



**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. 49/09

Date to Members: 11/12/09

Member's Deadline: 17/12/09 (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

Members will be aware that the Director of Planning, Transportation and Strategic Environment has a range of delegated powers designed to improve the efficiency and effectiveness of the Development Control service. The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Area Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development
- g) Applications for the following major development:
 - (a) Residential development the number of dwellings provided is 10 or more, or the development is to be carried out on a site having an area of 0.5 ha or more and the number of dwellings is not known.
 - (b) Other development(s) involving the provision of a building or buildings where the floor space to be created is 1000 sq. m or more or where the site has an area of 1 ha or more.

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

- Before referring an application always speak to the case officer or Area Team Leader first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Do not leave it to the last minute
- Always make your referral request in writing, either by letter, e-mail or fax, preferably using the proforma provided. Make sure the request is sent to the Development Control Support Team (East or West as appropriate), not the case officer who may not be around to act on the request, or email PlanningApplications@southglos.gov.uk. Please do not phone your requests, as messages can be lost or misquoted.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised

CIRCULATED SCHEDULE

DATE: 11/12/09

SCHEDULE NO. 49/09

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

The Circulated Schedule is designed to improve the effectiveness and efficiency of the Development Control service. To minimise referrals to the Area Committees, Members are requested to discuss the case with the case officer or team leader to see if any issues can be resolved without using Committee procedures for determining the application.

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

**Dates and Deadlines for Circulated Schedule
over the Christmas and New Year period 2009/2010**

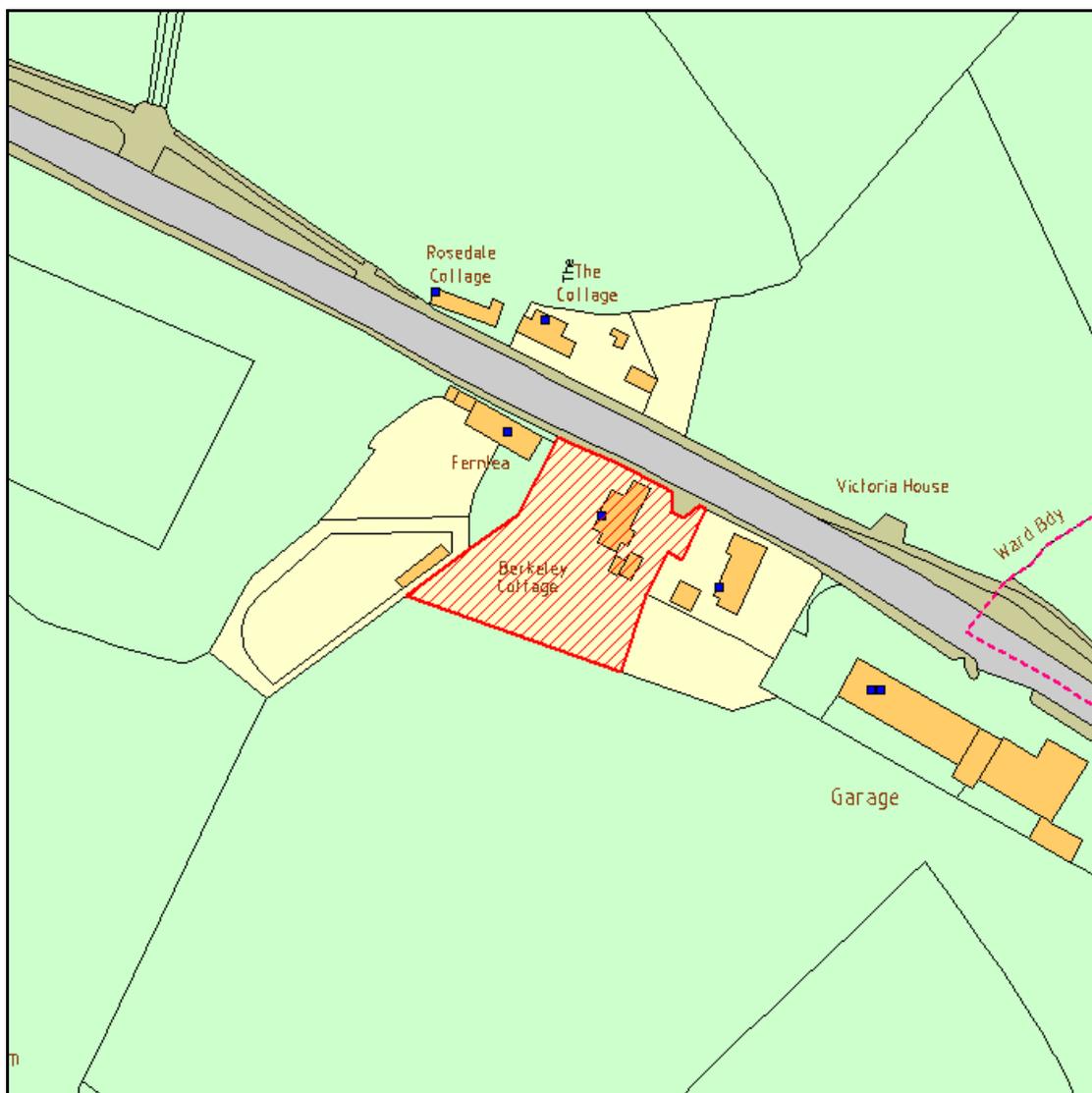
Schedule Number	Date to Members 9am on	Members Deadline 5pm on
50/09	Wednesday 16 December 2009	Tuesday 22 December 2009
51/09	Wednesday 23 December 2009	Monday 04 January 2010
52/09	No Circulated Schedule production	No Circulated Schedule production
01/10	Friday 08 January 2010	Thursday 14 January 2010

CIRCULATED SCHEDULE – 11 DECEMBER 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/5393/CLP	Refusal	Berkeley Cottage Yate Road Iron Acton South Gloucestershire BS37 9XY	Frampton Cotterell	Iron Acton Parish Council
2	PK09/5480/TRE	Approve with Conditions	Land At The Meadows Siston South Gloucestershire	Siston	Siston Parish Council
3	PK09/5586/CLP	Approve with Conditions	Woodmans Farm Vinney Lane Horton South Gloucestershire BS37 6PE	Cotswold Edge	Horton Parish Council
4	PK09/5648/CLP	Approve with Conditions	114 Tower Road North Warmley South Gloucestershire BS30 8XN	Siston	Siston Parish Council
5	PK09/5649/CLP	Approve with Conditions	116 Tower Road North Warmley South Gloucestershire BS30 8XN	Siston	Siston Parish Council
6	PK09/5671/R3F	Deemed Consent	Broad Lane Depot Broad Lane Yate South Gloucestershire BS37 7PN	Ladden Brook	Iron Acton Parish Council
7	PK09/5678/F	Approve with Conditions	1 Kings Chase Shopping Centre Regent Street Kingswood South Gloucestershire BS15 8LP	Kings Chase	None
8	PK09/5742/CLP	Approve with Conditions	Windyridge Abson Road Wick South Gloucestershire BS30 5TS	Boyd Valley	Wick & Abson Parish Council
9	PT09/5551/F	Approve with Conditions	Cosy Farm Swinhay Lane Charfield Wotton Under Edge South Gloucestershire GL12 8EZ	Charfield	Charfield Parish Council
10	PT09/5568/F	Refusal	Contractors Yard Stow Hill Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UH	Ladden Brook	Tytherington Parish Council
11	PT09/5570/CLP	Approve	79 Cornfield Close Bradley Stoke South Gloucestershire BS32 9DR	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
12	PT09/5584/R3F	Approve with Conditions	Tortworth Vc Primary School Charfield Road Tortworth Wotton Under Edge South Gloucestershire GL12 8HG	Charfield	Tortworth Parish Council
13	PT09/5656/R3F	Approve with Conditions	Bowsland Green County Primary School Ellicks Close Bradley Stoke South Gloucestershire BS32 0ES	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
14	PT09/5674/F	Approve with Conditions	7 Main View Coalpit Heath South Gloucestershire	Frampton Cotterell	Frampton Cotterell Parish
15	PT09/5716/F	Approve with Conditions	10A Durban Road Patchway South Gloucestershire	Patchway	Patchway Town Council

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PK09/5393/CLP	Applicant:	Mr M Evans
Site:	Berkeley Cottage Yate Road Iron Acton Bristol South Gloucestershire	Date Reg:	26th October 2009
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a single storey detached building for use as an annexe ancillary to main dwelling.	Parish:	Iron Acton Parish Council
Map Ref:	368855 183279	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	17th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5393/CLP**

INTRODUCTION

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a single storey detached building for use as an annex ancillary to the main dwelling, within the curtilage of Berkeley Cottage, Iron Acton. The application property is a two storey detached dwelling and is located outside of any settlement boundaries and within the Bristol Bath Green Belt.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 During the course of the application amended plans were requested to remove the 2 metre high wall adjoining the proposed annex and to omit the 2 metre high stone boundary wall. Amended plans were received as requested.

2. POLICY CONTEXT

- 2.1 Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/1637/F Erection of two storey side extension to form additional living accommodation and garage. Installation of two dormer windows and erection of side and rear conservatory. Change of use of land from agricultural to residential curtilage.
Refused February 2004

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
Iron Acton Parish Council object to the proposal, concern has also been raised as to why a certificate of lawfulness has been submitted not a planning application. The proposal is considered to be over-development and there is unsuitable visibility upon entering and existing the property.

Other Representations

- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

The proposed development consists of the erection of a single storey detached annex. This development would fall under the criteria of *Schedule 2, Part 1, Class E* of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The provision within the curtilage of the dwelling house of:- any building or enclosure...for a purpose incidental to the enjoyment of the dwelling house).

- 5.2 *Schedule 2, Part 1, Class E* of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows the provision of a building or enclosure provided that it meets the following criteria and provided that the purpose of the building is incidental to the enjoyment of the dwelling house. The applicant is proposing a single storey detached annex that would contain a bedroom, bathroom kitchenette, office/studio and garden room. It is not considered that something that is 'incidental' to the dwelling house can be primary living accommodation such as a bedroom or kitchen. In the appeal decision reported at [1987] JPL 144 the secretary of state rejected the argument that a granny annex which is separate from the dwelling would fall within this class. The view taken in this case is that to qualify as permitted development under Class E, Part 1 of the General Permitted Development Order, it should not include any accommodation that could be regarded as adding or extending the normal living accommodation of the dwelling house. As such the proposed annex which would contain a bedroom, kitchen, bathroom, study and garden room is not considered to fall within a purpose incidental to the enjoyment of the dwellinghouse and the proposal does not comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

- 5.3 There are several conditions attached to development permitted under Class E. Developments which fail any of the following criteria would not be permitted:

- E.1 **(a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house)**

would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);

The application property is set within a large plot of land. The proposed annex in combination with all other existing structures, excluding the main original dwelling house would not cover a total ground area exceeding 50% of the total area of the curtilage.

(b) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house;

The proposed annex would be located to the rear of the main dwelling.

(c) The building would have more than one storey;

The proposed annex would be single storey

(d) The height of the building, enclosure or container would exceed-

(i) 4 Metres in the case of a building with a dual-pitched roof,

(ii) 2.5 metres in the case of a building or enclosure or container within 2 metres of the boundary of the curtilage of the dwelling house, or

(iii) 3 metres in any other case;

The proposed annex would be situated more than 2 metres from the boundary of the curtilage and would have a dual pitched roof which is less than 4 metres in height.

(e) The height to eaves of the building would exceed 2.5 metres;

The eaves height of the proposed annex would be 2.5 metres.

(f) The building, enclosure, pool or container would be situated within the curtilage of a listed building;

The application property is not a listed building.

(g) It would include the construction or provision of a veranda, balcony or raised platform;

The proposal would not include any of the above

(h) It relates to a dwelling or microwave antenna; or

The proposal is for an annex, not for a new dwelling or microwave antenna

(i) The capacity of the container would exceed 3,500 litres.

Not applicable.

E.2 In the case of any land within the curtilage of the dwelling house which is within-

(a) A world Heritage Site,

(b) A National Park,

(c) An area of outstanding natural beauty, or

(d) The Broads,

Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more

than 20 metres from any wall of the dwelling house would exceed 10 square metres.

The application site is not located within any of the above.

- E.3 In the case of any land within the curtilage of the dwelling house which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwelling house and the boundary of the curtilage of the dwelling house.**

The application site is not located on article 1(5) land.

5.3 Use of Energy and Sustainability

No measures proposed

5.4 Improvements Achieved to the Scheme

None necessary

5.5 Other Issues

This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit and the Development Plan is not of relevance to the determination of this application, as such concern raised regarding over-development of the site and the visibility of the entering and exiting to the property cannot be taken into consideration.

5.6 Conclusion

Whilst the proposed building in terms of scale and location meets the criteria set out in the Class E of the General Permitted Development Order, the purpose of the building is not considered to be incidental to the enjoyment of the dwelling house and as such the proposal does not comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is not permitted development.

6. RECOMMENDATION

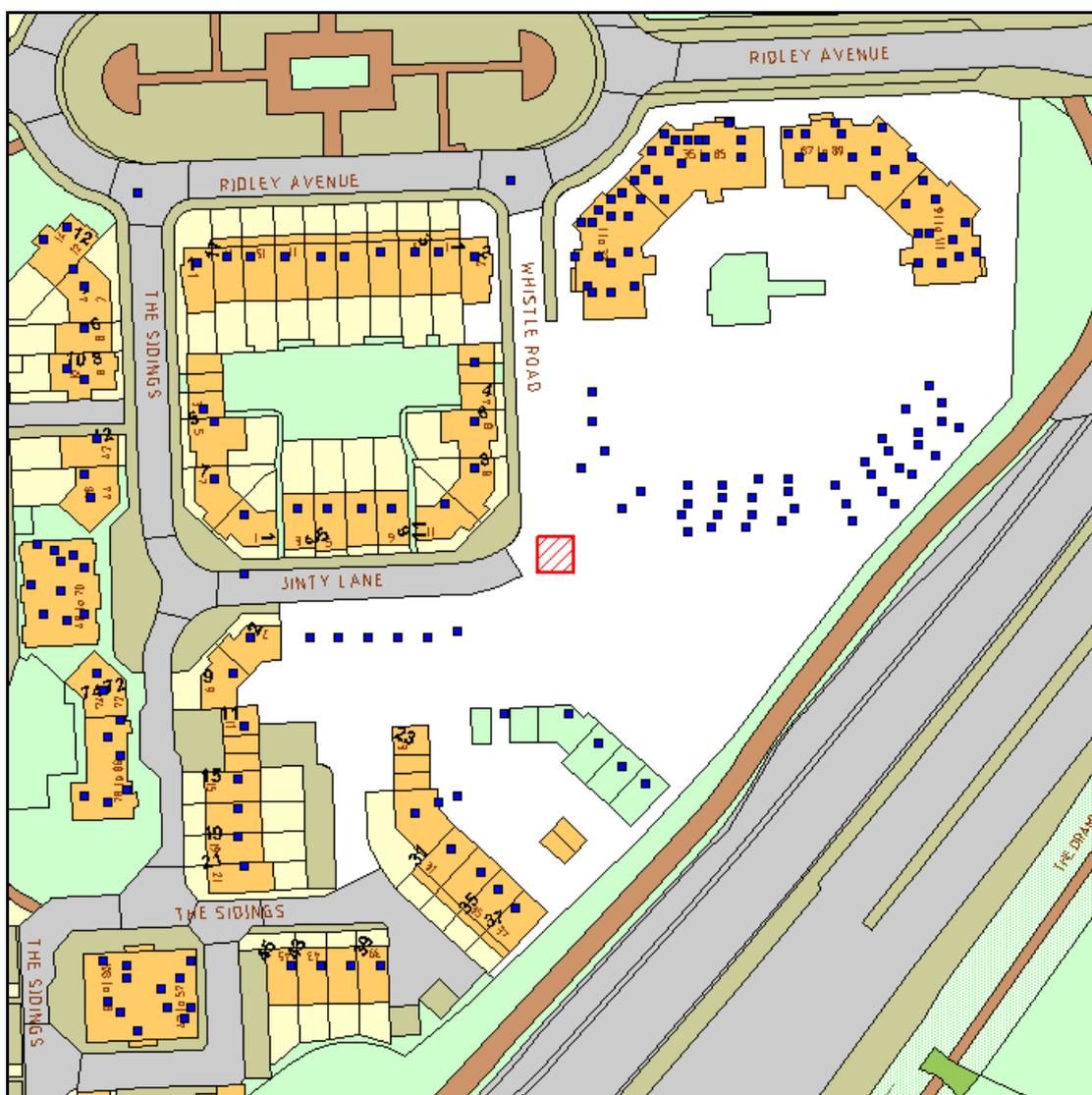
- 6.1 That a Certificate of Lawfulness for Proposed Development is refused for the following reason;

The purpose of the building proposed is not considered to be incidental to the enjoyment of the dwelling house and as such the proposal does not comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PK09/5480/TRE	Applicant:	Barratt Homes
Site:	Land At The Meadows Siston Bristol South Gloucestershire BS16 9QN	Date Reg:	10th November 2009
Proposal:	Work to lift crown by 3-5m and thin by 15% of oak tree as covered by Tree Preservation Order KTPO 04/95 dated 9th October 1995	Parish:	Siston Parish Council
Map Ref:	366566 174986	Ward:	Siston
Application Category:		Target Date:	28th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5480/TRE**

INTRODUCTION

This application has been referred to the Council's Circulated Schedule as objections have been received from the Parish Council regarding the proposed works.

