



**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. 37/09

Date to Members: 18/09/09

Member's Deadline: 24/09/09 (5pm)

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to PlanningApplications@southglos.gov.uk

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 18/09/09

SCHEDULE NO. 37/09

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

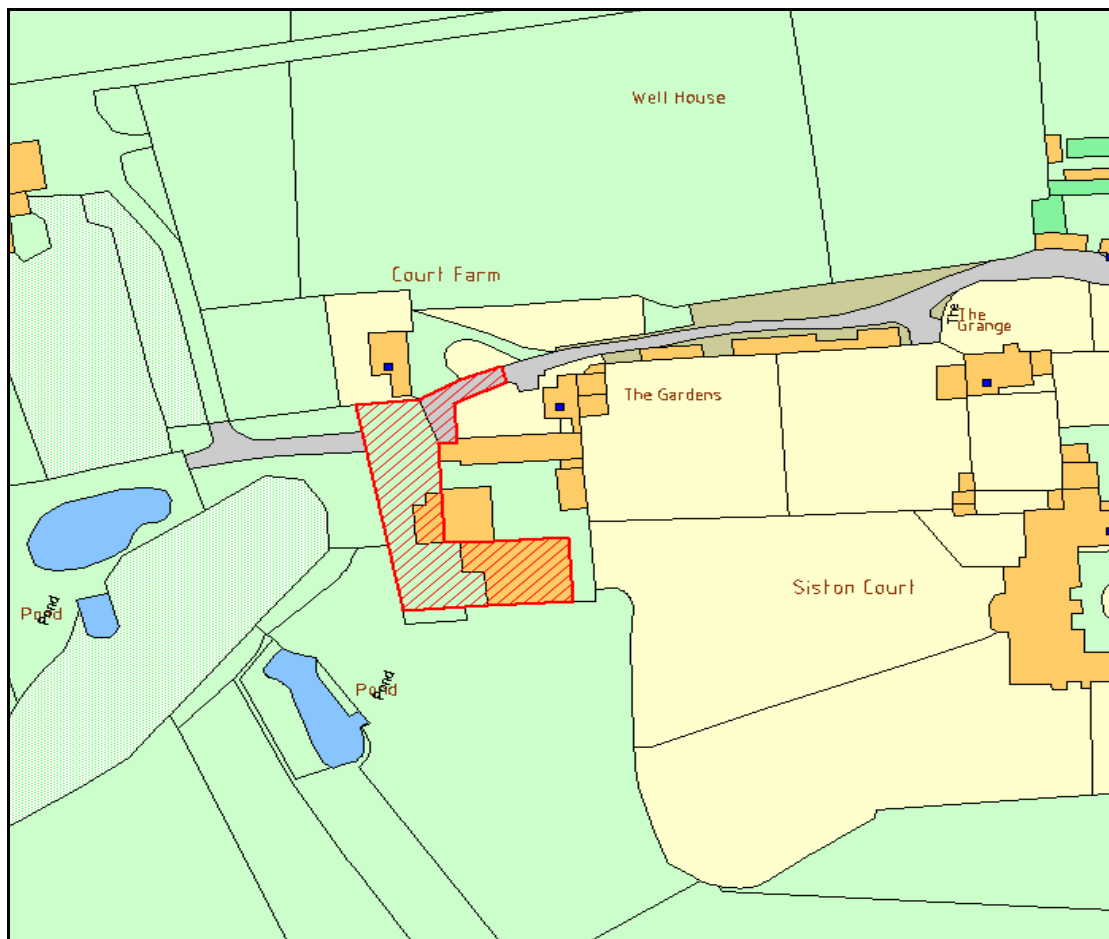
CIRCULATED SCHEDULE -

18 SEPTEMBER 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1.	PK09/1338/F	Approve with Conditions	Court Farm Siston Court Mangotsfield South Gloucestershire BS16 9LU	Siston	Siston
2.	PK09/5025/F	Approve with Conditions	2 Brunel Close Warmley South Gloucestershire BS30 5BB	Siston	Siston
3.	PK09/5036/CLP	Approve with Conditions	112 Station Road Yate South Gloucestershire BS37 4PQ	Yate Central	Yate
4.	PT09/1382/F	Approve with Conditions	2 Dighton Gate Stoke Gifford South Gloucestershire	Stoke Gifford	Stoke Gifford
5.	PT09/1384/F	Approve with Conditions	24 Elmdale Crescent Thornbury South Gloucestershire BS35 2JH	Thornbury North	Thornbury

CIRCULATED SCHEDULE NO. 37/09 – 18 SEPTEMBER 2008

App No.:	PK09/1338/F	Applicant:	Mr G Green
Site:	Court Farm Siston Court Mangotsfield Bristol South Gloucestershire	Date Reg:	21st July 2009
Proposal:	Temporary change of use for a period of 12 months for the use of 2 no. buildings for parking and storage of plant and machinery (Class B8) and part of 1 no. office building for commercial purposes (Class B1) as defined in The Town and Country Planning (Use Classes) Order 2005 (Retrospective).	Parish:	Siston
Map Ref:	368528 175420	Ward:	Siston
Application Category:	Minor	Target Date:	10th September 2009



