



**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. 26/10

Date to Members: 09/07/10

Member's Deadline: 15/07/10 (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 **by email 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**

PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (e.g, if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control 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

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 Planning Manager 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. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Services Support Team. If in exceptional circumstances, you are unable to e-mail your request, please contact 01454 863518, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- 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.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE – 9 JULY 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/1032/F	Approve with Conditions	Elizabethan Cottage High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AU	Cotswold Edge	Hawkesbury Parish Council
2	PK10/1214/F	Refusal	59 Adderly Gate Emersons Green South Gloucestershire BS16 7DR	Emersons Green	Mangotsfield Rural Parish Council
3	PK10/1216/F	Approve with Conditions	35 Cock Road Kingswood South Gloucestershire BS15 9SH	Woodstock	None
4	PK10/1222/R3F	Deemed Consent	Old Sodbury County Primary School 44 Church Lane Old Sodbury South	Cotswold Edge	Sodbury Parish Council
5	PK10/1273/R3F	Deemed Consent	Kingsfield School Brook Road Kingswood South Gloucestershire BS15 4JT	Kings Chase	None
6	PK10/1383/R3F	Deemed Consent	Barley Close Primary School Barley Close Mangotsfield South Gloucestershire BS16 9DL	Rodway	None
7	PT10/0980/EXT	Approve with Conditions	1550 Park Avenue Aztec West Almondsbury South Gloucestershire BS32 4RX	Patchway	Patchway Town Council
8	PT10/0981/EXT	Approve with Conditions	1550 Park Avenue Aztec West Almondsbury South Gloucestershire BS32 4RX	Patchway	Patchway Town Council
9	PT10/1002/CLE	Approve without conditions	Stables Folly Stowell Hill Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UH	Ladden Brook	Tytherington Parish Council
10	PT10/1065/F	Approve with Conditions	Lanes Dairy Rectory Lane Filton South Gloucestershire BS34 7BX	Filton	Filton Town Council
11	PT10/1244/F	Approve with Conditions	3 Heath Close Winterbourne South Gloucestershire	Winterbourne	Winterbourne Parish Council
12	PT10/1262/PN1	No Objection	Grass Verge Off Merlin Road Patchway South Gloucestershire BS10 7SR	Patchway	Almondsbury Parish Council
13	PT10/1318/CLP	Approve with Conditions	Berry Cottage Foxholes Lane Tockington South Gloucestershire BS32 4PF	Severn	Olveston Parish Council
14	PT10/1340/F	Approve with Conditions	2 Wheatfield Drive Bradley Stoke South Gloucestershire BS32 9DP	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
15	PT10/1456/F	Approve with Conditions	35 Conygre Grove Filton South Gloucestershire BS34 7DN	Filton	Filton Town Council
16	PT10/1503/TCA	No Objection	Lake House Beckspool Road Frenchay South Gloucestershire BS16 1NU	Frenchay And Stoke Park	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PK10/1032/F	Applicant:	Mr M Weaver
Site:	Elizabethan Cottage High Street Hawkesbury Upton Badminton South Gloucestershire	Date Reg:	7th June 2010
Proposal:	Erection of first floor rear extension to form additional living accommodation. Erection of front porch.	Parish:	Hawkesbury Parish Council
Map Ref:	377937 186939	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	25th June 2010



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 100023410, 2008. **N.T.S.** **PK10/1032/F**

INTRODUCTION

This application has been referred to the circulated schedule due to the receipt of an objection raised by Hawkesbury Parish Council

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a first floor rear extension and front porch at Elizabethan Cottage, High Street Wickwar. The proposed first floor extension would measure a maximum of 9.5 metres wide by 8.2 metres in depth and would have an overall height to ridge of 7 metres.
- 1.2 The property is a two storey mid terrace dwelling and is located within a residential area of Hawkesbury Upton. The application property is also located within the Hawkesbury Upton Conservation Area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS5 Planning for 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 Existing Residential Curtilages, Including Extensions and New Dwellings
L12 Conservation Areas
- South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010
CS1 High Quality Design
CS9 Environmental Resources and Built Heritage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Parish Council
No objections with the plans. However there are concerns regarding where the building debris will go, loading material on to the privately owned land. There is no access to the rear unless over private land.

Other Representations

- 4.2 Local Residents
No response received

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. Policy L12 ensures that proposals preserve or enhance the character and appearance of Conservation Areas.

5.2 Design / Visual Amenity

The proposed rear extension and front porch are considered to be of an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. Whilst quite large, it is considered that the rear extension is of an acceptable size in comparison to the bulk of the main dwelling. 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. In addition it is considered that the proposal is a significant improvement on the existing flat roof extension.

Whilst the porch would be visible from the highway, the porch is of traditional design and is considered to be in keeping with the main dwelling and surrounding properties, as such this aspect of the proposal is considered to be visually acceptable. The proposed first floor extension would be to the rear of the existing dwelling and would be screened from the highway by the dwelling. Overall 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

The proposed rear extension would include a first floor extension over the existing single storey extension. The proposal would be adjacent to the existing two storey side elevation of the neighbouring shop. This neighbouring property has one first floor window which faces the application site, this window would serve the stock room but is permanently blocked up, as such it is considered that the proposal would have no detrimental impacts on this property in terms of overshadowing or overbearing. The bulk of the proposed extension is set away from the neighbouring property to the east, Stoke House. Whilst the eaves height of the existing single storey rear extension would increase from 1.5 metres in height to 2 metres in height, the roof would still hip away from this neighbouring dwelling, as such given the minimal increase in height in combination with the fact that this part of the dwelling is set slightly away from the boundary with Stoke House, it is not considered that the extension would have any overshadowing or overbearing effect on the neighbouring dwellings over and above the existing circumstances.

The proposal includes the addition of two new first floor windows, these windows predominantly replace the existing first floor rear windows but would of course be set further forward. Whilst it is accepted that the location of the windows would result in a slight increase in overlooking to the bottom of the rear garden of Stoke House, over and above the existing situation, given the boundary treatments in place it is not considered that this aspect of the proposal is of sufficient concern to warrant the refusal of the application. 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 Conservation Implications

The property forms part of an attractive group of traditional cottages which make a positive contribution to the historic character of the High Street and conservation area. To the front, the property has rendered elevations and it is proposed to add a small porch. This will be of a simple design with rendered masonry under a pitched tiled roof with door and windows of painted timber. The form of the porch is considered in keeping with the traditional property.

The property has been extended to the rear with a range perpendicular to the property. There is also a similar range to the adjoining property. Between these two extensions is a rather large modern flat roof extension which also has roof-lights and unsympathetic roof covering of felt. The form of this modern extension currently detracts from the character and appearance of the property. It is proposed to erect a first floor extension over the existing single storey extension. Through pre-application discussions concern was raised regarding the scale of the extension, however, the scale has been reduced and it is considered that providing that the proposal includes other enhancements such as the improvements to the rear fenestration and render, on balance the scheme is considered acceptable.

Overall, whilst the proposed extension is large, given that it will result in an improvement on the existing situation and that it will not generally be visible in public views, the scheme is considered an acceptable addition to the Conservation Area.

5.5 Design and Access Statement

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

5.6 Use of Energy and Sustainability

No additional measures proposed

5.7 Improvements Achieved to the Scheme

Through pre-application discussions, advice from the conservation officer has been taken on board and as such the submitted application is acceptable.

5.8 Other Issues

Concern has been raised regarding the access to the rear of the property and how the construction materials will be brought to the site. Whilst the applicant has confirmed that they have a right of way over the land to the west of the site to access their workshop and garage, the issue of access to the rear of the site is a civil matter which will be addressed under non planning legislation in the form of the Building Regulations, The Party Wall Act and other related legislation. However, for the avoidance of doubt, two informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant; and that consent must be sought from the owner of the land. Furthermore, whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only. As such these concerns are not considered sufficient to warrant the refusal of the application.

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.
- 6.2 The proposal would result in a positive enhancement of the principal dwelling and the surrounding conservation area in accordance with Policy D1 and L12. Furthermore the extension would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1, L12 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Kirstie Banks
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

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 in the Hawkesbury Upton Conservation Area, and to accord with and Policy L12 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. A roughcast lime render shall be used for the rear extension and a smooth lime render for the front porch with a colour to match that of the existing building.

Reason

To ensure a satisfactory standard of external appearance in the Hawkesbury Upton Conservation Area, and to accord with and Policy L12 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All new windows and doors shall be timber with a painted finish.

Reason

To ensure a satisfactory standard of external appearance in the Hawkesbury Upton Conservation Area, and to accord with and Policy L12 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PK10/1214/F	Applicant:	Mrs Lisa Barter
Site:	59 Adderly Gate Emersons Green Bristol South Gloucestershire BS16 7DR	Date Reg:	26th May 2010
Proposal:	Erection of two storey side extension and rear conservatory to provide additional living accommodation.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366976 177270	Ward:	Emersons Green
Application Category:	Householder	Target Date:	16th July 2010



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INTRODUCTION

The application has been forwarded to the Council's Circulated Schedule of applications for Member consideration as a representation has been received which expresses a view contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated within the modern Emersons Green development on the east side of Adderly Gate. The application site is bounded by residential development to the north and south, a block of garages to the east with vehicular access onto Adderly Gate to the west. The site comprises a modern two storey dwelling with single garage attached to the north side.
- 1.2 The application proposes erection of two storey side extension and rear conservatory to provide additional living accommodation.

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

South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection
- 4.2 Other Consultees
None

Other Representations

- 4.3 Local Residents

One letter of support received from the occupiers of 57 Adderly Gate, which reads,
'We approve of the proposed extension as it will not affect our property.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy D1 of the Local Plan requires all new development to be well-designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.2 Residential amenity

The proposal would replace the existing garage on the north elevation with a two storey side extension. The existing garage measures 2.7m width, 5.7m length, 2.3m to eaves and 4.3m to ridge. The proposal would measure 2.7m width, 7.5m length, 4.7m in height to eaves and 7.6m to ridge. The proposal would be situated abutting the north boundary of the site adjacent to no.57. No.57 is set forward of no.59 by 4m at a distance of 1m. No 57 has a single storey conservatory on the rear elevation on the south side of the dwelling which would be situated 1m from the proposal. No.57 is positioned on the north side of no.59 and as such the proposal would cast a shadow onto the conservatory of no.57 from late morning for the rest of the day. Some existing shadowing is currently cast onto the garden and conservatory of no.57 by the single garage to be replaced. But due to the significant increase in height proposed the increase in shadowing cast onto the neighbour's conservatory is considered to be harmful to the existing and future occupiers of no.57. Additionally, due to the significant increase in scale of the building proposed on the north boundary, the proposal would appear overbearing and imposing when viewed from the rear garden and first floor rear bedroom window of no.57. Finally, due to its height, scale, close proximity to no.57 and projection of 4m beyond the existing rear elevation of no.57, the proposal would result in a material obstruction of the outlook from the first floor rear bedroom window of no.57 to the detriment of the existing and future occupiers. As such it is considered that due to the significant increase in scale and mass of development on the north boundary, at a distance of only 1m from no.57, the proposal would result in a material loss of amenity to the existing and future occupiers. The proposal therefore fails to accord with the residential amenity criteria of Policies D1 and H4 of the adopted Local Plan.

5.3 Visual amenity

The dwelling is situated within a modern suburban residential context. The dwelling the subject of this application is a two storey detached dwelling with single storey garage at the side. The proposed extension would be clearly visible from public vantage points at the front only. The design and materials

would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of design and visual amenity criteria of Policy D1.

5.4 Design and Access Statement

A Design and Access Statement is not required for this application

5.5 Use of Energy and Sustainability

N/A

5.6 Improvements Achieved to the Scheme

None

5.7 Section 106 Requirements

N/A

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Refusal for the reason as indicated below

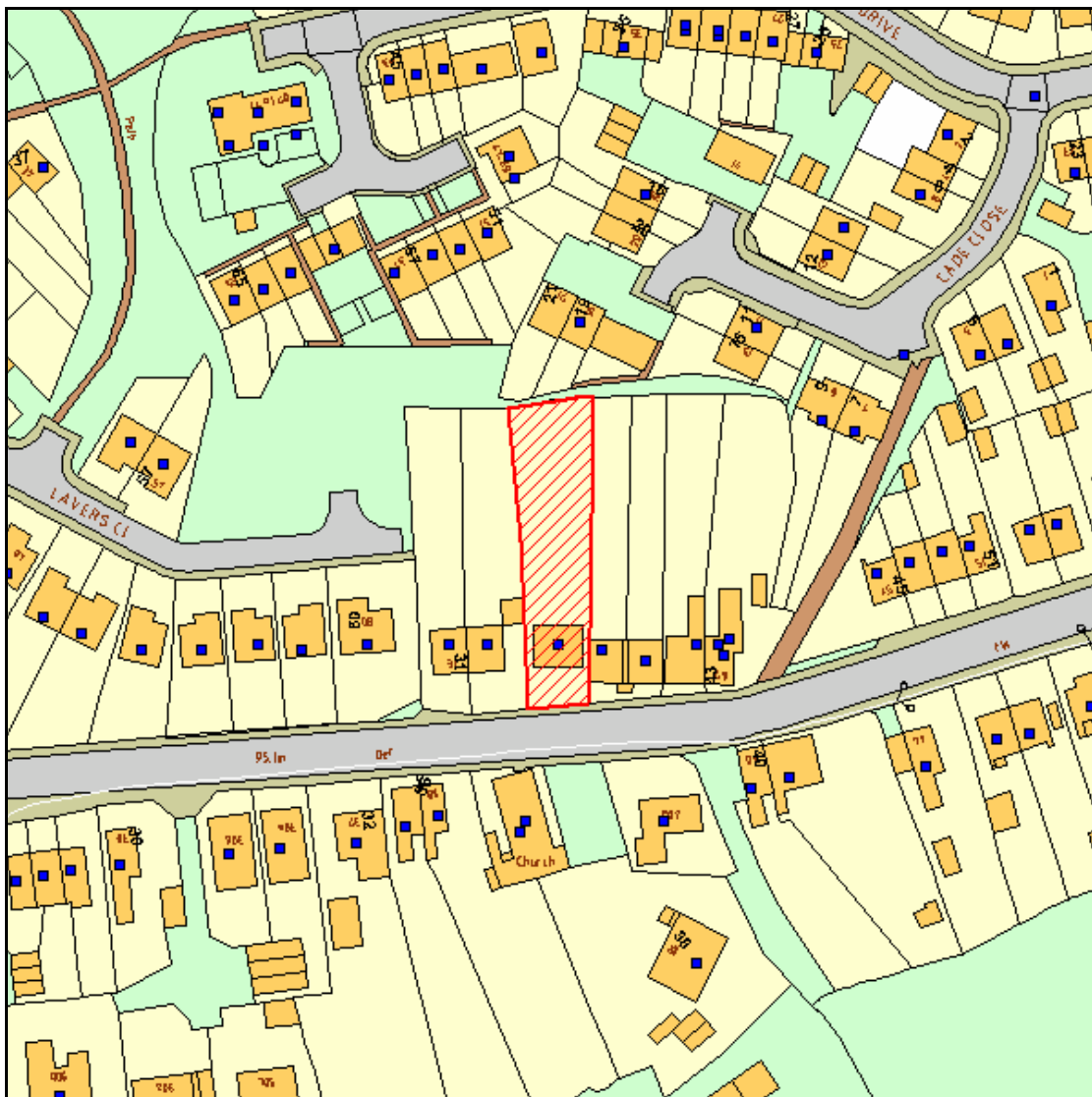
Contact Officer: Sean Herbert
Tel. No. 01454 863056

REASONS FOR REFUSAL

1. The proposed development due to its scale, orientation and position in close proximity to the rear first floor window and conservatory of the dwelling to the north (no.57) would result in a material loss of residential amenity to the existing and future occupiers by virtue of its overbearing presence, loss of outlook and shadowing. The proposal is therefore considered to be contrary to Policy H4 and D1 of the adopted South Gloucestershire Local Plan (2006) and Government advice contained in PPS1.

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PK10/1216/F	Applicant:	Mr Daniel Devenish
Site:	35 Cock Road Kingswood Bristol South Gloucestershire BS15 9SH	Date Reg:	24th May 2010
Proposal:	Construction of raised decking area with associated steps to rear elevation. (Part retrospective). (Resubmission of PK09/5562/F).	Parish:	None
Map Ref:	365623 172802	Ward:	Woodstock
Application Category:	Householder	Target Date:	12th July 2010



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INTRODUCTION

This application appears on the Circulated Schedule as representations have been received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a two storey detached dwelling situated on the northern side of Cock Road, Kingswood. The site lies within the defined settlement boundary of Kingswood.
- 1.2 Planning permission is sought for the retention of a raised decking area to the rear elevation. This application is a resubmission of a previously withdrawn application reference PK09/5562/F. Amended plans have been received on 14 June moving the proposed fencing to the rear edge of the decking closer to the dwelling by 1 metre thereby reducing the useable space of the decking.

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

3. RELEVANT PLANNING HISTORY

3.1 PK09/5562/F Erection of raised decking to rear.
 Withdrawn 10th March 2010.

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
The area is unparished.

Other Representations

4.3 Local Residents

Three letters of objection have been received from one neighbour, raising the following points.

- Affects any privacy in my rear garden
- The proposed fencing along the decking does not restrict the view onto my patio
- The size of the decking can result in many people using it
- The view from the decking cannot be compared to a view from a window due to its open aspect

- My own extension had to have side windows obscurely glazed to prevent overlooking.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the principle of development within residential curtilages providing it is within keeping with the character of the area and subject to considerations of design and residential amenity. Policy D1 permits development where good standards of design are achieved. This is reflected in Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Draft. The principle of development is therefore acceptable subject to the following detailed assessment.

