



**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. 27/11

Date to Members: 15/07/11

Member's Deadline: 21/07/11 (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 **by email 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**

PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (e.g, if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control 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

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 Planning Manager 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. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail your request, please contact 01454 863518, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- 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.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE 27/11 – 15 JULY 2011

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK11/0789/F	Approve with Conditions	Retail Units 11/17 South Parade Yate South Gloucestershire BS37 4BB	Yate Central	Yate Town
2	PK11/0795/F	Approve with Conditions	Maple Cottage 20 The Buthay Wickwar South Gloucestershire GL12 8NW	Ladden Brook	Wickwar Parish Council
3	PK11/1138/F	Approve with Conditions	Birdsbush Farm Wickwar Road Yate South Gloucestershire BS37 6PA	Ladden Brook	Wickwar Parish Council
4	PK11/1229/R3F	Deemed Consent	Kingswood Leisure Centre Church Road Soundwell South Gloucestershire BS16 4RH	Staple Hill	None
5	PK11/1435/CLP	Approve with Conditions	28 Salisbury Gardens Downend South Gloucestershire BS16 5RE	Downend	Downend And Bromley Heath Parish Council
6	PK11/1557/R3F	Deemed Consent	Barley Close Primary School Barley Close Mangotsfield South Gloucestershire BS16 9DL	Rodway	Mangotsfield Rural Parish Council
7	PK11/1638/F	Approve with Conditions	66 Downend Road Kingswood South Gloucestershire BS15 1SP	Kings Chase	None
8	PK11/1667/CLE	Refusal	Outbuilding And Land At Lodge Farm Carsons Road Mangotsfield South Gloucestershire BS16 9LW	Siston	Siston Parish Council
9	PK11/1672/RV	Approve with Conditions	Tesco Metro 58 Broad Street Staple Hill Bristol South Gloucestershire BS16 5NP	Staple Hill	None
10	PK11/1758/F	Approve with Conditions	Hanham Surgery 33 Whittucks Road Hanham South Gloucestershire BS15 3HY	Hanham	Hanham Abbots Parish Council
11	PK11/1772/F	Approve with Conditions	16 Martins Road Hanham South Gloucestershire BS15 3EW	Hanham	Hanham Parish Council
12	PK11/1780/F	Approve with Conditions	56 Pettigrove Road Kingswood South Gloucestershire BS15 9SW	Woodstock	None
13	PK11/1848/F	Approve with Conditions	57 Bath Road Longwell Green South Gloucestershire BS30 9DQ	Longwell Green	Oldland Parish Council
14	PK11/1895/F	Approve with Conditions	138 Westons Brake Downend South Gloucestershire BS16 7EQ	Emersons	Mangotsfield Rural Parish Council
15	PK11/1898/TRE	Approve with Conditions	42 Wadham Grove Emersons Green South Gloucestershire BS16 7DW	Emersons	Mangotsfield Rural Parish Council
16	PK11/1937/TCA	No Objection	Manor House Farm Wick Lane Upton Cheyney South Gloucestershire BS30 6NJ	Bitton	Bitton Parish Council
17	PK11/1941/TCA	No Objection	The Cleeves North Stoke Lane Upton Cheyney South Gloucestershire BS30 6ND	Bitton	Bitton Parish Council

18	PT11/0575/F	Approve with Conditions	Sun Life Sports Club Berwick Drive Almondsbury South Gloucestershire BS10 7TB	Patchway	Almondsbury Parish Council
19	PT11/1472/F	Approve	34 Stone Lane Winterbourne Down South Gloucestershire BS36 1DQ	Winterbourne	Winterbourne Parish Council
20	PT11/1599/F	Approve	Valley View 36 Stone Lane Winterbourne Down South Gloucestershire BS36 1DQ	Winterbourne	Winterbourne Parish Council
21	PT11/1637/F	Approve with Conditions	Unit 3 Simmonds View Stoke Gifford South Gloucestershire BS34 8HR	Stoke Gifford	Stoke Gifford Parish Council
22	PT11/1665/CLP	Approve with Conditions	2 Acer Crescent Almondsbury South Gloucestershire BS32 4FL	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/0789/F	Applicant:	J D Wetherspoon PLC
Site:	Retail Units 11/17 South Parade Yate Bristol South Gloucestershire	Date Reg:	17th March 2011
Proposal:	Change of use of 4no. Retails (Class 1A) units to 1no Drinking and Dining Establishment (Class A4) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of new shop frontage to south and east elevations, alterations to rear elevations, installation of extract ducts to roof and air conditioning units to rear elevation.	Parish:	Yate Town Council
Map Ref:	371403 182376	Ward:	Yate Central
Application Category:	Minor	Target Date:	10th May 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

An objection has been received which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for two distinct elements, firstly the change of use of 4 A1 retail units within South Parade, on the western side of South Walk, into a public house (A4). The proposal includes the first floor element of two of these units, those closest to South Walk. The second part of the proposal is to install new frontages on the southern and eastern elevations. The third is to make alterations to the rear elevation, the fourth to install output ducts on the roof and the final part of the proposal is to install air conditioning units to the rear elevation. The site faces a plaza between South Parade and Kennedy Way, which is separated from the road by a mound with a tree screen on it.
- 1.2 The shop units in question, only one of which is currently vacant, lie within a secondary retail frontage as defined in the adopted Local Plan. They comprise a beauty salon and three shops. As the planning history shows, an application was refused on part of this site and on the other side of South Walk, for two restaurants and the creation of a car park to replace most of the plaza. This was refused due to the impact of the car park alone.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS4 Planning for Sustainable Economic Growth
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
RT10 Changes of use in secondary retail frontages
T7 Cycle parking
T8 Parking standards
T12 Highway safety
EP1 Environmental Pollution
- South Gloucestershire Core Strategy -Submission Draft (December 2010)
CS1 High Quality Design
CS14 Town centres and retail

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/5519/F Change of use of 5 retail units to 2 restaurants and associated parking Refused – appeal dismissed

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection
- 4.2 Other Consultees [including internal consultees of the Council]

Environmental Protection

No objection in principle, subject to the submission all proposed kitchen extraction and odour abatement details and maintenance schedules of this equipment. These have since been provided and are considered to be satisfactory and the relevant condition below requires implementation and subsequent maintenance in accordance with these details.

Sustainable Transportation

No objection. The site is in the town centre, where there is parking available and from the car parks, the site is easily accessible by foot.

Other Representations

4.3 Local Residents

Two letters of objection were received, one of which was subsequently withdrawn. The other letter cited the following concerns:

- Existing bad behaviour on Friday and Saturday nights, including damage to property, which this proposal will exacerbate

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 issues to be resolved are firstly whether the proposed change of use is acceptable in terms of policy RT10.

5.2 RT10: Change of Use – Effect on character, vitality and civic role

As stated at 1.2 above, the retail units on site lie within a secondary retail frontage. Subject to assessment against the criteria set out in policy RT10 (see below) changes of use to uses which sustain or improve the vitality and viability of town centres are supported, where they facilitate multi-purpose trips. It is considered that the opportunity to improve the day and night time economy is beneficial to Yate town centre and would also benefit the retail units in the locality, as it would provide potential customers in close proximity in the evening, notwithstanding the centre's current operation of being locked at night. As such, it is considered that this part of the proposal is acceptable in principle.

5.3 RT10: Change of Use – Environmental Effects

The environmental effects of the proposal have been analysed by Environmental Protection and they raise no objection in their consultation reply. Details of an odour extraction system have been submitted by the applicant's agent and these are considered to be acceptable. In addition to this, a noise report was also requested and submitted with particular regard to fans which would operate within the extraction system, as these could also have an impact on the residential amenity of adjoining properties. This report sets a specific maximum noise level that the fans would generate, which is close enough to background noise to be considered to be acceptable. The condition below which ensures implementation of these measures, also ensures that if this noise limit is exceeded, that they operators would be in breach of the condition. The method of dealing with odours and the subsequent noise from this process is considered to be satisfactory and subject to compliance with the relevant condition shown below, it is considered that the proposal would not result in an adverse impact on existing levels of residential amenity. The proposal is

therefore considered to accord with policy RT10 in this regard, as well as policy EP1.

5.4 RT10 Change of Use – Transportation

The consultation reply makes clear at 4.2 above, that there is no transportation objection to this part of the proposal. On the basis that there is adequate parking in and around the town centre from which easy and safe pedestrian access to the site is available, as well as the wider availability of the parking outside regular shopping hours, it is considered that the change of use in itself would not cause any problems in transportation terms.

5.5 RT10: Change of Use – Residential Amenity

The effect of the proposed change of use on residential amenity is considered to have two likely impacts, noise and cooking odours. The latter has been analysed at 5.2 above, while the noise issue is only likely to arise from the outdoor use of the premises, which would be controlled through the imposition of an appropriate condition. Similarly, a condition shown below would govern the overall operating hours of the public house, in accordance with those applied for. In order to operate, the premises will also need a licence and this would be subject to control under other legislation. If the licence granted is in excess of the hours shown in the condition, then it would be open to the operators to apply for a variation to the condition. The hours shown on the condition are not necessarily the hours that the premises will be open, but does set times when the premises would have to be closed.

The consultation process has also raised the issue of unruly behaviour, connected with the proposed pub. There is no evidence that this behaviour is related to any public house at all and it is not for the planning system to control behaviour. However, the circumstances of this case are that planning permission has been applied for to change the use of a building. The building is located in the town centre in a position well away from residential properties. No outside use has been applied for and noise would be contained by the building itself, unless doors are left open, in which case noise that is generated is not considered to be likely to travel as far as the nearest residential property. After visiting the public house, patrons will be likely to go home and the routes taken will depend on where they live. Of the patrons passing any particular point, there is no reason to assume that they will be badly behaved, other than they may have had too much to drink. There is some responsibility on the pub owners to make sure that this does not happen, but ultimately there is no direct link which can be made between the premises and bad behaviour or vandalism. It is considered overall that the proposed change of use is therefore acceptable in terms of residential amenity.

5.6 Replacement Shopfronts

Part of this proposal involves making changes to the existing shopfront. These changes of design are considered to be appropriate to the use applied for and would have no detrimental impact on residential amenity.

5.7 Alterations to rear elevation

This part of the proposal is to brick up 10 door and window openings on the rear elevation, facing the service yard. Public access to this area is restricted to

residents and deliveries and the impact on visual amenity of this bricking up is considered to be minor and not harmful, according with policy D1 of the adopted Local Plan. The only other relevant part of the proposal is new gates to the condenser compound, but at 1.7 metres in height, these do not require planning permission.

5.8 Development on the roof of the building

This part of the application is limited to the installation of plant and chimneys on the roof of the two storey building. The tallest part of this plant is shown as not exceeding 1.5 metres in height, while the majority of it would be less than half that height. There are limited views of the roof from Kennedy Way, South Walk and the service yard and the plant would be located away from the edge of the roof. In such a location, it is considered that the visibility of these items will be reduced to a level where they would be read against the roofscape in a town centre context. In this context it is not considered that there would be any harm to visual amenity which would be caused and the proposal is considered to accord with policy D1 in this regard.

5.9 Other Issues

The Use Classes Order classifies the proposed use as a Drinking Establishment (Class A4). Permitted changes of use which do not require planning permission are limited to A1 (retail) A2 (financial services) or A3 (café). In the case of all three, they are considered to be likely to support the main retail function of the town centre and in the case of A3, adequate means of dealing with odours has been ensured through this application. There is therefore no requirement to further limit the use of the site.

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 This proposal would provide a public house to serve the town centre of Yate, supporting the primary retail use of the centre, without having an adverse impact on existing levels of residential amenity. The proposal accords with policies RT10, EP1 and D1 of the adopted South Gloucestershire Local Plan.

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

7. RECOMMENDATION

7.1 That planning permission is approved, subject to the conditions 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. The use hereby permitted shall not be open to customers outside the following times 0700 to 0030 Sundays to Fridays and Bank Holidays and 0700 to 0130 on Saturdays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT10 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The level of noise emitted from the site shall not exceed the levels specified in the noise report submitted in support of the application, received on 6 July 2011.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy RT10 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The extraction system and details received on 26 June 2011 shall be installed prior to the change of use and thereafter retained. Maintenance shall be carried out at the intervals specified in the supporting information.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT10 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 2

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/0795/F	Applicant:	Mr J Lee
Site:	Maple Cottage 20 The Buthay Wickwar South Gloucestershire GL12 8NW	Date Reg:	17th March 2011
Proposal:	.Demolition of existing single storey side building. Erection of single storey side extension to form additional living accommodation.	Parish:	Wickwar Parish Council
Map Ref:	372348 188439	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	10th May 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of several letters of objection from local residents both in relation to the initially submitted scheme and in relation to the revised plans.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey extension to the side of the existing dwelling. The application includes the demolition of an existing single storey side outbuilding. The purpose of the extension is to provide a utility room with WC.
- 1.2 During the course of the application, due to issues concerning the exactly line of the residential curtilage, amended plans were received to show the rear wall of the extension to include a slight step – as per the existing situation. Reconsultations was carried out on the revised plans.

2. POLICY CONTEXT

2.1 National Guidance

PPS 1 Delivering Sustainable Development
PPS5 Planning for the Historic Environment

2.2 Development Plans

South Gloucestershire Core Strategy – Submission Draft Dec 2010
CS1 Design

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Extensions and New Dwellings
L15 Buildings that make a significant contribution to the character of the area
L12 Conservation Areas
T8 Parking Standards

2.3 Supplementary Planning Documents

South Gloucestershire Local List SPD (Adopted)
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No Objection

- 4.2 Councils Conservation Officer

No Objection

Other Representations

4.3 Local Residents

5 letters of objection were received to the plans as initially submitted. A summary of the points of concern raised is as follows:

- The lane along the side of the property is narrow as is an access pathway for the residents of 42, 44, 46 and 48 High Street. Any scaffolding in this lane will impede access
- The sewer pipe from the neighbouring properties runs under this pathway
- The foundations will be dug into the land and may damage the sewer pipe
- No consent has been given to use the pathway
- Replacing a low lean too roof with a 2m pitched roof would cause light deprivation to the neighbours garden
- A building of 5 metre high would cast a large shadow across the neighbours vegetable patch
- If the new building is rendered it would change the profile of the neighbours aspect. Stone should be used
- Windows in the side of the extension will look straight at the neighbours property and overlook several gardens
- The foundations should be dug on the applicants own property
- The side wall should keep the original dog leg and not be straight
- A lean too roof would be more in character
- No one from the Council has inspected the site
- Enclosure of historically important burgage plot
- Destruction of an ancient wall
- Details of the extractor not included

Following the receipt of amended plans, reconsulations was carried out. A further 3 letters of objection were received form neighbours. Many of the points above were re-iterated and the following additional points were raised:

- Foundations will still encroach onto the pathway
- The plans are not clear
- The existing dog led is 400mm but the plans show only 200mm
- Little time given for re-consultation

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met. The application property is also a locally listed building and is within the Conservation Area. As such, policies L15 and L12 of the South Gloucestershire Local Plan (Adopted) also need to be given due weight and attention.

5.2 Design/ Visual Amenity

The property is located to the rear of, and running perpendicular to, Wickwar High Street. It forms one of a pair of semi-detached cottages, both of which are of long, low proportions.

5.3 The existing cottage is of low proportions, with eaves directly above window head height. The elevations are rendered and the roof covered with clay pantiles. The windows are all modern storm proof replacements. Despite the modern windows and smooth cement render the cottage does retain a significant degree of character, and does not appear to have been extended in recent past. The group of single storey structures attached to the right hand side elevation of the cottage appear to be former outbuildings/stores, and their secondary nature is an important characteristic of the property. The proposal is to retain the single storey height of these existing outbuildings but on a larger footprint.

5.4 The retention as single storey will retain this sense of subservience. The pantiles on the existing roof should, if sound, be reclaimed for use on one pitch, and new clay pantiles used on the opposite pitch. This will be subject to a condition. The new window in the utility should be a traditional casement window, and the door should be solid vertically boarded. Again, these items will be conditioned.

5.5 At present, part of the existing rear wall is built into the boundary wall and is therefore stone faced. This is a traditional form of development and the amended plans show that part of the rear wall will be faced with stone in keeping with this traditional character.

5.6 Subject to the conditions mentioned above, it is considered that the proposed extension demonstrates a good standard of design in keeping with the character of the Locally Listed Building and the Conservation Area. As such, there are no objections to the design of the extension hereby approved.

5.7 Residential Amenity

One of the key issues raised by all neighbours is the existence of a pathway running alongside the property that is outside of the ownership of the applicants. It is understood that below this pathway the main sewer for the neighbours properties runs. During the course of the application, the case officer walked along the pathway and viewed the application site from this perspective.

5.8 In response to the concerns raised by the neighbour, amended plans have been received so that the rear wall of the existing now incorporates a dog leg to reflect the existing situation. Whilst it is not the role of the planning system to resolve boundary disputes, this issue has been discussed with the agent who is happy that the development can be completed on land within the ownership of the applicant. It is completely accepted by your officer that section AA does show the foundations to project beyond the sidewall. Details of the foundations however are not approved at this planning stage but instead would be subject to separate building regulations approval. An informative will be attached to

any planning consent granted to remind the applicant that the granting of planning permission does not give any rights to enter or build upon land that is not within their ownership – this includes the erection of any scaffolding. Regarding the sewer, whilst your officer has no reason to believe that the construction of the extension will damage any existing sewer pipes, this is a civil issue that would need to be addressed outside of the planning system.

5.9 Because of the location of the proposed extension in relation to the neighbouring dwellings, it is not considered that the proposed extension will have any detrimental impact on the neighbours. This is discussed in more detail below.

5.10 Overshadowing

The existing attached outbuilding to be demolished has a maximum height of 3.1 metres sloping down to a lower eaves height of 1.8 metres. By means of comparison the proposed replacement extension has a ridge height of 4.4 metres with an eaves height of 2.4 metres. It is not therefore disputed that the extension will be more visible from the surrounding properties than the existing building.

5.11 However, the proposed extension is a significant distance from any neighbouring dwellings and as such will not have any overbearing or overshadowing impact on any existing windows. Whilst the additional height will be visible from neighbouring gardens, given the size of the neighbours gardens and the pitch of the roof sloping away from the boundary any additional overshadowing will be minimal. Outbuildings in the rear gardens of the dwellings facing onto High Street are common place and it is not considered that the proposed extension would result in an unusual or unacceptable relationship that does not existing at many nearby dwellings.

5.12 No windows are proposed in the rear elevation of the extension. Two small windows are proposed in the side elevation and it is noted that concern has been expressed that these two windows could result in loss of privacy. However, the windows are very small, are top hung openings only, do not serve habitable rooms and are a significant distance from the dwellings on the High Street. The windows are at ground floor only and any glimpses from these windows into neighbouring gardens would be further restricted by the existing boundary treatments in place. It is therefore considered that the impact on residential amenity is deemed acceptable.

5.13 It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

5.14 Transportation

There would be no alteration to the existing parking and turning arrangement for the dwelling.

6. CONCLUSION

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

The proposed extension represents an appropriate standard of design that reflects the character of the original dwelling and the surrounding street scene. The use of appropriate materials further encourages its successful integration. Given the proposed siting of the extension in relation to the dwellings facing High Street and the size of the neighbours gardens, the existing levels of residential amenity afforded to neighbouring properties will be protected.

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

7. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

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

Reason

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

3. A sample panel of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15. Also in the interests of visual amenity to comply with the requirements of Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted)

4. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15. Also in the interests of visual amenity to comply with the requirements of Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted)

5. Notwithstanding the submitted details, and prior to the commencement of development, full details of the new windows and doors including materials and finishes shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out exactly in accordance with the details so agreed

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

6. Prior to the commencement of development, a sample clay pantile shall be submitted to the Council and if acceptable will be agreed in writing. Development shall be carried out exactly in accordance with the agreed sample. If sound, the pantiles on the existing roof should be reclaimed and used on one pitch with the new clay pantiles used on the opposite pitch.

