



**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. 23/07

Date to Members: 08/06/07

Member's Deadline: 15/06/07

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: 08/06/07

SCHEDULE NO. 23/07

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

SUBSCRIPTION SERVICE

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- Consultations
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Circulated Schedule 08 June 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK06/1060/F	Approve with conditions	Cherry Lodge Bristol Road Iron Acton South Gloucestershire BS37 9TG	Ladden Brook	Iron Acton Parish Council
2	PK07/0807/F	Approve with conditions	1a Tower Road South Warmley South Gloucestershire BS30 8BJ	Parkwall	Oldland Parish Council
3	PK07/1215/F	Approve with conditions	Longwell Green Community Centre Shellards Road Longwell Green South Gloucestershire BS30 9DU	Longwell Green	Oldland Parish Council
4	PK07/1294/F	Approve with conditions	52 The Glen Yate South Gloucestershire BS37 5PJ	Yate North	Yate Town Council
5	PK07/1359/F	Approve with conditions	54 The Ride Kingswood South Gloucestershire BS15 4SY	Kings Chase	
6	PK07/1401/RVC	Approve with conditions	The Game Farm Latteridge Iron Acton South Gloucestershire BS37 9TY	Ladden Brook	Iron Acton Parish Council
7	PK07/1464/F	Approve with conditions	27 Amberley Way Wickwar South Gloucestershire GL12 8LW	Ladden Brook	Wickwar Parish Council
8	PK07/1485/F	Approve with conditions	23 Court Farm Road Longwell Green South Gloucestershire BS30 9AA	Longwell Green	Hanham Abbots Parish Council
9	PT06/3007/F	Approve with conditions	Scarlets Land Off Cromhall Lane Tytherington South Gloucestershire GL12 8PX	Thornbury North	Falfield Parish Council
10	PT06/3597/CLE	Approve	Land adjoining Henfield Road Coalpit Heath South Gloucestershire	Westerleigh	Westerleigh Parish Council
11	PT07/0788/R3F	Approve with conditions	The Castle School Park Road Thornbury South Gloucestershire BS35 1HT	Thornbury North	Thornbury Town Council
12	PT07/1095/F	Approve with conditions	1 Hempton Lane Almondsbury South Gloucestershire BS32 4AN	Patchway	Patchway Town Council
13	PT07/1107/F	Approve with conditions	Wallscourt Farm Coldharbour Lane South Gloucestershire	Winterbourne	Stoke Gifford Parish Council
14	PT07/1162/F	Approve with conditions	17 Denny Isle Drive Severn Beach South Gloucestershire BS35 4PZ	Pilning and Severn Beach	Pilning and Severn Beach
15	PT07/1224/F	Approve with conditions	18 - 32 Ellan Hay Road Bradley Stoke South Gloucestershire BS32 0HB	Bradley Stoke South	Bradley Stoke Town Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
16	PT07/1261/CLP	Approve with conditions	Grange Court Farm Trench Lane Winterbourne South Gloucestershire BS36 1RY	Frampton Cotterell	Frampton Cotterell Parish Council
17	PT07/1269/F	Approve with conditions	49 Hazeldene Road Patchway South Gloucestershire BS34 5DT	Patchway	Patchway Town Council
18	PT07/1380/PN1	No objection	Land on Filton Road/Filton Lane Stoke Gifford South Gloucestershire BS32 8SS	Stoke Gifford	Stoke Gifford Parish Council
19	PT07/1409/PN1	No objection	Land at Emma Chris Way Filton South Gloucestershire BS34 7JU	Filton	Filton Town Council

CIRCULATED SCHEDULE NO. 23/07 – 08 JUNE 2007

App No.: PK06/1060/F	Applicant: Mr & Mrs Baber
Site: Cherry Lodge Bristol Road Iron Acton BRISTOL South Gloucestershire BS37 9TG	Date Reg: 18th April 2006
Proposal: Erection of 1 no. agricultural building for storage.	Parish: Iron Acton Parish Council
Map Ref: 66698 83366	Ward: Ladden Brook



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N.T.S

PK06/1060/F

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of a neighbour objection.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a large free-standing agricultural building providing accommodation to livestock. It would be 5.5 metres to the apex and 3.5 metres to the eaves. The building would have a brick plinth, with dark green metal walls, under a metal profile clad roof. An amended plan was requested and received showing the barn repositioned 8 metres further away from the track than originally applied for, as a result of the landscape comments reported below.
- 1.2 The site lies in the Green Belt, towards the end of the access lane for Laddenside farm and to the west of Cherry Lodge, a house and vets clinic. A letter submitted with the application explains that the livestock will be kept on a recently-purchased 9 acre holding. It will be used to house chickens and other livestock, and as a feed and machinery store for tractors, trailers etc. An Agricultural Justification was submitted with the application.
- 1.3 This application follows the withdrawal of an earlier application, which was not accompanied by a Flood Risk Assessment. An Assessment has been submitted with this scheme. As a result of this, Gloucestershire Estates were consulted and their initial appraisal of the proposal led to a revised scheme for a building with half the floorspace of the original.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS7 Sustainable Development Within Rural Areas
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
GB1 Green Belt
E9 Agricultural Development
- 2.3 Supplementary Planning Guidance
Note 13

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0502/F Erection of agricultural building Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No reply received
- 4.2 Other Consultees
Public Rights of Way

Development would not affect a PROW.
Technical Services Unit approves the Flood Risk Assessment.

- 4.3 Sustainable Transport
No objection to the proposed development

Other Representations

- 4.4 Local Residents
One letter of objection was received, citing the following concerns:
- Plans are not accurate (NB amended plans have since been received, showing a relocation of the proposed building 8 metres further away from the track)
 - The drawings do not give a height of the proposed barn
 - The proposed barn would reduce sunlight into Laddenside farmhouse, within 30 metres of the site and 3 metres from the garden
 - The barn would be visible from the front of the farmhouse
 - The barn is too big for an 8 acre hobby farm and will not make the holding into a sustainable agricultural business

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application stands to be assessed against the policies listed above, in the light of all material considerations. Of prime importance is the Green Belt setting of the site. Agricultural buildings fall within the categories of buildings which can be appropriate in the Green Belt. This building is considered to be designed for an agricultural purpose.
- 5.2 Green Belt
As stated above, an agricultural building can be appropriate development in the Green Belt. However, a secondary test is the effect of the development upon the openness of the Green Belt.
- 5.3 Other Buildings on the Holding
In order to preserve the openness of the Green Belt, a desirable alternative would be to re-use existing buildings on the holding, as long as this can be achieved, to prevent the need for a new agricultural building. However, this holding presents no practical opportunities for converting existing buildings and therefore this option is not open to the applicants.
- 5.4 Transportation
There is no objection on transportation grounds.
- 5.5 Flooding Issues
The Council's Technical Services Unit has confirmed that the Flood Risk Assessment is acceptable in this instance.
- 5.6 Agricultural Justification
The Council consulted Gloucestershire Estates with regard to the justification for the proposal. They responded to the revised plans that the original appraisal recommended a scaled down version of the original proposal. Gloucestershire Estates suggested that a 45ft x 30ft building was more than adequate and this led to the now amended plan. They considered the design however to be more industrial than agricultural. If the need is purely for agriculture then all that

would be required would be a basic monopitch open fronted building ie with plenty ventilation for storage of feedstuffs and straw etc and somewhere to park a small tractor under cover. Any trailer could be parked outside. If necessary one of the bays could be partially blocked in for more secure storage such as small tools and chemicals. Generally when looking at a building then one should treat it no less stringently than would be under Annex E Part 6 of the Town and Country Planning (General Permitted Development)Order 1995 i.e. three important elements:

1. The building should be on agricultural land.

In this case it is.

2. The building must be reasonably necessary for the purpose of agriculture.

It was considered in the light of the applicants proposal to start a viable pig rearing enterprise (which had been started when the last inspection was made) that a building of the size of the now scaled back version would be considered reasonable necessary.

3. The unit should be designed for agricultural purposes.

Although it is not of traditional agricultural design the building would serve the purpose of providing secure storage if this is a concern of the applicant. Annex E states that the Courts have held that the condition for design for agricultural purposes relates to physical appearance and layout and therefore the specification of build might not be an issue that can be considered at the planning stage.

The applicant has been advised that the design should be revised, but was unwilling to make any changes.

Gloucestershire Estates concluded that on the whole the amended building complies with agricultural planning guidance and it therefore considered that the proposal is acceptable in policy terms.

5.7 Residential Amenity

The consultation process has raised the issue of the proposed barn having an impact upon the neighbouring farmhouse. Although, even in the revised position shown on the amended plans, the building would be visible from the farmhouse, it is an agricultural building on agricultural land which surrounds the farmhouse and is considered to have no detrimental impact on visual amenity. At a distance of 55 metres at the nearest point, with a height of 5.5 metres, the building is not considered to have any effect upon residential amenity.

5.8 Landscape Issues

The proposal would be best sited as shown on the amended plan, ensuring that it is in not in such close proximity to the dwelling at Cherry Lodge and at a distance of 8 metres from the Oak tree that is growing within the hedge alongside the access track. No detailing of any landscape works have been supplied with the proposal, but the applicant has agreed in principle that trees could be planted in key locations to help soften the impact on visual amenity. The applicant has been advised that such planting need not be very dense, but that the aim was to achieve about 5 or 6 mature trees within the nearby hedgerow and alongside the southern side of the barn. A landscaping plan has been required by condition below.

5.9 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement would be 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 decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application is approved, subject to the conditions shown.

Background Papers **PK06/1060/F**

Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town 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 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 23/07 – 08 JUNE 2007

App No.: PK07/0807/F
Site: 1a Tower Road South Warmley
 BRISTOL South Gloucestershire BS30
 8BJ

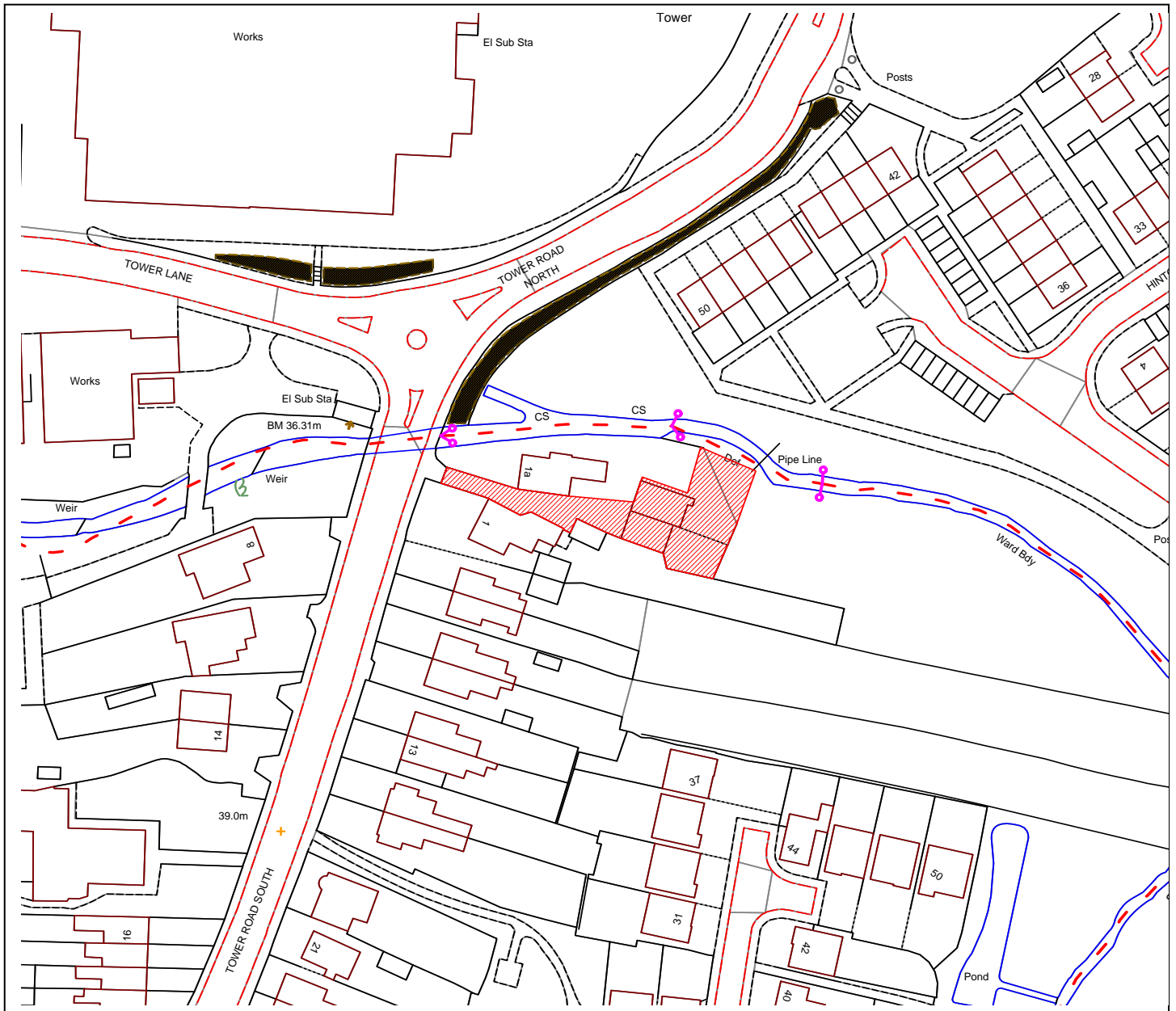
Applicant: Mr E Jones
Date Reg: 14th March 2007

Proposal: Conversion of existing outbuilding to form 1 no. dwelling with access, raised decking area and associated works.
 (Resubmission of PK06/0308/F).

Parish: Oldland Parish
 Council

Map Ref: 66997 72687

Ward: Parkwall



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PK07/0807/F

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of one letter of objection from Oldland Parish Council and two letters of objection from local residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the conversion of an existing outbuilding from an ancillary storage building to an independently occupied dwelling. In order to convert the existing outbuilding, an extension and small decked area would also be erected onto the existing outbuilding. The site is unusual in as much as that it has vast changes in level. The extension to the outbuilding would create additional living accommodation at first floor with underground access and parking at ground floor level.
- 1.2 The existing dwelling on the site consists of a detached bungalow. The existing outbuilding is also single storey in height but as it is erected on a slope and subsequently it is higher at the rear. The site is set in a mainly residential area of Warmley with industrial uses nearby. The other residential properties surrounding the site are similar in nature and many of which have existing rear conservatories and extensions in place.
- 1.3 Whilst the outbuilding subject of this application is currently used ancillary to the main dwelling house, the building actually has consent for use as a workshop/store for the manufacture of kitchen and bedroom units.
- 1.4 This application is the resubmission of a previously refused application on the site reference PK06/0308/F – also for the conversion of the building to a dwelling. Since the refusal of the previous application, the scheme has been re-designed in order to seek to overcome the previous refusal reason.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development
PPS3 Housing
PPG25 Development and Flood Risk
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Extensions and New Dwellings
H5 Conversion for Residential Purposes
EP2 Environmental Protection – Flood Risk
- 2.3 Supplementary Planning Guidance
Kingswood Advice Note 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0308/F Conversion of existing dwelling to form 1 no. dwelling with access, raised decking area and rear conservatory.
Refused March 2006

- 3.2 PK02/1055/F Erection of single storey side and rear extension with rear conservatory.
Approved May 2002
- 3.3 P91/4162 Change of use from Residential with upholstery workshop/store to residential with workshop/store for the manufacture of kitchen/bedroom units.
Approved May 1991
- 3.4 P86/4138 Change of use from residential/workshop at rear to upholstery business.
Approved March 1986

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
Object to the application on the grounds of concerns regarding traffic, access and the loss of amenity to neighbouring properties.
- 4.2 Environment Agency
No objections to the Flood Risk Assessment. Condition recommended.
- 4.3 Technical Services
Object to the application on the basis that no flood risk assessment has been submitted for approval by the Environment Agency.

Other Representations

- 4.4 Local Residents
Two letters of objection have been received from local residents. A summary of the points of concern is as follows:
- One neighbour often hears the screeching of brakes at the junction and believes the extra traffic would only worsen the problem.
 - Should any trees be removed the neighbours privacy would be invaded
 - The weight of the extra traffic could damage the wall of the neighbours cellar
 - The driveway will go past the neighbours house and windows to the detriment of residential amenity
 - In the future, a new floor could be added into the building

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
PPS3 identifies that the conversion of existing buildings for residential purposes can contribute positively to the increasing demand for housing. When assessing this application, in addition to Policies relating to the conversion of buildings for residential purposes, Policy H4 relating to residential extensions must also be taken into consideration as the outbuilding is also to be extended. Policy H5 of the South Gloucestershire Local Plan (Adopted) allows for the conversion of existing non-residential properties for residential use providing the following criteria are met:

A) Would not prejudice the character of the surrounding area;

The conversion of the existing outbuilding will have no impact on the character of the area, as externally the alterations are limited. Externally, the roof will be altered slightly to the rear and the existing front doors removed. Due to the siting of the outbuilding to the rear of the existing bungalow, the alterations will not be readily visible from the road or the surrounding area.

The extension as proposed will be visible in glimpses from the highway along the narrow driveway between numbers 1a and 1 Tower Road South. However, due to the fact that the extension would be set back over 40 metres from the edge of the highway, it is not considered that it would have any detrimental impact on the character of the surrounding area. Consideration is also given to the fact that the side extension is to replace a rather unusual side protrusion that is already in place. Whilst the side protrusion consists only of a wall and has no bulk, when viewed from the highway, this is not apparent. It is thus considered that visually, the application will have no detrimental impact on the surrounding area and thus complies with the requirements of both Policy H4 and H5 of the South Gloucestershire Local Plan (Adopted).

B) Would not prejudice the amenities of nearby occupiers;

It is not considered that the actual conversion of the existing outbuilding will have any impact on the residential amenity for surrounding occupiers.

