



**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. 47/07

Date to Members: 23/11/07

Member's Deadline: 30/11/07

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: 23/11/07

SCHEDULE NO. 47/07

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

**Dates and Deadlines for Circulated Schedule
over the Christmas & New Year period 2007/2008**

Schedule Number	Date to Members 12 noon on	Members Deadline 12 noon on
51/07	Friday 21 December 2007	Thursday 3 January 2008
52/07	No Circulated Schedule production	*
01/08	Friday 4 January 2008	Friday 11 January 2008

Circulated Schedule 23 November 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK07/2436/F	Approve with conditions	Land at 2 Lansdown Place Mangotsfield South Gloucestershire BS17 3AE	Emersons Green	Mangotsfield Rural Parish Council
2	PK07/2574/F	Approve with conditions	Former Courtaulds Factory Signal Road Staple Hill South Gloucestershire BS16 5PG	Rodway	
3	PK07/2832/ADV	Approve	Longwell Green Leisure Centre Aspects Leisure Park Leisure Road South Gloucestershire BS15 9LA	Hanham	Hanham Parish Council
4	PK07/2953/F	Refusal	31 Station Road Kingswood South Gloucestershire BS15 4PG	Rodway	
5	PK07/2961/F	Approve with conditions	B4060 near The Ridings Wickwar Road Chipping Sodbury South Glos. BS37 6LB	Chipping Sodbury	Sodbury Town Council
6	PK07/3060/F	Approve with conditions	3 Stanbridge Close Mangotsfield South Gloucestershire BS16 6AP	Rodway	
7	PK07/3109/TRE	Approve with conditions	94, 96, 98 & 100 Wadham Grove Emersons Green South Gloucestershire	Emersons Green	Mangotsfield Rural Parish Council
8	PK07/3111/TRE	Approve with conditions	5 Shackel Hendy Mews & 88, 90 & 92 Wadham Grove Emersons Green South Gloucestershire	Emersons Green	Mangotsfield Rural Parish Council
9	PT07/0485/F	Approve with conditions	Tortworth Court Tortworth South Gloucestershire GL12 8HH	Charfield	Tortworth Parish Meeting
10	PT07/0487/LB	Approve with conditions	Tortworth Court Tortworth South Gloucestershire GL12 8HH	Charfield	Tortworth Parish Meeting
11	PT07/2582/F	Approve with conditions	Severn View Davids Lane Alveston South Gloucestershire BS35 3LN	Thornbury South and Alveston	Alveston Parish Council
12	PT07/3094/F	Approve with conditions	Tesco Stores Ltd Bradley Stoke District Centre Bradley Stoke South Gloucestershire BS32 8EF	Bradley Stoke Central and Stoke Lodge	Bradley Stoke Town Council
13	PT07/3192/F	Approve with conditions	11 Redfield Road Patchway South Gloucestershire BS34 6PJ	Patchway	Patchway Town Council
14	PT07/3222/F	Approve	The Swallows The Street Alveston South Gloucestershire BS35 3SX	Thornbury South and Alveston	Alveston Parish Council
15	PT07/3224/F	Approve with conditions	The Swallows The Street Alveston South Gloucestershire BS35 3SX	Thornbury South and Alveston	Alveston Parish Council

CIRCULATED SCHEDULE NO. 47/07 – 23 NOVEMBER 2007

App No.: PK07/2436/F

Applicant: Mr Haythornewaite-Shock

Site: Land at 2 Lansdown Place Mangotsfield
BRISTOL South Gloucestershire BS17
3AE

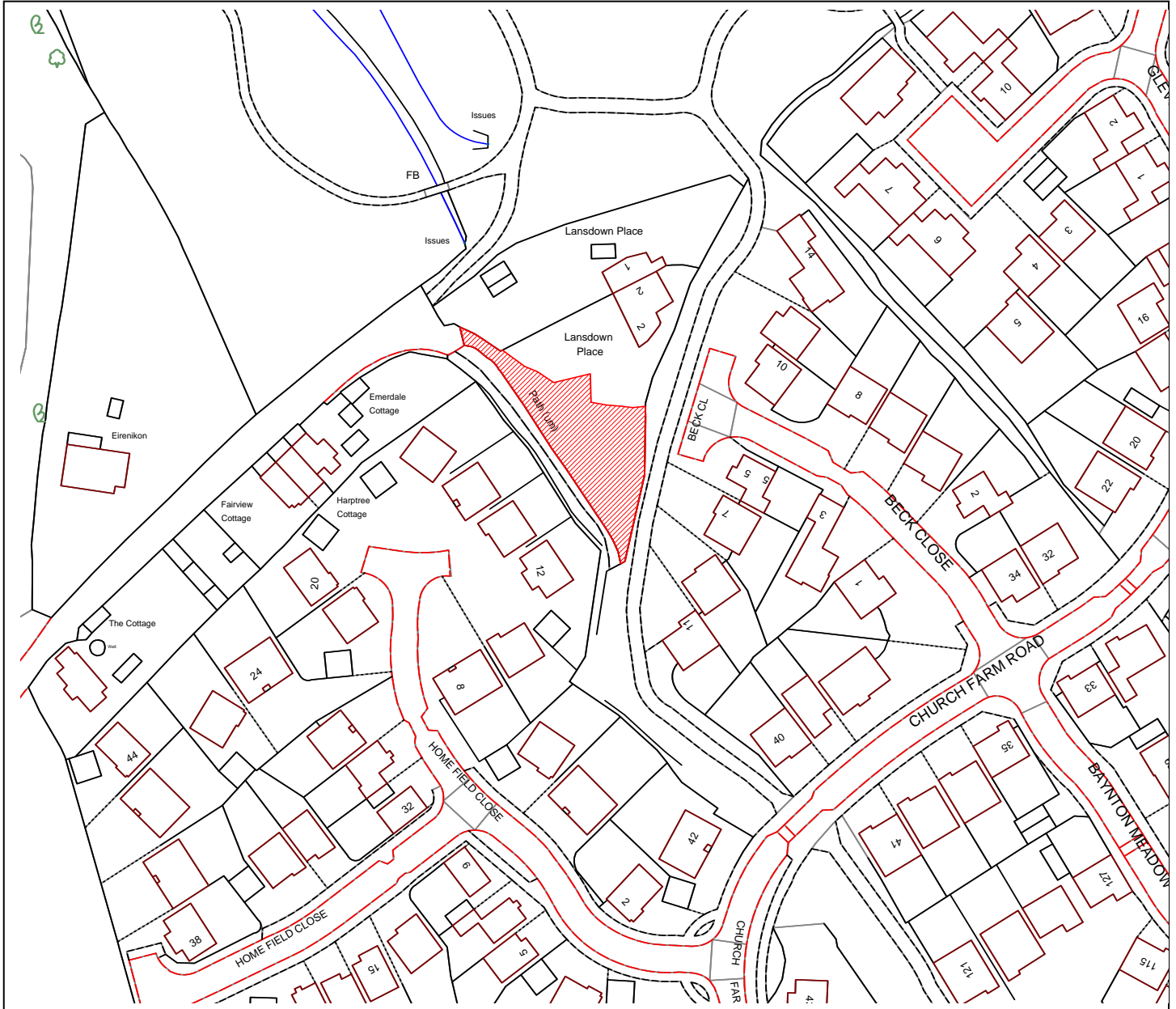
Date Reg: 9th August 2007

Proposal: Erection of 1 no. dwelling with
associated works.

Parish: Mangotsfield Rural
Parish Council

Map Ref: 66958 76971

Ward: Emersons Green



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100023410, 2007.

N.T.S

PK07/2436/F

INTRODUCTION

This application is referred to the Circulated Schedule following objections to the proposed scheme being received from local residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission to 1no. dwelling on land which currently forms the curtilage of 2 Landsdown Place, a previously extended former cottage which currently now has two detached two-storey garages. The application site for the proposed dwelling is on land which is currently occupied by the older of the two garages in the southern corner of the curtilage.
- 1.2 This applications follows outline consent for a dwelling being approved in 2004 (as noted below), which was to see the existing garage altered and extended to form a new dwelling. The application site for this application and the one now proposed has been changed, as previously the new dwelling was to be set adjacent to the southern boundary with a garden on the eastern side. The dwelling now proposed is to be set further into the plot to allow for a garden to the located to the rear. Therefore following the decision to change the position of the building, a full application rather than a reserved matters application has been submitted.
- 1.3 The host building is a pennant stone cottage, one of a small cluster of older properties that survived the surrounding development of Emerson's Green. To the east, south and west lie modern dwellinghouses of the mid-1990's Emersons Green development, although it is noted that running directly along the western boundary is a public right of way which is within the ownership of the applicant. To the north lies open space.
- 1.4 Since submission a disparity within the plans has been corrected, for as shown on elevation and plan, there is only to be 1no. first floor window facing in an easterly direction and this is to serve a landing. However on block plan, two windows were shown with one of the windows serving a bedroom. This disparity has been clarified so that the plans consistently show only 1no. non-habitable room window at first floor level that faces an easterly.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans
Joint Replacement Structure Plan
Policy 31 Residential Development
Policy 33 Residential Development
Policy 59 Transportation Aspects of Development

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
H4 Development within Existing Residential Curtilages including Extensions
T12 Transportation Development Control Policy for New Development.

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/3622/O – Erection of 1no. dwelling (outline). Approved with conditions 12/10/04.

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
Unable to comment.

- 4.2 Other Consultees

Public Rights of Way

No objection but some advisory notes are suggested.

Other Representations

- 4.3 Local Residents

4no. consultation responses were received from local residents which expressed the following summarised objections to the proposed scheme:

- Due to the narrowness of Emerson's Green Lane, it is requested that during the development, all plant and building materials be stored on site, leaving PMR29 and the hammerhead of the land, clear at all times;
- The site plan does not show all existing dwellings and buildings on the property and adjacent properties, so it is deceptive and incorrect;
- The site plan shows boundaries between the land in question and Beck close as being much closer to the public footpath than actual distance of boundary and does not show mature trees and hedging depth which under planning rules must be protected;
- The application states that "no trees or hedging will be felled or removed", yet the plans it shows "new hedging".
- The proposal dwelling is not in keeping with the area.
- The elevation of the new house will be larger than the existing building and will have windows directly overlooking a neighbour's property and the hedgerows between the properties afford little screening in the winter months;
- The change of use will result in an increase in noise behind our rear garden fence generating additional disturbance that will affect our enjoyments of our garden;
- More trees would be cut down;
- Neighbouring residents would be affected by the noise of construction work;

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The application site is located within the urban area, as it is situated within Downend, an established suburb of east Bristol. Policy H4 (as informed by Policy H2) of the adopted local plan accepts the principle of new dwellings within existing residential curtilages within an existing urban area, subject to a number of criteria being satisfied. In addition Policy H2 also indicates that in line with PPS3 that there is an expectation that the density of new development will reach a minimum of 30 dwellings per hectare subject to compatibility with the character of the area and accessibility requirements. From a density calculation, the proposed development results in a density of approximately 26

dwellings per hectare which falls below the above level. It is considered however that the development is of a suitable density when taking into account the character of the area.

- 5.2 The principle of the development is therefore considered acceptable in this instance subject to the following assessment.

Design/ Visual Amenity/ Layout

- 5.3 The proposed house takes on a very simple design and form and hasn't attempted to draw from any particular architectural style, although it could be argued that some of the detailing is taken from the modern houses that surround the site. Although a large 4 bedroom house, the massing of the proposed dwelling has been broken up as it has been designed with a "L-shaped" form. There is also sufficient distance between the proposed new house and the existing host to allow for such an approach, as it is not considered that it would not harm the character or setting of the existing house and the recent appeal decision to allow the two-storey garage block that would stand between the existing and proposed new house also has to be given due consideration. The siting/ layout, like the previous scheme, takes advantages of the configuration of the site and it is considered that the revised layout would provide a better amenity arrangement with regard to privacy and appearance, as the garden would now be to the rear as opposed to the side and so close-boarded fencing to sub-divide the site is no longer required, which is considered to be a visual gain.

- 5.4 It is considered that overall the context of the site is a mixture of modern development with some older and smaller stone building dwellings also in close proximity. The simplicity of the proposed house will allow it to integrate with both and so in conclusion and, as per the previous scheme, it is considered that the proposed new dwelling on this site would assimilate into its surroundings and would not detract from the character of the area.

Residential Amenity

- 5.5 With regards to effect of the proposed house upon existing neighbouring properties, houses within Beck Close lie to the south-east and houses within Home Field Close lie to the south-west.
- 5.6 The rear of the proposed house would face a number of properties in Beck Close. Between the site and nearest house is a landscape buffer, a public footpath and a private access road. However the position of the proposed house has however ensured that the separate distance between the new house and the closest properties of Beck Close accords with the Council's 21 metre separation distance between habitable rooms. It is therefore considered that there would be sufficient distance between the existing properties of Beck Close and the new house to avoid any significant levels of inter-visibility. It is also considered that the difference in levels with Beck Close being elevated over the level of the proposed site would also help mitigate any perceived inter-visibility.
- 5.7 Turning to the properties of Home Field Close, the nearest houses – No's 12 – 16 are closer to the site than those of Beck Close. However the closest point between the nearest existing house of Home Field Close and the proposed new dwelling is considered to be 12 to 13 metres.

- This accords with the required distance between habitable rooms windows and blank elevations, however there are some windows within the east facing elevation – on the ground floor 1no. window, a door and glazed panel and a single casement window on the first floor.
- 5.8 With regards the ground floor openings, the door and glazed panel serve the hall way and so is not considered a habitable room. The triple casement window on the ground floor does however serve a living room, however it is considered that due to change in levels and the existing planting, the outlook from this windows would be fairly enclosed. It is therefore considered that in light of the character of the site and the separation distance, this window would not result in any significant levels of overlooking or intervisibility to warrant a refusal of this application.
- 5.9 The main concern was however at first floor level. However the window specified would serve a landing, which like a hall, is not a habitable room and so the required 21 metre separation distance between habitable room windows need not be applied. Consequently although there would be a window facing the rear of the properties of Home Field Close at first floor level, as the window does not serve a habitable room, it is considered that there would be no significant loss of privacy through overlooking or intervisibility that would justify a refusal of permission.
- 5.10 The proposed amenity space for the new dwelling is considered adequate in terms of scale and character and the remaining amenity space for the existing dwelling would also remain acceptable.

Transportation

- 5.11 Outline planning permission has previously been granted for one additional residential unit on this site (PK02/3622/O). This current application seeks full planning permission to erect a four-bed dwelling.
- 5.12 Access to the new dwelling will be via an existing lane which currently serves no 2 Lansdown Place. Vehicular parking in line with Policy T8 of the SGLP is being proposed for both the existing and new dwellings.
- 5.13 Prior to the previous planning permission being granted, the Applicant entered into a Section 106 Agreement to secure a financial contribution towards improvements for cyclists and pedestrians in the area. This contribution was made payable on commencement of the development.
- 5.14 The justification for this contribution remains valid, and so again consent is to be subject to the completion of a Section 106 agreement to secure a financial contribution to provide traffic calming measures on Lansdown Place and Emersons Green Lane to create “Quiet Lanes” through signage and calming.
- 5.15 In light of the above, there is no transportation objection to this proposal.
- 5.16 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

5.17 Section 106 Requirements

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

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 (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 278 of the Highways Act 1980 (as amended) to secure the following:
- (i) Four thousand pounds should be secured towards traffic calming measures.
- (2) That the Head of Legal and Democratic Services be authorised to prepare and seal the Section 278 Agreement.

Background Papers **PK07/2436/F**

Contact Officer: **Robert Nicholson**
Tel. No. **01454 863536**

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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the west and south-west facing elevations 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. 47/07 – 23 NOVEMBER 2007

App No.: PK07/2574/F

Applicant: George Wimpey
Bristol Ltd

Site: Former Courtaulds Factory Signal Road
Staple Hill BRISTOL South
Gloucestershire BS16 5PG

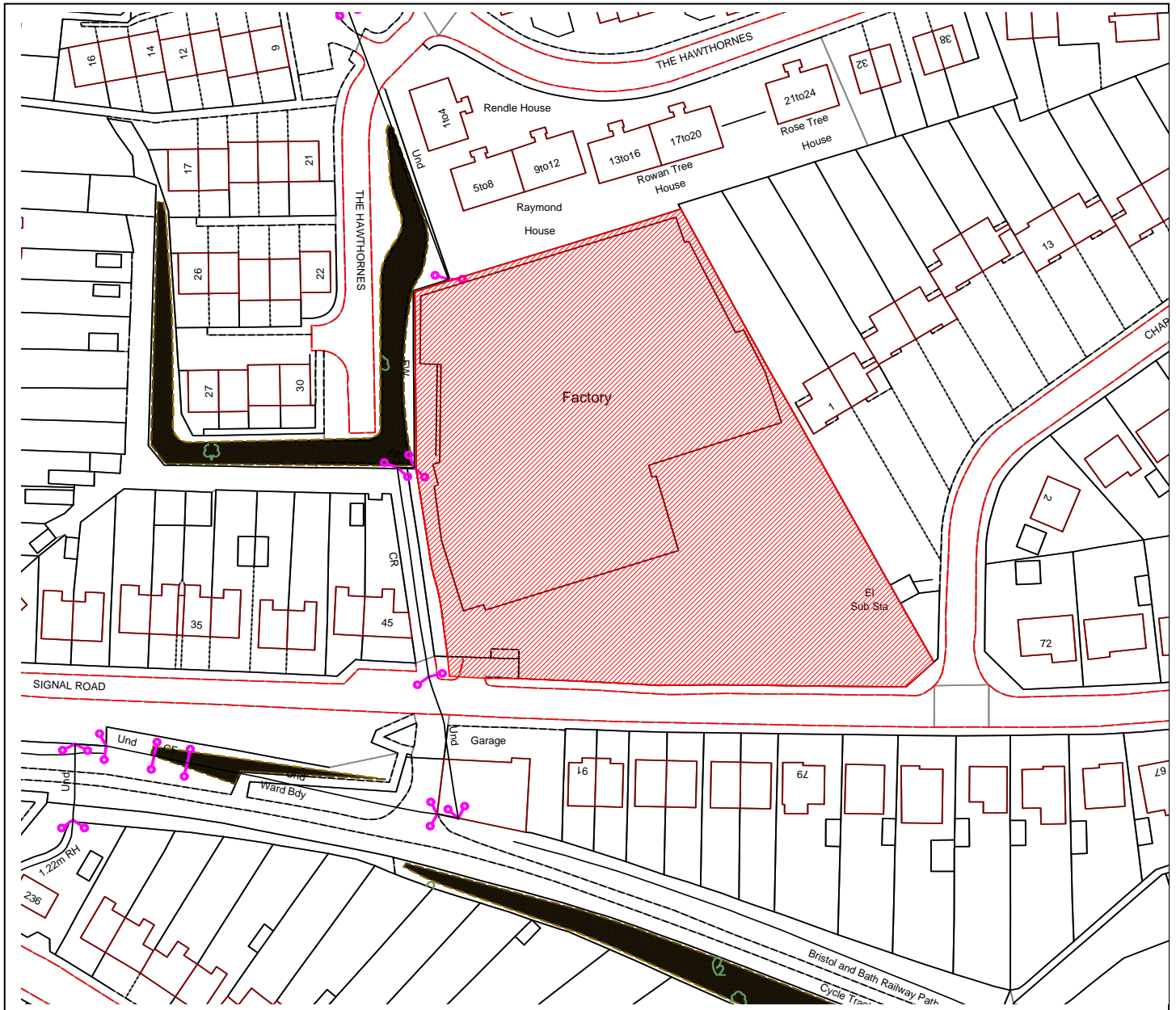
Date Reg: 21st August 2007

Proposal: Demolition of existing factory to facilitate
the erection of 45 no. dwellings with
associated parking, bin store and cycle
store.

Parish:

Map Ref: 65705 75726

Ward: Rodway



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N.T.S

PK07/2574/F

INTRODUCTION

This application has been referred to the Circulated Schedule because it is a Major Application and objections have been received from local residents, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to the former Courtaulds Factory site located to the north of Charnhill Drive, Mangotsfield. The site is 0.75 ha in area with the one and two-storey factory buildings covering $\frac{3}{4}$ of the site, the remaining (southernmost) $\frac{1}{4}$ of the site, next to Charnhill Drive, being made over to hard-standing. The factory has been closed since 2004 and the buildings are now generally in a poor state of repair and have been the subject of vandalism. The existing vehicular access is from two points off Charnhill Drive.
- 1.2 The site is situated in a residential area, within which Charnhill Drive and Charnhill Vale are characterised by two-storey semi-detached and detached houses with front gardens, the only exception being a small garage and car repair workshop, situated opposite the westernmost access to the application site. Within The Hawthorns, to the north-west of the site are bungalows and to the north of the site, Raymond House, Rowan Tree House and Rose Tree House provide 2-storey apartment block accommodation for elderly residents.
- 1.3 As ground levels rise to the north, the factory site is increasingly recessed into the slope, leaving steep banks on the northern and western perimeter of the site. Furthermore the site is enclosed on the northern, eastern and western boundaries by a high metal bar security fence and retaining wall below, beyond which grows dense vegetation, which in turn provides very good screening of the site. Other than the vehicular access points, the southern boundary of the site with Charnhill Drive comprises a high beech hedge. The actual factory buildings are constructed of red brick and render and exhibit a bland utilitarian appearance. Within the hard standing areas to the front of the buildings are two trees (Sycamore and Lime) which are protected by Tree Preservation Order (TPO).
- 1.4 In December 2006, Outline planning consent PK05/3058/O for 45 dwellings only with access and siting determined, was granted subject to a S106 Agreement . All matters of detail relating to the design and external appearance of the buildings, as well as the landscaping of the site, remained to be determined at a later stage as reserved matters. Members may recall that this followed a visit by the SISC on the 18th August 2006. To date the S106 Agreement has not been signed.
- 1.5 Since the Outline consent was granted, the site has been acquired by George Wimpey who now propose to slightly amend the proposal granted at Outline stage; since these amendments cannot be addressed as minor amendments, a new application is required. It is still proposed to construct 45 residential units which would be made up of 10 x 4 bedroom houses, 9 x 3 bedroom houses, 5 x 2 bedroom houses and 21 x 2 bedroom apartments contained in 2 x 3 storey blocks. The current scheme therefore provides a higher number of houses to flats than that previously approved (15 houses and 30 x 2 bed flats).

