

**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. 43/08

Date to Members: 24/10/08

Member's Deadline: 30/10/08

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 5pm)**. 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 (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (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: 24/10/08

SCHEDULE NO. 43/08

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 5pm), 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

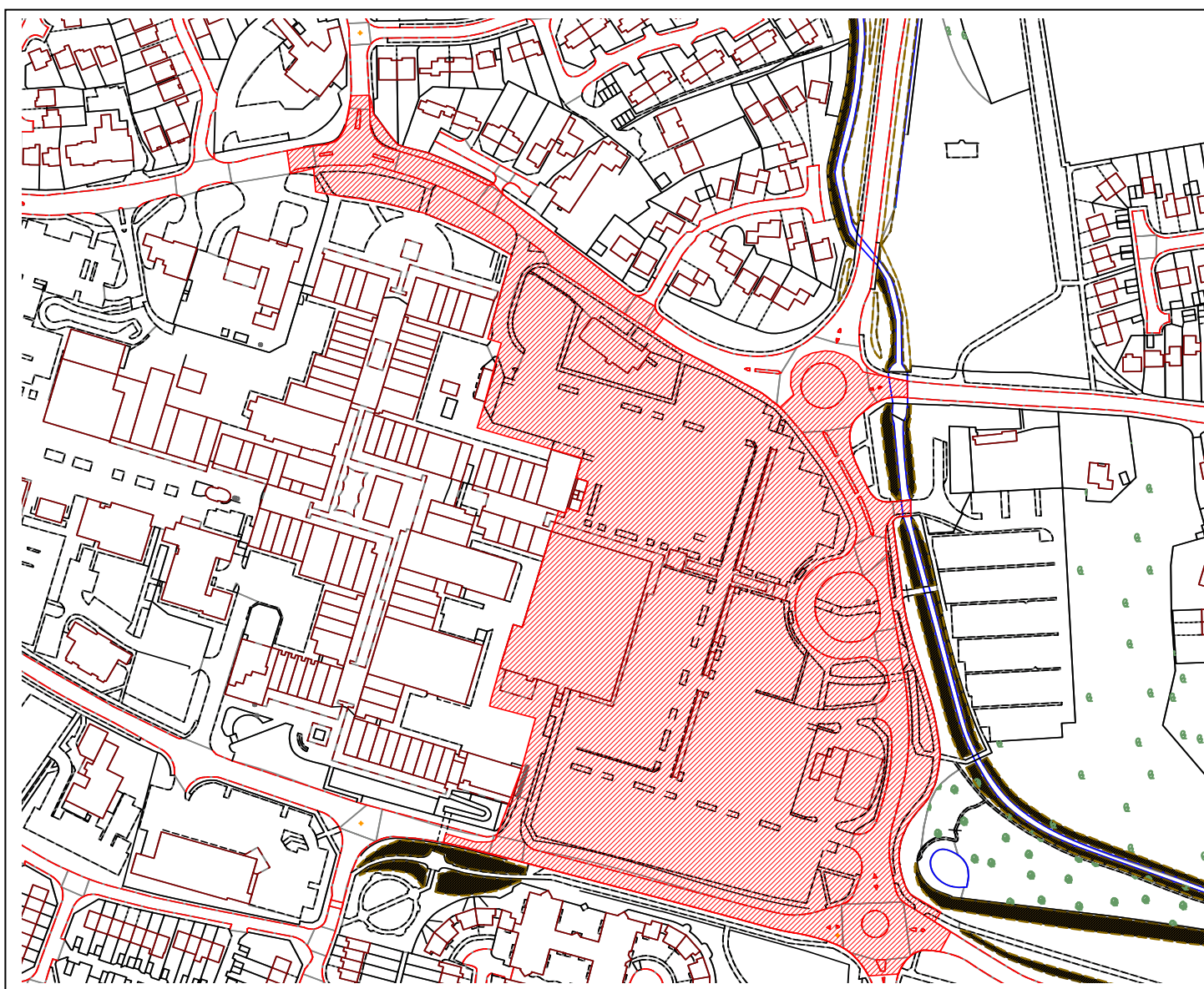
DATE

Circulated Schedule 24 October 2008

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK07/3391/F	Approved subject to Section 106	12 East Walk and Land adjacent to 29 East Walk Yate, South Gloucestershire BS37 4AS	Yate Central	Yate Town Council
2	PK08/2485/F	Approve with conditions	Land to the south of Redford Lane, Pucklechurch, South Gloucestershire.	Boyd Valley	Pucklechurch Parish Council
3	PK08/2558/F	Approve with conditions	Bar Celona 87-91 Regent Street, Kingswood, South Gloucestershire, BS15 8LJ	Kings Chase	
4	PK08/2571/F	Approve with conditions	4 Brook Road, Warmley, South Gloucestershire, BS15 4JR	Kings Chase	
5	PK08/2583/F	Approve with conditions	11 Hawksworth Drive, Hanham, South Gloucestershire, BS15 3HS	Hanham	Hanham Parish Council
6	PK08/2631/F	Approve with conditions	250 Blaisdon, Yate, South Gloucestershire, BS37 8TT	Dodington	Dodington Parish Council
7	PK08/2633/ADV	Split decision See D/N	Drive, Yate Road, Iron Acton, South Gloucestershire, BS37 7XY	Frampton Cotterell	Iron Acton Parish Council
8	PT08/2236/F	Approve with conditions	Woodside Farm, Pilning Street, Pilning, South Gloucestershire, BS35 4HL	Severn	Olveston Parish Council
9	PT08/2388/F	Approve with conditions	Land at Hortham Hospital, Almondsbury, South Gloucestershire, BS32 4FR	Almondsbury	Almondsbury Parish Council
10	PT08/2494/F	Approve with conditions	Mill Cottage, Hardy Lane, Tockington, South Gloucestershire, BS32 4LN	Severn	Olveston Parish Council
11	PT08/2608/F	Approve with conditions	39 Bridgman Grove, Filton, South Gloucestershire, BS34 7HP	Filton	Filton Town Council
12	PT08/2635/F	Approve with conditions	2 Loveridge Court, Frampton Cotterell, South Gloucestershire, BS36 2NX	Frampton Cotterell	Frampton Cotterell Parish Council
13	PT08/2656/F	Approve with conditions	11 Osborne Close, Stoke Gifford, South Gloucestershire, BS34 8NN	Stoke Gifford	Stoke Gifford Parish Council
14	PT08/2676/F	Approve with conditions	Land at North Road, Stoke Gifford, South Gloucestershire, BS34 8PE	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE REPORT

App No.:	PK07/3391/F	Applicant:	Tesco Stores Ltd & Dominion Corporate
Site:	12 East Walk and Land adjacent to 29 East Walk Yate BRISTOL South Gloucestershire BS37 4AS	Date Reg:	15th November 2007
Proposal:	Erection of replacement Tesco store with ground floor parking, incorporating 3 no. separate non-food retail units. Erection of 4 no. non-food retail units, public transport interchange, construction of footway along north side of Kennedy Way, acoustic screen to service yard and associated works.	Parish:	Yate Town Council
Map Ref:	71557 82438	Ward:	Yate Central
Application Category:	Major	Target Date:	11th February 2008



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100023410, 2008.

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INTRODUCTION

This application was reported on Circulated Schedule 41/08 as it relates to major development and there were objections received from the Town Council and local residents. It appears on the Circulated Schedule again now with one amendment: One of the heads of terms of the Section 106 Agreement has been removed. This was for works to the Link Road – Station Road – Goose Green Way roundabout. The Transportation Assessment referred to minor widening works in error and these were reported incorrectly on the previous Circulated Schedule. No works are required for this roundabout as a result of the proposed development and therefore the report is the same as on Schedule 41/08 except for that Head of Terms and its reason being removed.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a replacement Tesco supermarket in place of the existing store, which is stated in the accompanying Design and Access Statement to be one of the oldest in the country. This enlarged building would also include three additional retail units. Across East Walk from the site, it is proposed to demolish the existing toilet block and build four retail units. It is intended to update the existing bus station, including the provision of more shelters and highway works to facilitate the creation of a bus turning lane. A footway is proposed to be provided along the northern side of Kennedy Way and an acoustic screen provided next to the proposed service yard area to be accessed off Kennedy Way. The scheme also proposed various highway works and landscaping of the site as a whole. It is also proposed to demolish the derelict public house, the Swan Inn, which occupies land to the north of the town centre. A Flood Risk Assessment, Retail Statement, Noise Assessment Report, Transport Assessment, a Green Travel Plan and a Masterplan for the shopping centre have been submitted to accompany the application.
- 1.2 The site lies at the eastern edge of Yate Town Centre, which is itself bounded by three roads: Station Road (class B) Kennedy Way (A432) and the Link Road, which joins the two others at roundabouts, where there are also road links with, and through, Chipping Sodbury. The existing Tesco store is of medium size, over two storeys with sales to the public taking place solely on the ground floor. The proposed replacement store would be three storeys high, with the bulk of the store itself on the first and second floor, with undercroft parking underneath. The overall scheme retains the existing level of parking available to the centre as a whole. The service area is proposed to be created on the southern part of the site, with dedicated access and egress derived from Kennedy Way. It would be located above ground level and due primarily to the proximity of the elderly persons housing complex on the southern side of Kennedy Way, would be screened.
- 1.3 Yate Bus Station occupies land on the western side of Link Road. It has three bus shelters and the majority of the site is reserved for parking and turning. The proposals for the bus station involve the erection of a canopy to serve as cover for waiting passengers and the creation of 5 bus parking bays, complete with a turning area.
- 1.4 The seven proposed retail units other than the replacement supermarket would continue the form of the existing town centre, which is cruciform, by extending East Walk in an easterly direction. Three shops would be read as part of the Tesco store, only on ground floor level, masking the undercroft parking area, although they would not be part of the supermarket and would be let/ sold separately.

Opposite them are proposed three one and a half storey retail units, with large glass frontages of a scale, particularly height, greater than the existing units in East Walk.