It is noted that two neighbours are concerned that the extension and the removal of trees would have an adverse effect on existing levels of residential amenity by way of loss of privacy. The extension as proposed is indeed going to be erected towards the boundary with No. 1 Tower Road South. Access to the converted property will be through a front door inserted into the side of the extension. Pedestrian access to the property will not be permitted up to the boundary with No. 1 Tower Road South. The vehicular access ramp is to be located closest to the boundary with No. 1 and this access ramp means that it will not be possible for the occupiers of the new dwelling to get within 3 metres of the boundary and be of sufficient height to see over the existing boundary wall that is to be retained.

The decked area to the rear is to be small in scale and kept well away from the boundaries with the neighbouring properties. The rear decked area is simply to allow pedestrian access from the rear of the property down to the parking area below. The rear deck will only be 700mm above the existing ground floor level and given the site of the decking well away from the boundaries, it is not considered that this is of sufficient height to allow for any intervisibility or loss of privacy.

The application proposes to fell no trees in order to facilitate the works. However, the trees within the curtilage are not protected and thus theoretically can be removed at any time without the need for planning permission. Even if the trees were all removed, it is still considered that the conversion would be acceptable and would pose no threat to existing levels of residential amenity. No. 50 Hinton Drive is separated from the application site by a brook and a relatively wide strip of grass. Given that No. 50 is also a terraced property and thus is overlooked to a certain extent by the attached property, it is not felt that the proposal would have any impact upon this neighbour.

Finally, the neighbour at 1 Tower Road South expresses concern that vehicles passing along the boundary with their property may cause damage the foundations of their cellar and also have an impact on their existing levels of amenity. A material consideration in the determination of this application must be that the building could lawfully be used as a workshop/store for the manufacture of kitchen and bedroom units without the need for any further consent. Should this existing lawful use be practiced, it is considered that the vans and potentially other large vehicles accessing the building would have a greater impact on the amenities of the neighbour than the use of the building as a dwelling. The boundary with No. 1 is currently covered with tarmac and used as parking and driveway. Whilst the use of this driveway will undoubtedly be increased slightly, it would not be to such an extent that could warrant the refusal of the application.

C) Would identify an acceptable level of off-street parking

Access to the site – both the existing and proposed dwelling is in close proximity to a busy junction with limited visibility. Under normal circumstances, there would have been a highway objection to the proposal on the basis that the development would generate additional traffic movements at the existing access. Notwithstanding this, consideration is also given to the fact that the application is for the conversion of an outbuilding that can lawfully be used for the manufacture of kitchen and bathroom units. It is considered that the existing lawful use could generate traffic on its own merit, which may be larger or more intensive than the levels of traffic associated with a normal dwelling.

In addition to the above, the plans clearly show how two off street parking spaces will be provided to serve the existing dwelling and a double garage and separate turning and parking will be provided to serve the new dwelling. Sufficient turning space is available on site to ensure that vehicles are able to both enter and leave the site in a forward gear avoiding the need for vehicles to reverse out onto the highway. Subject to the attachment of conditions ensuring that the access and parking is provided in accordance with the approved plans, the impact on highway safety is considered to be acceptable.

D) Would provide adequate amenity space;

It is considered that sufficient private and useable amenity space will remain to serve both the existing and the proposed dwellings.

E) The property is located within the existing defined settlement boundaries;

The site lies within the defined settlement boundary as identified in the South Gloucestershire Local Plan (Adopted).

5.2 Environmental Issues

The development lies within the flood zone area defined on the Environment Agency flood maps. The site lies within a 'green cell' requiring a flood risk assessment to be submitted to the Local Planning authority for consideration. A flood risk assessment has been submitted to the Council and forwarded to the Environment Agency for consideration. Subject to the attachment of a condition, the Environment Agency is satisfied with the proposal.

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.

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 **PK07/0807/F**

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

CONDITIONS

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

Reason

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

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

Reason

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

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), the garage hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage.

Reason

To ensure that the garage is available for its prime purpose of providing parking for a domestic vehicles, to ensure that sufficient off-street parking is retained to serve the development in the interests of highway safety and to accord with Policies H5 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason

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

5. The existing boundary walls and trees shall be retained and protected as far as possible both during construction of the property. Any damage to the existing boundary wall between the site and No. 1 Tower Road South shall be repaired prior to the first occupation of the dwelling and it shall be retained at its existing height thereafter.

Reason

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

6. The off-street parking facilities for both the existing and proposed dwellings as 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 T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Finished floor levels must be set no lower than 38.42 metres above Ordnance Datum, as outlines in the Flood Risk Assessment.

Reason

To protect the development from flooding and accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted).

CIRCULATED SCHEDULE NO. 23/07 – 08 JUNE 2007

App No.: PK07/1215/F
Site: Longwell Green Community Centre,
 Shellards Road, Longwell Green,
 BRISTOL South Gloucestershire BS30
 9DU

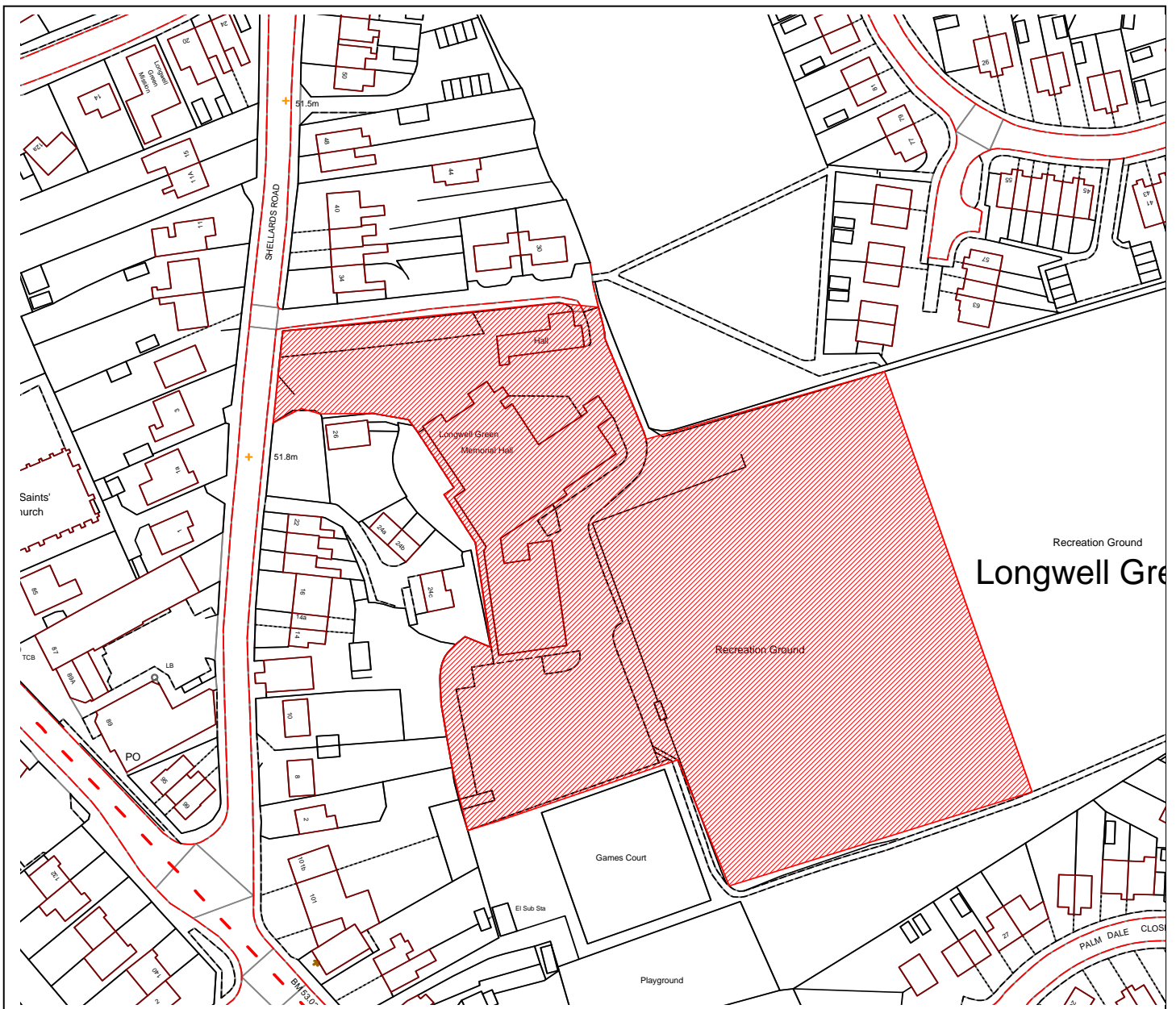
Applicant: Mr C Wyrill
Date Reg: 18th April 2007

Proposal: Erection of 6 No. 16 metre high
 floodlights around enclosed football
 pitch.

Parish: Oldland Parish
 Council

Map Ref: 65939 71145

Ward: Longwell Green



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100023410, 2007.

N.T.S

PK07/1215/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of neighbour objections

1. THE PROPOSAL

- 1.1 This application relates to six proposed floodlight columns around a Western League football pitch. One would be situated in each corner and two further columns would be situated at the half way line, with all the lights intended to be focused on the pitch.
- 1.2 The pitch is surrounded by a post and rail fence and there are no turnstiles or other enclosure at the ground. There is some screening at the boundaries of the whole site, which includes a practice pitch to the north. Along the western boundary there is a mature tree screen. Along the eastern boundary there is a less full hedgerow. Otherwise the site is open and somewhat barren. Public access is derived from Shellards Road (vehicular and pedestrian) and All Saints Close (footpath).
- 1.3 The proposal is to install six 16 metre high floodlight columns. The nearest residential properties are to the east, south and north of the site, mostly presenting a rear elevation to the site, from a distance. Confirmation was sought of the effect of overspill lighting on specific nearby properties. This was subsequently submitted and details of this appear below.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan
D1 Design
LC3 Sports Facilities
EP1 Environmental Protection

3. RELEVANT PLANNING HISTORY

- 3.1 P84/4457 6 eight metre high floodlight columns Approved

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
If permission is approved, a condition should be imposed to limit the hours of operation to protect residential amenity.

Other Representations

- 4.2 Environmental Protection
Recommend applying a condition to ensure that the lights are switched off by 21.30 hours and that the lights are only used for matches and not training sessions.

4.3 Local Residents

Four letters of objection were received, along with one stating no objection, the objectors cited the following concerns:

- * Increased light pollution while lights are in use
 - * Increased noise during matches and training in the evenings
 - * The floodlight pylons will be a dominant feature in the landscape
 - * Increased parking in the evenings, hampering emergency vehicles
 - * Will there be restrictions on operation? What guarantee is there that this would be enforced?
 - * Is the facility purely recreational
 - * Hours of operation condition requested
-
- Change of use to football ground
 - How much power will the lighting use?
 - Object to public right of way being realigned and the perimeter fence being erected around the pitch
 - Loud music played over the public address system

NB These last four points are either not valid planning concerns or they do not relate to the current application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The Local Plan policy LC3 seeks to protect residential amenity through controlling light and noise. The visual amenity considerations are considered to be mitigated by the site's location, (that is the location of the proposed columns) over 15 metres from the nearest dwellings, behind a partial tree screen. The design of the columns is utilitarian, but read in the context of an open recreational field are considered to be neither out of place nor visually intrusive. LC3 also sets tests relating to changes of use. This application relates to facilities to support an existing use at the site and therefore the relevant tests set by the policy to this application are in the following two paragraphs.

5.2 Residential Amenity

This is the main issue in relation to the proposal. The distance between the site and the nearest residential property is over 15 metres, with some screening in place in between. The issue is the floodlighting, which would involve the erection of six 16 metre columns, one in each corner of the football pitch and one on each side of the half way line. Light would have to be directed downwards for this floodlighting to be at all effective and overspill lighting would effectively be screened in places by the trees and hedgerows, when in leaf. Following the receipt of the lighting details mentioned in 1.3 above, the Council's Lighting Engineer commented that the obtrusive lights affecting the nearby residential properties are minimal, therefore acceptable. The maximum vertical illumination is 4.85lux, which is less than the recommended maximum for pre-curfew according to Institute of Lighting Engineers' guidance for E2 environmental zones (low district brightness areas - rural, small village, or relatively dark urban locations). The requested "upward light ratio" calculation (this calculation shows the skyglow effect, e.g. how much light is being thrown directly upward), has not been received, however, this is not considered to have any impact upon residential amenity. With regard to hours of use, the "lights on times" would be limited by condition in the same way as was applied to Cadbury Heath FC. According ILE's guidance, the curfew (the time after

which stricter requirements will apply) shall be 11pm, unless otherwise stated. The amount of light affecting the nearby properties does not comply with ILE's requirements after curfew, but it is considered that compliance with the recommended condition, more onerous than the ILE's guidelines, will address this concern. Regarding the other issues raised through the consultation process, the provision of lighting would, in line with the condition suggested below, be limited to matches in the evenings. While this would lead to an intensification of the current use of the land, it is considered that its effects would be minimal across the year, with regard to the existing levels of residential amenity. The same argument applies to parking levels. It is therefore considered that the proposal would comply with policy and not harm residential amenity.

5.3 Other Issues

Environmental Protection have requested a condition ensuring that the floodlighting system is switched off after 21.30 and that the lighting is only used to illuminate matches and not training sessions. These limitations appear as conditions below. Under these restrictions, it is considered that the effect of the proposal will be relatively limited, with the various impacts identified above through the consultation process being only during matches with evening kick-offs and towards the end of matches in the winter when Greenwich Mean Time has taken effect.

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.

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

7. RECOMMENDATION

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

Background Papers **PK07/1215/F**

Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CONDITIONS

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

Reason 1

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

Reason 2

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

2. The use of the floodlights hereby approved shall be restricted to the hours of 02.45pm - 5.00pm Saturdays or Bank Holidays and 07.15pm - 9.30pm Monday to Friday inclusive with no use on Sundays, any use outside these hours shall only be with the prior written consent of the Local Planning Authority.

Reason

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The floodlights hereby approved shall be for the sole use of Longwell Green Sports Football Club 1st Team League Matches only.

Reason

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. 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.

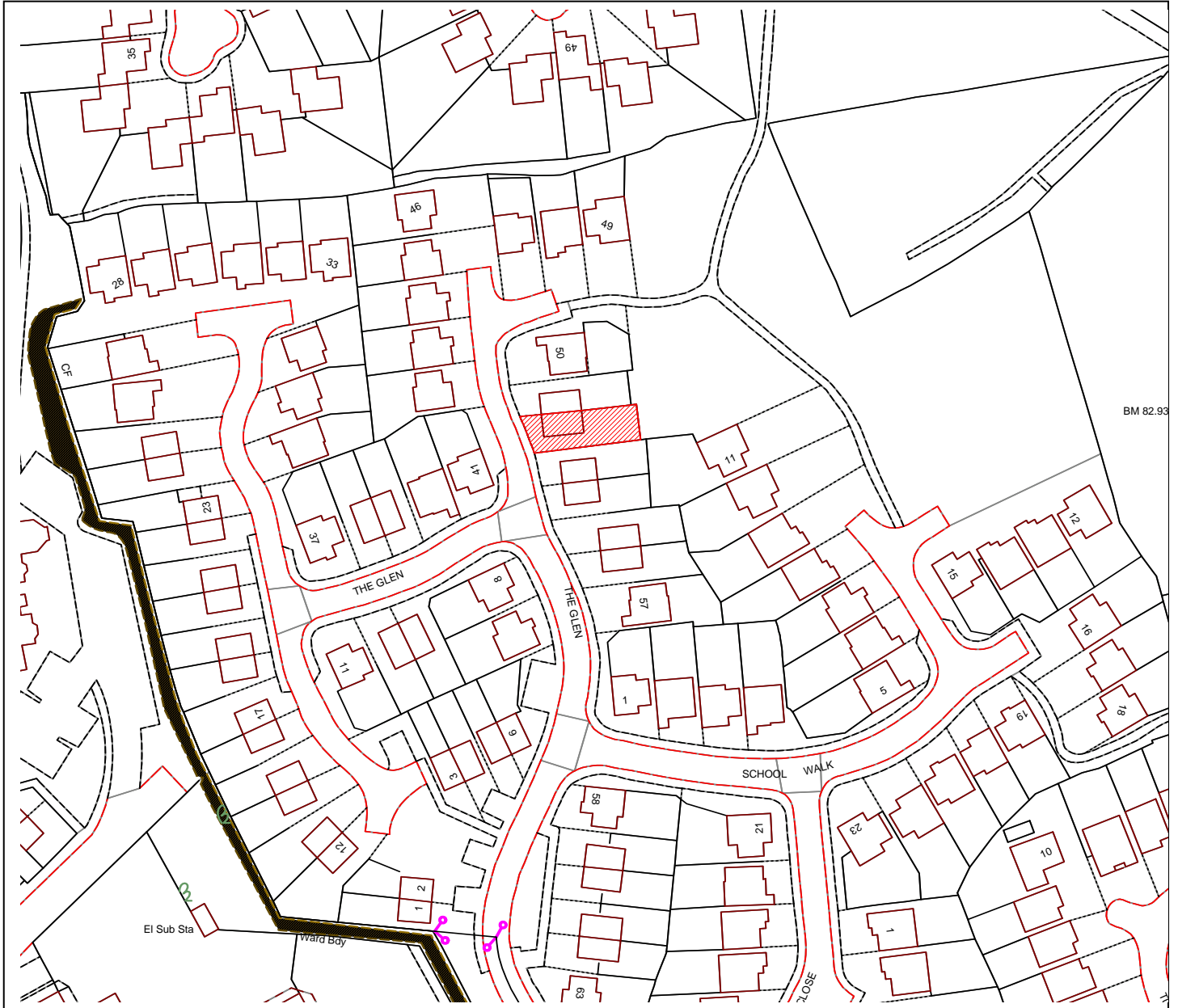
Reason

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

CIRCULATED SCHEDULE NO. 23/07 – 08 JUNE 2007

App No.: PK07/1294/F
Site: 52 The Glen Yate BRISTOL South Gloucestershire BS37 5PJ
Proposal: Erection of two storey side and single storey rear extensions to provide integral garage and additional living accommodation.
Map Ref: 71228 82800

Applicant: Mr S Andrews
Date Reg: 24th April 2007
Parish: Yate Town Council
Ward: Yate North



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100023410, 2007.

