



**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. 32/10

Date to Members: 20/08/10

Member's Deadline: 26/08/10 (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 you 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.

**Dates and deadlines for Circulated Schedule
During the August Bank Holiday Period 2010**

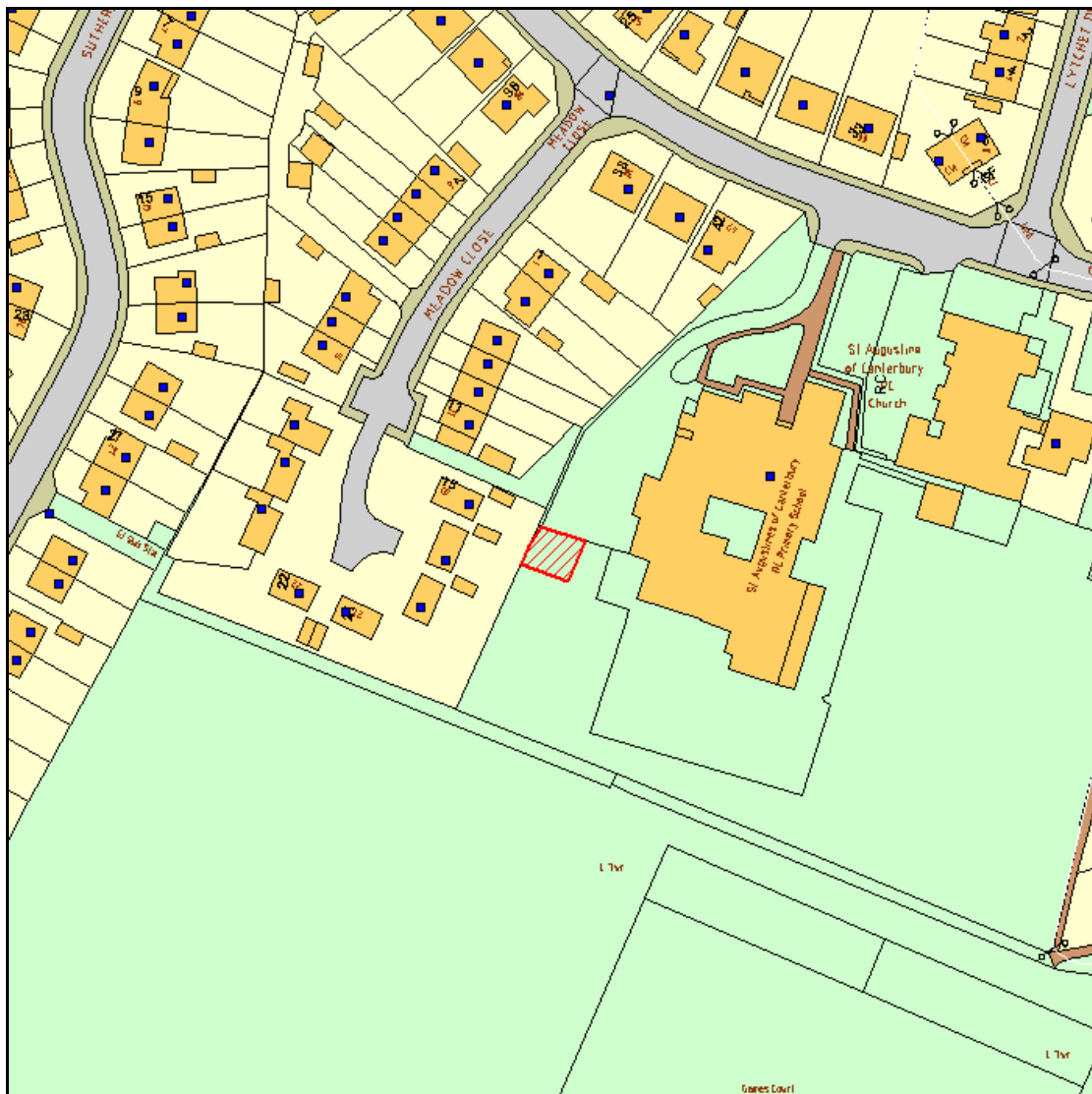
Schedule Number	Date to Members 09.00 am	Members Deadline 5 pm
33/10	Thursday 26 August 2010	Thursday 02 September 2010

CIRCULATED SCHEDULE – 20 AUGUST 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/1309/F	Approve with Conditions	St Augustine Of Canterbury Rc Primary School Boscombe Crescent Downend South Gloucestershire BS16 6QR	Downend	Downend And Bromley Heath Parish Council
2	PK10/1419/F	Approve with Conditions	Cadbury Heath Fc Cadbury Heath Road Cadbury Heath South Gloucestershire BS30 8BX	Parkwall	Oldland Parish Council
3	PK10/1522/CLP	Approve with Conditions	The Hawthorns Siston Hill Siston South Gloucestershire BS30 5LT	Siston	Siston Parish Council
4	PK10/1538/F	Approve with Conditions	27 Footshill Close Kingswood South Gloucestershire	Hanham	None
5	PK10/1637/F	Approve with Conditions	11 Tremes Close Marshfield Chippenham South Gloucestershire SN14 8TB	Boyd Valley	Marshfield Parish Council
6	PK10/1667/F	Approve with Conditions	28 Bough Gardens Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
7	PK10/1672/F	Approve with Conditions	36 Long Handstones Cadbury Heath South Gloucestershire BS30 8AP	Parkwall	Oldland Parish Council
8	PK10/1747/TRE	Approve with Conditions	Stephens Green Court Farm Road/Ferry Road Hanham South Gloucestershire BS15 3NT	Longwell Green	Hanham Abbots Parish Council
9	PK10/1758/F	Approve with Conditions	66 High Street Hanham South Gloucestershire BS15 3DR	Hanham	Hanham Parish Council
10	PT10/1140/CLE	Refusal	Hardings Farm Oldbury Naite Thornbury South Gloucestershire BS35 1RG	Severn	Oldbury-on-Severn Parish Council
11	PT10/1444/F	Approve with Conditions	43 Park Crescent Frenchay South Gloucestershire BS16 1NZ	Frenchay And Stoke Park	Winterbourne Parish Council
12	PT10/1700/F	Approve without conditions	1 Dighton Gate Stoke Gifford South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council
13	PT10/1711/RVC	Approve with Conditions	Hambrook House The Stream Hambrook South Gloucestershire BS16 1RG	Winterbourne	Winterbourne Parish Council
14	PT10/1767/RVC	Approve with Conditions	Hambrook House The Stream Hambrook South Gloucestershire BS16 1RG	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.:	PK10/1309/F	Applicant:	Mr Graham Williams
Site:	St Augustine Of Canterbury Rc Primary School Boscombe Crescent Downend Bristol South Gloucestershire	Date Reg:	1st July 2010
Proposal:	Erection of garden shed (Retrospective).	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365621 177432	Ward:	Downend
Application Category:	Minor	Target Date:	25th August 2010



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100023410, 2008.

N.T.S.

PK10/1309/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the retention of a shed within the grounds of St Augustine of Canterbury RC Primary School, to store equipment used by St Augustine's Scout & Guide Group.
- 1.2 The application site is playing fields attached to St Augustine of Canterbury RC Primary School. The school is situated on the southern side of Boscombe Crescent, within the defined settlement boundary of Downend. The shed has already been erected adjacent to the western boundary of the playing fields.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
LC4 Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries
T12 Transportation Development Control Policy for New Development

South Gloucestershire Council Core Strategy (Pre-Submission Draft)
CS1 Good Quality Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 K1034/8 New Classroom
Approved May 1990
- 3.2 PK02/3439/F Single storey extension
Approved Dec 2002

4. CONSULTATION RESPONSES

- 4.1 Downend & Bromley Heath Parish Council
After initially not raising an objection, after viewing the plans and in view of representations made by neighbours, the Parish Council wish to raise an objection on grounds of being visually intrusive by virtue of its height in relation to the property boundary.
- 4.2 Local Residents

Four letters of objection have been received, two from each adjoining neighbour (one each via post and one each on the Officers site visit). These letters raised the following points.

- The shed is 0.5 metres from my boundary fence and the pitched roof is 1 metre above the top of the fence
- It is an utter eyesore and spoils the view
- It comes across some of my back garden
- There are alternative sites in the school grounds
- Why was this site chosen?
- Why was a pitched roof used rather than a flat roof, which would lower the height considerably
- The actual height is 2.77 metres and not 2.5 metres as stated in the application
- Why is it so close to my boundary fence?
- Why was there no consultation prior to the shed being built? Little regard to how the school's closest neighbours felt about the issue
- Other sites could have been chosen for the shed
- The colour is totally out of context with its surroundings

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 applies to all types of development and ensures that a good standard of design is achieved. This is echoed in Policy CS1 of the South Gloucestershire Council Core Strategy (Pre-Submission Draft). Policy LC4 allows for proposals for new educational facilities within existing urban areas subject to transportation, residential amenity and environmental considerations.

5.2 Design/Visual Amenity

This application seeks planning permission for the retention of a shed, to store equipment used by St Augustine's Scout & Guide Group. The application site is playing fields attached to St Augustine of Canterbury RC Primary School. The shed has already been erected adjacent to the western boundary of the playing fields. The shed is sited on slightly sloping land and shed measures 3.02 metres in width, 4.75 metres in length and has a maximum ridge height of 2.90 metres with a maximum eaves height from ground level of 2.20 metres. The shed comprises a rectangular form and has a pitched roof. Access is through the south east elevation and 1no. window is located in the south west gable elevation and 1no window is located adjacent the entrance door in the south east elevation. The shed is constructed of shiplap in a green colour and a felt roof in grey. These materials are considered acceptable.

5.3 The site is partially screened by a 2 metre high iron railing fence to the north (to the car park) and a 1.8 metre wooden close-boarded fence to the west (to the adjoining neighbours). To the east is an existing smaller shed that is currently used by the school's gardening club. As such, and given the small scale and the materials proposed, it is considered that the proposal would not have a negative impact on the character of the surrounding landscape. The design of

the shed is therefore considered to accord with Policies D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.4 Residential Amenity

Four letters of objection have been received from two adjoining neighbours and one from the Parish Council.

5.5 Concern has been raised over a loss of view caused by the part of the shed that is visible over the existing 1.8 metre fence. It has been calculated that approximately the top of 1.10 metre height of the shed can be viewed over the existing fence. The shed is sited over 13 metres from the rear wall of the closest dwelling (No. 15 Meadow Close). Due to the distance of the shed from the closest neighbouring dwelling, it is considered that the shed will not have an overbearing effect on the occupiers of neighbouring properties. Additionally, the current boundary treatments of the neighbouring occupiers are 1.8 metres in height. This can be increased to 2 metres in height without the need for planning permission.

5.6 An objection has been received regarding the design and the positioning of the shed close to the rear boundary fence of the neighbouring properties. The proposed shed is domestic in scale, design and colour and is therefore considered a suitable design for a setting close to residential properties. Therefore, with the existing boundary treatments and the domestic nature of the shed, it is considered that it would not have a significant adverse impact on the residential amenity of neighbouring properties.

5.7 Other Matters

It has been raised that that the application details are incorrect and the stated height of the shed is 2.5 metres, however, the submitted plans show the maximum height to the ridge of 2.90 metres.

5.8 An objection has been raised over loss of view. Planning applications cannot assess loss of view, but do assess whether the development has an overbearing effect on the occupiers of neighbouring properties, which this report has done (above).

5.9 Concern has been raised over the positioning of the shed only 0.5 metres away from the neighbouring boundary fence, and that it has a pitched rather than a flat roof. It should be noted that this is a retrospective application, which can only be assessed as submitted. Additionally, there is no statutory requirement for applicants to consult neighbouring occupiers prior to submitting a planning application.

5.10 Transportation

No changes are proposed to existing access or parking arrangements and the proposal would not increase vehicular trips significantly. The site is accessible by foot and bicycle. It is therefore considered that the development accords with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.11 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.

5.12 Use of Energy and Sustainability

N/A

5.13 Improvements Achieved to the Scheme

N/A

5.14 Section 106 Requirements

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

6. CONCLUSION

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

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

- The proposal would not alter existing access arrangements and would not have a significant adverse impact on highway safety. In addition, the existing parking arrangements would remain, as existing and the proposal would not increase vehicular trips significantly. The site can be accessed on foot and by bicycle, therefore the proposals accord with Policies LC4 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.
- Given the small scale of the proposal and its domestic scale, it is considered there will be no significant adverse impacts on the residential amenity of neighbouring properties, therefore the proposals accord with Policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006.
- The proposed shed is domestic in scale, design and materials and is therefore considered that the development accords Policies D1 and L4 of the South Gloucestershire Local Plan (adopted) January 2006 and the Design Checklist SPD (adopted).

7. RECOMMENDATION

7.1 Planning Permission is GRANTED.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

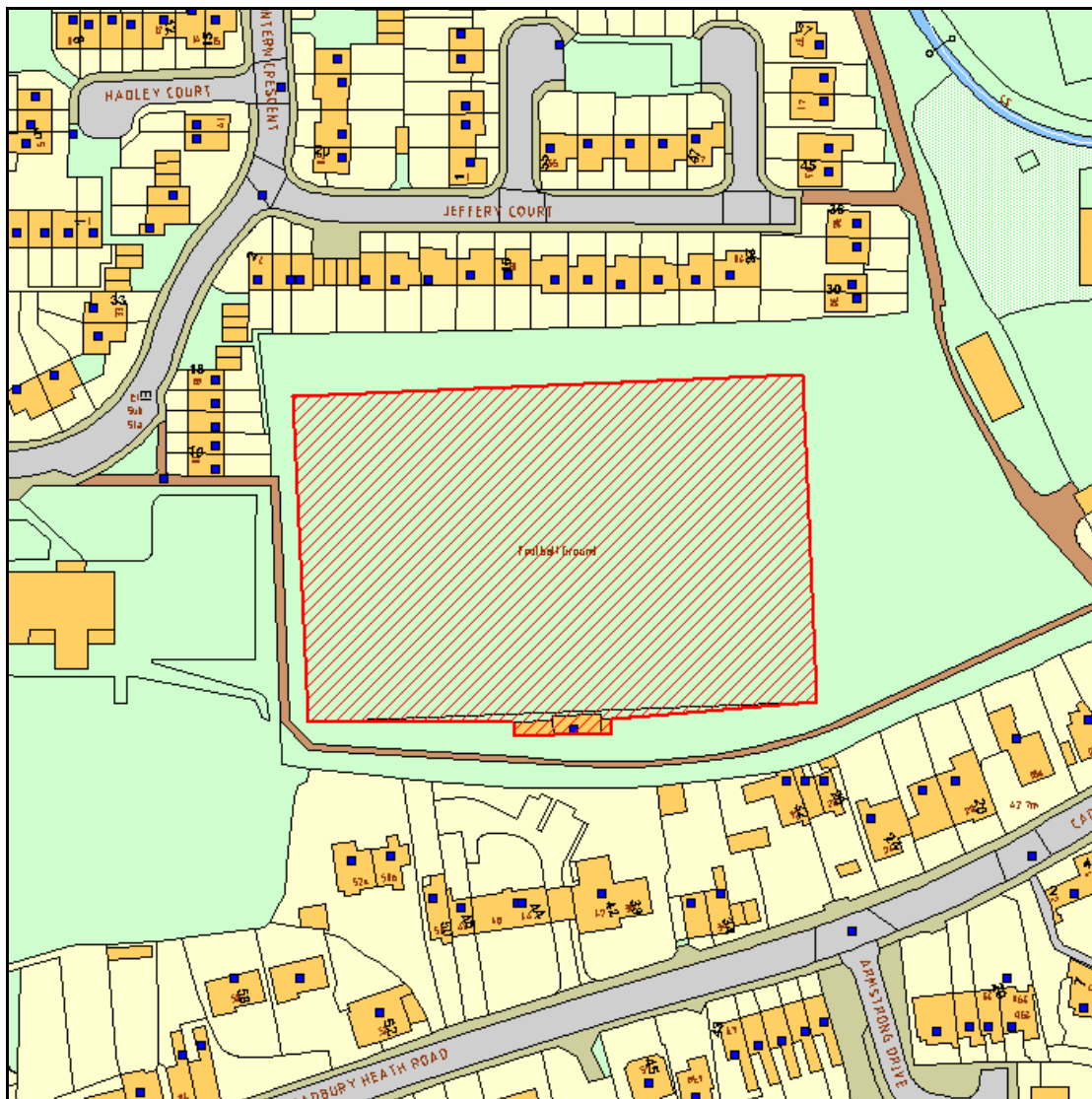
CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.: PK10/1419/F
Site: Cadbury Heath Fc Cadbury Heath Road
 Cadbury Heath Bristol South Gloucestershire
Proposal: Alterations to sports ground to include
 enlargement of technical area, installation of
 hardstanding area, 1 no storage container,
 erection of single storey changing rooms,
 spectator stand, temporary seating area and
 associated works.

