



**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. 47/09

Date to Members: 27/11/09

Member's Deadline: 03/12/09 (5pm)

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 27/11/09

SCHEDULE NO. 47/09

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 – 27 NOVEMBER 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/5123/R3F	Deemed Consent	Grange School Tower Road North Warmley Bristol South Gloucestershire BS30 8XL	Parkwall	Oldland Parish Council
2	PK09/5288/F	Refusal	17 Berenda Drive Longwell Green Bristol South Gloucestershire BS30 9YX	Oldland	Oldland Parish Council
3	PK09/5359/CLE	Approve	The Old One Hundred Acton Turville Road Tormarton Badminton South Gloucestershire	Cotswold Edge	Tormarton Parish Council
4	PK09/5408/F	Approve with Conditions	37 Jefferies Hill Bottom Hanham Bristol South Gloucestershire BS15 3BE	Hanham	Hanham Parish Council
5	PK09/5502/F	Approve with Conditions	7 Brooklea Oldland Common Bristol South Gloucestershire	Oldland	Bitton Parish Council
6	PK09/5535/F	Approve with Conditions	12 Windsor Court Downend Bristol South Gloucestershire	Downend	Downend & Bromley Heath Parish Council
7	PK09/5602/CLE	Approve with Conditions	Hill Farm Greenway Lane Cold Ashton Chippenham South Gloucestershire SN14 8LA	Boyd Valley	Cold Ashton Parish Council
8	PK09/5609/TRE	Approve with Conditions	Courtney Primary School Kingswood Bristol South Gloucestershire BS15 9RW	Woodstock	None
9	PK09/5629/CLE	Approve with Conditions	Oxleaze Farm Oxleaze Farm Road Inglestone Common Badminton South Gloucestershire	Cotswold Edge	Hawkesbury Parish Council
10	PT09/5310/RVC	Approve with Conditions	Henfield Farm Westerleigh Road Coalpit Heath Bristol South Gloucestershire BS36 2UP	Westerleigh	Westerleigh Parish Council
11	PT09/5444/F	Approve with Conditions	162 Gloucester Road Patchway Bristol South Gloucestershire BS34 5BG	Patchway	Patchway Town Council
12	PT09/5463/F	Approve with Conditions	162 Gloucester Road Patchway Bristol South Gloucestershire BS34 5BG	Patchway	Patchway Town Council
13	PT09/5477/F	Approve with Conditions	76 Woodend Road Coalpit Heath Bristol South Gloucestershire BS36 2LH	Frampton Cotterell	Frampton Cotterell Parish
14	PT09/5524/RVC	Approve with Conditions	37 Davids Lane Alveston Bristol South Gloucestershire BS35 3LN	Thornbury South And	Alveston Parish Council
15	PT09/5608/F	Approve with Conditions	Patchway Baptist Church Amberley Road Patchway Bristol South Gloucestershire BS34 6BU	Bradley Stoke Central And Stoke Lodge	Patchway Town Council
16	PT09/5660/CLP	Approve with Conditions	126 Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2SZ	Westerleigh	Westerleigh Parish Council

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PK09/5123/R3F	Applicant:	South Glos Council
Site:	Grange School Tower Road North Warmley Bristol South Gloucestershire	Date Reg:	26th October 2009
Proposal:	Erection of plant boiler room	Parish:	Oldland Parish Council
Map Ref:	366748 173193	Ward:	Parkwall
Application Category:	Minor	Target Date:	14th December 2009



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100023410, 2008. **N.T.S.** **PK09/5123/R3F**

INTRODUCTION

This application has been referred to the Circulated Schedule because it has been submitted by South Gloucestershire Council's Property Services section.

1. THE PROPOSAL

- 1.1 The application relates to The Grange School, which is located between Tower Road North, Warmley & The Avon Ring Road. The overall school complex is large and includes extensive playing fields.
- 1.2 It is proposed to provide a packaged boiler plant to provide additional heating capacity for the school. This is to be housed in a pre-fabricated unit located to the rear of the school.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design

LC4 - Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries.

EP1 - Environmental Pollution

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development.

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection

- 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 South Gloucestershire Local Plan (Adopted) 6th Jan. 2006, permits the improvement or expansion of Educational facilities within the Urban Area subject to criteria that are discussed below. Policy D1 seeks to secure good quality designs in new development.

5.2 Scale and Design

The proposed Boiler Plant Room would be utilitarian in design and constructed of Plastisol Coated Steel Sheeting in Goosewing Grey. The building would be 6m long x 3m wide x 3m high and enclosed on three sides by existing buildings. The design and scale are considered to be appropriate for the proposed use of the building and would integrate adequately within the existing built form.

5.3 Impact on Residential Amenity

The proposed building would be modest in scale and given its location, tucked away to the rear of the school and remote from any residential dwellings, there would be no adverse impact on residential amenity.

5.4 Highway Issues

The existing access and parking arrangements would remain unaltered; there are therefore no transportation objections to the proposal.

5.5 Environmental & Drainage Issues

There are no objections on Environmental Health grounds. The existing mains drainage would be utilised.

5.6 Design and Access Statement

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

5.7 Use of Energy and Sustainability

None

5.8 Improvements Achieved to the Scheme

None

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 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 condition:

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).

CIRCULATED SCHEDULE NO. 47/09 – 25 NOVEMBER 2009

App No.: PK09/5288/F
Site: 17 Berenda Drive Longwell Green
 Bristol South Gloucestershire BS30
 9YX

Applicant: Miss N Smerdon
Date Reg: 7th October 2009

Proposal: Erection of 1.9 metre high boundary
 fence (retrospective).

Parish: Oldland Parish
 Council

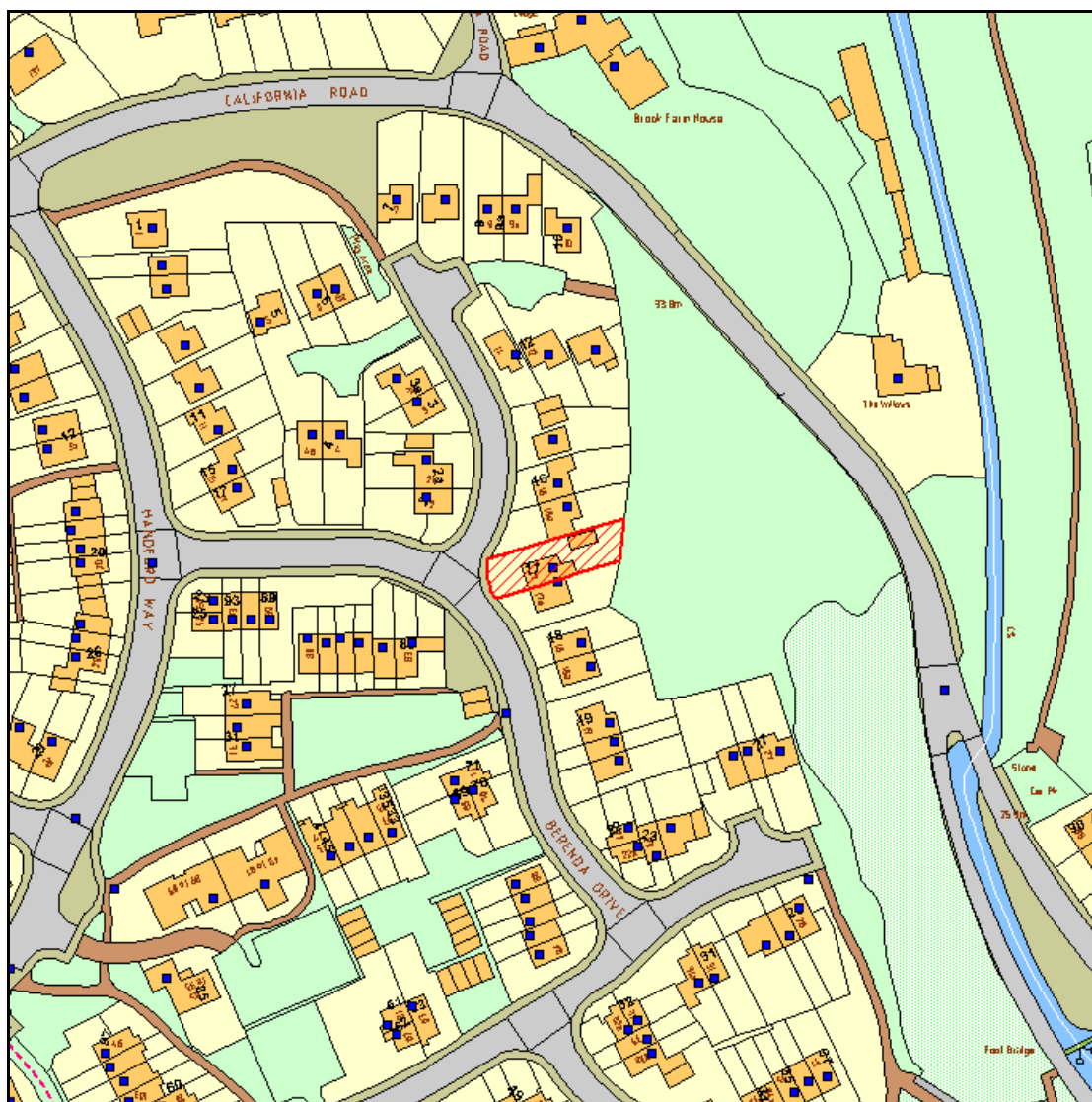
Map Ref: 366738 171420

Ward: Oldland Common

Application Category: Householder

Target Date: 30th November
 2009

Category:



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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

6 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; The fence is a reasonable height; 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:

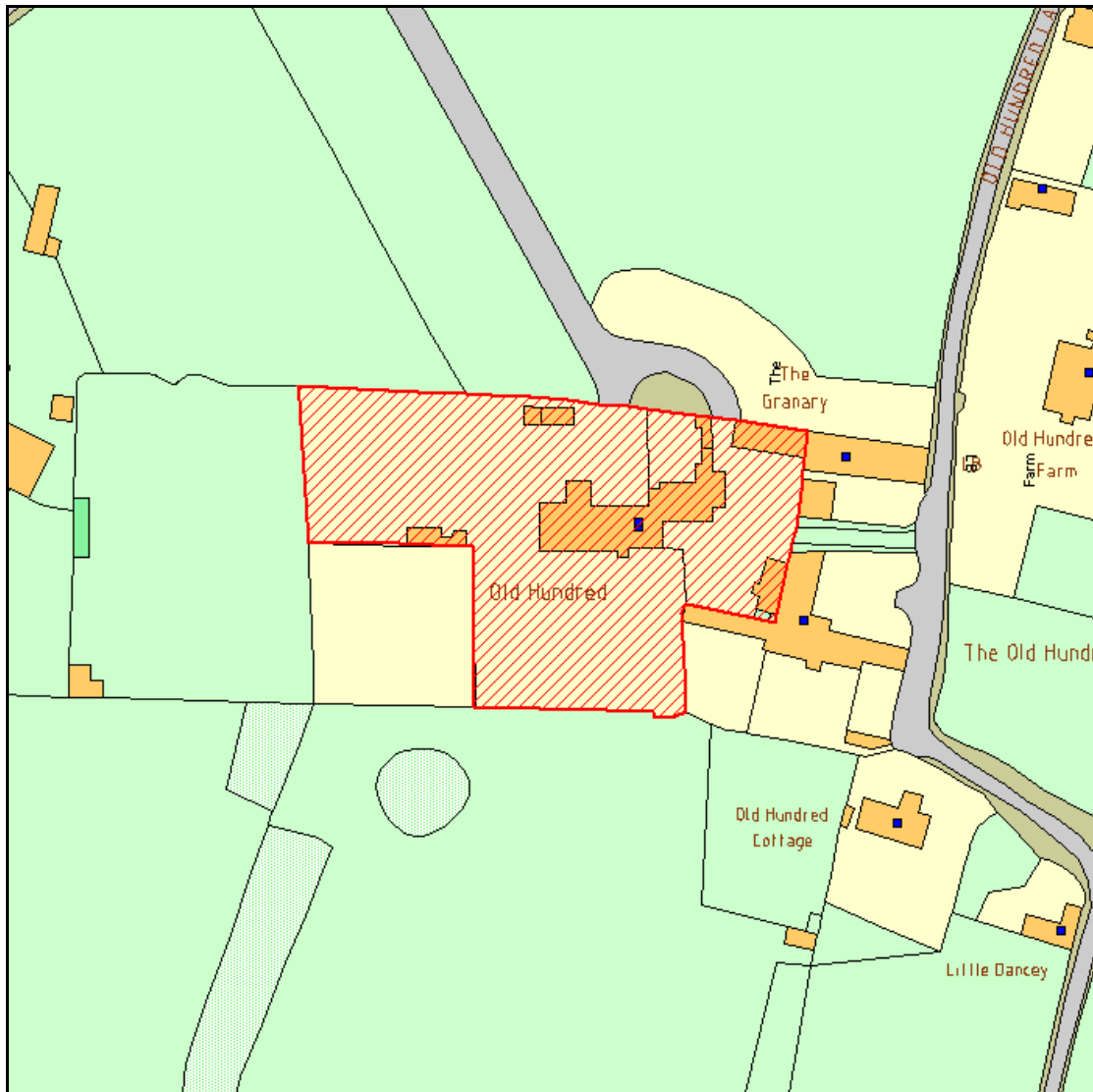
Contact Officer: Sean Herbert
Tel. No. 01454 863056

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. 47/09 – 27 NOVEMBER 2009

App No.:	PK09/5359/CLE	Applicant:	Mrs P Johnson
Site:	The Old One Hundred Acton Turville Road Tormarton Badminton South Gloucestershire	Date Reg:	15th October 2009
Proposal:	Application for Certificate of Lawfulness for an existing use of an annex comprising The Wing and The Stable Flat, and 1 no barn known as The Coach House as 3 no. self contained flats.	Parish:	Tormarton Parish Council
Map Ref:	376452 178683	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	3rd December 2009



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 100023410, 2008. **N.T.S.** **PK09/5359/CLE**

windows grey/green.
Approved January 1996

- 3.3 P96/1841 Erection of single storey extension with attic accommodation above.
Approved 1996
- 3.4 P96/1966/L Erection of single storey extension with attic accommodation above.
Approved 1996
- 3.5 P97/1944 Conversion of coach house to staff accommodation
Approved December 1997
- 3.6 P97/1945/L Works to facilitate the conversion of coach house to staff accommodation.
Approved December 1997

4. CONSULTATION RESPONSES

- 4.1 Tormarton Parish Council
Tormarton Parish Council highlighted errors in the labelling of the residential units on the plans and within the planning statement. The parish also raised queries regarding the curtiage of 'The Granary'

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.

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.

- 5.2 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.

5.3 Summary of Evidence Submitted in support of the application

The applicant, Pamela Johnson, has submitted a sworn affidavit and a sworn statement which state the following:

- a) The applicant took possession of The Old Hundred in October 1980.
- b) At the time of taking possession of the property, a separate first floor flat known as the stable flat already existed and has remained in separate occupancy.
- c) The Wing, was created in 1984 and has remained in separate occupancy ever since.
- d) The outbuilding known as the Coach House was converted in 1996 and has remained in separate occupancy ever since.
- e) The residential curtilages of The Wing and The Coach House, as shown on the submitted plan have remained the same since for over ten years.

Furthermore, the applicant submitted the following information;

- a) Copies of recent electric bills for the Coach House and The Wing.
- b) Copies of the Council tax references and the dates of registration, which have been checked with the correct Council department, as being accurate.

5.4 Contradictory Evidence.

There is no contradictory evidence relating to the annex or the outbuilding for the period of 10 years prior to receipt of this application. Furthermore the Councils tax department have confirmed that the details submitted in relation to the registration of the properties are accurate.

5.5 Other Issues

The concerns raised by the Parish Council regarding the curtilage of 'the Granary' are not relevant to this application which is for the Certificate of lawfulness of the conversion of the annex of The Old Hundred dwelling and an adjacent barn to create 3no. self contained residential units, only.

5.6 Section 106 Requirements

Not applicable.

6. CONCLUSION

- 6.1 Given the evidence presented by the applicant and considering that the interior and curtilages of the properties seem well established, based on their

appearance, the claim that the three units have been in separate use for in excess of 10 years has been demonstrated on the balance of probability.

- 6.2 The applicant has demonstrated that on the balance of probability, The Stable Flat, which has no residential curtilage, The Wing, with its enclosed walled garden to the front and rear parking area, and The Coach House with its small garden and access path to the front, have been occupied as separate dwelling houses independent of The Old Hundred, Tormarton for a continuous period of 10 years up to the date of this application.

7. RECOMMENDATION

- 7.1 That a Certificate of Existing Lawful Use be Granted for the continued use of The Wing, The Stable Flat and the Coach House and associated curtilages as 3 self contained residential units.

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PK09/5408/F	Applicant:	Mr T Goodwin
Site:	37 Jefferies Hill Bottom Hanham Bristol South Gloucestershire BS15 3BE	Date Reg:	23rd October 2009
Proposal:	Erection of 1no. end terraced dwelling with detached garage, access and associated works.	Parish:	Hanham Parish Council
Map Ref:	363627 172340	Ward:	Hanham
Application Category:	Minor	Target Date:	8th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5408/F**

INTRODUCTION

This application has been referred to the circulated schedule due to objections raised by the parish council and by local residents.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of an end terrace dwelling and associated works. The proposed dwelling would be 6.3 metres in width by 8.2 metres in depth with an overall height to ridge of 7.8 metres. The initial proposal also included a detached garage, this has since been omitted from the proposal.
- 1.2 The property is a two storey end terrace dwelling and is located within a residential area of Hanham
- 1.3 During the course of the application amended plans were requested to alter the proposed garage so that the garage door would be at least 2.5 metres in width and to alter the rear dormer window. Amended plans were received as requested, the applicant decided to remove the garage from the scheme and has altered the rear dormer.

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 Achieving Good Quality Design in New Development
H2 Residential Development in Existing Urban Areas
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L17 & L18 The Water Environment
EP1 Environmental Pollution
T8 Parking Standards
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
Object to the proposal as access to the development crosses the bottom of a well used footpath and would represent a hazard.

4.2 Sustainable Transport
No objections

Other Representations

4.3 Local Residents

Four letters of objection have been received raising the following concerns:

- The access is across a public footpath increasing danger to pedestrians.
- Ship hill is heavily used as a thoroughfare for local school children and residents
- The area is very congested outside of normal working hours and there is a shortage of parking.
- A new family home would invariably bring 2-3 cars.
- The documents provided are vague and it is unclear what the applicant is proposing.
- Disagree with the design and assess statement which indicates there is sufficient space for parking in Jefferies Hill Bottom.
- Jefferies Hill Bottom is a narrow and twisting road and has reached saturation point with regard to parking.
- Proposal would exacerbate the existing problem with regard to access for delivery and emergency service vehicles.
- The proposal would not enhance the ambience and architectural palette of the area.
- The photographs submitted in support of the application are misleading with regard to parking availability.
- The garage would be an eyesore.
- The loss of green space

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposed new dwellings within the existing residential curtilage, providing that the design is acceptable, highway safety would not be compromised, adequate parking and amenity space is provided and that there is no unacceptable impact on residential and visual amenity.

