



**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. 44/07

Date to Members: 02/11/07

Member's Deadline: 09/11/07

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: 02/11/07

SCHEDULE NO. 44/07

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

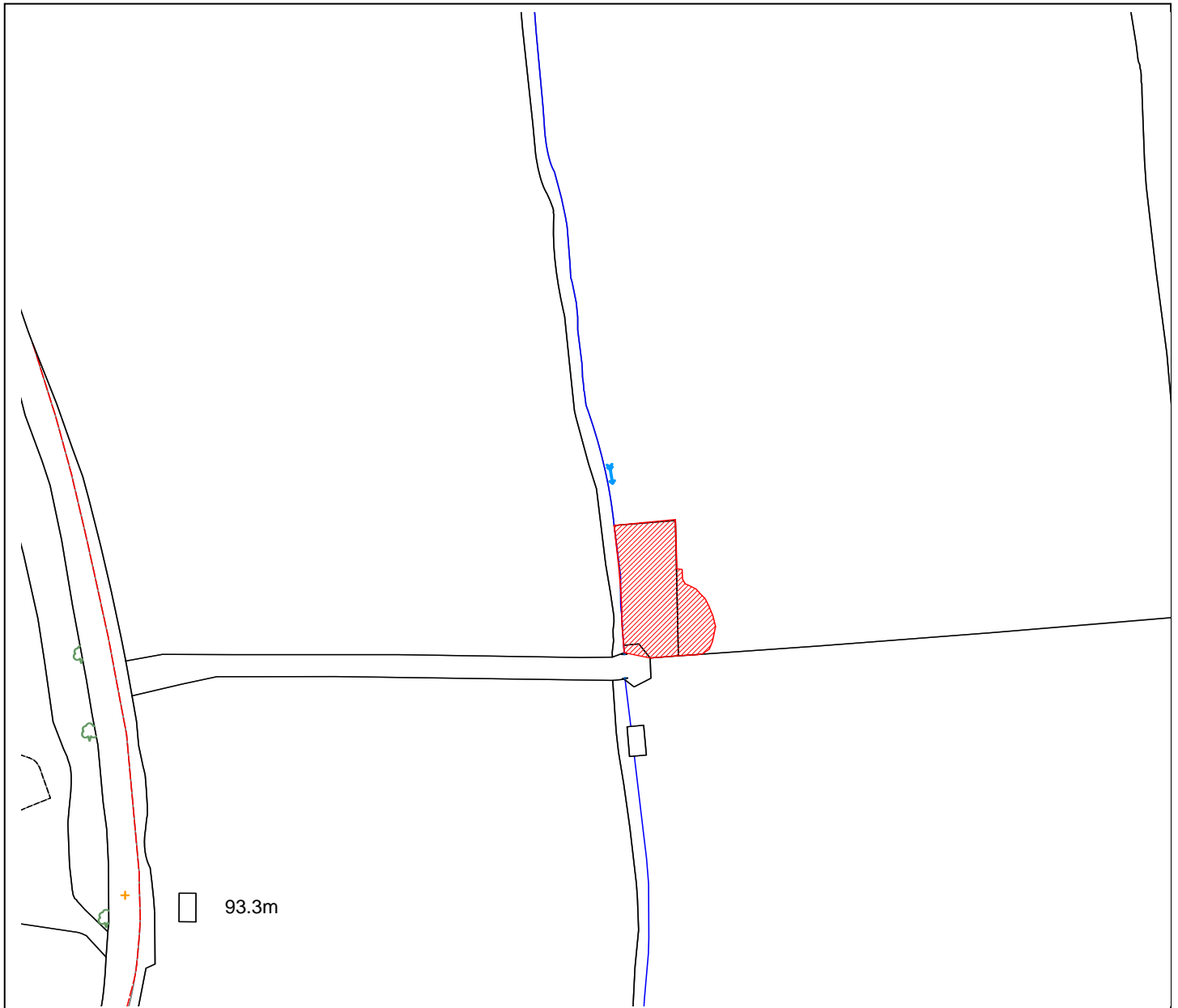
DATE

Circulated Schedule 02 November 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK07/1861/F	Approve with conditions	Land to south of Horseshoe Cottage Shortwood Road Pucklechurch South Gloucestershire BS16 9PQ	Siston	Siston Parish Council
2	PK07/2305/F	Approve with conditions	23 Wood Road Kingswood South Gloucestershire BS15 8DT	Woodstock	
3	PK07/2616/F	Refusal	67 - 73 Bath Road Longwell Green South Gloucestershire BS30 9DF	Longwell Green	Oldland Parish Council
4	PK07/2627/TMP	Approve with conditions	Yate Leisure Centre Car Park Kennedy Way Yate South Gloucestershire BS37 4DQ	Yate Central	Yate Town Council
5	PK07/2664/F	Approve with conditions	83 Middle Road Kingswood South Gloucestershire BS15 4XJ	Rodway	
6	PK07/2817/F	Approve with conditions	Railway Inn 17 Station Road Yate South Gloucestershire BS37 5HT	Yate North	Yate Town Council
7	PK07/2958/F	Approve with conditions	39 Broad Street Staple Hill South Gloucestershire BS16 5LP	Staple Hill	
8	PT07/2223/F	Approve with conditions	600 Southmead Road Filton South Gloucestershire BS34 7RF	Filton	Filton Town Council
9	PT07/2558/F	Approve with conditions	Olveston CEVC School Elberton Road Olveston South Gloucestershire BS35 4DB	Severn	Olveston Parish Council
10	PT07/2831/F	Approve with conditions	71 Field Farm Close Stoke Gifford South Gloucestershire BS34 8XX	Stoke Gifford	Stoke Gifford Parish Council
11	PT07/2836/F	Approve with conditions	19 Brackendene Bradley Stoke South Gloucestershire BS32 9DJ	Bradley Stoke Central and Stoke Lodge	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 44/07 – 2 NOVEMBER 2007

App No.:	PK07/1861/F	Applicant:	S Cummings
Site:	Land to south of Horseshoe Cottage Shortwood Road Pucklechurch BRISTOL South Gloucestershire BS16 9PQ	Date Reg:	18th June 2007
Proposal:	Erection of stables.	Parish:	Siston Parish Council
Map Ref:	68969 75605	Ward:	Siston



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N.T.S

PK07/1861/F

INTRODUCTION

This application appears on the Circulated Schedule as a result of objections raised by Councillor Valerie Lee and Siston Parish Council, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a 5.12 acres (2.08 hectares) field located to the east of Siston Lane. Vehicular access is gained from Siston Lane via a shared access, which is in the applicant's ownership. The site was formerly part of Langton Farm, which in recent years has been divided up into separate lots and sold on the open market. The application site was Lot 5, located in the north-eastern part of the farm and to the east of Lot 4. The site lies within the open countryside to the north of Siston Village and 220m north-east of the entrance to Siston Court and its Grade II* Listed lodges. The site lies within the designated Bath and Bristol Green Belt and The Siston Conservation Area. The nearest residential properties are situated some 140m to the north on Shortwood Hill.
- 1.2 It is proposed to erect a single L-shaped stable block, containing hay/tack store, three standard sized stalls and one extra large box to provide space for a mare and foal following the birth of a foal. Stabling is required for 4 horses only. The stable block would have a total floorspace of 104.94sq m and a maximum height of 3.4m and would be constructed of wood and straw bales with a green planted sedum roof. The stable would be located in the south-western corner of the field, close to a boundary hedge and at the end of the existing access track. The development also includes an associated car parking and turning area to the south of the stable. The applicant intends to use the site for personal and social use only.

2. POLICY CONTEXT

2.1 National Guidance

National Guidance

- PPS1 - Delivering Sustainable Development
- PPG2 - Green Belts
- PPG13 - Transport
- PPG15 - Planning and the Historic Environment
- PPS7 - Sustainable Development in Rural Areas

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

- L12 - Conservation Areas
- L13 - Listed Buildings
- GB1 - Development within the Green Belt
- T12 - Transportation
- D1 - Design
- L1 - Landscape Protection and Enhancement

- E10 - Horse related development
- LC5 - Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary

2.3 Supplementary Planning Guidance

Advice Note 7 - Conservation Areas

Advice Note 7d - Siston Conservation Area.

Advice Note 9 - Development Involving Horses

Development in the Green Belt (SPD) – Adopted June 2007

The South Gloucestershire Design Checklist (SPD) – Adopted August 2007

3. RELEVANT PLANNING HISTORY

There has been a complex planning history relating to the land formerly known as Langton Farm. The application relates to Lot 5 now known as 'The Hedgerows'. The following is a list of the applications that are considered most relevant to the current proposal; some of the applications relate to nearby or adjoining sites:

3.1 PK00/1917/REP - Land at Langton Farm
Construction of all weather gallop for exercising horses (renewal of planning permission reference K2880/3 dated 21/8/95)
Approved 12 January 2001

3.2 PK00/2243/F - Field Adjacent to The Gatehouse, Siston Court, Siston Lane
Change of use of land from agricultural to paddock. Erection of 4no. stables, 1no. tack room and 1no. hay/feed store.
Approved 7 November 2000

3.3 PK01/3392/F - Lot 5 Langton Farm ('The Hedgerows')
Change of use of land for the keeping of horses. Erection of stable block to provide housing for horses and grazing.
Refused 6 March 2002 for reasons of adverse visual impact on the amenity of the Green Belt, not preserve the character and appearance of the Conservation Area, not conserve the character of the landscape, and adverse impact upon highway safety.

Appeal - Dismissed 8 October 2002 for reasons of inappropriate development in the Green Belt due to size and prominent location of the building, thus reducing openness of the Green Belt and causing harm to its character and appearance. Proposal would not preserve or enhance the character and appearance of the Conservation Area. Highway hazard caused by large vehicles using access.

3.4 PK02/1324/F - Land off Shortwood Road
Change of Use from agricultural to playing field.
Withdrawn 18th March 2003

3.5 PK02/2237/F - Erection of Stable Block (Plot 4)
Appeal against non determination dismissed 7th March 2003 on grounds of use of access would have adverse impact on highway safety and proposal would not preserve or enhance the character or appearance of the Conservation Area

3.6 PK03/0076/F - Lot 5 Langton Farm ('The Hedgerows')
Change of Use from grazing land to the keeping of horses. Erection of stable block, tackroom and hay store and formation of a paddock.

Refused 10th April 2002 for reasons of adverse impact on character and setting of the Siston Conservation Area; visual intrusion into the Green Belt and landscape; adversely affect a PROW PSN44.

3.7 PK03/0501/CLE - Application for Certificate of Lawfulness for the continued use of land for the keeping of horses.
Withdrawn 15th April 2003

3.8 PK03/2307/CLE - Application for Certificate of Lawfulness for continued use of land for the keeping of horses (Resubmission of PK03/0501/CLE)
Appeal against non-determination allowed 12th March 2004.

3.9 PK04/1222/F - Lot 4 Langton Farm off Siston Lane, Siston.
Erection of Stable Block.

Refused for the following reason:

The increased use of the access onto Siston Lane by virtue of the presence of the stables, would lead to an increase in larger and heavier vehicles turning onto and off a classified road at a location where visibility is substandard, thereby adding increased hazards to all highway users to the detriment of highway safety. The proposal is therefore contrary to Policy KLP.90 of the adopted Kingswood Local Plan and policies T12 and E9 of the South Gloucestershire Local Plan (Revised Deposit Draft).

A subsequent appeal APP/P0119/A/05/1177993 was allowed with a **full award of costs** against the council.

3.10 PK04/2612/CLE - Lot 5 Langton Farm 'The Hedgerows'
Certificate of Lawfulness for the existing use of land for the keeping of horses.
Approved 8th November 2004

3.11 PK06/1246/F - Lot 2 Langton Farm
Erection of stable block and tack room.
Approved 20th September 2006

4. CONSULTATION RESPONSES

(a) Statutory Consultees

4.1 Siston Parish Council

Object on the following grounds:

- The stables are too large for land within a Conservation Area.
- Provision of foaling box would require resident on site during foaling requiring caravan or mobile home on site.
- Four stables including foaling box would require sufficient grazing for 5 horses.

4.2 Other Consultees

4.3 None

(b) Other Representations

4.4 Councillor Valerie Lee

Objects to the proposed development on the following grounds:

- The site is sensitive being in the Green Belt and Siston Conservation Area.

- The size of the stables would harm the visual amenity of the area.

4.5 Local Residents
No responses.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

In the first instance the proposal must be considered in the light of current Green Belt Policy. Guidance contained in PPG2 states that, the change of use of land or the re-use of existing buildings in the Green Belt is not inappropriate where it would not have a materially greater impact on the openness of the Green Belt than the present authorised use. Furthermore the construction of new buildings inside the Green Belt is not inappropriate development if it is an essential facility for outdoor sport and recreation. Paragraph 3.5 of PPG2 states that essential facilities should be genuinely required for the uses of the land, which preserve the openness of the Green Belt and gives an example of small stables as possible essential facilities. This is supported by Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, which states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.

5.2 Furthermore, PPS7 generally supports equine related developments in the countryside provided that they maintain environmental quality and countryside character. Policy E9 of the South Gloucestershire Local Plan reinforces the view that *'proposals for horse related development such as stables, will be permitted outside the urban boundaries of settlements'*, subject to the following criteria being met:

- A. Development would not have unacceptable environmental effects; and
- B. Development would not prejudice the amenities of neighbouring residential occupiers; and
- C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
- D. Safe and convenient access to bridleways and riding ways is available to riders; and
- E. There are no existing suitable underused buildings available and capable of conversion; and
- F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

The analysis of the proposal in relation to these criteria is considered below.

5.3 Consideration must also be given to the criteria contained within Policies L12, L13 of the Local Plan, which requires development to preserve or enhance the character and setting of Conservation Areas and Listed Buildings.

5.4 Officers are also mindful of the appeal decisions that relate to adjoining plots within Langton Farm. Of special importance is the recent appeal decision relating to the applications for Certificates of Lawfulness for Plot 4 and three of the neighbouring plots. In granting the Certificate for Plot 4 the Inspector

established that the agricultural use of the land at Langton Farm has ceased and that the keeping of horses is now the established use of the land. Furthermore a Certificate of Lawfulness for the existing use of land for the keeping of horses (PK04/2612/CLE) relating to Lot 5 'The Hedgerows' was recently granted. The current use of the land (the subject of this current application) for the keeping of horses, is therefore already established.

- 5.5 Of even more significance is the recent appeal decision against the refusal of application PK04/1222/F for the erection of a stable block and tack room on neighbouring Plot 4. Members opted to refuse the application for the reason stated in paragraph 3.9 above. The inspector allowed the appeal and in his decision letter (para.6) noted that the circumstances relating to highway safety had changed since the previous appeal decisions (APP/P0119/A/02/1090067) & (APP/P0119/A/02/1100190), stating that:

“Neither inspector had the benefit of the results of the traffic survey which revealed that vehicular speeds are in reality significantly less than they assumed in assessing the adequacy of the access. In addition, a weight limit has been imposed on Siston Lane together with the erection of signs warning of pedestrians and riders in the roadway”.

- 5.6 The Inspector also noted in paragraph 7 of his decision letter that:

“A significant material consideration is the issue of the Lawful development Certificate in March 2004 (ref. APP/P0119/X/03/1128266), which confirmed the lawful use of the land for the keeping of horses. This creates a fall-back situation where the use of the land and the access will continue regardless of the outcome of this appeal. In addition, were I to dismiss the appeal, the appellants could also exercise their permitted development rights to erect temporary stables. Under these circumstances, I consider that the erection of the proposed permanent stables would not of itself necessarily result in any increase in the numbers or nature of vehicles using the access. Indeed, the number of visits by veterinarians and farriers may be reduced in time as a consequence of the improved welfare of the horses through better management.”

Officers consider that these statements apply equally to the current application, which is for a similar proposal to that approved on Plot 4 and which shares the same access as Plot 4.

- 5.7 The application seeks consent for a stable block only and it is only proposed to keep 4 horses on the site i.e. the same as on Plot 4 which is a field of very similar size; furthermore the applicant is willing that that number be limited by condition. Since up to 5 horses are already kept on the site the number of horses proposed would not represent an intensification of the use of the site.
- 5.8 Officers do not consider that the stable would adversely affect the setting of the nearby Listed Building, which would be more than adequately screened and distant from the development proposed. Furthermore the development would not adversely affect the nearest residential properties which would also be too distant from the site. These matters will not therefore be discussed at length in this report. Officers consider that the three main issues to consider are:
- Whether or not the proposal would be inappropriate development within the Green Belt and whether it would adversely affect the visual amenity of the Green Belt.

