



**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. 01/07

Date to Members: 05/01/07

Member's Deadline: 12/01/07

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 12 noon)**. 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 (by 12 noon) (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: 05/01/07

SCHEDULE NO. 01/07

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 12 noon), 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

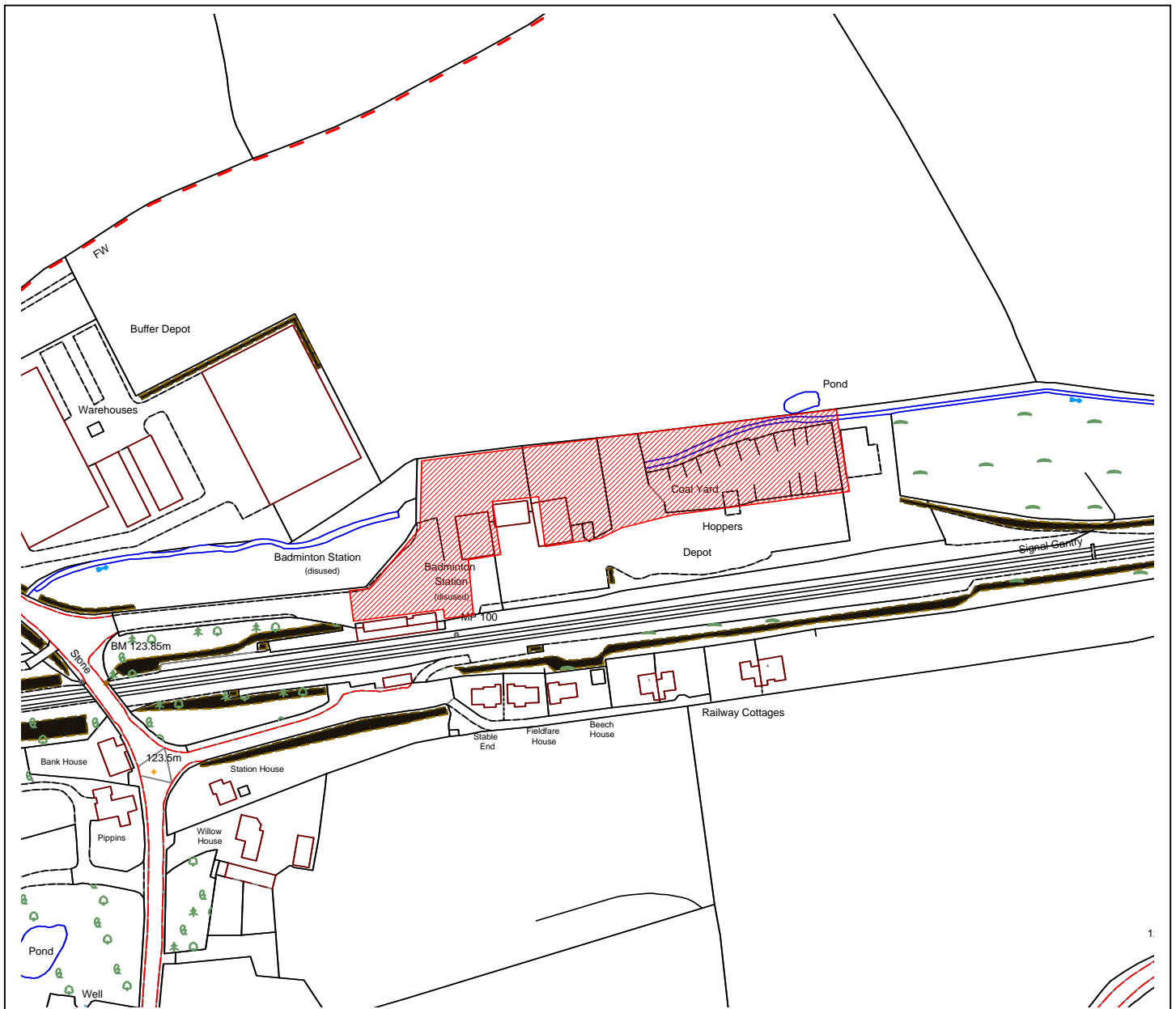
DATE

Circulated Schedule 05 January 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK02/2584/F	Approve with conditions	CPL Distribution Ltd, Station Approach, Acton Turville GL9 1HE	Cotswold Edge	Acton Turville Parish Council
2	PK06/2851/F	Approve with conditions	31 Broad Lane Yate BRISTOL South Gloucestershire BS37 7LA	Yate North	Yate Town Council
3	PK06/3082/F	Approve with conditions	The Church of Jesus Christ of Latter Day Saints 99 Downend Road Downend BRISTOL South Gloucestershire BS16 5EF	Downend	Downend and Bromley Heath
4	PK06/3526/F	Approve with conditions	Rear of 102/106 Lower Hanham Road Hanham BRISTOL South Gloucestershire BS15 8SB	Hanham	Hanham Parish Council
5	PK06/3272/F	Approve with conditions	Tower Road North/Crown Way Warmley BRISTOL South Gloucestershire BS30 8YE	Siston	Siston Parish Council
6	PT02/3574/CLE	Approve with conditions	Olcote, Main Road, Easter Compton, South Gloucestershire, BS35 5SQ	Almondsbury	Almondsbury Parish Council
7	PT06/3129/R3F	Deemed consent	Little Stoke Primary School Little Stoke Lane Little Stoke BRISTOL South Gloucestershire BS34 6HY	Stoke Gifford	Stoke Gifford Parish Council
8	PT06/3386/F	Approve with conditions	The Piggary Churchend Charfield WOTTON UNDER EDGE South Gloucestershire GL12 8LJ	Charfield	Charfield Parish Council

CIRCULATED SCHEDULE NO. 01/07 - 5 JANUARY 2007

App No.:	PK02/2584/F	Applicant:	CPL Distribution Ltd.
Site:	CPL Distribution Ltd, Station Approach, Acton Turville GL9 1HE	Date Reg:	22nd August 2002
Proposal:	Retention of change of use of coal storage yard (B8) to garden centre (A1) and retention of portacabin.	Parish:	Acton Turville Parish Council
Map Ref:	81080 81351	Ward:	Cotswold Edge



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100023410, 2006.

N.T.S

PK02/2584/F

INTRODUCTION

This report appears on the Circulated Schedule due to the Parish Council's concerns over footpath issues.

1. THE PROPOSAL

The proposal is to retain the use of a former coal storage yard as a garden centre on the northern side of Badminton Station.

2. POLICY CONTEXT

National Guidance

PPS1 Delivering Sustainable Development
PPG6 Retail
PPG13 Transport

Development Plans

South Gloucestershire Local Plan

L2 Cotswolds AONB

RT8 Small Scale Retail Uses within the Boundaries of Settlements

T8 Parking

T12 Transportation

3. RELEVANT PLANNING HISTORY

None

4. CONSULTATION RESPONSES

(a) Statutory Consultees

Acton Turville Parish Council

The Parish is in favour of the retention of the use, but states concern over various issues:

The position of the boundary line given that the unadopted road starts at the junction

The effect on the right of way crossing the site

Would any of the site be retained for coal storage?

Level of parking provision

Access provision

Operation of the weighbridge in close proximity of the portacabin

Contamination Issues

(b) Other Representations

Local Residents

Two letters were received, both stating that they had no objection to the change of use. Both called for conditions on signage. One mentioned problems with a security light and the untidy condition of the site, as well as the condition of the footpath and that it is difficult to access when the site gates are shut.

NB Advertisement Regulations are outside the scope of control under the Planning Act, therefore it is not possible to the control signage through a condition on a planning permission.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the policies listed above, in the light of all material considerations, under the following headings:

5.2 Retail Use

Policy RT8 sets the criteria for the introduction of small scale retail uses within development boundaries, these criteria are:

Traffic generation, effect on residential amenity, effect on the character of the area and the development would improve the range of services to the local community and not harm the vitality and viability of an existing centre.

It is considered that the retention of a retail use, as proposed, would not conflict with the above policy requirements. There is very limited provision of retail units in Acton Turville. Provision amounts to no more than the post office/ general store and the proposal would enhance the current range, while complementing rather than threatening the existing facilities.

5.3 Cotswolds AONB

Policy L2 requires that development does not harm the natural beauty of the locality, bearing in mind the previous authorised use as a coal yard. In visual terms it is considered that the proposal makes very little difference to the site. The authorised use as a coal merchants would be likely to involve considerable outside storage, as does the current unauthorised use. The proposal has not led to any changes to the external appearance of the buildings on the site themselves. Overall, the site is not considered to contribute to the natural beauty of the Area of Outstanding Natural Beauty. In order to enhance the appearance of the site, a condition is proposed requiring the submission of and implementation of a landscaping scheme. This should lead to some screening of the critical views into the site including screening of the portacabin. It would not be appropriate to attempt to agree landscaping details prior to testing the appropriateness of the proposed change of use, especially as the proposal to retain the present use is not considered to detract from the natural beauty of the locality any more than the previous use as a coal yard did.

5.4 Transportation

Parking provision for staff and customers is set by policy T7 and T8 of the Local Plan. The proposal meets these maximum standards. Further issues are the site access, traffic generated by the use and the effect of the proposal on the Public Right of Way, the latter having been raised by the Parish. In respect of traffic generation, the analysis is based on the change in traffic generation which would occur from the introduction of a garden centre in place of a coal merchants (within the red line of the site). The cumulative effect of the operation of the residual part of the site as a coal merchants and the proposed retention of the garden centre has also been taken into account. The reduction in the scale of the coal business which will be achieved through this proposal is considered to be significant.

The access lies within the 30mph speed limit area of the village and has adequate visibility in each direction. The existing footways are narrow, but are considered to be adequate for the likely pedestrian movements which would arise through the retention of the garden centre use. Pedestrian activity is considered to be limited to visitors to the site who live in the village. Customers from further away would be more likely to use other forms of transport to access the site. It is considered therefore that the proposal complies with the policies listed above in respect of transportation. The access road, as a station approach, is not classified as a Public Right of Way. It has been put forward that the other Public Right of Way, accessed via the station approach is presently unusable. The solution to this problem lies within the Public Rights of Way legislation and it is not appropriate to try and overcome this problem through the planning process.

5.5 Contaminated Land

This issue has been raised by the Parish Council. Under Environmental Protection legislation, there must be a source and a receptor for contamination to take place. In this case, it is considered that, while there may previously have been some contamination occurring on the site (the source) the receptor is a garden centre. If the receptor were to be a house, then it is considered that further investigation would be warranted, but as a garden centre with sales to the public, it is not considered to represent a receptor which would justify the imposition of a soil survey condition in this case. The responsibility of any contamination remains with the pollutor.

No design and access statement was submitted with this application as it pre-dates the legislation requiring this.

5.6 Section 106 Requirements

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

6. CONCLUSION

6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. The decision to approve permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is granted, subject to the conditions shown below.

Background Papers **PK02/2584/F**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CONDITIONS

1. Within two months of the date of this permission, a landscaping plan shall be submitted for approval in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; boundary treatments and areas of hardsurfacing.

Reason:

To protect the character and appearance of the area to accord with Policies D1 and L2 of the South Gloucestershire Local Plan.

2. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first planting and seeding seasons following the date of this permission and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of

similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To protect the character and appearance of the area to accord with Policies D1 and L2 of the South Gloucestershire Local Plan.

3. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 and the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting those Orders with or without modification) the premises shall not be used for any purpose other than as a garden centre selling horticultural and horticulture related products as hereby authorised without the prior written consent of the Local Planning Authority.

Reason:

To prevent separate uses arising which may be inappropriate or over-intensive, and to accord with Policies L2 and RT8 of the South Gloucestershire Local Plan.

4. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before any such lighting is first brought into use following the grant of planning permission for the use hereby approved. Development shall be carried out in accordance with the approved details.

Reason:

To minimise disturbance to occupiers of nearby buildings and the rural environment, and to accord with Policies L3 and RT8 of the South Gloucestershire Local Plan.

