessed the information now submitted and acknowledge that floodlights are now a requirement for teams playing in the Toolstation Western League Div 1 and the implications for the club should planning permission be refused. Having considered these matters officers now consider that the applicant has adequately demonstrated the need for the lights. There is therefore no in-principle Green Belt objection to the proposal.
- 5.6 Green Belt Policy also requires that development within or conspicuous from the Green Belt, which would have an adverse impact on the visual amenity of the Green Belt, should not be permitted; this matter will be discussed in the Landscape section below.
- 5.7 Also of relevance is Policy LC5, which relates to proposals for outdoor sport and recreation outside the Existing Urban Area. The Policy lists a number of criteria, which are also discussed below.
- 5.8 Scale and Design
Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good standards of design in new development, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.9 The 4no. lighting columns proposed are not considered to be excessively bulky. The actual columns are relatively thin structures with small lanterns above. In

this respect officers are satisfied that every effort has been made to at least minimise the impact of the lighting columns in terms of scale and design. Lighting columns of a similar height were granted at Bitton F.C., which also lies within the Green Belt.

5.10 Impact Upon Residential Amenity

Government guidance in PPG17 (para.19) states that in considering applications for floodlighting, local authorities should ensure that local amenity is protected. It is proposed to illuminate the football pitch using Musco Green Generation Lighting. This very modern floodlighting has been specifically designed to be environmentally friendly.

5.11 The Council's Senior Lighting Engineer has inspected the submitted technical data and having seen similar lights in action, has confirmed that the lights are impressive in terms of the reduction of light pollution.

5.12 Nevertheless the Lighting Engineer previously expressed concern about the proposed installation of the floodlights, given that they would be located within the Green Belt and close to the residential properties in Castle Road, No.15 being only 18m from the pitch.

5.13 Further information was requested in the form of:

- ULR calculation – (Upward Light Ratio)
- Light Trasspass ILE into the windows of nearby nos. 14, 15, 7a, 7b and 139 to the west and north of the football pitch.

5.14 A revised Lighting Design and revised Design and Access Statement has now been submitted to the satisfaction of the council's lighting Engineer. Any negative effect of light spillage onto nearby property has been kept to a minimum and lies within the recommended values set up by the Institute of Lighting Engineer's guidance for the reduction of obtrusive lights. The proposed restrictions on the hours of use of the lights are also noted. Given the revised design, the technical information provided and proposed restrictions on use, officers conclude that sufficient information has been submitted to accurately assess the impact of light spillage from the floodlights on the nearby residential properties and wider locality and that there is no objection to the scheme as now proposed.

Noise

5.15 Concerns have also been raised about the level of noise likely to be generated by matches taking place on the field later into the evening.

5.16 The application site is an existing football pitch, where noise associated with the playing of football, is already experienced by local residents. The provision of the floodlights would provide for an extension of the hours of the existing use later into the evenings, but only on a limited basis in the darker winter months. In the absence of floodlights, these fixtures would otherwise be played during the lighter evenings at the end of the season, when residents are more likely to use their gardens, and bedroom windows are more likely to be open.

- 5.17 Conditions to control the number of games played and the hours of use for the lights could be imposed. Officers acknowledge that there is a danger of bad language emanating from the players and spectators, however that is a matter that cannot be controlled through the planning system but by match and club officials alike.
- 5.18 Some noise would also arise from the comings and goings of vehicles in the evenings but the level of disturbance is unlikely to be any more than any other match day.
- 5.19 Environmental Issues
Policy EP1 does not permit development, which would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation. As previously stated in this report, officers consider that sufficient information has now been submitted to accurately assess the impact of light spillage from the proposal.
- 5.20 Transportation Issues
The site lies in a reasonably sustainable location on the very edge of the Urban Area and is in easy walking distance for most of the local populace. Vehicular access to the application site is from High Street via Castle Road. Car parking is provided within the site to the front of the main Club House.
- 5.21 The football club plays in the Toolstation Western League, which is a local league and crowd sizes are only modest (approx. 50 per match). Officers are satisfied that the proposal would not result in increased traffic generation or have any significant adverse affect on highway users over and above that which already exists. There is therefore no highway objection.
- 5.22 Landscape Issues
Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. Similarly Policy LC5 does not permit development where it would adversely affect the character and diversity of the landscape. Policy GB1 seeks to preserve the visual amenity of the Green Belt.
- 5.23 The site abuts the urban edge and contains a number of structures associated with the recreational activities that take place on the site. The site is visually dominated by the Oldland Ridge to the east, with large electricity pylons on the lower slopes. The Landscape Character Assessment notes the erosion of landscape character in the locality and the prominence of the urban edge. The re-submission has reduced the number of lighting pylons to 4no. and this is probably the minimum that can provide the necessary illumination; the application also now provides a clear justification for the lights. Given the location and the presence of various structures and the nearby electricity pylons, it is not considered the proposed lighting columns would cause any significant additional harm to visual amenity, although the proposal would cause a small loss of openness to the Green Belt. Any light pollution would be minimised. Given that there is a clear justification for the development within the Green Belt and that conditions would strictly control the use of the floodlights, officers are now satisfied that the proposal would not have a