- Whether or not the proposal would enhance or preserve the character and appearance of the Conservation Area.
- Would the proposal result in an adverse impact on highway safety.

5.9 A previous application for a stable block on 'The Hedgerows' PK01/3392/F was refused and a subsequent appeal dismissed. A further application PK03/0076/F was also refused. Members should be aware that since these applications were refused, there have been two main changes in circumstances affecting this current proposal and that were referred to by the Inspector in the appeal against refusal of PK04/1222/F (on neighbouring Lot 4):

- The appeal against non-determination of PK03/2307/CLE was allowed thus establishing the use of adjoining land for the keeping of horses.
- A traffic study of Siston Lane has been conducted.

In addition an application for a stable block on Lot 2 has since been approved (see PK06/1246/F).

5.10 Green Belt Issues

It was established in the appeal decision relating to PK02/2237/F (for the erection of a stable with a footprint of 52sq.m. on Lot 4), that "*the keeping of horses for recreational purposes is a use of land that is compatible with preserving the openness of the Green Belt*". The authorised use of Lot 5 – 'The Hedgerows' for this purpose has since been established by the subsequent issuing of a Certificate of Lawful Use. The appeal relating to PK02/2237/F also established that, "*..in terms of its overall floorspace and height, the proposed stable would be small.*" This accords with guidance given in PPG2 and with the supporting text of Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which indicates that small stables are not inappropriate within the Green Belt. The inspector concluded that the proposal was an essential facility required for the use of the land, which retained the openness of the Green Belt and would not therefore be inappropriate development within the Green Belt.

5.11 It should be noted however that the Inspector for the appeal relating to PK01/3392/F considered that a stable with 5 individual stores and 2 storage areas and a floor area of over 136sq.m. was not small and was therefore inappropriate development within the Green Belt. The current proposal at 'The Hedgerows' is however considerably smaller, consisting of only 4 individual stores and one storage area and a footprint of 104.94 sq. m. In PK03/0076/F relating to this site, officers considered that a stable with a footprint of 96 sq.m. was small. It therefore follows that the stable now proposed for 'The Hedgerows', being only slightly larger is considered to be '*small*' and is not therefore inappropriate development within the Green Belt and by definition would not be harmful to the openness of the Green Belt. Members will no doubt recall that a proposed stable (see PK06/3616/F) with a footprint of 100.16 sq.m. was refused at the September meeting of the DC (East) Committee, and was not considered to be small. This stable however was two stories high and had considerably greater mass than the stable now proposed at 'The Hedgerows', which has a low pitched roof only 3.4m high .

5.12 Impact Upon the Siston Conservation Area

- The area of countryside surrounding the hamlet of Siston and Siston Court provides an important backdrop to their setting, imparting a rural feel to the area. The application site lies between Siston Hamlet and the two residential properties on the southern side of Shortwood Road, from where views of Siston may be obtained, and from where the proposed stables may also be visible. It is also noted that the stables would be viewed from the public footpath PSN/44/10, which crosses the application site.
- 5.13 The use of the land for the keeping of horses has already been established by the granting of a Certificate of Lawfulness (see PK04/2612/CLE). Whilst some minor agricultural activities continue on one or two of the plots, the land is now predominantly used for the recreational keeping of horses.
- 5.14 The case officer considers that the current use of the land is clearly a change in emphasis from the previous farming activities associated with Langton Farm. There has been accordingly an associated change in the character of the landscape and this is acknowledged by both the Conservation Officer and Landscape Officer; however the predominantly rural landscape remains a key component of the character underpinning the Conservation Area designation. The historic open character of the landscape, as identified in SPG Note 7D, was previously easily maintained when the land was made up of working farms under single ownerships, such as Langton Farm was. Economic changes in the farming industry have recently compromised the viability of many such farms. Farming has all but ceased at Langton Farm, which has since been split up and sold as smaller plots to various different landowners. Sub-division of the open fields has taken place by erecting fences and planting trees and hedgerows, as seen on neighbouring Plot 4. A number of temporary wooden structures have been introduced to some of the individual plots and these are used to house the horses or to store associated equipment and feedstuffs. These structures have further compromised the historic open character of the landscape.
- 5.15 At this point Members should note that the sub-division of fields by the planting of hedgerows and erection of fences does **not** require planning permission, neither does the use of temporary mobile field shelters. In this respect officers would rather see the erection of more permanent stables, the siting and design of which, can be suitably controlled via the planning process, to minimise the impact on the landscape.
- 5.16 Officers acknowledge that the subdivision of fields results in a change in the historic landscape pattern of Langton Farm and hence adversely affects the character of the setting of the Conservation Area. However the subdivision of the fields involved has been achieved by the planting and management of hedgerows, which is listed as an enhancement in SPG Note 7D. Certain elements of the SPG note are therefore considered to be contradictory because at the time it was written, the area was made up of working farms under large single ownerships. In this respect the SPG is considered to be dated and the rationale within, superseded by the subsequent break up of what was once a large planning unit in predominantly farming use, to a number of smaller units used for the recreational keeping of horses. Appropriate hedgerows would be planted and managed in a manner that would effectively screen the stable block from view but would on the other hand enhance landscape character.

- 5.17 Moving to the issue of cumulative impact, the case officer has noted that to date 2no. stables have been granted planning permission at Langton Farm, this being on neighbouring Plots 2 and 4. Whilst some degradation of the landscape has occurred this has inevitably resulted from the multiple ownership and use of the land predominantly for the keeping of horses. Since there are no other permanent buildings on the fields, the case officer considers that a refusal of the proposal on the grounds of cumulative impact would be unreasonable. Any future applications for stables on the other plots would need to be considered on their individual merits and in relation to the landscape and associated development as it is at that time.
- 5.18 Officers are satisfied that the proposed stable block would be appropriately sited in the south-western corner of the field with its back to a substantial field boundary hedgerow. The associated parking and turning area would be very well contained where it would have minimum impact on the landscape. Unlike the previously refused scheme PK03/0076/F, no riding arena is proposed. Under previous planning approvals, the field access is to be set back from Siston Lane. This would take account of the relocation of the access gate 8m into the access, which was a requirement stipulated in the planning approval for Plot 4. The erection of jumps or other structures, removal of temporary structures, storage of horse boxes, trailers or mobile homes can all be adequately controlled by conditions, thus ensuring that the impact of the development on the rural character is kept to a minimum.
- 5.19 The stable would be constructed from a mix of wood and compacted straw bales with a living sedum roof – sedum being a low-growing succulent with thick fleshy leaves and stems, particularly suitable for growing on roofs. The external finish would be off-white lime render to the walls and naturally green sedum for the roof. Whilst these materials are unusual, they are used throughout the country for rural buildings. The materials are considered to be eco-friendly and would help to reduce the visual impact of the building in this sensitive location.
- 5.20 The stable, which is of an appropriate design for the keeping of horses, would prevent the need for grazing during the wet winter months when the land is more likely to become poached. The applicant has confirmed that exercise takes place off site by walking the horses to the nearest recreational routes off Shortwood Hill and west of Pucklechurch. This already takes place irrespective of whether or not there would be a stable on the site. The case officer is therefore satisfied that the size of the site and stable can accommodate the number of horses proposed in accordance with criteria F of Policy E9. Furthermore safe and convenient access to bridleways is available to riders in accordance with criteria D of Policy E9.
- 5.21 The applicant would utilise the existing shared access (off Siston Lane), which is in his ownership. It should be stressed however that the access has always been and will remain the vehicular access to the fields off Siston Lane.
- 5.22 Having regard to all of the above, the case officer considers that on balance the proposal would not have a significant adverse impact on the character and appearance of the Conservation Area or the visual amenity of the Green Belt.
- 5.23 Transportation Issues
Application PK02/2237/F was refused on appeal (7th March 2003). In his assessment of the highway issues, the Inspector made the following observations:

- The narrow and winding nature of the lane is likely to result in vehicle speeds below the 60mph speed limit. The normally required visibility splay of 2.4m x 215m is not therefore required.
 - Visibility from the access to the south is however severely impaired by the nearby bend.
 - The lay-by area in front of the access provides additional room for vehicles to manoeuvre, and it would be possible for a car and trailer, or horsebox, to leave the site without crossing the carriageway. However larger vehicles could in future use the stables and such vehicles would be likely to need to cross into the opposing carriageway, thus posing a highway danger.
 - The Inspector concluded that the use of the access for turning movements would be harmful to highway safety.
- 5.24 Prior to this appeal decision (7th March 2003) a Traffic Study of Siston Lane was carried out immediately before and after the opening of the Ring Road – Stage 2 (4th September 2001). The study revealed a 64% reduction in traffic on Siston Lane as a result of the Ring Road opening. A traffic count taken in March 2004 showed some 3,300 vehicles still using Siston Lane, which although lower than before the opening of the Ring Road, was still relatively high for a narrow rural road.
- 5.25 Sometime after the appeal decision, the Council's Highway Officers carried out a limited speed survey outside the application site. The survey showed that the measured vehicular speeds (i.e. the 85thile vehicular speed) to be 41mph. Furthermore a traffic survey carried out by the Traffic Management section between 17th – 29th November 2004, revealed that the 85thile vehicular speed on Siston Lane to be 44mph.
- 5.26 Members may also find the following additional information from the survey useful:
- Average of 5 days traffic flow (over 12 hrs period) was = 3092 vehicles.
Average of 5 days traffic flow (over 24 hrs period) was = 3586 vehicles.
- Average of 7 days traffic flow (over 12 hrs period) was = 2735 vehicles.
Average of 7 days traffic flow (over 24 hrs period) was = 3175 vehicles.
- The Council's Traffic Management Section's Capitol Program lists provision to improve the existing signing arrangement on Siston Lane and the A420 and B4665 junction in order to discourage through traffic down Siston Lane. The works associated with the provision of the new weight limit signs has recently been completed. Additionally, a plan for changes to the carriageway markings on Siston Lane and improved signage and marking near Siston Bridge have been prepared and these works will be carried out shortly. Officers consider that these works will improve road safety even further.
- 5.27 The visibility splay that is available from the access, which is an **existing** site access off Siston Lane, is 2m x 125m to the right and 2m x 92m to the left of the site access. The visibility of 92m to the left of the access is one step down from the desirable distance, nevertheless in the light of the results of the traffic speed counts, officers consider that this visibility splay is acceptable.

- 5.28 At this point it is stressed that a key issue in the determination of this application is the fact that since the previous refusal of PK02/2237/F the authorised use of the land, for the recreational keeping of horses, has been established. The previous predominantly agricultural use of the land when farmed has now ceased. Irrespective therefore of the outcome of this current application, the site **will** continue to be used for the keeping of horses and the existing access used accordingly. Officer's previous highway objections to PK02/2237/F were based on vehicular speeds envisaged having regard to the de-restricted speed limit on Siston Lane. The subsequent surveys have in fact revealed that the vehicular speeds are in reality significantly less than was previously envisaged.
- 5.29 Furthermore, in the longer term, the potential for Quiet Lane-type traffic calming measures for Siston Lane would also be assessed and discussed with the Siston Conservation Area Action Group although the implementation of such measures will depend on appropriate funding being made available in the future.
- 5.30 The Council's Highway Officer therefore concluded that against this background of established low vehicular speeds on Siston Lane, together with the established use of the land for the recreational keeping of horses and highway improvements both existing and proposed, that a highway objection could no longer be substantiated, particularly if the scale and operation of the development is adequately controlled. Previous highway objections to the scheme relating to Plot 4 were therefore withdrawn subject to conditions to set back the entrance gate a minimum of 8 metres from the Siston Lane carriageway, restrict the use of the site for social use only and to limit the number of horses kept on the site to 4.
- 5.31 Members may recall that against this advice from their officers, the application PK04/1222/F was refused for the reason given at paragraph 3.9 above. In his subsequent appeal decision letter (para.9), the Inspector concluded that there was no evidence to substantiate the refusal reason and since the Council had brought forward no new evidence to set against that of its professional officers, had therefore acted unreasonably and duly awarded full costs to the appellant.
- 5.32 Having regard to this appeal decision, which related to a stable on Plot 4 and the subsequent grant of planning permission for a stable on Plot 2, officers do not consider that any refusal reason on highway grounds could be substantiated. Criteria D of Policy E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 is therefore satisfied.
- 5.33 Environmental Effects
All matters of external lighting, erection of loose jumps and fences, car parking and use of horse boxes or portable buildings or trailers, will be strictly controlled by conditions.
- 5.34 The disposal of foul waste should be undertaken in accordance with the MAFF (now DEFRA) Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency controls. It is intended that accumulated muck will be stored adjacent to the stable. There are to be no floodlights associated with the development. The Council's Environmental Protection section raised no objection to this proposal subject to waste not being stored or burnt adjacent to residential properties. Criteria A of Policy E9 is therefore satisfied.

- 5.35 Buildings Capable of Conversion
There are no existing buildings on the site that could be converted. Criteria E of Policy E9 is therefore satisfied.
- 5.36 Ecology
The site has no special nature conservation designation. The field is already used for grazing purposes. It is therefore considered that there will be no adverse impact upon the ecology of the area.
- 5.37 Public Rights of Way
A PROW no. PSN/44/10 currently runs through the site. The footpath would not be diverted and the applicant has confirmed that the existing gates and styles would be retained.
- 5.38 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document.
- 5.39 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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 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 There has been a change of emphasis regarding the use and ownership of the land in this part of the Siston Conservation Area. This has and will inevitably continue to result in the sub-division of the land and loss of open character formerly associated with the previous farming use. This is now at odds with the advice contained within SPG Advice Note 7D. Previous highway objections relating to the use of the access have been withdrawn and the site and neighbouring plots are now enclosed by hedgerow planting. Permanent stables have been granted permission on neighbouring Plots 2 and 4. Officers consider that in the light of this changed situation, a pragmatic view needs to be taken regarding this proposal. It is considered that having regard to all of the above the proposal is on balance acceptable.
- 6.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.3 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the adopted Kingswood Local Plan and in the South Gloucestershire Local Plan (Revised Deposit Draft) 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 **PK07/1861/F**

Contact Officer: **Roger Hemming**
Tel. No. **01454 863537**

CONDITIONS

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

Reason:

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

2. Building operations shall not be commenced until details of the roofing and external facing materials proposed to be used have been submitted to and approved by the Council and all such materials used in construction of the building(s) hereby authorised shall conform to the details so approved.

Reason:

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

3. 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; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason:

To protect the character and appearance of the area to accord with Policies L1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 L1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. At no time shall the stables for the associated land be used for livery, riding school or other business purposes whatsoever.

Reason:

To protect the character and appearance of the area, and to accord with Policy E9/L1/L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The number of horses kept on the site shall not exceed 4.

Reason:

To protect the character and appearance of the area, and to accord with Policy E9/L1/L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land without the prior written approval of the Local Planning Authority.

Reason:

To protect the character and appearance of the area, and to accord with Policy E9/L1/L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason:

To protect the character and appearance of the area, and to accord with Policy E9/L1/L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. 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 the development commences. Development shall be carried out in accordance with the approved details.