1. THE PROPOSAL

- 1.1 This application seeks permission to carry out works to one oak tree which is covered by a Tree Preservation Order. Proposed works include crown lift by 3-5m and 15% thinning.
- 1.2 The oak tree is on land which is currently being developed for residential development.

1(b) Information submitted in support of application

- Works are required to reduce risk of accidental damage to tree and allow for safe working practices.

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
Object as it is felt the reduction of the crown is too great.

Other Representations

- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

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

- 5.2 The main issues when assessing works to trees covered by a Tree Preservation Order relate to the impact of the proposed works on the health and visual amenity of the tree.
- 5.3 The application seeks permission to crown lift the tree by 3-5 metres and thin the crown by 15%. An objection has been raised by the Parish Council on the grounds the proposed works are too great. The Council's Tree officer has visited the site and assessed the proposed works and does not consider them to be excessive. The works are deemed necessary and considered good agricultural practice in order to enable construction vehicles to construct an access drive as approved under an earlier planning permission, without impacting on the tree.
- 5.4 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PK09/5586/CLP	Applicant:	Mrs C Pederick
Site:	Woodmans Farm Vinney Lane Horton Bristol South Gloucestershire	Date Reg:	30th October 2009
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a rear conservatory and installation of external doors and windows.	Parish:	Horton Parish Council
Map Ref:	375319 185282	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	23rd December 2009



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 100023410, 2008. **N.T.S.** **PK09/5586/CLP**

INTRODUCTION

This application is for a Certificate of Lawful Development, which under the Council's current Scheme of Delegation must appear on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawfulness for the proposed erection of a rear conservatory and installation of external doors and windows.
- 1.2 The application site comprises a two-storey, detached dwellinghouse and outbuildings located on the western side of Vinney Lane, Horton. The site lies within the open countryside but does not lie within any Conservation Area or AONB.

2. POLICY CONTEXT

- 2.1 The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/0582/F - External alterations to facilitate conversion of existing agricultural buildings to 1 no. dwelling. Change of use of agricultural land to form residential curtilage. Creation of new vehicular access and associated works.
Approved 15 May 2009

4. CONSULTATION RESPONSES

- 4.1 Horton Parish Council
No objection

Other Representations

- 4.3 Local Residents
No responses received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application is seeking a Lawful Development Certificate to formally establish that the proposed development can be erected under permitted development rights. It is not a planning application where the relative merits of the scheme are assessed against policy; it is an evidential test of whether or not it would be lawful to proceed with the proposal. The key evidential test in this case is whether the proposal falls within the permitted development rights afforded to householders. Given that the proposal is for a rear conservatory extension and the installation of external doors and windows, then the main test is whether or not the proposal falls within the criteria of Part 1, Class A of the General Permitted Development Order 2008 in terms of size and positioning. The host property has its permitted development rights in tact.

5.2 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development (Amendment) (No.2) (England) Order 2008 allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is not permitted by Class A if:

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposed works would not exceed 50% of the total area of the curtilage as shown by the submitted plan.

- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The elevation plans submitted demonstrate that the extension would be 3.4m high and would not exceed the height of the existing roof apex at 6.8m.

- (c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The elevation plans submitted show that the eaves would be set at 2.2m, which is lower than the existing eaves height which is 4.6m.

- (d) The enlarged part of the dwellinghouse would extend beyond a wall which –

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

The extension would be entirely to the rear of the dwelling.

- (e) The enlarged part of the dwelling house would have a single storey and -

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

The extension would be 2.7 metres from the rear wall of the existing dwellinghouse and does not exceed 4 metres in height.

- (f) The enlarged part of the dwellinghouse would have more than one storey and -

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The extension would be single storey only.

- (g) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The extension would be more than 2m boundary of the residential curtilage and the eaves would be no more than 2.2m metres high.

- (h) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would -
 - (i) exceed 4 metres in height,
 - (ii) have more than one storey, or
 - (ii) have a width greater than half the width of the original dwellinghouse; or

The extension would not extend beyond the side elevation of the original dwellinghouse.

- (i) It would consist of or include—
 - (i) the construction or provision of a veranda, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

The proposal would not include of any of the above.

5.3 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;
- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

The extension would not lie within Article 1(5) land.

5.4 Development is permitted by Class A subject to the following conditions—

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The extension would be a Conservatory

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

The proposed first floor windows would be in the rear elevation only.

- (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposed extension would be single storey.

7. RECOMMENDATION

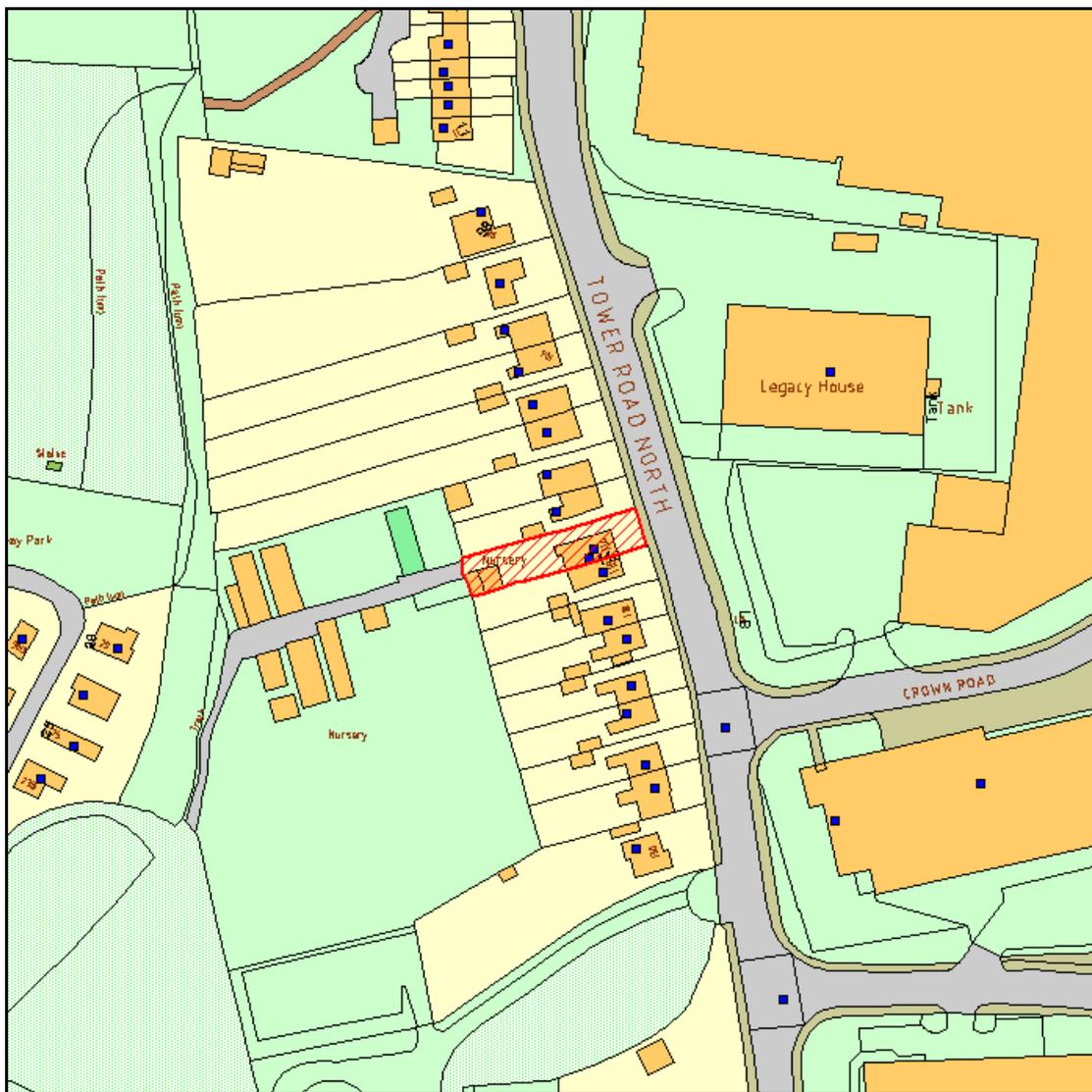
7.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

Evidence has been submitted to demonstrate that the development falls within permitted development within the curtilage of a dwellinghouse under Part 1 Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PK09/5648/CLP	Applicant:	Mr M Wintle
Site:	114 Tower Road North, Warmley, South Gloucestershire, BS30 8XN	Date Reg:	5th November 2009
Proposal:	Certificate of lawfulness for proposed erection of single storey rear extension to form additional living accommodation.	Parish:	Siston Parish Council
Map Ref:	367008 173002	Ward:	Siston
Application Category:	Minor	Target Date:	17th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5648/CLP**

INTRODUCTION

The application is for a Certificate of Lawful Development which, under the Council's current Scheme of Delegation must appear on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawfulness for the proposed erection of a single-storey rear extension to form additional living accommodation.
- 1.2 The application site comprises a two-storey, semi-detached dwellinghouse located on the western side of Tower Road North, Warmley. The site lies within the Warmley Conservation Area, which for the purposes of this exercise is Article 1(5) land.

2. POLICY CONTEXT

- 2.1 The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1234/F - Erection of three-storey rear extension and installation of front dormer window to facilitate the conversion of existing two dwellings to form 10no. self-contained flats with parking and associated works.
Withdrawn 24 Aug 2009

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No objection.

Other Representations

- 4.3 Local Residents
No objections received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application is seeking a Lawful Development Certificate to formally establish that the proposed development can be erected under permitted development rights. It is not a planning application where the relative merits of the scheme are assessed against policy; it is an evidential test of whether it would be lawful to proceed with the proposal. The key evidential test in this case is, whether the proposal falls within the permitted development rights afforded to householders. Given that the proposal is for a single-storey rear extension, then the main test is whether the proposal falls within the criteria of Part 1, Class A of the General Permitted Development Order 2008 in terms of size and positioning. The host property has its permitted development rights in tact.

5.2 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development (Amendment) (No.2) (England) Order 2008 allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is not permitted by Class A if:

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposed works would not exceed 50% of the total area of the curtilage as shown by the submitted block plan.

- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The elevation plans submitted demonstrates that the extension would be 4m high and would not exceed the height of the existing roof apex at 8.1m.

- (c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The elevation plans submitted show that the eaves would be set at 4m, which is lower than the existing eaves height which is 5.1m.

- (d) The enlarged part of the dwellinghouse would extend beyond a wall which –

(i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

The extension would be entirely to the rear of the dwelling.

- (e) The enlarged part of the dwelling house would have a single-storey and

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

The extension would be 3 metres from the rear wall of the existing dwellinghouse and does not exceed 4 metres in height.

(The original annexe at the rear of the house has been extended in the relatively recent past. The size of the original annexe can be seen on the adjoining house of the pair of semi-detached houses. The measurement of 3 metres has been taken from the original annexe.)

- (f) The enlarged part of the dwellinghouse would have more than one storey and -
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The extension would be only 3 metres long and would be more than 7 metres i.e. 18m from the rear boundary of the dwellinghouse.

- (g) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The 4m high extension would be 2.9 metres from the southern boundary and 3m from the northern boundary.

- (h) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would -
- (i) exceed 4 metres in height,
 - (ii) have more than one storey, or
 - (ii) have a width greater than half the width of the original dwellinghouse; or

The extension would not extend beyond the side elevation of the original dwellinghouse.

- (i) It would consist of or include -
- (i) the construction or provision of a veranda, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

The proposal would not include any of the above.

- 5.3 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if -

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

The proposal does not include any cladding to the exterior of the dwellinghouse.

- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;

The proposed extension would not extend beyond the side elevation of the original dwellinghouse.

- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

The extension would be single-storey only.

5.4 Development is permitted by Class A subject to the following conditions -

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The materials to be used for the extension comprise render on a brick base to match the materials of the existing dwellinghouse.

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be -
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

The proposed extension would be single-storey only.

- (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposed extension would be single storey.

7. RECOMMENDATION

7.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

Evidence has been submitted to demonstrate that the development falls within permitted development within the curtilage of a dwellinghouse under Part 1 Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PK09/5649/CLP	Applicant:	Mr C Wood
Site:	116 Tower Road North, Warmley, South Gloucestershire, BS30 8XN	Date Reg:	5th November 2009
Proposal:	Certificate of lawfulness for proposed erection of single storey rear extension to form additional living accommodation.	Parish:	Siston Parish Council
Map Ref:	367008 173002	Ward:	Siston
Application Category:	Minor	Target Date:	17th December 2009



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 100023410, 2008. **N.T.S.** **PK09/5649/CLP**

INTRODUCTION

This application is for a Certificate of Lawful Development which, under the Council's current Scheme of Delegation must appear on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawfulness for the proposed erection of a single-storey rear extension to form additional living accommodation.
- 1.2 The application site comprises a two-storey, semi-detached dwellinghouse located on the western side of Tower Road North, Warmley. The site lies within the Warmley Conservation Area, which for the purposes of this exercise is Article 1(5) land.

2. POLICY CONTEXT

- 2.1 The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1234/F - Erection of three-storey rear extension and installation of front dormer window to facilitate the conversion of existing two dwellings to form 10no. self-contained flats with parking and associated works.
Withdrawn 24 Aug 2009.

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No objection.

Other Representations

- 4.3 Local Residents
No objections received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application is seeking a Lawful Development Certificate to formally establish that the proposed development can be erected under permitted development rights. It is not a planning application where the relative merits of the scheme are assessed against policy; it is an evidential test of whether or not it would be lawful to proceed with the proposal. The key evidential test in this case is whether the proposal falls within the permitted development rights afforded to householders. Given that the proposal is for a single-storey rear extension, then the main test is whether or not the proposal falls within the criteria of Part 1, Class A of the General Permitted Development Order 2008 in terms of size and positioning. The host property has its permitted development rights in tact.

5.2 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development (Amendment) (No.2) (England) Order 2008 allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is not permitted by Class A if:

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposed works would not exceed 50% of the total area of the curtilage as shown by the submitted block plan.

- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The elevation plans submitted demonstrate that the extension would be 4m high and would not exceed the height of the existing roof apex at 8.1m.

- (c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The elevation plans submitted show that the eaves would be set at 4m, which is lower than the existing eaves height which is 5.1m.