5.2 The decking extends from the rear elevation at a height of 1.5 metres (due to the ground levels) and has a depth of 5 metres. The total width of the decking is 8.2 metres, which includes the steps leading down to the rear garden.

5.3 This application is a resubmission of a previous application, which was withdrawn. The original application proposed a balustrade around the 3 sides of the decking. This revised application proposes the following amendments:

- There will be fencing along the eastern side of the decking (closest to No 37) to reduce overlooking. This fence will measure 1.8 metre in height when measured from the decking. It will be in two sections (on either side of the steps) and will extend the full depth of the decking. The section attached to the rear wall of the house will be 2.3 metres in length, ending at the top of the stairs. The section on the other side of the steps (along the remaining side edge of the decking) will be 3 metres in length (also 1.8 m in height) and end at the rear edge of the existing decking.
- The fencing along the rear edge of the decking will be sited 1 metre in from the existing rear edge of the decking, thereby reducing the useable area of the decking and also reducing the furthest point of the useable decking from 5 metres from the rear wall of the dwelling to 4 metres. This fencing will be in two sections; the first section will be 1.8 metres in height and will extend from the side of the steps (the western side) for a length of 1.5 metres (1 metre in from the rear edge of the existing decking). The second section will start from the eastern side of the rear 1.8 metre high panel and have a height of 1 metre. It will extend along the remaining rear length of the decking (1 metre in from the existing rear edge). Both the 1.8metre high and the 1 metre high fencing would be conditioned to be a wooden close-boarded fence to prevent issues of overlooking.

5.4 Beneath the raised decking it is proposed to insert 2no. wooden doors and 3no. windows to the rear elevation. This will form an enclosed shed for domestic use. There will be no openings to either side elevation.

5.5 Design/Visual Amenity

The application property is fully detached and situated on a steep hill running down from south to north, resulting in the ground floor at the rear elevation of the dwelling being sited approximately 1.5 metres above ground level.

- 5.6 Although it is considered that although the proposed fencing would have an impact upon the design of the dwelling, as the fencing will be conditioned to be wooden, which is a common style of fencing found in many residential gardens, Officers consider that the proposed fencing would not affect the visual amenity of the dwelling to an extent to warrant refusal of the application. It is therefore considered that the proposed decking with windows beneath would not harm the visual amenity of the area, particularly given the location at the rear of the dwelling and its simple design. It is therefore it is considered both additions are appropriate additions to the dwelling and the streetscene.

5.7 Residential Amenity

The decking is set back from the boundary to the east by 2.0 metres and from the west boundary by 1.8 metres. Due to the existing garage and mature shrubbery to the eastern boundary (to No.33 Cock Road), it is considered that no loss of amenity will be experienced to these occupiers. The boundary to the west (to No.37 Cock Road) is a mature hedgerow to an approximate height of 2.0 metres dropping to approximately 1.8 metres in height.

- 5.8 To help ameliorate neighbour's concerns of overlooking, this application incorporates amendments to the previous application that was withdrawn. 1.8 metre high fencing is proposed along the eastern side of the decking (closest to No 37). Added to this will be a section of 1.8 metre high fencing extending from these side panels to a length of 1 metre from the inner edge of the steps. Additionally, the fencing along the rear edge of the decking will be sited 1 metre in from the existing rear edge of the decking, thereby reducing both the useable area of the decking and also reducing the furthest point of the useable decking from 5 metres from the rear wall of the dwelling to 4 metres. Both the 1.8 metre high and the 1 metre high fencing would be conditioned to be a close-boarded wooden fence to prevent issues of overlooking.

- 5.9 Whilst it is accepted that the decking does result in some additional levels of overlooking of the garden of the neighbour at No.37 Cock Road, it is considered that the proposed fencing will help ameliorate this. The 1.8 metre high fencing to the side and part of the rear of the decking will help prevent overlooking to the top part of the neighbouring garden that is closest to the dwelling. Additionally, the lower (1 metre high) rear fence will help reduce overlooking to the lower end of the neighbouring garden. Additionally, approximately the first 2 metres in length of the decking will also be partially screened by the existing rear extension attached to No. 37.

- 5.10 Prior to the construction of the decking, there were views from the kitchen, dining room, and bedroom windows out over the neighbouring gardens. It is accepted that these views are exacerbated in parts of the neighbour's garden but not to such an extent to warrant the refusal of the application.

- 5.11 Consideration must also be given to the fact that an area of raised decking has recently been approved at a neighbouring property – No. 39 Cock Road (Ref PK08/3257/F). The decking subject of this current application will not afford any greater levels of overlooking or loss of privacy for the occupiers of No. 37 Cock Road than the decking already approved to the other side of the neighbouring dwelling, under application PK08/3257/F. Given that planning approval was given for the decking and conservatory at No.39, it would be unreasonable of the Council to refuse the decking subject of this application given that the issues are fundamentally the same.
- 5.12 It is considered that the proposed shed area to the ground floor, with its proposed construction materials and position is not considered to adversely affect visual or residential amenity.
- 5.13 Due to the above consideration, it is considered that the impact on residential amenity of the decking with the proposed fencing is deemed acceptable.
- 5.14 Amenity Space
Whilst the proposed extension does project into the rear garden, sufficient garden space will remain to serve the occupiers of the property.
- 5.15 Highway Safety Analysis
The extension will not affect the property's parking arrangements, situated at the front of the dwelling, nor will it prejudice highway safety. The proposal is therefore acceptable in highway grounds.
- 5.16 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. RECOMMENDATION

- 6.1 That planning permission be granted. .

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

CONDITIONS

1. 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.

2. Within two months of the date of this decision the proposed fencing on the east side of the decking as shown on the Proposed Plans shall be erected. The fencing shall be constructed of 1.8 metre high close-boarded wooden fence. The fencing shall be retained at all times.

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.

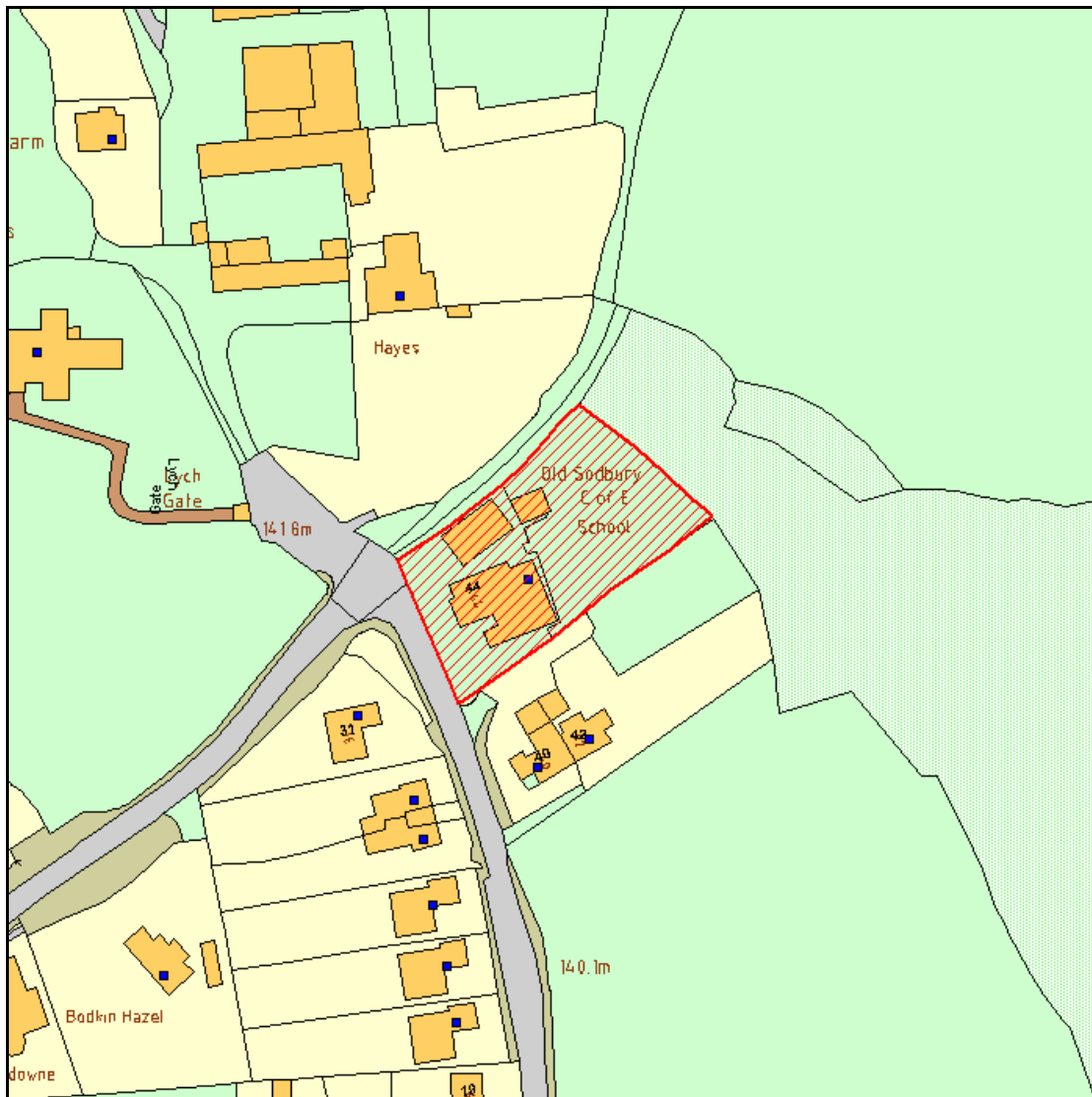
3. Within two months of the date of this decision the proposed fencing to the rear (north) side of the decking as shown on the Proposed Plans shall be erected. The fencing shall be 1.8 metre high close-boarded wooden fencing for a length of 1 metre from the eastern side edge, and be 1 metre high close-boarded wooden fencing for the remaining length of the rear (north side). The fencing shall be retained at all times.

Reason

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

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PK10/1222/R3F	Applicant:	Mrs B Webber
Site:	Old Sodbury County Primary School 44 Church Lane Old Sodbury Bristol South Gloucestershire	Date Reg:	8th June 2010
Proposal:	Erection of 1 no. replacement 3 bay elliot building and erection of single storey extension to 1 no. existing 5 bay elliot building to provide toilet facilities and new staircase.	Parish:	Sodbury Parish Council
Map Ref:	375666 181757	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	28th July 2010



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 100023410, 2008. **N.T.S.** **PK10/1222/R3F**

INTRODUCTION

This application is reported on the Circulated Schedule as the application is submitted by the Council.

1. THE PROPOSAL

1.1 The application site is situated within the village of Old Sodbury. The application site relates to a primary School with associated grounds. The main school building with 2 no. Elliott buildings are constructed on a sloping site on the edge of the Cotswolds.

As one of the Elliott building is life expired, the proposal is to replace this with a refurbished Elliott (bay 3) to provide a classroom, relocating the offices and staffroom to the front classroom. The new replacement building would measure 8 metres by 9 metres and 3.9 metres high above ground level.

It is also proposed to construct a toilet block to another existing Elliott (bay 5)) for reception and year 1 children. The extension would measure 2 metres wide by 4.3 metres deep. A replacement timber staircase and landing would also be constructed to the west elevation of the Elliott Building. The proposed railing would not be higher than the existing.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Core Strategy Pre-Submission March 2010
CS1 High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
LC4 Expansion of Educational Facilities within the urban area

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

3.1 None.

4. CONSULTATION RESPONSES

4.1 Sodbury Town Council
No objection

4.2 Other Consultees

Sustainable transport
No objection

Public Right of Way Officer
No objection

Other Representations

4.3 Local Residents
None received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing schools within the urban area, providing there would be no detrimental impact in terms of residential amenity, environmental or transportation effects, the site is highly accessible on foot or by bike and the proposal would not give rise to an unacceptable level of on street parking.

Officers therefore consider that the proposal would be acceptable in principle subject to the following assessment.

5.2 Residential amenity

The proposed extension, replacement Elliott building and the staircase would be situated approximately 30 metres from the nearest adjacent dwelling. As such it is considered that the proposal would result in no material loss of amenity to the local residents.

5.3 Design

Policy D1 of the Local Plan requires all new development to be well-designed.

The proposed toilet extension would be situated on the rear elevation of the existing 5 bay Elliott building and would be constructed under the existing roof and within the existing side cladding. In addition, the proposed replacement staircase would have better appearance than the existing one. It is therefore considered that the proposal would not cause any adverse impact upon the appearance of the host building and the area.

The proposed replacement bay 3 Elliott Building would be similar to the existing building in terms of the design. The new building would be painted in weathercote textured painted to match the existing bay 5 Elliott Building. In addition, black upvc gutters and rainwater pipes would be installed. Officers therefore consider that the proposed new building would be in keeping with the character and appearance of the adjacent building.

Furthermore, the proposed extension and the new building would not be visible from the public realm, and would not cause any harms to the character and appearance of the area.

5.4 Highway safety and transportation

The purposes of the proposal are to enhance security to the site and to provide toilet block for reception and year 1 children. In addition, the proposal would not affect the existing vehicular parking arrangement. Officers therefore have no highway objections.

5.5 Other issues

Considering all of the above matters the proposal is considered not to result in any unacceptable environmental effects.

5.6 Design and Access Statement

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

5.7 Use of Energy and Sustainability

Given the nature of the development, this does not require above the normal building regulation.

5.8 Improvements Achieved to the Scheme

None required

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.

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 approved, subject to conditions.

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 & Country Planning Act 1990 (as amended).

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PK10/1273/R3F	Applicant:	South Gloucestershire Council
Site:	Kingsfield School Brook Road Kingswood Bristol South Gloucestershire	Date Reg:	10th June 2010
Proposal:	Resurfacing of multi-sports court and erection of perimeter fencing. (Retrospective).	Parish:	None
Map Ref:	366443 173688	Ward:	Kings Chase
Application Category:	Minor	Target Date:	3rd August 2010



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 100023410, 2008. **N.T.S.** **PK10/1273/R3F**

INTRODUCTION

This application is reported on the Circulated Schedule as the application is submitted by the Council.

1. THE PROPOSAL

- 1.1 The application site relates to a Kingsfield School with associated grounds. This is a retrospective planning application and the proposal is to resurface the multi-sport court and to erect perimeter fencing. The outdoor court facility was damaged by the installation and the sequent removal of extensive temporary classrooms and associated facilities and the simple replacement of existing damaged tarmac surfacing was not possible as the surfacing material has been laid directly over a clay soil which is not best practice or in line with current building standards or processes. The previous perimeter fencing was dilapidated through age and misuse.
- 1.2 The court area would be approximately 1500 square metres and the perimeter fencing would be approximately 2.7 metres high.

2. POLICY CONTEXT

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

South Gloucestershire Core Strategy Pre-Submission March 2010
CS1 High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
LC4 Expansion of Educational Facilities within the urban area
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 The site has been subject to a number of planning history in the past, however, none of them is relevant to the determination of this application.

4. CONSULTATION RESPONSES

- 4.1 Town / Parish Council
The site is not situated within a parished area.

Other Representations

- 4.2 Local Residents

None received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing schools within the urban area, providing there would be no detrimental impact in terms of residential amenity, environmental or transportation effects, the site is highly accessible on foot or by bike and the proposal would not give rise to an unacceptable level of on street parking.

Officers therefore consider that the proposal would be acceptable in principle subject to the following assessment.

5.2 Residential amenity

The proposed multi-sport court would be approximately 3 metres from the nearest residential boundary and the proposed perimeter fencing would be approximately 2.7 metres high. Nevertheless, there are mature hedges along the southern boundary, which would provide adequate screening for the neighbouring properties. As such it is considered that the proposal would result in no material loss of amenity to the local residents.

5.3 Design

Policy D1 of the Local Plan requires all new development to be well-designed.

The proposal is to resurface the court area and to construct 2.7 metres high perimeter fencing, to be painted green. Officers therefore consider that the proposed re-surfacing would not cause any harm to the character and appearance of the area and the proposed fencing would be in keeping with the landscape character of the school.

5.4 Highway safety and transportation

The proposed outdoor facilities would not affect the existing vehicular access and parking arrangement, officers therefore have no highway objections.

5.5 Other issues

Considering all of the above matters the proposal is considered not to result in any unacceptable environmental effects.

5.6 Design and Access Statement

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

5.7 Use of Energy and Sustainability

Given the nature of the development, this does not require above the normal building regulation.

5.8 Improvements Achieved to the Scheme

None required

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.

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.