Applicant: Mr Steve Plenty
Date Reg: 6th July 2010
Parish: Oldland Parish Council

Map Ref: 366660 172544
Application Category: Minor

Ward: Parkwall
Target Date: 26th August 2010



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 100023410, 2008. **N.T.S.** **PK10/1419/F**

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of objections from Oldland Parish Council and local residents, which are contrary to the officer recommendation. The land, the subject of this application, is also owned by South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The application relates to Cadbury Heath Football Club, which is based at Springfield, Cadbury Heath. Houses fronting Cadbury Heath Road lie to the south and similar properties fronting Jeffery Court lie to the north of the site. To the west is Cadbury Heath Primary School and further houses fronting Lintern Crescent; to the east is more sporadic residential and commercial development. The route of a Public Right of Way (PROW) POL11, currently bounds the site to the east and west and crosses the southern part of the actual football pitch; in effect however the path has already been physically re-routed to the south of what is now the clubhouse. Substantial hedgerows bound the field to the north and west.
- 1.2 Springfield is a public open space that is owned by the Council but leased to Cadbury Heath F.C.; the club has recently acquired a new 21 year lease/licence over the site from the Council, giving the football club exclusive rights to play organised sports and associated training activities on the playing field. The actual playing area is enclosed by a low spectator barrier beyond which, is a high perimeter fence, within which are gates to allow public access during non-playing days. To the east of the main pitch is an area used for training purposes; low level floodlights are utilised to illuminate this training area during winter training sessions. Vehicular access to the site is via Cadbury Heath Road.
- 1.3 Planning permission PK06/2475/F was recently granted to erect 8no.floodlighting columns around the pitch, outside the spectator fencing but within the perimeter fencing; each column is 16 metres high with twin lanterns on top. Due to the proximity of neighbouring residential properties and concerns about light spillage, a number of conditions were imposed to restrict the use of the lights. A separate application PK10/1630/RVC to revise two of the conditions has also been submitted in parallel with this application, but that is considered to be a separate matter, which will need to be determined on its individual merits.
- 1.4 This application PK10/1419/F seeks to carry out a number of improvements to the ground, these being:
- Enlargement of the existing technical area on the northern side of the ground.
 - Provision of a 1m wide concrete hard standing at the eastern end of the playing area for the use of spectators.

- Provision and siting of 1no. additional storage container (for club equipment) positioned in the existing clubhouse compound to the eastern boundary of the site.
- Erection of new changing rooms and spectator stand to replace the existing facilities on the southern side of the pitch.
- Erection of temporary covered seating area.

2. **POLICY CONTEXT**

2.1 National Guidance

PPS1 - Delivering Sustainable Development
 PPG13 - Transport
 PPG17 - Sport and Recreation
 Circular 11/95 - Use of Conditions in Planning Permissions

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design in New Development
 L1 - Landscape Protection and Enhancement
 L5 - Open Areas within Urban Areas
 L17 & L18 - The Water Environment
 EP1 - Environmental Pollution.
 LC3 - Proposals for Sports and Leisure Facilities within the Existing Urban Area and Defined Settlement Boundaries.
 LC9 - Protection of Open Space and Playing Fields
 LC12 - Recreational Routes
 T8 - Parking Standards
 T12 - Transportation Development Control Policy for New Development.

2.3 Supplementary Planning Guidance

South Gloucestershire Design Check List (Adopted) 23rd Aug 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 P74/4457 - Extensions to existing club premises (previous ID K441)
 Approved 13th March 1975
- 3.2 P80/4336 - Comprehensive development of approx. 318 acres of land for residential and educational purposes, public open space and local centre (outline) (previous ID K1124/35)
 Approved 27th April 1981
- 3.3 P92/4167 - Erection of changing rooms toilets and store. Refurbishment of spectator stand and tea room. (Previous ID K441/5)
 Approved 15th May 1992
- 3.4 PK03/1961/F - Erection of 8no. 16 metre high floodlights.
 Withdrawn 2nd Feb 2004.
- Location of lighting column on PROW.

- 3.5 PK04/2414/FDI - Diversion of public footpath POL/11
Withdrawn 5 Dec 2007
- 3.6 PK06/2475/F - Erection of 8no. 16m high floodlights.
Approved 22 Dec 2006
- 3.7 PK08/2184/RVC - Variation of Condition 3 attached to planning permission PK06/2475/F dated 22 Dec 2006 to allow floodlighting to be used for afternoon matches up to 17.00hrs and not for more than 10 games per season that commence after 17.00hrs.
Approved 3 Oct 2008
- 3.8 PK10/1630/RVC - Variation of condition 2 attached to PK08/2184/RVC to include League and Cup matches and variation of Condition 6 to allow use of floodlights from 2.45pm to 5.00pm Sat and Bank Holidays and 6.30pm to 10.00pm Mon-Fri inclusive with no use on Sundays.
Pending

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
Object on the grounds of concerns regarding the loss of neighbouring amenity.
- 4.2 Other Consultees
- 4.3 Avon & Somerset Police
No response
- 4.4 The Ramblers Association
No response
- 4.5 The Open Spaces Society
No response
- 4.6 Sport England
No objection. The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.
- 4.7 South Gloucestershire Community Spaces Coordinator
Confirm that Cadbury Heath AFC's plans to redevelop the pavilion and stand at Springfield Playing Field to meet the national grade G, step 6 of the 2010 Football League ground grading requirements would be approved by South Gloucestershire Council as landlords for the playing field. Planning permission will be required for this project along with consultation with neighbours to the site.
- 4.8 The Council would require that extra measures are taken to prevent members of the public being able to access the stand area when football is not being played. The playing field must be kept open as public open space at all times except during the time football matches are being played.

4.9 Sustainable Transport

The proposal is for alteration of an existing sports ground to include enlargement of technical area, installation of hard standing, 1no. storage container, construction of single-storey changing rooms, spectator stand, temporary seating area and associated works. The site is currently used as a football pitch and public open space. Its function in so far as the football pitch is concerned will remain unchanged. The structures, which would be subject to change on the site, would be mostly replacement of the existing ones in similar locations.

- 4.10 There is an existing car parking facility available for visitors in close proximity to the site and this would remain unchanged. It is considered that the proposal would not lead to any material increase of traffic or parking demand in the area and as such, there can be no highway objections to the proposal.

Other Representations

4.11 Local Residents

5no. letters/e-mails of objection have been received from local residents. The concerns raised are summarised as follows:

- Increased noise due to increased crowd capacity.
- Would encourage increased anti-social behaviour and vandalism.
- Light spillage from floodlights.
- Proximity of temporary stand to garden and bedroom of 32 Cadbury Heath Road.
- Temporary stand would be a fire hazard.
- Temporary stand would lead to a more permanent fixture.
- Disruption during 2-year development phase.
- Would allow increased noise levels until 10.00pm next to elderly residents flats, rear of pavilion.
- Increased traffic hazards, larger crowds.
- Club expansion would adversely affect property values.
- Loss of Public Open Space.
- The stand would allow views into the bedroom windows of 22 Jeffrey Court.
- The storage unit would be contrary to original planning conditions.

- 4.12 1no e.mail of support on the following grounds for the proposal was received:

- The current facilities are not good enough.
- The new stand would deter youths and vandalism – the stand would be more secure.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In the first instance, the proposal falls to be determined under Policy LC3 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits

the improvement of outdoor sports facilities within the existing urban area provided that:-

- A. Proposals for facilities which are likely to be major travel generators are located on sites which are, or will be, highly accessible by public transport, on foot and by bicycle; and
- B. Development would not unacceptably prejudice residential amenities; and
- C. Development would not have unacceptable environmental or transportation effects; and
- D. Development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.

5.2 Each element of the proposal will be considered in the light of the criteria attached to Policy LC3 and any other Policy that is relevant to the proposal

5.3 Justification for Development

In support of the application the applicant has submitted a supporting statement, which clarifies that Cadbury Heath F.C. have played at Springfield for the last 50 years. The first team currently play in first division of the Western League, but have aspirations to play in the Premier Division. The club runs a number of teams including reserve team and junior sides.

5.4 The existing facilities at Springfield are now dated and will need upgrading if the club are to meet the required minimum standards to play at Premiership level. The dimensions of the proposed changing rooms, would be the minimum specified by the league, as are the toilet facilities. It is also a requirement to provide covered accommodation for at least 100 spectators of which 50 should be seated and located in one stand.

5.5 South Gloucestershire Council (Open Spaces) as landlords have given approval (20th April 2010) to develop the stand complex with conditions to protect the stand area from vandalism, which is a problem in this area.

5.6 Enlargement of Technical Area

This relates to the small dugouts for home and away teams, located on the northern boundary of the pitch. These are simple, flat roofed, block-work constructions, currently measuring 3m long by 1m wide and 1.8m high. It is proposed to increase the length of each dugout by just 1m.

5.7 Although located on the more open northern boundary of the site, the dugouts are not intrusive and the proposed enlargement would be relatively small. Officers are satisfied that this would have no adverse impact on the open space, visual amenity or residential amenity of the locality.

5.8 Provision of 1m wide Concrete Hard-standing at Eastern End of Pitch

The hard-standing is required for spectators standing accommodation. The hard-standing would be located between the spectator barrier and the high perimeter fence. The hard-standing would comprise a strip only 1m wide and given the modest scale and position of the hard-standing, officers are satisfied

that it would not be intrusive within the landscape or have a significant adverse impact on the open space. Furthermore the hard-standing would be ancillary to the principle use of the site.

5.9 Provision of Storage Container (for equipment)

An additional container is required for the storage of club equipment. The container would measure 4.9m long by 2.7m wide and 2.4m high and this is considered an appropriate scale for the proposed use. The container would be located within the existing lock-up club compound, situated on the eastern boundary of the site, next to the training area. The existing compound is enclosed by high, galvanised steel railings and as such is not open to the public and is vandal proof. Within the compound is an existing, flat-roofed, portable building used as a matchday clubhouse, behind which is a smaller container. The proposed additional container would also be located behind the clubhouse, next to the existing container, which is slightly bigger than that proposed.

5.10 The compound is well screened by a high hedge to the rear (East) and vegetation to the north. As the proposed container would be hidden behind the existing clubhouse and container, it would not be evident in views across the field or from the nearby Public Right of Way (PROW). Officers therefore consider that the proposed location is the best possible for this site.

5.11 Erection of new Changing Rooms and Spectator Stand to replace the existing facilities on the southern side of the pitch.

It is proposed to erect new changing rooms for players and officials (male and female), new toilets including disabled toilets, match day facility/hospitality room, store, tea bar, plant room and covered spectator accommodation with seating, all contained in the one complex, directly on the site of the existing pavilion located on the southern side of the ground, between the two central floodlights.

5.12 The dimensions of the changing rooms would be the minimum areas specified by the league, and as such this dictates the size of the complex in the east to west direction; similarly the toilet accommodation including disabled facilities and access would meet the minimum requirements of the league. To the front of the changing room complex would be a covered stand for 108 seats, as required by league standards. The seating would be in 4 tiers.

5.13 Although some 10m longer (to the east) the complex would be similar in scale to that existing and in much the same location. The definitive line of the PROW would not be affected with only minimal impact on the footway to the rear of the complex.

5.14 In terms of visual amenity, the existing covered spectator accommodation and changing rooms have a dowdy and dated appearance and offer little in terms of architectural merit. The proposed complex would be constructed of modern materials, the colour of which would be controlled by condition.

5.15 The existing covered stand has no seating within it and is open fronted at all times. As such it provides a haven for vandals when matches are not being

played. In order to overcome this problem, the new stand would have a metal roller shutter door to the front, which can be lowered when the stand is not in use. Officers consider that this is an important feature that should significantly enhance the security of the site for the benefit of not only the club, but also neighbouring residents alike.

5.16 Officers conclude that the improved facilities would be of benefit to the wider community and enhance the visual amenity of the site. The proposed building would for most part be located on the site of the existing changing rooms and stand, and would not therefore significantly compromise the open space. The facilities would support the use of the open space as a football pitch and the proposal would enhance the security of the site.

5.17 Erection of Temporary Covered Seating Area

This is required to meet the requirements of the league regarding seated accommodation. At present the existing stand does not contain seats so the proposed temporary stand would be required as an interim solution until such time that the new stand would be erected.

5.18 It is proposed to locate the temporary stand to the east of the existing/proposed changing room complex, between the high perimeter fence and spectator barrier rail. The stand would accommodate 100 seats in 4 tiers. The stand would measure 16.3m long x 3.2m wide with a maximum height of 3.8m to the rear with a mono-pitch roof sloping to approximately 5m at the front, with open ends.

5.19 The applicants have indicated that it could take up to 2 years to acquire the necessary funding and construct the new complex. Officers consider that it would be appropriate to impose a condition to secure the removal of the temporary stand upon the expiry of the 2-year period, or completion of the new stand, whichever is the sooner. There remains however the issue of security concerning the temporary stand, which would be open to unauthorised use and vandalism at all hours of the day. This is of particular concern given the proximity of a bedroom window in the rear of nearby no.28 Cadbury Heath Road and other residential properties including elderly persons accommodation nearby. It should be noted that as the pitch is public open space, the gate in the perimeter fence has to be left unlocked to allow public access.

5.20 Anti-social behaviour has been an ongoing problem on this site and whilst that is a matter for the police to control, officers consider that in this case it would be possible to secure the temporary stand when not in use. The applicant's agent has confirmed that such a system is available from the stand manufacturers, so notwithstanding the details shown on the submitted plans, officers consider that in order to protect residential amenity, a condition to secure such a system is necessary and reasonable in this case.

5.21 Other Residential Amenity Issues

Of the concerns raised by local residents', that have not been addressed above; the impact on property values is not in fact a material consideration in the determination of planning applications. Issues related to the flood-lights are not relevant to this planning application but are the subject of a separate

application PK10/1630/RVC, which will be determined on its individual merits. In terms of fire hazard, this would be controlled by legislation other than the Planning Act. As regards precedent, any future requirements for permanent structures on this site would need to be the subject of planning applications in their own right; these would be determined on their individual merits and should not therefore prejudice the current proposal. The actual construction phase would not take two years; this is a relatively small proposal. To protect residential amenity, a condition to control the hours of construction and working on the site could be imposed. The proposed seating in the stand would only be 4-tiers high and given that the distance to the windows of properties in Jeffery Court would be 90m or more, officers do not consider that there would be any loss of privacy from spectators looking into the windows of these properties.

- 5.22 Officers acknowledge that it is inevitable that crowds watching football matches, even at a local level, will generate a level of noise that may be disturbing for local residents. Given that the football club have played at the site for many years there is a balance to be drawn between the level, frequency and intensity of the club's activities and the impact on the amenities of surrounding residents. Average crowds are in the region of 100 for 1st Team matches and this figure is not likely to significantly increase, even if the club were playing in the Premier Division. This scenario would be very similar to other clubs in the locality such as Longwell Green F.C. which are also adjacent to residential properties.
- 5.23 The temporary stand would be located close to the rear window of no. 28 Cadbury Heath Road but not directly in front of it. At present there is nothing to stop spectators congregating in the area opposite the window without any obstruction to noise breakout; the temporary stand would however have a substantial rear wall. In the short term the temporary stand may attract more spectators to the eastern part of the ground but this would be for a temporary period only and would be outweighed by the longer term benefits of the scheme. The new permanent stand would be very well enclosed to rear and side thus reducing noise breakout to the south.
- 5.24 Having considered all of the above and subject to the aforementioned conditions, officers consider that on balance the proposal would not have such a detrimental impact on residential amenity as to justify refusal of planning permission.
- 5.25 Environmental Matters
The Council's Drainage Engineer has raised no objection to the principle of this application. An appropriate condition would secure a SUDS drainage scheme. There are no objections on environmental grounds.
- 5.26 Transportation Issues
The Football Club utilises the car park next to Cadbury Heath Social Club and this can accommodate 100 cars. The existing access and parking provision would not alter and this is considered to be adequate for the existing use. Officers consider that the proposal would not lead to any material increase in traffic or parking demand and as such there are no highway objections.

5.27 Landscape Issues

There are no landscape features of significance affected by the proposal. Whilst the open area is a significant open space contributing to the character of the locality, the proposals mostly involve the replacement of existing structures in the same locations and this would not entail any significant alteration to the visual character of the open area. There are therefore no landscape objections to the proposal.

5.28 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.

5.29 Use of Energy and Sustainability

A SUDS drainage scheme would be secured by condition.

5.30 Improvements Achieved to the Scheme

Conditions to prevent unauthorised access to the temporary stand.

5.31 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 planning 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: Roger Hemming

Tel. No.

01454 863537

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 the development hereby approved, details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance in the interests of the visual amenity of the locality and to accord with Policy D1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy Pre-Submission Publication Draft March 2010.

