



**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. 03/08**

**Date to Members: 18/01/08**

**Member's Deadline: 25/01/08**

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](mailto: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](mailto: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:18/1/08**

**SCHEDULE NO. 03/08**

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](mailto: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.

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

**DATE .....**

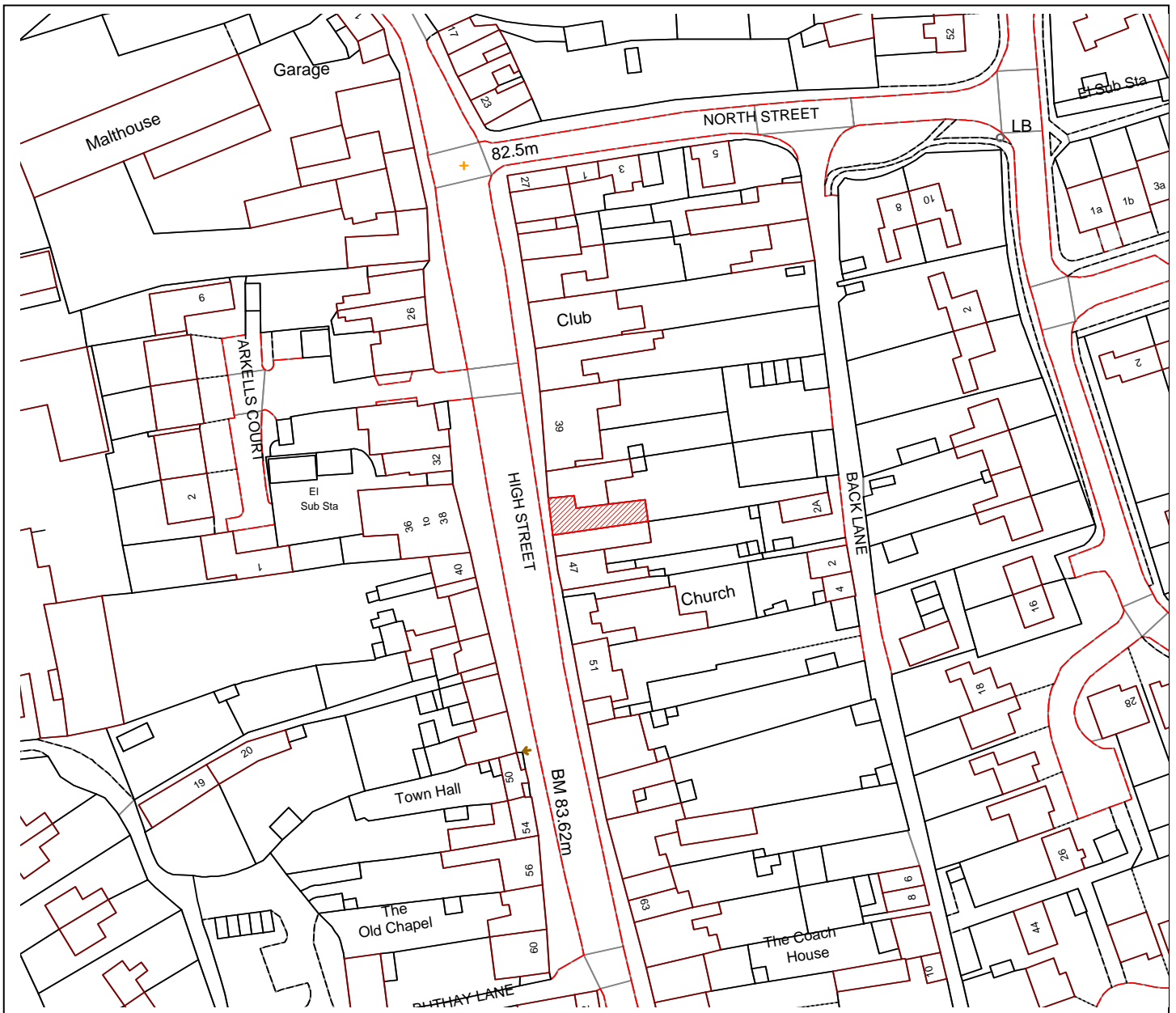
# Circulated Schedule 18 January 2008

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK06/3054/ADV	Approve with conditions	Hobnob 43 High Street Wickwar South Gloucestershire GL12 8NP	Charfield	Wickwar Parish Council
2	PK07/3445/F	Approve with conditions	51 Abson Road Pucklechurch South Gloucestershire BS16 9SA	Boyd Valley	Pucklechurch Parish Council
3	PK07/3540/CLE	Approve	The Barn Totter oak House Horton Road Chipping Sodbury BS37 6QG	Cotswold Edge	Horton Parish Council
4	PK07/3544/F	Approve with conditions	Land to the rear of 78-80 Downend Road Downend South Gloucestershire BS16 5UE	Downend	Downend and Bromley Heath
5	PK07/3546/F	Approve with conditions	Ducie Court Ducie Road Staple Hill	Staple Hill	
6	PK07/3557/RVC	Approve with conditions	Chase Service Station Soundwell Road Kingswood BS15 1PN	Kings Chase	
7	PK07/3595/F	Approve with conditions	Land opposite Green Farm Business Park Folly Road South Gloucestershire BS37 9TZ	Frampton Cotterell	Iron Acton Parish Council
8	PK07/3596/LB	Approve with conditions	35 High Street Chipping Sodbury South Gloucestershire BS37 6BA	Chipping Sodbury	Sodbury Town Council
9	PK07/3614/R3F	Refusal	Sir Bernard Lovell School Playing Fields High Street Oldland Common South Gloucestershire	Oldland Common	Bitton Parish Council
10	PK07/3618/TRE	Approve with conditions	6 Kenilworth, Yate, South Gloucestershire BS37 4DT	Yate Central	Yate Town Council
11	PK07/3658/R3F	Deemed consent	Vinney Green Secure Unit Emersons Green Lane Emersons Green South Gloucestershire BS16 7AA	Rodway	Mangotsfield Rural Parish Council
12	PK07/3669/F	Approve with conditions	Land opposite Green Farm Business , Park Folly Road, Iron Acton, South Gloucestershire, BS37 9TZ	Frampton Cotterell	Iron Acton Parish Council
13	PK07/3709/ADV	Approve	Adj Station Road Yate Shopping Centre Yate South Gloucestershire BS37 4AP	Yate Central	Yate Town Council
14	PK07/3710/ADV	Approve	Station Road/North Parade Yate Shopping Centre Yate South Gloucestershire BS37 4AP	Yate Central	Yate Town Council
15	PK07/3718/F	Approve with conditions	26 Highway, Yate, South Gloucestershire BS37 7AB	Yate Central	Yate Town Council

16	<b>PT07/3215/F</b>	Approve with conditions	The Barns Old Passage Road Aust South Gloucestershire BS35 4BG	Severn	Aust Parish Council
17	<b>PT07/3325/F</b>	Approve with conditions	Land adjacent Rock House Farm Littleton upon Severn South Gloucestershire	Severn	Aust Parish Council
18	<b>PT07/3567/F</b>	Approve with conditions	16 Rush Close Bradley Stoke South Gloucestershire BS32 0BU	Bradley Stoke North	Bradley Stoke Town Council

**CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008**

<b>App No.:</b> PK06/3054/ADV	<b>Applicant:</b> Ms A Ward
<b>Site:</b> Hobnob 43 High Street WOTTON UNDER EDGE South Gloucestershire GL12 8NP	<b>Date Reg:</b> 19th October 2006
<b>Proposal:</b> Erection of 1no. externally illuminated projecting sign.	<b>Parish:</b> Wickwar Parish Council
<b>Map Ref:</b> 72424 88491	<b>Ward:</b> Charfield



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**N.T.S**

**PK06/3054/ADV**

## **INTRODUCTION**

This application has been referred to the Circulated Schedule following objections to the proposed scheme being received from local residents.

### **1. THE PROPOSAL**

- 1.1 This application concerns an existing café premises located on the east side of Wickwar High Street. The site lies also within the Wickwar Conservation Area and the building is also locally listed.
- 1.2 The proposed scheme seeks advertisement consent for a projecting and externally illuminated sign. Since submission the materials of the sign have been clarified as timber with the support bracket being fabricated from galvanised steel and painted black. The dimensions of the sign have also been amended, for as submitted the width of the sign was to be 1000mm with the height being 800mm and following discussions with the applicant, the width of the sign has been reduced to 800mm.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG15	Planning and the Historic Environment
PPG19	Outdoor Advertisement Control

#### 2.2 Development Plans

##### South Gloucestershire Local Plan (Adopted) January 2006

L12	Conservation Areas
L19	Display of Advertisements

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None of relevance for this application.

### **4. CONSULTATION RESPONSES**

#### 4.1 Wickwar Parish Council

No objections to the sign but concern is expressed over the dimensions

#### Environmental Services

Further details will be required on the type and location of the spotlight to ensure that it does not cause a nuisance to local residents.

#### 4.2 Sustainable Transport

There are no transportation objections to the proposed scheme.

### **Other Representations**

#### 4.3 Local Residents

5no. consultation responses were received from local residents which expressed the following summarised views:

- An illuminated sign would not be in keeping with the conservation area;
- Wickwar has sufficient attractive soft street lighting and an illuminated sign would detract from this;
- The building is a locally listed building with an historic shop front and the sign would not be in keeping with it;
- The sign is considered to be large, overbearing and out of proportion with the size of the building;,
- The sign would be visible from a neighbouring property and would block light entering onto the neighbour's window;
- There is insufficient detail concerning the materials and construction;
- The unfortunate that the "HobNob" logo is such a modern, angular font;

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

In accordance with the advice given in PPG19, the display of outdoor advertisements/signs can only be controlled in the interests of amenity and public safety. Within the assessment of amenity, the conservation area and locally listed status of the building can be considered.

### 5.2 Visual Amenity

Although the font style could be considered modern, the materials and overall design is one of a traditional nature. Moreover, the use of modern font within a conservation area is considered acceptable.

5.3 The use of external illumination is also not unacceptable in principle. In this case the illumination will only seek to illuminate the sign is a traditional downward direct. Although the application has provided further details on the external illumination, a condition is to be attached to any consent requiring either further large scale details or prior to the first use, when the external illumination can be inspected and its acceptability confirmed in writing.

5.4 It is considered that proposed sign would make an interesting contribution to the character of the street scene and would not adversely affect the visual amenity of the Wickwar Conservation Area or the setting of the locally listed building. The sign is similar in scale to other signs within the vicinity but it is not considered that this sign would lead to any cumulative effects that would be detrimental to the character of the area.

5.5 In light of the above, there would therefore be no significant adverse affect on visual amenity.

### Public Safety

5.6 As stated in paragraph 4.2 of this report, with no transportation objection, there are no concerns regard any harm to public safety.

### 5.7 Section 106 Requirements

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



preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

- 6.1 In accordance with Section 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 advertisement consent 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 Advertisement consent is to be GRANTED subject to the following condition.

**Background Papers**      **PK06/3054/ADV**

**Contact Officer:**    **Robert Nicholson**  
**Tel. No.**                **01454 863536**

## **CONDITIONS**

1. Prior to the first illumination of the sign hereby authorised, large scale details confirming the positioning of the lighting are to be submitted or the illumination is to be inspected with its acceptability confirmed in writing by the local planning authority.

Reason:

To maintain and enhance the character and appearance of the Wickwar Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008

<b>App No.:</b> PK07/3445/F	<b>Applicant:</b> Mr A Jones
<b>Site:</b> 51 Abson Road Pucklechurch BRISTOL South Gloucestershire BS16 9SA	<b>Date Reg:</b> 21st November 2007
<b>Proposal:</b> Erection of replacement garage to facilitate the conversion of existing garage into additional living accommodation.	<b>Parish:</b> Pucklechurch Parish Council
<b>Map Ref:</b> 70198 76314	<b>Ward:</b> Boyd Valley



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**PK07/3445/F**

## **INTRODUCTION**

This application appears on the circulated schedule due to the receipt of two letters of objection from neighbouring properties.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a single garage to be attached to the side of the existing dwelling house. There is already a garage attached to the side of the dwelling – this existing garage would be converted to additional living space. The new proposed garage would be attached to the side of the existing garage – similar to creating a large double garage.
- 1.2 Planning permission is not required for the conversion of the existing garage to additional living accommodation. This could be carried out under permitted development rights without the need to submit a planning application.
- 1.3 During the course of the application amended plans were requested from the agent to slightly reduce the width of the proposed new garage. Amended plans have been received as requested.

### **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 in New Development

H4 Development within Existing Residential Curtilages, Extensions and New Dwellings

L1 Landscape Protection

T8 Parking

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P86/2998 Erection of detached dwellinghouse and garage. Construction of vehicular access.  
Approval of Reserved Matters February 1987
- 3.2 P86/2100 Erection of detached dwellinghouse.  
Approval of outline consent September 1986

### **4. CONSULTATION RESPONSES**

4.1 Pucklechurch Parish Council  
No objection providing there are no objections from neighbouring properties.

#### **Other Representations**

- 4.2 Local Residents  
Two letters of objection have been received from local residents. A summary of the points of concern is as follows;
  - There is a covenant which restricts development

- The neighbours property is at a lower level that the application site and the land has extremely poor drainage
- The building would increase run-off when it rains increasing risk of flood
- The plans do not accurately show the size of the estate road
- The sizes of the neighbouring houses are not accurately shown on the submitted plans
- It will make it difficult for neighbours to reverse out of their garages and turn around
- The new garage will be overbearing and will overlook the neighbours

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Design/ Visual Amenity

The proposed new garage is considered to be of appropriate design that integrates successfully with the host dwelling. As a result of the proposed extension, the single storey element of the dwelling (the existing and proposed garages) would be of the same width as the main two storey element of the house. The design of the main house is very simple with a plain front elevation consisting of only four windows. The simple and uncomplicated design of the extended garage being at the same width as the main dwelling would help to continue the very clean and simple design of the host dwelling. The window to be inserted into the front elevation of the converted garage would match fully with the existing windows in the main house. Similarly, the new garage door would be almost identical to the existing garage door. The extension would be set well back from the main front wall of the host dwelling – by some 6 metres and as such, the extension is truly subservient to the main dwelling.

The application states that the tiles and render to be used on the extended garage would match those of the existing further encouraging its successful integration.

Whilst glimpses of the extension will be visible from the road, because of the location of the dwelling tucked back slightly behind No. 50 Abson Road, its visual impact will be limited. Consideration must also be given to the fact that the application property is quite unique in the street scene so there are no similar properties against which to compare the application site. In light of the above because of its limited size and suitable design, it is not considered that it will have any impact on the character of the surrounding environment. The visual impact of the extension is therefore considered to be acceptable.

### 5.3 Residential Amenity

The proposed garage will be constructed to the side of the existing dwelling – what will be to the rear of No. 50 Abson Road. At its closest point, the proposed new garage will be in excess of 11 metres from the rear of No. 50 Abson Road. At this distance, because the garage is single storey only, it is not considered that to would have any overbearing impact on the rear of No. 50.

There does appear to be some confusion between the applicants and the neighbours with regards to land ownership. The red edge shows the entire application site and part of the driveway to be within the applicant's ownership whereas the neighbours contest that driveway part of the land within the red edge is in shared ownership. The actual garage itself however will be constructed on land within the applicants ownership. Issues of land ownership are not for discussion as part of this application as this is a civil issue outside of the remit of planning control. Whilst it is believed by your officer that the garage will be constructed entirely on land within the applicants ownership, and informative will be attached reminding them that the granting of planning permission does not give right to access or build on other peoples land.

The neighbours also claim that the construction of the garage would be in breach of a restrictive covenant placed on the property. Again, this is an issue that is outside of the remit of planning control and should be dealt with separately. It may indeed be the case that the applicants also have to satisfy the requirements of any covenant separately to obtaining planning permission.

Neighbours are also concerned about possible flooding. It is true that the neighbours at No. 50 and 51 are at a lower level than the application property. The new garage will have gutters and down pipes that will channel rainwater into the sewers. Due to the relatively small size of the garage, it is not considered that it would have any significant or noticeable impact on the existing drainage system.

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

#### 5.4 Highway Implications

The applicants could, if they so wished, already park a car on the site to be covered by the garage without the need for planning permission. Two off street parking spaces will remain to serve the dwelling – one in the new garage and one in front of the existing garage that is to be converted. Sufficient off street parking is therefore proposed to comply with the requirements of Policy T8. Sufficient turning and manoeuvring space is available on the shared drive to allow vehicles to both enter and leave the site in a forward gear. Impact on highway safety is therefore considered to be entirely acceptable.

#### 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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PK07/3445/F**

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

## **CONDITIONS**

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

Reason:

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

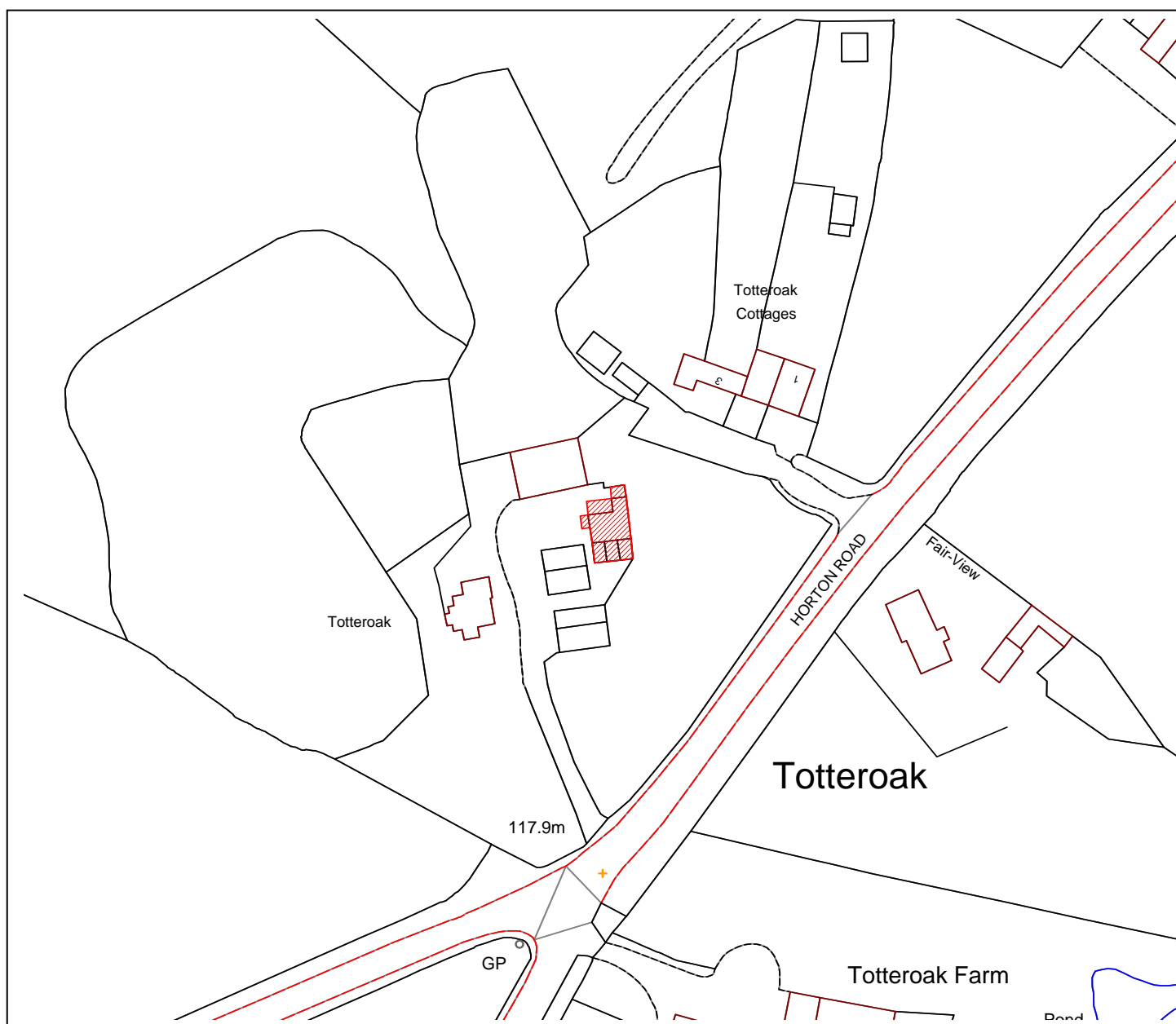
2. The new garage hereby approved, shall be retained and available for its primary purpose of vehicle parking at all times.