Reason:

To protect the character and appearance of the area, and to accord with Policy E9/L1/L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To prevent pollution of the water environment in accordance with policy E9 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

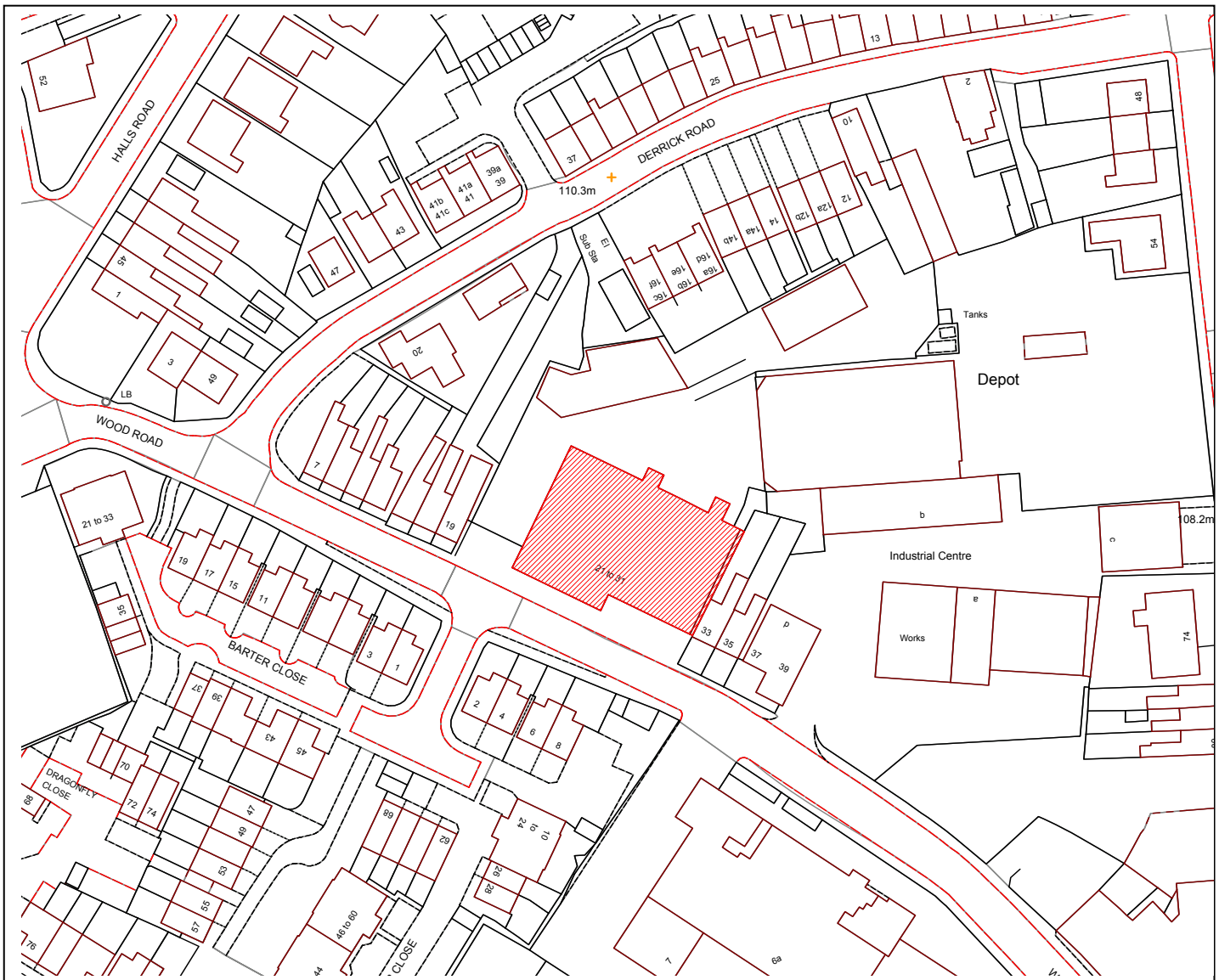
11. Within 28 days of the first use of the stable block hereby approved, the existing temporary buildings and caravan within the site shall be permanently removed from the site.

Reason:

To protect the character and appearance of the area, and to accord with Policy E9/L1/L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 44/07 – 2 NOVEMBER 2007

App No.: PK07/2305/F	Applicant: Ms C Turner (ITS) Leisure Ltd
Site: 23 Wood Road Kingswood BRISTOL South Gloucestershire BS15 8DT	Date Reg: 27th July 2007
Proposal: Variation of condition 3 of planning permission P99/4528 to amend opening hours from 09.00 to 21.00 Monday to Friday only to include 10.00 to 14.00 hours on Sundays and 10.00 to 20.00 hours on Bank Holidays.	Parish:
Map Ref: 64719 73561	Ward: Woodstock



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N.T.S

PK07/2305/F

INTRODUCTION

This application appears on the Circulated Schedule after the receipt of five objection letters from local residents.

1. THE PROPOSAL

- 1.1 Planning permission is sought to vary condition 3 of permission P99/4528 to amend the opening hours from 09:00 to 21:00 Monday to Friday only, to include 10:00 to 14:00 on Sundays and 10:00 to 20:00 on Bank Holidays.
- 1.2 The application property comprises of a two storey gym. To the east and north of the site is an industrial / commercial area with houses beyond. To the west is rank of terraced properties. To the south, on the opposite side of Wood Road, is a modern housing estate.

2. POLICY CONTEXT

2.1 National Guidance

PPS 1 Delivering Sustainable Development
PPG 24 Planning and noise

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design
EP1 Environmental Pollution
T8 Car Parking Standards
T12 Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 The site has been the subject of a number of applications in the past. However, the following are the most relevant to the determination of this application.
- 3.2 P98/4373 Change of use of part of first floor from industry (B2) to gymnasium (D2).
Approval Full Planning: 15th October 1998
- 3.3 P99/4528 Change of use of part of first floor from industry (B2) to gymnasium (D2).
Approval Full Planning: 5th November 1999
- 3.4 P99/4470 Variation of condition 7 of planning permission P98/4373 to allow front windows to be opened whilst gymnasium is in use.
Refusal of Full Planning: 10th November 1999
- 3.5 PK99/0400/F Variation of condition 4 attached to planning permission P98/4373, and Condition 3 attached to planning permission P99/4528, to permit opening between 10:00 am and 2:00 pm on Sundays.

- 3.6 PK01/0223/RVC Variation of condition 4 attached to planning permission P98/4373 to permit extended opening hours from 7:30 am Mondays to Fridays inclusive.
Refusal: 16th March 2001

4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council
The area is un-parished.

4.2 Other Consultees

Environmental Services
No adverse comments.

Other Representations

4.3 Local Residents

Five letters have been received during the consultation period associated with this planning application. The comments can be summarised as follows:

Object

- increased noise
- loss of parking space for local residents and increased highway safety risk
- gym opens earlier than 10am on Sundays and has opened on Bank holidays in the past

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
Policy EP1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to the determination of the application.

- 5.2 Residential Amenity Analysis
Policy EP1 states that development will not be permitted which would unacceptably harm the amenity of users of the site or surrounding land as a result of pollution – in this case noise and vibration.

- 5.3 Concern has been raised as to the noise impact of the proposed opening hours on the amenity of local residents. In particular, residents highlight that when the windows of the gym are opened the noise emanating from the internal activities can be clearly heard.

In reference to this it should be noted that condition 6 of P99/452, which granted permission for a change of use from an industrial unit to a gymnasium, required that all windows serving the gymnasium should remain in a closed position whilst the gymnasium is in use. For the avoidance of doubt, this condition, in combination with previous subsisting conditions, would still need to be complied with. In addition, the Council's Environmental Health Officers have assessed the scheme and not objected. In light of this, it is considered that the proposed scheme is acceptable in residential amenity terms and will therefore be recommended for approval.

5.4 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity in the locality.

Concern has been raised as to the impact of the proposed development on parking and highway safety in the immediate vicinity. In reference to this the Council's Transportation Development Control Officer has assessed the proposal and concluded that extended opening hours would have an insignificant effect on movements of traffic in the area and as such, there can be no highway objections to this proposal.

5.5 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 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 **PK07/2305/F**

Contact Officer: **Edward Purnell**
Tel. No. **01454 863056**

CONDITIONS

1. The use hereby permitted shall not be open to customers outside the following times: 09:00 to 21:00 Monday to Friday; 10:00 to 14:00 on Sundays; 10:00 to 20:00 on Bank Holiday Mondays.

Reason:

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

2. Noise use from the hereby approved, assessed in accordance with BS4142 1990, shall not exceed a rating level of 48 db (A) at any time, measured at or beyond the boundary of any residential property.

Reason:

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

3. All windows serving the use shall remain in a closed position whilst the gymnasium is in use.

Reason:

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

CIRCULATED SCHEDULE NO. 44/07 – 2 NOVEMBER 2007

App No.: PK07/2616/F

Applicant: McCarthy & Stone
(Developments) Ltd
Date Reg: 23rd August 2007

Site: 67 - 73 Bath Road Longwell Green
South Gloucestershire BS30 9DF

Proposal: Demolition of 3 no. existing dwellings to facilitate the erection of 29 no. sheltered apartments for the elderly with access, parking and associated works.
(Resubmission of PK06/3561/F).

Parish: Oldland Parish
Council

Map Ref: 65737 71214

Ward: Longwell Green



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100023410, 2007.

N.T.S

PK07/2616/F

INTRODUCTION

This application is reported on the Circulated Schedule as it relates to major development.

1. THE PROPOSAL

- 1.1 This applications seeks full planning permission for the erection of 29 flats offering sheltered housing for elderly persons – 25 double units and 4 singles. The flats would be within one building, of two and three storeys, proposed to be centrally located within this 0.33 hectare site which fronts Bath Road. The planning application includes the demolition of three existing dwellings.
- 1.2 At present, the houses intended to be demolished all front Bath Road and have accesses derived from that A classified road. The proposed access would lie at the western end of that frontage, close to the existing access for No. 67. This would be a similar location for the access as that which formed a refusal reason for the previous application, as detailed below. No. 71/73 has a current authorised use as a conservatory sales centre. On highway land immediately outside the application site there stands a row of mature plane trees. The previous application for this site sought 40 flats and was refused for six reasons, due to the increased use of a substandard access, insufficient parking, the effect on the setting of the listed building, the design of the proposal and its intensive density, the overlooking from first and second floor levels and the lack of agreement to Section 106 contributions to mitigate the effects of the proposed development.
- 1.3 No. 65, adjacent to the site, is a listed building, with its principle elevation facing the site. Surrounding housing is predominantly two storey. To the rear, there is a sporadic tree screen, separating the site from the long rear gardens of a row of houses fronting Shellards Road.
- 1.4 Within the site, the proposed building would form a horseshoe shape, with the open end facing north. Car parking, for 15 vehicles is intended for the northern boundary, predominantly bordering the adjacent listed building, with cycle parking facilities at the end of the row. Amenity space would be provided mainly to the eastern boundary of the site, with some further space on either side of a footpath which circumnavigates the building linking into both ends of the parking area.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|---------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPG3 | Housing |
| PPS3 | Housing |
| PPG13 | Transport: Guide to Better Practice |
| PPG15 | Planning and the historic environment |
- 2.2 Development Plans
- South Gloucestershire Local Plan January 2006
- | | |
|-----|---|
| D1 | Design |
| EP1 | Environmental Pollution |
| T7 | Cycle Parking |
| T8 | Vehicle parking |
| T12 | Transportation |
| H2 | Residential Development within the urban area |
| L1 | Landscape |

L13 Listed Buildings
LC8 Community Services
LC13 Public Art

2.3 Supplementary Planning Guidance
Trees and Development
Design Checklist – adopted 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 P75/4819 Erection of three storey block of flats Refused
- 3.2 PK06/1873/F Erection of 14 dwellings - flats and houses Refused 2006
NB Refusal reasons appear in section 1 above.
- 3.3 PK06/3561/F Erection of 40 sheltered apartments Refused 2007

4. **CONSULTATION RESPONSES**

4.1 Oldland Parish Council
Objection on the grounds of lack of parking.

4.2 Other Consultees
Wessex Water

No objection in principle, subject to suggested informatives regarding connections to Wessex infrastructure. Point out that it has not been disclosed how the developer proposes to deal with surface water. Wessex also supplied a letter in response to a sewer capacity enquiry.

Avon & Somerset Police

No objection from a crime prevention point of view. Would like to see doors and windows to safety standard and recommend fencing from flat 3 to flat 8 to prevent entry of unauthorised persons.

Environmental Protection

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

Technical Services

No objection in principle, subject to adherence to SUDS drainage principles.

Nature Conservation

The application contains no supporting ecological information: A bat survey is recommended. The applicant should also demonstrate how the proposal will contribute towards the objectives of the Council's Biodiversity Action Plan.

Other Representations

4.3 Local Residents
12 letters of objection were received as a result of the consultation process, citing the following points:

- Building is out of keeping with the street scene and out of proportion – wrong design and wrong materials
- Effect of car park at the end of gardens – effect on residential amenity from slammed doors etc
- Security of the rear gardens of Watsons Road compromised
- Restricted visibility from access onto Bath Road – risk to the plane trees

- Although the number of units as an overall figure has decreased, the inclusion of double units would increase the number of people who would be housed on the site
- No. 67 is a property in sound state, which does not need to be demolished
- Inadequate green space within the site
- Inaccurate drawings – 15 car parking spaces are shown, but 19 stated
- The area is not suitable for a concentration of elderly people, close to a busy road
- Development will lead to flooding through the loss of ground capable of absorbing rainfall
- Loss of privacy
- The land in Shellards Road is lower than the site and this has not been recognised
- Access should have an in and out arrangement, ie not just one access point
- Development would create three junctions close to each other over a short stretch of the A431
- Too much traffic generated
- Inadequate parking provision for residents and visitors
- Overlooking of surrounding properties
- Existing properties on Watsons Road will be sandwiched between two busy roads (including the access for this site)
- The proposed electric sub-station will be noisy
- Such a tall building would create a tunnel effect for users of the adjacent church car park
- Health risk from drains
- Impact of three storey development on bungalows along boundary
- Design out of keeping with adjacent Listed Building
- Windows overlooking gardens should be obscure glazed
- Pleased to see that conifer trees are indicated to be retained, but they need to be reduced in size
- Traffic assessment has ignored the movements of services vehicles
- The screening effect of the Bath Road trees will be reduced in winter

- The uncertainty over the future of this site is stressful
- Concern that the area would become a giant building site during the construction phase
- Following the development at Aldermoor Way, no further large developments in Longwell Green should be allowed
- People living at the site will use electric buggies. There is no driving test required to operate these and the drivers could subsequently cause accidents.
- Unsure of the location of sewer routes in the vicinity

NB The last 5 comments are not relevant planning issues in the determination of this application. The plane trees in question are not covered by a Tree Preservation Order.

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. The site is considered to be previously developed when assessed against the provisions of PPS3, in that the land has an existing use as a dwellinghouses and a conservatory sales centre. The immediate task of this application is to overcome the six refusal reasons for the previous scheme. It is acknowledged that this proposal is different from that scheme and that has been designed to address some of those refusal reasons.

5.2 Density of Development

The application form states that the site is 0.33 hectares. The government in PPS3 has set a minimum target of 30 dwellings per hectare and the density of this proposal would be over 87 dwellings per hectare, which meets this target. PPS3 does however advise that proposed development should respect the density of that around and this is further explained in PPS3.

Additionally, since the previous application was determined, the policy context has changed with the publication of draft Supplement to PSS1 – Planning and Climate Change; and the Design Checklist has been adopted as an SPD.

Both PPS1 and its draft Supplement Planning and Climate Change emphasise the need for development to be in the right location in order to reduce the need to travel by car. Local Plan policy H2(B) follows the central government advice and requires “the maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities upwards of 50 dwelling per hectare should be achieved”

Question 11 of the South Gloucestershire Design Checklist is related to achieving an appropriate density and asks:

“Is the use and amount of development appropriate to the site’s accessibility to jobs, services, community facilities and the frequency of public transport service?”

The supporting text of the Checklist provides guidance on the appropriate densities depending on the sites proximity to local centres:

From the analysis of the site’s proximity to services and amenities and depending on the environmental constraints, the existing provision of green infrastructure and play areas, the following net densities may be appropriate:

- *within 400 metres of major town centres and minor town centres - up to 50 – 75 dwellings per hectare;*
- *within 800 metres of major town centres and minor town centres - up to 40 – 60 dwellings per hectare;*
- *within 400 metres of local centres - up to 30 – 50 dwellings per hectare;*
- *over 400 metres / 800 metres from a centre may have potential to be developed – up to 30 – 40 dwellings per hectare.*

The site is in close proximity to shops and services and public transport routes that run along Bath Road (a local centre). It should be noted, however, that the

applicant has not identified the frequency of the bus service, which is an important issue when considering if a site is suitable for intensification. Nevertheless, given the site is in close proximity to shops and services as well as public transport routes the site could be suitable for intensification.

The site area is approx 0.33 hectares (area taken from application form). A development of 29 units will therefore provide a density of approx 88 units per hectare. Note: whilst the number of units has reduced, the overall building scale has not substantially changed (see comments on scale below).

The proposed density is therefore in excess of the minimum density standard of Policy H2(B) as well as the density range provided in the Checklist. Therefore, the proposed development is considered to be too intensive in this location and would have the effect of unreasonably increasing car dependence, which is contrary to PPS1, PPS3, Local Plan Policy H2 and the Checklist.

However, it is important to consider the design of the development and whether and innovative design is able to accommodate such a high density on the site, whilst achieving the high quality design standards expected by PPS1, PPS3 and SGLP policies. The following therefore assesses the design quality of the application.