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PK09/1338/F

INTRODUCTION

This application is referred to the Circulated Schedule to Members in accordance with procedure, given that objections have been raised that are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks consent on a temporary basis, (12 months), for the change of use of two buildings at Court Farm from their current agricultural use to use for the storage of plant and machinery (Class B8) and the change of use of a part of another building for use as an office (Class B1) associated with the business of surfacing. The proposal does not involve any building/conversion work as the existing buildings are to be used. The application seeks to regularise the current planning use and is submitted following the issue of a Planning Contravention Notice (see previous history para 3.1).
- 1.2 The application site comprises 0.12 ha of land and buildings on the southern side of the Court Farm complex. The buildings comprise two open fronted sheds as well as part of a smaller building (to be used as an office). An access road leads out passing neighbouring properties to Siston Lane. The site lies in the Bristol/Bath Green Belt, Siston Conservation Area and within the setting of Siston Court a Grade 1 Listed Building.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L1 Landscape Protection and Enhancement
L12 Conservation Areas
L13 Listed Buildings
EP4 Noise Sensitive Development
GB1 Development with the Green Belt
T12 Transportation Development Control Policy for New Development
E6 Employment Development in the Countryside
E7 Conversion and Re-use of Rural Buildings

2.3 Supplementary Planning Guidance

Development in the Green Belt
Landscape Character Area 12 – Westerleigh Vale and Oldland Ridge
Landscape Character Area 6 – Pucklechurch Ridge and Boyd Valley

3. RELEVANT PLANNING HISTORY

- 3.1 CAE/08/0050/1 Planning Contravention Notice – Creation of access track and importation of soil and soil screening activities.

CAE/08/0050/2 – Planning Contravention Notice – Change of use of agricultural land to mixed use of agriculture and road surface dressing contractors office and storage/distribution place without planning permission

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

Object as this is within a conservation area. The applicants already own the Lindmans site in Tower Road North, Warmley and have facilities for parking and storage of plant and machinery without using a site next to Siston Court.

4.2 Other Consultees

Sustainable Transport

The access to the site has limited visibility in both directions, constrained by dip in the road to the south and by the boundary wall to the north. Consideration should therefore be given to the nature and scale of development.

I would expect an agricultural conversion to B8 warehousing resulting in a slight increase in traffic generation though the type of vehicles is comparable (larger/slow moving). The proposed building is relatively modest in size which limits the scale of the operation; a total of 5 vehicles are proposed including 2 HGVs. The site access already serves a number of residential dwellings and farm buildings/land. Whilst the converted building is likely to generate additional vehicle movements, the net increase at the point of access is not considered significant. There have been no reported accidents at the access and a slight variation in traffic generation is unlikely to compromise highway safety.

It is reasonable to accept that an office of this size will function ancillary to the business proposed and the farm which addresses sustainability concerns relating to its rural setting. I raise no transportation objection.

Public Rights of Way Team

There is an application to divert Public Right of Way PSN 21 away from the access drive. I would like to clarify that the Highways Act application to divert the footpath at Court Farm is separate to and not affected by any of the proposals for the planning application. Public Rights of Way will not therefore be raising any objection to the planning application.

I note that the planning application is retrospective and having checked our records have found no reports of problems encountered whilst using the footpath PSN 21 associated with the traffic use of the drive.

No Objection is made subject to informatives regarding the applicant's duties with respect to the Public Right of Way.

Other Representations

4.3 Local Residents

At the time of preparing this report there have been 7 letters of objection received. The grounds of objection can be summarised as follows:

- The access is not appropriate for the use proposed
- There is a public right of way which runs along the drive way resulting in a highway safety issue for other users and damage to the driveway and surrounds
- The proposal is unsuitable for a Conservation Area and will downgrade the environment
- The proposal would affect the status of a Grade I Listed Building.
- The proposal results in noise and disturbance to neighbouring occupiers including at the weekend, with large numbers of vehicles using the site and detriment to the environment as a result of the business
- The proposal has a significantly greater impact upon neighbouring occupiers and the Environment than the existing agricultural permission
- Access rights are for agricultural and residential purposes and not for a commercial enterprise.

Councillor V Lee has expressed concern over the impact of the proposal upon the Conservation Area and Listed Building.