significant adverse impact on the visual amenity of the Green Belt and landscape in general and now satisfies the requirements of Policies GB1, L1 and LC5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.24 PROW

The definitive line of PROW - PBN 19 is considered to run along the southern edge of the football pitch. Officers are now satisfied that the PROW would not be adversely affected by the proposed siting of the floodlight pylons. Whilst the existing dugouts obstruct the definitive line of the PROW, it is now proposed to re-locate these structures to the opposite side of the pitch. The proposal therefore now accords with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.25 Ecology

The Council's Ecologist has confirmed that the proposed floodlights would have no adverse impact on the local bat population.

5.26 Other Concerns Raised

Concerns have been raised about the cumulative impact of too much flood lighting in the area. It should be noted however that the proposed lights would be used only on a very limited basis, and strictly controlled by condition. Furthermore the amount of light spillage is limited and falls within ILE guidelines. The SBL lights were determined on their merits and given that the SBL site lies some 200m from the application site, on the opposite side of Oldland High Street and the railway cutting, officers do not consider that the cumulative impact of the lights would justify refusal of planning permission in this case. Given that evening football matches usually kick off at 7.45pm and last 90 minutes with a break for half-time and the potential for 30 minutes extra-time in a drawn cup game, officers consider that to impose a cut off time earlier than 10.00pm would be unreasonable. The proposal is therefore considered to be in accordance with Policy EP1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.27 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.

5.28 Use of Energy and Sustainability

Light spillage has been kept to a minimum.

5.29 Improvements Achieved to the Scheme

Revised lighting design. Dugouts removed from definitive line of the PROW.

5.30 Section 106 Requirements

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

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The floodlights hereby approved shall be for the sole use of Oldland Abbotonians Football Club 1st Team League and Cup Matches only.

Reason

To minimise the effect of light spillage in the interests of the quality of the environment, the Green Belt and landscape in general, in accordance with Policies EP1, GB1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC5 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The use of the floodlights hereby approved shall be restricted to 14.00 to 17.30hrs Saturdays or Bank Holidays and 07.00hrs to 22.00 hrs Monday to Friday with no use on Sundays. The midweek use of the lights shall be restricted to one day only Monday

to Friday inclusive, within a single week. Any use of the lights outside these hours/days shall only be with the prior written consent of the Local Planning Authority.

Reason

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC5 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason

To minimise the effect of light spillage in the interests of the quality of the environment, the Green Belt and landscape in general, in accordance with Policies EP1, GB1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. Notwithstanding the details shown on the plans hereby approved, the leading edge of the floodlights hereby approved shall be located a minimum distance of 0.5m away from the edge of the concrete path delineating the route of PROW PBN 19.

Reason

To safeguard the utility and amenity of the public footpath in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. Within 3 months of the date of this planning permission, the existing dugouts located on or adjacent to the PROW PBN 19 shall be removed and the relevant section of footpath made good and surfaced in concrete to leave a level, linear path along the definitive line of the PROW.

