



**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. 08/09

Date to Members: 27/02/09

Member's Deadline: 05/03/09

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: 27/02/09

SCHEDULE NO. 08/09

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

Circulated Schedule 27 February 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/0059/F	Approve with conditions	55 Court Farm Road, Longwell Green, South Gloucestershire, BS30 9AD	Longwell Green	Hanham Abbots Parish Council
2	PK09/0093/F	Approve with conditions	17 Hitchen Close, Marshfield, South Gloucestershire, SN14 8LW	Boyd Valley	Marshfield Parish Council
3	PK09/0133/RVC	Approve with conditions	44 Westerleigh Road, Downend, South Gloucestershire, BS16 6AH	Downend	Downend and Bromley Heath
4	PT08/1740/FDI	Approve with conditions	Waterside Drive, Aztec West, Almondsbury, South Gloucestershire, BS32 4ST	Patchway	Patchway Town Council
5	PT08/2976/CLE	Approve with conditions	The Priory Bungalow, Sturden Lane, Hambrook, South Gloucestershire, BS16 1RW	Winterbourne	Winterbourne Parish Council
6	PT08/3021/R3F	Deemed consent	Waterside Drive, Aztec West, Almondsbury, South Gloucestershire, BS32 4ST	Patchway	Patchway Town Council
7	PT08/3049/CLE	Approve with conditions	Tudor Poultry Farm Rear of Bristol Road, Frampton Cotterell, South Gloucestershire, BS36 2AU	Frampton Cotterell	Frampton Cotterell Parish Council
8	PT09/0015/F	Approve with conditions	Spiders Cottage, Quarry Road, Frenchay, South Gloucestershire, BS16 1LX	Frenchay and Stoke Park	Winterbourne Parish Council
9	PT09/0074/CLE	Approve	The Annexe, Flats 1 & 2, Corner Farm, Nupdown Lane, Oldbury On Severn, South Gloucestershire, BS35 1RP	Severn	Oldbury-on-Severn Parish Council
10	PT09/0085/F	Approve with conditions	Severn View Industrial Park, Central Avenue, Hallen, South Gloucestershire, BS10 7SD	Pilning and Severn Beach	Pilning and Severn Beach
11	PT09/0119/F	Approve with conditions	Land off, Whitewall Lane, Thornbury, South Gloucestershire, BS35 3UB	Thornbury North	Thornbury Town Council
12	PT09/0121/F	Approve with conditions	Hicks Farm, Cloisters Road, Winterbourne, South Gloucestershire, BS36 1LL	Winterbourne	Winterbourne Parish Council
13	PT09/0148/CLE	Approve with conditions	Sundance, Hortham Lane, Almondsbury, South Gloucestershire, BS32 4JP	Almondsbury	Almondsbury Parish Council
14	PT09/0190/TRE	Approve with conditions	Frenchay Lodge, Beckspool Road, Frenchay, South Gloucestershire, BS16 1NT	Frenchay and Stoke Park	Winterbourne Parish Council
15	PT09/0201/F	Approve with conditions	109 Bakers Ground, Stoke Gifford, South Gloucestershire, BS34 8GD	Stoke Gifford	Stoke Gifford Parish Council
16	PT09/0221/F	Approve with conditions	3 Gloucester Close, Stoke Gifford, South Gloucestershire, BS34 8TA	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 08/09 – 27 February 2009

App No.:	PK09/0059/F	Applicant:	Mr S Dew
Site:	55 Court Farm Road, Longwell Green, South Gloucestershire, BS30 9AD	Date Reg:	12th January 2009
Proposal:	Erection of 1 no. detached dwelling with detached double garage and associated works. (Amendment to previously approved scheme i.e. garage PK08/0959/F).	Parish:	Hanham Abbots Parish Council
Map Ref:	65588 70554	Ward:	Longwell Green
Application Category:	Householder	Target Date:	11th March 2009



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100023410, 2008.

N.T.S

PK09/0059/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule procedure as objections have been received from local residents regarding the proposed development.

1. THE PROPOSAL

- 1.1 This planning application seeks an amendment to a previously approved planning permission PK08/0959/F, which was granted full planning permission for the erection of 1 no. detached dwelling with detached double garage and associated works.
- 1.2 This application seeks permission to re-site the previous approved detached double garage and increase its size.
- 1.3 The application site relates to domestic curtilage located within the residential area of Longwell Green.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transportation

2.2 Joint Replacement Structure Plan

Location of development

34	Reuse of previously developed land
59	Transportation Issues- new development

2.3 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L6	Open areas within existing urban areas and defined settlements
GB1	Green Belt
H2	Residential Development
H4	Development within residential curtilages
T6	Cycle Parking Provision
T7	Parking Standards
T12	Development Control Transportation Policy
EP2	Flood Risk and Development

2.4 Supplementary Planning Guidance

Supplementary Planning Document Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates to the application site:

- 3.2 Pk05/1431/O Erection of 1 no. detached dwelling (outline) with means of Access to be determined, all other matters reserved.
Approved 19th April 2006
- 3.3 PK08/0333/F Erection of detached dwelling and garage
Withdrawn March 2008
- 3.4 PK08/0959/F Erection of dwelling and detached garage
Approved June 2008

4. CONSULTATION RESPONSES

(a) Statutory Consultees

- 4.1 Hanham Abbots Parish Council
No objection

(b) Other Representations

- 4.2 Local Residents
3 letters have been received from local residents raising objections regarding the proposal which have been summarised by the Planning Officer as follows:
-Garage out of keeping due to height and external stair case
-Loss of privacy and overpowering
-Current problems of noise and damage to existing properties
-Concerns regarding future use of garage i.e studio or bedsit

5. Analysis of Proposed Development.

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan allows for development within existing residential domestic curtilages subject there being no adverse impact on existing visual and residential amenities.
- 5.2 As planning permission (PK08/0959/F) has already been granted and implemented for the detached dwelling, this will not be revisited.
- 5.3 Visual amenity
This application seeks permission for a detached double garage. Planning was granted under PK08/0959/F for a detached double garage. This revised scheme proposes to enlarge the footprint to 6.0m x 6.50m and increase the overall ridge height to 5.10m to enable the roof space to be used for storage. Access to the first floor storage area will be via an external stair case on the eastern elevation of the garage nearest the application site dwelling. Concerns have been raised that the proposed garage is not of a typical garage design.
- 5.4 It is considered that as the garage is in proportion with the scale of the existing dwelling and reflects the materials of the main dwelling and given the size of the plot, it is considered that a dwelling of this scale and design would not have an adverse impact on the visual amenities of the immediate surrounding area.

5.4 Residential Amenity

Objections have been raised on the grounds that a garage of this scale and design will be overpowering and result in a loss of privacy to a neighbouring property.

5.5 Whilst it is accepted that this garage is larger than a standard double garage, this is due to the roof space being utilised for storage purposes. However the Planning Officer is of the view that a garage of this scale and in this location would not have an overbearing impact on neighbouring gardens and properties. The garage will be sited approximately 30m from properties no. 53, 55 and 57.

5.6 The application proposes the introduction of 3 velux roof lights on the front elevation of the garage, objections have been raised on the grounds they will result in a loss of privacy. In the absence of section drawing the Planning officer is unable to assess whether or not the roof lights by reason of their position on the roof would allow for direct overlooking or whether it not views would be restricted. To ensue there is no loss of privacy a condition will be imposed requiring the windows be fitted with obscure glazing and be non opening. A further condition will be imposed restricting the introduction of any additional window openings.

5.7 Other issues

Concerns have been raised regarding the future use of the garage being used as a studio or bed-sit. Members are advised to consider as with any outbuildings within a residential domestic curtilage they can be used for purposes that are ancillary to the enjoyment of the main dwelling house. Where such a use become separate with no level of dependence with the main dwelling then this would be subject to a new planning application and would be assessed accordingly. An informative will be imposed should planning permission be granted advising the applicant of this.

5.8 Concerns have been raised regarding damage and noise that has resulted during the construction of the dwelling. Members are advised to consider that unfortunately such issues fall outside the planning remit and are civil matters.

5.9 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.

5.10 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0059/F**

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

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

Reason:

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

2. The glazing on the 3 roof velux roof lights shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason:

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

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

Reason:

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

4. Within 3 months from the date of the decision 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.

Reason:

To protect the character and appearance of the area and the adjacent Bristol/Bath Green Belt to accord with Policies D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To protect the character and appearance of the area and the adjacent Bristol/bath Green Belt to accord with Policies D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

7. The two passing bay as shown on approved drawings shall be provided prior to the first occupation of the building and thereafter retained for that purpose.

Reason:

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

8. The building shall not be occupied until the associated car parking and turning areas have been provided. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

Reason:

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

9. The hours of working on site during the period of construction shall be restricted to 8.00 - 17.00 Monday to Friday and 9.00 - 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

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

CIRCULATED SCHEDULE NO. 08/09 – 27 February 2009

App No.:	PK09/0093/F	Applicant:	Mr M Ould
Site:	17 Hitchen Close, Marshfield, South Gloucestershire, SN14 8LW	Date Reg:	15th January 2009
Proposal:	Erection of two storey side and single storey front extensions to form additional living accommodation and porch.	Parish:	Marshfield Parish Council
Map Ref:	77940 73898	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	10th March 2009



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PK09/0093/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application concerns a modern brad-stone clad end of terrace dwelling house set within a cul-de-sac that lies within the Marshfield Conservation Area.
- 1.2 This planning application seeks planning permission for a first floor extension up and over existing attached garage and also a single storey front extension
- 1.3 Planning permission (PK06/3101/F) has already been granted in the past for the above works, however as the applicant wishes to amend the scheme in terms of new window openings a new planning application is required. Revised schemes have subsequently been submitted as part of this current planning application.

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	Design
H4	Development within Existing Residential Curtilages including Extensions
L12	Conservation Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Council Advice Note 2 – *“House Extensions”*

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/3101/F Erection of single storey front extension and first Floor side extension.
Approved Jan 2007

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Town Council
No objection

Other Representations

4.2 Local Residents

2 letters has been received from a local resident raising the following objections regarding the proposed development, which have been summarised by the Planning Officer as follows.

- Applicant does not own land to side or rear of garage
- Driveway jointly owned with neighbour, any works will cause a problem.
- Proposed windows on side and rear will overlook house, driveway and garden
- Extension not in keeping

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to existing dwellings subject to criteria relating to scale and design, highways, and impact upon visual and residential amenity.

5.2 As discussed above as planning permission has already been granted in the past for a first floor side and single storey front extension, the principle of the proposed extensions will not be revisited. The main issues for consideration relate to the proposed changes i.e. introduction of window on side and rear elevation.

5.3 Visual Amenity/ Conservation Area Issues

The proposed extensions are of an appropriate simple design according with the characteristics of the main dwelling house and surrounding properties. The additions will also incorporate materials to match those of the original dwelling, and is suitably subservient aiding its integration with the built form. In this context, therefore, the addition is considered visually acceptable with the existing character and appearance of the Marshfield Conservation Area.

5.4 As part of this revised application the applicant had proposed the introduction of two doorways on the front elevation of the proposed single storey front extension, however as the Planning Officer was of the view this was not considered in keeping, revised plans have been submitted replacing the patio doors with a window, which is considered acceptable.

5.5 The application proposes a high level window on the side elevation and a small window on the rear, both of which are considered acceptable in design terms.

5.6 Residential Amenity

Objections have been received from a local resident on the grounds that the proposed windows will allow for overlooking. The windows in question relate to a high level study window and a utility window. Given that these windows will serve non habitable rooms and in particular given their position in relation the neighbouring property, it is considered they will not have an impact on existing levels of privacy currently enjoyed by the neighbour.

5.7 As with the previous application it is also considered that the proposed first floor side extension will not have an overbearing impact

5.8 Other issues

Those issues relating to works on shared driveway and need for scaffolding are not considered material planning considerations but civil issues.

5.9 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.

5.10 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0093/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

CIRCULATED SCHEDULE NO. 08/09 – 27 February 2009

App No.: PK09/0133/RVC
Site: 44 Westerleigh Road, Downend, South Gloucestershire, BS16 6AH

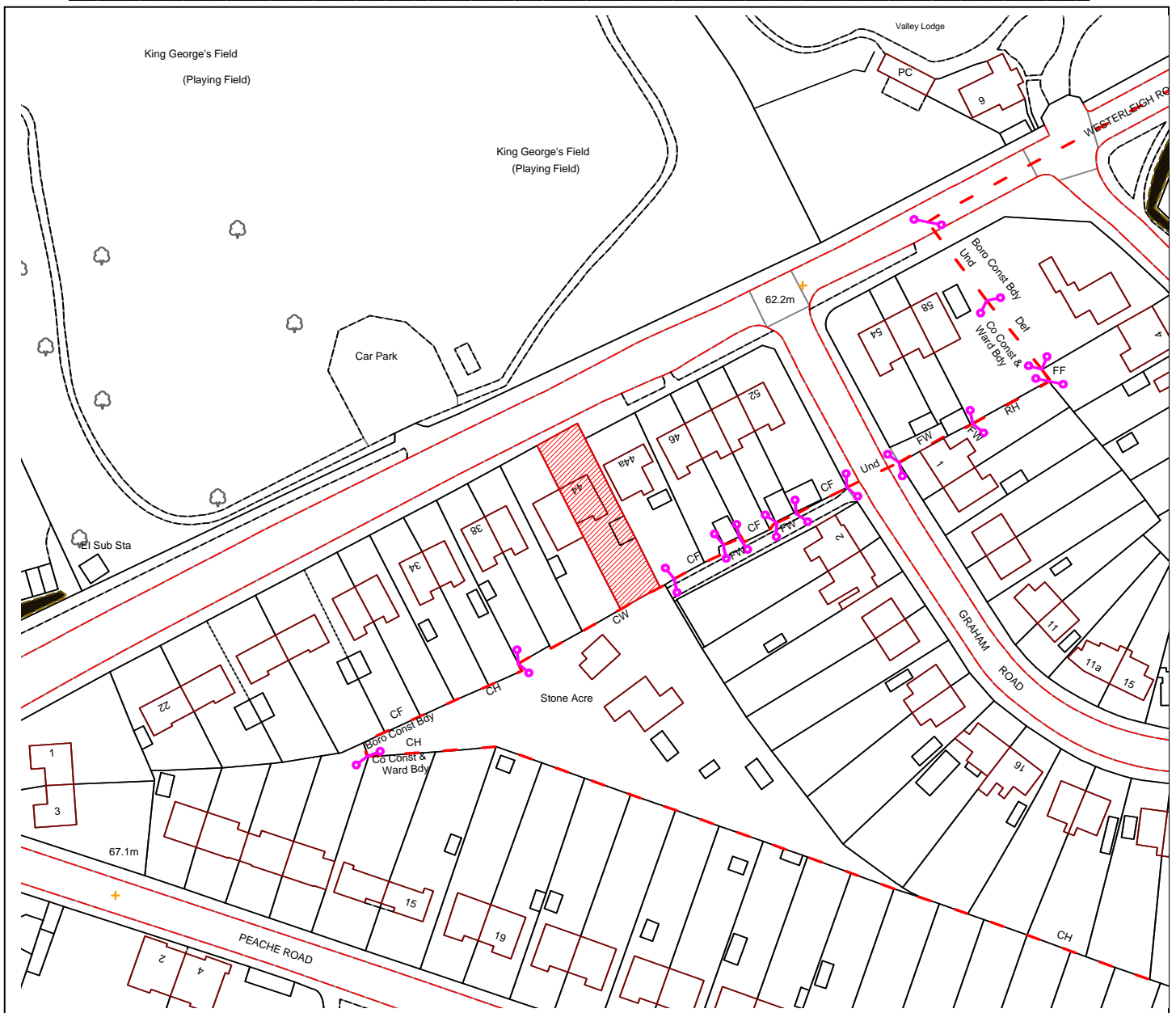
Applicant: Miss D Williams
Date Reg: 22nd January 2009

Proposal: Variation of Condition 3 attached to previously approved planning permission PK04/3833/F dated 31 January 2004 to allow the installation of a window into the north east elevation of the two storey side extension.

Parish: Downend and Bromley Heath

Map Ref: 65529 76863
Application Category: Householder

Ward: Downend
Target Date: 16th March 2009



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INTRODUCTION

This application has been placed upon the Circulated Schedule due to the receipt of a local resident objection.

1. THE PROPOSAL

1.1 This application seeks full planning permission to vary condition 03 of the previous approved planning permission PK04/3833/F to allow the installation of a window into the north east elevation of the two storey side extension at No. 44 Westerleigh Road, Downend. The window will service a utility room in the ground floor of the extension.

1.2 The property is two-storey semi-detached dwelling with a hipped roof and is located within a residential area of Downend.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

H4 Development within existing residential curtilages

3. RELEVANT PLANNING HISTORY

3.1 PK04/3833/F Erection of two storey side and rear extension to provide integral garage and additional living accommodation.
Approved 31.01.05

4. CONSULTATION RESPONSES

4.1 Downend & Bromley Heath Parish Council
No objection.

Other Representations

4.2 Local Residents
One letter has been received and a comment has been made with regard to the opening of the proposed window.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Policy H4 of the adopted South Gloucestershire Local Plan allows for extension to existing dwellings and development within existing curtilages, subject to there being no adverse impact on existing visual and residential amenity.