Reason:

To ensure an adequate level of off street parking for the dwelling and to comply with the requirements of Policy T8 of the South Gloucestershire Local Plan (Adopted).

## CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008

<b>App No.:</b> PK07/3540/CLE	<b>Applicant:</b> Mr J Loye
<b>Site:</b> The Barn Totter oak House Horton Road Chipping Sodbury BS37 6QG	<b>Date Reg:</b> 3rd December 2007
<b>Proposal:</b> Application for Certificate of Lawfulness for an existing use of outbuilding for ancillary residential purposes.	<b>Parish:</b> Horton Parish Council
<b>Map Ref:</b> 74794 84178	<b>Ward:</b> Cotswold Edge



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PK07/3540/CLE

## **INTRODUCTION**

This application is for a Certificate of Lawful Use and under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use, is that the applicant has to prove on the balance of probability that the outbuilding has been used for residential purposes, for a period of 10 years consecutively, prior to the receipt of the application.

### **1. THE PROPOSAL**

- 1.1 The application has been submitted under Section 191 (1) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for an existing use of the site.
- 1.2 The application relates to a detached outbuilding known as 'The Barn' situated adjacent to Totter oak House, Horton Road, Chipping Sodbury. The building no doubt started life as an agricultural building associated with the wider farm complex. As the, farming uses have wound down and individual buildings sold off, 'The Barn' has been used for domestic purposes, most notably as a room for practising music and the performing arts, as well as dinner parties.
- 1.3 The applicant considers that the outbuilding has been used for ancillary residential purposes for at least 10 years consecutively prior to the submission of this application.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Procedures) Order 1995 Article 24  
Circular 10/97: Enforcing Planning Control.
- 2.2 Development Plans  
As the application is for a Certificate of Lawfulness the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only prove that on the balance of probability the use has taken place for an uninterrupted period of at least the last 10 years prior to the receipt of the application (28<sup>th</sup> November 2007).

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK06/3030/F - Conversion of barn to form 1no. dwelling with access and associated works.  
Withdrawn 22<sup>nd</sup> Feb. 2007.

### **4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION**

The applicant has submitted the following evidence in support of the application :

- One red edged site location plan.
- A Statutory Declaration by Bruce Hosie dated 1<sup>st</sup> August 2007.
- A Statutory Declaration by Vince Woodman dated 4<sup>th</sup> July 2007.
- A Statutory Declaration by Peter Tiley dated 6<sup>th</sup> July 2007.
- A Statutory Declaration by Andrew Butt.
- A Statutory Declaration by Barrie Saunders dated 16<sup>th</sup> July 2007.



## 5. **SUMMARY OF CONTRARY EVIDENCE**

5.1 None

## 6. **OTHER CONSULTATIONS**

6.1 Horton Parish Council  
No response

6.2 Councillor Sue Hope  
No response

6.3 Local Residents  
1 no. response was received from the occupant of neighbouring Totteroak Farm who "*strongly supports the proposal as it is an excellent use of the building*".

## 7. **EVALUATION**

7.1 The application seeks to prove that on the balance of probability the outbuilding otherwise known as 'The Barn' has been used for ancillary residential uses for a period of 10 years consecutive to the receipt of the application. The application has been supported by 5no. separate Statutory Declarations and these signed legal documents are considered to carry considerable weight in the determination of this application. There is no contrary evidence relating to this 10 year period.

7.2 The Statutory Declarations have all been made by people with long term intimate knowledge of the site and all have confirmed that the outbuilding has been regularly used for the 10 year period for domestic purposes and gatherings.

7.3 Having previously visited the site, officers have seen no evidence of farming activities within the building in question. Domestic furniture and accoutrements were present throughout the outbuilding which displayed all the characteristics of domestic use.

7.4 In the absence of any contrary evidence, it is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

## 8. **RECOMMENDATION**

8.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the outbuilding for ancillary residential purposes.

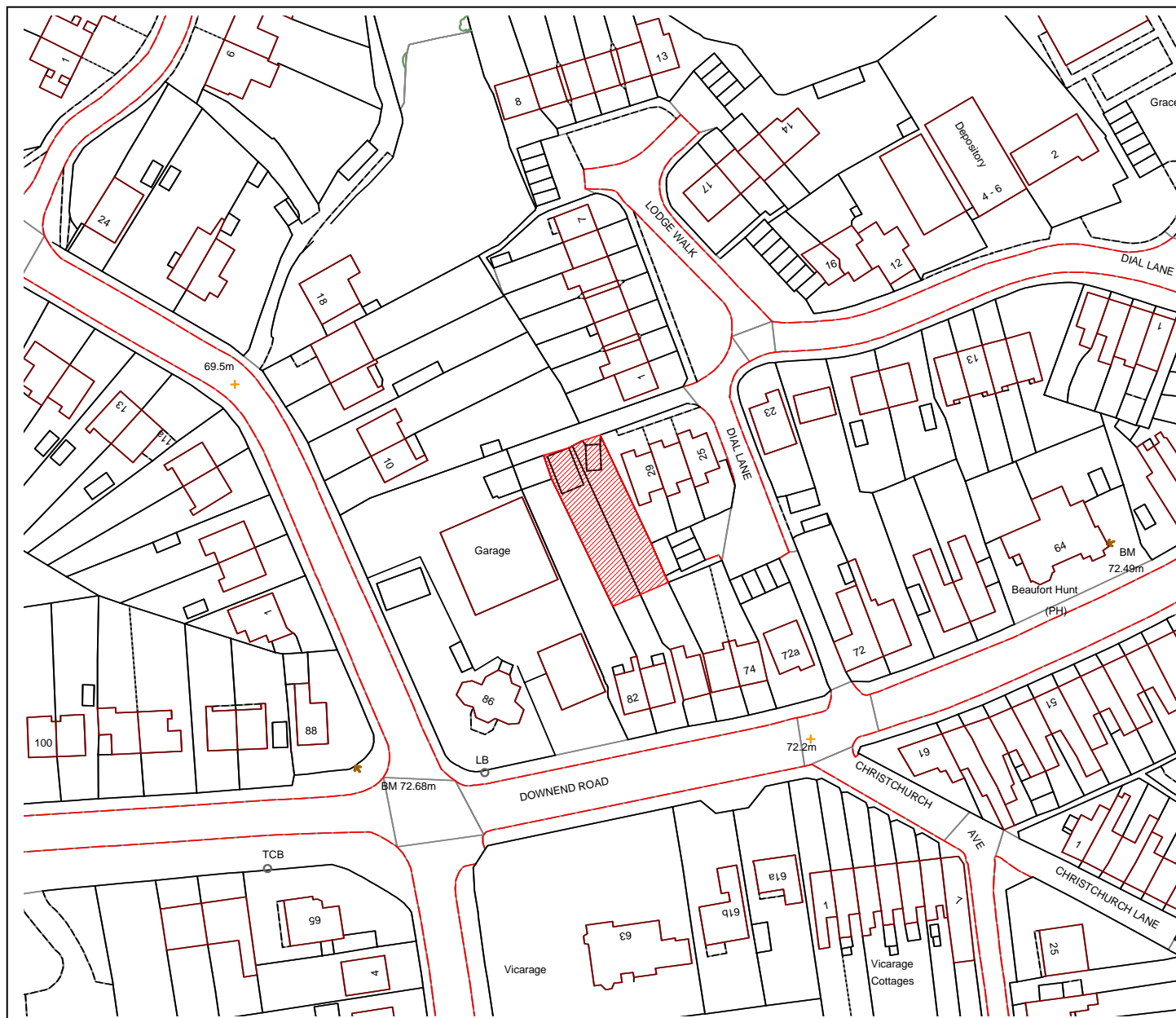
**Background Papers**      **PK07/3540/CLE**

**Contact Officer:**    **Roger Hemming**  
**Tel. No.**                **01454 863537**

**CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008**

**App No.:** PK07/3544/F  
**Site:** Land to the rear of 78-80 Downend Road  
 Downend BRISTOL South  
 Gloucestershire BS16 5UE  
**Proposal:** Erection of 4no. flats with associated car  
 parking, bin and cycle store and creation  
 of new access from Dial Lane.  
**Map Ref:** 64779 76571

**Applicant:** Mr T Holbrook  
**Date Reg:** 3rd December 2007  
**Parish:** Downend and  
 Bromley Heath  
**Ward:** Downend



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**N.T.S**

**PK07/3544/F**

## INTRODUCTION

The current proposal is referred to the Circulated Schedule to members in accordance with procedure given that objections have been raised.

### 1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 4no. flats with associated car parking, bin and cycle storage facilities and the creation of a new access from Dial Lane. The scheme will comprise 1 no. two bed flat and 3 no. one bed flats situated on 425sq.m of land.

The proposed building would have a maximum height of approximately 8.5m, a width across the front elevation of 11m, and a depth of approximately 10 metres along the flank wall. The application would involve the demolition of the detached garages at the rear of the existing houses at 78-80 Downend Road. Features include a roof extension on the front elevation and a single balcony on the rear elevation (other balconies having been removed following negotiation). Materials include white rendered walls, stained timber boarding and profiled concrete roof tiles.

A gated entrance gives access to a rear courtyard with space for 5 cars (a disabled parking space is to be provided to the front), this will include two parking spaces for the existing properties No.78 and No. 80 Downend Road, accessible from entrances in the rear boundary of these properties. Communal space is provided within this rear area (accessible directly from the ground floor flat only). The existing boundaries around the site will be retained.

- 1.2 The application site is located in the long rear gardens of No's 78 and 80 Downend Road. The rear of the gardens have detached garages that provide the only existing off-street parking for the two existing dwellings via Dial Lane, a private access lane to the car park at the rear of Westerleigh Garage to the west. Immediately to the east of the site is a row of 3no. modern infill dwellings that have allocated parking to the rear on the publicly maintained part of Dial Lane. To the north is a row of 1960's terraced dwellings at Lodge Walk with their associated rear gardens immediately in front of the application site on the northern side of Dial Lane. The wider area is characterised by further varied residential development.
- 1.3 Two previous applications PK07/1110/F and PK07/2503/F have been recently refused solely on the grounds that the development of the area to the rear of No.78-80 Downend Road, given that it currently serves as garaging for those properties would have resulted in the loss of vehicular accesses and parking facilities for the existing properties, thus adding to on-street parking with subsequent detriment to Highway Safety.

Both these previous applications were identical in all respects, although it should be noted that PK07/2503/F was submitted with two concurrent applications for new accesses (with associated parking in the front garden area) at No.78 and No.80 Downend Road (Application No.'s PT07/2498/F and PT07/2496/F). These were refused as the parking made available was not of a sufficient standard. As indicated above the current application provides parking for the original properties within the parking court to the rear of the proposed building.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPS3 Housing  
PPG13 Transportation

### **2.2 Development Plans**

#### **South Gloucestershire Local Plan (Adopted) January 2006**

D1 Achieving Good Quality Design  
L1 Landscape  
H2 Residential Development within the Existing Urban Area  
H4 Development within Existing Residential Curtilages  
T7 Cycle Parking  
T8 Parking Standards  
T12 Transportation Development Control

### **2.3 Supplementary Planning Guidance**

The South Gloucestershire Design Checklist (SPD) – Adopted August 2007

## **3. RELEVANT PLANNING HISTORY**

### **3.1 PK06/2885/F Creation of front vehicular access: Refused 30/10/2006**

PK07/1110/F Erection of 4 no. flats with associated parking, bin and cycle store, creation of new access from Dial Lane. This application was refused on the grounds that the proposal would have resulted in the loss of vehicular accesses and parking facilities for the existing properties, thus adding to on-street parking with subsequent detriment to Highway Safety.

PK07/2503/F Erection of 4 no. flats with associated car parking, bin and cycle store, creation of new access from Dial lane (resubmission of Planning Application PL07/1110/F). This application was refused on the grounds that the proposal would have resulted in the loss of vehicular accesses and parking facilities for the existing properties, thus adding to on-street parking with subsequent detriment to Highway Safety.

## **4. CONSULTATION RESPONSES**

### **4.1 Downend and Bromley Heath Parish Council**

Objection – The second floor is over development of the site. The second floor balcony would be an intrusion onto properties 78/80 Downend Road

### **4.2 Sustainable Transport Team**

The previous proposals for the development of the site had implications in respect of impact on the parking facilities for the existing dwellings 78 and 80 Downend Road. With the current scheme, the applicant is addressing this issue. The current application proposes the demolition of two existing garages in order to construct a single block to facilitate provision of four flats. The site will be accessed via the private lane leading off Dial lane. The

applicant has an established right of access to the site via this route as he gains access to the existing garages through this lane.

Vehicular access into the site will be via an undercroft beneath the 1<sup>st</sup> floor and that leads into a rear parking court with sufficient parking area for 5 cars as well as turning space. Dial Lane in front the site frontage will be widened with improved corner radius to improve access and egress and that would be secured by a planning condition. Visibility from the site access onto dial Lane is restricted however, given modest scale of the proposed development and likely low vehicular speed at this location, the proposal would not adversely impact on road safety.

Some local residents have expressed concerns about parking issue for the development. It should be noted that each residential unit on the site is provided with dedicated car parking space. Additionally, 2 further parking spaces are also provided for the residents of 78-80 Downend Road. Total of six parking spaces are created as part of the development and that complies with the Councils maximum parking standards.

In view of all the above therefore, there are no highway objections to this proposal but the following conditions are recommended, 1)Widen Dial Lane along the site frontage in accordance with the submitted and approved plans. The mentioned widened area shall be surfaced with bound surface material and it shall be maintained free from any obstructions thereafter, 2) Site access with Dial lane shall be surfaced with bound surfaced material and it shall be maintained satisfactory thereafter, 3) Prior to occupation of any dwelling on site provide parking spaces as shown on the site and allocate them accordingly (i.e. one space per each flat plus one marked parking space for property no. 78 and one space for No. 80 Downend Road). The said parking spaces shall then be maintained satisfactory thereafter.

## **Other Representations**

### **4.3 Local Residents**

At the time of preparing this report for the Circulated Schedule there have been 6 letters of objection received. The grounds of objection can be summarised as follows:

- The proposal will exacerbate existing parking problems within the vicinity of the site as inadequate off-street parking is provided
- The proposal will result in a loss of privacy particularly given the second storey
- The applicant has not got a right of access as the access lane is a private road
- The proposal will result in detriment to highway safety
- Bin storage will be ineffective given that collection would be difficult
- The proposal would create additional noise and disturbance

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

PPS3 states that in determining planning applications, local authorities should have regard to ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups and use land effectively and efficiently. Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows new dwellings within existing residential curtilages subject to the satisfaction of a number of criteria relating to design and visual amenity, residential amenity and highway safety. Policy H2 sets out criteria relating to density, education and community facilities, environmental effects and impact upon residential amenity. The application stands to be assessed against the above relevant criteria, other policies in the local plan and all material considerations.

### 5.2 Design and Visual Amenity

It is considered that the scale of the proposed development, both in respect of the height and massing is broadly in keeping with the form of development in the area. Concern has been raised regarding the height of the proposal, however with a height of 8.2 metres, the three storey structure is of a standard height and would not appear out of place alongside the adjoining residential properties. The new building would be just one metre (approximately) above the height of the adjoining properties.

The development adopts a modern design style, which is simple and yet provides visual interest. It is considered that the breaking up of the roof (as indicated in the Design and Access Statement) is an appropriate way of reducing the visual bulk of the building as well as adding visual interest on both the front and rear elevations. The use of a cat-slide roof, dormers and timber cladding are all considered to add visual interest. The use of white render would reflect the finishing of other buildings in the vicinity within Dial Lane as would the use of gable ends.

The flats would be set back from Dial Lane, with parking to the rear accessed from an undercroft arrangement. Access to the units are from the front with a stairwell in this location giving access to the upper floors. An integral cycle store and enclosed refuse store is also located on the front elevation. This element is considered to integrate well with the front elevation especially given the use of timber boarding prevalent elsewhere on this elevation. A condition will be attached to the decision notice to require the bin storage to be in place prior to the first occupation of the units.

It is considered that the design of the proposed development is appropriate and in accord with Policy H2, D1 and the South Gloucestershire Council Design Checklist (Adopted August 2007).

### 5.3 Residential Amenity

The proposed units would be adjacent to a workshop and parking area associated with Westerleigh Garage. However the main building associated with the Garage is located approximately 12 metres away from the nearest part of the proposed building. Furthermore, the workshop doors face away from the application site on the south elevation, reducing the possibility of noise and

disturbance from within the building. No concerns have been raised by environmental services regarding the proximity of the garage to the application site and as such the application is deemed acceptable in this respect.

- 5.4 The proposed units would be between 2.1 metres and 3.1 metres from the blank side elevation of the adjacent dwelling at No.29 Dial Lane (the proposed building is marginally angled away from that building). The main part of the building would only project 1.8 metres beyond the first floor rear facing windows of No.29 and the single storey rear element would be approximately level with the main part of the proposed building. Given this relationship it is not considered that the proposal would appear oppressive or overbearing when viewed from this property or result in any significant loss of light given the location largely alongside the flank wall of No.29.
- 5.5 With respect to privacy issues, the Case Officer has negotiated the removal of two of the balconies (at first and second floor level) originally proposed on the rear elevation from which the rear of properties to the east (No.25-29) could have been potentially overlooked at an angle. A single balcony will remain on the left side at first floor from which it is considered there would be no significant impact. The rear facing windows (and remaining balcony) of the proposed units will be approximately 30m distant from habitable room windows in the rear of the existing dwellings on Downend Road and as such it is not considered that the proposal will result in any loss of privacy to those properties. Furthermore, the proposal retains more than adequate private garden space for the existing dwellings and provides communal garden space for the flats.
- 5.6 To the front, the nearest gardens at No.1 Lodge Walk and 10 Croomes Hill are between 11 and 12 metres distant from the front facing first floor windows of the proposed units and 14 and 15 metres at second floor level. The windows do not face the main useable garden areas in question. This relationship is not considered to result in any discernable loss of residential amenity currently enjoyed by the occupants of the terraced dwellings on Lodge Walk.
- 5.7 Overall, the proposal is not considered to have any unacceptable impact upon residential amenity in the area. Further, the residential amenities of the future occupiers of the flats are considered to have been adequately provided for.

