



**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. 41/07**

**Date to Members: 12/10/07**

**Member's Deadline: 19/10/07**

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](mailto: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](mailto: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: 12/10/07**

**SCHEDULE NO. 41/07**

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](mailto: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.

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

**DATE .....**

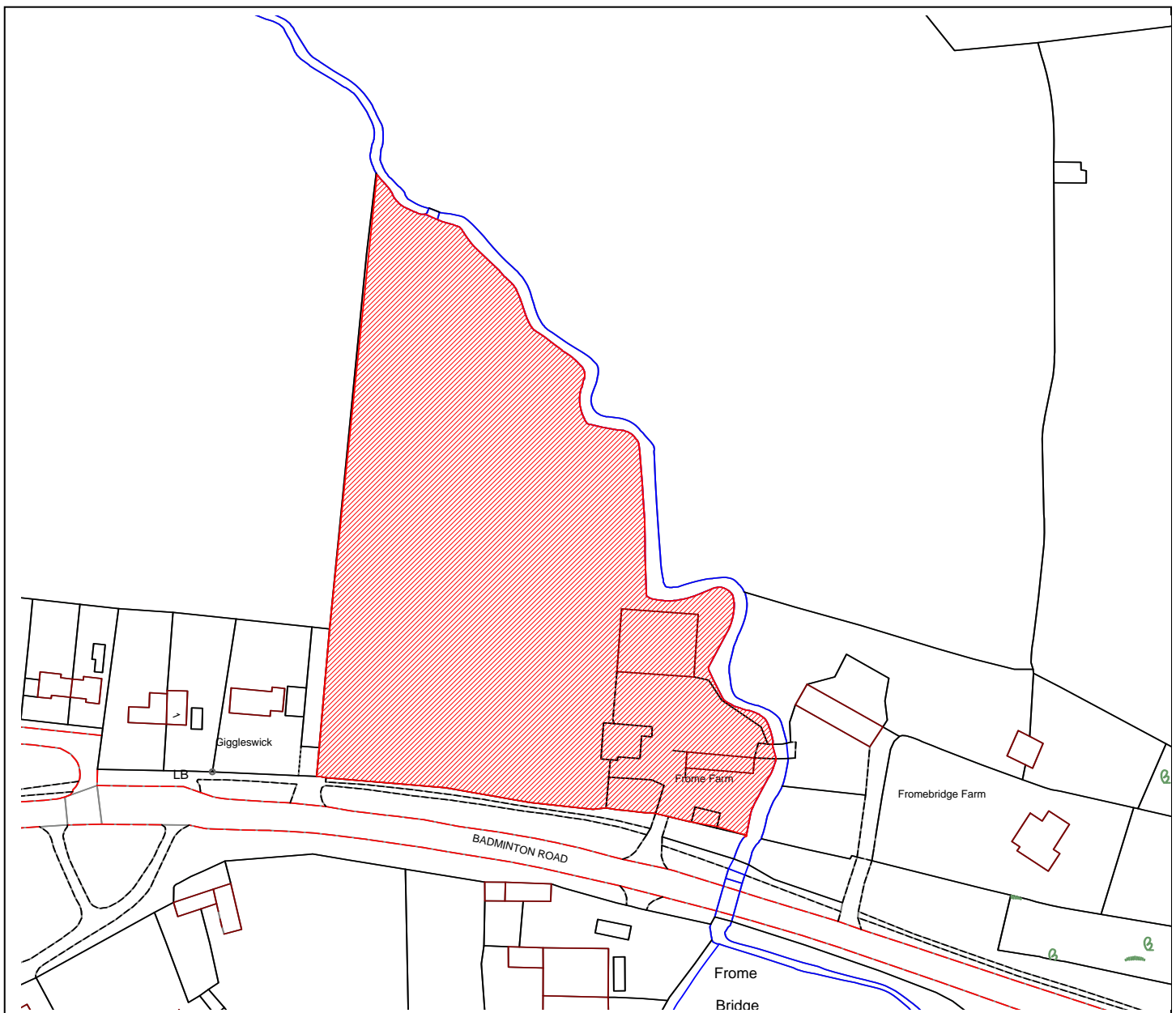
# Circulated Schedule 12 October 2007

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PK07/0087/F	Refusal	Frome Bridge Farm Badminton Road Old Sodbury South Gloucestershire BS37 6LU	Cotswold Edge	Sodbury Town Council
2	PK07/1210/R3F	Deemed consent	Broad Street/Beaufort Road Staple Hill South Gloucestershire BS16 5JX	Staple Hill	
3	PK07/1622/F	Approve with conditions	Portland Street Staple Hill South Gloucestershire BS16 4PS	Staple Hill	
4	PK07/2051/F	Refusal	Exhibition House North View Staple Hill South Gloucestershire BS16 4NT	Staple Hill	
5	PK07/2534/TRE	Approve with conditions	23 Scantleberry Close Downend South Gloucestershire BS16 6DQ	Downend	Downend and Bromley Heath
6	PK07/2775/F	Approve with conditions	78 Whittucks Road Hanham South Gloucestershire BS15 3PT	Hanham	Hanham Abbots Parish Council
7	PK07/2780/F	Approve with conditions	HMP and YOI Ashfield Shortwood Road Pucklechurch South Gloucestershire BS16 9QJ	Boyd Valley	Pucklechurch Parish Council
8	PK07/2803/CLE	Approve with conditions	1 Dibden Lane Emersons Green South Gloucestershire BS16 7AF	Emersons Green	Mangotsfield Rural Parish Council
9	PT07/2067/CLE	Approve with conditions	Normans Farm Green Lane Winterbourne South Gloucestershire BS36 1RN	Winterbourne	Winterbourne Parish Council
10	PT07/2288/F	Refusal	Land at North Road Stoke Gifford South Gloucestershire BS34 8PE	Stoke Gifford	Stoke Gifford Parish Council
11	PT07/2440/F	Approve with conditions	Man Hour Acorn Farm Green Lane Cutts Heath South Gloucestershire GL12 8QW	Ladden Brook	Tytherington Parish Council
12	PT07/2663/F	Approve with conditions	19 Gloucester Road Thornbury South Gloucestershire BS35 1DJ	Thornbury North	Thornbury Town Council
13	PT07/2683/PN1	No objection	Near Gents' Toilets Flaxpits Lane Carpark Winterbourne South Gloucestershire BS36 1JX	Winterbourne	Winterbourne Parish Council
14	PT07/2687/F	Approve with conditions	19 Wades Road Filton South Gloucestershire BS34 7EA	Filton	Filton Town Council
15	PT07/2722/R3F	Approve	New Siblands School Easton Hill Road Thornbury South Gloucestershire BS35 2JU	Thornbury North	Thornbury Town Council

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
16	PT07/2833/CLE	Refusal	Plot 6900 Land at Giddyend High Lane off Swan Lane Winterbourne South Gloucestershire BS36 1RH	Winterbourne	Winterbourne Parish Council

## CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007

<b>App No.:</b>	PK07/0087/F	<b>Applicant:</b>	Mr P Isaac
<b>Site:</b>	Frome Bridge Farm Badminton Road Old Sodbury BRISTOL South Gloucestershire BS37 6LU	<b>Date Reg:</b>	10th January 2007
<b>Proposal:</b>	Variation of Condition 2 attached to Planning Application P93/2343 dated 30th September 1993 to include equestrian use. Change of use of agricultural land and building to livery use.	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	74484 81808	<b>Ward:</b>	Cotswold Edge



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100023410, 2007.

N.T.S

PK07/0087/F

The application appears on the circulated schedule as it is a major one and as such, under the current scheme of delegation it is required to do so.

## **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for variation of Condition 2 attached to Planning Application P93/2343 dated 30th September 1993 to include equestrian use, and change of use of agricultural land and building to livery use.
- 1.2 The site consists of an area of farmland to the north of Badminton Road, within the open countryside, but outside the Green Belt and the Cotswolds AONB. There is a newly built agricultural workers dwelling on site, the subject of P93/2343 as well as a large barn and an existing farm outbuilding with open sides to front. Access to the site is from Badminton Road.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPS25	Development and Flood Risk

### **2.2 Development Plans**

#### **South Gloucestershire Local Plan (Adopted) January 2006**

L1	Landscape Protection and Enhancement
EP2	Flood Risk and Development
T12	Transportation Development Control Policy
H9	Agricultural/Forestry Workers Dwellings in the Countryside
E10	Horse Related Development

## **3. RELEVANT PLANNING HISTORY**

- 3.1 There is a lot of planning history on this site, the most relevant of which is as follows:
- N4609/6 Erection of detached bungalow for agricultural workers. Approved with conditions 1984
  - P89/1396 Erection of farmworker's bungalow. Approved 1990
  - P91/2233 Conversion of agricultural barn to dwellinghouse. Refused 1992
  - P93/2343 Erection of agricultural workers dwelling. Approval 1994. The foundations were built to slab level shortly after approval, but the building has only been fully constructed this year.
  - P99/2395 Use of land and existing stables for keeping of horses. Condition 3 limits the number of horses to 3 for private use. Approved 1999
  - PK03/1731/F Conversion of agricultural building to office (Class B1a). Approved with conditions 2005

## **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
No objection

#### 4.2 Other Consultees

Wessex Water: The proposal is located within a sewerage area, with both foul sewers. It will be necessary for the developer to agree to an arrangement for the satisfactory disposal of foul flows and surface water flows generated by the proposal.

### **Other Representations**

#### 4.3 Local Residents

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

- Change of use would result in overlooking of neighbouring property by those using the stables
- Blocking of views if fences were erected
- External lighting of site has potential to harm residential amenity of adjoining property
- Doubt the feasibility, profitability and purpose of the application
- Query need for application as agricultural tied dwelling house not fully implemented for 15 years
- Long, slow route to building a house on farmland
- Supply and demand for tied housing should be taken into account

### **5. ANALYSIS OF PROPOSAL**

#### 5.1 Principle of Development

Condition 2 of P93/2343 restricts the occupants of the dwelling to those solely or mainly working in the locality in agriculture or forestry. This application seeks to vary this to include occupation of the dwelling house for those employed in equestrian enterprises.

5.2 The proposal effectively proposes the removal of the agricultural tie on the dwelling on site. The relevant policy therefore, is Policy H9, which states that proposals for the removal of an occupancy condition on an agricultural workers dwelling will not be permitted unless:

- There has been a genuine and unsuccessful attempt to market the property at a realistic price reflecting the occupancy condition
- It can be demonstrated that there is no agricultural or forestry need for the dwelling on the holding nor is a need likely to arise
- It can be demonstrated that there is no agricultural or forestry need within the locality

5.3 No information has been submitted with regard to these criteria, and the applicant disagrees with the assessment that the proposal will essentially result in the loss of an agricultural tie. It is the opinion of the case officer that the proposal will result in the effective loss of the agricultural tie, and as such, the proposal is required to be assessed under Policy H9 as set out above. As none of the above criteria have been fulfilled, the proposal is contrary to Policy H9 and is therefore unacceptable in principle.

5.4 PPS7 Annex A is also relevant here. Para 15 of PPS7 states: 'There may also be instances where special justification exists for new isolated dwellings associated with other rural based enterprises...Local planning authorities should therefore apply the same criteria and principles in paras 3-13 this Annex...'



5.5 The opinion has been sought from a specialist in this legislation from Gloucestershire County Council, which is commonly done for these types of applications. He has stated that the only proper way of approaching the assessment of this application is as if it was an application for a new dwelling to support an equestrian enterprise, and therefore assessed by para 15 of Annex A to PPS7. As it is a new activity, para 12 of Annex A of PPS7 is relevant- as it should normally be provided for the first three years as a temporary dwelling. The following is an assessment of the proposal as set out in para 12 of Annex A:

- Firm Intention and Ability

Although a business plan has been submitted by the applicant's agent, it is understood that there is no intention on the part of the applicant to actually undertake an equestrian business. As far as ability is concerned there is no track record or any indication whatsoever that the applicant has the experience to run a livery business.

There has been no market research or feasibility study as far as I can make out. Although there is a plan submitted with the application, it is totally disconnected with the applicant and the only conclusion is that there has been no case made that there is any firm intention or ability for this enterprise to come to fruition.

- Functional Need

The proposal is for eight full liveries and several part-time liveries. This would normally be of a scale that would require somebody to be living on site and hence would normally qualify for a mobile home to allow the business to develop at this stage.

- Sound Financial Basis

The business plan consists of standard figures. There has been no input by the applicant and hence it cannot be said that the enterprise has been planned on a sound financial basis, as the business plans has been purely reliant on the agent putting in standard figures without any back of a feasibility study for market research.

- Other dwellings

Apart from the farmhouse and the house with the agricultural tie on site, I am not aware of any other dwelling available to the applicant.

- Summary

No case has been made that there is the firm intention and ability to follow the proposal through, and nor does it appear to have been planned on a sound financial basis. My impression is that this application does not appear to have been based on any perceived need but instead as a way of increasing the value of an asset.

5.6 Given the above assessment, the proposed variation to condition 2 of P93/2343 is considered contrary to Policy H9 and PPS7 Annex A, and is therefore the principle of this part of the development in unacceptable.

5.7 The application also seeks to change the use of the surrounding agricultural land and barn to livery use. The explanatory statement states that the existing farm building can be easily converted to 15 stables for full and part livery as a joint farm enterprise on 1.4ha of land.

This part of the development has to be assessed by Policy E10, which states that proposals for horse related development, such as stables, field shelters and riding schools will be permitted outside the urban areas and boundaries of settlements, subject to a number of criteria. The principle of this part of the development is therefore acceptable, subject to the following detailed assessment.

#### 5.8 Landscape and Visual Amenity

The explanatory statement states that there would be no material change in the external appearance of the barn that is proposed to be converted into stables. No elevational or plan details have been submitted or any indication of fencing, paddock layout, ménages, or landscaping. It is considered that the impact of a large number of horses on the land would have some form of impact on the landscape, and it would be naive to consider that a livery development involving this number of horses would not involve other forms of structures. As such, it is considered that there is insufficient detail to assess the impact of the proposal on the landscape character of the area, and the proposal is contrary to Policies L1 and E10.

#### 5.9 Residential Amenity

The nearest residential property, Frome Farm, lies approx. 100m from the proposed stables. This neighbour objected to the proposal on the grounds that it would disturb the use of his swimming pool, which is approx. 40m from the proposed stables. However, Frome Farm has a large garden and given the distances from the proposed stables to the house and its swimming pool, and the fact that there is substantial tree screen running along the banks of the river between the two properties, it is not considered that the proposal would unduly harm the residential amenity of the occupiers of Frome Farm to such an extent to warrant refusal on these grounds.

5.10 The existing barn which is proposed to be stables lies approx. 14m from the recently constructed agricultural workers dwelling. Whilst this is close, given this is an existing relationship, and was considered appropriate for the approval of the agricultural workers dwelling, it would be considered appropriate for an occupier working at the stables. As such, there is considered no harm to the residential amenity of the existing dwelling on site as a result of the proposals.

#### 5.11 Transportation

The site, due to the access extending out onto the 'open' area along Badminton road has good visibility. The Highway Officer has raised no objection to the scheme subject to the extant 2005 office conversion permission (PK03/1731/F) not being implemented- as the use of this site for an office and stables of this size would result in excessive traffic movements accessing/egressing the site. This could only be achieved by a legal agreement (a unilateral undertaking) that stated that the 2005 office permission would not be implemented. Since the application is considered unacceptable for other reasons, a unilateral undertaking has not been required, but is included as a reason for refusal, as clearly, without such a legal agreement, the scheme would be unacceptable.

#### 5.12 Flood Risk

The site lies within a high risk flood zone, as defined by the Environment Agency. The use of the land and buildings for agriculture and forestry is classed as a 'less vulnerable' form of development in the table 'Flood Risk Vulnerability Classification' in Annex D of PPS25.

There is no specific classification for equestrian use, but 'outdoor sports and recreation' is classed as a 'water-compatible development'. A flood risk assessment has also been submitted with the application. The table set out in Annex D of PPS25: Flood Risk Vulnerability and Flood Zone Compatibility shows 'less vulnerable' and 'water compatible' development as acceptable in the high risk flood zone, and as such, the development is deemed to be acceptable in terms of flood risk.

#### 5.13 Design and Access Statement

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

### 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 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 That planning permission be REFUSED for the following reason(s):

**Background Papers**      **PK07/0087/F**

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

#### **REFUSAL REASONS**

1. The proposal would result in the loss of an agricultural worker's dwelling without justification and as such the proposal is contrary to Policy H9 of the adopted South Gloucestershire Local Plan and government policy set out in PPS7.
2. The use of the dwelling for an equestrian worker is not acceptable, as there is considered to be no firm intention and ability to follow the proposal through, and nor is it considered to have been planned on a sound financial basis. As such the proposal fails the relevant test in Annex A of PPS7.
3. There is insufficient detail to assess the impact of the proposed livery on the landscape character of the area, and as such, the proposal is contrary to Policies E10 and L1 of the adopted South Gloucestershire Local Plan.

4. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure the non-implementation of planning permission no: PK03/1731/F the proposal is considered to result in excessive traffic movements to and from the application site, and as such, would be harmful to highway safety and contrary to Policy T12 of the adopted South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007**

**App No.:** PK07/1210/R3F

**Applicant:** Sovereign Housing Group

**Site:** Broad Street/Beaufort Road Staple Hill  
BRISTOL South Gloucestershire BS16 5JX

**Date Reg:** 18th April 2007

**Proposal:** Demolition of existing car showroom to facilitate the erection of Public Library and 14 no. residential units comprising 12 no. flats and 2 no. houses with associated parking. Construction of new vehicular access from Beaufort Road.

**Parish:**

**Map Ref:** 65099 75934

**Ward:** Staple Hill



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100023410, 2007.

This application appears on the Circulated Schedule because it is a Major Application and the site is owned by South Gloucestershire Council; furthermore an objection has been received from the occupant of no.6 Beaufort Road raising concerns that are contrary to the Officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The application relates to a Council owned site, located on the corner of the junction of Beaufort Road with Broad Street, Staple Hill. Much of the site is open forecourt, enclosed by low stone walls and high fencing; the only building is the single-storey car showroom situated in the south-eastern part of the site. Vehicular access is currently via a gate in the fencing on Beaufort Road. On the Broad Street frontage is a memorial to Firefighter Fleur Lombard, which is flanked by three small trees. The site is currently occupied by Beaufort Motor House car sales.
- 1.2 To the north is a terrace of two-storey dwellings, to the north east is a block of flats forming part of the recent Ducie Court development; the site immediately to the east is open land; to the west and on the opposite side of Beaufort Road is a two-storey terrace with a variety of commercial uses at ground floor level with residential accommodation above; the northernmost of the ground floor units is the existing Staple Hill Library. To the south and west of the application site are the main Broad Street shopping frontages. The application site has no special designation in the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 1.3 The applicant, Sovereign Housing Association, propose to demolish the existing single-storey car showroom and erect a new Library building, with residential accommodation on two-storeys above; this building would be located on the southern half of the site and linked to a proposed lower scale block and two houses to the north. Drawings have been submitted, which indicate that there would be 14 no. residential units comprising 12 no. flats ( 6 x 2 bed, 6 x 1 bed) and 2 no. x 2 bed houses. Vehicular access would be from Beaufort Road, via an undercroft accessway under the residential block to the north and into the car parking area to the rear. Most of the north-eastern quarter of the site would be taken up with the car-parking spaces for 7 no. cars, amenity areas and bin and cycle stores.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
PPG13 - Transport  
PPG17 - Sport and Recreation
- 2.2 Development Plans  
Joint Replacement Structure Plan  
Policy 1 - Sustainable development objectives.  
Policy 2 - Location of development.  
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
- L11 - Archaeology
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- Noise Sensitive Development
- EP6 - Contaminated Land
- EP7 - Unstable Land
- H2 - Residential Development within the existing Urban Area
- H6 - Affordable Housing
- T7 - Cycle Parking Provision
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 - Provision of Education Facilities (Site Allocations and Developer Contributions)
- LC4 - Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries.
- LC13 - Public Art

2.3 Supplementary Planning Guidance

Trees

Advice Note 2 – ‘House Extensions’

The South Gloucestershire Design Checklist (SPD) – Adopted 23<sup>rd</sup> August 2007

**3. RELEVANT PLANNING HISTORY**

The following is the planning history of the site since 1990.

- 3.1 P93/4008 - Change of use from caravan sales and repairs to car sales. Alterations to the external appearance of the premises. Approved 22<sup>nd</sup> March 1993
- 3.2 P96/4403 - Change of use from car exhaust fitting centre (B1) to car sales showroom (sui generis). Approved 19<sup>th</sup> Nov 1996
- 3.3 P96/4685/A - Erection of 2no. display panels and 2.4m high fence. Refused 31<sup>st</sup> Jan 1997
- 3.4 P97/4791 - Erection of Social Club (Class D2) (Outline) Approved 29<sup>th</sup> April 1998
- 3.5 PK05/3615/R3O - Demolition of existing car showroom to facilitate the erection of 8 no. flats and Public Library (outline) with access and siting to be considered. All other matters reserved. Approved subject to S106 Agreement – not yet signed.

Prior to 1990 there were numerous planning consents relating to the use of the land for, the sale and display of caravans, exhaust fitting bay, waste tyre storage compound, cleaning and mechanical repair of cars.

#### **4. CONSULTATION RESPONSES**

4.1 Parish Council  
Not a parished area.

4.2 Other Consultees

4.3 Wessex Water  
The development is located within a sewered area, with foul and surface water sewers. .

4.4 Avon and Somerset Police Crime Reduction Officer  
No response

#### **Other Representations**

4.5 Local Residents  
One letter of objection was received from the occupant of 6 Beaufort Road. The concerns raised are summarised as follows:

- Three-storey building too big.
- Overlooking of gardens and extensions of houses in Beaufort Road.
- Anti-social behaviour.
- Increased traffic.
- Increased Noise and Light pollution.
- On-street parking – difficult for disabled access.

4.6 Avon Fire Brigade  
No response

4.7 The Fleur Lombard Memorial Trust  
No response

4.8 South Gloucestershire Council Conservation & Design Advisory Panel  
The following is a response to the originally submitted scheme:-

Rejection for the following reasons:

- The design of the two new houses is poorly related to the existing houses. A contemporary design would be welcomed but one which reflects the character of the existing e.g. in relation to the roof.
- The use of materials (too many) and the architectural detailing is not well resolved. Colours are unsympathetic to the surroundings.
- The use of obscured glass in windows to living rooms in the Beaufort Road elevation is not a satisfactory resolution of the overlooking problem.
- The lack of amenity space for all but the houses is unacceptable.
- Overall the site is too densely developed.

#### **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development  
The acceptance in principle of the erection of a Library and 8no flats with access off Beaufort Road was previously established under application PK05/3615/R3O. The site lies within the Urban Area and comprises an existing car sales showroom and forecourt.