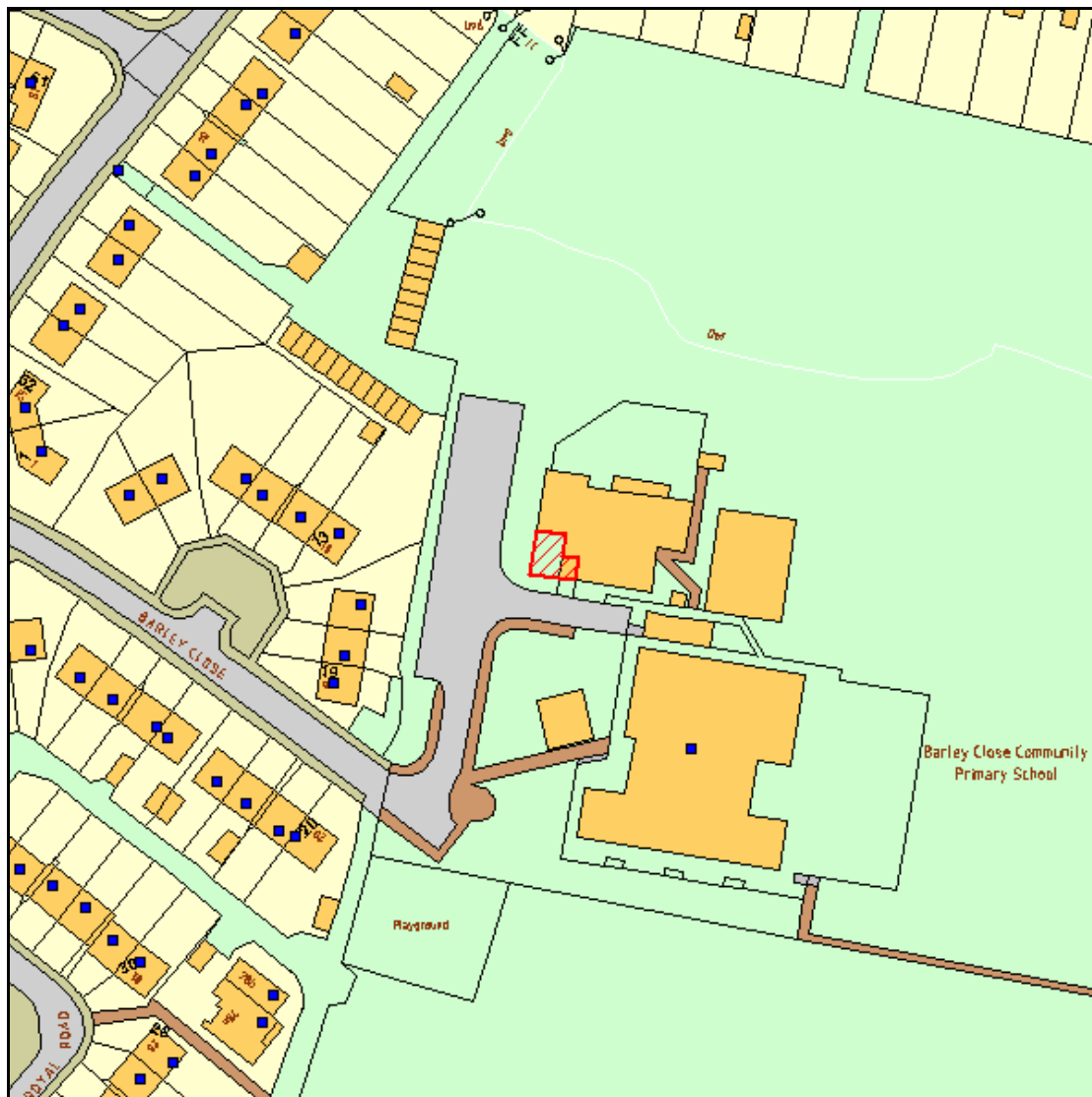
7. RECOMMENDATION

7.1 That planning permission is approved.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PK10/1383/R3F	Applicant:	South Gloucestershire Council
Site:	Barley Close Primary School Barley Close Mangotsfield Bristol South Gloucestershire	Date Reg:	10th June 2010
Proposal:	Erection of single storey front extension to form additional surestart facilities.	Parish:	None
Map Ref:	366161 176730	Ward:	Rodway
Application Category:	Minor	Target Date:	2nd August 2010



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 100023410, 2008. **N.T.S.** **PK10/1383/R3F**

INTRODUCTION

This application is reported on the Circulated Schedule as the application is submitted by the Council and a number of objections letters have been received.

1. THE PROPOSAL

- 1.1 The application site is situated within a residential area of Mangotsfield. The proposal is to erect a single storey extension to the front of the main building in order to provide additional Surestart facility. The proposed extension would measure 7.4 metres by 8 metres and 4.6 metres high to its ridge.
- 1.2 The proposed extension will provide an additional consulting room and a larger lobby space. The consulting room will enable Surestart to provide confidential services to parents and families, and the extended lobby space will make it possible to develop further the information and guidance service offered at the Centre. The external materials for the extension would match those of the existing building.

2. POLICY CONTEXT

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

South Gloucestershire Core Strategy Pre-Submission March 2010
CS1 High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
LC4 Expansion of Educational Facilities within the urban area
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 The site has been subject to a number of planning applications in the past. However the following is the most relevant the determination of this application.

PK03/2022/R3F Erection of new nursery unit, 3 no. classrooms, office and amenities with car parking and associated works. Approved 29.09.03

4. CONSULTATION RESPONSES

- 4.1 Town and Parish Council
The site is not within a parished area.
- 4.2 Other Consultees

Sustainable transport

No objection

Other Representations

4.2 Local Residents

Three letters of objection have been received, the local residents raised the following concerns:

- The increase in traffic as there is already too much traffic.
- Highway safety issue
- Illegally parking and blocking local residents' driveway

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing schools within the urban area, providing there would be no detrimental impact in terms of residential amenity, environmental or transportation effects, the site is highly accessible on foot or by bike and the proposal would not give rise to an unacceptable level of on street parking.

The proposal is to provide a single storey extension to the existing school building. The proposed extension is to provide additional facilities for Surestart. It is considered that the proposal would be acceptable in principle subject to the following assessment.

5.2 Residential amenity

The proposed extension would be situated approximately 10 metres from the nearest adjacent dwelling. As such it is considered that the proposal would result in no material loss of amenity to the local residents.

5.3 Design

Policy D1 of the Local Plan requires all new development to be well-designed.

The proposed extension would be situated on the southwest elevation of the school building. The external materials for the proposed extension would match those of the host building. The extension would have a pitched roof and the design of the extension would match the existing building. It is therefore considered that the proposal would not cause any adverse impact upon the appearance of the host building and the area.

5.4 Highway safety and transportation

Officers carefully considered local residents' concerns and has discussed the concerns with Sure Start Team of the Children and Young People Directorate. It is confirmed that the proposal would not cause an increase in number of children and parents and staff accessing the site. The proposed facility is to provide a room for staff and the children and their parents having confidential meetings. In addition, the proposed extension would only be approximately 60 square metres and modest in scale. It would not affect the existing vehicular access and parking arrangement. Officers therefore have no highway objections to the proposed extension.

Regarding the existing parking issues on Barley Close, this would be a civil matter between the parties concerned and would not be a material planning consideration in this particular case.

5.5 Tree Issues

There are a number of young trees near the proposed extension. As these trees are part of the original landscaping scheme and they would be likely to be affected, officers recommend a planning condition is imposed to ensure that these trees will be relocated and a new satisfactory planting scheme will be implemented.

5.6 Other Issues

Considering all of the above matters the proposal is considered not to result in any unacceptable environmental effects.

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

Given the nature of the development, this does not require above the normal building regulation.

5.9 Improvements Achieved to the Scheme None required

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.
- 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 approved, subject to conditions.

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 & Country Planning Act 1990 (as amended).

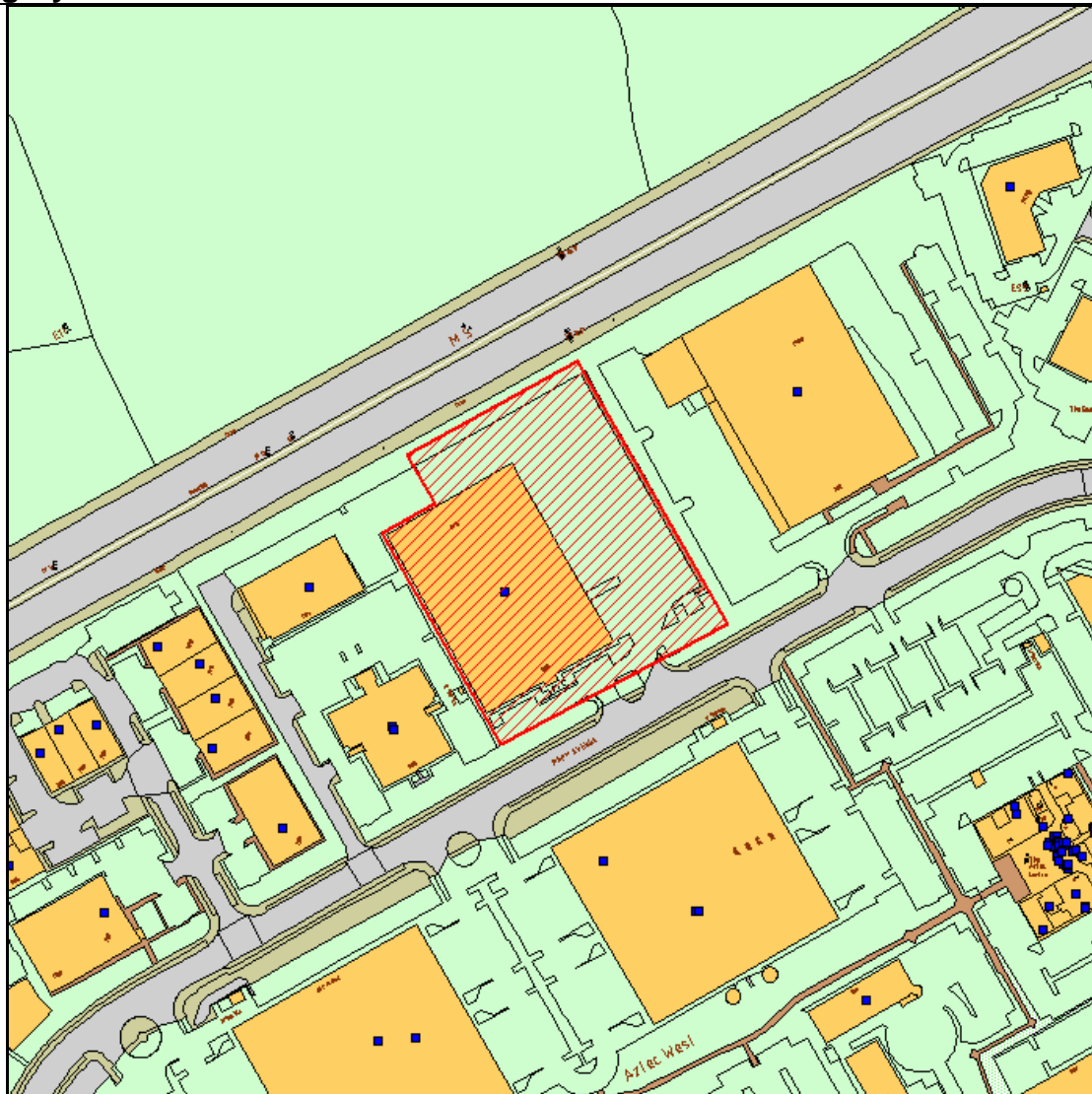
2. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); shall be submitted to the Local Planning Authority for approval. If the existing trees cannot be protected, they shall be relocated within the application site as part of the landscaping scheme. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies L1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PT10/0980/EXT	Applicant:	Aberdeen Property Investors
Site:	1550 Park Avenue Aztec West Almondsbury Bristol South Gloucestershire	Date Reg:	5th May 2010
Proposal:	Demolition of existing buildings to facilitate the erection of an office block (Class B1) of The Town & Country Planning (Use Classes) Order (as amended 2005) on 1.54 hectares of land (outline). (Consent to extend time limit implementation for PT06/2256/O)	Parish:	Patchway Town Council
Map Ref:	360183 182898	Ward:	Patchway
Application Category:	Major	Target Date:	23rd July 2010



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 100023410, 2008. **N.T.S.** **PT10/0980/EXT**

INTRODUCTION

This application appears on the Circulated Schedule in view of the comments received from Patchway Town Council.

1. THE PROPOSAL

- 1.1 The application seeks an extension of time to application PT06/2256/O that was granted on May 8th 2007. This formed an outline application (with all matter reserved) for the erection of two new office buildings on 1.54Ha of land. The proposal would replace an existing office/ warehouse facility. Again, all matters are reserved for future consideration.
- 1.2 The application relates to 1550 Park Avenue, Aztec West. The site lies within a designated employment area and adjoins the M5 motorway along its rear boundary.
- 1.3 The application is accompanied by a further extension of time submission (PT10/0981/EXT) relating to the subsequent reserved matters application that was approved in 2007 (PT07/2495/RM).

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPS4: Planning and Economic Development
PPG13: Transport
PPS25: Planning and Flood Risk

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
E3: Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries
E4: Safeguarded Employment Areas
S1: Service Infrastructure in New Development
T8: Parking Standards
T12: Transport Development Control Policy for New Development
EP2: Flood Risk
L17/18: The Water Environment

Emerging Policies: South Gloucestershire Core Strategy Pre-Submission Publication Draft (March 2010)

CS1: High Quality Design
CS5: Location of Development
CS12: Safeguarded Areas for Economic Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P85/0050/9: Erection of warehouse and office with associated works. Permitted: 12 June 1985
- 3.2 PT06/2256/O: Demolition of existing building to facilitate the erection of an office block (Class B1) on 1.54 hectares of land. Permitted: 8 May 2007
- 3.3 PT07/2495/RM: Demolition of existing buildings to facilitate the erection of two office buildings (Class B1). Permitted: 7 November 2007
- 3.3 PT10/0981/EXT: Demolition of existing buildings to facilitate the erection of office buildings (Class B1) on 1.54ha of land. (Consent to extend time limit implementation for PT07/2495/RM). Decision Pending

4. CONSULTATION RESPONSES

4.1 Patchway Town Council

'Patchway Town Council has not objected to these two applications but residents of Hempton Lane have informed us that it is proposed to cut through the hedge and make a footpath from the site into Hempton Lane. The Town Council would vigorously oppose such a path as there is already a huge problem with office workers from other areas of Aztec West parking in Hempton Lane and walking through to avoid the traffic at the Aztec Roundabout and this path would greatly exacerbate this problem. Mark Shearman, at SGC Traffic Management is working with the residents of Hempton Lane to introduce parking restrictions and I am sending him a copy of this letter'.

4.2 Other Consultees

Highways Agency: no detrimental impact on strategic road network

Environment Agency: no objection

Highways DC: no objection

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In an attempt to introduce greater flexibility into the planning system and to help ease the burden on land owners and developers brought about by the economic downturn, new provisions came into force on 1st October 2009 allowing site owners and developers to submit a simplified planning application to 'keep alive' extant permissions that were due to lapse. This procedure applies to planning permissions that have not been implemented but remain extant at the time of the application for the extension of time. Further, permissions that were granted after 1st October 2009 cannot be renewed under this procedure.

- 5.2 In this instance, the original permission was granted on May 8th 2007; it was subject to a three-year time limit and thus had not lapsed at the time this submission was received. This application is also accompanied by a further application (PT10/0981/EXT) for the extension of time to the accompanying reserved matters submission.
- 5.3 It is also noted that since the time of the initial application, updated policy guidance in the form of PPS4 (Planning for Economic Development) has been adopted. This introduces a requirement for a sequential test where a town centre use is proposed outside of an existing town centre; such would be the case in this instance. This application is not supported by a sequential test but in view of the extant permission and the Government's objective of greater flexibility for developers/ site owners, it is considered that there can be no reasonable objection to the current proposal on this basis.
- 5.4 Further planning policy has also emerged in the form of the Councils Core Strategy Document (Pre-Submission Draft) March 2010. At present, this can only attract limited weight given that it is an emerging policy document. Nonetheless, it is noted that this identifies Aztec West as a safeguarded employment area (in accordance with the local plan).
- 5.5 Having regards to the South Gloucestershire Local Plan, planning policy E3 advises that proposals for employment development within the urban area and settlement boundaries will only be permitted where:
- It would not have an unacceptable environmental effect; and
 - Adequate provision is made for service and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy good vehicles, or on street parking, to the detriment of the amenities of the surrounding area or highway safety; and
 - Development would not prejudice residential amenity; and
 - The character of the area/ settlement is not adversely affected; and
 - The maximum density compatible with the site and its location is achieved; and
 - In the case of travel intensive development, the site is well served by public transport.
- 5.6 Policy E4 advises that proposals for employment development will be granted subject to those criteria listed above.
- 5.7 Policy T12 advises that development proposals will be permitted in terms of transportation provided that it:
- Provides adequate, safe, convenient, attractive and secure access and facilities for pedestrians, cyclists and people with disabilities; and
 - Provides safe access capable of accommodating the motorised traffic that is generated by the proposal; and
 - Would not create or unacceptably exacerbate traffic congestion or have an unacceptable effect on road, pedestrian & cyclist safety; and

- Would not generate traffic that would unacceptably affect residential amenity or other environmentally sensitive areas in terms of noise, vibration and air quality, and
- Provides for or contributes to public transport and pedestrian and cycle links; and
- In commercial development, provides safe, secure and convenient on-site loading, unloading and waiting facilities; and
- Provides for or does not obstruct existing emergency vehicle access.

5.8 Design/ Visual Amenity

This application would provide outline planning permission for the replacement of an existing office/ warehouse facility with a new office building. As per the original application, all matters are reserved for future consideration. However, it was noted that the indicative plans showed a two office buildings built to a 'H' shaped footprint stood centrally on the site surrounded by parking (these units were separated centrally). The illustrative section received detailed a three-storey build.

5.9 In response, the site lies within a safe guarded employment area thus the development is considered to be acceptable in principle. Further, whilst the detailed design of the building is not up for consideration as part of this application, it is considered that the illustrative plans received suggest a building that would appear in keeping with the surrounding two/ three-storey development within the locality.

5.10 For the above reasons, there is again no objection to this proposal on design/ visual amenity grounds.

5.11 Highway Safety

As noted previously, in terms of parking, provision would comply with the maximum standards set out in planning policy T8, including motorcycle and disabled parking. Further, the indicative layout received is considered to be acceptable with all spaces having adequate reversing room and with disabled parking located appropriately. Cycle parking provision is also considered to be acceptable although as shown, some is remote from the building. On this basis, in the event that an extension of time is granted, cycle parking would again form the basis of an appropriately worded planning condition.

5.12 Having regard to issues of traffic generation, even when offset against the potential traffic generation of the existing building, the current scheme would result in an increase in traffic generation. As such, in order to help mitigate this, at the time of the previous approval, a S106 agreement was secured to provide a contribution towards a scheme of highway improvements in the locality. Using a methodology based on the estimated overall cost of the mitigating works and the projected potential redevelopment ground floor area a contribution of £55,815 was secured with payment to be received prior to the first use of the facility.