- (d) The enlarged part of the dwellinghouse would extend beyond a wall which –

- (i) fronts a highway, and

- (ii) forms either the principalelevation or a side elevation of the original dwellinghouse;

The extension would be entirely to the rear of the dwelling.

- (e) The enlarged part of the dwelling house would have a single storey and -

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

- (ii) exceed 4 metres in height;

The extension would be 3 metres from the rear wall of the existing dwellinghouse and does not exceed 4 metres in height.

- (f) The enlarged part of the dwellinghouse would have more than one storey and -

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The extension would be only 3 metres long and would be more than 7 metres i.e. 18m from the rear boundary of the dwellinghouse

(g) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The extension would be 2.1 metres from the southern boundary and would be no more than 3 metres high on the northern boundary of the site.

(h) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would -

(i) exceed 4 metres in height,

(ii) have more than one storey, or

(ii) have a width greater than half the width of the original dwellinghouse; or

The extension would not extend beyond the side elevation of the original dwellinghouse.

(i) It would consist of or include -

(i) the construction or provision of a veranda, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse.

The proposal would not include any of the above.

5.3 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if -

(a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

The proposal does not include any cladding to the exterior of the dwellinghouse.

- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;

The proposed extension would not extend beyond the side elevation of the original dwellinghouse.

- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

The extension would be single-storey only.

5.4 Development is permitted by Class A subject to the following conditions -

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The materials to be used for the extension comprise render on a brick base to match the materials of the existing dwellinghouse.

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be -
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

The proposed extension would be single-storey only.

- (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposed extensions would be single storey.

7. RECOMMENDATION

7.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

Evidence has been submitted to demonstrate that the development falls within permitted development within the curtilage of a dwellinghouse under Part 1 Class A of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PK09/5671/R3F	Applicant:	South Glos Council
Site:	Broad Lane Depot Broad Lane Yate Bristol South Gloucestershire	Date Reg:	6th November 2009
Proposal:	Siting of 6 temporary portable buildings and provision of associated parking for a period of 5 years. (Renewal of temporary consent PK4/3724/F).	Parish:	Iron Acton Parish Council
Map Ref:	370213 183794	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	21st December 2009



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 100023410, 2008. **N.T.S.** **PK09/5671/R3F**

INTRODUCTION

This application is reported on the Circulated Schedule as it was submitted by the Council. The Council's Constitution requires that such applications are notified on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the temporary siting of buildings at the Council's Broad Lane site over a five year period, together with the continued provision of parking facilities associated with the buildings, which are used as offices. The application would renew a temporary planning permission last approved on 14 January 2005 and therefore due to lapse on 14 January 2010.
- 1.2 The buildings stand near the centre of the site, at the end of the access drive. They are six interconnected portacabins in a single storey arrangement, standing between the central car park and an area of scrub land, separated from the latter by a mature, but sparse hedgerow. Taller permanent buildings stand on the site across the car park from the temporary ones.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Design
 - E3 Employment Development in Safeguarded Areas
 - E4 safeguarded Employment Areas
 - T7 Cycle Parking
 - T8 Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/3724/R3F Renewal of temporary permission for siting of 6 temporary portable buildings permitted under PK00/1315/R3F
Approved 2005

Prior to this, there have been a number of applications since 1998 to establish the temporary buildings on the site.

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No objection
- 4.2 Other Consultees
Sustainable Transportation
No objection

Other Representations

- 4.3 Local Residents
No replies received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. In this instance, the site lies within a Safeguarded Employment Area as defined in Local Plan policy E4 and therefore the provisions set out under policy E3 apply.

5.2 E3A: Environmental Effects

The continued use of these temporary buildings in their office use is not considered to give rise to any untoward environmental effects.

5.3 E3B and T7 and T8: Transportation Considerations

Retaining these portable buildings would not change anything in terms of transportation. The parking to serve them is already in place. No objection has been raised by Sustainable Transportation and it is considered that this criterion of policy E3 has been satisfied.

5.4 E3: Effect on Residential Amenity

The portacabins are located in the centre of the Broad Lane site and there are few residential properties at the edge of it or immediately beyond. Since the offices do not give rise to significant noise levels it is considered that any adverse impact will be caused to existing levels of residential amenity by this proposal.

5.5 E3D:Effect on the Character of the Settlement

Although the site is an established employment site, it does not lie within the development boundary of Yate and therefore this proposal is not considered to have any impact on the character of the settlement.

5.6 E3E: Achieving Maximum Density

The proposal is limited in scope for achieving maximum density on this site as it relates to existing buildings, to which no changes are proposed. As such, it is considered that maintaining the existing density of buildings on the site complies with this criterion of the policy.

5.7 E3F: For B1 development, is it well services by public transport?

There is a bus service which runs along Goose Green Way and Yate railway station is about one mile away. These factors do not relate directly to the proposal, but would have been taken into account when this site was safeguarded for employment purposes in the Local Plan which was adopted in 2006.

5.8 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.

5.9 Use of Energy and Sustainability

The proposal is to retain the existing buildings with no changes made to them which require planning permission. As such, this consideration does not apply.

5.10 Improvements Achieved to the Scheme

None sought.

5.11 Section 106 Requirements

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

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. It is against government guidance to successively approve temporary permission. The assessment should therefore be made at some stage whether such applications should be refused or permanently approved. That assessment is appropriately made at this juncture. The site is a safeguarded employment area, under policy E4 and therefore the continued stationing of the portable buildings within the site would not conflict with that policy. They could be maintained in a semi-permanent condition. However, in this instance, temporary permission has been applied for due to the fact that the Council is intending to dispose of the Broad Lane site. This could take place within the five year period applied for and therefore the condition shown below is considered to be appropriate.

6.2 The recommendation to approve a further temporary period of 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.

6.3 The proposal is to retain a group of temporary buildings for a further five year period. This would cause no changes in physical terms as it would maintain the existing situation, where no harm was previously identified. The proposal would comply with the relevant local plan policies, D1, E3, T7 and T8.

7. RECOMMENDATION

7.1 That planning permission is approved for a further five year period, running from the expiry of the previous planning permission.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

1. The buildings hereby permitted shall be removed and the land restored to its former condition on or before 14 January 2015 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

The form and appearance of the building(s) is out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case.

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PK09/5678/F	Applicant:	The Money Shop/Instant Cash Loans Ltd
Site:	1 Kings Chase Shopping Centre Regent Street Kingswood Bristol South Gloucestershire	Date Reg:	9th November 2009
Proposal:	Change of use from Chemist (Class A1) to Financial and Professional Services (Class A2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	None
Map Ref:	364715 173904	Ward:	Kings Chase
Application Category:	Minor	Target Date:	21st December 2009



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 100023410, 2008. **N.T.S.** **PK09/5678/F**

INTRODUCTION

This application has been referred to the circulated schedule due to the receipt of one letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the change of use of 1 Kings Chase Shopping Centre, Kingswood from A1 retail to A2 financial and professional services
- 1.2 The property is located within the designated primary shopping frontage in the town centre of Kingswood. The site was last used as a Class A1 Chemist and neighbours a use Class A1 supermarket (Iceland) to the west and a use Class A1 card shop to the east.
- 1.3 During the course of the application, additional information regarding the marking of the premises was requested. The information was received as requested.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS6 Planning and Town Centres
PPG13 Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
RT1 Development in Town Centres
RT9 Change of use of Retail Premises within the Primary Shopping Frontage
T8 Parking Standards
T12 Transportation Development Control
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 Pk08/2618/F Installation of new shop front and 1no. air conditioning unit to rear elevation.
Approved October 2008

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Site falls outside a parish area.
- 4.2 Sustainable Transport
No objections

Other Representations

4.3 Local Residents

One letter of objection has been received stating the following:

- The number of empty shops in the primary shopping frontage has fallen during the last 12 months from approximately 18 to 11.
- There are retailers who would fill the units if they were marketed at a reasonable rate.
- To fill A1 premises with non A1 uses may be attractive in the short term but will further debase A1 premises.
- Concern about the degradation of retail stock in Kingswood

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy RT1 accepts retail and other development appropriate to a Town Centre within Kingswood provided that, it is acceptable in terms of the existing vitality and viability, scale and function, accessibility, environmental and transportation effects. In accordance with Policy RT9, changes of use of existing retail uses within the Primary Shopping Frontages will not be permitted unless, the existing retail use is no longer viable or the proposed use would make a positive contribution to the vitality and viability of the centre and not undermine the retail function of the frontage and would not have an unacceptable environmental and transportation effect.

5.2 **A. It can be demonstrated that the premises could not be retained in a viable retail use; OR**

The property has been vacant for approximately 9 months. The agent has stated that the property has been marketed by Macarthur Wilson Retail Property Consultants without success. The agent later submitted further information regarding the marketing, stating that the property has been marketed since May 2007 and to date there have been no serious offers from an A1 retailer. A marketing board has been present at the premises since May 2007 and Macarthur Wilson & Co have confirmed that they have been proactively marketing the premises by approaching numerous national, regional and local occupiers from various retail sectors. The property has also featured on several websites with the details being regularly circulated via email.

Given that the premises have been marketed for well over 2 years, and vacant for 9 months and taking into consideration the scope of marketing that has taken place, officers consider that the information submitted satisfactorily justifies that the existing class A1 use is not viable. The application therefore accords with criteria A of policy RT9.

5.3 B. The proposed use would make a positive and complementary contribution to the vitality and viability of the centre, and would not undermine the retail function of the frontage, or part of it; AND

An audit of retailing activity in South Gloucestershire was carried out by the Council on August 2009. For Kingswood town centre the audit recognised that for the primary shopping frontage comprising Kingswood Shopping Centre and 37-43 Regent Street which incorporates the application site, measures 337 metres of frontage. Of this, 316m is class A1 frontage (a total of 94% of the frontage) and 20m is in non A1 use (6% of the total frontage). The application property has a frontage of 5.5m and whilst currently vacant is assessed in the retail audit as a class A1 use. If the unit were to change to Class A2 as proposed, the figures for the frontage detailed above would change to 310.5m of class A1 frontage (92% of the total frontage) and 26m of non A1 frontage (8% of the total frontage).

The premises are located towards the end of a shopping frontage which heads away from the main shopping centre, however a large A1 supermarket is located adjacent to the property and at the end of the parade of shops. Given that the proposal would retain a shop front and would only result in a reduction in the percent of Class A1 frontage to 92% for the frontage comprising Kingswood Shopping Centre and 37-43 Regent Street, Officers do not consider that a change of use of the property would compromise the retail function of this primary shopping frontage or have a detrimental impact on the vitality and viability of the town centre.

5.4 C. The proposed use would not result in unacceptable environmental or transportation effects, and would not prejudice residential amenity.

The site is currently an existing retail unit located within the Kingswood shopping area where there is good access to all modes of transport. As such it is not considered that the proposed change of use would result in any increase in traffic. Consequently the proposal would have no significant impact on the existing residential amenity or have any additional environmental impacts. Further, with no objections from the Council's Transportation Officer the proposal is considered acceptable.

5.5 Use of Energy and Sustainability
No measures proposed

5.6 Improvements achieved to the scheme
None required

5.7 Design and Access Statement

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

5.8 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and

05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The premises have been marketed for well over 2 years, and vacant for 9 months it is therefore considered that the information submitted satisfactorily justifies that the existing class A1 use is not viable. Furthermore the shop frontage would be retained and the proposal is not considered to compromise the retail function of this primary shopping frontage or have a detrimental impact on the vitality and viability of the town centre. The proposal would have no significant impact on the existing residential amenity or have any additional environmental or highways impacts. As such the proposal accords with policies RT1 and RT9 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 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.

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

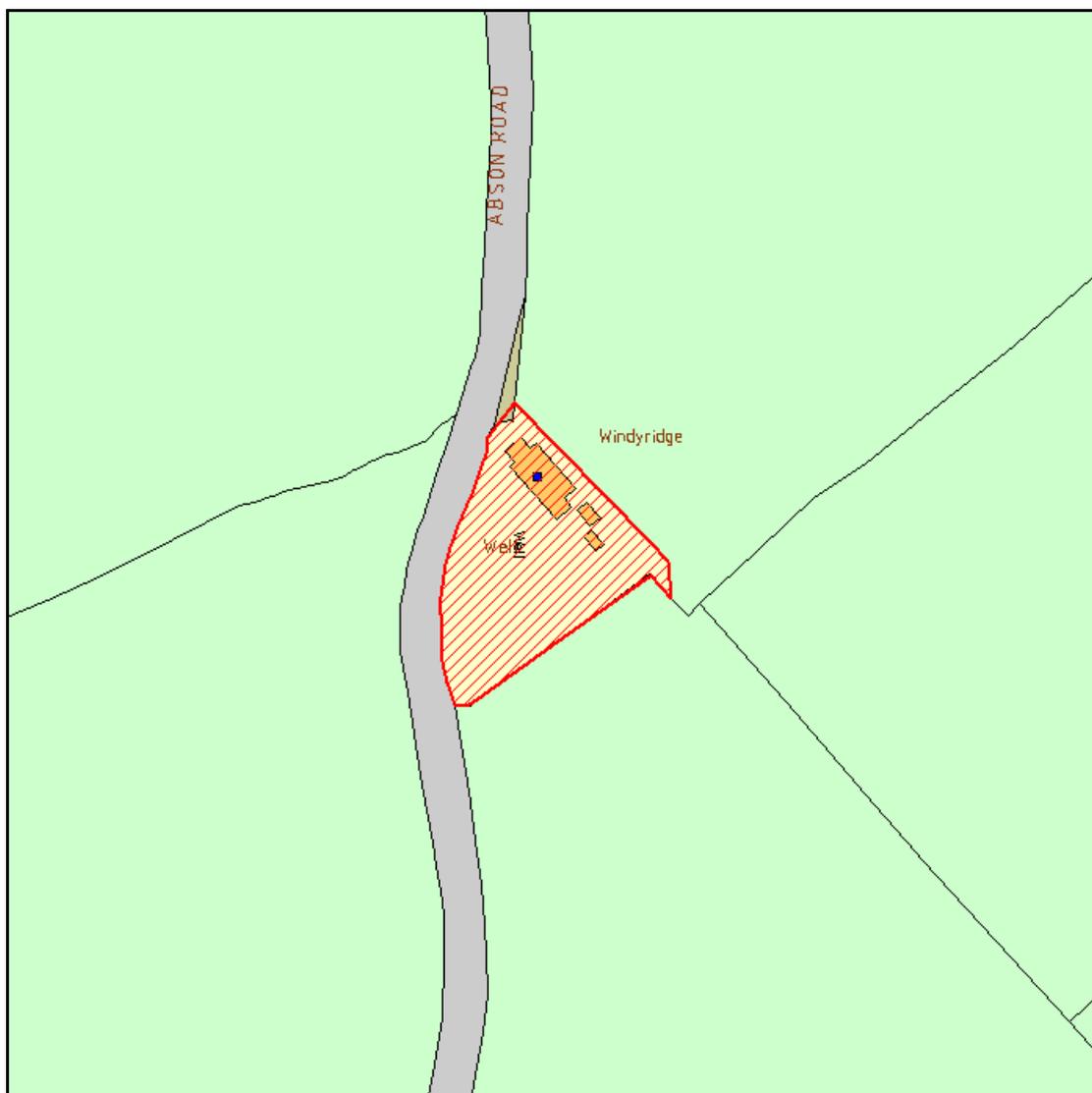
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PK09/5742/CLP	Applicant:	Mr P Kennedy
Site:	Windyridge Abson Road Wick Bristol South Gloucestershire	Date Reg:	10th November 2009
Proposal:	Application for Certificate of Lawfulness for the proposed erection of single storey rear extension, front porch, and rear dormer to form additional living accommodation and erection of detached home office/playroom ancillary to main dwelling.	Parish:	Wick & Abson Parish Council
Map Ref:	370486 174080	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	23rd December 2009



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N.T.S.

