



**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. 28/07

Date to Members: 13/07/07

Member's Deadline: 20/07/07

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: 13/07/07

SCHEDULE NO. 28/07

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 13 July 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK07/1306/CLE	Refusal	Hobbs House Bakery, Units 5,6,8,10 & 11 Chipping Edge Industrial Estate, Hatters Lane, Chipping Sodbury, South Gloucestershire, BS37 6AA	Chipping Sodbury	Sodbury Town Council
2	PK07/1392/F	Approve with conditions	38 Counterpool Road Kingswood South Gloucestershire BS15 8DQ	Woodstock	
3	PK07/1493/F	Approve with conditions	BFS Diecutting 27 Hanham Road Kingswood South Gloucestershire BS15 8PT	Woodstock	
4	PK07/1552/F	Approve with conditions	31 Bellevue Road Kingswood South Gloucestershire BS15 9TU	Woodstock	
5	PK07/1682/F	Approve with conditions	Parkwall Primary School Earlstone Crescent Cadbury Heath South Gloucestershire BS30 8AA	Parkwall	Oldland Parish Council
6	PK07/1702/F	Approve with conditions	29 Bennetts Court Yate South Gloucestershire BS37 4XH	Yate Central	Yate Town Council
7	PT07/1213/F	Approve with conditions	Coalpit Heath Cricket Club Ram Hill Coalpit Heath BRISTOL South Gloucestershire BS36 2TT	Westerleigh	Westerleigh Parish Council
8	PT07/1364/F	Approve with conditions	58 Wotton Road Charfield WOTTON UNDER EDGE South Gloucestershire GL12 8SR	Charfield	Charfield Parish Council
9	PT07/1555/CLP	Refusal	210 Ellan Hay Road Bradley Stoke South Gloucestershire BS32 0HF	Bradley Stoke South	Bradley Stoke Town Council
10	PT07/1752/CLE	Approve	Olveston Nurseries Aust Road Olveston South Gloucestershire BS35 4DE	Severn	Olveston Parish Council
11	PT07/1829/F	Approve with conditions	22 Fifth Avenue Filton South Gloucestershire BS7 0LP	Filton	Filton Town Council
12	PT07/1831/F	Approve with conditions	4c Worthing Road Patchway South Gloucestershire BS34 5HX	Patchway	Patchway Town Council
13	PT07/1841/F	Refusal	Units 1A & B Badminton Road Trading Estate, Yate, South Gloucestershire	Westerleigh	Westerleigh Parish Council

CIRCULATED SCHEDULE NO. 28/07 – 13 JULY 2007

App No.: PK07/1306/CLE
Site: Hobbs House Bakery, Units 5,6,8,10 & 11, Chipping Edge Industrial Estate, Hatters Lane, Chipping Sodbury, South Gloucestershire, BS37 6AA

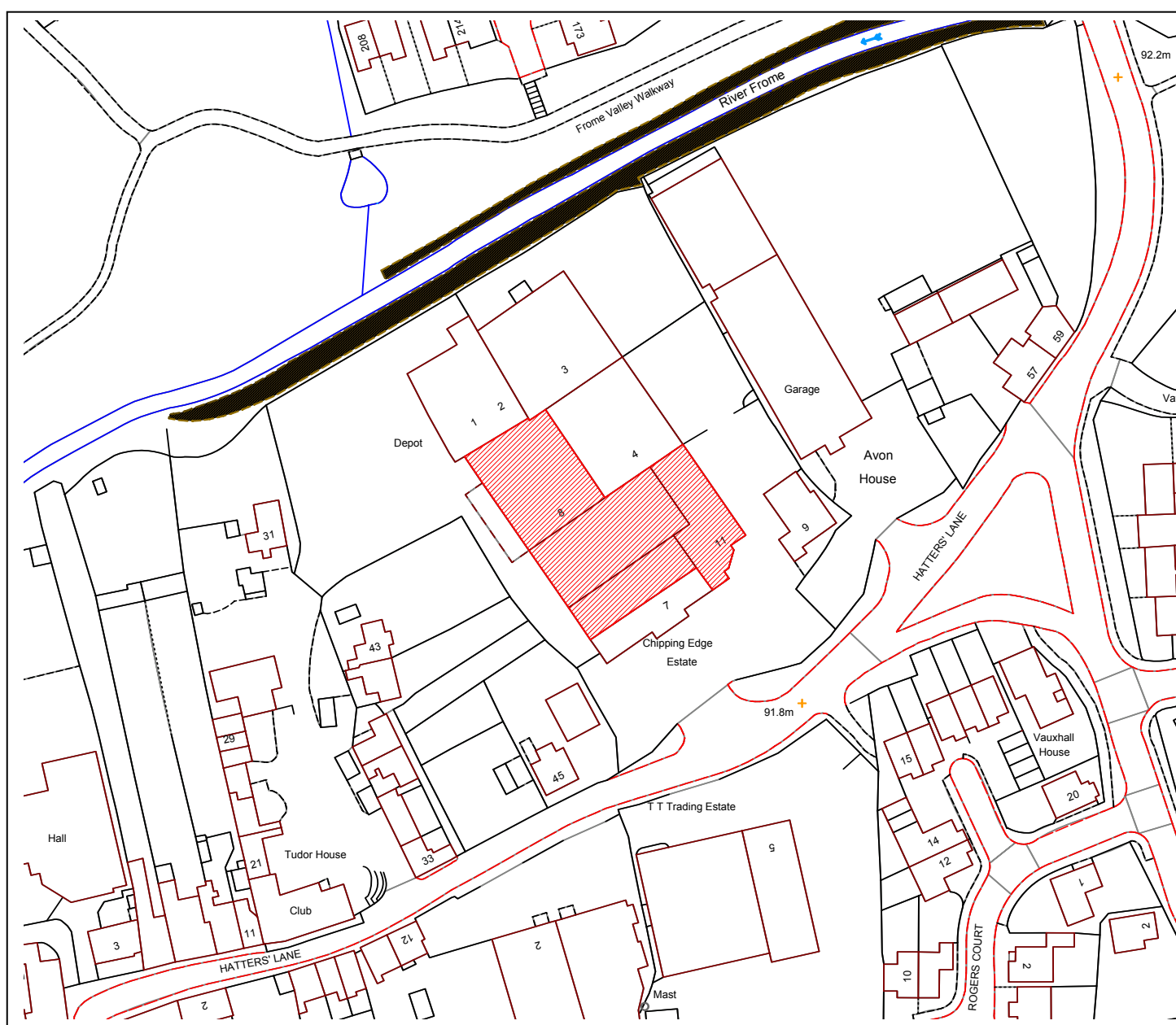
Applicant: Mr C Wells
Date Reg: 25th April 2007

Proposal: Application for Certificate of Lawfulness for an existing use of units 5, 6, 8, 10 and 11 as a bakery operating between the hours of 2000 and 0700 on weekdays and all day on Sundays and Bank Holidays.

Parish: Sodbury Town Council

Map Ref: 73032 82361

Ward: Chipping Sodbury



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2007.

DC0901MW

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 5 adjoining units as a bakery operating between the hours of 20:00 and 07:00 on weekdays and all day on Sundays and Bank Holidays. The units are located within the Chipping Edge Industrial Estate located to the north of Hatters Lane in Chipping Sodbury.

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 The site has been the subject of a number of applications in the past. However, the following are the most relevant to the determination of this application.

- N530/4 Sub-division of warehouse into five commercial light industrial units.
Approved with conditions: 21st June 1979.
- N530/6 Change of use of premises from offices to light industrial (Class III of the Town and Country Planning (Use Classes) Order 1972).
Approved with conditions: 21st April 1983
- N530/8 Use of premises for the fabrication and assembly of commercial vehicle bodies.
Approved with conditions: 29th September 1983

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

4.1 The applicant has submitted three pieces of evidence in support of their case.

The first comprises of the title page for a lease. The second comprises of a letter from an employee together with a statement of terms and conditions of employment. The contents of these are analysed below.

Lease title page

- Dated – 25th October 1991. Addressed to Messers Wells and Herbert Trading As Hobbs House Bakery. Lease of Unit 6 Chipping Edge Industrial Estate. Term starts 25th October 1991 for six years.

Letter from Mark Davies

- Confirms that he has been employed

‘by Hobbs House bakery of Chipping Sodbury continuously since June 1990 as a baker’.

Statement of Terms and Conditions of Employment

- Dated: 17th March 1994. Job title: Night Foreman. Place of Work: Unit 6, Hatters Lane, Chipping Sodbury. Employment began on 18th June 1990.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 One letter has been received from a local resident stating that unit 8 has only been used as a bakers for approximately one year. A company called B & R Wilcox occupied unit 8 prior to Hobbs House.
- 5.2 The Council's Environmental Protection team has confirmed that their department's premises database indicates that at the time of the last visit in September 2004, Unit 8 was occupied by B & R Wilcox (Vehicle repairer and sprayer).

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Sodbury Town Council
No objection.

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 units 5, 6, 8, 10 & 11 have been operating as a bakers for in excess of ten years.

- 7.2 Precision and clarity of evidence
In respect of the lease evidence, it should be noted that this has been photocopied and the dates have been handwritten. Furthermore, it has not been signed significantly decreasing its weight as evidence. It states that the lease started on the 25th October 1991, running for six years. Despite the lack of an expiry date no evidence has been submitted to indicate that this was renewed after 1997. Consequently, the evidence at best could only reveal that the unit was leased as a bakers between 1991 and 1997. In addition, the lease only relates to unit 6 and not the other units applied for (5, 8, 10 & 11).

Turning to the letter and Terms and Conditions of Employment of employment, the letter states that Mark Davies was employed by Hobbs House bakery of Chipping Sodbury continuously since June 1990 as a baker. However, the Terms and Conditions of Employment state that Mark Davies was employed as a Night Foreman and not a baker. Whilst it is possible to envisage that a night foreman could carry out baking tasks it is considered that these items of evidence fail to corroborate each other. Again, the place of work shown on the terms and conditions of employment relates only to unit 6 and not the other units applied for.

The submitted evidence fails to provide adequate proof that units 5, 8, 10 & 11 have been operating as a bakers continuously for more than 10 years or more. In addition, imprecise and insufficient evidence has been provided to prove that unit 6 has been operating as a baker continuously for in excess of 10 years.

In respect of the contrary evidence, whilst the email letter from local resident must be given limited weight because of its unsworn status it is considered that when taken together with the Environmental Protection database, which represents a contemporary documentary evidence prepared for some other purpose, and therefore in status terms carries considerable weight, it is considered improbable that Unit 8 has not been occupied as a bakers for in excess of ten years.

Finally, it should be noted the letter from Mark Davies states that the Terms and Conditions are dated the 19th March 1994. However, the date of the Terms and Conditions states the 17th March 1994. Despite this lack of correlation it is considered that this is a minor lack of precision. However, in light of the lack of precision detailed above, it is still considered that the evidence is not conclusive.

Having regard to all of the above, it is considered that insufficient evidence has been submitted to prove that on the balance of probability the units applied for (5, 6, 8, 10 & 11) have been operating continuously as a bakers for in excess of ten years. It is therefore considered improbable that on the basis of the submitted evidence, that the change of use has taken place.

8. RECOMMENDATION

8.1 A certificate of existing Lawful Use be **REFUSED**.

Background Papers **PK07/1306/CLE**

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

CIRCULATED SCHEDULE NO. 28/07 – 13 JULY 2007

App No.: PK07/1392/F
Site: 38 Counterpool Road Kingswood
 BRISTOL South Gloucestershire BS15
 8DQ

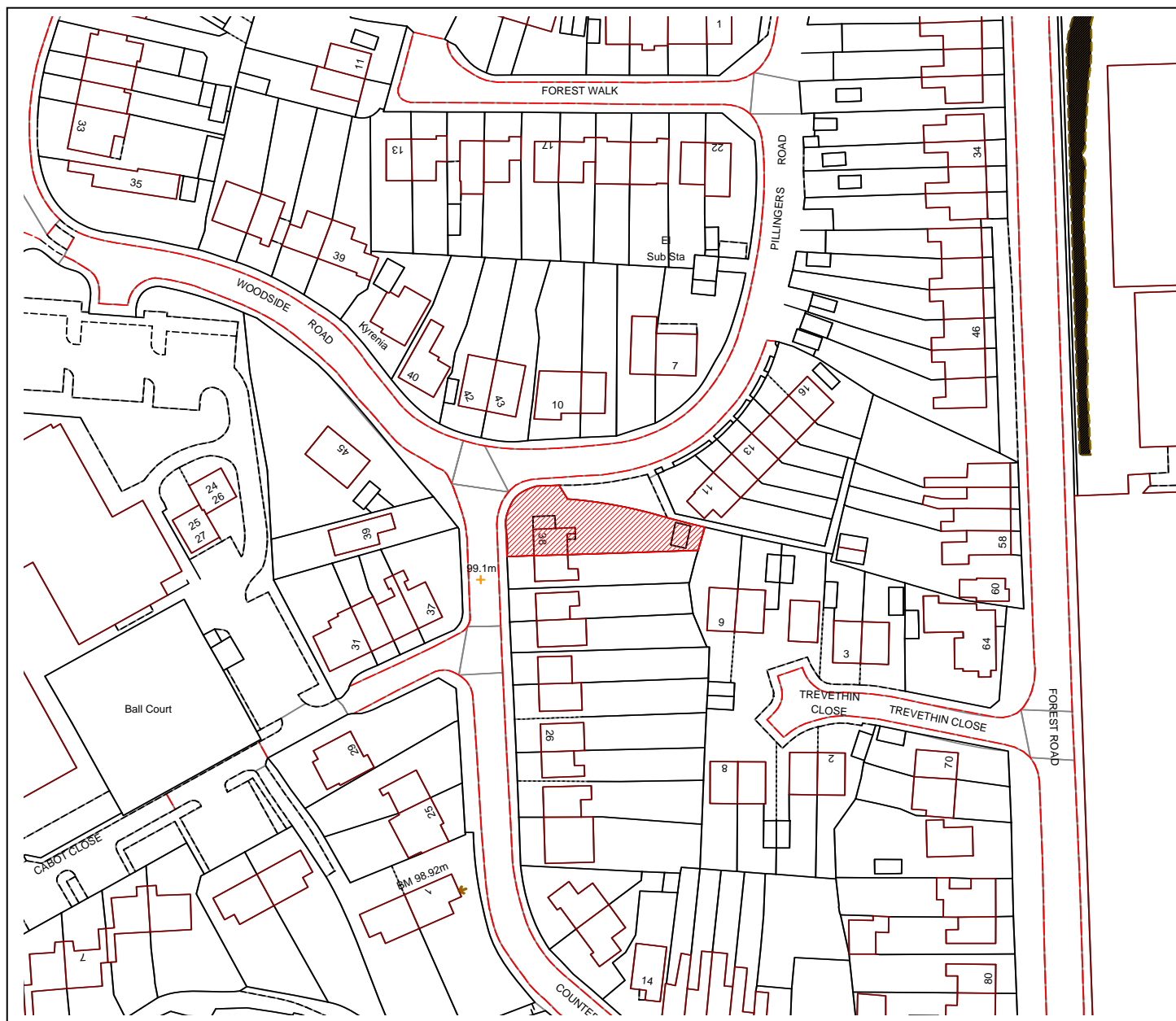
Applicant: Tearmallet Ltd
Date Reg: 3rd May 2007

Proposal: Erection of single storey rear extension to facilitate conversion into two separate flats with 2no. cycle sheds, bin store and associated works. (Resubmission of PK06/3493/F).