5.13 Paragraph 1.6 of this agreement confirms that it applies to PT06/2256/O and includes 'any application relating to the Application Land which in the

- reasonable opinion of the Director is substantially similar to the Planning Application'. In this instance, this extension of time application is identical to the original planning permission. On this basis, this S106 agreement is considered to relate this current planning application. In the event that an extension of time is granted, it is suggested that a planning informative be attached to the decision notice providing reference to this agreement.
- 5.14 Finally, a Travel Plan Statement of Intent was submitted as part of the initial planning application. In this regard, a survey of staff would be carried out within 6 months of occupation and then a full travel plan would be submitted to the Local Planning Authority for approval. Again, this approach is considered to be acceptable with an approximately worded planning condition attached to any favourable decision notice.
- 5.15 For the above reasons, and subject to the S106 Agreement and planning conditions referred to, there is no highway objection to this application.
- 5.16 Residential Amenity
The application site is contained within an established business park away from any residential properties. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.17 Outstanding Issues
Patchway Town Council has not objected to this planning application but has expressed concern regarding proposed parking restrictions along Hempton Lane. In response, Hempton Lane is located to the far side of Aztec West away from the application site whilst any parking restrictions would be introduced under highways legislation. As such, this concern is not considered to be directly applicable to this submission whilst with the level of parking as part of this application considered acceptable, it is also not considered that planning permission could be reasonably withheld on this basis.
- 5.18 Flood Risk
The site is located within Flood Zone 1 (Low Risk) as defined by the Environment Agency. As per the initial application, there is no related refusal reason subject to an appropriately worded condition in respect of best drainage practice (with reference to Sustainable Urban Drainage).
- 5.19 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.
- 5.20 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, having regard to the above advice, the highway

improvements are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

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.
- 6.3 The recommendation to grant permission is for the following reasons:
 1. The principle of development proposed is considered to be acceptable having regard to the provisions of planning policy E4 (Safeguarded Employment Areas) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal would not cause any significant adverse impact in residential amenity thus is considered to accord with Planning Policies E3 (Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries) and E4 (Safeguarded Employment Areas) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposal would be acceptable in highway safety terms and thus would accord with Planning Policies T7 (Cycle Parking), T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. **RECOMMENDATION**

- 7.1 Planning Permission is **GRANTED** subject to the following conditions and the Section 106 Agreement dated April 10th 2007 in respect of PT06/2256/O to secure the following:
 - o The sum of £55,815 as a contribution towards the cost of a scheme of highway infrastructure improvements to be paid within 14 days of the commencement of development.

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

1. Approval of the details of the siting, design and external appearance of the buildings, the means of access there to and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority in writing before any development is commenced. These details shall accord with the Design and Access Statement hereby approved.

Reason

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

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

Reason

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

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

Reason

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

4. Development shall not begin until drainage details incorporating best management practices and the hydrological context of the development have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details.

Reason

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

5. The Draft Travel Plan shall be implemented in accordance with Appendix B of the travel plan statement of intent. A full travel plan shall be submitted to and agreed by the Local Planning Authority within 12 months of the first opening of the building hereby agreed in principle.

Reason

To encourage means of transportation other than the private car, to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development, detailed plans showing the provision of (car and cycle parking facilities) in accordance with the standards set out in Policies T6 and T7 of the South Gloucestershire Local Plan (Adopted) January 2006, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the

development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting those Orders with or without modification) the premises shall not be used for any purpose other than that hereby authorised without the prior written consent of the Local Planning Authority.

Reason

To prevent separate uses arising which may be inappropriate or over-intensive, and to accord with Planning Policies E3 and E4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PT10/0981/EXT	Applicant:	Aberdeen Property Investors
Site:	1550 Park Avenue Aztec West Almondsbury Bristol South Gloucestershire	Date Reg:	5th May 2010
Proposal:	Demolition of existing buildings to facilitate the erection of two office buildings (Class B1) of The Town & Country Planning (Use Classes) Order (as amended 2005) on 1.54 hectares of land (Approval of Reserved Matters to be read in conjunction with Outline planning permission PT06/2256/O).(Consent to extend time limit implementation for PT07/2495/RM)	Parish:	Patchway Town Council
Map Ref:	360183 182898	Ward:	Patchway
Application Category:	Major	Target Date:	23rd July 2010



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 100023410, 2008. **N.T.S.** **PT10/0981/EXT**

INTRODUCTION

This application appears on the Circulated Schedule in view of the comments received from Patchway Town Council.

1. THE PROPOSAL

- 1.1 The application seeks an extension of time to application PT07/2495/RM that was granted on November 7th 2007. This formed a reserved matters application for the erection of two three-storey office buildings and associated works. This application followed application PT06/2256/O that allowed the erection of a single office building with all matters reserved. This application is now subject to a further extension of time application; reference PT10/0980/EXT.
- 1.2 The application site forms 1.54ha of land on the north side of Park Avenue, Aztec West (designated as a safeguarded employment area). The site contains an existing office/ warehouse facility and extensive car parking area and adjoins the M5 motorway along its rear boundary.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPS4: Planning and Economic Development
PPG13: Transport
PPG25: Planning and Flood Risk

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
E3: Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries
E4: Safeguarded Employment Areas
S1: Service Infrastructure in New Development
T8: Parking Standards
T12: Transport Development Control Policy for New Development
EP2: Flood Risk
L17/18: The Water Environment

Emerging Policies: South Gloucestershire Core Strategy Pre-Submission Publication Draft (March 2010)

CS1: High Quality Design
CS5: Location of Development
CS12: Safeguarded Areas for Economic Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P85/0050/9: Erection of warehouse and office with associated works. Permitted: 12 June 1985
- 3.2 PT06/2256/O: Demolition of existing building to facilitate the erection of an office block (Class B1) on 1.54 hectares of land. Permitted: 8 May 2007
- 3.3 PT07/2495/RM: Demolition of existing buildings to facilitate the erection of two office buildings (Class B1) on 1.54Ha of land. Permitted: 7 November 2007
- 3.4 PT10/0980/EXT: Demolition of existing buildings to facilitate the erection of office block (Class B1) on 1.54ha of land (outline). Decision Pending

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
'Patchway Town Council has not objected to these two applications but residents of Hempton Lane have informed us that it is proposed to cut through the hedge and make a footpath from the site into Hempton Lane. The Town Council would vigorously oppose such a path as there is already a huge problem with office workers from other areas of Aztec West parking in Hempton Lane and walking through to avoid the traffic at the Aztec Roundabout and this path would greatly exacerbate this problem. Mark Shearman, at SGC Traffic Management is working with the residents of Hempton Lane to introduce parking restrictions and I am sending him a copy of this letter'.
- 4.2 Other Consultees
Highways Agency: no detrimental impact on strategic road network
Environment Agency: no objection
Highways DC: no objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
This application should be read in conjunction with PT06/2256/O that granted outline planning permission for the erection of two office buildings (Class B1). As such, the principle of development has been established. (This application is also the subject of an extension of time submission; reference PT10/0980/EXT.)
- 5.2 This outline application reserved all matters for future consideration. As such, the issues for consideration as part of this application relate to the reserved matters that form the siting, design and external appearance of the proposed buildings, the means of access to the site and the proposed landscaping.

5.3 Design/ Visual Amenity

As per the extant permission, the application would facilitate the erection of two three-storey office buildings that would sit centrally on the site surrounded by an area of parking. The buildings would front Park Avenue and are designed to share equal hierarchy with regard to their respective entrances and design presence despite the requirement for two buildings of differing size.

5.4 Viewed from Park Avenue, the proposals would appear symmetrical in design with the units occupying an 'H' shaped footprint (albeit separated) and with a central entrance area providing a focal point and leading to the recessed entrances to both buildings. Office accommodation would be on either side within buildings of deep but narrow footprints with that adjacent to the east boundary the larger by virtue of the stepped rear boundary.

5.5 At the time of the initial application, it was noted that the Design & Access Statement detailed that the design and materials to be employed would provide a high quality and engineered appearance dictating a 'limited palette of materials with a natural appearance' with the office perimeter to benefit from a strong horizontal emphasis by reason of a regular pattern of fenestration and pre-weathered zinc cladding; in contrast the entrance areas would comprise a wood veneer panel. The proposals would be south facing with both buildings contained under flat roofs with this raised above the central core and adjoining office area to incorporate the plant room.

5.6 In response, it is noted that little has changed within the immediate vicinity of the site. To this extent, Aztec West hosts a large number of office/ warehouse buildings that differ in size and design. The majority comprise two-storeys structures but newer units are generally three-storey. Building designs vary with the original units dating back to the 1970's/ 1980's generally metal sheet clad with large areas of darkened/ mirrored glazing; more recent units are of more contemporary design. These again vary in appearance with some metal clad structures and others of brick construction. Those buildings either side comprise a smaller cube shaped mirror glazed two-storey unit to the west and a larger two-storey mirror glazed building supported by an external blue metal frame to the east; the loading area associated with this unit fronts the application site whilst it is noted that this building still remains vacant.

5.7 The three-storey proposals would stand above these lower level buildings although the massing and scale of these structures would help to ensure that they would not appear overbearing on these adjacent units. Further, the services provided at third floor would be well set back from the front elevation whilst similar facilities are contained above other three-storey units. Further, the central positioning of the buildings helps to reduce their impact on this adjoining units and negates the need for a large single area of car parking as is currently provided.

5.8 In view of the above, as per the conclusions drawn at the time of the initial application, the proposals are considered to remain acceptable given that they would help to enhance the visual appearance of the site and its locality. As before, any permission should include the previously attached condition requiring a BREEAM rating of 'very good'.

5.9 Highway Safety

A financial contribution of £55,815 towards highway improvement works forms part of the outline application. On this basis, as per the previous permission, there is no highway objection to this reserved matters application. In this regard, it is also noted that the submission of a travel plan forms a condition of the outline planning application.

5.15 Residential Amenity

There are no residential properties within close proximity of the site. At the time of the previous submission, it was also noted that given the central positioning of the proposals (away from the site boundaries), this would help safeguard the amenity of the occupiers of the adjoining units.

5.16 Density of Development

As before, the massing and scale of development is considered to be appropriate having regard to the nature of the site and locality. Further, any intensified use would be likely to result in the loss of parking space or a higher structure; both of which are unlikely to be acceptable. As such, there is no objection to the proposal on this basis.

5.17 Landscaping

The site is contained within a strong existing landscape framework that is considered to comprise a significant characteristic of Aztec West. In this regard, it noted that the existing landscaping to the site frontage is of very good quality although within the site, the existing planting is sparse and has been neglected.

5.18 In this instance, roadside planting would be largely retained and where altered, would be in the style of the existing. The existing internal planting is to be wholly removed but would be replaced by a larger quantity of planting that is considered to be of a higher standard and appropriate in style and form to this location. The submitted planting and paving details are therefore considered acceptable and in compliance with policies D1 and L1 of the Local Plan.

5.19 Outstanding Issues

Patchway Town Council has not objected to this planning application but has expressed concern regarding proposed parking restrictions along Hempton Lane. In response, Hempton Lane is located to the far side of Aztec West away from the application site whilst any parking restrictions would be introduced under highways legislation. As such, this concern is not considered to be directly applicable to this submission whilst with the level of parking as part of this application considered acceptable, it is also not considered that planning permission could be reasonably withheld on this basis.

5.20 Design and Access Statement

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

5.21 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 most appropriate but a Section 106 Agreement is considered to be necessary in respect of the accompanying outline planning application (PT06/2256/O and PT10/0980/EXT).

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.
- 6.3 The recommendation to grant permission is for the following reasons:
1. The design, scale and massing of the development proposed would be in keeping with the locality and thus would accord with Planning Policies D1 (Achieving Good Quality Design in New Development), E3 (Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries) and E4 (Safeguarded Employment Areas) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal would not cause any significant adverse impact in residential amenity thus is considered to accord with Planning Policies E3 (Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries) and E4 (Safeguarded Employment Areas) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposal would introduce a robust scheme of landscaping and thus is considered to accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and L1 (Landscape Protection and Enhancement) of the South Gloucestershire Local Plan (Adopted) January 2006.
 4. The proposal would be acceptable in highway safety terms and thus would accord with Planning Policies T7 (Cycle Parking), T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

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

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development shall take place until details of wheel-washing facilities to be provided on site have been submitted to and approved by the Local Planning Authority. These facilities shall be provided prior to development commencing and maintained during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason

To minimise disturbance to occupiers of the surrounding buildings and to accord with Planning Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Notwithstanding the details submitted, no development shall take place until the scheme for the protection of all existing retained landscaping has been approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

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

6. No development shall take place until the Local Planning Authority has been provided, and approved in writing, an initial design stage assessment by an accredited assessor for the Code for Sustainable Buildings and an accompanying interim certificate stating that each building has been designed to achieve a 'Very Good' BREEAM rating (or such national measure of sustainability for building design that replaces that scheme). Each building shall then be subject to a post-completion check by the assessor and issue of a final code certificate of compliance prior to the first occupation.

Reason

To ensure the development minimises the use of energy and natural resources as required by PPS1, Planning Policy D1 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

7. There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason

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

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

Reason

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

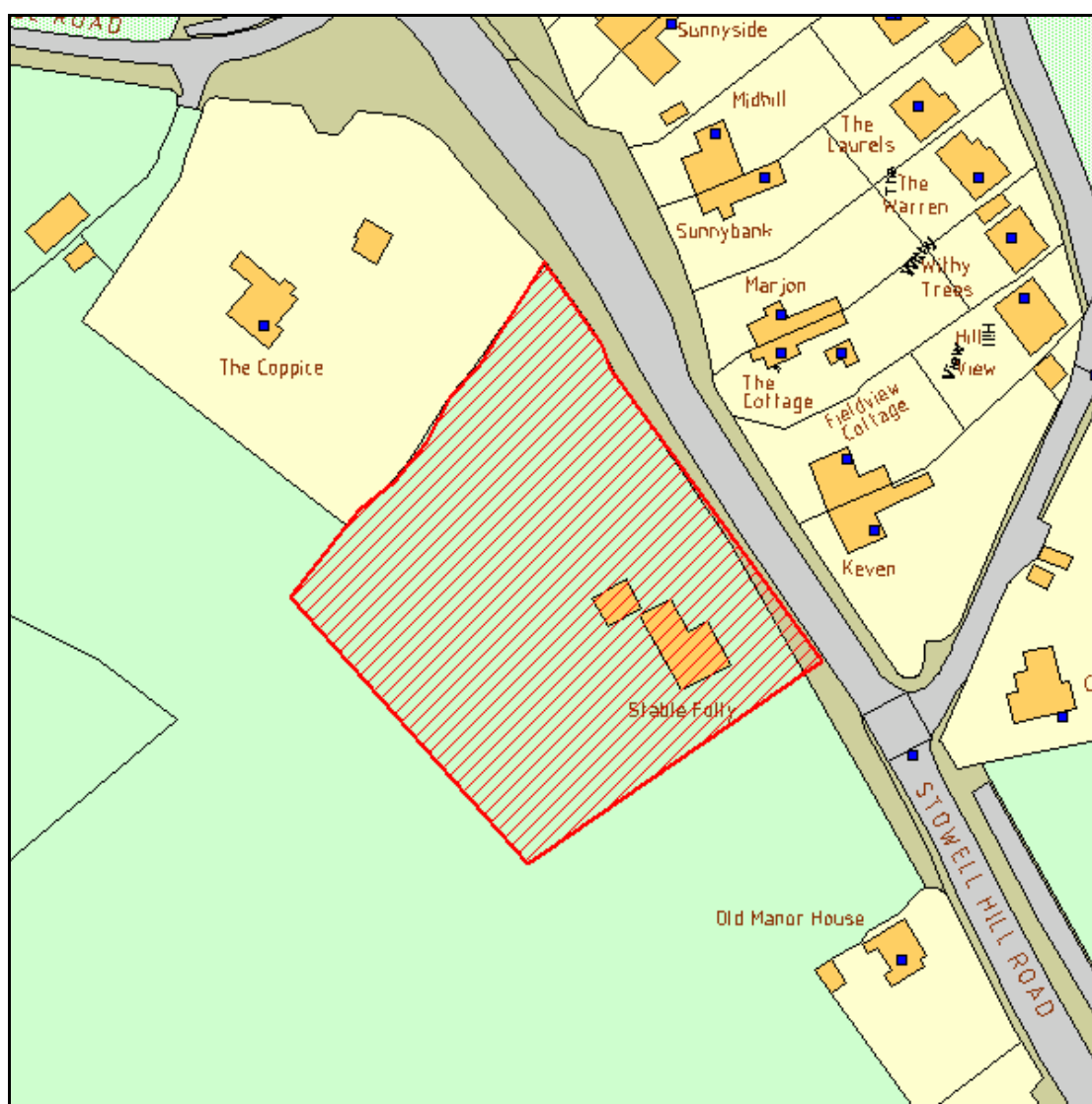
9. Notwithstanding the details so far received, development shall not begin until drainage details incorporating best management practices and the hydrological context of the development have been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PT10/1002/CLE	Applicant:	Mr Taylor
Site:	Stables Folly Stowell Hill Road Tytherington Wotton Under Edge South Gloucestershire	Date Reg:	11th May 2010
Proposal:	Application for Certificate of Lawfulness for the retention of an existing single detached dwelling and detached garage.	Parish:	Tytherington Parish Council
Map Ref:	366747 188431	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	23rd June 2010



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks a Certificate of Existing Use (CLEU) for the retention of an existing single detached dwelling and detached garage.
- 1.2 The application site relates to an incomplete and vacant staff bungalow and garage. This development formed part of a livery centre that was approved under planning permissions P85/1664 and P87/2399. The bungalow is subject to conditions that tie the occupancy of the dwelling to a person solely, or mainly employed in connection with the adjoining livery stable use. As the livery development has not been completed the applicant cannot occupy the dwellinghouse without breaching the occupancy conditions.
- 1.3 In 1991 and 1992 the then owner of the site attempted to remove the occupancy condition under planning applications P91/1893 and P92/1120. The Local Planning Authority refused both of these applications and a Planning Inspector dismissed the latter application at an appeal hearing.
- 1.4 In this application the claimant has submitted a survey of the existing building and a Statutory Declaration by the site's current owner (Mr B Taylor). The claimant argues that a dwelling was built without the benefit of planning permission. It is argued that neither of the permissions has been implemented because the dwelling was not built as per the plans submitted, as the dwelling is larger and sited differently from the dwelling(s) previously approved. The dwelling was commenced in 1988 and completed in 1992. It is therefore the case that the development was completed some 18 years ago and the time for taking enforcement action has therefore expired.
- 1.5 The application site is situated outside of the Tytherington settlement boundary.

