

**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. 22/08

Date to Members: 30/05/08

Member's Deadline: 06/06/08

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

Members will be aware that the Director of Planning, Transportation and Strategic Environment has a range of delegated powers designed to improve the efficiency and effectiveness of the Development Control service. The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Area Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development
- g) Applications for the following major development:
 - (a) Residential development the number of dwellings provided is 10 or more, or the development is to be carried out on a site having an area of 0.5 ha or more and the number of dwellings is not known.
 - (b) Other development(s) involving the provision of a building or buildings where the floor space to be created is 1000 sq. m or more or where the site has an area of 1 ha or more.

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

- Before referring an application always speak to the case officer or Area Team Leader first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Do not leave it to the last minute
- Always make your referral request in writing, either by letter, e-mail or fax, preferably using the proforma provided. Make sure the request is sent to the Development Control Support Team (East or West as appropriate), not the case officer who may not be around to act on the request, or email planningapplications@southglos.gov.uk. Please do not phone your requests, as messages can be lost or misquoted.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised

CIRCULATED SCHEDULE

DATE: 30/05/08

SCHEDULE NO. 22/08

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.

The Circulated Schedule is designed to improve the effectiveness and efficiency of the Development Control service. To minimise referrals to the Area Committees, Members are requested to discuss the case with the case officer or team leader to see if any issues can be resolved without using Committee procedures for determining the application.

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

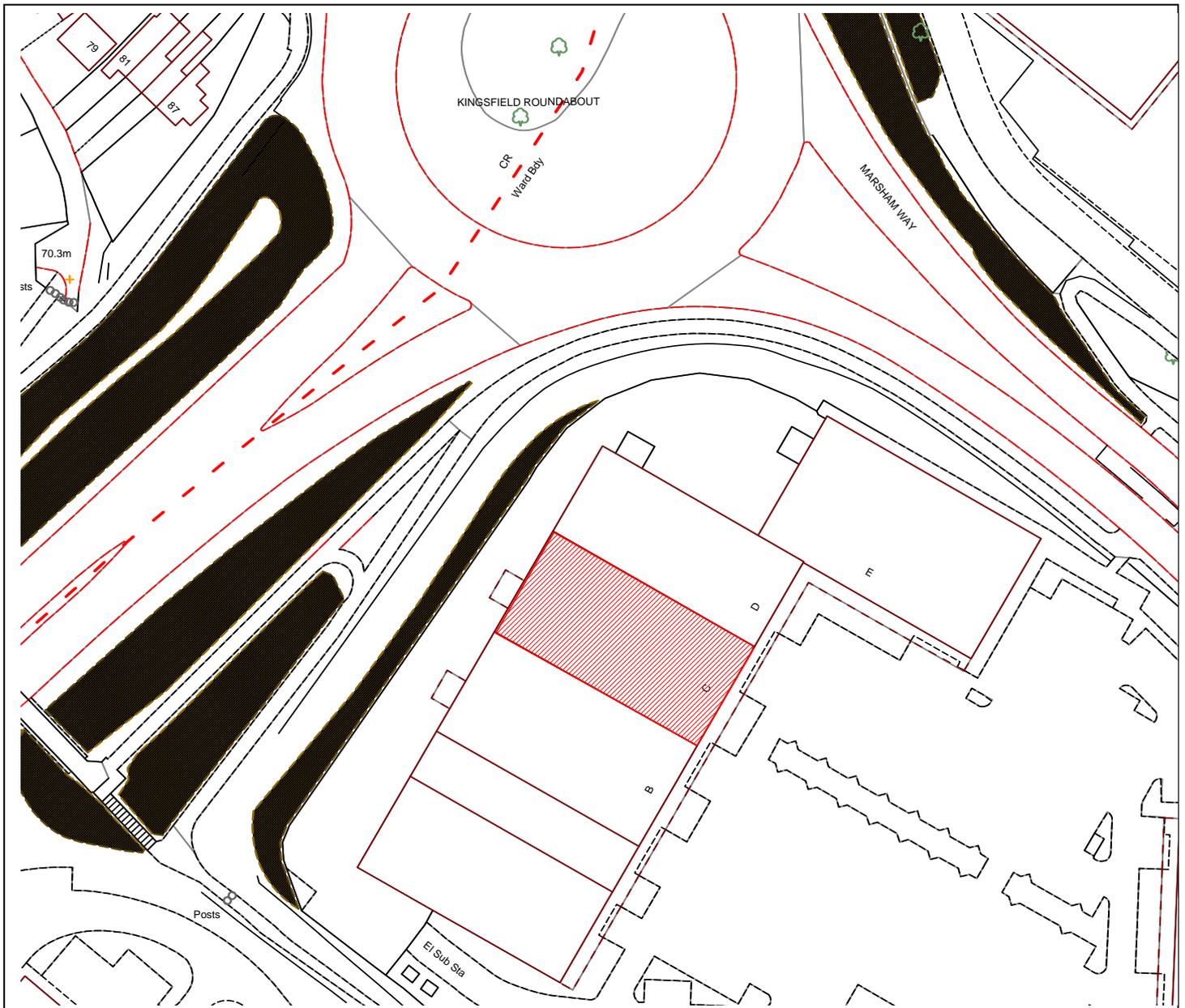
Circulated Schedule 30 May 2008

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK07/0253/F	Approve with conditions	Unit C Aldermoor Way Longwell Green South Gloucestershire BS30 7DA	Longwell Green	Oldland Parish Council
2	PK07/0895/F	Approve with conditions	Units F & G Longwell Green Trading Park Aldermoor Way Longwell Green South Gloucestershire BS30 7ER	Longwell Green	Oldland Parish Council
3	PK07/0900/RVC	Approve with conditions	Units F & G Longwell Green Retail Park Aldermoor Way Longwell Green South Gloucestershire BS30 7ER	Longwell Green	Oldland Parish Council
4	PK07/1305/O	Refusal	Wixoldbury Farm Wickwar South Gloucestershire GL12 8PE	Ladden Brook	Wickwar Parish Council
5	PK08/0737/RM	Approve with conditions	Bristol and Bath Science Park, Emersons Green East, South Gloucestershire	Emersons Green	Mangotsfield Rural Parish Council
6	PK08/0747/RM	Approve with conditions	Bristol and Bath Science Park, Emersons Green East, South Gloucestershire	Emersons Green	Mangotsfield Rural Parish Council
7	PK08/1124/O	Approve with conditions	1 The Lilacs, Middle Road, Kingswood, South Gloucestershire, BS15 4XD	Rodway	
8	PK08/1126/TRE	Approve with conditions	38 Counterpool Road, Kingswood, South Gloucestershire, BS15 8DQ	Woodstock	
9	PK08/1139/F	Approve with conditions	Westview Cottage, 18 Engine Common Lane, Yate, South Gloucestershire, BS377PX	Ladden Brook	Iron Acton Parish Council
10	PT07/3011/F	Refusal	Box Hedge Farm Box Hedge Lane Coalpit Heath South Gloucestershire BS36 2UW	Westerleigh	Westerleigh Parish Council
11	PT07/3536/F	Approve with conditions	9 Wotton Road Charfield South Gloucestershire GL12 8TP	Charfield	Charfield Parish Council
12	PT08/0795/CLE	Refusal	145 Conygre Grove, Filton, South Gloucestershire, BS34 7HX	Filton	Filton Town Council
13	PT08/0890/F	Approve with conditions	41 Mackie Avenue, Filton, South Gloucestershire, BS34 7NE	Filton	Filton Town Council
14	PT08/0916/CLE	Refusal	Tudor Poultry Farm Rear of Bristol Road, Frampton Cotterell, South Gloucestershire, BS36 2AU	Frampton Cotterell	Frampton Cotterell Parish Council
15	PT08/1039/PN1	No objection	Land opposite Filton Cemetery, Coldharbour Lane, Stoke Gifford, South Gloucestershire, BS16 1QD	Frenchay and Stoke Park	Stoke Gifford Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
16	PT08/1063/F	Approve with conditions	Paddock End, Sibland Road, Thornbury, South Gloucestershire, BS35 2EP	Thornbury South and Alveston	Thornbury Town Council
17	PT08/1080/F	Approve with conditions	The Auklands, Gloucester Road, Thornbury, South Gloucestershire, BS35 1JH	Thornbury North	Thornbury Town Council
18	PT08/1091/CLE	Approve	29 Fobra, Davids Close, Alveston, South Gloucestershire, BS35 3LR	Thornbury South and Alveston	Alveston Parish Council
19	PT08/1128/F	Approve with conditions	209 Beesmoor Road, Frampton Cotterell, South Gloucestershire, BS36 2JJ	Frampton Cotterell	Frampton Cotterell Parish Council
20	PT08/1170/F	Approve with conditions	7 Cotswold House, Newtown, Charfield, South Gloucestershire, GL12 8TF	Charfield	Charfield Parish Council
21	PT08/1178/TRE	Approve with conditions	12 Manor Close, Coalpit Heath, South Gloucestershire, BS36 2RR	Westerleigh	Westerleigh Parish Council

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PK07/0253/F	Applicant:	Next Group Plc
Site:	Unit C Aldermoor Way Longwell Green BRISTOL South Gloucestershire BS30 7DA	Date Reg:	30th January 2007
Proposal:	Installation of mezzanine floor to provide retail and storage area (amendment to previously approved scheme PK06/0854/F)	Parish:	Oldland Parish Council
Map Ref:	65425 72057	Ward:	Longwell Green
Application Category:	Minor	Target Date:	13th March 2007



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100023410, 2008.

N.T.S

PK07/0253/F

The application has been referred to the Circulated Schedule due to the receipt of an objection from Kingschase Shopping Centre.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the installation of mezzanine floor to provide retail and storage area (amendment to previously approved scheme PK06/0854/F) in the existing Next retail store, Aldermoor Way.
- 1.2 The site consists of a recently built retail centre, which opened in late 2007, accessed off Aldermoor Way, within the urban area of Longwell Green. Conditions on the original permission for the retail centre restricted the overall floorspace of A1 retail use, and restricted all food sales. The application currently under consideration is by Next. A further consideration is an application by Marks & Spencer's for a similar mezzanine floor, which is also to be found on this schedule, under a separate report and removal of condition 3 to allow food sales.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS6 Planning for Town Centres

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

T8 Parking Standards
T12 Transportation Development Control for New Development
RT6 Proposals for Retail Development at Cribbs Causeway, Longwell Green and Filton Abbey Wood Retail Parks

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0854/F Demolition of all existing retail buildings on site and engineering works to produce a level site. Erection of 8no. new retail units and construction of new central car park, associated servicing areas and landscaping. (Amendment to previously approved scheme PK04/2530/F) Approved July 2006. Condition 2 of this permission restricted the amount of gross non food retail floorspace, and condition 3 restricted all food sales.

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objection

4.2 Other Consultees

The owners of Kings Chase Shopping Centre in Kingswood have objected to the scheme on the following grounds:

- Proposal does not accord with national and local retail planning policy
- The sequential test in the Retail Impact Assessment fails to consider that the underused car parking at the rear of Kings Chase Shopping Centre could be used to accommodate the facility in a sequentially preferable location

- Very concerned that any additional retail floorspace over and above already approved at Longwell Green will have a detrimental impact upon the vitality and viability of Kingswood
- The underused car park at Kings Chase is available, suitable and viable for a retail development of approx 3716sq m, which would enable the size of store required by Marks and Spencer to be constructed
- Considered that Kingswood Town Centre has a number of successfully trading national chains and provides a role and function that could support Marks and Spencer
- Proposal should be assessed in the light of the large extension to Broadmead, vacant units at Eastgate Retail Park and Fishponds Town Centre.
- It is questioned whether there is a need for further extensions at Longwell Green

4.3 Environmental Protection
No objection

Other Representations

4.4 Local Residents

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

In his report the Highways Officer (Transportation Development Control) recommended refusal on the grounds of traffic safety and that the development would result in unacceptable traffic impact...interrupt safe and free movements of traffic...result in accumulative increase in traffic and parking impact thereby leading to on-street congestion, all to detriment of highway safety and it is contrary to policy T12 of the SGC Local Plan.? We trust therefore that the Council will follow its own guidelines and refuse this application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The key consideration in the determination of the acceptability of the principle of development for this application relates to an assessment against Policy RT6 of the South Gloucestershire Local Plan. This policy states that retail development will only be permitted at Longwell Green where:

- A. It would meet needs which cannot be met in sequentially preferable locations
- B. It would make a positive contribution towards improving non-car circulation within the retail park
- C. it would make a positive contribution towards improving the physical and visual integration of the retail park
- D. It would be accessible to public transport users, pedestrians, cyclists and those with special mobility needs

- 5.2 The decision to approve the original re-development scheme was a balanced one, taking into account the existing and approved unrestricted non-food retail on the original development. It was considered at the time that it would be very difficult to sustain an argument to refuse the application on the grounds of non-conformity with the relevant policy when the applicant could implement the extant permission, increasing the overall unrestricted non-food retail on the site.
- 5.3 The current application seeks to increase the amount of non-food retail on site over and above the restrictive condition on the original application. A further material consideration are the other two applications on the same retail park- the application for the removal of a condition to allow food retail by Marks & Spencer and the application for the installation of a mezzanine floor by Marks & Spencer.
- 5.4 The local plan policy and one of the main thrusts of PPS6 is to seek to restrict retail development in the retail parks to ensure that the vitality and viability of existing town centres is maintained. In this case, the centre that the application would most impact on is Kingswood. It is also material, given that there are three applications that have the potential to impact on Kingswood Town Centre, that the cumulative impact of all of these applications is fully considered. The following is an assessment of the application in relation to retail policy, including PPS6, and discusses the following issues:
- The need for the development
 - That the development is of an appropriate scale
 - That there are no more central sites (sequentially preferable) for development (i.e. within Kingswood Town Centre)
 - There are no unacceptable impacts on the existing centres (i.e. Kingswood)

Need and Appropriate Scale of Development

In making an informed assessment of the proposal, the Council appointed a retail consultant to assess the information submitted by the applicant's in respect of their Retail Impact Assessment.

It is concluded and accepted by the Council that there will be considerable growth of expenditure on comparison goods (i.e. items not obtained on a frequent basis e.g. clothes, footwear) in relation to the scale of this proposal and the proposal by Marks & Spencer to introduce additional non-food retail floorspace. Whilst the information submitted in relation to existing shopping patterns in the area is a weakness of the application it is considered that there will be sufficient expenditure growth to support the comparison goods element of the proposals here, without compromising the complicated shopping hierarchy that exists in relation to how much expenditure will be split between local centres and the main centres of Bristol and Bath.

Impact on existing centres

The level of trade diversion that may occur as a direct result of this application will depend on the extent of the direct competition between the proposals and Kingswood Town Centre. The town centre has a relatively small clothing sector concentrated on the value end of the market and there would be relatively limited direct competition both in terms of goods sold and market sectors between the proposal and the town centre.

The impact of the Next non-food development would therefore be limited, and would not seriously affect the vitality and viability of the town centre. This is of particular importance given that the impact is likely to be cushioned by the significant growth in comparison retail expenditure.

Sequentially appropriate sites

It is considered that there are suitable sites in Kingswood Town Centre that could be potentially offer suitable redevelopment opportunities for retail use. However, none of these have reached the stage where they could be relied on to provide additional retail floorspace in the reasonably foreseeable future. The redevelopment of Kings Chase multi-storey car park does provide a development opportunity, which would be a major benefit to the town centre, but the proposals are not sufficiently advanced to the point where its feasible in planning and financial terms to establish the owner's commitment to the scheme so that it may become material in the determination of this application.

- 5.5 Given the above assessment, Officers accept that the decision on whether the principle of development is acceptable in retail policy terms is a finely balanced one. It is acknowledged that at present, people are not poorly served at present and there are other shopping facilities easily accessible in this part of the Bristol conurbation. There will however, be an increase in retail comparison goods expenditure to support the proposed development. Given that the main objective of retail planning policy is to promote the vitality and viability of town centres, it is considered that substantial weight should be given to the lack of demonstrable impact on Kingswood Town Centre. The lack of potential alternatives in Kingswood Town Centre is also considered to be a strong material consideration when making a balanced assessment of the proposal. It is therefore the carefully considered opinion of Officers, that the principle of development is acceptable, subject to the following transportation assessment.

5.6 Transportation

A key consideration relating to the acceptability of the proposed increase in retail floorspace relates to the impact of the scheme upon existing levels of highway safety. As originally submitted, the Council's highway Engineer recommended refusal of the application as it is accepted and acknowledged by Officers since the re-development of the area took place in 2007, issues have arisen with regard to highway congestion and the adequacy of parking provision. It is considered that this is mainly due to the popularity of the retail units now occupying the development and not specifically a product of the amount of current retail floorspace. The main transport issues are considered under the following headings.

Access

Access to the retail park car park is currently via a right turn facility from Aldermoor Way. Aldermoor Way is considered a busy traffic route during the peak shopping hour. Although busy, the existing site access operates effectively most of the time, although it is accepted that traffic queues do occur on the internal access road through the car park. To increase the efficiency of the traffic movements inside the car park, it is suggested that one-way system is created. This would be implemented and controlled through the use of new road markings and a signage scheme.

Increased Traffic Movements

In making an effective assessment of the increase in traffic movements Officers have had regard to the combined effect of this development, the removal of the condition to allow food sales and the Marks & Spencer mezzanine.

It is considered by Officers that the combined effect has the potential to increase traffic to and from the site by an additional 83 two-way movements during the Friday afternoon peak hour. The estimated increase in traffic movement during the Saturday pm peak could be 157 two-way movements. In view of this material increase, it is considered that the additional traffic movements must be managed and that for this application to be acceptable, the applicant must provide mitigating measures such as improving travel choice or improve travel efficiency to reduce the potential traffic impact.

Parking Issues

The existing car parking on site is limited to 390 spaces. The site is not fully occupied as yet and some of the retail units are empty at present time. Evidence obtained from a recent parking survey of this retail centre suggests that there is currently reserve parking capacity during shopping peak period that normally occurs on Saturdays of about 15%. This of course needs to be balanced against the fact that the units are not all occupied at present. At full capacity and taking into consideration that the proposed increase in retail floorspace would increase parking demand on site, Officers are of the view that this car park would potentially be full at the peak shopping hour on a Saturday. This issue has also been accepted by the applicants.

Public Transport

The catchment area for this development is considered to be wide in transportation terms and there are currently no buses directly passing this retail centre. At present, accessibility to this site by public transport includes some bus services which are subsidised. The Council is currently looking into feasibility of extending /diverting some of their supported bus services through Aldermoor Way to pass this site. It is considered however that the provision of a bus service on Aldermoor way would significantly improve the sustainability of the site and provides shoppers with a real alternative to the use of the private vehicles.

Development impact and mitigating measures proposed

As demonstrated through the above assessment, the additional traffic and increased in parking demand that would result by the development would lead to a highway impact, that unless addressed would result in a recommendation to Members to refuse the current application. Since the original application was submitted, there has been extensive discussion with the applicant in order to arrive at an acceptable Transport Strategy to mitigate the development impact. The Transport Strategy is aimed at improving the existing situation through the management of the car park, implementation of a public transport service, wider highway management and the implementation of a Travel Plan.

It has been agreed that through a S106 agreement the applicant will fund the introduction of a variable message signing (VMS) system where specific information relating to car parks will be displayed to provide guidance and information relating to the availability of spaces. This would improve the efficiency of the local highway network and would help to manage potential traffic congestion. The principal of the scheme is accepted and the council's own Traffic Management team. It is acknowledged that the introduction of this scheme may require the co-operation of retailers/landowners in the wider area and may not be in the applicant's control to implement. To address this issue the s106 Agreement will be worded to ensure that in the event of a problem occurring, a financial contribution would be paid to the Council, the equivalent cost of the system (£150,000) in order to carry out the necessary transportation improvement.

The applicant has also agreed to provide a financial contribution of £102,000 towards improvements to public transport facilities in the area including the introduction of bus service on Aldermoor Way for a period of 3 years.

Finally, the applicant has also agreed to implement a Travel Plan that will help to manage staff and visitors to the next store..

In view of all the above mitigating measures Officers have made a balanced judgement on the implication of recommending approval for this application, and have concluded that taking into account the mitigating measures proposed, that these would bring about sufficient safeguards to allow Officer's to support the proposed development.

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

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the 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) To design, fund and implement a Variable Message Signage (VMS) system to full and final satisfaction of the Council or alternatively, the applicant would make equivalent cost as a contribution (up to sum of £150,000) to the highway authority to implement a Variable Message Signage system.

- 2) A financial contribution of £102,000 towards the provision of a 3 year bus service along Alder Moor Way.
- 3) Improvements within the car park to aid circulation including lining and signage works.

Reasons:

- 1) In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire local Plan (Adopted).
- 2) In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire local Plan (Adopted).
- 3) In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire local Plan (Adopted).

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

Background Papers PK07/0253/F

Contact Officer: Donna Whinham
Tel. No. 01454 865204

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).

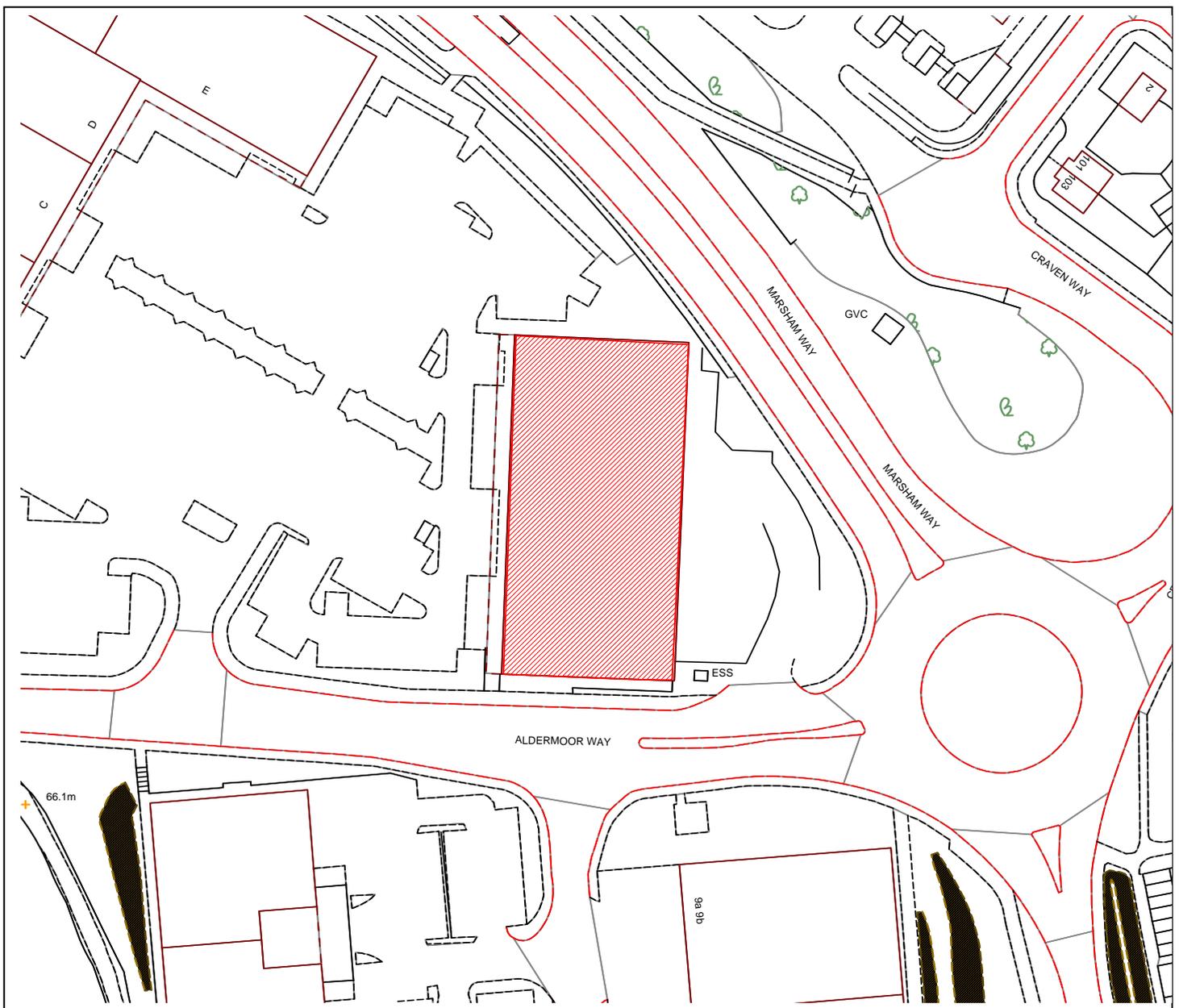
2. Within 3 months from the date of the decision a green travel plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the plan.

Reason

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PK07/0895/F	Applicant:	Marks & Spencer Plc
Site:	Units F & G Longwell Green Trading Park Aldermoor Way Longwell Green BRISTOL South Gloucestershire BS30 7ER	Date Reg:	20th March 2007
Proposal:	Installation of mezzanine floor in Units F & G. (Amendment to previously approved scheme PK06/0854/F).	Parish:	Oldland Parish Council
Map Ref:	65557 71985	Ward:	Longwell Green
Application Category:	Minor	Target Date:	14th June 2007



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100023410, 2008.

N.T.S

PK07/0895/F

The application has been referred to the Circulated Schedule due to the receipt of an objection from Kingschase Shopping Centre and a local resident.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the installation of mezzanine floor in Units F & G. (Amendment to previously approved scheme PK06/0854/F). The current application proposes to add a mezzanine floor: The proposed floor area for the new mezzanine floor would be 1301m², when compared against the consented site floor area of 2415m² this results in an effective increase of in floor area of 54%.
- 1.2 The site consists of a recently built retail centre, which opened in late 2007, accessed off Aldermoor Way, within the urban area of Longwell Green. Conditions on the original permission for the retail centre restricted the overall floorspace of A1 retail use, and restricted all food sales. The application currently under consideration is by Marks and Spencer, who also have a further application on this schedule, for the removal of a condition on the original permission to allow for food sales. A further consideration is an application by Next for a similar mezzanine floor, which is also to be found on this schedule, under a separate report. It should be noted that Marks and Spencer is not currently trading on the site- the unit remains empty.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS6 Planning for Town Centres

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

T8 Parking Standards
T12 Transportation Development Control for New Development
RT6 Proposals for Retail Development at Cribbs Causeway, Longwell Green and Filton Abbey Wood Retail Parks

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0854/F Demolition of all existing retail buildings on site and engineering works to produce a level site. Erection of 8no. new retail units and construction of new central car park, associated servicing areas and landscaping. (Amendment to previously approved scheme PK04/2530/F) Approved July 2006. Condition 2 of this permission restricted the amount of gross non food retail floorspace, and condition 3 restricted all food sales.