Avon Ramblers – There appears to be a footpath across this part of the site, which would be adversely affected by movements of heavy plant across the site if not properly controlled. Both safety and environmental aspects need consideration.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policies E6 and E7 of the South Gloucestershire Local Plan Adopted January 2006 support new employment generating uses in the countryside providing those uses are accommodated within existing rural buildings. The current proposal will not involve the erection of new buildings utilising as it does existing agricultural buildings within a farm complex. The principle of economic development is acceptable and it should be noted that the text accompanying Policy E7 (para 7.64) states *“the Council’s first priority will be to see such buildings re-used for purposes which make a positive contribution to the rural economy ie. Agricultural, industrial, commercial or tourism purposes”*. Development however will only be permitted if it does not have an unacceptable impact on the environment, on residential amenity or in terms of traffic generation. Policy T12 also considers the impact of development in terms of the affect upon the surrounding highway network. An assessment of these issues will be made in the report below.

The site is situated within the Bristol/Bath Green Belt and as such Policy GB1 following guidance set out in PPG2 applies. Policy GB1 allows for the change of use of land or existing buildings provided this would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land in it. In addition any proposals within the Green Belt which would have an adverse impact on the visual amenity of the Green Belt will not be permitted. This issue is discussed in detail below.

The site is situated within the Siston Conservation Area and is located approximately 100 metres from Siston Court a Grade I Listed Building. Policy L12 of the South Gloucestershire Local Plan Adopted January 2006 following guidance in PPG15 – Planning and the Historic Environment states that development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the character or appearance of the area. Policy L13, considering the impact of development upon Listed Buildings or their setting, requires new development to preserve/not materially affect that setting.

The principal of economic development within the countryside is acceptable subject to careful consideration of the following issues.

It is considered important to note and this will be re-iterated in the Residential Amenity Section below that the application is made on the basis that it is for a temporary consent for a period of 12 months.

5.2 Green Belt

Development in the Green Belt involving changes in land/building use is appropriate provided that there would not be a materially greater impact than the present authorised use on the openness of the Green Belt. The proposal under consideration will not involve the construction of any buildings. The storage of vehicles would be within buildings.

It is not considered that the use would/is have/having any materially greater impact upon the Green Belt than the current unrestricted Agricultural Use. There is the opportunity to restrict outside storage of machinery and materials and to limit the number of vehicles accessing the site, in contrast to the present situation whereby vehicle access is unrestricted. The applicant has indicated that only a small fleet of commercial vehicles is operated, (2 no. commercial vehicles with an axle weight of 7.5t; 2 no. commercial vehicles with an axle weight of 26t and One “transit” van.

Subject to a condition to restrict outside storage and to limit the number of vehicles to those identified, it is considered that the proposal is acceptable in Green Belt terms and certainly in comparison with the fall back position of a fully operation Agricultural Farm.

It should be noted that any additional buildings required to support the business would require a separate consent and would fall outside the criteria of development deemed appropriate within the Green Belt.

5.3 Conservation Area/Listed Building/Visual Amenity Issues

The application site lies within the Siston Conservation Area and close to the setting of a Grade 1 Listed Building. The site is currently occupied by areas of hardstanding and modern agricultural buildings that are used for storage. Policy L12 of the South Gloucestershire Local Plan Adopted January 2006 following guidance in PPG15 – Planning and the Historic Environment states that development within or affecting a Conservation Area will only be permitted where it would preserve or enhance the character or appearance of the area. Policy L13, considering the impact of development upon Listed Buildings or their setting requires new development to preserve/not materially affect that setting. Policy L1 indicates that all development must preserve and where possible enhance the landscape.

It is considered that as the proposal does not entail any alteration to the form, bulk and mass of the buildings that there will be no material impact upon the character of the Conservation Area or the setting of the Listed Building and that the proposal does not have any implications for landscape character. Conditions are recommended (see para 5.4 below) to secure no outside storage and a limitation on the number of vehicles that are stored to further reduce any impact. Subject to these conditions no objection is raised by the Council Conservation/Listed Building Officers. In summary therefore the proposal is considered acceptable in these terms.

5.4 Residential Amenity

The application site is surrounded by land that is within the ownership of the applicant, but nevertheless lies close to adjoining residential properties. Concern has been raised regarding the impact of the proposal on the residential amenity of neighbouring occupiers in terms of the nature of the use, noise and disturbance and hours of use. Such concern is understandable given that the site is accessed via a track that runs from Siston Lane and this track/road passes by (immediately to the front of residential properties). It is acknowledged that vehicles passing using the access may cause noise and disturbance to neighbouring occupiers.

There are mitigating factors that must be taken into account in any assessment of the impact of the proposal. The applicant has the fall back position of operating and storing agricultural machinery within the red line area, and established access rights should permit this traffic to pass to the front of properties, however ultimately access rights are a legal issue rather than a material planning consideration. Comment has been made that the site has not be used for agriculture for some time, however that is the extant permission and consideration of the proposal must be viewed against the impact of a fully operational agricultural business which could resume at any time where the types of vehicles used would also have an impact upon residential amenity.