Reason

To enhance and safeguard the utility and amenity of the public footpath in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 46/09 – 20 NOVEMBER 2009

App No.:	PK09/5483/CLE	Applicant:	Mr D Parsons
Site:	Flexor Farm Hawkesbury Hill Hawkesbury Badminton South Gloucestershire	Date Reg:	8th October 2009
Proposal:	Application for Certificate of Lawfulness for existing use as residential without compliance with agricultural occupancy condition attached to planning permission N1994/3 and for the continued use of land (outlined in red on plan 2221/E1/2009) for residential purposes.	Parish:	Hawkesbury Parish Council
Map Ref:	376144 187397	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	29th November 2009



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- 3.2 P84/2388 Erection of single storey side and rear extension
Approved October 1984
- 3.3 N1994/3 Erection of agricultural workers dwelling. Installation of
Septic tank (outline)
Outline approval 1978
- 3.4 N1994/3AP Erection of agricultural worker bungalow and integral
Garage, installation of oil tank (read in conjunction with
N1994/3)
- 3.5 N1994/2 Use of o land for stationing of a residential caravan
Renewal of temporary consent December 1977
- 3.6 N1994/1 Erection of agricultural worker dwelling
Refused September 1976
- 3.7 N1994 Use of land for stationing of a residential caravan
Renewal of temporary consent November 1975

4. **CONSULTATION RESPONSES**

- 4.1 Hawkesbury Parish Council
Within the last 10 years and currently, sheep and occasionally geese have
been grazing on the land outlined in red on the plans.

Other Representations

- 4.2 Local Residents
No response received.

5. **ANALYSIS OF PROPOSAL**

- 5.1 The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has continued for a period in excess of 10 years, and whether or not the use is in contravention of any Enforcement Notice which is in force.
- 5.2 As noted in the 'History' section above, there is no Enforcement Notice in force and therefore it must be established whether or not the use has continued for a period in excess of 10 years.
- 5.3 The relevant test of the submitted evidence
The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probabilities". Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the

Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues which are involved in determining an application. Any contradictory evidence which makes the applicant's version of events less than probable should be taken into account.

5.4 Hierarchy of Evidence

The evidence submitted comprises a number of statutory declarations and letters. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

- Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
- Other personal appearance under oath or affirmation.
- Verifiable photographic evidence.
- Contemporary documentary evidence, especially if prepared for some other purpose.
- Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time.
- Unsworn letters as 5 above.
- Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

5.5 Summary of Evidence Submitted in support of the application

The applicant is relying on a Statutory Declaration. The following is the summary of the declaration:

- Property purchased 17th January 1986 by Mr David John Parsons and Mrs Beryl Joan Parsons and remains occupied by them
- At time of purchase (17th Jan. 1986) Mr Parsons was employed by British Gas
- Retired 19th September 1986 to concentrate on developing farming potential.
- Beryl Joan Parson throughout the period of occupation of the holding has been solely engaged in family duties and assisting with up keep of livestock and associated farming aspects.
- Our objectives having purchased the holding was to establish agricultural interest that would achieve a modest financial return that would contribute towards maintenance cost of occupancy and release a

small income. To achieve these aims we were prepared to invest capital and I attended a government sponsored small business management course.

- We immediately commenced established a flock of pedigree sheep and purchasing store pigs for fattening. However it soon became obvious that on the very limited scale upon which we were operating it was unlikely we would achieve a profit, expansion was not a possibility as additional grazing land rarely became available or attracted values which immediately rendered it non viable considering our options.
- Two other factors caused considerable concern. The grazing land associated with property during winter period became very wet and it was necessary to remove all animal, these had to be house, this added considerably to costs
- Purchase of additional meadow did not greatly alleviate our problems, soon after purchase it was declared an SSSI and it was English Nature wish that the land should only be grazed between the months of July to December
- Barn in which animals are housed caused particular concern.
- After a period of two to three years sustaining considerate financial loss I commenced a part time employment with the Avon Probation Services, I remained employed with this service from 18th December 1989 to 19th September 2002 when I reached retirement age.
- Whilst we continue to farm on a hobby basis at no time during our occupancy has income exceeded expenditure hence we continue on a non-profit basis? Animal Movement Records substantiated by Trading Standards and DEFRA verify all, movements on and the farm. Detailed financial accounts for taxation purposes were submitted to the Inland Revenue, however as these indicate significant losses, after a period of 4 years I was advised that returns would no longer be required.
- I would also advise that since occupancy of the holding I have paid domestic rates the property currently being banded in group F. water and Electricity area also charged at domestic rates.
- I confirm that my Grandson who has lived at the property through out our period of occupancy, since attaining school living age, has been employed as a professional Racing Motorcyclist, neither he my wife or I have been engaged in paid employment in the farming or forestry industry since the occupation of the Flexor Farm, my source of income is confirmed to that of retirement pension received from British Gas and Avon Probation.

5.6 Contradictory Evidence

Hawkesbury Parish Council have out in writing that within the last 10 years and currently, sheep and occasionally geese have been grazing on the land outlined in red on the plans.