Parish:

Map Ref: 64445 73301

Ward: Woodstock



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2007.

N.T.S

PK07/1392/F

This application appears on the Circulated Schedule due to the receipt of a number of neighbour objections contrary to the officer recommendation.

1. INTRODUCTION

- 1.1 This application is to erect a single storey extension at the rear of No. 38 Counterpool Road, Kingswood and to facilitate conversion into two flats with cycle sheds, bin stores and associated works. The proposed rear extension would measure 3 metres deep by 5.1 metres wide and 3.3 metres high. The proposed bin storage would be in a communal area to the rear of the property and separate secure cycle storage would be provided for each flat in their respective garden areas at the rear.
- 1.2 The host building is a two-storey semi-detached dwelling and is located at the junction of Counterpool Road, Woodside Road and Pillingers Road. Most of the neighbouring properties in the vicinity are two-storey semi-detached dwellings.
- 1.3 The application is similar to PK06/3493/F that was refused on the following grounds:-
- The location of the bin storage area would be detrimental to visual amenity
 - Insufficient information regarding soundproofing of existing party walls and floors.
 - Details of boundary treatments are not clearly demonstrated.
 - The proposal would lead to additional congestion on the adjoining road network, in close proximity to a school, thus increasing the hazards faced by all road users but especially child pedestrians.

That application is currently the subject of an appeal. The applicant considers that the reasons for refusal are either unjustified or to have been addressed in this re-submission.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
H4	Development within existing residential curtilages
H5	Residential Conversions, Houses In Multiple Occupation and Re-use of Buildings for Residential Purposes

2.3 Adopted Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0185/F Erection of two storey side and rear extensions, extend existing front canopy and erection of front porch with ramp to facilitate conversion to 4 flats: Refused 17/02/2007
- 3.2 PK06/1127/F Erection of two storey side and single storey rear extension, extend existing front canopy and erection of front porch with ramp to facilitate conversion to 4 flats with associated works: Refused 16/06/2006
- 3.3 PK06/3493/F Erection of single storey rear extension to facilitate conversion into two separate flats with 2no. cycle sheds, bin store and associated works: Refused 09/02/2007 and the subject of an as yet undecided appeal.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished

Other Representations

- 4.2 Local Residents
The Council received 7 letters of objection. The local residents' concerns are summarised as follows:

- The highway hazards to pedestrian, particularly to children and the elderly, would increase.
- The proposal does not provide sufficient off-street parking.
- The proposal would affect the protected trees.
- The junction by this proposal is hazardous, particularly the congestion caused by the traffic for the School.
- The area is suffering parking and traffic problems due to the close proximity of the School.
- The proposal would cause noise nuisance to the neighbouring properties.
- There are plenty or more than enough flats provided in the area.
- Government policy encourages more family homes.
- The proposal would set a precedent within the vicinity.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows proposals for new dwellings and development within existing built-up areas subject to a number of criteria including satisfactory site layout, scale and design, and not prejudicing residential amenity and highway safety.

Policy H5 allows proposals for conversion of existing residential properties into smaller units of self-contained residential accommodation subject to similar criteria.

- 5.2 Density
A density calculation of this proposal provides a density of approximately 52.6 units per hectare. PPS3 encourages a density of residential development within

established residential areas appropriate to the context and in order to make efficient use of the land, provided that it does not prejudice the residential and visual amenity.

With regard to the type of housing provision, it is national government policy to provide a variety of housing and a mix of different households.

5.3 Visual Amenity

The area is characterised by a group of two-storey dwellings, and there are groups of semi-detached and terraced dwellings in close proximity to the site.

The proposal is to erect a single storey rear extension. The proposed extension would have a lean-to roof and would be finished with matching materials. It is considered that the proposed extension would be subservient to the principal building and would not be harmful to the character and appearance of the street scene.

With regard to the proposed cycle-sheds, officers consider that the sheds are modest in scale and their location, design and timber material would be acceptable.

A bin store area would be located to the side and rear of the building. This location is considered acceptable and further details of acceptable boundary treatments and landscaping on the northern boundary should be required by condition should the application be approved.

5.4 Residential Amenity

Overlooking and inter-visibility:

No windows are proposed in either side elevations of the proposed rear extension. On the proposed rear extension, a bedroom window and a living room patio door would look over its rear garden. These windows/doors would be approximately 20 metres from the rear boundary of the nearest property, No. 9 Trevethin Close.

It is therefore not considered that the proposal would cause significant overlooking issues in the vicinity.

Overbearing:

The proposed rear extension would be approximately 3 metres deep and it would comply with the Council's Supplementary Planning Guidance. It is therefore considered that the proposal would not cause significant overbearing impact to the adjacent properties.

Noise nuisance:

Noise and disturbance to adjoining properties can be minimised by careful interior planning of rooms. The two flats would not have a conflict of living areas and bedrooms with each other. The first floor flat would have a living room adjacent to a rear bedroom of the adjoining dwelling and similarly the ground floor flats master bedroom would be adjacent to the living room of the adjoining house. This situation commonly arises with conversions of this nature and is adequately dealt with by robust soundproofing requirements of Building Control regulations. It is recommended that a condition requiring the submission and approval of a scheme of noise protection and sound insulation prior to development should be attached to any permission.

Amenity space:

The proposal demonstrates that there is sufficient amenity spaces provided for each flat.

5.5 Highway Issues

Three parking spaces are proposed for this development, located to the front of the site onto Counterpool Road. Two of the parking spaces will be on the existing driveway and demolished garage site. These spaces are in a tandem arrangement, which although not an ideal situation, in the opinion of the Highway Officer provided they are allocated to the two-bed flat, this arrangement would be considered acceptable.

The Highway Officer states that it should be noted that the existing dwelling could become a multi-occupation dwelling for up to five people without planning permission, all of whom could own a car.

Bin and cycle stores have been proposed to the rear of the dwelling as part of this proposal.

In light of the above, there is no basis for a transportation objection to this proposal.

5.6 Tree Issues

The Council Tree Officer has considered the proposal and does not feel that the proposal would have an adverse impact upon the health of the trees located within the site.

5.7 Design and Access Statement

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is granted subject to conditions.

Background Papers **PK07/1392/F**

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

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. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policies D1, H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The colour, type and texture of the rendered finish to the external walls of the proposed extension shall match that of the existing building.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policies D1, H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until details of a scheme of noise protection and sound insulation has been submitted to and agreed in writing with the Local Planning Authority. The residential units hereby approved shall not be occupied until the noise protection and sound insulation measures have been provided in accordance with the agreed scheme.

Reason:

To ensure a satisfactory standard of noise protection for the residential units to accord with policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until details of provision of storage for refuse bins and boxes as been submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

Reason:

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

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

Reason 1:

To protect the character and appearance of the area to accord with Policies H5/D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2:

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

7. Prior to the commencement of development, detailed plans showing the provision of car parking facilities in accordance with the standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason:

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

CIRCULATED SCHEDULE NO. 28/07 – 13 JULY 2007

App No.: PK07/1493/F

Applicant: Newland Homes Limited

Site: BFS Diecutting 27 Hanham Road
Kingswood BRISTOL South
Gloucestershire BS15 8PT

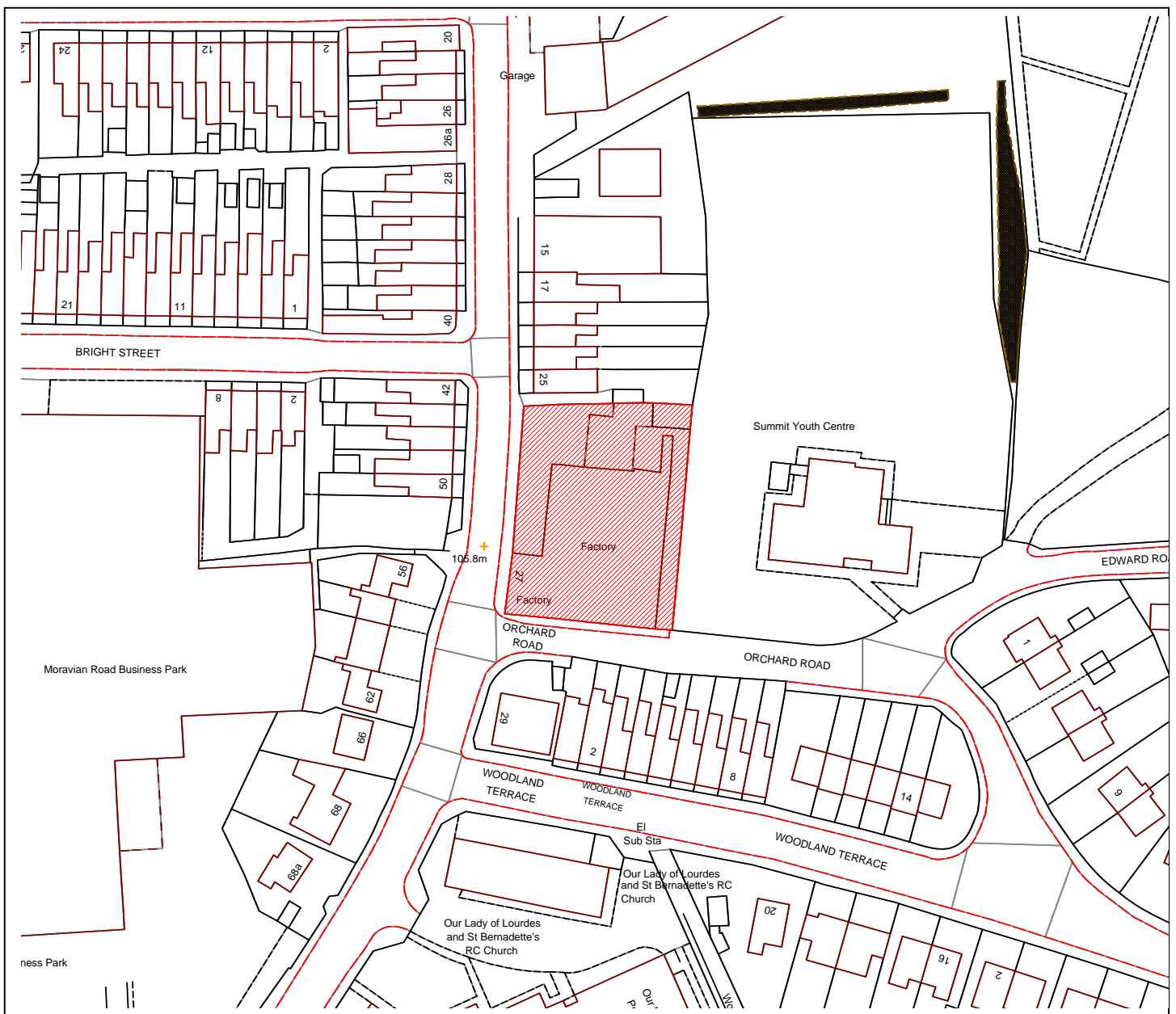
Date Reg: 14th May 2007

Proposal: Demolition and change of use of existing factory (Class B1) to facilitate the erection of 14no. dwellings (Class C3) as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended) with associated parking and works.

Parish:

Map Ref: 65008 73562

Ward: Woodstock



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2007.

DC0901MW

The application is referred to the circulated schedule, as it is a 'major' application and therefore falls under the current scheme of delegation to be considered by this procedure.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 14 dwellings with means of access, car parking and associated works. The development on 0.155 hectares, will be facilitated by the demolition of No.27 Hanham Road (the BFS Diecutting Works). The site is situated at the junction of Orchard Road and Hanham Road approximately 300 metres south of Kingswood High Street. To the immediate east, the site immediately abuts the scheme for 71 dwellings (by the same applicant) currently under construction (PK03/1756/RSO and PK05/2700/RM) at the Former Summit Youth Centre Site. To the north, lies a two-storey Victorian terrace.
- 1.2 The proposal consists of 5 no. 2 bedroom apartments and 9 no. 3 bedroom houses with an access from Orchard Road and 18 car parking spaces (to include four spaces for visitors) with turning area, cycle store and bin storage. The dwellings are two-storey in height (with room in the roof space facilitated by rooflights and roof extensions), with the exception of the corner building which is three storeys in height. The development creates a frontage along Hanham Road with a low stone wall. The remaining properties are located on the Orchard Road frontage either side of the access. The development will also provide a continuous 2 metre wide footway around the radius of the road junction and 2 metre wide footway along the Orchard Road frontage.
- 1.3 Facing materials are to be of stone and painted render with a mix of double roman terracotta and slate grey roof tiles. Features will include stone chimneys on the two-storey Hanham Road frontage, deep sash windows and a three-storey bay on the Corner plot. A limited amount of landscaping is proposed within communal and private spaces.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L18	The Water Environment
EP1	Environmental Pollution
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Areas
LC1	Provision for Built Sport , Leisure and Community Facilities (Site Allocations and Developer Contributions)

- LC2 Provision for Education Facilities (Site Allocations and Developer Contributions)
LC8 Open Space and Children's Play in Conjunction with New Residential Development

The South Gloucestershire Design Checklist (Draft for Consultation: September 2006)

3. RELEVANT PLANNING HISTORY

- 3.1 All previous history relates to the use of the site as commercial premises.

4. CONSULTATION RESPONSES

4.1 Parish Council

- This area is unparished

4.2 Other Consultees

Wessex Water have stated that the development is located within a sewered area, with foul and surface water sewers.

4.3 Sustainable Transport

The proposal is to demolish the existing commercial buildings on the site and erect fourteen dwellings, five two-bed flats and nine three-bed houses. Eighteen parking spaces are proposed, one for each dwelling with four visitor parking spaces. Improvements to the footway have been proposed as part of this development. A 2m footway is proposed along the whole site fronting onto Orchard Road, which will include improvements to the corner of Orchard Road and Hanham Road. This footway will then link into the wider footway network in the area.

This development will require a revision to the TRO which the Council is currently promoting for the adjacent site. To promote alternative means of transport to the car and to provide better access to public transport for future occupiers of the site, a number of improvements to the public transport infrastructure have been highlighted within the vicinity of the site. In the light of the above, the Applicant is requested to make a financial contribution of £1000 per dwelling, which will need to be secured via a Section 106 Agreement. This contribution will be used towards: promoting alterations to the TRO and improvements to the public transport infrastructure in the area including the provision of raised kerbs and a bus shelter on Hanham Road, Kingswood.

The bin store appears to small to accommodate the number of bins required for this development. Detail of the internal layout of this bin store needs to be submitted for approval by the Council. The location of the cycle store is acceptable but needs to be large enough to accommodate fourteen cycles, one for each dwelling. Detail of the internal arrangements of the cycle store need to be submitted and approved by the Council.

There is no transportation objection to this proposal, subject to the above.

4.4 Community Services (summary)

Policy LC8 of the Local Plan additionally requires provision for informal open space. We consider 5sq.m. per person of informal open space to be a reasonable requirement for this development. The public open space required as a result of this development equates to 856.95sq.m. We would request a contribution from the developer of £20,138.33 to enhance nearby public open space, to offset the resulting increased demand on facilities. Arrangements must be made to secure the future maintenance of enhanced public open space. This equates to £18,004.52. The public open space contribution totals £38,142.84. These figures are to be index-linked from this date using Tudorseeds Updating Percentages GM'87.

A contribution of £21.04 per resident would be required for book / IT and audio equipment towards Kingswood Library to offset increased demand on its facilities. This equates to £621.73 which is valid based on the information currently available and therefore must be index-linked.

