



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC
ENVIRONMENT**

CIRCULATED SCHEDULE NO. 08/10

Date to Members: 26/02/10

Member's Deadline: 04/03/10 (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 **within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 26/02/10

SCHEDULE NO. 08/10

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 5pm), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email PlanningApplications@southglos.gov.uk

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

CIRCULATED SCHEDULE – 26 FEBRUARY 2010

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK10/0052/TRE	Approve with Conditions	Land Rear Of 11 Woodlands Rise Downend South Gloucestershire BS16 2RX	Downend	Downend And Bromley Heath Parish Council
2	PK10/0058/F	Approve with Conditions	27 South Road Kingswood South Gloucestershire BS15 8JL	Woodstock	
3	PK10/0100/F	Approve with Conditions	9 Colliers Break Emersons Green South Gloucestershire BS16 7EE	Emersons	Mangotsfield Rural Parish Council
4	PT09/5981/F	Approve with Conditions	151 Palmers Leaze Bradley Stoke South Gloucestershire BS32 0HG	Bradley Stoke South	Bradley Stoke Town Council
5	PT09/6046/F	Approve with conditions	1 Primrose Close Bradley Stoke South Gloucestershire BS32 0EH	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
6	PT10/0007/F	Approve with Conditions	1 York House Church Road Easter Compton South Gloucestershire BS35 5RW	Almondsbury	Almondsbury Parish Council
7	PT10/0043/RVC	Approve with Conditions	822 Filton Avenue Filton South Gloucestershire BS34 7AP	Filton	Filton Town Council
8	PT10/0074/R3F	Approve with Conditions	Marlwood School Vattingstone Lane Alveston South Gloucestershire BS35 3LA	Thornbury South And	Thornbury Town Council

CIRCULATED SCHEDULE NO. 08/10 – 26 FEBRUARY 2010

App No.:	PK10/0052/TRE	Applicant:	Miss E Parfitt
Site:	Land Rear Of 11 Woodlands Rise Downend Bristol South Gloucestershire BS16 2RX	Date Reg:	14th January 2010
Proposal:	Works to fell 1no. Birch tree and crown thin by 20% and remove low branch of 1no. Birch tree covered by Tree Preservation Order SG/TR131 dated 2 June 1969.	Parish:	Downend and Bromley Heath Parish Council
Map Ref:	364706 176795	Ward:	Downend
Application Category:	Works to trees	Target Date:	9th March 2010



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 100023410, 2008. **N.T.S.** **PK10/0052/TRE**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the application being submitted by South Gloucestershire Council.

1. THE PROPOSAL

1.1 The application seeks full planning permission to carry out works to 2no. Birch trees protected by Tree Preservation Orders. The works proposed include the felling of 1no. Birch Tree and to crown thin by 20% and remove low branch of 1no. Birch Tree. The trees are located to the rear of No. 11 Woodlands Rise in Downend.

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

3. RELEVANT PLANNING HISTORY

3.1 PK08/1226/TRE Works to trees identified in the Britannia Woods Arboricultural Survey
Approved June 2008

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council
No objections.

Other Representations

4.2 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
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 Analysis of the proposal
The proposed works have been requested by South Gloucestershire Council open space tree officers. The tree proposed for removal is a poor specimen offering little visual amenity to the area. As the tree is covered by a Tree Preservation Order there will be a replacement Birch tree planted in the

following planting season (2010/2011). A condition will be attached to the permission to ensure the planting of this replacement tree.

The proposed crown thin and lift are in accordance with good arboricultural management, as such there are no objections to the proposed works.

- 5.3 Section 106 Requirements
Not applicable.

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 works are considered to be good arboricultural practice and comply with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 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 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