- 1.6 Whilst the general layout now proposed is similar to that previously approved, the 3-storey blocks of flats are now contained solely within the central part of the site, with 2 storey houses on the Charnhill Drive street frontage and split level 2/3 storey houses located at the back of the site, where the land rises steeply to the north.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS3 - Housing
- PPG13 - Transport

2.2 Development Plans

Joint Replacement Structure Plan

- Policy 1 - Sustainable development objectives.
- Policy 2 - Location of development.
- Policy 3 - Landscape Protection.
- Policy 33 - Housing provision and distribution.
- Policy 34 - Re-use of previously developed land.

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L9 - Species Protection
- L11 - Archaeology
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP4 - Noise-sensitive development
- EP6 - Contaminated Land
- EP7 - Unstable Land
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
- H6 - Affordable Housing
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
- LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions).
- LC8 - Open Space and Children's Play in Conjunction with New Residential Development.
- LC13 - Public Art

2.3 Supplementary Planning Guidance

- Advice Note 1 - "Altering Your Home"
- Trees on Development Sites SPG (Adopted)
- South Gloucestershire Design Check List (SPD) Approved 23rd August 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P74/4110 - Erection of an Auxiliary Generator House
Approved 15th August 1974
- 3.2 P77/4024 - Erection of Extension to Existing Office Accommodation.
Approved 31st May 1977
- 3.3 P77/4566 - Construction of Covered Loading Bay
Approved 13th Dec 1977
- 3.4 P87/4302 - New Warehouse (Ground Floor) and Office (First Floor) Extension
and Extension to Car Park
Approved 3rd July 1987
- 3.5 P98/4833 - Erection of Boundary Fence
Approved 24th December 1998
- 3.6 PK05/3058/O - Demolition of existing buildings to facilitate the erection of 45
no. dwellings (Outline) with associated parking. (Siting and means of access to
be determined. All other matters reserved.)
Approved 21st December 2006 subject to S106 Agreement (not yet signed)

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Not a Parished area.
- 4.2 Other Consultees
- 4.3 Environment Agency
No objection subject to conditions/informatives relating to:
- Possible contamination of land from previous uses and actions in mitigation.
 - Discharge of foul waste or contaminated drainage or trade effluent from the site.
 - Scheme of prevention of pollution during the construction phase.
 - Storage of oils or fuels.
 - Use of Sustainable Drainage Systems (SUDS)
- 4.4 Wessex Water
No objection. A public foul and surface water sewer crosses the site, no building over the sewer should be permitted. Private sewers lie to the north and west of the site. The public system has adequate capacity to serve the proposed development.
- 4.5 Avon & Somerset Police Crime Reduction Officer
No response
- 4.6 Campaign to Protect Rural England
Object on the following grounds:
- The site is over developed.
 - Lack of green space for the flats.
 - The 3 storey flats will be visually dominant.

- Houses fronting Charnhill Drive should be 2 storeys and fit in with existing houses.
- The 3 storey flats will overlook the houses in Charnhill Drive, Raymond House and Rowan Tree House.
- Light pollution from security lights.

Other Representations

4.7 Councillor Kevin Seager

Supports local concerns about the following issues:

- The layout of the houses should be in-keeping with the local area.
- The housing style, including affordable housing, should be more in keeping with the existing houses on Charnhill Drive.

4.8 Local Residents

12 responses were received in all, one of which considered the proposal to be better than the one previously approved. Of the 11no. letters of objection, the following is a summary of the concerns raised:

- Too many properties.
- Not in-keeping.
- Additional traffic and increased parking on Charnhill Vale.
- Adverse visual impact – 3 storey blocks.
- Overlooking and loss of privacy to housing association homes to north and north-west from 3 storey blocks.
- Security fence should remain in situ.
- Light pollution from security lighting.
- Increased noise from future occupants.
- Inadequate car parking provision.
- Overdevelopment of the site.
- Insufficient green space.
- Survey should be carried out for birds nests and bat roosts.
- Affordable housing should be at the back of the site where it has less impact on property values.
- Too much affordable housing.

4.9 Applicant's Supporting Information

The following documents have been submitted in support of the application:

- Tree Survey
- Site Waste Management Plan
- Sustainability Statement
- Ecological Survey
- Design and Access Statement
- Scheme of Landscaping

The key points stated in support are summarised as follows:

- The site is not a safeguarded employment area.
- Visual amenity would be enhanced by the removal of the existing unsightly commercial buildings.
- The proposal removes potential noise, smell and pollutants from commercial uses of the site.

- HGV traffic from commercial uses would be removed from local road network and there is potential for improved highway arrangements.
- The site lies within a residential urban location close to local shops and services.
- The development makes efficient use of the site.
- The proposed mix of property types would meet the local needs of the community, and will include an element of affordable housing.
- Car parking provision would be in accordance with Local Plan policy.
- Access would be from Charnhill Drive.
- The properties would be set back from the highway to reflect the neighbouring context.
- Parking incorporated to provide convenient access to secure courtyard parking behind the building line.
- The storey heights of the proposed dwellings respect the neighbouring dwellings surrounding the site.
- Rear privacy distances of neighbouring properties to be respected.
- A street-scene is to be created with two-storey housing along Charnhill Drive and a series of apartment blocks and semi-detached dwellings.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Urban Area and is previously developed land. The site is not a Safeguarded Employment Area and has no special designation in the South Gloucestershire Local Plan (Adopted) 6th January 2006. There is therefore no in-principle objection to the demolition of the factory buildings and the re-development of the site for residential use. PPS3 supports the generation of mixed communities in sustainable locations and at para.20 states:

“Key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people.”

5.2 With regard to the adopted Joint Replacement Structure Plan, Policy 34 states that in making allocations, Councils should give priority to the re-use of previously developed land. Similarly, Policy 33 states that priority will be given to the re-use of previously developed sites *within the urban area*. Furthermore, Policy 2 of the JRSP, the locational strategy aims to concentrate development for jobs, housing and facilities within the main urban areas, in order to maintain and develop their vitality and quality as regional and sub regional centres.

5.3 The acceptance in principal of the residential development of this site has already been established with the granting of Outline consent PK05/3058/O (subject to S106 Agreement). The current proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and

- B. 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 of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
- D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

5.4 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need to be taken into account.

- 5.5 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”*

- 5.6 There would be 45 units on the 0.75ha site, which equates to a density of 60 units per hectare. The relatively high density figure reflects the fact that the development would include 21 flats as well as 24 individual dwelling houses. Having regard to the size and configuration of the site, officers consider that the proposed density would make the most efficient use of the site in this urban location. Further 3-storey elements in addition to those proposed are not considered appropriate due to the proximity of residential dwellings and the character of the street scene. The site is in a very sustainable location, being close (400m – 600m) to Broad Street/High Street, Staple Hill, which is within easy walking distance of the shopping and community facilities and main bus routes. There is also a bus route on Charnhill Drive directly outside the site and Page Park lies only 200m-300m to the north. Having regard to all of these factors the density is considered to be acceptable.

5.7 Scale and Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

- 5.8 Officers acknowledge that a number of local residents, whilst supporting the development of this unsightly site, still have concerns about the three-storey elements and general design of the proposed buildings in relation to the existing street-scene. PPS1 (para. 38) in addressing design issues states that:-

“Local planning authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary planning documents on design.”

- 5.9 Officers have considered the proposal in the context of the local architectural vernacular. The Charnhill Drive locality is suburban in character and exhibits no strong local distinctiveness supported by any supplementary planning documents. It is acknowledged however that Charnhill Drive and Charnhill Vale do have well established street frontages of predominantly large detached and semi-detached dwellings set back within their individual plots. Most of the buildings are two storey brick and render with tiled pitched roofs. Exceptions to this style include the existing MG Garage opposite the south-western corner of the site. To the north and north-west of the application there is a marked difference in the scale and design of the neighbouring buildings. Within The Hawthorns to the north-west, the dwellings are bungalows, whilst immediately to the north of the site are large two-storey apartment blocks for the elderly.
- 5.10 In restricting the development on the Charnhill Drive frontage to two-storey only the scheme adequately respects the character of the street scene. The design concept of facing Charnhill Drive with semi-detached buildings and creating a cul-de-sac to the rear, follows the existing urban fabric of the area. Although the proposed three-storey elements do not follow the spatial character, a previously proposed three-storey block at the rear of the site has now been re-located more to the centre of the site where it would be furthest from the neighbouring properties. The previously approved two-storey dwellings, located at the northern end of the site would be now proposed to be split level 2/3 storey dwellings with integral garages beneath on the southern elevation. These properties would be recessed into the steep slope so that when viewed from Raymond House and Rowan Tree House to the north, the properties would appear as two-storey dwellings. Elevational drawings and sections have been submitted to show the relationship of the proposed buildings to those existing in Charnhill Drive and The Hawthorns. Having regard to the slope of the land, the roof ridges of the two-storey blocks at the back of the site (Raymond House and Rowan Tree House) are in fact set at a higher level than those of the three storey and split level elements proposed. Taken in this context the three-storey and split-level elements are acceptable in terms of scale.
- 5.11 In terms of resource minimisation a waste management audit has been submitted to the satisfaction of the Council’s Minerals and Waste Planning Officer. The development, having already been registered with EcoHomes would be constructed to achieve a ‘VERY GOOD’ rating; this would be secured by condition. On balance therefore, having considered the layout, siting and scale of the proposed scheme in the context of the site specifics and character, amenity and distinctiveness of the locality, officers consider that these elements of the scheme are acceptable. Whilst the Council’s Urban Design Officer raised concerns about the scale of the buildings containing the flats, it is considered that since this matter was addressed under the original outline application, and considered acceptable, the Council could not reasonably now refuse this application on the grounds of inappropriate scale.

- 5.12 Furthermore the Urban Design Officer has requested that the development should deliver as an objective a 10% reduction in CO2 emissions. At present there is no specific adopted policy that supports this position so officers consider that this cannot, at this moment in time, be insisted upon.
- 5.13 Moving to the issue of the appearance of the proposed buildings; the existing factory buildings exhibit a very plain utilitarian design, which is a complete contrast to the majority of buildings in the wider locality. Further degradation of these buildings is not desirable and their replacement with a sensitively designed scheme will represent a significant enhancement in design terms. The submitted elevations and materials specification demonstrate that the buildings would be constructed from a mix of brick and render, which is considered to adequately integrate within the established vernacular of the location. On balance therefore the scale and design of the proposal is considered to be acceptable.
- 5.14 Impact Upon Residential Amenities
Officers consider that whilst it is perfectly normal for buildings to be in close proximity to each other in densely populated urban locations (such as this), careful consideration still needs to be given to the impact of the development on the residential amenities of neighbours and future occupiers alike.
- 5.15 Each of the proposed houses has its own individual private garden and for prospective occupiers of the proposed flats, adequate amenity areas would be provided within the site. The site is also within easy reach of the community facilities within Page Park. Bin storage and cycle parking provision would be provided within the complex. The railings and fences, which are to be retained or erected, would be high enough to provide adequate screening and privacy for future occupiers. The existing security fence would be retained and the Police Architectural Liaison Officer has raised no objection. There would be no sources nearby of excessive levels of noise, smell, dust or pollution. Previous uses of the site as a factory are likely to have been a greater source of noise than the proposed residential use. The Council's Environmental Health Officer has raised no objection to the proposal.
- 5.16 Moving to the issues of loss of privacy and overbearing impact, officers consider that the main concern about loss of privacy for the occupants of Raymond House to the north has been adequately addressed. The proposed dwellings at the northern end of the site would be set fully 24 metres from Raymond House, which is only 1m closer than was previously approved; and 21 m from Rowan Tree House, again only 1m closer. The highest point of the new dwellings would be set at a lower level than that of Raymond House and Rowan Tree House and should not therefore have an overbearing impact on these properties. The rear elevations of the split-level houses now proposed would be seen as two-storey dwellings when viewed from the north. Furthermore the high security fence, supplemented by the high belt of vegetation growing on the bank beyond, is considered to provide more than adequate screening between these properties and the proposed houses. In addition the previously approved three-storey block to the north-western corner of the site has now been moved to a more central location.

- 5.17 The westernmost 3-storey block as now proposed is fully 36m (previously 25m) from the side elevations of the nearest bungalows located in The Hawthorns to the west. Similarly the high security fence and vegetation would be retained on the western boundary of the site. A second three-storey block is proposed for a relatively central location and to the east of the access road. The main body of this 3-storey block is set well back (23m) from the nearest existing property i.e. no.1 Charnhill Vale. The existing high boundary treatments on the eastern boundary would be retained or enhanced. Having regard therefore to their location and relationship to neighbouring dwellings, the two 3-storey blocks are not considered to be overbearing on the nearest neighbouring properties.
- 5.18 In terms of overlooking, officers consider that it is inevitable that there will be some overlooking of neighbouring gardens in densely populated urban locations such as this. Officers are however satisfied that any overlooking that may occur from the proposed development would be from a reasonable distance and would not result in a significant loss of privacy.
- 5.19 Moving to the proposed development on the Charnhill Drive frontage, this would consist entirely of 2-storey houses, all being set back from the road frontage. The two westernmost dwellings achieve a full 25/26m clearance to the MG Garage and houses directly on the opposite side of Charnhill Drive. The front elevation of the easternmost block containing plots 44 – 45, would achieve a clearance of generally 20m to the houses on the opposite side of Charnhill Drive. The Council's current Supplementary Planning Guidance Note 1 normally requires a minimum of 21m between facing habitable room windows. In the latter instance the siting of the dwellings is constrained by the need to provide a 3m easement to the public foul water sewer that runs across the site to the rear of these houses. The supplementary planning guidance note is now quite old and is currently under review. The latest government guidelines relating to increased density and making the most efficient use of land in the urban area, is likely to result in a relaxation of the amenity distances currently quoted in SPG1. Officers consider that there is a balance to be drawn here, between the need to make the most efficient use of the site and any adverse impact on residential amenity that may occur due to the proximity of the dwellings on the Charnhill Drive frontage. Having considered this issue, officers are satisfied that the 20m clearance is as much as is reasonably achievable and is not significantly below that which is required by the current SPG note. The need to achieve the most efficient use of the site, is in this case considered to outweigh the loss of residential amenity that would occur, which would in any case be of an insignificant level.
- 5.20 The proposed bin stores are shown on the plans and have been sensitively located so as to have minimum impact on the nearest neighbouring properties.
- 5.21 In terms of noise and disturbance from traffic, this needs to be balanced against the potential levels of noise and disturbance that the existing authorised use of the site, as a factory, would have. The use of the site for residential purposes is likely to significantly reduce the number of HGV's visiting the site. Whilst the increased traffic generation would have some level of disturbance, this is likely to be less or at least no more than would exist should the factory use restart.
- 5.22 In terms of security, the existing high security fence would be retained. The presence of residential development would increase surveillance levels at night time. Whilst control of anti-social behaviour is a matter for the police, the Police Crime Reduction Officer has raised no objection to the principle of the proposal.

- 5.23 Whilst there would inevitably be some disturbance during the demolition and development phase, this would be on a temporary basis only; furthermore disturbance during the development phase could in some way be mitigated for by the imposition of a condition to control the hours of working and location of construction compounds. Any access of neighbouring land, required to demolish the existing buildings or erect the dwellings, is not controlled through the planning system. The work would also be the subject of the normal Environmental Health legislation.
- 5.24 Notwithstanding the affordable housing provision, the flats would be sold on the open market and would provide a valuable contribution to the low cost open market housing stock, which is increasingly in demand by single people, younger couples or first time buyers. On balance therefore, officers are satisfied that the impact of the proposed development upon neighbouring residential amenity, would be acceptable.
- 5.25 Transportation Issues
Consideration must be given to the parking and access provision. The proposed car parking provision should comply with the Council's maximum parking standards laid out in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 5.26 Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 states that new development will be permitted, provided that in terms of transportation the proposal:
- Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclist, and people with disabilities
 - Provides safe access
 - Would not create or unacceptably exacerbate traffic congestion or have an unacceptable effect on road/pedestrian/cyclist safety
 - Would not generate traffic which would acceptably affect residential amenity
 - Incorporates traffic management/calming measures where improved safety and environmental enhancement are required as a result of development
 - Provides for or contributes to public transport, pedestrian and cycle links, the extent of the provision or contribution will be determined by the need arising from the development and will be related in scale and kind to the development
 - Provides for or does not obstruct existing emergency vehicle access
- 5.27 The site is previously developed land in an urban location. National and local policy prioritises development in such locations; there are therefore no objections in principle to the development.
- 5.28 It is proposed to access the site from a new centralised access located approximately 65m west of Charnhill Vale. A visibility splay of 4.5m x 90m can be achieved and that is considered to be satisfactory.
- 5.29 Having regard to the existing authorised use of the site, the proposal is likely to increase traffic generation from the site onto Charnhill Drive, with also a greater number of pedestrian movements, particularly movements of children walking to and from schools.

The existing B2 use is estimated to produce on average 85 two-way daily vehicular traffic movements and 20 pedestrian movements. The proposed 45 residential units are likely to produce in the region of 239 to 271 two-way traffic movements with 63 to 95 pedestrian movements. There would also be additional traffic at the junction of Signal Road and Teewell Hill. There are a number of safety issues about this junction, including lack of visibility splays and inadequate pedestrian facilities. The junction is also in close proximity to a narrow road bridge. It is considered that the new development and the associated traffic would increase safety conflicts at this location and hence improvements will be needed for which the Council would seek funding.

5.30 Furthermore good access to the public transport facilities is considered essential to influence travel behaviour from the development and this needs to be supported by other measures to encourage modal transfer. Bus service No.5 operated by First Bus, directly passes the site along Charnhill Drive, this is an hourly service Monday to Saturday. On Broad Street there are also other bus services among which there is a subsidised service no 689; this is an hourly service Monday to Saturday. The Council would therefore also seek contributions from the developer towards improving access to public transport facilities in the area.

5.31 It has been agreed that the developer would contribute a sum of £1,500 per dwelling, making a total contribution of £67,500. This contribution would be broken down as follows:-

- 1) A contribution of £1,000/ per dwelling to be spent on traffic management and road safety in the area.
- 2) A contribution of £500/per dwelling to be allocated for improvements to public transport facilities in the area.

The contributions to be secured by a S106 Agreement and spent within a 5 year time limit in order to benefit the development within an appropriate timescale.

5.32 The proposed development is considered to include the provision of an adequate number of car parking spaces (68) as well as secure cycle parking facilities. Provision of these facilities is in accordance with the Council's adopted maximum car parking policy T8 and cycle parking policy T7. An appropriate planning condition would be imposed to secure these facilities and make the car parking spaces allocated as no less than one space per flat. A suitable turning area would be included on site that would allow all service vehicles to enter and leave the site in forward gear. The site is on a bus route with a bus stop in very close proximity. The site is also within a sustainable location.

5.33 Subject to the S106 Agreement and conditions referred to above there are no highway objections to the proposal.

5.34 Landscape Issues

Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. Members must consider if there would be any significant loss of vegetation or features of the landscape and whether or not the proposed landscaping sufficiently mitigates for any loss.

5.35 The Council's Landscape Architect and Tree Officer have inspected the site and noted that there is currently a Beech Hedgerow (unprotected) to the front of the site and trees within the site which are protected by Tree Preservation Order (TPO). The northern, eastern and western boundaries are covered with extensive vegetation planted on adjoining sites.

5.36 The Beech hedgerow to the front of the site would be lost because of visibility splay requirements, but in any event the hedgerow is not afforded any statutory protection. The protected Sycamore on the eastern boundary of the site would also need to be felled because it is not only a poor specimen but is also encroaching within the 3m sewer easement. The Council's Tree Officer has agreed to the felling of the tree and has negotiated the planting of two large trees in mitigation. A full landscaping scheme has been submitted which adequately mitigates for the loss of the hedgerow and the Sycamore with additional planting. The site is not considered to fulfil the criteria of being a significant open area within the urban domain. There are therefore no landscape or landscape character objections to the principle of residential development on the site.

5.37 Ecology

The Council's Ecologist has confirmed that there are no Badger Setts on the site or suitable habitat in which to locate setts on the site; and no signs of tracks on to or off the site. There are however bats in the general locality that may roost in the existing buildings. As a precautionary measure an ecological survey has been conducted and submitted to the Council for approval. The survey did not identify any important wildlife habitat or species living on the site. There are therefore no ecological objections.

5.38 Community Services

Policies LC1 and LC8 of the South Gloucestershire Local Plan (Adopted) January 2006 state that where provision for leisure, recreation and other community facilities, including provision for formal/informal open space is inadequate to meet the needs arising from the future occupiers of the proposals, the Council will secure provision to meet these needs.

5.39 A total financial contribution of £138,419.47p has been requested by community services and agreed with the applicant. The contribution is broken down as follows:

£5,421.61p towards the enhancement of local library facilities.

£69,693.54 towards the provision and maintenance of 1535.10 sq m. of formal open space.

£10,249.05p towards the provision and maintenance of 225.75.0 sq m. of equipped children's play space.

£18,448.29p towards the provision and maintenance of 406.35 sq m. of non-equipped children's play space.

£20,498.10p towards the provision and maintenance of 451.5 sq m. of informal open space.

£1,447.03 towards the purchase and maintenance of Dog Bins.