N.T.S

PK07/1294/F

INTRODUCTION

This application appears on the Circulated Schedule because of an objection from Yate Town Council and a local resident.

1. THE PROPOSAL

- 1.1 Planning permission is sought for the erection of a two storey side extension and a single storey rear extension.
- 1.2 The application property consists of a semi detached two storey modern dwelling, located on The Glen cul de sac within the established residential area of Yate.

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
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Car Parking Standards
- 2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 No history.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection – overdevelopment of site and loss of off street parking.

Other Representations

- 4.2 Local Residents
One letter of objection received from local residents expressing the following summarised objections and concerns:
 - development of a five bedroom house is excessive
 - highway safety risk as garage will be utilised for storage leaving only one driveway space to serve occupiers and guests to the application property
 - block light to rear garden

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

5.2 Design/Visual Amenity

For the purposes of this report the proposed development can be analysed in two elements.

The first element consists of a two storey side extension. This will incorporate an integral garage with two bedrooms above. Its design has been informed by the design and style of the host dwelling and surrounding street scene. It adopts subservient principles with a set down ridge height and set back front elevation. Consequently, in design terms the extension is considered acceptable.

The second element consists of a single storey rear extension which projects 3 metres into the rear garden and is finished with a lean-to roof. This would first require the demolition of the existing rear conservatory. The single storey rear extension is considered to be an appropriate addition to the dwelling and streetscene.

It should be noted that a number of properties in the immediate street scene have benefited from planning permission for very similar extensions (Nos. 44, 45, 46 & 56 The Glen). This reinforces the officers view that the proposal is acceptable.

5.3 Residential Amenity

Overbearing Analysis

Concern was raised that the proposal would block light to the rear garden of No. 52. However it should be noted that there is no right to light across land which is not under a person's control. Regardless of this fact it is considered that because the two storey side extension is contained entirely to the side of the application property (it does not project beyond the front or rear building line) its impact on No.52 will be minimal.

The single storey rear extension projects just 3 metres into the rear garden; a distance that complies with the dimensions in guidance contained in the Council's supplementary planning guidance 'Advice Note 2: House Extensions'. Consequently, it is considered that this element of the scheme will not have an overbearing impact on surrounding properties.

5.4 Privacy Analysis

The extension will contain no side windows. As a result surrounding occupiers will not experience a loss of privacy.

5.5 Amenity Space

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

5.6 Highway Safety Analysis

Concern was raised that the development will lead to a loss of highway safety as the garage will be utilised for storage. However, for the purpose of assessing off street parking provision it is reasonable to include the garage and one parking space on the driveway. Consequently, as the proposal makes provision for two off-street parking spaces this satisfies the Council's car parking standards and will not prejudice highway safety.

5.7 Other matters arising

Concern was raised that the development of a five bedroom house is excessive and represents over development. It is considered however that the subservient design ensures that the development does not appear out of proportion and excessive and sufficient space exists to cater for the vehicle movements associated with a five bedroom house. Furthermore, a number of properties in the immediate street scene have benefitted from planning permission for very similar extensions (Nos. 44, 45, 46 & 56 The Glen). As a result the proposal does not constitute over development.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission be **GRANTED** subject to the following conditions:

Background Papers **PK07/1294/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).

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

Reason

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

CIRCULATED SCHEDULE NO. 23/07 – 08 JUNE 2007

App No.: PK07/1359/F

Applicant: Mrs C Joy & Mrs N Daunton

Site: 54 The Ride Kingswood BRISTOL South Gloucestershire BS15 4SY

Date Reg: 30th April 2007

Proposal: Erection of 1no. detached dwelling and 3no. garages with associated works. (Resubmission of PK06/2028/F).

Parish:

Map Ref: 66043 74596

Ward: Kings Chase



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100023410, 2007.

N.T.S

PK07/1359/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to objections received from local residents.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1no. detached dwelling with 3no. car parking spaces and associated works.
- 1.2 The application site relates to domestic curtilage located within the established residential area of Kingswood.

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
T9	Parking Standards
H2	Residential Development within existing Urban Area and Defined Settlement Boundaries
H4	Development within existing residential curtilages
T12	Transportation

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates to the application site:
- 3.2 P77/4036 Erection of detached house and garage and construction of access
Approval March 1978.
- 3.3 PK06/2028/F Erection of 1 no. detached dwelling and 3 no. garages with associated works.
Withdrawn February 2007.

4. CONSULTATION RESPONSES

(a) Statutory Consultees

4.1 Town/Parish Council

The application site does not come under a Town/Parish Council.

(b) Other Representations

4.2 Local Residents

Two letters of objections have been received from local residents raising the following objections:

-Existing traffic problems

- Loss of view
- Land will be built up and proposed dwelling will appear taller and will not blend in
- Overlooking of property and garden and loss of privacy, does not comply with Council's 21.0m rule.
- Proposed garage would block an access currently used by neighbour
- Propose garages do not meet highways standards in terms of internal measurement i.e. 2.70m and therefore there is a lack of on site parking.
- Concerns regarding access into garages due to narrow road and parked cars

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application site is located within the established residential area of Kingswood. Policy H4 of the South Gloucestershire Local Plan accepts the principle of new dwellings within existing residential curtilages in an urban area, subject to a number of criteria being satisfied.

- 5.2 Members are advised to consider that the principle of residential development was established on this site in 1977. Planning application (K175) sought permission for the erection of a detached house and garage and construction of vehicular access. This application was refused by the Council on the grounds that it would result in an unsatisfactory form of development and would have an adverse impact on the residential amenities of adjoining occupiers, but was subsequently allowed on appeal. The scheme was similar to this current proposal in terms of footprint and siting.

5.3 Design and Scale of Development

Those properties along The Ride comprise of semi detached dwellings which are post war style. The application site is roughly triangular in shape, with a private way along the southern boundary of the application site.

- 5.4 Objections have been raised by local residents on the grounds that the proposed dwelling would appear tall and out of keeping due to the levels of the site. The proposed two storey dwelling would be positioned between the application site property no.54 and no.52, and will fall in line with existing front building line of no. 52. No.54 is set at an angle to the proposed dwelling. The application site land is currently higher than that of the adjoining land of no.52 and as a consequence the proposed dwelling will be approximately 1.0m higher than that of no.52 but in turn will be lower in height than the existing property on site. It is considered that despite the difference in land levels that the proposed dwelling would not have a detrimental impact on the visual amenities of the immediate street scene.

- 5.5 The proposed dwelling is considered to reflect the character of nearby properties by reason of its design and external appearance in terms of its scale, use of matching materials and window detailing.

5.6 Residential Amenity

Objections have been received by a local resident on the grounds that the proposed dwelling by reason of its siting would result in a loss of privacy and have an overbearing impact.

- 5.7 The rear private garden area of No. 31 Champion Drive runs along the eastern (rear) boundary of the application site. The application site is approximately 1.40m higher. On the rear elevation of no.31 are two first floor rear windows. On the rear elevation of the proposed dwelling is a bathroom window which is considered a non habitable room window and will obviously have obscure glazing, and the other window will serve a bedroom.
- 5.8 Council guidelines seek to ensure a minimum distance of 21.0m between habitable room windows. In this instance there will be approximately 18.0m at the closest point between the proposed bathroom window (which is not considered a habitable room window) and the rear bedroom window of no.31, and approximately 20m between both bedroom windows. Members are advised to consider that as any views from the proposed rear bedroom window would be an oblique angle, that the proposed dwelling by reason of its siting not have a detrimental impact on existing levels of privacy currently enjoyed by the occupiers of no.31. In addition the proposed dwelling will be set back approximately 14.0m from the rear boundary.
- 5.9 Members are advised to have regard for the findings of the Inspector's appeal decision:

The erection of a house on the appeal site introduces a new element in the view from certain other houses, particularly as the land falls generally eastwards. Because of that general fall, a house on the appeal site would look over houses and gardens to the east. However I do not find these factors compelling reasons for refusing planning permission.

- 5.10 The proposed dwelling is effectively sandwiched between nos. 52 and 54 The Ride. The dwelling will fall in line with the existing front building line of no.52 and will be set back from the side elevation by 4.0m. On the side elevation of no.52 is a ground floor kitchen window, which was repositioned as a result of a single storey rear extension. It is considered that as the occupiers of no. 52 are in agreement with having a garage built for them which will be sited in front of the kitchen window, it is considered that the proposed two storey dwelling would have no greater impact on that window, than that of the proposed garage.
- 5.11 Also on the side elevation of nos. 52 and 54 is a first floor side window, which the agent has confirmed serves a landing window, which is therefore considered a non habitable room window. It is therefore considered that a two storey dwelling in this location would not have an overbearing impact on the existing amenities of those neighbouring occupiers. Furthermore, there must be regard to the fact that the principle of residential development has already been established on this site for a dwelling in a similar location, as discussed above.
- 5.12 Concerns have been raised by local residents regarding the impact of the proposed development on house prices and the loss of view. Members are advised to consider that issue of house values are not considered material planning considerations and that people do not have a right to a view. It has however been demonstrated above that the proposed dwelling by reason of its siting would not impact on the existing residential amenities of nearby neighbouring occupiers in terms of loss of privacy or overbearing impact.

5.13 Transportation Issues

Objections have been received from local residents regarding the transportation aspect of the proposed scheme. The application proposes the erection of a single garage for the application site property, proposed dwelling and the adjacent property no.52 along with an unenclosed parking space for each unit. It is therefore considered that satisfactory levels of on site car parking are being provided. An objection has been raised by a local resident on the grounds that the internal measurements of the proposed garages fall below the Councils' standards. Members are advised to consider that the internal measurement of the proposed garage measure 2.70m which is in line with the Councils' standards. No highway objection is raised by the Council's Highway officer regarding the proposed development.

5.14 Landscaping Issues

Although the application form states that there are no trees on the site, there is however an existing tree sited at the rear of the garden. Should planning permission be granted a landscaping condition will be imposed requiring details of all existing landscaping on site.

5.15 Drainage Issues

The Council's Engineering Consultancy has advised that no objection is raised in principle to this proposed development and that the applicant consider the use of soakaways or permeable surfaces for roofs, private drives and parking areas for ground water replenishment and surface water pollution control so as to ensure a satisfactory means of drainage.

5.16 Other issues

Concerns have been raised regarding right of way across the existing access on the application site in order to enable the occupiers of no.31 to maintain their hedge that runs along the rear boundary of the application site. Members are advised to consider that issues of right of way are a civil matter.

5.17 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).

5.18 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 South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning permission be approved subject to the following conditions.

Background Papers PK07/1359/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. 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.

3. No development shall take place until details of the proposed finished floor levels of the proposed dwelling house relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

Due to the levels of the application site and to ensure that the massing of the proposed building does not have an overbearing impact on the visual amenities of the immediate locality and to accord with Policy D1 of the South Gloucestershire Local Plan.

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 EP1 of the South Gloucestershire Local Plan (Adopted) January 2006. .

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1 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 plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason

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

7. The off-street parking facilities for all vehicles 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 T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. All three approved driveways as shown on approved plan 01A shall have a bound surface material, details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason

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

9. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the property.

Reason

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

10. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) 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 such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

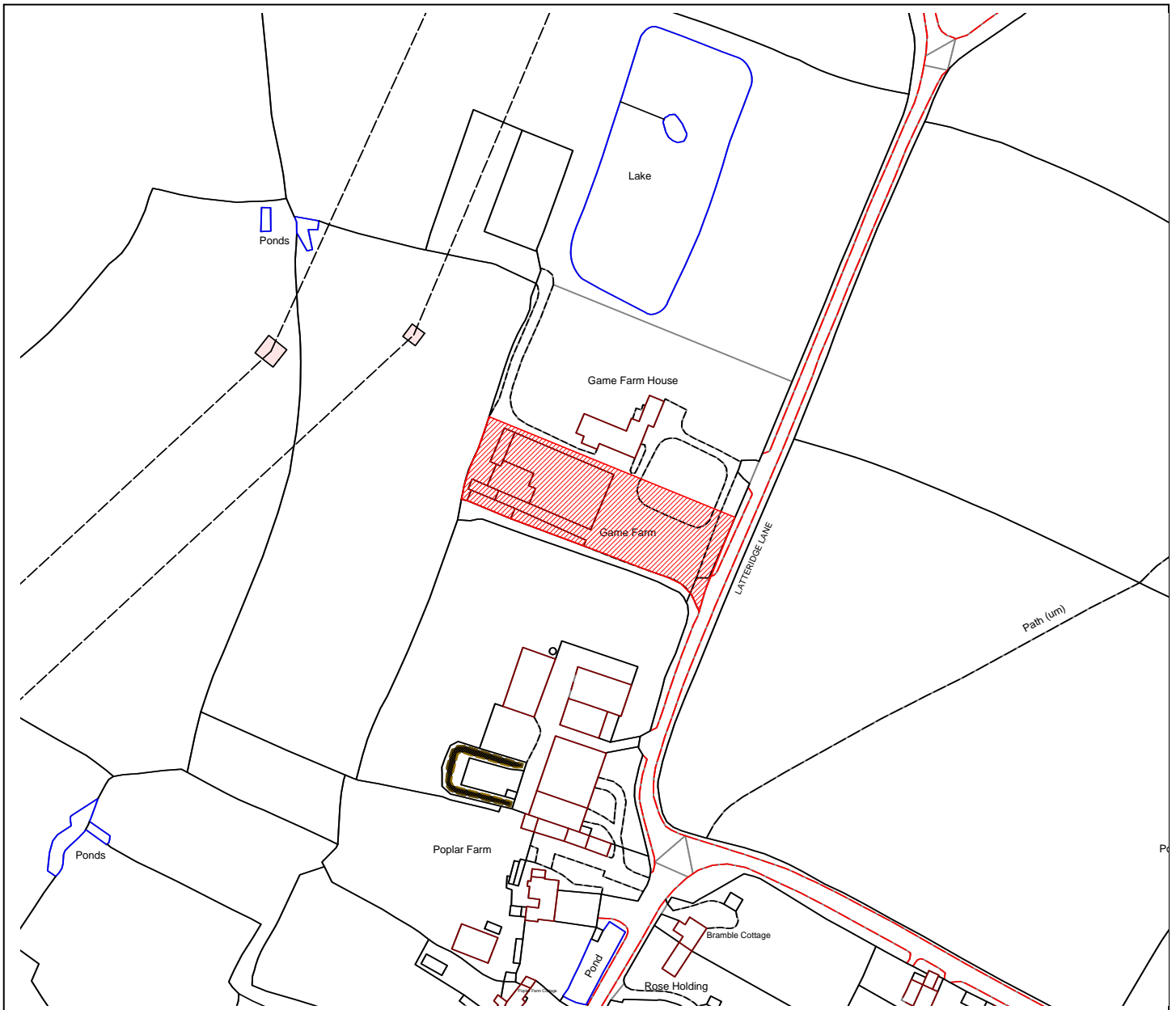
Reason

In view of the size of the plot any extension to the dwelling would require further detailed consideration in order to safeguard the amenities of the area and to accord with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 23/07 – 08 JUNE 2007

App No.: PK07/1401/RVC
Site: The Game Farm Latteridge Iron Acton
 BRISTOL South Gloucestershire BS37
 9TY
Proposal: Removal of condition 3 attached to
 planning application PK00/0273/F to
 remove the personalised use by Mr P
 Pinker.
Map Ref: 66549 84936

Applicant: Mr P Pinker
Date Reg: 3rd May 2007
Parish: Iron Acton Parish
 Council
Ward: Ladden Brook



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100023410, 2007.

N.T.S

PK07/1401/RVC

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of an objection from Iron Acton Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the removal of condition 3 of the above planning permission, which limits the use of the site, the extension to a shop in the Green Belt, to Mr P Pinker.
- 1.2 Condition 3 of PK07/1401/RVC requires that “The development shall enure for the sole benefit of Mr P Pinker Esq of the Game Farm, Latteridge.” The stated reason for the condition is that “The permission has been granted solely having regard to the special circumstances of the case and use not in accordance with the requirements of the condition would require the further consideration of the Local Planning Authority.”

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
Circular 11/95 The use of conditions
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
No relevant policies for this proposal

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/0273/F Erection of extension to shop - Approved 2000

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
Object as the original permission was limited only to Mr Pinker.
- 4.2 Other Consultees
Environmental Protection
No adverse comments

Other Representations

- 4.3 Local Residents
No replies received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application stands to be assessed against the policies listed above, in the light of all material considerations. The assessment is based on the guidance in Circular 11/95 which governs the use of conditions. The issue to be resolved is whether the condition applied to be removed should remain or not, according to the guidance in the Conditions Circular.

5.2 Material Considerations

The applicant has advanced the argument that the person to whom the use is currently restricted is about to retire. Retaining this condition would therefore mean that the business would have to either be subject to a different condition for a new operator, or would have to close. If the latter were to be the case, the building would be left partially empty and it is considered that this would harm the rural economy.

5.3 Conditions Circular

Government guidance in Circular 11/95 is specific on the issue of personal conditions at paragraph 93: 'There are occasions... where it is proposed exceptionally to grant permission for the use of a building or land for some purpose which would not normally be allowed at the site... In such a case the permission should normally be made subject to a condition that it shall enure only for the benefit of a named person... This condition can scarcely ever be justified in the case of the erection of a permanent building.' Following this guidance, it is considered that the latter sentence applies. While the extension of the shop was inappropriate development in the Green Belt and as such the land was used for a purpose not normally allowed on site, the permission should not be restricted to a person or company. Applying the six tests for a condition, it is considered that the continued use of this condition is unnecessary, irrelevant to the development and unreasonable. As such, it is considered that there is no objection to its removal.