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

3. A replacement Birch tree, in a location which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

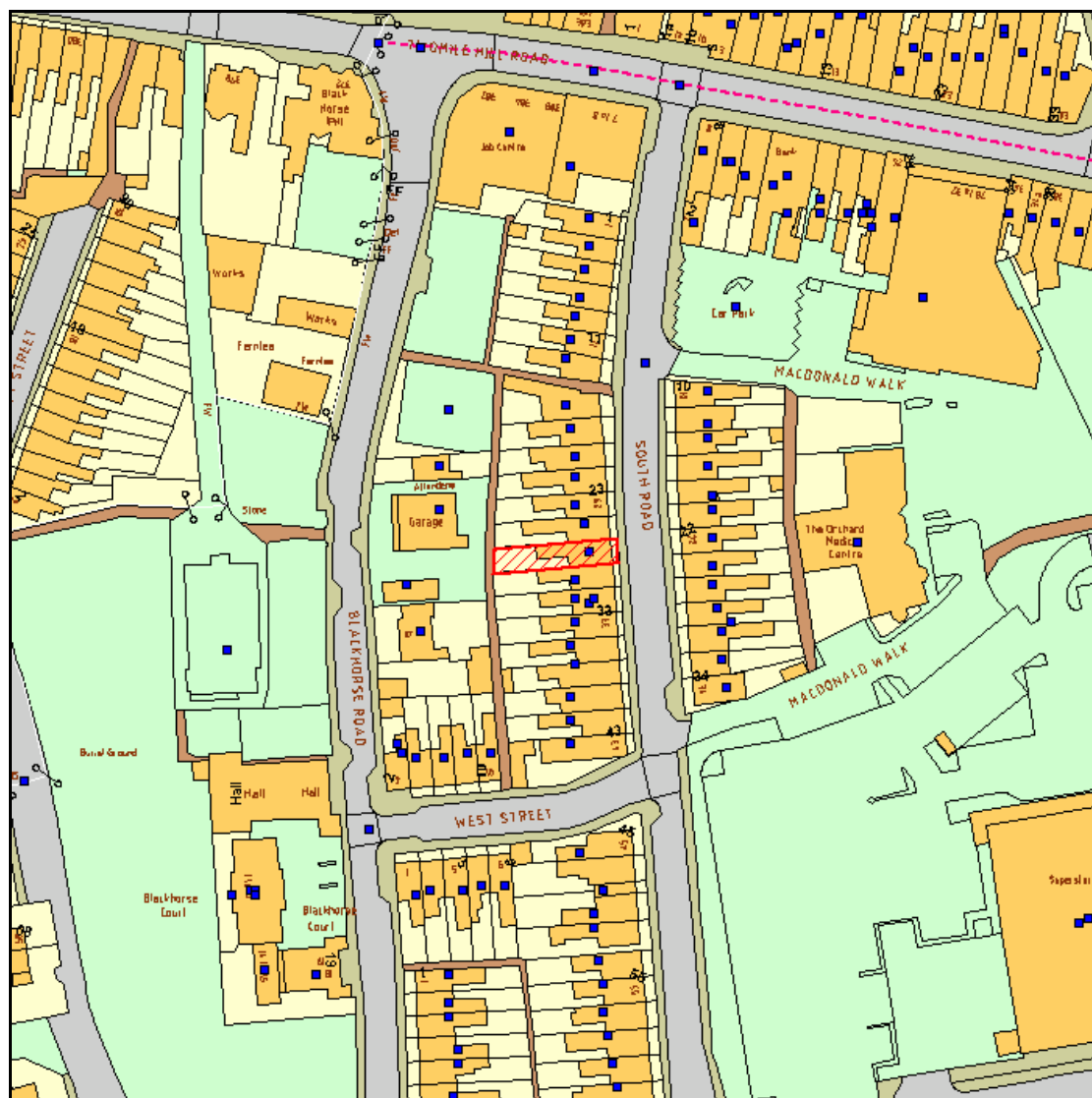
Reason

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

CIRCULATED SCHEDULE NO. 08/10 – 26 FEBRUARY 2010

App No.: PK10/0058/F
Site: 27 South Road Kingswood
 South Gloucestershire BS15 8JL
Proposal: Conversion of existing dwelling to
 form 2no. self contained flats with
 associated works.
Map Ref: 364563 173801
Application Minor
Category:

Applicant: Miss Hocking
Date Reg: 15th January 2010
Parish:
Ward: Woodstock
Target 10th March 2010
Date:



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 100023410, 2008. **N.T.S.** **PK10/0058/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of local residents' objections, which are contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the conversion of an existing dwelling into 2 no. self contained flats at No. 27 South Road, Kingswood. The application also proposes to remove an existing door from the side elevation. The existing building is to be divided horizontally – one 1-bedroom flat will be on the ground floor and one 2-bedroom flat will be on the first floor. The majority of the works will be internal and there will be no extension to the existing property.
- 1.2 The application site relates to a two-storey mid-terraced dwelling located within a residential area of Kingswood close to the town centre.
- 1.3 During the course of the application, amended plan has been received from the applicant to re-arrange a bedroom window from the side elevation to the rear elevation.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H5	Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

2.3 Supplementary Planning Guidance Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The area is unparished.

- 4.2 Sustainable Transport
No objection.

Other Representations

4.3 Local Residents

Six letters of objection have been received and the local residents raised the following concerns:

- Existing parking problems within the area, and the proposal will make the existing problems worse, and emergency vehicles will be difficult to gain access
- Noise and disturbance to the neighbouring properties
- Lack of spaces for keeping black bins and green bins outside the properties
- There are a number of houses converted into flats, and this area become less assessable for families to move in and the area was family oriented
- The proposal would have an impact upon the existing GP and dental services
- The proposal would not contribute to the community
- The current drainage system will not be able to cope with the ever increasing number of dwellings in this Street

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the policies listed above. Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 allows proposals for the conversion of existing residential properties into smaller units of self contained residential accommodation subject to a number of criteria. These include satisfactory parking facilities and not prejudicing the character of the surrounding area and residential amenity. Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings providing a number of criteria area adhered to.

5.2 Design / Visual Amenity

There is no alteration to the front elevation of the property. Therefore, the proposal will have no impact upon the character and appearance of the area or street scene.

The only proposed external alternation is related to the relocation of first floor window and the removal of existing door on the ground floor. Officers consider that these alterations would not have any adverse impact upon the character and appearance of the host dwelling.

5.3 Residential Amenity

The proposal demonstrates the ground floor will have a direct access to the existing rear garden, and the first floor will have no amenity space. This is a common relationship with properties sub-divided in this way and no objection is raised.

Concerns have been expressed with regard to the provision of space for keeping bins store. The application shows that there will be sufficient location to keep the bins at the front of the property. As the bins serving the existing house are currently also stored in this location. It is therefore considered that the proposal would not have any detrimental impact on residential amenity of the neighbouring properties.

A new window is proposed at the rear elevation of the first floor, and this window will be overlooking the rear garden area of the property. Given that it is not unusual that first floor flat will be overlooking a part of the ground floor garden area. It is therefore considered that the proposal would not cause significant loss of privacy to warrant a refusal of this application.

5.4 Sustainable Transport

South Road is currently a one-way street with some parking measures in place. Parking is restricted on both sides of the road with limited stay. There is however no restriction for resident parking permit holders i.e. residents will be allowed an exemption from the limited waiting if display a special certificate. These certificates are currently issued on the basis of one per household by the Council.

Concerns have been raised with regard to the parking measures within the area. Local residents are concerned that the proposal would increase the demand for parking facilities within the area while there are existing parking problems within the area.

The proposal is to convert the existing house into two flats. No extension or increase in bed spaces are proposed as part of this development. The site currently has no off-street vehicular parking and none can be provided as part of this proposal. The site is in a sustainable location, close to Kingswood High Street, where there is good access to all modes of transport.

It should also be noted that the existing dwelling could become a multi-occupation dwelling for up to five people without planning permission, all of whom could own a car.

Officers are also aware that a number of properties within South Road have been granted planning permission for conversion of flats: No. 1 (2 flats - PK05/3560/F), 18 (2 flats - PK07/1900/F), 30 (2 flats - PK03/0757/F), 31 (2 flats PK05/2892/F), 33 (4 flats PK05/3575/F) and 69 (3 flats - PK03/3044/F). A certificate of lawfulness has been granted for No. 22 South Road (2 flats - PK06/2036/CLE). Officers therefore took into consideration of the cumulative impact of a further conversion and its sustainable location near to the town centre facilities and public transport link. In this instance, officers consider that that there is no substantial reason to warrant a refusal of this application.

Cycle storage will be provided for both flats in the existing detached outbuilding. As such there are no transportation objections to the proposed conversion.

5.5 Environmental issues

Surface water and foul sewage would be disposed of via the existing system. The Council's Environmental Health Officer raises no objection to the proposal.

With regard to the noise and disturbance, a number of planning conditions to restrict the construction hours and to seek adequate sound proofing between the flats and neighbouring dwellings.