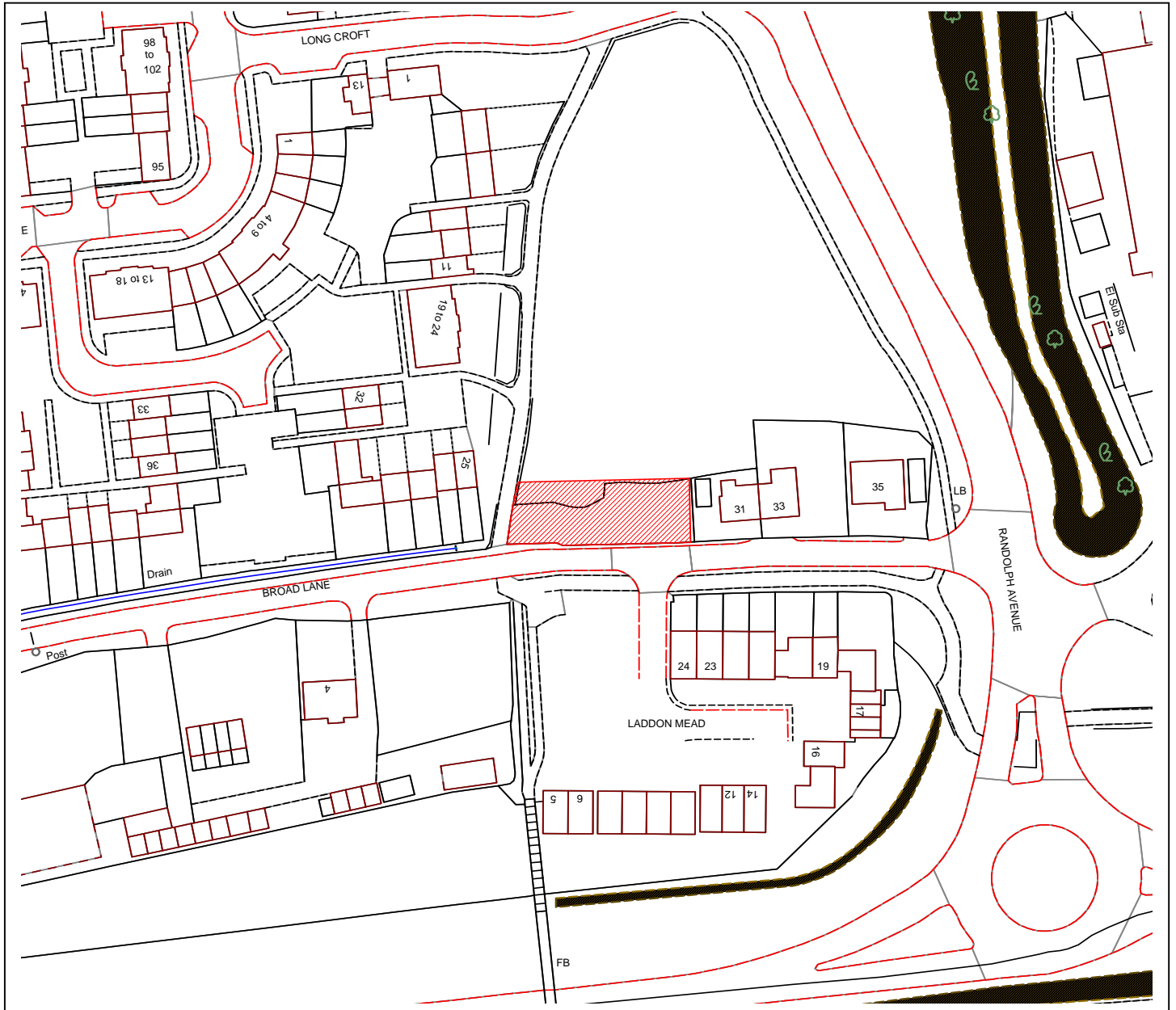
5. Within three months of the date of this Notice of Decision, detailed plans showing the provision of car parking and turning facilities in accordance with the standards set out in Policies (T7, T8 and T12) of the South Gloucestershire Local Plan shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking and turning facilities provided in full within three months of the approval of the submitted details; and thereafter retained for that purpose.

Reason:

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 01/07 – 5 JANUARY 2007

App No.: PK06/2851/F	Applicant: Mr S D Cameron
Site: 31 Broad Lane Yate BRISTOL South Gloucestershire BS37 7LA	Date Reg: 3rd October 2006
Proposal: Erection of 4 no. one-bedroom apartments with associated access, landscaping, car parking and works.	Parish: Yate Town Council
Map Ref: 70919 83787	Ward: Yate North



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 100023410, 2006.

N.T.S

PK06/2851/F

INTRODUCTION

The application has been referred to the Circulated Schedule as the recommendation is for approval and there is one objection.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 4 no. one-bedroom apartments with associated access, landscaping, car parking and works.
- 1.2 The site consists of part of the side garden of no. 31 Broad Lane, a Victorian semi-detached cottage, within the urban area of Yate. To the rear of the site is an area of open space, which has a number of hawthorn trees close to the boundary of the site. The site lies opposite the new Bellway Homes development, accessed off Broad Lane. The proposed involves the erection of 4 one-bed flats in a two-storey block with a main central gable feature on the front elevation, with gabled ends. The materials proposed are in cream render and red brick and brown concrete pantiles and UPVC windows and doors. The proposed access to the site is via Broad Lane. Four off-street car parking spaces are proposed. The plans have been amended to rearrange the car parking area to enable a better turning area and bin and cycle storage is now proposed.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing
PPS3	Housing

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Area
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/0134/O Erection of 1 no. dwelling (outline) with siting to be determined. All other matters to be reserved. Approved with conditions March 2005.

4. CONSULTATION RESPONSES

4.1 Yate Town Council
No objection

4.2 Sustainable Transport

No objection subject to the following:

- To link with the existing footpath network a 1.5m footway along the whole frontage of the development is required
- To facilitate vehicles entering and leaving the site in forward gear the parking spaces should be moved 2m to the north so that 6m of turning space is provided.
- To promote sustainability, four cycle parking spaces will need to be provided, to be located in a secure, covered and overlooked position.

[These comments were received before the amended plans were submitted]

Other Representations

4.3 Local Residents

One local resident has objected to the scheme on the following grounds:

- Proposal out of proportion with adjacent buildings and out of keeping with the immediate area
- Site too small for four flats
- Add to already overloaded Broad Lane

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies H2 and H4 allow for residential development within urban areas and residential curtilages subject to similar criteria, including whether the maximum density compatible with the site is achieved. The proposal is for four flats on a small plot and is therefore relatively high density, and the proposal therefore conforms with this criterion of Policy H2. The principle of development is therefore acceptable, subject to the following detailed assessment.

5.2 Visual Amenity

The proposed scheme is a two storey block with a large central gable and gabled ends to both side elevations. The central gable is proposed in render with the other walls in brick. The design of the scheme is not dissimilar in approach to the Bellway Homes development opposite, and takes a number of design cues from this development. The overall mass of the proposed block is broken up by the gables and the use of render. The proposed flats would be higher than the adjacent Victorian cottages next door, but this is not considered inappropriate, especially since the Bellway Homes development includes properties of varying heights. Given the context of the site and the appropriate design, it is not considered the proposal would harm the visual amenity of the area. Samples of external facing materials will be required by condition to ensure quality of development.

5.3 There are a number of hawthorn trees close to the boundary of the site within the open space to the north. A method statement regarding the proposed

groundworks to ensure that there is no damage to the root structures of these hawthorn trees will be required by condition.

5.4 Residential Amenity

The nearest residential property is no. 31 Broad Lane to the east of the site, and only two windows are proposed on the side elevation facing no. 31, which each serve a bedroom. Whilst there would be some overlooking of no. 31 as a result of the proposal, this is not considered significant enough to harm the reasonable residential amenities of the occupiers of no. 31, given that there is a 9m gap between the proposed side elevation of the flats and the side elevation of no. 31. A condition will be recommended restricting any further windows in this elevation.

5.5 Bin storage has been provided for the residents of the proposed flats. Both the proposed flats and no. 31 Broad Lane have adequate external amenity space provided or retained. There is therefore no harm to the residential amenity of the area.

5.6 Transportation

Amended plans have been received in response to the Highway Officer's comments above, to include a revised turning area, bin and cycle storage and the provision of a 1.5m wide footpath at the front of the site. Subject to the addition of conditions to secure these elements, there is no transportation objection to the proposal.

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 (Consultation Draft).

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.

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the following conditions:

Background Papers **PK06/2851/F**

Contact Officer: **Sarah Tucker**
Tel. No. **01454 863780**

CONDITIONS

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

Reason:

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

2. Development shall not commence until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local planning Authority and all such materials used in construction of the building(s) hereby authorised shall conform to the samples 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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevation of the proposed flats, facing no. 31 Broad Lane, 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 Policies H2, H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local planning Authority gives written consent to any variation.

Reason:

To protect the character and appearance of the area to accord with Policies H2, L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development a method statement indicating how the root systems of the trees directly to the north of the site shall be protected during groundworks and construction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved method statement.

Reason:

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

6. The off-street parking facilities (for all vehicles, including cycles) shown on plan no: 01 A hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason:

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

7. The bin storage shown on plan no: 01 A hereby approved shall be provided before the building is first occupied and thereafter retained for that purpose.

Reason:

To safeguard the amenities of the locality, and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Development shall not commence until a 1.5m wide footway has been constructed along the whole frontage of the site, in accordance with plan no. 01 A, lodged with the Local Planning Authority on 22/11/2006, to a standard considered acceptable by the Council's Streetcare Manager.

Reason:

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

CIRCULATED SCHEDULE NO. 01/07 – 5 JANUARY 2007

App No.: PK06/3082/F

Applicant: The Church Of
Jesus Christ Of
Latter Day Saints

Site: The Church of Jesus Christ of Latterday
Saints 99 Downend Road Downend
BRISTOL South Gloucestershire BS16
5EF

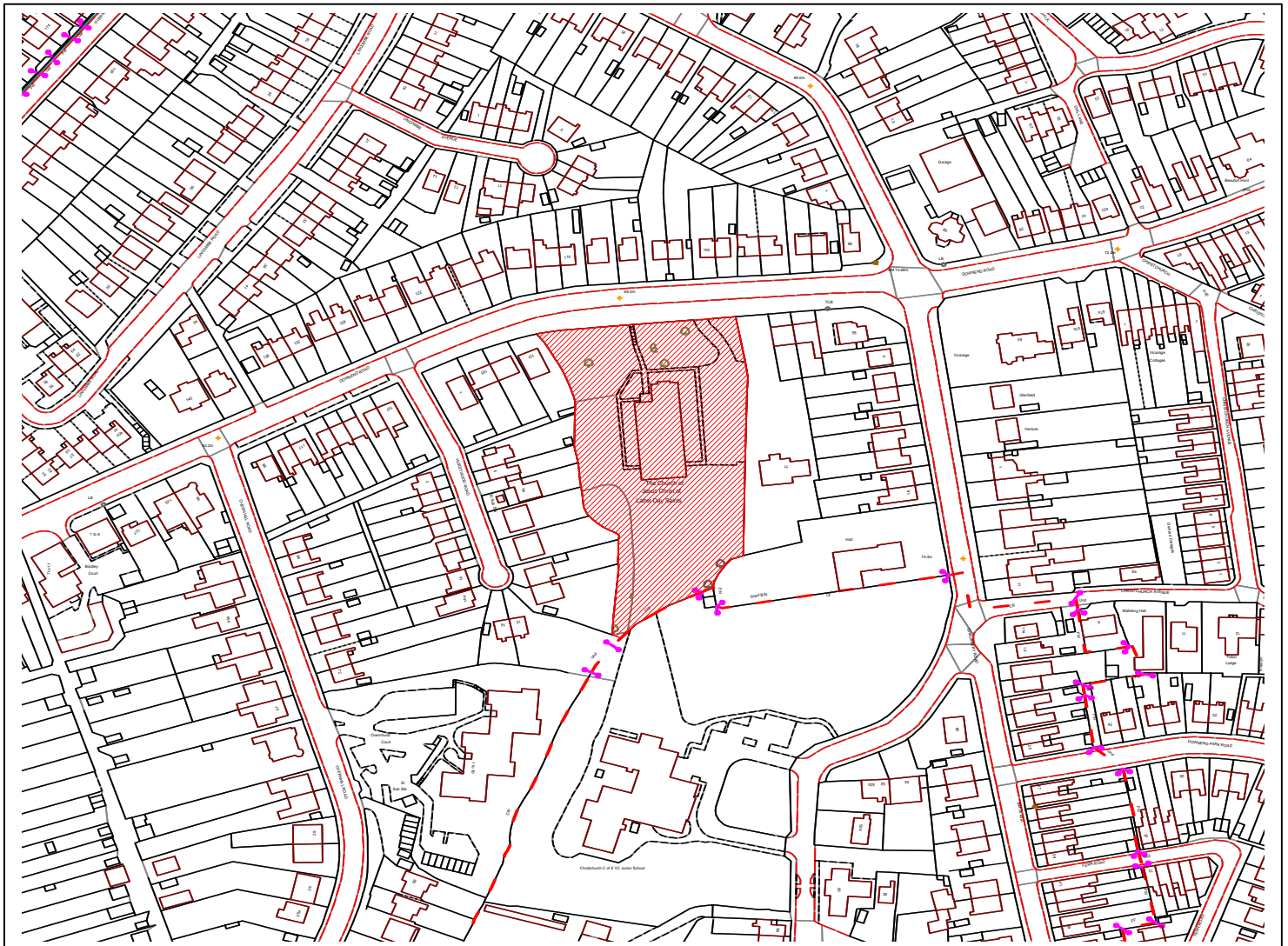
Date Reg: 23rd October 2006

Proposal: Erection of single storey side extension
to form new teaching facilities. Erection
of single storey front glazed entrance to
foyer. Installation of various new
windows and door on the existing
building. Creation of additional 33 no.
car parking spaces with new pedestrian
access, fencing and associated works.