5.8 Transportation

Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 considers Parking Standards (maximum) and Policy T12 considers the impact of all new development upon the surrounding highway network with the emphasis upon preserving and where possible enhancing highway safety.

It should be noted that two previous applications, (PK07/1110/F and PK07/2503/F – see previous history above) were rejected on the basis that the development would have resulted in the loss of available parking to No.78 and 80 Downend Road and that this would have resulting in an increase in on-street parking to the detriment of highway safety. The applicant has with the current scheme, provided two parking spaces for the existing properties. With the current scheme, the applicant is addressing this issue.

The site will be accessed via the private lane leading off Dial lane. The applicant has an established right of access to the site via this route as he

gains access to the existing garages through this lane, although it should be noted that rights of access and ownership matters are not material planning considerations.

Vehicular access into the site will be via an undercroft beneath the 1<sup>st</sup> floor and that leads into a rear parking court with sufficient parking area for 5 cars as well as turning space. A space is indicated to the front of the building and marked for disabled use although in practice this would be allocated to a ground floor flat. Concern has been expressed that insufficient parking is provided for the development. In this regard however it should be noted that each residential unit on the site is provided with a dedicated car parking space. In addition two further parking spaces are to be provided for the residents of 78-80 Downend Road. Thus a total of six parking spaces are created as part of the development and this complies with the Council's maximum parking standards.

With respect to the access negotiation has taken place to widen the frontage to ensure an improved corner radius to improve access and egress and that would be secured by a planning condition. It is acknowledged that visibility from the site access onto Dial Lane is restricted however, given modest scale of the proposed development and likely low vehicular speed at this location, the proposal would not adversely impact on road safety.

Concern has been raised that the refuse storage would be ineffective or would result in refuse vehicles blocking the lane to the detriment of users of the garage or other occupiers. It is not considered that the development would result in significant difficulties over and above the current situation. Officers consider that the refuse storage is within the distance that refuse collection from a vehicle in Dial Lane would operate (as set out in the *Manual for Streets – Department of Transport 2007*). A condition will be attached to the decision notice to ensure that refuse storage is in place prior to the first occupation of the units.

Conditions are recommended to ensure that the widened area to the front (as a result of negotiation) is surfaced with a bound material and kept free from obstruction, the site access is surfaced with a bound material and maintained as such thereafter and that prior to occupation of any dwelling on site the parking spaces are in place and clearly allocated (by markings on the ground - to include spaces for No.78 and No.80 Downend Road) and maintained as such thereafter.

## 5.9 Landscape

There are no noteworthy landscaping features in the immediate area. Some limited information has been submitted regarding the provision of landscaping however a condition requiring confirmation of boundary treatments and details regarding landscaping of the site is recommended and that this will require these details to be submitted and approved in writing before the commencement of development. A condition is also recommended to require the submission of a scheme of management for internal and external areas in the interests of visual amenity.



#### 5.10 Drainage

Subject to the attachment of a standard drainage condition to incorporate the use of Sustainable Drainage Systems there is no objection to the development by the Council Drainage Engineers. A drainage condition is recommended.

#### 5.11 Other Issues

The issue of rights of access over the lane fronting the development has been raised. With neighbouring occupiers (garage) indicating ownership over the lane and the applicant claiming a right of access. Ownership issues/access rights are not a material planning consideration and are a legal matter to be dealt with between the parties. The material planning consideration is whether the proposal would satisfactorily address transportation concerns and this is addressed in paragraph 5.8 above.

#### 5.12 Education

The number and type of residential units proposed as part of this development falls below the threshold at which a contribution would be required towards Education provision.

#### 5.13 Community Services

The number of units proposed falls below the threshold at which a contribution towards Community Service Provision (including Public Open Space) would be required.

#### 5.14 Affordable Housing

The number of units proposed falls below the threshold (15 units or 0.5ha) at which the provision of affordable housing would be required.

#### 5.15 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 (Adopted August 2007).

#### 5.16 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.

### 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 granted subject to the following conditions

**Background Papers**      **PK07/3544/F**

**Contact Officer:**    **David Stockdale**

**Tel. No.**                **01454 863131**

### **CONDITIONS**

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

Reason:

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

2. The Refuse Storage shown on the drawings hereby approved shall be provided prior to the first occupation of the dwellings and maintained as such hereafter.

Reason:

To ensure adequate refuse storage provision and to accord with Policy D1(H) of the South Gloucestershire Local Plan (Adopted)

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

Reason:

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

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.

5. The hours of working on site during the period of construction shall be restricted to 07.30 hours to 1800 hours Monday to Friday and 0800 to 1300 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To minimise disturbance to occupiers of [specify nearby buildings] and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The site frontage, to be widened in accordance with details shown on Drawing No.PL07 01 03 Revision A hereby approved and the site access with Dial Lane shall be surfaced with a bound surface material and shall be maintained free of any obstructions thereafter.

Reason:

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

7. Prior to the first occupation of the dwellings hereby approved, the parking spaces shown, (and cycle parking), shall be provided in accordance with the approved plans. The allocation of the spaces to flats and to No.78 and No.80 Downend Road shall be clearly marked on the ground. The parking spaces shall be maintained in a satisfactory manner thereafter.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T7, T8 and T12 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:

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. 03/08 – 18 JANUARY 2008**

**App No.:** PK07/3546/F

**Applicant:** Mr G Wilson WPD Ltd

**Site:** Ducie Court Ducie Road Staple Hill Bristol

**Date Reg:** 3rd December 2007

**Proposal:** Creation of 1no. flat within the roofspace of the front block at Ducie Court and various works to building, layout and landscaping. (Retrospective).  
Amendment to previously approved scheme PK02/2642/F.

**Parish:**

**Map Ref:** 65138 75959

**Ward:** Staple Hill



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## **INTRODUCTION**

This application appears on the Circulated Schedule following objections received from one of the flat owners; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Ducie Court is a recently constructed development of 12no. self-contained flats in two blocks. The site is enclosed by buildings fronting Ducie Road, Broad Street and Beaufort Road, Staple Hill. Vehicular access is via a gated entrance off Ducie Road, through an archway beneath the front block facing Ducie Road. The development includes associated parking areas, bin store and landscaping within the site.
- 1.2 Since the development was completed, it has come to light that the as-built scheme does not entirely conform to that approved under the original planning permission PK02/2642/F. This application seeks to regularise the situation and in this respect is therefore retrospective in nature. It is also proposed to convert part of the roof-space of the front block to a further residential unit.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport

#### **2.2 Development Plans**

##### Joint Replacement Structure Plan

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

##### South Gloucestershire Local Plan (Adopted) 6th January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L5 - Open areas
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP7 - Unstable Land
- H2 - Residential Development within the existing Urban Area
- H4 - Development within Existing Residential Curtilages
- H6 - Affordable Housing
- LC2 - Provision of Education Facilities
- T7 - Cycle Parking Provision
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance  
Advice Note One - "Altering Your Home"  
Advice Note Two - "House Extensions"  
South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P98/4020 - Construction of Car Park  
Approved 15/04/98
- 3.2 P98/4440 - Change of Use of land from caravan storage area to residential curtilage (C3) . Erection of double garage and boundary wall.
- 3.3 PK02/2642/F - Erection of 12no. self-contained flats in two blocks.  
Approved – S106 Signed 1<sup>st</sup> October 2003

### **4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
Not a parished area.
- 4.2 Other Consultees  
None

#### **Other Representations**

- 4.3 Local Residents  
1no. letter of objection has been received from an owner of one of the flats. The concerns raised are summarised as follows:
- An extra dwelling is one too many.
  - Cars would be parked outside people's windows.
  - Parking spaces 8 and 12 could block access into the second block. Spaces are not big enough.
  - Space 7 is inaccessible.

### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The acceptance of the residential development of the site for 12 flats in two blocks was previously established with the granting of planning permission PK02/2642/F. Within the scheme as-built there are a number of departures from that approved. Whilst the differences between the approved and as-built scheme are relatively small, they are nonetheless breaches of planning control which can only be regularised via a new planning permission. The key differences relate to building size, landscaping, cycle parking, bin storage, dormer window design and arrangement. It is also now proposed to convert part of the roof-space of the front block to a new residential unit.
- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 34 states that in making allocations for housing provision, Councils should give priority to the re-use of previously developed land. Similarly, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy, aims to concentrate development for jobs, housing and facilities within the main urban

areas, in order to maintain and develop their vitality and quality as regional and sub regional centres. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.

- 5.3 Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to “..increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.”
- 5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
  - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
  - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
  - D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.
- 5.5 Density  
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account. The original scheme included within the roof space of the front block a ‘flat’ for temporary use by a caretaker/gardener. It is now proposed to convert this area to a flat for permanent occupation (thus making 13 flats in all compared to the originally approved 12).
- 5.6 Officers are satisfied that having regard to the site’s constraints, a larger development containing more than 13 flats could not realistically be accommodated on the site and in this respect the proposal represents the most efficient use of the land in what is a sustainable location, close to the centre of Staple Hill, within walking distance of the shopping and community facilities and main bus routes. The proposal therefore accords with Government guidelines and in terms of its density alone the development is not considered to be an overdevelopment of the site.

5.7 Scale and Design

The as-built rear block is slightly larger than that approved, but the difference is not significant and relates merely to the brick sizes used to enable the contractor to lay to the nearest full brickwork co-ordinating dimension. The increased scale is therefore considered to be acceptable.

- 5.8 In terms of design the buildings are essentially the same in appearance as those approved. The key difference relates to the dormer and velux window design and arrangement on the front block roof slope facing Ducie Road. More flat roofed dormer windows were in fact approved than have been built and velux rooflights have been used in lieu of dormers in a few instances. Whilst officers consider that this revised arrangement is acceptable, it is considered that the appearance of the dormers would be enhanced by painting the cheeks a terracotta colour to match the roof tiling and this has been incorporated into the scheme as now proposed. On balance therefore the design is also acceptable.

5.9 Landscape

The original landscape proposals have for most part been carried out. Whilst the quality of some of the materials could have been better, the site is well screened by retained planting, walls and close board fencing. There are therefore no objections to the landscaping as implemented.

5.10 Transportation

The revised scheme would provide 13 car parking spaces for the now proposed 13 flats. Whilst it is acknowledged that one or two of the spaces are tight, they have been successfully used since the flats have been occupied. Given that the site is in a highly sustainable location, close to the centre of Staple Hill with its public transport facilities and bus stops in Broad Street, the revised parking provision and layout is acceptable. The Council's Highways Officer considers that the off-street parking provision satisfies the maximum residential parking standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 and would not therefore lead to an increase in on-street parking congestion. There are therefore no highway objections to the proposal.

- 5.11 Furthermore, cycle parking facilities for 14 cycles would also be provided in two sheds within the site, which complies with Policy T7 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.12 Impact upon Residential Amenity

Whilst one or two of the parking spaces would be located outside ground floor windows, this is not considered to be an uncommon scenario where blocks of flats enclose a parking court. The revised window arrangement overlooking Ducie Road does not result in additional overlooking of the properties opposite. The scheme to convert the caretakers room to a residential flat would incorporate works of soundproofing as secured through building control. There would therefore be no adverse impact on residential amenity that would justify refusal of this application.

5.14 Environmental and Drainage Issues

The Council's Environmental Health Officer raises no objection to the proposal. In terms of drainage the Council's Drainage Engineer has previously raised no objection to the proposal.



#### 5.15 Affordable Housing

The proposal is for 1no. additional flat only, which is below the Council's threshold (15) for affordable housing provision.

#### 5.16 Education Service

The proposal is for 1no. additional flat only, which is below the Council's threshold (5) for contributions to the Education Service.

#### 5.17 Community Services

The proposal is for 1no. additional flat only, which is below the Council's threshold (10) for contributions to Community Services.

#### 5.18 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Adopted) 23<sup>rd</sup> August 2007.

#### 5.19 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Since contributions were previously secured through the original planning permission PK02/2642/F and the current scheme includes a new proposal for one flat only, further contributions are not justified. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Background Papers**      **PK07/3536/F**

**Contact Officer:**      **Roger Hemming**  
**Tel. No.**                      **01454 863537**

## **CONDITIONS**

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

Reason:

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

2. Within 90 days of the date of this permission, the dormer windows facing Ducie Road shall be painted in accordance with the details shown on the plans hereby approved.

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. Within 90 days of the date of this permission, the cycle parking facilities shall be provided in full accordance with the details shown on the plans hereby approved.

Reason:

To ensure the satisfactory provision of cycle parking facilities and to accord with Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008**

**App No.:** PK07/3557/RVC

**Applicant:** Esso Petroleum Company Ltd

**Site:** Chase Service Station Soundwell Road Kingswood Bristol BS15 1PN

**Date Reg:** 4th December 2007

**Proposal:** Variation of condition 2 attached to planning permission PK07/0268/F to extend the opening and delivery hours to 06.00 to 23.00 seven days a week.

**Parish:**

**Map Ref:** 64615 74591

**Ward:** Kings Chase



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100023410, 2008.

**N.T.S**

**PK07/3557/RVC**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

1.1 The site is a recently rebuilt petrol filling station and convenience store on the western side of Soundwell Road. As part of the planning permission, for which this condition is proposed to be varied, a 2 metre high close boarded fence was erected around three sides of the site. A separate planning permission has increased this boundary treatment to 2.5 metres in height to shield the service area at the rear of the site. A noise report was submitted with the application.

1.2 The site is in an urban location. On the same side of Soundwell Road, there are dwellings on either side of the site. Opposite, there are terraced dwellings. To the rear of the site, planning permission has been given for residential development on the former waterworks depot.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPG24 Planning and noise

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

EP1 Noise pollution

### **3. RELEVANT PLANNING HISTORY**

3.1 PK07/0268/F Demolition and replacement of petrol filling station and convenience store Approved 2007

3.2 PK07/3204/F Erection of 2.5 metre high close boarded fence Approved 2007

### **4. CONSULTATION RESPONSES**

#### 4.1 Parish/Town Council

Unparished area

#### 4.2 Other Consultees

##### Environmental Protection

I have no objections to opening and delivery hours being extended to be between 0600 and 2300hrs for Monday to Saturday but recommend that Sundays and Bank Holiday operating hours remain the same (0800-2200hrs).

The acoustic report submitted (ref: ADC/8756/01/RLG) indicates a lower background noise level for Sundays and fails to provide sufficient evidence that forecourt activities will not give rise to disturbance before 0800hours and after 2200 hours on Sundays.

#### **Other Representations**

##### 4.3 Local Residents

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

- Noise pollution: Delivery vehicles come to the site before 0700 but don't unload until 0700, making a lot of noise. The air compressor already gets started up at 0700 and that is also noisy.

- Being open will increase traffic generation of the site
- Light pollution: The lighting of the site adds to the existing night time lighting
- The applicants waited to change the operating hours until after achieving planning permission

NB This last point is not a valid planning concern in the determination of this application

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

As explained above, the site already has planning permission as a petrol filling station and convenience store. The planning permission limits opening and delivery times to 0700 to 2300 from Mondays to Saturdays and 0800 to 2200 on Sundays and Bank Holidays. This application seeks to extend those hours to 0600 to 2300 year round. The issue to be resolved in this proposal is the impact that this change would have on noise and disturbance and whether this would result in impact on the residential amenity of nearby occupiers. A factor in this is the fencing bounding the site. The application stands to be assessed against policy EP1, the relevant Local Plan policy, in the light of all material considerations.

### 5.2 Noise, disturbance and residential amenity

The comments from Environmental Protection appear above. These are considered to be material to the determination of the application. No objection is raised to the extension of operating hours on weekdays or Saturdays, due to the relatively high background noise level mainly from Soundwell Road at those times. However, given the lower Sunday background noise readings, it is considered that extending opening and delivery hours would have a greater impact at Sundays and Bank Holidays than on weekdays. The consultation process has brought up concern over the start times. However, the impact of deliveries at the current time, or 0600, is not considered to be so far above the background noise readings as to compromise existing levels of residential amenity. This would not be the case for Sundays or Bank Holidays and therefore it is considered that the hours of opening and deliveries condition should be amended as proposed, with the exception of Sundays and bank Holidays for which the condition should remain the same.

### 5.3 Other Conditions

Of the 8 conditions listed on the planning permission reference no. PK07/0268/F, condition 1, being the time limit for commencing the development has been complied with. Off street parking has been provided to comply with condition 3; samples of materials were approved to comply with condition 4, landscaping details have been submitted in compliance with condition 5 and the boundary treatments erected demonstrate compliance with condition 6. There is therefore considered to be no need to re-apply these conditions on the re-issued planning permission.

### 5.4 Other Issues

The issue of lighting of the site has been raised through the consultation process. This was not covered by condition in the planning permission for the development last year. There is no issue over the intensity of the lighting and indeed more could be provided on the site without the need for planning permission, but the issue raised is over the hours when lighting would be employed – earlier in the morning. This would have an effect over about 6 months of the year. However, the same effect applies to existing street lighting

in this urban location and it is not considered that the lighting of the site causes harm to residential amenity.

#### 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 recommendation to vary condition 2 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 re-issued with condition 2 varied to allow for extended opening times as applied for from Mondays to Saturdays, but with no change on Sundays and Bank Holidays.

#### Background Papers      PK07/3557/RVC

Contact Officer:    Chris Gosling

Tel. No.                01454 863787

### CONDITIONS

1. The use hereby permitted shall not be open to customers or deliveries outside the following times 0600 to 2300 from Mondays to Saturdays inclusive and 0800 to 2200 on Sundays and Bank Holidays.

Reason:

To minimise disturbance to occupiers of nearby dwellings and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The air conditioning unit and the air and water machine shown on the approved plans shall not be used outside the hours of 2300 to 0700.

Reason:

To minimise disturbance to occupiers of nearby dwellings and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. All equipment on the site shall be installed and maintained in accordance with the manufacturers instructions, as specified in the approved acoustic report.

Reason:

To minimise disturbance to occupiers of nearby dwellings and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008

<b>App No.:</b> PK07/3595/F	<b>Applicant:</b> Mr R Thier
<b>Site:</b> Land opposite Green Farm Business Park Folly Road BRISTOL South Gloucestershire BS37 9TZ	<b>Date Reg:</b> 10th December 2007
<b>Proposal:</b> Change of use of land from agricultural to personal equestrian use. (Retrospective).	<b>Parish:</b> Iron Acton Parish Council
<b>Map Ref:</b> 66379 84357	<b>Ward:</b> Frampton Cotterell



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100023410, 2008.

**N.T.S**

**PK07/3595/F**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule procedure as a result of objections received from Iron Acton Parish Council regarding the development.

## **1. THE PROPOSAL**

1.1 This planning application seeks planning permission for the change of use from agricultural land to land for the keeping of horses. An associated planning application (PK07/3669/F) for the construction of an outdoor ménage appears elsewhere on this schedule.

1.2 Members are advised to consider that this application relates only to the change of use of land and not for stables as this is currently a separate matter. A recent retrospective planning application PK07/2174/F for stables on this site was refused due to the size of the stables and its visual impact. A planning appeal has recently been lodged with the Council regarding that refused application and an appeal against an enforcement notice.

1.3 The application site relates to agricultural land situated within the open countryside and the designated Green Belt.