5.6 Other Issues

Concerns have been raised with regard to the change of this family oriented area and the contribution to the community. PPG3 positively supports a greater choice and mix of housing type and size, particularly in town centres such as Kingswood, as a full mix of housing development would have a positive contribution to the community. In addition, the site is located within a walking distance of Kingswood town centres, in this instance, a higher density of residential development within a sustainable location is supported by national and local planning policies.

Concerns also have been raised with regard to the impact upon the local services, e.g. GP and Dental services. Due to the scale of the development, officers consider that the proposal would not cause significant adverse impact to warrant a refusal of this application.

5.7 Design and Access Statement

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

5.8 Use of Energy and Sustainability

Given the nature of the development, this is not required above building regulations.

5.9 Improvements Achieved to the Scheme

During the course of the application, a revised scheme to relocate a window from the side elevation to the rear elevation of the first floor flat.

5.10 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 08.00 to 18.00 Mondays to Fridays, and 08.00 to 13.00 Saturdays, nor at any time on Sunday or Bank Holidays.

Reason

To protect the amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of the development details of a proposed scheme of noise protection measures relating to the existing party walls and floors shall be submitted to and approved in writing by the Local Planning Authority and shall be completed prior to the occupation of the development hereby approved.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

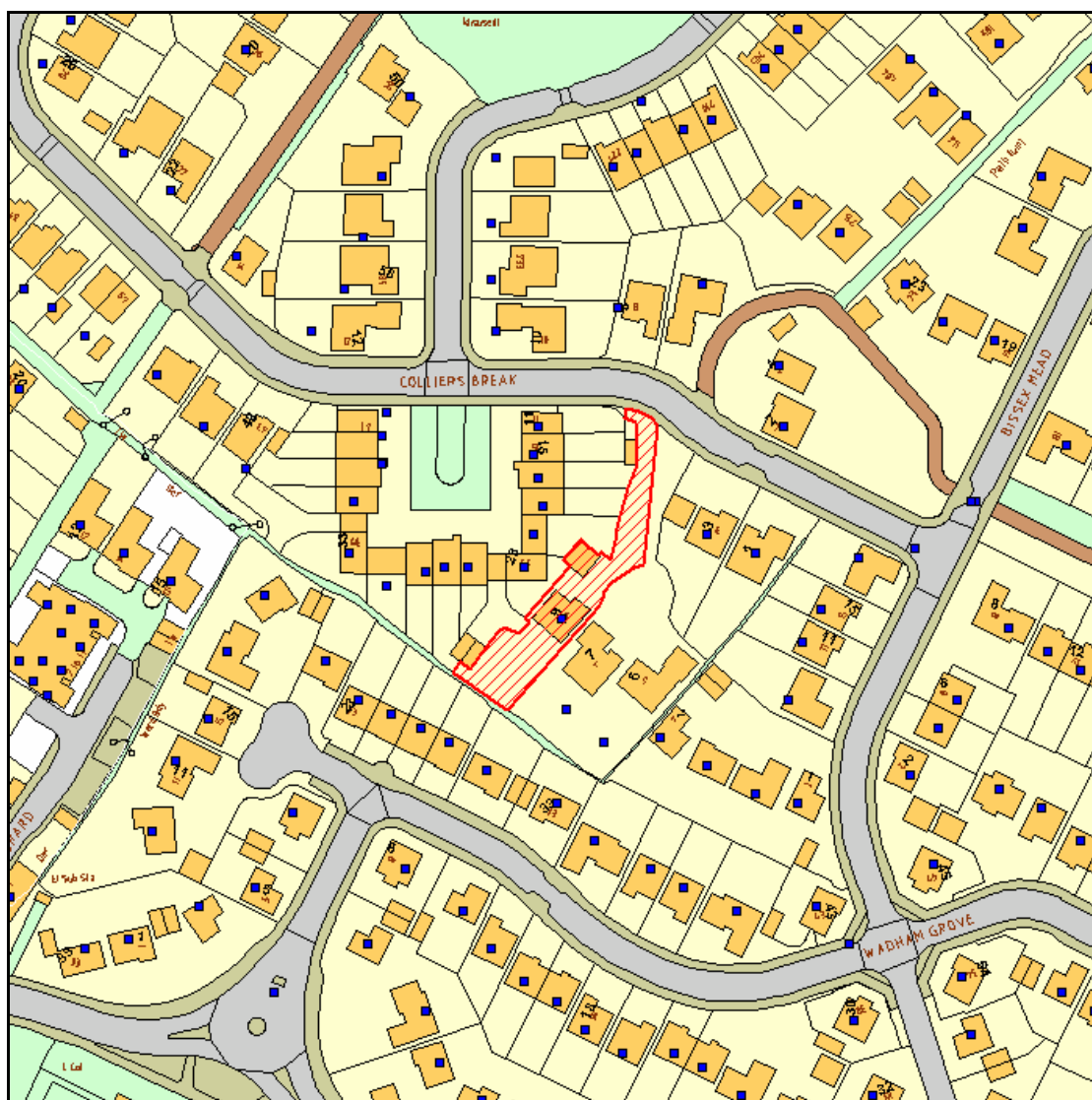
5. The proposed cycle stores hereby approved shall be provided prior to the occupation of the development hereby approved.

Reason

To encourage means of transportation other than the private car, to accord with Policies T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 08/10 – 26 FEBRUARY 2010

App No.:	PK10/0100/F	Applicant:	Mr And Mrs L Hudson
Site:	9 Colliers Break Emersons Green Bristol South Gloucestershire BS16 7EE	Date Reg:	20th January 2010
Proposal:	Erection of single storey front link extension to garage to form additional living accommodation.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366759 176259	Ward:	Emersons Green
Application Category:	Householder	Target Date:	12th March 2010



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 100023410, 2008. **N.T.S.** **PK10/0100/F**

INTRODUCTION

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

1. THE PROPOSAL

1.1 The application site is situated within the modern residential development of Emersons Green. The site is bounded by residential development on all sides with vehicular access onto Colliers Break from a drive to the north. The site comprises a modern two storey dwelling situated centrally within the plot and detached double garage to the north.

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

1.2 The application proposes erection of single storey front link extension from the front elevation of the house to the garage to form additional living accommodation.

The application has been amended following a site visit to reduce the eaves height of the extension on the rear north west elevation.