5.2 Visual Amenity

The proposal would not change the appearance of the building apart from there would be a new window on the side elevation. This new window would not be visible from the public realm. In this instance, it is considered that the proposal would not cause any impact upon the character of the dwelling and the area.

5.3 Residential Amenity

The new window is proposed to the ground floor side elevation of the two storey side extension and it would be installed in the non-habitable utility room. Although the window would not be fixed in a closed position it would be obscurely glazed, officers do not consider that it would cause significant loss of privacy to the neighbouring property to warrant a refusal of this application.

5.4 Design and Access Statement

This is a householder planning application, therefore the Design and Access Statement is not required.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0133/RVC**

Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

CONDITIONS

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

Reason:

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

2. The 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 Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

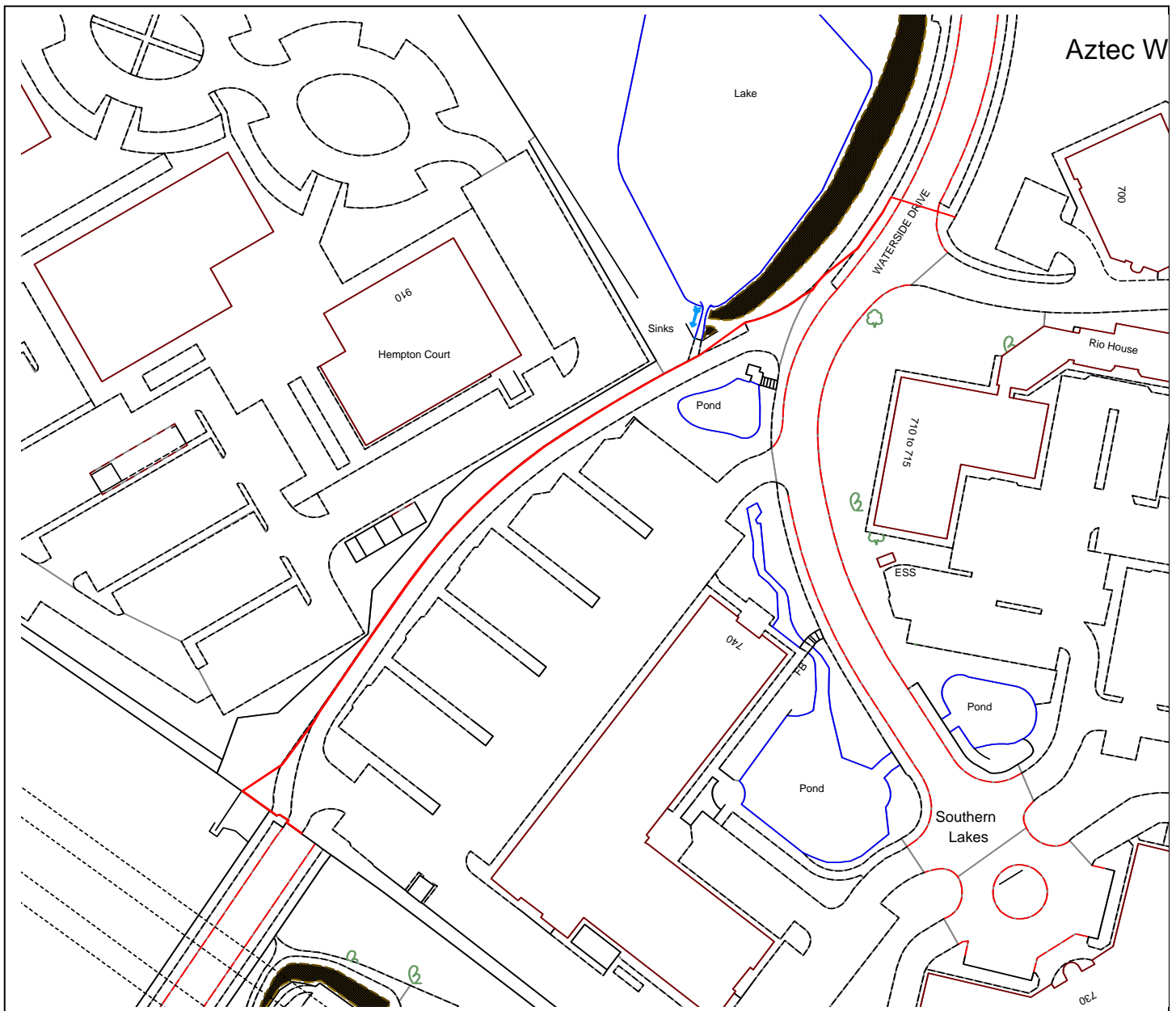
3. The colour, type and texture of the rendered finish to the external walls of the proposed extension shall match that of the existing building.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE 08/09 – 27 FEBRUARY 2009

App No.:	PT08/1740/FDI	Applicant:	Mr N Griffiths SGC
Site:	Waterside Drive, Aztec West, Almondsbury, South Gloucestershire, BS32 4ST	Date Reg:	26th June 2008
Proposal:	Diversion of footpath OAY/51A.	Parish:	Patchway Town Council
Map Ref:	60173 82338	Ward:	Patchway
Application Category:	Minor	Target Date:	30th July 2008



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PT08/1740/FDI

This application appears on the Circulated Schedule in view of the comments received and because it seeks permission for a Footpath Diversion.

1. THE PROPOSAL

- 1.1 Application is made under Section 257 of the Town and Country Planning Act 1990 for the realignment of 199 metres of public footpath OAY/51A
- 1.2 The application is submitted in accordance with Section 257 of the Town and Country Planning Act 1990 and forms part of a scheme which would increase the width of this footpath allowing the introduction of a bus route. Pedestrian facilities would be moved sideways alongside this new bus route.

2. POLICY CONTEXT

- 2.1 National Guidance
Circular 04/2001: Public Rights of Way
PPG13: Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
L1: Landscape Protection and Enhancement
LC12: Recreational Routes
T4: Bus Priority Measures
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 There are numerous applications related to this area; that which is considered to be most relevant is listed below:
- 3.2 PT03/2576/R3F: Alterations to existing vehicular access to provide public service vehicle link. Deemed Consent: 20 October 2003
- 3.3 PT08/3021/R3F: Alterations to existing emergency vehicular access to provide public service vehicle link. (Decision Pending at the time of writing this report, but with a recommendation for deemed consent).

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No comments received
- 4.2 Other Consultees
PROW Officer: no comment
Landscape Officer: no objection

Highway DC: no objection

Other Representations

4.3 Summary of Local Residents Comments:

Two letters received expressing the following concerns:

- The existing route is the main pedestrian route and cycle route into Aztec West not only from Patchway but from all directions south and west (i.e. from the A38 and Cribbs Causeway);
- The existing route carries a significant quantity of commuter traffic, and is also the main access route to Patchway Community College;
- It is normally very busy during peak times, particularly during term time;
- The proposed 2m wide footpath is not sufficient to carry the level of traffic this route currently supports- the existing path is barely sufficient,
- It does not take into account the high number of foot and cycle users- particularly school children who walk in 'large, many-abreast groups' and who do not pay attention to cycle users;
- An analysis should be performed during peak school commute periods;
- There is already a collision risk between cyclists and pedestrians;
- A separate footpath and twin cycleway (one lane each way) is required;
- With too many cycle lanes, cyclists do not appreciate the benefits and do not keep to the left thus increasing the likelihood of accidents;
- One writer now cycles on the main dual carriage way because he feels safer;
- Given the strategic nature of the path, it is regrettable that such a limited consultation procedure was undertaken;
- Whilst this route may officially be a footpath, it is used as a main cycle route;
- To make such a detrimental change- especially in the context of increasing the number of cyclists is misdirected and contrary to the Council's policies.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy T4 proposes a number of bus priority measures; considered a vital part of the Councils strategy for improving public transport as an attractive alternative to the motor car. The first route which is detailed by this policy is that between Coniston Road, Patchway and Waterside Drive, Aztec West; this aligns with footpath OAY/51A; the subject of this application.

5.2 Policy LC12 details that existing and proposed recreational walking routes will be safeguarded; development proposals which would unacceptably affect the utility and amenity of both existing and proposed routes will not be permitted.

5.3 The Proposal

The application seeks permission for the realignment of footpath OAY/51A that runs between Coniston Road, Patchway and Waterside Drive, Aztec West. It is noted that this diversion is necessary to facilitate the introduction of bus priority measures proposed by planning policy T4 with this route to provide a direct link between Aztec West and Patchway.

5.4 The introduction of this bus route has been previously approved as part of application PT03/2576/R3F. At this time, the planning report stated that *'the existing route does contain public footpath OAY/51A. However, the works will*

not preclude the use of this footpath and if necessary the footpath could be diverted onto the proposed pedestrian footway’.

- 5.5 The length of footpath that is the subject to this application runs from Waterside Drive, Aztec West, between office buildings and associated car parking through to Coniston Road, Patchway. The existing footpath is well landscaped with trees and shrubbery aligning either side whilst it benefits from a bricked surface with it approximately one cars width allowing use by emergency vehicles. The proposal would facilitate an increase in width with buses using the existing path and with the new footpath alongside.
- 5.6 In view of the above, a landscape plan has now been received that would allow replacement planting; this is considered to be sufficient to address the initial landscape objection that was raised in respect of this scheme.
- 5.7 Highway Safety
The proposal is necessary to allow the introduction of a new bus route which is proposed by planning policy T4. On this basis, there is no highway objection to this current proposal.
- 5.8 Outstanding Issues
The comments received indicate that the footpath will not be wide enough to cope with the existing number of persons and cyclists whom use this route. Nonetheless, this application is for the diversion of a public right of way which is understood to have no legal status as a cycleway. Further, this land falls under private ownership and is not an adopted highway. As such, the realigned path would be designated primarily for pedestrians (consistent with its status) with any cycle use undertaken on an informal basis and which would need the permission of the landowner.

6. CONCLUSION

- 6.1 The recommendation to raise no objection 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 no objection be raised to the proposed diversion of OAY/51A subject to conditions regarding way marking, surfacing and landscaping.
- 7.2 That the Head of Legal and Democratic Services be authorised to make an Order under Section 257 of the Town and Country Planning Act 1990.

Background Papers **PT08/1740/FDI**

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

CONDITIONS

1. Prior to the diversion of OAY/51A a scheme of waymarking shall be submitted to the Council for written approval. The agreed scheme shall be implemented before the diversion hereby permitted is brought into use or as otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of public amenity and safety and to accord with Planning Policy LC12 of the South Gloucestershire Local Plan (Adopted) January 2006.

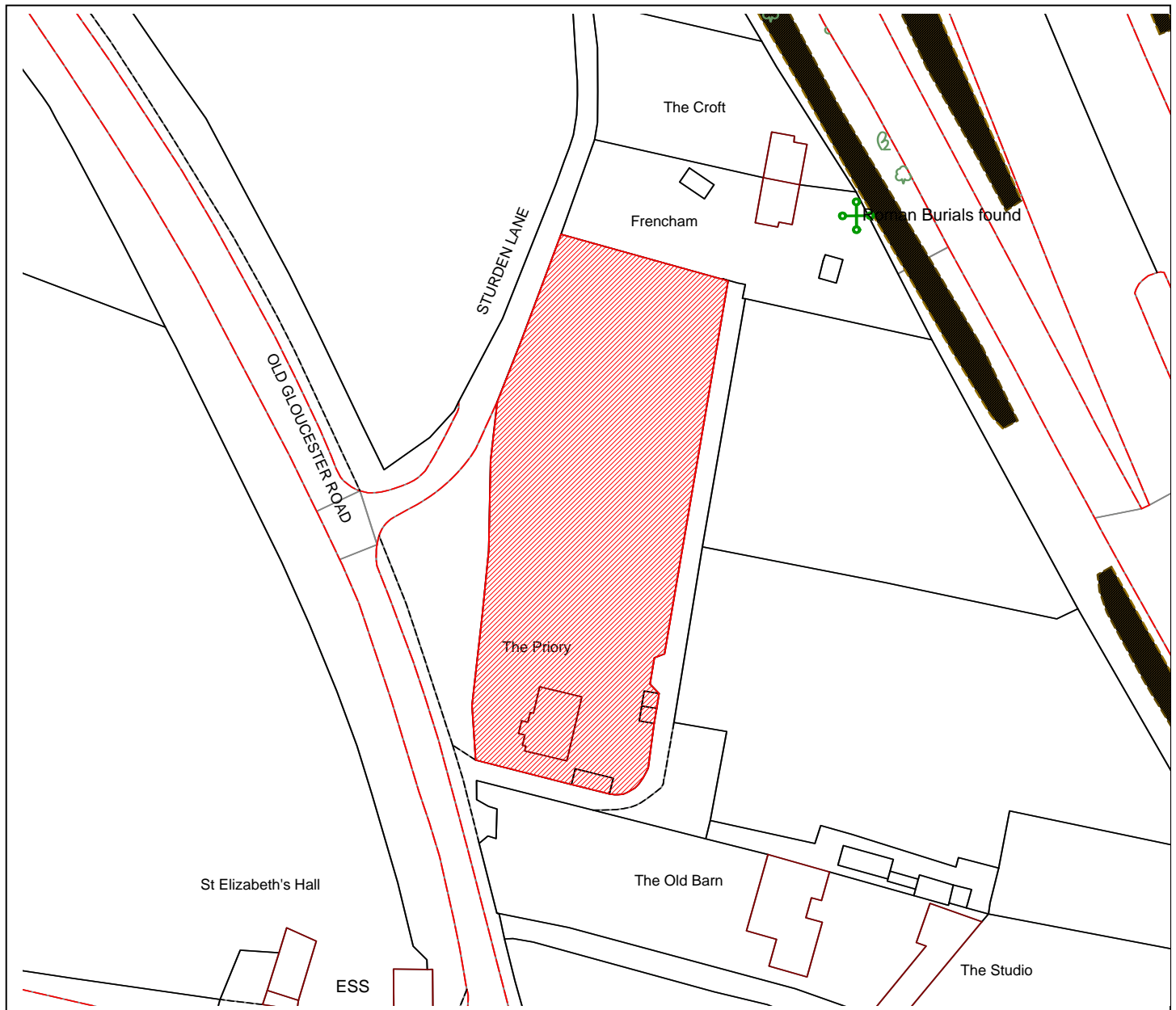
2. Prior to the diversion of footpath OAY/51A hereby authroised, details of the proposed surfacing materials shall be submitted to the Council for written approval. The agreed details shall be implemented before the diversion hereby permitted is brought into use, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of public amenity and safety and to accord with Policy LC12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 08/09 – 27 FEBRUARY 2009

App No.:	PT08/2976/CLE	Applicant:	Mr T Chamberlain
Site:	The Priory Bungalow, Sturden Lane, Hambrook, South Gloucestershire, BS16 1RW	Date Reg:	12th November 2008
Proposal:	Application for Certificate of Lawfulness for the use of land as residential curtilage	Parish:	Winterbourne Parish Council
Map Ref:	64133 79162	Ward:	Winterbourne
Application Category:	Minor	Target Date:	7th January 2009



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PT08/2976/CLE

INTRODUCTION

This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 This application is for a Certificate of Lawfulness of Existing Use for the continued use of land as residential curtilage.
- 1.2 The site consists of a large detached bungalow which is situated within an extensive curtilage. The site is adjoined by agricultural land to the west.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 With this application the claimant (Mr Chamberlain) has submitted:
 - One sworn declaration from a previous owner. This provides a detailed account and key dates which states that the land outlined in red on the plan has formed part of the garden throughout the period of ownership (1984 to October 2007).
 - Eight photographs taken in 1987 and 2009, and an annotated plan have been submitted in support of the application.
 - Two letters have been submitted from nearby local residents which stated that the land edged in red has remained unchanged, and has been used for general recreational purposes as part of the garden.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 The Councils Enforcement Officer has recorded two sworn witness statements which state that the land in question (paddock) has not been used as domestic curtilage/garden.

- 5.2 The Council have received one letter from a local resident which states that the land was used as a field and was not part of any other property.
- 5.3 The Sworn Declarations and letter made reference to the Green Belt and that the land should not become residential. Notwithstanding these comments, it should be noted that this is a matter of planning policy and is it not material to a Certificate of Lawfulness application.

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 No objection received from Winterbourne Parish Council.

7. EVAULATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the land edged in red on the location plan has been used as residential curtilage for a period in excess of 10 years. To support this claim the claimant has submitted a; sworn declaration; dated photographs; and letters of support from third parties (e.g. neighbours).
- 7.3 The subject dwelling and all the surrounding land as detailed within this application is currently in use by the claimant for residential purposes. This is evident in the present physical appearance of the land, the appearance of which is commensurate with a well established residential curtilage. The claimant has submitted a Sworn Declaration from the previous owners of the property (Mr and Mrs Chappell) in support of their case. This declaration confirms that the "...the Red Land formed a part of the garden of the garden to the property throughout the period of our ownership of the property (1984 to October 2007). It is considered that this evidence support the claimant case that the land in question has been used for residential purposes.
- 7.4 Notwithstanding the above, contrary evidence has been received in the form of two sworn witness statements and a letter from three local residents. This evidence claims that the land in question has been used as a paddock/field, and not domestic curtilage. The sworn witness statements carry a similar weight to the sworn declaration. Therefore solely in view of this conflicting evidence it cannot be proven on the balance of probability that the land has been used for residential curtilage for a period in excess of 10 years.
- 7.5 However, in addition eight dated photographs taken between 1987 and 2009 have been submitted by the claimant. The 1987 photos (Nos. 1, 4, 6, 7 & 8) clearly show the boundaries of the garden as existing, and it shows that land has been maintained. Furthermore photograph No. 4 shows the area of land being used to play golf. This type of activity would be characteristic of the type of activity expected to be undertaken considered within the residential curtilage a dwellinghouse. Moreover the applicant has submitted two letters from third

parties which support the claim the land has been used for residential purposes for a period in excess of 10 years. These letters do carry less weight than a sworn declaration, nonetheless they do support the claimant case.

- 7.6 Having regard to the above, and notwithstanding the contrary evidence, it is considered that the weight of evidence presented by the applicant proves that, on the balance of probability, the land edged in red on the Location Plan has been used as residential curtilage for a period in excess of 10 years.

8. RECOMMENDATION

- 8.1 A Certificate of Existing Lawful Use to be **GRANTED**

Background Papers **PT08/3111/CLE**

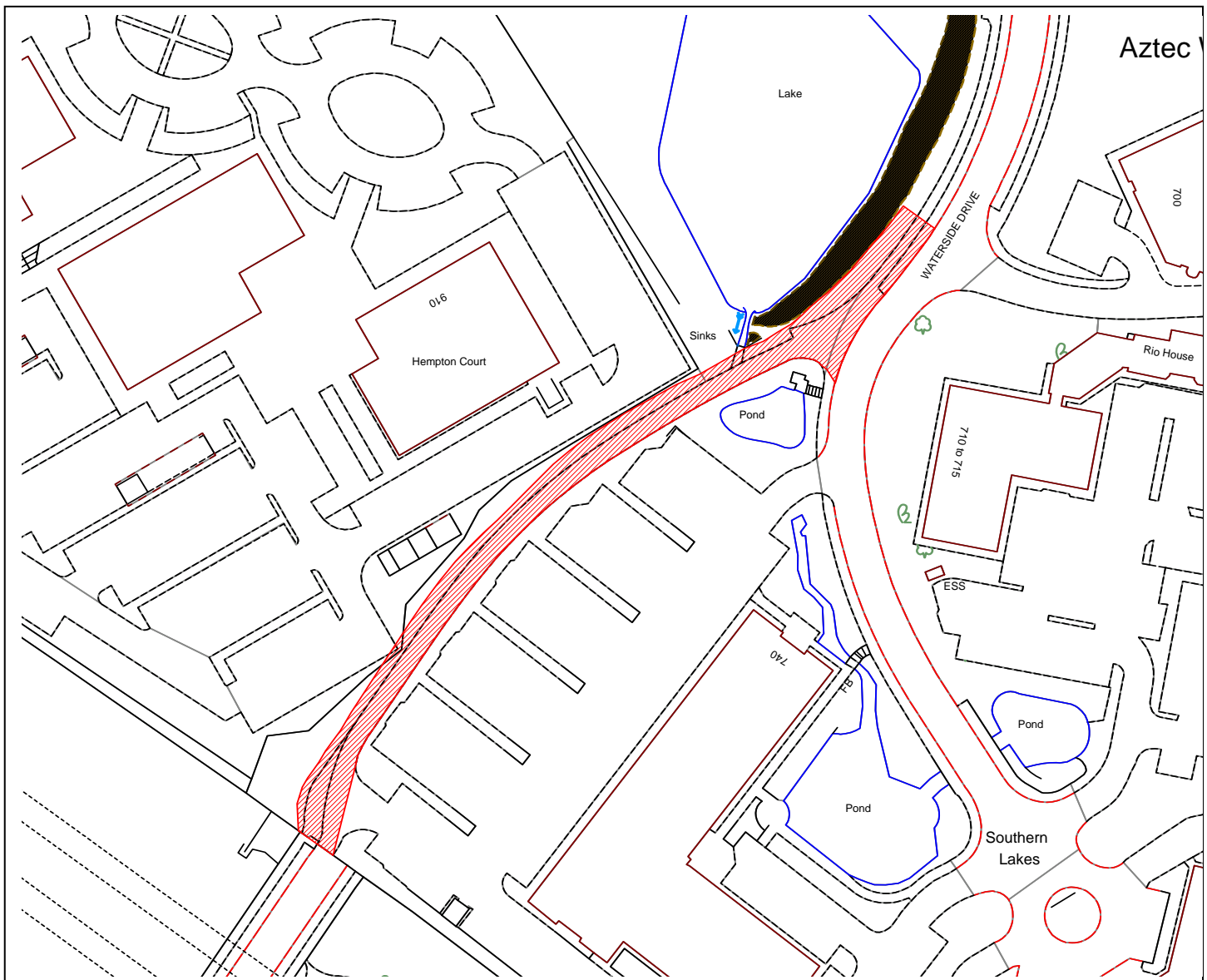
Contact Officer: **Peter Rowe**
Tel. No. **01454 863131**

REASON:

Notwithstanding the contrary evidence, it is considered that the weight of evidence presented by the applicant proves that, on the balance of probability, the land edged in red on the Location Plan dated 10th November 2008 has been used as residential curtilage for the Priory Bungalow for a period in excess of 10 years.

CIRCULATED SCHEDULE NO. 08/09 – 27 FEBRUARY 2009

App No.:	PT08/3021/R3F	Applicant:	Mr A Higginson South Gloucestershire Council
Site:	Waterside Drive, Aztec West, Almondsbury, South Gloucestershire, BS32 4ST	Date Reg:	19th November 2008
Proposal:	Alterations to existing emergency vehicular access to provide public service vehicle link.	Parish:	Patchway Town Council
Map Ref:	60169 82337	Ward:	Patchway
Application Category:	Minor	Target Date:	31st March 2009



This application appears on the Circulated Schedule List because the application comprises a Regulation 3 submission (the Council owns the site).

1. THE PROPOSAL

- 1.1 This application seeks consent to carry out alterations to an existing pathway to allow its use by public transport vehicles.
- 1.2 This application concerns an existing public right of way which links Waterside Drive, Aztec West and Patchway. The use of the path is presently restricted to pedestrians and emergency service vehicles and is controlled by a lockable gate and fencing.
- 1.3 The application forms a resubmission of application no. PT03/2576/R3F, which was granted planning permission on 20th October 2003.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transport
PPS25 Development and Flood Risk
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
T12 Transportation Development Control Policy for New Development
T4 Bus Priority Measure
LC12 Recreational Routes
L1 Landscape Protection and Enhancement
L17/L18 The Water Environment
EP1 Environmental Pollution
EP2 Flood Risk and Development

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/1740/FDI, Diversion of footpath OAY/51A, Recommended.
- 3.2 PT03/2576/R3F, Alterations to existing emergency vehicular access to provide public service vehicle link, 20/10/03, Deemed consent.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No comments received
- 4.2 Transportation
No objection
- 4.3 Landscape
No objection

- 4.4 Public Rights of Way
No objection
- 4.5 Drainage Engineer
No objection subject to advice

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy D1 of the Local Plan applies to all types of development and ensures that any proposal respects, conserves and enhances the character and quality of the surrounding local environment. Policy T4 of the Local Plan identifies the proposed route as a priority bus measure and seeks to encourage its use by public transport. Policy T12 ensures that new development makes adequate, safe and appropriate provision for transportation demands and minimises the adverse impact of motorised traffic. Policy L1 allows for new development provided that the attributes of the landscape which make a significant contribution to the character of landscape and locality are conserved and where possible enhanced.

- 5.2 Given the above, Planning Policy allows for the principle of the proposed development. The proposal will now be subject to an assessment below.

- 5.3 Consideration of Proposal
This application seeks consent for alterations to an existing emergency vehicular access to provide a public service link. The proposal would involve widening the existing route to approximately 6 metres and utilizing the total extent of publicly owned land. The route would accommodate a public transport access road measuring approximately 3.8 metres in width as well as a public footway alongside maintaining pedestrian facilities. The access route would be controlled by means of an automatic barrier, which would operate via the proposed bus detection loop system (detecting tags fitted to buses).

Aztec West currently experiences some problems of congestion during the morning and evening peak. The upgrade of the road would facilitate bus use and serve to improve permeability to the wider network, while the improved bus facilities would seek to encourage public transport use and promote sustainable travel. A Transportation officer consulted with regards to the application considers the proposal to represent betterment in highway terms and raises no objection. On this basis, the proposal is considered acceptable in terms of transport and adheres to Policy T12 and T4 of the South Gloucestershire Local Plan (adopted) 2006.

- 5.4 The proposal would involve the removal and replanting of various trees as well as the pruning of vegetation which lines the route. The landscape proposals shown in the Landscape Proposal Plan as well as the Planting Schedule submitted with the application have been viewed by a Council Landscape

officer who raises no objections to the application. On this basis, the proposal is considered acceptable in terms of landscaping and adheres to Policy L1 and D1 of the South Gloucestershire Local Plan (adopted) 2006.

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.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning Permission is GRANTED subject to the following conditions.

Background Papers **PT08/3021/R3F**

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason:

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

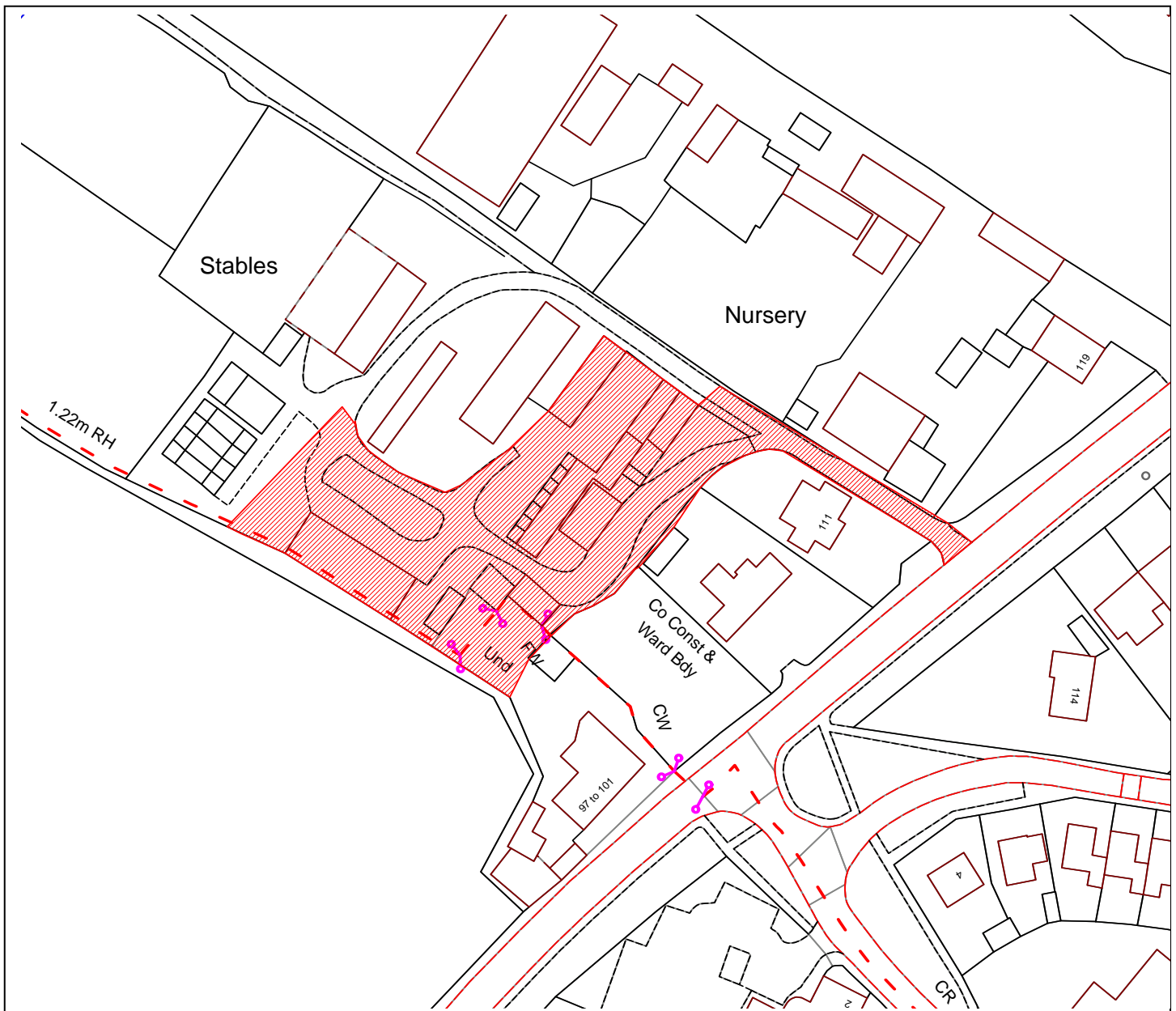
2. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) for flood prevention; pollution control and environmental protection shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE 08/09 – 27 FEBRUARY 2009

App No.:	PT08/3049/CLE	Applicant:	Mr R Jackway
Site:	Tudor Poultry Farm Rear of Bristol Road, Frampton Cotterell, South Gloucestershire, BS36 2AU	Date Reg:	25th November 2008
Proposal:	Application for certificate of lawfulness for use of land and Units 1,2,6 8 -13 as workshops Class Use (B2) and Units 3,5,14 - 17 storage purposes Use Class (B8). (Resubmission of PT08/0916/CLE)	Parish:	Frampton Cotterell Parish Council
Map Ref:	65644 81935	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	13th January 2009



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This application comprises a Certificate of Lawfulness for an existing use and thus appears on the Circulated Schedule whilst a letter of objection has also been received from the Parish Council.

1. THE PROPOSAL

- 1.1 The application comprises a Certificate of Lawfulness for an existing use in respect of the use of fifteen buildings for class B2 (general industrial) and B8 (storage) purposes.
- 1.2 The application relates to a collection of buildings on a parcel of land known as Tudor Poultry Farm located on the north east side of Bristol Road, Frampton Cotterell. The application site is located outside of the Frampton Cotterell settlement boundary and within the Green Belt.
- 1.3 The application comprises a resubmission of application PT08/0916/CLE that was refused in last year for the following reason:

'The evidence does not show that the use of the land for B1, B2 and B8 usage has occurred since 1997. The buildings may have been in commercial usage but the actual usage is not clear. As such the application lacks detail and is ambiguous. On the balance of probability and on the evidence submitted it is considered that the use of the land for B1, B2 and B8 activities has not been used continuously for a period in excess of 10 ten years.'

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 N3795/1: Use of land for storage of 12 touring caravans. Permitted: 15 September 1977
- 3.2 N3795/2: Change of use of part of agricultural building to use in connection with furniture upholstery. Refused: 15 September 1977
- 3.3 N3835: Alterations and improvements to existing shop, office and living accommodation; erection of two-storey side and rear extension to retail storage and office areas; erection of side extension at first floor level to provide two additional bedrooms; erection of single-storey rear extension to provide utility room and boiler room. Permitted: 6 October 1977
- 3.4 N3735/3: Use of land for the storage of 12 touring caravans (renewal of temporary consent). Permitted: 26 October 1978

- 3.5 N3835/1: Alterations and improvements to existing shop, office and living accommodation; erection of two-storey side and rear extension at first floor level to provide two additional bedrooms; erection of single-storey rear addition to provide utility room and boiler room. Permitted: 7 December 1978
- 3.6 N3835/2: Erection of double domestic garage. Permitted: 15 February 1979
- 3.7 N3795/4: Use of land for the stationing of 12 touring caravans (renewal of temporary consent). Permitted: 15 November 1979
- 3.8 N6526: Erection of single-storey rear extension to provide lounge. Permitted: 24 April 1980
- 3.9 N3795/6: Use of land for the stationing of 12 touring caravans (renewal of temporary consent). Permitted: 12 November 1981
- 3.10 N3795/7: Use of land for the stationing of 12 touring caravans (renewal of temporary consent). Permitted: 2 December 1982
- 3.11 N3795/9: Use of buildings for intensive egg production and associated storage. Permitted: 23 December 1982
- 3.12 N3795/10: Use of building as farm shop for the sale of eggs and potatoes. Refused: 21 April 1983
- 3.13 N3795/11: Use of land for the stationing of 12 touring caravans (renewal of temporary consent). Permitted: 19 January 1984
- 3.14 P85/2744: Application for the retention of bungalow without compliance with condition 4 of planning permission SG1028/H. Refused: 9 April 1986
- 3.15 P86/1559: Erection of chimney on side of dwelling. Permitted: 4 June 1986
- 3.16 P87/1255: Use of land for the stationing of 12 touring caravans (renewal of temporary consent). Permitted: 1 April 1987
- 3.17 P88/3429: Renovation of existing buildings and erection of new building as light industrial unit. Refused: 1 February 1989
- 3.18 P89/1972: Erection of detached dwelling for agricultural worker. Refused: 13 July 1989
- 3.19 P89/3029: Erection of detached dwelling for occupation in association with equestrian purposes. Refused: 7 December 1989
- 3.20 P90/1487: Use of land for the storage of 12 touring caravans (renewal of temporary consent). Permitted: 25 April 1990
- 3.21 P91/1166: Use of land for the stationing of a residential caravan. Refused: 13 March 1991

- 3.22 P93/1339: Use of land for the storage of 12 touring caravans (renewal of temporary consent). Permitted: 5 May 1993
- 3.23 P96/2772: Use of land for the storage of 12 touring caravans. Permitted: 15 January 1997
- 3.24 PT08/0916/CLE: Application for a Certificate of Lawfulness for the use of land and units 1 and 3- 13 as a car repair workshop (B2), unit 2 as a forge (B2), units 14- 17 for storage purposes (B8) and unit 18 as office accommodation. Refused: 6 June 2008

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council
Objection:

‘The Parish Council doesn’t think there is sufficient evidence of tenancy. There were no records of complaints until the Parish Council requested that South Gloucestershire Council investigate. Therefore previous comments made by the Parish Council on the previous application remain the same.’