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.

The decision to re-issue permission with two conditions (conditions 1 and 3) removed 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 planning permission is re-issued with condition 3 removed and any other conditions which no longer apply removed. In this case, condition 1 no longer applies as the permission has been implemented.

Background Papers **PK07/1401/RVC**

Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CONDITIONS

1. The visibility splays from the site access onto Latteridge Lane shall be improved in accordance with the details on the plan received dated 17 March 2000 and shall thereafter be maintained clear of any obstruction above 0.9 metres in height and above ground level.

Reason

In the interests of highway safety and to accord with policy T12 of the South Gloucestershire Local Plan.

2. The use of the building for the purpose hereby permitted shall remain ancillary and subservient to the primary use of the site/premises and shall not become a separate or dominant use at any time.

Reason

To prevent separate uses arising which may be inappropriate or over-intensive.

3. No outside storage shall take place at the premises without the prior consent in writing of the Local Planning Authority.

Reason

To protect the openness of the Green Belt in this locality and to accord with policy GB1 of the South Gloucestershire Local Plan.

4. No development shall take place until a scheme of landscaping has been submitted to the Local Planning Authority for approval in writing to thicken the existing planting at the site boundary. The landscaping scheme shall be implemented in the first planting season following the commencement of development in accordance with the details so approved.

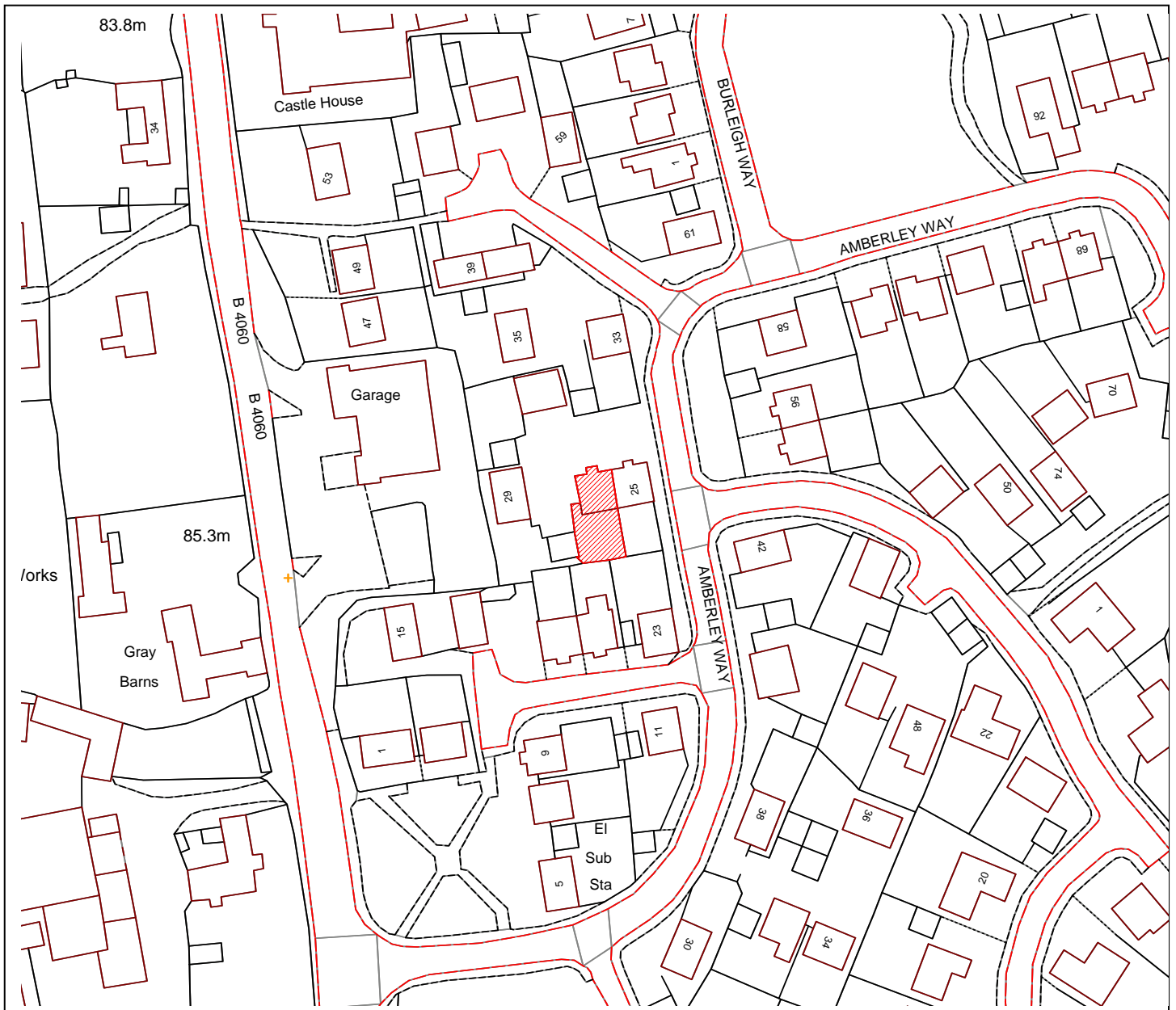
Reason

To screen the site in the interests of visual amenity and to accord with policies L1 and GB1 of the South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 23/07 – 08 JUNE 2007

App No.: PK07/1464/F
Site: 27 Amberley Way Wickwar WOTTON
 UNDER EDGE South Gloucestershire
 GL12 8LW
Proposal: Erection of first floor side and single
 storey rear extensions to provide
 additional living accommodation.
Map Ref: 72561 87973

Applicant: Mr D Stott
Date Reg: 10th May 2007
Parish: Wickwar Parish
 Council
Ward: Ladden Brook



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100023410, 2007.

N.T.S

PK07/1464/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of two neighbour objections.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a single storey rear extension to project 3 metres from the existing rear building line as well as a first floor side extension over the existing garage. The site is a link-detached house of render and tile in a cul-de-sac location.
- 1.2 The rear garden is surrounded by a 1.8 metre fence, while No. 21 has a massive vegetation screen to a greater height. The adjoining property to the site No. 25 has a blank side elevation at first floor level over the garage.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 House Extensions
- 2.3 Supplementary Planning Guidance
Notes 1 & 2

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2450/F First floor side extension and single storey rear extension
Approved

4. CONSULTATION RESPONSES

- 4.1 Wickwar Parish Council
No objection

Other Representations

- 4.2 Local Residents
Two letters objecting to the scheme were received, citing the following concerns:
- * The first floor side extension would be inappropriate
 - * The rear extension could reduce the rear amenity space for the property
 - * No local precedent for first floor side extensions to semi-detached dwellings
 - * Loss of symmetry for the semis, leaving an awkward gap between the pair and an overbearing impact on the adjoining garage
 - * The proposal does not respect the massing of the street scene
 - * The proposal would not be truly subservient
 - * Policy T8 requires three parking spaces for a 4 bedroom house and public transport does not serve Wickwar well
 - * The objector states that permission to build on the party wall will not be forthcoming
 - * The application is invalid in the absence of a Design and Access Statement

NB With regard to the last two comments, the first is not a valid planning issue and the second is incorrect: Design and Access Statements do not have to be submitted for householder applications.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be considered are the design of the extensions and the effects upon residential amenity.

5.2 Design/ Visual Amenity

The first floor extension and the rear extension both demonstrate subservience with the host dwelling and the materials are shown to match. On that basis, it is considered that the proposal complies with policy D1. The objections to the proposal concentrate on its design, specifically the visual effect and degree of subservience demonstrated by the first floor side extension. It is acknowledged that the proposal would disrupt the balance of the two semi detached dwellings. However this is always the case with side extensions to semis. The degree of subservience is slight, with a 400mm set back from the front and rear building lines and a 200mm set down of the roof, but it is considered to be enough of a difference from the planes of the existing building to constitute a subservient relationship to the host dwelling and therefore satisfy the Council's Supplementary Planning Guidance. It is considered that the lines emphasised by the quoins will reinforce this relationship as subservient. Ensuring that the extension is subservient is considered to be good design, compliant with policy D1.

5.3 The site lies in a cul-de-sac, withdrawn from the main part of Amberley Road. The adjoining semi screens the house on site to a great extent from views from the main part of the road and the green, although oblique views are available. The immediate street scene has the fronts of two semis in the cul-de-sac facing the rear of number 33 Amberley Way and the effect of the proposal on this street scene is considered to be minimal, as the immediate locality is quite mixed to provide any regularity. It is considered therefore that the proposed development is not contrary to policy D1 or H4 in respect of design, visual amenity or the street scene.

5.4 Residential Amenity

It is considered that there would be no harm arising to residential amenity as windows in the first floor extension would face front and back, in common with the existing alignment. The proposed rear extension would be 3 metres deep and set back from any shared boundary. This would leave private rear amenity space of over 75 square metres to serve a four bedroom dwelling. This is considered to be adequate.

5.5 Other Issues

The issue of parking standards has been raised through the consultation process. The standards to be applied are maximum standards and therefore the provision of parking at a level below that standard would still be in accordance with policy T8. It should be noted that the proposal would provide one additional bedroom for the property.

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

7. RECOMMENDATION

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

Background Papers PK07/1464/F

Contact Officer: Chris Gosling

Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor side elevation of the property.

Reason

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

CIRCULATED SCHEDULE NO. 23/07 – 08 JUNE 2007

App No.: PK07/1485/F
Site: 23 Court Farm Road Longwell Green
 BRISTOL South Gloucestershire BS30
 9AA
Proposal: Erection of two storey rear extension and
 installation of 1no. front dormer window
 to form additional living accommodation.
Map Ref: 65825 70577

Applicant: Mrs Luther
Date Reg: 11th May 2007
Parish: Hanham Abbots
 Parish Council
Ward: Longwell Green



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N.T.S

PK07/1485/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of a neighbour objection.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey full width rear extension to a detached bungalow, with driveways separating it from the detached bungalows on either side. The extension would also involve an elongation of the roof to the rear over the proposed extension. Amended plans have been requested and received showing the extension set back from each side of the bungalow and the roof set down.
- 1.2 Either side of the site, there is a 1.8 metre high fence. The house on site forms part of a regular row of detached bungalows. The only front dormers along this row are triangular and amended plans were requested and received, showing the proposed front dormer to copy the prevailing design.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 House Extensions
- 2.3 Supplementary Planning Guidance
Notes 1 & 2

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objection.
- 4.2 Other Consultees
No replies received.

Other Representations

- 4.3 Local Residents
One letter of objection was received, stating that there was no objection in principle, but voicing concerns over the effect on privacy from the proposed additional window in the side elevation and the window in the gable end of the roof extension.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies and guidance listed above, in the light of all material considerations. The issues to be resolved for the two parts of this proposal, the extension and the dormer, are the effect of the proposal on visual amenity and residential amenity.

5.2 Design/ Visual Amenity

The design of the proposed extension is relatively simple, and the revised plans demonstrate subservience of the extension to the host dwelling, thereby complying with the Council's Supplementary Planning Guidance and policies D1 and H4 in this respect. The scheme proposes utilising materials to match the host dwelling. The revised plans show the dormer design changed to a triangular form in order to fit in with others dormers in this road. The design and the effect upon visual amenity of both elements of the proposal is therefore considered to accord with policy.

5.3 Residential Amenity

The dormer would face Court Farm Road. Its design conforms to the front dormers of this part of the street scene and it is not considered that it would result in any loss of residential amenity. The distance across the road to the nearest dwelling opposite is the same as for those front dormers already approved. With regard to the rear extension, although the depth of the proposal exceeds the 3 metre limit set in the Supplementary Planning Guidance, a material consideration is that the adjacent bungalow has an extension of a similar depth. It is considered that the extension would be separated from the adjacent properties by the width of a drive and therefore the effect of this degree of rear projection would not have an overbearing impact. The window identified in the consultation reply in the side elevation would have a secondary function, in comparison with the French Doors proposed for the rear elevation. Furthermore, any views out of this window would be curtailed by the existing boundary treatment. It is considered that the insertion of this window would not therefore cause any loss of residential amenity. With regard to the gable end window to the rear, this would be the primary window serving a bedroom. However, the amended plans show that this window would be reduced in size. A loft conversion could be carried out without planning permission and a dormer window or rooflight could be added without requiring planning permission. It is considered that the proposed gable end rear window would have a similar effect and therefore, although some oblique overlooking of adjacent gardens may ensue, the effect of this would be no greater than the insertion of a window in the present rear roof slope. Accordingly it is considered that the proposal would not harm residential amenity and complies with policy H4.

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.

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

7. RECOMMENDATION

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

Background Papers **PK07/1485/F**

Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CONDITIONS

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

Reason

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

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

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. 23/07 - 08 JUNE 2007

App No.: PT06/3007/F
Site: Scarlets Land Off Cromhall Lane
 Tytherington South Gloucestershire
 GL12 8PX

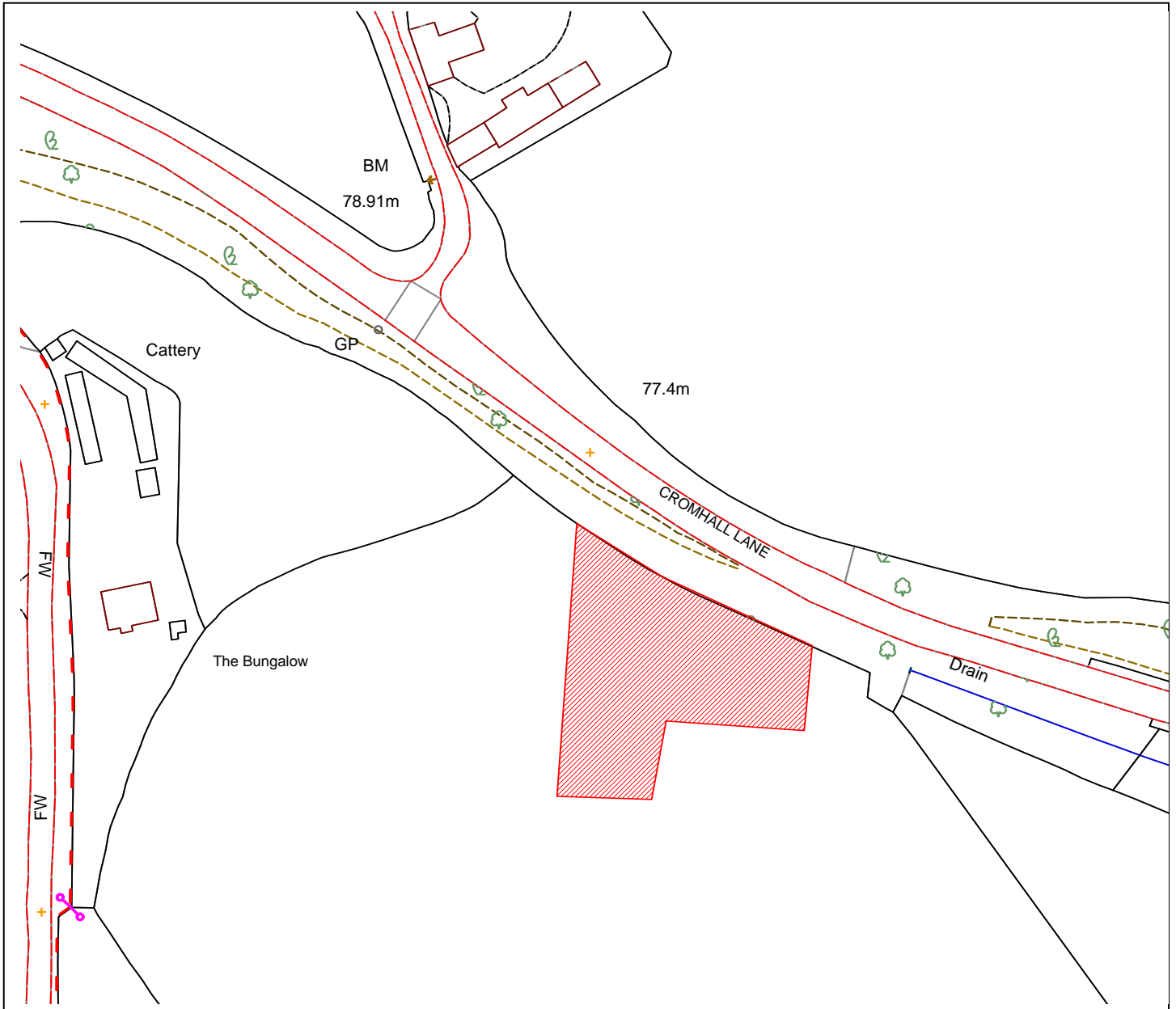
Applicant: Mr & Mrs Benn
Date Reg: 16th October 2006

Proposal: Erection of stable block and container store. Construction of menage. Installation of septic tank and hardstanding area (in accordance with amended plans received by the Council on 11 May 2007).

Parish: Falfield Parish Council

Map Ref: 67418 90010

Ward: Thornbury North



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1. THE PROPOSAL

- 1.1 This application relates to the erection of stable block, storage container and construction of ménage at Scarlets Land, Cromhall Lane, Tytherington. A hardstanding and parking area for 3 vehicles is also proposed, as well as the installation of a septic tank. The development is contained within an area to the north of the site adjacent to Cromhall Lane and occupies approximately 0.13 hectares.
- 1.2 The site was granted planning permission in March 2006 for the change of use of 2.9 hectares of agricultural land to equestrian use (non-commercial/business). The site borders the M5 motorway to the south-east and a number of properties lie to the west of the site. The land itself is uneven and slopes significantly from the northern part of the site to the south. The site lies outside any settlement boundary and is within an open countryside location. The site is accessed via Cromhall Lane, which is a recreational route.
- 1.3 The proposed stable block measures some 15m in length, 10m in width and has a ridge height of 4.2m. The building is to be constructed of steel cladding, green in colour and sited near the existing entrance and parallel to Cromhall Lane. The proposed building comprises accommodation for 6 horses, tack room and dry feed storage.
- 1.4 The proposed storage building measures 12m in length, 2.5m in width and 2.5m in height. It is to have a timber clad finish and is sited directly adjacent to the mature and established hedgerow that bounds the site and borders Cromhall Lane. This building will be used for the storage of jumps, riding equipment and wood shavings.
- 1.5 The proposed ménage lies to the south of the stable building and measures 20m in width by 40m in length. It is to be enclosed by a 1.3m stock proof fence.
- 1.6 The application has been amended to that originally submitted in that the wind turbine and a new access have been removed from the application. The ménage, storage container and septic tank have also been relocated. The ménage has increased in size from 20m x 20m to 20m x 40m and the stable building reduced in size/scale. The existing field access is to be utilised for the proposal.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L1	Landscape Protection and Enhancement
E10	Horse Related Development
LC12	Recreational Routes
T12	Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0449/F Change of use of land from agricultural to equestrian.
Approved 13 March 2006.

