



**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. 16/09**

**Date to Members: 24/04/09**

**Member's Deadline: 30/04/09 (5pm)**

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: 24/04/09**

**SCHEDULE NO. 16/09**

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 .....**

**Dates and Deadlines for Circulated Schedule  
for the May Bank Holiday Period 2009**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm on</b>
17/09	Thursday 30 <sup>th</sup> April 2009	Thursday 7 <sup>th</sup> May 2009
20/09	Thursday 21 <sup>st</sup> May 2009	Thursday 28 <sup>th</sup> May 2009

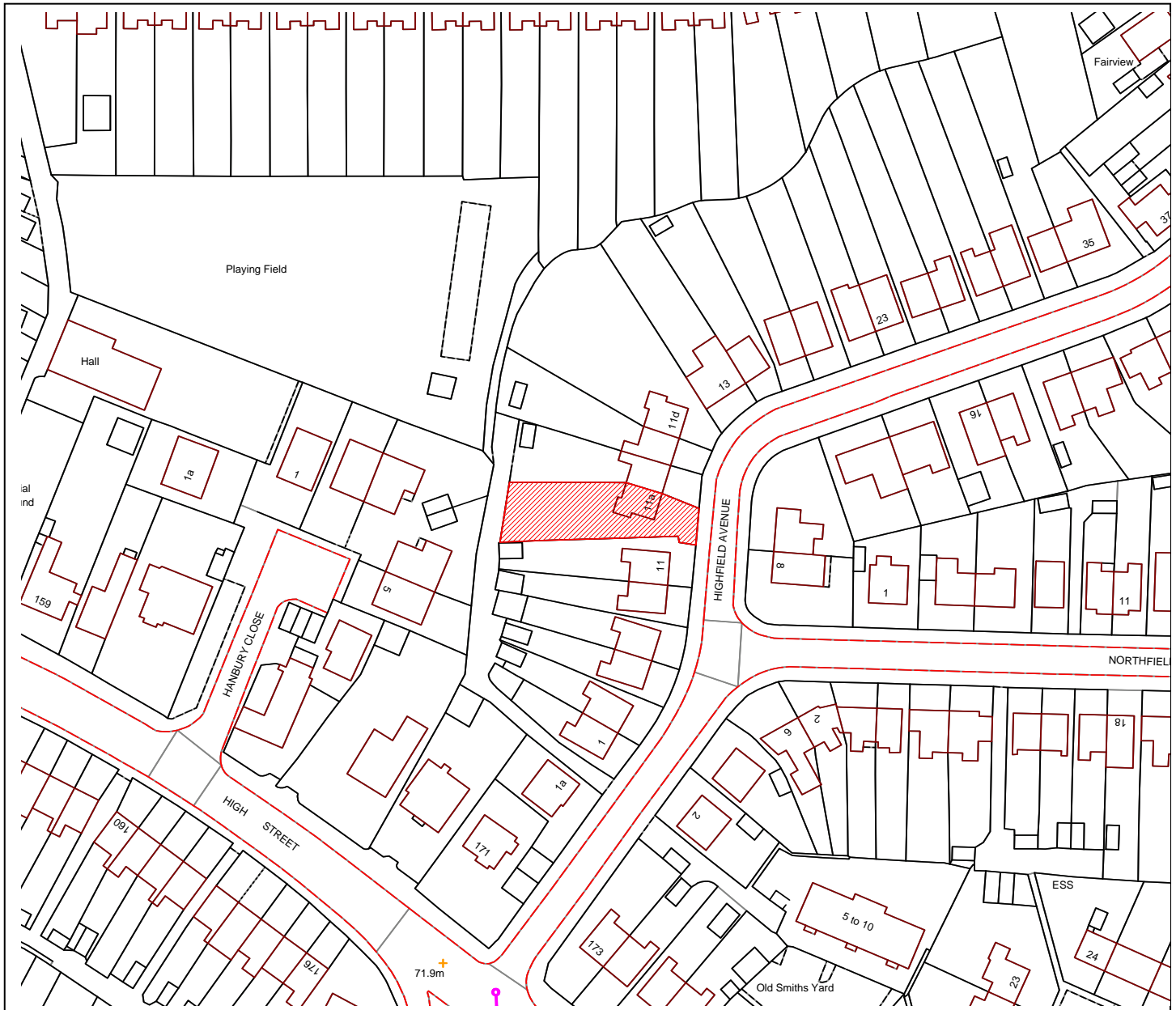
# Circulated Schedule 24 April 2009

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATIO</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK09/0302/F</b>	Approve with conditions	11A, Highfield Avenue, Hanham, South Gloucestershire, BS15 3RA	Hanham	Hanham Parish Council
2	<b>PK09/0467/CLE</b>	Approve	Land to Rear of Orford Farm, Mission Road, Iron Acton, South Gloucestershire BS37 9RX	Ladden Brook	Iron Acton Parish Council
3	<b>PK09/0514/F</b>	Approve with conditions	2 Wentworth, Yate, South Gloucestershire, BS37 4DJ	Yate Central	Yate Town Council
4	<b>PK09/0538/ADV</b>	Approve with conditions	Oldland Common Post Office, 171-173, High Street, Oldland Common, South Gloucestershire, BS30 9QG	Oldland Common	Bitton Parish Council
5	<b>PK09/0545/TRE</b>	Approve with conditions	6 Gabriel Close, Cadbury Heath, South Gloucestershire, BS30 8FG	Parkwall	Oldland Parish Council
6	<b>PK09/0578/TRE</b>	Approve with conditions	Land to the rear of 3 Birkdale, Yate, South Gloucestershire, BS37 4EX	Yate Central	Yate Town Council
7	<b>PT07/3659/F</b>	Approve with conditions	Eastwood Farm, Whitfield, South Gloucestershire, GL12 8EA	Charfield	Falfield Parish Council
8	<b>PT08/3222/O</b>	Approve with conditions	55 Ryecroft Road, Frampton Cotterell, South Gloucestershire, BS36 2HJ	Frampton Cotterell	Frampton Cotterell Parish Council
9	<b>PT09/0430/F</b>	Approve with conditions	3, Townsend Lane, Almondsbury, South Gloucestershire, BS32 4DY	Almondsbury	Almondsbury Parish Council
10	<b>PT09/0481/F</b>	Approve with conditions	11 Dunkeld Avenue, Filton, South Gloucestershire, BS34 7RH	Filton	Filton Town Council
11	<b>PT09/0494/F</b>	Approve with conditions	706 Southmead Road, Filton, South Gloucestershire, BS34 7QT	Filton	Filton Town Council
12	<b>PT09/0522/F</b>	Approve with conditions	1 Champion Drive, Bradley Stoke, South Gloucestershire, BS32 0EW	Bradley Stoke Central and Stoke Lodge	Bradley Stoke Town Council

**CIRCULATED SCHEDULE NO. 16/09 – 24 APRIL 2009**

**App No.:** PK09/0302/F  
**Site:** 11A, Highfield Avenue, Hanham, South Gloucestershire, BS15 3RA  
**Proposal:** Erection of a two storey rear extension to form additional living accommodation.  
**Map Ref:** 64740 72178  
**Application Category:** Householder

**Applicant:** Mr A Sim  
**Date Reg:** 17th February 2009  
**Parish:** Hanham Parish Council  
**Ward:** Hanham  
**Target Date:** 5th May 2009



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PK09/0302/F

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the erection of a two side extension with single storey front and rear extensions.
- 1.2 The application site relates to a two storey semi detached dwelling within the established residential area of Hanham.

### **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 Extension
- 2.3 Supplementary Planning Guidance  
SPD Design Checklist

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

- 3.1 PK07/2374/F          Erection of two storey rear extension  
Approved September 2007

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No objection

#### **Other Representations**

- 4.2 Local Residents  
One letter has been received from a local resident raising the following planning objections regarding the proposed development, which have been summarised by the Planning Officer as follows:
- Extension will be built close to neighbour's boundary
  - Application site is on higher ground
  - Overbearing impact
  - Restrict light into ground floor and landing window
  - House value affected
  - May hamper plans for future extension
  - Pillar built on boundary wall, concerns regarding stability

-Portion of wall will have to be taken down, neighbours land will have to be excavated and scaffolding placed on land. Neighbour will not grant permission to access land to build extension.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings, subject there may be no adverse impact on existing visual and residential amenities.

### 5.2 Visual Amenity

The application site relates to a post war two storey end terraced dwelling with spar render finish. This application seeks planning permission for the erection of a two storey side extension with single storey rear and front extensions.

5.3 The proposed two storey side extension has been designed to have regards for the Councils' guidelines in terms of subservience. The extension will be set back from the existing front building line and will have a lower ridge height. This will ensure that the character of the original dwelling is retained. The application also proposes a single storey rear extension, which will tie in with an existing single storey extension. The scheme also proposes the construction of a canopy on the front elevation. It should be noted that the adjoining properties no.11b and 11c all have an integral canopy as a design feature.

5.4 The proposed works by reason of their scale, design and materials are considered in keeping with the character of the existing dwelling.

### 5.5 Residential Amenity

An objection has been received from a local resident regarding the impact of the proposed development on the adjacent property. The application site property is set back from the front building line of the adjacent property no. 11 by 5.0m and the land is higher by approximately 1.20m. Whilst it is accepted that the front part of the two storey side extension will be sited close to the adjoining boundary, Members will note that the rest of the extension will project way from the boundary due to the configuration of the site. No. 11 has in place one ground floor window which serves a utility room and a first floor landing window on the side elevation. The property has been extended with a single storey rear extension.

5.6 It is considered that the proposed extension by reasons of their scale and siting if allowed would not have an overbearing impact on the adjacent occupiers so as to warrant refusal of the planning application.

5.7 Although the windows on the side elevation of the proposed extension are high level, a planning condition will be imposed requiring that all three windows have obscure glazing so as to ensure no loss of privacy to the adjacent occupiers.

### 5.8 Other Issues

#### House Values

Objections relating to house values and implications for future extension are not considered material planning considerations.



### Access to land

Issues relating to the neighbours not granting access onto land is a civil matter.

### Structural stability

Issues relating structural implications and stability is a civil matter and it is for the applicant to ensure that any damage that may occur is resolved between the individual parties involved.

#### 5.9 Design and Access Statement

Not required with this planning application

#### 5.10 Use of Energy and Sustainability

Not applicable in this particular instance.

#### 5.11 Improvements achieved to the scheme

The submitted scheme has not been subject to any revised changes as it is considered acceptable in planning terms as described above.