- 1.5 The proposal has gone through three iterations and for each, consultation was undertaken. The above is a general description of the works proposed. The changes between the first and the current versions are mainly to do with highway modelling, signalisation and junction positions. These are summarised in the comments of the Council's Transportation Officer at 4.2 below. In addition to this, there have been some changes made to the design of the proposed Tesco's store in order to emphasise its Southeast corner, to improve the frontage primarily onto Kennedy Way, which is necessarily to a large degree blank, as the proposed store will concentrate its frontages towards East Walk itself (and the rest of the development) as well as the car park, to encourage some outward looking aspect to the proposal, to counteract the identified problem of the town centre that at present, with the exceptions of South and North Parades, it is almost exclusively inward-looking.
- 1.6 The Shopping Direction requires that retail schemes creating a floorspace of a minimum of 2,500 square metres, in relation to planning applications submitted after November 1993 shall be referred to the Government Office. This application, which proposed 20,800 square metres of gross floor space to replace the existing 5,700 square metres (approximate figures) exceeds this threshold and therefore should the application be approved, this decision would be subject to government scrutiny.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPS6 Planning for Town Centres
PPG13 Transport
Circular 15/93: The Shopping Direction

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
RT1 Development in town centres
RT3 Land East of Link Road, Yate
EP1 Environmental Pollution
EP2 Flood Risk and Development
L1 Landscaping
L11 Archaeology
L17 The water environment
L18 The water environment
T7 Cycle parking
T8 Parking standards
T10 Travel Plans
T12 Transportation Policy
LC13 Public Art

Joint Replacement Structure Plan

Policy 38 Town Centre Hierarchy

- 2.3 Supplementary Planning Guidance
 Yate Town Centre Strategy
 Roger Evans Associates Urban Design Study 1998
 Vision for Yate Town Centre (Winter 2002)
 Town Centres and Retailing (South Glos 2007)
 Yate Town Shopping Centre Regeneration (May 2007 – see 5.2 below)

3. RELEVANT PLANNING HISTORY

- 3.1 N837 Extension to Yate Shopping Centre (Outline) (included Tesco's building). Approved 1975.
- 3.2 N837/2 Extension to existing shopping centre (8,450m²) construction of car park, vehicular access and associated works (included a major store (Tesco) and 10 additional shops and overflow car park.)
 Full planning permission granted 1980.
- 3.3 N89/2632 Refurbishment of existing shopping centre including erection of canopies, kiosks, shelters, public conveniences and entrance barriers, together with access improvements and landscaping.
 Permission granted.
- 3.4 PK02/2152/F Extension to store Approved – Section 106 signed 2005 but unimplemented
- 3.5 PK04/2201/F Extension to store and alteration to car parks Withdrawn

4. CONSULTATION RESPONSES

Three separate consultations were undertaken and in each case, the replies are numbered 1, 2 and 3. The comments received relate to each specific design or amendment, but in many cases can be read as general comments on the whole of the proposal. The first iteration was the submitted application, the second relates to changes made to the highways aspects and the design of the proposed Tesco store, while the last included further changes to transportation arrangements, which were later superseded.

4.1 Yate Town Council

1. Objection unless arrangements can be made for acoustic/ architectural feature screening to be provided on the elevation facing Kennedy Way. The proposal for this elevation is particularly bland.
2. Objection
 - 1) Re. Noise assessment. Due to elderly residents living nearby, noise restrictions should be stricter than is normally the case.
 - 2) Illuminated signs on south elevations will affect the elderly residents opposite.
 - 3) Object to the loss of the Swan Inn and request an archaeological condition to examine the site.
 - 4) None of the parent/child parking is next to the walkway without crossing a vehicular route
 - 5) Trolley bays are needed in the overflow car park.

3. Yate Town Council responded to the above planning application on 30 June 2008 with No objection

Following further information received and discussions which took place at the Environment and Planning Committee meeting last night, Members have requested that the above response be overturned and an objection be lodged for the following reasons:

- 1) It will have an impact on pedestrians. It will cut off the whole of the north of the town from the town centre, requiring them to cross a five lane road, using a light controlled crossing with the sort of iron railing central reservation that they have in the centre of Bristol. There will be no pedestrian crossing facility to the west of Church Road, which will mean anyone coming from North West Yate or from the school for example will have to cross Church Road first, adding to the number of dangerous crossings.
- 2) It will have a significant impact on traffic flows through the town centre. Kennedy Way is the A432, the main through road. If we widen Station Road, making it faster and easier to use, we will divert traffic onto it. This is fundamentally contrary to 20 years of highways planning, which has sought to remove traffic from Station Road in the location immediately north of the shopping centre, and downgrade it to a local serving road. By increasing Station Road traffic it will increase traffic on the Station Road/Goose Green Way junction, which already has serious congestion problems - and onto which all the new housing development will flow!!

The idea has always been to downgrade Station Road, so that ultimately it becomes a local service road.

- 3) By putting in the right hand filter lane into Church Road it is drawing attention to it and encouraging cars to use Church Road as a through road, again, contrary to 20 years of highway attention which has tried to divert traffic away from this narrow twisting road, serviced by a temporary bridge!
- 4) It is contrary to the Town Centre Strategy, which stressed the importance of between the shopping area and the civic area around the church. This will put a 5 lane road between the two.

Sodbury Town Council

1. No reply received
2. No reply received
3. No comment

4.2 Other Consultees Environmental Protection

1. No reply received
2. No reply received
3. No objection in principle, but conditions should be considered as follows to help protect residential amenity in neighbouring properties:
* Rating level of noise from the site should not exceed existing background noise levels

- * The acoustic barrier should be completed before first use of the Tesco store and retained in such a condition thereafter
- * Additional planting required in a bund to be extended along Kennedy Way as far as possible to the west
- * Traffic routes to the loading bay should be designed to avoid the need to reverse vehicles
- * Lighting for the site should be conditioned

Informatives: The car park layout should be designed to minimise problems associated with boy racers. Low level planting around the site should be avoided to deter rodents.

Environment Agency

1. The Agency has no objection in principle to the proposed development subject to the inclusion of conditions which meet the following requirements:

CONDITION:

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON:

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

CONDITION:

No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

REASON:

To prevent pollution of the water environment.

CONDITION:

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

REASON:

To prevent pollution of the water environment.

CONDITION:

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

REASON:

To prevent pollution of the water environment.

CONDITION:

Activities carried out at this site in the past may have caused contamination of soils, subsoils and groundwater (water in both unsaturated and saturated zones). Therefore, it is recommended that any planning permission require the applicant to carry out an investigation to the satisfaction of the Local Planning Authority in consultation with the Environment Agency to determine the nature and extent of contamination.

In the event that contamination of the site is confirmed the developer should liaise with the Environment Agency on measures required to protect surface water and groundwater interests. The investigation should include the following stages: -

A desk study, which should include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed, this information should be used to produce: -

- * A detailed water interest survey to identify all wells, boreholes, springs and watercourses:-
- * A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors:-
- * A site investigation, designed for the site, using this information and any diagrammatical representations (Conceptual Model) undertaken. The investigation must be comprehensive enough to enable: -
- * A suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and - refinement of the Conceptual Model, and - development of a Method Statement detailing the remediation requirements.

Reference should also be made to the Model Procedures for the Management of Land Contamination CLR11 Report which can be found on the Agency's website www.environment-agency.gov.uk

REASON:

To prevent pollution of the water environment.

In the event of planning permission being given we request that the Decision Notice contains the following information:

- * There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
- * Measures must be taken during demolition and construction to prevent pollution of the watercourse directly or via surface water drains.
- * Wastes arising from demolition should be characterised and disposed of at appropriately authorised sites. A site waste management plan should be produced to minimise waste arising and to ensure that reuse/recycling is maximised. Please contact Chris Barnes on 01278 484562 to further information.

2. The Environment Agency - South West Region has no comments to make, in addition to those contained in its letter dated 9 January 2008 regarding the proposal.

3. Nothing further to add to the earlier response.

Wessex Water

1. Foul Drainage

All existing provision is shown as private

The development would cause a minor increase in foul flows and it is suggested that the developer re-uses existing connections

Wessex would consider adoption of existing sewers if requested

Surface water drainage

Assume that storm drainage will discharge to existing land drainage to the south and east of the site

Any storm water draining to foul system needs to be separated in the re-development of the site

2. No further comments

3. No further comments to make other than those made on 3 January 2008.

Technical Services

1. Objection. Details are required to show that the risks of flooding have been eliminated.

2. No reply received

3. No reply received

Traffic management

1. We have now had a look at the various documents outlining the works associated, in the main, with the TESCO redevelopment YTC. Our initial comments are as follows. The report seems to only have the results of the modelling (LINSIG, etc.) When the junctions have been remodelled (see below) I will require a copy of the data files AND a full print out of the model.

- Church Road / Station Road / YTC car park junctions
- (i) These junctions have been modelled using LINSIG as two SEPARATE junctions. This is incorrect they should be modelled together as they will, self evidently, effect how the other operates.
 - (ii) South Glos has previously considered the full signalisation of the Church Road Junction but this was discounted due to the long cycle times; delays to pedestrians and likelihood of increasing traffic flows through Church Road.
 - (iii) The LINSIG models supplied have modelled the Right Turn Lanes into Church Road and Right/Left turns into YTC as full traffic Links. This is incorrect as they are, obviously Flare lanes with PCU lengths of approx 4. The junctions should be remodelled, with 4 stage (if for no other reason than the submitted results use)
 - (iv) As modelled with differing cycle times of 120 & 90 Seconds there is likely to be blocking of the straight ahead lanes by the short R/T lanes
 - (v) It is unclear from the plans supplied how access to properties 117 to 125a station Road will be made under the proposed signalisation. Currently access is made via a break in the hatched R/T centre lane.

- (vi) The existing PUFFIN and TOUCAN facilities (Not PELICANS as shown on the plan) are VERY well used by pedestrians and cyclists. Currently a delay of no more than 25 Seconds is experienced in using these crossing and whilst this might be increased slightly to address traffic hot spots PM peak, Sat Mornings. The proposed cycle time of 120/ 90 seconds is NOT acceptable in delay to pedestrians/ cyclists alone. Such long cycle times are contrary to South Glos policy to encourage Walking / cycling ;the stated aims of the travel plan to encourage walking / cycling and the stated aim of the Vision for Yate Town Centre
- (vii) In addition the intergreen values have uniformly been set to 5 seconds (UK minimum is 4 seconds) including those to the pedestrian phases (which are likely to be closer to 10 seconds) Correctly calculated intergreens should be modelled.
- (iix) Saturation flows are unsustainable given the the access arrangements on to the internal car park road.
- (ix) Suggest that the option of a mini roundabout at the YTC car park should be tested.
- (x) Has the impact of proposed work been tested on the existing junction to the west of the fire station (Site 2 of the traffic count) ?
- (xi) The proposed pedestrian crossing facility across the entrance to the YTC car park does NOT line up with the current (and future?) desire line from North Parade into the car park. How is this to be accommodated?