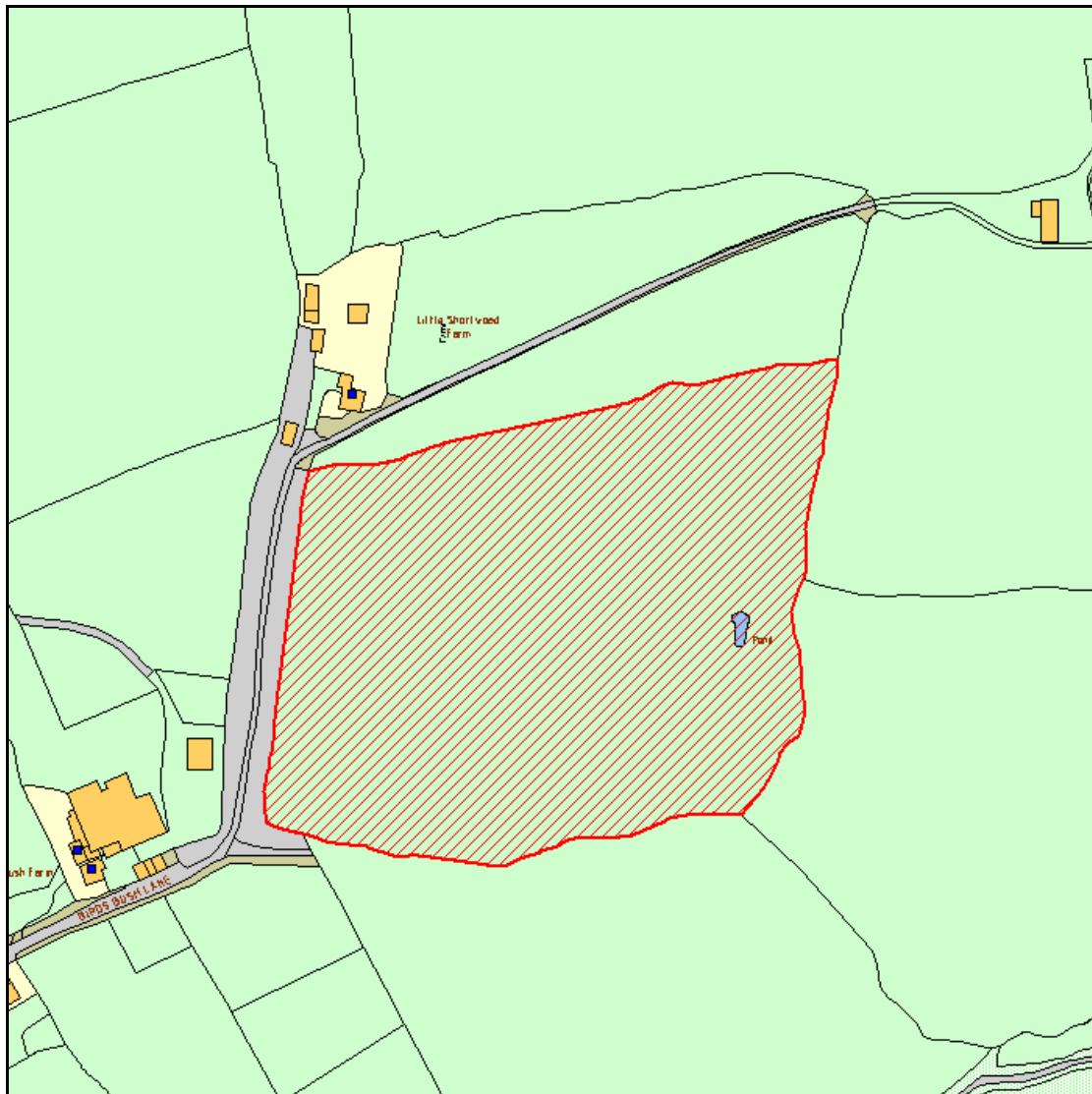
Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

ITEM 3

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1138/F	Applicant:	Mr M Caldecott
Site:	Birdsbush Farm Wickwar Road Yate Bristol South Gloucestershire	Date Reg:	17th May 2011
Proposal:	Change of use of land from agricultural to equestrian (Class D2) (as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended 2005). Erection of barn and stables and construction of hardstanding and entrance gates (retrospective).	Parish:	Wickwar Parish Council
Map Ref:	372770 186123	Ward:	Ladden Brook
Application Category:	Major	Target Date:	15th August 2011



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100023410, 2008. **N.T.S.** **PK11/1138/F**

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application is for development classed as 'major' and an objection has been received which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application is retrospective in that the development has already been carried out. The application applies for the retention of two buildings (a barn incorporating tack room and stable block for two horses) entrance gates and hardstanding and for the change of use of land from agricultural to land used for the keeping of horses.
- 1.2 The site lies at the end of a spur off Birdsbush Lane, which itself leaves the Wickwar Road to the west. It lies in the open countryside and extends to 4 hectares. It abuts the short spur road which leads into a public footpath, as well as Birdsbush Lane which continues on to serve Little Shortwood Farm. The built development comprises of a group of buildings used for equine purposes in a corner by the edge of the lane, shielded largely from public view by the hedgerow between the field and the lane.
- 1.3 The gates at the site access are tall and wooden. The hardstanding is limited to an apron between the buildings and the rest of the site is available for grazing. At the time of the site visit it was partitioned by low fences.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS7 Development in the Countryside
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L1 Landscape
E10 Equine Development
T12 Highway Safety

South Gloucestershire Core Strategy -Submission Draft (December 2010)
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No objection
- 4.2 Other Consultees [including internal consultees of the Council]
Sustainable Transportation
There are no highway objections to this proposal but you may wish to consider imposing a planning condition so that the use of the equestrian would be limited for personal use of the applicant and his family and not for commercial uses.

Landscape Officer

I confirm that there is no objection to the proposals with regard to Policy L1 and D1 of the South Glos. Local Plan. The site is well screened by perimeter vegetation in wider views and views from the adjacent public rights of way, along the southern and western site boundaries, are screened by the dense native hedgerows along these boundaries.

Wessex Water

No objection in principle

Technical Services

No objection in principle, subject to the submission of drainage details, required by condition.

Other Representations

4.3 Local Residents

One letter of objection was received, citing the following concerns:

- Highway safety – horse boxes regularly exit Birds Bush Lane onto Wickwar Road
- Wickwar Road is too fast for horse riders
- There are other sites nearby with the same use which may not be authorised

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 policy in this assessment is E10 of the adopted Local Plan, which covers equine development. Also of relevance are policy T12, with regard to highways, D1 for the design of the proposal and L1, for landscape issues. These form the headings below.

5.2 E10: Would the development have unacceptable Environmental Impacts?

The proposed use of the site has been carried out for some time, according to the application forms. If there were unacceptable environmental impacts either through the change of use or the operation of the site, it is considered that they would have become evident by this stage. It is therefore considered that this criterion of policy E10 has been satisfied.

5.3 E10: Impact on Residential Amenity

Given the rural location of the site and the default agricultural use, it is considered that using the land for the grazing of livestock or horses would make little difference in terms of impact on residential amenity. The stables are considered to be at a reasonable distance from the nearest dwelling to preclude any noise impact. It is therefore considered that the proposal accords with this criterion of policy E10.

5.4 E10: Vehicular access, Parking and Highway Safety

As the highway comments at 4.2 above indicate, there is no objection raised to maintaining the current use of the site. In terms of the site size, the proposal is considered to be fairly moderate and a condition below limits horse numbers in

accordance with the stable capacity and grazing land available. Traffic generation would be low as a result of the current level of use and the condition shown below. At such a scale, it is considered that there is no reason to prevent livery use of the site on highway safety grounds. With regard to the objection on highway grounds, Birdsbush lane enters the Wickwar Road via a bellmouth junction with adequate visibility in each direction. Horses themselves are able to access the bridleway network from the site and have no specific need to go along the Wickwar Road. There is no accident record in the last 5 years related to the junction with the Wickwar Road and no accident record at all on Birdsbush Lane. Horse numbers on this site are recommended to be limited to 2 by the condition below, necessitating fewer trips to and from the site. Stables for rent signs, if they require advertisement consent, are unauthorised and not necessarily related to this site. In any event, this is a planning application and cannot authorise any signage covered by different legislation. Subject to the above-mentioned controls, this aspect of the proposed development is considered to accord with policy E10.

5.5 E10: Access to Bridleways

There are direct links from the site to the bridleway network, in fact a bridleway starts next to the site entrance and runs along its southern boundary, linking into a further bridleway to the east of the site. It is considered that this situation is satisfactory to accord with this criterion of policy E10.

5.6 E10: Preferred use of other existing buildings on the site

There are no other buildings on this site which could provide accommodation for horses. Therefore it is considered that this policy test is satisfied.

5.7 E10: Safety and comfort of horses in the design of the buildings and site

The site extends to 4 hectares, which is equivalent to over 2 acres and the standard for horse welfare is one acre per horse. It is therefore considered that a condition to limit the number of horses kept on the site to the current stable capacity of 2 is justifiable on horse welfare grounds. This condition is shown below.

5.8 L1: Landscape Impact

The Landscape Officer's comments appear at 4.2 above. The buildings on site are located close to the existing mature hedgerow and from the east would be read against that background. The hedgerow provides adequate screening from Birds Bush Lane and it is considered that the retention of the buildings would not have an adverse impact on the landscape. The proposal is therefore considered to accord with policy L1 of the adopted Local Plan.

6. CONCLUSION

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

6.2 The proposed development would maintain and support an appropriate recreational use in the countryside. The stables are considered to be located in the best possible location within the site to protect the landscape. The

development would be appropriate to this sensitive location and accords with policies L1, D1, E10 and T12 of the adopted South Gloucestershire Local Plan.

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

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

1. Within three months of the date of this permission 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. The approved drainage shall be implemented within a 3 month period of approval and the drainage measures shall be retained thereafter.

Reason

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

2. The number of horses kept on the site edged in red shall not exceed 2.

Reason

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

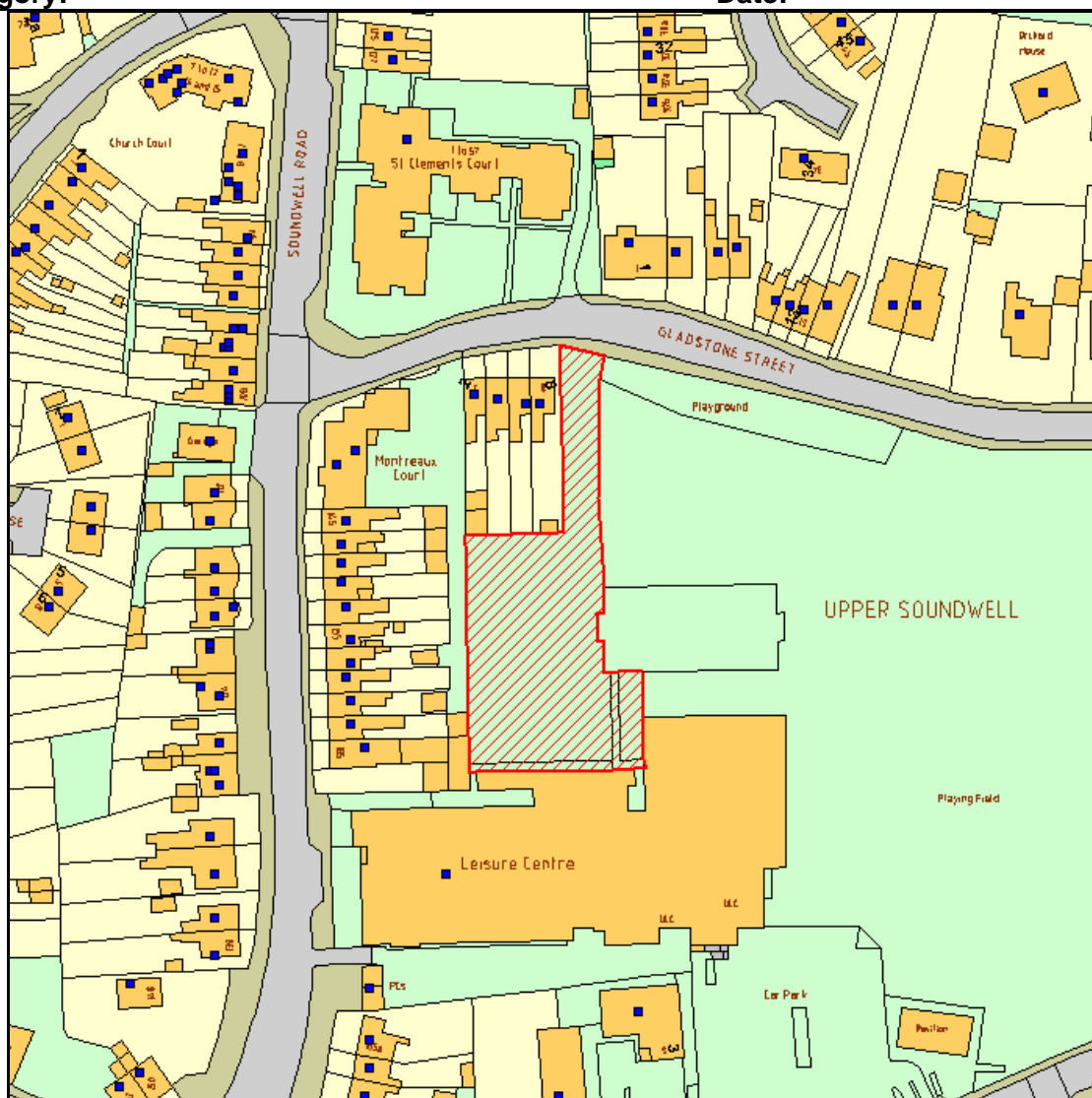
Reason

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 4

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1229/R3F	Applicant:	South Gloucestershire Council
Site:	Kingswood Leisure Centre Church Road Soundwell Bristol South Gloucestershire	Date Reg:	13th June 2011
Proposal:	Erection of biomass boiler energy centre with access, landscaping and associated works. Erection of 2.4m high welded mesh security perimeter fence. Resubmission of PK10/1986/R3F)	Parish:	None
Map Ref:	364839 175074	Ward:	Staple Hill
Application Category:	Minor	Target Date:	3rd August 2011



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100023410, 2008. **N.T.S.** **PK11/1229/R3F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule in accordance with standard procedures as South Gloucestershire Council has submitted the application.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a biomass boiler energy centre with access, landscaping and associated works. It also seeks permission for the erection of a 2.4 metre high welded mesh security perimeter fence. This is a resubmission of planning application PK10/1986/R3F.
- 1.2 This resubmission makes the following proposed changes:
- a reduction in on-site storage facility
 - an increase in the number of deliveries using smaller vehicles
- 1.3 Kingswood Leisure Centre is a large building fronting Soundwell Road. A large playing field is situated to the north and east of the building, which can be accessed off Gladstone Road. The car park, situated to the south east of the building can be accessed off either Soundwell Road or Church Road. The site is located within the residential area of Kingswood.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
LC3 Proposals for Sports and Leisure Facilities within the Existing Urban Area
LC4 Proposals for Education and Community Facilities Within the Existing Urban Area
EP1 Environmental Pollution
EP5 Renewable Energy Installations
T12 Transportation Development Control Policy
- South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1 High Quality Design
CS3 Renewable and Low Carbon Energy Generation
CS23 Community Buildings and Cultural Activity
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

The site was subject to several applications in the late 1980's early 1990's; due

to the age of these it is not considered relevant to list details, the most recent applications are detailed below.

- | | | |
|-----|-------------------------------|--|
| 3.1 | PK00/2949/F
Approved | Erection of railings on car park retaining wall.
December 2000 |
| 3.2 | PK10/0318/F
Approved | External cladding to existing building
April 2010 |
| 3.3 | PK10/1830/R3F

Approved | Installation of air handling plant to roof above swimming pool changing area on south elevation and enclosure with roofing and acoustic screen.
July 2010 |
| 3.4 | PK11/0617/NMA

Approved | Non-material amendment to PK10/0318/F to install additional windows
March 2011 |

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The site falls outside any Parish boundary
- 4.2 Other Consultees [including internal consultees of the Council]
- Sustainable Transport
No objections
- Environmental Protection
No objections subject to a condition on the decision notice
- Street Care
No objections

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy LC3 and LC4 allow for proposals to improve sports and leisure facilities and community facilities that are located within urban areas provided that the development would not unacceptably prejudice residential amenities or have any unacceptable environmental or transportation effects, and provided that the proposal is highly accessible by public transport and pedestrians and the proposal would not result in unacceptable levels of on street parking.

The principle of development has been accepted under the previous application PK10/1986/R3F however, for clarity the issues will be revisited below.

5.2 Design / Visual Amenity

An application has recently been approved for the leisure center ref. PK10/1986/R3F for the erection of biomass boiler energy centre with access, landscaping and associated works and also the erection of a 2.4m high welded mesh security perimeter fence. The current application differs from this recently approved application in terms of a small reduction in the size of the on-site fuel storage area. This area will measure approximately 7 metres by 8 metres with a covered shelter to its southern side measuring approximately 8 metres by 2.5 metres. The change is considered acceptable in terms of its size, positioning and scale.

The proposed energy centre and hard standing area would be enclosed by a 2.4 metre high welded mesh security fence. Whilst the proposal does include a large amount of concrete hard standing, the proposed planting to the west and north of the site would lessen its impact. Furthermore, the grasscrete track has been introduced to reduce the amount of hard standing in the proposal. The proposed security fencing is considered appropriate given the context and would match the existing fencing to the rear of the terrace of dwellings along Soundwell Road.

The proposed works are considered modest in scale given the size of the host building and are judged to be of an appropriate standard in design. The proposed structure would not be visible when the site is viewed from the front, Soundwell Road, as the building is located behind the existing terrace of dwellings along Soundwell Road. The proposal would be visible from Gladstone Road but would be viewed against the backdrop of the leisure centre building. Given this, it is deemed that the proposal would not result in any demonstrable harm to the character and appearance of the building or street scene in general.

5.3 Residential Amenity

The proposed energy centre would be located approximately 10 metres away from the rear boundaries of the nearest neighbouring residential properties, numbers 159-165 Soundwell Road. As such it is not considered that the proposal would impact upon the amenities of any nearby residential properties in terms of overbearing or overshadowing. No additional windows are proposed for the building and as such there are no issues of inter-visibility or loss of privacy to consider.

Access to the site would be via Gladstone Road along a grasscrete access track which runs along the side of No. 8 Gladstone Street. The current application proposes more frequent deliveries at one per day rather than one per week as in the previously approved application. However, the size of the vehicle would be smaller than the originally proposed delivery vehicle. Instead of one 24 ton load per week delivered in a 44 ton articulated lorry, an 18 ton eight wheeled unit would be used. One delivery every day, Monday to Saturday between the hours of 10:00 and 14:00 is proposed. A condition will be placed on the decision notice to ensure these details were adhered to.

Given the above measures of a smaller size of lorry and restricted delivery times, it is not considered that the proposal would result in any significant impact on the neighbouring residents in terms of noise and disturbance.

5.4 Highways Implications

The proposal would be accessed via an existing access point on Gladstone Road. The Council's Highway Officer has assessed the proposal and given the location of the access and the infrequent deliveries, has no objections to the development.

5.5 Environmental Issues

The proposed biomass plant has been assessed by the Council's Environmental Protection officer and it is not considered to result in any unacceptable increase in noise levels or unacceptable levels of flue gas emissions. As such there are no objections to the proposal subject to the attachment of a condition to ensure that ensuing noise levels do not exceed existing background levels. The impact on residential amenity is subsequently deemed acceptable.

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 is of an appropriate standard in design and is considered to result in a positive improvement in terms of the energy efficiency of the building. Furthermore the proposed works would not harm the amenities of the neighbouring properties or impact upon highway safety. As such the proposal accords with Policies D1, EP1, LC3, LC4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions below.

Contact Officer: **Anne Joseph**
Tel. No. **01454 863788**

CONDITIONS

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

Reason

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

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

To protect the character and appearance of the area, to protect the amenity of neighbouring occupiers and to accord with Policies D1, LC3 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006

3. The rating level of noise emitted from the site shall not exceed the existing background noise. The background noise determined to be 50 dB by day (07.00am-11.00pm) and 40 dB by night (11.00pm - 7.00am). The noise levels shall be determined at the site boundary. The measurements and assessment shall be made in accordance with the provisions of BS4142:1997. No more than one delivery per day between the hours of 10.00am and 14.00pm Monday to Saturday with no deliveries on a Sunday.

To minimise disturbance to occupiers of nearby buildings and to accord with Policy EP1, EP5, LC3 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

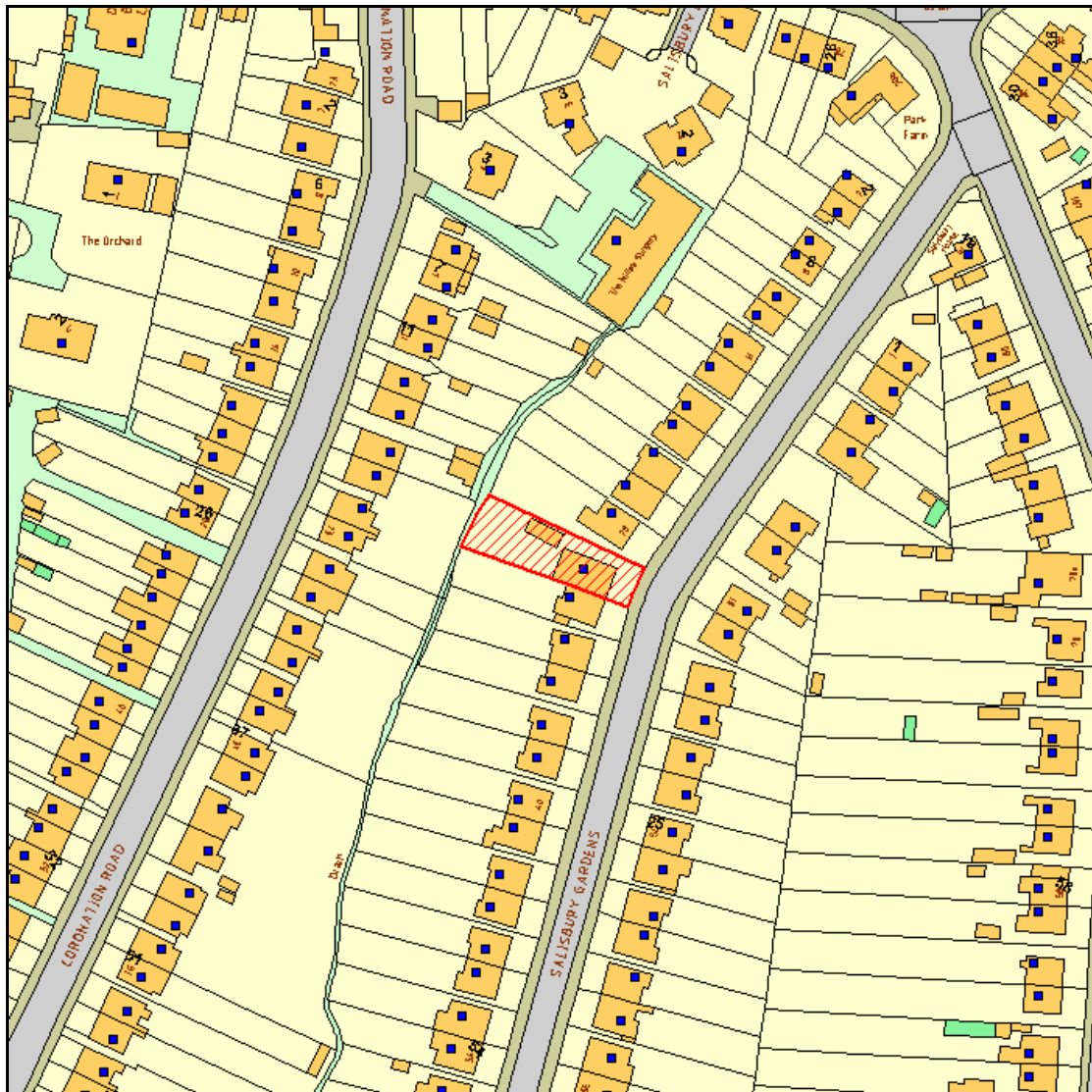
Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies (L17/L8/EP1) of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 5

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.: PK11/1435/CLP	Applicant: Mr Bowden
Site: 28 Salisbury Gardens Downend South Gloucestershire BS16 5RE	Date Reg: 20th May 2011
Proposal: Installation of side and rear dormer window to facilitate loft conversion	Parish: Downend And Bromley Heath Parish Council
Map Ref: 365219 176445	Ward: Downend
Application Category: Minor	Target Date: 13th July 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule of applications in accordance with the Council's adopted scheme of delegation as the application is for a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 The application site is situated within a residential suburb between Downend and Staple Hill. The site is situated on the west side of Salisbury Gardens and is bounded by residential development to the west, north and south with vehicular access onto Salisbury Gardens to the east.
- 1.2 The applicant is requesting a Certificate of Lawfulness for the proposed alterations to roof through installation of two dormers on the rear and side roofslopes to facilitate loft conversion.