#### 5.12 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK09/0302/F**

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

## **CONDITIONS**

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

Reason:

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

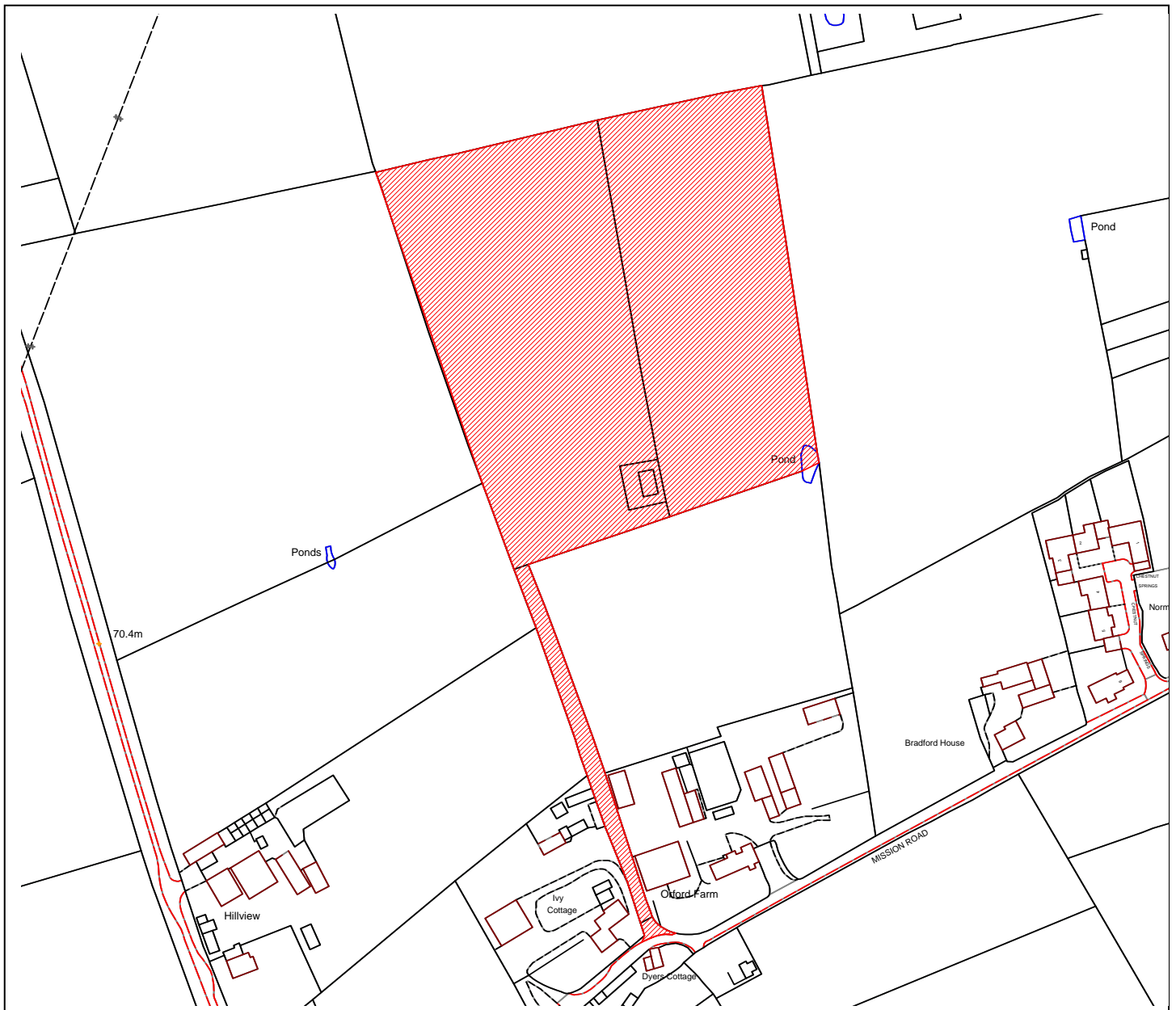
2. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed 3 windows on the southern (side) elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

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. 16/09 – 24 APRIL 2009**

<b>App No.:</b>	PK09/0467/CLE	<b>Applicant:</b>	Mr & Mrs K Merrick
<b>Site:</b>	Land to Rear of Orford Farm, Mission Road, Iron Acton, South Gloucestershire BS37 9RX	<b>Date Reg:</b>	16th March 2009
<b>Proposal:</b>	Application for Certificate of Lawfulness for an existing use of land for the keeping of horses and stables and hayloft.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	69506 84038	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th May 2009



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PK09/0467/CLE

## **INTRODUCTION**

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use, is that the applicant has to prove on the balance of probability that the use of the land for the keeping of horses and the use of the stables and hay loft has occurred for a period of 10 years consecutively, prior to the receipt of the application on the 4<sup>th</sup> March 2009.

### **1. THE PROPOSAL**

- 1.1 The application has been submitted under Section 191 (1) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for an existing use of the site and stable building.
- 1.2 The application relates to an area of land to the north of Mission Road on the outskirts of Iron Acton. Within the site, close to the southern boundary is a stable building with hay loft over.
- 1.3 The applicant considers that the land has been used for the keeping of horses for at least 10 years consecutively prior to the submission of this application; and that the existing stable building with hay loft over has been in situ on the site and used for the stabling of the horses kept on the land for a period in excess of 10 years.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Procedures) Order 1995 Article 24  
Circular 10/97: Enforcing Planning Control.
- 2.2 Development Plans  
As the application is for a Certificate of Lawfulness the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only prove that on the balance of probability the use has taken place for an uninterrupted period of at least the last 10 years prior to the receipt of the application (4<sup>th</sup> March 2009).

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

- 3.1 None

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

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

- A statutory declaration by Kenneth Walter John Merrick (owner) together with a red edged plan KWJM.1 outlining the land, with the outline of the stable building marked in blue. Also attached is an aerial photograph KWJM.2, taken in 1999, showing the stable block circled.
- A letter with attached red-edged plan, from Mrs J.A. Broom of 333 North Road, supporting the application.

- A letter with attached red-edged plan, from Mr T.M. Dyer of 159 Brockworth, Yate, supporting the application.
- A letter with attached red-edged plan, from C.S. Dyer of Hill View, Dyers Lane, Iron Acton supporting the application.

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

5.1 None

## 6. **OTHER CONSULTATIONS**

6.1 Iron Acton Parish Council  
No response

6.2 Councillor Howard Gawler  
No response

6.3 Local Residents  
No response

## 7. **EVALUATION**

- 7.1 The application seeks to prove that, on the balance of probability, the land has been used for the recreational keeping of horses for a period of 10 years consecutive to the receipt of the application and that the stable block with hay store over, currently situated on the land, has been in use for the stabling of the horses for a similar period. The application has been supported by an assortment of documents, including a signed statutory declaration by the current owner and three letters from people who have lived locally and are familiar with the site. There is no contrary evidence relating to this 10 year period.
- 7.2 Officers have carried out a site visit and observed that the stable building is located in the south-eastern corner of the first field to be accessed from the track, as shown on the submitted aerial photograph and plans. The stable is a rather crude construction of concrete blocks with a mono-pitch corrugated roof above. The stable comprises three stalls with a hay store above and in accordance with the submitted evidence, does not appear to be a very recent construction.
- 7.3 At the time of the site visit, the horses were turned out in the adjoining field but there was clear evidence from the piles of hay within the field and hay stored within the stable, that the horses were being kept there. The applicant confirmed that the horses were for his grand-daughters social use only and the stable was not a livery yard. Officers also observed a horse box trailer parked in the driveway. For the avoidance of doubt, officers requested that photographs of the stable building together with its dimensions be submitted and this information has now been received.
- 7.4 Of the evidence submitted, the statutory declaration is considered to carry the most weight. Paragraph 1 confirms that the applicant and current owner bought the two paddocks on the 3<sup>rd</sup> Nov 1975. Paragraph 9 confirms that the stable block was built in 1979 and paragraph 11 confirms that the fields have been

used for grazing horses since 1975 to the present; and the building used as stables with hay storage since May 1979 to the present.

- 7.5 Mrs Broom's letter confirms that the applicant purchased the land in 1975 and that it has since been used for keeping horses by the applicant's daughter and subsequently grand-daughter.
- 7.6 Mr C.Dyer's letter confirms that the applicant purchased the land in 1975 and that it has been used for keeping horses since. Mr Dyer also confirms that the applicant had the concrete block stables and hayloft built in or about May 1979.
- 7.7 Mr T.M. Dyer's letter confirms that the applicant purchased the fields in or about November 1975 and that it has since been used for keeping horses by the applicant's daughter and subsequently grand-daughter. Mr Dyer also confirms that the applicant had the concrete block stables and hayloft built in or about May 1979.
- 7.8 Although much of the evidence submitted relates to the period prior to the 10 years before receipt of the application, there is sufficient evidence to clearly indicate that that the fields and stable have been used for the keeping of horses for the 10 year period in question.
- 7.9 In the absence of any contrary evidence, it is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

## **8. RECOMMENDATION**

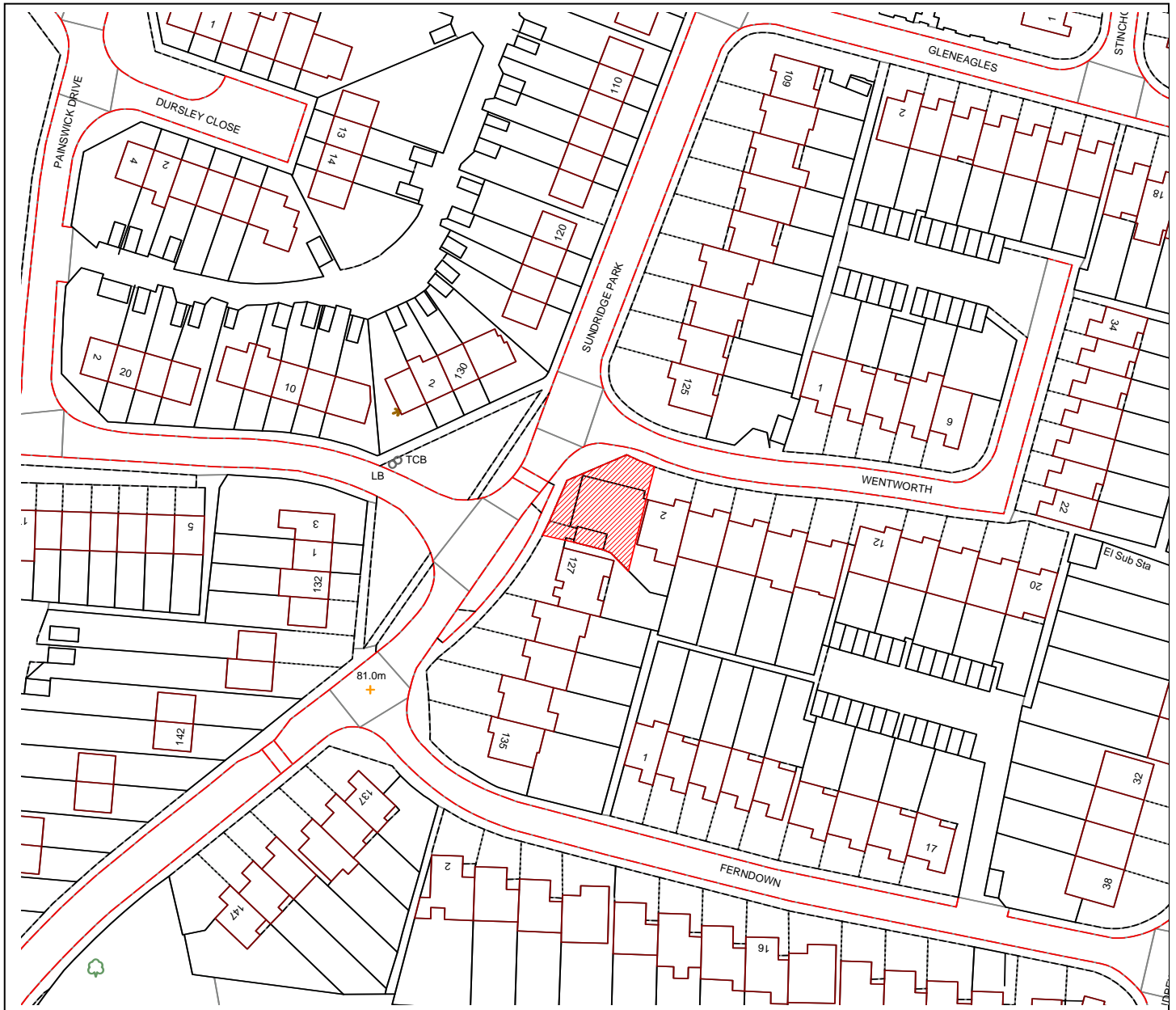
- 8.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the land and stable building for the keeping of horses.