### **1(b) Background Information**

The following information formed the basis of the supporting information with the last planning application on this site. The agent has confirmed that it still applies:

-The agent has confirmed that there are usually 3 horses and 1 pony on site, however there are currently 2 additional ponies that are being looked after for friends.

-The number of horses that could be kept on site is 5 given the size of the site. It is common to have occurrences of looking after a friend's horse for a short period

-The site is used and will continue to be used for personal use. The applicant's niece is an amateur dressage rider and requires the facilities to enable her to train for horses and compete in local riding club competitions..

## **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green Belt

### **2.2 Development Plans**

#### South Gloucestershire Local Plan (Adopted) January 2006

D1 Design in New Development

E10 Horse Related Development

L1 Landscape Protection and Enhancement

T12 Transportation Development Control Policy for New Development

GB1 Green Belt



- 2.3 Supplementary Planning Guidance  
Advice Note - Development Involving Horses  
Development in the Green Belt Adopted June 2007

### 3. **RELEVANT PLANNING HISTORY**

- 3.1 The following planning history relates to the application site:
- 3.2 PK07/2174/F           Erection of stable block, store room, tack room, feed and hay store (Retrospective). Change of use of land from Agricultural to personal equestrian.  
Refused September 2007 on Green belt grounds and Visual impact.  
Planning & Enforcement Appeals currently lodged.
- 3.3 PK07/2165/F           Construction of outdoor ménage and erection of 1.25m High fence  
Withdrawn
- 3.4 PK07/3669/F           Construction of outdoor ménage and erection of 1.25m High fence  
Recommended for approval.

### 4. **CONSULTATION RESPONSES**

#### (a) **Statutory Consultees**

- 4.1 Iron Acton Parish Council  
Wish to object to the application and would comment as follows:  
-The development is situated on a dangerous bend in the road  
-Overdevelopment of green belt land.

#### (b) **Other Representations**

- 4.2 Local Residents  
No response received

### 5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for horse related development, subject to a number of criteria being satisfied. In addition regard must be had for the Green Belt.
- 5.2 Members are advised to consider that notwithstanding the current planning and enforcement appeals relating to the existing stable block, the Council is in a position to proceed and determine this application without undermining the Council's position with regards the current planning and enforcement appeals.
- 5.3 Green Belt  
Policy GB1 of the South Gloucestershire Local Plan supports the change of use of land within the Green Belt provided that the proposed use would not have a materially greater impact than the present authorised use on the openness. The proposed change of use of land for the keeping of horses is considered to be a use that will preserve the openness of the Green Belt. It also considered

that given the size of the site that the site can satisfactorily accommodate the keeping of four horses without resulting in overdevelopment of the land.

5.4 Proposals for horse related development will be permitted outside the urban areas and boundaries of settlements subject to the following:

A. Development would not have unacceptable environmental effects; and  
All matters of external lighting, erection of loose jumps and fences, car parking and use of horse-boxes or portable buildings or trailers, could be strictly controlled by conditions.

The disposal of foul waste should be undertaken in accordance with the MAFF (now DEFRA) Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency and Environmental Health controls.

B. Development would not prejudice the amenities of neighbouring occupiers;  
No nearby neighbouring properties that would be affected by the proposed scheme.

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; and

Objections have been raised by the Parish Council regarding the existing lane and nearby bend. The Council's Highway Officer has advised that subject to a suitable planning condition to control the operation of the site so that there is no commercial use such as a riding school or DIY livery use from the site then no highway objection is raised to this proposal. Additionally should planning permission be granted a condition should be imposed limiting the number of horses on site to a maximum of 4. This clearly would prevent the applicant from looking after other horses if it would exceed 4 horses at any one time

D. Safe and convenient access to bridleways and ridings is available to riders; and  
Adjacent lane runs alongside application site.

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

The issue of stables is a separate matter to this application as discussed above.

F. The design of the 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 proposal accords with the advice given in Supplementary Guidance Note 9 concerning care and housing of horses. It is proposed to keep a maximum of 4 horses on the site. The horses would be exercised in the field. There is sufficient space in the field for the number of horses proposed and this number can be limited accordingly by condition which in this case would be 4.

5.5 Design and Access Statement

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

## 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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

### Background Papers      PK07/3595/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. At no time shall the land be used for livery, riding school or other business purposes whatsoever.

Reason:

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

3. The number of horses kept on the site shall not exceed 4.

Reason:

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

4. No jumps (other than mobile jumps in the exercise arena), fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land without the prior written approval of the Local Planning Authority.

Reason:

To protect the character and appearance of the area and to accord with Policies GB1 and E10 and of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No more than one horse box/trailer shall be kept on the site, otherwise at no time shall other horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason:

To protect the character and appearance of the area and to accord with Policies GB1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

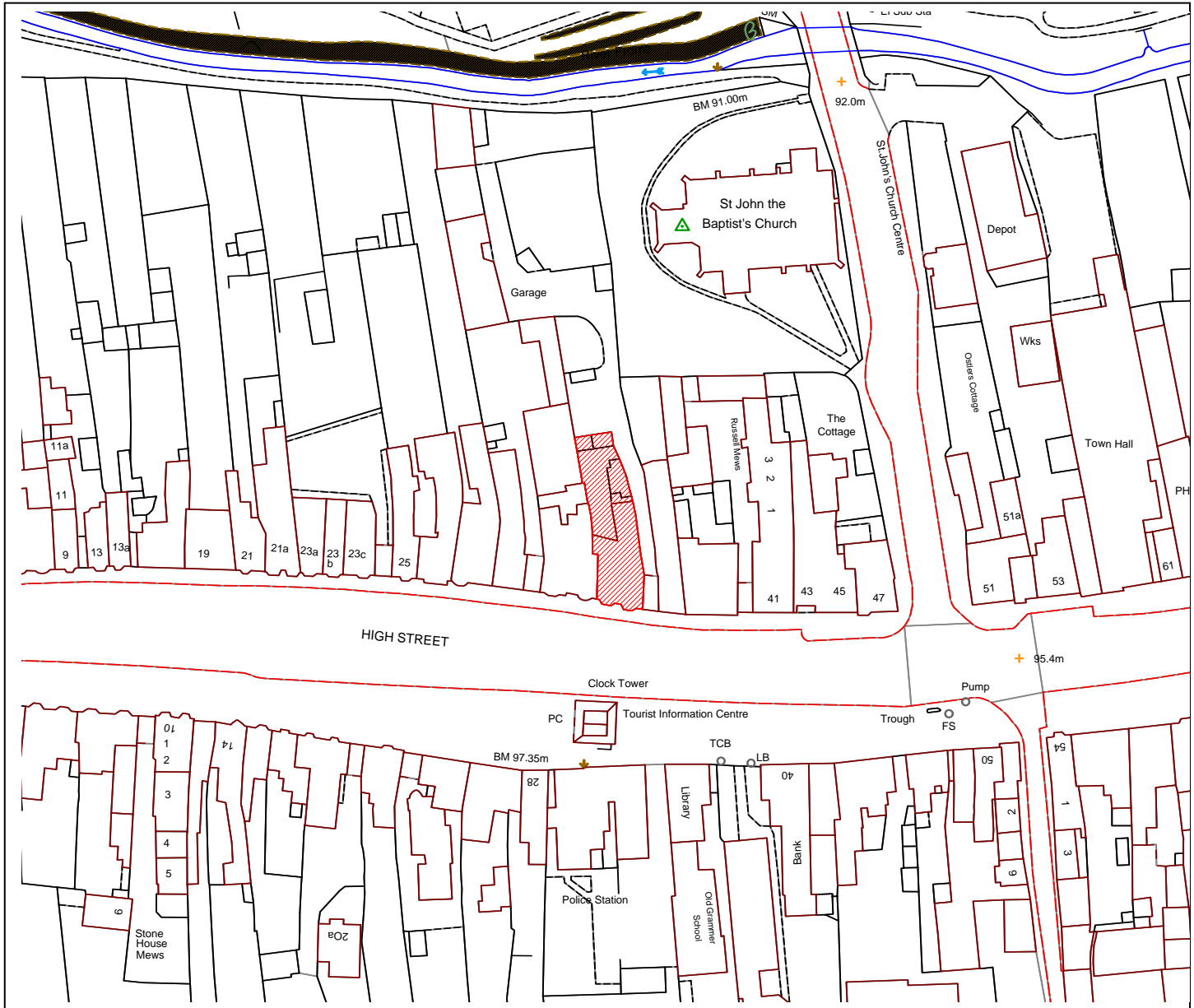
6. here shall be no discharge of foul or contaminated drainage or effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason:

To prevent pollution of the water environment in accordance with Policy E10 of The South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008**

<b>App No.:</b> PK07/3596/LB	<b>Applicant:</b> Mr R Holbrook
<b>Site:</b> 35 High Street Chipping Sodbury BRISTOL South Gloucestershire BS37 6BA	<b>Date Reg:</b> 10th December 2007
<b>Proposal:</b> Internal alterations including installation of wall panels, shelving and counter.	<b>Parish:</b> Sodbury Town Council
<b>Map Ref:</b> 72719 82244	<b>Ward:</b> Chipping Sodbury



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**N.T.S**

**PK07/3596/LB**

## **INTRODUCTION**

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

### **1 THE PROPOSAL**

- 1.1 The application seeks listed building consent for internal alterations to facilitate the change of use of the building for use as a bookmakers. The building has an authorised A2 use and thus full planning permission is not required to change the use of the building. It is only the internal works that require consent.
- 1.2 This is a retrospective application as the works have already been carried out. This however will not affect the determination of the application and the determination process will occur in exactly the same way as if the works had not yet been carried out.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG15	Planning and the Historic Environment

#### 2.2 Development Plans

##### South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L13	Listed Buildings
L15	Buildings and Structures which contribute to the locality

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant to the determination of this application.

### **4. CONSULTATION RESPONSES**

#### **(a) Statutory Consultees**

##### 4.1 Sodbury Town Council

Raise no objection but note this is a retrospective application.

#### **(b) Other Representations**

##### 4.2 Local Residents

One letter of objection has been received from a local resident. The letter of objection raises five points:

1. The design and appearance of the alterations are out of keeping with the character
2. the premises will not add to the existing usage of High Street
3. Historic features should be preserved and kept visible
4. the existing signage has not been kept
5. The application should not have been accepted as it is retrospective

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy L13 of the South Gloucestershire Local Plan (Adopted) allows for alterations/additions to a listed building, provided the development is compatible with and would not detract from the special character or features of the building and its setting.

### 5.2 Impact on the Listed Building.

Planning Policy Guidance Note 15 emphasises the importance of preserving listed buildings as they are a valuable asset that cannot be replaced once lost. It also addresses that unsuitable alteration can be as detrimental as outright demolition. It is fundamental to the success of any application for works to a Listed Building that the historic detailing, where known or surviving, should be re-instated.

Number 35 High Street, also known as Hartley House, is a grade II listed building which dates from the 17th century, but has been altered in the nineteenth century. It is of two storeys with gabled attics, built of coursed rubble, with dressed limestone window surrounds. The two storey window bays were added in the nineteenth century.

The application is retrospective. It relates to the ground floor interior of the building only. The application seeks permission for the installation of laminated board wall panels fixed to soft wood frames over all walls in the front and rear room at ground floor level, in order to fix numerous pieces of technical equipment, and to conceal wiring. The application states that there are architectural features including fireplaces beneath the new boarding which have been covered over but not disturbed. Photographs of the two fireplaces which have been boarded over have been submitted with the application, although it is not possible to ascertain from these photographs what material the fireplaces are or whether they are original.

An application was requested as it was considered that the works affected the architectural interest of the building. If the fire surrounds are historic then their concealment does alter the architectural interest of the building. Furthermore, the installation of boarding on the walls could affect the 'breathability' of the historic walls. This therefore requires assessment.

PPG15 states, '*The introduction of new services to historic interiors must be handled with care and any false floors or ceilings for concealing services, computer trunking, fibre optics, central heating etc, should be reversible, and not entail alterations to other features such as such as doors or skirting's.*' Although this statement does not directly apply to wall panelling or fireplaces, the Councils Listed Building officer considers that the same principles apply.

The installation of the boards is fully reversible, and the listed building officer cannot see that there would be a particularly better alternative system for accommodating this quantity of technical equipment. The architectural features are all retained in situ, and can be uncovered in the future.

During the course of the application, additional information was received via a series of e-mails demonstrating that adequate ventilation will still be available to the walls. As such, the condition recommended in the listed building officers comments are no longer necessary

It is not considered that the works as proposed would have any significant detrimental impact on the character or setting of the listed building. Subject to the attachment of conditions, the works are considered to be acceptable and comply with the requirements of Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006

### 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 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 listed building consent be granted subject to the following conditions;

**Background Papers**      **PK07/3596/LB**

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

### CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

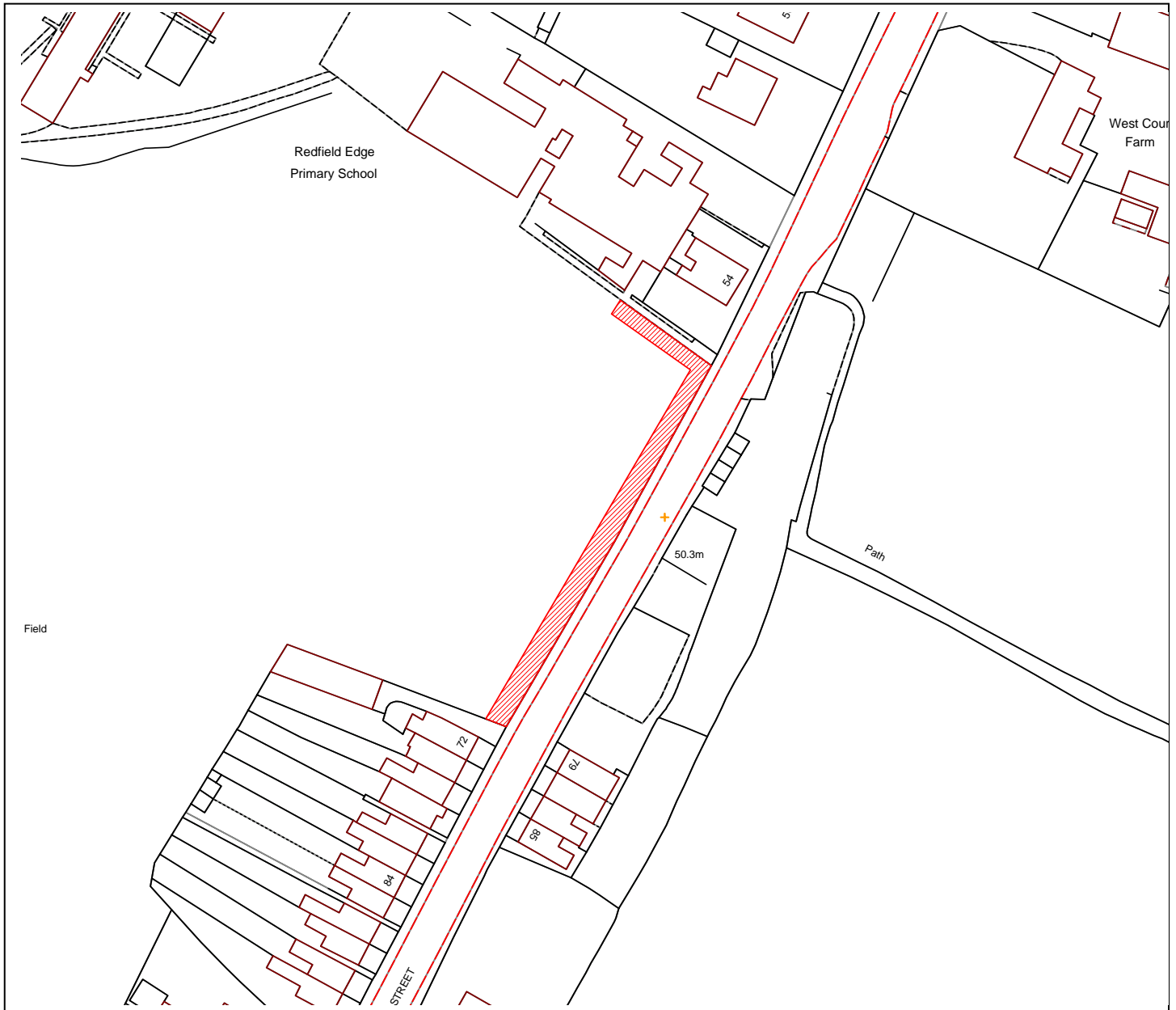
Reason:

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.



**CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008**

<b>App No.:</b>	PK07/3614/R3F	<b>Applicant:</b>	The Sir Bernard Lovell School/
<b>Site:</b>	Sir Bernard Lovell School Playing Fields High Street Oldland Common BRISTOL South Gloucestershire	<b>Date Reg:</b>	12th December 2007
<b>Proposal:</b>	Erection of 2 metre high security fencing and associated landscaping works.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	67859 71819	<b>Ward:</b>	Oldland Common



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**N.T.S**

**PK07/3614/R3F**

## **INTRODUCTION**

This application has been submitted jointly by Sir Bernard Lovell School and Redfield Edge Primary School. The application site is owned by South Gloucestershire Council and as such the application is a Regulation 3 submission, which under the Council's current scheme of delegation, must appear on the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 The application relates to the Sir Bernard Lovell School Playing Field adjoining High Street, Oldland Common. The school proposes to erect a 2m high security fence around the field, a section of which, being adjacent to the highway, requires planning permission, hence this application.
- 1.2 The existing site boundary with the High Street is demarcated by a 1.2m high (approx.) Pennant Sandstone wall with Cock and Hen coping, all of which would be retained. It is proposed to erect the fence behind the wall.
- 1.3 A Public Right of Way (PBN10) currently runs across the field and is accessed via a gate/stile from High Street. It is proposed to divert this PROW and this would be the subject of a separate application. In the interim however a gate within the fence would be provided to provide public access.
- 1.4 The does not lie within the Green Belt but is close to the western edge which lies on the opposite side of High Street. The northern section of the proposed fence would abut no.54 which is a Grade II Listed Building.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 - Delivering Sustainable Development  
PPG2 - Green Belts  
PPG15 - Planning and the Historic Environment

#### 2.2 Development Plans

##### South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design  
L1 - Landscape Protection and Enhancement  
L5 - Open Areas within the Existing Urban Areas and Defined Settlements  
L13 - Listed Buildings  
GB1 - Green Belt  
LC4 - Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries.  
LC12 - Recreational Routes

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Check List SPD (Adopted) 23<sup>rd</sup> August 2007

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P85/4677 - Provision of new shed for use by groundsman.  
Approved 14<sup>th</sup> Jan 1986

#### 4. CONSULTATION RESPONSES

##### 4.1 Bitton Parish Council

No objection. Councillors noted however that the School House, 54 High Street is a Grade II Listed Building and queried whether or not Listed Building consent is required for the fence as the fence would affect the setting of the Listed Building.