Junction modification Link Road

- (i) No details as to how the existing (and only recently installed) PUFFIN will integrate with the proposed layout. Pedestrians currently using the facility enjoy limited delays that I can not see will be maintained under the proposed layout.
- (ii) No details as to how the buses are to enter and exit the proposed bus station without interrupting traffic (how has this been modelled?) As shown there is potential for conflict of buses turning right into the bus station with traffic Northbound on link road AND traffic left turning out of the car park. In addition Buses turning right will block the southbound traffic lane.
- (iii) Not fully detailed on the supplied plans but a new taxi rank is proposed to be built North (and immediately adjacent to) the existing PUFFIN crossing. Drivers waiting to turn right into the taxi rank will obstruct following traffic and may come into conflict with North bound traffic (proceeding under a green signal from the crossing). Is there scope to widen Link Road to make a centre hatched turning lane?
- (iv) Not detailed but required are details as to how the proposed junction will be co-ordinated with the existing TOUCAN crossing. This should be modelled and the effects detailed. Likely Increase in delay to pedestrians contrary to policy.
- (v) As detailed the proposed internal road network may, under peak conditions, become saturated and block the proposed junctions. (Redesign to include long access roads and mini roundabouts?)

Station Road / Kennedy Way / Home Orchard Junctions

- (i) As this junction appears to be the main cause of congestion west of Church Road an increase in lanes back from the junction to, at least, the PELICAN crossing should be considered
- (ii) The proposed re-shaping of the traffic island, as shown, is likely to lead to traffic going straight ahead from Home Orchard into Kennedy Way to come into conflict with traffic turning Left from Home Orchard into Station Road.

Link Road / Kennedy Way Roundabout

- (i) The proposed works results in a loss of Southbound deflection with resulting increase in through traffic speeds. The works along with the proposed increase

- in lanes at the roundabout are likely to be at the disadvantage of cyclists at this junction or Pedestrians crossing (3 lanes) at this point.
- (ii) The existing entrance to YTC off of Link Road currently queues back onto the roundabout yet has not been addressed as part of these works. Can a widening (giving two lanes out of the roundabout be looked at ?

Works adjacent to Kennedy Way.

- (i) The proposed pedestrian access off Kennedy way near the access to Tesco service yard should be deflected to relation to the existing TOUCAN Crossing
- (ii) The proposals seem to suggest a restriction (by means of a central refuge) on access to the Tesco service yard to Left in / Left Out with no clear rationale for why. Such a restriction by a central island can not be accepted as the carriageway width would appear to be insufficient to accommodate it and on safety grounds it is not appropriate to site such islands near signal crossings where they could attract pedestrian use.

In addition to the Traffic Signal comments above, I would also welcome an opportunity to discuss with the Tesco representative (i.e. White Young Green) matters relating to some other highway issues such as;

- 1) access /egress to proposed taxi area on Link Road,
- 2) potential to provide a pedestrian/cycle route along the northern side of Kennedy Way between Scott way/ Link Road and Station Road/Home Orchard junctions.

2. No reply received

3. The proposed development would include:

- Demolition of existing store, bus station, toilet block and public house to be replaced with the followings:
- New Tesco store (on stilts of 13,901m², excluding travelator) containing 3 separate non-food retail units,
- Ground floor parking,
- 4 non-food retail units (totalling approx. 4030m²),
- Alteration to the existing bus station is aimed to create 5 bay stops for buses as opposed to the 3 current bus bays in bus station
- Provision of a separate taxi parking/ lay-by adjoining to the bus station along Station Road
- Associated highway works put forward by the applicant agent as mitigating measures.

The applicant sees his proposal as an opportunity for expansion. Other aims of the expansion according to the developer, is to enable the shopping centre to compete with Cribbs Causeway Mall and other shopping centres such as the Cabot Circus development in Bristol City Centre. The proposed development at Yate is intended to attract shopper outflow back to Yate and retain shoppers in the Yate area and to serve part of planned future demand from new development in area.

Proposed highway works

In association with the development and as part of mitigating measures, the applicant has put forward the following mitigating off-site highway works,

- a) widening of Link road and associated works
- b) signalising Link Road at its junction with shopping centre car park egress point.
- c) Provision of an improved bus station
- d) Provision of taxi parking
- e) Signalising Tesco car park access/Station Road/Church Road junction (this proposal was initially put forward by the applicant but due to officer's concerns, these are now omitted from the final scheme of highway works).
- f) Alterations to toucan crossing opposite Morrison store
- g) Minor Alteration to the exit leg on station Road at double roundabout junction.

Transportation Background

By way of background information, Members should be advised that the officers gave comments on some aspects of the junction design as put forward by the applicant at pre-planning stage. It is appropriate at this stage to highlight that the officers expressed doubt (at pre-planning stage) in relation to signalising Tesco's car park access with Station Road and Church Road junction. Despite officer's concerns about this, the applicant has nevertheless been keen to promote their own scheme of highway improvements and felt that further consideration ought to be given to their revised scheme.

Transportation

The application is accompanied by a Transportation Assessment (TA), and detailed plans for access and egress arrangement for East Walk car park.

Access

In terms of access to the development, there are two access points to the proposed car park. One of the main vehicular access to the development is via Station Road and the other is via Link Road both of which serve the East Walk car park. There is also a separate egress point to East Walk car park from Link Road. The service yard access is via Kennedy Way. All these accesses are proposed to be retained and some would be upgraded to *serve the new development*.

Traffic

Traffic figures that have been used in the Transportation Assessment (TA) are based on 2017, ten years after the year of planning application. For large development such as the current proposal, it is industry's norm that future traffic growth is included to ensure robust assessment. Traffic figures used in this case therefore includes the forecast future traffic growth in the area.

A proportion of traffic of the new development, taken together with a draw back to trade from competing shopping centres will result in increase in traffic on Yate Town Centre Road network. This impact will mainly be on the roads forming the periphery of the main shops namely A432, Kennedy Way, B4060 Station Road and B4069 Link Road.

To address the impact of the new development as well as future traffic on the public highway, the applicant has proposed a number of alterations to the existing junctions on the road network outside the shopping centre and these have been tested through the submitted TA.

Transportation Assessment

The proposal and the associated Transportation Assessment (TA) have been carefully assessed. The submitted TA has considered and tested a number of junctions and assessment has been based on traffic flow in the worse case to ensure robust assessment.

The original proposal to signalise Tesco's car park access with Station Road and Church Road junctions did not meet the required Councils design standards. This element of the proposal was subsequently rejected by the Council's traffic signal experts. To overcome those initial highway concerns, amendment was put forward. Members are advised that having modelled the Tesco Car park access /Station Road / Church Road junctions, it is concluded that the amended scheme would still not work as well during the test period.

Initial officers assessment on these junctions was followed by further assessment by the Council's consultant (JCT consulting) who prepared a full audit report on the proposals. This audit report raises concerns about some technical aspect of the proposal and identifies some errors in the provided models for junctions.

In relation to Tesco's car park access with Station Road and Church Road junctions, the audit report indicates traffic queues in both approaching directions. Based on the audit report, the officers are not in full agreement with some aspects of proposals as put forward.

Yate Town Council has expressed concerns in respect of the proposed traffic signal arrangement for top of Church Road/Station Road junction. It is felt that the proposal is over-designed and as the result there would separate the centre from residential areas.

Members need to be advised that the officers have considered and tested other alternatives access arrangements such as mini Roundabout on Station Road and left only exit onto Station Road. Among other options for alternative access to the site, officers also considered the creation of new vehicular access from Kennedy Way. However, all these options were ruled out for different reasons.

Alternative Mitigating measures

As stated previously the original submitted proposal included a proposal to signalise the Station Road junctions with Church Road and Tesco's car park access. Due to officers concerns, these proposals have now been omitted. It is now proposed that these junctions remain as existing, but through discussion with the applicant, it has been agreed that the applicant makes a financial contribution towards a comprehensive traffic study in the Yate Town Centre and part implementation of measures as approved. Officers are satisfied that this new proposal would overcome some of the concerns which still exist over the proposal on the highway network. This option will allow wider participation of all interested parties including the local members, the public and other retailers in the Town Centre.

Public Transport

As stated previously, the bus station adjacent to the proposed Tesco's redevelopment is to be redeveloped as part of the development proposal and a new building/waiting area will be built.

A total of 5 bus bays will be created in the new bus station and that would provide an enhanced facility compared to the current situation where there are 3 bus bays in existing bus station.

A taxi parking rank will also be provided on the public highway and this will be located to the north of the bus station.

Other agreed transport measures

In addition to taxi provision on the Link Road, it is also proposed to provide parking for approved operators in the East walk car park adjacent to the store entrance.

In this location, there will also be parking for the community dial-a-ride bus service.

These measures would be secured via an appropriate planning conditions.

Parking

At present there are 929 car parking spaces in total in the east car park of the town centre which include 22 disabled and 6 parent and child spaces. There are also 251 spaces within the overflow car park on the east side of Link Road.

As part of the proposed development, the scheme provides a total of 889 spaces. The make up of the car parking would be 825 standard car parking spaces, 44 disabled spaces and 20 parent and child spaces. The overflow car park is to be extended to 282 spaces.

Transportation Conclusions

Apart from the proposed signalisation of Tesco's car park access with Station Road and Church Road junctions all other transportations measures as put forward are considered acceptable. Instead of those works associated with signalisation of those junctions above, the applicant is required to provide a financial contribution of £200,000 towards a comprehensive traffic study in the Yate Town Centre area and implementation of the approved measures.

Recommendation

In consideration of all the above, the officer's highway recommendation is for approval of the proposed development subject to completion of a s106 legal agreement to secure the following measures;

1. *Link Road–Kennedy Way-Scott Way Roundabout* - widening to three lanes on the southbound link Road approach and realignment of the existing cycletrack together with all associated works.
2. *Station Road* - alteration to the alignment of the footpath around Home Orchard/Station Road, upgrading of existing pelican to toucan crossing with removal of the refuge island to enable pedestrians to cross the road in one movement together with all associated works.

3. *Link Road - shopping centre car park junction* – change this junction to traffic signal control and provide a commuted sum for future 15 years maintenance period. The new signal controlled junction shall be linked to existing pedestrian crossing and bus right turn from Link Road together with all associated works.
4. Provision of a new bus station in accordance with submitted and approved plan together with all associated works.
5. Provision of taxi parking along Link Road in accordance with the approved plans together with all associated works.
6. Provision of a 3m wide new footway/cycle cycleway along Kennedy Way between Link Road junction and access to Tesco service yard together with all associated works.
7. The developer makes financial contribution of £200,000 towards;
 - A comprehensive traffic study in Yate town Centre and the vicinity of the development proposal towards implementation of the scheme including improved footway and cycle facilities in Yate Town Centre including improvements to pedestrian and cycle provisions along Kennedy way.

