



**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. 42/08**

**Date to Members: 17/10/08**

**Member's Deadline: 23/10/08**

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 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

## **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 (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (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: 17/10/08**

**SCHEDULE NO. 42/08**

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 5pm), 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 .....**

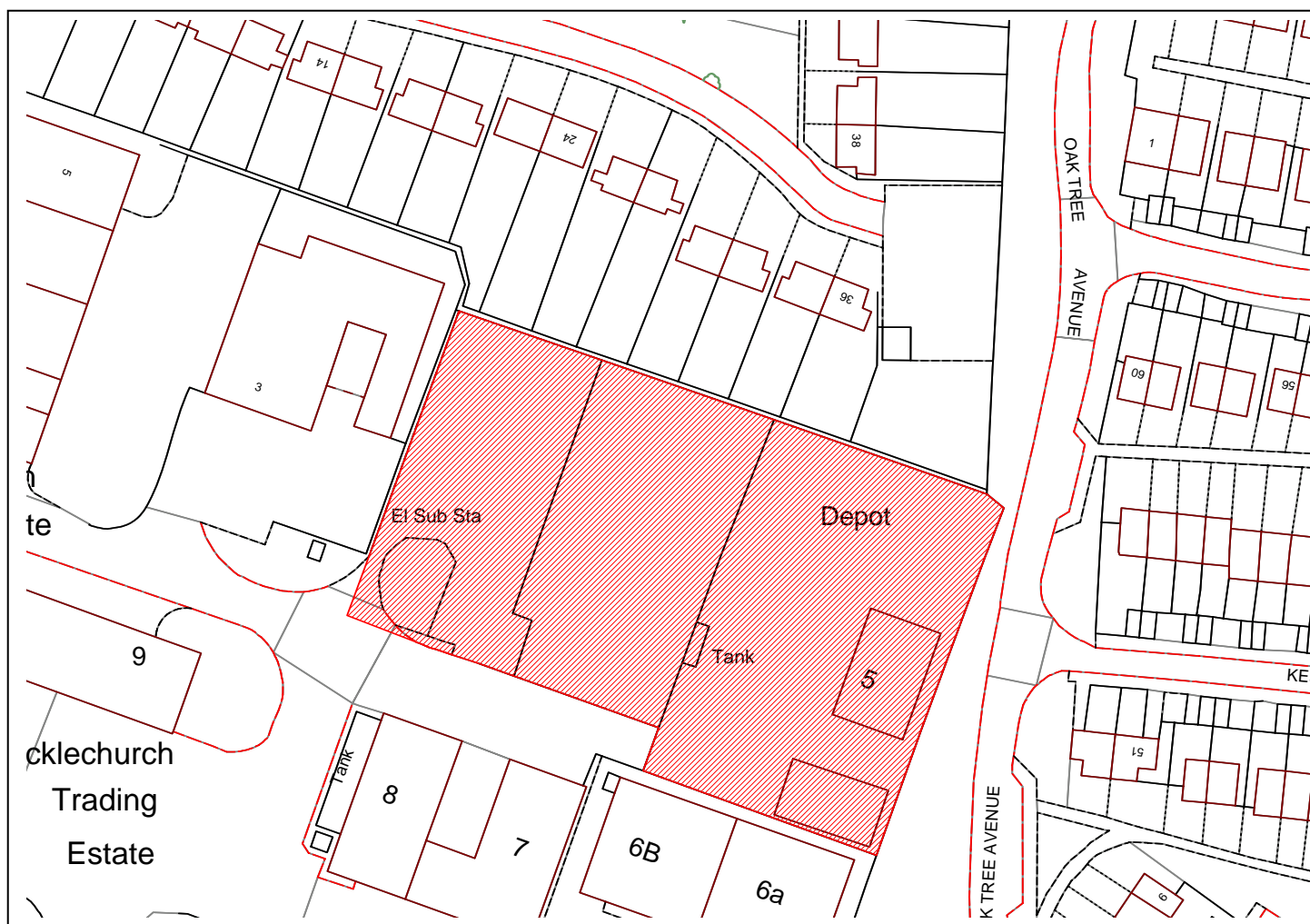
**DATE .....**

# Circulated Schedule 17 October 2008

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK08/2278/F</b>	Approve with conditions	Units 22-27 (formley known as Units 4A-5), Pucklechurch Trading Estate, Becket Court, Pucklechurch, South Gloucestershire, BS16 9QJ	Boyd Valley	Pucklechurch Parish Council
2	<b>PK08/2466/R3F</b>	Approve	SureStart Children's Centre, Cranleigh Court Road, Yate, South Gloucestershire, BS375DW	Yate North	Yate Town Council
3	<b>PK08/2496/F</b>	Approve with conditions	6 Heath Gardens, Downend, South Gloucestershire, BS16 6HE	Downend	Downend and Bromley Heath
4	<b>PK08/2530/RVC</b>	Approve with conditions	Land at Units 45-48 Beaches Industrial Estate, Waverley Road, Yate, South Gloucestershire, BS37 5QT	Ladden Brook	Iron Acton Parish Council
5	<b>PK08/2540/F</b>	Approve with conditions	108 Soundwell Road, Soundwell, South Gloucestershire, BS16 4RE	Staple Hill	
6	<b>PT08/2306/F</b>	Approve with conditions	15 Salem Road, Winterbourne, South Gloucestershire, BS36 1QF	Winterbourne	Winterbourne Parish Council
7	<b>PT08/2440/F</b>	Approve with conditions	2 Fern Cottages, New Passage Road, Pilning, South Gloucestershire, BS35 4NE	Pilning and Severn Beach	Pilning and Severn Beach
8	<b>PT08/2467/ADV</b>	Approve with conditions	South Gloucestershire Bus & Coach Company, Pegasus Park, Gipsy Patch Lane, Patchway, South Gloucestershire, BS34 6QD	Stoke Gifford	Stoke Gifford Parish Council
9	<b>PT08/2474/CLE</b>	Refusal	87 Gloucester Road, Rudgeway, South Gloucestershire, BS35 3QS	Thornbury South and Alveston	Alveston Parish Council

**CIRCULATED SCHEDULE NO.42/08 – 17 OCTOBER 2008**

<b>App No.:</b>	PK08/2278/F	<b>Applicant:</b>	Segro (Pucklechurch) Limited
<b>Site:</b>	Units 22-27 (formley known as Units 4A-5), Pucklechurch Trading Estate, Becket Court, Pucklechurch, South Gloucestershire, BS16 9QJ	<b>Date Reg:</b>	14th August 2008
<b>Proposal:</b>	Demolition of existing buildings and redevelopment of the site to provide 6 units in two blocks for commercial/industrial use (Class B1(c), B2, B8) with ancillary office space, car parking, landscaping and associated works including the erection of an acoustic fence. (Resubmission of PK08/0418/F).	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	69922 75995	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Major	<b>Target Date:</b>	11th November 2008



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 100023410, 2008.

## **INTRODUCTION**

Members will recall that this application appeared on Circulated Schedule No.40/08-3<sup>rd</sup> October 2008 as a result of objections raised by local residents and the Parish Council regarding the proposed development.

A decision notice for approval was due to be issued on Friday the 10<sup>th</sup> October as there was no Member referral to sites or Committee.

The applicant however has requested that the decision notice not be issued as they want to amend the wording of Condition 05. See paragraph 5.10 of this report which addresses this issue in more detail.

## **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission to erect two industrial buildings for commercial and industrial use B1(C) offices, B2 general industry and B8 storage and distribution with ancillary office space together with ancillary works i.e car parking, landscaping and associated works and erection of acoustic boundary fence. The proposed new floor area is 3410 square metres.
- 1.2 This application is a re-submission of a recently refused planning application (PK08/ 0418/F) for similar works on this site.
- 1.3 Although the application has applied for a mixed use, this however is a speculative application and therefore the precise use of the units is not known.
- 1.4 The application site is situated within the safeguarded employment area of Pucklechurch trading estate, Pucklechurch.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006
  - D1 Design
  - L1 Landscaping and trees
  - E3 Employment development
  - E4 Safeguarded employment areas
  - T7 Cycle parking
  - T8 Parking standards
  - T12 Transportation
  - EP1 Environmental Pollution
  - EP2 Flood Risk
  - L17 & L18 The Water environment

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

3.1 The following planning history relates to the application site:

- 3.2 P94/2449 Demolition of existing building and erection of warehouse  
Totalling 3631 square metres B8 use  
Approved January 1998
- 3.3 PK02/0935 Demolition of existing building and erection of warehouse  
For B8 use (Renewal of P94/2449)  
Approved August 2002.
- 3.4 PK08/0418/F Demolition of existing buildings and redevelopment of the  
site to provide 6 units in two blocks for  
commercial/industrial use 3,631 square metres  
(Class B1(c), B2, B8) with ancillary office space, car  
parking, landscaping and associated works including the  
erection of an acoustic fence.  
Refused April 2008. Refusal reasons discussed below  
Under paragraph 5.2 of this report.

### **4. CONSULTATION RESPONSES**

#### **4.1 Pucklechurch Parish Council**

The Parish Council has no objection and considers this application to be better for the community than the existing permission.

However, they feel there should be a restriction on the number of hour's worked on Saturdays and bank Holidays and lower audible warning systems fitted to reversing Lorries so as to minimise the effect on residents.

#### **4.2 Other Consultees**

##### **Wessex Water**

No objection in principle but advised that it will be necessary for the developer to agree with Wessex Water prior the commencement of any works a point of connection into Wessex systems and that the developer will have to contact Bristol Water Company with regards water supply.

#### **Other Representations**

#### **4.3 Local Residents/ Businesses**

5 letters have been received from local residents raising the following objections regarding the proposed development, which have been summarised by the Planning Officer as follows:

- Unrestricted hours of operation and impact on neighbouring properties
- Colour of building not suitable and height
- How will asbestos roof be removed?
- Overbearing Impact of fence and loss of light
- Impact of external plant
- Existing noise issues exist

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy E3 & E4 of the South Gloucestershire Local Plan allows for employment generating uses within the defined employment areas subject to the satisfaction of the criteria set out in Policy E3, which is addressed below in detail:

- 5.2 As this application is a re-submission of a recently refused planning application PK08/0418/F, the key issues for consideration are whether or not this revised application overcomes those refusal reasons, as outlined below:

#### Refusal reason 01

*In the absence of a noise acoustic report the Council is unable to assess the environmental effects of the proposed development in terms of noise and disturbance on nearby residential properties. The proposal is therefore considered contrary to Policies E3 and EP1 of the South Gloucestershire Local Plan.*

#### Refusal reason 02

*In the absence of a noise acoustic report the applicant has not demonstrated that there is a need for a 3.0m high acoustic fence which if allowed would have an overbearing impact on the adjacent occupiers of St. Aldams Drive and would have detrimental impact on the visual amenities of the surrounding residential area. The proposal is therefore considered contrary to the provision of PPS1 and Polices D1 and E3 of the South Gloucestershire Local Plan.*

#### Refusal reason 03

*The proposed buildings by reason of their scale and siting if allowed would have an overbearing impact on the adjacent occupiers of St. Aldrams Drive and adjacent office. The proposal is therefore considered contrary to Policy E3 of the South Gloucestershire Local Plan.*

#### Refusal Reason 04

*The proposed buildings by reasons of their scale, design, external appearance, materials, colour and siting and 3.0m high acoustic fencing would fail to respect and enhance the character of the both the site and surrounding residential area and if allowed would have a detrimental impact on the visual amenities of the area. The proposal is therefore considered contrary to the provisions of PPS1 and Polices D1 and E3 of the south Gloucestershire Local Plan.*

#### Refusal Reason 05

*In the absence of a acceptable landscaping scheme the proposal is considered contrary to Policy D1 of the South Gloucestershire Local Plan.*

- 5.3 Members are advised to consider the following. The principle of a B8 use has already been established on this site with un-restricted hours of operation under planning permission PK02/0935. That permission was extant until May 2008 of this year. The applicant implemented that permission in April 2008 of this year by way of digging a trench, which the Councils has confirmed does amount to a material commencement of development.