The South Gloucestershire Plan (Adopted) 2006 identifies the site as lying within the urban area. With the exception of design, Policy H2 of the adopted Local plan encompasses all the relevant issues of the above policies. Policy H2 allows for new residential development providing that the following criteria are complied with:-

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

In the interests of clarity these two issues will be discussed in turn.

Transportation Issues

The site is located in South Gloucestershire area but the access road leading to the site is partly in Bristol city boundary. There is an existing vehicular access which is proposed to serve the new property. The applicant also indicates that an additional new vehicular access would be created (by demolition of the existing boundary wall) to serve the existing dwelling.

The main transportation issue is parking provision for the existing and new property. The applicant is proposing creation of two parking spaces, for the new building and two parking spaces for the existing dwelling. A suitable planning condition can be imposed to ensure such parking provision on site.

Hanham Parish Council has raised an objection to the development based on access to the development crossing the bottom of a well used footpath. It must be noted however, that the property is located at the end of a cul-de-sac where vehicular speeds are very low. In this context therefore, it is considered that potential risk of accidents would be very low and as such, this could not be used as a refusal reason. In addition it is important to note that the access for the proposed dwelling is the same access that the existing dwelling uses.

In view of the above, there are no highway objections to this proposal subject to the attachment of a condition to ensure that two parking spaces are provided for both the existing dwelling and proposed dwelling, prior to first occupation of the new building.

Residential Amenity

The proposed dwelling would replace the existing attached garage and would have a height and depth to match the existing dwelling. The proposed dwelling would at its closest point be approximately 8 metres away from the boundary of the nearest neighbouring dwelling to the north east, No 35 Jefferies Hill Bottom. As such, it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings.

Given the gradient of the land to the rear properties No's 37-41 Jefferies Hill Bottom, the rear ground floor windows of the existing dwelling are adjacent to a retaining wall. The proposed dwelling would be arranged so that the a ground floor bedroom and study would face a retaining wall and light well, whilst this is not an ideal arrangement, given that the ground floor windows of the existing dwelling have a similar outlook, it is not considered that this is of sufficient concern to warrant a refusal of the application.

It is considered that there are no issues of inter-visibility or loss of privacy. Given the location of the proposed dwelling, in line with the existing terrace of three properties, No's 37-41 Jefferies Hill Bottom, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above the levels of overlooking from the existing windows of the neighbouring properties. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve both the existing and proposed properties. Therefore the impact on residential amenity is subsequently deemed acceptable.

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

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3, seeks to avoid development which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used.

Officers are satisfied that having regard to the sites constraints, the pattern and scale of existing development, access and impact on residential amenity, no more than one additional dwelling could be accommodated on the site.

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

The new dwelling would be subjected to no greater levels of noise, dust, pollutants etc than the existing dwellings in the vicinity.

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

The proposal is only for 1 dwelling and therefore would not have a significant impact on the area in terms of service provision.

5.6 Design / Visual Amenity

The existing flat roofed garage would be demolished to facilitate the erection of the proposed end terraced dwelling. The dwelling would have a ridge and eaves height to match the neighbouring property and would be of a similar depth and width. The fenestration on the front elevation would match the existing dwelling and the proposal would be finished with materials to match the existing terrace of properties. Consequently it is considered that the proposed dwelling is of an appropriate standard in design and would reflect the character and appearance of the surrounding dwellings. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.7 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme for approval before development could commence.

5.8 Design and Access Statement

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

5.9 Use of Energy and Sustainability

The applicant has stated that the proposed dwelling would be fully insulated in excess of the building regulations and would incorporate fuel efficient

appliances and energy saving luminaries. Space for recycling and in storage has been proposed and a bike store would be provided for the property.

5.10 Improvements Achieved to the Scheme

The dormer window has been redesigned and the large detached garage has been omitted from the proposal.

5.11 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The proposed dwelling would reflect the character and appearance of the surrounding properties and is of an appropriate standard in design. In addition, the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact, in accordance with Policy D1, H4 and H2.

Furthermore, the proposal offers adequate parking provision in accordance with Policies T8 and T12 of the South Gloucestershire Local Plan Adopted January 2006

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

7. RECOMMENDATION

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

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

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

Reason

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

3. Prior to commencement of building works on site, the applicant shall prepare a method statement for construction and maintaining a safe passage of pedestrian on the adjoining footpath and agree this with the Council's street-care department. All subsequent construction traffic/work shall then be carried out by the applicant in accordance with such approved method statement.

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.

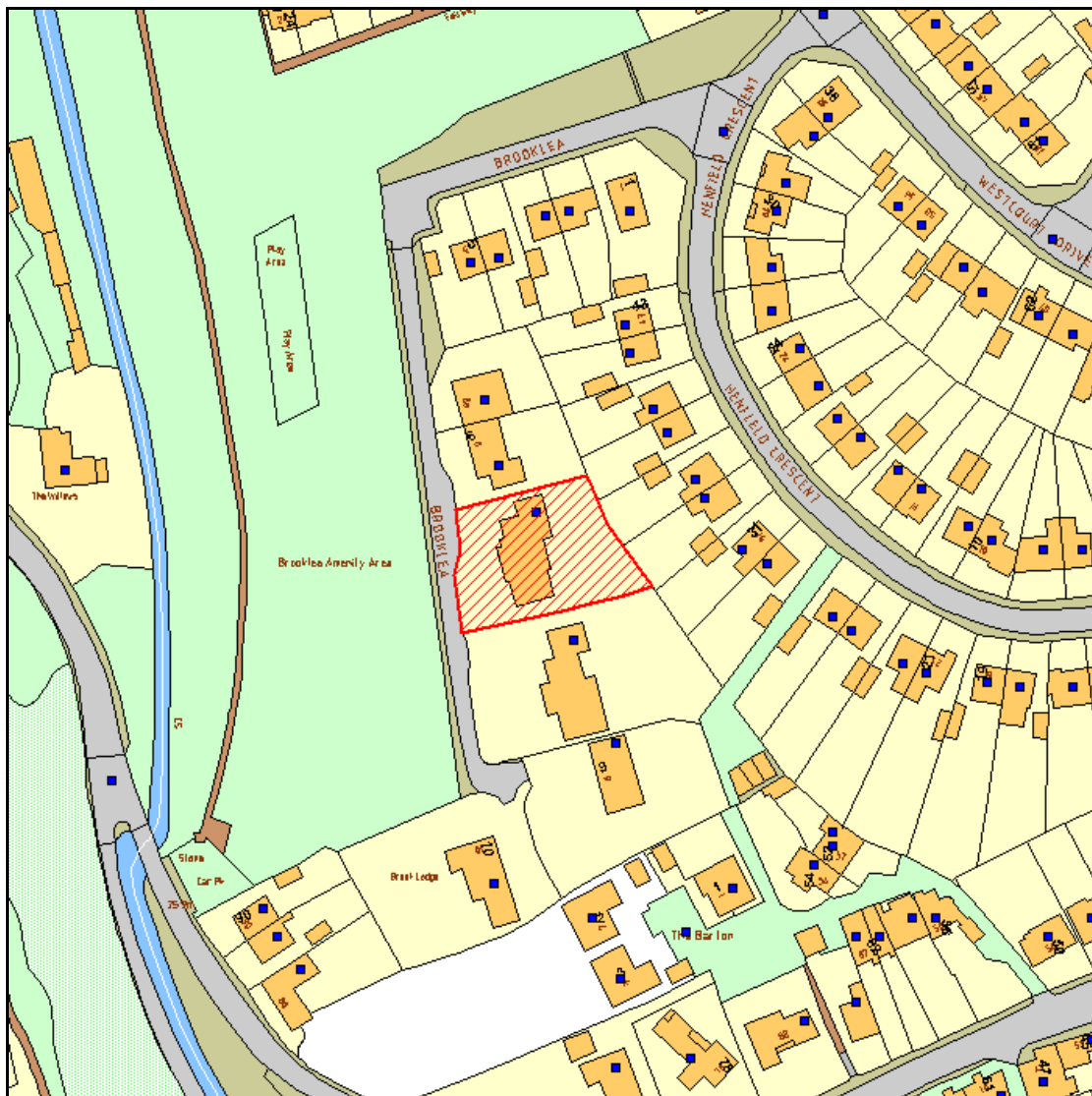
4. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning 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.

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PK09/5502/F	Applicant:	Mr A Biggs
Site:	7 Brooklea Oldland Common Bristol South Gloucestershire BS30 9SD	Date Reg:	23rd October 2009
Proposal:	Erection of single storey side extension and alterations to roofline including installation of 2no. front and 3no. rear dormer windows to provide additional living accommodation.	Parish:	Bitton Parish Council
Map Ref:	366911 171451	Ward:	Oldland Common
Application Category:	Householder	Target Date:	8th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5502/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a single storey side extension and alterations to roofline to include front and rear dormer windows.
- 1.2 The application site relates to a single storey detached dwelling within the established residential area of Oldland Common.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Extensions
- 2.3 Supplementary Planning Guidance
Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/5054/F Single storey side extension and alterations to roofline and dormers
Withdrawn September 2009

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors felt that their previous comment, expressing concern about the possibility of overlooking and loss of privacy for neighbours in Henfield Crescent, remained.

Other Representations

- 4.3 Local Residents
Three letters have been received from local residents raising a number of planning objections regarding the proposed development, which has been summarised by the Planning Officer as follows:
 - Overlooking into gardens and properties
 - Extension out of context and eyesore
 - Loss of view
 - Overbearing

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Visual Amenity

The application site relates to a single storey detached dwelling with render and stone facing materials. The application site is set at a higher level to the road. Objections have been raised regarding the design of the proposed extension.

5.3 This application proposes a single storey side extension on the northern elevation of the property. The proposed roofline will be higher than the existing, so as to allow use of the roof space for living accommodation. Whilst it is accepted the extension will enlarge the appearance of the building, the extension does however reflect the design and character of the existing hipped extension on the other side. The bulk of the roof will be broken up when viewed from the front elevation by the set back of the garage. It is considered that the proposed replacement of an existing flat roof with a pitched roof will be an enhancement to the scheme.

5.4 Residential Amenity

Objections have been raised on the grounds that the proposed rear dormer windows will allow for overlooking onto those gardens and properties rear of the application site.

5.5 The proposed extension and loft conversion comprising 3 rear dormers all serving bedrooms would be set back from the adjoining rear boundary of those gardens along Henfield Crescent at a distance of approximately 10.80m and with an overall distance of 28.0m from the rear elevations of those properties. Whilst it is accepted that the proposal will allow for the introduction of habitable room windows at a level where there are none, it is considered that the proposed extension and introduction of dormer windows would not have such a harmful impact on the existing amenities of those occupiers, due to an acceptable separation distance. Members are advised to consider that this type of arrangement i.e. windows at first floor level is common within a built up residential area.

5.6 The proposed extension will be sited along the adjoining boundary with no. 6, which has a garage on the side. As there are no habitable room windows in the side elevation of 6, the proposed extension is considered not to have an overbearing impact. Outlook from the rear gardens will be limited to the rear of the garden of no.6

5.7 An objection has been raised on the grounds of loss of view, this however is not considered to be material planning consideration in the assessment of this application.

- 5.8 Design and Access Statement
Not required with this type of householder planning application.
- 5.9 Use of Energy and Sustainability
No specific measures proposed above current Building Regulations.
- 5.10 Improvements Achieved to the Scheme
None required
- 5.11 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The 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 character of the dwelling and surrounding area taking account of materials, design and scale-Policy D1 and H4
- b)The proposed extension and in particular the rear dormers will not materially harm the amenities of neighbouring properties by reason of loss of privacy due to their siting and satisfactory separation distance-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

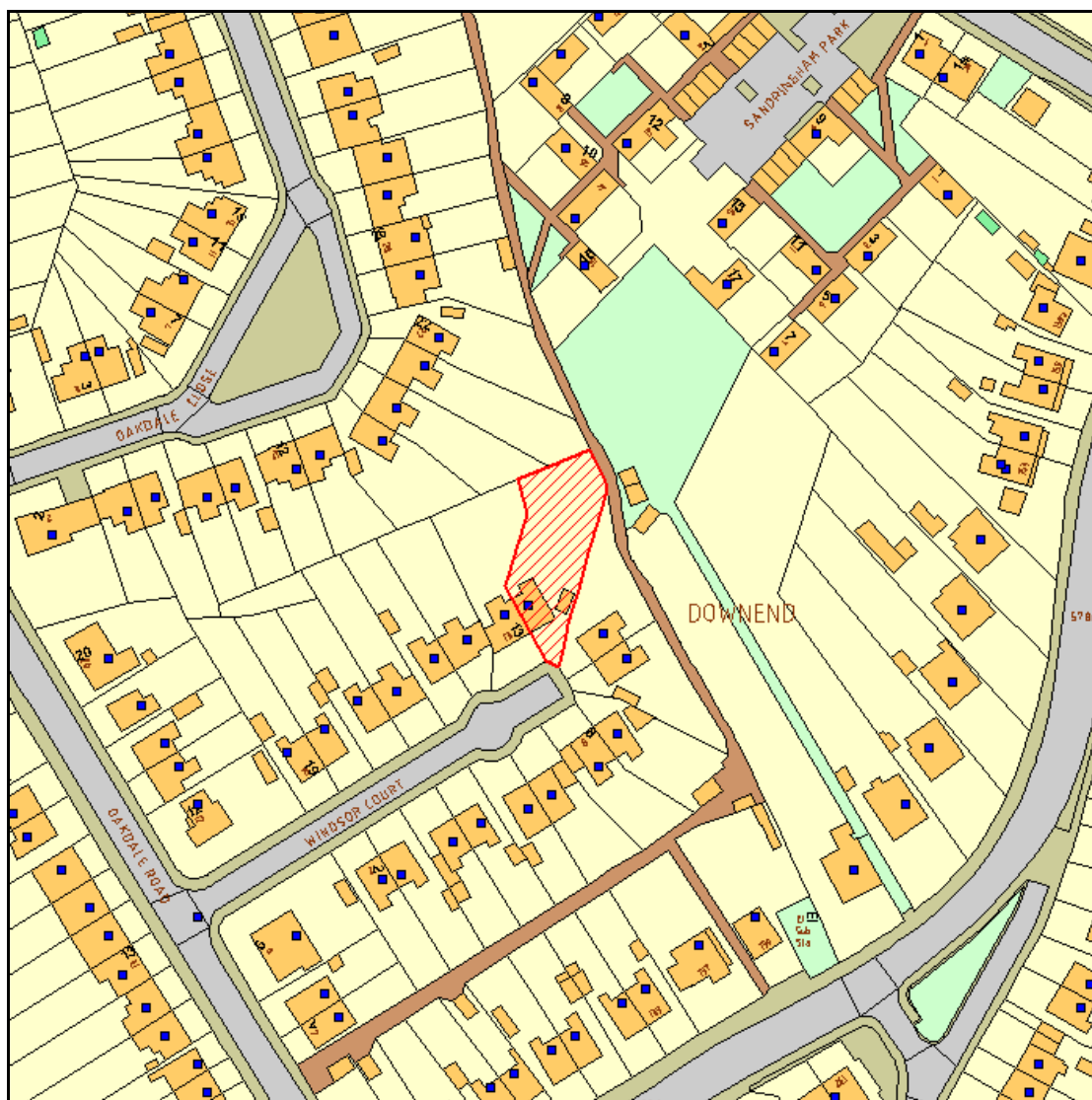
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PK09/5535/F	Applicant:	Mr P Helliker
Site:	12 Windsor Court Downend Bristol South Gloucestershire BS16 6DR	Date Reg:	19th October 2009
Proposal:	Erection of two storey side and single storey rear extension to form additional living accommodation.	Parish:	Downend & Bromley Heath Parish Council
Map Ref:	365225 177433	Ward:	Downend
Application Category:	Householder	Target Date:	3rd December 2009



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100023410, 2008.

N.T.S.

PK09/5535/F

INTRODUCTION

The application appears on the Circulated Schedule as representations have been received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application relates to an extended semi-detached dwelling situated in a corner plot of the cul-de-sac of Windsor Court, Downend. The site lies within a residential area of Downend.
- 1.2 Planning permission is sought for the erection for a two storey side extension and single storey rear extension. The property has an existing single storey rear extension and a detached garage. The property has a substantial rear garden due to its position in a corner plot of the cul-de-sac. The garage will be demolished if planning permission is granted.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards

3. RELEVANT PLANNING HISTORY

3.1 No history.

4. CONSULTATION RESPONSES

4.1 Downend & Bromley Heath Parish Council
No objection.

Other Representations

4.2 Local Residents
One email of objection has been received, raising the following concerns:

- The size of the extension is overbearing and will virtually double the size of the existing property.
- It will decrease the already limited amount of light on the north side of my house.
- It will stop the sunlight coming into part of my garden in the late afternoon/evening.

- The proposed new bedroom window is able to overlook my deck and hot tub which my grand children often use, sometimes without bathing costumes and therefore I will suffer a loss of privacy.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design/Visual Amenity

This application seeks planning permission for the erection for a two storey side extension and a single storey rear extension. The proposed side extension will be stepped back from the front wall of the dwelling by 0.7 metres and will have an overall width of 5 metres, however, at a width of 2.9 metres (when measured from the existing side wall of the dwelling) the extension will be stepped back a further 2 metres (2.7 metres in total from the front wall of the host dwelling). The width of this part of the extension will measure 2.1 metres. At ground level the extension will incorporate a single storey rear extension, extending the existing single storey rear extension across the width of the two storey extension. At ground level the depth of the side extension will therefore be 10 metres at its deepest point, reducing to 8 metres at its widest point. At first floor level the extension will measure 7 metres in depth, reducing to 5.2 metres at its widest point. The side will have a pitched roof that will be stepped down and back twice. The lean to roof of the single storey rear extension will be extended along the rear elevation of the proposed side extension. The materials used in the proposed extension will match the host dwelling.

5.3 The front elevation will have one first floor window that will match the existing first floor window, and two ground floor windows. The rear elevation will also have one first floor window that will match the existing first floor window, and one ground floor window. The rear single storey extension will match the existing single storey rear extension. Although large, the side extension is designed to be subservient to the host dwelling, which is augmented by it being significantly set back from the front wall of the host dwelling.

5.4 In respect of the design of both the side and rear extensions, with the chosen construction materials, it is considered the additions are appropriate additions to the dwelling and the streetscene.