5.3 Townscape & Visual Amenity/ Urban Design Issues

There are listed building(s)/structure(s) in the vicinity. It is important to take account of the effect the development will have on the setting of the listed building. This issue is covered separately below.

Layout.

PPS3 states: "The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If well done, imaginative design and layout of new development can lead to more efficient use of land without compromising the quality of the local environment." (para 50) Local Plan policy D1(A) requires the siting, layout, form and scale (amongst others) to be informed by, respect and enhance that character, distinctiveness and amenity of the site and the locality. Similar to the previous application, the buildings that face Bath Road do not follow the established building line, nor the profile of the south-west boundary. The result will be a buildings that is not considered to respect or enhance the character of the area.

The proposal is therefore considered to be contrary to Policy D1(A). The building is set approx 6 metres from the south-east boundary and 12 metres from the north-east boundary. Additionally, screen planting will be provided on the north-east boundary. It is therefore considered the proposals satisfactorily address the issues of privacy that was raised with the previous application. Areas for bins stores and cycle stores have been identified. The proposals therefore comply to Policy D1(H).

Scale.

The proposed building scale is substantially the same as the previous application, despite a reduction in numbers of units. The following comments were made on the previous application:

The proposed building footprint and height building exceed those of the surroundings buildings. It is considered that, the cumulative effect of the

building footprint and height results in a building with a scale that does not respect or enhance the character and distinctiveness of the surrounding area. The proposals are therefore contrary to Policy D1.

Since there has been no substantial change to the scale of the building, the analysis of the current application remain the same as the previous application.

Minimising 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 19 to 23 of the South Gloucestershire Design Checklist are related to minimising the use of energy and natural resources. In particular Question 22 asks:

Are the proposals a major development and, if so, does it have on-site energy production from renewable sources, that will reduce CO₂ emissions from energy use by users of the buildings?⁴

And Question 23 asks:

Will the development be assessed and achieve the highest standards⁴ of resource and energy efficiency as well as reductions in carbon emissions?

⁴ *The standards will be set in the emerging Regional Spatial Strategy for the South-West of England. Until such time the RSS is adopted, the minimum standards will be: 10% for on-site energy production from renewable sources; and BREEAM ‘very good’ / Level 3 of the Code for Sustainable Homes.*

The Design and Access Statement submitted with the application explains the applicant’s strategies to sustainable design and renewable energy production. However, no commitment has been made to objectively assess the strategies and no commitment is made to the quantum of renewable energy that will be produced. Objectively assessing the strategies is essential in balancing competing factors. For example, the applicants claim that single aspect flats will reduce heat loss through the building fabric, but on the other hand single aspect flats cannot be efficiently ventilated by natural means. Thus the energy use of the building will be increased as the rooms will need to be mechanically ventilated, which is of increasing importance as summer temperatures are predicted to rise due to climate change.

Therefore, in order to objectively assess the impact the development will have on the environment; allow the developer maximum flexibility the proposals must be assessed using BREEAM multi-residential and achieve a minimum standard of ‘very good’ which should form a condition on any consent, in accordance with the recently adopted Design Checklist. If the applicant cannot achieve the standard of ‘very good’, they must explain and justify why not in their Design and Access Statement. Additionally the applicant must commit to achieving a 10% reduction in CO₂ emissions for on-site renewable energy production. If the applicant cannot achieve this standard they must explain and justify why not in their Design and Access Statement. Until such time that the applicant agrees to a condition requiring the development to achieve BREEAM ‘very good’ and a 10% reduction in CO₂ emissions, or they justify why the standard cannot be

achieved, the proposals are contrary to PPS1, PPS3, draft supplement to PPS1 - Planning and Climate Change, and SGLP Policy D1(G), the South Gloucestershire Design Checklist, draft RSS Policy G and draft RSS Policy RE5.

Design Conclusion and Recommendations.

1. The site is served by local shops/services or public transport and therefore is appropriate site for intensification. However, the proposed density of 88 units per hectare is considered to be too intensive given the location. Nevertheless, should the applicant be able to provide an innovative design that respects the character of the area and does not prejudice existing residential amenity, such a high density may be acceptable. A high standard of design has not been achieved with this proposal.
2. The proposed layout is not informed by nor will it enhance the character of the area because it is in front of the established building line and does not follow the profile of the south-east boundary. The proposals are therefore contrary to Policy D1(A).
3. The scale of the building is not informed by nor will it enhance the character of the surrounding area. The proposals are therefore contrary to Policy D1(A)
4. Whilst the applicant has submitted sustainability strategies and on-site renewable energy production, no commitment has been made to objectively assess these strategies through a BREEAM assessment. The target standard for the BREEAM assessment should be very good and the on-site energy production should reduce CO₂ emissions from the users of the buildings by 10%. If the applicant cannot meet these standards they must explain and justify why not in their DAS.

Due to the above comments it is considered that the proposal cannot be supported in urban design terms, nor is it envisaged that the proposals can be easily amended to take account of the above comments. The application is therefore recommended for refusal. As a result, the proposal is not considered to have overcome the previous design refusal reason. With regard to achieving the BREEAM 'very good' rating, this could form a condition to the planning permission, ideally following agreement with the applicants, and therefore this does not form a refusal reason for this scheme.

5.4 Amenity Space

Amenity space has been indicated on the illustrative plans to serve the 29 proposed dwellings but it is considered on balance to be inadequate to meet the needs of future occupiers, particularly due to the proportion of double units proposed. It is recognised that the outdoor space will be communal in nature and given the operation of the site, with a service charge including such factors as landscape maintenance, that there would be no scope for facilities such as private gardens. The inadequacy of amenity space to serve the residents is a result of the intensity of the development on the site, referred to in the previous section and also a function of the design, which limits the amount of amenity space through having such a large floorplate. A minor reduction in floorspace at ground floor level or a reduction in the number of units is considered the best remedy to supply adequate amenity space for the needs of the residents.

5.5 Means of Access/ Transportation Issues

A proposal for 40 sheltered apartments for elderly persons on the same site was refused (partly on highway grounds) in 2007. The current proposal has reduced the units numbers proposed from 40 to 29. In respect of the assessment of this application and acceptability of this proposal, highway issues have been assessed under the following headings:

Access issue

The development site comprises of 3 separate sections and in this specific case, there are two existing accesses onto Bath Road. The first access is used to serve the 4-bedroom dwelling at No. 67 and flats at No. 69. The second access to the site includes access to number 71 and 73 that contains the former conservatory sales business. Both accesses have restricted visibility due to the presence of highway trees, although it must be acknowledged that these accesses have been in use for number of years. As part of the scheme, it is proposed that one of the existing accesses is closed permanently and this could be achieved by a planning condition. One of the previous highway reasons for refusal was the increased use of the site access by additional vehicular traffic generated the by new development. The issue of traffic generation from the development is assessed in the following paragraphs.

Traffic generation

In respect of traffic generation to and from the site, the applicant has submitted details and traffic surveys at 18 McCarthy and Stone sites around the country with a similar use. Based on this information, the applicant estimates traffic movements from this site to be approximately 35 movements per day. Based on historical traffic data as available on the national TRICS data-base, the highways officer's estimate of traffic generation from this proposed development (i.e. from 29No. units of sheltered accommodation) is 52 two-way movements. By comparison, the extant uses on this site (i.e. combined uses on all three sites together) can generate 57 movements (two-way movements) per day. This means that the proposed development of 29 sheltered accommodation units would be likely to generate slightly less traffic in the area, although it is acknowledged that development traffic would now use only one access rather than two. Closure of one existing substandard access onto a major road is considered to be a highway safety gain.

Parking issues

In accordance with parking policy T8 in the adopted Local Plan, the parking requirement for sheltered accommodation is one space per 4 dwellings with one additional space per 4 dwelling for communal parking plus one space per warden. The proposal would provide 15 parking spaces and that complies with the Local Plan parking policy. In addition to the parking area, it is considered that there is also sufficient turning area on site to ensure that vehicles can enter and exit the site in forward gear.

Other issues

The Council's Public Transport section have identified a need for installation of a new bus stop on Bath Road in the Bristol-bound direction. Currently, there is a significant walking distance between the previous stop near the Crown PH (aka Harvester) and the next stop which is located beyond the roundabout junction of Marsham Way and Bath Rd. Given the nature and scale of the proposed development on this site, it is considered appropriate that the applicant makes contribution of £10,000 towards a) provision of the additional bus stop on Bath Road and b) provision of pedestrian crossing facilities (such as tactile paving at nearby junctions) to allow safer access for those with mobility impairment. The contribution would need to be secured under an appropriate legal agreement.

Conclusion

In view of all the above therefore, there are no highway objections subject to completion of a legal agreement to secure the following contribution,

- 1) The applicant makes financial contribution of £10,000 towards improvement to public transport and pedestrian facilities in the area.

It should be noted that this contribution has not been sought due to fundamental objections to other aspects of the proposal.

5.6 Tree Issues

There are few trees on the development site and those which exist are considered to be of low quality and low amenity value. The inclusion of the cypress hedge in the northern corner and the cherry in the centre of the rear boundary in the scheme is welcomed. At the front of the site, the row of London Plane mature pollards are considered to be very important in the landscape. There is concern that increased use of the access will exacerbate the compaction of the trees' root systems. This could be avoided through the turning of the building through 180 degrees and the access in the southern corner of the site used. This would reduce the load capacity to one tree rather than more. There are design issues connected with this suggestion and the scheme is recommended for refusal on design grounds anyway. If the development is recommended for approval, the Tree Officer would like to see a form of no-dig construction through a Method Statement as a condition on any approval.

5.7 Effect on the Setting of the Listed Building

The current application is a re-submission of the previously refused application for replacement of 3 modern, undistinguished buildings with a very substantial block of 40 flats and associated parking etc. The current application is for a substantial block of 29 sheltered apartments which, although slightly smaller than its predecessor, is significantly larger than any of the adjacent buildings. It remains difficult to fully assess the impacts of the proposals upon the adjacent properties because elevation drawings fail to set the development in context – with the exception of the “contextual elevations”, which are unclear because the buildings are obscured by substantial trees. Looking at the site plan it is clear that any screening from the footpath alongside the Bath Road frontage, or from the adjacent listed building – No 65 Bath Road, will be minimal as the site is largely given over to car parking and an area of “mixed shrubs”. Consequently there are considerable doubts over whether screen planting could be introduced that might soften the impacts of such a substantial building in this location. There are also concerns over the visual impacts of such a substantial building set so far forward within the site in a way which contrasts with the neighbouring properties which are set back behind mature gardens or parking areas.

Whilst it is accepted that it may be possible to introduce some additional small scale planting onto the site, and that mature trees outside the site boundary will remain, it is hard to see how the impacts of a building of this scale can be softened or broken up by planting.

The dominant building material here is natural stone with tiled roofs and there are a number of good modest Victorian buildings with traditional details around the site as well as the listed building itself. Whilst there are some areas of stonework, the mass of the proposed new building will be render with white weatherboarding which fits uncomfortably with the modest scale, good quality

natural materials and historic detailing that still characterise many of the historic buildings in the vicinity of the site. Whilst it is accepted that changes have been made to the scheme to address my previous concerns the Heritage Officer remain concerned that the building will have a substantial adverse impact upon the setting of the adjacent listed building by virtue of its scale, massing, design, and the proposed material and it is considered that the previous refusal reason has not been overcome through this submission.

5.8 Landscape

The row of mature plane trees along the front of the site will help to soften and screen the proposed building from views from Bath Road. There is a gap in this row which will open up views from the south. The reason for the gap is not known, however replacing this tree in the grass verge would help to screen the development and improve the street scene generally. Planting a tree in this verge would need to be agreed with Community Services. The new development will also be visible from All Saints Church. It is considered that the depth of planting and number of trees shown along the southern boundary will not be adequate to soften the southern facade of the proposed building. The proposals show that a reasonable amount of vegetation will be planted around the building. The circular path will be a nice feature for the residents to use and it would be more beneficial if there was a link between the main entrance and the start of the path close to the buggy store. The open space next to the main entrance could be enclosed in order to screen the residents from views of the car park. It is considered that subject to the above comments and the submission and approval of a detailed planting plan that the landscape scheme for this application is acceptable.

5.9 Residential Amenity

Notwithstanding the issues analysed above, the proposal needs to be tested against its impact on the residential amenity of surrounding dwellings. This is particularly because the previous application was refused for this reason, among others. In this respect, it should be noted that the site is bounded in two directions by a church and Bath Road. The siting of the proposed building is towards these two boundaries. The houses fronting Shellards Road have long rear gardens and a tree screen at the end of these. A further gap, to be landscaped is indicated along the northeastern boundary, giving an overall building to building distance of a minimum of 45 metres. Even with two storey elements and some degree of overlooking, through the existing tree screen, it is considered that any loss of residential amenity would be minimal and not of a degree to warrant a refusal reason, in respect of this direction. Along the northwestern boundary, the rear gardens are approximately 10 metres deep, but this proposal has pulled the windows back so that they are situated a minimum of 22 metres from the rear of houses in Watsons Road. This frontage is uneven in any event, at two and three storeys. In order to avoid any overlooking of gardens and overcome the previous refusal reason, the current proposal has been designed so to offer only long distance views over adjoining gardens and those from secondary windows of habitable rooms or in one case from a non-habitable room. As described above, most of the built form faces the other boundaries. It is considered that the changes in design have overcome the previous refusal reason for the loss of residential amenity through overlooking of gardens.

5.10 Drainage

The Council's Technical Services Unit has raised no objection to the proposal in principle, subject to a condition requiring sustainable drainage details and various informatives to be appended to an approval.

5.11 Other Issues

Education has not identified an oversubscription of class sizes and a contribution has not been required in this instance. It is considered unlikely in any case that the households in the proposed development would contain children.

Environmental Protection has raised no objection to the proposal, subject to the inclusion of informatives on the decision notice.

Housing

The Council's Housing Department has stated as follows:

The requirement for affordable housing as part of this proposal in line with policy H6 and PPS3 is as follows:

- 33.3% affordable housing to be provided on site without public subsidy
- Tenure split to be 77% rent/ 23% shared ownership, in a range of units to meet local housing need in the JHA Housing Needs Survey 2004. The tenure split for the affordable units would be 8 units for social rent and 2 units for intermediate housing.
 - 100% of initial occupants to be nominated by SGC. Depending on the need at the time, the Council would seek a proportion of the above to be wheelchair units.
 - Distributed across the site in clusters of no more than 6 units
 - Design criteria: All units to comply fully with SDS, Lifetime Homes, RSL design brief and ECO-Home Very Good.
 - Delivery preferred through RSL – would encourage developer to work with Homes West RSL (see SPG Appendix 1) on sites over 30 units or South Gloucestershire Housing Partnership on smaller sites.
 - Phasing - the affordable housing should be built at the same time as the rest of the housing on site in line with agreed triggers e.g. the affordable housing will be completed no later than the completion and occupation of 50% of all housing, or as per S106 agreement.

Shared ownership units: 40% of the market value will be payable to the developer so that the units are affordable to those in housing need. The annual rent on the equity retained by the RSL should be no more than 1.5% of the unsold equity.

- Rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy provided. Shared ownership capital receipts to be recycled as capital expenditure on affordable housing in South Gloucestershire.

The proposal is for sheltered housing across the site, with no part of the development falling within McCarthy and Stone's assisted living model. The Council has a number of households seeking affordable rented sheltered accommodation in this area - however the greater need is for affordable general needs housing in this location and therefore the Council should seek this instead. This would rely on estimating the value of 33.3% of the site in terms of general needs provision (likely to be mostly 1 bed flats) PPS3 enables the Council to seek general needs affordable housing on a site proposed for older peoples housing.

Community Services

The advice from Community Services is as follows:

This proposed development has a net increase of units and using our current formula it is estimated that it would generate a population increase. If this development is implemented it would create a need for extra community facilities. In order to offset this increased demand on community facilities we would request contributions towards the following:

Public Open Space

As the development is for the elderly it is not considered to be appropriate to ask for contributions towards equipped and unequipped play areas. Therefore there is no requirement for any contributions towards open spaces.

Library Services

A contribution of £21.04 per resident would be required for books/IT/ audio equipment at Hanham Library, to offset increased demand on its facilities. This contribution towards additional floor space will be pooled with monies from other developments in the area to enable an extension to take place.

