



**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. 25/08**

**Date to Members: 20/06/08**

**Member's Deadline: 27/06/08**

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:20/06/08**

**SCHEDULE NO. 25/08**

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 20 June 2008

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK07/0053/LB	Approved subject to Section 106	Whitfield United Reform Church Regent Street/Park Road Kingswood South Gloucestershire BS15 1QU	Kings Chase	
2	PK07/0064/F	Approved subject to Section 106	Whitfield United Reform Church Regent Street/Park Road Kingswood South Gloucestershire BS15 1QU	Kings Chase	
3	PK07/1622/F	Approved subject to Section 106	Portland Street Staple Hill South Gloucestershire BS16 4PS	Staple Hill	
4	PK08/0780/F	Approve with conditions	The Retreat, Colts Green, Badminton Road, Old Sodbury, South Gloucestershire, BS37 6LR	Cotswold Edge	Sodbury Town Council
5	PK08/1226/TRE	Approve with conditions	Britannia Woods, Ovendale Road, Downend, South Gloucestershire	Downend	Downend and Bromley Heath
6	PK08/1246/F	Approve with conditions	37 Wilshire Avenue, Hanham, South Gloucestershire, BS15 3QT	Hanham	Hanham Parish Council
7	PK08/1317/F	Approve with conditions	The Paddock, Boyd Brook Bridge, Hinton, South Gloucestershire, SN14 8HJ	Boyd Valley	Dyrham and Hinton Parish Council
8	PK08/1382/F	Approve with conditions	Land at 14 Birch Road, Yate, South Gloucestershire, BS37 5ER	Yate North	Yate Town Council
9	PK08/1412/R3F	Approve	Grange School, Tower Road North, Warmley, South Gloucestershire, BS30 8XL	Siston	Siston Parish Council
10	PK08/1415/CLP	Approve	40 Ludlow Close, Willsbridge, South Gloucestershire, BS30 6EB	Bitton	Oldland Parish Council
11	PT04/0686/RVC	Approve with conditions	Hewlett Packard Ltd Filton Road Stoke Gifford South Gloucestershire BS34 8QZ	Winterbourne	Stoke Gifford Parish Council
12	PT07/3015/O	Approve with conditions	Land to the west of Merlin Road Cribbs Causeway South Gloucestershire	Patchway	Almondsbury Parish Council
13	PT08/0129/F	Approve with conditions	Four Acres, Flaxpits Lane, Winterbourne, South Gloucestershire, BS36 1LD	Winterbourne	Winterbourne Parish Council
14	PT08/1107/F	Approve with conditions	701 Southmead Road, Filton, South Gloucestershire, BS34 7QR	Filton	Filton Town Council
15	PT08/1350/F	Approve with conditions	2A, Crantock Drive, Almondsbury, South Gloucestershire, BS32 4HG	Almondsbury	Almondsbury Parish Council
16	PT08/1376/O	Refusal	Normans Farm, Green Lane, Winterbourne, South Gloucestershire, BS36 1RN	Winterbourne	Winterbourne Parish Council

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATIO</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
17	PT08/1423/F	Approve with conditions	4, Manor Court, Beckspool Road, Frenchay, South Gloucestershire, BS16 1NT	Frenchay and Stoke Park	Winterbourne Parish Council

## CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008

**App No.:** PK07/0053/LB  
**Site:** Whitfield United Reform Church  
 Regent Street/Park Road Kingswood  
 BRISTOL South Gloucestershire BS15  
 1QU

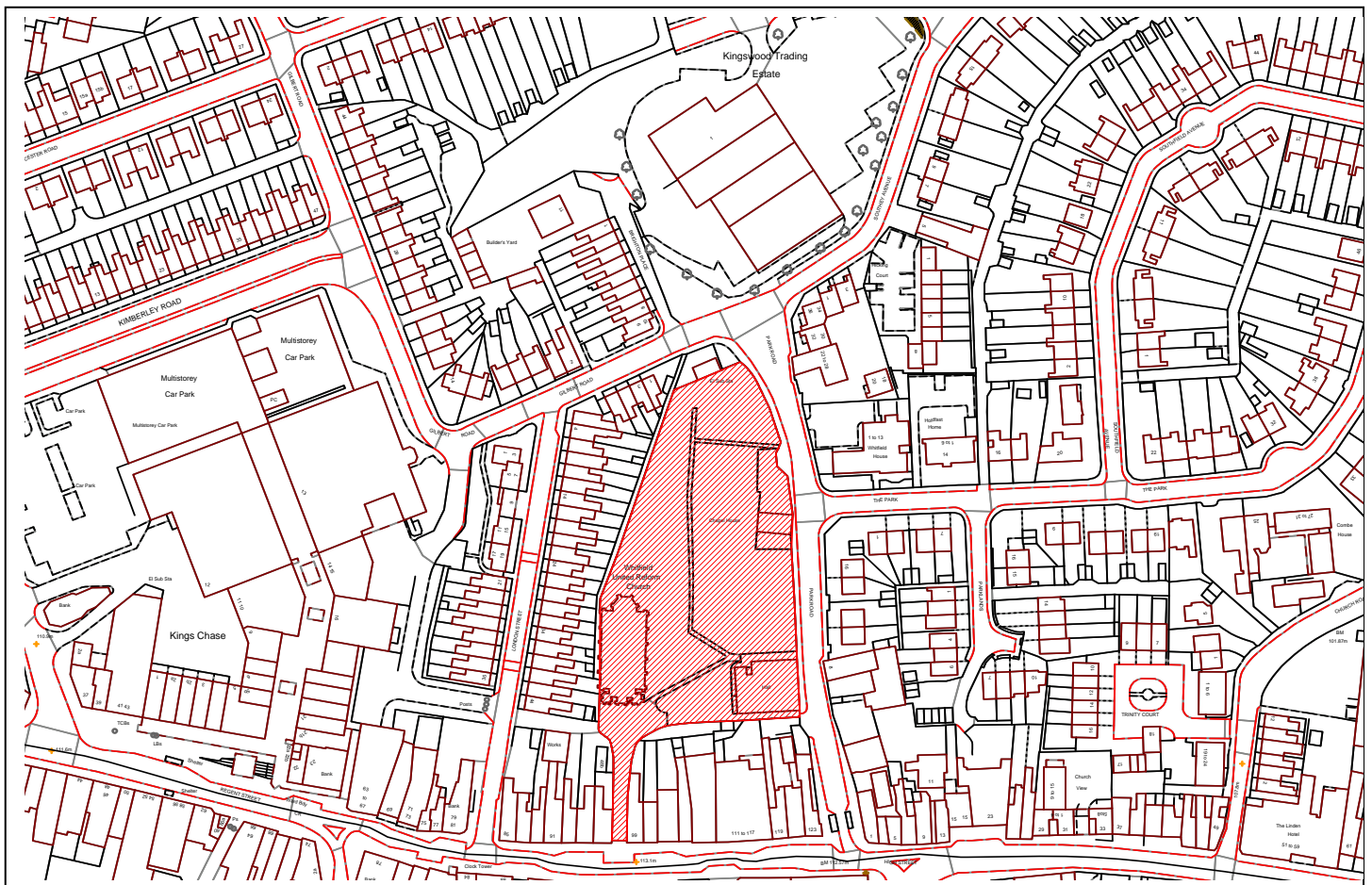
**Applicant:** Stuart Gaiger  
**Date Reg:** 8th January 2007

**Proposal:** Restoration including alterations, extension and part demolition of Whitfield Tabernacle and conversion to restaurant. Restoration and conversion, including part demolition of Masters Church to form 19 No. apartments. Restoration including part alterations, extension and part demolition of Chapel House to form 8 No. apartments.

**Parish:**

**Map Ref:** 64908 73934  
**Application Category:** Major

**Ward:** Kings Chase  
**Target Date:** 23rd March 2007



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PK07/0053/LB

## CIRCULATED SCHEDULE REPORT

**App No.:** PK07/0053/LB  
**Site:** Whitfield United Reform Church Regent Street/Park Road Kingswood BRISTOL South Gloucestershire BS15 1QU  
**Proposal:** Restoration including alterations, extension and part demolition of Whitfield Tabernacle and conversion to restaurant. Restoration and conversion, including part demolition of Masters Church to form 19 No. apartments. Restoration including part alterations, extension and part demolition of Chapel House to form 8 No. apartments.  
**Map Ref:** 64908 73934

**Applicant:** Stuart Gaiger  
**Date Reg:** 8th January 2007  
**Parish:**  
**Ward:** Kings Chase

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### **INTRODUCTION**

This application previously appeared on the Circulated Schedule in January due to the objections to the proposed scheme being received from local residents.

The application now reappears on the Circulated Schedule due to a number of changes being made to the Heads of Terms of the proposed Section 106 Agreement, which although relevant to the associated planning application, have resulted in an additional condition being attached to the listed building consent than when it previously appeared on the Circulated Schedule. For further details on the amendments to the Heads of Terms, please see the associated planning application PK07/0064/F.

### **1. THE PROPOSAL**

- 1.1 The proposed scheme seeks listed building consent to restore and convert the Grade I listed Whitfield Tabernacle (circa 1741) and the Grade II listed Henry Masters Church (circa 1851) and restore and extend the Grade II listed Chapel House (circa early 19<sup>th</sup> century). Along with the buildings, the overgrown graveyard setting of the buildings (which together make up the Kingswood Conservation Area) is to be restored along with a number of monuments within this area which can be considered curtilage listed buildings.
- 1.2 Although the scheme seeks to repair and reuse all three buildings, the primary aim of this scheme is the restoration of the Grade I listed Whitfield Tabernacle, an important survival from the eighteenth-century evangelical movement. The building has three understated, but nevertheless formally-composed façades, and the interior has four stone columns with simple palmette capitals, and had, until the recent dereliction, raked galleries around three sides (parts of which do survive).
- 1.3 It is proposed that the restoration and conversion of the Masters Church and Chapel House and conversion to flats and extending the Whitfield Tabernacle to facilitate a commercial use will generate income to provide sufficient funds to restore the Tabernacle, as in isolation it is now considered beyond economic repair. The proposal can therefore be considered an “Enabling Development” scheme, as the level of sub-division within the Henry Masters Church and the extension to the Chapel House are considered essential to

provide the funding required for the restoration of the Tabernacle and the site to proceed.

- 1.4 Therefore as per the guidance contained with the English Heritage's guidance document "Enabling Development and the Conservation of Heritage Assets", a financial appraisal of the scheme is required to ensure that the level of the enabling development proposed is not excessive nor insufficient which could equally jeopardise the long term future of the main heritage asset. Therefore in accordance with the Enabling Development guidance from English Heritage, a report was commissioned by King Sturge and the findings will be discussed later within this report.
- 1.5 Since submission a number of revisions have been made to the scheme. The design of the extension to the Tabernacle has been amended with also some internal revisions of the existing structure. The level of extension to the Chapel House has also increased due to the findings of the King Sturge report, as previously it was proposed that a two-storey extension to comprise of 4 units be constructed, but this extension is now a two and half storey extension to comprise 6 units. The windows on the west side of the Masters Church have also been specified with partial obscure glass to help restrict the outlook from the proposed new windows.
- 1.6 As noted in the planning history, there have been a number of previous applications that proposed far more significant alterations to the existing site and total demolition of the buildings has also been proposed in the past. Also of relevance is the formation of The Whitfield Building Preservation Trust in 1995, which worked with the Avon County/Kingswood Borough Council to make a Heritage Lottery Fund bid application. The bid collapsed in 1997 when the end user pulled out and the file was closed by the Heritage Lottery Fund.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG15 Planning and the Historic Environment
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
L12 Conservation Areas  
L13 Listed Buildings
- 2.3 Other Guidance  
English Heritage Policy Statement - "Enabling Development and the Conservation of Heritage Assets."

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P88/4625 & P88/4266 – Partial demolition and part conversion of church to form 39no. flats. Both applications were withdrawn 12/02/93.
- 3.2 PK00/2161/LB & PK00/2164/F – Demolition of Whitfield Tabernacle and Masters Church. Refused consent and permission respectively 30/11/2000.



- 3.3 PK04/3115/F – Conversion of church to form 16no. dwellings and erection of 5no. dwellings. Withdrawn 13/12/04.

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

4.1 Parish/Town Council

The site lies within an unparished area.

Other Consultees

4.2 English Heritage

This proposal is for the refurbishment and extension of the Tabernacle, and the two adjacent Grade II-listed buildings, and some new-build. The proposals for the site overall are radical, and would engage with Government guidance as laid out in PPG15, but should provide for the restoration of the Tabernacle itself.

Whilst there is still no detailed condition survey of the Tabernacle, it is reassuring that the whole approach of the scheme appears to be more overtly in favour of repairing historic fabric, where possible, and replacing like-for-like only where repair is not practically possible. Other alterations, such as the return to single-glazing for the sashes within the historic building, and the retention/replication of the raised gallery with the vaulted soffit beneath, and the proposed removal of all the partitions beneath the gallery are similarly most welcome.

The design of the proposed new wing onto the Tabernacle has been amended, including the internalisation of the proposed stair, the simplification of the fenestration where it abuts the historic building, and the generally lowering of the overall height, all lessen the harmful impact of the proposal upon the Tabernacle, and go much of the way to addressing our earlier concerns.

The greatest concern is the aforementioned lack of a detailed condition survey, and the lack of an amended schedule of works/repairs strategy, which should clearly indicate the precise extent of repair/replacement necessary; however, considering the condition of the building, we do appreciate the potential difficulties of producing these up front, and consequently we would have no objections should you be minded to make these the subject of appropriately worded conditions.

As the application currently stands, it appears to have successfully addressed our previous concerns, and consequently English Heritage has no further objection to the determination of this application.

However, should you be minded to grant listed-building consent, we would strongly recommend that conditions be imposed requiring a detailed condition survey of the historic fabric, and a detailed schedule of works/repairs strategy (indicating the precise extent of historic fabric that can be retained and repaired, and the precise extent of like-for-like replacement), should be submitted to and approved in writing by your authority prior to the commencement of the relevant phase of works.

4.3 The War Graves Commission

Comments summarised below:

The proposed car park and access facilities appear to affect a single war grave located in the Tabernacle Burial Ground. The grave is of Leading Aircraftsman George Wyndham Parnell who died on 05 February 1941 and he is buried in the North West part of the Burial Ground in Row N, Grave 76.

The Commission is opposed to any proposals which may involve the disturbance of our graves except in the cases of “overriding public need” in accordance with the Geneva Conventions. Should the authority accept that there is an overriding need, the Commission would need to be involved in the event that any remains are disturbed during the course of the building works and which can be identified belonging to a war casualty. The Commission would also wish to be involved in any exhumation and re-interment of the remains at a suitable location at the expense of the owners of the property.

## **Other Representations**

### **4.4 Local Residents**

4no. consultation responses were received from local residents and local business which expressed the following summarised views:

1. The entrance and gates situated on Regent Street provide the only access to the rear of a rank of shops along Regent Street;
2. There proposed driveway leading to a courtyard off Regent Street does not provide any purpose to the tenants of the new flats – it could be used for parking;
3. There is no off-street parking proposed for the new restaurant, thereby increasing the burden of parking to the home owners on Park Street;
4. Although the urgent needs for renovation is agreed with, there is concern that the existing and proposed new windows on the western elevation of the Master’s Church will be directly opposite a neighbouring property’s dining and rear bedroom windows, and if the building were to be converted into apartments, it would have a drastic impact on existing privacy levels;
5. The existing windows would not pose such a problem if the building was not being changed internally, but the additional floors will bring them into line of sight;
6. All the windows currently within this elevation would have been fixed and made of opaque glass;
7. At the bottom of the neighbour’s garden runs a lane which is not unusable due to overgrowth and there is concern about what will happen to this lane;
8. The increase in the height of the extension to The Chapel is a concern with regards to how it would affect the look of the development; and
9. There is no indication that the hedge between the proposed car parking spaces and the footpath and the footpath behind the properties in London Street is to be retained or renewed, as this gives existing residents considerable privacy.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

As stated within the guidance laid down by English Heritage, “enabling development” represents development that is contrary to the established planning policy – national or local – but which is occasionally permitted because it brings public benefits which have been demonstrated clearly outweigh the harm that would be caused. The benefits are paid for by the value added to the land as a result of the granting of planning permission for its development, so enabling development can be considered as a type of subsidy

- a subsidy to make up the heritage deficit between the cost of the restoration and the market value of the resultant building. The defining characteristics of “enabling development” are therefore schemes that can be considered contrary to established planning policy and that the gain from contravening policy subsidises a public benefit that could not be otherwise achieved. Thus unlike most planning applications, financial issues are central to considering such proposals for enabling development.
- 5.2 In focusing on this scheme in more detail, it is the intensity of the use of the Masters Church, the scale of the extension to The Chapel House and to a lesser degree the extension to the Tabernacle that actually can be considered to represent the “enabling development”. However, although these three proposed developments could be potentially to a level that would possibly otherwise be resisted, permission will only be granted if the existing buildings and their setting are not materially harmed. Furthermore the applicant also has to demonstrate that on balance, the benefits clearly outweigh any disbenefits, not only to the historic asset or its setting, but to any other relevant planning interests.
- 5.3 Therefore in the consideration of this scheme, the following criteria would need to be met if the proposed scheme is to be supported.
1. The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting;
  2. The proposal avoids detrimental fragmentation of management of the heritage asset;
  3. The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose;
  4. The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid;
  5. Sufficient financial assistance is not available from any other source;
  6. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits;
  7. The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (ie the disbenefits) of providing enabling development.
- 5.4 In taking each above issue in turn as they appear, it is considered that following a number of revisions to its design and scale, the proposed extension to the Tabernacle would now produce an interesting addition to what is a very plain building. The single story lightweight elevational composition with its “green roof” juxtaposed to the simple form and symmetrical elevation of the Tabernacle would create a building of some visual interest, and one that would not detract from the character of the building or its setting, or indeed the graveyard beyond. The main road side elevation of the building would remain unchanged and the scheme retains the open interior of the building as part of a full restoration, which is such a significant part of the character of the former Whitfield United Reform Church.
- 5.5 It is though noted that the full extent of repair is not known, as the building is structurally unsafe and until stabilised, a comprehensive condition survey can not be undertaken. These works will be subject to prior approval through a pre-commencement condition attached to any consent.

- 5.6 The Masters Church exists as a shell with a deteriorating external envelope and internally very little historic fabric remains. The building was listed by English Heritage in 2001 for its group value, following the applications in 2000 for its demolition. As submitted, the proposed residential conversion of the Masters Church was accepted as an essential requirement if the whole scheme was to be viable. There was however widespread concern about the intensity of the use of the building to allow for the creation of 19no. residential units, as the interior open space would be subdivided entirely and the external alterations would see a number of roof lights on previously large blank expanses of roof slate. Therefore the need for such an intensive use would need financial justification. The findings of the financial appraisal will be discussed later in this report, but it is important to stress that it was not considered that the proposed conversion of the Masters Church would materially detract from its existing character, due mainly to its poor condition.
- 5.7 The Chapel House is currently being supported by an external frame following partial structural collapse. It is however considered not beyond repair and so the previously proposed demolition and rebuild has been resisted. Like the Masters Church scheme, the scale of the level of extension was a concern, but as a proposed element of enabling development, again the financial justification for its scale would be subject to scrutiny. However the principle of extending The Chapel House has been accepted on the proviso that the Chapel House is fully restored to its current historic scale.
- 5.8 With regard to the other elements of the scheme, the full restoration of the graveyard and the many monuments will significantly enhance the ecclesiastical setting of the buildings and the wider landscape. Some concerns have been expressed regarding the proposed access road and parking area for the residents of the Masters Church and Chapel House, as the road and car park appear to be constructed over a number of graves. It is noted that as shown on the existing and proposed site plans, a number of graves would be lost, but the condition of these graves is unknown. Therefore as part of an agreed phasing schedule of development/implementation (which will form part of the conditional consent), a full survey of the graves and monuments is to be undertaken before any works are commenced. Furthermore a schedule of repair is also to be prepared. The condition of the graves will then be known, along with a more accurate position of where the graves lie within the site. If it is found that a number of graves which would be affected by the proposed access road and car park are in good state of repair or are worthy of retention, then the access arrangements are to be revised accordingly, and so the proposed position and scale of the access road and parking area is not considered to be “set in stone,” as some flexibility needs to be built into the approval and this provision has been made within the phasing schedule. Within the graveyard is an existing war grave in the north western corner of the site. This area has not been previously surveyed and so its position is not accurately known and with the site now inaccessible, its position can not be identified. However the existing war grave on the site is considered to be of significant importance, and regardless of its condition, the access road and car park will not be permitted to disturb it in any way. Therefore in conclusion it is the case that until the survey is completed, the true effect of the scheme on the graveyard and its monuments can not be fully considered, although some degree of re-ordering of the graveyard is inevitable. Furthermore as the graveyard has been under the control of a non-conformist church, it does not represent “consecrated ground” and so does not require to be scheduled as

redundant. However, there remains existing legislation that affects the control and reuse of burial grounds, legislation which stands separate from the planning system – the Disused Burial Ground Act 1884 for example. It is though considered that although in most cases any such scheme to re-order a graveyard can rarely be considered in the public interest, in this case, it is a clear choice of leaving all the graves untouched but inaccessible or potentially losing a number of some of the oldest graves (from circa 1851 onwards) , but fully restoring the great majority. It would also create a space that would not only enhance the setting of the buildings, but it would also create a space that would be of benefit to the local community along with also improved accessibility to many of the graves.

- 5.9 To address the issue of fragmentation, previously it was suggested that a condition of the legal agreement between the Council and the applicant be made so that the site can not be subdivided by selling off any parcel of land which could then prevent implementation or enforcement of the obligations placed upon the applicant. However, on legal advice both from the Council's own Solicitor and English Heritage, such an obligation could not be placed upon the applicant as it would be open to legal challenge. Therefore the need to ensure that the Tabernacle is restored as a matter of priority has to be achieved through setting out obligations for the key events of the development. Therefore, as seen in the suggested heads of terms later noted at the end of this report, the occupation of the new units can only occur when parts of the Tabernacle have been restored. The transfer of ownership would not interfere with this requirement.
- 5.10 With regard to the third test, the proposed uses for the Masters Church and the Chapel House will ensure their long term future and although for the Masters Church, the internal configuration will be significantly different, in view of the overriding issue of need, the proposed conversion is considered acceptable as part of this enabling development project. Although the restoration of the Tabernacle is the main purpose of this application, it too needs to be given a long term future to avoid any future periods of decline as seen since the building ceased to be used in 1990. The proposed commercial use of the building should provide a potential host of users wanting to take advantage of this unique space, which importantly has been retained largely as it existed originally. It is considered therefore that as far as reasonably possible, the proposed scheme meets with this test.
- 5.11 As previously noted within this report, the restoration of the Tabernacle has become beyond economic repair due to the level of deterioration that has occurred following the arson attack in the late 1990's. The level of deterioration is considered to be accelerating as the internal fabric remains exposed to the elements. Therefore it is the needs of the heritage asset by way of its condition, is the problem in this case and not the purchase price paid by the owner.
- 5.12 With regards to criterion 5, the only other realistic source of the level of funding of the scale required to restore the Tabernacle is from the Heritage Lottery Fund. However, with one failed bid due to no clear end user identified and none coming forward since, it has not been possible to pursue again such a course. It is therefore considered that the proposed scheme represents the only realistic opportunity to restore the Tabernacle, its listed neighbour's and the graveyard and monuments.

- 5.13 Criterion 6 represents one of the key issues within the proposed scheme. At the time of submission, the applicant's submitted a financial breakdown of the scheme to demonstrate that the scheme would be sufficient to meet the costs incurred by the restoration, but would not afford the applicant with an undue level of profit.
- 5.14 To assess the applicant's costs, a financial appraisal report was commission and produced by King Sturge on behalf of South Gloucestershire Council.
- 5.15 The appraisal of the applicant's financial statement were that the level of enabling development was insufficient to provide finance to successfully complete the scheme. There were concerns that the build costs may prove to be more than predicted and without any future growth of the residential units, the developer would face pressures by way of reduced margins, cost savings or desire of further development on the site. The rental income was also an area of concern, in that the figure quoted was considered too ambitious and without a pre-let agreement, the developer would be taking on a degree of commercial risk. All this undermined Officer's initial view that the level of enabling development was too intensive, as there were concerns over the scale of the extension to the Chapel House and the 19no. units being inserted into the Masters Church. The financial appraisal therefore was considered to justify the level of enabling development. Consequently, if any objections to the scale of conversion or extension to the existing building were raised, any reduction would need to be off-set with a level of new build elsewhere with the site. However, due to the sensitive character of the site and the lack of any open space suitable for new build, this was not an option. Therefore it was considered that although there remained concerns over the level of enabling development, its scale was justified through the King Sturge financial appraisal and to address the concerns regarding the costings and valuations submitted by the applicant, the level of enabling development was increased with the extension to the Chapel House increased from two-storeys to two and a half to provide 2no. additional units.
- 5.16 It is therefore considered that the level that of enabling development proposed is the minimum necessary to secure the future of the heritage asset and of a form that minimises disbenefits, as ultimately the vast majority of the enabling development is being directed away from the Grade I listed Tabernacle.
- 5.17 Finally, the proposed scheme is considered to comply with criterion 7, as it is considered that once completed, the current eye sore that the site is and the negative effect it has on the surrounding area would be removed and in its place would be a restored Grade I listed building and graveyard. This would give Kingswood a notable asset that its residents would be able to enjoy and would lift the character and appearance of the surrounding area. It is therefore considered that the value of the created space and the benefits it could bring would far outweigh the disbenefits of the level of subdivision of the Masters Church and the extension to the Chapel House.
- 5.18 In light of the above assessment, it is considered that the proposed scheme successfully meets the criteria for enabling development as set out by English Heritage. Therefore subject to the applicant agreeing to sign the Section 106 that is to be attached to the associated planning application, listed building consent is recommended to be granted subject also to the suggested conditions that pick up matters of detail not covered by the legal agreement.

#### Other Issues

5.19 The concerns expressed by local residents will be addressed in the associated planning permission report.

5.20 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).

5.6 Section 106 Requirements

As noted within this report, the associated planning application is to be subject to a Section 106 Agreement.

**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 listed building consent has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

**7. RECOMMENDATION**

7.1 Listed Building consent is to be GRANTED subject to the following conditions.

**Background Papers      PK07/0053/LB**

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

## **CONDITIONS**

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

Reason(s):

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

Within one month from the date of the decision notice, a detailed specification and schedule of temporary works for the protection and support of the Chapel House, Masters Church and Whitfield's Tabernacle shall be submitted to the Council for written approval. No works shall not be commenced until the Council has given written approval for the specification and schedule and the approved specification and schedule of works will be implemented in full within 4 months from the date of the decision notice.

Reason(s):

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

The implementation of the scheme hereby approved shall accord with the schedule of phasing as submitted by the applicant on 05 June 2008.

Reason(s):

To ensure the restoration of the Grade I listed building and its setting are safeguarded and the benefits of this enabling development scheme are secured, in accordance with English Heritage guidance on Enabling Development and the provisions of PPG15 and Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

Prior to the commencement of each phase of the works hereby approved, a detailed specification and schedule of proposed structural works to be undertaken within that phase, including the insertion of new floors, galleries, roof structures stone and timber repairs and treatment and the extent of any proposed demolition, shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted works and the repairs and alterations shall be undertaken exactly in accordance with the details so approved.

Reason(s):

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policies L13 of the Adopted South Gloucestershire Local Plan.

Notwithstanding the submitted details, prior to the commencement of each phase of the works hereby approved, large scale details of the following, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval.

- a) Flues and vents
- b) Rainwater goods
- c) Eaves, verges and ridges,
- d) Windows (including cill, reveals and head details),
- e) Specification and appearance of the obscure glass lower panels for the west facing windows of The Masters Church.



## f) Rooflights

The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

### Reason(s):

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

Prior to the commencement of the works hereby approved, samples of the proposed roof coverings and walling stone shall be submitted to the Council for approval. No works shall commence until the Council has given written approval, and, the materials used shall comply exactly with the details so approved. For the avoidance of doubt, slates shall be Natural Welsh slates matching the existing in size and colour, and tiles are to be handmade second hand natural clay tiles, matching the existing in colour, profile and texture, and verges to be bedded on natural slate undercloaks. The walling stone shall be dressed rubblestone sorted to match the original in size, finish and colour, with dressed stone detailing.

### Reason(s):

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

Prior to the commencement of each phase of the works hereby approved, large scale details (in respect of which approval is expressly reserved) of the proposed internal joinery including the staircase alterations the doors, doorcases, stairs, panelling and skirtings shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

### Reason(s):

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

Prior to the commencement of each phase of the works hereby approved full details of the proposed floor structures and finishes, and the proposed ceiling and internal wall finishes (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until written approval has been given by the Council, for the submitted details and, the materials used shall comply exactly with the details so approved. For the avoidance of doubt, exposed stone walls shall be retained as exposed stone, plaster finishes to historic walls and ceilings shall be traditional lime hair plaster. Floors within the listed buildings shall be natural stone or timber boards. Timber boards shall be species matched butt boards matching the originals in width.

### Reason(s):

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the

Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

Prior to the commencement of each phase of the works hereby approved, sample panels of the proposed re-pointing and render shall be erected on site, for approval by the Council. The relevant phase of works shall not be commenced until written approval has been given by the Council, and the re-pointing and new floors shall be constructed exactly in accordance with the samples so approved.

Reason(s):

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

Prior to the commencement of each phase of the works hereby approved, details of the proposed external joinery and fenestration finishes shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval. The finish of the fenestration and joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Council.