- £1,411.85 towards the purchase and maintenance of Litter Bins.
- 5.40 The total open space sum of £118,888.98p would be index-linked; it is intended to spend the monies on facilities at Long Road, Mangotsfield and Page Park, all of which are within reasonable proximity of the development.
- 5.41 Education Services
Policy LC2 states that where local provision is inadequate to meet the projected need for school places arising from the future occupiers of the proposals, then the Council will negotiate with developers to secure provision in scale and kind to meet these needs.
- 5.42 As there is a projected surplus capacity at both primary and secondary schools within the area, no contributions can in this case be justified towards Education facilities.
- 5.43 Public Art
A contribution of £250 per dwelling = £11,250 towards provision of on-site public art provision has been agreed.
- 5.44 Affordable Housing
33.3% affordable housing delivered on site at nil public subsidy will be provided, which equates to 15 units. The affordable housing to be delivered in tenure split 77% social rent and 23% intermediate affordable housing (as shared ownership) – this equates to a unit split of 12 units social rented and 3 units for shared ownership. The affordable units would be plots 1, 2, 6-14, 45, 44, 43, and 42. The agreed mix of units would be in three clusters.
- 5.45 Drainage
PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 require that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. A coal mining report is required to ensure that no mine shaft or adit must be filled or grouted in such a manner that underground mining drainage levels or culverts are likely to become blocked or sealed in order to avoid flooding or water emergence. Subject to conditions to secure the submission of a full drainage scheme and the mining report, the Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control.
- 5.46 Environmental Issues
Policy EP1 does not permit development that would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation. Neither The Environment Agency or the Council's Environmental Health Officer, have raised any objections to the proposal. Having regard however to the past uses of the site a condition to secure site investigation for the presence of contamination and suitable remediation if required, should be imposed. A Waste Management Audit has been submitted to demonstrate the appropriate off site disposal of materials and re-cycling of materials where possible.

5.47 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.

5.48 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Planning, Transportation & 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 & Country Planning Act 1990 (as amended) to secure the following:
- (i) A contribution of £1,500 per dwelling, making a total of £67,500 towards highway/transportation improvements, broken downs as :
 - 1) A contribution of £1,000/ per dwelling to be spent on traffic management and road safety at the junction of Signal Road and Charnhill Drive.
 - 2) A contribution of £500/per dwelling to be allocated for improvements to public transport facilities in the area.
 - (ii) A contribution of £5,421.61p towards the enhancement of local library facilities.
 - (iii) A contribution of £69,693.54 towards the provision and maintenance of 1535.10 sq m. of formal open space to cater for the increased usage as a result of this development.
 - (iv) A contribution of £10,249.05p towards the provision and maintenance of 225.75.0 sq m. of equipped children's play space to cater for the increased usage as a result of this development.

- (v) A contribution of £18,448.29p towards the provision and maintenance of 406.35 sq m. of non-equipped children's play space to cater for the increased usage as a result of this development.
- (vi) A contribution of £20,498.10p towards the provision and maintenance of 451.5 sq m. of informal open space to cater for the increased usage as a result of this development.
- (vii) A contribution of £1,447.03 towards the purchase and maintenance of Dog Bins to cater for the increased usage as a result of this development.
- (viii) A contribution of £1,411.85 towards the purchase and maintenance of Litter Bins to cater for the increased usage as a result of this development.

The total open space sum of £118,888.98p would be index-linked; it is intended to spend the monies on facilities at Long Road, Mangotsfield and Page Park, all of which are within reasonable proximity of the development.

- (ix) A contribution of £250 per dwelling = £11,250 towards provision of on-site public art provision.
- (x) The provision of 33.3% affordable housing delivered on site at nil public subsidy will be provided, which equates to 15 units. The affordable housing to be delivered in tenure split 77% social rent and 23% intermediate affordable housing (as shared ownership) – this equates to a unit split of 12 units social rented and 3 units for shared ownership. The affordable units would be plots 1, 2, 6-14, 45, 44, 43, and 42. The agreed mix of units would be in three clusters.

The reasons for this Agreement are:

- (i) To improve highway infrastructure and to ensure the adequate provision of public transport facilities within the vicinity of the development having regard to the increased population generated by the development in accordance with Policy T12(A) and T12(F) of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (ii) To ensure the adequate provision of Library facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (iii) To ensure the adequate provision and maintenance of Public Open Space facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (iv) To ensure the adequate provision and maintenance of Equipped Children's Play Space within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (v) To ensure the adequate provision and maintenance of Non-Equipped Children's Play Space within the vicinity of the development having regard to the increased population generated by the development, in accordance with

Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

- (vi) To ensure the adequate provision and maintenance of Informal Open Space facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (vii) To ensure the adequate provision and maintenance of Dog Bin facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (viii) To ensure the adequate provision and maintenance of Litter Bin facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (ix) To ensure the adequate provision of Public Art within the development in accordance with Policy LC13 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (x) To ensure the adequate provision of Affordable Housing within the development in accordance with Policy H6 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

Background Papers PK07/2574/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. All hard and soft landscape works shall be carried out in accordance with the details shown on the approved Planting Plan 0243.11.001 Rev F. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

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

3. No development shall take place until a schedule of landscape maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

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

4. Detailed drawings of the method by which all the retained (trees and hedgerows) on the site and overhanging the site, are to be protected during construction works shall be submitted to and approved by the Local Planning Authority before works commence on site. Such protection shall be provided prior to the clearance of the site and shall be maintained for the duration of the works.

Reason

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

5. Details of all boundary treatments (walls, railings or fences) to be erected on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the development shall only be carried out in accordance with the details so approved.

Reason 1

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

Reason 2

To protect the privacy, security and amenity of neighbouring occupiers, and to accord with Policy H2 and D1 (F) of the South Gloucestershire Local Plan (Adopted) January 2006.

6. 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

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1,EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1,EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of the development hereby approved a Coal Mining Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development can be safely implemented having regard to past coal mining in the area and to identify the possible presence of shafts, adits, drainage levels and culverts, in accordance with Policies EP2 and EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. The off-street car parking and manoeuvring facilities, shown on the plan "Planning Layout 0243 CHARN-01 Rev C" hereby approved shall be provided before the buildings are first occupied, and thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason

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

10. Parking spaces for the proposed flats shall be allocated on the basis of at least one space per flat (whichever they may be) and maintained as such unless the Local Planning Authority gives written consent to any variation.

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 T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The development hereby permitted shall not be occupied nor the use commenced until the means of vehicular access has been constructed and is available for use in accordance with the approved plans. There shall be no obstructions to visibility exceeding 0.9 metres in height within the splayed areas.

Reason

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

12. Building operations shall not be commenced until samples 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 the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy H2/D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the commencement of the development hereby approved a desktop study of the previous uses of the site shall be submitted to the Local Planning Authority for written approval. Should the study identify the potential for contamination, a full ground investigation should be carried out and a detailed contamination report along with the proposed remediation measures where required shall also be submitted for written approval. Thereafter the works shall proceed in full accordance with the details so approved.

Reason

To ensure that development can be constructed having regard to possible contamination of the ground from past uses, and to accord with Policies EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Prior to the commencement of the development hereby authorised, details of the location of any construction compound to be provided on the site shall be submitted to and agreed in writing with the Local Planning Authority and the works shall subsequently be carried out in accordance with the agreed details.

Reason

To safeguard the amenities of the locality, and to accord with Policy H2 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Prior to the first occupation of the new buildings hereby approved, evidence that the buildings (other than those to be used for affordable housing) have been EcoHomes tested and achieved a minimum standard of VERY GOOD shall be submitted to and approved in writing by the Local Planning Authority.

Reason

In the interests of sustainable development and to accord with Policy D1 (G) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

17. Any oil or chemical storage tanks shall be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank and of a structural design approved in writing by the Local Planning Authority.

Reason

To prevent non-point source pollution of the water environment and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To prevent non-point source pollution of the water environment, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

19. 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 light pollution and disturbance to occupiers of nearby dwellings and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

20. The existing metal railing security fence located on the western, northern and eastern boundaries of the site, shall be retained in situ and maintained as such thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of security for future occupiers of the dwellings hereby approved and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

21. Prior to the demolition of the existing factory buildings, a full photographic record of the buildings shall be made and submitted to the Council.

Reason

To ensure that an historical record of the buildings is maintained in accordance with Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 47/07 – 23 NOVEMBER 2007

App No.: PK07/2832/ADV

Applicant: South Gloucestershire Leisure

Site: Longwell Green Leisure Centre Aspects Leisure Park Leisure Road BRISTOL South Gloucestershire BS15 9LA

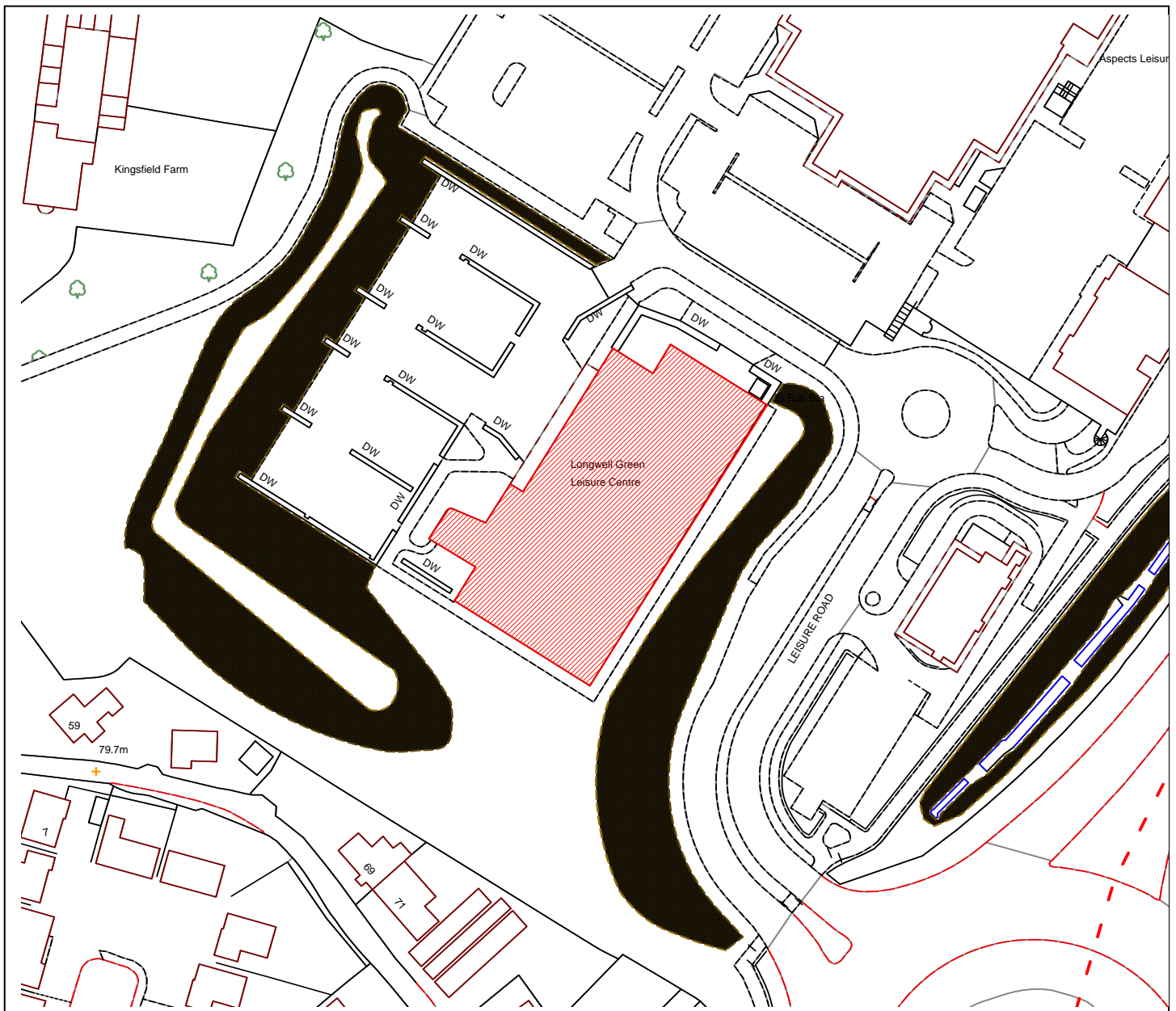
Date Reg: 17th September 2007

Proposal: Display of 1 no. internally illuminated fascia sign.

Parish: Hanham Parish Council

Map Ref: 65326 72299

Ward: Hanham



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N.T.S

PK07/2832/ADV

INTRODUCTION

This application is referred to the Circulated Schedule in accordance with procedure given that South Gloucestershire Council is the applicant.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the erection/display of a single internally illuminated sign with an overall width of 13 metres and height of 3.2 metres on the side elevation (fronting Leisure Road) of Longwell Green Sports Centre. The signage comprises several elements (see signage elevations plan for details) and features the name of the sports centre and the "Active" logo.

2. POLICY CONTEXT

National Guidance

PPS1	Delivering Sustainable Development
PPG15	Planning and The Historic Environment
PPG19	Outdoor Advertisement Control

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L19	Display of Advertisements

3. RELEVANT PLANNING HISTORY

Numerous applications in association with the use of the building as a sports centre.

4. CONSULTATION RESPONSES

(a) Statutory Consultees

Hanham Parish Council

Concern over light pollution and the brightness of the proposed blue halo and the distraction to drivers negotiating the roundabout on the ring road.

Other Consultees

Sustainable Transport – There is no transportation objection to the proposed sign at this location

Council's Lighting Engineer - Considering the location of the proposed advertising sign we do not feel that the sign would cause notable distraction to drivers negotiating the roundabout on the ring road, therefore the Council would approve the application.

Local Residents

No objections raised.

5. ANALYSIS OF PROPOSAL

Principle of Development

In assessing applications for advertisements, Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006 following guidance in PPG19 sets the criteria for

acceptable development. Advertisements are only normally permitted where they are not visually obtrusive and would not prejudice highway safety.

It is considered that the scale, design, detailing and internal illumination of the proposed signage would not adversely affect the visual amenity of the area. These are of the form and style that would be expected within the context of a large Sports Centre building and within the context of this retail/leisure site. There is no other signage on this elevation.

Concern has been raised regarding the impact of the additional lighting in terms of highway safety. The Sustainable Transport Team and the Council Lighting Engineers have viewed the proposal and do not consider that the signage given its type and location in relation to the highway would result in detriment to highway safety.

It is therefore considered that the proposal complies with advice contained within PPG19 and Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. CONCLUSION

6.1 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

Advertisement consent be granted.

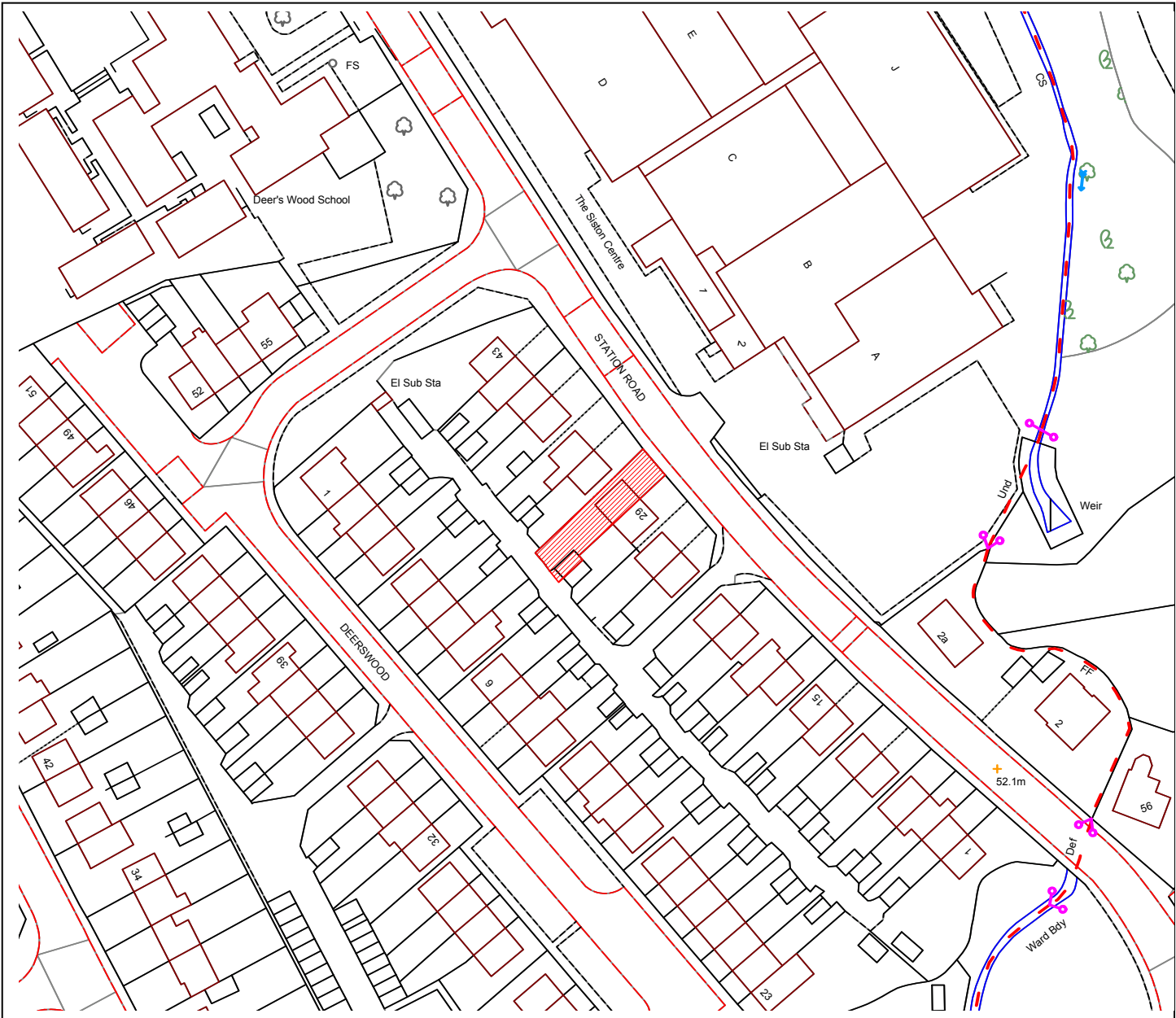
Background Papers **PK07/2832/ADV**

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

CIRCULATED SCHEDULE NO. 47/07 – 23 NOVEMBER 2007

App No.: PK07/2953/F
Site: 31 Station Road Kingswood BRISTOL
South Gloucestershire BS15 4PG
Proposal: Creation of vehicular access.
(Retrospective)
Map Ref: 66106 74837

Applicant: Mr & Mrs C Bennett
Date Reg: 1st October 2007
Parish:
Ward: Rodway



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N.T.S

PK07/2953/F

INTRODUCTION

This application appears on the Circulated Schedule because of a letter received from a local resident which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is located within the Existing Urban Area as defined on the Local Plan Proposals Map and consists of part of the front residential curtilage associated with 31 Station Road, Kingswood.
- 1.2 Retrospective planning permission is sought for a vehicular access onto Station Road, a Class 1 highway in close proximity to Deerswood Primary School.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

T8 Car Parking Standards

T12 Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/1488/F Installation of 2 No. rear dormer windows to facilitate loft conversion to form additional living accommodation.
Approve with conditions: 28th May 2004

4. CONSULTATION RESPONSES

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

Other Representations

- 4.2 Local Residents
One letter has been received during the consultation period associated with this planning application. The comments can be summarised as follows:

- supports owners
- points out that when she applied to carry out the same works she was refused permission despite numerous properties (at the west end of Station Road) having implemented such works illegally but Council do not rectify the situation.

5. ANALYSIS OF PROPOSAL

- 5.1 Retrospective planning permission is sought for a vehicular access onto Station Road, a Class 1 highway in close proximity to Deerswood Primary School.

5.2 Principle of Development

Policies T8 & T12 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable subject to the following consideration.

5.3 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. Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 provides maximum parking standards.