4.2 Other Consultees
No comments received

Other Representations

4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Introduction

The application relates to land on the north west side of Bristol Road, Frampton Cotterell which provides for eighteen single-storey units. The site is set back from the road behind a number of dwellings which front the highway. Access to the site is via a single width track which runs along the north boundary of the site adjacent to Sunbeam Nurseries. All buildings which are the subject of this application are single-storey and comprise a range of age and styles.

5.2 The issue for consideration is whether the evidence submitted proves that on the balance of probabilities, these buildings have been utilised for the purposes described for a continuous period of 10 years up to the date of the application. It is purely an evidential test irrespective of planning merit.

5.3 Evidence in Support of the Application

The application is supported by two statutory declarations both of which are on behalf of the applicant. The first of these is a copy of that which was submitted in respect of the first application earlier last year. This states that the property was purchased in 1988 with details of the sale and building type provided.

- 5.4 A further letter is provided with this from the applicant's solicitor dated 12th February 1988. This provides legal details in respect of his client's intention to let some of the units. An additional letter from the same solicitor (dated 16th March 1988) is also included in respect of the purchase transaction.
- 5.5 Copies of the rating demands received by the applicant from Northavon District Council and South Gloucestershire Council have also been received with these dated 2nd March 1991 and March 13th 2007 with the statement conforming that the premises have been rated continuously since the date of the initial letter.
- 5.6 Pen ultimately, a letter from the applicant's accountants confirms that they have acted as his accountants in respect of Tudor Farm since 1988. This letter is dated February 6th 2008. Finally, there is a year by year schedule in respect of the buildings and their occupation. It is stated that when one has become available, there has been no problems in securing a new tenant; accordingly, the buildings have not suffered any gaps in occupation.
- 5.7 The second statutory document is new for this application. This states that the Council's decision in respect of the first submission alleged that the information produced appeared to show that the buildings had all been in a commercial use since 1997 but that the actual use of each was not clearly specified. As such, this document is supported by a further schedule of building use together with a description of activities undertaken by the various tenants. In this regard, the woodworking and manufacturing of joinery items referred to utilised mechanical equipment including circular saws, air guns, lathes, compressors, nail guns etc. It is therefore considered that these activities were of a general industrial nature and would not be suitable for a residential area. The particular details of each building are as follows:
- 5.8 Unit 1
Building 1 sits towards the centre of the application site albeit adjacent to the north west flank boundary. The building is single-storey, of timber construction and the largest single unit which forms part of this application. This certificate seeks to demonstrate that this unit has been utilised for Class B2 purposes.
- 5.9 There are five separate occupants listed for this building covering a continued period from pre 1997 to date. In this regard, it is cited that this unit has been utilised as a builders woodworks, for pallet manufacturing and as a mechanical workshop. These uses are also considered to comprise a B2 use.
- 5.10 Unit 2
Building 2 sits close to the southern boundary of the application site and forms a single-storey brick building with a larger corrugated addition to its west side. It is stated that this building has been occupied as a forge workshop for the previous ten years (class B2).
- 5.11 Units 3 and 5
Units 3 and 5 comprise one block work building with a corrugated roof which has been subdivided. This building stands in front of unit 1 again stood tangentially to the north west flank boundary of the application site. It is stated that units 3 and 5 have been utilised for storage purposes with the former having been utilised by three different occupants and the latter occupied by one

- tenant for the requisite period (Class B8). Unit 4 has been utilised for agricultural storage and thus does not form part of this application.
- 5.12 Unit 6
This unit occupies a relatively central position within the application site and overlook the vehicular access to all of the aforementioned buildings. Unit 6 is single-storey and of block work construction with a corrugated roof. It is stated that this structure has been utilised for B2 purposes with five different tenants occupying the building for a continuous period over the previous 10 years. The uses again include a mechanical workshop, pallet manufacturing, a builder's woodwork and most recently, accommodating the repair and rebuild of classic cars (Class B2).
- 5.13 (Unit 7 is of corrugated construction with the rear walls of each adjacent to one another. However, this building has again been utilised for agricultural storage and thus does not form part of this application.)
- 5.14 Units 8- 13
These units also comprise one single-storey building that backs onto the south flank boundary of the application site. This build is of block work construction with a corrugated flat roof. It is stated that each unit has been utilised for B2 purposes with unit each generally comprising a mechanical workshop. The tenant of each is stated with every unit continuously occupied for the requisite ten year period (Class B2).
- 5.15 Units 14- 17
These units sit to the front of the application site and are immediately visible when entering the site. They comprise one building block work single-storey building which has been subdivided and with all having been utilised for storage purposes. It is stated that the whole building has been used for a continuous period up to the date of the application with it subdivided in October 2007 (Class B8).
- 5.16 Unit 18
(Unit 18 forms a single-storey portacabin type structure with it stated that this initially comprised a prefabricated house. Since its purchase, the applicant has used this building as his office (Class B1). This does not form part of the application.)
- 5.17 Analysis
The application seeks to prove that on the balance of probability the site which is the subject of this application has been used for B2 and B8 purposes in excess of ten years. For this reason, the applicant must provide precise and unambiguous evidence. The onus of proof is on the applicant.
- 5.18 At the time of the last application, it was considered that the only unambiguous and precise evidence indicated that the units had been let on a commercial basis for a period in excess of ten years. There was considered insufficient evidence with regards to the precise usage of each unit some evidence

received relating to a general commercial use on this site with the evidence instead considered to concentrate on the rental gained from these buildings.

5.19 This application seeks to address this concern by providing a detailed account of the use of each unit with the dates and occupants detailed. This schedule of uses forms part of statutory declaration which is significant in application of this type. However, it does not relate to unit 18 (specified as having been utilised for B1 purposes) and thus in view of continued concerns relating to this unit, it has now been omitted from the application.

5.20 In view of the above, on balance this evidence is considered to address those concerns which were raised in respect of the initial application.

5.21 Conflicting Evidence

The evidence provided is accepted as true unless the contradictory evidence indicates otherwise. In this instance, there is no conflicting evidence with the exception of those comments received from the Parish Council. However, such does not provide any further evidence but instead states that the evidence so far submitted is considered to be insufficient. For the reasons already outlined above, this is not considered to be the case.

7. RECOMMENDATION

7.1 A Certificate of existing Lawful Use is **GRANTED**.

Background Papers **PT08/3049/CLE**

Contact Officer: **Peter Burridge**

Tel. No. **01454 865262**

REASON

1. The applicant has demonstrated that on the balance of probability that units 1, 2, 6, 8-13 have been utilised for the purposes of General Industry (Class B2) and that units 3, 5, 14-17 have been utilised for Storage purposes (Class B8) for a continuous period of 10 years immediately up to the date of this application. This has only been demonstrated in respect of the internal use of the single-storey buildings and not in connection with any outside activities.

CIRCULATED SCHEDULE 08/09 – 27 FEBRUARY 2009

App No.: PT09/0015/F

Applicant: Conspectus Project Management Consultant

Site: Spiders Cottage, Quarry Road, Frenchay, South Gloucestershire, BS16 1LX

Date Reg: 6th January 2009

Proposal: Alterations to roof line to facilitate first floor side extension to form additional living space (Resubmission of PT08/2404/F)

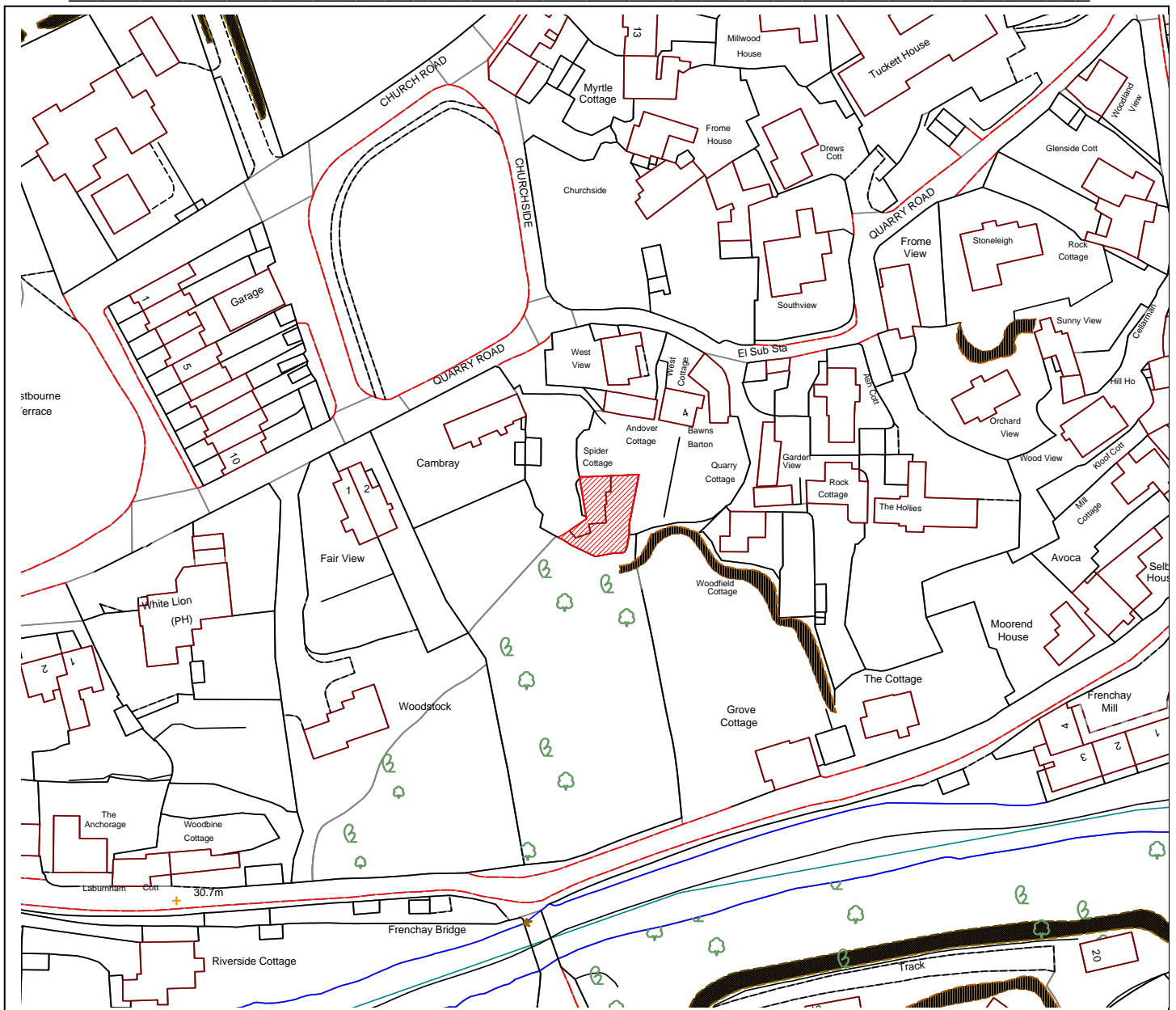
Parish: Winterbourne Parish Council

Map Ref: 64008 77304

Ward: Frenchay and Stoke Park

Application Category: Minor

Target Date: 2nd March 2009



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This application appears on the Circulated Schedule in view of the concerns that have been raised by the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for a first floor rear extension to provide a new bedroom and alterations to the roof above the guest bedroom.
- 1.2 The application site forms a small two-storey cottage located on the south side of Quarry Road, Frenchay. The site lies within the Frenchay settlement boundary and the Frenchay Conservation Area.
- 1.3 The application follows three previous applications all of which were refused with the most recent having been refused for the following reason:
 1. The proposed extension, by reason of the unsympathetic dormer window proposed, would detract from the character and appearance of the host dwelling and the visual amenities of the locality (which is designated as a Conservation Area). The proposal is therefore contrary to Planning Policies D1, H4 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.
 2. The application site is located on land that might be unstable. Insufficient information has been submitted to enable the Local Planning Authority to assess how the proposal would address this. The proposal is therefore contrary to the provisions of PPG14 and policy EP7 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 1.4 The design of the proposal has been amended as part of these applications which has allowed a scheme that is considered to be more acceptable despite the first refusal reason detailed above. These applications have though failed to address the land stability issue that has been raised.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG14: Development on Unstable Land
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
H4: Development within Residential Curtilages
L12: Conservation Areas
EP7: Unstable Land
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 P84/1158/L: Demolition of porch. Permitted Development: 13 April 1984
- 3.2 P96/1538: Two-storey side extension. Refused: 25 April 1997
- 3.3 PT07/0351/F: Alterations to roof line to facilitate first floor side extension and two-storey front extension to form additional living space. Refused: 27 March 2007
- 3.4 PT07/2557/F: Alterations to roof line to facilitate first floor side extension and two-storey front extension to form additional living space. Refused: 5 October 2007
- 3.5 PT08/2404/F: Alterations to roof line to facilitate first floor side extension to form additional living space. Refused: 16 October 2008

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection: *'This is the fourth application within two years. This is within the Conservation area and the developer proposes to use concrete roof tiles which would be very prominent and inappropriate. Whilst we support the submission of a Ground Report with this application, the only facts contained therein are:*

- 1. *A site visit was made on 24 November 2008.*
- 2. *There is a reference to The British Geological map for the area.*

All other matters referred to are either of a speculative or suggested nature and in the context of a technical report leave doubts to its validity, certainly to the Parish Council, in planning terms.'

4.2 Other Consultees

Conservation Officer: no objection subject to conditions

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

- 5.2 Policy L12 cites that development within a conservation area will be permitted if it preserves or enhances the character and appearance of the conservation area. In particular, proposals will be required to demonstrate that size, position,

form, scale; materials, colour and design have proper regard to the distinctive character and appearance of the conservation area.

5.3 Design/ Visual Amenity

The application focuses on a small traditional rendered cottage stood within an irregular shaped plot and located on the edge of a former quarry. The dwelling is devoid of a road frontage and instead accessed via narrow cobbled footpaths winding between properties fronting Quarry Road. Views to the River Frome behind are achieved through tree screening leading down to the river valley.

5.4 By virtue of the above, the dwelling is well screened from public viewpoints with views limited to the first floor and rooftop when seen from Quarry Road and to restricted glimpses from Frenchay/ Pierces Hill below.

5.5 The application seeks approval for a first floor addition to provide a bedroom; this would be accessed via a new corridor that would run through the existing bedroom with a new staircase formed. In so doing, it would build above the existing single-storey living room measuring 3.8m in width and 4.3m in depth. The build would be encompassed by a pitched roof culminating in a rear gable with one dormer positioned centrally overlooking the associated garden.

5.6 The proposal offers considerable alterations to the first two applications and is broadly similar to the recently refused application albeit with the design of the dormer window amended. In this regard, the reduced size and altered position of this dormer mean that it would better integrate with the host cottage thus it is considered to offer an improvement in comparison with the previous scheme.

5.7 In the light of the above, these revised plans are considered to address the first refusal reason given in respect of the first application and thus there is now no objection to the proposal on this basis. Conditions/ informatives would though be required to provide further details regarding the proposed fenestration, materials, eaves and verges, dormer and the retention of the chimney stack.

5.8 The new roof above guest bedroom would reflect the design and shape of the existing comprising a mono-pitched structure that would slope down to the rear of the site. There is no objection to this element of the proposal.