5.5 Overbearing analysis

The proposed side extension, although quite large, will be set back from the front wall of the host dwelling. The rear extension will not extend any closer to the boundary with the adjoining semi-detached dwelling than at present. Although the side extension will be sited within 1 metre of the boundary with the adjacent dwelling (No. 11 Windsor Court) because of the corner siting of the application property this boundary is set on a 45 degree angle. Concerns have been raised by the neighbouring dwelling (No. 11 Windsor Court) that the proposed extension is overbearing and will virtually double the size of the

existing property. The size of the extension, although quite large, is considered appropriate for the residential area and the size of the application site. Additionally, the existing detached garage is to be demolished, and the proposed extension will be partly screen by the detached garage sited in the garden of No. 11. Furthermore, due to the 45-degree angle of the boundary, the proposed extension will be sited over 3 metres away from the adjacent dwelling. Accordingly, the proposed extension it is not considered to have an overbearing effect on the adjacent properties. On balance, the scale and design of both the proposed extension is considered to be acceptable.

5.6 Privacy Analysis

One high level window is proposed at first floor level on the side elevation. This will prevent overlooking and will be secured by condition to be fixed shut and obscure glazed. No further windows at first floor level on the side elevation are proposed, which will also be secured by condition. At ground level patio doors are proposed on the side elevation. These will be screened by the existing boundary treatments, which can be extended to a maximum height from ground level of 2 metres without the need for planning permission. It is therefore considered that no loss of privacy will occur.

5.7 Other Matters

An objection has been raised stating that the proposed extension will decrease the amount of light on the north side of the house and garden. It has been considered (above) that the proposed extension will not lead to an overbearing effect on the occupiers of the neighbouring properties. Policy D1 requires development to limit overshadowing. When the orientation and siting of the application dwelling is assessed, it is considered that the proposed extension will not cause adverse overshadowing of the north facing gardens to merit refusal.

5.8 Amenity Space

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

5.9 Highway Safety Analysis

Although the proposals will result in a loss of a detached garage, off street parking space will remain for two cars. This accords with Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. There will be no impact on highway safety.

5.10 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 It has been assessed that the proposed extensions have been designed to respect and maintain the massing, scale and design of the existing dwelling. The proposal also takes fully into account the neighbouring residential amenities and will not materially harm the amenities of neighbouring properties.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

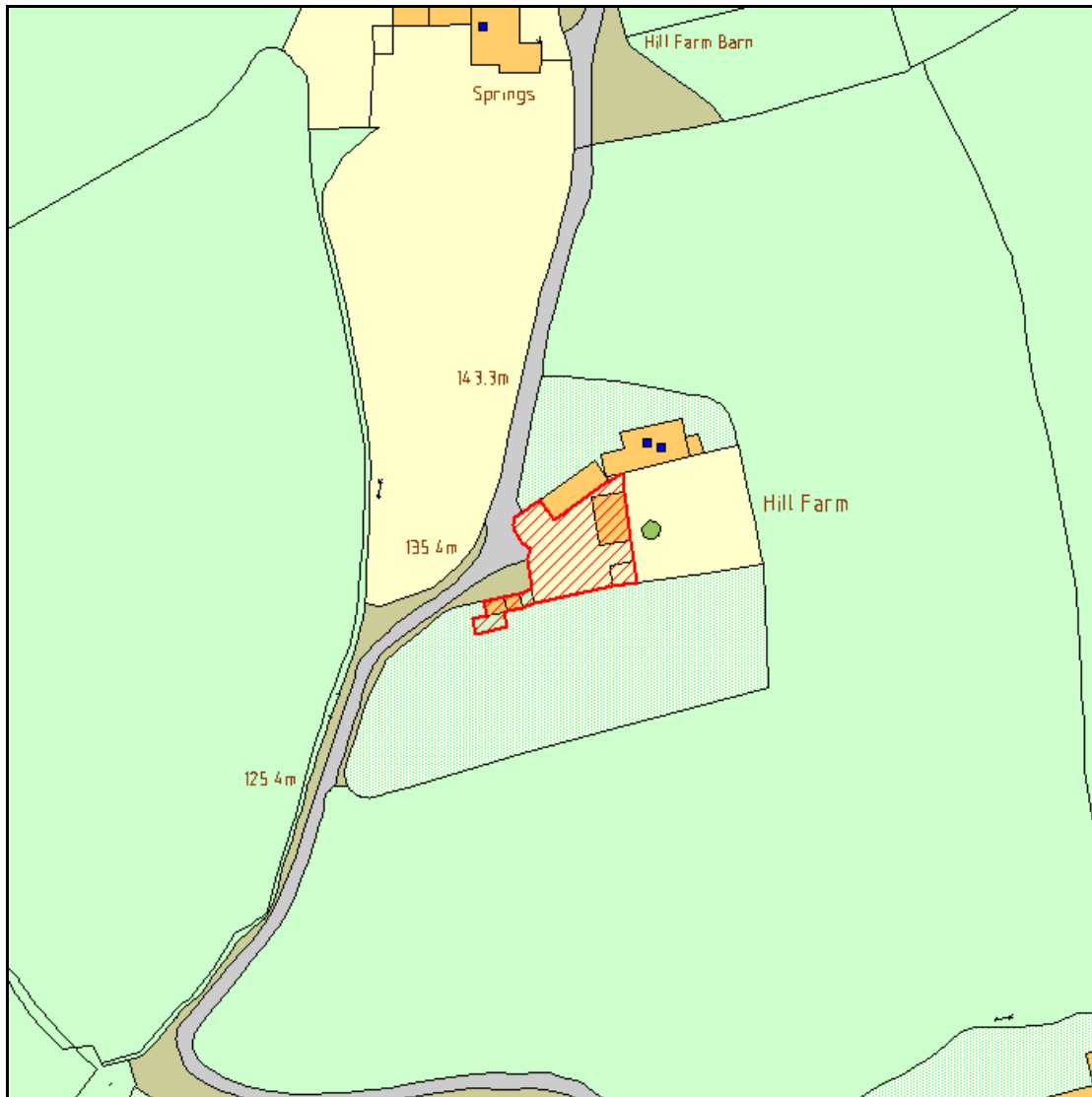
4. The glazing on the north-east elevation at first floor level shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

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

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PK09/5602/CLE	Applicant:	Mr N Wylde
Site:	Hill Farm Greenway Lane Cold Ashton Chippenham South Gloucestershire	Date Reg:	29th October 2009
Proposal:	Application for Certificate of Lawfulness for existing use of barns and areas for ancillary domestic storage.	Parish:	Cold Ashton Parish Council
Map Ref:	373806 171737	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	10th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5602/CLE**

INTRODUCTION

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use, is that the applicant has to prove on the balance of probability that the use of the buildings and land for ancillary domestic use has occurred for a period of 10 years consecutively, prior to the receipt of the application on the 15th October 2009.

1. THE PROPOSAL

- 1.1 The application has been submitted under Section 191 (1) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for an existing use of the building.
- 1.2 The application relates to a number of outbuildings and land being used for ancillary residential purposes to that of the main dwelling.
- 1.3 The applicant considers that the buildings and land subject of the red edge plan have been used for ancillary residential purposes for at least 10 years consecutively prior to the submission of this application.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97: Enforcing Planning Control.
- 2.2 Development Plans
As the application is for a Certificate of Lawfulness the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only prove that on the balance of probability the use has taken place for an uninterrupted period of at least the last 10 years prior to the receipt of the application (09th July 2009).

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1358/CLE CLE application for an existing use of barns for ancillary domestic storage.

4. CONSULTATION RESPONSES

- 4.1 Cold Ashton Parish Council
Have no objection to this application.

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. 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

This applicant is relying on three affidavits one submitted by the applicant, one by a previous neighbour Richard Wharton and the other by the previous owner Camilla Rose May and a supporting statement. The following is the summary of the declarations:

- Previous occupier Camilla Rose May has confirmed that whilst living at the site subject of this application between 1998 and 2004, recalls that the buildings and areas within the marked red section of Plan A being used exclusively with the day to day living of the main house

As shown on Plan B, Building 2 and area C were used for storing coal, wood, outdoor, garden tools and a party room until it fell down.

Area A: was used as store area for house items and an area we used to play in as children until it fell down

Building 3: was used to store items such as sinks, tiles, fireplaces etc from the main house while it was being renovated. The areas F and D were used were used for storing wood for the eopen fires in the main house.

Area B was used to park our cars.

- A friend of the above previous owners and new owners has confirmed that over the past 10 years, both owners have used the outbuildings and land.

Building 2: has been used by both residents as storeroom for coal, lawn mowers and outside gardening equipment.

Building 3 and Areas F/D: Have been used by both residences as storage area for many original features of the main house during refurbishment and area D and F have been used as storage of logs in the main house .

Area A: This building used as a play area for the children before it fell down and more recently a storage area for old beams, which has been recently been tidied up due to the refurbishment of building 1

Area B: This has always been used as the parking for the main house residents.

Area C: This area as used for storing children's play equipment and party room until it fell down and sine then it has been used for storing the original stones of the house and wood. I also saw it being used to house a few chickens and wood from the building.

- The Current owner Nicholas Wylde of Hill Farm has confirmed that the outbuildings and areas within the marked red section of Plan A have been exclusively used and are associated with day to day living affiliated with the main house.

Building 2: For storage of coal, lawn mowers, bicycles and DIY tools

Building 3: Storage of old shutters, sinks, ladders and many items from the main house, whilst it has been renovated over the years

Area A: As open storage for old wooden beams from all the buildings and the storage of other outdoor items associated to living at the main house

Area B: For parking cars for the purpose of the main residence

Area C: For a chicken run and storage of stone and wood from the buildings

Areas F/D: Storage of fire wood for the open fires in the mainhouse

5.6 Contradictory Evidence

There is no contrary evidence relating to these buildings or land for the period of 10 years prior to the receipt of the application.

- 5.7 It is considered that the applicant has proven on the balance of probability that the use of the buildings and land for ancillary domestic use has occurred for a period of 10 years consecutively, prior to the receipt of the application on the 15th October 2009.

6. RECOMMENDATION

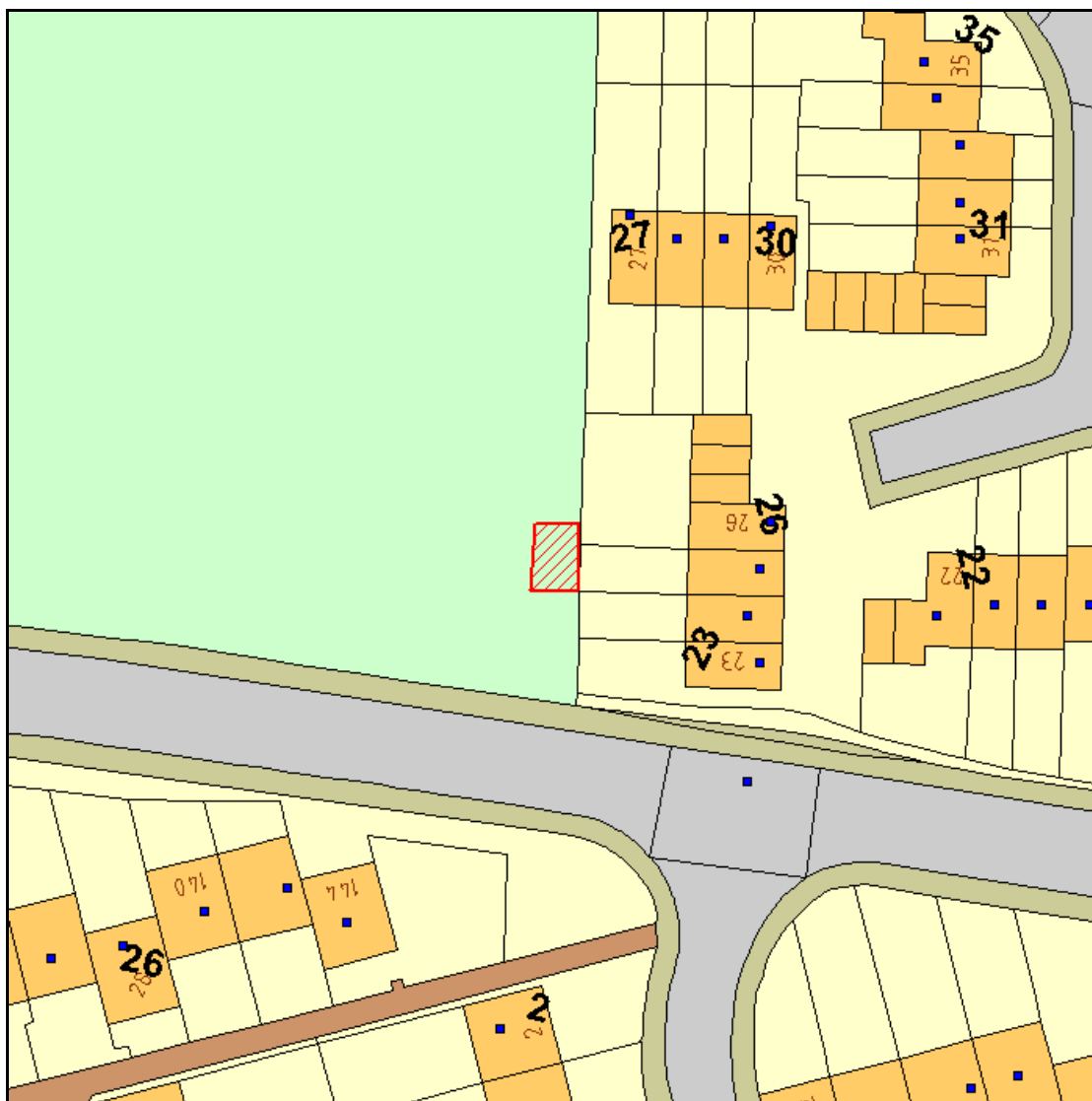
- 6.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the outbuildings and land for existing ancillary residential use.

Background Papers PK09/5602/CLE

Contact Officer: Tracey Price
Tel. No. 01454 863424

CIRCULATED SCHEDULE NO. 47/09 – 25 NOVEMBER 2009

App No.:	PK09/5609/TRE	Applicant:	South Glos Council
Site:	Courtney Primary School Kingswood Bristol South Gloucestershire BS15 9RW	Date Reg:	2nd November 2009
Proposal:	Works to 1no. Willow tree to reduce to previous points covered by Tree Preservation Order KTPO 05/82 dated 14 February 1983.	Parish:	None
Map Ref:	365569 173151	Ward:	Woodstock
Application Category:		Target Date:	14th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5609/TRE**

INTRODUCTION

This application has been referred to the Circulated Schedule as the applicant is South Gloucestershire Council.

1. THE PROPOSAL

1.1 The application seeks permission to carry out works to 1no. Willow tree, protected by a Tree Preservation Order. The tree is located on land within the grounds of Courtney Primary School, Kingswood. The works proposed involves reducing the Willow to previous points.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

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

3. RELEVANT PLANNING HISTORY

3.1 PK08/2561/R3F Replacement primary School with access and associated works. Erection of 2.4 metre high perimeter fence.
Approved November 2008

4. CONSULTATION RESPONSES

4.1 Parish / Town Council
Site falls outside of any Parish boundaries

Other Representations

4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 seeks to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

5.2 Analysis of the proposal
The tree is located within the grounds of Courtney Primary School, Kingswood, situated close to the eastern boundary of the site. The tree has been reduced in the past, re-reduction is good arboricultural practice to prevent the re-growth

becoming to large and snapping out. The proposed works are good arboricultural management to retain a large tree in an urban setting.

5.3 Section 106 Requirements
Not applicable

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 works are considered to be good arboricultural practice and will support the long term health and viability of the tree in its current position. As such the proposal complies with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

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

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PK09/5629/CLE	Applicant:	Mr R Chancellor
Site:	Oxleaze Farm Oxleaze Farm Road Inglestone Common Badminton South Gloucestershire	Date Reg:	6th November 2009
Proposal:	Application for Certificate of Lawfulness for an existing use of land as residential curtilage. (Resubmission of PK09/5158/CLE)	Parish:	Hawkesbury Parish Council
Map Ref:	376184 188283	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	15th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5629/CLE**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of land as residential curtilage. The application therefore seeks to demonstrate that the land has been used for residential purposes associated with Oxleaze Farm for a period in excess of ten years.
- 1.2 The site consists of a plot of land at the bottom of the garden traditionally associated with Oxleaze Farm. The current authorised use of the land is as agricultural but the applicant claims the land has been used as a garden for approximately 25 years.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/5158/CLE Application for certificate of lawfulness for an existing use of land as residential curtilage.
Withdrawn October 2009

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Parish Council
No objection.

Other Representations

- 4.2 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 One sworn statement has been received from the applicant along with two signed letters from neighbouring residents in support of the application.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 None Received.

7. **EVALUATION**

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the land identified within the red line has been used as residential curtilage for a period in excess of 10 years prior to the date of this application.
- 7.3 In determining this application, the Council has given weight to the sworn statement submitted by the applicant signed before a solicitor in which he states that the parcel of land in question ‘ *has not been used as part of the farming operation carried out on the property for more than 25 years, and during that time has been used purely as a domestic garden with private orchard.*’ Two other letters submitted by neighbouring residents are also taken into consideration. Both letters, whilst not being signed before a solicitor, confirm that the parcel of land subject to this application have been used exclusively as a garden and orchard for a period of more than ten years.
- 7.4 Aerial photographs held at the Council are inconclusive in assessing the use of the land. From the photographs it appears that the land was incorporated into the residential curtilage sometime between 1999 and 2005. On the basis of the statements submitted and given the poor quality of the aerial photographs available, on the balance of probability it is concluded that the land has been used as residential curtilage for a ten year period. No evidence has been received that contradicts the evidence put forward by the applicant.

8. **CONCLUSION**

- 8.1 Having regard to the above, it is considered that the evidence presented by the applicant proves that, on the balance of probability, the land subject of this application has been used as residential curtilage in association with Oxleaze Farm for a period in excess of 10 years.