3. The hours for deliveries and of construction work on site shall be restricted to 0730 to 1800 Monday to Friday, 0800 to 1300 on Saturdays and no working shall take place on Sundays or Public Holidays, unless with the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

5. Within 2 years of the date of this planning permission or within one month of the completion of the permanent spectator seating accommodation hereby approved, whichever is the sooner, the temporary stand hereby approved shall be removed from the site unless otherwise agreed in writing by the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Notwithstanding the details shown on the plans hereby approved, prior to the erection of the temporary stand hereby approved, details of a method for preventing unauthorised access to the stand when not in use for its intended purpose, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the stand shall be secured at all times when not in use.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy LC3 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The permanent spectator seating accommodation hereby approved, shall be secured against unauthorised access at all times when not in use for its intended purpose.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy LC3 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.:	PK10/1522/CLP	Applicant:	Mr M Budd
Site:	The Hawthorns Siston Hill Siston Bristol South Gloucestershire	Date Reg:	8th July 2010
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a detached store/workshop.	Parish:	Siston Parish Council
Map Ref:	367109 174585	Ward:	Siston
Application Category:	Minor	Target Date:	31st August 2010



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100023410, 2008.

N.T.S.

PK10/1522/CLP

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 A Certificate of Lawfulness for a Proposed Development has been applied for in relation to the erection of a single storey detached outbuilding for use ancillary to the main dwelling, within the curtilage of The Hawthorns, Siston Hill, Siston. The application property is a two storey detached dwelling and is located outside of any settlement boundaries and within the Bristol Bath Green Belt.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
- 2.2 The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

3. RELEVANT PLANNING HISTORY

- 3.1 No history.

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No response received.
- 4.2 Sustainable Transport
No objection

Other Representations

- 4.3 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

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

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

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

- 5.2 Schedule 2, Part 1, Class E of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows the provision of a building or enclosure provided that it meets the following criteria and provided that the purpose of the building is incidental to the enjoyment of the dwellinghouse. The applicant is proposing a single storey detached building that would be used for a store/workshop. The view that is taken in cases such as this, is that to qualify as permitted development under Class E, Part 1 of the General Permitted Development Order, the proposal should not include any accommodation that could be regarded as adding or extending the normal living accommodation of the dwelling house. It is not considered that something that is 'incidental' to the dwelling house can be primary living accommodation.

The purpose of the building as outlined on the plan and in supporting information, including an email received by the Council from the applicant on 27 July 2010, is considered to be incidental to the enjoyment of the dwellinghouse. As such provided that the building is used for the purposes indicated within the application it is considered that the proposed purpose of the building would comply with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

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

- E.1 (a) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);**

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

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

The proposed building would be located to the side of the main dwelling.

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

The proposed building would be single storey

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

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

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

(iii) 3 metres in any other case;

The proposed building would be situated 2 metres from the boundary of the curtilage and would have a dual pitched roof measuring 4 metres in height.

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

The eaves height of the proposed building would be 2.45 metres.

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

The application property is not a listed building. (For information, the property is locally listed, but is not classed as a Listed Building)

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

The proposal would not include any of the above

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

The proposal is for detached building, not for a new dwelling or microwave antenna

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

Not applicable.

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

(a) A World Heritage Site,

(b) A National Park,

(c) An Area of Outstanding Natural Beauty, or

(d) The Broads,

Development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwelling house would exceed 10 square metres.

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

E.3 In the case of any land within the curtilage of the dwelling house which is article 1(5) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land

between a wall forming a side elevation of the dwelling house and the boundary of the curtilage of the dwelling house.

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

5.4 Conclusion

The proposed building in terms of scale and location meets the criteria set out in the Class E of the General Permitted Development Order, furthermore, the purpose of the building is considered to be incidental to the enjoyment of the dwelling house and as such the proposal complies with schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and is therefore classed as permitted development.

6. RECOMMENDATION

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

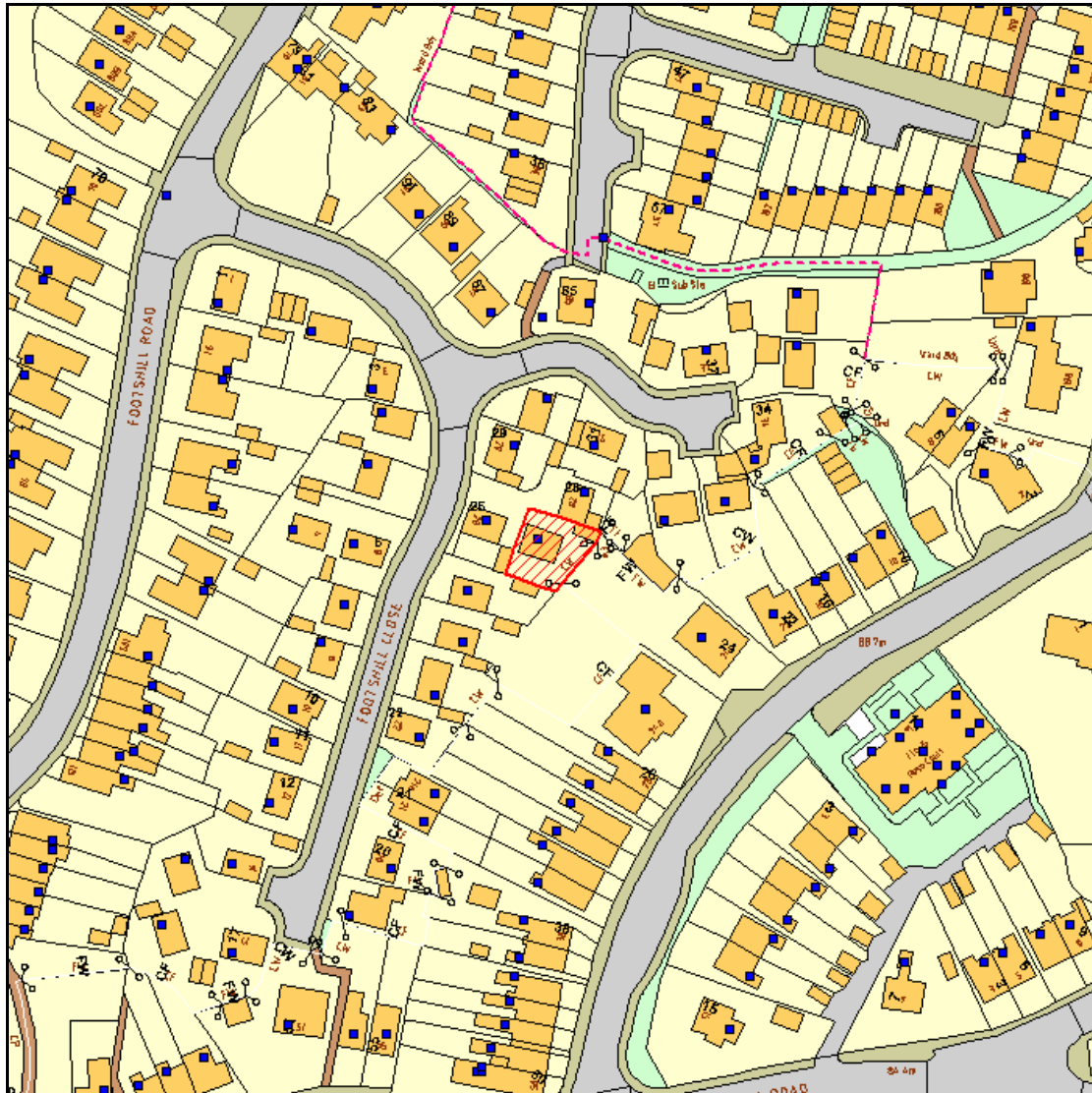
The purpose of the building proposed is considered to be incidental to the enjoyment of the dwelling house and the scale and location of the building meets the criteria set out within schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008.

Contact Officer: Elizabeth Dowse

Tel. No. 01454 862217

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.:	PK10/1538/F	Applicant:	Mr & Mrs Smith
Site:	27 Footshill Close Kingswood South Gloucestershire BS15 8HG	Date Reg:	6th July 2010
Proposal:	Erection of single storey rear extension to replace existing conservatory.	Parish:	None
Map Ref:	364391 172777	Ward:	Hanham
Application Category:	Householder	Target Date:	24th August 2010



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 100023410, 2008. **N.T.S.** **PK10/1538/F**

INTRODUCTION

This application appears on the Circulated Schedule following objections received from a local resident.

1. THE PROPOSAL

- 1.1 Planning Permission is sought for the erection of a single storey rear extension to replace the existing conservatory at 27 Footshill Close, Hanham. The proposed extension will share the same footprint of the existing conservatory, and will measure 4.5 metres in width by 4.5 metres in depth and will have an overall height of 3.6 metres. It will have a pitched roof.
- 1.2 The application property is a detached brick built two storey dwelling in a cul-de-sac of similar dwellings in the established residential area of Hanham. The property has a detached garage, located at the front of the dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

South Gloucestershire Council Core Strategy (Pre-Submission Draft)

- CS1 Good Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 K4599 Erection of single-storey extension & two-storey extension to provide granny flat with bedrooms over.
Approved 20 Aug 1984

4. CONSULTATION RESPONSES

- 4.1 Parish Council
The area is un-parished.

Other Representations

- 4.4 Local Residents
One letter has been received from a local resident. Although no objection has been raised about the proposed extension, concern is raised over the possibility of the shared access being blocked by builders etc.

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, residential amenity and highway safety. 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 Design/Visual Amenity

This application seeks permission for a single storey rear extension to replace the existing conservatory. The proposed extension will share the same footprint of the existing conservatory, and will measure 4.5 metres in width by 4.5 metres in depth and will have an overall height of 3.6 metres. It will have a pitched roof, with a height to eaves of 2.3 metres. The bricks used in extension will match the host dwelling. In respect of the design of the extension, with the chosen construction materials and its location at the rear of the property, it is considered it is an appropriate addition to the dwelling and the streetscene.

5.3 Residential Amenity

Overbearing Analysis

The proposed extension is to be sited at the rear of the dwelling. Although it will have a depth of 4.5 metres, the property is fully detached. The boundaries are made up of 1.8 metre close boarded fence. Beyond the side boundary to the west is sited the flank wall of the neighbouring detached garage. Beyond the rear boundary is also sited the flank wall of another neighbouring detached garage. To the east elevation is the rear garden of the neighbouring detached property. Due to the screening provided by the neighbouring detached garages and the distance of the detached property beyond the eastern boundary, it is considered that none of the adjoining neighbours will experience an overbearing impact.

5.4 Privacy Analysis

The extension will have a door on the eastern side, two high level windows to the rear elevation and one rooflight to the western elevation. Due to the screening provided by the boundary treatments and the positioning of the neighbouring detached garages, it is considered that no loss of privacy will occur.

5.5 Amenity Space

The property has a substantial rear garden and it is therefore considered that sufficient garden space will remain to serve the occupiers of the dwelling.

5.6 Other Matters

One letter has been received from a local resident. Although no objection has been raised about the proposed extension, concern is raised over the possibility of the shared access being blocked by builders etc.

Access to properties is a civil matter and is not covered within the planning remit. Therefore, the application is recommended for approval In line with the above report.

5.7 Design and Access Statement

A Design and Access Statement is not required.

5.8 Highway Safety Analysis

As the extension is located at the rear of the property it will not impact on the property's parking arrangements, located at the front of the house, nor will it prejudice highway safety.

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 It has been assessed that the proposed extension has been designed to respect and maintain the materials and design and character of the dwelling streetscene. The development therefore accords with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

It is not considered that the proposal would cause any significant adverse impact in residential amenity. The development is therefore considered to accord with Policy 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 planning permission be **GRANTED** subject to the following conditions.

Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217

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).

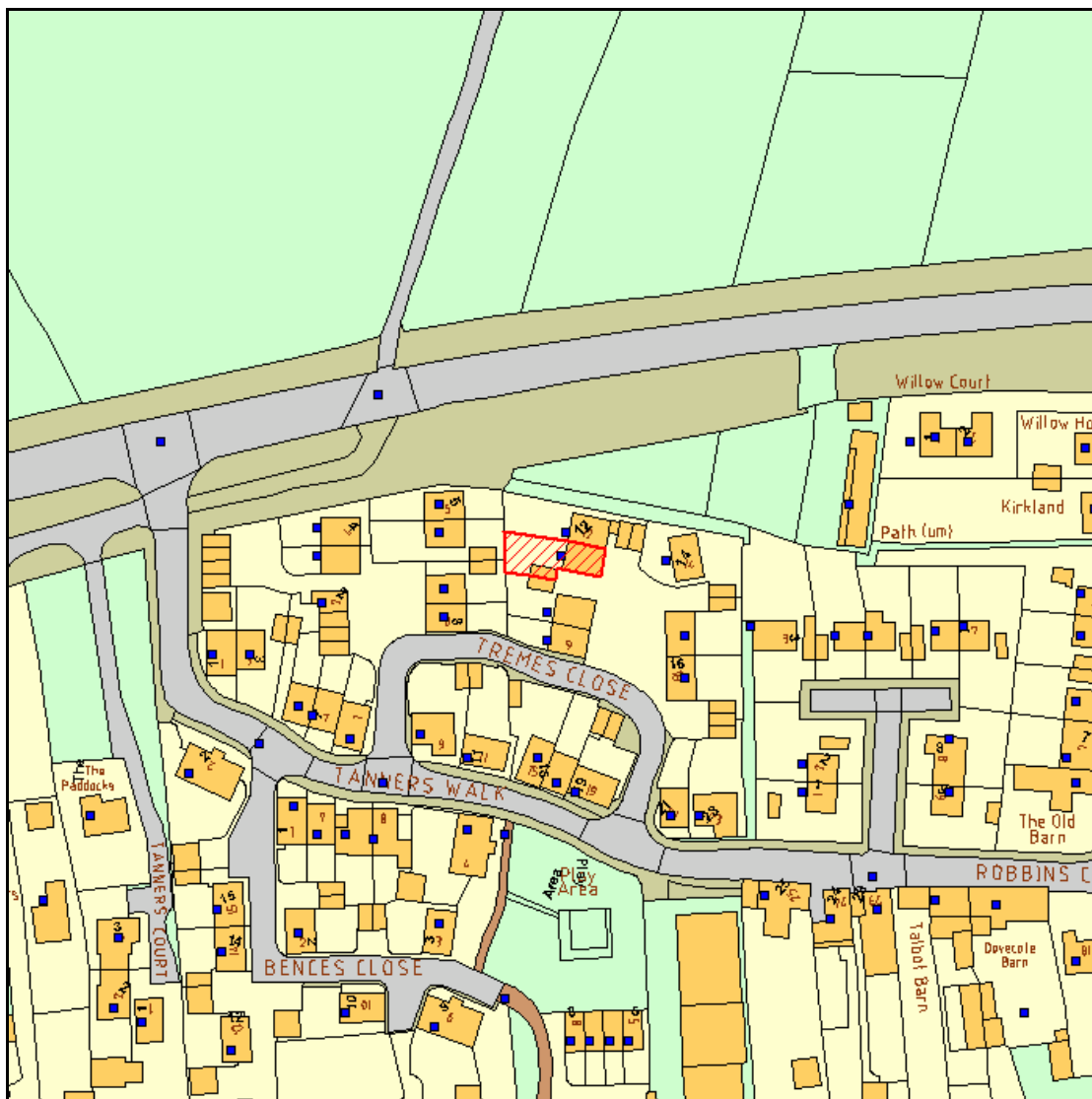
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.:	PK10/1637/F	Applicant:	Mr Max Elaine
Site:	11 Tremes Close Marshfield Chippenham South Gloucestershire SN14 8TB	Date Reg:	7th July 2010
Proposal:	Loft conversion to include the installation of 2no. velux windows on rear roof elevation.	Parish:	Marshfield Parish Council
Map Ref:	377672 173909	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	30th August 2010



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 100023410, 2008. **N.T.S.** **PK10/1637/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 Planning permission has been sought for the installation of 2no velux to the rear of 11 Tremes Close, Marshfield. The application as originally submitted sought consent for a greater number of roof lights on the rear elevation and also for two on the front elevation. Due to officer concern, amended plans have been received removing the proposed rooflights from the front elevation, reducing the proposed rooflights on the rear elevation from five to two, and reducing their size. The description of development has been amended to accurately reflect this.
- 1.2 The property is a two storey semi-detached dwelling and is located within a residential area of Marshfield. The site is located within the Cotswolds Area of Outstanding Natural Beauty and within Marshfield 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
L2 Cotswold Area of Outstanding Natural Beauty
L12 Conservation Areas
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P98/4831 Original Permission for dwellings
Approved 14 Jan 1999
- 3.2 PK06/2992/F Erection of rear conservatory.
Approved 16 April 2007
- 3.3 PK08/2421/F Erection of single storey rear extension
Approved 22 Sept 2008

4. CONSULTATION RESPONSES

4.1 Marshfield Parish Council

Marshfield Parish Council object to this application on the grounds of excessive number of windows and poor arrangement.

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.