Avon & Somerset Police

1. Mention is made in the Design and Access Statement reference the car park being covered by CCTV. Our comment relates to the fact that at present the car park areas are covered by CCTV monitored by the Shopping Centre Staff, who work closely with the local police. The concern is that the car park CCTV would now be monitored by Tesco security staff, perhaps as only part of their security role.
 - Has a structural engineer considered the consequences of the detonation of a vehicle borne bomb within the vicinity of the car park supports. Yate Shopping Centre have participated in Counter Terrorism events such as Project Argus and Tesco would be wise to assess their risk.
 - Advice in relation to the car park includes
 - tightening up of access procedures;
 - removal of any unnecessary material which may obscure a threat or contribute to fire damage;
 - basic vetting of staff providing access to others or with access out of hours;
 - checking of any vehicle left overnight;
 - basic checks on large vehicles entering the car park such as vans, coaches, minibuses, people carriers, stretch limousines, particularly where the interior is obscured;
 - ensuring that CCTV is well placed and regularly checked by security staff for potential reconnaissance;
 - ensuring that personnel who control access to internal areas or are responsible for parking security are trained, reliable, and well supervised;
 - regular review of adequacy and maintenance of fire fighting, detection and alarm systems.

- The plans show that the ATM machine has been located independent of the main building. This leaves it open to attack especially from a vehicle. There needs to be some form of hostile vehicle mitigation from the surrounding areas which could take the form of bollards, however there are now a number of other more aesthetic solutions on which we are willing to give further advice.
 - The cycle storage facility to the south of the development is under poor natural surveillance and would need to be included under the CCTV coverage or moved.
2. No reply received
 3. Where the design of buildings such as this cannot be amended for practical reasons, then comprehensive procedural, control and constructional hardening measures could be considered as a next best solution. Good practice on other Tesco sites would reduce risks and should be considered for this site.

Arts Development Officer

1. A figure of £50,000 was offered. However £60,000 had been on the table for a previous version of the development.
2. Given the previous S106 offer and the increased size and importance of the development, I would hope for a contribution to public art of at least £75, 000.

I would recommend that the developer works with a public art specialist to develop a clear vision for the development to ensure a thorough consideration of the possible opportunities and a high quality integrated scheme. It would be good if this strategy could be produced at the earliest opportunity to ensure good linkage with other design professionals (e.g. The architects and landscape designers) and opportunities to capitalise on other budgets (e.g. seating, paving, etc) are not lost. I would expect this to be produced at the client's expense (but I don't think it would be hugely expensive!)

I would anticipate that the strategy would cover the following points as a basis (though obviously this can be looked at with the appointed consultant):

- An assessment of the development - its opportunities, site and context - and the rationale for developing a particular strategy.
 - Details of an artist's contribution to defining the development.
 - Descriptions of work that will be realised through collaboration between artists, architects and other design professionals.
 - A programme of on-site and off-site permanent and/or temporary public art
 - Details of how the local community will be involved in the creation of the art scheme
 - Timescales for the development and implementation of public art
 - Details of the commissioning process and draft briefs as appropriate
 - Details of maintenance and de-commissioning of public art
 - Budget allocations relating to all of the above
 - Trigger points for delivering public art that inform the wording of planning obligations between the developer and South Gloucestershire Council.
4. I am pleased to confirm that I am happy with the offer of £75, 000 as a contribution to public art.

Archaeology

Although unlisted the building appears to have a historic core that would benefit from building recording prior to demolition. This could be dealt with by an archaeological condition. I would provide a brief for recording to English Heritage Level 3.

Spatial Plans Section

1. Relationship to the Masterplan process:

It has been made clear to Dominion representatives and to Tesco on several occasions that we would expect to consider the current proposals in the context of an agreed updated masterplan/strategy for the town centre and that logically this should be prepared and considered before submission of any major applications. As the masterplan has been submitted as part of the application it is necessary to run the policy process of reviewing the masterplan in parallel with the development management process for the planning application.

Policy Context Background

Tesco proposes to replace its existing Yate store with a larger store on broadly the same site within the town centre. This is broadly consistent with national and local policy subject to issues of scale and impact being addressed

The applicant has been asked to address issues of scale and impact as required by national policy PPS6 and in SGLP policy RT1.

It is particularly important that the tests are addressed as if minded to approve the scheme the Council will be obliged to advise GOSW under the Town and Country Planning (Shopping Development) (England and Wales) (No.2) Direction 1993.

A supplementary Retail Statement dated 10th April has been submitted by DPP. The following notes respond to that supplementary statement and the wider policy issues.

The current position is that the Town Centre as a whole has about 23,340 sq m of retail floorspace of which 16,340 (70%) is within the Core Shopping Centre area and 30% is edge of centre (Table 1).

Of the total floorspace approximately 8,240 sq m sells day to day convenience items. This is approximately 35% of the total floorspace.

Tesco currently controls 12% of all floorspace in Yate Town Centre and 33.9% of all convenience floorspace (NB this analysis includes edge of centre stores)

Table 1 – Retail Floorspace in Yate (August 2007)

	sq m net	%	Units	%
Retail floorspace Central Yate area	23,343.4	100	90	100
Retail floorspace Yate Shopping Centre	16,340.4	70.0	87	96.7
Edge of Centre Stores -	7,003	30.0	3	3.3
B+Q,	3,060			
Morrisons,	2,843			
Lidl	1,100			
Convenience floorspace Central Yate Area	8241.8	100	12	100
Convenience as % of total floorspace		35.3		
Convenience floorspace – Shopping Centre	4,298.8	52.2	10	83.3
Convenience floorspace – Edge of Centre (Morrisons and Lidl)	3943	47.8	2	16.7
Tesco Store (existing)	2794.8			
% of all floorspace in central Yate		12.0		
% of all convenience floorspace		33.9		

The Proposals

The main elements of the proposed scheme are for a replacement Tesco Store of 9949 sq m , 3 small units (total 449 sq m) within the Tesco site and for 4 non-food units (4,005 sq m) net.

Preliminary assessment

Officers do not consider that the smaller and non-food units raise particular policy issues. They are of a scale which is assumed to be appropriate to a Major Town Centre, are consistent with the organic growth of the centre to meet future needs and are unlikely to have any negative impact on the rest of Yate Town Centre or on investment in neighbouring centres.

Equally Officers accept the comments at paragraphs 4.13 - 4.16 that the redevelopment of the Tesco store is unlikely to further undermine investment in Chipping Sodbury Town Centre or make the development of a new foodstore for that town unviable.

The issue is fundamentally whether a large format store of 9949 sq m net convenience floorspace is of an appropriate scale for Yate Town Centre.

Scale of the proposal

The existing Tesco Store is recorded as being 2074 sq m net within the DPP document and 2794.8 sq m net within the Council's own annual monitoring report (Town Centres and Retailing – in South Gloucestershire August 2007). Although there is a disparity in the figures, it is considered that this makes no significant difference for the assessment of scale and impact.

Tesco propose to increase the net floorspace to 9,949 sq m – an increase of 7870 sq m. In short the proposed trading area of the new store would be over 4.5 times that of the existing store.

While there has been widespread support for the principle of a replacement store within Yate, as evidenced by the response to public consultation, it is questionable whether the full scale of the floorspace and any wider impact for competition within Yate Town Centre has been appreciated.

The new store would be larger than any other single convenience store in South Gloucestershire and, for illustrative, reference over twice the floorspace of the existing Tesco's store at Eastville. (Table 2)

Table 2 – Comparison Proposed Tesco with other large convenience stores

	Sq m Net	Difference sq m	%
Tesco Yate – proposed	9949		
Tesco Yate - Existing	2074	+7875	+458%
Sainsbury's – Fox Den Road, Stoke Gifford	4395	+5554	+226.4
Asda – Longwell Green	6038	+3911	+164.8
Asda – Cribbs Causeway	8361	+1588	+119
Morrisons – Cribbs Causeway	3383	+6566	+294
Tesco - Eastville	4240	+5709	+234.7

The fact that the store would be bigger than any other comparable scheme locally does not in itself make it inappropriate. The need is for a wider strategy to apportion potential growth between towns and between sites within towns as required by PPS6.

In the absence of such an up to date strategy within South Gloucestershire it is left open to the Development Control process to assess the appropriate scale of development. There is only limited guidance within PPS6 on how such judgements should be exercised. This is set out at PPS6 paragraph 3.4 and amplified at paragraph 3.12 but this refers back to paragraphs 2.41 -2.43 which state:

b) Identify the Appropriate Scale of Development

- 2.41 In selecting suitable sites for development, local planning authorities should ensure that the scale of opportunities identified are directly related to the role and function of the centre and its catchment. Uses which attract a large number of people should therefore be located within centres that reflect the scale and catchment of the development proposed. The scale of development should relate to the role and function of the centre within the wider hierarchy and the catchment served. The aim should be to locate the appropriate type and scale of development in the right type of centre, to ensure that it fits into that centre and that it complements its role and function.

- 2.42 Given their characteristics, local centres will generally be inappropriate locations for large-scale new development, even when a flexible approach is adopted. Accordingly, it is likely to be inappropriate in most cases to include local centres within the search area to be applied under the sequential approach for large-scale developments. Local planning authorities should therefore consider setting an indicative upper limit for the scale of developments likely to be permissible in different types of centres, and developments above these limits should be directed to centres higher up the town centre hierarchy.
- 2.43 For city and town centres (as described in Table 1, Annex A), where a need has been identified, local planning authorities should seek to identify sites in the centre, or failing that on the edge of the centre, capable of accommodating larger format developments.

There is little further guidance on the actual interpretation of how large a development would have to be before its scale would be considered inappropriate.

Yate is described as a Major Town Centre within the Structure Plan retail hierarchy. It follows that as Yate is a Town Centre within the meaning described in Table 1 Annex A to PPS 6 it should be able to accommodate larger format developments.

