

**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. 43/09

Date to Members: 30/10/09

Member's Deadline: 05/11/09 (5pm)

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 30/10/09

SCHEDULE NO. 43/09

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

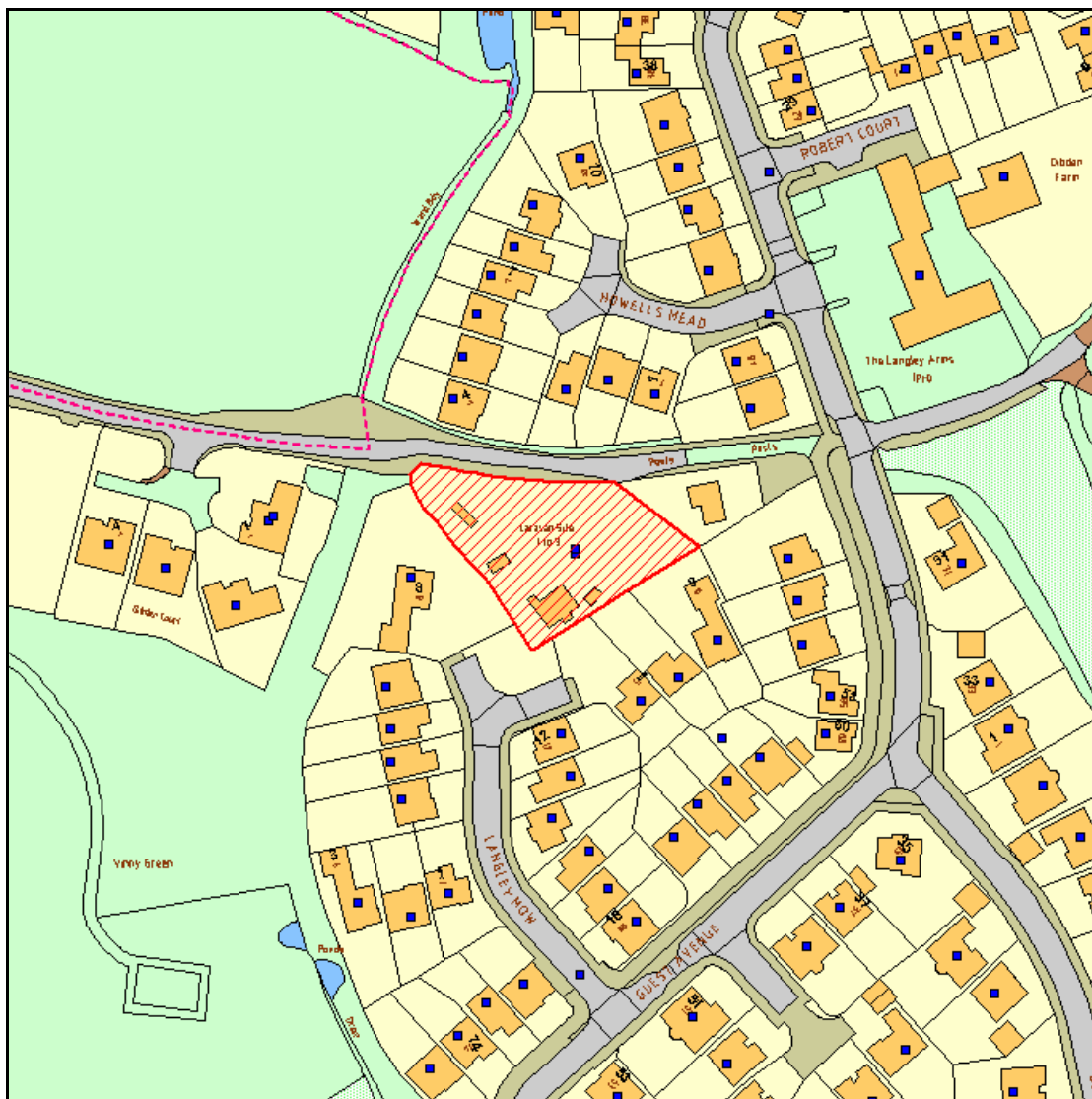
DATE

CIRCULATED SCHEDULE – 30 OCTOBER 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1.	PK09/5096/F	Approved Subject to	Land At Dibden Lane Dibden Lane Emersons Green South Gloucestershire BS16 7AF	Rodway	Mangotsfield Rural Parish Council
2.	PK09/5206/RV	Approve with Conditions	Playing Fields Pomphrey Hill Mangotsfield South Gloucestershire BS16 9EN	Emersons	Mangotsfield Rural Parish Council
3.	PK09/5335/F	Approve with Conditions	Stationmaster High Street Warmley South Gloucestershire BS15 4NF	Siston	Siston Parish Council
4.	PK09/5348/F	Approve with Conditions	13 Maple Close Oldland Common South Gloucestershire BS30 9PX	Oldland	Oldland Parish Council
5.	PK09/5407/CLP	Approve with Conditions	48 Queens Drive Hanham South Gloucestershire BS15 3JL	Hanham	Hanham Abbots Parish Council
6.	PK09/5431/TRE	Approve with Conditions	Rear Of 259 Sundridge Park Yate South Gloucestershire BS37 4HB	Yate Central	Yate Town
7.	PT09/5107/F	Approve with Conditions	Morton Farm Old Gloucester Road Thornbury South Gloucestershire BS35 3UF	Thornbury North	Thornbury Town Council
8.	PT09/5295/F	Approve with Conditions	46 Woodleigh Thornbury South Gloucestershire BS35 2JT	Thornbury North	Thornbury Town Council

CIRCULATED SCHEDULE NO. 43/09 – 30 OCTOBER 2009

App No.:	PK09/5096/F	Applicant:	Mrs K Wells
Site:	Land At Dibden Lane Dibden Lane Emersons Green Bristol South Gloucestershire	Date Reg:	11th September 2009
Proposal:	Demolition of existing mobile home to facilitate the erection of 3no. detached dwellings with associated works. (Resubmission of PK09/0662/F).	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366486 177294	Ward:	Rodway
Application Category:	Minor	Target Date:	27th October 2009



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 100023410, 2008. **N.T.S.** **PK09/5096/F**

1. THE PROPOSAL

- 1.1 The application seeks full planning consent for the erection of three detached dwellings on land at Dibden Lane in the centre of Emersons Green. The land had previously been occupied by a mobile home although this has now been cleared from the site. Each of the proposed dwellings would have three bedrooms and all of the units would have an individual design.
- 1.2 The application site relates to a plot of land that is currently un-occupied and is falling into a state of disrepair. The surface is largely finished with concrete and a series of small dilapidate outbuildings exist. There is quite substantial vegetation around the edges of the site.
- 1.3 This application is the resubmission of a previously refused application reference PK09/0662/F. This previous application was refused for the following reasons:
1. Proposed new dwellings A and B would suffer from direct intervisibility between habitable room windows because of their orientation and proximity. This would result poor levels of residential amenity in main habitable rooms for both dwellings. The application is therefore contrary to the requirements of Policy H2 of the Adopted South Gloucestershire Local Plan.
 2. The proposed development would lead to creation of two substandard accesses by reasons of inadequate visibility splays on to the public highway thereby leading to highway safety hazards faced by the highway users to detriment of highway safety and contrary to the requirements of Policies T12 and H2 of South Gloucestershire Adopted Local Plan.
 3. Because of the site specific circumstances - namely the narrow with of Dibden Road, the scheme does not provide satisfactory on site parking for the proposed development and because of the cramped design, the proposal is likely increase standing and manoeuvring of vehicles on the public highway thereby increasing congestion and further add to hazards faced by the travelling public all to detriment of highway safety and contrary to Policies T12 and H2 and the South Gloucestershire Adopted Local Plan.
 4. In absence of a suitable legal agreement (i.e. s106 legal agreement) to secure the highway works, the proposal would lead to unacceptable affect on the public highway all to the detriment of all highway users and road safety and contrary to the requirements of Polices T12 and H2 of the South Gloucestershire Adopted Local Plan.

This application seeks to overcome the four previous refusal reasons.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
T7	Cycle Parking
T8	Parking Standards
H4	Development within existing residential curtilages
H2	Residential Development
T12	Transportation Development Control

3. RELEVANT PLANNING HISTORY

The history to the site is somewhat unclear. Previously the site has been used for the stationing of a mobile home for a number of years although no formal planning consent was ever gained for this use of the land.

- 3.1 PK09/0662/F Demolition of existing mobile home to facilitate the erection of 3 no. dwellings with associated detached double garage and works (Resubmission of PK08/2555/F)
Refused May 2009
- 3.2 PK08/2555/F Demolition of existing mobile home to facilitate the erection of 3 no. detached dwellings with associated detached double garage and works.
Withdrawn September 2008

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No response received

Other Representations

4.2 Local Residents

Two letters of objection have been received from local residents. A summary of the points of concern are as follows:

- Concerns over location of properties and numbers there of
- No reference to the existing land drain on the rear of the site – concerns about damage to the drains if the properties are built and subsequent problems with flooding
- Concerns for the proposed entrance to Dibden Lane
- Concerns for extra traffic on Dibden Lane and hazards this would cause
- Various concerns about statements made in the design and access statement
- No approach has been made to neighbouring land owners about entering onto his land to widen the lane
- The water supply to the site runs through the neighbours land

- 4.3 In addition to the above, a petition with 114 signatures has also been received. The title to the petition is 'We the undersigned do NOT want more houses in Dibden Lane. The addresses are from a variety of locations primarily in the Emersons Green, Downend, Mangotsfield area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within the existing built up area, as defined on the Local Plan Proposals Maps. In accordance with Policy H2, new residential development will normally be permitted subject to compliance with several criteria. Several protected trees also grown on or within close proximity to the site and therefore Policy L1 is of importance to ensure that the trees are not damaged during construction. Other policies relating to parking and highway safety are particularly applicable in this instance because of the location of the site off of a single carriageway lane. Policy H2 of the adopted local plan allows for residential development on this site providing the following criteria are satisfied:

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

5.3 Transportation

Whilst no formal planning history is available on this site; all highway records /plans identify this parcel of land as "caravan site 1 to 3". This is a material consideration and based on this, it would be difficult to object to the principal of residential development on this land. This current application is a resubmission of a previous planning application to which the highway officer expressed concerns about highway and safety issues along Dibden Lane. The main highway issues are considered are as follows.

- 5.4 Access road – The access road leading to this site is Dibden Lane. This is a typical rural road being single width over its majority of its length and it has no footway. The road is well used by pedestrians and cyclists and is part of the Safe Route to School network. The width of the existing road (tarmac area) along the application site frontage varies between 2.4m to 3.2m and widens to just 3.5 metres outside the existing site entrance. The existing road width is clearly inadequate for two-way traffic movement and pedestrians and cyclists could be at risk because of the increased vehicular movements the development would create. For this reason, it is considered that some widening is necessary to maintain road safety for all. The applicant is proposing to widen the existing road along his site frontage along Dibden Lane. In addition to this, to prevent vehicles overriding the existing verge it is further suggested to kerb the edge of the road at this location. The proposed highway works would need to be subject too an appropriate legal agreement with the Council.

- 5.5 There is currently no suitable turning area at the end of Dibden Lane and therefore service vehicles needing access to the site are forced to reverse long distances. This is not acceptable in road safety terms. As part of the proposal, the applicant is proposing to construct a turning area. Should the scheme be approved, this would be secured via the attachment of a condition.