The site is therefore previously developed land and can therefore be assessed as a brownfield windfall site. The site is not a Safeguarded Employment Area, neither is it within any Shopping Frontage as defined in the Local Plan. There is therefore no objection to the loss of the employment facility; this would however in part be mitigated for by the provision of a new library within the scheme. The existing buildings are not afforded any special protection and do not lie within a Conservation Area. There is therefore no in-principle objection to the demolition of the car showrooms and the re-development of the site for alternative library/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.”*

The proposal for flats is therefore considered to be in accordance with the latest government advice contained in PPS3 and as such, there is no in-principle objection to flats and houses being erected in the location proposed and in place of the existing car showrooms. The flats/houses would provide a valuable contribution to the affordable housing stock.

- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 34 states that in making allocations for housing provision, 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. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.
- 5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, 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 Furthermore the Library is considered to be a Community Facility, which falls to be determined under Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

The policy lists a number of criteria that must be met, most of which are similar to those listed under Policy H2, although LC4 also requires proposals to be sited in sustainable locations.

#### 5.5 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.

5.6 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.”*

5.7 Notwithstanding the proposed Library, there would be 14 no. residential units (as opposed to the previously approved 8 no. units) on the 0.09ha site, which equates to a density of 133 dwellings per hectare. The amount of development (i.e. its floor area), is broadly the same as the previously approved outline application PK05/3615/R3O, however the number of residential units has increased from 8 units to 14, which has been achieved by providing smaller units. The high density figure merely reflects the fact that the development would, in addition to the proposed 2 no. houses, include 12 no. small flats as opposed to being all individual dwelling houses. Having regard to the size of the plot and the scale of the buildings proposed, officers consider that the proposed density would make the most efficient use of the site in this highly sustainable location, being in the heart of Staple Hill immediately adjacent to the shopping area and regular bus routes. The site is capable of accommodating a development of the density proposed, plus a Library building and from a density perspective alone, the proposal is not considered to be an overdevelopment of the site. The density is therefore acceptable.

#### 5.8 Scale and Design

Since the application was received, the scheme has been revised in order to address a number of concerns raised by the Council’s Urban Design Officer, Architects Panel and Highways Officer. These concerns related mainly to the following:

- Amenity space provision.
- Window design.
- Building design in relation to the character of the locality.
- Minimising the use of energy and natural resources.
- Parking layout and accessibility.

- 5.9 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.
- 5.10 The Design and Access Statement design rationale is, that the main element of the development should be the new public Library facing onto Broad Street. The widened footway and main road presence provides a suitable approach to what would be a building of community importance. The residential element would occupy the upper 2 storeys above the Library and a lower scale block to the north linked to the main body of the building, together with the two new houses at the northern end of the site. This form, for most part, is very similar to that approved under PK05/3615/R3O.
- 5.11 The Library would be defined by being constructed of different materials to the residential element, i.e. bands of polished block and full height glazing, as opposed to more modern materials for the residential element i.e. timber, render and cladding. The scale of the building changes from the 3-storey element on the corner of Broad Street and Beaufort Road to the lower scale two-storey houses at the northern end of the site. The two-storey houses would be the same height and scale as the neighbouring terrace on Beaufort Road. The building would therefore sit well between the large retail units on Broad Street and the smaller scale terraced houses on Beaufort Road.
- 5.12 The submitted Design and Access Statement indicates that the main entrance to the Library, in approaches from Broad Street, would be defined by a projecting glazed canopy and glazed lobby with automated sliding doors. This, along with full height windows at ground floor level, will act to give the Library a sense of transparency and accessibility.
- 5.13 The main resident entrance would be off Beaufort Road, situated alongside the new undercroft vehicle access way. This would be made secure by an automated bollard system giving access to the car parking spaces, secure cycle parking and library service entrance. Discreet and secure bin storage would also be provided. Further down Beaufort Road are the entrances from the street to the flats above the undercroft, and the separate entrances to the new houses beyond.
- 5.14 The Library is to be a community facility and universally accessible. Design measures taken to this effect include:
- Level threshold access via sensor activated automated doors.
  - All public areas designed to BS8300
  - Disabled toilet facilities.
  - Staff refreshment facilities.
  - The reception desk will have a lowered section suitable for wheelchair users and include a hearing enhancement induction loop.
- 5.15 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.”*

- 5.16 Officers have considered the proposal in the context of the local architectural vernacular. There is a distinct mix of building scales and designs, including 3-storey buildings, though within the streets leading off Broad Street the residential areas are characterised by Victorian/Edwardian two-storey terraces. Officers are therefore satisfied that having regard to the scale of the nearest buildings and the innovative design of the proposed building, that the scale and massing would be sufficiently in-keeping with the locality. It is considered that one of the features of local distinctiveness is the natural stone boundary walling and it is proposed to add a condition that the Beaufort Road boundary wall below the railings is constructed of natural stone.
- 5.17 The modern contemporary appearance of the building would be radically different from that of the buildings within the locality. This does however allow the building to be viewed in isolation as an individual landmark building. The proposed building is a high quality, architect designed, modern, innovative and original design, which would be in complete contrast to the existing car showroom, which contributes little to the visual amenity of the street scene or ‘Town’ Centre. In this respect the scheme is considered to be an enhancement to the character, distinctiveness and amenity of the locality. The scheme has already been registered for Eco Homes rating and would be conditioned to achieve a rating of Very Good. Officers are therefore satisfied that the design is acceptable. (The Code for sustainable Homes does not apply in this case as the scheme has already been registered for Eco Homes).
- 5.18 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.
- 5.19 For prospective occupiers of the proposed flats, a small amenity area would be provided within the site. The site is however within easy reach of community facilities within the area e.g. Page Park. Bin storage and a cycle store would be provided within the complex. An appropriate condition can ensure that the boundary walls and fences, which are to be retained or erected, would be high enough to provide adequate screening and privacy for future occupiers. There would be no sources nearby of excessive levels of smell, dust or pollution. In terms of noise, it is only proposed to open the Library between the hours of 9.30am – 7.00pm Tuesdays and Fridays, and 9.30am – 5.00pm Thursdays and Saturdays. Notwithstanding these limited opening hours, the flats would need to be appropriately soundproofed and this would be a requirement of Building Regulation Control.
- 5.20 Moving to the impact of the scheme on neighbouring occupiers; the nearest residential properties are the first floor flats on the opposite side of Beaufort Road and the end of terrace dwelling (No.2) to the north of the site. Whilst the proposed houses would only face a service area on the opposite side of Beaufort Road, the first and second floor windows serving flats in the western elevation would be only 10m from the habitable room windows directly opposite, and could therefore result in loss of privacy through inter-visibility. The problem can however be overcome by imposing a condition to fix and obscurely glaze the relevant windows in this elevation (the oblique angled windows in the

bays would not need to be obscurely glazed thus retaining a satisfactory outlook for future occupiers.

- 5.21 To the south and east there would be ample distance between any proposed windows and those opposite, i.e. 20m and 19.5m respectively. To the north any direct overlooking of gardens to the rear of the terraced houses in Beaufort Road would be from a minimum distance of 22m. No windows are proposed for the northern side elevation of the proposed end house and the future insertion of windows in this elevation could be controlled by condition. Whilst there are windows in the side of no.2 Beaufort Road, these serve only a w.c. and bathroom (first floor) and kitchen and conservatory (ground floor). At present there is a substantial boundary wall between the application site and this property as well as the new apartments in Ducie Court; this wall would be retained. Furthermore the proposed new houses would not be located directly in front of the neighbouring windows.
- 5.22 Having had regard to the current impact of the existing building and boundary walls, officers do not consider that the siting of the proposed building would be so overbearing on the neighbouring properties as to justify refusal of planning permission. On balance therefore the proposed building would not be excessively overbearing for neighbouring occupiers.
- 5.23 Whilst there would inevitably be some disturbance during the demolition/development phase, this would be on a temporary basis only; furthermore disturbance during the demolition/development phase could in some way be mitigated for by the imposition of a condition to control the hours of working. Any access of neighbouring land, required to demolish the existing buildings or erect the flats/houses/Library, is not controlled through the planning system. The work would also be the subject of the normal Environmental Health legislation.
- 5.24 On balance therefore, officers are satisfied that the impact of the proposed development upon neighbouring residential amenity, would be acceptable.
- 5.25 Conservation Issues  
The existing building has no special designation and is not considered to be of any special historic significance. Any demolition works would be the subject of a waste audit and it may be possible to re-cycle some of the materials into the new buildings. Retention of the low stone boundary walls has been explored but is not possible in this instance.
- 5.26 Fleur Lombard Memorial  
The memorial to Firefighter Fleur Lombard is currently situated on the Broad Street frontage of the site. Officers consider that this is a memorial of significant local importance, Fleur Lombard being a local Firefighter who died fighting a fire in the Supermarket opposite the application site. It is proposed to re-locate the Memorial Plaque to the eastern part of the site frontage. The applicant has been in consultation with The Fleur Lombard Memorial Trust who are happy for the Memorial to be moved. The incorporation of the memorial within the scheme will need to be sensitively handled as will the immediate setting of the memorial. Whilst the setting of the plaque will be controlled through the landscaping scheme, a further condition to ensure the replacement of the plaque within one month of the completion of the development or first use/occupation of the development is therefore justified.

#### 5.27 Transportation

The proposed Library would replace the existing one, which is situated close by on the opposite side of Beaufort Road. There would therefore be no additional traffic movements generated by this part of the proposal.

5.28 The proposal also includes the erection of 14 residential properties. As part of the scheme, it is proposed to close the existing site access (close to the junction with Broad Street) onto Beaufort Road and instead use an access onto Beaufort Road further away from the junction. This would improve road safety at the junction. Furthermore the existing pavement along the site boundary facing Beaufort Road would be widened to 2m along the site frontage, which would be a further enhancement. The traffic associated with the residential development would mainly replace that from the extant commercial use of the site. There would however be additional traffic movements during evenings and weekends.

5.29 In respect of off-street parking, 7no. parking spaces would be provided for the residential element, there would be no spaces for the Library but that is no different than the current situation. A public car park is located directly on the opposite side of Broad Street. In view of the very sustainable location of the site, some relaxation below the maximum parking standard outlined in Policy T8 is acceptable. In mitigation for this shortfall however, a financial contribution of £7,000 is requested towards the enhancement of public transport facilities in the area, the money to be spent on improving access through raised kerbs, enhanced bus shelters and support for subsidised bus services. There would be sufficient manoeuvring space on site to enable cars to enter and exit in forward gear. There are therefore no highway objections to the proposal.

#### 5.30 Landscaping and Tree Issues

Whilst there is no vegetation within the site, there are 3no. trees within the pavement adjacent to the Fleur Lombard Memorial. The Council's Tree Officer has inspected the trees, which consist of 2no. Mountain Ash and 1 no. Hawthorn. Whilst enhancing the area, the trees are small and are not worthy of Tree Preservation Order. It is proposed to remove the two westernmost trees and relocate the Fleur Lombard Memorial plaque to the western site frontage.

5.31 Whilst a replacement tree is indicated, no other detailing of the Broad Street frontage is shown on the submitted plans. In this context the opportunity exists to create an interesting and respectful sense of place and this can be secured by a condition requiring the prior submission and approval of a landscaping scheme.

#### 5.32 Drainage Issues

The Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control.

#### 5.33 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. These matters are generally covered by normal Environmental Health legislation which is not controlled by the planning process. In the interests of residential amenity however, a restriction on the hours of working on the site would be secured by condition. Officers do not consider that the proposal would generate excessive light pollution in this

'Town' Centre location. The Council's Environmental Health Officer has raised no objection to the proposal.

#### 5.34 Community Services

Under normal circumstances, the proposed residential development would require a contribution of £27,290.00p towards off-site Public Open Space enhancements. In this case however the scheme enables the provision of a new Library, which would otherwise cost the Council some £800,000 to build. Since there would be a clear gain to the community to result from the scheme, it is considered in this case appropriate to waive the request for further contributions to POS.

#### 5.35 Education

There is a projected surplus capacity at primary schools within the area. Whilst there is a projected shortfall of capacity at secondary schools within the area, no contributions are sought from schemes comprising predominantly of small flats. There is therefore no request for an education contribution.

#### 5.36 Affordable Housing

There would not normally be an affordable housing requirement for a scheme of only 12 residential units, the threshold for affordable housing provision being 15 units. The proposal has however been submitted by Sovereign Housing Association, one of South Gloucestershire Council's strategic partners. The 14no. residential units would be for affordable housing provision in accordance with the Council's Housing Needs Survey and policies. The intention is to provide 28.57% units for Newbuild Homebuy (shared ownership) and the balance to be provided for General Needs rent.

#### 5.37 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).

#### 5.38 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 public 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 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 £7,000.00p towards the enhancement of public transport facilities in the area.

These contributions to be paid not later than the first occupation of 5 of the 12 dwellings.

The reasons for this Agreement are:

- (i) To improve public transport services and infrastructure having regard to Policy T12(A) of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

If the agreement is not signed within 6 months of the date of this report the Council will refuse the application.

### **Background Papers      PK07/1210/R3F**

**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. 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, E, G and H), or any minor operations as specified in Part 2 (Class A, B), 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. (This condition relates to the 2no. houses hereby approved only).



Reason 1.

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 and to accord with Policy D1/H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2.

Due to the limited amount of space within the site and in the interests of residential amenity, in accordance with Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason:

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

4. 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:

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

5. Notwithstanding the approved Beaufort Road elevation (5645 L(O)6 B) the low wall below the boundary railings shall be constructed of natural stone, a sample panel of which shall have been previously approved by the Council.

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 and amenity of neighbouring occupiers, and to accord with Policy H2 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 L17/L18/EP1 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 L17/L18/EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The off-street car parking and manoeuvring facilities, shown on the plan hereby approved shall be provided before the buildings are first occupied, and thereafter retained 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.

9. The car parking spaces shown on the approved 'Ground Floor Plan' numbered 5645 L (O) 3 D, shall be allocated on the basis of one space per 2 bed dwelling house and one space per 2 bed 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 6th 2006.

10. Prior to the first occupation or use of the buildings hereby approved, the existing vehicular dropped kerb (closest to the Broad Street Junction) shall be removed and the footway surfacing behind made good, to the full satisfaction of the Council's Street Care Manager.

Reason:

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

11. Prior to the first occupation or use of the buildings hereby approved, the footway on the Beaufort Road frontage of the site shall be widened to 2 metres in width and resurfaced to the full satisfaction of the Council's Street Care Manager.

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 buildings 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 D1/H2 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 07.30 to 18.00 Monday to Friday and 07.30 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. For the flats only, the glazing on the western elevation of the buildings hereby approved shall at all times be of obscured glass (level 3) and be permanently fixed in a closed position. (For the avoidance of doubt this condition does apply to the stairwell glazing. As regards the assymetric bay windows, the condition does not apply to the obliquely angled sections, but only to the glazing directly overlooking Beaufort Road).

Reason:

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

15. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
- (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
- (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
- (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
- (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason:

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. 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.

17. Prior to the commencement of the development hereby authorised, details of the location of any construction compound and storage areas to be provided 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.

18. The Library hereby approved shall be used as a Library and for no other purpose (including any other purpose in Class [D1] of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason 1.

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

Reason 2.

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

19. The residential element of the development hereby approved shall be constructed to a EcoHomes standard of 'very good'. A formal assessment shall be undertaken by a licensed BREEAM assessor and a copy of the assessor report and BRE certificate shall be submitted to the local Planning Authority prior to the first occupation of the building.

Reason:

To ensure that the development minimises the use of energy and natural resources as required by PPS1 and its draft supplement Planning and Climate Change, Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, the South Gloucestershire Council Design Checklist SPD (Adopted) 23rd August 2007, and Policy G of the draft Regional Spatial Strategy for the South West of England.

20. No first floor windows shall be inserted at any time in the northern side elevation of the northernmost house hereby approved.

Reason:

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

21. Within one month of the completion or first use/occupation of the development hereby approved, the Fleur Lombard Memorial Plaque shall be replaced in accordance with the approved plans.

Reason:

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

**CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007**

**App No.:** PK07/1622/F

**Applicant:** City & Provincial Plc

**Site:** Portland Street Staple Hill BRISTOL  
South Gloucestershire BS16 4PS

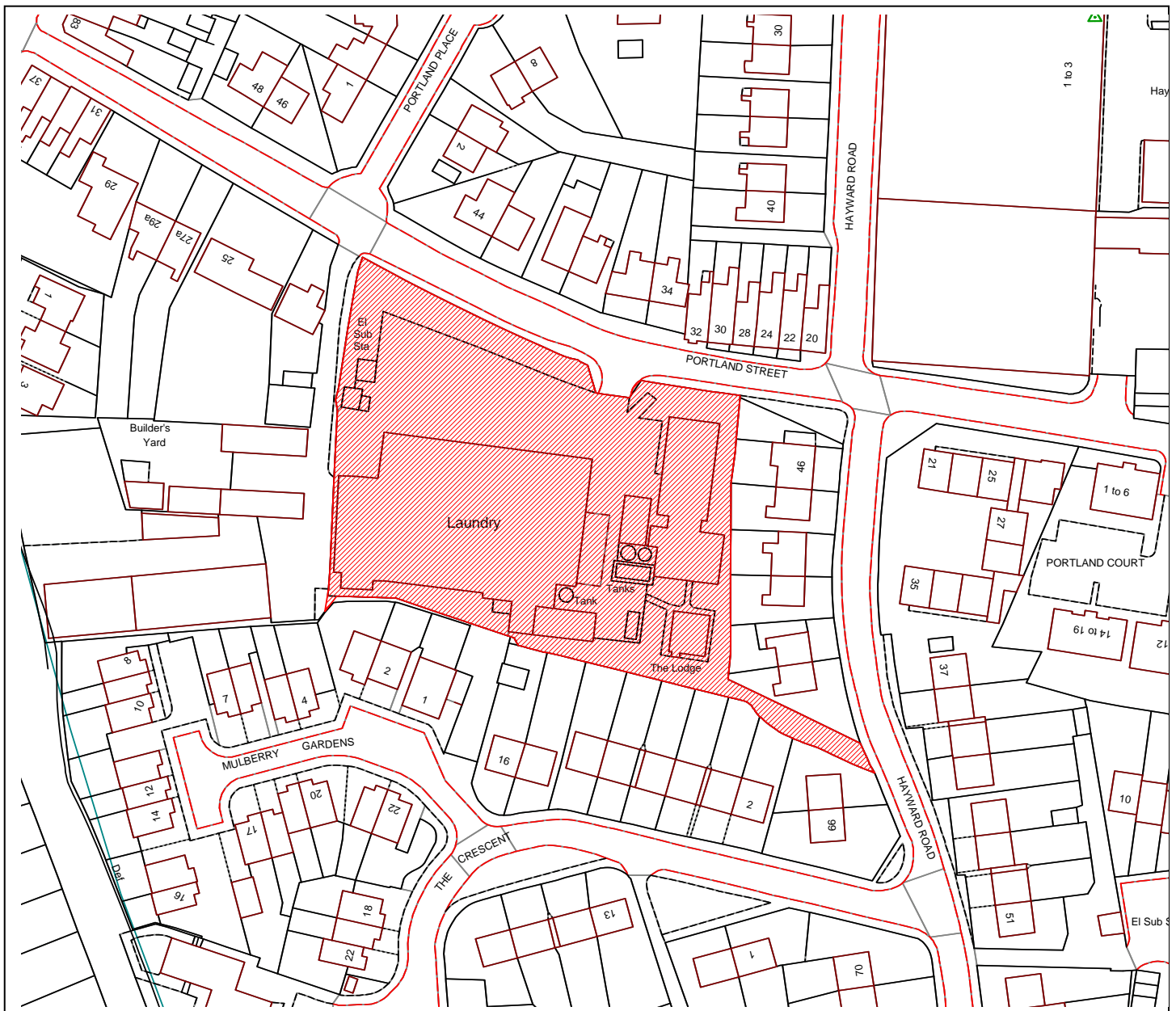
**Date Reg:** 23rd May 2007

**Proposal:** Demolition of existing factory and erection of 42no. dwellings with associated parking, amenity space, cycle and bin store.

**Parish:**

**Map Ref:** 64641 75392

**Ward:** Staple Hill



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100023410, 2007.

N.T.S

PK07/1622/F

## **INTRODUCTION**

This application is referred to the Circulated Schedule in accordance with procedure given that it is a "Major Application" and given that objections have been raised.

### **1. PROPOSAL**

1.1 The development would involve the demolition of the existing laundry building and associated offices and the erection of 42 residential units. The scheme will incorporate 54 no. parking spaces, cycle and bin storage as well as associated amenity space. The development would consist of 4 no. four bed houses, 2 no. three bed houses, 6 no. two bed houses, 15 no. one bed flats and 15 no. two bed flats.

1.2 The 54 no. parking spaces proposed would be allocated at a rate of two spaces per three and four bed dwelling with one space for all other units. Access to the development is from Portland Street, with buildings grouped around a central courtyard. In terms of layout the houses are situated in three blocks, with a height of either two-storey or three-storey (within each block) with a frontage and allocated parking onto Portland Street with amenity space to the rear. The flats are also situated within three blocks of two and three storeys in height and located to the rear of the site. Parking spaces associated with the flats are situated around the courtyard with communal areas to the rear (with some private space for the agreed affordable units). Landscaping is proposed within the site, to include the planting of mature trees in particular along the southern boundary. Cycle and bin storage is also provided.

1.3 The application site is situated on 0.52 hectares of land previously occupied by a laundry. The site rises from the north (Portland Street) to the south, a topographical survey indicates this difference to be approximately 4 metres in places. To the south of the site, lie residential properties in The Crescent and Mulberry Gardens, the latter a modern development of detached, semi-detached and terrace properties. Given the difference in levels these properties overlook the site. To the east there are further residential properties in Hayward Road, these are semi-detached with varying levels of screening along the boundary with the application site. To the north, at a lower level than the application site there are further residential properties in Portland Street, a mix of terrace and semi-detached dwellings. To the west, No.21 Portland Street is currently being developed to provide 14 no. dwellings (PK05/0757/F). Within the wider context the site is situated within a predominantly residential area approximately 500m to the south of the local district centre of Staple Hill.

1.4 The application has been amended such that an original scheme for 44 dwellings has been reduced to 42, this has involved a reduction in the number of two-bed flats.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L1	Landscape Protection and Enhancement
L9	Protected Species
L17/18	The Water Environment
EP1	Environmental Pollution
EP6	Contaminated Land
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Areas
H6	Affordable Housing
LC1	Provision for Built Sport , 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

The South Gloucestershire Design Checklist (Adopted August 2007)  
Trees on Development Sites (November 2005)

### 3. RELEVANT PLANNING HISTORY

3.1 All previous history relates to the use of the site as a laundry.

### 4. CONSULTATION RESPONSES

4.1 Parish Council  
This area is unparished

4.2 Other Consultees  
Wessex Water have issued advices to be drawn to the attention of the developer.

4.3 Affordable Housing Requirements

33.3% affordable housing to be provided on site in line with Local Plan Policy H6 and the findings from the JHA Housing Needs Survey 2004. It is proposed the applicants make an offer to the Council for the mix of 14 units of affordable housing having regard to identified housing need and in accord with Council criteria.

4.4 Sustainable Transport  
Given the extant use of the site, there are no highway objections to the principal of the residential development on the site.