4. CONSULTATION RESPONSES

- 4.1 Falfield Parish Council
Object to the proposal on the following grounds:-
- a) Additional traffic using access and Cromhall Lane;
 - b) installation of septic tank;
 - c) drainage issues;
 - d) visual impact of the development on the surrounding area;
 - e) development is inappropriate at this site;
 - f) no provision for accommodation for any persons working at the site;
 - g) security of site.

Of the above, f and g are not relevant planning objections. The Parish Council have not commented on the amended proposals.

Other Consultees

- 4.2 Sustainable Transport
No objection.

- 4.3 Drainage
No objection to use of the new septic tank subject to production of the Environment Agency Consent to Discharge.

Other Representations

- 4.4 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
- a) is it for commercial or personal use?
 - b) Size of ménage and slope of land may make it more intrusive in the landscape;
 - c) Waste water, effluent and storm water run-off drainage problems;
 - d) Storage of waste materials such as manure/stable bedding could also cause drainage problems.

5. ANALYSIS OF PROPOSAL

In the assessment of this application the main issues to consider is the principle of development in terms of horse related development.

- 5.1 Principle of Development
Advice contained within PPS7 is generally supportive of horse-related activity as it fits in well with farming activities and helps to diversify rural economies and the use of the site has already been accepted in principle by virtue of planning permission PT06/0449/F. National advice is reflected in Policy E10 of the adopted South Gloucestershire Local Plan (Adopted) January 2006. This policy allows for equine related development in countryside locations subject to the following criteria:-

A. Development would not have unacceptable environmental effects;

The proposed buildings will be well screened and are located well away from neighbouring dwellings. Due to the topography of the land the buildings will be readily assimilated within the landscape and no objection has been raised from Environmental Services.

With regard to drainage issues, no objection has been raised to the proposal from the Council's Drainage Engineer. The Environment Agency has also raised no objection and have given Consent to Discharge Approval for the use of the new septic tank.

B. Development would not prejudice the amenities of neighbouring residential occupiers;

Due to the characteristics of the site, its boundary treatment and the distance of the properties away from the site, it is considered that the application will not adversely impact upon surrounding residential amenity. The undulation of the land and the existing screening of the site ensure that the buildings will be largely screened from view. As such the proposal complies with this criterion.

C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety;

The application site is to be served by an existing shared access and has adequate parking and turning area within the site. Visibility is also satisfactory. Provided no commercial activity takes place from the site the proposal accords with the above policy criterion. This was a condition of the previous planning permission.

D. Safe and convenient access to bridleways and riding ways is available to riders;

The road immediately adjacent to the site has been identified as a recreational route where leisure activities such as walking and horse riding are encouraged and the routes safeguarded. The proposal therefore accords with this criterion.

E. There are no existing suitable underused buildings available and capable of conversion;

No other structures are present on the site.

F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

The site has an area of just under 3 hectares and it is proposed to accommodate no more than six horses. Where no stable is provided, the British Horse Society recommends that between 1 and 2 acres (0.4 – 0.8 ha) of pasture can provide grazing for a single horse through the Summer months in normal circumstances. All horses will however require additional feed from October to March. The site can therefore accommodate between 3.75 to 7.5 horses. As such the site is large enough to cater for a maximum number of six horses, especially as stabling is provided.

The size of the stable building is in compliance with the British Horse Society recommendations in terms of internal head height and floor area. The appearance of the proposal is also considered acceptable. It is clearly agricultural in its design and is to be constructed of steel cladding, green in colour. The precise shade of green will be a condition of any planning consent.

The storage building, due to its limited size and height will be well screened by the existing hedgerow. It will also have a timber clad finish. This will further reduce any visual impact. The provision of a ménage will also have little visual impact as it is to be enclosed by a post and rail fence only 1.3m in height. However, as the land is uneven a condition will be imposed requiring details of any works of excavation, if required.

In conclusion, the application is in accordance with the adopted plan and is acceptable.

5.2 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).

5.3 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The 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 **PT06/3007/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. Building operations shall not be commenced until details of the colour finish of the roofing and external facing materials to the stable building and container have been submitted to and approved by the Council and the colour finish to be used in construction of the buildings hereby authorised shall conform to the details so approved.

Reason(s):

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

3. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason(s):

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

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

4. No development shall take place until details of the proposed finished floor levels of the stable building and menage relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development, details of the proposed storage of waste material such as manure and stable bedding shall be submitted to and approved in writing by the Council and the development when carried out shall conform to the details so approved.

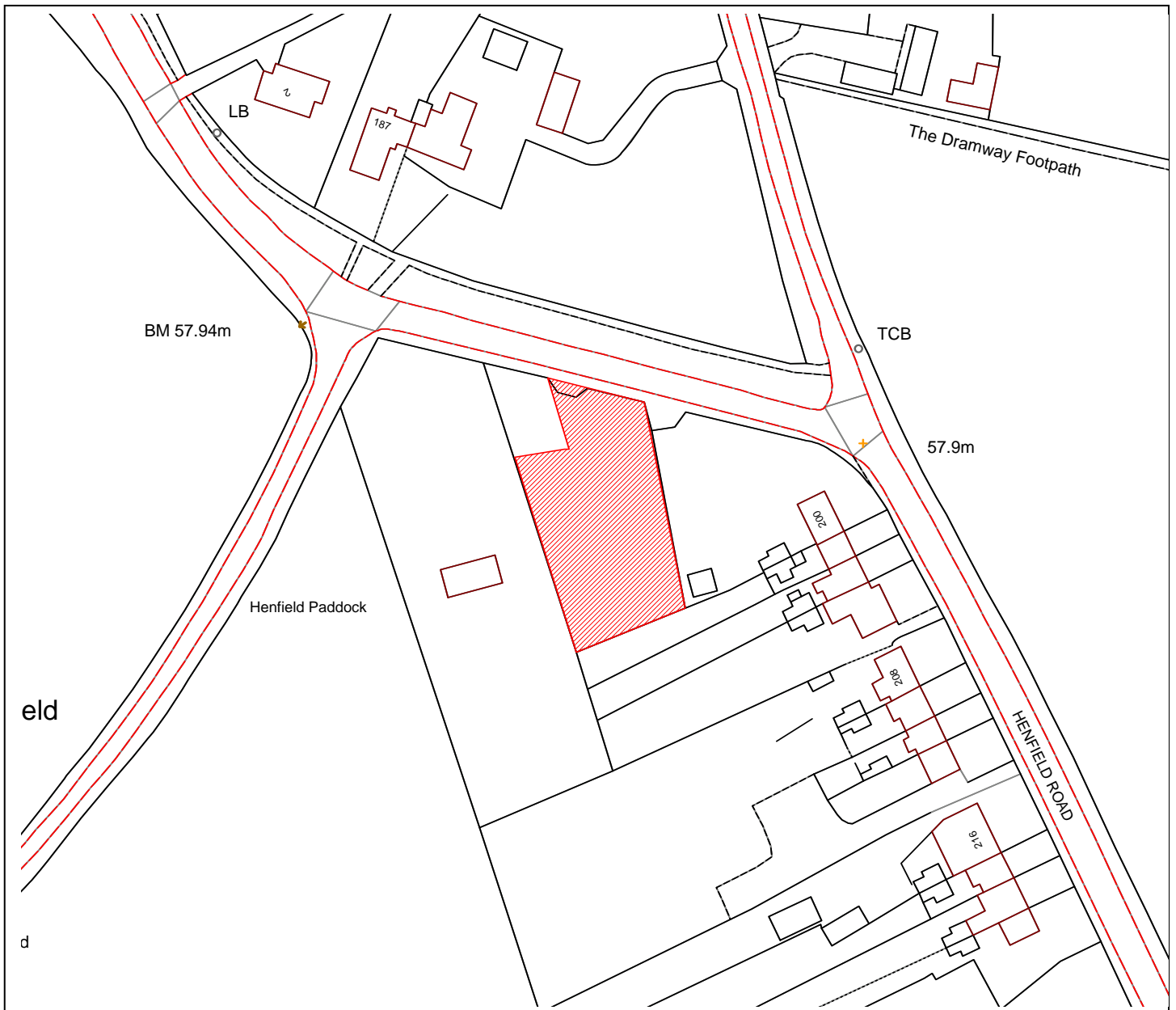
Reason(s):

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

CIRCULATED SCHEDULE 23/07 – 08 JUNE 2007

App No.: PT06/3597/CLE
Site: Land adjoining Henfield Road Coalpit Heath BRISTOL South Gloucestershire
Proposal: Application for Certificate of Lawfulness for existing use of land for the storage of 14 caravans.
Map Ref: 67870 79260

Applicant: Mrs M J England
Date Reg: 13th December 2006
Parish: Westerleigh Parish Council
Ward: Westerleigh



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 100023410, 2007.

N.T.S

PT06/3597/CLE

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 continued use of the subject site for the keeping of caravans.
- 1.2 The site consists of an area of land which is occupied by a group of small buildings and several caravans in spaces and empty spaces. The caravans are not occupied. Access onto the highway is via a field gate.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The applicant has submitted a statutory declaration and two further declarations from users of the site to store caravans. Also submitted is a list of 14 names and addresses of those who regularly keep caravans on this site.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 None Received

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Westerleigh 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 site has been used continually to store caravans for a period of at least 10 years. The applicant has submitted a statutory declaration together with two independent statutory declarations from users of this site. A list of 14 other users is also submitted and referred to in the statutory declarations.
- 7.3 The declarations submitted imply that the site has been used for the storage of caravans from 1986. In 1991 a track and security measures were installed on the site. It is also indicated that 14 caravans are stored on the site. The officer site visit revealed eight caravans on the site at the time of the visit. The site also included empty spaces that would reasonably support the keeping of a

total of 14 caravans. The site is well managed and clearly has been managed for the purpose claimed.

- 7.3 Having regard to the above it is considered that the evidence presented by the applicant proves that on the balance of probability the site has been used for the storage of caravans for a period in excess of 10 years. However, for the avoidance of doubt, the description should detail the numbers of caravans that can be stored lawfully. Accordingly, based upon the evidence submitted, this should be set at 14 to avoid the uncontrolled increase in numbers beyond the issuing of any certificate.

8. RECOMMENDATION

- 8.1 A certificate of existing Lawful Use be granted for the use of the subject land for the storage of 14 caravans.

Background Papers **PT06/3597/CLE**

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

CIRCULATED SCHEDULE NO. 23/07 - 08 JUNE 2007

App No.: PT07/0788/R3F
Site: The Castle School Park Road Thornbury
 BRISTOL South Gloucestershire BS35
 1HT

Applicant: The Castle School
Date Reg: 13th March 2007

Proposal: Removal of earth mound.

Parish: Thornbury Town
 Council

Map Ref: 63563 90905

Ward: Thornbury North



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N.T.S

PT07/0788/R3F

INTRODUCTION

This application has been placed on the Circulated Schedule as it is an application which relates to a site owned and run by South Gloucestershire Council

1. THE PROPOSAL

This application seeks full permission for the removal of a two metre high grassed earth bund which runs along the western edge of the playing field associated with the Castle School in Thornbury.

A number of footpaths cross the playing field but none have a direct impact upon this application, or require a planning application in their own right. A diversion to footpath OTH/19/70 would be required during the process of removing the bund, but then it would be reinstated around the edge of the field. An informative on any permission would remind the applicant to comply with the necessary public rights of way legislation.

2. POLICY CONTEXT

2.1 National Guidance:
PPS1 Delivering Sustainable Communities

Development Plans

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape protection and enhancement
LC4	Development on educational facilities

2.3 Supplementary Planning Document
Design Checklist (Draft)
Landscape character assessment

3. RELEVANT PLANNING HISTORY

PT01/0291/FCreation of earth bund....Approved

4. CONSULTATION RESPONSES

Thornbury Town Council:
No objection

Local Residents:
No objections received to the proposal.

However comments have been received in relation to a separate proposal which concerns the diversion of footpaths which cross the school fields. These proposals do not require a formal planning application.

Ramblers Association

No objection to the proposal but wish to state that if the proposed footpath diversion is successful then a temporary re-routing of the footpath is required.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks permission for the removal of a 2 metre high, 5 metre wide earth mound which covers approximately 95 metres in length.

The adopted policies in the Local plan state that for any development to be granted approval then it must not detract from the overall character and appearance of the area, and if possible improve it.

It is considered that the removal of this man made earth mound, which was constructed from inert waste from sports barn on the site, will improve the appearance of the area, provide the school with additional playing field provision, and also improve security at the school. In light of this and given the fact that it is modern alien feature in the landscape and the site will be returning to its former condition then approval is recommended.

Conditions are however suggested requiring a waste audit to be carried out, and a landscaping scheme be submitted to and approved by the council prior to any work commencing on site.

5.2 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 Planning permission be granted subject to the following conditions

Background Papers **PT07/0788/F**

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

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. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. Development shall be carried out in accordance with the agreed details.

Reason(s):

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

3. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

- (a) The volume and nature of the waste which will be generated through the process.
- (b) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

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

Reason(s):

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

CIRCULATED SCHEDULE NO. 23/07 - 08 JUNE 2007

App No.:	PT07/1095/F	Applicant:	Mr C Chapman
Site:	1 Hempton Lane Almondsbury BRISTOL South Gloucestershire BS32 4AN	Date Reg:	10th April 2007
Proposal:	Erection of two storey side and rear extensions to form additional living accommodation.	Parish:	Patchway Town Council
Map Ref:	60443 82547	Ward:	Patchway



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N.T.S

PT07/1095/F

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a two storey side and rear extensions to form additional living accommodation.

The application site relates to an end of terrace located within the established residential area of Patchway located off the A38.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within the Residential Curtilage

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/1165/F Erection of single storey side extension to form utility, WC and breakfast area. Two storey rear extension to form kitchen and bedroom facilities above.
Approve with conditions 28th May 2006

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
Objects to an extension to this property on the grounds that the shared right of way at the side of the house which is used by numbers 2 and 3 Hempton Lane has not been protected resulting in an illegal loss of amenity to the adjoining properties.

Other Representations

- 4.2 Local Residents
No comment

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extension to residential dwellings subject to there being no adverse impact on the existing residential and visual amenities and the maintenance of highway safety.

- 5.2 Residential Amenity
The site benefits from a previously approved application PT06/1165/F for a two storey rear extension, and single storey side extension. This application

extends upon the already approved two storey rear with additional width, and two storey side extension.

It is considered that this proposal does not impact upon the amenities of any of the adjoining properties. Its size and design ensure that the proposal does not have an overbearing impact on the surrounding properties nor does it result in an impact on their privacy. This in main is due to the location of the two-storey extension which is off-set from the boundary. Also no primary windows are proposed to directly look into any habitable rooms or private amenity space of the neighbouring property.

The extension to the existing planning permission is away from the adjoining property. As such, and given the above the proposal is not considered to adversely impact neighbours.

5.3 Design/ Visual Amenity

It is considered that the proposal in terms of its overall size, design and external appearance is in keeping with the existing property and those that surround it. The proposed extension would include openings of similar size to the original. The proposal would be constructed of materials to match those used in the construction of the original house.

5.4 Transportation

There is off street parking to the front of the property and is considered adequate to serve the dwelling, as such maintains highway safety.

5.5 Other Issues

In light of the comments made by Patchway Town Council, any private right of way agreement between properties is not a planning matter but a civil issue. Therefore the Council would not consider this to be a material consideration in the determination of this application.