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objection

4.2 Other Consultees

The owners of Kings Chase Shopping Centre in Kingswood have objected to the scheme on the following grounds:

- Proposal does not accord with national and local retail planning policy
- The sequential test in the Retail Impact Assessment fails to consider that the underused car parking at the rear of Kings Chase Shopping Centre could be used to accommodate the facility in a sequentially preferable location
- Very concerned that any additional retail floorspace over and above already approved at Longwell Green will have a detrimental impact upon the vitality and viability of Kingswood
- The underused car park at Kings Chase is available, suitable and viable for a retail development of approx 3716sq m, which would enable the size of store required by Marks and Spencer to be constructed
- Considered that Kingswood Town Centre has a number of successfully trading national chains and provides a role and function that could support Marks and Spencer
- Proposal should be assessed in the light of the large extension to Broadmead, vacant units at Eastgate Retail Park and Fishponds Town Centre.
- It is questioned whether there is a need for further extensions at Longwell Green

4.3 Environmental Protection No objection

Other Representations

4.4 Local Residents

One letter has been received from a local resident, raising the following issues:

This proposal - which has been made via the 'back door' of an amendment to an old application - will significantly increase the level of traffic in the area. As such it will add to the already high levels of noise pollution and environmental pollution.

In his report the Highways Officer (Transportation Development Control) recommended refusal on the grounds of traffic safety and that the development would result in unacceptable traffic impact...interrupt safe and free movements of traffic...result in accumulative increase in traffic and parking impact thereby leading to on-street congestion, all to detriment of highway safety and it is contrary to policy T12 of the SGC Local Plan.? We trust therefore that the Council will follow its own guidelines and refuse this application.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The key consideration in the determination of the acceptability of the principle of development for this application relates to an assessment against Policy RT6 of the South Gloucestershire Local Plan. This policy states that retail development will only be permitted at Longwell Green where:

- A. It would meet needs which cannot be met in sequentially preferable locations
- B. It would make a positive contribution towards improving non-car circulation within the retail park

- C. it would make a positive contribution towards improving the physical and visual integration of the retail park
- D. It would be accessible to public transport users, pedestrians, cyclists and those with special mobility needs
- 5.2 The decision to approve the original re-development scheme (including the unit now proposed as the new Marks and Spencer) was a balanced one, taking into account the existing and approved unrestricted non-food retail on the original development. It was considered at the time that it would be very difficult to sustain an argument to refuse the application on the grounds of non-conformity with the relevant policy when the applicant could implement the extant permission, increasing the overall unrestricted non-food retail on the site.
- 5.3 The current application seeks to increase the amount of non-food retail on site over and above the restrictive condition on the original application. A further material consideration are the other two applications on the same retail park- the application for the removal of a condition to allow food retail by Marks & Spencer and the application for the installation of a mezzanine floor by Next.
- 5.4 The local plan policy and one of the main thrusts of PPS6 is to seek to restrict retail development in the retail parks to ensure that the vitality and viability of existing town centres is maintained. In this case, the centre that the application would most impact on is Kingswood. It is also material, given that there are three applications that have the potential to impact on Kingswood Town Centre, that the cumulative impact of all of these applications is fully considered. The following is an assessment of the application in relation to retail policy, including PPS6, and discusses the following issues:
- The need for the development
 - That the development is of an appropriate scale
 - That there are no more central sites (sequentially preferable) for development (i.e. within Kingswood Town Centre)
 - There are no unacceptable impacts on the existing centres (i.e. Kingswood)

Need and Appropriate Scale of Development

In making an informed assessment of the proposal, the Council appointed a retail consultant to assess the information submitted by the applicant's in respect of their Retail Impact Assessment.

It is concluded and accepted by the Council that there will be considerable growth of expenditure on comparison goods (i.e. items not obtained on a frequent basis e.g. clothes, footwear) in relation to the scale of this proposal and the proposal by Next to introduce additional non-food retail floorspace. Whilst the information submitted in relation to existing shopping patterns in the area is a weakness of the application it is considered that there will be sufficient expenditure growth to support the comparison goods element of the proposals here, without compromising the complicated shopping hierarchy that exists in relation to how much expenditure will be split between local centres and the main centres of Bristol and Bath.

Impact on existing centres

The level of trade diversion that may occur as a direct result of this application will depend on the extent of the direct competition between the proposals and Kingswood Town Centre. The town centre has a relatively small clothing sector concentrated on the value end of the market and there would be relatively limited direct competition both in terms of goods sold and market sectors between the proposal and the town centre. The impact of the Marks & Spencer's non-food development would therefore be limited, and would not seriously affect the vitality and viability of the town centre. This is of particular importance given that the impact is likely to be cushioned by the significant growth in comparison retail expenditure.

Sequentially appropriate sites

It is considered that there are suitable sites in Kingswood Town Centre that could be potentially offer suitable redevelopment opportunities for retail use. However, none of these have reached the stage where they could be relied on to provide additional retail floorspace in the reasonably foreseeable future. The redevelopment of Kings Chase multi-storey car park does provide a development opportunity, which would be a major benefit to the town centre, but the proposals are not sufficiently advanced to the point where its feasible in planning and financial terms to establish the owner's commitment to the scheme so that it may become material in the determination of this application.

- 5.5 Given the above assessment, Officers accept that the decision on whether the principle of development is acceptable in retail policy terms is a finely balanced one. It is acknowledged that at present, people are not poorly served at present and there are other shopping facilities easily accessible in this part of the Bristol conurbation. There will however, be an increase in retail comparison goods expenditure to support the proposed development. Given that the main objective of retail planning policy is to promote the vitality and viability of town centres, it is considered that substantial weight should be given to the lack of demonstrable impact on Kingswood Town Centre. The lack of potential alternatives in Kingswood Town Centre is also considered to be a strong material consideration when making a balanced assessment of the proposal. It is therefore the carefully considered opinion of Officers, that the principle of development is acceptable, subject to the following transportation assessment.

5.6 Transportation

A key consideration relating to the acceptability of the proposed increase in retail floorspace relates to the impact of the scheme upon existing levels of highway safety. As originally submitted, the Council's highway Engineer recommended refusal of the application as it is accepted and acknowledged by Officers since the re-development of the area took place in 2007, issues have arisen with regard to highway congestion and the adequacy of parking provision. It is considered that this is mainly due to the popularity of the retail units now occupying the development and not specifically a product of the amount of current retail floorspace. The main transport issues are considered under the following headings.

Access

Access to the retail park car park is currently via a right turn facility from Aldermoor Way. Aldermoor Way is considered a busy traffic route during the peak shopping hour. Although busy, the existing site access operates effectively most of the time, although it is accepted that traffic queues do occur on the internal access road through the car park. To increase the efficiency of the traffic movements inside the car park, it is suggested that one-way system is created. This would be implemented and controlled through the use of new road markings and a signage scheme.

Increased Traffic Movements

In making an effective assessment of the increase in traffic movements Officers have had regard to the combined effect of this development, the removal of the condition to allow food sales and the Next mezzanine.

It is considered by Officers that the combined effect has the potential to increase traffic to and from the site by an additional 83 two-way movements during the Friday afternoon peak hour. The estimated increase in traffic movement during the Saturday pm peak could be 157 two-way movements. In view of this material increase, it is considered that the additional traffic movements must be managed and that for this application to be acceptable, the applicant must provide mitigating measures such as improving travel choice or improve travel efficiency to reduce the potential traffic impact.

Parking Issues

The existing car parking on site is limited to 390 spaces. The site is not fully occupied as yet and some of the retail units are empty at present time. Evidence obtained from a recent parking survey of this retail centre suggests that there is currently reserve parking capacity during shopping peak period that normally occurs on Saturdays of about 15%. This of course needs to be balanced against the fact that the units are not all occupied at present. At full capacity and taking into consideration that the proposed increase in retail floorspace would increase parking demand on site, Officers are of the view that this car park would potentially be full at the peak shopping hour on a Saturday. This issue has also been accepted by the applicants.

Public Transport

The catchment area for this development is considered to be wide in transportation terms and there are currently no buses directly passing this retail centre. At present, accessibility to this site by public transport includes some bus services which are subsidised. The Council is currently looking into feasibility of extending /diverting some of their supported bus services through Aldermoor Way to pass this site. It is considered however that the provision of a bus service on Aldermoor way would significantly improve the sustainability of the site and provides shoppers with a real alternative to the use of the private vehicles.

Development impact and mitigating measures proposed

As demonstrated through the above assessment, the additional traffic and increased in parking demand that would result by the development would lead to a highway impact, that unless addressed would result in a recommendation to Members to refuse the current application. Since the original application was submitted, there has been extensive discussion with the applicant in order to arrive at an acceptable Transport Strategy to mitigate the development impact. The Transport Strategy is aimed at improving the existing situation through the management of the car park, implementation of a public transport service, wider highway management and the implementation of a Travel Plan.

It has been agreed that through a S106 agreement the applicant will fund the introduction of a variable message signing (VMS) system where specific information relating to car parks will be displayed to provide guidance and information relating to the availability of spaces. This would improve the efficiency of the local highway network and would help to manage potential traffic congestion. The principal of the scheme is accepted and the council's own Traffic Management team. It is acknowledged that the introduction of this scheme may require the co-operation of retailers/landowners in the wider area and may not be in the applicant's control to implement. To address this issue the s106 Agreement will be worded to ensure that in the event of a problem occurring, a financial contribution would be paid to the Council, the equivalent cost of the system (£150,000) in order to carry out the necessary transportation improvement.

The applicant has also agreed to provide a financial contribution of £102,000 towards improvements to public transport facilities in the area including the introduction of bus service on Aldermoor Way for a period of 3 years.

Finally, the applicant has also agreed to implement a Travel Plan that will help to manage staff and visitors to the Marks & Spencer development.

In view of all the above mitigating measures Officers have made a balanced judgement on the implication of recommending approval for this application, and have concluded that taking into account the mitigating measures proposed, that these would bring about sufficient safeguards to allow Officer's to support the proposed development.

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

7. RECOMMENDATION

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission , subject to the 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) To design, fund and implement a Variable Message Signage (VMS) system to full and final satisfaction of the Council or alternatively, the applicant would make equivalent cost as a contribution (up to sum of £150,000) to the highway authority to implement a Variable Message Signage system.
- 2) A financial contribution of £102,000 towards the provision of a 3 year bus service along Aldermoor Way.
- 3) Improvements within the car park to aid circulation including lining and signage works.

Reasons:

- 1) In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire local Plan (Adopted).
- 2) In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire local Plan (Adopted).
- 3) In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire local Plan (Adopted).

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

Background Papers **PK07/0895/F**

Contact Officer: **Donna Whinham**
Tel. No. **01454 865204**

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).

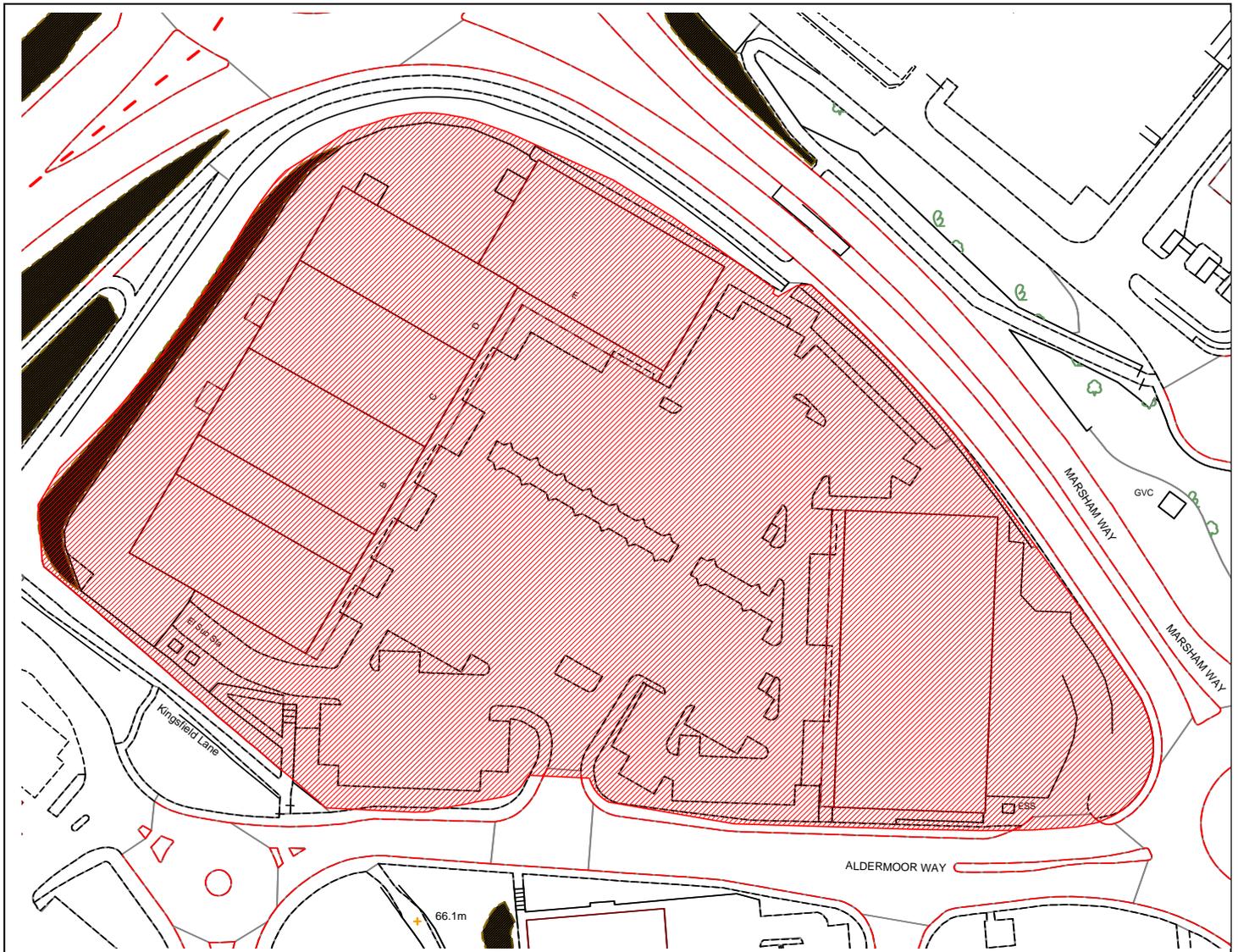
2. Within 3 months from the date of the decision a green travel plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the plan.

Reason

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PK07/0900/RVC	Applicant:	Marks & Spencer Plc
Site:	Units F & G Longwell Green Retail Park Aldermoor Way Longwell Green BRISTOL South Gloucestershire BS30 7ER	Date Reg:	21st March 2007
Proposal:	Removal of condition 3 attached to Planning application PK06/0854/F dated 7th July 2006, to allow the Units F & G 620 square metres net floor space of food sales.	Parish:	Oldland Parish Council
Map Ref:	65481 72032	Ward:	Longwell Green
Application Category:	Minor	Target Date:	14th June 2007



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100023410, 2008.

N.T.S

PK07/0900/RVC

The application has been placed upon the Circulated Schedule due to the receipt of an objection from Kingschase Shopping Centre and a local resident.

1. THE PROPOSAL

- 1.1 The application seeks permission to remove condition 3 attached to Planning Permission PK06/0854/F dated 7th July 2006. This condition reads as follows:

'At no time shall any food sales take place from the development hereby permitted, unless otherwise agreed in writing by the Local Planning Authority'.

This condition was imposed to protect the vitality and viability of Kingswood Town Centre. The result of the proposed development would be to allow Units F & G to be used for 620 square metres net floor space of food sales.

- 1.2 The site consists of a recently built retail centre, which opened in late 2007, accessed off Aldermoor Way, within the urban area of Longwell Green. The application currently under consideration is by Marks and Spencer, who also have a further application for the installation of a mezzanine floor with a report to be found elsewhere on this schedule. It should be noted that Marks and Spencer is not currently trading on the site and at present the units remain empty.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

T8	Parking Standards
T12	Transportation Development Control for New Development
RT6	Proposals for Retail Development at Cribbs Causeway, Longwell Green and Filton Abbey Wood Retail Parks

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0854/F Demolition of all existing retail buildings on site and engineering works to produce a level site. Erection of 8no. new retail units and construction of new central car park, associated servicing areas and landscaping. (Amendment to previously approved scheme PK04/2530/F) Approved July 2006. Condition 2 of this permission restricted the amount of gross non food retail floorspace, and condition 3 restricted all food sales.

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council

No objection

4.2 Other Consultees

The Police Community Safety Department raised no objection to the scheme.

- 4.3 The owners of Kings Chase Shopping Centre in Kingswood have objected to the scheme on the following grounds:
- Proposal does not accord with national and local retail planning policy
 - The sequential test in the Retail Impact Assessment fails to consider that the underused car parking at the rear of Kings Chase Shopping Centre could be used to accommodate the facility in a sequentially preferable location
 - Very concerned that any additional retail floorspace over and above already approved at Longwell Green will have a detrimental impact upon the vitality and viability of Kingswood
 - The underused car park at Kings Chase is available, suitable and viable for a retail development of approx 3716sq m, which would enable the size of store required by Marks and Spencer to be constructed
 - Considered that Kingswood Town Centre has a number of successfully trading national chains and provides a role and function that could support Marks and Spencer
 - Proposal should be assessed in the light of the large extension to Broadmead, vacant units at Eastgate Retail Park and Fishponds Town Centre.
 - It is questioned whether there is a need for further extensions at Longwell Green

- 4.4 Environmental Protection
No objection

Other Representations

- 4.5 Local Residents
Two letters of support have been received noting the following:

- In light of the fact that the units are now in situ and empty this seems an impossible situation. Local residents are keen to see M&S retail and food open on this site. If the surrounding approach roads were to be developed into 2 lanes traffic could filter through the area much more fluently. As for car parking this could be resolved by using the surrounding area rather than building even more units for rent. As a community we want to see a local M&S store. Give us the choice
- This proposal should definitely be allowed. Claiming an increase in traffic will be caused purely by allowing food retail is ridiculous, especially in view of the massive expansion previously allowed on ASDA'S site. The local residents need to be given a choice instead of the current monopoly held by ASDA.

One letter of objection has also been received raising the following issues:

- We object on the same grounds as the Highway Officer, that the proposed change in use for this development "would result in unacceptable traffic impact?? Interrupt safe and free movements of traffic?.. result in accumulative increase in traffic and parking impact thereby leading to on-street congestion, all to detriment of highway safety and it is contrary to policy T12 of the SGC Local Plan. We trust therefore that the Council will follow its own guidance and refuse planning permission.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The key consideration in the determination of the acceptability of the principle of development for the removal of condition 3 to allow food retail, relates to an assessment against Policy RT6 of the South Gloucestershire Local Plan. This policy states that retail development will only be permitted at Longwell Green where:

- A. It would meet needs which cannot be met in sequentially preferable locations
- B. It would make a positive contribution towards improving non-car circulation within the retail park
- C. it would make a positive contribution towards improving the physical and visual integration of the retail park
- D. It would be accessible to public transport users, pedestrians, cyclists and those with special mobility needs

5.2 The decision to approve the original re-development scheme (including the unit now proposed as the new Marks and Spencer) was a balanced one, taking into account the existing and approved unrestricted non-food retail on the original development. It was considered at the time that it would be very difficult to sustain an argument to refuse the application on the grounds of non-conformity with the relevant policy when the applicant could implement the extant permission, increasing the overall unrestricted non-food retail on the site. The current application seeks to remove a condition on the original permission to allow food sales. A further material consideration is the other two applications on the same retail park- the application for a mezzanine floor by Marks & Spencer and the application for a mezzanine floor by Next.

5.3 The local plan policy and one of the main thrusts of PPS6 is to seek to restrict retail development in the retail parks to ensure that the vitality and viability of existing centres is maintained. Indeed this was the reason for the original condition. In this case, the centre that the application would most impact on is Kingswood. It is also material, given that there are three applications that have the potential to impact on Kingswood Town Centre, that the cumulative impact of all of these applications, are carefully considered. The following is an assessment of the application in relation to retail policy, including PPS6, and addresses the following issues:

- The need for the development
- That the development is of an appropriate scale
- That there are no more central sites (sequentially preferable) for development (i.e. within Kingswood Town Centre)
- There are no unacceptable impacts on the existing centres (i.e. Kingswood)

Need and Appropriate Scale of Development

In making an informed assessment of the proposal, the Council appointed a retail consultant to assess the information submitted by the applicant's in respect of their Retail Impact Assessment.

It concludes, that given the estimated growth of expenditure on convenience goods (i.e. foods, everyday essential items) within the primary catchment area, that unless existing foodstores are overtrading, (and there is no household survey to assess this) then there is no need for a store of this size until 2012. It is considered, therefore, that the applicant has not successfully demonstrated the quantitative need for additional convenience goods floorspace as part of this planning application.

Impact on existing centres

The nearest competitor to a Marks and Spencer foodhall, in terms of quality, is Sainsbury. If 25% of the foodhall's turnover was diverted from Sainsbury's in Kingswood this would represent about a 10% trade diversion if the store is trading at a company average level. Unless the Sainsbury store is already struggling or the lease allows an easy get-out, then its closure would not be expected, and that the loss of trade from this store, which is undoubtedly an important anchor in Kingswood Town Centre, would not be as such as to affect the vitality and viability of the town centre sufficiently to warrant refusal. This is a key consideration in making a balanced assessment relating to the impact of the removal of condition 3.

Sequentially appropriate sites

It is considered that there are suitable sites in Kingswood Town Centre that could be suitable for redevelopment for retail use. However, none of these have reached the stage where they could be relied on to provide additional retail floorspace in the foreseeable future. The redevelopment of Kings Chase multi-storey car park does provide a development opportunity, which would be a major benefit to the town centre, but the proposals are not sufficiently advanced to the point where it's feasible in planning and financial terms to establish the owner's commitment to the scheme.

- 5.4 Given the above considerations, a balanced judgement has to be made on whether the principle of development is acceptable in retail policy terms given that a quantitative need for additional convenience goods floorspace has not been demonstrated. However Officers have had to have regard to the reason the original condition was imposed, which was to protect the vitality and viability of Kingswood Town Centre, and given that the main objective of retail planning policy is to promote the vitality and viability of town centres, it is considered that substantial weight should be given to the lack of demonstrable impact on Kingswood Town Centre. The lack of potential alternatives in Kingswood Town Centre is also considered to be given weight when assessing the proposal. On balance, therefore, it is considered that the principle of development is acceptable, subject to the following transportation assessment.

5.5 Transportation

The key consideration relating to the acceptability of the proposed increase in retail floorspace relates to the impact of the scheme upon existing levels of highway safety. As originally submitted, the Council's highway Engineer recommended refusal of the application as it is accepted and acknowledged by Officers since the re-development of the area took place in 2007, issues have arisen with regard to highway congestion and the adequacy of parking provision. It is considered that this is mainly due to the popularity of the retail units now occupying the development and not specifically a product of the amount of current retail

floorspace. The main transport issues are considered under the following headings.

Access

Access to the retail park car park is currently via a right turn facility from Aldermoor Way. Aldermoor Way is considered a busy traffic route during the peak shopping hour. Although busy, the existing site access operates effectively most of the time, although it is accepted that traffic queues do occur on the internal access road through the car park. To increase the efficiency of the traffic movements inside the car park, it is suggested that one-way system is created. This would be implemented and controlled through the use of new road markings and a signage scheme. .

Increased Traffic Movements

In making an effective assessment of the increase in traffic movements Officers have had regard to the combined effect of this development, the removal of the condition to allow food sales and the Next mezzanine.

It is considered by Officers that the combined effect has the potential to increase traffic to and from the site by an additional 83 two-way movements during the Friday afternoon peak hour. The estimated increase in traffic movement during the Saturday pm peak could be 157 two-way movements. In view of this material increase, it is considered that the additional traffic movements must be managed and that for this application to be acceptable, the applicant must provide mitigating measures such as improving travel choice or improve travel efficiency to reduce the potential traffic impact.

Parking Issues

The existing car parking on site is limited to 390 spaces. The site is not fully occupied as yet and some of the retail units are empty at present time. Evidence obtained from a recent parking survey of this retail centre suggests that there is currently reserve parking capacity during shopping peak period that normally occurs on Saturdays of about 15%. This of course needs to be balanced against the fact that the units are not all occupied at present. At full capacity and taking into consideration that the proposed removal of condition 3 to allow the provision of food retail floorspace would increase parking demand on site, Officer's are of the view that this car park would potentially be full at the peak shopping hour on a Saturday. This issue has also been accepted by the applicants.

Public Transport

The catchment area for this development is considered to be wide in transportation terms and there are currently no buses directly passing this retail centre. At present, accessibility to this site by public transport includes some bus services which are subsidised. The Council is currently looking into feasibility of extending /diverting some of their supported bus services through Aldermoor Way to pass this site.

It is considered however that the provision of a bus service on Aldermoor way would significantly improve the sustainability of the site and provides shoppers with a real alternative to the use of the private vehicle.

Development impact and mitigating measures proposed

As demonstrated through the above assessment, the additional traffic and increased in parking demand that would result by the development would lead to a highway impact, that unless addressed would result in a recommendation to Members to refuse the current application. Since the original application was submitted, there has been extensive discussion with the applicant in order to arrive at an acceptable Transport Strategy to mitigate the development impact. The Transport Strategy is aimed at improving the existing situation through the management of the car park, implementation of a public transport service, wider highway management and the implementation of a Travel Plan.

It has been agreed that through a S106 agreement the applicant will fund the introduction of a variable message signing (VMS) system where specific information relating to car parks will be displayed to provide guidance and information relating to the availability of spaces. This would improve the efficiency of the local highway network and would help to manage potential traffic congestion. The principal of the scheme is accepted and the council's own Traffic Management team. It is acknowledged that the introduction of this scheme may require the co-operation of retailers/landowners in the wider area and may not be in the applicant's control to implement. To address this issue the s106 Agreement will be worded to ensure that in the event of a problem occurring, a financial contribution would be paid to the Council, the equivalent cost of the system (£150,000) in order to carry out the necessary transportation improvement.