4.5 Education Services

Education Services confirms that there is currently surplus capacity at existing primary and secondary schools in the surrounding area, and for this reason no contribution is required for additional education provision.

4.6 Affordable Housing

The proposal falls below the threshold at which affordable housing contributions are required

Other Representations

4.7 Local Residents

There have been no objections received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H2 allows for residential development within existing urban areas, subject to certain criteria, including environmental and transportation effects, effects on residential amenity, the maximum density is achieved for the site's location, with a minimum density of 30 dwellings per hectare, and provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposals.

5.2 The proposed density on the site equates to 89 dwellings which is over the minimum density level set out in Policy H2 and PPS3. It should be noted that the density on the adjoining site equates to 102 dwellings per hectare. It is considered that the density proposed is acceptable both in numeric terms and in terms of compatibility with the site, its location, accessibility and its surroundings.

5.3 The principle of development is therefore acceptable, subject to the following detailed assessment.

5.4 Residential Amenity

It is considered that all the other plots proposed have reasonable relationships with surrounding dwellings and it is not considered that the proposal will result in overlooking or loss of privacy for local residents. In addition the scale and location of the buildings ensures that they will not appear oppressive or overbearing when viewed from existing neighbouring properties or those currently under construction within the adjacent site.

5.5 Landscaping

There are no existing landscaping features on the site given that the site currently comprises a single industrial building with access and parking areas. Limited landscaping has been indicated on the submitted drawings, within private and communal areas. A condition will be attached to the decision notice to require the submission of a detailed landscaping scheme, the condition will require details of all boundary treatments and areas of hardstanding to ensure the quality of the development.

5.6 Design Issues/Visual Amenity

The character of the area is largely defined by two-storey terraced properties with the exception of a Georgian Villa located on the opposite side of Orchard Road and 1960's bungalows set back from the road edge on the opposite side of Hanham Road.

It is considered that the proposal responds well to these surroundings in terms of form, layout and scale. The building line is compatible with the adjoining terrace in Hanham road as is the scale. The building have been designed so that their mass and scale does not dominate the street scene but rather integrates with the existing built form. The provision of a boundary wall along this elevation also links the development to the adjoining boundary walls along Hanham Road. The three storey element on the corner provides a focal point for the development on this prominent corner and in addition is considered to respect the form and scale of the Villa opposite (also a focal point). The semi-detached pair on the Orchard Road elevation is set back and is considered to link well with the building line and scale of the nearest building currently under construction within the adjoining site. As indicated above the density of the development is considered appropriate within this context.

Providing amenity space and parking arrangements within a courtyard arrangement provides a sense of enclosure that is to be welcomed, providing security as public and private areas are clearly defined and overlooked.

In terms of the detail, it is considered that the materials proposed will respect and enhance the local character. A condition will be attached to the decision notice requesting samples of materials to include roof tiles. The use of chimneys is to be welcomed as this is characteristic of all adjoining properties. Sash windows of the type proposed are also appropriate.

Policy D1G states that the design, orientation and location of buildings should achieve energy conservation and the protection of environmental resources. The South Gloucestershire Design Checklist (Draft for Consultation: September 2006) supports this policy. No development shall take place until a scheme for environmental assessment of the development has been submitted to and

approved in writing by the Local Planning Authority. The approved scheme for environmental assessment shall require the development to achieve, as a minimum, a specified 'Code for Sustainable Homes' Code Level. The approved scheme for environmental assessment shall also require adherence to a formal post-construction assessment regime, which shall be implemented prior to the first occupation of any of the dwellings hereby approved. The development shall be carried out in accordance with the approved scheme for environmental assessment, unless otherwise agreed in writing by the Council.

It is considered, subject to the above conditions that the design of the proposal is acceptable and in accord with Policy D1 and The South Gloucestershire Design Checklist (Draft for Consultation: September 2006).

5.7 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of development upon the surrounding highways network with the overall objective of maintaining and promoting highway safety. More specifically Policies T7 and T8 consider Cycle and Car parking Standards.

A total of eighteen parking spaces are proposed, one for each dwelling with four visitor parking spaces. The scheme will also include improvements to the footway thus a 2 metre footway is proposed along the whole site fronting onto Orchard Road, which will include improvements to the corner of Orchard Road and Hanham Road. This footway will then link into the wider footway network in the area.

This development will require a revision to the Traffic Regulation Order (TRO) which the Council is currently promoting for the adjacent site where the development of 71 houses (by Newland Homes) has been previously approved and are currently under construction. The Order seeks to promote alternative means of transport to the car and to provide better access to public transport for future occupiers of the site, a number of improvements to the public transport infrastructure have been highlighted within the vicinity of the site. In the light of the above, the Applicant has been requested to make a financial contribution of £1000 per dwelling, (to be secured via a Section 106 Agreement). This contribution will be used towards: promoting alterations to the TRO and improvements to the public transport infrastructure in the area including the provision of raised kerbs and a bus shelter on Hanham Road, Kingswood. The applicant has indicated acceptance of this request and this will therefore as indicated above be secured via a Section 106 Agreement.

It is considered that the proposed bin store as shown on the submitted drawings appears too small to accommodate the number of bins required for this development. A condition will be attached to the decision notice requiring details of the internal layout of this bin store to be submitted for approval by the Council. In addition while the location of the cycle store is considered acceptable, it needs to be large enough to accommodate fourteen cycles, one for each dwelling and again a condition will be attached to the decision notice requiring details of the internal arrangements of the cycle store need to be submitted and approved by the Council.

In addition a condition will be attached to the decision notice to require the footway along the site frontage (as agreed by the applicant) to be completed prior to the first occupation of the development and to be completed to the full satisfaction of the Council's Streetcare Manager.

Subject to the above agreement and conditions there is no transportation objection to the proposed development and it is considered that the proposal is in accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.8 Drainage

There is no objection to the proposal from the Council's Drainage Engineers subject to a condition requiring the use of best drainage practice.

5.9 Community Services

Policy LC8 of the South Gloucestershire Local Plan (Adopted) January 2006 indicates that where provision for formal open space, playspace and informal open space is inadequate to meet the projected needs arising from the development. The policy indicates that these requirements will also include provision for future maintenance.

Advice from the Community Services indicates that 5sq.m. per person of informal open space is considered to be a reasonable requirement for this development, having regard to the location, type of housing provided and the proximity to other publicly accessible space. On the basis that a development of 14 dwellings would generate a population increase of 29.55 people, the public open space required as a result of this development equates to 856.95sq.m. This equates to a contribution from the developer of £20,138.33 to enhance nearby public open space, to offset the resulting increased demand on facilities. The cost for future maintenance of the enhanced public open space equates to £18,004.52. The public open space contribution totals £38,142.84.

In addition a contribution of £21.04 per resident would be required for book/ IT and audio equipment towards Kingswood Library to offset increased demand on its facilities. This equates to £621.73 which is valid based on the information currently available and therefore must be index-linked. The applicant has confirmed their agreement to this payment and this will be secured through a Section 106 Agreement.

5.10 Education Services

Education Services confirm that there is currently surplus capacity at existing primary and secondary schools in the surrounding area, and for this reason no contribution is required for additional education provision.

5.11 Affordable Housing

As indicated above, the site lies adjacent to a development of 71 houses for which the developer is the same as the current scheme. Given that the current site was not in the ownership of the applicant at the time that affordable

housing was calculated on the adjoining site (and is still not within their ownership given that a certificate has been served upon the owner), it is considered that the requirement for affordable housing can be assessed on the current site alone. The proposal falls below the threshold (15 units) at which affordable housing contributions are required.

5.12 Design and Access Statement

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

5.13 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

- £20,138.33 towards enhancement of existing open space in the vicinity of the site and £18,004.52 towards maintenance of these enhancements
- £621.73 towards the provision of book/IT/audio equipment to the nearest library to the site
- £14000 towards transportation infrastructure within the vicinity of the site to include a revision of an existing Traffic Regulation Order (TRO)

- 2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

Background Papers **PK07/1493/F**

Contact Officer: David Stockdale

CONDITIONS

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

Reason:

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

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

Reason:

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

3. No development shall take place until 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 a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. In accordance with the details hereby approved, the applicant shall provide a 2 metres wide footway along the Orchard Road frontage (this to include the widening of the footway on the corner of Orchard Road and Hanham Road to a minimum width of 2 metres). All the works to the footway shall be completed prior to the first occupation of the development to the full and final satisfaction of the Council's Streetcare Manager.

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 commencement of development, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policies T7 of the

South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason:

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

7. Prior to the commencement of the development, full details of the bin storage shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be installed prior to the first occupation of the development in accordance with the approved details.

Reason:

To ensure adequate provision for the collection of waste to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted)

8. No development shall take place until a scheme for environmental assessment of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for environmental assessment shall require the development to achieve, as a minimum, a specified 'Code for Sustainable Homes' Code Level. The approved scheme for environmental assessment shall also require adherence to a formal post-construction assessment regime, which shall be implemented prior to the first occupation of any of the dwellings hereby approved. The development shall be carried out in accordance with the approved scheme for environmental assessment, unless otherwise agreed in writing by the Council.

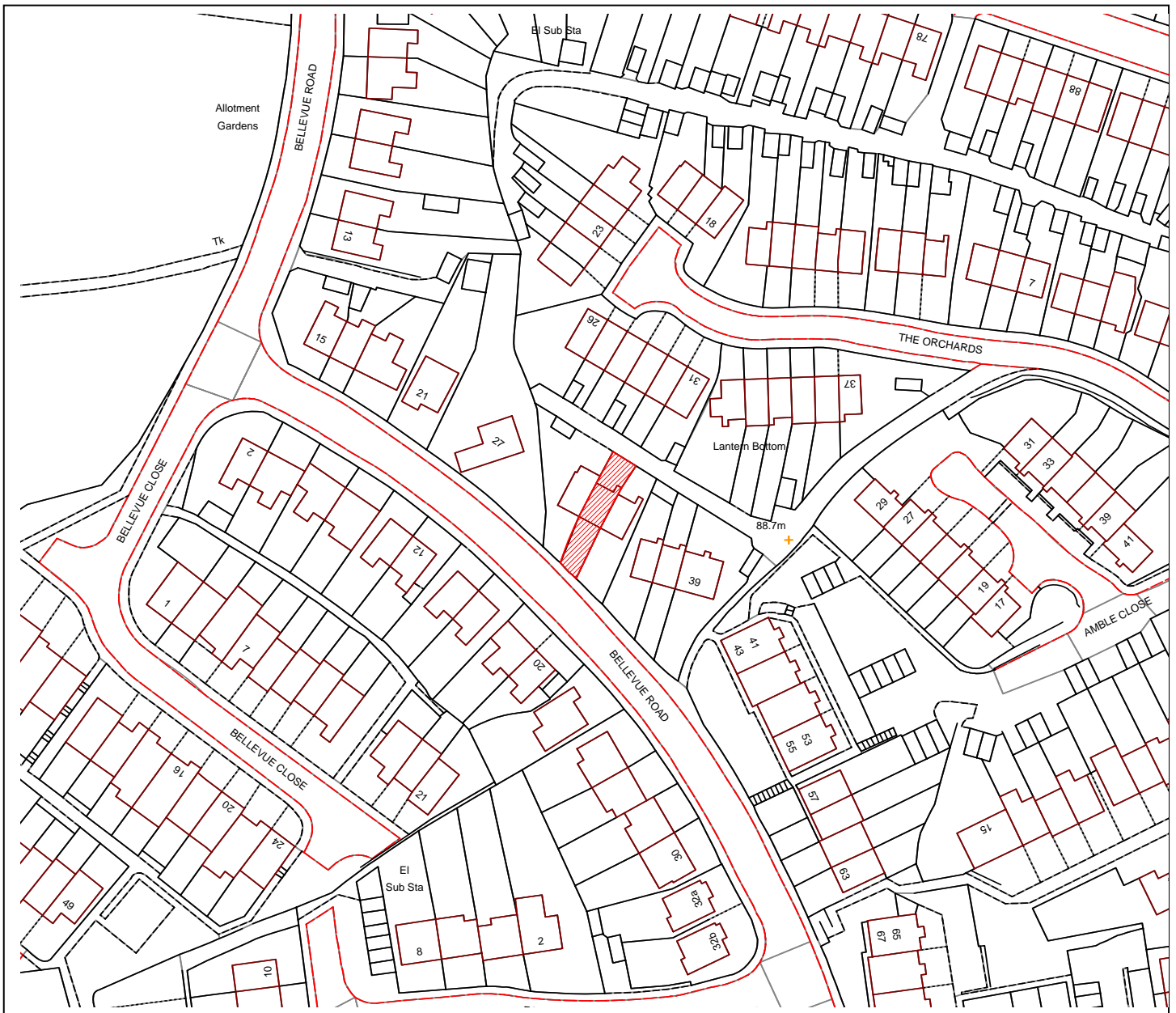
Reason:

To achieve improved energy conservation and the protection of environmental resources and to accord with Policy D1 of the South Gloucestershire Local Plan (adopted January 2006).

CIRCULATED SCHEDULE NO. 28/07 – 13 JULY 2007

App No.: PK07/1552/F
Site: 31 Bellevue Road Kingswood BRISTOL
 South Gloucestershire BS15 9TU
Proposal: Creation of raised balcony over existing
 garage with boundary walls and fences.
 (Retrospective).
Map Ref: 65582 73448

Applicant: Mr & Mrs AJ Hurford
Date Reg: 18th May 2007
Parish:
Ward: Woodstock



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2007.

N.T.S

PK07/1552/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of patio/balcony over an existing outbuilding to create a garden area. A fence is to surround the newly created garden with a height of 1.8m along the rear and part of the west elevation and a 2 metre high wall/fence along part of the western and all of the eastern elevations. This is partly a retrospective application in as much as that the balcony and boundary walls/fences already exists. This was erected without the necessary planning consent and is currently considered to be unacceptable because of its design when viewed from the rear elevation. This application seeks to remedy the situation by retaining most of the balcony but relocating the boundary wall back from the edge of the garage and erected a new boundary wall along part of the western boundary.
- 1.2 The application site relates to a two-storey mid-terrace dwelling located within a residential area of Kingswood. The dwelling is located on a steep slope with the original rear garden being small in area and largely occupied by a set of steps leading down to the rear access lane. There has traditionally been an outbuilding at the lower level of the garden which can be accessed from the lane to the rear. The roof of the outbuilding is at the same height as the original garden and the application will enable the occupants of the property to, in essence, step out of their rear door onto the roof of the outbuilding. Neighbouring properties are essentially of the same age, design and mass and the area is entirely residential in character. The whole of the area is also on a steep slope.
- 1.3 Planning permission was recently granted (PK06/1932/F) for the attached property No. 29 Bellevue Road which has an almost identical rear patio/balcony already in place.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design in New Development
H4 House Extensions
- 2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note 2 – ‘House Extensions’

3. RELEVANT PLANNING HISTORY

3.1 None

4. **CONSULTATION RESPONSES**

4.1 Town/Parish Council
The area is unparished

Other Representations

4.2 Local Residents
One letter of objection has been received from a local resident. Concerns have been raised that:

- The details in the application are incorrect as the balcony wall is actually 210cm and uses a considerable number of breeze blocks.
- The height of the new wall imposes upon the neighbours back garden and overshadows the garden.
- It allows views from the raised platform into the neighbours garden and living area.
- Concerns as to the integrity of the structure, rainwater disposal etc.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan allows for development keeping in character of the area with criteria for design, scale, highway and impact upon visual and residential amenities met.

