



**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. 27/07

Date to Members: 06/07/07

Member's Deadline: 13/07/07

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

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

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **within five working days of the publication of the schedule (by 12 noon)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (by 12 noon) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to PlanningApplications@southglos.gov.uk

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 06/07/07

SCHEDULE NO. 27/07

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 12 noon), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email Planningapplications@southglos.gov.uk.

The Circulated Schedule is designed to improve the effectiveness and efficiency of the Development Control service. To minimise referrals to the Area Committees, Members are requested to discuss the case with the case officer or team leader to see if any issues can be resolved without using Committee procedures for determining the application.

COUNCILLOR REQUEST TO REFER A REPORT FROM THE CIRCULATED SCHEDULE TO THE APPROPRIATE COMMITTEE

NO. OF SCH	APP. NO.	SITE LOCATION	REASON FOR REFERRAL
Have you discussed the application(s) with the case officer and/or area team leader?			
Have you discussed the application with the ward members(s) if the site is outside your ward?			

Please note: - Reason for Referral

The reason for requesting Members to indicate why they wish the application to be referred, is to enable the Committee to understand the reason for referral in the determination of the application, or to allow officers to seek to negotiate with the applicant to overcome the Member's concerns and thereby perhaps removing the need for a Committee determination.

SIGNATURE

DATE

Circulated Schedule 06 July 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK06/3131/F	Approve with conditions	2 Goldney Avenue Warmley South Gloucestershire BS30 5JG	Siston	Siston Parish Council
2	PK07/1109/F	Approve with conditions	Land At 200/204 North Road Engine Common Iron Acton South Gloucestershire BS37 7LQ	Ladden Brook	Iron Acton Parish Council
3	PK07/1433/CLE	Approve	109 Wadham Grove Emersons Green South Gloucestershire BS16 7DX	Siston	Mangotsfield Rural Parish Council
4	PK07/1694/TRE	Approve with conditions	6 Oldbury Chase Willsbridge South Gloucestershire BS30 6DY	Longwell Green	Oldland Parish Council
5	PT07/1169/F	Approve with conditions	76 Mortimer Road Filton South Gloucestershire BS34 7LQ	Filton	Filton Town Council
6	PT07/1174/CLP	Approve with conditions	Former Royal Mail Depot Bristol Parkway Railway Station Stoke Gifford South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council
7	PT07/1286/F	Refusal	Sunbeam Nurseries 119 Bristol Road Frampton Cotterell South Gloucestershire BS36 2AU	Frampton Cotterell	Frampton Cotterell Parish Council
8	PT07/1495/F	Approve with conditions	14 Sandy Close Bradley Stoke South Gloucestershire BS32 8AJ	Stoke Gifford	Bradley Stoke Town Council
9	PT07/1629/F	Approve with conditions	15 Castle Court Stoke Gifford South Gloucestershire BS34 8RF	Stoke Gifford	Stoke Gifford Parish Council
10	PT07/1637/F	Approve with conditions	65 Ratcliffe Drive Stoke Gifford South Gloucestershire BS34 8TX	Stoke Gifford	Stoke Gifford Parish Council
11	PT07/1645/F	Approve with conditions	21 Conygre Road Filton South Gloucestershire BS34 7DB	Filton	Filton Town Council
12	PT07/1659/F	Approve with conditions	156 Ellan Hay Road Bradley Stoke South Gloucestershire BS32 0HF	Bradley Stoke South	Bradley Stoke Town Council
13	PT07/1666/F	Approve with conditions	13 The Scop Almondsbury South Gloucestershire BS32 4DU	Almondsbury	Almondsbury Parish Council
14	PT07/1719/CLE	Approve	The Coach House Pilning Street Pilning South Gloucestershire	Severn	Olveston Parish Council
15	PT07/1806/F	Approve with conditions	16 Larch Way Patchway South Gloucestershire BS34 5DL	Patchway	Patchway Town Council

CIRCULATED SCHEDULE NO. 27/07 – 6 JULY 2007

App No.:	PK06/3131/F	Applicant:	Mr T Hopes
Site:	2 Goldney Avenue Warmley BRISTOL South Gloucestershire BS30 5JG	Date Reg:	26th October 2006
Proposal:	Erection of 1no. detached dwelling including demolition of outbuildings and associated works.	Parish:	Siston Parish Council
Map Ref:	67340 73420	Ward:	Siston



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100023410, 2007.

N.T.S

PK06/3131/F

INTRODUCTION

This application has been referred to the Circulated Schedule following concerns raised by Councillor Valerie Lee and a local resident.

1. THE PROPOSAL

- 1.1 The application relates to a semi-detached dwelling house situated to the south of London Road, Warmley and on the junction with Goldney Avenue. A large single-storey annexe has been erected to the rear of the house and adjoining the boundary with neighbouring no.4. Vehicular access is currently from London Road into an area of hard-standing located to the front of the annexe. The location is generally residential in character but properties on the opposite side of London Road lie within the Green Belt, where the landscape character is more semi-rural.
- 1.2 It is proposed to demolish the existing annexe as well as a large side conservatory, to facilitate the erection of a single detached two-storey dwelling to the side of no.2. A new shared access would be formed on Goldney avenue to serve both the existing and proposed houses, with parking areas to the front. The existing access off London Road would be stopped up and the garden sub-divided. The current scheme is an amended version of that first submitted, which proposed to utilise the existing access off London Road.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPG2 - Green Belts
- PPS3 - Housing
- PPG13 - Transport

2.2 Development Plans

Joint Replacement Structure Plan

- Policy 1 - Principles
- Policy 2 - Location of Development
- Policy 17 - Landscape
- Policy 33 - Housing Provision and Distribution
- Policy 34 - Re-use of Previously Developed Land (support for infill)
- Policy 54 - Car Parking Provision

South Gloucestershire Local Plan (Adopted) 6th January 2006

- L1 - Landscape protection and enhancement
- L5 - Open Areas within Existing Urban Areas
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- L17 & L18 - The Water Environment
- GB1 - Green Belt
- H2 - Residential development
- H4 - Development within Residential Curtilages
- D1 - Design
- T8 - Parking standards
- T12 - Transportation development control

3. RELEVANT PLANNING HISTORY

- 3.1 P94/4026 - Retention of use of premises for tent repairs and fitting of tow-bars to vehicles.
Refused 21st March 1994
- 3.2 PK00/3337/F - Conversion of single storey rear extension and garage to self-contained living accommodation.
Approved 20th Feb 2001
- 3.3 PK03/0515/F - Erection of side conservatory.
Approved 4th April 2003

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No response
- 4.2 Other Consultees
None

Other Representations

- 4.3 Councillor Valerie Lee
2no letters were received from Councillor Valerie Lee, the first in response to the scheme as originally submitted, which raised concerns about impact on road safety from use of the existing access on London Road, and parking congestion in Goldney Avenue. Concern was also raised about overdevelopment of the site.
- 4.4 In response to the revised scheme, Councillor Lee only raised concerns about overdevelopment of the site.
- 4.5 Local Residents
1no. response was received (to the consultations relating to the originally submitted scheme) from the occupant of no.4 Goldney Avenue, who in summary raised the following concerns:
- The demolition of the annexe etc. and erection of a replacement 6ft high boundary fence, will cause disruption and damage to drain.
 - Loss of privacy and increased noise from cars entering and leaving the property and from traffic in London Road.
 - Parking congestion in Goldney Avenue.
 - Inadequate off-street parking provision.
 - Increased use of dangerous access onto London Road.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The site is within the established residential area as defined in the South Gloucestershire Local Plan (Adopted) 6th January 2006. Government advice

- contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. PPS3 (para.20) also supports a greater variety and mix of housing and household types.
- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 2, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.
- 5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.
- 5.4 Policy H4 permits development in residential curtilages subject to a similar set of criteria. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs.
- 5.5 The site is not subject to unacceptable levels of noise, disturbance, air pollution, smell, dust or contamination. There is adequate provision in the locality for Education, Leisure, Recreation and other Community Facilities to meet the needs arising from the proposal.
- 5.6 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. Policy H2 defines an inefficient use as a density of less than 30 units per hectare, and the supporting text to Policy H2 sets out the Council’s expectation that higher densities (in excess of 50 dwellings per hectare) will be achieved in and around existing town centres and at locations well served by public transport.
- 5.7 The South Gloucestershire Local Plan (Adopted) 6th January 2006 also seeks to ensure, in achieving higher densities for new development, that *“local planning authorities and developers think imaginatively about designs and layouts which make more efficient use of land without compromising the quality*

of the environment". Officers are satisfied that having regard to the site's constraints relating to pattern of development, small size, access, and impact on residential amenity, no more than one dwelling could realistically be accommodated on the site. This however is only made possible by the demolition of the existing rear annexe and side conservatory. The resultant plot area is 0.023ha which equates 43.5 dwellings per ha. This level of density is considered appropriate for this location and accords with that required under policy H2 and the established density of development in Goldney Avenue. In this respect therefore the proposal is not considered to be an overdevelopment of the site.

5.8 Scale and Design

In terms of scale and design, the proposed dwelling compares very favourably with no.2 and other dwellings within Goldney Avenue. The size of the proposed development foot-print would be very similar to that of no.2 (once the annexe and conservatory have been removed). Furthermore the height of the roof ridge and eaves of the proposed dwelling, would be exactly the same as no.2's. Roof slopes would also match but the overall roof shape would be different to that of no.2; this however is not considered to be such a departure from the established design and character of the houses in Goldney Avenue, as to justify refusal of planning permission.

- 5.9 Established building lines would be strictly adhered to and the proposed materials to be used in construction would match those of the existing dwelling, as would the fenestration and elevation detailing. There would also be a 2m gap between the side elevations of the existing and proposed dwellings, which is considered to be an adequate space between the properties. The proposed dwelling is therefore acceptable in terms of both scale and design.

5.10 Landscape and Green Belt Issues

Much of the development site is currently occupied by the annexe, conservatory and hard-standing to the rear. The site is well enclosed by existing boundary treatments and vegetation, much of which would be retained. The new rear gardens would become lawns. Officers are satisfied that in terms of Policies L5 and L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 the proposal is acceptable and would not represent a significant loss of open space or have a detrimental impact on the character of the landscape. In terms of impact upon the visual amenity of the nearby Green Belt, the proposed new house would be viewed against the backdrop of existing residential development of a similar scale, so will not appear anomalous or have a detrimental impact on the visual amenity of the Green Belt.

5.11 Transportation

The revised proposal would provide two off-street car parking spaces for each of the existing and proposed dwellings. These spaces would be situated to the front of the respective houses. London Road is a classified road and as such a turning area is required on the site to allow safe entry and egress. In the original application it was not possible to provide such a turning area, so the scheme has been revised in as much as the access from London Road would now be stopped up and a new shared access introduced off Goldney Avenue. This is considered to be an enhancement in highway safety terms. Since the proposal satisfies the Council's adopted parking standards T8 and the requirements of Policy T12, no highway objections are raised.

5.12 Impact upon Residential Amenity

Adequate rear garden space i.e. 80 sq.m. and >100 sq.m would be retained to serve the existing and proposed properties respectively, which is sufficient for these family sized buildings; in this respect the scheme does not represent an overdevelopment of the site. The relationship of the proposed dwelling to the adjacent properties is such that it would not result in an overbearing impact for neighbouring occupiers. Adequate bin storage would be provided to the rear of the properties.

- 5.13 An existing side dormer window would be re-located to the rear of no. 2 thus eliminating direct overlooking of the proposed dwelling. There would be no significant issues of over-looking or inter-visibility, the requisite amenity distances required by SPG Advice Note 1 being achieved. New 1.8m fences would be erected on the boundary of no.4 and between the new property and no.2. The occupant of no. 4 has requested retention of a wall on this boundary but officers consider that this could not be justified in this case as car parking would be removed from the rear of the property and some traffic noise is only to be expected in a suburban location close to a main road. Regarding the existing drain, the scheme would be the subject of building control. There would therefore be no significant adverse impact on residential amenity.

5.14 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this can be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. Subject to submission and prior approval of an appropriate drainage scheme, the Council's Drainage Engineer raises no objection.

5.15 Community Services Department

The proposal is for 1no. house only and since this falls below the 10 unit threshold for contributions to Community Services, no contributions are requested in this case.

5.16 Education Service

Due to the small size of the development including only 1no. house, it is considered that no contributions to education provision can be justified for this development.

5.17 Affordable Housing

The site area is below 0.5 hectares in area and the proposed number of units (1) is below local and national policy guidance on the threshold for requiring affordable housing (15). There is therefore no requirement for the provision of affordable housing in this case.

5.18 Design and Access Statement

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

5.19 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) 6th January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Background Papers PK06/3131/F

Contact Officer: Roger Hemming

Tel. No. 01454-863537

CONDITIONS

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

Reason:

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

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development as specified in Part 1 (Classes A, B, C, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

Due to the restricted dimensions of the site and to ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

3. The hours of working on site during the period of construction shall be restricted to 7.30am to 6.00pm Mondays to Fridays inclusive, 7.30am to 1.00pm Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: deliveries of construction materials, the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

4. The off-street parking spaces as shown on the Proposed Site Plan (received 28th June 2007) hereby approved, shall be provided before the building is first occupied, and thereafter the parking facilities shall be retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

5. Before the vehicular access hereby permitted is first used, the existing vehicular access onto London Road shall be permanently stopped up in accordance with the approved plans.

Reason:

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

6. Prior to their first use, the parking areas as shown on the Proposed Site Plan hereby approved , shall be surfaced with bound material and maintained as such at all times thereafter.

Reason:

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

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

Reason:

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

8. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

Reason:

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

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

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity [and to protect the residential amenity of the neighbouring occupiers] and to accord with Policy D1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The screen fences shown on the approved plan shall be erected in the positions indicated before the dwelling houses to which they relate are occupied.

Reason:

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

CIRCULATED SCHEDULE NO. 27/07 - 6 JULY 2007

App No.:	PK07/1109/F	Applicant:	R Sheppard
Site:	Land At 200/204 North Road Engine Common Iron Acton BRISTOL South Gloucestershire BS37 7LQ	Date Reg:	11th April 2007
Proposal:	Demolition of 204 North Road to facilitate the construction of new vehicular access.	Parish:	Iron Acton Parish Council
Map Ref:	69959 83623	Ward:	Ladden Brook



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N.T.S

PK07/1109/F

INTRODUCTION

This application has been referred to the Circulated Schedule following receipt of an objection from a local resident, which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application proposes the demolition of no.204 North Road and some outbuildings associated with nos. 200 and 204; in order to facilitate the construction of a new vehicular access and associated visibility splays onto North Road.
- 1.2 The buildings to be demolished are no.204 a modest dwelling house, a garage serving no.200 and various outbuildings located to the rear of no.204 currently used for domestic storage.
- 1.3 The Design and Access Statement indicates that, the proposal is restricted to developing an access only, because the applicant is mindful of the Council's wish for a comprehensive redevelopment of the land to the rear of the application site properties, together with adjacent land, particularly to the north, all of which lies within the Established Settlement Boundary for Engine Common. Discussions and negotiations are ongoing amongst a number of landowners involved, and it is considered that the establishment of an access onto North Road would act as a catalyst to these negotiations and give some certainty as to the potential future redevelopment of this area, which would be the subject of a separate application at some time in the future.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
PPG13 - Transport

- 2.2 Development Plans

Joint Replacement Structure Plan
Policy 59 - New Development – transport issues.