**Access** - It is proposed to upgrade the existing access off Portland Street and to serve the new development from this location. Visibility splays from the site access onto the public highway (Portland Street) is satisfactory. **Traffic** - No traffic detail has been submitted with this planning application however, it is the officers' assessment that this proposal would increase traffic particularly, pedestrian movements in the area. The footway along the site frontage needs upgrading to the Council standards. The existing footway at this location needs to be widened to minimum of 2m along the whole frontage. There would be a planning condition to secure this.

Pedestrian provision along Portland Street is not complete over the entire length of this road. A section footway on north side of Portland Street and on the approach to junction with Soundwell Road is missing. In view of the fact that traffic movements would increase on Portland Street and in consideration of increased pedestrian movements particularly children walking or cycling to school, mitigating measures are required to lessen the impact. Having visited the site, I also note that there are double yellow lines on Portland Street. I have been advised by colleagues in traffic management section that these yellow lines maybe have to be altered in light of the new development. In view of this therefore, the applicant would be required to make contribution towards such measures.

**Parking** - The original scheme included provision of 50 parking spaces. A revised plan has now been submitted showing 54 parking spaces for 44 dwellings on the site. This provision is considered in line with the SGC maximum parking standards. **Internal road layout** - The new access road serving new development would be 5.5m wide. The design also allows sufficient turning area on the site to ensure that service vehicles can manoeuvre easily within the site boundary. The proposal indicates a new footway along eastern (right) side of the new access but footway on western side (left hand side of access) does not continue through into development. It is appropriate to provide footway on both side of the new access road in this case. With this in mind, the applicant is expected to submit a revise plan to show footway provision on both sides of access road.

In view of all the above therefore, there are no highway objections subject to the followings,

- 1) Securing financial contribution of £35,000 to be used towards pedestrian and cycle facilities, traffic management (including review of waiting restrictions in the area) and improve access for disable at bus stop in the area. The scheme of highway works would be subject to the public consultations and the final scheme will be dependent on those matters arising from those consultations. (This contribution would need to be secured under an appropriate legal agreement).
- 2) Prior to occupation of any dwelling on site the applicant should widen the footway along Portland Street fronting the development site to minimum of 2m.
- 3) All works associated with the new access and widening of the footway on Portland Street shall be completed to the full and final satisfaction of the Council.

Internal site layout needs to be altered to show a 2m wide footway on both side of the new access road.

#### 4.5 Community Services (summary)

It is calculated that this development of 42 dwellings would generate an average population increase of 74.4 people. If this development is implemented it would create a need for extra community facilities. In order to offset this



increased demand on community facilities we would request contributions towards the following:

#### Public Open Space

Guidelines from the National Playing Field Association recommends a minimum of 24m<sup>2</sup> of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m<sup>2</sup> per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development equates to: 2001.1sq.m and after accounting for space provided this leaves a shortfall of 1850.1 sq.m.

The total contribution towards off-site enhancements of public open space would be £44,346.90. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £39,647.64 giving a total requirement of £83,994.54. In accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006, a contribution of £4,466.98 towards new stock, IT equipment and towards the Library Building is required. The contributions will be spent at Staple Hill Library.

#### 4.6 Education Services

There is a projected surplus of places at primary schools in the local area. No contribution is required for additional primary provision. Current DfES cost calculators give a figure of £13,860.30 per additional secondary school pupil place. A secondary level there are insufficient projected surplus places in the local area. The proposed mix of 42 dwellings will generate an additional two secondary school pupils based on the pupil number calculator. A contribution of £27,720.60 is required for additional secondary provision.

### **Other Representations**

#### 4.7 Local Residents

Given that there has been a change in the description of development, namely a reduction in the number of units from 44 to 42, and a change in the appearance of the scheme, re-consultation has been undertaken.

12 letters of objection have been received in response to the original proposal. The grounds of objection can be summarised as follows:

- The proposed development would be detrimental to highway safety
- The proposed development would result in parking problems for neighbouring occupiers
- The proposed buildings are out of character with the type of buildings in the area
- The proposed development will result in overlooking of adjoining properties
- The proposed development would result in drainage and sewerage problems
- The proposal will appear oppressive and overbearing to neighbouring occupiers
- The proposed refuse storage is close to adjoining properties.

Two letters of support has been received stating that the scheme will enhance the immediate area.

There have been 3 letters of objection received following the change in the description of the development and the subsequent re-consultation. These letters restate previous concerns.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H2 allows for residential development within existing urban areas, subject to certain criteria, including environmental and transportation effects, effects on residential amenity, the maximum density is achieved for the site's location, with a minimum density of 30 dwellings per hectare, and provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposals.

5.2 The proposed density on site is 79 dwellings per hectare, is greater than the minimum density level set out in Policy H2 and PPS3, this is nevertheless considered appropriate given the sustainable nature of the location, close to local services and public transport routes (this is discussed in greater detail in the design section – para 5.5 below).

5.3 The principle of development is therefore acceptable, subject to the following detailed assessment.

### 5.4 Residential Amenity

Policy H2 of the South Gloucestershire Local Plan (Adopted January 2006) considers the impact of development upon the residential amenity of adjoining occupiers. Amenity is assessed in terms of the physical impact of the development ie whether the built form would appear oppressive or overbearing and also the impact in terms of any loss of privacy from overlooking. Some concern has been raised by local residents that the proposal would result in loss of residential amenity.

With respect to the impact of the development upon properties in Hayward Road, it will be at this point where the development would be closest to the nearest adjoining properties. At this point the side (east elevations) of the proposed flats, (Block 4) and the side elevation of the proposed houses (Block 3) would be situated to the rear of some properties in Hayward Road.

With respect to the flats (Block 4), negotiations have taken place to ensure that there is a gap of 12 metres between the side elevation of the flats and the rear elevation of the nearest property. It should also be noted that the proposed flats would be approximately 1 metre lower in height than the existing substantial laundry building. It is considered that this relationship is acceptable, given also that landscaping is proposed and the mature Oak tree at this part of the site is to be retained and is subject to conditions to ensure its protection. With respect to privacy, a condition will be attached to the decision notice to require that windows in the east elevation (there are three shown, one per floor) are obscure glazed (to level 3 obscure glazing), to protect the residential amenity of the adjoining occupiers.

With respect to the impact from the dwellings (Block 3), there would be a gap of 11.7 metres to the nearest part of a property in Hayward Road. The new building would have a height of 8.2 metres (6.8 metres to eaves level with the

roof hipped away from the boundary) as opposed to the 5 metres high building at this position at present. It should be noted that the existing building associated with the laundry has a width of approximately 35 metres and the new dwelling would have a width of 8 metres. It is considered on balance that this relationship is acceptable. No windows are proposed in the side elevation and a condition will be attached to the decision notice requiring consent for any future windows in this elevation to protect the residential amenity of the adjoining occupiers.

It is not considered given the scale and location of the buildings, that any adverse impact to residential amenity would result on the western and northern (Portland Street) elevations. New residential development has been approved at 21 Portland Street and was under construction at the time of the Officers site visits. Block 6, the nearest element to this development has been reduced in height to 2 storeys, given a distance of 16 metres to the nearest building and the juxtaposition of the buildings it is not considered that there would be any significant impact from the development either in respect of the physical impact or loss of privacy.

On the southern boundary, the proposed flats range in height from approximately 9.0 metres at three storey level to just over 6 metres where the buildings are two storey in height. Separation distances to properties in Mulberry Gardens and The Crescent range from 17.7 metres (to the rear of No.1 Mulberry Gardens) to 25.9 metres (to the rear of 16 The Crescent). It should be noted that properties to the rear are at a slightly higher level given the topography of the site. In addition it should be noted that the existing laundry building with a height ranging from 6 to 7 metres itself, lies closer to the boundary (3.5 metres approximately in places), while the proposed buildings lie 6 metres (Block 5) at their closest. The existing landscape screening along this boundary is to be retained and enhanced as part of the scheme of submitted landscaping (see landscape section below). It is acknowledged that the new development would have some impact on this southern boundary however it is not considered, given the separation distances, landscape treatment along the boundary and impact from the existing laundry building would be so significant as would justify the refusal of the application.

In summary it is that the proposed development, subject to the conditions set out above, will ensure that the development does not have a significant impact upon the amenity neighbouring occupiers.

## 5.5 Design

Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted January 2006) supported by the South Gloucestershire Design Checklist (Adopted August 2007) are relevant in considering the design merits of the scheme. Policy D1 makes it clear that development will only be permitted where the scheme can demonstrate the proposal will enhance the character, distinctiveness and amenity of the site and the locality.

With respect to the density/amount of development, a development of 42 dwellings equates to approximately 79 dwellings per hectare. The density would therefore be at a higher level than the surrounding area (albeit the surrounding area largely consists of semi-detached and detached properties rather than the flats that form part of this proposal). PPS3 indicates that the efficient use of land is to be welcomed subject to good design. It is considered

that the density of the development is acceptable within this sustainable urban location, close to local facilities.

With respect to the layout, the Council Urban Design Officer has expressed concerns regarding the amount of car parking and manoeuvring space. This is acknowledged, however this is self-contained and the central location ensures that there is no loss of amenity to neighbouring occupiers. The parking area is split up by areas of landscaping and the Council Landscape Officer is satisfied with the paving/hard landscaping to be used. It is considered that negotiations to achieve an acceptable perimeter landscaping arrangement will ensure that there is an acceptable attractive mix of private, semi-private and public space and ensure that the most significant landscaping features on the site have been successfully integrated into the proposed development.

In terms of the scale, height and massing of the development some concern has been raised by the Urban Design Officer regarding the positioning of the principle buildings, the flats to the rear of the site and the dwellings to the front. It is considered that Portland Street is characterised by semi-detached and terrace properties that are modest in scale. The positioning of two and three storey terrace properties is considered to be in keeping with the character of the remainder of the street (and would be a significant visual improvement upon the buildings situated on the site). It is also considered that the variation in heights to both the flats and dwellings creates visual interest. The use of parking to the front of the dwellings along Portland Street is also considered in keeping with properties nearby and ensures that the development rather than “turning its back on the street” forms part of the street scene visually and in terms of activity, adding to security and surveillance on the street.

With respect to the proposed materials, the design and access statement has not demonstrated how the detailing, colour and materials have been informed by the locality. It is considered however that use of colour and different materials will enhance the visual amenity of the streetscene. It is also considered that the development is of a scale that it should to a degree have its own visual identity. A condition will be attached to the decision notice requiring the submission of a full schedule of the materials to be used and requiring the inspection (on site if necessary), of roof tiles and facing materials prior to the commencement of work.

With respect to Environmental Responsiveness, Policy D1 (G) supported by PPS 3 and The South Gloucestershire Design Checklist (Adopted August 2007) indicate that the design, density, orientation and location of buildings and associated landscape proposals should seek to achieve energy conservation and the protection of environmental resources. It is considered that the proposal will be able to achieve Code Level 3 of the Code for Sustainable Homes the recognised standard by which this policy would be assessed. The applicant has indicated acceptance of this assessment procedure and a condition to support this will be attached to the decision notice.

Policy D1(H) indicates that adequate provision should be made for the storage and collection of waste and recyclable materials. Negotiations have taken place to ensure sufficient communal bins of an appropriate size and number for the flats to the rear and a condition will be attached to the decision notice, to ensure that these are in place prior to the first occupation of the development. A condition will also be attached to the decision notice requiring full details of bin storage to be associated with the houses to the front of the site (with the

requirement that these are situated within the rear garden area with access onto the courtyard to enable collection).

Subject to the above conditions the proposed development is considered in accord with Policy D1 of the South Gloucestershire Local Plan (Adopted January 2006).

## 5.6 Trees

At the south eastern corner of the site there is a fine oak tree. The eastern boundary to the rear of properties in Hayward Road largely comprise a Cypress hedge that in places has become a double row. The southern boundary to the rear of The Crescent/Mulberry Gardens comprises a natural hedgerow that has encroached into the site.

With respect to the Oak Tree, a condition will be attached to the decision notice to secure the submission of an Arboricultural Impact Assessment (AIA) and Method Statement prior to the commencement of any works on the site to secure the protection of the tree throughout the development process.

It is considered that the hedge along the southern boundary should be retained as it provides some screening and could be enhanced. Concern has been raised by neighbouring occupiers that the large/tall cypress hedge on the eastern boundary (situated within the application site) should be retained. It is not considered by Council Officers that this element would be worthy of Preservation Order, however as part of a landscaping scheme, replacement planting will be required of a form to be agreed. This would be secured by a landscaping condition attached to the decision notice.

## 5.7 Landscaping

Policies D1 and L1 seek to conserve those aspects of the landscape that make a significant contribution to the character of the landscape.

The area of landscaping along the southern boundary (to include the narrow strip within the south-eastern corner) has been identified as a significant landscape feature, also serving as a partial barrier between the site and residential properties beyond. It is considered that the most important vegetation is located between the south western end of the proposed Block 5 and extends eastward to the southern boundary of No.56 Hayward Road. There are a number of young Ash trees in this location. Following negotiations, all existing vegetation along the boundary is to be retained and will be protected during the course of the construction. The landscaping details supplied indicate this boundary will be supplemented with new planting and a landscaping condition will secure this to the satisfaction of the Council's Landscape Officers. The narrow strip of land in the south-east corner will not be affected by the proposal. All other landscape proposals are considered acceptable.

It is considered that the proposed development is fully in accord with Policy D1 and L1 of the South Gloucestershire Local Plan (Adopted January 2006).

## 5.8 Ecology

Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of development upon protected species. Development that would directly or indirectly have an adverse impact on nationally or internationally protected species of flora or fauna will not be permitted unless any damaging effects are capable of being avoided, overcome or offset by mitigation measures. No ecological information has been submitted with the application.

The Council Ecologist raises no objection to the proposed development subject to informatives being attached to the final decision notice to advise the applicant of their duties under Wildlife Protection Legislation in respect of birds and bats. A condition is recommended requiring a Badger survey to be submitted and approved by the Council prior to any development starting at the site.

## 5.9 Transportation

Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006 consider standards for both cycle and car parking respectively. Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create with the paramount aim of preserving highway safety and minimising the impact of motorised traffic.

Given the extant use of the site, there are no highway objections to the principal of the residential development on the site. The key issues to consider are the appropriateness of the access, the impact upon traffic in particular pedestrian movement, parking provision and the acceptability of the internal road layout.

With respect to the access, this will be from the existing access to the laundry and will be upgraded to serve the new development from this location. The visibility splays from the site access onto the public highway (Portland Street) are considered satisfactory. In terms of the impact upon traffic, it is considered that this proposal would increase traffic particularly, pedestrian movements in the area. The footway along the site frontage needs upgrading to the Council standards. The existing footway at this location needs to be widened to minimum of 2m along the whole frontage. A condition is recommended to secure this.

It should be noted that pedestrian provision along Portland Street is not complete over the entire length of this road. A section of footway on north side of Portland Street and on the approach to the junction with Soundwell Road is missing. In view of the fact that traffic movements would increase on Portland Street and in consideration of increased pedestrian movements particularly children walking or cycling to school, mitigating measures are required to lessen the impact. In addition existing double yellow lines may need to be altered in the light of the new development. It is considered appropriate that the applicant should contribute the sum of £35,000 (to be secured under an appropriate legal agreement) to be used towards pedestrian and cycle facilities, traffic management (including a review of waiting restrictions in the area) and

improved access for disabled at a bus stop in the area. The scheme of highway works would be subject to the public consultation and the final scheme will be dependent on matters arising from those consultations.

With respect to parking, the scheme has been amended to provide 54 parking spaces for 42 dwellings on the site. This provision is considered in line with the South Gloucestershire Council maximum parking standards.

In terms of the internal road layout, the new access road serving new development would be 5.5m wide which is acceptable. The design also allows sufficient turning area on the site to ensure that service vehicles can manoeuvre easily within the site boundary. The scheme has been amended to include a footway on the western side of the access that continues through into development and it is therefore considered that the internal layout is acceptable.

In summary, subject to the above condition and agreement, the proposed development is considered to be in accord with the aims and objectives of Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### 5.10 Drainage

There is no objection to the proposed development subject to the use of best drainage practice. A condition is recommended to secure this. In addition given the location of the site within a former mining area a condition will be attached to the decision notice to require a mining report to be submitted to and approved in writing by the Council prior to the commencement of works on site.

#### 5.11 Contaminated Land

Given that the proposed site has been used historically as a laundry/dry cleaners, potentially land contamination may have occurred as a result of this use. A condition is recommended to require an investigation and mitigation (if required) prior to the commencement of any development on the site.

#### 5.12 Community Services

Policy LC8 of the South Gloucestershire Local Plan (Adopted January 2006) considers provision towards open space and Children's Play Space in relation to new residential development. The Policy indicates that where local provision is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision to meet these needs. In addition Policy LC1 indicates that where local provision for leisure, recreation and other community facilities is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs. This may include contributions towards the enhancement of existing provision within the vicinity where on-site provision is not possible.

It is calculated that this development of 42 dwellings would generate an average population increase of 74.4 people. If this development is implemented it would create a need for extra community facilities. Guidelines from the National Playing Field Association recommends a minimum of 24m<sup>2</sup> of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m<sup>2</sup> per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development equates to: 2001.1sq.m and after accounting for space provided this leaves a shortfall of 1850.1 sq.m.

The total contribution towards off-site enhancements of public open space would be £44,346.90. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £39,647.64 giving a total requirement of £83,994.54

The three sites identified for potential contributions are Soundwell playing field and play area, Lees Hill Playing field and Page Park. All these sites are within 2 kms of the site. The National Playing Fields Association Audit 2007 indicates that local provision of publicly accessible formal open space, children's play space is already inadequate to meet the needs of the present population. While it would not be reasonable to expect the applicant to rectify this shortfall, the projected needs of the occupiers of the site must be adequately met and this is the fundamental objective of Policy LC8.

In accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006, a contribution of £4,466.98 towards new stock, IT equipment and towards the Library Building is required. The contributions will be spent at Staple Hill Library.

The applicant has agreed to make these contributions which shall therefore be secured through a Section 106 Agreement.

#### 5.13 Education Services

Policy LC2 indicates that where local education provision is inadequate to meet the projected need for places arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs via an appropriate agreement. Having regard to this policy, the Department for Children and Young People have indicated that there is a projected surplus of primary school places in the area and therefore no contribution is required in this respect.

With respect to secondary school education there are insufficient projected surplus places in the local area. It is considered that the number and mix of dwellings would generate an addition two secondary school pupils and based on this number the applicant has been requested to provide a contribution of £27,720.60. The applicant has agreed to make this contribution which shall be secured through a Section 106 Agreement.



## 5.14 Affordable Housing Requirements

Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) in line with guidance given in PPS3 states that the Council will seek an element of subsidised affordable housing without any public subsidy to meet local needs on all new housing development within the Urban Area of 15 dwellings or more (or where the site is 0.5 hectares or more). This proposal therefore falls within this category.

In line with the policy, Officers have negotiated with the applicant on the basis that the development should achieve 33.3% affordable housing to provide for those who cannot afford to rent or buy houses available on the open market. The requirement on this basis is for 14 units to be “affordable”. Negotiations are on the basis that there is a tenure split of 77% social rent and 23% intermediate affordable units and on this basis the split would be 11 units and 3 units. In line with policy the units provided should reflect the findings of the Housing Needs Survey. Other requirements are that 100% of initial occupants should be nominated by South Gloucestershire Council, a proportion should be accessible for wheelchair users, the units should be distributed in clusters of no more than 6 units and the development should achieve Code 3 of the Code for Sustainable Homes (this has been agreed in any case by the applicant and is subject to a condition attached to the decision notice). The development must also comply with the latest housing corporation standards applicable at the time of that the S106 is drawn up.

Delivery of the affordable housing is preferred through a partnering Registered Social Landlord(RSL), the affordable housing is built at the same time as the rest of the housing and the completion time shall be agreed and be included within the final Section 106 agreement, social rents to be set at target rent. The annual rent on the equity retained by the RSL shall be no more than 1% of the unsold equity. No more than 40% of the market value shall be payable by the purchasers so that the units can go to those in need of intermediate housing. As far as is possible the affordable housing shall be retained in perpetuity.

The applicant has agreed to the above terms/criteria and has indicated this upon a submitted plan and in terms of the detail 14 units will be provided as follows:

Plot 12 (4 bed house) – Social Rent;  
Plot 10 (3 bed house) – Social Rent;  
Plots 2, 3 and 11 (2 bed houses) – Social Rent;  
Plots 39,40, 41 and 42 within Block 6 (2 bed flats) – Social Rent and of these 2 shall be on the ground floor with private garden space and 2 shall be on the first floor;  
Plots 22 and 23 (2 bed flat) – Shared Ownership with one on the ground floor and one on the first floor;  
Plots 19,20 and 21 (1 bed flat) – 2 for Social Rent and 1 for Shared Ownership with 1 each on the ground, first and second floors.

Subject to the signing of an appropriate agreement (Section 106) to cover the above requirements, the proposed development is considered in accord with Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) and PPS6.

### 5.15 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 South Gloucestershire Design Checklist (Adopted August 2007).

### 5.16 Section 106 Requirements

In this instance, having regard to the above advice, the transportation improvements, provision of affordable housing, public open space/community services and education contributions 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.

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

## 7. RECOMMENDATION

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

- £ 44,346.90 towards enhancement of existing open space in the vicinity of the site and £39,647.64 towards maintenance of these enhancements
- £4466.98 towards the provision of book/IT/audio equipment to the nearest library to the site
- £35,000 towards highway improvements
- 14 units of Affordable Housing with a tenure split approximating to 77% Social Rented Accommodation and 23% Shared Ownership and in accordance with the details agreed with the applicant (see Paragraph 5.14)

2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

- 7.2 Should the agreement not be completed within 6 months of the date of the decision that planning permission be refused.

### Background Papers      **PK07/1622/F**

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

## **CONDITIONS**

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

Reason:

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

2. Prior to the commencement of any work, an Arboricultural Impact Assessment (AIA) and a Method Statement to secure the protection of the Oak Tree at the south-eastern corner of the site shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the agreed details.

Reason:

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

3. 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:

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

4. Prior to the commencement of the development, a Badger Survey (as designated under the Wildlife and Countryside Act 1981 (as amended) and the Badger Act 1992, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the first occupation of the proposed development, the existing footway along the whole frontage of the site shall be widened to a minimum width of 2 metres.

Reason:

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

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

Reason:

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

7. 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 L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of any works on the site a mining report must be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason:

To prevent non-point source pollution and flooding, and to accord with Policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 hours Monday to Friday and 0800 to 1300 hours Saturdays 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:

To minimise disturbance to neighbouring occupiers and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The development hereby permitted shall not commence until the developer has submitted to and had approved in writing the following information detailing any potential land contamination and if necessary a proposed scheme of works:

1. A preliminary investigation including a desk study report detailing the history of the site and identifying risks to human health and the environment.
2. If the above investigation identifies it as being required a main investigation including a site investigation report documenting the types, nature and extent of contamination present, risks to receptors and potential for mitigation within and beyond the site boundary as identified in the preliminary investigation. The investigations and assessments shall be in accordance with current Government and Environment Agency guidance.
3. If required, a detailed remediation scheme including a method statement and measures to be taken to avoid risk to human health and the environment, as identified by the desk study and site investigation from contaminants or gases. In this case the construction of buildings shall not commence until the investigator has provided a validation report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall be detailed in the report. Persons undertaking validation of remedial works shall also provide a validation certificate.