Reason(s):

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

Prior to the commencement of each phase of the works hereby approved, full details of proposed mechanical and electrical systems including external electrical fittings including lights, meter boxes and security alarms, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason(s):

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

A condition survey of the existing graveyard and its monuments shall be carried out in phase 2 of the agreed schedule. This survey shall then inform a schedule of repair and stabilisation works that is to be submitted to the local planning authority for prior written approval. The relevant phase (Phase 4) shall not be commenced until the schedule of repair has been agreed and the repair works shall be carried out exactly in accordance with the details so approved.

Reason(s):

To ensure that the specific of repairs works is appropriate to the character of the structures, which are curtilage listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan

A programme of archaeological recording shall be carried out during all ground disturbance and removal of historic fabric undertaken as part of the works hereby approved. Prior to the commencement of the works hereby approved, a written scheme of investigation for such a programme of recording shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted WSI and the archaeological recording shall be undertaken exactly in accordance with the approved Written Statement of Investigation.

Reason(s):

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

No wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development hereby approved otherwise than with the prior written agreement of the local planning authority.

Reason(s):

In order that the special architectural and historic interest of the buildings and the site are maintained, in accordance with national guidance set out at PPG15 and Policies D1, L12 and L13 of the Adopted South Gloucestershire Local Plan. Careful consideration has been given to the restoration of the site. It is important that consideration is afforded to any further development within the site.

Annotated elevations together with samples of all external facing materials and a schedule of finishes for all new buildings on the site (in respect of which approval is expressly reserved) shall be submitted to and agreed in writing by the local planning authority prior to any such works commencing. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

Reason(s):

In order that the special architectural and historic interest of the listed buildings and the character and appearance of the wider site, is preserved, in accordance with national guidance set out at PPG15 and Policies D1, L12 and L13 of the Adopted South Gloucestershire Local Plan.

Prior to commencement of the works hereby approved full details of all means of enclosure within the site, including materials, finishes and coping detail, as appropriate (in respect of which approval is expressly reserved) shall be submitted to and agreed in writing by the local planning authority. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

Reason(s):

In order that the development serves to preserve special architectural and historic interest of the buildings and the wider site, which is a conservation area, is maintained, in accordance with national guidance set out at PPG15 and policies D1, L12 and L13 of the Adopted South Gloucestershire Local Plan.

## **REFUSAL REASONS**

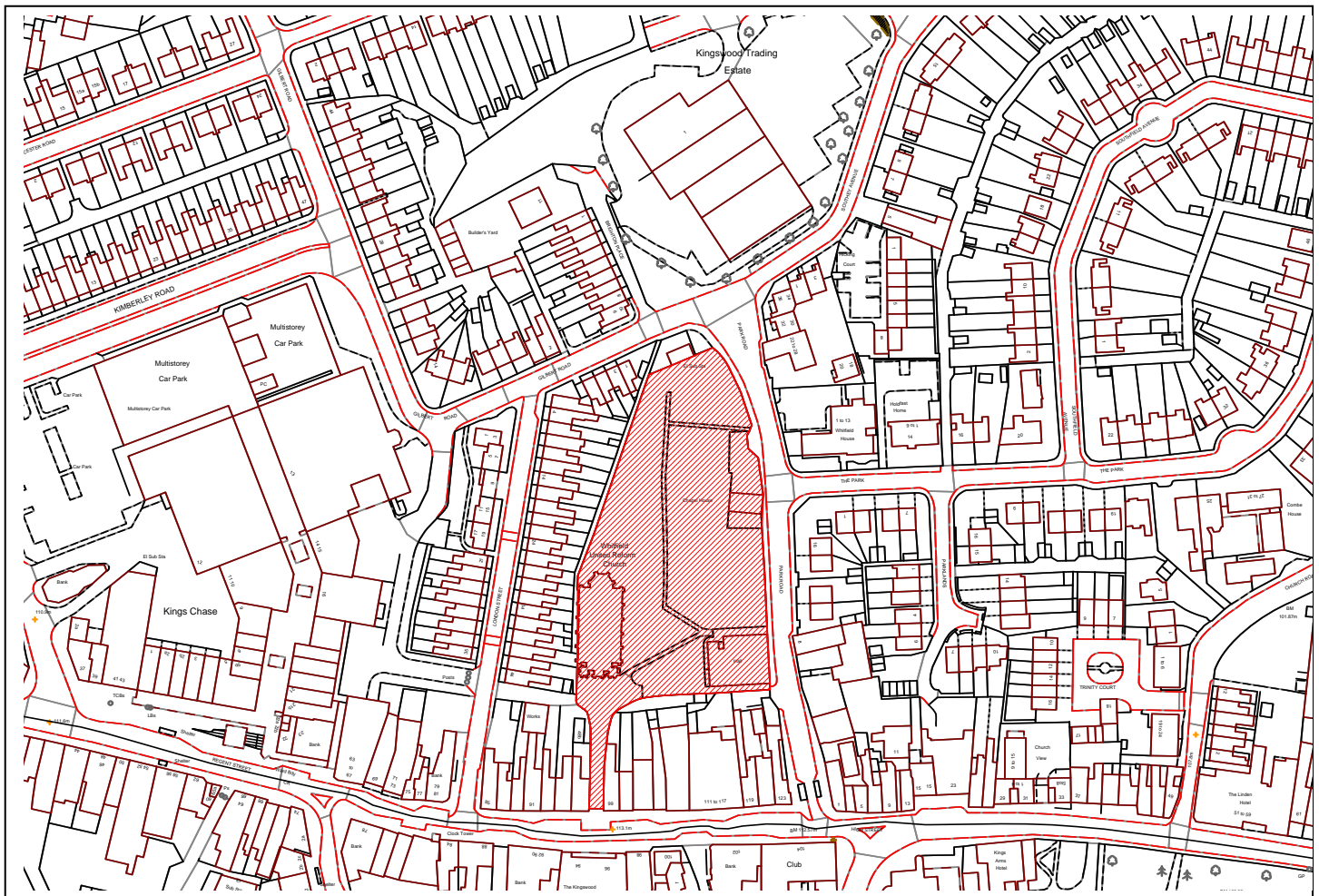
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## **DESCRIPTION OF PROPOSAL**

No data found

## CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008

<b>App No.:</b>	PK07/0064/F	<b>Applicant:</b>	Mr S Gaiger P G Group Enterprises Ltd
<b>Site:</b>	Whitfield United Reform Church Regent Street/Park Road Kingswood BRISTOL South Gloucestershire BS15 1QU	<b>Date Reg:</b>	9th January 2007
<b>Proposal:</b>	Refurbishment and change of use to:- Whitfield Tabernacle (Class D1) to (Class A3) Restaurant with erection of single storey rear extension, Masters Church (Class D1) to 19 no. apartments (Class C3) residential. Subdivision of Chapel House to form 2 No apartments and erection of a three storey side extension to form 6 no. apartments. Alteration to existing vehicular and pedestrian access, car parking landscaping and associated works.	<b>Parish:</b>	
<b>Map Ref:</b>	64908 73934	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Major	<b>Target Date:</b>	23rd March 2007



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PK07/0064/F

## **INTRODUCTION**

This application previously appeared on the Circulated Schedule in January due to the objections to the proposed scheme being received from local residents.

The application now reappears on the Circulated Schedule due to a number of changes being made to the heads of terms that would form the Section 106 legal agreement between the applicants and South Gloucestershire Council. Moreover, one previously suggested condition relating to a timescale for stabilisation works has been deleted as its requirements would duplicated by an obligation within the legal agreement.

### **1. THE PROPOSAL**

- 1.1 The proposed scheme seeks listed building consent to restore and convert the Grade I listed Whitfield Tabernacle (circa 1741) and the Grade II listed Henry Masters Church (circa 1851) and restore and extend the Grade II listed Chapel House (circa early 19<sup>th</sup> century). Along with the buildings, the overgrown graveyard setting of the buildings (which together make up the Kingswood Conservation Area) is to be restored along with a number of monuments within this area which can be considered curtilage listed buildings.
- 1.2 Although the scheme seeks to repair and reuse all three buildings, the primary aim of this scheme is the restoration of the Grade I listed Whitfield Tabernacle, an important survival form the eighteenth-century evangelical movement. The building has three understated, but nevertheless formally-composed façades, and the interior has four stone columns with simple palmette capitals, and had, until the recent dereliction, raked galleries around three sides (parts of which do survive).
- 1.3 It is proposed that the restoration and conversion of the Masters Church and Chapel House and conversion to flats and extending the Whitfield Tabernacle to facilitate a commercial use will generate income to provide sufficient funds to restore the Tabernacle, as in isolation, it is now considered beyond economic repair. This proposal can therefore be considered an “Enabling Development” scheme, as the level of sub-division within the Henry Masters Church and the extension to the Chapel House are considered essential to provide the funding required for the restoration of the Tabernacle and the site to proceed.
- 1.4 Therefore as per the guidance contained with the English Heritage’s guidance document “Enabling Development and the Conservation of Heritage Assets”, a financial appraisal of the scheme is required to ensure that the level of the enabling development proposed is not excessive nor insufficient which could equally jeopardise the long term future of the main heritage asset. Therefore in accordance with the Enabling Development guidance from English Heritage, a report was commission by King Sturge and the findings will be discussed later within this report.
- 1.5 Since submission a number of revisions have been made to the scheme. The design of the extension to the Tabernacle has been amended with also some internal revisions of the existing structure. The level of extension to the Chapel House has also increased due to the findings of the King Sturge report, as previously it was proposed that a two-storey extension to comprise

of 4 units be constructed, but this extension is now a two and half storey extension to comprise 6 units. The windows on the west side of the Masters Church have also been specified with partial obscure glass to help restrict the outlook from the proposed new windows.

- 1.6 As noted in the planning history, there have been a number of previous applications that proposed far more significant alterations to the existing site and total demolition of the buildings has also been proposed in the past. Also of relevance is the formation of The Whitfield Building Preservation Trust in 1995, which worked with the Avon County/Kingswood Borough Council to make a Heritage Lottery Fund bid application. The bid collapsed in 1997 when the end user pulled out and the file was closed by the Heritage Lottery Fund.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS6	Planning for Town centres
PPG13	Transport
PPG15	Planning and the Historic Environment

### **2.2 Development Plans**

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

D1	Design
H2	Housing
H6	Affordable Housing
H5	Conversion of Existing Buildings for Housing
L1	Landscape Protection and Enhancement
L9	Species Protection
L11	Archaeology
L12	Listed Building
L13	Conservation Areas
RT1	Development in Town Centres
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Policy for Development Control

### **2.3 Other Guidance**

English Heritage Policy Statement - "Enabling Development and the Conservation of Heritage Assets.

Kingswood Conservation Area Statement.

South Gloucestershire Council adopted Supplementary Planning Document – Trees on Development Sites.

## **3. RELEVANT PLANNING HISTORY**

- 3.1 P88/4625 & P88/4266 – Partial demolition and part conversion of church to form 39no. flats. Both applications were withdrawn 12/02/93.

- 3.2 PK00/2161/LB & PK00/2164/F – Demolition of Whitfield Tabernacle and Masters Church. Refused consent and permission respectively 30/11/2000.
- 3.3 PK04/3115/F – Conversion of church to form 16no. dwellings and erection of 5no. dwellings. Withdrawn 13/12/04.

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

- 4.1 Parish/Town Council  
The site lies within an unparished area.

##### Other Consultees

- 4.2 English Heritage  
“This proposal is for the refurbishment and extension of the Tabernacle, and the two adjacent grade II-listed buildings, and some new-build. The proposals for the site overall are radical, and would engage with Government guidance as laid out in PPG15, but should provide for the restoration of the Tabernacle itself.

Whilst there is still no detailed condition survey of the Tabernacle, it is reassuring that the whole approach of the scheme appears to be more overtly in favour of repairing historic fabric, where possible, and replacing like-for-like only where repair is not practically possible. Other alterations, such as the return to single-glazing for the sashes within the historic building, and the retention/replication of the raised gallery with the vaulted soffit beneath, and the proposed removal of all the partitions beneath the gallery are similarly most welcome.

The design of the proposed new wing onto the Tabernacle has been amended, including the internalisation of the proposed stair, the simplification of the fenestration where it abuts the historic building, and the generally lowering of the overall height, all lessen the harmful impact of the proposal upon the Tabernacle, and go much of the way to addressing our earlier concerns.

The greatest concern is the aforementioned lack of a detailed condition survey, and the lack of an amended schedule of works/repairs strategy, which should clearly indicate the precise extent of repair/replacement necessary; however, considering the condition of the building, we do appreciate the potential difficulties of producing these up front, and consequently we would have no objections should you be minded to make these the subject of appropriately worded conditions.

As the application currently stands, it appears to have successfully addressed our previous concerns, and consequently English Heritage has no further objection to the determination of this application.

However, should you be minded to grant listed-building consent, we would strongly recommend that conditions be imposed requiring a detailed condition survey of the historic fabric, and a detailed schedule of works/repairs strategy (indicating the precise extent of historic fabric that can be retained and repaired, and the precise extent of like-for-like replacement), should be submitted to and approved in writing by your authority prior to the commencement of the relevant phase of works”.

#### 4.3 The War Graves Commission

Comments summarised below:

The proposed car park and access facilities appear to affect a single war grave located in the Tabernacle Burial Ground. The grave is of Leading Aircraftsman George Wyndham Parnell who died on 05 February 1941 and he is buried in the North West part of the Burial Ground in Row N, Grave 76.

The Commission is opposed to any proposals which may involve the disturbance of our graves except in the cases of “overriding public need” in accordance with the Geneva Conventions. Should the authority accept that there is an overriding need, the Commission would need to be involved in the event that any remains are disturbed during the course of the building works and which can be identified belonging to a war casualty. The Commission would also wish to be involved in any exhumation and re-interment of the remains at a suitable location at the expense of the owners of the property.

### **Other Representations**

#### 4.4 Local Residents

4no. consultation responses were received from local residents and local business which expressed the following summarised views:

1. The entrance and gates situated on Regent Street provide the only access to the rear of a rank of shops along Regent Street;
2. There proposed driveway leading to a courtyard off Regent Street does not provide any purpose to the tenants of the new flats – it could be used for parking;
3. There is no off-street parking proposed for the new restaurant, thereby increasing the burden of parking to the home owners on Park Street;
4. Although the urgent needs for renovation is agreed with, there is concern that the existing and proposed new windows on the western elevation of the Master’s Church will be directly opposite a neighbouring property’s dining and rear bedroom windows, and if the building were to be converted into apartments, it would have a drastic impact on existing privacy levels;
5. The existing windows would not pose such a problem if the building was not being changed internally, but the additional floors will bring them into line of sight;
6. All the windows currently within this elevation would have been fixed and made of opaque glass;
7. At the bottom of the neighbour’s garden runs a lane which is not unusable due to overgrowth and there is concern about what will happen to this lane;
8. The increase in the height of the extension to The Chapel is a concern with regards to how it would affect the look of the development; and
9. There is no indication that the hedge between the proposed car parking spaces and the footpath and the footpath behind the properties in London Street is to be retained or renewed, as this gives existing residents considerable privacy.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

As stated within the guidance laid down by English Heritage, enabling development represents development that is contrary to the established planning policy – national or local – but which is occasionally permitted because it brings public benefits which have been demonstrated clearly



outweigh the harm that would be caused. The benefits are paid for by the value added to the land as a result of the granting of planning permission for its development, so enabling development can be considered as a type of subsidy – a subsidy to make up the heritage deficit between the cost of repair and the market value of the restored building. The defining characteristics of “enabling development” are therefore schemes that can be considered contrary to established planning policy and that the gain from contravening policy subsidises a public benefit that could not be otherwise achieved. Thus unlike most planning applications, financial issues are central to considering such proposals for enabling development.

- 5.2 In focusing on this scheme in more detail, it is in fact the intensity of the use of the Masters Church, the scale of the extension to The Chapel House and to a lesser degree the extension to the Tabernacle that actually can be considered as “enabling development”. However, although these three proposed developments could be potentially to a level that would possibly otherwise be resisted, permission will only be granted if the exiting buildings and their setting are not materially harmed. Furthermore the applicant also has to demonstrate that on balance, the benefits clearly outweigh any disbenefits, not only to the historic asset or its setting, but to any other relevant planning interests.
- 5.3 The principle of the “enabling development” can only be considered acceptable if the following criteria set down by English Heritage have been met.
1. The enabling development will not materially detract from the archaeological, architectural, historic, landscape or biodiversity interest of the asset, or materially harm its setting;
  2. The proposal avoids detrimental fragmentation of management of the heritage asset;
  3. The enabling development will secure the long term future of the heritage asset, and where applicable, its continued use for a sympathetic purpose;
  4. The problem arises from the inherent needs of the heritage asset, rather than the circumstances of the present owner or the purchase price paid;
  5. Sufficient financial assistance is not available from any other source;
  6. It is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the heritage asset, and that its form minimises disbenefits;
  7. The value or benefit of the survival or enhancement of the heritage asset outweighs the long-term cost to the community (ie the disbenefits) of providing enabling development.
- 5.4 An assessment of how the scheme accords with the above criteria will now be made in turn as they appear.
- 5.5 Criterion 1 - It is considered that following a number of revisions to its design and scale, the proposed extension to the Tabernacle would now produce an interesting addition to what is a very plain building. The single story lightweight elevational composition with its “green roof” juxtaposed to the simple form and symmetrical elevation of the Tabernacle would create a building of some visual interest, and one that would not detract from the character of the building or its setting, or indeed the graveyard beyond. The main road side elevation of the building would remain unchanged and the scheme is commended for retaining the open interior of the building as part of a full restoration, which is such a significant part of the character of the former Whitfield United Reform Church.

- 5.6 It is though noted that the full extent of repair is not known, as the building is structurally unsafe and until stabilised, a comprehensive condition survey can not be undertaken. These works will though be subject to prior approval via a condition of any consent and to cover this and a number of other variables, a schedule of phasing has been agreed and submitted by the applicant.
- 5.7 The Masters Church exists as a shell with a deteriorating external envelope and internally very little historic fabric remains. The building was listed by English Heritage in 2001 for its group value, following the applications in 2000 for its demolition. As submitted, the proposed residential conversion of the Masters Church was accepted as an essential requirement if the whole scheme was to be a viable one. There was however widespread concern about the intensity of the use of the building to allow for the creation of 19no. residential units, as the interior open space would be subdivided entirely and the external alterations would see a number of roof lights on previously large blank expanses of roof slate. Therefore the need for such an intensive use would need financial justification. The findings of the financial appraisal will be discussed later in this report, but it is important to stress that it was not considered that the proposed conversion of the Masters Church would materially detract from its existing character due mainly to its current condition.
- 5.8 The Chapel House is currently being supported by an external frame following partial structural collapse. It is however considered not beyond repair and so the previously proposed demolition and rebuild has been resisted. Like the Masters Church scheme, the scale of the level of extension was a concern, but as a proposed element of enabling development, again the financial justification for its scale would be subject to scrutiny. However the principle of extending The Chapel House has been accepted on the proviso that the Chapel House is fully restored to its current historic scale.
- 5.9 With regard to the other elements of the scheme, the full restoration of the graveyard and the many monuments will significantly enhance the ecclesiastical setting of the buildings and the wider landscape. Some concerns have been expressed regarding the proposed access road and parking area for the residents of the Masters Church and Chapel House, as the road and car park appears to be constructed over a number of graves. It is noted that as shown on the existing and proposed site plans, a number of graves would be lost, but the condition of these graves is unknown. Therefore as part of the phasing schedule of development (which will form part of the conditional consent), a full survey of the graves and monuments is to be undertaken before any works commence. Furthermore a schedule of repair is to also be prepared. As a result of this, the condition of the graves will then be known along with a more accurate position of where the graves lie within the site. If it is found that a number of graves which would be affected by the proposed access road and car park are in good state of repair or are worthy of retention, then the access arrangements are to be revised accordingly, and so the proposed position and scale of the access road and parking area is not considered to be set in stone, as some flexibility needs to be built into the approval and this provision has been made within the phasing schedule. Within the graveyard is an existing war grave in the north western corner of the site. This area has not been previously surveyed and with the site now inaccessible, its position is not accurately known. However the existing war grave on the site is considered to be of significant importance and regardless of its condition, the access road and car park will not be permitted to disturb it in any way.

Therefore in conclusion it is the case that until the survey is completed, the true effect of the scheme on the graveyard and its monuments can not be fully compromised, although some degree of re-ordering of the graveyard is inevitable. Furthermore as the graveyard has been under the control of a non-conformist church, it does not represent “consecrated ground” and so does not require to be scheduled as redundant. However, there remains existing legislation that affects the control and reuse of burial grounds, legislation which stands separate to the planning system – the Disused Burial Ground Act 1884 for example. It is though considered that although in most cases any such scheme to re-order a graveyard can rarely considered in the public interest, in this case it is a clear choice of leaving all the graves untouched but inaccessible or potentially losing a number of some of the oldest graves (from circa 1851 onwards), but fully restoring the great majority. It would also create a space that would not only enhance the setting of the buildings, but it would also create a space that would be of benefit to the local community along with providing improved accessibility to the graves of possibly some of the descendants of the graves within the site.

- 5.10 Criterion 2 - To address the issue of fragmentation, previously it was suggested that a condition of the legal agreement between the Council and the applicant be made so that the site can not subdivided by selling off any parcel of land which could then prevent implementation or enforcement of the obligations placed upon the applicant. However, on legal advice both from the Council’s own Solicitor and English Heritage, such an obligation could not be placed upon the applicant as it would be open to legal challenge. Therefore the need to ensure that the Tabernacle is restored as a matter of priority has to be achieved through setting out obligations for the key events of the development. Therefore, as seen in the suggested heads of terms later noted at the end of this report, the occupation of the new units can only occur when parts of the Tabernacle have been restored. The transfer of ownership would not interfere with this requirement.
- 5.11 The applicant has stated that the leasehold of the units within the Masters Church and the Chapel House are to be sold, along with the lease for the Tabernacle. The ownership of these leases are to transfer into a management company who will also take responsibility for the graveyard. The maintenance responsibility for the buildings and the graveyard and its monuments will be set down in the establishment of a long term management agreement that will form part of the Section 106. In conclusion, it is considered that the proposed scheme satisfies the second criterion for enabling development to be approved.
- 5.12 Criterion 3 - The proposed uses for the Masters Church and the Chapel House will ensure their long term future and although for the Masters Church, the internal configuration will be significantly different, in view of the overriding issue of need, the proposed conversion is considered acceptable as part of this enabling development project. Although the restoration of the Tabernacle is the main purpose of this application, it to needs to be given a long term future to avoid any future periods of decline as seen since the building ceased to be used in 1990. The proposed commercial use of the building should provide a potential host of users wanting to take advantage of this unique space, which importantly has been retained largely as it existed originally. It is considered therefore that as far as reasonably possible, the proposed scheme meets with this test.

- 5.13 Criterion 4 - As previously noted within this report, the restoration of the Tabernacle has become beyond economic repair due to the level of deterioration that has occurred following the arson attack in the late 1990's. The level of deterioration is considered to be accelerating as the internal fabric remains exposed to be elements. Therefore it is the needs of the heritage asset by way of its condition, is the problem in this case and not the purchase price paid by the owner.
- 5.14 With regards to criterion 5, the only other realistic source of the level of funding of the scale required to restore the Tabernacle is from the Heritage Lottery Fund. However, with one failed bid due to no clear end user identified and none coming forward since, it has not been possible to pursue again such a course. It is therefore considered that the proposed scheme represents the only realistic opportunity to restore the Tabernacle, its listed neighbour's and the graveyard and monuments.
- 5.15 Criterion 6 represents one of the key issues within the proposed scheme. At the time of submission, the applicant's submitted a financial breakdown of the scheme to demonstrate that the scheme would be sufficient to meet the costs incurred by the restoration, but would not afford the applicant with an undue level of profit.
- 5.16 To assess the applicant's costs, a report was commissioned and a financial appraisal report was produced by King Sturge, a national consultancy of land surveyors.
- 5.17 The findings of the financial appraisal of the applicant's financial statement were that the level of enabling development was insufficient to provide the levels of required finance to successfully complete the scheme, as there was concerns that the build costs may prove to be more than predicted and without any future growth of the residential units, the developer would face pressures by way of reduced margins, cost savings or desire of further development on the site. The rental income was also an area of concern, in that the figure quoted was considered too ambitious and without a pre-let agreement, the developer would be taking on a degree of commercial risk. All this undermined Officer's initial view that the level of enabling development was perhaps too intensive, as there were concerns over the scale of the extension to the Chapel House and the 19no. units being inserted into the Masters Church. The financial appraisal therefore was considered to justify the level of enabling development. Consequently, if any objections to the scale of conversion or extension to the existing building were raised, any reduction would need to be off-set with a level of new build elsewhere with the site. However, due to the sensitive character of the site and the lack of any open space suitable for new build, this was not an option. Therefore it was considered that although there remained concerns over the level of enabling development, its scale was considered justified through the King Sturge financial appraisal and to address the concerns regarding the costings and valuations submitted by the applicant, the level of enabling development was increased with the extension to the Chapel House increased from two-storeys to two and a half to provide 2no. additional units.
- 5.18 It is therefore considered that the level that of enabling development proposed is the minimum necessary to secure the future of the heritage asset and of a form that minimises disbenefits, as ultimately the vast majority of the enabling development is being directed away from the Grade I listed Tabernacle.

- 5.19 Finally, the proposed scheme is considered to comply with criterion 7, as it is considered that once completed, the current eye sore that the site is and the negative effect it has on the surrounding area would be removed and in its place would be a restored Grade I listed building and a restored graveyard with its monuments. This would give Kingswood a notable asset that its residents would be able to enjoy and would lift the character and appearance of the surrounding area. It is therefore considered that the value of the created space and the benefits it could bring would far outweigh the disbenefits of the level of subdivision of the Masters Church and the extension to the Chapel House.
- 5.20 In light of the above assessment, it is considered that the proposed scheme successfully meets the criteria for enabling development as set out by English Heritage. The principle of the proposed scheme is therefore acceptable.
- 5.21 An assessment of the proposal will now be under in light of all the relevant national guidance and local plan policies, including the criteria attached to Policy H5.
- 5.22 Conservation and Design Issues  
As previously discussed within this report, the proposed extension to the Tabernacle is considered to complement its existing simple form with a building of high architectural value. It is considered that the resultant building would make a significant contribution to the character and appearance of the Grade I listed building, the Kingswood Conservation Area and the immediate context. It is though noted that until the full condition survey is completed, the extent and nature of repairs is not fully known although the revisions that have been made to the design and specification of the restored building are considered to be broadly acceptable.
- 5.23 The level or intensity of conversion of the Masters Church would not normally entertained, but as established already within this report, the level of subdivision has been proved necessary if the scheme is to be a viable one.
- 5.24 Whilst internally it could be argued that there is little historic to compromise, it is the external alterations that would be the main indicator of the intensity of conversion of the Masters Church. In particular the number of roof lights on the roof planes would be the most prominent alteration, but again without these roof lights, the level of subdivision required to make the scheme viable could not be achieved. It is though considered that it is only the roof light on the east facing elevation that would be most visible within the public realm and when all the benefits are considered and in light of all material considerations, on balance from a design and conservation basis, they are considered acceptable.
- 5.25 Finally moving onto to The Chapel House, since submission the level of extension has been increased due the findings of Kings Struge report (see paragraph 5.16). Therefore the already sizable two-storey extension has been extended to a “two-and-a-half”. The rationale for directing the additional units to this location is that this area and building was considered to be the least sensitive in terms of historic value. The ridge height of the extension will though only be approximately 1 metre higher than the ridge of the Chapel House.
- 5.26 The proposed extension to the south facing elevation of the Chapel House will be far greater than the scale of its host, but care has been taken to leave the Chapel House in its original scale and not extend fully across the width of the south elevation and only attach the extension by a single storey “link”.

These measures will ensure that the resultant building will be left in “historic context” with a distinction both physically and architecturally between the scale and outline of the “old” and the “new”. Although again the issue of scale has been pre-determined as part of the enabling development process, there was an obligation for the applicant to produce a high quality design for this building. It is considered that the design approach taken is both contemporary and respectful to its historic context, for example, with its narrow fenestration of varying heights (in some cases extending up through 3 floors), it is considered that this is a modern interpretation of the lancet windows which play such a significant role in the Gothic architecture of the Masters Church. The tapered northern end with its various forms will provide a building with high level of visual interest on what would be a prominent part of the site and one of the approaches to the Tabernacle. Overall the design and scale of the extension is considered to be acceptable.

5.27 In addition to the above, from a wider design viewpoint, the proposed scheme can be considered to a very sustainable development in that in its design and layout, an existing derelict site and buildings will be reused to provide housing as part of a mixed-use town centre development that would create a mixed and sustainable community at neighbourhood level. The proposed scheme is therefore makes an effective and efficient use of the site in accordance with the guidance contained within PPS3.

5.28 Residential Amenity

Starting with the considered affect the proposed development would have upon the residential amenities of the surrounding properties, there are no residential amenity concerns regarding the proposed use of The Tabernacle for a restaurant. There are no concerns either for the conversion of the Chapel House. However, with regard to its extension, the building will face the flank wall of the Whitfield House, a comparatively modern apartment building on the opposite side of Park Road. The flank wall of Whitfield House does contain a number of habitable room windows, but the separation distance between the windows in the existing west facing elevation of Whitfield House and the east facing elevation of the proposed Chapel House would accord with the 21 metre separation distance required to avoid any unacceptable levels of inter-visibility.

5.29 The main residential amenity concern with this application has been with the proposed conversion of the Masters Church and the effect it could have on the levels of residential amenity currently enjoyed by the residents of the adjoining terrace of houses that front onto London Street, as the west elevation of the Masters Church is only some 8 metres from its closest neighbour No.40 London Street.