Waste and Minerals Local Plan
Policies 37 & 43 - Waste Management

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L17 & L18 - The Water Environment
T8 - Car Parking Provision
T12 - Transportation Development Control Policy for New Development
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
H4 - Development within Residential Curtilages

3. RELEVANT PLANNING HISTORY

- 3.1 P97/2445/CL - Certificate of Lawfulness (existing use of land for the storage of 6 small vans and cars.
Certificate Granted 14th April 1998
- 3.2 P99/2390 - Residential Development (Outline)
Refused for the following reason:
“The proposal would result in the formation of an access with substandard visibility which would lead to an increase in the hazards faced by road users to the detriment of road safety.”
- 3.3 PK00/0369/O - Demolition of 204 North Road and residential development (Outline). Construction of access (Outline).
Approved subject to S106 to secure construction of access and visibility splays, contribution towards traffic calming measures and the relinquishment of rights to use part of the site for vehicle storage. The application was however Withdrawn 11th March 2004.
- 3.4 PK03/0795/O - Residential development on 0.5 ha of land with means of access (Outline).
Withdrawn 16th May 2003

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
The construction of the new vehicular access will replace two existing accesses, thereby reducing the number along this stretch of road. The Parish Council therefore have no objection.
- 4.2 Other Consultees

None

Other Representations

- 4.3 Local Residents
1no. response was received from the occupant of no. 199 North Road. The concerns raised are summarised as follows:
- Siting of proposed access would be hazardous, placing 4no. entrances in close proximity.
 - Access would be too close to entrance to skip business next to no.199.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The acceptance in principle of the demolition of no.204 and associated outbuildings, and the residential development of land to the rear of no.204 and no.200, was previously established with the grant of PK00/0369/O; in that proposal however the access road was to be located further north than is currently proposed. Officers accept that there is merit in the rationale to at least establish at an early stage, the acceptance or otherwise of the proposed access to serve the potential residential development of land to the rear of nos 204 and 200.

5.2 Demolition of Existing Buildings

The demolition of no.204 and associated outbuildings was not resisted in PK00/0396/O. None of the buildings are protected by listing and none exhibit any special architectural quality. No. 204 is a very modest cottage, plain in appearance and although still occupied is now quite dilapidated. The outbuildings are utilitarian in design. There is no objection to the demolition of these buildings, which make no significant contribution to the street scene.

5.3 Transportation Issues

Prior to the submission of this application, the site has previously been the subject of a robust assessment by the Council's Highway Officers, especially with regards the visibility splays available in what is a 30mph zone.

5.4 National standards do permit a reduction from the normally required 90m visibility splay for a 30 mph zone to be reduced to 70m or even 60m in exceptional circumstances. To enable a reduction to 70m visibility to be considered, visibility is based upon actual speed-readings rather than the posted speed limit. Essentially 85% of vehicles travelling on the highway must be within the 30mph speed limit.

5.5 Speed-readings have been undertaken at the proposed access point to the site so that a definitive statement can be made regarding the appropriate visibility standard to be used for this development. These speed-readings showed 85%ile speeds of 24.65mph in a northerly direction and 26.65mph in the southerly direction when adjusted for wet weather in accordance with national standards. As a result it is clear that speeds are contained within 30mph and that the appropriate visibility distance to use for this development is 70m and not 90m. With the access positioned as now proposed, on the crown of the bend, the proposed visibility to the right would be 78m whilst to the left it would be all the way to the junction of North Road with Broad Lane, which is acceptable.

5.6 The proposed new access road would be 5.5m wide with 2m wide footpaths to either side. To give the maximum visibility and to improve pedestrian safety on this route to North Road Primary School, a condition would be imposed to secure 2.4m wide footpaths along the whole site frontage i.e. up to the edge of the boundary for both numbers 200 and 204 North Road.

5.7 Furthermore, to minimise the number of vehicular accesses onto North Road a further condition will ensure that parking for no.200 would be provided and accessed off the new access road as opposed to North Road itself.

5.8 Subject to the conditions outlined above, the Council's Highway Officer raises no objection to the proposal.

5.9 Impact Upon Residential Amenity

The proposed access road would be located close to the side elevation and garden of no.200 North Road. The existing driveway to no.200 currently lies in this position but traffic generation is much less than that likely to use the proposed access. In mitigation for this, a condition would be imposed to secure the erection of a 2m high acoustic wall on this boundary, to link in with the low stone wall to the front of the site. Adequate amenity space would be retained to serve no.200 and the most useable areas of garden, to the south of the house

would remain well enclosed and private. The impact upon residential amenity would therefore be acceptable.

5.10 Landscape Issues

There are no trees or hedgerows of any significance on the site. Any landscaping of the site would be best left to be addressed under the application for residential development when a comprehensive scheme can be secured.

5.11 Environmental Issues

The Council's Environmental Health Officer raises no objection subject to a condition to prevent the access road being used for lorry or HGV access to the existing land at the rear, prior to this land being developed for the proposed residential use.

5.12 Drainage Issues

The Council's Drainage Engineer raises no objection subject to a condition to secure surface water drainage details including flood prevention, pollution control and environmental protection.

5.13 Design and Access Statement

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

5.14 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers PK07/1109/F

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Prior to the commencement of any future residential development or otherwise, of the land adjoining the access road hereby approved; the access shall not be used by lorries or Heavy Goods Vehicles.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of the development hereby approved, details of a 2 metre high acoustic wall, to be erected on the boundary of the site with that of no.200 North Road, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the access hereby approved, the acoustic wall shall be erected in full accordance with the details so approved and maintained as such at all times thereafter.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of the development hereby approved, details of parking facilities and an access from the access road hereby approved, to serve no.200 North Road, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the access hereby approved, the access and parking details (for no.200 North Road) shall be implemented in full accordance with the details so approved and maintained as such at all times thereafter.

Reason

In the interests of highway safety, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the first use of the access hereby approved, a 2.4 metre wide footway shall be provided along the entire frontage of the site (i.e. in front of nos. 200 and 204 North Road) and maintained as such thereafter.

Reason

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

6. Prior to the first use of the development hereby approved the works shall be completed to the written satisfaction of the Council's Street Care Manager.

Reason

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

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

Reason

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

8. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the access is first used.

Reason

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

9. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
 - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
 - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
 - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
 - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

Development shall be carried out in accordance with the agreed details.

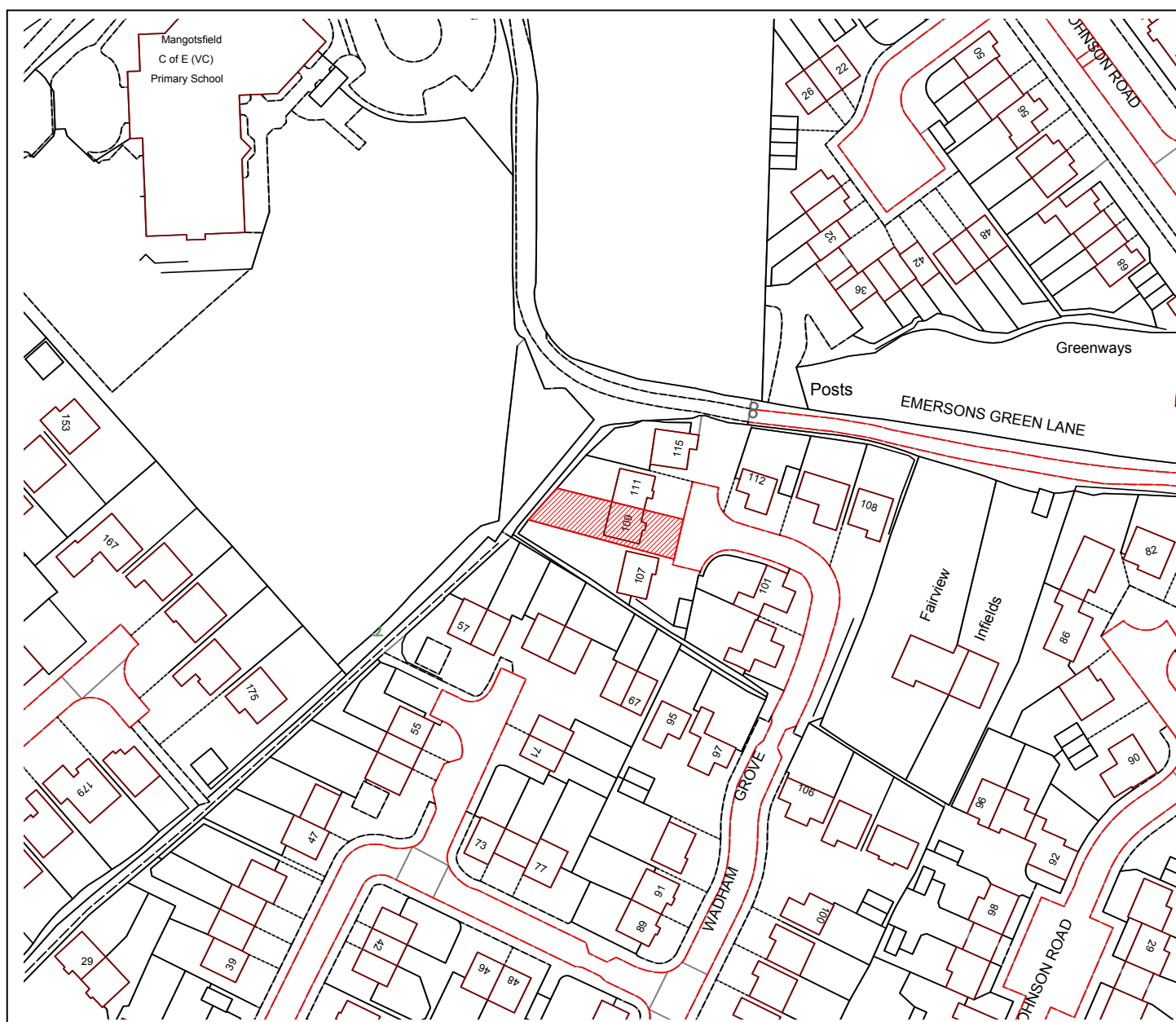
Reason

To accord with the Local Planning Authority's adopted Waste Management Strategy, and to accord with Policies 37 and 43 of the adopted South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002; and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 27/07 – 6 JULY 2007

App No.: PK07/1433/CLE
Site: 109 Wadham Grove Emersons Green
 BRISTOL South Gloucestershire BS16
 7DX
Proposal: Certificate of Lawfulness for existing use
 of rear conservatory.
Map Ref: 66981 76462

Applicant: Mr MJ Fry
Date Reg: 8th May 2007
Parish: Mangotsfield Rural
 Parish Council
Ward: Siston



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N.T.S

PK07/1433/CLE

INTRODUCTION

This application is for a certificate of Lawfulness, and as such, under the current scheme of delegation, falls to be considered under the circulated schedule procedure.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of a rear conservatory sited within the rear garden.
- 1.2 The application property comprises of a modern two storey semi detached dwelling located within Wadham Grove, a cul de sac within Emersons Green.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant history.

4. SUMMARY OF EVIDENCE

- 4.1 The applicant has provided two signed letters from the two adjoining neighbours in support of the application. The contents of these are analysed below.

Letter from P & S Andrews

- Confirm that conservatory was built over 4 years ago

Letter from R & J Lord

- Confirm they have been occupiers of 107 Wadham Grove from its original construction and confirm that the conservatory has been erected for more than 4 years.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 None received.

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 None received.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been proved on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence in support of the application that the conservatory was erected more than 4 years prior to the submission of this application.

7.2 Precision of evidence

Neither of the neighbours' letters states a specific date when they recall the conservatory was erected. Only one of the neighbours confirms that they have owned the property next door since its original construction but a date of construction is not supplied. Having studied the Council's aerial photographs it is clear that the house on site did not exist in October 1999. The applicant states on the application forms that

'the conservatory was constructed by the previous owners of the property. I purchased the property subsequently in June 2004'.

Consequently, the submitted evidence fails to provide precise evidence as to when the conservatory was erected save for the two statements that the conservatory has been 'erected for more than 4 years' and 'was built over 4 years ago'.

7.3 Ambiguity of evidence

The evidence is not considered to be ambiguous. Both letters state that the conservatory has been in place in excess of 4 years.

7.4 Having regard to the above, despite the lack of clear and definite evidence as to the precise construction date of the conservatory, it is considered that without any evidence to the contrary on the balance of probability the conservatory was erected more than 4 years ago.

8. **RECOMMENDATION**

8.1 A certificate of existing Lawful Use be granted for the existing use of rear conservatory.

Background Papers **PK07/1433/CLE**

Contact Officer: **Edward Purnell**
Tel. No. **01454 863056**

App No.: PK07/1694/TRE
Site: 6 Oldbury Chase Willsbridge BRISTOL
South Gloucestershire BS30 6DY
Proposal: Works to prune and reshape crown of
1no. Oak tree by 15% and fell 1no. Oak
tree both covered by Tree Preservation
Order KTPO6/85 dated 20th January
1986.
Map Ref: 66276 70793

Applicant: Mrs A Miekus
Date Reg: 1st June 2007
Parish: Oldland Parish
Council
Ward: Longwell Green



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N.T.S

PK07/1694/TRE

This application appears on the Circulated Schedule due to the receipt of an objection from local resident.