5.4 **A. Development would not have unacceptable environmental Effects: and**

The previous application was refused on the following grounds:

*Refusal 01*

*In the absence of a noise acoustic report the Council is unable to assess the environmental effects of the proposed development in terms of noise and disturbance on nearby residential properties. The proposal is therefore considered contrary to Policies E3 and EP1 of the South Gloucestershire Local Plan.*

5.5 Objections have been raised by local residents and the Parish Council as part of this current planning application regarding the impact of the proposed development as a result of unrestricted hours of operation.

5.6 Members are advised to consider the planning history relating to this application site. In 1994 permission was granted for 3,621 square metres of Class B8 use on this site and this was renewed again in 2002. At that time the Council imposed a planning condition restricting the hours of operation to that of 7.30am to 6.00pm Mondays to Saturdays and with no working taking place on Sundays or Public Holidays. The applicant appealed against that condition and the Inspector allowed the appeal and reported the following :

*Policy E2 provides that proposals for class B1, B2 and B8 uses will be permitted provided that, amongst other matters, development would not prejudice letting potential of this development and thus its potential to create local job opportunities. This would undermine the aims of these policies of both adopted and emerging LPs of encouraging employment opportunities in the district. For all these reasons, I consider that condition 19 is also unreasonable.*

*I conclude on the main issue that the removal of condition 19 would not have a unduly harmful effect on the living conditions of nearby residents as a result of noise and disturbance and would not be contrary to Policy RP1 of the LP or policies D1 or E2 of the emerging LP. For this reason I conclude that condition 19 is neither necessary nor reasonable and does not accord with the advice set out in Circular 11/95.*

5.7 As part of this current planning application the applicant has applied for unrestricted hours of operation. The Council considers the previous appeal decision relating to this site to be a strong material consideration in the determination of this application. The main difference with this current application and the previous approved application is that the previous approved scheme had permission for one large block that ran along the entire northern boundary of the application site which forms the rear boundary to the gardens of At St Aldams Drive with a separation distance of approximately 12.0m. This area was to provide parking spaces for cars. This revised scheme now proposes two separate blocks which will be set back 6.0m from the northern boundary along with the erection of a 5.30m high acoustic timber fence in between. At the time of the recently refused application the Council raised an objection on the grounds that in the absence of a noise acoustic report and especially due to the revised layout of the buildings the Council was unable to fully assess the impact of the proposed development on those neighbouring properties along the northern boundary of the site especially as un-restricted hours of operation was applied for.

- 5.8 To address the above planning objection an acoustic report has been submitted. The Council's Environmental Health Officer has confirmed that the report has demonstrated that the proposed use with unrestricted hours of operation along with the proposed mitigation measures i.e acoustic fence can be operated without having a detrimental impact the amenities of nearby residential properties of St.Aldams. It is not possible to control an existing noise issue through this application.
- 5.9 Members are advised to consider that as the site already has permission to operate on a 24 hour basis under permission PK02/0925/F and as that permission has been implemented it would be unreasonable for the Council to raise an objection to this current scheme. Although it is accepted that this current scheme differs from the previous permission by reason of its layout it is considered the above objection has been overcome as it has been demonstrated by way of the submitted noise acoustic report that the proposed development along with mitigation measures would not have an unacceptable impact on residential amenity, subject to the imposition of a planning condition restricting the level of noise, emitted from the site.
- 5.10 The previous report that appeared on Circulated Schedule no.40/08 was recommended for approval with a number of conditions. The applicant now wants to amend the wording of condition 05 which relates to noise level restriction by including the following wording:

*and 31 LAeq, 1 Hour between 2000 and 2300 hours*

The previous condition read *31 LAeq, 5 min.* The Council's Environmental health officer has confirmed that as this is a minor technical change no objection is raised as it is considered the proposed change will not have an unacceptable impact on residential amenity.

- 5.11 **B. Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on-street parking, to the detriment of the amenities' of the surrounding areas and highway safety; and**

The proposal consists of six new units for a mix of B1( c) light Industry, B2 General industry and B8 distribution. This development site is part of a larger industrial use on the site and it is currently used /let for outside storage by various companies including a scaffolding company. In addition to the current use, this site also benefits from planning permission to erect four units of B8 industrial use, totalling 3,751m<sup>2</sup>. Access to the site will be from the existing trading estate road network which operates with one way loop within the site and the access roads are of a suitable width to accommodate HGV access. The industrial estate gains access to the highway network via Shortwood Road (B4465) a route that is currently being used by traffic from the existing industrial estate.

5.12 The development will provide 58 parking spaces to cater for the development and a number of cycle parking bays will also be provided within the units. In view of the above therefore, there are no highway objections to this proposal subject to the imposition of a number of planning conditions relating to provision of parking facilities and no outside storage.

5.13 **C. Development would not prejudice existing residential amenities; and**

The previous application was refused on the following grounds:

Refusal reason 02

*In the absence of a noise acoustic report the applicant has not demonstrated that there is a need for a 3.0m high acoustic fence which if allowed would have an overbearing impact on the adjacent occupiers of St. Aldams Drive and would have detrimental impact on the visual amenities of the surrounding residential area. The proposal is therefore considered contrary to the provision of PPS1 and Policies D1 and E3 of the South Gloucestershire Local Plan.*

Refusal reason 03

*The proposed buildings by reason of their scale and siting if allowed would have an overbearing impact on the adjacent occupiers of St. Aldrams Drive and adjacent office. The proposal is therefore considered contrary to Policy E3 of the South Gloucestershire Local Plan.*

5.14 Objections have been raised by local residents regarding the impact of the proposed development. For background purposes the following is a brief account of the scheme that was approved under PK02/0935. That scheme relates to the erection of one unit measuring 89.0m in length x 29.0m in width sited along most of the northern boundary of the site which backs onto the rear of gardens of 24-36 St.Aldrams. The building is set back 12.0m from the boundary to allow for the provision of 14 car parking spaces.

5.15 The current and recently refused application differs from the above in that they relate to the erection of two separate units. One sited along the western boundary of the site measuring 27.0m in width x 52.0 in length and the other sited along the eastern boundary measuring 63.0m in length x 27.0m in width , with the end elevations of both units backing onto St.Aldrams Drive, with a section of 5.25m high acoustic fencing sandwiched between.

5.16 The recently refused scheme proposed to bring the built form of the development closer (than the previous approval) to those neighbouring properties of St. Aldams Drive from that of 12.0m to 4.0m and proposed to erect a 3.0m high acoustic fence along the rear boundary. It was considered that the proposed units and acoustic fencing by reason of their cumulative impact in terms of siting and scale in this location if allowed, would have an overbearing impact on the adjacent occupiers. It was also considered that in the absence of an acoustic report it had not been demonstrated that there was a need for an acoustic fence of this height. It was also considered that in the absence of an acoustic report as discussed above the Council was unable to fully assess the impact of the proposed development on the neighbouring occupiers especially as the applicant has applied for unrestricted hours of operation.

- 5.17 This application has sought to overcome the above objection by amending the scheme as follows. Unit 23 & 22 sited to the rear of no. 22-28 St. Aldams has been pulled back from the rear boundary by an additional 2.0m given an overall separation distance of 6.0m. The proposed acoustic fencing although higher i.e 5.25m than the refused scheme will no longer be sited tight along the rear boundary of those properties of St. Aldams but will be significantly reduced in length and pulled back 6.0m and sandwiched between both units except for a 9.0m wide section in the middle which will run close to the rear boundary of no. 34 & 32. This section has been designed like this to enable lorries to manoeuvre within the site. An auto tracking plan has been submitted which shows that this section of fence has to be in this location and cannot be pulled back from the neighbouring boundaries. This 6.0m wide separation distance will enable the planting of a robust landscaping scheme i.e tree and hedge to be planted between the units and fence and the rear boundaries of St. Aldams along with climbing plants on the acoustic fencing. The Council's Landscape Officer has confirmed that this should provide appropriate visual mitigation and in conjunction with the submitted management plan which has demonstrated that the landscaping along the northern and eastern boundaries can be satisfactorily maintained.
- 5.18 Whilst it is accepted that this current application proposes to site the units closer to the rear of those properties, it is considered that this revised scheme will have less of an impact than the previously approved scheme as the outlook will not be dominated by one large building but will be broken up with the introduction of two end elevations and a fence, therefore reducing the overall mass.
- 5.19 It is also considered that as it has been demonstrated by way of a noise acoustic report that there is a requirement for an acoustic fence of this height and given that the buildings and fence have been set further back which in turn will be screened by a landscaping scheme, it is considered that the above objections have been addressed.
- 5.20 Sited along the western boundary of the application site is an existing two storey office unit. On the side elevation of that unit which would face onto the new development there are a number of windows at ground and first floor level some of which serve existing offices. The previous scheme was refused on the grounds that as the proposed unit by reason of its would have an overbearing impact. This current application has pulled back the proposed unit by an additional 2.0m, which overcomes the previous objection.
- 5.21 **D. The character of the area or settlement is not adversely affected; and**  
The previous application was refused on the following grounds:

*The proposed buildings by reasons of their scale, design, external appearance, materials, colour and siting and 3.0m high acoustic fencing would fail to respect and enhance the character of the both the site and surrounding residential area and if allowed would have a detrimental impact on the visual amenities of the area. The proposal is therefore considered contrary to the provisions of PPS1 and Policies D1 and E3 of the south Gloucestershire Local Plan.*

- 5.22 The site lies within an existing industrial estate, where the majority of buildings are either single or two storeys. Most of the buildings on site are of a utilitarian industrial appearance except for those units sited near the main entrance which are considered of a much higher standard. Whilst sited within an industrial complex the application site is on the edge and is surrounded by residential properties along the northern and eastern boundary of the site. Views are available of the site from those properties sited along Oak Tree Avenue the only road thorough this residential development. Views are also available from those properties sited along St Aldams Drive which back onto the site and from the car park adjacent no.36 St.Aldams Drive. A tapered open grass verge separates the site from Oak Tree Avenue and is partially screened by open railings. Unit 6a is sited along this boundary and is highly visible.
- 5.23 The application proposes two units, the more prominent of the two and longest is proposed along the eastern boundary of the site adjacent Oaktree Avenue at a length of 63.0m x 7.60m to the eaves and 8.50m to the ridge. It will be constructed predominantly of silver cladding panels and will be set back of the boundary by 3.0m. The application proposes fencing along the boundary with landscaping on the inside.
- 5.24 Members are advised to consider that although the above mentioned unit sited adjacent Oaktree Avenue is the same as that refused in terms of siting, scale and materials the applicant has sought to address the above refusal reason by amending the scheme as follows. First of all the applicant has put forward the argument that they are unable to reduce the size of the units due viability and that the units need to be able to accommodate a mix of light industrial, industrial and warehousing uses.
- 5.25 Secondly, this scheme has sought to break up the mass and bulk of the buildings by revising the elevational treatment on the rear and end elevations. Rather than one blank elevation this has now been broken up with the introduction of sections with contrasting cladding panels. The planting of a hedge is proposed along the eastern boundary which when grown will help to partly screen the development. A 2.40m high bow top fence is also proposed along this boundary for security reasons. It is of a design that will enable the hedge to be seen, softening the visual impact of the development.
- 5.26 Members are advised to consider that discussions have taken place with the Council's Community Spaces Department. The applicant had proposed to plant tree planting on Council owned land sandwiched between the proposed building and Oaktree Avenue, in an attempt to help screen the development. However due to the existence of services that are located beneath this are i.e. gas main and private sewer it is not considered appropriate to carry out any planting on this land.
- 5.27 It is considered that on balance the revised changes have addressed the previous objection. A condition will be imposed requiring the submission of material samples relating only to the units prior the commencement of development.
- 5.28 **E. The maximum density compatible with the site's location, its accessibility and its surroundings is achieved; and**  
It is considered that the site can accommodate a development of this scale, especially as planning permission has already been granted for a larger B8 use on the site i.e. 3631 square metres.