Reason:

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side [east] elevation of Block 3 as shown on Drawing Number 06134 20 H.

Reason:

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

12. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed windows on the side (east) elevation of Block 4 as identified on Drawing No. 06134 20H shall be glazed with level 3 obscure glass only.

Reason:

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

13. No development shall take place until a scheme for environmental assessment of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for environmental assessment shall require the development to achieve, as a minimum, specified 'Code for Sustainable Homes' Code Level 3. The approved scheme for environmental assessment shall also require adherence to a formal post-construction assessment regime, which shall be implemented prior to the first occupation of any of the dwellings hereby approved. The development shall be carried out in accordance with the approved scheme for environmental assessment, unless otherwise agreed in writing by the Council.

Reason:

To achieve improved energy conservation and the protection of environmental resources and to accord with Policy D1 of the South Gloucestershire Local Plan (adopted January 2006).

14. No development shall take place until details of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Samples of external facing materials shall be made available for inspection on site. Development shall be carried out in accordance with the approved details.

Reason:

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

15. Prior to the first occupation of the development hereby approved, the bin storage shall be installed as shown on Drawing No. 016134 20 H and shall be maintained as such thereafter.

Reason:

In the interests of the amenity of the locality and to accord with Policy D1(H) of the South Gloucestershire Local Plan (Adopted).

16. Prior to the commencement of the development, full details of the Bin Storage facilities for the Blocks 1 to 3 (to be located to the rear of the dwellings with access onto the Central Courtyard to allow for collection) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason:

In the interests of the amenity of the locality and to accord with Policy D1(H) of the South Gloucestershire Local Plan (Adopted).

**CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007**

**App No.:** PK07/2051/F  
**Site:** Exhibition House North View Staple Hill  
 BRISTOL South Gloucestershire BS16  
 4NT

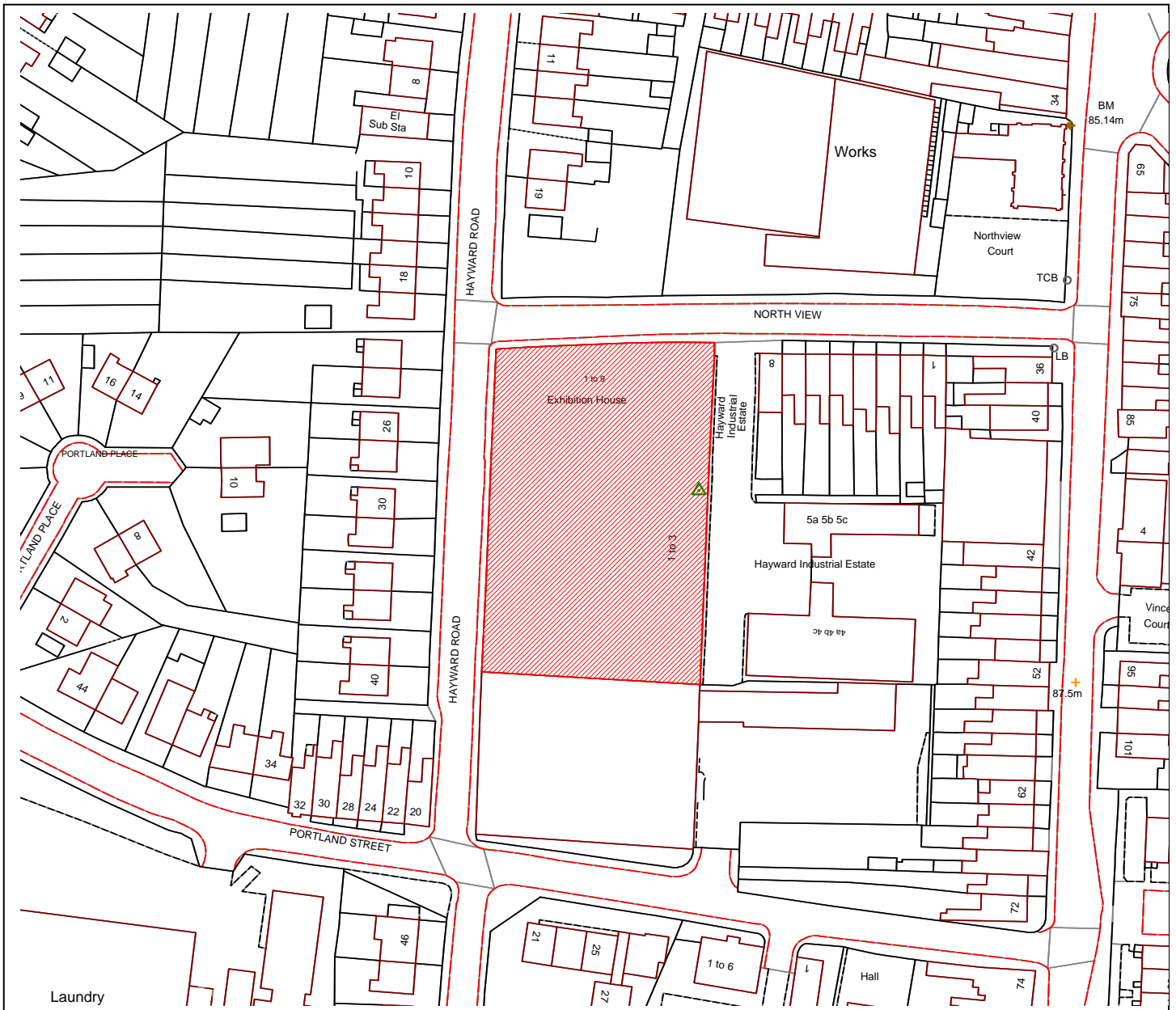
**Applicant:** Exworks Ltd  
**Date Reg:** 4th July 2007

**Proposal:** Demolition of existing factory to facilitate  
 the erection of 2no. blocks comprising of  
 72no. apartments with associated  
 access, car parking and works.

**Parish:**

**Map Ref:** 64723 75489

**Ward:** Staple Hill



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**N.T.S**

**PK07/2051/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule because it is a major application.

### **1. THE PROPOSAL**

- 1.1 The application relates to Exhibition House, which is a large factory building currently used for a variety of general industrial (B2) uses. The building has 2/3 storeys with high ceilings and is constructed in red brick with large areas of glazing. Standing at the corner of Hayward Road and North View, the site lies in an area of mixed uses, some 400m south of Staple Hill Town Centre. To the west are semi-detached two-storey houses along Haywards Road. To the south, the building shares a party wall with a large office building occupied by Nomix Environ. To the north are further terraced houses on Haywards Road and a large works depot in North View. To the east are further terraced houses on North View behind which, is Hayward Industrial Estate.
- 1.2 The application site extends to approximately 0.31ha in area and slopes gently down from south to north. The building is currently occupied on the ground and first floor by 15 separate businesses, the second floor (third storey) being vacant.
- 1.3 There is no off-street parking provision currently provided within the application site. The main point of pedestrian access is located on North view with vehicular access for servicing located to the east of Exhibition House; the vehicular access is shared with the business units known collectively as the Hayward Industrial Estate.
- 1.4 It is proposed to demolish Exhibition House and erect two blocks of three and four storeys, accommodating 72no. one, two and three-bedroom apartments (Use Class C3) together with 72 no. car parking spaces; part undercroft and part within the ground floor court yard. The mix of units would be as follows:
- 36 no. studio and 1 bed apartments
  - 28 no. 2 bed apartments
  - 8 no. 3 bed apartments

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 - Delivering Sustainable Development  
PPS3 - Housing  
PPG13 - Transport  
PPG14 - Development on Unstable Land  
Circ 05/05 - Planning Obligations
- 2.2 Regional Planning Guidance  
RPG10 - Regional Planning Guidance for the South West
- 2.3 Development Plans  
Joint Replacement Structure Plan  
Policy 1 - Sustainable development objectives.  
Policy 2 - Location of development.  
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

L11 - Archaeology

L17 & L18 - The Water Environment

EP1 - Environmental Pollution

EP2 - Flood Risk and Development

EP4 - Noise-sensitive development

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).

LC4 - Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries.

LC13 - Public Art

2.4 Supplementary Planning Guidance

Advice Note 2 - House Extensions

The South Gloucestershire Design Checklist (SPD) – Adopted 23<sup>rd</sup> August 2007.

**3. RELEVANT PLANNING HISTORY**

3.1 P87/4596 - Use of part of first floor for theatrical rehearsals.  
Approved 7<sup>th</sup> Dec. 1987

3.2 P88/4726 - Insertion of 2no roller shutter doors to east elevation.  
Approved 26<sup>th</sup> Sept. 1988

3.3 P93/4454 - Retention of portakabin for office accommodation (Temporary)  
Approved 17<sup>th</sup> Sept. 1993

**4. CONSULTATION RESPONSES**

4.1 Parish/Town Council  
Not a parished area

4.2 Other Consultees

4.3 Avon & Somerset Police Architectural Liason and Community Safety Dept.  
No comment

4.4 Wessex Water

Commented as follows:

- The application states the intention to use connections to the existing stormwater system.

- The existing public storm sewers are operating at capacity, such that additional flows cannot be connected.
- Soakaways or other Suds systems may be feasible for the dispersion and disposal of flows.
- Storm flows should not be connected to foul drainage.
- The existing 225mm dia public foul sewer shown in Northview is adequate to carry foul flows from the proposed development.

#### 4.5 South Gloucestershire Council Conservation & Design Advisory Panel

Recommended refusal for the following reasons:

- Over-development of the site, which would result in a poor environment for people to live in. The outlook from the flats would be poor. There is no provision for private/shared open space for the residents.
- The proposal would prejudice the re-development of the site to the east.
- The proposed design would take little regard of the surroundings, nor does it use the existing building form for design inspiration.
- The proposed design does not enclose the street in a manner that creates active edges – front doors etc.

### **Other Representations**

#### 4.6 Local Residents

9no. letters of objection have been received from local residents. The concerns raised are summarised as follows:

- The parking provision is inadequate and would result in increased on-street parking.
- Already other recent developments in the area e.g. Portland Street.
- Design and scale of building would not be in-keeping with locality.
- Noise and disturbance for future occupants.
- Poor access for service vehicles.
- Loss of privacy and overlooking from 4<sup>th</sup> storey and balconies.
- Increased number of children.
- Transportation Assessment takes no account of recent developments at 21 Portland St or Old Laundry in Portland St.
- Disturbance during construction phase.
- Extra demand on schools, services and drains.

#### 4.7 Applicant's Supporting Information

In support of the application, the applicant has submitted the following:

- Planning Policy, Design and Access Statement
- Access Statement
- Report on Community Consultation
- Transportation Assessment

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site lies within the Urban Area and is previously developed land and can therefore be assessed as a brownfield windfall site. The existing building is not afforded any special protection and does not lie within a Conservation Area. The site is not a Safeguarded Employment Area. There is therefore no in-principle objection to the demolition of Exhibition House and the re-development of the site for alternative 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.”*

The proposal for flats is therefore considered to be in accordance with the latest government advice contained in PPS3 and as such, there is no in-principle objection to flats being erected in the location proposed and in place of the existing B2 uses. Other than the affordable housing element, 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 or first time buyers.

5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 34 states that in making allocations for housing provision, 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. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design.

5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, 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 72 units on the 0.31ha site, which equates to a density of 232 dwellings per hectare. The high density figure reflects the fact that the development would comprise of 72no. flats over four floors, reflecting the bulk of the existing building, as opposed to individual dwelling houses. The Council’s Urban Design Officer has noted that the site density would be 4.64 x the density of 50dph stated in Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, and that even for a flatted scheme the proposed density is what would be more expected in a city centre location. The proposal is therefore considered to be an overdevelopment of the site.
- 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 The Design and Access statement design rationale has been to seek a more efficient use of the land and a form of development that is compatible with the large-scale building abutting the southern boundary of the site; to respect the character of the surrounding area and amenities of the existing neighbourhood; to remove an incompatible use and to secure more appropriate levels of on-site parking.
- 5.9 Officers consider that the proposed density results in a building of excess mass. The cumulative effect of the proposed building footprint and height results in a building with a scale that does not respect or enhance the character and distinctiveness of the surrounding area. A 3 storey building with some 4 storey elements would be preferable to the 4 storey blocks proposed. Whilst there is no objection to the contemporary approach to the appearance of the building, a greater rhythm should be introduced into the design, thus reflecting the street-scene on the opposite side of Hayward Road; a greater attempt should also be made to achieve an active street frontage. Furthermore the design proposes too many single aspect flats with no usable private amenity space.
- 5.10 PPS3 (para.20) states that:  
  
*“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.”*  
  
Whilst some 3 bedroom flats are included the scheme does not provide a sufficient mix of unit types to contribute to a sustainable community.
- 5.11 Policy D1(G) of the South Gloucestershire Local Plan (Adopted) 6th January 2006 states that:

*“Proposals will be expected to demonstrate that: the design, density, orientation and location of buildings and associated landscape proposals incorporate measures to achieve energy conservation and the protection of environmental resources”*

In accordance with the Council’s adopted Design Checklist, the scheme is required to achieve a minimum EcoHomes standard of ‘very good’ / Level 3 of the Code for Sustainable Homes conversely the applicant must justify why the standard cannot be achieved. Since the latter has not been demonstrated, officers consider that in the event of planning permission being granted a condition to secure the above is justified.

- 5.12 The scale and design is therefore not considered to be acceptable.
- 5.13 Impact Upon Residential Amenity  
Officers consider that whilst it is perfectly normal for buildings to be in close proximity to each other in sub-urban locations, careful consideration still needs to be given to the impact of the development on the residential amenities of neighbours and future occupiers alike.
- 5.14 For prospective occupiers of the proposed flats there would be very little amenity space provision, with only small areas provided on the balconies. This gives the feeling of a cramped form of development with the courtyard dominated by car parking. Bin storage and a cycle store would be provided within the complex. The nearby Hayward Industrial Estate would be a potential source of noise, smell, dust or pollution but the industrial uses are relatively light and small in scale and have been in existence alongside residential dwellings for many years. Some of the proposed flat windows would however overlook this Industrial Estate and since they serve single aspect flats this arrangement would provide a poor outlook for future occupants.
- 5.15 Moving to the impact of the proposal on neighbouring residential amenity. The proposal would replace the existing non-conforming industrial uses with a residential use, which would be more compatible with the location. The scale of the proposed blocks would be similar to the existing building but being set further back from the highway would have a reduced overbearing impact for local residents. Officers therefore conclude that the scheme would not be excessively overbearing on the adjoining properties.
- 5.16 Regarding the issue of overlooking and loss of privacy, officers consider that some overlooking of neighbouring property is a ubiquitous situation in urban areas and provided that any overlooking from new developments is from a reasonable distance, this should not be justification for refusal of planning permission. The Council’s Supplementary Planning Guidance does however normally require a minimum of 21m between facing habitable room windows, and a distance of 12m between a principal habitable room window and a blank facing elevation. With government guidelines supporting higher density developments in sustainable locations, some loss of privacy from overlooking is considered inevitable.
- 5.17 Officers have noted that virtually all of the residential properties within the vicinity of the site are two-storey dwellings. Concerns have been raised about possible loss of privacy as a result of overlooking from the proposed upper floor windows and not least from the proposed balconies. There would be additional overlooking from some of the proposed windows along Hayward Road, but

these windows would be set back the required 21m from any facing habitable room windows. The front gardens of existing properties are not considered to be private areas, being for most part fully visible from the public realm. Views across the proposed inner courtyard however would be between windows in closer proximity i.e. 19m-21m.

5.18 Whilst there would inevitably be some disturbance during the 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. Any access of neighbouring land, required to demolish the existing buildings or erect the flats, is not controlled through the planning system. The work would also be the subject of the normal Environmental Health legislation. Any anti-social behaviour by the developers would be a matter for the appropriate law enforcement agencies and is not controlled through the planning system.

5.19 On balance therefore, officers are satisfied that the impact of the proposed development upon neighbouring residential amenity would be acceptable, however that for future occupants would be compromised.

5.20 Transportation Issues

The proposed development is for 72 flats and includes the provision of 72 off-street car parking spaces as well as secure cycle parking facilities. The bin storage facilities are considered to be adequate and within close enough proximity to the collection point.

Access

5.21 The existing site access is via a private lane that is shared by the adjacent commercial units based at Haywards Industrial Estate. The access is inadequate in terms of surfacing and footway provision and as such is currently unsuitable for residential development. The visibility distances between the access road with North View are also substandard. Whilst it is proposed to upgrade the existing access there is no proposal to improve the visibility splay onto North View.

Traffic

5.22 It is considered that there will be a substantial traffic increase as a result of this proposal, particularly in pedestrian movements in the area. The existing footway along the site fronting onto North View and Hayward Road is below the Council's current standards and needs to be widened to a minimum of 2m.

Parking

5.23 There is currently a significant level of on-street car parking in the vicinity of the site. Assessing the level of parking for this development in line with Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 would mean that 94 spaces are required; 72 spaces are proposed, which means 1 parking space per dwelling i.e. 100% parking.

5.24 Having regards to the existing parking situation in the area and given the high density development proposed, the parking ratio should be 110% i.e. 79 spaces, with all visitor parking provided in a communal parking area on the ground floor.

- 5.25 Internal Road Layout  
The proposed access road would be 5.5m wide with a new 2m wide footway on either side. The access road and footway will need to be built to adoptable standards with details of drainage and lighting to be approved.
- 5.26 Financial Contribution  
A financial contribution is required to mitigate the impact of the development and this would be used towards improving pedestrian and cycle facilities plus the implementation of traffic management schemes as well as improved access for the disabled in the area. A contribution of £1,000 per dwelling is appropriate with a further £11,000 requested to fund the cost of real-time information displays at two bus stops. The total amount of £83,000 should be secured via an appropriate S106 legal agreement.
- 5.27 On balance therefore and for the reasons given above, the Council's Highway Officer objects to the proposal.
- 5.28 Landscape Issues  
Policy L1 seeks to conserve and enhance the character, distinctiveness, quality and amenity of the landscape. There is currently no vegetation on the site to provide visual relief from the bulk and mass of Exhibition House. The proposal offers no hard or soft landscaping, although some vegetation is indicated on the submitted 3D images. The proposal does not offer landscape proposals that form an integral part of the design or anything by way of landscape enhancement, which would be contrary to policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 5.29 Drainage  
PPG25 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. The Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control. A full drainage scheme would however need to be submitted and approved prior to the commencement of any development on the site; this could be secured by condition. Furthermore, to avoid flooding from mine drainage levels, a mining report is required for full assessment prior to development commencing.
- 5.30 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. The Council's Environmental Health Officer has raised no objection to the proposal. These matters are generally covered by normal Environmental Health legislation not controlled by the planning process. In the interests of residential amenity however, a restriction on the hours of working on the site would be secured by condition.
- 5.31 The historical use of the site as a boot and shoe factory and possibly a burial ground requires the prior submission of a contaminated land study and measures in mitigation should contaminants be found. This can be secured by conditioned.

5.32 Conservation and Archaeology Issues

Records indicate that a boot and shoe factory dating to 1887 stood on the site. A photographic record of the existing building is required prior to demolition; this should be secured by condition.

5.33 Education

There is currently no requirement for a contribution towards school places for this development.

5.34 Affordable Housing

A 33.3% on-site affordable housing provision is required i.e. 24 units, with a tenure split of 77% (18 units) social rent and 23% (6 units) intermediate housing, with nil public subsidy.

5.35 Community Services

The following contributions are required:

£76,352.84p towards enhancement of off-site public open space within 2km of the development, which is likely to be Page Park, Lees Hill and Soundwell Playing Fields.

£68,262.05p towards the maintenance of the enhanced open space.

£4,530.00 towards provision of litter bins.

£4,643.00 towards provision of dog bins.

£7,333.89 towards enhancement of local Library services i.e. Staple Hill Library.

An agreed percentage of the development costs towards provision of Public Art.