1. THE PROPOSAL

- 1.1 The application seeks permission to carry out works to prune and reshape crown of 1no. Oak tree by 15% and fell 1no. Oak tree both covered by Tree Preservation Order KTPO6/85 dated 20th January 1986.
- 1.2 The application states that the works are to be carried out as the trees produce heavy dense wood and T2 is growing laterally developing weight stresses.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement
- L5 Forest of Avon

3. RELEVANT PLANNING HISTORY

- 3.1 P95/4492 Reduce end weight by 20% and re-shape Holm Oak (T2): Approved 08/11/1995
- 3.2 P97/4289/T Prune by 20%, thin crowns by 15%, remove dead wood and raise crowns to gutter height – 2 Holm Oak trees (T1 & T2): Approved 25/06/1997
- 3.3 PK02/1156/TRE Lift lower crowns to approximately 7 metres and remove epicormic growth – Evergreen Oaks (T1 & T2): Approved 14/05/2002
- 3.4 PK06/1437/TRE Crown reduction works to 2no. Holm Oak trees (t1 & T2) covered by TPO KTP06/85: Approved 23/06/2006

4. CONSULTATION RESPONSES

(a) Statutory Consultees

- 4.1 Oldland Parish Council
No objection

(b) Other Representations

- 4.2 Local Residents
One objection was received on the basis that the trees provide important amenity in the area and a valuable habitat for wildlife including owls.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

5.2 Analysis of the Health of the Trees

The trees are situated on the northern boundary of 6 Oldbury Chase, Willsbridge. T2 is a suppressed specimen which is growing out over the boundary of no 6&7 Oldbury Chase. The density of the wood in this tree means that due to its lateral growth pattern it is likely that there are weight stresses developing in this tree. The proposal is to remove this tree and prune back the main tree from the property and re-shape the crown in order to preserve the tree with its long term amenity in mind. The works to the main tree seem necessary in order to restore the crown shape of the tree where it has been suppressed by the lateral growth of T2. If T2 is not removed the growth of its canopy is very likely to compromise the future growth of T1.

The applicant will need to re-plant with a tree in order to mitigate for the loss of this amenity tree. The choice of re-plant will need to be discussed with the Tree officer and should be carried out within the next planting season.

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

7. RECOMMENDATION

7.1 Permission be granted subject to the following conditions:

Background Papers **PK07/1694/TRE**

Contact Officer: **Jan Seward**
Tel. No. **01454 864969**

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.
2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

Reason

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

3. A replacement tree,, the species, size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

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

App No.: PT07/1169/F

Applicant: Bale Davey
Developments

Site: 76 Mortimer Road Filton BRISTOL South
Gloucestershire BS34 7LQ

Date Reg: 16th April 2007

Proposal: Erection of front porch and single storey
rear extension to facilitate conversion of
existing dwelling to 2 no. self contained
flats with associated works.

Parish: Filton Town Council

Map Ref: 60905 78588

Ward: Filton



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N.T.S

PT07/1169/F

INTRODUCTION

This application is on Circulated schedule as a result of the Town Council's comments.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the conversion of this terraced house into two one bedroom flats.
- 1.2 The application proposes a porch to be added to the front of the house and a small rear extension. Also proposed to the front will be a parking space and cycle store for the first floor flat and a bin store area for both flats. At the rear will be a garage space and a cycle store for the ground floor flat. The garden will be solely for the use of the ground floor flat.
- 1.3 The property would be divided horizontally. A ground floor rear extension is proposed to create a larger kitchen for the lower level flat.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPG24 Planning and Noise

2.2 South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
- H4 Development within Residential Curtilages
- H5 Residential Conversions
- T7 Cycle parking
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) (Consultation Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Patchway Town Council

Objection Lack of parking provision and conversion into two flats is out of keeping with neighbouring two storey homes in the area.

4.2 Sustainable Transport

There is no increase in bed spaces. There is sufficient bin storage area at the front of the property. This is an unclassified road where the parking spaces are acceptable subject to a surfacing and no gate condition. The cycle storage is also acceptable in highway terms.

4.3 Building Control

No building control issues to report.

4.4 Local Residents

One neighbour has written in objection to the existing rainwater collection system being affected by the proposed porch. [This matter is resolved by the amended plans.] The writer is also unclear as to how the first floor flat would access the garden.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan allows for the conversion of residential properties into smaller units provided that the proposal:

- a) Would not prejudice the character of the surrounding area; and
- b) Would not prejudice the residential amenities of neighbouring occupiers; and
- c) Allows an acceptable level of off street parking provision; and
- d) Would provide adequate amenity space.

5.2 Design/ Visual Amenity

The application site comprises a mid terraced dwelling with one parking space being provided for each one bed flat. Cycle parking is also shown for both properties and the store in the rear garden raised no concerns, however the dimensions of the proposed cycle store for the front garden are such that the store would detract from the appearance of the street scene and as such this element of the proposal is unacceptable and excluded from the recommendation below by condition.

5.3 A single storey rear extension is proposed which would sit alongside the neighbours similar extension. This extension has no impact on the residential amenity of either neighbour and would be constructed in matching render and tiles. This is therefore acceptable in appearance.

5.4 A pitched roof porch is proposed to the front of the property which has been reduced in width during the course of the application and the drawing now shows that the roof water will be collected by guttering within the site rather than overhanging onto the neighbours land and will no longer interfere with the existing roofwater downpipes. An email from the agent confirms that a new soakaway pipe will be created to take this water.

5.5 The property is currently a three-bed house. The proposal would retain two bedrooms overall. The proposal would allow the creation of two independent units, one above the other. Internally both properties would be accessed via a communal lobby. At ground floor the lounge would become a bedroom at the front of the property. The second floor would have its kitchen above the hallway and the front bedroom would be the lounge.

5.6 It is not considered the character of this residential area would be harmed by introducing smaller units and indeed PPS3 encourages a mix of housing types. In this case it is considered that a garden is not required as the one bedroom first floor flat is unlikely to attract families. The location of a bin storage area is indicated on the revised block plan and subject to the details of this being submitted to show the use of 140 litre bins, as opposed to the normal 240 litre size, and details of the low level walling, the bin store arrangement appears to be acceptable.

5.7 Residential Amenity

The supporting text to policy H5 advises that any internal alterations should be designed so as to minimise the impact of noise and disturbance on any directly adjoining residential property. In this regard, the scope for Building Regulation considerations was extended in 1991 to cover detailed requirements for sound insulation between converted flats and adjoining properties. As such noise related matters will be dealt with under building regulations.

5.8 The internal layout of the property is not considered to cause new issues of overlooking.

5.9 Amenity Space

The dwelling has a small rear garden area which will be for the sole use of the ground floor flat. As such the design of the development would work well for its intended childless users, and as such the proposal is acceptable under the South Gloucestershire Design Checklist (SPD) and policy D1.

5.10 Highway Safety/Parking

Policy T8 advises that in the case of one-bedroom units, a maximum of one space each should be provided. These are provided in acceptable locations and as such no transportation objection is raised.

5.11 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft) however the proposal is acceptable subject to conditions.

5.12 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is granted subject to the following conditions

Background Papers **PT07/1169/F**

Contact Officer: **Karen Hayes**
Tel. No. **01454 863472**

CONDITIONS

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

Reason(s):

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

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

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 The off-street parking facilities (for all vehicles, including cycles) shown on the plan, but excluding the cycle store for the first floor flat, which is specifically excluded from this consent, hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason(s):

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

- 4 No doors or gates shall be hung so as to open over or across the public highway/footway.

Reason(s):

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

- 5 The proposed parking space shall have a bound surface.

Reason(s):

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

- 6 Details of the bin store to be located on the front garden shall be submitted and approved in writing by the Local Planning Authority, and shall be constructed as such prior to first occupation of the new dwelling.

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

App No.: PT07/1174/CLP

Applicant: Network Rail
Infrastructure Ltd

Site: Former Royal Mail Depot Bristol Parkway Railway Station Stoke Gifford South Gloucestershire

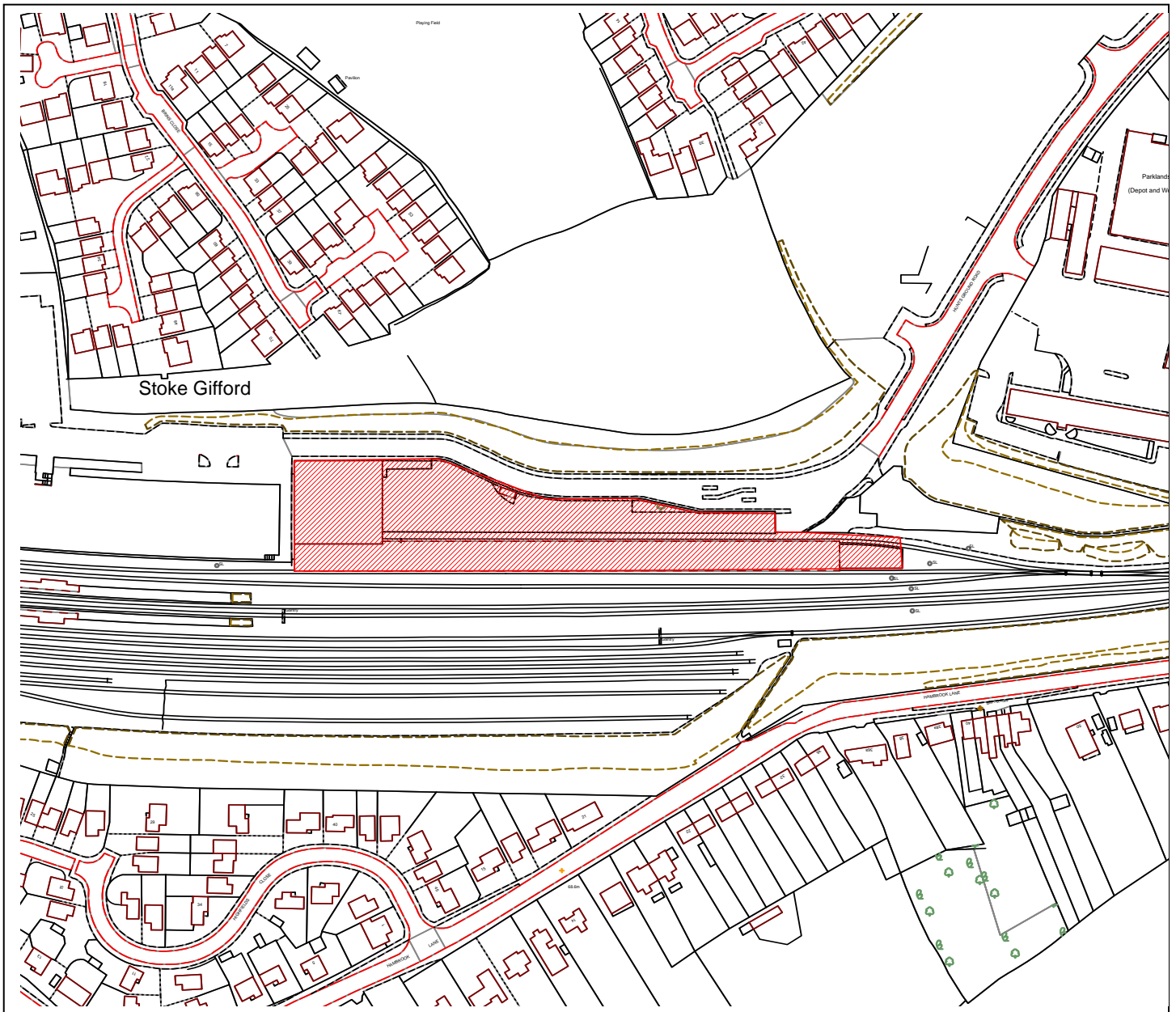
Date Reg: 16th April 2007

Proposal: Application for Certificate of Lawfulness for the proposed use of a training school for operational railway staff and associated parking.

Parish: Stoke Gifford Parish Council

Map Ref: 62742 79602

Ward: Stoke Gifford



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INTRODUCTION

This is an application for a Certificate of Lawfulness for a Proposed Development and is placed on the Circulated Schedule in accordance with procedure.

In such cases the Local Planning Authority must determine on an evidential basis as to whether planning permission is required for the proposed works and not the planning merits of the proposal. In this instance the applicant is seeking to clarify whether planning permission is required for proposed use of a training school for operational railway staff and associated parking.

1. THE PROPOSAL

- 1.1 The proposal would involve the erection of an extension to the existing warehouse building situated towards the eastern end of Parkway Station and some alterations to the elevations of that existing building. Cycle parking within a cedar box feature and landscaping is included. The extension to the existing building would have a length of approximately 30 metres, width of 12 metres and height of approximately 7 metres at the eastern end (excluding the ramped entrance).
- 1.2 The training school will provide “in house” training for staff responsible for maintaining the railway track. The applicant has acknowledged that consent has been given for a training centre at Westerleigh, however in supporting documentation, it is indicated that because of outstanding objections and in an attempt to find a more sustainable location, Parkway Station is now considered the preferable location for this facility.

2. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF APPLICATION

- 2.1 The evidence submitted in support of this application can be summarised as follows: -
 - a) Existing and proposed floor and elevation plans
 - b) Supporting Statement (incl. review of planning history and legislation).

3. RELEVANT PLANNING HISTORY

- 3.1 There have been a large number of applications submitted relating to this site of most relevance are the following:
- 3.2 N5956 Construction of extension to existing station car park (Approved)
- 3.3 P84/2742 Erection of new station building with associated facilities (Approved)
- 3.4 P97/1633 Royal Mail dedicated railhead comprising erection of warehouse and covered platform and construction of a car park and associated manoeuvring facilities. (Allowed on Appeal)

- 3.5 PT06/1321/F Change of Use from Royal Mail Rail Hub (Sui Generis) to Light Industrial (Class B8)
(Withdrawn)

4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council
No comment/objection.
- 4.2 Sustainable Transport
No comment – evidential test only.
- 4.3 Local Residents
No representations received.

5. **EVALUATION**

- 5.1 This is an application for a Certificate of Lawfulness of Proposed Development. Accordingly, the decision is not based upon the land use merits of the case, nor whether the proposal accords with the development plan. Rather this is an evidential test as to whether on the balance of probability the proposed development is a lawful one in planning terms. The assessment to be made is whether this proposal constitutes 'development' and if so, whether it is development permitted under the terms of the Town & Country Planning Act (General Permitted Development) Order 1995.
- 5.2 Development for planning purposes is defined in Section 55 (1) of the Town and Country Planning Act as:
- a) the carrying out of building operations, engineering operations, mining operations and other operations in, on, over and under land.
- OR
- b) the making of any material change in the use of any buildings or other land.
- 5.3 Part 17 (Class A) of the Second Schedule of the General Permitted Development Order (Development by Statutory Undertakers) indicates that development by railway undertakers on their operational land, required in connection with the movement of rail would be permitted. Development of an educational building (A.1) (the current proposal for a building and supporting works, for cycle parking and landscaped entrance for the training of railway staff would fall within this category) would not be permitted unless wholly within a railway station.
- 5.4 It is considered that the building would be required in connection with the movement of traffic by rail as the training of staff in the maintenance of the railway would be necessary for the functioning of the railway.
- 5.5 In these circumstances therefore, the determining factor on whether the development is classed as permitted development is whether it falls with operational railway land as defined by Section 263 of the Town and Country Planning Act 263. Operational land is defined under Section 263 of the Town and Country Planning Act 1990 as:

- a) Land which is used for the purposes of carrying on their operational undertaking or
 - b) Land in which an interest is held for the purposes of carrying on the undertaking
- 5.6 Further criteria are assessed to determine whether land is “operational” if the land was acquired since 1968 however this land was acquired prior to that date and therefore the two criteria indicated above apply.
- 5.7 Given that the future use is for the training of staff maintaining the railway for the purposes of carrying out its undertaking and given also that there is a rail connection on the site (and the site was originally part of the station car park), it is considered that the second limb of the definition set out above is fulfilled.
- 5.8 It is considered that the land clearly forms part of the “railway operational land” and therefore the proposal would fall within Permitted Development as set out in Part 17 to the Second Schedule of the General Permitted Development Order.