- 5.6 Site access. The scheme has been amended since the refusal of the previous application in that it now only proposes one vehicular entrance into the site. The proposed new access point would have visibility splays of 2m by 33m which is considered acceptable by the Councils Highway Engineers in this location. Whilst it is noted that a neighbour is concerned about encroachment onto his property whilst widening the lane, the works are shown to be within the red line on the submitted plans. Whilst your officer has no reason to believe that the works would result in any encroachment, if workmen need to enter neighbouring land in order to carry out the highway improvements this is a civil issue that would need to be addressed outside of the planning system.
- 5.7 Parking - Due to the nature of the site the Councils highway and planning officers are anxious to prevent any vehicles including visitor's cars having to park on Dibden Lane as this could cause complete obstruction. For this reason, a minimum of 2 off street parking spaces are required for each dwelling with visitor's parking spaces provided in addition to this. Because of the nature of the carriageway, the over-riding need to provide on site parking means that in this location two spaces per dwelling are required. The plans show the provision of two spaces per dwelling and thus the previous refusal reason attached to application PK09/0662/F.
- 5.8 Residential Amenity
Because of the relatively isolated nature of the site, the distance from the neighbouring properties and the quite extensive vegetation surrounding the site, it is not considered that the development would have any detrimental impact upon existing levels of residential amenity for the neighbouring occupiers. The siting of the dwellings does not allow for any direct intervisibility between habitable room window or any unacceptable levels of overlooking or overshadowing between the proposed and existing dwellings.
- 5.9 In the previously approved scheme there was concern that the proposed dwellings, because of their positioning on the site would have some intervisibility between the windows. In the current scheme for consideration the dwellings have been shifted slightly on the site to ensure that there is no intervisibility between the proposed windows. Each of the proposed dwellings is afforded an appropriate level of privacy and has an useable and private area of garden space. The existing and proposed levels of residential amenity are therefore considered to be acceptable.
- 5.10 **(b) The maximum density compatible with the site and its surroundings is achieved; and**
A density calculation on the site gives a density of approximately 30 dwellings per hectare. Whilst this density is low in comparison to the surrounding properties, because of the location at the site at the end of a narrow lane it is considered that it would be unwise to encourage higher densities in this location. Indeed in this location it may be appropriate for even lower densities because of the restricted access issues.

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

The site is at the heart of a residential estate surrounded by other residential properties. There are no issues or surrounding land uses that could result in any disturbance.

5.12 Design

The three dwellings are all of different design but use the same materials to ensure a degree of uniformity. The dwellings are to be finished primarily with brick although they will have a band of cedar cladding that will run around the top of each of the dwellings. The dwellings are of a traditional, modern design having hipped roofs on all elevations and will integrate fully with the surrounding neighbouring dwellings. Whilst each of the dwelling is to have its own unique design and features, because of the use of selected materials they will have a strong sense of place and will integrate together successfully.

5.13 At this stage no details of the proposed landscaping arrangements have been submitted other than to show that the trees and vegetation growing along the boundary are to be retained. It is regrettable that the hedge along the front of the site will need to be removed to create the required visibility splays. Nonetheless, a replacement hedge along the edge of the widened road can be secured through the landscape condition. Should the officer recommendation be for that of approval a condition would be attached to ensure details of all hard and soft landscaping and boundary treatments be submitted to the Council for agreement.

5.14 Trees/Landscaping

The applicant has submitted a full 5837 survey and Tree Protection Plan as requested in the previously withdrawn application. It clearly shows that all works lie outside of the proposed development. The Councils tree officer is satisfied with the tree protection which is shown to be in accordance with BS:5837:2005. The construction of the fencing should take place prior to the commencement of any works and should stay in place until the development is complete. Should the officer recommendation be for that of approval the tree protection would be subject to a condition.

5.15 Other Issues

The applicant has confirmed that foul sewerage drainage is to be via connection to an adopted sewer with agreed permission from Wessex Water. Surface water is to be disposed of via Soakaways and Sustainable Urban Drainage. The Councils Drainage engineer has considered the proposal and is happy that the proposal will have no adverse impact upon drainage on or in the vicinity of the site.

5.16 Use of Energy and Sustainability

None above building regulations statutory minima.

5.17 Improvements Achieved to the Scheme

None required.

5.18 Section 106 Requirements

In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

(i) To widen Dibden Lane (in front of the application site) and provide a turning area as shown in principle on drawing No. 01A together with all associated works.

The reason for this agreement is:

(i) To increase and maintain existing levels of highway safety on Dibden Lane and to provide a suitable turning area for service vehicles.

7.2 That the Head of Legal and Democratic services be authorised to prepare and seal the agreement.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. The parking spaces must be provided and maintained as such at all times thereafter.

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 the first occupation of any of the dwellings hereby permitted, visibility splays of 2m by 33m from the site access onto Dibden Lane must be provided and maintained as such at all times thereafter. The visibility splays must be kept free from any obstruction over 0.9 metres in height measured from carriage level.

Reason

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

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

Reason

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

5. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area and to ensure an adequate degree of privacy is afforded to each of the proposed dwellings. To accord with Policies H4, H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, details of all new planting on the site, and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

7. The tree protection as specified in the Arboricultural Report dated March 2009 must be erected prior to the commencement of any development on site and must remain in place at all times during the construction process.

Reason

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

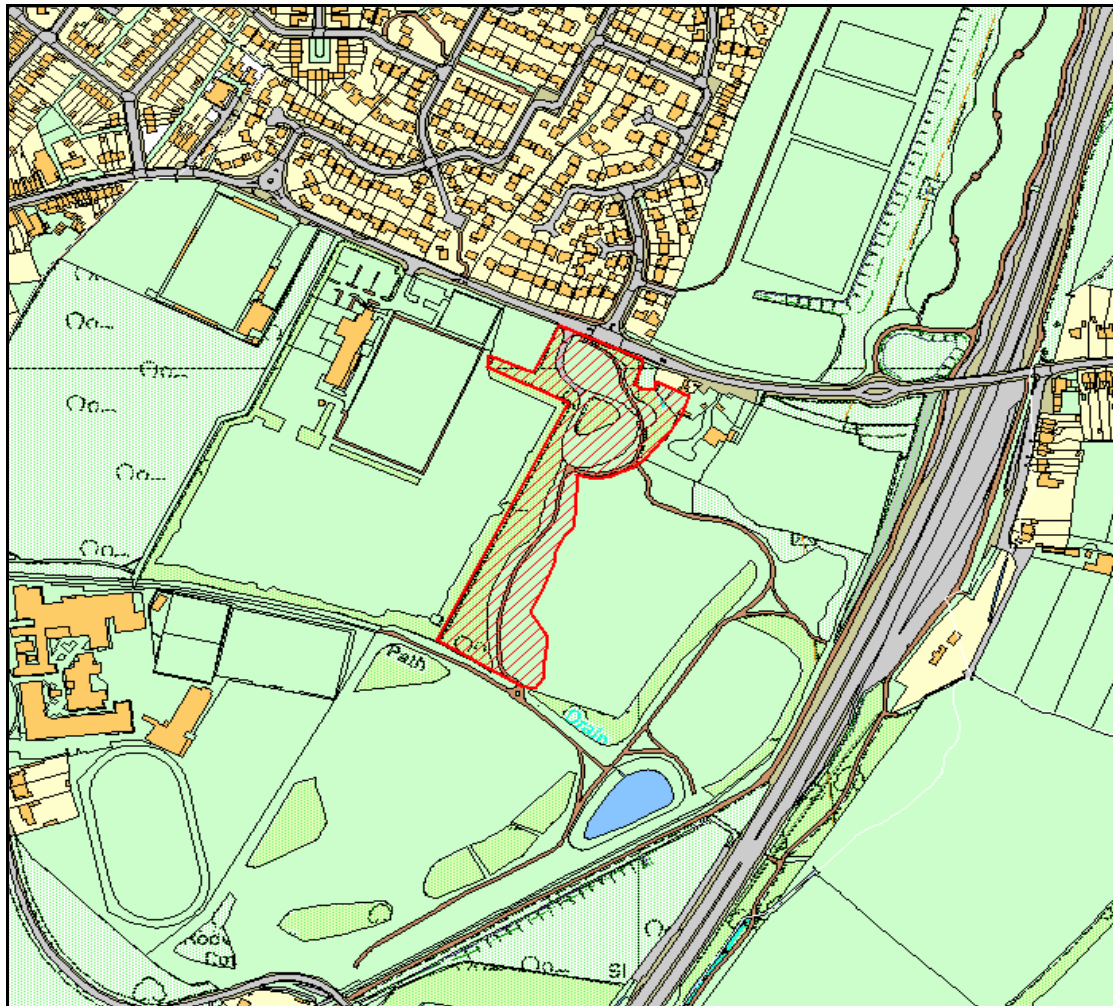
8. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason

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

CIRCULATED SCHEDULE NO. 43/09 – 30 OCTOBER 2009

App No.:	PK09/5206/RVC	Applicant:	Community Services Department
Site:	Playing Fields Pomphrey Hill Mangotsfield South Gloucestershire BS16 9EN	Date Reg:	30th September 2009
Proposal:	Removal of condition 4 attached to planning permission PK08/3200/R3F dated 17th March 2009 to allow the use of the sports pavillion without the installation of footpath/cycleway link.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366678 176044	Ward:	Emersons Green
Application Category:	Minor	Target Date:	12th November 2009



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100023410, 2008.

N.T.S.

PK09/5206/RVC

INTRODUCTION

This application is referred to the Circulated Schedule to Members in accordance with procedure as the applicant is South Gloucestershire Council.

1. THE PROPOSAL

This application relates to the removal of a condition attached to Planning Application PK08/3200/R3F approved on the 17th March 2009 for the erection of a two-storey sports pavilion.

Condition 4 was attached as a condition following guidance by the Sustainable Transport Team and read as follows:

“Prior to the first use of the Sports Pavilion, a 3m wide footway/cycle way shall be installed to the west side of the site entrance and linked to the existing footway/cycleway network. The new footway/cycleway shall be constructed to adoptable standards and to the full approval of the planning authority”

The applicant had agreed to this condition prior to the determination of the application however it is requested the condition is removed because the applicant does not have full control over the land concerned and is not able to trace the owner with a view to purchase.

1.2 The application site is situated to the south of Pomphrey Hill to the west of the Avon Ring Road. Access is from Pomphrey Hill via a gated entrance into an existing car park. The site itself has been formed from the grassed over/landscaped areas formed alongside the ring road. To the east of the site lies Cleve Rugby Club also in the Green Belt. The site is presently used by local cricket and football clubs. The site is situated within the Bristol/Bath Green Belt and is allocated within the South Gloucestershire Local Plan as an allocated site for open space provision under Policy LC7.

2. POLICY CONTEXT

National Guidance

PPS1 Delivering Sustainable Development
Circular 11/95 The use of conditions in Planning Permissions

South Gloucestershire Local Plan (Adopted January 2006)

D1 Design
L1 Landscape Protection and Enhancement
T12 Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

P96/4371 Erection of 184 no. dwellings associated infrastructure and provision of public open space (Approved)

P99/4663 Creation of playing fields with associated car parking and landscaping (Approved)

PK02/1914/VAR Proposed modification of the S106 Agreement relating to Carsons

Road sports pitches to allow for replacement sports facilities to be provided at Pomphrey Hill (Approved)

PK08/3200/R3F Erection of two storey sports pavilion incorporating changing facilities and community rooms. Creation of car park and associated works. (Approved subject to conditions)

4. CONSULTATION RESPONSES

Mangotsfield Rural Parish Council

No objection.

Sport England – Sport England does not wish to object to this application

Sustainable Transport

Based on the actual measurements that i have taken on the ground, i confirm there is inadequate land (i.e. highway verge) to provide the cycleway as conditioned. Width of highway verge (i.e. section land over which the new cycleway to be built on) at this location varies between 1.2m to 0.7m, which is significantly less than the proposed 3m wide cycleway. For such cycle path to be created at this place then third-party land would be required.

This is not ideal situation. However, in view of third-party land issue then, it is considered that no objection can be raised to this planning application.

Local Residents

There have been no objections received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning permission has previously been given for the erection of a two-storey sports pavilion. The principle of the development and the detail of the proposal have previously been accepted.

The only issue for consideration is whether the removal of the Condition 4 is acceptable. An analysis in transportation terms is made below.

Circulars 11/95 “The use of Conditions in Planning Permissions set out the tests for a condition, one of which is whether it is reasonable. At the time of the determination the applicant had indicated their agreement to the condition as set out in paragraph 1.1 above. The applicant has now indicated that they are unable to comply with the condition as it has subsequently been realised that the land in question is not within the ownership of the Council and the owner cannot be traced. In these circumstances it is considered unreasonable to apply the condition as the applicant is unable to comply with its requirements.

5.2 Transportation

The Sustainable Transportation has visited the site and it is determined that based on the actual measurements on the ground there is inadequate land (i.e. highway verge) to provide the cycleway as had been requested by Condition 4 attached to the decision notice. The width of highway verge (i.e. section land over which the new cycleway to be built on) at this location varies between 1.2m to 0.7m, which would be significantly less than the proposed 3m wide cycleway that would be required to provide an effective cycle way. In order to provide such a cycleway third-party land would be required.

Although the cycle way would be of benefit, given that it cannot be achieved there is no objection to the application on transportation grounds.

5.3 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 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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) and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission be granted with an amendment to Condition 4.