Public Art

South Gloucestershire Council Local Plan LC13 states

In determining applications for major new development the council will seek the contribution of an agreed percentage of the total development costs for the provision or commission of publicly accessible art, craft and design works. It should be acknowledged that the scheme can have clear benefits for developers, not least of all by raising the quality of design of, and interest in, a development and subsequently its value. The policy does not aim to add to the total cost of a development, but to secure a percentage of the identified development budget.

In the absence of negotiation over this and the other contributions above, this forms a refusal reason for this proposal.

5.12 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

5.13 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the requirement for the issues outlined above under the headings Community Services, Transportation and Housing are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

However, due to the fundamental problems with this proposal, as identified above, which means that elements of the proposal would be contrary to policy, due to design, highways concerns as covered above, the setting of the Listed Building and the effect on visual amenity, the requirements for the Section 106 contributions set out above have not been sought from the applicant.

7. RECOMMENDATION

7.1 That planning permission is refused for the reasons shown below.

Background Papers **PK07/2616/F**

Contact Officer: **Chris Gosling**

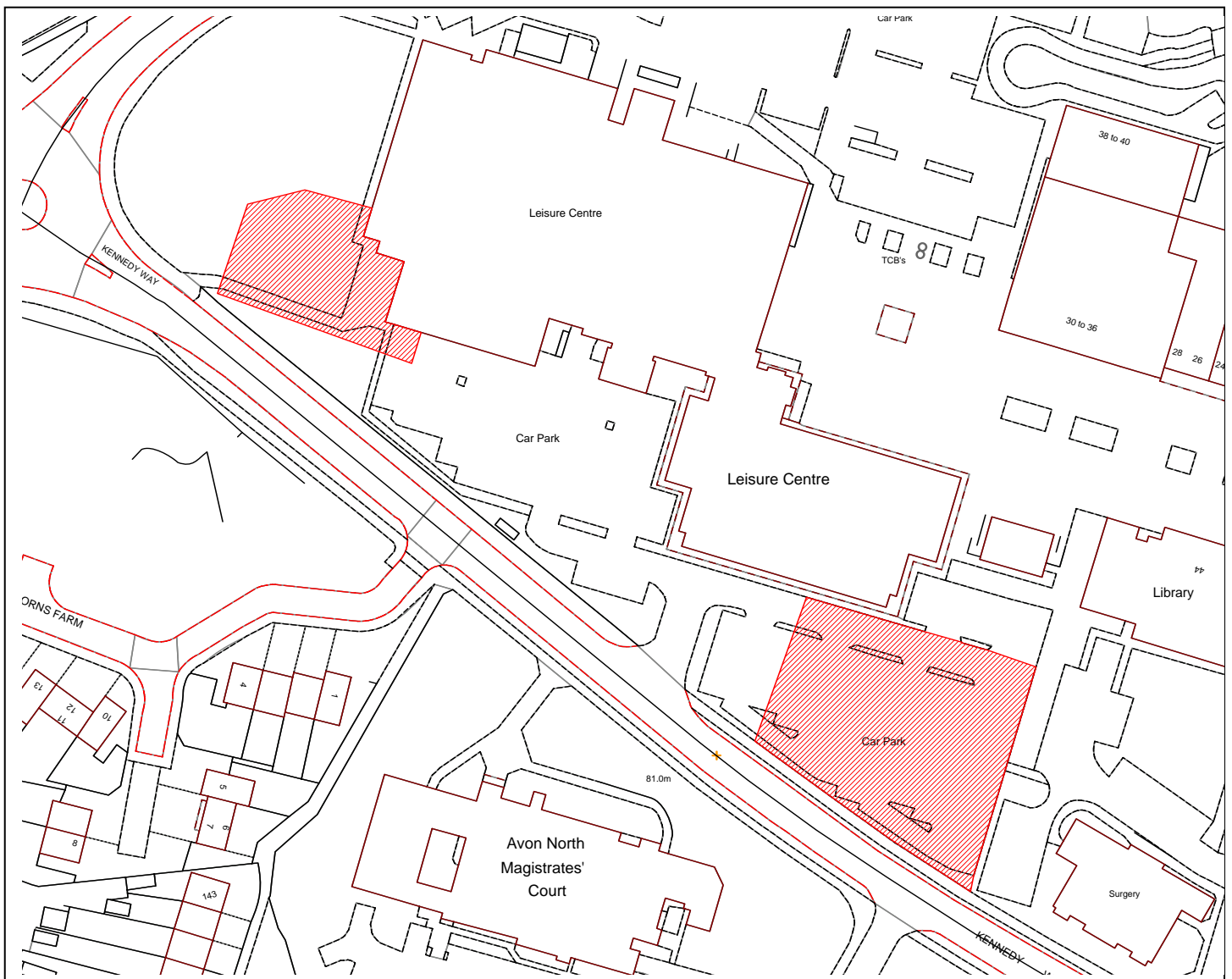
Tel. No. **01454 863787**

REFUSAL REASONS

1. The proposed building would dominate the setting of the adjacent listed building, by virtue of its mass and height. The adverse impacts are increased by the use of inappropriate building materials and design details. The proposal would therefore harm the setting of the adjacent listed building and is contrary to policy L13 of the South Gloucestershire Local Plan.
2. The proposed development, due to its intensive density, the scale of the building, its position in front of the existing building line, its use of a layout neither being informed by nor enhancing the character of the area, its dominant relationship with surrounding properties, the lack of an adequate level of amenity space and the lack of information on how the development has been designed to minimise the use of energy and natural resources, represents poor design which would harm visual amenity and local distinctiveness and be contrary to policies D1 and H2 of the South Gloucestershire Local Plan, the South Gloucestershire Design Checklist, draft Regional Spatial Strategy policies G and RE5 and guidance contained in PPS1, Delivering Sustainable Development and PPS3 Housing.
3. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards, the demand placed on the library service, the lack of provision of 1% of the development cost towards Public Art and the lack of affordable housing as a result of the proposed development and improvements to local bus shelters, the proposal would be contrary to policies LC8, LC13, T10 and H6 of the South Gloucestershire Local Plan.

CIRCULATED SCHEDULE NO. 44/07 – 2 NOVEMBER 2007

App No.:	PK07/2627/TMP	Applicant:	Mr R Pedley South Gloucestershire Primary Care Trust
Site:	Yate Leisure Centre Car Park Kennedy Way Yate BRISTOL South Gloucestershire BS37 4DQ	Date Reg:	23rd August 2007
Proposal:	Temporary consent for the erection of a two storey modular building with the creation of 15no. car parking spaces for a period of 22 months.	Parish:	Yate Town Council
Map Ref:	71207 82453	Ward:	Yate Central



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 100023410, 2007.

N.T.S

PK07/2627/TMP

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of objections from surrounding occupiers.

1. THE PROPOSAL

1.1 This application seeks planning permission for a 22 month period for the erection of a two storey modular building to be situated on the car park to the south of the Yate Leisure Centre, close to the boundary with Kennedy Way. The proposed building would house a range of functions currently carried out in Yate Health Centre, which is proposed to be demolished and replaced under a separate planning application. Also proposed under this application is the construction of 17 additional car parking spaces (for public use) on an open grassed area at the south-western corner of the Leisure Centre building.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG13 Transport

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
LC4 Community Facilities
L1 Landscape/ Trees
EP2 Flood Risk

3. RELEVANT PLANNING HISTORY

3.1 PK07/2712/F Replacement health centre Undetermined

4. CONSULTATION RESPONSES

4.1 Yate Town Council
No objection

4.2 Other Consultees
Technical Services

No objection in principle. The site is in Flood Zone 2 and it is recommended that the Flood Risk Assessment provided with the application is forwarded to the Environment Agency.

Environment Agency

Providing the council is satisfied that the development passes the sequential test, the Environment Agency have no objections in principle to the development, subject to the inclusion of the following condition which meets the following requirement.

CONDITION:

As the area may be prone to flooding from time to time, the internal finish floor level(s) of the building(s) shall be constructed no lower than 81.3 m above Ordnance Datum.

REASON:

In the interests of flood prevention.

Environmental Protection

No adverse comments

4.3 Other Representations
Local Residents/ Businesses

Two letters were received as a result of consultation:

South Gloucestershire Leisure

- * Greater impact on customers of the Leisure Centre than other businesses
- * Plans do not show how many further spaces at the existing Health Centre and Library will be lost
- * Existing car parking arrangements cause a high level of dissatisfaction with leisure centre customers – any further loss of parking will exacerbate this
- * Parking provision will be taken up by staff
- * May have to seek compensation from the Council (who pay management fees to the leisure centre) for loss of business
- * Time controlled parking could be introduced to prevent staff using car parking spaces
- * Unclear whether consultation has taken place with other car park owners nearby

South Gloucestershire Council Community Services

- * If the decant process is not handled well, there will be serious disruption for the library and leisure centre
- * Loss of 74 parking spaces for the temporary site, including 6 disabled and 6 additional spaces made inaccessible
- * Where will contractors park in this period?
- * Will the contractor's compound be in the site area?
- * Heavy vehicles could affect the operation of the leisure centre
- * When will the temporary parking be provided?
- * Works could take place at the busiest time of year
- * Net loss of spaces would be 23, not 17 – 38 for the temporary building, provision of 17 temporary spaces, but loss of two more to gain access to them
- * Lack of provision for access and manouevring to the temporary building for emergency and delivery vehicles
- * The car park currently has a 12 hour limit, which needs to be reduced to 4 hours to discourage long term parking for commuting purposes. There would be cost implications of such a step, which the PCT would need to meet
- * Need clarification of staff numbers to be working in the health centre
- * Access requirement for the mobile library
- * Good signage is required throughout the car park
- * Robust parking controls need to be introduced for the site contractors

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. The main issues are set by the four requirements of policy LC4, which relates to proposals for community facilities. These policy criteria form the headings below. Also at issue are the temporary impact of the proposal on nearby trees and flood risk issues.

5.2 D1: Design

Although the proposal is temporary in nature, the design of the building still requires some analysis by virtue of policy D1. The building in question is, by its nature, utilitarian. However, as its elevations are grey, the building would not be particularly prominent in the streetscape. It would stand in a reserved position, with its ground floor screened by the hedgerow which encloses this section of car parking. A temporary area of car parking is proposed next to the Leisure Centre and this would be read against the background of that building itself. In that case, some existing landscaping would partially screen views in from the south and west, the nearest available views. It is considered therefore that the proposal would not result in any harm to visual amenity and the design of the proposal is considered to be acceptable.

5.3 LC4: Accessibility of site by foot and bicycle

The town of Yate does not benefit from a wide cyclepath network. However, the central location, as proposed, ensures that potential access by foot and cycle is maximised, as it would be closest to the greatest number of users.

5.4 LC4: Effect on Residential Amenity

There is considered to be no detrimental impact on residential amenity arising from this scheme as there are no nearby dwellings.

5.5 LC4: Environmental and Transportation Effects

The proposed building will be part of the temporary accommodation for the West Walk Health Centre while the new surgery building (the subject of a different application) is erected. In detail, the proposal will entail the loss of 23 public parking spaces through the siting of the temporary building and a further 3 to create an access, making a total of 26 public spaces lost. In order to mitigate this, 17 new public car parking spaces would be constructed for a temporary period next to the leisure centre, leading to the overall loss of 9 public car parking spaces. Further to this, a temporary staff car park would be provided south of the ambulance station and accessed off Station Road. However, this area has not been indicated on the plans as part of the site or land under the applicant's control and therefore, while this may be provided in due course, should planning permission be approved, it should not be taken into account at this stage.

Seventeen additional parking spaces will be provided to the south-west of the Leisure Centre to offset the vehicular parking lost for the erection of the temporary building. An additional area of staff parking has been allocated behind the Ambulance Station. As this is a temporary arrangement and alternative vehicular parking has been provided, there is no basis for a transportation objection to the staff parking or public parking arrangement.

The Transportation effects of the proposal have been taken together with parking, as they are considered to be connected. The proposal is temporary in nature and it is considered that there is no practical method for undertaking such an operation without losing some parking capacity around the town centre. Measures are proposed which would partial mitigate against this effect and a condition below ensures that this land is re-instated with a new planting scheme required in order to effect an enhancement of this Public Open Space next to the Leisure Centre. The consultation process has highlighted concerns regarding the loss of parking and the operation of the car park during the temporary period applied for. It should be borne in mind that the town centre is an 'island' bounded by Station Road, Link Road and Kennedy Way. Within this area, free parking facilities are provided (subject to a generous time limit) with

the exceptions being the Fire Station and the car park to the east of the site, which is barrier controlled. There may be an expectation that visitors to the various attractions in the town centre should be able to park in the closest car park, but in reality this is not always borne out. It is recognised that in the case of disabled parking facilities that this is a genuine concern. With regard to more general parking provision, however, the expectation of convenient parking cannot be guaranteed.

What is still available, to all users of Yate Town Centre, is a high level of parking provision with safe and convenient pedestrian access to other parts of the centre by using the pedestrian zone. It is considered that this proposal would have a minimal impact on the level of overall parking provision for Yate town centre, while the impact more locally, particularly on the Library and Leisure Centre would be more marked. Due to the ease of access between different parts of the centre's car parking, it is considered that the impact of this proposal would not warrant a refusal reason under this criterion of policy LC4, or policy T12. With regard to the ability for the mobile library to access the library site. Although there is insufficient information available to substantiate this claim, the plans show that it is possible to provide suitable access and parking for a mobile library unit on site. For this reason, Transportation has suggested that a planning condition is imposed with the following effect:

Prior to commencement of the development works on site, the applicant identifies and agrees in consultation with the manager of the Library a suitable location for the mobile library unit on site. Such a location for the mobile library unit shall then be marked accordingly on the site and it shall then be maintained satisfactorily during the course of construction period.

It is considered that the implementation of such a condition would overcome this objection and allow for the continued operation of the mobile library.

With regard to the comment received through the consultation process that the numbers of car parking spaces is misleading, the analysis at 5.1 above of the numbers of spaces affected by the proposal has been checked and is considered to be correct, leaving a net loss of 9 public parking spaces.

With regard to environmental impact, Environmental Protection has been consulted and has raised no objection.

5.6 Flood Risk Issues

The Environmental Agency has replied that there is no objection to the proposal and have suggested a condition which has been appended below.

5.7 Trees and Landscape

The proposal has been identified as having the potential to impact on neighbouring trees or hedges that are under South Gloucestershire Council Ownership.

The Councils trees can be retained safely and in a healthy condition. In order to achieve this it should be ensured that:

- There is no ground disturbance or new construction under the canopies of these trees or hedges.

All buildings must be at least 3m away from the edge of the canopy of mature trees to prevent physical damage to trees that could damage their health or render them unstable.

- When building near trees, it is important to consider the size and depth of foundations.
- Ground levels are not to be raised or lowered within the canopy spread.
- Building materials, chemicals, fuel, machinery and vehicles should not be left or stored under canopies of nearby trees to avoid soil compaction and contamination that will harm tree roots.
- Paving under trees requires very careful design.
- Consider the need for crown lifting to allow adequate headroom (All tree works to adhere to BS3998: Recommendations for Tree Work).

The above issues are dealt with below, where appropriate, as conditions. Where it is not appropriate to use a condition, these appear as informatives on the decision notice. It is noted that the trees in question are small and border the car parking area. The emphasis is therefore on ensuring they are not damaged during the installation of the structure. It is considered that the proposal would pose no threat to the long term health of the trees as long as the conditions below are implemented and it should be borne in mind that the proposal is for a temporary period of less than two years. As long as the surrounding trees and their roots are protected over this period and during the removal of the temporary building, there is considered to be no threat to visual amenity in this respect.

5.8 Other Issues

The issue of parking time limits has been raised through the consultation process. This however is not a valid planning issue, as it could not appropriately be set by condition, given that most of the car parking associated with the town centre is outside the applicant's control. The landowners/ car park operators would be able to vary parking restrictions, subject to agreement, outside the planning process. A further issue has been raised, that of the parking and creation of a compound during the construction phase. While arrangements in the construction phase are not normally planning issues, in this case in order to facilitate the continued smooth running of the car park facilities, without compromising capacity, a condition has been appended below requiring details of a construction compound to be submitted. It should be noted that this application is for a building with a limited lifespan. This is set by condition below at 22 months. After this time, a further condition requires that the land be returned to its original state.

5.9 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The 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 approved, subject to the conditions shown below.