2. POLICY CONTEXT

- 2.1 Town and Country Planning Act 1990
- 2.2 Planning and Compulsory Purchase Act 2004
- 2.3 Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2010

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/2398/F Erection of rear conservatory.
Approved 24.09.2003

4. CONSULTATION RESPONSES

- 4.1 Downend And Bromley Heath Parish Council
No objection
- 4.2 Other Consultees [including internal consultees of the Council]
None

Other Representations

- 4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 5.1 The application relates to two dormer extensions to the roof of the dwelling on the rear and side roofslopes. The applicant claims that the development does

not require planning permission. Such development could be considered under Art 3, Part 1 as:

- 1) Class A - The enlargement, improvement or other alteration of a dwellinghouse; or
- 2) Class B - The enlargement of a dwellinghouse consisting of an alterations to its roof

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

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

it would consist of or include—

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

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

- 5.3 Class B of the 2008 Order reads,

Development is not permitted by Class B if—

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

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

- (a) The proposal as indicated on the submitted drawings would not exceed the height of the highest part of the existing roof.
- (b) The proposal would relate to extensions to the side and rear elevations only and not the principle elevation fronting a highway

- (c) The dwelling is semi detached and as such the volume of extension must not exceed 50m³. The volume of both roof extensions would total 36.06m³ which has been verified by Officers.
- (d) None of the development listed is proposed.
- (e) The development would not take place on Article 1(5) land.

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

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

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

- (a) The applicant proposes use roof tiles to match the concrete double Roman smooth tiles on the existing dwelling and hanging tiles to match the existing roof tiles, which are considered by Officers to be similar in appearance to the existing roof tiles.
- (b) The proposed dormers as indicated on the submitted drawings would be situated in excess of 20cms from the eaves of the original roof.
- (c) One window is proposed in the roof slope forming the side elevation of the dwellinghouse. The submitted drawings indicated that the window would be obscurely glazed

6. **CONCLUSION**

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

7. **RECOMMENDATION**

7.1 Issue Certificate.

Contact Officer: Sean Herbert
Tel. No. 01454 863056

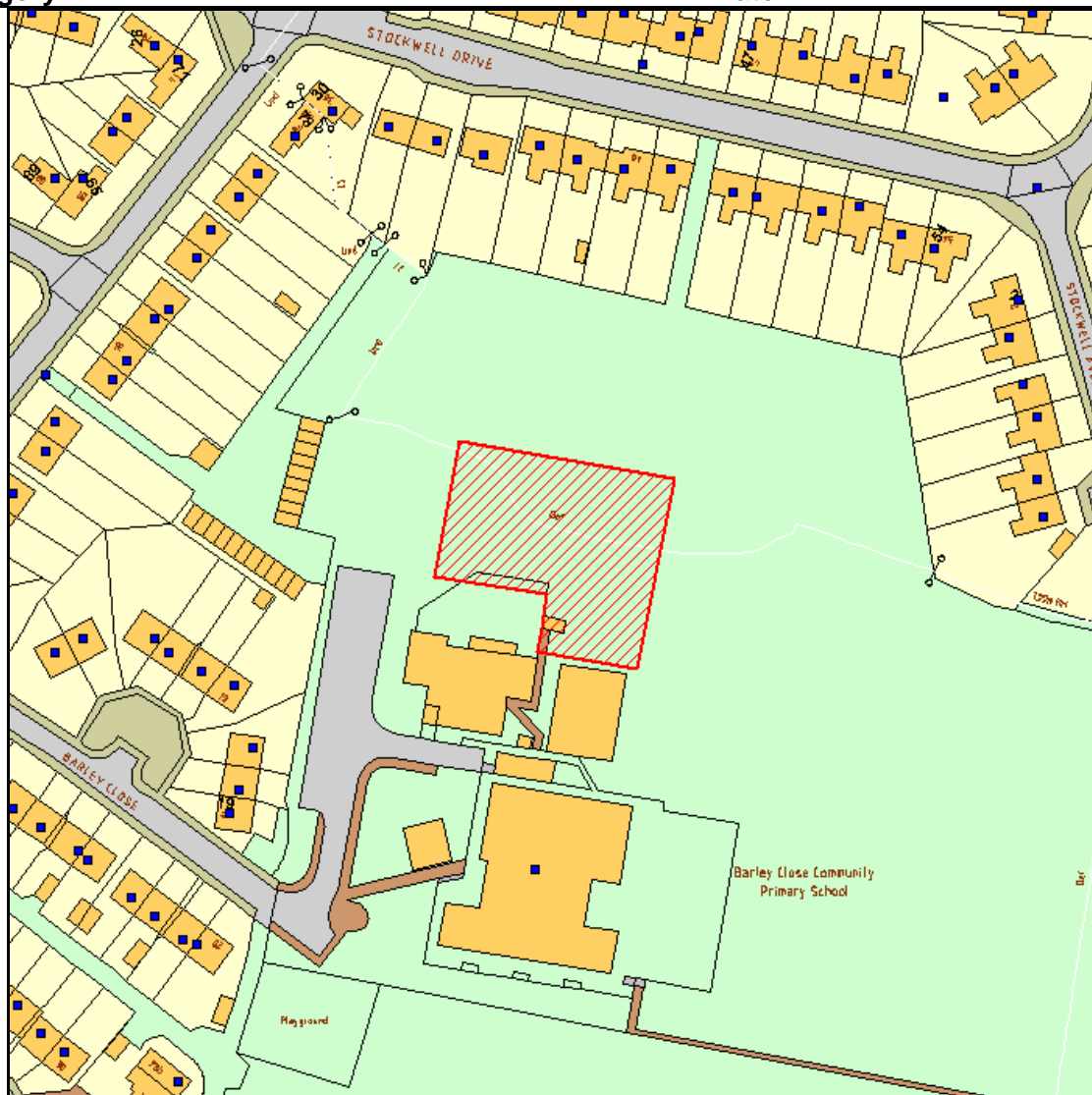
CONDITIONS

1. The proposed development complies with Schedule 2, Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

ITEM 6

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1557/R3F	Applicant:	South Gloucestershire Council
Site:	Barley Close Primary School Barley Close Mangotsfield South Gloucestershire	Date Reg:	2nd June 2011
Proposal:	Erection of single storey Elliott Classroom Block with associated works. Construction of tarmac play area.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366161 176730	Ward:	Rodway
Application Category:	Minor	Target Date:	22nd July 2011



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100023410, 2008. N.T.S. PK11/1557/R3F

INTRODUCTION

This application appears on the circulated schedule in accordance with correct procedure, as the applicant is South Gloucestershire Council itself. Also because five letters of concern have been received contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the construction of an Elliott building to form two new classrooms and an outside tarmac play area. The application also includes reconfiguration of the existing fencing and the provision of two small storage buildings each measuring 3.06m x 2.14m x 2.14m high.
- 1.2 The site comprises a parcel of land within the larger Barley Close Primary School complex all owned by South Gloucestershire Council. The application site is at a relatively central position within the existing school grounds adjacent to the existing swimming pool building.
- 1.3 The purpose of the proposed Elliot building is to meet the basic needs of the school. The application is supported by an educational justification statement confirming that there is a need for an additional 135 reception places at 5 schools to meet current needs. At Barley Close School, the requirements for additional places in September 2011 is 330 places and a further 30 places in September 2012.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG17 Planning for open space, sport and recreation

2.2 Development Plans

South Gloucestershire Core Strategy –Submission Draft December 2010

SC1 Design

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L1 Landscape Protection and Enhancement
LC4 Proposals for Community and Education Facilities
T7 Cycle Parking Standards
T8 Parking standards
T12 Transportation Development Control

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/2022/R3F Erection of new nursery unit, 3 no. classrooms, office and amenities with car parking and associated works.
Approved September 2003

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No Objection

- 4.2 Other Consultees

Highway Officers
No objection

Coal Authority
No Objection

Other Representations

- 4.3 Local Residents

Four letters of objection/concern have been received from local residents. A summary of the points raised is as follows:

- No objection but wants to ensure that the emergency access onto Stockwell Drive is not used by heavy machinery.
- Is the single width path from the existing building to the new building sufficiently wide to accommodate the extra children and parents?
- Why not increase the tarmac area in front of both buildings to make access easier for children.
- No shelter for children moving between the proposed building and the main school
- Is the fencing solution adaptable as the children get older?
- Questions over why a meeting on the 27th was called with such short notice.
- How did South Gloucester Council or Education not know that 60 children were going to require additional schooling in 2011 in this locality?
- Issues and concerns over vehicles, parking and congestion around the whole estate.
- Many of the children are from Emersons Green - why cant a new estate provide schooling for its own children?
- Access for the emergency services is obstructed
- The Close is a cul-de-sac.
- Aggressive parent parking causes problems
- Residents are blocked in their homes or blocked from returning to their homes by parent parking.

One letter has also been received from Cllr. Bell. The Councillor supports the concerns raised by the local residents particularly in respect of the existing parking and access problems.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan (Adopted) relates to the expansion of education and community facilities within the existing urban area. Policy D1 seeks to ensure that new design is appropriate and respects and enhances the site and the locality. Policies T8 and T12 relate to parking and seek to ensure that new development will not have any adverse impact upon existing levels of highway safety. Policy LC4 states that proposals for education facilities within the urban area will be permitted provided the following criteria are satisfied:

5.2 **A. Proposals are located on sites which are highly accessible on foot and by bicycle; and**

The site is located in the centre of a densely populated residential area with many dwellings within easy walking/cycling distance of the building. This criterion is therefore complied with.

5.3 **B. Development would not unacceptably prejudice residential amenities; and**

The new Elliot building will eventually accommodate up to 60 additional pupils. The proposed new building will be single storey in height and will be erected at a central position within the school grounds. Consideration must be given to the fact that children currently play in the area to be enclosed by fencing forming the play area – the proposal will not introduce playing children into an area that is currently sterile of such activities. Given the fact that the nearest neighbouring dwellings are over 35 metres from the red line of the application site, the new building will not result in any issues of overbearing or overshadowing from neighbouring properties. It is therefore considered that the impact upon existing levels of residential amenity is acceptable.

5.4 **C. Development would not have unacceptable environmental or transportation effects; and**

The proposal will have no adverse environmental effects. As mentioned previously, the existing uses coexist without causing unacceptable annoyance to the neighbouring residential properties. This existing situation is expected to continue. Other than some disturbance during the construction period, there will be no adverse impact of noise, dust, fumes or vibration as a result of the proposed development. The Councils highway engineer has been consulted regarding the proposals and raises no objection to the new building. Transportation issues are discussed in more details in section 5.6 below.

5.5 **D. Development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.**

It is completely understood that highway, parking and congestion issues are one of the key concerns of the local residents and these concerns are echoed by the local councillor. The proposal is to install an additional Elliott classroom block, which will introduce two additional classrooms accommodating potentially up to 60 additional children.

- 5.6 The existing level of parking on site (i.e. 23 spaces) closely accords with the maximum permissible under the Councils parking standard as set out in Policy T8 of the adopted local plan which requires school 1 parking space per 2 staff. Because of this maximum standard, additional parking could not reasonably be insisted upon despite the local concerns relating to overspill parking.
- 5.7 Access to the school is off Barley Close, a residential cul-de-sac that joins with Royal Road, an unclassified highway. At present, it is understood and accepted that Barley Close suffers with on street parking issues during the school drop off and pick up time – as has been raised in the letters of objection. The new proposal for additional classroom would undoubtedly result in some additional traffic in the morning peak hour although, compared to the existing situation, the additional impact is unlikely to be significant. Notwithstanding this, and in order to mitigate the impact, the school travel plan should ideally be updated to encourage sustainable travel. In order to encourage this, a condition will be attached to require the submission of cycle storage details in accordance with Policy T7 of the adopted local plan.
- 5.8 Local residents have also expressed concerns with regards to road safety. In this context, your officers can advise that there have been no recorded accidents that can be attributed to school related traffic at this location.
- 5.9 In raising no transportation objection to the application, it is recommended that the applicant put forward a “Plan of Action” to improve some or potentially all pedestrian and cycle links from the school on to the public highway in order to encourage more sustainable travel. Discussions between the applicant, traffic management department and local residents have identified the following areas where improvement maybe possible;
- Link to the school from Stockwell Drive.
 - Link to the school from the existing footpath and the car park off The Laurels.
 - Link to school via the existing footpath off Blackhorse Road opposite the junction with Jubilee Crescent.
 - Improvements to the parking on Barley Close off the existing hammerhead.
- 5.10 The applicant has informally agreed to investigate these options and has indicated a willingness to make appropriate financial contributions towards a future scheme relating to the above points. However, as yet, due to budget decisions, the school are unable to commit fully to this. Whilst it is understood that this will not give local residents confidence in potential improvements being implemented, an informative will be attached to advise the school that the travel plan should be updated in consultation with the Councils school travel plan officer. A material consideration is the need to accommodate up to 60 additional pupils in the forthcoming two years to meet their basic education needs. On balance, officers do not consider that the highway implications

alone would be sufficient to warrant the refusal of the application even if the improvements were not made.

5.11 Design

It is accepted that the proposed building has a rather functional appearance and offers positive contribution little towards the character of the area. However, the new building will not be highly visible from the public highway and will not have any detrimental impact on the character of the area. The storage containers, again whilst being functional in appearance are small in scale and are typical of the type of structure often found within school grounds. As such, there is no objection to the proposed works in terms of their visual appearance on the character of the area.

5.12 The proposed replacement fencing, due the fact that it is to replace existing fencing albeit in a slightly different location, will also have minimal visual impact on the character of the are due to its siting at a central position within the grounds of the school.

5.13 Other Issues

It is noted that the letters of objection refer to a meeting held on 27th and concerns over what was said at this meeting and the fact that the meeting was arranged at short notice. It is important to express that this meeting was not arranged or attended by the planning officer so the officer is unable to comment on anything that was communicated at the meeting.

5.14 Points have also been raised regarding the internal layout of the site and whether a new school should be provided within the Emersons Green Estate. It is not the role of the Planning Officer to question the need for the extension to the school – this has been looked into by the Education Department who have concluded that the extension is necessary to meet an identified need. Regarding the internal layout of the school, it is not considered unusual to have buildings that are detached from one another within a school grounds.

6. CONCLUSION

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

6.2 The proposed Elliot building, two storage buildings, new fencing and playground are suitable for their setting and will not have any significant or detrimental impact on the street scene or character of the area. The proposed works are at a central position within the grounds of the school well away from the boundaries with the nearest residential properties and therefore existing levels of residential amenity are protected through the development. The site is located in a densely populated residential area with many dwellings within easy walking/cycling distance.

6.3 The proposal does not include any additional on site parking or turning facilities but the existing parking arrangement on site is close to the maximum standard

allowed by the adopted local plan. Whilst the new proposal for additional classrooms would undoubtedly result in some additional traffic in the morning peak hour, compared to the existing situation, the additional impact is unlikely to be significant. Given the need to extend the school to meet the basic education needs of children in the locality, no highway objection is raised to the proposed works.

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

7. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. Prior to first occupation or use of the Elliot building hereby approved, detailed plans showing the provision of cycle storage facilities in accordance with the standards set out in policy T7 of the South Gloucestershire Local Plan shall be submitted to, and if acceptable approved in writing by the Local Planning Authority. The cycle storage shall be implemented exactly in accordance with the approved plans prior to the first use or occupation of the Elliot building hereby approved.

Reason

To encourage more sustainable travel modes and also to comply with the requirements of Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 7

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1638/F	Applicant:	Mr Chris Bracey
Site:	66 Downend Road Kingswood Bristol South Gloucestershire BS15 1SP	Date Reg:	31st May 2011
Proposal:	Erection of single storey ground floor and single storey first floor extension to provide additional living accommodation	Parish:	None
Map Ref:	364618 174371	Ward:	Kings Chase
Application Category:	Householder	Target Date:	26th July 2011



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100023410, 2008. **N.T.S.** **PK11/1638/F**

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of two single storey extensions to the rear of the existing dwelling. Due the vast ground level changes at the site one extension would be at ground floor level and one would be at first floor level. The purpose of both extensions is to provide additional living accommodation.
- 1.2 There is an existing conservatory attached to the ground floor of the extension that would need to be demolished to make way for the extension as proposed.
- 1.3 During the course of the application amended plans were received to reduce the depth of the first floor extension. Re-consultation was carried out on the amended plans.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Core Strategy – Submission Draft Dec 2010
CS1 Design

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Extensions and New Dwellings
T8 Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/2990/F Erection of 1 no. detached dwelling.
Approved November 2000

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
The area is un-parished

Other Representations

- 4.2 Local Residents
Three letters of objection have been received from or on behalf of the same neighbour – one objecting the scheme as initially submitted, one letter objecting to the amended scheme and one letter from a planning agent acting on behalf of the residents. A summary of the points of concern raised is as follows:
 - The proposed extension is shorter than the original plans

- The dining room of the neighbours house would look directly into the new build window with a detrimental impact on quality of life. The same applies to the toilet window.
- The angles are not conducive to normal privacy
- The extension would overshadow the neighbours roof limiting their ability to install solar panels.
- The proposed development would increase the size of the property to such an extent that would be out of character with surrounding developments and have an adverse impact on the character and appearance of the area - contrary to Policy H4.
- The proposed extension would be less than 2 metres from the boundary with No. 66. There is a living and dining room window and a small bathroom window facing the application site.
- The extension would result in significant loss of light to the room and it would have an over-bearing and significantly adverse effect on the enjoyment of the room.
- The development will invade upon privacy due to the proximity and seriously prejudice the amenity of No. 70.
- Interference with the retaining wall. Possible stability issues as the land is an old slag heap.
- Issues over who is living at the site and if a business is being operated from the site.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policies H4 and D1 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway and impact upon visual and residential amenities being met.

5.2 Design/ Visual Amenity

In the interests of clarity, the two separate elements of the proposal will be discussed separately.

5.3 Ground Floor Extension to form Lounge

The proposed ground floor extension is to replace an existing conservatory. The ground floor extension meets an appropriate standard in design that reflects the character of the main dwelling house and surrounding properties. It incorporate a very simple lean too style roof and the use of matching face materials will further help its successful integration. This extension is to be on the rear of the property where it will not be readily visible from the public realm and will not therefore have any significant or detrimental impact on the street scene or character of the area. It is noted that the letter of objection received on behalf of the neighbouring property considered the overall development would increase the size of the dwelling to such an extent that it would be out of keeping with surrounding developments. Given that the proposed ground floor extension would be only slightly larger than the existing conservatory, and taking into account the scale of the buildings at the junction of Soundwell Road and along Kingswood heights to the rear, this is not considered to be the case.

The design and visual impact of the proposal is therefore considered to be entirely appropriate.

5.4 First Floor Extension to form Bedroom

Whilst being described as first floor extension, this is because of the massive level changes on site - the extension will actually only have one storey. The first floor extension also meets an appropriate standard in design that reflects the character of the main dwelling house and surrounding properties. It incorporates a pitched roof with a hipped end with pitches and angles that match those used in the existing. The use of matching face materials will further help its successful integration. This extension is to be on the rear of the property where it will not be readily visible from the public realm and will not therefore have any significant or detrimental impact on the street scene or character of the area. It is noted that the letter of objection received on behalf of the neighbouring property considered the overall development would increase the size of the dwelling to such an extent that it would be out of keeping with surrounding developments. Given that the proposed first floor extension would have a depth of only 2.5 metres compared to the depth of the original dwelling at 7 metres, this is not considered to be the case. The design and visual impact of the proposal is therefore considered to be entirely appropriate

5.5 Residential Amenity

Again, and in the interests of clarity, the two separate elements of the proposal will be discussed separately.

5.6 Ground Floor Extension to form Lounge

The ground floor extension is to replace an existing conservatory. The proposed extension will actually be slightly shorter in length than the deepest part of the existing conservatory. The existing boundary treatments in place will screen the majority of the sidewall of the extension from the neighbour at No. 64 reducing the impact on this neighbour. The impact of the ground floor extension on the neighbouring properties is therefore deemed to be acceptable.

5.7 First Floor Extension to form Bedroom

As initially submitted the first floor extension had a proposed depth of 4.2 metres. Your officer was concerned that at this depth the extension would have an overshadowing and overbearing impact on the dining room window in the side elevation of No. 70 Downend Road.

No 70 Downend Road is a single storey dwelling with its main sidewall very close to the boundary with the application site. Whilst not shown on the submitted plans the floor level within No. 70 is noticeably higher than the first floor level within the application property. In the side elevation of No. 70 (facing the application site) is a bathroom window and a dining room window. The bathroom window is obscurely glazed and is not considered to serve a habitable room window. The dining room in this property is joined to the lounge but it is accepted that this is the main window serving the dining area within No. 70. This is therefore considered to be a habitable room window.

During the course of the application, amended plans were received to reduce the depth of the proposed extension down to 2.5 metres in depth. Whilst at this reduced depth the extension will still run in front of the bathroom window in No. 70 it will not project forward of the dining room window. Whilst it is not disputed that the first floor extension will be close to the dining room window and will be very clearly visible from it, the reduced depth will enable sufficient natural sunlight to still enter the room to afford an adequate level of residential amenity. Given that No. 70 is set at a noticeably higher level than the application site, the impact on the dining room window in terms of overbearing and overshadowing is deemed to be acceptable.

It is noted that the occupants of No. 70 are concerned about intervisibility and loss of privacy. Whilst it is accepted that the proposed bedroom doors will be close to the existing dining room window, because of the changes in ground level, the existing boundary treatments in place, and the acute angle, it is not considered that residents within the proposed new bedroom would have much, if any, visibility into the dining room window in No. 70. The existing bathroom window in No. 70 will face towards the side wall of the proposed extension as so will not suffer any loss of privacy.

Conversely, because No. 70 is at a higher level, there will be limited opportunity for those within the dining room to look over the fence and catch glimpses into the far corner of the proposed bedroom. Allowing for a 45-degree line of vision this however will be very minimal. When compared to the existing situation where the owners of No. 70 can overlook most of the rear elevation of the application site from the dining room window, the impact on residential amenity is deemed to be acceptable.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

5.8 Other Issues

As initially submitted, the plans showed that alterations would have to be made to the retaining wall between the site and No. 70. The amended plans with the first floor extension reduced in depth means this is no longer required. Notwithstanding the above, a separate Building Regulations would ensure that the works as carried out were structurally sound.