The applicant has also agreed to provide a financial contribution of £102,000 towards improvements to public transport facilities in the area including the introduction of bus service on Aldermoor Way for a period of 3 years.

Finally, the applicant has also agreed to implement a Travel Plan that will help to manage staff and visitors to the Marks & Spencer development.

In view of all the above mitigating measures Officers have made a balanced judgement on the implication of recommending approval for this application, and have concluded that taking into account the mitigating measures proposed, that these would bring about sufficient safeguards to allow Officer's to support the proposed development.

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

7. RECOMMENDATION

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission , subject to the 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) To design, fund and implement a Variable Message Signage (VMS) system to full and final satisfaction of the Council or alternatively, the applicant would make equivalent cost as a contribution (up to sum of £150,000) to the highway authority to implement a Variable Message Signage system.
- 2) A financial contribution of £102,000 towards the provision of a 3 year bus service along Alder Moor Way.
- 3) Improvements within the car park to aid circulation including lining and signage works.

Reasons:

- 1) In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire local Plan (Adopted).
- 2) In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire local Plan (Adopted).
- 3) In the interests of highway safety and to accord with Policy T12 of the South Gloucestershire local Plan (Adopted).

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

Background Papers **PK07/0900/RVC**

Contact Officer: **Donna Whinham**
Tel. No. **01454 865204**

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. Within 3 months from the date of the decision a green travel plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the plan.

Reason

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PK07/1305/O	Applicant:	Mr J Alvis
Site:	Wixoldbury Farm Wickwar WOTTON UNDER EDGE South Gloucestershire GL12 8PE	Date Reg:	25th April 2007
Proposal:	Erection of 1 no. detached dwelling (outline) with means of access to be considered. All other matters reserved.	Parish:	Wickwar Parish Council
Map Ref:	70118 87388	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	20th June 2007



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N.T.S

PK07/1305/O

This application appears of the Circulated Schedule as a result of the recommendation being contrary to the view of a consultee.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a permanent dwelling for the farm operated by Mr J Alvis at Wixoldbury Farm, Firings Close, Wickwar. The application is in outline and has been amended during the course of the application (Agents email dated 16 May 2007) such that only the access is to be determined.
- 1.2 The farm is part of the previous farm holding which was split between the applicant and his brother. The applicants brother received the farm dwelling and as a result the applicant now wishes to build his own house at the farm.
- 1.3 The application site lies outside any defined settlement boundary in the open countryside. At present the site consists of a new agricultural building and another smaller older animal shelter. A number of land parcels have been submitted as part of this application which are described as follows:
- i) Land at Wixoldbury Farm (13 hectares) includes farm buildings and the site of the proposed house.
 - ii) land at Hall End (6 hectares)
 - iii) Land at Firings close (7 hectares)
 - iv) land at corner of New Road and Limekiln Road (5 hectares)
 - v) land at limekiln Road (3 hectares)
 - vi) land at Newhouse Farm (16 hectares)

Of these only i) and ii) are owned by Mr Alvis. The others are occupied under a 2 year FBT or under an annual agreement.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPG15	Planning and the Historic Environment

2.2 Joint Replacement Structure Plan

None relevant

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H8	Agricultural/Forestry Workers Dwellings in the Countryside
T12	Transportation Development Control Policy for New Development
L11	Archaeology

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Wickwar Parish Council

No objection to the scheme. The fact that Mr Alvis happens to live in Yate at present should not be treated as a justification for possible refusal of the scheme.

Rangeworthy Parish Council

No objection, subject to the following:

- The need for an extra worker has been proven by the Agent. There is no mentions of other person living at the existing farmhouse and working on the farm.
- This area is of archaeological importance in respect of an important Roman settlement. It is understood to be under the auspices of English Heritage who should have been advised of the application.

4.2 Sustainable Transport

No objection if the application meets the tests of the Agricultural Workers Dwelling.

4.3 Building regulations

Fire brigade would need to access rear of the property from road within 45m (as such siting at rear of the site would not be appropriate).

4.4 Archeaology

The place name Wixoldbury is of Saxon origin and can be interpreted as "(Roman) settlement near the old fort", the proximity of the Roman Small town at Hall End may well explain the name. There is a reference to a chapel "recently demolished" in the early eighteenth century but this may simply be part of the central farm complex. Given the close proximity to the site the application investigations will be required prior to agreement of siting and it should be noted that should nationally important archaeological features be uncovered they can be spot scheduled.

4.5 Drainage

No objection in principle

4.6 Local Residents

One letter of support received

- good farming family who look after their livestock.
- John Alvis does not live at the farm and they witness seeing him travel past their house to the farm every day in the morning and late at night to look after his stock.
- support his need.

4.7 Environmental Services

No adverse comment

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application has been referred for an independent agricultural appraisal and the findings of this report have been incorporated in the following paragraphs.

- 5.2 Advice contained within PPS7, Annex A specifically relates to agricultural workers dwellings. This advice stresses the importance of establishing a functional need, that the need relates to a full time worker, the unit is financially sound and has a clear prospect of remaining so, the functional need could not

be fulfilled by another property on the unit or any other accommodation in the area which is suitable and available. In addition other planning requirements need to be satisfied. These tests are also set out in Local Plan policy H8 and it is advised that if the long term viability of the enterprise cannot be demonstrated, the erection of a permanent dwelling will not be permitted. In these circumstances consideration will be given to granting a temporary consent for accommodation which can be easily dismantled, provided that the functional need has been demonstrated, there is clear evidence of a firm intention and ability to develop the enterprise concerned and that it has been planned on a sound financial footing.

5.3 The application for a permanent dwelling should satisfy the following criteria:-

(i)Functional Need

The vast majority of the work would be considered routine, feeding, checking bedding down, handling and routine treatment etc. For the vast majority of time then there would be no need for a round the clock presence such as there would be with a herd of dairy cows for instance.

During lambing there would be a need for round the clock supervision. However it is quite common practice for a seasonal caravan to be stationed for use during the lambing period, which could be occupied, by the applicant or say a student to cover the unsociable hours.

The present farm business does not warrant a permanent on site presence.

One should also point out that the application is based on a system that is reliant on 121 acres of land of which more than half is on short-term tenancies. One cannot say for sure that this land on short-term arrangements will be available to the applicant in the foreseeable future and therefore it follows that strictly one should for the purpose of this application be assuming a substantially smaller enterprise to base the functional need upon.

The application fails on this criteria.

(ii)Clear evidence of a firm intention and ability to develop the enterprise concerned

No evidence was provided to show that the applicant had any intention to increase the area farmed or of any plans to expand the farming operation or erect any further agricultural buildings.

The application fails on this criteria.

(iii)Clear evidence that the proposed enterprise has been planned on a sound financial basis.

The applicant farms a total of 121 acres. The land owned at Wixoldbury Farm amounts to 32 acres plus buildings. A further 14 acres is owned at nearby Hall End.

The remaining 75 acres or so are occupied on short-term arrangements. The buildings consist of a 4-bay steel portal framed covered yard plus two 4-bay lean-to's. There are also one or two traditional buildings and livestock handling facilities.

The applicant runs a flock of 360 crossbred ewes with the majority lambing taking place in the first half of March. All lambs are sold at local livestock markets.

The applicant also rears store cattle through to strong stores at 18 months old, and may have up to 50 of various ages at any one time. Calves are purchased from a neighbouring dairy farmer, and again the stock is sold through local livestock markets.

All the land is down to grass and all the silage and hay for the sheep and cattle is produced on the owned or rented land.

The applicant also works as a tractor driver for an agricultural contracting company based at Iron Acton. This takes him away from the farm a fair amount but he has a flexible arrangement so that he can also manage his own enterprises.

The business is clearly established, however, with regard to viability, the Council's external farming consultant advises that one cannot take into account the full scale of the applicant's enterprise because of the reasons mentioned above. Paragraph 2 to Annex A refers to an enterprise being capable of being sustained for a reasonable period of time which surely cannot be taken as read when a business is reliant on short term land occupation.

The application fails on this criteria.

(iv) Other domestic accommodation

(The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.)

The applicant claims to need to be within sight and sound of the buildings and livestock at all times. It is claimed that there is no other dwelling on the unit or nearby suitable to buy or rent within what the applicant considered an acceptable distance.

Given the finding in (i) above it is considered that the provision of a caravan for seasonal occupation during the lambing period, especially during the month of March, would be adequate in addition to the applicants dwelling only a few minutes drive away on the outskirts of Yate. As such the application fails on this criteria.

- 5.7 The above requirements are reflected in Policy H8 of the adopted local plan. This policy allows agricultural dwellings provided that the dwelling is required to satisfy a clearly established existing functional agricultural need within the immediate area; the need could not be fulfilled by other accommodation on the unit and the proposal is satisfactorily sited and wherever possible sited within an existing group of buildings. Where the farming activity is new permanent dwellings will not be permitted but consideration will be given to temporary accommodation such as a mobile home provided that the functional need has been demonstrated; there is clear evidence of a firm intention and ability to develop the enterprise concerned and that it has been planned on a sound financial footing. Having regard to the foregoing paragraphs it is considered that the application fails to comply with national planning policy contained within

PPS7 and policy H8 of the South Gloucestershire Local Plan (Adopted) January 2006. As such the proposal is unacceptable.

5.8 Design

There is no design issue to comment upon aside from the fact the dwelling will be little seen from other dispersed houses and will not be a dominant feature on the landscape given that it will be located close to the farm buildings of Wixoldbury Farm and the adjoined farm in separate ownership.

5.9 Archaeology

The archaeological potential of the site can be mitigated against by considering the actual siting of the site after an archaeological investigation. As such the application is not contrary to policy L11.

5.10 Transportation

Providing proposed development meets the criteria necessary to be defined as an agricultural workers dwelling then no transport objection is raised.

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. However this in itself does not warrant refusal of the application.

5.12 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 neither planning conditions nor a Section 106 Agreement is appropriate.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is refused for the following reasons.

Background Papers **PT07/1305/O**

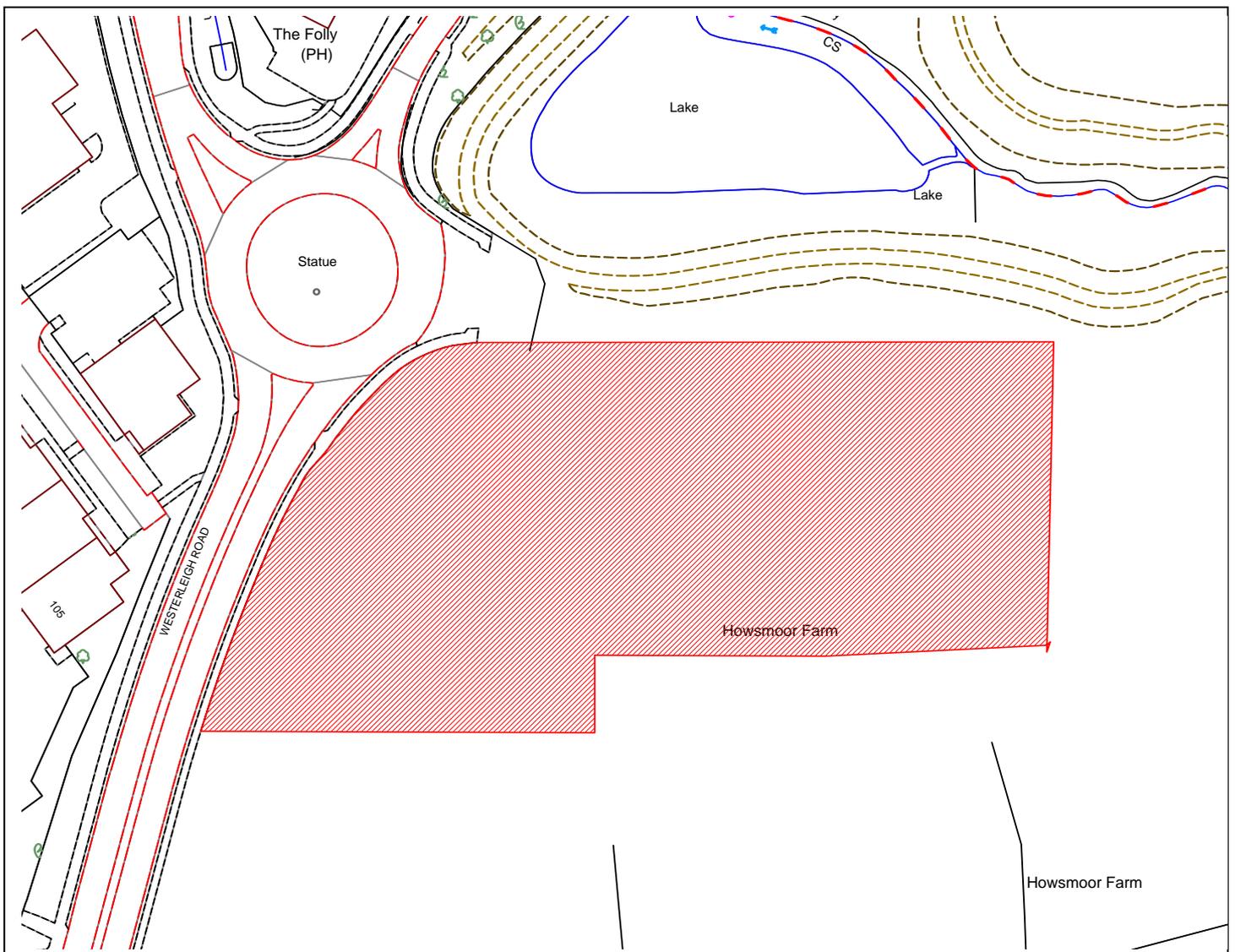
Contact Officer: **Karen Hayes**
Tel. No. **01454 863472**

REFUSAL REASONS

1. The present farm enterprise does not necessitate somebody living permanently on site and as such there is no functional need for a dwelling to be erected on the site. This is particularly relevant considering the actual amount of land available in the future on a long-term Basis. As such the application is contrary to Policy H8 and H3 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS7 - Sustainable Development in Rural Areas.
2. Insufficient proof has been provided to satisfy the Council that the operation has a full time labour requirement and whether the business passes the financial test. This is particularly relevant considering the actual amount of land available in the future on a long-term Basis. As such the application is contrary to Policy H8 and H3 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS7 - Sustainable Development in Rural Areas.
3. The site is located in the open countryside beyond any defined settlement boundary and in an sustainable location. The proposal is therefore contrary to policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PK08/0737/RM	Applicant:	Quantum Property & South West Developmen
Site:	Bristol and Bath Science Park, Emersons Green East, South Gloucestershire, BS16	Date Reg:	19th March 2008
Proposal:	Erection of Science Research Park buildings and associated works, including erection of two wind turbines. (Approval of reserved matters to be read in conjunction with planning permission P95/4605).	Parish:	Mangotsfield Rural Parish Council
Map Ref:	66925 78115	Ward:	Emersons Green
Application Category:	Major	Target Date:	13th June 2008



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100023410, 2008.

The reserved matters application appears on the circulated schedule as it is a major one, and falls to be considered as such under the current scheme of delegation.

1. THE PROPOSAL

- 1.1 The application seeks approval of reserved matters relating to the erection of Science Research Park buildings and associated works, including erection of two wind turbines. Approval of reserved matters to be read in conjunction with planning permission P95/4605 and PK07/2755/VAR, modification of Section 106 agreement attached to planning permission P95/4605 and revised Masterplan statement.
- 1.2 The site consists of open land, mostly agricultural, currently accessed from Howsmoor Lane, within the Emerson's Green East Area 'C' allocation in the adopted Local Plan, under Policy M2. The site lies within the northern section of the original outline consent, close to the junction of the Ring Road and Westerleigh Road.
- 1.3 The proposals consist of the erection 6575 sq m gross of B1 floorspace in the form of three interconnected buildings: the 'Forum', the 'Innovation Centre' and the 'Grow on Space'. These two buildings are connected to the 'Forum' building by way of metal panel clad link bridges. A 430 sq m gross 'Energy Centre' is also proposed, containing gas boilers, biomass boilers and refuse storage. 198 car parking spaces are proposed, including 10 disabled spaces. Two wind turbines are proposed, a maximum of 20m in height (to the top of the rotor blade) adjacent to the Energy Centre at the northern end of the site.
- 1.4 Both the Innovation Centre and the Grow on Space are 18m wide and 9m in height, and 74m and 70m in length respectively, both with flat roofs. The Forum is 14m in height and has a flat oversailing roof which measures 36m by 36m. The materials for the Forum are: metal standing seam roof, structural steel columns, with extensive glazing and aluminium framed curtain walling, for the Innovation Centre and the Grow on Spaces: single ply membrane roofing, insulated cladding panels in timber and aluminium to walls, for the Energy Centre: render finish to walls with steel doors and metal louvres.
- 1.5 There is a concurrent, outstanding application for the Phase 1 infrastructure works on the Science Park site (PK08/0747/RM) also appearing on this circulated schedule.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG4	Industrial and Commercial Development and Small Firms
PPS9	Biodiversity and Geological Conservation
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPG24	Planning and Noise

Circular 2/99 Environmental Impact Assessment
Circular 05/05 Planning Obligations
Circular 01/2006 Guidance on changes to the development control system

2.2 Development Plans

Adopted Joint Replacement Structure Plan (Saved Policies)

Policy 1 Sustainable development objectives
Policy 30 Safeguarding employment sites
Policy 54 Car parking provision (non-residential)

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L1 Landscape Protection and Enhancement
L11 Archaeology
L17 & L18 The Water Environment
M2 Site 5 Major Mixed Use Development Proposals at Emersons Green East
T3 Public Transport Route and Park and Ride
T4 Bus Priority Measures
T6 Cycle Routes and Pedestrian Routes
T7 Cycle Parking
T8 Parking Standards
T10 Travel Plans
T12 Transportation Development Control Policy for New Development
E1 Proposals for Employment Development and Mixed Use Schemes Including Employment Development

2.3 Supplementary Planning Guidance

Adopted Emersons Green East Development Brief SPD
Adopted Design Checklist SPD

3. **RELEVANT PLANNING HISTORY**

- 3.1 P95/4605 (K7284/2) Science Research Park and associated works (Outline) approved 22nd March 2000.
- 3.2 PK07/2755/VAR Modification of Section 106 agreement dated 22 March 2000 attached to planning permission P95/4605 (K7284/2) to enable development of the site to take place in the context of a revised masterplan, which is supported by an Environmental Statement. Approved 15 May 2008.

4. **CONSULTATION RESPONSES**

4.1 Mangotsfield Rural Parish Council
Comment: Approve

4.2 Other Consultees

Wessex Water: have been in discussions with the developer's consultants regarding the overall foul drainage strategy, which would involve the adoption of existing private drainage.

Police Architectural Liaison Officer: requested further information from the applicant regarding best practice in providing safe and secure developments.

BAE Systems: Concerns raised regarding the proposed height of the wind turbines, which should not exceed a height of 101 metres AOD, and landscaping should be designed to minimise the attraction of birds that may affect the safety of aircraft in the vicinity.

Other Representations

- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The adopted Local Plan makes provision for the development of a Science Park on this site. Moreover, the principle of development has already been established through the granting of outline planning permission, and the recently approved variation application, modifying the Section 106 agreement, with a revised Masterplan and Environmental Statement means that the outline permission is now up to date with current planning and environmental legislation.

- 5.2 The approved revised Masterplan has set out the layout principles for the overall site, and gives the basic details for the main roads on site, as well as the location of the first Science Park buildings, the 'Creative Common', and the Howsmoor Lane Eco-Corridor. The reserved matters application should therefore accord with the general principles set out in the revised Masterplan.

5.3 Landscape and Visual Amenity

The proposed buildings are situated at the northern end of the site, close to the main access from the Folly roundabout. The proposed wind turbines are situated directly behind the proposed 'Energy Centre'. The proposed structures would therefore be visible from views along Westerleigh Road and the Folly roundabout.

- 5.4 The Forum, Innovation Centre and Grow On Space are proposed to be contemporary in design, form and materials. The proposed buildings, in terms of their location, size, form and design are intended to be 'landmark' buildings, pertaining to the ethos and function of the Science Park itself. Whilst the Innovation Centre and the Grow On Space have long elevations, they are articulated by the use of different materials and timber solar shading. They are intended to form a visual statement close to the entrance to the Science Park and as such, they will dominate the landscape here, but given the function of the site and the wider Science Park area, as set out in the revised Masterplan, this design approach is considered appropriate. Conditions requiring samples of materials were attached to the original outline permission.

- 5.5 The proposed wind turbines would be highly visible in the wider landscape. However, the Landscape Officer has raised no objection to the turbines, and given the height of the turbines, which is not excessive (the tip of the blade being approximately 6m higher than the Forum building) and in the context of the Science Park, their inclusion within the scheme is considered acceptable in visual terms.

- 5.6 The Landscape Officer has raised concerns regarding the landscape treatment to the area by the boulevard frontages, which is proposed to be striped grass. This is considered to give undue visual prominence to the Energy Centre, which is a building of utilitarian design, with a long, low profile close to the entrance to the site. The applicants have stated that the Science Park places great importance on renewable energy and wishes to make a feature out of the Energy Centre rather than conceal it behind additional planting. Whilst accepting the ethos of the Science Park, it is considered that the Energy Centre is utilitarian in design and form. Further planting to the north of the Innovation Centre would enable the scheme to integrate into the wider landscape context, a stated aim of the planting strategy of the revised Masterplan. To this end, a condition will be recommended requiring a landscape scheme to be submitted for this part of the site north of the Energy Centre and the Innovation Centre to ensure that a balance is reached between the ethos of the Science Park and the requirements of the adopted Local Plan policies that require a high standard of site planning and design for all new schemes. In this context, the Planning Officer considers that some planting could take place in this area, which is 19m wide in places, that would provide a visual link to the wider landscape, which is well treed, whilst not entirely obscuring the 'Energy Centre' or the Innovation Centre.
- 5.7 The Landscape Officer has also raised concerns regarding the reliance on the Ring Road planting for any screening of the car park. The Ring Road planting is outside the control of the Science Park and could be affected by future transport or cabling schemes. Reliance of Ring Road planting is therefore considered inadequate to fit with the revised Masterplan objectives which show a robust planted boundary along this section of the site. To this end, a condition will be recommended requiring a wider planted buffer to the car parking area to be included within the Science Park site itself.
- 5.8 Subject to recommended conditions, it is considered that the landscape and visual amenity issues arising as a result of this proposal are considered acceptable.
- 5.9 Transportation
The Highway Officer has confirmed that this application is consistent with the overall transport strategy for the Science Park.
- 5.10 There is an agreed Travel Plan Framework for the Science Park and a condition is recommended to the effect that the building occupiers are required to prepare and submit a Travel Plan, consistent with the Travel Plan framework, prior to occupancy.
- 5.11 There is provision for motorcycle parking and parking for pedal cycles. Provision is made for short term cycle parking adjoining the strategic footway close to the building main entrance. Long term staff cycle parking is located on the western elevation. The long term cycle parking is secure and under cover.
- 5.12 The VIP drop off zone obstructs the strategic footway access from the north, and as such, it should be removed or relocated to ensure that the footway remains available for use at all times, and a condition is recommended to this effect.

5.13 Subject to the addition of conditions, there is no transportation objection to the proposal.

5.14 Ecology

The Council's Ecologist has raised no objection to the proposed wind turbines. The ecological management plan has been included within the reserved matters plan for the strategic infrastructure works application (also appearing on this circulated schedule).

5.15 Archaeology and Conservation

There are no archaeology or conservation issues affecting the proposal. There is an archaeological management plan included within the S106 agreement tied to the recently approved variation condition.

5.16 Residential Amenity

There are no residential amenity issues arising as a result of the this proposal.

5.17 Drainage

The approach to drainage is set out in the revised Masterplan, no objections have been received on this issue from either the Council's Drainage Engineer or the Environment Agency.

5.18 Other Matters

The approach to sustainability is set out in the Design and Access Statement and the Sustainability Statement submitted with this application and supports the approach set out in the revised Masterplan. The Design and Access Statement states that the sustainability targets for the proposal are BREEAM for offices Excellent Rating, and this is also required by way of a recommended condition.

5.19 With regard to the concerns of the BAE Systems, the total height of the wind turbines and the proposed ground level is 68 AOD, which is well below the 101m height level stated by BAE Systems.

5.20 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.

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 reserved matters application submitted in accordance with conditions 1 and 2 associated with outline planning permission P95/4605 dated 22 March 2000 be approved.

Background Papers PK08/0737/RM

Contact Officer: Sarah Tucker
Tel. No. 01454 863780

CONDITIONS

1. Within 3 months from the date of the decision a commuter plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

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.

2. A plan showing the removal of or the relocation of the proposed VIP drop off area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved revised details.

Reason(s):

The proposed VIP drop off area as shown obstructs the strategic footway access from the north, and the amendment is needed to accord with Policy T12 of the adopted South Gloucestershire Local Plan

3. The development hereby approved shall be constructed to a Building Research Establishment Environmental Assessment Method (BREEAM) standard of 'excellent.' A formal assessment pre-construction or following construction, shall be undertaken by a licensed BREEAM assessor and a copy of the assessors report and the certificate shall be submitted to the Local Planning Authority prior to occupation of the building.

Reason(s):

To ensure the development minimises the use of energy and natural resources in accordance with PPS1 and its supplement Planning and Climate Change, SGLP Policy D1, The South Gloucestershire Design Checklist SPD and the draft RSS Policy G.

4. Details of the hedgebank construction and the courtyard hard surfaces are to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved details and maintained thereafter as such.

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. Details of a landscape scheme to the north of the Energy Building and the Innovation Centre shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping so approved shall be implemented in accordance with the outline planning permission.

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.