Background Papers PK07/2627/TMP

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 building hereby permitted shall be removed and the land restored to its former condition on or before 22 months following the commencement of development in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason:

The form and appearance of the building is out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case.

3. The off-street parking facilities to the south west of Yate Liesure Centre for all vehicles, including cycles shown on the plan hereby approved shall be provided before any existing car parking spaces are lost.

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.

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; and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason:

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

5. Prior to commencement of the development works on site, the applicant shall identify and agrees in consultation with the manager of the Library a suitable location for the mobile library unit on site. Such a location for the mobile library unit shall then be marked accordingly on the site and it shall then be maintained satisfactorily during the course of construction period kept free of any plant.

Reason:

In order to ensure that the mobile library can operate throughout the construction period, in the interests of highway safety and to accord with policy T12 of the South Gloucestershire Local Plan.

6. No development shall take place until details of the location of any construction compound to be provided on the site have been submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason:

To minimise disturbance to occupiers of nearby buildings and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 44/07 – 2 NOVEMBER 2007

App No.: PK07/2664/F

Applicant: Mr S Sheppard & Miss K Tamblin

Site: 83 Middle Road Kingswood BRISTOL South Gloucestershire BS15 4XJ

Date Reg: 30th August 2007

Proposal: Erection of single storey side and rear extension to provide additional living accommodation.

Parish:

Map Ref: 65746 75313

Ward: Rodway



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N.T.S

PK07/2664/F

INTRODUCTION

This application appears on the Circulated Schedule as a result of consultation responses received.

1. THE PROPOSAL

- 1.1 The application seeks permission for a single storey side and rear extension.
- 1.2 The property itself is a semi-detached dwellinghouse set within an area residential in character and adjoined by properties of similar scale and design.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 – Achieving Good Quality Design in New Development
H4 – Development Within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note 2 – House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Un-parished area
- 4.2 Other Consultees
No comments received

Other Representations

- 4.3 Local Residents
One letter of objection has been received in response to the application. This letter raise objections on the grounds denial of natural sunlight to the adjoining garden, damage to drainage and damage to the garden as a result of scaffold and access needed for the proposed extension – such access onto their land would not be permitted. There is also concern that the proposal incorporates a downstairs bathroom and that this may lead to the conversion of the property to flats.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The proposal for the development of a single storey side and rear extension at this location is considered acceptable in principle and in accordance with the relevant policies of the Development Plan, as referred to in the Policy section above.

5.2 **Residential Amenity**

Whilst one objection has been received it is considered that the extension would be of an acceptable scale for this location. Whilst the application property, in the rear cartilage, is slightly higher than that of its neighbours the impact of the a development of this scale would be negligible and not constitute grounds for refusal. The issue for consideration here is whether the proposal would have an overbearing impact upon neighbouring properties, this would not solely be measured on the basis of any impact upon sunlight but upon the size and scale of the proposal and its relative impact in relation to adjoining properties. At under 2.5 metres in length the extension comfortably complies with recommended design guidance on extensions at shared boundaries. No windows are proposed in the elevation joining the immediate neighbours. There are not therefore considered to be any overbearing impact or issues of overlooking associated with any other neighbouring properties. Similarly, in respect of the objection, any consent would not grant the right to access neighbouring land. The issue of conversion into residential flats is not the subject of this planning application and would require separate permission in its own right.

5.3 **Design**

The design, scale and materials to be used are considered to be an acceptable form of development at this location and would integrate acceptably with the existing property and its surroundings. The proposed materials used would match those of the existing dwelling.

5.4 **Section 106 Requirements**

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

6. **CONCLUSION**

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

6.2 The 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 That planning permission is granted.

Background Papers **PK07/2664/F**

Contact Officer: **Simon Ford**
Tel. No. **01454 863714**

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

Reason:

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

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

Reason:

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

4. No windows shall be inserted at any time in the east elevation of the property .

Reason:

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

CIRCULATED SCHEDULE NO. 44/07 – 2 NOVEMBER 2007

App No.: PK07/2817/F
Site: Railway Inn 17 Station Road Yate
 BRISTOL South Gloucestershire BS37
 5HT

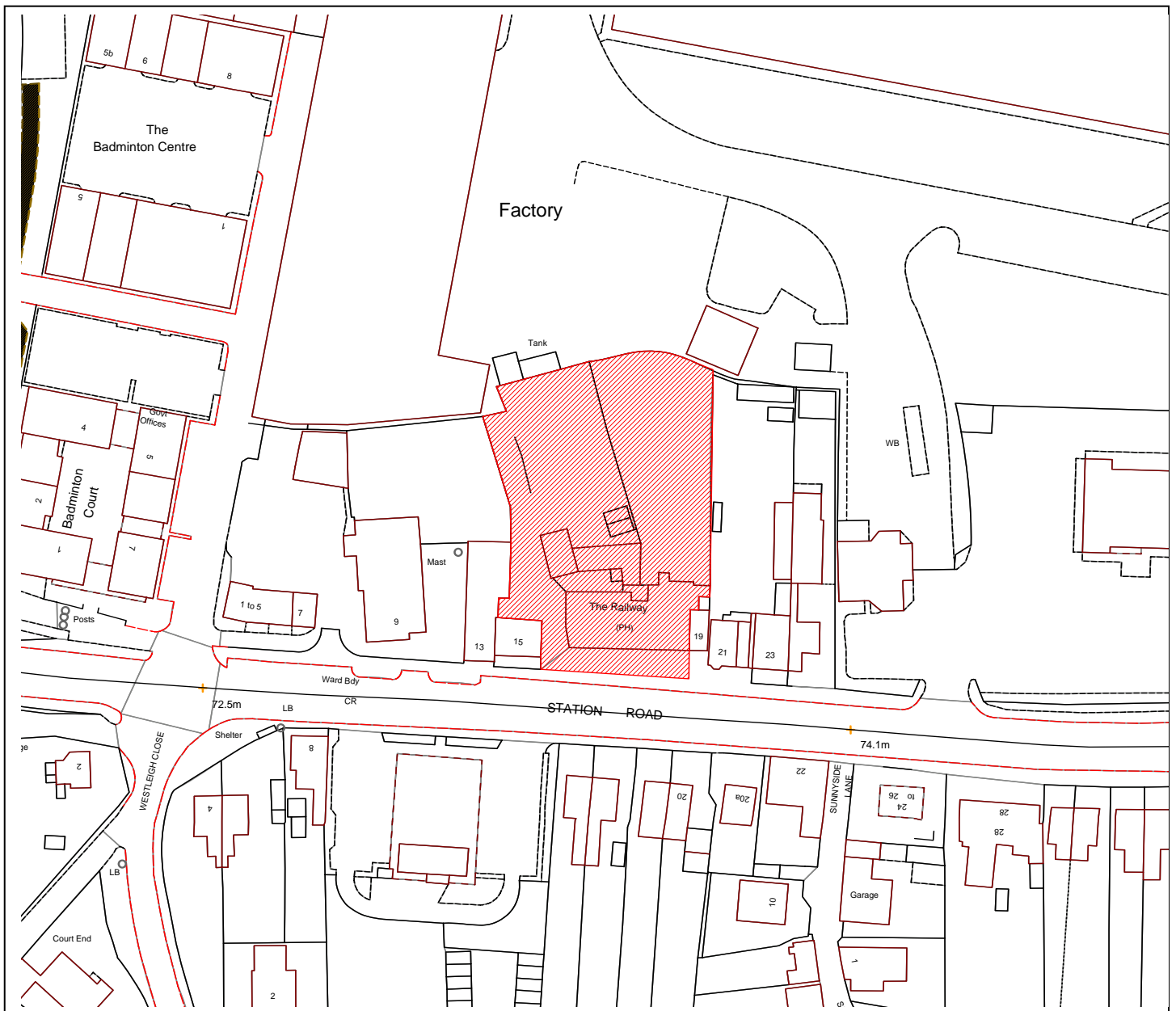
Applicant: Enterprise Inns Plc
Date Reg: 14th September
 2007

Proposal: Erection of a 1.5 metre high wall with
 metal railings and installation of 3 no.
 retractable parasols to front of public
 house.

Parish: Yate Town Council

Map Ref: 70296 82563

Ward: Yate North



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N.T.S

PK07/2817/F

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of one letter of objection from a Local Resident and one from the Parish Council

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the formalisation of the existing outdoor seating area to the front of the pub by the erection of a boundary wall with railings on top. The application also proposes to install three umbrellas within this walled area to form smoking shelters for patrons to the pub.
- 1.2 During the course of the application additional plans were requested from the agent to show the full elevation of the property. Plans were received as requested.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 - Achieving Good Quality Design in New Development
T12 - Transportation Development Control
LC4 - Community Facilities
L15 - Buildings which make a significant Contribution to the locality

3. RELEVANT PLANNING HISTORY

None relevant to the determination of this application although there is extensive history to the site.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Object to the application as they are concerned about the impact on the building which is locally listed. The wall will protrude much wider than the other buildings and it is not clear how wide the remaining pavement will be. The Parish Council are also of the opinion that the development would fundamentally alter the street scene and could result in increased nuisance to nearby residents.

Other Representations

- 4.2 Local Residents
One letter of objection has been received raising the following concerns;
- It's not a good idea to have people drinking near the highway

- It would be more considerate to neighbours to have the smoking area to the rear of the building in the beer garden.
- Concerned about people under the influence staggering into traffic and causing an accident

One letter of support has been received raising the following points;

- The improvements would greatly enhance the area as a whole
- It would improve the look of the pub creating a more welcoming feel
- Would increase security
- Would stop people using the benches late at night as they can't get to them
- Need to provide a smoking shelter

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan (Adopted) allows for the expansion of community facilities, such as a public house, within the defined settlement boundaries providing the following criteria are adhered to:

5.2 **A. Proposals are located on sites, which are, or will be, highly accessible on foot and bicycle;**

The pub is located on a busy highway in a mixed use area of Yate. The pub is easily accessible from all directions by public roads with footpaths and is close to the train station. It is therefore considered that the pub is easily accessible by foot and bicycle.

5.3 **B. Development would not unacceptably prejudice residential amenities;**

When considering this application, it is important to recognise that there is already an informal seating area to the front of the pub. There are patio benches (with parasols sometimes) on the area of hard standing to the front that are used by patrons of the pub. The publican has a license to use the area for the consuming of alcohol. This application will therefore simply regularise and formalise the existing situation.

The closest residential properties to the site are on the opposite side of the highway – some 22 metres from the edge of the proposed wall. Your officer does not dispute that there will inevitably be some level of noise created by patrons using the front beer garden. It is not considered however that the proposal will result in any significant or noticeable increase in noise or disturbance over and above the existing situation that would have a detrimental impact on existing level of residential amenity.

The public house is on the opposite side of the highway to the closest residential property. Station Road is a busy highway with relatively heavy traffic flows. It is considered that this traffic movement has more impact on levels of residential amenity than the proposed seating area.

It must also be noted that the publican has a license to use the area for the consumption of alcohol. Irrelevant to the outcome of this application, patrons of the public house may use the existing benches until 10.30pm. The proposed umbrellas and benches will be covered by the same licensing restrictions and must also be vacated and cleared by 10.30pm. The proposed development will therefore have no greater impact on existing levels of residential amenity than

the existing situation. Subject to conditions to restrict the hours that the seating terrace may be used, it is not therefore considered that the terrace will have any adverse effect on existing levels of residential amenity at the neighbouring properties.

It is also noted that the local resident and Parish Council are concerned about people drinking close to the highway – this however is not a planning issue. Nonetheless, it is the opinion of your officer that the proposed wall and railings will actually represent a significant improvement over and above the existing situation. Where currently people can walk from the pub straight onto the highway, this will be restricted by the new wall.

5.4 **C. Development would not have unacceptable environmental or transportation effects; and**

The proposed works will have no impact on existing levels of traffic accessing the site. The seating terrace is only moderate in size and is to formalise the existing arrangement - it is not anticipated that it will attract additional patrons to the pub who do not already use its services. There will be no impact on the large car park to the rear of the site which will remain. The new wall will be erected up to the edge of the footpath along Station Road – it will not however encroach onto it. The proposal will have no impact on pedestrian movements in the vicinity of the site and will not block or obstruct any part of the existing footway.

5.5 **D. Development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.**

The proposals will have no impact on the ample off street parking that is available at the site.

5.6 Design

The patio area to be enclosed by the 1metre high wall with railings on top will have a depth of 4.795 metres and be 17.36 metres in length. It is very common for properties in the vicinity to have low level walls right up to the edge of the footpath. Indeed, the neighbouring property No. 15 Station Road and 23 and 25 Station road all have boundary walls that run right up to the edge of the footpath. It is not therefore considered that the erection of the rendered wall and railings right up to the edge of the footpath will have any detrimental impact on the character of the area or street scene.

The new umbrellas will have a maximum height of 3 metres and each of the canopies will be square covering 3.5 m x 3.5 metres. The parasols are to be dark green in colour. It is not disputed that the canopies will be very clearly visible from the highway and will impact upon the street scene. However, the impact they have is mitigated slightly against the fact that the main front wall of the public house is set slightly back from the main building line. As a result, the bulk of the umbrellas will be contained behind the building line assuming this runs from No. 15 to 21 Station Road. As a result, then driving along Station Road, the umbrellas will not appear to project significantly beyond the building line and will not upset the street scene or character of the area.

The built form in the vicinity of the site is very varied. There is little regularity in the building form and many different architectural styles and land uses are present. The proposed canopies and wall therefore would not have any detrimental impact on the character of the area and thus complies with the requirements of Policy D1 of the South Gloucestershire Local Plan

5.7 Locally Listed Building

The public house is a locally listed building and thus policy L15 must be taken into consideration. Policy L15 identifies that development proposals will be expected to retain buildings which make a significant contribution to the character of the area. The proposal will retain the building and will not result in any destruction or demolition. Indeed, the proposal will have very little impact on the locally listed building as the majority of the works are free standing and are not physically attached to the locally listed building. Impact on the locally listed building is thus entirely acceptable.

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 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 That the application be approved subject to the following conditions;

Background Papers **PK07/2817/F**

Contact Officer: **Marie Bath**
Tel. No. **01454 864769**

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 outside seating area must be cleared of patrons by 22.30 hours daily. All bottles and glasses must be cleared from the outside seating area by 22.40 hours.

Reason:

To minimise disturbance to occupiers of nearby buildings, and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. 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 the development commences. Development shall be carried out in accordance with the approved details.

Reason:

To minimise disturbance to occupiers of nearby buildings, and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 44/07 – 2 NOVEMBER 2007

App No.: PK07/2958/F
Site: 39 Broad Street Staple Hill BRISTOL
 South Gloucestershire BS16 5LP
Proposal: Change of use from Retail (Class A1) to
 Complementary Therapy Services
 (Class D1) as defined in the Town and
 Country Planning (Use Classes) Order
 1987 (as amended).
Map Ref: 65030 75930

Applicant: Miss A Bowden
Date Reg: 3rd October 2007
Parish:
Ward: Staple Hill



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N.T.S

PK07/2958/F

INTRODUCTION

This application appears on the Circulated Schedule as the consultation process has attracted both support and objections.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to change the use of a retail unit (A1) in the Primary Retail frontage of Staple Hill to a centre for complimentary therapy services (D1). The site lies on the corner of the Square at the centre of Staple Hill. The shop front faces Broad Street.
- 1.2 The unit is currently unoccupied and a to let/ for sale sign is displayed. The information submitted with the application explains that the unit has been vacant since June 2007.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS6 Planning for Town Centres
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
RT9 Changes of use within primary shopping frontages

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
None

- 4.2 Other Consultees
Transportation

The site is located within the Staple Hill shopping centre and it is considered that the traffic generation from the proposed use will be similar to the existing extant permission. Subject to a condition restricting the use to just a complementary therapy service, there is no transportation objection to this proposal.

Environmental Protection
No objection in principle

Avon & Somerset Police
No adverse comments.

Other Representations

- 4.3 Local Residents

Two letters were received, one of which supported the proposal, sent by the owner of the property, stating that the site had been empty for some time, with very little interest in it. They state that the proposed use would bring new people to the area and help the economic viability of Staple Hill.

The other reply, although sent as a general observation, stated that the proposed use would lead to the loss of a shop unit and that there was a herbal food shop and two places offering treatment on Soundwell Road, which are always empty.