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

2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Mangotsfield Rural Parish Council
No objection

4.2 Other Consultees
None

Other Representations

4.3 Local Residents

One letter received from the occupiers of 23 Colliers Break raising the following concerns:

Loss of a substantial amount of light from a side window and bedroom above; extension would make no.23 very difficult to sell in the future.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a modern suburban residential context. The dwelling the subject of this application is a two storey detached dwelling. The proposed extension would be barely visible from public vantage points from Colliers Break, screened from the highway by the existing double garage. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

Adequate amenity space to the property would be retained following the erection of the proposed extension. The proposal would involve erection of a link extension between the front elevation of the existing dwelling and the detached double garage to the north. The extension would be situated 0.2m from the boundary with no.23 to the north west. A 2m high closed boarded fence is situated on the north west boundary. The neighbouring dwelling no.23 is situated at a lower level than no.9 with an approximately 0.5m high retaining wall situated below the boundary fence. The proposal has been amended following a site visit to reduce the eaves height of the rear elevation of the extension adjacent to the north west boundary with no.23. The proposed extension would therefore measure 2.1m to eaves (rear), 3.2m to ridge and 2.4m to eaves (front). The roof pitch of the rear roofslope would be 25 degrees. No.23 has a ground floor lounge window and first floor bedroom window on the west elevation of the dwelling which would face the proposal. Both the bedroom and lounge have further windows on the south elevation.

No.23 to the north west is situated in close proximity to the application site and the proposal. No.23 has an unusually shaped garden, the main part of which is

situated behind the front elevation of no.9. A smaller triangular piece of land would be situated adjacent to the proposal and is adjacent to the double garage of no.9. This part of the garden contains a garden shed and path and can only be accessed by the main part of the garden.

Although the relationship between the proposal and no.23 appear very close and no.23 is situated at a lower ground level than the application site, the proposal would have a low eaves and ridge height, the eaves would be only marginally higher than the existing fence. Additionally, the garden area adjacent to the proposal is used essentially for storage and the bedroom and lounge facing the proposal are also served light by windows in the south elevation. It is therefore considered that the proposal would result in no additional material loss of amenity to the adjacent occupiers of no.23.

5.4 The objector raised concern that the proposal would make no.23 very difficult to sell in the future. This is a private matter and not a material planning consideration.

5.5 Design and Access Statement

A Design and Access Statement is not required for this application

5.6 Use of Energy and Sustainability

The proposal would use materials similar to those existing. The extension would be of good quality construction. Therefore the proposal would result in a sustainable form of development and the maintenance of the existing level of energy efficiency.

5.7 Improvements Achieved to the Scheme

Following a site visit by the case officer, the eaves height of the proposal was reduced from 2.4m to 2.1m in order to protect the amenity of the adjacent occupiers.

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 low rear eaves height and screening by the existing boundary fence, 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 H4 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 H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

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. 08/10 – 26 FEBRUARY 2010

App No.:	PT09/5981/F	Applicant:	Mrs T Fowler
Site:	151 Palmers Leaze Bradley Stoke Bristol South Gloucestershire BS32 OHG	Date Reg:	26th January 2010
Proposal:	Erection of 1.8m high boundary wall.(Retrospective)	Parish:	Bradley Stoke Town Council
Map Ref:	363218 181063	Ward:	Bradley Stoke South
Application Category:	Householder	Target Date:	8th March 2010



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 100023410, 2008. **N.T.S.** **PT09/5981/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks full retrospective planning permission for the erection of a 1.8 m high boundary wall.
- 1.2 The application site relates to a modern end terrace property granted planning permission under application PT06/3003/F. This application included a condition stating that details of the proposed boundary wall be submitted to the Local Authority prior to the commencement of development. Details were not submitted and the wall was built and a wooden fence erected on ground above. This application seeks to gain retrospective permission for the boundary treatment. Permission has been previously refused for the retention of the wall/fence under application PT08/2600/F on the grounds of visual amenity.
- 1.3 This application has been made following a complaint made to the Council's Planning Enforcement Team.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transport
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
EP1 Environmental Pollution
H4 Development within Existing Residential Curtilage
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

PT06/3003/F – Erection of two storey dwelling. Approved 04/12/2006.

PT08/2600/F - Erection of a 1.8 m high boundary wall. Refused 11/11/2008.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection raised.

4.2 Other Consultees

Highways

The wall appears to enclose council owned amenity grass but is sited clear of the public highway and so no transportation objection is raised.

Drainage

Raised concern over five 'weeping holes' in the wall that would discharge water onto a public highway.

Other Representations

4.3 Local Residents

One letter of objection received raising the following concerns:

- The plan indicates that the original (pre-works) wall was topped by a fence. This was not the case, nor is it the case for the remaining original wall.
- The appearance of the street should be maintained.
- The drain holes which are present in the wall as it is built now are designed to discharge surface water directly onto the public highway.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the Local Plan states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.

5.2 Design / Visual Amenity

The wall and fence are in situ and have been for some time. The wall has, thus far, been constructed of concrete blocks and not finished. The fence sits just behind the wall on top of the existing rear/side garden of no. 151 Palmers Leaze.

5.3 The previous application for the retention of the boundary wall (PT08/2600/F) was refused on the grounds that the development would lead to a loss of a soft landscaping feature and that the wall would be out of keeping with the character of the area. This current application differs in that the 1 m high wooden fence is to be situated behind the wall and would thus be less visible than previously.

5.4 In regard to the loss of soft landscaping feature, it is considered appropriate to consider a recent appeal decision (APP/P0119/A/08/2085241) relating to 27 Pentland Avenue, Thornbury. On a similar 1970s/1980s built estate with open landscaped areas this allowed the extension of a property's residential curtilage resulting in the loss of approximately 100 square metres of land considered as soft landscaping space. In this case the inspector determined that the appearance of the boundary treatment mitigated against the loss of open space

and therefore no harm was caused to the visual amenity. In the instance of the application under consideration, it is not proposed for the residential curtilage to be extended as this was established in the application for the new dwelling (PT06/3003/F). However, given the new proposal that sites the 1 m high wooden fence behind the proposed boundary wall, making it only partially visible from the streetscene, it is considered that overall this boundary treatment would respect the character of the locality and this outweighs the loss of a relatively small strip of soft landscaping.