5.30 Therefore due to the close proximity of the respective buildings, the Masters Church dominates the rear outlook of a number of the houses along London Street, however, all bar two (No's 40 & 42), an existing footpath separates the Masters Church from the rear gardens. The footpath is however currently unusable as it is substantially overgrown.

5.31 As the building is existing, there can clearly be no concerns regarding overbearing issues. The main concern has been the loss of privacy as the existing windows on the west elevation which are currently blocked up are to be reinstated and a number of rooflights are to be inserted into the west facing roof slopes.

- 5.32 In light of the relationship between the existing buildings, the concerns of the local residents regarding the reinstatement of the ground floor windows are understandable. As originally submitted, clear glass was specified for the windows which although have a height of 3.2 metres, only have a width of 1 metre.
- 5.33 It is though noted that the ground floor level of the Masters Church is elevated in comparison to the ground floor level of the adjacent houses. The existing windows are also in a high position within the wall in relation to modern standards. It is also noted that although the distance between the west wall of the Masters Church and the closest part of a neighbouring house is approximately 8 metres, this distance relates to the rear extension which was a traditional form of house construction in the late 19<sup>th</sup> and early part of the 20<sup>th</sup> century. The off-shoots as seen on the ordnance survey plan at the front of this report are a combination of two and single storeys, which approximately half the depth two-storeys and the rest being single storey with a lean-to roof. One of the main characteristic of this form of development is that it was unusual for a habitable room window to be on the rear elevation or the gable end of the off-shoot, as the first floor windows would be located to the side. The result of this is that whilst at ground floor level, there are habitable room windows within 7 metres from the west elevation of the Masters Church (although separated by the footpath), at first floor bedroom level, the distance in some cases increases from a minimum of 13 metres to a maximum of approximately 17 metres.
- 5.34 Notwithstanding the above mitigating circumstances, there remained some concern over the potential for inter-visibility/ loss of privacy from the utilisation of the existing west facing ground floor windows that would serve the living rooms of a number of units.
- 5.35 The specification of the living room windows has therefore been revised so that the lower third of the window is specified with obscure glass. The purpose of this is that as shown on the submitted section, due to the internal levels of the Masters Church and the position of the window and the respective level and scale of the neighbouring, the line of sight above the obscure glass panel will be above the first floor windows within the rear elevation of the neighbouring property.
- 5.36 Although it is considered that the separation distances between habitable room windows would be below the visual standard, it is not considered that the proposed conversion would have a significant detrimental effect on the residential amenities of the neighbouring properties or indeed afford the prospective residents with a substandard level of privacy.
- 5.37 With regard to the amenity provision for the prospective residents, the proposed units are considered to be of acceptable scale and would provide levels of outlook and natural lighting that would afford the residents a suitable level of amenity in accordance with Policy H5. Although the converted graveyard is intended to provide open space for residents of both the Masters Church and Chapel House units, it can be noted that a number of ground floor units within the proposed Chapel House extension are to be afforded with small private amenity areas. However, although in the main no private amenity space is being provided for the proposed new residential units, due to the sensitive nature of the site, none would be suggested as it would result in the enclosure of areas of the existing graveyard, and this would have a significant adverse effect on the character of the area.

Therefore the provision of the restored graveyard to provide open space for the residents to enjoy, and so in light of this and the town centre location there are no objections to the issue of amenity provision.

5.38 Community Services

As the proposed scheme is proposing more than 14 units, an affordable housing contribution should be sought in line with the guidance set out in national guidance and local plan policy. However, in view of its “Enabling Development” status, the burden of providing affordable housing would merely have the effect of increasing the extent of new building on the site, as any contribution sought, its loss to the value of the project would then have to be off-set with an increase level of new build. This would go against the English Heritage principle of the need to minimise the level of new development on such sensitive sites, and as noted on a number of occasions, the level of development already proposed would not be supported without the financial justification, and so any increase would potential start to have significant negative effects on the character and appearance of the Kingswood Conservation Area and all its listed buildings.

5.39 Therefore although in isolation the scheme can be seen to be in conflict with guidance within PPS3, it is considered that there are clear and sound grounds for any affordable housing contribution to be waived on the basis that other demonstrable material interests outweigh such requirements.

5.40 Although the above argument can be applied for all other contributions, it is noted that as there is currently a projected surplus capacity at both primary and secondary schools within the area of Kingswood, no educational contribution would have been required. In addition, with the restored graveyard, an area of open space for the residents is being created, and so no contribution for this requirement was considered necessary.

5.41 Landscape/ Trees

The site is overgrown with numerous self set Elder, Thorn and Sycamore trees. There are some significant trees around the site that are covered by Tree Preservation Orders.

5.42 The applicant has submitted a tree survey of which the findings are largely agreed with, however TPO2 Yew, TPO4 Yew and TPO9 London Plane, as these are significant trees that are worthy of category A status.

5.43 The recommendations for tree removal in the tree survey are acceptable with the condition that adequate replanting is included within the development to mitigate the loss.

5.44 Officers expressed concern regarding the construction of the footpath that runs adjacent to TPO’s 2,3,4,5,6,7,8,9, as this encroaches onto the rooting area of the trees and therefore it should be a no dig area and any ground compaction should be avoided.

5.45 The area beneath the crown of the TPO9 (London Plane) was originally shown as paved. The tree is considered to be a veteran and makes a significant contribution to the character of the area, and so any compaction or disturbance within the rooting area would be unacceptable. On this basis the area under the crown of this tree has been redesigned so the surface will be grassed, therefore minimising the potential disturbance to its roots.



A method statement of construction has also been submitted and agreed by the Council's Tree Officer.

- 5.46 There is no mention of protective fencing for the retained trees during the development and so a plan of tree in line with BS5837 2005 will be subject to a pre-commencement condition that will ensure it is erected and inspected prior to the commencement of works.
- 5.47 The canopy of TPO5 extends over the area of the proposed extension of the Tabernacle and so details are required as to how this will be managed during construction to prevent damage to the tree. The same applies to TPO2 and TPO3, and so a condition to address the above issues is suggested.
- 5.48 There is an existing Ash tree shown as retained by the new bike racks and car parking. This tree is not worthy of retention and could be removed with a replacement being planted as part of the landscaping.
- 5.49 Until the survey of the graveyard is undertaken, as previously noted, the true position and scale of the car park and drive can not be determined. Therefore the true effect on the existing landscaping and the areas of new planting which will be required can not be identified to any accurate degree at this stage. Therefore as part of the legal agreement, following a survey of the graveyard and monuments, the extent of the car park and road will be known and this will help inform a proposed landscaping scheme.
- 5.50 Overall it is considered that the trees make a significant contribution to the character and distinctiveness of the locality and so therefore should be retained, protected and managed in a way that ensures their long-term viability in accordance with Policy L1 of the adopted local plan. Suitable conditions are therefore to be attached.
- 5.51 Transportation  
The proposed development of 27 flats will be provided with 26 no. parking spaces. The provision of off-street parking spaces is considered to accord with the maximum parking standards stated under the Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. Moreover, it could be argued that due to the sustainable location of the site, the level of off-street parking could be reduced.
- 5.52 With regard to the commercial use for the Tabernacle, no off-street parking has been provided for the restaurant, but again due to the sustainable location, no parking is considered to be required.
- 5.53 The access road that leads to the parking area (i.e. access from Park Road direction) is long and it is therefore it was advisable that a suitable turning area is provided on site to ensure service vehicles using the access can enter and exit the site in forward gear. However it is noted that in fact the gates to the access would only be residents parking and so no services vehicles are intended to use of the access. In addition as submitted, it was not of sufficient width to accommodate two passing vehicles due to the provision of a footpath. To avoid the need for passing bays which would further intrude into the graveyard, the raised footpath has been removed and the access is to be one "shared space" for use by both pedestrians and motorises.

5.54 Cycle parking in accordance with the SGC cycle parking standards for both the residential and the restaurant development on this site has been provided.

5.55 In light of the above, there are no highways objections to the proposed scheme on highway grounds.

5.56 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).

5.57 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 need to secure the benefits of the enabling development are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

1. Ensure that within 4 months from the date of the planning permission decision notice, a programme of stabilisation works for the Grade I Whitfield Tabernacle, The Grade II Masters Church and Chapel House are agreed and implemented.
2. Prevent the occupation of any development prior to the repair and restoration of the structure and external envelope of the Grade I Whitfield Tabernacle.

3. Prevent the occupation of the Masters Church prior to the full restoration of the interior of the Grade I Whitfield Tabernacle and its approved extension.
4. Prevent the occupation of the Masters Church prior to the works to repair/restore graveyard and boundary walls being completed.
5. To secure and implement a program of maintenance and management of both the listed buildings and their graveyard setting.

The reasons for this Agreement are:

1. To ensure the historic assets are safeguarded.
2. To secure the benefits of this “enabling development” scheme.
3. To secure the benefits of this “enabling development” scheme.
4. To secure the benefits of this “enabling development” scheme
- 4) To provide security for the long term future of the buildings and their setting.

**Background Papers      PK07/0064/F**

**Contact Officer:    Robert Nicholson**  
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**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 the development hereby permitted (including stabilisation works), a scheme of tree protection is to be submitted to the local planning authority for prior written approval. The approved protection measures shall then be erected on site and are to be inspected prior to development commencing.

Reason

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

3. A method statement for the construction of the paths in and around the TPO trees is to be submitted prior to this element of the scheme being undertaken.

Reason

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

4. Prior to the commencement of any development, a badger survey is to be undertaken and if required a badger mitigation strategy is to be drawn up and agreed in writing by the local planning authority to detail all work subject to the provisions of the Protection of Badgers Act 1992.

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 commencement of the development hereby approved, a removal strategy for any hedgehogs found on the site is to be submitted to the local planning authority for prior written approval.

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.

6. Prior to any works as part of the restoration of the Masters Church, a bat survey of the Masters Church is to be undertaken and its findings submitted to the local planning authority for approval.

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.

7. Prior to the commencement of the development hereby approved (including stabilisation works), a badger survey of the site is to be undertaken with the findings submitted to the local planning authority for approval. This may lead to the need for a mitigation strategy which will also be subject to local authority approval if required.

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.

8. Prior to any works to clear the site of vegetation, a survey for Slow worms is to be carried out. This should ideally be carried out between May to September which is during the period of optimum activity. The findings of the survey are to be submitted to the local planning authority for written approval.

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.

9. As it is considered that the stabilisation works will precede the clearance of the site, details of a ecological working statement to address concerns over the possible presence of slow worms is to be submitted to the local planning authority for prior written approval.

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.

10. Prior to the construction of the access road and parking area, an ecological statement to address the possible presence of slow worms on the site is to be submitted to the local planning authority for prior written approval.

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.

11. The implementation of the scheme hereby approved shall accord with the schedule of phasing as submitted by the applicant on 05 June 2008.

Reason

To ensure the restoration of the Grade I listed building and its setting are safeguarded and the benefits of this enabling development scheme are secured, in accordance with English Heritage guidance on Enabling Development and the provisions of PPG15 and Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to the commencement of each phase of the works hereby approved, a detailed specification and schedule of proposed structural works to be undertaken within that phase, including the insertion of new floors, galleries, roof structures stone and timber repairs and treatment and the extent of any proposed demolition, shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted works and the repairs and alterations shall be undertaken exactly in accordance with the details so approved.

Reason

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policies L13 of the Adopted South Gloucestershire Local Plan

13. Notwithstanding the submitted details, prior to the commencement of each phase of the works hereby approved, large scale details (and samples where applicable) of the following, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval.

- a) Flues and vents
- b) Rainwater goods
- c) Eaves, verges and ridges,
- d) Windows (including cill, reveals and head details),
- e) Specification and appearance of the obscure glass lower panels for the west facing windows of The Masters Church.
- f) Rooflights

The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

14. Prior to the commencement of the works hereby approved, samples of the proposed roof coverings and walling stone shall be submitted to the Council for approval. No works shall commence until the Council has given written approval, and, the materials used shall comply exactly with the details so approved. For the avoidance of doubt, slates shall be Natural Welsh slates matching the existing in size and colour, and tiles are to be handmade second hand natural clay tiles, matching the existing in colour, profile and texture, and verges to be bedded on natural slate undercloaks. The walling stone shall be dressed rubblestone sorted to match the original in size, finish and colour, with dressed stone detailing.

Reason

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and policies L13 of the Adopted South Gloucestershire Local Plan.

15. Prior to the commencement of each phase of the works hereby approved, large scale details (in respect of which approval is expressly reserved) of the proposed internal joinery including the staircase alterations the doors, doorcases, stairs, panelling and skirtings shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

16. Prior to the commencement of each phase of the works hereby approved full details of the proposed floor structures and finishes, and the proposed ceiling and internal wall finishes (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until written approval has been given by the Council, for the submitted details and, the materials used shall comply exactly with the details so approved. For the avoidance of doubt, exposed stone walls shall be retained as exposed stone, plaster finishes to historic walls and ceilings shall be traditional lime hair plaster. Floors within the listed buildings shall be natural stone or timber boards. Timber boards shall be species matched butt boards matching the originals in width.

Reason

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

17. Prior to the commencement of each phase of the works hereby approved, sample panels of the proposed re-pointing and render shall be erected on site, for approval by the Council. The relevant phase of works shall not be commenced until written approval has been given by the Council, and the re-pointing and new floors shall be constructed exactly in accordance with the samples so approved.

Reason

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

18. Prior to the commencement of each phase of the works hereby approved, details of the proposed external joinery and fenestration finishes shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval. The finish of the fenestration and joinery shall comply exactly with the details so approved. No alteration of the approved finish shall take place without written approval of the Council.

Reason

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

19. Prior to the commencement of each phase of the works hereby approved, full details of proposed mechanical and electrical systems including external electrical fittings including lights, meter boxes and security alarms, (in respect of which approval is expressly reserved) shall be submitted to the Council for approval. The relevant phase of works shall not be commenced until the Council has given written approval, for the submitted details and the works shall be constructed exactly in accordance with the details so approved.

Reason

To ensure that the design of the details listed are appropriate to the character of the buildings, which are listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan.

20. A condition survey of the existing graveyard and its monuments shall be carried out in phase 2 of the agreed schedule. This survey shall then inform a schedule of repair and stabilisation works that is to be submitted to the local planning authority for prior written approval. The relevant phase (Phase 4) shall not be commenced until the schedule of repair has been agreed and the repair works shall be carried out exactly in accordance with the details so approved.

Reason

To ensure that the specific of repairs works is appropriate to the character of the structures, which are curtilage listed as being of architectural or historic interest, thereby preserving the special architectural or historic interest they possess in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990, national guidance set out at PPG15 and Policy L13 of the Adopted South Gloucestershire Local Plan

21. A programme of archaeological recording shall be carried out during all ground disturbance and removal of historic fabric undertaken as part of the works hereby approved. Prior to the commencement of the works hereby approved, a written scheme of investigation for such a programme of recording shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval, for the submitted WSI and the archaeological recording shall be undertaken exactly in accordance with the approved Written Statement of Investigation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

22. No wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development hereby approved otherwise than with the prior written agreement of the local planning authority.

Reason

In order that the special architectural and historic interest of the buildings and the site are maintained, in accordance with national guidance set out at PPG15 and Policies D1, L12 and L13 of the Adopted South Gloucestershire Local Plan. Careful consideration has been given to the restoration of the site. It is important that consideration is afforded to any further development within the site.

23. Annotated elevations together with samples of all external facing materials and a schedule of finishes for all new buildings on the site (in respect of which approval is expressly reserved) shall be submitted to and agreed in writing by the local planning authority prior to any such works commencing. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

Reason

In order that the special architectural and historic interest of the listed buildings and the character and appearance of the wider site, is preserved, in accordance with national guidance set out at PPG15 and Policies D1, L12 and L13 of the Adopted South Gloucestershire Local Plan.

24. Prior to commencement of the works hereby approved full details of all means of enclosure within the site, including materials, finishes and coping detail, as appropriate (in respect of which approval is expressly reserved) shall be submitted to and agreed in writing by the local planning authority. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

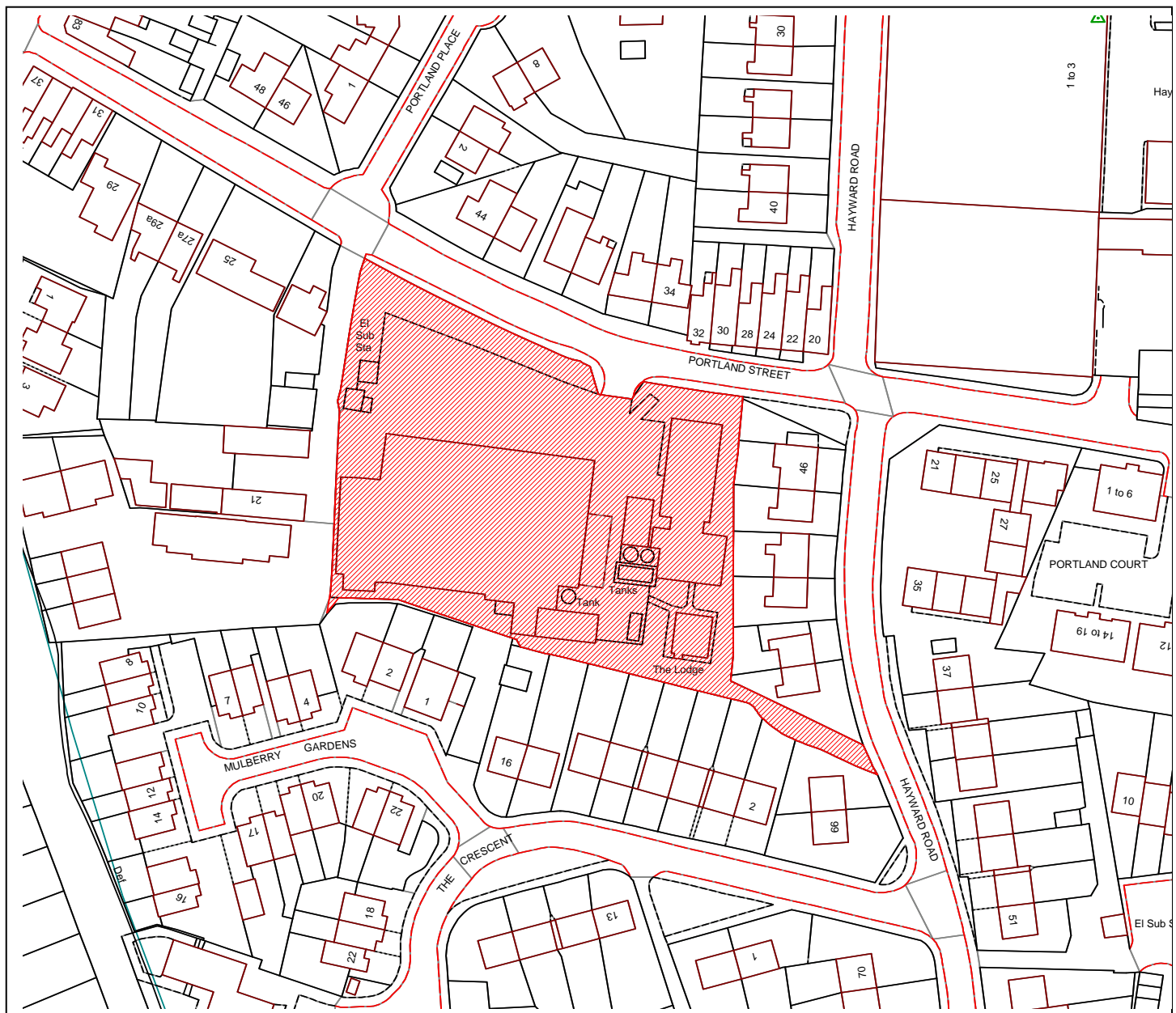


### Reason

In order that the development serves to preserve special architectural and historic interest of the buildings and the wider site, which is a conservation area, is maintained, in accordance with national guidance set out at PPG15 and policies D1, L12 and L13 of the Adopted South Gloucestershire Local Plan.

## CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008

<b>App No.:</b>	PK07/1622/F	<b>Applicant:</b>	City & Provincial Plc
<b>Site:</b>	Portland Street Staple Hill BRISTOL South Gloucestershire BS16 4PS	<b>Date Reg:</b>	23rd May 2007
<b>Proposal:</b>	Demolition of existing factory and erection of 42no. dwellings with associated parking, amenity space, cycle and bin store.	<b>Parish:</b>	
<b>Map Ref:</b>	64641 75392	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Major	<b>Target Date:</b>	13th August 2007



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## **INTRODUCTION**

This application appeared on the Circulated Schedule last week (23/08), however since the date of circulation the recommendation has been updated.

Members will recall that the above application was placed on the Circulated Schedule to Council Members on the 12<sup>th</sup> October 2007 (Circulated Schedule No.41/07) and an update was sent on 27<sup>th</sup> November 2007. These reports are attached as Appendix 1. Members did not refer the matter to the Development Control Committee. The purpose of this update is to allow negotiations to continue between the applicant and the Council on the Section 106 Agreement.

## **ISSUES**

The recommendation was as follows:

- 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)
  - £27,720.60 towards the provision of two additional secondary school places.
- 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.

The Council's Legal Officer has indicated that negotiations are ongoing and a further 6 months to conclude these is therefore required.

## **RECOMMENDATION**

That the deadline for the completion of the S106 agreement be extended for an additional period of 6 months.

## **APPENDIX 1**

### **INTRODUCTION**

Members will recall that the above application was placed on the Circulated Schedule to Council Members on the 12<sup>th</sup> October 2007 (Circulated Schedule No.41/07). The report is attached. The purpose of this update is to draw members attention to an error in the report.

### **ISSUES**

Paragraph 7.1 (Recommendation) should have also included the following in the heads of terms for the Section 106 Agreement:

- £27,720.60 towards the provision of two additional secondary school places.

This requirement was set out in Paragraphs 4.6 and 5.13 of the report. The recommendation should have read:

7.2 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)
- £27,720.60 towards the provision of two additional secondary school places.

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

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

## **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

7.3 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:

A preliminary investigation including a desk study report detailing the history of the site and identifying risks to human health and the environment.

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.

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. 25/08 – 20 JUNE 2008**

<b>App No.:</b>	PK08/0780/F	<b>Applicant:</b>	Mr A Pullen Pullen Brickwork Ltd
<b>Site:</b>	The Retreat, Colts Green, Badminton Road, Old Sodbury, South Gloucestershire, BS37 6LR	<b>Date Reg:</b>	25th March 2008
<b>Proposal:</b>	Demolition of existing dwelling to facilitate the erection of 2 no. detached dwellings with double garages. (Resubmission of PK07/2689/F).	<b>Parish:</b>	Sodbury Town Council
<b>Map Ref:</b>	74024 81610	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th May 2008



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100023410, 2008.

**N.T.S**

**PK08/0780/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of two detached dwellings within the residential curtilage of 'The Retreat'. The existing bungalow on site is to be demolished to make way for the two new dwellings as proposed. One of the dwellings is to be a four bedroomed, detached two storey dwelling with an attached double garage. The second dwelling is to be a three bedroomed dormer bungalow also with a detached double garage.
- 1.2 The application site is situated off Badminton Road, Old Sodbury and currently comprises a detached 2-bedroom bungalow with large garden area. The design and access statement claims that the existing bungalow on the site is totally redundant for modern use. Outline planning permission was granted in 2005 for the erection of one additional dwelling on the site – the original dwelling was to be retained as part of this previous application.
- 1.3 During the course of the application amended plans have been received from the applicant to reduce the size of proposed dwelling 2. As initially submitted, dwelling No. 2 was shown to be a 1½ storeys to eaves level on the rear elevation. Amended plans have been received as requested to ensure that dwelling No. 2 is restricted in height to being a true dormer bungalow.

### **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
H2	Residential Development within the Urban Area
H4	Development within Residential Curtilages
L1	Landscape Protection and Enhancement
T12	Transportation Development Control Policy for New Development

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

- 3.1 PK07/2689/F Demolition of existing dwelling to facilitate the erection of 2 no. detached dwellings with double garages, retention of existing access and associated works. Construction of 2.4 metre high wall to eastern boundary. Withdrawn October 2007
- 3.2 PK05/2736/O Erection of 1 no. dwelling with means of access and siting to be determined. All other matters reserved.

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

##### **(a) Statutory Consultees**

- 4.1 Sodbury Town Council  
No Objection

##### **(b) Other Representations**

##### 4.2 Local Residents

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

- Loss of privacy for neighbouring dwellings.
- Occupiers of The Retreat would be able to look into the front windows of the neighbours property
- The front of the neighbours property would be in almost permanent shade
- Once the existing garage is removed a new boundary treatment will be necessary
- Questions over the accuracy of the site plan
- Cumulatively the impact of new housing since 1991 on the road network
- The impact of 2 no. 4 bed properties is a disproportionate addition in the green belt
- The development is likely to necessitate the removal of some mature trees
- The site is too small for 2 four bed properties and 4 garages.
- It is important to conserve as much of the hedge and tree cover as possible
- The new houses would spoil the view from the neighbours house
- Decrease the value of the neighbours property
- Increased level of noise for neighbouring properties.

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

##### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) allows for development within existing residential curtilages including new dwelling subject to there being no adverse impact on the existing visual and residential amenities within the immediate area. Therefore subject to these constraints, the proposal is considered acceptable in principle.

The South Gloucestershire Local Plan (Adopted) identifies the site as lying within the existing defined settlement boundary and thus is classed as sitting within the urban area. With the exception of design, Policy H2 of the South Gloucestershire Local Plan (Adopted) encompasses all the relevant issues of the above policies, for Policy H2 allows for new residential development providing that the following criteria are complied with:-



5.2 **(a) Development would be on previously developed land.**

The proposed site is considered previously developed land by virtue of its status as land being within the curtilage of the existing residential property. This complies with the definition outlined in PPG3 (Annex C).

The site is therefore considered an appropriate site for residential development subject to compliance with the following criteria.

5.3 **(b) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.**

Transportation

During the previous applications for residential development on the site (see paragraph 3), questions have been raised that as the existing access track is over Common Land, the owners of The Retreat may not in fact own the track or have permission to cross the common. It is for the applicant to satisfy himself or herself that they have access rights across the common.

Under normal circumstances, officers would have objected to this application on the basis of highway safety. The access to the site is very poorly surfaced and there is no footway facility. The site is not considered sustainable for additional development. There are also concerns expressed that this is a shoestring development and could possibly be repeated again. However, due to a recent appeal decision at 5 Railway Cottages (planning reference PK05/2668/O) in this instance, officers feel any refusal reason put forward may be overturned at appeal.

In a very similar appeal at an adjacent site, an appeal inspector concluded that the small increase in vehicular use of the access road caused by one additional dwelling would have limited impact on highway safety in the area. It was also identified that the poor standard of surfacing of the access road restricts vehicular speeds to generally no more than 20mph. The inspector concluded that although causing some harm, would not necessarily be so serious that planning permission should be withheld for this reason alone.

On the basis of the above, highway officers have raised no objection to the previous applications for residential development on the site. Officers therefore feel unable to refuse the application on the grounds of highway safety.

Residential Amenity

It is noted that a number of the surrounding neighbours are concerned about the impact of the development on the surrounding dwellings. It is considered by officers however that the impact upon existing levels of residential amenity for the surrounding occupiers is acceptable.

The existing bungalow is to be demolished and replaced with a two storey dwelling – called No 1 on the submitted plans. The proposed replacement dwelling is to be in a similar location to the existing bungalow with a similar footprint although clearly will be significantly taller than the existing. This replacement building has greatest potential to affect the amenities of The Starlings and also Chantry House.

The Starlings lies to the west of the application site and is a bungalow of substantial size. There are a limited number of windows in the eastern elevation of The Starlings facing towards the application property that would be affected by the development as proposed. There will be a distance of approximately 11 metres between the rear elevation of the new dwelling No. 1 and the existing dwelling The Starlings. Allowing for the erection of standard 1.8 metre high boundary fencing and vegetation around the garden of proposed dwelling No. 1, it is not considered that there will be any undue issues of overshadowing or overbearing on The Starlings.

There are no windows in the southern elevation of proposed dwelling No. 1 at first floor level. Because of this, there are no issues of intervisibility between proposed dwelling No. 1 and Chantry House to the south. There will be a distance of approximately 13 metres between the front wall of Chantry House and proposed dwelling No 1 and thus it is not considered that the new dwelling would result in any issues of overbearing.

The second proposed property on the site is called No. 2 on the submitted plans. This property is to be an additional dwelling and will be a traditionally proportioned dormer bungalow. It is considered by officers that proposed dwelling No. 2 has potential to have the greatest impact upon the surrounding dwellings known as Folly House Annex, The Hawthornes, and 3 Railway Cottages.

The main rear elevation of the proposed new bungalow is to be some 12 metres from the main front elevation of The Hawthornes and in excess of 20 metres from the main front elevation of 3 Railway Cottages. Given that No. 2 is a bungalow with no windows, roof lights or dormers in the rear elevation at first floor, there are no issues of intervisibility or overbearing. Because of its angle and orientation, it is not considered that proposed dwelling No. 2 will have any impact upon the amenities of Folly House Annex.

It is considered that sufficient space is available on site to provide adequate private amenity space for both the existing and proposed dwellings. Via the erection of a 2 metre fence dividing the proposed dwellings as shown on the proposed plan, both dwellings will have an acceptable degree of privacy.

In order to protect the amenities of the neighbouring dwellings and also to prevent issues of intervisibility arising between the two proposed dwellings on the site, a condition will be attached to ensure that no new windows, roof lights or other means of opening are inserted into the first floor of either proposed dwelling. Subject to compliance with such a condition, the impact upon existing levels of residential amenity is considered to be acceptable.