6. **RECOMMENDATION**

- 6.1 A Certificate of Proposed Lawful Development be granted.

Background Papers **PT07/1174/CLP**

Contact Officer: **David Stockdale**
Tel. No. **01454 863131**

CIRCULATED SCHEDULE NO. 27/07 – 06 JULY 2007

App No.:	PT07/1286/F	Applicant:	A & M Home Parks Ltd
Site:	Sunbeam Nurseries 119 Bristol Road Frampton Cotterell BRISTOL South Gloucestershire BS36 2AU	Date Reg:	24th April 2007
Proposal:	Change of use of land to mobile home park to include retention of existing bungalow and shop. Construction of private roadway and parking areas.	Parish:	Frampton Cotterell Parish Council
Map Ref:	65653 82013	Ward:	Frampton Cotterell



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INTRODUCTION

The application appears on the Circulated Schedule because it forms a major submission.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the change of use of land to provide a residential mobile home park.
- 1.2 The application site comprises Sunbeam Nurseries on the northwest side of Bristol Road, Frampton Cotterell. The site forms some 1.2ha of land and is positioned outside of the settlement boundary and within the Green Belt.
- 1.3 Details received indicate that the proposal would provide for twenty-six units whilst the applicants have stated that occupancy could be limited to those aged 55 and over.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPG12	Transport
PPS25	Development and Flood Risk

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
GB1	Development within the Green Belt
L1	Landscape Protection and Enhancement
L9	Species Protection
L18	The Water Environment
EP2	Flood Risk and Development
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist: Consultation Draft
Frampton Cotterell Village Design Statement: Informal Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 N3013/1: Change of use of existing glasshouses to use as greyhound kennels; installation of smokeless incineration. Refused: 17 March 1977
- 3.2 N3013/2: Erection of shop, greenhouse, shed and office and construction of vehicular accesses & car parking areas (outline). Refused: 3 November 1977
- 3.3 N3013/3: Change of use of land and buildings to garden centre. Refused: 3 November 1977
- 3.4 N3013/4: Erection of single-storey rear extension to provide bathroom and kitchen. Permitted: 16 August 1981

- 3.5 N3013/6: Erection of building for aquatic and water gardening use. Permitted: 11 August 1983
- 3.6 P88/3203: Erection of extension to shop premises. Permitted: 11 January 1989
- 3.7 P92/2000: Erection of building to be used as light industrial workshops to replace existing horticultural buildings. Refused: 16 September 1992
- 3.8 P93/1485: Change of use of two former horticultural buildings to class B2 (general industrial) and one former horticultural building to class B1 (business). Elevation improvements to existing buildings and landscaping works. Refused: 8 February 1995
- 3.9 P95/1463: Application for planning permission to retain a building for aquatic and water gardening without complying with conditions a, b, and c on approval N3013/6. Permitted: 13 October 1995
- 3.10 P95/2020: Alterations to former pergola. Refused: 24 September 1998
- 3.11 P95/2147/CL: Certificate of Lawfulness: Permitted: 3 December 1998
- 3.12 P95/2397/F: Change of use of two former horticultural buildings to Class B2; change of use of one former horticultural building to Class B1; elevation improvements to existing buildings; retention of portacabin and CCTV cameras and landscaping works. Withdrawn: 27 January 1999
- 3.13 P95/2220/CL: Certificate of Lawfulness. Permitted: 5 February 1999
- 3.14 P99/1519: Use of land for stationing of portacabin (retrospective); erection of fence around car parking compound. Refused: 24 May 1999
- 3.15 P99/2524/CL: Use of land for stationing portable office building. Withdrawn: 9 March 2000
- 3.16 PT02/3716/F: Erection of rear extension to industrial building. Refused: 22 January 2003
- 3.17 PT03/1650/TMP: Erection of rear extension to existing industrial building. Refused: 25 July 2003

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Objection:

- a) The Parish Council has supported the Green Belt for many years;
- b) This is on land beyond the settlement boundary;
- c) There is no provision for the conversion of any existing buildings;
- d) There is no provision for affordable housing;
- e) Insufficient detail is shown- i.e. rubbish, gas canisters, road surfacing etc;
- f) The current footprint is less than that of the proposed application site;
- g) Highway concerns- Bristol Road is very busy at certain times of the day;
- h) The existing sewerage system is inadequate;
- i) There is support for those residents who have written in to object.

4.2 Internal Consultees

- a) Technical Services (drainage): objection, drainage details are required to demonstrate that the risks of flooding and pollution have been eliminated;
- b) Environmental Services: no objection in principle;
- c) Community Services: no comment
- d) Ecological Officer: additional information required
- e) Landscape Officer: objection

4.3 External Consultees

- a) Campaign to Protect Rural England: objection, 'we are very concerned that residential development should not be allowed to creep into the Green Belt';
- b) Frampton West Watch: objection, the proposal will have a major detrimental impact on the area, there might be insufficient resources to ensure the same level of policing whilst highway safety concerns are also expressed;

4.4 Summary of Local Residents Comments:

323 responses (approx.) received (some from the same household) raising the following concerns:

4.5 Green Belt:

- a) Erosion of green belt land must be stopped;
- b) It would establish a precedent for future development within the green belt;
- c) Residential development was understood to be unacceptable;
- d) Efforts by the planning authority to protect the green belt are appreciated;
- e) The proposal does not involve the conversion of existing rural buildings;
- f) The proposal will not be for agricultural or forestry workers;
- g) Permission was refused for another site in order to protect the Green Belt;
- h) Frampton Cotterell does not want to be swallowed up by the urban sprawl;
- i) No supporting very special circumstances have been put forward;
- j) The ultimate aim should be to return the site to agriculture/ horticulture;
- k) Any exemption as they are 'mobile' is unacceptable due to the plinths;
- l) The proposals would have a greater visual impact than existing buildings;
- m) It is a backdoor approach for permanent housing in the green belt.

4.6 Impact upon Existing Services:

- a) Twenty-six families would mean up to 150 extra people;
- b) There will be increased pressure on local services; i.e. doctors, schools etc;
- c) Existing sewerage problems in the area will be exacerbated.

4.7 Highway Safety:

- a) Increased traffic congestion will increase the risk of accidents;
- b) There is no pavement on this side of the road risking pedestrian safety;
- c) Nearby planning applications have been refused on highway grounds;
- d) The number of cars would lead to future parking problems beyond the site;
- e) Adequate provision has not been made for emergency vehicles;
- f) The talked about Winterbourne by-pass has not been constructed;
- g) The shop might become a 'local shop' exacerbating highway problems.

4.8 Existing on Site Considerations:

- a) Only the existing bungalow comprises a permanent building;

- b) Certificates of Lawfulness have been granted due to a lack of enforcement;
- c) Existing on site uses should be addressed;
- d) Notice was served on thriving businesses leading to a redundant site;
- e) The loss of the businesses would be detrimental to the local economy;
- f) Questions are raised with regard to the legitimacy of existing site uses;
- g) The area of lawful development on site is much smaller than that planned.

4.9 Design/ Visual Amenity:

- a) The proposal is contrary to the Frampton Cotterell village design statement;
- b) Mobile homes are not in keeping with the semi-rural nature of the area;
- c) Other developments have utilised stone and included character features;
- d) The proposal comprises an overdevelopment of the site;
- e) The site is highly visible given its position on the settlement boundary;
- f) The mobile home parks at Ram Hill are interspersed with oak trees, flowering gardens, and curved roads with units on an informal layout. This layout is reminiscent of an 'austere seaside caravan park';
- g) It will result in light pollution along the rural fringe;
- h) The frontage will become awash with sales boards;
- i) Other experience indicates that homes might become more permanent;
- j) Where would the twenty-six wheelie bins be stored and collected from?

4.10 Wildlife/ Ecological Concerns:

- a) It would result in the potential loss of good quality agricultural land;
- b) An Environmental Impact Assessment has not been undertaken;
- c) The site forms part of a green corridor from Frenchay to Yate;
- d) Wildlife thrives in the many hedgerows, fields and farmland.

4.11 Residential Amenity:

- a) Typically these units rely on gas canisters, there is no storage provision for this whilst such should not be stored in proximity to existing dwellings;
- b) Those at the front of the site would overlook those dwellings opposite;
- c) The proposal shows a poor relationship to existing development and might have an adverse impact on residential amenity;
- d) There will be a noise issue with many people living in such a small space;
- e) There is considerable local opposition to the scheme.

4.12 Miscellaneous

- a) The site might be occupied by travellers;
- b) There are no guarantees that the site might not be extended in the future;
- c) Development work would cause considerable disruption to local residents;
- d) The application has been lodged by a disreputable company;
- e) There are inconsistencies within the application;
- f) No provision has been made for affordable housing which is much needed;
- g) It would reduce house prices in the local area;
- h) There might be an increase in crime rate;
- i) Mobile homes have a high carbon footprint;
- j) Clarification should be provided on the caravan act prior to any approval;
- k) The proposal would introduce problems that would be difficult to control;
- l) The shop might act as a catalyst for anti-social behaviour;
- m) Conditions should be attached preventing tow-able caravans and requiring the retention of the amenity space at the rear;
- n) The proposed layout would not satisfy Health & Safety requirements;

- o) The proposed sui generis use could lead to a whole variety of other uses.
 - p) Previous applications at this address have been refused;
 - q) There is no reference to provisions for disabled persons;
 - r) There is no need for this given the close proximity of other developments;
 - s) Approval could be perceived as the next step from a business approval;
- 4.13 Minutes of a local residents meeting have also been received accompanied by a petition (200 signatories) objecting to the proposal.
- 4.14 One letter raising no objection to the proposal has also been received whilst two letters of objection also cite some benefits to the scheme including:
- a) Demolition of the existing buildings would offer an improvement;
 - b) No objection would be raised to permanent housing on this site provided it was in line with the existing building line.

5. **ANALYSIS OF PROPOSAL**

- 5.1 **Principle of Development**
 Policy GB1 of the South Gloucestershire Local Plan cites that within the Green Belt, permission will only be given for the construction of new buildings for the purposes of:
- a) Agriculture and forestry;
 - b) Essential facilities for outdoor sport and recreation;
 - c) Cemeteries;
 - d) Limited extension, alteration or replacement of existing dwellings;
 - e) Limited infilling within the settlement boundaries.
- 5.2 Further, the change of use of existing land or buildings will only be permitted where the works would not have a materially greater impact on the openness of the green belt or conflict with the purposes of including land within it. Buildings to be converted should also be of permanent and substantial construction and capable of conversion without major or complete reconstruction whilst their form, bulk and general design should be in keeping with their surroundings.
- 5.3 The supporting text to this policy details that where development does not fall within these limited categories of development, the onus will be on the applicant to demonstrate that there are very special circumstances to justify the grant of planning permission. Where the Council is minded to approve such proposals, they will be treated as departures from the Development Plan and referred to the Secretary of State.
- 5.4 **Site History**
 The application site comprises some 1.2ha of land on the northwest side of Bristol Road, Frampton Cotterell. The site lies beyond the settlement boundary and within the green belt.
- 5.5 The site currently hosts a single dwelling to the front of the site with a variety of differing uses behind. In this regard, it is noted that the application site suffers a lengthy and complex planning history although a number of certificate of lawfulness applications have provided some clarity to the make up of the site.
- 5.6 In view of the above and having regard initially to the front part of the site, this currently provides for a single-storey dwelling with a large area of hard standing behind. This area of hard standing appears to benefit from planning permission to provide car parking to the former aquatic and water garden store previously

- housed with the single-storey building that now stands empty against the south site boundary. To the far side of this car parking area adjacent to the northern site boundary stands another single-storey outbuilding (previously a shop).
- 5.7 Moving back further into the site, a Certificate of Lawfulness application granted in 1999 regularised the use of further buildings for the purposes of the repair, overhaul and maintenance of motor vehicles. These buildings comprise a mix of block and corrugated structures to the north side of the site whilst further, the certificate also allowed for the storage of motor vehicles on an area of land at the rear contained with two large dilapidated glasshouses. In this regard, at the time of the site visit, it was noted that there were approximately 25 motor vehicles stored on site with most of this area appearing empty and unused.
- 5.8 To the rear of the aquatic store and in front of this area allocated to the storage of motor vehicles, the site appears to have originally provided for horticultural purposes and as such, provides for a number of outbuildings and structures (predominantly timber) which served the former Sunbeam Nursery. However, to the front corner of this area, a small single-storey building provides for Sunbeam Conservatories; the only other business in addition to the car repair centre which appeared to still be operating from this site.
- 5.9 The Proposal
The application seeks full permission for the change of use of this land to allow the creation of a mobile home park. In so doing, all existing structures would be removed with the exception of the bungalow and shop with the latter to provide a new office/ shop facility. Three rows of mobile homes would be provided totalling 26 plots with such encompassing the full site up to the rear of the existing glasshouses. Land beyond would provide for recreation purposes.
- 5.10 Boundary planting to the front would screen visitor car parking adjacent to the existing bungalow whilst the existing mature hedge along the south boundary of the site would be retained and reinforced with additional planting. The existing waist height block wall along the north boundary would be replaced by a hedge.
- 5.11 The homes would stand on concrete plinths and be connected to water, electric and drainage supplies. Access would be via the existing entrance onto a one way loop with each unit benefiting from one parking space and a small garden.
- 5.12 Impact upon the Openness of the Green Belt
The proposal does not fall within the limited categories of development that might be acceptable in the green belt with there being a general presumption against new residential development. As such, the onus is on the applicant to demonstrate that there are very special circumstances which would justify the grant of planning permission.
- 5.13 In view of the above, the applicant makes reference to the existing authorised uses which are contained on site and which would be removed should planning permission be granted. In this regard, it is cited that the footprint of authorised built form is approximately 2,700m² with about 1380m² of this being subject to a certificate of lawfulness or planning permission to provide a commercial use.
- 5.14 As part of the scheme, all of the above uses and associated buildings would be removed to provide a mobile home park 'within an appropriate landscape setting' that would result in a 'meaningful reduction in built form from about