**Background Papers      PK09/0467/CLE**

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

**CIRCULATED SCHEDULE NO. 16/09 – 24 APRIL 2009**

<b>App No.:</b>	PK09/0514/F	<b>Applicant:</b>	Mr R Edwards
<b>Site:</b>	2 Wentworth, Yate, South Gloucestershire, BS37 4DJ	<b>Date Reg:</b>	20th March 2009
<b>Proposal:</b>	Erection of 1no detached dwelling with access and associated works.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	71379 82114	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Householder/Minor/Major [delete as appropriate]	<b>Target Date:</b>	7th May 2009



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PK09/0514/F

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This planning application seeks permission for the erection of a detached dwelling.
- 1.2 The application site relates to domestic curtilage within the established residential area of Yate.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG3 Housing
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
H4 Development within residential curtilages  
T12 Transportation
- 2.3 Supplementary Planning Guidance  
SPD Design Checklist

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

- 3.1 PK08/0285/F          Erection of 2 no. semi detached dwellings  
Refused April 2008 on design and highway grounds  
Dismissed at appeal May 2008

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection.

#### **Other Representations**

- 4.2 Local Residents  
One letter has been received from a local resident raising the following planning objections regarding the proposed development:  
-Objections relating to previous planning application still stand  
-No need for dwelling  
-Highway issues



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for residential development in existing residential curtilages within existing urban areas subject there being no adverse impact on existing visual and residential amenities and highway safety.

5.2 In addition Policy D1 seeks to ensure that development respects and enhances the character, distinctiveness and amenity of both the site and locality.

5.3 Planning permission (PK08/0285/F) has recently been refused on this site for the erection of two semi detached dwellings and subsequently dismissed at appeal. The key planning considerations with regards this planning application is whether or this application has addressed those previous planning objections and Inspector's findings.

### 5.4 Visual Amenity

The application site relates to a corner plot on the junction of Wentworth & Sundridge Park. The application site comprises of an end terraced single storey unit with garden to rear and side. The immediate surrounding area is characterised by single storey terraced dwellings considered to be of a simple form and character with single storey lean to's on the front elevation.

5.5 At the time of the previous planning application, the Planning Officer raised the following objection:

*It is considered that in order to accommodate 2 dwellings on this site would result in a cramped form of development which would have an overbearing impact on the street scene and would also be out of keeping with the surrounding pattern of residential development in the immediate locality in terms of scale and external appearance i.e semi detached.*

5.6 The Planning Inspector upheld the Council's decision by reporting the following:

*By involving the construction of a pair of semi detached dwellings that would have an unduly cramped appearance in the context of their surroundings and with the dwelling closest to the corner of Sundridge Park and Wentworth being an unduly intrusive feature in the street scene, I consider that the proposed new bungalows would be out of keeping with their surroundings and that they would have a materially detrimental effect on the character and appearance of the surrounding area.*

5.7 This revised application now seeks planning permission for the erection of one dwelling. Due to the reduction in the number of units from 2 to 1 this in turn has reduced the footprint of the building. This has resulted in the built form being pulled away from the front boundary of the site and in particular the side elevation will now be in line with the front building line of no.2 Wentworth. It is considered that this revised application has addressed the previous planning objection and the Inspector's decision in that a development of this scale and by reason of its siting would neither result in a cramped form of development or be out of keeping with the street scene.

- 5.8 The design of the building is of a simple design and appearance which reflects the character of surrounding properties, and is considered acceptable in design terms.
- 5.9 Residential Amenity  
It is considered that the proposed dwelling by reason of its siting would not have an adverse impact on the amenities of neighbouring properties in terms of loss of privacy or overbearing impact.
- 5.10 It is also considered that satisfactory level of private amenity space at the rear is provided.
- 5.11 Transportation issues  
Objections have been received from a local resident raising concerns regarding highway issues in terms of parking. A planning objection was raised with regards the previous application on the grounds that the proposed alterations to the existing access would impact on a nearby traffic calming measures. The Inspector however was of the view that the proposal would not have an unacceptable impact in terms of highway safety.
- 5.12 It is considered that in light of the Inspector's findings that the proposed development would not have an adverse impact on highway safety. A planning condition will be imposed ensuring the provision and retention of the proposed car parking space.
- 5.13 Landscaping issues  
There are no landscaping constraints on the site.
- 5.14 Drainage  
The Council's drainage engineer has raised an objection to the proposed scheme on the proposed method of surface water drainage. A drainage condition will be imposed requiring drainage details to be agreed prior the commencement of development on site.
- 5.15 Design and Access Statement  
  
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.16 Use of Energy and Sustainability  
The application site is within a sustainable location in terms of nearby shops and School and nearby public transport links. The proposed development will make efficient use of a brown field site
- 5.17 Improvements achieved to the scheme  
Prior to the submission of this planning application a number of revised plans were submitted to the Council for comment, which has resulted in significant improvements to the previous refused planning application in terms of its appearance and resultant design.

## 5.18 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK09/0514/F**

**Contact Officer:**      **Tracey Price**

**Tel. No.**                      **01454 863424**

## CONDITIONS

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

Reason:

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

2. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

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

Reason:

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

4. Prior to the commencement of development 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.

Reason:

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

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

Reason:

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

6. Prior to the commencement of development a scheme of proposed landscaping, boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason:

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

7. All hard and 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 Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 16/09 – 24 APRIL 2009**

**App No.:** PK09/0538/ADV

**Applicant:** Mr S Pursey  
Oldland News &  
Food & Post Office

**Site:** Oldland Common Post Office, 171-173,  
High Street, Oldland Common, South  
Gloucestershire, BS30 9QG

**Date Reg:** 25th March 2009

**Proposal:** Display of 2no. externally illuminated  
fascia signs (Retrospective).

**Parish:** Bitton Parish  
Council

**Map Ref:** 67476 71390

**Ward:** Oldland Common

**Application Category:** Minor

**Target Date:** 12th May 2009

**Category:**

**Date:**



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N.T.S

PK09/0538/ADV

This application has been referred to the Circulated Schedule due to the receipt of an objection raised by Bitton Parish Council.

## **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the display of two externally illuminated fascia signs at the Oldland Common Post Office. The fascia signs are already in place, as such the application is retrospective.
- 1.2 The property is a two storey semi-detached property and is located within a residential area of Oldland Common.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG19 Control of Advertisements
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None

## **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Councillors objected to this development which they felt was out of keeping with the old building on which it is fitted and because of the effect of the illumination on nearby properties. It was noted that an illuminated box is shown clearly on the drawings but seems not to be included as part of the application. No information was provided about the hours when the signs are lit.
- 4.2 Sustainable Transport  
No objections

### **Other Representations**

- 4.3 Local Residents  
No response received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
As outlined in PPG19, the display of outdoor advertisements can only be controlled in the interests of amenity and public safety. Accordingly the display of advertisements will be assessed with regard to its effect on the appearance of the building and visual amenity in the immediate neighbourhood. In addition consideration must be given to the cumulative impact of the advertisement. Furthermore the proposal should not prejudice public safety.

## 5.2 Visual Amenity

The application is a retrospective application seeking approval for the display of two externally illuminated fascia signs. Previously the shop had a variety of signage including several projecting signs, a non illuminated fascia and several canopies. Two of the canopies have been removed and have been replaced by externally illuminated fascias. Both fascias measure 500mm in height, one of signs is 5.3 metres in length and the other is 6 metres in length. It is considered that the scale of the signage is in keeping with host building. In addition, the proposed signage is modest in size and well positioned on the building.

The proposed signage is of a standard design, in addition it is considered that the signage does not clutter the existing building and that the colour scheme of the fascias is considered acceptable. There is signage of similar scale and design within the immediate vicinity. It is therefore not considered that the signage would have a detrimental impact on the character of the building or the surrounding area.

Concern has been raised with regard to the external lighting of the advertisements and the effect that this illumination would have on neighbouring properties. Due to the orientation of the application building, the front elevation on to which the signage is attached is angled away from the adjoining property, No. 175 High Street. The properties immediately opposite the site No's 174-184 are located over 24 metres away. The proposed signage would be externally illuminated with trough lighting that is directed down at the fascias. Given that the lighting is directed down at the fascia, light spillage is minimal. It is not considered that the lighting would be obtrusive or would have a significantly detrimental impact on the amenities of the neighbouring properties to warrant the refusal of this application. Furthermore the applicant has agreed to a condition being attached to the application restricting the time of illumination to the opening hours with some leeway either side. With regard to the square illuminated box shown on the plans, this is an update of the post office logo and, whilst in a different location, replaces the old logo.

## 5.3 Public Safety

Given the scale and location of the signage, it is not considered that the proposed signage would be distracting or confusing for motorists nor would it be physically hazardous to pedestrians. Further, with no objection from the Transportation Officer the proposal is considered acceptable in terms of public safety.

## 5.4 Section 106 Requirements

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

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PK09/0538/ADV**

**Contact Officer:**    **Kirstie Banks**  
**Tel. No.**                **01454 865207**

### **CONDITIONS**

1. The signage hereby approved shall only be illuminated between the hours of 06.00 - 19.00 Monday- Friday and 06.00 - 13.00 Saturday and Sunday.

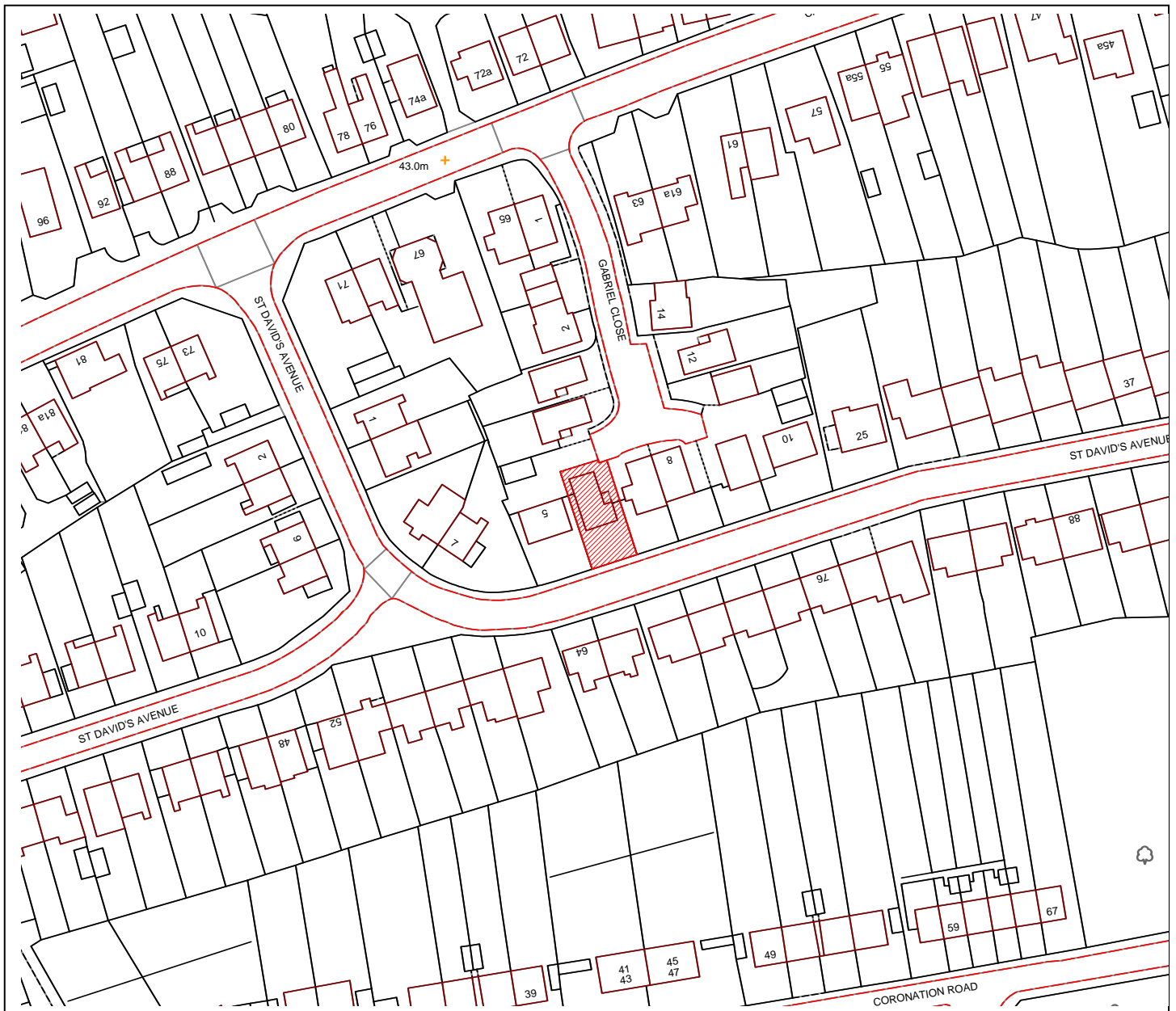
Reason:

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



**CIRCULATED SCHEDULE NO. 16/09 – 24 APRIL 2009**

<b>App No.:</b>	PK09/0545/TRE	<b>Applicant:</b>	Mr D Potter
<b>Site:</b>	6 Gabriel Close, Cadbury Heath, South Gloucestershire, BS30 8FG	<b>Date Reg:</b>	25th March 2009
<b>Proposal:</b>	Works to reduce height to approximately 10 metres with proportionate reduction in lateral branches 8no. Beech trees covered by Tree Preservation Order SGTPO 08/06 dated 8 September 2006.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	66557 72363	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th May 2009



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## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of one letter of objection from a neighbouring resident.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to carry out works to 8no. Beech trees, protected by a Tree Preservation Orders. The trees are located along the Southern boundary of No. 6 Gabriel Close, Cadbury Heath. The works proposed include reducing the height of the trees to approximately 10 metres and the reduction of lateral branches.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement

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

- 3.1 PK07/1878/TRE Works to Leyland Cypress and 9 Lawson Cypress Trees covered by Tree Preservation Order Approved August 2007
- 3.2 PK08/2438/TRE Works to remove 4 beech trees and 3 smaller trees cover by a tree Preservation Order. Refused October 2008

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No response received

#### **Other Representations**

- 4.2 Local Residents  
One letter of objection has been received from a local resident raising the following concerns:
- The trees were protected to retain the character of St Davids Avenue, cutting down the trees by 10 metres will destroy this character.
  - The trees should be reduced by no more than 3-4 metres to a similar height as the neighbouring property.

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

- 5.1 Principle of Development  
Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 seeks to conserve and enhance the quality and amenity of the landscape and

distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

#### 5.2 Analysis of the proposal

The trees are growing at the rear of the property and currently form a screen between Gabriel Close and St David's Avenue. The applicant has submitted other applications for works which have been inappropriate in terms of the Tree Preservation Order which exists on these boundary trees on arboricultural grounds. Following a site visit after the refusal of PK08/2438/TRE the works stated on this application form have been recommended by all 3 tree officers working for the council as the most appropriate works to these trees. It is considered that these works will alleviate the problems experienced by the applicant whilst still providing amenity to the area and a screen between the two roads. As such there are no objections to the proposal subject to conditions to ensure that the works are carried out in accordance with BS3998:1989

#### 5.3 Other Issues

Concern has been raised that the reduction of the trees by 10 metres would have a detrimental impact on the character of St Davids Avenue. It should be noted that the proposal is to reduce the trees to 10 metres not to reduce the trees by 10 metres. As such the height of the trees would be in line with the neighbouring properties.

#### 5.4 Section 106 Requirements

Not applicable.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

- 7.1 That the application be approved subject to the following conditions.

#### Background Papers      **PK09/0545/TRE**

**Contact Officer: Kirstie Banks**  
Tel. No.                      01454 865207

#### CONDITIONS

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

Reason:

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

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

Reason:

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

**CIRCULATED SCHEDULE NO. 16/09 – 24 APRIL 2009**

**App No.:** PK09/0578/TRE

**Applicant:** Mr P Dye South Gloucestershire Council

**Site:** Land to the rear of 3 Birkdale, Yate, South Gloucestershire, BS37 4EX

**Date Reg:** 30th March 2009

**Proposal:** Works to remove deadwood 1no. Ash tree and works to pollard 1 no. Poplar tree covered by Tree Preservation Order TPO 5 dated 17 October 1961

**Parish:** Yate Town Council

**Map Ref:** 71015 81868

**Ward:** Yate Central

**Application Category:** Minor

**Target Date:** 19th May 2009

**Category:**

**Date:**



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## **INTRODUCTION**

This application has been referred to the Circulated Schedule because the application has been submitted by South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to carry out works to 1no. Ash tree and 1no. Poplar tree protected by a Tree Preservation Order. The trees are located to the south of no's. 1-6 Birkdale, Yate. The works proposed include removing deadwood on the Ash tree and works to pollard the Poplar tree.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection
- 4.2 Local Residents  
No response received

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

- 5.1 Principle of Development  
Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 seeks to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.
- 5.2 Analysis of the proposal  
The removal of deadwood is an exemption under the Tree Preservation Order legislation and therefore does not require consent from South Gloucestershire Council. The Poplar has been reduced/pollarded in the past and has now reached a stage where the re-growth is heavy and liable to snap out. Due to the position of the tree, adjacent to a public footpath, the proposed works should be carried out on health and safety grounds.

The proposed works should be viewed as good arboricultural management of mature trees in a public open space. As such there are no objections to the works proposed.

- 5.3 Section 106 Requirements  
Not applicable.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

- 7.1 That the application be approved subject to the following conditions.

**Background Papers**      **PK09/0545/TRE**

**Contact Officer:**    **Kirstie Banks**  
**Tel. No.**                **01454 865207**

### CONDITIONS

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

Reason:

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

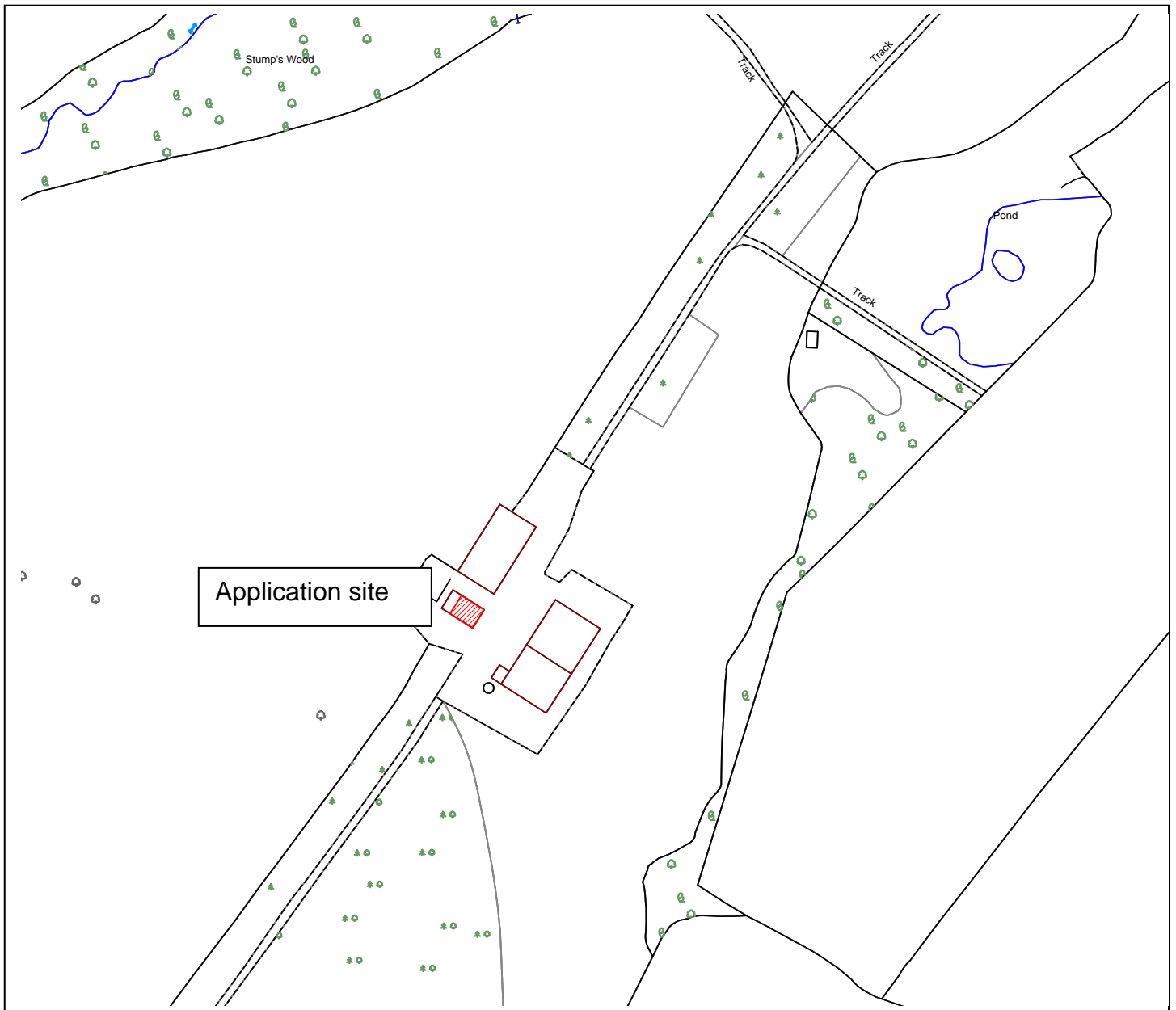
2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

Reason:

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

**CIRCULATED SCHEDULE NO. 16/09 – 24 APRIL 2009**

<b>App No.:</b>	PT07/3659/F	<b>Applicant:</b>	R A Severinson & Partners
<b>Site:</b>	Eastwood Farm, Whitfield, South Gloucestershire, GL12 8EA	<b>Date Reg:</b>	17th December 2007
<b>Proposal:</b>	Erection of building to provide farm office, agricultural laboratory and agricultural storage facilities. (Retrospective).	<b>Parish:</b>	Falfield Parish Council
<b>Map Ref:</b>	66895 91705	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st February 2008



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## **INTRODUCTION**

The application appears upon the circulated schedule as there are public comments made which contradict the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The site is located within Eastwood Farm yard which itself is located approximately 300 metres to the North of B4061 (Gloucester Road).
- 1.2 The application seeks consent for the erection of a new building to provide an agricultural laboratory and storage facilities. The application is retrospective and the building is almost complete. The building itself is located amongst agricultural buildings currently used as bulk storage and distribution of grain products (agricultural products).
- 1.3 The applicant has submitted considerable information in support of the development proposed, this can be summarised as follows;
  - The development is required to support the existing agricultural business
  - It is now a requirement of DEFRA that grain testing is carried out in laboratories to establish quality, moisture content, dust content and purity. Testing must be carried out prior to the grain being brought onto the market.
  - There is a requirement for staff and office facilities on site in order to meet the responsibilities of the business to its staff.
  - Secure storage facilities are required on site. This would provide safe storage for agricultural chemicals, valuable machine parts and records.
  - There are no under used or unused buildings available on this site or on other sites where this accommodation can be provided.
  - Currently the Farm office is located away from the site
  - It is not practical to provide this accommodation off site as the site is in an isolated position. Off site provision would generate unnecessary vehicular movements.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas

#### **2.2 Development Plans**

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

E9	Agricultural Development
D1	Achieving Good Quality Design in New Development

L1	Landscape Protection and Enhancement
L18	The Water Environment
T12	Transportation

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

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

- 3.1 PT09/0706/PNA Notification of Installation of weigh bridge under agricultural permitted development rights  
Under consideration at the time of writing this report.