Parish: Downend and
Bromley Heath

Map Ref: 64638 76426

Ward: Downend



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100023410, 2006.

DC0901MW

The application has been referred to the circulated schedule as the recommendation is for approval and there is one objection.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the following: Erection of single storey side extension to form new teaching facilities. Erection of single storey front glazed entrance to foyer. Installation of various new windows and door on the existing building. Creation of additional 33 no. car parking spaces with new pedestrian access, fencing and associated works.
- 1.2 The site consists of a contemporary church within large grounds, with a gated access from Downend Road, within the urban area of Downend. There is Tree Protection Order on the site covering all trees on site. The proposed extension is 7.5m deep, 13.5m long and 3.4m high, with a flat roof in brickwork to match existing.

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
T8 Parking Standards
T12 Transportation Development Control Policy
LC4 Proposals for Educational and Community Facilities within the Existing Urban Area
D1 Design

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/2983/F Erection of 2m high railings to existing front boundary wall and installation of 2 security gates. Approved 2001
- 3.2 PK02/0799/TRE Reduce crown by approximately 30% and form shape of Ash Tree; pollard to an approx height of 6m and remove all debris- Ash Tree Group. Approve 2002

4. CONSULTATION RESPONSES

4.1 Parish/Town Council

None received

4.2 Sustainable Transport

Following the earlier transportation comments (about over parking provision on site); I have now received a statement from the applicant's agent.

Assessment of parking requirements for a church is made against the SG parking standards, which suggests parking requirements for a

church to be 1 space per every 10 seats.
The applicant suggests that there are 594 seats in this church.

By reference to the parking standards and those information provided by the applicant, the maximum of 59 parking spaces are required for the church.

The applicant is proposing to increase the existing parking provision on site from 31 to 51 spaces and that is considered to be in compliance with the maximum parking standards.

We have also been advised that there are other uses from this site and those include;

- Use of the cultural hall as a sport hall.
- Weddings and sometimes funeral services are also held within the building.
- There are also regular weekly woman meetings during evenings.

In view of all the above therefore, the officer withdraws his original comments about over provision of parking on the site.

- 4.3 The Crime Reduction Officer has stated that he has no objection to the proposal and has suggested that laminated glass should be used to prevent burglaries.

Other Representations

4.4 Local Residents

One local resident objected to the scheme and one made a general comment. The concerns raised were as follows:

- Additional car parking is close to adjacent residential property and will create noise and disturbance
- Car parking spaces will result in loss of green space
- Boundary fence should be replaced

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 allows for the improvement and expansion of community facilities within the existing urban area subject to the following criteria:

- Proposals are located on sites which are highly accessible by foot and bicycle
- Development would not unacceptably prejudice residential amenities
- Development would not have unacceptable environmental or transportation effects
- Development would not give rise to unacceptable levels of on-street parking

- 5.2 The site is located within the urban area of Downend, so is accessible by a large number of the local population. It is also close to public transport routes. The proposal conforms to the first criterion of Policy LC4 and is considered acceptable in principle, subject to the following detailed assessment.

5.3 Visual Amenity and Trees

The proposed external works to the existing building are minor and are appropriate for the building and the location. The proposed extension is relatively small in comparison to the main building and is designed in form, style and materials similar to other single storey parts of the building, and retains the overall 'feel' of the building as a religious one. In this context, it would not look out of place, and it is considered appropriate for this location.

- 5.4 The Tree Officer has commented that all the trees are covered by a TPO and the proposed groundworks at the front of the site to the footpath and steps, as well as the car park extension could have a significant impact on the rooting systems of the trees. The Tree Officer raises no objections to the scheme as long as an arboricultural impact assessment of the groundworks undertaken is submitted, as well as a method statement, to ensure there is no harm to the root balls of the tree, and these will be required by condition.

5.5 Residential Amenity

The site lies within a low-density residential area. The nearest property is no. 71 Downend Road, which is set back from the road by some distance. Given that there is an existing, well established church here already, of some considerable size, with a car park for 26 cars , it is not considered that the proposed increase in the size of the car park would result in such significant harm to the occupiers of neighbouring properties as to warrant refusal of planning permission on these grounds.

5.6 Transportation

The proposal involves an increase in car parking spaces of 33, to create a total of 51 spaces. The maximum parking standard set out in Policy T8 is 1 space for every 10 seats. The applicant has stated that the church has 594 seats. The applicant has also stated that the church is also used for sporting activities, weddings and funerals as well as various meetings of groups of the church community during weekday evenings. On this basis, the Highway Officer raises no objection to the proposal, and the increase in parking proposed is in line with maximum standards set out in Policy T8.

5.7 Other issues

One local resident raised concerns about boundary treatment, however, boundary treatments proposed are outside of planning control (ie below 2m in height).

5.8 Design and Access Statement

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

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, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

7. RECOMMENDATION

- 7.1 That planning permission be APPROVED subject to the following conditions:

Background Papers PK06/3082/F

Contact Officer: Sarah Tucker
Tel. No. 01454 863780

CONDITIONS

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

Reason:

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

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

3. Prior to the commencement of development an Arboricultural Impact Assessment of all groundworks proposed on site, including a method statement for all groundworks, shall be submitted to and agreed in writing by the Local Planning Authority. The groundworks shall be undertaken in accordance with the approved method statement.

Reason:

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

CIRCULATED SCHEDULE NO. 01/07 - 5 JANUARY 2007

App No.: PK06/3526/F
Site: Rear of 102/106 Lower Hanham Road
 Hanham BRISTOL South
 Gloucestershire BS15 8SB

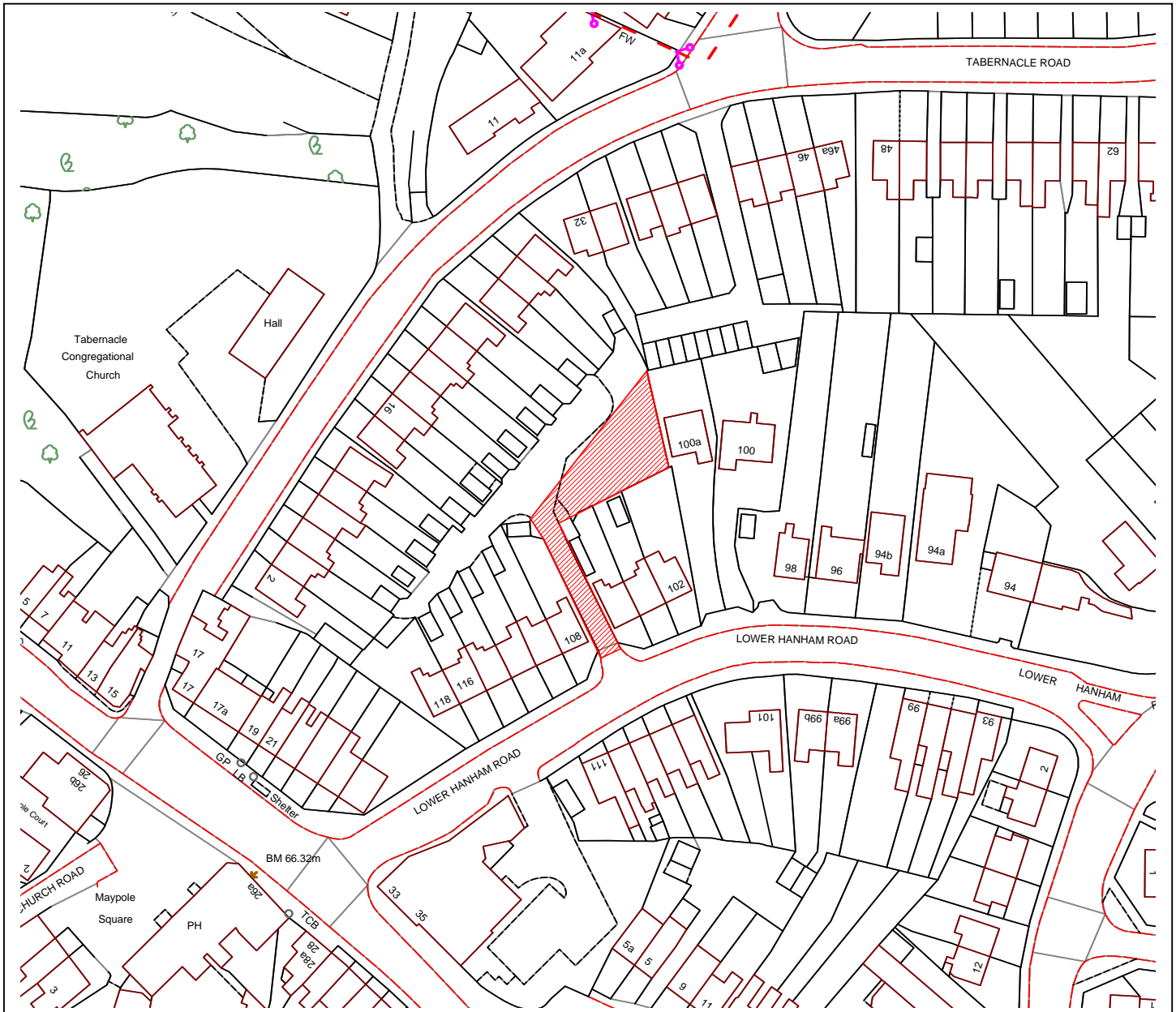
Applicant: Mr V O'Connell
Date Reg: 7th December 2006

Proposal: Erection of 2 no. one bedroom bungalows with associated works.
 (Resubmission of PK06/2934/F).

Parish: Hanham Parish Council

Map Ref: 64126 72531

Ward: Hanham



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 100023410, 2006.

N.T.S

PK06/3526/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of neighbour objections.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of two, semi-detached, single bedroom bungalows. The site lies to the rear of two rows of two storey terraced and semi-detached houses, forming one side of Lower Hanham Road and Tabernacle Road. It is accessed from a road which services the rear of those properties, with rear gardens and detached garages. To the north is the blank side elevation of No. 100A Lower Hanham Road.
- 1.2 The site itself is a triangular patch of overgrown land between two of these access roads, mainly grass, but with a few stunted trees. The boundary treatments at the end of the gardens of the surrounding residential development comprise the garages and tall fences.
- 1.3 This application follows the refusal of a series of schemes (including a subsequent dismissal of the appeal) for four flats on highway grounds, as detailed below. The scale of proposed development was accordingly reduced, with the last scheme (for two detached bungalows) which was refused on design and residential amenity grounds.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
PPG3 Housing
PPG13 Transport: Guide to Better Practice

2.2 Development Plans

South Gloucestershire Local Plan

- H2 Residential Development within Urban Area
D1 Design
T7 Cycle Parking
T8 Car Parking
T12 Transportation
EP1 Environmental Pollution

3. RELEVANT PLANNING HISTORY

- 3.1 PK99/0010/O Erection of one dwelling (outline) Approved
- 3.2 P99/4329 Erection of 13 lock up garages Refused
- 3.3 PK04/0324/F Erection of block of four flats Refused
Due to highway concerns and the development being on land which has not been previously developed.
- 3.4 PK05/2324/F Erection of block of four flats Refused
Appeal dismissed. Inspector quoted highway grounds.
- 3.5 PK06/2934/F Erection of two detached bungalows

Refused due to the design of the bungalows and the parking arrangement which would mean the occupants of one bungalow having a car parking space next to the bedroom of the other.

4. **CONSULTATION RESPONSES**

4.1 Hanham Parish Council

Objection – the siting of the bungalows, due to their mass of the bungalows would constitute a cramped form of development and have an overbearing impact on surrounding occupiers.

Other Representations

4.2 Environmental Protection

No objection in principle, subject to the inclusion of informatives.

Technical Services

No objection in principle, subject to the inclusion of a condition requiring a SuDS compliant drainage plan.

4.3 Sustainable Transportation

Planning permission has previously granted for erection of a dwelling on the site, although this permission has now lapsed. In a recent planning appeal case on this same site (pl. app. No. PK05/2324/F), the Inspector dismissed an appeal for erection of 4no. one-bedroom flats based on harmful effect on road safety in relation to the access. This proposal involves creation of 2no. one-bedroom bungalows on the site and that represents a substantial reduction in development-density compared to that scheme refused by the Inspector recently. From a traffic point of view and based on information contained on the National TRICS data-base (for various developments) it is evident that traffic associated with one bedroom flat is about half that compared to a house. With this in mind, it is considered that there would not be significantly more traffic associated with this proposal compared to that scheme (potentially a three bedroom dwelling) already approved on the site. In light of the above and on balance therefore, the highways officer does not raise a highway objection to this proposal.