It should also be noted that at present there is no restriction on the number of vehicles that can be stored at the site, no restriction upon outside storage of vehicles and materials and no restriction upon the hours of operation at the site. This application offers the opportunity to apply conditions to control the use of the land/buildings that are not in place at the moment and to regularise the current unsatisfactory position. Concern has been raised regarding the hours that are being operated at present whereby the site is in operation throughout the day, seven days a week.

A condition to restrict the use to 07.30 hours to 1800 hours Monday to Friday, 0800 to 1300 hours Saturdays and no activity to take place on Sundays.

It should be further noticed that the application is made on a temporary basis for a period of 12 months. The applicant has indicated that a site closer to Bristol will be sought. Whether or not the applicant seeks to renew the consent after a period of 12 months is clearly a matter for the applicant, however notwithstanding the matters discussed above, this gives the Council an opportunity to review the proposal and its impact at that time. A further condition will limit the use to the storage of vehicles ensuring that the buildings cannot be used as general warehouses.

In summary therefore it is considered that subject to the conditions recommended above, a temporary consent would be acceptable in terms of impact upon residential amenity.

5.5 Transportation

Policy T12 of the South Gloucestershire Local Plan Adopted January 2006 set out a number criteria to ensure that new development makes adequate, safe and appropriate provision for the transportation demands that it will create to minimise the adverse impact of motorised traffic and with the overarching objection of ensuring highway safety is preserved.

Officers consider that the access to the site has limited visibility in both directions, constrained by dip in the road to the south and by the boundary wall to the north. In the light of this, careful consideration needs to be given to the nature and scale of development and its potential impact.

It is considered by transportation officers that the conversion of agricultural buildings to the B8 warehousing/storage use would result in a slight increase in vehicle movements, however it is considered that the buildings that are the subject of this application are relatively modest in size which in itself will limit the scale of the operations that take place and as indicated above recommended conditions will limit the vehicles to be stored at the premises to a total of 5 vehicles including 2 HGVs, restrict hours of operation and restrict the use to the storage of vehicles. Subject to these conditions, while the converted buildings are likely to generate additional vehicle movements, the net increase at the point of access is not considered significant. There have been no reported accidents at the access a slight variation in traffic generation is unlikely to compromise highway safety. It is also considered that the office given its small size will function ancillary to the business proposed and the farm and would not have a significant impact.

It is considered that the proposed development is acceptable in Transportation terms and in accord with the aims and objectives of Policy T12 of the South Gloucestershire Local Plan Adopted January 2006.

5.6 Public Right of Way

Policy LC12 indicates that Recreational Routes, existing and proposed recreational walking, cycling and horse riding routes will be safeguarded. Concern has been raised that the proposal will adversely affect a public footpath.

The access to the site is partly shared with Footpath PSN 21 along the first part of its route although the Public Rights of Way Team advise that an application has been submitted to move the footpath away from this route. This matter is currently under consideration. There are no public footpaths located within the red line site area.

The Public Rights of Way Team indicate that no complaints have been raised with them regarding any current interference with the Public Right of Way and raise no objection to the proposal but have advised informatives should be attached to the decision notice to advise the applicant of their rights and duties in relation to public footpaths (specifically that the public right of way shall not be interfered with in any way and that to interfere with a public right of way is a criminal offence).

5.7 Design and Access Statement

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

5.8 Use of Energy and Sustainability

This is not relevant to the proposal.

5.9 Improvements achieved to the scheme

Improvements to the proposal will be achieved by the suggested conditions.

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.

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 conditions

Background Papers **PK09/1338/F**

Contact Officer: **David Stockdale**
Tel. No. **01454 864533**

CONDITIONS

1. The use hereby permitted shall be carried on only by Green Trees Surfacing Ltd (Mr G Marshall) and shall be for a limited period being the period of ONE YEAR from the date of this decision or the period during which the premises are occupied by Green Trees Surfacing Ltd (Mr G Marshall) whichever is the shorter.

Reason

There is insufficient evidence available at this stage to assess the impact of the development and permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations.

2. The premises shall be used for the parking and storage of plant and machinery and associated office and for no other purpose (including any other purpose in Class B1 and B8) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No outside storage of materials/goods/waste/plant or vehicles shall take place at the premises

Reason

In the interests of the amenity of the area, the character and appearance of the Siston Conservation Area and the setting of a Grade 1 Listed Building and to accord with Policy L1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 07.30 to 1800 hours Monday to Friday and 0800 to 1300 Saturdays nor at any time on Sunday or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006

5. The vehicles operated from the site and stored at the site shall be limited to the 5 no. vehicles set out in the Planning Statement dated July 2009 as follows:

2 no. Commercial Vehicles (Axle Weight 7.5 tonnes)

2 no. Commercial Vehicles (Axle Weight 26 tonnes)

1 no. transit van

Reason

To minimise disturbance to occupiers of neighbouring occupiers and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 37/09 – 18 SEPTEMBER 2009