- 8,000m³ to about 5,500m³. On this basis, it is argued that this would have a less harmful impact on the openness of the green belt thus justifying approval.
- 5.15 In response, the site currently hosts a number of single-storey outbuildings and structures which are arranged on an informal basis and scattered throughout the site. Many of these would be reasonably associated with a green belt location given their previous horticulture use (including the large glasshouses) although the disrepair of many raises doubts as to their long term future.
- 5.16 Nonetheless, having regard to the proposal, it noted that the proposed mobile homes would be of a form and appearance that would be out of keeping with the character and appearance of the locality or the limited type of new building that would be considered appropriate within the green belt. Further, these buildings would be formally arranged in rows with tarmac access roads created.
- 5.17 In view of the above, it is not considered that the limited circumstances put forward in support of the proposal are sufficient to justify the grant of planning permission. Further, whilst it is acknowledged that there would be some benefit in the removal of the existing buildings, it is noted that the poor visual quality of a landscape does not provide reason for its exclusion from the green belt and is also not relevant to its continued protection afforded by green belt legislation.
- 5.18 Accordingly, it is considered that the proposal would be wholly inappropriate within this green belt location introducing an alien form of development that would be out of keeping with both the site and the locality. Planning refusal is therefore recommended on this basis.
- 5.19 Design/ Visual Amenity
The application relates to the change of use of the land which in turn would provide for twenty-six mobile homes. These would be twin units of 6m in width and 12m in length. As per homes of this type, they would be of prefabricated construction stood on concrete plinths. They would be single-storey whilst all are likely to contain subtle variations in design and detailing.
- 5.20 In view of the above, it is noted that the site occupies a prominent position by virtue of its edge of settlement location whilst all surrounding dwellings are of brick construction albeit of varying age and design. As such, it is considered that the proposal would appear out of keeping with the general character of the area and detrimental to the visual amenities of the locality.
- 5.21 Further to the above, whilst it is noted that the applicant has offered a scheme of landscaping to help offset the visual impact of the proposal, this would not address the more fundamental objection to this type of development within this location. It is also further noted that the landscaping information received is of insufficient detail to allow an appropriate assessment of its implications.
- 5.22 Residential Amenity
The majority of dwellings within close vicinity of the application comprise those properties opposite fronting Bristol Road. In this regard, given the appreciable spacing between and the front boundary landscaping proposed (controlled by condition), it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.23 Dwellings to the north of the application site stand to the far side of an adjoining field again fronting Bristol Road. It is noted that that only a limited number of

secondary windows appear to face the application site whilst the new boundary hedge would also provide screening. Accordingly, it is not considered that any significant adverse impact in residential amenity would be caused.

5.24 Finally, thick boundary screening already runs the length of the southern site boundary with a vehicular access track running parallel with this. As such, there are again no directly adjoining properties to this side whilst views would once again be restricted. It is again not considered that any significant adverse impact in residential amenity would be caused.

5.25 Highway Safety

There is no transportation objection to the principle of the proposal given that it is likely that the existing on site uses could generate more vehicular movements than that proposed with a significant number of these involving larger vehicles. Such movements would now no longer be necessary except at the initial stage of development.

5.26 Accordingly, it is considered that the application would be likely to generate in the region of twenty vehicle movements a day during the morning and peak hours. This is considered to be acceptable. Nonetheless, in the event of permission being granted, it would be necessary to attach a condition limiting the number of plots to twenty-six.

5.27 Ecological Issues

The application site backs onto open countryside (agricultural land) although is not covered by any statutory or non-statutory designations.

5.28 It is noted that several mature hedgerows form the southern, western and part of the northern boundaries to the site. The application appears to indicate that these will be retained and augmented ('reinforced') with new native planting whilst the length of hedge along part of the north boundary would be extended along its entire length. The native shrub species mix for the hedge would need to be agreed with the Council and thus could form the basis of a condition.

5.29 The application proposes to use an area of open grassland to the north-west of the buildings, forming part of the nursery, for recreational purposes. In this regard, the application should include a grassland survey indicating whether it is of botanical interest and if so, demonstrate that this can be reconciled with its use for informal recreation. No such survey has been submitted.

5.30 Further to the above, the habitat within the proposed recreational area, coupled with its former use as a nursery ensures its suitability for use by reptiles such as slow-worms. Slowworms are protected against intentional or reckless killing or injury under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000 thus the application site needs to be surveyed for the species and, if present, a mitigation strategy drawn up in agreement with the Council, to form the basis of a planning condition. Again no survey has been received.

5.31 Finally, it is noted that the former nursery buildings and existing vegetation on site, including the hedgerows demarcating the boundary of the site, provides nesting habitat for a range of local bird species. As such, an informative would need to be attached to any permission advising that works should not take place between March and August (of any year) to avoid upsetting nesting birds.

5.32 Drainage

Considerable local concern has been expressed about the capacity of the local sewerage system whilst an objection has also been raised by the Council's drainage engineer given the lack of details received. In this regard, it is noted that advice contained within PPS25 also details that all developments of over 1ha sited within flood zone 1 should be accompanied by a flood risk statement. As such, whilst this issue might be overcome, the absence of any details at this stage dictates that planning permission should also currently be withheld.

5.33 Outstanding Issues

Concern has been expressed with regards to the lack of an Environmental Impact Statement which might be expected to accompany an application of this type. In this regard, whilst the site area meets the criteria threshold (albeit only marginally), further information indicates that the number of pitches proposed is well below that where an EIA should be requested. Further, given the more fundamental policy objection, this was not considered to be necessary.

5.34 Concern has been expressed with regards to the implications of the proposal given that a residential mobile home park falls within the sui generis use class. Approval would not though give consent for any other sui generis use with any further change of use requiring the benefit of a further planning application.

5.35 The applicant had indicated that he would be willing to accept an age condition restricting occupation to those over the age of 55 in an attempt to overcome concerns as to the future occupants of this site. Nonetheless, in the event of permission being granted, it is not considered that this concern would provide a legitimate reason for this condition whilst such would also be difficult to enforce.

5.36 Given the nature of the application (change of use of land) there is no requirement for affordable housing. Further, the Council's affordable housing team have indicated that if this were not the case, an offsite provision would be requested as opposed to a number of mobile units being provided.

5.37 Design and Access Statement

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning Permission is **REFUSED** for the following reasons:

Background Papers **PT07/1286/F**

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

REFUSAL REASONS

1. The site is located within the Bristol/Bath Green Belt beyond the limits for development of the settlement. The proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt and it is considered that the limited circumstances advanced in support of the application do not justify the granting of planning permission. The proposal is therefore contrary to the provisions of PPG2 and Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposal would introduce a form of development that would be out of keeping with the traditional form of development within the locality and which would detract from its semi-rural environment. The proposal would therefore appear detrimental to the visual amenities of the locality and thus would be contrary to Policies D1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The application is unaccompanied by an ecological survey to adequately demonstrate that the site is free of Slowworms and a Grassland survey to investigate any botanical interest. The proposal is therefore considered contrary to Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The application is unaccompanied by a Flood Risk Assessment and drainage details to demonstrate that the risks of flooding and pollution have been eliminated. The proposal is therefore contrary to the provision of PPS25 and Policies EP2 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 27/07 – 06 JULY 2007

ITEM 8

App No.: PT07/1495/F

Applicant: Mr & Mrs M
Abrahams

Site: 14 Sandy Close Bradley Stoke BRISTOL
South Gloucestershire BS32 8AJ

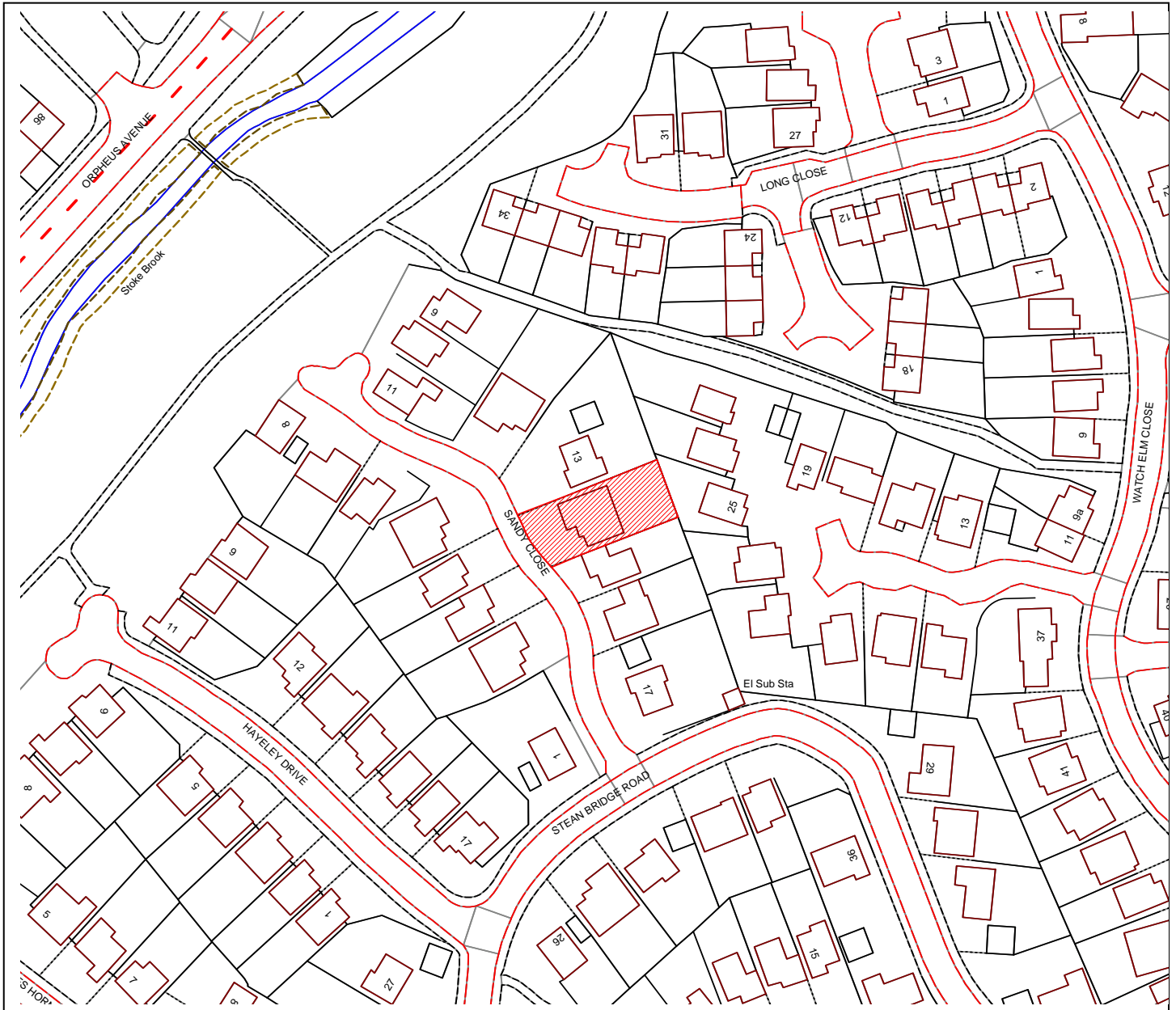
Date Reg: 14th May 2007

Proposal: Erection of first floor extension to provide
enlarged bedrooms and bathroom

Parish: Bradley Stoke Town
Council

Map Ref: 62131 80784

Ward: Stoke Gifford



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N.T.S

PT07/1495/F

INTRODUCTION

The application appears on the Circulated Schedule following a letter of objection from a neighbour. The application previously featured on the Circulated Schedule 22nd June and has been placed on the Schedule again to allow for further comments on residential amenity.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a first floor side extension to provide enlarged bedrooms and a bathroom.
- 1.2 The application site relates to a detached dwelling set within the established residential area of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Quality Design
 - H4 Development within the Residential Curtilage
 - T12 Transportation Development Control Policy

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection.
- 4.2 Local Residents
One letter of objection:
 - a) The extension will restrict natural daylight to our en-suite bathroom and kitchen

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings subject to there being no adverse impact on the existing residential and visual amenities, and the maintenance of highway safety.
- 5.2 Residential Amenity
The application is for a first floor side extension to extend over an existing garage and kitchen. The extension would be contained within the existing building line and silhouette of the dwelling, and would not result in an overbearing impact for neighbours. It is proposed to add one side window to serve a bathroom. This would be conditioned as obscure glazed. It is

considered that the proposal would not result in a significant loss of privacy over the existing situation.

- 5.3 A neighbour has raised concerns that the proposal would result in a loss of light to their ensuite window. This is located on the side elevation of the dwelling, and faces onto the proposed position of the extension. This window serves an ensuite rather than a habitable room and the impact upon living conditions is considered a reasonable one.
- 5.4 Secondly a neighbour raised concern that the proposal would restrict light to a kitchen. On the side elevation there is a ground floor glazed door, the main window to the kitchen is on the rear elevation. As the extension is being built at first floor within the existing building depth it is not considered that the proposal would unreasonably affect the usability of the kitchen nor the rear window.
- 5.5 A specific right to light is not protected within the Planning System. Given that both dwellings are off-set from the boundary, and the above assessment a refusal reason for restricting light to an ensuite and kitchen could not be substantiated.
- 5.6 Design/ Visual Amenity
The dwelling features a half-hipped roof which would be mimicked in the proposed extension. It is proposed to match materials with the existing dwelling. There are a number of varying styles throughout the street-scene. It is considered that the proposed extension would be in keeping with the design of the dwelling and character of the area.
- 5.7 Transportation
The proposal would not alter the existing provision of parking spaces. With a single garage and two further spaces in front of the dwelling. The proposal is considered acceptable in transportation terms.
- 5.8 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 Planning permission be approved subject to the following conditions:

Background Papers **PT07/1495/F**

Contact Officer: **Charlene Baker**

Tel. No. **01454 863819**

CONDITIONS

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

Reason(s)

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

2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the side elevation shall be glazed with obscure glass only.

Reason(s)

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

CIRCULATED SCHEDULE NO. 27/07 – 06 JULY 2007 **ITEM 9**

App No.: PT07/1629/F
Site: 15 Castle Court Stoke Gifford BRISTOL
South Gloucestershire BS34 8RF
Proposal: Conversion of existing garage to form
family room
Map Ref: 63084 79837

Applicant: Mrs S Williams
Date Reg: 24th May 2007
Parish: Stoke Gifford Parish
Council
Ward: Stoke Gifford



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N.T.S

PT07/1629/F

INTRODUCTION

The application appears on the Circulated Schedule following a letter of objection from a neighbour.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the conversion of an existing garage to form a family room. The application site relates to an end terrace town house within a new build housing estate near Parkway Station. Parking is to the front of the property, and is surrounded by fencing.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within the Residential Curtilage
T12 Transportation Development Control Policy

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comment
- 4.2 Local Residents
One letter of objection received:
- 4.3 Removal of a garage is the loss of a parking space, as parking is a huge problem on this site due to narrow road permission should only be granted providing 2 parking spaces are provided in the applicants garden.
- 4.4 A further letter of objection was received, however a following letter removed this objection once it was understood there would be two parking spaces within the boundary of the property.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings subject to there being no adverse impact on the existing residential and visual amenities, and maintenance of highway safety.
- 5.2 Residential Amenity
The proposal would not extend the dwelling, as such the proposal would not result in an overbearing impact for neighbours. Due to existing close boarded fencing the proposal would not result in a significant loss of privacy. The

alteration from a garage to a family room is considered appropriate for a residential dwelling, and would not adversely harm the amenity of the adjoining property.