4.4 Local Residents

5 letters of objection were received, citing the following concerns:

- The site access is narrow and in regular use by residents – not enough room for a pavement as well
- The lane could be used for parking
- Character of the bungalows is not in keeping with the rear of terraced houses
- Existing problems with the drains
- General Unsuitability – site size is unworkable
- If the bungalows are for elderly persons, what will happen with any future purchasers?
- The site is unsuitable for the access of plant and machinery

NB The two reasons for objection immediately above are not valid planning concerns.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above in the light of all material considerations, under the following headings. Policy H2 of

the Local Plan should be applied. The site is within the urban area which has not been previously developed. Therefore, the principle of this proposal is considered acceptable under the terms of policy H2. In addition to this, an important material consideration on this site is that outline planning permission has already been approved for the erection of a dwelling. This outline permission has now lapsed and therefore cannot be implemented, even if a Reserved Matters application should be submitted. A further material consideration is the dismissal of the appeal against the refusal of the last scheme on highway grounds, as is the previous application as detailed at 3.5 above. The number of dwellings following that appeal has been reduced from 4 to two. The change since the last application is that the bungalows would be semi-detached and have a parking space within each curtilage. Both proposed bungalows are shown to have a single bedroom and one parking space each.

5.2 Residential Amenity

The proposal involves the erection of two bungalows. The area is characterised by terraced rows, the backs of which face the site. The side walls of the proposed building are blank, with all windows facing front and back, therefore it is considered that the proposal would not give rise to any intervisibility issues, overlooking or loss of privacy. It is also considered that the proposal would not result in any overbearing impact caused for nearby occupiers. In addition to this, there is considered to be adequate amenity space indicated on the submitted plans, and enough of it effectively private, to service the proposed bungalows. At the height shown and given the distance to the rear of surrounding properties, it is considered that the proposal would not result in any overbearing impact upon surrounding properties.

5.3 Visual Amenity & Design

It is considered that the design of the proposed bungalows, taking into account the unusual shape of the site and its location, when viewed from the front has overcome the previous refusal reason. Windows serving habitable rooms are proposed to face north and south and the habitable rooms are therefore concentrated in these directions, with the bathroom internalised in each case. The proposal, reading as one single storey building, is now considered to address the site in an appropriate manner. The roof slope is considered to match those of the surrounding dwellings, while the general mass of the building would accord with the surrounding garages. When viewed from other directions, the view principally from the rear of the surrounding terraces, the depth of the building is considered appropriate and in proportion to the frontage. With regard to materials, the surrounding area exhibits mainly pebbledash, in the houses and even many of the garages within the garage court. Amended plans indicate that rough cast render will be used for the walls and brick detailing will be added in order to better define the building. It is considered that the proposal would be acceptable in terms of design and have an acceptable impact upon visual amenity.

5.4 Density of Development

PPG3 advises that a density of 30 dwellings per hectare should be achieved as a minimum and also that the density of development should respect the density of surrounding housing. It is considered that at 40dph, the proposal meets both these tests, which also appear in the Local Plan policies.

5.5 Transportation

The transportation comments appear above. Due to the comparison in traffic generation between this proposal and the scheme that was previously

approved on the site, for one dwelling, it is considered that the scheme has been amended to a suitable degree from that refused and dismissed on appeal to overcome objections about the adequacy of the access to the site.

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 (Consultation Draft).

5.7 Other Issues

Consultation has thrown up further issues such as drainage. This issue has been assessed in the Technical Services comments above. Drainage connections would have to be agreed with owners of surrounding private sewers, if the public system is not available for connection.

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.

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

7. RECOMMENDATION

7.1 That planning permission is approved, subject to the conditions shown below.

Background Papers PK06/3526/F

Contact Officer: Chris Gosling

Tel. No. 01454 863787

CONDITIONS

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

Reason:

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

2. The off-street parking facilities shown on the plan hereby approved shall be provided before either dwelling is first occupied, and thereafter retained for that purpose.

Reason:

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

3. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development as specified in Part 1 (Classes A, B, C, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

In view of the size of the plot any extension/alteration to the dwelling would require further detailed consideration in order to safeguard the amenities of the area and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees on the land and details of any to be retained, together with measures for their protection during the course of the development; boundary treatments and areas of hardsurfacing.

Reason:

To protect the character and appearance of the area to accord with Policies H2, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To protect the character and appearance of the area to accord with Policies H2, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 01/07 - 5 JANUARY 2007

App No.: PK06/3272/F
Site: Tower Road North/Crown Way Warmley
 BRISTOL South Gloucestershire BS30
 8YE

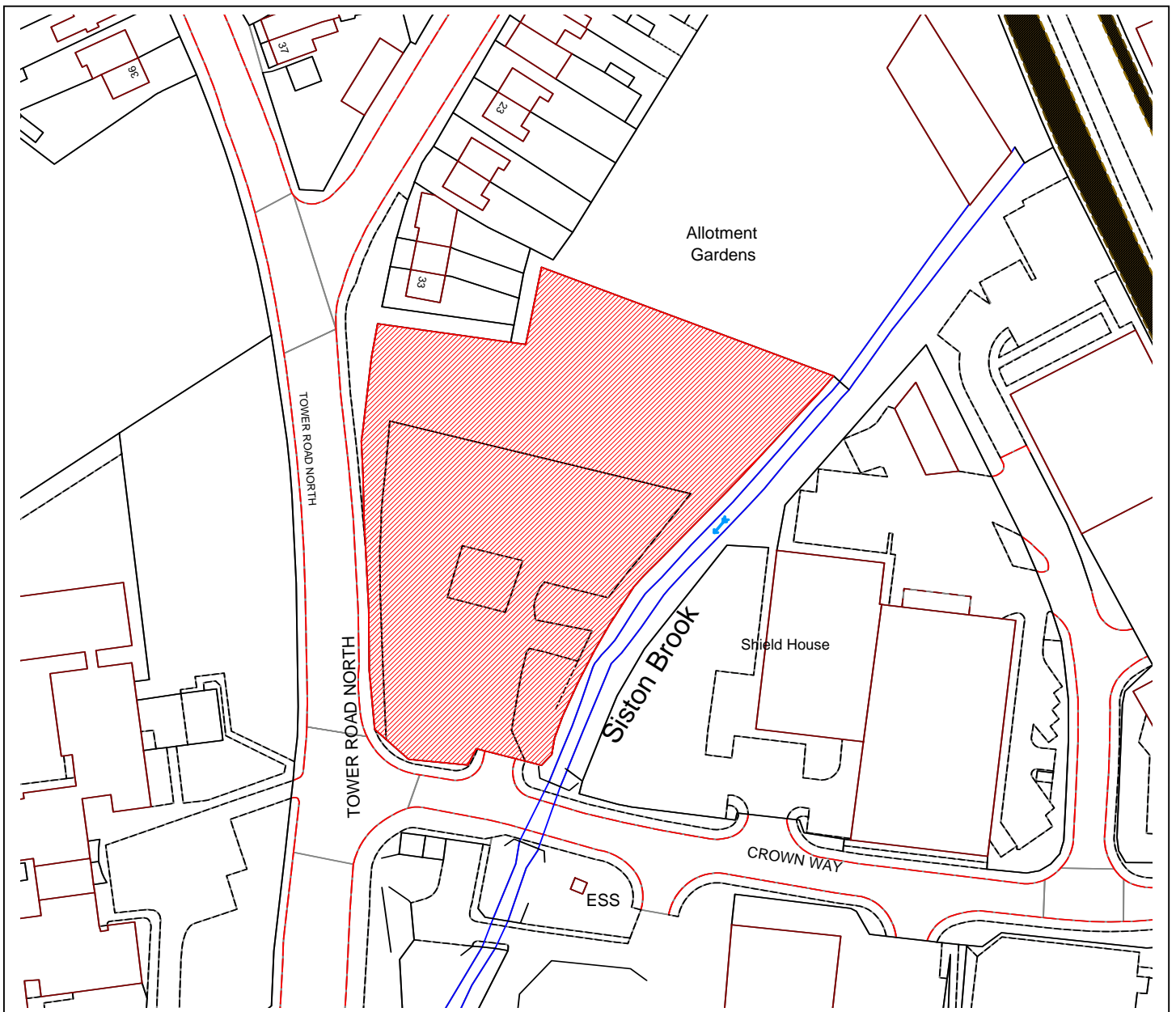
Applicant: Chase Commercial
Date Reg: 9th November 2006

Proposal: Erection of 1 no. two storey and 1 no. three storey office buildings (Class B1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated car parking and landscaping. Resubmission of application PK06/2312/F.

Parish: Siston Parish Council

Map Ref: 67057 73324

Ward: Siston



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100023410, 2006.

DC0901MW

INTRODUCTION

This application is reported on the Circulated Schedule in accordance with the Council's procedure in determining major applications.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of two office buildings, one at two storeys (Block A) proposed to be situated alongside Tower Road North, occupying approximately in the middle of the site. Block B, a three storey building, is proposed for the eastern corner, close to the site's eastern boundary, marked by Siston Brook. 87 parking spaces are proposed as part of the scheme, to be situated to the rear of the buildings filling the site, with the exception of a rank of parking to the south of block B. Pedestrian access is proposed to be achieved from Tower Road between the two buildings, where cycle parking with 20 spaces is proposed, together with a pergola feature to link the two blocks visually. The design of the buildings is considered to be contemporary, with monopitch roofs.
- 1.2 The site is safeguarded for employment purposes in the Local Plan. It is a large corner site, separated from Crown Way and Tower Road North by a 2 metre high security fence. Existing access is from Crown Way for pedestrians and vehicles. The rear of the site is the tree-lined brook. Further trees screen the site from the houses on Station Road and from views from Tower Road. Tree works are proposed to thin out but retain the existing tree screens.
- 1.3 A flood risk assessment, a tree survey and an ecological survey were submitted to support the application.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|--|
| PPS1 | Delivering Sustainable Development |
| PPG4 | Industrial, commercial and small firms |
| PPG13 | Transport |
| PPG25 | Flood Risk |
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
- | | |
|-----|-------------------------------------|
| D1 | Design |
| E4 | Safeguarded Employment Areas |
| E3 | Criteria for Employment Development |
| L1 | Landscape |
| L17 | Water Environment |
| EP1 | Environmental Pollution |
| L9 | Species Protection |
| T7 | Cycle Parking |
| T8 | Car Parking |
| T12 | Transportation |
- 2.3 Supplementary Planning Guidance
Trees on Development Sites

3. RELEVANT PLANNING HISTORY

- 3.1 P98/4860 Comprehensive mixed use development involving: new estate road, re-cladding of existing building, works to Siston Brook, new cycle link, erection of building for use as health and fitness club (Class D2), erection of 23

dwellings, change of use of existing boiler room to offices (Class B1) (All full applications). Erection of 3 no. buildings for use as Class B1, B2 and B8, extension to existing building (Class B1) (Outline application).

Committee resolved to grant consent subject to a S106 Agreement requiring:

- (i) Traffic management works in Tower Road North including the provision of a bus lay-by on the school side of the road.
- (ii) A financial contribution of £50,000 towards additional traffic management measures in the locality.
- (iii) The provision of Public Open Space with associated commuted sum and bond.
- (iv) A financial contribution of £25,000 towards transportation matters on the school side of Tower Road North.

The Agreement was not signed.

- 3.2 PK00/2267/F Construction of a new access road, additional car parking, highway works and cycle route.

Consent granted subject to a S106 Agreement requiring:

- (i) Traffic management works in Tower Road North.
- (ii) The landscaping of the existing lay-by between the two existing site accesses on Tower Road North.
- (iii) The provision of a new bus lay-by on the eastern side of Tower Road North.
- (iv) The completion of the approved development before the occupation of any future new development on the Lawson Mardon site.

The construction of the cycleway link with the Bristol to Bath cycleway.

- 3.3 PK2851/F Erection of a Post Office Sorting Facility/general B1 unit.

Consent granted 17.9.01 subject to a S106 requiring:

- A financial contribution of £33,500 towards traffic management measures in the locality.
- The provision of a bus shelter on the east side of Tower Road North.

- 3.4 PK01/3129/F Erection of two storey building for B1 business use. Refused planning permission April 2002 due to highway safety issues arising from increased traffic.

- 3.5 PK02/3773/F Erection of 1 No. 2-storey and 1 No. 3-storey building for B1 use with associated car parking and works.

Resolved to be approved at DC East on 10.4.04 but Section 106 Agreement never signed. (Require contribution of £15,000 towards traffic management measures in the vicinity).

- 3.6 PK04/2830/F Erection of car accident repair centre (B2)
Approved subject to Section 106 which has not been signed

- 3.7 PK06/2312/F Erection of two office blocks with associated parking and works
Withdrawn to allow for re-design of site

4. **CONSULTATION RESPONSES**

- 4.1 Siston Parish Council
No reply received

4.2 Other Consultees

Avon & Somerset Police

Would like to see doors and windows fitted to British standard, the pedestrian access being limited to Crown Road only would aid monitoring the site with CCTV and gravel strips next to the paths could be used as ammunition. It is suggested that the design is amended to take these last two points into account.