App No.:	PK09/5025/F	Applicant:	Mr R House
Site:	2 Brunel Close Warmley Bristol South Gloucestershire BS30 5BB	Date Reg:	12th August 2009
Proposal:	Erection of single storey rear extension to form garden room.	Parish:	Siston
Map Ref:	367508 173160	Ward:	Siston
Application Category:	Householder	Target Date:	24th September 2009



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PK09/5025/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single storey rear extension to form a garden room at the rear of 2 Brunel Close, Warmley. The proposed extension would measure 4.1 metres wide by 3.8 metres in depth and would have an overall height to ridge of 3.3 metres.
- 1.2 The property is a two storey detached dwelling and is located within a residential area of Warmley. The proposed extension would predominantly replace an existing rear conservatory.
- 1.3 During the course of the application amended plans were received to correctly show the site boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 K7977 Erection of rear conservatory
Approved August 1995

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No objections.

Other Representations

- 4.2 Local Residents
One letter from a local resident has been received highlighting that the original plans incorrectly show the site boundary. The plans have been amended to show the correct site boundary.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The extension is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. Furthermore, the proposed addition would incorporate materials to match those of the main dwelling, assisting the successful integration of the extension with the host dwelling.

The proposed extension would be located to the rear of the existing dwelling and would be screened by the existing boundary treatment in place. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

Given the siting of the application property and the location of the proposed extension in relation to the neighbouring properties, it is not considered that the proposal would have any overshadowing or overbearing effect on the neighbouring dwellings.

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

5.4 Use of Energy and Sustainability

No additional measures proposed.

5.5 Improvements Achieved to the Scheme

None required.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers PK09/5025/F