The DDP Retail Statement (at Section Four) compares the convenience and comparison floorspace in a number of centres. Officers consider that only the Major Centres are really applicable for comparison purposes. Kingswood is 29.4% convenience, Staple Hill 43.4%, Thornbury 31.7% and Yate 26.3% at present. Emersons Green 53.8% and the emerging Centre at Bradley Stoke currently 100% convenience. Officers have reworked those figures to include edge of centre stores which contribute to the overall retail offer of a centre. (Table 3)

Table 3 – Proportion of floorspace in convenience use and within the principal store within selected Major Town Centres

		Total	Convenience	%	Principal Store	% of total	% of convenience	Notes
1	Emersons Green	9772.8	5258	53.8	Sainsbury 4515	46.2	85.9	
2	Kingswood	13201.6*	5149.4*	39.0	Sainsbury 1765	13.4	34.3	*Includes Somerfield Edge of Centre
3	Staple Hill	6,569.1	2851.5	43.4	Pioneer 975 Somerfield 548	14.8 8.3	34.2 19.2	
4	Thornbury	9803.1*	4540.9*	46.3	Tesco 2100	21.4	46.3	*Includes Tesco – Edge of Centre
5	Yate	23343.4	8241.8	35.3	Tesco 2794.8	12%	33.9	
6	Bradley Stoke Existing Centre	2926	2926	100	Tesco 2926	100	100	
7	Bradley Stoke Emergent Town Centre	15891	7439	46.8	Tesco 7439	46.8	100	
8	Yate Town Centre – with approved Tesco Extension	25836.4*	10734.8	41.5	Tesco 4567	17.7	42.5	*Includes B+Q, Morrisons, Lidl
9	Yate Town Centre – with Tesco replacement store and East Walk units	35672*	16116.8	45.2	Tesco 9949	27.9	61.7	*Includes B+Q, Morrisons, Lidl
10	Yate Shopping Centre – with proposed store	28669	12,173.8	42.5	Tesco 9949	34.7	81.7	*Excludes B+Q, Morrisons, Lidl

It is evident that with the proposed replacement store Tesco would represent 34.7 of all of the floorspace and 81.7 % of all the convenience floorspace within Yate Shopping Centre. If account is taken of the wider town centre floorspace

Tesco would occupy 27.9% of all floorspace and 61.7% of the convenience offer. This would, for example, compare with the current position at Emersons Green where Sainsbury's control 85.9% of convenience floorspace and the proposed Bradley Stoke Town Centre where Tesco will operate 46.8% of all floorspace but practically 100% of all convenience floorspace. In essence this highlights the tendency in modern centres to have a more limited number of shop units with one dominant anchor convenience store. It is a matter of judgement whether Yate should move towards the position where it has one dominant anchor store.

Conclusions

The proposed Tesco store is of a scale which requires assessment within the terms of PPS6. It would be a larger store than any other convenience store in the local area. The development would result in Tesco occupying 27.9% of all floorspace and 61.7% of the convenience offer within Yate Town Centre.

As such it would establish Tesco in a dominant trading position for convenience goods within Yate, as it is within Bradley Stoke and Sainsbury is within Emersons Green.

It is a matter of judgement whether it is appropriate to have such dominant single outlets. Paragraph 1.4 of PPS6 does refer to competition and choice – but does not really go further to say how that can be achieved through the planning system. It does not give much guidance on issues of competition (and the division of growth potential between stores).

In planning policy terms it is preferable that investment is undertaken within town centres rather than in free standing stores. There is currently no LDF document to set parameters for individual towns and sites within South Gloucestershire. In the absence of such guidance a judgement has to be made on whether the scale of floorspace proposed is appropriate to Yate Town Centre. If the Council is minded to approve the scheme it will be necessary to advise GOSW under the 1993 Shopping Development Direction.

Other Representations

4.3 Local Residents

1. Two replies were received, citing the following concerns:
 - * Development should be in a different location – the overflow car park?
 - * The proposed building would be closer to houses in Swan Field and taller than the existing building
 - * Windows in the proposed development would look directly into the houses at Swan Field
 - * The proposal would stand out like a sore thumb in comparison to the rest of Yate – the wood will wear and weather
 - * Noise pollution
 - * The Tesco store may want to operate 24 hours a day, causing continuous noise and traffic
 - * The side of the proposed building would be in close proximity to Kennedy House EPH and this elevation would be largely blank and not broken up
 - * The noise assessment has not taken account of the age of the occupants of Kennedy House
 - * The canopy proposed would offer insufficient protection against the elements
 - * Parking provision would be reduced and needs to be increased to reflect the greater attraction to the town centre, including short term parking and

- enforcement to prevent all day free parking, a taxi pick up point right next to the store and secure undercover provision for cycle and motorbike parking
 - * Too many disabled bays are exposed to the elements
 - * The layout of the bus station will involve buses reversing
 - * The Green Transport plan should do more to encourage modal shift, e.g. offering staff bus passes. A condition should require interactive bus update boards by the checkouts
 - * If the Tesco plan is dealt with separately to the implementation of the masterplan, the campaigning work of local councillors will be wasted
 - * A condition should require an archaeological survey of the Swan PH, with records and remains transferred to the Heritage Centre
 - * The proposed highway works to Church Road junction will not work and result in traffic chaos. The pelican crossing by the White Lion PH must be retained
- Inconvenience during the construction phase
 - The town centre strategy requires that civic and commercial should be better balanced in the town centre. A top priority is the funding of a youth hub which should be secured through a Section 106 Agreement
- NB The last two points are not valid planning concerns, the latter because Section 106 contributions can only be requested where they mitigate effects of the development and a youth hub would not be directly required as a result of this proposal

2. The second round of consultation generated 5 letters of objection, citing the following concerns:
 - * The Swan PH should not be demolished to provide more parking. It will open up uninterrupted views across the car park of the proposal. The current planting plan is inadequate and a wall would help
 - * 24 hour opening would lead to the car park being used by boy racers
 - * The proposal will lead to extra traffic, particularly on Station Road
 - * Yate shopping centre should not be compared to Cribbs causeway or Cabot Circus, which in any case are within driving distance for people in Yate
 - * Many people use the centre because it is on one level. Creating shopping facilities at first floor level will not help this
 - * Nothing has been done about the Swan pub in 8 years
 - * This development should take place on the overfloer car park which is underused
 - * The building is too big
 - * In removing the pelican crossing, pedestrian safety will be compromised
 - * Removing the Church Road mini roundabout may speed the traffic but will lead to more accidents
 - * One large store in the shopping centre will make it hard for smaller competitors
 - * A noise restriction needs to be applied to protect residents in Kennedy House
 - * The plans are incorrect as the land between the cul-de-sac and Station Road is owned by the residents on the other side of the cul-de-sac
- How will house prices be affected by this proposal
 - NB This last point is not a valid planning concern

3. The last period of consultation generated 4 letters, one being signed by 5 local residents, citing the following concerns:
- * The latest changes have not addressed previous concerns
 - * A larger store will need more parking spaces
 - * The height and size of the store would be invasive
 - * Increasing the width of Station Road would affect residential amenity and highway safety, particularly for pedestrians
 - * Retaining the Church Road mini roundabout would be better and when the ambulance and fire stations are relocated it could be made one way
 - * One large store in the shopping centre will make it hard for smaller competitors
 - * A noise restriction needs to be applied to protect residents in Kennedy House
 - * The plans are incorrect as the land between the cul-de-sac and Station Road is owned by the residents on the other side of the cul-de-sac
 - * The development should be located out of town where there are better road links

4.4 Local Businesses

1. One letter of objection was received, citing the following concerns:
Scale: Yate is identified in the Development Plan as a major town centre. The application is for a 20,826 square metres (gross) retail development. The current planning permission would allow Tesco to increase the existing floor space by 69% whereas this proposal would allow a quadrupling of the existing retail floor area, plus the extension. PPS6 requires applicants to demonstrate that the proposed development is appropriate to the scale of the centre, but this has not happened.

Impact: Part of the proposal would create an additional floor within the proposed building, which will be used to provide floorspace for non-food goods, which would have a negative impact on other non-food retailers in the town centre and other centres in the district. The applicants have not undertaken the impact assessment required by PPS6 and therefore it fails the five key tests set out in that document.

2. Two letters of objection were received, citing the following concerns:
The points made previously were re-iterated in the second consultation response, along with the additional point that the proposal for a larger Tesco store in Yate would harm the chances of Chipping Sodbury being the site for a new supermarket. The town only has 384 square metres of A1 convenience retail units in total at present, the smallest for any centre in South Gloucestershire.

Yate has the highest area for comparison shopping in South Gloucestershire (64% of the total retail floorspace of the town) but the lowest amount of convenience retail floorspace of any centre in South Gloucestershire. The proposal would result in a net footprint of 14,403 square metres. Convenience retail floorspace in Yate would increase by 114% and the total retail floorspace from 16,340 to 28,669 square metres, or 75% above existing.

The second letter received was on behalf of Iceland Foods Limited, a branch of which is situated in North Walk in the Yate Shopping Centre. PPS6 requires local planning authorities to maintain the existing network

of centres and their hierarchy, emphasising the plan-led approach that any significant changes in this hierarchy. The applicants retail statement is deficient as it only provides a comparative analysis of retail floor space in South Gloucestershire town centres before and after development. Yate is the largest of these centres, 1.5 times the size of Kingswood, the second largest centre. Post development, it would be three times the size of Kingswood town centre. The Structure Plan policy requires that the vitality and viability of town centres should be enhanced. Emerging Regional Policy seeks to achieve the same end.

Local Plan policy RT1 states that retail and other development in a town centre should be consistent with the scale and function of the town centre. The development would strengthen the role of Yate in relation to other centres in South Gloucestershire and affect their alter the existing balance and pattern of retailing in the district. The policy also acknowledges that there will be limited requirement for additional retail floor space to meet local needs until post 2006.

3. One letter of objection was received, citing the following concerns:
The red line area of the site has been increased and as such a new application should be required. No objections are raised in regard to the changes to the Transportation Assessment.