Other issues relating to the fact that the dwelling may be let out to tenants rather than lived in by the applicant himself is not material to the assessment of the application.

Finally, the possible future intention of the occupants of No. 70 to install solar panels on their roof slope cannot be used to justify refusal of the application.

Sufficient space will remain on the existing driveway to meet the needs of the extended dwelling.

6. CONCLUSION

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

The proposed extensions represent an appropriate standard of design that reflects the character of the original dwelling and the surrounding street scene. The use of appropriate materials further encourages their successful integration. Given the proposed siting of the extensions, the noticeable changes in ground level between the application site and No. 70 Downend Road, and existing boundary treatments in place, an appropriate level of residential amenity will be afforded to the neighbouring properties.

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

7. RECOMMENDATION

That the application be approved subject to the following conditions:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. No windows shall be inserted at any time in the side elevation of the upper extension facing towards No. 70 Downend Road.

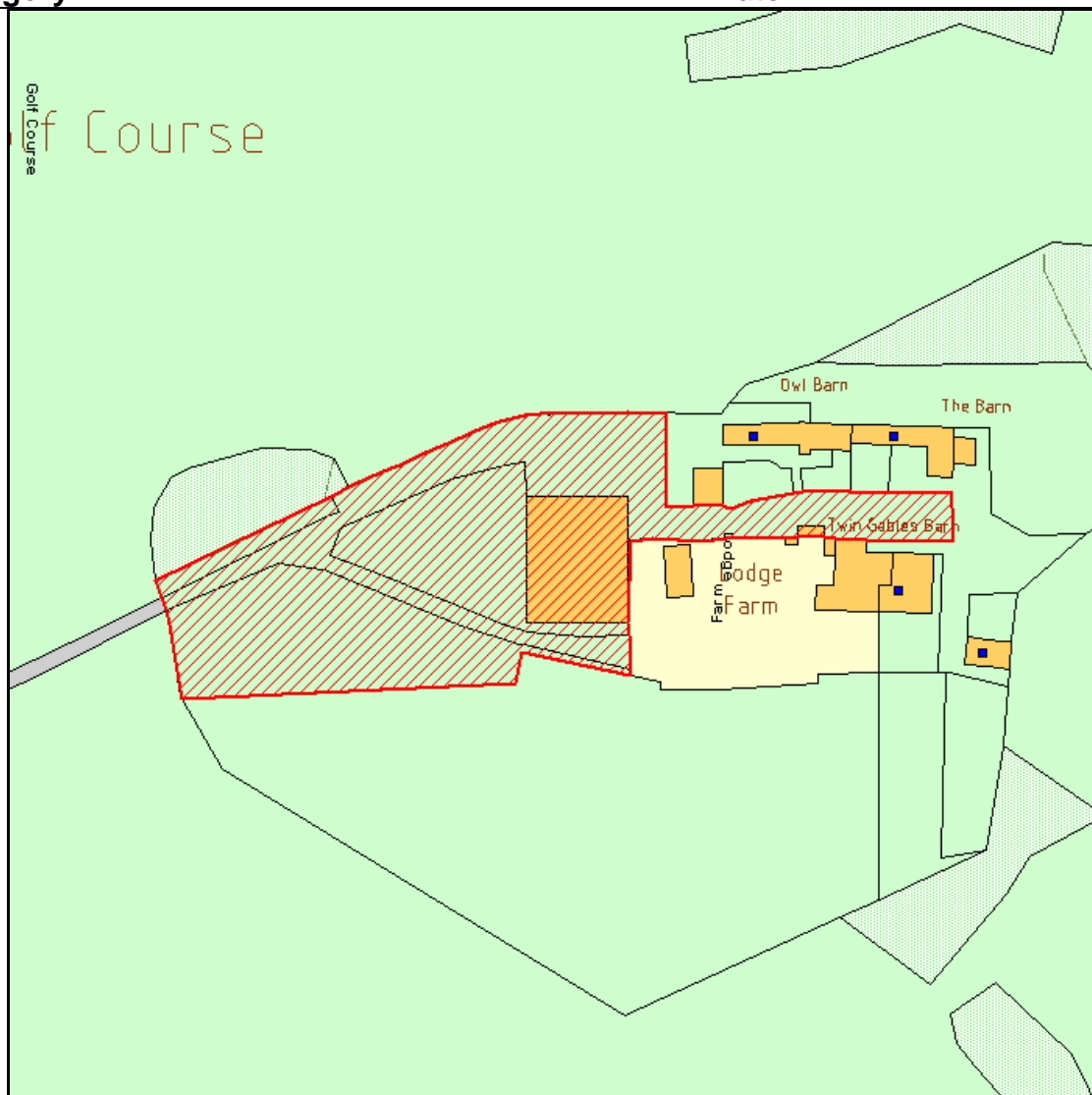
Reason

To protect the existing level of residential amenity afforded to the neighbouring dwelling in accordance with the requirements of Policy H4 of the South Gloucestershire Local Plan (Adopted)

ITEM 8

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1667/CLE	Applicant:	Mr John Lawrence
Site:	Outbuilding And Land At Lodge Farm Carsons Road Mangotsfield South Gloucestershire	Date Reg:	10th June 2011
Proposal:	Application for Certificate of Lawfulness for an existing use of building as residential storage building and an existing use of land as residential curtilage.	Parish:	Siston Parish Council
Map Ref:	367707 175257	Ward:	Siston
Application Category:	Minor	Target Date:	1st August 2011



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of land as residential curtilage and building as residential storage. The application therefore seeks to demonstrate that the land has been used for residential purposes associated with Lodge Farm, Carsons Road for a period in excess of ten years prior to the date of submission (i.e. since May 2001).
- 1.2 The site consists of a plot of land adjacent to the garden traditionally associated with Lodge Farm. The current authorised use of the land is agricultural but the applicant claims the land has been used as garden land since 2006.
- 1.3 During the course of the application contact was made with the applicant to advise that in accordance with section 171B of the Town and Country Planning Act the applicant is required to demonstrate that the land has been used as residential curtilage for a period in excess of 10 years – not the 4 year test as submitted. The applicants were invited to withdraw the application to avoid the receipt of a recommendation for refusal but no withdrawal has been received.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

There is a very long and complicated planning history to the site. Some of the key planning applications are as follows:

- 3.1 PK07/2730/F Construction of two new dwellings incorporating some features of the existing barns.
Approved December 2007
- 3.2 PK07/2734/LB Construction of two new dwellings incorporating some features of the existing barns.
Approved December 2007
- 3.3 PK08/2003/F Alterations to Lodge Farmhouse to facilitate subdivision into 2 self contained dwellings (retrospective).
Approved September 2008
- 3.4 PK08/2005/LB Alterations to Lodge Farmhouse to facilitate subdivision into 2 self contained dwellings (retrospective).

Approved September 2008

- 3.5 PK10/0948/F Demolition of part of barn to facilitate rebuilding and re-cladding of barn/store.
Approved June 2010
- 3.6 PK10/1909/F Demolition of part of barn store and conversion of remaining building to form 2 dwellings.
Refused October 2010

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
Objects to the application because to the best of their knowledge, the barn and adjoining paddock have always been used as an agricultural site. Most recently in conjunction with the golf course.
- 4.2 Conservation Officer
As the application fails the 10year test the application should be refused.
- 4.3 Councils Archaeologist
No comments to make
- 4.4 Councils Public Right of Way Officer
No objection
- 4.5 Councils Ecologist
No ecological constraints

Other Representations

- 4.6 Local Residents
One letter has been received from neighbours. The neighbours offer no comment in relation to the ten year test but think that the road leading to the houses should be repaired.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 One sworn statement has been received from the applicant - Mr Lawrence and K. Caddick. In this statement it is confirmed that they purchased the site in 2003 and since February 2006, have used the land as a residential garden and never for any agricultural use. The declaration confirms that since February 2006 the building has been used for the storage of furniture.
- 5.2 One sworn statement has been received from Mr Barry Preece the architect involved in many of the planning applications. Mr Preece confirms that since 2006 the store has always, when viewed, been used as a store for furniture and recreation associated with the main house at Lodge Farm. Mr. Preece also confirms that the garden to the front entrance was always well cut and had other items contained thereon such as a kids trampoline and football posts.

- 5.3 One sworn statement has been received from Sara Bowers – a former resident of Twin Gables. In the declaration Sara Bowers confirms that she used the store from October 2007 until February 2011 for the storage of her furniture. It is also confirmed the land outside the store was used by the family for recreational purposes and not as agricultural land at any time.
- 5.4 A series of photographs have also been submitted. Several of the photographs are of the inside of an unidentifiable barn.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 None Received – other than the opinion of the Parish council as set out in section 4.1 above.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the land identified within the red line has been used as residential curtilage and the building has been used for ancillary residential purposes for a period in excess of 10 years prior to the date of this application.
- 7.3 Notwithstanding the quality of the evidence submitted, the statutory declarations of Mr Lawrence & K. Caddick , and Mr Preece only attempt to prove a continuous 5-year use of the building and land. The declaration of Sara Bowers only attempts to prove a 4-year continuous use of the building and land. No attempt has been made by any party to prove a continuous ten-year use.
- 7.4 On the basis of the information submitted it appears that the use of the barn has not been solely for use ancillary to the occupation of Lodge Farm but has in fact been used for the storage of furniture by residents of other properties. This calls into question whether the barn has been used for truly residential purposes or could in fact be classed as a more generic storage use.
- 7.5 In the statutory declaration of Mr. Lawrence and K. Caddick it is confirmed that until 2006 the current owners of the golf course used the store for their machinery and golf carts – thus failing to prove the store has been used for residential purposes for a continuous ten-year period. No information is provided by any party to confirm the exact use of the rest of the land within the red line prior to 2006.

8. CONCLUSION

- 8.1 Having regard to the above, insufficient evidence has been submitted to prove that, on the balance of probability, the land subject of this application has been used as residential curtilage in association with Lodge Farm for a period

continuous 10 year period or that the store has been used for ancillary residential purposes for a continuous ten year period.

9. RECOMMENDATION

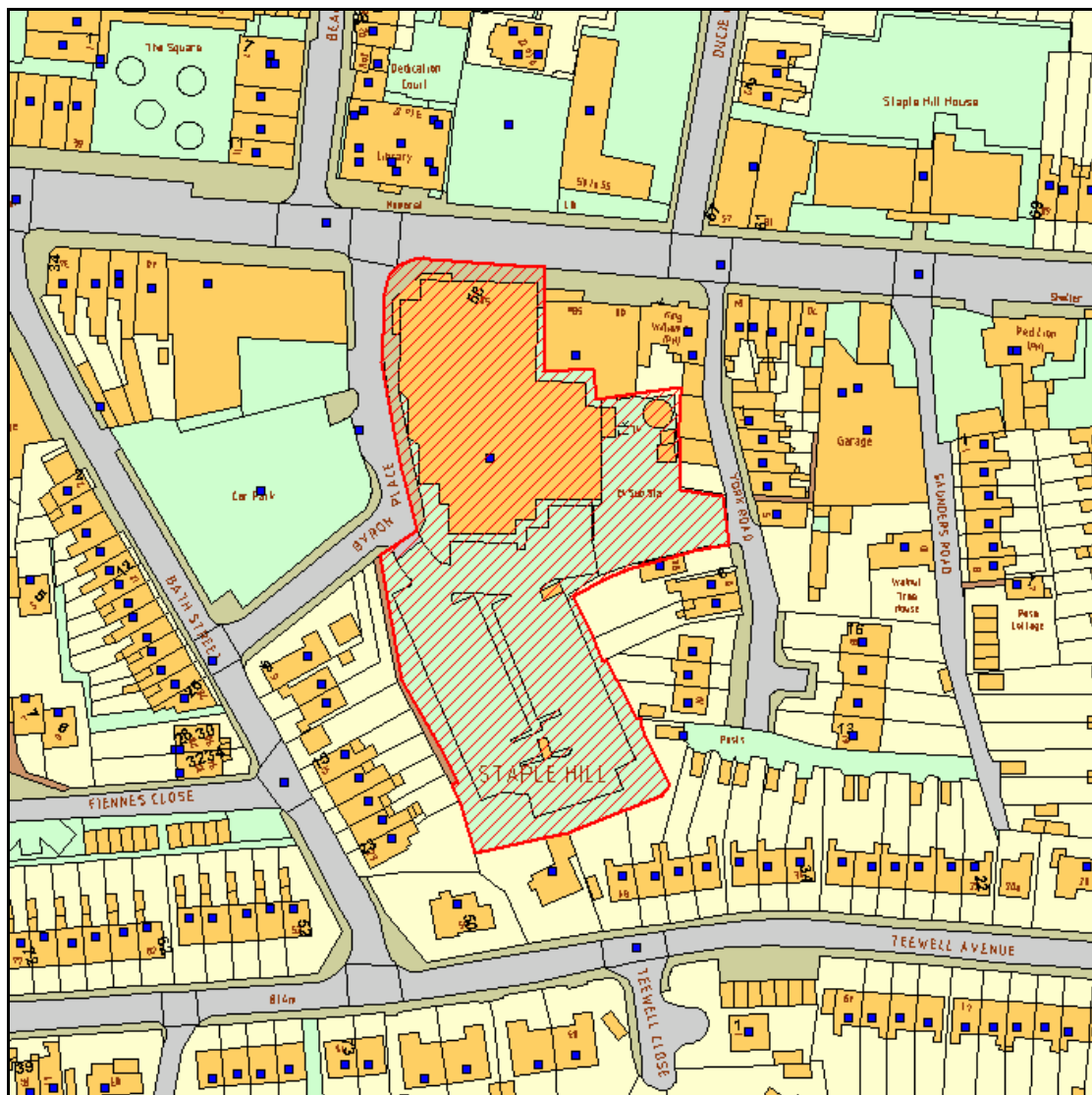
9.1 The Certificate of Existing Lawful Use be refused.

Contact Officer: Marie Bath
Tel. No. 01454 864769

ITEM 9

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1672/RVC	Applicant:	Tesco Stores Ltd
Site:	Tesco Metro 58 Broad Street Staple Hill Bristol South Gloucestershire BS16 5NP	Date Reg:	1st June 2011
Proposal:	Variation of condition 6 attached to planning permission PK11/0771/RVC to extend deliveries to the service yard to 8am to 4pm on Sundays.	Parish:	None
Map Ref:	365135 175879	Ward:	Staple Hill
Application Category:	Minor	Target Date:	21st July 2011



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100023410, 2008.

N.T.S.

PK11/1672/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Objections have been received, contrary to the officer recommendation.

1. THE PROPOSAL

1.1 This application seeks to vary condition 6 of planning permission PK11/0771/RVC which states:

Deliveries to the service yard will be limited to between the hours of 8am and 8pm Mondays to Saturdays and 8am to 1pm on Sundays, except deliveries to the side door entrance at the Southwest corner of the store which will be limited to hours of 7am to 8am Mondays to Saturdays only.

The reason for the conditions is as follows:

To protect the amenities of nearby dwelling houses and to accord with policy RT1 of the South Gloucestershire Local Plan (adopted) January 2006.

The variation sought is that the delivery times to the service yard should be until 4pm on Sundays, which would coincide with the store closing time. The reasons for the application has been indicated that the store needs greater flexibility in dealing deliveries on Sundays.

1.2 The site is an A1 foodstore fronting Broad Street, with its own car park and service yard to the rear of the building. Across the access from Broad Street stands a Somerfield foodstore. This access leads to both the Tesco car park and a public car park, which is also accessed off Bath Street. The streets to the sides and rear of the site are residential, with Broad Street itself, as a secondary retail frontage, being largely commercial.

1.3 The service yard, proposed to be used for the extended Sunday afternoon deliveries, is located behind the store and extends to the east, where it borders York Road, specifically a bungalow, No. 6A, formerly in the grounds of No. 6, which has a two metre boundary wall.

1.4 It should be noted that the Somerfield store next to the site in Broad Street is not subject to any conditions limiting delivery times. Also of relevance is the limitations imposed on noise generation from the site (50dbA by day and 40dbA by night) by condition 5 of the planning permission, which is not proposed to be amended.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS24 Noise

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
RT1 Town centre development

South Gloucestershire Core Strategy -Submission Draft (December 2010)
CS14 Town Centres and Retail

3. **RELEVANT PLANNING HISTORY**

- 3.1 P96/4214 Erection of retail foodstore (A1) with associated offices, car parking and storage Approved 1996
- 3.2 P97/4055 Variation of condition 12 of P96/4214 to allow for deliveries between 6am and 10pm Monday to Saturday Refused 1997
- 3.3 PK11/0771/RVC Variation of condition 12 attached to planning permission P96/4214 to allow deliveries to the side door entrance between 7am and 8am Monday to Saturday only. Approved

4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council
Unparished area

- 4.2 Other Consultees [including internal consultees of the Council]
Environmental Protection

I can confirm that I am happy to accept a condition limiting the number of deliveries to no more than one per hour between the hours of 1pm and 4pm on Sundays. This is in line with the information submitted in their noise report.

Sustainable Transportation

There are no highway objections to this proposal.

Other Representations

- 4.3 Local Residents/ Businesses

2 letters of objection were received citing the following concerns:

- There is already enough time to make deliveries
- Tescos cause other shops in the area to lose trade
- Property is close to the store and all deliveries are audible – any extension to delivery times is unacceptable, particularly on a Sunday

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

This application seeks to vary a condition which limits, at present, the delivery times made to the service yard. The current proposal is to allow deliveries beyond the current 1pm limit, up to 4pm on Sundays. The nearest residential properties to the service yard have been identified at 1.3 above. They are divided from the site by a tall boundary wall. This proposal stands to be assessed against policy RT1 of the adopted Local Plan, which sets criteria to be met by development proposals. Given the specific scope of this proposal, in this instance the two categories which apply are A) and D). These form the following two headings. A noise report has been submitted to accompany the application.

- 5.2 RT1 A: Would the proposal detract from the overall vitality and viability of the town centre?

This proposal is considered to have a neutral direct effect on the vitality and viability of the centre, because the store would be open no longer than at

present as a result. However, the flexibility of later deliveries on a Sunday is considered to increase the opportunity of providing fresh goods in time for Monday opening and for late shoppers on a Sunday. This is considered to be an operational benefit to the retailer, which would have a minor positive effect on the viability of the town centre as a whole, thereby according with this Local Plan policy criterion.

5.3 RT1 D: Would the proposal have unacceptable environmental or transportation effects and would it prejudice residential amenity?

With regard to the transportation effects of this proposal, no objection has been raised. It is considered that deliveries between 1pm and 4pm on Sunday afternoon would have no significant transportation impact. With regard to environmental effects, these are considered to be limited to noise generation and in order to make their case, the applicants have submitted a noise survey. This has been analysed by Environmental Protection and the consultation reply appears at 4.2 above. In line with the findings of the noise report, the Environmental Protection Officer has agreed that the extension of time limit for deliveries would be acceptable up to 4pm, but on the condition that only one delivery per hour is made over this three year period. This conclusion follows the findings of the noise survey as this demonstrates that deliveries at such a rate would not create a significant increase in noise generation. The problem with this position is however that, on Sunday afternoons deliveries would still be able to be made into the afternoon and, although unlikely in practice, the last could still occur as late as 4pm.

The recommendation below takes a different approach, which has been agreed with the applicant's agent, that the time limit for deliveries is up to 2.30pm, but that any number of deliveries can be made in that period. This guarantees the cessation of noisy activity in the service yard relatively early in a Sunday afternoon for the benefit of the neighbouring properties. It would also allow Tesco the flexibility they are seeking, primarily with late-arriving deliveries, which would otherwise have to be turned away. In terms of protecting residential amenity, this is considered to be a more practical approach, which still allows Sunday afternoons to be distinctive from other days of the week for neighbouring and nearby occupiers.

In any event, the site is bound by an overall noise condition, which would still be enforceable, so it is considered that a slightly extended cessation of deliveries is the preferred option. It is considered that the noise generated through deliveries, which would have to be below that specified in the noise condition, for an extra 90 minutes around Sunday lunchtime, would accord with this Local Plan policy criterion

5.4 Other Issues

The consultation process has brought up another issue, that of Tesco taking trade from other retail operators in the locality. While it is considered that this recommendation would only lead to a minor improvement in operational flexibility for the applicants, it is noted that it is not for the planning system to involve itself in matters pertaining to competition.

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 extended delivery times for the service yard would be marginal and ensure that existing levels of residential amenity would not be significantly affected. The proposal is considered to accord with policy RT1 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission PK11/0771/RVC is reissued with condition 6 amended as detailed above.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

1. Any planting removed, dying, being damaged or becoming diseased shall be replaced in the next planting season by specimens of a similar size and species to those originally required to be planted, unless the Local Planning Authority gives written consent to any variation.

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.

2. The parking areas designated on the approved plans shall not be used for purposes other than parking.

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. The car park hereby permitted shall be made available between the hours of 0800 to 2200.

Reason

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

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

Reason

To prevent the blocking of nearby roads in the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Noise from the premises, assessed in accordance with BS4142 1990, shall not exceed a rating levels of 50dbA by day and 40dbA by night, measured at or beyond the boundary of any residential property.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Deliveries to the service yard will be limited to between the hours of 8am and 8pm Mondays to Saturdays and 8am to 2.30pm on Sundays, except deliveries to the side door entrance at the Southwest corner of the store which will be limited to between the hours of 7am and 8am Mondays to Saturdays only.