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

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

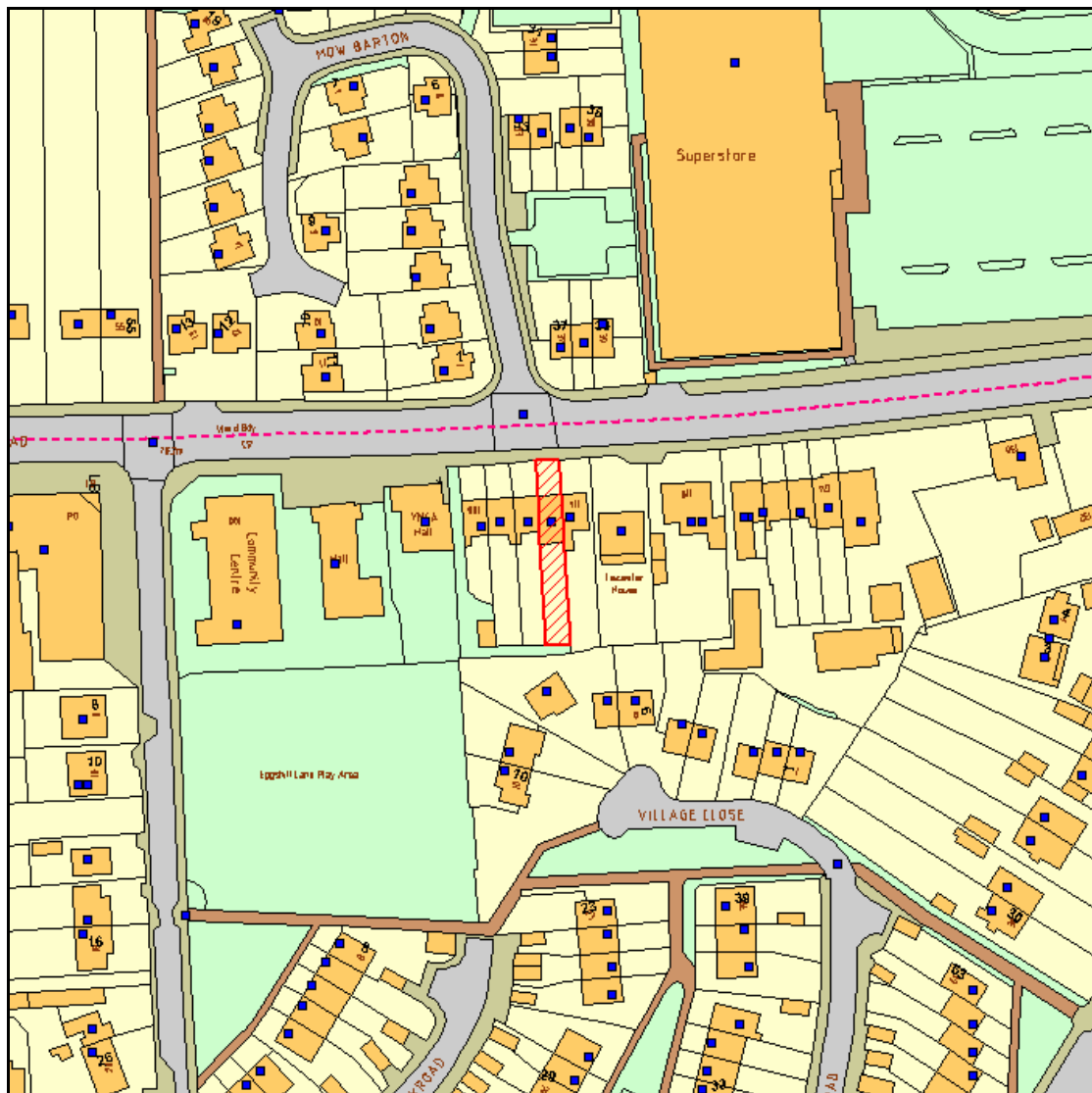
Reason

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

CIRCULATED SCHEDULE NO. 37/09 – 18 SEPTEMBER 2009

App No.: PK09/5036/CLP
Site: 112 Station Road Yate Bristol
 South Gloucestershire BS37 4PQ
Proposal: Certificate of lawfulness for the
 proposed erection of rear lean to
 extension to provide additional living
 accommodation.
Map Ref: 370853 182489
Application Minor
Category:

Applicant: Mr A Price
Date Reg: 18th August 2009
Parish: Yate
Ward: Yate Central
Target
Date: 1st October 2009



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 100023410, 2008. **N.T.S.** **PK09/5036/CLP**

INTRODUCTION

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

1. THE PROPOSAL

1.1 This application seeks clarification that a proposed single storey rear extension does not require planning permission. The application site relates to a two storey terraced property in Yate.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

3.1 N3798 Formation of vehicular access
August 1977

4. CONSULTATION RESPONSES

4.1 Yate Town Council
No objection

Other Representations

4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

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

5.2 The proposed development consists of a single storey rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, subsection A, B, C and D by means of size and positioning of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 1995 (The enlargement, improvement or other alteration of a dwellinghouse). Developments which fail any of the following criteria would not be permitted:

5.3 The application site relates to a two storey terraced dwelling which has its permitted development rights in tact.

5.4 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is not permitted by Class A if—

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

The submitted site location plan shows that the host property benefits from a large curtilage and the proposed development, together with the existing dwelling would not exceed 50% of the total area of the curtilage.

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

Plan SJ/868/02 demonstrates that the rear extension would not exceed the height of the roof apex of the existing dwellinghouse.

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

Plan SJ/868/02 demonstrates that the eaves heights of the extension would not exceed that of the existing dwellinghouse.

(d) *The enlarged part of the dwellinghouse would extend beyond a wall which—
(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the original dwellinghouse;*

The principal elevation of the property is the north elevation, which fronts onto Station Road. The rear extension would not extend past the front building line of the property.

(e) *The enlarged part of the dwellinghouse would have a single storey and—
(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;*

The proposed extension would be an addition to a terraced dwelling and does not exceed 3 metres in depth, nor would any part of it be of a height greater than 4 metres above ground level. The proposal therefore meets this criterion.

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

The rear extension would not be more than one storey tall.

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

The rear extension would be within 2.0 metres of the boundary of the curtilage of the dwellinghouse, but the height to eaves of the extension would be under 3 metres above ground level.

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

The proposal is not for a side extension. The proposed rear extension would not extend beyond a side wall of the original dwellinghouse.

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

The extension would not comprise any of the above.

Conditions

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

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

The cross section plan is labelled to show Redland Regent Breckland roof tiles matching those of the existing dwelling. The walls would be rendered. This would be similar to the wall of the property and therefore this condition is considered to be met.

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

No upper-floor windows are proposed. This condition is considered to be met.

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

The proposal is only for a single storey extension. This condition is also considered to be met.

5.5 Conclusion

It is therefore considered that the proposal falls within the categories of development which are permitted development, and therefore planning permission is required.