5.2 Design / Visual Amenity

The application site relates to a modern two storey detached dwelling located within a relatively new housing estate on the edge of Marshfield village. Great care was taken in the design of the development to ensure it respected the character and appearance of the conservation area, hence the interesting mix and vernacular styling of the houses, as well as the carefully selected materials, including timber windows and doors. It is thus important to ensure that any alterations and choice of materials maintain and reinforce this special character.

5.3 The Council's Conservation Officer has raised concern regarding the number and spacing of the proposed rooflights. It is considered that the size, number and arrangement of the proposed roof-lights will create large areas of glazing disrupting the solid nature of the roof. The grouping of roof-lights together is particularly harmful and is not consistent with the need to maintain a traditional appearance in keeping with the character of the area. Additionally, an objection has been received from Marshfield Parish Council on the grounds of excessive number of windows and poor arrangement, to which the case officer concurs.

5.4 After negotiation, amended plans have been received, removing the proposed front rooflights and reducing the number of rooflights on the rear from five to two. Additionally, the rooflights on the rear are now spaced evenly and are of a conservation style, with central glazing bar and fitting flush with the roof slope, which will be secured by condition.

5.5 It is therefore considered that the proposed rooflights would reflect the character of the existing dwelling and surrounding properties in terms of scale and design and as such would not detract from the Conservation Area.

5.6 Residential Amenity

The proposed rooflights would be on the rear elevation of the property. Given the location of these rooflights, it is not considered that the proposal would result in any significant increase in overlooking or loss of privacy. There are no issues of overshadowing or overbearing, therefore the impact on residential amenity is subsequently deemed acceptable.

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

No additional measures proposed.

5.9 Improvements Achieved to the Scheme

The number of rooflights has been reduced from seven (2 no. to the front and 5 no. to the rear) to 2 no. on the rear elevation. Also the size and design of the rooflights have been amended to respect the character of the Marshfield Conservation area.

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 proposed rooflights are of an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. Furthermore the proposal would not detract from the character of the Conservation Area and 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: Elizabeth Dowse
Tel. No. 01454 862217

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 roof-lights hereby approved shall be conservation type design (co4 550x980mm) with central glazing bar which, when installed, shall not project forward of the roof-slope in which the roof-lights are located.

Reason

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

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.:	PK10/1667/F	Applicant:	Mr Simon Bees
Site:	28 Baugh Gardens Downend South Gloucestershire BS16 6PP	Date Reg:	9th July 2010
Proposal:	Erection of single storey rear extension to facilitate conversion of 1 no. dwelling to 3 no. flats with associated works.	Parish:	Downend and Bromley Heath Parish Council
Map Ref:	365445 178070	Ward:	Downend
Application Category:	Minor	Target Date:	31st August 2010



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 100023410, 2008. **N.T.S.** **PK10/1667/F**

INTRODUCTION

The application has been forwarded to the Council's Circulated Schedule of applications as a representation has been received from the Parish Council raising concerns contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The application site is situated within the predominantly residential suburb of Downend. The application site forms part of a terrace originally constructed as a local commercial centre, but now some of the buildings including the application property have been converted for residential use. The site is bounded by a newsagent to the north and hairdresser to the south with open parking to the front (west) and access track to the rear (east). The application property is currently used as a single two storey dwelling.

The application site is situated within the urban area as defined in the adopted Local Plan.

1.2 The application proposes the erection of a single storey rear extension to facilitate the conversion of the dwelling to 3no. flats.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Residential Development within the Urban Area
H5	Residential Conversions
T8	Parking Standards
T12	Transportation for New Development

South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010

CS1	High Quality Design
CS17	Housing Diversity

2.3 Supplementary Planning Guidance/Documents

South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/2122/F Change of use of ground floor from Shop (Class A1) to Residential (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Part Retrospective).
Approved 12.09.2008
- 3.2 P94/4131 Change of use from shop with flat above to single dwelling house (Previous ID: K7665)
Refused 19.05.1994

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

Objection for the following reasons:

- 1 3 x flats would be an overdevelopment.
- 2 2 x flats would be acceptable as per other properties in this block.
- 3 Inadequate parking for 3+ cars on the forecourt, inc. visitors.
- 4 2 x very active Nurseries operating within 30 yards of this development – vehicles are picking up/dropping off at all times from 8am – 6pm.
- 5 2 x flats would mean it would not be necessary to alter the house frontage again after only 1 or 2 years since it last replaced a shop window.

4.2 Other Consultees

Sustainable transport – No objection

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 of the adopted Local Plan can accept in principle the conversion of single dwellings into smaller units provided the development accords with criteria concerning visual amenity, residential amenity, off street parking provision and the provision of adequate amenity space. Policy T8 lays out the off street parking standard adopted by the Council.

Application P94/4131 was refused in 1994 for conversion of the original shop to a single residential dwelling. The application was refused for two reasons:

- 1) Loss of the existing retail use.
- 2) Unacceptable level of privacy and disturbance to the future occupiers as the lounge would face directly onto an open forecourt serving a shopping parade.

Subsequent application PK08/2122/F was approved for conversion of the building from shop to a single two storey dwelling. The two refusal reasons above related to P94/4131 were resolved when conversion to a single dwelling was accepted.

5.2 Visual amenity

Policy D1 of the Local Plan requires all new development to be well-designed. The front elevation of the building would remain unchanged other than some cosmetic updating and the provision of a timber clad bin store. The rear elevation would include the erection of a single storey rear addition. The design and materials for the extension 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. The extension would face onto a service track serving rear access to the terrace on Baugh Gardens and the rear of dwellings on Four Acre Crescent. Therefore as the extension would have no visual prominence from the public realm and be of good quality design it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential amenity

The proposed single storey extension would measure 3.6m maximum height 2.6m in height to eaves 3.5m rear projection and 2.7m width. The extension is considered to be modest in scale. The extension would be situated 200mm from the side boundary with no.27 to the south. No.27 has a rear conservatory on the boundary with the application site with side high level windows facing north. Therefore the proposal would be situated 200mm from the side windows of the conservatory. However, as these windows are high level only there would be no resultant loss of outlook to the neighbouring occupiers. Additionally, as the proposed extension would be situated to the north of the neighbouring conservatory, which is glazed on all other sides. As such it is considered that the proposed extension would not result in a material reduction in daylight and sunlight to the neighbouring conservatory. The proposal is therefore considered to be acceptable in terms of residential amenity.

5.4 Highway matters

The proposal relates to the conversion of the existing two storey three bedroom dwelling into three single bedroom flats. The Council's adopted parking standard for one bedroom units is one off street parking space per unit. The applicant has indicated provision for three off street parking spaces on the existing parking forecourt at the front of and within the application site. The proposal therefore meets the Council's adopted parking standard and is therefore considered to be acceptable in terms of off street parking provision.

The proposed off street parking provision would utilise the existing parking area at the front of the site.

This area is currently used for parking for the existing dwelling and was created for parking related to the former retail use. Although no turning area is available, for these reasons the proposal is considered to be acceptable in highway safety terms.

The Parish Council raised concern that the provision proposed would be insufficient for the conversion and visitors to the site. The application site is situated within a highly sustainable location, close to amenities and within easy walking distance of bus stops on Quakers Road and Four Acre Road and as indicated above the proposal meets the required parking standard.

5.5 Other issues

The Parish Council raised a concern in relation to over-development. It is assumed that the reference to over-development relates to the increase in dwelling units rather than the increase in volume and footprint of the building created by the extension. As indicated in the report the site is situated within a highly sustainable location. The proposed units would positively contribute towards the mix and variety of housing types in the area providing more affordable units in an area where single bedroom flats are less common. As indicated in this report, the proposal is considered not to give rise to undue impacts in terms of residential amenity, parking and traffic. The application site does also provide some outside space for the two ground floor units commensurate in size to the size and type of dwellings proposed. The application site is also situated within walking distance of local playing fields and parks. The proposal is therefore considered not to represent over-development, cramped or unnecessarily dense development

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

The proposal would convert the existing dwelling into former units and as such the existing level of energy efficiency would be retained. As indicated above the proposal is considered represent a sustainable form of development.

5.8 Improvements Achieved to the Scheme

At pre application stage a balcony originally proposed above the single storey rear extension was removed following Officer advice. The extension was also reduced in scale.

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. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.
- a) Due to the scale and position of the extension in relation to the adjacent dwellings and the conservatory to the south, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H5 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) It has been assessed that the proposed extension has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
 - c) The proposal would incorporate provision for three cars within the site and this meets the Council's adopted parking standard for this type of development. The proposal is considered therefore to create no material y significant highway safety issues. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the following conditions and informatives:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

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.

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.: PK10/1672/F	Applicant: Mr Andrew Iles
Site: 36 Long Handstones Cadbury Heath South Gloucestershire BS30 8AP	Date Reg: 7th July 2010
Proposal: Erection of rear conservatory	Parish: Oldland Parish Council
Map Ref: 366277 171555	Ward: Parkwall
Application Category: Householder	Target Date: 1st September 2010



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 100023410, 2008. **N.T.S.** **PK10/1672/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a conservatory at the rear of 36 Long Handstones, Cadbury Heath. The proposed conservatory would measure 5.2 metres wide by 4 metres in depth and would have an overall height to ridge of 2.6 metres.
- 1.2 The property is a two storey mid-terrace dwelling and is located within a residential area of Cadbury Heath.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- South Gloucestershire Core Strategy, Pre-submission Publication Draft March 2010
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objections

Other Representations

- 4.2 Local Residents
One letter was received from a local resident raising the following concerns:
- No objections to the build
 - Concerned that the construction will take place after work hours and at weekends resulting in noise pollution and dust

- Is there a ruling on times of work for the build?

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The proposed conservatory is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. The conservatory is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. It is considered that the proposal is well proportioned and the scale of the resultant dwelling would remain in keeping with the surrounding properties.

The proposed conservatory would be to the rear of the existing dwelling and would not be visible from the public realm. 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 rear of the property is bound on all sides by neighbouring residential properties and is enclosed and screened by 1.8 metre high closed board fencing. The proposed conservatory would be set away from the boundaries with the neighbouring properties by at least 800mm. Given the existing boundary treatments in place, combined with the depth and height of the proposal, it is not considered that the extension would have any overshadowing or overbearing effect on the neighbouring dwellings.

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

5.4 Tree Issues

It is considered that the proposed conservatory is set a sufficient distance away from the nearby tree to not result in any detrimental impacts on the health of this tree.

5.5 Other Issues

With regard to limiting the hours of operation, whilst there would inevitably be some disturbance for the neighbouring occupiers during the construction phase, this would be on a temporary basis only. Given the scale of the proposed works it is not considered reasonable to impose a condition restricting the hours of operation.

- 5.6 Design and Access Statement
None submitted
- 5.7 Use of Energy and Sustainability
No additional measures proposed
- 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 proposed conservatory is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. 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 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).

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.:	PK10/1747/TRE	Applicant:	Mrs Claire Dolman
Site:	Stephens Green Court Farm Road/Ferry Road Hanham South Gloucestershire	Date Reg:	9th July 2010
Proposal:	Works to remove basal epicormic growth from 16no. Lime trees up to a height of 6ft scowered by Tree Preservation Order 154 Common Road Hanham dated 16th November 1981.	Parish:	Hanham Abbots Parish Council
Map Ref:	364901 170107	Ward:	Longwell Green
Application Category:		Target Date:	2nd September 2010



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100023410, 2008. N.T.S. PK10/1747/TRE

INTRODUCTION

This application has been referred to the Council's Circulated Schedule, as the applicant is Hanham Abbots Parish Council as this is in line with Council procedure.

1. **THE PROPOSAL**

1.1 This application seeks consent to carry out the following works:

- Remove basal epicormic growth from 16 no. Lime Trees up to a height of 6ft from ground level.

1.2 All 16 trees are covered by a Tree Preservation Order and are sited on a triangular shaped green on the junction of Court Farm Road/Abbots Road and Ferry Road. The land is owned by Hanham Abbots Parish Council.

1(b) Information submitted in support of application

- There has been considerable basal epicormic growth which is obstructing passage along the avenue of limes and the vista to and from the arch leading to St Gerges Church

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**

3.1 The following history relates to the most recent planning history

3.2 PK07/2421/TCA Works to lime trees
No objection September 2007

3.3 PK01/2531/TRE Works to 16 lime trees
Approve with conditions October 2001

3.4 PK01/2600/TCA Works to lime trees
No objection October 2001

4. **CONSULTATION RESPONSES**

4.1 Hanham Abbots Parish Council
No objection

Other Representations

- 4.2 Local Residents
None Received

5. ANALYSIS OF PROPOSAL

- 5.1 Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 seeks to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.
- 5.2 This application seeks permission to removal epicormic growth from the base of 16 Lime Trees of up to height of 6ft from ground level. The proposed works are considered good management practice which will allow access around and under the trees. The works should not have an impact on the health or longevity of the trees or on the visual amenity of the trees.
- 5.3 Design and Access Statement
Not required with this type of application
- 5.4 Use of Energy and Sustainability
Not applicable
- 5.5 Improvements Achieved to the Scheme
None required

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Permission be granted subject to the following conditions

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted (or other appropriate timescale).

Reason

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

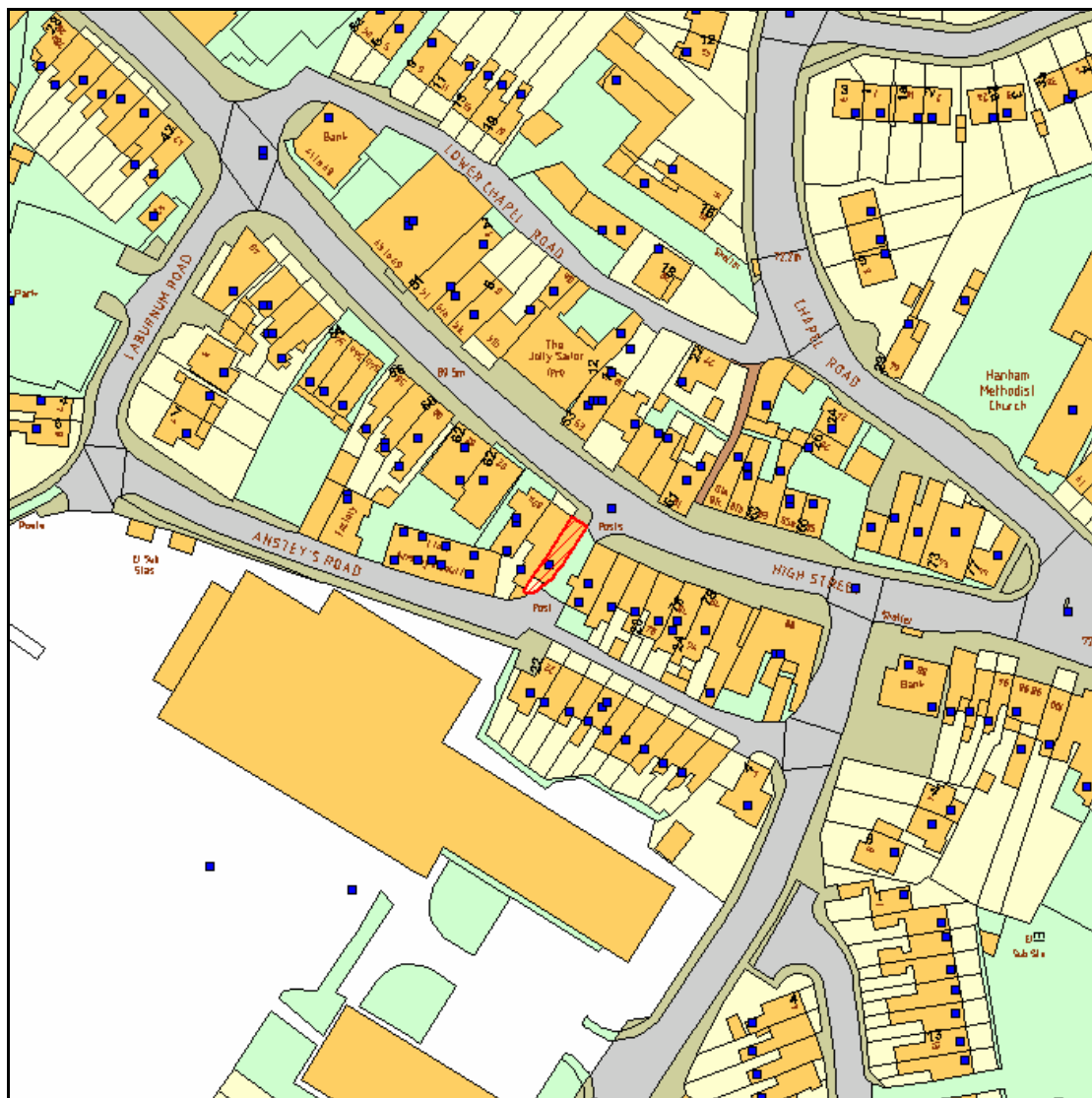
2. The works hereby authorised shall comply with British Standard 3998: 1989 – Recommendations for Tree Work.