5.2 Design/ Visual Amenity
The structure as currently stands is considered to be unacceptable in design predominantly due to the fact that the rear wall on the outbuilding is erected at the very edge – in essence making the garage structure appear to be 4.6 metres tall.

For the purposes of assessing this application, it is believed that the outbuilding is lawful and is not to be investigated as part of this application. The only issue for discussion is the creation of the new garden area and the boundary fences which enclose it.

As part of this application, the existing wall on the outbuilding roof is to be removed and re-erected 800mm back from the edge of the building. This will then allow for a clear visual break dividing the outbuilding from the balcony above. As well as setting the wall back from the edge of the main garage wall, the application also proposes to change the external elevation of the wall from render to fencing. It is considered that by doing this, the visual bulk of the building, as currently stands will be reduced. By setting the top wall back it will be clear to the eye where the top of the garage ends and the garden wall above begins. By altering the external materials on the top wall, the existing vast expanse of blank elevation will be lost and replaced with a structure with more visual interest.

A material consideration in the determination of this application must be the almost identical balcony and wall arrangement at the neighbouring property. In order to avoid the creation of one continuous fence line, the rear fence subject

of this application is staggered 200mm in front of the rear fence at the neighbouring property adding visual interest to the scheme and avoiding the creation of a long bland elevation.

Should consent be granted, a condition will be added to ensure that the boundary treatment on top of the outbuilding roof along the rear edge of the garden shall be removed and a new wall or fence erected 800m back from the edge of the garage within 1 month of the date of the decision.

5.3 Residential Amenity

It is appreciated that a letter of concern has been received from a local resident who is concerned about loss of privacy and overlooking from the balcony created on the roof. However, the dividing wall erected between the balcony and the attached property is 1.8 metres in height rising up to 2.1 metres in height closer to the habitable room window. It is thus considered that this removes any potential for detrimental overlooking and intervisibility. A 1.8 metre high fence is also to be erected at the bottom of the balcony to screen views from the balcony down to the dwellings facing onto The Orchards below. Again, it is considered that the wall will significantly limit any possible overlooking of the properties to the rear of the application site.

Consideration must be given to the fact that it is very standard for 2 metre high walls and fences to be used to bound gardens. It is generally accepted that 2 metre high boundary treatments offer ample protection limiting views both too and from the gardens. There are no features of the created balcony that may result in any issues of overlooking or intervisibility over and above what is reasonably expected in a built up residential area.

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

5.4 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, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

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

7. RECOMMENDATION

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

Background Papers **PK07/1552/F**

Contact Officer: **Marie Bath**
Tel. No. **01454 864769**

CONDITIONS

1. Within 1 month of the date of this decision, the boundary treatment on top of the outbuilding roof along the rear edge of the garden shall be removed and a new wall or fence erected 800m back from the edge of the garage.

Reason:

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

2. The western and southern boundary walls/fences surrounding the balcony created (facing the rear access lane and along the boundary with No. 33 Bellevue Road) shall be erected in accordance with the approved plans and shall be maintained at all times thereafter unless the Local Authority gives written consent to any variation.

Reason:

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

CIRCULATED SCHEDULE NO. 28/07 – 13 JULY 2007

App No.: PK07/1682/F

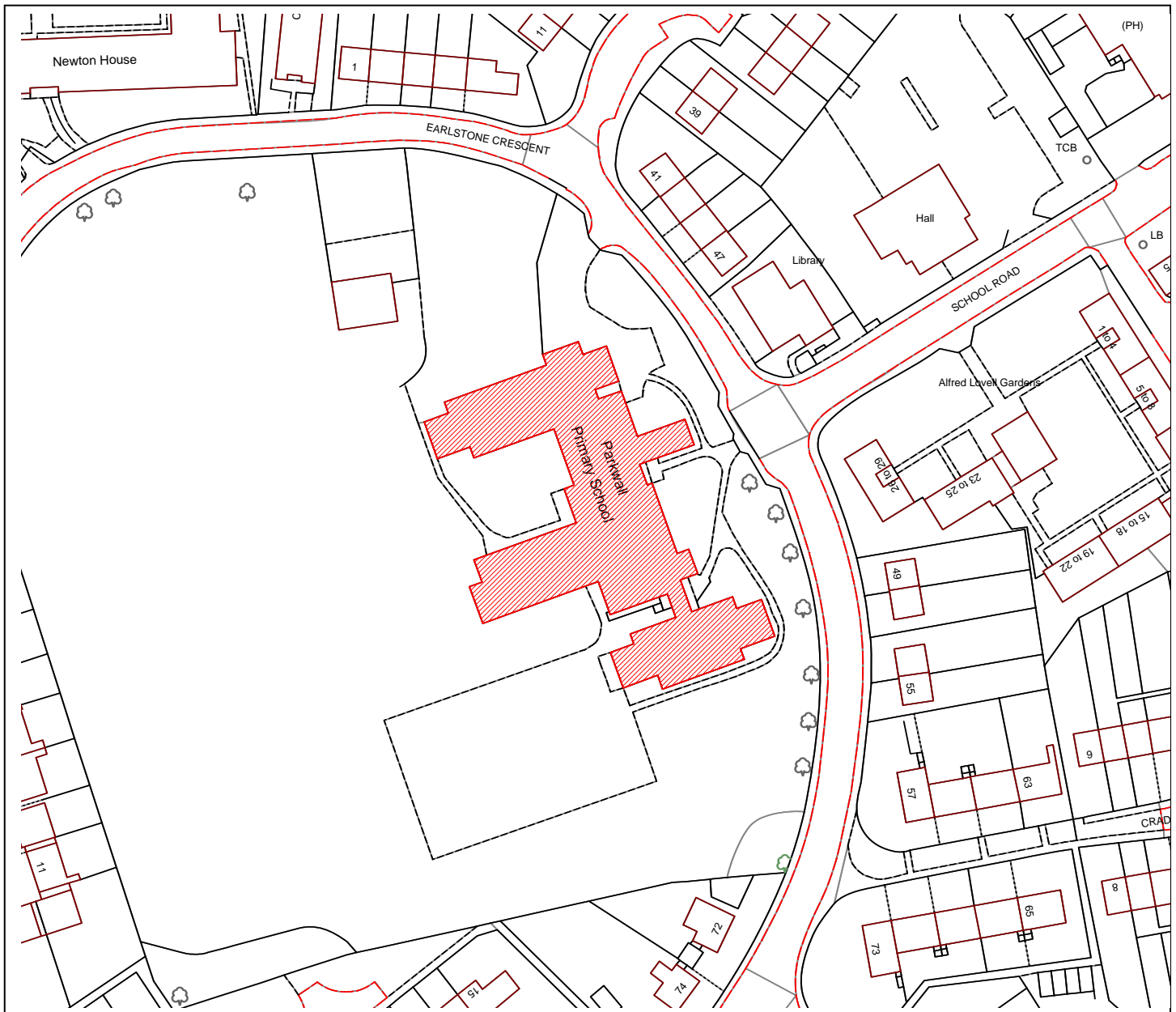
Applicant: South
Gloucestershire
CouncilSite: Parkwall Primary School Earlstone
Crescent Cadbury Heath BRISTOL
South Gloucestershire BS30 8AA

Date Reg: 31st May 2007

Proposal: Installation of replacement windows to
existing offices. Installation of
replacement doors with access ramp to
main entrance.Parish: Oldland Parish
Council

Map Ref: 66362 71928

Ward: Parkwall



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2007.

INTRODUCTION

This application appears on the Circulated Schedule as the applicant is the Council.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the replacement of windows and doors together with the formation of a new access ramp to serve the main entrance of Parkwall Primary School in Cadbury Heath.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection.

Other Representations

- 4.2 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
In assessing this application it is considered that Policy D1 of the South Gloucestershire Local Plan is of most relevance. This Policy requires that development achieves the highest possible standards of design
- 5.2 The existing windows comprise of three sections of glazing with high level opening lights located in the upper outer sections. The design and access statement draws attention to the fact that the windows, and main entrance doors, are as originally installed, dating from the 1950s. As a result their effectiveness is limited.
- 5.3 The proposed glazing would have approximately the same appearance as the existing window configuration albeit without the installation of high level lights. Accordingly, the proposal to replace the windows is considered to be acceptable and in line with policy D1 of the South Gloucestershire Local Plan.
- 5.4 The existing doors comprise of two pairs of double doors all steel framed. However, one pair is permanently secured shut and only one leaf of the other

pair remains active as the point of entry. This door leaf is secured by electric-release magnetic locks. It is proposed to simply the entrance by having one wide door leaf, controlled as existing, with adjacent fully glazed screens. As the doors will remain visually vertical, therefore very similar to the existing layout, I am satisfied that the design is acceptable.

- 5.5 The final element of the scheme consists of the provision of a level access at the new, wide entrance door with a suitably wide, level platform and a ramp at a gradient of 1 in 15. This ramp meets the existing path. Again, I am satisfied the appearance of this development is acceptable in design terms.

5.6 Design and Access Statement

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

5.7 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 Planning permission be **GRANTED** subject to the following conditions:

Background Papers **PK07/1682/F**

Contact Officer: Edward Purnell
Tel. No. 01454 863056

CONDITIONS

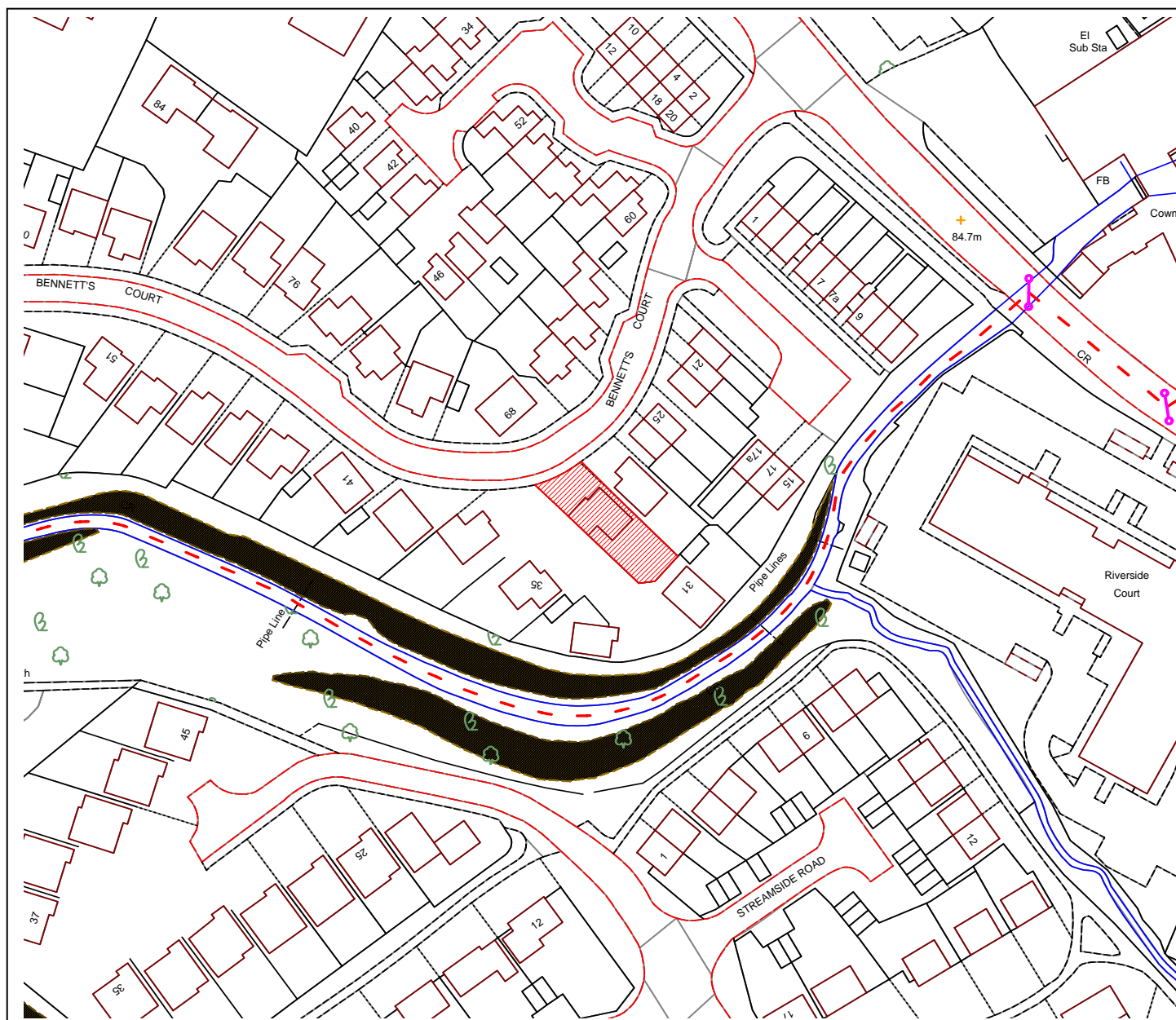
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

CIRCULATED SCHEDULE NO.28/07 – 13 JULY 2007

App No.:	PK07/1702/F	Applicant:	Mrs L Edwards
Site:	29 Bennetts Court Yate BRISTOL South Gloucestershire BS37 4XH	Date Reg:	1st June 2007
Proposal:	Erection of first floor and two storey side extension and conversion of existing garage to form dependent relative annexe and additional living accommodation.	Parish:	Yate Town Council
Map Ref:	72082 82271	Ward:	Yate Central



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2007.

N.T.S

PK07/1702/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a first floor and two storey side extension and conversion of existing garage to form dependant relative annexe.
- 1.2 The application site relates to a two storey detached dwelling which is sited within the residential area of Yate.

2. POLICY CONTEXT

2.1 National Guidance
PPS1

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Extensions

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

3. RELEVANT PLANNING HISTORY

3.1 No planning history relates to the application site:

4. CONSULTATION RESPONSES

4.1 Yate Town Council
No objection

Other Representations

4.2 Local Residents

One letter has been received from a local resident raising the following objections regarding the proposed development, which have been summarised as follows:

-Loss of privacy as a result of the proposed side windows.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the SGLP (Adopted) January 2006 allows for extensions to existing dwellings subject there may be no adverse impact on existing visual and residential amenities.

5.2 Visual Amenity

- The application site relates to a two storey detached dwelling with brown brick finish, brown roof tiles and wooden window frames. This application proposes to erect an extension up and over the existing attached garage and conversion of garage to living accommodation.
- 5.3 Generally it is Council practice to ensure that extensions are designed to remain subservient to the main dwelling and this is generally achieved by setting down the ridge height and stepping back the extension from the front building line. In this instance the application proposes that the extension will be flush with the existing front building line of the dwelling and the existing ridge height.
- 5.4 Members are advised to consider that planning permission has recently been granted for a number of extensions similar in design to this current scheme within Bennett's Court. It is considered that as the property is detached and has a gable feature on the front elevation that the introduction of a subservient extension could result in a fussy addition. Therefore as it stands no objection is raised to the proposed extension or alterations to the front elevation of the dwelling that are required for the garage conversion to living accommodation.
- 5.5 Residential Amenity
The proposed two storey side and first floor side extension would be sited on the southern elevation of the property and would be set back at a distance of 12.0m from the front elevation of no.35 Bennets Court. The front elevation of no.35 comprises of a ground floor lounge window and three first floor bedroom windows. An objection has been raised by the occupiers of no.35 that the proposed windows on the side elevation of the proposed extension will allow for overlooking.
- 5.6 The windows in question relate to three high level (2.0m from ground level) small windows which will serve the proposed bed-sit, shower and utility room. The submitted plans propose that all three windows have obscure glazing. It is considered that the proposed windows by reason of their position would not have an adverse impact on the existing levels of privacy currently enjoyed by the occupiers of no.35. Should planning permission be granted it is recommended that a condition be imposed requiring that all three window be fitted with obscure glazing at all times.
- 5.7 Transportation Issues
The proposed conversion of the existing garage will result in the loss of an enclosed parking space, however as the scheme proposes a second unenclosed parking space with the application site no highway objection is raised.
- 5.8 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK07/1702/F**

Contact Officer: **Tracey Price**

Tel. No. **01454 863424**

CONDITIONS

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

Reason:

To comply with the requirements of Section 91 of the Town 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 windows on the side elevation shall be glazed with obscure glass only.