5.4 **(c) The maximum density compatible with the sites location, its accessibility and its surroundings is achieved.**

A density calculation on the site provides a density of approximately 15 houses per hectare. Whilst it is accepted that this is a very low density, given the location of the site it is considered to be acceptable and in keeping with the density of the surrounding area.

5.5 **(d) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.**

The site is close to the railway line. However, the new dwelling would be subjected to no greater levels of noise, dust, pollutants etc than the existing dwellings it would be erected next too.

5.6 **(e) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal**

The proposal is only for 1 additional dwelling and therefore would not have a significant impact on the area in terms of service provision.

5.7 Design/Visual Amenity

In addition to the requirements of Policy H2, policy H4 sets some additional criteria relation to the quality of the design and the impact of the proposal upon the visual amenity of the area. Whilst appearing rural on the edge of The Common, the site is surrounded on 3 sides by residential development – a large percentage of which is two storeys in height. The surrounding residential development is very varied in design ranging greatly in age, materials and design. The application states that the new dwellings are to be constructed of reconstituted stone and will have tiled roofs. Several of the surrounding dwellings are constructed of re-constituted stone so it principle this appears acceptable. Your officer is concerned however that the use of Re-constituted stone next to the natural stone of Folly House and Folly House Annex may look unattractive and that render may be more suitable – particularly on house No. 2. Therefore, notwithstanding the details submitted, a condition will be attached to any consent granted to ensure that details of the external finishing of both properties is submitted to the Council and agreed in writing prior to the commencement of any development on site.

It is accepted by your officer that some shrub trees will be removed to make way for the development as proposed however none of these are protected and thus can be removed at any time without the need for permission.

The impact of the development on the surrounding area is considered to be entirely acceptable. The design of the pair of dwellings is considered to integrate successfully with the surrounding built environment and will not have any significant or detrimental visual impact. The design and layout of the site is therefore considered to be acceptable.

5.8 Design and Access Statement

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

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

## **7. RECOMMENDATION**

- 7.1 That the application be approved subject to the following conditions;

**Background Papers**      **PK08/0780/F**

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

## **CONDITIONS**

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

Reason:

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

2. No new windows, rooflights or any other means of opening shall be inserted into the walls or roof slopes of either dwelling above ground floor level.

Reason:

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

3. Notwithstanding the submitted details, no development shall take place until details of the external finishing materials of both dwellings have been submitted to the local planning authority for written approval. If acceptable, the planning authority will give written agreement to the details so agreed and all development must be carried out exactly in accordance with the details so agreed.

4.

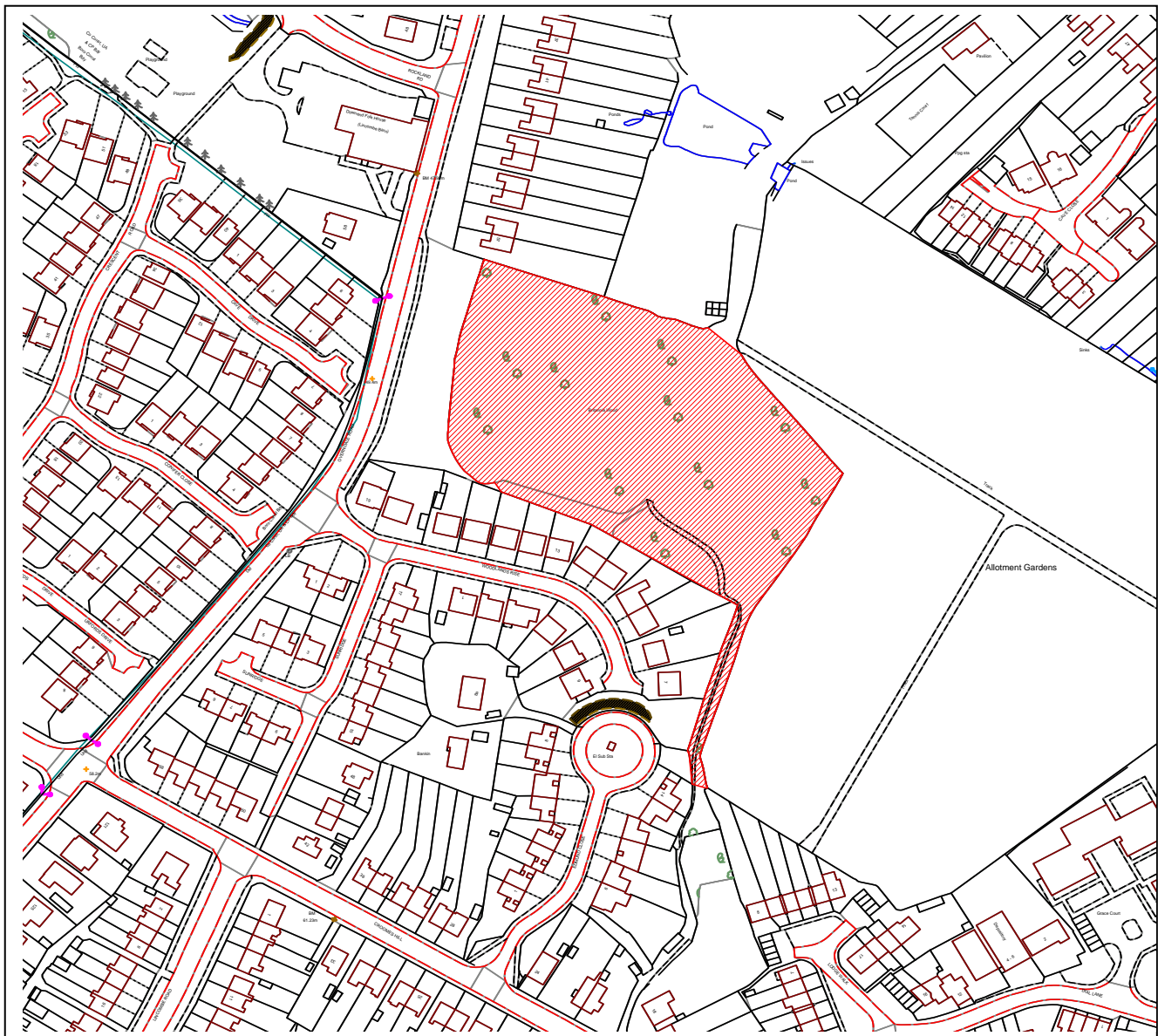
Reason:

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



## CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008

<b>App No.:</b>	PK08/1226/TRE	<b>Applicant:</b>	Mr P Maher South Gloucestershire Council
<b>Site:</b>	Britannia Woods, Ovendale Road, Downend, South Gloucestershire	<b>Date Reg:</b>	7th May 2008
<b>Proposal:</b>	Works to trees identified in the Britannia Woods Arboricultural Survey received 29 April 2008 that are covered by South Gloucestershire Council Tree Preservation Order SG/TR131 dated 2 June 1969.	<b>Parish:</b>	Downend and Bromley Heath
<b>Map Ref:</b>	64719 76816	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th June 2008



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This application was referred to the Circulated Schedule because the application has been submitted by the Council.

## **1. THE PROPOSAL**

- 1.1 The application seeks permission to carry out works to a number of protected trees. The proposed works would include the removal of dead wood and the severance of Ivy that is getting established in the crown hindering inspections and creating a greater sail area. Several trees will need to be removed due to severe defects and extremely poor physiological condition.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement  
L5 Forest of Avon

## **3. RELEVANT PLANNING HISTORY**

- 3.1 None.

## **4. CONSULTATION RESPONSES**

### **(a) Statutory Consultees**

- 4.1 Downend & Bromley Heath Parish Council  
No objection, but the Council would like the timescale for carrying out the works reduced.

### **(b) Other Representations**

- 4.2 Local Residents  
One letter has been received from a local resident, who has raised no objection to the proposal.

## **5. ANALYSIS OF PROPOSAL**

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

- 5.2 Analysis of the Health of the Trees  
The Council Tree Officer have assessed the proposal, and considered that the proposed works are part of an ongoing management plan based on the recommendation contained within the Arboricultural Survey Report undertaken by Greenman Environmental Management.

The proposed works are to reduce any health and safety risks posed by the trees and maintain the trees in a healthy, safe condition.

Therefore the officers have no objections to this application.

### 5.3 Other Issues

The local resident questioned that the works does not cover a number of trees overhanging neighbouring properties. It is also concerned that the dumped rubbish and the potential improvement of an existing path. In addition, it is also concerned that the proposed work would affect the wildlife.

The officers considered that these concerns would not be material consideration. Nevertheless, the resident's concerns will be forwarded to the applicant for further consideration. With regard to the impact upon the wildlife, the works will need to be carried out in accordance with the Wildlife and Countryside Act 1981.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 Permission be granted subject to the following conditions:

**Background Papers**      **PK08/1226/TRE**

**Contact Officer:**      **Olivia Tresise**

**Tel. No.**                      **01454 863761**

## CONDITIONS

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

Reason:

In the interests of the long term health of the trees, 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.

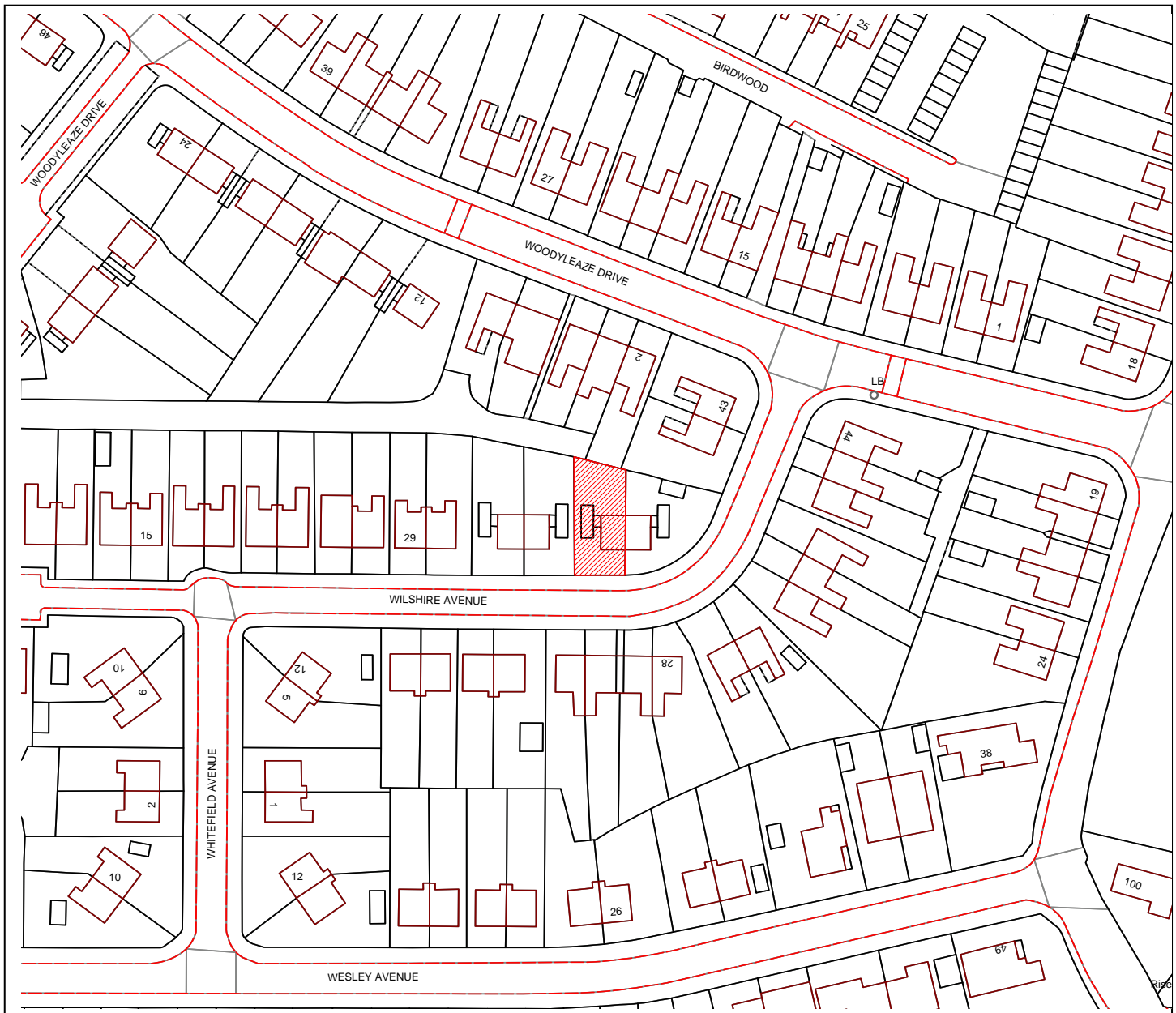
Reason:

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



## CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008

<b>App No.:</b>	PK08/1246/F	<b>Applicant:</b>	Mr D Morris
<b>Site:</b>	37 Wilshire Avenue, Hanham, South Gloucestershire, BS15 3QT	<b>Date Reg:</b>	8th May 2008
<b>Proposal:</b>	Erection of two storey side extension to provide additional living accommodation. Erection of front porch. (Amendment to previously approved scheme PK06/2483/F).	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	64760 72392	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th June 2008



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100023410, 2008.

## **INTRODUCTION**

This application appears on the Circulated Schedule in accordance with policy as the applicant is an employee of South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two-storey extension to the side of the existing property. The two-storey side extension will be set down from the ridge of the host dwelling by 150 millimetres and in from the front of the host dwelling by 300 millimetres. The single storey rear extension would be attached to the two storey side extension and protrude 3 metres into the rear garden. The front porch will simply continue the canopy roof over the front bay along to allow for the creation of a small porch.
- 1.2 The application site consists of a two-storey semi-detached dwelling located in a residential area of Hanham. The dwelling was originally served by a garage but this was converted to additional living accommodation many years ago. The majority of the properties along the street have been extended or altered in some way.
- 1.3 This application is the resubmission of a previous application on the site reference PK06/2483/F. This previous application was also for the erection of a two storey side extension and front porch but also included a single storey rear extension. The applicant no longer wishes to erect the single storey rear element and thus the window and door arrangement of the two storey element has been adjusted to take account of this loss.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design in New Development

H4 House Extensions

T8 Parking Standards

T12 Transportation Development Control

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

- 3.1 PK06/2483/F Erection of two storey side extension and single storey rear extension to provide additional living accommodation. Erection of front porch. Approved October 2006

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No objection

## **Other Representations**

- 4.2 Local Residents  
None received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (Adopted) states that house extensions will be permitted subject to issues relating to massing, scale, proportions, materials, design, highways, and impact upon residential amenity.

### **5.2 Design/Visual Amenity**

Generally, it is considered that the two-storey side extension is designed in sympathy to the existing dwelling and surrounding properties. The side extension is set down and set back from the existing building and subsequently appears suitably subservient and allows the host dwelling to dominate. The installation of a roof with a pitch to match that of the host dwelling and insertion of windows to match the existing dwelling will further aid its successful integration. As the two-storey side extension will be visible from the highway, a condition will be attached to ensure that all materials to be used will match those of the existing dwelling. Whilst it is appreciated that the extension is wide compared to the original dwelling, consideration must be given to the fact that the neighbouring property No. 35 has an identical extension already in place. It is not therefore considered that the wide extension would appear out of keeping with the street scene.

The proposed porch will have limited visual impact due as visually - it will just appear to extend the existing canopy roof.

It is not considered that the proposed extensions, as visible from the highway would be out of keeping with the surrounding area. Indeed, one could argue that the loss of the existing flat roofed accommodation would improve the appearance of both the existing dwelling and the street scene. As such, the extensions are considered acceptable in terms of design and visual amenity.

### **5.3 Residential Amenity**

The two-storey side extension is to be erected on the western side of the dwelling in closest proximity to No. 35 Wilshire Avenue. There are no habitable room windows in the side of No. 35 facing the application site that would be affected by the works proposed. Further to this, there are no primary habitable room windows proposed in the side elevation of the extension that could result in any overlooking for the neighbouring property.

The porch is of such a small size and well away from the boundaries with the neighbouring properties that it is not considered it will have any impact whatsoever of existing levels of residential amenity.

As such, it is not considered there are any issues of overbearing. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

#### 5.4 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.

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

### 7. RECOMMENDATION

- 7.1 That the application be approved subject to the following conditions;

**Background Papers**      **PK08/1246/F**

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

### CONDITIONS

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

Reason:

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

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

Reason:

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

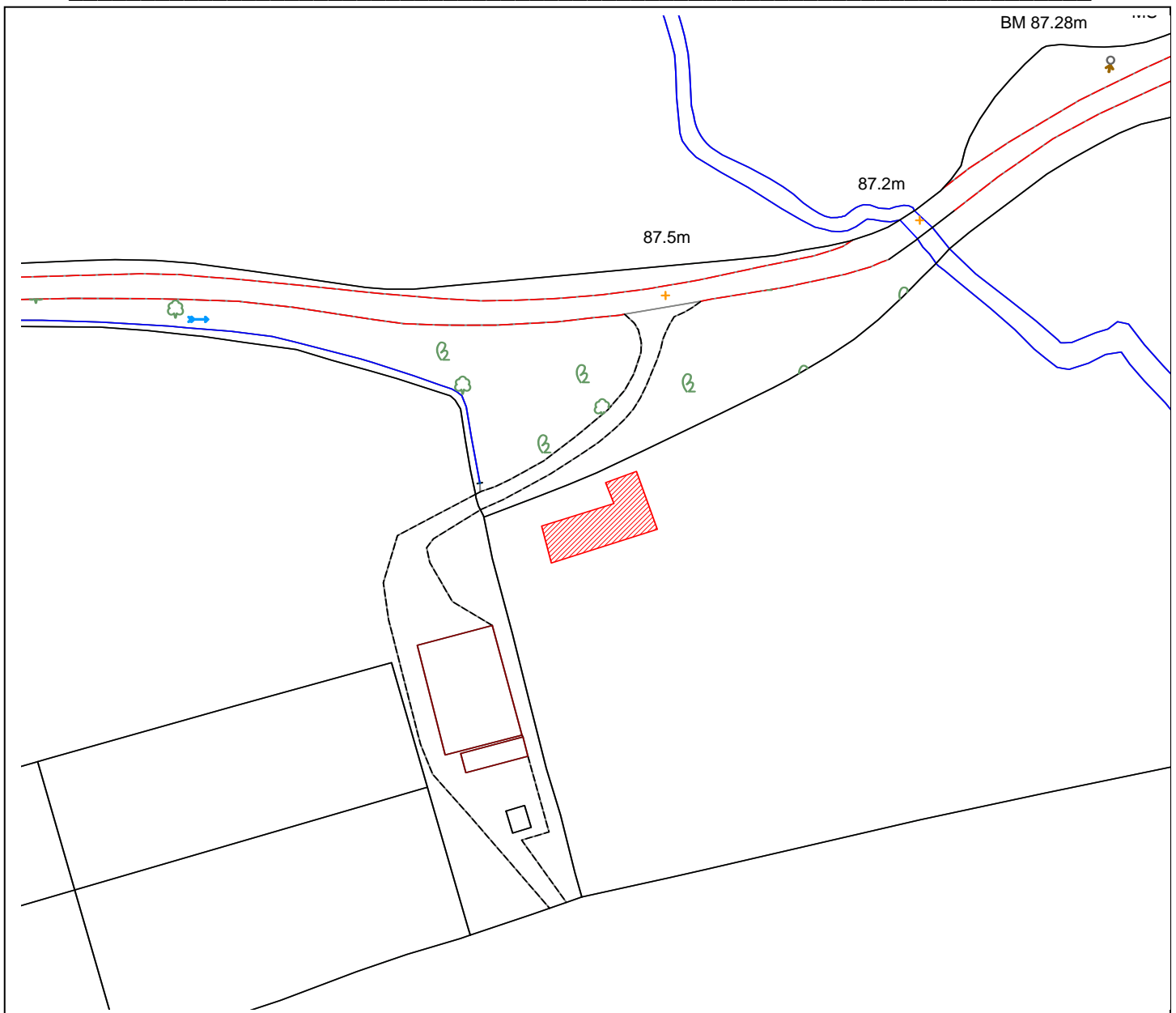
3. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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

## CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008

<b>App No.:</b>	PK08/1317/F	<b>Applicant:</b>	Mr Sutton
<b>Site:</b>	The Paddock, Boyd Brook Bridge, Hinton, South Gloucestershire, SN14 8HJ	<b>Date Reg:</b>	15th May 2008
<b>Proposal:</b>	Retention of 2 no. greenhouses (retrospective) and erection of building for the storage of agricultural tools and machinery. (Resubmission of PK07/2916/F)	<b>Parish:</b>	Dyrham and Hinton Parish Council
<b>Map Ref:</b>	72191 76618	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th June 2008



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100023410, 2008.

## **INTRODUCTION**

This application appears on the circulated schedule due to the receipt of a letter of objection from the parish council and also from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of a building for agricultural purposes. The application also seeks permission of a pair of greenhouses already present on the land. As part of the application the existing dilapidated pre-fabricated garage on the site will be demolished.
- 1.2 Both the application form and the design and access statement note that the use of the building will be for the storage of agricultural tools and machinery. The authorised use of the land is agricultural.
- 1.3 This application is the resubmission of a previous application on the site reference PK07/2916/F. This previous application was withdrawn on officer advice to avoid the receipt of a refusal. The previous application was different from that current for consideration as it proposed the retention of the existing dilapidated garage and also the erection of an additional pre-fabricated garage.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
E9 Agricultural Development  
GB1 Development in the Green Belt  
L1 Landscape Protection and Enhancement

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

- 3.1 PK07/2916/F Retention of 2 no. greenhouses and 1 no. garage (retrospective). Erection of 1 no. detached garage.  
Withdrawn November 2007

### **4. CONSULTATION RESPONSES**

- 4.1 Dyrham and Hinton Parish Council  
The Parish Council objects to the application for the following reasons:
  - What machinery is kept in there?
  - The field is used as a dumping ground for boats, greenhouses, garages etc
  - Access with a narrow bridge on a bend is difficult
  - The structure will be very visible from the road
  - There is no mains water supply
  - Unclear of the applicants real agenda

## **Other Representations**

### 4.2 Local Residents

One e-mail has been received from a local resident. The e-mail makes the following points of concern;

- The applicant appears to be using the land as a domestic allotment and the application will support this domestic use
- The application will set a precedent to enable the applicant to erect a dwelling on the site.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

It appears that the Parish Council and the Local Resident are concerned about the true motives of the applicant. It is not within the remit of planning control to speculate about possible ulterior motives. The field has an authorised agricultural use – this application does not seek to change the use of the land. Whilst the field may be small in area, this does not mean that it cannot be used for agricultural purposes in its own right. The application must be determined as proposed – that is for the erection of an agricultural building on agricultural land and the retention of two greenhouses also for agricultural use.

The site lies within the Bristol/Bath green belt and thus the requirements of policy GB1 must be given due weight and attention. The application is for agricultural development and therefore the principal policy that must be applied when assessing this application is policy E9 of the Adopted Local Plan. Policy E9 allows for Agricultural Development providing the following criteria are satisfied;

### 5.2 **The buildings are sited on land which is in use for agricultural purposes and there are no existing underused buildings available;**

Other than the existing unsympathetic dilapidated pre-fabricated garage on the site, there are no existing underused buildings on the site. The removal of the existing pre-fabricated garage is strongly supported by the council because of its unsympathetic design and odd location. A condition will be attached to any consent granted to ensure that the existing pre-fabricated garage is removed prior to the erection of the new building proposed.

### 5.3 **Adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of traffic hazard;**

There is existing access to the site – no new access is proposed. As a result of the application, the way the site is used will not be altered. Vehicles can currently enter and leave the site freely for the purposes of agricultural activities. It is not anticipated that the erection of the shed and the retention of the greenhouses will have any impact on the number of vehicle movements to and from the site.

### 5.4 **The development would not prejudice the amenities of people residing in the area;**

Due to the small size of the building and the distance from any residential properties, it is not considered that it will have any impact upon the amenities of people residing in the area.



### 5.5 Green Belt

In accordance with the requirements of Policy GB1 of the adopted local plan, the construction of new buildings for agriculture or forestry is acceptable in principle.

### 5.6 Design

The proposed new building is to be single storey only and be constructed of corrugated metal coloured green. The building is to be tucked in next to the existing greenhouses in the corner of the site. Adjacent to the site of the new building in the next field is a very large agricultural building of similar materials and colour. The hedge surrounding the edge of the site will effectively screen the development from views from the north, south and west. The field gently slopes down towards the east and the development will be visible from the public footpath at the bottom of the field and from distant views from the open countryside beyond.

Due to the domestic scale of the green houses and agricultural building the development will have an affect on the rural character of the area; however the impact will not be significant due to the small dimensions of the buildings and screening by the existing hedges. A condition will be attached to any planning consent granted to ensure the RAL colour of the green metal cladding for the agricultural building will need to be submitted and approved.

### 5.7 Equestrian Use

It is noted that the block plan shows an area of land as 'land for 2 no. horses for recreational and grazing use only by land owner'. The application however does not include the change of use of land to equestrian use. It is important to clarify that this application is for the building and the greenhouse only – it does not consider the change of use of land. Any use of the land for keeping or recreation of horses would require the submission of a separate planning application to allow for the consideration of this. This application does not grant planning permission to change the use of any of the field from agricultural land to land for any other purpose be that residential or equestrian. An informative will be attached to any consent granted to remind the applicants of this fact.

### 5.8 Design and Access Statement

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

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

## **7. RECOMMENDATION**

- 7.1 That the application be approved subject to the following conditions;

**Background Papers**      **PK08/1317/F**

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

## **CONDITIONS**

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

Reason:

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

2. Prior to the commencement of construction of the building hereby permitted, the existing pre-fabricated garage as marked on the block plan shall be demolished and removed from site.

Reason:

In order to protect the visual amenity of the area in accordance with the requirements of L1 of the South Gloucestershire Local Plan (Adopted).

3. Prior to the commencement of development on the building hereby permitted, details of the RAL colour of the green metal cladding shall be submitted to the Council for written approval. If acceptable, the Council will give written approval to the details submitted and all development must be carried out exactly in accordance with the details agreed.

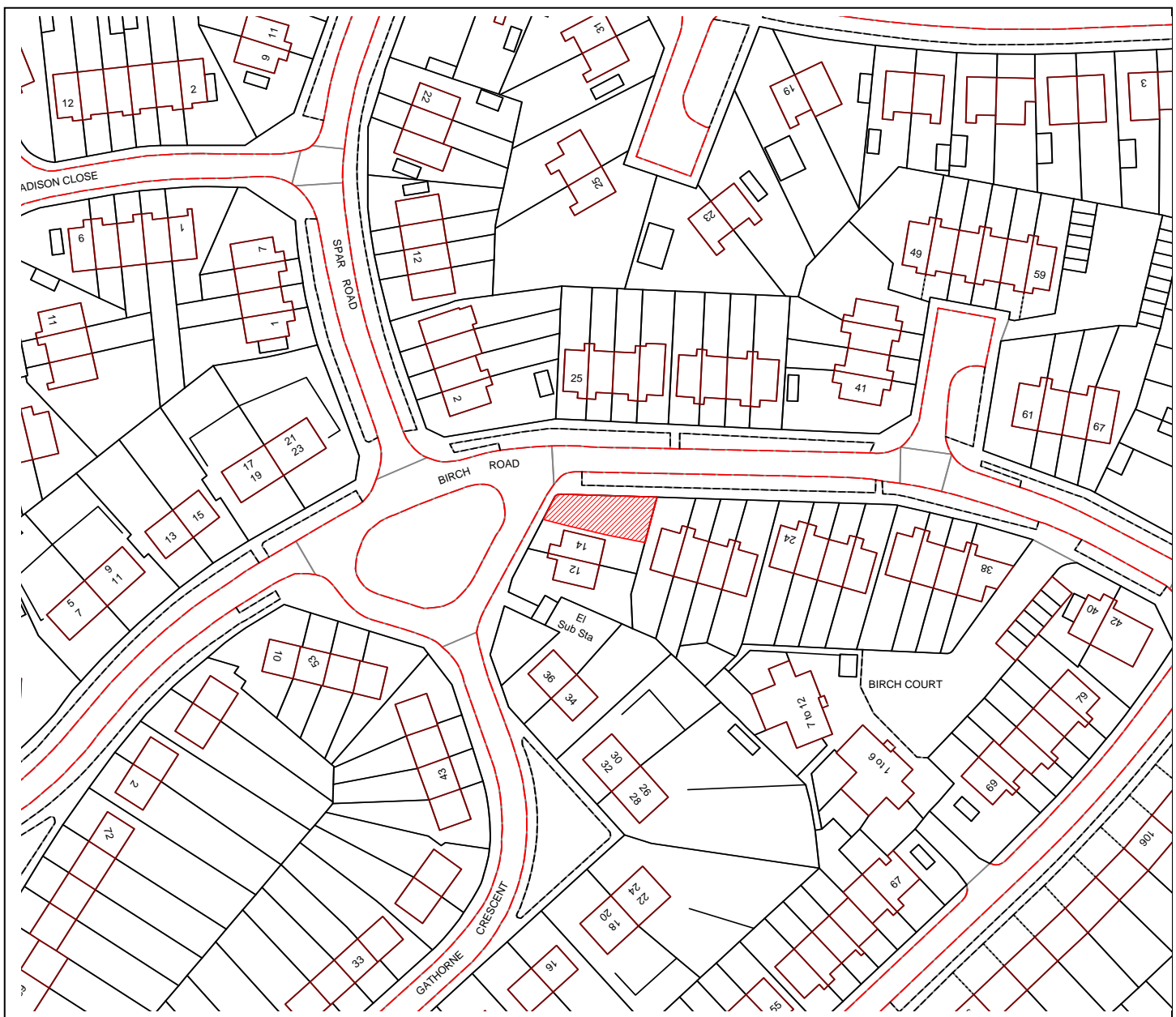
Reason:

In order to protect the visual amenity of the area in accordance with the requirements of L1 of the South Gloucestershire Local Plan (Adopted).