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

7. RECOMMENDATION

7.1 Planning permission be approved subject to the following conditions:

Background Papers **PT07/1095/F**

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

CONDITIONS

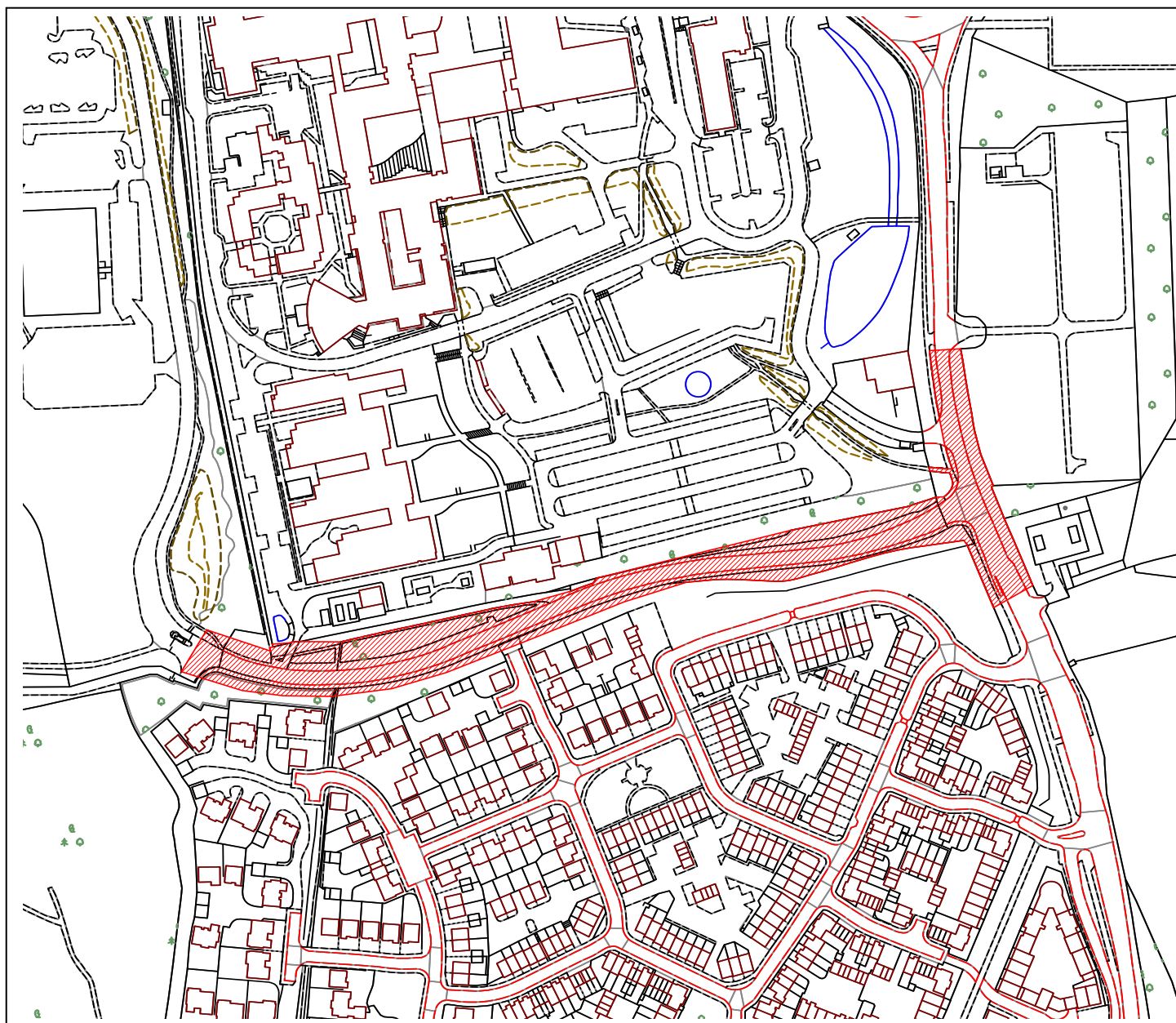
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 23/07 - 08 JUNE 2007

App No.:	PT07/1107/F	Applicant:	Redrow Homes (South West) Ltd
Site:	Wallscourt Farm Coldharbour Lane BRISTOL South Gloucestershire	Date Reg:	11th April 2007
Proposal:	Construction of access road with associated works (amendment to previously approved scheme PT04/0684/O).	Parish:	Stoke Gifford Parish Council
Map Ref:	62168 77781	Ward:	Winterbourne



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INTRODUCTION

The application appears on this schedule due to concerns expressed by one local resident.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission to construct an access road with associated works. The application is essentially for an amendment to the previously approved access included in outline planning permission ref. PT04/0684/O.
- 1.2 The application relates to an access road that will serve the residential development (allocated as such in policy H1 of the South Gloucestershire Local Plan (Adopted) January 2006) that benefits from planning permission ref. PT04/0684/O. The application site comprises part of the existing access road and verges into the existing Hewlett Packard site from Coldharbour Lane. This road is private but will be adopted as part of the approved residential development. The mechanism for adopted will be via a section 38 highways agreement.
- 1.3 The proposal incorporates 5No. raised tables (traffic calming), one of which will be designed to incorporate a pedestrian/cycle crossing point to tie in with the existing cycle route to/from UWE. The existing public footpath from Stoke Park, exiting on to the footpath at the side of the road, will remain unaffected.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transport
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
H1 Allocated housing site
T12 Transportation
D1 Design
L17&L18 Drainage
EP2 Flood Risk
T6 Cycle and Pedestrian routes

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/0684/O Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities. Approved. This planning permission also agreed the details of the access from Coldharbour Lane.
- 3.2 PT07/0973/TRE Fell 13no. trees (to accommodate access).
Approved (subject to a condition for tree replanting).

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comment.

- 4.2 Sustainable Transport
No objection.

Other Representations

- 4.3 Local Residents
One representation received:
- Junction should be 2-laned.
 - Access will be used as a “rat-run”.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of development has been established by reason of the access arrangements agreed as part of planning permission ref.PT04/0684/O. The application, as amended, simply seeks an amendment to this arrangement along the access road. The application does not now include any junction works (junction works were included in the application as originally submitted but the junction has now been excluded from the application site). Any junction works that may be proposed will now be dealt with by way of a separate planning application.

5.2 Transportation

The specification for the access road, including the pedestrian/cycle crossover, is acceptable to the council’s Transportation Engineer.

5.3 Landscape

The majority of the roadside vegetation is left in place – the works include mainly increasing the width of the footpath and reducing the width of the roadway. However, a condition is necessary to ensure tree protection and a method statement for works near existing trees.

5.4 Drainage

The council’s drainage engineer raises no objection. A condition is recommended to agree specific surface water drainage details.

5.5 Third party representation

In respect of the issue raised by a local resident:

- The junction is no longer included as part of the application, a separate application may be submitted for revisions to the approved junction alterations (agreed as part of planning permission ref/PT04/0684/O) in the future.
- The principal of the access road is already agreed as part of planning permission ref.PT04/0684/O when transportation matters, including any issue of a potential “rat run”, were satisfactorily addressed.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission be approved subject to conditions.

Background Papers PT07/1107/F

Contact Officer: Michael Simmons
Tel. No. 01454 863643

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. No development shall take place until surface water drainage details 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(s):

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

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a tree protection scheme and construction methodology in respect of all works near existing trees. Development shall be carried out in accordance with the approved details.

Reason(s):

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

CIRCULATED SCHEDULE NO. 23/07 - 08 JUNE 2007

App No.: PT07/1162/F
Site: 17 Denny Isle Drive Severn Beach
 BRISTOL South Gloucestershire BS35
 4PZ

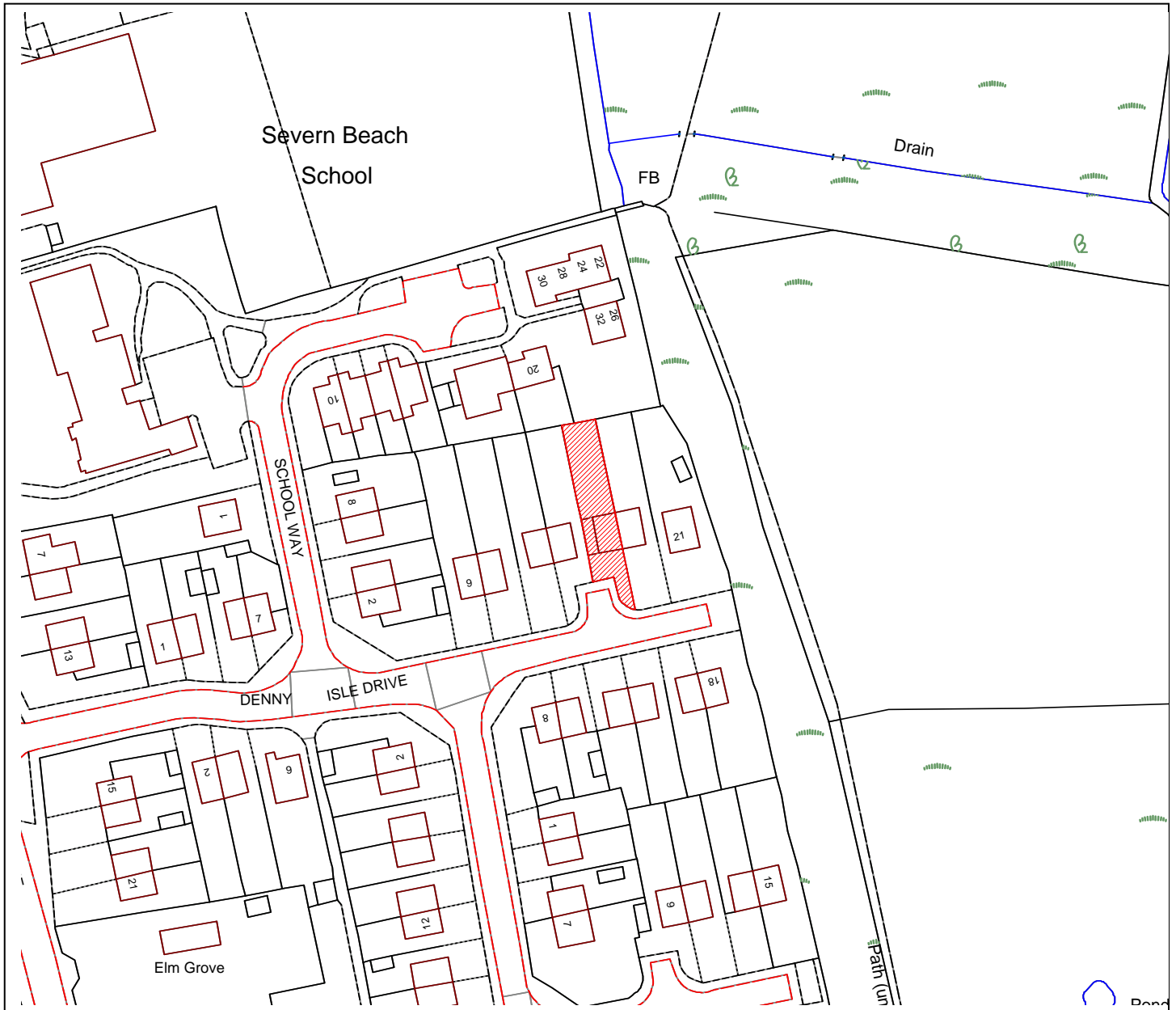
Applicant: C/o Agent
Date Reg: 16th April 2007

Proposal: Erection of front porch

Parish: Pilning and Severn
 Beach

Map Ref: 54395 84556

Ward: Pilning and Severn
 Beach



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N.T.S

PT07/1162/F

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a front porch. The application site relates to a semi-detached chalet style dwelling. The site lies within the settlement of Severn Beach.
- 1.2 On submission of the application the applicant sought planning permission for a garage. On further assessment it was concluded that the proposed garage falls under Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, as such does not require formal planning consent. As such the proposal and its assessment relates only to the front porch.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within the Residential Curtilage
T12 Transportation Development Control Policy

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council
No comment

4.2 Other Consultees

Technical Support

No objection however area is within flood risk zone and appropriate mitigation measures should be used

Other Representations

4.3 Local Residents

One letter of objection:

- Garage appears large and may block sunlight to patio area, and concern that the garage would be used for a workshop which may be noisy

The objection relates to the garage which falls under householder permitted development rights, outside the scope of planning control.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for development within the residential curtilage subject to there being no adverse impact on the existing residential and visual amenities; and the maintenance of highway safety.

5.2 Residential Amenity

The proposed porch would have a depth of 2 metres, and would not result in an overbearing impact for neighbours. Additionally, the porch, as a non-habitable room, would not result in a significant loss of privacy for neighbours.

5.3 Design/ Visual Amenity

The proposed porch would feature a pitched roof and of similar design to the porch at 13 Denny Isle Drive, there are also a number of other examples of porches within the street-scene. The proposal is considered in keeping with the design and character of the area.

5.4 Transportation

The proposed porch would not impact the existing transportation arrangements.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Planning permission be approved subject to the following conditions:

Background Papers PT07/1162/F

Contact Officer: Charlene Baker
Tel. No. 01454 863819

CONDITIONS

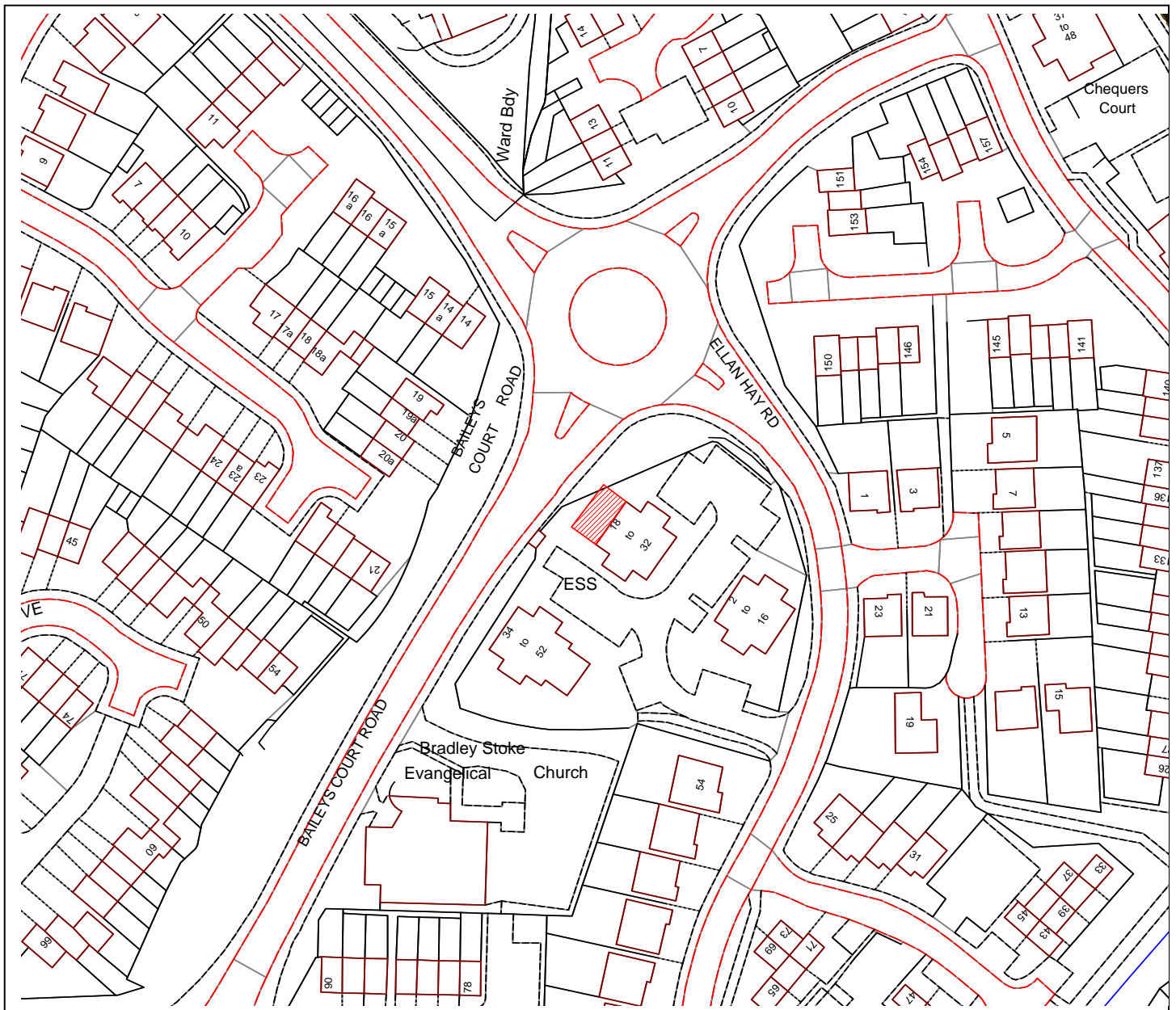
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 23/07 - 08 JUNE 2007

App No.:	PT07/1224/F	Applicant:	Foxfield Property Management Ltd
Site:	18 - 32 Ellan Hay Road Bradley Stoke BRISTOL South Gloucestershire BS32 0HB	Date Reg:	18th April 2007
Proposal:	Erection of single storey side extension to form 2 no. studio apartments with associated works.	Parish:	Bradley Stoke Town Council
Map Ref:	63171 80995	Ward:	xBradley Sto Baileys Court



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100023410, 2007.

This application has been placed on the circulated schedule due to the objections received to the scheme.

1. **THE PROPOSAL**

This application seeks planning permission for the erection of a single storey side extension to form two flats. The proposed extension will be on the west elevation of flats numbered 18-32 Ellan Hay Road.

The site lies on the entrance to Ellan Hay Road and is part of a complex of three buildings, which house 26 flats. The area for development site presently forms part of the public residential amenity area for the site.

An application (PT06/2582/F) which the Council was minded to grant at the Development Control Committee on the 9th November 2006 subject to a 278 agreement exists for two-storey extension on the same site for 2 flats.

2. **POLICY CONTEXT**

2.1 National Guidance

PPS1	Delivering Sustainable Communities
PPG3	Housing
PPG13	Transport

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Residential development
T12	Transportation Development Control Policy for New Development

2.3 Joint Replacement Structure Plan

Policy 34 Re-use of previously developed land (support for infill)

Supplementary Planning Document
Design Checklist (Draft)

3. **RELEVANT PLANNING HISTORY**

3.1 PT05/3023/F Erection of two storey extensions to form eight flats

Refusal....Refused at appeal

The Inspector refused the application due to impact the development would have on the character of the area, as well as reduce outlook and amenity space to the existing occupiers of the dwellings.

PT06/2582/F Erection of two storey side extension to form 2 flats....Approved subject to 106 Contributions being received.

4. **CONSULTATION RESPONSES**

4.1 Bradley stoke Town Council:

Object to the proposal on the following grounds:

- Density too high
- Lack of parking
- Loss of open space
- Loss of visual amenity

- This is blatant attempt to circumnavigate the previous decision on the site.

4.2 Sustainable Transport
No overall objection to the proposal

4.3 Environmental services
No adverse impacts

4.4 Local Residents
There have been 6 letters of objection received; The following issues have been raised:

- Increase in traffic in the area
- Loss of amenity areas
- Increased problems with parking
- Highway safety concerns
- Public Safety concerns
- Overbearing impact existing residences
- Overdevelopment of the site
- Loss of windows on existing residences
- Noise disturbance
- The land where the development is proposed is communal land and owned by everyone on the site.
- Not all the land owners have been notified.
- Encroachment onto council land

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The application proposes the erection of residential development within an established residential area .The proposal would therefore accord with policy H2 of the South Gloucestershire Local Plan subject to there being no unacceptable environmental or transportation effects, no prejudicing of residential amenity, and a density in comparison with the site and location.