6. **RECOMMENDATION**

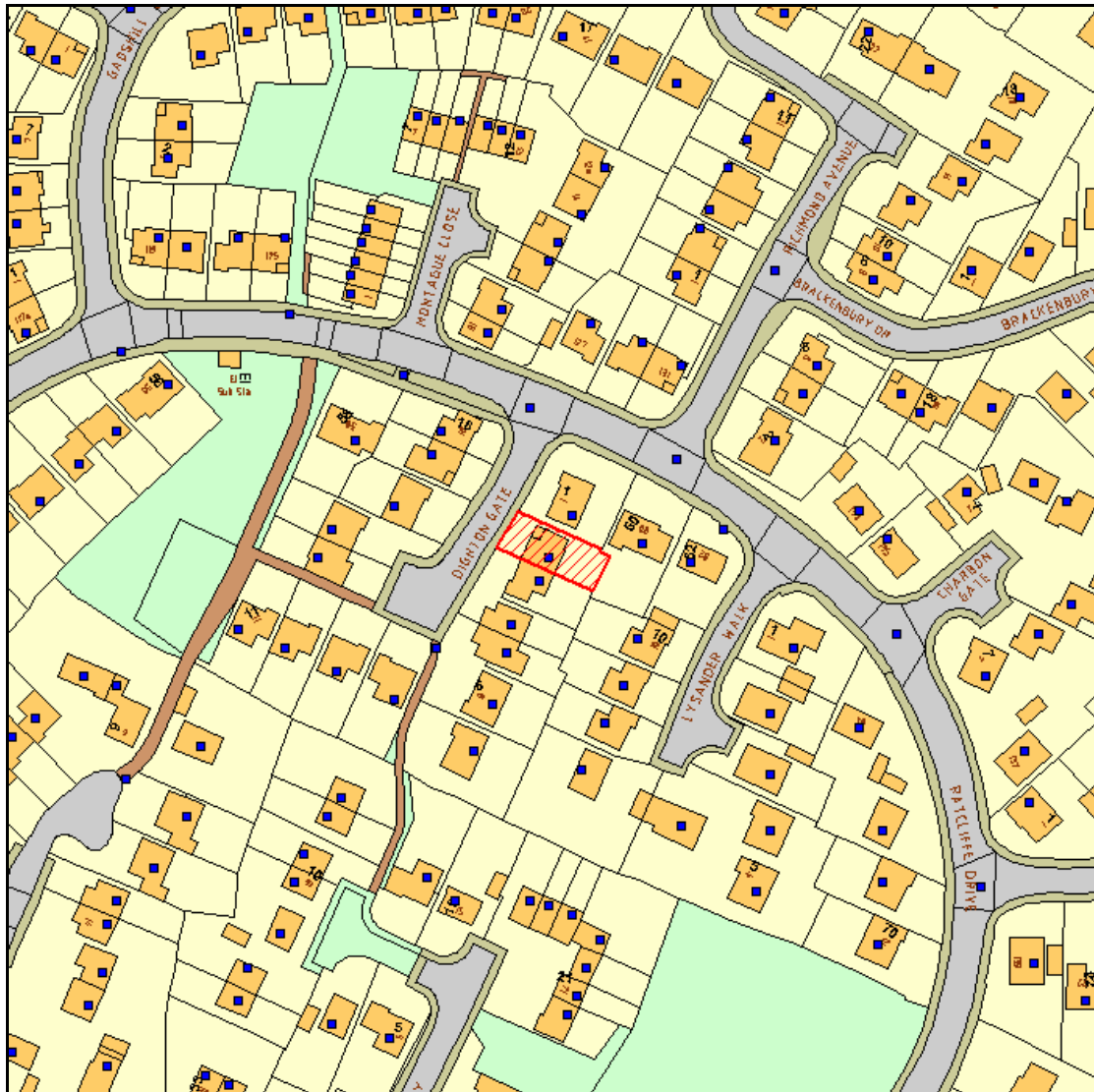
- 6.1 That a Certificate of Lawfulness for Proposed Development be granted.

Background Papers **PK09/5036/CLP**

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

CIRCULATED SCHEDULE NO. 37/09 – 18 SEPTEMBER 2009

App No.:	PT09/1382/F	Applicant:	Mr M Broom
Site:	2 Dighton Gate Stoke Gifford Bristol South Gloucestershire BS34 8XA	Date Reg:	28th July 2009
Proposal:	Erection of two storey side extension to provide additional living accommodation. Erection of rear conservatory	Parish:	Stoke Gifford
Map Ref:	362426 180346	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	17th September 2009



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100023410, 2008.

N.T.S.

PT09/1382/F

INTRODUCTION

This application is circulated to members as a result of the officer recommendation being in conflict with a neighbour objection.

1. THE PROPOSAL

- 1.1 This is a planning application for a two storey side extension to create ancillary accommodation and for a rear conservatory. The proposals would be constructed in materials to match the house.
- 1.2 The site is located within the urban area of Stoke Gifford and fronts the Cul-de-sac of Dighton Gate.

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 residential cartilages.
- 2.3 Supplementary Planning Guidance
South Gloucestershire Council Design Checklist SPD Adopted August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None since the construction of the house.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comment presented
- 4.2 Transportation
No objection
- 4.3 Local Residents
One objection from a neighbour on Ratcliffe Drive with a joint boundary at the rear of the site with regard to the following matters.
Overbearing
Loss of privacy
Loss of daylight or sunlight
Previous appeal decision and objection by the applicants about a similar application 60 Ratcliffe Drive. This included the above matters and resale value.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The extension of domestic property within urban areas such as Stoke Gifford is considered acceptable under policy H4. As such the matters to be considered are the impact on neighbours, the design of the proposal and any transportation implications.