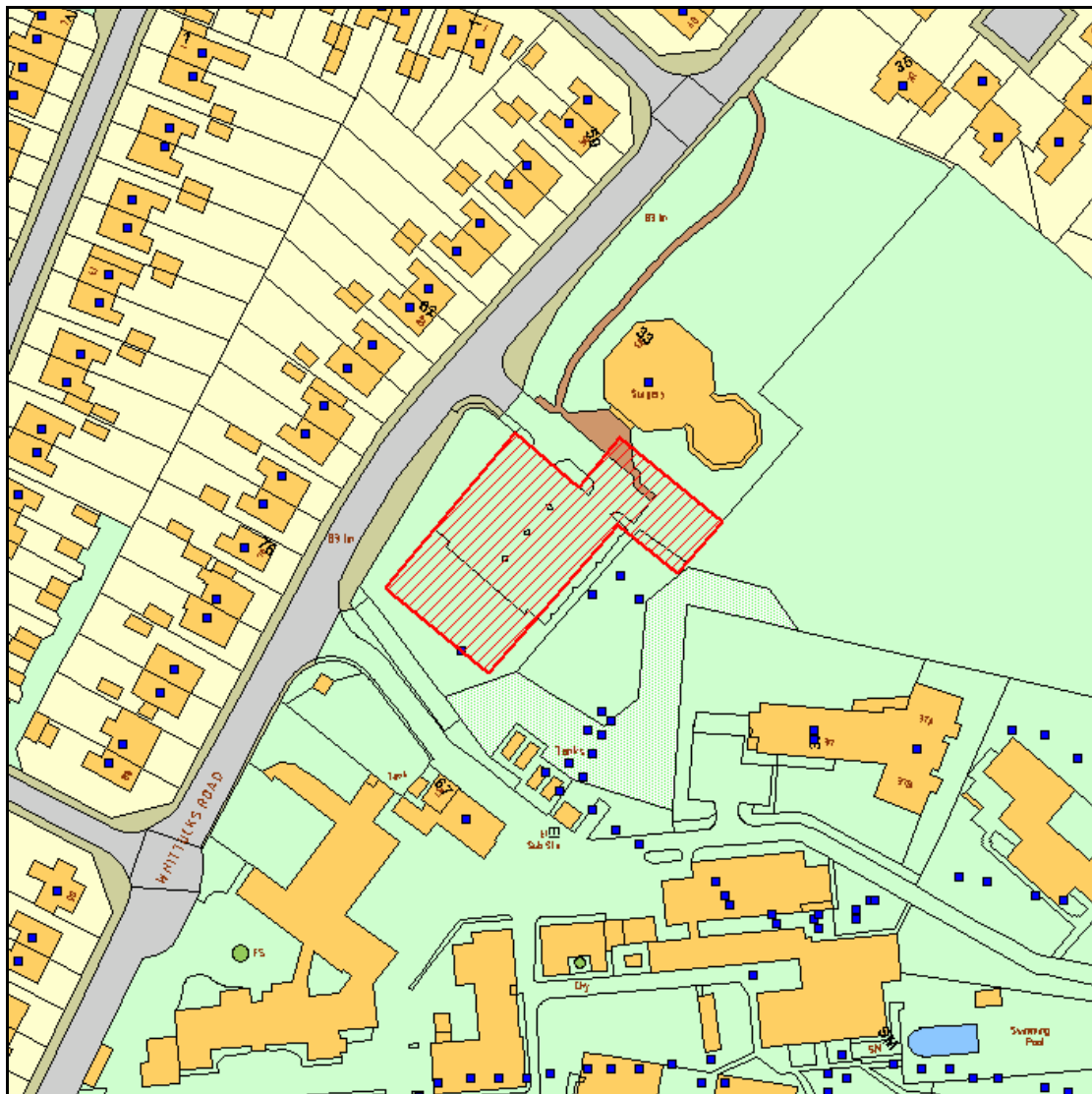
Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 10

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1758/F	Applicant:	Hanham Health
Site:	Hanham Surgery 33 Whittucks Road Hanham South Gloucestershire BS15 3HY	Date Reg:	10th June 2011
Proposal:	Erection of a new Surgery Building incorporating a retail Pharmacy unit.(Re-Submission of PK10/2095/F)	Parish:	Hanham Abbots Parish Council
Map Ref:	364509 171744	Ward:	Hanham
Application Category:	Minor	Target Date:	29th July 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

Two letters of objection were received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey building to form a surgery on the first floor and part of the ground floor, over a pharmacy. The building would be ancillary to the existing Hanham Surgery building on this site, an unusual two storey octagonal building, with a timber single storey octagonal extension. The proposed building would stand in the original surgery car park, resulting in the loss of 5 parking spaces overall of the 91 spaces currently provided. In 2010, the car park was extended to the rear to provide 42 additional car parking spaces to serve the site. The retained car parking spaces to serve the enlarged facility would amount to 86 spaces – 58 for staff and 28 for visitors.
- 1.2 The proposed building would be two storey, forming an L shape in the corner of the car park, featuring a double gable and a first floor balcony facing onto the car park. The building would be rendered, under a metal standing seam roof and panels would be picked out in pennant sandstone. Windows in the rear elevation would be limited to high level on the first floor only, due to the approved new dwellings in the Hanham Hall development which would be side on to the rear of the proposed surgery.
- 1.3 The site is situated on the largely open East side of Whittucks Road, the other side of which is characterised by semi detached two storey dwellings and street trees. To the south of the site lies the Hanham Hall hospital building, a Listed Building, around which a residential development has been approved and is under construction.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transportation
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
LC4 Proposals for Community Buildings
T8 Parking Standards
T12 Highway Safety
L1 Landscape and Trees
L13 Listed Buildings
EP1 Environmental Pollution
L17 and 18 The Water Environment
- South Gloucestershire Core Strategy -Submission Draft (December 2010)
CS1 High Quality Design
CS9 Heritage Assets
- 2.3 Supplementary Planning Guidance

Design Checklist

3. **RELEVANT PLANNING HISTORY**

- | | | | |
|-----|-------------|---|-----------|
| 3.1 | P98/4181 | Single storey extension and part of ground floor to be used as a pharmacy | Refused |
| 3.2 | PK02/1229/F | Single storey extension | Approved |
| 3.3 | PK10/2095/F | New surgery building incorporating health centre (Class D1) and Pharmacy (Class A1) | Withdrawn |

The above application was withdrawn by the applicant at officer request due to issues over its design.

4. **CONSULTATION RESPONSES**

- | | | |
|-----|---|---|
| 4.1 | <u>Hanham Abbots Parish Council</u> | No objection |
| 4.2 | <u>Other Consultees [including internal consultees of the Council] Conservation Officer</u> | No objection. The proposed building is distant enough from the Listed hospital building to prevent it having any impact on the Listed Building. |

Sustainable Transportation

The application is for a new surgery and pharmacy building that would be constructed over part of the existing car parking serving the existing doctor's surgery. The new building will affect some of the existing car parking spaces for the existing doctor's surgery, however the applicant has already provided an additional parking area on a different part of the site. The proposed pharmacy on the site would be a complementary use to the surgery and in this context it is not anticipated that the level of traffic movements would rise significantly.

The existing vehicular access to the Doctor's surgery from Whittucks Road is to remain unchanged. This access would also be used to serve the new Heath Centre/Pharmacy building. The existing access is considered acceptable for increased use.

Prior to the approval of the Hanham Hall planning application, the surgery previously provided 49 parking spaces which were not specifically allocated between staff or visitors. Under the current proposal (and following construction of the new surgery and the pharmacy), there would be a total of 86 parking spaces on site. The applicant aims to allocate 58 of these spaces for staff and the remaining 28 spaces would be allocated for visitors. In order to free up more parking for the visitors, it is recommended that the applicant submits a "travel plan" to encourage sustainable travel for staff.

Whittucks Road is on a bus route. As part of the new residential development on the Hanham Hall hospital site, a new bus lay by and bus stop would be constructed immediately south of the existing access to the surgery. A new bus stop at this location would make the surgery/ pharmacy more accessible by public transport.

In view of the above therefore, there are no highway objections subject to the following condition:

Prior to the occupation of the new building, a travel plan would be submitted for approval of the local planning authority.

Tree Officer

The proposed development should have no impact on the adjacent trees. However to ensure that the area around the tree doesn't become compacted by the storage of materials or movement of plant protective fencing should be erected either at the drip line or further away to exclude the trees from the development area. I have no objection to this application but would recommend a condition regarding the erection of protective fencing before the commencement of any site works

English Heritage

No reply received

Hanham and District Green Belt Conservation Society

No reply received

Police Community Safety

No reply received

Environmental Protection

No adverse comments

Technical Services

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

Other Representations

4.3 Local Residents

Two letters of objection were received and one general observation made, citing the following concerns:

- Effect on view, the building would screen greenery and trees
- A retail pharmacy would be included -presumably with normal opening hours – which is inappropriate in a residential road. If the pharmacy had all day Saturday opening, then Saturdays would become like weekdays
- Loss of parking spaces when there would be staff working at the unit and more visitors for the pharmacy
- Landscaping of the recently built car park has not yet been completed
- Extending the surgery is having a disastrous effect on the environment, the roads and spoiling the locality
- The staff parking requirement, at 58 spaces, is too high
- Another pharmacy in the area is not needed
- Only two disabled parking spaces are being provided
- The access to the rear of the pharmacy (for waste collection) is hampered by two parking spaces in front of it

- Concerns over manoeuvrability for vehicles in the vicinity of the pharmacy

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 issues are considered to be the design and visual impact of the proposed building, also its impact on the nearby Listed Hanham Hall hospital; the impact on parking provision for Hanham Surgery and the impact on residential amenity. The proposal will be assessed firstly against policy LC4 and then the other applicable policies.

5.2 LC4:A Site Accessibility

Policy LC4 intends to guide development to locations which can be reached by a variety of modes of transport. In this instance, the proposed building would be ancillary to, and used effectively as an extension to, the existing surgery building. Therefore it benefits from the same level of accessibility as the existing surgery. Notwithstanding this, the site is accessible not just by the motor car, but by foot and cycle as well. Bus stops are a short walk away from the site. It is considered that the proposal satisfies criterion A of policy LC4 of the adopted Local Plan.

5.3 LC4:B Impact on Residential Amenity

This part of the site is currently a car parking area, separated from the existing dwellings on Whittucks Road by the road itself, street trees in a wide verge and the remainder of the car park. It is considered that at such a distance and with the intervening trees, the proposed building would have no adverse impact on residential amenity in this direction. However, a terraced row of houses has been approved, immediately behind the site of the proposed building, but these would be side-on to the proposed pharmacy and it is considered that no harm to their residential amenity would occur as a result of this proposal. The opening hours for the pharmacy are required by condition not to exceed those of the surgery building and it is considered that this measure would encourage the pharmacy to be used generally in conjunction with the surgery. Subject to the appropriate conditions. The proposal is not considered to result in any adverse impact on existing levels of residential amenity and accords with policy LC4 B.

5.4 LC4 C and T12: Would the development have unacceptable transportation or environmental effects?

No environmental effects of this proposal have been identified. With regard to transportation concerns, the access is considered to be adequate to take further traffic which may be generated by this proposal. The pharmacy is a complimentary use to the surgery and its extension and therefore is considered to have the potential to generate few trips of its own. The ability to manoeuvre in the car park is considered to be effective, with 5.5 metres of free space as a minimum behind identified car parking spaces. There is not considered to be any particular problem with waste disposal from the pharmacy in highways terms, as this could be removed manually to a waiting vehicle and there is no particular need for a vehicle to reach the building itself.

5.5 LC4 D and T8: On Street Parking

The highway comments at 4.2 have not identified any lack of parking for the enlarged facilities in conjunction with the existing surgery on site and therefore the proposal is considered not to be likely to lead to increase on street parking. However, the very high proportion of staff car parking for the site could be reduced – thereby creating more parking spaces for visitors – through the submission of a Green Travel Plan, as required by condition below. This measure would also contribute towards the Council's policy of achieving a modal shift away from car travel. Regarding the issue raised through the consultation process over the number of disabled parking spaces, a condition below requires the identification of four further places in close proximity to the proposed surgery/ pharmacy, to meet the Council's parking standards.

5.6 LC13: Impact on Listed Building

The site is located at some distance from the Listed Building at Hanham Hall, to such an extent that the buildings would not necessarily be read together. The Conservation Officer's comments appear at 4.2 above. No objection has been raised to the proposal's impact on the nearby Listed Building at Hanham Hall.

5.7 L1: Trees and Landscape

The Tree Officer's comments appear in full at 4.2 above. The proposal is considered acceptable in terms of its impact on trees, subject to compliance with the condition shown below requiring tree protection measures.

5.8 D1: Design

The design approach taken for this building is crisp and contemporary. The space requirement has dictated a building with two elements, linked to form an 'L' shape. The junction between the two elements features reclaimed local stone, samples of which will need to be agreed, according to the condition below. This helps to tie the building to its locality, respecting local distinctiveness, and is brought back again in panels on the front elevation, helping to break up the mass of the frontage. The rest of the walls will have a white render finish. The roof is shown as grey metal and this colour is picked up again in the window frames. Given the dual function of the building, it is considered that it needs to emphasise the different entrances and make clear its function visually. In order to do this, each element of the building has its own entrance, facing the car park and the glazing is predominantly in the front elevation, where there will also be a feature balcony. The design is considered to reflect the site's location between a distinctive modern (for its time) surgery building and the Listed hospital building. It is considered that the proposal achieves this in form, scale, materials and detailing, to create a distinctive building in its own right, which accords with policy D1 of the adopted Local Plan.

5.9 Other Issues

Two other issues were raised through the consultation process. These include the point about the landscaping not having been provided for the recently extended car park area. While this is not a matter for this application, planting of landscaping should occur in the planting season, between November and

March in order for the plants to establish. If this was a condition on the application for the creation of the car park, this could still be enforceable, at the appropriate time. The other issue was the need and appropriateness of a pharmacy in this location. The pharmacy's relationship to the surgery has been examined above and need is not a relevant planning test in the case of such a facility. The fact that the pharmacy would be closer than others to a large surrounding residential population means that access by foot or bicycle to it is more convenient, which could result in less trips by car. The facility would be located within the urban area as identified on the Local Plan proposals map and therefore its location is considered to be appropriately sustainable. In any event, retail outlets are often found in residential streets and are not solely required to be located within shopping areas, according to Local Plan policies.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development would provide an extended surgery and complimentary pharmacy of an appropriate design for its setting, in a sustainable location, without causing any adverse impact on residential amenity, on street car parking, highway safety, trees and visual amenity. The proposal accord with policies LC4, T8, T12, L1 and D1 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. Prior to the commencement of development and throughout the period of works protective fencing shall be erected along the dripline of the trees with canopies

extending over the site. No building materials shall be stored or plant moved or site between the protective fencing and the trees.

Reason

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

3. The pharmacy shall not be open to the public when the main surgery on site is not open to the public.

Reason

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

4. Prior to the commencement of development a commuter 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 commuter 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.

5. Prior to the commencement of development detailed plans showing the marking out of 4 additional disabled parking spaces in accordance with the standards set out in Policy T8 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 disabled parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose. For the avoidance of doubt, the additional parking spaces would involve allocating existing spaces as for disabled use.

Reason

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

6. 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 Policies D1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1772/F	Applicant:	Mr M Iwasiuk
Site:	16 Martins Road Hanham South Gloucestershire BS15 3EW	Date Reg:	9th June 2011
Proposal:	Erection of single storey rear extension to form additional living accommodation.	Parish:	Hanham Parish Council
Map Ref:	364179 172172	Ward:	Hanham
Application Category:	Householder	Target Date:	1st August 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to concerns raised by Hanham Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey rear extension at 16 Martins Road, Hanham. The proposed extension would measure 2.3 metres wide by 4.4 metres in depth and would have an overall height to ridge of 3.7 metres.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Hanham.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- South Gloucestershire Core Strategy, submission Draft December 2010
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objections to the extension itself however the plans do not appear to conform to the application which is cause for concern. The planning application states living accommodation but the plans detail treatment room. The toilet adjoins the kitchen and the question was raised if this complies with building regulations.

Other Representations

- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The proposed extension would predominantly replace an existing rear conservatory and lean-to canopy. The extension is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling. The proposed addition is considered to be a significant improvement on the existing rear addition.

The proposed extension would be to the rear of the existing dwelling and would not be readily visible from the public realm. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

The proposed extension would predominantly replace an existing lean-to conservatory. The rear of the property is bound to the rear and south by neighbouring residential properties and is enclosed and screened by a combination of 1.8 metre high closed board fencing and trees/hedges. The building adjacent to the proposed extension has a small obscurely glazed side elevation window, this property is a veterinary clinic and is already enclosed by the existing circumstances, as such it is not considered that the proposal would have any detrimental impacts on the neighbouring properties, in terms of overshadowing or overbearing impact.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Other Issues

The proposed plans show that the proposed extension would facilitate the enlargement of the kitchen. The existing utility room, wc and part of the existing kitchen would then be converted into a treatment room. Whilst no details of the treatment room have been submitted it should be noted that if the applicant seeks to use part of the property for business purposes this would need to be assessed separately and may require planning permission in its own right.

With regard to the concern that the toilet off the kitchen would not meet building regulations, an informative would be attached to the decision notice to ensure that the applicant/agent is aware that building regulations must be complied with.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the extension would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865207

CONDITIONS

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

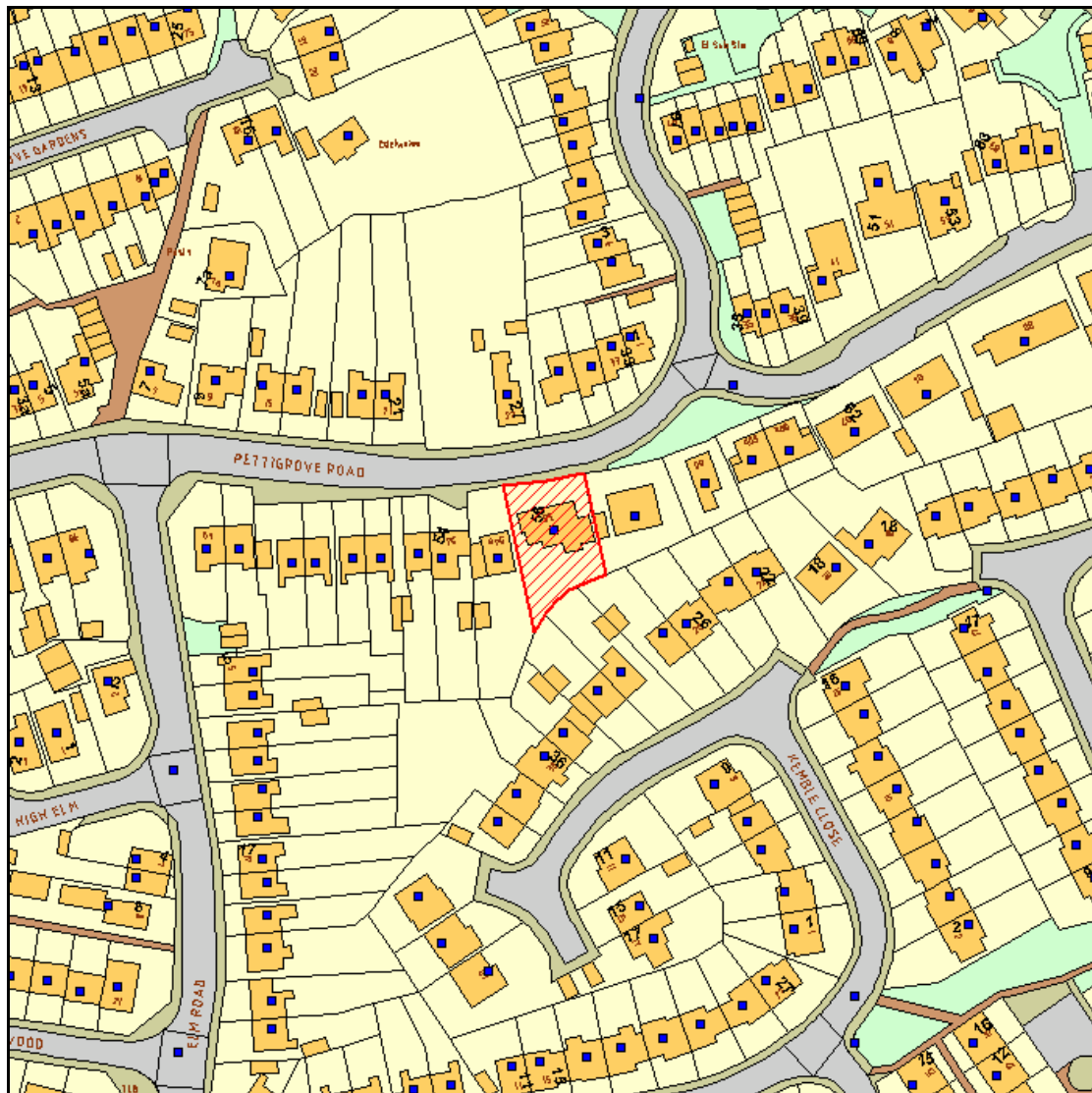
Reason

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

ITEM 12

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1780/F	Applicant:	Mrs C Atfield
Site:	56 Pettigrove Road Kingswood Bristol South Gloucestershire BS15 9SW	Date Reg:	14th June 2011
Proposal:	Erection of single storey rear extension to form additional living accommodation to include raised decking area and ramp.	Parish:	None
Map Ref:	365196 172945	Ward:	Woodstock
Application Category:	Householder	Target Date:	2nd August 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the circulated schedule due to the receipt of one letter of objection from a neighbouring property.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey rear extension at 56 Pettigrove Road, Kingswood. The proposed extension would measure 4.1 metres wide by 4.2 metres in depth and would have an overall height to ridge of 5.5 metres. In addition a pitched roof over an existing flat roof protrusion is proposed and a raised decking area and ramp to the rear and side is proposed. The decking area would measure 2.2 metres in depth from the proposed rear extension and would at its furthest point be raised approximately 700mm above ground level.
- 1.2 The property is a single storey detached dwelling and is located within a residential area of Kingswood.
- 1.3 During the course of the application amended plans were requested to reduce the scale of the proposed extension and to reduce the depth of the proposed decking. Amended plans have been received reducing the decking but the applicant wishes for the extension to remain as initially proposed.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

South Gloucestershire Core Strategy, submission Draft December 2010
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Site falls outside of any parish boundaries.

Other Representations

4.2 Local Residents

One letter of objection has been received from a local resident raising the following concerns:

- Loss of light to kitchen and dining room areas
- Peak roofs will overshadow property
- Believe there are clauses written into the deeds stating that no. 56 could not be extended to the right hand side.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design / Visual Amenity

The application dwelling is single storey from the front but given the gradient of the land the property is two storeys high at the furthest rear projection. The proposed extension would predominantly replace an existing wood clad garden room, furthermore, the introduction of a pitched roof over the existing flat roof protrusion would result in a positive improvement on the existing situation in terms of visual appearance.

The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. It is considered that the proposal is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

Steps from the rear extension would lead down on to the decking area. The proposed decking has been reduced in scale and is considered to be of a design in keeping with the dwelling house. The proposal would be to the rear of the existing dwelling and would not be visible from the road. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

The rear of the property is bound on all sides by neighbouring residential properties and is enclosed and screened by 1.8 metre high closed board fencing along the western boundary with No. 54a Pettigrove Road. The proposed extension would predominantly replace an existing flat roof garden room but would extend 4 metres in depth to match the existing rear protrusion and would be in line with the side elevation of the main dwelling house. The

resultant proposal would be 1.7 metres away from the boundary with the nearest neighbouring property No. 54a Pettigrove Road and the proposal would incorporate a hipped roof that slopes away from this property.