Background Papers PK08/3200/R3F

Contact Officer: David Stockdale

Tel. No. 01454 864533

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the first use of the sports pavilion hereby permitted, visibility splays of 2.4m by 43m from the site access onto Pomphrey Hill shall be provided. The visibility splays shall be retained as such thereafter and shall be kept free from any obstruction above the height of 0.6m above the carriageway level.

Reason

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

4. Prior to the first use of the Sports Pavilion hereby approved the car parking, cycle facilities and coach parking bays shall be provided in accordance with the submitted and approved plans

Reason

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

5. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Use of the site shall cease by 2230 hours on Monday to Thursday and Sunday and the site shall be cleared of people and vehicles by 2300 hours. The use of the site shall cease by 2330 hours Friday and Saturday and the site shall be cleared by 2400 hours.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with Policy LC5 of the South Gloucestershire Local Plan (Adopted January 2006)

7. No development shall take place until a scheme to limit surface water has been submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the approved scheme.

Reason

To reduce the risk of flooding to the proposed development and surrounding area and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) and PPS25.

CIRCULATED SCHEDULE NO. 43/09 – 30 OCTOBER 2009

App No.:	PK09/5335/F	Applicant:	Mr A Nasir
Site:	Stationmaster High Street Warmley Bristol South Gloucestershire	Date Reg:	30th September 2009
Proposal:	Change of use from Public House (Class A4) and Restaurant (Class A3) to Mixed Use (Class A4) Public House, Restaurant (Class A3) and (Class A5) Hot Food Takeaways as defined in the Town and Country Planning (Use Classes) Order 1987 as amended. (Retrospective).	Parish:	Siston Parish Council
Map Ref:	367009 173533	Ward:	Siston
Application Category:	Minor	Target Date:	10th November 2009



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 100023410, 2008. **N.T.S.** **PK09/5335/F**

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of objections from Councillor Valerie Lee and Local Residents, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a building that was formerly The Stationmaster Public House. The rear section of the building used to be a skittle alley but now operates as The Bollywood Spice Indian Restaurant (A3). The front section of the building is a bar (A4) i.e. Bar 46. The building is located on the southern side of High Street, Warmley, from which there is direct vehicular access into a large car park immediately adjacent to the eastern side of the building. At the back of the car park is a covered walkway leading to the Restaurant entrance. Residential properties lie to the rear and sides of the site.
- 1.2 The application seeks consent for a change of use that would allow Hot Food Take-aways (A5) to be served from the existing Restaurant servery. The proposed hours for Take-away service are 12.00 mid day to 23.00hrs, 7 days a week.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
PPS23 - Planning and Pollution Control
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 - Design
EP1 - Environmental Pollution
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
E3 - Criteria for Assessing Proposals for Employment Development within the Urban Areas.
- 2.3 Supplementary Planning Guidance
None

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/1126/F - Installation of external metal flue.
Approved 12 Oct 2007

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
Object as the neighbours are continually harassed by the current users of the Public House. The addition of a Take Away would be unacceptable on the

grounds of additional noise, smell and litter. The impact on local residents will be considerable. Consideration also needs to be given to access and parking and the possibility of congestion of the highway.

4.2 Other Consultees
None

Other Representations

4.3 Councillor Valerie Lee
Councillor Lee raised concerns about the impact of the proposals on local residents.

4.4 Local Residents
2no. letters of objection have been received from local residents i.e. the occupants of nos. 48 & 48a High Street. The concerns raised are summarised as follows:

- There would be potential for a kebab take-away in the front of the building.
- The take-away has operated for two years without planning permission, resulting in smell, dumping of empty food containers next to no.48 and vermin.
- Food would be eaten in the surrounding areas resulting in increased litter and nuisance.
- Increased noise late at night.
- How will the new take-away be advertised. Will this be in-keeping with the area.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The change of use from the former Public House (known as The Stationmaster) to a Bar (A4) & Restaurant (A3) was permitted under the Use Classes Order (1987 as amended) and did not require planning permission in its own right. A subsequent planning permission PK07/1126/F for the installation of a metal flue was granted, which enabled the restaurant to operate. The use of the flue is controlled by condition to the following times : 11.00hrs – 23.00hrs Sun to Thus and 11.00hrs – 23.30hrs Fri. & Sat.

5.2 The sale of take-away food from the restaurant has in the past been of a level as to render it ancillary to the (A3) use and in the absence of any conditions to prevent this, was not in breach of planning control. It is now proposed to increase the sale of take-away food to a level where it requires planning permission (A5) in its own right, hence the application for change of use from A4/A3 use to a mixed A4/A3/A5 use. It is intended that customers would continue to enter the restaurant via the existing covered walkway. As at present, orders would be placed at the existing servery located within the restaurant; customers would wait in an adjoining sitting area for their meals to be prepared.

- 5.3 Officers consider that given the likely intensification of use to result from the proposal, the main issues to consider would be the implications for local residents in terms of noise and disturbance and any highway issues that increased traffic generation might have.
- 5.4 Scale and Design
The proposal would utilise the existing facilities so there would be no physical works required to the building.
- 5.5 Transportation Issues
There is a large car park that currently serves the existing Public House and Restaurant. Officers consider that the additional take-away use as proposed would not have a material impact on traffic movements to and from the site, which could be adequately accommodated within the existing car park. The likely customers would be locals, people using the bar, passing traffic and some users of the nearby Bristol/Bath Recreational Way. Any traffic associated with the take-away use would be short- stay only, and accommodated in the large car park There are therefore no highway objections.
- 5.6 Impact Upon Residential Amenity
Officers have considered the concerns raised by local residents. The issues of vermin control, waste and smell would be controlled via Environmental Legislation. Any advertisements would most likely require separate advertisement consent. Anti-social behaviour is a matter for the appropriate law enforcement agencies to control. These issues are not therefore material considerations in the determination of this planning application.
- 5.7 The nearest property likely to be affected is no.48 High Street. This property adjoins the car park to the east. Officers noted that no.48 is bounded by a high wall and a garage located within the car park; furthermore there is only one obscurely glazed window at first floor level in the side elevation facing the car park. To the rear of this property is a parking court.
- 5.8 The site lies next to a busy High Street and residents already experience disturbance from the traffic using the High Street and adjacent car park, as well as the general comings and goings of people using the bar and restaurant. Officers consider that the level of disturbance to result from the additional comings and goings of people buying take-aways, would not be materially more than that which already occurs. In order however to ensure that noise and disturbance does not encroach too late into the evening, a condition to control the hours of use of the take-away, as proposed, is considered justified in this case. Furthermore, in order to ensure that there would be no further intensification of take-away sales from the site, other than that proposed, the sale of take-away food should be restricted to the existing restaurant only. Subject to these conditions, officers consider that there will be no significant adverse impact on residential amenity to result from the proposal.
- 5.9 Environmental Issues
In order to operate the proposed take-away service, it is proposed to utilise the existing restaurant facilities. Any smells from the cooking process would be

controlled by the existing flue (see PK07/1126/F). As previously stated, vermin and controlled waste is a matter for normal Environmental Health Legislation rather than the planning system. There are therefore no objections on Environmental Protection grounds.

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

None

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The use of the site for the sale of hot food take-aways hereby approved, shall be restricted to the existing restaurant area only, as shown on the approved Ground Floor Plan Existing no. 2528/W/1.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

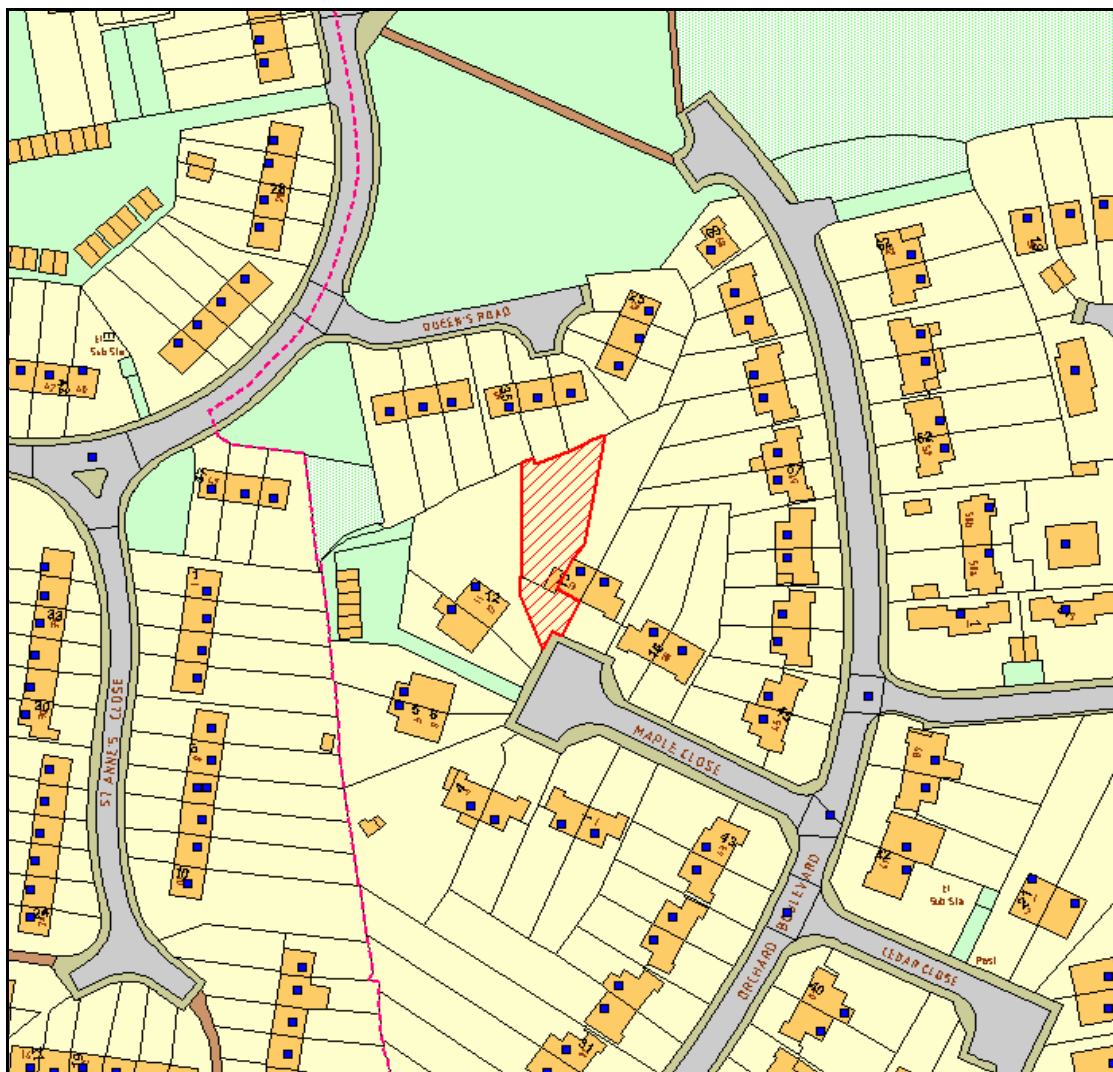
3. The A5 use hereby permitted shall not be open to customers outside the following times 12.00 Noon to 23.00hrs Mon - Sunday inclusive.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 43/09 – 30 OCTOBER 2009

App No.:	PK09/5348/F	Applicant:	Mr R Palmer
Site:	13 Maple Close Oldland Common Bristol South Gloucestershire BS30 9PX	Date Reg:	30th September 2009
Proposal:	Erection of 1no. attached dwelling with parking, cycle store and associated works. (Resubmission of PK08/0636/F).	Parish:	Oldland Parish Council
Map Ref:	366608 171720	Ward:	Oldland Common
Application Category:	Minor	Target Date:	11th November 2009



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100023410, 2008.

N.T.S.

PK09/5348/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of an objection from the Parish Council, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a house to be attached to the side of a two storey semi-detached dwelling in a corner location at the end of a residential cul-de-sac, where all the houses and flats are uniformly two storey, although some have two storey side extensions. With that in mind, the design has been altered so that the proposed dwelling reads as a two storey side extension, with its entrance porch on the side of the property.
- 1.2 The host dwelling has brick at ground floor and pebbledash render above, under a concrete tiled roof. The house across the hammerhead area (no. 4) has a two storey side extension, as has the other half of the semi on site. The flats at 11 and 12 Maple Close have no habitable room windows in the side elevation facing the site. The existing side garden of the site is fenced off to a height of 1.8 metres above ground level. There are large trees along the rear boundary.
- 1.3 This application is submitted after the refusal of two previous proposals on the site for a detached dwelling. Both decisions were appealed and the appeals were dismissed, as detailed in the planning history below.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transportation
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Dwellings within residential cartilages
T7 Cycle parking
T8 Parking standards
T12 Highway Safety

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/0173/F Erection of bungalow - Refused
Appeal dismissed
- 3.2 PK08/0636/F Erection of dwelling with associated works - Refused
Appeal dismissed

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

Objects on the grounds of over-development, and concerns regarding traffic and access in this limited space.