Reason:

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

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

Reason:

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

CIRCULATED SCHEDULE NO. 28/07 – 13 JULY 2007

App No.: PT07/1213/F
Site: Coalpit Heath Cricket Club Ram Hill
 Coalpit Heath BRISTOL South
 Gloucestershire BS36 2TT

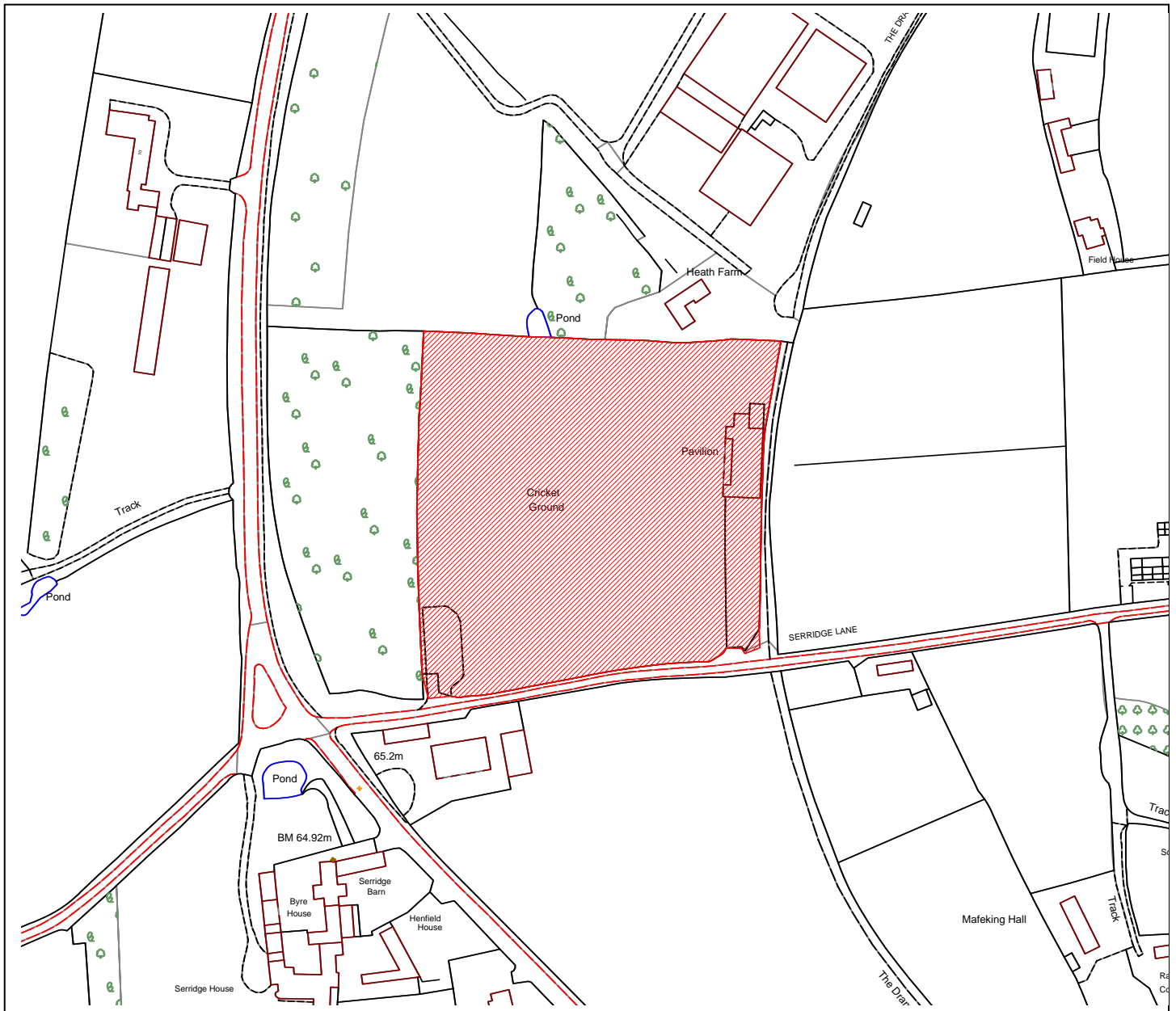
Applicant: Mrs K Aldom
Date Reg: 18th April 2007

Proposal: Change of use of land and buildings
 from cricket club (Class D2) to mixed
 use (Class D1 and D2) as defined in the
 Town and Country Planning (Use
 Classes) Order 1987 (as amended).

Parish: Westerleigh Parish
 Council

Map Ref: 67497 79880

Ward: Westerleigh



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2007.

INTRODUCTION

This application has been placed on the circulated schedule as it is a major application.

1. THE PROPOSAL

- 1.1 This application retrospectively seeks full planning permission for the change of use of Coalpit Heath cricket club (club house and associated land) (Class D2) to mixed use (Class D1 and D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 The applicant the Charity Pauls place wishes to use the facilities as its base for its physical activities. Pauls place is charity which helps adults with physical and mental impediments.
- 1.3 The proposed change of use will involve no physical development to the building or to the associated land.
- 1.4 The cricket club lies outside of the settlement boundary of Coalpit Heath, is in the open countryside and is in the Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Communities
PPG2 Green Belts
PPG17 Sport and Recreation
- 2.2 Joint Replacement Structure Plan
Policy 16 The Green Belt.
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
GB1 Development in the Green belt
LC5 Outdoor Sports and leisure provision outside settlement boundaries
- 2.4 Supplementary Planning Guidance
Green Belt (Draft) October 2006
Design checklist (Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 N4149/1 Change of use of agricultural field to Cricket field. Approved
- 3.2 P85/2574 Erection of cricket pavilion and parking area. Approved
- 3.3 PT00/2226/F Change of use of land to form additional car park and construction of new pathway (Retrospective. Approved
- 3.4 PT06/3006/F Erection of single storey side extension to form disabled toilets and storage area. Refused.
- 3.5 PT07/0026/F Erection of single storey side extension to form disabled toilets and storage area. Approved

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council:
No objection to the proposal

4.2 Sustainable Transportation
No overall objection to the proposal, subject to the usage being limited to that specified in the application. The levels and degree of parking are not going to be increased from the present position.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In assessing an application such as this at this location the most relevant policy guidance comes in the form of policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 which covers development in the Green Belt including changes of uses of land and/or buildings. This policy indicates that the change of use of a building and/or land is acceptable provided that:

- a) The new use would not have a materially greater impact upon the Green Belt than the present authorised use
- b) The buildings are of permanent construction and are capable of conversion without major or complete re-construction
- c) The form, bulk and general design of the buildings are in keeping with their surroundings

5.2 Also any development which would have a adverse impact upon the visual amenity of the Green Belt will not be permitted.

5.3 It is considered that in this instance the building to be converted namely the Clubhouse is of permanent construction and would not as stated previously have to be altered in any way to facilitate the Change of use. The proposed development would also not require any additional parking spaces, so there will be no impact upon the green belt in this regard. So in this regard the development complies with relevant parts of the policy in terms.

5.4 Thus the one area where there is some concern is, in terms of the potentially materially greater impact the proposed use will have when compared to the present authorised use of the site. The present authorised use of the site is a cricket club with no restrictions on the hours of operations (except for the sale of alcohol which is covered by separate legislation), or levels of usage.

5.5 Technically the clubhouse and pitch could be used for playing and coaching 24 hrs a day 7 days a week. However this is not the case and most activity takes place in the evening and weekends during the spring, summer and early autumn.

5.6 Whereas the proposed use will take place mostly during the day when the cricketers are not using the facilities. Thus the change of use will not result in both the cricketers and charity using the facilities at the same time.

5.7 It must be noted that the charity will be using the facilities at the same time as what is authorised on the consent for the Cricket club. Hence the hours of usage will not change. A condition on limiting hours of usage has been

considered and discounted as given the location of the site, lack of physical alterations, and nature of the proposed use

- 5.8 A condition of the applicant leasing the Cricket Club is that the charity becomes a member of the Cricket Club. Hence it is Cricket Club members that are using the facilities. But should the issue arise when both the Charity and Cricket Club wish to use the Club at the same time then the Cricket club would have preference as it owns the facilities. However given the level of parking available, and given the charity users disabilities i.e. they do not drive but are picked up in a mini-bus. There would be enough space to accommodate both groups should the need arise.
- 5.9 It is also worth noting that the councils landscape officer has confirmed that the development will have no greater impact upon the appearance of the area, as ultimately there will be no physical development associated with the development.
- 5.10 However given that the development is in the Green belt and this usage has been assessed on its merits, a condition is suggested restricting the usage of the building to a mixed use cricket and Paul's place activity centre.
- 5.11 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

Background Papers **PT07/1213/F**

Contact Officer: **Gareth John**
Tel. No. **01454 863438**

CONDITIONS

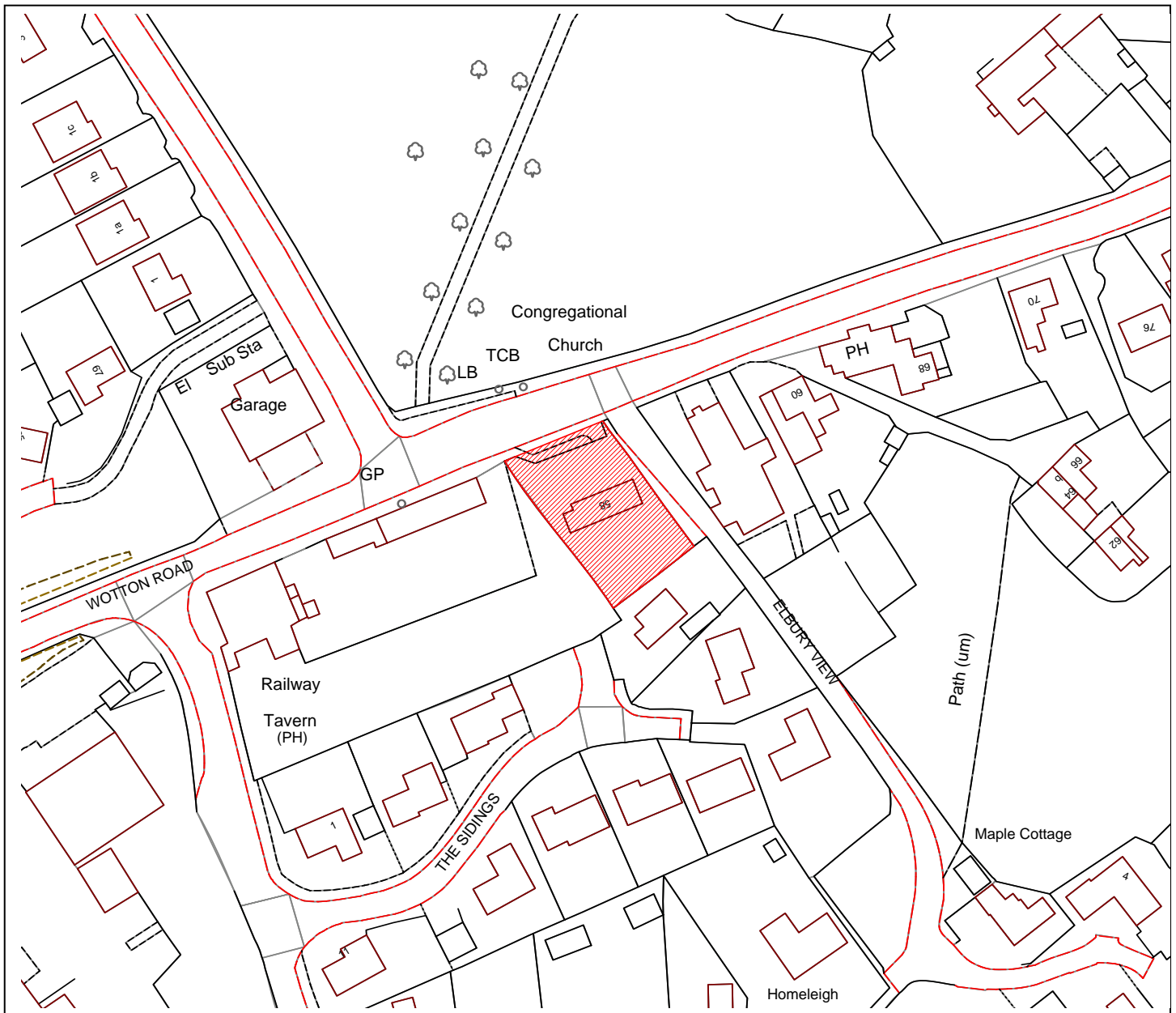
1. The premises shall be used for a cricket club and adult day centre for the charity known as Pauals place and for no other purpose (including any other purpose in Class D1 or D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason(s)

In order to protect the openness and visual appearance of the Green Belt and to accord with Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 28/07 – 13 JULY 2007

App No.:	PT07/1364/F	Applicant:	Mr & Mrs D Newcombe
Site:	58 Wotton Road Charfield WOTTON UNDER EDGE South Gloucestershire GL12 8SR	Date Reg:	1st May 2007
Proposal:	Change of use of part of existing dwelling (Class C3) to hairdressers (Class A1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Charfield Parish Council
Map Ref:	72542 92357	Ward:	Charfield



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2007.

DC0901MW

INTRODUCTION

This application is submitted to the circulated schedule as a result of the neighbour comments.

1. THE PROPOSAL

- 1.1 The application seeks change of use of the single storey part of the site from garage/part of the dwelling to a hairdressers shop. The proposal alters the frontage to provide a glazed shop front. Three parking spaces and a turning area in tarmac and the existing layby at the front of the property would remain intact.
- 1.2 Hours of operation would be 9am-5.30pm Monday to Wednesday, 9am-7pm on Thursday and Friday and 8am-2pm on Saturdays with no working on a Sunday.
- 1.3 It is anticipated that there would be a maximum of two staff members on site and approximately five vehicles per day.
- 1.4 A new UPVC or similar shop front is proposed.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG6 Planning for Town Centres
PPG13 Transport
- 2.2 Joint Replacement Structure Plan (Adopted) September 2002
Policy 41 Safeguarding of Local Shopping
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
RT8 Small Scale Retail Uses within the Urban Areas and the Boundaries of Settlements
- 2.4 Supplementary Planning Guidance
Design Checklist (Consultation Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1362/F Erection of 2 storey front/rear extension to provide garage and additional living accommodation.
Application withdrawn.

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No objection.
- 4.2 Sustainable Transport
No objection.