5.29 **F. In the case of travel intensive B1 (office) the location is well served by Public Transport?**

B1(C) has been applied for, but the future users of any part of the site may not necessarily be offices. Given that planning permission has been granted on this site in the past twice for B8 use, no objection is raised.

5.30 **Proposed B8 use**

Policy E3 states that proposals for large scale B8 storage and distribution will only be permitted within certain defined employment areas. The supporting text defines 'large scale' B8 uses as greater than 1000 square metres. In this instance it is considered that as the principle of a large scale B8 use has already been accepted on this site in the past, that the Council would be unable to raise an objection to this application.

5.31 **Landscaping Issues**

The previous application was refused on the following grounds:

*In the absence of an acceptable landscaping scheme the proposal is considered contrary to Policy D1 of the South Gloucestershire Local Plan.*

5.32 As discussed above a detailed landscaping scheme and management plan have been submitted both of which are considered acceptable and overcome the above planning objection. A condition will be imposed with regards the implementation of the landscaping.

5.33 **Drainage**

The application is for demolition of existing units and the erection of new construction. In terms of surface water drainage disposal the Council would look for betterment by reduction of the discharge rate and water quality improvements. It has been explained by the agent to the Council's Drainage Engineer that the preferred SuDS measures of soakage or permeable paving with infiltration to ground are not appropriate in this instance due to the site ground conditions, though some form of surface water flow attenuation by underground storage (cellular drainage units or drainage channels) could be incorporated. A drainage condition will be imposed but regard will be had for the above when such details are submitted.

5.34 **Other issues**

Concerns have been raised regarding the removal of an asbestos roof on site. An informative will be attached should planning permission be granted advising the applicant of the relevant legislation that needs to be complied with.

5.35 **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.

## **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 made 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      PK08/2278/F**

**Contact Officer:**    Tracey Price  
**Tel. No.**                01454 863424

### **CONDITIONS**

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

Reason:

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

2. No development shall take place until samples of the roofing and external facing materials proposed to be used for the two units 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:

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

3. All soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason:

To protect the character and appearance of the area to accord with Policies D1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

In the interests of ensuring the provision of adequate on site parking and turning for highway safety reasons, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The rating level of noise emitted from the site shall not exceed 33 LAeq, 1 Hour between 0700 and 2000 hours, 31 LAeq, 1 Hour between 2000 and 2300 hours and 31 LAeq, 5 Min between 2300 and 0700 hours. The noise levels shall be determined at the nearest noise sensitive premises this meaning those residential properties. The measurements and assessment shall be made in accordance with the provisions of BS4142:1997.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan.

6. Any oil or chemical storage tanks shall be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank and of a structural design approved in writing by the Local Planning Authority.

Reason:

To prevent non-point source pollution and to accord with Policies E3 and EP1 and of the South Gloucestershire Local Plan (Adopted) January 2006.

7. All surface water run-off from outside storage, parking or vehicle washdown areas shall pass through a properly constructed oil/ petrol interceptor or such other alternative system as may be agreed with the Local Planning Authority, before discharge to the public sewer, or other drainage system.

Reason:

To prevent non-point source pollution and to accord with Policies E3 and EP1 and of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The acoustic fence hereby authorised as per dwg.no. 24 P1 shall be erected in the approved location as shown on dwg.1213-02 (A) F prior the use hereby authorised commencing.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan.

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

Reason:

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.

10. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses and to accord with Policy E3 of the South Gloucestershire Local Plan.

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

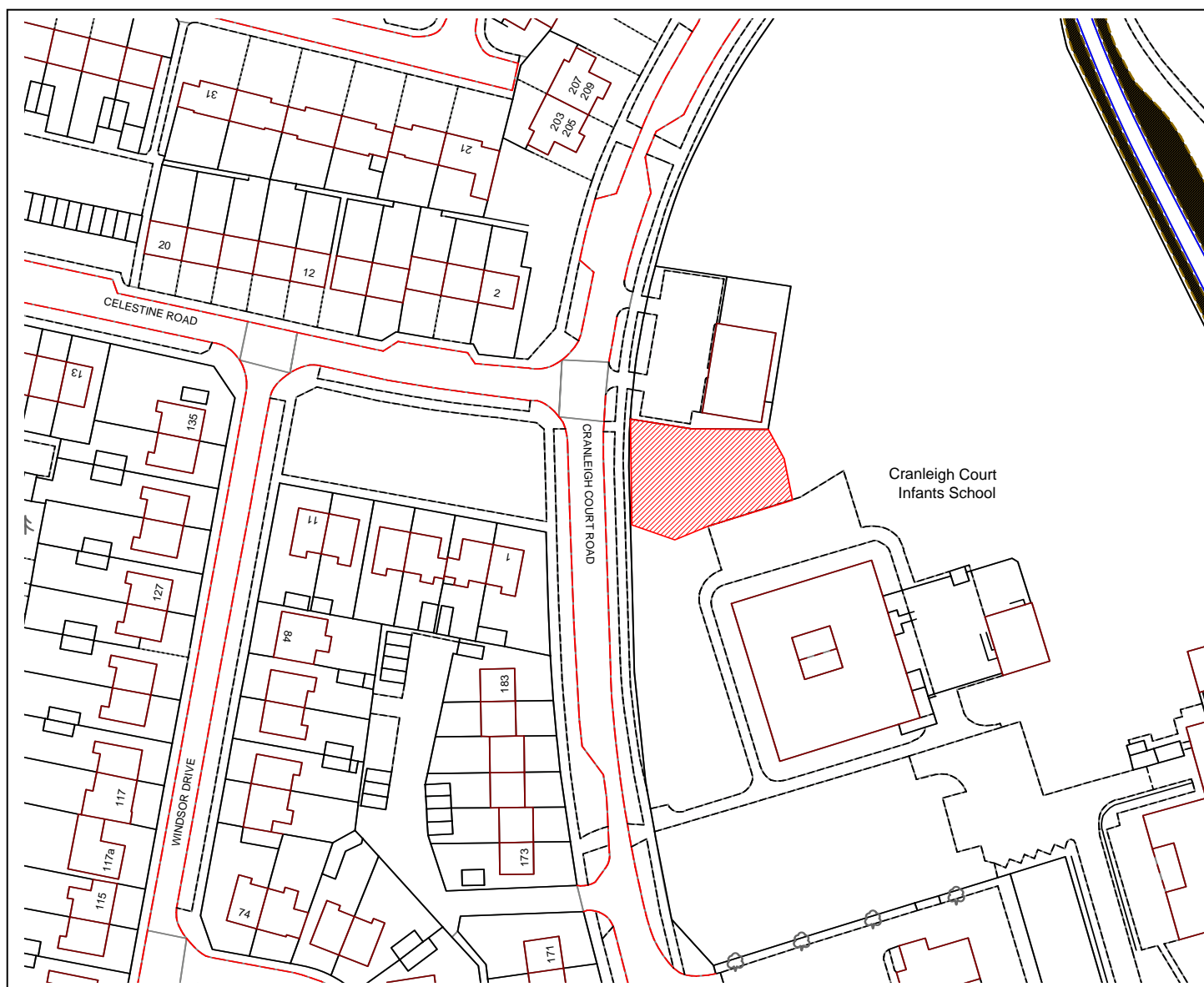


Reason:

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

**CIRCULATED SCHEDULE NO. 42/08 – 17 OCTOBER 2008**

<b>App No.:</b>	PK08/2466/R3F	<b>Applicant:</b>	Executors Estate D Beale South Gloucestershire Council
<b>Site:</b>	SureStart Children's Centre, Cranleigh Court Road, Yate, South Gloucestershire, BS375DW	<b>Date Reg:</b>	3rd September 2008
<b>Proposal:</b>	Display of 1no. non-illuminated fascia sign and 1no. free standing externally glazed noticeboard.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	70651 83175	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th October 2008



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**N.T.S**

**PK08/2466/R3F**

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule procedure as the applicant is South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The application site is situated within the grounds of Cranleigh Court Infants School. The application relates to a building named the SureStart Centre which provides parent and toddler support for the Yate community.
- 1.2 The application proposes one non illuminated fascia sign above the entrance to the building and one non illuminated freestanding external glazed noticeboard.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG13 Transport  
PPG19 Outdoor Advertisement Control
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
L19 Display of Advertisements
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist – August 2007

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

- 3.1 PK07/2934/R3F Erection of Childrens Centre and associated car park.  
Approved 15.02.2008

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection
- 4.2 Other Consultees  
Sustainable transport – No objection

#### **Other Representations**

- 4.3 Local Residents  
None received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Display of Advertisement

Advice contained within PPG19 states that outdoor advertisements can only be controlled in the interests of “amenity” and “public safety”. Concurrently Policy L19 of the Adopted South Gloucestershire Local Plan states that consent for the display of advertisements will be granted provided that the advertisements would not be detrimental to the immediate location in which it is to be displayed, by virtue of its size, siting, materials, colour or illumination, or that the cumulative effect of the proposal would be detrimental to character and visual amenity of locality. The policy also states that advertisements should not prejudice public safety.

### 5.2 Amenity

The proposal comprises the display of a fascia sign above the front entrance to the new SureStart building and the provision of a freestanding noticeboard adjacent to the entrance. Both signs are proposed to be non illuminated, would be modest in scale and design and would be displayed within the site.

Considering all of the above factors the proposal is considered not to be detrimental to the immediate location and would preserve the character and visual amenity of the area.

### 5.3 Public safety

The proposal would be modest in scale, screened in part from the highway, would be non illuminated and would be of an appropriate design in keeping with the immediate area. As such the proposal is considered not to prejudice public safety.

### 5.4 Design and Access Statement

A Design and Access Statement was not required for this application.

### 5.5 Section 106 Requirements

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

## 6. CONCLUSION

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

The recommendation to grant 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 That Advertisement Consent is granted, subject to the following conditions and informatives:

**Background Papers**      **PK08/2466/R3F**

**Contact Officer:**    **Sean Herbert**  
**Tel. No.**                **01454 863056**

**CIRCULATED SCHEDULE NO. 42/08 – 17 OCTOBER 2008**

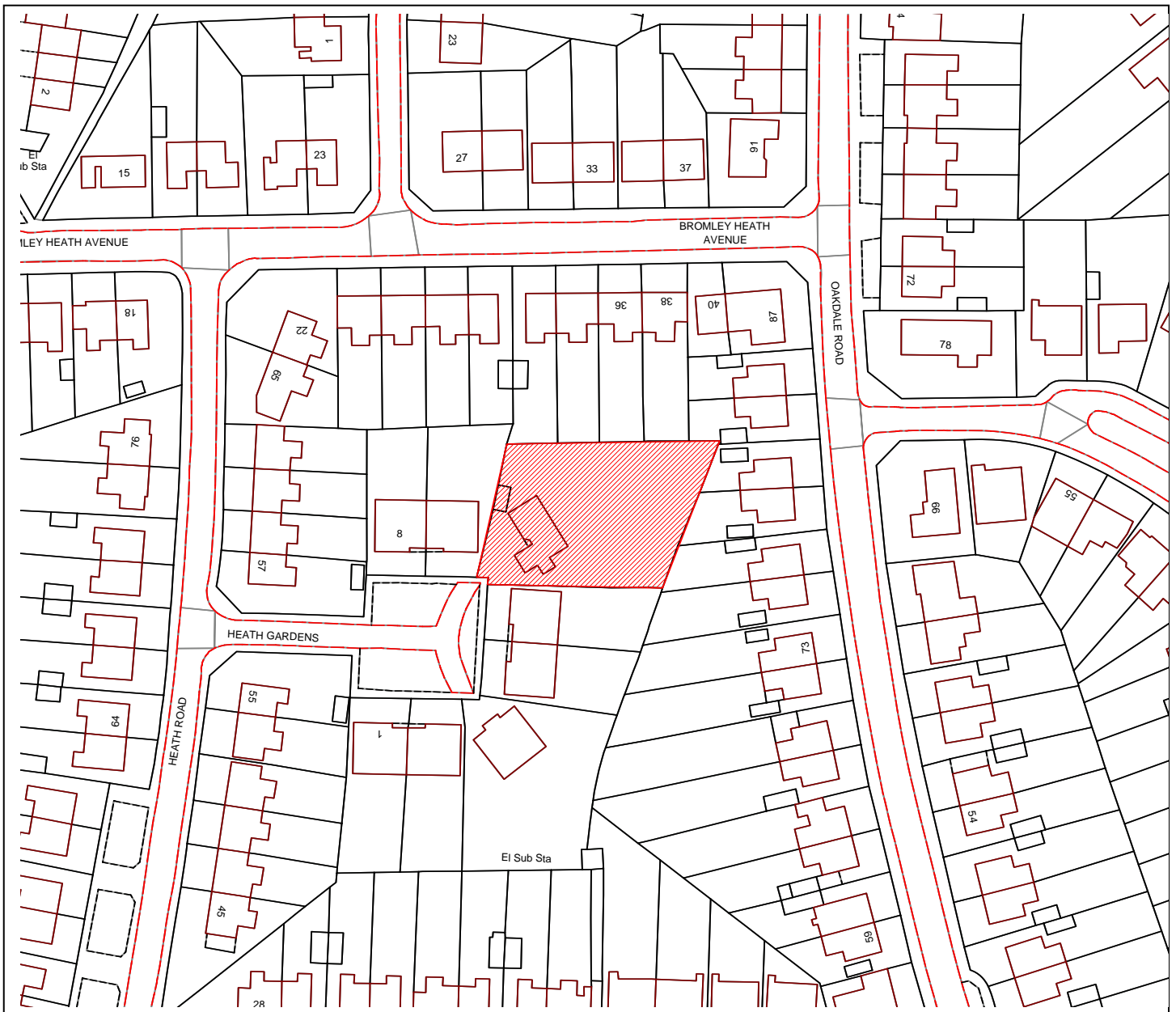
**App No.:** PK08/2496/F  
**Site:** 6 Heath Gardens, Downend, South Gloucestershire, BS16 6HE  
**Proposal:** Erection of 2no. single storey side and rear extensions to form additional living accommodation. Installation of 1no. front and 1no. rear dormer windows to facilitate loft conversion. Erection of detached double garage.

**Applicant:** Mr J Lewis  
**Date Reg:** 5th September 2008

**Parish:** Downend and Bromley Heath

**Map Ref:** 64990 77679  
**Application Category:** Minor

**Ward:** Downend  
**Target Date:** 24th October 2008



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**N.T.S**

**PK08/2496/F**

## **INTRODUCTION**

This application has been forwarded to the Circulated Schedule for Member consideration as representations have been received contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application site is situated within a predominantly residential part of Downend. The application site is bounded on all four sides by residential development with vehicular access onto Heath Gardens at the south west corner. The application site comprises a single detached bungalow situated in the south east corner of a substantial plot. The ground level within the application site rises from the south west up to the north east. The street scene is characterised by detached and semi-detached bungalows although no. 3 has been converted into a chalet style bungalow with first floor accommodation.
- 1.2 The application proposed two single storey side extensions to the existing dwelling to provide alterations to the ground floor layout and front and rear rooflights and dormers to provide two additional bedrooms at first floor level. A detached double garage is proposed in the north west corner of the site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance/Documents  
South Gloucestershire Design Checklist – August 2007

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

- 3.1 PK04/0351/O Erection of 2 no. detached dwellings and detached garages on 0.1220 hectares of land (Outline), with siting and access to be determined. All other matters are reserved.  
Refused 22.03.2004

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council
1. No objection to the plans to enlarge the bungalow.
  2. Objection to the height and close proximity to neighbouring boundaries of the proposed garage.
- 4.2 Other Consultees
- None

## **Other Representations**

### **4.3 Local Residents**

One letter of objection received from the occupiers of 32 Bromley Heath Avenue raising the following concerns:

Double garage is too close to the boundaries of the site resulting in loss of views and loss of light; boundary maintenance issues; over-development.

One letter received from the occupiers of 81 Oakdale Road requesting a condition requiring the boundary hedge on the east boundary of the site to be retained to protect privacy and light penetration.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage and ancillary buildings within residential curtilages, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

### **5.2 Design**

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context. The dwelling the subject of this application is a detached bungalow and the street scene is characterised by bungalows and former bungalows with first floor accommodation in the roofspace. No. 3 Heath Gardens has first floor dormer features fronting the highway. The detached garage has been amended and the revised design and form and now typical of a residential garage. The design and materials for the extensions and garage would be of good quality in keeping with the character and proportion of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

### **5.3 Residential Amenity**

Ample rear amenity space to the property would be retained following the erection of the proposed extensions and garage. With regard to neighbouring properties, the proposed extension to the south east elevation would be screened from the dwellings to the south by existing fencing and boundary planting. The extension to the north east elevation would be situated some 9m from the north boundary and 3.5m from the west boundary. This is considered to be sufficient distance to have no significant amenity impact. The garage has been amended to reduce its scale and position it away from the west boundary. The garage would be 2.8m to eaves and 5.2m to ridge. Although the ground level falls to the neighbour to the west (no. 7) the amended angled position of the garage and reduced eaves height would now ensure there is no prejudice to the amenity of neighbouring occupiers.



#### 5.4 Other issues

The proposal would result in no intensification of the existing access. Although the proposal does not incorporate vehicle turning facilities within the site, the application site is situated in a cul-de-sac and as such reversing onto the highway is considered to be acceptable. The proposal is therefore considered not to result in significant highway safety concerns.

One neighbour has requested a condition be imposed for the retention of the existing boundary hedge on the east boundary of the site in order to preserve amenity and light penetration levels. The proposal would be situated more than 20m from the east boundary of the site which is also situated at a higher level than the existing dwelling. It is considered that the proposal would result in no material loss of amenity or increase in light penetration to the dwellings to the east due to this distance and ground level increase, irrespective of the retention of the hedge on the east boundary. It is therefore considered unreasonable to request the retention of this boundary hedge.

#### 5.5 Design and Access Statement

A Design and Access Statement is not required for this application.

#### 5.6 Section 106 Requirements

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

### 6. CONCLUSION

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

The 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 Consent is GRANTED subject to the following conditions and informatives:

**Background Papers**      **PK08/2496/F**

**Contact Officer:**    **Sean Herbert**  
**Tel. No.**                **01454 863056**

## **CONDITIONS**

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the extensions and detached garage hereby permitted shall match those used in the existing dwelling.

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. Prior to the use or occupation of the extensions hereby permitted, and at all times thereafter, the proposed first floor windows in the side (north-west and south-east) elevations of the development hereby permitted shall be glazed with obscure glass to level 3 standard or above.

Reason

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

**CIRCULATED SCHEDULE NO. 42/08 – 17 OCTOBER 2008**

**App No.:** PK08/2530/RVC  
**Site:** Land at Units 45-48 Beches Industrial Estate, Waverley Road, Yate, South Gloucestershire, BS37 5QT

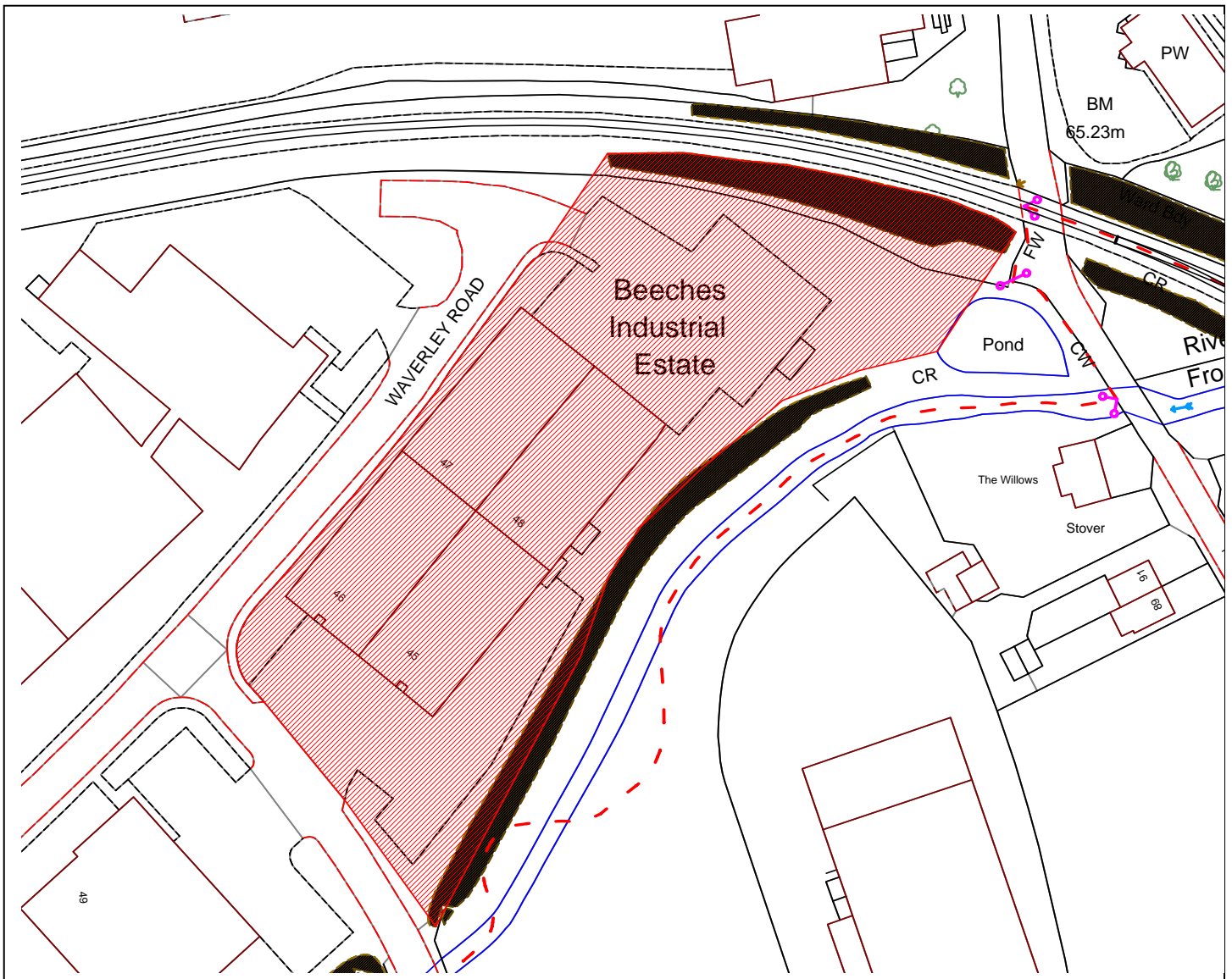
**Applicant:** Segro Properties  
**Date Reg:** 10th September 2008

**Proposal:** Variation of Condition 8 attached to previously approved planning permission PK08/1026/F dated 3 June 2008 to read "Outside storage including materials / goods / waste or plant shall only be permitted on the parts of the site shown on plan 2180-03 rev B as being used for such purposes".

**Parish:** Iron Acton Parish Council

**Map Ref:** 69861 82980  
**Application Category:** Minor

**Ward:** Ladden Brook  
**Target Date:** 24th October 2008



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 100023410, 2008.

## **INTRODUCTION**

This application is reported on the Circulated Schedule due to the receipt of objections, contrary to the officer recommendation.

### **1. THE PROPOSAL**

This application seeks to vary condition 8 relating to planning permission ref. no. PK08/1026/F, which states 'No outside storage of materials/goods/waste or plant shall take place at the premises'.

The reason given for this condition states: In the interests of ensuring the provision of adequate on site parking and turning for highway safety reasons and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

- 1.2 It is proposed to vary the condition to "Outside storage including materials / goods / waste or plant shall only be permitted on the parts of the site shown on plan 2180-03 rev B as being used for such purposes".