5.7 Assessment

As discussed above if the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous.

5.8 The applicant has applied for a Certificate of Lawful Use on the basis the dwelling and land has been used for residential purposes without compliance with an agricultural occupancy condition for a period of 10 years consecutively, prior to the receipt of the application on the 04th October 2009.

5.9 Based on the evidence submitted by the applicant, the Planning Officer is of the opinion that this has not been proven. The evidence submitted confirms that throughout the period of occupation of the holding Beryl Joan Parsons has been solely engaged in assisting with the up keep of livestock and associated farming aspects. The information confirms that they set about immediately establishing a flock of pedigree sheep and store pigs and although there is the period between 18th December 1989 – and 19th September 2002 a period of 13 years where Mr Parsons took up a part time employment this information is not clear in terms of number of hours worked and income generated. Notwithstanding this Mr David Parsons confirms that they continue to farm on a hobby basis, but makes the point that at no time during their occupancy has income-exceeded expenditure. The Planning Officer is of the opinion that income is not a relevant factor in determining whether or not the applicant's have been employed in agriculture or not as there is no mention of either trade or business requirement or commercial viability in the Planning Act relating to the definition of agriculture.

5.10 Based on the information provided the Planning Officer is of the view that the applicant is not in breach of the agricultural occupancy condition.

6. RECOMMENDATION

6.1 That a Certificate of Existing Lawful Use be refused.

Background Papers **PK09/5483/CLE**

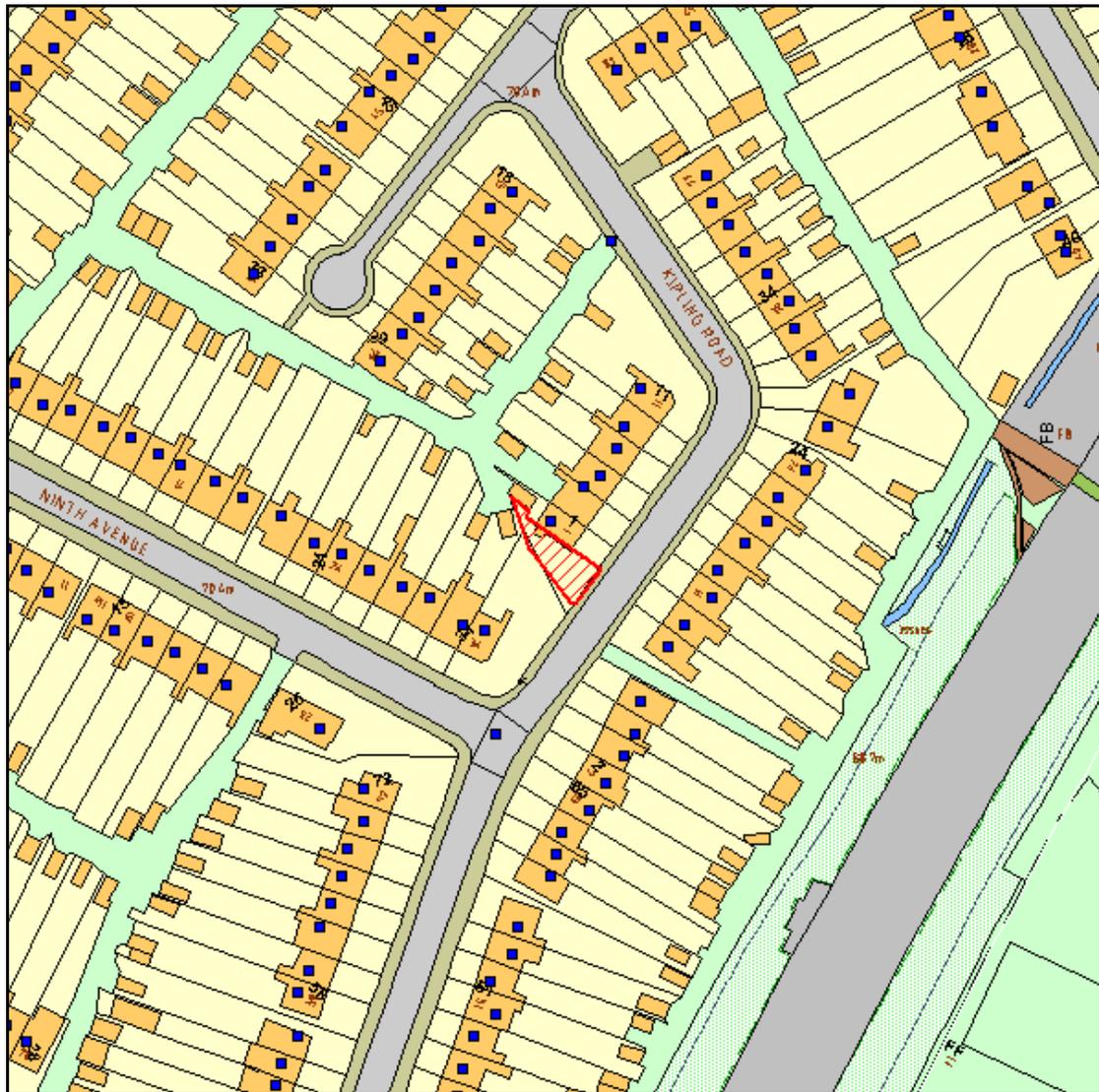
Contact Officer: **Tracey Price**
Tel. No. **01454 863424**