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. Policy RT9 rules out changes of use of retail premises in primary frontages, unless certain criteria are met. These criteria form the headings of the analysis below. A strong material consideration is a recent appeal decision relating to the retrospective change of use of a retail unit to a restaurant, ref. no. PK06/1730/F where the appeal was upheld as the inspector considered that the restaurant would contribute towards the vitality and viability of the centre. Staple Hill has two ranks of Primary shopping frontage, buttressed by four secondary frontages. Complementary uses to the primary frontages are encouraged through policies RT9 and RT10 to locate in the secondary frontages. There are at present vacant units in these secondary frontages.

5.2 RT9: Has it been demonstrated that the premises could not be retained in retail use?

It is noted that no such information has been submitted with the application, other than the information that the shop has been vacant since June 2007. There is clear evidence as covered at 1.2 above, however, that the premises is being marketed and this has been corroborated by the statement of the owner through the consultation process. However, the lack of detail and short time span is not considered to make a case to satisfy this policy criterion.

5.3 RT9: OR, would the proposed use make a positive and complementary contribution to the vitality and viability of the centre and not undermine it?

The proposed use is for a complementary therapy centre. This use falls under Class D1 of the Use Classes Order. At present there are three other D1 uses in the protected frontages of Staple Hill, a library and two churches. On this basis and due to the Primary frontage being at present 68.1% A1 retail, it is considered that the proposed change of use is unlikely to undermine the retail frontage. Furthermore, it is considered that the proposed use would attract people to the centre, who would then be likely to support the other facilities in the vicinity. On that basis, it is considered that the proposal would have the potential to support the vitality and viability of the Staple Hill primary frontage. While the use would be better playing a supporting function to the primary frontage from a location in the secondary frontage is a material consideration, but is not considered to be of sufficient weight to overcome the policy criterion in this instance. Having met the policy test in this regard, the proposal still has to be tested against the following criterion:

5.4 RT9: AND would the proposal cause unacceptable environmental or transportation effects?

Both Transportation and Environmental Protection have commented above and no objection to the proposal has been raised. The condition recommended by Transportation has been appended and this requires the submission of a planning application if another use within Class D1 is sought.

It is considered that Policy RT9 is satisfactorily complied with.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

6.2 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 approved, subject to the conditions shown below. Due to the possibility of a change of use not requiring planning permission to a D1 assembly or leisure use which may not complement the retail centre, a condition has been appended to ensure that any further change of use will require planning permission in order that it can be considered in this light.

Background Papers **PK07/2958/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 premises shall be used for a centre for complimentary therapies and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

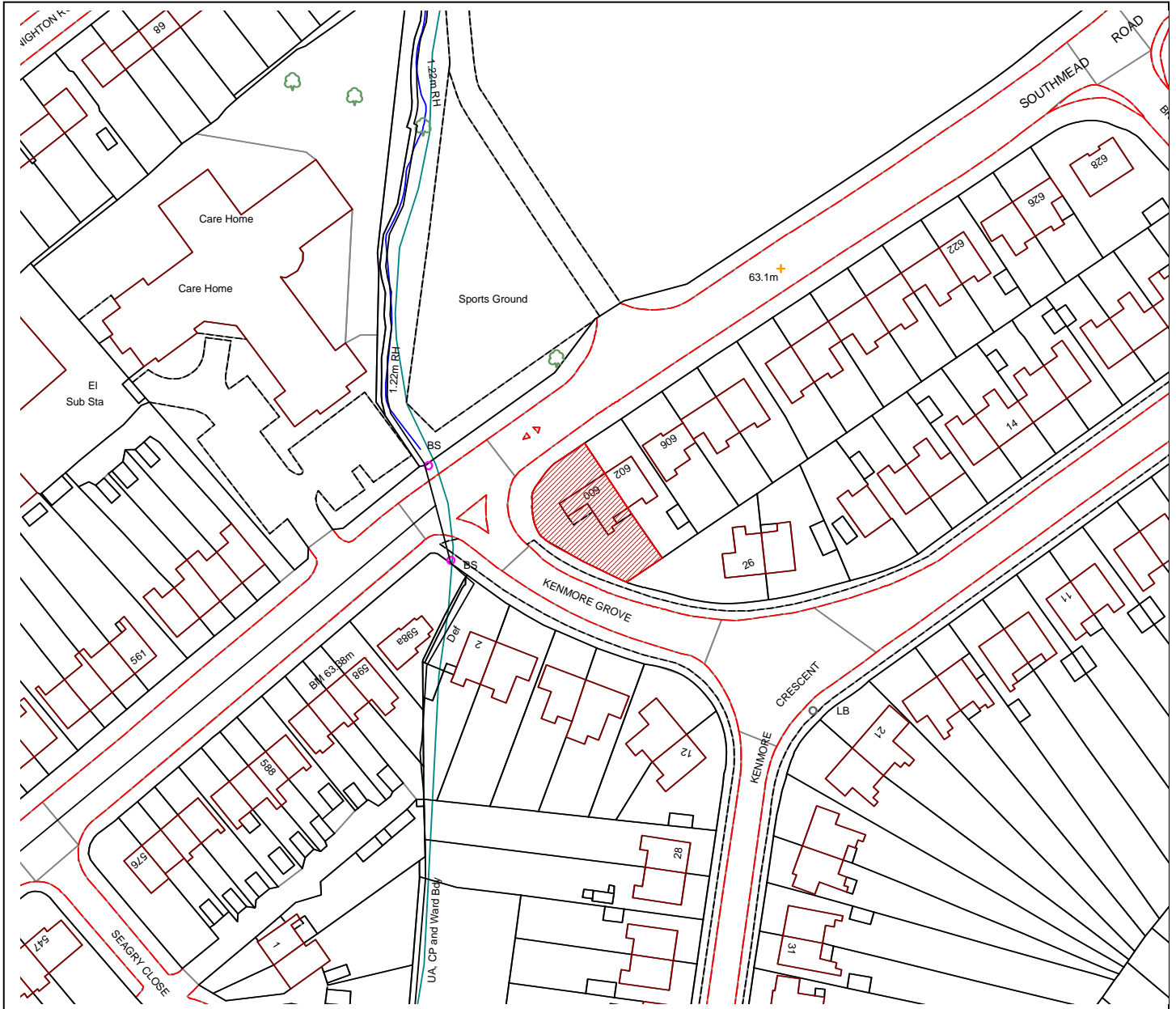
Reason:

The change of use has been approved for the use sought and any other use, even within this Use Class could have transportation implications which may preclude approval of planning permission, to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 44/07 – 2 NOVEMBER 2007

App No.: PT07/2223/F
Site: 600 Southmead Road Filton
 South Gloucestershire BS34 7RF
Proposal: Erection of 1 no. semi detached dwelling
 with associated works.
Map Ref: 59337 78443

Applicant: Mr M Murphy
Date Reg: 20th July 2007
Parish: Filton Town Council
Ward: Filton



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N.T.S

PT07/2223/F

INTRODUCTION:

This application is circulated on the Circulated Schedule as a result of the neighbours objections and the provision of a S.106 agreement to pay a contribution towards the North Fringe Highway Network.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a two storey side extension to provide a new house on the side of this semi-detached house within the urban area of Filton. The proposal shows two side by side parking spaces for the new house at the existing access to the site and two new, tandem parking spaces at the rear of the site.
- 1.2 The proposal requires the removal of the existing single garage.
- 1.3 This application differs from the previously refused scheme in that this application is for one house rather than two flats, there is no two storey rear extension, all private garden area is behind the built form (ie. not alongside Southmead Road) and as a result of the number of units being reduced the implications of providing bin storage, cycle parking and car parking are minimised.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG24	Planning and Noise

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H4	Development within Residential Curtilages
H2	Residential development in the urban area or defined settlement boundaries
T7	Cycle parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
L1	Landscape protection and enhancement

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) Adopted 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0534/F Erection of two storey side and rear extensions to facilitate 2 no. self contained flats with associated works. Refused

4. CONSULTATION RESPONSES

4.1 Filton Town Council

Object -Over intensive, out of keeping with neighbouring properties, detrimental to street scene. No planting details

4.2 Sustainable Transport

The site is located on the corner of Southmead Road and Kenmore Drive; there is a left in/out only arrangement at this junction.

There is already an access located at the side of the house.

A preferred option would be to have all of the parking located in the south western corner of the site, however it is acknowledged that any or all of the access points could be formed under permitted development and as such there is no basis for refusal of the proposed configuration.

All parking spaces must have a bound surface and no gates shall be fitted at any time.

There should also be two secure/undercover cycles stores provided.

The indicated garage would need to measure internally 2.75 metres wide by 5.0 metres long.

There is concern regarding the incremental damage of development on the oversubscribed North Fringe Network. On that basis there is a requirement for a mitigation contribution towards a package of highway improvements to relieve the pressure on the network. These are detailed in figures 8.2 and 8.3 of the South Gloucestershire Local Plan 2006.

This contribution is assessed as £1800 per new house. It should be received prior to the issuing of any planning permission and secured via an appropriate agreement.

On that basis and subject to the following conditions there is no transportation objection to this proposal.

- a) All proposed parking spaces to have a bound material;
- b) Any proposed garage should measure internally 2.75 metres wide by 5.0 metres long;
- c) Provide and maintain two secure/undercover cycle spaces;
- d) A contribution of £1800 towards the North Fringe development proposal (Transport Measures) to be received prior to the issuing of any planning permission;
- e) Details of the bin storage to be submitted and approved prior to the commencement of works.

4.3 Tree Officer

There is a mature horse chestnut growing alongside the road, the tree is owned by South Gloucestershire Council.

The previously refused scheme proposed new parking areas within the rooting area of the chestnut. These have now been removed and an area of approximately half of one square metre may need to be removed and surfaced in order access the side by side parking spaces. Similarly a section of grass verge will need to be hard surfaced in order to facilitate access to the tandem (one behind the other) parking spaces at the rear of the site. The proposed hard surfacing is well outside the canopy area of the street tree and as such this will not detrimentally affect the health of the tree.

As such the proposal is in accordance with South Gloucestershire Council adopted policy L1.

4.4 Environmental protection

A scheme of protection of the proposed house from noise from the Southmead Road is required prior to commencement of development.

4.5 Drainage

No objection subject to SUDS. Informatives offered.

4.6 Local Residents

Five objections have been received in relation to the following matters

- a) A second driveway will only make the turn into Kenmore Grove from Southmead road more difficult and dangerous
- b) Windows will overlook
- c) Not in keeping
- d) Possible move of old tree and loss of grass verge
- e) Plans are vague and will have same effect as previous scheme
- f) Dual drive close to Southmead road will increase danger
- g) Views could be affected
- h) Effect and change of character of the area.
- i) Indicative garage causes loss of light and no plan of scale.
- j) Area is mad up of detached and semi-detached houses
- k) Adding a semi-detached house to a semi is overdevelopment
- l) Would hate to see a neighbourhood of family houses converted into flats/small houses.
- m) There is oversubscribed street parking
- n) Loss of Magnolia tree and other shrubs in garden – detrimental to street scene.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policies H2 and H4 of the South Gloucestershire Local Plan allows for the erection of new dwellings within the urban area but these are criteria based policies which address the following topics and seek to protect the existing area from harm.

Policy H2 dictates that;

- a) The proposal should not have unacceptable environmental / transportation effects
- b) The density should be as high as is compatible with the sites location.
- c) The site should not be subject to unacceptable noise/ other pollutants.
- d) Provision for community facilities should be adequate

Policy H4 relates to new dwellings within existing garden areas and raises further specific issues in that:

- a) The mass, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area is respected.
- b) The proposal would not prejudice the amenities of the nearby occupiers
- c) An acceptable level of parking is provided.
- d) Proposal should not prejudice private amenity space for the existing or proposed dwellings.

5.2 Design/ Visual Amenity

This is a corner plot where the road alignment facilitates good views of the site from all angles. The application site comprises a semi-detached dwelling with a 4m wide vehicular entrance to a garage and parking spaces. With the exception of the vehicular entrance the site is bounded by either a conifer hedge at the front of the site or a six foot timber fence to the side of the property. Road side boundary fences and grass verges reflect the character of the area and add to the open feel of the immediate surroundings.

The form of the proposed house takes on the appearance of an extension to the house which is set down and back from the front elevation. Its width is considered acceptable in relation to the width of the original house and the bay detailing reflects the appearance of the original front elevation of the house.

With regards to the alteration of parking spaces and the resultant loss of grass verge outside the site, two alterations are proposed. Firstly where the new house would take ownership of the existing/remaining two car space hardstanding, a one metre length of dwarf wall would be required to be removed from the boundary and a small area of no more than 0.5m square of grass verge may need to be hardsurfaced in agreement with the Streetcare team. This would facilitate a full five meter double parking space reached directly off Kenwood Grove for the new house. Secondly the original house is shown to be provided with an indicative garage and a tandem (one behind the other) parking space which are accessed from the rear of the garden. This requires the removal of fencing and hardsurfacing of the crossover. These modest alterations would not have a detrimental impact on the character of the site or wider area. Neither would they cause damage to the street tree.

This extension would be constructed in matching materials. As such the materials are considered acceptable.

It is not considered the character of this residential area would be harmed by introducing a house which is smaller than those surrounding it and indeed PPS3 encourages a mix of housing types. The parking spaces, cycle storage and bin stores can be provided easily in the private rear gardens in such a way as to respect the character of the area and as such the application complies with Policy H4 and H2 of the Local Plan. These details can be controlled by condition.

5.3 Residential Amenity

The proposal is considered to have no impact on the residential amenity of the neighbour at 602 Southmead Road as the works are solely at the side of the existing house. The windows a door of the proposal are all over 28m from any conceivably overlooked neighbour. Additionally most of those properties are also on the other side of the public highway.

5.4 Amenity Space

The existing dwelling would retain a small rear garden area, and the new house would also have a reasonable sized rear garden where cycle parking could be provided. This is a satisfactory arrangement and complies with policies.

5.5 Highway Safety/Parking

As set out above the provision of 4 on site car parking spaces satisfies Policy T8 of the local plan. Cycle parking and bin storage for each of the resulting

houses can adequately provided within the rear gardens and as such details of these area required by condition to be agreed.

5.6 Noise

The house would be located directly on Southmead Road where noise from that major road could be of such a level as to be contrary to PPG24 and policy H2 of the local plan. However as the proposal gets no closer to the Southmead road that the existing houses and the private amenity area is now located solely at the rear of the site it is considered that as assessment of the noise and resultant remediation to be undertaken could be achieved by condition in this case.

5.7 Design and Access Statement

The Design and Access Statement submitted with the application is not 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, having regard to the above advice, the transportation improvement contribution, is appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

a) A contribution of £1,800.00 to provide for mitigation contribution towards a package of highway improvements to relieve the pressure on the Bristol North Fringe Network

7.2 Head of Legal and Democratic Service be authorised to prepare and seal the agreement.

7.3 Should there be a failure to sign a section 106 agreement within 12 months of this resolution then the application should be refused on the following grounds:

1. The application fails to provide any mitigation measures to offset the impact of the proposal on the Bristol North Fringe highway network. The proposal is therefore considered to be contrary to policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Background Papers **PT07/2223/F**

Contact Officer: **Karen Hayes**
Tel. No. **01454 863472**

CONDITIONS

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

Reason(s):

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

2. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

3. Prior to commencement of development of this permission a scheme of protection of the proposed house from noise from the Southmead Road shall be submitted to and approved in writing by the Local Planning Authority and all works which form part of the scheme shall be completed prior to the first occupation of the development.

Reason(s):

To protect the amenities of the occupiers of the flats, and to accord with Policy EP1 of the Adopted South Gloucestershire Local Plan January 2006.

4. The building shall not be occupied until the four car parking spaces for the proposed house and the original house have been drained and surfaced in a bound surface. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

Reason(s):

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.

5. No dwelling shall be occupied until space has been laid out within the site for two bicycles to be parked in each rear garden in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason(s):

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

6. No doors or gates shall be hung to enclose the parking spaces.

Reason(s):

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

7. No development shall take place until details of provision of storage for refuse bins and boxes has been submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

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.