##### 4.2 Other Consultees

None

#### Other Representations

##### 4.3 Local Residents

14 no. letters of objection have been received. The concerns raised are summarised as follows:

- Only part of the field should be enclosed.
- The scheme would deprive children of a place to play football during evenings/weekends/holidays.
- Adverse impact on visual amenity.
- The fence will not prevent wild animals defecating on the field.
- A Village Green application is in progress.
- The proposed fence is in fact a requirement of the Secretary of State as a condition of selling off part of the field for a housing development.
- The fence will not increase safety.
- Out of character with the area – a hedge would be more in-keeping.
- No details of the PROW diversion have been submitted.
- The School Gym is in an adjacent field and is due to be replaced anyway.
- The application only includes part of the fencing to be erected .
- Adverse impact on the Green Belt

1 no letter of support was received which stated that the fence is required because the existing dog faeces, broken glass, cut tins and litter on the field represent a safety hazard.

#### 5. ANALYSIS OF PROPOSAL

##### 5.1 Principle of Development

In the first instance the proposal falls to be determined under Policy LC4 which permits the improvement of education and community facilities within the existing urban area subject to the satisfaction of the following criteria:

##### 5.2 **A. Proposals are located on sites which are, or will be, highly accessible on foot and by bicycle;**

5.3 The site is a long established playing field, which is located within the High Street of Oldland Common and is readily accessible from the associated cycle and footway network.

##### 5.4 **B. Development would not unacceptably prejudice residential amenity;**

- 5.5 The use of the site as a playing field would not alter if the fence were erected. Most of the intended fence can be erected under permitted development rights. The section of fence to be considered under this current application is for most part along the high street frontage, next to the highway. Whilst short section of the fence would be visible from no.54 High Street it would be set back behind a footway and is not considered to have a significant overbearing impact for the occupiers of this property. The impact on visual amenity is considered to be best assessed under the design, landscape and conservation sections of this report.
- 5.6 **C. Development would not have unacceptable environmental or transportation effects;**
- 5.7 The proposed fencing would have no adverse impact upon transportation matters. The fencing is intended for security reasons and is likely to deter dogs from entering the site and fouling the playing fields.
- 5.8 **D. Development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety;**
- 5.9 The proposed fence would not result in an intensification of the use of the site, there would therefore be no increase in the levels of on-street parking.
- 5.10 Scale and Design  
The proposal comprises a section of rivetless steel palisade fence, 2m in height and coloured 'moss green'. This would be the same height and type of fencing that has already been erected around parts of adjoining Redfield Edge Primary School; this section of fence however is not prominent within the street scene and is remote from the High Street frontage. The section of fence that is the subject of the current proposal would be set back some 3 metres from the existing site boundary with the High Street i.e. the natural stone wall. The ground level at this point is about 0.4m lower than the footway on High Street. The effective height of the fence when viewed from the road over the boundary wall would be approximately 1.6m.
- 5.11 Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs in new development. Under criterion A the policy requires proposals to demonstrate that amongst other things the siting, form, scale, height, detailing, colour and materials of developments are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.12 This particular part of Oldland is characterised by older (circa. 19<sup>th</sup> C) natural stone dwellings and boundary walls, which form a significant part of the Village heritage and are considered to create a high quality frontage to this section of the High Street. The proposed fence would be very heavy and utilitarian in appearance. Furthermore the proposed set back from the boundary wall would merely add to the discordant nature of the fence, creating a redundant strip of land behind the wall. Officers consider that the introduction of such a fence, in such a prominent location on the High Street frontage would be completely at odds with the long established character of the street scene. Whilst the appearance of the fence might be softened by a proposed scheme of tree planting, this would only partially screen the fence and would be less effective

in the winter months when the trees are not in leaf. For the reasons outlined above, the proposal would therefore be contrary to Policy D1(A).

5.13 Impact upon Listed Building

The position of the proposed fence would be set adjacent to the Grade II Listed Building known as the School House i.e. No.54 High Street. There would be no tree planting in front of the fence where it is situated to the front of no.54. Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires development to preserve the setting of Listed Buildings.

5.14 Officers consider that notwithstanding the fences dark green colour, its utilitarian design would be more suited to an industrial location rather than within its proposed context adjacent to a Grade II Listed Building and set within a predominantly residential location with a high quality street frontage. The proposal would not therefore preserve the setting of the Listed Building and for this reason is contrary to Policy L13 (A).

5.15 Landscape and Green Belt Issues

The proposed palisade fence would be set back 3m from the existing boundary wall on the High Street frontage. A tree planting scheme is proposed which would require the planting of 9no. trees between the existing boundary wall and the proposed fence located behind. Two existing ash trees would also be retained within this gap but works to and around the trees would be required to accommodate the fencing. The Council's Tree Officer raises no objection subject to there being no cutting of roots over 25mm in diameter.

5.16 The site lies adjacent to the edge of the Bristol and Bath Green Belt. Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 states that any proposals that are conspicuous from the Green Belt which would have an adverse impact on the visual amenity of the Green Belt will not be permitted. Policy L1 also seeks to conserve and where possible enhance the amenity of the landscape.

5.17 The heavy palisade fencing would introduce a sense of fortification to the site frontage on the High Street that would be visible from the Green Belt beyond. There are no similar boundary treatments along the whole length of the High Street. The local landscape character is characterised by stone walls, light fencing or hedgerows. Where there is a combination of treatments it is either fencing and hedgerow, or wall and hedgerow. There are no visible combinations of stone wall and palisade fencing. The predominant boundary characteristics of the site are hedgerow planting and hedgerow trees.

5.18 Officers consider that the proposed planting of nine trees between the existing wall and the proposed steel fencing are unlikely to screen the proposal. As the trees mature the canopies would spread at a height above the 2m fence and would not therefore screen the fence. The choice of tree species proposed would also be uncharacteristic of the site. The proposed Maple, Lime and Chestnut species are not typical of the local hedgerow trees found in the area. Furthermore the proximity of the wall to the railings along with trees could enable access to the field over the proposed fencing.

5.19 On balance therefore officers consider that the introduction of heavy palisade fencing in the location proposed would be both detrimental to the visual amenity of the nearby Green Belt and to the amenity of the landscape in general, contrary to Policies GB1 and L1 respectively.

#### 5.20 Public Rights of Way

PROW PBN10 currently crosses the playing field from a gate/stile on High Street located just to the north of no.72, westwards to the Redfield Edge Footbridge over the Old Railway Line/Bristol Bath Cycle Way. The line of the proposed fence on the High Street frontage would cross the PROW access point on High Street.

5.21 It is proposed to apply for a diversion order to re-route the footpath and this would be assessed via a planning application to be submitted some time in the future. In the interim it is proposed to insert a gate into the fence, where it crosses the PROW. This gate would remain unlocked to allow unrestricted access to the PROW until such time that the footpath is diverted. Whilst no details of the proposed gate have been submitted, these could be adequately secured by way of a condition attached to any planning permission if granted. On this basis the proposal is considered to accord with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

#### 5.22 Other Concerns Raised

Of the concerns raised by local residents and Parish Councillors that have not been addressed above:

##### Existing Use

The field is considered to be a private school playing field. It is understood however that the field has been used by the local community for leisure pursuits, on an informal basis, outside school hours. As a result the field is now the subject of a Village Green application. This however is not a material consideration in the determination of this planning application.

##### Need for the Proposed Fence

The applicant's design and access statement indicates that the proposed fence is required to "*..help secure the protection of the playing fields over the long term, by improving safety and security for the benefit of those school children who utilise it on a daily basis.*" Whilst it is acknowledged that some local residents and Parish Councillors have suggested alternative reasons, officers are of the view that there is no policy requirement for the applicant to demonstrate need. In assessing the proposal the key issues relate mainly to the appearance and siting of the fence and its impact upon the amenity of the Green Belt, residential amenity, setting of a Listed Building and visual amenity of the locality and landscape in general.

#### 5.23 Design and Access Statement

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

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be REFUSED for the following reasons:

**Background Papers**      **PK07/3614/R3F**

**Contact Officer:**    **Roger Hemming**  
**Tel. No.**                **01454 863537**

## **REFUSAL REASONS**

1. The development as proposed, by reason of its inappropriate siting and design, would adversely affect the setting of a Grade II Listed building, namely 'School House' no. 54 High Street, Oldland Common, which would be contrary to PPG15 'Planning and the Historic Environment' and Policy L13 (A) of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
2. The development as proposed, by reason of its inappropriate siting and design, would neither be informed by, respect or enhance the character, distinctiveness or amenity of the site or locality, which would be contrary to Policy D1 (A) of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
3. The development as proposed, by reason of its inappropriate siting and design, would adversely affect the visual amenity of the nearby Bristol and Bath Green Belt, contrary to Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
4. The development as proposed, by reason of its inappropriate siting and design would fail to conserve or enhance the character and amenity of the landscape in general, contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

**CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008**

<b>App No.:</b> PK07/3618/TRE	<b>Applicant:</b> Mr M Monk
<b>Site:</b> 6 Kenilworth, Yate, South Gloucestershire, BS37 4DT	<b>Date Reg:</b> 12th December 2007
<b>Proposal:</b> Works to reduce crown of 1no. Oak tree by 30% covered by Tree Preservation Order TPO5 dated 17 October 1961.	<b>Parish:</b> Yate Town Council
<b>Map Ref:</b> 71554 81975	<b>Ward:</b> Yate Central



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**N.T.S**

**PK07/3618/TRE**



## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to carry out works to one Oak tree growing in the corner of the rear garden of No. 6 Kenilworth Drive. The application seeks consent to reduce the crown of the Oak tree by 30%.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement  
L5 Forest of Avon

### **3. RELEVANT PLANNING HISTORY**

- 3.1 No history

### **4. CONSULTATION RESPONSES**

#### **(a) Statutory Consultees**

- 4.1 Yate Town Council  
No objection

#### **(b) Other Representations**

- 4.2 Local Residents  
One letter of objection has been received from a local resident. The letter states 'We do not have enough oak trees as it is to cut this down would be terrible it is a valuable tree to our environment.'

*It is important to note here that the application is not to fell the tree – it is just to reduce it.*

### **5. ANALYSIS OF PROPOSAL**

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

- 5.2 Analysis of the Health of the Trees  
The tree is an over-mature specimen growing in the corner of the rear garden of the property. Its canopy overhangs the garage and the area used for storing a caravan. There is some deadwood in the crown and evidence of a fungal

decay bracket at the base of the tree. The tree has poor vigour and appears to be in decline. Whilst the works will not increase the health of the tree they will assist in its retention for a longer period and reduce any threat to the applicant's property that the tree may pose. Contrary to the concerns of the neighbours, the proposed works will not actually result in the removal of the tree but will extend its life expectancy. As such, there are no objections to the works as proposed.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 Permission be granted subject to the following conditions:

**Background Papers**      **PK07/3618/TRE**

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

## **CONDITIONS**

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason:

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

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

Reason:

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

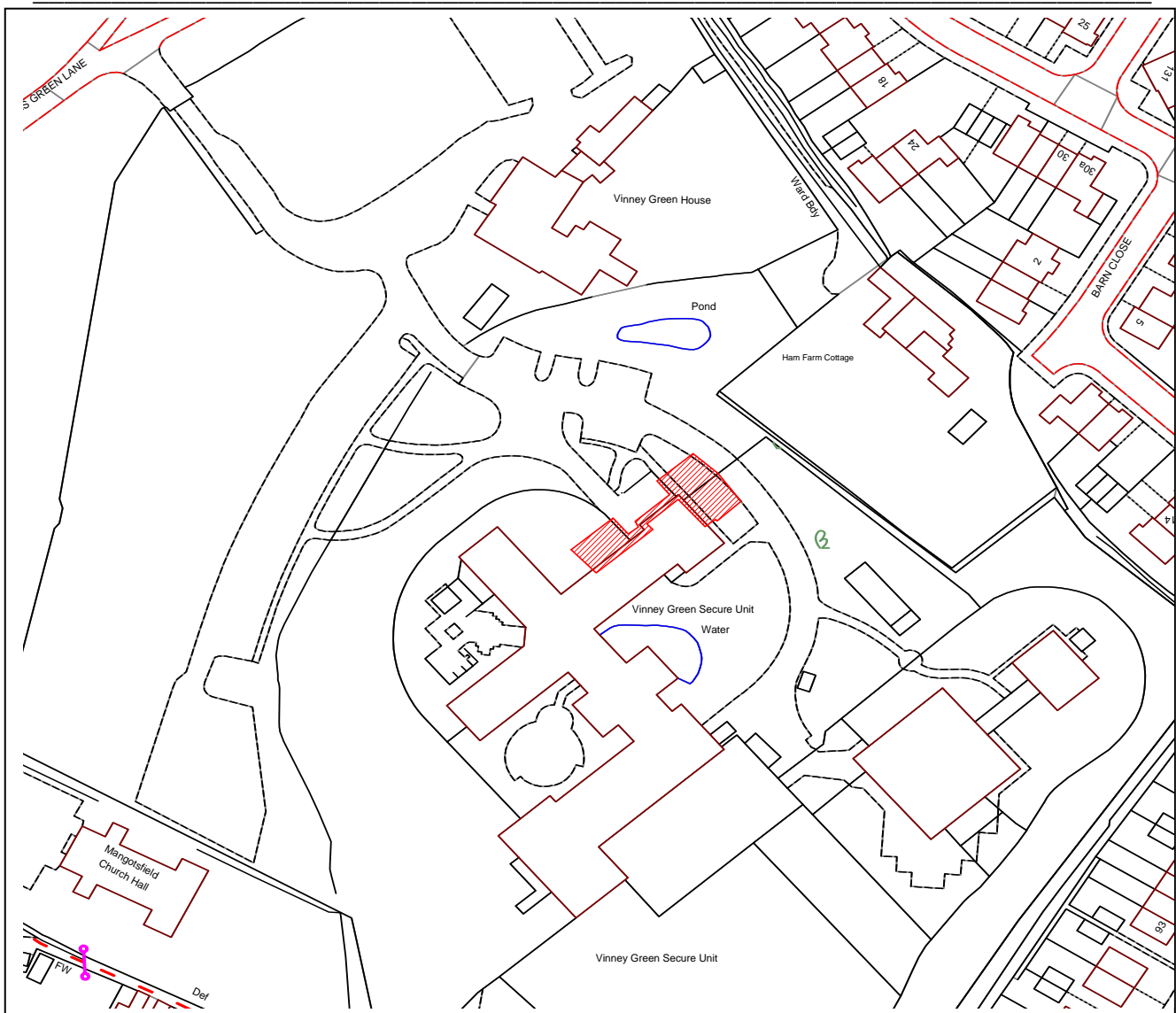
## CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008

App No.: PK07/3658/R3F

Applicant: Miss P Randall  
South  
Gloucestershire  
CouncilSite: Vinney Green Secure Unit Emersons  
Green Lane Emersons Green BRISTOL  
South Gloucestershire BS16 7AADate Reg: 17th December  
2007Proposal: Erection of single storey extension to  
existing admin wing to form staff locker  
room. Installation of 1no. window to  
north west elevation and installation of  
new entrance door and 4.2m high  
fencing.Parish: Mangotsfield Rural  
Parish Council

Map Ref: 66576 76547

Ward: Rodway



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PK07/3658/R3F

## **INTRODUCTION**

This application is a Regulation 3 application submitted by South Gloucestershire Council; a local resident has also raised concerns about the proposal. Under the Council's current scheme of delegation, the application must therefore appear on the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 The application relates to Vinney Green Secure Unit, which is situated within its own expansive grounds to the south of Emersons Green Lane and to the east of Richmond Road. New houses within the Emersons Green Development lie to the east and south of the site. An older property, Ham Farm Cottage, lies to the north east of the site.
- 1.2 It is proposed to erect a small single storey extension at the north-eastern end of the main building to provide a secure locker and changing facility for the staff. It is also proposed to insert a new young persons' entrance in the secure wall adjacent to the main entrance. The existing louvres are to be replaced with matching ones.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 - Delivering Sustainable Development  
PPG13 - Transport

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design in New Development  
LC4 - Community Facilities within the Urban Area and Defined Settlement Boundaries  
L1 - Landscape Protection and Enhancement

#### **2.3 Supplementary Planning Document**

The South Gloucestershire Design Checklist (Adopted) 23<sup>rd</sup> August 2007.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P92/4663 - Erection of 16no place secure unit for young offenders and associated secure outdoor activity areas.  
Observations 26<sup>th</sup> Feb 1993
- 3.2 P98/4050 - Erection of security mesh onto existing perimeter wall/fence.  
Approved 4<sup>th</sup> March 1998
- 3.3 P98/4660 - Erection of new building to provide office and meeting room accommodation.  
30<sup>th</sup> Oct. 1998
- 3.4 PK01/3252/R3F - Erection of single storey extension to form waiting area.  
Deemed Consent 14<sup>th</sup> Jan 2002

- 3.5 PK04/2476/R3F - Erection of prefabricated workshop and security fencing.  
Deemed Consent 27<sup>th</sup> Sept. 2004
- 3.6 PK05/3511/R3F - Construction of synthetic sports areas and installation of 4  
no. floodlight columns.  
Deemed Consent 27<sup>th</sup> Jan 2006
- 3.7 PK06/3207/R3F - Erection of detached building to form workshop.  
Deemed Consent 8<sup>th</sup> December 2006
- 3.8 PK06/3176/R3F - Erection of single-storey office block (Class B1).  
Deemed Consent 19<sup>th</sup> Jan 2007

#### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
No objection
- 4.2 Other Consultees  
None

#### **Other Representations**

- 4.3 Local Residents  
One e.mail was received from a local resident. The concerns raised are summarised as follows:
- There is no access to the Secure Unit for very large vehicles and plant.
  - Unloading results in damage to the grass verges and wooden posts on Vinney Green Common.
  - There is a lack of signs for the Secure Unit causing large vehicles to miss the site and reverse back down the lane, causing further damage to the verges.
  - Any unloading should be carried out on the metal road surface.
  - Permanent signs should be displayed indicating the site.
  - Any damage to verges in Emersons Green Lane should be repaired and arranged by on-site management.

#### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 permits the expansion or improvement of community or education facilities within the existing urban area, subject to criteria that are discussed below. Policy D1 seeks to secure good quality designs in new development.
- 5.2 Scale and Design  
The proposed extension would be single storey in height and modest in scale, with a flat roof. The building would be constructed from bricks and windows to match those of the main building and as such will integrate very well within the existing built form. Officers are therefore satisfied that the scale and design of the proposal are acceptable.

5.3 Impact Upon Residential Amenity

The new development would be located entirely within the perimeter of the secure unit, which is enclosed by a very high wire mesh fence and a thick belt of high vegetation. Views into the site from the public and residential areas immediately adjoining the site are very limited indeed. Being located in the far northern corner of the complex, the only residential property likely to be affected is Ham Farm Cottage. The Cottage is however set well back (26-27m) from the perimeter fence and furthermore the high belt of vegetation between the fence and unit would provide adequate screening, which is enhanced by the numerous trees that grow within the rear garden of Ham Farm Cottage.

5.4 Having regard to the single storey nature of the proposal, the development would have no overbearing impact for the occupiers of Ham Farm Cottage. There would also be no loss of privacy from overlooking or inter-visibility for the occupiers of Ham Farm Cottage or any of the houses beyond. Officers are therefore satisfied that there would be no adverse impact on residential amenity to result from the proposal.

5.5 Transportation Issues

The proposed extension would be for the use of existing staff and there would therefore be no additional traffic to the site to result from the development. Officers noted during their site visit that there was more than ample car parking space within the site and this would be retained. Wooden bollards prevent car parking on the common land adjacent to Emersons Green Lane.