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 N1437 Erection of a detached dwelling
Refused 12.06.1975
- 3.2 N1466/6 Residential and ancillary development on approximately
19.6 acres (7.9 ha.) and formation of vehicular access (outline).
Refused 11.06.1981

- 3.3 P84/2082 Erection of loose boxes for 20 horses,
Approved 12.09.1984
- 3.4 P85/1664 Erection of 20 livery stables, tack room and feed store.
Erection of manager's house and garage. Construction of car and trailer parking area; alterations to existing vehicular access (in accordance with the plans received by the council on 7th may 1985 and the revised plans received on 12th august 1985)
Approved 17.09.1985
- 3.5 P87/2399 Substitution of house (granted consent under ref P85/1664) with a bungalow for staff associated with the livery stables granted consent under ref. P85/1664
Approved 07.10.1987
- 3.6 P91/1893 Application for permission to retain dwellinghouse and garage without complying with condition 02 attached to planning permission P87/2399 dated 8th October, 1987.
Refused 21.08.1991
- 3.7 P92/1120 Application for permission to retain dwellinghouse and garage without complying with condition 02 attached to planning permission P87/2399 dated 8th October, 1987
Refused 01.04.1992 (Dismissed at Appeal)

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

4.1 With this application the claimant (Mr B Taylor) has submitted:

A comparative survey that plots the footprint, elevations, and siting of the approved and existing dwelling.

A Statutory Declaration from the claimant. This declares that:

- A dwelling was built, but neither permission was implemented in doing so.
- The dwelling was not built as per the plans submitted.
- The claimant understands that the dwelling was constructed without the benefit of planning permission and would be considered unlawful.
- It is the case that the development was completed some 18 years ago and the time for taking enforcement action has therefore expired.

5. SUMMARY OF CONTARY EVIDENCE

5.1 The Court of Appeal decision in the case of Handoll and Suddick v Warner Goodman and Streat (A firm) and Others (1995) 70 P. & C.R. 627.

5.2 Inspectors Decision – P92/1120 – T/APP/G0120/A/92/205743/P3

6. CONSULTATION RESPONSES

6.1 Tytherington Parish Council

At its meeting on Monday 24th May Tytherington Parish Council agreed to formally oppose the application for a Certificate of Lawfulness with regard to this property.

The land in question remains out with the development area for the village. For this reason an application for a large residential development on the site was refused in 1981 (N1466/6). It is also why, when permission was granted for a house and stables (P85/1664) and again for a bungalow and stables P87/2399, the accommodation was tied to an associated livery stable and the use thereof.

Two attempts were made to remove the tie via applications P91/1893 and P92/1120. We understand it was the refusal of the latter which was the subject of an informal appeal hearing on 9th October 1992 when the Inspector upheld the tie. It is worthy of note that these attempts to remove the tie began during the time when, according to the applicant himself, the bungalow was incomplete.

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The Statutory Declaration supporting the current application concedes that the bungalow was not constructed according to the approved plans and affirms that the stables to which the bungalow was tied were never built. Although the main structure of the bungalow as it now exists was completed by 1992 the application should be refused on the grounds that i) without the stables, which have never even been started, the overall permitted development cannot be considered substantially complete and ii) the bungalow does not accord with the permission granted so its state of "development" is irrelevant.

6.2 Local Residents

Six letters have been received in response to this application. The main points have been summarised below: -

- a) The dwelling is not built where originally proposed.
- b) The dwelling has never been occupied.
- c) The dwelling should be demolished.
- d) Residential development should not be allowed outside the village.
- e) Allowing this would flout planning conditions.
- f) The dwelling is an eyesore.

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 prove precise and unambiguous evidence.

7.2 The key test in this application is whether the existing buildings can be retained as an existing single detached dwelling and detached garage.

This test could be passed in two separate ways: -

- (1) The building(s) on the application site differs materially from the single detached bungalow and garage approved under planning permission P87/2399 and the building(s) have been *in situ* for more than four years. Therefore an application can be made under Section 171b of the Town and Country Planning Act 1990 on the basis that there has been a breach of planning control consisting of the erection of single dwellinghouse and detached garage and no enforcement action has been taken for a period of four years. Accordingly the development is immune from enforcement action and thus a CLEU can be granted.
- (2) The building(s) on the application site have been constructed in accordance with planning permission P87/2399 and no breach of planning control has occurred. The building is therefore authorised and the attached conditions still apply. Therefore a CLEU can be granted to confirm that the single detached dwelling and detached garage are indeed lawful.
- 7.3 The claimant has submitted evidence that argues that the single detached dwelling and detached garage is lawful on grounds that the development differs materially from the single detached bungalow and garage approved under planning permission P87/2399 and the building(s) have been *in situ* for more than four years. To support this evidence the applicant has submitted a comparative survey of the existing and approved developments and a Statutory Declaration from the claimant.
- 7.4 Notwithstanding the weight of this evidence, Officer's are not satisfied that the existing development on the application site differs materially from the bungalow and garage that were approved under P87/2399. In reaching this decision, weight has been given to the *Court of Appeal decision in the case of Handoll and Suddick v Warner Goodman and Streat (A firm) and Others (1995) 70 P. & C.R. 627*. This decision identified that if a development does not comply in a material respect, or to a material extent, with the permission granted, an occupancy condition attached to that permission cannot apply to the authorised development. In this particular case the property was built some 90ft (27.5m) from the approved site.
- 7.5 In this case it is considered that the existing development would comply to a material extent with the permission granted. This is because: -

Siting

Drawing No. S/26/#03 shows that the siting of the existing dwelling is similar to that of the approved dwelling. This is because the shape of the layout is the same and the majority of the existing footprint overlaps that of the approved development. Furthermore, the dwellings access has been implemented in accordance with the approved plan. It is acknowledged that there is a slight difference in terms of the orientation of the building. However it is considered that the level of variation is limited and therefore cannot constitute a materially different development.

Design

Drawing No. S/26/#05 shows the differences between the existing and approved elevations. The approved scheme comprised of a bungalow that

was arranged in a L-shape with a gable end fronting onto the highway and subservient wing to the side. The development that can be observed on site has an almost identical design to the approved development in terms of its form, layout, materials, and fenestration. Notwithstanding this, it is noted that the existing development is slightly lower in height and wider in width and depth. However, these differences are marginal and it is considered that when viewing the property from the street scene the differences are not significant. On this basis it is considered that the level of variation is limited therefore cannot constitute a materially different development.

Enforcement

It is noted that there are some limited differences between these developments. Officers have undertaken a search of the Council's enforcement records and there has been no complaints with regard to compliance of the development with the approved scheme. This would suggest that third parties were satisfied that the approved development was implemented in accordance with the approved plans. Nevertheless, in any case, it is unlikely that Officers would have found it expedient to take formal enforcement action to regularise these variations, as they were not so significantly different to the approved scheme.

- 7.6 In view of the significant level of compliance between the building(s) siting and design, it is considered that this evidence substantially outweighs the claimant's argument. In reaching this conclusion Officers have given weight to *Handoll and Suddick v Warner Goodman and Street (A firm) and Others (1995)*. In this decision the proposal did not comply to a material extent because the dwelling in question was situated some 90ft (27.5m) from its approved siting. However in this application the variation is much less for instance the difference between the existing and approved siting and footprint is between 0.3m and 1.5m. Therefore, on the balance of probabilities, the evidence before Officers demonstrates that the single detached dwelling and detached garage complies to a material extent with the development approved under P87/2399 and there has been no breach of planning control.
- 7.7 In addition to the above, it should be noted that the applicant has never disputed that the development has not been built in accordance with planning permission P87/2399 until this application. For instance, the planning history shows that planning applications were submitted in 1991 and 1992 to remove the occupancy condition. It is considered that this demonstrates that the applicant believed that they had implemented the development in accordance with the approved permission. This is supported by the appeal decision relating to P92/1120. The Inspector stated in paragraph 7 of this decision that 'the Council confirmed that the bungalow has been constructed in accordance with the details approved'. The appellant did not contend this matter during the appeal. Finally, the bungalow has stood empty for a period of 18 years, it is therefore considered that this demonstrates that owner of the land believed that the approved development had been implemented and the occupancy condition did apply.
- 7.8 Officers are therefore satisfied that the building(s) on the application site have been constructed in accordance with planning permission P87/2399. The

development is therefore authorised and the attached occupancy condition still applies. Therefore it is recommended that a CLEU be granted to confirm that the single detached dwelling and detached garage are indeed lawful.

- 7.9 It is acknowledged that the claimants red line entails the entire parcel of land. It is considered that this area does not constitute the dwellings residential curtilage. Moreover, the claimant has provided no evidence to prove on the balance of probabilities that this land is indeed curtilage. On this basis, it is recommended that the red line issued with this certificate should only entail the detached dwelling and the garage as approved under P87/2399.

8. CONCLUSION

- 8.1 In this application the claimant has argued that the single detached dwelling and detached garage approved under P87/2399 has not been implemented in accordance with the approved plan. Consequently, the claimant has argued that the building is lawful under Section 171b of the Town and Country Planning Act 1990 because the development has been in breach of planning control for a period in excess of four years.
- 8.2 Notwithstanding this argument, Officers have concluded that, on the balance of probabilities, the evidence shows that the single detached dwelling and detached garage has been substantially implemented in accordance with the development approved under P87/2399. As such Officers have therefore recommended that a CLEU be granted because the development is lawful and no breach of planning control has occurred.
- 8.3 It is vital to acknowledge that the Officer's recommendation does not accept the claimant's argument. Conversely, Officers are granting a CLEU on the basis that the development accords with P87/2399 and the occupancy condition (Condition 2) still applies.

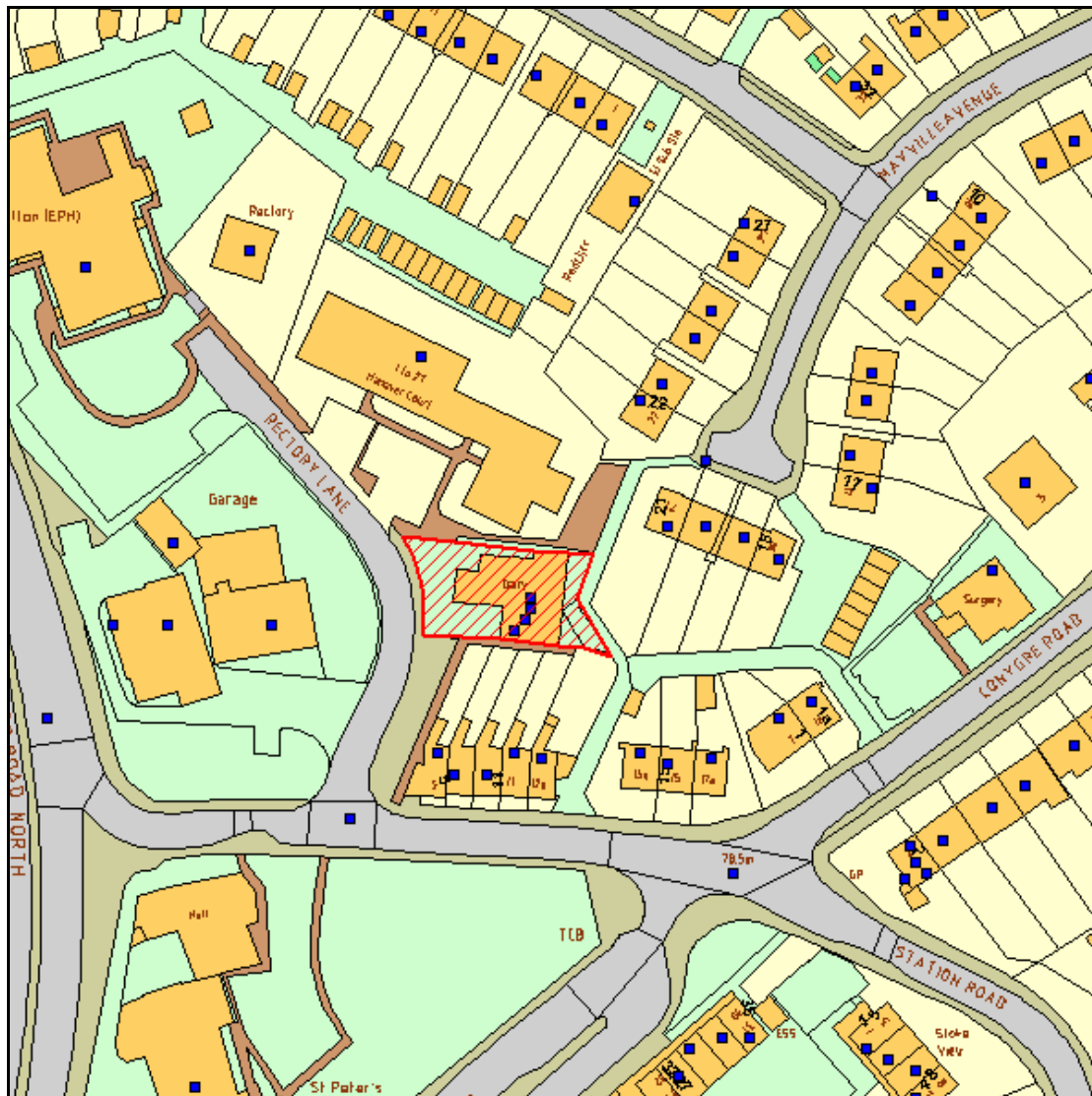
9. RECOMMENDATION

- 9.1 Certificate of lawfulness of existing use to be **GRANTED** for the following reason: -
1. On the balance of probabilities, the evidence demonstrates that the single detached dwelling and the detached garage have been substantially implemented in accordance with the development approved under P87/2399, and there is no evidence to suggest that any of the conditions have been breached. On this basis the development is lawful and conditions 2, 3, 4, 5, 6, and 7 attached to P87/2399 apply.

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PT10/1065/F	Applicant:	Mr P Lane
Site:	Lanes Dairy Rectory Lane Filton Bristol South Gloucestershire	Date Reg:	28th May 2010
Proposal:	Change of use from dairy to parcel delivery, sorting and despatch depot (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987(as amended). (Retrospective.)	Parish:	Filton Town Council
Map Ref:	360363 179279	Ward:	Filton
Application Category:	Minor	Target Date:	20th July 2010



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 100023410, 2008. **N.T.S.** **PT10/1065/F**

INTRODUCTION

This application appears on the Circulated Schedule for a second time in view of the comments from the Town Council and the one additional letter both received during the extended consultation period.

1. THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for the change of use of the ground floor of the former Lanes Dairy to provide a parcel, sorting and dispatch depot (sui generis).
- 1.2 The application relates to a two/ three-storey detached building on the east side of Rectory Lane, Filton. The upper floors provide for seven bed-sits; these would remain with the application relating to the ground floor of the building only.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development

PPS4: Planning for Economic Development

PPG13: Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

E3: Criteria for Assessing Proposals for Employment Development

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

Emerging Policies: South Gloucestershire Core Strategy (Pre Submission Draft) March 2010

CS1: High Quality Design

CS13: Non- Safeguarded Economic Development Sites

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P85/2784: Erection of extension to existing garage to house milk vans.
Permitted: 5 February 1986
- 3.2 P86/1546: Erection of extension to existing garage to house milk vans.
Permitted: 4 June 1986
- 3.3 P87/1079: Erection of extension to existing garage to house milk floats.
Permitted: 5 March 1987

- 3.4 PT07/2260/F: Change of use from dairy to garage for car sales (sui generis). Permitted: 7 September 2007
- 3.5 PT08/0083/F: Change of use from dairy to residential; erection of three-storey front and side extension to facilitate conversion of existing building to provide 19 flats. Withdrawn: 25 March 2008
- 3.6 PT08/2328/F: Change of use from dairy to residential; erection of two-storey front and side extension to facilitate conversion of existing building to 12 flats; construction of new vehicular access with associated works. Refused: 24 September 2008

4. CONSULTATION RESPONSES

4.1 Filton Town Council

Object: on the grounds of traffic and parking issues;

- Any vehicle movement should be kept to a minimum as the depot back onto a home for the elderly and there are two people living on site;
- The depot is situated on a one way system;
- It is a retrospective application.

4.2 Other Consultees

Highways DC: no objection

Environmental Services: no objection

Other Representations

4.3 Summary of Local Residents Concerns:

Five letters received expressing the following concerns:

Highway Concerns:

- There is no room for parking- as was the case when used as a dairy;
- The lane is narrow whilst the application site is located on a bend- the road becomes congested and can hinder access to the retirement homes. This is a hazard when emergency service vehicles are called;
- There can be 10+ cars parked there given the flats above;
- Drivers park across the single pavement (used by the disabled and senior citizens) hindering access for pedestrians;
- Rectory Lane is a small dead end lane which should be kept clear of obstructions at all times;
- There is little room for parking, it is understood that further yellow lines are to be added in future thus reducing space further;
- The planning report in respect of PT08/0083/F acknowledges that the highway is known to be problematic in terms of capacity.