- 5.5 To ensure the appearance of the wall is completed in satisfactory materials, a condition ensuring that within 3 months of the date of decision the wall is finished in facing brick to match the style of the locality will be attached to the decision notice. The applicant has agreed to the imposition of this condition. This application also refers to a 1.8 m boundary wall and so the development needs to be completed to match this description and the plans submitted, as the wall is currently approximately 1.4 m in height. The completed wall would match other boundary treatment in the area including the wall opposite.
- 5.6 Residential Amenity
Given the nature of the proposal and with all neighbouring occupiers at a suitable distance from the proposal, it is considered there would be no detrimental impacts on the amenities of neighbouring occupiers.
- 5.7 Highway Safety
According to the submitted plans, the wall is sited clear of the public highway and as there are no safety implications, no objection is raised. It is confirmed that the land is within the ownership of the applicant and within the 'red edge'.
- 5.8 Drainage
According to the applicant, the weeping holes currently in situ are to be blocked up by the face brick and an internal drainage system provided that would lead to a soakaway towards the bottom of the wall. It is considered expedient to attach a condition to the decision notice, ensuring details in respect of this matter are forthcoming. Thereafter, any water that is discharged across a public highway would be a matter for the Council's Streetcare department to pursue under The Highway Act.
- 5.9 Improvements Achieved to the Scheme
Wall to be faced in matching brick.
- 5.10 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

- a) The development would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The development has been designed to respect and maintain the materials and overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

7. RECOMMENDATION

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

Contact Officer: William Collins
Tel. No. 01454 863819

CONDITIONS

1. Within 3 months from the date of the decision details of the external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

2. Within 3 months of the date of the decision 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 Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 08/10 – 26 FEBRUARY 2010

App No.:	PT09/6046/F	Applicant:	Mr M Smith
Site:	1 Primrose Close Bradley Stoke Bristol South Gloucestershire BS32 0EH	Date Reg:	21st January 2010
Proposal:	Erection of single storey side extension to provide additional storage. (Retrospective).	Parish:	Bradley Stoke Town Council
Map Ref:	361821 182759	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Householder	Target Date:	15th March 2010



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 100023410, 2008. N.T.S. PT09/6046/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks full retrospective planning permission for the erection of single storey side extension to provide additional storage.
- 1.2 This is a modern detached property located within the defined urban area of Bradley Stoke. The single storey extension is already in situ and an application has been made following a complaint made to the Council's Planning Enforcement Team who then 'invited' a planning application to be submitted for formal consideration.

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
H4 Development within Existing Residential Curtilage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

No relevant history.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection.
- 4.2 Local Residents
One letter of objection received raising the following concerns:
 - The development spoils the look of the house and has been constructed cheaply.
 - The development is an eyesore.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the Local Plan states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.

5.2 Residential Amenity

Overbearing Analysis

Due to the overall scale and size of the development and its location away from any neighbouring properties the proposal would not be overbearing on the residential amenity of neighbouring occupiers.

Privacy Analysis

The extension is single storey and enclosed behind an existing party boundary wall approximately 1.8 m in height so therefore there would be no overlooking or loss of privacy as a result of the proposal.

Amenity Space

Whilst the extension does project into the rear garden its modest size means that sufficient garden space will remain to serve occupiers of the property.

5.3 Design / Visual Amenity

The proposal is modest in scale and only part of the development is visible from the public realm. The materials used in construction are that to be expected of a garden shed or other garden building with felt being used on the roof and timber for the walls. The timber is painted in a light green colour and although this is considered not particularly desirable, the overall visual impact of the development is not significant, as a result. The proposal is well screened from the public realm to the side and rear and therefore, overall there is no harm caused to the visual amenity.

5.4 Improvements to Scheme

No improvements considered necessary.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

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

- a) The extension would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The extension respects and maintains the massing, scale, proportions, and overall design and character of the existing dwelling and the surrounding area. The proposal is well screened from the public realm to the side and rear and therefore, overall there is no harm caused to the visual amenity. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.

7. **RECOMMENDATION**

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

Contact Officer: William Collins
Tel. No. 01454 863819

CIRCULATED SCHEDULE NO. 08/10 – 26 FEBRUARY 2010

App No.:	PT10/0007/F	Applicant:	Mr And Mrs Dix
Site:	1 York House Church Road Easter Compton Bristol South Gloucestershire	Date Reg:	2nd February 2010
Proposal:	Erection of Summer House.	Parish:	Almondsbury Parish Council
Map Ref:	357301 182184	Ward:	Almondsbury
Application Category:	Householder	Target Date:	25th March 2010



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 100023410, 2008. **N.T.S.** **PT10/0007/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a summerhouse.
- 1.2 This is a mid terrace property located within the Easter Compton settlement boundary, which is 'washed over' by the Green Belt. The proposal consists of the erection of an 'L' shaped summerhouse in the rear garden of the property.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG2 Green Belts

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilage
GB1 Development within the Green Belt

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
Development in the Green Belt (June 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 P85/1690 Single storey rear extension
Approved 11 July 1985.
- 3.2 P89/1452 Erection of single storey extension to form granny annex.
Approved 27 April 1989 *with a condition imposed to ensure that the additional accommodation is used incidentally to the dwelling house and for no other purpose.*
- 3.3 PT03/3132/F Installation of dormers in front and rear elevations of annexe and alterations to roofline to facilitate addition of first floor to form lounge, bathroom, hall, storage room and study.
Withdrawn 17 October 2003.
- 3.4 PT03/3620/F Erection of first floor extension to existing garage and granny annex.

Refused 28 January 2004 *and dismissed on appeal*
9 September 2004.

- 3.5 PT04/0145/F Erection of dormer in side elevation.
Approved 10 February 2004.
- 3.6 PT04/2153/F Erection of first floor over existing single storey accommodation to form separate dwelling.
Refused 14 July 2004 *on the grounds of design and adverse impact upon living conditions of adjacent properties to the south-east.*
- 3.7 PT05/2136/F Alterations and extensions to existing annexe.
Withdrawn 18 August 2005.
- 3.8 PT09/0126/F Erection of single storey front and rear extensions to existing annexe to provide independent dwelling (in accordance with amended plans received by the Council on 23 February 2009).
Approved 23 March 2009
- 3.9 PT09/0920/F Erection of single storey front and rear extensions to existing annexe/double garage to provide 2 bed independant dwelling.
Amendment to previously approved scheme PT09/0126/F).
Approved 26 June 2009

4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council
No objection raised but would like one of the planning conditions to be that it is never turned into a dwelling.