CIRCULATED SCHEDULE NO. 44/07 – 2 NOVEMBER 2007

App No.: PT07/2558/F

Applicant: Olveston School
Governors

Site: Olveston CEVC School
Elberton Road Olveston
South Gloucestershire BS35 4DB

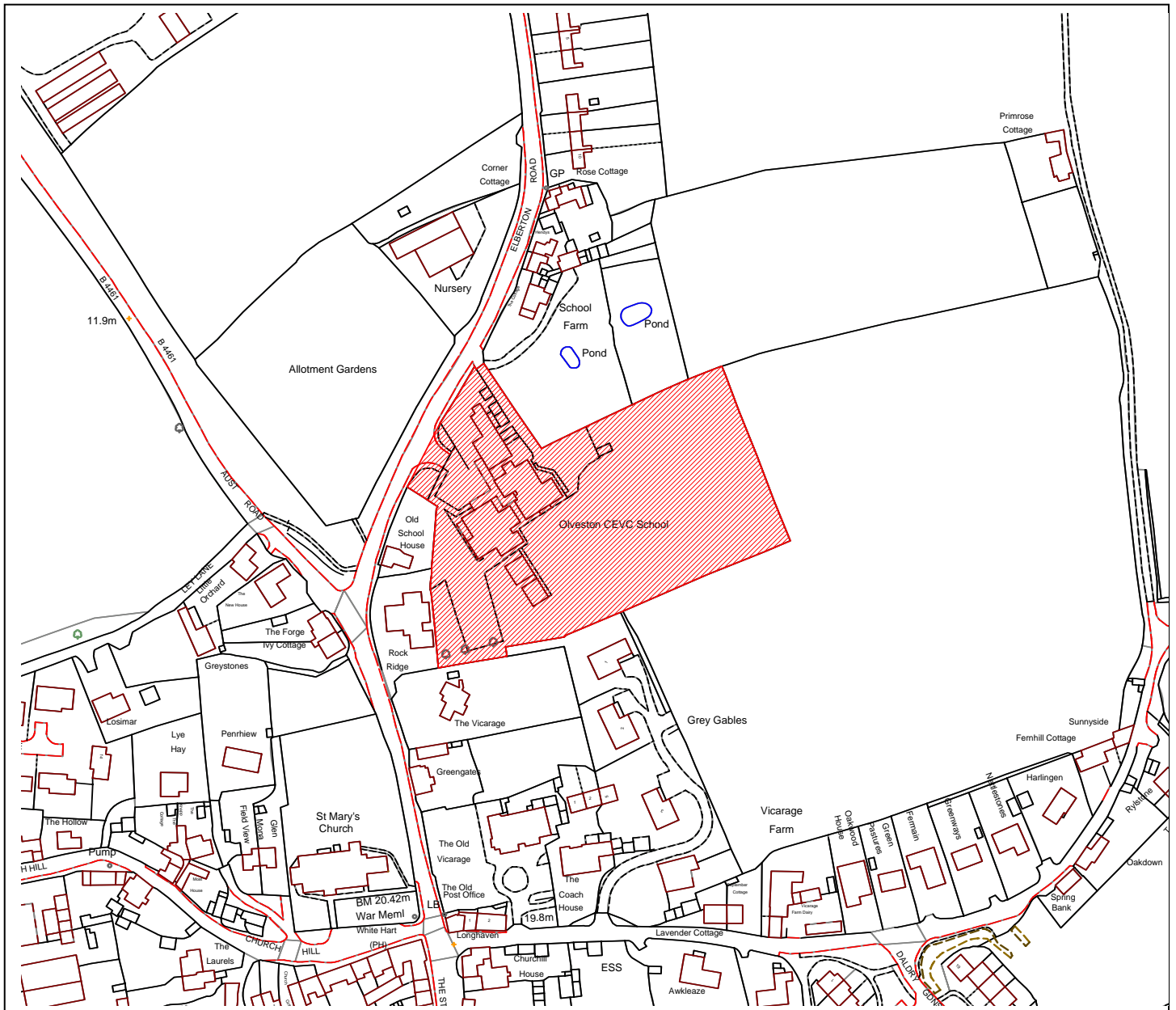
Date Reg: 20th August 2007

Proposal: Construction of earth bunds in school
playing fields

Parish: Olveston Parish
Council

Map Ref: 60184 87434

Ward: Severn



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N.T.S

PT07/2558/F

INTRODUCTION

This application has been placed on the circulated schedule as the application site is owned by South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The application seeks permission for the construction / remodelling of earth bunds around a school playing field. The proposed bund will be 1.5 metres high and will range between 10 metres and 6 metres wide. This is in order to allow the grass on the bund to be cut easier.
- 1.2 The application site lies outside the village settlement Boundary of Olveston, and is in the Bristol and Bath Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belt
- 2.2 South Gloucestershire Local Plan
D1 Achieving Good Quality Design in New Development
GB1 Green Belts
L1 Landscape
- 2.3 Supplementary Planning Document
South Gloucestershire Design Checklist
Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 None which affects this application

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objection to the proposal.
- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy D1 of the South Gloucestershire Local Plan requires that development can demonstrate good standards of design in terms of form, scale and layout that respect the site and its surroundings. Whilst in terms of Green Belt policy, such engineering operations should not be considered to impact upon the purposes of its inclusion in the Green Belt, in particular its openness.
- 5.2 Landscape
It is not considered that the size, shape or location of the mound, which would reach a maximum height of 2 metres, would have an overriding impact in landscape terms. The bund would be undulating in nature ranging in height but

not exceeding 2 metres. Some of the bund would be visible from the main road, at the entrance to the school car park, however much of it would extend behind the row of houses. Hence there is minimal landscape impact.

5.3 Residential Amenity

The proposal would be visible from the rear of the six or seven properties located along this stretch of Elberton Road. It is not considered however that the size and shape of the mound would be an obtrusive or overbearing element on the landscape that is likely to affect the properties significantly. Once grass has re-established the mound would re-integrate to its wider landscape.

5.4 Highways

There are no highway objections to the proposal. The amounts of any material to be imported would not be significant in highway terms at this location.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

Background Papers **PT07/2558/F**

Contact Officer: **Gareth John**
Tel. No. **01454 863438**

CONDITIONS

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

Reason(s):

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

2. The height of the proposed bund shall not exceed 2m.

Reason(s):

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

CIRCULATED SCHEDULE NO. 44/07 – 2 NOVEMBER 2007

App No.: PT07/2831/F

Applicant: Mr & Mrs A Haycocks

Site: 71 Field Farm Close Stoke Gifford South Gloucestershire BS34 8XX

Date Reg: 17th September 2007

Proposal: Erection of a single storey and two storey side extension to form additional living accommodation. (Resubmission of PT07/1226/F).

Parish: Stoke Gifford Parish Council

Map Ref: 62839 79835

Ward: Stoke Gifford



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N.T.S

PT07/2831/F

INTRODUCTION

This application appears on the Circulated Schedule after the receipt of one objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a rear single storey lean-to extension and a rear two storey extension to form additional living accommodation.
- 1.2 The application site relates to a detached dwelling situated on a corner plot within a well established residential area of Stoke Gifford.
- 1.3 This application is a resubmission of the previously withdrawn application PT07/1226/F.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/1226/F - Erection of a single storey and two storey side extension to form additional living accommodation
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection
- 4.2 Local Residents
One letter of objection received from a local resident, stating:
 - a) the proposal would be overbearing
 - b) overdevelopment of site
 - c) facing significant blank elevation
 - d) contrary to urban design policy in Local Plan
 - e) question rationale and justification for the extensionPoint (e) is not a material planning consideration.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity.

- 5.2 Policy D1 of the Local Plan considers general design principles and ensures good quality design.
- 5.3 Residential Amenity
The application site is located on a corner plot which is adjoined by the curtilages of two dwellings (Nos. 69 and 73 Field Farm Close). The dwelling's side elevation faces onto a number of dwellings on the opposite side of the road. The proposed extension would be situated on the dwellings rear elevation. The extension would be split into two parts, with half of rear elevation forming a single storey lean-to extension, whilst the other half would form of a two-storey extension.
- 5.4 The proposed extension would be approximately 2.3m in depth. The nearest dwelling to the proposal would be No. 69 which is approximately 1.5 metres from the single storey extension. Given the depth and scale of the extension it is considered that the proposal would not result in an overbearing impact.
- 5.5 A local resident from No. 50 has objected to the proposal on the grounds that it would be overbearing and would present a significant blank elevation. Notwithstanding the objectors comments, the dwelling in question would be approximately 16 metres from the proposed extension and would be separated by a highway. It is therefore considered that in these circumstances the proposal would not result in an overbearing impact on any of dwellings which faces the south-eastern elevation. The objector also states that the proposal would be overdevelopment of the site, however it is considered that proposal would be proportionate to the existing dwelling and would provide adequate amenity space.
- 5.6 To maintain the privacy of the occupier of No. 69 it is recommended that a condition is attached to the consent to prevent any windows being inserted into the dwelling's north-western elevation.
- 5.7 Design and Visual Amenity
The dwelling is located on a corner plot which has two frontages onto the highway. It is therefore very prominent in the street scene. The initial design submitted by the applicant appeared awkward and led to a blank elevation facing onto the street which did not respect appearance of the existing dwelling. To overcome this, negotiations have taken place with the applicant to set the building line of the two storey extension back in relation to the existing building and to add additional windows to the front elevation. It is considered that these amendments would help to break up the form of the front elevation and would make the proposal appear subservient to the existing dwelling. It is proposed that the extension would be finished in materials to match the existing dwelling. Therefore, in light of the above it is considered that the proposal would respect the appearance and character of the existing dwelling.
- 5.8 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission to be **GRANTED** subject to the following conditions:

Background Papers **PT07/2831/F**

Contact Officer: **Peter Rowe**
Tel. No. **01454 863538**

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. No windows shall be inserted at any time in the north-west side elevation (facing No. 69 Field Farm Close) of the two-storey extension hereby approved.

Reason(s):

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

CIRCULATED SCHEDULE NO. 44/07 – 2 NOVEMBER 2007

App No.: PT07/2836/F

Applicant: Mr & Mrs M
Caradine

Site: 19 Brackendene Bradley Stoke
South Gloucestershire BS32 9DJ

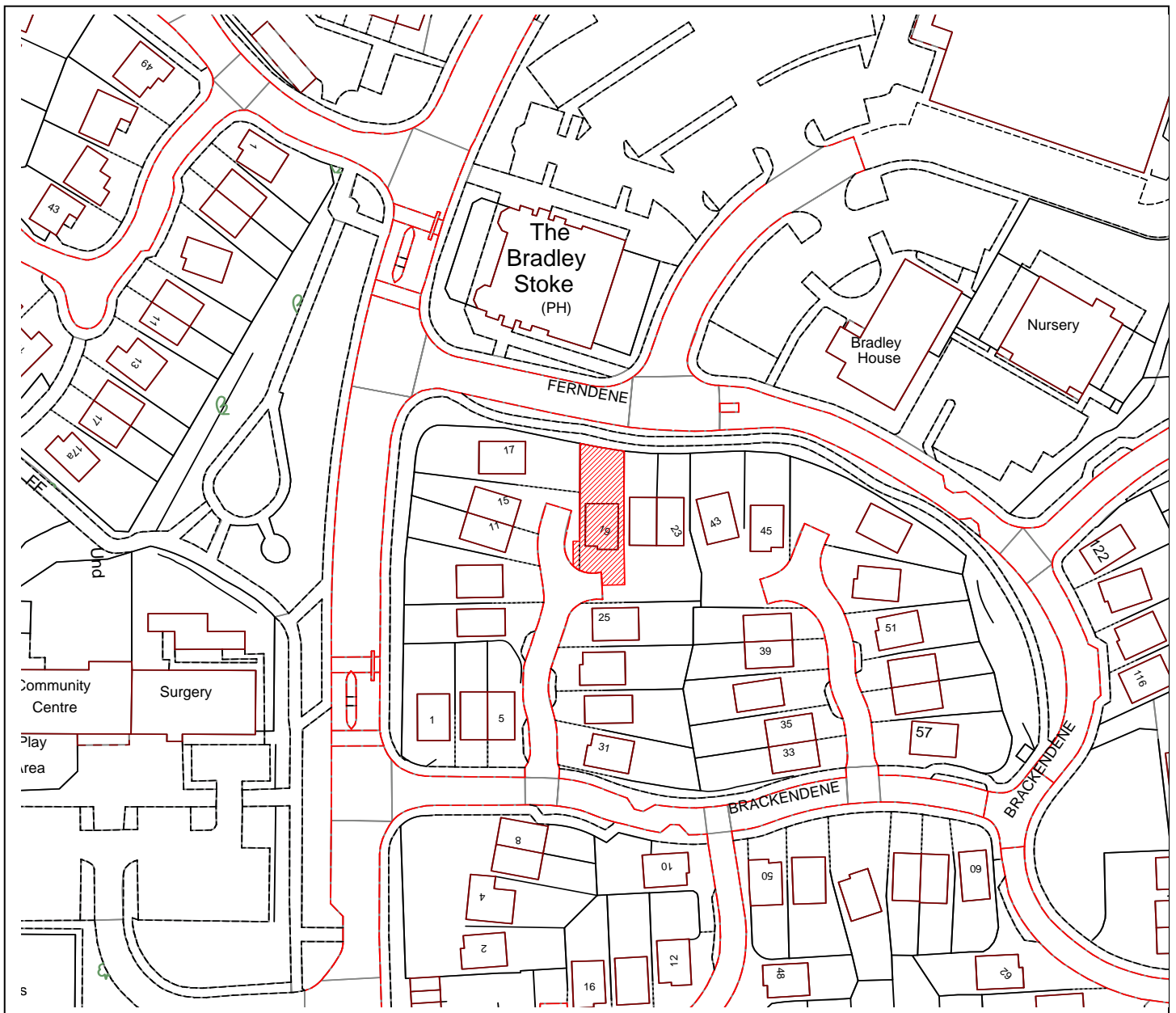
Date Reg: 18th September
2007

Proposal: Erection of single storey side and rear extension to provide additional living accommodation

Parish: Bradley Stoke Town
Council

Map Ref: 61301 82551

Ward: Bradley Stoke
Central and Stoke
Lodge



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N.T.S

PT07/2836/F

INTRODUCTION

This application has been placed on the circulated schedule due to the two letters of objection to the proposal received.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey wrap around side and rear extension to provide additional living accommodation. The property subject to the application is a modern detached dwelling within the established residential area of Bradley Stoke. In order to facilitate the extension the existing conservatory is proposed to be removed.

2. POLICY CONTEXT

- 2.1 National Guidance:
PPS1 Delivering Sustainable Communities
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Residential curtilage
- 2.3 Supplementary Planning Document
Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/3001/F Erection of a rear conservatory.....Approved

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council:
No response received
- 4.2 Local Residents:
5 letters have been received in response to the consultation exercise, 2 object to the proposal whilst 3 support the proposal.

The letters of support raise the following points;

- a) There is no overlooking on to neighbouring properties
- b) The development will not impact upon the neighbours amenities
- c) The proposed construction materials are in keeping with the surrounding properties
- d) The extension gives out less light pollution than a conservatory
- e) The development has no impact upon the surrounding highway network

The letter of objection raise the following points:

- a) Loss of light to neighbouring properties
- b) Reduction in gaps between properties
- c) Will set a dangerous precedent
- d) Reduction in value of property
- e) Will impact upon the structural integrity of neighbouring house

- f) Some of the letters of support come from people who do not live in the cul de sac
- g) Disruption to neighbouring property during construction process
- h) The extension would be better located on the other side of the property

5. ANALYSIS OF PROPOSAL

5.1 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically relates to residential development including extensions to dwellings. It states that any development should be in keeping with the character of the property and the area generally in terms of size, design and materials and that residential amenity should not be adversely affected by the proposal.

5.2 Design

It is considered that this proposal in terms of its overall size, design and external appearance is in keeping with the existing property and those that surround it. The proposal will be constructed using materials that match those used in the construction of the main house. Thus ensuring that the proposed development blends in well with the original property.

5.3 Residential Amenity

It is considered that this proposal does not impact upon the amenities of any of the adjoining properties. Its size and design ensure that the proposal does not have an overbearing impact on the surrounding properties nor does it result in an impact on their privacy. No windows are proposed which directly over look adjacent properties. Therefore residential amenity is not affected.

The issue of overbearing impact upon the neighbour's front door which is on the side of the property has been raised but it is considered not to be to any significant scale which would warrant the refusal of the application.

5.4 Other Issues

The issue of loss of value to a neighbouring property has been raised but this is not a material planning consideration.

The issue of the addresses of the applicants supporters has also be raised but the location of an objection is not the issue it is the points they raise and how they relate to the planning application which is the significant issue.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission be granted

Background Papers PT07/2836/F

Contact Officer: Gareth John
Tel. No. 01454 863438

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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