### 4. **CONSULTATION RESPONSES**

- 4.1 Falfield Parish Council  
The Parish Council make the following observations;

- i) It is alarming that a building of this size could be built on this site without planning permission. There is concern that the development resembles a new dwelling.
- ii) The applicant would be aware of the need for planning consent from the offset for development of this nature
- iii) The development would be suitable for occupation as an independent dwelling, where such development would not be appropriate. The location is isolated from any other residential property.
- iv) The granting of retrospective planning permission would set a precedent for further unauthorised development in the area.
- v) Retrospective planning permission should not be granted.
- vi) In the event that planning permission is granted then strict conditions should be used to ensure that the building is used for the purpose that is applied for.
- vii) There is concern that building regulation approval has not been obtained and that the drainage of the development has not been considered fully either.

- 4.2 Sustainable Transport  
No Objection

#### **Other Representations**

- 4.3 Local Residents  
Two letter have been received which originate from the same writer. The relevant comments can be summarised as follows;

Comment is made that the applicant and the agent are well versed in planning legislation and concern is raised as to the 'retrospective' nature of the proposal.

The development is suitable as a dwelling and built to residential specifications and the writer is concerned that the development is tantamount to a new dwelling and a future planning application for the use as a dwelling would be successful.

Concern is raised that the applicant does not comply with planning conditions on other planning permissions granted.

The building at Knapp Farm would have been available for the proposed use had they not been converted for industrial units.

#### 4.4 Other Comments

The National Farmers Union offer support for the development in the interests of the diversification of Eastwood Farm. This comment is unsolicited, and attention to the application is likely to have originated from the applicant themselves. It should be noted that the NFU are not a statutory consultee in this instance.

Comments have been received from EGIS Agricultural Consultancy. The comments appear to be a direct response to contact made with them by the applicant and as such will be dealt with as a submission by the applicant.

### 5. ANALYSIS OF PROPOSAL

5.1 The proposed development details the use of a newly constructed building for a laboratory, storage and staff facility use ancillary to the agricultural use of the site.

#### 5.2 Principle of Development

Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006 is the principal policy for the assessment of this application. The policy indicates that the proposed development is acceptable subject to the following considerations. Officers are content that this application details development that is directly related to the agricultural use on this farm; and as such is itself agricultural development. However, this point was carefully examined given the concerns raised by the Parish Council. Notwithstanding the appearance of the building, the considerable supporting information indicates a building ancillary to grain production. This was commensurate with the evidence at the site visit.

#### 5.3 Siting and Need

Policy E9 sets out that new development proposals should be on land currently in use for agricultural purposes. This is the case in these circumstances.

5.4 In addition, under Policy E9 proposals for new agricultural development should first take account of existing underused buildings. In this instance, the buildings are used for the storage of grain and agricultural machinery. The applicant has set out that the buildings are required for that purpose and that there are not

- currently any unused buildings on the site. It is noted that public comment has raised concern about the removal of accommodation associated with this farm as a result of development at Knapp Farm to provide a business use. The applicant argues that the nature of the use at Eastwood Farm is at such a scale in grain storage terms that it would not be practical to use any units on the Knapp Farm development for storage. Similarly the farm is serviced by 20 ton lorries. It would not be practical to move grain from the existing storage location at Eastwood Farm to Knapp Farm for testing in a laboratory located on that site.
- 5.5 Officers would concur with this argument. In particular, access to Knapp Farm for large vehicles (including lorries and combine harvesters) is poor. The access to Eastwood Farm being far more obtainable for such vehicles. Similarly, it is not considered practical for an office and changing facilities to be located on a site well away from Eastwood Farm itself as this would involve unnecessary and unsustainable movements to and from the site. Secure storage is also required in support of the business for valuable items and products used in the production of grain. It is considered reasonable for the use of the roof space of the building to cater for this requirement. In respect of the laboratory testing facilities, it is a specific requirement that such facilities are provided as part of this agricultural business use. Indeed, grain testing under laboratory conditions is a statutory requirement (under DEFRA legislation) prior to the introduction of the produce onto the market. Again, the location of such facilities on site, is considered reasonable and in the best interest of the business, practicality and sustainability.
- 5.6 The current building replaces a former milking parlour and cake loft. It is unlikely that the previous structure would have been capable of conversion for the purpose now proposed and would necessitate rebuilding in some form or other. As such, officers are of the opinion that it would not have been practical to retain the previous structure for the proposed purpose. The new building itself does not resemble a building normally associated with agriculture (such as an ATCO framed building). It is argued that it resembles a dwelling (this matter is addressed later in this report), but this does not necessarily imply that the development is not for agricultural purposes. In this instance, it is considered that the new building is suitable for the purposes now proposed.
- 5.7 On this basis, it is considered that the siting of the proposed development, for agricultural purposes in connection with the farming business at Eastwood Farm is acceptable; and that there is a justifiable need for the building in support of the farming business at this site.
- 5.8 Design and Visual Amenity  
Policy D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 provide the basis for consideration of this development in design and visual terms within the context of the farm yard and the surrounding landscape.
- 5.9 The existing farm yard is essentially a group of modern portal framed buildings and smaller individual ancillary buildings. The farm is positioned on a plateau at the top of moderately steeply rising land from Gloucester Road. The subject building is located on the Southern extreme of the yard and becomes visible on approach along the access track from the South. The yard and subject building

is also visible from nearby public right of ways to the West, although these views are relatively distant and the building does not stand out from the main group forming the farm yard. In visual terms, the building appears as a modest structure; very much lesser in scale to the main storage buildings to the East of the Yard. Currently the building has an unfinished appearance and is constructed in concrete block awaiting render. However, the fabric and form of the building is substantially complete. It is considered that its completion, with render would act to soften the impact of the building.

5.10 Given the nature of the existing site, it is not considered that the new building would cause a materially greater impact upon the character and visual amenity of the landscape surrounding the site. Nonetheless, the developer has offered to provide indigenous planting to the West of this development in the interest of visual amenity. Given the location of nearby public right of ways, it is considered that such an approach would offer benefit in respect of the visual appearance of the landscape and such an approach would be consistent with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006. On this basis, any approval of this development can be subject to an appropriately worded condition requiring this planting to be agreed with the LPA and provided by the developer.

5.11 Residential Amenity

The development is located within an operational farm yard. The proposed use would be ancillary to the agricultural business currently operating from this site. The site is located well away from residential dwellings to the south to the extent that the activity and relationship between the building and surrounding dwellings would result in no material impact in residential amenity terms. The site is currently accessed by large vehicles servicing the grain producing business at this farm. The proposed development would not itself necessitate the intensification of vehicular movements such that there would be additional impact in residential amenity terms. As such the proposed development is acceptable in this regard.

5.12 Transportation

Again, the proposed development would not itself result in the need to intensify the existing access onto the farm. There is not currently any restriction in respect of vehicular movements on to the site in connection with this farm. Indeed it is not anticipated that there would be a material increase in terms of vehicular movements and as such the proposed development is acceptable in transportation terms.

5.13 Drainage Considerations

The application omits any specific information regarding surface and foul drainage in connection with this building itself. However, given that the development is within an established farm yard containing existing buildings and limited facilities, it is considered that this information can be secured by way of a planning condition requiring further submission and agreement by the LPA. Given that the development is retrospective, this information should be provided within 6 months of any consent issued.

5.14 Comments upon Submissions by Local Residents and the Parish Council

The nature of the building and its appearance has understandably raised concern that the building is an attempt to provide a residential dwelling on this site. It is noted that the building resembles a dwelling in terms of its scale and appearance. Nonetheless, the application seeks consent for the use of the building for agricultural purposes. Despite its appearance it is not appropriate to apply speculation to the assessment of the development. The LPA must apply the appropriate planning merits having regard to the details in support of the submission. Officers are content that the appearance of the building is acceptable within this context. The use of the building as a dwelling will require Planning Permission in its own right and such a use if proposed can only be considered at such a time that such an application is received proposing such a use. Similarly, the use of the building as a dwelling without consent would be the subject of enforcement action. On this basis, it is not necessary to impose conditions such as to prevent the use of the building for residential purposes. The Local Planning Authority is not entitled to refuse the application simply because it is retrospective but must consider it on the planning merits. This does not imply any unauthorised development would be permitted in the future.

5.15 Concern is also raised as to the requirement for building regulation approval in respect of the new building. This issue is not a matter for consideration as part of this planning application and can only be dealt with under building regulation legislation. However, an informative drawing the applicant's attention to this matter would be on any decision notice that allows approval.

5.16 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.

5.17 Use of Energy and Sustainability

In this instance, it is considered that the scale of the development would not generate the need to provide a building to meet BREEAM standards. Indeed, this is an agricultural building and BREEAM would not apply in this instance.

5.18 Improvements achieved to the scheme

In terms of the physical appearance of the development it has not proved necessary to request amendments as officers are of the opinion that the design and siting of the building itself is acceptable. Nonetheless, officers have sought clarity over the nature of the development in assessing the need and justification for the development. In this instance the additional supporting information received has allowed officers to consider the application favourably as set out in the recommendation below.

5.19 Section 106 Requirements

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

condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That Planning Permission is granted subject to the following conditions

**Background Papers**      **PT07/3659/F**

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

## **CONDITIONS**

1. A scheme of landscaping shall be submitted to and agreed in writing by the Local Planning Authority before the expiry of six months from the date of this decision notice. The landscaping Scheme shall detail measures for landscape screening to the west of the subject farm yard and shall include details all proposed planting and times of planting. Development shall be carried out in accordance with the agreed details and thereafter retained as such.

Reason(s):

To protect the character and appearance of the area to accord with Policies D1, L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. Within 6 months of the date of this decision 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.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 16/09 – 24 APRIL 2009**

**App No.:** PT08/3222/O  
**Site:** 55 Rycroft Road, Frampton Cotterell, South Gloucestershire, BS36 2HJ  
**Proposal:** Erection of 1 no. dwelling (Outline) with access and layout to be determined. All other matters reserved.  
**Map Ref:** 67071 81637  
**Application Category:** Householder

**Applicant:** Mr A Sell  
**Date Reg:** 22nd December 2008  
**Parish:** Frampton Cotterell Parish Council  
**Ward:** Frampton Cotterell  
**Target Date:** 7th May 2009



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**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 outline planning permission for the erection of 1 no. dwelling with access and layout to be determined. This is a red line application and seeks to establish the principle of residential development on the site and access to it. All other matters reserved.
- 1.2 The application site relates to land within the curtilage of 55 Ryecroft Road, Frampton Cotterell. The application site is located within a well established residential area within the Frampton Cotterell settlement boundary.
- 1.3 In accordance with changes to the development control system, as outlined in DCLG Circular 01/2006, the outline planning process has now altered. The definition of reserved matters has now changed. Reserved matters previously consisted of siting, design, external appearance, means of access and the landscaping of the site. These have now changed to layout, scale, appearance, access and landscaping.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

### **2.2 Development Plans**

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

D1	Achieving Good Quality Design
H2	Residential Development within Existing Urban Areas
H4	Development within Existing Residential Curtilage
L1	Landscape Protection and Enhancement
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted) 2007

## **3. RELEVANT PLANNING HISTORY**

PT08/0298/O – Demolition of existing dwelling to facilitate erection of 4 no. detached dwellings (Outline) with layout and access to be determined. All other matters reserved. Refused 14 March 2008.

## 4. CONSULTATION RESPONSES

### 4.1 Frampton Cotterell Parish Council

Objection. The Parish Council is concerned about an extra access onto Ryecroft Road opposite a junction on an already congested road.