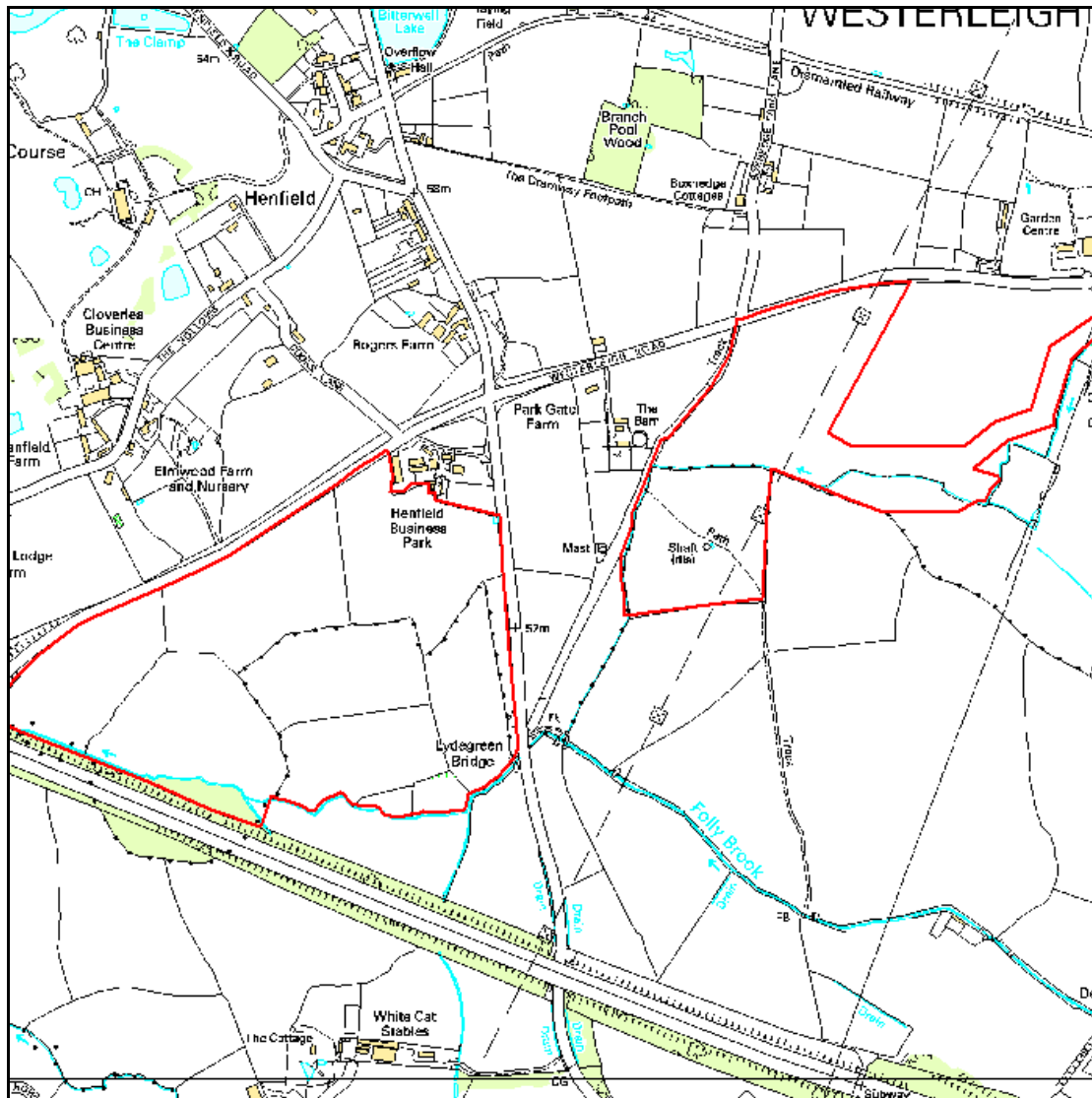
9. **RECOMMENDATION**

- 9.1 A Certificate of Existing Lawful Use be granted for the use of land as residential curtilage associated with Oxleaze Farm.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PT09/5310/RVC	Applicant:	Windmill Leisure Ltd
Site:	Henfield Farm Westerleigh Road Coalpit Heath Bristol South Gloucestershire	Date Reg:	14th September 2009
Proposal:	Application to vary Condition 07 attached to planning permission PT06/0326/F relating to timescales to import construction materials.	Parish:	Westerleigh Parish Council
Map Ref:	367961 179071	Ward:	Westerleigh
Application Category:	Major	Target Date:	9th December 2009



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 100023410, 2008. **N.T.S.** **PT09/5310/RVC**

INTRODUCTION

This application appears on the Circulated List as there is an expression of concern from a member of the public.

1. THE PROPOSAL

- 1.1 The site consists of two parcels of land to the North of the M4 Motorway and to the South and Southeast of Westerleigh Road. The site is located in the open countryside and is within the Green Belt. The development of this site is approved under PT06/0326/F for the construction of a Golf Academy, Fishing Lakes and associated development. Planning Permission was granted at appeal and this development has commenced.
- 1.2 The development site as approved is in two distinct parts. The golf academy is situated on land immediately to the North of The M4 Motorway and to the Southeast of Westerleigh Road; whilst the fishing lakes are situated to the East of Park Gate Farm and to the South of Westerleigh Road.
- 1.3 This application seeks planning consent for the variation of Condition 7 of the consent. This relates specifically to the period of time allowed for the importing of waste onto the site to be used for the construction of the development.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS7	Sustainable Development in Rural Areas
PPG9	Nature Conservation
PPG13	Transport
PPG16	Archaeology and Planning
PPG17	Sport and Recreation
PPS25	Development and Flood Risk

2.2 Joint Replacement Structure Plan

Policy 1	Sustainable development
Policy 2	Locational strategy
Policy 3	Environmental principles
Policy 13	Emersons Green
Policy 16	Green belt
Policy 17	Landscape
Policy 18	Nature conservation
Policy 19	Built and historic environment (incl. Archaeology)
Policy 20	Agricultural land
Policy 23	Water resources
Policy 29	Waste management
Policy 43	Recreation and leisure development
Policy 45	Recreation in the countryside
Policy 47	Transport

Policy 51	Cycling and Walking
Policy 54	Car parking
Policy 59	Transport

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	design
L1	Landscape
L9	Species Protection
L11	Archaeology
L16	Agricultural Land
L17/18	Water environment
EP1	Environmental pollution
EP2	Flood Risk
GB1	Green Belt
T6	Cycle and Pedestrian Routes
T7	Cycle parking
T8	Car parking
T9	Parking for people with disabilities
T10	Travel plans
T12	Transportation
LC5	Outdoor sport and recreation outside the urban area and settlement boundaries
LC12	Recreational routes
S1	Service infrastructure

2.4 Adopted Minerals and Waste Local Plan

Policy 6	Landscape Protection.
Policy 9	Green Belt.
Policy 15	Protected species.
Policy 19	Agricultural Land.
Policy 20&21	Water Resources.
Policy 22	Residential amenities

2.5 Supplementary Planning Guidance

Environmental Guidelines for Golf Course Development
Landscape Character Assessment

2.6 Circulars

Circular 11/95	Conditions
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3. RELEVANT PLANNING HISTORY

- 3.1 PT03/1313/F Construction of football complex, golf academy, fishing lakes, fitness trail, nature reserve, car parking, changing facilities and associated works.
Withdrawn.
- 3.2 PT06/0326/F Change of use from Agricultural Land to facilitate construction of Golf Academy, Fishing Lakes, Nature Reserve, Pavilion and Golf Course Maintenance Shed, Car Parking and associated works to include new access. (Re-submission of PT03/1313/F)

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

Object on the basis that the Council feel this is just a delaying mechanism to vary what is being carried out on site.

It should be noted that this application does not proposed to vary the scope of the development as approved, rather to effectively extend the period of time allowed for the importation of materials onto the site. The resulting development would not change from that as approved.

4.2 Pucklechurch Parish Council

No Objection

4.3 Sustainable Transport

No Objection

4.3 Local Residents

No Comments Received

5. ANALYSIS OF PROPOSAL

5.1 Planning Permission has been granted for the construction of a Golf Academy, Fishing Lakes, Nature Reserve, Pavilion and Golf Course Maintenance Shed, Car Parking and associated works at appeal (APP/P0119/A/07/2045500).

5.2 Principle of Development

The principle of the development has been established and the purpose of this planning application is to consider only the merits of the variation of condition 7 of the planning consent. This condition relates to the time period allowed for the importation of material onto the site. The application does not seek to alter the development as approved under the above appeal. This development has now commenced.

5.3 The Purpose of Condition 7 and the justification for its Proposed Variation

Condition 7 reads;

The importation of material onto the site shall cease after two years from the date of the development. The Local Planning Authority shall be notified of the formal commencement date prior to the development commencing. No material shall be exported from the site at any time. During the two year period the developer shall provide evidence, within 2 weeks of being formerly requested to do so by the Local Planning Authority, of figures/log and levels to date in relation to the progress of the importation of material onto the site. The developer shall otherwise provide such evidence at 6 monthly intervals starting from the date of formal commencement of development.

- 5.4 The purpose of the condition is to ensure that the importation of materials onto the site is not carried out indefinitely in the interests of landscape character and visual amenity; and to avoid prolonged movements of vehicles in the interest of highway safety and amenity.
- 5.5 The developer is proposing to remove this condition and replace it with two separate conditions. These are proposed as follows;
- i) Construction Period – Golf Academy
The importation of material onto the Golf Academy Site shall cease after 42 months from the date the development of the Golf Academy commenced (October 2008) and all ground works within the site shall be completed within 6 months of the cessation of importation. During the importation period, the developer shall provide evidence, within 2 weeks of being formally requested to do so by the Local Planning Authority, of figures/log and levels to date in relation to the progress of material onto the site. The developer shall otherwise provide such evidence at 6 monthly intervals starting from the date of commencement.
- ii) Construction Period – Fishing Lakes
The Local Planning Authority shall be notified in writing of the commencement of development in connection with the Fishing Lakes hereby approved. Importation into this part of the development shall not commence until the cessation of importation into the Golf Academy has also been confirmed in writing by the local Planning Authority. The importation of material required to complete this development shall cease after 18 months from the date of formal commencement. During the 18 month period, the developer shall provide evidence, within 2 weeks of being formally requested to do so by the Local Planning Authority, of figures/log and levels to date in relation to the progress of material onto the site. The developer shall otherwise provide such evidence at 6 monthly intervals starting from the date of commencement.
- 5.6 The effect of the proposed conditions is to split the construction of the development into two separate parts over consecutive time periods as apposed to the development of the two sites running concurrently. In this instance the developer is proposing that the importation of waste materials required for the construction of the fishing lakes does not begin until the importation of waste materials required to construct the golf academy has ceased. In support of this proposal, the applicant argues that separating the existing condition into two parts would effectively minimise the intrusion of the development, in landscape and visual amenity terms during its construction. The applicant also argues, given that it is not proposed to alter the conditions in relation to hours of delivery, lorry movements and the content of the material being imported to the site, that the proposed changes would not impact materially upon highway safety. The applicant also argues that the current development climate is such that there is a short fall of materials available that are suitable for use in the implementation of the approved development. As such, it is unlikely that the developer would be able to comply with the current time scale resulting in a situation where the development could not be completed to an acceptable

standard and in accordance with the approved development plans. As such the applicant argues that the variation is logical and would not result in any material impact in landscape and transportation terms.

5.7 In this instance, officers concur with the views of the applicant and consider, given the restrictive conditions in respect of vehicle movements and construction times, that the proposal is acceptable. In particular, it is considered that the scope of the proposed conditions would continue to serve the same purpose as the current wording of condition 7. The detailed assessment is set out below.

5.8 Landscape and Visual Amenity Considerations

Development of the Golf Course/Academy began in October 2008. The development of the Fishing Lakes has not yet commenced. The developer has requested that the 24 month time limit for the importation of waste onto this part of the development site is extended to a period of 42 months from commencement. The developer also proposes that the commencement of the importation of material onto the Fishing Lake site does not commence until the Golf Academy importation and ground works are completed.

5.9 The effect of this proposal is such that the importing of materials onto the Golf Academy site would be required to cease by the end of April 2012. The importation of materials onto the fishing lake site would continue after this date for a further period restricted to 18 months from the commencement of this element of the works. A period of 18 months is considered to be reasonable. However, the proposed wording of the condition suggested by the developer leaves uncertainty as to when the importation of materials onto the Fishing Lake site will begin; and as such could effectively leave an unlimited period for this commencement. A lack of control over the commencement of this element of the works would jar with the purpose of Condition 7 as it stands as it would give uncertainty as to the overall length of time for the implementation of the development as a whole. On this basis officers consider that the proposed condition includes confirmation of when the importing of materials must commence by; or that an additional condition is imposed having this effect. Subject to the provision of such wording or additional condition it is considered that the proposed variation is acceptable in landscape and visual amenity terms.

5.10 Transportation

At the Public Inquiry, the Planning Inspector has concluded that the development now approved would not conflict with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and as such would not result in material harm to highway safety. The Planning Inspector limited the development (Condition 8) such that no more than 40 lorry loads of material can service the site (as a whole) in any one day. This would remain valid and it is not the intension of the applicant to vary this condition.

5.11 The effect of the proposed variation of this consent is such that movements of lorries onto the site would be prolonged, but would not increase in terms of day to day movements. It is not anticipated that the highway conditions at the junction of Westerleigh Road and Oakleigh Green Farm Lane would materially

change during the relatively short period of time proposed for the extension of time. Therefore, officers consider that the prolonged delivery of materials (at the level allowed under the existing planning consent) would not materially impact upon highway safety. That said, the imposition of a start date for importing materials onto the Fishing Lake site, as referred to above is relevant to this issue. Without this, it is considered that uncertainty as to the commencement of the importation of materials onto this part of the site would be unacceptable in highway safety and amenity terms. Again, subject to the provision of such wording or additional condition it is considered that the proposed variation is acceptable in transportation terms.

5.12 Residential Amenity

The site is within open countryside where there is limited residential development. The nearest residential properties are located at Park Gate Farm and Oakleigh Green Cottages. The principle of the development of the Golfing Academy and Fishing Lakes is established and it is not necessary to consider the impact of the approved development upon residential amenity. However, the proposed variation of that consent for the purposes set out in this application is such that there would be a prolonged period of construction activity associated with the approved development. In this regard it is necessary to consider the impact of the proposal in residential amenity terms.

5.13 In this instance, it is proposed only to extend the time period for the importing of materials onto the development site. There are currently conditions in place which would limit the movements of delivery lorries to the site and the restriction of working hours during the construction of the development. It is not proposed to remove or vary those conditions as part of this application and such conditions can be re-imposed as part of any consent relating to this application. It is considered that these conditions allow for sufficient control over the development such that the impact of construction is kept to a minimum and reasonable level during day time hours and no working would continue during anti-social hours or on Sundays and Bank Holidays. It is not considered that the prolonged construction period would have a material impact in residential terms provided that those conditions continue.

5.14 Officers concern over the uncertainty relating to commencement of the importing of materials onto the Fishing Lake site has been raised earlier in this report. Again, this matter is relevant in respect of residential amenity and it is important for some certainty over the commencement of this part of the development is allowed in the interests of the residents of nearby dwellings. It would be unreasonable for development to stop for a prolonged period and then begin again without warning. On this basis, officers consider that imposing limitations on a start date for the works on the Fishing Lake site is relevant and appropriate in order to ensure that works are not prolonged indefinitely. Subject to the provision of such wording or additional condition it is considered that the proposed variation is acceptable in residential amenity terms.

5.15 Proposed Condition Wording

Although the purpose of the proposed conditions is clear and acceptable in principle, the proposed condition relating to the Golf Academy is ambiguous in part as it is not precise in respect of the cessation of the importing operations.

5.16 The proposed condition reads (in part);

The importation of material onto the Golf Academy Site shall cease after 42 months from the date the development of the Golf Academy commenced (October 2008) and all ground works within the site shall be completed within 6 months of the cessation of importation.

This wording does not set out exactly when the importing operations should cease, rather it simply sets out that the operations should cease after a 42 month period. This would not be enforceable as the wording would effectively allow the works to continue after the 42 month period. A more precise and enforceable wording would set a date at 42 months from the commencement of the development. Officers consider that the wording should read as follows;

The importation of material onto the Golf Academy Site shall cease no later than 30th April 2012 and all ground works within the site shall be completed within 6 months of the cessation of the importation of materials.

5.17 It should also be noted that the existing condition contains the restriction that 'No material shall be exported from the site at any time'. The purpose of this phrase is clear and it is considered that the export of material from this site should be prevented in the interests of highway safety, visual and residential amenity. This has been omitted from the proposed conditions. On this basis, officers consider that an additional condition containing this wording is appropriate and would serve to ensure that exportation of materials does not occur as originally intended by the Planning Inspector granting approval for this development.

5.18 It is considered that the above wording would be acceptable and would be consistent with the requirements of Circular 11/95. Likewise the additional condition suggested would also be consistent with the requirements of Circular 11/95.

5.19 Section 106 Agreement

The existing planning consent is subject to a Section 106 Agreement which secures the financial contribution of £15,000 for highway improvements in the vicinity of the site; and for a routing agreement for heavy access to the sites.

5.20 In this instance the above funding has been paid and as such there is no further requirement to secure this funding. In respect of the routing agreement, the signed Section 106 agreement (PT06/0326/F) makes allowances for further applications relating to this site which (in the opinion of the Directorate) is substantially similar to the Planning Application. Officers consider that this is the case here as this application is directly related to the existing planning permission and as such no further Section 106 Legal Agreement is required at this time.

5.21 Design and Access Statement

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

5.22 Use of Energy and Sustainability

N/A

5.23 Improvements achieved to the scheme

N/A

6. CONCLUSION

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

6.2 It is concluded that the proposed conditions in pursuance of the variation of Planning Permission PT06/0326/F would not materially alter the scope and purpose of Condition 7 of PT06/0326/F such that the development of the site for the purposes as approved under PT06/0326/F would not be materially altered. It is concluded that the variation would not result in material changes to the existing Planning Permission (PT06/0326/F) such that the development would have a materially greater impact in respect of landscape character and visual amenity, residential amenity and highway safety.

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

7. RECOMMENDATION

7.1 That variation of the Planning Permission (PT06/0326/F) is granted subject to the following conditions.

Contact Officer: Simon Penketh

Tel. No. 01454 863433

CONDITIONS

1. The importation of material onto the Golf Academy Site shall cease no later than 30th April 2012 and all ground works within the site shall be completed within 6 months of the cessation of the importation of materials. During the importation period, the developer shall provide evidence, within 2 weeks of being formally requested to do so by the Local Planning Authority, of figures/log and levels to date in relation to the progress of material onto the site. The developer shall otherwise provide such evidence at 6 monthly intervals starting from the date of commencement. The developer shall notify the Local Planning Authority upon completion of these works.

To protect the character and appearance of the area to accord with Policies D1, L1, LC5 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

In the interests of highway safety, and in the interests of the amenities of nearby occupiers; and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006

2. The commencement of development in connection with the Fishing Lakes hereby approved shall commence within 6 months of the completion of the importation works associated with the Golf Academy (as detailed in condition 1 of this decision notice) or no later than 31st October 2012, whichever is the sooner. Importation into this part of the development shall not commence until the cessation of importation into the Golf Academy has also been confirmed in writing by the local Planning Authority. The importation of material required to complete this development shall cease after 18 months from the date of formal commencement. During the 18 month period, the developer shall provide evidence, within 2 weeks of being formally requested to do so by the Local Planning Authority, of figures/log and levels to date in relation to the progress of material onto the site. The developer shall otherwise provide such evidence at 6 monthly intervals starting from the date of commencement.

In the interests of highway safety, and in the interests of the amenities of nearby occupiers; and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006

To protect the character and appearance of the area to accord with Policies D1, L1, LC5 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No materials shall be exported from this site at any time

In the interests of highway safety, and in the interests of the amenities of nearby occupiers; and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006

4. Within 3 months from the date of this Planning Consent the developer shall submit a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and overhanging the land, and details of any to be retained, together with measures for the protection of those trees to be retained, to the Local Planning Authority for approval in writing by the Local Planning Authority.