# ITEM 8

## CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008

<b>App No.:</b>	PK08/1382/F	<b>Applicant:</b>	Manorshaw Limited
<b>Site:</b>	Land at 14 Birch Road, Yate, South Gloucestershire, BS37 5ER	<b>Date Reg:</b>	21st May 2008
<b>Proposal:</b>	Erection of a two storey detached building with rear dormer to form 2 no. self contained flats and 1 no. studio flat with parking, cycle store and associated works. (Resubmission of PK08/0748/F).	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	70878 82887	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th July 2008



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100023410, 2008.  
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## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of an objection from the Yate Town Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a two storey detached building to form 2 no. self-contained flats and 1 no. studio flat with parking, cycle store and associated works. The building would have a maximum height of 7.8 metres, a maximum width of 6.2 metres and a maximum depth of 9.4 metres. The garage and car port serving the existing dwelling have been demolished.
- 1.2 Previously planning permission was granted for 2 no. flats in 2007. The major differences of the proposal are the number of units and associated parking spaces, the installation of rear dormers in the rear elevation, the installation of rooflights in the front elevation, the locations of bin stores and cycle stores.
- 1.3 The application site is located within an entirely residential area of Yate. The area is characterised by semi-detached and terraced two-storey dwellings dating from the 1950's. The plot currently forms the parking area and side garden to the semi-detached dwelling at 14 Birch Road. The proposal would involve the creation of a new vehicular access to Birch Road at the side of the plot to provide parking spaces for the three proposed flats.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- L1 Landscape Protection and Enhancement
- H4 Development within Existing Residential Curtilages
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control

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

- 3.1 PK07/1148/F Erection of two storey detached building to form 2 no. flats with parking, cycle store and associated works.  
Approved 08.06.07

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Object. Overbearing impact on surrounding area and out of keeping.

## **Other Representations**

- 4.2 Local Residents  
No comments received.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for development including new dwellings within existing residential curtilages subject to satisfying criteria relating to design and visual amenity, residential amenity, and highway safety. The application stands to be assessed against these criteria, other relevant policies and all material considerations.

### **5.2 Design/Visual Amenity**

The principle for a residential development in this plot has been established by the previously approved planning permission PK07/1148/F. The assessment of this application therefore would mainly relate to the installations of proposed dormers and rooflights.

A revised drawing was submitted to demonstrate the size of the dormer windows and the height of the dormers has been reduced.

The officers are concerned that the width of the dormer would create an overbearing impact as they would be slightly wider than the first floor windows. The applicant advised that the further reduction on the size of the dormers would compromise the useable space for the second floor studio flat.

The proposed dormers would have a pitched roof, which would respect the character of the host dwelling, and would also be set down by the ridge of the host dwelling. The dormers would be render finish to match existing property.

Whilst the officers have a concern about the width of the dormers, it is considered that the overall design of the dormers would not cause significant harm to the character and appearance of the principal dwelling and the area to warrant a refusal of this application.

The officers have no objection to the proposed rooflights in the front elevation.

### **5.3 Residential Amenity**

The rear facing dormers of the flats serving a kitchen and shower room of the studio flat would look over the front garden and a driveway to No.16 Birch Road. The proposed dormers windows would be approximately 8 metres from the rear boundary in the same context as the rear windows of No.12 which overlook the private rear garden of No.16 at the same distance. As the side facing elevation of No.16 has a blank elevation, the officers consider that there would be no issue of inter-visibility. The officers have no objection to the proposed rooflights. In this context therefore, it is not considered that the proposal would result in any overbearing impact or result in any loss of privacy.

With regard to the proposed bin stores and cycle stores, the officers consider the proposed stores would not have adverse impact upon the residential amenity of the neighbouring properties.

With regard to the

#### 5.4 Sustainable Transport

Planning permission has previously been sought to erect three flats on this area of land. In transportation terms this current submission is exactly the same as the previous proposal. It should be noted that the bin stores are again considered too small to accommodate the Council's current twin bin system. An average wheelie bin would measure approximately 800 sq.mm.

Subject to the following conditions, there is not transportation objection to this proposal.

#### 5.5 Design and Access Statement

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

#### 5.6 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

**Background Papers**      **PK08/1382/F**

**Contact Officer:**    **Olivia Tresise**  
**Tel. No.**                **01454 863761**

## **CONDITIONS**

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

Reason:

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

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

Reason:

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

3. The colour, type and texture of the rendered finish to the external walls of the proposed extension shall match that of 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.

4. All highway works associated with the new accesses to be constructed to the full and final satisfaction of the Council's Streetcare Manager.

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.

5. Prior to commencement of the development, the off street parking space for the existing dwelling shall be provided and satisfactorily maintained thereafter.

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.

6. Prior to the first occupation of any of the flats, all off street parking spaces shall be provided and satisfactorily maintained thereafter.

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. All parking areas shall have a permeable bound surface and be satisfactorily maintained thereafter.

Reason:

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.

8. Prior to first occupation of any of the flats, the secure cycle storages shall be provided and satisfactorily maintained thereafter.

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.

9. Prior to the first occupation of any of the flats, a satisfactory bin storage shall be provided for each of the three flats on site. Prior to the commencement of works, details and plans of the bin storage shall be submitted to and approved in writing by the Council. The works shall be carried out in accordance with the approved details and plans.

Reason:

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.



**CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008**

**App No.:** PK08/1412/R3F

**Applicant:** Ms L Whitfield  
Grange School  
23rd May 2008

**Site:** Grange School, Tower Road North,  
Warmley, South Gloucestershire, BS30  
8XL

**Date Reg:** 23rd May 2008

**Proposal:** Erection of single storey extension to  
facilitate the conversion of existing  
caretakers cottage to a building trade  
teaching facility.

**Parish:** Siston Parish  
Council

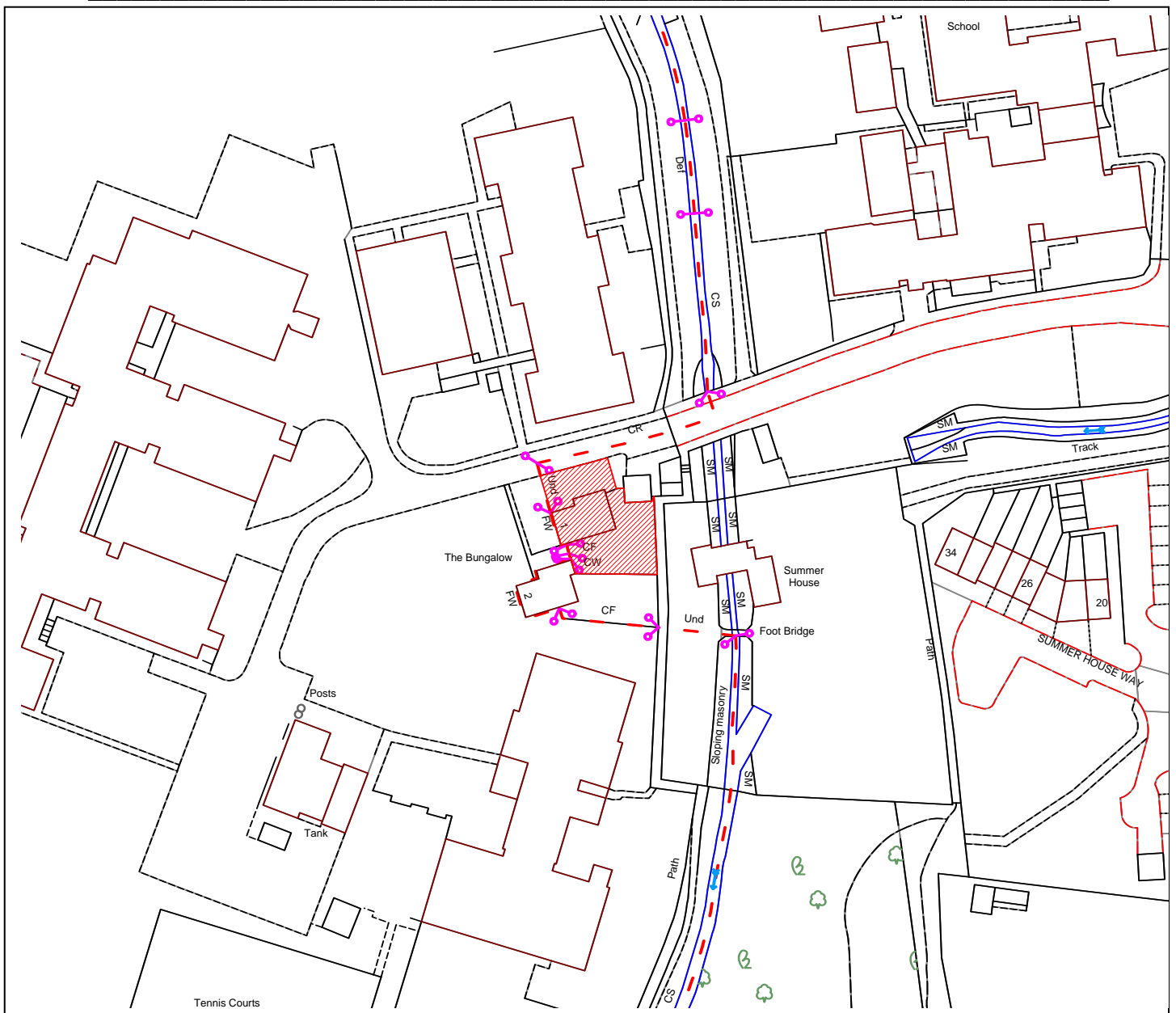
**Map Ref:** 66848 73169

**Ward:** Siston  
**Target** 11th July 2008

**Application** Minor

**Category:**

**Date:**



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## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks consent for the erection of a single storey extension to a building formerly used as the Caretakers Building house. The extension will help to facilitate the use of the building into a teaching area (to teach building trade skills). The building is set within the school complex on the western side of the site.
- 1.2 The extension will have a flat roof to match the existing building and the scale and materials used will also match the existing building. The extension would be 25 sq.m in area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
LC4 Proposals for the Development, expansion or improvement of Education and Community Facilities within existing Urban Areas  
D1 Achieving Good Design

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

- 3.1 There is no relevant planning history

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
No objection raised
- 4.2 Sustainable Transport

The proposed building is located within the existing school grounds.

It is proposed to convert the existing caretakers's cottage to form a building trade teaching facility. The proposed facility will be for existing pupils on site and it is therefore not anticipated to generate any additional vehicular traffic.

On that basis, there is no transportation objection to this proposal.

- 4.3 Local Residents  
No objections raised

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

- 5.1 Principle of Development

Policy LC4 supports the expansion and improvement of education and community facilities within existing urban areas and within the boundaries of settlements subject to the impact upon adjoining residential occupiers, environmental impact and subject to the facilities being easily accessible. The current proposal is quite a minor alteration in relation to the overall size of the school and will not involve any additional pupils attending the school.

5.2 Residential Amenity

Given the scale and the location of the proposed development and the distance to residential properties it is not considered that there will be any impact upon the amenity of residential occupiers.

5.3 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of development upon the surrounding highway network. It is not considered that there will be any transportation implications from the development and therefore there is no transportation objection to the proposal.

5.4 Design/Visual Amenity

Policy D1 considers the design of all new development having regard to the relationship with the original building and the wider context. While a flat roof structure would not normally be acceptable as a design solution, given the form of the original building, short of completely re-building the whole building, this is considered the only solution. In addition it should be noted that the building is not widely visible from the public realm being within the school complex. It is considered that the proposed extension will integrate successfully with the new building and is acceptable in design/visual terms.

**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 conditions

**Background Papers**      **PK08/1412/R3F**

**Contact Officer:**    **David Stockdale**  
**Tel. No.**                **01454 864533**

## **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. 25/08 – 20 JUNE 2008**

**App No.:** PK08/1415/CLP  
**Site:** 40 Ludlow Close, Willsbridge, South Gloucestershire, BS30 6EB  
**Proposal:** Application for Certificate of Lawfulness for proposed use of domestic garage as residential accommodation.  
**Map Ref:** 66647 70555  
**Application Category:** Minor

**Applicant:** Mrs H Viner  
**Date Reg:** 23rd May 2008  
**Parish:** Oldland Parish Council  
**Ward:** Bitton  
**Target Date:** 8th July 2008



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**N.T.S**

**PK08/1415/CLP**

## **INTRODUCTION**

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

### **1. THE PROPOSAL**

- 1.1 This application seeks clarification that the proposed use of domestic garage as residential accommodation does not require planning permission. The application site relates to a two storey semi detached property within a residential area of Willsbridge.

### **2. POLICY CONTEXT**

- 2.1 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

- 2.2 It also appears that no permitted development rights are removed from this property.

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

- 3.1 P79/4235 Erection of 88 dwelling houses and associated garages, roads and footpaths. Approved 30.07.79
- 3.2 P81/4220 Erection of six 4 bedroomed detached houses, 14 three-bedroom terraced houses, 20 two-bedroom houses and associated garages and parking spaces. Approved 28.05.81
- 3.3 P83/4012 Erection of 74 dwelling houses and associated garages, parking spaces, road, footpath and toddlers play area. Approved 28.03.83

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No objection to the proposal on condition that adequate off-street car parking for two cars is provided as part of the scheme.

#### **Other Representations**

- 4.2 Local Residents  
None received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent.

This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance. The assessment must be made on the 'balance of probability'.

5.2 The proposed development is to convert the existing garage into a residential accommodation. This development would fall under the criteria of *Schedule 2, Part 1, Class A* of Town and Country Planning (General Permitted Development) Order 1995 (The enlargement, improvement or other alteration of a dwellinghouse). Developments which fail any of the following criteria would not be permitted:

(a) ***the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—***

***(i) in the case of a terrace house or a house on article 1(5) land, by more than 50 cubic metres or 10%, whichever is the greater,***

***(ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater, or***

***(iii) in any case, by more than 115 cubic metres; or***

No extension is proposed with this application and the cubic content of the dwelling will remain unchanged. Criterion (a) is therefore satisfied.

(b) ***the part of the building enlarged, improved or altered would exceed the height of the highest part of the roof or the original dwellinghouse;***

Part of the building altered would not exceed the height of the highest part of the roof or the original dwelling. Criterion (b) is therefore satisfied.

(c) ***the part of the building enlarged, improved or altered would be nearer to any highway which bounds the curtilage of the dwellinghouse than -***

***(i) the part of the original dwellinghouse nearest to that highway, or***

***(ii) any point 20 metres from that highway;***

The only highway which bounds the curtilage of the dwellinghouse is Ludlow Close that runs along the front of the dwelling. There are no other highways immediately to either side or the rear. The proposal is to convert a part of the dwelling and thus will not be any closer to the highway than the original dwellinghouse. Criterion (c) is therefore satisfied.

(d) ***the part of the building enlarged, improved or altered would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;***

The proposed conversion will stand within 2 metres of the boundary of the curtilage but will have a maximum height of only 2.3 metres. Criterion (d) is therefore satisfied.

- (e) ***the total area of ground covered by the buildings within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage;***

The proposed conversion would not affect the total area of ground covered by the building within the curtilage. Criterion (e) is therefore satisfied.

- (f) ***it would consist of or include the installation, alteration or replacement of a satellite antenna;***

No satellite antennas are proposed or affected by the extension. Criterion (f) is therefore satisfied.

- (g) ***it would consist of or include the erection of a building within the curtilage of a listed building; or***

The building is not listed. Criterion (g) is therefore satisfied.

- (h) ***it would consist of or include an alteration to any part of the roof.***

The proposal does not include any alteration to the roof. Criterion (h) is therefore satisfied.

### 5.3 Conclusion

It is therefore considered that the proposal falls within the categories of development which are permitted development, for which planning permission is not required.

### 5.4 Other Issues

The Parish Council is concerned that adequate off-street car parking should be provided as part of the scheme. As this is not planning application and the requirement of off-street parking would not be applicable to this case.

## 6. RECOMMENDATION

- 6.1 That a Certificate of Lawfulness for Proposed Development is granted.

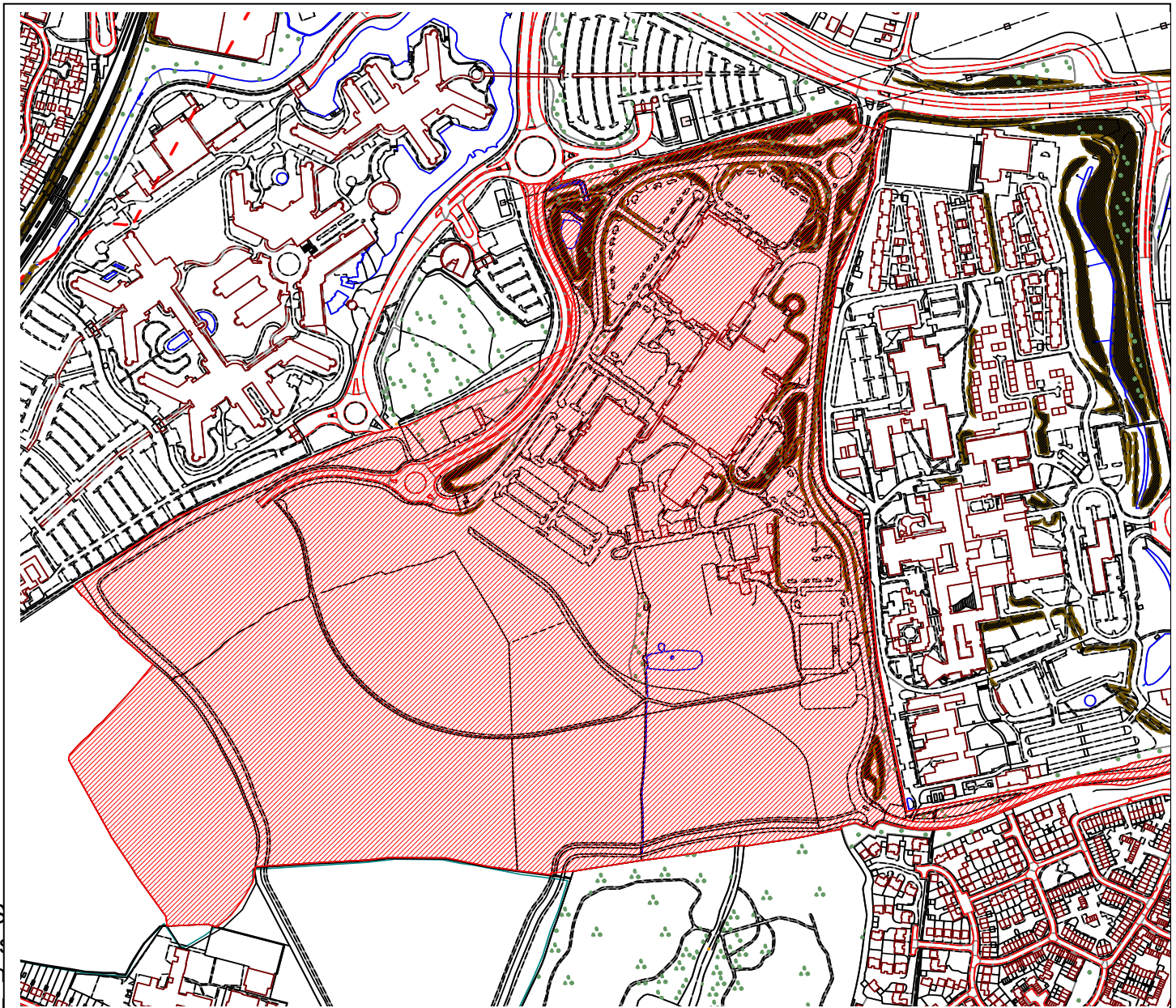
**Background Papers**      **PK08/1415/CLP**

**Contact Officer:**    **Olivia Tresise**  
**Tel. No.**                **01454 863761**



## CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008

<b>App No.:</b>	PT04/0686/RVC	<b>Applicant:</b>	Hewlett Packard Ltd
<b>Site:</b>	Hewlett Packard Ltd Filton Road Stoke Gifford South Gloucestershire BS34 8QZ	<b>Date Reg:</b>	27th February 2004
<b>Proposal:</b>	Erection of 4No. 3-storey office buildings (Variation of condition M of planning permission N3510/4, condition E of planning permission N3510/4ap, condition 8 of planning permission P85/0055/4 and condition 4 of planning permission P85/0055/2) to provide for the resiting of the buildings in accordance with Supplemental Masterplan (Drawing no: 1521/038/A)	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	61685 78072	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Major	<b>Target Date:</b>	18th May 2004



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## **INTRODUCTION**

The application appears on the circulated schedule because the proposal is defined as “major development”.

### **1. THE PROPOSAL**

- 1.1 The application site relates to 34½ hectares of land within the established Hewlett Packard site, north of the residential development at Wallscourt Farm. This land benefits from existing part-implemented consents for the construction of buildings that can be used as class B1 offices.
- 1.2 The application is made under section 73 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004). It is an application to vary those conditions stated that relate to various part implemented, and therefore extant, planning permissions at Hewlett Packard. All the stated conditions allow for the Council to agree amendments to the development that has been previously approved. It states in each condition that the development shall be carried out strictly in accordance with the particulars included in the application “or in accordance with any amendments which may be subsequently agreed with the Council”. This application is one to agree such amendments.
- 1.3 The reason for the application is because part of the original land granted planning permission under those consents referenced in the description of development, now has separate planning permission for residential development (Wallscourt Farm housing site) and this is currently being implemented. Therefore this application essentially proposes an alternative development to that previously approved and which remains extant (that related to both the retained HP site and the “Wallscourt Farm” site).
- 1.4 Put simply the application, in essence, should be treated as a detailed application to agree changes to an already consented detailed development, one which remains extant and able to be implemented further.
- 1.5 The existing buildings at Hewlett Packard, developed by reason of the above consents, amount to approximately 488,200 square feet (gross internal floor area – GIA), and were originally consented to be used for the manufacture of high technology products with associated research and development and offices. A subsequent consent ref. PT04/0685/RVC allows their use for wholly class B1 office purposes. Under the extant reserved matters consents, at least a further 1,514,714 square feet GIA (approximate) can be built (both on the retained HP land and Wallscourt Farm residential site)
- 1.6 The floorspace of the proposed 4No. buildings amounts to 410,540 square feet GIA, and therefore the total floorspace that will be achieved on the retained Hewlett Packard land as a result of this proposal is approximately 898,740 square feet GIA (488,200 + 410,540). This is below the achievable floorspace under the extant consents (at least 2,002,914 square feet GIA (488,200+1,514,714)).
- 1.7 In 2005 residential development was approved (planning permission ref.PT04/0684/O) on 24 hectares of the land subject to the extant consents that are described in the application. An already completed legal agreement as part of consent ref.PT04/0684/O will deliver a number of community benefits for the locality (including a primary school and neighbourhood centre). The legal

agreement (including various transportation obligations) was entered into on the basis that the residential development and a total of 1.0 million square feet of floorspace within the retained HP site would be delivered (or alternatively 1.2 million square feet if 2No. existing HP buildings were re-developed).

- 1.8 Therefore the proposed total floorspace of 898,740 square feet GIA stated in paragraph 1.5 (on the retained HP land) is less than the total floorspace envisaged in planning permission ref.PT04/0684/O (1.0 million square feet).
- 1.9 Essentially therefore there will be residential development on 23 Ha (with significant community benefits) and 898,740 square feet of floorspace within the retained HP site and which is subject to this application; rather than the 2,002,914 square feet (minimum approximate) of floorspace under the existing implementable consents across the entire site. This is considered to provide greater sustainability benefits for this area of the North Fringe.
- 1.10 The application has been held in abeyance whilst the residential development progressed through to determination. The applicant has now requested that this application is finally determined.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPG4	Industrial and Commercial Development and Small Firms
PPG13	Transportation

### **2.2 Joint Replacement Structure Plan (saved policies)**

Policy 1	Sustainable development objectives
Policy 2	Location of development
Policy 12	Development in the North Fringe
Policy 21	Forest of Avon
Policy 23	Water conservation
Policy 30	Safeguarding employment sites
Policy 54	Car parking provision

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

D1	Achieving Good Quality Design
L17/18	Water Environment
EP2	Flood Risk
T7	Cycle Parking
T8	Car parking
T12	Transportation
E3	Criteria for employment development
E4	Safeguarded employment areas

### **2.4 Supplementary Planning Document**

Design Checklist SPD (Adopted)
Biodiversity and the Planning Processes SPG

### **2.5 Other relevant guidance**

Approved Wallscourt Farm Masterplan (residential)
Biodiversity Action Plan (Adopted)

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

- 3.1 N/3510/2                      Erection of production unit for the manufacture of computer disc memory products and the use of 85 acres for industrial purposes (Outline). Granted 15 June 1982.
- 3.2 N3510/3                      Road and drainage works to upgrade existing access to Wallscourt Farm and Filton Road. Granted 22 June 1982.
- 3.3 N3510/4                      Erection of buildings totalling 2,200,000 square feet (204,386 square metres) for the manufacture of high technology products and the provision of associated research and development facilities, together with ancillary facilities and accommodation on 146 acres (58.4 hectares) (Outline). Granted 7 October 1982. Condition M states:
- a) Subject to the requirements of any other condition hereto attached, any development which is carried out pursuant to the permission hereby granted shall be carried out as regards siting, design and materials and in all other respects strictly in accordance with the particulars included in the application or in accordance with any amendments which may be subsequently agreed with the Council. In the event of conflict between the written particulars and the plans comprising the application, the plans shall prevail.
- 3.4 N/3510/4AP                      Erection of three buildings totalling 625,000 square feet for the manufacture of high technology products and the provision of associated research and development facilities together with ancillary facilities on 50 acre of land (reserved matters in conjunction with outline planning permission ref. N/3510/4). Granted 7 October 1982. Condition E states:
- a) Subject to the requirements of any condition hereto attached, any development which is carried out pursuant to the permission hereby granted shall be carried out as regards to siting, design and materials and in all other respects strictly in accordance with the particulars included in the application or in accordance with any amendments which may be subsequently agreed with the Council.
- 3.5 P85/55/2                      Erection of buildings totalling 125,000 square feet for the manufacture of high technology products and construction of associated car parking. (Reserved matters in conjunction with N3510/4). Granted 25 July 1985.
- a) Condition 4: Subject to the requirements of any other condition hereto attached, any development which is carried out pursuant to the permission hereby granted shall be carried out as regards siting, design and materials and in all other respects strictly in accordance with the particulars included in the application or in accordance with any amendments which may subsequently be agreed with the Council. In the event of conflict between the written particulars and the plans comprising the application, the plans shall prevail.
- 3.6 P85/55/4                      Erection of buildings totalling 1,345,000 for the manufacture of high technology products, including industrial processes, computerised and manual wiring assembly, research and development and technical support. (Reserved matters in conjunction with N3510/4). Granted 3 July 1989.

a) Condition 8: Subject to the requirements of any other condition hereto attached any development which is carried out pursuant to the permission hereby granted shall be carried out as regards siting, design and materials and in all other respects strictly in accordance with the particulars included in the application or in accordance with any amendments which may subsequently be agreed with the Council. In the event of conflict between the written particulars and the plans comprising the application the plans shall prevail.

- 3.7 PT04/0685/RVC To develop the land for B1 (Business) Uses N3510/4 dated 7 without complying with condition j of planning permission N3510/4 dated 7 October 1982 and condition 06 of planning permission P85/0055/4 dated 3 July 1989 which restricts the use of the land to the manufacture of high technology products, the research and development thereof and associated facilities. Granted 2<sup>nd</sup> November 2005. Implemented.
- 3.8 PT04/0684/O Residential development at a density of 50 units per hectare overall across the site together with supporting infrastructure and ancillary facilities. Approved with conditions and section 106 legal agreement. (this section 106 quashed a previous section 52 agreement attached to consent ref. N3510).
- 3.9 PT07/2424/R3R Public transport bus link (between current application site and residential development (PT04/0684/O). Approved with conditions.

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

- 4.1 Stoke Gifford Parish Council  
Objection due to inadequate information.
- 4.2 Highways Agency  
No objection.
- 4.3 Environment Agency  
No objection subject to conditions

#### **Other Representations**

- 4.4 Local Residents  
One objection on same grounds as previous applications.
- 4.5 Representation originally received in 2004 from Bicycle Use Group requiring this development and adjacent residential development to provide adequate provision/protection of cycle routes/facilities.

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

- 5.1 The application is made under section 73 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004). It is an application to vary the approved development that is possible by reason of those conditions stated in paragraphs 3.3-3.6. All the conditions allow for the Council to agree amendments to the development approved by reason of the stated consents. An application under section 73 of the Town and Country Planning Act 1990 is an application for planning permission. The Local

Planning Authority's duty is to determine the application in accordance with the development plan unless material considerations indicate otherwise. Since the practical effect is that of granting a fresh planning permission, the Local Planning Authority applies the guidance of Circular 11/95 – The Use of Conditions in Planning Permissions. The guidance states that, as a general rule, such applications should be refused only where:

- a) there has been some material change in planning circumstances since the original permission was granted;
- b) Continued failure to build the development will contribute unacceptably to uncertainty about the future pattern of development in the area; or
- c) The application is premature because the permission still has a reasonable time to run.