5.36 Design and Access Statement

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

5.37 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, provision of affordable housing, POS, provision of litter/dog bins and provision of library enhancements, 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 refuse planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission be REFUSED for the following reasons:

### **Background Papers      PK07/2051/F**

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

### **REFUSAL REASONS**

1. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure contributions towards mitigating the under-provision of public open space in the development; the demand placed on the library services; the provision and maintenance of dog and litter bins; the proposal would be contrary to Policies LC8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
2. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure an appropriate level of affordable housing, the proposal would be contrary to Policy H6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. In the absence of a Section 106 Agreement or Unilateral Undertaking to secure the following: the provision of a safe site access and safe junction with North View; financial contributions towards improvements to traffic management measures as well as improvements to public transport facilities in the area, the proposed development would have a detrimental impact on highway safety by reason of an unsatisfactory access on a permanent basis and the increased traffic generation to the site; all contrary to Policy T12, of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
4. Having regard to the density of the scheme, the proposal would constitute overdevelopment of the site, as evidenced by the fact that the proposed development does not offer landscape proposals that form an integral part of the design or offers anything by way of landscape enhancement and this results in external spaces that are dominated by car parking, which is contrary to PPS3 - 'Housing', Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and The South Gloucestershire Design Check List SPD (Adopted) 23rd August 2007.
5. The proposal would lead to the increased use of a substandard junction with the public highway and in the absence of satisfactory improvements the development would increase highway hazards faced by highway users, all to the detriment of highway safety contrary to Policies T12 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. Having regard to the density of the scheme, the proposal would constitute overdevelopment of the site, as evidenced by the absence of satisfactory off-street parking provision on site, which would lead to the increased on-street congestion thereby adding to the hazards faced by the travelling public, which would be contrary to Policies T12, T8 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.
7. The development does not provide a sufficient mix of unit types to contribute to a sustainable community and thus the proposals are contrary to PPS3 - 'Housing' and The South Gloucestershire Design Checklist SPD (Adopted) 23rd August 2007.
8. Having regard to the density of the scheme, the proposal would constitute overdevelopment of the site, as evidenced by the fact that the proposed layout does not provide sufficient private amenity space for the future residents. The proposals are therefore contrary to PPS3 - 'Housing', Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and The South Gloucestershire Design Checklist SPD (Adopted) 23rd August 2007.
9. The cumulative effect of the proposed building footprint and height results in a building with a scale that does not respect or enhance the character and distinctiveness of the surrounding area. The proposals are therefore contrary to Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and The South Gloucestershire Design Checklist SPD (Adopted) 23rd August 2007.
10. The proposed development does not effectively enclose the street with active edges along North View in order to contribute to passive surveillance. The proposals are therefore contrary to PPS1, PPS3 - 'Housing', The Planning System and Crime Prevention, Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and The South Gloucestershire Design Checklist SPD (Adopted) 23rd August 2007.
11. The proposed appearance of the development is not informed by, nor does it respect and enhance the character or distinctiveness of the site and its locality. The proposals are therefore contrary to Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and The South Gloucestershire Design Checklist SPD (Adopted) 23rd August 2007.
12. Having regard to the density of the scheme, the proposal would constitute overdevelopment of the site, as evidenced by the fact that the amenity of future residents will not be sufficient with regard to: privacy, outlook and single aspect dwelling units. The proposals are therefore contrary to PPS3 - 'Housing' and Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

**CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007**

**App No.:** PK07/2534/TRE  
**Site:** 23 Scantleberry Close Downend  
 BRISTOL South Gloucestershire BS16  
 6DQ

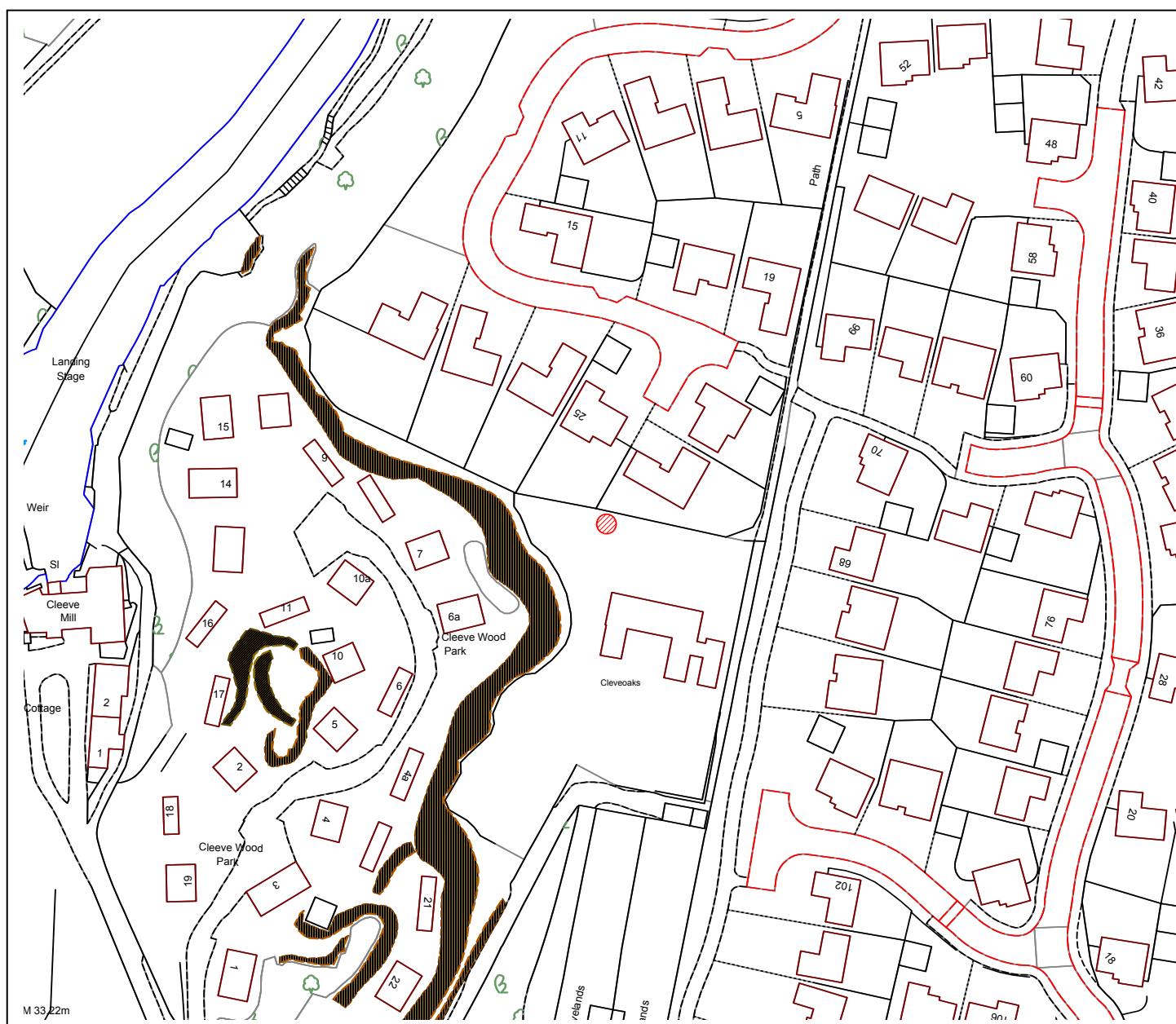
**Applicant:** Mr & Mrs S Lowther  
**Date Reg:** 17th August 2007

**Proposal:** Works to raise canopy by removing  
 lower limbs of 1no. Oak tree covered by  
 Tree Preservation Order SGTPO 1/01  
 dated 13 March 2001.

**Parish:** Downend and  
 Bromley Heath

**Map Ref:** 64553 77810

**Ward:** Downend



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**N.T.S**

**PK07/2534/TRE**

## **INTRODUCTION**

This application appears on the Circulated Schedule owing to an objection from a local resident.

### **1. THE PROPOSAL**

1.1 The application seeks consent to remove the lower limbs of 1No. oak Tree situated in the rear garden of No.23 Scantleberry Close, Downend.

### **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

### **3. RELEVANT PLANNING HISTORY**

3.1 The site has been the subject of a number of applications in the past. However, the following are the most relevant to the determination of this application.

3.2 PK02/2707/TRE Deadwood and raise Crown to 2.4 Metres – Oak Tree (T1) covered by Tree Preservation Order SGTPO1/01.  
Approve with conditions: 8<sup>th</sup> October 2002

### **4. CONSULTATION RESPONSES**

4.1 Downend & Bromley Heath Parish Council  
Object – as this is the second application in 6 years, and this tree needs ongoing canopy lifting, it needs a professional arboricultural report.

#### **Other Representations**

4.2 Local Residents  
One letter of objection received from a local resident expressing the following summarised objections and concerns:

- tree canopy does not overhand the house at all
- canopy was lifted by 4 metres in 2002
- does not want a large scale reduction in the canopy, 70% of which is over my garden
- removal of lower limbs over No.23 would require similar surgery on my side to maintain balance of tree
- No.23 was allowed to be built too close to 250 year old Oak Tree. This is confirmed by 2 applications to cut the tree in six years since TPO was imposed.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy L1 of the South Gloucestershire Local Plan (Adopted) seeks to conserve and enhance the attributes and features which contribute to the character, distinctiveness, quality and amenity of the landscape of South Gloucestershire .

### 5.2 Assessment of the Proposals

The Councils Tree Officer has assessed the proposal and does not raise an objection. He notes that the property – 23 Scantleberry Close – is located close to this stately tree. However, consent was given for the development and the owners have a legal right to “reasonable enjoyment of their property”.

The works to crown lift the tree are, in the Tree Officer’s opinion, justified and proportionate. He has requested to meet with the contractor chosen to undertake the works to discuss the extent of the pruning before works commence.

Accordingly, notwithstanding the objection from the parish council and one local resident, it is considered that in light of the Tree Officer’s comments the proposal is acceptable.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

Background Papers      **PK07/2534/TRE**

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

### CONDITIONS

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

Reason:

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

**CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007**

**App No.:** PK07/2775/F  
**Site:** 78 Whittucks Road Hanham BRISTOL  
 South Gloucestershire BS15 3PT  
**Proposal:** Erection of first floor side extension and  
 two storey side extension to form  
 additional living accommodation.  
 Erection of garage (Resubmission of  
 application PK07/2008/F)  
**Map Ref:** 64414 71704

**Applicant:** Mr & Mrs O King  
**Date Reg:** 11th September  
 2007  
**Parish:** Hanham Abbots  
 Parish Council  
**Ward:** Hanham



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**N.T.S**

**PK07/2775/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of a first floor side extension; a two storey side extension; and, a detached garage parallel with the rear access lane.
- 1.2 The application property consists of a semi detached two storey dwelling. The application site is located within an established residential area of Hanham Abbots. The street pattern is distinctly linear in form with properties set back from the highway. The majority of surrounding dwellings are semi detached, albeit the immediate neighbour is fully detached.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development  
PPS 3 Housing
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Car Parking Standards  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Advice Note 2: House Extensions

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK07/2008/F           Erection of two storey side extension with alterations to existing roofline to form additional living accommodation and erection of double garage.  
Withdrawn: 20<sup>th</sup> August 2007 due to officer concerns over the size and design of the extension which did not integrate with the existing dwelling.

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
No objections.

#### **Other Representations**

- 4.2 Local Residents  
Two letters have been received during the consultation period associated with this planning application. The comments can be summarised as follows;



Support (1 letter)

Absolutely fine.

A separate letter was received raising concerns about vehicles parking in the rear access lane. This is considered to be civil dispute between the parties concerned and is therefore not a material consideration in the determination of this application.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policies D1 and H4 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.

5.2 Visual Amenity/ Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. Policy H4 carries this principle forward for new residential development.

5.3 The application seeks full planning permission. For the purposes of this report it can be analysed in three elements.

The first element comprises of a first floor side extension. This would replace an existing recessed cat slide roof. A similar style extension has been approved and constructed at the adjoining semi, No 80. As a result the proposal is considered to be an improvement on the current visual status of the building as it reinstates symmetry into the building and assists in the rebalancing of the two semis.

The second element comprises of a two storey side extension. In order to provide sufficient parking for the extended dwelling the front elevation of this element of the scheme has been set back by 4 metres. Consequently, in combination with the width of the proposal, the extension appears suitably subservient and in proportion with the host dwelling. Furthermore, it is proposed to use materials that would match the host dwelling. Accordingly, both elements are considered to be acceptable.

The third element comprises of a detached garage. This would be sited parallel with the rear access lane. As a result of its simple design, incorporating a pitched roof, and its modest scale, it is considered to be acceptable visual amenity terms.

5.4 Residential Amenity

Privacy Analysis

The whole elevation facing the closest side neighbour, No. 76, will not contain windows ensuring a loss of privacy does not occur. Furthermore, I am satisfied that there would be no material impact upon the privacy of other surrounding occupiers.

### Overbearing Analysis

Because the proposed extensions do not project beyond the front and rear building lines they will not be visible from the adjoining semi detached property or neighbouring properties positioned along Whittucks Road. The closest properties to the rear are all located in excess of 40 metres from the extension. Accordingly, surrounding residents will not experience an overbearing impact.

In respect of the garage, it is considered that owing to its single storey nature and modest dimensions it would not result in a material impact upon the residential amenity of surrounding occupiers.

### 5.5 Highway Analysis

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.

The block plans indicates that three off street parking spaces will be provided for the extended dwelling. Two are located at the front of the side, parallel with the side of the house, and one is proposed in the rear garden. This level of parking complies with the standards detailed in Policy T8. Accordingly, the proposal would not prejudice highway safety and is therefore considered to be acceptable in transportation terms.

### 5.6 Section 106 Requirements

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK07/2775/F**

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

## **CONDITIONS**

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

Reason

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

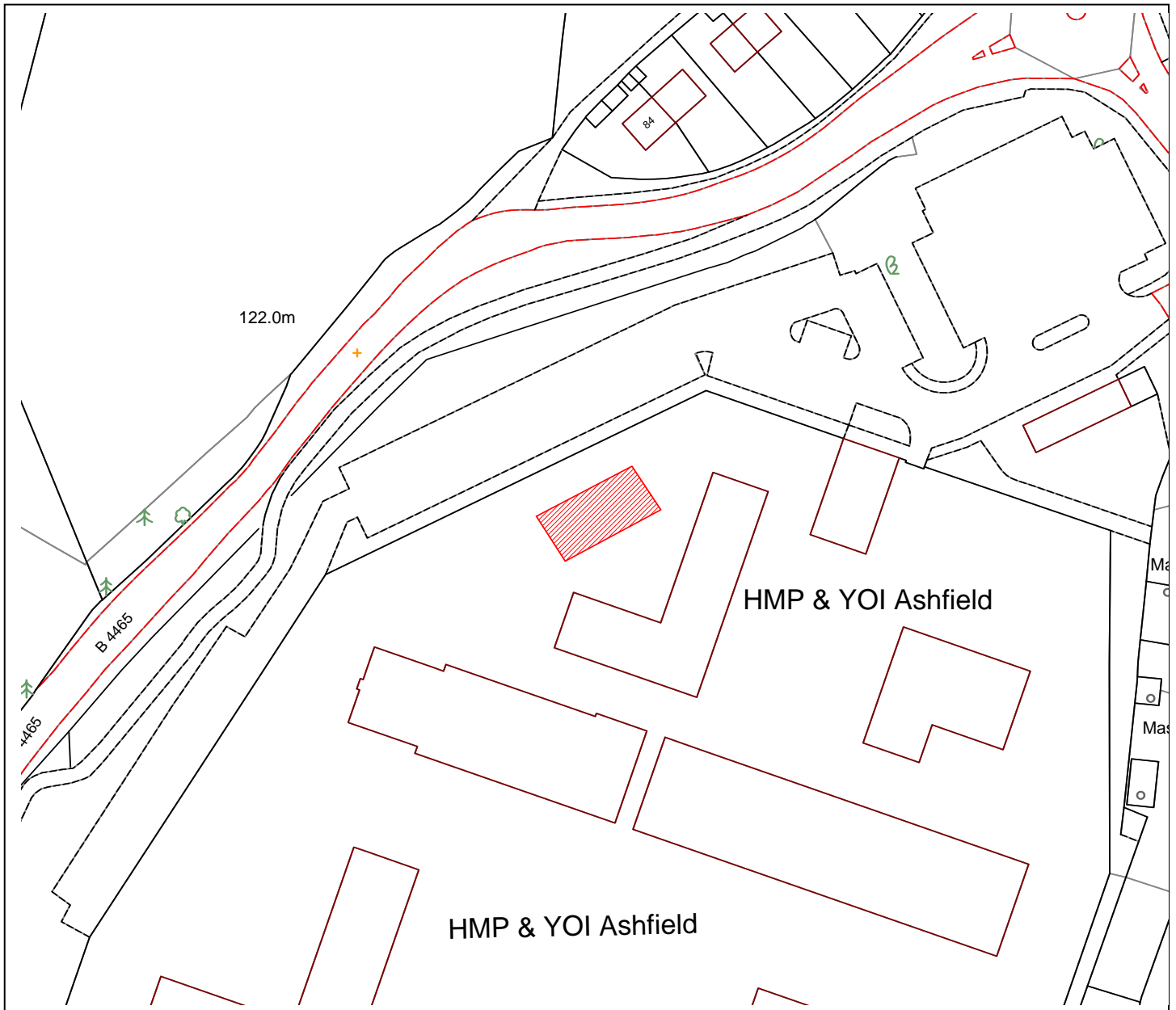
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

## CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007

<b>App No.:</b>	PK07/2780/F	<b>Applicant:</b>	Mr S Webb
<b>Site:</b>	HMP and YOI Ashfield Shortwood Road Pucklechurch BRISTOL South Gloucestershire BS16 9QJ	<b>Date Reg:</b>	11th September 2007
<b>Proposal:</b>	Erection of single storey modular building to form additional classrooms.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	69567 76032	<b>Ward:</b>	Boyd Valley



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N.T.S

PK07/2780/F

This application appears on the Circulated Schedule as a result of concerns raised by Pucklechurch Parish Council.

## **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a new single-storey classroom building at Ashfield Custodial Facility, Pucklechurch. The building is to be sited within the prison complex behind the 5.2m high security wall, next to an existing block at the northern end of the site and will not therefore be generally visible from any public viewpoints. The site lies within the Village Development Boundary adjacent to open Green Belt land.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPG13	Transport

### 2.2 Development Plans

### 2.3 South Gloucestershire Local Plan (Adopted) 6th January 2006.

D1	-	Achieving Good Quality Design in New Development
L1	-	Landscape Protection and Enhancement
GB1	-	Green Belt
T8	-	Parking Standards
T12	-	Transportation Development Control Policy for New Development

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P97/4099 - Erection of new prison (Circular 18/84)  
No objection 3 June 1997
- 3.2 P97/4098 - Erection of New Prison (outline)  
Approved 25 Feb 1998
- 3.3 P98/4120 - Erection of New Prison (Reserved Matters)  
Approved 22 May 1998
- 3.4 PK04/0854/F - Erection of resources centre, horticultural store, restaurant facility and techniques store. Construction of entrance courtyard, synthetic all weather surface and safe surface for exercise with associated works.  
Approved 24 May 2004.
- 3.5 PK04/2697/F - Erection of resources centre, restaurant facility and staff car park providing 15 no. spaces.  
Approved 11<sup>th</sup> November 2004
- 3.6 PK05/1554/F - Erection of 1 no. storage building.  
Approved 30<sup>th</sup> June 2005

#### **4. CONSULTATION RESPONSES**

##### **4.1 Pucklechurch Parish Council**

No objection to extra building within the secure area. Concern that additional classrooms will necessitate the need for extra staff with additional need for car parking spaces.

##### **Other Consultees**

4.2 None

##### **Other Representations**

##### **4.3 Local Residents**

No response

#### **5. ANALYSIS OF PROPOSAL**

##### **5.1 Principle of Development**

The Custodial Facility is an established Prison site. Policy LC4 permits the development or expansion of Education facilities within the Urban Area subject to a number of criteria that are discussed below. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs in new development. Policy GB1 relating to Green Belts seeks to preserve the visual amenity of the Green Belt.

##### **5.2 Scale and Design**

The dimensions of the proposed classroom building would be 18.0m long x 9.65m wide x 3.173m high. The building is not considered to be excessive in scale and would integrate adequately within the existing complex of buildings within the site. The building is of modular construction with a flat felt roof and built to Home Office specifications. The scale and design are therefore acceptable.

##### **5.3 Impact on Residential Amenity**

The nearest residential properties lie to the north, along Shortwood Road. Due to the presence of the high perimeter wall, screen planting and existing buildings, the proposed building would not be visible from the nearest residential properties or for that matter any of the developed areas of Pucklechurch itself. An adequate exercise area will remain to serve the inmates. The impact on residential amenity is therefore considered to be acceptable.

##### **5.4 Green Belt and Landscape Issues**

The Prison lies adjacent to open Green Belt land to the south. The proposed building would not be visible above the high perimeter wall and would not adversely harm the visual amenity of the Green Belt. There are therefore no landscape objections.

##### **5.5 Highway Issues**

There are no highway objections to the proposal which would not generate additional car use or journeys to the site.

## 5.6 Design and Access Statement

The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Adopted) 23<sup>rd</sup> August 2007.

## 5.7 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK07/2780/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).

**CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007**

**App No.:** PK07/2803/CLE  
**Site:** 1 Dibden Lane Emersons Green  
 BRISTOL South Gloucestershire BS16  
 7AF

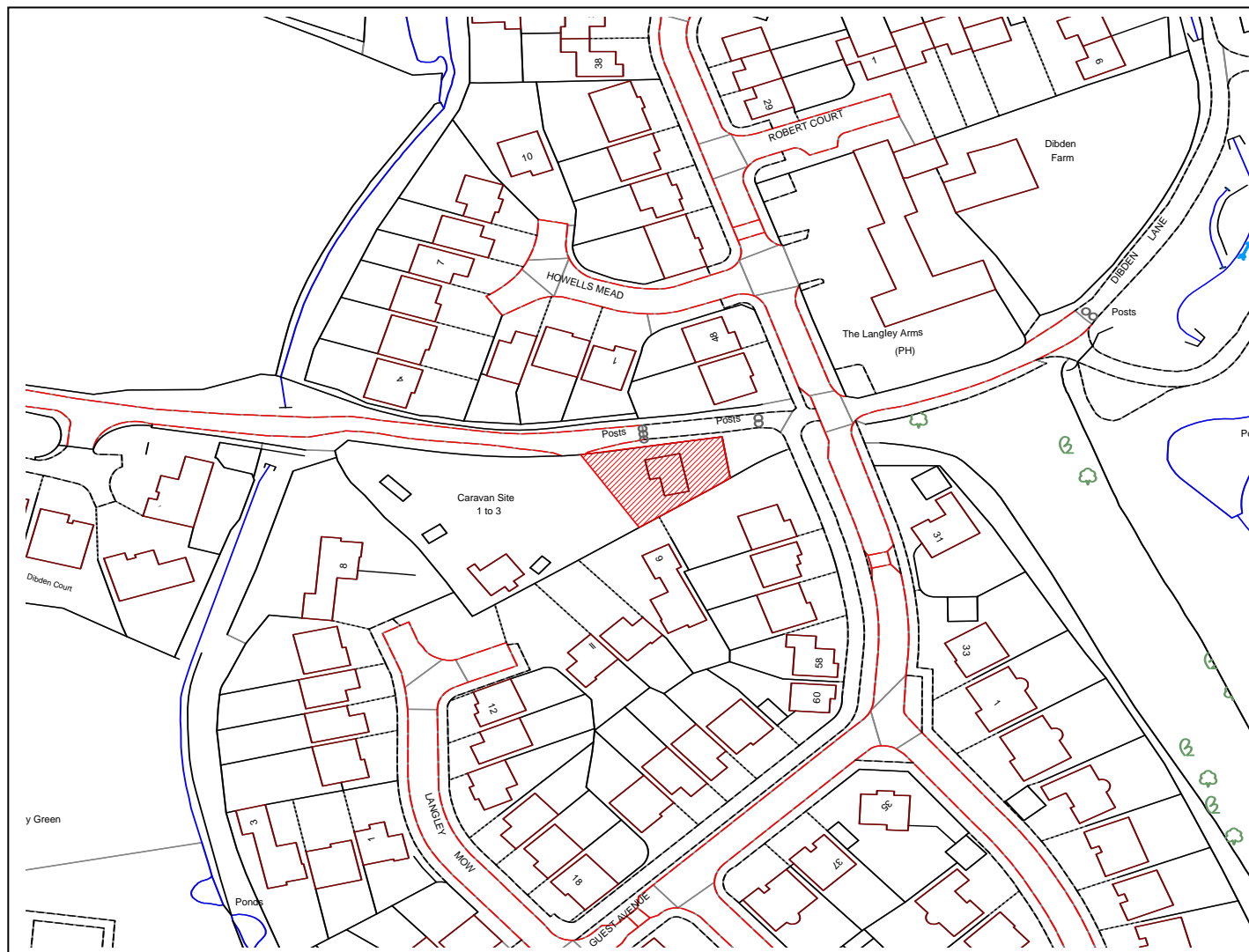
**Applicant:** Mr & Mrs C Stevens  
**Date Reg:** 12th September  
 2007

**Proposal:** Application for Certificate of Lawfulness  
 for existing use of site as residential and  
 existing use of building as a single  
 detached dwelling.

**Parish:** Mangotsfield Rural  
 Parish Council

**Map Ref:** 66665 77289

**Ward:** Emersons Green



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**N.T.S**

**PK07/2803/CLE**



## **INTRODUCTION**

This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The application is for a Certificate of Lawfulness for the use of the site as residential and the retention of an existing building on the site as a detached dwelling.
- 1.2 The site consists of a single building situated on a plot of land located on the western side of Guest Avenue. The site is 327 sq.m in area. The site adjoins a Caravan Site to the west, Dibden Lane to the north and residential properties to the south.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995 Article 24  
Circular 10/97 Enforcing Planning Control

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None

### **4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 4.1 The claimant (Mr Cecil Stevens) has submitted a sworn declaration in support of the application. In addition a further 6 letters have been submitted in support of the application, indicating that Mr Stevens has lived at this site for at least 40 years.