5.2 Design/Impact on the Character and Appearance of the Area
Notwithstanding the previous refusal for the larger scheme it is your officer's opinion is such that this much reduced scheme overcomes the refusal reasons associated with that application.

In terms of design, the addition to block 18- 32 would appear as a subordinate 'wing' to the building with both the front and rear elevations set inwards and their roofs shown lower than the existing roof. Roof pitches would match those of the existing building as would the door and window detailing. The design is therefore considered to be in keeping with the appearance of the existing building. In terms of impact on the general appearance of the area, the western element of the proposal would be visible from Baileys Court Road; however there would still be 5m distance to the back of pavement which would provide adequate setting space and retain the character and appearance of the area. The units have been laid out for wheel chair access in mind , which is a benefit of the scheme.

In light of the above the proposal is considered satisfactory in design terms

5.3 Impact on Neighbouring Occupiers Residential Amenities

The proposed flats to be attached to block 18 – 32 are shown with no flank windows in their external flank elevation. Residents in the flats with the walls to which the proposed flats would be attached have raised concerns with respect to the likely impact on them. These existing flats would lose their bathroom windows and would be subject to greater noise and disturbance than they currently experience. Your officers recognise this issue, but have to look at whether the introduction of these proposed flats would create an unacceptable living environment for the existing flats they would adjoin. Your officers do not feel that this is the case and whilst acknowledging that the window loss is not ideal, recognise that bathrooms and shower rooms in flatted blocks can operate with extraction systems and without the benefit of windows. It should further be noted that agreement on the works to the external walls in question would be a civil matter between all the interested parties as would any compensation claims against reduced amenity. Therefore overall your officers do not consider that a reason for refusal could be substantiated on loss of neighbouring amenity. However a condition is suggested on any approval that details of the works to these walls, including method of soundproofing, be submitted and approved in writing by the Local Planning Authority.

5.4 Transportation Issues

As a result of the development two additional parking spaces and cycle storage area will be created. In order to achieve this there is a requirement to re-align some of the other parking space on site. Of the two spaces provided one has been identified for a disabled person. The proposal will also not give rise to any unacceptable levels of traffic movements. Therefore refusal reason 2 of the previous scheme is overcome, as the overall size of the scheme is reduced. Consequently there are no transportation objections to the scheme. A condition however suggested requiring details of the cycle storage area to be submitted prior to the first occupation of the flats.

Given the location of the scheme within the North Fringe a contribution of £1800 is required towards the North Fringe Peak Hour Traffic Mitigation scheme. This scheme was supported by the Inspector at the time when the Local plan was put through its examination in public. This contribution is to be gained via a section 278 agreement.

5.5 Other Issues Raised

Loss of value is not a material consideration, while impact of construction work would be short term and times of work subject to condition on any approval. There is also a concern over the accuracy of the forms in terms of Question 17, however it is thought that this would not have a material bearing on the outcome of the application. There were also inaccuracies in the Design and access statement but these have been altered through the submission of an amended version.

In light of the above it is considered that the proposal is acceptable and addresses the objection raised by the Inspector to the Scheme form 2005.

5.6 Section 106 Requirements

Your officers consider that the Transportation improvements would be more appropriately covered under Section 278 of the 1980 Highways Act, whilst other matters can be covered by a condition.

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

7. RECOMMENDATION

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

Background Papers **PT07/1224/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays; nor at any time on Sunday or Bank Holidays.

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 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(s):

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

5. Prior to the commencement of development, detailed plans showing the provision of car and cycle parking facilities 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(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.

6. The residential units hereby approved shall not be occupied until a scheme for the management of the communal areas of the development (both internal and external) for the first 2 years of occupation has been submitted and agreed in writing by the Local Planning Authority. The scheme should include management responsibilities and maintenance schedules. The scheme for the management of communal areas shall be carried out as approved.

Reason(s):

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

7. 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(s):

To ensure a satisfactory standard of noise protection for the residential units to accord with policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 23/07 – 08 JUNE 2007

App No.: PT07/1261/CLP

Applicant: Mr J Pearce
Streamside Garage
UK LtdSite: Grange Court Farm Trench Lane
Winterbourne BRISTOL South
Gloucestershire BS36 1RY

Date Reg: 20th April 2007

Proposal: Application for Certificate of Lawfulness
for the proposed use of motor vehicle
repairs and maintenance including
servicing and MOTs (in accordance with
amended plan received on 24 May
2007).Parish: Frampton Cotterell
Parish Council

Map Ref: 63665 82332

Ward: Frampton Cotterell



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100023410, 2007.

INTRODUCTION

The application for a Certificate of Lawfulness is purely an evidential test, and as such there is no consideration of planning merit. The test of evidence to be applied is whether the case has been shown on the balance of probability.

1. DESCRIPTION OF DEVELOPMENT

- 1.1 This application seeks approval for a Certificate of Lawfulness for the proposed use of the site for motor vehicle repairs and maintenance including servicing and MOTS on land at Grange Court Farm, Trench Lane, Winterbourne.
- 1.2 The site plan submitted with the application shows the buildings and associated land currently occupied by the applicant and known as Streamside Garage UK Ltd. The site is currently used for motor vehicle repairs and maintenance, including vehicle servicing. This application proposes to extend this use to include the carrying out of MOT's at the premises. Confirmation of this permitted use is required in order for a Certificate to be issued by the Licensing Authority.

2. POLICY CONTEXT

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

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

3. SITE HISTORY

- 3.1 P97/1836/CL Certificate of Lawfulness for the servicing and repair of agricultural machinery equipment and storage and distribution of spare parts and machinery; outside storage of agricultural machinery and spare parts; use of the yard area as access to the building and parking of agricultural machinery and equipment either awaiting repair or servicing or for sale; use of land for storage of not more than 20 touring caravans (unoccupied).
Certificate granted on 16 October 1998.

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 Certificate of Lawfulness as outlined above.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 None.

6. OTHER REPRESENTATIONS RECEIVED

6.1 Frampton Cotterell Parish Council

Object to the proposal on the following grounds:-

- a) principle of converting farm buildings in the Green belt to commercial/industrial use;
- b) repair of motor vehicles taking place in Green Belt;
- c) some members do not believe that the car repair business has been carried out for 10 years.

None of the above comments are relevant as the planning merits of the case are not under scrutiny. Furthermore, the use of the site as a car repair business does not have to be demonstrated for a 10 year period.

6.2 Local residents

No response received.

7. EVALUATION

7.1 Section 55(2) of the Town and Country Planning Act 1990 sets out the meaning of development and states that

“The following operations or uses of land shall not be taken for the purposes of this act to involve development of the land-

(f) “In the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class”.

7.2 The site benefits from a Certificate of Lawfulness for use of the building for the servicing and repair of agricultural machinery equipment and storage and distribution of spare parts and machinery.

7.3 The lawful use of the building is considered to be general industrial use falling within Class B2 of the Town and Country Planning (use Classes) (Amendment) Order 2005. The use of the building for the current operations and including the carrying out of MOTs does not involve a material change in the authorised use of the land and buildings. Both uses fall within Class B2 of the Use Classes Order are currently authorised by the existing Certificate of Lawful Use relating to the land and buildings under planning reference P97/1836/CL. The servicing and repair of agricultural machinery and equipment was carried out within the building edged red on the Certificate. The yard edged blue on the Certificate was used for the parking of agricultural and machinery and equipment awaiting repair or servicing or for sale. The area of land hatched red adjacent to the building was used for outside storage of agricultural machinery and spare parts. The primary use of the planning unit related to the building edged red for the servicing and repairs of agricultural machinery and equipment and the other areas were ancillary to this primary use.

7.4 This application for a Certificate of Lawfulness has been submitted on the basis that the proposed use does not involve a material change of use in the authorised use of the land and buildings. Both uses fall within Class B2 of the Use Classes Order and these uses are currently authorised by the existing Certificate of Lawfulness. The primary use of the site is carried out within the building, similar to the authorised use. The building is currently used for the

repair and servicing of motor vehicles and it is proposed that this will be extended to include the carrying out of MOTs. The yard to the east of the building is to be used for the parking of vehicles awaiting repair and servicing and the area of land to the west of the building is to continue to be used for outside storage in association with the primary use of the building. In summary, it is considered that the only change to the authorised use is that the servicing and repair of agricultural machinery and equipment is replaced by 'the servicing and repair of motor vehicles'. Accordingly, it is considered that the evidence submitted does demonstrate that on the balance of probabilities a material change of use is not proposed and planning permission is not required and the proposed use is lawful.

8. RECOMMENDATION

8.1 That a Certificate of Lawfulness for Proposed Use be granted and that no further planning permission is required.

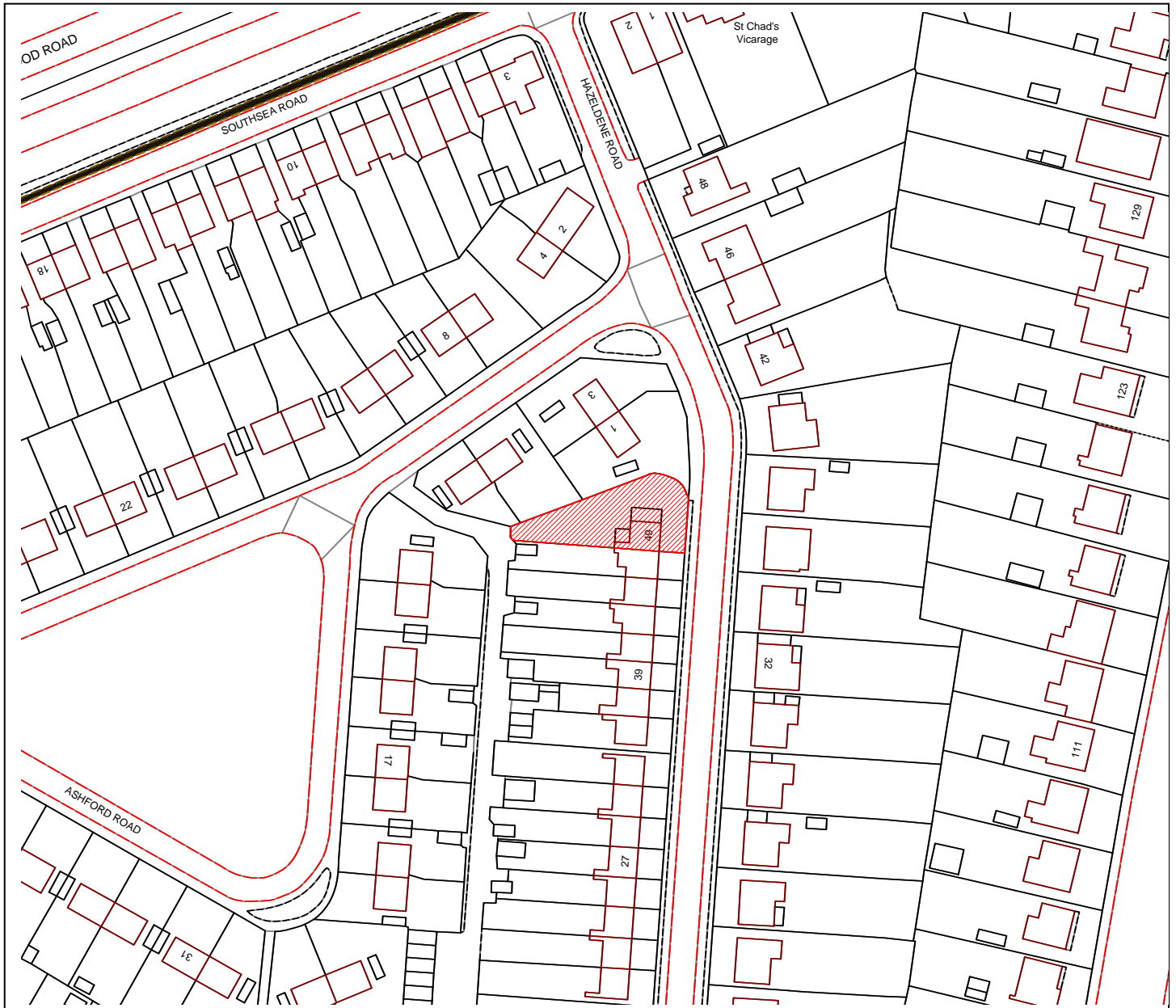
Background Papers **PT07/1261/CLP**

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

CIRCULATED SCHEDULE NO. 23/07 - 08 JUNE 2007

App No.: PT07/1269/F
Site: 49 Hazeldene Road Patchway BRISTOL
 South Gloucestershire BS34 5DT
Proposal: Erection of 2 storey side and 2 storey
 rear extension to facilitate conversion to
 4 no. self contained flats. Erection of
 cycle store.
Map Ref: 60442 81457

Applicant: Mr A MacMillan
Date Reg: 23rd April 2007
Parish: Patchway Town
 Council
Ward: Patchway



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N.T.S

PT07/1269/F

This application has been placed on the Circulated Schedule due to the objections received to the proposal contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection of 2 storey side and 2 storey rear extension to facilitate conversion of the dwelling in to 4 no. self contained flats and erection of cycle store.
- 1.2 The extension would have a width of 6.9 metres,(alongside the original property with a width of 5.8 metres (not including the attached garage which will be demolished to facilitate the development) and depth of 3.35 metres.
- 1.3 This application is a resubmission of PT07/0063/f which was withdrawn following concerns expressed by the council over the site lay out and visual appearance of the proposal Following negotiations, the front elevation has been amended from the original scheme so that it more accurately follows the appearance of the original property. Thus the visual appearance of the development will be improved as it will integrate better with the original house. The negotiation also concerned the layout of amenity space, car parking, bin storage area and cycle parking all of which have been taken on-board and now form part of this amended scheme.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transportation
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H5 Residential Conversions, Houses 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
EP4 Noise sensitive development
- 2.3 Supplementary Planning Document
Design Checklist (Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0063/F Erection of 2 storey side and 2 storey rear extension to facilitate conversion to 4 no. self contained flats.
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council:
Object to the proposal and raise the following points:

- Over development of the site

- Loss of residential amenity
- Highway safety issues
- Inadequate drainage in the area
- A site visit is recommended

4.2 Sustainable Transport

No objection in principle but in order to mitigate the incremental damage, there is a requirement for a financial contribution of £900 per additional flat towards the North Fringe Development Proposal (Transport matter) as identified in the SGLP. This should apply to the additional units. On that basis the total required is £1800. This should be secured via an appropriate agreement and received prior to the commencement of any on site works. Subject to the above, there is no transportation objection to this proposal

4.3 Local Residents

There have been 12 letters of objection received. The grounds of objection can be summarised as follows:

- The proposal will result in increased noise and disturbance to neighbouring occupiers
- The proposal will adversely affect the character of the area which is characterised by family homes
- The proposal will involve additional traffic and congestion to the detriment of residential amenity.
- The design is out of character with the area
- The development will impact upon the sewage network in the area
- The development will result in a overcrowded development
- Loss of trees along the sites boundary
- Possibility of anti social behaviour from the development (as other flats in the are have suffered from this)
- Loss of privacy to surrounding properties
- Loss of value to neighbouring properties

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPS3 (Housing) identifies the planning system as a means of widening housing opportunity and choice, maintaining a supply of housing and creating sustainable residential environments. Paragraph 10 of PPS3 indicates among other criteria that the planning system should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas, provide a sufficient quantity of housing taking into account need and demands and seeking to improve choice. Furthermore the planning system should provide housing developments in

- suitable locations, which offer a good range of community facilities with good access to jobs, key services and infrastructure.
- 5.2 It is considered that the current proposal is appropriate within this context.
- 5.3 Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 reflecting the aims and objectives set out in this guidance considers the criteria for proposals for the conversion of existing residential properties into smaller units of self-contained residential accommodation. The policy recognises the important contribution that smaller units can make to the supply, range and mix of housing provision in South Gloucestershire and supports the conversion where appropriate of larger properties subject to consideration of the following criteria.
- 5.4 Character of Surrounding Area
Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for such development provided that there is no adverse impact upon the character of the area. Concern has been raised that the proposal would introduce non-family housing to the area. It is acknowledged that the area predominantly consists of single properties however the area is predominantly residential in character. It is not considered that permitting smaller units of accommodation within this context would provide a valid justification for the refusal of the application particularly given the guidance in PPS3 (para 10) that has been outlined above that seeks to create mixed and inclusive communities. This is very important to note because within Hazeldene Road there have been only limited conversions of houses to flats. It is not considered that it could be reasonably argued that the current proposal would adversely affect the character of the area.
- 5.5 Design
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to achieve a high standard of design in all new development having regard to scale, form and materials both in relation to the original property and within the wider context.
- 5.6 Concern has been raised that proposed extension would effectively double the size of the original property. It is considered however that the issue to be addressed is whether the resulting development appears detrimental to visual amenity. The extension would have a width of 6.9 metres sat alongside the original property with a width of 5.8 (not including the garage which is to be demolished as part of this scheme), this is considered an appropriate relationship. It is considered that the extension would read as a separate dwelling particularly given the changes to the front elevation that have been agreed including a double bay to replicate those on the remaining terrace.
- 5.7 It is considered that the extension with hipped roof adopts a form and scale that is entirely appropriate to this end terrace building and within the wider residential area. A condition is recommended to be attached to the decision notice to ensure that matching materials are used to ensure that the extension integrates successfully with the original property.
- 5.8 Residential Amenity
Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such development should be permitted provided that it would not prejudice the amenities of nearby occupiers. It is not considered that the

- addition of two units of accommodation would cause any significant increase in noise and disturbance.
- 5.9 The proposed extension to the dwelling is sited such that it would not result in any significant overlooking or loss of privacy or amenity to adjoining occupiers. It is not considered that the two-storey extension, given its location would appear oppressive or overbearing to adjoining occupiers. Neighbouring objectors have raised the issue of the loss of trees along the boundary; however their removal would not require consent and any approval would be subject to a landscaping condition.
- 5.10 A condition will also be attached to the decision notice requiring the submission of a sound insulation scheme prior to the commencement of development. The scheme should cover insulation between the new units themselves and between the new units and the adjoining property No.19 Stanley Avenue.
- 5.11 Subject to the above conditions it is not considered that the proposed development would adversely affect the amenity of neighbouring occupiers or the amenity of future occupiers of the flats or the original property.
- 5.12 Transportation
Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such a development would be acceptable provided an acceptable level of parking is identified. Policy T12 assesses development in terms of the impact of the development upon the wider highway network with the priority being highway safety.
- 5.13 It is considered that in this instance the proposed development will not give rise to any major transportation concerns. However conditions are recommended to secure cycle parking for each flat, and that the parking arrangements identified on the submitted plans are in place prior to the first occupation of the flats and that they are finished in a bound material.
- 5.14 In order to mitigate the incremental damage, there is a requirement for a financial contribution of £900 per additional flat towards the North Fringe Development Proposal (Transport matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006. This should apply to the additional units. On that basis the total required is £1800. It is considered that this should be secured via an appropriate agreement and received prior to the commencement of any on site works. The Case Officer has indicated such a payment would be required and this has been accepted on behalf of the applicant.
- 5.15 Subject to the above, there is no transportation objection to this proposal and it is considered that the proposal is in accord with the aims and objectives of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.16 Amenity Space Provision
Amenity space will be provided for the ground floor only, while the top floor flats will not have any direct access to the garden only to cycle store. Prospective tenants or purchasers would be aware of this and it is considered that there would be no expectation of garden space associated with a flat of this type. There is however space provided for each flat to have access for cycle and bin storage facilities. Given the government guidance in PPS3 supporting a mix of development and flexibility of housing types, it is considered that in this

instance, the lack of amenity space afforded to the top flat would not warrant a reason for refusal.