5.2 Residential amenity

The two storey extension is located to the side of the property and would face the road. Given that the width of the side extension does not project rearwards and only incorporates an en-suite shower room at first floor on the rear elevation it would not overlook or be overbearing on the immediate neighbour on the corner of Dighton Gate and Ratcliffe Drive, nor the objector to this application at 60 Ratcliffe Drive. The proposed conservatory is located close to the joint boundary with 4 Deighton Gate where a similar sized conservatory exists with obscure/sealed fenestration. Similar obscure glazing is necessary at this conservatory given its close proximity to the boundary with 4 Deighton Gate and this can be secured by condition. With respect to the other adjoining neighbours it is considered that the 1.8m high fencing, applicants shed and conifer hedge at the back of the site secure the ample privacy from the conservatory. There would also be sufficient amenity space retained to provide for the resulting house without detriment to neighbours. Neither the conservatory nor extension is considered to have a material impact on the day or sunlight reaching the neighbouring houses. The possible impact on property value is not a material planning consideration in this instance.

5.3 Design

The form and appearance of the extension is acceptable, being in matching materials and incorporating a modest roof detail above the proposed bedroom window and a simple porch and front garage projection. The conservatory is also in keeping with the house. These proposals are considered to respect the design and character of the original property and street scene.

5.4 Transportation

The existing parking on the drive is sufficient for two cars to be parked which accords with the Councils parking standards and access to the rear facilitates cycle parking capability.

5.5 Design and Access Statement

A Design and Access Statement is not required.

5.6 Use of Energy and Sustainability

To be built to current Building Regulation Standards.

5.7 Improvements Achieved to the Scheme

None required.

5.8 Section 106 Requirements

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

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

Reason

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

3. 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 the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers

and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the use or occupation of the conservatory hereby permitted, and at all times thereafter, the side elevation facing 4 Dighton Gate shall be glazed with obscure glass to level 3 standard and shall be non opening.

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

CIRCULATED SCHEDULE NO. 37/09 – 18 SEPTEMBER 2009

App No.:	PT09/1384/F	Applicant:	Mr P O Brien
Site:	24 Elmdale Crescent Thornbury Bristol South Gloucestershire BS35 2JH	Date Reg:	28th July 2009
Proposal:	Erection of 2 storey side and single storey rear extension to provide additional living accommodation and garage	Parish:	Thornbury
Map Ref:	364246 190195	Ward:	Thornbury North
Application Category:	Householder	Target Date:	17th September 2009



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100023410, 2008.

N.T.S.

PT09/1384/F

INTRODUCTION

This application is circulated to members as a result of the officer recommendation being in conflict with a nearby occupiers objection.

1. THE PROPOSAL

1.1 This is a planning application for a two storey side extension to create ancillary accommodation and for single storey extension across the rear of the house and two storey extension. The proposals would be constructed in materials to match the house.

1.2 The site is located within the Thornbury settlement area.

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 residential curtilages.

2.3 Supplementary Planning Guidance
South Gloucestershire Council Design Checklist SPD Adopted August 2007

3. RELEVANT PLANNING HISTORY

3.1 P91/1135 Single storey front extension to provide porch and extend lounge
Approved

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council
No objection, subject to neighbours' amenities not being affected.

4.2 Other Consultees

Transportation

No objection

Other Representations

4.3 Local Residents

One objection from 28 Elmdale Crescent with regard to the following matters.
Too large for the house and those surrounding it. It would close in neighbouring properties.

Drainage- concern regarding surface run off as the area has a high water table.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The extension of domestic property within Thornbury is considered acceptable under policy H4. As such the matters to be considered are the impact on neighbours, the design of the proposal and any transportation implications.

5.2 Residential amenity

The two storey extension is located to the side of the property and abuts the boundary with 26 Elmdale Crescent. Given that the width of the side extension is only 2.45m in relation to the 5.9m width of the original house and the rear extension is only single storey the scale of the application is acceptable relative to the existing house and the wider street scene. The first floor extension has windows to the front and back which serve bedrooms. These are not considered to detrimentally affect the privacy of neighbouring properties. Other windows in the proposal are at ground floor which face the rear garage area and two windows face the neighbours house and are shown to be fixed lights and opaque glazed. These are not considered to cause a loss of privacy to neighbours but given their location directly onto the boundary a condition is considered necessary to ensure that the windows are non openable and opaque glazed.

5.3 Design

The form and appearance of the extension is acceptable given that it respects the form of the house and is proposed to be in matching materials which can be controlled by a suitable condition. These proposals are considered to respect the design and character of the original property and street scene.

5.4 Drainage

This matter will be adequately dealt with by the building regulations approval process where percolation tests are undertaken. It is not considered necessary to request details as a condition to this application.

5.4 Transportation

The proposal retains one parking space in addition to the new garage which satisfies the Councils maximum parking standards. As such there is no transportation objection.

5.5 Design and Access Statement

A Design and Access Statement is not required.

5.6 Use of Energy and Sustainability

The proposed would be built to current Building Regulation Standards

5.7 Improvements Achieved to the Scheme

None required.

5.8 Section 106 Requirements

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

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

To comply with the requirements of Section 91 of the Town & 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 the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

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. The glazing on the side elevation shall at all times be of opaque/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.