REASONS FOR REFUSAL

1. On the balance of probability it has not been demonstrated that the dwelling and land as outlined in red on plan 221/E1/2009 have been used for residential purposes without compliance with an agricultural occupancy condition for a period of 10 or more years.

CIRCULATED SCHEDULE NO. 46/09 – 20 NOVEMBER 2009

App No.:	PT09/5380/F	Applicant:	Mr K Ayton
Site:	1 Kipling Road Filton Bristol South Gloucestershire BS7 0QP	Date Reg:	28th September 2009
Proposal:	Erection of two storey side extension to form 1 dwelling with associated works (Resubmission of PT08/3075/F)	Parish:	Filton Town Council
Map Ref:	360720 178210	Ward:	Filton
Application Category:	Minor	Target Date:	27th November 2009



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 100023410, 2008. **N.T.S.** **PT09/5380/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application relates to the erection of two storey side extension to form 1 no. two bed dwelling with associated works at 1 Kipling Road, Filton. The application site is an end-terraced property on a triangular shaped plot. Vehicular access is to the rear of the property as well as to the front. The site lies within the urban area of Filton.
- 1.2 There have been two previous applications on this site of relevance to this application. Firstly, PT08/1073/F which related to the erection of a two storey side extension to form 2 no. self-contained flats. This application was refused on the grounds of its poor design/shape and lack of financial contribution. The second application PT08/3075/F related to the erection of a two storey side extension to form 1 no. self-contained flat with associated works. The application was refused on the grounds of a lack of financial contribution. This scheme is similar in terms of design, the material change that has occurred since that latter refusal relates to an Inspectors decision relating to the justification for a North Fringe transportation contribution. This is set out in the transportation section of the report.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

Joint Replacement Structure Plan (Saved Policies)

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
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

- T8 Parking Standards
T12 Transportation Development Control Policy for New Development
2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

PT08/1073/F - Erection of two storey side extension to form 2 no. self contained flats with associated works. Refused 23 July 2008.

PT08/3075/F - Erection of two storey side extension to form 1 no. self-contained flat with associated works (Resubmission of PT08/1073/F). Refused 28 August 2009.

4. **CONSULTATION RESPONSES**

4.1 Filton Town Council

Object - as previously supporting strong local objection. Over intensive and cramped development.

Other Consultees

4.2 Transportation

No objection.

Other Representations

4.3 Local Residents

One letter of objection raising the following concerns:

- Loss of light to neighbouring occupiers
- Loss of privacy to neighbouring occupiers
- Reduction in on street parking will lead to parking problems
- A time limit for constructing the dwelling should be given to lessen disruption to neighbours

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Advice contained within PPS3 encourages the provision of additional housing on previously developed land within existing towns and cities to promote more sustainable patterns of development. This policy stance is reflected in policies contained within the South Gloucestershire Local Plan.

Policy H2 of the South Gloucestershire Local Plan January 2006 incorporates current planning advice contained within PPS3 and allows for new residential development within the boundaries of settlements. This is subject to

compliance with a number of criteria as expressed through policy H2 and H4, which are assessed below.

5.2 Design and Visual Amenity

Advice contained within PPS3 states the importance of good design in housing development and in particular it should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Consideration of design and layout must be informed by the wider context, townscape and landscape of the wider area.