Reason

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

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.:	PK10/1758/F	Applicant:	Mr Baccar
Site:	66 High Street Hanham South Gloucestershire BS15 3DR	Date Reg:	14th July 2010
Proposal:	Change of use from Class A1 (Shops) to A3 (Restaurants and Cafes) as defined in the Town and Country Planning (Use Classes) Order 1987	Parish:	Hanham Parish Council
Map Ref:	364170 172328	Ward:	Hanham
Application Category:	Minor	Target Date:	3rd September 2010



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 100023410, 2008. **N.T.S.** **PK10/1758/F**

INTRODUCTION

This application has been forwarded to the Council's Circulated Schedule for Member consideration as representations have been received with views contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated on the south side of Hanham High Street. The site occupies an end of terrace location and is bounded by a pedestrian path to the west, a commercial unit to the east, Anstey's Road to the south and High Street to the north. The application site comprises a single retail unit at ground floor level with two shop fronts facing north and west. A residential flat occupies the first floor of the building accessed by an external staircase at the rear. A small courtyard is situated at the rear of the site.

The application site is situated within the urban area and on a primary shopping frontage as defined in the adopted Local Plan.

- 1.2 The application proposes change of use from Class A1 (Retail) to A3 (Coffee Shop) as defined in the Town and Country Planning (Use Classes) Order 1987.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS4	Economic Growth
PPG13	Transport
PPG23	Pollution Control

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
EP1	Environmental Pollution
E3	Employment Development within the Urban Area
RT1	Development in Town Centres
RT9	Primary Shopping Frontages
T8	Parking Standards
T12	Transportation for New Development

South Gloucestershire Core Strategy Pre Submission Publication Draft – March 2010

CS1	High Quality Design
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage
CS14	Town Centres and Retailing

2.3 Supplementary Planning Guidance

Town Centres and Retailing in South Gloucestershire – August 2009

3. RELEVANT PLANNING HISTORY

- 3.1 P88/4832 Change of use from dwelling to ground floor shop (Class A1) and 1st floor flat (Previous ID: K6061)
Approved 12.06.1989

4. CONSULTATION RESPONSES

4.1 Hanham Parish Council

Objection for reason:

'This is a small retail unit in a prime location and, if allowed, would result in yet another retail unit loss in the High Street.'

4.2 Other Consultees

Sustainable transport –
Environmental protection –

No objection
No objection, subject to conditions related to operating hours and control on types of hot food sold

Other Representations

4.3 Local Residents

One letter of objection received from the occupiers of 22 Anstey's Road raising the following concerns:

Concern that the change of use could result in operation of take away; cooking fumes; related waste; litter; insufficient trade for the trading hours proposed; already a café in the bakery and a kebab shop in the immediate area resulting in competition for very limited customers.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Viability of the retail use

Criteria A of Policy RT9 states that change of use from Class A1 uses will not be permitted unless it can be demonstrated that the premises could not be retained in a viable retail use. The retail unit has been vacant since April 2010. Since then the owner has been actively marketing the unit for retail tenancy. Officers consider that 5+ months of marketing cannot satisfactorily justify that the existing Class A1 use as not viable. The application therefore fails to accord with criteria A of policy RT9.

However, an application can still be accepted if it accords with criteria B of policy RT9.

5.3 Vitality and Viability of the centre

Criteria B of policy RT9 requires that a proposal for change of use to a non A1 use must make a positive and complementary contribution to the vitality and viability of the centre, must not undermine the retail function of the frontage or part of it and have an acceptable environmental and transportation effect without prejudicing residential amenity.

The Council carried out an audit of retailing activity in South Gloucestershire in August 2009. For Hanham town centre the audit recognised 38 units with an A1 Class and of these 3 were vacant. At the time this report was written Officers could find no vacant retail units. On the south side of High Street the primary shopping frontage extends from nos 46-86 with a total frontage length of 139.1m comprising 59.5% A1 and 40.5% non A1. The frontage length for no.66 is 3.5m and as such the proposed change of use to non A1 Use would result in a split of 57% Class A1 and 43% non A1. Using the same calculation for the entire primary shopping frontage for Hanham, the existing A1 Used represent 58.6% and non A1 41.4% and the proposal would result in a split of 57.6% A1 and 42.4% non A1. The proposal would therefore result in no detrimental impact on the proportion of Class A1 uses within the retail centre in the interest of the vitality of Hanham retail centre.

The application proposes a coffee shop use for daytime operation only. The coffee shop would provide mainly cold food (sandwiches) with some limited hot food (paninis) mainly prepared off site and reheated or grilled on site. The proposal is therefore considered to falls within a mix of Class A1 (sandwich shop) and Class A3 (coffee shop). The proposal would provide a complementary business use to the existing retail function providing a destination and meeting point for local residents and users of community facilities in the immediate area (library, nursery, school etc.) and adding to the variety of daytime offering in the High Street. The proposal would be likely to increase foot traffic on the High Street and as such it is considered that the proposal would make a positive and complementary contribution to the vitality and viability of the retail centre without undermining the function of the retail frontage in accordance with criteria B of policy RT9. Conditions are recommended to ensure the building remains as a coffee shop or returns to a

retail use and to control hours of operation for daytime purposes only both in the interest of preserving the vitality and viability of the Hanham retail centre.

A local resident raised a concern that other food businesses are already situated in the immediate area and the area would not provide sufficient custom for all of the businesses. In the area there is a fast food takeaway to the east and an Indian restaurant and bakery which provides an ancillary cafe on the north side. Competition within a retail centre inevitably results in improved quality of offering which can only have a positive impact on the vitality and viability of the centre.

5.4 Environmental pollution

The application site is situated in close proximity to residential uses, with residential occupiers at first floor and in the adjacent building. The proposal would provide a low-key non-intensive food operation. Much of the hot food would be prepared off site and reheated or grilled on site. It is therefore considered that mechanical means ventilation and odour control are not required. Conditions are recommended to control opening hours (0800-1800 Mon-Sat and 0900-1600 Sundays and Public Holidays), and to control the type of hot food prepared on site. Ample secure bin storage is available in the enclosed yard at the rear of the site and refuse would be collected from Anstey's Road. Although a take away service will be provided, this would comprise only an ancillary part of the business and as such the proposal would not give rise to significant issues related to littering. On this basis the proposal is considered not to result in any material harm to the amenity of the local residents in terms of odour or noise, subject to conditions. The proposal therefore accords with criteria C of policy RT9 of the adopted Local Plan.

5.5 Highway matters

It is anticipated that the proposal as a low-key coffee shop would not significantly alter the existing traffic or parking situation when compared to the existing retail use. The main function of the business would be to provide a destination sit down offering and on street parking on the High Street would therefore be minimal. In view of this, the highway safety situation would not worsen and hence, the proposal is considered to be acceptable in this respect. The proposal therefore accords with criteria C of policy RT9 of the adopted Local Plan.

5.6 Other issues

In terms of the character and appearance of the area the proposal would require only cosmetic changes to the external appearance of the building. A coffee shop business would sit comfortably within the commercial area and as such the proposal would preserve the character and appearance of the locality.

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.

5.6 Use of Energy and Sustainability

The proposal would be situated within a highly sustainable location in the commercial centre of Hanham within walking distance of amenities and bus routes. The proposal is therefore considered to represent a sustainable form of development

5.7 Improvements Achieved to the Scheme

None required

5.8 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with article 22 of the town and country planning (general development procedure) order 1995 (as amended) is given below.

- a) Due to its non-intensive, modest scale of food preparation the proposed coffee shop is considered not to give rise to a material loss of amenity to the adjacent occupiers, in terms of pollution and residential amenity. The development therefore accords to Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed change of use has been designed to respect and maintain the materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposal would provide a complementary use to the mix of daytime development within the retail centre. As such the proposal would provide a positive contribution to the vitality and viability of the retail centre in

accordance with policies RT1 and RT9 South Gloucestershire Local Plan (Adopted) January 2006.

- d) The proposed change from retail to coffee shop would result in no material increase in on street parking and traffic. The proposal would also be situated within a highly sustainable location. As such the proposal is considered to represent a sustainable form of development which would have no significant additional impact in relation to highway safety. The proposal therefore accords with policies E3, RT1 and T12 South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

7.1 Consent is GRANTED subject to the following conditions and informatives:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

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 use hereby permitted shall not be open to customers outside the following times 0800 to 1800 Monday to Friday,.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and the vitality and viability of the retail centre in accordance with Policy E3, EP4 and RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification) the premises shall be used only as a coffee shop (mixed Use Class A1 and A3) with permitted change to Use Class A1 and for no other purposes whatsoever.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and the vitality and viability of the retail centre in accordance with Policy E3, EP4 and RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No hot food shall be prepared on the premises other than those indicated in the supporting documentation from Tetlow King Planning dated July 2010 and subsequent

email from Tetlow King Planning dated 18.08.2010 unless otherwise first agreed in writing with the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses in accordance with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 10

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.:	PT10/1140/CLE	Applicant:	Mr Adam Studzinski
Site:	Hardings Farm Oldbury Naite Thornbury South Gloucestershire	Date Reg:	20th May 2010
Proposal:	Application for Certificate of Lawfulness for existing use of barn and stables as residential and area indicated on map as residential curtilage.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	361986 193550	Ward:	Severn
Application Category:	Minor	Target Date:	7th July 2010



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N.T.S.

PT10/1140/CLE

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:
- (i) Use of barn and stables as residential.
 - (ii) Use of area indicated on location map as residential curtilage.
- 1.2 The application site relates to an existing stable building and a section of land that is currently used as residential curtilage. The building is constructed from corrugated metal and has a fairly functional appearance and is situated to the west of the existing dwelling.
- 1.3 The application site is situated outside of the Oldbury-on-Severn 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 P87/2745 Erection of single storey side extension to form lounge, kitchen/dining room, two bedrooms, bathroom, office and utility room (in accordance with the amended plans received by the council on 30th December 1987), Refused 10.03.1988.
- 3.2 P96/2161 Erection of agricultural building to form hay store. Approved 09.12.1996.
- 3.3 PT00/2573/F Change of use of field for keeping of horses and erection of all weather outdoor area. Approved 31.01.2001.
- 3.4 PT04/3866/F Erection of single storey side extension to form family room and study. Erection of porch and detached garage with carport and workshop and creation of new access. Approved 23.06.2005.
- 3.5 PT05/2766/F Construction of gable end to garage. (Amendments to previously approved scheme under planning permission PT04/3866/F dated 17 November 2004). Approved 18.10.2005.

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

4.1 With this application the claimant (Mr Adam Studzinski) has submitted: -

A Statutory Declaration and location plans (Plans AS1 & AS2). These declare that:

- The building marked in blue on the plan has been used to house cars/motorcycles and provide workshop facilities for the claimant's hobby since December 1999. The claimant has stated *'I have used these structures as incidental to my residential enjoyment of my dwellinghouse by using them to keep my collection of cars which were still kept on the drive area of the property at that time.'*
- The area of land shown in green on Plan AS1 has been as garden land since the claimant moved into the property on the 12 November 1999. The claimant has stated that *'...I have used the area of land hatched in green on AS1 as garden land believing it to be in this use given its position and proximity to my house. We have created raised areas for growing plants and vegetables as well as a pathway accessed from the patio/driveway to create a pleasant garden area.'*
- The claimant has concluded by stating *'I am advised that where a structure has been in use for in excess of four years for residential purposes and ten years for other uses that a Certificate of Lawfulness should be granted. As the described uses have been in place for in excess of ten years make this statutory declaration in support of my application for a Certificate of Lawfulness in relation to the change of use of the structures shown as Barn and Stables to residential use (C3) and for the land hatched green from agricultural to residential curtilage (C3).'*

Two photographs.

Email from the claimant's representative dated 5th August 2010.

5. SUMMARY OF CONTRARY EVIDENCE

5.1 The Council have found the following contrary pieces of evidence:

A. Case Officer site visit on the 25th June 2010.

B. Relevant Inspector appeal decision(s):

- Appeal (i): T/APP/C/87/P0105/4/P6 – Land and buildings at 9 Wellington Buildings, Weston, Bath.
- Appeal (ii): APP/C/87/U5930/00004 – Land and buildings at No. 2 Heathcote Grove, Chingford

- Appeal (iii) APP/Y2003/C/04/1148986 & 1149017 – 1 Mere Harm Cottages, Winterton Road, Winteringham, Scunthrope

C. Relevant case law:

- *Wallington v SSW and Montgomeryshire DC [1991] 1 PLR 87.*
- *Holding v FSS and Thurrock DC [2003] EWHC 3138 (Admin).*

D. Council aerial photographs from: 1999; 2005; 2006; & 2008/9.

E. Location plans submitted with planning applications: PT00/2573/F; PT04/3866/F; & PT05/2766/F.

6. CONSULTATION RESPONSES

6.1 Oldbury Parish Council

Oldbury on Severn Parish Council acknowledges that a resident appears to have been unlawfully in this property for a number of years however unpalatable this is and unfair to other law abiding residents in the village.

However, the Parish Council does object to the huge area of curtilage sought as residential? This leads the Parish Council to question the future prospects for the property in terms of extension and development. Also, we would very much like to know if building regulation approval was sought and obtained for this residence.

6.2 Local Residents

None received.

7. APPRAISAL OF EVIDENCE

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 **A. Does the evidence submitted by the claimant demonstrate that the building(s) marked on plan AS2 have been used for residential purposes for a period in excess of 4 years?**

The building identified on plan AS2 is an agricultural barn that originally formed part Hardings Farm. The Statutory Declaration submitted by the claimant outlines that a part of this barn was converted to garaging through the installation of an alarm, the painting of the walls, the fitting of lighting, and the provision of a workshop. It is understood that these works were completed in December 1999 and since this date the building has been used in relation to the claimants hobby for the storage of cars/motorcycles and for workshop facilities. These works required planning permission because they constituted a material change of use from the buildings original agriculture use. No planning application has been received to regularise this unauthorised development

since the works were undertaken, and thus there has been a breach of planning control in this instance.

- 7.3 According to Circular 10/97 (Paragraph 8.4) a breach of planning control becomes “immune” from enforcement action if no such action has been taken within certain time limits (e.g. 4 years for the use of a residential building and 10 years for all other development). By virtue of section 191 (2) and (3) of the Town and Country Planning Act 1990, a breach of planning control which has obtained immunity by the passage of time also becomes “lawful” for planning purposes.
- 7.4 Under this application, the claimant has argued that the change of use of the barn from agriculture to residential storage (e.g. storage of cars/motorcycles for hobby purposes) has taken place for more than 4 years. As such the claimant contends that the unauthorised change of use has obtained immunity by this passage of time and therefore becomes “lawful” for planning purposes.
- 7.5 Officers are satisfied that the Statutory Declaration has demonstrated that, on the balance of probability, the claimant converted and used the building since December 1999 for the storage for cars/motorcycles and as a workshop. Nevertheless, Officers consider, on the balance of probability, that the level of storage of cars/motorcycles exceeds any reasonable definition of a residential use (e.g. incidental to the enjoyment of the host dwellinghouse.)
- 7.6 Officers have reached this conclusion with regard to the following relevant appeal decisions that are listed in further detail under Section 6 of this report:

In Appeal (i) the Inspector concluded the following with regard to the storage of vehicles ‘...it is normally accepted that parking of private vehicles within the curtilage of a property may be regarded as incidental to the enjoyment of that property. An essential feature of such parking is however its transient nature’. The Inspector went on to conclude that the storage of vehicles on the site, due to their lack of transience, was not incidental to the enjoyment of a residential property.

In Appeal (ii) a local authority argued that the provision in planning law which allowed uses incidental to the enjoyment of a dwellinghouse, was not an open ended licence for householders to indulge in their own personal pleasures regardless of the impact on the community. An inspector accepted that the keeping of ten vehicles went beyond that which could be considered incidental.

In Appeal (iii) the Inspector explained that a change of use would not be material if it was one normally associated with the use of houses and that to be ‘incidental’ involves some subordination in relation to the enjoyment of the dwelling itself. As such, the Inspector identified that an unquestionable hobby use may become so significant as to constitute a separate use in relation to the normal use of residential property.