5.6 Having regard to the concerns raised by the local resident, the issues raised relate to existing circumstances, which are either not directly related to this proposal or would not be a result of the proposal or would not be exacerbated by allowing the scheme. Officers consider that the existing signage at the site access is acceptable. There are therefore no highway objections to the proposal.

5.7 Landscape Issues

A substantial belt of high vegetation encloses much of the site, not least to the rear of where it is proposed to erect the extension; this vegetation would be retained. There are therefore no landscape objections.

5.8 Environmental Issues

Subject to an informative relating to construction sites, the Council's Environmental Health Officer raises no objection to the proposal.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular

05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission be GRANTED subject to the following condition.

**Background Papers**      **PK07/3658/R3F**

**Contact Officer:**    **Roger Hemming**  
**Tel. No.**                **01454 863537**

## **CONDITIONS**

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

Reason:

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

## CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008

<b>App No.:</b>	PK07/3669/F	<b>Applicant:</b>	Mr R Thier
<b>Site:</b>	Land opposite Green Farm Business Park, Folly Road, Iron Acton, South Gloucestershire, BS37 9TZ	<b>Date Reg:</b>	18th December 2007
<b>Proposal:</b>	Construction of outdoor menage and erection of 1.25m high perimeter fence. (Resubmission of PK07/3166/F).	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	66332 84389	<b>Ward:</b>	Frampton Cotterell



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**N.T.S**

**PK07/3669/F**



## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule procedure as a result of objections received from Iron Acton Parish Council relating to an associated planning application (PK07/3595/F) that appears elsewhere on this schedule.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks retrospective planning permission for the construction of an outdoor menage and erection of 1.25m high perimeter fence. Planning approval has been recommended for planning application (PK07/3595/F) which relates to this site for the change of use of agricultural land to land for the keeping of horses. This planning application appears elsewhere on this schedule.
- 1.2 The application site relates to agricultural land situated within the open countryside and the designated Green Belt.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green Belt
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design in New Development  
E10 Horse Related Development  
L1 Landscape Protection and Enhancement  
T12 Transportation Development Control Policy for New Development  
GB1 Green Belt
- 2.3 Supplementary Planning Guidance  
Advice Note - Development Involving Horses  
Development in the Green Belt Adopted June 2007

### **3. RELEVANT PLANNING HISTORY**

- 3.1 The following planning history relates to the application site:
- 3.2 PK07/2174/F           Erection of stable block, store room, tack room, feed and hay store (Retrospective). Change of use of land from Agricultural to personal equestrian. Refused September 2007 on Green belt grounds and Visual impact. Planning & Enforcement Appeals currently lodged.
- 3.3 PK07/2165/F           Construction of outdoor ménage and erection of 1.25m High fence  
Withdrawn

- 3.4 PK07/3595/F Change of use of land from agricultural to personal equestrian.  
Recommended for approval and appears elsewhere on this schedule.

#### 4. **CONSULTATION RESPONSES**

##### (a) **Statutory Consultees**

- 4.1 Iron Acton Parish Council  
No response

##### (b) **Other Representations**

- 4.2 Local Residents  
No response received

#### 5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for horse related development, subject to a number of criteria being satisfied. In addition regard must be had for the Green Belt.
- 5.2 Members are advised to consider that notwithstanding the current planning and enforcement appeals relating to the existing stable block, the Council is in a position to proceed and determine this application without undermining the Council's position with regards the current planning and enforcement appeals.
- 5.3 Visual Amenity  
As planning approval has been recommended for the change of use of land for the keeping of 4 horses, no objection is raised with regards the ménage area especially as it will be screened from the immediate surrounding area by the existing hedge along the frottage of the site. The ménage area is enclosed with a 1.25m high post and rail fencing which is considered an appropriate form of boundary treatment in this rural location.
- 5.4 It is therefore considered that the ménage area by reason of siting would not have an adverse impact on the visual amenities of the immediate area or the Green belt.
- 5.5 Design and Access Statement  
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).
- 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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable.

In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of The Town and Planning & Compulsory Purchase Act, 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 is granted subject to the following planning conditions.

**Background Papers**      **PK07/3669/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).

## CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008

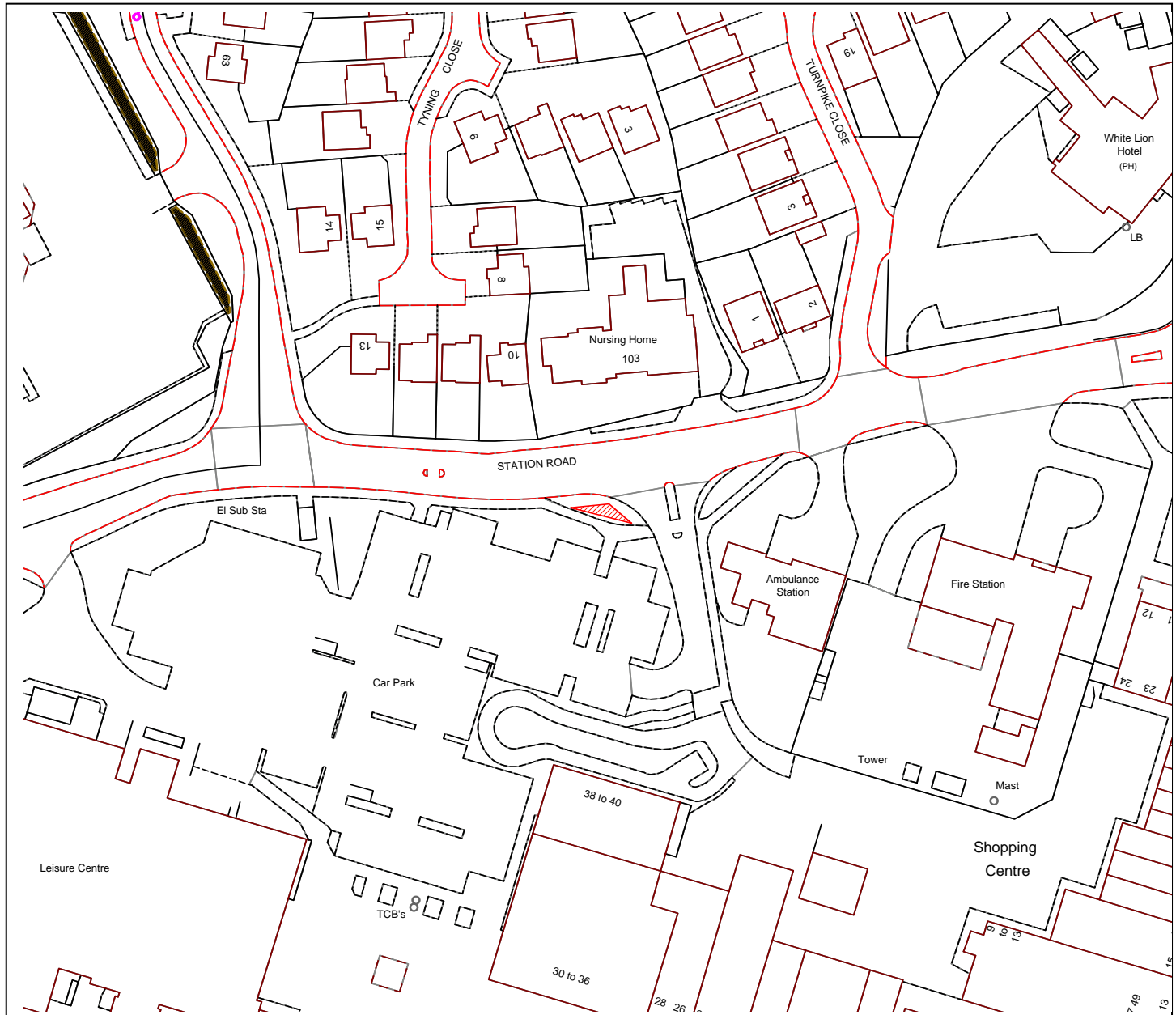
App No.: PK07/3709/ADV

Applicant: Yate Shopping  
CentreSite: Adj Station Road Yate Shopping Centre  
Yate South Gloucestershire BS37 4APDate Reg: 20th December  
2007Proposal: Installation of 1no. internally illuminated  
three sided freestanding totem sign  
(marked as D on plan).

Parish: Yate Town Council

Map Ref: 71304 82589

Ward: Yate Central



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PK07/3709/ADV

## **INTRODUCTION**

This application is referred to the Circulated Schedule following an objection to the proposed scheme being received from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks advertisement consent of 1no. internally illuminated three sided sign which forms part of the re-branding of the Yate Shopping Centre. The site is both an advertisement for the centre and contains directional information, as directions to the free parking and Yate Leisure Centre are contained on a white background panel which contrasts with the dark and light blues of the main part of the sign.
- 1.2 The sign is to be free-standing with each of the three panels having a width of 1.66 metres and a height of 2.5 metres. The design of each of the three sides of the sign is simple and the colour scheme ties in with the existing and proposed signage to help reinforce a uniform approach.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPG19 Outdoor Advertisement Control

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan (Adopted) January 2006**

D1 Achieving Good Quality Design in New Development  
L19 Display of Advertisements  
T12 Transportation Development Control Policy for New Development

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK06/3297/ADV – 43 Station Road Yate – Display of various directional and information signs. Withdrawn 04/01/2007.

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objections

#### **Other Representations**

#### **4.2 Local Residents**

1no. consultation response was received which expressed the following summarised objections to the proposed scheme:

- The proposal would be out of character with predominantly the two-storey detached dwellings that lie opposite the site;
- Yate is a dormitory town with its own special character;
- The sign would be construction only metres from a neighbour's back garden and would overlook their patio area; and
- The neighbour's rear garden is private and the proposal will result in illumination of the rear garden;

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

As outlined in PPG19, outdoor advertisements can only be controlled in the interests of “*amenity*” and “*public safety*”. In terms of “*amenity*”, the affect of the proposal on the visual amenity in the immediate neighbourhood has to be considered. With regard to “*public safety*”, LPA’s must ensure any advertisement does not create a traffic hazard, especially in terms of causing a distraction.

5.2 Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006 incorporates advice contained within PPG19. This policy allows for the display of advertisements provided the following criteria are complied with:-

**A The advertisement would not be detrimental to the appearance of the building on which it is displayed, or detrimental to the immediate location in which it is to be displayed, by virtue of size, siting, materials, colour or illumination; and**

5.3 The proposed sign is considered to be in keeping with the context of a district shopping centre and so it is not considered that the sign would be detrimental to the immediate location. The comments of the local resident are noted, but the sign is to be placed on the periphery of the shopping centre and so although opposite the residential properties on the other side of Station Road, the sign would be read in conjunction with the Yate Shopping Centre and so the view that the sign is not appropriate in its context is not supported. Moreover, the design and form is simple and the colour is considered to be attractive would match the colour scheme of existing Yate Shopping Centre signage.

**B The advertisement would not detract from the character of the locality;**

5.4 As above.

**C The cumulative effect of the proposal would not be detrimental to visual amenities;**

5.5 The sign is one of a number that are being placed in and around the Yate Shopping Centre. It is considered the cumulative level of signage would be acceptable in its context and would not therefore be detrimental to levels of visual amenity.

**D The advertisement would not prejudice public safety.**

5.6 By reason of scale and siting, the proposed sign would not be a hazard to passing motorists and so would not prejudice public safety.

Residential Amenity

5.7 The site will be location opposite a nursing home. There are residential properties to either side of the nursing home that in some cases back onto Station Road. The distance between the nursing home and the sign would be approximately 25 metres. The distance between the proposed signs and the closest residential property would be 20 metres.

5.8 It is considered that due to the scale of the sign, the separation that would exist along with the orientation of the sign in relation to the neighbouring property, it is difficult to envisage that the erection and illumination of the proposed sign would cause any significant overbearing effects or would illuminate the neighbour's property to a level that would be demonstrably harmful to amenity levels.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The 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

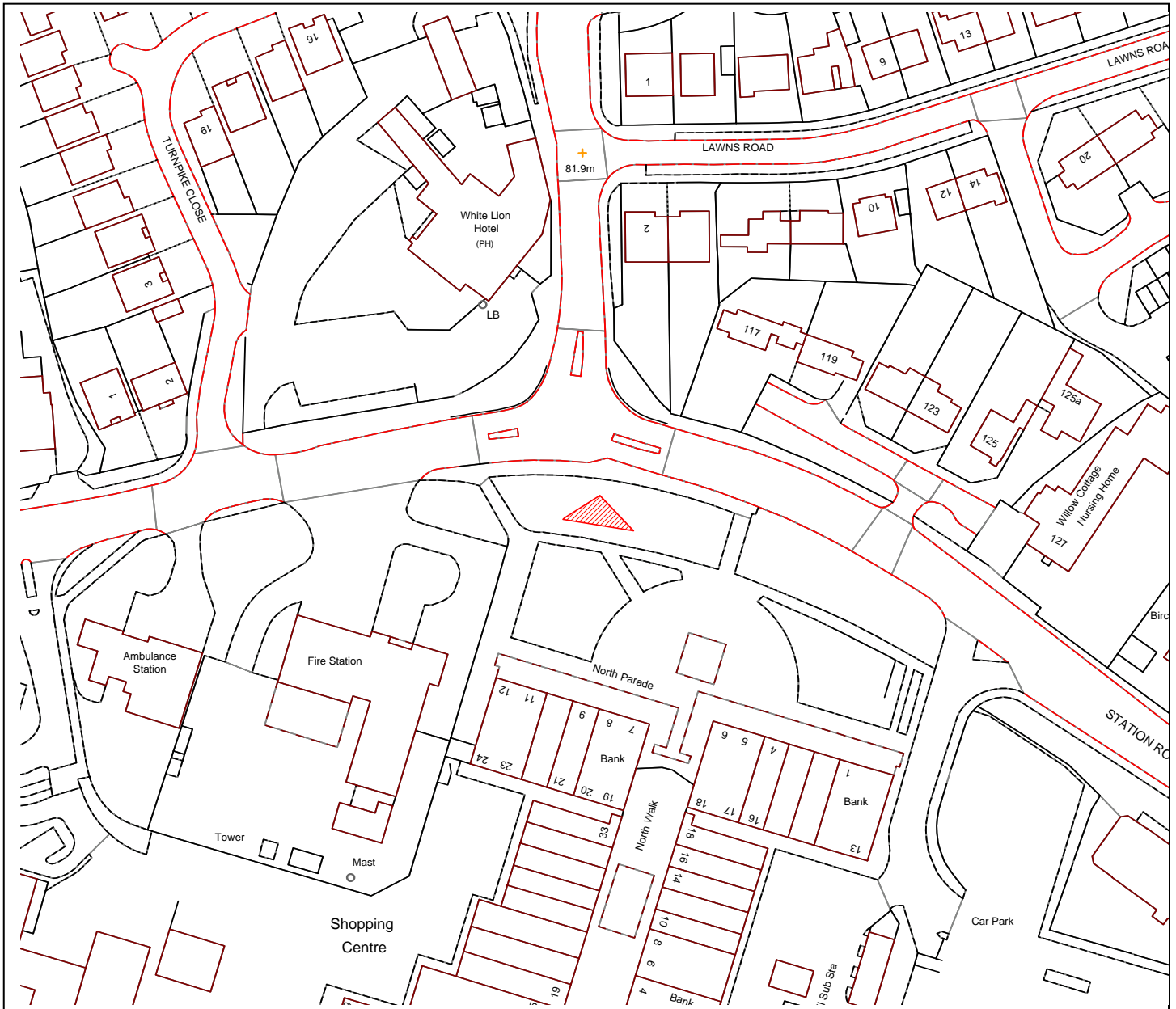
7.1 Advertisement consent is to be GRANTED.

Background Papers      **PK07/3709/ADV**

**Contact Officer: Robert Nicholson**  
**Tel. No.            01454 863536**

**CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008**

<b>App No.:</b>	PK07/3710/ADV	<b>Applicant:</b>	Yate Shopping Centre
<b>Site:</b>	Station Road/North Parade Yate shopping Centre Gloucestershire BS37 4AP	<b>Date Reg:</b>	20th December 2007
<b>Proposal:</b>	Installation of 1no. internally illuminated three sided freestanding totem sign (marked as C on plan).	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	71436 82605	<b>Ward:</b>	Yate Central



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**N.T.S**

**PK07/3710/ADV**



## **INTRODUCTION**

This application is referred to the Circulated Schedule following objections to the proposed scheme being received from the Yate Town Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks advertisement consent to erect a three-sided free standing sign as part of the re-branding of Yate Shopping Centre prior to its potential redevelopment.
- 1.2 The proposed sign is to be sited adjacent to the North Parade pedestrian entrance to the shopping centre which overlooks Station Road. The sign is a pure advert with no directional information contain. Each panel which makes up the three sided sign is 2.5 metres in height and 1.66 metres across.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1 Delivering Sustainable Development  
PPG19 Outdoor Advertisement Control

#### 2.2 Development Plans

##### South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development  
L19 Display of Advertisements  
T12 Transportation Development Control Policy for New Development

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK06/3297/ADV – 43 Station Road Yate – Display of various directional and information signs. Withdrawn 04/01/2007.

### **4. CONSULTATION RESPONSES**

#### 4.1 Yate Town Council

Objection due to impact, in particular on the properties facing it, and interference with motorists attention at the mini-roundabout which is a difficult and dangerous junction.

#### **Other Representations**

#### 4.2 Local Residents

No consultation replies were received

### **5. ANALYSIS OF PROPOSAL**

#### 5.1 Principle of Development

As outlined in PPG19, outdoor advertisements can only be controlled in the interests of “*amenity*” and “*public safety*”. In terms of “*amenity*”, the affect of the

- proposal on the visual amenity in the immediate neighbourhood has to be considered. With regard to “*public safety*”, LPA’s must ensure any advertisement does not create a traffic hazard, especially in terms of causing a distraction.
- 5.2 Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006 incorporates advice contained within PPG19. This policy allows for the display of advertisements provided the following criteria are complied with:-
- A The advertisement would not be detrimental to the appearance of the building on which it is displayed, or detrimental to the immediate location in which it is to be displayed, by virtue of size, siting, materials, colour or illumination; and**
- 5.3 The proposed sign is considered to be in keeping with the context of a district shopping centre and so it is not considered that the sign would be detrimental to the immediate location. The design and form is simple and the colour is considered to be attractive and would match the colour scheme of existing Yate Shopping Centre signage.
- B The advertisement would not detract from the character of the locality;**
- 5.4 As above.
- C The cumulative effect of the proposal would not be detrimental to visual amenities;**
- 5.5 The sign is one of a number that are being placed in and around the Yate Shopping Centre. It is considered the cumulative level of signage would be acceptable in its context and would not therefore be detrimental to levels of visual amenity.
- D The advertisement would not prejudice public safety.**
- 5.6 The comments of Yate Town Council are noted, but no objections have been raised from the Council’s Transportation section and as such the application is considered to accord with this criterion.
- Other Issues
- 5.7 In terms of assessing the residential amenity implications of the proposed signage, Members should be aware that with just over 40 metres separating the proposed sign and the nearest residential dwellinghouse, it is not considered that the illumination of the sign would cause any undue levels of disturbance through light pollution that a objection on loss of amenity could be sustained.
- 5.6 Design and Access Statement
- The Design and Access Statement submitted with the application is [not] considered to demonstrate that the applicant has adopted a design approach consistent with the Council’s Design Checklist Supplementary Planning Document.