PK09/5742/CLP

INTRODUCTION

This application is for a Certificate of Lawful Development, which under the Council's current Scheme of Delegation must appear on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawfulness for the proposed erection of a single-storey rear extension, front porch and rear dormer to form additional living accommodation and erection of a detached home office/playroom ancillary to the main dwelling.
- 1.2 The application relates to an isolated, two-storey, detached dwellinghouse with a detached double garage to the rear. The house is located adjacent to the eastern side of Abson Road near Wick.

2. POLICY CONTEXT

- 2.1 The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

3. RELEVANT PLANNING HISTORY

- 3.1 N9021 - Erection of first floor rear extension to form bedroom, study and bathroom
Approved 22 Dec 1983
- 3.2 P94/2585 - Erection of detached double garage with games room over. Installation of propane gas tank.
Approved 10 Jan 1995
- 3.3 PK09/0787/F - New vehicular access track from Abson Road including 1.4m high gate and associated works.
Approved 17th June 2009
- 3.4 PK09/0849/F - Change of use of land from agricultural to land for the keeping of horses. Erection of stable block with hay store and tack room.

4. CONSULTATION RESPONSES

- 4.1 Wick & Abson Parish Council
It appears to cross over the adjacent field (Green Belt) boundary & beyond the residential curtilage.

The applicant has subsequently confirmed that this is not the case and this is confirmed by the submitted red edge plan.

Other Representations

- 4.3 Local Residents
No responses received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application is seeking a Lawful Development Certificate to formally establish that the proposed development can be erected under permitted development rights. It is not a planning application where the relative merits of the scheme are assessed against policy; it is an evidential test of whether or not it would be lawful to proceed with the proposal. The key evidential test in this case is whether the proposal falls within the permitted development rights afforded to householders. The main test is whether or not the proposal falls within the criteria of Part 1, Class A of the General Permitted Development Order 2008 in terms of size and positioning. The host property has its permitted development rights in tact.

Proposed Single-Storey Extension

5.2 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development (Amendment) (No.2) (England) Order 2008 allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is not permitted by Class A if:

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposed works would not exceed 50% of the total area of the curtilage as shown by the submitted block plan.

- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The elevation plans submitted demonstrate that the extension would be 4.0m high and would not exceed the height of the existing roof apex at 7.0m.

- (c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The elevation plans submitted show that the eaves would be set at 2.15m, which is lower than the existing eaves height which is 3.4m.

- (d) The enlarged part of the dwellinghouse would extend beyond a wall which –

- (i) fronts a highway, and

(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

The extension would be entirely to the rear or side of the dwelling and would not front a highway.

(e) The enlarged part of the dwelling house would have a single storey and -

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

The extension would be single-storey and would project beyond the rear wall by approximately 3.4 metres only and does not exceed 4 metres in height.

(f) The enlarged part of the dwellinghouse would have more than one storey and -

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The extension would be single storey only.

(g) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The eaves height of the extension would not exceed 3 metres.

(h) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would -

(i) exceed 4 metres in height,

(ii) have more than one storey, or

(ii) have a width greater than half the width of the original dwellinghouse; or

The extension would extend beyond the side wall of the original dwellinghouse but would not exceed 4 metres in height, does not have more than one storey and being 7 metres in width compared to 14 metres in width of the original dwellinghouse, would not be greater than half of the width of the original dwellinghouse.

(i) It would consist of or include—

- (i) the construction or provision of a veranda, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

The proposal would not include any of the above.

5.3 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;
- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.

The proposal would not be located on Article 1(5) land.

5.4 Development is permitted by Class A subject to the following conditions—

- (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The materials to be used for the extension would be of similar appearance to those used in the construction of the dwelling house.

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

The proposed extension would be single-storey only.

- (c) Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposed extensions would be single storey.

The Proposed Dormer

5.5 The main test is whether or not the proposal falls within the criteria of Part 1, Class B of the General Permitted Development Order 2008 in terms of the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. Class B1 states that development is not permitted if the following criteria apply:

- (a) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposed enlargement would be approximately 0.5m below the ridge of the roof.

- (b) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

The proposal would be located on the northeast elevation, which is not the principal elevation or one fronting the highway.

- (c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –
- (i) 40 cubic metres in the case of a terrace house, or
- (ii) 50 cubic metres in any other case;

The proposed dormer has a volume of approximately 26.5 cubic metres which together with the modest increase in roof volume incurred under the development previously approved (N9021), would not exceed 50 cu.m.

- (d) It would consist of or include -
- (i) the construction or provision of a veranda, balcony or raised platform, or
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (e) the dwellinghouse is on article 1(5) land.

None of the above apply.

Conditions

Development is permitted by Class B subject to the following conditions -

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The materials would be similar.

- (b) other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and

The dormer would be approximately 80cm from the eaves of the original roof.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 m above the floor of the room in which the window is installed.

No windows are proposed for the side elevation.

The Proposed Porch

Development is not permitted by Class D.1 if :-

- (a) the ground area (measured externally) of the structure would exceed 3 square metres;

The proposed porch measures 2.85m high x 1.45m deep x 2.06m wide and does not therefore exceed 3 sq.m.

- (b) any part of the structure would be more than 3 metres above ground level; or

The proposed porch would be only 2.85m high.

- (c) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

The criteria is met.

The Proposed Outbuilding

Class E of the Order states that the provision within the curtilage of the dwellinghouse of any building for a purpose incidental to the enjoyment of the

dwellinghouse can be erected subject to meeting various criteria. The building hereby proposed would be used as a home office and playroom and these uses fall within the classification as confirmed in PPG4.

Development is not permitted by Class E if -

- (a) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The building would have a floor area of approx. 60 sq.m. The 50% limitation would not be exceeded.

- (b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The proposed building would be set back 2.6m beyond the line of the existing wall.

- (c) the building would have more than one storey.

The building would be single-storey

- (d) the height of the building, enclosure or container would exceed-
 - (i) 4 metres in the case of a building with a dual pitched roof,
 - (ii) 2.5m in the case of a building, enclosure or container within 2m of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case

The proposed building has a dual pitched roof, the ridge of which would be 4m above the ground.

- (e) the height of the eaves of the building would exceed 2.5m

The eaves height would be 2.1m.

- (f) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

There are no Listed Buildings near by.

- (g) it would include the construction or provision of a veranda, balcony or raised platform;

The proposal does not include any of these structures.

(h) the proposal does not relate to a dwelling or a microwave antenna.

The criteria is met.

(i) the capacity of the container would not exceed 3,500 litres.

The proposal is not a container.

Class E2 refers to land within a World Heritage Site, National Park, AONB or the Broads, none of which apply in this instance. Similarly, Class E.3 does not apply as the site is not within Article 1 (5) land.

7. RECOMMENDATION

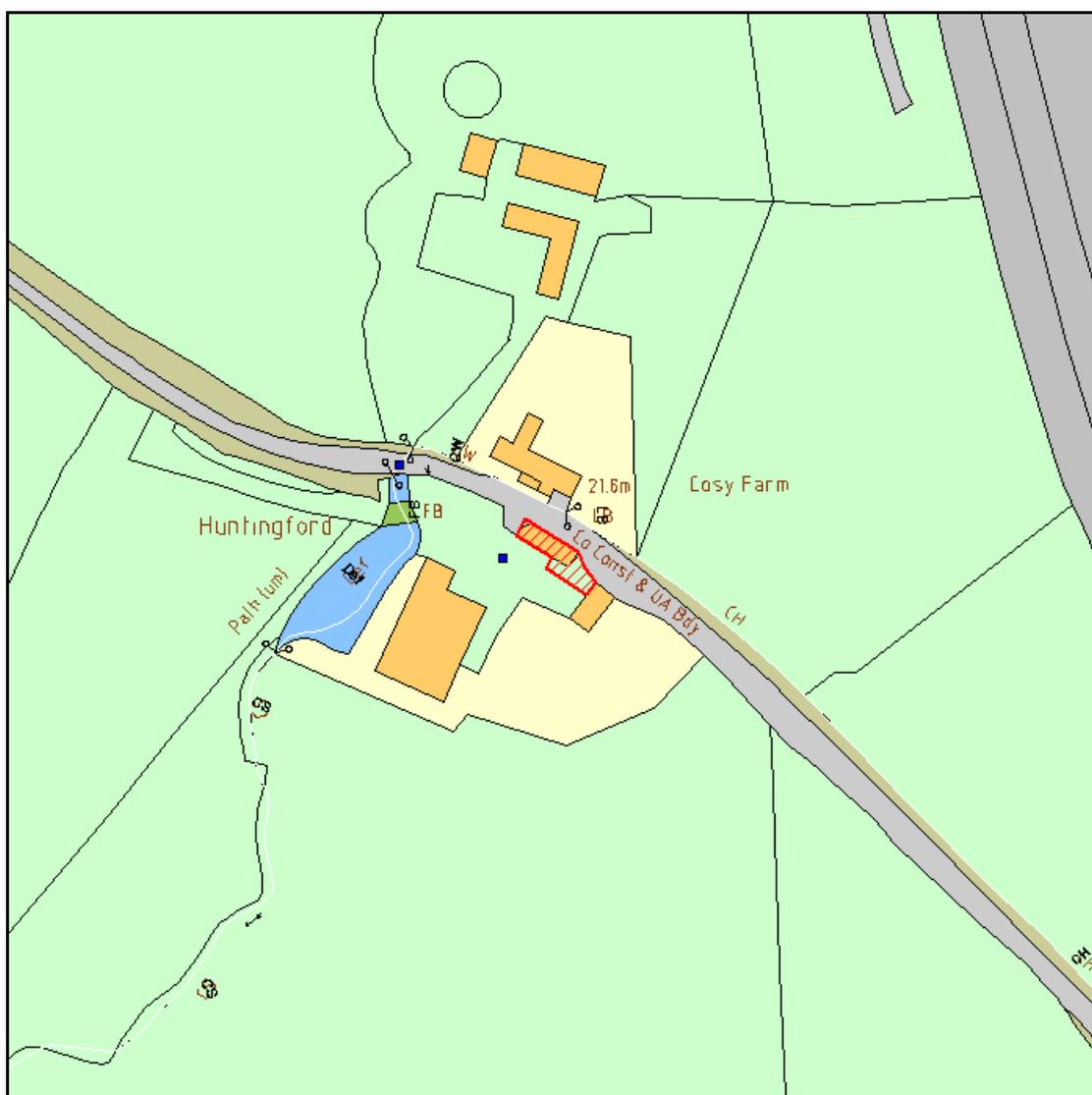
7.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

Evidence has been submitted to demonstrate that the development falls within permitted development within the curtilage of a dwellinghouse under Part 1 Classes A, B, D & E of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO.49/ 09 – 11 DECEMBER 2009

App No.:	PT09/5551/F	Applicant:	Mr J Randall
Site:	Cosy Farm Swinhay Lane Charfield Wotton Under Edge South Gloucestershire	Date Reg:	30th October 2009
Proposal:	Change of use of buildings to residential to form additional living accommodation (Retrospective).	Parish:	Charfield Parish Council
Map Ref:	371384 194040	Ward:	Charfield
Application Category:	Minor	Target Date:	22nd December 2009



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INTRODUCTION

This application appears on the Circulated Schedule List because objections have been received from the parish Council and local residents.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of buildings to form additional living accommodation.
- 1.2 The application site comprises a range of buildings, which were certified as being lawful (PT09/5079/CLE). The range is attached to a milking parlour, which was granted permission to be used for equestrian, agricultural storage and hatchery and then a certificate for the continued residential use of the building (PT08/0850/CLE). The application site comprises a range of buildings situated outside the defined settlement boundary within the Open Green Belt. The buildings stand adjacent to Swinhay Lane

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Residential Development within Existing Residential Curtilages
H10 Conversion of Rural Buildings for Residential Use
T12 Transportation Development Control Policy for New Development
L17/18 The Water Environment
EP1 Environmental Pollution
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/1980/F, Change of use of agricultural buildings and land for livery, Approved.
- 3.2 PT01/2825/F, Restoration of previous milking parlour to form equestrian and agricultural storage and hatchery, Approved.
- 3.3 PT02/1827/PNA, Erection of a hay barn/implement shed, No Objection.
- 3.4 PT02/2755/PNA, Erection of hay barn and implement store, No Objection.
- 3.5 PT03/2724/F, Erection of 2 no. greenhouses and potting shed, Approved.
- 3.6 PT03/2725/RVC, Retention of use of agricultural buildings and land for livery without complying with conditions 1, 2 or 3 attached to planning permission PT00/1980/F dated 01 November 2000. (Restoring land to former condition,

- keeping more than 6 horses and prohibiting site for DIY livery, riding school or other business purposes), Approved.
- 3.7 PT07/3417/CLE, Application for Certificate of Lawfulness for continued occupation of dwelling house, Certificate of Lawfulness not granted.
- 3.8 PT08/0850/CLE, Application for Certificate of Lawfulness for continued occupation of dwelling house, Certificate of Lawfulness granted.
- 3.9 PT08/3107/F, Change of use of land and buildings to provide additional residential accommodation and garage, Refused.
- 3.10 PT09/5079/CLE, Operational building work to the external envelope of the part of the western section of the long range of buildings, Certificate of Lawfulness granted.

4. CONSULTATION RESPONSES

4.1 Charfield Parish Council

Objection – Charfield Parish Council would like to make the observation; it is deplorable that creeping development in this fashion by stealth is allowed. This property owner continues to make applications for lawfulness after the event in the hope that planning permission will be granted. At what point does that planning authority disapprove of this practice? This continues to make a mockery of the planning system by which others are supposed to abide, when such open flouting of the rules is condoned.

4.2 Transportation

No objection

Other Representations

4.3 Local Residents

A long letter of objection has been received from local residents. The residents raise the following concerns:

- Residential development is inappropriate to the rural site and an approval would result in further unlawful extension;
- The building was never intended to be a dwellinghouse in the first place;
- Potential flood risk and drainage issues. A Victorian post box was also removed without notice;
- Much development has occurred through stealth;
- Council tax should be paid if the building was occupied from 2003 onwards.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

It is important to note that the building was found to be lawful. Whilst, strictly not a rural building, it is considered that policy H10 is the most relevant policy in this instance given the location of the building within the open countryside. Planning Policy H10 does not allow for the conversion and re-use of existing buildings for residential purposes outside the existing urban areas and the boundaries of settlements, as defined on the proposals map unless:

- All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use;
- The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction;
- The buildings are in keeping with their surroundings in terms of character, form, bulk and overall design;
- Development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area;
- The building is well related to an existing settlement or other groups of buildings;

Although the site is not located within an existing residential curtilage, it is considered that the main thrust of Policy H4 is also applicable in this instance. Policy H4 allows for residential extensions subject to design, residential amenity and transportation considerations.

5.2 Design/Visual Amenity

This application seeks planning permission for the conversion of a range of buildings for residential use to provide additional living accommodation. New residential development is not normally considered appropriate within the open countryside and the neighbouring concerns received are noted. However, sufficient evidence was submitted in previous applications to demonstrate that the buildings are lawful and therefore, the principle of converting the buildings to residential use is acceptable subject detailed consideration. The range of buildings were granted a certificate of lawfulness under application no. PT09/5079/CLE.