Other Consultees

Transportation

There have been a number of previous planning refusals against increasing the number of dwellings on this site.

PK04/0173/F was appealed and then dismissed by the Inspector. However, the Inspector did not consider the parking and access arrangements to be detrimental to highway safety. PK08/0636/F – the layout of the site was similar to the previous proposal and on this basis no transportation objection was raised. However, this proposal was refused on planning grounds and the decision was later appealed. The Inspector again dismissed this appeal.

This current submission again seeks to erect a dwelling on the site. The vehicular parking and access arrangements remain the same as the previous proposal. However, I have some concerns over the proposed cycle and bin storage. I consider that the bin storage is not large enough to accommodate the Council's current twin bin system and needs to be enlarged. I also have concerns over the location of the bin storage between bays 3 and 4 and this will need to be relocated.

The cycle storage for the existing dwelling will also need to be relocated as there is no separate pedestrian access to the rear of this dwelling. Without this access, the cycles would need to be taken through the dwelling which will result in the cycles not being fully utilised.

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

CONDITIONS

1. Prior to commencement of the development provide a revised plan, for approval by the Council, showing adequate and acceptable bin and cycle storage for both dwellings.
2. The whole of the front area of the site to have a permeable bound surface and be satisfactory maintained thereafter.

Technical Services Unit

No objection in principle, subject to conditions regarding a drainage plan to be submitted complying with SUDS and design details for a permeable parking area to be provided.

Other Representations

- 4.3 Local Residents
No replies received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above in the light of all material considerations. The main material consideration in this instance is the appeal decision letter in respect of the previous application, for a detached dwelling on this site. The Inspector, in dismissing the appeal, considered the main issue to be the effect of the proposal on the character and appearance of the street scene. The Inspector therefore did not question the proposal in principle, but pointed out that the layout of the cul-de-sac was predominantly regular, with the buildings well spaced, despite some two storey extensions. That proposal would have been the only detached dwelling, which would be cramped, as it would have been so close to the host dwelling, which would have failed to respect local distinctiveness.

The other issues to be resolved involve the impact of the proposal on highway safety and parking concerns, its impact on the street scene and its effect on the levels of residential amenity currently enjoyed by neighbouring properties, including the host dwelling. The form the following headings:

5.2 Residential Amenity

The proposed dwelling would project three metres from the rear of the host dwelling and the flats at nos. 11 and 12 do not have habitable room windows facing the site. It is considered therefore that the proposal would not cause any overbearing impact on any habitable rooms in this location. The proposed dwelling would provide a reasonable amount of amenity space to serve a property of this size and the amenity space for the residual dwelling would still be larger than that for other similarly sized properties in the cul-de-sac. It is therefore considered that the proposal would not have any harmful impact on existing levels of residential amenity, nor would it impinge upon the residential amenity of future occupiers of the proposed house. The proposal therefore complies with policy H4 in this respect.

5.3 Design, Visual Amenity and Street Scene

The problems with the design of the previous scheme were identified by the Inspector as being cramped and out of keeping with the locality due to it taking a detached form. It is considered that the amended design, giving the proposed dwelling the appearance of a two storey side extension, would be in keeping with the street scene as it has evolved. The proposed design would reflect the fact that both the house opposite and the other half of the semi both have two storey side extensions of a similar mass to that proposed. Materials are shown on the plans to match. Given that the proposed dwelling would have the appearance of a two storey side extension (as evidenced by the entrance being in a porch set back along the side elevation, out of view from the street) it is considered that the proposal would be in keeping with local distinctiveness and therefore accords with policy H4 and D1 in this respect.

5.4 Transportation

The transportation issues were effectively resolved in the previous appeal for a detached house on this site as this was originally one of the refusal reasons for the previous scheme. In dismissing the appeal, the Inspector did not consider parking or highway safety to be issues which were upheld. As a result, the principle of a dwelling in this location with adequate parking provision for itself and the host dwelling has already been established and the remaining issue was the design of the dwelling, which has been analysed above. This current proposal is considered to provide adequate parking to serve both the proposed and residual houses and as such, no highways objection has been raised. This would be subject to two conditions, one also raised by Technical Services, requiring permeable drainage of the proposed parking area and the other to ensure that parking provision for vehicles and cycles is provided.

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 essentially for an attached rather than detached house and this will in itself overall save heat loss from outer walls. Due to the condition suggested below, sustainable drainage would also be achieved on the site.

5.7 Improvements Achieved to the Scheme

Amended plans were requested and received redesigning the proposed house to give it the appearance of a two storey side extension, while still allowing it to function as a dwelling.

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

6.3 It is considered that the proposal would not have any harmful impact on existing levels of residential amenity, nor would it impinge upon the residential amenity of future occupiers of the proposed house. The proposal therefore complies with policy H4 in this respect. Given that the proposed dwelling would have the appearance of a two storey side extension it is considered that the proposal would be in keeping with local distinctiveness and therefore accords with policy H4 and D1 in this respect.

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. All hardstanding on site shall be constructed of a permeable bound surface and no change shall be made to the composition or construction of this surface without written permission from the local planning authority.

Reason

In the interests of highway safety and achieving sustainable drainage, and to accord with Policies EP2, L17, L18 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

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

Reason

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

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

Reason

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

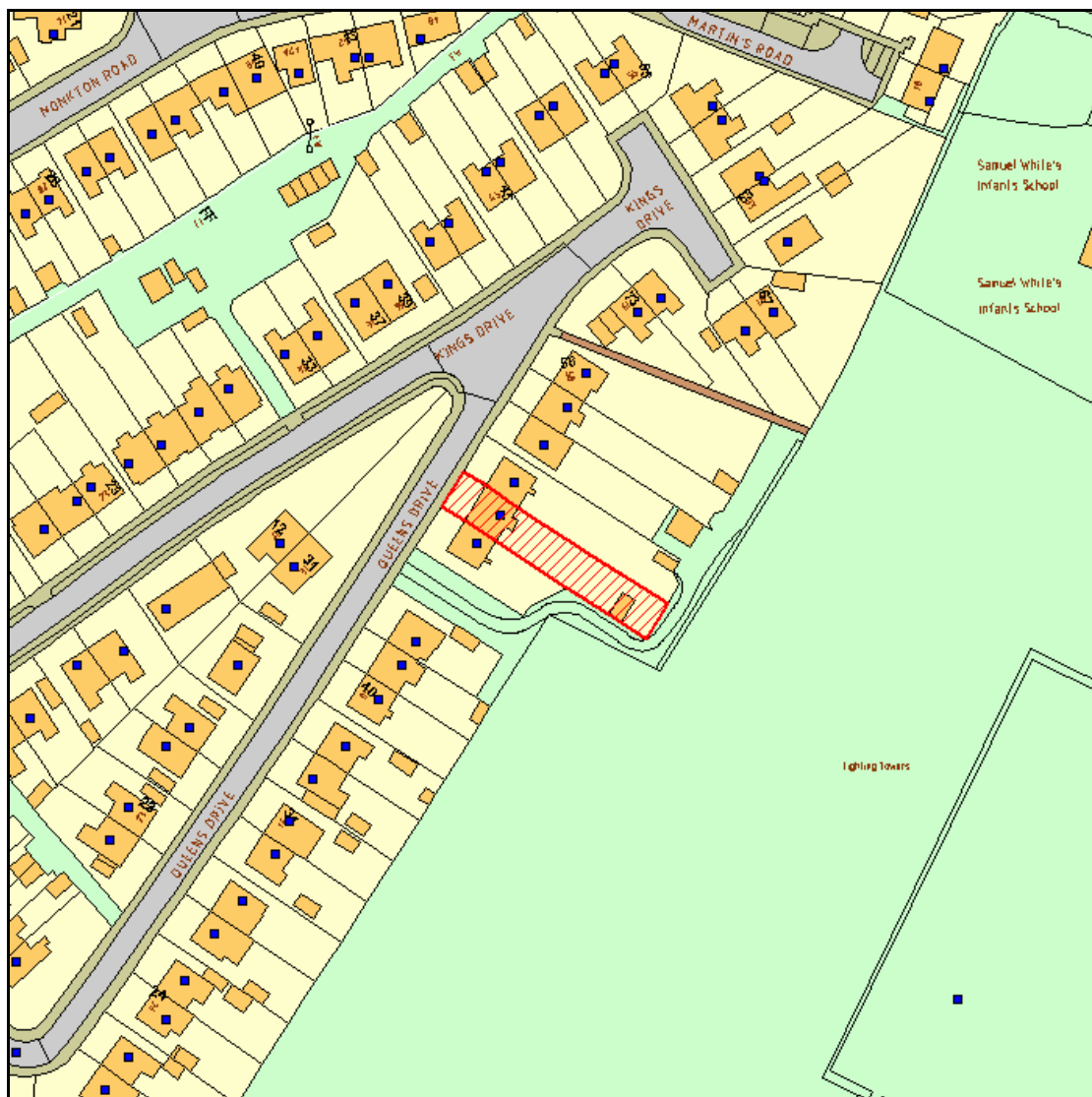
6. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the dwelling hereby approved is occupied. Development shall be carried out in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 43/09 – 30 OCTOBER 2009

App No.:	PK09/5407/CLP	Applicant:	Mr and Mrs Ayliffe
Site:	48 Queens Drive Hanham Bristol South Gloucestershire BS15 3JL	Date Reg:	5th October 2009
Proposal:	Certificate of lawfulness for proposed rear dormer and replacement flat roof to existing single storey rear extension.	Parish:	Hanham Abbots Parish Council
Map Ref:	364037 171940	Ward:	Hanham
Application Category:	Minor	Target Date:	18th November 2009



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100023410, 2008.

N.T.S.

PK09/5407/CLP

INTRODUCTION

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the installation of a rear dormer to facilitate a loft conversion and the replacement flat roof to existing single storey rear extension at 48 Queens Drive, Hanham. The property is a single storey mid-terrace dwelling and is located within the residential area of Hanham.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 Schedule 2, Part 1, Class B and Class C of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objections.

Other Representations

- 4.2 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as

such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

- 5.2 The proposed development consists of a rear dormer. This development would fall under the criteria of *Schedule 2, Part 1, Class B* of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 1995 (The enlargement of a dwellinghouse consisting of the addition or alteration to its roof). The proposed replacement flat roof would fall under the criteria of Class C; Any other alteration to the roof of a dwellinghouse. Developments which fail any of the following criteria would not be permitted:

Class B

- (a) **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**
The dormer would not exceed the ridge height of the existing roof.
- (b) **Any part of the dwellinghouse would as a result of the works, extend beyond the plane of any roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**
The dormer would be located on the rear elevation of the dwelling, this is not the principle elevation nor does it front a highway.
- (c) **The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**
(i) **40 Cubic metres in the case of a terrace house, or**
(ii) **50 Cubic metres in any other case:**
The property is a mid terrace dwelling, the cubic content of the proposed dormer would be approximately 14 cubic metres. The proposal therefore meets this criterion.
- (d) **it would consist of or include-**
(i) **The construction or provision of a veranda, balcony or raised platform, or**
(ii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**
The proposal does not consist of any of the above.
- (e) **The dwellinghouse is on article 1(5) land.**
The dwelling is not located on article 1(5) land.

Conditions

- (a) **The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
The main roof of the dwelling house as existing is finished with clay tiles, the proposed dormer would be externally clad with tiles to match. It has

been confirmed on the plans that the render used to finish the dormer would be of a colour to match the existing dwelling.

As such it is considered that the exterior of the proposed dormer would be similar in appearance to the main dwelling house.

- (b) Other than in the case of a hip-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and**

The proposed dormer would be located approximately 50cm above the eaves height of the main dwellinghouse, therefore this condition is met.

- (c) Any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be-**

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

No windows on the side elevation of the dormer are proposed.

Class C

- (a) The alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof.**

The proposed replacement roof to the single storey rear protrusion would be flat and would have a maximum height to match the eaves height of the main roof of the dwelling. As such the proposal complies with the above criteria.

- (b) It would result in the highest part of the alteration being higher than the highest part of the original roof; or**

The proposed replacement flat roof has a maximum height to match the eaves height of the main roof of the dwelling.