Residential Amenity Concerns:

- The noise of traffic and banging was 'terrible' when used as a dairy;
- The flats next door provide for pensioners;
- Workers arrive as early as 5.30am, sorting mail and to off load metal cages- this is noisy and disturbs neighbouring properties;

- Lanes Dairy provides for a number of flats above- the proposal would add to the noise and litter experienced by these residents;
- Bedroom windows of dwellings fronting Station Road overlook the site;
- There is a long history of complaints in respect of noise involving the Councils Environmental Services department.

Further Matters:

- The application has been incorrectly advertised- it is Rectory Road not Station Road;
- The existing business has been operated since February 2010, not April 2010 as stated;
- If the applicant could manage the business efficiently and adhere to conditions regarding operating hours and reduce noise levels one of the writers would remove their objection;
- One further letter raises no objection to a reasonable sized business with adequate provision for parking, privacy and a duty of care towards local residents;
- At the moment, there has been little disruption or cause for complaint but as the company grows, this cul-de-sac location will not be suitable;
- The proposal will not create additional jobs for the area as the majority of employees are retired and only work until midday;
- The three employees referred to are self employed and have worked for the applicant's over business in Bristol;
- There are no full time employees on site at any time (except brief visits made by the applicant);
- There is an ongoing rat problem.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPS4 supports the principle of economic development with policy EC10 (Determining Planning Applications for Economic Development) advising that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. In so doing, this document seeks to steer economic development to readily accessible locations that can be accessed by means other than the private car.

5.2 Policy E3 of the adopted local plan advises that proposals for employment development within the urban areas and defined settlement boundaries will be permitted provided that (considered here most relevant):

- Development would not have an unacceptable environmental effect; and
- Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of traffic, especially heavy goods vehicles, or on street parking to the detriment of the amenities of the surrounding area of highway safety; and
- Development would not prejudice existing residential amenity; and
- The character of the area would not be adversely affected/

5.3 Policy T12 advises that new development will be permitted (in terms of transportation) provided it (considered here most relevant):

- Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists and people with disabilities; and
 - Provides safe access capable of accommodating the motorised traffic that is generated by the proposal; and
 - Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and
 - Would not generate traffic that would unacceptably affect residential amenity or other environmentally sensitive areas in terms of noise, vibration and air quality; and
 - Provides for or does not obstruct existing emergency vehicle access.
- 5.4 Finally, policy CS13 of the emerging Core Strategy seeks to protect non-safeguarded employment sites from changes of use. In this instance, the current proposal would maintain an economic use at this site.
- 5.5 Design/ Visual Amenity
The application relates to the ground floor of a two/ three-storey building that formerly provided for Lanes Dairy; this application seeks retrospective planning permission that would allow its change of use to provide for a parcel delivery, sorting and dispatch depot.
- 5.6 The application would not involve any external changes to the building and thus for this reason, there is no objection to this current proposal on design/ visual amenity grounds.
- 5.7 Residential Amenity
There are a number of residential dwellings within close proximity of the application site with these including the bedsit accommodation above, the two-storey flatted accommodation further along Rectory Lane and those dwellings fronting Station Road to the south; there are also further dwellings within Mayville Avenue behind although these are less likely to be impacted by the proposal.
- 5.8 In response, given that there are no external alterations to the building, it is not considered that any significant adverse impact in residential amenity would be caused on this basis. Nonetheless, it is noted that a number of concerns have been expressed having regard to the hours of operation and the noise disturbance caused.
- 5.9 In response, consideration should be given to the former use of the building that would have comprised a similar use in terms of the need for delivery vehicles and the hours of operation; to the best of knowledge there were no planning conditions limiting the hours of operation. In this instance, the proposed operating hours are specified as 7am- 5pm Monday to Friday and 7am –1pm on Saturdays; the applicant has verbally confirmed that he would be willing to accept a condition controlling this. On this basis, it is considered that the proposal might help to bring about an improvement in residential amenity.
- 5.10 Further, it is considered that the size of the building also limits the scale of operations with the building providing two relatively small loading bays and with

the application form stating that only three persons are employed here; this is further considered to provide an idea of the relatively low level of usage. For these reasons, and subject to an appropriately worded condition in respect of operating hours, it is not considered that any significant adverse impact in residential amenity would be caused.

5.11 Highway Safety

The proposed sorting and dispatch depot is considered to be comparable to the dairy in highway terms given that both the volume and type of traffic are likely to be similar as are the parking requirements. Further, it is also noted that the existing access and area of hardstanding would remain unchanged whilst the site is within a relatively accessible location. For these reasons, there is no highway objection to this current proposal.

5.12 With regards to the additional concerns that have been raised, it is again noted that the fall back position of the former dairy with the seven bed sits above is considered to be comparable in highway terms to the proposal and the retained seven bed sits thus the parking arrangements would remain comparable. Further, it is also noted that the recent planning application for the change of use and extension of this building to provide twelve flats was not refused on highway safety grounds; instead the refusal reasons focused upon scale, form and design of the resultant building and its overbearing impact on the residential amenities of the nearby occupiers.

5.13 Further to the above, permission was granted in July 2007 for the change of use of this building to provide a garage for car sales with the number of vehicles for sale restricted to 16 by condition; it is therefore likely that the number of vehicles directly associated with this proposed use would be less than that associated with a vehicle showroom.

5.14 Finally, with regards to further parking along Rectory Lane, in planning terms it is not possible to control vehicle parking where this would take place on a public highway or at locations beyond the application site (as this issue is covered by the road traffic act). However, in view of the extant use and planning history, it is not considered that this application could be reasonably refused on this basis.

5.15 Outstanding Issues

It is noted that the site was incorrectly advertised as being located on Station Road; this has been amended and a period of re-consultation undertaken on this basis. Other matters raised by objectors in relation to the nature of employees has not been given weight in the determination of this application whilst the proposal would have no material impact on any ongoing rat problem (which should be addressed by other measures).

5.16 Design and Access Statement

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

5.17 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.
- 6.3 The recommendation to grant permission is for the following reasons:
1. The proposed change of use of the ground floor of this former dairy building would not necessitate any external alterations to the premises. Accordingly, there is no objection to this application having regard to planning policy D1 (Achieving Good Quality Design in New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposed use would be comparable with the former use of these premises as a dairy and thus subject to an appropriately worded planning condition in respect of the proposed operating hours, it is not considered that any significant adverse impact in residential amenity would be caused. As such, the proposal would comply with planning policy E3 (Criteria for Assessing Proposals for Employment Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposed use would be comparable with the former use of these premises in highway terms thus there is no objection to this current application having regards to the provisions of planning policy E3 (Criteria for Assessing Proposals for Employment Development) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

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 & Country Planning Act 1990 (as amended).

2. The site shall not open and no deliveries shall be taken at or despatched from the site outside the hours of 7am - 6pm on Monday to Friday and 7am - 1pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason

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

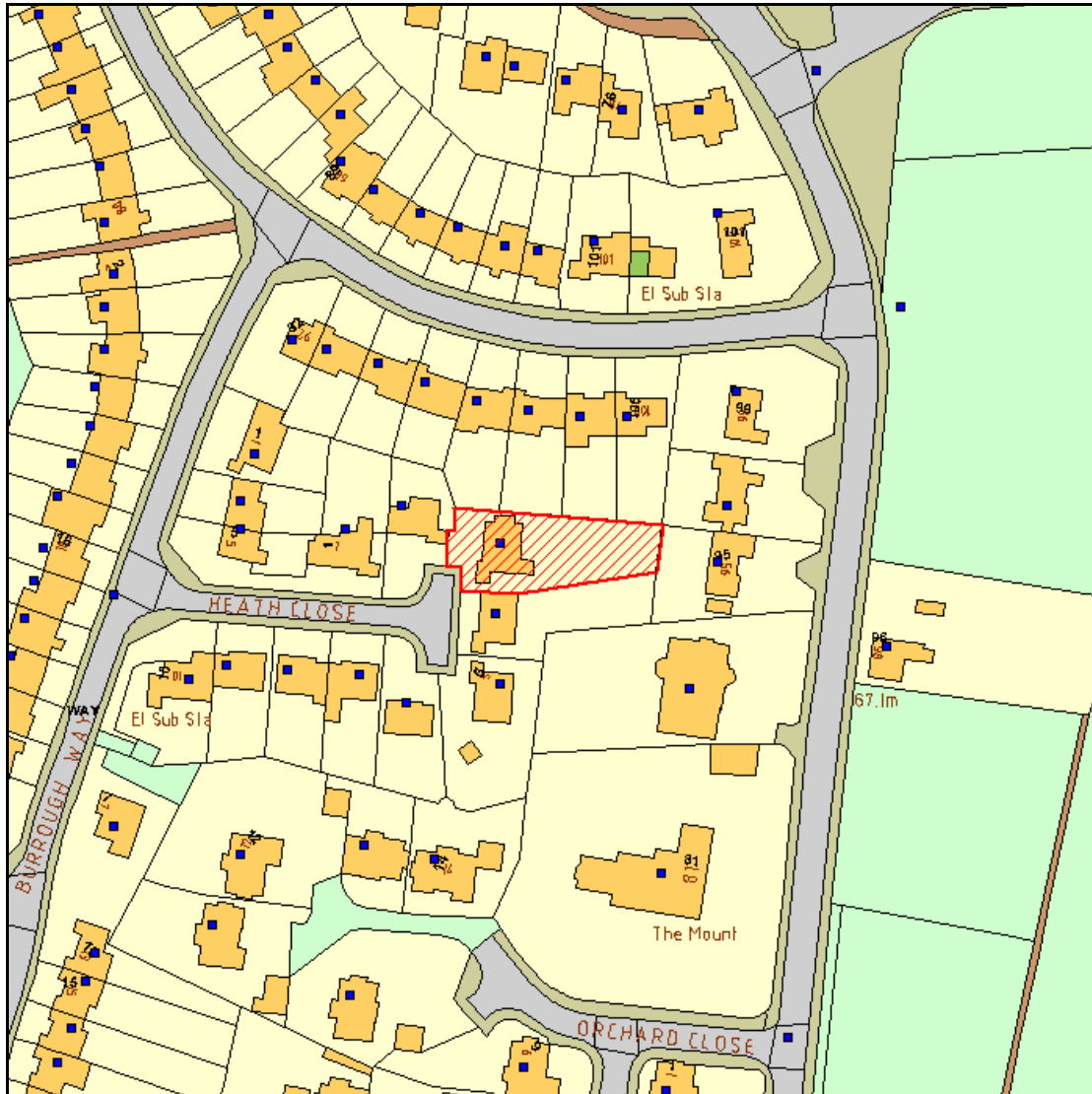
3. The off-street parking facilities shown on the plan hereby approved shall be permanently retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Planning Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PT10/1244/F	Applicant:	Mr J Hosie
Site:	3 Heath Close Winterbourne Bristol South Gloucestershire BS36 1LQ	Date Reg:	26th May 2010
Proposal:	Erection of two storey side/rear extension, two storey front extension and single storey rear/side extensions.	Parish:	Winterbourne Parish Council
Map Ref:	365375 180590	Ward:	Winterbourne
Application Category:	Householder	Target Date:	19th July 2010



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 100023410, 2008. **N.T.S.** **PT10/1244/F**

INTRODUCTION

This application appears on the Circulated Schedule in view of the comments received from the Parish Council and one local resident.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a two-storey side/rear extension, a two-storey front addition and single-storey rear/ side extensions.
- 1.2 The application relates to a two-storey detached dwelling positioned at the far end of Heath Close cul-de-sac, Winterbourne.
- 1.3 Amended plans form part of this application that allow various changes to the proposal that include the reduction in width of the two-storey side extension replaced by a new two-storey rear extension and a reduction in size of the single-storey side/ rear extensions.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG13: Transport
- 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

Emerging Policies: South Gloucestershire Core Strategy Pre-Submission Draft (March 2010)
CS1: High Quality Design
CS17: Housing Diversity
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/3653/F: Erection of single-storey rear and side extension to form garden room and utility room and erection of pitched roof over existing garage.
Permitted: 24 January 2003

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council (*responding to both sets of plans*)
Objection: over development of the site

- 4.2 In response, the agent has commented as follows: *(original plans)*
- The rear extension is only single-storey, can not be viewed from the highway whilst any part under 4m in length can be built as permitted development;
 - The front extension would help improve the poor 1970's design of the dwelling whilst it is considered that this forms permitted development;
 - The side addition would incorporate the existing garage with a hipped roof to help ensure that there would be little or no shadow effect on the neighbouring property;
 - Many three bedroom properties of this type have been extended to provide a fourth bedroom;
 - The total area of increased footprint is very small;
 - The side extension is positioned at the far end of the cul-de-sac thus is barely visible;
 - The dwelling benefits from a larger plot than surrounding dwellings.

- 4.3 Other Consultees
Highways DC: no objection

Other Representations

- 4.4 Summary of Local Residents Comments *(responding to first set of plans)*
One letter received expressing the following concerns:
- The proposed extension will affect sunlight and daylight dramatically;
 - The neighbouring windows and rear conservatory will directly overlook the proposal;
 - Discussions were held with the previous owners about the extensions completed in 2006- these were acceptable but the current proposal is not.
- 4.5 In response, the agent has commented as follows: *(original plans)*
- The proposal would be the same distance from the extension as the original single-storey extensions i.e. 17.5m- this is much further than the accepted 11m side to rear for dwellings;
 - Sun track diagrams have been submitted to show that there would be no impact on sunlight and limited shadowing;
 - The roof would be hipped, the wall rendered and the proposal 17.5m away to help ensure that it would not appear overbearing;
 - There is no right to a view;
 - The property has no elevation that fronts the highway thus the front extension is permitted development.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Planning 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 two-storey detached dwelling positioned at the far end of Heath Close cul-de-sac. It is noted that a number of dwellings within this cul-de-sac appear of identical design albeit with some changes and extensions. In this regard, as built these properties comprise two-storey gable ended dwellings built to a near square footprint with a flat roof single garage to one side.
- 5.3 The current proposal would allow a two-storey side/ rear extension to the north side of the dwelling that would incorporate the existing garage and ground floor extensions to this side. In so doing, the garage would be retained as would part of the existing study behind with two bedrooms and a new bathroom erected above. Viewed from the front, this side addition would appear subservient to the host dwelling stepped back marginally from the front wall of the existing property and with a slightly lower ridge; it would though extend beyond the rear building line of the dwelling at first floor by 3.4m.
- 5.4 The single-storey rear additions would provide a kitchen and dining room with the former positioned centrally and aligning with the rear of the adjoining two-storey side extension. The dining room would step out further to the rear and beyond the existing flank wall; a flat roof would encompass both elements.
- 5.5 The two-storey front extension would provide an open porch with a new bathroom above; this would be positioned centrally in front of the existing dwelling and would adjoin a newly formed lounge to the far side of the dwelling the extension of which would be built as permitted development.
- 5.6 In response, the alterations made to this scheme allow for the reduction in width of the two-storey side extension with the initially proposed hipped roof to this side deleted. This is considered to allow for a size of addition that would appear better in proportion with the host dwelling whilst the hipped roof appeared somewhat contrived and out of keeping with the character of the existing property.
- 5.7 The proposed front extension would appear subservient to the dwelling with the form and bulk of the original dwelling behind clearly visible; on this basis there is no objection to this element of the proposal. Further, the two-storey rear extension would not appear readily visible from the public viewpoints whilst the further single-storey extensions would again appear subservient to the host unit. On this basis, there is no objection to the current proposal on design/ visual amenity grounds.
- 5.8 Residential Amenity
The neighbouring property to the south is of similar design to the host dwelling and appears devoid of extensions. Meanwhile, it is noted that the attached flat roofed single-garage stands to this side of this property thus allowing an element of separation between these dwellings. Having regard to the impact of the proposal, the bulk of the works would be sited to the far side of the dwelling with only single-storey extensions to this side. These would not appear readily apparent by virtue of the existing boundary screening whilst nonetheless, the size of the dining room has been slightly reduced.

- 5.9 In view of the above, and given the orientation of these dwellings (with the application site directly to the north of this property), it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.10 Properties to the north front Friary Grange Park with their associated rear gardens adjoining the flank boundary of the application site. These rear gardens are some 15m in length thus allowing an element of separation between these dwellings whilst the two-storey side extension proposed has also been stepped in from this shared boundary (albeit with the rear extension now added). On this basis, and with only a first floor bathroom window proposed (that could be obscure glazed with this controlled by an appropriately worded condition), it is considered that any associated refusal reason relating to the impact of the proposal on these properties would be unlikely to prove sustainable. As such, there is no objection to the current proposal on this basis.
- 5.11 The proposed front extension would be relatively small in size and would introduce only one forward facing bathroom window (that again could be obscure glazed). Notwithstanding this, it is noted that it would introduce no new issues of overlooking. As such, it is not considered that any significant adverse impact in residential amenity would be caused to the occupiers of that dwelling opposite.
- 5.12 Highway Safety
The existing garage would be retained whilst there is further space for vehicle parking to the front of the property. On this basis, and with no objection raised by the Council's Highways Engineer, there is no objection to this proposal on highway grounds.
- 5.13 Comment on Permitted Development
It is not considered that the two-storey front extension would comprise permitted development under Class A (The enlargement, improvement or other alteration of a dwelling house) of the General Permitted Development Order. This is because development does not constitute permitted development if the enlarged part of the dwelling would extend beyond a wall that fronts a highway and forms the principal elevation of the original dwelling. This is considered to be the case in this instance thus the two-storey front extension is included as part of the application.
- 5.14 The small single-storey living room extension to the side of the dwelling would appear to form permitted development as stated on the plans.
- 5.15 Design and Access Statement
A Design and Access Statement is not required as part of this application.
- 5.16 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.
- 6.3 The recommendation to grant permission is for the following reasons:
1. The design, scale and massing of the development proposed would be in keeping with the character and design of the host dwelling. As such, the proposal would accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal would not cause any significant adverse impact in residential amenity. It would therefore accord with Planning Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposal would be acceptable in transportation terms and thus would accord with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

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 & 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 Planning Policy D1 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 north elevation of the property and the south elevation of the first floor rear extension.