5.4 The Council's Transportation Development Control Officer has assessed the works and points out that the site is located on a Class 1 highway, in close proximity to Deerswood Primary School. Any accesses formed onto this category of road need to have turning facilities to allow vehicles to enter and leave the site in forward gear. Without adequate turning facilities, vehicles are likely to reverse onto or off the public highway. It is considered that in this instance there is inadequate space to turn a vehicle within the site boundary. The application is therefore recommended for refusal owing to its failure to comply with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 Planning permission be **REFUSED** for the following reasons:

Background Papers **PK07/2953/F**

Contact Officer: **Edward Purnell**

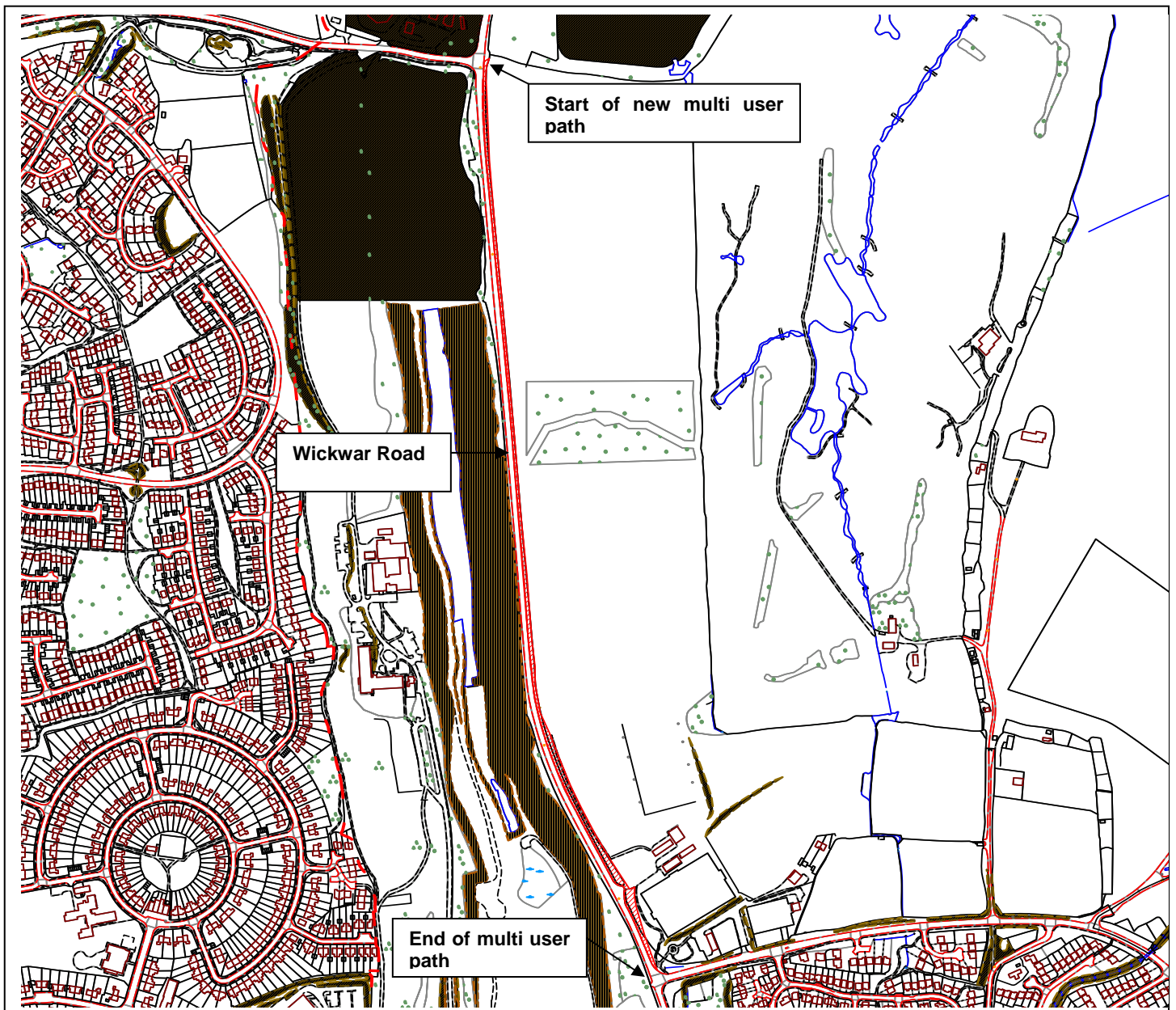
Tel. No. **01454 863056**

REFUSAL REASONS

1. The development proposes a new vehicular access onto a Class 1 highway with no turning facilities. This proposal would lead to additional vehicles reversing onto and off a classified road thereby interrupting the safe and free flow of traffic and creating additional unacceptable highway safety hazards for other road users including pedestrians and cyclists (especially children). This is detrimental to highway safety and contrary to Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/07 – 23 NOVEMBER 2007

App No.:	PK07/2961/F	Applicant:	Mr D Shipp Chipping Sodbury Town Trust
Site:	B4060 near The Ridings Wickwar Road Chipping Sodbury South Glos BS37 6LB	Date Reg:	3rd October 2007
Proposal:	Construction of new multi user path approx 1.2km long adjacent to B4060 Wickwar Road Chipping Sodbury	Parish:	Sodbury Town Council
Map Ref:	72561 83221	Ward:	Chipping Sodbury



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PK07/2961/F

INTRODUCTION

This application appears on the Circulated Schedule in accordance with Council procedure for the determination of Major Applications.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the construction of a new multi user path running along the Eastern side of the B4060. The B060 is a main road linking Chipping Sodbury to North Yate and Wickwar. The path is to be separated from the highway by an existing hedge. The path will run from the roundabout next to Sodbury Rugby Club up to the junction with Peg Hill. The proposal consists of a part coloured tarmac path and part compacted stone path. The proposal also includes the construction of a new crossing point at the Peg Hill end of the proposed footpath. This new highway work is to be carried out by the Highway Department and can thus be carried out under permitted development rights. The footpath is to be used by both pedestrians and cyclists.

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
T12 Transportation Development Control
LC5 Proposals for Outdoor Sports and Recreation outside of the Defined Settlement Boundaries
L1 Landscape Protection and Enhancement

3. RELEVANT PLANNING HISTORY

- 3.1 None Relevant.

4. CONSULTATION RESPONSES

- 4.1 Chipping Sodbury Town Council
No response received.

Other Representations

- 4.2 Local Residents
One letter of support has been received from a local consultee. The Cricket Club is fully in support of the proposal as it will enable persons to walk in safety from Chipping Sodbury to North Yate. They feel the facility is long overdue and will remove pedestrians from a busy road on which vehicles travel at speed.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The sites just outside of the existing defined settlement boundary and the land is safeguarded for Leisure, Open Spaces and Community Facilities. Policy LC5 of the South Gloucestershire Local Plan allows for development for outdoor sports and recreation on the site proving a number of criteria relating to impact on highway safety, residential amenity and impact on the character and diversity of the landscape. Policies D1 and L1 both seek to ensure good design to avoid having any adverse visual impact.

5.2 Design

The application proposes to create a 1.2 km long footpath. Other minor works are included such as the removal of a few small trees and the planting of new trees, and alterations to the access at either end of the footpath. The surface of the footpath is to alter along its length – it will be finished with coloured tarmac at the southern end where it runs close to the rugby club car park, changing to compacted stone where the path runs through the rugby field out to the north. This is to provide a clearly demarked and safe footway near the cars leading into a more natural finish where the path runs out across the playing field. A number of small bollards are proposed to protect the users of the path from vehicles but other than this, there is very little physical change above ground level. The design of the footpath is thus considered to be entirely acceptable and will integrate fully into the surrounding environment.

5.3 Transportation

The proposed path is to provide a much needed service. The B4060 is a busy classified road at the national speed limit yet because the road is straight, vehicle speeds often exceed this. On Peg Hill there is a very popular young persons facility in the form of a skate and BMX ramp. There are significant numbers of young people living in Chipping Sodbury who need to travel along this section of road to get to the park. At present there is no footpath whatsoever along this length of the B4060. Any young people or indeed other pedestrians or cyclists who want to get from North Yate to Chipping Sodbury currently have to use the main carriage way. Indeed, in recent years there have been a number of collisions along this stretch of road. The provision of the new multi-user footpath will eliminate the need for this conflict of user thus greatly improving levels of highway safety for pedestrians, cyclists and vehicle users alike. It is not anticipated that the creation of the footpath will result in any associated parking movements and no car parking is required. The proposal is thus considered to represent a significant improvement in existing levels of highway safety that should be readily encouraged.

5.4 Residential Amenity

There are no residential properties in the vicinity of the site that could be affected in any way by the proposal.

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 (Consultation Draft).

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.

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

That the application be approved subject to the following conditions;

Background Papers **PK07/2961/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. No development shall commence until surface water drainage details including Sustainable Drainage Systems (SUDS) for Flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

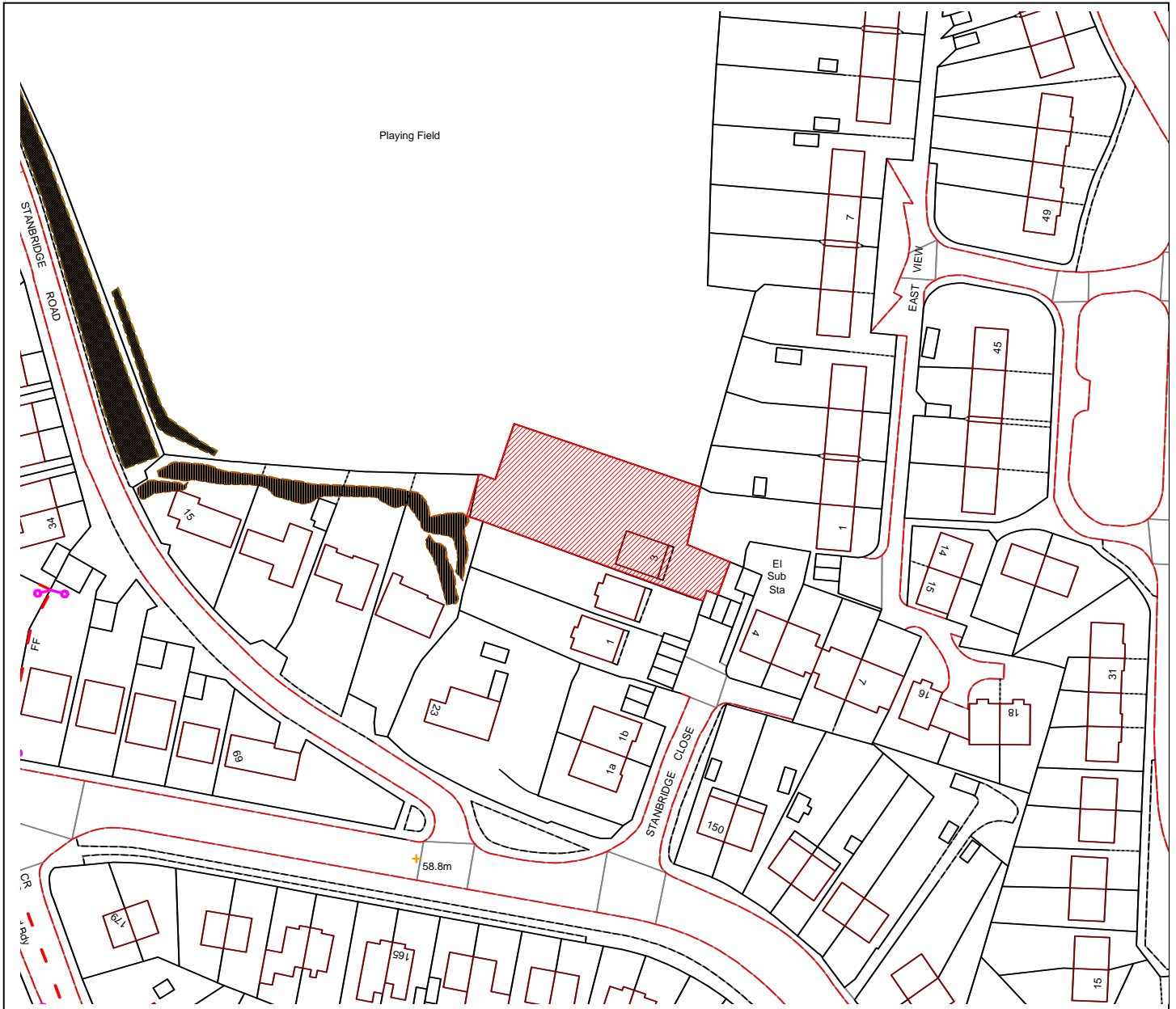
Reason

To comply with Policies EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) and the requirements of PPG25

CIRCULATED SCHEDULE NO. 47/07 – 23 NOVEMBER 2007

App No.: PK07/3060/F
Site: 3 Stanbridge Close Mangotsfield
BRISTOL South Gloucestershire BS16
6AP
Proposal: Erection of two storey rear extension to
form additional living accommodation.
Map Ref: 65821 76753

Applicant: Mr R Fox
Date Reg: 15th October 2007
Parish:
Ward: Rodway



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N.T.S

PK07/3060/F

INTRODUCTION

This application appears on the circulated schedule due to the receipt of three letters of objection from local residents.

1. THE PROPOSAL

1.1 This application seeks full planning permission for the erection of a two-storey extension to the rear of the existing dwelling. The host dwelling is unusual in design having a wooden chalet style façade to the front elevation with a veranda running across the entire front of the property. The purpose of the extension is to provide a large kitchen extension at ground floor with enlarged bedrooms with en-suites and walk-in-wardrobes- at first floor.

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, Extensions and New Dwellings

3. RELEVANT PLANNING HISTORY

3.1 No history.

4. CONSULTATION RESPONSES

4.1 Town/Parish Council
The area is unparished

Other Representations

4.2 Local Residents

Three letters of objection have been received from local residents. A summary of the points of concern are as follows;

- The proposal includes a large ground floor window and a balcony which will overlook the neighbours garden and patio area.
- Land ownership of a neighbouring property has changed that is not shown on the plan.
- The existing drain would be under the proposed kitchen and would not be accessible in case of blockage.
- The drain should be moved to outside of the extension

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and providing a number of criteria relating to design, scale, highway and impact upon visual and residential amenities are met.

5.2 Design/Visual Amenity

The host dwelling is a large detached property of unusual appearance. From the front elevation, the dwelling has an almost Scandinavian look incorporating lots of glass and wood. From the rear however the property is much more standard in appearance finished with render. The extension as proposed would have a depth of 3.65 metres and would be 1.5 metres wider than the bulk of the main dwelling. As a result, when viewed from the rear, the resultant dwelling would have a slightly a-symmetrical roof. This slight change in roof slope however will not be readily visible from the surrounding area due to the positioning of the dwelling at the foot of a slope and behind a significant tree screen. The extension itself would be of a fairly traditional construction being finished with render and having uPVC windows. The extension will therefore integrate successfully with the main dwelling.

It is accepted that the proposed extension is large yet it will have no impact on the character of the surrounding area. The design of the extension is thus considered to be acceptable.

5.3 Residential Amenity

The neighbouring dwelling that could be most affected by the proposed development is the neighbour at No. 2 Stanbridge Close. However, the main rear wall of No. 2 is set 1.5 metres behind the main rear wall of the application property. As a result, the proposed extension will only project 2.1 metres beyond the main rear wall of No. 2. It is not therefore considered that the extension will have any overbearing effect on the amenities of No. 2.

It is important to note that the rear garden of the application property and the neighbouring dwellings rises quite steeply up to the rear. This change in ground level greatly reduces any possible intervisibility from the proposed Juliette style balcony on the rear elevation. At a distance of approximately 7 metres out from the rear of the proposed extension, the ground level rises to such an extent that the floor level of the Juliette balcony is at garden level. Beyond this 7 metre point, the ground continues to slope upwards meaning there is no 'birds-eye' view from the balcony. There is a wide garden of approximately 13 metres between the extension and the garden of No. 2 East View and as such, it is not considered that there will be any detrimental impact on existing levels of residential amenity.

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

5.4 Drainage

As a number of neighbours are concerned – the drainage pipe will run underneath the proposed extension. This however is not for discussion as part of the planning application but the safety of this pipe will be ensured at building regulations stage. Nonetheless, the plans do show a bolted down and sealed chamber where the pipe angle sharply to enable access in emergencies.

5.5 Section 106 Requirements

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

6. **CONCLUSION**

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

The 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 **PK07/3060/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).

CIRCULATED SCHEDULE NO. 47/07 – 23 NOVEMBER 2007

App No.: PK07/3109/TRE
Site: 94, 96, 98 & 100 Wadham Grove
 Emersons Green BRISTOL South
 Gloucestershire
Proposal: Works to fell 5no. Poplar trees covered
 by Tree Preservation Order KTPO3/91
 dated 29 July 1991.
Map Ref: 67028 76363

Applicant: Mrs R Hynam
Date Reg: 19th October 2007
Parish: Mangotsfield Rural
 Parish Council
Ward: Emersons Green



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PK07/3109/TRE

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks permission to fell 5 Poplar trees growing in the rear gardens of the application properties. The trees are growing in a neat row and were in existence prior to the erection of the properties. The application states that the works are to be carried out as the roots of the trees are causing significant damage to the gardens and the protruding roots are a safety hazard. The trees have grown to an uncontrollable size.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape Protection and Enhancement
L5 Forest of Avon

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

(a) Statutory Consultees

- 4.1 Mangotsfield Rural Parish Council
Object (but give no reasoning or explanation).

(b) Other Representations

- 4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

- 5.2 Analysis of the Health of the Trees
The proposal is to fell to ground level five trees that are growing in the rear gardens of the identified properties. The trees are mature and have been heavily reduced in the past, most probably at the time the area was developed in about 2000.

The Councils Tree Officer met with the residents involved to discuss possible options – there were considered to be either cyclical pruning (which doesn't really address the root problem), or removal and replacement. Pruning would need to be carried out on a fairly frequent — every 5 years or so — because of the previous heavy pruning and Poplars' predisposition to shedding limbs.

It is the my opinion of the Tree Officer that the Poplar trees are inappropriate for this location and replacement with a less vigorous species of tree would enhance this area and prevent the problems currently being experienced by residents.

It is unfortunate that the trees are to be removed. However they are very big for their locations and cause significant overshadowing effects on surrounding properties. Options that would assist in the retention of the trees have been looked at but no solution has been found that will enable the long term retention of the trees. A condition will be attached to any consent granted to ensure that replacement trees are planted in place of the removed Poplars to ensure the character of the area is maintained.

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

7. RECOMMENDATION

- 7.1 Permission be granted subject to the following conditions:

Background Papers **PK07/3109/TRE**

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

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

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

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

Reason

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

3. 5 replacement trees, the species, size and location of which are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

In the interests of the visual amenity of the area, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/07 – 23 NOVEMBER 2007

App No.: PK07/3111/TRE	Applicant: Mr T Parker
Site: 5 Shackel Hendy Mews & 88, 90 & 92 Wadham Grove Emersons Green BRISTOL South Gloucestershire	Date Reg: 19th October 2007
Proposal: Works to fell 5no. Poplar trees covered by Tree Preservation Order KTPO3/91 dated 29 July 1991.	Parish: Mangotsfield Rural Parish Council
Map Ref: 67012 76331	Ward: Emersons Green



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N.T.S

PK07/3111/TRE

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of two letters of objection - one from the Parish Council and one from a local resident.

1. THE PROPOSAL

- 1.1 The application seeks permission to fell 5 Poplar trees growing in the rear gardens of the application properties. The trees are growing in a neat row and were in existence prior to the erection of the properties. The application states that the works are to be carried out as the roots of the trees are causing significant damage to the gardens and the protruding roots are a safety hazard. The trees have grown to an uncontrollable size.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement
L5 Forest of Avon

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

(a) Statutory Consultees

- 4.1 Mangotsfield Rural Parish Council
Object (but give no reasoning or explanation).

(b) Other Representations

- 4.2 Local Residents
One letter of objection has been received from a local resident. A summary of the points of concern is as follows;
- The retention of the trees was important when the surrounding houses were first built
 - The trees offer a great deal of privacy
 - The root problem could be overcome with topsoil and re-turfing
 - Trees are important for a healthy environment

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

5.2 Analysis of the Health of the Trees

The proposal is to fell to ground level five trees that are growing in the rear gardens of the identified properties. The trees are mature and have been heavily reduced in the past, most probably at the time the area was developed in about 2000.

The Councils Tree Officer met with the residents involved to discuss possible options – there were considered to be either cyclical pruning (which doesn't really address the root problem), or removal and replacement. Pruning would need to be carried out on a fairly frequent — every 5years or so — because of the previous heavy pruning and Poplars' predisposition to shedding limbs.

It is the my opinion of the Tree Officer that the Poplar trees are inappropriate for this location and replacement with a less vigorous species of tree would enhance this area and prevent the problems currently being experienced by residents.

It is unfortunate that the trees are to be removed. However they are very big for their locations and cause significant overshadowing effects on surrounding properties. Options that would assist in the retention of the trees have been looked at but no solution has been found that will enable the long term retention of the trees. A condition will be attached to any consent granted to ensure that replacement trees are planted in place of the removed Poplars to ensure the character of the area is maintained.

It is important to note that should the owners of any of the trees chose, they can deny permission for the works to be carried out. It is noted that the occupants of No. 88 Wadham Grove value the two trees in their garden. The granting of this permission does not give right for any unauthorised parties to enter the garden of No. 88 and carry out the works without the rightful owners express consent.

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

7. RECOMMENDATION

- 7.1 Permission be granted subject to the following conditions:

Background Papers **PK07/3111/TRE**

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

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

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

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

Reason

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

3. 5 replacement trees, the species, size and location of which are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

In the interests of the visual amenity of the area, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/07 - 23 NOVEMBER 2007

App No.: PT07/0485/F
Site: Tortworth Court Tortworth WOTTON
 UNDER EDGE South Gloucestershire
 GL12 8HH

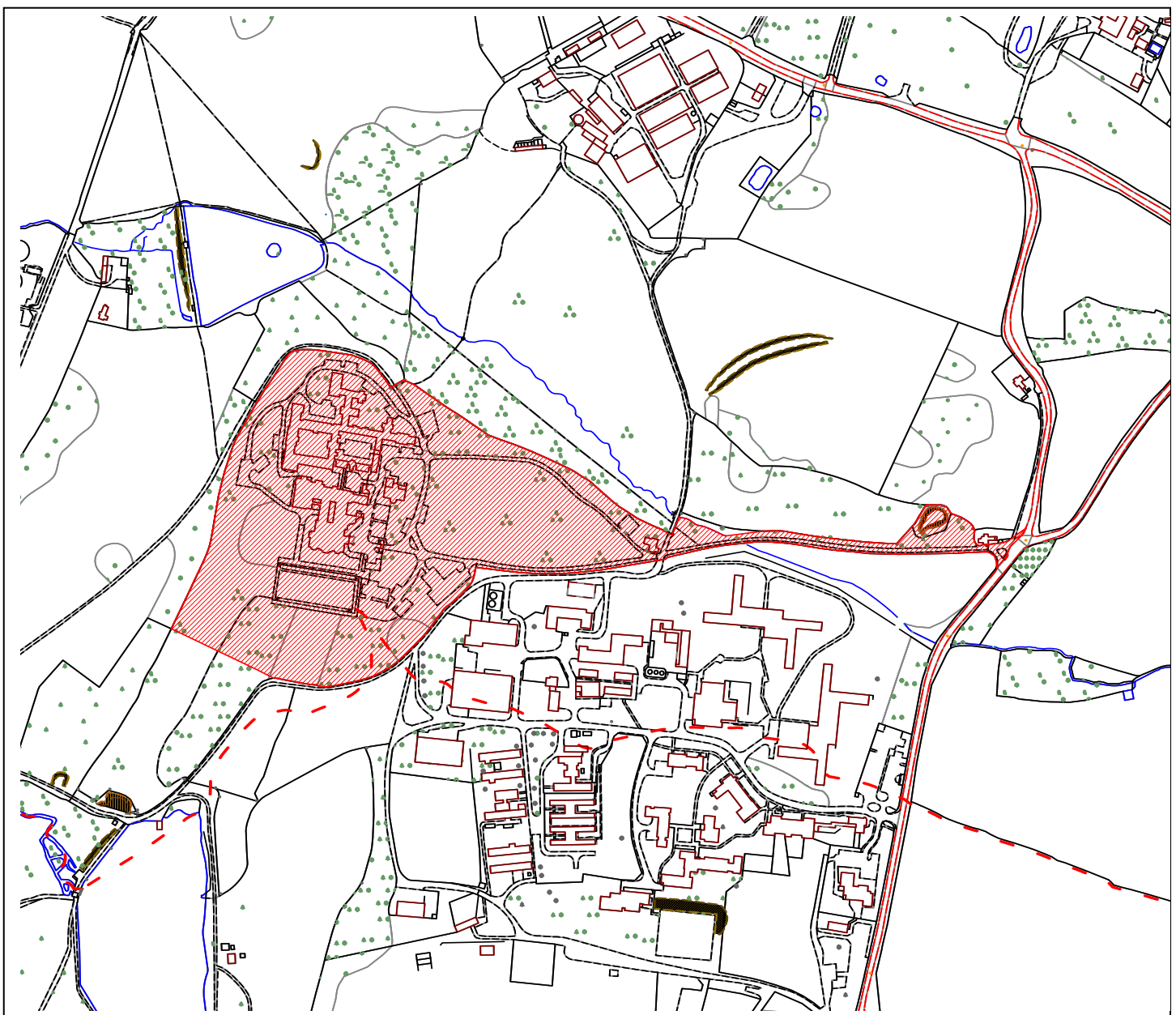
Applicant: Builders EDE Ltd
Date Reg: 14th February 2007

Proposal: Conversion of existing residential accommodation and erection of buildings with associated works to facilitate change of use from residential accommodation (Class C3) to hotel (Class C1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective).