5.9 Residential Amenity

All neighbouring properties are sited at an appreciable distance from the site of the proposal. As such, in this instance, it is not considered that any significant adverse impact in residential amenity would be caused. Further, it is noted that the previous application was also not refused for reasons related to residential amenity.

5.10 Land Stability

The property sits on the cliff top above the Frome Valley. Land stability issues can sometimes form a material planning consideration with PPG14 stating that where 'there are good reasons to believe that instability could make the ground unsuitable... or could adversely effect it or neighbouring land, a specialist investigation and assessment by the developer to determine the stability of the ground...may be required' (paragraph 34). However, PPG14 is also clear in identifying where the primary responsibility lies – with the developer, and that

- the level of information required by the Local Planning Authority should be reasonable.
- 5.11 Building Control advice sought at the time of first application indicated there might be associated problems dependent upon whether the property stands on rock or excavated compacted loose quarry material. Land within the vicinity comprises a mixture of both. All three previous applications have attracted an associated refusal reason with this issue unresolved.
- 5.12 For the first time, this application is accompanied by a ground conditions report by a qualified civil engineer, stating that the cottage was built around 1850 and is 'almost certainly founded on bedrock'. The existing extension was built around 1982 and 'would have been founded on concrete strip footings'. A trial pit dug at the rear reveals the upper ground is generally made of small to medium size slabs of Pennant Sandstone interspersed with red soil; this is considered typical of the ground conditions within the Frome Valley with this generally overlying the rock head.
- 5.13 Given the above, it is stated that subject to the results of further investigations which might be required for Building Regulations purposes, it is considered that the bearing capacity of the ground on which the cottage extension is built would appear to be adequate to accept further loading. It is relevant that the proposal involves development over existing built form, so it is this issue of loading that the Local Planning Authority required to be addressed.
- 5.14 Building control officer advice concurs that the bedrock is often encountered at fairly shallow depths but there has also been instances of filled ground from previous quarrying; it can not therefore be assumed that a trial hole showing bedrock in one area would be consistent with the ground area for the whole site; further trial holes would be required for Building Regulations purposes. Accordingly, whilst the information submitted for the purpose of this planning application allows the Local Planning Authority to be reasonably confident the development will not be prejudiced by unstable land, further detailed work would be required to meet the Building Regulations.
- 5.15 Notwithstanding the above, PPG14 states 'the responsibility for determining whether land is suitable for a particular purpose rests primarily with the developer'. Further, 'It is the function of the planning system to determine... whether a proposed development should proceed... It is the function of the Building Regulations to determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely'.
- 5.16 In this instance, the submitted ground conditions report has been produced by a qualified engineer and details that his considered opinion is that the bearing capacity of the ground would be sufficient. This is considered to be sufficient for the purposes of this planning application; further details would be required at the building regulations stage of development should planning permission be granted.
- 5.17 Design and Access Statement
- A Design and Access Statement is not required for this application.

5.18 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT09/0015/F**

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason:
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason:
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

- (a) windows;
- (b) eaves;
- (c) verges;
- (d) dormer.

Reason:

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

4. No windows shall be inserted at any time in the west [rear] elevation of the property as extended.

Reason:

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

CIRCULATED SCHEDULE 08/09 – 27 FEBRUARY 2009

App No.:	PT09/0074/CLE	Applicant:	Mr J Bennett
Site:	The Annexe, Flats 1 & 2, Corner Farm, Nupdown Lane, Oldbury On Severn, South Gloucestershire, BS35 1RP	Date Reg:	13th January 2009
Proposal:	Certificate of Lawfulness for the use of Flats 1 & 2, The Annexe, as two no. self-contained residential units.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	61706 96178	Ward:	Severn
Application Category:	Minor	Target Date:	9th March 2009



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 100023410, 2009.

This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

1. THE PROPOSAL

- 1.1 This application is for a Certificate of Lawfulness for the use of Flats 1 & 2, The Annexe, as two no. self-contained residential units.
- 1.2 This is a detached farmhouse with attached outbuilding located on Nupdown Lane in open countryside. The farmhouse is a Listed building.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

P94/1581 – Conversion of first floor of existing barn to form ‘parent annexe’.
Approved 19/06/1994

P94/1582/L - Conversion of first floor of existing barn to form ‘parent annexe’.
Installation of replacement doors and windows including 2 no. conservation
rooflights. Approved 19/06/1994

P96/2397 – Conversion of ground floor of attached outbuilding to annexed flat.
Approved 18/11/1996

P96/2398/L - Conversion of ground floor of attached outbuilding to annexed
flat. Approved 18/11/1996

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

The applicant has submitted a site location plan showing the attached outbuilding in a red edge, a statutory declaration dated 22nd December 2008, a letter from South Gloucestershire Council Electoral Services with attached list of electors registered at the dwellings, and financial documents relating to the payment of Council Tax.

5. SUMMARY OF CONTRARY EVIDENCE

None.

6. OTHER REPRESENTATION RECEIVED

None.

7. **EVALUATION**

The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant (Mr John Charles Bennett of Corner Farm, Nupdown Lane) needs to provide precise and unambiguous evidence.

Planning permission and listed building consent were granted in 1994 and 1996 for the conversion of the first floor and ground floors respectively to form annexe accommodation (applications P94/1582/L P94/1581 P96/2398/L P96/2397 respectively). Restrictive occupancy conditions were imposed on the planning consents and Condition No. 2 required the annexes to be incidental to the dwelling house and not used as separate residential units.

The applicant claims that these consents were implemented 12 years ago and a breach of Condition 2 on approvals P94/1581 and P96/2397 then occurred as a result of each unit being rented out to occupants unrelated to the applicant.

The applicant states in his statutory declaration that the flats (both top and bottom) have been rented out for a continuous ten year period immediately prior to the submission of this application, to approximately 16 different people. In addition, the applicant received a response from South Gloucestershire Council's Revenues Officer confirming that the bottom flat was brought into the Council Tax valuation list on the 7th June 1995 and the top flat on the 5th April 1997.

It is considered that the letter from the Council's Electoral Services Department is of limited evidential use. The register shows that Annexe, Flat 1 has had separate occupiers since 1999 and that Annexe, Flat 2 has had separate occupiers only for the years 2005 – 2007.

Given the evidence presented by the applicant in the form of the statutory declaration and letter from the Council Tax Department and considering the interior developments seem well established based on their appearance, the claim that both flats have been in separate use for in excess of 10 years has been demonstrated on the balance of probability.

It is therefore recommended that a Certificate of Lawfulness is granted.

8. **RECOMMENDATION**

8.1 A Certificate of Existing Lawful Use be **GRANTED** for the use of Flats 1 & 2, The Annexe, as two no. self-contained residential units.

Background Papers **PT09/0074/CLE**

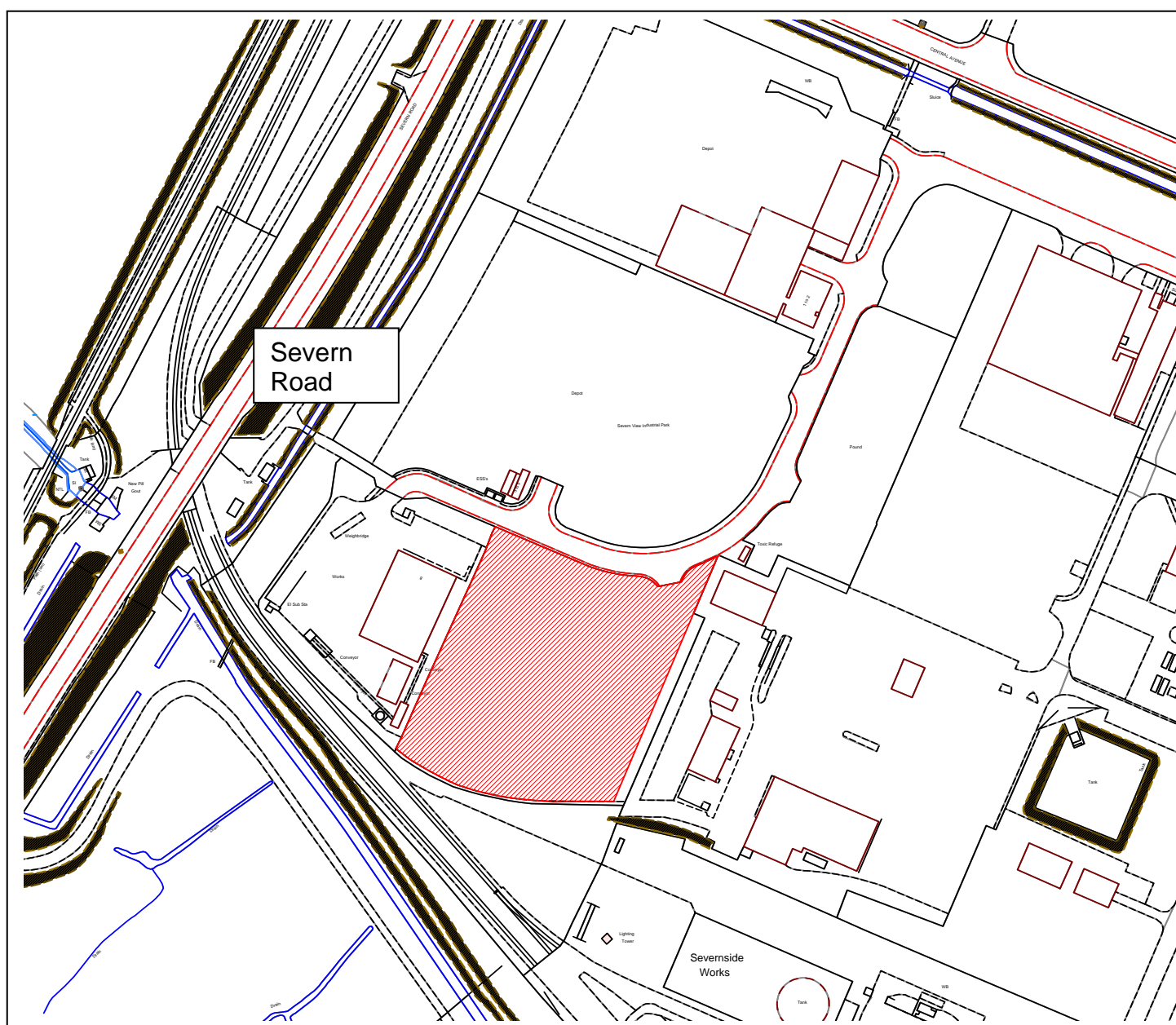
Contact Officer: **Will Collins**
Tel. No. **01454 863819**

REASON:

The applicant has demonstrated that on the balance of probability Flats 1 & 2, The Annexe, have been occupied as separate dwelling houses independent of Corner Farm, Nupdown Lane, Oldbury On Severn for a continuous period of 10 years up to the date of this application.

CIRCULATED SCHEDULE 08/09 – 27 FEBRUARY 2009

App No.:	PT09/0085/F	Applicant:	Portakabin Ltd
Site:	Severn View Industrial Park, Central Avenue, Hallen, South Gloucestershire, BS10 7SD	Date Reg:	14th January 2009
Proposal:	Use of land for storage of portacabins with 1 no. temporary portakabin for office use.(Re-Submission of PT08/1625/F)	Parish:	Pilning and Severn Beach
Map Ref:	53764 83006	Ward:	Pilning and Severn Beach
Application Category:	Minor	Target Date:	10th March 2009



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N.T.S

PT09/0085/F

This application appears on the Circulated Schedule as a representation was made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning consent for the use of land for storage of portacabins with 1 no. temporary portakabin for office use. (Re-Submission of PT08/1625/F)
- 1.2 The application site measures approximately 0.9 ha and is located within the Severn View Industrial Works site. The site lies approximately 200 metres from Severn Road (A403), from which the site is accessed via Central Avenue.
- 1.3 This application is a resubmission following the previous applications (PT08/1625/F) withdrawal due to the lack of a Flood Risk Assessment (FRA).

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport
PPS25	Development and Flood Risk

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
E2	Sevenside
E3	Criteria for Assessing Proposals for Employment Development within the Urban Area
E4	Safeguarded Employment Areas
EP1	Environmental Pollution
EP2	Flood Risk and Development
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

PT08/1625/F - Use of land for storage of portacabins with 1 no. temporary portakabin for office use. Withdrawn 18/07/2008

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

Object – The Parish Council are greatly concerned by the road movements that will be generated by such a venture. The A403 is a busy road and slow-moving portacabin transporters are unlikely to improve the situation.

Other Representations

4.2 Local Residents

No response.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site is located within a *Safeguarded Employment Area* designated under Policy E4. In assessing applications for developments within such area, proposals are tested against the criteria set out in Policy E3. This proposal allows for such development subject to the following criteria. The design aims and objectives set out in Policy D1 are also relevant and these will be discussed under criterion D.

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

The proposed use is for storage and distribution of portacabins and for the use of one 'Pullman' building as an administrative office. Due to the nature of this use of the land it is not considered that there will be any environmental pollution generated that would cause an adverse impact upon the site and surrounding area. The proposal is therefore considered to comply with Policy EP1 of the Local Plan.

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

The Council's Highways Engineer was consulted as a part of this application. The application site is served by Severn Road which runs connecting the M4 and M48 motorways. The road is fairly modern and has several passing places where the road becomes dual carriageway. The parking and turning of vehicles in and around the site has been appropriately considered and therefore no transportation objection is raised.

5.4 **C. Development would not prejudice existing residential amenities;**

There are no residential properties in close proximity to the site and therefore the development would not prejudice existing residential amenities.

5.5 **D. The character of the area or settlement is not adversely affected;**

The application site is located within a *Safeguarded Employment Area* on an industrial estate. The change of use consolidates an employment use on the

site and does not impact adversely on the character of the site. On land opposite the site there is a truck container storage yard. Due to the character of the locality and mainly single storey surrounds on the industrial site it is considered expedient to attach a condition limiting the height of storage of the portacabins to no more than two in height (approximately 7 m). The applicant's agent was consulted prior to the decision date and agreed to this condition being imposed. It is considered that the proposal would accord with the criterion set out in Policy D1 of the Local Plan.

5.6 E. The maximum density compatible with the sites location, its accessibility and its surrounding is achieved

The change of use consolidates the use of the entire application site as an employment use. It is considered that the maximum density compatible with the sites location is being achieved.

5.7 Flood Risk Assessment

Both the Environment Agency (EA) and the Council's Drainage Engineer were consulted as a part of this application. In accordance with PPS25 and Policy E3 of the Local Plan a FRA and an assessment of alternative locations for sequentially preferable sites (Sequential Test) has been carried out.

The proposed application site lies within Flood Risk Zone 3a and is assessed as having a >1% annual probability of river flooding and a >0.5% annual probability of flooding from the sea. According to PPS25 the proposed use of the site is 'less vulnerable' to flooding and is considered appropriate to the proposed location.

Within the FRA two undeveloped sites within the Cribbs Causeway employment allocation are considered sequentially preferable in flood risk terms but are discounted as being suitable due to prohibitive rental value and site visibility / amenity issues. It is therefore considered that the application site is most suited to accommodating the proposed development.

Neither the EA or the Council's Drainage Engineer object to the proposal providing a condition is attached to the decision notice requiring an emergency flood warning and evacuation plan to be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development.