Other Representations

- 4.2 Local Residents
One letter of objection received raising the following concerns:

- The actual building planned adds considerably to the built over area of the property and seems out of proportion for its purpose.
- A neighbour in the close vicinity has had a planning application refused, at least in part, because of the building extensions that have occurred in the past.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

- The proposed summerhouse is to be used as a garden room / storage use and as a hobby workshop. As such the summerhouse would be ancillary and used by the occupants of the main dwellinghouse.
- 5.2 The application site lies within the Green Belt, therefore, consideration must be taken in regards to the impact on the openness of the Green Belt. PPG2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 allow in principle for extensions to residential dwellings subject to the cumulative additions to the dwelling house being proportionate to the original size.
- 5.3 Policy H4 states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.
- 5.4 Green Belt
Planning permission was granted under application N7545 for the erection of a double garage to the rear of no. 1 York House in 1981, although the garage actually stands behind no. 3 York House. In 1989 under planning application P89/1452, the garage was extended and converted into a 'granny annex'. Subsequently, last year under application PT09/0126/F and then minor amendments made through application PT09/0920/F gave permission for the annex to form a two bedroom independent dwellinghouse. This conversion was accepted in Green Belt terms and now forms a separate planning unit. As a part of this application 'permitted development' rights were removed for both the new property and no. 1 York House.
- 5.5 No. 1 York House has been extended once previously, under application P85/1690 that gave permission for a single storey rear extension. This extension resulted in an approximate 30 % increase in the cubic volume of the original dwellinghouse. The most important attribute of Green Belts is their 'openness'. It is not considered that the existing development to the rear of no. 1 York House, coupled with the proposed summerhouse would adversely impact upon the 'openness' given the size of the proposed building and the application site's location within the Easter Compton settlement boundary. It is noted that this application is being assessed on its own merits in terms of the cumulative impact of the development on the Green Belt and surrounding area.
- 5.6 Residential Amenity
To the rear elevation and north east facing side elevation there would be no overlooking or loss of privacy as no windows are proposed. To the front of the proposed building is the new dwelling that gained permission under application PT09/0920/F. This building is lower than the land next to it on which the summerhouse is to be constructed, but there are no side elevation windows in the building and other windows are at a suitable distance for there to be no undue loss of privacy for neighbouring occupiers.
- The proposal would not be overbearing due to its location at the end of the garden of no. 1 York House, proximity to neighbouring properties and its modest size and height.

5.7 Design / Visual Amenity

The proposed summerhouse would be a fairly lightweight structure with render panels and glazing forming the main materials. Timber doors are also to be used. These materials and the buildings appearance is considered acceptable as a garden structure. The proposal would not be visible from the streetscene and therefore no harm is caused to the visual amenity.

5.8 Removal of 'Permitted Development' Rights

'Permitted development' rights for no. 1 York House were removed as part of application PT09/0920/F due to the constraints of the site meaning any further development would require careful consideration in terms of visual and residential amenity. As per the summaries in paragraphs 5.6 and 5.7 it is considered that the proposal is acceptable in this respect.

5.9 Use of Energy and Sustainability

None.

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.

- a) The proposed building would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) The proposed building has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- c) The proposed building would constitute a proportionate extension to no. 1 York House that would not impact adversely on the 'openness' of the Green Belt. The development therefore accords to Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. **RECOMMENDATION**

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

Contact Officer: William Collins
Tel. No. 01454 863819

CONDITIONS

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

Reason

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

2. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as no. 1 York House, Church Road, Easter Compton.

Reason

The principle of siting a separate dwelling on the site would need further consideration by the Local Planning Authority in terms of transportation, layout, and overall design to accord with policies D1, H2, H4, GB1, T8, and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 08/10 – 26 FEBRUARY 2010

App No.:	PT10/0043/RVC	Applicant:	Mr C Christodoulou
Site:	822 Filton Avenue Filton Bristol South Gloucestershire BS34 7AP	Date Reg:	15th January 2010
Proposal:	Variation of Condition 2 attached to planning permission P97/2124 to extend the opening hours of the premises to be open to customers during the following hours: 0900 hours to 2300 hours on each day of the week.	Parish:	Filton Town Council
Map Ref:	360752 179474	Ward:	Filton
Application Category:		Target Date:	15th March 2010



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 100023410, 2008. **N.T.S.** **PT10/0043/RVC**

INTRODUCTION

This application appears on the Circulated Schedule as representations were made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks the variation of condition 2 attached to planning permission P97/2124 to extend the opening hours of the premises to be open to customers during the following hours: 0900 hours to 2300 hours on each day of the week.
- 1.2 The application site consists of a unit located on a local shopping parade on Filton Avenue, Filton. The unit is in use as a hot food takeaway named Sun Valley Takeaway. Permission was given for the use of the unit as a hot food takeaway under planning application P97/2124 that limited the opening hours to 1000 to 2200 on each day of the week.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG13 Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design
EP1 Environmental Pollution
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

P97/2124 – Change of use of ground floor from shop to hot food takeaway (Class A1 to A3). Approved on appeal 20/03/1998.

4. CONSULTATION RESPONSES

4.1 Filton Town Council

Object due to residential area, noise pollution, increased traffic, light pollution, and existing hours are in line with neighbouring shops.

4.2 Other Consultees

Highways

No objection.

Environmental Services

No objection.

Other Representations

4.3 Local Residents

One letter of objection received stating that there is no requirement for this length of opening and will only increase the existing problems in this area.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy EP1 allows for development provided that it does not unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding area, as a result of pollution to water, air or soil or through noise, vibration or light.

5.2 Residential Amenity

The existing planning permission reference P97/2124 conditioned the opening hours of the hot food takeaway as the premises is located in a residential area. The difference between the permitted hours and those proposed, is that the takeaway would open 1 hour earlier at 9am and close 1 hour later at 11pm.

5.3 The application property is located within a small parade of retail units. Of these units there is a McColls newsagent open from 6am – 10pm and a Londis open until 10.30pm. Two units remain vacant however one (no. 824 Filton Avenue) has planning permission for a change of use to a hot food takeaway with hours of use conditioned to open between 11am – 11pm, under application PT09/0549/F. Whilst it is accepted that the extension of opening hours to 9am and 11pm respectively would inevitably result in an increase in activity, it is not considered that the extension of the opening hours would add significantly to existing levels of activity within the locality such as to cause unacceptable noise and disturbance to nearby residents. The nature of a hot food takeaway means that customers are not at the premises for any great length of time as they come to collect or order food. Furthermore the Councils Environmental Services Officer has no objections to the proposal, in terms of either light or noise pollution.