Environmental Protection

No objection in principle, subject to the inclusion of a condition governing hours for receiving/ dispatching deliveries from the site and various informatives regarding work in the construction period, on the decision notice.

Environment Agency

No objection in principle, subject to the inclusion of suggested conditions.

4.3 Sustainable Transport

The site is a disused car park with a large area of hard standing (previously used as car parking for Lawson Mardon for approximately 100 cars), surrounded by chain-link fencing. There is an extant planning approval no. PK02/3773/F for the erection of 1no. two-storey and 1no. three building for B1 use with associated car parking and works with conditions. Planning approval was granted to this application subject to completion of an s106 legal agreement. Although the agreement was never completed the principles of that proposal have been followed in the subsequent planning proposals. To conform to the strategy set out in the overarching principles the current development should make a proportionate contribution towards the identified traffic management scheme on Tower Road North. The applicant has agreed in principle to the contribution and submitted a Unilateral Agreement to achieve this. In respect of off-street parking, a total of 87 car parking (for a building with total Gross floor area of 2750m²) plus adequate turning space for service vehicles will be provided on the site and that complies with parking standards as contained in the policy T8 of the Local Plan. Additionally, secure cycle parking will be provided on the site. A planning condition is recommended so that all cycle parking will be maintained under cover and secure.

In view of all the above-mentioned therefore, there are no highway objections to the proposal subject to the completion of an appropriate legal agreement to secure a financial contribution of £15,500 towards traffic management scheme in the area and the following conditions.

1. Provide parking on site in accordance with the submitted scheme and mark each parking bay with white lines and maintain these satisfactory thereafter.
2. Provide secure and undercover cycle parking in the location shown on the site and maintain these satisfactory thereafter.

Other Representations

4.4 Local Residents

One letter of objection was received, citing the following concerns:

- Inadequate parking provision
- Increased traffic on local roads
- The material selected for the roof would not be in keeping with the locality
- The shrubs on the site adjoining the allotments should be thickened with trees. The writer makes suggestions for appropriate species

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site is located within a Safeguarded Employment Area as defined in the South Gloucestershire Local Plan. The proposed development of the B2 use would therefore comply with the Local Plan designation and the proposal is acceptable in principle, subject to the detailed analysis below.

5.2 Policy E3 of the Local Plan states that such proposals need to be assessed in accordance with the following criteria:

A. Would there be unacceptable Environmental effects?

The Environment Agency has not objected to the proposal. They have put forward nine suggested conditions which appear below.

5.3 Transportation

Is there adequate provision for servicing and delivery requirements, and would the development give rise to unacceptable levels of vehicular traffic, especially HGV's, or on-street parking, to the detriment to the amenities of the area and highway safety?

The transportation comments for this proposal appear above. The proposed layout indicates 87 car parking spaces, which as stated above, meets the Local Plan parking standards for the employment floorspace proposed.

The applicant has proposed an index linked contribution of £15,500 towards traffic management measures in the vicinity to mitigate against the increased traffic generation that would be caused by the development, and this is considered acceptable, having regard to the previously approved pro-rata contributions on this site. This is the same level of contribution as the previously approved office scheme – PK02/3773/F- (this money has never been received as the Section 106 Agreement was never signed).

An earlier application, (P98/4860) which related to the comprehensive development of the whole of the Lawson Mardon site, was secured subject to highway contributions to offset traffic generation and its impact on the surrounding highway network.

Committee resolved that the contributions would be:

1. £50,000 towards traffic calming works on Tower Road North.
2. £25,000 towards modifications to access and the traffic management at Grimsbury Park school and Tower Park school.

The contributions were intended for traffic calming works and signage on Tower Road North and at the junction with the A420 and associated Traffic Regulation Orders. The Section 106 Agreement for this comprehensive development was never signed however.

There was a separate £15,000 contribution towards works on Tower Road North arising from the residential development adjoining the school site.

In considering subsequent individual applications related to this Lawson Mardon site, the Council has sought to secure such contributions on a pro-rata basis. The position with regard to previous individual contributions is:

1. PK00/3169/F – Change of use of existing building for Red Cross, no contribution.
2. PK00/2851/F – Erection of Post Office Sorting Facility; £33,500 has now been paid.
3. PK01/2312/F - Erection of building for General Industrial Use. £7,000 has now been paid.

The applicant has agreed to provide a £15,500 contribution and this was submitted with the application in the form of a Unilateral Agreement. This would go towards the identified traffic management scheme on Tower Road North and is acceptable to the Development & Projects Manager as it complies, on a pro-rata basis, with the previously approved financial contributions for the comprehensive redevelopment of the site as a whole. The Council's Traffic Management Section have confirmed that there is still work outstanding on Tower Road North as the traffic management is not yet complete. Subject to the signing of the Unilateral 106 Agreement for the contribution towards transportation measures, the proposal is considered to be acceptable in transportation terms.

Is the site well served by public transport?

Tower Road North, where the site gains access, is on a bus route and there are bus stops directly opposite the Grange school. There are also other bus services within easy walking distance to the site on the London Road and those include bus service Nos. 634 and 635. Access from the application site to the cycle routes at this location is very good. It should be noted that the application site almost backs onto a major cycle route, the Bristol and Bath Railway Path and that makes the site very sustainable in this respect.

5.4 Residential Amenity

Would the development prejudice existing residential amenity?

The Council's Environmental Services Manager has advised no objection to the proposal based on the information provided and has recommended that informatives appear on the decision notice.

With regard to hours of deliveries/ collections, Environmental Protection recommend a condition limiting these to 7.30am to 7.00pm Monday to Friday and 8.00am to 13.00 on Saturdays with no deliveries or collections to be undertaken on Sundays or Bank Holidays. This is deemed necessary due to the location of residential properties adjacent to the northern boundary of the site.

It is considered that there would be no overbearing effect from the proposed buildings, given the two storey design in proximity to the nearest dwelling.

5.5 Design/ Landscape Issues

Would the character of the area be adversely affected?

Design

It is considered that the proposed layout and massing is informed by the context and constraints of the site and the surrounding context and therefore complies with Policy D1(A):

- The layout has a landscape screen along Tower Road North, that screen the building in a similar manner to the building to the south of the application site;
- Positioning the buildings so that they face towards Tower Road North, effectively screens the area of car parking to the east of the site;
- The scale of the building (both the footprint and the height) are informed by the surrounding buildings;
- The layout provides a small area of communal space that people can use during their lunch break etc.

Regarding the proposal's appearance, the proposed materials are considered to respect and enhance the quality of the area. With regard to attempts to minimise the use of energy and natural resources, Policy D1(G) states "*Proposals will be expected to demonstrate that: the design, density, orientation and location of buildings and associated landscape proposals incorporate measures to achieve energy conservation and the protection of environmental resources*" Questions 11 to 15 of the South Gloucestershire Design Checklist (Draft) are related to minimising the use of energy and natural resources. In particular Question 14 asks if the development achieves a minimum BREEAM standard of 'very good'. The applicant must demonstrate how the layout and buildings have been designed to minimise the use of energy and resources. There are various strategies and technologies available that can be used (e.g. thermal insulation, re-use of rainwater, natural ventilation, re-use of existing building materials, use of on site energy generation etc), and to be effective, it is often necessarily to use a combination of strategies and technologies. In order to assess the impact the development will have on the environment, we would require as a minimum standard, the development to achieve BREEAM 'very good' rating the following condition is recommended by the Council's Urban Design Officer:

The development hereby approved shall be constructed to a BREEAM standard of 'very good.'

A formal assessment pre-construction or following construction, shall be undertaken by a licensed BREEAM assessor and a copy of the assessors report and the certificate shall be submitted to the Local Planning Authority prior to occupation of the building.

Landscape

As examined below, the landscaping makes use of the existing tree screen at the rear of the site. Given that this is established and appropriate to the location, it is considered to be best to maintain it and the tree protection measures shown are considered acceptable to achieve this. At the northern end of the site, particularly at the front, the existing trees will be retained. The landscaping details submitted are only indicative and therefore the conditions below include the requirement to submit a detailed landscaping plan, based on

the principle of building on the existing soft landscaping features on the site and also require implementation of the approved landscaping scheme.

Tree Issues

Following the receipt of an amended plan which shows the tree protection fencing in a revised position and provides a method statement for tree protection, the Council's Tree Officer has raised no objection to the proposal.

5.6 Ecology

The application site presently comprises scrub vegetation (bramble) and rough grassland, to the north of an area of hard standing (car parking) between Siston Brook, Tower Road North, Crown Way and allotment gardens. It is not covered by any statutory or non-statutory nature conservation designations. The applicant has submitted a reptile survey report which is considered to be acceptable. The report does not confirm the presence of any reptiles on the site and therefore it is considered that there is no need in this instance for a mitigation strategy in relation to development. The report also finds no evidence of badgers on site. Again, there appears to be no need for mitigation relating to this species. There is therefore no ecological objection to the planning proposal. A Condition appears below to ensure that the development does not compromise the water quality/bank vegetation of the Siston Brook (i.e. no discharging/run off etc).

5.7 Other Issues

The consultation reply from the Police suggests that the pedestrian/ cyclist access is removed from the design. It is considered that this would be detrimental to the appearance of the building as this element helps to define the front of the building and make its entrance a focal point. In addition, it is considered to reinforce the fact that the site can be accessed by bicycle. The condition shown below requires hard landscaping details, which is intended to resolve the issue raised by the Police over the use of gravel alongside the access path.

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, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005. This accords with the previous planning permission for which the Section 106 Agreement remains unsigned, as detailed above. A Unilateral Section 106 Agreement was provided with this application.

6. CONCLUSION

6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

The decision to approve 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 authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the signing of the Unilateral Section 106 Agreement supplied with the application, to secure the following:

- (i) The contribution of £15,000 towards traffic management measures in the locality.

The reason for this Agreement is:

- (i) To mitigate against the increase in vehicular movements generated by the development.

Background Papers PK06/3272/F

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CONDITIONS

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

Reason:

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

2. All deliveries and collections at the premises shall be restricted to 0730 - 1900 Monday to Friday, 0800 - 1300 on Saturdays and no deliveries or collections shall take place on Sundays or Public Holidays.

Reason:

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

3. Floor levels to be set no lower than 42.8 metres above Ordnance Datum.
Minimum car park levels at the site to be set no lower than 42.4 metres above Ordnance Datum.

Reason:

To protect the development from flooding, to accord with policy EP2 of the South Gloucestershire Local Plan.

4. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason:

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal, to accord with policy EP2 of the South Gloucestershire Local Plan.

5. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface waste run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason:

To prevent the increased risk of flooding, to accord with policy EP2 of the South Gloucestershire Local Plan..

6. No development approved by this permission shall be commenced until a scheme for the improvement and/or extension of the existing surface water sewerage system has been submitted to and approved in writing by the Local Planning Authority. No buildings hereby permitted shall be commenced until such improvements and/or extensions have been commissioned to the satisfaction of the Local Planning Authority.

Reason:

To provide adequate drainage, to accord with policy EP1 of the South Gloucestershire Local Plan.

7. A strip of land 8 metres wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new buildings and structures (including gates, walls and fences). Ground levels must not be raised within such a strip of land.

Reason:

To preserve access to the watercourse for maintenance and improvement, and also to retain the river corridor as a means of passage for wildlife, to accord with policy L9 of the South Gloucestershire Local Plan.

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

Reason:

To prevent pollution of the water environment, to accord with policy EP1 of the South Gloucestershire Local Plan.

9. Inspection manholes shall be provided and clearly identified on foul and surface water drainage systems, in accordance with a scheme to be submitted to and approved by the Local Planning Authority.

Reason:

To enable discharges from individual premises or buildings to be inspected and sampled, to accord with policy EP1 of the South Gloucestershire Local Plan..

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

Reason:

To prevent pollution of the water environment, to accord with policy EP1 of the South Gloucestershire Local Plan.

11. Any facilities of the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, wherever possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:

To prevent pollution of the water environment, to accord with policy EP1 of the South Gloucestershire Local Plan.

12. The development hereby approved shall be constructed to a BREEAM standard of 'very good.'

Reason:

In order to meet BREEAM standards and to accord with policy D1 of the South Gloucestershire Local Plan.

13. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained; boundary treatments and areas of hardsurfacing.

Reason:

To protect the character and appearance of the area to accord with Policies H4/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out during the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Council gives written consent to any variation.