- (c) It would consist of or include-**

(i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposal does not consist of any of the above.

5.3 Use of Energy and Sustainability

No measures proposed

5.4 Improvements Achieved to the Scheme

None necessary

5.5 Conclusion

It is therefore considered that the proposal does fall within the categories of development which are permitted development, and therefore planning permission is not required.

6. **RECOMMENDATION**

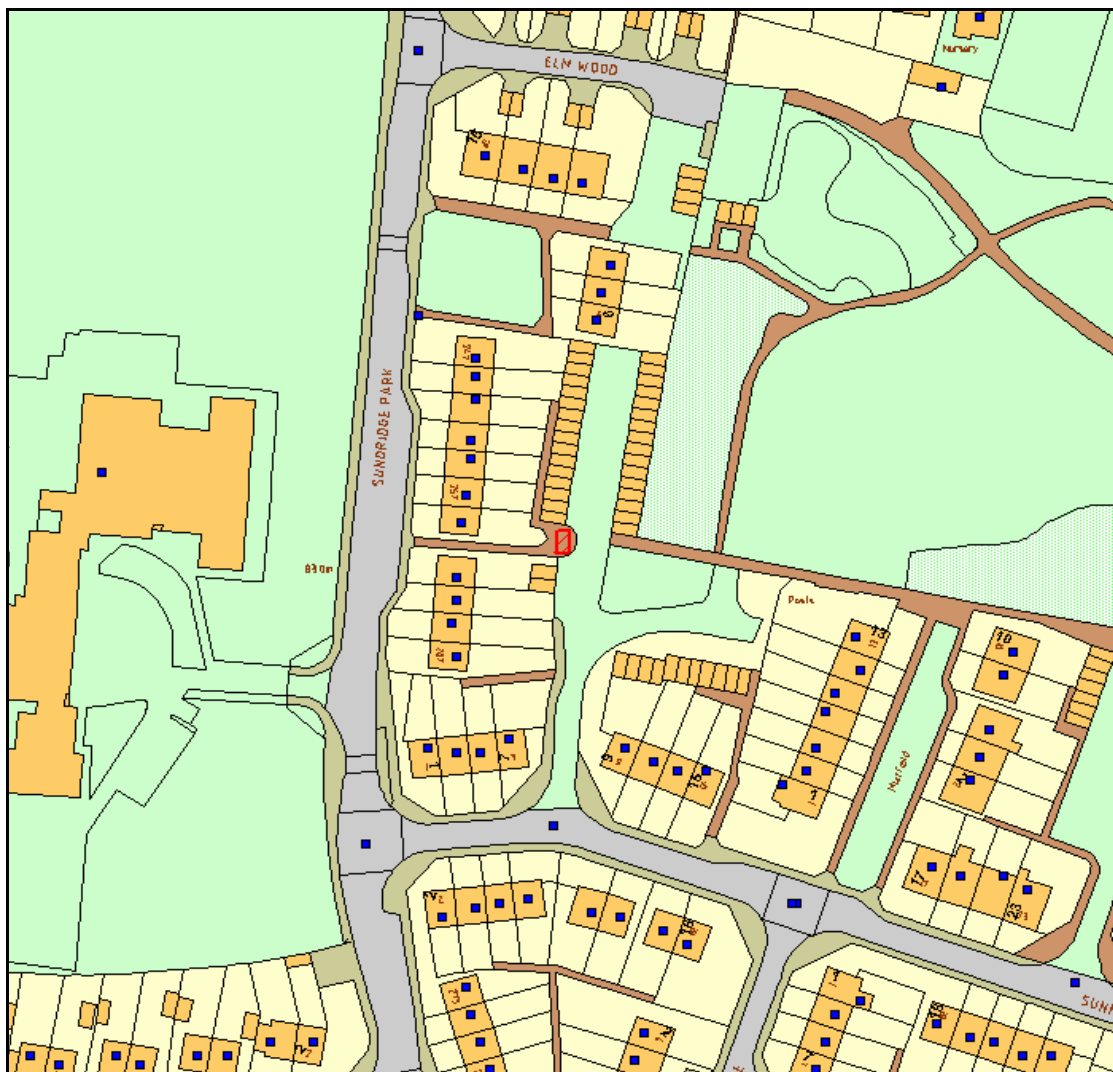
- 6.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason;

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

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 43/09 – 30 OCTOBER 2009

App No.:	PK09/5431/TRE	Applicant:	Ms L Thomas SGC
Site:	Rear Of 259 Sundridge Park Yate Bristol South Gloucestershire BS37 4HB	Date Reg:	6th October 2009
Proposal:	Works to 1no. Oak tree to crown lift to 2.5m and cut back from phone line post covered by Tree Preservation Order SGTPO 20/08 dated 13 February 2009.	Parish:	Yate Town Council
Map Ref:	371220 181759	Ward:	Yate Central
Application Category:		Target Date:	23rd November 2009



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100023410, 2008.

N.T.S.

PK09/5431/TRE

INTRODUCTION

This application is reported on the Circulated Schedule as the it was submitted by the Council itself.

1. THE PROPOSAL

1.1 This application seeks permission to crown lift a mature oak tree to 2.5 metres and to cut back overhanging branches to clear a phone line. The tree is covered by a Tree Preservation Order. It stands on an area of hardstanding/pavement to the rear of 259 Sundridge Park, a on Radburn design estate. There is another large tree on the other side of the access road and the canopies of the two almost touch. The telephone line at present appears to be affected by the crown of the tree.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

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

2.3 Supplementary Planning Guidance
Trees on development sites guidance

3. RELEVANT PLANNING HISTORY

3.1 P88/1536/T Felling of oak tree and cutting back of second oak tree Refused

4. CONSULTATION RESPONSES

4.1 YateTown Council
No objection

4.2 Other Consultees
Tree Officer
The proposed works are to remove lower branches to allow access under the canopy of the tree. The cutting back is to abate the nuisance of tree branches making contact with overhead phone lines. All works are in accordance with good arboricultural management and have been requested by SGC open spaces tree officer.

Conclusions and Recommendations: I have no objections to this application.

Other Representations

4.3 Local Residents
No replies received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
This application stands to be assessed against the policy listed above, in the light of all material considerations. The issues to be resolved are the effect on the works on the amenity value offered by the tree and on its health.

5.2 Amenity

The tree is a mature one which is considered to offer substantial amenity value to the immediate locality. The works which have been proposed are relatively minor in this context and it is considered that they would overcome an identified problem. The proposal is not considered to harm the amenity value of the tree and is in accord with policy L1 in this regard.

5.3 Health

Due to the proposed works according with good arboricultural practice, it is considered that no harm to the health of the tree would ensue as a result. The proposal therefore is considered to accord with policy L1 in this regard.

5.4 Improvements Achieved to the Scheme

None sought.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That permission is granted for the works applied for.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

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(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

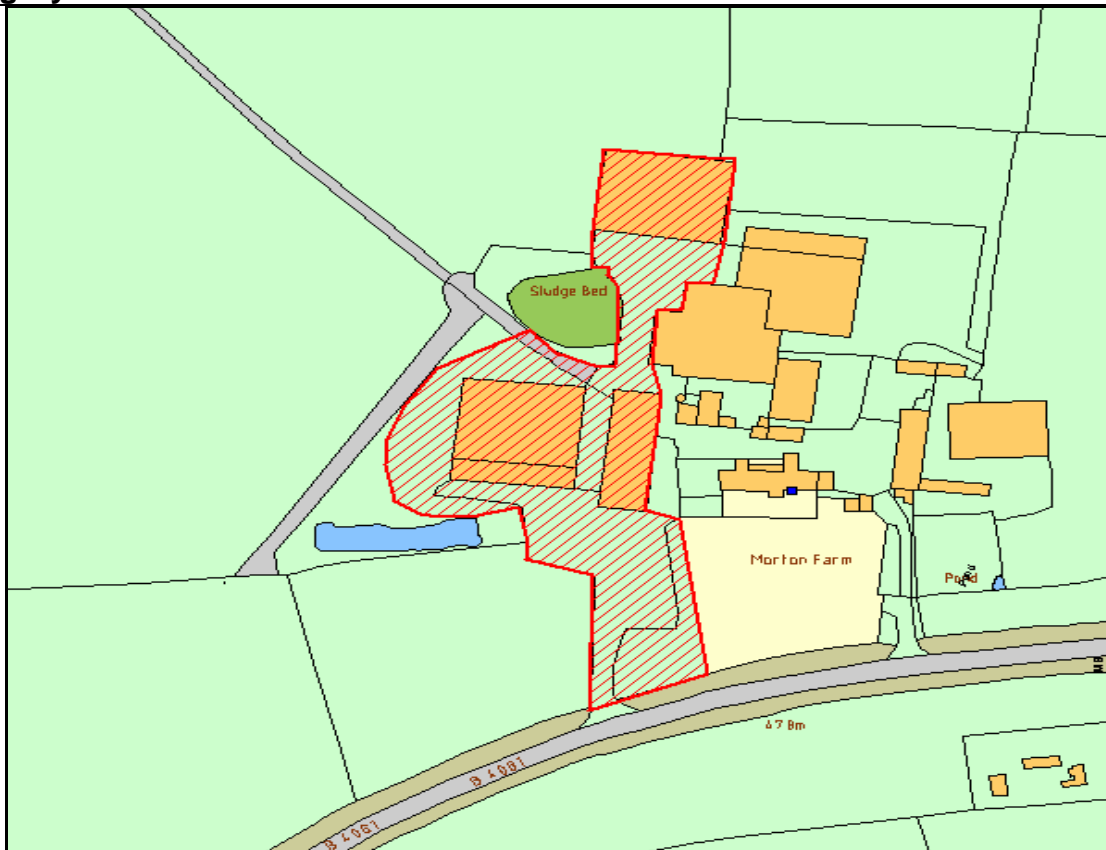
2. The works hereby authorised shall comply with British Standard 3998: 1989 – Recommendations for Tree Work.

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(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 43/09 – 30 OCTOBER 2009

App No.:	PT09/5107/F	Applicant:	Mr C DanceLPC Ltd
Site:	Morton Farm Old Gloucester Road Thornbury Bristol South Gloucestershire	Date Reg:	17th August 2009
Proposal:	Change of use of 2 no. agricultural barns from agriculture to storage and distribution (Class B8) and 1 no. agricultural barn from agriculture to business (Class B1), general industry (Class B2) and storage and distribution (Class B8) as defined in the Town and Country (Use Classes) Order 1987, as amended. (Resubmission of PT09/0868/F)	Parish:	Thornbury Town Council
Map Ref:	366086 191567	Ward:	Thornbury North
Application Category:	Major	Target Date:	11th November 2009



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 100023410, 2008. N.T.S. PT09/5107/F

INTRODUCTION

This application is submitted to the circulated schedule as a result of letters of objection which conflict with the recommendation.

1. THE PROPOSAL

1.1 Full planning permission is sought to change the use of three existing agricultural buildings. One building (the old Milking Parlour) would be converted to B1 (business) use and the two larger buildings would be used for storage B8 use (storage and distribution).

1.2 The submitted plans indicate three buildings numbered accordingly:

- 1) mixed use comprising 292m² of B1 office, 180m² of B2 industrial space and or B8 storage and distribution.
- 2) a storage building measuring 1120m², shown to be split into 6 separately leasable areas and also providing an area 7.5m by 32m to provide a disabled toilet, undercover storage for 8 bicycles, three recycling bins and three rubbish bins. It is not clear what other use the rest of this space would be put to.
- 3) a storage building measuring 893m², split into four separate units.

The application would be serviced by the existing western most vehicular access to the farm, directly from Old Gloucester Road. Twenty one parking spaces would be located to the south of the buildings on the existing concrete hardstanding. A further five spaces would be provided to the north of barn two along with the consolidation of a vehicular route around the rear of barn two.

1.3 The application follows on from a previous application that involved the demolition of 1 no. barn, change of use of 5 no. agricultural barns from agricultural use to business use (Class B1) and development outside of the currently developed land. This was refused planning permission on 27 July 2009 (PT07/1505/F). Since then another application was received for a scheme similar in scale to that subject of this application but was withdrawn.

1.4 This application is supported by the submission of an agricultural appraisal which considers the current agricultural activity on the holding and the likely impact of the proposed farm diversification scheme. The appraisal concludes that "the current farming operations....will benefit from a diversification scheme such as the re-use of the redundant farm buildings". The appraisal goes on to say that..."there is surplus space available on the holding which is currently not being utilised. Primarily a diversification on the holding will ultimately provide a sustainable future for the holding."