### Other Representations

### 4.2 Local Residents

Three letters of objection were received raising the following concerns:

- Loss of privacy in neighbouring properties
- Loss of light to neighbouring properties
- Concern at how many dwellings the area of land could accommodate
- Highways safety concern over an additional access
- Proposal would lead to increased on-street parking
- Loss of green space
- Near to school bus stop which could lead to traffic incidents

One letter of general observations was also received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Advice contained within PPS3 encourages the provision of additional housing on previously developed land within existing towns and cities to promote more sustainable patterns of development. This policy stance is reflected in policies contained within the South Gloucestershire Local Plan.

Policy H2 of the South Gloucestershire Local Plan January 2006 incorporates current planning advice contained within PPS3 and allows for new residential development within the boundaries of settlements. This is subject to compliance with a number of criteria as expressed through policy H2 and H4, which are assessed below.

**A. Development would not have unacceptable environmental or transportation effects and would not significantly prejudice residential amenity;**

### 5.2 Transportation Issues

The Council's Highways Engineer was consulted as a part of this application. The proposed hardstanding could accommodate 2 parking spaces which accords to the Council's standards as set out in Policy T8 of the Local Plan. The access is proposed opposite a junction, however this is not considered a safety issue given the slow speed nature of the adjoining residential roads and the low level of traffic generated. It is considered that adequate visibility is achievable and therefore there is no objection on highways safety grounds.

### 5.3 Residential Amenity

The application is an outline one with all matters reserved apart from means of access. Details of layout, scale, appearance and landscaping will therefore be considered under a reserved matters application. However, in terms of the principle of development, it is considered that with careful design and siting, the application site is large enough to accommodate a dwelling without adversely impacting upon the amenities of surrounding occupiers in terms of overbearing impact/loss of light/overlooking, especially considering the site's context.

The side elevations of no's 63 and 55 Ryecroft Road, facing the application site both have windows into habitable rooms. As a consequence a condition will be attached to this decision notice stating that no windows should be inserted in either side elevation. To the rear the nearest property is approximately 15 m away, and this is considered a sufficient distance for there to be no loss of privacy or overlooking. The proposed dwelling would not be significantly closer to the properties at the rear than no's 55 and 63 Ryecroft Road. Sufficient private amenity space would remain for both the existing dwelling and the new property.

### 5.4 Environmental / Landscape Issues

The new property would be constructed in private amenity space currently serving no. 55 Ryecroft Road and no. 1 Clyde Road. There is some existing shrubbery to the front boundary of the site (adjacent to Ryecroft Road) and also to the rear which acts as boundary treatment. As a part of the reserved matters application details of landscaping will have to be submitted to, and approved by the Local Planning Authority. The Council's Senior Engineer raised no objection to the scheme on drainage grounds.

### **B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved;**

Planning policy H2 cites that the maximum density compatible with the site, its location, its accessibility and surroundings should be achieved. To this extent, the expectation is that all development will achieve a minimum density of 30 dwellings per hectare and that higher densities (upwards of 50 dwellings per hectare) will be achieved where local circumstances permit.

In this instance, the total site area equates to 0.03ha providing for a density of some 30 dwellings per hectare. Therefore, the proposal comfortably falls within the threshold required. As such, there is no objection to the proposal on this basis.

### **C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination;**

The application site is located within the curtilage of an existing residential property. It is not considered that the site is subject to any unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.

**D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposal.**

The proposal is for a single dwelling and as such will not impinge upon the levels of service provision within the locality to a significant degree. The application therefore complies with this criterion and policy H2 as a whole. Policy H4 of the Local Plan is also relevant as it relates to residential development within existing residential curtilages and is concerned with more detailed design issues. These matters will be assessed under any future reserved matters application. However, the site is large enough to satisfactorily accommodate a dwelling without adverse impact to residential/visual amenity or highway safety.

**5.5 Design and Access Statement**

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

**5.6 Use of Energy and Sustainability**

Information concerning the 'Code for Sustainable Homes' and how the new dwelling might meet some of the criteria was submitted with the application.

**5.7 Other Matters**

Concern was raised by a local resident regarding how many dwellings the area of land could accommodate. It should be noted that this application can only assess the current proposal on its individual merit.

**5.8 Section 106 Requirements**

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

**6. CONCLUSION**

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

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

## 7. RECOMMENDATION

7.1 That outline planning consent is **GRANTED** subject to the following conditions.

Background Papers      **PT08/3222/O**

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

### CONDITIONS

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason(s):

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason(s):

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason(s):

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason(s):

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

5. The hours of working on site during the period of construction shall be restricted to 08.00 hours to 18.00 hours Monday to Friday and 08.00 hours to 13.00 hours on Saturday and no working shall take place on Sundays or Public Holidays. The term

'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

To minimise disturbance to occupiers of nearby buildings and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north east and south west facing elevations of the property.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 16/09 – 24 APRIL 2009**

**App No.:** PT09/0430/F  
**Site:** 3, Townsend Lane, Almondsbury,  
 South Gloucestershire, BS32 4DY

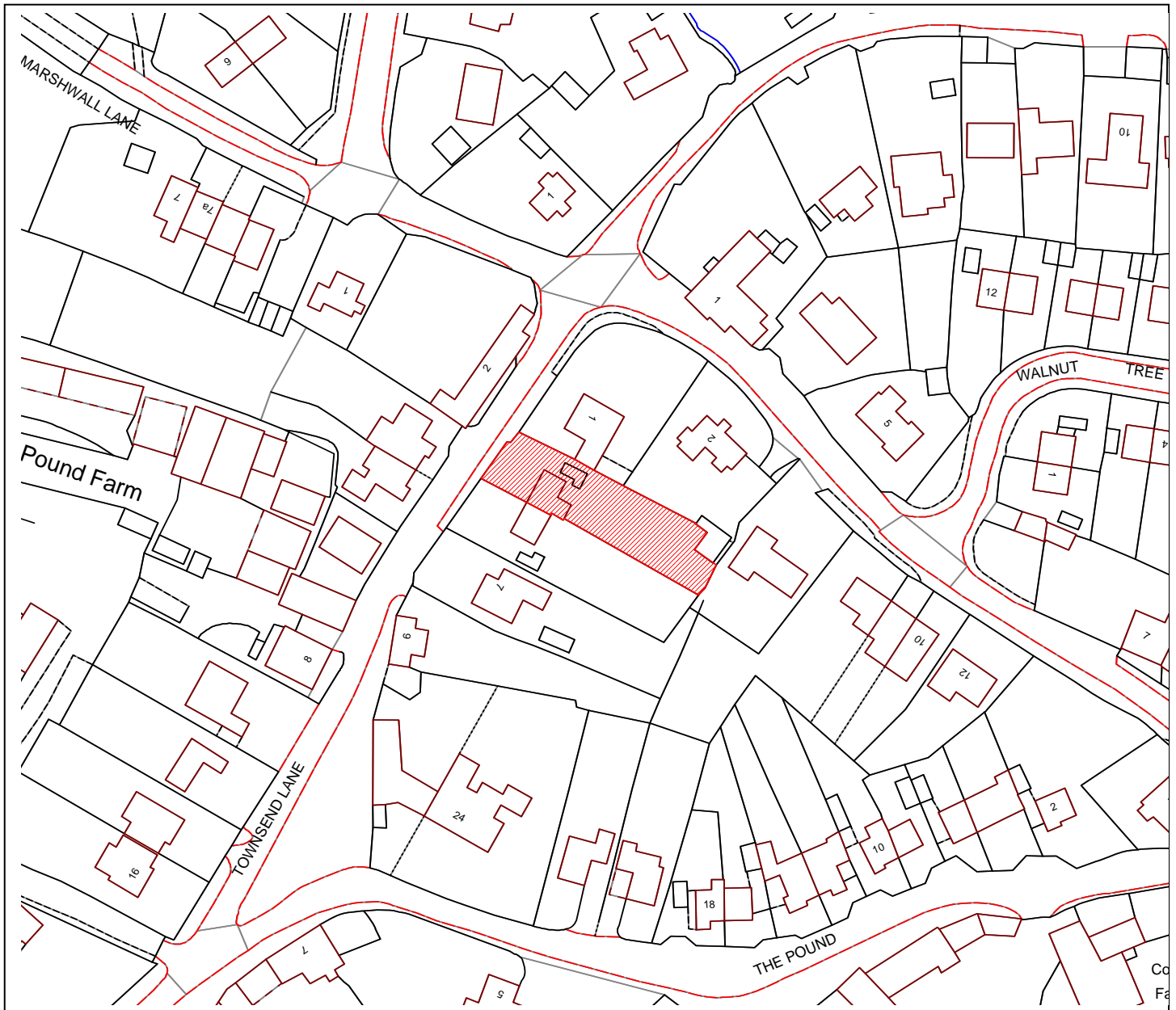
**Applicant:** Mr R Thompson  
**Date Reg:** 11th March 2009

**Proposal:** Erection of two storey rear and first floor rear extension to provide additional living accommodation. Erection of rear conservatory and single storey front extension to accommodate utility room and provide cycle store.

**Parish:** Almondsbury Parish Council

**Map Ref:** 60136 84220  
**Application Category:** Householder

**Ward:** Almondsbury  
**Target Date:** 4th May 2009



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**N.T.S**

**PT09/0430/F**

## **INTRODUCTION**

The application appears on the Circulated Schedule in view of the concerns that have been expressed by the neighbouring residents.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning approval for the erection of a two-storey and first floor rear extension, rear conservatory and single-storey front addition.
- 1.2 The application site comprises a two-storey semi-detached dwelling stood on the east side of Townsend Lane, Almondsbury. The property lies within the Almondsbury settlement boundary and conservation area and is also washed over by the Green Belt.
- 1.3 Amended plans form part of this application allowing a reduction in size of the conservatory. These revised plans also reduce the size of the front extension to ensure that it would not project forward of the existing building line.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1: Delivering Sustainable Development  
PPG2: Green Belts  
PPG15: Planning and the Historic Environment
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
GB1: Development within the Green Belt  
H4: Development within Residential Curtilages  
L12: Conservation Areas  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)  
Development within the Green Belt (Adopted)

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

- 3.1 P85/2016: Erection of two-storey side extension to firm garage, store room and bedroom. Permitted: 11 September 1985
- 3.2 P85/2110/L: Demolition of existing garage to facilitate erection of two-storey side extension. Conservation Area Consent: 11 September 1985
- 3.3 P91/1295: Single-storey rear extension. Permitted: 2 April 1991



## 4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council  
No objection

4.2 Other Consultees  
Highways DC: no objection

### 4.3 Summary of Local Residents Comments

Two letters received expressing the following concerns:

- One letter states that there is no objection to the rear extension;
- The proposed single-storey front extension is obtrusive and out of keeping;
- The front extension will set a precedent and look out of keeping;
- A Yew tree adjacent to the neighbouring property is to be removed, expert advice should be sought in case removal of its roots causes damage to the neighbouring property;
- It is considered that the Party Wall Act 1996 will apply to the development;
- The enlarged driveway would require the removal of existing trees, planting and lawn, this is understood to be a planning issue with the new surface required to be permeable;
- The proposed ground floor plan shows a side door leading from the new utility room but this is not shown on the elevation, if its position overlooked the neighbouring front door and lounge there would be an objection;
- Why is a window needed for the cycle/ store extension?
- Should planning permission be granted, a condition should be attached to prevent works/ deliveries outside of 8.00am to 6.00pm Monday to Friday and 8am to 12pm on Saturdays with no work on Sundays;
- The proposal/ building works might restrict parking;
- Assurance is requested that builders/ delivery vans won't block the road or the neighbouring driveways.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety. Further, where in the Green Belt, planning policies GB1 and H4 advise that extensions should not comprise a disproportionate addition over and above the size of the host dwelling.

5.2 Policy L12 cites that development proposals will only be permitted where they maintain or enhance the character and appearance of the Conservation Area.