The proposal consists of a two storey side extension to no. 1 Kipling Road. The extension would form a two bedroom self contained unit. The new dwelling would be subservient to the existing dwelling as it would be set down from the existing ridge height and set back from the front wall of the existing property. The double roman roof tiles and rendered walls would match the existing materials of no. 1 Kipling Road.

The proposed development, in terms of design, does not differ from the previous application recommended for approval (PT08/3075/F) and the proposal is therefore considered to comply with Policies, D1, H2 and H4 of the Local Plan.

5.3 Density

Planning policy H2 cites that the maximum density compatible with the site, its location, its accessibility and surroundings should be achieved. To this extent, the expectation is that all development will achieve a minimum density of 30 dwellings per hectare and that higher densities (upwards of 50 dwellings per hectare) will be achieved where local circumstances permit.

In this instance, the total site area equates to 0.0075ha providing for a sufficient density for one dwelling. Therefore, the proposal comfortably falls within the threshold required. It is not considered that any more than one dwelling could be provided for given the design, access and transportation issues which would arise from more than one dwelling on this site. As such, there is no objection to the proposal on this basis.

5.4 Transportation Issues

The proposed dwelling includes provision for two off street car parking spaces to be located at the front of the property. An existing garage at the rear of the property is also in situ. This is considered to be a satisfactory level of parking that would not result in creating a highways safety issue. It is accepted that the creation of an access would lead to a slight loss of on street parking however this should be offset by the provision of off street parking at the site.

In terms of a planning history, this site had a planning application recommended for approval (PT08/3075/F) subject to a contribution to the North Fringe Major Scheme, this application was subsequently refused due to the lack of a contribution coming forward. Since that time the stance in relation to collecting a contribution for the North Fringe Major Scheme under Policy H1 has changed in relation to small scale developments such as this. This is due

to recent appeal decisions where Inspectors felt that it was inappropriate to request contributions from small scale developments. These are material considerations and relevant to this proposal. As a consequence no financial contribution will be required.

5.5 Residential Amenity

Overbearing Analysis

To the south west of the proposed dwelling the nearest neighbouring dwelling is approximately 12 m away and to the south east 20 m away. The new dwelling would not protrude beyond the existing rear wall of the neighbouring property (no. 1 Kipling Road) and so overall it is not considered that the proposal would lead to a significant loss of light or have an undue overbearing impact on the occupiers of neighbouring properties.

Privacy Analysis

No windows are proposed on the south west facing elevation of the new dwelling. To the front and rear of the property the nearest habitable rooms of neighbouring properties are approximately 20 m and 30 m away respectively. These are considered to be sufficient distances for there to be no undue loss of privacy as a result of the proposal.

Amenity Space

Limited garden space at the rear, side and front of the new dwelling and of the existing (no. 1 Kipling Road) will remain to serve the occupiers of the two dwellings.

5.6 Other Matters

A resident raised concern regarding the time recent developments in the surrounding area have taken to complete, causing disruption to local residents. It is considered unenforceable to condition the period of time in which building work must be completed by, however a condition will be added restricting building work hours to amenable times of the day.

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 Improvements Achieved to the Scheme

None deemed necessary.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

- a) The proposed dwelling would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposed dwelling has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- c) The proposal allows for sufficient off street parking and would not prejudice highways safety. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: William Collins
Tel. No. 01454 863819

CONDITIONS

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

Reason

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

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

Reason

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

4. 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

The rear garden area is limited in size and any further extensions would require the consideration of the Local Planning Authority in order to safeguard residential amenity and to accord with policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No windows shall be inserted at first floor level in the side (south-west) elevation of the property.

Reason

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

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

Reason

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

7. The paved parking area to the front of the property shall be constructed of a bound but permeable material.

In the interests of highway safety and to prevent non-point source pollution and flooding, and to accord with Policies T12 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 46/09 – 20 NOVEMBER 2009

App No.:	PT09/5547/CLP	Applicant:	Mrs C Fraser
Site:	20 Conygre Road Filton Bristol South Gloucestershire BS34 7DA	Date Reg:	20th October 2009
Proposal:	Application for the Certificate of Lawfulness for 1 no. rear dormer, 4 no. roof lights and the erection of an end roof gable.	Parish:	Filton Town Council
Map Ref:	360497 179281	Ward:	Filton
Application Category:	Minor	Target Date:	10th December 2009



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 100023410, 2008. **N.T.S.** **PT09/5547/CLP**

INTRODUCTION

This application appears on the Circulated Schedule List because it comprises a Certificate of Lawfulness submission.