In addition the following evidence has been supplied:

- A Insurance document relating to a caravan at the site dated 18<sup>th</sup> September 1956
- A document (not addressed) from Kingswood District Council dated 25<sup>th</sup> March 1987
- A letter from Inland Revenue to Mr C Stevens at the Site address dated May 1998
- A letter to Mr Stevens from the Inland Revenue to the site address dated 12<sup>th</sup> January 1997
- An extract from the land Registry dated 20<sup>th</sup> March 2007
- An expense claim (South Gloucestershire Council) addressed to the site dated 1996-7
- A despatch note relating to a domestic appliance addressed to the site dated 25<sup>th</sup> August 1999.
- A Council Tax Bill to the address for the period 1<sup>st</sup> April 1998 to 31<sup>st</sup> March 1999.

- A site licence to Mr C Stephens (pursuant to section 3 of the Caravans and Control of Development Act 1960) for 1 Dibden lane dated 28<sup>th</sup> August 1961
- A letter to address relating to a Driving Test appointment on 3<sup>rd</sup> June 1980
- A marriage Certificate 1956 George Harvey/Leanda Stevens residence at time of marriage Dibden Lane
- A death certificate for the above dated July 1958
- Marriage Certificate for Leonard Stephens 21<sup>st</sup> October 1925
- Birth Certificate leanda stevens October 1937

## 5. **SUMMARY OF CONTRARY EVIDENCE**

Three letters of objection and an additional letter from David Wood Solicitors (on behalf of one of these objectors) have been received. The objection is made on the basis that the drainage system is not adequate. In addition it is stated that the applicant's son will live at the site as well as the applicant. It is also stated that the application "to obtain permission" for a single dwelling is to support an "argument" that a further dwelling on the site cannot be supported.

## 6. **EVALUATION**

- 6.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.
- 6.2 In this instance it must be proven that the building subject to this application has been utilised as a residential dwelling for a period in excess of 4 years prior the date of this application and that the land identified within the red line has been in a residential use in excess of 10 years prior to the date of this application. The applicant has submitted a sworn declaration supported with additional information as set out above. Some of the additional information indicates that the site has been in a residential use for many years but does not separate this plot from the remainder of the site. Several documents are specifically addressed to the site under consideration.
- 6.3 Clearly, the subject building as detailed within this application is currently in use by Mr C. Stevens as residential accommodation. The evidence presented shows that Mr Stevens has resided in the dwelling for a period since at least 7<sup>th</sup> September 2003 and that the land has been in a residential use since at least 7<sup>th</sup> September 1997.
- 6.4 Representations have been received on the basis that the drainage system is not adequate. In addition it is stated that the applicant's son will live at the site as well as the applicant.

Firstly it must be stressed that a Certificate of Lawfulness as opposed to a Planning Application is assessed through an evidential test and does not require an assessment of the planning merits or in this case the adequacy of the drainage available.

Secondly the Certificate seeks to establish that the land has been used for residential purposes and that the building has been used for residential purposes for the periods outlined above, the details of who has occupied the property is not relevant to this assessment, neither is whether the granting of a Certificate of Lawfulness would have an impact upon the occupiers of adjoining land either in amenity terms or in terms of the ability to develop that land.

No evidence has been received that contradicts the evidence put forward by the applicant.

**7. CONCLUSION**

Having regard to the above, it is considered that the evidence presented by the applicant proves that, on the balance of probability, the building subject to and detailed in this application has been used for residential purposes for a period in excess of 4 years and the land used for residential purposes in excess of 10 years.

**8. RECOMMENDATION**

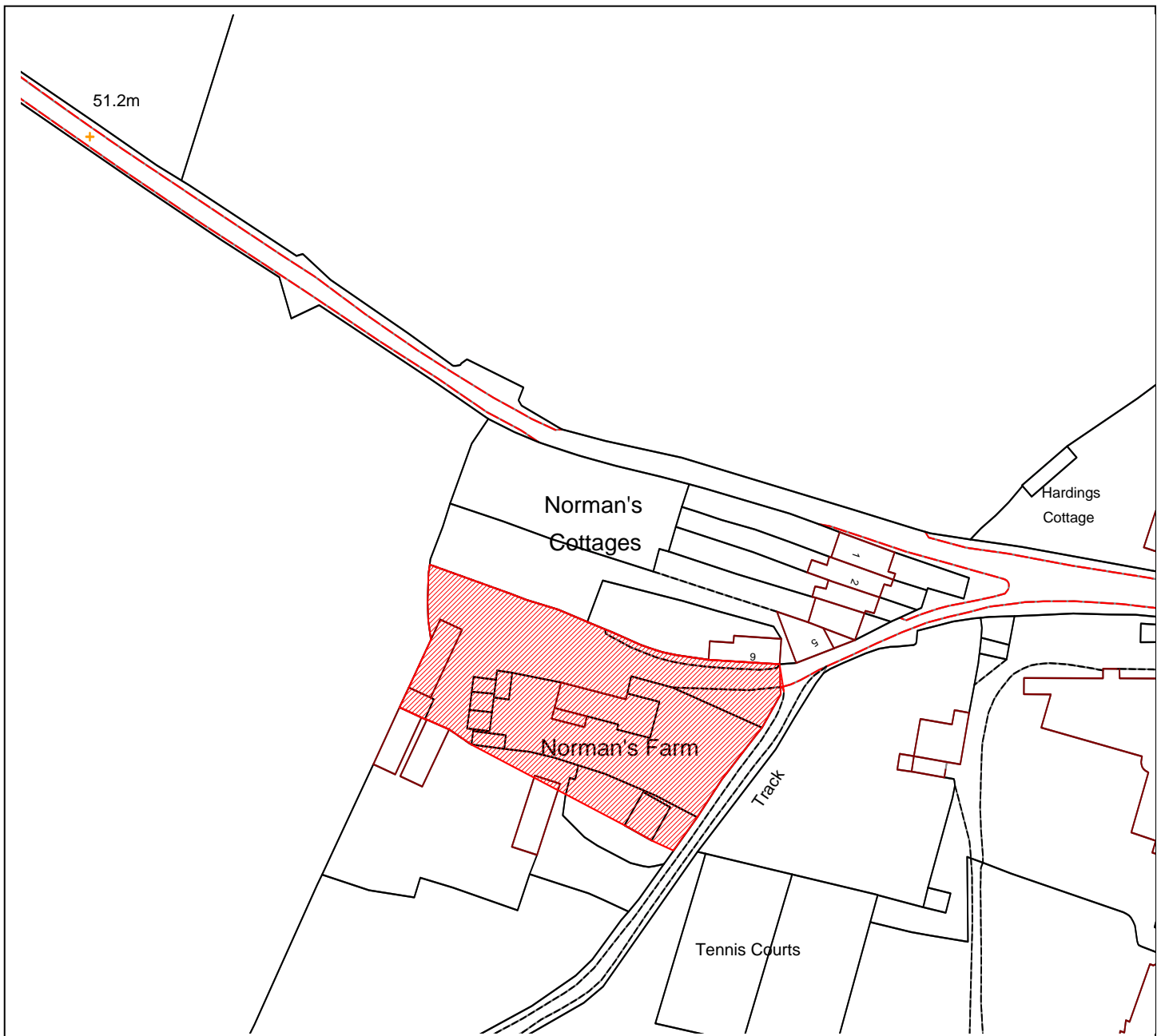
8.1 A Certificate of Existing Lawful Use be granted for the use of the building and land for residential purposes.

**Background Papers      PK07/2803/CLE**

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

## CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007

<b>App No.:</b>	PT07/2067/CLE	<b>Applicant:</b>	Mr & Mrs Bath
<b>Site:</b>	Normans Farm Green Lane Winterbourne BRISTOL South Gloucestershire BS36 1RN	<b>Date Reg:</b>	6th July 2007
<b>Proposal:</b>	Application for Certificate of Lawfulness for existing use of land as transport depot for up to four vehicles and residential dwellinghouse	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	64913 81357	<b>Ward:</b>	Winterbourne



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**PT07/2067/CLE**  
**Normans Farm Green Lane Winterbourne**  
**BRISTOL South Gloucestershire BS36**  
**1RN**

## **INTRODUCTION**

This application comprises a Certificate of Lawfulness and thus appears on the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 The application submitted comprises a Certificate of Lawfulness in respect of the use of land as a transport depot and residential dwelling house.
- 1.2 The application site comprises a detached dwelling and associated yard area (including garage buildings) on the west side of Green Lane (south of Swan Lane), in Winterbourne. The application site lies beyond the settlement boundary and within the Green Belt.

### **2. POLICY CONTEXT**

- 2.1 Because the application is a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 10 years up to the date of this application.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 N78/2: Demolition of existing sheds (1,200sq. ft) and erection of building for storage purposes (1,600sq. ft.). Refused: 12 June 1975
- 3.2 P84/1798: Single-storey side extension to provide 'granny flat'. Permitted: 18 July 1984
- 3.3 P95/2049/CL: Use of land for storage of caravans. Refused: 8 December 1998
- 3.4 P99/1805/CL: Certificate of Lawfulness for an existing use of land for the storage of caravans, the stationing of a mobile home and the use of a former farm building for vehicle repairs (Auto Electric) business. Permitted: 12 August 1999
- 3.5 PT03/1014/F: Single-storey rear extension to provide utility room, family room and conservatory. Refused: 12 May 2003
- 3.6 PT03/2269/F: Single-storey rear extension to form utility room, family room and conservatory. (Resubmission of PT03/1014/F) Permitted: 28 August 2003

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection
- 4.2 Other Consultees  
No comments received
- 4.3 Local Residents  
No comments received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application site comprises Normans Farm house and its surrounding yard to establish the use of the property as a dwelling house and the yard area as a transport depot consisting of parking and garaging areas, workshop and office accommodation.

5.2 The issue for consideration is whether the evidence submitted proves that on the balance of probabilities, this dwelling and yard area have been occupied/operated in the above manner for a continuous period of 10 years up to the date of the application. The application is purely an evidential test irrespective of planning merit.

### 5.3 Site History

It is stated that Normans Farm has been occupied by the Bath family since 1962; originally by the father of the current owner. The present site owner has lived at Normans Farm for a continuous period of 40 years. During this time, it is cited that the adjoining yard area has been utilised as a transport depot for a period of more than 20 years.

5.4 The area adjoining the application site benefits from a certificate of lawfulness in respect of the storage of caravans, the stationing of a mobile home and the use of a former farm building for vehicle repairs.

### 5.5 Evidence in Support of the Application: Residential Dwelling

No evidence has been submitted in support of the occupation of Normans Farm House as a residential dwelling.

### 5.6 Evidence in Support of the Application: Transport Depot

A number of proofs of evidence have been put forward in respect of the transport depot as follows:

- A copy of the Operators License no. H98646 dated February 19<sup>th</sup> 1970 and issued by the Western Traffic Area under the Transport Act 1968. Issued to Mr Brian Edwin Bath of Norman's Farm, Winterbourne, this was valid until the 24<sup>th</sup> March 1973 and provided for 7 motor vehicles.
- A copy of the Goods Vehicle Operators License (no. H98646) dated December 28<sup>th</sup> 1988 and expiring on November 30<sup>th</sup> 1993. Issued by the Western Traffic Area to Mr Brian Bath of T/Cooks Removals of Normans Farm, this provided authorisation for four motor vehicles.
- A copy of the current Goods Vehicle Operators License that covers the period 1995 to 2011. This was issued by the Western Traffic Area with the license no. OH0218151. This was addressed to Mr Gary Bath of Bath International Transport, Normans Farm. This provides for 2 motor vehicles and 2 trailers.
- A copy of the statement of rates due from Northavon District Council dated March 31<sup>st</sup> 1976 describing the address as a 'garage, workshop house and premises'. The covering letter details that the property has been incorrectly rated as a 'domestic hereditament' with an amended demand for rates in respect of the property at the 'commercial rate'.

- No further evidence is provided with the supporting information detailing that given the conclusive evidence submitted, no statutory declaration is provided. However, this could be obtained from Mr Bath if deemed as necessary.
- 5.7 At the time of the site visit, there was one lorry trailer stored on the site with two motor homes also stationed here. One of these was understood to belong to Mr Bath senior who advised that much of his time in this country was now spent travelling in this vehicle.
- 5.8 Conflicting Evidence  
The evidence provided is accepted as true unless contradictory evidence indicates otherwise. There is no contradictory evidence.
- 5.9 Analysis of Evidence: Residential Dwelling  
It is noted that there is no evidence submitted in support of the occupation of Normans Farm house as a dwelling except the indirect references made within the above documentation. Nonetheless, the planning history of Normans Farm includes an extension to the 'dwelling' in 1984 to provide granny annex facilities with the plans showing the 'existing house'. Further, the planning applications received in 2003 also accepted the premises as a residential dwelling.
- 5.10 In view of the above, it is considered that the evidence available does indicate that on the balance of probabilities, this building has been occupied for a continuous period of 10 years up to the date of this application for the purposes of a dwelling. It is however noted that the red edged site plan approved as part of the most recent application showed a smaller residential curtilage; however whilst the site area now identified is larger, this would make provision for a mixed use comprising a residential dwelling and transport depot.
- 5.11 Analysis of Evidence: Transport Depot  
It is considered that the evidence put forward is sufficient to demonstrate that on the balance of probabilities, this site has also provided for a transport depot with a number of vehicles having been registered at this site. However, vehicle numbers have reduced over time with four vehicles authorised between the period of December 1995 to January 2011. Accordingly, any certificate granted should specify this number to safeguard any future intensification of the site.

## 6. RECOMMENDATION

- 6.1 A Certificate of existing Lawful Use is **GRANTED**.

**Background Papers**      **PT07/2067/CLE**

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

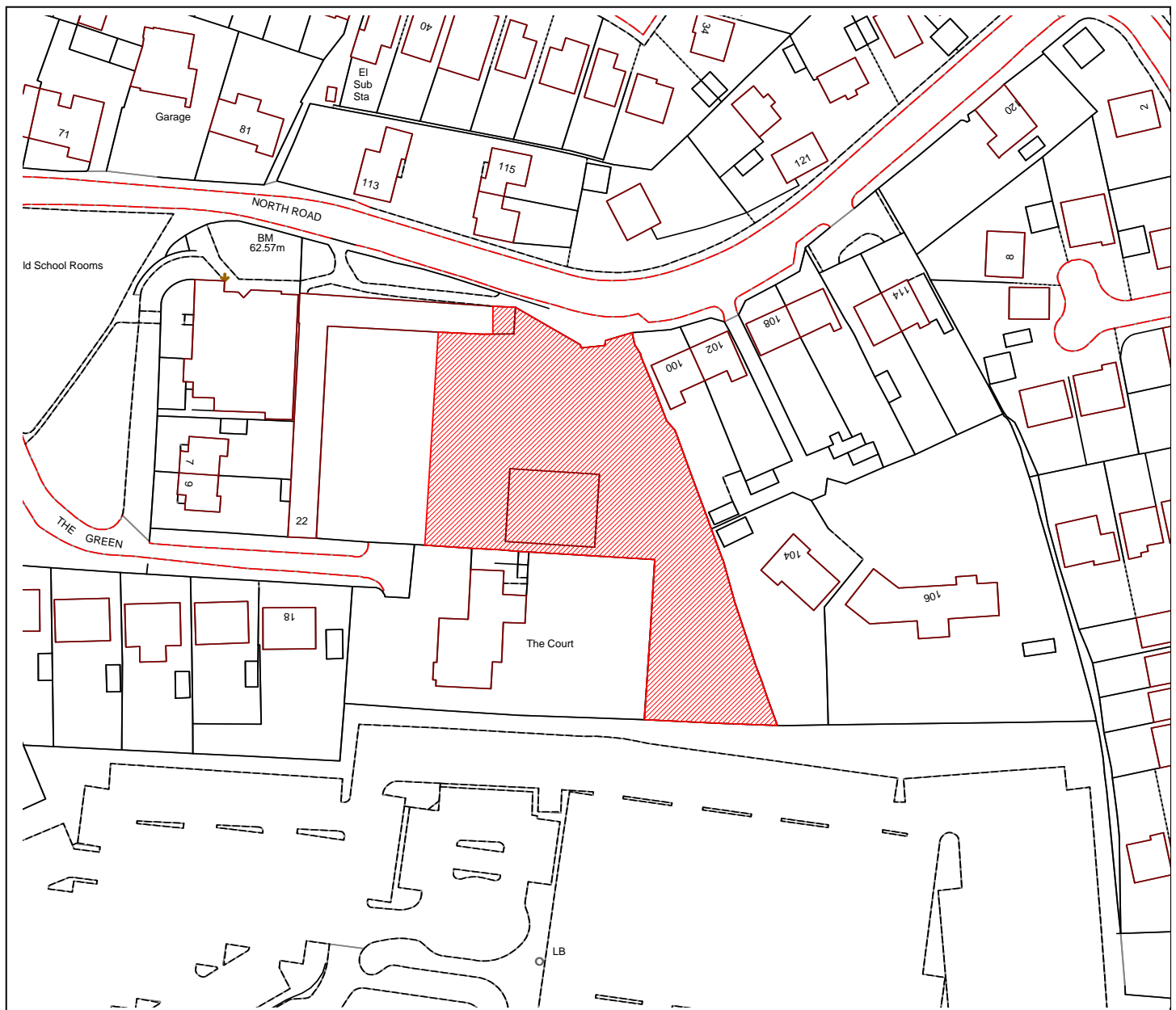
## CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007

App No.: PT07/2288/F

Applicant: McCarthy & Stone  
(Developments) Ltd  
Date Reg: 26th July 2007Site: Land at North Road Stoke Gifford  
BRISTOL South Gloucestershire BS34  
8PEProposal: Demolition of warehouse to facilitate  
erection of 25 no. sheltered apartments  
for the elderly with new access,  
carparking and landscaping  
(Resubmission of PT07/0639/F).Parish: Stoke Gifford Parish  
Council

Map Ref: 62417 79747

Ward: Stoke Gifford



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## 1. THE PROPOSAL

- 1.1 The site consists of part of the former industrial/business site. The existing buildings within the application site are made up of a modern office/workshop/store building located centrally within the site and St Michaels' Church Barns, which form part of the Northern boundary. The remainder of the St Michaels' Church Barns are also associated with the former business use, but are not included within this site. The St Michaels' Church Barns are locally listed, whilst other building close and surrounding this site (The Court, 7 & 9 The Green and the Old School and School House) are Grade II Listed. The broader context contains St Michaels' Church (Grade II\* Listed) and its vicarage (Grade II Listed).
- 1.2 This application is a resubmission of a previous planning application for 32 units of Category II Sheltered Housing. This application also the demolition of the modern building and part of the St Michaels' Church Barns which are located within the development site. However, the application now seeks consent for the construction of a new residential building containing 25 flats for Category II Sheltered Housing. As with the previously refused application, the proposed vehicular access to the site is from North Road and utilises the existing vehicular access.

## 2. POLICY CONTEXT

### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

### 2.2 Adopted Joint Replacement Structure Plan

Policy 33	New Housing Provision
Policy 34	Priority Sites for Housing
Policy 35	Housing Need

### South Gloucestershire Local Plan (Adopted) January 2006

Policy D1	Achieving Good Quality Design in New Development
Policy H2	New Residential Development within the Urban Areas or Village Development Boundary
Policy T12	Transportation Development Control Policy for New Development
Policy L13	Listed Buildings
Policy L15	Locally Listed Buildings

### 2.3 Supplementary Planning Guidance

Draft South Gloucestershire Design Check List, September 2006.

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT00/3252/O Demolition of Existing Building and use of land for residential development (Outline)  
Refused
- 3.2 PT07/0639/F Demolition of warehouse to facilitate erection of 32 no. sheltered apartments for the elderly with new access, car parking and landscaping.

#### **4. CONSULTATION RESPONSES**

4.1 Stoke Gifford Parish Council

Comment that the Parish Council agree that the proposal is a vast improvement. Some concerns remain about inadequate parking, no indication that green issues had been addressed and lack of indication of a section 106 agreement.

4.2 Wessex Water

No Objection in principle.

4.3 Sustainable Transport

No Objection.

4.4 Local Residents

No Comments have been received.

#### **5. ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the construction of a new building to accommodate 32 residential flats; associated car parking and access.

5.2 Principle of Development

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 is relevant to this planning application. The policy indicates that the proposed development is acceptable in principle subject to the following considerations.

5.3 Density

PPS3 encourages the re-use of previously developed land and to make the most efficient use of the site. This principle is carried forward by policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 and seeks to encourage a housing density of not less than 30 dwellings per hectare (DPH) and higher where the location of the site and its characteristics would permit.

5.4 It is considered that, given the location of the site and its proximity to public transport nodes and local services a higher density, between 50 and 75 DPH may be appropriate. The development of 32 dwellings on this site would amount to approximately 107 DPH. This density is normally associated with a city centre environment and is well in excess of the minimum density of 30 DPH required under Policy H2 and is in excess of the highest density of 75 DPH as referred to in that policy. Whilst the need to maximise the efficiency and density of development does not override other policy requirements, the site is very well connected to local services and public transport which may well permit a density in excess of 75 dwellings per hectare. However, in order to achieve this it is necessary to achieve a highly innovative design to ensure that new development would comply with the broader requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.5 For the reasons set out below, it is considered that, having regard to its mass and layout, the development at this density is too intensive in this location.

- 5.6 Design, Residential Amenity and Impact upon Character and the Setting of Nearby Listed Buildings  
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that a high standard of design is achieved through new development. This principle is supported by the South Gloucestershire Design Checklist. New development should also act to respect and enhance the character and local distinctiveness of the site and its surrounding context.
- 5.7 The site is associated with the historical core of Stoke Gifford Village. The site itself contains remnants of the St Michael's Barns, which also continue into the immediately adjacent site. These buildings are 'locally listed' for their historical importance. Immediately to the South of the development site is 'The Court' which is a Grade II Listed Building which has a direct historical link with the site being associated with the St Michael's Barns Referred to above. Further Grade II Listed Buildings surround the site to the West and North. Further to the West is the historical Village Green and St Michael's Church (Grade II\*) and Rectory (Grade II). Having regard to the above, it is clear that the locality of this site is very distinctive in its own right.
- 5.8 The previous application detailed a single building on the site. This was assessed as being essentially too large in scale having regard to the context of the site. This proposal details the development of two buildings, the largest located to the front of the site and contains 21 apartments. The remaining 4 apartments in within 'Block B' which is located to the back of the site, adjacent to 'The Court' as referred to above. Officers were originally concerned that the position, scale, detailing and form of the initial proposed 'Block B' would have a harmful impact upon the privacy and residential amenity of the occupants of nearby dwellings; and would not respect or enhance character and distinctiveness of the locality, or the adjacent listed building. However, during the course of this application amendments have been received that effectively reduce the size and scale of the building to the point that it is now acceptable. Given that there have been no public comment received in respect of this application; and that these amendments effectively lessened the extent of the proposed development, a further period of public consultation is not considered necessary in this instance.
- 5.9 For the above reasons, it is now considered that the proposed development is acceptable in privacy and residential amenity terms and is acceptable in terms of the character and distinctiveness of the locality, and the adjacent listed building.
- 5.10 Minimising the Use of Energy and Natural Resources  
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to establish high standards in terms of energy conservation. This is supported within the South Gloucestershire Design Checklist. The Local Planning Authority would expect a minimum standard of 'EcoHomes Very Good'/Level 3 of the Code for Sustainable Homes. In addition, in developments of this size should be expected to provide on site energy production from renewable sources that will reduce CO2 emissions from this building by 10%.
- 5.11 The developer has submitted a very broad 'sustainability statement' in support of this application. However, this does not address the way in which the development would be constructed to a minimum standard of 'EcoHomes Very Good'/Level 3 of the Code for Sustainable Homes. Also, there is no indication of how the development would implement on site renewable energy sources.