### 5.3 Design/ Visual Amenity

The application relates to a two-storey semi-detached dwelling on the east side of Townsend Lane, Almondsbury. The immediate area provides for a mix of property type with older two-storey cottage style units opposite and with newer detached and semi-detached dwellings on this side of the highway.

5.4 The dwelling has already been extended by reason of two-storey side and rear extensions and a single-storey rear lean-to (that sits between two projecting gables). These existing additions project a maximum of 3.3m into the garden.

- 5.5 The proposal seeks to infill the area above the ground floor addition providing a third rear gable. In so doing, it would also extend the shorter of the two gables with the newly extended property adopting the rear building line of the larger gable; this stands adjacent to the south flank boundary. A conservatory would be added behind.
- 5.6 In response, there were a number of concerns in respect of the original plans given the size of these further extensions. As such, it was suggested that the third rear gable be omitted and the rear conservatory be reduced in size. This was because the extensions were considered to detract from the character and appearance of the original dwelling.
- 5.7 Amended plans have been received which reduce the size of the conservatory although all other elements of the scheme remain unaltered when viewed from the rear. On balance, it is not considered that planning permission could be reasonably withheld given that the rear elevation is not readily visible from public view.
- 5.8 These amended plans also reduce the size of the single-storey front extension which would extend forward of the existing garage. As such, this would now remain behind the existing building line under the existing lean-to roof; as originally proposed it would have extended further forward providing an incongruous feature at this prominent and elevated position above the highway.
- 5.9 Impact on the Openness of the Green Belt  
The property has already been significantly extended and these extensions would now more than double the size of the original dwelling. Notwithstanding this, the property is within the Almondsbury settlement boundary where the principle of infill development is considered to be acceptable. Accordingly, it is considered that any refusal reason on this basis would be very unlikely to prove sustainable. This proposal would not have an impact on the openness of the Green Belt at this site given the built form in existence at this planning unit and the built form located either side.
- 5.10 Impact on the Conservation Area  
Conservation Officer comments acknowledge that the host dwelling comprises a modern semi-detached unit that is not overly sympathetic to the character of this Conservation Area. However, it is important to ensure that any alterations do not detract from the character and appearance of the Conservation Area. To this extent, an objection was raised to the original front extension whilst the works to the rear were noted as being overly dominating failing to integrate with the existing property.
- 5.11 The reduction in size of the front addition has in part addressed these concerns although with regards to the works at the rear, with these works not visible from the street scene, any impact on the Conservation Area would be minimal. As such, it is considered that these works would not have a significant impact on and as such preserve the character of the Conservation Area.
- 5.12 Residential Amenity  
The attached property to the south side is devoid of rear extensions but does benefit from the orientation of these units with the rear additions not having any

- significant impact on sunlight. However, the conservatory as firstly proposed would have been positioned behind an existing extension that stands adjacent to this shared boundary reaching 6.3m into the garden; this was considered to be unacceptable.
- 5.13 In view of the above, the conservatory has been inset from this boundary whilst the existing two-storey rear extension would remain largely unaltered. As such, it is not now considered that any significant adverse impact in residential amenity would be caused.
- 5.14 The detached dwelling to the north side is of differing design and sits further back on its respective plot and would align with the two-storey rear wall of the rear extension. Further, there are no flank windows overlooking this host garden whilst a 1.8m high (approx.) fence runs along the boundary. Glazing within the side door serving the newly formed utility room would comprise obscure glass and this could be controlled by condition. On this basis, and with the front extension reduced in size, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.15 Highway Safety  
The proposed front extension would marginally reduce the length of the drive whilst it was noted that both the existing and proposed garage are substandard in length. The proposed block plan shows an increase in drive width that would necessitate the removal of trees/ shrubbery within the front garden; for the avoidance of doubt, this element of the proposal is not approved given that this would render the extended dwelling more visible and detract from the appearance of the conservation area. This is on the basis that there can be no reasonable objection to the provision of one parking space with planning policy T8 citing maximum standards. As such, on balance, there is no transportation objection in this instance.
- 5.16 Outstanding Issues  
In response to the further concerns that have been raised, working/ delivery hours would be controlled by other legislation if these were causing a nuisance although an informative could be added. Meanwhile, it is not considered that the parking of delivery/ builders vehicles can be controlled with this most likely to comprise a civil matter (unless contravening any highway regulations).
- 5.17 Design and Access Statement  
A Design and Access Statement is not required as part of this application.
- 5.18 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

- 7.1 Planning Permission is **GRANTED** subject to the following conditions:

### Background Papers      **PT09/0430/F**

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

## CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed glazing within the utility room door on the north elevation shall be glazed with obscure glass to level 3 standard or above.

Reason(s):

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

## CIRCULATED SCHEDULE NO. 16/09 – 24 APRIL 2009

<b>App No.:</b>	PT09/0481/F	<b>Applicant:</b>	Mr C Richardson
<b>Site:</b>	11 Dunkeld Avenue, Filton, South Gloucestershire, BS34 7RH	<b>Date Reg:</b>	17th March 2009
<b>Proposal:</b>	Erection of two storey side extension and single storey rear extension and installation of rear dormer to provide additional living accommodation. (Amendment to previously approved scheme PT08/0655/F)	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	59683 78688	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	8th May 2009



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N.T.S

PT09/0481/F

This application appears on the circulated schedule due to the objection received from a neighbour to the rear of the site.

## **1. THE PROPOSAL**

- 1.1 This application relates to the erection of a two storey side extension and single storey rear extension, but in addition to the previous approved proposal this scheme also includes a dormer window. The proposal creates an additional three bedrooms in total on the first and second floors, a utility and additional habitable space downstairs. The extension replaces the attached garage on the site. Two full size parking spaces are existing on the site and are retained.
- 1.2 The application site is located within the urban area of Filton. Materials would be spar render and double roman tiles to match the existing house on the extension and different tiles to match the colour of the existing tiles on the dormer window.
- 1.3 This is a revised application to that granted in 2008 in that it now includes a dormer window.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Supplementary Planning Document)  
Adopted 2007

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT08/0655/F Erection of two storey side and single storey rear extension to provide utility area and lounge/family room with additional bedroom and study area.(Re-Submission of PT07/2947/F)
- 3.1 PT07/2947/F Installation of dormer window to facilitate loft conversion. Erection of two storey side and single storey rear extension to provide additional living accommodation. Withdrawn

## **4. CONSULTATION RESPONSES**

- 4.1 Filton Parish Council  
No objection

## Other Consultees

### 4.2 Sustainable Transport

No objection as two parking spaces remain.

## Other Representations

### 4.3 Local Residents

#### An objection to the dormer window has been received

- Given that 11 Dunkeld Avenue already sits at a higher level to our property, any further heightening of the building as proposed will significantly overlook our property and be a major intrusion of our privacy.
- proposed dormer accommodation fails to maintain the roof line of existing properties
- overbearing addition

## 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 street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space. As such the application is considered under the following headings.

### 5.2 Design

The extension measures only 2.4m wide in relation to a 6.7m wide house and as such the width of the extension is proportionate to the house. The roof of the extension gives a simple built form which respects the pitch of the original house. The single storey rear extension is built onto an identical single storey extension at the adjoined house. The proposed two storey side extension requires some minor alteration to existing single storey buildings at the non adjoined neighbouring house to the north. These alterations appear to have been carried out already as building work has commenced on site with the existing planning consent.

The real difference between this proposal and that of the extant consent is the introduction of a rear facing dormer window measuring four metres across. The dormer window would commence 0.9m up the roof slope and would have a mono-pitched roof with its gutter line located 0.7m below the ridge of the roof. Given the recent (October 2008) changes in permitted development rights a large dormer akin to that proposed could be installed without the requirement for planning permission if it were carried out as a separate operation to the extant works. As such the proposed dormer window, being located up the roof slope and being of a catslide design is considered on balance to be more in keeping with the property and less intrusive visually than the potential alternative. Details of the materials proposed for the external surfaces of the

dormer have been given as 'special tiles for dormer' which is not an adequate description in itself and as such an appropriate condition is proposed such that samples of the materials to be used on the dormer roof and sides are acceptable in appearance.

It is therefore considered that on balance the application is acceptable and would not conflict with policies D1 and H4 of the Local Plan.

### 5.3 Residential Amenity

The single storey rear extension has no impact on either neighbour due to its depth being similar to neighbouring houses on either side. In addition as the two storey extension adjoins only a utility room and garage it has no detrimental impact upon the living conditions of the house to the north of the site. Windows face forwards and rearwards and as such do not detract from the privacy of neighbours. Ample private garden area is maintained for the residents of the house.

Turning to the introduction of a dormer window in the roof it should be noted that the new bedroom window created is further from the neighbouring houses than those on the rear of the house at present. Whilst the rear facing window would look toward the houses at the rear a large dormer window could be installed without the requirement for planning permission if it were carried out as a separate operation to the extant works and roof lights which would overlook rearwards can also be inserted without planning permission. As such, and despite the houses to the rear being on slightly lower ground level, the proposal is not considered to detract from the residential amenity of neighbouring houses to an unreasonable extent.

### 5.4 Design and Access Statement

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

### 5.5 Use of Energy and Sustainability

Matters not generally considered but roof lights in the front elevation facilitate eastern and southern sunlight to the new room in the roof,

### 5.6 Improvements achieved to the scheme

The eaves detailing was altered in order to ensure a good match with the house.

### 5.7 Section 106 Requirements

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



## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted subject to the following conditions:

### **Background Papers      PT09/0481/F**

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

### **CONDITIONS**

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

Reason(s):

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

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

Reason(s):

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

3. Prior to the commencement of works to the original roof of the house samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

## CIRCULATED SCHEDULE NO. 16/09 – 24 APRIL 2009

**App No.:** PT09/0494/F  
**Site:** 706 Southmead Road, Filton, South Gloucestershire, BS34 7QT  
**Proposal:** Erection of first floor extension and two storey rear extension to facilitate conversion from bungalow to house. Alterations to ground floor front window.  
**Map Ref:** 59893 78899  
**Application Category:** Householder

**Applicant:** Mr B Huskisson  
**Date Reg:** 18th March 2009  
**Parish:** Filton Town Council  
**Ward:** Filton  
**Target Date:** 11th May 2009



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N.T.S

PT09/0494/F

## **INTRODUCTION**

This application appears on the circulated schedule as a letter of objection has been received which is contrary to the officer's recommendation of approval.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of first floor extension and two storey rear extension to facilitate conversion from bungalow to house. Alterations to the ground floor front window are also proposed.
- 1.2 The applicant's property is characterised by a 1950's detached bungalow, set within a moderate curtilage, which fronts the busy Southmead Road, located within the established development boundary of Filton.

### **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 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Filton Town Council  
No Objection
- 4.2 Highway Officer  
No objection
- 4.3 Local Residents  
One Letter of Objection has been received, summarised as follows:
  - Windows overlooking neighbouring property 1A Charlton Avenue to be obscure glazed.

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

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

## 5.2 Design/ Visual Amenity

The site lies within the settlement boundary of Filton. The adjacent properties are semi detached dwellings to the North East, a bungalow to the South West.

The proposal although featuring a substantial enlargement over the original dwelling will be in character with the majority of the two storey properties within the area, in particular the pair of semis to the North East. This is supported by the fact that the topography of this part of Southmead Road is characterised by a significant slope falling to the South West, of which the two storey dwellings beyond the bungalows follow in height.

With regards to design, the proposed height increase to 8.6m (at the roof's pyramidal apex) is the same height as the bulkier neighbouring semis to the North East, which feature a hipped roof with a wide apex. This allows the proposal to act as a transitional buffer between the existing semis and the adjacent bungalow. Therefore it can be considered that this creates continuity within the street scene and no loss of visual amenity will result.

Additionally the proposal will feature materials to match the existing, those of the surrounding two storey properties.