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.

4. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor bathroom window in the north 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 Planning Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PT10/1262/PN1	Applicant:	Telfonica O2 UK Ltd
Site:	Grass Verge Off Merlin Road Patchway Bristol South Gloucestershire BS10 7SR	Date Reg:	27th May 2010
Proposal:	Prior notification of the intention to install 1 no. 15 metre monopole, 2 no. equipment cabinets and associated works.	Parish:	Almondsbury Parish Council
Map Ref:	358424 180657	Ward:	Patchway
Application Category:		Target Date:	8th August 2010



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 100023410, 2008. **N.T.S.** **PT10/1262/PN1**

INTRODUCTION

This application appears on the Circulated Schedule List because an objection has been received which is contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks prior approval for the erection of 1no. 15 metre high monopole and 2no. equipment cabinets.
- 1.2 The proposal would be located on highway land adjacent to the northwestern side of the Merlin Road/Venue roundabout.
- 1.3 The application relates to an alteration, in terms of siting, of a previous prior notification application, which the Council had no objections to. Upon visiting the site it was noted that an equipment cabinet has already been installed. On this basis the application is partly retrospective.
- 1.4 According the applicant the mast is required to provide 3G coverage to the residential and commercial properties in the area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG8 Telecommunications
Code of Best Practice on Mobile Phone Network Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
T12 Transportation Development Control Policy in New Development
S5 Telecommunications
L1 Landscape Protection and Enhancement
- 2.3 Supplementary Planning Guidance
The Design Checklist (adopted)
The Telecommunications Network Infrastructure SPD (adopted) August 2005
- 2.4 Core Strategy - Planning for Future Development in South Gloucestershire
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/0307/PN1, prior notification of the intention to install 1no. 12.5 metre linear column, 3no. antenna and 1no. equipment cabinet, 23/03/09, no objection.
- 3.2 PT10/0180/PN1, prior notification of the intention to install 1no. 15 metre monopole, 2no. equipment cabinets and associated works, 22/03/10/ no objection.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council
No comments received

4.2 Transportation DC
No objection

4.3 Civil Aviation Authority
No objection

Other Representations

4.3 Local Residents
One letter of objection has been received. The objector states the following reasons for objecting:

- The proposal would not be located on land in control of the applicant;
- The applicant failed to serve notice as required by Part A3 of Part 24 of the GPDO;
- The proposal does not meet the requirements of the GPDO and a formal application should be requested;
- Adverse visual impact on the regional shopping centre and surrounding area;
- Were not consulted on the previous application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The proposed development is permitted by virtue of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995, however the applicant must give the Local Planning Authority Prior Notification of the Development.

5.2 The Council will require developers to demonstrate what attempts have been made to minimise the impact through appropriate siting and design of appearance in terms of materials, colours, height, etc. In all instances the main material consideration will be the technical needs of the operator as demonstrated by the applicant and the need to facilitate development.

5.2 Design/Appearance and Siting
The only difference between this application and the previously approved application is the fact that the monopole would be sited approximately 0.7 metres closer to the pathway to the north of the site and the equipment cabinets would be sited approximately 0.4 metres closer to the path. On this basis, it is considered that there is no material difference in terms of design, appearance or siting from the previously approved application and the proposal is therefore considered to be acceptable. The objection on the basis of the impact on the visual on the shopping area and surrounding area is noted. However, it is considered that the proposal would not appear significantly out of

keeping to the detriment of visual amenity given that there are many vertical structures within the locality and although it would be taller than the surrounding street lighting, it is considered that it would not bring about any significant issues to the streetscene given the spacious context of Cribbs Causeway. In addition, it is considered that the mast would not be adversely unattractive, given the slender design and the fact that the proposed antennas would be concealed.

5.3 Residential Amenity

PPG8 states that provided the proposed development adheres to the ICNIRP guidelines, it is not necessary for the Local Planning Authority to consider health and safety implications or insist on minimum distances between telecommunications development and existing development. The applicant has submitted a declaration of conformity with ICNIRP public exposure guidelines certificate. In addition, no residential properties are located within close proximity to the site, therefore, it is considered that the proposal would not have a significant adverse impact in terms of residential amenity.

5.4 Mast Sharing

The applicants have submitted technical information to justify the need for the mast and also details of 4no. other sites that have been considered and reasons why these sites are inappropriate. The mast would be shared by 2no. telecommunication companies and reduce the overall impact on the environment by avoiding the need for an additional mast. In addition, mast sharing is encouraged by PPG8.

5.5 Further Matters

Although the site forms a public highway, it is understood that the subsoil is privately owned. The original submission did not comply with Part 24 Class A3 of the General Permitted Development Order since the requisite notice was not served to all the relevant parties. The applicant subsequently served the required notice and the application was re-validated. On this basis, it is considered that the proposal complies with Part 24 Class A of the General Permitted Development Order. Nevertheless, prior written consent is required from all owners and occupiers of any land, which it is necessary to enter in order to carry out the development. This is a civil matter and is not a relevant planning consideration. Whilst the objectors concerns regarding the cost implications of moving the mast in the event of the carriageway being re-opened are noted, it is not a relevant planning consideration. Moreover, in this instance the application has been assessed on its own merits and the potential future events that may occur in the area have not been given weight. This is firstly because the principle of the development is 'permitted development' in this instance, and furthermore, the stated future concerns are not proportionate to the scale of the development proposed here. Although the objector was not consulted on the previous application, the consultation procedure was carried out in accordance with the Council's Statement of Community Involvement (adopted) document.

5.6 Use of Energy and Sustainability

N/A

5.7 Improvements Achieved to the Scheme
N/A

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 not object 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.

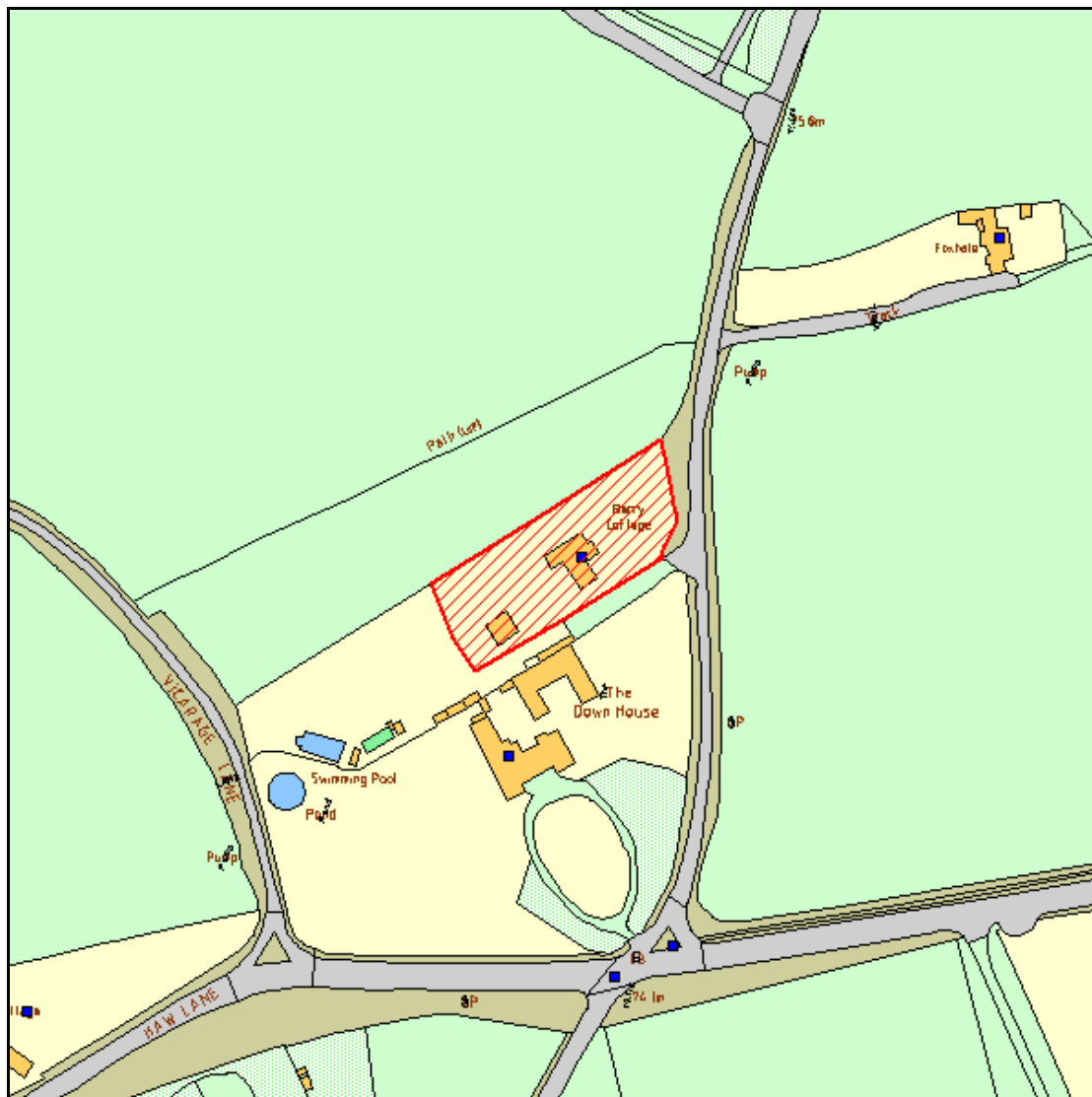
7. RECOMMENDATION

7.1 No objection.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PT10/1318/CLP	Applicant:	Mr Kenneth Pearce
Site:	Berry Cottage Foxholes Lane Tockington Bristol South Gloucestershire	Date Reg:	8th June 2010
Proposal:	Application for Certificate of Lawfulness for the proposed erection of side conservatory.	Parish:	Olveston Parish Council
Map Ref:	361139 187411	Ward:	Severn
Application Category:	Minor	Target Date:	27th July 2010



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 100023410, 2008. **N.T.S.** **PT10/1318/CLP**

INTRODUCTION

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

1. DESCRIPTION OF DEVELOPMENT

- 1.1 The applicant is seeking a formal decision as to whether a proposal to construct a single storey side extension within the residential curtilage of Berry Cottage, Foxholes Lane is lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
- 1.2 The proposed rear extension would be 4.5 m deep, 10 m wide and 4.1 m in height. Materials would be to match existing.

The site lies in open countryside and within the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 P94/1350 – Erection of rear detached double garage. Approved 08/05/1994.
- 3.2 PT01/1130/F – Erection of two storey extension. Erection of rear conservatory. Refused 02/10/2001.
- 3.3 PT01/3544/F - Erection of two storey extension. Erection of rear conservatory. Approved 22/01/2002.
- 3.4 PT04/0806/F - Erection of two storey extension and first floor extension. Erection of rear conservatory (amendments to previously approved scheme PT01/3544/F). Approved 30/03/2004.
- 3.5 PT07/2375/F – Erection of car port. Approved 31/08/2007.
- 3.6 PT10/0240/F – Erection of single storey side extension. Withdrawn 29/03/2010.

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

Objection on the grounds of over-development in the Green Belt and concerned it would set a precedent.

Other Representations

4.2 Local Residents

No response.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

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

6. EVALUATION

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

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

- Extensions (including previous extensions) and other buildings must not exceed 50% of the total area of land around the original house. The submitted plans demonstrate this.
- The extension would not extend beyond a wall that fronts a highway and forms either a principal or a side elevation of the original dwellinghouse. The submitted plans demonstrate this.
- Materials used in exterior work to be similar in appearance to those of the exterior of the existing house. The submitted plans demonstrate this.
- The height of the eaves of the part of the dwellinghouse enlarged would not exceed the height of the eaves of the existing dwellinghouse. The submitted plans demonstrate this.
- The extension, which would extend beyond a wall forming a side elevation of the original dwellinghouse would not; exceed 4

metres in height, have more than one storey, or have a width greater than half the width of the original dwellinghouse. The submitted plans demonstrate this.

- The proposed development is not on “article 1(5)” land eg within a conservation area or within the curtilage of a listed building. This is not the case.

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

7. RECOMMENDATION

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

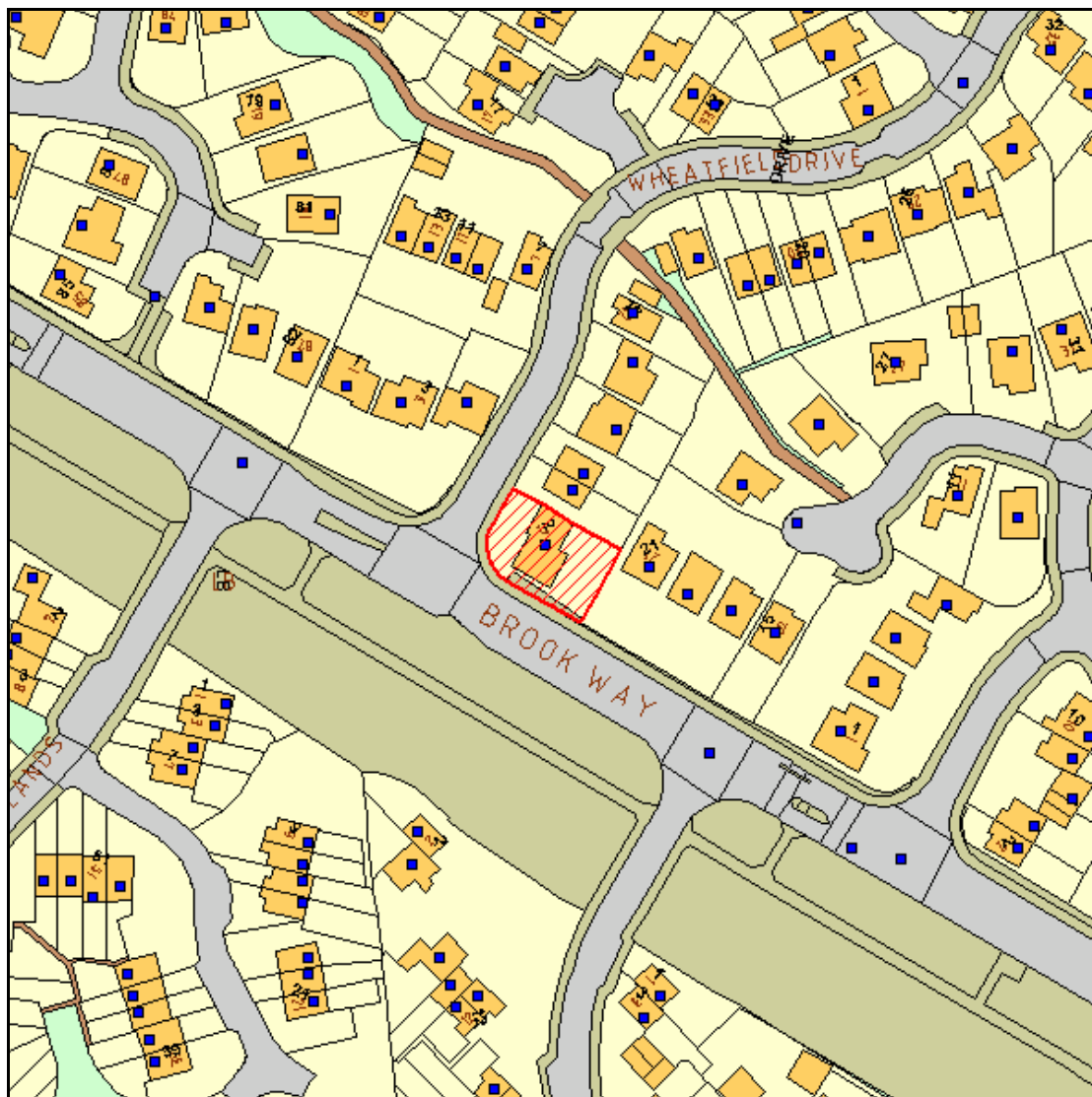
Contact Officer: William Collins
Tel. No. 01454 863819

CONDITIONS

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

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PT10/1340/F	Applicant:	Mr C Stewart
Site:	2 Wheatfield Drive Bradley Stoke Bristol South Gloucestershire BS32 9DP	Date Reg:	8th June 2010
Proposal:	Erection of first floor side and two storey rear extension to form additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	361504 182186	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Householder	Target Date:	29th July 2010



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 100023410, 2008. **N.T.S.** **PT10/1340/F**

INTRODUCTION

This report is being circulated to Members because the Officer's report is contrary to written representations received from a local resident and Bradley Stoke Town Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a two storey side and rear extension. The proposed extension would consist of infilling a first floor side extension on an existing single storey garage conversion and infilling an existing recess on the rear extension. The extension would measure approximately 5.5 metres in width, 7.5 metres in depth with a ridge height of approximately 7.7 metres falling to circa 5.7 metres at the eaves. Both ridge and eaves height of the proposal would match the existing property as would the materials.
- 1.2 The application site relates to a large modern two storey detached dwellinghouse situated on a prominent corner plot where Wheatfield Drive meets Brook Way. It is located in a well-established residential area of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Design
H4: Development within Existing Residential Curtilages
T12: Transportation in New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist Supplementary Planning Document 2007
- 2.4 Emerging Policy
South Gloucestershire Council Core Strategy Pre-Submission Publication Draft March 2010:
CS1: High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection on the following grounds:
a) over-development of the site;
b) over-massing of the buildings;

c) out of keeping with surrounding area

4.2 Transportation
No objection

Other Representations

4.3 Local Residents

3 letters of objection from the same local resident on the following grounds:

- a) overlooking;
- b) impact on existing trees;
- c) over-development of the site;
- d) future sub-division of the property.