Reason:

To protect the character and appearance of the area to accord with Policies H4/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 01/07 - 5 JANUARY 2007

App No.: PT02/3574/CLE

Applicant: Arthur Booy
Transport

Site: Olcote, Main Road, Easter Compton,
South Gloucestershire, BS35 5SQ

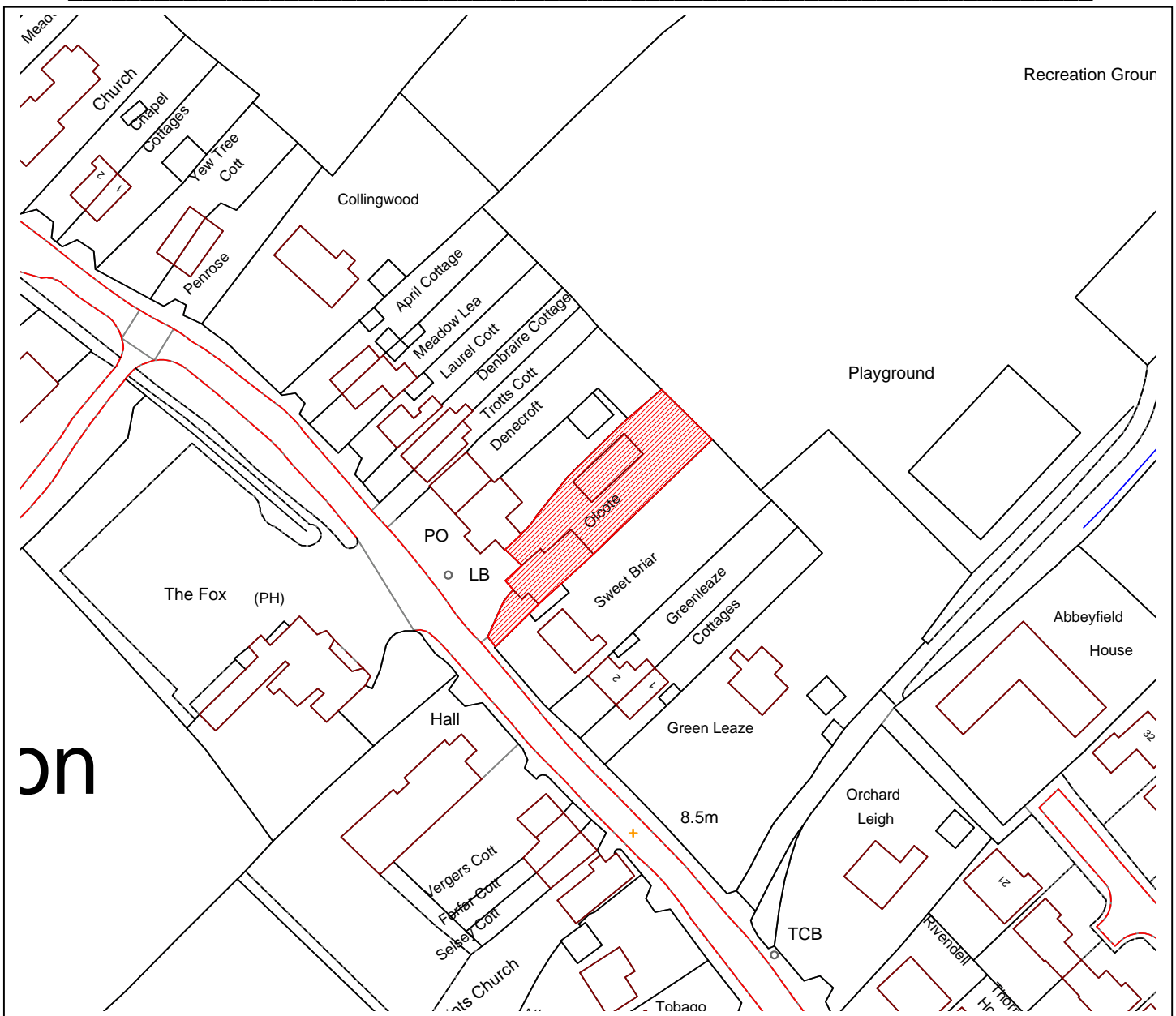
Date Reg: 2nd December 2002

Proposal: 1. Use of land and garage in association with haulage business without complying with Condition (d) and (e) attached to planning consents N5870/1 dated 05 November 1980. 2. Use of land to rear of Post Office in association with haulage business.

Parish: Almondsbury Parish Council

Map Ref: 57255 82476

Ward: Almondsbury



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100023410, 2006.

DC0901MW

INTRODUCTION

This application is reported on the Circulated Schedule in accordance with the Council's agreed procedure for dealing with all applications for Certificate of Lawful Use of development.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the use of a yard and garage area without compliance with the conditions (d) and (e) of Planning Permission N5870/1 dated 14 December 1981 and for the use of land at the rear of the Post Office and Denecroft (outlined in blue on the submitted plan) in association with the haulage business.
- 1.2 Specifically the agent seeks a certificate which acknowledges that the breach has been carried out by ten vehicles located at the site and that they operate 4am and 10pm Monday to Saturdays with no working on Sundays or Bank holidays.
- 1.3 Also sought is that the use of the area outlined in blue on the submitted plan has been used in association with the haulage business.

2. SITE AND LOCATION

- 2.1 The site subject of planning permission N5870/1 is located between the Post Office, Sweet Briar and Parish Council Playing Fields on Main Road Easter Compton. The site incorporates a house in line with others on Main Road, a parking area on the road frontage of the property, a large shed like structure towards the rear of the site and a porta-cabin type structure. There are also other ancillary items on site such as a fuel tank and outside storage of materials. The further area of land not covered by that permission extends around the rear of the Post Office and Denecroft.

3. RELEVANT PLANNING HISTORY

- 3.1 PT01/3052/CLE A certificate was applied for which sought to prove that the applicant Mr P Booy had operated the business, that the business had been operated outside of the restrictions placed by conditions d and e of N5870/1 (see below) and that an additional piece of land had been used for the ten years prior to the application. A certificate was granted in relation to the operation of the business by Mr P Booy but the other three claims were refused. This certificate was dated 29 August 2002.
- 3.2 N5870/1 Planning permission was granted on 5 November 1980 for the use of land and garage in association with a haulage business subject to the following conditions:
 - (b) This permission shall enure solely for the benefit of Mr A D Booy.
 - (d) The total number of commercial vehicles located on site shall be restricted to a maximum of five at any one time.
 - (e) The hours of working at the premises shall be restricted to 8.00 am to 7.00 pm Mondays to Saturdays inclusive and no working shall take place on Sundays or Bank Holidays.

4. **POLICY CONTEXT**

- 4.1 Town and Country Planning (General Procedures) Order 1995 Article 24.
Circular 10/97 'Enforcing Planning Control: Legislative provisions and Procedural Requirements'.

5. **CONSULTATIONS**

(a) **Statutory Consultees**

- 5.1 Almondsbury Parish Council
The Parish Council phoned through a response of no Objection on 8/1/2003.

(b) **Other Representations**

- 5.2 Local residents
Letters/documents have been received from or on behalf of eight local households. The relevant content of that correspondence is set out under each heading below.

6. **ANALYSIS OF EVIDENCE**

- 6.1 It is appropriate to consider the relevant evidence submitted during application PT01/3052/CLE in addition to the evidence submitted in respect of this certificate application.
- 6.2 During the first application evidence was submitted by Mr P Booy in the form of letters from various people and copies of letters sent to him in the past as a result of business matters. He and his brother C A Booy (as opposed to Steven Booy as stipulated on the application form) have also signed Statutory Declarations. Further letters were submitted in support of the application in addition to a photocopy of the vehicle servicing log for the site.
- 6.3 The application is submitted in order to show that 1) the use of the land and buildings at Olcote, Main Road has existed in contravention of the planning conditions set out below and 2) using the site area outlined for a period of ten years or more which would make it immune from enforcement action. It is also necessary to investigate whether the use is in contravention with any enforcement notice, which may be in force. There is no enforcement history as such aside from the complaints received in relation to the use of the land in 2001 and 2002.
- 6.4 With regards to the current application the following evidence has been submitted by the applicant in appendices labelled 1 to 7. These are numbered below but not attached to this report. Useable or relevant evidence is set out in the analysis below:

1 Nine Statutory declarations:

- 1.1 Mr P J Booy Owner of transport business and joint owner of the site
1.2 Mr C A Booy Joint owner of the site
1.3 Mr S Booy Son of P J Booy and Employee

- | | | |
|-----|---------------|---|
| 1.4 | Mrs V L Booy | Mother of P J and C A Booy and occupier of Olcote |
| 1.5 | Mr A Huelin | Driver |
| 1.6 | Mr A Hastings | Ex Employee -Driver |
| 1.7 | Mr R Hathaway | Ex Employee -Driver |
| 1.8 | Mr C Davies | Friend |
| 1.9 | Mr C White | Client and friend |
-
- 2 32 supporting letters from ex employees, neighbours, clients and residents of Easter Compton
 - 3 DVLA printout of vehicles and summary bar chart.
 - 4 Copy of Mr and Mrs Latham's letter dated 12/10/2001 (submitted as an objection to application PT01/3052/CLE but which comments on the hours of use and numbers of vehicles).
 - 5 Samples of time sheets and tachographs for various years.
 - 6 Letter from C A Booy to Almondsbury Parish Council dated 23/7/2002 regarding a meeting held with the Parish in Private.
 - 7 Land Registry Drawing at a scale of 1:1250, enlarged from 1:2500 and annotated 64.5m from the roadside edge to the line indicating the rear of the boundary. The land registry date on the plan is 15/3/2002 and it is worth noting that the rear boundary line lines up with the apparent boundary line of the oblong shape at the rear of Green Lease and 1 and 2 Greenleaze Cottages. This also includes an area to the rear of the Post Office and Denecroft.
- 6.5 In addition to the above the agent was asked to supply a full months worth of time logs and associated paperwork for the months of November 1992, 1993 and 1996 as it was considered that the timesheets and tachographs submitted in item five above offered piecemeal evidence spread out over a long period of time. The months were specifically requested as they related to times when the least vehicles were claimed to be at the site and the beginning of the ten year period.
- 6.6 In relation to this request three months worth of timesheets were submitted with tachographs if they were still being held but these related to different months and showed the following breaches in operation hours.
- August 1990
56 early breaches and 3 late breaches, with 7 corresponding tachographs
- July 1994
64 early breaches and 2 late breaches, with 9 corresponding tachographs
- November 1996
43 early breaches and nil late breaches, with 2 corresponding tachographs

6.7 Legal implications

This application was submitted on 18 November 2002 and the grounds upon which the certificate is sought is that the breach of condition began more than ten years before the date of the application. The evidence submitted by the applicant summarised below is to the effect that the use claimed started prior to 1991. In this event the approach, therefore is to consider when the material change of use occurred.

6.8 Hierarchy of evidence

The weight to be attached to such evidence in order of worth is as follows:

1. Verifiable photographic evidence
2. Contemporary documentary evidence, especially if prepared for some other reason
3. Sworn written statements
4. Unsworn letters

The conditions and use of the additional land are considered separately below:

6.9 Part 1: Non compliance with condition D.

The total number of commercial vehicles located on the site shall be restricted to a maximum of five at any one time.

Conclusion to Part 1

The current application shows that vehicles were registered at the site and statutory declarations bear witness to the claim that these were regularly parked at the site when not in use. Breaches to the number of vehicles actually located on site have occurred consistently and on occasions this may have totalled as many as eleven vehicles. However in terms of a constant breach it would appear that this is limited to 7 vehicles at the site, particularly due to the companies own log of vehicles. This is considered to include any vehicles not in serviceable use at any stage

Evidence was submitted for application PT01/3052/CLE in the form of service schedules to show that during the years 1990 and 2001 between five and eleven vehicles were serviced at the site but this does not prove that the vehicle always returned to site in order to be parked coincidentally. Indeed the council is aware that the applicant has an overflow area at 78 Gloucester Road to which the operator's licence also applies. Indeed contrary evidence shows that there has been increased activity at the site only over the last few years.

The current application shows that vehicles were registered at the site and statutory declarations bear witness to the claim that these were regularly parked at the site when not in use. Breaches to the number of vehicles actually located on site have occurred consistently and on occasions this may have totalled as many as eleven vehicles. However in terms of a constant breach it would appear that this is limited to 7 vehicles at the site, particularly due to the companies own log of vehicles. This is considered to include any vehicles not in serviceable use at any stage

It should be noted that even if a constant increase in commercial vehicles were proven at the site, a S.52 Agreement still prevents the site from having more than five vehicles at any one time. This cannot be overcome by a continuous

breach of ten or more years. However in light of the fact that this report shows a potential lawful use of more than five vehicles at the site it may be appropriate to consider a deed of variation of the S.52 Agreement.

6.10 Part 2: Non compliance with condition E.

The hours of working shall be restricted to 8am to 7pm Mondays to Saturdays inclusive and no working on Sundays or Bank Holidays.