5.2 Material Changes in Circumstances since the Original Permission was Granted  
Considerable time has elapsed since the last development at Hewlett Packard. Whilst the fallback position of the implementable extant consent must be considered, the proposed amendments (that depart from the approved consent) must be assessed in light of current planning policy and guidance. As such the following planning assessment is necessary.

5.3 Contribution to Uncertainty about the Future Pattern of Development in the Area

The residential development at Wallscourt Farm, that benefits from planning permission PT04/0684/O, has commenced. The assessment of PT04/0684/O included the delivery of the proposed floorspace on the retained Hewlett Packard site that is subject to this application. The transportation implications of both developments were factored into the assessment of PT04/0684/O. Following the commencement of the residential development, it is the applicant's intention to now secure the implementation of this office development. Granting consent will allow a scheme that appropriately responds to recent development adjacent, specifically the residential development, rather than further implementing the extant consent on the remaining HP land (that would be at odds with the form of the residential development). It is considered granting this new detailed scheme will represent positive planning that will not contribute unacceptably to uncertainty about the future pattern of development in the area; but instead would provide a degree of certainty.

5.4 Prematurity

The determination of this application at this point in time is not considered to be premature. The application has been with the Council for some 4 years and the proposal remains safeguarded employment land in accordance with the adopted Joint Replacement Structure Plan (saved policies) and South Gloucestershire Local Plan (Adopted) January 2006.

5.5 Planning Assessment

The site benefits from extant planning permission for up to 2.2 million square feet (including land now approved for residential development at Wallscourt Farm) by reason of the stated consents already having been implemented. The site is a Safeguarded Employment Area as defined in policy E4 of the South Gloucestershire Local Plan (Adopted) January 2006. For these two reasons the principle of the proposed development is supported. Furthermore,

the extant planning permissions can be developed for a class B1 office use benefiting from planning permission ref. PT04/0685/RVC.

- 5.6 Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 establishes criteria for assessing applications for employment development within safeguarded areas. In respect of this application, the development should ensure that there are no unacceptable environmental effects; adequate provision is made for servicing, delivery, parking and access; does not prejudice residential amenities; and that the site is well serviced by public transport (this links in to the objectives of policies T7, T8 and T12). In addition, the character of the area should not be adversely affected; this links in to the aim of policy D1 to secure a good quality design that respects context. In terms of the objective of policy E3 in aiming to achieve the maximum density allowing for a site's constraints, there is no conflict. Policies L17, L18 and EP2 should ensure that adequate drainage is provided. Having regard to the objectives of the above policies, the main issues can be summarised as:
- a) Transportation.
  - b) Design/Visual Impact.
  - c) Residential amenities.
  - d) Drainage.

5.7 Transportation

This application was submitted concurrent with the consented application ref.PT04/0684/O for residential development on the allocated policy H1 housing site to the south (land at Wallscourt Farm, now "Cheswick"). The transportation assessment submitted with application ref.PT04/0684/O factored in the delivery of a 1.0 million square feet on the retained Hewlett Packard land (or 1.2 million sq.ft. if the existing buildings (nos.1 and 2) on the retained HP site were demolished). The total proposed floorspace on the retained HP land proposed by this application is in fact less than this 1 million square feet. The section 106 agreement attached to consent ref.PT04/0684/O quashed previous legal agreements and secured requisite contributions towards transportation works and the satisfactory upgrading of the local highway network commensurate to the requirements not only of the housing development but also of the additional floorspace that is subject to this planning application. Therefore, in transportation terms, the principle of the development is supported and the requisite improvements to the local highway network assured. The Highways Agency also raises no objection. There is however a requirement to provide a financial contribution towards the provision of the required bus stops along the public transport route (4 in total). Such contribution is to be secured by a section 106 agreement.

- 5.8 With regard to detailed on site transportation matters, an appropriate level of car parking is to be provided in accordance with policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. Matters relating to disabled and cycle parking (with changing and drying facilities), refuse facilities and a travel plan are appropriately dealt with by planning condition. Appropriate links are provided to the proposed bus stops along the approved public transport route adjacent to the southern boundary.

5.9 Design/Visual Impact

4No. buildings are proposed, totalling 410,540 square feet GIA forming an arc approximately parallel to the southern boundary with the residential site and between 50 and 90m from that boundary. The buildings will be 3-storey in height, maximum height to be 16m (including enclosed plant on roof). Parking

- is predominantly located between the buildings and the southern boundary. Landscaping will include a buffer of approximately 12m between the southern boundary and the car parking area, extensive tree and shrub planting within the car park, and landscaped amenity areas between the buildings forming a linear link between existing vegetation to the north and south.
- 5.10 The buildings themselves will be contemporary in design comprising a mixture of glazed curtain walling (with solar shading) and reconstituted stone. Metal panelling will enclose service plant on the roof. The proposed design will be suitable for the context – MOD offices (contemporary) to the west, existing HP offices to the north (modern), UWE to the east and a modern housing site to the south. The height and scale of the development will be consistent with the non-residential development that exists nearby.
- 5.11 Outside spaces will be extensively landscaped. Linear landscape corridors will loosely connect to existing vegetation within the housing development to the south and areas to the north. The proposed landscaped buffer strip along the southern boundary will further enhance biodiversity as well as providing a suitable landscaped break between the proposed development and the housing site (that also includes the primary school adjacent to this boundary). Full landscaping details are required by condition. Furthermore, a condition is necessary to agree the details of any external lighting.
- 5.12 The application has been considered against the Design Checklist SPD now adopted. The proposal will be required to achieve a BREEAM “very good” standard and 10% reduction in CO2 emissions to be achieved through the use of renewable energy. Appropriate conditions are recommended. With regard to security and crime prevention, the site will be secure and HP will instigate their normal level of security protection.
- 5.13 Residential Amenities  
There are no existing residential neighbours to the application site. Housing at the residential development to the south will be at least approximately 60m distant. There should be no adverse impact upon amenities. The existing access points from the dual carriageway adjacent to MOD and from the A4174 will be retained as the primary access points into the site.
- 5.14 Drainage  
The Environment Agency raises no objection to the application. Appropriately worded conditions are recommended in accordance with the advice of the Environment Agency.
- 5.15 Design and Access Statement and Concept Statement  
The application was submitted prior to there being a requirement to include a Design and Access Statement with the application. The application predates any requirement for a Position Statement and Concept Plan as required by the Council’s Statement of Community Involvement.
- 5.16 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, other than to secure the required financial contribution to the provision of the bus stops; this is appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

## **6. CONCLUSION**

- 6.1 The application has been assessed in accordance with section 73 of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004). Determination of the application has considered whether there exists any material change in planning circumstances since the original permission was granted; whether failure to build the development will contribute unacceptably to uncertainty about the future pattern of development in the area; and whether the application is premature. Having regard to the above assessment, the proposal has been judged acceptable subject to the imposition of planning conditions and the stated section 106 agreement.
- 6.2 Whilst the existing extant planning permission is not time restrained, an application under section 73 of the Town and Country Planning Act 1990 is an application for planning permission. Since the practical effect is that of granting a fresh planning permission, the Local Planning Authority applies the guidance of DOE Circular 11/95 – The Use of Conditions in Planning Permissions. As such, it is proper, with regard to sections 73 and 91 of the Act, to require the standard time limit for implementation to be required by planning condition. The recommended conditions, that have regard to current policy and guidance, are similarly justified.
- 6.3 The decision to grant permission has been taken having regard to the policies of the Joint Replacement Structure Plan (saved policies) and 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 approve the application, subject to the conditions set out below and the applicant first voluntarily entering a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) (or an appropriate alternative legal agreement) within 12 months of this determination to secure the following:
- (1) Financial contribution of £20,000 towards the provision of 4No. bus stops with associated ancillary works along the proposed Cheswick Bus Link.  
Reason: To ensure the adequate provision of public transport infrastructure commensurate with the need generated by the development. In accordance with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - (2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
  - (3) If the S.106 Agreement is not signed and sealed within 12 months of this determination then, in view of the length of time the application should either:

- (a) Return to the Development Control Area Committee for reconsideration or alternatively
- (b) The application should be refused due to the failure to secure the Heads of Terms listed above under a section 106 agreement, for the reasons listed in section (1).

**Background Papers      PT04/0686/RVC**

**Contact Officer:    Michael Simmons**  
**Tel. No.                01454 863643**

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

Reason(s):

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

3.      The new-build office development hereby approved shall be constructed to a BREEAM standard of 'very good.' A formal assessment pre-construction or following construction shall be undertaken by a licensed BREEAM assessor and a copy of the assessor report and BRE certificate shall be submitted to the Local Planning Authority prior to the first occupation of the building.

Reason(s):

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

4.      No development shall take place until a scheme for renewable energy that will reduce regulated CO2 emissions from energy use by the users of the new-build office development by a minimum of 10% has been approved in writing by the Local Planning Authority. The scheme so approved shall be implemented and retained in the manner described in the details agreed by reason of this condition.

Reason(s):

To reduce CO2 emissions and to maintain reliable and competitive energy supplies in accordance with PPS1, the draft supplement to PPS1 - Planning and Climate Change, The South Gloucestershire Design Checklist and the draft Regional Spatial Strategy for the South West of England Policy RE5.

5. The hours of working on site during the period of construction shall be restricted to 8am-6pm Monday to Friday, 8am-1pm on Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

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

6. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason(s):

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No development shall take place until details of wheel-washing facilities to be provided on site have been submitted to and approved by the Local Planning Authority. These facilities shall be provided prior to development commencing and maintained during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason(s):

To safeguard the amenity of the locality, and to accord with Policy (E3/E4/E6\*) of the South Gloucestershire Local Plan (Adopted) January 2006. (\* delete as appropriate)

8. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, refuse or other storage units, signs, lighting). Soft landscape works shall include planting plans; protection of retained trees and hedgerows; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason(s):

To protect the character and appearance of the area to accord with Policies D1, L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. 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 a programme first agreed with the Local Planning Authority.

Reason(s):

To protect the character and appearance of the area to accord with Policies D1, L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

11. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose. Details of disabled parking bays to serve building 2 shall be submitted to and agreed in writing by the local planning authority, and shall also be implemented within the same timescale.

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 T8, T9 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. No building shall be occupied until space has been laid out within the site for bicycles to be parked and changing/drying areas for cyclists provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason(s):

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

13. Within 6 months of first occupancy a travel plan shall be submitted to and agreed in writing by the Local Planning Authority. The agreed travel plan shall be implemented before the development hereby permitted is brought into use; or otherwise as agreed in the travel plan. A two stage travel plan is required comprising of a travel plan framework backed up with a detailed travel plan. The detailed travel plan shall include provision for independent monitoring against targets for modal split, together with additional proposed measures to meet those targets should the monitoring indicate that targets are not being met.

Reason(s):

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

14. Prior to commencement of development detailed plans showing the provision of refuse and recycling facilities, also indicating refuse vehicle access with tracking, shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason(s):

To provide satisfactory refuse facilities in accordance with policy D1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To prevent non-point source pollution and flooding, and to accord with Policies L17/L18/EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. All surface water run-off from outside storage, parking or vehicle washdown areas shall pass through a properly constructed oil/ petrol interceptor or such other alternative system as may be agreed with the Local Planning Authority, before discharge to the public sewer, or other drainage system.

Reason(s):

To prevent non-point source pollution and flooding, and to accord with Policies L17/L18/EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008**

**App No.:** PT07/3015/O

**Applicant:** J T Bayliss Land Development Partnership

**Site:** Land to the west of Merlin Road Cribbs Causeway BRISTOL South Gloucestershire

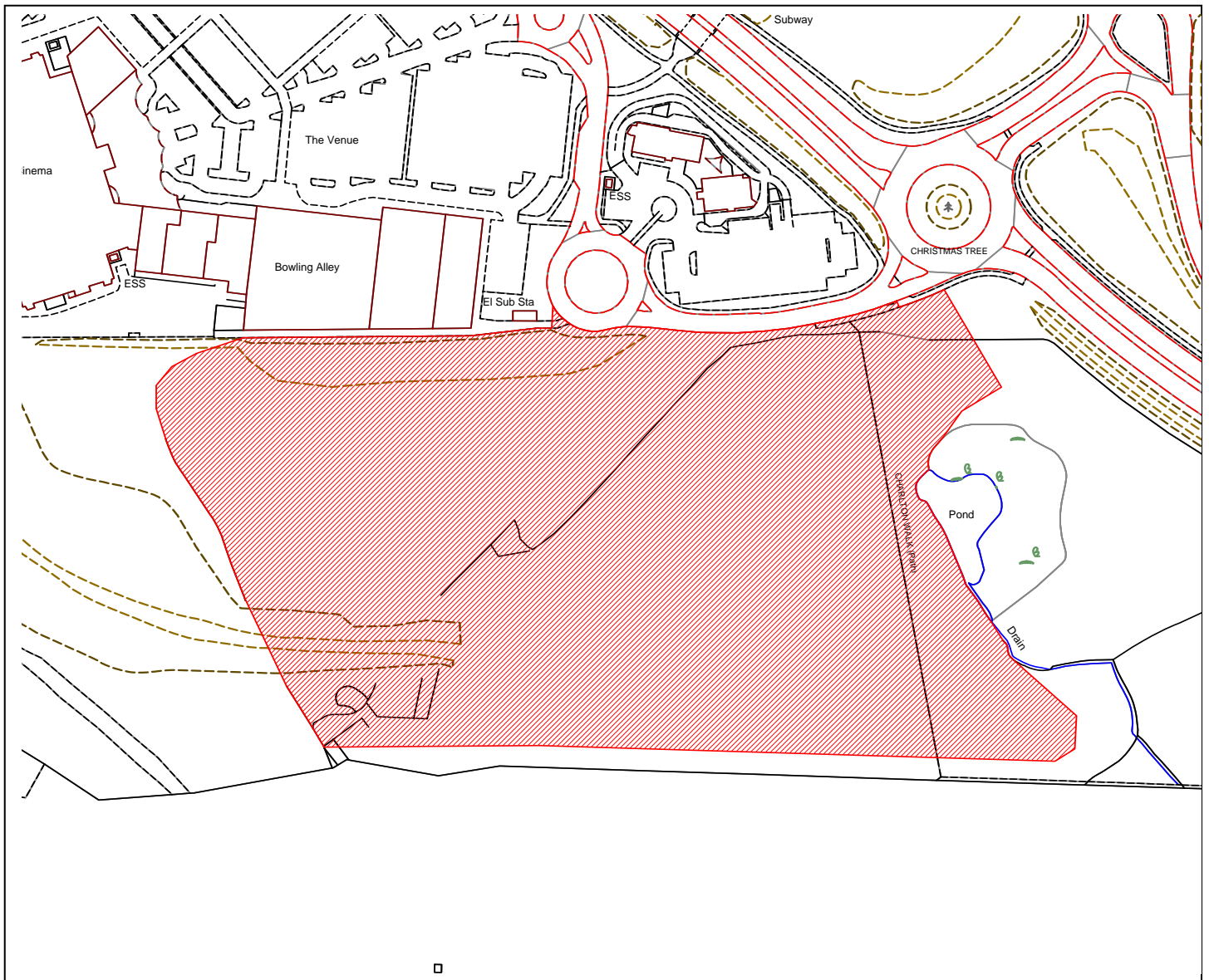
**Date Reg:** 9th October 2007

**Proposal:** Erection of aviation museum and Class B1 office accommodation with associated works (Outline) with Layout, Scale and Access to be considered. All other matters reserved.

**Parish:** Almondsbury Parish Council

**Map Ref:** 58377 80522  
**Application Category:** Minor

**Ward:** Patchway  
**Target Date:** 8th January 2008



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## INTRODUCTION

This application appears on the circulated schedule because the proposal is one for major development and there have been representations made contrary to the officer's recommendation.

### 1. THE PROPOSAL

#### 1.1 Description of development

Outline planning permission is sought for the erection of an aviation museum (class D2) 3,600 square metres in floorspace; and separate office development (class B1) amounting to 3,000 square metres of floor space. The outline application includes matters of access, layout and scale for determination at this stage. This would reserve the matters of appearance and landscaping for future determination. On the submitted drawings, 166No. car parking spaces are proposed for the aviation museum; with 86No. spaces proposed for the office units.

1.2 The aviation museum's principal aim is to provide a permanent and public home for Concorde. Accordingly the plans indicate a building some 16 metres in height, with dimensions of 40 metres by 90 metres in length. Illustrative elevations have been submitted. The proposed office units comprise 3 2-storey units of 900, 1,050 and 1,050 square metres. Access would be off The Venue leisure complex access road for the proposed offices with a new spur from the existing roundabout at The Venue serving the museum.

1.3 The site includes a significant amount of earth removal to accommodate the aviation museum, as there is currently an area of bunding constructed from spoil left over from the Mall/Venue development. Furthermore, the development would necessitate the diversion of public footpath reference OAY85. Earth moving works and temporary hard surfacing would be required in order to transport Concorde across the airfield to the site, but ground would be made good once Concorde was in situ.

#### 1.4 Site description

The site is some 3.8 hectares of undeveloped land adjoined to the south by Filton Airfield, and to the north by The Venue leisure park and The Mall retail centre. The site comprises an embanked area created in the 1990s with spoil from the construction of the Mall. The site would be adjacent to the Hollywood Bowl within The Venue. The site has a public footpath crossing the site reference OAY 85. Immediately to the east of the site is an existing pond and copse area which will be unaffected by the proposal.

#### 1.5 Background Information

The last production model of Concorde (216) was built at Filton and completed its last flight on 26<sup>th</sup> November 2003. Since then the aircraft has been stored in the open air at the airfield with limited public access. A Trust has been formed to save the aircraft and to secure a permanent home and associated museum. This would also provide an educational resource and facility for researching aviation history. This proposed site would be in close proximity to the airfield and hangars where Concorde was developed in Filton. The applicant has offered the Trust this site free, but is seeking permission for 6 office units to assist funding enabling works including the provision of access and necessary earth moving.

## 1.6 Environmental Impact Assessment

The Local Planning Authority issued a formal screening opinion dated 22 December 2006 under the Environmental Impact Assessment Regulations 1999 that an Environment Impact Assessment was not required for this proposal.

## 1.7 Concept Plan

The applicant submitted a Concept Plan prior to this application. The key design principles set out in that document were;

- The development of land between The Venue and Airfield to provide for a museum building of 3,600sqm; and small office units amounting to 3,000sqm. The site would be served by 2 access points.
- Associated earth moving and landscaping works required to provide a level site. A temporary hard surface from the runway to provide access to Concorde with reinstatement following this one-way trip.
- The museum would be a landmark building that would need to be a minimum of 16 metres in height.
- The business units would be two storeys in height.
- The buildings would follow sustainable construction principles.
- An existing public footpath across the site would be retained but may require some realignment.
- An existing pond and copse to the south and grassed embankments to the west would be retained.

1.8 The concept statement was formally considered through the Council's Executive decision making process. The Executive Member for Planning, Transportation and Strategic Environment decided (15th October 2007) that subject to the following points the Concept Statement be endorsed as a reasonable basis for the development of detailed proposals and as a material consideration in the determination of planning applications affecting the site.

1. In developing detailed designs account should be taken of the detailed criteria in the South Gloucestershire Local Plan Policy D1 and within the associated Design Checklist SPD.
2. There is particular concern for security in and around the site.
3. There is a need to complete all ecological and archaeological surveys and associated impact appraisals before planning applications are determined.
4. Attention is required to ensure that construction on, and operation of, the site would not prejudice the authorised operation of the airfield in line with the Council's Airfield Safeguarding Policy E5.

Therefore, this proposal must be considered against the key proposals in the Concept Plan in addition to the policies set out in the Development Plan.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

PPS1 – Delivering Sustainable Development

PPG4 – Industrial, Commercial Development and Small Firms

PPS6 – Town Centres

PPS9 – Biodiversity and Geological Conservation

PPG13 – Transportation

PPG16 – Archaeology

PPG24 – Planning and Noise

PPS25 – Planning and Flood Risk



Good Practice Guide on Planning for Tourism (July 2006)

- 2.2 Joint Replacement Structure Plan (Adopted) September 2002 (policies saved by Secretary of State)  
Policy 12 Bristol North Fringe  
Policy 43 New Recreation and Leisure Development  
Policy 46 Tourism
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
L1 Landscape Protection and Enhancement  
L5 Open Areas within Urban Areas  
L9 Species Protection  
L11 Archaeology  
L17 & L18 The Water Environment  
EP4 Noise Sensitive development  
EP6 Contaminated Land  
T7 Cycle parking  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development  
E3 Criteria for assessing proposals for Employment Development  
E5 Filton Airfield Safeguarding  
E11 Tourism  
RT5 Proposals for Out of Centre and Edge of Centre Retail development  
LC3 Proposals for Sports and Leisure facilities within the existing urban area
- 2.4 Minerals and Waste Local Plan (Adopted) May 2002 (saved policies)  
Policy 37 Waste reduction and re-use  
Policy 45 Environmental Bunds
- 2.5 Supplementary Planning Guidance  
Design Checklist SPD (adopted)  
Biodiversity and the Planning Process SPD (adopted)  
Sustainable Drainage Systems SPD (adopted)  
Waste Audits SPD (adopted)

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

- 3.1 P92/0051/108 Development of 30.02 acres for leisure uses including multiplex cinema. Bowling alley, night club, restaurants with associated car parking and landscaping. Outline approval 13 October 1993.
- P94/2689 Construction of plateau to facilitate the relocation of digital resolution direction finder equipment (DRDF). Approved 24 February 1995.
- 3.2 P96/0051/156 Construction of earth mound. Approved 29 July 1996.
- 3.3 P96/1961 Development of 7.2ha for leisure uses. Construction of road and associated parking. Approval of reserved matters 8 May 1997.
- 3.4 P99/1075 Alterations to existing car park. Approved 23 February 1999.

### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council

Object to the proposal in its present form. Object to the business units rather than the aviation museum as the need for them is not seen. They will not form part of the museum. The area could be used for parking. There is concern that the extra traffic using the museum will add pressure to the already congested junction 17 and surrounding area.

4.2 Patchway Town Council

No objection to site of the museum but traffic concerns regarding Merlin Road roundabout from traffic associated with museum and business units. Also interested in the wildlife of the application site and nearby pond and copse; and public rights of way.

4.3 Filton Town Council

No objections in principle but concerns regarding rights of way across the site.

4.4 Wessex Water

Further details required.

4.5 Highways Agency

No objection subject to condition requiring bespoke detailed travel plan.

4.6 Sustainable Transport

No objection subject to conditions.

4.7 Police Architectural Liaison Officer

Secured by Design Commercial should be the objective. Await detailed design stage before offering further comment.

4.8 Civil Aviation Authority

A standard response letter was received setting out certain principles - The CAA is not a statutory consultee under the Town and Country Planning Acts unless it's own property is affected. Nevertheless proposed development that might affect aviation should be brought to their attention. This would include any proposals concerning wind turbines, structures of 90 metres or more in height, or projects that would significantly alter the skyline of a conurbation. The siting of hazardous industrial installations would be similarly relevant.

4.9 Bristol Water

No comments to make on this proposal.

4.10 Environment Agency

No objection subject to conditions.

4.11 BAe Systems

No objection.

**Other Representations**

4.12 Local Residents

No representations received.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site in question is within the settlement boundary and urban area and is presently unallocated for any specified use in the Local Plan. As the proposal seeks consent for a museum and office development these different uses raise different policy considerations. These are therefore addressed separately below. Finally, under this section it is considered whether the office development should be dependant upon the museum proposals.

## 5.2 Museum

This proposal falls into use class D1 and has been assessed as a tourism proposal. National policy is generally supportive of tourism. Policy 46 of the Structure Plan allows for such development where it would support conservation and economic development objectives. Policy E11 of the Local Plan encourages and supports tourist related facilities within the settlement areas subject to detailed criteria – one of which seeks sites accessible by public transport and on primary routes. This is considered to be the case in this instance. In addition, there is significance in the close proximity of the museum adjacent to the airfield and hangars where the principal subject of the museum (concorde) was developed. The principle of the museum is supported subject to the more detailed issues addressed elsewhere in this report.

## 5.3 Office development

Policy E3 of the Local Plan allows for employment uses (including B1) within the existing urban areas subject to certain criteria. It specifies that in the case of class B1 office development the location should be well served by public transport, which is considered to be the case here. The only exception to policy E3 is for large scale B8 storage and warehouse uses which are directed to specified employment areas. Accordingly the principle of this scale and type of employment development is supported subject to the more detailed issues addressed elsewhere in this report.

5.4 Given that the development plan policy would support each element of this proposal in principle on their own merits, there is not considered to be any justification to link the two elements together, for example by making the occupation of the offices dependent on the completion of the museum. Despite the fact the applicant has referred to the office development as enabling development, it would be permitted in its own right under development plan policy.

## 5.5 Layout

The siting of the building and general layout accords with the principles laid down in the approved Concept Statement. However, the business units are now to be accommodated in just 3 buildings rather than 6. This is considered to achieve an improved design solution. The 3 buildings enclose on three sides a landscaped parking court. The buildings now appropriately address the frontage of the site that wasn't considered the case with the plans as originally submitted. Subject to the assessment below, the siting of the buildings and general layout are considered acceptable.

## 5.6 Scale

The proposed museum building will be of maximum height 16m. The proposed business units will be 2-storey and will be at a far lower level akin to the existing level of the road. These buildings are of a scale that was originally envisaged in the approved Concept Plan. The illustrative plan submitted with the application indicates a height approximately 10m above the building at The Venue immediately to the north. The height of the museum building relative to

the Venue is addressed further below. Subject to the analysis below, there is no principle objection in terms of scale.

5.7 Access (and Transportation)

Considerable negotiation has taken place between the Highways Agency and the applicant in respect of issues of highway capacity and safety in relation to junction 17 of the M5 motorway. The Highways Agency are now satisfied with the proposal subject to a condition requiring a detailed bespoke travel plan to be agreed and implemented. In terms of the impact upon the local road network, the council's highways engineer is also satisfied with the proposals.

5.8 The existing roundabout falls outside of the adopted public highway but is suited to an additional arm at the location shown to gain access to the museum. There is a significant level difference between parts of the site and the adjacent private road. The earth moving statement includes a methodology explaining how excavation will take place via a temporary access. Any reserved matters or full application will be required to include plans showing existing and proposed levels within the site. A plan of the temporary construction access will also be required.

5.9 The level of car parking proposed for each element is within the maximum parking standards set out in policy T8 of the Local Plan – but if further parking were provided (as suggested by the Parish Council) this would exceed this policy threshold. The scale of the office development proposed is unlikely to have a material impact upon traffic flows at the roundabout serving the site. Both elements would benefit from good access to public transport; the bus station at The Mall is within walking distance. Nevertheless the applicant has offered up (at no charge), land for the provision of new bus lanes at Cribbs Causeway that would offset any incremental increase in traffic in any case. In addition there is an established network of pedestrian and cycle links serving The Venue that both elements of the development would connect to. A condition is required in order to achieve an appropriate level of cycle parking on the site.

5.10 Design

Whilst matters of appearance are reserved for later consideration, it is prudent to assess whether the proposed scale and layout will allow for an appropriate design to be achieved. The proposed museum building will be situated partly to the rear of The Venue and to the north of Filton Airfield. The plan submitted in support of the application indicates that the height of the building could be 10m above that of the Venue. The difference is considerable and will result in a building that is viewed from several viewpoints. However, the design is intended to be of very good contemporary quality; this will be assured by the conditions of this consent and control at the reserved matters application stage. The building should be considered as a landmark building. As such, the impact of the proposal is deemed acceptable and will contribute to the townscape at this location.

5.11 The car park serving the museum will be to the north west of the building, behind Hollywood Bowl, and deliveries will be from the south, both in the least obtrusive position. Nevertheless, a strong landscaping emphasis is intended to be present throughout the development. The main entrance will address the roundabout. The scale of the museum building will be appropriate to its context and the nearest building at The Venue. Having regard to the illustrative plans submitted with the application, a robust contemporary design is anticipated

albeit that the detailed design will be subject to a separate application for reserved matters consent.

- 5.12 The proposed business units will be 2-storey and again are anticipated to be of contemporary design (as reflected in the illustrative drawings submitted with the application) to reflect the modern museum structure adjacent. Parking will again be in a landscaped setting. Dense more natural landscaping will extend towards the retained pond and copse that lies outside of the application site along the eastern boundary. Unlike the plans as originally submitted, the business units will appropriately address the frontage of the site.
- 5.13 With regard to security and crime prevention, the applicants state that the intention is to be guided by the principles laid down in Secured by Design Commercial. The Police Architectural Liaison Officer has stated that this should be the objective. The Police ALO will consider further these measures at the detailed design stage (reserved matters). A condition requiring a report that explains how security and crime prevention measures are incorporated at the detailed (reserved matters) stage is recommended. Furthermore advice by way of an informative note is given to the applicant to liaise with the Police ALO.
- 5.14 Whilst the design of the scheme is a matter to be considered at the reserved matters stage, the proposal as submitted provides a strong foundation with which to achieve a good quality design. The illustrative plans submitted in support of the application indicate that an appropriate design can be achieved. Relevant conditions relating to implementation of landscaping and agreement of materials are recommended.
- 5.15 Landscape  
The site is visually well contained by built forms to the north and an earth mound to the south. A portion of the mound is to be removed but sufficient is to be retained to maintain the visual containment. Development on this site is unlikely to have a significant adverse visual impact in the broader landscape despite the relative height of the museum building. There is a small amount of existing vegetation around the site but none of it is considered to amount to significant landscape features in the context of policy L1 of the Local Plan. However there is an existing pond to the east that is to be retained. This is considered an important landscape and ecological feature. The retention and enhancement of the environs of this area is appropriately addressed in the submitted layout and Design and Access Statement. Across the site, the landscaping strategy illustrated on the proposed layout represents an appropriate basis for developing a detailed scheme.
- 5.16 It is considered the site could be regarded as meeting the criteria for consideration under Policy L5 in that it contributes to the setting of an existing development, Cribbs Causeway, and provides a visual break between development namely, Cribbs Causeway and Filton airfield. However, on balance it is considered that a sufficient quantity of the open area is to be retained thereby retaining its function under L5.
- 5.17 Public Art  
At the north east corner of the site, nearest the roundabout on Merlin Road, a gateway entrance feature incorporating public art and signage will be provided. A condition requires the elements of public art at this point (and at the

pedestrian entrance in front of the museum itself) to be delivered as part of the reserved matters applications.