- 5.3 The site is accessed via a single vehicular entrance to the west of the site. The host building is attached to the former milking parlour on the eastern elevation, whilst the Cosy Farmhouse is located across the street to the north. The existing building comprises a single storey stone and brick construction with red roof tiles covering a pitched roof. The building is situated adjacent to Swinhay Lane and built off an existing stone wall, which fronts the street. The building comprises a regular elongated form and notwithstanding the greenhouse, has a low ridge and eaves height. Furthermore, the building comprises a solid, narrow form with no rear glazing and red roof tiles and stone materials. Consequently, it is considered that from Swinhay Lane, the building appears in-keeping with the character of the surrounding area. The building has more of a domestic appearance from the front, with a significant amount of glazing including 5no. roof lights; 7no. windows, 4no. of which are 3no. paned and almost full length. Nevertheless, given the single storey nature of the building, and since the majority of the southern elevation is well screened from the surrounding landscape by a large agricultural building, it is considered that it

- does not have a negative impact on the character of the area. The conservatory part of the range is larger in scale with a ridge height of approximately 4.5 metres and includes a significant amount of glazing in the front and roof slope. Consequently, this part of the proposal is more prominent from the surrounding area. Nevertheless, the design is more or less in-keeping with the greenhouse, which was approved in application PT03/2724/F and a refusal on this basis would not prove sustainable at appeal.
- 5.4 The applicants do not require a residential curtilage, therefore, this is not defined on the submitted plans. This would ensure that domestic paraphernalia, such as washing lines and other garden furniture would not impact on the character of the surrounding area. A condition to remove permitted development rights to ensure the character of the area is not adversely affected by any future development is suggested.
- 5.5 Business Use
Under planning application PT03/2725/RVC, the Council restricted the site so that no business use could be accommodated on the site to protect the amenities of the locality and highway safety. The same situation still applies and it is therefore, considered unnecessary to request a business re-use for the site.
- 5.6 Structural Considerations
The building is modern, solid construction. The only alterations to the building proposed involve internal partitioning; the exterior and structure of the building would be unaltered. It is therefore, considered that the building could be converted without major or complete reconstruction.
- 5.7 Residential Amenity
The only dwelling located within close proximity to the application site is a farmhouse to the north. Given that the two properties are situated on opposite sides of the street and no windows would be located in the northern elevation of the building, it is considered that there would be no significant overbearing or privacy issues.
- 5.8 Transportation
Given that the development would represent an extension to an existing dwelling, it is not anticipated that there would be a significant increase in traffic generation. On this basis, and given that existing access and parking arrangements would remain as existing, there are no transportation objections.
- 5.9 Further Matters
Whilst the concerns of the Parish are noted, the Certificate of Lawfulness procedure is a lawful and valid mechanism.
The Council Enforcement team will be requested to monitor the site for any future unlawful development and also the potting shed, which is unlawful. In terms of drainage, there is no objection from the Council Drainage Engineer. The payment of Council Tax is not a planning consideration.

5.10 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.

5.11 Use of Energy and Sustainability

N/A

5.12 Improvements Achieved to the Scheme

N/A

5.13 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The 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 for the following reasons:

- The building is in-keeping with the character of surrounding area and is also well screened from the public realm from the front. The building is structurally sound and would require no external alterations to facilitate residential accommodation – Policies D1, H4 and H10 of the South Gloucestershire Local Plan (adopted) January 2006.
- The building by reason of its single storey form, lack of glazing in the rear elevation and location away from neighbouring dwellings, would not result in an adverse loss of privacy or natural light to neighbouring residential properties – Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.
- Existing parking and access arrangements would not be altered, therefore, the proposal would not have an adverse impact on highway safety – Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

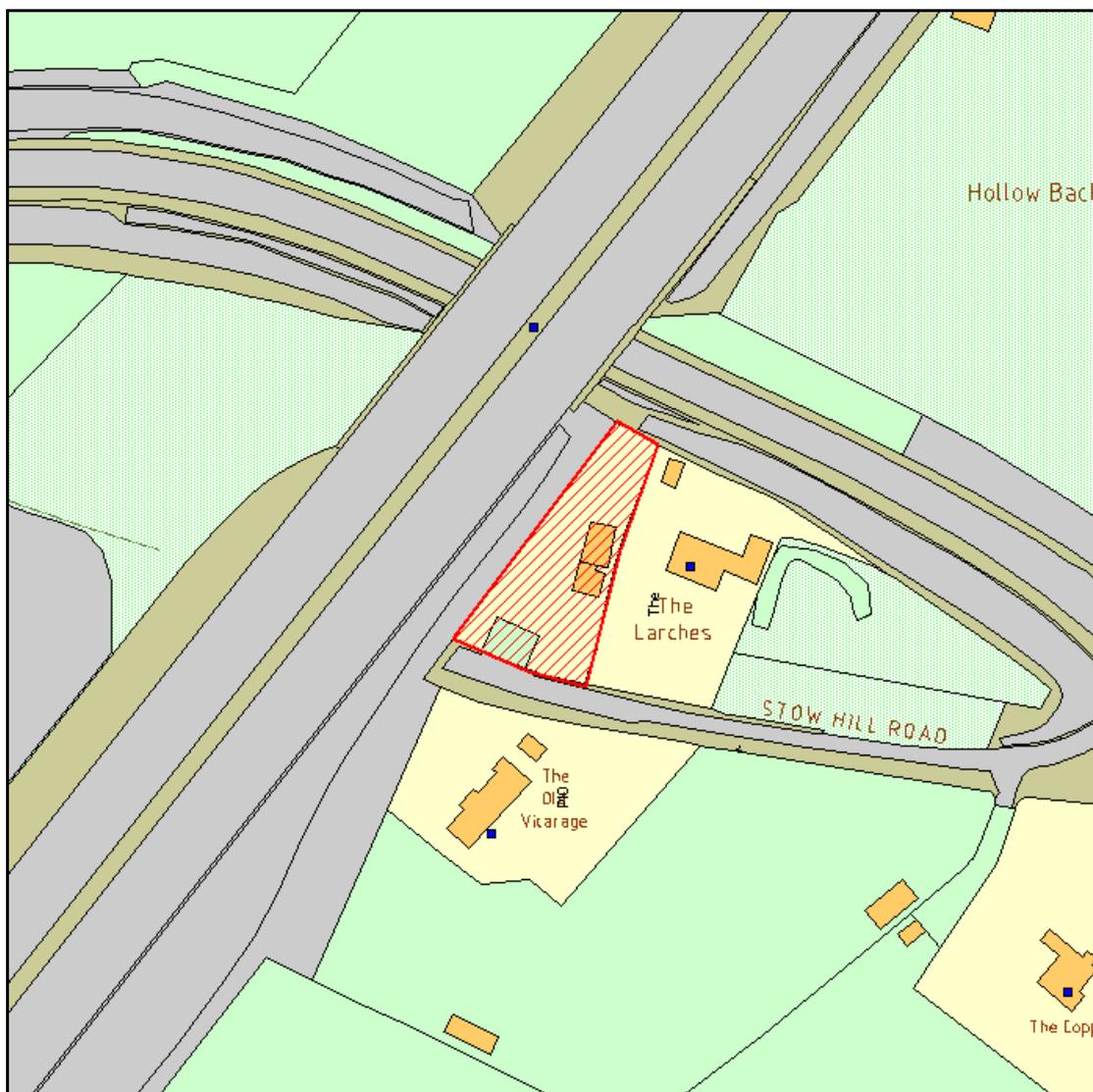
1. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1998 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In the interest of visual amenity and to accord with Policies D1, H4 and H10 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PT09/5568/F	Applicant:	Mr A Williams
Site:	Contractors Yard Stow Hill Road Tytherington Wotton Under Edge South Gloucestershire	Date Reg:	2nd November 2009
Proposal:	Erection of live/work unit comprising dwelling, garage, office and workshop with associated works	Parish:	Tytherington Parish Council
Map Ref:	366734 188447	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	23rd December 2009



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INTRODUCTION

This application appears on the Circulated Schedule in view of the comments received from the Parish Council and the neighbouring residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a live/ work unit comprising a two-storey four bed (three ensuite) detached dwelling with a detached workshop/ garage to the rear.
- 1.2 The application relates to land at Stow Hill Road, Tytherington immediately adjacent to the M5 motorway. The site lies beyond the Green Belt and outside of the Tytherington settlement boundary.
- 1.3 There have been a number of recent planning applications that have sought planning permission for the erection of a dwelling on this site; the most recent (PT09/0286/O) was refused for the following reasons:
 1. The application site is located within the open countryside beyond any settlement boundary. The proposed development does not fall within the limited categories of residential development considered appropriate within the open countryside. As such the proposal is contrary to Planning Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist.
 2. The proposal represents undesirable sporadic development that would be clearly viewed as part of the street scene along Stow Hill Road. When compared with the authorised use of the site, the proposal would have a significantly greater visual impact within the locality. Accordingly, the proposal is considered to be contrary to Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
- 1.4 Amended plans form part of this application that allows the addition of a chimney to the proposal.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1: Delivering Sustainable Development
 - PPS3: Housing
 - PPS7: Sustainable Development in Rural Areas
 - PPG13: Transport
 - PPG24: Noise

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

H3: Residential Development in the Countryside

(H10: Conversion and Reuse of Rural Buildings for Residential Purposes)

E6: Employment Development in the Countryside

T12: Transportation Development Control Policy for New Development

L1: Landscape Protection and Enhancement

EP4: Noise Sensitive Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P87/2827: Construction of vehicular parking area and use of land for the stationing of one lorry. Permitted: 17 February 1988
- 3.2 P88/1652: Erection of detached bungalow; alteration of vehicular access (outline). Refused: 2 June 1988; Appeal Dismissed: 17 November 1988
- 3.3 P88/2659: Erection of bungalow for agricultural worker; alterations to vehicular access. Refused: 2 November 1988
- 3.4 P90/1176: Use of land for the stationing of one lorry (renewal of temporary consent). Permitted: 21 March 1990
- 3.5 P93/1265: Use of land for the stationing of one 3-ton lorry. Permitted: 31 March 1993
- 3.6 PT06/3202/O: Erection of acoustic fence and redevelopment with one dwelling; all matters reserved. Refused: 11 December 2006
- 3.7 PT07/3587/O: Erection of acoustic fence and erection of one dwelling with siting and layout to be determined; all other matters reserved. Refused: 28 February 2008
- 3.8 PT08/1703/F: Erection of 5m high acoustic fence. Permitted: 4 August 2008
- 3.9 PT08/2945/CLE: Application for a Certificate of Lawfulness for an existing use of land and buildings as landscapers and builders yard. Permitted: 19 December 2008
- 3.10 PT09/0286/O: Erection of one detached dwelling (outline) with access to be determined; all other matters reserved. Refused: 17 April 2009

4. CONSULTATION RESPONSES

4.1 Tytherington Parish Council

'Tytherington Parish Council have expressed their strong support for earlier applications for this site. The current proposals make even more sense. They will ensure that the appearance is improved whilst at the same time maintaining the current status of the site. We formally express our support and wish to see the development permitted.'

4.2 Other Consultees

Environmental Services: approved acoustic barrier to be firstly installed

Highways DC: no objection

Technical Services (Drainage): no objection in principle

Other Representations

4.3 Summary of Local Residents Comments:

Two letters received in support of the proposal:

- o Stow Hill Road is a residential road and the continued use of the commercial yard would not be acceptable;
- o There have been a number of previous applications to remedy this situation but the Council still persist with a commercial use as the right/ preferred use due to the fact that this has been established for some time;
- o This proposal would allow a dwelling (wanted by neighbours) and commercial use (wanted by Council);
- o It is hoped that the applicant can live on site for security purposes and to minimise traffic;
- o It is acknowledged that the site is beyond the settlement boundary but it is also can't surely be considered as the open countryside- it would be better classed as infill land;
- o There will be no further adverse impact on the open countryside given that the site is in daily commercial use;
- o The proposal would comprise a more appropriate use of the site;
- o The only people affected are in full support of the proposal.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPS7 states that the Government is supportive of the replacement of suitably located buildings that are of permanent design and construction for economic development purposes. Further, their replacement should be favoured where it would result in a more acceptable and sustainable development than might be achieved through conversion. In this instance, the existing buildings are not considered to be suitable for residential conversion but might be suitable for a further business use (although the applicant considers that they are life expired).

5.2 Planning policy E6 of the South Gloucestershire Local Plan advises that proposals for new employment uses outside of the existing urban areas and the settlement boundaries will not be permitted with the exception of:

- o Conversion or reuse of existing rural buildings;

- o (On sites not in the Green Belt), extension or intensification of existing employment generating uses;
 - o Development permitted by planning policies E4 and E7 to E11.
- 5.3 Paragraph 20 of PPS7 states that the replacement of non-residential buildings with residential development in the countryside should be treated as that for new housing. As such, it is necessary to apply policy H3 (Local Plan) that generally precludes new residential development in the open countryside. In this regard, this policy advises that proposals for new residential development beyond the existing urban areas and settlement boundaries will not be permitted with the exception of:
- o Affordable housing on rural exception sites; or
 - o Housing for agricultural or forestry workers; or
 - o Replacement dwellings.
- 5.4 The adopted South Gloucestershire Local Plan contains no specific policy in respect of live/ work units. However, it is noted that planning policy H10 (Conversion and Reuse of Rural Buildings for Residential Purposes) cites that where a residential reuse is justified (i.e. for an agricultural worker to be near their place of work), or is a subordinate part of a conversion for a business reuse, the Council will impose conditions tying occupation of the enterprise.
- 5.5 Policy D1 advises that development proposals will be required to demonstrate that siting, overall layout density, form, scale, height, massing detailing, colour and materials respect and enhance the character, distinctiveness and amenity of both the site and the locality.
- 5.6 Planning policy EP4 details that noise sensitive development that would suffer an unacceptable degree of disturbance as a result of close proximity to existing noise or vibration sources will not be permitted.
- 5.7 Site History
The application relates to an existing landscapers and builders yard that is located at the far end of Stow Hill Road immediately adjacent to the M5 motorway. There are various small structures on site.
- 5.8 The site was the subject of a Certificate of Lawfulness (PT08/2945/CLE) that regularised the existing use. This was subject to the following:
- 'The applicant has demonstrated that on the balance of probability, the site has been utilised for the purposes of a landscapers and builders yard (Sui Generis) for a continuous period of 10 years up to the date of this application. This has only been demonstrated in relation to external storage up to a height of 2.4m and in respect of the barn (marked in blue on the site plan dated 8 December 2006).'*
- 5.9 Prior to this, the site was subject of two applications that sought outline approval for the erection of a detached dwelling; both were refused. It is noted that the Officer report in respect of the latter scheme stated:

‘ If the existing commercial use was somehow lawfully authorised at the site but such a use did raise amenity concerns for neighbours and/ or the local highway network, the feasibility of retaining an appropriate alternative commercial use would need to be considered in preference to, and before, a residential use. For instance the viability of establishing a class B1 (light industrial) or class B8 (storage and distribution) use would need to be considered ;’

- 5.10 More recently, permission has been granted for the erection of a 5m high acoustic fence (PT08/1703/F) that would run along the west boundary of the site parallel with the motorway but again refused in respect of outline permission for a dwelling (reasons detailed above).
- 5.11 The Proposal
The application seeks full planning permission for a two-storey detached dwelling that would provide a lounge, dining room, kitchen, study, WC, utility and hall at ground level with four bedrooms (three ensuite) and a bathroom above. The dwelling would sit centrally facing the road with a new workshop building adjacent to the rear boundary. The new workshop would appear a single-storey structure (albeit with accommodation within the roof space) that would provide a garage and workshop at ground level with an office above.
- 5.12 The supporting Design & Access Statement advises that the site currently has an untidy and unkempt appearance in relation to the existing use. It is accepted that the structures on site are in a poor condition. It is acknowledged that the site is beyond the settlement boundary but given the residential nature of this cul-de-sac and the support of local residents, it is considered that there are special circumstances that demonstrate that ‘the blanket application of countryside policy is inappropriate at this location’.
- 5.13 The applicant considers that the most appropriate form of redevelopment would be to allow a residential dwelling to the front of the site but with the commercial aspect retained to the rear so as to create a live/ work unit. This would ensure the character and appearance of the area is enhanced whilst creating sustainable living accommodation (with the employment use retained). Reference is made to a similarly approved application (PT05/0826/F).
- 5.14 Furthermore, it is stated that the approved noise attenuation measures (acoustic fence) (that would also benefit neighbouring residents) cannot be implemented unless some form of redevelopment is allowed.
- 5.15 The statement advises that the applicant would be prepared to accept a condition restricting the occupation of the dwelling to a person employed by the landscaping business. Having regard to the split between living and workspace, it is concluded that there is no guidance available as to the likely split that might be considered acceptable. However, the stance of North Somerset Council is highlighted where the requirement for a ‘work’ element is stated to be fairly minor in relation to the erection of a dwelling incorporating only the need for a separate structure with its own front door with an allocated

commercial use and with preference for an additional parking space allocated for commercial use.