## 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 advertisement consent 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 Advertisement consent is to be GRANTED.

**Background Papers**      **PK07/3710/ADV**

**Contact Officer:**    **Robert Nicholson**  
**Tel. No.**                **01454 863536**

## CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008

<b>App No.:</b> PK07/3718/F	<b>Applicant:</b> Mr M Turner
<b>Site:</b> 26 Highway, Yate, South Gloucestershire, BS37 7AB	<b>Date Reg:</b> 21st December 2007
<b>Proposal:</b> Erection of single storey rear extension to provide additional living accommodation. (Resubmission of PK07/3314/F).	<b>Parish:</b> Yate Town Council
<b>Map Ref:</b> 71872 82535	<b>Ward:</b> Yate Central



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100023410, 2008.

**N.T.S**

**PK07/3718/F**

This application has been placed upon the Circulated Schedule due to the receipt of one letter of objection contrary to the Officer recommendation and an objection from Yate Town Council.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a single storey rear extension to provide additional living accommodation. The extension would involve the demolition of some existing unsightly outbuildings and would be constructed as part of refurbishment works to the whole property. The application is a re-submission following an earlier application for a larger scheme, which was withdrawn at the request of Officers.
- 1.2 The semi-detached property is set in a residential area of Yate and is surrounded by residential properties of similar design and layout

## **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 in New Development  
H4 Development within Existing Residential Curtilages, Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance  
Kingswood Advice Note 2: House Extensions

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PK07/3314/F – Erection of single storey rear extension to provide additional living accommodation, withdrawn.
- 3.2 PK07/3213/F - Erection of 1 no. detached dwelling (outline) with siting/layout, scale and access to be considered. All other matters reserved, Refused 207.

## **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Concerned about overbearing impact to adjoining property
- 4.2 Other Consultees  
  
Public Rights of Way  
There is unlikely to be any impact upon the nearest recorded public right of way reference LYA78 that runs beyond the boundary of the area concerned.

## **Other Representations**

### 4.3 Local Residents

One letter of objection has been received raising the following issues:

- 1) Any extensions to these properties impact upon each other
- 2) The east wall will be a blank 3 metre wall 3 metres high less than 1 metre from the adjoining lounge window
- 3) A party wall request has not been made
- 4) Objection is raised to the removal of the boundary privet hedge
- 5) Access will not be permitted
- 6) Impact upon outlook
- 7) De-valuation of property
- 8) Impact upon health
- 9) The extension should be moved to the western end of the property where there is ample space and would not cause a problem
- 10) A site visit from a planning officer is required.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Design/ Visual Amenity

The proposed single storey extension meets an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The pitched roof of the existing dwelling will be mirrored in the construction and is in keeping with the scale of the building. Matching roughcast render further aids its integration. The extension is of modest size in comparison to the bulk of the main dwelling and is suitably subservient too it. The proposal also involves the removal of unsightly existing single storey rear extensions which are welcomed by officers.

### 5.3 Residential Amenity

The key consideration relating to the acceptability of this revised application relates to the impact of the scheme upon the residential amenities of the adjoining occupier. The previous application proposed an extension which projected 4 metres from the existing rear elevation of the property where it adjoins the boundary with the neighbouring occupier. This was considered to have an overbearing impact upon the habitable room window in this property and was withdrawn at the request of officers.

The revised scheme now proposes an extension projecting only 3 metres along the boundary in full accordance with guidance contained within the Supplementary Planning Guidance Note 2 – House Extensions. The extension then steps out to 5 metres, approximately 3.6 metres in from the boundary creating an ‘L’ shaped extension. Whilst the removal of the existing privet hedge to make way for the extension will have some impact upon the amenities of the adjoining occupier, this is not considered so significant that a refusal of planning permission could be justified in this instance.

As the side elevation of the extension does not include any windows it is not considered that any issue of inter-visibility or loss of privacy will result. Furthermore, sufficient garden space would remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

5.4 Loss of Boundary Hedge

As the proposed extension will be constructed on the boundary with the adjoining occupier, this will necessitate the removal of part of the existing privet boundary hedge. Whilst at present this forms a pleasant boundary treatment, its removal would not require planning permission and it would not be worthy of protection in its own right.

5.5 Other Issues Raised

Concern has also been expressed by the local resident regarding access issues, the Party Wall Act, de-valuation of property, re-location of the extension and the impact upon the health of the adjoining residents. A request has also been made for a planning officer to make a visit.

In this regard, issues of access, Party Wall Act, re-location of the proposed extension and the de-valuation of property are not material to the determination of this application and can not therefore be taken into account. Furthermore, whilst it is appreciated that some disturbance to the adjoining occupiers may result from the construction phase this in itself would not warrant the refusal of planning permission on health grounds. Finally, a visit to the site was made by the case officer at the time of the last application. The relationship between the two properties is such that the impact upon the adjoining occupier could be clearly assessed. There is therefore no requirement for a further visit to this site prior to the determination of the current planning 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 recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That planning permission be approved with conditions

**Background Papers**      **PK07/3718/F**

**Contact Officer:**    **Donna Whinham**

**Tel. No.**                **01454 865204**

### **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 shall at any time be placed in the east elevation of the extension hereby approved.

Reason:

To protect the residential amenities of the adjoining occupiers in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



## CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008

App No.: PT07/3215/F

Applicant: Mr P Brown & Ms J  
SomerfieldSite: The Barns Old Passage Road Aust  
South Gloucestershire BS35 4BG

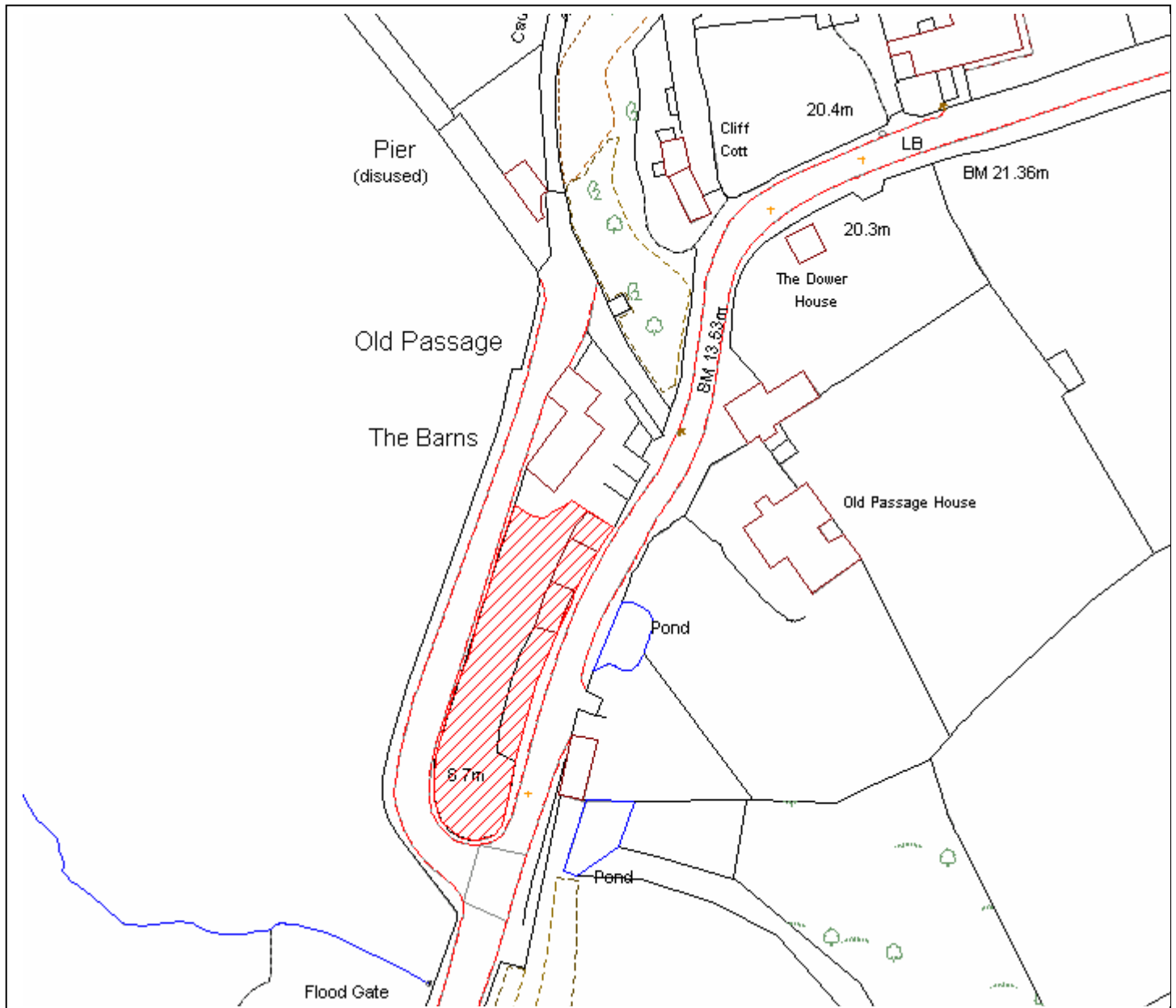
Date Reg: 29th October 2007

Proposal: Conversion of barn to residential  
accommodation and erection of front  
extension (Amendment to previously  
approved scheme PT04/0179/F)

Parish: Aust Parish Council

Map Ref: 56361 88849

Ward: Severn



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## **INTRODUCTION**

This report appears on the Circulated Schedule as there are comments which are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The site consists of a rural building (former barn) that has been subject to partial re-development under the previous planning permission PT04/0179/F. The site is located within the open Green Belt and is located within Flood Zone 3 and is adjacent to the operational flood zone associated with this part of the River Severn.
- 1.2 This application seeks approval for amendments to the approved scheme which include an enlarged decking area and small extension to the front elevation of the building.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Green Belt
PPS7	Sustainable Development in Rural Areas
PPS25	Flood Risk and Development

#### **2.2 Development Plans**

##### South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H4	Development within Residential curtilages
H10	Conversion and Re-use of Rural Buildings for Residential Purposes
T12	Transportation Development Control Policy for New Development
EP2	Flood Risk and Development
EP1	Environmental Pollution
L17 & L18	The Water Environment

#### **2.3 Supplementary Planning Guidance**

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT04/0179/F Subdivision of existing property to form two dwellings.  
Approved

### **4. CONSULTATION RESPONSES**

- 4.1 Aust Parish Council  
No Comment Received
- 4.2 Sustainable Transport  
No Objection

## **Other Representations**

### 4.3 Environment Agency

No Objection subject to the construction of the extension being no lower than 10.16m above ordnance Datum.

The agency has also issued 'Consent to Discharge' for foul drainage purposes.

### 4.4 Local Residents

One letter of objection is received. The comments can be summarised as follows;

The proposed gable end window will give a view into the rear garden of the adjacent property and this window would require the penetration of the existing boundary wall with the adjacent site.

The proposed bathroom window overlooks the lounge and bedroom windows of the adjacent property

The proposed decking area would extend closer to the adjacent property than the previous consent to the detriment of privacy and residential amenity.

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposed development details the conversion of the building for residential purposes and is submitted as a variation of the previous conversion works as permitted under PT04/0179/F.

### 5.2 Principle of Development

The previous consent (PT04/0179/F) allowed for the conversion of the subject building for residential purposes. That consent remains valid and as such can continue in accordance with the approved plans. In addition, the development previously approved has been partially implemented on site. The conversion of the building for residential purposes has therefore been established.

5.3 The matters for consideration are those elements of the conversion now proposed in addition to the previous consent. Essentially, these consist of a new extension to the front elevation of the building and the increased size of the previously approved decking structure. These are considered below.

### 5.4 Green Belt.

The building is effectively a dwelling by virtue of the previous planning consent. On this basis, the development of an extension to the building, as a dwelling is appropriate development within the Green Belt, provided that the extensions would not result in a disproportionate addition to the original building.

5.5 In this instance, the proposed extension combined with the volume formed by the proposed decking structure would not exceed 15% of the volume of the original building. This is below the 30% guidance figure provided by the adopted Supplementary Planning Document; 'Development in the Green Belt' and is consistent with the requirements of policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPG2. The development is therefore acceptable in Green Belt Terms.

## 5.6 Design and Appearance

The extent of the proposed additions is for a modest extension to the front of the building and for the enlargement of the decking area previously approved. Essentially the proposed extension would be constructed upon 2 metre high columns in order to raise it above the required height to satisfy the flood risk issues identified below. The structure is a light weight frame work in oak. The structure would take up the extent of the decking which forms part of the original consent. Accordingly, further decking is proposed to continue across approximately half of the front elevation of the existing building at a height of 2 metres. The decking would also provide access to the garden area of the dwelling (access is also provided to the lower floor of the building internally which would also give access to the garden area).

5.7 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is the principle policy for assessment of this application as the building is effectively a residential dwelling. However, it is necessary to consider Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006 as the dwelling is the result of a conversion that would be considered under that policy. Policy H10 makes allowances for extensions as part of conversion works provided that such development would not have a harmful effect upon the character of the countryside or the amenities of the surrounding area. Policy H4 is essentially supportive of this approach.

5.8 The existing building is not considered to be of any particular architectural merit. It is not considered that the insertion of a new window into the northern gable end of the building would have a material impact upon the character of the building. Similarly, the design and appearance of the detailed conversion works to the main building are also acceptable. The proposed development of the decking and extension has a modern and contemporary design feel. Nonetheless, the scale of the development is relatively modest in relation to the existing building. It is considered that, provided the development uses high quality materials, the juxtaposition of traditional and modern forms in this setting would be a positive one and would not have a detrimental impact upon the character and visual amenity of the site and the surrounding locality. Exact details of the materials to be used in the extension and decking structures are not submitted. The exact details of the roofing and walling materials to be used in the remainder of the conversion works are also not provided. However, this can be appropriately dealt with by condition of any approval.

## 5.9 Residential Amenity

Concern has been raised as to the impact of the proposed modifications upon the privacy and residential amenity of the adjacent dwelling. In this instance, the windows giving concern relate to bathroom accommodation and as such do not relate to habitable rooms. On this basis, it is not considered that the windows would result in a detrimental impact through the loss of privacy. Concern is also raised over the increased size of the decking structure and the fact that the extent of it is now closer to the adjacent dwelling. It is accepted that the decking will be closer to the adjacent dwelling, however given the relationship of the dwelling and the subject conversion; and the remaining distance of approximately 12 to 15 metres from the boundary it is not considered that the impact of the decking would be material. The proposed development is therefore considered acceptable in residential amenity terms.

## 5.10 Flood Risk

The site is located within Flood Zone 3 and as such is in an area which is at high risk of flooding. Nonetheless, the conversion of the building for residential purposes has been established through the existing consent (PT04/0179/F). This development, although effectively adding floor space, would not be materially different in character to the existing consent and as such is acceptable in flood risk terms. The Environment Agency has commented that the extension should be at least 10.16 metres above ordnance datum. The extension will continue from the existing first floor level of the building and is consistent with this requirement. The basement floor of the building will continue to provide ancillary storage and garaging consistent with the existing consent. Planning conditions can be used to preclude the use of this accommodation for residential accommodation in the interest of reducing risk from flooding.

#### 5.11 Drainage

The Environment Agency has given 'consent to discharge' for foul drainage in accordance with their requirements. Further details of the methods of surface water drainage will be required in accordance with the existing consent. This can be dealt with by way of planning condition. Subject to this detail being provided the proposed development is acceptable in drainage terms.

#### 5.12 Transportation

The proposed development will not be materially different to the existing consent as it does not increase the number of dwellings upon the site. The development is acceptable in transportation terms.

#### 5.13 Design and Access Statement

The Design and Access Statement submitted with this application is considered to demonstrate that the applicant has adopted a design approach that is consistent with the Councils Design Checklist Supplementary Planning Document (Adopted)

#### 5.14 Section 106 Requirements

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

## 6. CONCLUSION

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

### **Background Papers      PT07/3215/F**

**Contact Officer:    Simon Penketh**

**Tel. No.                01454 863433**

### **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 full details and samples of the roofing and external facing materials proposed to be used; and the materials to be used in the extension and the new decking area hereby approved 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 a satisfactory standard of external appearance and to accord with Policy D1, H4 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development as specified in Part 1 (Classes A, B, 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(s):

The site lies within the Green Belt, to enable the Local Planning Authority to monitor the cumulative level of development associated with the creation of a new dwelling in terms of its impact upon the openness of the area. To accord with policy 16 of the Joint Replacement Structure Plan and policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Only the first floor level of the dwelling hereby approved shall be used as habitable rooms; the ground floor levels shall be retained as garaging and cellars and shall not be used for any other purpose without the further consent of the Local Planning Authority.

Reason(s):

To enable the Local Planning Authority to assess the risk to life and property from the risk of flooding at and AOD below 10.16 metres. To accord with policy 24 of the Joint Replacement Structure Plan; policy RP1 of the Rural Areas Local Plan; and policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The external opening from the first floor kitchen/diner as detailed on the approved plans shall at no time open outwards onto the adjacent highway/footpath.