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 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT09/0085/F**

Contact Officer: **Will 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 and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall not be commenced until such time as an emergency flood warning and evacuation plan has been submitted to, and approved in writing by, the Local Planning Authority. This shall include the following:
 1. Identify safe egress routes and incorporate an evacuation plan
 2. Ensure finished floor levels of office are set no lower than 8m above Ordnance Datum (AOD).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason:

To ensure that a satisfactory means of flood mitigation is provided, and to accord with Policies D1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

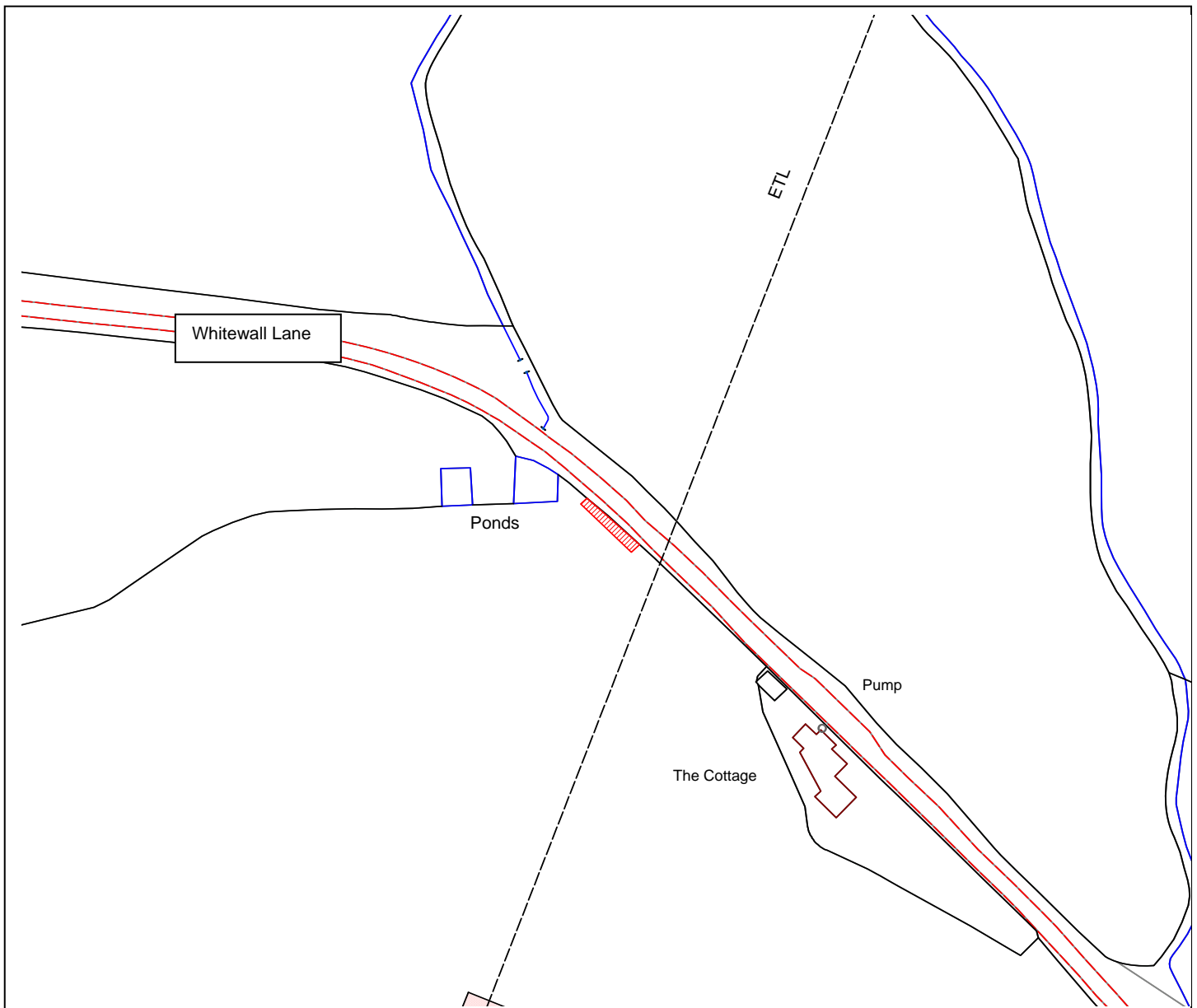
3. The height of the items stored on the site shall not exceed 7 metres in height, measured from ground level, at any time.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 08/09 – 27 FEBRUARY 2009

App No.:	PT09/0119/F	Applicant:	Mr R Pearce
Site:	Land off, Whitewall Lane, Thornbury, South Gloucestershire, BS35 3UB	Date Reg:	20th January 2009
Proposal:	Erection of gates and fence associated with new agricultural access.	Parish:	Thornbury Town Council
Map Ref:	65835 90474	Ward:	Thornbury North
Application Category:	Minor	Target Date:	13th March 2009



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100023410, 2009.

N.T.S

PT09/0119/F

This application appears on the Circulated Schedule List because an objection has been received from a neighbouring occupier.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the construction of a new agricultural gateway. According to the applicant, the gateway is required to provide agricultural machinery access to a large parcel of arable land to the south of the application site for cultivation and harvesting operations.
- 1.2 The application site comprises land to the south of Whitewall Lane, Thornbury. The site is located within the open countryside outside of the designated settlement boundary.
- 1.3 This application relates only to the erection of the agricultural gates themselves and associated fencing since they would exceed 1 metres in height and be adjacent to a road used by vehicular traffic. The formation of the access is Permitted Development by virtue of Schedule 2, Part 2, Class B of the General Permitted Development Order 2008 since the highway is not a trunk road or a classified road and does not require planning permission.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS25 Development and Flood Risk
PPG13 Transport
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
T12 Transportation Development Control Policy for New Development
EP1 Environmental Pollution
EP2 Flood Risk and Development
L17/L18 The Water Environment

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Transportation Officer
No objection
- 4.3 Drainage Engineer
No objection

Other Representations

4.4 Local Residents

One letter of objection has been received along with a number of supporting photographs. The local resident highlights the following issues:

- Whitewall lane is narrow and unsuitable for large agricultural machinery;
- Unauthorized discharge of brewery/creamery waste;
- The proposed site lies on a blind left/right blind bend creating a transport hazard which would be intensified in the spring and summer months given the increase of pedestrian use of the lane;
- The Access would necessitate the destruction of an ancient stone wall and trees. The proposed materials would not blend in with the surrounding area;
- The land in question already has 2 other adequate accesses;
- The purpose and size of hard standing is unclear;
- Localised flooding in Whitewall Lane;
- Damage to utility services.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy D1 of the Local Plan applies to all types of development. It considers general design principles and ensures that a good standard of design is achieved in new development. Planning Policy L1 only allows for development where features of the landscape, which make a contribution to the character of the landscape and locality are conserved and where possible enhanced. Planning Policy T12 only allows for development which would not have an unacceptable impact on pedestrians, cyclists or motor vehicles.

5.2 The Planning Policies referred to above allow for the principle of the proposed development.

5.3 Design/Visual Amenity and Impact on Landscape

This application seeks planning permission for the erection of a new agricultural gateway, which would measure 15 metres in width and encompass an existing stonewall and hedge. According to the applicant, the gateway is required to allow agricultural machinery to access a large parcel of arable land to the south of the application site for cultivation and harvesting operations. The gateway would be located on land to the south of Whitewall Lane and to the northwest of 'The Cottage'. The site comprises an isolated location within the open countryside, outside of the designated settlement boundary.

5.4 The double gates, split in the middle to allow easy access for large machinery, would be flanked by wooden post and rail fencing. Both the gates and fencing would offer a high degree of through visibility, reducing the visual impact on the landscape and their traditional design would be sympathetic to the character of the area. In terms of design, scale, materials and colour, the gateway is considered acceptable and would not have a negative impact on the character or visual amenities of the surrounding countryside.

Given the above, the proposal adheres to Policy D1 and L1 of the South Gloucestershire Local Plan (adopted) 2006.

5.5 Transportation

The site has been inspected by a Council Transportation Officer who is satisfied that the proposal is acceptable, adhering to Policy T12 of the South Gloucestershire Local Plan (adopted) 2006.

Other Matters

An objection has been received from a local resident which raises a number of issues. These have been addressed below:

- The resident has stated that there are issues surrounding localised flooding and drainage in Whitewall Lane. A Council Drainage Engineer has been consulted on the proposal and is satisfied that subject to the inclusion of informatives in the decision notice, a satisfactory means of drainage would be provided in accordance with Policy L17, L18, EP1, and EP2 of the South Gloucestershire Local Plan (adopted) 2006 and the proposed development would not exacerbate surface water run-off in the area.
- The formation of the access is Permitted Development by virtue of Schedule 2, Part 2, Class B of the General Permitted Development Order 2008 since the highway is not a trunk road or a classified road. On this basis, the comments received from the local resident regarding potential transportation hazards in Whitewall Lane cannot be taken into consideration as part of this application. In terms of the gates themselves, the Council Transportation Officer is satisfied that they adhere to Policy T12 of the South Gloucestershire Local Plan (adopted) 2006 and would not have a negative transport impact.
- The comment regarding damage to utility services is a civil matter and is not a planning consideration.
- The sketch plan submitted with the application acceptably shows the location and extent of the proposed hard standing. If consent is granted, a condition will ensure that a sample of the hard standing is first submitted to and approved by the Council before the commencement of development to ensure the hard standing is sympathetic to the surroundings.
- The access gate is considered acceptable in terms of design, scale and materials and would not have a negative impact on the character or the visual amenities of the area. Any refusal reason on grounds of design would be unlikely to prove sustainable at appeal.
- The application site is not located within a Conservation Area; there are no significant trees nearby with a preservation order and the wall is not listed. On this basis, any refusal reason on the grounds of the destruction of the stone wall and trees would be unlikely to prove sustainable at appeal.

- The comment regarding the 'unauthorised discharge of brewery/creamery waste and/or substances of unknown origin' is not a planning matter and has no relevance in the determination of this application.

5.6 Design and Access Statement

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Planning Permission is GRANTED subject to the following conditions.

Background Papers **PT09/0119/F**

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason:

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

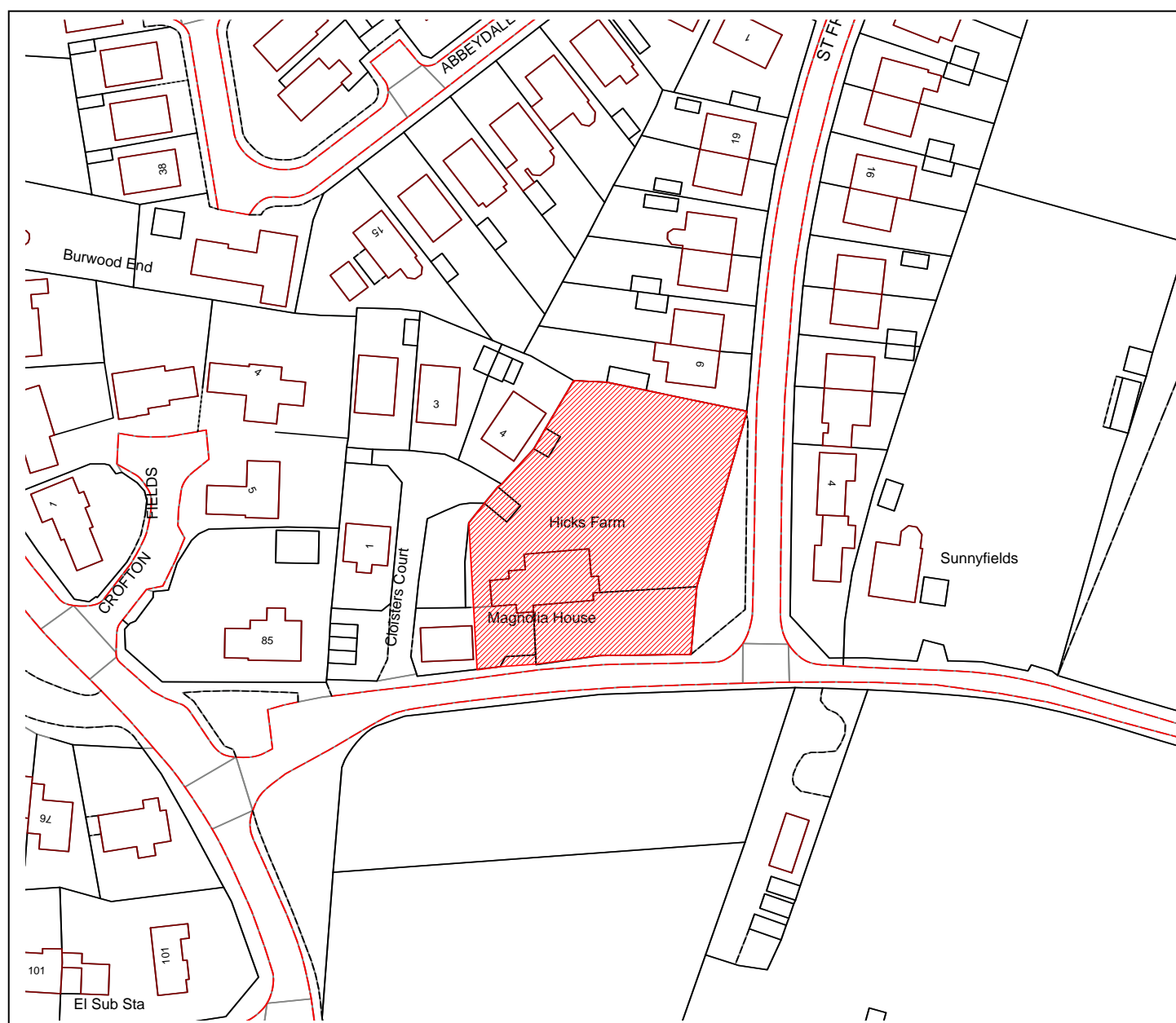
2. No development shall commence until a sample of the hard standing material proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

CIRCULATED SCHEDULE 08/09 – 27 FEBRUARY 2009

App No.:	PT09/0121/F	Applicant:	Mr M Coleman
Site:	Hicks Farm, Cloisters Road, Winterbourne, South Gloucestershire, BS36 1LL	Date Reg:	21st January 2009
Proposal:	Erection of 1 no. detached domestic store ancillary to Hicks Farm. (Resubmission of PT08/2389/F).	Parish:	Winterbourne Parish Council
Map Ref:	65515 80742	Ward:	Winterbourne
Application Category:	Minor	Target Date:	13th March 2009



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100023410, 2009.

N.T.S

PT09/0121/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of representation from Winterbourne Parish Council and local residents which are contrary to the case officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a detached storage barn. The building would be approximately 11.7 in length, 5.4m in width and 5.4m in height. The barn would be sited in the north-eastern corner of the site which is adjacent to No. 6 St. Francis Drive. Moreover the scheme includes landscaping to mitigate the proposal.
- 1.2 The application site relates to the curtilage of a Grade II Listed farmhouse, which comprises of a large farmyard and orchard plot. The site is surrounding on three sides by modern residential developments. The site is situated within the Winterbourne Development Boundary.
- 1.3 This application is a resubmission of the previous refused application PT08/2389/F, which was refused for the following reason: -

- 1. Hicks Farm is a Grade II listed building, the architectural and historic interest and setting of which it is desirable to preserve. The proposed development, by virtue of the size, location and prominence of the new building, combined with the lack of boundary enclosure and landscaping proposals on the site, would result in the new building relating poorly to the listed farmhouse and harm its setting, contrary to national guidance set out at PPG15, Policy D1, E3 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) August 2008.***

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG15: Planning and Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: Development within Existing Residential Curtilages
L13: Listed Buildings
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/3372/F Erection of 2 no. dwellings (in accordance with amended plans received by the Council on 7 January 2003).
Refused on 19th February 2003
- 3.2 PT08/0064/O Erection of 7 no. terraced dwellings. All matters reserved.
Refused on 28th February 2008
- 3.3 PT08/2012/F Formation of new vehicular access. Alteration to existing Garage roof from flat roof to pitched roof.
Split Decision on 22nd August 2008
- 3.4 PT08/2389/F Erection of detached storage barn (Class B8).
Refused 14th October 2008

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection. Not a suitable site for a barn for the storage of antique furniture alongside a Grade II listed building. Concern raised that there is no vehicular access to barn and antique furniture can be very heavy to transport. The proposed planting on large grass verge is Highways land. No improvement to previous application.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
Two letters have been received from local residents. Both state that they raise no objection in principle, but wish to make the following observations: -
- A reasonable height and distance from my bungalow is maintained (No dimensions are shown on plans).
 - The barn is used for storage only and not to be used as a workshop, ranges, stables, etc. and remains part of Hicks Farm.
 - No access to the barn is made from St Francis Drive.
 - The barn is kept as a single storey building.
 - The boundary should be re-established prior to commencement of any building work, to prevent recurrence of the damage caused to the grassland and pavement.
 - Although a 900mm high stone wall is proposed for this boundary, a wall height matching that of the south and west boundaries would be more in keeping as a curtilage to the listed building.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The applicant has applied for the erection of the building for the use for storage.

- In the previous application the applicant did not indicate whether it would be used for purposes ancillary to the existing dwelling. Furthermore, when visiting the site it was noted that the site had been subdivided by an unauthorised fence. As such, the proposed building was not situated within the same curtilage as the existing dwelling. For this reason, the building was not considered to be ancillary or situated within residential curtilage. Therefore, for the purposes of the previous application the change of use to class B8 (storage) was considered. As such, Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 was considered to be relevant.
- 5.2 Notwithstanding the above, in this application the proposed barn has been shown to be within the historic residential curtilage of the listed farmhouse. Moreover, it shows that the historic boundary treatment will be reinstated and the unauthorised fencing shall be removed. The applicant has also confirmed that the proposal would be used for purposes which are ancillary to the dwellinghouse. This shall be secured via a condition if planning permission is recommended. As such, with regard to above, it is considered that Policy H4 of the Local Plan is most relevant in this instance.
- 5.3 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extensions to residential dwellings. This is subject to the proposal:
- respecting the character and appearance of the existing dwelling and the surrounding area;
 - not prejudicing the amenities of nearby occupiers,
 - maintaining highway safety; and
 - providing adequate amenity space.
- 5.4 Policy D1 of the Local Plan is also relevant. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment.
- 5.5 Design Considerations
The application site comprises of a Grade II listed farmhouse which is set within an extensive open curtilage. The land is currently very open due to a lack of boundary enclosure, and is therefore prominent in the street scene. The previous planning application (PT08/2389/F) was refused because it was considered that the size, location and prominence of the new building, combined with the lack of boundary enclosure and landscaping proposals on the site, would result in the new building relating poorly to the listed farmhouse.
- 5.6 The applicant has amended the proposals by reducing the overall size of the barn, and by submitting landscaping proposals which would reinstate the historic wall and add enclosure along the eastern boundary. It is considered that these amendments would overcome the previous refusal reason. This is because the principle of the proposed boundary enclosure and landscaping proposals would ensure that the building would relate with the listed farmhouse. However, it is recommended that a pre-commencement condition is attached to ensure further detailed plans of the landscape scheme are submitted and agreed with the Local Planning Authority.