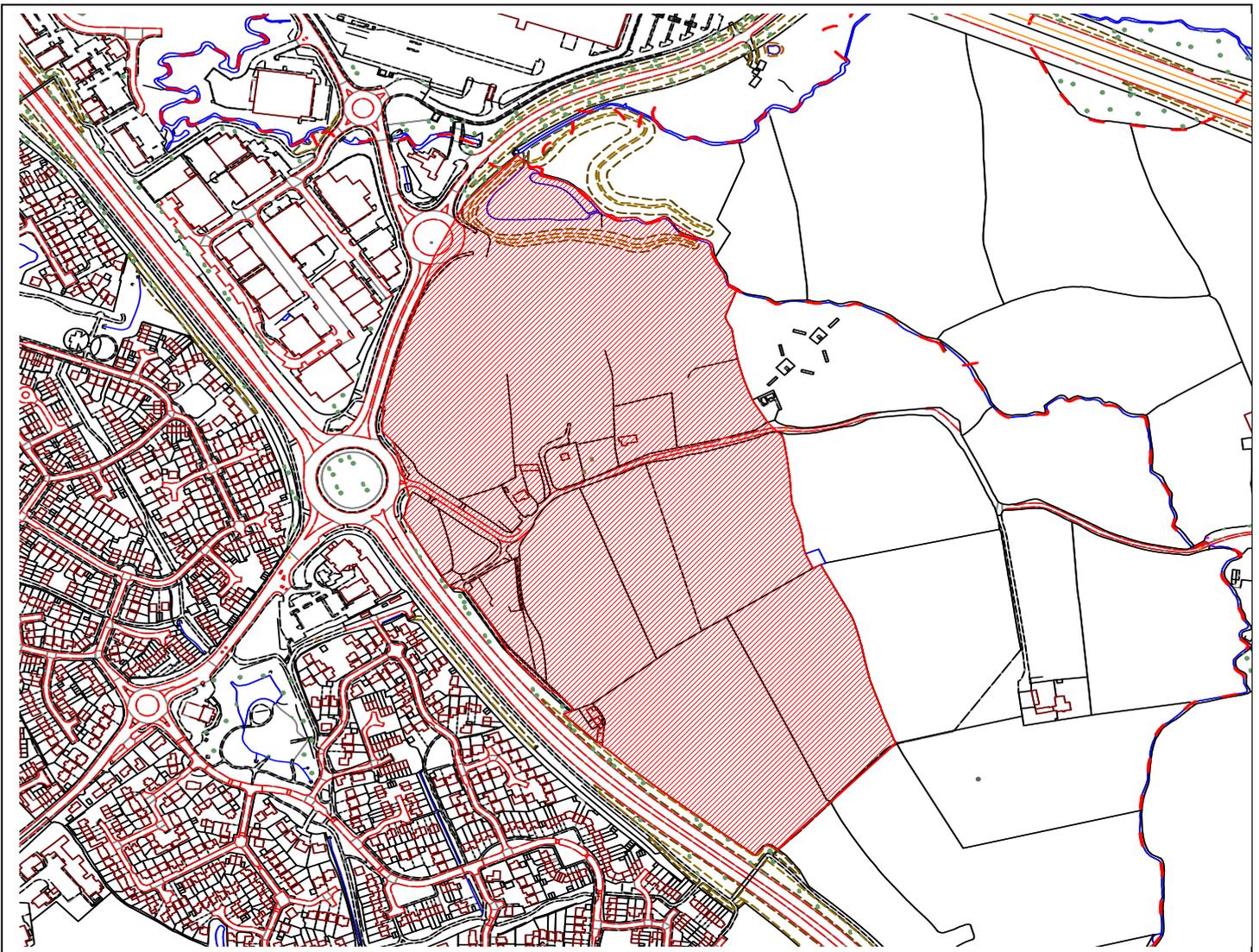
6. A revised layout for the western margins of the car parking area, to include a landscape buffer zone and planting scheme to complement the Ring Road planting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The landscaping so approved shall be implemented in accordance with the outline planning permission.

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.

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PK08/0747/RM	Applicant:	Quantum Property Partnership And South W
Site:	Bristol and Bath Science Park, Emerson's Green East, South Gloucestershire, BS16	Date Reg:	19th March 2008
Proposal:	Details relating to design, siting, external appearance, landscaping and access for all Phase 1 strategic infrastructure, including roads, service and utilities (Approval of reserved matters to be read in conjunction with planning permission P95/4605).	Parish:	Mangotsfield Rural Parish Council
Map Ref:	67057 77884	Ward:	Boyd Valley
Application Category:	Major	Target Date:	13th June 2008



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100023410, 2008.

This reserved matters application appears on the circulated schedule as it is a major one, and falls to be considered as such under the current scheme of delegation.

1. THE PROPOSAL

- 1.1 The application seeks approval of reserved matters relating to design, siting, external appearance, landscaping and access for all Phase 1 strategic infrastructure, including roads, services, utilities, to be read in conjunction with approved outline planning permission P95/4605 and PK07/2755/VAR, modification of Section 106 agreement attached to planning permission P95/4605 and revised Masterplan statement.
- 1.2 The site consists of open land, mostly agricultural, currently accessed from Howsmoor Lane, within the Emerson's Green East Area 'C' allocation in the adopted Local Plan, under Policy M2. To the west of the site lies the Avon Ring Road.
- 1.3 The proposals consist of the following elements:
- Construction of basic road layout and major services distribution
 - Major services, including foul and surface drainage from the adjacent Emersons Green East Area C development
 - Portion of the Science Street within the phase boundaries of Phases 2 and 3 will be partially completed
 - Installation of the 'Creative Common' and the bridleway and landscape area to the Howsmoor Lane Eco-Corridor
 - Following the completion of the Entrance Boulevard and Science Street, as far as the Howsmoor Lane Eco-Corridor, Westerleigh Lane will be completed and the bus route will be redirected onto it
- The scheme has been amended, following advice from officers, to remove the floodlighting to the 'Creative Common'.
- 1.4 There is an outstanding, concurrent application for Phase 1 of the development, the erection of the Science Park buildings and associated works, including the erection of two wind turbines also appearing on this circulated schedule (PK08/0737/RM).

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development

PPG4 Industrial and Commercial Development and Small Firms

PPS9 Biodiversity and Geological Conservation

PPG13 Transport

PPG15 Planning and the Historic Environment

PPG16 Archaeology and Planning

PPS22 Renewable Energy

PPS23 Planning and Pollution Control

PPG24 Planning and Noise

Circular 2/99 Environmental Impact Assessment

Circular 05/05 Planning Obligations

Circular 01/2006 Guidance on changes to the development control system

2.2 Development Plans

Adopted Joint Replacement Structure Plan (Saved Policies)

Policy 1	Sustainable development objectives
Policy 30	Safeguarding employment sites
Policy 54	Car parking provision (non-residential)

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L11	Archaeology
L17 & L18	The Water Environment
M2	Site 5 Major Mixed Use Development Proposals at Emersons Green East
T3	Public Transport Route and Park and Ride
T4	Bus Priority Measures
T6	Cycle Routes and Pedestrian Routes
T7	Cycle Parking
T8	Parking Standards
T10	Travel Plans
T12	Transportation Development Control Policy for New Development
E1	Proposals for Employment Development and Mixed Use Schemes Including Employment Development

2.3 Supplementary Planning Guidance

Adopted Emersons Green East Development Brief SPD
Adopted Design Checklist SPD

3. RELEVANT PLANNING HISTORY

- 3.1 P95/4605 (K7284/2) Science Research Park and associated works (Outline) approved 22nd of March 2000.
- 3.2 PK07/2755/VAR Modification of Section 106 agreement dated 22 March 2000 attached to planning permission P95/4605 (K7284/2) to enable development of the site to take place in the context of a revised masterplan, which is supported by an Environmental Statement. Approved 15 May 2008.

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
Comment: Approve

- 4.2 Other Consultees

Wessex Water: have been in discussions with the developer's consultants regarding the overall foul drainage strategy, which would involve the adoption of existing private drainage.

Police Architectural Liaison Officer: requested further information from the applicant regarding best practice in providing safe and secure developments.

Environment Agency: stated that they would not be adversely affected by this reserved matters application.

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The adopted Local Plan makes provision for the development of a Science Park on this site. Moreover, the principle of development has already been established through the granting of outline planning permission, and the recently approved variation application, modifying the Section 106 agreement, with a revised Masterplan and Environmental Statement means that the outline permission is now up to date with current planning and environmental legislation.

- 5.2 The approved revised Masterplan has set out the layout principles for the overall site, and gives the basic details for the main roads on site, as well as the location of the first Science Park buildings (included as part of application PK08/0737/RM also appearing on this circulated schedule), the 'Creative Common', and the Howsmoor Lane Eco-Corridor. The reserved matters application should therefore accord with the general principles set out in the revised Masterplan.

5.3 Landscape/Visual Amenity

The revised Masterplan states that existing landscape elements are to be retained and incorporated into the proposed Spatial and Landscape Framework, which includes all trees subject to Tree Preservation Orders, hedgerows, stone walls, water courses and site perimeter planting.

- 5.4 The Landscape Officer has stated that there are many good aspects to the scheme overall, particularly the quality of the hard materials chosen and the street furniture. Suitable tree planting is proposed along the main road infrastructure and on the eastern end of the 'Creative Common', adding to the existing planting here. The 'Creative Common' is proposed to be partly used for sports use (five-a-side football and softball) and this is considered appropriate. Given that the 'Creative Common' is to be planted with natural grass rather than astro-turf, with no separate changing facilities, the use of floodlighting was not considered appropriate here, and would lead to an over-use of the natural grass to the detriment of the general users of the common (ie staff employed at the Science Park).

- 5.5 The Landscape Officer has raised concerns regarding the planting proposals for various parts of the scheme, and treatment of the areas beneath the canopies of existing trees, but these are considered to be overcome by the addition of appropriately worded conditions relating to these specific elements of the scheme.

- 5.6 It is therefore considered that, subject to the addition of suitable conditions, the proposed landscape is acceptable and complies with the general thrust of the revised Masterplan in this respect.

5.7 Transportation

- The Highway Officer has commented that the headline principles secured under the revised Masterplan have been satisfactorily incorporated into this reserved matters application.
- 5.8 The detail of the road network responds to the national guidance “Manual for Streets”. The layout and detail of the road network therefore seek to encourage walking and cycling, enhance bus access provision, and reduce the barriers and conflict between car users and other travel modes that often arise in traditional road networks. The alignment and detail of the principal streets are consistent with the emerging Design and Access Statement/ Masterplan for the wider Emerson Green (East) development.
- 5.9 The application proposes a range of surfacing materials for use in the public realm, which are considered to be sustainable in the longer term.
- 5.10 The vehicle access is from the Folly roundabout on Westerleigh Road. The Science Street is accessed off the Boulevard entrance road from a signal controlled junction. Access to the wider development area is provided from the Boulevard and also from Science Street. The Council has a scheme in the current Capital Programme to impose 30 mph speed limits on the southbound approach to the Folly roundabout. The design of the Boulevard junction with the roundabout continues that principle into the initial section of the access road. Beyond this initial, transition section, the Science Street and other access streets have been designed to restrict vehicle speeds to 20 mph while allowing for easy bus travel.
- 5.11 A new bus-only access is provided into the Science Park from Westerleigh roundabout on the A4174. This new bus access will replace the existing Howsmoor Lane arm. Howsmoor Lane will be subject to a prohibition of vehicles order in due course, vehicle access continuing only for the premises that have existing access onto the lane. Howsmoor Lane will continue to be available for walkers, cyclists and equestrians. Access to the wider area of Emersons Green East from Howsmoor Lane will be secured through future development permissions. The new bus-only access will link the A4174 (Ring Road) into the development leading directly to the new interchange in Science Square. The bus routes have been designed to ensure that the future Bus Rapid Transit System can easily pass along them.
- 5.12 The principal pedestrian access crosses the Boulevard at a signal controlled crossing and continues through the development to the Creative Common and the Science Square where the principal transport interchange is located. Streets are designed to ensure that there is maximum opportunity for people to walk and cycle along them. Howsmoor Lane is protected to ensure that it becomes an important commuter and recreational route for walkers, cyclists and equestrians. A new bridleway is proposed running from Westerleigh Road, alongside the eastern landscaping and ecology corridor and connecting to the existing cycleway to the south of the existing footbridge ramp.
- 5.13 The Highway Officer has raised concerns regarding the lack of detail for the roads to be construction south of the Creative Common, which the Design and Access Statement are to be partially constructed. A condition will be recommended requiring location and details of the southern street layouts,

- including street parking and final surfacing material to be submitted and approved.
- 5.14 It is considered that, subject to the addition of a condition, the proposed development is acceptable in transportation terms, and is compliant with the aims of the revised Masterplan.
- 5.15 Ecology
The application includes a Strategic Biodiversity and Landscape Management Plan setting out the strategy drawn up to conserve and manage the ecology of the site. The document is a consolidated approach to meeting the commitment to producing various environmental mitigation measures by way of an ecological management plan, a strategic landscape management plan and a construction environmental management plan.
- 5.16 The primary ecological design component relates to the retention of a central, east-west 'eco-corridor' along Howsmoor Lane, to link and include scrub at its eastern end with an area of scrub and rough grassland at the western end between Newlands Farm and Howsmoor Lane south-east of the Westerleigh roundabout.
- 5.17 The Council's Ecologist has stated that generally, the scope of the ecological management plan fairly reflects the revised Masterplan and is as previously agreed with the applicants. Concerns have been raised regarding the general ecological management aims set out in the Strategic Biodiversity and Landscape Management Plan, as it lacks the specific, detailed works and management prescriptions that are required. However, it is considered that this can be satisfactorily addressed by a condition requiring amendments to the ecological management plan to be agreed with the Ecological Officer.
- 5.18 Two badgers setts have been recorded within the application site. The provisions set out in the ecological management plan regarding the setts, the protection of badgers and the proposed locations of the two badger tunnels are acceptable.
- 5.19 With regard to slowworms and bats, the ecological management plan is required to be amended by condition to ensure the conservation of the existing populations.
- 5.20 Subject to a recommended condition, the ecological implications of the proposal are considered appropriate, and in compliance with the revised Masterplan.
- 5.21 Archaeology and Conservation
Newlands Farm is a Grade II listed building. The redevelopment of the listed farm is to be included in a future phase, the proposed road network stops short of the farm, with the exact route to the farm to be clarified at a later stage, which is considered an acceptable approach.
- 5.22 The proposed areas of topsoil are being placed in an area of known archaeological sensitivity and it would be prudent to ensure that the developers have allowed for the delay that will be required to deal with the archaeology here before earth moving takes place in this location. However, there is an archaeological management plan included within the S106 agreement tied to

the recently approved variation condition that would satisfactorily address this issue.

5.23 Residential Amenity

There are no residential amenity issues arising as a result of this proposal.

5.24 Drainage

The approach to drainage is set out in revised Masterplan, no objections have been received on this issue from either the Council's Drainage Engineer or the Environment Agency.

5.25 Other matters

The approach to sustainability is set out in the Design and Access Statement and the Sustainability Statement submitted with this application and supports the approach set out in the revised Masterplan. Essentially, these elements relate to further phases of development that include built form.

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 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.

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 reserved matters application submitted in accordance with conditions 1 and 2 associated with outline planning permission P95/4605 dated 22 March 2000 be approved.

Background Papers **PK08/0747/RM**

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

CONDITIONS

1. Within 6 months of the commencement of the infrastructure works hereby approved, an assessment of the potential to undertake planting on the northern side of the entrance boulevard, as well as a scheme of planting adjacent to pond C3, shall be submitted to and approved in writing by the Local Planning Authority. The assessment and planting plan shall be carried out in consultation with the Environment Agency and the Appointed Reservoir Panel Engineer. The scheme of planting shall be

implemented in accordance with the approved details prior to the occupation of any part of the site.

Reason(s):

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

2. Details of all works, including groundworks within canopies of all retained trees on the Creative Common, to include existing and proposed levels and methodology for the works within the root protection areas shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be implemented in accordance with the approved details.

Reason(s):

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

3. Details of the proposed layout and landscaping for the land between the bus stop and Howsmoor Lane shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. The development shall accord with the approved details. The landscaping so approved shall be implemented in accordance with the outline planning permission.

Reason(s):

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

4. A revised ecological management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be implemented in accordance with the approved revised ecological management plan.

Reason(s):

To protect the wildlife and the ecological interests of the site, in accordance with Policies L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

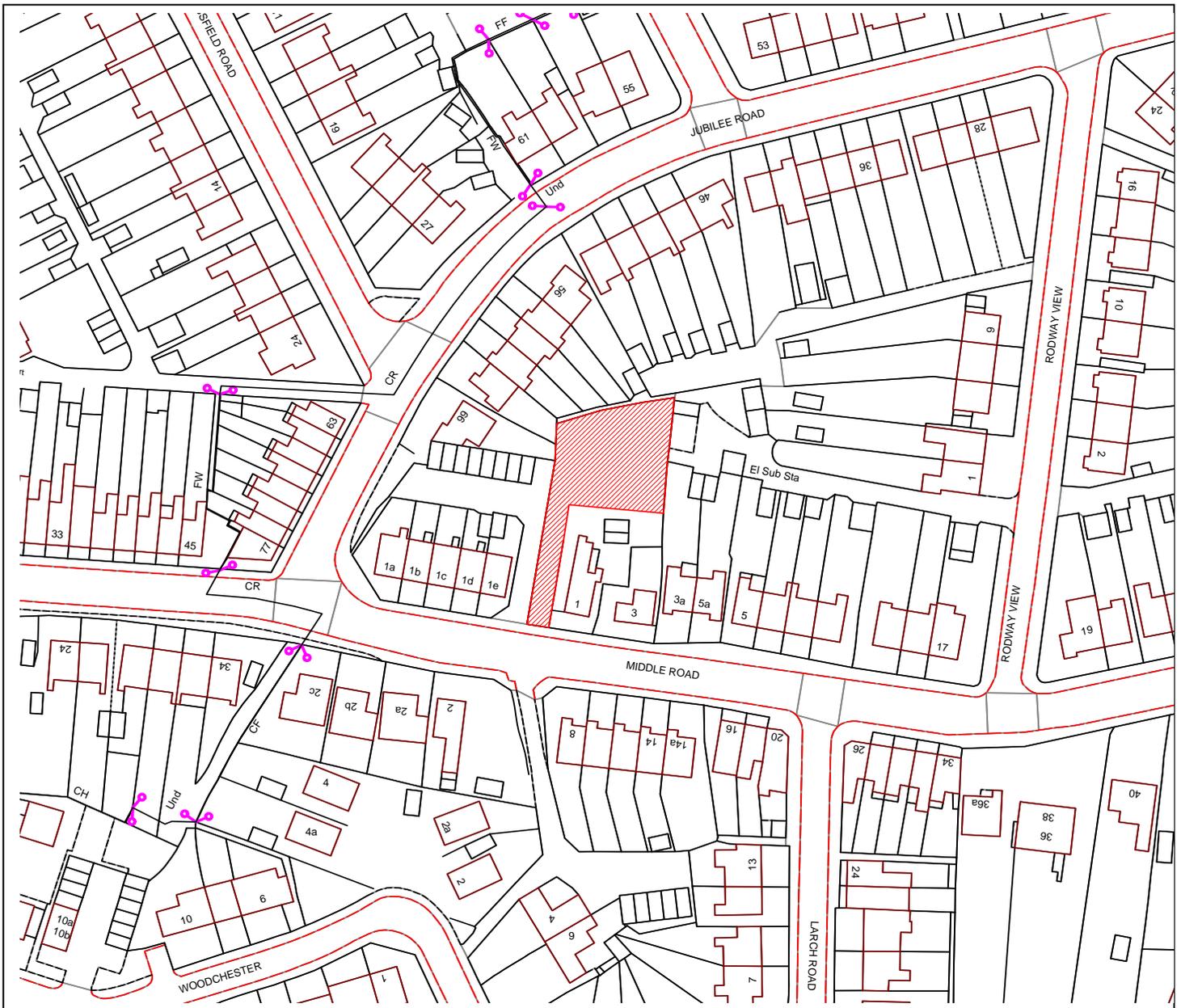
5. Location and details of the southern street layouts, to include street furniture, street planting and final surfacing material shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development. The development shall be implemented in accordance with the approved details, and maintained thereafter as such.

Reason(s):

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PK08/1124/O	Applicant:	Mrs Powell
Site:	1 The Lilacs, Middle Road, Kingswood, South Gloucestershire, BS15 4XD	Date Reg:	25th April 2008
Proposal:	Erection of 1no dwelling (Outline) with layout and access to be determined. All other matters reserved. (Resubmission of PK07/2694/O).	Parish:	
Map Ref:	65414 75328	Ward:	Rodway
Application Category:	Minor	Target Date:	17th June 2008



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INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule as a result of objections received from local residents regarding the proposed development.

1. THE PROPOSAL

- 1.1 This planning application seeks outline planning permission for the erection of one dwelling with matters of "layout" and "means of access" to be determined.
- 1.2 The application site relates to residential domestic curtilage within the established residential area of Kingswood.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1
PPS3

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
- T12 Parking Standards
- H2 Residential development within Existing Urban Areas
- H4 Development within Existing Residential Curtilages

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates to the application site:
- 3.2 PK01/0994/F Erection of two storey side and single storey rear Extension
Approved June 2001
- 3.3 PK01/3261/F Erection of single storey side/rear extension
Approved December 2001
- 3.4 PK07/2694/O Erection of one dwelling (outline) with layout and means of Access
Refused October 2007 on highway, design and residential amenity
Dismissed at appeal February 2008

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
No Town/Parish Council.

Other Representations

- 4.2 Local Residents
2 letters have been received from local residents raising the following objections to the proposed development:

- Loss of privacy
- Devalue in property
- Machinery Noise and dust
- Create more traffic
- Existing trees and roots
- Loss of established trees
- Highway safety
- Out of keeping

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for residential development within existing residential domestic curtilages subject to a number of criteria being satisfied.

5.2 This outline application seeks matters of “*layout*” and “*means of access*” to be determined with all other matters reserved. Details however of the external appearance and scale of the proposed building have also been submitted.

5.3 Members are advised to consider that this application is a re-submission of a recently refused application (PK07/2694/O) for the same works. That application was refused and subsequently dismissed at appeal. It should be noted however that the Inspector considered the principle of residential development acceptable and the only issue of concern related to highway matters which is discussed in detail under paragraph 5.12 & 5.13 of this report. It is therefore considered that in light of the Inspector’s findings the Council is unable to raise an objection to the principle of residential development on this site.

5.4 Layout

The application site relates to a domestic curtilage sited to the rear of no.1 Middle Road. This application proposes the erection of a two storey detached dwelling within the rear garden. At the time of the previous application a planning objection was raised on the grounds that the proposed development would fail to respect the pattern and character of residential development within the immediate surrounding area, due to its layout i.e. tandem development and lack of frontage.

5.5 The Planning Inspector however made the following assessment:

The appeal site represents a central open area within a block of development set at varying angles and orientations, and this results in garages, gardens and access lanes surrounding the site. It has limited visibility from public accessible areas and, therefore a two storey dwelling would not represent an incongruous feature here. As a consequence of the mix of development types and orientations locally, and in light of similar backland development to the rear of no’s 2 to 8 Middle Road, I do not consider that this proposal would be detrimental to the character of the area and I consider that it complies with Policy D and H of the Local Plan.

5.6 Based on the Inspector’s findings the Council is unable to raise an objection to the principle of a two storey dwelling on this site.

5.7 Residential Amenity

At the time of the previous application a planning objection was raised on the grounds that the proposed development was considered “tandem” development i.e. one house behind another and that this arrangement if allowed would have an adverse impact on the existing amenities of neighbouring properties and gardens by introducing vehicular movements into a previously peaceful environment, which if allowed would introduce unacceptable levels of noise and disturbance to the detriment of residential amenity.

5.8 The Planning Inspector however made the following assessment:

While the introduction of a dwelling to the rear of an established road frontage can result in additional noise and disturbance beyond that associated with normal garden use, I consider that the existing garages and access lanes in this area already establish a pattern of use that would not be material changed by this proposal.

5.9 Concerns have also been raised by local residents regarding issues of loss of privacy by reasons of the proposed siting of the dwelling. At the time of the previous planning application the Planning Officer was of the opinion that given the separation distance between nearby properties and the proposed dwelling, that the proposal would not have an adverse impact on existing levels of privacy and therefore no objection was raised.

5.10 The Planning Inspector was also of the view that given the separation and the oblique relationship between the elevations of the properties that this would be sufficient to ensure that there is no significant harm to the living conditions of occupiers of the Jubilee Road properties or The Lilacs.

5.11 It is therefore considered that a two storey dwelling in this location would not have an adverse impact on the existing amenities of neighbouring occupiers in terms of loss of privacy/overbearing impact or noise and disturbance.

5.12 Transportation issue

At the time of the previous application a planning objection was raised on the grounds that although the scheme proposed car parking and turning facilities for the existing and proposed dwelling, those arrangements were considered unacceptable as they were too restrictive and the site access was limited in width and did not provide any pedestrian facilities along the site access.

5.13 The Planning Inspector also agreed with the Council’s findings. Revised plans have been submitted as part of this current application to address those objections and the Highway Officer has confirmed that those now considered satisfactory.

5.14 Drainage

No objection.

5.15 Other Issues

Concerns have been raised regarding the condition of existing trees along the boundary of the site and the need for them to be removed. Members are advised to consider that this a civil matter between the neighbours and applicant.

Issues of noise and disturbance during construction and decrease in house values are not considered relevant material planning considerations in the determination of this application.

5.16 Design and Access Statement

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers PK08/1124/O

Contact Officer: Tracey Price
Tel. No. 01454 863424

CONDITIONS

1. Approval of the details of the scale, appearance of the building 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

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 scale and appearance of any 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

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

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

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

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

5. The hours of working on site during the period of construction shall be restricted to 8.00 - 17.00 Monday to Friday and 9.00 - 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006

6. The building shall not be occupied until the associated car parking and turning areas have been provided. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

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

7. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to the local planning authority for approval. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and safeguard the amenities of neighbouring occupiers and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development 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

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

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

Reason

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PK08/1126/TRE	Applicant:	Tearmallet Ltd
Site:	38 Counterpool Road, Kingswood, South Gloucestershire, BS15 8DQ	Date Reg:	25th April 2008
Proposal:	Works to fell 1no. Cherry tree and 1no. Tree of Heaven covered by Tree Preservation Order SGTPO14/05 dated 9 March 2006.	Parish:	
Map Ref:	64448 73302	Ward:	Woodstock
Application Category:	Minor	Target Date:	9th June 2008



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N.T.S

PK08/1126/TRE

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks permission to fell two trees which are covered by the same Tree Preservation Order, which was dated 9 March 2006. The site is an area of overgrown land to the side of a semi-detached dwelling and presenting its frontage to Pillingers Road. The cherry tree stands in the middle of the site, while the Tree of Heaven stands at the eastern edge and towards the rear.
- 1.2 The trees and two telegraph poles (one apparently redundant) are the only features of note to the side of the dwelling, which is in a residential area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
L1 Landscape and trees
- 2.3 Supplementary Planning Guidance
Trees on Development Sites

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/3643/F Erection of detached dwelling Refused

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished area
- 4.2 Other Consultees
SCG Tree Officer
The trees are growing along the boundary of the rear garden of 38 Counterpool Road, Kingswood. The trees are in poor structural condition due to inappropriate past management and storm damage. The proposal is to remove the trees in order to develop the site. There will be a loss of amenity to the area however the applicant is prepared to mitigate for the loss of these trees by planting new replacements. The species, size and location of the replants has not been decided upon.