5.16 Offer concerns raised at the time of the pre-application discussions as to the height of the building and the height limit detailed by the Certificate (2.4m) would be unworkable with it not possible to introduce a dwelling on the site of the same size as the existing storage buildings. Nonetheless, the agent was 'unable to see any sense in this position'.

5.17 Reference is made to application PK06/1795/F where permission was granted for a large four-bed dwelling that did not form a subordinate use to the existing car garage on site. In this regard, it is the considered opinion of the agent that it is acceptable for sustainable living accommodation to be granted alongside an existing commercial use within the countryside where the two uses are tied by way of condition.

5.18 Additional Details

The agent has submitted additional information detailing the equipment owned by the applicant and highlighting the limitations of the building/ site layout that prevents employees/ customers accessing the site in view of health and safety concerns. A history of break-ins also dictates that dumper trucks are presently parked at the front of the site to improve security whilst expensive equipment is stored off site. The proposal would consolidate the business, enhance its potential profitability and might facilitate an additional member of staff and new equipment.

5.19 Analysis: Principle of Development (Residential)

The application would allow a substantial two-storey detached dwelling that would stand centrally within the site; this would be encompassed by a residential curtilage that (in addition to the building) would cover almost half of the site. Further space would be allocated to vehicle parking and turning (that would be for both uses) with the landscaping business to occupy the rear part of the site. In this regard, it is noted that the landscaping business currently occupies the entire site.

5.20 The new dwelling would be considerably larger than the workshop with the commercial element appearing ancillary to the new residential use. In this regard, the relationship between the buildings would appear typical of a large dwelling and associated outbuilding. For these reasons, it is considered appropriate to assess this current application having regard to planning policy H3. In forming this view weight has been attached to the fact that the proposal would fall within use class C3 (dwelling houses) with only a planning condition differentiating between an unfettered C3 use. Given the need to guard against any possible abuse of the planning system, sufficient care must be taken to ensure that the proposal would not be contrary to the aims and objectives of PPS7 and policy H3.

5.21 Planning policy H3 specifically precludes new residential development in the open countryside with the exception of affordable housing on rural exception sites, housing for agricultural workers and where the proposal would comprise a

replacement dwelling. This current proposal fails these three criteria and thus is considered contrary to this policy requirement.

- 5.22 Concerning the aforementioned applications, the Officer recommendation in respect of PK06/1795/F was one of refusal with the proposal considered contrary to PPS7 and planning policy H3; this decision was overturned by Committee and thus comprised a departure from the Local Plan. Planning application PT05/0826/F involved the conversion of former agricultural buildings and is considered to differ from this current proposal.
- 5.23 Finally, it should be noted that the existing landscapers and builders yard is considered relatively unobtrusive within the landscape with the site well screened and the Certificate of Lawfulness limiting storage to a height of 2.4m; it is also understood that this existing use has not generated any complaints. Contrastingly, the site is not considered readily suited to residential development given its unsustainable location (beyond the settlement boundary) and position adjacent to the M5 motorway. It would be reasonably anticipated (as per policy advice) that an alternative business use would be firstly considered; i.e. storage.
- 5.24 Analysis: Principle of Development (Business)
The existing landscaping and builder's use would be contained to the rear of the site within a new workshop. Policy E6 is permissive of employment development within the countryside where in respect of an existing use (and not in the Green Belt) whilst the proposal would appear to downsize the current level of operation (having regard to the site area covered). On this basis, there is no objection to the principle of development in respect of this element of the scheme.
- 5.25 Design/ Visual Amenity
Concerning the design of the new dwelling, the property would occupy an 'L' shaped footprint with a forward projecting gable that would be angled to align with the motorway boundary. This would necessitate an irregular roof form that would require the formation of various galleys and gables with this appearing particularly unsatisfactory when viewed from both the south east and north west flank elevations.
- 5.26 These concerns had been raised prior to the submission of this application with this design approach surprising given the current lack of any property (i.e. there is no existing dwelling with which to work). Accordingly, in view of the lack of any significant changes to the scheme, this current proposal is considered to be unacceptable by virtue of the design, detailing and massing of the dwelling proposed.
- 5.27 The detached workshop building follows a more logical form, again with a forward projecting gable but with a simplified roof form by reason of the smaller scale of this structure. As such, there is no overriding objection to the design of this workshop building.
- 5.28 Further, as part of the previous applications for residential development, it has been noted that whilst the wider visual impact of the proposal when seen from

the motorway would not be substantial, it is also necessary to consider its impact as part of the street scene. Initially, the authorised use allowed for the parking of one lorry thus at the time of (PT07/3587/O) it was considered that development including the associated cars, garden and the appendages of modern living, would have a greater visual impact. Permission was therefore refused on this basis.

5.29 In this instance the Certificate of Lawfulness dictates that the authorised use of the application site has a greater visual impact than previously the case. However, this authorised use only relates to two small buildings and outside storage up to a maximum height of 2.4m thus at the time of PT09/0286/O it was not considered that the granting of the certificate has adequately addressed this refusal reason. Planning refusal was again issued on this basis with this concern still considered to remain.

5.30 Residential Amenity

There are two dwellings within close proximity of the site; 'The Larches' that is immediately east of the site and 'The Old Vicarage' that sits on the opposite side of the road. The main outlook from both is away from the application site. Having regard to the former, it is noted that the proposal would align with the dwelling with only two ensuite windows shown within the closest sidewall whilst given its location on the opposite side of the road, The Old Vicarage sits at an appreciable distance from the site of the proposal. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused.

5.31 The above conclusion also accounts for the existing authorised site use and the consolidated nature of the business element of the scheme contained on a smaller site area and within a new building.

5.32 Highway Safety

The application site lies beyond the Tytherington settlement boundary and this is considered significant given that the site is remote from local shops, services and the main public transport links. Nonetheless, consideration needs to be given to the existing use that now lawfully operates as a landscapers and builders yard. The introduction of a dwelling alongside the workshop would negate commuter trips and be likely to decrease the number of vehicle movements during the working day. There would be a level of incidental car use associated with the dwelling but overall a slight reduction in traffic generation is expected. As such, there is no highways objection to this current proposal.

5.33 Noise

The application site is adjacent to the M5 motorway and the site lies within Noise Exposure Category C for purposes of Planning Policy Guidance Note 24. PPG24 states that planning permission should not normally be granted in such circumstances. Should permission be granted (i.e. if there were no alternative quieter sites), it would be necessary to impose conditions to ensure a commensurate level of protection.

5.34 In this instance, permission has previously been granted for the erection of a 5m high acoustic fence (PT08/1703/F) that would improve noise levels to Noise Exposure Category B. As such, the Councils Environmental Services department have stipulated that this fence must be erected prior to the occupation of any new dwelling. In the event that planning permission was approved, it is considered that this could form the basis of an appropriately worded condition.

5.35 Design and Access Statement

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

6. CONCLUSION

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

6.2 The recommendation to refuse 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 **REFUSED** for the following reasons:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

1. The application site is located within the open countryside beyond any settlement boundary. The proposed development (for a residential dwelling and ancillary workshop) does not fall within the limited categories of residential development considered appropriate within the open countryside. As such the proposal is contrary to Planning Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document).

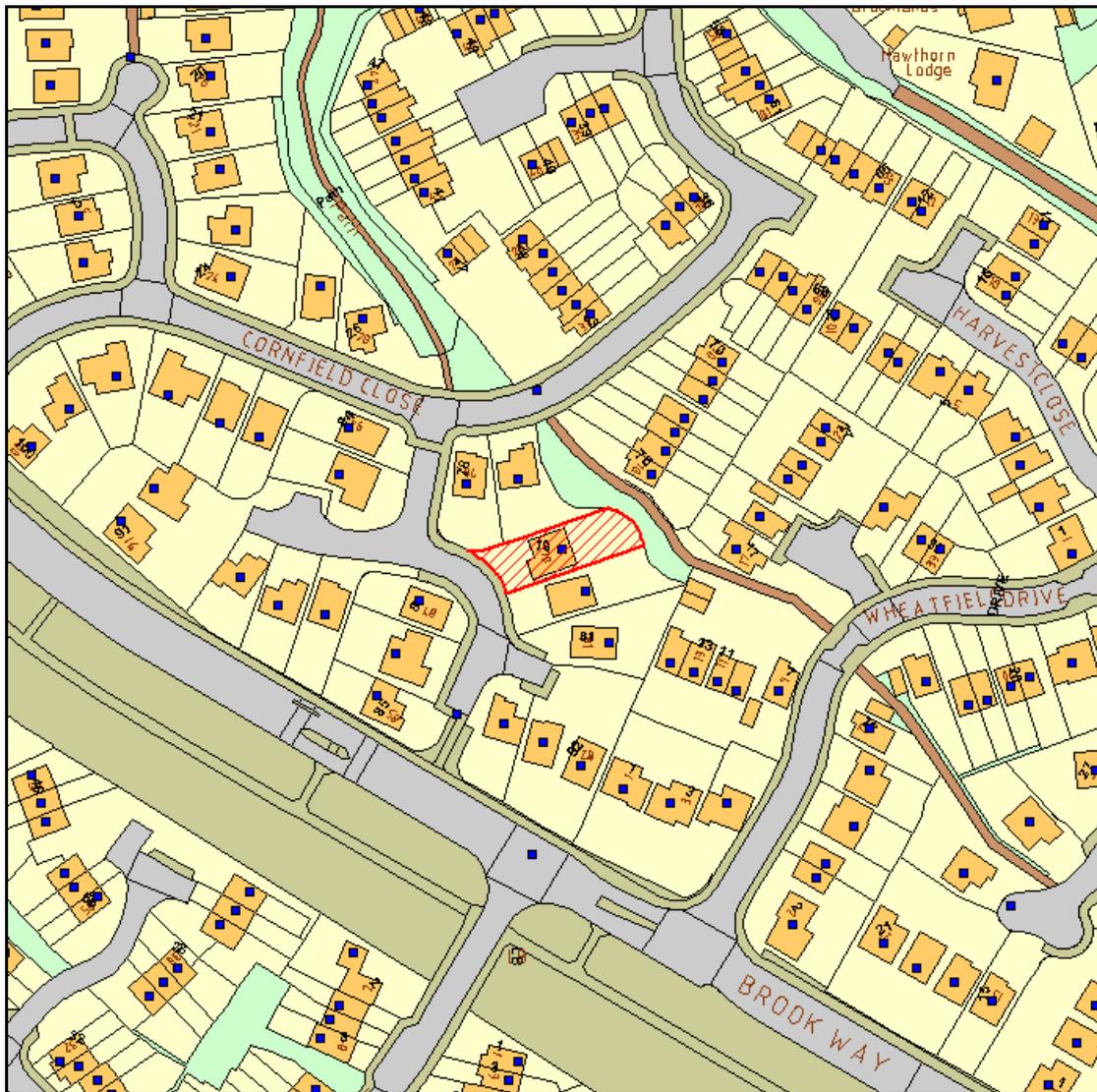
2. The proposal represents undesirable sporadic development that would be clearly viewed as part of the streetscene along Stow Hill Road. When compared with the authorised use of the site, the proposal would have a significantly greater visual impact within the locality. Accordingly, the proposal is considered to be contrary to

Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

3. The proposed dwelling, by reason of its design, size and detailing would comprise an unsatisfactory form of development that would be detrimental to the visual amenities of the locality. The proposal is therefore considered to be contrary to Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PT09/5570/CLP	Applicant:	Mr S Windsor
Site:	79 Cornfield Close Bradley Stoke Bristol South Gloucestershire BS32 9DR	Date Reg:	10th November 2009
Proposal:	Application for Certificate of Lawfulness for the proposed erection of single storey rear extension to form additional living accommodation	Parish:	Bradley Stoke Town Council
Map Ref:	361455 182266	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Minor	Target Date:	31st December 2009



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100023410, 2008.

N.T.S.

PT09/5570/CLP

INTRODUCTION

This application appears before members, as it is an application for a Certificate of Lawfulness for a Proposed Development.

1. DESCRIPTION OF DEVELOPMENT

- 1.1 The applicant is seeking a formal decision as to whether a proposal to construct a single storey rear extension within the residential curtilage of 79 Cornfield Close is lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
- 1.2 The proposed rear extension would be 3 m deep, 7.9 m wide and 3.8 m in height. Materials would be to match existing. On visiting the site it was apparent that building work was already underway.

The site lies within the existing urban area of Bradley Stoke.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A. (referred to in this report as GPDO 2008)

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

Objection on the grounds this appears to attempt to negate the need for a proper planning application.

4.2 Other Consultees

Public Rights of Way

No comment.

Other Representations

4.3 Local Residents

No response.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Site plan, existing and proposed plans and elevations drawing.

6. EVALUATION

The application for a Certificate of Lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence. As has been set out already the case made here is that the proposed rear extension falls within the permitted development rights enjoyed by householders under the GPDO 2008. Accordingly, if this case is made successfully there is no consideration of planning merit nor an opportunity for planning conditions. The development is simply lawful or not lawful according to the evidence.

The key issue here is the operation of the permitted development rights, namely Part 1, Class A which allows householders "The enlargement, improvement or other alteration of a dwellinghouse". There is no evidence that permitted development rights have been removed in this instance and there is no dispute as to the extent of the residential curtilage put forward. Accordingly, it is accepted that the permitted development rights apply to this site which is in use as a single dwelling house. The remaining issues are whether the proposed development falls within the remit. The limitations on the operation of Class A in respect of single storey rear extensions are as follows:

- Extensions (including previous extensions) and other buildings must not exceed 50% of the total area of land around the original house. The submitted plans demonstrate this.
- Materials used in exterior work to be similar in appearance to those of the exterior of the existing house. The submitted plans demonstrate this.
- If extension is within two metres of a boundary maximum eaves height should be no higher than 3 metres. The submitted plans demonstrate this.
- Extension must not extend beyond the rear of the original house by more than 3 metres if an attached house or by 4 metres if a detached house. The submitted plans demonstrate this.
- Extension must not exceed 4 metres in height. The submitted plans demonstrate this.
- Maximum eaves and ridge height of extension no higher than existing house. The submitted plans demonstrate this.
- The proposed development is not on "article 1(5)" land eg within a conservation area or within the curtilage of a listed building. This is not the case.

Accordingly, on the balance of probability the evidence points to the proposed development falling within Schedule 2, Part 1, Class A, of the GPDO 2008.