4.3 Local Residents

3 representations have been received objecting to the proposal on the following grounds:-

- a) increase in parking;
- b) highway safety issues;
- c) Private road of Elbury View could be used for parking;
- d) increase in traffic;

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Advice contained within PPS6 states that market towns and villages should be the main service centres in rural areas, providing a range of facilities, shops and services at a scale appropriate to the needs and size of their catchment area. This advice is reflected Policy 41 of the adopted Joint Replacement Structure Plan which seeks the provision of new shopping facilities to meet the needs of local communities subject to residential amenity, traffic/parking and vitality/viability issues.

5.2 This advice is further reflected in Policy RT8 of the South Gloucestershire Local Plan (Adopted January 2006. Small scale retail uses within the boundaries of settlements but outside town centres will normally be permitted provided the following criteria are complied with:-

A. The development would not give rise to unacceptable levels of vehicular traffic or on-street parking to the detriment of the amenities of the surrounding area and highway safety;

The proposal provides 3 off-street parking spaces as well as parking within the lay-by to the front of the site. Given that the proposal is likely to lead to reduced trips on the wider network and has adequate parking and turning facilities, no transportation objection is raised to the development, provided no more than two stylists operate from the property at any one time.

B. The development would not prejudice existing residential amenity;

The application site is a detached property and the proposal is small in scale. The use of the site as a hairdressing salon is not considered to adversely affect the residential amenity of nearby occupiers due to its modest nature and proposed use.

C. The character of the area would not be adversely affected;

The proposal involves only minor elevational changes and in terms of visual amenity will not adversely affect the character of the area. Such a use is also appropriate within a village.

D. Development would improve the range of services to a local community and would not harm the vitality and viability of an existing local centre.

The proposal will provide an additional hairdressing salon within Charfield. At present, one further salon is located within the local centre of Avon Road. However, it is considered that due to the small size of the proposal the vitality and viability of the existing local centre will not be compromised by the proposal.

As such the application accords with the above policy in its entirety and is acceptable.

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, 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 **PT07/1364/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 hairdressing salon hereby permitted shall only be used provided the off-street parking and turning facilities shown on the plan hereby approved are thereafter retained for that purpose.

Reason(s):

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

- 3 The premises shall be used for a hairdressing salon only and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason(s):

The use of the site has been restricted in order to accord with Policy RT8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006. Any other use would require further consideration by the Council.

- 4 No more than two stylists are to operate from the property at any one time.

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 hairdressing salon hereby permitted shall not be used independently of the ownership of the adjoined house.

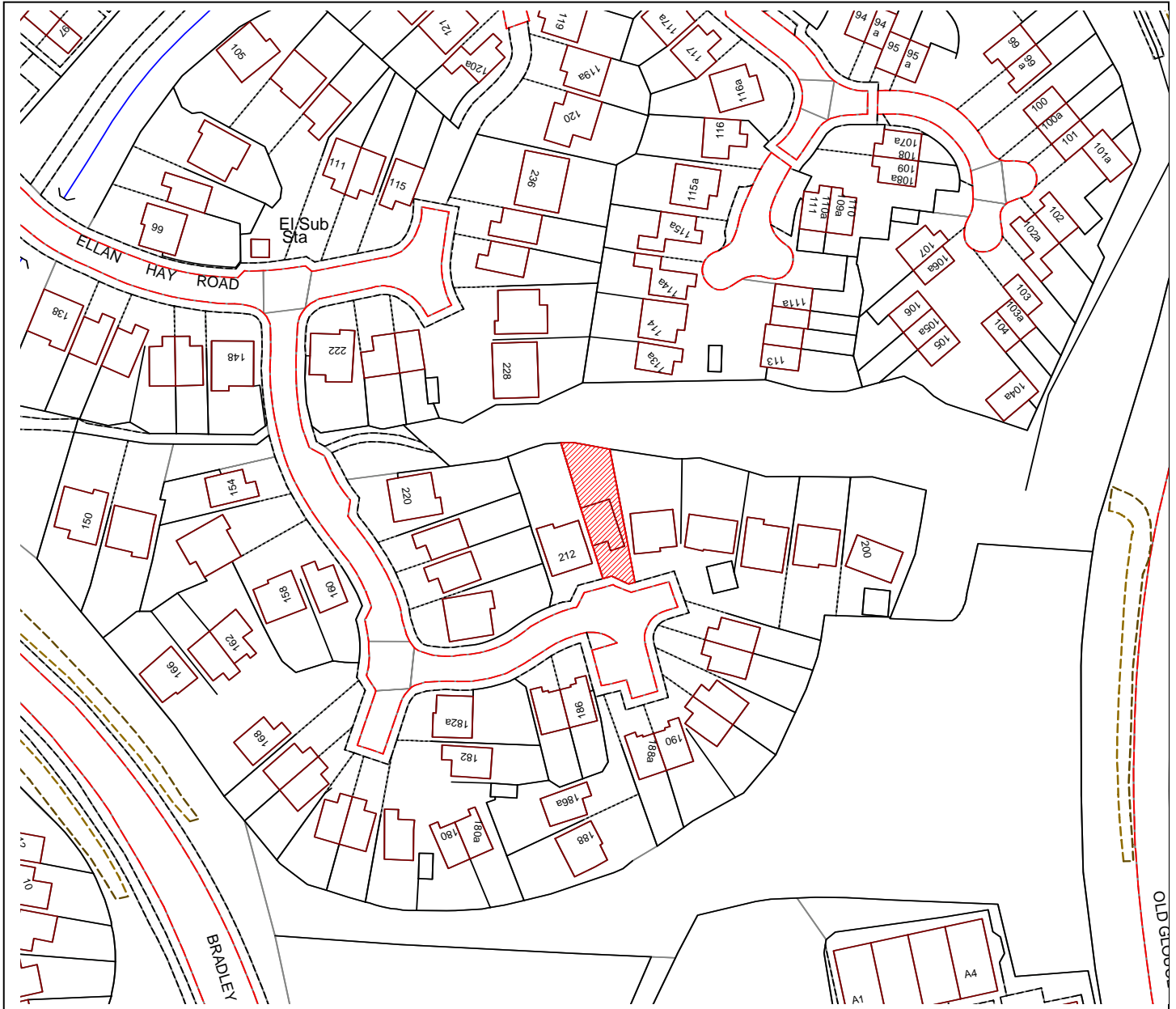
Reason(s):

To protect the privacy and amenity of neighbouring occupiers, to ensure appropriate parking space for the hairdressing salon and the house, and to accord with Policy RT8 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 28/07 – 13 JULY 2007

App No.: PT07/1555/CLP
Site: 210 Ellan Hay Road Bradley Stoke
 BRISTOL South Gloucestershire BS32
 OHF
Proposal: Application for Certificate of Lawfulness
 for proposed erection of a building for
 use as games room.
Map Ref: 63333 80763

Applicant: Mr E Emmanuel
Date Reg: 21st May 2007
Parish: Bradley Stoke Town
 Council
Ward: Bradley Stoke South



© South Gloucestershire Council 2007. All rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2007.

N.T.S

PT07/1555/CLP

INTRODUCTION

The application appears on the Circulated Schedule, as the application comprises a Certificate of Lawfulness for a Proposed Development.

1. THE PROPOSAL

- 1.1 This application for a Certificate of Lawful Development seeks confirmation that planning permission is not required for the erection of a detached outbuilding to be used as a games room.
- 1.2 The application site relates to a detached dwelling within a modern housing estate in Bradley Stoke. The dwelling is set within a residential cul-de-sac, to the rear is open grass area.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Permitted Development) Order 1995

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1863/F Erection of front porch. Current application
- 3.2 PT07/1018/F Erection of two storey rear extension to form sunroom with bedroom above and erection of extension to front porch. Refusal 25th April 2007
- 3.3 PT01/0361/PDR Conversion of garage to dining room. No objection 22nd February 2001
- 3.4 P91/0020/300 residential Development on 5.26 acres to include the erection of 59 dwellings and associated garage; construction of access road (in accordance with amended layout plan received by the Council on the 16th October 1991). Approve with conditions.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection to what is clearly overdevelopment of the site
- 4.2 Local Residents
One letter received stating the following:
 - a) Plans give no indication where proposed building is to go
 - b) Building would be out of character with a residential property
 - c) Building appears closer to house than 5m Class E rules permit
 - d) How will building be accessed
 - e) What is it to be constructed of
 - f) What services, eg water/electricity/ drainage are to be provided
 - g) Why are there four rooms, when application says games room (singular)
 - h) Has consideration been given to oil pipeline underneath from Secretary of State

The statement which comments on the building being closer to the house than 5 metres considers that proposal from a legal point of view. However the remaining comments address concern that would normally be considered as part of a planning application. In this instance the application relates to lawful development and the tests and assessment of the proposal are made in a purely legal context.

5. SUMMARY OF EVIDENCE SUBMITTED BY THE APPLICANT

- 5.1 Site Location Plan submitted to the Council on the 15th May 2007 showing the site.
- 5.2 Block Plan submitted to the Council on the 15th May 2007 showing the proposed development.
- 5.3 Floor Plan submitted to the Council on the 15th May 2007 showing the proposed development.
- 5.4 Elevations submitted to the Council on the 15th May 2007 showing the proposed development.
- 5.5 Schedule 2 Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995.

6. SUMMARY OF EVIDENCE BROUGHT BY THE LOCAL PLANNING AUTHORITY

- 6.1 The Town and Country Planning (General Permitted) Development Order 1995
- 6.2 Planning Decision Notice P91/0020/300 residential Development on 5.26 acres to include the erection of 59 dwellings and associated garage; construction of access road (in accordance with amended layout plan received by the Council on the 16th October 1991). Approve with conditions.

7. EVALUATION

- 7.1 The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance. The assessment must be made on the 'balance of probability'.
- 7.2 The proposed development consists of an outbuilding to provide a games room ancillary to the enjoyment of the main dwelling at 210 Ellan Hay Road. The proposed building would be 'L' shaped.
- 7.3 Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 states

Permitted Development: The provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

Development is not permitted if

A) It relates to a dwelling or a satellite antenna;

B) Any part of the building or enclosure to be constructed or provided would be nearer to any highway which bounds the curtilage than-

i) the part of the original dwellinghouse nearest to that highway, or

ii) any point 20 metres from that highway

whichever is nearer to the highway;

C) Where the building to be constructed or provided would have a cubic content greater than 10 cubic metres, any part of it would be within 5 metres of any part of the dwellinghouse;

D) The height of that building or enclosure would exceed-

i) 4 metres, in the case of a building with a ridged roof; or

ii) 3 metres, in any other case

E) The total area of ground covered by buildings or enclosures within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); or

F) In the case of any article 1(5) land or land within the curtilage of a listed building, it would consist of the provision, alteration or improvement of a building with a cubic content greater than 10 cubic metres

For the purposes of Class E-

“purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

7.4 In regards to the above it is accepted that a games room would constitute a development ‘incidental to the enjoyment of the dwellinghouse’. It is also regarded that A, D, E and F comply with the conditions above; no evidence has been received in contrary. The proposal does not exceed 50% of the curtilage, would not exceed 4 metres in height, and is not on article 1(5) land or within the curtilage of a listed building.

7.5 Part B) Distance to Highway

To the rear of the site is a green area, which is accessed through a tarmac path, the land itself does not feature a hard-surface path. This land connects with a path which runs through Ellan Hay Road. This area is designated on the original plans as being open space. It is clear that there is a distinction between the footpath which would be considered a highway, and the open space to which the dwelling backs on to. As such the proposal is considered to meet criteria B.

7.6 Part C) 5 metre distance to dwelling

The proposal is for a building which is ‘L’ shaped would measure 8 metres in depth As stated on the block plan the proposed dwelling would be 5 metres from the nearest part of the dwellinghouse. However, in this block plan the proposed building measures 7 metres. The floor plans, and elevation drawing clearly describe the building as being 8 metres in depth. An 8 metre depth building would be within 5 metres of the dwellinghouse.

- 7.7 A neighbour has also commented that the building is unlikely to fit within the rear garden and be within would be 5 metres away from the dwellinghouse.
- 7.8 Given the contradiction in the evidence provided, on the balance of probability it is considered that an 8 metre in depth outbuilding could not feasibly be accommodated within the rear garden whilst being 5 metres from the dwellinghouse.
- 7.9 Original Consent for Dwelling
Evidence brought by the Local Planning Authority includes Planning Decision Notice P91/0020/300 the original consent that granted planning permission for 59 dwellings, including 210 Ellan Hay Road, the site in question.
- 7.10 Condition 4 of this permission reads:
Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town and Country Planning General Development Order 1988 (as amended) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than development or operations on the plans hereby approved, shall be carried out without the prior permission in writing of the council.
- 7.11 Given the above, irrespective of whether the proposal met the criteria of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995, the proposal would require planning permission to meet the condition applied to the original consent for the dwelling.

8. RECOMMENDATION

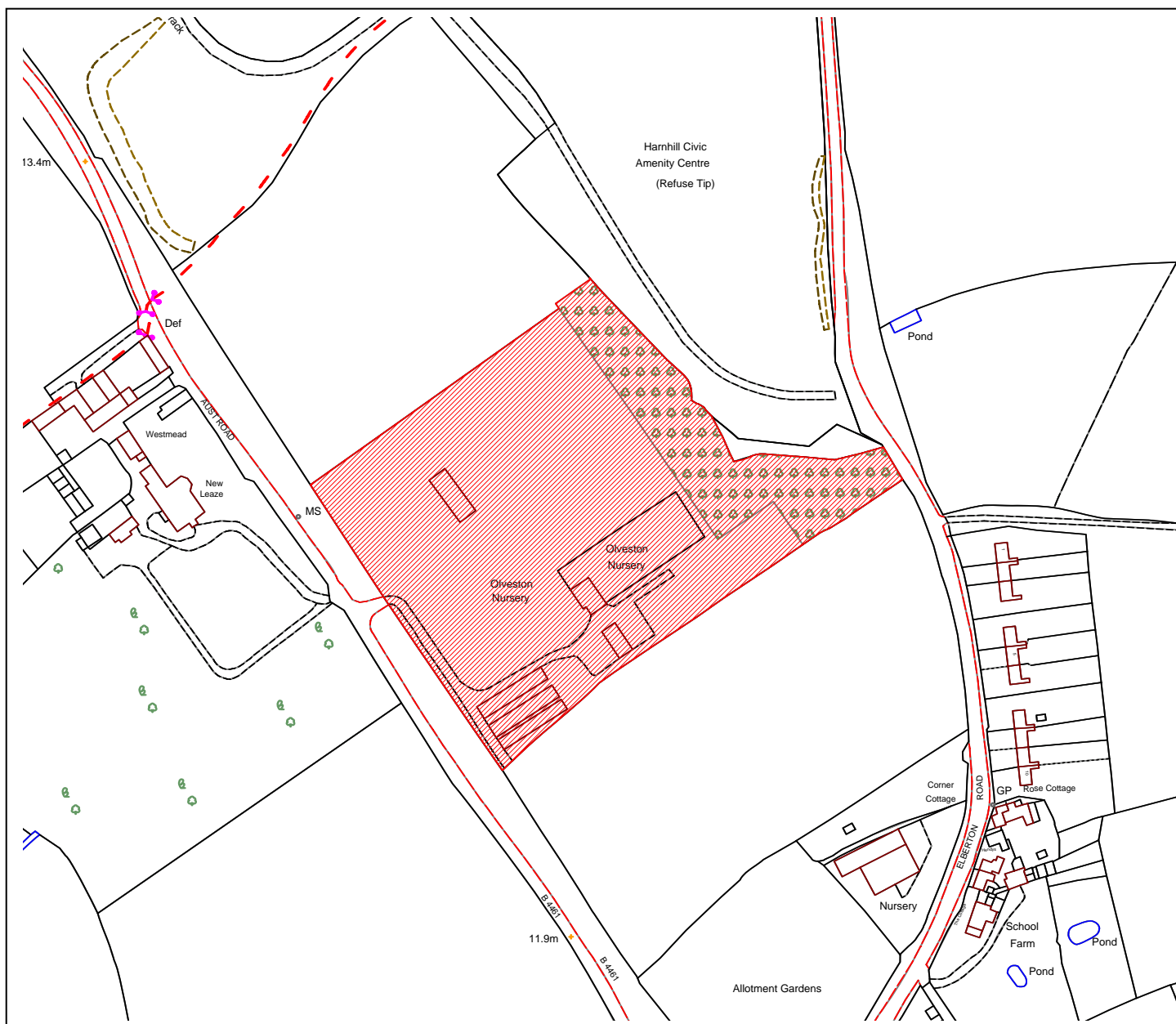
- 8.1 A Certificate of proposed Lawful Development be refused for the following reason:

Background Papers PT07/1555/CLP

Contact Officer: Charlene Baker
Tel. No. 01454 863819

CIRCULATED SCHEDULE NO. 28/07 – 13 JULY 2007

App No.:	PT07/1752/CLE	Applicant:	Mr & Mrs M H Bushell
Site:	Olveston Nurseries Aust Road Olveston BRISTOL South Gloucestershire BS35 4DE	Date Reg:	5th June 2007
Proposal:	Application for Certificate of Lawfulness for continued occupation of dwellinghouse without compliance to condition (b) attached to planning permission N3943/2.	Parish:	Olveston Parish Council
Map Ref:	60007 87684	Ward:	Severn



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2007.