To this end, Plan 2180-03 rev B shows that open storage would be confined to the rear of the site, in positions where it is unlikely that vehicle access could be gained, apart from the rear of Unit 7, through a 4 metre wide gate.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 Delivering Sustainable Development  
PPG4 Industrial, commercial and small firms  
Conditions Circular 11/95

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006

E3 Development proposals within the urban area  
E4 Safeguarded employment sites  
T7 Cycle parking  
T8 Parking standards  
T12 Highway Safety

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

- 3.1 PK08/1026/F Erection of two buildings for use under Use Classes B1©, B2 and B8, with ancillary office space, car parking and landscaping Approved 2008
- 3.2 PK08/ 2592/RVC Removal of hours of working restrictions Undetermined.

### **4. CONSULTATION RESPONSES**

#### **4.1 Iron Acton Parish Council**

Object to the application and do not accept the proposed revision. The Parish Council fear that wind blown materials will find their way into the River Frome, causing environmental problems. This is already a problem on the site, as has been reported to you on numerous occasions in the past.

#### **4.2 Other Consultees**

Environment Agency

Do not wish to comment

### Transportation

Planning permission has recently been approved to erect two new industrial buildings on this site (PK08/1026/F). This current proposal seeks to vary Condition 8 to allow outside storage in some locations on site. I do not have any objection to outside storage behind units 1b to 6 but I have concerns over the proposed storage around Unit 7. This area has been designated as parking for vehicles and fork lift trucks. I believe that any outside storage in this area would conflict with the already permitted use and would create unacceptable safety hazards. In light of the above, subject to the following condition, there is no transportation objection to this proposal.

### CONDITION

In the interests of safety, the proposed storage areas within the site need to be amended and must not include Unit 7. On that basis, a revised plan showing the removal of the storage area around Unit 7 must be submitted for approval by the Council.

### Environmental Protection

No adverse comments

### Wessex Water

Point out that a sewer crosses the site and that they would wish to limit planting in its vicinity.

## **Other Representations**

### 4.3 Local Residents

Two comments were received under this reference, both relating to condition 10 (hours of working), rather than this application, and will be considered under application PK08/2592/RVC.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above in the light of all material considerations. The original condition imposed also needs to be assessed against the tests for conditions set out in the Circular. In this case, the condition was imposed in order to ensure the provision on site of adequate parking and turning facilities. The analysis will therefore concentrate on this factor. Other issues have been brought up due to the consultation process and they will also be analysed below.

### 5.2 Reason for Imposing Condition 8

This condition was imposed in order to prevent storage taking place in areas where it would prevent off street parking taking place and the turning of vehicles within the site. A plan has been submitted to ensure that outdoor storage would only potentially affect these issues in respect of Unit 7. However, an amended plan has been requested to eliminate this impact at the rear of Unit 7. The amended plan (rev C) has been received as requested and indicates that outside storage will only take place to the rear of units 1-6 inclusive. Due to the constraints of the site, e.g. gates and fences, this is considered to exclude any possibility of vehicular access. As such, the reason for imposing condition 8 still stands and the reworded condition appears below.

### 5.3 Tests for Conditions

Circular 11/95 sets the following tests for the validity of planning conditions: that they must be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects. In the case of this application, it is considered that condition 8 is relevant to planning and the development permitted, precise and enforceable. However, the relevant test in this instance is whether the condition is necessary (particularly with regard to ensuring parking provision – the reason it was imposed) and that has been analysed in the foregoing paragraph.

### 5.4 Other Issues

The parish has raised the issue of wind blown materials finding their way into the River Frome and causing pollution. In this regard, the Environment Agency have not chosen to respond and Environmental Protection have not raised an objection. Pollution of the River Frome would be controlled by other legislation and can not be controlled by this application.

### 5.5 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That the planning permission is re-issued with condition 8 re-worded to make reference to the amended plan. Since development is yet to be commenced, it is not appropriate to remove any of the other conditions at this juncture.

**Background Papers      PK08/2530/RVC**

**Contact Officer:    Chris Gosling**

**Tel. No.                01454 863787**

## CONDITIONS

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

Reason:

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

2. As the area may be prone to flood from time to time, the internal ground floor level(s) of the building(s) shall be constructed no lower than 66.72m above Ordnance Datum.

Reason:

In the interests of flood prevention.

3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason:

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

4. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

The current/previous uses of the site may have had the potential to cause contamination, therefore investigations are required to determine the extent of any potential contamination from these current and previous site uses.

Under Planning Policy Statement 23: Planning and Pollution Control (PPS23) the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through the appropriate measures.

It is possible that a desk study may be sufficient in addressing the above Conditions.

Reason:

To prevent pollution of the water environment.

5. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourses, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:

To prevent pollution of the water environment.

6. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

NOTE: Detergents entering oil interceptors will render them ineffective.

Reason:

To prevent pollution of the water environment.

7. Within 3 months from the date of the decision, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason:

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

8. Outside storage on the site shall only take place in the area marked on plan no. 2180-03 Rev. B. Received by the Council on 13 October 2008.

Reason:

In the interests of ensuring the provision of adequate on site parking and turning for highway safety reasons, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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



Reason:

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

10. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0600 to 2000 Mondays to Fridays; 0800 to 1300 on Saturdays; nor at any time on Sunday or Bank Holidays.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The works hereby authorised shall comply with British Standard 5837: 2005 - Recommendations for Tree Work, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority measures in respect of:
  - (i) The identification, through site survey, of protected wildlife species, namely badgers, and their habitat at present (as designated under the Wildlife and Countryside Act 1981 (as amended) and the Badger Act 1992).
  - (ii) The protection, as required, of wildlife species, and/or their habitat referred to under (i) above and as identified through the site survey. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. Prior to the commencement of development a method statement shall be submitted to the Local Planning Authority for agreement in writing to safeguard the ecology of the River Frome SNCI, its water quality and the semi-natural habitat associated with the river corridor, both during the constructing and the operating of the units. The development shall proceed in accordance with the details so approved.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the first occupation of any of the approved buildings, the steps linking the site to Public Footpath L1A 51X shall be cleared of all vegetation and maintained in such a state thereafter.

Reason:

To ensure that the link from the site to the footpath network is maintained free of obstruction, to accord with policy LC12 of the adopted South Gloucestershire Local Plan.

15. Prior to the commencement of development a plan shall be submitted to the Local Planning Authority and approved in writing, indicating the location and details of protective fencing to all the retained vegetation.

Reason:

To protect the character and appearance of the area to accord with Policies D1, L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. The development shall be carried out, leaving a 6.5 metre stand-off of buildings and vegetation from the public foul water sewer which crosses the site.

Reason:

To prevent damage to the sewer which could cause non-point source pollution and flooding, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 42/08 – 17 OCTOBER 2008**

**App No.:** PK08/2540/F  
**Site:** 108 Soundwell Road, Soundwell, South Gloucestershire, BS16 4RE

**Applicant:** Mr A Chowdury  
**Date Reg:** 11th September 2008

**Proposal:** Change of use of ground floor from Shop (Class A1) to Dwelling House (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 as amended, to facilitate conversion of shop to form 2no. flats on ground floor with associated works. (Resubmission of PK08/1409/F)

**Parish:**

**Map Ref:** 64785 75177  
**Application Category:** Minor

**Ward:** Staple Hill  
**Target Date:** 30th October 2008



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100023410, 2008.

**N.T.S**

**PK08/2540/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application relates to a 2-storey end of terrace building, the ground floor of which is a redundant shop and the first floor a self-contained 2-bedroom flat. The property is one of a rank of four similar properties.
- 1.2 It is proposed to change the use of the ground floor shop (A1) to 2no one bedroom flats.
- 1.3 A previous application (PK08/1409/F) for a similar proposal, which included the removal of a ground floor mono-pitch roof, to create a roof terrace at the rear of the property, was refused due to a loss of privacy. The current application has been revised and does not include the previously proposed roof terrace.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
PPS6 - Planning for Town Centres  
PPG13 - Transport

#### **2.2 Development Plans**

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

D1 - Design  
L1 - Landscape Protection and Enhancement  
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  
H5 - Re-Use of Buildings for Residential Purposes  
H6 - Affordable Housing  
RT11 - Retention of Local Shops  
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

South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007  
South Gloucestershire Affordable Housing (SPD) adopted 2<sup>nd</sup> Sept. 2008.

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

- 3.1 P75/4814 - Alterations and additions to existing premises to provide conservatory, lobby, bathroom, enlarged kitchen & separate entrance at ground floor, enlarged bedroom at 1<sup>st</sup> floor and dormer bedroom on 2<sup>nd</sup> floor. Erection of garden shed.  
Refused 15 Jan 1976
- 3.2 P76/4101 - Alterations and additions to existing premises to provide conservatory, lobby, bathroom, enlarged kitchen & separate entrance at ground floor, enlarged bedroom at 1<sup>st</sup> floor and dormer bedroom on 2<sup>nd</sup> floor. Erection of garden shed.  
Approved 11<sup>th</sup> March 1976
- 3.3 PK08/1409/F - Change of Use of ground floor from shop (Class A1) to Dwelling House (Class C3) as defined in the Town & Country Planning (Use Classes) Order 1987 as amended, to facilitate conversion of shop to form 2no. flats on ground floor with associated works. Replacement of casement window with French windows at rear first floor level and replacement of rear ground floor mono pitched roof with flat roof to form roof terrace.  
Refused 3<sup>rd</sup> July 2008 for the following reason:

1. *The proposed first floor terrace would result in loss of privacy from overlooking and increased disturbance for occupiers of properties to the rear, to the detriment of residential amenity, which would be contrary to Policies RT11, H5 and H4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.*

### **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. The concerns raised are summarised as follows:
- Lack of parking provision.

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

- 5.1 Principle of Development  
The proposal seeks to change the use of a local shop to residential use for 2no. flats; as such the proposal should be determined under Policy RT11 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. Also of relevance is Policy H5 which relates to the conversion of non-residential properties for residential use. Policy D1 relates more specifically to design issues and T8 to parking provision. Policy H4 relates to development within existing residential curtilages including extensions.

- 5.2 The premises does not lie within a parade of shops or within any centre, but is one of a small rank of local shops on Soundwell Road. Policy RT11 permits the change of use of individual local shops situated outside town and village centres subject to a number of criteria that are discussed as follows:
- 5.3 **A. The proposed use would not result in an over concentration of non-shop uses in a village centre or local centre or be detrimental to the vitality, viability, retail and social function of that centre; or**
- 5.4 The shop does not lie within a village or local centre.
- 5.5 **B. There are satisfactory alternative retail facilities available in the locality; or**
- 5.6 A large Tesco Express has recently opened on Soundwell Road and the site is relatively close to both Kingswood and Staple Hill shopping centres; officers are therefore satisfied that Criterion B is satisfied.
- 5.7 **C. It can be demonstrated that the premises would be incapable of supporting a retail use; and**
- 5.8 The shop has been redundant for 2 years now and the applicant considers that the retail use is no longer viable. No evidence has been submitted to demonstrate that the premises would be incapable of supporting a retail use. One of the other ground floor properties within the rank appears to be offices, another is empty and the fourth is a sandwich shop.
- 5.9 **D. The proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.**

#### Transportation Issues

- 5.10 The Council's Highway Officer has noted that the existing authorised use does not have any parking provision and none is proposed for this scheme. The traffic and parking demand for the existing retail use is likely to be contained to normal working hours. There may however be some increase in demand for parking during the evening and weekends from the proposed residential use. Parking outside the site, on Soundwell Road, is controlled by single yellow line but there is good access to public transport and adequate on-street parking is available in the area to serve this small development, the net impact of which should be minimal. Bin and cycle storage would be provided to the rear, which would be accessible to all three flats via a new corridor within the existing building. There are therefore no highway objections.

#### Impact Upon Residential Amenity

- 5.11 The upper floor areas of the premises is already in residential use. Any soundproofing that is required would be secured under building regulation control. A number of new windows would be introduced at ground floor level but due to the high boundary treatments or, in the case of the new corridor windows, obscure glazing, they would not result in any significant loss of privacy.