Parish: Tortworth Parish Meeting

Map Ref: 69602 92531

Ward: Charfield



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100023410, 2007.

INTRODUCTION

This application appears on the circulated schedule as it is a major application.

1. THE PROPOSAL

- 1.1 The site consists of a large Grade II* Listed Mansion House and associated grounds. Considerable works have been undertaken to extend the house; and convert existing outbuildings for the conversion of Tortworth Court into a Hotel. A new building has also been constructed to the East of the main building (located off the access drive) which acts as staff accommodation.
- 1.2 The Planning Application (and the associated Listed Building Application) is submitted retrospectively. The change of use of Tortworth Court to a hotel has been carried out and is now operational. The use has been occurring for a period in excess of 5 years. The previous planning application P99/1741 (as detailed below) was approved subject to works being carried out to the highway on the B4509. These works were not completed in accordance with that conditional consent, and as such the Planning Permission has now effectively elapsed. The purpose of this Planning and Listed Building Application is to rectify this issue and formalise the existing arrangement.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas
PPG15 Planning and the Historical Environment
Good Practice Guide for Planning for Tourism (2006)

2.2 Development Plans

Adopted Joint Replacement Structure Plan
Policy 19 Cultural Heritage

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
L13 Listed Buildings
L1 Landscape Protection and Enhancement
E11 Tourism

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0487/LB Erection of two storey extension and internal and external works to existing buildings to facilitate conversion of residential accommodation to hotel (retrospective)
Undetermined at the time of writing this report, but appears on the same Circulated Schedule
- 3.2 P99/1740 Conversion of buildings to hotel and restaurant; layout of car parking; construction of lodge (proposed road junction improvements and mains drainage connection).

Approved (However, the approval was not legally implemented)

- 3.3 P99/1741/L Conversion of buildings to hotel and restaurant; layout of car parking; construction of lodge (proposed road junction improvements and mains drainage connection).
Approved (Listed Building Application)
- 3.4 PT00/1768/F Erection of Kitchen extension to orangery restaurant
Approved with conditions
- 3.5 PT00/1769/LBS Erection of Kitchen extension to orangery restaurant with access doors into orangery and conversion of ante-room to toilet accommodation for restaurant.
Approved with Conditions
- 3.6 PT01/0218/ADV Display of free standing externally illuminated sign
Appeal Allowed
- 3.7 PT06/0443/TRE Removal of 3no. diseased trees and 17no. non-arboretum trees covered by Northavon District Council (Tortworth Court) Tree Preservation Order 1990.
Approved with Conditions

The following applications are unresolved. This planning and concurrent listed building application effectively supersedes these submissions.

- 3.8 PT00/0809/F Amendment to planning application P99/1740 for hotel to provide staff accommodation block in lieu of hotel accommodation, installation of private sewage treatment plant and variation of conditions 5 and 12
- 3.9 PT00/1367/LBS Amendments to previously approved scheme
- 3.10 PT04/3218/RVC Removal of conditions 25 and 27 attached to planning permission P99/1740 dated 6 May 1999.

4. CONSULTATION RESPONSES

- 4.1 Tortworth Parish Council
Object to the provision of Street Lighting at the junction with Leyhill Road and the B5409 as this is unnecessary and would be harmful to the environment. The Parish Council feels that the changes to the junction as agreed with the previous planning consent would improve safety at the junction.
- 4.2 Sustainable Transport
No Objection subject to the implementation of highway improvement works to the junction with Leyhill Road and the B4509, to be carried out by and at the expense of the operators of Tortworth Court Hotel. The detail of these works should be agreed by South Gloucestershire Council and secured by appropriate legal agreement.

4.3 English Heritage

Do not wish to make comment on this occasion. The applications should be determined in accordance with the national and local planning policy guidance and on the basis of the Council's (SGC) specialist conservation advice. It is not necessary for any further consultation with regard to this application.

Other Representations

4.4 Local Residents

One letter is received as a result of the consultation process associated with this planning application. The comments can be summarised as follows;

- Objection is raised to the implementation of Street Lighting on the B4509 on the grounds that it would cause light pollution; would cause over-consumption of energy; and would not contribute to highway safety.

4.5 Tortworth Estates (Neighbouring Land Owners)

Object to the development and refer to drawing E2030/16. The reasons are summarised below;

- Part of the works appear to be upon the property of the estate. The estate does not consent to such works.
- No notices have been served by the applicant upon the estate or upon tenants of the estate
- The estate objects to the inclusion of Street Lighting that create unnecessary light pollution and intrusion in a rural location
- The street lights are contrary to the Councils (SGC) green credentials
- The description of the development does not cover the works as shown in drawing E2030/16 and as such the applications are misleading
- The Certificate application should not itself show proposed development as detailed in drawing E2030/16.
- The Council (SGC) has previously imposed conditions relating to the junction with the B4509. The Council (SGC) and the applicant have not demonstrated why there should be any variation to those conditions and the grounds on which the proposals included in drawing E2030/16 should now be considered.

4.6 Ramblers Association

Comment that signage for the PROW (OTO12) should be put in place.

5. ANALYSIS OF PROPOSAL

5.1 This application is submitted retrospectively. The application details the change of use and conversion of Tortworth Court (Grade II* Listed Building). The previous planning application (P99/1740) was approved subject to highways works being carried out at the junction of Leyhill Road and B4509. These works were not carried out and the approval effectively elapsed. The principle of the development has been assessed previously and is established in principle. However, considerable changes have occurred in terms of planning policy, and in particular the South Gloucestershire Local Plan (Adopted) January 2006 has been adopted which supersedes the Northavon Rural Areas Local Plan which covered the assessment at that time. The assessment of this planning application under current planning policy is set out below.

5.2 Principle of Development

Policy E11 of the South Gloucestershire Local Plan (Adopted) January 2006 is of particular relevance to this planning application. The policy indicates that the development of the Hotel is acceptable in principle. Subject to the following considerations

5.3 Use

In this instance the Tortworth Court is a grade II* Listed Building. Prior to the conversion works, the building was registered as an important building at risk. The change of use now implemented has enabled the building to be comprehensively renovated so preserving the architectural and historical character of Tortworth Court. The use of Tortworth as a hotel is of such a scale that it offers a broad ranging business as well as holiday accommodation; and offers an attractive destination, facilities and activities that contribute to the locality as a tourist destination.

5.4 The use of the building as a hotel is therefore consistent with the underlying principles of Policy E11 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.5 Design, Landscape and Listed Building Considerations

Considerable development of the site has been carried out which includes new extensions and a new building to the east of the main building. This is largely consistent with the development that was considered acceptable under the previous application P99/1740; and as approved under further planning applications as detailed above. The purpose of this submission, in part, is to regularise further relatively minor development that has occurred at the site in the meantime.

5.6 There are also alterations involving the detailing of the extensions to the existing buildings, particularly affecting the links to the stable courtyard and the conference centre; and also the increased height of the prominently located roof over the former servant's stairs (now a lift shaft). Considerable pre application discussion and negotiation has occurred in relation to these issues (including considerable input from the Council's Listed Buildings Officer) and the development is now considered acceptable.

5.7 However, there remain outstanding issues relating to repair work and some minor works. Repairs are unfinished to the terrace walls and the balustrade between the orangery and the entrance arch, and additional structures such as bin stores and enclosures have occurred around the main building and the orangery that are not entirely consistent with the submitted drawings. However, subject to the submission of specific detailing and/or landscape screening within a reasonable time scale, relating to these structures and repairs it is considered that the development is acceptable. These submissions can be dealt with by way of appropriately worded condition.

5.8 Notwithstanding the above, the location of a drainage pump to the West of the main building is unacceptable and the issue remains unresolved. The installation of the pump is unauthorised and its location is not acceptable. However, the need for this pump is acknowledged, and as such, is positioning within the curtilage of the Tortworth Court is considered acceptable in principle. On this basis, it is considered that this issue can be adequately addressed by way of a suitably worded condition requiring details of an alternative and

- acceptable siting for the pump; to the agreement of the Local Planning Authority.
- 5.9 Subject to the satisfactory discharging of the above conditions, it is considered that the development is acceptable in Listed Building and Design Terms.
- 5.10 The development is set in historical park land, including an arboretum directly associated with the residential occupation of Tortworth Court. This park land is subject to a management regime (which has included the requirement for Tree Preservation Order Applications for works to trees). It is considered that the development is not detrimental to the historical character of the parkland. However, in order that the management of the park land can be adequately monitored by the Local Planning Authority, it is considered appropriate for a formal landscape management plan to be submitted by way of condition of any approval of this planning application.
- 5.11 Residential Amenity
The gate house associated with Tortworth Court is located at the end of the private drive at its junction with Leyhill Road. This is now occupied independently of Tortworth Court, and it is in close proximity to the main access the hotel. However, vehicles entering the site at this point will normally be moving at very low speeds and as such, the use of the access is not considered to have a detrimental impact upon the residential amenity of the gate house. Generally, the site is isolated from other residential properties and as such the operation of the site is considered acceptable in residential amenity terms.
- 5.12 Transportation
The site is located within easy reach of the major national highway network, with signing off the M5 Motorway. As such the development complies with this principle of Policy E11 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.13 Nonetheless, the access to the site is located of minor roads that link with the M5 motorway. In order to cater for the development adequately in highway terms, it is necessary to upgrade the junction with Leyhill Road and the B4509. The original planning approval (P99/1740) was subject to such works being undertaken prior to the occupation of the hotel. This work was not carried out and as such the approval elapsed. Nonetheless the operation of the hotel has continued. This has provided clear practical evidence regarding the traffic generation associated with the site. On this basis, the level of improvement works can be reduced.
- 5.14 Objections to the development have been received with particular reference to the introduction of street lighting at this junction on the grounds that such work is polluting to the environment and unnecessary. The required works relate to the introduction of a pedestrian footway at this junction, which will improve pedestrian safety in the immediate locality (benefiting the Tortworth Primary School in particular); and will allow an improved visibility splay at this junction. Initial submissions have indicated that the lighting of the junction be carried out. However, it is not considered that the lighting of this junction is necessary and this element of the works can be omitted. These works should be carried out at the expense of the operator of Tortworth Court Hotel.

- 5.15 It is considered that the exact detailing of the works to the junction can be submitted by way of appropriately worded condition attached to any approval of this planning application. The commitment to implement works can be assured by the use of a appropriate legal agreement that will need to be signed and sealed prior to the granting of planning permission. The developer has indicated that the implementation of the works at their cost; to be secured by legal agreement is acceptable to them.
- 5.16 Subject to the above, it is considered that the proposed development is acceptable in principle.
- 5.17 Other Matters
Concern has been raised by Tortworth Estates that part of the development would take place upon land owned by them and that the correct notifications have not been forthcoming. The site location plan (red line) encloses land that is currently operated as part of the Tortworth Court Hotel. The notification certificate shows that the land owner (Tortworth Four Pillars Hotel Ltd) was correctly notified as part of the requirements of this planning application by the applicant. Any works relating to the junction improvements referred to above, will take place within land operated by the Highways Authority (operational highway land). On this basis, the application has been correctly submitted.
- 5.18 Design and Access Statement
The Design and Access Statement submitted with this application is considered to demonstrate that the applicant has adopted a design approach that is consistent with the Councils Design Checklist Supplementary Planning Document (Adopted)
- 5.19 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements. are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

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) within 12 months of the date of this decision to secure the following:

- i) The implementation of improvements to the junction of Leyhill Road and the B4509 (the exact details of which are to be submitted to and agreed by the Local Planning Authority under planning condition)
- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the Section 106 agreement not be completed within 12 months of the date of this determination then the application be refused or returned to the DC West Committee for further consideration on this basis.

Background Papers **PT07/0485/F**

Contact Officer: **Simon Penketh**
Tel. No. **01454 863433**

CONDITIONS

1. Within 2 months of the date of this planning permission, details showing all necessary highway works to the Junction with B4509 and Leyhill Road shall be submitted to and agreed in writing by the Local Planning Authority. The highway works shall be implemented in accordance with the agreed works within 9 months of the date of this planning permission and thereafter shall be retained as such unless otherwise agree by South Gloucestershire Council

Reason(s):

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

2. Within 3 months of the date of this planning consent, a landscape management plan shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the management and maintenance of the park land associated with Tortworth Court and as detailed within the management plan shall be carried out in accordance with the agreed details.

Reason(s):

In order to protect the character of the landscape and the setting of the listed building and to accord with Policy L1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the submitted details, within 1 month of the date of this permission and consent, large scale details of the following, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval.
 - a) External electrical fittings:
 - b) Bar fittings to atrium
 - c) An alternative location for Pumping station A (as shown on the submitted plans.)

4. The amended details shall be implemented in full within 3 months of the date of approval by the Council of the submitted details. Should agreement of these details not be reached with the Council within 3 months of the date of their initial submission to the Council, the fittings and pumping station shall be removed entirely.

Reason(s):

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

5. Large scale details of the stone wall round the gas control valves (shown on drawing 20242-6030 REV a) shall be submitted to the Council for approval within 1 month of the date of this permission and the wall shall be completed to the satisfaction of the Council within 6 months of the date of approval of the large scale details by the Council. For the avoidance of doubt the wall shall exactly match the adjacent historic walls and copings.

Reason(s):

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

6. All bin store enclosures as shown upon the approved plans shall be completed to the satisfaction of the council within 3 months of the date of this permission.

Reason(s):

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

7. The refrigeration unit as shown upon the approved plans building shall be completed in accordance with the approved details within 6 months of the date of this permission. For the avoidance of doubt the stonework shall exactly match the adjacent stonework to the conference room.

Reason(s):

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

8. Notwithstanding the submitted details, further details of proposals for additional landscaping to the bin store enclosures by Block J and the Staff lodge shall be submitted to the Council for approval within 3 months of the date of approval by the Council of the submitted details. Should agreement of these details not be reached with the Council within 3 months of the date of their initial submission to the Council, these bin stores shall be removed completely and the sites made good.

Reason(s):

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

9. No storage of refuse shall take place at any time within the application site other than within the bin storage areas as detailed upon the approved drawings.

Reason(s):

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

CIRCULATED SCHEDULE NO. 47/07 – 23 NOVEMBER 2007

App No.: PT07/0487/LB
Site: Tortworth Court Tortworth WOTTON
UNDER EDGE South Gloucestershire
GL12 8HH

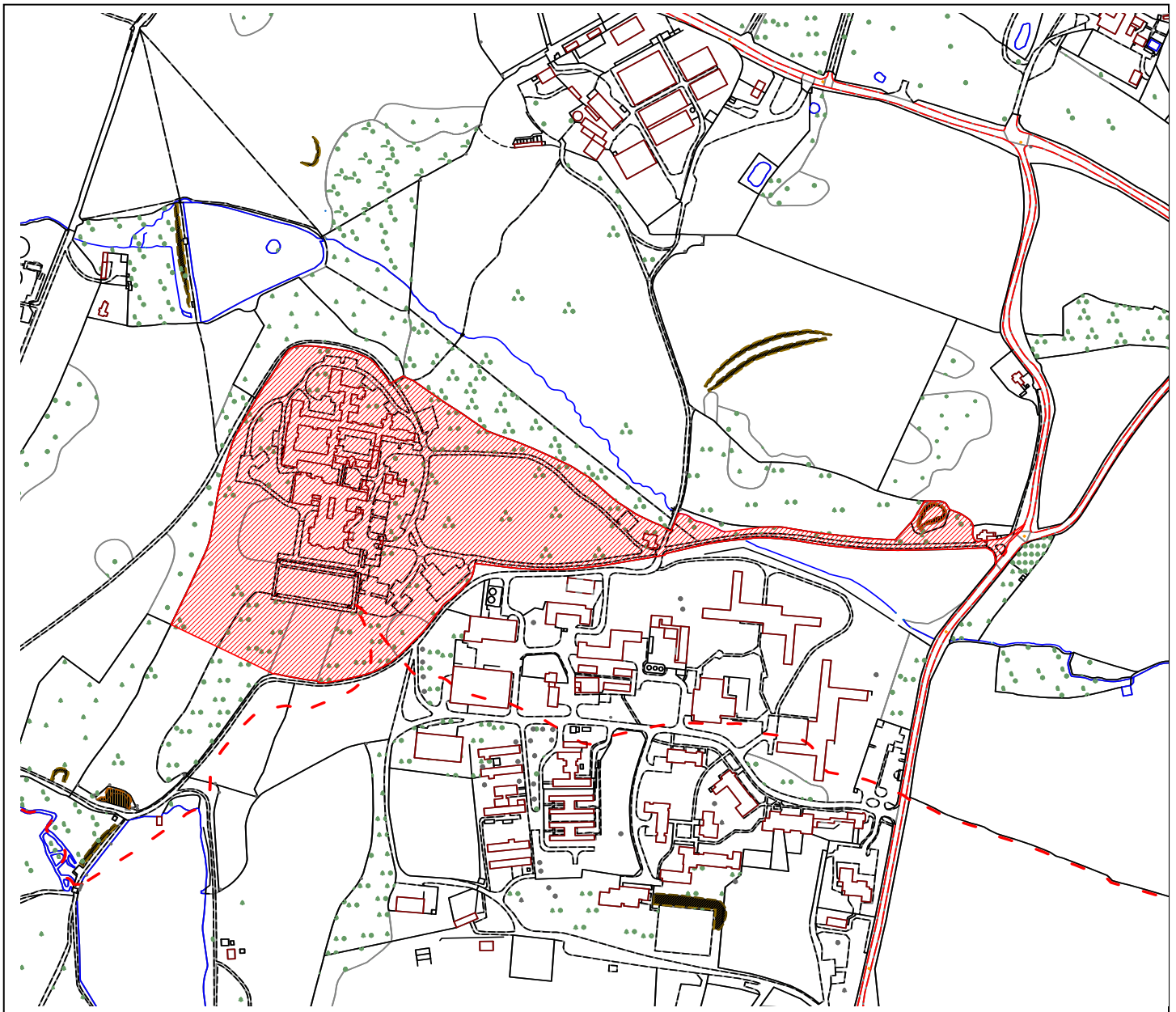
Applicant: Builders EDE Ltd
Date Reg: 14th February 2007

Proposal: Erection of two storey extension and
internal and external works to existing
buildings to facilitate conversion of
residential accommodation to hotel
(retrospective).

Parish: Tortworth Parish
Meeting

Map Ref: 69602 92531

Ward: Charfield



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100023410, 2007.

N.T.S

PT07/0487/LB

INTRODUCTION

This application appears on the circulated schedule as it is associated with a major application that also appears on this agenda.

1. THE PROPOSAL

- 1.1 The site consists of a large Grade II* Listed Mansion House and associated grounds. Considerable works have been undertaken to extend the house; and convert existing outbuildings for the conversion of Tortworth Court into a Hotel. A new building has also been constructed to the East of the main building (located off the access drive) which acts as staff accommodation.
- 1.2 The Planning Application (and the associated Listed Building Application) is submitted retrospectively. The change of use of Tortworth Court to a hotel has been carried out and is now operational. The use has been occurring for a period in excess of 5 years. The previous planning application P99/1741 (as detailed below) was approved subject to works being carried out to the highway on the B4509. These works were not completed in accordance with that conditional consent, and as such the Planning Permission has now effectively elapsed. The purpose of this Planning and Listed Building Application is to rectify this issue and formalise the existing arrangement.

2. POLICY CONTEXT

- 2.1 National Guidance
PPG15 Planning and the Historical Environment
Circular 01/01 Arrangements for handling heritage applications.
- 2.2 Development Plans

Adopted Joint Replacement Structure Plan
Policy 19 Cultural Heritage

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
L13 Listed Buildings
L1 Landscape Protection and Enhancement
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0485/F Erection of two storey extension and internal and external works to existing buildings to facilitate conversion of residential accommodation to hotel (retrospective)
Undetermined at the time of writing this report
- 3.2 P99/1740 Conversion of buildings to hotel and restaurant; layout of car parking; construction of lodge (proposed road junction improvements and mains drainage connection).
Approved (However, the approval was not legally implemented)

- | | | |
|-----|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.3 | P99/1741/L | Conversion of buildings to hotel and restaurant; layout of car parking; construction of lodge (proposed road junction improvements and mains drainage connection).
Approved (Listed Building Application) |
| 3.4 | PT00/1768/F | Erection of Kitchen extension to orangery restaurant
Approved with conditions |
| 3.5 | PT00/1769/LBS | Erection of Kitchen extension to orangery restaurant with access doors into orangery and conversion of ante-room to toilet accommodation for restaurant.
Approved with Conditions |
| 3.6 | PT01/0218/ADV | Display of free standing externally illuminated sign
Appeal Allowed |
| 3.7 | PT06/0443/TRE | Removal of 3no. diseased trees and 17no. non-arboretum trees covered by Northavon District Council (Tortworth Court) Tree Preservation Order 1990.
Approved with Conditions |

The following applications are unresolved. This planning and listed building application effectively supersedes these submissions.