NB. The following analysis will relate to the original red lined site area. This area was extended to allow for road widening which was later withdrawn from this proposal.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The existing supermarket is located within the town centre of Yate, as recognised in the adopted Local Plan. All the proposed development would also be located within Yate Town Centre, with the highway works taking place either within the centre or to the peripheral roads which form the boundary to the town centre. Policy RT1 is the relevant policy governing development in town centres. It sets 5 criteria which have to be met for the proposal to be acceptable. Analysis of these criteria for the proposed Tesco store form headings 5.4 to 5.8 below. 5.9 and 5.10 apply these tests to the other proposed retail units. In addition to these issues, the proposal also has to satisfy the policies listed above, when considered in the light of all material considerations. One particular material consideration is that planning permission has already been approved for an extension to the existing Tesco store on this site. Although the planning permission itself has not yet been implemented, some of the works required under the Section 106 Agreement and this planning permission could yet be implemented. The application has been accompanied by the items listed at paragraph 1.1 above, relating to, inter alia, transportation and the retail impact of the proposal, along with a Masterplan for the development of Yate Town Centre. These issues inform the following analysis:

5.2 Executive Report & Relationship to Masterplan

The Masterplan which was submitted along with the first iteration of this application has been endorsed by the Council's Executive Member in February 2008, on the following terms:

- A. Endorses the simple short-term measures for enhancement of the shopping Centre set out at A1-A19 of paragraph 2.3.1.of the master plan;

- B. Endorses the principle of a replacement foodstore and allied retail units on East Walk in line with Phase 1 of the master plan and subject to resolution of detailed issues through the development control process including:
- i. Assessment of the scale of floorspace and development proposed and its impact on the wider town centre and neighbouring centres;
 - ii. Confirmation that transportation proposals are satisfactory;
 - iii. Confirmation that design proposals are satisfactory in their own right and will make a positive contribution to providing active frontages to surrounding roads in line with the design concept at section 2.2 of the Masterplan and in line with the Roger Evans Associates Urban Design Study 1998.

With regard to the specific proposals for the medium and long term and in phases 2-4, these are not endorsed at this stage. However, the Council encourages all interested parties to continue to work towards a single agreed strategy for Yate Town Centre that will help to deliver remaining elements of the Community Vision and look ahead to meet the needs of the town and surrounding area in the period to 2026.

Reasons for decision:

The South Gloucestershire Local Plan (2006) and Community Vision for Yate Town Centre (2002) provide strategic context and community aspirations for the future development of Yate Town Centre. The Masterplan Studies, prepared on behalf of Dominion Trustees (May 2007), recognises those ambitions and help to take some proposals forward towards implementation in the short-term. However many issues and proposals for the medium and longer-term remain unresolved or have been overtaken by events and therefore do not amount to a coherent and deliverable master plan. Officers consider that there is merit in continuing to work towards a single agreed strategy and action plan for the town centre which addresses both outstanding community aspirations and longer-term needs and opportunities.

Therefore, the principle of the proposal of this planning application has been endorsed by the Council, as phase one of the Masterplan but not the Masterplan in its entirety. The endorsement in principle of this application could form the first part of a revised subsequent parts of the Masterplan. If implemented, the proposal would have to inform later iterations of the Masterplan.

5.3 Terrorism and Security

Avon & Somerset Police raised an objection to the design of the proposal through the consultation process on the grounds of the proposed Tesco store being on slits with the parking underneath the retail area, stating that this would make the building vulnerable to car bombs. This is relevant through policy D1 (F) of the adopted Local Plan. The design has followed the principle that this proposal should not lead to any loss of parking availability for the town centre and therefore the design has not been changed in any of the later iterations of the scheme in order to overcome this risk. The applicants agents have responded to this objection by pointing out that the underside of the building could be strengthened against the likely impact of bomb blasts and the same would also be true for the supporting pillars which would hold the building up. This is a structural matter in the design of this proposed building which could be resolved through the design of the building which is finally submitted for Building Control approval. Any strengthening measures adopted would not necessarily have any impact on the appearance of the building and as such it is

not really a matter for consideration at this stage, when the issue is whether planning permission should be approved or not. However, the applicant's agent have claimed that the undercroft area will be subject to CCTV coverage and that the design will allow for a supporting column to fall without severe collapse of the whole building. It is noted that the Police did not object to a later iteration of the scheme, but it is not taken that the later design on which re-consultation took place (which was changed mainly of traffic issues) would not necessarily have overcome this objection.

With regard to security, the Police also raised an objection to the location of the ATM machines, as part of this proposal, as being independent of the main building, thereby leaving them vulnerable to the risk of ram-raiding. The applicant's response to this was that such an approach has been adopted at other locations, without proving to be a problem. It is considered that overcoming this locational issue in the proposed design would be counterproductive to the principle of maximising active shopping frontages in the development, as the ATM's would take up ground floor wall space, which is at a premium when designing a store on stilts and likely to have an impact on the vitality of the shopping centre as a result. It is therefore considered that housing the ATMs in a freestanding block, as shown on the submitted plans, is the best approach to take. The Police have recommended the use of bollards to deter attacking the building with a vehicle. Since this is more of an operational matter for the applicants than a planning issue, this is not recommended to be a condition to the planning approval.

5.4 RT1(B): Replacement Tesco Store

Although the second criteria in policy RT1, this has been brought forward due to its importance to the determination of the application. The consultation process has led to issues over the scale and impact of the proposal. Two of the responses received argue that the issue of scale has not been properly addressed in the Tesco/Dominion submissions and that these should be addressed from two angles: First whether the scale is appropriate to the context of Yate Town centre, and Second, whether the scale is such that it would impact on other centres.

From the submitted Design and Access Statement it is clear that the issue of scale has been addressed from the perspective of massing of the building rather than in retail impact terms. To that extent, and while accepting that they do not need to demonstrate need, the submission should address retail impact and the issue of appropriate scale.

There is an apparent misrepresentation in one of the consultation responses which adds the proposed floorspace in the four non food units and three small units with the main store. At least the four units should be counted as free standing (effectively as a separate development) and not as part of the Tesco store. The 299% increase in gross floorspace quoted – but do accept that the scale of the proposed store is large and needs to be justified as appropriate to the location.

Scale and Impact

It is noted that the RSS Panel's Report recommends an allocation of 5,000 new dwellings to the Yate area. If this level of growth were confirmed it would impact on town centre facilities. There would be a consequent need to establish the extent to which the new development would sustain its own local centre or be dependant on growth within Yate and Chipping Sodbury town centres. It is for this reason that it is desirable to consider development options

for the period to 2011 and to maintain some flexibility within Yate Town Centre to meet longer term needs. At present, however, an assessment of scale and impact needs to be made in advance of the adoption of Regional Guidance.

The scale and impact of the proposal therefore need to be assessed in terms of both the shopping centre which is to be extended, Yate Town Centre and the effect that the proposal would have on Yate's standing within the hierarchy of centres identified in the Development Plan. It is acknowledged that the effect of the proposal would be significant in both respects, due almost entirely to the increase in retail floorspace of the proposed Tesco store, measured against the existing situation. Due to the limitations of the policy and guidance, however, considerations of scale are largely subjective. Should the proposal achieve planning permission, the final decision will rest with the Government Office, who would be scrutinising the proposal. A Retail Statement was submitted along with amendments to the original application, which is intended to address the issues above. This statement makes clear at 3.2 that the scale of development should be directly related to the role and function of the centre and its catchment area. Where that scale would substantially increase the attraction of the centre and could have an impact on other centres, then the impact upon those other centres also needs to be assessed. Regional guidance sends development such as that proposed to the centres of principal urban areas, encouraging town centre development of an appropriate scale which contributes to regeneration and the reduction in need to travel by car. The panel assessing the Regional Planning Guidance for the South West concluded that a substantial opportunity exists to accommodate major residential development around Yate (within the catchment area of the town centre) without significant environmental impact.

Building work is proceeding to provide Bradley Stoke with a new shopping centre of over 33,000 square metres, gross, giving a net retail floorspace of approximately 16,000 square metres, broadly equivalent to that proposed for Yate. Of this development at Bradley Stoke, the Tesco anchor store would be 10,626 m² gross and 7,439 m² net. The applicants make the case that the current proposal would have a significant impact on the retail floorspace of the centre, but this should be considered in the context of the following considerations:

- There is an unimplemented permission for extension of the existing store which would increase A1 net floorspace to 18,833 m².
- There is about 7,000 m² edge of centre retailing, including Morrisons and Lidl, from which the town centre faces competition
- The proposed floorspace increase would leave Yate in the same position as the largest town and district centre in South Gloucestershire, but it would be still less than half the net A1 floorspace at the regional shopping centre at Cribbs Causeway, which competes with Yate in catchment terms
- The proposal is necessary to ensure the viability of the town centre, which in turn facilitates the improved access improvements, car parking and new bus station etc.

It is considered that, following regional and structure plan guidance, growth should, where possible, be guided to higher order centres. The use of land and building should be optimised as part of this process. The development would be located within the existing town centre, which is a significant distance from other centres, Emerson's Green, Thornbury, Filton (for which Cribbs Causeway

is a closer rival attraction) and Cribbs Causeway itself, suitable to limit the impact of the growth of Yate Town Centre on those other centres. In regional terms, the centres at Cribbs Causeway and Bristol City Centre would be considered to dominate, regardless of this proposal. Therefore it is considered that the proposed growth to Yate's retailing capacity would not have any harmful impact upon the existing shopping hierarchy. Should the residential development expand in due course, local demand will increase accordingly and the proposal is considered to be able to meet this increase proportionately, in broad terms. Regional policy requires that new retail investment in town centres should take full account of future levels of population growth. While lifting Tesco into a dominant position in terms of Yate, it is not without competition, albeit at a lower scale, from the existing edge of centre supermarkets operated by Morrisons and Lidl and other shops within (and proposed under this application for) the centre. The proposal is considered to be a step towards redressing the balance between Yate Town Centre and the impact of the RSC at Cribbs Causeway, giving people in the Yate and Sodbury catchment area an opportunity to shop locally, without necessarily having recourse to the car.

It is considered that the scale and impact of the proposal, in accordance with the figures in the tables above and in the absence of any specific policy guidance on the harm which may occur through inappropriate scale and impact, would be appropriate to both Yate Town Centre and to South Gloucestershire in general.

5.5 RT1(A): Replacement Tesco Store

This limb of the policy seeks to ensure that proposals for development appropriate to town centres, including Yate, would not harm the vitality and viability of that centre. The supporting text makes clear the need for flexibility in meeting requirements for local people for retail facilities, encouraging diversity and acting as a strong focus for community life. The threat to local centres from out of town competition is also recognised in the supporting text. Out of town locations comprised 76% of the retail floorspace in South Gloucestershire in 2006 and it is considered that this high figure is unlikely to have changed significantly in the time since the Local Plan was adopted. Encouraging retail (and other activities) within town centres, which already tend to be hubs for public transport, therefore allows more shopping to be undertaken without recourse to the motor car, or at least through the reduction of length in car journeys.