1.5 A Transport Assessment has been submitted with the application which concludes that the vehicular movements associated with the proposed change of use at Morton Farm will not have an adverse effect upon the existing highway network and that the improvements to the stops and implementation of a Travel Plan will reduce the reliance on private car journeys'.

- 1.6 The site is outside of any designated settlement boundary in the open countryside.
- 1.7 The site is located on the B4061, just over one mile to the north and east of the main Thornbury area. The nearest residential properties exist along the B4061, the nearest being Milestone Cottage which is located approximately 110 metres to the south and east of the site boundary and Willow Tree Cottage located approximately 200 metres to the south west. There are other scattered properties within the vicinity both to the east and west of the site along the B4061. The area is essentially rural in character. Morton Farm itself consists of a Grade II Listed farmhouse and incorporates associated farmyard areas and agricultural outbuildings. Some adjacent buildings, i.e. those to the immediate north and east of the site are curtilage listed, whilst most of the storage buildings to the rear are more recent agricultural additions. The farm holding extends to 47.25 hectares (116.75 Acres) of arable and pastureland. The buildings, subject of the proposal, have historically been used as part of a dairying enterprise of 300 cattle at Morton Farm that ceased towards the end of 2004. The buildings that are subject to this planning application are currently used extensively to house cattle and machinery since the temporary use listed below expired. The proposed site access is the existing farm access, which was previously used by milk tankers and other vehicles visiting the farm.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG4	Industrial and Commercial Development and Small Firms
PPS7	Sustainable Development in Rural Areas
PPG13	Transport
PPG15	Planning and the Historic Environment
Circular 3/99	Planning and Non Mains Drainage

2.2 Joint Replacement Structure Plan

Policy 19	Cultural Heritage protection (through Local Plans)
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2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L1	Landscape Protection and Enhancement
L13	Listed Buildings
T7 & T8	Cycle and car parking
T12	Transportation Development Control Policy for New Development
E3	Criteria for assessing proposals for Employment development within the Urban Areas, Defined settlement boundaries or permitted by Policies E4/E6/E7
E6	Employment development in the Countryside
E7	Conversion and re-use of rural buildings.
E8	Farm Diversification
L17&L18	The Water Environment
EP1	Environmental Pollution.
EP2	Flood Risk

- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Supplementary Planning Document)
Adopted 2007
South Gloucestershire Landscape Character Assessment (Area 18 Severn
Ridges)

3. RELEVANT PLANNING HISTORY

- 3.1 P88/2512 Conversion of barn to dwelling, erection of detached garage, construction of new vehicular and pedestrian access.
Approved.
- 3.2 P88/2795/L Minor works of demolition and alterations to existing barn to facilitate conversion to a dwelling.
Approved.
- 3.3 P97/2177 Conversion of barn to form dwelling.
Withdrawn
- 3.4 P97/2178/L Conversion of barn to form dwelling.
Withdrawn.
- 3.5 PT03/1584/F Conversion of existing barns to form three residential units with workspaces.
Refused due to insufficient details, impact on Listed Building and highway considerations.
- 3.6 PT03/2559/LB Listed Building consent refused in association with above planning application.
- 3.7 PT04/0486/LB Conversion of existing barns to 3 no. dwellings and ancillary workshop units.
Approved with conditions.
- 3.8 PT04/0485/F Conversion of existing barns to 3 no. dwellings and ancillary workshop units.
Approved with conditions.
- 3.9 PT05/0535/F Change of use from agriculture to composting biodegradable green waste.
Approved with conditions.
- 3.10 PT06/0536/RVC Variation of Condition 8 attached to planning permission PT05/0535/F to include pre-shredded corrugated cardboard (no waste material other than green waste shall be received or composted at the site).
Withdrawn.

- 3.11 PT06/1685/F Conversion of 3 no. barns to facilitate 2 no. dwellings with ancillary workshop units.
Withdrawn
- 3.12 PT06/2077/LB Demolition of 1 no. barn and conversion of 3 no. barns to facilitate 2 no. dwellings with ancillary workshop units.
Withdrawn.
- 3.13 PT06/2534/RVC Removal of condition 3 attached to planning permission PT05/0535/F to allow for the permanent use of composting biodegradable green waste.
withdrawn
- 3.14 PT06/3395/F Demolition of 1 no. barn. Change of use of 5 no. agricultural barns from agricultural use to business use (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
Refused.
- 3.15 PT07/1505/F Demolition of 1 no. barn. Change of use of 5 no. agricultural barns from agricultural use to business use (Class B1) as defined in the Town and Country Planning (Use Classes) Amendment Order 2005. (Resubmission of PT06/3395/F).
Refused.
- 3.16 PT07/3737/LB Conversion of 3 no. barns to facilitate 2 no. dwellings and ancillary workshop units.
Approved
- 3.17 PT07/3736/F Conversion of 3 no. barns to facilitate 2 no. dwellings with ancillary workshop units. (Resubmission of PT06/1685/F).
Approved
- 3.18 PT08/2411/PNA Prior notification of the intention to erect 1 no. agricultural building for storage of fodder and machinery.
No objection
- 3.19 PT09/0876/F Change of use of land from agricultural to B8 use (storage and distribution) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)
Withdrawn
- 3.20 PT08/0868/F Change of use of 2 no. agricultural barns from agricultural use to storage and distribution (Class B8)

and 1 no. agricultural barn from agricultural use to business use (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (amended).
Withdrawn

4. **CONSULTATION RESPONSES**

4.1 ThornburyTown Council
No objection

4.2 Other Consultees

Ecology officer
No objection

Landscape Officer
No objection

Transportation Officer
No objection

Environmental Health
Concern that no Acoustic report has been submitted but conditions are suggested to manage and control the potential for noise pollution of the development.

Built Environment Conservation Officer
Objection due to effect on setting of the listed building(s).

Other Representations

- 4.3 Local Residents
Objections from ten local households including one on behalf of Thornbury Residents against Pollution have been received in relation the following issues
- a) effect on the rural lanes and residential amenity of residents in the vicinity of the site
 - b) the application should not be delegated but determined by the full planning committee and the document from TRAP should be circulated in full to members.
 - c) anyone travelling to the site will use Crossways lane as it is the shorted route from Thornbury.
 - d) There are no public transport facilities near the site and no adequate bus service within three miles on the site.
 - e) a previous scheme might have included S.106 agreement for traffic calming
 - f) This is not diversification but commercial development.
 - g) any consent should discourage use of the quiet lanes by motor vehicles and could offer a safer route from Thornbury for any potential employees who wished to cycle or walk to work.
 - h) Concerns about volume , type and turning of traffic near nearby house
 - i) roads locally are 40mph or 60mph

- j) traffic movements would be extensively increased
- k) possible light pollution, there is no street lighting in the area
- l) buildings should be retained for farming to aid self sufficiency of food production in the UK and locally grown food.
- m) there is similar commercial space elsewhere so it is not required
- n) no footpaths lead to the site
- o) Increased traffic from recent developments have made the B4061 more dangerous and two young people were killed outside the writers home.
- p) Lack of drainage, concern about existing local drainage, no details provided or proposed drainage scheme.
- q) vehicle and machinery noise nuisance
- r) use in appropriate and detrimental to surrounding area.
- s) Building is not redundant as a recent application sought consent for a fodder and machinery store.
- t) No opening hours are given
- u) No size of vehicles given
- v) The erection of a summerhouse at Pound Cottage and a vehicular access to serve a proposed new dwelling at Land adjacent to Pound Cottage were successfully argued by the Council to be unacceptable development in the open countryside and to be detrimental to all classes of highway user.
- w) The development is in the wrong place.
- x) No other services would benefit from development at this site
- y) Not clear how the application floor plans fit with other recent applications at Morton Farm or the Farm house as a Grade II Listed building.
- z) Dispute regarding the submission in relation to the submitted travel plan, areas from which the application site can be seen, the number of cycle parking spaces differing between the application form(six) and the Interim Travel Plan (8). Concern that the potential occupiers are not known and that as such the applicant cannot have properly answered the waste, trade effluent or hazardous substances questions. There is also no advertising or lighting detail given.
- aa) Continued new buildings can be envisaged as old ones are converted.
- bb) The UK needs to become self sufficient in food production.
- cc) Lighting of the large car park and proposed hard standings at bus stops would urbanise a rural area.
- dd) There is no guarantee that most people would be from Thornbury, thereby adding to the traffic problem and carbon footprint.
- ee) The conversion requires a significant upgrade to the structure to make it a 'business' working environment so are still considered contrary to policies E6/7.

In relation to point b above, this application is being determined by the route agreed in the appropriate standing order of the Council and as such should a Member of the Council wish to see the application determined at committee, that can be arranged. The TRAP representative has been informed verbally of his SGC Councillors who represent the Thornbury area.

In relation to point t above, the test of 'agricultural need' to a farming enterprise is not one available to the Local Planning Authority to consider during this, however it is possible to remove the agricultural permitted development rights for the holding given that the barns appear to no longer

be required for agriculture in order to prevent further barns being erected without due consideration of a planning application.

In relation to point z above eight cycle parking spaces area shown on the floor plan of barn two and this is taken to be the proposed amount.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E7 of the South Gloucestershire Local Plan (Adopted) January 2006 states that proposals for the conversion and re-use of existing buildings for employment uses, outside the existing urban areas and the boundaries of settlements, as in this case, will be permitted provided that:-

a. the buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction; and

b. the buildings are in keeping with their surroundings in terms of character, form, bulk, and overall design; and

c. development, including any alterations, intensification or extensions, would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

This policy is supported by PPS7 but also notes at paragraph 18 that that LPA should be particularly supportive of the re-use of existing buildings which are adjacent or closely related to country towns or villages. Furthermore, policy D1 seeks to achieve a good quality of design in any development, with Design Checklist Supplementary Planning Document (Draft) supplemental to this. The overarching aim of policy L1 is to protect the landscape. Policy L13 seeks to preserve the setting of listed buildings. Policies L17, L18, EP1 and EP2 deal with drainage and flood risk matters. Policy T12 seeks to ensure that there are no adverse transportation impacts, with policies T7 and T8 seeking to secure an appropriate level of cycle and car parking respectively.

5.2 Having regard to the criteria of policy E7 and the other relevant development plan policies identified, the main issues to be addressed relate to the following matters:

1. Condition of buildings.
2. Impact on character and landscape.
3. Transportation.
4. Drainage/Flood Risk
5. Residential amenities
6. Listed Buildings.

5.3 Condition of buildings

Barn one is the old milking parlour and is a modern steel framed portal building. Approximately sixty percent of this building has concrete walling within the steel frame and the other forty percent is simply corrugated metal sheeting. It is proposed to render the existing concrete block walls externally and from the floor plans it appears to be proposed that a new concrete block wall would be

constructed within the corrugated metal sheeting of the rest of the building. It is proposed to line both the roof cladding and external walls internally. Additionally there would be alteration of the existing fenestration with, in particular four new high level windows added to the east and west elevations (eight in total) of the proposed B1 use area, in addition to eight roof lights. The north elevation which is currently completely open would be enclosed by concrete block work and a large vehicular sized door. Alterations would be made to the south elevation (front) by rendering the existing block work on either side of a new glazed door/window panel and timber cladding would be erected above door height.

The building is structurally sound and of permanent construction and does not require reconstruction but does require internal works to facilitate the change of use. The external finishes to the building have been kept simple and the fenestration proposed is not considered to harm the appearance of this agricultural building.

Barn Two is a typical modern, steel framed portal building rising to almost 7m high. The building is more open than building one with six large openings on both the east and west sides. These would be infilled with matching materials with the exception of the two larger openings which would be fitted with roller shutter doors and a personnel door and the two accesses to the lower roofed area which would remain partly open to facilitate the bin and cycle area. In general the external appearance would alter little and the internal area would be divided up to provide six separate lettable areas for storage, each having access from the central 'corridor' by vehicle.

These alterations leave the basic simple construction of the building in tact, without additional windows being added and given that the storage area does not appear to have any form of office attached the simple elevation treatment of both the inside and external appearance can be considered modest alterations.

Barn Three is located at the rear of the site and appears open fronted to the central area of the farm yard although netting has been erected to the front of each of the four bay openings. The roof is clad and externally finished similar to barn two. It is proposed to fit roller shutter doors to the openings and insert new fire doors to each of the four proposed units on the rear elevation.

These alterations are not considered to be major or complete reconstruction and the Chartered building surveyor advises that there are no visible defects.