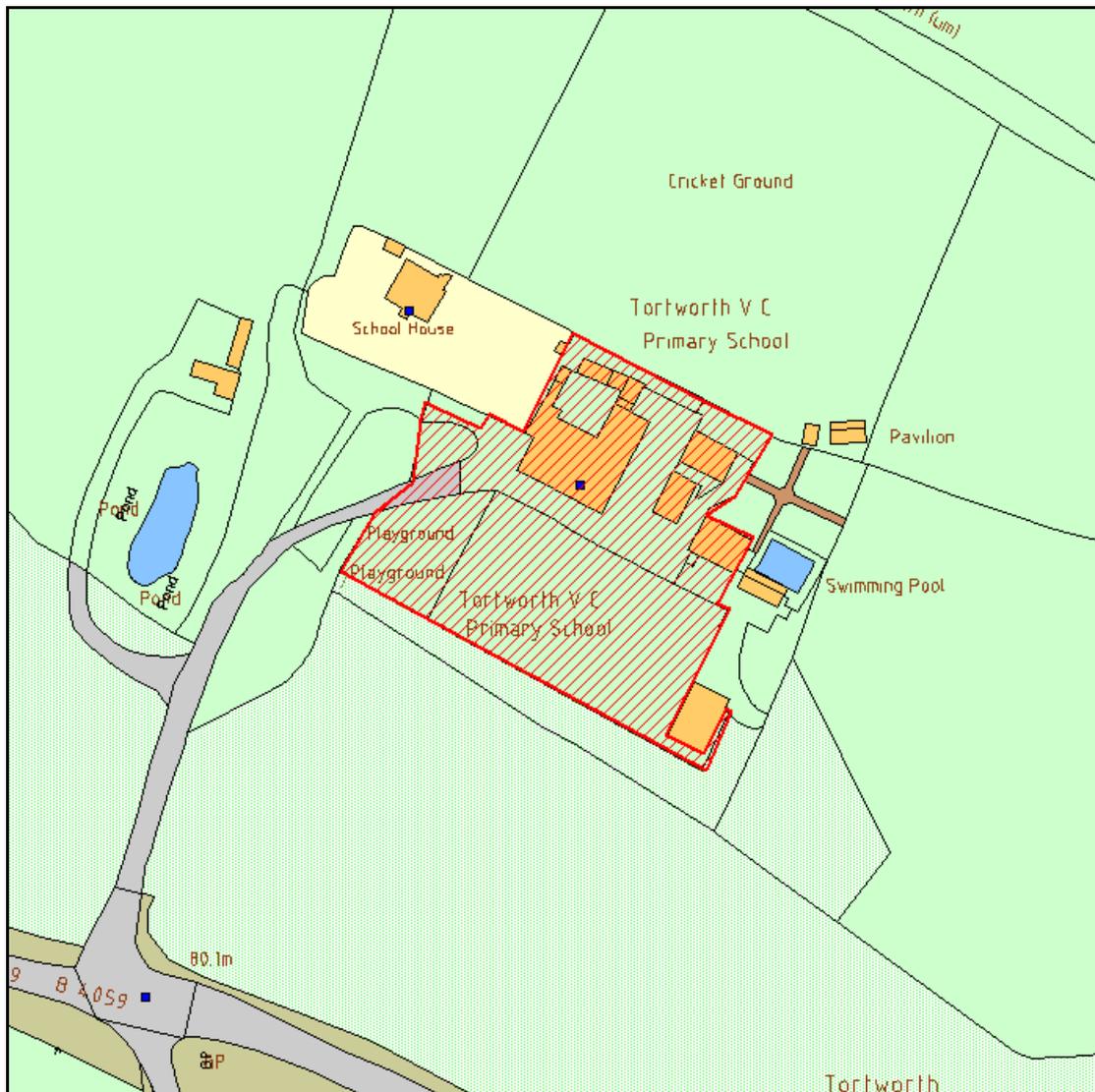
7. RECOMMENDATION

- 7.1 That a Certificate of Lawfulness of Proposed Use be granted as it has been shown on the balance of probability that the proposal would fall within Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. Therefore the proposal does not require planning permission.

Contact Officer: William Collins
Tel. No. 01454 863819

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PT09/5584/R3F	Applicant:	South Gloucestershire Council
Site:	Tortworth Vc Primary School Charfield Road Tortworth Wotton Under Edge South Gloucestershire	Date Reg:	9th November 2009
Proposal:	Erection of boiler house and oil tank compound. Relocation of existing wall.	Parish:	Tortworth Parish Council
Map Ref:	370115 193017	Ward:	Charfield
Application Category:	Minor	Target Date:	29th December 2009



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a boiler house and oil tank compound, and also the relocation of an existing wall.
- 1.2 This is a local authority primary school located off the B4059 in open countryside. The school building is locally listed. The proposal consists of the erection of a boiler house and oil tank compound to the west of the existing school building. An existing stone wall would also be relocated to form the compound around the boiler house and oil tank. The boiler house would be constructed of natural stone and concrete tiles of a colour and profile to match existing.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG15: Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
L15: Buildings Which Make a Significant Contribution
LC4: Proposals for Educational and Community Facilities
T12: Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

Various applications but none relevant to this application.

4. CONSULTATION RESPONSES

4.1 Tortworth Parish Council

No objection raised.

4.2 Other Consultees

Highways

No objection

Conservation

No objection.

Other Representations

4.3 Local Residents

No response.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Although not strictly applicable to this application as Tortworth Vc Primary School lies outside the existing urban area, Policy LC4 of the adopted South Gloucestershire Local Plan is the closest relevant policy which allows for the development, expansion or improvement of education and community facilities, provided that: -

- a) proposals are located on sites which are, or will be, highly accessible on foot and by bicycle; and
- b) development would not unacceptably prejudice residential amenities; and
- c) development would not have unacceptable environmental or transportation effects;
- d) development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of surrounding area and highway safety.

Policy D1 considers issues of design, landscape, access, safety and overall layout.

5.2 Residential Amenity

The proposed works would be completely enclosed within the centre of the existing school site. In addition a retaining wall is to be constructed around the new boiler house and oil tank. There is one residential dwelling to the west of the application site however this property is a sufficient distance away for there to be no loss of amenity to occupiers. As such, the development would not materially harm residential amenity.

5.3 Transportation

The proposal would not impact on parking arrangements at the school or prejudice highway safety and therefore no transportation objection is raised.

5.4 Visual Amenity / Environmental Impact

This is a Victorian gothic style building that has been identified as a building that makes a significant contribution to the character and distinctiveness of the locality. It is therefore important that any development on the site is sympathetic to the host building. A boiler unit is temporarily in situ behind unsightly metal fencing adjacent to the school's car park.

The area of land where the boiler room and oil tank are to be sited is currently behind the existing stone wall on land set approximately 1 m above ground level. It is proposed that this wall is demolished and the soil currently in situ is completely removed from site to create space for a compound. The compound would be defined by a new retaining wall constructed of the stone work reclaimed from the existing stone wall.

It is considered that overall the proposal is acceptable. The proposed boiler house is modest in size and closely match the school is colour, materials and appearance.

The building will be in stone to match the existing school building and tiles are stated as being 'concrete coverings, colour and profile to match existing school roof'. A condition will be attached to the decision notice ensuring the tiles closely match, as stated.

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

Re-using existing stone work.

5.7 Improvements Achieved to the Scheme

None deemed necessary.

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 proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The proposed building would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposed extension has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1, L15 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

7. RECOMMENDATION

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

Contact Officer: William Collins
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

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

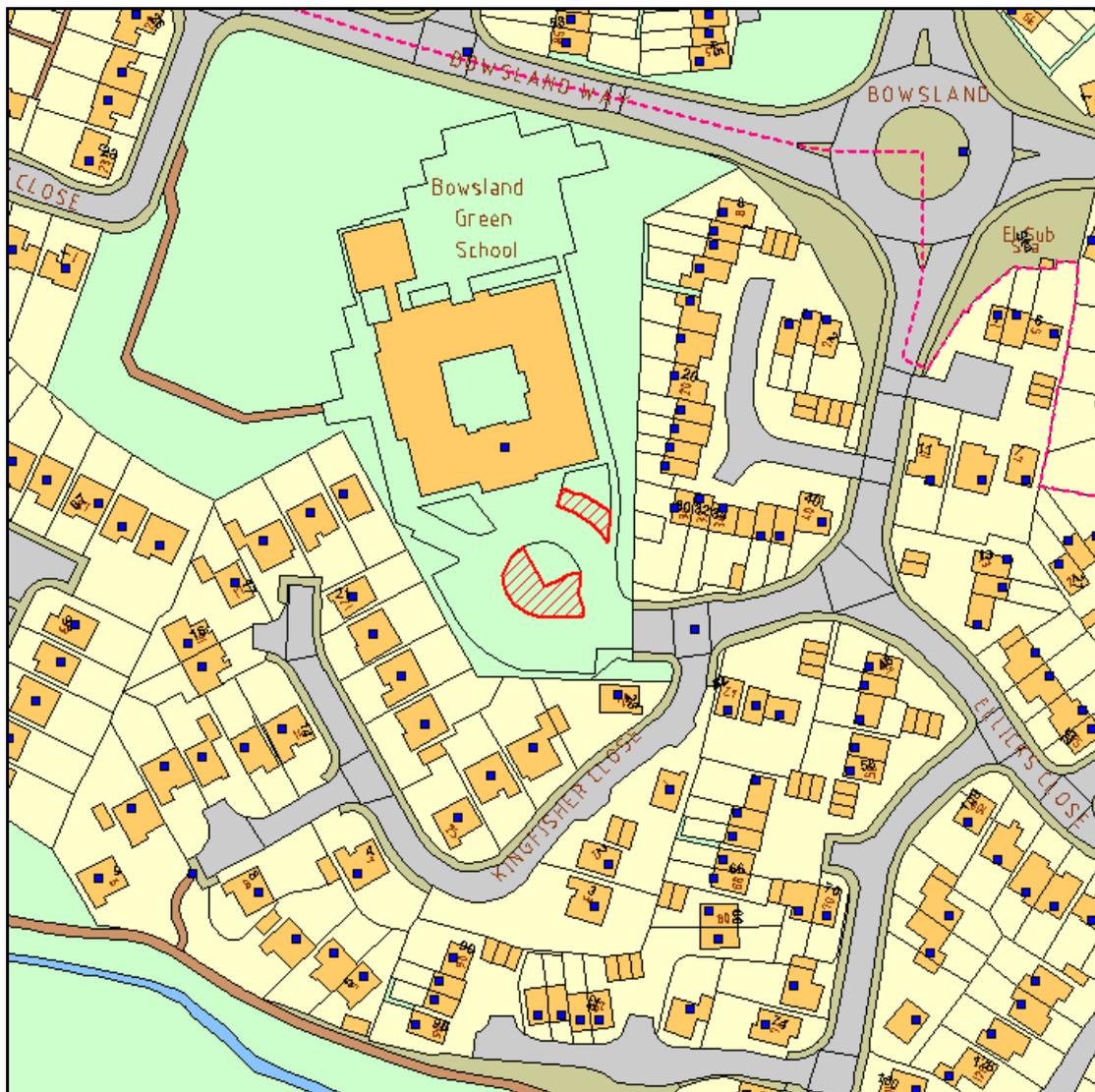
2. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

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

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PT09/5656/R3F	Applicant:	Mr David Beale
Site:	Bowland Green County Primary School Ellicks Close Bradley Stoke Bristol South Gloucestershire	Date Reg:	3rd November 2009
Proposal:	Construction of car parking areas to provide 11 additional parking spaces	Parish:	Bradley Stoke Town Council
Map Ref:	362059 182610	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Minor	Target Date:	18th December 2009



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 100023410, 2008. **N.T.S.** **PT09/5656/R3F**

INTRODUCTION

This application appears on the Circulated Schedule as it is being made on behalf of South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The application site consists of a primary school located within the urban area of Bradley Stoke. The school is accessed via Ellicks Close which connects to Bowsland Way.
- 1.2 The proposal seeks to construct an additional 11 car parking spaces on the site in order to improve parking provision. A previous application earlier this year (PT09/0663/R3F) was approved for the addition of one parking space on site which would facilitate the creation of a new 'Sure Start' service which involves an additional member of staff being on site.

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

LC4: Proposals for Educational and Community Facilities

L17/L18: The Water Environment

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

PT09/0663/R3F - Single storey central infill extension over existing courtyard.
Approved 10/07/2009

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

No objection.

4.2 Other Consultees

Transportation

No objection.

Drainage

No objection.

Other Representations

4.3 Local Residents

Three letters of support raising the following points:

- Cars parked on road outside school impact adversely on access and highways safety
- The proposal would help ease congestion
- There is inadequate on site parking at the school

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the adopted South Gloucestershire Local Plan allows the development, expansion or improvement of education and community facilities within existing urban areas, provided that: -

- a) proposals are located on sites which are, or will be, highly accessible on foot and by bicycle; and
- b) development would not unacceptably prejudice residential amenities; and
- c) development would not have unacceptable environmental or transportation effects;
- d) development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of surrounding area and highway safety.

5.2 Residential Amenity

The proposed works would be completely enclosed within the centre of the existing school site. As such, the development would not materially harm residential amenity.

5.3 Transportation

The Council's Highways Officer had expressed concern about a previous planning application, PT09/0663/F, on the site that initially proposed a similar number of parking spaces to this application. This planning application differs from the last in that some additional information has been submitted outlining the wider use of the school by a range of clubs and organisations. The Council's parking standards do allow additional parking provisions where facilities are used for community use. Therefore, even though the Council's maximum parking standards have been exceeded on this occasion, the applicant has

provided sufficient justification that there is a need for further parking provision at Bowsland Primary School.

It is considered that the revised proposal is acceptable and therefore no transportation objection is raised.

5.4 Visual Amenity / Environmental Impact

The proposed development would be completed enclosed within the existing site. On this basis it is considered that the proposed development would have no adverse impact on the character and appearance of the existing building and the surrounding area.

The Council's Drainage Engineer was consulted as a part of the application. The Engineer had no objection subject to drainage detail incorporating Sustainable Drainage Systems (SUDS) being submitted to the Local Planning Authority prior to the commencement of development.

5.5 Improvements Achieved to the Scheme

None considered necessary.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The proposal would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposal would not prejudice highway safety. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: William Collins

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

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

2. 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 policies L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PT09/5674/F	Applicant:	Miss C Hodgson
Site:	7 Main View Coalpit Heath Bristol South Gloucestershire BS36 2PX	Date Reg:	4th November 2009
Proposal:	Erection of 1 no. dwelling and associated works. (Resubmission of PT08/1327/F)	Parish:	Frampton Cotterell Parish Council
Map Ref:	367636 181157	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	22nd December 2009



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100023410, 2008.

N.T.S.

PT09/5674/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representations from local residents that were contrary to the Case Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of one detached dwelling and associated works. This application is a resubmission of PT08/1327/F.
- 1.2 The application site relates to the detached garden of No. 7 Main View and is located at the junction between Main View and Boundary Road. The site is approximately 0.02ha in area and is roughly rectangular in shape. The site currently comprises of an area of garden and is bounded by a low dry stonewall. The site is situated in a well-established residential area within Coalpit Heath settlement boundary.
- 1.3 The proposed dwelling comprises of a simple cottage with a stone porch and chimney. The building would be sited in the centre of the application site. To the front of the building there would be one parking space, and a garden would wrap around its side and rear. It is proposed that the existing stonewall would be repaired and a new hedgerow would be planted.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1: Delivering Sustainable Development
- PPS3: Housing
- PPS9: Biodiversity and Geological Conservation
- PPG13: Transport

2.2 Development Plans

Joint Replacement Structure Plan (Adopted) September 2002 (Saved Policies)

- Policy 1: Sustainable Development Objectives
- Policy 2: Location of Development
- Policy 33: Housing Provision and Distribution

South Gloucestershire Local Plan (Adopted) January 2006

- D1: Achieving Good Quality Design in New Development
- H2: Residential Development within Existing Urban Areas
- H4: Development within Existing Residential Curtilages
- T8: Car Parking Standards
- T12: Transportation Development Control Policy for New Development
- L17&L18: The Water Environment
- EP2: Flood Risk and Development

- 2.2 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) August 2007
Frampton Cotterell & Coalpit Heath Village Design Statement

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/2510/F Erection of 1no. detached dwelling, access and associated works. Alterations to Main View road junction.
Refused on 24.09.2007
- 3.2 PT08/1327/F Erection of 1 no. dwelling access and associated works.(Re-Submission of PT07/2510/F)
Refused on 11.06.2008
Appeal Dismissed on 11.02.09

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No objection.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
In response to this application eight letters have been received from local residents. The mains points raised have been summarised below: -
- a) Insufficient space for the size of proposed dwelling.
 - b) The development would not be in line with the building line of current dwellings.
 - c) Obscure the view when turning in and out of Main View to the detriment of highway safety.
 - d) Increase on-street parking and congestion.
 - e) Loss of privacy to house numbers 2, 5, & 4 Main View.
 - f) Overbearing impact.
 - g) Disruption, road cleanliness and building noise.
 - h) Increase existing flooding problems at corner of Main View.
 - i) Loss of garden habitat and adverse impact on biodiversity.
 - j) Previous application and subsequent appeal were refused.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for erection of a new dwelling within the garden of an existing dwelling and the Coalpit Heath settlement boundary. This site has been subject to a previously refused application and an unsuccessful appeal. This report shall therefore establish whether the principle of new residential development is acceptable in this location, whether the development has overcome the previous reason for refusal, and will consider relevant material considerations.