- 5.7 Furthermore, the reduction to the size of the barn would further improve the relationship between the two buildings. It is also considered that the materials and detailing of the proposed scheme is essential in ensuring that the development protect the architectural and historic interest of the listed building. As such, the Conservation Officer has recommended a number of pre-commencement conditions regarding materials, finishes, and joinery.
- 5.8 The proposed landscaping proposals are fundamental in the justification of the proposed storage barn and accordingly it is essential that they are successfully delivered. Thus, it is recommended that a condition is attached to ensure that the historic wall and landscape proposals are completed prior to first use of the proposed outbuilding.
- 5.9 The Conservation Officer has requested a further condition to remove domestic permitted development rights. This is not considered reasonable or necessary because most permitted rights are removed due to the listed status. Furthermore, Listed Building Consent would be required for works to the listed farmhouse itself and this can be used to manage the development.
- 5.10 Residential Amenity
The proposed building would be situated approximately 5.4m from the adjacent property. In terms of its size, scale and siting, it considered that the building would not cause an overbearing effect. Furthermore the development would not include any windows which would prejudice the privacy of the neighbour.
- 5.11 Local residents have raised concerns to the building being used for uses other than storage. Notwithstanding these comments, the building would be ancillary to the existing dwellinghouse as such it is considered that this use would not materially harm the amenities of nearby occupier. Nevertheless, if the use materially changed planning permission would be required, and this would consider the impact to the amenities of nearby neighbours.
- 5.12 Transportation
No access is proposed to the development. The Transport Engineer confirmed that they would have no objection to the development.
- 5.13 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

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

7. RECOMMENDATION

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

Background Papers **PT09/0121/F**

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason:
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Hicks Farm.
Reason:
To ensure the outbuilding is used for purposes ancillary to Hicks Farm and an to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. No development shall commence until a scheme of hard and soft 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. Notwithstanding Drg No. 1811/52 Rev: A, the proposed dry stone boundary wall shall match the colour and coursing of the existing wall along the eastern boundary. Development shall be carried out in accordance with the agreed details.
Reason:
Without the sense of enclosure and containment created by the new wall, the new outbuilding would not relate well to the farmhouse, and would therefore not be appropriate in this context. It is thereby considered necessary for the boundary wall to be implement in order that the development serves to preserve the setting and architectural interest of Hicks Farm, in accordance with national guidance set out at PPG15 and policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the first use of the barn hereby approved, the hard and soft landscape scheme shall be implemented in its entirety in accordance with the approved details.

Reason:

Without the sense of enclosure and containment created by the new wall, the new outbuilding would not relate well to the farmhouse, and would therefore not be appropriate in this context. It is thereby considered necessary for the boundary wall to be implemented in order that the development serves to preserve the setting and architectural interest of Hicks Farm, in accordance with national guidance set out at PPG15 and policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall commence until a sample panel of new stone boundary walling, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved panel, which shall be retained on site until completion of the development.

Reason:

To ensure that the development is of an appropriate quality, thereby preserving the setting of Hicks Farm, which is a listed building, and to accord with Policy D1, H4 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No development shall commence until a sample panel of new facing stone walling for the proposed new barn, of at least one metre square, showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved panel, which shall be retained on site until completion of the development.

Reason:

To ensure that the development is of an appropriate quality, thereby preserving the setting of Hicks Farm, which is a listed building, and to accord with Policy D1, H4 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Notwithstanding previously submitted details, prior to the commencement of development, the detailed design including materials and finishes, of the following items shall be approved in writing by the Local Planning Authority:

- a) all new doors including door furniture (external)
- b) reveals
- c) all new lintols
- d) eaves
- e) verges

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with cross sections. The works shall thereafter be implemented in accordance with the agreed details.

Reason:

To ensure that the development is of an appropriate quality, thereby preserving the setting of Hicks Farm, which is a listed building, and to accord with Policy D1, H4 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Notwithstanding previously submitted details, the development shall not commence before the finish for the joinery has been approved in writing by the Local Planning Authority. The joinery shall be finished and thereafter maintained in accordance with the agreed details. Traditionally external softwood joinery is painted whilst high quality hardwood timber may be exposed or limewashed.

Reason:

To ensure that the development is of an appropriate quality, thereby preserving the setting of Hicks Farm, which is a listed building, and to accord with Policy D1, H4 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. No development shall begin until a representative sample of reclaimed clay pantile shall be inspected and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved sample.

Reason:

To ensure that the development is of an appropriate quality, thereby preserving the setting of Hicks Farm, which is a listed building, and to accord with Policy D1, H4 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE 08/09 – 27 FEBRUARY 2009

App No.: PT09/0148/CLE

Applicant: Mr C Draper C J
Draper Welding & Fabrication

Site: Sundance, Hortham Lane,
Almondsbury, South Gloucestershire,
BS32 4JP

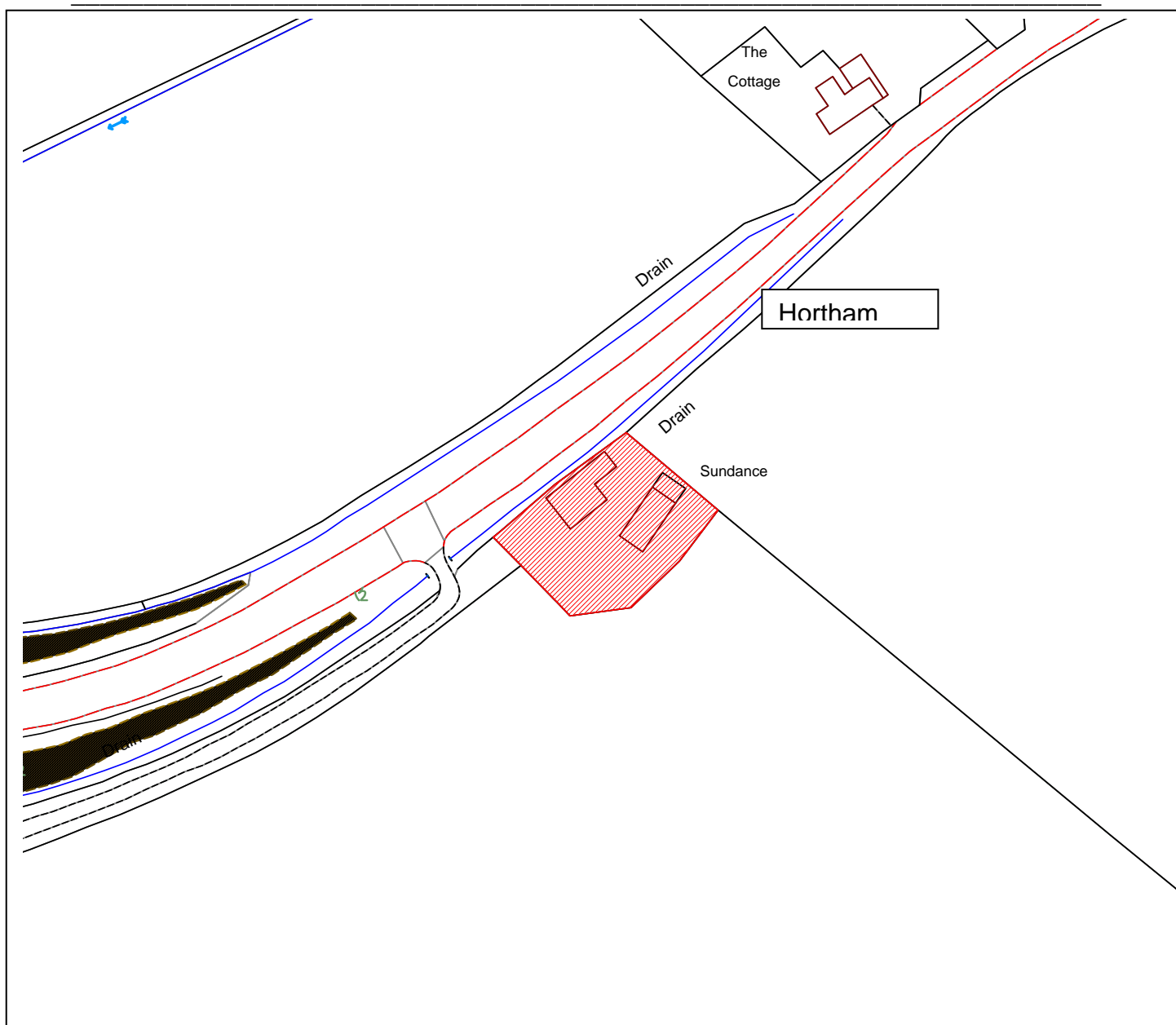
Date Reg: 26th January 2009

Proposal: Application for certificate of lawfulness for the existing use as residential without compliance with agricultural occupancy condition attached to planning permission SG10297.

Parish: Almondsbury Parish Council

Map Ref: 63010 84320
Application Category: Minor

Ward: Almondsbury
Target Date: 19th March 2009



This application appears on the Circulated Schedule for a second time in view of the comments which have now been received from the Parish Council.

1. THE PROPOSAL

- 1.1 The application submitted comprises a Certificate of Lawfulness in respect of the occupation of Sundance, Almondsbury without compliance with the agricultural occupancy condition attached to planning permission SG10297.
- 1.2 The application site forms a detached dwelling on the south side of Hortham Lane, Almondsbury. The property lies in isolation and is positioned within the open countryside beyond any settlement boundary.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/1755/RVC: Continued use of dwelling without complying with condition f attached to permission N2558 dated March 22 1976 (limiting occupancy to persons employed in agriculture or forestry and the dependents of such persons). Refused: 2 July 2004

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
'Almondsbury Parish Council wish to comply with the agricultural occupancy condition'.
- 4.2 Other Consultees
Highways DC: evidential test, no highway comments required

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks a Certificate of Lawfulness in respect of the detached Sundance on the southern side of Hortham Lane, Almondsbury with it seeking to demonstrate that this dwelling has been occupied without compliance to the agricultural occupancy condition attached to this unit (condition c of permission SG10297).

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

5.3 History of Dwelling

Planning permission for the dwelling was initially granted in 1970 (SG10297) with the following condition attached:

'The occupation of the dwelling shall be limited to persons solely employed or mainly or lastly employed locally in agriculture as defined by Section 221(1) of the Town & Country Planning Act, 1962, or on forestry and the dependents (which shall be taken to include a widow or widower) of such persons.'

5.4 An application was received in 2004 to remove this condition (PT04/1766/RVC) although it would appear that reference was made to the wrong application with this relating to N2558. This historic reference refers to outline permission for a further dwelling within the adjoining field with a similar condition attached. This was not implemented whilst the 2004 application was refused:

'The proposal fails to comply with policy H8(b) of the South Gloucestershire Local Plan (Revised Deposit Draft) in that there exists no evidence of a genuine and unsuccessful attempt to market the property at a realistic price reflecting the occupancy condition and no demonstrable evidence has been presented establishing that there exists no agricultural need within the locality. As such no realistic assessment of the potential need for such accommodation in the area has been submitted in support of the application as advised in PPS7 (Annex I).'

5.5 The applicant's case for removal of this condition stated that farming activities had ceased with no occupier of the dwelling having worked in agriculture for at least 20 years. However, there was no evidence of any marketing of the building at a realistic price that would have reflected this condition whilst there was no evidence to indicate that such accommodation was not required locally; in this regard a full agricultural appraisal was considered to be necessary. It is noted that planning policy H8 has now been deleted.

5.6 Evidence in Support of Application

The application is supported by a sworn affidavit submitted by the joint owner of the property. This states that after leaving school, the writer worked on his father's farm at Manor Farm, Gaunt's Earthcott. In 1971, an application was approved for the erection of a new farm worker's dwelling tied to Manor Farm; the writer and his wife moved into the property in the same year.

5.7 The writer ceased working for his father in 1972 and started a new job as an engineer with Geoffrey Shipp Engineering at Old Sodbury. The writer was employed here until 1976 and during this time, remained at Sundance.

5.8 In 1976, the writer established his own mobile welding and fabrication business which has been in operation for the previous 32 years. Meanwhile, Manor Farm was sold in 1992 following the retirement of the writer's father with the

ownership of Sundance transferred to the writer and his wife. Both have continued to live at this address since this date (including their children whom have since moved away) with no one at this address employed for purposes related to agriculture, forestry or any similar activity.

- 5.9 Further letters in support of the application have been received. These include a letter from Whittaker Gregory and Company chartered accountants (dated October 31 2008) who confirm that they have acted on behalf of the applicant for the previous 15 years during which time; he has carried out the business of welding and machinery repair. A letter has also been received from the managing director of Shipp Engineering (dated September 7 2007) which states that the applicant worked for this business between 1972 and 1976 since which time, he has worked as a self employed mobile welder and fabricator.
- 5.10 In further support of the application, letters have been received from Alan Coward Portacabin and Container Transport Services (dated 27 March 2007) and Yate Windows (dated 30 August 2007) stating that the applicant has undertaken work for them; the second letter also confirms his address.
- 5.11 Two more letters from Fred R Powell & Son Ltd (dated 30 August 2007) and Phil Weeks Welding Machines (dated 8 November 2008) state that materials have been supplied to the applicant's business; since 2003 in the case of the former and 1994 in the case of the latter.
- 5.12 Finally, two letters have been received from neighbours of the applicant (dated January 19th 2009 & 24 September 2007) confirming the applicant's occupation and in the case of the latter, state that to the best of their knowledge, there has not been any involvement in agriculture or forestry.
- 5.13 Conflicting Evidence
The evidence provided is accepted as true unless the contradictory evidence indicates otherwise. There is no contradictory evidence.
- 5.14 Outstanding Issues
Almondsbury Parish Council states that they wish the existing agricultural occupancy to be complied with. Nonetheless, this application is an evidential test that is irrespective of planning merit and thus a Certificate of Lawfulness for an existing use could not be withheld on this basis.

6. RECOMMENDATION

- 6.1 A Certificate of existing Lawful Use is **GRANTED**.

Background Papers **PT09/0148/CLE**

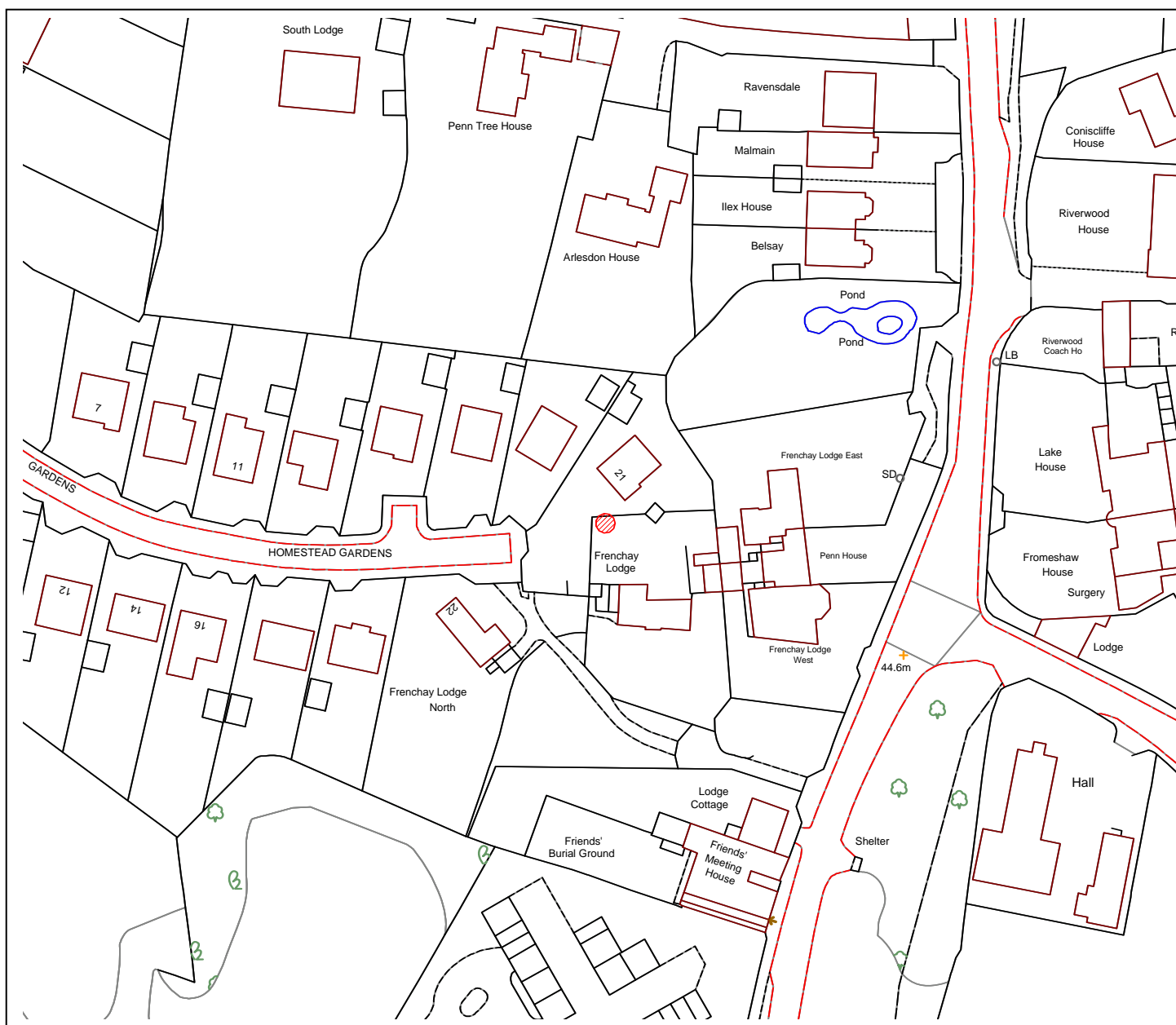
Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

REASON:

The applicant has demonstrated on the balance of probability that the dwelling has been occupied without compliance with the agricultural occupancy condition attached (Condition 'c' of SG10297) for a continuous period of 10 years immediately prior to the date of this application.