To protect the character and appearance of the area to accord with Policies D1, L1, LC5 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced in the next planting or seeding season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.

To protect the character and appearance of the area to accord with Policies D1, L1, LC5 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Within 3 months from the date of this Planning Consent the developer shall submit full details of all original ground levels (as existed prior to the commencement of this development) and the disposition, height and contouring of all landfill to the Local Planning Authority for approval in writing by the Local Planning Authority.

To protect the character and appearance of the area to accord with Policies D1, L1, LC5 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Within 3 months from the date of this Planning Consent the developer shall submit an Ecological and Landscape Management Plan to the Local Planning Authority for approval in writing by the Local Planning Authority. The submitted Ecological and Landscape Management Plan shall include a planting and habitat plan and shall include details of the future and continued maintenance of the reed beds to be included within the development as approved. Thereafter the Ecological and Landscape Management Plan shall be commenced prior to the development being first used and carried out, in perpetuity, and in accordance with the approved details.

To protect the character and appearance of the area to accord with Policies D1, L1, LC5 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

8. No More than 40 lorry loads of fill shall be delivered to the site in any one day.

In the interests of highway safety, and in the interests of the amenities of nearby occupiers; and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006

9. The hours of working on site during the period of construction, and the importing of fill to the site, shall be restricted to 07:30 to 18:00 Monday to Friday and 08:00 and 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

To minimise disturbance to occupiers of dwellings adjacent to the Northern boundary and Western Boundary of the site and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The materials to be imported onto the site shall comprise clean and uncontaminated, inert sub-soils or top-soils only.

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

11. All vehicular accesses and all on-site vehicular parking facilities shown on the approved plans (PT06/0326/F) shall be provided before the uses first commence and thereafter shall be retained for that purpose.

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

12. The access road into the Golfing Academy area of the site and the access road into the Fishing Lakes area of the site shall have a bound surface for 12 metres measured from the back edge of the public highway and any gates should also be set back by a minimum of 12 metres and configured to open inwards only.

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

13. A strip of land of a minimum of 6 metres in width adjacent to the top banks of all watercourses and drainage ditches crossing the site must be kept clear of new buildings and structures. Ground levels must not be raised within such strips of land.

To prevent flooding, and to accord with Policies L17 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. There shall be no storage of construction materials, including top-soil of sub-soil, within that part of the site liable to flood as shown as floodplain on drawing number 1688/K15 (as approved under PT06/0326/F), and no raising of existing ground levels within that part of the site liable to flood, as shown as floodplain on that drawing.

To prevent flooding, and to accord with Policies L17 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Within 3 months from the date of this Planning Consent the developer shall submit drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) in respect of surface and foul water and shall include confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development to the Local Planning Authority for approval in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

17. Details of any ball stop netting shall be submitted to and approved in writing by the Local Planning Authority and such netting shall be erected in compliance with the agreed details prior to the commencement of the uses hereby authorised. There after the netting shall be retained as such. The netting shall not obstruct any public rights of way.

To protect the character and appearance of the area to accord with Policies D1, L1, LC5 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

In the interests of the amenity of the Public Rights of Way crossing and adjacent to the site and to comply with Policy LC12 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. For the avoidance of doubt, the planning permission hereby approved does not include any flooding or free standing external lighting. The details of any lighting that may be proposed to be affixed to buildings shall be first submitted to the Local Planning Authority and approved in writing. Such lighting shall subsequently accord with the details so approved and shall be retained as such.

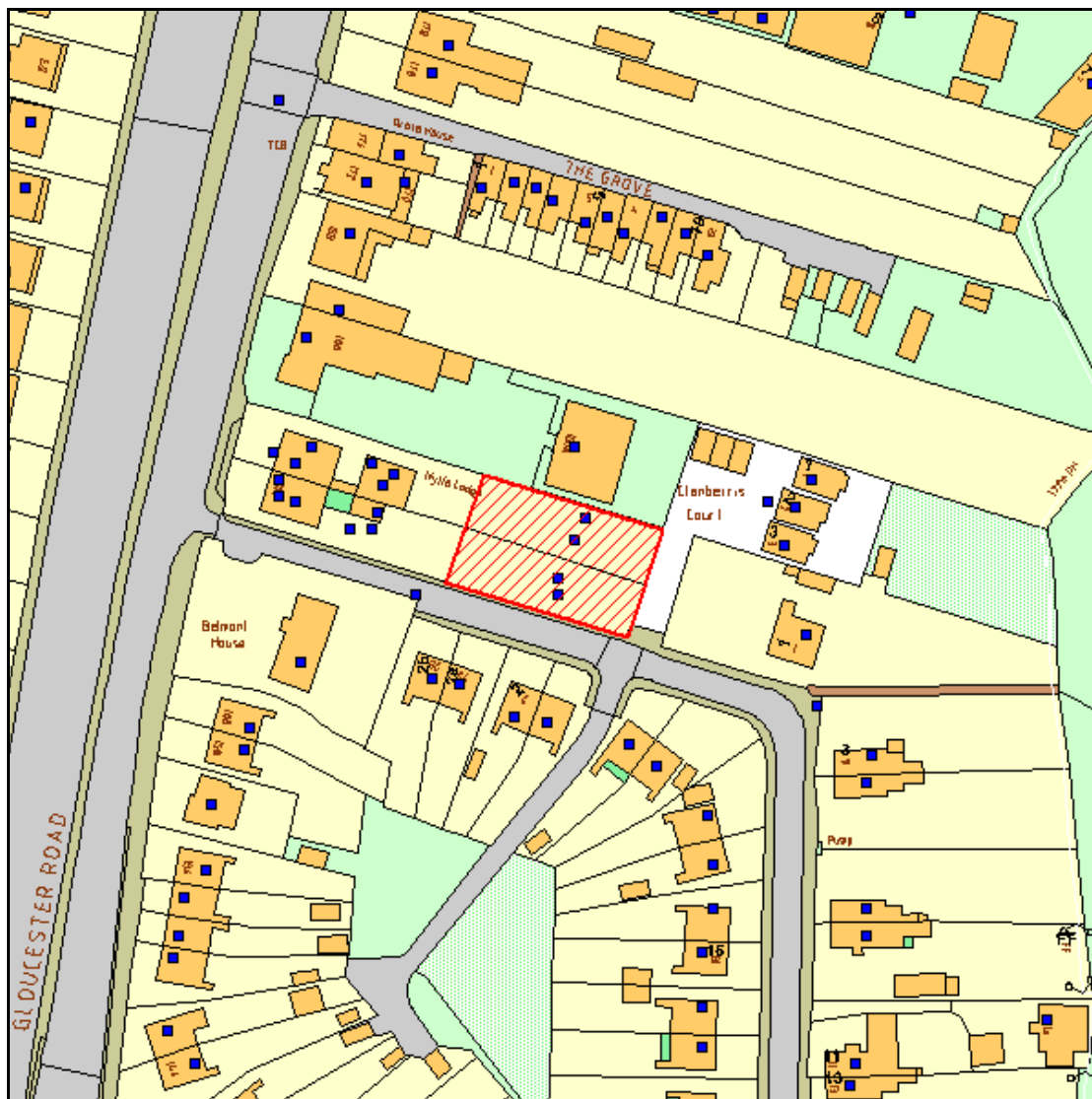
To protect the character and appearance of the area to accord with Policies D1, L1, LC5 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

19. No buildings shall be erected on the site until details of all roofing and external facing materials and all surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details and shall be retained as such.

To protect the character and appearance of the area to accord with Policies D1, L1, LC5 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PT09/5444/F	Applicant:	Mr A Manson
Site:	162 Gloucester Road Patchway Bristol South Gloucestershire BS34 5BG	Date Reg:	20th October 2009
Proposal:	Erection of apartment block to form 4 no. flats (amendment to previously approved scheme PT02/3699/F) (Retrospective)	Parish:	Patchway Town Council
Map Ref:	360604 181436	Ward:	Patchway
Application Category:	Minor	Target Date:	9th December 2009



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 100023410, 2008. **N.T.S.** **PT09/5444/F**

INTRODUCTION

This application is circulated to Members due to representations being received which are contrary to the officer recommendation.

1. THE PROPOSAL

1.1 This is an application for amendments to the previously approved scheme at this site for the conversion of the existing pair of houses to twelve flats. This application deals with some modest changes to the external appearance of the building and alteration to the car parking layout, cycle parking facilities and bin store location. These are summarised in the table below for clarity.

1.2 The specific changes to the proposal are:

	Previously approved	Proposed now
A	Eighteen parking spaces (two of which located in a garage and not independently accessible)	Sixteen parking spaces. Removal of the garage.
B	Bin store and cycle store located towards the rear of the site.	Bin store and cycle store located centrally in site.
C	Two dormer windows located towards the outer edges of the west elevation.	Two smaller hip roofed dormer windows located more centrally. and relocation of the rooflights on this elevation.
D	Four hip roofed dormer windows on east elevation.	Four smaller hip roofed dormer windows.
E	Feature staircase on east (rear) elevation.	Removed in favour of a more simple rear access and roof light over.
F	Ridge line at 7.6m	Ridgeline at 8.1m

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG13 Transport
PPS3 Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H2	Proposals for residential development including residential institutions and special needs accommodation and applications to renew permission for residential development within the existing urban area and defined settlement boundaries.
L1	Landscape protection and enhancement
H4	Development within existing residential cartilages, including extensions and new dwellings
T12	Transportation Development Control for new development.
T7	Cycle parking
T8	Parking standards

- 2.3 Supplementary Planning Guidance
South Gloucestershire Council Design Checklist SPD Adopted August 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/5463/F Conversion and extension of existing premises to form 12 flats. (Amendment to previously approved scheme PT02/0729/F) (Retrospective) Under consideration see separate report in this Circulated schedule.
- 3.2 PT07/1548/RVC Variation of condition 4 attached to Planning permission PT02/0729/F to ensure the highway improvements to Redfield Road indicated on drawing 826/17 are completed prior to the occupation of the flats, rather than prior to the commencement of development. Refused 21 June 2007
- 3.3 PT02/3699/F Erection of apartment block to form 4 no. flats and alteration of existing access. Approved 27 February 2003
- 3.4 PT02/0729/F Conversion and extension of existing premises to form 12 flats. Approved at Appeal 2 September 2002.
- 3.5 PT00/2881/F Conversion of 5 flats and veterinary surgery to form 12 flats. Erection of a new building to form 6 flats giving a total of 18 units. Withdrawn July 2001

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
Objection to retrospective applications due to over-development and pressure on Redfield Road from additional vehicle movements and parking.
- 4.2 Other Consultees
- Transportation Team
No objection provided cycle parking facilities are provided.
- Landscape Team
No comments

Other Representations

4.3 Local Residents

Two letters of objection were received on the following grounds;

- Dismay that despite all of the construction over the last two years the writer finds it was not built as approved.
- Car parking occurs on the left side of Redfield Road and on the pavement, negating the reason for it having been widened under the previous scheme. Double yellow lines should be set out.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The principle of this scheme being acceptable was established by the planning approval PT02/3699/F. The construction which has taken place at the site has been undertaken essentially, according to the proposed plans of the PT02/3699/F application. Accordingly the focus of analysis to this application relates to those changes summarised in paragraph 1.2 of this report. It is not considered that there have been any material changes in terms of the principle of the development and indeed there is an extant fall-back position. In this regard policy D1 and H2 are relevant policies as they require the consideration of transportation, design/environmental effects and seeks to protect residential amenity.

5.2 Transportation

The only relevant alteration from a highway perspective is related to the parking and cycle provision and location of the bin stores. The previous scheme proposed a total of eighteen parking spaces (two of these within what was an existing double garage and as tandem spaces) for the development of twelve flats at the front of the site and this block of four flats. The proposed parking layout shows sixteen parking spaces, all individually accessible for the combined total of 16 flats at the site. It is noted that this arrangement removes the facility to offer a garage and a parking space to two flats as would have been the case under application PT02/3699/F. However the amended layout facilitates only one vehicular access to be created onto Redfield Road further away from the A38 and removes the need to reverse in a narrow section of Redfield Road. Each flat could be allocated one parking space and the 16 cycle parking spaces and bin stores are segregated from the car parking area which facilitates easier use. As such the proposal is considered to improve the overall development.

Neighbours have requested that yellow lining be set out along Redfield Road but as this application provides a level of parking acceptable under policy T8 it is not reasonable to require such works under this planning application. Yellow lining is a matter dealt with by the traffic management team of the council and the two letters have been copied to that team to inform them of the problem experienced by neighbours. Any action which might be taken as a result of the letters would have to be dealt with as a separate item from this application.

It is noted that the junction alterations required by condition four of application PT02/3699/F have been carried out and the car parking has been set out at site in accordance with the proposed plan 826/20-D. Accordingly there is no requirement to re-specify these conditions except in that the existing car parking shall be maintained.

5.3 Design/environmental effects

The design changes which evolved during the building works do not affect the footprint, scale or general design of the flats. The limited alterations to the resultant building, which are listed specifically above, involve the removal of four dormer windows and alteration to hipped roofs on the four remaining dormer windows, creation of smaller windows on the rear elevation and the removal of a side window. These alterations are considered to better reflect the roof form of the building and the form of the fenestration locally (full height fenestration/Juliet balconies at first floor are not common locally). The materials of the development were considered acceptable under the previous scheme and remain acceptable for the proposed scheme to retain the existing building. As such there is no requirement for details of materials to be submitted.

The loss of the garage is not detrimental to the scheme and the proposed cycle storage unit is well located for natural surveillance and easy use. The cycle shelter will be an AlphaTep/iR12 with Merlin Grey powder coated steel frame and a clear perspex roof, rear and sides and show in profile on the proposed elevations. The shelter will have secure storage inside and the front will be metal gated for security.

The landscape scheme detailed and shown on drawing 826/20D has not been installed and as such a condition is proposed to ensure this provision during the current planting season, given that the flats are occupied.

As such the proposal complies with policies D1 and H2.

5.4 Residential amenity

Given that there is no significant change to the location, mass and general form of the approved scheme, no new buildings are proposed as part of this application and the amount of windows and doors are actually reduced by this revised scheme, the proposal is considered to have a neutral effect on the residents outside of the site. Indeed the removal of the feature stairwell at the rear and reduced scale and centralisation of the dormer windows reduces the mass of the building whilst the 6% increase in ridgeline has no material impact. As such the proposal is acceptable.

5.5 Design and Access Statement

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

- 5.6 Use of Energy and Sustainability
The proposal is subject to building regulation standards.
- 5.7 Improvements Achieved to the Scheme
None required but detail of cycle storage sought prior to determination to prevent need to discharge a condition after the decision.
- 5.8 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

The application generally raises no additional material considerations over and above the extant consent reference PT02/3699/F.

The proposed amendments will not harm the amenities of the residents outside of the site. Policies H2 and D1 South Gloucestershire Local Plan (adopted) January 2006.

The concerns of nearby residents in relation to parking facilities have been properly considered and it is shown that the retained parking spaces will be easier to access and their number complies with the Council's parking requirements - Policies T7 and T8 South Gloucestershire Local Plan (adopted) January 2006.

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

7. RECOMMENDATION

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

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. Within three months of the date of this permission the cycle shelter proposed shall have been installed on site and be operational with space to secure at least sixteen bicycles for the use of all flats and shall thereafter be retained for that purpose.

Reason

To encourage means of transportation other than the private car, to accord with Policies T7, T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The off-street parking facilities on site and shown on plan 826/20D shall be 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.

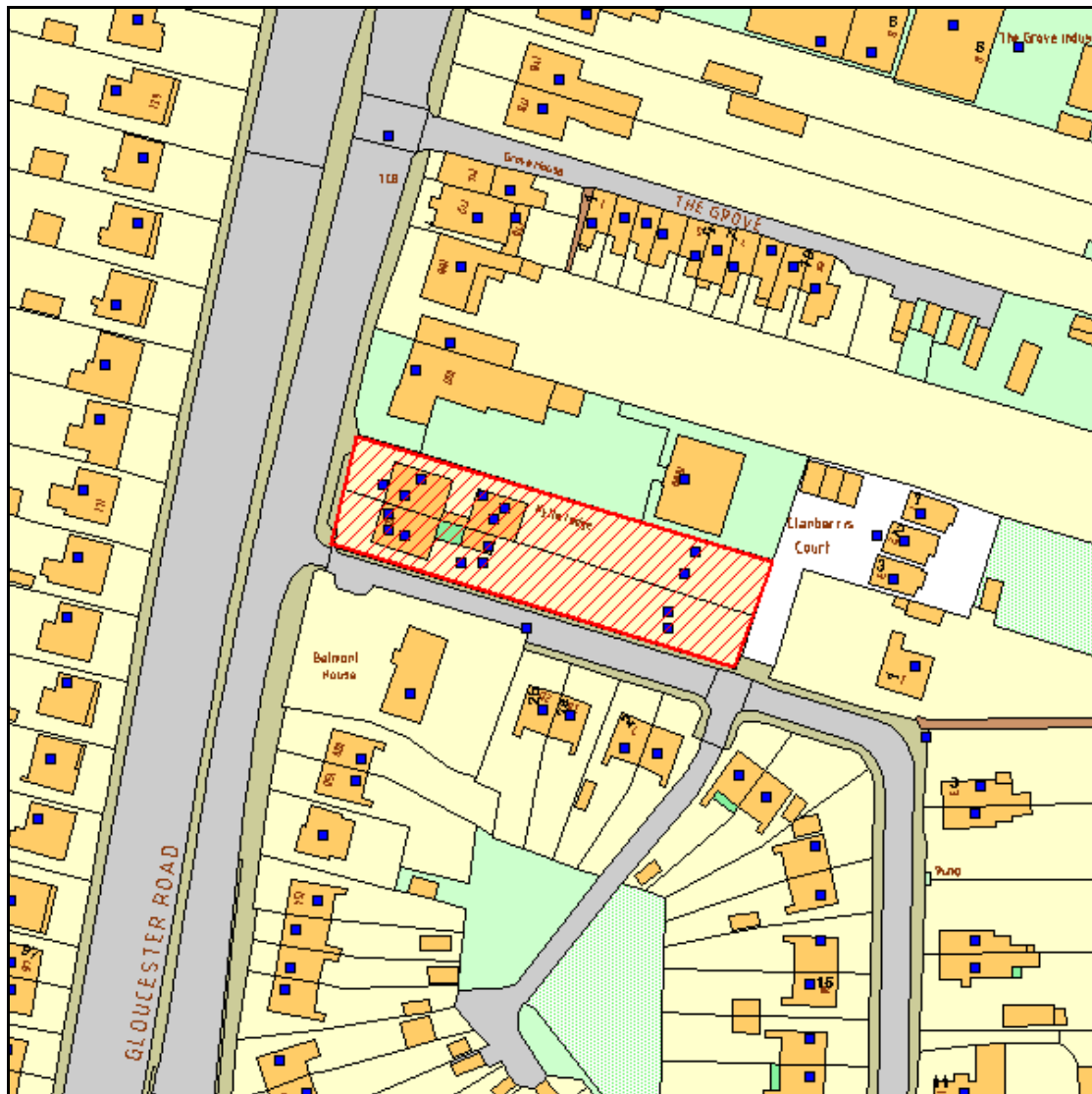
3. Within three months of the date of this consent the soft landscape works detailed on drawing 826/20-D shall be carried out and trees or plants which within five years from the date of this consent shall die or are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PT09/5463/F	Applicant:	Mr A Manson
Site:	162 Gloucester Road Patchway Bristol South Gloucestershire BS34 5BG	Date Reg:	20th October 2009
Proposal:	Conversion and extension of existing premises to form 12 flats. (Amendment to previously approved scheme PT02/0729/F) (Retrospective)	Parish:	Patchway Town Council
Map Ref:	360604 181436	Ward:	Patchway
Application Category:	Major	Target Date:	14th January 2010



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 100023410, 2008. N.T.S. PT09/5463/F

INTRODUCTION

This application is circulated to Members due to representations being received which are contrary to the officer recommendation.