Notwithstanding the above, should this application be approved, it is considered that a suitably worded planning condition would be sufficient to require that appropriate renewable energy sources are provided within the site and that Level 3 of the Code for Sustainable Homes is achieved and confirmed prior to first occupation of the dwelling.

5.12 Affordable Housing

Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006 requires that, where a development of 15 residential dwellings is proposed within the Urban Area, the developer shall provide a target of 33.3% of the new development as affordable housing.

5.13 This development would provide 32 dwellings. The Housing Enabling Team has indicated that the development should provide 33.3% of the units for affordable housing, based upon a tenure split of 77% rent and 23% shared ownership.

5.14 In this instance, the developer has not indicated that the development would include any element of affordable housing and has not offered any information to show why the developer could not meet this requirement in part or in full. Further, given that the proposed development would provide a mixture of 1 and 2 bedroom flats, it would not be possible to provide a range of units that would meet the identified housing need for this locality.

5.15 The proposed development therefore fails the requirements of Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.16 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 the safety and amenity of the highway network. This principle is supported by Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006. Policy T8 provides the maximum parking standards for new development.

5.17 Local objection has been raised to this development on the basis that there would only be 12 parking spaces provided for the development of 32 flats. In fact, the development would provide 16 spaces. It is considered that this ratio (2 flats to 1 space) is adequate given the nature of the intended residents. Further, given that the currently authorised use of this site is industrial, it is considered that the proposed development would generate far smaller volumes of traffic than the currently authorised use. On this basis, it is considered that the proposed development is acceptable in transportation terms.

5.18 Notwithstanding the above, any residential development on this site should provide an element of cycle parking. Although this is not shown, it would be relatively simple to incorporate such measure and this could be achieved by way of a suitably worded condition.

5.19 Design and Access Statement

The Design and Access Statement submitted with this application is (not) 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 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**

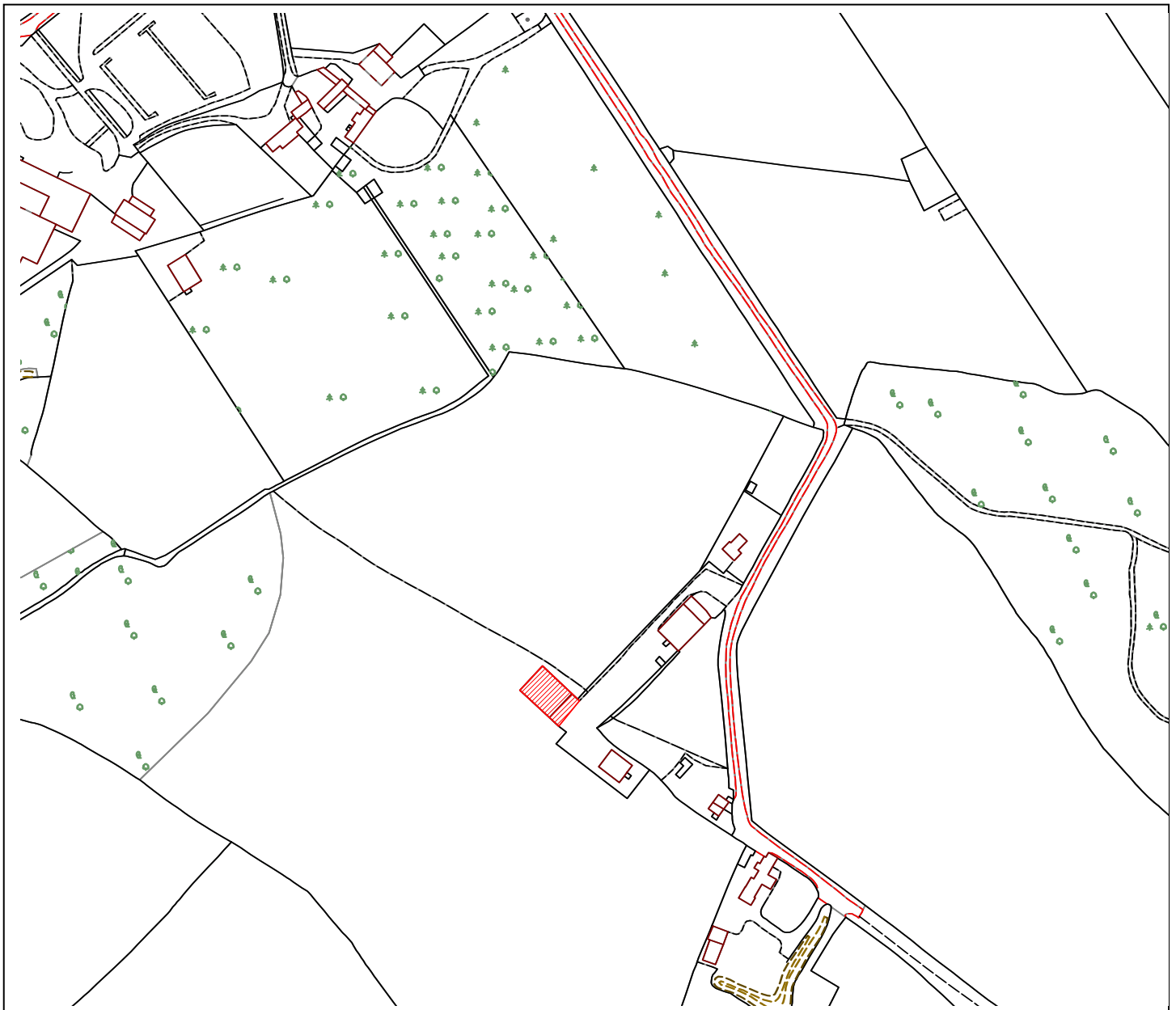
- 7.1 Planning permission be refused for the following reasons

**Background Papers**      **PT07/2288/F**

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

## **REFUSAL REASONS**

The proposed development does not make adequate provision for affordable housing . In this respect the scheme proposals do not conform to the requirements of: PPS1; PPS3; Policy HO3 of RPG10; Policy H1 of the Draft RSS; Policy 35 of the adopted JRSP; and Policy H6 of the adopted South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007****App No.:** PT07/2440/F**Applicant:** Barden Network  
Engineering Ltd**Site:** Man Hour Acorn Farm Green Lane Cutts  
Heath WOTTON UNDER EDGE South  
Gloucestershire GL12 8QW**Date Reg:** 9th August 2007**Proposal:** Alteration and extension to existing  
building for use as a warehouse with  
ancillary office accommodation.**Parish:** Tytherington Parish  
Council**Map Ref:** 66598 89664**Ward:** Ladden Brook

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**N.T.S****PT07/2440/F**

## **INTRODUCTION**

This application has been put on the Circulated Schedule for a second week due to the revised wording of Condition 3.

It originally stated that :

‘The warehouse and office shall be used in conjunction with the main use of the site outlined in blue on the site plan for storage and distribution purposes , and shall not form a separate planning unit.’

For greater clarification and to ensure that the condition purely refers to the site in question the wording has been changed to :-

The office space as permitted as part of this application shall be ancillary to the main use of the site for storage and distribution and shall not form a separate planning unit. ‘

The reason to remain as previous.

### **1. THE PROPOSAL**

- 1.1 Acorn Farm is located within the open country side, but not within the Green Belt. The farm is currently in use by Barden Network Engineering Ltd for Class B1 – business and Class B8 –Storage and Distribution
- 1.2 The current building measure some 23m x 19m and has an overall floor area of approximately 437 square metres. This current planning application proposes to extend the building forward by 4 metres in a similar style to the existing to create an additional 186 square metres of accommodation. The overall new building would accommodate 400 square metres of warehousing accommodation.  
Part of the works have already taken place with the block work being started on the internal office element.

### **2. POLICY CONTEXT**

- 2.1 National Guidance

PPS 1	Delivering Sustainable Development
PPG4	Industrial, commercial development and small firms
PPS7	Sustainable Development in Rural Areas
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006

E6	Employment Development in the Countryside
E7	Conversion and re-use of rural buildings
T8	Parking Standards
T12	Transportation development control policy for new development
- 2.3 Supplementary Planning Guidance  
Adopted Design checklist

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P95/2781 Change of use of existing agricultural land and building for use for manufacture , storing and distribution of timber products Approved with conditions - 7 Jan 1997
- 3.2 P98/2091 Change of use of offices ancillary to existing business to separate lettable offices .  
Approved with conditions – 10 Nov 1998

- 3.3 PT04/1570/F Erection of replacement industrial unit Approved with conditions  
14 June 2004
- 3.4 PT07/0404/F Change of use from general industrial use (Class B2 ) to use of  
land and buildings for business (Class B1) and storage and  
distribution (Class B8) as defined in the Town and Country  
Planning (Use Classes) Order 1987 ( as amended)  
Approved with conditions 5 July 2007

#### **4. CONSULTATION RESPONSES**

- 4.1 Tytherington Parish Council  
Noted that significant detail had been provided regarding alterations to the  
building and no objection is raised in that respect. However due to lack of detail  
regarding the use and purpose of the warehouse and the traffic movements, an  
objection is lodged.
- 4.2 Transportation  
This site was subject to a previous application PT07/0404/F, which involved the  
change of use from Class B2 to Classes B1 and B8. One of the conditions on  
this approval related to the provision of parking bays along Green Lane, which  
have yet to be implemented due to poor weather. Subject to these bays being  
provided there is no objection to the proposal.
- 4.3 Environmental Services  
No objection
- 4.4 Local Residents  
None received

#### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The principle of the use of the site for business use Class B1 and Class B8  
storage has already been established under application PT07/0404/F. The  
issues to be addressed under this application are any potential impact on  
neighbouring occupiers, the impact of the appearance of the proposed  
extension on the appearance of the open countryside and as to whether the  
proposed extension would enable any intensification of the use of the site and  
lead to any detrimental harm through intensification.
- 5.2 The proposed extension of the building would be further into the site itself and  
there are no residential occupiers within close vicinity that would have their  
amenities affected.
- 5.3 With regard to impact on the open countryside, as stated the proposed  
extension would be coming forward in to the site itself, would be of the same  
height and width as the existing building , and would be profile metal clad in a  
green colour to minimise impact . There would therefore not be any detrimental  
impact on the visual amenities of the area.
- 5.4 The proposal would be looking to improve current working arrangements on the  
site rather than intensifying the use. Conditions would be recommended on any  
permission ensuring that the extended building and in particular the offices are  
only used in conjunction with the overall use of the site and not separately, as



this could increase the intensity and could have implications , in particular , for traffic movements.

- 5.5 With regard to transportation impacts, your transportation officer has no objection to the scheme providing the previously conditioned three passing bays along Green Lane are provided. Under application PT07/0404/F these bays were to be provided within 6 months of the decision date of 5 July 2007. The applicants are still within their time limit to provide these bays, but an informative will be added to any permission for this development reminding them of this previous condition 3.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

- 7.1 That Planning Permission be Granted

**Background Papers**      **PT07/2440/F**

**Contact Officer:**    **Ron Moss**  
**Tel. No.**                **01454 863425**

## 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 machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 7am to 6pm, nor at any time on Sunday or Bank Holidays.

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The office space as permitted as part of this application shall be ancillary to the main use of the site for storage and distribution and shall not form a separate planning unit.

Reason(s):

In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan.

## CIRCULATED SCHEDULE NO.41/07 – 12 OCTOBER 2007

**App No.:** PT07/2663/F  
**Site:** 19 Gloucester Road Thornbury  
 BRISTOL South Gloucestershire BS35  
 1DJ

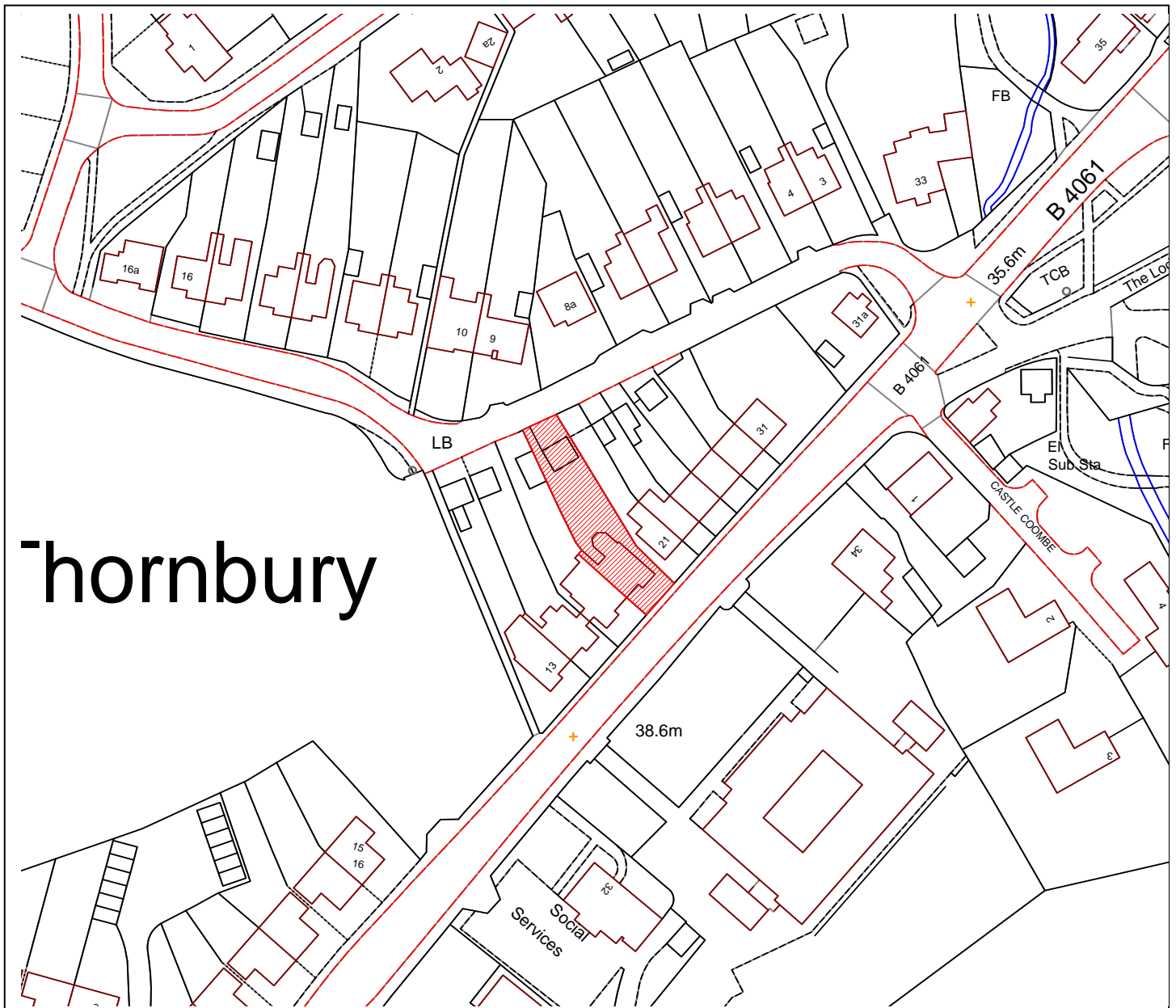
**Applicant:** Mr & Mrs M Littleton  
**Date Reg:** 30th August 2007

**Proposal:** Erection of single storey rear extension  
 to form kitchen and dining room.  
 (Resubmission of PT07/1990/F).

**Parish:** Thornbury Town  
 Council

**Map Ref:** 63926 90491

**Ward:** Thornbury North



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**N.T.S**

**PT07/2663/F**

## **INTRODUCTION**

This application appears on the Circulated Schedule after the receipt of one objection from Thornbury Town Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of a single storey rear extension to replace an existing conservatory. The proposal would be approximately 7 metres in width and 4.5 metres in depth. The extension would have a flat roof which would be 3.5 metres high.
- 1.2 The application site relates to a period semi-detached property. The site lies within the settlement boundary of Thornbury.
- 1.3 This application is a resubmission of the previously refused application PT07/1990/F.

### **2. POLICY CONTEXT**

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT07/1990/F - Erection of single storey rear extension to form kitchen and dining room  
*Refused on 24<sup>th</sup> July 2007*

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
Object to the proposal on the grounds that the flat roof extension is considered to be out of character and visually obtrusive. A pitched roof option would be more favourably considered.

#### **Other Representations**

- 4.2 Local Residents  
None

### **5. ANALYSIS OF PROPOSAL**

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

- 5.2 Policy D1 of the Local Plan considers general design principles and ensures good quality design.
- 5.3 Residential Amenity  
The application site is adjoined by two dwellings to the side (Nos. 21 and 17 Gloucester Road) and Church Road at the rear. These neighbouring dwellings have been previously extended and offer a similar rear building line to the proposed extension. As such, given that the extension would be single storey it is considered that the proposal would not result in an overbearing impact to the nearby occupier's amenity. In addition to this the proposal would not include any windows which would prejudice privacy. In light of the above it is considered that the proposed extension would not adverse impact residential amenity in accordance to Policy H4 of the Local Plan.
- 5.4 Design and Visual Amenity  
The proposed extension would be situated on the dwellings rear elevation. The proposal would be screened from the wider public realm from the rear by the existing garage, although it would be visible to the adjacent occupiers.
- 5.5 The proposed rear extension would be single storey with a flat roof with a parapet. It is considered that the scale and massing of the proposal would appear in proportion to the existing dwelling. It is proposed that the extension would be finished with natural grey render with a red multi brick plinth and the doors and windows would be hardwood painted white.
- 5.6 This application is a resubmission, the previous application was refused because the scheme did not respect the character of the period property and was unsympathetic in its design. To overcome these issues negotiations have taken place with the applicant. The amended scheme seen in this application is much smaller in scale and has a higher attention to detail, such as, window frames and doors to match the existing period dwelling.
- 5.7 The Town Council have objected to this application because the proposed extension would have a flat roof. In general, flat roofs are considered to be a poor design solutions and as such, pitched roofs are often preferable. However, in this instance, it considered that quality of the detailing and materials (e.g. the parapet roof and hard wood windows) would provide high standard of design and finish which. As such, in this case the use of a flat roof is considered to be acceptable.
- 5.8 In light of the above it is considered that the proposed extension would respect proportions, character and appearance of the existing period dwelling. As such it is considered that the proposal would be acceptable in accordance to policies D1 and H4 of the Local Plan.
- 5.9 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## 6. **CONCLUSION**

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

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**      **PT07/2663/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. 41/07 – 12 OCTOBER 2007**

**App No.:** PT07/2683/PN1  
**Site:** Near Gents' Toilets Flaxpits Lane  
 Carpark Winterbourne South  
 Gloucestershire BS36 1JX

**Applicant:** O2 (UK) Ltd  
**Date Reg:** 31st August 2007

**Proposal:** Prior Notification of the intention to erect  
 12.5 metre high telecommunications  
 column and installation of associated  
 equipment cabinet.

**Parish:** Winterbourne Parish  
 Council

**Map Ref:** 64844 80513

**Ward:** Winterbourne



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## **INTRODUCTION**

This application has been placed on the circulated schedule given that a number of objection letters have been received to the proposal.

Member should note that given the nature of the application whereby failure to issue a decision by the 24 October 2007 would automatically result in consent be given for the scheme, this report is placed on the schedule for information purposes only.

### **1. THE PROPOSAL**

- 1.1 This application seeks Prior Notification for the erection of one 12.5 metre monopole, and construction of associated equipment cabinets on land at the side of the Gents Toilets on Flaxpits Lane.

The proposed telecommunications installation is to be sited next to the public Toilets on Flaxpits lane, behind the Co-operative supermarket. It is located within the settlement boundary of Winterbourne. The area contains a number pieces of street furniture including lamp posts, and road signage The proposed works are to provide 2G/3G phone coverage for the Winterbourne area where there is a significant deficiency within the O2 Mobile network.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG8 Telecommunications  
Code of Best Practice on Mobile Phone Network Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
S5 Telecommunications
- 2.3 Supplementary Planning Guidance  
Telecommunications Network Infrastructure

### **3. RELEVANT PLANNING HISTORY**

- 3.1 none

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No Objection to the proposal.
- 4.2 Environmental Services  
Overall existing scientific knowledge covering toxicology, epidemiology and other data relevant to health, provides no convincing evidence that radio telephones and associated equipment pose a long-term public health hazard.
- 4.3 Sustainable Transport  
No transportation objection.



#### 4.4 Local Residents

10 letters have been received objecting to the proposal on the following grounds:-

- too close to a school
- too close to houses
- unwanted landmark;
- health risks;
- too close to shops
- area is pleasant in appearance;
- seriously impact on the attractiveness of the area;
- adds to visual clutter ( mast is a towering monolith);
- mast is too close to footway:

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

Under the Prior Notification procedure the Local Planning Authority determines whether prior approval is required for the siting and appearance of the development. PPG8 provides advice relating to the appearance of the mast and ancillary apparatus and siting considerations including materials, colour and design and the general area in which such a proposal is sited.

- 5.2 Advice contained within policy S4 of the South Gloucestershire Local Plan (Adopted) January 2006 also states that where approval is required, the Council will require developers to demonstrate what attempts have been made to minimise impact through appropriate siting and design of appearance in terms of materials, colour, height etc. In all instances the main material considerations will be the technical needs of the operator as demonstrated by the applicant and the need to facilitate development. In this context the main issues are:

#### 5.3 Siting and appearance

PPG8 states that protection from visual intrusion and the implications for subsequent network development will be important considerations in determining applications. Local Authorities and operators should work together to find the optimum environmental and network solution on a case-by-case basis. Policy S4 of the South Gloucestershire Local Plan (Revised Deposit Draft) reflects this guidance.

It is considered that in this instance given the amended design of the proposed mast is now acceptable and it fits in well with other existing street furniture in the area. Therefore the proposal is in keeping with the surrounding area. In terms of the location of the mast it is some 25 metres away from the nearest residential property, in an area that is proliferated with other pieces of street furniture such as road signs, lighting columns. The development integrates well with the landscaping in the area.

In the policy for telecommunication development it encourages the different operators to site and mast share where possible. This the applicant investigated but owing to the increase in height required for a shared mast it was discounted as it would have resulted in a incongruous feature in the locality.

It has been confirmed by the Councils transportation section that the development will not give rise any highway safety implications.