- 5.12 No new first floor windows are proposed and since the previously proposed roof terrace and French windows have now been deleted from the scheme, officers consider that the previous refusal reasons have been overcome. There would be no additional overlooking or loss of privacy from the first floor flat. Having regard to the above, officers are satisfied that criterion D attached to Policy RT11 is now satisfied. Policy H4 also only permits development that would not adversely affect residential amenity.
- 5.13 Policy H5 permits the conversion of non-residential properties for residential use subject to the following criteria:
- 5.14 **A. Would not prejudice the character of the surrounding area; and**
- 5.15 The locality is predominantly residential so there is no in-principle objection to the proposed change of use. Issues of design are discussed under a separate heading below.
- 5.16 **B. Would not prejudice the amenities of nearby occupiers; and**
- 5.17 It was previously established in paragraph 5.11 above that there will be no adverse impact on residential amenity from the conversion of the ground floor shop unit. In para. 5.12 it was established that there would be no adverse impact on residential amenity from the first floor flat.
- 5.18 **C. Would identify an acceptable level of off-street parking; and**
- 5.19 There are no highway objections to the proposal.
- 5.20 **D. Would provide adequate amenity space; and**
- 5.21 The whole rear garden area would be available as a common amenity space. Officers are satisfied that there would be sufficient amenity space to serve the three flats proposed.
- 5.22 **E. (In the case of buildings not previously used for residential purposes) the property is located within the existing urban areas and the boundaries of settlements, as defined on the proposals map.**
- 5.23 The site does lie within the Urban Area.
- 5.24 Scale and Design  
The actual foot-print of the building would not be increased and the general appearance of the building would not significantly alter. The shop window would be replaced by more domestic sash windows. The scale and design of the proposal is acceptable.
- 5.25 Landscape  
There is little vegetation of note on the site. There are therefore no landscape objections.

#### 5.26 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage it is proposed to use the existing system.

#### 5.27 Affordable Housing

The proposal is for 2no. flats only, which is below the Council's threshold (15) for affordable housing provision.

#### 5.28 Education Service

The proposal is for 2no. flats only, which is below the Council's threshold (5) for contributions to the Education Service.

#### 5.29 Community Services

The proposal is for 2no. flats only, which is below the Council's threshold (10) for contributions to Community Services.

#### 5.30 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 (Adopted) 23<sup>rd</sup> August 2007.

#### 5.31 Section 106 Requirements

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

### 6. **CONCLUSION**

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

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



## **7. RECOMMENDATION**

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

**Background Papers**      **PK08/1409/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).

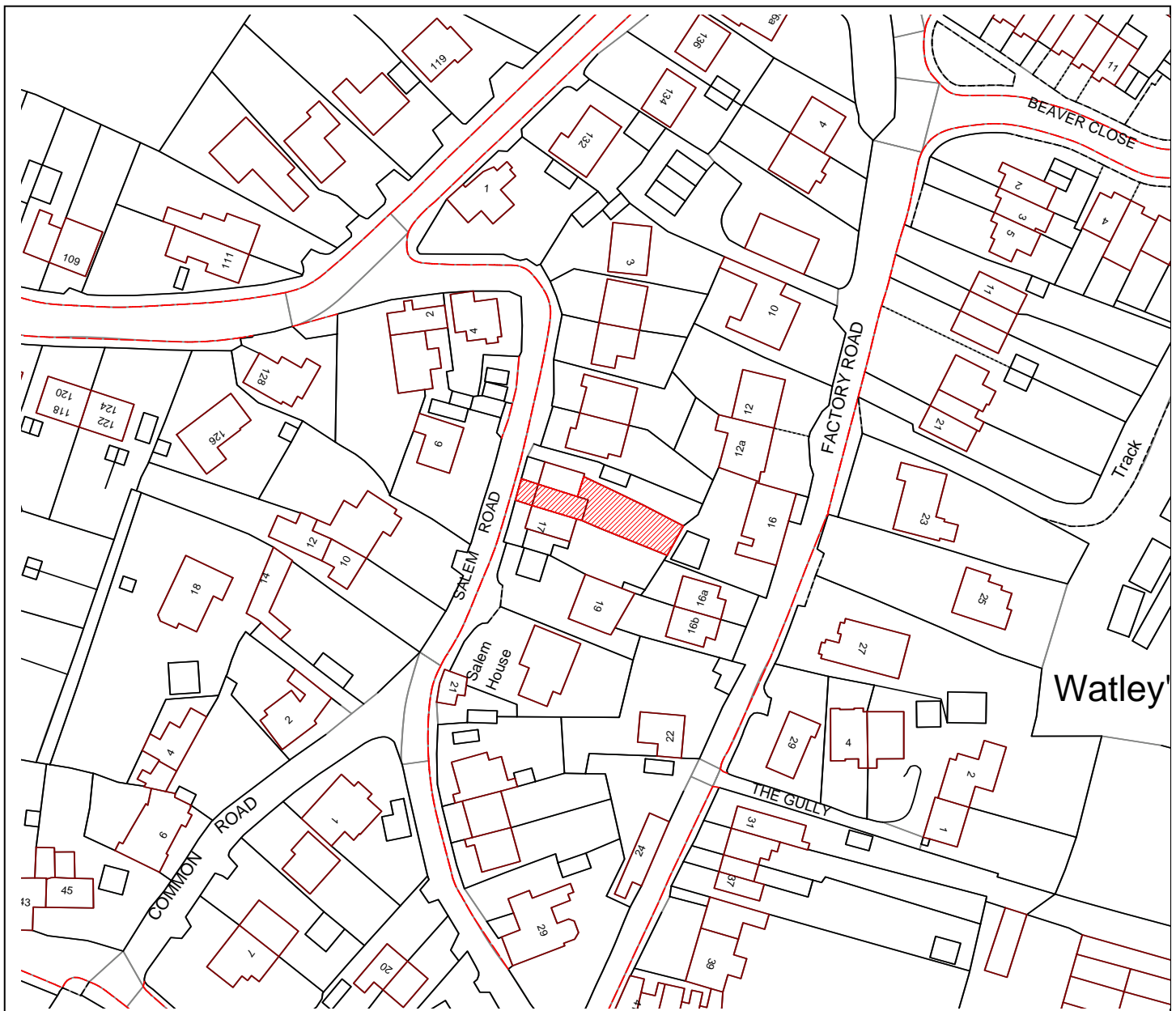
2. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday and 07.30 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies RT11, H5 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## CIRCULATED SCHEDULE NO. 42/08 – 17 OCTOBER 2008

<b>App No.:</b>	PT08/2306/F	<b>Applicant:</b>	Mr & Mrs J Woolford
<b>Site:</b>	15 Salem Road, Winterbourne, South Gloucestershire, BS36 1QF	<b>Date Reg:</b>	18th August 2008
<b>Proposal:</b>	Erection of first floor rear extension to provide additional living accommodation. (Resubmission of PT08/1061/F)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	65807 81204	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd October 2008



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## **INTRODUCTION**

Members will recall this application appeared on the Circulated Schedule No. 38/08 on the 19<sup>th</sup> September 2008 following the receipt of two letters of objection from local residents. The application is being circulated again following some amendments to the Case Officer's Report.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a first floor extension above the existing single storey extension. The proposal would be approximately 4.2m in width, 3m in depth and 6.3m in height. The development would provide additional living accommodation.
- 1.2 The application site relates to modest sized mid-terrace cottage. The site is situated in well established residential area within the Winterbourne settlement boundary.
- 1.3 This application is a resubmission of the previously withdrawn application PT08/1061/F.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H4: Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) August 2007

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

- 3.1 PT08/1061/F           Erection of first floor rear extension to provide additional living accommodation.  
**Withdrawn** on 9 June 2008

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection.
- 4.2 Local Residents  
Two letter of objection have been received from local residents. The mains from these are summarised below: -
  - A. Design – extension should match that of No. 13;
  - B. New window on the north-side should be no closer than existing door;
  - C. Construction parking should be limited via condition;
  - D. Extension dominates existing dwelling;
  - E. Loss of light;

- F. Parking issues;
- G. Loss of privacy; and
- H. Concerns regarding guttering overhanging property; the location of the soak-away and the siting of scaffolding.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extension to residential dwelling. This is subject to the proposal:

- respecting the character and appearance of the existing dwelling and the surrounding area;
- not prejudicing the amenities of nearby occupiers,
- maintaining highway safety; and
- providing adequate amenity space.

5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.

### 5.3 **Residential Amenity**

The application site is adjoined by two dwellings to the side (Nos. 13 and 17 Salem Road). Representations have been received from both of these occupiers which have raised several objections to scheme regarding a loss of light and privacy. These issues are assessed below: -

### 5.4 **Overbearing Analysis**

The proposed first storey extension would only exceed the rear building line of No. 17 by 3 metres. This depth is considered to be appropriate for a first floor extension. Furthermore, the extension would be situated to the north of this particular dwelling and therefore would not significantly overshadow the first floor bedroom window of No.17. With regard to No. 13, the proposed first storey extension would only exceed its rear building line by 0.6 metres. This depth is not considered to result a detrimental overbearing impact or a material loss of light which would harm residential amenity.

5.5 It is noted that plan no. 003 A (dated 7<sup>th</sup> August 2008) shows a fence. It is considered that this height would be excessive and would increase the sense of enclosure within the neighbouring gardens, which would be detrimental to the amenity of their outdoor space. As such, it is recommended that a condition is attached to revoke this element of the scheme.

5.6 Furthermore, the application site is usual in its shape because the ground floor windows of No. 13 face into residential curtilage of the host dwelling. This means the applicant could erect a 2m fence at any distance from these windows under their permitted development rights. This arrangement could have detrimental impact upon residential amenity. This is a unique arrangement which is not usually seen. As such, it is recommended that a condition is attached to revoke permitted development rights for fences. This will allow the Local Planning Authority the opportunity to consider the living conditions of No. 13 are not adversely affected by the erection of fences.

### 5.7 **Privacy Analysis**

With regard privacy, the proposed extension would include two rear windows which would afford some oblique views into the amenity space of No. 17 and

13. It is considered that these views would be typical of inter-visibility expected within well established residential areas. As such, it is considered that the development would not harm privacy.

5.8 The occupier of No. 13 has raised concerns regarding the replacement of the existing door in the northern elevation with a window. It is considered that this alteration would not materially alter the existing relationship and therefore would not harm privacy.

5.9 **Disturbance Analysis**

Representations have been made regarding the disturbance arising through construction. It is considered that domestic extensions of this type would not result in significant or an unreasonable disturbance. If any problems arise during construction then the Council Environmental Protection team can investigate and take action under separate legislation, if necessary.

5.10 Design and Visual Amenity

The proposed development comprises of a rear gable projection above the existing single storey flat roof extension. The applicant has proposed that the development would be finished in materials to match the existing. The ground floor extension would be greater in depth and this would be achieved through a canopy roof. The proposed gable would match the size, shape, angle and form of the adjacent gable extension at No. 13.

5.11 It is noted that the depth of the gable be slightly greater than the adjacent extension (>0.6m). Representations have been received which object to this greater depth because it does not match. Notwithstanding these comments, it is considered that this slight variation in depth would not materially harm the visual amenity of the terrace.

5.12 In view of these features, it is considered that the proposed development would respect the scale, massing, proportions, material and overall design of the existing and the character of the surrounding area.

5.13 Transportation

Representations have been received which object to the proposal on the grounds of a lack of parking. The proposed extension would provide one additional parking space. In view of the Council's maximum parking standards set under Policy T8 of Local Plan, it is considered that on balance that one additional bedroom would not give rise to unacceptable road safety problems.

5.14 Other Matters

The representations have raised a couple of other issues, these are addressed below:

**1. Construction Traffic**

It is considered that the limited level of additional traffic movements generated by a householder extension would not materially harm residential amenity or highway safety. It would therefore be unreasonable to restrict construction traffic in this instance.

**2. Land Ownership, Guttering and Scaffoldings**

In paragraph 5.12 of Circulated Schedule No. 38/08 it was stated that the applicant had served Certificate B with this application. This was actually incorrect.