5.18 Sustainable construction

The applicant has confirmed their intention to achieve a BREEAM rating of “very good” standard and a 10% reduction in regulated CO2 emissions across the whole of the development. This accords with the requirements of the adopted Design Checklist SPD and policies G and RE5 of the draft RSS and the broad objectives enshrined in policy D1 of the Local Plan in achieving energy conservation and protection of environmental resources. Appropriate planning conditions are recommended. The applicant has stated that these matters will be enshrined within a Sustainable Development Strategy that will accompany the reserved matters applications.

5.19 Ecology

There are no statutory or non-statutory nature conservation designations covering or adjacent to the application site. The applicants provided an initial ecological appraisal and a subsequent update following advice from the council’s Ecologist. The details are now to the satisfaction of the Council’s Ecologist subject to a planning condition requiring the landscaping reserved matters application to include an appropriate bird survey. The landscaping scheme to be submitted as a reserved matter should be informed by this survey as well as the Council’s Biodiversity Action Plan; this requirement is included in the recommended landscaping condition.

5.20 Archaeology

A preliminary archaeological evaluation has been undertaken. The council’s archaeologist considers the potential for Iron Age archaeology to be high. In light of this, a condition that requires a programme of archaeological evaluation and recording is necessary. Any mitigation of the archaeological resource can be undertaken as part of the detailed application. It is important that the evaluation is completed before the first reserved matters application is submitted; this is an obligation of the recommended condition.

5.21 Public Rights of Way

The existing footpath that crosses the site, OAY85, will need to be diverted to accommodate the development. Such a diversion will be achieved by application under section 257 of the Town and Country Planning Act 1990. The diverted footpath will not be of any lesser amenity value. Should the definitive footpath need to be closed during the construction phase, an appropriate temporary traffic regulation order can be applied for. These matters are appropriately dealt with by way of an informative note on the decision notice.

5.22 The footpath OAY85 forms an important link to the Charlton Walk, a footpath route that was established by the Council, Forest of Avon, Patchway Town Council and Patchway Conservation Group to promote the area as a “Gateway” to the Forest of Avon and as a local history project to illustrate the history of Charlton, the village ‘lost’ under the runway with the development of Filton airfield. It is considered good planning practice, bearing in mind the disruption to the footpath and therefore access to Charlton Walk at this point that will be caused by the development, that opportunity for the reinforcement and enhancement of the footpath route OAY85 are achieved via this application. A condition to ensure appropriate way marking and interpretive signage is recommended; this will accord with policy D1(D) of the Local Plan that states that access into and through the development should be convenient and

attractive to pedestrians. Furthermore, an informative note is recommended encouraging the applicant to be involved in producing an updated Charlton Walk guide.

5.23 Drainage/Environmental Matters

Following advice from the Environment Agency, the applicants submitted a revised Flood Risk Assessment. This is now to the Agency's satisfaction subject to the imposition of a condition to agree drainage details. Following the submission of an acoustic report, Environmental Health Officers raise no objection to the proposal subject to noise and vibration being taken into account in the detailed design of the buildings. Again a planning condition is recommended.

5.24 Waste disposal

The proposal will necessitate the removal of ground material from the site; up to 45,000cu.m. Various options for the method of removal have been considered by the applicant. The Council's Waste and Minerals Officer is supportive of the consideration to date of this issue. However, the information submitted is not as specific and certain as a waste management audit should be. A condition is therefore recommended to agree a full Waste management Audit.

5.25 Impact on Filton Airfield

The Civil Aviation Authority and BAe Systems (Filton Airfield) have both been consulted. No objection has been raised. The proposed development will not prejudice the operation of Filton Airfield in accordance with policy E5 of the Local Plan.

5.26 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 Adopted Design Checklist Supplementary Planning Document.

5.27 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 endorsed Concept Plan sets the context for the assessment of the development of this site. Having regard to the above assessment it is considered that the proposed development adequately provides for the broad

principles established in the Concept Plan. Further it is considered that the proposed development satisfies the requirements of the Development Plan and national policy framework.

- 6.3 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 To grant outline planning permission subject to the conditions set out below.

**Background Papers**      **PT07/3015/O**

**Contact Officer:**    **Michael Simmons**  
**Tel. No.**                **01454 863643**

## **CONDITIONS**

1. Approval of the details of the design/appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason(s):

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the design/appearance of buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason(s):

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason(s):

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



5. The development hereby approved shall be constructed to a BREEAM standard of 'very good.' A formal assessment pre-construction or following construction shall be undertaken by a licensed BREEAM assessor and a copy of the assessor report and BRE certificate shall be submitted to the Local Planning Authority prior to the first occupation of the building to which the report and certificate relates.

Reason(s):

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

6. No development shall take place until a scheme for renewable energy that will reduce regulated CO2 emissions from energy use by the users of the development by a minimum of 10% has been approved in writing by the Local Planning Authority. The scheme so approved shall be implemented and retained in the manner described in the details agreed by reason of this condition.

Reason(s):

To reduce CO2 emissions and to maintain reliable and competitive energy supplies in accordance with PPS1, the supplement to PPS1 - Planning and Climate Change, The South Gloucestershire Design Checklist SPD and the draft Regional Spatial Strategy for the South West of England Policy RE5.

7. Applications to approve the reserved matter of design/appearance in respect of the museum building shall include a public art strategy and detailed design of public art indicated in the positions shown on approved drawing no.010B. The public art as agreed shall be implemented within 12 months of the first opening of the museum to members of the public.

Reason(s):

To secure a sufficient design quality and public realm with regard to matters of urban design, townscape and landscape in accordance with policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Before development commences, details of a temporary construction access or accesses shall be submitted to and agreed in writing by the local planning authority. The construction access(es) so agreed shall be implemented and utilised as the only access(es) into the site throughout the construction phase.

Reason(s):

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

9. Detailed plans showing the provision of car and 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 included as part of the reserved matters application in respect of landscaping. Thereafter, the development shall proceed in accordance with the consented 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, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The museum hereby approved shall be used as an aviation museum only, as described in the submitted details, and the approved offices shall be used for Class B1 office use only; and for no other purpose (including any other purpose in Classes B1 and D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and Amended Order 2005, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason(s):

To control the nature of the development having regard to amenity, vitality and viability, and transportation implications in accordance with policies E3, E11, T12 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS6.

11. The landscaping details to be submitted as a reserved matter shall include full details of both hard and soft landscaping works. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines indicating lines, manhole); public footpaths; features and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme. The landscaping scheme shall be informed by the survey required of condition 16 and should demonstrate how it will contribute towards the South Gloucestershire Biodiversity Action Plan.

Reason(s):

To protect the character and appearance of the area to accord with Policies D1/L1/E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. 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 a programme to be first agreed in writing by the Local Planning Authority.

Reason(s):

To protect the character and appearance of the area to accord with Policies D1/L1/E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To protect the character and appearance of the area to accord with Policies H4/D1/L1/E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

15. The following shall form part of the reserved matters application in respect of landscaping:

A survey at an appropriate time of year for breeding birds, noting any species listed in the South Gloucestershire or UK Biodiversity Action Plans; and any listed as being of Principal Importance for Biological Diversity under Section 74 of the CROW Act 2000 or on the RSPB Red or Orange List of Species of Conservation Concern.

Reason(s):

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.

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

Reason(s):

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

17. Before the first use of any part of the development hereby approved commences, a scheme of way marking and interpretative signage, with regard to the public right of way that crosses the site, shall be submitted to and agreed in writing by the local planning authority, and implemented entirely in the manner so agreed.

Reason(s):

To appropriately safeguard and enhance the rights of way and to provide safe, convenient and attractive access through the site for pedestrians in accordance with policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Design Checklist SPD

18. The following matters shall form part of the reserved matters applications as stated:
- A noise mitigation/attenuation strategy (design/appearance reserved matters only).
  - Existing and proposed levels (Landscaping reserved matters only) .
  - An explanatory report explaining how security and crime prevention measures have been considered and incorporated (all reserved matters applications).
  - Sustainability Energy Strategy (design/appearance reserved matters only).

Reason(s):

To ensure that these matters are appropriately addressed in accordance with policies T12, D1, L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006, and Design Checklist SPD and adopted Biodiversity Action Plan.

19. Before the first reserved matters application is submitted to the local planning authority, there shall have been submitted to and approved by the Local Planning Authority a programme of archaeological investigation and recording for the site. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason(s):

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

20. No development shall take place until a Waste Management Audit has been 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.

Development shall be carried out in accordance with the agreed details.

Reason(s):

To accord with the Local Planning Authority's adopted Waste Management Strategy, and to accord with Policies 37 and 43 of the adopted South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002; and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

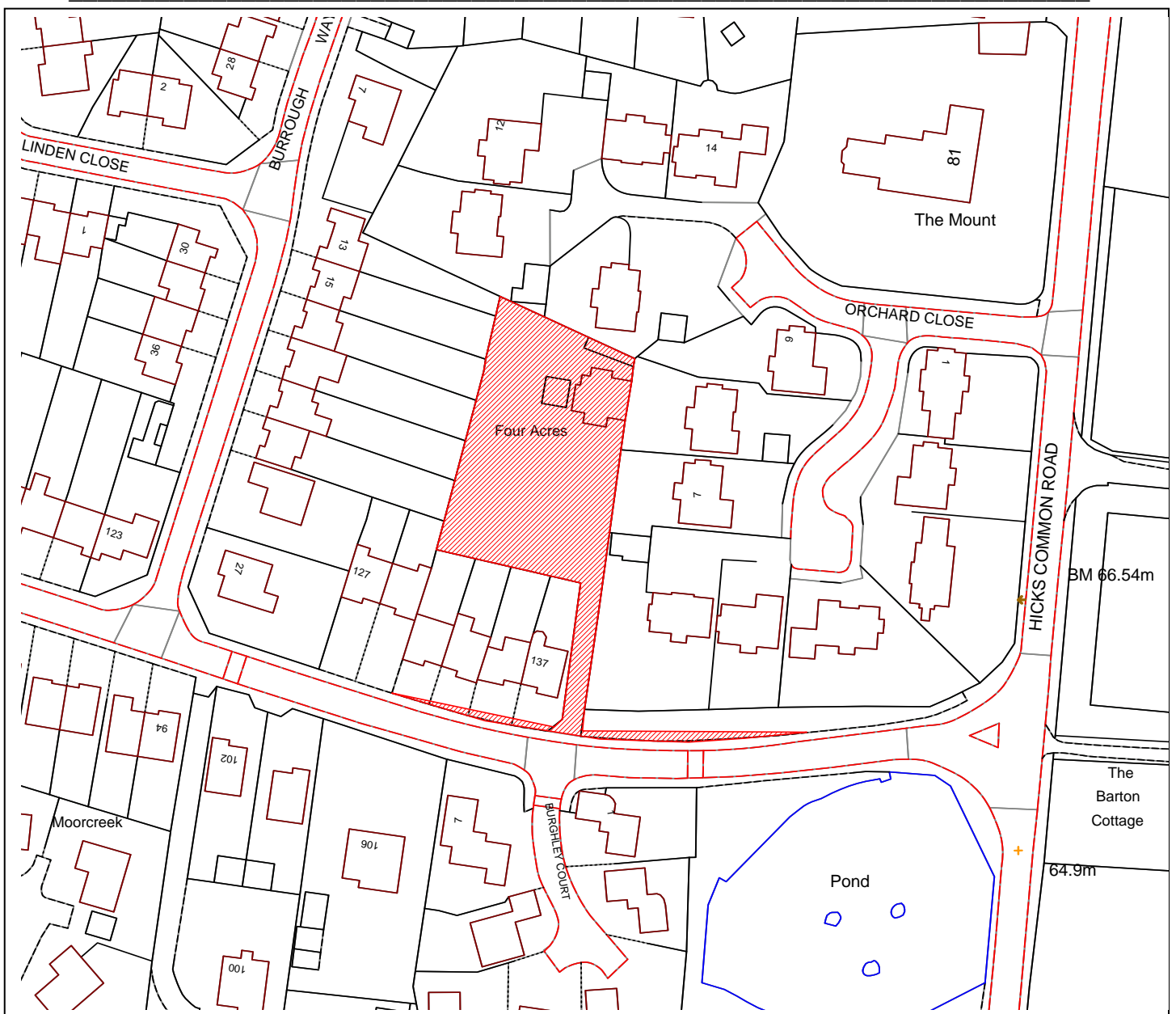
21. Prior to commencement of the development hereby permitted, a bespoke Travel Plan for the Aviation Museum and class B1 (office) development shall be submitted to and approved in writing by the local planning authority in conjunction with the Secretary of State for Transport. The Travel Plan shall include details of appropriate monitoring, management and enforcement mechanisms. The Travel Plan so approved shall be implemented in its entirety in accordance with the contents of the Plan.

Reason(s):

In the interests of highway capacity and safety. To accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and requirements of the Highways Agency.

**CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008**

<b>App No.:</b>	PT08/0129/F	<b>Applicant:</b>	Mr Taverner
<b>Site:</b>	Four Acres, Flaxpits Lane, Winterbourne, South Gloucestershire, BS36 1LD	<b>Date Reg:</b>	14th January 2008
<b>Proposal:</b>	Erection of 3 no. dwellings and associated works. (Resubmission of PT07/2199/F).	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	65340 80446	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th March 2008



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The application appears on the Circulated schedule due to the objections to the scheme contrary to the officers recommendation.

## 1. THE PROPOSAL

- 1.1 This is a full application for the erection of three detached four bedroom houses. The site consists of the large garden of the house known as Fouracres, with existing access alongside 137 Flaxpits Lane to Flaxpits Lane. The existing house occupies the northeast corner of the site and is to be maintained on site. The additional three dwellings would use the existing access.
- 1.2 The houses are proposed to be finished in reconstructed stone and render with reconstituted slate over the roof. Fenestration is proposed to be PVCu and hard surfaces are proposed to be Tarmac and block paviers.
- 1.3 The site measures 0.17 hectares and is located within the settlement area of Winterbourne.

## 2. POLICY CONTEXT

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H2 New Residential Development within the Urban Areas or Village Development Boundary  
H4 Development within residential curtilage  
T7 Cycle Parking  
T8 Vehicular Parking Standards  
T12 Transportation Development Control Policy for New Development  
L1 Landscape protection and enhancement  
L9 Protected species
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) August 2007.

## 3. RELEVANT PLANNING HISTORY

PT07/2199/F Erection of 3 no. dwellings and associated works. Withdrawn

## 4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council  
Objection.
  - Over development given narrow access.
  - No evidence of affordable housing.
  - Very large houses with narrow shared access.
  - Inadequate manoeuvring facilities within the site do not comply with the requirements of the highways authority and is contrary to Policy D1 of the local plan.

- Cycle store provision contrary to local plan.

#### 4.2 Sustainable Transport

The site is located off the class C Flaxpits Lane. The Council's garage standards of 5m by 2.75 are achieved which facilitates cycle parking within garages and bin storage and collection facilities are acceptable.

Changes have been made to the parking and turning layout and these are now acceptable.

#### 4.3 Drainage

No objection subject to SUDS condition. No surface water sewer available.

#### 4.4 Ecology

The application site comprises the garden of an existing property off Flaxpit Lane in Winterbourne.

It is not covered by any statutory or non-statutory nature conservation designations. There are anecdotal accounts of bats using the garden of Four Acres.

All bats are afforded full protection under both domestic law (the Wildlife & Countryside Act 1981 (as amended) and Countryside & Rights of Way Act 2000) and European law (EC Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora or the 'Habitats Directive 1992', implemented in Britain by the Habitat Regulations 1994. This protection covers both bats themselves as well as their roosts (described as '*a breeding site or resting place*' in the European Directive and 1994 Regulations).

The vegetation/trees in the garden and along the property boundaries are not generally of the requisite sorts of (native) species, or of sufficient maturity (age) to provide the sorts of features – namely, splits, crevices, rot holes etc – to be provide roosting opportunities for bats. It is therefore likely that the sightings are of bats (probably pipistrelles) using the garden to forage/feed on insects associated with the boundary *leylandii* and garden trees/shrubs.

Small bats – e.g. pipistrelles - generally feed within 2km of their roosts and will therefore range and forage over Winterbourne and the adjoining countryside during a night's feeding. If bats are using the garden at Four Acres, it would nonetheless only constitute a relatively small percentage of their overall feeding habitat. Discussions with Natural England have confirmed that the legal protection could only legitimately extend to feeding habitat if its loss would impact upon a European Site protected by the EC Directive – e.g. a site designated as a Special Area of Conservation (SAC) for greater or lesser horseshoe bats, of which there are none within South Gloucestershire.

As such no objection is raised subject to a condition and two informatives being attached should consent be granted.

### **Other Representations**

#### 4.5 Local Residents

Five households have written in objection to the scheme regarding the following matters:

- two houses facing 7 Orchard Close would overlook and detract from privacy
- noise and pollution even closer to boundary with 7 and 8 Orchard Close, impinge on solitude
- light pollution from street lighting and badly sited security lighting would be invasive.
- When the trees are removed, the existing cottage will also have uninterrupted view into 7 Orchard Close's garden areas.
- Over development of a small site. Fewer smaller property could be considered.
- Not in keeping with the density of the surrounding environment and not aesthetically pleasing
- 7 Orchard Close was purchased ...because of the aspect of its rear garden, quiet, private and well away from roads.
- proposal serves to devalue life around here.
- has a rural outlook, there is not a roofline visible....does not relish that changing.
- cannot see how delivery lorries will have (turning) room
- windows overlook/perceived overlooking
- completely ruin outlook
- parking is restricted and will use Flaxpits Lane
- drive only just wide enough for a modern car and opposite another exit
- disturbance whilst build happens
- overbearing
- loss of trees as shame, increase hard landscaping
- suggest maintaining a 12 foot natural screen along boundary with 8 Orchard Close
- Two nearby schools and duck pond cause congestion
- Is it feasible to restrict development to a twelve month period?
- The site is densely populated with mature trees
- fails to preserve the setting of Fouracres.
- does not enhance character
- may not respect the scale , proportions materials and overall design of the existing property. Stone type similar to existing .
- is it necessary to have roofs so much higher than the cottage.
- suggest scale down to two single storey units.
- believe bats roost in the mature trees at the end of our garden (21 Borough Close)
- Some supporters have a family interest in the development.
- Number ten Orchard Close feel that the scheme is more detrimental to their privacy and amenity than the previous scheme, and take all the sunlight from the back garden and conservatory from Autumn onwards and have same impact in Summer evenings.
- Loss of walled garden.

A general response acknowledged that the scheme would probably go ahead in some form or other and request 8 foot high fence to boundary with 19 Burrough Way.

Two household have written in support of the scheme regarding the following matters:

25 Burrough Way support scheme as it will not have any detrimental effect on the surrounding area.



13 Burrough way support scheme and highlight two ways the applicant has tried to overcome previous neighbour objections.

## 5. ANALYSIS OF PROPOSAL

### 5.1 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 subject to consideration of the matters highlighted below. PPS3 encourages the efficient use of land.

5.2 Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 encourages the maximum density compatible with the site and the surrounding area, providing that the proposal does not conflict with other policy considerations.

5.3 Having regard to the above, it is considered that the proposed development is in accordance with the broad principles of Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006, however the other policies in the plan also need to be considered.

### 5.4 Making the most efficient use of land.

In line with PPS3, Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 encourages the efficient use of land as part of new housing development. In this locality, within the defined settlement of Winterbourne, where the site is not as sustainable as other areas of the authority and given the limited access width, a lower density than might ordinarily be expected may be acceptable. In this instance, the proposed development would achieve a density of 24 dwellings per hectare and on balance this is acceptable.

### 5.5 Design and Character Considerations

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design that respects the character and distinctiveness of the site and its surroundings.

5.6 The existing cottage on site which is built in greystone with red brick details. The cottage which is narrow plan has clay red tiles to the roof. The surrounding new estate of large detached houses at Orchard Close are finished in cream painted render with slate roofs and the older (1970's) housing is also rendered with tiles to the roofs. The cottage has a narrow plan form with a steeply pitched roof. This is reflected in the design of the scheme and is considered acceptable.

### 5.7 Landscaping

The existing lawn to Fouracres is bounded by very broad conifer hedging, which has been topped but remains at over 12 foot tall and the spread of each of these trees is considerable. Conifers generally offer little wildlife value and these trees could be removed at any stage without consent. There are a range of other smaller trees and two more significant Ash trees. It is not usual to place tree preservation orders on Ash trees, even when of good form, unless they are the only tall trees in the area. It is however feasible with little additional foundations to maintain the tri-stemmed Ash at the rear of the site as part of the landscaping scheme. An opportunity also exists with the development to provide a scheme of landscaping which would enhance the site visually as well as for wildlife.

- 5.8 Having Regard to the above, it is considered that the proposed development, complies with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist September 2006.
- 5.9 Residential Amenity  
Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not significantly prejudice the amenities of nearby occupiers.
- 5.10 There is a minimum of 20m between habitable windows with the exception of one occasion. This relates to the 90 degree relationship between plot three and No. 10 Orchard Close where the first floor, dormer windows are located 10 metres from the 2.4m high stone boundary wall and 18m from the rear windows of No.10 Orchard House. Other small windows facing rearwards, serving the en-suit bathroom and dressing room, as well as a south facing bathroom window at plot one are proposed to be obscure glazed and as such this can reasonably be conditioned to be retained as obscure glazing.
- 5.11 A garage window used as an office is within approximately half a metre from the garden wall and rises only twenty centimetres above the wall. As such any view in to this area is severely restricted not material to the recommendation.
- 5.12 The relationship between houses is acceptable in all regards, both within and outside of the site. The apparent mass of new build housing would be felt most by the houses closest to plot one and even here a minimum of 16m between the rear of house along Flaxpits Lane and the side of the house at plot one is achieved. The erection of three new houses would not create undue or excessive noise to neighbours.
- 5.13 The application proposes a building which would not detract from the privacy or residential amenity of the neighbours, neither would the introduced parking or amenity areas detract from the enjoyment of the nearby houses. It is not considered that the level of vehicular movements generated as a result of the proposal would be at a level that would result in an unacceptable impact upon the occupiers of nearby dwellings.
- 5.14 With regards to the provision of the new residential units themselves, it is considered that the relationship of the development with surrounding properties is such that it would have no material impact as a result of creating additional outlooks across surrounding gardens and there is sufficient separation to avoid direct indivisibility between the windows of the development and existing dwellings. Essentially, it is considered that the relationship of the proposed development with the surrounding area would be typical of sub-urban relationships seen locally and nationally.
- 5.15 Transportation  
No objection has been raised by Transportation colleagues whose comments are set out above.
- 5.16 Ecology  
Given the comments of the Councils Ecologist the application would be unlikely to have a material impact on the bats which are likely to be pipistrelles and as such no objection is raised to the application provided that a condition relating

to external lighting is proposed in line with the 'dark skies' principle and that two informatives are attached to any consent which relate to clearance works and the builders duty to inform Natural England is bats are found.

The planting of native species of trees and shrubs would be the best landscaping to support the invertebrates sought by bats. As such this has been incorporated into the landscape condition.

5.17 Other issues

Provision of only three houses at this site will make negligible impact on the demand for services. Equally the number of houses proposed is below the threshold where affordable housing needs to be provided.

5.18 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.

5.19 Section 106 Requirements

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

**Background Papers**      **PT08/0129/F**

**Contact Officer:**      **Karen Hayes**

**Tel. No.**                      **01454 863472**

## **CONDITIONS**

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

Reason(s):

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

2. No development shall take place until samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the southwest elevation of plot one or northwest elevation of plot three and other fenestration details shall be constructed and maintained in accordance with the approved plans. Where obscure glazing is proposed on the southwest elevation of plot one and on the northeast and northwest elevation of plot three this shall be to a minimum of level three obscure glazing and these windows shall be non-openable except above 1.8m from finished first floor level.

Reason(s):

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

4. Within 3 months from the date of the decision full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure, car parking surfacing, hard surfacing materials. Soft landscape works shall include the retention of existing landscaping where feasible, proposed planting plans which shall include native trees and shrubs; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason(s):

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.

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

Reason(s):

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

6. The existing stone wall enclosing the northern and eastern boundaries of the site shall be retained.

Reason(s):

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.

7. Within 3 months of the date of the decision drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

8. No external lighting shall be erected unless it has been fitted with cowls to deflect light downwards, negating any impacts on bat foraging or flight paths from light spillage (i.e. the 'dark skies' principle).

Reason(s):

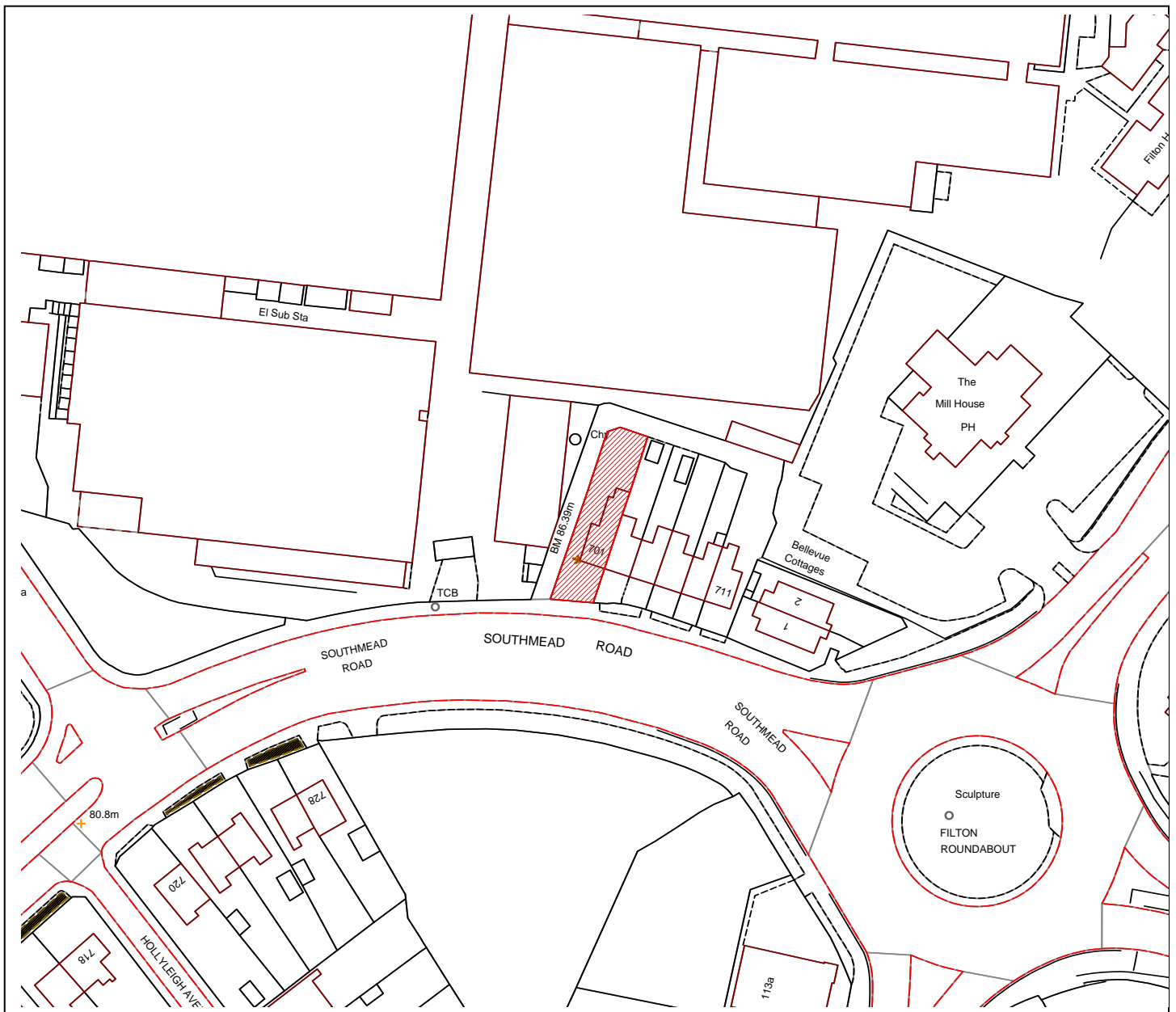
To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The houses shall not be occupied until the associated car parking (including garages) and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority under the drainage condition above. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

**CIRCULATED SCHEDULE NO. 25/08 -**

**App No.:** PT08/1107/F  
**Site:** 701 Southmead Road, Filton, South Gloucestershire, BS34 7QR  
**Proposal:** Conversion of existing dwelling to form 2 no. flats with associated works  
**Map Ref:** 60038 79036  
**Application Category:** Minor

**Applicant:** Mr D Luong  
**Date Reg:** 23rd April 2008  
**Parish:** Filton Town Council  
**Ward:** Filton  
**Target Date:** 16th June 2008



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**N.T.S**

**PT08/1107/F**

**This application appears on the Circulated Schedule following concerns raised by Filton Town Council.**

**1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission to convert an existing terrace dwelling into 2no. two bedroom flats. The ground floor flat would have a small private courtyard. Bike storage for both flats would be provided to the rear.
- 1.2 The application site relates to an end-terrace property which is situated within the well established residential area of Filton.