Appeal (iii) cites *Wallington v SSW and Montgomeryshire DC [1991] 1 PLR 87* and *Holding v FSS and Thurrock DC [2003] EWHC 3138 (Admin)*. These identify that ‘...it is right to have regard to what people do in dwellings for the purpose of deciding whether an alleged use was incidental to the enjoyment of the dwellinghouse, and that a hobby might not be a use incidental to the enjoyment of a dwelling (as opposed to the enjoyment of the occupier)

- 7.7 These appeal decisions have identified that storage of vehicles has only been considered incidental to the enjoyment of a dwellinghouse where:
- i) It is transient in nature (e.g. not permanent); and
 - ii) Subordinate to the enjoyment of the dwellinghouse itself.
- 7.8 The photographs submitted by the claimant show at least nine motorcycles and one car. This was confirmed during the case officers site visit. The vehicles have been well maintained and have been presented and arranged tidily. It is considered that these characteristics indicate that the vehicles are not directly and regularly used in connection with the main dwellinghouse, conversely they form part of the claimant hobby to collect and maintain classic cars and motorcycles. On this basis it is considered that the storage is not transient in nature.
- 7.9 The premise of the claimant argument centres upon the point that the storage of classic cars and motorcycles for hobby purposes is incidental to enjoyment of the host dwellinghouse, and thus is a residential use. However, in view of the above appeal decisions and case law, Officer's disagree with this argument. It is acknowledged that the use that has been undertaken by the claimant is an unquestionable hobby use. Nevertheless, on the basis of the size of the building, the number of vehicles being stored, and the non-transient nature of the storage, it is concluded that the use would far exceed what can be reasonably considered as being incidental to the enjoyment of the host dwellinghouse. Therefore, on the balance of probabilities, the claimant has failed to demonstrate that the building in question has been used for residential purposes for a period in excess of 4 years. Accordingly, the building does not have a lawful residential use.
- 7.10 Whilst the claimant has not shown that the building has been used for residential purposes, it is considered that the Statutory Declaration has demonstrated that the claimant converted and used the building for the storage of classic cars and motorcycles and as an ancillary workshop. Notwithstanding this there is some doubt as to whether this breach of planning control has been undertaken to continuous period of ten years (e.g. the period between the 12th August 2000 to the 12th August 2010).
- 7.11 This doubt has arisen because in 2001 planning permission (PT00/2573/F) was granted for the change of use of field for keeping of horses and erection of all weather outdoor area. The red line of this application encompassed the building subject to this certificate application, and excluded the host dwellinghouse. It is therefore considered that when this planning permission

was granted on the 30th January 2001 the building had an authorised use as an ancillary equestrian building. Therefore, from this date onwards, the storage of classic vehicles within this building constituted a material change of use and thus represented a new breach of planning control.

7.12 On this basis, the breach of planning control has only occurred for less than the 10 year period. As such it is considered that the use of the building for the storage of classic vehicles has not obtained immunity from enforcement by the passage of time and thus has not become "lawful" for planning purposes. It is therefore recommended that a Certificate of Lawfulness of Existing Use is not granted for the use of the building for the storage of classic cars and motorcycles and as an ancillary workshop.

7.13 **B. Does the evidence submitted by the claimant demonstrate that the land hatched on plan AS1 has been used for a period in excess of 10 years as residential curtilage?**

The land hatched in green on plan AS1 currently comprises of an area of planting boxes and pathways. The Statutory Declaration submitted by the claimant outlines that this land has been used as part of the garden since November 1999. The claimant states that they believed the land to be residential curtilage due to its position and proximity to the host dwellinghouse. It is understood that this land originally formed part of Harding's Farm and thus had an agricultural use. No planning application has been received to regularise this unauthorised development since the works were undertaken, and thus there has been a breach of planning control in this instance.

7.14 Paragraph 7.4 of this report identified that a breach of planning control becomes "immune" from enforcement action if no such action has been taken within certain time limits. It is acknowledged that the enforcement time limit for the change of use of a building to a residential use is four years, however the time period for the change of use of land to a residential use is ten years.

7.15 It is acknowledged that the claimant has submitted a Statutory Declaration that outlines that the land has been used for residential purposes for a period of ten years. Moreover, it is noted by Officers that a Statutory Declaration carries considerable weight because they are sworn statements. Notwithstanding this, when assessing the application the Statutory Declaration does not necessarily mean the land has a residential use and needs to be carefully balanced against other material considerations.

7.16 In researching this application Officers have reviewed the Council aerial photographs that were taken in 1999, 2005, 2006, and 2008/9. Three of the four photographs (1999, 2005, & 2006) appear to show that the area of land in question to be physically detached from the main dwellinghouse. The first visual change to the land was observed in 2008/9 aerial photograph, when the grass was removed and replaced with development.

- 7.17 The claimant was questioned on this matter, and responded '*...You will be aware that the use of land does not require any works to it in order to enable that change. My instructions from my client are quite clear as to their use of that land and the fact that they would sit out there in the evenings with chairs and tables looking over the fields. Their statutory declaration swears as to this use. The fact that it was only formally laid out with beds between 06 and 08/9 photographs does not detract from the fact that they used it in that manner and I see no evidence that counteracts the sworn statement contained herein*'.
- 7.18 This additional information was unsworn and therefore carries less weight. Nevertheless this evidence has not indicated the scale of the claimants use of the land (e.g. how often they sat out on the land in question). On this basis it is not considered that this information triggers a change of use of the land to residential curtilage.
- 7.19 Officers do acknowledge that aerial photographs do not categorically prove that the land has not been used as residential curtilage for a continuous ten year period, nevertheless it does introduce some doubt into the claims made within the Statutory Declaration.
- 7.20 In addition to the aerial photographs, the application site's planning history has been researched. Planning permission (PT00/2573/F) was granted on the 30th January 2001 for the change the use of land for the keeping of horses and for the erection of an all weather outdoor arena. This consent included a location plan, and its red line encompassed the land that has been alleged by the claimant to be residential curtilage. This consent therefore identifies that less than 10 years ago, in 2001, the land had an authorised use for the keeping of horses.
- 7.21 The use of the land has also been collaborated by the red edges that were submitted with two separate householder planning application for extensions to the dwellinghouse (PT04/3866/F and PT05/2766/F). Both of these applications excluded this area of land in question from the applicant curtilage.
- 7.22 In view of the aerial photographs from 1999, 2005 and 2006, and the red lines on the location plans from planning permissions PT00/2573/F, PT04/3866/F and PT05/2766/F, it is considered that there is considerable doubt regarding the claimant argument that the land in question has been used as residential curtilage for a continuous period of ten years. On this basis, it is considered on the balance of probabilities, there is insufficient evidence to demonstrate that the land has been used as residential curtilage. It is therefore recommended that a Certificate of Lawfulness of Existing Use is not granted for the use of the land as residential curtilage.

8. CONCLUSION

- 8.1 Under this application the claimant has sought a certificate of lawfulness for the existing use of a barn for residential purposes, and for the use of land as residential curtilage. In support of their application the claimant has submitted a Statutory Declaration, which states that the building has been used for storing

classic car and motorcycles since 1999. The statement also states that a piece of land has also been used for residential purposes for the same period.

8.2 It is considered that the Statutory Declaration carries considerable weight. Nevertheless this needs to be carefully balanced against other material considerations. Firstly, in view of relevant appeal decisions and case law, it is concluded that the storage of classic cars and monocycle for hobby purposes is not incidental to the enjoyment of the dwellinghouse, accordingly the claimant is required to demonstrate a continuous 10 year breach of planning control in order to regularise the unlawful development. Secondly, on the 30th January 2001 the Local Authority granted planning permission to change the use of land for the keeping of horses. The red line of this application encompassed the building that is subject to this application. As such, it is considered that as of the 30th January 2001 the lawful use of the building was 'equestrian'. Therefore, the claimant has failed to demonstrate a continuous 10 year breach of planning control. It is therefore considered, on the balance of probabilities, that the use of the building for the storage of classic cars and motorcycles is unlawful and thus a certificate should not be granted in this instance.

8.3 In terms of the extension to residential curtilage, it is considered that there is considerable amount of contrary evidence that conflict with the claimants Statutory Declaration. Firstly, the Council aerial photographs have shown that the area of land appears to be physical detached from the host dwellinghouse and its gardens. For instance the photos appears to show that the land is being used with the adjacent planning unit. Secondly, the Council have considered two planning application for the host dwellinghouse, and neither of the red lines submitted with the applicant encompassed this bit of land. Therefore it is considered that there is doubt about whether this land has been used for residential purposes for a continuous 10 year period. It is therefore considered, on the balance of probabilities that the use of the land as residential curtilage is unlawful and thus a certificate should not be granted in this instance.

9. RECOMMENDATION

9.1 Certificate of Lawfulness for Existing Use to be **REFUSED** for the following reason(s): -

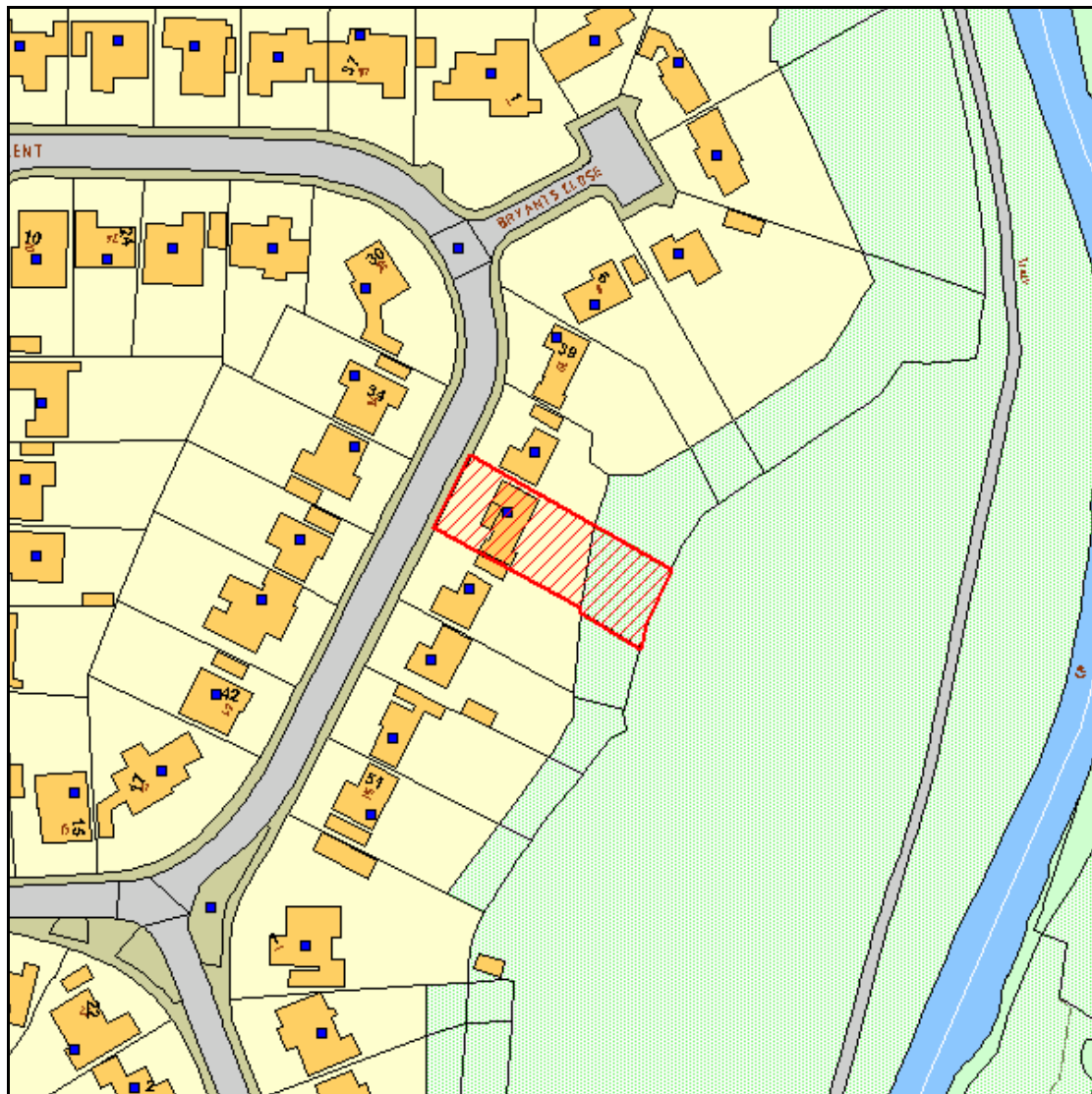
Contact Officer: Peter Rowe
Tel. No. 01454 863131

REASONS FOR REFUSAL

1. The evidence in total fails to demonstrate on the balance of probability in relation to the building shown on Plan AS2 that the storage of classic cars and motorcycle for hobby purposes is incidental to the enjoyment of the host dwellinghouse (Class C3), and that it has been used as such for a continuous period of 10 years immediately prior to the submission of the application.
2. The evidence in total fails to demonstrate on the balance of probability that the area of land hatched in green on the plan AS1 has been used for a continuous period of 10 years immediately prior to the submission of the application.

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.:	PT10/1444/F	Applicant:	Mr Simon Lewis
Site:	43 Park Crescent Frenchay Bristol South Gloucestershire BS16 1NZ	Date Reg:	9th July 2010
Proposal:	Erection of two storey side extension to provide additional living accommodation and garage	Parish:	Winterbourne Parish Council
Map Ref:	364432 178166	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	31st August 2010



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100023410, 2008.

N.T.S.

PT10/1444/F

INTRODUCTION

This application is being circulated to Members because the officer's recommendation is contrary to a consultation reply received from a local resident.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey side extension and a single storey rear extension. The proposed extensions would replace an existing single storey detached garage and workshop and would incorporate a new garage re-using the existing garage doors.
- 1.2 The proposed extension would measure approximately 4.1 metres in width, 12.2 meters in total depth with a ridge height of circa 7.5 metres for the two storey extension and approximately 3.7 metres high for the rear single storey element with the two storey extension falling to 5.3 metres at the eaves and the single storey element reaching circa 2.4 metres at the eaves. Materials would match the existing.
- 1.3 The application site is located in the existing urban area of Frenchay within a well-established residential area. It is not located within Frenchay Conservation Area but is in close proximity to it, with the rear garden adjoining the Conservation Area, abutting the Frome Valley Walkway and the Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS 5 Historic Environment
PPG 13 Transport
- 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
Frenchay Conservation Area SPD 2007
- 2.4 Emerging Policy
South Gloucestershire Council Core Strategy Pre-Submission Publication Draft March 2010:
CS1: High Quality Design
CS9: Environmental Resources

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history for this specific application site but neighbours have similar approved development. See P87/3097 (No 39 Park Crescent),

PT06/2587/F (No. 41 Park Crescent) and PT09/0259/F No.16 Park Crescent).
All of which are two storey side extensions replacing detached garages

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council
No objection

4.2 Transportation
No objection

Other Representations

4.3 Local Residents
1 letter received objecting to the proposal on the following grounds:
a) development would be overbearing;
b) loss of view between the properties;
c) will increase on-street parking leading to congestion of the street.

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 proposed development would be located to the South of the existing dwelling and it is considered that occupiers to the North at No. 41 Park Crescent would remain unaffected. The proposed development would not increase in rear projection whilst the two-storey extension would project forwards by approximately 2.4 metres to be flush with the existing front gable. The proposal would be set on the boundary shared with No. 45 Park Crescent. The detached garage of No. 45 would be adjacent to the proposal with the dwellinghouse circa 5 metres back from this boundary and it is considered that the proposal would not result in an overbearing impact on this neighbouring occupier. Notwithstanding this, concern has been raised about the proposal appearing overbearing to dwellings opposite the application site. It is understood that the proposed development will not significantly alter the existing arrangements. Moreover the houses opposite are approximately 10 metres away on the other side of the road from the application site and as such it is not considered to result in an overbearing impact on the occupiers of the opposite dwellings.

A window would be inserted into the upper floor south elevation but shall be obscure glazed. A condition is recommended to ensure this window remains obscure glazed and that no new windows are inserted into this side elevation in order to avoid any overlooking or inter-visibility between principal rooms.

The proposal by virtue of the minimal alteration to the footprint of the existing dwelling and the proposed location, is considered to maintain the existing residential amenity of neighbouring occupiers. Given that the proposal would include an integral garage and would not be significantly extending into the

private amenity space, it is considered that the proposed development would meet criteria contained in Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.3 Design and Visual Amenity

The proposed development would involve a two-storey extension to replace the existing detached garage/workshop and include a first floor. The proposal would incorporate an integral garage with the existing garage door being reused. Materials used in the construction of the proposal would match the existing materials and it would have a gable end facing Park Crescent extremely similar in style and appearance to the existing front elevation gable. These gabled front elevations are a key characteristic of the dwellings on this side of the street and given that similar development is evident on Park Crescent and at neighbouring properties, it is considered that the proposal would remain in keeping with the surrounding locality. The proposed extension would be subservient to the main dwelling with the ridge height slightly lower and the width slightly narrower than exists. The single storey rear element would remain the same height, width and depth as currently exists and would be finished with a gable end.

5.4 The application site adjoins the Frenchay Conservation Area and Frome Valley Walkway. The adopted Frenchay Conservation Area SPD requires that views within and across the valley remain unencumbered with new development. It requires existing plants, trees and foliage in rear gardens and along this boundary to remain to ensure that development proposals do not have an adverse visual impact from within the valley.

The proposal does not extend further back than currently exists and the applicant has indicated on the submitted plans that existing trees and foliage will remain. It is considered that the scale and location of the proposal would not have any significant impact on the character or appearance of the conservation area.