- | | | |
|------|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.8 | PT00/0809/F | Amendment to planning application P99/1740 for hotel to provide staff accommodation block in lieu of hotel accommodation, installation of private sewage treatment plant and variation of conditions 5 and 12 |
| 3.9 | PT00/1367/LBS | Amendments to previously approved scheme |
| 3.10 | PT04/3218/RVC | Removal of conditions 25 and 27 attached to planning permission P99/1740 dated 6 May 1999. |

4. CONSULTATION RESPONSES

- | | | |
|-----|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.1 | <u>Tortworth Parish Council</u> | Object to the provision of Street Lighting at the junction with Leyhill Road and the B5409 as this is unnecessary and would be harmful to the environment. The Parish Council feels that the changes to the junction as agreed with the previous planning consent would improve safety at the junction. |
| 4.2 | <u>Sustainable Transport</u> | No Objection subject to the implementation of highway improvement works to the junction with Leyhill Road and the B4509, to be carried out by and at the expense of the operators of Tortworth Court Hotel. The detail of these works should be agreed by South Gloucestershire Council and secured by appropriate legal agreements. |
| 4.3 | <u>English Heritage</u> | Do not wish to make comment on this occasion. The applications should be determined in accordance with the national and local planning policy guidance and on the basis of the Council's (SGC) specialist conservation advice. It is not necessary for any further consultation with regard to this application. |

Other Representations

4.4 Local Residents

One letter is received as a result of the consultation process associated with this planning application. The comments can be summarised as follows;

- Objection is raised to the implementation of Street Lighting on the B4509 on the grounds that it would cause light pollution; would cause over-consumption of energy; and would not contribute to highway safety.

4.5 Tortworth Estates (Neighbouring Land Owners)

Object to the development and refer to drawing E2030/16. The reasons are summarised below;

- Part of the works appear to be upon the property of the estate. The estate does not consent to such works.
- No notices have been served by the applicant upon the estate or upon tenants of the estate
- The estate objects to the inclusion of Street Lighting that create unnecessary light pollution and intrusion in a rural location
- The street lights are contrary to the Councils (SGC) green credentials
- The description of the development does not cover the works as shown in drawing E2030/16 and as such the applications are misleading
- The Certificate application should not itself show proposed development as detailed in drawing E2030/16.
- The Council (SGC) has previously imposed conditions relating to the junction with the B4509. The Council (SGC) and the applicant have not demonstrated why there should be any variation to those conditions and the grounds on which the proposals included in drawing E2030/16 should now be considered.

4.6 Ramblers Association

Comment that signage for the PROW (OTO12) should be put in place.

5. ANALYSIS OF PROPOSAL

5.1 This application is submitted retrospectively. The application details works associated with the change of use and conversion of Tortworth Court (Grade II* Listed Building). The previous listed building application (P99/1741L) was approved, however further works to the building have occurred in the meantime. The purpose of this application is to formalise the additional works. The assessment is set out below.

5.2 Principle of Development

The principle of the proposed development and associated planning merits of this case are considered under the associated planning application submitted under PT07/0485/F; which also appears on this schedule. However, as the proposed works require Listed Building Consent it is necessary to consider the merits of the proposal in relation to its impact upon the historical and architectural nature of the Listed Building. These are considered below.

5.3 Listed Building Considerations

Considerable development of the site has been carried out which includes new extensions and a new building to the east of the main building. This is largely consistent with the development that was considered acceptable under the previous applications P99/1740 and P99/1741L; and as approved under further

planning applications as detailed above. The purpose of this submission, in part, is to regularise further relatively minor development that has occurred at the site in the meantime.

- 5.4 There are also alterations involving the detailing of the extensions to the existing buildings, particularly affecting the links to the stable courtyard and the conference centre; and also the increased height of the prominently located roof over the former servant's stairs (now a lift shaft). Considerable pre application discussion and negotiation has occurred in relation to these issues and the development is now considered acceptable.
- 5.5 However, there remain outstanding issues relating to repair work and some minor works. Repairs are unfinished to the terrace walls and the balustrade between the orangery and the entrance arch, and additional structures such as bin stores and enclosures have occurred around the main building and the orangery that are not entirely consistent with the submitted drawings. However, subject to the submission of specific detailing and/or landscape screening within a reasonable time scale, relating to these structures and repairs it is considered that the development is acceptable. These submissions can be dealt with by way of appropriately worded condition.
- 5.6 Notwithstanding the above, the location of a pump to the West of the main building is unacceptable and the issue remains unresolved. The installation of the pump is unauthorised and its location is not acceptable. However, the need for this pump is acknowledged, and as such, its positioning within the curtilage of the Tortworth Court is considered acceptable in principle. On this basis, it is considered that this issue can be adequately addressed by way of a suitably worded condition requiring details of an alternative and acceptable siting for the pump; to the agreement of the Local Planning Authority.
- 5.7 Subject to the satisfactory discharging of the above conditions, it is considered that the development is acceptable in Listed Building and Design Terms.
- 5.8 Design and Access Statement
The Design and Access Statement submitted with this application is considered to demonstrate that the applicant has adopted a design approach that is consistent with the Councils Design Checklist Supplementary Planning Document (Adopted)

6. CONCLUSION

- 6.1 The recommendation to grant consent has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The subject building is a Grade II* Listed Building. As such this application has been referred to the Secretary of State in accordance with Circular 01/01 paragraph 11. English Heritage has advised that, on behalf of the Secretary of State, they do not wish to intervene under circular 01/01.

7. RECOMMENDATION

- 7.1 That Listed Building Consent is Granted subject to the following conditions.

Contact Officer: **Simon Penketh**
Tel. No. **01454 863433**

CONDITIONS

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

Reason(s):

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Notwithstanding the submitted details, within 1 month of the date of this permission and consent, large scale details of the following, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval.
 - a) External electrical fittings:
 - b) Lighting fittings to conference rooms on 1st floor on the main house.
 - c) Bar fittings to atrium
 - d) An alternative location for Pumping station A (as shown on the submitted plans.)

The amended details shall be implemented in full within 3 months of the date of approval by the Council of the submitted details. Should agreement of these details not be reached with the Council within 3 months of the date of their initial submission to the Council, the fittings and pumping station shall be removed entirely.

Reason(s):

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

3. Large scale details of the stone wall round the gas control valves (shown on drawing 20242-6030 REV a) shall be submitted to the Council for approval within 1 month of the date of this permission and the wall shall be completed to the satisfaction of the Council within 6 months of the date of approval of the large scale details by the Council. For the avoidance of doubt the wall shall exactly match the adjacent historic walls and copings.

Reason(s):

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

4. All bin store enclosures as shown upon the approved plans shall be completed to the satisfaction of the council within 3 months of the date of this permission.

Reason(s):

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

5. The refrigeration unit as shown upon the approved plans building shall be completed in accordance with the approved details within 6 months of the date of this permission. For the avoidance of doubt the stonework shall exactly match the adjacent stonework to the conference room.

Reason(s):

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

6. Notwithstanding the submitted details, further details of proposals for additional landscaping to the bin store enclosures by Block J and the Staff lodge shall be submitted to the Council for approval within 3 months of the date of approval by the Council of the submitted details. Should agreement of these details not be reached with the Council within 3 months of the date of their initial submission to the Council, these bin stores shall be removed completely and the sites made good.

Reason(s):

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

7. No storage of refuse shall take place at any time within the application site other than within the bin storage areas as detailed upon the approved drawings.

Reason(s):

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

CIRCULATED SCHEDULE NO. 47/07 – 23 NOVEMBER 2007

App No.: PT07/2582/F
Site: Severn View Davids Lane Alveston
 BRISTOL South Gloucestershire BS35
 3LN

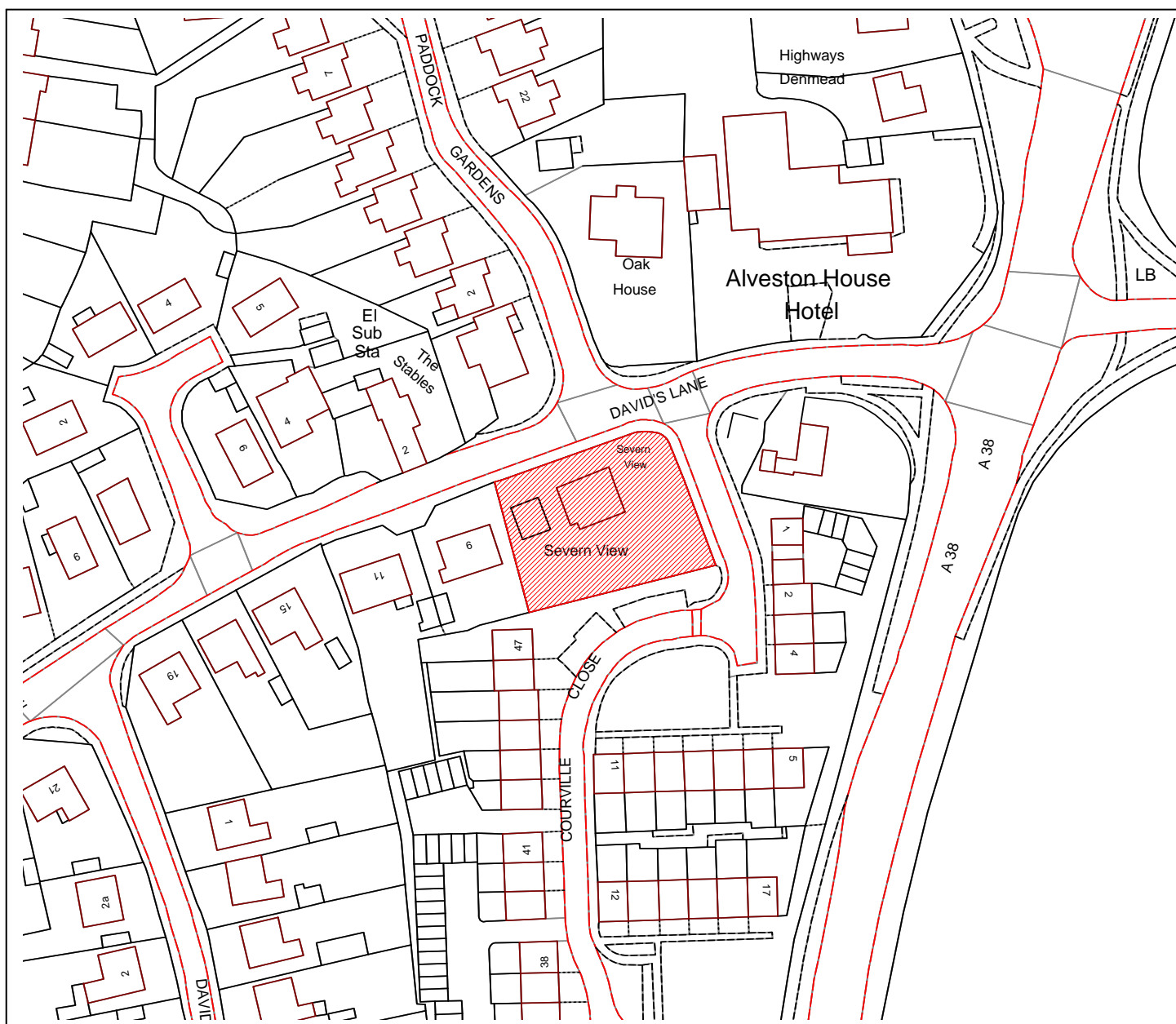
Applicant: Mr I Walker
Date Reg: 21st August 2007

Proposal: Demolition of existing dwelling and garage to facilitate the erection of 4 no. dwellings and garages with associated works. (Resubmission of PT06/3358/F)

Parish: Alveston Parish Council

Map Ref: 63498 87992

Ward: Thornbury South and Alveston



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100023410, 2007.

N.T.S

PT07/2582/F

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for four dwellings comprising two detached properties and a pair of semi-detached dwellings. Each would benefit from an attached single garage.
- 1.2 The application site forms 0.1086ha of land on the corner of David's Lane and Courville Close and currently provides for a detached chalet style dwelling (fronting David's Lane). This dwelling benefits from a detached garage that stands adjacent to the west flank boundary with the property siting centrally on the plot.
- 1.3 The application site lies within the Alveston settlement boundary that is washed over by the Green Belt.
- 1.4 The application forms a resubmission of PT06/3358/F that sought permission for four detached dwellings and which was refused for the following reasons:
 1. The proposed dwellings, by reason of their scale, massing and height, would appear out of keeping with the character of the area which comprises modest single-storey, chalet and two-storey dwellings. The proposals would therefore comprise an over development of the site and appear a dominant feature within the street scene to the detriment of the visual amenities of the locality. As such, the proposal is considered contrary to Policy H2, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposed dwellings by reason of their position, mass and height would have an overbearing effect on the occupiers of the neighbouring property at 9 David's Lane which would be to the detriment of residential amenity and would also be contrary to Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The turning and manoeuvring facilities in and out of the site in relation to plots 1 and 2 do not comply with the requirements of the highway authority. This is because they would introduce turning movements at a point on the network that is likely to interfere with the safe and free flow of traffic. The proposal is therefore considered to be contrary to Policy D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 1.5 This second submission follows subsequent discussions with the architect in an attempt to overcome these refusal reasons.
- 1.6 Amended plans form part of this submission allowing a reduction in the height and depth of the proposals.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS3: Housing
PPG12: Transport

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

GB1: Development within the Green Belt

H2: Proposals for Residential Development within the Settlement Boundaries

H4: Development within Residential Curtilages including New Dwellings

T7: Cycle Parking

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

L1: Landscape Protection and Enhancement

2.3 Supplementary Planning Guidance

Development in the Green Belt

Urban Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/3358/F: Demolition of existing bungalow to facilitate the erection of four dwellings with associated works. Refused: 19th January 2007

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council

Objection:

- The 9m height is much higher than surrounding buildings;
- The style of the dwellings is out of keeping with David's Lane;
- Vehicle access is a concern, particularly onto this busy road and across the only access road into Courville Close;
- The mass of the proposals is too great for the site and will have an overpowering effect on the neighbours;
- Green Belt stipulates that development will be restricted to small scale infill development that should not adversely effect the character of the area;
- 'If the criteria of replacing a dwelling are considered then this property is not beyond repair'.

- 4.2 Further comments received in response to the amended plans express similar concerns stating that the buildings would still be much higher than all of the surrounding buildings.

4.3 Other Consultees

Environmental Services: no objections in principle

Technical Services (drainage): no objection in principle

4.4 Sustainable Transport

No objection subject to two conditions:

- Provision and retention of parking/ turning areas prior to the first occupation of the dwellings;
- Provision of cycle storage facilities prior to the first occupation of the units.

Other Representations

4.5 Summary of Local Residents Comments

34 letters received expressing the following concerns:

DESIGN

- There is little difference to the refused scheme;
- The proposals are out of keeping with the character of the area;
- The proposals are about 2.5m higher than the Courville Close buildings;
- Loss of the dormer windows does not significantly address all concerns;
- Units along David's Lane are set back allowing a sense of spaciousness;
- The proposals still comprise an overdevelopment of the site;
- The proposals are not suitable for this Green Belt village;
- Their height would dominate the street scene and be a detrimental intrusion into the established appearance of the area;
- Refusal reasons 1 & 2 still apply;
- Ground levels rise from Courville Close to the application site exacerbating the impact of the proposals;
- Existing properties sit within relatively spacious plots;
- It would reduce the level of vegetation and is not akin to a rural view.

RESIDENTIAL AMENITY

- Neighbouring properties will be overlooked;
- The proposals will have an overbearing effect on the adjoining bungalow;
- The dwellings will be overbearing on the residents behind;
- The proposals will allow overlooking into neighbouring gardens.

HIGHWAY SAFETY

- Traffic levels (and noise) will be increased- particularly during peak hours;
- There is no pedestrian footpath opposite the application site;
- Turning/ manoeuvring space has not been improved (third refusal reason);
- The applicant doesn't control land for vehicular access via Courville Close;
- David's Lane is not the quiet lane as portrayed;
- Visitors will be forced to park on the road endangering highway safety;
- The drive to plot 1 would endanger the safety of Courville Close residents;
- This part of Davis's Lane is a bottleneck
- David's Lane is one of the main routes into and out of Alveston;
- There is a desire to stop traffic existing the A38 onto Greenhill which would increase traffic along David's Lane;
- Access to units 2 and 3 is directly opposite the road junction thus increasing the risk of accidents whilst all are close to the hotel entrance and the A38;
- People seldom use garages and will park in the proposed turning spaces- vehicles will therefore be reversing out opposite Paddock Gardens.

OUTSTANDING ISSUES

- The stress imposed on the residents of Courville is unacceptable;
- A brown field site should not be made by demolishing a family home;
- The proposals would appear to provide for family housing- this will disturb the neighbouring elderly residents;
- More retirement accommodation would be welcomed;
- The application is contrary to policy governing the replacement of dwellings in the countryside;
- Courville Close is a retirement complex for the over 60's (many are older).

4.6 Meanwhile, one letter has been received in support of the proposal whilst one of the above letters does state that there is no objection to plots 2, 3 and 4.

4.7 21 letters have also been received in response to the amended plans raising the following new concerns:

- The revised proposals reducing the height and depth of the proposals fail to make any significant difference to the scheme;
 - The number of bedrooms remains the same and the parking unchanged;
 - Such large buildings would look incongruous in the street scene which mostly comprises single-storey dwellings;
 - The reduction in height will not alter the outlook from Courville Close because the view from here is from a lower elevation;
 - Further retirement housing would complement the area;
 - Documentation from Northavon District Council in 1989 states that the entranceway to Courville Close should have free and clear access;
 - Velux roof lights (in lieu of the dormer windows) and the change in materials would now help to improve the appearance of the proposals;
 - A pitched roof over the garage would be preferable;
 - The limited size of the hotel car park ensures that guests' cars already 'swamp' David's Lane;
 - The traffic survey was undertaken at a quiet time of the day;
 - It was understood that there was an outline approval for two dwellings on this site.
- 4.8 One further letter in support of the proposal has been received from the same writer as previously detailed with the need for housing considered to outweigh the 'pernicious objections made by local residents'.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policies H2 and H4 allow for the principle of residential development within the existing built up areas and settlement boundaries subject to issues of design, residential amenity and highway safety. Further, the maximum density compatible with the site and its surroundings should also be achieved.

- 5.2 Policy GB1 and H2 cite that within the settlement boundaries (washed over by the Green Belt), development will be limited to infilling. The supporting text to this policy advises that in the vast majority of cases, acceptable infilling is unlikely to be more than the filling of small gaps within built development, where it does not significantly impinge upon the openness of the Green Belt.

5.3 The Application Site

The application site comprises some 0.1Ha of land on the south side of David's Lane, Alveston. The site lies within the settlement boundary that is washed over by the green belt.

- 5.4 The site currently provides for a detached chalet style unit sited centrally on its plot with a detached garage building to its western side. It is considered that this property typifies the residential character of David's Lane, that comprises single-storey and chalet style units set within plots of a relatively generous size.

- 5.5 Nevertheless, the application site is located at the western end of David's Lane opposite its junction with Paddock Gardens and adjacent to Courville Close. In this regard, dwellings within Paddock Gardens predominantly comprise two-storey units on plots of more restricted width whilst Courville Close, forms a two-storey retirement complex. Further, Alveston House Hotel sits on higher ground overlooking the application site; albeit at a distance.

- 5.6 In view of the above, it is considered that a two-storey development on this site would be acceptable in principle.
- 5.7 Density
Policy H2 details that the maximum density compatible with the site, location, accessibility and surroundings should be achieved. As such, the expectation is that all development will achieve a minimum density of 30 dwellings per hectare and that higher densities will be provided where local circumstances permit.
- 5.8 The proposal would allow the intensification of the existing settlement pattern increasing the number of dwellings on site to four. Accordingly, given that the site area equates to 0.0186ha this would provide for a density of development equal to 36 dwellings per hectare. Fewer dwellings would therefore drop below the threshold (three units would equate to 27 dwellings) whilst given that both Paddock Gardens and Courville Close are built to a higher density than that of David's Lane, this higher density level is considered to be acceptable.
- 5.9 Further, it is noted that PPS3 makes it clear that *'The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing form'*. PPS3 goes on to describe how good design is key to achieving successful intensification; *'If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment'*.
- 5.10 Design/ Visual Amenity
The previous application (PT06/3358/F) sought approval for four detached 2.5 storey high dwellings that would have stood side by side fronting David's Lane. Each would have benefited from front dormer windows and would have been separated by a single detached garage to the side; except the central two units which would have stood side by side with the development appearing handed.
- 5.11 This scheme was considered to be unacceptable given that the dwellings were considered to appear three-storey units with their perceived height and limited width providing a cramped appearance which was both at odds with the more spacious character of development along David's Lane and out of keeping with the more traditional two-storey pattern of development behind (Courville Close) and opposite (Paddock Gardens). Refusal was in part, on this basis.
- 5.12 In an attempt to overcome these concerns, the architect was advised to provide a development of two-storey appearance whilst further, it was suggested that semi-detached units might address the cramped appearance of four detached dwellings. Terraced units were unlikely to be acceptable given the character of David's Lane and their positioning at the end of a row of detached properties.
- 5.13 In view of the above, this application proposes a pair of semi-detached units flanked by two detached properties either side. Further, whilst accommodation within the roof space remains, the front dormer windows and the rooflights were omitted to help provide a two-storey appearance; all units are of similar design.
- 5.14 The proposals would benefit from a similar internal layout with kitchen/ dining room accommodation to the front and with a sitting room behind. First-floor facilities would comprise three bedrooms (one ensuite) and a bathroom with a further bedroom within the roof space. Finally, each would benefit from a single attached garage.