5.3 Design/ Visual Amenity

The replacement of a garage door with a window is considered to be in keeping with the general design of the dwelling, and street-scene as a whole. The proposal would be obscured by existing close-boarded fencing to a height of 1.8 metres.

5.4 Transportation

The site is located off the unclassified Castle Court, which serves as access to the wider highway network for a number of residential properties. The proposal features the conversion of the existing garage into a family room. The proposed conversion is recessed in to ensure that two off-street parking spaces area provided on the existing driveway and as such mitigates the loss of the integral garage. On the above basis I have no transportation objection to this current proposal.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be approved subject to the following conditions:

Background Papers **PT07/1629/F**

Contact Officer: **Charlene Baker**

Tel. No. **01454 863819**

CONDITIONS

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

Reason(s):

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

- 2 Two off-street standard vehicle parking spaces shall be provided and maintained at the site at all times, unless approved in prior written consent of the Local Authority.

Reason(s):

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

App No.: PT07/1637/F
Site: 65 Ratcliffe Drive Stoke Gifford South Gloucestershire BS34 8TX

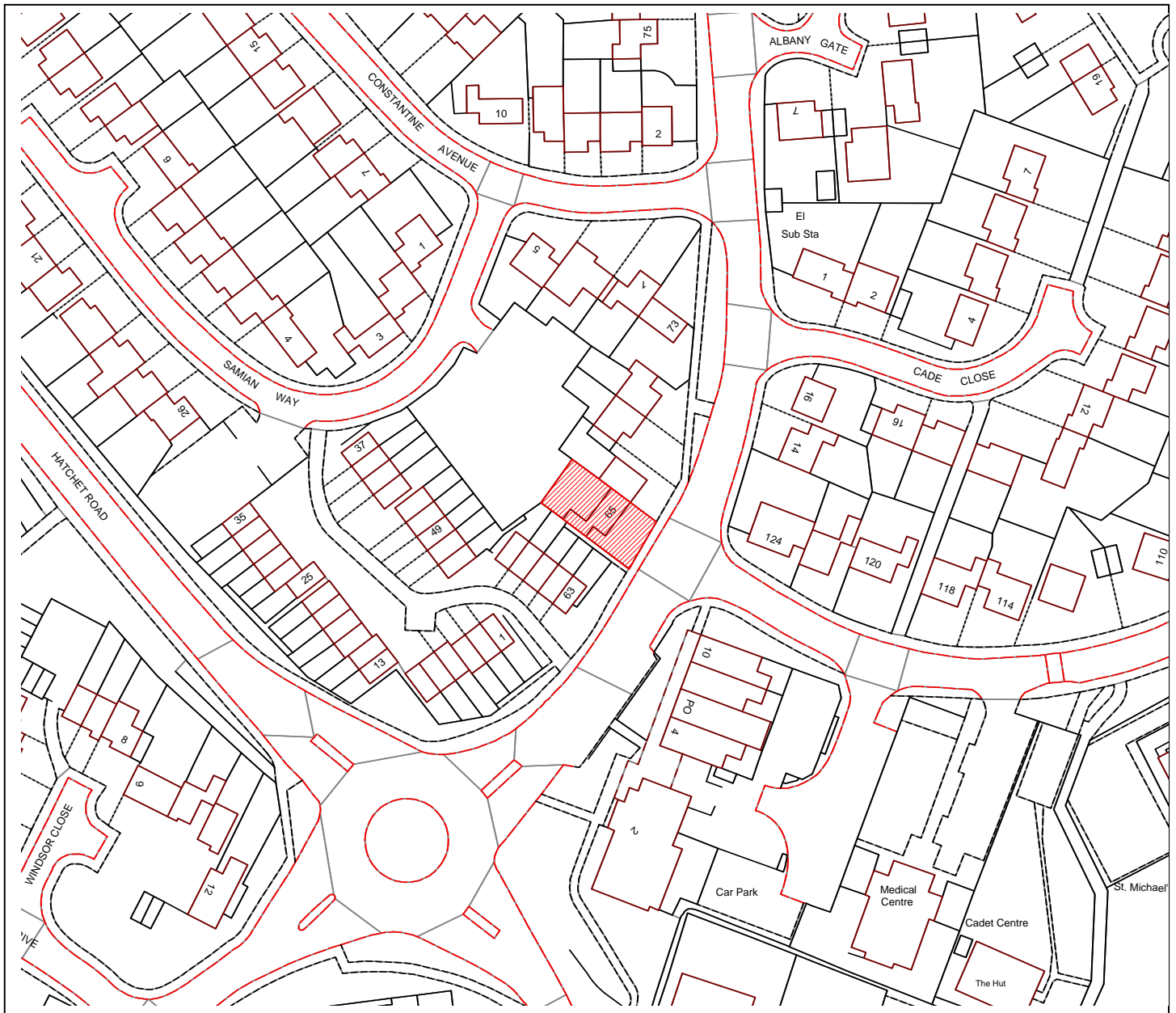
Applicant: Mr G Johnson
Date Reg: 24th May 2007

Proposal: Erection of single storey side extension to provide kitchen and study (Resubmission of PT07/0857/F) (in accordance with amended plans received on 29 June 2007).

Parish: Stoke Gifford Parish Council

Map Ref: 62152 80052

Ward: Stoke Gifford



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1. THE PROPOSAL

- 1.1 This application relates to the erection of a single storey side extension at 65 Ratcliffe Drive, Stoke Gifford. The proposal extends the depth of the property, has a width of 2.5m and a lean-to roof of 3.7m falling to 2.1m at eaves level. All materials are to match existing.
- 1.2 The application site is a semi-detached property with vehicular access to the front of the site. The side of the site lies adjacent to a private pedestrian access that serves the rear gardens of 59/61 and 63 Ratcliffe Drive. The property is located within the urban area of Stoke Gifford.
- 1.3 This application is a resubmission of planning application PT07/0857/F which related to the erection of a two storey side extension but was refused on the grounds of overbearing impact on adjoining occupiers. The current application has been amended in that the pitch of the extension has been reduced from 35° to 25°. This lowered roof pitch has reduced the maximum height from 4.2m to 3.7m.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transport
- 2.2 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
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
Design Checklist (Consultation Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0857/F Erection of two-storey side extension.
Refused 13 April 2007 on the grounds of overbearing impact on occupiers of adjoining properties.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No response received.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
a) pitch of roof is too steep and out of character with surrounding properties;
b) proposal will result in only one off-street parking space and could cause additional parking at a busy junction.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As can be seen from the planning history, a previous application for a two storey side extension was refused on the grounds of its overbearing impact upon adjoining occupiers. The current scheme attempts to address this issue by reducing the extension to single storey size.

5.2 In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space.

5.3 It is considered that the resubmitted application accords with the above policy criteria. The size and design of the extension is in keeping with the existing property and area as a whole and due to its single storey size now overcomes the previous issue of overbearing impact upon the occupiers of the 59 and 61 Ratcliffe Drive. The reduced roof pitch and height further reduces any impact. It is recognised that the rear gardens of these properties are small, but the rear elevations of these properties are located some 8.5m from the flank elevation of the extension. The single storey nature and lean-to roof reduces any overbearing impact and no loss of privacy or light will result from the development. Adequate garden area will also remain. Although the proposal removes the existing garage, the site benefits from an 8m drive which will afford adequate off-street parking. Furthermore, no parking is permissible outside the site as it is restricted by double yellow lines. As such the proposal accords with the adopted development plan and is acceptable.

5.4 Design and Access Statement

A Design and Access Statement is not required for a Householder application.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be granted.

Background Papers PT07/1637/F

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CONDITIONS

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

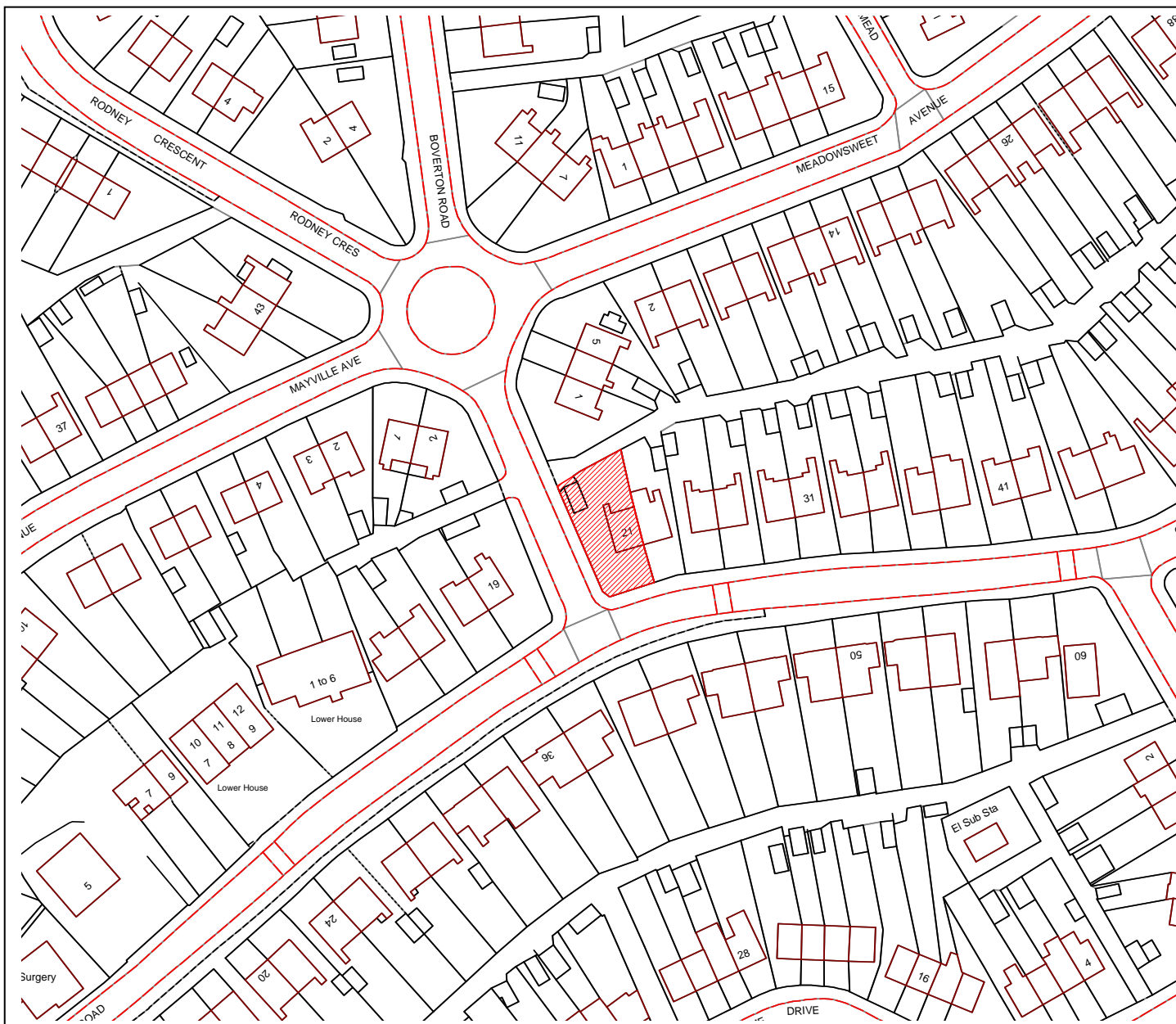
Reason(s):

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

CIRCULATED SCHEDULE NO. 27/07 – 06 JULY 2007 **ITEM 11**

App No.: PT07/1645/F
Site: 21 Conygre Road Filton BRISTOL South Gloucestershire BS34 7DB
Proposal: Erection of 2 storey side extension to provide additional living accommodation
Map Ref: 60565 79377

Applicant: Mr Follows
Date Reg: 29th May 2007
Parish: Filton Town Council
Ward: Filton



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N.T.S

PT07/1645/F

INTRODUCTION

This application appears on the Circulated Schedule following a letter of objection from the Town Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey side extension to provide additional living accommodation. The extension would have a width of 4 metres.
- 1.2 The application site relates to a semi-detached dwelling in the established residential area of Filton. Currently there is a garage to the rear, and the site benefits from off-street parking to the front of the dwelling via hardstanding.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within the Residential Curtilage
T12 Transportation Development Control Policy

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Concern regarding the provision of adequate on site parking

Other Representations

- 4.2 Local Residents
No comment

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings subject to there being no adverse impact on the existing residential and visual amenities, and the maintenance of highway safety.
- 5.2 Design/ Visual Amenity
The extension would be constructed subservient to and set back from the host dwelling. It is proposed to match materials with the existing dwelling. There are a number of additions and alterations within the street-scene, and given the subservient nature of the proposal it is considered an acceptable addition to the dwelling and street-scene.

5.3 Residential Amenity

The semi-detached dwelling is located next to a side road, and the proposed extension would be constructed nearing this street. Given this the extension would not be constructed near any neighbours, and no overbearing impact would be caused. Similarly the proposal is considered acceptable in privacy terms, first floor side window is proposed which serves an ensuite and would be obscured glazed.

5.4 Transportation

The site is located off the C classified Conygre Road, which serves as access to the wider highway network to a mainly residential area.

5.5 The proposal features the erection of a two storey side extension to form additional living accommodation. The proposal will result in the removal of the single detached garage to the rear of the property; this is the loss of one car parking space.

5.6 The proposal will increase the current three bedroom house to a four bedroom house.

5.7 There is an existing parking area to the front of the property, which can easily accommodate the current and proposed levels of parking generated three parking spaces, even with the loss of the detached single garage. On that basis there is no transportation objection to this proposal.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be approved subject to the following conditions:

Background Papers **PT07/1645/F**

Contact Officer: **Charlene Baker**
Tel. No. **01454 863819**

CONDITIONS

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

Reason(s):

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

- 2 Two off-street standard vehicle parking spaces shall be provided and maintained at the site at all times, unless approved in prior written consent of the Local Authority.