5.4 The proposed extension of hours for this premises would be unlikely to add significantly to existing potential levels of activity and would not therefore, justify a valid reason for refusal of this application.

5.5 Transportation

The Highways Officer does not envisage an extension in hours having a significant impact on the local highway network. Therefore no objection is raised on transportation grounds.

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 Section 106 Requirements

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

6. CONCLUSION

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

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

- a) The proposal would not have an undue adverse impact upon the residential amenity of neighbouring occupiers. The proposal therefore accords to Policies D1, T12 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

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

CONDITIONS

1. The use hereby permitted shall not be open to customers outside the following times 9am - 11pm Mondays to Sundays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 08/10 – 26 FEBRUARY 2010

App No.:	PT10/0074/R3F	Applicant:	Mr K Geary
Site:	Marlwood School Vattingstone Lane Alveston Bristol South Gloucestershire	Date Reg:	21st January 2010
Proposal:	Formation of new sports facility including floodlighting and perimeter fencing.	Parish:	Thornbury Town Council
Map Ref:	362752 188386	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	11th March 2010



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 100023410, 2008. N.T.S. PT10/0074/R3F

INTRODUCTION

The application appears on the Circulated Schedule because the applicant forms South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the formation of a new sports playing pitch including floodlighting and perimeter fencing
- 1.2 The application relates to Marlwood School on the north west side of Vattingstone Lane, Alveston. The school is located beyond the Thornbury settlement boundary and within the open Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development

PPG2: Green Belts

PPG17: Open Space and Recreation

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

GB1: Development within the Green Belt

L1: Landscape Protection and Enhancement

L17: The Water Environment

L18: The Water Environment

LC5: Proposals for Outdoor Sports and Recreation Outside of the Existing Urban Areas and the Defined Settlement Boundaries

T12: Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Development in the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N1896: Erection of extension at school, construction of house block, crafts block and sports hall together with associated car park. No objection: 13 October 1975
- 3.2 N1896/1: Erection of Elliott relocatable classroom. No objection: 13 October 1975
- 3.3 N1896/2: Erection of relocateable classroom. No objection: 23 June 1976
- 3.4 P86/2898: Erection of extension to drama block to form music room and conversion of existing music room into toilets. No objection: 21 Jan 1987

- 3.5 P90/1347: Erection of single-storey extension to form enlarged library. No objection: 28 March 1990
- 3.6 P91/1402: Construction of extension to car park. Permitted: 29 May 1991
- 3.7 P91/1614: Construction of new access to caretaker's bungalow. No objection: 19 June 1991
- 3.8 P92/1884: Use of land for stationing 14 bay Elliott classroom units containing 4 classrooms. No objection: 12 August 1992
- 3.9 P93/2418: installation of satellite dish. Permitted: 8 December 1993
- 3.10 P95/2366: Erection of single-storey music block. No objection: 31 October 1995
- 3.11 P97/1824: Erection of boundary fence. Permitted: 7 November 1997
- 3.12 P97/2357: Erection of extension to main school block and English block. Permitted: 14 November 1997
- 3.13 T00/1925/F: Erection of arts and technology building. Permitted: 15 November 2000
- 3.14 PT01/1833/F: Erection of extension to provide classroom space. Permitted: 28 November 2001
- 3.15 PT03/1906/F: Erection of extension to form additional classroom. Permitted: 18 September 2003
- 3.16 PT04/2060/TMP: Erection of new Elliott double classroom to form 2 classrooms and storage space. Permitted: 1 September 2004
- 3.17 PT05/0079/F: Erection of single-storey extension to form new dining hall. Permitted: 11 April 2005
- 3.18 PT05/2819/F: Use of land to station Elliott double classroom to form 2 classrooms, office and cloakroom. Permitted: 27 January 2006
- 3.19 PT08/2415/F: Erection of canopy area for shelter. Permitted: 17 October 2008
- 3.20 PT09/0575/F: Erection of one cycle shelter. Permitted: 22 May 2009

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Other Consultees
Highways DC: no objection
Landscape Officer: no objection subject to condition

Lighting Engineer: no objection
Technical Services (Drainage): no objection in principle

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy GB1 advises that planning permission will only be given for the change of use of land where it would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. Any proposals for development within or conspicuous from the Green Belt that would have an adverse impact on the visual amenity of the Green Belt will not be permitted.

- 5.2 Planning policy L1 advises that in order for the character, distinctiveness, quality and amenity of the landscape to be conserved and enhanced, new development will only be permitted where the attributes of the landscape that make a significant contribution are conserved and where possible, enhanced.

- 5.3 Planning policy LC5 cites that proposals for the development, expansion or improvement of outdoor sport and recreation beyond the existing urban area and the settlement boundaries will be permitted provided that:

- o Proposals for facilities that are likely to be major travel generators are located on sites that are highly accessible by public transport, on foot and by bicycle; and
- o Development would not in itself, or when considered with other recent or proposed sports and recreation developments in the immediate locality, have an unacceptable effect on the character and diversity of the landscape; and
- o Development would not unacceptably prejudice residential amenity; and
- o Development would not give rise to unacceptable levels of on street parking to the detriment of the surrounding area and highway safety; and
- o Any external lighting or advertisements would not result in the unacceptable loss of amenity, nor constitute a road hazard.

5.4 The Proposal

The application relates to an existing school playing field that forms part of Marlwood School, Alveston. The proposal would allow the formation of an artificial turf pitch with associated perimeter fencing and floodlighting.

- 5.5 The existing school sports facilities have been utilised by local clubs and community based groups for a number of years; the proposal would allow an enhancement of the existing school facilities that would both support curriculum delivery objectives and increase participation opportunities for local people in accordance with central and local government sports development targets.