Therefore siting the mast in this area is acceptable.

5.5 Public Health Concerns

PPG8 advises that the planning system is not the place for determining health safe guards and that enforcement of health and safety legislation is a matter for the Health and Safety Executive.

5.6 The Government has accepted recommendations in the Stewart Group's Report that, as a precautionary measure, mobile phone base stations, such as proposed by this application, should meet the guidelines for limiting exposure as set by the ICNIRP (International Commission on Non-Ionizing Radiation Protection).

5.7 The application carries a certificate that demonstrates that the equipment complies with the ICNIRP guidelines. As in the case of the majority of equipment installed nationally, the levels of radiation generated by this equipment is a tiny fraction of the maximum levels set by the ICNIRP.

6. CONCLUSION

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

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

7. RECOMMENDATION

No Objection

Background Papers      **PT07/2683/PN1**

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

## CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007

<b>App No.:</b>	PT07/2687/F	<b>Applicant:</b>	Mr P Kelly
<b>Site:</b>	19 Wades Road Filton BRISTOL South Gloucestershire BS34 7EA	<b>Date Reg:</b>	3rd September 2007
<b>Proposal:</b>	Conversion of dwelling to 2no. self-contained flats and associated works.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	60573 79165	<b>Ward:</b>	Filton



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**N.T.S**

**PT07/2687/F**

## **INTRODUCTION**

This application has been placed on the circulated schedule as a number of objections have been received from neighbouring properties to the proposal.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the conversion of an existing dwelling to form 1 no., one bedroom self-contained flat, on the first floor and 1 two bedroom flat on the ground floor. A cycle store for use by both properties will be provided in the garden. The garden will be divided in two, so each unit has a section of private garden. The recycling area and bin stores will be located in each gardens private garden area. There are also two off street parking spaces at the rear of the property accessed via a side access lane. One space is in a garage whilst one space is next to it.
- 1.2 The application site is located on a quiet road that is characterised by 1920's / 30's semi-detached properties. This property is a semi-detached and is located in roughly the middle of the Road. On street parking is prevalent in the area.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

#### **2.2 South Gloucestershire Local Plan**

D1	Design
H2	Proposals for Residential Development, including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permission for Residential Development, within the Existing Urban Areas and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H5	Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential purposes
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
T7	Cycle Parking Standards

#### **2.3 Supplementary Planning Document** Design Checklist

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None

### **4. CONSULTATION RESPONSES**

#### **4.1 Filton Town Council**

No Objection in principle but can find no mention of cycle parking...

#### 4.2 Local Residents

Three letters of objection have been received and they raise the following points:

- Noise impact upon neighbouring property due to internal lay-out
- Lack of parking provision
- Garage is not suitable to park a car...given its poor condition
- Loss of value to neighbouring property
- Lack of thought about the future give size of dwellings...

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

The application site lies within the defined urban area of Filton. Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allow for residential development within existing urban areas, subject to a number of criteria including transportation, residential amenity, density and design considerations.

- 5.2 In terms of the conversion element of the proposal, advice contained within PPS3 encourages the conversion of housing into extra residential accommodation, regarding it as an important source of additional housing, particularly in town centres. This advice is reflected in the Adopted Joint Replacement Structure Plan where policies encourage a mixture of housing types in sustainable locations, especially dwellings for smaller households. This policy stance is reflected in policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy allows for the conversion of existing residential properties into smaller units of self-contained accommodation provided the following criteria are complied with:-

**A. the development would not prejudice the character of the surrounding area;**

The proposed conversion can be adequately achieved without detriment to the character of the surrounding area. Inside the property there will be one flat on the ground floor and one flat on the first floor. The proposal will appear as an ordinary dwelling as the property will only have one door on the front elevation which is the entrance to the first floor flat, whilst the door to the ground floor flat is located on the side of the property in a location where you often find secondary doors of similar properties.

**B. it would not prejudice the amenities of nearby occupiers;**

The site of the proposal is within the urban area of Filton in a predominately residential locality. The proposal will not prejudice the amenities of nearby occupiers to any greater extent than exists at present, especially as the development is for 2 flats within the existing built form.

**C. it would identify an acceptable level of off-street parking;**

The site as previously stated is on a quiet road. With no off street parking proposed. There is however the possibility of cycle storage in the garage,

The parking provided is below the maximum permitted in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. However given the sites location close to one of the busiest public transport routes in Bristol, a refusal

reason on the lack of off-street parking space could not be substantiated. It is also noted that the applicant has tried to encourage other methods of transport by including cycle racks within the design for the site in line with policy T7.

The garage although old does appear to be in a fairly good condition, this was evident from my site visit. The garage although not up to modern standards is capable of accommodating a car.

**D. it would provide adequate amenity space.**

The garden covers approximately 150 square metres. This is sufficient to serve the two flats proposed.

**5.3 Other Issues**

The neighbours have raised a concern over the internal layout of the flats, but the internal layout of a building is not normally a planning consideration. Their concern primarily related noise but a noise insulation condition is suggested, to overcome this issue.

There is also a concern over devaluation of neighbouring properties but this not a planning consideration and cannot be considered as a valid planning objection to the proposal.

**5.4 Design and Access Statement**

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

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

The decision to 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**      **PT07/2687/F**

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

**CONDITIONS**

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

Reason(s):

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

2. No development shall take place until details of a scheme of noise protection and sound insulation has been submitted to and agreed in writing with the Local Planning Authority. The residential units hereby approved shall not be occupied until the noise protection and sound insulation measures have been provided in accordance with the agreed scheme.

Reason(s):

To ensure a satisfactory standard of noise protection for the residential units to accord with policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

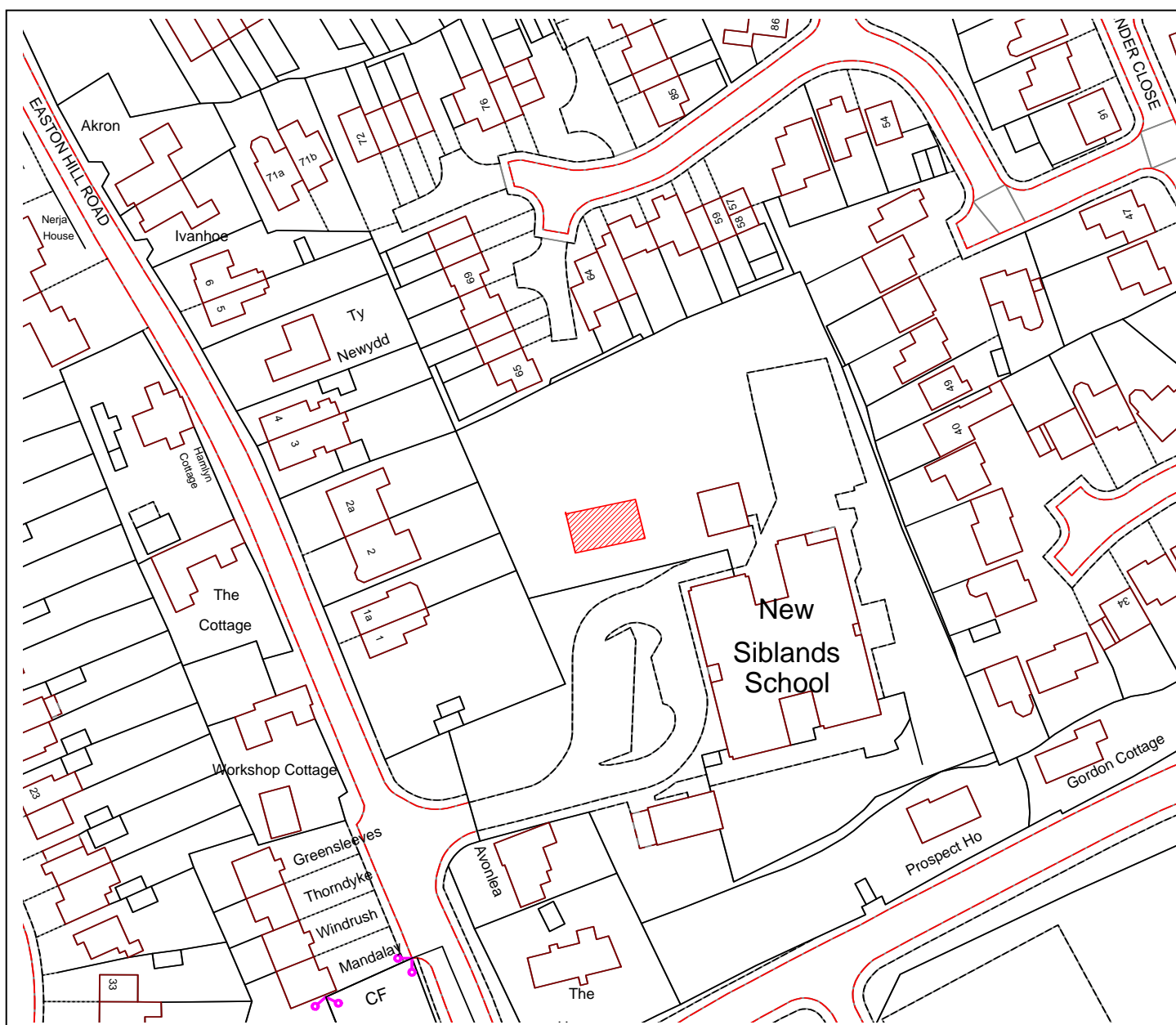
3. Prior to the commencement of development, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policies (T7 and T8) of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning 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 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, and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007**

<b>App No.:</b>	PT07/2722/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	New Siblands School Easton Hill Road Thornbury BRISTOL South Gloucestershire BS35 2JU	<b>Date Reg:</b>	5th September 2007
<b>Proposal:</b>	Erection of Elliott classroom block (Temporary consent for three years)	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	64731 90340	<b>Ward:</b>	Thornbury North



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## **INTRODUCTION**

This application has been referred to the Council's Circulated Schedule Procedure, as the applicant is South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the erection of an Elliott classroom to form an office and two classrooms. The application is required for a temporary period of 3 years.
- 1.2 This application is precursor to larger application for alteration to the main school this application has not been submitted at the time of writing this report.
- 1.3 The application site relates to New Siblands School which is sited within the residential area of Thornbury.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
T7 Parking Standards  
T12 Transportation Development Control Policy for New Development  
LC9 Protection of Open Space and Playing Fields  
LC4 Proposal for Educational Facilities

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection
- 4.2 Local Residents  
On letter has been received it raises a number of issues, these amount to,
  - a) What are the future plans for the school
  - b) Where will the drainage for the classrooms go
  - c) The development will enclose surrounding properties.

### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for expansion of existing education facilities provided there is no impact on existing residential amenities and highway safety.
- 5.2 Visual Amenity  
This application seeks permission for the erection of an Elliott building. The building is required for a period of three years whilst alterations to the main

- school buildings take place. Thus the structure will only be in place for temporary period and will not be a permanent feature in the landscape.
- 5.3 The classroom is sited north of the main school complex and is not visible from outside the site. The existing Elliot building measures 16.8m in length x 8.50m in width x 3m in height to the eaves.
- 5.4 Consequently it is considered that given the low level nature of the building, lack of impact upon the surrounding landscape, and the temporary period it will be on site the development is acceptable in terms visual amenity.
- 5.5 Residential Amenity  
The proposed extension by reason of its siting would not impact on the existing residential amenities of the surrounding residential properties given the distances that exist between the proposed building at the nearby properties.
- 5.6 Other Issues.  
Two issues have been raised during the consultation exercise. Firstly what are the future plans for the school, The council's Development Services at the time of writing the report have not received any formal application for the redevelopment of the school. So cannot give comment on that at the present time.
- 5.7 In terms of drainage this will be covered by a condition attached to any consent.
- 5.8 Section 106 Requirements  
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 Planning permission be granted subject to the following planning conditions.

**Background Papers**      **PT07/2722/R3F**

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

### **CONDITIONS**

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

Reason(s):

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

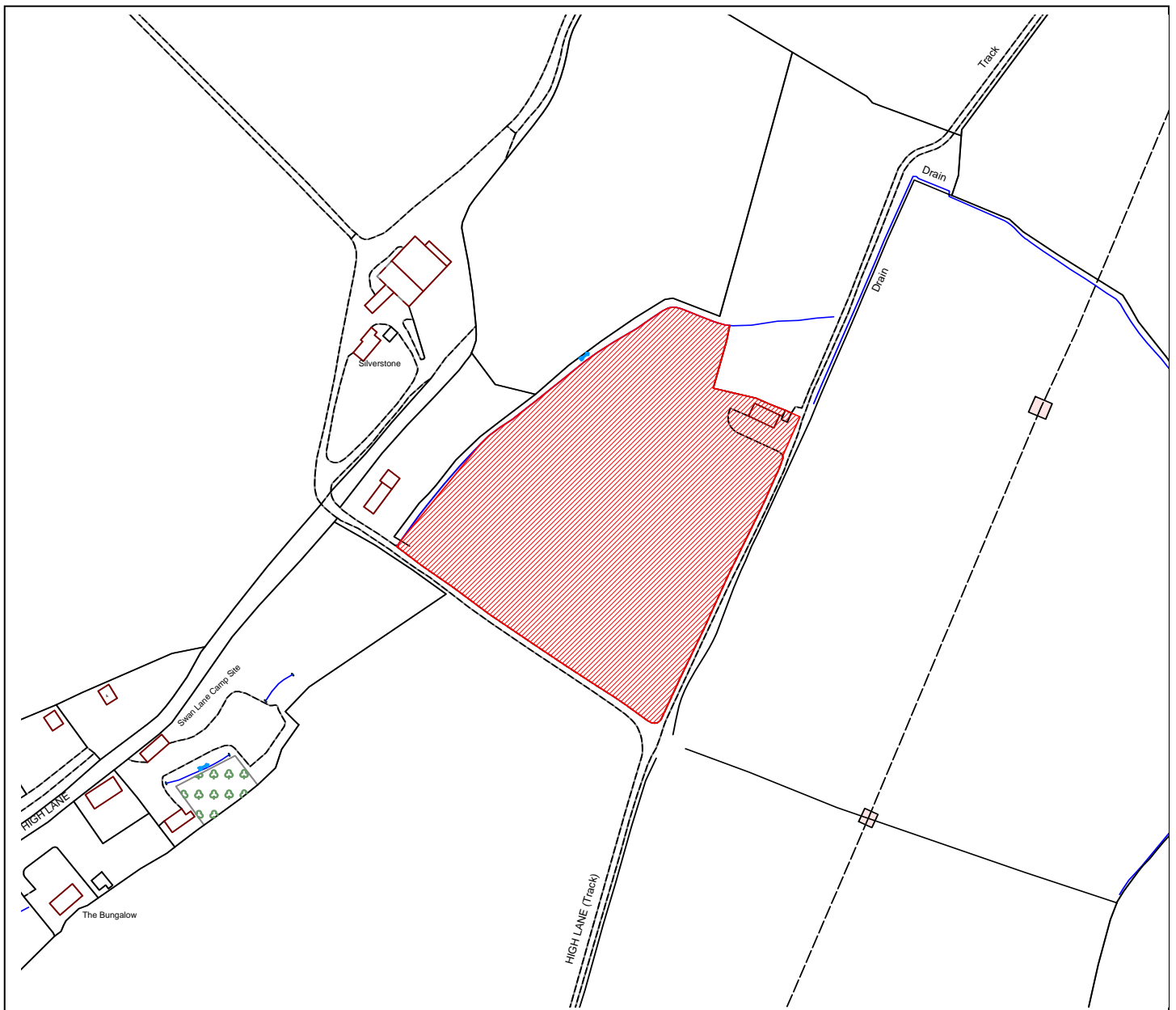
- 2 No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning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

Reason(s):

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

## CIRCULATED SCHEDULE NO. 41/07 – 12 OCTOBER 2007

<b>App No.:</b>	PT07/2833/CLE	<b>Applicant:</b>	Mr & Mrs O Ayers
<b>Site:</b>	Plot 6900, Land at Giddyend, High Lane, off Swan Lane Winterbourne BRISTOL South Gloucestershire BS36 1RHGloucestershire BS36 1RW	<b>Date Reg:</b>	17th September 2007
<b>Proposal:</b>	Certificate of lawfulness for the existing use of siting a second caravan. (Resubmission of PT07/0180/CLE)	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	64690 81888	<b>Ward:</b>	Winterbourne



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N.T.S

PT07/2833/CLE

## **INTRODUCTION**

This application comprises a Certificate of Lawfulness and as such appears on the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 The application submitted comprises a Certificate of Lawfulness in respect of the use of the land for stationing of a caravan (sui generis).
- 1.2 The site is located off High Lane, a track leading to the north of Swan Lane and known as Giddyend. The site lies within the open Green Belt outside of the settlement boundary of Winterbourne. The precise location of the caravan is not known as it has not been identified on the submitted O.S Plan.
- 1.3 In order to obtain such a certificate the applicant must produce evidence that demonstrates on the balance of probabilities that the use has occurred for at least 10 years. Accordingly, this is purely an evidential test and not a question of planning merit. The applicant should produce precise and unambiguous evidence to this end.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Procedures) Order 1995 Article 24  
Circular 10/97 Enforcing Planning Control

### **3. RELEVANT PLANNING HISTORY**

- 3.1 P95/1763/CL Use of land for the siting of mobile home. Certificate of Lawfulness approved 2 September 1996.
- 3.2 PT01/0991/F Raising of land level and change of use to domestic Curtilage.  
Refused 4 December 2001.
- 3.3 PT05/1653/F Retrospective change of use of land from agriculture to keeping of horses.  
Approved 15 August 2005.
- 3.4 PT07/1080/CLE Certificate of lawfulness for siting of a second mobile home.  
Withdrawn 22 February 2007.

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Object to the proposal. request that the Council write to Mr Luton for clarification as to when caravan was lived in. Raise concern as to whether drainage was adequate.

#### **Other Representations**

None received.

## 5. **SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 A site plan.
- 5.2 Letter from Mr O.Ayres stating that a mobile home has been situated at Giddyend, Swan Lane and that his family pass the mobile home two or three times a day since 1996 when the caravan was first put there. Mr Luton used to live in the caravan.
- 5.3 Letter and plan from a Mr G.M.Richardson stating that he has been an owner/occupier of surrounding farmland for many years and can confirm that the mobile home located on plan has been in existence and unoccupied since 1995.
- 5.4 Certificate of Lawful Use for use of land for stationing of mobile home (P95/1763/CL) allowed 2 September 1996.
- 5.5 Planning Contravention Notice (P96/2193/E) 19 August 1996 relating to siting of second residential caravan.
- 5.6 Memo from Peter Drew, Enforcement Officer to Nick Wheatley, Council Solicitor dated 5 August 1996 advising that a second caravan has appeared at the rear of the site relating to application P95/1763/CL.
- 5.7 Letter from Mr C.K. Luton to Mr. Ayres confirming that Mr. Ayres purchased the land off him in 2004. Stated that the caravan was placed on the site after the land was purchased in 1996 and that a septic tank was installed in February of that year. He lived in the caravan on and off until the sale in 2004.

## 6. **SUMMARY OF CONTRARY EVIDENCE**

- 6.1 None.

## 7. **EVALUATION**

- 7.1 The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been carried out for a period exceeding ten years and whether or not the use is in contravention of any Enforcement Notice which is in force. With regard to the latter point, no Enforcement Notice is in force on any part of the site.
- 7.2 The relevant test of the submitted evidence  
The onus of proof is firmly on the applicant and the relevant test of the evidence in such matters is "on the balance of probabilities". Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed the stricter criminal burden of proof, ie "beyond reasonable doubt". Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues which are involved in determining an application. Any contradictory evidence which makes the

applicant's version of events less than probable should be taken into account.

### 7.3 Hierarchy of Evidence

The evidence submitted comprises four unsworn letters, details of a Certificate of Lawful Use not relating to the site the subject of this application, details of a Planning Contravention Notice, a memo from the Planning Department to Legal Services dated 5<sup>th</sup> August 1996 indicating that a second caravan has appeared at the site and a memo from Legal Services to the Planning Department dated 29<sup>th</sup> August 1996 indicating that a Certificate should be issued for the first mobile home on the site.

### 7.4 Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall;
2. Other personal appearance under oath or affirmation;
3. Verifiable photographic evidence;
4. Contemporary documentary evidence, especially if prepared for some other purpose;
5. Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time;
6. Unsworn letters as 5 above;
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/ activity in question.

### 7.5 In this case, and in light of the above, it is considered that the information submitted in support of the application carries very little weight. The submitted site plan covers an area of some 1.5 hectares. It does not identify the precise location of the caravan. The letter from Mr Luton states that he placed a caravan on the site in 1996 but does not precisely identify it on any accompanying site plan. The letters from Mr. G. Richardson and Mr. O. Ayres both mention a mobile home on the site but again fail to indicate it accurately on a submitted site plan. It is therefore unclear if they are referring to the existing caravan that was allowed under the certificate of Lawful Use application in 1995 or the mobile home applied for under this application. Furthermore, the submitted evidence is also contradictory. Mr Ayres and Mr Luton state that the caravan was in place in 1996 whereas Mr Richardson states that it was in 1995. The letter from Winterbourne Parish Council provides no evidence as to when or where the caravan was sited or whether it was ever occupied.

### 7.6 The submitted Certificate of Lawful Use (P95/1763/CL) is not relevant to the assessment of this application as it relates to a different site. The memo dated 5 August 1995 from the Planning Dept. to Legal Services although mentioning a second caravan, does not identify its precise location on any plan. The

subsequent Planning Contravention Notice issued on 19 August 1996 for a second residential caravan covers the entire holding. It is not clear as to whether the caravan was then removed following this PCN as no further enforcement action appears to have been undertaken.

- 7.7 No evidence has been supplied to indicate that the caravan has been at the same site and position for a period of 10 years and equally importantly no evidence has been supplied that the caravan has been occupied for that time. Contradictory evidence again exists in this regard. Mr Richardson's letter states that the caravan has never been occupied. Mr Luton's letter stated that he lived in the caravan on and off. The information that might be reasonably anticipated to demonstrate residential occupancy in the form of tenancy agreements/contracts, bills, council tax records has not been provided.
- 7.8 As a separate issue, the applicant's agent has stated that a handwritten letter in his possession, purportedly from Winterbourne Parish Council, states that the caravan has been on the site since 1998 and during that time was never occupied. The letter was unsigned and undated. He has raised concerns in the application as to the validity of this letter. This issue was raised with Winterbourne Parish Council who confirmed that the letter was not authentic. However, in response to the previous application PT07/0180/CLE, Winterbourne Parish Council did state that "the caravan has been on the site since 1998 and during that time it has never been occupied". This matter therefore does not support the applicant's case.
- 7.9 Having regard to the above, the information submitted is not considered to demonstrate that on the balance of probability, this caravan has been utilised to provide residential accommodation for a continuous period of ten years to the date of this submission. It is therefore considered that the granting of this certificate should be refused in this instance.

## 8. **RECOMMENDATION**

- 8.1 A Certificate of Lawfulness be **REFUSED** for the following reason:

**Background Papers**      **PT07/2833/CLE**

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