DC0901MW

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 continued occupancy of the subject dwelling by persons who are not employed in agriculture or forestry for the purposes of condition (b) of planning permission N.3943/2.
- 1.2 The site consists of a dwelling and annex/outbuildings and the remnants of poly tunnels and green houses associated with the former Olveston Nursery.

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 N.3943/2 Erection of detached dwelling and granny flat together with an outbuilding comprising packing shed, machinery and equipment store, staff mess room, cloakroom and wc.
Approved 22 January 1981.

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The claimants (Mr and Mrs Bushell) have submitted individual sworn declarations supported by letters from independent persons known to them. The declarations provide detailed accounts and key dates over the period of occupation of the dwelling and site since 1989. Mr Bushell has not been employed in agriculture related business during the period from 1889 to present. However, Mrs Bushell was employed at the nursery as an agricultural worker between 1990 and 1995. Essentially, the operation of the 'Olveston Nursery' business became the sole responsibility of a third party (Mr John Coventry) in 1995 until 2000 (when the Olveston Nursery business ceased). Mr Coventry was resident elsewhere during this period. The applicants were no longer employed in agriculture and from this point, but continued to live in the subject dwelling in breach of condition (b) of planning permission N.3943/2.
- 4.2 The development associated with the Olveston Nursery is in serious decay and clearly demonstrates that the nursery business has ceased.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 None Received

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Olveston Parish Council raise no objection to the application

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 occupancy of the dwelling subject to this application has been so in breach of condition (b) of planning permission N.3943/2 for a period in excess of 10 years.
- 7.3 The condition reads; The occupation of the dwelling hereby authorised shall be limited to a person 'solely or mainly employed, or last employed, in the locality in agriculture, as defined in section 290(1) of the Town and Country Planning Act 1971, or within forestry (including any dependants of such person residing with him, or a widow or widower of such person. The applicant has submitted sworn declarations supported with third party evidence in the form of letters to the applicant.
- 7.4 Clearly, the subject dwelling and surrounding land as detailed within this application is currently in use by Mr and Mrs Bushell for residential purposes whilst the Olveston Nursery business associated with the site has now ceased. The evidence presented shows that Mr and Mrs Bushell have resided in the dwelling for a period since 1989, and in breach of condition (b) of planning permission N.3943/2 between the period of 1995 until the time of submitting this application
- 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 dwelling subject to and detailed in this application has been used for normal residential purposes in breach of condition (b) of planning permission N.3943/2) for a period in excess of 10 years.

8. RECOMMENDATION

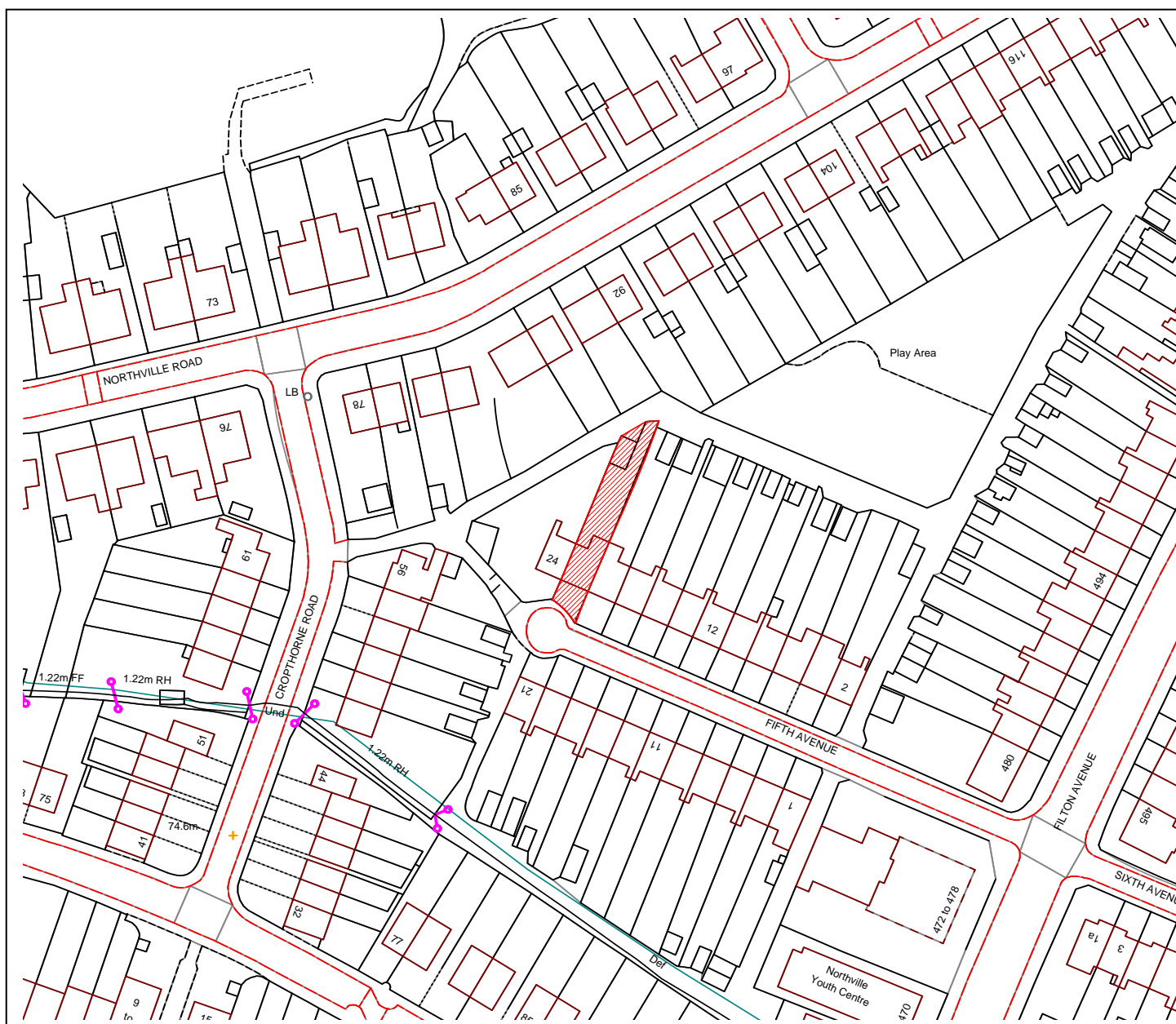
- 8.1 A Certificate of Existing Lawful Use be granted for the continued use of the dwelling for occupation by persons not employed in agriculture or forestry in breach of condition (b) of planning permission N.3943/2.

Background Papers **PT07/1752/CLE**

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

CIRCULATED SCHEDULE NO. 28/07 – 13 JULY 2007

App No.:	PT07/1829/F	Applicant:	Mr Singh
Site:	22 Fifth Avenue Filton BRISTOL South Gloucestershire BS7 0LP	Date Reg:	13th June 2007
Proposal:	Conversion of existing dwelling to form 2 no. self contained flats with associated works. (Resubmission of planning application PT07/0909/F) (in accordance with amended plans received on 21 June 2007).	Parish:	Filton Town Council
Map Ref:	60372 78137	Ward:	Filton



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2007.

1. THE PROPOSAL

- 1.1 This full application relates to the conversion of a three bed dwelling to two flats at 22 Fifth Avenue, Filton. It is proposed to form a one-bed flat to the ground floor with a two bed flat above with one bedroom created in the roof space. No dormers are proposed but one roof light will be inserted.
- 1.2 The application site is a mid-terraced property located to the end of a cul-de-sac that serves 24 dwellings. Fifth Avenue also serves the rear access lane for properties on Filton Avenue and part of Crophorne Road and Northville Road. The rear access serving these properties is unmade, un-surfaced and privately maintained. It is generally in poor condition and has lockable gates to the entrances.
- 1.3 It is proposed to provide an entrance lobby for the ground floor flat off Fifth Avenue. This flat also has rear ground floor access via the kitchen. The entrance to the proposed first floor flat is to the rear and will involve the creation of a new door way opening and staircase. The existing staircase serving the first floor is to be removed. The rear garden is allocated for the ground floor flat. The existing garage accessed off the rear access lane is to be removed with the creation of two hardstanding spaces, one for each flat. Secure cycle parking for both flats is to be provided in the form of two lockable garden sheds situated in the rear garden area. The wheelie bin and recycling box storage is to be allocated in the front garden area.
- 1.4 The application site lies within the urban area of Filton. This application is a resubmission of planning application PT07/0909/F which was refused under delegated powers on visual amenity and highway grounds.

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
T12 Transportation Development Control Policy for New Development
- 2.4 Supplementary Planning Guidance
Design Checklist (Consultation Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0909/F Conversion of existing dwelling to form 2 no. self-contained flats with bin and cycle stores.
Refused on the following grounds:-
- a) inadequate off-street parking with vehicles associated with first floor flat likely to park in turning head to front of site. Would therefore prohibit vehicles from turning and require lengthy reversing manoeuvres. Contrary to highway safety.
 - b) Position and design of cycle store in front garden area would be incongruous within the street scene to the detriment of visual amenity.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Object to the proposal on the grounds of inadequate access and parking and the increasing number of family homes being converted into flats.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
2 letters have been received objecting to the proposal on the following grounds:-
- a) flats damaging the quality of life;
 - b) increased parking;
 - c) security issue;
 - d) access from first floor flat to bin in front garden;
 - e) rear access is resident only gated area;
 - f) rear pedestrian access unpleasant.

5. ANALYSIS OF PROPOSAL

- 5.1 Background
As can be seen from the planning history, a similar application was refused on the grounds of inadequate parking provision for the first floor flat which would likely to result in parking in the turning head to the front of the site. No rear access was proposed for the first floor flat and as such it was considered that any rear parking space allocated to this flat would not be used due to inconvenience of access. Moreover, the proposed cycle store was to be located in the front garden area of the property and this would have resulted in an incongruous feature within the street scene.
- 5.2 The current application has now been amended to provide two off-street parking spaces, one for each flat, to the rear of the site with a ground floor rear access created to serve as the only access to the first floor flat. The ground floor flat benefits from both front and rear access. Cycle parking for both flats has also been provided by separate timber, secure sheds located within the rear garden area. The pedestrian access to serve the first floor flat is to be enclosed by a 2m timber fence, as is the rear garden area.

5.3 Principle of Development

The application site lies within the urban area of Filton. 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 application site is located within a residential area and the proposed conversion is appropriate within the context of the site. Moreover, the proposal can be adequately achieved without detriment to the character of the surrounding area. The only elevational change is to the rear roof slope with the insertion of one rooflight. The relocation of the cycle stores to the rear garden of the site overcomes the previous refusal reason in visual amenity terms and as such the proposal would be in keeping with the character of the locality and therefore complies with this criterion.

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

The site of the proposal is within the urban area of Filton in a predominately residential locality. The proposed works of conversion will not prejudice the residential amenities of nearby occupiers to a material degree. No overlooking or loss of privacy to adjoining occupiers will result from the development due to the provision of 2m timber boundary treatment to the rear garden. Furthermore, occupiers of the ground floor flat will not be overlooked by the pedestrian access serving the first floor flat as this access is to run adjacent to the boundary with 24 Fifth Avenue and is also to be enclosed by 2m fencing. As a final point the lounge area associated with the first floor flat is above the lounge area of the ground floor flat. This will reduce any noise and disturbance to the bedrooms of either flat.

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

The present use of the site as one dwelling has adequate parking provision available to the rear with garage and hard standing area. The revised application now involves the demolition of the existing garage to provide one rear car parking space for each flat. The provision of a rear entrance to the first floor flat now provides direct access to the rear parking space which would overcome the problems of occupiers of the first floor flat parking within the turning head to the front of the property. As such the proposal is acceptable in terms of highway safety and overcomes the previous refusal reason and is in compliance with adopted development plan.

D. it would provide adequate amenity space.

Approximately 40 m² rear private amenity space is proposed for the ground floor flat. Although no amenity space is provided for the first floor flat,

public open space is available within the vicinity of the site and as such, on balance is acceptable.

5.4 Other Issues

It is recognised that the first floor flat has no direct access to the bins and recycling store to the front of the property. However, it is considered that as the application site lies to the end of the cul-de-sac, pedestrian access from the rear of the site to the front is not so convoluted as to warrant a refusal on this basis alone, being a distance of some 65m.

5.5 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.

5.6 Design and Access Statement

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

5.7 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 **PT07/1829/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 off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the flats are 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 Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, details of screening to the bin storage/recycling area to the front of the site. The screening shall be completed before the flats are first occupied and development shall be carried out in accordance with the approved details.