1. THE PROPOSAL

- 1.1 This application forms a Certificate of Lawfulness for the proposed installation of 1no. rear dormer window, 4no. roof lights and the erection of an end roof gable.
- 1.2 The application site comprises a two-storey semi-detached property located within the established residential area of Filton. The property is located on the southern side of Conygre Road.

2. POLICY CONTEXT

- 2.1 National Guidance
The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy; it is an evidential test of whether it would be lawful to proceed with the proposal. The key evidential test in this case is whether the proposal falls within the permitted development rights afforded to householders. The proposal relates to alterations and enlargements to the roof, therefore, the main assessment is whether the proposal falls within the criteria of Classes B 'The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.' and C 'Any other alteration to the roof of a dwellinghouse' of the GPDO (2008) in terms of size and positioning.
- 5.2 The host building is semi-detached and has its permitted development rights intact.

- 5.3 Dormer Window and Roof Gable
Class B of the GPDO (2008) allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. However, development is not permitted by Class B if:
- 5.4 **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof:**
The plans submitted that the proposed gable and dormer apex would not exceed the height of the existing roof.
- 5.5 **Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope, which forms the principal elevation of the dwellinghouse and fronts a highway:**
The plans submitted demonstrate that the dormer window would be located on the rear of the dwelling and would not front a highway. The gable would not extend beyond the existing roof slope.
- 5.6 **The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than 40 cubic metres in the case of a terrace house or 50 cubic metres in any other case:**
The volume of the gable calculates to approximately 23 cubic metres and the volume of the dormer calculates to approximately 9 cubic metres. The total volume of 32 cubic metres is less than the 50 cubic metres permitted for a semi-detached dwellinghouse.
- 5.7 **It would consist of or include the construction or provision of a veranda, balcony or raised platform, or the installation, alteration or replacement of a chimney, flue or soil and vent pipe:**
The plans submitted demonstrate that the proposal is not relevant to any of the above.
- 5.8 **The dwellinghouse is on article 1(5) land:**
The dwelling is not situated on 1(5) land,
- 5.9 Roof Lights
Class C of the GPDO (2008) allows for any other alteration to the roof of a dwellinghouse. Development is not permitted by Class C if:
- 5.10 **The alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof:**
The agent has submitted written confirmation that the Velux windows in the proposed development will not project more than 150mm from the roof slope.
- 5.11 **It would result in the highest part of the alteration being higher than the highest part of the original roof:**
The plans submitted show that the roof windows would not be located higher than the highest part of the existing roof.

- 5.12 **It would consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment:**

The plans submitted demonstrate that the proposal is not relevant to any of the above.

- 5.13 **Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed:**

The agent has submitted written confirmation that the side window in the gable will be fully glazed with obscure glass; its opening element being more than 1.7 metres from floor level.

7. RECOMMENDATION

- 7.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

Evidence has been submitted to demonstrate that the development falls within permitted development within the curtilage of a dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CIRCULATED SCHEDULE NO. 46/09 – 20 NOVEMBER 2009

App No.:	PT09/5591/F	Applicant:	Mr V Collins
Site:	2 Mayville Avenue Filton Bristol South Gloucestershire BS34 7AA	Date Reg:	27th October 2009
Proposal:	Erection of two storey side extension to form additional living accommodation	Parish:	Filton Town Council
Map Ref:	360511 179390	Ward:	Filton
Application Category:	Householder	Target Date:	9th December 2009



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 100023410, 2008. **N.T.S.** **PT09/5591/F**

INTRODUCTION

This application appears on the Circulated Schedule List because a neighbouring occupier has expressed concerns regarding the proposal.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey side extension to form additional living accommodation. The applicant is also seeking permission for the creation of a new vehicular access and laying of hard standing to provide parking to the front of the property.
- 1.2 The application site comprises a two-storey semi-detached dwellinghouse located within the established residential area of Filton. The property stands on the southern side of Mayville Avenue.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Residential Development within Existing Residential Curtilages
L17/18 The Water Environment

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection

Other Representations

- 4.3 Local Residents
One letter has been received from a neighbouring occupier seeking confirmation that there will be no windows other than frosted bathroom windows in the back elevation as overlooks my entire garden from the angle of the planned extension. Likewise no upstairs side elevation window as it would encroach on our privacy.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved. Planning Policy H4 allows for the principle of

residential extensions subject to design, residential amenity and transportation considerations.