Concern has been raised by the neighbouring property that the proposal would result in loss of light and would overshadow their property. No. 54a does have a kitchen door and a dining room window that face the application site, however, these rooms are both served by additional windows. Furthermore, given the orientation of the application site, to the east of the neighbouring of the dwelling, it is not considered that the proposal would result in any significant loss of sunlight over and above the existing circumstances. Whilst it is accepted that the proposal is closer to the neighbouring dwelling than the existing extension and that the proposal would include a hipped roof rather than the existing flat roof, given that the proposal would be located 1.7 metres away from the boundary with No. 54a, in combination with the fact that the roof would hip away from this neighbouring dwelling, it is not considered that the proposed extension would have a significant impact on the neighbouring property over and above the existing circumstances. As such it is not considered that a refusal reason based on overshadowing or overbearing could be justified or substantiated at appeal.

No windows are proposed in the side elevation of the proposal, furthermore, the proposed decking has been reduced in scale and is now considered to be modest in area. The proposed decking would be 700mm higher than the existing ground level at its furthest most point. However the proposed decking would only extend alongside the side elevation of the neighbouring dwelling and is significantly set back from the rear elevation and rear conservatory of this property. Given the width of the decking it is unlikely that there is room for sitting out on this area, it would just be used for access, as such it is not considered that this aspect of the proposal would result in any significant loss of privacy or inter-visibility. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extension and decking are of an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. Furthermore the proposal is not considered to harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That the application be approved subject to the conditions outlined below.

Contact Officer: Kirstie Henshaw

Tel. No. 01454 865207

CONDITIONS

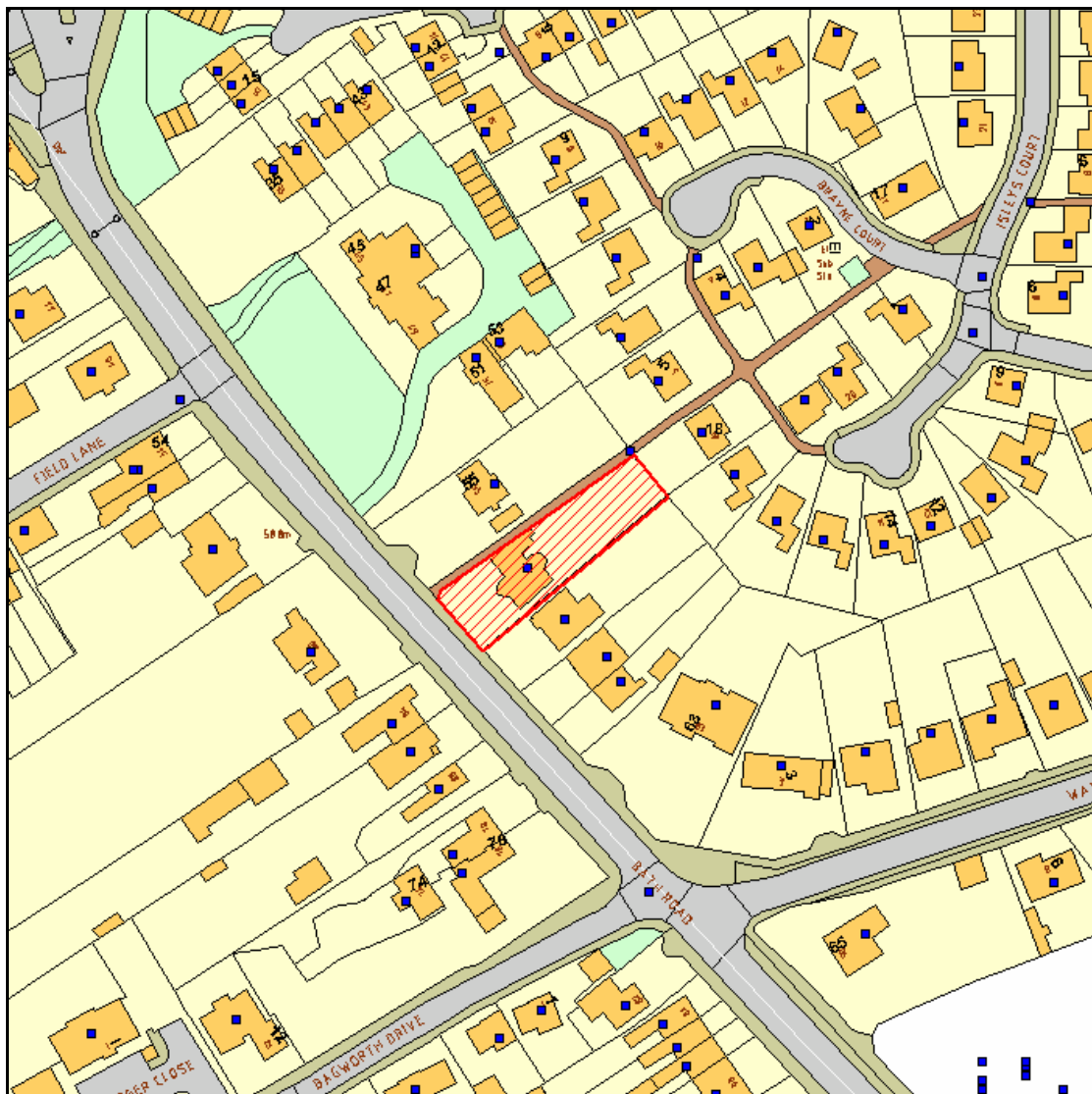
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1848/F	Applicant:	Mr A Gulliford
Site:	57 Bath Road Longwell Green Bristol South Gloucestershire BS30 9DQ	Date Reg:	15th June 2011
Proposal:	Erection of two storey and single storey side extension to form garage and additional living accommodation	Parish:	Oldland Parish Council
Map Ref:	365621 171317	Ward:	Longwell Green
Application Category:	Householder	Target Date:	4th August 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the receipt of one letter of objection from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a two storey side and rear extension and a single storey rear extension at 57 Bath Road, Longwell Green. The proposed extensions would measure a maximum of 4.1 metres wide by 17 metres in depth and would have an overall height to ridge of 8.8 metres. The two storey element of the proposal would extend 3 metres beyond the rear elevation of the dwelling and the single storey extension would extend a further 3.5 metres.
- 1.2 The property is a two storey detached dwelling and is located within a residential area of Longwell Green.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards

South Gloucestershire Core Strategy, submission Draft December 2010
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No response received.
- 4.2 Public Rights of Way
No objections.

Other Representations

4.3 Local Residents

One letter of objection has been received from a local residents raising the following concerns:

- Request that all windows facing their property are obscure glass
- The neighbouring properties extension built 8 years ago was restricted to that rule.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The proposal is large and has a significant rear projection, however given the scale of the application property and the fact that the proposal would have a lower ridge height and is set back from the main front elevation, it is considered that the proposal would appear suitably subservient to the main dwelling. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

It is accepted that the proposed extension in large, however, the two storey element only projects a minimal distance beyond the existing rear elevation and the single storey element is considered modest in scale and simple in design. Overall the proposal is considered to be in keeping with the scale of the existing dwelling and the resultant building would remain well proportioned. The surrounding properties are of various size and design and the single storey rear extension would be partially screened by the existing high boundary wall, as such it is considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

The proposed extension would be adjacent to an existing public footpath, as such the nearest neighbouring property, No. 55 Bath Road is located approximately 2 metres away. Whilst the two storey element of the proposal is quite large measuring 11 metres in depth, the elevation is staggered and would have a roof that hips away from the neighbouring property. The single storey rear extension would extend a further 3.5 metres, this element of the proposal would have a height to ridge of 4 metres. Given the location of the proposal adjacent to the public footpath and given the existing high boundary walls already in place, it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings.

The proposal includes the addition of four new first floor windows, one on the rear elevation and one on the front elevation, both of which serving bedrooms and two bathroom windows on the side elevation. Given the location of these windows, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy over and above that from the existing first floor windows. Concern has been raised by a neighbouring resident that the side elevation windows should be obscurely glazed. Both the first floor side elevation windows serve non habitable rooms, furthermore there are no side elevation windows in the neighbouring property, No. 55 Bath Road, therefore there are no concerns regarding loss of privacy or inter-visibility. Given that the windows serve bathrooms it is expected that these will be obscurely glazed.

Overall, it is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Public Rights of Way

The proposal has been assessed by the Councils public Rights of Way Officer and it is considered that the development may affect the nearest recorded public footpath, reference POL20/10, which runs adjacent to the area outlined on the application. There are no objections to the proposal subject to an informative being attached to any permission ensuring the applicant/agent is aware of the public right of way.

5.5 Parking and Highway Safety

The application property benefits from a large driveway, as such it is considered that the parking provision would remain in compliance and within the Councils required parking standards.

5.6 Other Issues

The proposal includes the addition of a new front entrance door which would give direct access to a new first floor bedroom, whilst this is unusual in design it is not considered to be of sufficient concern to warrant the refusal of the application. Given the proposed access, it is apparent that the proposal could be easily be converted into self-contained living accommodation, this conversion would require planning permission in its own right, however for the avoidance of doubt, an informative would be attached to any permission to ensure that the applicant is aware of this.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Furthermore the extension is not considered to harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact and the parking

provision would remain in compliance with Policy T8. As such the proposal accords with Policies D1, T8 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

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

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865207

CONDITIONS

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

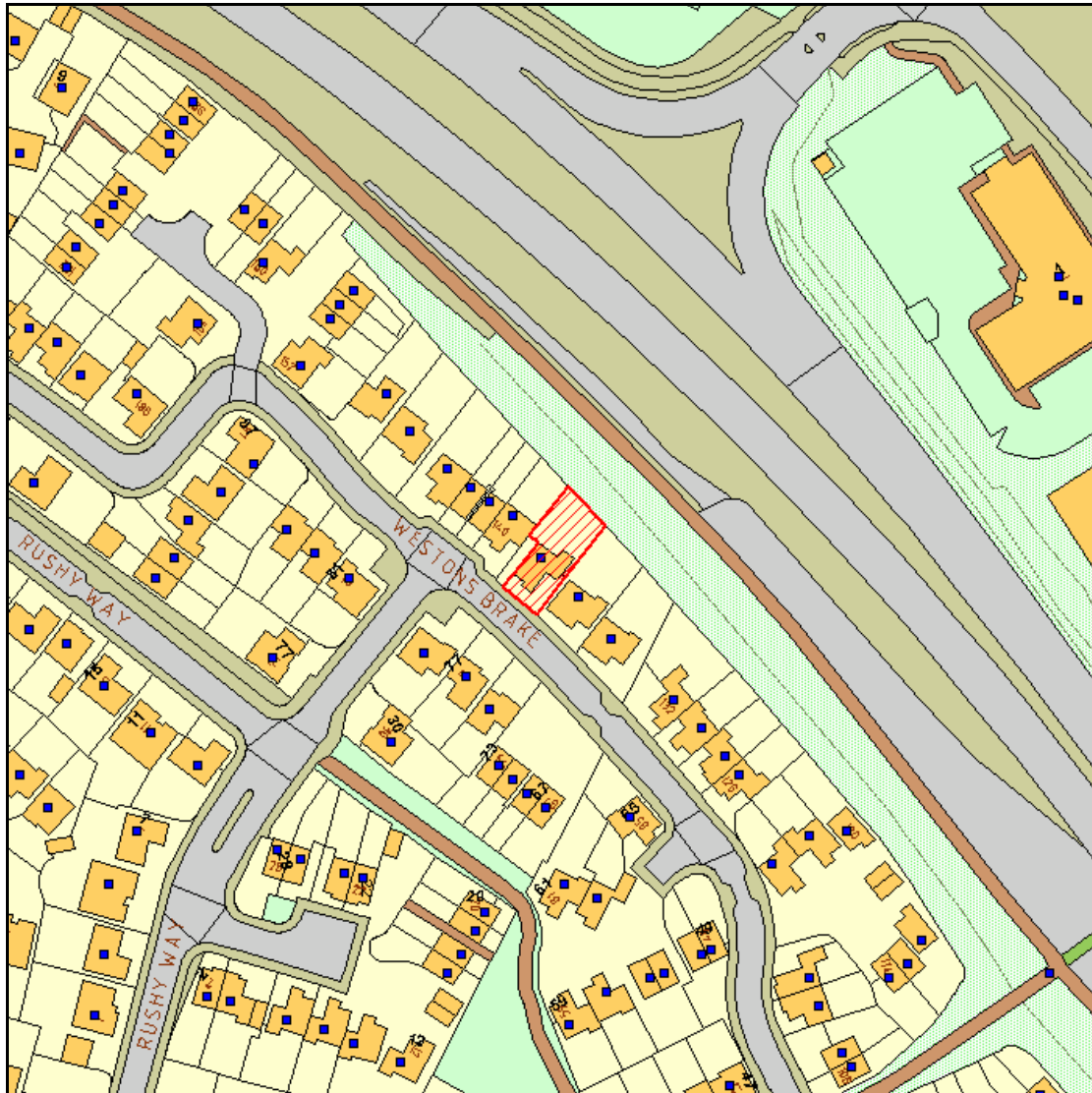
Reason

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

ITEM 14

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1895/F	Applicant:	Mr M Lincoln
Site:	138 Westons Brake Downend Bristol South Gloucestershire BS16 7EQ	Date Reg:	17th June 2011
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366295 178421	Ward:	Emersons Green
Application Category:	Householder	Target Date:	9th August 2011



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PK11/1895/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

An objection has been received contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side extension to a two storey brick and tile detached house in a straight road in Emerson's Green. The houses in the street are semis and detached and are not perfectly aligned. Therefore, although the street scene is generally regular, the dwelling on site stands slightly behind its neighbour, No. 136, but in front of No. 140.
- 1.2 The house on site has an attached side garage and utility room on its eastern elevation at present, projecting slightly beyond its rear building line. No. 136, facing this elevation has a blank side elevation. The proposal is to build over this and the two storey element would bring the extension forward, but still behind the front building line. The extension would include a replacement garage/store (although at a depth of only 3 metres this would not be adequate for a car) and create a dining room element of an enlarged kitchen/diner in the position of the current garage. Two additional bedrooms would be formed on the first floor. All windows in the extension would face front or rear.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 House Extensions

South Gloucestershire Core Strategy -Submission Draft (December 2010)
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0610/F Rear conservatory - Approved

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No reply received.
- 4.2 Other Consultees [including internal consultees of the Council]
None

Other Representations

4.3 Local Residents

One objection has been received on the grounds of lack of parking. The existing parking space on the driveway is small and the garage would be lost under this proposal as it is too small to be used for a car. There is already a high degree of on street parking in the vicinity.

One letter of support for the scheme was also received, stating that the proposal minimised any impact on neighbouring occupiers and that there is ample parking in the vicinity.

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 issues to be resolved are the impact of the proposal on visual amenity and residential amenity.

5.2 Visual Amenity/ Design

The proposed extension has been designed to take a subservient relationship to the host dwelling in terms of scale – being narrower and lower at ridge height, while matching the existing roof slope. The design is considered to be well-proportioned and unobtrusive, in its reserved position in relation to the host dwelling. The plans and forms do not specify that the materials to be used would match those of the host dwelling, so that has been required by condition as shown below. Subject to this, the proposal is considered to respect local distinctiveness and accord with policy D1 and the relevant part of policy H4 of the adopted Local Plan.

5.3 Residential Amenity

The proposed extension would be attached to the side elevation, where the bulk of it would face the blank side elevation of the neighbouring property to the east. It is considered that there would be no impact on residential amenity through this part of the proposal. The rear building line of the house on site is set slightly beyond that of the neighbour and there the existing utility room to the rear of the garage on site extends to a maximum of 5 metres beyond that neighbouring rear building line. This is offset by a two metre gap between the dwellings. The proposal is to build over this utility room, extending this effect into a second storey. At such a distance and offset to such a degree, between the two detached houses, it is considered that there would be no overbearing impact created by the proposal. In order to prevent any future overlooking, while windows are proposed only in the rear elevation at present, a condition has been appended below to ensure that no windows are inserted into the eastern elevation. Subject to this, it is considered that the proposal would have no adverse impact on existing levels of residential amenity enjoyed by the neighbouring property and that the proposal accords with policy H4 of the adopted Local Plan.

5.4 Parking

The consultation process has raised the issue of parking spaces in regard to this proposal. Although the garage/ store could only practically be used for the latter purpose, the site still offers one car parking space, in front of the garage/store and this meets the Council's current minimum parking standards set out in policy T8 of the adopted Local Plan.

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 would provide enlarged family accommodation, without compromising visual amenity, existing standards of residential amenity, as well as maintaining the maximum parking standards as set in policies D1, H4 and T8 of the adopted South Gloucestershire Local Plan.
- 6.3 The recommendation to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is approved, subject to conditions as 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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the eastern elevation of the extension hereby approved.

Reason

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

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

Reason

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

ITEM 15

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1898/TRE	Applicant:	Ms Laura Sears
Site:	42 Wadham Grove Emersons Green Bristol South Gloucestershire BS16 7DW	Date Reg:	17th June 2011
Proposal:	Works to pollard 4 no. Polar trees by 4 metres covered by South Gloucestershire Council Tree Preservation Order (Emersons Green) dated 29th July 1971.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366860 176105	Ward:	Emersons Green
Application Category:		Target Date:	9th August 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to a comment made by Mangotsfield Rural Parish Council and a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks permission for works to pollard 4 no Poplar trees by 4 metres covered by South Gloucestershire Council Tree Preservation Order (Emersons Green) dated 29th July 1971.
- 1.2 The trees are part of a row of mature Poplar trees situated in the residential area of Emersons Green.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement

South Gloucestershire Core Strategy Pre-submission Publication Draft (March 2010)

CS9 Environmental Resources and Built Heritage

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------|---|
| 3.1 | PK10/2387/TRE | Works to 4 no Poplar trees to reduce crown and remove overhanging branches, covered by TPO KTPO 03/91 dated 21 st July 1991 |
| | Approved | 17 th May 2011 |
| 3.2 | PK11/1191/TRE | Works to reduce crown on 2 no. Poplar trees by 30% and fell 2 no. Poplar trees covered by Kingswood Tree Preservation Order 330 (Emersons Green) dated 29 th July 1991 |
| | Refused | 8 th June 2011 |

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council

The Parish council commented that they recommended that the trees be reduction in size to the original pollarded height.

4.2 Other Consultees [including internal consultees of the Council]

Tree Officer

No objections

Other Representations

4.3 Local Residents

One letter of support for the proposal has been received:

We would like to support the comment made by Mangotsfield Parish Council, i.e. for the trees to be pollarded at the height that they were originally pollarded.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 The trees are growing in a row of mature Poplar trees standing approximately 20 metres tall. They have been pollarded in the past to approximately 4 metres. Once a tree is pollarded the re-growth originates from the edges of the main stem with a poor union to the stem making it liable to wind damage or large limbs snapping out. Poplar is a relatively fast growing tree which makes the wood weaker and the branches more susceptible to wind damage or failure. The re-growth on the Poplars has become very large and is now above the rooflines of the nearby houses and will consequently be affected by wind. to the rear and side of residential properties within Emersons Green. The trees have been pollarded in the past

5.3 The proposal is to pollard to the initial pollard point of 4 metres. Re-pollarding the trees will remove the majority of visual impact the trees offer to the area but it is considered that as the trees have been previously pollarded this can be regarded as ongoing arboricultural management.

5.4 The Council's Tree Officer has assessed the site and in consequence offers no objections to the proposed works.

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 work is considered to be part on an ongoing process of good arboricultural management. The proposal therefore is considered to be in accordance with and comply with Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions written on the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted (or other appropriate timescale).

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: 2010 - 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.

ITEM 16

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1937/TCA	Applicant:	Mr S Turner
Site:	Manor House Farm Wick Lane Upton Cheyney Bristol South Gloucestershire	Date Reg:	17th June 2011
Proposal:	Works to reduce crown by 25% of 1 no. Yew tree , fell 1no. Sycamore tree and fell 1 no Plum tree situated within the Upton Cheyney Conservation area.	Parish:	Bitton Parish Council
Map Ref:	369347 170151	Ward:	Bitton
Application Category:		Target Date:	27th July 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to an objection raised by a local resident.

1. THE PROPOSAL

1.1 The application seeks consent to carry out works to 3no. trees growing within the grounds of Manor House Farm, Upton Cheyney, which is located within the Upton Cheyney Conservation Area. The proposed works include a crown reduction by 25% of 1no. Yew Tree and the felling of 1no. Sycamore Tree and 1no. Plum 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 Protection and Enhancement
L12 Conservation Areas

South Gloucestershire Core Strategy, submission Publication December 2010
CS9 Environmental Resources and Built Heritage

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council
No objections

Other Representations

4.2 Local Residents
One letter of objection has been received from a local resident raising the following concerns:

- This time of year is bird nesting season
- Wildlife and Countryside Act 1981 states that wild birds are protected by law.
- Expect the applicant and council to abide by these laws

5. ANALYSIS OF PROPOSAL

5.1 The trees are growing within the grounds of Manor House Farm, and the lane adjacent to the chapel. The Yew tree is growing very close to the house, it is considered that the proposed works will retain the tree as a valuable landscape feature in scale with its position.

The Sycamore is growing in an access track adjacent to the farm and the chapel very close to the chapel boundary wall. It has limited visual amenity and if allowed to grow will damage the boundary wall and block the access lane. The Plum tree is also growing in the lane and is considered to be a poor specimen. Neither of these trees are worthy of a Tree Preservation Orders, as such there are no objections to the proposed works.

- 5.2 With regard to the concern raised, a note would be attached to any decision to ensure that the applicant is aware of the wildlife and countryside act and the importance of avoiding works to trees and vegetation between 1st March and 31st August and that care should be taken outside these periods.