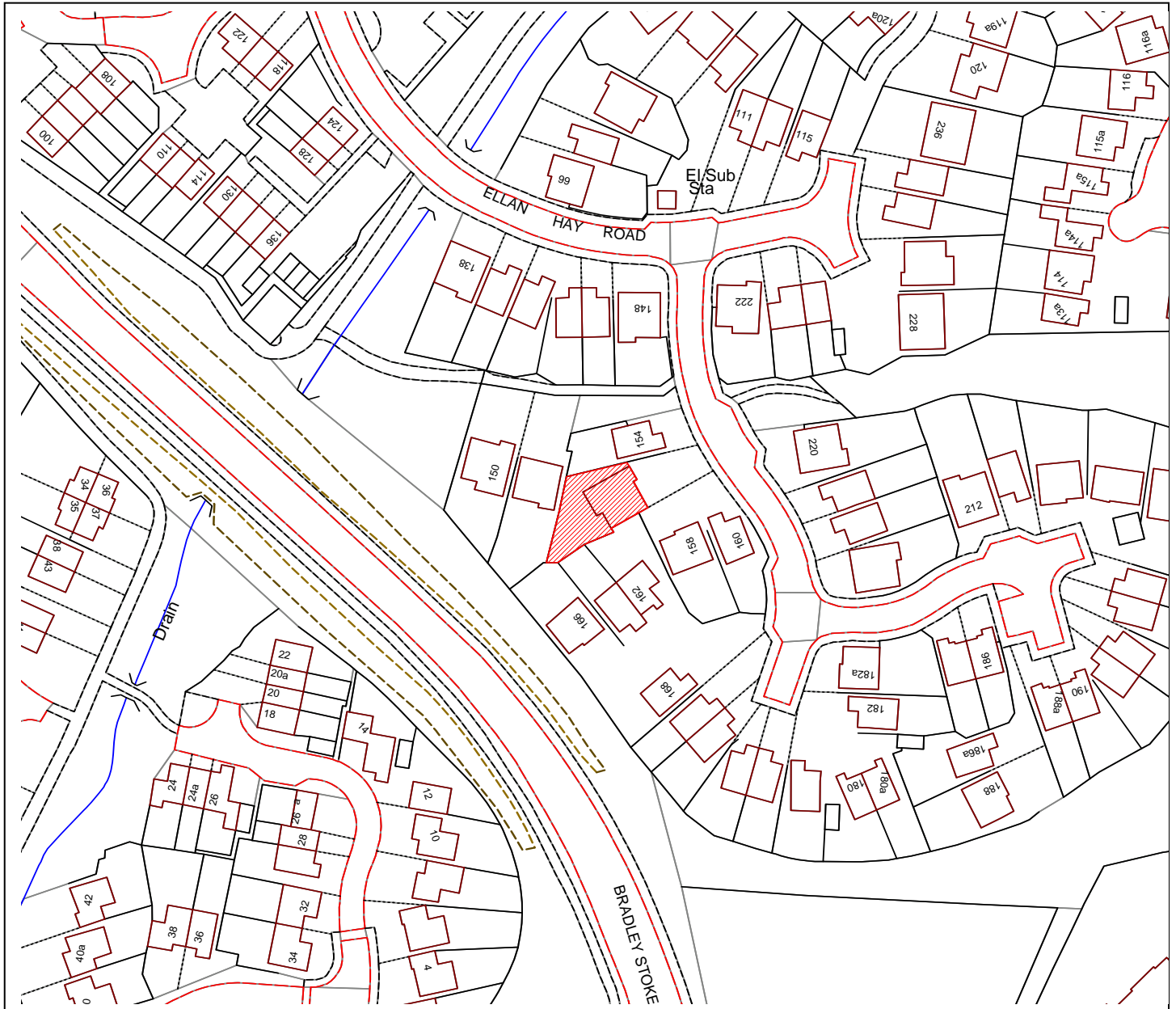
Reason(s):

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

CIRCULATED SCHEDULE NO. 27/07 – 06 JULY 2007 **ITEM 12**

App No.: PT07/1659/F
Site: 156 Ellan Hay Road Bradley Stoke
BRISTOL South Gloucestershire BS32
0HF
Proposal: Conversion of rear of existing garage to
form extended dining room and study
Map Ref: 63249 80753

Applicant: Mr J Bradbury
Date Reg: 29th May 2007
Parish: Bradley Stoke Town
Council
Ward: Bradley Stoke South



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N.T.S

PT07/1659/F

1. THE PROPOSAL

- 1.1 This application relates to the conversion of integral garage to form extended dining room and study at 156 Ellan Hay Road, Bradley Stoke.
- 1.2 The application site is a detached property located within a cul-de-sac with vehicular access to the front. Two off-street parking spaces are available on the driveway in front of the property. The site lies within the urban area of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
Design Checklist (Consultation Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/0898/PDR Erection of rear conservatory.
Approved 2 April 2002.
- 3.2 PT02/1002/PDR Erection of rear conservatory.
Approved 18 April 2002.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
One letter has been received objecting to the insertion of the side window serving the proposed study on the grounds of loss of privacy to first floor bedroom.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
In assessing applications for development within existing residential curtilages, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Such development is normally permitted provided it respects the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space.

- 5.2 It is considered that the application accords with the above policy criteria. The proposal involves the conversion of the existing integral garage and as such no extensions are proposed. Only slight elevational changes are proposed in order to facilitate the conversion and these relate to the formation of a ground floor side window to serve the proposed study, and alteration of a rear doorway serving the existing garage into a window. The brickwork is to match the existing dwelling. The front elevation remains unchanged.
- 5.3 It is considered that the proposal is acceptable in design terms. The side window, due to its ground floor location and existing 2m boundary treatment will not result in any loss of privacy or overlooking. As such the proposal is acceptable in terms of visual and residential amenity. With regard to the loss of the garage space, two off-street parking spaces will still be available and as such the proposal is acceptable in transportation terms. The application is therefore in accordance with the adopted plan and is acceptable.
- 5.4 Design and Access Statement
- A Design and Access Statement is not required for a Householder application.
- 5.5 Section 106 Requirements
- In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission be granted.

Background Papers **PT07/1659/F**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

CONDITIONS

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

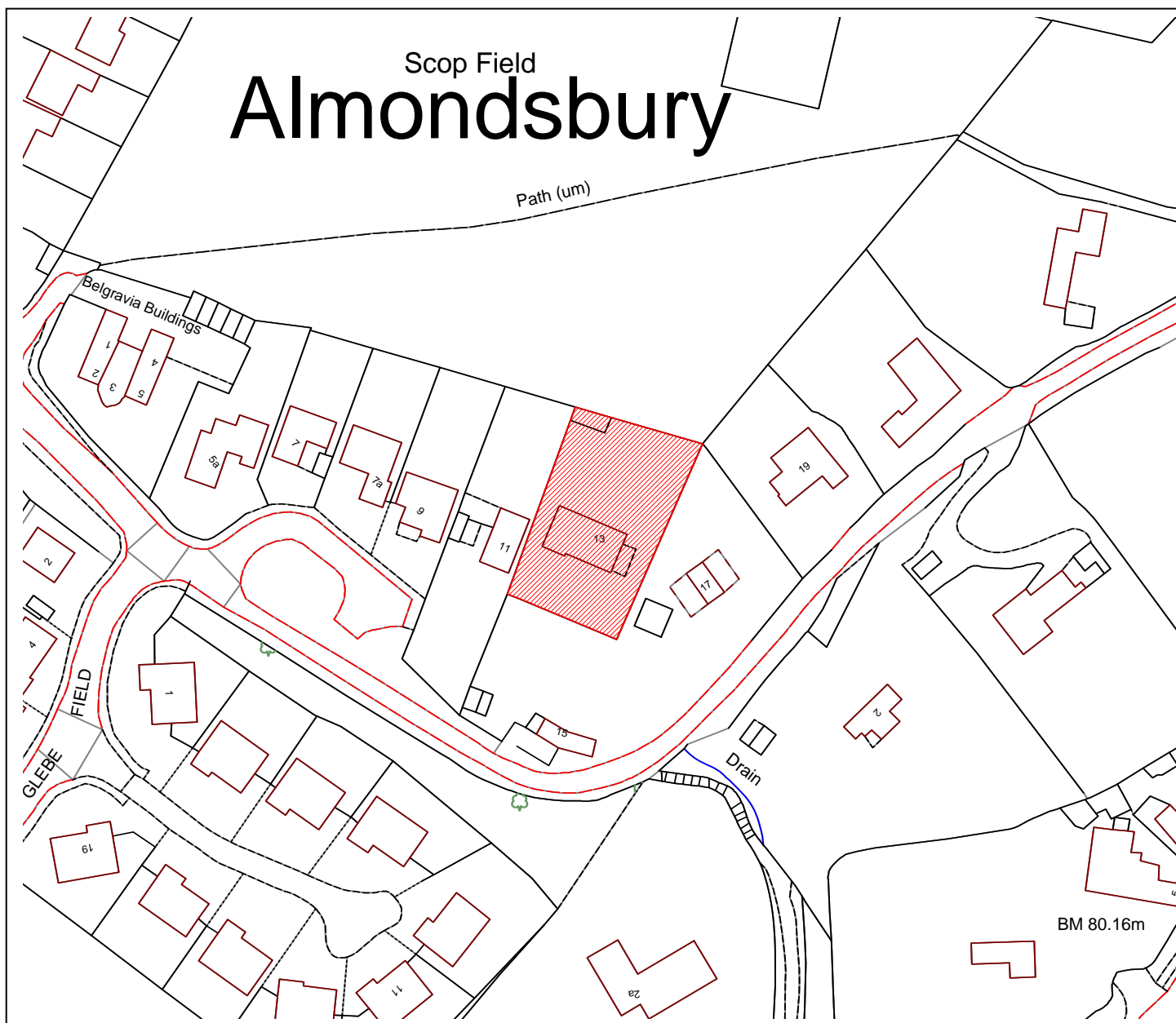
Reason(s):

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

CIRCULATED SCHEDULE NO. 27/07 – 06 JULY 2007 **ITEM 13**

App No.: PT07/1666/F
Site: 13 The Scop Almondsbury BRISTOL
South Gloucestershire BS32 4DU
Proposal: Erection of first floor side extension to
form 2 no. bedrooms. (Resubmission of
PT07/0919/F).
Map Ref: 60574 84166

Applicant: Mr M Naylc.
Date Reg: 29th May 2007
Parish: Almondsbury Parish
Council
Ward: Almondsbury



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N.T.S

PT07/1666/F

INTRODUCTION

The application appears on the Circulated Schedule following a letter of objection from a neighbour.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of a first floor side extension over the existing garage. As a result of the extension two extra bedrooms will be created. The application site comprises a large detached dwelling off The Scop where there is not a uniform style of building. The site is situated within the settlement boundary of Almondsbury, which is a washed over settlement within the Green Belt.
- 1.2 The application is a resubmission of a previously refused application PT07/0919/F. This application was refused due to the design of the proposal not being in keeping with the dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belt Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within the Residential Curtilage
GB1 Green Belt Development
- 2.3 Supplementary Planning Guidance
Development within the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0919/F Erection of first floor side extension to form 2 no. bedrooms.
Refusal 16th May 2007

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comment/ objection
- 4.2 Local Residents
One letter of objection has been received it raises the following points:
 - a) Loss of light to neighbouring properties
 - b) Increase in reflective road noise from the A38
 - c) If the proposal featured a hipped roof would be less of an intrusion

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy GB1 of the South Gloucestershire Local Plan considers development within the Green Belt. Whist Policy H4 of the South Gloucestershire Local Plan specifically relates to extensions and other development within residential

curtilages. These policies indicate that such domestic development is acceptable in principle subject to the following considerations.

5.2 Green Belt

PPG 2 – Green Belts carries a presumption against “inappropriate development” within the Green Belt unless special circumstances can be demonstrated by the applicant. PPG2 defines “inappropriate development” as development that is harmful to the Green Belt, however the guidance identifies the extension or alteration of a dwelling as appropriate development provided that it does not result in a disproportionate addition over and above the size of the original building or affect the open character of the green belt. Policy GB1 of the South Gloucestershire Local Plan, specifically allows for the limited extension of dwellings within the Green Belt, provided that it does not result in a disproportionate addition over and above the original size of the original building.

- 5.3 The proposed extension in terms of its size is not considered to be a disproportionate extension. The same applies when it is added to the conservatory and car port, so even cumulatively the extension is not considered disproportionate. Also given that the development is within the settlement boundary this has to be taken into consideration. Consequently on balance it is not considered that the proposal would adversely affect the open character of the green belt and would therefore be in accord with the guidance given in PPG2 and Local Plan Policy.

5.4 Design

Policy H4 of the South Gloucestershire Local Plan specifically relates to development within the curtilage of residential properties including house extensions and seeks to ensure that development is in keeping with the character and visual amenity of the building and the surrounding area. Whilst Policy D1 of the plan seeks to ensure that a high level of design is achieved.

- 5.5 The previously refused application was considered unacceptable in design terms, the proposal would appear unbalanced with one flank being a different size to the other. It was recommended that the front wall of the extension be extended in line with the rest of the property. This way the extension would fit in with the appearance of the rest of the property.

- 5.6 In this resubmitted application the applicant has extended the first floor in line with the existing dwelling as recommended and it is considered that the design now appears in character and balance with the existing dwelling. As such the proposal is considered to overcome the previous refusal reason and is acceptable in visual terms.

5.7 Residential Amenity

Policy H4 of the South Gloucestershire Local Plan seeks to ensure that the privacy and residential amenity of neighbouring occupiers is protected. It is not considered that the proposal given its scale and location would result in any significant detriment to the amenity of neighbouring occupiers. No new windows are proposed which will be any closer to neighbouring properties than the existing situation.