1. THE PROPOSAL

1.1 This is an application for amendments to the previously approved scheme at this site for the conversion of the existing pair of houses to twelve flats. This application deals with some modest changes to the external appearance of the building and alteration to the car parking layout, cycle parking facilities and bin store location. These are summarised in the table below for clarity.

1.2 The specific changes to the proposal are:

	Previously approved	Proposed now
A	Twelve parking spaces (two of which located in a garage and not independently accessible)	Twelve parking spaces. Removal of the garage.
B	Bin store and cycle store located towards the rear of the site.	Bin store and cycle store located centrally in site.
C	Four gable roofed dormer windows on rear elevation.	Two hip roofed dormer windows and two rooflights on rear elevation.
D	Four gable roofed dormer windows on front elevation.	Two hip roofed dormer windows and two rooflights on front elevation.
E	Two pairs of patio windows at first floor level with Juliet balconies.	Replaced with windows.
F	Window in north side elevation.	Removed.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport
PPS3	Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Proposals for residential development including residential institutions and special needs accommodation and applications to renew permission for residential development within the existing urban area and defined settlement boundaries.
L1	Landscape protection and enhancement
H4	Development within existing residential cartilages, including extensions and new dwellings
T12	Transportation Development Control for new development.
T7	Cycle parking
T8	Parking standards

2.3 Supplementary Planning Guidance

South Gloucestershire Council Design Checklist SPD Adopted August 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/5444/F Erection of apartment block to form 4 no. flats (alteration to previously approved scheme PT02/3699/F) Under consideration see separate report in this Circulated schedule.
- 3.2 PT07/1548/RVC Variation of condition 4 attached to Planning permission PT02/0729/F to ensure the highway improvements to Redfield Road indicated on drawing 826/17 are completed prior to the occupation of the flats, rather than prior to the commencement of development. Refused 21 June 2007
- 3.3 PT02/3699/F Erection of apartment block to form 4 no. flats and alteration of existing access. Approved 27/2/2003
- 3.4 PT02/0729/F Conversion and extension of existing premises to form 12 flats. Approved at Appeal 2/9/2002.
- 3.5 PT00/2881/F Conversion of 5 flats and veterinary surgery to form 12 flats. Erection of a new building to form 6 flats giving a total of 18 units. Withdrawn July 2001

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
Objection to retrospective applications due to over-development and pressure on Redfield Road from additional vehicle movements and parking.
- 4.2 Other Consultees
Affordable Housing Team
This application falls below the threshold under policy H6, no affordable housing sought.

New Communities Team

The amenity areas provided appear to only be available to the occupiers of the development and as such no comment is made.

Transportation Team

No objection provided cycle parking facilities are provided.

Landscape Team

No comments

Other Representations

4.3 Local Residents

Two letters of objection were received on the following grounds;

Dismay that despite all of the construction over the last two years the writer finds it was not built as approved.

Car parking occurs on the left side of Redfield Road and on the pavement, negating the reason for it having been widened under the previous scheme. Double yellow lines should be set out.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of this scheme being acceptable was established by the planning approval PT02/0729/F which was permitted at appeal. The construction which has taken place at the site to transform the original five flats and veterinary surgery into 12 flats has been undertaken essentially, according to the proposed plans of the PT02/0729/F application. Accordingly the focus of analysis to this application relates to those changes summarised in paragraph 1.2 of this report. It is not considered that there have been any material changes in terms of the principle of the development and indeed there is an extant fall-back position. In this regard policy D1 and H2 are relevant policies as they require the consideration of transportation, design/environmental effects and seeks to protect residential amenity.

5.2 Transportation

The only relevant alteration from a highway perspective is related to the parking and cycle provision and location of the bin stores. The previous scheme proposed 12 parking spaces (two of these within what was an existing double garage and as tandem spaces) for this block of twelve flats. This left two flats with no parking spaces at all, although two flats would have had a parking space and a substandard sized garage. The proposed parking layout shows sixteen parking spaces, all individually accessible for this block of twelve flats and the four flats being considered under application PT09/5444/F. It is noted that this arrangement removes the facility to offer a garage and a parking space to two flats as would have been the case under application PT02/0729/F. However the amended layout facilitates only one vehicular access to be created onto Redfield Road further away from the A38 and removes the need to reverse in a narrow section of Redfield Road. Each flat could be allocated

one parking space and the 16 cycle parking spaces and bin stores are segregated from the car parking area which facilitates easier use. As such the proposal is considered to improve the overall development.

Neighbours have requested that yellow lining be set out along Redfield Road but as this application provides a level of parking acceptable under policy T8 it is not reasonable to require such works under this planning application. Yellow lining is a matter dealt with by the traffic management team of the council and the two letters have been copied to that team to inform them of the problem experienced by neighbours. Any action which might be taken as a result of the letters would have to be dealt with as a separate item from this application.

It is noted that the junction alterations required by condition four of application PT02/0729/F have been carried out and the car parking has been set out at site in accordance with the proposed plan 826/20-D. Accordingly there is no requirement to re-specify these conditions except in that the existing car parking shall be maintained.

5.3 Design/environmental effects

The design changes which evolved during the building works do not affect the footprint, scale or general design of the flats. The limited alterations to the resultant building, which are listed specifically above, involve the removal of four dormer windows and alteration to hipped roofs on the four remaining dormer windows, creation of smaller windows on the rear elevation and the removal of a side window. These alterations are considered to better reflect the roof form of the building and the form of the fenestration locally (full height fenestration/Juliet balconies at first floor are not common locally). The materials of the development were considered acceptable under the previous scheme and remain acceptable for the proposed scheme to retain the existing building. As such there is no requirement for details of materials to be submitted.

The loss of the garage is not detrimental to the scheme and the proposed cycle storage unit is well located for natural surveillance and easy use. The cycle shelter will be an AlphaTep/iR12 with Merlin Grey powder coated steel frame and a clear perspex roof, rear and sides and show in profile on the proposed elevations. The shelter will have secure storage inside and the front will be metal gated for security.

The landscape scheme detailed and shown on drawing 826/20D has not been installed and as such a condition is proposed to ensure this provision during the current planting season, given that the flats are occupied.

As such the proposal complies with policies D1 and H2.

5.4 Residential amenity

Given that there is no change to the location, mass and general form of the approved scheme, no new construction proposed as part of this application and the amount of windows and doors are actually reduced by this revised scheme, the proposal is considered to have a neutral effect on the residents outside of

the site. Further a modest improvement in privacy results from the changes for the inhabitants of the flats. As such the proposal is acceptable.

5.5 Design and Access Statement

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

5.6 Use of Energy and Sustainability

The proposal is subject to building regulation standards.

5.7 Improvements Achieved to the Scheme

None required but detail of cycle storage sought prior to determination to prevent need to discharge a condition after the decision.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

The application generally raises no additional material considerations over and above the extant consent reference PT02/0729/F.

The proposed amendments will not harm the amenities of the residents outside of the site. Policies H2 and D1 South Gloucestershire Local Plan (adopted) January 2006.

The concerns of nearby residents in relation to parking facilities have been properly considered and it is shown that the retained parking spaces will be easier to access and their number complies with the Councils parking requirements - Policies T7 and T8 South Gloucestershire Local Plan (adopted) January 2006.

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

7. RECOMMENDATION

7.1 That planning permission is granted subject to the following conditions.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. Within three months of the date of this permission the cycle shelter proposed shall have been installed on site and be operational with space to secure at least sixteen bicycles for the use of all flats and shall thereafter be retained for that purpose.

Reason

To encourage means of transportation other than the private car, to accord with Policies T7, T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The off-street parking facilities on site and shown on plan 826/20D shall be 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.

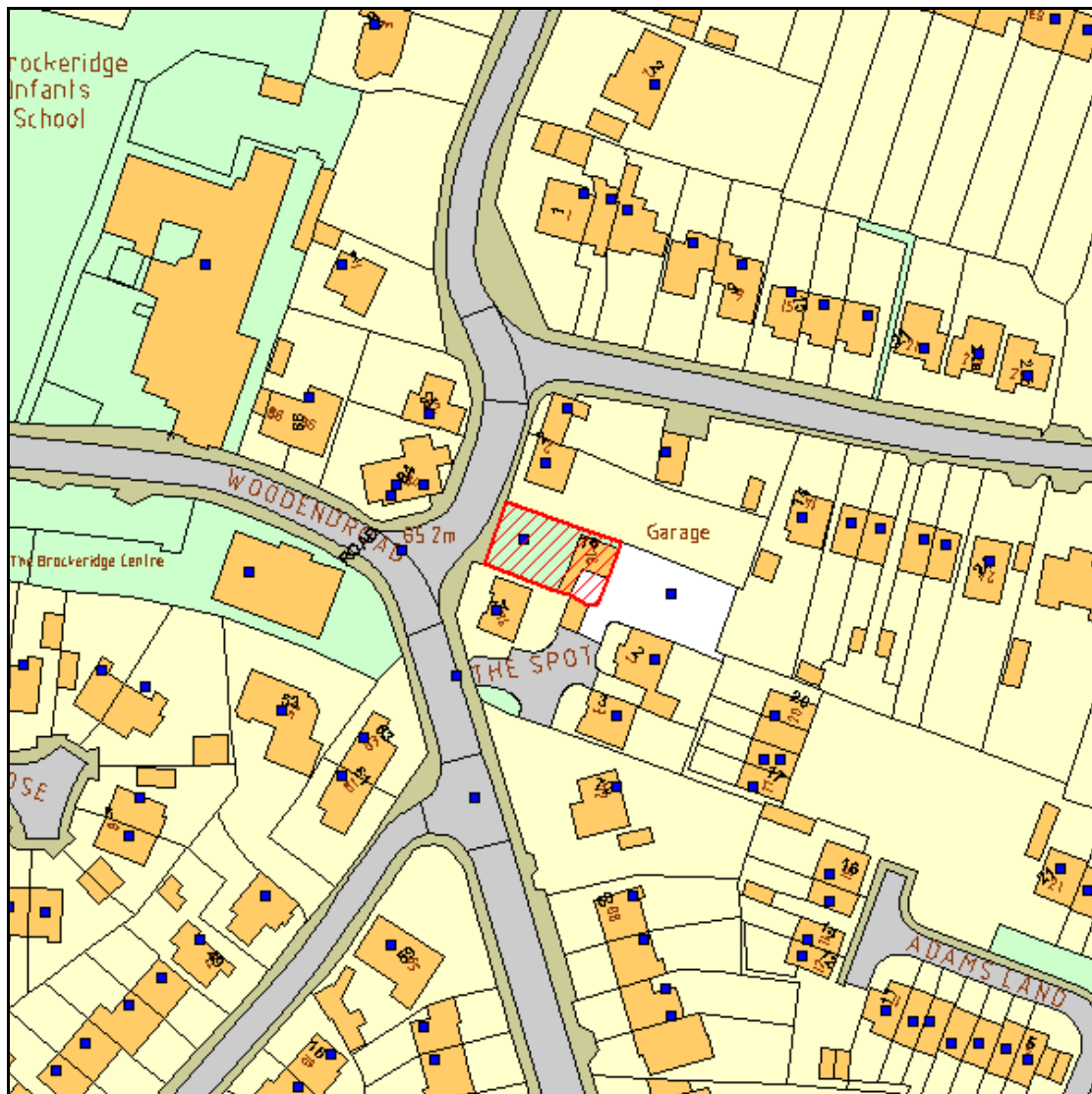
3. Within three months of the date of this consent the soft landscape works detailed on drawing 826/20-D shall be carried out and trees or plants which within five years from the date of this consent shall die or are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason

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

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PT09/5477/F	Applicant:	Mr P Endicott
Site:	76 Woodend Road Coalpit Heath Bristol South Gloucestershire BS36 2LH	Date Reg:	21st October 2009
Proposal:	Erection of replacement building as MOT station and vehicle maintenance garage with associated works (Use Class B2).	Parish:	Frampton Cotterell Parish Council
Map Ref:	367370 181275	Ward:	Frampton Cotterell
Application Category:		Target Date:	8th December 2009



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INTRODUCTION

This application appears on the Circulated Schedule List because various objections have been received from neighbouring occupiers.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a replacement building to be used as an MOT and vehicle maintenance garage with associated works (Use Class B2).
- 1.2 The proposed building would be sited on a small rectangular plot of land on the eastern side of Woodend Road opposite the Lower Stone Close junction within the established residential area of Coalpit Heath.
- 1.3 A garage for vehicle maintenance has been located on the site for a long period of time and therefore, there is a historic B2 use for the site. There are however, no planning restrictions for the site and no time limit on operations, therefore, in theory, the site could accommodate a wide range of unrestricted B2 uses. The submission of this application is an opportunity, where justified in planning terms, to both regularise and restrict the use of the site.
- 1.4 Permission was granted for the erection of a dwellinghouses (dwelling A) on the site to replace the garage, as well as a dwelling (dwelling B) to the rear level with no. 2 The Spot, in 1997 (PT07/2795/F). Permission appears to have started on dwelling B to the rear, however the garage and hard standing have not been affected by the works.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
E3 Criteria for Assessing Proposals for Employment Development within the Urban Area
EP1 Environmental Pollution
T12 Transportation Development Control Policy for New Development
T8 Parking Standards
L17/18 The Water Environment
EP2 Flood Risk and Development
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
Frampton Cotterell Village Design Statement (endorsed but not adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/2795/F, Demolition of existing garage to facilitate erection of 2no. dwellings with associated works, Approval, 05/11/07.

4. **CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council
No objection – providing no car sales are allowed from the site and the materials match neighbouring properties in line with the Visual Design Statement rather than faced brick.
- 4.2 Transportation
No objection
- 4.3 Environmental Protection
No objection
- 4.4 Ecology
No objection subject to bat informative

Other Representations

- 4.3 Local Residents
Twelve letters of objection have been received from local residents. The residents express the following concerns in the correspondence:
- Parking, especially around the school pick up and drop off area is already difficult and the MOT centre will exacerbate current parking issues;
 - Extra traffic would have a negative impact on the highway safety of pedestrians, school children and parents.
 - The proposal does not allow for vehicles to enter, turn and exit the site in a forward gear;
 - The scale of the building proposed would be an eyesore and out of keeping with the area;
 - The value of surrounding properties would be lowered as would the tone of a very affluent area;
 - The business would require some form of signage, which has the ability to detract the character of the area and this is not addressed in the application. No details of external lighting have been provided;
 - Potential exposure of chemicals or waste to children. No details have been submitted with regards to storage;
 - Noise, smells, vibrations and air pollution would be harmful to the residential amenity of surrounding occupiers;

- The site might be contaminated and an Environmental Survey should be requested;
- Objections to proposed opening hours, which are considered excessive and should not extend beyond normal business opening hours;
- Could give rise to heavy goods vehicles for delivery and servicing;
- Sustainability issues;
- Concerns with regards to design and the overbearing impact on neighbouring occupiers;
- Errors on the application form regarding the previous use of the site;
- There are various trees on the site;
- The site has not been used as a garage for a considerable period of time and the Council should review whether permission should be allowed at all given the surrounding area comprises far more residential properties;
- Lack of public consultation;
- Lack of space for construction works and vehicles during construction;
- Number of the proposed of street car parking spaces (3) proposed is inadequate;
- No habit survey to assess the presence of bats;
- The size of the building represents a 67.9% increase over the size of the existing building;
- Associated works have not been defined, under the B2 use various operations could be undertaken including vehicle spraying;
- The plans submitted demonstrate that the proposal would encroach onto a parking space of the dwelling approved in application no. PT07/2795/F.

A letter of support has also been received from a local resident. The resident states the following:

- The previous owner of the garage was well known and liked in the area. He did not operate as a hobby;
- The resident is required to travel further to get car serviced since the closure thus creating traffic;
- Proposed staff numbers are comparable to before;
- Would not add much traffic; traffic went unnoticed previously;

- Traffic is much worse further down the road because of off-street parking;
- The proposal is something that the community needs. It will give employment and maybe extra trade for shops.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

National guidance contained within Planning Policy Statements 1 (Achieving Sustainable Development) and Planning Policy Statement 7 (Sustainable Development in Rural Areas) emphasises that good quality, carefully-sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community where it maintains or enhances the local environment and does not conflict with other planning policies. In this instance it is clearly a significant material factor that an unfettered B2 use is established at this site.

Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved. Planning Policy E3 allows for employment uses within the existing urban area subject to environmental, transportation, residential amenity, design and density considerations.

5.2 Design/Visual Amenity

This application seeks planning permission for the erection of a replacement building to be used as a vehicle MOT and maintenance garage with associated works. The build would comprise a regular form with a pitched roof and concrete tiles for the roof. Vehicular access would be through the west front elevation, whilst pedestrian access would be through the northern and eastern elevations. The application site comprises a small rectangular plot of land with dwellings either side, which is situated adjacent to the Woodend Road/Lower Stone Close junction within the established residential area of Coalpit Heath. The surrounding development is predominantly residential, two-storey development. Modern detached dwellings located in The Spot are located immediately south. A traditional two-storey semi-detached cottage is located to the north of the site. These dwellings and those opposite are prominently sited close to the street and comprise render and natural stone finishes. The existing garage is a modest single storey building, set well back, approximately 14.2 metres, from the street.

5.3 Amended plans have been received, which have reduced the size of the proposed building considerably. The original proposal measured 11.6 metres in length, 9.1 metres in width with an apex of 8.1 metres at ridge height falling to 4.4 metres at the eaves. The build would have been located approximately 6.5 metres from the street and the proposed roof design was such that the bulky roof slope would have fronted the street. Residents expressed concerns regarding the design of the proposal and impact on the streetscene. The Officer also had concerns that the proposal, comparable in scale to the flanking properties, would appear as an alien form of development given the residential context of the site. The building would also have been positioned closer to the street and it was considered that the proposed building would have been adversely prominent and have a negative impact on the character of the area.