Reason(s):

To protect the character and appearance of the area to accord with Policies H5 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

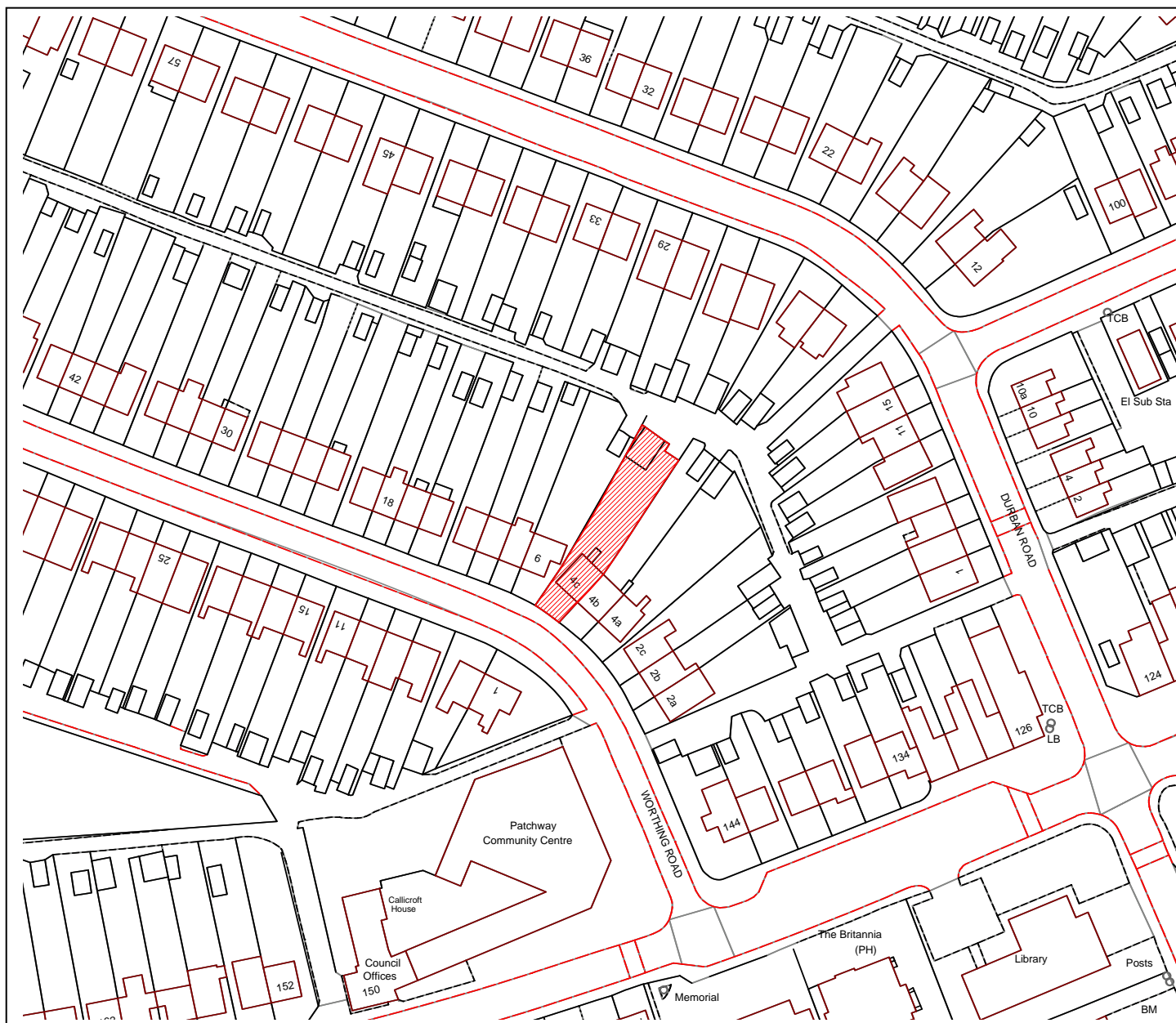
- 4 The screen fences shown on the approved plan shall be erected in the positions indicated before the flats hereby authorised are occupied, and thereafter retained.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 28/07 – 13 JULY 2007

App No.:	PT07/1831/F	Applicant:	Mr R Williams
Site:	4c Worthing Road Patchway BRISTOL South Gloucestershire BS34 5HX	Date Reg:	13th June 2007
Proposal:	Conversion of 1 no. existing dwelling to 2 no. dwellings with associated works (in accordance with amended plan received on 5 July 2007)	Parish:	Patchway Town Council
Map Ref:	59997 81622	Ward:	Patchway



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2007.

N.T.S

PT07/1831/F

INTRODUCTION

The application appears on the Circulated Schedule as there are objections from local residents.

1. THE PROPOSAL

- 1.1 This full application relates to the conversion of existing dwelling to two flats at 4c Worthing Road, Patchway. The existing property is an extended 4-bed dwelling with rear kitchen extension and rear dormer. The fourth bedroom and a shower room are located in the converted roof space.
- 1.2 The application proposes two 2-bed flats, with communal entrance to the front of the property. Both flats also have rear access, with one off street parking space per flat to the rear as well as secure cycle parking. Garden area to the rear is also allocated for each flat.
- 1.3 The application site is an end-terraced property located within the urban area of Patchway. The dwelling benefits from a large rear garden and has garage and parking to the rear, accessed via a private drive off Worthing Road and Durban Road. At present the site benefits from little rear boundary treatment.

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 33 Housing Provision and Distribution
 - Policy 33 Housing Provision and Distribution
 - 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 N6203 Erection of domestic garage.
Approved 3 January 1980.
- 3.2 N6203/1 Erection of single storey rear kitchen extension.

4. **CONSULTATION RESPONSES**

4.1 Patchway Town Council
No response received.

4.2 Sustainable Transport
No objection.

4.3 Local Residents

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

- a) increase in noise – existing first floor bedroom is to be changed to a living area which will be adjacent to our bedroom;
- b) increased parking;
- c) construction works would cause noise and disturbance;
- d) boundary treatment;
- e) current condition of house has the potential to cause damage to our property due to leaking gutters and down pipes.
- f) loss of family property;
- g) not in keeping;
- h) increase in traffic;
- i) location of bins at front of property;
- j) security issue.

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;

It is considered that as the proposal involves only minor elevational changes, the design of the proposal is acceptable. The site is also located within the residential area of Patchway and such a conversion is acceptable to the character of the surrounding area. The bin and recycling boxes are to be located within the front garden area but this is already a feature of the street and will be screened to a large extent by existing boundary treatment. The application is therefore in accordance with the development plan.

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

The proposal involves no extensions and as such will not adversely affect the residential amenities of nearby occupiers. In terms of amenity space, the proposal provides 1.8m boundary treatment to neighbouring garden areas as well as the subdivided garden, thereby overcoming loss of privacy/overlooking issues. As the rear garden area and parking is to be enclosed, security issues should not be worsened by the proposal. A condition will however be imposed requiring additional details of boundary treatment. The application therefore accords with this policy criterion.

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

The proposal provides 2 off-street vehicular parking spaces to the rear of the property and secure, covered cycle parking for both flats with pedestrian access available for both flats from the rear of the site. As such the proposal is acceptable in transportation terms.

D. it would provide adequate amenity space.

The existing rear garden is to be sub-divided in to 2 to provide garden for each flat. Both are considered to be of adequate size to serve two-bed properties, having an area of around 65m². The proposal therefore complies 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, 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 **PT07/1831/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 off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the flats are 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

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

Reason(s)

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

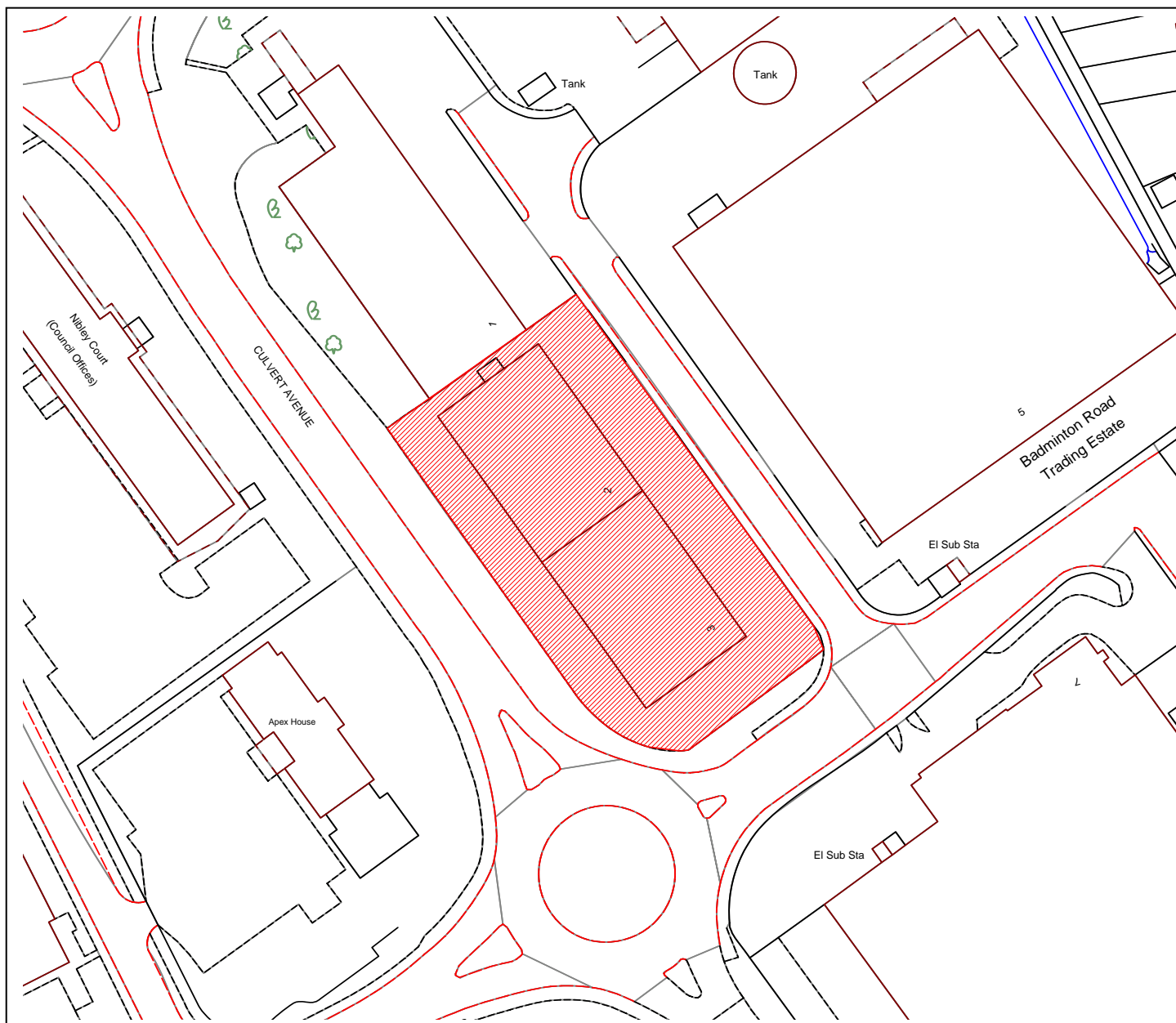
4. Notwithstanding the details submitted on approved block plan Rev 'A' , no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the use of the property as flats is commenced. Development shall be carried out in accordance with the approved details and shall include. For the avoidance of doubt, details shall include a rear pedestrian access for the first floor flat and boundary treatment along the rear boundaries of 4b and 6 Worthing Road.

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. 28/07 – 13 JULY 2007

App No.:	PT07/1841/F	Applicant:	Danfloor (UK) Ltd I C Dexter
Site:	Units 1A & B Badminton Road Trading Estate, Yate, BRISTOL, South Gloucestershire	Date Reg:	14th June 2007
Proposal:	Erection of extension to existing warehouse.	Parish:	Westerleigh Parish Council
Map Ref:	69720 82318	Ward:	Westerleigh



© South Gloucestershire Council 2007. All rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100023410, 2007.

N.T.S

PT07/1841/F

INTRODUCTION

This Planning Application appears on the Circulated Schedule as it is a major application.

1. THE PROPOSAL

- 1.1 The site consists of an industrial unit located within the Badminton Road Trading Estate. Access to the site is from Culvert Avenue.
- 1.2 The proposed development consists of the construction of an extension to the South-Eastern elevation of the building adjacent to Culvert Avenue.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Quality Design in New Development
 - E3 Employment Development in the Urban Area/Settlement Boundaries
 - E4 Safeguarded Employment Areas
 - T12 Transportation Development Control Policy for New Development
 - T8 Motor Vehicle Parking Standards
 - T7 Cycle Parking Standards
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Draft) September 2006

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
Wish to make no comment.
- 4.2 Sustainable Transport
No Objection subject to the provision of two secured and lit cycle parking places
- 4.3 Local Residents
No Comments received at the time of compiling this report

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the extension to an existing industrial warehouse located within a protected employment area within the urban area associated with Yate.
- 5.2 Principle of Development
Policies E3 and E4 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable subject to the following considerations.

5.3 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves high standards of design. Policy E3 and E4 carry this principle of good design forward.

5.4 The subject building and adjacent building are set back from the highway (Culvert Avenue) by approximately 18 to 20 metres of open land and constructed to a clearly defined building line. The first 8 to 10 metres of this land is dedicated highway verge with the remainder being landscape with trees and grass (to the South East elevation of the adjacent building) and to gravel and planters (to the South East elevation) of the subject building.

5.5 The subject building and the adjacent building are of no particular architectural merit and are purely functional in appearance. They are constructed with a steel frame, brick cladding (with high level windows) and profiled cladding to the roof. However, the proposal is in a very prominent location along the approach to the Badminton Road Trading Estate/Business Park. It is considered that the position of the development site is such that any development upon it must be of an outstanding nature in design and visual terms in order to actively enhance this context.

5.6 The proposed extension would take place on the 10 metre wide strip of land to the South East of the subject building currently laid out to gravel with planters and is to be the full length of the existing building and would use a steel frame, brick cladding (to head level) and profiled cladding to eaves level and upon the roof. The design and access statement refers to this approach as being one which would 'blend' with the existing building. However, the proposed extension would stand proud of the existing building line by approximately 10 metres. It is considered that this position together the design approach taken, i.e. very functional and bland in appearance does not achieve a high standard of design that would be expected in this location, and would not act to enhance the site so compromising the appearance of the site and the surrounding development. It is not considered that the design approach can be justified on the single basis that it would remove the gravelled area. The statement also argues that the existing trees and signage located to the South East of the adjacent building would act as screening with the effect of minimising the visual impact of the building. It is not accepted that the existing signage would act to screen the development in any way although, the trees would provide some screening of the proposed development from Badminton Road. However, this would be extremely limited as the development would be highly visible from the approach along Culvert Avenue and from office development to the South East of the site.

5.7 Having regard to the above it is considered that the proposed development, by virtue of its design and appearance in this location, would have a detrimental impact upon the visual amenity of the site and the surrounding locality; and would therefore be contrary to Policy D1, E3 and E4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.8 Residential Amenity

Given the proximity of the nearest residential property, it is considered that the proposed development would have no material impact upon the privacy and residential amenity of nearby dwellings.

5.9 Transportation

It is considered that the highway network can adequately accommodate traffic generated by this proposal and that there is sufficient vehicular parking available within the application site and associated area. However, it is considered that the development would generate a requirement for two cycle parking spaces within the development in order to encourage alternative modes of transport to the private car. Although there are fundamental objections to the proposed development in its current form, it is considered that this can be adequately dealt with by way of an appropriately worded should a future application be approved.

5.10 Subject to the above, the proposed development is acceptable in transportation terms.

5.11 Other Matters

The design and access statement submitted with this planning application identifies the need for the proposed development in the light of the lack of appropriately sized accommodation in this locality; and that the refusal of the proposed development may have the effect of forcing the employment elsewhere resulting in the loss of local jobs. However, there is no information submitted with this application that would substantiate this claim. Further, it is considered that there may be alternative options for development within this site that may ultimately be acceptable; and on this basis the need to create additional space in its own right is not sufficient to outweigh the harm caused in visual terms by the proposed development.

5.12 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 That Planning Permission be Refused for the following reasons

Background Papers **PT07/1841/F**

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

REFUSAL REASONS

1. The proposed development by reason of its design and visual appearance on this very prominent site forming the approach to The Badminton Road Trading Estate; and associated development, is such that its impact would be harmful to the character and visual appearance of the site and the surrounding locality. The proposed development fails to provide a distinctive building and does not provide sufficient enhancement by which to justify the development. The proposed development is therefore contrary to Policy D1, E3 and E4 of the South Gloucestershire Local Plan (Adopted) January 2006, the South Gloucestershire Design Checklist (Draft) September 2006; and PPS1.