5.8 Other Issues

A concern has been raised by an objector that the proposal will increase noise levels from the A38. However the A38 is over 150 metres away, so it is considered that this will not have a material impact on current levels.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be approved subject to the following conditions:

Background Papers **PT07/1666/F**

Contact Officer: **Charlene Baker**
Tel. No. **01454 863819**

CONDITIONS

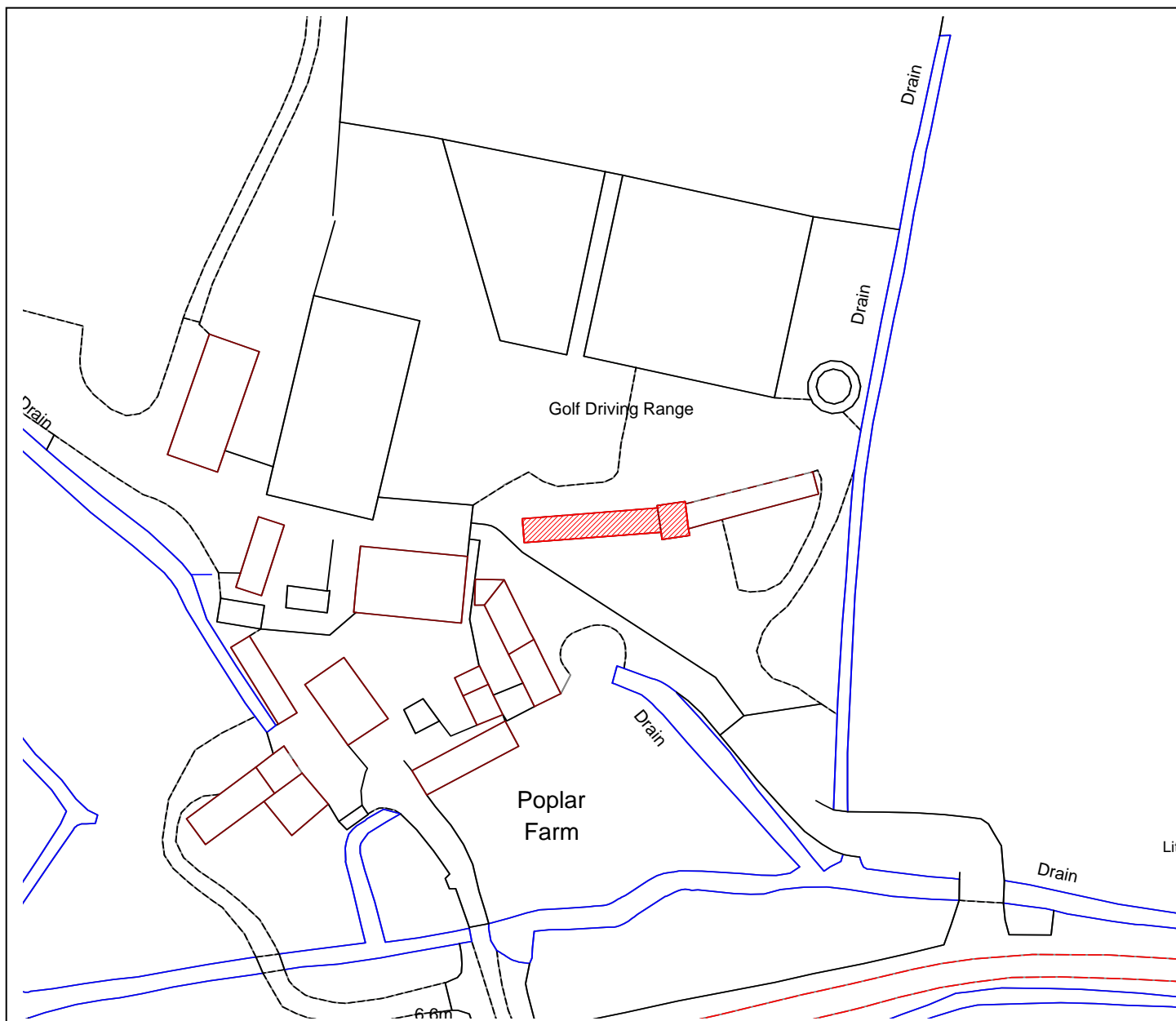
1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 27/07 – 06 JULY 2007

App No.:	PT07/1719/CLE	Applicant:	Mr A L Jones
Site:	The Coach House Pilning Street Pilning BRISTOL South Gloucestershire	Date Reg:	4th June 2007
Proposal:	Application for Certificate of Lawfulness for use of building as a single dwelling house.	Parish:	Olveston Parish Council
Map Ref:	58424 85925	Ward:	Severn



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N.T.S

PT07/1719/CLE

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the use of a former stable building yard as residential dwelling.
- 1.2 The site consists of a predominantly steel framed structure half of which has been converted to provide basic residential accommodation.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The claimant (Mr Anthony Lyndon Jones) has submitted a sworn declaration and a further 10 sworn declarations from independent persons known to him. The declarations provide accounts of visiting and staying at the premises and detail the residential accommodation (by way of exhibition of evidence within the sworn declarations) now being claimed.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 None Received

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Olveston Parish Council consider that this planning application has been very confusing, especially as they have not been able to access the site to make a valuable assessment. Again, we have concerns regarding the four year enforcement rule. The questions whether this property is shown on the electoral register for four years.

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 building subject to this application has been utilised as a residential dwelling for a period in excess of 4 years. The applicant has submitted a sworn declarations supported with financial evidence.

- 7.3 The applicant has shown the application site to include a former stable building which has been converted for residential use in 2002; and a 'grooms residence' accommodated within the same building. The remainder of the building (not forming part of this application) is set out to stables.
- 7.4 Clearly, the subject building as detailed within this application is currently in use by Mr Jones as residential accommodation. The evidence presented shows that Mr Jones has resided on the dwelling for a period since at least 2002, with the conversion works being carried out in 2000. Mr Jones is shown as being present at this address as of 8th October 2006 upon the electoral register. Although this is not confirmation of being in residence for at least four years, the broad evidence is conclusive that this is the case.
- 7.5 Having regard to the above, it is considered that the evidence presented by the applicant proves that, on the balance of probability, the building subject to and detailed in this application has been used for residential purposes for a period in excess of 4 years.

8. RECOMMENDATION

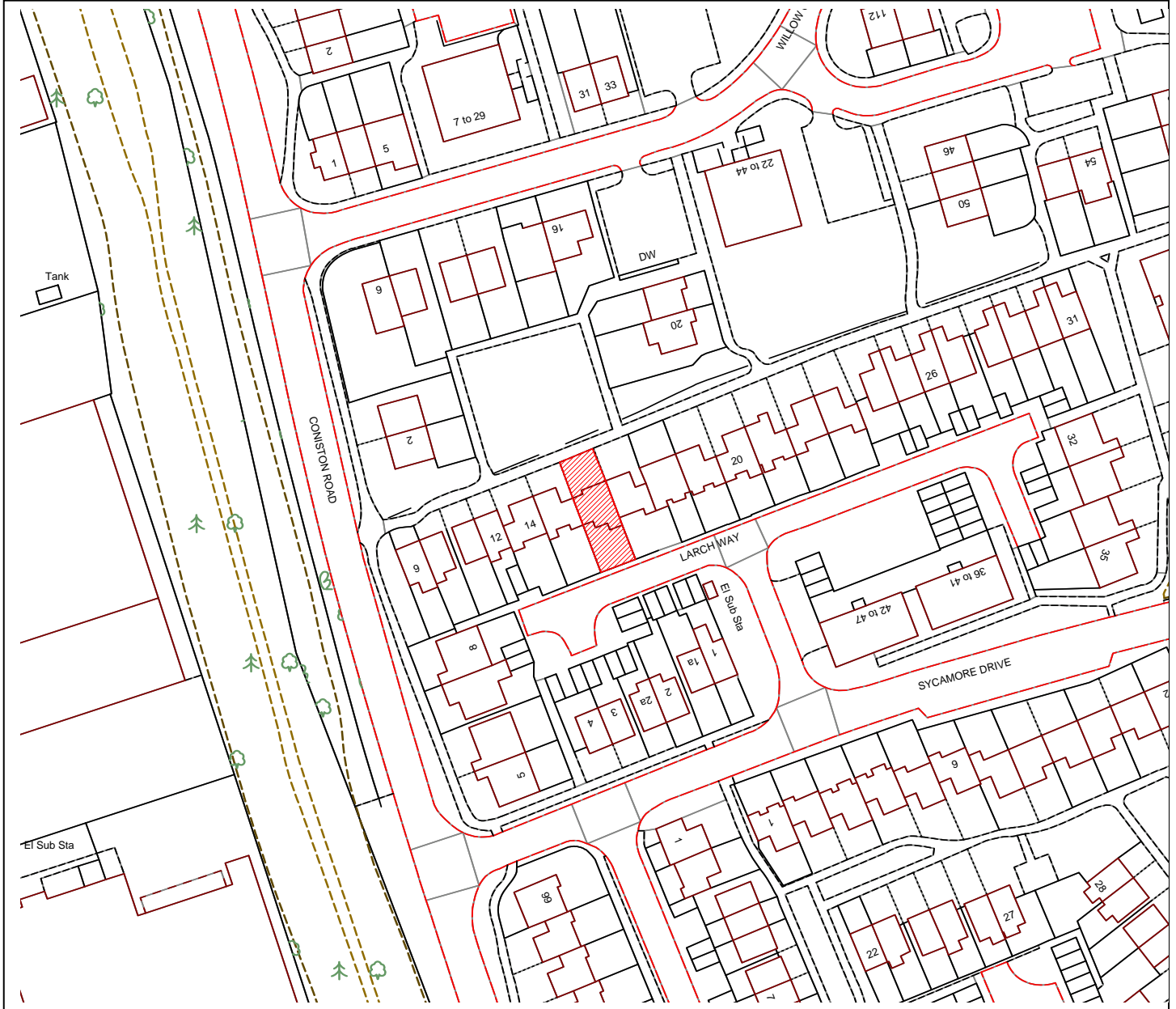
- 8.1 A Certificate of Existing Lawful Use be granted for the use of the building for residential purposes.

Background Papers **PT07/1719/CLE**

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

CIRCULATED SCHEDULE NO. 27/07 – 06 JULY 2007 **ITEM 15**

App No.: PT07/1806/F	Applicant: Key & Faulkner
Site: 16 Larch Way Patchway BRISTOL South Gloucestershire BS34 5DL	Date Reg: 11th June 2007
Proposal: Erection of 2 storey side extension to facilitate conversion to 2 no. flats and associated works.	Parish: Patchway Town Council
Map Ref: 59348 81277	Ward: Patchway



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100023410, 2007.

N.T.S

PT07/1806/F

1. THE PROPOSAL

- 1.1 This full application relates to the erection of a two storey side extension to facilitate the conversion of 16 Larch Way, Patchway to 2 no. two bed-room flats. A communal entrance for both flats is provided to the rear with the ground floor flat also benefiting from access to the front. Two off-street parking spaces and an enclosed cycle/bin store are also provided to the rear of the property. The proposed side extension has the same depth and ridge height of the existing dwelling and has a width of 2.6m with all materials to match existing.
- 1.2 Vehicular access is to the rear of the site off Larch Way, a cul-de-sac. The front of the site opens onto a public footpath and a mature 3m hedgerow/tree screen.
- 1.3 The front garden is to be allocated as amenity area for the ground floor flat with the rear garden communal amenity space.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport

2.2 Joint Replacement Structure Plan

- Policy 1 Sustainable Development Objectives
Policy 2 Location of Development
Policy 33 Housing Provision and Distribution
Policy 34 Re-use of Previously Developed Land
Policy 35 Housing Density

2.3 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
H5 Residential Conversions, House in Multiple Occupation and Re-use of Buildings for Residential Purposes
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy for New Development

2.4 Supplementary Planning Guidance

- Design Checklist (Consultation Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No response received.

4.2 Sustainable Transport

No objection.

4.3 Local Residents

5 letters have been received objecting to the proposal on the following grounds:-

- a) increase in noise and disturbance;
- b) increased car parking;
- c) no similar development in Larch Way;
- d) use of front garden for one of the flats will spoil street scene;
- e) encroachment;
- f) overbearing impact of extension;
- g) loss of light;
- h) out of keeping;
- i) set a precedent;
- j) de-value property;
- k) already a mix of house types in area.

4.4 Of the above, c, i, j and k are not relevant planning issues.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the urban area of Patchway. Advice contained within PPS3 encourages the conversion of housing into extra residential accommodation, regarding it as an important source of additional housing, particularly in town centres. This advice is reflected in the Adopted Joint Replacement Structure Plan where policies encourage a mixture of housing types in sustainable locations, especially dwellings for smaller households. This policy stance is reflected in policy H5 of the adopted local plan. This policy allows for the conversion of existing residential properties into smaller units of self-contained accommodation provided the following criteria are complied with:-

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

The use of the property as 2 flats is an appropriate use within this residential area. It is also considered that the design of the extension is acceptable. It is small in size and scale and in keeping with the existing property and area in general. The proposal therefore accords with this criterion.

B. it would not prejudice the amenities of nearby occupiers;

The proposed extension will not adversely affect the residential amenities of nearby occupiers as it is located to the side of the property, and only extends 2m beyond the rear elevation of the nearest property of 15 Larch Way. However, any impact is further reduced as a garage separates the site from this dwelling. Loss or privacy/light or overbearing impact will therefore not result from the proposal.

In terms of visual amenity issues, off-street parking is provided and an enclosed cycle/bin store located in the rear garden area. These elements will be screened by the existing boundary wall and fencing.

Although an objection has been raised with regard to the front garden area being used by the ground floor flat, this could already occur by the existing residents. However, no structures such as garden sheds could be erected without planning permission.

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

The site is located off the unclassified Larch Way. The proposal converts an existing 3 bed dwelling into 2, two bed flats. The proposal provides 2 off-street vehicular parking spaces, one for each flat, in the rear garden area, with the existing driveway widened. Enclosed cycle parking and bin store are also provided in the rear garden. As such the proposal is acceptable in transportation terms.

However, as the proposal increases the number of bedrooms, a highway contribution of £1,800 is required towards the North Fringe Transport measures scheme.

D. it would provide adequate amenity space.

The existing rear garden area is small in size at under 50m³ and currently serves a 3 bed family dwelling. The rear garden is to be largely used for car parking/cycle/bin storage for the proposed development, with the front garden area allocated to the ground floor flat as it can only be accessed by this flat. It is considered that although the ground and first floor flat do not benefit from any private garden area, adequate open space is available within the immediate vicinity of the site to offset this issue. The proposal is therefore considered to comply with this criterion.

5.2 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is also relevant as it specifically relates to development within existing residential curtilages, including extensions and new dwellings. All the issues relating to this policy have already been addressed under policy H5 above.

5.3 Design and Access Statement

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

5.4 Section 106 Requirements

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

Section 106 Agreement (or similar agreement) and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

7. RECOMMENDATION

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

- a) A financial contribution of £1,800 towards the North Fringe Transport Measures Scheme.

The reason for this agreement is:

- a) In the interests of highway safety.

- 7.2 If the Section 106 Agreement (or similar agreement) is not signed and sealed within 12 months of this determination, then in view of the length of time after the application, should either:

- (a) Return to the Development Control (West) Committee for reconsideration; or

- (b) The application should be refused due to the failure to secure the

Heads of Terms listed above under the Section 106 agreement (or similar agreement), for the reason listed under section 7.1a.

Background Papers **PT07/1806/F**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

CONDITIONS

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

Reason(s):

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

- 2 The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 hours Monday to Friday and 08.00 hours to 13.00 hours on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

To minimise disturbance to occupiers of neighbouring properties and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

- 4 The entrance gates serving the driveway shall be hung so as not to open over or across the public highway/footway.

Reason(s):

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