Conclusion to Part 2

In relation to times of vehicle movements it would appear that there have been numerous infringements in the prescribed times of operation but these have not been on a regular basis according to the applicants and infrequently, perhaps once a week by Mr Farler, a neighbour. Further evidence shows that the operation has been stepped up only in the last three or four years. This evidence only proves that infringements have occurred and there is dispute about the numbers of vehicles.

As such breaches to the time of operation on site have occurred but the evidence does not show a consistent breach in terms of the numbers and times of vehicles entering, leaving or being the subject of actions on site or that these events occurred consistently during the whole ten year period. Indeed there is contrary evidence to show that activity has been increased only over the last few years.

The supporting statutory declarations do show that it is not uncommon to begin works from three am however these are described in the most part as early starts and documentary evidence submitted in support of the application shows that these times of commencement from Easter Compton or Bristol generally (dependant upon which tachograph is considered) begin at a later time more likely to be six or seven o'clock in the morning. Indeed, looking at the time sheets for the three full months submitted (and extrapolated into a table above) it appears to be more normal that over the period of a month 23 vehicles would leave the site between 6am and 7am and then again between 7am and 8am.

Whilst other breaches have occurred the evidence submitted is not substantial or consistent over a ten year period and as such additional departure breaches are deminimus and insufficient to establish on the balance of probability a breach of lawful use.

6.11 Part 3: Use of land at rear of Post Office in association with Haulage Business.

Conclusion to Part 3

For the purposes of this application and clarification, the land coloured orange and forming the immediate boundary of Denecroft is not subject to a claim by the applicant that it's use is anything other than vegetable garden/domestic land. Indeed it appears that the unauthorised use of this parcel of land only began in 2001.

The next matter to determine on the balance of probability is when the depth of the site was altered. It appears from the evidence submitted on both sides that the work was carried out in one stage. Written evidence collected appears to show that this happened between 1992 and 1993 but examination of the photographs dated May 1989 and June 1992, submitted by Mr Pritchard, appear to show that the change had already occurred by May 1992 and the land behind Olcot and the Post Office had begun to be used as a haulage yard.

The narrow strip of land between the vegetable garden and the playing fields is not evident in these two photographs but it appears that when the fence was moved and until the mid 1990's the land was not used in conjunction with the haulage yard but for an unconnected domestic use of stock car racing storage facility.

The matter of Parish Council land being taken is a private matter between the Parish Council and Mr Booy and accordingly is not a matter for South Gloucestershire Council the only relevance is that its use appears to have changed from playing field to haulage yard.

7. SUMMARY

- 7.1 There is information to contradict that submitted by the applicant in relation to the three parts of the application but in respect of the first two parts there appears to be a level of breach which is consistent. However this is not the case with the last part.
- 7.2 The evidence suggests that on the balance of probability there has been a constant breach of condition D by storing seven vehicles at the site over the required period. As such the certificate should be issued only in respect of this level of breach.
- 7.3 The evidence suggests that on the balance of probability one vehicle per hour has left the site each working day (Monday to Saturday) between 6am and 7am and then again between 7am and 8am, and that additionally arrivals on the balance of probabilities fall within core times. As such the certificate should be issued only in respect of this level of breach.
- 7.4 The evidence suggests that on the balance of probability there has been a constant use of part of the land outlined in blue on the submitted plan. This breach appears not to include the land described as the vegetable garden or the land immediately between that land and the playing field. As such the certificate should be issued only in respect of land behind the Post Office and Olcote.

8. RECOMMENDATION

- 1 That a certificate is issued for up to seven vehicles to be located at the site and for the limited use outside of the conditioned times and that the reasons for the refusal to approve the certificate as sought be set out, and
- 2 That a certificate is issued for use of part of the land outlined in blue, including land at the rear of the Post Office and Olcote but excluding all land behind Denecroft, for use in association with the haulage business, and
- 3 That enforcement action is taken to stop the use of land at the rear of Denecroft being used in connection with the haulage business.
- 4 That the Council consider a deed of variation of the S.52 Agreement to increase the total number of vehicles to be located at the site to be raised to seven vehicles.

Background Papers **PT02/3574/CLE**

Contact Officer: **Karen Hayes**
Tel. No. **01454 868900**

CIRCULATED SCHEDULE NO. 01/07 – 05 JANUARY 2007

App No.: PT06/3129/R3F

Applicant: South Gloucestershire Council

Site: Little Stoke Primary School Little Stoke Lane Little Stoke BRISTOL South Gloucestershire BS34 6HY

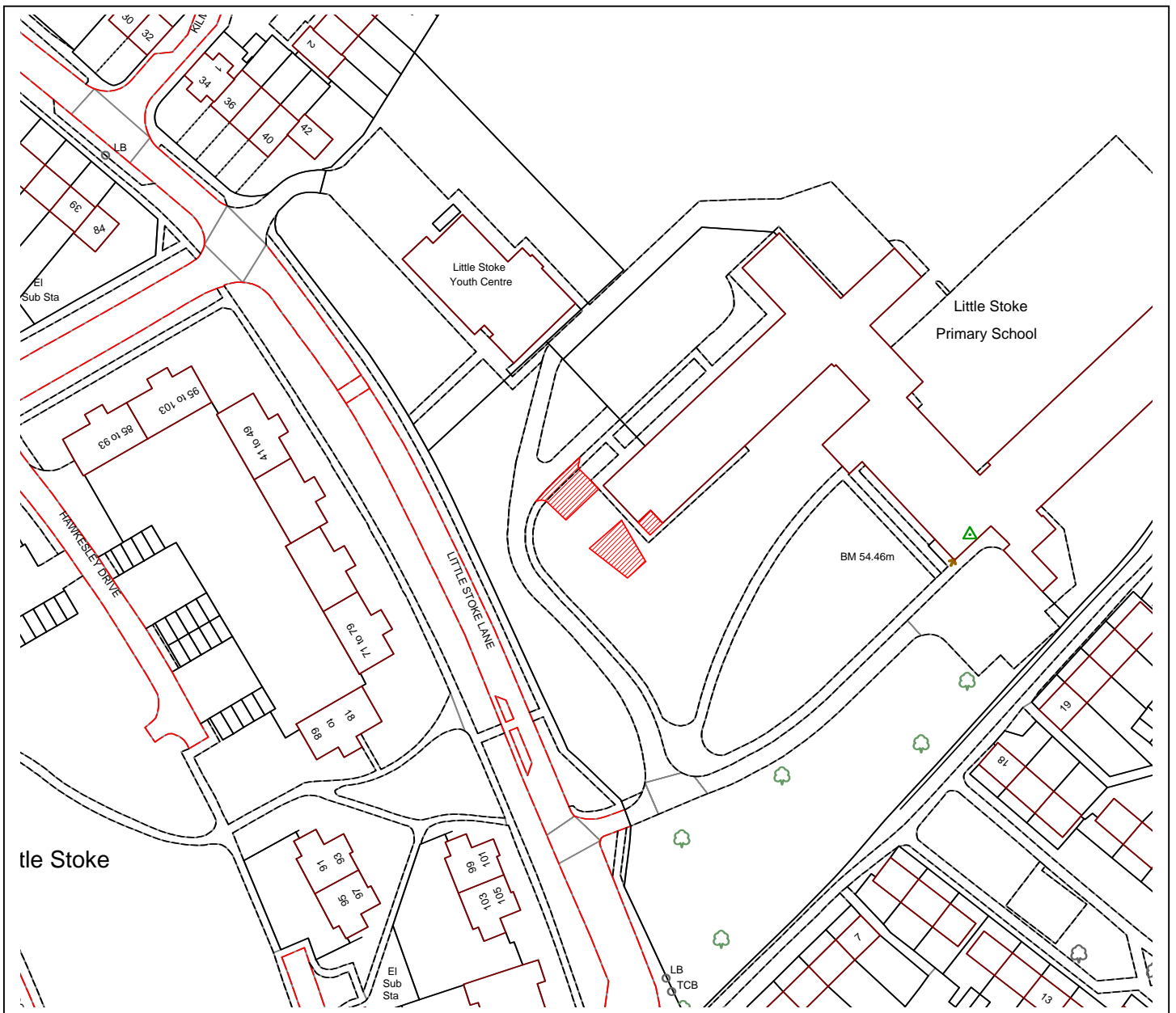
Date Reg: 26th October 2006

Proposal: Erection of single storey extension to form store. Construction of 3no. additional car parking spaces and erection of 1.6m high fence around play area

Parish: Stoke Gifford Parish Council

Map Ref: 61682 80849

Ward: Stoke Gifford



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100023410, 2006.

DC0901MW

INTRODUCTION

This application appears on the Circulated Schedule as it has been submitted by the Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission under regulation 3 for the erection of a single storey extension to form a store, construction of three additional car parking spaces, and erection of a 1.6 metre high fence around a play area.
- 1.2 The application site relates to a primary school within the established urban area of Little Stoke. The site is accessed from Little Stoke Lane, where there are speed restricting measures.
- 1.3 During the course of the application amended plans were received that moved the position of the proposed parking spaces, and allowed space for turning into and out of the spaces.

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
T12 Transportation Development Control for New Development
LC4 Proposals for Educational and Community Facilities
- 2.3 Supplementary Planning Guidance
Design Checklist (Consultation Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 P98/2617 Erection of new school entrance and extension to car park to provide 10 additional spaces. Approval

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comment
- 4.2 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy LC4 allows for the development, improvement or expansion of education facilities within existing urban areas provided
 - a) Site is located which are highly accessible on foot and bicycle
 - b) The development would not unacceptably prejudice residential amenities
 - c) It would not have unacceptable environmental or transportation effects

d) Not give rise to unacceptable levels of on street

5.2 Residential Amenity

It is considered that the proposed works would not adversely impact nearby residents. Due to the size of the proposal and appreciable distance to the nearest dwellings there would not be a negative impact on the enjoyment of neighbours homes.

5.3 Transportation

There are currently 40 full time staff at the school, with three proposed additional employees. Part of the school is used by the music service, 10 of these staff use the premises permanently as a base. Therefore on the site permanently are to be 53 full time staff. With the three proposed parking spaces there would be a total of 25 spaces. The maximum parking standards for schools in urban areas are one space per two staff, as such the proposal is below the maximum standard, and therefore the principle of additional parking spaces is acceptable.

5.4 During the course of the application the parking spaces have been moved away from the proposed zebra crossing, and have been set back from the through route to make possible turning into, and out of the space.

5.5 Following amended plans, it is considered that the addition would not prejudice highway safety, as such would not raise a transportation objection.

5.6 Design/ Environmental Impact

The extension would measure 3.8 metres square, with a height of 3.0 metres. It is proposed to match materials with the existing building, this being aluminium cladding to walls, which would be secured through use of a condition.

5.7 The proposed path through the site would measure 2 metres wide, with a new pedestrian entrance gate. Details of the gate have not been supplied, it is considered a gate in this position is in principle acceptable, therefore a condition would be added to ensure that the gate is of a suitable design prior to commencement of the development. Furthermore the details of the proposed 1.6 metre fencing have not been supplied therefore a condition would be added to ensure that the details are provided and approved prior to commencement.

5.8 It is considered that the proposed works are an acceptable addition to the school, its design and impact upon the street-scene.