Vitality

This proposal, for an enlarged superstore and 7 additional units, is considered to have the potential to enhance the vitality of the centre, in terms of both the daytime and night-time economy. The superstore is proposed to be open 24 hours, subject to the current Sunday trading limitation for supermarkets to trade for no more than 6 hours on a Sunday. The effect of this on the night-time economy of the Town Centre, particularly with regard to the size of the proposed store, is considered to be positive and have the potential to encourage other uses to the town centre which could meet the aims of policy RT1 summarised above. It is noted that the supporting text of policy RT1 at 9.19 states that schemes which enhance the evening economy of town centres will be supported. The daytime impact is similarly likely to have some positive impact on the centres vitality, by attracting many of the shoppers who currently are prepared to travel to other centres for comparison shopping in particular.

The effect of this is considered to strengthen Yate Town Centre's position in relation to those other shopping destinations in the hierarchy, as examined above. The effect of the proposal on the vitality of the town centre is therefore considered to be a positive effect in line with the requirements of the policy.

Viability

In terms of the effect on the viability of the town centre, it is again noted that the proposal would involve a 24 hour operation and be open to the public during those hours. This is considered to enhance the viability of the town centre by increasing the amount of time that the centre is available to shoppers. Naturally, other stores in the centre may not opt for 24 hour opening, but may be encouraged to remain open in the evening, giving the opportunity for an enhancement to evening viability of the centre. In addition to the proposed replacement superstore, it is noted that the proposed 7 new shops will also have an impact on the viability of the centre, having the potential to expand the range of goods currently available to the public, or to increase competition between retailers, to the consumer's benefit. The proposal is therefore considered to have an overall positive effect on the viability of the town centre.

5.6 RT1(C): Replacement Tesco Store

This limb of the policy seeks to ensure that town centre development should be located where it would be accessible to public transport users, cyclists and those with special mobility needs. It is acknowledged that the location of the proposed development is not only centrally situated for Yate and Chipping Sodbury in geographical terms, but also in transportational terms.

Public Transport

Part of this proposal would be to enhance and enlarge the capacity of the existing bus station and also enhance the arrangements for taxis visiting the town centre. The proximity of the bus station in particular to the proposed expanded Tesco store is considered to have great potential in encouraging using the bus service to shop at the town centre. The bus station, accessed off link road, is at present considered to be unattractive and inadequate to serve the town centre. The proposal **improves the appearance of the station and by enlarging of the existing facilities, the station would be improved in its effectiveness and would allow more services using it.** This is considered to be a positive step in encouraging more journeys to the centre by public transport. The enhanced bus turning lane off Link Road is also considered to help to some extent in this respect.

Cycling

The central location within the settlement and the flat surrounding land make the town centre accessible for journeys by bicycle. This ease is enhanced by a cycleway network with the town centre as its hub. Due to traffic generally being heavier towards the centre of the town and the perceived risks that this brings to cyclists, it is proposed that the existing network is strengthened by adding a cycleway alongside Kennedy Way. This will ensure that the town centre can be accessed safely by bicycle from all directions, either on dedicated cycle tracks or along quiet roads with all the appropriate cyclist-friendly crossing points that are considered to be necessary. The proposed cyclists crossing of Kennedy Way is also considered to be of benefit to cycling commuters.

Special Mobility Needs

The proposal would involve the creation of disabled parking spaces close to the shops themselves. It would also improve the existing taxi arrangements, as noted in the Transportation comments above. Similarly, the bus station would be refurbished, its capacity expanded and a greater amount of cover from the elements provided. Beyond these measures, it is understood that the Tesco's store, being above ground level and incorporating travellers to provide access to the upper floors, will be fully compliant with Part M of the Building Regulations, along with all the proposed retail units, which can all be accessed on the level. It is considered that these steps ensure that the current situation for those with special mobility needs will be enhanced as part of this proposal. In addition to this a dial-a-ride facility has been negotiated and shall be provided in close proximity to the store entrance in accordance with the relevant condition below.

5.7 RT1(D): Replacement Tesco Store

This limb of the policy seeks to ensure that the proposed store would not have any unacceptable environmental or transportation effects and that it would not prejudice residential amenity.

Environmental effects

The Environmental Protection comments to the last iteration of the scheme appear at 4.2 above. No objection is raised to the proposal, subject to the inclusion of conditions covering the following issues raised, in respect of noise from the plant proposed not to exceed background noise levels, ensuring that the acoustic screen detailed in the plans is constructed before the superstore becomes operational, extending the landscaping bund along Kennedy Way as far as possible, design of the route to the loading bay ensuring that vehicles do not need to reverse (setting off their reversing alarms) and a scheme of lighting is submitted for approval. The relevant conditions, which appear below, are considered to be sufficient to ensure that there would be no untoward environmental effects arising from this proposal and that it would comply with policy in that regard.

Transportation Effects

The Transportation comments at 4.2 above cover in detail the implications of the proposal on the road network, public transport, pedestrian and cycle networks and parking arrangements. In all respects, the proposal as originally submitted, along with amended details on the layout of Link Road and the cycleway alongside Kennedy Way, is considered to be acceptable. Parking levels have not been compromised through the proposed development. While it is anticipated that some additional trips would be generated by the larger Tesco store, cycle accessibility and the bus station have both been shown to be enhanced which is considered to be of benefit to the centre as a whole, while also meeting some of the increased demand for patronage of the superstore itself. The overflow car park to the east of Link Road has already been re-surfaced and links to it enhanced. It is anticipated that the increase in the retail floor area of Yate Town Centre will lead to greater use of this car park. Disabled parking is considered to be well-located within the design of the nearer parking area.

As stated above, any road enhancements other than on Link Road have now been dropped. A Section 106 contribution of £200,000 has been agreed with the developer to fund a traffic study of the whole central area of Yate to find a solution. It is expected that this traffic study will be undertaken with full participation of interest groups. Subject to this and the other highways works specified at 7.2 below, there is no objection from Transportation and this part of the proposed development is considered to comply with policy RT1.

Effect on Residential Amenity

The effect of the superstore element of the proposal is closely linked with its environmental effects as analysed above. Kennedy House is an elderly people's home opposite the site, across Kennedy Way. This is the nearest residential property to the proposed replacement superstore and the level of residential amenity it enjoys at present is to a large extent determined by traffic on Kennedy Way and the existing Tesco store, which is in a position to trade 24 hours a day, due to lack of a condition on the planning permission limiting opening times but does not currently exercise this option. The proposal would place the service area and its delivery access point north of Kennedy Way and slightly to the east of the EPH. The patronage of the store itself is not considered to be likely to be significantly changed over the present situation and night-time patronage is likely to be limited, with most shoppers buying convenience goods and much of the activity within the store being limited to re-stocking of shelves. Deliveries are however likely to take place around the clock, which is why some care has been taken over screening the delivery area, with the proximity to the EPH in mind. To this end, it is considered that the conditions below would be satisfactory to protect residential amenity.

5.8 RT1(E): Replacement Tesco Store

This limb of the policy seeks to ensure that the proposed store would include residential development or other non-retail uses appropriate to a town centre on upper floors. In the case of this application, the Tesco store is proposed to be a significant height in the first place. Due to the desire not to reduce the current level of parking availability, parking will be provided at ground floor level, with the store above it. The elevation drawings submitted with the application make clear that the proposal would result in a bulky building, of a height which would not be able to take an additional storey without being the most prominent building in Yate's skyline. Adding additional residential units on top of the proposed superstore is therefore considered to be inappropriate. No other uses form part of this proposal, in respect of the superstore, other than retail and functions ancillary to that. Indeed at 9.31 the supporting text makes clear that the Council will resist any proposals that are out of keeping with their surroundings in terms of scale or design. However, the question arises whether some of the retail area should be put to other use in compliance with policy RT1 (E). The supporting text to this policy, at 9.22 states that the retail function should continue to underpin these centres. At 9.23 it states that upper floors shall be used *wherever possible* for residential accommodation. Where this is not possible, then promoting vitality and viability should be achieved through non-retail uses. Failing that, then upper floors should be used for purposes ancillary to retailing. Due to the height limitation and the intention not to lose parking for the centre as a whole, the design of the proposed superstore does not follow the usual conventions of one (with ground floor access) or maybe two storeys of retail floorspace with a floor above this for ancillary functions.

This formula allows for some of the upper floor area to be used for other purposes. In the case of the current proposal, however, one floor is lost to parking and therefore it is considered that the usual expectations should not apply as a result of this.

5.9 RT1: Proposed shops under Tesco

Part of this proposal is to create a rank of four retail units to be situated at ground floor level underneath the proposed superstore. These units would help provide an active ground level frontage onto East Walk, which is considered to broadly replicate the existing situation along this arm of the shopping centre. Broadly opposite these four units, the three other new retail units would stand under this proposal. This part of the proposal needs to be assessed against the criteria laid down in policy RT1. In this regard, it is considered that this part of the proposal would not detract from the overall vitality and viability of the shopping centre. These units have been specified in the application as being non-food retail units. As such, it is considered that they will add to the existing range of shops offering goods in the centre, or if this is not the case, provide competition for existing units selling similar goods, either of which would be sufficient to improve the vitality and viability of the centre. These units are also considered to be consistent with the scale and function of the centre. Being of a broadly standard size for retail units in this locality, they are considered to be consistent in this respect. The accessibility is considered to be in common with existing town centre shop units and the measures to enhance that accessibility have been analysed under the superstore proposal at 5.6 above. Again it is considered that this limb of the policy has been met through the overall proposal. In the case of this rank of shops, it is considered that there is no significant proximity to residential properties and therefore the effect they may have on residential amenity is not contrary to policy. Finally, the chance to provide residential accommodation on upper floors does not exist due to the location of the proposed superstore above them. Overall, therefore, this proposed rank of shops is considered to be consistent with the terms of policy RT1.

5.10 RT1: Proposed new rank of shops opposite Tesco

The previous paragraph describes the location of this proposed rank of three shops, which have been designed to include mezzanine floors. The analysis in the previous paragraph applies again to this rank of three non-food retail units, however there are two limbs of policy RT1 which require further consideration, those being D) and E) i.e. the environmental effects and the lack of residential units on upper floors. The objection raised through the consultation process is also relevant under this heading. To deal with that first, the distance between the rear of the houses in Swann Field and the rear of this proposed rank of shops (the nearest proposed building to the north of the site) is 70 metres. The usual intervisibility standard between two habitable room windows is 22 metres. In this case the view would be between rear windows in a retail unit which are not habitable anyway, therefore at such a distance there is considered to be no possibility of overlooking of residential properties being an issue.