**2. POLICY CONTEXT**

2.1 National Guidance

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

2.2 Joint Replacement Structure Plan

- Policy 1: Sustainable Development Objectives
- Policy 2: Location of Development
- Policy 34: Re-use of Previously Development Land
- Policy 35: Housing Density

2.3 South Gloucestershire Local Plan (Adopted) January 2006

- Policy D1: Achieving Good Quality Design in New Development
- Policy H4: Development within Existing Resident Curtilages
- Policy H5: Residential Conversions
- Policy T7: Cycle Parking
- Policy T8: Parking Standards
- Policy T12: Transportation Development Control Policy

2.4 Supplementary Planning Guidance

- South Gloucestershire Design Checklist SPD (Adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 None

**4. CONSULTATION RESPONSES**

4.1 Filton Town Council

- Concerns over extra traffic exiting onto main road as poor exit splay.

4.2 Sustainable Transportation

- No objection subject to adequate bin and cycle storage.

4.3 Local Residents

- None

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan allows for the conversion of residential properties into smaller units provided that the proposal:

- a) Would not prejudice the character of the surrounding area;
- b) Would not prejudice the residential amenities of neighbouring occupiers;
- c) Allows an acceptable level of off-street parking provision;
- d) Would provide adequate amenity space.

#### 5.2 Design and Visual Amenity

The application site relates to a four bedroom end-terrace dwelling situated within a well established residential area. The only external alteration to the site would be the proposed cycle and bin storage in the front and rear gardens. In principle this location of these would be acceptable, however, no detailed elevations have been provided. As such, it is recommended that a condition is attached requesting further details of the bin and cycle storage to be submitted and agreed with the Council.

#### 5.3 Residential Amenity

The application site is adjoined by one dwelling to the side (No. 703 Southmead Road). The proposed conversion would not alter the relationship between the adjacent dwellings. As such it is considered that residential amenity would not be prejudiced by this proposal. Furthermore, any noise and disturbance to the adjoining occupiers would be minimised through sound insulation, secured through Building Regulations.

#### 5.4 Amenity Space

The proposed conversion would provide two 2-bedroom flats. The ground floor flat would be provided with a small court yard. It is considered that this area would be sufficient for basic outdoor needs. The first floor flat is shown with the front garden area, which is not considered useable amenity area. Nevertheless this overall arrangement is considered to be acceptable because the property is situated within walking distance of large area of public open space (Elm Park playing fields) and the size and type of the accommodation would be unlikely to be occupied by a family. As such, it is considered that the proposal would accord to policies H2, H4 and H5 of the local plan.

#### 5.5 Transportation Issues

The Town Council has raised concerns with extra traffic exiting onto main road from a access with a poor exit splay. Notwithstanding these comments, the Council's Transportation Officer has raised no objection to this proposal. They commented that the flats would require two off-street parking spaces. The applicant has submitted a plan which demonstrated that this would be provided to the rear of the property. Furthermore, the Transportation Officer requested adequate cycle and bin storage is proposed. The applicant has submitted a plan showing the location of these however they were not to scale and did not show any of the structures elevations. To overcome this it is recommended that a condition is attached to secure these further details.

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

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

### Background Papers      **PT08/1107/F**

**Contact Officer:**    **Peter Rowe**  
**Tel. No.**                **01454 863131**

## CONDITIONS

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

Reason(s):

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

2. Within 3 months from the date of the decision, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policies T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason(s):

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

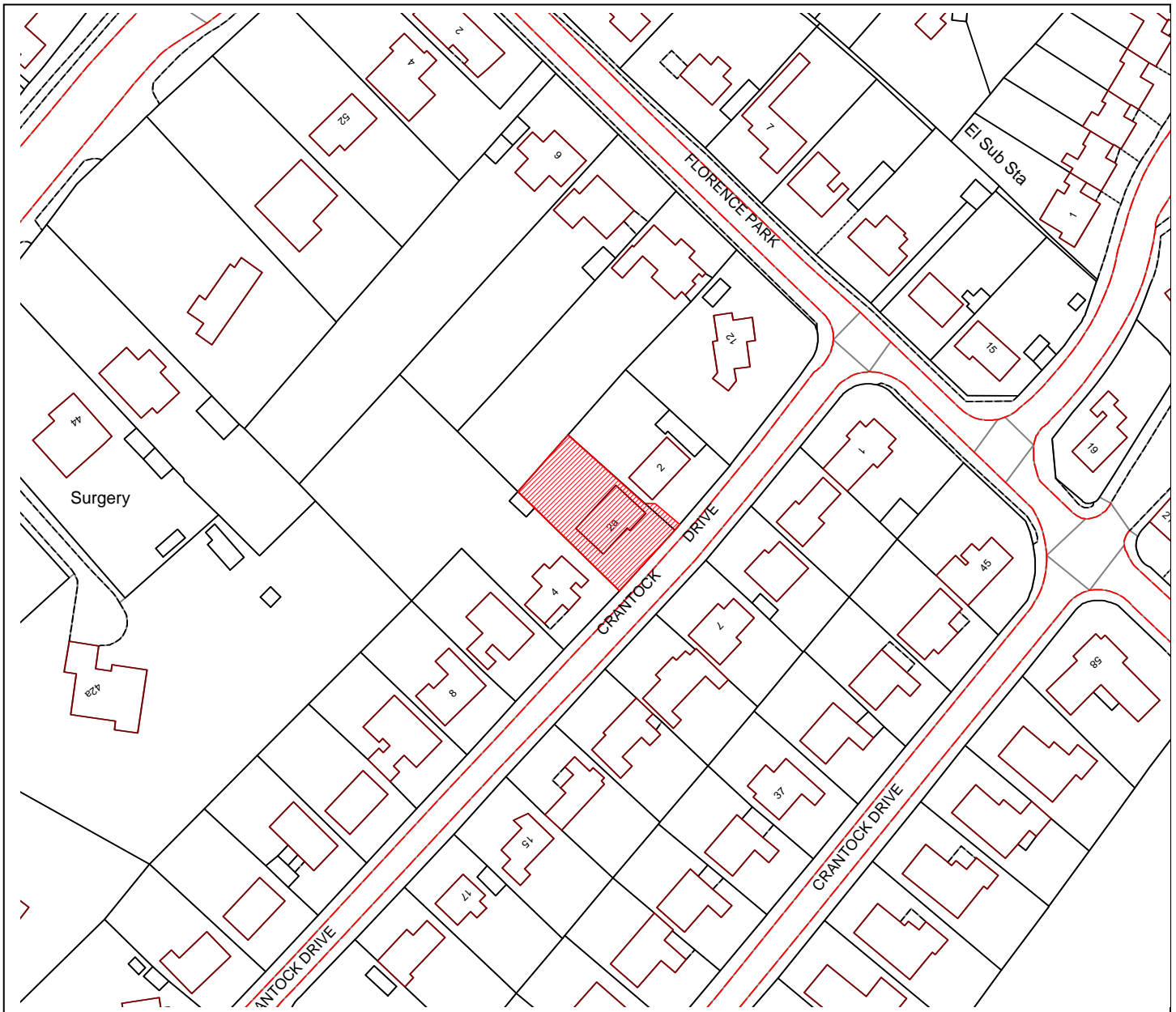
3. Within 3 months of the date of the decision details of provision of storage for refuse bins and boxes shall be submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed details.

Reason(s):

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

## CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008

<b>App No.:</b>	PT08/1350/F	<b>Applicant:</b>	Mr N Turpin
<b>Site:</b>	2A, Crantock Drive, Almondsbury, South Gloucestershire, BS32 4HG	<b>Date Reg:</b>	19th May 2008
<b>Proposal:</b>	Erection of detached garage	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	61021 84209	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th June 2008



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**N.T.S**

**PT08/1350/F**

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

## 1. **THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a detached garage.
- 1.2 This is a detached property within the existing urban area of Almondsbury. The site also resides in the Green Belt. The proposal consists of a detached garage to the front with render to match existing, 5.9 m deep, 3.4 m in width and 3.7 m in height. The roof is pitched and materials consist of tiles to match existing.
- 1.3 There is a timber structure in situ serving the purpose of a car port on the proposed location of the detached garage. It is presumed that this structure does not benefit from having planning consent, and is therefore unauthorised.

## 2. **POLICY CONTEXT**

### 2.1 **National Guidance**

PPS1	Delivering Sustainable Development
PPG2	Green Belts

### 2.2 **Development Plans**

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

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

### 2.3 **Supplementary Planning Guidance**

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

## 3. **RELEVANT PLANNING HISTORY**

PT04/1205/F - Erection of detached garage. Refusal 10/05/2004.  
PT04/2375/F – Erection of a detached dwelling (Amendment to incorporate the installation of a dormer in the rear elevation). Approved 16/08/2004.

## 4. **CONSULTATION RESPONSES**

### 4.1 **Almondsbury Parish Council**

No objection raised

### **Other Representations**

### 4.2 **Local Residents**

Objection raised as the proposal would be detrimental to visual amenity and would not be in keeping with the form of development in the area.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

The application site lies within the Green Belt, therefore, consideration must be taken in regards to the impact on the openness of the Green Belt. PPG2 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 allow in principle for extensions to residential dwellings subject to the cumulative additions to the dwelling house being proportionate to the original size.

### 5.2 Green Belt

The original property has been subject to one previous modest extension, a first floor rear dormer window. It is considered that the proposed detached garage, set within the settlement boundary of Almondsbury represents a proportionate addition to the original property that would not affect the openness of the Green Belt. The conservatory is considered to accord with Local Plan Policy.

### 5.3 Residential Amenity

#### Overbearing Analysis

Due to the overall scale and size of the proposed development and sufficient boundary treatment between the neighbouring properties the proposal would not be overbearing on the residential amenity of neighbouring occupiers. The garage would be of a modest height and the boundaries of 2A Crantock Drive are heavily landscaped with trees.

#### Privacy Analysis

The proposal is single storey and there are no elevation windows proposed so therefore there would be no overlooking or loss of privacy as a result of the proposal.

#### Highway Safety Analysis

The Council's Highways Officer raised no objection to the proposal.

### 5.4 Design / Visual Amenity

Policy H4 of the Local Plan specifically relates to house extensions and development within residential curtilages and seeks to ensure that development is in keeping with the character and visual amenity of the building and the surrounding area. Policy H4 states that development should respect the scale and proportions and overall design of the existing property and be in keeping with the form of development in the area. Policy D1 of the plan seeks to ensure that a high level of design is achieved.

The proposed garage is modest in scale and fits with the character of the existing property. Its location to the front of the building together with the chosen construction materials, which match the palette of materials displayed

in the existing building, means that this is an appropriate addition to the dwelling and streetscene. The proposal is well screened from the public realm to the front and side and therefore there is no harm caused to the visual amenity.

The proposal is therefore considered to satisfy the criteria set out in Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

#### 5.5 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 That planning permission is GRANTED subject to the following condition.

**Background Papers** PT08/1350/F

**Contact Officer:** Will Collins

**Tel. No.** 01454 863819

### CONDITIONS

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

Reason(s):

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

## CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008

<b>App No.:</b>	PT08/1376/O	<b>Applicant:</b>	Mr G Bath
<b>Site:</b>	Normans Farm, Green Lane, Winterbourne, South Gloucestershire, BS36 1RN	<b>Date Reg:</b>	21st May 2008
<b>Proposal:</b>	Demolition of 12 no. buildings to facilitate the erection of 3 no. dwellings with associated works. (Outline) with layout and access to be determined. All other matters to be reserved.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	64909 81352	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th July 2008



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100023410, 2008.

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This application has been referred to the Council's Circulated Schedule due to letters of support from local residents.

## **1. THE PROPOSAL**

- 1.1 This outline application relates to the erection of 3 no. four bed detached dwellings on land at Normans Farm, Green Lane, Winterbourne. Access and layout are to be determined under this application with all other matters reserved for future consideration.
- 1.2 The application site lies outside the settlement boundary of Winterbourne. It is also within the Green Belt. The dwellings of 1-6 Normans Cottages are located to the north/north-east of the site with the grounds of Silverhill School to the east. Open countryside lies to the south and west of the site. The site is particularly visible within the landscape to the west, especially as this part of the site is elevated with little boundary treatment.
- 1.3 The site comprises numerous buildings including the Farmhouse, numerous single storey outbuildings including workshop, furniture store, spray shop, office, garage, stores, car repair workshop, a mobile home and a large number of touring caravans.
- 1.4 The proposal involves the removal of all existing commercial uses and associated buildings, external caravan storage area and mobile home currently on the site. Access to the site is off Green Lane which is a no through road and runs along the eastern boundary of the site. There are currently two vehicle entrances off Green Lane. The first and main entrance is proposed to access the existing Farmhouse and new dwellings A and B. The second entrance will provide access to House C.
- 1.5 It is proposed to site the new dwellings on the footprint of existing buildings. All dwellings incorporate first floor accommodation. House A directly abuts the western boundary and is to be sited on the area currently being occupied by a workshop, furniture store, spray shop, store, garage and office. The accommodation will have an overall floor area of approximately 340m<sup>2</sup>.
- 1.6 House B is to be sited on the area currently occupied by car repair workshop and touring caravans to the rear (south) of the site. The proposed overall floor area is 150m<sup>2</sup>.
- 1.7 House C is to be sited on the area currently occupied by a mobile home to the rear and east of the site. The proposed overall floor area for this dwelling is also 150m<sup>2</sup>.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green Belts  
PPG13 Transport
- 2.2 Development Plans  
Joint Replacement Structure Plan  
Policy 16 Green Belts



- 2.3 South Gloucestershire Local Plan (Adopted) January 2006  
 D1 Design  
 L4 Forest of Avon  
 GB1 Development Within the Green Belt  
 H3 Residential Development in the Countryside  
 T7 Cycle Parking  
 T8 Parking Standards  
 T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist (Adopted)  
 Development in the Green Belt

### 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'.  
 Approved 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.  
 Approved 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).  
 Approved 28 August 2003.
- 3.7 PT07/2067/CLE Certificate of Lawfulness for existing use of land as transport depot for up to 4 vehicles and residential dwelling house.  
 Approved 19 October 2007.

### 4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council  
 No objection.

#### Other Consultees

- 4.2 Sustainable Transport  
 No objection.

- 4.3 Environmental Services

The historical/current use of the site as industrial and agricultural suggests that there is a potential for land contamination. If planning permission is granted, a planning condition should be imposed requiring investigation into any land contamination, including submission of a desk top study/site investigation report/remediation scheme.

## Other Representations

### 4.4 Local Residents

4 letters have been received, three in support of the application on the grounds that the proposal will be a landscape enhancement and provide 3 homes without detrimentally affecting the green belt; the other raising no objection in principle but raising concerns over site access for construction traffic and possible construction of new access. Surface water drainage may also be an issue.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development Housing Policy

The application site lies in the Bristol Green Belt, in an open countryside location beyond the defined settlement boundary of Winterbourne. Advice contained within PPG2, PPS3 and PPS7 does not normally permit new housing development in the open countryside and this advice is reflected in the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006. This is to protect the countryside for its own sake and as a resource for biodiversity, recreation, amenity and agricultural purposes, as well as sustainability issues. Policy H3 of the local plan is specifically relevant in this respect and does not permit new residential development outside existing urban areas or settlement boundaries unless it is for affordable housing on rural exception sites, is for agricultural or forestry workers or relates to replacement dwellings. The application does not relate to any of the above and as such there is an 'in principle' objection to the proposal.

### 5.2 Green Belt Issues

In addition to general policies controlling development in the countryside, there is a general presumption against inappropriate development within the Green Belt. This advice is reflected in PPG2, Policy 16 of the adopted Joint Replacement Structure Plan, Policy GB1 of the adopted Local Plan and the adopted Development in the Green Belt Supplementary Planning Document.

5.3 The application relates to the erection of 3 detached dwellings outside the defined settlement boundary of Winterbourne. The proposal therefore does not constitute infilling and as a consequence does not fall within the limited categories of development normally considered appropriate in the Green Belt. Advice contained in para. 3.2 of PPG2 states that ***“inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other consideration”***.

5.4 When attempting to prove very special circumstances, the onus is on the applicant to demonstrate that the exceptional nature of the proposal outweighs

the harm that would be caused to the Green Belt. In support of the application the applicant's agent has submitted the following:-

- The site is currently lawfully being used for a mixture of commercial and residential purposes;
- The site contains a number of poor quality commercial buildings, a prefabricated dwelling and large areas of commercial open storage;
- The applicant would be willing to remove all of the commercial buildings and related uses from the site;
- Proposal would remove several unattractive buildings and large areas of adjacent open storage, all of which currently have an adverse impact on the visual amenities of the locality;
- Proposal would remove commercial uses from the site, all of which have an adverse impact on the amenities of nearby residents;
- Total ground floor footprint of the proposed new building development amounts to 415m<sup>2</sup>. The total ground floor footprint of the buildings removed from the site amounts to 473m<sup>2</sup>;
- The location of the new dwellings have been deliberately chosen to mirror that of the existing commercial buildings presently on site;
- The proposal would enhance the character and landscape of the area;
- Commercial vehicle movements including HGVs will be eliminated which will greatly improve the amenity of dwellings along Green Lane and Swan Lane;
- Removal of existing commercial buildings and uses on the site will greatly reduce impact of the site on the Green Belt;
- Design of the dwellings is to give an impression of groups of converted farm buildings a maximum 1.5 storeys in height.

#### 5.5 Impact upon the Appearance of the Area/Openness of the Green Belt

The application proposes the erection of 3 detached dwellings. The proposal is in outline with appearance, landscaping and scale to be determined at reserved matters stage. In the submitted application the proposed dwellings will be one and a half storeys in height. The proposed dwellings are also to be located on the site of the existing buildings. The overall floor area of existing built development to be removed as part of the scheme is some 473m<sup>2</sup>, in comparison with the floor area of the proposed new residential development amounting to approximately 415m<sup>2</sup>. However, it is considered that this does not override the fundamental Green Belt objection. The buildings to be removed constitute a total of 12 separate buildings, some of which are very small in size having a floor area of 15m<sup>2</sup> or below. The majority of these buildings are modest in size and scale, single storey in nature and unobtrusive within the landscape. They are also located across the site.

5.6 Although the proposal amounts to a minor reduction in overall floor area of some 58m<sup>2</sup>, it does not take into account the actual volume of the buildings. In addition, the 5 smallest buildings do not appear to benefit from any planning permission and as such the floor area of these buildings (40m<sup>2</sup> in total) should be discounted from the overall floor area calculation.

5.7 The proposed dwellings provide first floor accommodation. It is considered that this would result in a development that would have a greater impact upon the openness of the Green Belt than the existing development as the overall scale and massing of the built development is increased. The most sensitive part of the site in visual terms is the rear (western) boundary which is relatively open in

appearance, especially as the site also occupies an elevated position in relation to views from the west, and lies directly adjacent to open countryside. The existing buildings along this boundary largely screen the remaining built form in terms of views from the west, having a length of some 33m. The proposed dwelling on this part of the site (House A) largely retains the substantial length of the existing buildings, measuring some 29m. It also proposes a projecting element to the front of the proposed dwelling at one and a half storey height, having a depth of 17m. It is considered that this would increase the overall bulk and massing of the scheme in visual terms and detract from the openness of the Green Belt at this sensitive and vulnerable part of the site. In addition, the existing buildings due to their utilitarian appearance appear more appropriate within this rural location than a considerable dwelling.

5.8 In terms of the remaining two dwellings it is considered that their one and a half storey height would again have a greater impact in visual terms than the existing development. In particular, House C replaces an existing mobile home with a floor area of only 51m<sup>2</sup>. This dwelling is unobtrusive within the site and wider locality due to its modest size and single storey nature. The proposed dwelling would increase the size and scale of this dwelling substantially resulting in a far greater built form in visual terms. In addition, if the application were to be assessed against the Council's replacement dwelling policy H11 it would also fail on the grounds of size and scale.

5.9 Whilst it is accepted that the current buildings and vehicles on the site are not particularly attractive, they would have less of an impact on the openness of the Green Belt than the proposed dwellings. Although it is recognised that the site benefits from a number of commercial uses, these are low key in nature. The limited height of the lawful structures and caravans minimises any negative impact and the use of the site also reduces its impact upon the Green Belt. The caravan storage is restricted to 15 and this is the maximum number allowed at any time. The limited size of the buildings associated with the car repair business restricts any further expansion/intensification in this use, further safeguarding any future impact upon the Green Belt. Finally, the use of the northern part of the site as a transport depot is also restricted to a maximum of four vehicles. The only element of this part of the site that is particularly visible is the north-western corner which is used as lorry parking. It is not considered that the removal of these lawful uses would override the fundamental Green Belt objection, especially as the resulting development would be more visible within the landscape, and as a consequence, more harmful to the purposes of including land within the Green Belt.

#### 5.10 Transportation Issues

The site is served by a narrow, sub-standard no through road. However, the site benefits from a certificate of lawfulness which includes a transport depot, MOT garage, mobile home and caravan storage. The development proposes to replace these uses with 3 additional dwellings. It is anticipated that the proposed use of the site for purely residential purposes will generate significantly less traffic than the existing uses with a considerable reduction in HGV movements. As a consequence no transportation objection is raised to the proposal, subject to the provision of 2 parking spaces per dwelling.

#### 5.11 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.

## **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 On balance, whilst it is accepted that the removal of the commercial uses and associated traffic would be a positive benefit, it is not considered that their removal would outweigh the harm to the character and appearance of the area and openness of the Green Belt by reason of the size and scale of the buildings.
- 6.3 The decision 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.

**Background Papers**      **PT08/1376/O**

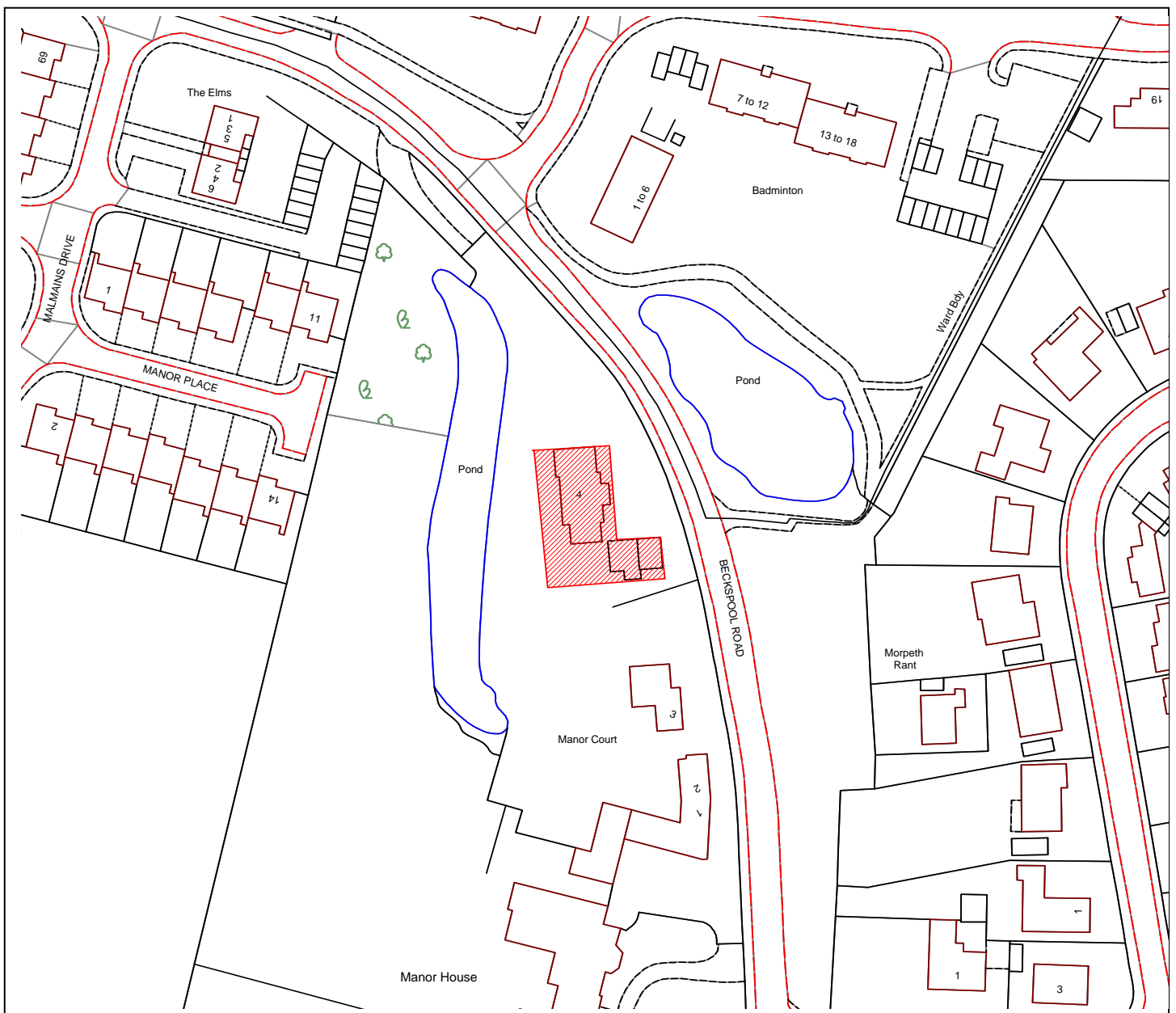
**Contact Officer:**    **Vivian Butt**  
**Tel. No.**                **01454 863427**

## **REFUSAL REASONS**

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, Policy 16 of the Adopted Joint Replacement Structure Plan, Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Adopted Development in the Green Belt Supplementary Planning Document.
2. The proposed dwellings by reason of their size and scale would be significantly higher than the buildings to be removed from the site, which would be detrimental to the openness of the Green Belt and contrary to advice contained within PPG2, Policy 16 of the adopted Joint Replacement Structure Plan, Policies GB1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the adopted Development in the Green Belt Supplementary Planning Document.
3. The proposal would add to the existing sporadic residential development lying in the open countryside and beyond the defined settlement boundary of Winterbourne identified in the South Gloucestershire Local Plan (Adopted) January 2006. As such the proposal falls contrary to advice contained within PPS3, Policies 1, 2 and 33 of the Adopted Joint Replacement Structure Plan and Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 25/08 – 20 JUNE 2008**

<b>App No.:</b>	PT08/1423/F	<b>Applicant:</b>	Mr & Mrs R Clarke
<b>Site:</b>	4, Manor Court, Beckspool Road, Frenchay, South Gloucestershire, BS16 1NT	<b>Date Reg:</b>	27th May 2008
<b>Proposal:</b>	Erection of single storey rear extension to form additional living accomodation to include balcony over (in accordance with amended plans received on 5 June 2008).	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	64130 78208	<b>Ward:</b>	Frenchay and Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th July 2008



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100023410, 2008.

DC0901MW

This application has been referred to the Circulated Schedule due to a letter of objection received from a local resident.

## **1. THE PROPOSAL**

- 1.1 This full application relates to the erection of single storey rear extensions to form extended dining room and utility with balcony above at 4 Manor Court, Beckspool Road, Frenchay.
- 1.2 The application site is a detached, modern dwelling set within an extensive and attractive garden, enclosed by a high stone wall. It also lies within the settlement boundary of Frenchay and is within the Conservation Area.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG15 Planning and the Historic Environment
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
L12 Conservation Areas  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT07/0968/F Erection of single storey timber building in rear garden to provide games/family room.  
Refused 15 May 2008.
- 3.2 PT07/2158/F Erection of single storey timber building in rear garden to provide games/family room (resubmission).  
Approved 3 September 2007.

## **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No response received.

### Other Consultees

- 4.2 Sustainable Transport  
No objection.

### Other Representations

- 4.3 Local Residents

One letter has been received objecting to the proposal on the following grounds:-

- a) owners have already built a games room which has increased noise;
- b) proposal will be visible – loss of privacy;
- c) noise during construction works;
- d) what is the relevance or importance of the addition of a balcony for wheel chair users.

Of the above **a**, **c** and **d** are not relevant planning objections.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space. In addition, as the site lies within the Conservation Area of Frenchay, any development must preserve or enhance the character and appearance of the Conservation Area.

5.2 It is considered that the proposal complies with the above policy criteria. The size of the extensions is small scale. The flat roofed extension is suitably scaled and detailed and the development has now been revised to improve the appearance of the proposed adjoining single storey rear extension. This element of the scheme originally proposed a projecting gabled roof which failed to integrate with the existing building in terms of its design and form. The depth of the extension has been reduced and the roof form altered to a simple lean-to structure. The design of this element now effectively ties in with the original dwelling and is acceptable in aesthetic terms.

5.3 With regard to residential amenity the proposal is also acceptable. The detached nature of the site and its setting within substantial grounds ensures that no adverse impact upon surrounding residential amenity will result in terms of overlooking/loss of privacy or any overbearing impact. Indeed, the objector's property is located over 50m away and will be wholly unaffected by the proposal.

5.4 In terms of its impact upon the Conservation Area, views of the house and curtilage are limited due to the high stone wall adjacent to the carriageway and the numerous mature trees. As such the character and appearance of the Frenchay Conservation Area will be preserved. The proposal is also acceptable in terms of its size and design. The application is therefore in accordance with the adopted local plan and is acceptable.

### **5.5 Section 106 Requirements**

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



## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 Planning permission be granted.

**Background Papers**      **PT08/1423/F**

**Contact Officer:**    **Vivian Butt**  
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## **CONDITIONS**

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

Reason(s):

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

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

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policies D1, H4 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.