5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a two-storey side extension. The application site comprises a two-storey semi-detached property with bay windows located within the established residential area of Filton. A dwarf brick wall extends along the northern boundary of the site and 5 metres of the wall would be removed to facilitate the vehicular access. The property is situated on the southern side of Mayville Avenue on a triangular shaped plot of land. The shape of the curtilage dictates the irregular form of the extension, which would measure 3.1 metres in width at the front, narrowing to approximately 2.1 metres at the rear. The extension would measure approximately 3.2 metres in width and be encompassed by a hipped roof to match the existing dwelling. The submitted plans demonstrate that the front elevation would be set back by approximately 0.70 metres from the existing front elevation and the ridge height would be approximately 0.3 metres lower than the existing ridge height, which would ensure that the extension would appear subservient to the existing dwellinghouse. The proposal would not comprise bay windows, and this as well as the subservience would help differentiate the extension from the original dwelling. As such, it is considered that the existing well-balanced appearance of the semi-detached pair would be retained. The neighbouring dwelling to the east is orientated away from the host dwelling and the generous space this has created would ensure that the proposed extension would not appear cramped within the street scene. The proposed materials would comprise concrete block and render for the walls, concrete tiles for the roof and white uPVC for the windows and doors. The materials are considered acceptable and a condition will be applied to the permission if granted, to ensure that they match the existing dwelling. Notwithstanding the irregular form of the extension, the proposal would not have a negative impact on the character of the host dwelling or street scene.

5.3 The plans submitted demonstrate that the hard surface would be permeable. The host dwelling has its permitted development rights intact and the laying of the hard standing is considered to be permitted development and requires no further assessment. Mayville Road is an unclassified road and therefore, the formation of the access does not require planning permission. Any dropped kerbs should be constructed to the specification of the Council's Highway Maintenance Team. A condition and informative will be applied to the permission if granted to ensure compliance.

5.4 Residential Amenity

The host property has 2no. neighbouring properties within close proximity. No.3 is adjoined to the western elevation and no.1 is located to the east of the host dwelling. Since the extension would be contained within the existing front and rear building lines, it is considered that the proposed extension would not have a significant impact on the adjoining property in terms of residential amenity. Given the layout and orientation of the host dwelling and neighbouring property to the east, it is considered that the proposed extension would not be significantly more overbearing than the existing building. The proposed side windows would be located approximately 3.2 metres from existing neighbouring

windows, which could introduce privacy issues. Amended plans were sought and received from the agent, which have removed the first floor side window. A hedge and fencing along the eastern flank boundary would ensure that there would be no adverse privacy issues with regards to inter-visibility through the proposed and neighbouring ground floor windows. The proposed first floor rear window would serve a bathroom and a condition will be applied if permission is granted to ensure that the window is fitted with obscure glazing given the distance to the neighbouring boundary. Given the distance of the extension to the flank boundary and the orientation of the neighbouring dwelling, a condition will be applied if permission is granted to ensure that no new first floor windows can be installed without written permission from the Council to ensure the privacy of the neighbouring occupier is maintained.

5.5 Transportation

The development relating to access and parking is considered to be permitted development, therefore, the proposal is considered acceptable in terms of transportation.

5.6 Design and Access Statement

A design and access statement is not required.

5.7 Use of Energy and Sustainability

The proposal will comply with building regulation specifications.

5.8 Improvements Achieved to the Scheme

Removal of first floor side window to ensure no adverse privacy issues are created.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

- The proposal has been designed to be in-keeping with the character of the area taking into account the design, siting, height and materials of the existing house and surrounding area – Policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.
- The concerns of nearby residents have been addressed in relation to privacy have been properly considered. Through careful design will not harm the amenities of neighbouring occupiers through loss of privacy or natural light – Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. 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 Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No first floor windows other than those shown on the plans hereby approved shall be inserted at any time in the eastern and southern 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. Notwithstanding the information submitted, prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the southern elevation shall be glazed with obscure glass only.

Reason

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

5. Notwithstanding the information submitted either the hard surface shall be made of

porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

Reason

To ensure a satisfactory drainage arrangements for surface water in compliance with Policy L17 of the South Gloucestershire Council Local Plan (adopted) January 2006.