In response to this issue the applicant was approached to ensure that the development did not encroach onto the neighbouring land. They have confirmed that the land on the site and location plan is solely owned by the applicant and all building works would take place within this boundary and will not be on land within different ownership land as stated in Certificate A.

Nevertheless, the standard land ownership informative will be attached. This advises the applicant that consent should be sought before entering neighbouring land. The granting of planning permission does not impact on private land ownership rights and any developer must ensure they also have the land rights to develop aside from any planning permission.

#### 5.15 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PT08/2306/F**

**Contact Officer:**    **Peter Rowe**  
**Tel. No.**                **01454 863131**

## CONDITIONS

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

Reason(s):

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

2. Notwithstanding the details shown on Drawing No. 003 A dated the 7th August 2008 the proposed 1.8m high timber fence on a 0.45m high stone wall shall not be erected.

Reason(s):

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

3. Notwithstanding the provisions of Article 3 and Parts 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 2 (Class A) shall be carried out without the prior written consent of the Local Planning Authority.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 42/08 – 17 OCTOBER 2008**

**App No.:** PT08/2440/F  
**Site:** 2 Fern Cottages, New Passage Road, Pilning, South Gloucestershire, BS35 4NE

**Applicant:** Mr A Whatley  
**Date Reg:** 2nd September 2008

**Proposal:** Demolition of existing single storey extension and outbuilding to facilitate erection of two storey side and rear extensions to provide additional living accommodation.

**Parish:** Pilning and Severn Beach

**Map Ref:** 54740 86020

**Ward:** Pilning and Severn Beach

**Application Category:** Minor

**Target Date:** 21st October 2008



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**N.T.S**

**PT08/2440/F**



This application appears on the Circulated Schedule list because of an objection received from a neighbouring occupier.

## **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of an existing single storey extension and outbuilding and the erection of a two storey side and rear extension to provide 3 bedrooms in total and an upstairs bathroom.
- 1.2 The application site comprises no. 2 Fern Cottages which is located within Green Belt land, outside of the defined settlement boundary.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green Belts
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New development  
H4 Residential Development within Existing Residential Curtilages  
GB1 Development within the Green Belt  
L3 Coastal Zone  
L4 Forest of Avon
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (adopted)  
Development within the Green Belt (adopted)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT07/3098/F, Erection of two storey and first floor rear extensions and first floor side extension to form additional living accommodation, 12 Nov 2007, Approve with conditions.

## **4. CONSULTATION RESPONSES**

- 4.1 Pilning and Severn beach Parish Council  
No comments received

### **Other Representations**

- 4.3 Local Residents  
One comment received from a neighbouring residential occupier stating the following concerns:
- An error with the plans as the boundary line at the back of the property is drawn in the wrong place;
  - A loss of light resulting from the two-storey rear extension;
  - A lack of information on how the existing shared chimney will be finished and how the roof at the end of the kitchen will be made watertight;
  - The height of the rear extension, which will require a flue extension to the central heating system;

- Structural damage to a shared separating porch wall.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and streetscene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space. Moreover, as the site lies within the Green Belt, any extension must be limited and must not result in a disproportionate addition over and above the size of the original dwelling.

### 5.2 Design/Visual Amenity

The proposal for the demolition of an existing single storey extension and outbuilding, to facilitate the erection of a two storey side and rear extension to provide additional living accommodation follows a previous proposal (PT07/3098/F), for the erection of a two-storey and first floor rear extension and first floor side extension to form additional living accommodation. This application was approved on 12<sup>th</sup> November 2007 but has not been implemented by the applicant. This application proposes various significant amendments, but notably, the two storey rear extension has been increased in size and the host dwelling would be linked to an existing detached outbuilding. The application site comprises no. 2 Fern Cottages, which is a two-storey, semi detached property located on Green Belt land, outside the defined settlement boundaries of Redwick and Severn Beach. The dwelling is set within quiet rural surroundings and fronts onto New Passage Road, which provides vehicular access to the property. The neighbouring property no. 1 Fern Cottages has benefited from a large two storey side/rear extension.

- 5.3 Given the layout of the site, it is considered that the host dwelling would obscure the two storey rear extension and outbuilding and as such, only the two storey side extension would be visible from the streetscene. It is considered that the side extension would appear subservient to the main dwelling, given that the applicant has set the proposed side extension back from the existing front building line and while the eaves are positioned higher than existing and the existing ridge height would carry on through the extension, the design proposed is not unacceptable. Given this, and with materials to match the existing dwelling, it is considered that the proposal would not have a detrimental impact on the character of the building or streetscene. Further, the adjoining dwelling has benefited from a two-storey side extension and it is considered that the proposal would help to balance the semi detached pair.

### 5.4 Residential Amenity

It is considered that the amenities of no. 2 Woodbine Cottage to the east of the application site would not be adversely impacted by the proposal, given that it is situated at a distance of over 20 metres from the host dwelling. The only other dwelling within close proximity is no. 1 Fern Cottages, which is adjoined to the western elevation of the host dwelling. It is considered that the proposal would not be detrimental to the privacy of this dwelling, given that no windows are proposed on the western elevations of the extensions and a condition will be applied to ensure this privacy. Further, the outbuilding would be reduced

from two-storey to single storey height and as such, it would be less intrusive on the neighbouring dwelling. The family room/bedroom3 extension would project approximately 0.6 metres further than the existing extension and as such, it would be set forward 1.3 metres from the existing rear building line of the neighbouring dwelling. Notwithstanding the two storey nature of the extension and the objection from the neighbouring occupier, it is considered that a modest overhang of 1.3 metres would not have an unacceptable impact in terms of shadowing or being overbearing on the neighbouring dwelling.

#### 5.5 Green Belt

The site history indicates that the dwelling has not been extended in the past. The South Gloucestershire SPD, Development in the Green Belt (adopted) June 2007, states that an addition resulting in a volume increase of 50% would most likely be considered in excess of any reasonable definition of 'limited extension'. The development proposed in this application would increase the volume of the original dwelling by approximately 38% and according to the South Gloucestershire SPD, this is an acceptable volume increase for the Green Belt. Further, the reduction in height of the existing two-storey outbuilding to single-storey would be more sympathetic to the openness of the Green Belt. As such, it is considered that the proposal adheres to policy GB1 of the South Gloucestershire Local Plan (adopted) 2006 and the Green Belt SPD (adopted) 2007.

#### Other issues

Amended plans were received from the applicant, which corrected the error identified by the neighbouring occupier. The outstanding concerns raised such as the shared porch, chimney and central heating flue are civil matters and are not planning considerations.

#### 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) 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 for the following reasons.

**Background Papers**      **PT08/2440/F**

**Contact Officer:**    **Jonathan Ryan**  
**Tel. No.**                **01454 863538**

### **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).

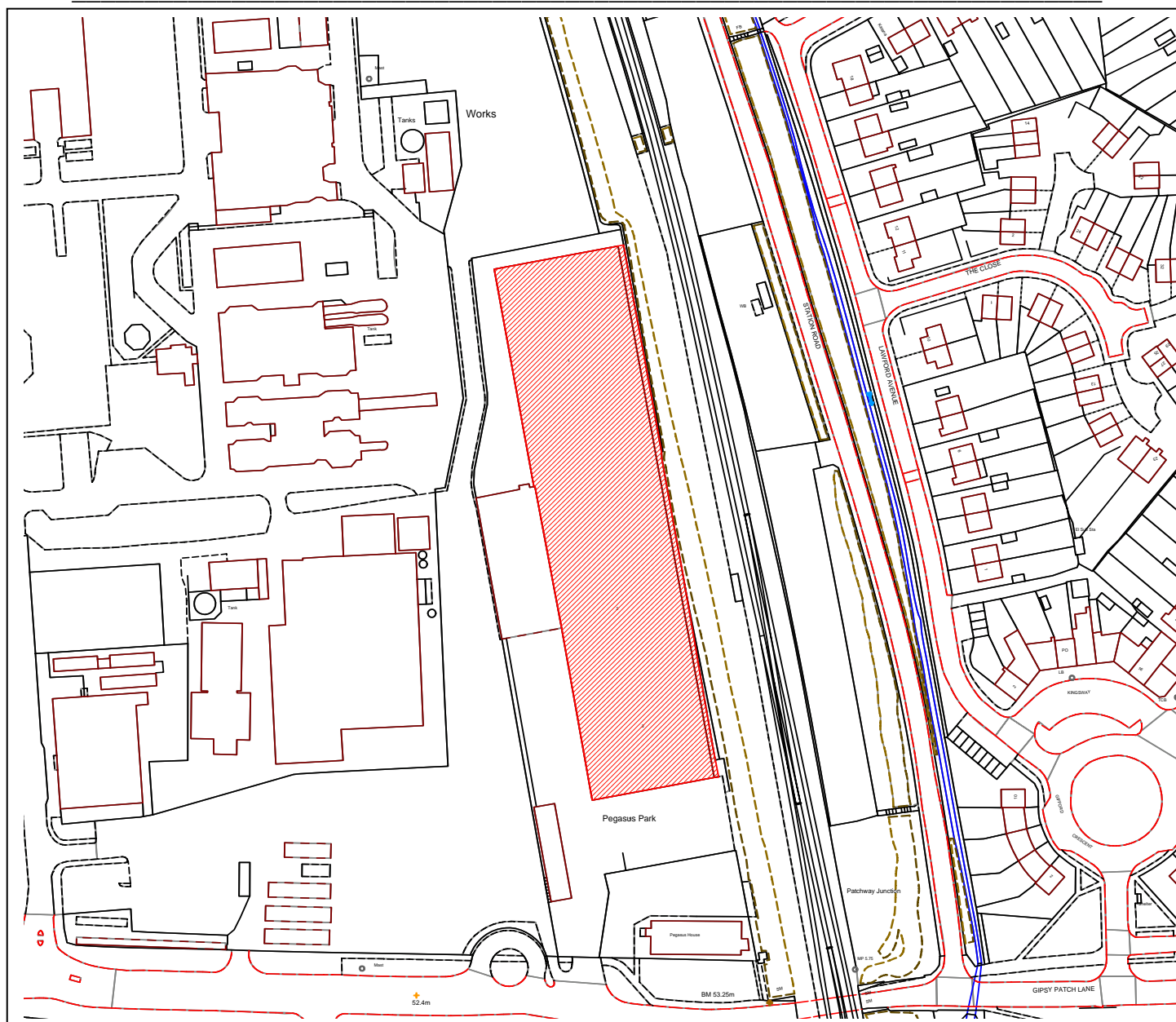
2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the western elevation of the property.

Reason(s):

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

## CIRCULATED SCHEDULE NO. 42/08 – 17 OCTOBER 2008

<b>App No.:</b>	PT08/2467/ADV	<b>Applicant:</b>	South Gloucestershire Bus & Coach Company
<b>Site:</b>	South Gloucestershire Bus & Coach Company, Pegasus Park, Gipsy Patch Lane, Patchway, South Gloucestershire, BS34 6QD	<b>Date Reg:</b>	3rd September 2008
<b>Proposal:</b>	Display of 8 no. non-illuminated fascia signs. (Retrospective).	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	61091 80716	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th October 2008



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100023410, 2008.

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N.T.S

PT08/2467/ADV

**This application appears on the Circulated Schedule as representations were received contrary to the Officer's recommendation.**

**1. THE PROPOSAL**

- 1.1 The applicant seeks retrospective Advertisement Consent for the Display of 8 no. non-illuminated fascia signs.
- 1.2 The adverts are located on a large warehouse building, formally occupied by a steel stockholder. The site is adjacent to the Rolls Royce complex and set back from Gypsy Patch Lane.
- 1.3 This application has been made following advice given by the Council's Planning Enforcement Team that consent was needed for the retention of the signage.

**2. POLICY CONTEXT**

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG19	Outdoor Advertisement Consent

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
L19	Display of Advertisements

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

**3. RELEVANT PLANNING HISTORY**

PT03/0553/F – Change of use of part of the former Watson's steel premises from General Industry (B2) (as defined in the Town & Country Planning (Use Classes) Order 1987) to bus and coach depot (sui generis). Approved 02/04/2003.