CIRCULATED SCHEDULE 08/09 – 27 FEBRUARY 2009

App No.:	PT09/0190/TRE	Applicant:	Mr K Helps
Site:	Frenchay Lodge, Beckspool Road, Frenchay, South Gloucestershire, BS16 1NT	Date Reg:	2nd February 2009
Proposal:	Works to reduce by 30% 1no. Robinia tree covered by Tree Preservation Order TPO624 dated 30th January 2009	Parish:	Winterbourne Parish Council
Map Ref:	64089 77961	Ward:	Frenchay and Stoke Park
Application Category:	Minor	Target Date:	12th March 2009



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 100023410, 2009.

This application appears on the Circulated Schedule List because an objection has been received from Winterbourne Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks consent for works to reduce the crown by 30% of a Robinia tree covered by Tree Preservation Order TPO624. According to the applicant, the works are required because the tree has outgrown its location.
- 1.2 The tree is located in the rear garden of Frenchay Lodge, which is located to the west of Beckspool Road. The tree can be viewed from the cul-de-sac Homestead Gardens.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
L1: Landscape Protection and Enhancement
L4: Forest of Avon
L12: Conservation Areas
- 2.3 Supplementary Planning Guidance
Frenchay Conservation Area (adopted) April 2006

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection – The Parish Council suggests that the tree requires a crown lift. South Gloucestershire Council arboriculturist to inspect the site.
- 4.2 Tree Officer
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve and enhance the character, quality and amenity of the landscape and to retain and protect trees which contribute to the overall character or distinctiveness of the area.

5.2 Consideration of Proposal

The tree is an over-mature specimen growing in the rear garden of Frenchay Lodge. The crown of the tree has been reduced in the past and the re-growth is now over growing the neighbouring property. A Council Tree Officer has inspected the tree and advises that once a tree is reduced it is good practice to re-reduce on a regular basis to prevent the re-growth becoming too large. Re-growth has a weak union with the main branch structure and if allowed to grow on, it can become prone to snapping and wind damage. The proposed works should be viewed as ongoing management.

Given the above, it is considered that the proposed works would preserve the health and visual amenity of the tree as well as the character and visual amenity of the surrounding Conservation Area. The works therefore adhere to Policies L1 and L12 of the South Gloucestershire Local Plan (adopted) 2006 and the Frenchay Conservation Area SPD (Adopted).

5.3 Other Matters

The Parish Council have suggested that the tree requires a crown lift and a South Gloucestershire arboriculturist inspect the site. A Council Tree Officer has inspected the site and is satisfied that the works proposed would not be detrimental to the health of the tree and should be viewed as ongoing management.

6. CONCLUSION

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

7. RECOMMENDATION

7.1 Consent is GRANTED subject to the following conditions.

Background Papers **PT09/0190/TRE**

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

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 Policies L1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Frenchay Conservation Area SPD (adopted) 2006.

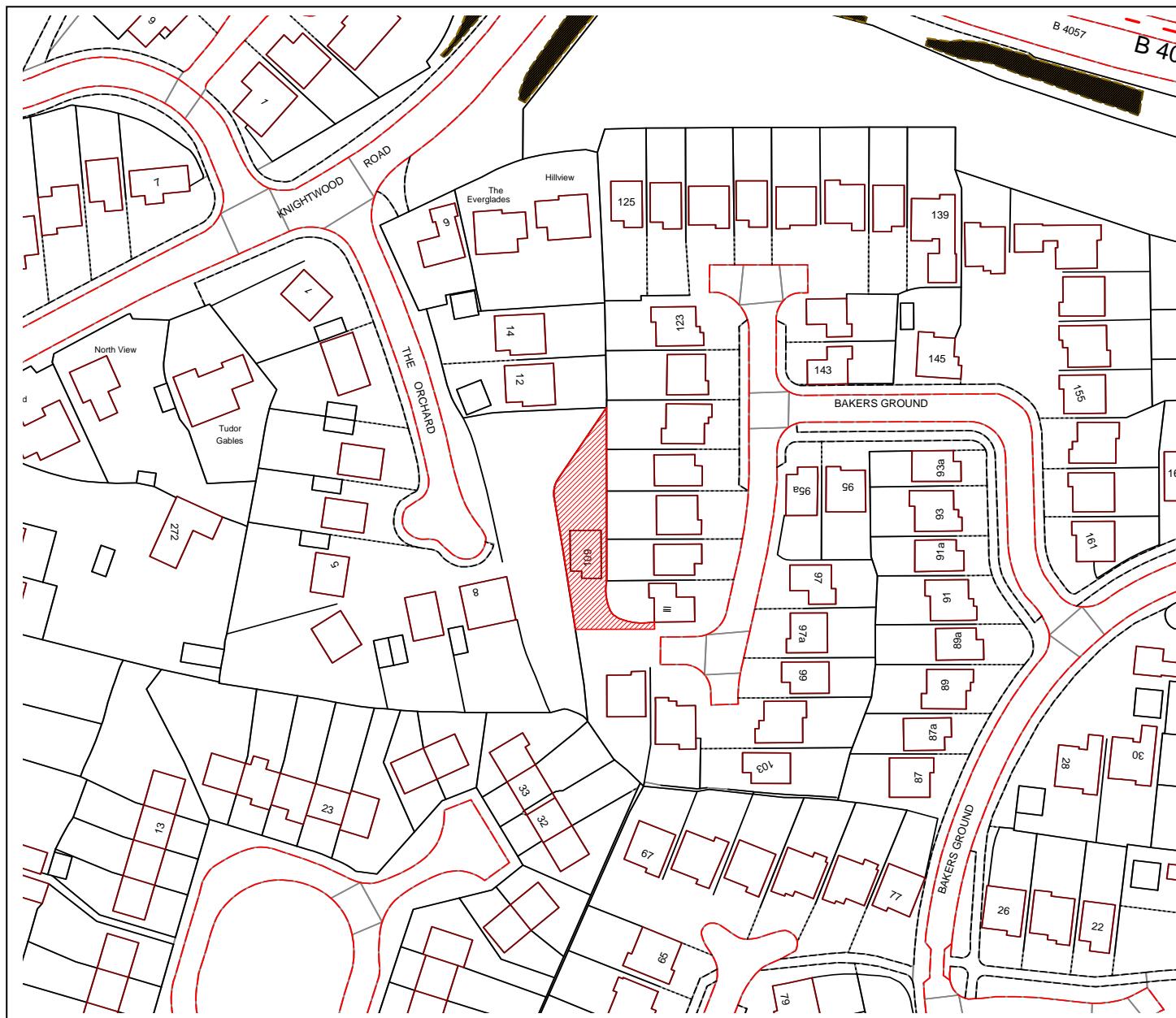
2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

Reason:

In the interests of the long term health of the tree, and to accord with Policies L1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE 08/09 – 27 FEBRUARY 2009

App No.:	PT09/0201/F	Applicant:	Mr A Potter
Site:	109 Bakers Ground, Stoke Gifford, South Gloucestershire, BS34 8GD	Date Reg:	3rd February 2009
Proposal:	Erection of two storey front extension to provide additional living accommodation (Resubmission of PT08/2290/F)	Parish:	Stoke Gifford Parish Council
Map Ref:	62894 80340	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	29th March 2009



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 100023410, 2009.

This application has been referred to the Circulated Schedule due to letters of objection received from local residents.

1. THE PROPOSAL

- 1.1 This full application relates to the erection of a two storey front extension at 109 Bakers Ground, Stoke Gifford. The proposal measures a maximum 5m in depth, 3.77m in width and has a ridge height of 7m.
- 1.2 The application site is a detached property located on a linear plot to the rear of 111-119 (odd) Bakers Ground. Access is to the front of the site and to the end of Bakers Ground, a cul-de-sac. A small area of woodland lies to the west of the site. The site lies within the urban area of Stoke Gifford.
- 1.3 The application site is a resubmission of PT08/2290/F which related to a similar scheme but had a maximum depth of 6m. This scheme was refused on the grounds of its depth/design and loss of privacy.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT01/3525/PDR Erection of conservatory.
Approved 16 January 2002.
- 3.2 PT08/2290/F Erection of two storey front extension.
Refused 11 September 2008 on the following grounds:-
 - a) 6m depth, narrow width and two storey nature out of proportion with existing dwelling;
 - b) overlooking.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No response received.

Other Consultees

- 4.2 Sustainable Transport
No objection.

Other Representations

4.3 Local Residents

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

- a) loss of parking;
- b) site traffic will be dangerous to children;
- c) devaluation of property;
- d) loss of privacy;
- e) loss of light;
- f) loss of outlook;
- g) applicant's have not discussed plans with neighbours;
- h) 3m from boundary wall;
- i) building line altered;
- j) does the surface of drive meet new regulations?;
- k) possible damage to boundary wall and driveway;
- l) distance between windows;
- m) overshadowing;
- n) does not overcome previous refusal reasons. .

Of the above points **b, c, f, g** and **k** are not relevant planning objections.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space.

- 5.2 It is considered that on balance, the application overcomes the previous refusal reasons. The existing property is well proportioned and although the proposal results in a projecting 2 storey element with a maximum depth of 5m, it is considered that the appearance of the dwelling is not so linear as to warrant a refusal. Furthermore, the most visible elevation is the front elevation and in visual terms is in keeping and in proportion with the appearance of the existing dwelling. The side elevations will not be overtly visible within the public realm, the eastern elevation screened by the properties of 111, 113 and 115 Bakers Ground which back on to the side boundary of the site. The western elevation is largely screened by vegetation and trees some 5m in height. As such the proposal will have minimal impact to the appearance of the street scene and is acceptable in this regard. It is considered that a refusal reason of this ground would be difficult to substantiate at appeal.

- 5.3 In terms of residential amenity, the previous application had a large first floor bedroom window to the east elevation which would have resulted in loss of privacy and overlooking to the property of 111 Bakers Ground, being only 4m

from the rear boundary of this property. The revised proposal also incorporates a window on this elevation but it is of smaller size and will be conditioned to be obscurely glazed and non-opening. In addition, the intervisibility distance between the windows of the extension and surrounding properties is also acceptable. No loss of privacy or overlooking will occur. The location and size of the extension will also ensure that no overbearing impact will result from the development. The application is therefore acceptable in residential amenity terms.

5.4 With regard to access/parking arrangements the proposal is also satisfactory. Two off-street parking spaces can still be provided within the site to serve this property, the actual access is unchanged by the proposal and no objection has been raised by the Council's Transportation Engineer. A condition will be imposed to ensure that the surface of the driveway is constructed of a porous material to reduce surface water drainage. The degree of private garden area is also unaffected by the development. The application is therefore considered to be in accordance with the development plan and is acceptable.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be granted.

Background Papers **PT09/0201/F**

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason:
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing dwelling.
Reason:
To ensure a satisfactory standard of external appearance and to accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. Prior to the first use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the side [east] elevation shall be non-opening and glazed with obscure glass to level 3 standard or above.
Reason:
To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
4. No windows other than those shown on the plans hereby approved shall be inserted at any time at first floor level in the extension hereby permitted.
Reason:
To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
5. The extended driveway shall be constructed of a porous material.
Reason:
To ensure that surface water drainage is acceptable, and to accord with Policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE 08/09 – 27 FEBRUARY 2009

App No.:	PT09/0221/F	Applicant:	Mrs Morris
Site:	3 Gloucester Close, Stoke Gifford, South Gloucestershire, BS34 8TA	Date Reg:	4th February 2009
Proposal:	Erection of two storey side extension to provide additional living accommodation and replacement garage.	Parish:	Stoke Gifford Parish Council
Map Ref:	61813 80014	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	31st March 2009



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100023410, 2009.

N.T.S

PT09/0221/F

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for a two-storey side extension that would provide a replacement garage and extended lounge on the ground floor with a new bathroom and bedroom above.
- 1.2 The application site comprises a semi-detached two-storey dwelling on the east side of Gloucester Close, Stoke Gifford.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: Development within Residential Curtilages
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N2483: Master plan in connection with development of 174 acres (approx.) of land for residential and ancillary purposes. Permitted: 13 July 1976
- 3.2 N2483/AP2: Erection of 100 dwellings and garages; construction of estate roads and footpaths. Permitted: 12 April 1979

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comments received
- 4.2 Other Consultees
Technical Services (Drainage): no objections in principle

Other Representations

- 4.3 Summary of Local Residents Comments:
One letter received expressing the following concerns:
 - Sunlight will be lost by the property behind for a number of hours during late spring, summer and early autumn afternoons and evenings;
 - At present, the sun sets between the gap provided by the garages;

- The extension will close this single-storey gap depriving these neighbouring residents of this sunlight.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

5.2 Design/ Visual Amenity

The application relates to a semi-detached two-storey dwelling on the east side of Gloucester Close cul-de-sac, Stoke Gifford. The dwelling benefits from an attached garage to its north side which adjoins the neighbouring dwelling to this side. It is noted that dwellings within the cul-de-sac are of differing design with the size and massing of that opposite, near double that of the host dwelling.

5.3 The application seeks planning permission for a two-storey side extension that would replace the aforementioned single-storey attached garage. The proposal would provide a replacement garage at ground level with an extended lounge behind. A new bedroom and bathroom would be provided above.

5.4 In considering the proposal, it is noted that spacing between dwellings within Gloucester Close is generally provided by the single-storey attached garaging. However, there is no sense of regular spacing given the differing size and design of these properties (despite no apparent existing extensions) whilst it is further noted that similar additions have been permitted within the locality. On this basis, a first floor extension is considered to be acceptable in principle.

5.5 In this instance, the proposal would appear subservient to the host dwelling when viewed from the front given that the front wall would be set back with the ridge line slightly lower; this would help to retain the balanced appearance of these semi-detached dwellings. As such, and with the materials to match those of the dwelling, there is no objection to the current proposal in this instance.

5.6 Residential Amenity

The neighbouring dwelling to the north comprises a detached two-storey unit albeit linked to the host dwelling through its attached single-storey garage. There appear no side facing windows within this dwelling whilst views into the rear garden are restricted by a raised close-boarded boundary fence that is near equal in height to the garage; this property sits slightly forward of the host dwelling.

5.7 The proposal would not extend beyond the main rear wall of the host dwelling thus it would near align with this neighbouring property (albeit extending some 2.5m to the rear in view of their staggered positioning). Further, no side facing windows are proposed whilst the closest rear window would serve a bathroom and thus would be obscure glazed (nonetheless, any overlooking would be at an oblique angle which is common in a residential area). On this basis, there is no objection to the proposal with it not considered that any significant adverse impact in residential amenity would be caused.

5.8 All other neighbouring dwellings stand at an appreciable distance from the site of the proposal. On this basis, and in view of the nature of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused.

5.9 In response to the comments that have been received, this property sits behind no. 4 Gloucester Close fronting Buckingham Drive. As such, the combined length of the rear gardens provides an appreciable distance between these dwellings whilst existing tree screening would already limit some sunlight. Nonetheless, in view of the nature of the proposal and the relationship between these units, it is not considered that planning permission could be reasonably withheld on this basis with no significant adverse impact in residential amenity considered to be caused.

5.10 Highway Safety

The replacement garage would be substandard in size. Nonetheless, the front garden area has already been paved providing sufficient parking space for two vehicles. Accordingly, there is considered to be no objection to the proposal on this basis.

5.11 Design and Access Statement

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

5.12 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT09/0221/F**

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

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason:
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
Reason:
To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No windows shall be inserted at any time in the north elevation of the property as extended.
Reason:
To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.