5.4 The amended plans received represent a significant reduction in size and demonstrate that the garage would measure 8.6 metres in width, 11.6 metres in length and have an apex of 5.26 metres at ridge height falling to 2.7 metres at the eaves. The proposed building has also been pushed to the back of the site and would be located at a distance of approximately 9 metres from the street. It is considered that the reduction in size is acceptable and the proposed garage would be more in-keeping with the scale of the surrounding development. The reduction in size and position, set further back from the front building line of the flanking properties, would ensure that the building would not be adversely prominent from the public realm. The amended roof design, with the gable fronting the street, would also ensure that the majority of the roof mass would be obscured from view and reduce the bulk of the building. The proposed render finish would be more in-keeping with the character of the surrounding built form and would help integrate the building with the surroundings. Samples will be ensured by condition for the proposed building in respect of the render finish and roof tiles. It is considered that the maximum possible density for the site has been achieved. A higher density would be likely to bring about design, transport and residential amenity issues.

5.5 Given the above, it is considered that the proposal complies with Policies D1 and E3 of the South Gloucestershire Local Plan (adopted) 2006.

5.6 Residential Amenity

The application site is flanked by 2no. neighbouring occupiers to the north and south. The proposed building would be set back approximately 4.2 metres from the front elevation of the neighbouring dwellings and would overhang the flanking properties by approximately 8.4 metres at the rear. The plan submitted demonstrates that the existing boundary treatments, which comprises a 1.8 metre high wooden fence along the southern boundary and a 1.8 metre high wall along the northern boundary would remain, whilst a 1.8 metre high close boarded wooden fence would be introduced along the eastern boundary of the site. No windows are proposed in the building, which would ensure that there would be no significant adverse loss of privacy to the neighbouring occupiers. Nevertheless, there were concerns that the scale of the original given the high eaves and proposed siting adjacent to the neighbouring southern boundary, would have an overbearing impact to the detriment of the neighbouring occupiers residential amenity. The building would overhang the relatively small rear garden of the neighbouring property and, whilst it would be unlikely that there would be any significant loss of daylight given that the dwelling is located south of the site, it was considered that the building would have an overbearing and oppressive impact on the users of this private amenity space. The amended plans have addressed this issue by moving the building 1.3 metres away from the boundary and reducing the height of the eaves to 2.7 metres. The amendments to the design whereby the gentle roof slope would face the boundary would also reduce the visual impact of the building. Given the reduction in size and position further from the boundary, as well as the fact that that no adverse loss of daylight would occur as a result of the development, it is considered that a refusal reason on this basis would be unlikely to prove sustainable at appeal. Whilst some shadowing will be cast across the boundary to the north, the proposed building would be approximately 7.4 metres from the

neighbouring building and it is therefore, considered that there would not be a significant adverse loss of daylight to the detriment of the neighbouring occupiers residential amenity. All other dwellings are located at an acceptable distance from the application site to not be significantly adversely impacted by the proposal.

Residents have expressed concerns with regards to possible disturbances primarily by means of noise and opening hours. It is important to note that the existing building and site could function as any B2 use with no restrictions with regards to opening times and type of works. Whilst the scale of the business would still be relatively small in scale, constrained by the proposed number of employees, allocated parking spaces and floor area, it is considered important to balance the increase in scale with an increase in control. Conditions will therefore, restrict hours of opening, illumination, noise and associated works based on consultation with the Council Environmental Health Officer. These conditions will help ensure that the neighbours would not be adversely impacted by the development.

5.7 Transportation

Residents have expressed concerns that the development would have an adverse impact on highway safety, parking and traffic congestion in the area. Whilst a garage 'B2 use class' on the site has been established, the replacement building is larger than the existing building, which would reduce the size of the hardstanding. Consequently, the area available for parking would be reduced and so consideration needs to be given to the Council's parking standards contained within Policy T8 of the Local Plan. The parking standards state that an MOT garage should have a maximum of 4no. parking spaces per bay. It is reasonable to assume that a unit of this size could accommodate 2no. MOT bays and so a maximum of 8no. on-site parking spaces would be permissible. A revised parking layout has been submitted by the applicant, which demonstrates 6no. parking spaces. The amended parking spaces proposed would accord closely with the standards though it is likely that at times there would be some overspill on-street parking. It is not expected that the amount of additional on-street parking would have significant implications on highway safety. On this basis, the level of parking provisions is acceptable.

- 5.8 Concerns have also been raised with regards to the possibility of vehicles reversing onto the road given the absence of a turning circle. Woodend Road is however, an unclassified road and a turning area is not a statutory requirement for any use class. It is likely that when the garage was previously in operation, vehicles reversed onto the adjoining highway and so there is no material change to the situation. The extended dropped kerb could be implemented without planning permission and would in practice eliminate the possibility of vehicles bumping over full-face kerbs, which can be hazardous. It is not anticipated that the proposed garage would have an adverse impact on highway conditions in the locality given that a garage has historically occupied the site and the scale of the proposal would ensure that existing traffic levels in the area are not altered significantly. It is not considered that heavy goods vehicles would serve the site given the small scale of the proposed use. Whilst a B2 use could allow for ancillary car sales, it would be on a significantly small scale given the size of the site. It is therefore, considered that no large car

transporters would be associated with the site and it would not have a negative impact in terms of highway safety.

5.9 Further Matters

The majority of the concerns from local residents have been addressed above. Any additional concerns will now be addressed below:

- Concerns regarding the impact on the value of properties and the tone of the area are not planning considerations and a refusal on this basis would not prove sustainable at appeal.
- The Officer has checked the plans and any small discrepancies are not considered to be material. Nevertheless, the Officer has requested from the agent a plan showing clearly the boundaries of the approved dwelling 'B' and the proposed garage.
- With regards to the previous use of the site, an application for the erection of 2no. dwellings was approved in 2007, to be erected on the garage site on the plot of land to the rear. The scheme appears to have been only partly implemented since the garage and forecourt has not been affected by works to the rear. Cases such as Allerdale 27/08/2 and Taff Ely B.C. 23/11/83, have shown that 'abandonment' to a large extent relies on the level of physical deterioration of the building more than the length of time elapsed or the owners intention. Whilst residential development was planned for the site, the garage is in good physical condition and the site has clearly not been abandoned. Therefore, it is considered that the B2 use is still valid. A refusal on this basis would not prove sustainable at appeal.
- In relation to bats, it is not reasonable to assume bats to be in every building. Therefore, the following considerations are applied to development before requesting the submission of a habitat survey; the surroundings, presence of good quality mature hedging, location and building style/materials. Given the location of the building within the urban area and the materials/form, it is not considered expedient to request a habit survey in this instance. An informative will be applied, if permission is granted, to ensure that the roof is stripped carefully and that work should cease and Natural England contacted if bats are found.
- The applicant has specified that no trees are located on the site. Whilst there are several trees located adjacent to the boundaries of the site, it is not considered that any would be worthy of a tree preservation order given their small size and location adjacent to existing development. Their presence is not material to the application.
- The applicant has stated that no hazardous wastes would be involved in the proposal. Petrol and oil are not defined as hazardous wastes; they can be stored in domestic garages. The method of disposal of old vehicular oil is considered acceptable. An environmental survey would only be requested if the site were to be occupied by residential or office development. Given the continued industrial nature of the proposed

development, it is not considered necessary to request an environmental health survey in this instance.

- The Council Drainage Engineer has been consulted and has no objections to the proposed development in principle. The submission of Sustainable Urban Drainage information will be ensured by condition in the interests of flood prevention, pollution control and environmental protection
- In terms of sustainability, the proposal would provide a local service to the surrounding local residents within walking distance.
- The Council's standard consultation procedure was followed when consulting members of the public with regards to this planning application.
- A lack of construction space is not a planning consideration. The applicant is required to obtain the prior written consent of the owner and occupier of any land upon which it is necessary to enter in order to construct, externally finish, decorate or in any other way carry out any works in connection with the development including future repairs/maintenance.

5.10 Design and Access Statement

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

5.11 Use of Energy and Sustainability

The building would comply with building regulation specifications.

5.12 Improvements Achieved to the Scheme

The scale of the building in terms of width, ridge height and eaves has been reduced. The proposed position has been pushed further back in the site. The building would be finished with render.

5.13 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 would be sympathetic in terms of scale, height, design, massing, form and materials to existing built form. The amendments in terms of size; materials and position, set further back from the street, would ensure that it would not be adversely prominent and would not have a negative impact on the character of the area – Policies D1 and E3 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist (adopted).
- The concerns of local residents in relation to design have been properly considered. And through the lowering of the eaves and roof apex and other alterations, it is considered that the proposal would not adversely harm the amenities of neighbouring occupiers through loss of privacy or natural daylight – Policy E3 of the South Gloucestershire Local Plan (adopted) January 2006.
- The applicant has demonstrated an acceptable level of off-street parking and an acceptable means of access. It is considered that the proposal would not generate an unacceptable amount of traffic to the detriment of highway safety given the scale of the proposal and because a garage has historically occupied the site – Policies T12 and T8 of the South Gloucestershire Local Plan (adopted) January 2006.
- The proposal is considered acceptable in principle by the Council Environmental Health Officer in terms of environmental impacts. Subject to conditions restricting noise, illumination and times of operation, the proposed development would not have a negative impact on the amenity of neighbouring occupiers – Policy EP1 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. No machinery shall be operated (including hand held tools) outside of the workshops in the yard area. For the avoidance of doubt this precludes the following activities from being undertaken outside of the replacement building - hammering, grinding, drilling, cutting, metal fabrication.

Reason

To minimise disturbance to occupiers of neighbouring properties and to accord with Policies E3 and EP1 of the South Gloucestershire Local Plan (adopted) 2006.

3. There shall be no paint spraying of vehicles at anytime on the site.

Reason

To protect the amenities of nearby dwellinghouses, and to accord with Policies E3 and EP1 of the South Gloucestershire Local Plan (adopted) January 2006.

4. No engineering works, deliveries and customer visits shall take place outside of the following times;

Mon - Fri 8am to 6pm

Sat 8am to 1pm

None on Sundays/Bank Holidays

Reason

To minimise disturbance to occupiers of residential properties nearby and to accord with Policies E3 and EP1 of the South Gloucestershire Local Plan (adopted) January 2006.

5. Prior to the commencement of development details of any floodlighting (including times of illumination) and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policies E3 and EP1 of the South Gloucestershire Local Plan (adopted) January 2006.

6. 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 Policies D1 and E3 of the South Gloucestershire Local Plan (adopted) January 2006.

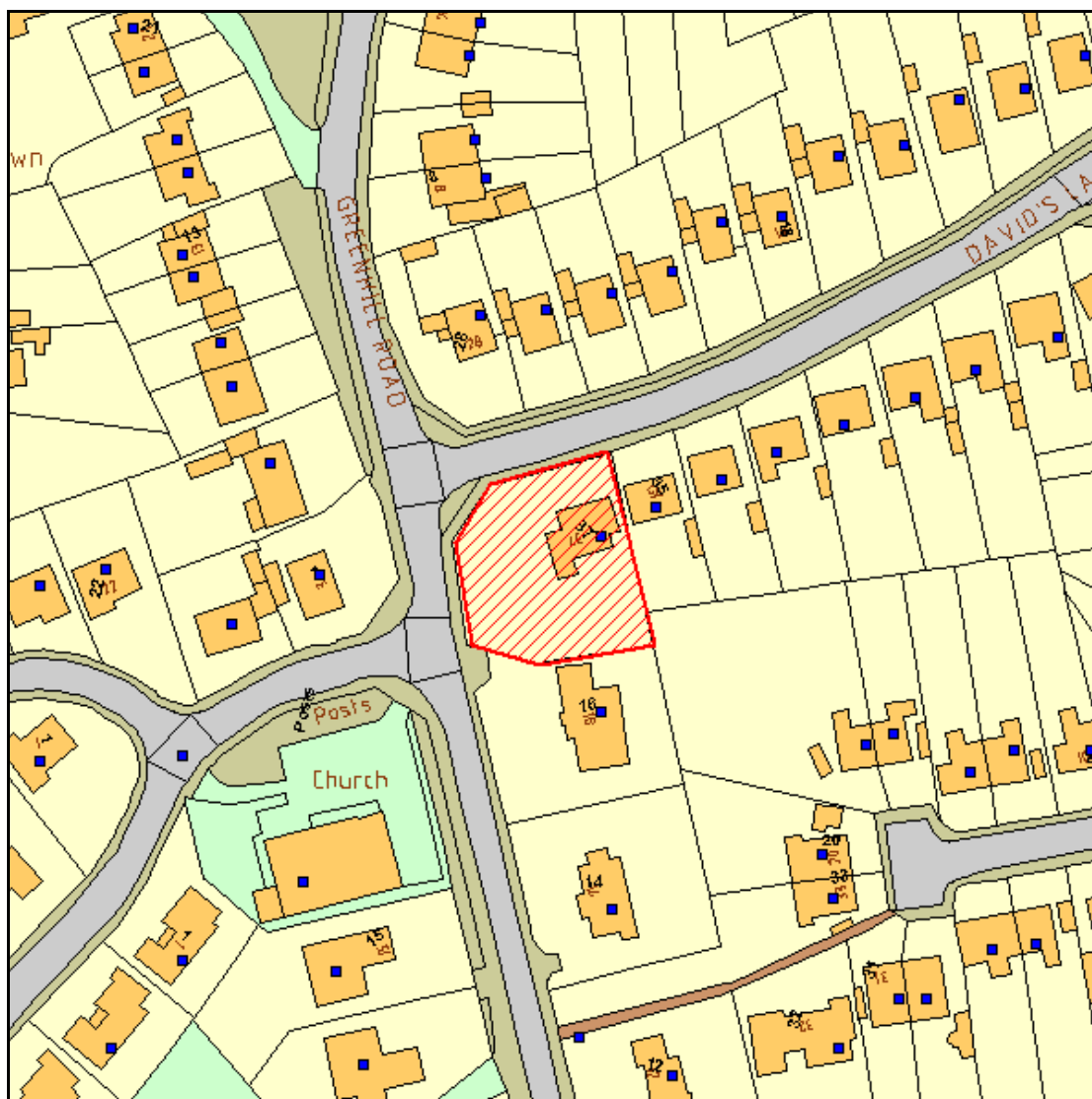
7. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PT09/5524/RVC	Applicant:	Mrs N Edwards
Site:	37 Davids Lane Alveston Bristol South Gloucestershire BS35 3LN	Date Reg:	26th October 2009
Proposal:	Variation of condition 7 attached to planning permission PT06/1114/F dated 23rd June 2009 to allow the number of children to be increased from 36 to 44.	Parish:	Alveston Parish Council
Map Ref:	363292 187892	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	10th December 2009



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1. THE PROPOSAL

- 1.1 The application relates to Natural Choice Nurseries Ltd on the corner of David's Lane and Greenhill Road, Alveston. The premises comprise a converted dwelling located within the Alveston settlement boundary that is washed over by the Green Belt.
- 1.2 The application seeks planning permission for the variation of condition 7 attached to permission PT06/1114/F that allowed the conversion of this former dwelling. This condition reads as follows:

'The facility hereby approved shall cater for no more than 36 children at any one time.'

Reason: 'To protect the amenities of the occupiers of nearby dwelling houses, and in the interests of highway safety to accord with Policy LC4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.'

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG2: Green Belts
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
LC4: Educational and Community Facilities within the Existing Urban Areas and the Defined Settlement Boundaries
T7: Cycle Parking
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
GB1: Development within the Green Belt
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Development in the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N2964: Single-storey addition to provide music room & lobby. Permitted: 17 June 1976
- 3.2 P98/1475: Erection of dwelling and garage. Permitted: 9 June 1998
- 3.3 PT01/2186/F: Detached dwelling & garage. Permitted 24 August 2001
- 3.4 PT02/0123/F: Detached dwelling with attached garage to include balcony & utility room (amendment to previous scheme). Permitted: 11 February 2002

- 3.5 PT02/2627/F: Alterations to existing access and erection of boundary fence. Permitted 21 October 2002
- 3.6 PT06/1114/F: Change of use from residential (Class C3) to day nursery (Class D1) as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended); construction of vehicular access. Permitted: 23 June 2006

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection
- 4.2 Other Consultees
Highways DC: no objection

Other Representations

- 4.3 Summary of Local Residents Comments:
One letter received expressing the following concerns:
- o A formal objection would be pointless in view of previous experience and in truth, the nursery has not been quite as disruptive as feared;
 - o The existing conditions are not adhered to at all times;
 - o Numerous car doors are banged in front of the neighbouring house during morning/ evening drop off times- neighbours were told that this would not happen in view of the drive through facility (noise in the morning is a particular nuisance);
 - o The greater impact caused by the proposal however results from the loss of the adjoining rear garden in the summer and the need to keep windows and patio doors closed (even on the hottest days) due to the noise- it is appreciated that children are naturally noisy but with no let up, it is worse than a school;
 - o It was thought that only eight children could be in the garden at any one time, there are often more;
 - o The 'loud rumble' of push toys being pushed over pathways adds to the excited voices of children in creating additional disturbance;
 - o The design of the neighbouring property (dormer bungalow) means that it is unbearably hot in the summer and with the windows shut, more electricity is used running fans;
 - o Since the nursery opened, the neighbours quality of life has been severely effected- it is difficult to study and one cannot relax in the garden;
 - o To increase the number of children at the nursery would add to the distress already caused to this neighbour.

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5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy LC4 cites that proposals for the development, expansion or improvement of educational and community facilities within the existing urban areas and the defined settlement boundaries will be permitted provided that:

- o Proposals are located on sites that are (or will be) highly accessible on foot and bike; and
- o Development would not unacceptably prejudice residential amenity; and
- o It would not have unacceptable environmental/ transportation effects; and
- o It 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 Planning policy T12 details that proposals will be permitted (in terms of transportation) provided that (here considered relevant) the proposal:

- o Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists and people with disabilities; and
- o Provides safe access capable of accommodating the motorised traffic generated by the proposal; and
- o Would not create or unacceptably exacerbate traffic congestion that would have an unacceptable effect on road, pedestrian and cyclist safety.

5.3 The Proposal

This application relates to Natural Choice Nurseries Ltd at 37 David's Lane, Alveston. The property was converted at the time of application PT06/1114/F and provides for up to thirty-six children (with this number limited by condition).

5.4 Supporting information in respect of this application cites that the nursery is currently unable to fully utilise staff or the building given staffing ratios imposed by OFSTED. In this regard, of the existing thirty-six children, not more than twenty may be under the age of 3 and not more than twelve may be under 2 at any time. Numbers therefore average between twenty-eight and thirty per day with the nursery unable to offer any more places despite a waiting list.