**4. CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

Signage aesthetically not good.

**Other Representations**

4.2 Local Residents

One letter of objection raising the following concerns:

- Lowers professional appearance of site.
- Distracts drivers from the A38.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

PPG19 advises that advertisements should only be assessed on visual merit and impact upon public safety. It is not necessary to consider the actual need for new advertisements.

Accordingly, Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006 states that consent for the display of advertisements will be granted provided that the advertisements would not be detrimental to the immediate location in which it is to be displayed, by virtue of its size, siting, materials, colour or illumination, or that the cumulative effect of the proposal would be detrimental to character and visual amenity of locality. The proposal should not prejudice public safety.

The proposal is therefore considered acceptable in principle subject to the following detailed assessment.

### 5.2 **Visual Amenity**

The existing signage is unauthorised and does appear overly dominant and gives the building a cluttered appearance. It is proposed that on the front (south facing) elevation one sign is removed from the building as well as four signs displayed in the windows. It is also proposed for four signs to be repositioned to more suitable heights and positions on the building's fascia. To the west facing side elevation there are no changes proposed to the existing signage.

These changes are considered to improve the current appearance of the south facing elevation which fronts Gypsy Patch Lane. To control the visual appearance of the advert signage it is considered expedient to impose a condition preventing any form of advertising or signage being displayed in the four main windows on the south facing elevation.

### 5.3 **Public Safety**

The signs are at a suitable height and a suitable distance from the edge of the carriageway. As such, it is not considered that the signs will have any impact on existing levels of public safety.

## 6. **CONCLUSION**

The decision to grant 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 That Advertisement Consent is GRANTED.

**Contact Officer: Will Collins**  
**Tel. No. 01454 863819**

## **CONDITIONS**

1. No advertisements or signage other than those shown on the plans hereby approved shall be inserted at any time in the four windows on the south elevation of the property.

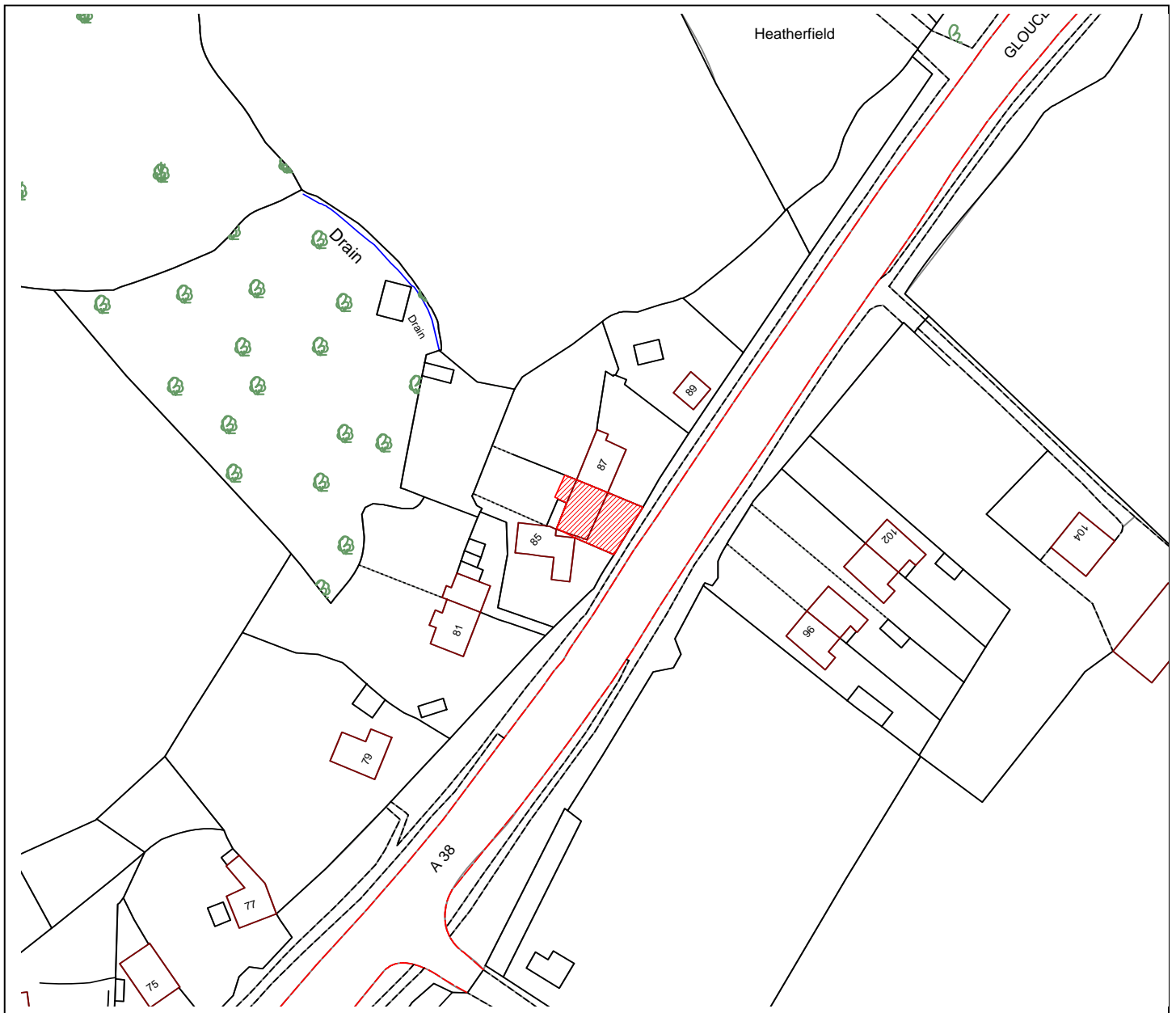
Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 and L19 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 42/08 – 17 OCTOBER 2008**

<b>App No.:</b>	PT08/2474/CLE	<b>Applicant:</b>	Mr & Mrs A Curtis
<b>Site:</b>	87 Gloucester Road, Rudgeway, South Gloucestershire, BS35 3QS	<b>Date Reg:</b>	4th September 2008
<b>Proposal:</b>	Application for Certificate of Lawfulness for existing use of annex as separate dwelling. Breach of Condition 03 attached to planning permission P90/1079 dated 15 January 1990.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	63041 87152	<b>Ward:</b>	Thornbury South and Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th October 2008



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**N.T.S**

**PT08/2474/CLE**

This application comprises a Certificate of Lawfulness for an existing use and thus appears on the Circulated Schedule.

## **1. THE PROPOSAL**

- 1.1 The application forms a Certificate of Lawfulness for an existing use in respect of the occupation of an annexe as a separate dwelling. This is in breach of planning condition 03 attached to planning permission P90/1079.
- 1.2 The application relates to the Old Forge annexe which is attached to the gable end of the Old Forge (no. 87) fronting Gloucester Road. The annex forms a chalet style unit which benefits from all facilities necessary to allow independent living including two bedrooms within the roof space. There is a small enclosed yard to the rear with a larger amenity area to the front providing for car parking.
- 1.3 The application site lies beyond any settlement boundary and within the Green Belt.

## **2. POLICY CONTEXT**

- 2.1 Because the application is a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 10 years up to the date of this application.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P90/1079: Alterations and conversion of existing store/ industrial unit to form a domestic extension. Permitted: 7 March 1990
- 3.2 P90/1645: Erection of two-storey rear extension to provide lounge to ground floor and bedroom with ensuite bathroom to first floor; demolition of existing single garage and erection of double garage. Permitted: 13 June 1990
- 3.3 PT06/2917/RVC: Removal of condition 3 attached to planning permission P90/1079 to allow independent occupation of annexe. Refused: 17 November 2006; Appeal dismissed: 11 October 2007

## **4. CONSULTATION RESPONSES**

- 4.1 Alveston Parish Council  
No comment
- 4.2 Other Consultees  
No comments received

### **Other Representations**

- 4.3 Local Residents  
No comments received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application seeks a Certificate of Lawfulness in respect of existing annexe accommodation with it claimed that these facilities have instead been occupied as an independent dwelling. This is therefore in breach of condition 3 attached to planning permission P90/1079 which states that:

*The additional residential accommodation hereby authorised shall be used incidentally to the dwelling house within the same curtilage and shall at no time be severed there from to form a separate residential unit or for any other purpose.*

*Reason: The additional accommodation is considered unsuitable for occupation as a separate residential unit or for other purposes.*

- 5.2 The issue for consideration is whether the evidence submitted proves that on the balance of probabilities, the premises have been occupied for a continuous period of 10 years up to the date of the application without compliance with this condition. The application is a purely an evidential test irrespective of planning merit.

### 5.3 Background Information

It is noted that a recent planning application (PT06/2917/RVC) sought removal of this aforementioned condition to allow the continued occupation of this unit as a separate dwelling. This application was refused for the following reasons:

*There is insufficient useable amenity space to provide acceptable living conditions for the proposed dwelling house. As such the application fails to comply with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*

*The limited area of useable amenity space is located close to the neighbouring properties where it would unreasonably detract from the residential amenity of occupiers of those properties. As such the application fails to comply with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*

- 5.4 This application was subsequently dismissed at appeal where the Inspector commented that:

*'... the annexe could be occupied by a young family and I do not consider that the yard is of sufficient size to accommodate the needs of children... I conclude that the condition is reasonable and necessary having regard to the occupants of The Old Forge Annexe in order to ensure continued access to adequate amenity space... the area is of insufficient size to be used intensively to the extent that noise would be likely to adversely affect the living conditions of neighbours at no. 85 Gloucester Road or at The Old Forge.'*

### 5.5 Evidence in Support of the Application

Evidence received in support of the application comprises on the face of it as two sworn affidavits (however, see comments below) made by Anne and Anthony Curtis, the joint owners of the property. These state that the building was converted in October 1991 with works substantially complete in autumn 1995. Further, it is confirmed that at no time has there been an interconnecting

door between the annexe and the main house (as shown on the approved plans) with all services to the 'annexe' being separate.

5.6 Details of the previous occupants are then detailed with the month and year of their arrival/ departure. This forms a continuous period from December 1995 through to the present day. This period encompasses five different individuals or couples with occupation under an Assured Shorthold Tenancy. The affidavit includes a site plan, a building notice approval for the conversion dated 21<sup>st</sup> November 1991 and what appears an invoice in respect of occupation of the annexe. Further, it is detailed that relevant bank records/ tenancy agreements would be available on request.

5.7 Conflicting Evidence

The evidence provided is accepted as true unless contradictory evidence indicates otherwise. There is no contradictory evidence.

5.8 Analysis

There are concerns regarding the affidavits because one appears incomplete and both do not appear to be certified copies; for the purposes of this application, more limited weight has therefore been attached to these.

5.9 Furthermore, it would be reasonably anticipated that the tenancy agreements referred to within the affidavits would be submitted in support of the application. Instead, these are only to be made privately available if requested in addition to relevant bank records which by their very nature, is more understandable. It is also considered that further details including services charges for the building might be provided.

5.10 Finally, it is noted that the Councils records indicate that the tenants referred to within the affidavits have been included on the electoral register since 2001; the records prior to this are not so readily available. Nevertheless, only the host dwelling has been registered for Council Tax purposes with a separate account for the 'annexe' created earlier this year. This is unlikely to prevent the granting of a certificate should a satisfactory affidavit and supporting details be received.

5.11 For these reasons, it is considered that on the balance of probability, the details so far submitted fail to demonstrate that this annexe has been occupied in breach of condition 3 (P90/1079) for the continuous period required.

## 6. RECOMMENDATION

6.1 A Certificate of existing Lawful use is **REFUSED**.

Background Papers      **PT08/2474/CLE**

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

## REFUSAL REASONS

The evidence submitted with this application has failed to prove, on the balance of probability, that the Old Forge Annexe and associated land (as outlined in red on the submitted site plan dated August 29th 2008) has been occupied as an independent dwelling in breach of Planning Condition 03 attached to P90/1079 for a continuous period in excess of 10 years.