There are no objections to this application. The Tree Officer recommends that the applicant or their representative will need to contact the tree officers to discuss suitable replants. This is to mitigate for the loss of the TPO trees.

Other Representations

4.3 Local Residents

Two replies were received, one not objecting, as follows:

We agree that the Tree of Heaven is unsightly and there is not much of it left after recent storms broke one of the main branches. The Ash, which is mentioned in the tree report sent by the applicant should also be felled, or pruned. It is growing over our house and as a result we have to constantly pay contractors to unblock the gutters of our home, which is very expensive for us as we are on disability benefits. A council officer stated, before the preservation order was put on, that it could be pruned, but it was not, then the preservation order apparently prevented the pruning.

The other consultation reply objected to the proposal, stating that the Tree Survey submitted with the application was totally untrue and if it was not challenged by the Council, then the objector would take the Council to Court.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against policy T1 in the Local Plan. The issues to be resolved with the proposed loss of the trees are whether the trees are in a fit condition to retain and secondly, whether their loss would be detrimental to residential amenity.

5.2 Tree Issues

The Tree Officer's comments appear above, noting that the two trees are not in a good state and have suffered from poor management and storm damage. With regard to the health of the trees it is considered that the proposal to fell them and replace them with healthier specimens on the site is acceptable.

5.3 Visual Amenity of the Trees

The trees were protected due to their value to the visual amenity of the area. The visual amenity that the trees offer has lessened due to the factors noted in the preceding paragraph. On balance it is considered that replacement trees would have the potential to provide greater visual amenity than the current trees. The replacement trees would be protected under the Tree Preservation Order.

5.4 Section 106 Requirements

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

6. CONCLUSION

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

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 works to fell the trees covered by the TPO are approved, subject to replacement trees of a size and species to be agreed with the Council, being planted on the site.

Background Papers PK08/1126/TRE

Contact Officer: Chris Gosling
Tel. No. 01454 863787

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

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

Reason

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PK08/1139/F	Applicant:	Mr N Pavlou
Site:	Westview Cottage, 18 Engine Common Lane, Yate, South Gloucestershire, BS37 7PX	Date Reg:	29th April 2008
Proposal:	Erection of two storey side and rear extensions with front and side porches to provide additional living accommodation (amendments to previously approved scheme PK06/3141/F).	Parish:	Iron Acton Parish Council
Map Ref:	70168 84715	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	10th June 2008



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N.T.S

PK08/1139/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule as a result of objections received from a local resident regarding the proposed development:

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side and rear extensions with front and side porches to provide additional living accommodation. (Amendment to previously approved scheme PK06/3141/F).
- 1.2 Located in the open countryside on Engine Common Lane, the area around the dwelling is characterised by farmland with small fields and hedgerows. Engine Common Lane is itself sparsely populated with a variety of dwellings mostly traditional in character and age.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
Advice Note 2 - Altering your Home

3. RELEVANT PLANNING HISTORY

- 3.1 N1360 Erection of two storey extension at rear to provide kitchen, hall and utility room with bathroom and additional bedroom above.
Approved 10/07/1975
- 3.2 N1360/1 Erection of a domestic garage
Approved 03/09/1976
- 3.3 PK06/0993/F Erection of two-storey side and front extension with canopy over and single storey rear extension.
Refused 25.05.06
- 3.4 PK06/3141/F Erection of two storey side and front extension with canopy over and single storey rear extension
Approved 01st December 2006

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish Council
No response.

Other Representations

4.2 Local Residents

One letter has been received from a local resident raising the following observations, which have been summarised by the Planning Officer as follows:

- Extension should not effect the construction and maintenance of future planned conservatory
- Loss of light

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for extensions to existing dwellings subject to a number of criteria being satisfied.

5.2 As planning permission (PK06/3141/F) has already been granted for the erection of a two storey side/rear extensions these elements cannot be re-assessed. The only issue up for consideration as part of this revised application relates to the proposed minor amendments to the previously approved scheme i.e. proposed rear balcony and changes to window openings on side elevation.

5.3 Design/Visual Amenity

The original cottage is traditional stone with red brick quoins to the side and white rough render to the front elevation with a red brick replacement chimney. The rear 'addition' is white rough rendered with stained softwood window frames and dark red double roman roof tiles.

5.4 Planning permission (PK06/3141/F) has already been granted for the erection of a two-storey side/rear extension with two gable ends with a dormer link between the two gable extensions.

5.5 This application seeks permission to amend the previously approved scheme by proposing a Juliet balcony on the rear elevation and a number of changes to the window openings on the side elevation. The proposed changes are considered acceptable.

5.6 Residential Amenity

Planning application PK06/0993/F sought planning permission for the erection of a two storey side extension and rear balcony and was refused on design and residential amenity grounds. The application had proposed a rear balcony. The Planning Officer at that time made the following assessment:

“The proposed balcony to the rear of the two storey extension is considered by virtue of an increased propensity for overlooking of private garden areas to result in erosion of the current levels of privacy

5.7 This proposed balcony differs from the previously proposed as it relates to a Juliet Style balcony. It is therefore considered that as this style of balcony does not allow for standing/sitting out and that the introduction of patio doors and Juliet balcony at first floor level of the rear elevation will have no greater impact than a standard bedroom window.

5.8 Concerns have been raised regarding the impact of the two storey rear extension on the neighbouring occupier's rear garden in terms of light and possible implications for next door's proposed conservatory. Again Members are advised to consider that permission has already been granted for the two storey rear extension and this cannot be re-assessed.

5.9 Design and Access Statement

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

5.10 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/1139/F**

Contact Officer: Tracey Price
Tel. No. 01454 863424

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 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.

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

Reason

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

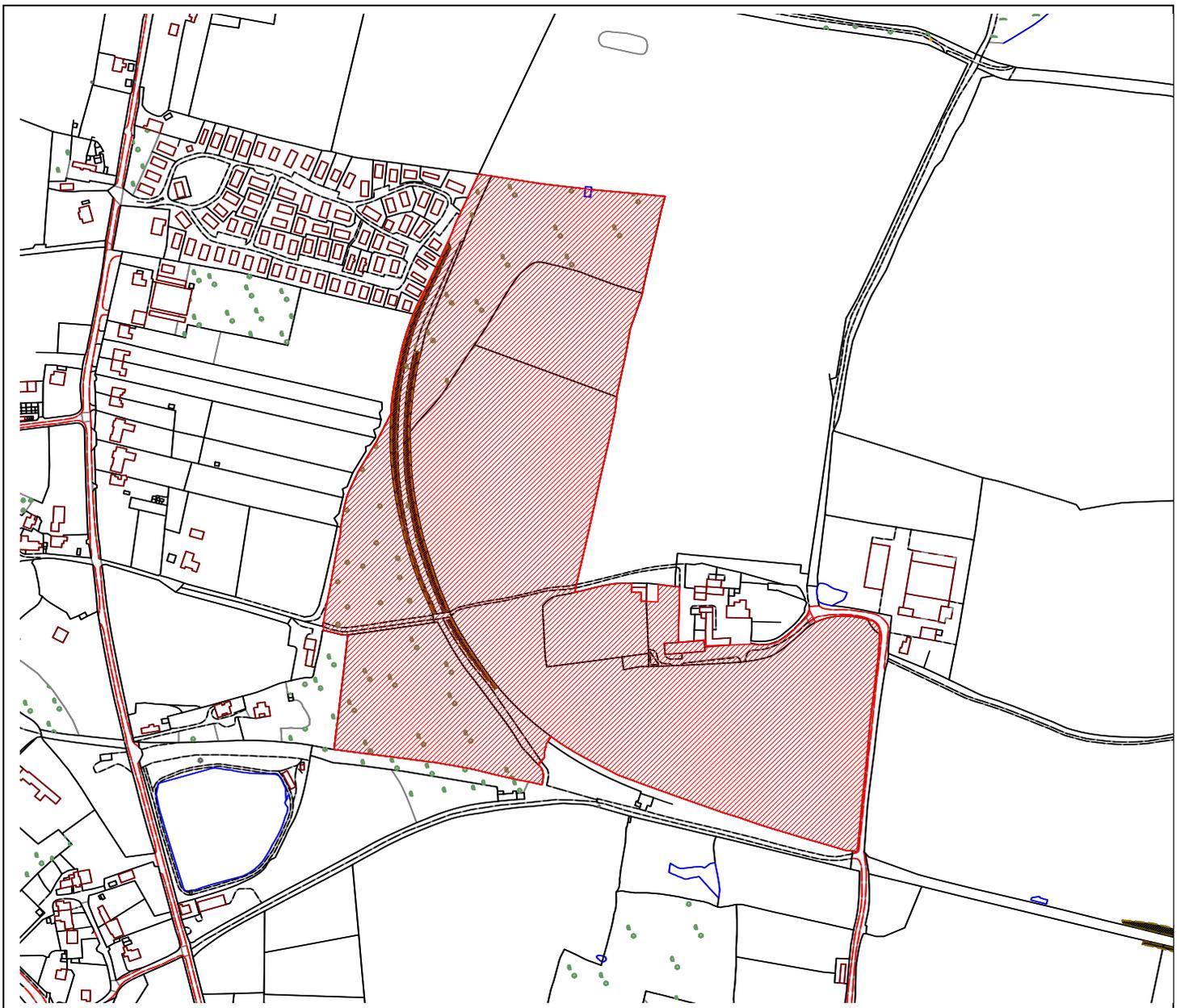
4. The existing trees and hedgerows along the north boundary of the site shall be retained and shall not be felled, lopped or topped without the prior written consent of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 1989 (Tree Works). Any trees and hedgerows removed without such consent or dying, or becoming damaged or becoming diseased shall be replaced in the next planting season with trees and hedgerows of such size and species as may be specified by the Local Planning Authority.

Reason

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PT07/3011/F	Applicant:	BHP Inspiring Events
Site:	Box Hedge Farm Box Hedge Lane Coalpit Heath South Gloucestershire BS36 2UW	Date Reg:	9th October 2007
Proposal:	Continued use of land and buildings for outdoor recreation and corporate use including corporate centre with ancillary office accommodation and storage.	Parish:	Westerleigh Parish Council
Map Ref:	68231 79768	Ward:	Westerleigh
Application Category:	Major	Target Date:	1st January 2008



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100023410, 2008.

INTRODUCTION

This application is on the circulated schedule as there are public comments contrary to the recommendation.

1. THE PROPOSAL

- 1.1 The application proposes the continued use of land and buildings for outdoor recreation, including a 'centre' building with ancillary office accommodation and storage at Box Hedge Farm, Box Hedge Lane, Coalpit Heath. Box Hedge Farm is located to the north of Bristol within the Bristol/Bath Green Belt. The site includes a number of fields located off Box Hedge Farm Lane, including forest land known as Martin Croft Brake and Ram Hill Woods. An archaeological feature and major recreational route 'The Dram way' runs half a mile south along Box Hedge Farm Lane. Martin Croft Brake and the disused Dram way are two Sites of Nature Conservation Interest, designated for their broad leaved wood land and species rich hedgerows. A public right of way route LWE38 runs between Box Hedge Farm lane and Elm Farm in a north/south direction to the east of the site. Public footpaths LWE39 and 40 run through Box Hedge Farm to Martin Croft Brake. There are a number of buildings located together in the original farm compound, including buildings for a bed and breakfast use. This application however only includes the single most south westerly building, which is used as the 'centre' building.
- 1.2 The 'centre' building was previously an agricultural barn and is now laid out with an 'education 'room for lectures, motivation techniques and health and safety training, two areas of storage , toilets and kitchen with a small area of ancillary office use on a mezzanine floor. With regard to activities on the site, in the largest field to the west next to the woodland, Honda pilots, Rage Buggies and Quad bikes would be operated. Rage buggies are off road four wheeled buggies, while Honda pilots are grass carts. In the grassed area just to the south below public right of way LWE39 only Quad bikes are operated. Then in the field directly to the south of the buildings compound clay target archery/air rifle shooting takes place in the western end of the field, shooting in an east to west direction. For the clay shooting there are 10 participants in one hour sessions, with only one person firing at a time, while with the archery/air rifles there are up to twenty participants in a one hour session, with up to four people firing at once. Eastwards there is another grassed area for quad bikes, and next to the access road to the farm is an area for Honda pilots and Rage buggies. The applicant also uses a 'Max Kat', which is a six wheeled all terrain vehicle on the grassland areas. The applicant indicates that for these motorised activities they run two machines for a maximum number of ten participants in a one hour session. The applicant also runs 4x4 driving and blindfold driving in the woodlands on the western edge of the site. In the southern woodland, Martin Croft Brake, a high ropes activity area has been set up.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPS23 Planning and Pollution Control

PPG13 Transport
PPG15 Planning and the Historic Environment
PPG16 Archaeology and Planning
PPS17 Planning for Open Space, Sport and Recreation
PPG24 Planning and Noise

2.2 Development Plans

Joint Replacement Structure Plan

Policy 16 – Green Belt

Policy 18 – Nature Conservation

Policy 19 – Heritage

Policy 21 – Forest of Avon

Policy 45 – Enjoyment of the Country side

Policy 51 – Walking and Cycling

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L1 Landscape Protection and Enhancement

L4 Forest of Avon

L8 Sites of Regional and Local Nature Conservation Interest

L9 Species Protection

L11 Archaeology

EP1 Environmental Pollution

GB1 Development within the Green Belt

E7 Conversion and Re-use of Rural Buildings

E8 Farm Diversification

LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries

LC12 Recreational Routes

T6 Cycle Routes and Pedestrian Routes

T12 Transportation Development Control Policy

2.4 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (adopted)

Development in the Green Belt (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P90/2414 Use of Agricultural land for leisure activities (paintball games) and carrying out of associated engineering and other operations including excavation of trenches and construction of earth banks.

Refused on 14 November 1990 for reasons that proposal would be detrimental to the visual amenities and character of the Green Belt, ecological disturbance to a site designated as being of county importance for wildlife., unsuitable roadways and turning facilities for additional traffic, and the adverse effect on public footpath LWE39.

Appeal withdrawn

- 3.2 P96/1753/P Prior approval not required for the erection of steel framed agricultural building 21 June 1996.

(This is the building currently being used as the centre)

- 3.3 P99/1395 Change of Use of barn for storage (B8) Insertion of doors and creation of hard standing (retrospective)

Refused 25 May 1999

- 3.4 P99/2643 Change of Use of barn to B8 use and installation of doors and construction of hard standing.

Refused on 9 February 2004 for the following reason:-

'Box Hedge Farm lane is unsuitable to serve the development by reason of its width, alignment and its geometry with Westerleigh Road and its designation as a recreational route. The development proposed would be detrimental to all its users and highway safety, contrary to policies T12 and LC12 of the South Gloucestershire Local Plan (Revised Deposit Draft).

Appeal dismissed with the Inspector concluding that the proposal would have an unacceptably harmful effect on highway safety.

- 3.5 CAW/06/0337A Appeal against Enforcement Notice requiring 'Cease the use of the land for recreational activities and corporate events (Class D2) and return the land and conference building to agricultural use.'

The appeal was on Ground D of section 174 (2) with the claim that the enforcement notice was issued too late, and the matters alleged in the notice has become immune from enforcement through the passage of time.

The Inspector varied the area covered by the Enforcement Notice and dismissed the appeal on 24 May 2007.

- 3.6 CAW/06/0337B Appeal against Enforcement Notice requiring 'Removal of the wooden structures used for the purposes of outdoor recreational activities in the area of woodland at Martin Croft Brake.'

The appeal was on ground A against the 'operations 'notice. The Inspector dismissed the appeal and concluded that the Enforcement Notice be upheld.

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

Objection on the following grounds:-

- 1) Access is inadequate even if any lane widening scheme was implemented
- 2) Excessive noise caused by quad bikes, Honda pilots, hovercraft etc
- 3) Constant noise from clay pigeon shooting all day and into early evening when events are being held.
- 4) Spent shot falls on to land not in the ownership of the applicant
- 5) Excessive dust causing nuisance to local residents
- 6) Application form information not correct and not fully completed
- 7) Information provided at the last appeal hearing contradicts this application.

Other Consultees

4.2 Sustainable Transport

Following the refusal of the previous application, P99/2643, negotiations have taken place between the Highway Authority and Entran (the agent). I can confirm that junction improvements shown in figure 1.1 of "Working Paper 1 – Transportation Issues" would be acceptable and necessary. It would, however, be necessary to provide a plan showing the location and specification of the proposed passing bays.

Recommendation is that no transportation objection be raised subject to a Section 106 agreement to secure the proposed access improvements and passing bays.

4.3 Public Rights of Way (PROW)

The proposed development will affect public footpaths LWE/39. The definitive line of the path is currently blocked, and the unofficial path will be affected by the increased traffic as a result of the proposals.

The definitive line should be re-instated and made available for public use, or the developer should apply for a diversion of the route under the TCPA 1990, as part of the planning application. Any diverted path must have regard for public safety, as a result of the increased traffic using Box Hedge Lane.

The applicant must ensure that there is no change to the surface of the right of way, no diminution in the width, and no blockage or risk to safety of users.

4.4 Environmental Health

Original Comments

Prior to commenting an acoustic report is needed along with a plan to mitigate against dust and the proposed opening hours.

Revised Comments

The external noise report submitted as part of the application assessed the clay pigeon shooting in accordance with the Chartered Institute of Environmental Health document entitled "*Clay Target Shooting - Guidance on the Control of Noise*". The report stated that the measured noise levels indicate that annoyance is highly likely to occur at the noise sensitive properties locations 'B' and 'C'. It also states that shooting should not normally take place with separation distances of less than 1 kilometre in the direction of shooting except under very exceptional circumstances. In this case there are noise sensitive properties within the 1 kilometre separation distance.

Therefore the activity will be detrimental to the local amenity and hence an objection is made.

Dust from site

A dust management plan should be provided detailing the following:

- Identify certain areas which are not to be used when the ground is dry and therefore potentially dusty. This may include prohibiting the use of certain areas between particular months i.e. prohibiting the use of track 1 between April- September
- The use of dust suppressants and/or watering down tracks to ensure dust is kept to a minimum.
- A subjective assessment to be made by the operator of the amount of dust created when activities are taking place and this to be recorded in a logbook together with any remedial action taken to ensure the dust does not cause annoyance to local residents.

Noise from other activities

(i) Further details of the acoustic fence should be provided detailing the exact location of any such fence.

(ii) The hours of operation should not exceed the following:

Monday-Friday 0900hrs to 1700hrs

Saturday 1000hrs to 1700hrs

4.5 Ramblers Association

There is a foot path running east to west across the site. The Council need to take into account the safety of the walkers and their unhindered enjoyment of the path when considering the suitability of the application.

4.6 Avon and Somerset Constabulary

At present Mr Hendy has authority to conduct clay pigeon shooting events for non – shot gun certificate holders for a maximum of 28 events during a calendar year. However there appears to be evidence to show that Mr Hendy has organised in excess of 40 shooting events. The holding of these additional events and potential danger being caused to members of the public, by shot falling outside of the authorised premises, are likely to result in the authority of the Chief Constable being withdrawn. As additional events are being arranged on behalf of Mr Hendy, any person using a shot gun without holding a shotgun certificate would probably be shooting illegally, with any accidents having no legal insurance cover and being the subject of an investigation by the Health and Safety Executive. The incidents reported by members of the public have serious implications in relation to the danger to public safety.

Other Representations

4.7 Local Residents

11 number of letters received objecting on the following grounds:-

- a) Use of quad bikes and Honda pilots creates an unacceptable level of noise pollution with homes in close proximity and vehicles often driven at high speed, where noise is maximum.
- b) When weather conditions are dry these vehicles generate large amounts of dust, which drift on to nearby houses and gardens.
- c) Application would allow tanks, hovercraft and light aircraft which have featured previously on the site.
- d) With regard to clay shooting, the area used is not sufficient to prevent shot falling on and polluting adjacent property in contravention of the fire arms licensing guidelines.
- e) Access to the site. Even if 30 metres of it were widened to 5 metres of the junction with Westerleigh Road as proposed, it would not allow for full size coaches, which have brought parties in the past.
- f) The site is in the Green Belt and should be retained for quiet country pursuits, such as walking and horse riding.
- g) The farm should resort back to agricultural use.
- h) The use gives rise to a considerable level of traffic, including coaches and stretch limousines on what is a single track road, the size of these vehicles endangers walkers and horse riders.
- i) The shooting involving lead shot on the site is a potential danger for children using the playing field next Hanham Hall.
- j) Along woodland edge closest to caravan park are some important industrial heritage remains, including tracks from the Bitterwell Lane industrial site to the railway.
- k) The applicant has indicated on the application form that he owns more land than actually does.
- l) The applicant did not go through the correct procedure to get planning permission for the building.
- m) Why didn't the activities cease after the previous extensive enforcement public inquiry?

n) The widening of the land would lead to flooding.

A petition containing 45 names has also been received, objecting on the following grounds:-

- 1) Noise from the site, especially at week ends.
- 2) Airborne dust and particles
- 3) Shot and debris falling on recreation site (Newman Fields)
- 4) Increased traffic movement along an unsuitable lane

Two letters received supporting the application for the following reasons:-

- a) Activities have been going on without causing any undue harm to the environment or local population for many years
- b) The business activities create jobs and wealth for the area and local community.
- c) Good to see rural land being put to good use and managed properly
- d) Have used the facilities with friends and family, and feel it helps promote countryside activities to a largely urban population.
- e) The activities at Box Hedge Farm do not cause any undue harm or disturbance to the neighbourhood.
- f) Many client groups that use the site are vulnerable adults and school children from the city and the local community and this facility helps them build team work and self confidence.
- g) The wood land rope course is sympathetically situated in the woods where it is well screened.

Letter on behalf of Applicant stating:-

- 1) Business uses have been taking place here for more than 10 years and provide both a livelihood for a number of people and an opportunity for people to participate in outdoor recreational activities.
- 2) The Department for Environment, Food and Rural Affairs (DEFRA) actively promote the adaptation and development of rural areas, and have stated that diversification in to non agricultural activities is a high national priority.
- 3) PPG2 – Green Belt highlights positive role land in Green Belt has in fulfilling objectives of providing access to the country side and opportunities for outdoor recreation.
- 4) PPS7 states that the promotion of appropriate leisure uses is one of its key objectives and that diversification in to non- agricultural activities is vital.
- 5) PPG17 addresses planning for open space, sport and recreation. PPG17 states that planning permission should be granted in Green Belts for proposals to establish essential facilities for outdoor sport and recreation where the openness of the Green Belt is maintained.
- 6) The development in the woods and adjacent fields provides real opportunity for access to the open country side and facilities for outdoor recreation. Therefore it accords with Policy GB1 of the Local Plan.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

With regard to the principal of the development this report shall address the principal of the three parts of the proposal.

- 1) The overall general use of the land for the purposes indicated
- 2) The use of the building on the site as a corporate centre.
- 3) The erected wooden structures within the wood land.

5.2 Principle of the Overall General use of the Land for the Purposes Indicated

Planning Policy Note 2 'Green Belts' states in paragraph 1.6 that 'Once Green Belts have been defined, the use of the land in them has a positive role to play in fulfilling objectives, which include the following:-

To provide opportunities for access to the open country side for the urban population;

To provide opportunities for outdoor sport and outdoor recreation near urban areas;

To retain attractive landscapes, and enhance landscapes, near to where people live;

Policy GB1 of the South Gloucestershire Local Plan then states with regard to change of use of land within the Green Belt that permission will be given providing there is no materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land in it. It continues by stating that any proposal which would have an adverse impact on the visual amenity of the Green Belt will not be permitted. Policy E8 concerning Farm Diversification states that proposals for farm diversification will be permitted provided that there would be no detrimental impact on highway safety, residential amenity or the environment.

Policy LC5 of the Local Plan that specifically refers to sports and leisure facilities outside urban areas, and includes motorised and noisy sports, states they will be acceptable providing they do not cause detrimental impacts in terms of highway safety/parking, character and diversity of the landscape and residential amenity.

Your officers consider that the use of the land for grass carts, buggies, quad bikes, shooting, archery, 4x4 driving constitute out door sport and recreation, thereby conform with the general principles of land use within the Green Belt and policies E8 and LC5 of the local plan. The principle of the use is therefore acceptable subject to the following:-

- 1) Impact on the openness and character and appearance of the Green Belt
- 2) Impact on the amenities of neighbouring occupiers and other users of the land (walkers on footpaths)
- 3) Impact on flora and fauna
- 4) Impact on archaeology
- 5) Highway issues

5.3 Principle of Use of Building on the Site as a Corporate Centre

This building has been the focus of both a previous planning permission refusal with appeal dismissed and recent enforcement notice, the appeal against which was also dismissed. The conversion and re use of the building as a centre is considered acceptable in principle both with regard to policy E7 – Conversion and Re-use of Rural Building and green belt policies with the building itself retaining the appearance of a rural building, subject to impact of the use on the environment, residential amenity and traffic generation. The earlier appeal was dismissed by the Inspector on highway concerns.

5.4 Principle of the Erection of Wooden Structures within the Wood land

With regard to outdoor recreation and structures Paragraph 3.4 of Planning Policy Guidance Note 2 'Green Belts' states that only essential facilities for outdoor sport and outdoor recreation would be acceptable.

With regard to the specific structures in the wood land the Inspector in dismissing the appeal against the enforcement notice stated in paragraph 25 of his report:-

'The local and national policy is that there is a presumption against 'inappropriate' development in the green belt except in 'very special

circumstances'. The structures subject to this appeal are not 'buildings' in the conventional sense. Nevertheless their erection constituted what is known as operational development. As is clear from paragraph 3.12 of PPG2, operational development is inappropriate development unless it maintains openness and does not conflict with the purpose of including land in the Green Belt. One of these purposes (as stated in paragraph 1.5 of the guidance) is 'to assist in safeguarding the country side from encroachment'.