Reason(s):

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

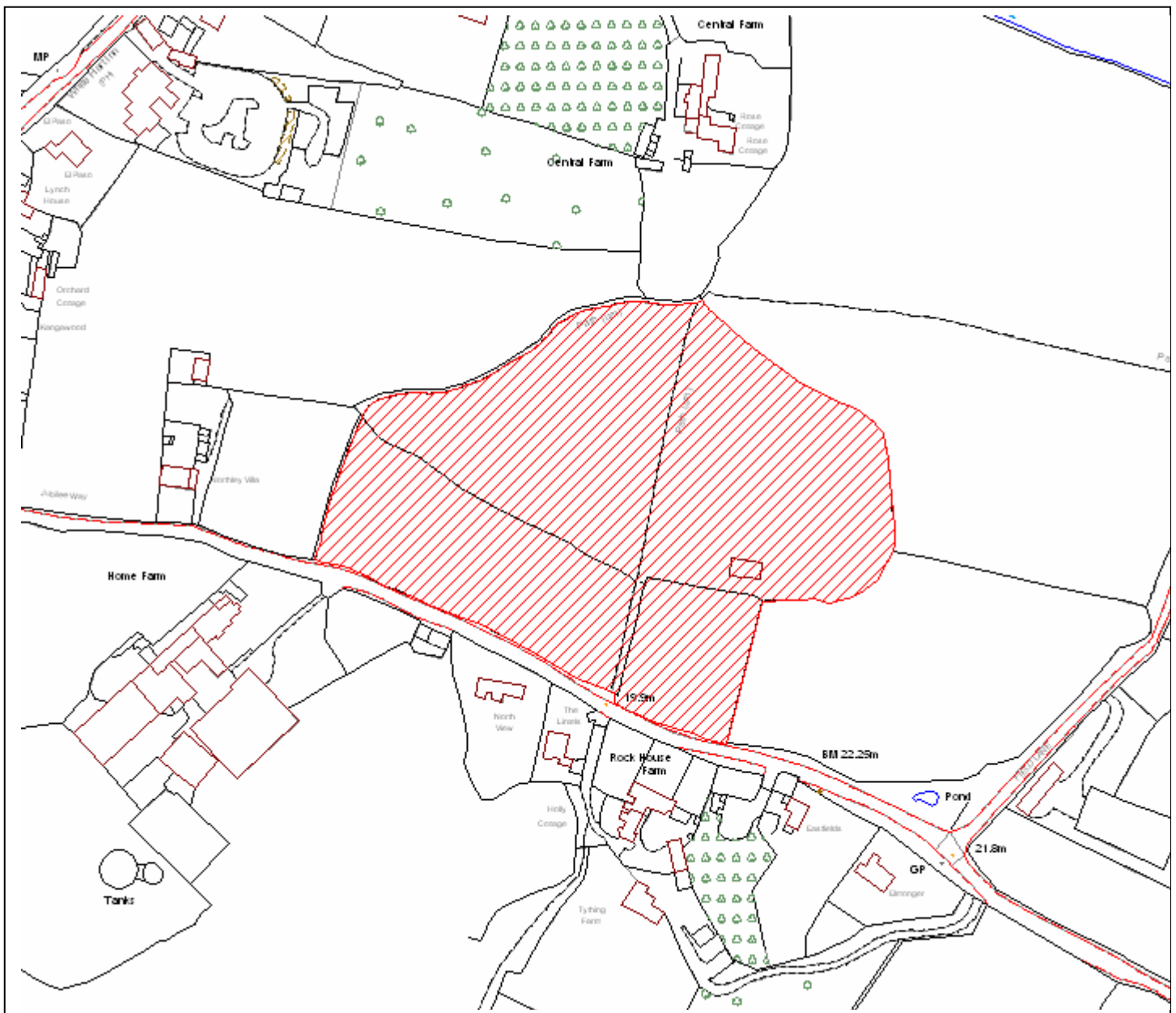
6. No development shall continue until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning 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 L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008

<b>App No.:</b>	PT07/3325/F	<b>Applicant:</b>	PWR Building Services
<b>Site:</b>	Land adjacent Rock House Farm Littleton upon Severn South Gloucestershire	<b>Date Reg:</b>	9th November 2007
<b>Proposal:</b>	Change of use of land for equine use and erection of stable building for the keeping of 5 horses (in accordance with amended plans received by the Council on 14 December 2007).	<b>Parish:</b>	Aust Parish Council
<b>Map Ref:</b>	59788 89844	<b>Ward:</b>	Severn



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## 1. THE PROPOSAL

- 1.1 This full application relates to the change of use of approximately 2.6 hectares of agricultural land for equine use and the erection of stable block on land adjacent to Rock House Farm, Littleton-upon-Severn.
- 1.2 The proposed stable block measures 10.5m in depth, 16m in length and has a ridge height of 3.5m. It is to be of steel frame construction with treated timber cladding through out. The building is to accommodate 5 horses and also incorporates a tack room and storage area for personal and livery use. Two sets of double doors are located either end of the building allowing access from both ends. The stable block is to be erected to the north and adjacent to an existing barn which will continue to be used for the storage of agricultural equipment and hay.
- 1.3 The application site lies within the open countryside and is also within the Green Belt.
- 1.4 The application has been amended to that originally submitted in that the site area has increased from 1.8 to 2.6 hectares and the building has been reduced in size. It was originally 12m in depth, 20m in length with a ridge height of 5m.

## 2. POLICY CONTEXT

### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS7	Sustainable Development in Rural Areas
PPG13	Transport

### 2.2 Development Plans

<u>Joint Replacement Structure Plan</u>	
Policy 16	Green Belts

### 2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
GB1	Development Within the Green Belt
E10	Horse Related Development
T12	Transportation Development Control Policy for New Development
LC12	Recreational Routes

### 2.4 Supplementary Planning Guidance

<u>South Gloucestershire Design Checklist (Adopted)</u>	
<u>Development in the Green Belt (Adopted)</u>	

## 3. RELEVANT PLANNING HISTORY

- 3.1 None.

## 4. **CONSULTATION RESPONSES**

### 4.1 Aust Parish Council

Object to the proposal on the following grounds:-

- a) Green Belt intrusion;
- b) Highway safety/access;
- c) Increased traffic;
- d) Existing 4 year tenancy agreement on site;
- e) Concern over possible future development/intensification in use.

Of the above, d and e are not relevant planning considerations.

### Other Consultees

### 4.2 Sustainable Transport

No objection.

### **Other Representations**

### 4.3 Local Residents

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

- a) plan showing public right of way not entirely accurate;
- b) other footpaths cross the site;
- c) approving the stable block should not be a precursor to allowing a dwelling in the future;
- d) proposal would be an eyesore;
- e) change of use will result in loss of habitat;
- f) proposal could be a business venture;
- g) possible expansion/further development if approved;
- h) increased traffic and noise;
- i) proposal may obstruct the footpath;
- j) walkers may feel intimidated by horses;
- k) access;
- l) could be used as a riding school;
- m) overbearing impact of proposal;
- n) design and visual appearance would be detrimental to the open aspect and dwellings within the vicinity;
- o) disproportionate in size to existing barn;
- p) number of horses could increase;
- q) site is within the Green Belt;
- r) openness of countryside and existing farming use should be preserved;
- s) proposal is unsympathetic to rural character, landscape and historic character of village.

Of the above points c, f, g and l are not relevant planning objections. If planning permission is granted, any additional development would be the subject of further planning applications and assessed on their own merits.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application site lies within the open countryside and is also within the Green Belt. The main issues to therefore consider is the effect of the proposal on the Green Belt and horse related policies.

## 5.2 Green Belt

Advice contained within PPG2 sets out the relevant criteria in assessing development within the Green Belt and there is a general presumption against inappropriate development within them. Inappropriate development is, by definition, harmful to the Green Belt. However, there are limited categories of development normally considered appropriate within the Green Belt. The construction of new buildings inside a Green Belt for essential facilities for outdoor sport and recreation and for other uses of land which preserve the openness of the Green Belt is an exemption to the presumption against development. Para 3.5 of PPG2 states that “*essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it*”. The construction of small stables is described as an example of what might constitute essential facilities. This national advice is reflected in policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5.3 It is considered that in Green Belt terms the proposal is acceptable. The use of the land for the keeping of horses will maintain the openness of the Green Belt and the stable building, now that it has been reduced in size and scale, is considered to constitute an essential facility required for the use of the land which preserves the openness of the Green Belt. The proposal therefore complies with the adopted development plan in Green Belt terms.

## 5.4 Horse Related Policies

Advice contained within PPS7 specifically addresses equine-related activities and is generally supportive of such uses stating that they can help to diversify rural economies. This advice is reflected in Policy E10 of the adopted Local Plan. This policy sets out the relevant policy criteria in assessing horse-related development such as stables outside settlement boundaries subject to the following criteria:-

### **A. Development would not have unacceptable environmental effects;**

- 5.5 The proposal has been assessed by the Council's Environmental Health Officer and no objection has been raised to the development.

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

- 5.6 The use of the land for the keeping of horses will have no more detrimental impact than an agricultural use. With regard to the stable block, this is located to the north of the existing barn and as such will be largely screened from the nearest dwellings to the south of the site, especially as the size and scale has been reduced and the ridge height lowered to 3.5m. It is also located some 100m away from the nearest dwelling and as such will have no adverse impact upon surrounding residential amenity. Moreover, the proposed stable building and use of the land for horse related activities would not detract from the character or appearance of the village. The location and size of the building can be readily assimilated within the landscape and is of a design that is typical of agricultural buildings, especially its simple form and timber clad construction. The use of the land for the keeping of horses is also an appropriate use within rural areas. Due to the small scale nature of the development and the limited number of horses proposed, any increase in noise and disturbance will be marginal. The proposal therefore 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;**
- 5.7 The site is located off a C classified road. Although the proposal would result in additional traffic movement, due to the small scale nature of the development these would not be significant. As such no objections are raised subject to conditions.
- D. Safe and convenient access to bridleways and riding ways is available to riders;**
- 5.8 A recreational route, as defined by policy LC12 of the adopted local plan immediately adjoins the site to the north. These routes aim to provide and encourage informal recreational activities such as walking, cycling and horse riding. This particular route is also non-motorised and ideally suited for horse riding purposes. The proposal therefore complies with this criterion.
- E. There is no existing suitable underused buildings available and capable of conversion;**
- 5.9 The stable block is located directly adjacent to an existing barn. This barn is used for the storage of agricultural equipment and hay and will be continued to be used for this purpose. The proposal therefore accords with this criterion.
- F. The design of the buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.**
- 5.10 The stable building is considered to be of an appropriate size and design to accommodate the number of horses proposed. It complies with the British Horse Society (BHS) recommendations in terms of internal head height and floor area. It also has the appearance of a typical rural building and is to be finished with timber cladding. With regard to the size of the site, the BHS 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 however require additional feed from October to March. The site has an area of some 2.6 hectares and as such can accommodate a maximum of 6 horses, especially as stabling is provided. It is therefore considered that the site is large enough to accommodate the number of horses proposed without detriment to the landscape character of the area through over-use or over-grazing. Furthermore, the use of land for the grazing of horses will not result in the loss of habitat any more than use of land for the grazing of livestock. The proposal therefore complies with this criteria and this policy as a whole.
- 5.11 Public Right of Way Issues  
The application site is crossed by public right of way OAU 18 with a further public right of way OAU 14 following the northern boundary of the site. The development will not obstruct these footpaths and no objections have been raised to the proposal by the Council's Public Rights of Way Officer. With regard to the point made by a local objector concerning walkers being intimidated by horses, this is not a relevant planning objection. Moreover, the grazing of other livestock such as cows on the land could also be intimidating to

some walkers. The proposal is therefore acceptable in terms of public rights of way issues.

#### 5.12 Design and Access Statement

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

#### 5.13 Section 106 Requirements

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

### 6. CONCLUSION

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

### 7. RECOMMENDATION

- 7.1 Planning permission be granted.

#### Background Papers      **PT07/3325/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. With the exception of the permitted livery use, at no time shall the stables and the associated land be used for riding school or other business purposes whatsoever and the stable shall not be sublet at any time.

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

3. The number of horses kept on the site edged in red shall not exceed 5.

Reason(s):

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

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

Reason(s):

To protect the character and appearance of the area, and to accord with Policies GB1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until the vehicular access and parking/turning area shown on the approved plan has been provided, with all works adjoining the public highway completed to the satisfaction of the Council's Street Care Manager. For the avoidance of doubt, the vehicular access/parking/turning area shall be constructed of grasscrete.

Reason(s):

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

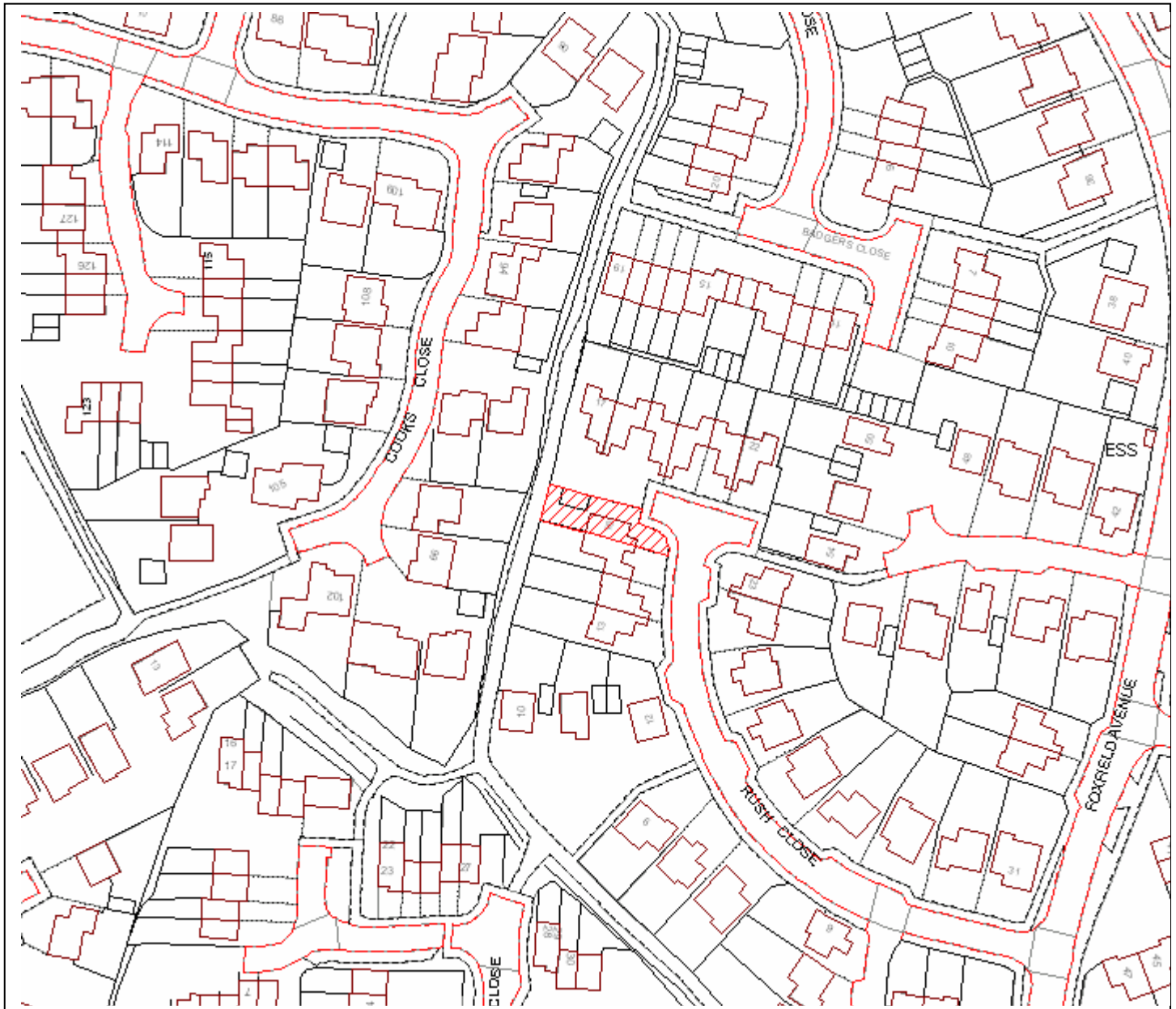
6. No development shall take place until details of the roofing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

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.

## CIRCULATED SCHEDULE NO. 03/08 – 18 JANUARY 2008

<b>App No.:</b>	PT07/3567/F	<b>Applicant:</b>	Mr & Mrs French
<b>Site:</b>	16 Rush Close Bradley Stoke South Gloucestershire BS32 0BU	<b>Date Reg:</b>	5th December 2007
<b>Proposal:</b>	Erection of two storey side/rear extension to form garage and kitchen/diner with bedroom and bathroom above.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	61650 82941	<b>Ward:</b>	Bradley Stoke North



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**N.T.S**

**PT07/3567/F**

## **INTRODUCTION**

This application appears on the circulated schedule as there is public comment that is contrary to the recommendation in this report.

### **1. THE PROPOSAL**

1.1 The site consists of a modern dwelling and detached garage. Access is directly from Rush Close which is off the existing cul-de-sac turning arrangement immediately in front of the dwelling.

1.2 The proposed development consists of the construction of a two storey side extension. This would provide additional living accommodation and an integral garage. The existing garage would be demolished.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H4 Development within Residential curtilages

T12 Transportation Development Control Policy for New Development

T8 Off Street Parking Standard

2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

### **3. RELEVANT PLANNING HISTORY**

3.1 None

### **4. CONSULTATION RESPONSES**

4.1 Bradley Stoke Town Council  
No Objection

4.2 Sustainable Transport  
No Objection subject to the provision of an additional vehicular parking space within the site.

#### **Other Representations**

4.3 Local Residents  
One email has been received as a result of the consultation period associated with this planning application. The comments can be summarised as follows;

Object to the development on the following grounds;



The development could not be constructed without entering land in the ownership of 18 Rush Close. Such consent would not be granted.

The site is used as a business for repairing cars. If the trade continues from this premises the development would result in vehicles being parked on the highway to the detriment of residential amenity and highway safety.

The proposed side window would result in a loss of privacy to the occupants of number 18 Rush Close.

## 5. **ANALYSIS OF PROPOSAL**

- 5.1 The proposed development consists of a domestic extension to the existing dwelling.
- 5.2 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the proposed development is acceptable in principle subject to the following considerations.
- 5.3 Design  
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. This is supported by policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted).
- 5.4 In this instance the proposed development would introduce a two storey extension to the side of the existing dwelling. The extension is set back from the front of the main dwelling by approximately 1 metres and the proposed ridge is set down from the ridge of the main building. The proposed windows and architectural detailing are consistent with the existing building and the surrounding development. The existing garage would be removed as part of this proposal.
- 5.5 Having regard to the above, it is considered that the proposed development is acceptable in design terms and would not act to detract from the visual amenity of the site and the surrounding locality.
- 5.6 Residential Amenity  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new domestic development would not result in a loss of residential amenity and privacy to the residents of nearby dwellings.
- 5.7 In this instance, the development would introduce a window into the side elevation which would face existing dwellings at 17 to 22 Rush Close. The proposed window relates to bathroom accommodation. The proposed elevation would also be approximately 11 metres from the elevation of 18 Rush Close looking across vehicular circulation space and modest front gardens.
- 5.8 Given this relationship and the nature of the use of the room to which this window relates, it is not considered that there would be a material impact in amenity and privacy terms

## 5.9 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not result in a detrimental impact upon highway safety terms. Policy T8 provides the maximum parking standards associated with new development.

5.10 Comments are received which raise concern about the loss of the driveway as a result of the proposed extension and its impact in the event that an alleged business use continues at the address. The alleged use is discussed below. Such an activity is not submitted for consideration with this application. In addressing the development on its residential merits, there would be a net loss of one parking space on the existing drive way. The proposed new garage would provide a single space. Although one parking space is consistent with the broad requirements of policy T8, it is considered that given the position of the dwelling in relation to the highway a minimum of two spaces should be retained in order to avoid the need to park vehicles within the turning area. There is sufficient space to provide a parking space on the front garden area of the site without compromising the visual amenity of the locality. Although this is not detailed on the proposal plans, this can be achieved by an appropriately worded planning condition.

5.11 Subject to the above planning condition, the proposed development is considered acceptable in transportation terms.

## 5.12 Other matters

It is alleged that a business use involving the repair of vehicles is taking place on this site. This activity is not detailed within the submitted planning application and as such cannot be assessed at this stage. Nonetheless, the officer site visit did not reveal any evidence that the alleged business use is occurring at the site. If the alleged business use is occurring then this would be the subject of appropriate planning enforcement action and/or consideration under a further planning application for a change of use.

5.13 Comments are made that relate to access to third party land in order to carry out the development should it be approved. Access to third party land is a civil matter and cannot be considered as part of this planning application and as such is not a valid reason for refusing this development.

## 5.14 Section 106 Requirements

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

## **6. CONCLUSION**

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

6.2 The recommendation to grant 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 approved subject to the following conditions

### **Background Papers**      **PT07/3567/F**

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

### **CONDITIONS**

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

Reason(s):

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

2. Prior to the commencement of development, detailed plans showing the provision of one additional car parking space (measuring a minimum of 2.4 metres wide by 4.8 metres long) within the curtilage of the dwelling in accordance with the standards set out in Policy (T8) of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason(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.