- 5.15 In response, it is considered that the revised proposals offer a scheme that is better suited to the site and its locality with the changes made providing a two-storey appearance to the development and with the introduction of the semi-detached dwellings alleviating the cramped appearance of the scheme.
- 5.16 Nonetheless, notwithstanding these above improvements, the proposals were initially considered to be unacceptable in view of their scale, bulk and massing with the overall size of the units remaining near identical to those of the refused application. This resulted in an excessive ridge height and a deep foot print; the latter of which would have been readily apparent when viewed from the exposed east elevation of the application site.
- 5.17 In view of the above, amended plans were received allowing for a reduction in the height of the proposals with the roof structure now to encompass units of a more limited depth. In so doing, the ridge height has been lowered by some 0.75m whilst the depth of the dwellings would equate with the footprint of the neighbouring unit to the west of the application site.
- 5.18 Materials would comprise brick and render on the front elevation with the latter used on the recessed areas of the stepped front elevation. Attached garaging would be flat roofed with the architect of the opinion that these helps provide a more contemporary appearance to the scheme. In this regard, whilst a pitched/leant-to roof would also have been acceptable, it is noted that the flat roof does help to enhance the area of spacing around these dwellings.
- 5.19 In view of the above, the design of the proposed dwellings is considered to be acceptable with the associated refusal reason attached to the last application considered to have been overcome in this respect.
- 5.20 Green Belt Considerations
Policies GB1 and H2 cite that new residential development within settlement boundaries (washed over by the Green Belt) will be restricted to infilling. In this regard, the supporting text to policy GB1 details that acceptable infilling is unlikely to be more than the filling of small gaps within built development where it would not significantly impact upon the openness of the Green Belt.
- 5.21 In view of the above, concerns were expressed in connection with the previous scheme given that this would have allowed the erection of four 2.5 storey units that would have appeared visually prominent within the street scene. However, as noted, the design alterations made are considered to have allowed for a scheme which is better suited to this location and thus there is no objection raised to the proposal on this basis.
- 5.22 Residential Amenity
The proposals would replace an existing dwelling and front David's Lane. In so doing, the main outlook from these properties would be towards the front and rear. In this regard, concerns were raised at the time of the last submission in respect of the rear roof terraces (to serve the ensuite master bedroom) whilst both applications have attracted concern in respect of their height.
- 5.23 In response, the height of all the dwellings has now been reduced with the roof terraces removed (replaced by velux roof lights that would serve a smaller bedroom with the ensuite bedroom now at first floor level). With front dormer windows also omitted and the overall scale and massing of the units reduced, their two-storey appearance is considered to have addressed these concerns.

- 5.24 Further, having particular regard to the residents of Courville Close, it is noted that these units sit back from the rear of the application site with those directly behind some 30m from the rear boundary. Nonetheless, given the revised design of the proposal and the spacing allowed by their associated rear gardens, it is not considered that planning permission could be reasonably withheld having regard to any impact of these properties.
- 5.25 The dwelling to the west of the application site forms a single-storey unit with a detached garage to its west side. The property sits some 2m away from the shared boundary whilst there are no side windows contained within the facing gable end.
- 5.26 Having regard to the impact on this unit, the depth of the proposals has been reduced so that they now equate with this existing property whilst the attached garage would adjoin this boundary allowing an element of spacing to the two-storey build. As such, and given that the height of the units has been reduced whilst there would be only one side facing landing window, it is not considered that any significant adverse impact in residential amenity would now be caused.
- 5.27 All other surrounding properties stand at an appreciable distance from the site; it is not therefore considered that any significant adverse impact in residential amenity would be caused.
- 5.28 Highway Safety
All properties would be provided with a single garage with plots two, three and four accessed via David's Lane and unit one via Courville Close. Each unit would also benefit from a drive of sufficient length to accommodate a further vehicle. (Policy T8 details that a maximum of three spaces should be provided for a four bedroom property.)
- 5.29 This revised application overcomes the previous third refusal reason with a turning head for plot 2 provided that, although restricted would enable a vehicle to enter and leave in forward gear thus aiding to reduce potential conflict with the approach to Paddock Gardens opposite. Further, the parking area to plot one has also been increased to aid vehicles entering/ leaving the site.
- 5.30 In view of the above, there is no highway objection to this current application. To this extent, it should be noted that the vehicular access via Courville Close is considered to be acceptable (with it is also understood that this part of the road remains highway land). Two conditions are though required regarding the provision of cycle storage facilities and the formation of the vehicle parking/ turning areas prior to first occupation of the dwellings.
- 5.31 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.
- 5.32 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under

Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT07/2582/F**

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

CONDITIONS

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

Reason(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 samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers, all to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the dwellings hereby approved.

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity, and to protect the residential amenity of the neighbouring occupiers, all to accord with Policy D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees 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(s):

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

6. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason(s):

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

7. No development shall take place until the local planning authority has been provided, and approved in writing, an initial stage assessment by an accredited assessor for the Code for Sustainable Buildings and an accompanying interim certificate stating that each residential building has been designed to achieve Level 3 of the Code (or such national measure of sustainability for house design that replaces that scheme). Each residential building shall then be subject to a post-completion check by the assessor and issue of a final Code certificate prior to the first occupation.

Reason(s):

To ensure the development minimises the use of energy and natural resources as required by PPS1 and its draft supplement Planning and Climate Change, SGLP Policy D1, the South Gloucestershire Design Checklist, and the draft Regional Spatial Strategy for the South West of England Policy G.

8. The off-street parking and turning facilities shown on the plan hereby approved shall be provided before the dwellings are first occupied, and thereafter retained (with a bound surface) for that purpose.

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.

9. Prior to the commencement of development, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

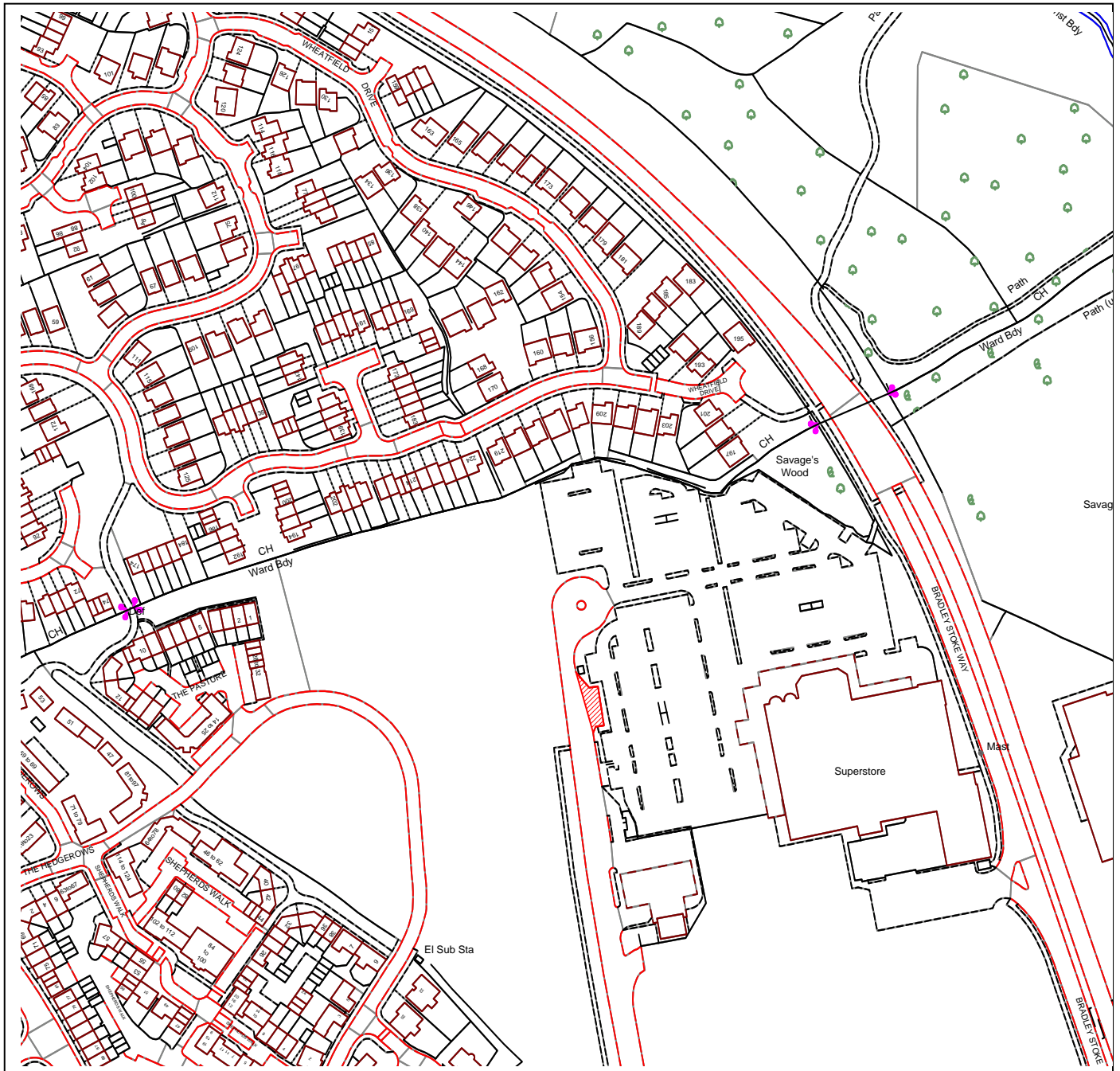
Reason(s):

To encourage means of transportation other than the private car, to accord with Policy T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/07 - 23 NOVEMBER 2007

App No.: PT07/3094/F
Site: Tesco Stores Ltd Bradley Stoke District Centre Bradley Stoke South Gloucestershire BS32 8EF
Proposal: Erection of TOMRA recycling unit with associated works
Map Ref: 61962 82114

Applicant: Tesco Stores Ltd
Date Reg: 18th October 2007
Parish: Bradley Stoke Town Council
Ward: Bradley Stoke Central and Stoke Lodge



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PT07/3094/F
Tesco Stores Ltd Bradley Stoke District Centre Bradley Stoke BRISTOL South Gloucestershire BS32 8EF

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 TOMRA recycling unit. The unit is a single recycle system which takes up less floor space than existing recycling bins.
- 1.2 The application site relates existing recycling area at a supermarket which is situated within the centre of the settlement of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
T12: Transportation Development Control Policy in New Development
EP1: Environmental Pollution
- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 Various application none relevant to this application

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection
- 4.2 Transportation
No objection
- 4.3 Environmental Services
No objection

Other Representations

- 4.4 Local Residents
One letter of objection received stating:
 - Lighting
 - Noise from traffic and breaking glass

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 sets out criteria for achieving a high standard of design in development

proposals. In particular proposals should be informed by and respect the character, distinctiveness and amenity of both the site and locality. Features of the landscape, nature conservation, heritage and amenity value should be safeguarded and enhanced.

Policy T12 of Local Plan ensure that new development makes adequate, safe and appropriate provision for transportation demands which it will create.

Policy EP1 of the Local Plan ensures that proposals do not cause unacceptable environmental pollution. To the health and safety and amenity of users of the site or surrounding land as result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation.

5.2 Design and Visual Amenity

The existing site relates to a recycling area which consists of various bins which have been arranged in an ad hoc manner. The proposed TOMRA unit would consolidate these bins into one single unit. This would simplify the area visually and make it more legible to its users. The unit would be finished in light green and grey/silver and the style and layout of the proposal would be in keeping with Tesco brand seen elsewhere on the street. In light of the above it is considered that the proposal would respect the character and appearance of the surrounding area.

5.3 Noise Pollution

A local resident has objected to the proposal on the grounds of additional light pollution and noise pollution from breaking glass and traffic. According to the details submitted with the application no additional illumination would be involved with this proposal. Additionally, the site would be situated within the same location as the existing recycling unit. As such it considered that the proposal would result in no additional noise generation than the existing unit. This is supported by the Councils Environmental Health team which has raised no objection to this proposal. Therefore, notwithstanding the objector's comments, it is considered that the proposal would be acceptable in regard to Policy EP1 of the local plan.

5.5 Highway Safety

The proposal would replace the existing recycling units with sufficient room allowed for loading and unloading. Furthermore the recycling centre is remote from the adopted public highway, as such there is no transportation objection.

5.6 Other Issues

The submitted drawings shows several advertisements, it is recommended that an informative note is attached to advise the applicant that advertisement consent maybe required for these.

5.7 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Adopted) August 2007.

5.8 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under

Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

The decision to 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 condition:

Background Papers **PT07/3094/F**

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

CONDITIONS

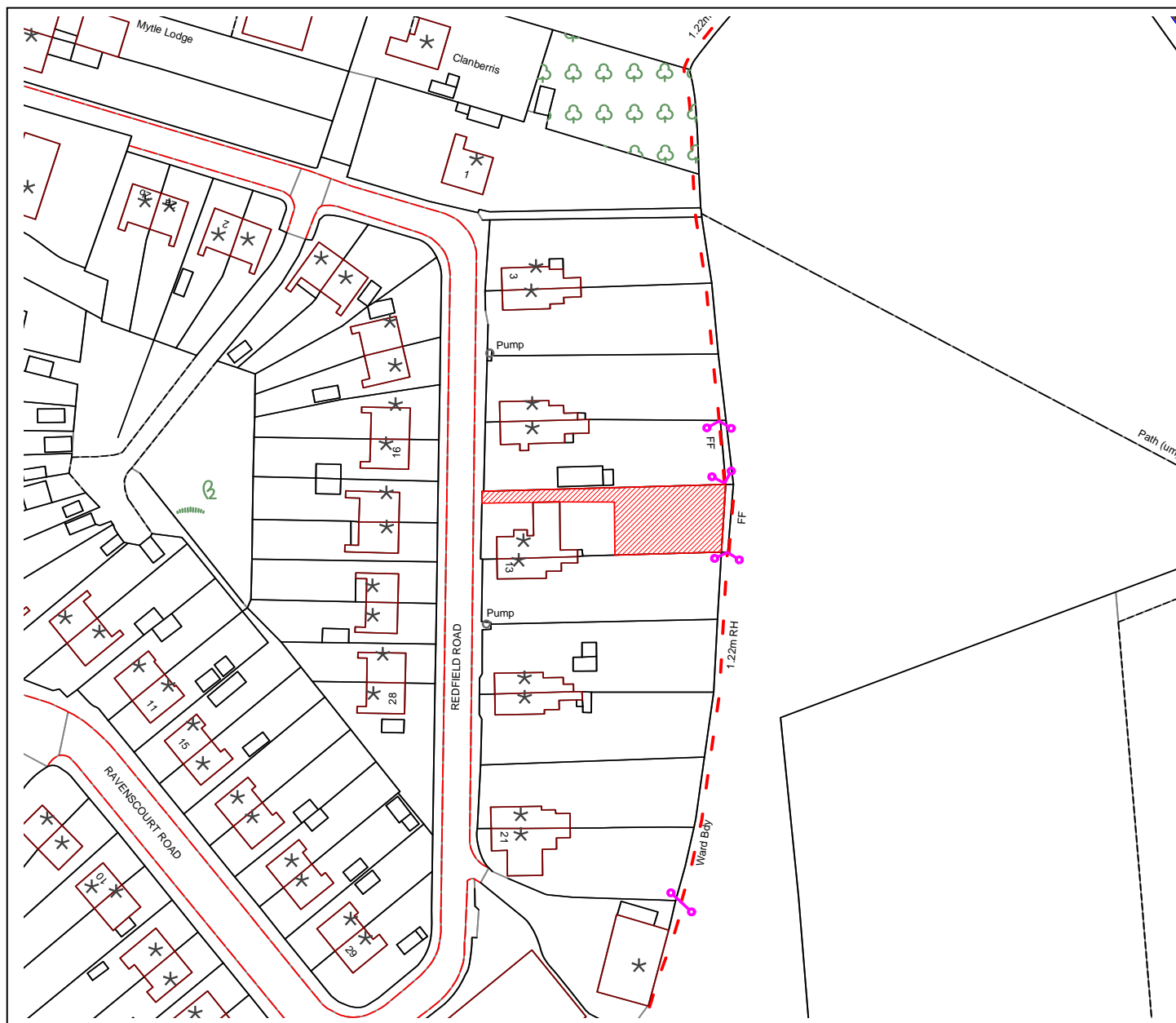
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 47/07 – 23 NOVEMBER 2007

App No.: PT07/3192/F	Applicant: C/o Agent
Site: 11 Redfield Road Patchway BRISTOL South Gloucestershire BS34 6PJ	Date Reg: 26th October 2007
Proposal: Erection of 1 no. detached dwelling with associated works (in accordance with amended plans received on 19 November 2007).	Parish: Patchway Town Council
Map Ref: 60715 81304	Ward: Patchway



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 100023410, 2007.

N.T.S

PT07/3192/F

This application appears on the Circulated Schedule as a legal agreement is recommended and a letter of objection has been received.

1. THE PROPOSAL

- 1.1 This full application relates to the erection of a detached single storey 2 bed dwelling and detached double garage at 11 Redfield Road, Patchway. The dwelling measures 8m in width and depth and has a ridge height of 4.5m, and is located to the rear of the site. The double garage has a width of 6m, depth of 5m and ridge height of 3.8m. It is also located within the rear garden.
- 1.2 The application site is an extended semi-detached property located within the urban area of Patchway. Vehicular access is to the front of the site off Redfield Road and the rear of the property backs onto an agricultural field which comprises land associated with Rolls Royce, allocated as a Safeguarded Employment Area. The site has a large rear garden area.
- 1.3 Members may recall that an application for the erection of a detached residential annexe and detached garage was recently granted planning permission under planning reference PT07/2295/F. This application is exactly the same in every respect except that the proposal is now for an independent dwelling and not for annexe accommodation in association with 11 Redfield Road.

2. POLICY CONTEXT

- 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/2295/F Erection of detached residential annexe and detached garage.
Approved 25 September 2007.

4. CONSULTATION RESPONSES

4.1 Patchway Town Council
No response received.

4.2 Sustainable Transport
No objection.

4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
a) increase in traffic/parking;
b) traffic hazard;
c) detract from amenity of existing premises;
d) existing property has 2 vans and a truck associated with their business operated from the site, a caravanette, 4x4 and a further 2 vehicles.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of annexe accommodation has recently been accepted by virtue of planning permission PT07/2295/F. However, in assessing applications for independent dwellings additional policy considerations apply. The application site lies within the urban area of the Bristol North Fringe and is within a highly sustainable location. Advice contained within PPS3 states that priority for new residential development should be on previously developed land. Using land efficiently is a key consideration in planning for housing. This advice is generally reflected in the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006. However, such development should achieve good design to ensure that the character of the area is not adversely affected.

5.2 Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant as it relates to new residential development within existing defined settlement boundaries and urban areas, setting out the policy criteria in which such applications are to be assessed. Policy H2 allows for residential development within existing defined settlement boundaries subject to the following :-

(A) development would not have unacceptable environmental or transportation effects and would not significantly prejudice residential amenity;

5.3 Transport

The proposal provides off-street parking for the existing and proposed dwellings in accordance with the Council's parking standards. Cycle parking and bin storage/recycling facilities are also provided.

No transportation objection is raised to the proposal subject to a contribution of £900 to offset the incremental increase in traffic associated with the proposal. This contribution will go towards the North Fringe Development Major Scheme (Transport Measures). It is considered this could be secured under a S278 agreement under the Highways Act. Although a financial contribution of £1800 is normally required for a new dwelling within the Bristol North Fringe, the applicant's have already paid a £900 contribution under the previous

permission for the annexe accommodation (a reduced amount due to its ancillary nature). The proposal is therefore acceptable in transportation terms.

5.4 Residential Amenity

The application comprises two elements. With regard to the detached garage this part of the proposal is considered acceptable. The design of the garage is in keeping with the area in general and is of a size that can be accommodated on the site. Its design, due to its single storey nature incorporating a hipped roof, its siting with its rear elevation next to the adjacent property's boundary and distance away from this dwelling will ensure that no adverse impact upon the residential amenities of surrounding occupiers will result from the development.

5.5 With regard to the dwelling, this element of the proposal is also considered to be acceptable. The proposal is small in size and has a floor area of only 64m². Its single storey nature and pyramidal hipped roof results in a maximum height of only 4.5m. Its location to the rear of the site and its single storey nature will ensure that no loss of privacy or overlooking will result from the development. A condition relating to details of boundary treatment will also be a condition of any planning consent. The design of the proposal is also considered to be acceptable. There is no definite vernacular to the area with a wide range of house types and designs evident within the locality. The development is of a similar appearance to the proposed garage and due to its modest scale will not be visible within the street scene.

5.6 It is recognised that the proposal is tandem development (one house immediately behind another), and in the past this has generally been viewed as unsatisfactory. This is because of the difficulties of access to the house at the rear and the disturbance and lack of privacy suffered by the house in front. The design of the proposal, its location and single storey nature overcome privacy issues and numerous and recent appeal decisions have upheld tandem development. For example, an Inspector in a recent appeal decision (ref: PT04/1920/O) stated that "*driveways to dwellings that pass close to the side of neighbouring dwellings are not unusual within residential areas*". Furthermore, the adjacent property of 9 Redfield Road is sufficient distance from the driveway and a condition requiring boundary treatment will also be imposed. As such, noise or disturbance would not increase to an unacceptable extent to warrant a refusal.

5.7 In terms of private garden area, the proposal has a very small rear garden depth of 2.4m. However, private garden area is also provided to the side of the property and the overall garden has a size of some 116m². This is considered to be more than adequate for the size of the dwelling proposed. Moreover, some 130m² garden area still remains for the existing dwelling. The application therefore complies with criterion **A** in its entirety.