He continues in paragraph 26 stating 'Although not specifically stated in PPG2 or in the local development plan, given the context it is logical to take the expression 'encroachment' here as meaning by man made, unnatural or urban types of development. In that respect, even if the view is taken that the disputed structures do not affect the area's openness, they are inappropriate under current policy guidance – they are artificial, man made items in what would otherwise be natural woodland'

To conclude the structures in the wood land are considered inappropriate development and therefore unacceptable in principle unless 'very special circumstances' can be demonstrated.

5.5 Impact on the openness and character and appearance of the Green Belt

As stated previously the barn converted in to a conference centre retains it's appearance as a agricultural building, and the building has no impact on the Green Belt.

The vehicular uses in the open fields also have no impact on the openness of the Green Belt, and it is not felt that the level of activity of the vehicles is sufficient to be considered to affect the character and appearance of the Green Belt with regard to the view of them driving around the fields or the impact they have on the appearance of the fields themselves. Whilst they do erode the grassland to a certain extent, operating heavy farm machinery would have a similar effect, while ploughing up the grassland for agricultural use would obviously not require planning permission. Shooting and archery with the small target boards also are not considered to have a detrimental impact on the Green Belt.

The numbers of cars/coaches bringing people to attend the activities and parking up at the farm are further not considered to be sufficient to affect the character and appearance of the Green Belt.

Overall your officers consider that the activities in the open field areas do not affect either the openness or the character and appearance of the Green Belt.

With regard to the wood land structures, the Inspector in dismissing the appeal against the enforcement notice stated in paragraph 27 of his report:-

....there are points in support of granting permission for these structures. They are mostly not visible from publicly accessible viewpoints, and the fact that the woodland is now covered by a tree preservation order decreases the prospect of any large scale removal of trees. It can also be reasonably argued that the structures were erected so as to 'provide opportunities for outdoor sport or recreation –this is one of the positive uses of green belt land referred to in paragraph 1.6 of PPG2....

Your officers accept that an argument for very special circumstances could potentially be made around the fact that the structures can not be seen from public viewpoints, bar from the neighbouring footpath and are for outdoor sport and recreation. The woodlands are however subject to protection and these "circumstances" would need to be viewed within the context of the impact of the woodland activities on the flora and fauna.

5.6 Impact on the amenities of neighbouring occupiers

Neighbouring residents, particularly from Green Acres Park and Ram Hill have raised concerns with regard to the impact of the use on their residential amenities. One main concern is the clay pigeon shooting. The report submitted by the applicants indicates that there are residential properties falling within the one kilometre separation distance as advanced by the 'Clay Target Shooting – Guidance on the Control of Noise' to prevent noise nuisance. Residents have also complained of shot falling on their properties. Your Environmental Health officer supports an objection on these grounds. The applicants have shown an acoustic barrier proposed to be erected between areas 1 and 2 to the east of the site, where it would appear to have little effect on preventing noise from the grass carts, buggies, and quad bikes carrying to residential properties. Noise from high engine revving 'blind' 4x 4 driving in the woodlands has also affected the occupiers in Green Park. Residents have further complained of dust problems, when the fields are dry in the summer months. Even after a request by your Environmental Health officer the applicant has still failed to show any dust mitigation proposals.

Overall the noise from the clay pigeon shooting is considered unacceptable, while the applicant has failed to indicate how general vehicle noise and dust from the vehicles will be mitigated.

5.7 Impact on the amenities of footpath users

Footpaths LWE38, 39 and 40 cross the site. Whilst the applicant has stated there has been no accidents in the past, there is concern both at the safety of walkers and the impact on their enjoyment of the foot paths. Of particular concern is the proximity of the shooting area, blind 4 x 4 driving and the quads, pilots and buggy tracks to path LWE39. It is felt that the uses both potentially affect the health and safety of the users and do affect the enjoyment of the footpath users due to the noise, dust and general proximity of the vehicles. With regard to the PROW officer's comments regarding the blocking up of the paths, it should be stated that they need to address this matter through specific PROW legislation.

5.8 Impact on Flora and Fauna

The building and the activities in the open fields are not considered to have an impact on ecology on the site. The key areas of concern are the activities in the woodland on the western side of the site. These woodlands house the Martin Croft Brake and Disused Dram way sites of nature conservation interest. The Council's ecologist requested that the applicant submitted a woodland management plan. The applicant has submitted a plan, however it is of poor quality and has not answered the queries raised by the ecologist. He has two major concerns with the impact on the wood land. First of all there is direct loss and damage from the activities, both from the people using the structures and the blindfold 4 x 4 driving in the woodlands, which is contrary to policy LC8 of the Local Plan. Secondly the applicant has failed to undertake a survey of protected species in the area. There are records of brown long eared bats and nightingales in the vicinity of the woods and dormice are specifically associated with native broadleaf wood land, particularly ancient wood land. The ecologist specifically requested a survey of county notable and protected species in the month of February, when this month was being approached. Accordingly there is insufficient information to determine the likely impacts of development on the protected species.

With regard to flora, there is concern from the Council's landscape officer that the 4 x4 driving within the woodlands will lead to damage to woodland that is a significant feature of the landscape. This is contrary to policy L1 b) of the South

Gloucestershire Local Plan in that it is not protecting and managing a distinctive landscape feature in a manner that ensures it's long term viability.

5.9 Transportation Issues

Transportation concerns have been a fundamental concern with development on this site, with the appeal in 2004 against the change of use of the barn being dismissed on highway issues and residents raising highway concerns in relation to this current scheme. The applicant has discussed the highway concerns with the Council's Transportation officer and the following has been put forward.

- 1) Box Hedge Lane would be widened over a 30 metre length to approximately 5 metres from 3.5 metres.
- 2) 8 Metre – 9 metre radii proposed at the junction of Box Hedge Lane with Westerleigh Road to facilitate movement by all vehicles ; and
- 3) Five vehicles waiting to exit Box Hedge Lane allowing for 5 vehicles to enter Box Hedge Lane without the need to wait on Westerleigh Road.

Figure 1.1 of the submitted working paper – Transportation issues shows these highway alterations.

The Council Transportation officer confirms that these junction improvements would be acceptable subject to a plan showing the location and specification of proposed parking bays and recommends that no transportation objection be raised subject to a section 106 agreement to secure the proposed access and passing bays.

The highway alterations involve Council highway land and if the application was being put forward for approval then your officers would recommend that these works were covered by a legal agreement. However in the light of the fact that there are other concerns and the application is to be recommended for refusal, then the agreement will not take place. The application is accordingly recommended for refusal on highway grounds for the same reason as in 2004. 'Box Hedge Farm lane is unsuitable to serve the development by reason of its width, alignment and it's geometry with Westerleigh Road and its designation as a recreational route. The development is detrimental to all it's users and highway safety, contrary to policies T12 and LC12 of the South Gloucestershire Local Plan.

5.10 Archaeology

The Council's Archaeologist states that the site is crossed by a historic railway line (dram way) which runs long the eastern edge of the woodlands. Activities are taking place in the wood lands including 4 x4 driving. In wet weather these can do substantial damage and as there is no clear information about the nature and extent of the possible ground disturbance in this area. There is potential for damage to this piece of industrial archaeology. In the absence of any information about the scale of likely damage and any provision for protection and retention of this feature refusal of the application in its current form is recommended by the archaeology officer.

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.

5.12 Other Material Concerns

With regard to site area the applicant has confirmed that the site is 40 acres or 16.2 hectares in size. Concerns have also been raised by residents as to how a planning application can be entertained after the recent appeal inquiry dismissed the appeals against the enforcement notices. With regard to this matter it should be stated that the appeals against the enforcement notice were in relation to it's timing and requirements and not to the planning case as to whether planning permission should be granted for the uses on site.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That Planning permission be REFUSED for the following reasons.

Background Papers PT07/3011/F

Contact Officer: Ron Moss
Tel. No. 01454 863425

REFUSAL REASONS

1. The wooden structures located within Martin Croft Brake constitute inappropriate development within the Green Belt, and no very special circumstances have been put forward to outweigh the harm caused by their inappropriateness. The development is therefore contrary to the advice in PPG2 - Green Belts, policy 16 of the Joint Replacement Structure Plan and policy GB1 of the South Gloucestershire Local Plan (adopted)January 2006 as well as the Council's supplementary planning document 'Development in the Green Belt' (adopted 2007).

2. The noise from the clay pigeon shooting is detrimental to the residential amenities of the neighbouring residential occupiers in Ram Hill and Green Acres Park as well as Elm Farm. Furthermore the failure of the development to mitigate against the noise and dust from the use of the mechanized vehicles in the form of grass carts, buggies and quad bikes on the site is also detrimental to the residential amenities of these neighbouring occupiers. The development is therefore contrary to policies D1, LC5 and E8 of the South Gloucestershire Local Plan (adopted January 2006).

3. The development fails to mitigate against the impact of the activities in the woodland on the flora and fauna contained within the Martin Croft Brake and Dram Way Sites of Nature Conservation. The development has also failed to demonstrate that there would be no harm to protected species. It is therefore contrary to policies L1.B, L8 and L9 of the South Gloucestershire Local Plan (as adopted January 2006)

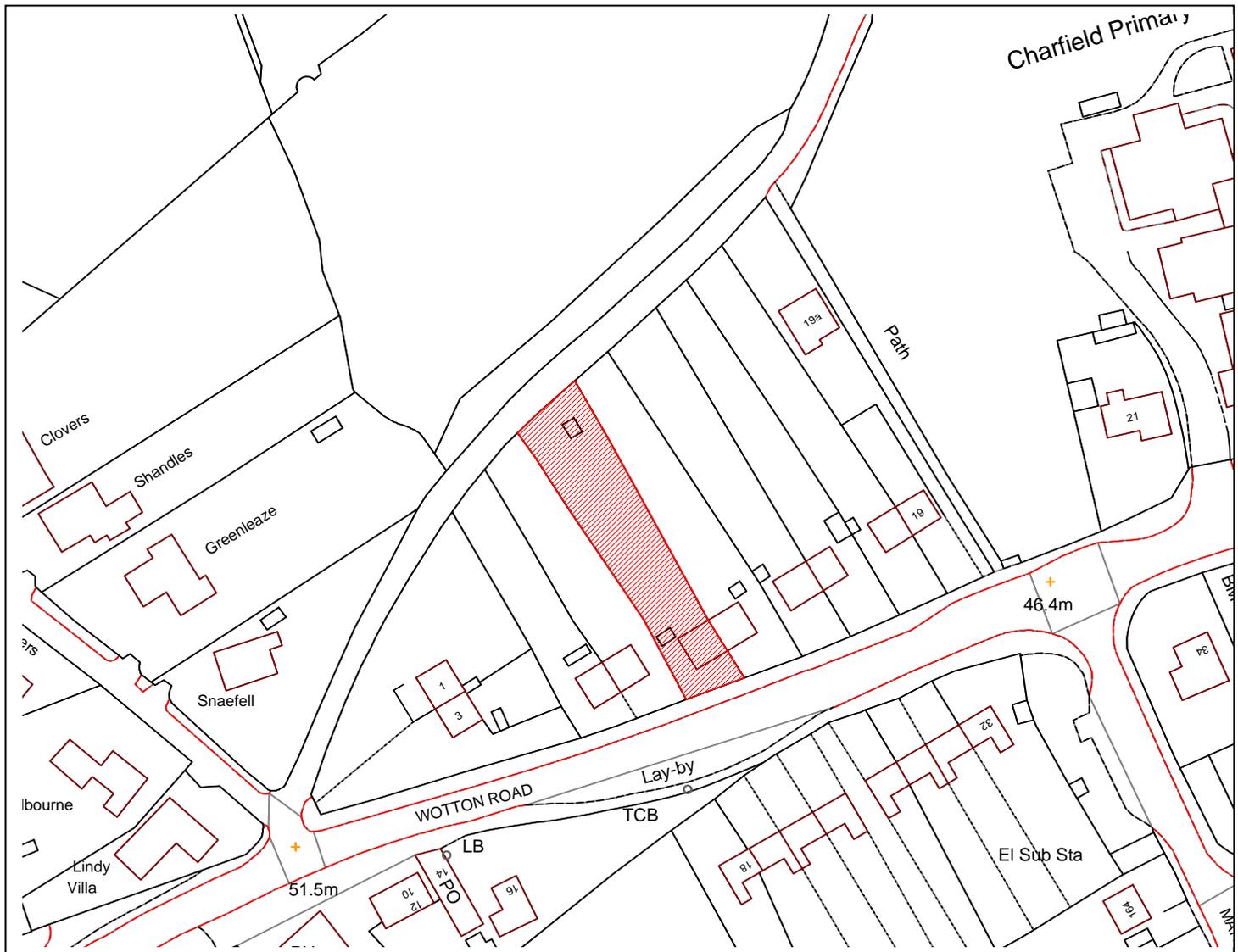
4. The site is crossed by a historic railway line, the Dram Way and the development is not shown to provide any mitigation against potential damage to this historic feature. The development is therefore contrary to policy L11 of the South Gloucestershire Local Plan (as adopted January 2006)

5. Box Hedge Farm Lane is unsuitable to serve the development by reason of its width, alignment and it's geometry with Westerleigh Road and its designation as a recreational route. The development is detrimental to all it's users and highway safety, contrary to policies T12 and LC12 of the South Gloucestershire Local Plan (as adopted January 2006).

6. The use of the site for mechanized vehicles in the form of grass carts, buggies and quad bikes as well as 'blind' 4 x 4 vehicle driving and shooting is both a safety hazard for and detrimental to the enjoyment of users of the public rights of way that cross the site. in particular route LWE39. The development is therefore contrary to policy T6 of the South Gloucestershire Local Plan (as adopted January 2006)

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PT07/3536/F	Applicant:	Mr M Batters & Ms S Nicholas
Site:	9 Wotton Road Charfield WOTTON UNDER EDGE South Gloucestershire GL12 8TP	Date Reg:	30th November 2007
Proposal:	Erection of 1 no. dwelling, access and associated works.	Parish:	Charfield Parish Council
Map Ref:	71850 92168	Ward:	Charfield
Application Category:	Minor	Target Date:	25th January 2008



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N.T.S

PT07/3536/F

INTRODUCTION

This report appears on the circulated schedule as there are comments received in respect of the planning application which are made contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site consists of part of the rear garden associated with 9 Wotton Road. Access to the site is via the existing access to the existing dwelling direct from Wotton Road
- 1.2 This application seeks approval for the construction of a new dwelling within the rear garden of the existing dwelling. Access to the new dwelling would be shared with the existing dwelling at 9 Wotton Road.

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	Achieving Good Quality Design in New Development
H4	Development within Residential curtilages
H2	New Residential Development within the Urban Areas or Village Development Boundary
T7	Cycle Parking
T8	Off Street Parking Standard
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

Adopted South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/1047/O Erection of 1 no. dwelling on 0.036 hectares of land (Outline) with means of access to be determined. All other matters reserved.
Refused
- 3.2 PT06/1032/F Erection of 1 no. dwelling with associated works.
Refused
- 3.3 PT6/1999/O Erection of 1 no. detached dwelling (outline)
(Resubmission of PT06/1032/F)
Withdrawn
- 3.4 PT06/2557/O Erection of 2 no. dwellings (Outline) with siting and means of access to be determined. All other matters reserved.
Approval

- 3.5 PT07/2835/F Erection of 1 no. detached dwelling with integral garage and associated works. Erection of 1 no. detached garage. Refused
- 3.6 PT08/0391/F Erection of detached dwelling with associated works (7 Wotton Road) Approved

4. CONSULTATION RESPONSES

4.1 Charfield Parish Council

The Parish Council Object to the proposed development on the following grounds;

Inadequate car parking and turning space for residents of the new property especially when a car is parked there already

Inadequate car parking and turning space for residents of existing dwelling at no.9 especially when a vehicle is already parked there. Also this makes for a dangerous foot access to the rear property, and may lead to cars parking on the verge on the busy main road

Overdevelopment of the site in terms of the size of the property, also we are not aware that a precedent has been set for three storey properties in this immediate vicinity

Overbearing nature of the property in relation to the privacy enjoyed by neighbours as it overlooks many gardens and houses from the front

Detrimental to the street scene

- 4.2 **Sustainable Transport**
No Objection is raised to this proposal

Other Representations

- 4.3 **Local Residents**
No Comments received

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the construction of a new dwelling within the curtilage of an existing dwelling. The site is within the Village Development Boundary (VDB) associated with Charfield.

- 5.2 **Principle of Development**
Policy H2, and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 are relevant to this planning application. The policies indicate that the proposed development is acceptable in principle subject to the following considerations.

- 5.3 In addition, the previously approved planning application (PT06/2557/O) has granted outline planning consent for the development of two dwellings on the

site made up of this property and the adjacent property at 7 Wotton Road. This approved the siting and access in respect of the development across the two properties. However, this application is submitted independently and in full. As such the issues of siting and access must be re-addressed along with issues relating to the design of the development generally. These are considered below.

5.4 Density

In calculating the density of the development on the basis of two dwellings within this site (existing and proposed), the development would achieve approximately 31 dwellings per hectare. This is consistent with the requirements of PPS3 and Policy H2 South Gloucestershire Local Plan (Adopted) January 2006.

5.5 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design. This is supported by Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the South Gloucestershire Design Checklist.

5.6 The site is located at the rear of 9 Wotton Road and would be accessed via the existing access associated with that dwelling. The dwelling is one of a row of former local authority semi-detached housing dating back from the early to mid 20th Century. They are brick built and take on an appearance typical of this period of house building; and the dwelling are not of particular architectural merit. The context of the development site is rural. The site is located at the edge of the VDB and looks out onto open countryside and would be relatively prominent within the surrounding landscape. It is considered that this site provides the opportunity to develop a very distinctive building in its own right, whilst taking its design concept from the local vernacular building style.

5.7 The siting of the proposed dwelling is approximately the same as its equivalent under the outline approval (PT06/2557/O). This submission details a contemporary design which is bespoke in appearance and would utilise traditional materials in a contemporary way. The proposed dwelling is two storey with rooms in the roof space. The development includes modest dormers within the roof space that are consistent with the broader context of the surrounding locality. In this instance, it is considered that the building represents an acceptable approach in design terms.

5.8 Residential Amenity

Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 seek to ensure that new development would not have an unacceptable impact upon the privacy and residential amenity of the occupants of nearby dwellings.

5.9 Given the position and orientation of the proposed development in relation to the surrounding dwellings, the development would allow views across nearby residential curtilages. However, this is a normal relationship within a residential area such as this and these views would not facilitate direct overlooking and views into living accommodation associated with other dwellings. It is therefore considered that the proposed development would have no material impact in residential amenity terms.

5.10 Drainage

It is proposed to utilise soak-aways to deal with surface and the existing drains within Wotton Road to deal with foul water. Notwithstanding this, it is considered necessary for the developer to provide further information regarding the drainage of the site to ensure that the most sustainable form of drainage is implemented in relation to the characteristics of the site. This can be achieved through and appropriately worded condition.

5.11 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon highway safety and amenity. Policy T8 provides maximum parking standards for new development.

5.12 Although the current outline planning consent (PT06/2557/O) would utilise a shared access for two dwellings (to the rear of 7 and 9 Wotton Road) the principle of accessing onto Wotton Road has been established. In the event that two independent accesses are introduced side by side at this point, to serve two independent dwellings, there would be no material increase in the volume of vehicles entering Wotton Road. On this basis, the use of the proposed access is acceptable in principle. Notwithstanding this, it is essential that vehicles using the access can enter and egress the site in forward gear.

5.13 In this instance, independent parking and turning facilities are to be provided in respect of the existing and proposed dwelling. These facilities would allow sufficient off street parking to comply with policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006; and would allow sufficient turning space within each property to allow vehicles to access and egress the shared access in a forward gear. Issues relating to the parking of vehicles on the grass verge, footway or highway outside the site are matters for police traffic enforcement and cannot be considered as part of this planning application.

5.14 On this basis, the proposed development is acceptable in transportation terms.

5.15 Design and Access Statement

The Design and Access Statement submitted with this application is considered to demonstrate that the applicant has adopted a design approach that is consistent with the Councils Design Checklist Supplementary Planning Document (Adopted)

5.16 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, 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 conditions

Background Papers **PT07/3536/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. Within 3 months from the date of the decision a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason(s):

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

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

Reason(s):

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

5. 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.

6. No windows or rooflights other than those shown on the plans hereby approved shall be inserted at any time at first floor level in the east and west elevation of the property.

Reason(s):

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.: PT08/0795/CLE
Site: 145 Conygre Grove, Filton, South Gloucestershire, BS34 7HX
Proposal: Application for certificate of lawfulness for the use of the land at the rear of the property as domestic curtilage.
Map Ref: 61112 79236
Application Category: Minor

Applicant: Mrs M J Howells
Date Reg: 26th March 2008
Parish: Filton Town Council
Ward: Filton
Target Date: 12th May 2008



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PT08/0795/CLE

INTRODUCTION

This report appears on the Circulated Schedule as it relates to a Certificate of Lawfulness application.

1. THE PROPOSAL

1.1 This Certificate of Lawfulness application has been submitted under Section 191 of the Town and Country Planning Act 1990, as amended by Section 10 of the Planning and Compensation Act 1991. The legal test in determining the application is whether, on the balance of probabilities, the land in question has been used as domestic curtilage for a period in excess of 10 years.

1.2 The application site is a wedge shaped strip of land measuring some 4m in length by some 13m in width at the rear of 145 Conygre Grove, Filton. The application site lies within the urban area of Filton.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 PT06/0550/CLE Use of land as domestic curtilage...refused

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

a) Letters from 3 separate individuals who are local residents known to the applicant confirming the following:

- They are familiar with the garden at the rear 145 Conygre Grove
- There were vegetables planted in the garden
- There was a pathway at the rear of the site
- The pathway has been blocked intermittently

The statements also make reference to other activities but these do not pertain to the use of the land as domestic curtilage.

b) Copy of land registry documents for the site

c) Letter from applicant's supporting the application, confirming they own the land in question, and that they blocked it off once a year.

5. REPRESENTATIONS RECEIVED

5.1 Filton Town Council

Objects to the proposal on the following grounds:

- Blocking up of existing Common access
- The garage on the site does not benefit from formal planning consent
- Height of the wall around the site exceeds a metre
- Public road has been turned into a private way

5.2 Local Residents

One letter has been received and it raises the following points:

- The blocking of the access way could lead to issues in relation to access for emergency vehicles.
- The blocking up of a common access
- There is no evidence of specific dates when the access has been closed off
- The garage on the site was erected in 2005
- Loss of off street parking spaces

Analysis of the proposal

- 6.1 The application seeks to prove that on the balance of probability the site the subject of the application has been used as domestic curtilage in excess of ten years. As such the applicant must provide precise and unambiguous evidence. The onus of proof is on the applicant and in their support they have submitted three sworn statements.
- 6.2 When assessing this application the Councils only concern is whether the piece of land to the rear of 145 Conygre Grove has been used as residential curtilage for period in excess of ten years.
- 6.3 From the evidence provided with the applications and the evidence gained during the officer site the only unambiguous and precise evidence indicates that:
- There is / was a walkway / path at the rear of the property
 - The path / walkway was blocked off once a year
 - The parcel of land in question was once part of a longer lane running behind 123 to 145 Conygre Grove, and not enclosed as it presently is.
 - Since 2005 a garage has been erected on the site.

None of the sworn statements directly refer to the parcel of land in question, in terms of its use as residential curtilage. For example there is no evidence that this land was used as garden land. On this basis it is considered that there is insufficient evidence to support the approval of the application to use the land as domestic curtilage.

- 6.4 It is considered that the evidence concentrates on the closing up / blocking of the highway at the rear of the site, but this does not prove use as domestic cartilage; rather it would tend to indicate that the land has been used as a thoroughfare rather than domestic curtilage. If there are other rights of way established over this land then the issue or otherwise of a Certificate of Lawfulness would not affect those rights.
- 6.5 A garage has been built on the parcel of land and has been in place since 2005. It would appear that since 2005 the land has been used as domestic cartilage but not earlier than this date.

7. RECOMMENDATION

- 7.1 A Certificate of Existing Lawful Use be refused for the following reason:

The evidence would show use as a domestic curtilage has occurred only since 2005. Prior to this the land seems to have been used as part of a wider thoroughfare in terms of land use (The Local Planning Authority is not making any decision as to whether land use access rights have arisen in terms of private land law). The evidence submitted does not suggest this land was part of the garden area of 145 Conygre Grove, Filton for the entirety of the requisite period.

On the balance of probability and on the evidence submitted it is considered that the use of the land as domestic curtilage has not been used continuously for a period in excess of ten years.

Background Papers **PT08/0795/CLE**

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.: PT08/0890/F
Site: 41 Mackie Avenue, Filton, South Gloucestershire, BS34 7NE
Proposal: Erection of two storey and first floor side extensions incorporating conversion of existing garage. Single storey rear extension to provide additional living accommodation.
Map Ref: 60730 78712
Application Category: Minor

Applicant: Mr G Taylor
Date Reg: 2nd April 2008
Parish: Filton Town Council
Ward: Filton
Target Date: 22nd May 2008



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N.T.S

PT08/0890/F

This application appears on the Circulated Schedule following the receipt of an objection from Filton Town Council and a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a two storey side and rear extension to provide additional living accommodation.
- 1.2 The application site relates to a end terrace dwelling situated within a well-established residential area of Filton.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) August 2008

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection in principle but object to loss of garage space.
- 4.2 Sustainable Transport
No objection
- 4.3 Local Residents
One letter of objection received raising the following points:
Planning Issues:
 - A. The extension would be 3m from dwelling and would be ugly and depressing (overbearing impact);
 - B. Construction would cause disturbance;**Non-Planning issues:**
 - C. Electric lights would be left on most of time which is a waste of energy; and
 - D. It would affect the sale of house.