- 5.6 The proposal would utilise an artificial grass pitch that would utilise a specialist surface carpet designed to replicate the playing characteristics of natural turf. The overall dimension of the main pitch would measure 102m in length 63m in width and would be lit by eight lighting columns. In accordance with the supporting statement received, if funds allow, a cricket practice area and athletics facility would be added at either end of the sports pitch.
- 5.7 Design/ Visual Amenity: Artificial Pitch
The proposal would be positioned to the north side of the existing school buildings (aligning with these existing buildings) and retained behind the existing vegetation that marks the boundary to the school site. The supporting statement received as part of the application advises that *'The proposed footprint of the sports facility does not fundamentally oppose the existing relationship between the campus buildings and the open aspect of the current site playing field area, in so far as the appearance of the main surface of the facility will replicate that of natural turf and the area will be used exclusively for sports and recreation activities'*.
- 5.8 In response, the position of the pitch alongside the school would retain the open playing field to the rear and provide the backdrop of the existing school buildings behind when viewed from the open countryside (and the golf course to the north). As such, there is no objection to the position of the pitch in design/ visual amenity terms with ground modelling required minor and with the pitch itself having virtually no visual impact within the landscape.
- 5.9 Design/ Visual Amenity: Floodlighting
The proposal would be lit by eight 15m high lighting columns; the ancillary cricket and athletics facilities would not be lit as these would require a greater illumination value that is considered to be obtrusive in this context and which would be unsustainable in terms of the higher operational costs that would be involved. The supporting statement advises that the new facility would generally be used during the spring and summer periods at which time daylight hours would be sufficient for planned use.
- 5.10 Lighting columns would comprise galvanised silver posts that would stand in each corner of the pitch and with two intermediate columns along either side. The level of luminance would be sufficient for competitive hockey and football matches but would be designed to allow reduced levels of lighting for training and coaching sessions. The lighting system would use asymmetric floodlights to eliminate wasted upward light and minimise light cut-off beyond the playing area thus helping avoid light intrusion beyond the boundary of the proposed pitch.
- 5.11 Comments received from the Councils lighting engineer confirm that this lighting is considered to be acceptable whilst further comments from the Councils Landscape Officer advise that the proposed finish of the galvanised columns and light grey lamp fittings would ensure that the lighting columns would appear relatively inconspicuous against the sky (given that many of the views of the floodlights would be skyline views); the proposed finish should also merge well into the landscape.

- 5.12 Further, it is noted that when operational the light spread would be limited allowing comparatively little light spillage thus the night time impact of the proposal should be limited. Nonetheless, in the event that planning permission is granted, it is considered that the hours of operation should be controlled. In this regard, the application forms advise that the proposal would be utilised between the hours of 9am- 5.30pm for school use on weekdays and until 9.30pm for community use. It would also be used by community groups between 9am- 8pm on Saturdays and 10am-6pm on Sundays. These times are considered acceptable with an appropriately worded condition added restricting use of the lighting to these hours.
- 5.13 In view of the above, there is no objection to this element of the proposal on design/ visual amenity grounds.
- 5.14 Design/ Visual Amenity: Fence
A 3m high metal fence that would be sufficient to contain a ball during games and protect the pitch from potential vandalism would encompass the proposal. This would comprise a twin wire mesh fence that would measure 3m in height and 4.5m in height directly behind the goal areas at either end of the pitch. The mesh would be more substantial to a height of 1.2m to provide the required rebound/ impact qualities with the upper section more open to lessen its visual impact.
- 5.15 In response, it is considered that the fencing should not appear widely visible due to the surrounding vegetation, topography and the existing school buildings whilst the colour proposed (green) is also considered to be acceptable. On this basis, there is no related objection to this element of the proposal.
- 5.16 Impact on the Openness of the Green Belt
Green Belt policy allows for the change of use of land where the proposal would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. It is further noted that the construction of new buildings is permitted where it would provide essential facilities for outdoor sport and recreation and for other uses that preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it.
- 5.17 In this instance, the application site already provides playing fields and thus the use of land would remain unchanged. On this basis, and having regard to the nature of the proposal (with its visual impact considered to be acceptable), it is not considered that any significant adverse impact to the openness of the Green Belt would be caused. As such, the proposal is considered to accord with the provisions of Green Belt policy.
- 5.18 Residential Amenity
Neighbouring dwellings are generally located at an appreciable distance from the site of the proposal with the majority of properties adjoining the southern school boundary; the existing school buildings would therefore largely obscure views of the proposal. The school buildings would also help to reduce noise associated with the facility.

- 5.19 The statement received in support of the application advises that the closest residential unit comprises Chelwood to the west of the site fronting Vattingstone Lane (the Bungalow is a school property). This is positioned some 130m from the proposal whilst existing boundary screening would help to limit some views of the proposal.
- 5.20 On this basis, and with the floodlighting proposed considered acceptable in respect of light spillage and intensity, it is not considered that any significant adverse impact in residential amenity would be caused. It is noted however that the previously suggested condition in respect of lighting hours would be beneficial in residential amenity terms.
- 5.21 Highway Safety
The proposed sports facility would be available for wider community use and whilst additional traffic would be expected, this would not coincide with the school working day. As such, parking spaces would be available and the impact on the wider highway network would be negligible. The existing access arrangements are also considered to be satisfactory. For these reasons, there is no highway objection to the current proposal.
- 5.22 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.
- 5.23 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

1. The proposed sports facility, fencing and lighting would not have any significant adverse visual impact and thus is considered to be acceptable in visual amenity terms. The proposal would therefore accord with Planning Policies L1 (Landscape Protection and Enhancement), LC5 (Proposals for Outdoor Sports and Recreation Outside Existing Urban Areas and the Defined Settlement Boundaries) and D1 (Achieving Good Quality Design in New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposed sports facility would occupy the site of an existing playing field and would not have a significantly greater material impact on the openness of the Green Belt than the present use. Accordingly, the proposal is considered to accord with Planning Policy GB1 (Development within the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposal would not cause any significant adverse impact in residential amenity. The proposal is therefore considered to accord with Planning Policy LC5 (Proposals for Outdoor Sports and Recreation Outside Existing Urban Areas and the Defined Settlement Boundaries) of the South Gloucestershire Local Plan (Adopted) January 2006.
4. The proposal is considered to be acceptable in highway safety terms. As such, the proposal is considered to be compliant with Planning Policy T12 (Transportation Development Control Policy) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

2. The floodlighting hereby approved shall only be used between the hours of 09.00am-09.30pm on weekdays, 09.00am- 08.00pm on Saturdays and 10.00am- 06.00pm on Sundays and Bank Holidays.

Reason

To minimise disturbance to neighbouring occupiers and in the interests of visual amenity and the openness of the Green Belt all to accord with Planning Policies D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The fencing and lighting columns hereby approved shall accord with the details received in respect of colour, design and colour. Any variation from these approved details would require the further written consent of the Local Planning Authority.

Reason

In the interest of visual amenity and the openness of the Green Belt and to accord with Planning Policies GB1, L1 and D1 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 planning policies L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.