(B) the maximum density compatible with the sites location, its accessibility and its surroundings is achieved;

5.8 The application site, including the existing dwelling has an area of some 0.068 hectares, resulting in a housing density of 29 dwellings per hectare. Advice contained within the adopted local plan states that within existing urban areas a minimum density of 30 dwellings per hectare should be achieved. Although it is recognised that the density falls just below this figure, it is considered that having regard to the access and its surroundings a greater number of dwellings

is likely to adversely impact upon the character of the area and the residential amenities of the locality. The proposal therefore complies with this criterion.

(C) the site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination;

- 5.9 The site lies within the residential area of Patchway and is currently not adversely affected by any of the above. Although the rear of the site is allocated as a Safeguarded Employment Area any future planning applications for this land will be assessed in residential amenity terms. The proposal therefore complies with this criterion.

(D) provision for education, leisure, recreation etc. within the vicinity of the site is adequate to meet the needs arising from the proposal.

- 5.10 The proposal is for 1 small additional dwelling. It is considered that due to the urban nature of the site and the existing level of service provision within the locality, adequate provision within the vicinity of the site is adequate to meet the needs arising from the proposal.

- 5.11 Also of relevance is policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy specifically relates to development within existing residential curtilages. Such development is normally permitted provided it respects the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space. These issues have already been addressed under the foregoing paragraphs and the application is also considered to accord with this policy.

- 5.12 In conclusion, the application accords with adopted policies D1, H2, H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and is acceptable.

5.13 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.

5.14 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the transportation improvements are appropriately the subject of a Section 106 Agreement (or similar agreement) and would satisfy the tests set out in Circular 05/2005. However this contribution could equally well be secured through a S278 agreement under the Highways Act.

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 (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 a legal agreement to secure the following:

- (a) A financial contribution of £900 towards the North Fringe Development Major Scheme (Transport Matters).

Reason: To provide a contribution commensurate to the scale of the development towards the North Fringe Development Major Scheme (Transport Matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006 and to accord with policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- (2) If the legal agreement is not signed within 12 months of this determination then, in view of the length of time the application should either:

- (a) Return to the Development Control Area Committee for reconsideration or alternatively;

- (b) The application should be refused due to the failure to secure the Heads of Terms listed above under a legal agreement, for the reasons listed in section (1) a.

Background Papers **PT07/3192/F**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

CONDITIONS

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

Reason(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 details/samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To protect the residential and visual amenity of neighbouring occupiers, due to the modest location of the plot and to accord with Policies D1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of existing and proposed boundary treatment. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the dwelling is first occupied, and thereafter retained for that purpose.

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.

6. The driveway and proposed parking areas shall be constructed of a bound material.

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 the Local Planning Authority has been provided and approved in writing, an initial design stage assessment by an accredited assessor of the Code for Sustainable Buildings and an accompanying interim certificate stating that the residential building has been designed to achieve Level 3 of the Code (or such national measure of sustainability for house design that replaces that scheme). The dwelling shall then be subject to a post-completion check by the assessor and issue of a final Code certificate of compliance prior to the first occupation.

Reason(s):

To ensure that the development minimises the use of energy and natural resources required by PPS1 and its draft supplement Planning and Climate Change, Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006, the adopted South

Gloucestershire Design Checklist and the draft Regional Spatial Strategy for the South West of England, Policy G.

8. The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 hours Monday to Friday and 08.00 to 13.00 hours on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

To minimise disturbance to occupiers of surrounding dwellings and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/07 – 23 NOVEMBER 2007

App No.: PT07/3222/F
Site: The Swallows The Street Alveston
 BRISTOL South Gloucestershire BS35
 3SX

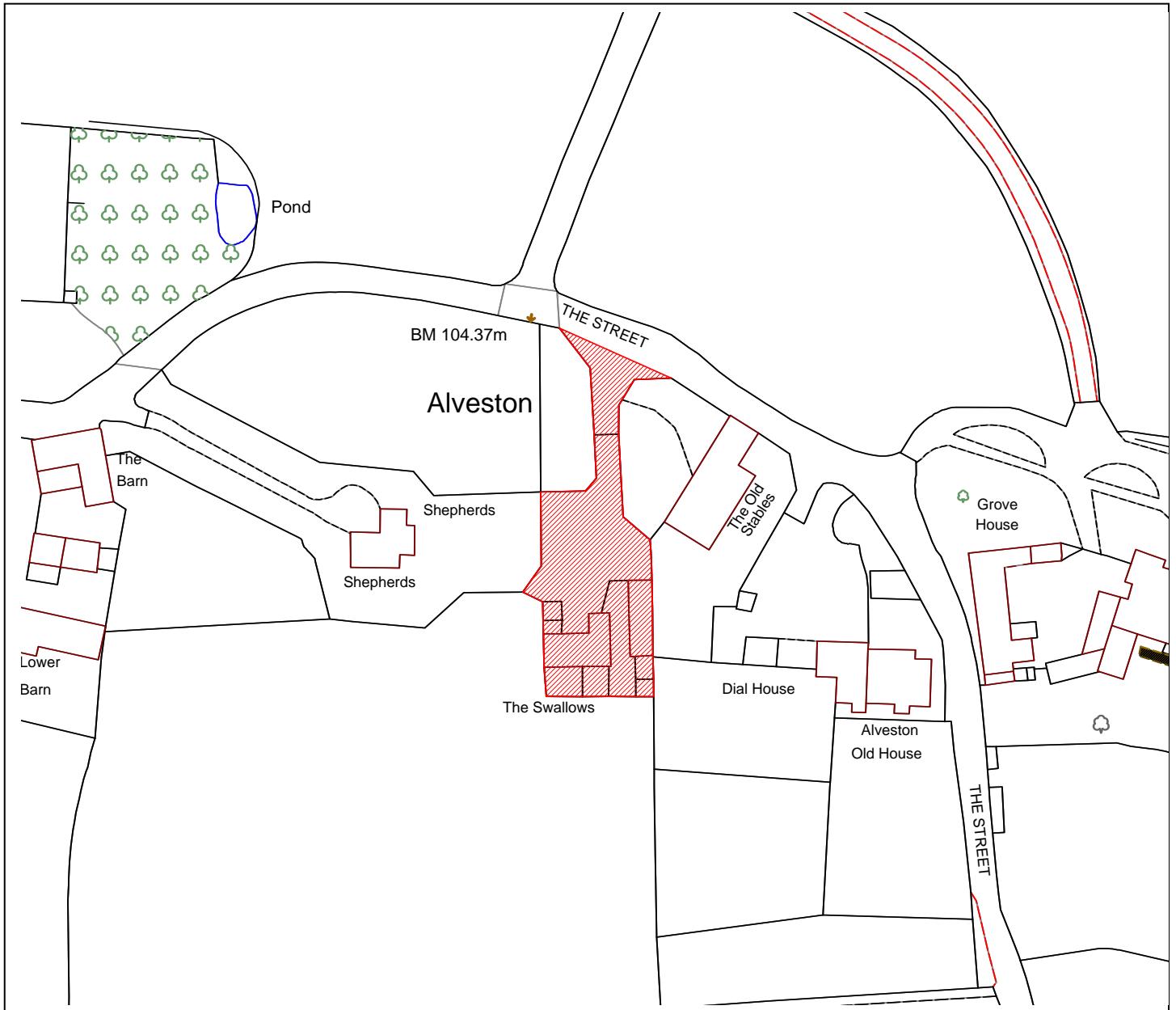
Applicant: Mr & Mrs J Grey
Date Reg: 30th October 2007

Proposal: Erection of side conservatory
 (Retrospective).

Parish: Alveston Parish
 Council

Map Ref: 64083 88008

Ward: Thornbury South
 and Alveston



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N.T.S

PT07/3222/F

1. THE PROPOSAL

- 1.1 This retrospective application relates to the erection of a side conservatory at The Swallows, The Street, Alveston. The proposal measures 6m in length, 4.6m in width and has a ridge height of 3.5m.
- 1.2 The application site relates to converted outbuildings granted permission in 2005. The site lies outside any defined settlement boundary and is also within the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS7	Sustainable Development in Rural Areas

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
GB1	Development Within the Green Belt
H10	Conversion and Re-use of Rural Buildings for Residential Purposes
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

Design Checklist
Development in the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/2429/F Conversion of existing barns/agricultural buildings to form one dwelling.
Refused 22 September 2005 on design grounds.
- 3.2 PT05/3008/F As above.
Approved 28 November 2005.

4. CONSULTATION RESPONSES

- 4.1 **Alveston Parish Council**
No objection.

Other Consultees

- 4.2 **Sustainable Transport**
No objection.

Other Representations

4.3 Local Residents

1 letter has been received objecting to the proposal on the following grounds:-
a) out of keeping in terms of design and materials;
b) disproportionate in size;

- c) contrary to local plan;
- d) erected without planning permission;
- e) condition on original permission removed permitted development rights;
- f) would permission have been granted if submitted as part of original scheme.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of converting the outbuildings to residential use was accepted in 2005 and the development has been completed. This retrospective application relates to the addition of a conservatory. In assessing such applications policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006 is considered particularly relevant. This relates to the conversion and re-use of rural buildings for residential purposes. Although already converted, this policy provides advice on any extensions to the original building. Criterion **D** of policy H10 states the following:-

D. Development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.

5.2 It is considered that, on balance, the proposal is acceptable. The converted building is attractive in appearance but modest in nature. The works of conversion have managed to retain the rural character of the original property and the conservatory, due to its single storey nature, limited size and location does not detract nor adversely impact upon the character of the original building, the countryside or the openness of the Green Belt.

5.3 It is recognised that the materials of the conservatory are modern. However, the dwarf walls are constructed of brick to match the existing building. The design of the conservatory is considered, on balance, to be acceptable. The conservatory is located to the south elevation of the original building. Its ridge height is significantly lower and it is set back from the front (west) elevation of the converted building. The rear elevation of the conservatory lies directly adjacent to a substantial stone wall that is of the same ridge height as the conservatory. As such the conservatory is only visible from the south of the site, with the nearest public viewpoint from a footpath located over 130m away. The siting of the conservatory is within the existing and approved residential curtilage and is screened from surrounding dwellings by existing buildings and structures. As such the proposal will not adversely impact upon visual or residential amenity to any degree and is considered acceptable.

5.4 Section 106 Requirements

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

6. CONCLUSION

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

Background Papers **PT07/3222/F**

Contact Officer: **Vivian Butt**
Tel. No. **01454 863427**

CIRCULATED SCHEDULE NO. 47/07 - 23 NOVEMBER 2007

App No.: PT07/3224/F
Site: The Swallows The Street Alveston South Gloucestershire BS35 3SX

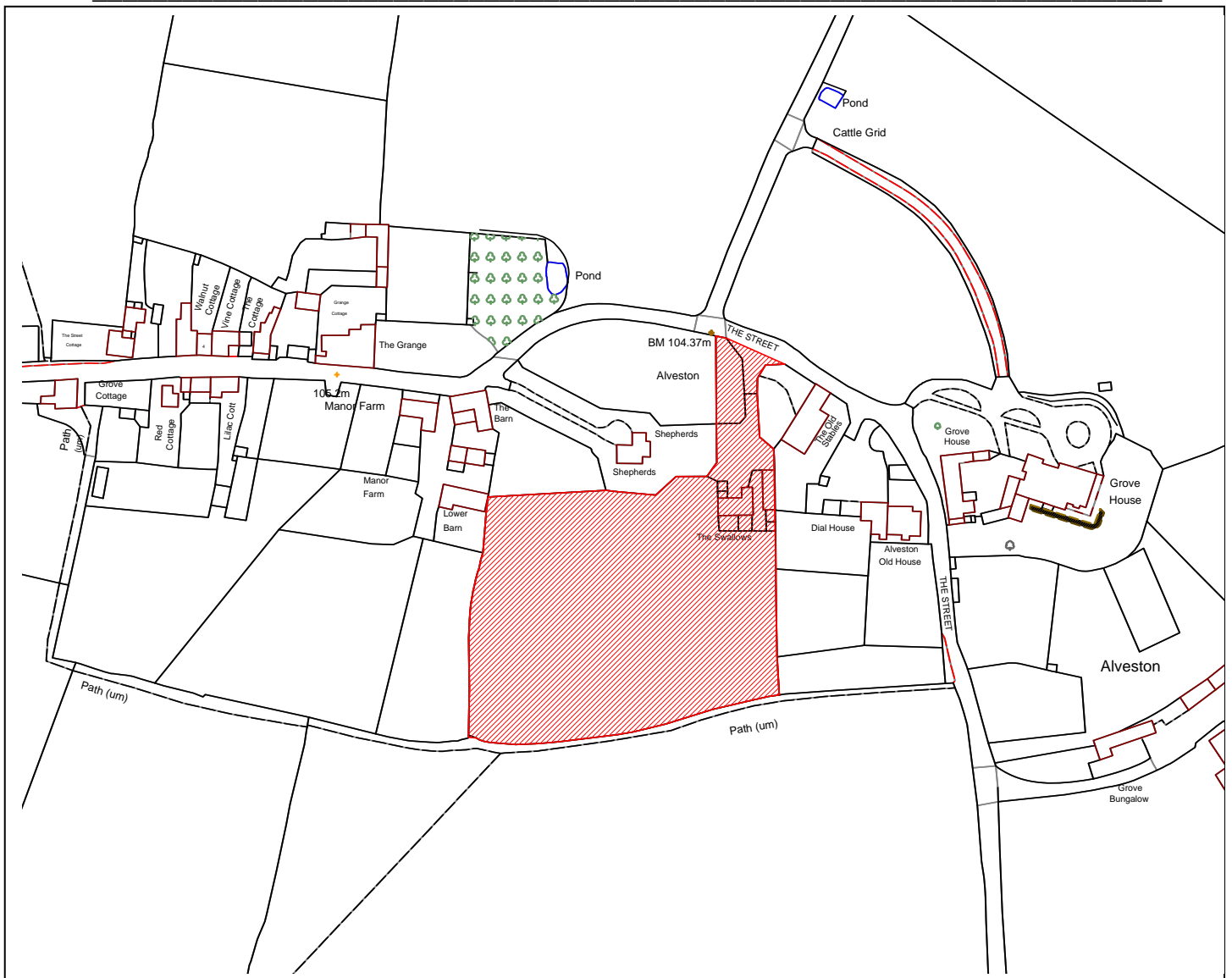
Applicant: Mr & Mrs J Grey
Date Reg: 30th October 2007

Proposal: Change of use of land from agricultural to the keeping of horses (retrospective); removal of Condition 10 attached to planning permission PT05/3008/F to allow for the retention of agricultural building and its change of use to stable as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Parish: Alveston Parish Council

Map Ref: 64035 87967

Ward: Thornbury South and Alveston



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100023410, 2007.

N.T.S

PT07/3224/F

This application has been referred to the Circulated Schedule due to an objection received by a local resident.

1. THE PROPOSAL

- 1.1 This full application relates to the change of use of approximately 1.11 hectares of agricultural land for the keeping of horses, as well as the removal of condition 10 attached to planning permission PT05/3008/F to allow for the retention of agricultural building and its partial change of use to stable, on land at The Swallows (previously known as land at Shepherds), The Street, Alveston. Planning permission PT05/3008/F allowed for the conversion of existing barns/agricultural buildings to form one dwelling. Condition 10 of this permission also required that the remaining agricultural building was to be removed from the site within 3 months of the completion of the development. The reason for this condition was to enhance the character and appearance of the area.
- 1.2 The building to be retained lies within the residential curtilage associated with the converted barn. The majority of the building is currently in use for agricultural purposes, housing a number of chickens. The remaining part of the building provides stabling for the applicant's horse. The agricultural field lies to the south of the property and that of "Shepherds". A public footpath runs along the southern boundary of the field and the site lies outside any defined settlement boundary and is also within the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS7	Sustainable Development in Rural Areas
Circular 11/95	The Use of Conditions in Planning Permissions

2.2 Joint Replacement Structure Plan

Policy 16 – Green Belt

2.3 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
GB1	Development Within the Green Belt
E10	Horse Related Development
T12	Transportation Development Control Policy for New Development
LC12	Recreational Routes

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (adopted)
Development in the Green Belt (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/2429/F Conversion of existing barns/agricultural buildings to form one dwelling.
Refused 22 September 2005 on design grounds.

- 3.2 PT05/3008/F As above.
Approved 28 November 2005.
- 3.3 PT07/3222/F Erection of conservatory (retrospective).
As yet undetermined but with a recommendation for approval.

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection.

Other Consultees

- 4.2 Sustainable Transport
No objection.

Other Representations

- 4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-
- a) removal of building would enhance appearance of locality and was part of original application;
 - b) detriment to visual amenity;
 - c) existing barn is unsightly and has no historic or aesthetic qualities and does not comply with Policy D1;
 - d) size is disproportionate to the domestic curtilage;
 - e) removal of outbuilding would allow for repositioning of wooden shed without loss of trees;
 - f) openness of Green Belt affected, especially as buildings can be seen from road and public footpath.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application site lies within the open countryside and is also within the Green Belt. Advice contained within PPG2 sets out the relevant criteria for assessing development within the Green Belt. There is a general presumption against inappropriate development which is, by definition, harmful to the Green Belt. This document also sets out the five purposes of including land within the Green Belt and the positive role Green Belts have to play, including the provision of opportunities for outdoor sport and recreation near urban areas.

- 5.2 Green Belt Issues
The provision of agricultural buildings and essential facilities for outdoor sport and recreation falls within the limited categories of development normally considered appropriate within the Green Belt. With regard to essential facilities, these should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. The use of land for the keeping of horses would not have a materially greater impact than the use of the land for agricultural purposes and as such this element of the application complies with Green Belt policy. Furthermore, with regard to the existing building, the re-use of buildings within the Green Belt is not inappropriate as they already in place, provided they do not have a

materially greater impact than the present use on the openness of the Green Belt and the building is in keeping with its surroundings. In Green Belt terms the proposal is therefore considered acceptable.

5.3 Horse-Related Policy

Advice contained within PPS7 specifically relates to horse related development. National advice contained within this document is generally supportive of equine enterprises provided they maintain environmental quality and countryside character. It also encourages the re-use of farm buildings for small scale horse-related development. This advice is reflected in Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy allows for horse related development such as stables, provided the following criteria are complied with:-

A. Development would not have unacceptable environmental effects;

The proposal, due to its small size will not result in any adverse environmental effects.

B. Development would not prejudice the amenities of neighbouring residential occupiers;

The building is located over 25m away from the nearest property of The Old Stables. However, the existing dwelling of The Swallows and a substantial stone wall lies between the stable building and this property, screening it from view. The openings of the building also face to the south and away from any surrounding dwellings. Due to the small nature of the proposal the development will not adversely affect any surrounding residential amenity and accords with this criterion.

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;

Access and parking arrangements are unchanged by the proposal. The site benefits from an existing access which serves the field as well as the stable building. The development will also not result in any material increase in traffic - the proposal provides accommodation for only one horse within the existing building and is for personal use only.

D. Safe and convenient access to bridleways and riding ways is available to riders;

The site lies directly adjacent to a recreational route, as defined by policy LC12 of the adopted local plan. Such routes are identified with an aim to encourage recreational activities such as walking, cycling and horseriding. As such the proposal complies with this criterion.

E. There are no existing suitable underused buildings available and capable of conversion;

The re-use of the building for stabling purposes complies with this criterion. The building lends itself to such a use as it is already agricultural in nature and ensures that another building is not required to serve the same purpose.

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 re-use of the building provides accommodation for one horse with the remainder of the building used as a barn and tack room. Where no stable is provided, the British Horse Society recommends that between 1 and 2 acres (0.4 – 0.8 ha) of pasture can provide grazing for a single horse through the Summer months in normal circumstances. All horses will however require additional feed from October to March. The area of the adjoining field is over 1 hectare in size and more than adequate to accommodate 1 horse, especially as stabling is also to be provided. The use of the land will not be overused for exercise purposes and the proposal is purely for the personal use of the applicant.

The size of the stable is also in compliance with the British Horse Society recommendations in terms of internal head height and floor area. The proposal therefore complies with this criterion and policy E10 as a whole.

In terms of design, it is recognised that the building is of breeze block construction with asbestos roof. However, it is considered that conditions can be attached to any planning permission to improve the appearance of the building and the applicant has indicated his agreement to such a condition.

5.4 Other Issues

When planning approval was originally granted for the residential conversion of the barn to dwelling in 2005, condition 10 was imposed requiring the removal of the barn the subject of this change of use application. The removal of this building was part of the submitted application. As it was originally redundant, its removal was considered to enhance the appearance of the area when viewed in conjunction with the intensified residential use of the site. There was also concern that the building would have fallen into disrepair if unused. However, the building is now in use for agricultural and stabling purposes and re-uses what was a redundant building. It also lies within the existing residential curtilage of The Swallows. Its removal would necessitate the erection of a further building to accommodate the displaced chickens, as well as the horse. The existing building is small scale and unobtrusive in appearance. As such, it is considered that the removal of this condition is acceptable. The re-use of the building accords with current planning policy and will not detract from the visual or residential amenities of the area when viewed with the exterior improvement works.

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 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 PT07/3224/F

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CONDITIONS

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

Reason(s):
To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. At no time shall the stable and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason(s):
To limit the amount of traffic accessing the site to accord with Policy E10 and T12 of the south Gloucestershire Local Plan (adopted) 2006.
3. The number of horses kept on the site edged in red shall not exceed 1.

Reason(s):
In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.
4. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the field other than for the loading and unloading of horses.

Reason(s):
To protect the character and appearance of the area, and to accord with Policy E10 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.
5. Within 1 month of the date of this decision, details of the roofing and external facing materials proposed to be used on the stable building shall be submitted to and

approved in writing by the Local Planning Authority and the building shall be finished in the approved materials within 3 months of the date of this decision.

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.