5. ANALYSIS OF PROPOSAL

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

- 5.2 Policy D1 of the Local Plan considers general design principles and ensures good quality design.
- 5.3 Residential Amenity
The application site is adjoined by two dwellings to the side (Nos. 43 and 39 Mackie Avenue and a parking area to the rear. The proposed side extension would be sited on the dwellings south-west elevation which faces onto No. 43. The extension would be 2.1 metres in width and would extend the depth of the existing dwelling. The proposal also included a single storey lean-to extension which would be 1.7 metres in depth.
- 5.5 At the nearest point the proposed side extension would be approximately 2.5 metres from both adjacent dwellings. The side elevation of the proposed extension would face onto a kitchen window within the north-east elevation of the adjacent dwelling. The neighbouring occupier has commented that the side extension would result in an overbearing impact. Notwithstanding these comments, it is considered that the massing and scale of the proposed extension would not cause an overbearing impact through a loss of light. This is because the extension would be on the south-west elevation, which would therefore allow light from the east. Due to the orientation of the neighbouring dwelling, light would not directly enter the window later in the day regardless of the proposed extension.
- 5.6 The proposal would include a first storey rear window which would result in some oblique views into the neighbouring dwellings rear gardens. It is considered that this window would offer the same relationship as existing first floor rear windows and would therefore not cause any material harm to the privacy of the neighbouring occupiers. The applicant proposes a ground floor utility room window on the side elevation. This may afford some views into the neighbour's kitchen. It is therefore recommended a condition is attached to ensure this is glazed with obscured glass. In view of the above, the proposed development is considered to be acceptable in accordance to policy H4 of the Local Plan.
- 5.7 Design and Visual Amenity
The proposed side extension would continue the front building line and roof shape of the existing dwelling and would finished in render and tiles which would match the existing dwelling. It is considered that the scale and mass of the extension would respect the proportions and character of the existing dwelling and the street scene. As such, the proposed development is considered to be acceptable in accordance to policy D1 and H4 of the local plan.
- 5.8 Highway Safety
The site is located off the unclassified Mackie Avenue, which serves as access to the wider highway network. The Town Council raised concerns regarding the loss of garage space. Notwithstanding the, Councils Transportation Officer raised no objection to the proposal stating the application site was in a sustainable location. No adverse highway safety issue was identified as a result of the loss of the garage. In view of this it is considered that the proposed development would accord with Policy H4.
- 5.9 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and

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

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Background Papers **PT08/0890/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).

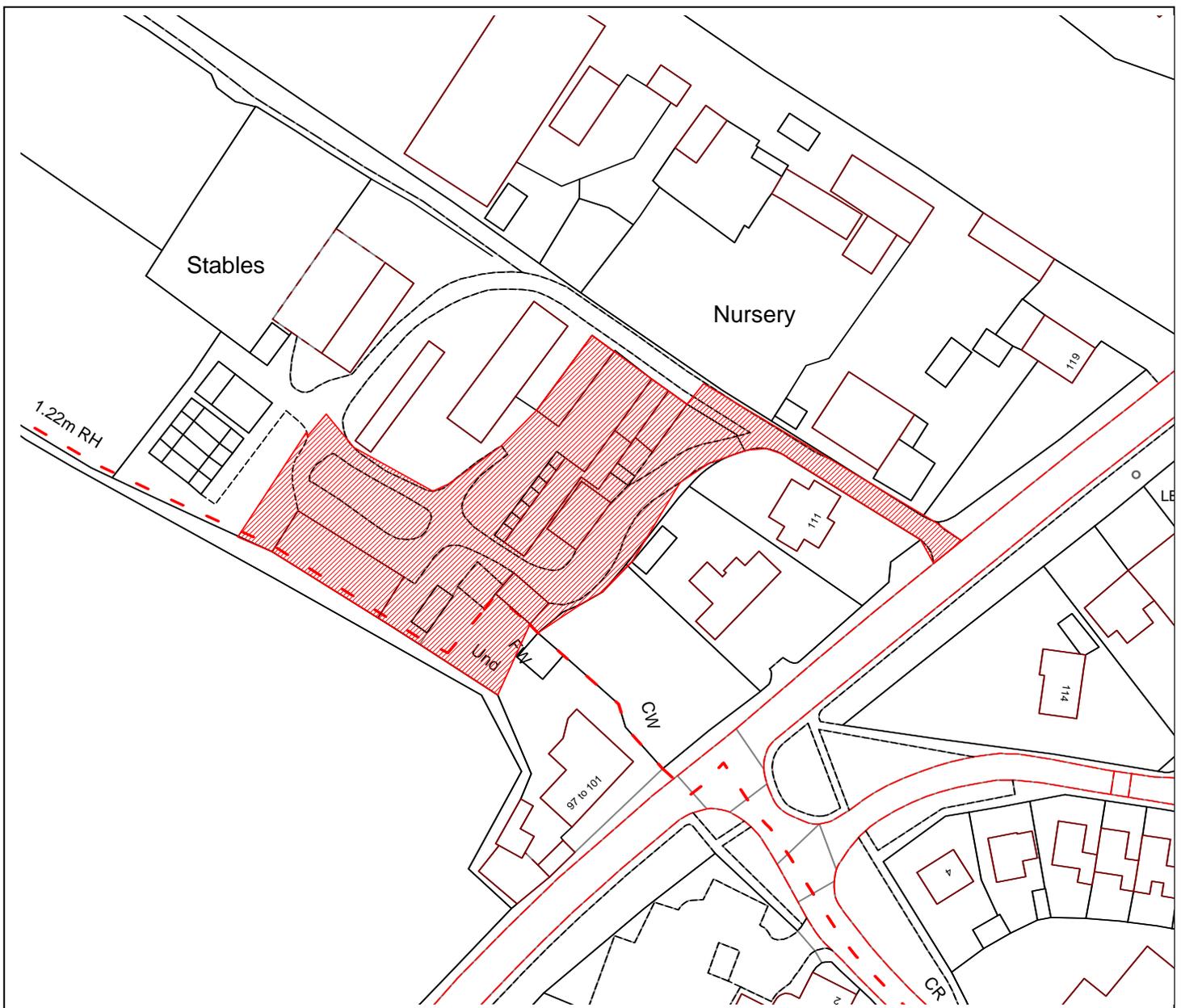
2. The glazing on the south-west elevation shall at all times be of obscured glass. The obscure glazing to be used shall be at least level 3 obscure glazing.

Reason(s):

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PT08/0916/CLE	Applicant:	Mr R Jackway
Site:	Tudor Poultry Farm Rear of Bristol Road, Frampton Cotterell, South Gloucestershire, BS36 2AU	Date Reg:	4th April 2008
Proposal:	Application for certificate of lawfulness for use of land and Units 1, and 3-13 as car repair workshops Class Use (B2). Unit 2 as a forge Use Class (B2). Units 14 - 17 storage purposes Use Class (B8). Unit 18 office Use Class (B1).	Parish:	Frampton Cotterell Parish Council
Map Ref:	65647 81935	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	23rd May 2008



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INTRODUCTION

This report appears on the Circulated Schedule as it relates to a Certificate of Lawfulness application.

1. THE PROPOSAL

- 1.1 This Certificate of Lawfulness application has been submitted under Section 191 of the Town and Country Planning Act 1990, as amended by Section 10 of the Planning and Compensation Act 1991. The legal test in determining the application is whether, on the balance of probabilities, the land in question has been used for B1, B2 and B8 purposes for a period in excess of 10 years.
- 1.2 The application site is a collection of 18 units on a parcel of land known as Tudors Poultry Farm which is to the rear of Bristol Road, Frampton Cotterell. Most of the units are in blocks of about 5 or 6, whilst others are stand alone buildings.
- 1.3 The application site lies outside the settlement boundary of Winterbourne and is within the Bristol and Bath Green Belt.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None
But there have been a number of temporary consents for storage of caravans on a temporary basis.

4.0 SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

- a) There have been 4 sworn statements by Royston Jackway confirming the following:
 - All the units were rented out commercially by him
 - Rent was received for the units
 - The units have been let out for in excess of ten years
- B) A sworn statement has been received from Gary Harris confirming the following:
 - He has rented the accommodation for in excess of 10 years
 - He has occupied unit 2 as shown on appended plan A
 - He has used the unit as a forge
 - He also carries out car repairs at the unit
 - The unit is used 7 days a week
 - The unit is used between 8 am and 8pm
- C) A sworn statement has been received from Nicholas Tewson confirming the following:
 - He has rented the accommodation for in excess of 10 years
 - He has occupied unit 13 as shown on appended plan A
 - He carries out car repairs at the unit

- The unit is used 7 days a week
- The unit is used between 8 am and 7 pm

5. **REPRESENTATIONS RECEIVED**

5.1 Filton Town Council

No comments on the application

However the Council finds its difficult to believe that the activities have taken place for this length of time without any complaints being received.

5.2 Local Residents

No response received

6. **ANALYSIS OF THE PROPOSAL**

6.1 The application seeks to prove that on the balance of probability the site the subject of the application has been used for B1, B2 and B8 purposes in excess of ten years. As such the applicant must provide precise and unambiguous evidence. The onus of proof is on the applicant and in their support they have submitted three sworn statements.

6.2 When assessing this application the Councils only concern is whether the piece of land at Tudor Poultry Farm has been used for B1, B2 & B8 usage for period in excess of ten years.

6.3 From the evidence provided with the applications and the evidence gained during the officer site the only unambiguous and precise evidence indicates that:

- The units have been let commercially for a period in excess of 10 years.

Only two of the sworn statements directly refer to precise usage of the unit, all the rest are classed as having a general commercial usage. The units where the use is specified is 2 and 13 as shown on Appended plan A. On this basis it is considered that there is insufficient evidence to support the approval of the application to use the land for B1, B2 and B8 usage.

6.4 It is considered that the evidence concentrates on the rental gained from units and not the activities themselves. It fails to indicate the actual uses that have been taking place in the respective units. The evidence provided is not very clear or precise and is ambiguous.

7. **RECOMMENDATION**

7.1 A Certificate of Existing Lawful Use be refused for the following reason:

The evidence does not show that the use of the land for B1, B2 and B8 usage has occurred since 1997. The buildings may have been in commercial usage but the actual usage of them is not clear. As such the application lacks detail and is ambiguous.

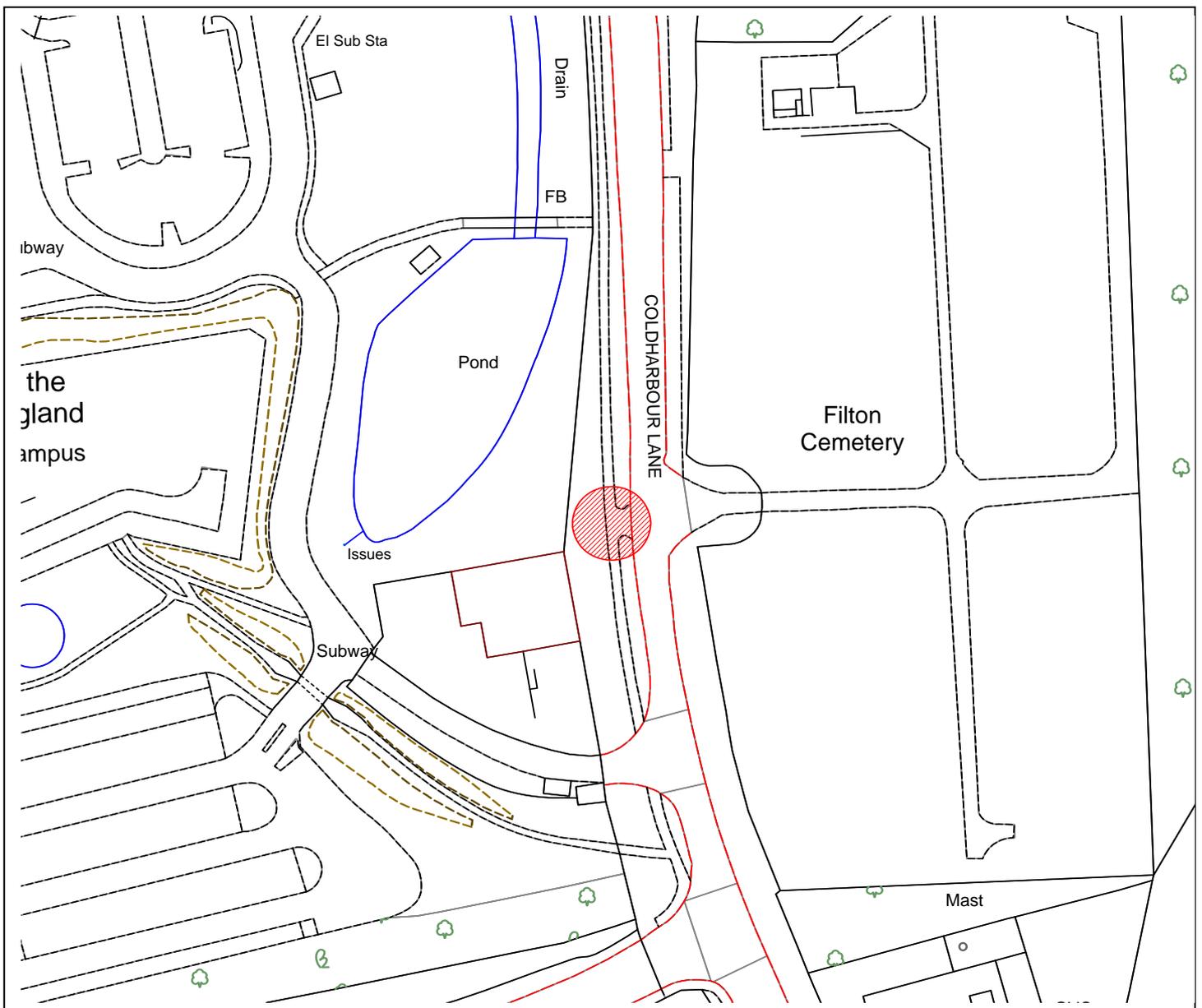
On the balance of probability and on the evidence submitted it is considered that the use of the land for B1, B2 and B8 activities as not been used continuously for a period in excess of ten years.

Background Papers **PT08/0916/CLE**

Contact Officer: Gareth John
Tel. No. 01454 863438

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PT08/1039/PN1	Applicant:	Babcock Networks Ltd
Site:	Land opposite Filton Cemetery, Coldharbour Lane, Stoke Gifford, South Gloucestershire, BS16 1QD	Date Reg:	16th April 2008
Proposal:	Prior notification for the intention to erect 1 no. 12.5 metre slimline monopole with 3 no. integral antennae and 2 no. small equipment cabinets.	Parish:	Stoke Gifford Parish Council
Map Ref:	62333 77873	Ward:	Frenchay and Stoke Park
Application Category:	Minor	Target Date:	9th June 2008



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 100023410, 2008.

This application appears on the Circulated Schedule following the receipt of objections from local employees.

1. THE PROPOSAL

- 1.1 The applicant seeks Prior Notification for the erection of one 12.5 metre slim-line monopole with three integral antennae and two small equipment cabinets.
- 1.2 The development is required to provide a high level of coverage and high grade of service to the near by residential area in response to customer demands and the requirement of O2's Code System Operator's Licence.
- 1.3 The application site relates to a verge adjacent to Coldharbour Lane and the University of West England.

2. POLICY CONTEXT

- 2.1 National Guidance
PPG8: Telecommunications
Code of Best Practice on Mobile Phone Network Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
Policy S5: Telecommunications
- 2.3 Supplementary Planning Guidance
Telecommunications Network Infrastructure (Adopted) August 2005

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comment
- 4.2 Sustainable Transportation
No objection
- 4.3 Local Residents
Five letters have been received raising the following grounds of objections:
 - A. Health concerns;
 - B. The mast would be an eyesore;
 - C. Adverse affect on the environment; and
 - D. Why cannot operators share masts?

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of development is permitted by Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995. The issues for consideration here are the siting and visual appearance of the intended equipment.

- 5.2 An additional consideration is Policy S5 of the South Gloucestershire Local Plan (Adopted) January 2006. This policy specifically relates to proposed telecommunications equipment and seeks to protect the environment from negative impact relating to telecommunications equipment. In accordance with advice contained in PPG8, the policy encourages discreet siting where possible. Alternatively the use of site sharing or the use of other existing structures to position telecommunications should be considered where the technical needs of the operator can be achieved. In all cases, PPG8 advises that telecommunications equipment installations should be sited, designed and landscaped in order to minimise the negative impact on the built and natural environment.
- 5.3 Consideration of Alternative Sites and Mast Sharing
The applicant has submitted evidence which identifies that seven alternative sites have been considered. This suitably demonstrates there are no other suitable locations, existing masts, tall building or other structures which would meet the technical needs of the applicant.
- 5.4 Design and Visual Amenity
The proposed development relates to the erection of 12.5 metre high slimline monopole and two equipment cabinets. The proposal would be sited on a grass verge adjacent to Coldharbour Lane and a building relating to the University of the West of England. The surrounding area has a number of lamp posts and a T-mobile installation further up the road. It is considered that these vertical elements would allow the proposal to be absorbed into the street scene. Furthermore, the landscaping in-situ behind the mast would soften the appearance of the mast in the street scene. In view of this, there is no objection to the design implication of the proposed mast.
- 5.5 Residential Amenity
The application site is situated approximately 140 metres from the nearest residential property, as such there is no adverse impact to residential amenity.
- 5.6 Health
Many of the objection received raised issues regarding the health implications of the mast. Notwithstanding these comments, PPG8 advises that it is not for Local Planning Authorities to consider the impact upon health as a result of the implementation of the telecommunications network. This is a matter for consideration by the Health and Safety Executive. However, proposals for such telecommunications equipment should meet the ICNIRP guidelines for public exposure to radiation, and provided that the proposed equipment does this then it is not necessary for the Local Planning Authority to consider health effect and concerns about them.
- 5.7 The proposal is submitted with a certificate of conformity with ICNIRP guidelines in relation to the proposed telecommunications equipment. Therefore health concerns need not be addressed as part of this submission.

6. CONCLUSION

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

The decision to raise no objection 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 No objection

Background Papers **PT08/1039/PN1**

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PT08/1063/F	Applicant:	Mr M Pearce
Site:	Paddock End, Sibland Road, Thornbury, South Gloucestershire, BS35 2EP	Date Reg:	18th April 2008
Proposal:	Erection of single storey side extension to form garage. Erection of 0.6m boundary wall.	Parish:	Thornbury Town Council
Map Ref:	64737 89969	Ward:	Thornbury South and Alveston
Application Category:	Minor	Target Date:	6th June 2008



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This application appears on the Circulated Schedule following the receipt of two objections from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a single storey side extension to form a single garage. The development would be approximately 3.5 metres in width and 5.6 metres in depth and would have a pitched roof.
- 1.2 The application site relates to a modern detached dwelling situated within a well established residential area.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/3560/F Erection of new dwelling with detached garage and formation of new access.
Refused 22 November 2004 (Appeal dismissed)
- 3.2 PT05/3641/F Erection of new detached dwelling
Approved 03 February 2006
- 3.3 PT07/3657/F Insertion of 2no. windows to north elevation and 1no. window to north elevation (retrospective).
Approve 01 February 2008

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Sustainable Transportation
No objection
- 4.3 Local Residents
Two letters received raising the following grounds of objection:
A. The house is larger than supposed to be;
B. The house is already big and out of character with its surroundings;
C. The garage will lead to further application for 1st storey extension above garage;

- D. Condition to prevent further extensions should be added if approved;
and
- E. Original highway safety issues not overcome;

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Policy D1 of the Local Plan considers general design principles and ensures good quality design.

5.2 Residential Amenity

The proposed development relates to a single storey side extension which would form a single garage. The application site is adjoined by residential properties to the rear. However due to varying ground levels, the application site is set lower than the adjacent properties. Therefore the proposed development would not result in an overbearing impact or would prejudice privacy. As such, the proposed extension accords to Policy H4 of the Local Plan.

5.3 Design and Visual Amenity

The proposed garage would be situated on the southern elevation. The garage would adopt an unassuming design with a modest scale and mass which would be subservient to the existing dwelling. In addition, the extension would be finished in material to match the existing dwelling.

5.4 The applicant has proposed some alterations to the front wall to make new openings. It is considered that this is an important feature in the street scene. Whilst the proposed alterations are acceptable in this instance, it is considered that any further erosion would be detrimental to the visual amenity of the area. As such, it is recommended a condition is attached to ensure the rest of this wall remains in-situ.

5.5 In view of the above, it is considered that these proposals would respect both the character and appearance of the existing dwelling in accordance with Policy D1 and H4 of the Local Plan.

5.6 Highway Safety

The previous appeal decision relating to PT04/3560/F was dismissed by the inspector on the grounds of inadequate parking and turning provisions. This was reiterated by the approved application PT05/3641/F which included a condition (no.7) requiring adequate parking and turning provisions. The introduction of this garage would prevent cars from performing the necessary turning manoeuvre to enable access/egress the site in a forward gear.

5.7 Notwithstanding this, since these decisions were made there have been material changes to Highway policy within the Manual for Streets published by the Department of Transport. These were accepted by the Council in February 2006 when a resolution was passed by the Development Control (West) Committee. This effectively negated the need for a turning area off a Class 3 highway (30mph) such as Sibland Road. In view of this the Council Transportation Officer raised no objection to this proposal.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/1063/F**

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

CONDITIONS

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

Reason(s):

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

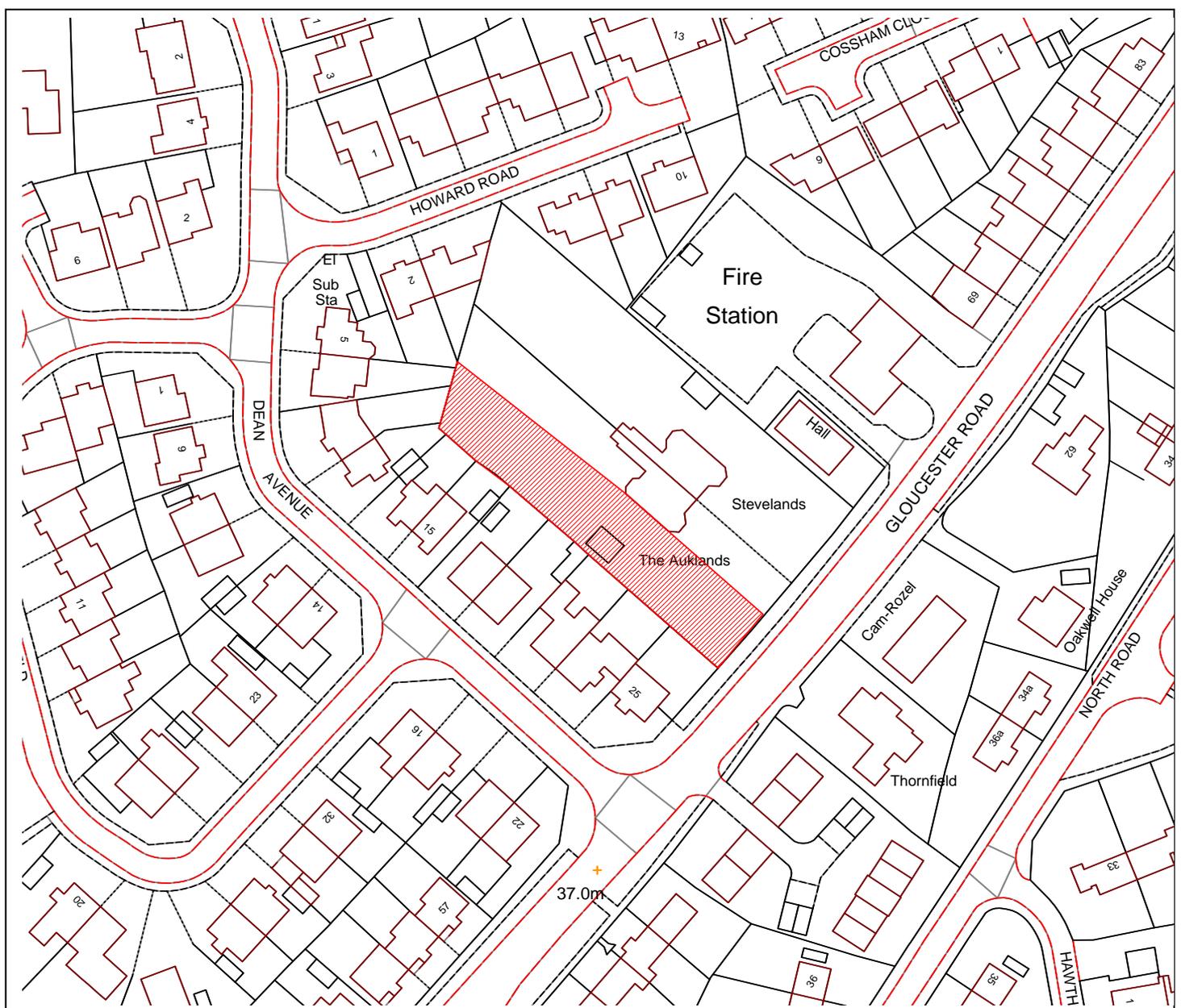
2. The existing stone wall enclosing the west boundary of the site shall be retained in accordance with the drawing named "Proposed Garage Extension" received on the 11th April 2008.

Reason(s):

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PT08/1080/F	Applicant:	Mrs G Rickard
Site:	The Auklands, Gloucester Road, Thornbury, South Gloucestershire, BS35 1JH	Date Reg:	21st April 2008
Proposal:	Erection of 1 no. dwelling on 0.04 hectares of land. (Re-submission of PT07/3016/F) (in accordance with amended plans received on 22 and 29 April 2008).	Parish:	Thornbury Town Council
Map Ref:	64146 90761	Ward:	Thornbury North
Application Category:	Minor	Target Date:	11th June 2008



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100023410, 2008.

This application has been referred to the Circulated Schedule due to letters of objection from local residents.

1. THE PROPOSAL

- 1.1 This full application relates to the erection of 1 seven-bed dwelling attached to the property known as 'The Auklands', Gloucester Road, Thornbury. The property of 'The Auklands' is a substantial, semi-detached period property. It is surrounded by other residential development, with vehicular access taken off Gloucester Road to the front of the site. The existing access is to be used for the proposal but the drive is to be widened. This also involves the removal of a Laburnum tree which was permitted under a recent tree application (reference PT08/0335/TRE). Two off-street parking and turning areas are provided for the existing and proposed dwelling within the front garden of the site. The site has an area of approximately 0.11 hectares, is broadly rectangular in shape and has a width ranging between 12m and 14m, and a depth ranging from 79m to 85m.
- 1.2 The area is characterised by a wide variety of house types and designs, ranging from detached bungalows, bespoke two storey dwellings and typical 1960's detached and semi-detached estate properties and chalet bungalows. The new development of nine dwellings has recently been constructed at 60 Gloucester Road opposite the site.
- 1.3 The properties of 2 and 4 Howard Road and 7-25 (odd) Dean Avenue back on to the site and form the southern and western boundary. The semi-detached properties of 'The Auklands' and 'Stevelands' form the northern boundary and to the east lies Gloucester Road.
- 1.4 The site is covered by a blanket Tree Preservation Order that also covers the adjoining property and curtilage known as 'Stevelands'. A row of mature trees also borders the verge to the front of both properties. The site is also within the settlement boundary of Thornbury.
- 1.5 The application site is of substantial size and lies within the settlement boundary of Thornbury. Although the existing properties are period in nature they are not included on the statutory or local list of buildings. The proposed dwelling has the same width, depth and ridge height of the existing pair of semi-detached dwellings.
- 1.6 The application is a resubmission of planning application PT07/3016/F which related to the erection of a detached dwelling within the rear garden of 'The Auklands'. This application was refused on the grounds of adverse impact upon the character and appearance of the area and lack of tree survey.
- 1.7 The application has been amended to that originally submitted in that the size of the rear dormer has been reduced and the parking area altered and extended to the front of the site.