A concern was raised that the view between the properties would be lost as a result of the proposal. Whilst this concern is appreciated, given that the view is already significantly limited by virtue of the locality being a built up residential area with only the treetops beyond visible, the potential loss of this view is not considered a sufficient basis for a refusal of the application.

After careful assessment, it is considered on balance that the proposal meets criteria contained in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 and criteria and guidance contained in the South Gloucestershire Design Checklist Supplementary Planning Document 2007 and the Frenchay Conservation Area SPD 2007.

5.4 Transportation

A concern has been raised about the proposed development resulting in increased on-street parking. Whilst the two-storey side extension replaces an existing detached garage, the proposed development would include an integral garage. The South Gloucestershire Highways engineer advises that adequate parking provision would remain and does not expect the proposal to result in a significant increase in traffic generation. Accordingly it is considered acceptable in terms of policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

5.5 Design and Access Statement

The Design and Access Statement is acceptable.

5.6 Use of Energy and Sustainability

Would be in accordance with building regulation standards.

5.7 Improvements Achieved to the Scheme

None required

5.8 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The proposal by virtue of the minimal alteration to the footprint of the existing dwelling and the proposed location, will maintain the existing residential amenity of neighbouring occupiers. The proposed development would meet criteria contained in Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6.3 The proposal respects the character of the existing dwelling and is in keeping with the locality and street scene. It meets criteria contained in policy D1 of the South Gloucestershire Local Plan (Adopted) 2006 and criteria and guidance contained in the South Gloucestershire Design Checklist Supplementary Planning Document 2007 and the Frenchay Conservation Area SPD 2007.

6.4 The proposed development would include an integral garage. Adequate parking provision would remain and the proposal would not result in a significant increase in traffic generation. Accordingly it is acceptable in terms of policy T12 of the South Gloucestershire Local Plan (Adopted) 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 glazing on the South side elevation shall at all times be of obscured glass to a level 3 standard or above.

Reason

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

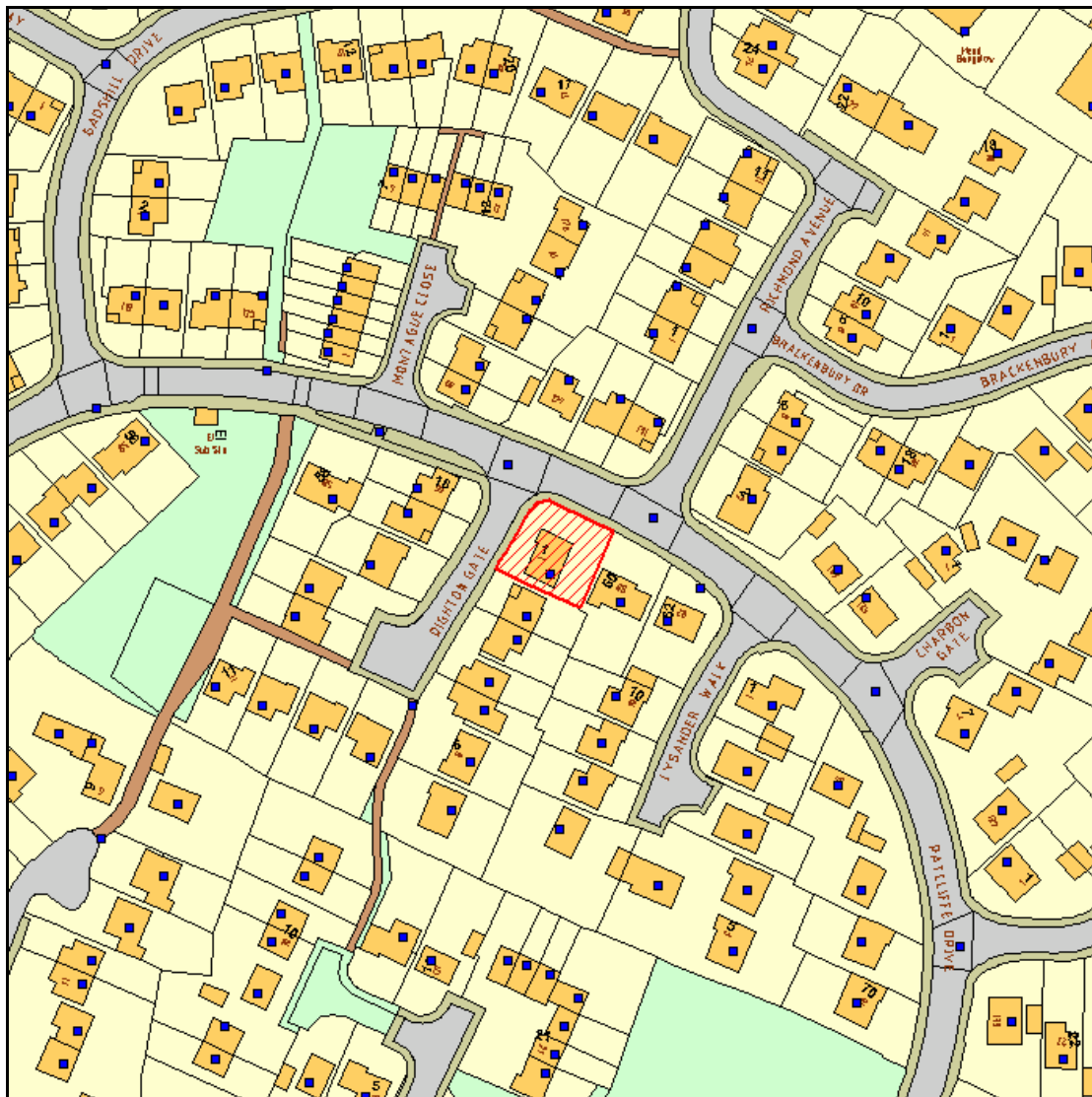
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the South side elevation of the property.

Reason

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

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.:	PT10/1700/F	Applicant:	Mr Richard Chappell
Site:	1 Dighton Gate Stoke Gifford South Gloucestershire BS34 8XA	Date Reg:	22nd July 2010
Proposal:	Erection of detached single garage (Retrospective)	Parish:	Stoke Gifford Parish Council
Map Ref:	362431 180355	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	12th September 2010



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 100023410, 2008. **N.T.S.** **PT10/1700/F**

INTRODUCTION

This application appears on the Circulated Schedule because 2 letters of objection have been received from local residents, which are contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This full retrospective application relates to the erection of detached garage to the side of 1 Dighton Gate, Stoke Gifford. The proposal measures 6.87m in length, 3.5m in width and has a gabled roof with a ridge height of 3.4m. It is located adjacent to an existing single storey side extension. The front and rear of the garage is in line with the front and rear building line of the original property. A gap of approximately 2.05m is retained between the side elevation of the garage and boundary wall.
- 1.2 The application site is an extended detached property located to the entrance of Dighton Gate, a small cul-de-sac serving 16 dwellings. This cul-de-sac is accessed off Ratcliffe Drive with the side of the property facing onto Ratcliffe Drive. The rear garden and most of the side of the site is enclosed by a 2m brick wall that directly abuts the pavement edge of Ratcliffe Drive.
- 1.3 The application site is a detached property with vehicular access to the front of the site, off Dighton Gate. It lies within the urban area of Stoke Gifford.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 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 Emerging Policy
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 Stoke Gifford Parish Council
No response received.

4.2 Other Consultees
Transportation
No objection.

Other Representations

4.3 Local Residents
Two letters have been received objecting to the proposal on the following grounds:-

- a) not in keeping with existing property;
- b) retrospective application;
- c) distance from boundary wall to garage;
- d) access to garage;
- e) will Dighton Gate street sign have to be relocated to accommodate access?

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
In assessing applications for development within existing residential curtilages, planning policies D1 and H4 of the adopted local plan are particularly relevant. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety.

5.2 Design
The application is retrospective. It is located to the side of the existing property, adjacent to Ratcliffe Drive. The design of the garage is typical in its size and not considered to be overly large or out of scale with the original dwelling. The height of the garage is not excessive, measuring 3.4m to the ridge and 2.4m to eaves level.

5.3 In design terms, it is recognised that the roof design, incorporating a shallow gable, differs to the attached single storey side extension immediately adjacent to the garage, which incorporates a hipped roof style. Although not ideal in design terms, it is not considered to be so visually incongruous to warrant a refusal. In addition, the layout of this part of Ratcliffe Drive is not open plan. The property immediately to the rear of the site fronts on to Ratcliffe Drive but the 1.8m rear wall of the application site forms the side boundary to this property and extends all the way to the pavement edge. The application site is also enclosed for the most part by a 1.8m brick wall, against which the garage

is read. This lessens the overall visual impact of the proposal within the street scene. The garage does not appear out of place within the site's context and is acceptable. It is also constructed of materials that match the existing dwelling, although there is a small variation in colour.

5.4 Residential Amenity

The development does not adversely affect residential amenity. Due to its location to the side of the dwelling and its single storey nature, no loss of privacy or overbearing impact will result to neighbouring occupiers. In addition, a distance of approximately 20m exists between the dwellings of 129 and 131 Ratcliffe Drive that directly face onto the application site.

5.5 Transportation Issues

The proposal is acceptable in transportation terms. The property already has an existing hardstanding area to allow one off-street parking space, and a dropped kerb. The applicants propose to extend the hardstanding to the front of the garage. The existing dropped kerb will be utilised to serve the garage. The application is acceptable in terms of parking and access and is in accordance with the adopted local plan.

5.6 Other Issues

With regard to the Dighton Gate street signage, this will remain as is and will not be affected by the development.

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 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.

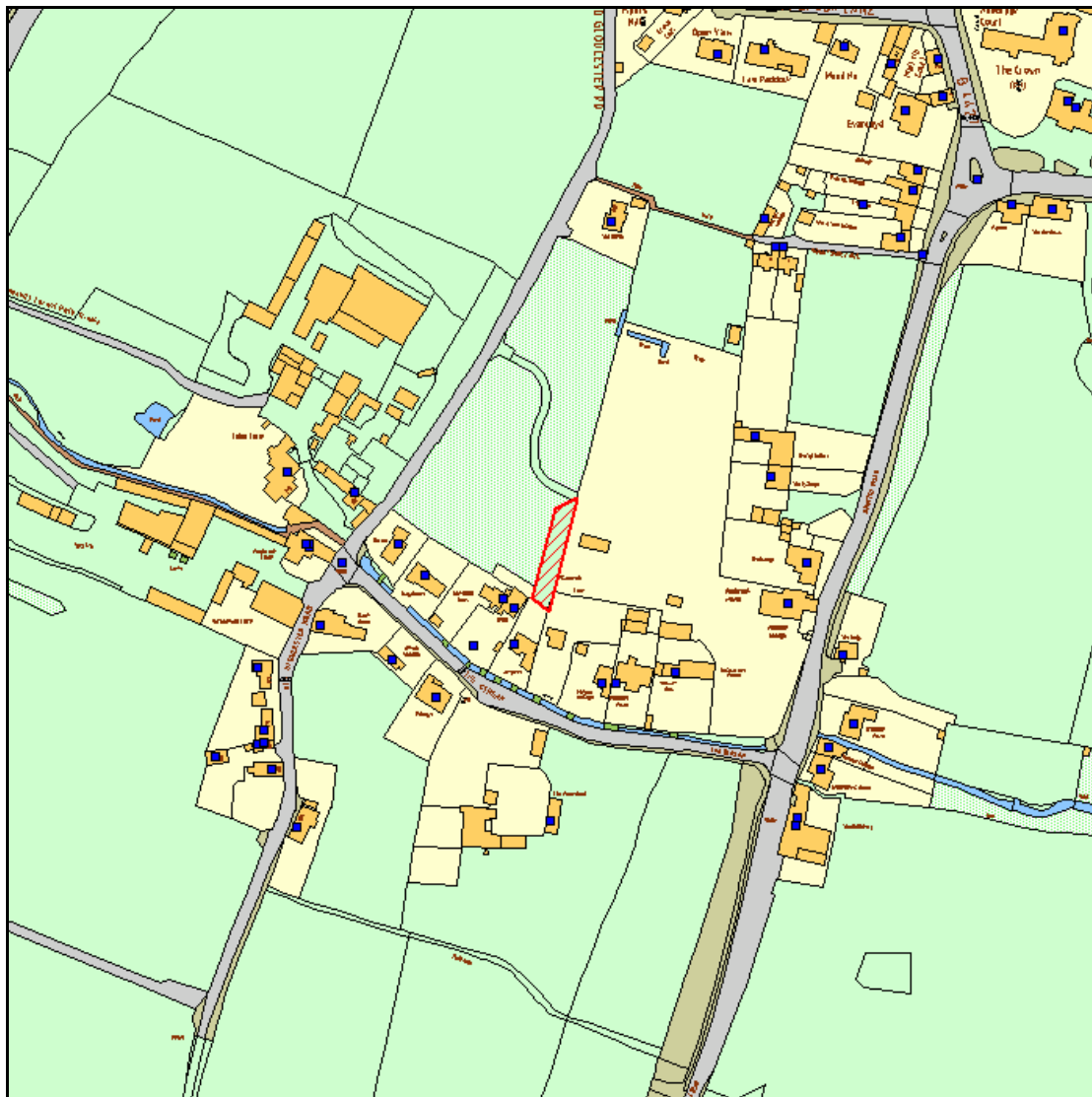
7. RECOMMENDATION

7.1 Retrospective planning permission be granted.

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.:	PT10/1711/RVC	Applicant:	Mr Scott CarltonHambrook Orchard Partnership
Site:	Hambrook House The Stream Hambrook South Gloucestershire	Date Reg:	12th July 2010
Proposal:	Variation of condition 10 attached to PT10/0092/F to allow use of Pilkington Activ Clear Glass	Parish:	Winterbourne Parish Council
Map Ref:	364045 178801	Ward:	Winterbourne
Application Category:	Minor	Target Date:	1st September 2010



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 100023410, 2008. **N.T.S.** **PT10/1711/RVC**

INTRODUCTION

This application appears on the Circulated Schedule in view of the letter of objection received from a neighbouring resident.

1. THE PROPOSAL

1.1 This application seeks the removal of condition 10 attached to permission PT10/0092/F that requires the use of non-reflective glazing within a proposed orangery. This condition reads as follows:

'The glazed roof above the orangery hereby approved (including that within the southern gable of the building) shall comprise non-reflective glass (and be retained as such), details of which shall firstly be approved in writing with the Local Planning Authority'.

Reason: To help safeguard the residential amenities of the neighbouring occupiers and to comply with Planning Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

1.2 The application relates to a former derelict barn within the grounds of the Grade II Listed Hambrook House; work on the restoration of this building has now commenced. The host property sits within the Hambrook Conservation Area and the settlement boundary (washed over by the Green Belt) although its grounds (including the site of the proposal) are within the open Green Belt.

1.3 A concurrent application has been received to address the associated condition attached to the listed building application (PT10/1767/RVC).

1.4 It is noted that the application remains unaltered all other respects from the permission previously granted (PT10/0092/F).

2. POLICY CONTEXT

2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPG5: Planning for the Historic Environment

2.2 South Gloucestershire Core Strategy (Pre-Submission Publication Draft) March 2010
CS1: High Quality Design
CS9: Environmental Resources and Built Heritage

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
L1: Landscape Protection and Enhancement
L9: Species Protection
L11: Archaeology

L12: Conservation Areas
L13: Listed Buildings
L18: The Water Environment
E9: Agricultural Development
H4: Development within Residential Curtilages

3. RECENT PLANNING HISTORY

- 3.1 PT04/0065/TCA: Removal of 6 trees to allow uninhibited growth of remaining chestnut tree. No objection: 30 January 2004
- 3.2 PT04/0964/PNA: Construction of vehicular access onto agricultural land. No objection: 30 March 2004
- 3.3 PT04/2842/CA: Demolition of walls to existing cow shed. Permitted: 5 October 2004
- 3.4 PT06/0332/LB: External and internal restorations to derelict barn to create an agricultural machinery store and orangery. Permitted: 10 March 2006
- 3.5 PT06/0395/F: Restoration of derelict barn to create agricultural store and orangery. Permitted: 10 March 2006
- 3.6 PT09/0666/F: Restoration of derelict barn to create agricultural store and orangery. Permitted: 24 June 2009
- 3.7 PT09/0667/LB: External and internal restorations to derelict barn to create an agricultural machinery store & orangery (renewal of PT06/0332/LB). Permitted: 24 June 2009
- 3.8 PT10/0092/F: Restoration of derelict barn to create agricultural store and orangery (amendment to previously approved scheme PT09/0666/F). Permitted: 17 March 2010
- 3.9 PT10/0093/LB: Restoration of derelict barn to create agricultural store and orangery (amendment to previously approved scheme PT09/0667/LB). Permitted: 17 March 2010
- 3.10 PT10/1767/RVC: Variation of condition 8 attached to listed building consent PT10/0093/LB to allow use of Pilkington Activ Clear Glass. Decision Pending

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection
- 4.2 Other Consultees
Landscape Officer: No comment
Conservation Officer: No objection subject to conditions
Transportation DC: no objection

4.3 Summary of Local Residents Comments:

One letter received expressing the following concerns:

- o There is no reason for this condition to be changed given that the clear glass (that will be facing south) is bound to reflect the sun's rays into the neighbouring property immediately behind.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This current application seeks the removal of a condition 10 attached to permission PT10/0092/F that requires non-reflective glazing to the roof and end gable of a new orangery; all other aspects of the proposal remain the same. With the principle of this development already established (by the previous permission) planning policy E9 would be most relevant in this instance. This policy allows for the erection of agricultural buildings provided that:

- o They are on land used for agricultural purposes whilst there should be no existing underused buildings available;
- o Adequate provision is made for access and manoeuvring;
- o Development would not have an unacceptable environmental impact;
- o The proposal would not prejudice neighbouring residential amenity.