## 5.4 Residential Amenity

The applicant's dwelling is detached and located a substantial distance away from the neighbouring property to the North East which is similar in height and depth to the proposed and therefore it is not considered that any harm will occur to this property.

The neighbouring property to the South West is also located a suitable distance away from the applicant's dwelling and although it is a bungalow, will not be substantially affected by the proposed extensions. This is because the rear building line of the neighbouring bungalow is set back from the existing one, minimising any encroachment. In addition to this, a condition has been applied that the windows on both of the side facing elevations be obscure glazed so as to protect neighbour amenity. This satisfies the neighbour letter of objection that was received.

Regarding the scale and nature of the proposal it is therefore not considered that any loss of neighbour amenity will result to either adjoining properties.

There is ample space within the applicant's rear garden to accommodate the proposal and with regards to the relatively minor nature of the development; no significant loss of amenity will result to the applicant's property compared to the current situation.

## 5.5 Parking

The proposal features the increase in bedroom size of the dwelling from a 2 bed to a 4 bed. There is a single garage located to the rear that is served by a private entrance drive, the access from which is on the Charlton Avenue. Therefore it is considered that there is appropriate space provided to allow for the parking of up or over 2 vehicles off road, with highway safety not being compromised due to the minor and residential nature of the road at Charlton Avenue.

#### 5.6 Design and Access Statement

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

#### 5.7 Section 106 Requirements

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

### 6. CONCLUSION

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

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

#### Background Papers      **PT09/0494/F**

**Contact Officer: Toby Adams**  
**Tel. No.            01454 863819**

#### CONDITIONS

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

Reason(s):

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

2. 'Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor windows on the North East and South West elevations shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'.

Reason(s):

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

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed.

Reason(s):

To protect the residential amenity of the neighbouring occupiers and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

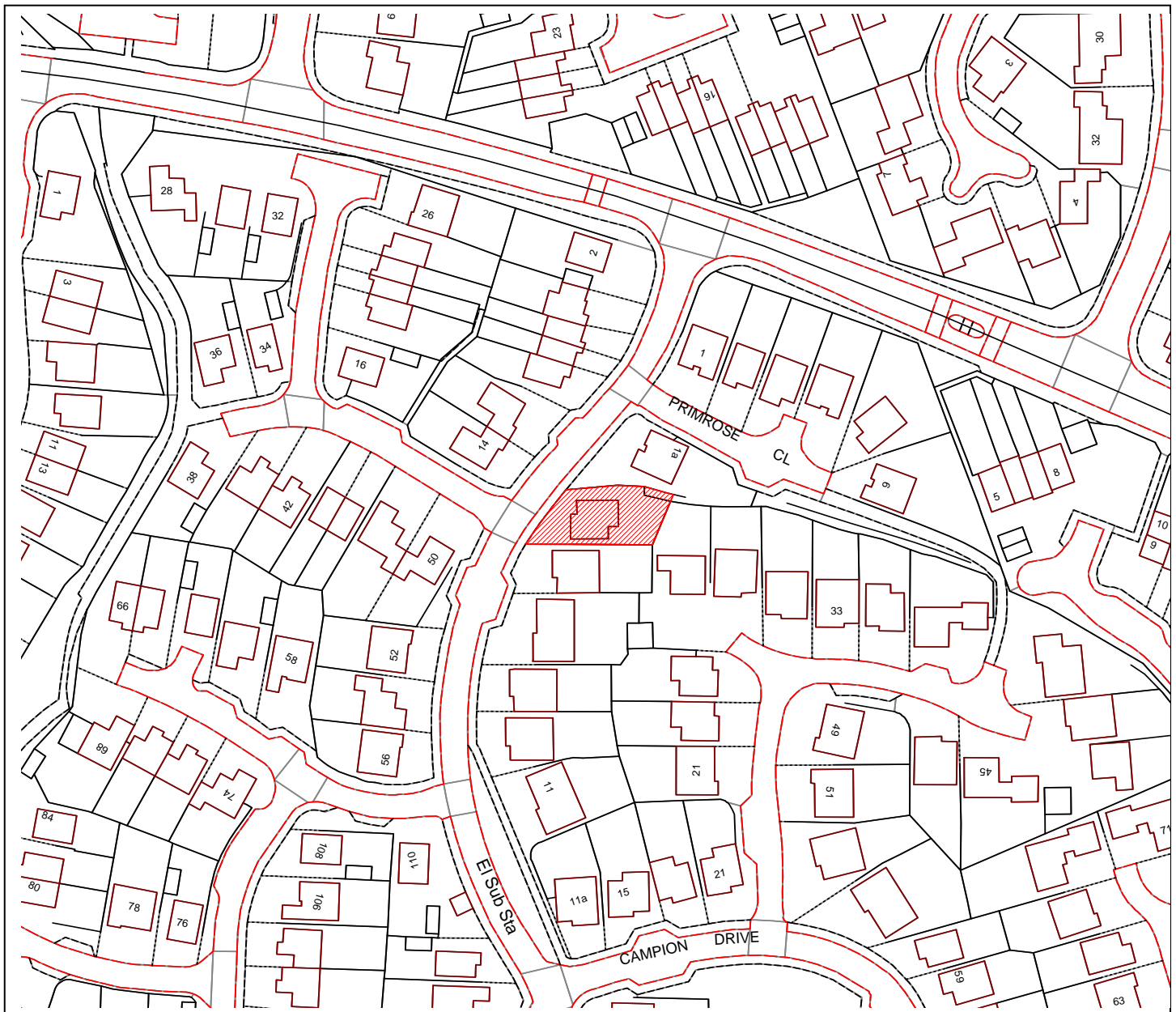
4. The hours of working on site during the period of construction shall be restricted to 8-6 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

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

## CIRCULATED SCHEDULE NO. 16/09 – 24 APRIL 2009

<b>App No.:</b>	PT09/0522/F	<b>Applicant:</b>	Mr K Glead
<b>Site:</b>	1 Campion Drive, Bradley Stoke, South Gloucestershire, BS32 0EW	<b>Date Reg:</b>	23rd March 2009
<b>Proposal:</b>	Erection of 1.8 metre to 0.9 metre high boundary fence and timber gate. (Retrospective).	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	61799 82724	<b>Ward:</b>	Bradley Stoke Central and Stoke Lodge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th May 2009



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## **INTRODUCTION**

This application appears on the Circulated Schedule due to the objections received from local residents.

### **1. THE PROPOSAL**

- 1.1 The site consists of a modern detached house with vehicular access onto Champion Drive. The site adjoins Woodlands Lane.
- 1.2 The proposed development consists of the erection of a 1.8m high close boarded timber gate between the side of the subject house and the boundary with 1a Champion Drive and a boundary fence running along the boundary between the applicant's house and the neighbour at 3 Champion Drive. The boundary fence as built measures 1.8m high where it is located alongside the neighbour's garage and begins stepping down to 0.9m high over approximately one meter just before it projects forward of the neighbour's garage. The 0.9m part of the fence then continues forward along the boundary until it reaches the public highway/path.

### **2. POLICY CONTEXT**

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

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

- 3.1 None since the house was built with permitted development rights removed under application P92/0020/317.

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
Support/no objection
- 4.2 Sustainable Transport  
This site is located with a residential area of Bradley Stoke, as a consequence speeds are expected to be within 20mph. Visibility splays are measures from a drivers eye height which is assumed to be 1.050m up to 2m depending upon vehicle. The adjacent fence is set at a 900mm height which provided visibility over it for a driver, there is a footpath in front of the drive which caters for the



2m x 2m pedestrian visibility splay which is required when children are expected to be present.

In this respect the design is considered appropriate. The applicant could withdraw the application and put in dense hedge boundary which could grow to a higher level without the need for planning permission.

Given the above then there is no transportation objection to this proposal.

## **Other Representations**

### 4.3 Local Residents

Objection has been received from one household (and another household has objected but requested anonymity with no address given) in respect of the following matters:

- the fence causes these neighbours to have difficulty safely gaining access/egress from their drives (next door and opposite).
- Highway hazard to users of the path too which includes children.
- the fence is out of keeping on this open plan estate.
- the fence is over 2m due to elevated land in relation to 3 Campion Drive and creates a tunnelling effect along the side of that house. This is detrimental to the appearance of that house
- There is a restriction in the deeds of the house to prevent the keeping of caravans/such vehicles.

Support has been received for the fence from two households (and another household has supported but requested anonymity) in respect of the following matters:

- looks good , well built, does not look out of place
- caravan is obscured from view by gate
- low towards road therefore does not obstruct view
- there is no restriction on planting
- there are other brick, stone, timber and metal fences on other properties.
- It could be argued that the neighbours' cars obscure visibility.

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the enclosure of the rear garden by a gate and the erection of a fence in various heights running parallel with the neighbour at 3 Campion Drive.

### 5.2 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the proposed development is acceptable subject to the following considerations.

### 5.3 Design and Residential Amenity

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006

- seeks to ensure that new development achieves a high standard of design. Policy H4 supports this principle and also seeks to ensure that new development would not have a detrimental impact upon the privacy and residential amenity of the occupants of nearby dwellings.
- 5.4 The gate to the north of the house is set back from the house in a similar position to a wall which was removed with out the need for planning permission. The gate is acceptable in appearance and enables the owners caravan to be stored securely at the side/rear of the their property without detriment to the street scene or to the adjacent neighbour at 1a Champion Drive.
- 5.5 The fence at the south side of the house stands 1.8m high in relation to the applicants land levels until it almost reaches the front of the neighbour's garage. At this point the subject fence is stepped down to the 0.9m high level. The neighbours' garage stands forward of the front of the applicants house and as such the 1.8m high fence is visible in the street scene but is only viewed against the back drop of the neighbours' garage and does not affect the openness of the street scene. Equally whilst it encloses the neighbours' path at the side of the house and does appear higher due to the change in levels, it does not affect residential amenity as there are no windows in the side of the garage. There is a side door to the neighbours house but this is already located behind the neighbours own 1.8m high close boarded gate and as such the proposal has no impact on the residential amenity of the neighbour.
- 5.6 With respect to the lower fence and the element of the fence which steps down from 1.8m to 0.9m an impact on the openness of the estate is noticed. Whilst planting could enclose the frontage of the property, the use of such fencing forms a solid and incongruous feature in an otherwise open plan estate. As such the fencing below 1.8m and forward of the garage belonging to 3 Champion Drive is considered unacceptable in the street scene and contrary to policy D1a and H4a in that it does not respect and enhance the character and amenity of the site and locality. An appropriate condition is attached to ensure that the lower part of the fence is removed within one month of this decision.
- 5.7 Notwithstanding the unacceptable part of the fence neither the gate nor the 1.8m high fence are considered to harm the residential amenity of the neighbouring houses nor have a detrimental impact on the street scene.
- 5.8 Transportation  
The fence has no detrimental impact on highway safety.
- 5.9 Use of Energy and Sustainability  
Not applicable
- 5.10 Improvements achieved to the scheme  
A condition is used to remove an element of visually unacceptable close boarded fence from the application.
- 5.11 Other matters  
The storing of a caravan on the drive or within the neighbours garden is not

considered development or a change of use provided that it is not fixed in place or used as a separate planning unit. Any covenant which may be written into the deeds of the land is a private matter and not one which the Council has any authority to enforce.

5.12 Design and Access Statement

A Design and Access Statement is not required as part of this planning application.

5.13 Section 106 Requirements

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

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

**Background Papers      PT09/0522/F**

**Contact Officer:    Karen Hayes**

**Tel. No.                01454 863472**

**CONDITIONS**

1. The fencing to the south side of the property, below 1.8m and forward of the garage belonging to 3 Campion Drive is considered to be an incongruous feature at odds with the open plan character of the streetscene and shall be permanently removed from the site within one month of the date of this decision.

Reason(s):

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