As such the barns pass test A of Policy E7 due to their proposed limited internal and external alteration.

5.4 Impact on character and landscape

Overall the visual impact of the changes would not be adverse given the minimal works to the two larger buildings and that building one would have limited alteration to simple fenestration changes. The main parking area is already concreted and can facilitate the parking shown without extension. It would not be unreasonable for this area to house farm machinery and other vehicles on a working farm. As such the use of the parking area, particularly

given that a scheme of landscaping could be achieved to help screen the area is not considered to adversely effect the character of the site or the surrounding landscape. The alterations, by way of external rendering, and the creation of new fenestration to barn one will be more obviously non agricultural, despite the simplicity of the scheme but nevertheless retain the same form, mass and relationship to the other buildings, including the listed building. It is not considered that the external appearance of these modern buildings or ancillary parking access areas would conflict with policy E7B or C.

Objections have been raised to the re-use of the buildings when only recently a new building was permitted for agricultural use. This has not been erected yet but it is understood that this is still required. The Local Planning Authority has no duty to determine whether or not a building subject to a change of use application is truly redundant from its agricultural use but in order to prevent the proliferation of new agricultural buildings on the land it is recommended that agricultural permitted development rights are withdrawn with this application for change of use. As such any future buildings desired on the holding with require full planning consent and can be subject to scrutiny. An appropriate condition is attached.

5.5 Transportation

This change of use of the farm with alternative uses for the redundant barns is consistent with the Councils re-use of rural buildings policy, but to be considered acceptable this would also need to comply the transportation policies of the authority.

Following a history of refusal decisions relating to intensification of operations at the site in relation to its transportation impact this proposal is recommended for approval. Historically applications were recommended for refusal due to the impact that additional standing and turning movements will have upon safe and free flow of traffic on a classified highway.

A number of differences have occurred since the previous applications that have resulted in a change of opinion, there is new guidance in relation to visibility standards namely Manual For Streets which allows a much greater flexibility in relation to visibility standards which although aimed specifically at residential development the principles in relation to visibility requirements must by definition be applicable elsewhere. The proposed development has been scaled down from previous proposals in terms of the uses and the traffic generation that would come from them.

As a farm a number of vehicle movements would have been expected to and from the site, the majority of movements being large commercial vehicles and slow moving tractors. Whilst there is no way to accurately check the historical traffic generation from the site, there is also no reason to expect that the figures provided by fellow professionals who undertook a transportation assessment on behalf of the applicant are in error. Any development is therefore in transportation terms assessed against this background.

By far the greatest traffic generator would be the B1 office element of the development which is 290sqm in size, the remaining uses are a combination of

B2 general industry and B8 storage uses. Overall officers have looked at the potential traffic generation from the site using the national recognised TRICS database and conclude that the typical range of movements from the site is between 150 and 180 per day which complies favourably with the applicants own conclusions, Of which 23- 28 vehicle movements will occur at the busiest time in the morning peak hour from 8.00 - 9.00 which equates to one vehicle every couple of minutes at the busiest time, typically about 3/4 of these will be cars the remainders will be commercial vehicles of varying sizes.

Typically the types of vehicles associated with the various forms of development are B1 Office - predominantly car borne traffic, occasional delivery vehicles, B2 General Industry - given the scale of the development I would expect a 50/50 split between cars and commercial vehicles depending upon end user, for B8 storage again given the limited scale of development I would expect a range of vehicles from cars to transits with a few rigid bodies commercial vehicles.

Concern has been raised by locals relating to accidents in the vicinity, good practice encourages officers to look at the last 3 years of records to determine any patterns (if any) in relation to accident occurrences, in this instance officers have looked in detail at the last 5 years and can report that no accidents in relation to the site have been recorded although a number of accidents have occurred at the A38/B4061 junction these have been fortunately slight in nature. Mention of a couple of fatal accidents have been mentioned by locals, but these tragic accidents whilst occurring on the B4061 were remote from this site and not in any way connected.

A travel plan is proposed for this site, which will further help to reduce dependence upon the motor car as the principle means of access, with employees who live in the Thornbury area having the benefit of utilising Crossways Lane for part of the journey, this is a lightly trafficked rural lane that is often used for recreational uses such as walking, cycling and horse riding especially at weekends. The travel plan will further reduce the impact of this development. The applicant has agreed to provide hard standings at the adjacent bus stops to improve their facilities (currently all uses have to wait on the highway verge).

Given the relative low increase in traffic which is considered deminimus in relation to the capacity of the adjacent highway and that no accidents are recorded in relation to this sites access points, no mitigation measures in relation to traffic calming are required and on balance there is no transportation objection to this proposal.

5.6 Drainage/Flood Risk

Foul drainage of the site is proposed to be to a new package treatment plant within the wider ownership of the applicant and surface water is proposed to go to soakaways. Given that the buildings exist at present it is not unreasonable for specific details of the drainage scheme can be agreed by condition.

5.7 Residential amenities

The nearest existing residential properties are at least 110m distant. Extant planning permission exists for the conversion of two buildings at the eastern edge of the farm complex to two residential units (each with their own class B1 workspaces). The proposal is for class B1 use, either in the form of offices or light industrial. By definition, a class B1 use should provide no adverse disturbance to nearby residential occupiers. No objection is therefore raised in respect of residential amenities. With respect to the B2 and B8 uses proposed no acoustic report has been provided. However with limited hours of operation and additional conditions regarding noise matters it is considered that the use of the site could be changed without material harm to the residential amenities of the neighbours. The environmental health officer advises that certain conditions are necessary and these are attached in the recommendation.

5.8 Listed Buildings

The listed buildings themselves are not subject to this application but their setting may be affected. Policy L13 requires development affecting the setting of a listed building to preserve that setting. The buildings subject of the application are to be little altered and similarly there is little change to the hard surfacing area around the immediate vicinity of the listed buildings. Given that the site area and buildings involved in this application are reduced from those involved in the previous application and the works proposed to barn one are minimal it is considered that the proposal would have a neutral effect on the setting of the listed farm house and other buildings on the wider farm complex. Having regard to the character and appearance of the proposal therefore, the proposal preserves the setting of the listed buildings and thus complies with policy L13 of the Local Plan.

5.9 Ecology

The buildings are modern and in use and as such are of negligible value for wildlife. As such the application will not be harmful to ecology.

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

No information is submitted for consideration.

5.12 Improvements achieved to the scheme

None required since resubmission.

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 proposal has been designed in a simple manner to be in keeping with the character of the existing modern farm buildings and surrounding area. The proposed development therefore complies with Policies D1 and E7 South Gloucestershire Local Plan (adopted) January 2006; South Gloucestershire Design Checklist SPD.
- 6.3 The concerns of the occupiers of nearby residential dwellings in relation to noise have been address and it is concluded that the use of restrictive planning conditions are sufficient to ensure that the proposed development will not result in material harm to the amenities of the occupants nearby residential properties by reason of noise disturbance. Subject to the compliance with such conditions it is concluded that the proposed development complies with Policies E3, E6 and EP1 South Gloucestershire Local Plan (adopted) January 2006.
- 6.4 It is also concluded that the proposed development would generate a low level of increase in traffic movements relative to the capacity of the adjacent highway, and that adequate access would be provided to cater for the proposed development. It is concluded that the submitted Travel Plan is sufficient to achieve a reduction the use of the motor car as a principle means of accessing the site. It is therefore concluded that the proposed development complies with Policies T12 South Gloucestershire Local Plan (adopted) January 2006.
- 6.5 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. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

2. Prior to the commencement of development samples of the render, timber boarding, fenestration and roller shutters proposed to be used, including their finished colour shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason

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

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

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.

4. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 8am to 6pm Monday to Friday, 8am to 1pm Saturdays nor at any time on Sunday or Bank Holidays.

Reason

To minimise disturbance to occupiers of Milestone Cottage and Willow Tree Cottage, Old Gloucester Road to accord with Policy EP1, E3 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The use hereby permitted shall not be open to customers outside the following times

Reason

To minimise disturbance to occupiers of Milestone Cottage and Willow Tree Cottage, Old Gloucester Road to accord with Policy EP1, E3 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. For the avoidance of doubt there shall be no alterations or additions (flues, fenestration) to the external appearance of the buildings without the express consent of the Local Planning Authority.

Reason

To minimise disturbance to occupiers of Milestone Cottage and Willow Tree Cottage, Old Gloucester Road to accord with Policy EP1,E3 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The hours of working on site during the period of construction shall be restricted to 8am to 6pm Monday to Friday, 8am to 1pm Saturdays and no working shall take place on Sundays or Public Holidays. The term "working" shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of Milestone Cottage and Willow Tree Cottage, Old Gloucester Road to accord with Policy EP1,E3 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No development shall commence until a noise management plan for the site has been submitted to and approved in writing by the Local Planning Authority. The noise management plan shall include the results of an acoustic survey of the site and operations; and a detailed scheme of protection, mitigation and compensation measures to be incorporated within the development, including a timetable for the implementation of the scheme. The requirements of the noise management plan shall subsequently be commenced prior to the development being occupied.

Reason

To minimise disturbance to occupiers of Milestone Cottage and Willow Tree Cottage, Old Gloucester Road to accord with Policy EP1,E3 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. For the avoidance of doubt there shall be no alterations or additions (flues, fenestration) to the external appearance of the buildings without the express consent of the Local Planning Authority.

Reason

To minimise disturbance to occupiers of Milestone Cottage and Willow Tree Cottage, Old Gloucester Road, in order to prevent the proliferation of alterations to the buildings which could have an adverse appearance and to accord with Policy EP1, E3 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Notwithstanding the provisions of Article 3, Part 6 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development in Part 6, other than such development or operations indicated on the plans hereby approved, shall be carried out within the land edged in red on drawing number 6958/13 (as received by the Council on 12th August 2009).

Reason

To enable the Local Planning Authority to monitor the cumulative impact of agricultural buildings at the site in the interests of the visual amenity of the landscape, to accord with policies D1, L1 and E7 of the South Gloucestershire Local Plan Adopted January 2006.

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

Reason

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

12. Prior to the commencement of development a Travel Plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the Travel Plan.

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.

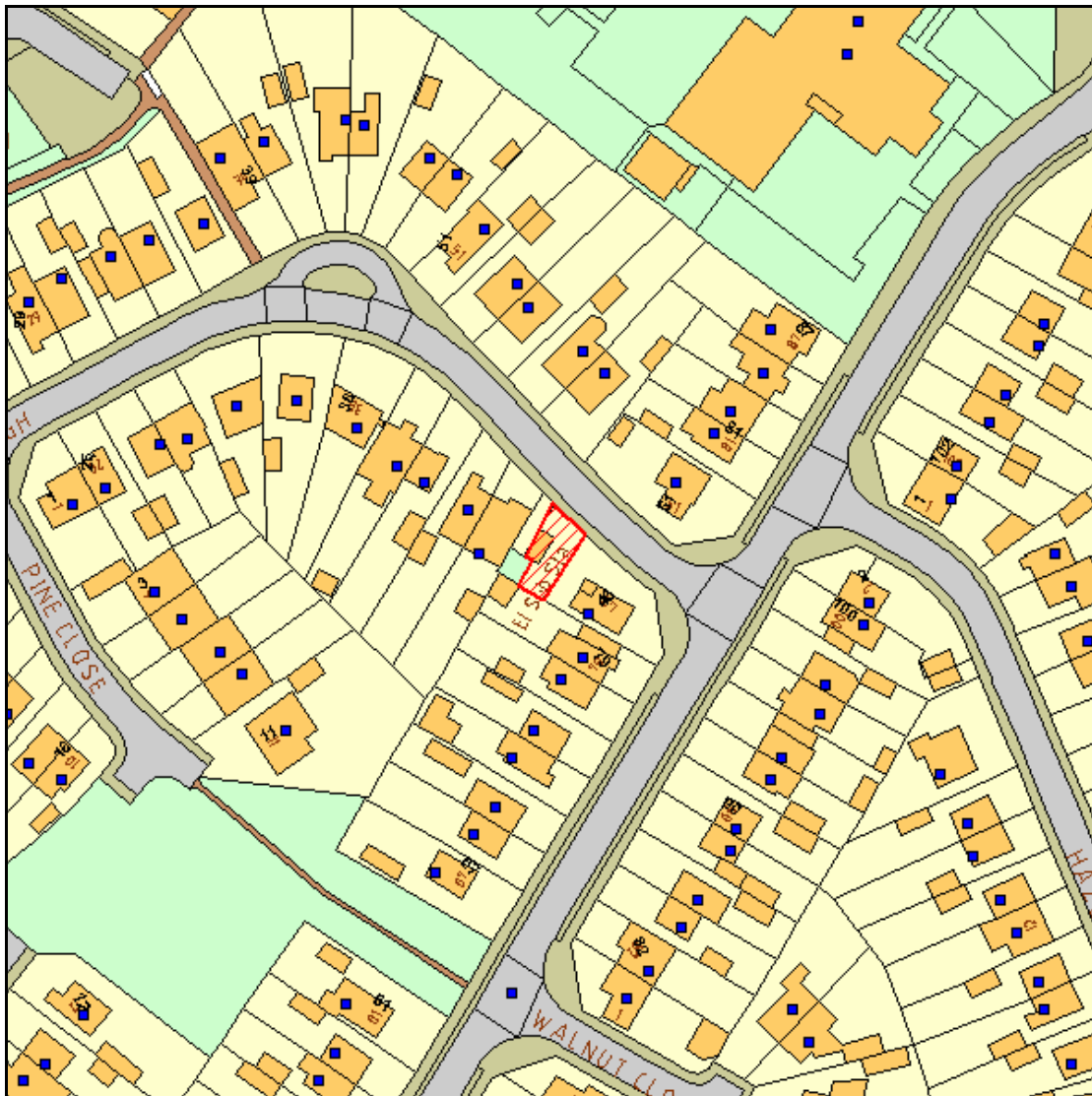
13. Prior to occupation of any of the buildings the concrete hardstandings as set out on Figure 3 of the Transport Assessment received 12 August 2009 shall have been installed to the satisfaction of the council.