5.2 Principle of Development

The application site is situated within the Coalpit Heath settlement boundary, as shown on the South Gloucestershire Local Plan Proposal Maps (Adopted) January 2006. PPS3 (Housing), the Joint Replacement Structure Plan and Policy H2 of the local plan allows for new residential development within settlement boundaries. This policy expects schemes to make the effective use of the site by achieving the maximum density compatible with the site's accessibility, environmental constraints, and its surroundings. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare.

5.3 The application site is approximately 0.02ha in area. On this basis one residential unit on the site would equate to a density of 50 dph. It is considered that this density is appropriate given the site's village centre location. It is therefore concluded that the principle of the proposed development would be acceptable.

5.4 In addition, Policy H4 of the Local Plan allows for infill residential development within the curtilages of existing dwellings. This is subject to the development: -

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

5.5 Visual Amenity

This application seeks planning permission for the erection of a one detached dwelling and follows the previously refused application (PT08/1327/F) and subsequent appeal. It is acknowledged that the Inspector dismissed the appeal for the sole reason that the proposal would harm the character and appearance of the surrounding area. In reaching this conclusion the Inspector stated 'the siting would be quite out of character with its surroundings' and 'the scheme would not respect the grain of the surrounding area'. On this basis, the main issue under consideration in this application is whether the proposed development would overcome the Inspector's conclusion on this matter.

5.6 In order to overcome this issue, the applicant has amended the previously refused scheme in the following ways: -

- The footprint of the dwelling has been reduced by 23 % (63m² to 48m²).
- The dwelling has been re-sited away from Main View. It is now 2.7m from the highway's edge rather than 1.2m.
- The external appearance of the dwelling has been simplified.

- 5.7 The character of the locality surrounding the application site is very mixed. For instance there are a variety of house types of differing periods, including modest cottages, modern bungalows, and detached 1960's dwelling. This variety has led to a non-uniform character which is characterised by the lack of a defined building line along Main View and Boundary Road.
- 5.8 In the previous application the development was sited much closer to Main View, and therefore would have been a prominent addition to the street scene. However, in this instance the footprint of the dwelling has been significantly reduced, and has been re-sited further away from Main View. It is considered that these amendments would lessen the visual impact of the street scene. Furthermore given the variety of house types and building lines, it is considered that the proposal would not detract from the overall character of the locality.
- 5.9 It is noted that in the previous decision reference was made to the impact to the street scene caused by enclosing the rear garden with a hedgerow. Notwithstanding this, it should be acknowledged that the applicant could enclose the garden with a hedgerow without planning permission because such works would not constitute development. Moreover, it is noted that within the surrounding area there are similar boundary treatments that comprise of a dwarf stonewalls and hedgerows above. For this reason, it is considered the proposed garden area and hedgerow would not materially harm the character of the area. Nevertheless, it is recommended that a landscape condition be attached to ensure the appropriate hedgerow is agreed and delivered.
- 5.10 In view of the above, it is considered on balance, that the proposed amendments would suitably overcome the previous refusal reason, and the subsequent Inspector appeal decision.
- 5.11 Residential Amenity
The proposed dwelling would be set amongst several existing dwellings, namely No. 32 & 34 Boundary Road, No.1 Orchard Road, and No. 2 & 5 Main View. It is acknowledged that representation from local residents have raised concerns with regard to the effect of the development on their residential amenity.
- 5.12 *Overbearing Effect*
The proposed dwelling would be situated in a fairly detached location from the surrounding dwellings. For instance, the proposed dwelling would be separated from Nos. 32 & 34 Boundary Road by approximately 20 metres, No. 1 Orchard Road by approximately 15 metres, No. 2 Main View by approximately 13 metres, and No. 5 Main View by approximately 8 metres. In view of these distances and the modest scale of the proposed dwelling, it is considered that the proposal would not give rise to an overbearing effect which would be detrimental to the amenities of nearby occupiers.
- 5.13 *Loss of Privacy*
The proposed dwelling would feature new windows within its front and rear elevations. In view of the distances separating the dwelling and that there would be no direct lines of sight between the proposed and existing dwelling, it

is considered that the proposal would not result in a loss privacy that would be detrimental to the amenities of nearby occupiers.

5.14 It is acknowledged that the proposed garden would be overlooked from the highway and from the existing dwellings along Main View. To mitigate this impact the applicant has proposed some boundary hedging which would reduce views into the garden area. It is noted that there would be some loss of privacy because it would take a number of years for the hedgerow to become fully established. Nevertheless this would not constitute a reason for refusal because the loss of privacy would be for a short interim period.

5.15 *Disturbance*

It is acknowledged that local residents are concerned with regard to disturbance during construction. It is noted that there would be some interim disturbance during the construction stage, however such activities would be for a short-term period only. Nevertheless, it is recommended that an informative be attached to advise the applicant of appropriate working hours and practices.

5.16 Transportation

The proposed development would provide off-street parking for one dwelling to the front of the property, and a new parking space would be provided in the front garden of No. 7 Main Road In response to this it is acknowledged that a number of representation have been received which have raised concerns to potential for on-street parking and a loss of visibility as a result of the development.

5.17 The previous planning application was refused on the grounds that parking provision for the existing dwelling (No. 7 Main View) would be lost through the development of the site, and the indiscriminate on-street parking as a result of this would reduce passing opportunities and lead to additional congestion. However, in the subsequent appeal decision the Inspector disagreed with this decision and concluded that there did not appear to be a shortage of locations where it would be safe to leave vehicles parking in the vicinity. The Inspector went onto say that ‘...given the low vehicle speed to be expect in this part of the road network, I do not consider any material hazard to road users would arise from scheme’. On this basis, the Council Transport Engineer has raised no objection to the proposed development because the amount of parking would accord with the Council’s maximum parking standards.

5.18 Drainage and Flooding

In response to this application representations have been received that have raised concerns with regard to drainage and the potential for flooding. Some photographs were provided showing evidence of surface water flooding around the junction at Main View and Boundary Road. To address these matters the Council’s Drainage Engineer was consulted as part of the application and they raised no objection. However this was subject to planning conditions to ensure details of:

- Sustainable Drainage Systems are submitted and agreed with the authority prior to the commencement of development, and

- a mining report to demonstrate that no mine shaft or adit would be filled or grouted in such a manner that underground mining drainage levels or culverts are likely to become blocked or sealed.

5.19 Biodiversity

It is noted that the proposed development would result in some loss of the existing domestic garden. Nevertheless, the site is not located in a sensitive ecological area and the development would retain a domestic garden as part of the application and would involve the planting of a new hedgerow. On this basis it is considered that there would not be any material harm to the ecology or biodiversity of the site.

5.20 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.

5.21 Use of Energy and Sustainability

To be built to Building Regulations.

5.22 Improvements Achieved to the Scheme

None.

5.23 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 proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The concerns of local residents in relation to the effect of the proposed dwelling on the character and appearance of the street scene have been fully considered, along with the previous planning history on the site. The proposal has been designed to be informed by, respect and enhance the character of the site and locality. In reaching this conclusion the design, siting, height and materials of the existing house and surrounding area have

been considered. The development therefore accords with policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

- b) Through careful design the proposals will not harm the amenities of the proposed development or neighbouring properties by reason of loss of privacy or natural light. The development therefore accords with policies H2, H4 and D1 of the South Gloucestershire Local Plan (adopted) January 2006.
- c) The proposed development equates to a density of approximately 50 dwellings per hectare. This density falls above the minimum expectation that development will achieve at least 30 dwelling per hectare. The development therefore accord with policy H2 of the South Gloucestershire Local Plan (adopted) January 2006.
- d) The concerns of local residents in relation to the effect on the proposal on highway safety and on-street parking have been fully considered. The proposed development has been designed with careful regard to Transportation. Parking, congestion and access issues have been considered and addressed sufficiently in the design. The development therefore accords to policies D1, H2, H4 and T12 of the South Gloucestershire Local Plan (adopted) 2006.
- e) The concerns of the local residents with regard to surface water drainage and flooding have been fully considered. A condition has been attached to ensure that proposed development would incorporate Sustainable Drainage Systems, or an acceptable alternative means of surface water disposal. The development therefore accords to policies L17, L18 and EP2 of the South Gloucestershire Local Plan (adopted) 2006.

6.3 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 to be **GRANTED** subject to the following condition(s): -

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details and within the first planting season following the first occupation of the dwelling.

Reason

To protect the character and appearance of the area to accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason

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

3. 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. If SUDs is not practicable it must be demonstrated that an acceptable alternative means of surface water disposal is incorporated. Development shall be carried out in accordance with the approved details.

Reason

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

4. Prior to the commencement of development a mining report shall be submitted to demonstrate that no mine shaft or adit would be filled or grouted in such a manner that underground mining drainage levels or culverts are likely to become blocked or sealed. Development shall be carried out in accordance with the approved details.

Reason

To prevent non-point pollution and flooding, and to accord with Policies L17/L18 _ EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 49/09 – 11 DECEMBER 2009

App No.:	PT09/5716/F	Applicant:	Joy Centre Properties Ltd and TRI-Capital LLP
Site:	10A Durban Road Patchway Bristol South Gloucestershire BS34 5HQ	Date Reg:	2nd November 2009
Proposal:	Erection of two storey side extension to provide additional living accommodation.	Parish:	Patchway Town Council
Map Ref:	360084 181648	Ward:	Patchway
Application Category:	Householder	Target Date:	24th December 2009



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N.T.S.

PT09/5716/F

INTRODUCTION

This report is being circulated to Member's because the officer's recommendation is contrary to a consultation response received from a local resident.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a two-storey side extension to provide extra living accommodation. The proposal would be located on the side elevation of an existing end terrace house. It would measure approximately 4 metres in width and 6.5 metres in depth with a ridge height of approximately 7.5 metres falling to 4.8 metres at the eaves.
- 1.2 The application site relates to a row of 6 two-storey top terraces split into two lots of three. These terraces have the top half in white render and the bottom half in brick. The application site is the end terrace situated on a corner plot where Durban Road meets Windermere Road. It is situated in the well-established residential area of Patchway.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 P87/1767 Erection of six dwellings in two terraces of three.
Seven detached garages and screen walling.
Construction of new vehicular and pedestrian
access and parking areas.
Approved. 17 June 1987.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No objection received.
- 4.2 Transportation
No objection.

Other Representations

- 4.3 Local Residents
1 letter received objecting to the proposal on the following grounds:

- a) Health and safety - the proposal would create a blind corner;
- b) The dwelling has not got planning permission;
- c) The proposal alters the building alignment of Windermere Road;
- d) There have been a number of accidents at the junction between Windermere Road and Durban Road;
- e) The extension will contravene road safety.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

Policy H4 of the South Gloucestershire Local plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity.

5.2 Design and Visual Amenity

This application seeks planning permission for a two-storey side extension to provide extra living accommodation. The proposal would be located on the side elevation of an existing end terrace house. It would measure approximately 74 metres in width and 6.5 metres in depth with a ridge height of approximately 7.5 metres falling to 4.8 metres at the eaves. The application site relates to a row of 6 two-storey top terraces split into two lots of three. The application site is the end terrace situated on a corner plot where Durban Road meets Windermere Road. It is situated in the well-established residential area of Patchway.

The existing dwelling is constructed of brick with the top half rendered white. The existing doors are white upvc and windows are dark brown timber effect with the roof constructed of concrete double pan tiles. The materials to be used in the proposal would match the existing. There would be two windows inserted on the south side elevation which would be in the same place as those currently existing on the main dwelling.

The extension would continue the existing building line of the terraces. However a resident has raised concerns that the extension would alter the building line of Windermere Road. The proposal would extend in front of the established building line of Windermere Road but it is considered that the proposal is sufficiently separated from this building line by virtue of its location and the electricity sub station to the rear so as to be considered negligible and not a sufficient reason for refusing the application.

The proposed extension would have a slightly lowered ridge height to that of the main dwelling so that it would remain subservient in appearance whilst respecting the established scale and massing of the existing dwelling and neighbouring properties. The design of the proposed extension responds well to the style and appearance of the existing dwelling and the surrounding properties. As such it is considered that it would respect the character of both the existing dwelling and the surrounding local environment. Accordingly it is considered acceptable under Policy D1 of the South Gloucestershire Local

Plan (Adopted) 2006 and the South Gloucestershire Design Checklist (Adopted) August 2007.

5.3 Residential Amenity

The application site being a corner plot is adjoined only by one dwelling on the opposite side of the host dwelling to the location of the proposed development. To the rear is an access to garages which serve the existing dwellings behind which is an electricity sub-station. On the opposite side of Windermere Road to the proposed location is 12 Durban Road which is itself situated on a large corner plot. On the opposite side of Durban Road is No.s 11 and 15 which are some 20 metres away from the application site.

Due to the location of the proposed extension on a corner plot with no immediate neighbouring occupiers and the nearest dwellings being approximately 20 or more metres away, it is considered that the proposal would not result in an overbearing effect on neighbouring occupiers. Furthermore, on this basis it is also considered that there would be no over looking nor any direct inter-visibility into principal rooms. The host dwelling benefits from a modest garden area and there would be sufficient space remaining to serve the main dwelling thus it is considered would not be. As such it is considered acceptable under Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.4 Transportation

Concerns have been raised by a local resident in terms of Highway Safety. Officers consider that that the side extension would not have an impact upon either the operation or safety of the adjacent junction and the existing parking facilities are appropriate given the Council operates maximum parking standards.

Officers are aware that there has been one accident involving vehicles in the last nine years at the junction Windermere Road and Durban Road. It is the Officers opinion that the proposed development would not result in such an impact that the visibility and safety of the junction would be materially affected. On this basis it is considered that the development would not result in a negative impact in transportation terms.

5.5 Other Matters

It has been noted that a resident raised a concern over whether the existing dwelling has valid planning permission for it is believed that there was only planning permission for 5 dwellings. Nevertheless, it is apparent from the planning history site search of the application site that in June 1987 planning permission was granted for 6 dwellings in two lots of three as can be seen at paragraph 3.1 under the 'Relevant Planning History' Section.

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

Will be in accordance with Building Regulation standards.

5.7 Improvements Achieved to the Scheme

None required.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The proposed development would remain subservient in appearance whilst respecting the established scale and massing of the existing dwelling and neighbouring properties. The design of the proposed extension responds well to the style and appearance of the existing dwelling and the surrounding properties. As such it is concluded that it would respect the character of both the existing dwelling and the surrounding local environment. Accordingly it is concluded acceptable under Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Design Checklist (Adopted) August 2007.

6.3 Due to the location of the proposed development it is concluded that the proposal would not result in an overbearing impact on neighbouring occupiers and that there would be no over looking nor any direct inter-visibility into principal rooms. As the proposed development is consistent with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6.4 It is concluded that visibility and safety would not be impaired at the of the junction of Windermere Road/Durban Road. Accordingly it is concluded that the proposed development would not result in a negative impact on the safety of the junction at Windermere Road/Durban Road.

6.5 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 condition:

Contact Officer: Genevieve Tuffnell
Tel. No. 01454 863438

CONDITIONS

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

Reason

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