5.2 Given that the principle of development has been established, this report addressed the issues raised by the proposed removal of this condition.

5.3 Residential Amenity

The application relates to the Grade II Listed Hambrook House sited within the Hambrook Conservation Area and settlement boundary (washed over by the Green Belt); this dwelling comprises a substantial property that benefits from extensive grounds extending to the west beyond the settlement boundary into the open Green Belt. The orangery (under construction at the time of the officer site visit) stands within the corner of an adjoining orchard within the Green Belt and the Conservation Area.

5.4 Condition 10 of planning permission PT10/0092/F requires the use of non-reflective glazing within the roof and south gable; the reason for this condition is to help safeguard the residential amenity of the neighbouring occupiers. This is having regard to those dwellings that stand to the south of the application site fronting The Stream. These dwellings adopt an informal building line with that immediately to the south separated from the site by a short rear garden and with that to the west of this dwelling stood further back closer to the new orangery. That to the east stands between the building lines of these two properties.

5.5 In considering this application, it is noted that this condition was not attached to the original permission for the conversion of this building (PT06/0395/F) and since this time, the length of the orangery has been reduced with it set back from this shared boundary; the side gabled entrance has also been omitted with these changes combined resulting in a less intrusive scheme. On this

basis, it is considered that any objection to the removal of this condition is more likely to prove unsustainable.

5.6 Further, it is noted that views of that property directly to the south of limited to the roof top only when viewed from the application given an existing 2.5m high (approx.) stone boundary wall. That to the west is more visible although offset from the line of the proposal whilst that to the east is almost entirely screened by an existing tree on this boundary.

5.7 For the reasons outlined above, removal of this condition is on balance considered to be acceptable. In making this recommendation, it is also noted that the building would be single-storey (albeit with a pitched roof) whilst the end gable would be slightly recessed under the overhanging roof with a wooden truss in front; this would help screen this gable from direct sunlight.

5.8 Design/ Visual Amenity

It is considered that the removal of this condition (and the use of clear glass) would have no significant impact on the design of the previously approved scheme. On this basis, there is no objection to this current proposal on design grounds.

5.9 Impact on the Openness of the Green Belt

Planning policy GB1 advises that permission will be granted for the erection of new buildings within the Green Belt where for a limited number of criterion; one such criterion allows buildings that are for agricultural and forestry. In this instance, the proposal would be for horticultural purposes whilst the removal of this condition would have no impact upon the design/ size of this structure' as such its removal would not impact upon the openness of the Green Belt. Accordingly, there is no objection to the current proposal on this basis.

5.10 Listed Building Considerations

Planning policies L12 and L13 allow development proposals that would either preserve or enhance the character and appearance of the Conservation Area and that would not adversely affect the setting of a Listed Building respectively. In this instance, the design and position of the proposal have already been established as acceptable whilst it is not considered that the removal of this condition would have any significant impact on the setting of the adjacent listed building or the Conservation Area. As such, there is no objection to the current proposal on this basis.

5.11 Outstanding Issues

The granting of planning permission would constitute a fresh planning permission for the restoration of this building. On this basis, it is therefore necessary for those conditions attached to PT10/0092/F to be attached to this planning permission.

5.12 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.

5.13 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to grant permission is for the following reasons:
1. The proposal would cause no significant adverse impact in residential amenity and thus is considered to accord with Planning Policy E9 (Agricultural Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal would conserve the appearance of the Conservation Area and would respect the setting of the neighbouring Listed Building. The proposal is therefore considered to accord with Planning Policies L12 (Conservation Areas) and L13 (Listed Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposal would not result in any significant adverse impact to the openness of the Green Belt and thus is considered to accord with Planning Policy GB1 (Development within the Green Belt) 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. Notwithstanding the submitted drawings, within one month of the date of this decision, details of the roofing and external facing materials proposed to be used shall be submitted and approved in writing by the Council and all such materials used in construction of the building hereby authorised shall conform to the details so approved.

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. A sample panel of repaired stonework and lime mortar pointing (minimum area of 1 square metre) must be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the work is complete. The stonework and pointing carried out in the development must match the approved sample panel.

Reason

To maintain and enhance the character and setting of the listed building and the character and appearance of the Conservation Area to accord with Planning Policies D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All new external rainwater and soil pipes shall be formed in cast metal and painted black.

Reason

To maintain and enhance the character and setting of the listed building and the character and appearance of the Conservation Area to accord with Planning Policies D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The eaves details must comprise a concrete ring beam concealed by stone facings as detailed by drawing HH/SC/2008/1 Rev E.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Planning Policies D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No windows other than those shown on the plans hereby approved shall be inserted at any time in the building unless the Local Planning Authority gives consent in writing to any variation.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Planning Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The building hereby approved shall be used for agricultural/ horticultural purposes only and for no other use without the prior consent, in writing, of the Local Planning Authority.

Reason

In view of the position of the building beyond the residential curtilage of the application site and to safeguard the residential amenities of the adjoining occupiers in accordance with Planning Policies E9, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The proposed bat slate shall be installed in accordance with details hereby approved and thereafter retained in perpetuity.

Reason

In the interests of species protection and to accord with Planning Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work.

Reason

In the interest of archaeological investigation or recording, and to accord with Planning Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the commencement of the relevant part of development, full details of the proposed boundary wall adjoining the southern end of the building hereby approved shall be submitted to, and agreed in writing with the Local Planning Authority. Development shall proceed in accordance with these agreed details.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to safeguard the character of the Conservation Area and Listed Building in accordance with Planning Policies D1, H4, L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

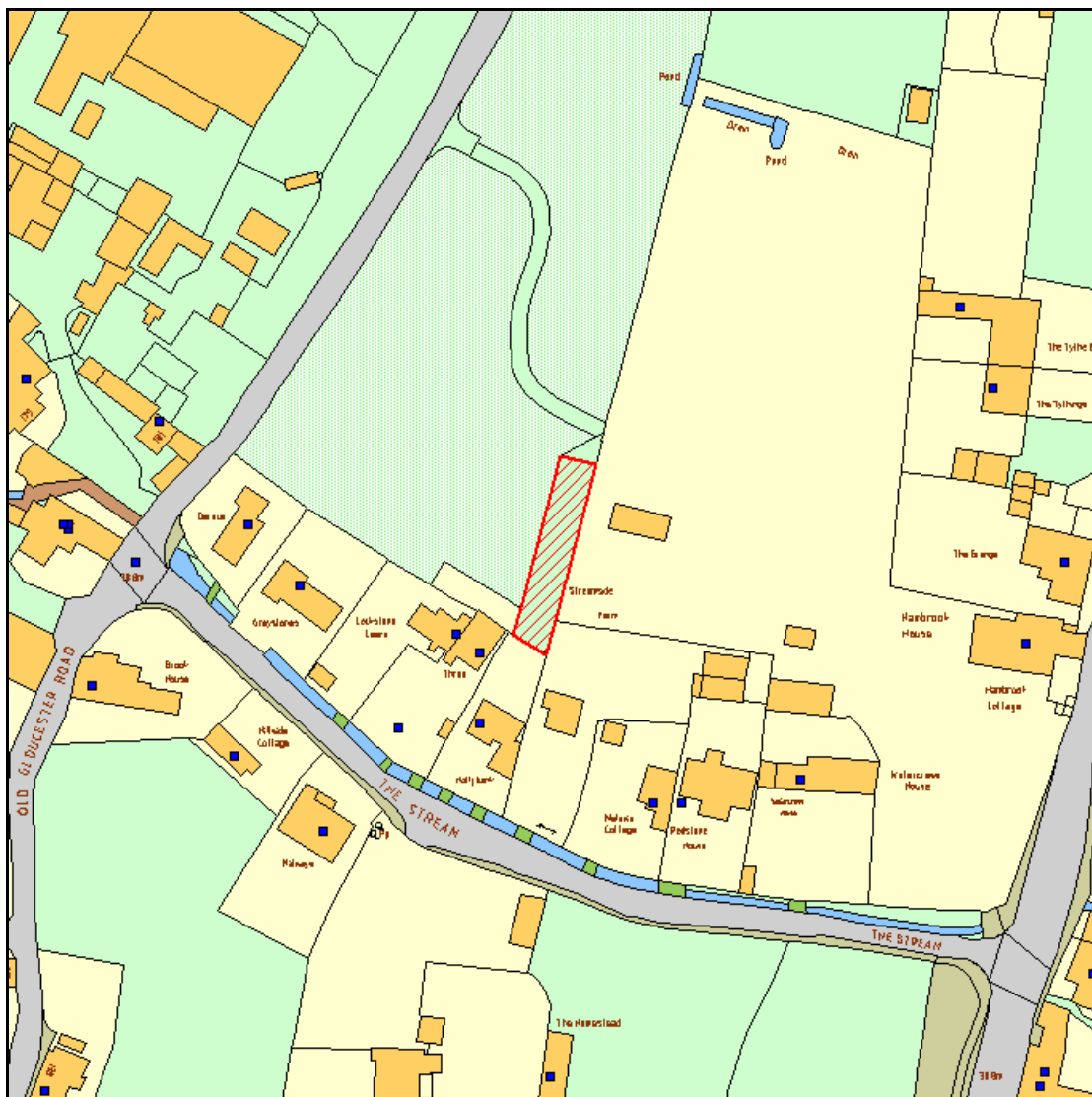
11. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 32/10 – 20 AUGUST 2010

App No.:	PT10/1767/RVC	Applicant:	Hambrook Orchard Partnership
Site:	Hambrook House The Stream Hambrook South Gloucestershire	Date Reg:	14th July 2010
Proposal:	Variation of condition 8 attached to Planning Permission PT10/0093/LB to allow use of Pilkington Activ Clear Glass.	Parish:	Winterbourne Parish Council
Map Ref:	364045 178801	Ward:	Winterbourne
Application Category:	Minor	Target Date:	6th September 2010



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 100023410, 2008. **N.T.S.** **PT10/1767/RVC**

INTRODUCTION

This application appears on the Circulated Schedule in view of the letter of objection received from a neighbouring resident.

1. THE PROPOSAL

1.1 This application seeks the removal of condition 8 attached to permission PT10/0093/LB that requires the use of non-reflective glazing within a proposed orangery. This condition reads as follows:

'The glazed roof above the orangery hereby approved (including that within the southern gable of the building) shall comprise non-reflective glass (and be retained as such), details of which shall firstly be approved in writing with the Local Planning Authority'.

Reason: In the interests of visual amenity and in order that the development serves to preserve the architectural and historic interest of the proposal, the adjoining listed building and the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPG15'.

1.2 The application relates to a former derelict barn within the grounds of the Grade II Listed Hambrook House; work on the restoration of this building has now commenced. The host property sits within the Hambrook Conservation Area and the settlement boundary (washed over by the Green Belt) although its grounds (including the site of the proposal) are within the open Green Belt.

1.3 A concurrent application has been received to address the associated condition attached to the planning permission (PT10/1711/RVC).

1.4 It is noted that the application remains unaltered all other respects from the permission previously granted (PT10/0093/LB).

1.5 It is further noted that the application as submitted requests the removal of condition 8 attached to PT09/0667/LB: the larger scheme that is not being implemented. This would also not accord with the current planning application. On this basis, the description has been amended to relate to PT10/0093/LB with condition 8 of these former consents (PT09/0067/LB and PT10/0093/LB) the same.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development

PPG2: Green Belts

PPG5: Planning for the Historic Environment

3. RECENT PLANNING HISTORY

- 3.1 PT04/0065/TCA: Removal of 6 trees to allow uninhibited growth of remaining chestnut tree. No objection: 30 January 2004
- 3.2 PT04/0964/PNA: Construction of vehicular access onto agricultural land. No objection: 30 March 2004
- 3.3 PT04/2842/CA: Demolition of walls to existing cow shed. Permitted: 5 October 2004
- 3.4 PT06/0332/LB: External and internal restorations to derelict barn to create an agricultural machinery store and orangery. Permitted: 10 March 2006
- 3.5 PT06/0395/F: Restoration of derelict barn to create agricultural store and orangery. Permitted: 10 March 2006
- 3.6 PT09/0666/F: Restoration of derelict barn to create agricultural store and orangery. Permitted: 24 June 2009
- 3.7 PT09/0667/LB: External and internal restorations to derelict barn to create an agricultural machinery store & orangery (renewal of PT06/0332/LB). Permitted: 24 June 2009
- 3.8 PT10/0092/F: Restoration of derelict barn to create agricultural store and orangery (amendment to previously approved scheme PT09/0666/F). Permitted: 17 March 2010
- 3.9 PT10/0093/LB: Restoration of derelict barn to create agricultural store and orangery (amendment to previously approved scheme PT09/0667/LB). Permitted: 17 March 2010
- 3.10 PT10/1711/RVC: Variation of condition 10 attached to planning permission PT10/0092/F to allow use of Pilkington Activ Clear Glass. Decision Pending

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection
- 4.2 Other Consultees
Landscape Officer: No comment
Conservation Officer: No objection subject to conditions
Transportation DC: no objection
- 4.3 Summary of Local Residents Comments:
One letter received expressing the following concerns:

- o There is no reason for this condition to be changed given that the clear glass (that will be facing south) is bound to reflect the sun's rays into the neighbouring property immediately behind.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This current application seeks the removal of a condition 8 attached to permission PT10/0093/LB that requires non-reflective glazing to the roof and end gable of a new orangery; all other aspects of the proposal remain the same. With the principle of this development already established (by the previous permission) only the removal of this condition is addressed by this report.

5.2 Listed Building Considerations

Planning policies L12 and L13 allow development proposals that would either preserve or enhance the character and appearance of the Conservation Area and that would not adversely affect the setting of a Listed Building respectively. In this instance, it is not considered that the removal of this condition would have any significant impact on the setting of the adjacent listed building or the Conservation Area. As such, there is no objection to the current proposal on this basis.

5.3 Outstanding Issues

The granting of this application would constitute a fresh planning permission for the restoration of this building. On this basis, it is therefore necessary for those conditions attached to PT10/0093/LB to be attached to any favourable decision notice.

5.4 Design and Access Statement

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

6. RECOMMENDATION

- 6.1 Listed Building Consent is **GRANTED** subject to the following conditions:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and PPG15.

2. Notwithstanding the submitted drawings, within one month of the date of this decision, details of the roofing and external facing materials proposed to be used shall be submitted and approved in writing by the Council and all such materials used in construction of the building hereby authorised shall conform to the details so approved.

Reason

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic interest of the proposal, the adjoining listed building and the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPG5.

3. A sample panel of repaired stonework and lime mortar pointing (minimum area of 1 square metre) must be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the work is complete. The stonework and pointing carried out in the development must match the approved sample panel.

Reason

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic interest of the proposal, the adjoining listed building and the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPG5.

4. All new external rainwater and soil pipes shall be formed in cast metal and painted black.

Reason

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic interest of the proposal, the adjoining listed building and the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPG5.

5. The eaves details must comprise a concrete ring beam concealed by stone facings as detailed by drawing HH/SC/2008/1 Rev F.

Reason

In the interests of visual amenity and in order that the development serves to preserve the architectural and historic interest of the proposal, the adjoining listed building and the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPG5.

6. The proposed bat slate shall be installed in accordance with details hereby approved and thereafter retained in perpetuity.

Reason

In the interests of species protection and in order that the development serves to preserve the architectural and historic interest of the proposal, the adjoining listed building and the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPG5.

7. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work.

Reason

In the interest of archaeological investigation or recording and in order that the development serves to preserve the architectural and historic interest of the proposal, the adjoining listed building and the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPG15.

8. Prior to the commencement of the relevant part of development, full details of the proposed boundary wall adjoining the southern end of the building hereby approved shall be submitted to, and agreed in writing with the Local Planning Authority. Development shall proceed in accordance with these agreed details.

Reason

In the interests of residential amenity and in order that the development serves to preserve the architectural and historic interest of the proposal, the adjoining listed building and the conservation area, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in PPG5.