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.

CIRCULATED SCHEDULE NO. 43/09 – 30 OCTOBER 2009

App No.:	PT09/5295/F	Applicant:	Mr G Parkhill
Site:	46 Woodleigh Thornbury Bristol South Gloucestershire BS35 2JT	Date Reg:	21st September 2009
Proposal:	Erection of detached dwelling with associated works. Formation of new vehicular access (retrospective).	Parish:	Thornbury Town Council
Map Ref:	364500 190347	Ward:	Thornbury North
Application Category:	Minor	Target Date:	3rd November 2009



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PT09/5295/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a detached dwellinghouse and associated works as well as the formation of a new access. This is retrospective in terms of the new access.
- 1.2 The application site comprises a 2-storey detached property located within the established residential area of Thornbury. The property stands adjacent to the Oakleaze Road/Woodleigh junction.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
PPS25 Flood Risk and Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H2 Proposals for Residential Development within Existing Urban Areas and Defined Settlement Boundaries
H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development
L17/18 The Water Environment
EP1 Environmental Pollution
EP2 Flood Risk and Development
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2916/F, Erection of boundary fence
Approval, 03/12/08.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Transportation
No objection

- 4.3 Electrical Substation Proximity Engineer
No objection – subject to applicants having a Party Wall Act agreement with the substation owners.
- 4.4 Environmental Services
No objection subject to informative
- 4.5 Public Rights of Way
No objection
- 4.6 Drainage
No objection

Other Representations

- 4.7 Local Residents
Six letters of objection have been received from local residents. The following concerns have been raised in the correspondence:
- Replacing an existing single storey, flat roofed garage, would be prominent and have a negative impact on the streetscene;
 - By means of its size and location it would have an oppressive and overbearing impact;
 - Site has a large number of vehicles within the property boundaries, which could cause traffic congestion and safety issues as a result of the development;
 - Detrimental to privacy;
 - Bin storage is out of character with adjacent properties;
 - Proposed dwelling is not in-keeping with the surrounding properties;
 - Might set a precedent for similar development;
 - Kerb has already been dropped closer to the junction;
 - Plans do not appear to be accurate.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning Policy D1 applies to all types of development and ensures that a good standard of design is achieved. Planning Policy H4 allows for the principle of residential development subject to design, residential amenity and transportation considerations. Planning Policy H2 allows for residential development within existing urban areas subject to environmental, transportation, residential amenity and density considerations.

5.2 Design/Visual Amenity

- This application seeks planning permission for the erection of a detached dwellinghouse and associated works as well as the formation of a new access. The application site comprises a detached two-storey property situated on the southern side of Woodleigh adjacent to the Oakleaze Road/Woodleigh junction and within the established residential area of Thornbury. The surrounding area is characterised predominantly by semi-detached and detached dwellinghouses. The property would be read in conjunction with semi detached chalet style dwellinghouses on the southern side of Woodleigh and consequently, this is reflected in the design of the proposed dwelling.
- 5.3 The proposal would be located within the rear garden of the host dwelling, which fronts onto Oakleaze Road with the side elevation adjacent to Woodleigh. The dwelling would be set back approximately 8 metres perpendicular to the host dwelling with the principal elevation fronting onto Woodleigh Road. The proposal would be situated approximately 3.5 metres forward of the north side elevation of the host dwelling and set back approximately 1.8 metres from the front building line of the neighbouring property to the west. A distance of 2.5 metres would separate the proposed dwelling and the neighbouring dwelling to the west.
- 5.4 The dwelling would comprise a pitched roof and front-boxed dormer window to facilitate roof accommodation. The general scale, form and proportions of the proposal would be consistent with existing built form and given the proposed materials of brickwork for the front elevation, render for the sides and rear, and double roman tiles for the roof, it would be sympathetic to the character of existing street scene. The size and positioning of the dormer window would be in-keeping with the neighbouring properties, whilst the lower roof apex and staggered position of the front building line would ensure that the dwelling would appear subservient to the neighbouring semi detached dwellings.
- 5.5 The curtilage of the host dwelling would be divided into two smaller plots to facilitate the proposed dwelling and it is considered that the resulting plot sizes would be out of keeping with the established grain of the surrounding development. Nevertheless, there would be sufficient space between the proposed dwelling and existing development to ensure that the proposal would not appear adversely cramped within the streetscene and would not have a negative impact on the character of the area. The rear elevation would appear contrived in an effort to reduce the residential amenity impacts on the neighbouring property to the south and given the proximity to an electric substation. Subsequently, the rear elevation has no windows and would appear somewhat alien given the residential context. Again however, given that existing built form would screen views, it would have no impact on the character of the surrounding area and it is considered that a refusal reason on this basis would not prove sustainable at appeal.
- 5.6 Unlike the host property, the proposed dwelling would be read in conjunction with the dwellings located on the south side of Woodleigh. These properties

have open frontages and it is considered that the proposed timber fencing along the front boundary would be out of keeping with the existing streetscene.

This is not considered a sufficient reason for refusal given that further details regarding the boundary treatment and bin store can be requested by condition.

5.7 Given the above, on balance, the proposal adheres to policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006 and a refusal on the basis of design would not prove sustainable at appeal. Conditions will be applied to the consent to ensure that further information is submitted in respect of detailing for the fenestration, dormer window, walls and roof tiles.

5.8 Residential Amenity

The proposed dwellinghouse would have 3no. neighbouring properties within close proximity. The proposal would not extend past the front or rear elevation of the property to the west and therefore, would not have a significant negative impact on the residential amenity of this property.

5.9 No windows would be located in the side or rear windows of the host dwelling, which would ensure that the privacy of the neighbouring occupiers would not be adversely impacted. Further, the existing/proposed timber fencing would help screen views from the proposed garden area into neighbouring ground floor windows. First floor windows located in the host property would face into the private amenity space allocated to the proposed dwelling. Given that the windows serve a bathroom and bedroom, this relationship is considered acceptable.

5.10 Concerns were raised that potential future development to the property would result in a loss of privacy to neighbouring properties. Nevertheless, if permission is granted, permitted development rights would be removed via condition, which would ensure that any future development is properly assessed by the Council with regards to the impact on neighbouring properties.

5.11 The proposed dwellinghouse would be located approximately 8 metres from the host property and 10 metres from the neighbouring dwellinghouse to the south. This is considered an acceptable distance for the development to not have an adverse overbearing impact on either neighbouring properties. A neighbouring occupier has raised concerns that the development would be overbearing and oppressive. However, notwithstanding the single storey hipped rear porch, the proposed dwellinghouse would be set back from the neighbouring boundary by 5 metres. Furthermore, the neighbouring dwelling is located south of the proposed site, and therefore, would not be adversely impacted by shadowing. Given that the proposal would be set back from the boundary and would not result in an adverse loss of sunlight, it cannot be said that the proposal would be adversely overbearing to the detriment of the neighbouring occupiers residential amenity. Whilst the proposal would be clearly visible from the neighbouring garden there is no statutory right to a view and this cannot be taken into consideration as part of this assessment.

5.12 All other neighbouring properties are situated at a sufficient distance from the application site to not be significantly impacted by the proposal.

5.13 Density

The site area measures approximately 137 square metres and this calculates to a density of approximately 73 dwellings per hectare. Planning Policy H2 specifies that all developments should aim to achieve a minimum density of 30 dwellings per hectare and therefore, the proposed development complies with this criteria. Whilst the surrounding development is lower density, approximately 30 dwellings per hectare, as discussed in the 'design/visual amenity' section, the development would not be detrimental to the character of the area.

5.14 Transportation

The principle of a new dwelling at this location is acceptable as is parking provision with 1 parking space is shown in front of the proposed dwelling and a gravelled parking area available for the existing dwelling.

5.15 Further Matters

Given the proximity of the application site to an electric substation, the owners of the substation 'Central Networks' were consulted. Whilst they do not object to the proposal, they stated that the applicant will need to have a Party Wall Act agreement with themselves given the proximity to the substation. An informative will be added to the decision notice granting consent informing the applicant of this.

In response to the consultation letters received:

- Concern has been raised by many local residents about the number of vehicles currently parking on the site and the impact that these vehicles might have if they are no longer able to be parked within the curtilage of the host dwelling. Unfortunately the vehicles cannot be accommodated within the scope of the planning application given that the Council's parking standards are based on maximum levels. For dwellings of this size, no more than 2no. parking spaces per dwelling would be permitted and the Council would object to any additional car parking shown. The Council has no control over the number of cars that an individual parks lawfully on the public highway, though any HGVs (over 7.5 tonnes) should be based at an operating centre. However, if a site is used for the storage of vehicles, (particularly on a commercial basis), then this may need to be formalised through the planning system.
- Concerns relating to design/visual amenity and residential amenity have been discussed in detail above.
- A concern was raised that the plans submitted did not appear accurate. The plans have been checked and appear to be reasonably accurate. Nevertheless, any minor discrepancies would be unlikely to have a significant impact on the outcome of the application.

- With regards to the proposed bin store, a condition will be applied to the consent to ensure that further details are submitted with regards to the design and siting.
- Setting a precedent may be a material planning consideration to be given weight in the decision making process where it is being debated whether to grant permission that is contrary to established planning policy. On this basis, since the principle of the development is acceptable, precedent is not a relevant consideration in this instance. Any further applications for dwellings in the area would be assessed on their own planning merits.
- Whilst the formation of the dropped kerb is retrospective, the impact on highway safety has been properly assessed as part of this application and it is considered acceptable.

5.16 Design and Access Statement

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

5.17 Use of Energy and Sustainability

The proposal would comply with building regulation specifications.

5.18 Improvements Achieved to the Scheme

Further details sought via condition in respect of boundary treatments, bin store and materials.

5.19 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:

- a) The proposal has been designed to be in-keeping with the character of the area taking into account the design, siting, height and materials of existing development and surrounding area – Policies D1, H2 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.
- b) The concerns of neighbouring properties relating to residential amenity have been properly considered. And through careful design the proposal would not harm the amenities of neighbouring properties by reason of loss of natural light or privacy –Policies D1, H2 and H4 of the South Gloucestershire Local plan (adopted) 2006.
- c) The proposed development calculates to a density of approximately 73 dwellings per hectare. This is considered to be the maximum density possible for the site and complies with the Council’s minimum recommended standards - Policies D1 and H2 of the South Gloucestershire Local Plan (adopted) 2006.
- d) A sufficient level of parking has been provided for the host and proposed dwellinghouse and the proposal would not exacerbate congestion or be detrimental to highway safety – Policy T12 of the South Gloucestershire Local Plan (adopted) 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. 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, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, 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

To protect the residential amenities of nearby residents and the character and appearance of the area to accord with policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development details relating to the storage provision for refuse bins and boxes shall be submitted to and agreed in writing by the Local Planning Authority. The residential unit hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

Reason

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

6. Prior to the commencement of development a plan indicating the position, design, materials and type of boundary treatment to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies D1 and H4 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 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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