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

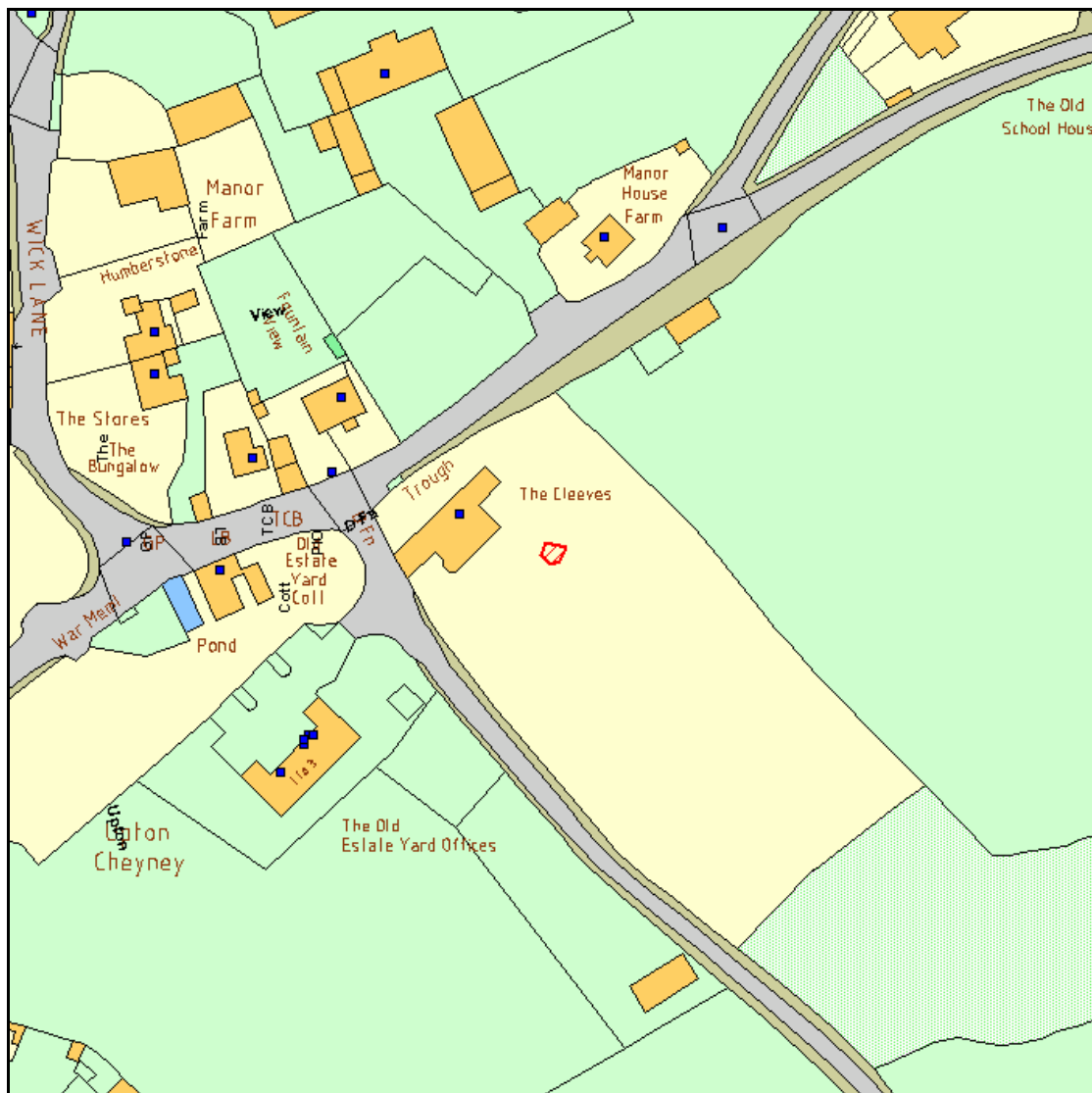
- 7.1 No objections

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865207

ITEM 17

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PK11/1941/TCA	Applicant:	Mrs Catharine Palmer
Site:	The Cleeves North Stoke Lane Upton Cheyney Bristol South Gloucestershire	Date Reg:	17th June 2011
Proposal:	Works to fell 1 no. Eucalyptus tree situated within the Upton Cheyney Conservation Area	Parish:	Bitton Parish Council
Map Ref:	369344 169923	Ward:	Bitton
Application Category:		Target Date:	28th July 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of one letter of objection from a local resident.

1. THE PROPOSAL

1.1 The application seeks consent to carry out works to remove one Eucalyptus tree growing in the garden of The Cleeves, Upton Cheyney. The tree is growing in close proximity to the garage.

1.2 The application states that the tree is to be removed as it is dying.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement

L12 Conservation Areas

3. RELEVANT PLANNING HISTORY

3.1 None Relevant

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council
No objection

Other Representations

4.2 Local Residents
One letter has been received from a local resident who objects to the application at this time of year when it is bird nesting season as per the Wildlife and Countryside Act of 1981. The objector expects the Council and the applicant to comply with the law.

5. ANALYSIS OF PROPOSAL

5.1 The tree is a non-native species offering little visual amenity to the area. The tree does appear to be dead or dying. The tree would not fulfil the criteria for a Tree Preservation Order and therefore there is no objection to its removal. A note will be placed on the decision notice reminding the applicant of their obligation to protect nesting birds.

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 raise no objection 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 No objection

Contact Officer: Marie Bath
Tel. No. 01454 864769

ITEM 18

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PT11/0575/F	Applicant:	Mr R Hetherington
Site:	Sun Life Sports Club Berwick Drive Almondsbury South Gloucestershire	Date Reg:	21st April 2011
Proposal:	Installation of 4 no. floodlights on 18m galvanised poles to existing football pitch and erection of covered stand for spectators to accommodate seating, standing and disabled area.	Parish:	Almondsbury Parish Council
Map Ref:	356639 179945	Ward:	Patchway
Application Category:	Minor	Target Date:	13th June 2011



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100023410, 2008. **N.T.S.** **PT11/0575/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The applicant seeks planning permission for the following developments:

- Installation of 4no. floodlights on 18m galvanised poles to existing football pitch.
- Erection of covered stand for spectators to accommodating seating, standing and disabled area. The stand would be tiered and would provide a seating capacity of 50 seats and 3 wheelchair places.

1.2 The application site relates to an existing football pitch at the Sun Life Sports Club. The site lies outside the Bristol urban area and is designated as Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

PPS1:	Delivering Sustainable Development
PPG2:	Green Belts
PPG13:	Transport
PPG17:	Planning for open space, sport and recreation

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1:	Achieving Good Quality Design In New Development
L1:	Landscape Protection and Enhancement
GB1:	Development within the Green Belt
T12:	Transportation Development Control Policy for New Development
LC5:	Proposals for Outdoor Sports and Recreation Outside the Urban Area

2.3 Emerging Plans

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1:	High Quality Design
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2.4 Supplementary Planning Guidance

	South Gloucestershire Design Checklist SPD (Adopted) 2007
	South Gloucestershire Development in the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P90/1649 Erection of 4 no. Floodlights (3 no. 1500W. Tungsten halogen floodlights on 8 metre columns) to illuminate training area (in accordance with additional plans received by the council on the 9TH of august 1990)
Approved 12.09.1990.
- 3.2 N2218/2 Erection of ten flood-lighting columns (approximately 8 m. in height).
Approved 26.04.1979.
- 3.3 N2218/1 Erection of sports pavilion incorporating changing areas and ancillary accommodation with clubroom, lounge bar, skittle alley, kitchen/bar area and two bedroom flat over. Construction of new vehicular and pedestrian access, laying out of car parking area. Erection of equipment store.
Approved 03.02.1977
- 3.4 N2218 Use of approx. 15.6 acres (6.27 hectares) of land as a sports ground. Erection of pavilion. Construction of new vehicular and pedestrian access. (Outline).
Approved 14.07.1976.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council
No objection.

4.2 Bristol City Council
No objection, subject to the following condition:

"Light produced by reason of this development shall not exceed a Lux level of 5 vertical luminance and 7500cu intensity as calculated at the windows of any nearby residential property.

Reason: In order to prevent unacceptable levels of light pollution to surrounding residential properties."

4.3 Highways Authority
No objection.

4.4 Sport England
The proposed development would result in an improved level of sport and recreation provision in the area, and Sport England would therefore wish to lend its support in principle to this planning application.

4.5 SGC Street Lighting
No objection.

4.6 SGC Landscape Officer

No objection subject to tree protection for adjacent hedgerow.

4.7 Local Residents

One letter has been received from a local resident. The main comments are summarised below:

- a) The floodlights may be dazzlingly intrusive.
- b) No objection to the drainage.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

There is a general presumption against inappropriate development which would harm the openness of the Green Belt. However, PPG2 – ‘Green Belts’ and Policy GB1 of the South Gloucestershire Local Plan makes provision for ‘essential facilities for outdoor sport and recreation’ which are genuinely required for uses of land that preserve the openness of the Green Belt and do not conflict with its purposes. Possible examples of such facilities would include small scale changing rooms or unobtrusive spectator accommodation for outdoor sport.

5.2 Furthermore, the development shall be tested against the criteria of Policy LC5 of the South Gloucestershire Local Plan. This policy gives provision for development, expansion or improvement of outdoor sports and recreation outside the existing urban area and defined settlement boundaries.

5.3 Green Belt

The main issues to address in the determination of this application are:

1. Would the proposed floodlights and covered stand would constitute an ‘essential’ facility for outdoor sport and recreation’?
2. Would the proposed development harm the openness of the Green Belt?

Essential facility?

5.4 The applicant has provided the FA (Football Association) requirements for their league this has confirmed that for the club to gain promotion they must have floodlighting and a covered seating accommodation for at least 50 people. Furthermore Sport England supports the principle of the development and has confirmed that the floodlight and covered seating would result in an improved level of sport and recreation provision in the area. Officers are therefore satisfied that the floodlighting and spectator accommodation is proportionate to the use of the site and is genuinely required for the use of the land for as a football pitch for semi-professional football club. It is therefore concluded that the proposed development would be an appropriate form of development within the Green Belt.

Impact on Openness

- 5.5 It is noted that the site is generally open and the proposals would be visible from the approach along Cribbs Causeway Road and railway bridge. Notwithstanding this, the development is of a limited scale, it is proportionate to the use of the site, and is typical of type of development you would expect at a sports complex. On this basis, it is concluded that the proposed development would not materially harm the openness of the Green Belt.
- 5.6 Visual Amenity
The proposed floodlighting and covered seating area would provide a suitable design and would respect the overall character of the sports complex. Notwithstanding this, it is considered that the proposed stand and its seat should be coloured green to ensure that the development sits well within the landscape. This shall be secured via condition.
- 5.7 Trees
The proposed stand would be situated within close proximity to a mature hedgerow. It is recommended that a condition be attached to ensure that a scheme of tree protection is submitted and approved prior to the commencement of development.
- 5.8 Residential Amenity
The proposed floodlight would be positioned around an existing football pitch. Approximately 140m to the south of the site are a rank of dwellings along Meadowland Road. The proposed floodlighting would be visible from these dwellings and therefore the impact of the light upon residential amenity is a key material consideration.
- 5.9 The Council's Street Lighting expert has considered the proposal and they have confirmed that the applicant has designed the scheme so the obtrusive light would be kept to the minimum possible and accords to ILE's guidance. Furthermore it is recommended that a condition be attached to ensure that the floodlighting is only used between the hours of 18.00 until 22.15 (Mon to Friday) and 15.00 until 18.00 (Sat).
- 5.10 Finally the adjacent dwellings are situated within the Bristol City Council authority boundary. Therefore they have requested that a condition be attached to ensure Light produced by reason of this development shall not exceed a Lux level of 5 vertical luminance and 7500cu intensity as calculated at the windows of any nearby residential property. It is considered that this condition is reasonable to protect the amenities of the nearby occupiers.
- 5.11 Transportation
The Councils Transportation Officer has been consulted and has raised no objection. The proposal would arguably intensify the use of the ground. Nevertheless, the proposed seated area would be relatively small and therefore given the level of development no transportation objection would be raised.

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.
- a) The proposed development would constitute a proposal for the improvement of outdoor recreation and therefore the principle of the development would accord with Policy LC5 of the South Gloucestershire Local Plan (adopted) January 2006.
 - b) The proposed development would constitute an essential facility for outdoor sport and recreation and would not materially harm the openness of the Green Belt. The proposed development would accord with Policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.
 - c) The proposed development would not materially have the visual amenity of the site and surrounding area. The proposed development would accord with policies D1 and L1 of the South Gloucestershire Local Plan (adopted) January 2006.
 - d) The proposed development would not the residential amenity of nearby occupiers. The proposed development would accord with policy LC5 of the South Gloucestershire Local Plan (adopted) January 2006.
 - e) The proposed development would not give rise to unacceptable transportation effects. The proposed development would accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. The floodlighting hereby approved shall only be used between the hours of:

- Mon to Fri 18.00 until 22.15
- Sat 15.00 until 18.00

Reason

To protect the residential amenities of nearby neighbouring occupiers and to accord with Policy LC5 of the South Gloucestershire Local Plan (adopted) January 2006.

3. Light produced by reason of this development shall not exceed a Lux level of 5 vertical luminance and 7500cu intensity as calculated at the windows of any nearby residential property.

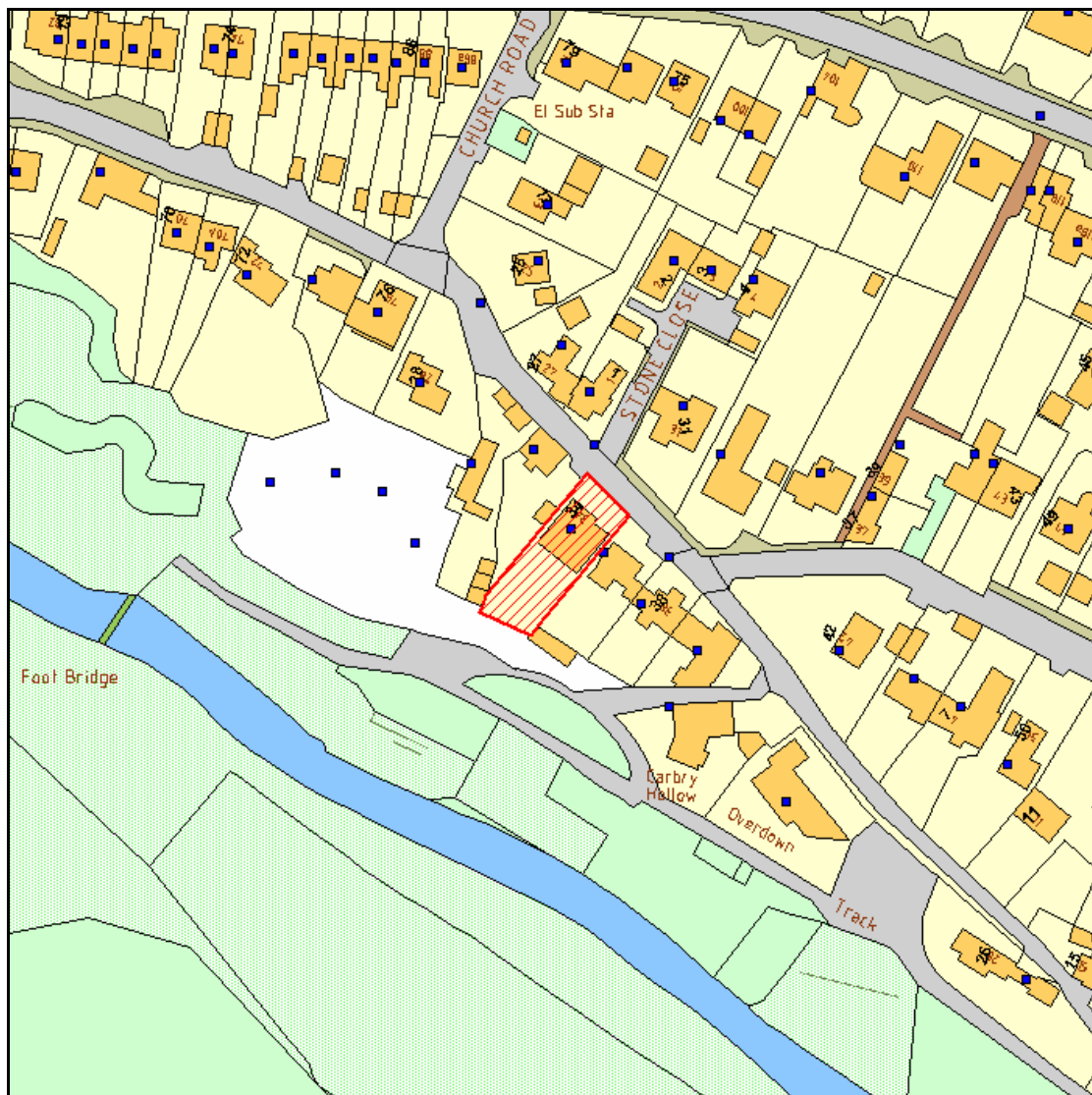
Reason

To protect the residential amenities of nearby neighbouring occupiers and to accord with Policy LC5 of the South Gloucestershire Local Plan (adopted) January 2006.

ITEM 19

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PT11/1472/F	Applicant:	Mr And Mrs B Dowling
Site:	34 Stone Lane Winterbourne Down Bristol South Gloucestershire BS36 1DQ	Date Reg:	9th June 2011
Proposal:	Construction of 2m x 4m rear balcony (Retrospective)	Parish:	Winterbourne Parish Council
Map Ref:	365410 179521	Ward:	Winterbourne
Application Category:	Householder	Target Date:	29th July 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full retrospective planning permission for the erection of a first floor rear balcony.
- 1.2 This is a detached dwelling located within the defined settlement boundary of Winterbourne Down. The balcony is already in situ to the rear of the property and materials consist of wood decking and steel framework.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
H4	Development within Existing Residential Curtilage
T12	Transportation Development Control Policy for New Development

Emerging Development Plan

Core Strategy Proposed Changes Version (December 2010)

CS1	High Quality Design
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2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/2362/F – Demolition of existing dwelling to facilitate the erection of 1 no. detached dwelling with associated works. Approved 10/10/2008.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection: The Committee believe that the balcony is obtrusive and was not included on the original plans. This affects the privacy of the neighbouring property.

Other Representations

4.2 Local Residents

Two letters of objection were received raising the following concerns:

- Advice was given by a planning officer that a proposed balcony at another nearby property was not deemed acceptable
- Overlooking of gardens, houses and footpaths
- Loss of privacy
- Balcony was removed from proposal when house was granted permission in 2008

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Residential Amenity

Overbearing Analysis

Due to the overall scale and size of the proposed development the balcony would not be overbearing on the residential amenity of neighbouring occupiers nor would it lead to any undue loss of light.

Privacy Analysis

The property was given permission under planning application PT08/2362/F. Originally a large balcony was proposed to the rear of the 'third' storey and this was omitted following Officer's concerns regarding design. A smaller balcony was however allowed at ground floor level with steps leading down to the rear garden. The balcony that has been built has no steps and is slightly wider and deeper than the one given consent for. Given the nature and use of a balcony, there would be some overlooking into the rear gardens either side of the property. However, due to low boundary treatment and the existing French windows on the rear elevation wall at first floor level there is a fairly significant existing level of overlooking. The nearest habitable room windows in neighbouring properties are all a minimum of 25 metres away which is considered a satisfactory distance to protect neighbouring occupiers from any undue loss of privacy. Overall, it is not considered the development would dramatically increase the level of overlooking to an unacceptable level.

Highway Safety Analysis

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

5.3 Design / Visual Amenity

The balcony is modest in scale and of a satisfactory visual appearance. It is not considered there is any harm to visual amenity and the development is therefore considered acceptable.

5.4 Other Matters

In regards to Officer's advice that a balcony on a nearby property was not likely to be acceptable, it is considered that each planning application should be dealt on its own merits. In this instance Officer's conclude that there are no constraints to granting consent.

6. CONCLUSION

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

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

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

7. RECOMMENDATION

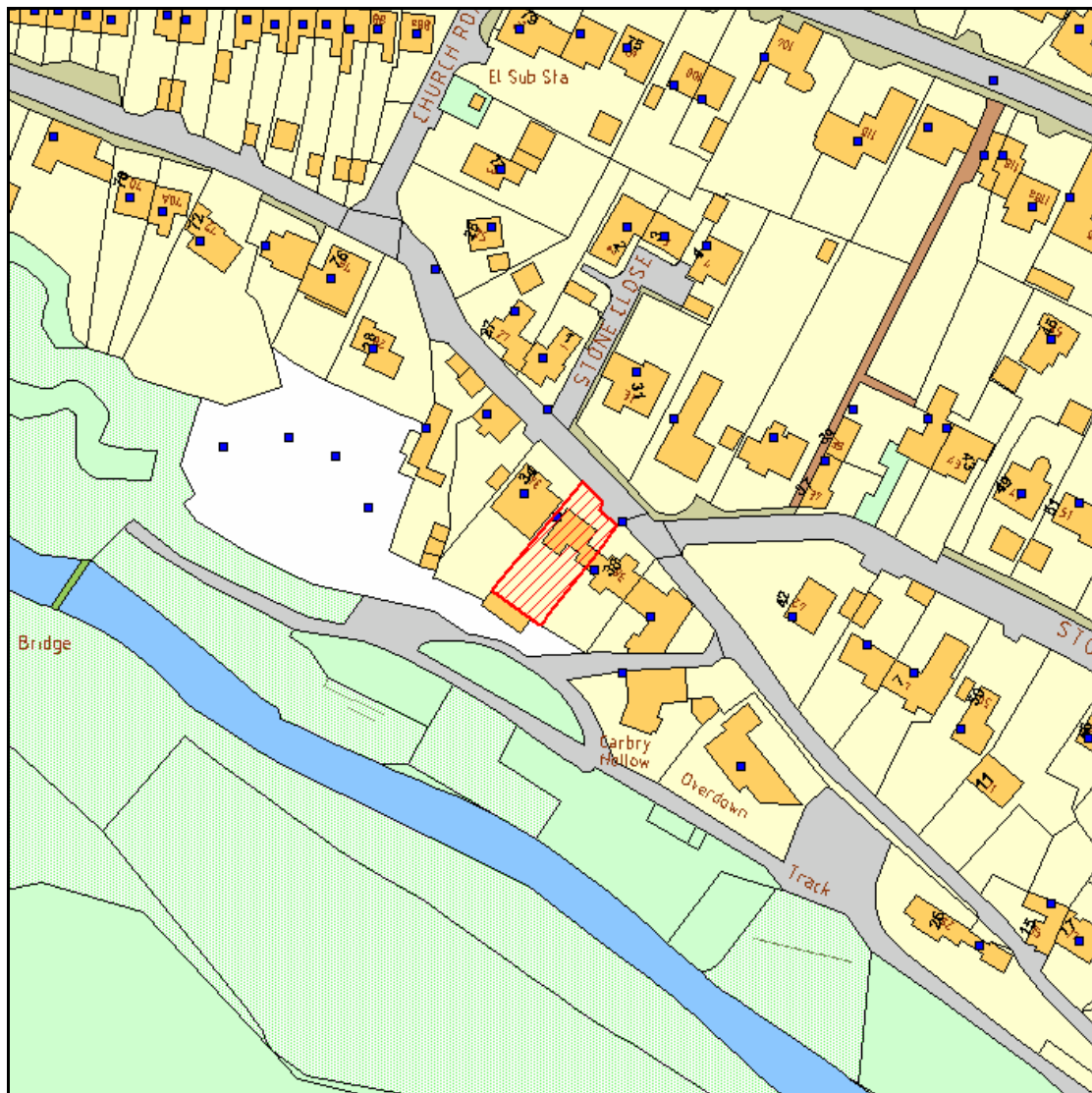
- 7.1 That planning permission is **GRANTED**.