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 33 Housing Provision and Distribution
Policy 34 Re-use of Previously Developed Land
Policy 35 Housing Density

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
L1 Landscape Protection and Enhancement
H2 Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control Policy for New Development

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/3016/F Demolition of existing garage to facilitate erection of detached dwelling and garage. Erection of garage associated with Auklands.
Refused 6 November 2007 on the following grounds:-
a) unsatisfactory form of backland development that would harm open and spacious setting of the properties of 'The Auklands' and 'Stevelands'.
b) site covered by a blanket TPO and no information submitted to demonstrate that development can be adequately accommodated on site without adversely impacting upon the trees.
- 3.2 PT08/0335/TRE Works to remove 1 no. Laburnum.
Approved 18 March 2008.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection.
- 4.2 Sustainable Transport
No objection.
- 4.3 Technical Support (Street Care)
No objection.

Other Representations

- 4.4 Local Residents

9 letters and a petition containing 7 signatures have been received objecting to the proposal on the following grounds:-

- a) loss of visual amenity;
- b) loss of garden;
- c) highway safety;
- d) character and appearance of site would be irreversibly damaged;
- e) loss of balance and symmetry;
- f) blanket TPO on site;
- g) inadequate parking provision;
- h) inadequate foul drainage system and previous sewage problems;
- i) loss of outlook;
- j) detrimental impact to residential amenity;
- k) loss of privacy;
- l) overbearing/overpowering impact;
- m) loss of light/sun;
- n) loss of wildlife/trees;
- o) devaluation of property;
- p) claustrophobic effect;
- q) piece of old Thornbury lost ;
- r) out of keeping;
- s) noise and pollution from cars.

Of the above i and o are not relevant planning considerations.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Advice contained within PPS3 states that Local Planning Authorities should make effective use of land by re-using land that has been previously developed. Using land efficiently is a key consideration in planning for housing. Additional housing on previously developed land within existing towns and cities promotes more sustainable patterns of development. However, such development should be well integrated with and complement the character of the area and should not be at the expense of an area's character and appearance. This policy stance is reflected in policies contained with the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006.

5.2 As can be seen from the planning history, the previous scheme was refused due to its adverse impact upon the character of the area. The current scheme has been amended in terms of its siting and design.

5.3 Policy H2 of the adopted Local Plan specifically relates to new residential development within the boundaries of settlements and allows such development subject to criteria including transportation, residential amenity and housing density issues. These issues will be addressed under Policy H4 of the Local Plan which specifically relates to development within existing residential curtilages, including new dwellings. This policy allows for such proposals only where they:-

- A. Respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area;**

- 5.4 Advice contained within PPS3 states the importance of good design in housing development and in particular it should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Consideration of design and layout must be informed by the wider context, townscape and landscape of the wider area. The resubmitted scheme is considered to overcome previous concerns with regard to its impact upon the character and appearance of the area. The application site comprises one of a pair of substantial semi-detached period properties situated within significant curtilage. These properties are set back from Gloucester Road by some 30m and have rear garden areas with a depth in excess of 40m. The site as a whole is covered by a blanket TPO and has two significant trees that greatly add to the visual amenities of the wider locality. One, an Ash is situated to the rear of the site and the other, a Robinia near the front boundary and adjacent to the driveway.
- 5.5 It is the very openness of the site and the mature trees that adds to the character of this part of Gloucester Road, especially having regard to the higher density 1960's estate housing that has built up around the site. The size of the curtilage when viewed in combination with the adjoining property and curtilage of 'Stevelands', establish a strong sense of space to this part of Gloucester Road. This makes a significant contribution to the character of the area. This part of Gloucester Road is distinctive in its character purely by the setting of these properties and reflects an older era of Thornbury. However, the properties are not included on the statutory list, nor were they considered of sufficient merit to be included on South Gloucestershire Council's Local List of buildings of local importance.
- 5.6 The proposal due to its location to the side of the existing dwelling manages to largely retain the open nature of the site. The design of the dwelling replicates the existing pair of semis in every way, respecting the front and rear building line, ridge height and proportions. Design features such as the projecting two storey bay windows, fenestration, matching materials, brick banding and quoin detailing all reflect the existing dwellings. In addition, the layout and building line is respected and the property has proper road frontage. The spaciousness of the original layout that gives the area its distinctive and attractive character is maintained, with a development that respects the context of the existing property, the street scene and the character of the area as a whole.
- 5.7 In terms of housing density, the proposal equates to 9 dwellings per hectare. Although the surrounding residential development of Dean Avenue and Howard Road is at a higher density than the application site, the proposal at any higher density would be at odds with the character of the area to which it most closely relates. Any greater density would unbalance its layout and sense of space, the adverse effects of the proposal on the character and appearance of the area outweighing any benefit in terms of the efficient use of the land.
- 5.8 Adopted policy D1 of the local plan seeks a good standard of design and site planning. Amongst other things, it requires that the siting, layout and form of proposals should respect the character and amenity of the site and locality. Having regard to the above the proposal is also in accordance with this policy.

B. Would not prejudice the amenities of nearby occupiers;

- 5.9 The rear gardens of 2 and 4 Howard Road and 7-25 (odd) Dean Avenue back on to the site. The side elevation of the proposed dwelling is located approximately 5.5m from the rear boundaries of 19 and 21 Dean Avenue and some 14m from the rear extension of the nearest property of 21 Dean Avenue at ground floor level. A distance of 17m exists at first floor level from the rear dormer window. It is recognised that the proposal brings the built development 8.5m nearer to the boundaries of these properties. However as a rule of thumb, a minimum distance of 11 to 12m from side to rear elevations is normally considered acceptable. In this instance, as the properties are bungalows (extended by rear dormers), and the fact that the development is located to the north of these dwellings, it is considered that any loss of light/overbearing impact will not be so significant as to warrant a refusal.
- 5.10 In terms of overlooking/loss of privacy, the dwelling is side-on to the nearest properties. Only one window is proposed to the side elevation but this serves a bathroom and is obscurely glazed. With regard to the front and rear first floor windows and rear dormer, only oblique angles are afforded over the nearest properties and the distance of the proposal from other surrounding dwellings ensures that loss of privacy will not be significant. In addition, as the proposal relates to one additional dwelling it will not result in any significant increase in noise and disturbance or levels of pollution. The application is therefore acceptable in terms of residential amenity.

C. Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling;

- 5.11 The site is located off Gloucester Road, a classified highway. The proposal provides two off-street parking and turning areas to the front of the existing and proposed dwelling and widens the access and drive to 4.5m.

No objection is raised to the proposal.

D. Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling;

- 5.12 The proposal provides separate garden areas for the existing and proposed dwellings with a minimum depth of 37m. These garden areas are substantial in size and are more than adequate to serve both dwellings. The proposal therefore complies with this criterion.

5.13 Tree Issues

No objection has been raised to the proposal, subject to a condition requiring method statements and arboricultural impact assessments for the construction of the new driveway.

5.14 Drainage Issues

The application was referred to the Council's Drainage Engineer and no objection has been raised. In addition, a condition requiring Sustainable Drainage Systems will be a condition of any planning permission.

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 Council's Design Checklist Supplementary Planning Document.

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, 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 **PT08/1080/F**

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

CONDITIONS

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

Reason(s):

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

2. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the property known as 'The Auklands'.

Reason(s):

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

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

Reason(s):

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

4. The access, parking areas and driveway shall be constructed of a bound surface.

Reason(s):

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

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

Reason(s):

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

6. The glazing on the side [south] elevation at first floor level shall at all times be of obscured glass. The obscure glazing to be used shall be at least level 3 obscure glazing.

Reason(s):

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

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 L18/EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development, a method statement and arboricultural impact assessment indicating how existing vegetation affected by the proposed access, parking and turning areas is to be protected shall be submitted to and approved in writing by the Local Planning Authority and the development when carried out shall conform to the details so approved.

Reason(s):

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

9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no dormer windows other than those expressly authorised by this permission shall be constructed.

Reason(s):

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

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

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

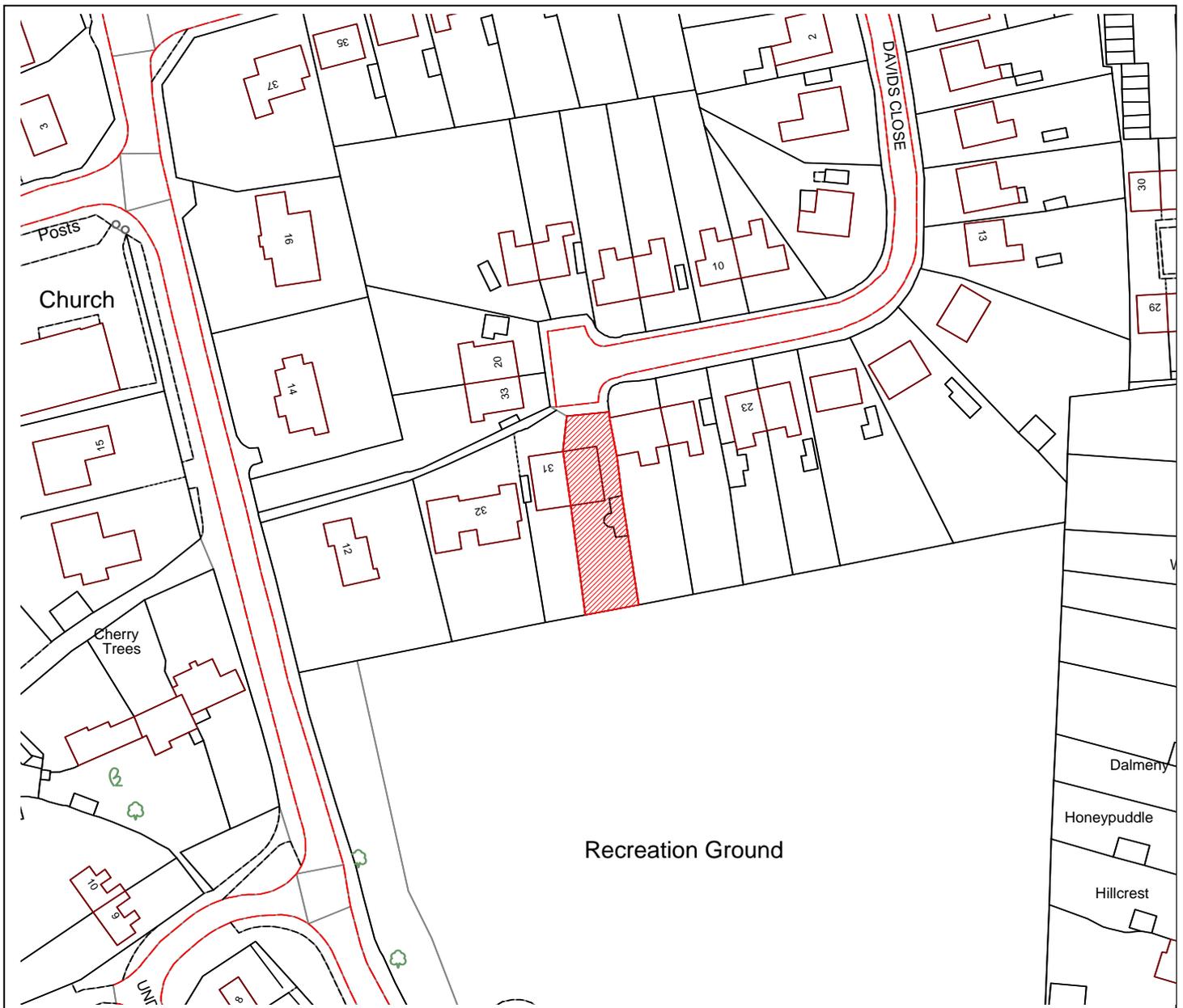
11. The hours of working on site during the period of construction shall be restricted to 07.30 hours to 18.00 hours Monday to Friday and 08.00 hours to 13.00 hours on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of 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(s):

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PT08/1091/CLE	Applicant:	T Williams
Site:	29 Fobra, Davids Close, Alveston, South Gloucestershire, BS35 3LR	Date Reg:	22nd April 2008
Proposal:	Application for Certificate of Lawfulness for the existing use of loft conversion, dining room and conservatory	Parish:	Alveston Parish Council
Map Ref:	63355 87802	Ward:	Thornbury South and Alveston
Application Category:	Minor	Target Date:	10th June 2008



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100023410, 2008.

N.T.S

PT08/1091/CLE

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

1. THE PROPOSAL

1.1 The application is for a Certificate of Lawfulness to establish the development for the existing use of a loft conversion, dining room extension and conservatory.

1.2 This is a modern semi-detached property and it was confirmed on site that the loft conversion / dormer window, rear dining room extension and conservatory were all in situ.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

No relevant history.

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

The applicant has submitted a block plan showing the extensions for consideration. Also included is a Building Regulations completion certificate for a single storey extension dated 20th December 1986.

5. SUMMARY OF CONTRARY EVIDENCE

None.

6. OTHER REPRESENTATION RECEIVED

Two letters from local residents were submitted with the application. Both letters state that to their knowledge the loft conversion / dormer window was in situ prior to 1983. They also confirm that the single storey rear extension was constructed in approximately 1986. Both residents also state that the conservatory was built approximately 10 years ago.

7. EVALUATION

7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.

7.2 All three developments at the property require planning consent. This is because there is a detached garage (built with the existing dwelling) within 5 m of the host dwelling that's cubic volume (of approximately 60 cubic metres) must be included in any volume calculation. The total cubic volume of the dormer

window, conservatory and rear extension would amount to approximately 100 cubic metres.

Therefore, in this instance it must be proven that the dormer window, rear extension and conservatory have been in place for a period in excess of 4 years.

7.3 Given the evidence presented by the applicant and neighbours and considering the developments seem well established based on their appearance, the claim that they have been in situ for in excess of 4 years seems reasonable. In addition, on viewing Council records of aerial photographs from 1999 it is apparent that the dormer window, rear extension and conservatory are all in situ.

Having regard to the above, it is considered that the evidence presented by the applicant shows that, on the balance of probability, the garage has been in position for a period in excess of four years

8. **RECOMMENDATION**

8.1 A Certificate of Existing Lawful Use be **GRANTED** for loft conversion / dormer window, single storey rear dining room extension, and conservatory.

Background Papers **PT08/1091/CLE**

Contact Officer: **Will Collins**
Tel. No. **01454 863819**

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

1. THE PROPOSAL

- 1.1 The applicant seeks retrospective planning permission for the retention of a car port. This development is situated within the front curtilage of the application site.
- 1.2 The application site relates to a large detached dwelling which is situated within a well established residential area of Frampton Cotterell.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No objection
- 4.2 Local Residents
One letter of objection received. The main points have been summarised below:
 - A. Inaccuracies in the application form and submitted plans;
 - B. The building requires Building Regulations; and
 - C. The applicant did not consult neighbours.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity and highway safety.
- 5.2 Policy D1 of the Local Plan considers general design principles and ensures good quality design.
- 5.3 Residential Amenity
The application site is adjoined by two properties (Nos. 207 and 213 Beesmoor Road). The unauthorised car port is situated approximately 7.5 metres from the

front elevation of the dwelling. Given the distance separating the proposal from the neighbouring properties and its siting to the front of the dwellings, it is not considered to purport an overbearing structure. Furthermore, the car port does not pose any adverse privacy issue. In view of this, it is considered that the car port does not adversely affect residential amenity and therefore accords to Policy H4 of the Local Plan.

5.4 Design and Visual Amenity

The car port is approximately 6 metres in width and 5 metres in depth and has a pitched roof which is approximately 3.1 metres high at the ridge. The development has been finished with high quality materials, comprising of the timber framing and a tiled roof. In view of these features it is considered that the design of the structure is acceptable.

5.5 It is noted that the car port does present a large addition to the front of the property, in terms of its mass and scale. Nevertheless, it is considered that the visual impact of the structure is significantly softened by the large evergreen hedge along the front boundary and other landscaping in the front garden. Principally, the front hedge screens and softens the appearance of the structure from the street scene. As such, this feature must be retained to maintain visual amenity. In view of this, it is recommended that a condition is attached to ensure the hedge along the front boundary is retained at all times at a height of at least 3.1 metres.

5.6 Other Matters

A local resident highlighted that the structure may require Building Regulation. This is not a planning consideration, however a standard informative will be attached to advise the applicant to contact the Council for further advice regarding this issue.

5.7 Furthermore, the local resident highlighted a number of inaccuracies in the Application Form such as the question regarding trees and hedges in close proximity to boundaries. During the Officer's Site Visit these issues were noted and considered in the determination of this application.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

The decision to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006

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

7. RECOMMENDATION

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

Background Papers **PT08/1128/F**

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

CONDITIONS

1. A hedge shall be maintained at all times along the front boundary of the application site and shall be of a height of at least 3.1 metres.

Reason(s):

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

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.: PT08/1170/F
Site: 7 Cotswold House, Newtown, Charfield, South Gloucestershire, GL12 8TF

Applicant: Mr K Hunter
Date Reg: 1st May 2008

Proposal: Erection of two storey side extension to provide additional living accommodation and garage. Erection of rear conservatory. (Resubmission of PT08/0256/F)

Parish: Charfield Parish Council

Map Ref: 72230 92177
Application Category: Minor

Ward: Charfield
Target Date: 19th June 2008



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100023410, 2008.

This application appears on the Circulated Schedule following the receipt of an objection from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the following:
- the erection of two storey side extension to provide additional living accommodation and a double garage; and
 - the erection of a rear conservatory.
- 1.2 The application site relates to a detached cottage situated on within a well established residential area within Charfield.
- 1.3 This application is a resubmission of the previously refused application PT08/0256/F. The application was refused for the following reason:
1. *The proposed two-storey side extension, by reason of its size, design, detailing and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties and, if allowed, would detract from the visual amenities of the locality. The proposal is therefore considered contrary to policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 N.5408 Erection of single storey rear extension.
Approved 29 March 1979
- 3.2 P86/2216 Erection of single storey side extension to form W.C and utility room.
Approved 3 September 1986
- 3.3 PT08/0256/F Erection of two storey side extension to provide additional living accommodation and double garage. Erection of rear conservatory.
Approved 28 February 2008

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No objection
- 4.2 Sustainable Transport

No objection

4.3 Local Residents

One letter of objection, including a visualisation of proposed extension, has been received from a local resident.

- a. Extension would be of an overbearing size;
- b. It would detract from the nature of the lane;
- c. Reduce light into staircase
- d. The upper rear window in side extension would overlook garden resulting in a loss of privacy.
- e. Factual inaccuracies in the previous delegated report regarding the distance of the proposed development from the neighbouring dwelling;

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Policy D1 of the Local Plan considers general design principles and ensures good quality design.

5.3 Residential Amenity

The application site is adjoined by the curtilages of two dwellings to the side (Nos. 6A and 9 Newtown). The proposed development would be situated on the northern side elevation nearest to No. 6A. The occupier of this dwelling has raised concerns that the proposed extension would reduce light to their existing side window and the proposed rear window would prejudice the privacy of their rear garden.

5.3 The proposed development relates to a two storey side extension and a rear conservatory. The impacts of these developments will be assessed separately below:

5.4 *Two Storey Side Extension*

The proposed side extension would be situated approximately 4 metres from the adjacent dwelling (No. 6A) at the nearest point (according to the submitted site survey). This adjacent dwelling has one side window which serves a staircase (non-habitable room). The neighbouring occupier has raised concerns that the proposal would block light to this staircase. It is noted that the window is on the southern elevation and therefore levels of light may be reduced by the proposed extension. Nevertheless, the window serves a staircase, which is classed a non-habitable room. Therefore, notwithstanding the neighbour's comments, it is considered that the proposed two storey extension would not materially harm the neighbouring occupiers living conditions.

5.5 The proposed two storey extension would include one en-suite bathroom window (non-habitable room). This would result in some oblique views into the neighbouring dwellings rear garden. The neighbouring occupier has raised this as a concern. Notwithstanding these comments, it is considered that this window would offer a similar relationship as existing first floor side window. Furthermore, this relationship would be typical of linear residential development where some oblique inter-visibility into amenity space is accepted. Therefore in

view of these features, it is considered that this window would not adversely harm the privacy of the neighbouring occupier.

5.6 *Conservatory*

The proposed conservatory would be situated approximately 2.5 metres from the boundary shared with the No. 6A. The proposal would not be considered to be overbearing because it would be single storey, suitably set away from the boundary and would not significantly exceed the rear building line of the adjacent property. The boundary comprises of a 1.8m timber fence. As such, the conservatory would not result in any views into the neighbouring garden.

5.7 With regard to the above, it is considered that both the proposed two storey extension and the conservatory would maintain the residential amenity of the nearby neighbouring occupiers.

5.8 Design and Visual Amenity

This application site relates to a small stone built cottage. The building has a traditional form, with gable ends and small front porch. The proposed development would comprise of a large side extension and a rear conservatory. The impacts of these developments will be assessed separately below:

5.9 *Two Storey Side Extension*

The proposed extension would be situated on the dwelling north side elevation. The existing single garage would be demolished to facilitate these works. The proposed extension would adopt a simple design solution which maintains the front and rear building line and the roof shape of the existing dwelling. The proposal would be approximately 5 metres in width and 7 metres in depth.

5.10 The previous application (PT08/0256/F) was refused because it was adjudged that the form and massing of the proposed extension would have unbalanced and dominated the simple form of the existing cottage. To overcome this negotiations have taken place with the applicant. The amended application has set back the building line and set down the ridge height of the extension in relation to the existing dwelling. These features therefore ensure that the proposal would appear subservient, thus respecting the simple form of the existing cottage. In view of this, it is considered that the proposed extension would respect the character and appearance of the existing dwelling and the street scene, in accordance with policies D1 and H4 of the Local Plan.

5.12 *Conservatory*

The proposed conservatory would be situated on the rear elevation adjacent to the existing rear extension. The proposal would adopt a traditional design and would be finished in materials to match the existing dwelling. The conservatory would be approximately 5 metres in width and would be the same depth as the adjacent extension (6 metres). Given the above it is considered that proposed design, scale and materials would respect the original dwelling and the surrounding residential area in accordance to Policy D1 and H4 of the Local Plan.

5.13 Section 106 Requirements

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

condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/1170/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).

CIRCULATED SCHEDULE NO. 22/08 – 30 MAY 2008

App No.:	PT08/1178/TRE	Applicant:	Mr M Allonby
Site:	12 Manor Close, Coalpit Heath, South Gloucestershire, BS36 2RR	Date Reg:	1st May 2008
Proposal:	Works to fell 1 no. Oak tree covered by Northavon District Council (Manor Close, Coalpit Heath) Tree Preservation Order, 1979.	Parish:	Westerleigh Parish Council
Map Ref:	67264 80778	Ward:	Westerleigh
Application Category:	Minor	Target Date:	18th June 2008



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100023410, 2008.

N.T.S

PT08/1178/TRE

This application appears on the Circulated Schedule due to a letter objecting to the application.

1. THE PROPOSAL

- 1.1 The applicant seeks permission to fell 1 no. Oak tree covered by Northavon District Council (Manor Close, Coalpit Heath) Tree Preservation Order, 1979. The tree is situated within the front garden of no.12 Manor Close, adjacent to the west flank boundary fence of no. 10 Manor Close. According to the applicant, work is required as the tree is in a state of decline, dropping branches in the host garden as well as the neighbour's garden.
- 1.2 The applicant site relates to a modern semi detached property 12 Manor Close, Coalpit Heath, which is located within the Coalpit Heath settlement boundary. Manor Road is a cul-de-sac off Beesmoore Road.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
L1: Landscape Protection and Enhancement
- 2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 N7315/1, Conversion of house and coach house plus new building for 21 elderly persons flats. Resiting and re-building of guide hut, 22nd May 1981, Withdrawn.
- 3.2 PT02/3759/F, Erection of dwelling and construction of vehicular and pedestrian access, 16th Jan 2003, Refusal.
- 3.3 PT07/0269/TRE, Works to fell 1no. oak tree covered by Northavon District Council (Manor Close, Coalpit Heath) Tree Preservation Order, 1979

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection
- 4.2 Tree Officer
No objection subject to conditions

Other Representations

- 4.3 Local Residents
One letter received which objects to the removal of the old and established Oak tree. The writer is concerned that the removal of the tree would precede a more extensive planning application for development on the land around the tree.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve and enhance the character, quality and amenity of the landscape and to retain and protect trees which contribute to the overall character or distinctiveness of the area.

5.2 Consideration of Proposal

This application proposes works to fell 1no. Oak tree covered by Northavon District Council (Manor Close, Coalpit Heath) Tree Preservation Order, 1979. The tree is a mature oak growing in the front of the host property adjacent to the west flank boundary shared with no.10 Manor Close. The tree is in a state of decline manifested by the substantial die back throughout the crown and the quantity of large deadwood, which could possibly have been brought about by root severance carried out in the past to facilitate new parking areas in the vicinity.

5.3 The tree holds some amenity value; being an old and established tree, it contributes to the character and distinctiveness of the locality. An onsite meeting with the applicant revealed that there were concerns regarding the trees stability in high winds and damage to the neighbouring property.

5.4 The tree, however, has a limited safe useful life and any amenity currently provided by the tree will be much reduced following any deadwood removal/safety works.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning Permission is GRANTED subject to the following conditions:

Background Papers **PT08/1178/TRE**

Contact Officer: **Jonathan Ryan**
Tel. No. **01454 863538**

CONDITIONS

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

Reason(s):

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

2. A replacement Oak tree, with its size and location of which is to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason(s):

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