5.17 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).

5.18 Section 106 Requirements

In this instance, the transportation improvements would be obtained under section 278 of the 1980 Highways Act.

6. CONCLUSION

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

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

7. RECOMMENDATION

That planning permission be granted subject to conditions.

Background Papers **PT07/1269/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1 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 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(s):

To protect the character and appearance of the area to accord with Policies H5/D1/L1 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(s):

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

5. Prior to the commencement of development, detailed plans showing the provision of car and cycle parking facilities 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(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.

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

Reason(s):

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

7. 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(s):

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.

8. The residential units hereby approved shall not be occupied until a scheme for the management of the communal areas of the development (both internal and external) for the first 2 years of occupation has been submitted and agreed in writing by the Local Planning Authority. The scheme should include management responsibilities and maintenance schedules. The scheme for the management of communal areas shall be carried out as approved.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 23/07 - 08 JUNE 2007

App No.: PT07/1380/PN1
Site: Land on Filton Road/Filton Lane Stoke Gifford BRISTOL Gloucestershire BS32 8SS

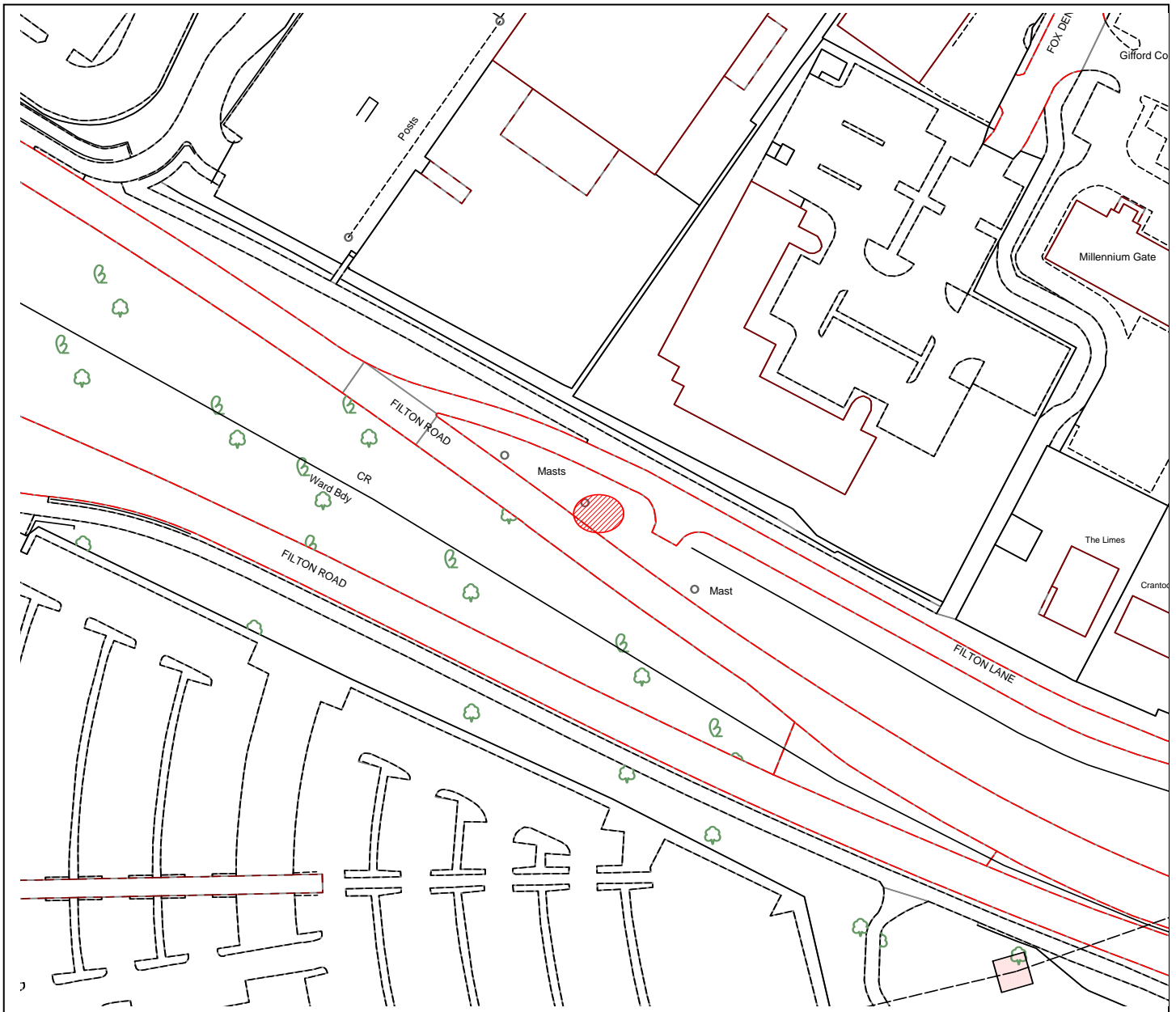
Applicant: T-Mobile Ltd
Date Reg: 2nd May 2007

Proposal: Prior Notification of the intention to install 1no. additional equipment cabinet and works to upgrade existing telecommunications structures.

Parish: Stoke Gifford Parish Council

Map Ref: 61810 78674

Ward: Stoke Gifford



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This application has been placed on the Council's Circulated Schedule as an objection has been received to the proposal from Filton Town Council.

1. THE PROPOSAL

1.1 This application seeks Prior Notification for the the intention to install 1no. additional equipment cabinet and works to upgrade existing telecommunications structures. An 11 metre mast already exists on the site. The location of the proposal is within the established residential settlement of Filton. The proposed development site is located to the side of Filton Lane which is the main link between Filton, UWE and the M32.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Communities
PPG8 Telecommunications
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
S5 Telecommunications
- 2.3 Supplementary Planning Document
Design Checklist (Draft)
Telecommunications

3. RELEVANT PLANNING HISTORY

3.1 None which affects this development

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council:
Objects to the proposal on the following grounds:
- Concerns over telecommunications equipment.

They also raise the issue that a extensive planting scheme is needed in order to comply with the Council's bio-diversity action plan.

- 4.2 Local Residents:
No responses received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of erecting the cabinet is not for consideration, as it is Permitted Development under Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. Under the Prior Notification procedure the Local Planning Authority determines whether prior approval is required for the siting and appearance of the development. They are then given a limited period within which to respond to the matters of siting and design. PPG8 provides advice relating to the appearance of the mast and ancillary apparatus and siting considerations including materials, colour and design and the general area in which such a proposal is sited.

5.2 Advice contained within policy S5 of the South Gloucestershire Local Plan (Adopted) January 2006 also states that where approval is required, the Council will require developers to demonstrate what attempts have been made to minimise impact through appropriate siting and design of appearance in terms of materials, colour, height etc. However in all instances the main material considerations will be the technical needs of the operator as demonstrated by the applicant and the need to facilitate development. In this context the main issues are:

5.3 Siting and appearance

PPG8 states that protection from visual intrusion and the implications of subsequent network development will be important considerations in determining applications. Local Authorities and operators should work together to find the optimum environmental and network solution on a case-by-case basis. Policy S5 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.4 It is considered that as the equipment cabinet is purely a replacement for an existing cabinet then there is no other option but to place it in the identified location. This is as it is needed to support the mast which is not being moved. Consequently the siting of cabinet in this location is acceptable in visual amenity terms.

5.5 In terms of the design of the cabinet it is a standard design and fits neatly into this particular location amongst some vegetation which will help mask the appearance of the cabinet. Consequently the design of the equipment cabinet is considered to be appropriate in this location.

5.6 Public Health Concerns

PPG8 advises that the planning system is not the place for determining health safe guards and that enforcement of health and safety legislation is a matter for the Health and Safety Executive.

5.7 The Government has accepted recommendations in the Stewart Group's Report that, as a precautionary measure, mobile phone base stations, such as proposed by this application, should meet the guidelines for limiting exposure as set by the ICNIRP (International Commission on Non-Ionizing Radiation Protection).

5.8 The application carries a certificate that demonstrates that the equipment complies with the ICNIRP guidelines. As in the case of the majority of equipment installed nationally, the levels of radiation generated by this equipment are a tiny fraction of the maximum levels set by the ICNIRP.

6. CONCLUSION

6.1 The decision to raise no objection to the matters of siting and design has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 No objection

Background Papers **PT07/1380/PN1**

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

CIRCULATED SCHEDULE NO. 23/07 - 08 JUNE 2007

App No.: PT07/1409/PN1
Site: Land at Emma Chris Way Filton
 BRISTOL South Gloucestershire BS34
 7JU

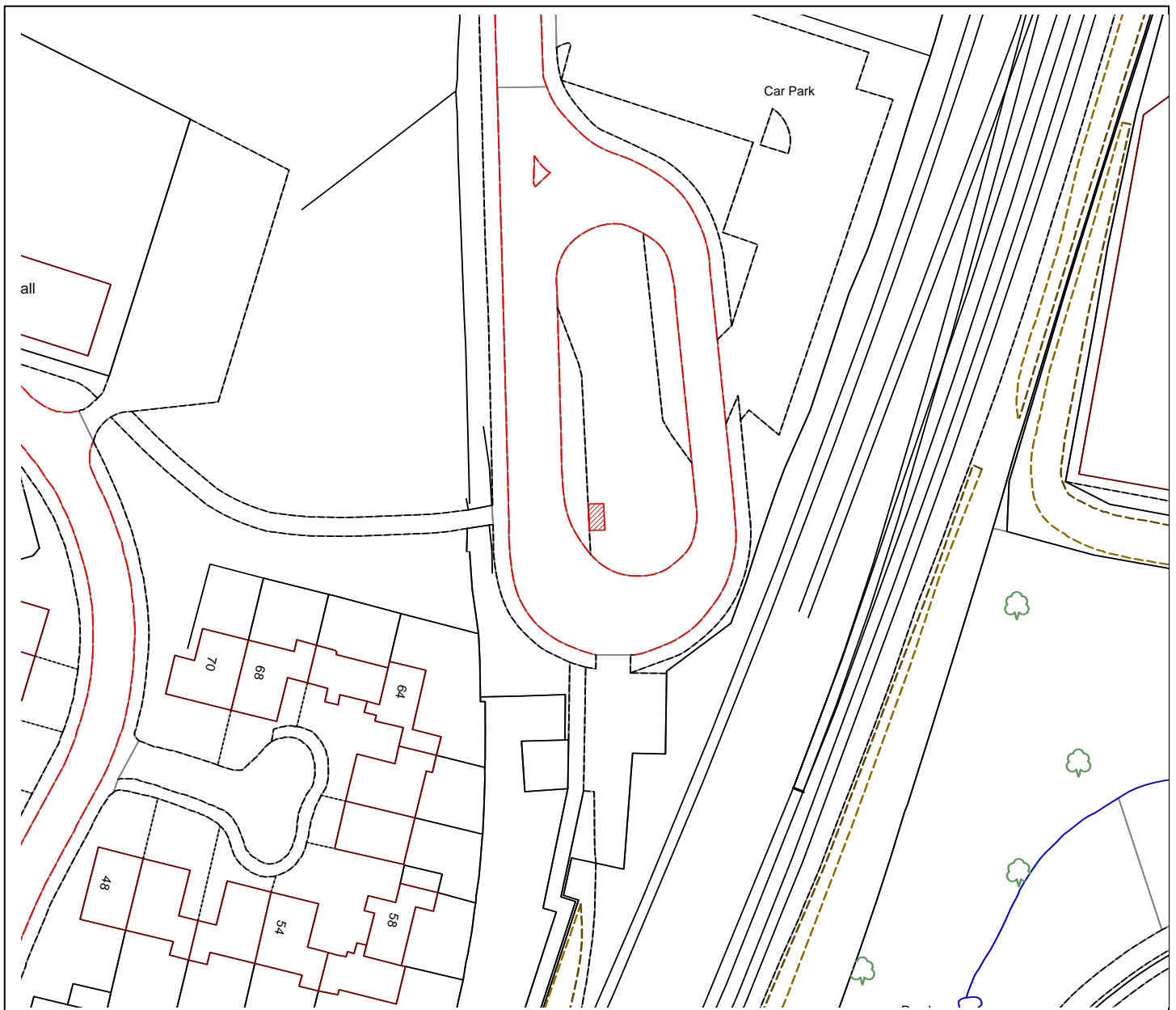
Applicant: Hutchison 3G UK
Date Reg: 3rd May 2007

Proposal: Prior notification of the intention to erect
 15m high slimline monopole, 3 no. 1.7m
 antennas, radio equipment with cabinet
 and ancillary development.

Parish: Filton Town Council

Map Ref: 61035 78640

Ward: Filton



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N.T.S

PT07/1409/PN1

1. THE PROPOSAL

- 1.1 This application seeks prior Notification consent for the erection of 15 metre monopole mast with 3 antennas, and the provision of a radio equipment cabinet and other ancillary development. The location of the proposal is within the established residential settlement of Harry Stoke / Filton and is to be located on the entrance to Abbey Wood Railway Station.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Communities
PPG8 Telecommunications
- 2.2 Development Plans
South Gloucestershire Local Plan
S4 Telecommunications
SPD Telecoms

3. RELEVANT PLANNING HISTORY

- 3.1 None .

4. CONSULTATION RESPONSES

- 4.5 Filton Town Council:
Object to the proposal on the following grounds
- Concerns over telecommunication development
 - The town council would also like to see addition planting around the scheme if approved in order to comply with the Council's Bio-diversity action plan and to also mask the ugly appearance of the development.

Local Residents:

There have been 27 letters of objection received as well as petition with One letter of objection has been received objecting to the proposal on the grounds that it would affect the health of people living near the mast.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Under the Prior Notification procedure the Local Planning Authority determines whether prior approval is required for the siting and appearance of the development. PPG8 provides advice relating to the appearance of the mast and ancillary apparatus and siting considerations including materials, colour and design and the general area in which such a proposal is sited.

- 5.2 Advice contained within policy S4 of the South Gloucestershire Local Plan (Adopted) January 2006 also states that where approval is required, the Council will require developers to demonstrate what attempts have been made to minimise impact through appropriate siting and design of appearance in terms of materials, colour, height etc. In all instances the main material

considerations will be the technical needs of the operator as demonstrated by the applicant and the need to facilitate development. In this context the main issues are:

5.3 Siting and appearance

PPG8 states that protection from visual intrusion and the implications for subsequent network development will be important considerations in determining applications. Local Authorities and operators should work together to find the optimum environmental and network solution on a case-by-case basis. Policy S4 of the South Gloucestershire Local Plan (Revised Deposit Draft) reflects this guidance.

It is considered that in this instance the design of the proposed mast is acceptable and it fits in well with other existing street furniture in the area. Therefore the proposal is in keeping with the surrounding area. In terms of the location of the mast it is some 60 metres away from the nearest residential property and is approximately 45 metres away from the nearest building and in an area that is proliferated with other pieces of street furniture such as road signs, lighting columns, and telecommunications mast. The site is also at the rear of an industrial area and close to the main railway line to Bristol.

- 5.4 In the policy for telecommunication development it encourage the different operators to site and mast share where possible. This the applicant investigated but owing to the increase in height required for a shared mast it was discounted as it would have resulted in a incongruous feature in the locality. However the applicant have followed the advice in seeking a site where the operators can share one site rather than having a number of sites placed in the area.

Therefore siting the mast in this area is acceptable.

5.5 Public Health Concerns

PPG8 advises that the planning system is not the place for determining health safe guards and that enforcement of health and safety legislation is a matter for the Health and Safety Executive.

- 5.6 The Government has accepted recommendations in the Stewart Group's Report that, as a precautionary measure, mobile phone base stations, such as proposed by this application, should meet the guidelines for limiting exposure as set by the ICNIRP (International Commission on Non-Ionizing Radiation Protection).

- 5.7 The application carries a certificate that demonstrates that the equipment complies with the ICNIRP guidelines. As in the case of the majority of equipment installed nationally, the levels of radiation generated by this equipment is a tiny fraction of the maximum levels set by the ICNIRP.

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 decision 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

No Objection

Background Papers **PT07/1409/PN1**

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