Contact Officer: William Collins
Tel. No. 01454 863425

ITEM 20

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PT11/1599/F	Applicant:	Mr M Davis
Site:	Valley View 36 Stone Lane Winterbourne Down Bristol South Gloucestershire	Date Reg:	7th June 2011
Proposal:	Erection of first floor rear balcony. (Retrospective).	Parish:	Winterbourne Parish Council
Map Ref:	365417 179516	Ward:	Winterbourne
Application Category:	Householder	Target Date:	28th July 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full retrospective planning permission for the erection of a first floor rear balcony.
- 1.2 This is a detached dwelling located within the defined settlement boundary of Winterbourne Down. The balcony is already in situ to the rear of the property and materials consist of wood decking and black steel framework.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
H4	Development within Existing Residential Curtilage
T12	Transportation Development Control Policy for New Development

Emerging Development Plan

Core Strategy Proposed Changes Version (December 2010)

CS1	High Quality Design
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2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant history.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

No objection.

4.2 Other Consultees

Public Rights of Way

No objection.

Other Representations

4.3 Local Residents

Two letters of objection were received raising the following concerns:

- Advice was given by a planning officer that a proposed balcony at another nearby property was not deemed acceptable
- Overlooking of gardens, houses and footpaths

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Residential Amenity

Overbearing Analysis

Due to the overall scale and size of the proposed development the balcony would not be overbearing on the residential amenity of neighbouring occupiers nor would it lead to any undue loss of light.

Privacy Analysis

Given the nature and use of a balcony, there would be some overlooking into the rear gardens either side of the property. However, due to low boundary treatment and the existing French windows on the rear elevation wall at first floor level there is a fairly significant existing level of overlooking. The nearest habitable room windows in neighbouring properties are all a minimum of 25 metres away which is considered a satisfactory distance to protect neighbouring occupiers from any undue loss of privacy. Overall, it is not considered the development would dramatically increase the level of overlooking to an unacceptable level.

Highway Safety Analysis

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

5.3 Design / Visual Amenity

The balcony is modest in scale and of a satisfactory visual appearance. It is not considered there is any harm to visual amenity and the development is therefore considered acceptable.

5.4 Other Matters

In regards to Officer's advice that a balcony on a nearby property was not likely to be acceptable, it is considered that each planning application should be dealt on its own merits. In this instance Officer's conclude that there are no constraints to granting consent.

6. CONCLUSION

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

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

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

7. RECOMMENDATION

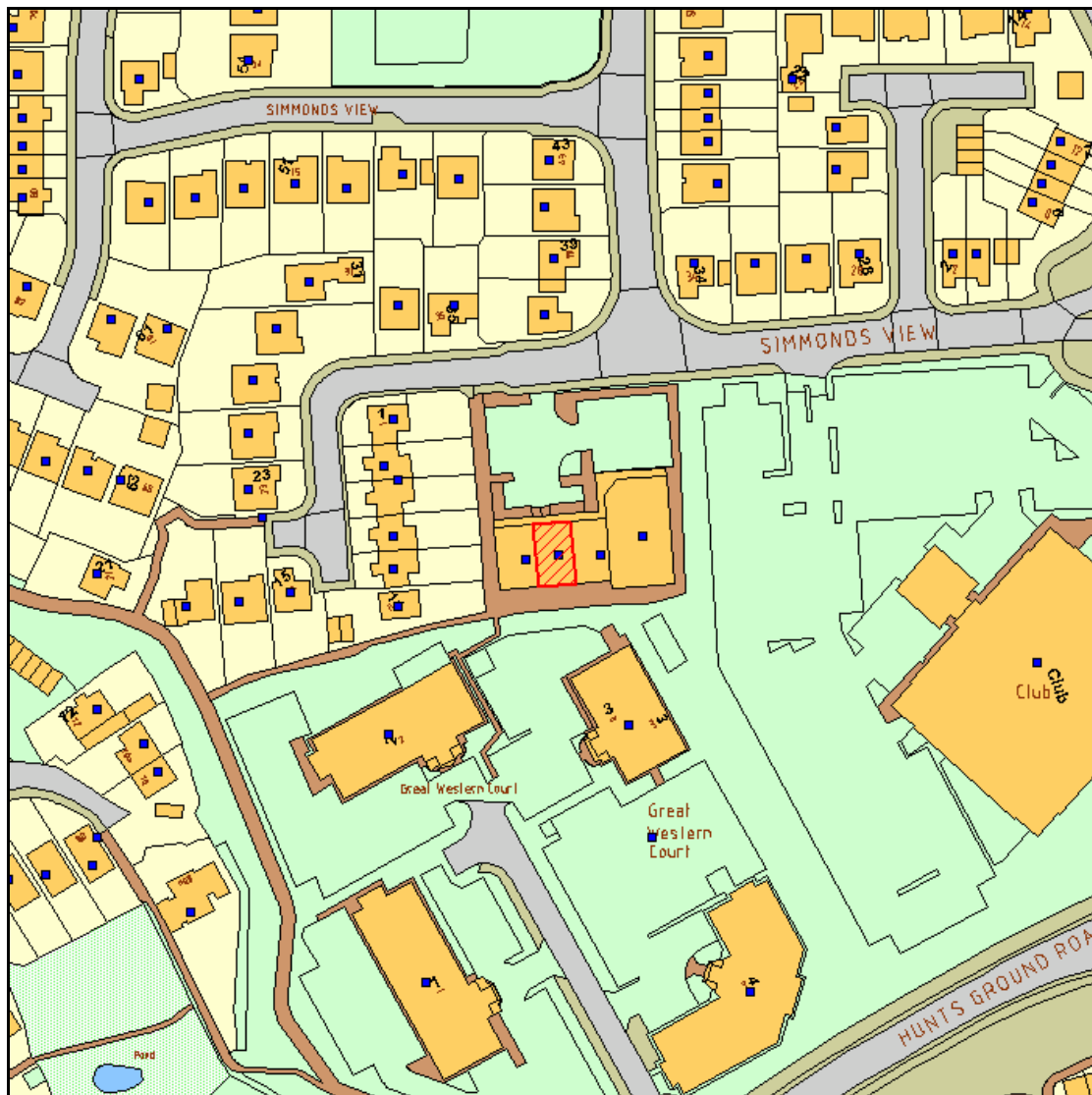
7.1 That planning permission is **GRANTED**.

Contact Officer: William Collins
Tel. No. 01454 863425

ITEM 21

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PT11/1637/F	Applicant:	Mr Jasbir Baryah
Site:	Unit 3 Simmonds View Stoke Gifford Bristol South Gloucestershire	Date Reg:	3rd June 2011
Proposal:	Change of use from Financial and Professional Services (Class A2) to a Restaurant (Class A3) as defined in Town and Country Planning (Use Classes Order) 1987 (as amended). Erection of flue.	Parish:	Stoke Gifford Parish Council
Map Ref:	362983 179965	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	26th July 2011



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule given the letters of objection that have been received.

1. THE PROPOSAL

- 1.1 As submitted, the application sought planning permission for the change of use of an existing building from Class A2 (Financial and Professional Services) to a mixed use forming a restaurant (Class A3) and a takeaway (Class A5). This was further to PT10/2623/F that allowed the change of use of this building to an A3 use but with the following condition attached:

'No hot food takeaway service shall be provided from the restaurant hereby approved.'

Reason

'To avoid an over concentration of A5 uses and to help safeguard residential amenity, all in accordance with Planning Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.'

- 1.2 The application would also allow the erection of an external flue.
- 1.3 The application has subsequently been amended to allow the change of use to a restaurant only (Class A3) but with further consideration to be given to an ancillary takeaway element in view of the details received.
- 1.4 The application relates to unit 3, Simmonds View, Stoke Gifford. The site lies within the built up area.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPS4: Planning for Sustainable Economic Growth
PPG13: Transport

2.2 Development Plans

South Gloucestershire Core Strategy -Submission Draft (December 2010)

CS1: High Quality Design
CS14: Town Centres and Retail

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
RT8: Small Scale Retail Uses in the Urban Areas/ Settlement Boundaries
RT11: Retention of Local Shops, Parades, Village Shops & Public Houses
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
EP1: Environmental Pollution

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 P99/1479: Change of use of unit C from A1 (retail) to A2 (financial and professional services). Permitted: 4 August 1999
- 3.2 PT10/2623/F: Change of use from financial and professional services (Class A2) to Restaurant (Class A3); erection of flue. Permitted: 26 November 2010

4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council
Objection: Over concentration of Class A5 units.
- 4.2 Other Consultees
Environmental Services: no objection in principle
Highways DC: no objection

Other Representations

- 4.3 Summary of Local Residents Comments:
Four letters received objecting to the application:
- o Nothing has changed since the last application which prevented a hot food takeaway;
 - o The application is misleading advising that a hot food takeaway and allowing people to take food home is a normal part of a restaurant;
 - o The small scale A5 use suggested would not require an application (the scale of the A5 use is therefore likely to be larger/ a full A5 use);
 - o The car park (22 spaces) is too small causing overspill parking and endangering pedestrian safety;
 - o The proposal to use the Esporta and nursery car park is unrealistic;
 - o It will exacerbate existing highway safety issues (traffic calming should be considered);
 - o The car park entrance should be improved- it is only wide enough to allow one vehicle through;
 - o Parking restrictions would not help ease evening traffic;
 - o One writer would welcome an Indian restaurant but not a takeaway;
 - o It will adversely impact the existing Chinese takeaway;
 - o Concerns from the previous application should be cross-referenced;
 - o There is no public transport to the site;
 - o Residents will also be inconvenienced by the new parking restrictions proposed further to the opening of the new park and ride site;
 - o It is not in the residents interests for all units to be food orientated;

One letter received in support of the application:

- o The proposal will increase the local choice of eateries.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy RT8 advises that outside of town centres, small-scale proposals for Class A1 (shops), class A2 (financial and professional services) and class A3 (food and drink) will be permitted within the urban areas provided:

- o It would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of the amenities of the surrounding area and highway safety; and
- o The development would not prejudice residential amenity; and
- o The character of the area would not be adversely affected; and
- o (In the case of proposals outside of a local centre) development would improve the range of services to a local community and not harm the vitality and viability of an existing local centre.

5.2 Policy RT11 relates to the retention of local shops and despite the existing use of the premises not falling within the A1 use class, it is considered that the spirit of this policy should be applied. The first criterion reflects that of the last criterion above advising that the proposal should not result in an over concentration of non-shop uses. It is noted that the supporting text cites that ‘there has been particular concern about concentrations of A3-A5 food and drink uses in local centres, leading to adverse impacts on residential amenity and loss of choice. In considering whether an over-concentration of services would occur, the Council will consider the number, range and composition of retail and service outlets in the centre. Satisfactory alternative retail facilities are also required and it should be demonstrated that the premises would be incapable of supporting a retail use.

5.3 For the purposes of PPS4, a restaurant is considered to comprise a town centre use. Accordingly, policy EC13 (Determining planning applications affecting shops and services in local centres and villages) advises that local authorities should take into account the importance of the proposal to the local community, refuse applications that fail to protect existing facilities which provide day to day needs and respond positively to the conversion/ extension of shops that would improve their viability.

5.4 The Proposal

The application relates to unit 3 Simmonds View, Stoke Gifford. The premises form one of four units with unit 1 providing a convenience store (McColl's), unit 2 a Chinese takeaway (China Town) and unit 4 Domino's Pizza. These four units are contained within a single-storey building with an associated parking area in front; the convenience store is near twice the size of the other units with these equal in size. Residential properties surround these premises with the exception of the Esporta leisure club to the east and offices behind.

- 5.5 The application as amended seeks planning permission for the change of use of unit 3 to provide an A3 use; the principle of this has already been established by virtue of the previous permission. However, as submitted this application sought to include an A5 element given that it is hoped that customers will be able to take hot meals home if they wish and to allow for a home delivery service. The aforementioned condition attached to the previous planning permission prevents this.
- 5.6 In response, in the event that this condition had not have been attached, if it could be demonstrated that the level of takeaway use undertaken at the approved restaurant would not be materially different to the restaurant characteristics of the site (i.e. it would clearly be an ancillary use which is not uncommon for a restaurant use), a change of use to include an A5 element would not be required. If however, the takeaway element grew beyond that considered ancillary to the restaurant, a further change of use application would be required.
- 5.7 In this instance, Officers have considered the information submitted and this has been discussed with the agent. It is considered that the level of takeaway use proposed would be ancillary to an A3 use and would not require an A5 element to the proposal. On this basis, the description of the proposal has been amended to omit the A5 element of the scheme.
- 5.8 Residential Amenity
Issues related to residential amenity formed part of the reasoning for the aforementioned planning condition. In this regard, the application site occupies a predominantly residential location and issues of residential amenity formed the contentious element of PT02/0382/F that sought permission for the change of use of unit 4 to provide an A3 hot food takeaway. This was originally refused given its impact on residential amenity but overturned at appeal where the Inspector commented that:
- 'The area around the shops is not exactly a haven of peace and quiet. Those choosing to live nearby must have known there would be a swirl of activity and traffic related to 4 shops. The implications of the Chinese takeaway next door but one are not all that different. Many customers arrive by car, and doubtless they contribute to the noise level, sometimes irritatingly. The convenience store always stays open until the late evening. There is another large parking area adjacent serving the health club, which I am told is a lively enterprise.'*
- 5.9 In this instance, the restaurant use would dictate that persons would stay longer with the number of customers further limited by the number of tables. Therefore, despite the replication of later opening hours (opening hours were previously conditioned), it is not considered that permission could be reasonably withheld. In this regard, given the ancillary takeaway element now proposed, on balance, given that this would not materially alter the restaurant characteristics of the site, on balance it is considered acceptable to grant planning permission without this condition attached. In this regard, it is considered that any appeal against the inclusion of this condition might be more likely to fail given that a further planning application would be required for either a mixed A3/ A5 use or an A5 use.

5.10 The application would also allow the erection of an external flue to the rear of the building and unlike the previous application; details of this have been received. Accordingly, the Councils Environmental Health Officer raises no objection to these details subject to a condition regarding noise levels and ensuring implementation of the submitted details.

5.11 Highway Safety

A number of third party concerns relate to parking and highway safety. In response, at the time of the previous submission the Councils Highways Engineer advised that the additional traffic would not be anticipated to have a significant impact on highway conditions with the site served by a shared car park and within walking distance of a large number of residential properties. Within this context, it was not anticipated that an unacceptable increase in on street parking would result thus there was no transportation objection to the previous application. The same is true in this instance with no highways objection to this proposal. In this regard, the previous further comments of the highway officer stated that it would be difficult to resist a restaurant with no parking provision in this location where there are other alternatives (public transport, bicycle and foot).

5.12 Design/ Visual Amenity

The application would not involve any external alterations to the building with the exception of a short flue on the rear roof slope. Given its discreet position, there is no objection to the proposal on design/ visual amenity grounds.

5.13 Concentration of Uses

Policies RT8 and RT11 seek to safeguard against an over concentration of non-retail uses with particular concern raised in respect of A3- A5 uses; in this instance, the principle of an A3 use has already been established by the previous application thus there can be no reasonable objection to the application on this basis. In this regard, it is noted that the use of the neighbouring units has not changed since this time.

6. CONCLUSION

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

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

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

1. The proposal would replace an existing non-retail unit (currently vacant) with an A3 use; there are no other A3 uses operating from any of the adjoining units at this present time. On balance, it is considered that the

proposal would not harm the vitality and viability of this centre thus the proposal is considered to accord with Planning Policy RT8 (Small Scale Retail Uses in the Urban Areas/ Settlement Boundaries) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal would not cause any significant adverse impact in residential amenity and thus would accord with Planning Policy RT8 (Small Scale Retail Uses in the Urban Areas/ Settlement Boundaries) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposal is considered to be acceptable in highway safety terms and would comply with the provisions of planning policies T8 (Parking Standards) and T12 (Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

2. The level of noise omitted from the ventilation/ extraction equipment shall not exceed 40dbA with the system implemented in accordance with the details hereby approved.

Reason

In the interests of residential amenity and to accord with Planning Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The use hereby permitted shall not be open to customers outside the hours of 09.00-23.00.

Reason

In the interests of residential amenity and to accord with Planning Policy RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 27/11 – 15 JULY 2011

App No.:	PT11/1665/CLP	Applicant:	Mrs Katherine Burton
Site:	2 Acer Crescent Almondsbury Bristol South Gloucestershire BS32 4FL	Date Reg:	7th June 2011
Proposal:	Certificate of lawfulness for the proposed erection of single storey rear extension and the installation of external chimney.	Parish:	Almondsbury Parish Council
Map Ref:	362134 184423	Ward:	Almondsbury
Application Category:	Minor	Target Date:	28th July 2011



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 100023410, 2008. **N.T.S.** **PT11/1665/CLP**

INTRODUCTION

This application for a Certificate of Lawfulness appears on the Circulated Schedule in line with the arrangements for delegated powers.

1 DESCRIPTION OF DEVELOPMENT

- 1.1 The application seeks a Certificate of Lawfulness of Proposed Development (CLOPUD) to establish the lawfulness of a proposed single storey rear extension and a new chimney and this detached dwelling with a drive and double garage on the old Hortham Hospital site. The property is outside of any conservation area.
- 1.2 The proposed rear extension would project 3 metres deep and cover the whole of the 10.5metre wide house. At least 3.5m is maintained between the boundaries of the site and the proposed development.
- 1.3 The evidence submitted attempts to demonstrate that the proposal constitutes permitted development by virtue of the Town and Country Planning (General Permitted Development)(Amendment) Order 2008 and as such would be lawful. Accordingly the test is one of evidence rather than a balancing of planning merits against the Development Plan policy. The evidence test is on balance of probability.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
Town and Country Planning (General Procedures Order 1995 Article 24

3. RELEVANT PLANNING HISTORY

PT06/0865/F Demolition of existing buildings. Erection of 270 dwellings on 34.17 hectares of land to include new access, landscaping bunds, public open space, landscaping details associated work to Hortham Lane and Hortham Lane/A38 junction. PD rights not removed.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
-hope the neighbours concerns will be taken in to account

Other Representations

- 4.2 Local Residents
One letter of objection has been received from a neighbouring property which makes the following points;
 1. Too Big. Theirs is a large house and to make it larger would be out of character with the original houses in this area.
 2. We have lost all privacy since their house was built and our living areas,

garden and even the bedrooms are overlooked now. Furthermore as the house is built on a higher level than ours, the owners can look into our downstairs from their downstairs (even with a 6' Fence) and this will be much worse if their windows are 3 metres closer.

3. There are trees planted along the boundary on both our and their sides of the fence. They will eventually grow into large trees and in the future the foundations of this proposed extension are likely to be compromised but the proximity to the trees.

4. Our view from our garden and rear windows is already ugly and there would be a low level roof to make it even worse.

5. Noise pollution from their family room would be brought closer to our home.

6. The proposed chimney is likely to belch out unsavory and maybe noxious smoke.

7. We estimate their garden length to be currently about 6-7 metres meaning the eventual building will be only about 3-4 metres from our boundary.

8. According to our Deeds we have right of entry across this boundary and this would be compromised by the proximity of the proposed extension.

9. When the estate was built, we were lead to believe that buildings would only be erected on the area of the original footprint. We were told that gardens would not be included in this as they would equate the "Greenbelt" land spread around; this was to maximise the possible area to be developed. If these new houses are extended it will mean that the estate will soon be well above the area of the original footprint and will be a backdoor way of development eating further into the greenbelt.

5 SUMMARY OF EVIDENCE IN SUPPORT

5.1 The submission has plans drawn to scale and annotation covering certain areas of the proposal.

5.2 The planning history does not indicate that permitted development rights have been removed by condition.

6 SUMMARY OF CONTRARY EVIDENCE

Aerial photography clearly shows that the house has been constructed in accordance with the approved planning application PT06/0865/F.

There is no contrary evidence.

7. EVALUATION of EVIDENCE

7.1 The application for a Certificate of Lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence in relation to demonstrating the lawfulness of what is proposed. The evidence put forward here is the precise scaled drawings which show that the extension would be 3m deep and 10.5m wide and shown to be over 4.5m to any boundary. Details of the chimney show that it would be over 3.5m from any boundary and not rise over 1m from the ridge level. The extension of living area falls within the allowances of Class A, Part 1 of The Town and Country Planning (General Permitted

Development) (Amendment) Order 2008 and the erection of a chimney falls within Class G of the same Part of the Order.

7.2 Objections raised to the proposal have no bearing on this type of application as the application is entirely evidence based.

7.3.1 Therefore on the balance of probability the evidence indicates that the extension and chimney proposed do fall within the remit of permitted development rights that apply within the curtilage of a dwellinghouse under Classes A and G.

7. RECOMMENDATION

7.1 That the Certificate of Lawfulness for Proposed Development is granted because it appears that the proposed extension and chimney is located in its entirety on land that lawfully forms part of the curtilage of the dwelling house. Therefore on the balance of probability the permitted development rights under Classes A and G, Part 1 of the Town and Country Planning (General Permitted development)(Amendment) Order 2008 permit the extension and chimney proposed at the location shown on drawings 9353.02 and 9353.01Rev. A.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

Evidence has been submitted to demonstrate that the proposed extension and chimney is located in its entirety on land that lawfully forms part of the curtilage of the dwelling house. Therefore on the balance of probability the permitted development rights under Classes A and G, Part 1 of the Town and Country Planning (General Permitted development) (Amendment) Order 2008 permit the extension and chimney proposed at the location shown on drawings 9353.02 and 9353.01Rev. A.