5.5 This reduced allocation reflects the changing age of children whilst at the nursery. School leavers typically depart in September but it is not until June that the places in this age group are filled despite children beginning to move up to the pre-school group from November; the nursery is obliged to keep these spaces open for children up to nine months in advance.

5.6 This has a knock on effect on the baby unit that is not full. If there are twelve children in the 2- 3 year age group the nursery can only provide for eight babies despite the availability of staff/ space. This means that the nursery is often unable to accept siblings of existing children.

5.7 It is cited that the proposed increase in children, would not require additional staff or space and would typically allow between thirty-six and forty children in the building at any on time.

5.8 Analysis

The officer report in respect of the previous application notes that the new nursery would cater for twelve 0-2 year old children with twenty-four 2- 5 year olds. These age groups would occupy differing levels of the building with the younger age group at first floor level and with the older children downstairs. This number was restricted by condition for reasons related to residential amenity and highways safety.

5.9 Analysis: Design/ Visual Amenity

This current proposal would not require any physical alterations to either the building or its associated parking/ garden area. For this reason, there is no objection to the current proposal on this basis.

5.10 Analysis: Residential Amenity

The initial officer report (PT06/1114/F) notes that the building occupies a corner plot reducing the number of immediately adjoining dwellings. As before, that to the rear forms a chalet style dwelling with its attached garage closest to the application site with screening provided by a 1.8m high (approx.) close-boarded fence.

5.11 The neighbouring dwelling to the east also forms a detached chalet style property with a 1.8m high (approx.) running along the shared boundary. At this time of the initial application, it was considered that subject to conditions controlling the hours of outdoor play and with the facility closed on Bank Holidays and at weekends, there would be no significant adverse impact in residential amenity to these adjoining residents.

5.12 In view of the above, there are a number of further conditions attached to PT06/1114/F including those that restrict outdoor play hours to between 09:00-16:00 and which restrict opening hours to 08:00- 18.00 with the nursery closed at weekends and Public and Bank Holidays; these conditions would remain intact and unchanged.

5.13 In the light of the above, on balance it is considered that any associated refusal reason is unlikely to prove sustainable with the relationship between the nursery and neighbouring dwellings established. However, given the intensification in site use, it is considered appropriate to impose an appropriately worded planning condition requiring the erection of an acoustic fence between the application site and no. 35 David's Lane; that property which most closely adjoins the application site. This would help to reduce the level of noise within this immediately adjoining rear garden.

5.14 In reaching the above conclusion, it is further noted that with permitted development rights removed, the building size can't be increased without planning permission (albeit with the children number/ building size ratio understood to be OFSTED compliant for the purposes of this application).

5.15 Analysis: Highway Safety

In highway terms, application PT06/1114/F was approved on the condition that

- an in / out vehicle access facility be provided. This access was subsequently implemented and together with the Travel Plan should help manage vehicle movements associated with the application site.
- 5.16 The proposed increase in children might result in a slight intensification of the application site but it is considered that this can be accommodated given the provisions previously approved. As such, there is no objection to this proposal on highway safety grounds subject to an appropriately worded condition to require details of an updated Travel Plan.
- 5.17 Impact on the Openness of the Green Belt
The application site is located within the Alveston settlement boundary, which is washed over by the Green Belt. Nonetheless, with no physical works to the building proposed, it is not considered that the proposal would have any significant impact on the openness of the Green Belt.
- 5.18 Further Issues: Needs Assessment
At the time of initial discussions prior to the submission of this application, the Councils School and Early Years Organisation Officer confirmed that additional nursery places in the area would be welcomed: particularly if for children under the age of 2. This application would therefore assist in this respect.
- 5.19 Outstanding Concerns
The neighbouring resident raises concerns in respect of non-compliance with the existing planning conditions. Nonetheless, the Councils Planning Enforcement Team have confirmed that there have been no related issues in respect of this site with only one complaint related to signage. It is also noted that the Councils Environmental Services team have not received any noise complaints related to the nursery.
- 5.20 Outstanding Issues
It is considered necessary to add those conditions attached to permission PT06/1114/F which remain relevant given that this application would grant a new planning permission. As such, conditions related to the removal of permitted development rights, the hours of outdoor play, opening hours, a restriction on use (limited to a nursery) and the retention of the existing drop-off, turning and parking facilities should be attached to any planning permission that is granted. However (and in response to the concerns expressed), there is no restriction on the number of children outdoors at any one time because it was considered that such a condition would not be enforceable. This is still considered to be the case.
- 5.21 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.22 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
- o In view of the extant planning permission and the conditions imposed as part of this, it is not considered that the increase in children catered for would result in any significant adverse impact in residential amenity. The proposal is therefore considered to accord with Planning Policy LC4 (Educational and Community Facilities within the Existing Urban Areas and the Defined Settlement Boundaries) of the South Gloucestershire Local Plan (Adopted) January 2006.
 - o Given the site layout and the nature of the proposal, the application is considered to be acceptable in highway safety terms. The proposal is therefore considered to comply with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
 - o The proposal would not require any physical alterations to the building or the application site. On this basis, the proposal is considered to be compliant with policy GB1 (Development within the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

- 7.1 Planning Permission is **GRANTED** for the following reason:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

2. Prior to the increase in the number of children catered for, a travel plan shall be submitted to the Local Planning Authority for approval; the agreed scheme shall be implemented in accordance with these agreed details.

Reason

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

3. Prior to the increase in the number of children catered for, details of an acoustic fence to be erected along the east boundary within the rear garden shall be submitted to and agreed in writing with the Local Planning Authority. Development shall proceed in accordance with these agreed details with the fence erected prior to the increase in children number hereby approved.

Reason

To safeguard residential amenity and to accord with Planning Policy LC4 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) no development as specified in Part 1 (Classes A, B, C, D, and E) or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In view of the site use, plot size and position of the neighbouring dwellings any extension/ alteration to the premises would require further detailed consideration in order to safeguard visual and residential amenity and to accord with Planning Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The facility hereby approved shall cater for no more than 44 children.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and in the interests of highway safety to accord with Planning Policies LC4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Hours of outside play shall be restricted to between 09.00-16.00. Any use outside of these hours shall have the prior written consent of the Local Planning Authority.

Reason

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

7. Opening hours shall be restricted to 08.00- 18.00 with the nursery closed at weekends, public and bank holidays. Any use of the site outside of these hours shall have the written consent of the Local Planning Authority.

Reason

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

8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting those Orders with or without modification) the premises shall not be used for any purpose other than that hereby authorised without the prior written consent of the Local Planning Authority.

Reason

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

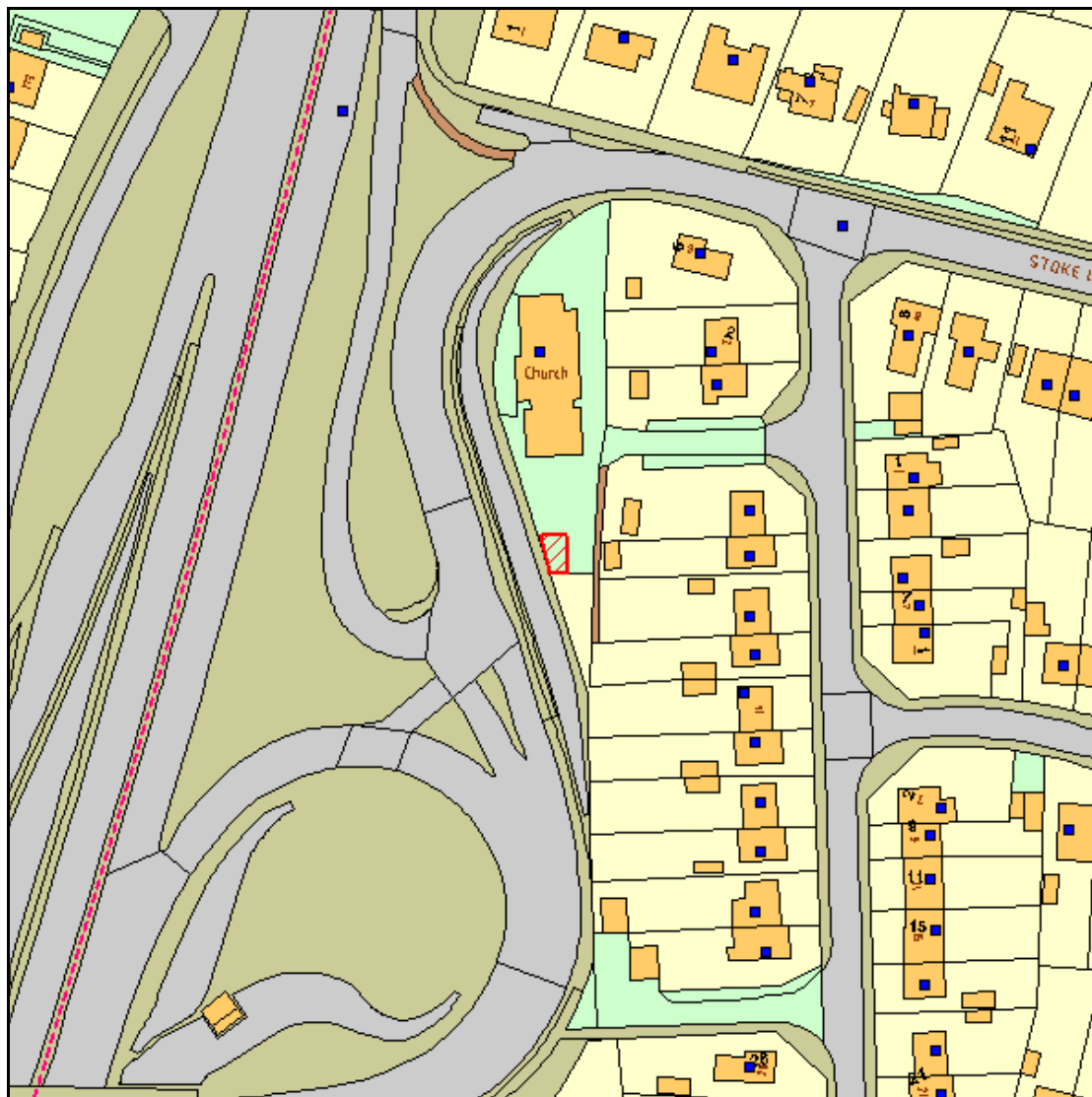
9. The off-street parking, turning and drop-off facilities currently provided shall be retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PT09/5608/F	Applicant:	Patchway Baptist Church
Site:	Patchway Baptist Church Amberley Road Patchway Bristol South Gloucestershire	Date Reg:	21st October 2009
Proposal:	Siting of portacabin for use as Sunday School	Parish:	Patchway Town Council
Map Ref:	360786 181960	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Minor	Target Date:	7th December 2009



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the siting of a portacabin. The building would be 9.7m in length, 3.6m in depth, and 2.8m in height.
- 1.2 The application site relates to an existing Baptist church and its associated car park. The site is situated adjacent to a well established residential area of Patchway and the A38. The site is within the Bristol North Fringe urban area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
LC4 Proposals for Educational and Community Facilities within the Existing Urban Area
T8 Parking Standards
T12 Transportation Development Control Policy in New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1465/F Installation of 2 no. windows in south elevation of church lower hall
Approved on 4th June 2007
- 3.2 P94/1580 Erection of pitched roof over existing building
Approved on 22nd June 1994
- 3.3 P85/1515 Construction of a pitched roof in place of existing flat roof.
Approved on 5th June 1985
- 3.4 N1917 Extension to form Church Hall. Alterations to car parking area.
Approved on 9th October 1975

4. CONSULTATION RESPONSES

- 4.1 Patchway Parish Council

No comments received.

4.2 Sustainable Transportation

No objection.

4.3 Local Residents

Five letters of objection have been received. The main points are summarised below: -

- a) Increased on street parking and congestion.
- b) Over-development.
- c) The portacabin would be out of keeping with the area.
- d) Loss of privacy to rear gardens of adjacent properties.
- e) Concern that the portacabin would be retained permanently.
- f) Noise disturbance.
- g) Potential fire hazard if bottled gas heating is used.
- h) No details of sewerage arrangements.
- i) The car park is not secured and attracts anti-social behaviour

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the adopted local plan allows for proposals for the development, expansion, or improvement of education and community facilities within the existing urban area providing that: -

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

5.2 Policy D1 of the adopted local plan promotes general design principles and ensures good quality design.

5.3 Visual Amenity

The proposed development consists of the siting of a one-storey modular portacabin to be used as a Sunday School. The building would be sited across an area of 'scrub' land and car park to the south of the existing Baptist church. The modular building itself would have a flat roof and would be finished in shades of green.

5.4 The proposed modular building would be considered unacceptable in design terms because it would appear out of context with the character and visual amenity of the site and its surroundings. However, it is understood that the building is required because the current Sunday School has out grown it's

- current facility, and therefore in the short-term larger accommodation is required. The building would be harmful in appearance, however it would be situated in an inconspicuous location away from the public realm as such this harm would be limited. On this basis it is recommended that temporary planning permission should be granted for a maximum of 5 years. This would give the applicant an opportunity to develop their plans for a permanent facility of a greater design quality
- 5.5 5 years would give the applicant sufficient opportunity to develop their plans for a permanent facility of a greater design quality. On this basis, it is concluded that the development would accord to policy D1 of the adopted local plan. When weighing up the benefits from having a these additional community facilities in this location against design quality it is considered that for a limited period this can be justified to allow sufficient time to address a redevelopment. However it would be more harmful to deny facilities altogether for this limited period of time.
- 5.6 The condition would be for a maximum of 5 years. Circular 11/95 states that it would be acceptable to grant temporary planning permissions in such circumstance as outline above. However, if the applicant subsequently seeks an extension to the temporary consent, or to erect a permanent modular building on land, then such proposals would normally be refused.
- 5.7 Residential Amenity
Concerns have been raised by local residents with regard to the potential for a loss of privacy resulting from views from the portacabin into the rear gardens and rooms of the dwellings immediately to the east of the development. Notwithstanding these concerns, it should be noted that the portacabin would be situated at least 25 metres from the rear of these properties (measured from OS site location plan). Furthermore, these dwelling are already separated from these dwellings by well-established boundary treatments. On this basis, it is considered that any views would be over a significant distance and would be broken up by existing boundary treatment. It is therefore concluded that there would be no material loss of privacy.
- 5.8 It is acknowledged that further concerns have been raised with regard to potential for noise disturbance. However it is considered that given physical detachment of proposed portacabin any noise disturbance would be limited. It is also noted that concerns have been raised with regard to the fears of anti-social behaviour, such as vandalism. Firstly, it is considered that the use of the portacabin Sunday School would not generally be associated with anti social behaviour. Nevertheless, in any case, it would be the responsibility of the applicant to provide suitable security measures to protect their property from vandalism; and in this instance there is no reason to suppose a particular risk in this regard amenity from development. However it is recommended that an informative shall be attached to inform the applicant of the concerns of local residents in relation to the existing situation in terms of their views on the security of the current car park.
- 5.9 It is also noted that there are concerns with regard to fire risk from the potential storage of gas on the site for heating purposes. This is not a material planning

consideration on this occasion and would be covered by more specific legislation.

5.10 Transportation

Concerns have been raised by local residents with regard to the potential for unacceptable levels of on-street parking and congestion arising from the proposed development, especially given the loss of parking spaces. The Council Transportation Officer has assessed the development as part of this application. Notwithstanding the concerns of residents it was acknowledged that the introduction of the portacabin would result in the loss of 2 or 3 parking spaces, nevertheless the remaining parking area would be sufficient and would accord with Council parking standards set out under Policy T8 of the adopted local plan. Therefore it was concluded that a slight reduction in parking would not have significant implications on highway safety.

5.11 Sewerage

Concerns have been raised by local residents regarding the lack of information on the sewerage arrangements for the proposed portacabin. However the submitted application form confirms that foul drainage would be disposed through the main sewer. This is considered to be an acceptable form of waste disposal.

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

None.

5.14 Improvements Achieved to the Scheme

None.

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 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 design quality of the proposed modular building would be harmful to visual amenity in the long-term. However, given the temporary nature of the proposed development, it is considered reasonable to grant planning permission subject to a condition limiting the development a maximum period of 5 years. In this time frame the development would cause a limited amount of short-term harm to visual amenity, but would give the applicant an opportunity to develop their plans for a permanent facility of a greater design quality. The would be a greater harm caused to the local community by not having the facility at all. The development therefore accords to Policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- b) The concerns of local residents have been considered regarding privacy. However it has been concluded that the proposed siting would be acceptable in relation to the nearby properties, and the proposal would not prejudice the residential amenity of nearby occupiers. The proposed development therefore accords with policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- c) The concerns of local residents in relation to parking and congestion have been considered. However, it has been concluded that the remaining parking spaces would be acceptable in accordance with the Council Parking Standards, and there would be no harm to highway safety. The proposed development therefore accords with policy LC4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

1. The building hereby permitted shall be removed and the land restored to its former condition on or before 20th November 2014 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

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

CIRCULATED SCHEDULE NO. 47/09 – 27 NOVEMBER 2009

App No.:	PT09/5660/CLP	Applicant:	Mr A Thexton
Site:	126 Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2SZ	Date Reg:	26th October 2009
Proposal:	Application for the Certificate of Lawfulness for proposed single storey side extension.	Parish:	Westerleigh Parish Council
Map Ref:	367018 180308	Ward:	Westerleigh
Application Category:	Minor	Target Date:	17th December 2009



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the proposed single storey side extension.
- 1.2 The application site comprises a two-storey semi-detached dwellinghouse located within the established residential area of Coalpit Heath.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish 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. Given that the proposal is for a single storey side extension, then the main test is whether the proposal falls within the criteria of Part 1, Class A of the General Permitted Development Order 2008 in terms of size and positioning. The host property has its permitted development rights in tact.
- 5.2 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development (Amendment) (No.2) (England) Order 2008 allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is not permitted by Class A if:
 - As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original

dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposed works would not exceed 50% of the total area of the curtilage as shown by the submitted block plan.

- The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The elevation plans submitted demonstrates that the extension would not exceed the height of the existing roof apex.

- The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The elevation plans submitted shows that the eaves would be lower than the existing eaves height.

- The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The elevation submitted demonstrate that the eaves would be less than three metres in height.

- The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

- (i) exceed 4 metres in height,
- (ii) have more than one storey, or
- (iii) have a width greater than half the width of the original dwellinghouse; or

The elevations demonstrate that the extension would be less than 4 metres in height, single storey and less than half the width of the existing dwelling.

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

The proposal would not consist of any of the above.

5.3 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—

- it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

- the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- the enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

The host dwelling is not located within a Conservation Area

5.4 Development is permitted by Class A subject to the following conditions—

- The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
The applicant has confirmed in the application form that the materials to be used would either match those of the existing property or be of a similar colour or appearance.
- Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;**The proposed extensions would be single storey.**
- Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.
The proposed extensions would be single storey.

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 Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Background Papers **PT09/5660/CLP**

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