All issues will be addressed in the relevant section of the report. Should there be no relevant section, these will be addressed in a section entitled 'Other Matters' to be found towards the end of the report.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposed development consists of extensions to a dwelling within an existing residential curtilage. Policy H4 of the Local Plan permits this type of development in principle subject to the following considerations.

5.2 Residential Amenity

The application site is a large corner-plot. It has driveway approximately 2 metres wide separating it at the front from No.4 Wheatfield Drive and a 1.8 metre tall timber fence with mature shrubs acting as a boundary treatment to the rear with No.4. To the other side is an approximately 2 metres tall mature shrub hedge acting as a boundary treatment separating the application site from the footpath and Brook Way. The rear boundary treatment consists of a 1.8 metre tall timber fence which backs on to the side elevation and rear garden of 21 Dewfalls Drive.

Concerns have been raised about overlooking from the proposed first floor into this property. However the proposed development by infilling an existing recess and having been reduced in depth, does not extend further than the existing rear elevation which already has substantial glazing set at such an angle as to be more visible than that proposed.

It is therefore considered that the proposal would not result in overlooking or inter-visibility between principal rooms. Sufficient space would remain to serve the host dwelling and the proposal does not raise any highway safety issues. Accordingly it is considered that the proposed development would meet criteria contained in Policy H4 of the South Gloucestershire Local Plan 2006.

5.3 Design/Visual Amenity

The existing property is constructed of red brick with brown interlocking tiles and white Upvc windows and doors. All materials would match existing. The proposed development occupies a prominent visual position on a corner plot where Wheatfield Drive meets Brook Way, a major through route of Bradley

Stoke. The application site and existing property are visible from both directions on Brook Way from both road and footpath.

Concerns have been raised that the proposed development would result in over-massing of the site and would be out of keeping with the surrounding area.

Amended plans have been received to address the concerns of the case officer, Town Council and local resident. These amended plans show the wide gables on both front and rear elevations have been altered to hipped roofs. The proposal has been setback slightly on the front elevation by virtue of retaining the existing frontal lean-to canopy. The alteration of roof from gable to hip and retention of the front canopy results in the proposed development being much more in keeping with the style and character of the existing house and surrounding properties. The removal of the rear gable end has reduced the rear elevation in depth to be in line with the existing property. The windows and French doors to the rear have been altered so that they would be in keeping with the existing property and appear more uniform. The ridge and eaves height would remain the same with the proposed rear elevation flush with the existing. The proposed development would not protrude forward of the established building line and a replica dormer would be inserted on the front elevation above the window to the furthest left. Accordingly the proposed development is considered to respect the character of the existing dwelling and the surrounding area and appears in keeping with the street scene in general.

Concerns were raised regarding over development of the site. The application site as a corner plot, is substantially larger than those it adjoins. By virtue of this it is considered able to accommodate more development than perhaps the neighbouring properties could in terms of massing and scale of development.

On balance, it is considered that a design approach has been adopted which meets criteria contained in policy D1 of the South Gloucestershire Local Plan 2006 and the South Gloucestershire Design Checklist Supplementary Planning Document 2007.

5.4 Transportation

There will be no change to the existing access and parking arrangements which are considered acceptable. No issues of highway safety are raised. Accordingly it is considered that the proposed development would meet criteria contained in Policy T12 of the South Gloucestershire Local Plan 2006.

5.5 Other Matters

5.5.1 A concern was raised that the development may result in a loss of trees or damage to a tree. It is considered that the trees/mature shrubs in question are not covered by a Tree Preservation order and nor would they fulfil the criteria for a Tree Preservation Order. As such there is no objection to the proposed development.

5.5.2 A concern was raised that the proposed works may result in a future subdivision of the property. Whilst the concern is appreciated, each application is assessed on its own merits.

A fresh planning permission application would be required to subdivide the property into two separate units and any application as such would be assessed at that time.

- 5.6 Design and Access Statement
No Design and Access Statement was necessary.
- 5.7 Use of Energy and Sustainability
Will be in accordance with building regulation standards.
- 5.8 Improvements Achieved to the Scheme
The gables on both front and rear have been altered to hipped roofs. The front lean-to canopy has been retained. The windows have been altered to appear more in keeping with the existing and the rear elevation has been kept flush with the existing.
- 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.
- 6.2 By virtue of the boundary treatments, location and angle of the proposed development it is considered that existing residential amenity would be maintained. As such the proposal meets criteria contained in Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 Materials will match existing as will ridge and eaves height, depth and windows. The frontal canopy and hipped roofs are key characteristics of this style of property which is evident in the majority of surrounding properties. The corner plot is large and is able to accommodate the proposal in terms of scale and massing. As such the proposal is considered in keeping with the existing dwelling and surrounding area and as such meets criteria contained in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Design Checklist Supplementary Planning Document 2007.
- 6.4 No issues of highway safety are raised. Accordingly it is considered that the proposed development would meet criteria contained in Policy T12 of the South Gloucestershire Local Plan 2006.
- 6.5 The recommendation to grant permission has been taken having regard to the

policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Genevieve Tuffnell
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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.

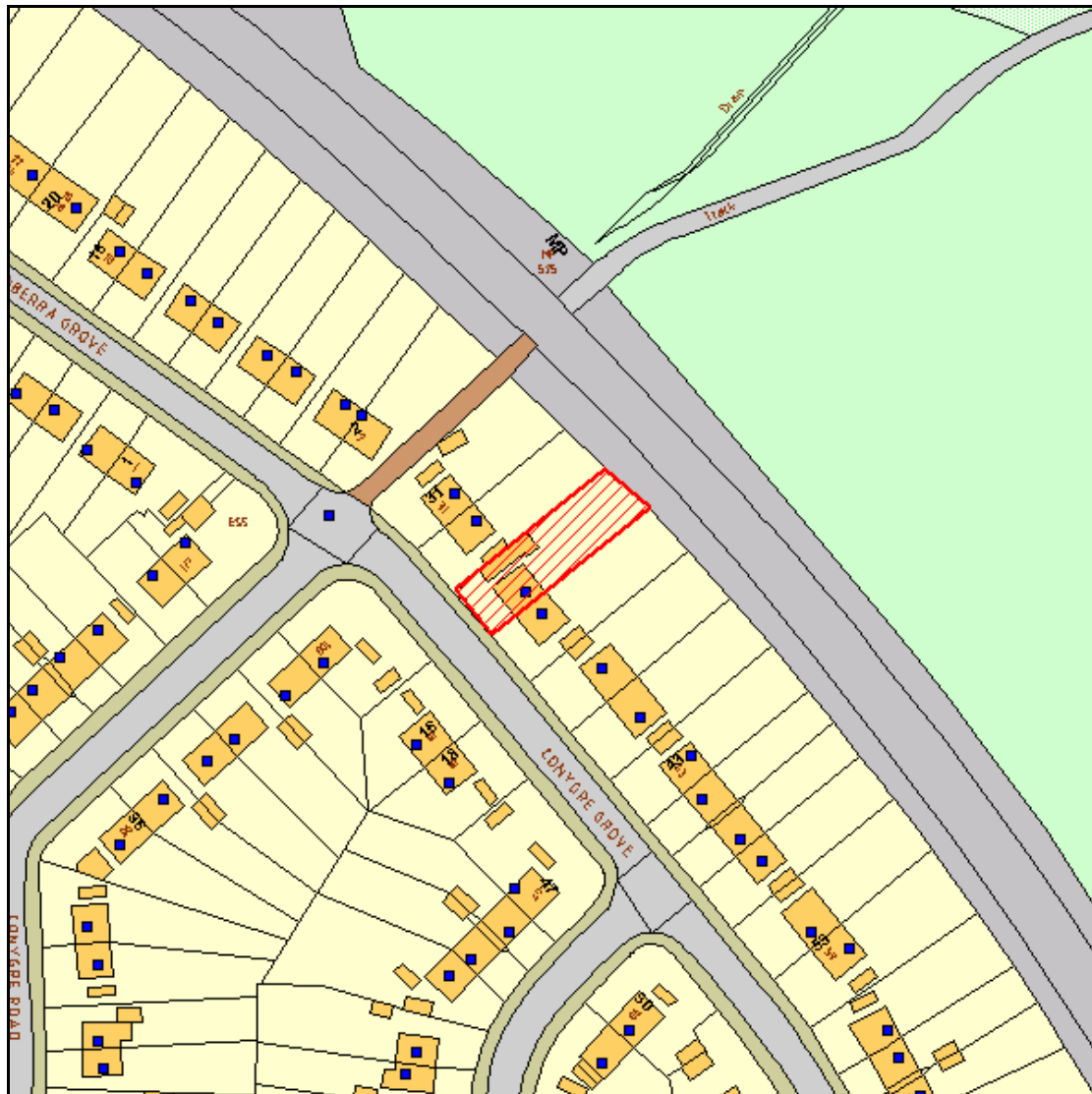
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the rear elevation of the property.

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.

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PT10/1456/F	Applicant:	Mrs Rohina Jonjua
Site:	35 Conygre Grove Filton Bristol South Gloucestershire BS34 7DN	Date Reg:	15th June 2010
Proposal:	Erection of single storey rear extension to provide additional living accommodation	Parish:	Filton Town Council
Map Ref:	360935 179657	Ward:	Filton
Application Category:	Householder	Target Date:	9th August 2010



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100023410, 2008. **N.T.S.** **PT10/1456/F**

This application has been referred to the Circulated Schedule on the grounds that a letter of objection has been received.

1. THE PROPOSAL

- 1.1 This full application relates to the erection of single storey rear extension at 35 Conygre Road, Filton. The proposal measures 3.5m in depth, 5.8m in width and has a mono-pitch roof.
- 1.2 The application site is a semi-detached, mansard type property within the urban area of Filton. Vehicular access is to the front of the property. The site benefits from a large rear garden. The rear garden is approximately 0.5m below the ground floor of the property.

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)
- 2.4 South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No response received.
- 4.2 Other Consultees
Sustainable Transport
No objection.

Other Representations

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

- a) loss of light;
- b) security.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

In assessing applications for residential extensions, Policies D1 and H4 of the adopted Local Plan are particularly relevant. Policy D1 purely relates to design considerations whereas Policy H4 sets out the relevant criteria in assessing applications for residential development. Such development is normally permitted provided it is in keeping with the overall character and design of the existing property and street scene in terms of size, massing, proportions; would not prejudice the amenities of nearby occupiers; allows for adequate parking provision; is acceptable in highway safety terms and retains an area of adequate, private amenity space.

- 5.2 It is considered that the application accords with the above policy criteria. The size and design of the extension is in keeping with the existing property and area as a whole and due to its single storey nature, limited depth of 3.5m and height will not adversely affect the residential amenity of the adjoining occupiers in terms of any loss of light/privacy or overbearing impact to such an extent as to warrant a refusal. Adequate garden area will remain and access/parking arrangements are unaffected by the proposal.

5.3 **Other Issues**

In terms of the issue of security, this is a material consideration. However, it would be unreasonable to refuse a house extension on this basis.

The application therefore complies with the adopted local plan and is acceptable.

5.4 **Section 106 Requirements**

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

6. **CONCLUSION**

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

January 2006 set out above, and to all the relevant material considerations set out in the report.

6.3 The recommendation to grant permission is for the following reasons:-

1. The proposed extension due to its limited size, single storey nature and design is considered to be acceptable in terms of visual and residential amenity. The proposal would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and H4 (Development within Existing Residential Curtilages, Including Extensions and New Dwellings) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposal has no impact in highway safety terms. As such the proposal is considered to be compliant with Planning Policy T12 (Transportation Development Control Policy) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission be granted.

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 & Country Planning Act 1990 (as amended).

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

3. The tiles to be used in the development hereby permitted shall match those of the existing building in colour.

Reason

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

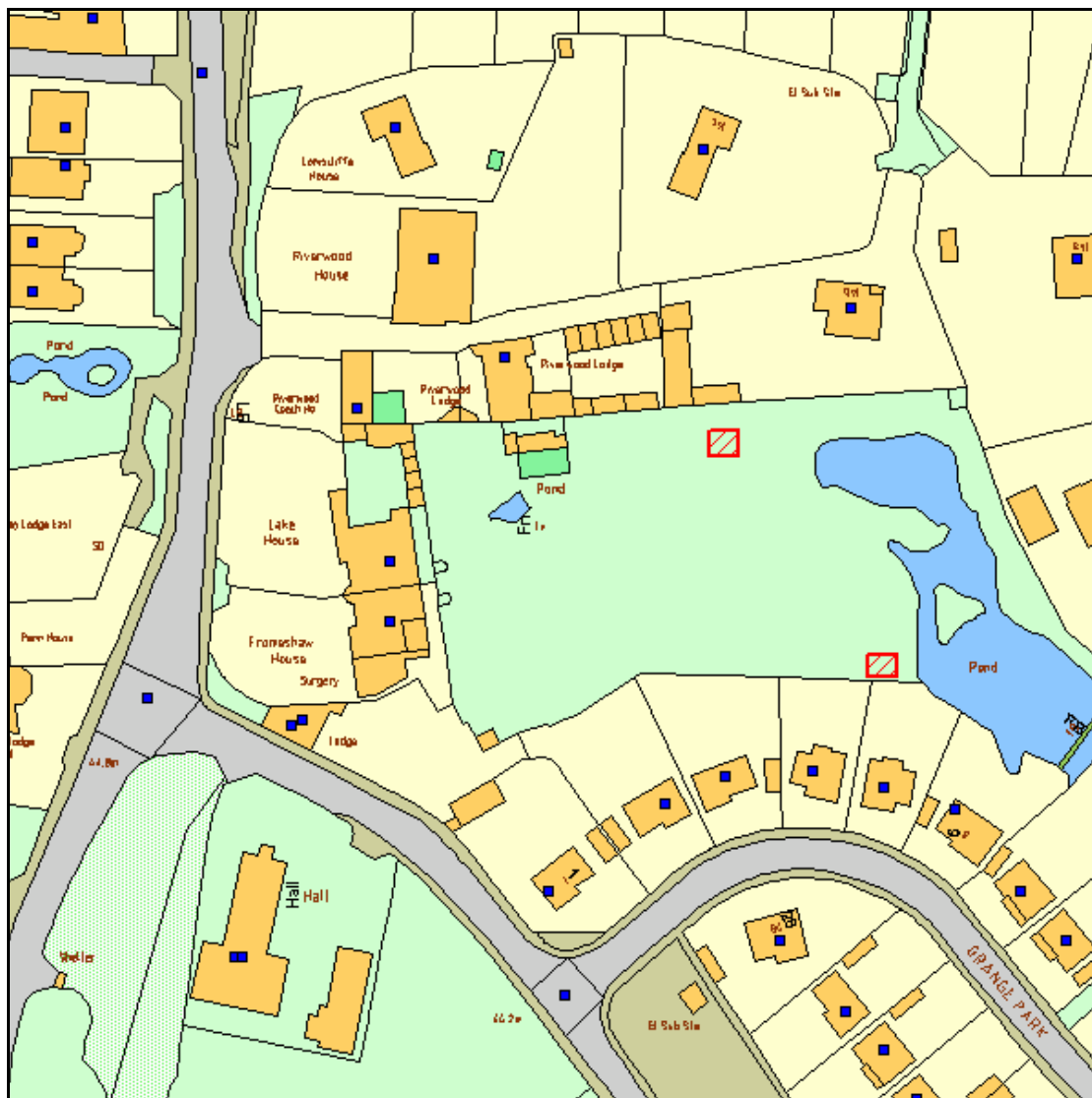
4. No windows shall be inserted at any time in the side (south-east) elevation of the extension hereby permitted.

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.

CIRCULATED SCHEDULE NO. 26/10 – 9 JULY 2010

App No.:	PT10/1503/TCA	Applicant:	Mrs S Cawthorne
Site:	Lake House Beckspool Road Frenchay Bristol South Gloucestershire	Date Reg:	18th June 2010
Proposal:	Works to fell 1no. Sycamore tree (T2) and 1no. Ash tree (T3) situated within the Frenchay Conservation Area	Parish:	Winterbourne Parish Council
Map Ref:	364200 177967	Ward:	Frenchay And Stoke Park
Application Category:		Target Date:	28th July 2010



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PT10/1503/TCA

INTRODUCTION

This application appears on the Circulated Schedule as a representation was made contrary to the Officers recommendation. However Members are advised that there is insufficient time for this matter to be referred to a scheduled Development Control West Committee, as if the Local Planning Authority do not determine this application by 28th July the applicant is entitled to carry out the works in any event.

1. THE PROPOSAL

- 1.1 The application seeks consent to carry out works to fell 1no. Sycamore tree (T2) and 1no. Ash tree (T3) situated within the Frenchay Conservation Area.
- 1.2 No reasons are stated as to why the trees are to be removed, consent is required for the trees removal as the trees are in situ within the Frenchay Conservation Area.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement

L12 Conservation Areas

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objects in principle to healthy trees being felled without good reason and no reason to fell these trees has been put forward.

Other Representations

4.2 Local Residents

No response.

5. ANALYSIS OF PROPOSAL

Although no reason has been stated for the removal of the sycamore sapling and the ash tree, the Council's Tree Officer has assessed that neither tree would fulfil the criteria for Tree Preservation Orders. In addition it is considered that these are small trees that are not visible from the surrounding area and

therefore no harm is caused to the visual amenity of Frenchay Conservation Area.

6. CONCLUSION

The decision not to object 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 No objection.

Contact Officer: William Collins
Tel. No. 01454 863819