5.9 Design and Access Statement

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

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 54A of the Town and Country Planning Act 1990 (as amended), Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning permission be approved subject to the following conditions:

Background Papers PT06/3129/R3F

Contact Officer: Charlene Baker
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(s):

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

- 2 All new external finishes shall be in materials to match those of the existing building.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

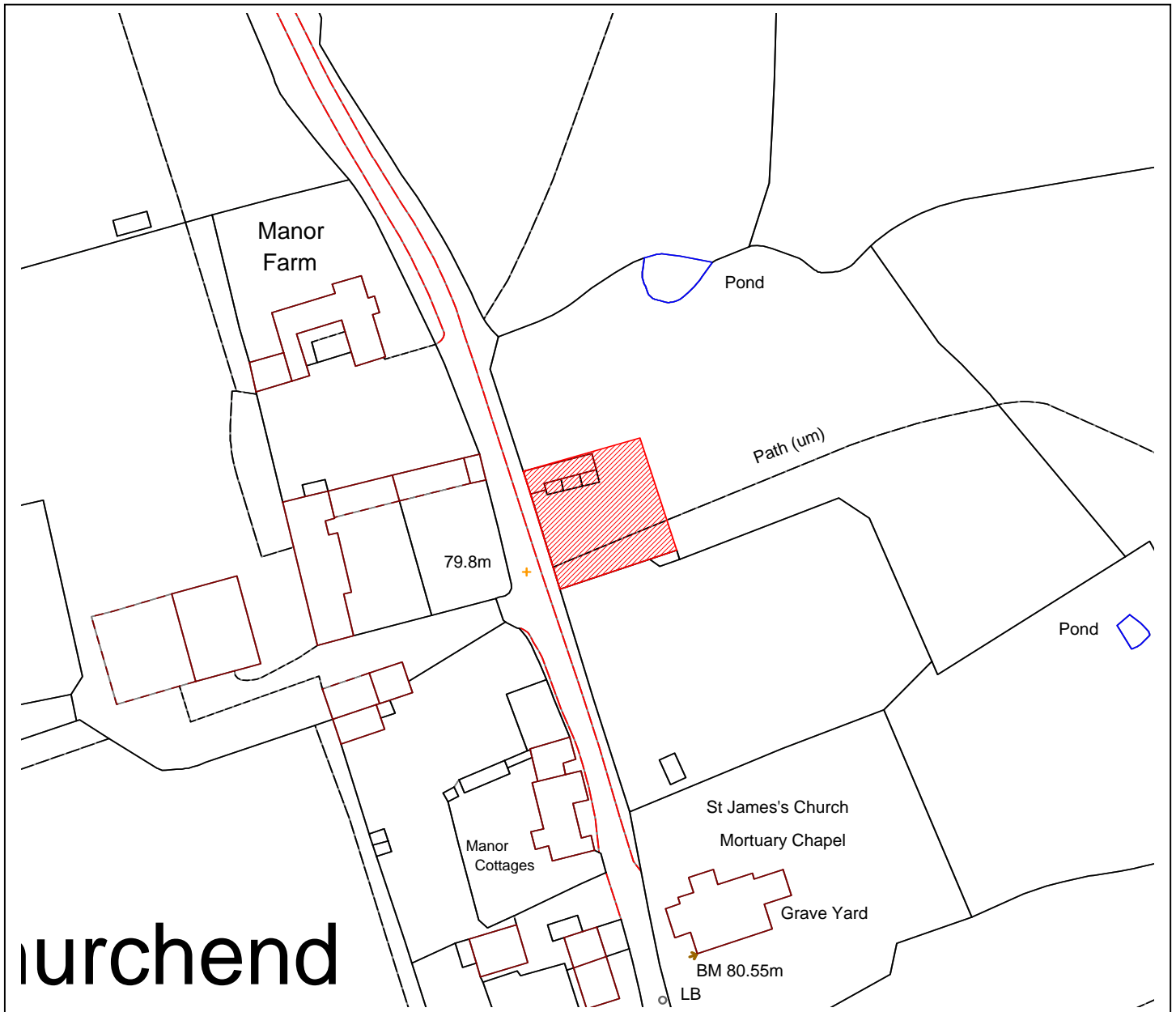
- 3 Prior to commencement of the development hereby authorised detailed elevations to a scale of 1:100, of the proposed pedestrian entrance gate to the school, and 1.6 metre high fencing for the proposed play area, shall be provided and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the details agreed.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 01/07 – 05 JANUARY 2007

App No.: PT06/3386/F	Applicant: Mr S Hart
Site: The Piggary Churchend Charfield WOTTON UNDER EDGE South Gloucestershire GL12 8LJ	Date Reg: 22nd November 2006
Proposal: Conversion of disused agricultural building to form 1no holiday cottage.	Parish: Charfield Parish Council
Map Ref: 71875 91181	Ward: Charfield



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100023410, 2006.

N.T.S

PT06/3386/F

INTRODUCTION

This application appears on the Circulated Schedule due to a letter of objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the conversion of a disused agricultural building to form a single holiday let. The proposal will use the existing gated entrance adjoining the building with access onto Churchend Lane and create a small gravelled parking area (with turning space) alongside the building.
- 1.2 External alterations to the building to facilitate the development would involve no increase in the height or footprint of the building. A timber door on the South elevation would be replaced by a glazed door, with the three opening on the south elevation being replaced by windows.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
- PPS7 Sustainable development in Rural Areas
- PPG13 Transportation

2.2 Adopted Joint Replacement Structure Plan

- Policy 1 Sustainable Development Objectives
- Policy 2 Location of Development

2.3 South Gloucestershire Local Plan (Adopted) January 2006

- H10 Conversion and re-use of Rural Buildings for Residential Purposes
- D1 Achieving good Quality Design
- T12 Transportation Development Control Policy
- LC12 Recreational Routes
- E6 Employment Development in the Countryside
- E7 Conversion and re-use of Rural Buildings
- E11 Tourism
- L17 The Water Environment
- L18 The Water Environment
- EP1 Environmental Pollution
- L1 Landscape Protection and Enhancement

2.4 The South Gloucestershire Design Checklist (SPD) Draft for Public Consultation: September 2006

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/0345/F Conversion of farm buildings to create No.4 dwellings each with dedicated workshop space and No.1 holiday let dwelling (Refused – Appeal dismissed)

4. CONSULTATION RESPONSES

4.1 Charfield Parish Council

Charfield Parish Council has no objection to this proposed development provided that a condition be added that the dwelling should remain as holiday accommodation, and that the right of way is maintained and not hindered in any way.

4.2 The Ramblers Association

The Association would like the developer to be made aware of his obligations not to interfere with the Public Rights of Way on this site, either whilst the development is in progress or once it has been completed. Advisory notes to this effect should be attached to the decision notice.

4.3 Sustainable Transport

A recent inspector's decision at Manor Farm Churchend cited material intensification of the junction with Wotton Rd as a basis for dismissal of that appeal.

4.4 However, given that there would be a minor traffic generation associated with the building and the nature of holiday lets is that they are low generators and season, this proposal will not have a material impact on the junction. On that basis, there is no transportation objection to this proposal

4.5 Public Rights of Way Team

Public Footpath OCH 20 crosses the site towards the southern boundary. The applicant should be advised that the legally defined route of the path appears to cross just within the proposed grassed area and must not be obstructed at any time. New boundary crossings should be by means of a gap , gate or kissing gate.

4.6 Local Residents

One letter of objection has been received. The grounds of objection can be summarised as follows:

- a) A holiday let is not a strong business use
- b) The creation of a domestic curtilage would be incongruous and harmful to the setting of the buildings and surrounding area as would alterations to the building. Reference is made to the Inspector's comments (APP/P0119/A/05/1185169 – 18th October 2005)
- c) There are highway safety concerns
- d) The development would not be sustainable
- e) The design statement does not address suitability, appropriateness, concern for the environment and sustainability

5. ANALYSIS OF PROPOSAL

5.1 Principle of the Development

PPS7 was published in August 2004 and replaces PPG7. PPS7 supports the re-use of existing buildings in the countryside provided that they are suitably located and constructed and especially where the building is of architectural importance or otherwise contribute to local character. PPS7 goes on to advise that conversions for tourist accommodation should be allowed subject to the

above. Information has been submitted to indicate that the development is for a tourist use and such accommodation can be regarded as a benefit to the local economic community.

5.2 This guidance is reflected in Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006 which indicates that the conversion of redundant buildings in the rural areas is acceptable in principle provided that;

(i) the building is of permanent construction and is structurally sound and is capable of conversion without major or complete reconstruction;

(ii) the development would not have a harmful effect upon the character of the countryside or the amenities of the surrounding area; and

(iii) the buildings are in keeping with their surroundings.

5.3 Policy E7 of the South Gloucestershire Local Plan (Adopted) January 2006 also supports the re-use of existing buildings for employment uses outside the existing urban areas provided the building is of permanent construction and is structurally sound and is capable of conversion without major or complete reconstruction; the buildings are in keeping with their surroundings and the development would not have a harmful effect on the character of the countryside or the amenities of the surrounding area. Policy E10 also supports development that supports the tourist/rural economy subject to development control criteria relating to transportation, amenity and environmental impact. Given that the proposal will involve the loss of an agricultural building associated with adjoining agricultural land, it is considered necessary in this case to remove the normal permitted development rights following this development to allow an assessment of future proposals in the interests of preserving the character of the area.

5.4 It is therefore considered that the proposed conversion of the buildings is acceptable in principle subject to the following considerations.

5.5 Structural Considerations

As detailed above, Policy H10 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006 indicate that the conversion of redundant buildings in rural areas is acceptable in principle provided that the building is of permanent construction, is structurally sound and is capable of conversion without major or complete reconstruction.

5.6 A detailed structural survey has been submitted, studied and the site has been visited by the Council Building Control Surveyor. The building is considered structurally sound and will not require major reconstruction. Concern has been raised that proposed changes to the building would be visually intrusive, however it should be noted that the only alterations involve changes to the door and openings on the south elevation, it is important to note that there will be no increase in the footprint or height of the building. The alterations are less than those previously applied (PT05/0345/F) where a large new door on the east elevation and rooflights on the south elevation were considered.

5.7 It is therefore considered that the building is capable of conversion without substantial reconstruction works and that the proposed development would be consistent with the requirements of Policy H10 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5.8 Given the above requirements, the usual residential permitted development rights will be removed in order to assess the impact of any future alterations to the building in terms of the affect on character and visual amenity.
- 5.9 Landscape
Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to preserve and enhance the landscape with emphasis on visual amenity. A small area of parking would be provided along with access, with the remainder of the site being grassed. It is not considered that this would have any significant impact upon visual amenity. As a holiday let the use of the land would not be intensive i.e. vehicle parking and domestic paraphernalia. A condition will be attached to the decision notice requiring details of the boundary treatment. An informative will indicate that this should be in the form of a dwarf fence.
- 5.10 Residential Amenity
Given the scale and the location of the proposed development in relation to neighbouring properties it is not considered that there would be any significant impact upon the amenity of neighbouring occupiers.
- 5.11 Drainage
Policy L17 and L18 require new development to have an acceptable impact upon surface water and adopt adequate methods of drainage. No details have been submitted with respect to foul water or surface water drainage. The Technical Services Team advise that a septic tank/package treatment plant must be considered (an informative will be attached to the decision notice). A condition will be attached to the decision notice requiring the submission of drainage details to confirm the drainage method and to ensure that they are in place before work commences.
- 5.12 Transportation
Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of new development upon the surrounding highway network with respect to highway safety. Concern has been raised regarding the impact of the development upon the surrounding highway network.
- 5.13 A recent inspectors decision at Manor Farm Churchend cited material intensification of the junction with Wotton Rd as a basis for dismissal of that appeal. It is important to note however that this proposal involved the conversion of buildings at Manor Farm in addition to this building. It is considered that there would only be a minor traffic generation associated with the building. The nature of holiday lets is that they are low generators and seasonal and on this basis it is not considered that this proposal would have a material impact on the junction.
- 5.14 On that basis, there is no transportation objection to this proposal.
- 5.15 Public Right of Way
A public right of way crosses the site close to the southern boundary. A condition is recommended to be attached to the decision notice (see landscape above) requiring details of boundary treatment. This condition shall include the requirement to indicate the form of boundary crossing whether by a gap or kissing gate that will be included. An informative will indicate that the applicant should contact the Council Public Rights of Way Team to get authorisation for

this crossing. In addition the applicant will be reminded of their duties with respect to Public Rights of Way.

5.16 Contamination

Given the previous use of the building for agricultural purposes, a condition will be attached to the decision notice requiring an environmental consultants desktop study/opinion on the potential for contamination. Details of how the conversion will mitigate any potential risks will also need to be clarified. This will be the subject of a condition attached to the decision notice.

5.17 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 (Consultation Draft).

5.18 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), 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 Planning Permission be granted subject to the following conditions

Background Papers **PT06/3386/F**

Contact Officer: **David Stockdale**
Tel. No. **01454 863131**

CONDITIONS

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

Reason(s):

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

- 2 Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development as specified in Part 1 (Classes A, B, C, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason(s):

In view of the size of the plot any extension/alteration to the dwelling would require further detailed consideration in order to safeguard the amenities of the area and to accord with Policy H10 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 The building identified on the plans hereby approved shall be retained and occupied as a holiday let only and shall not be occupied as a permanent dwelling unless agreed in writing by the Local Planning Authority.

Reason(s):

To safeguard the amenities of the locality and to accord with Policy E7 and T12 of the South Gloucestershire Local Plan (Adopted).

- 4 Building operations shall not be commenced until details of the external window frames and doors have been submitted to and approved in writing by the Local Planning Authority and all such materials used in the construction shall conform to the details so approved.

Reason(s):

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

- 5 Before building operations are commenced, full details of the boundary treatment to be used shall be submitted to and approved by the Local Planning Authority. The details shall include the crossing points into and out of the site for the Public Right of Way (OCH 20). The development shall proceed in accordance with the approved details.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and LC12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 6 Buildings works shall not be commenced until full details of foul water drainage have been submitted and approved in writing by the Local Planning Authority. All works shall be completed in accordance with these approved details.

Reason(s):

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

- 7 Before the development hereby permitted commences on the site, a soil survey of the site shall be undertaken and the results submitted to the Local Planning Authority. Development shall not begin until a scheme to deal with contamination of the site has been submitted to and approved in writing by the Local Planning Authority.

Development shall not commence until measures approved in the scheme have been implemented.

Reason(s):

To ensure that development can be constructed having regard to local ground conditions, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.