With regard to RT1 (D) although over a distance of 70 metres there is not considered to be any likelihood of the development affecting residential amenity, there are existing flats above the shops to the west of the proposed rank of shops in East Walk which are at much closer proximity. These flats face to the north onto the flat roofs of the shops below them. They are somewhat sheltered from the proposed rank of 4 shops by a deeper unit immediately to the east of them. For this reason, any overbearing impact from the proposed

rank is considered to be limited and not harmful to existing levels of residential amenity. The shops below the flats do not have restricted opening times and therefore it is considered unnecessary to impose such a restriction on the proposed units, which would be further away.

With regard to policy RT1 (E), the opportunity has not been taken to provide residential accommodation, it is noted that the proposed design, at 1.5 storeys, while appropriate within the street scene of East Walk and lower than the proposed Tesco store opposite, is considered to be effectively the maximum limit in height, given the limited width of East Walk. No additional housing is proposed at this stage, although it is considered that there is some potential for providing some in the future, as long as it is set back adequately from the front building line and sensitively designed. Although this part of the overall scheme therefore does not comply with this part of policy RT1, it is not considered to be an adequate reason for refusing the whole scheme, as the potential is still there to provide residential accommodation above the shops, subject to the normal design criteria in the Local Plan.

5.11 D1: Design Tesco store including rank of shops below
Massing and scale

The proposed building would be sited where the current store is, facing East Walk, although extending further east, facing the existing car park and facing Kennedy Way continuing the building line of the *front* of South Parade. The design would therefore effectively extend the northern and western elevations of the existing store and advance the frontages on the eastern and southern facades, compared with the existing footprint. At an effective height of three storeys, this leaves a massive building, 129 by 126 metres, minus a recess for the service area, leaving a building that is virtually square. The three floors would comprise the parking deck, with travellators up to the main floor and a mezzanine floor above that. The building would have a flat roof, but it is considered that its scale would be appreciated as three storeys. This is because, for instance, in addition to the building being read in long and short views against existing two and three storey buildings in the town centre, the Kennedy Road elevation has an appreciable ground floor, above which the windows pick out the first floor and there is clearly a further storey above that.

The mass of the building, being greater than any other in the town centre, needs to be broken up, to avoid it appearing to be too massive. The supplementary planning guidance listed at 2.3 above advocates the approach of turning the existing centre outwards. With new buildings already approved, such as the Health Centre on West Walk, that approach has been advanced through ensuring as many active frontages as possible face out of the town centre. This approach is more important with a larger building. There are inherent difficulties in achieving this with a supermarket, however, as many of the functions ancillary to the sale of goods require blank elevations. With this proposal, due to the location of the proposed store, there are three elevations which face outward, to East Walk, the car park and Kennedy Way. The design approach of maintaining car parking for the centre adds a further layer of difficulty, as it precludes active frontages at ground floor level to a great extent. These elevations are examined in the following section.

Detailing/ Facades

The principle façade would be onto East Walk. This is considered appropriate as this brings the proposed building in contact with the rest of the town centre in the public realm. The frontage is proposed to be as active as it can be, given that it does not suffer from the constraint of visible car parking. There is a prominent tower feature at the north east corner, of glass of different colours which is considered to form something of a landmark, given its height, extending slightly above roof level. The show window would be well above human scale, exposing activity inside the supermarket up to the mezzanine level and this would be the dominant feature of this elevation, under a wavy roof. The three units are appropriately of a smaller scale, with enhanced vertical emphasis, show windows to approximately two storeys (to compliment the units proposed for opposite) and a change of materials at the top floor. The junction with the existing East Walk shops is not considered to be a comfortable one, but here it is considered that the naturally imposing nature of the new building gives it some licence to be abruptly taller than the existing rank. Of course the bulk of the proposed building is consistent in each elevation and to bring its height down significantly in one corner would risk it appearing to be a contrived effect, so on balance the approach taken is considered to be acceptable and in line with policy D1 in this respect.

The second most prominent façade is considered to be the East elevation, facing the car park. This is dominated by the two corner towers (the southeastern corner one following the design of the more prominent one in the northeastern corner, but featuring less glass, allowing the entrance to the proposed store to be clearly appreciated. Between these two corner towers, the bulk of the elevation would be broken up by three further articulated tower elements. The northeastern corner tower's glass is proposed to wrap around into the eastern elevation to provide some elevated activity on this frontage and then this theme is picked up again with wide first floor windows between the central towers. The building steps down slightly towards the less prominent southern (Kennedy Way) elevation.

This elevation is the third most prominent, but is important as the building line of the superstore would now match that of the existing line of shops forming South Parade. Again, active frontages at ground floor level are not possible due to the presence of the car parking. This is countered by continuing the first floor line of windows displayed in the eastern elevation. There are six of these windows which would be narrower than those facing east, but, along with a further feature tower to mark the corner of the recessed yard area, are considered to help break up the building's bulk in an effective manner.

The least prominent frontage would face the service yard immediately to the west of the site. This features the entrance to Tesco's own proposed service area at first floor level. This elevation is appropriately largely blank. However, due to the greater height of the building than those around it, the two visible towers from this direction are considered to be of benefit as they add features to the skyline, detracting from the building's bulk to some extent.

Overall, the detailing of the proposed building is considered to succeed in its primary function, to provide some degree of activity on the three frontages which face out of the centre, as well as the secondary aim of breaking up the bulk of this massive building. To this end, it is considered that the design is successful and complies with policy D1 in this respect.

Materials

The palette of materials proposed for the Tesco store is as follows: Smooth ivory cladding, gray single ply roofing, a mixture of horizontal and vertical timber cladding (as detailed on the plans) glazing with colour tinted panels, rainwater goods to be pressed white metal and the windows would be double glazed within white aluminium frames. The acoustic screen would be a close-boarded timber fence. Of the above, the dominant materials would be wood and glass, both of which are anticipated to assist with breaking the apparent mass of the building up. A condition below requires the submission of samples for approval prior to commencing development.

The design of the proposed replacement superstore is therefore considered to comply with policy D1 and PPS1 in that its design would enhance the town centre.

5.12 D1: Design proposed ranks of new shops: Extension to East Walk

The design challenges faced in respect of the new rank of four retail units facing East Walk are very similar to those of the proposed superstore. The benefit of these units is that they do not feature car parking at ground floor level and therefore can more easily make a contribution to creating active frontages. However, in practical terms there are limitations to how many show windows there can be for any shop. This rank of four is effectively a terrace, with each unit having two frontages, or a maximum of three.

The principle façade faces East Walk and is almost entirely glass from ground level to the roof. The glass frontage would extend up to beyond the height of the existing shops on the northern side of East Walk and above that is proposed a roof to a depth of 1.9 metres. The proposed shops would therefore be of a greater scale than the existing ones, but not significantly so and the increase in scale is considered to be acceptable due to the simple, eye catching design as well as the larger scale still of the proposed superstore opposite.

The car park frontage returns to a more human scale, with a tall ground floor show window running the length of the building, which is deeper than the existing shop units. Above this would be a large expanse of horizontal timber cladding, with the opportunity of attaching signage to it. Again, the design is considered to be simple, the wood cladding would compliment the design approach with the Tesco store and the show windows would create a successful active frontage, enabling the town centre to face outwards in this direction.

The northern elevation forms the back of the row of shops. Given the ancillary functions in this area, it has not proved possible to achieve an active frontage on this elevation. To an extent that aim has been sacrificed to an extent to allow for it being pursued in the eastern elevation. However, despite being the back of a row of shops and in fairly close proximity to Station Road, the design approach is again considered to be interesting and attractive in its own right. The ground floor is proposed to be brick, with the first floor wood cladding. Each level is punctuated with long narrow windows, high level at ground floor and centrally located in the first floor. While not obtrusive, it is considered that the windows will stand out, particularly when lit and form an interesting contrasting foreground for the larger, taller superstore behind it, when viewed from Station Road.

The remaining elevation would face west onto the service yard for the existing East Walk shops (north side). This elevation would not be readily visible from public view. It is the side of the easternmost proposed unit and is divided in the same way with wood over brick. It is also screened to a large extent by the existing East Walk shops and flats over them. No windows are shown for this elevation.

Overall it is considered that this proposed row of shops would enhance the locality and successfully bring two frontages more life than they enjoy at present. This element of the proposal is considered to accord with policy D1 and government guidance in PPS1.

5.13 D1 Design: Bus Station

The replacement bus station would be in the same position as the existing, accessed from Link Road. It would have five bays, expanding the existing bus capacity. Shelter for waiting passengers would be provided by fire-retardant PVC tension fabric covers with the appearance of large umbrellas, linked together, with each supported by a galvanised mild steel column (the stick of the umbrella). If kept separated, these shelters are likely to be very exposed, but greater coverage is considered to be attained by connecting them to each other. It is considered that this design would be an improvement over the existing bus station design and this proposed enhancement would accord with policy D1 and government guidance in PPS1. In order to ensure that the enhanced bus station is provided, a condition below makes clear that this will have to be achieved prior to the opening of any of the shops.

5.14 L1: Landscaping

In a scheme of this size landscaping would be expected to perform two functions, helping the development fit into its surroundings and screening it. With respect to the latter function, the essential screening landscaping is already in place, between the car park and Kennedy Way. This forms a barrier between the town centre and Kennedy House EPH which would be largely unaffected by this proposal. Some small areas of landscaping within and around the car park would be lost, but these would be made up for through new planting which would help to some extent to break up the (albeit reduced) large flat area of open car parking to the east of Link Road. The bulk of the proposed superstore would not be expected to be screened by the existing landscaping, but at least views in of the undercroft parking area can be. These views would be from the south and east and the screening would be provided, respectively by the Kennedy Way landscaped buffer, which is proposed to be thickened with additional planting and tree planting forming something of an avenue on either side of the north-south distributor route through the eastern edge of the car park. In addition to this, a row of trees, backed by lower planting is proposed to screen views of the car parking area from Station Road, along the northern boundary of the site. A condition has been appended below to ensure that the proposed landscaping is implemented.

5.15 Flood Risk Assessment

Part of the site lies within the Flood Plain of the River Frome. There was an initial objection to the proposal from the Council's Technical Services, seeking further information to ensure that flood risks had been addressed. In response to the same consultation, the Environment Agency accepted that this had been done and recommended approval of the scheme, subject to the inclusion of five conditions, which appear below, as well as various informatives.

5.16 Archaeology

As noted at 4.2 above, the Swann Inn would be lost as part of this proposal, to be replaced by additional car parking to serve the town centre. The building is not listed, but appears to have a historic core that would benefit from building recording prior to demolition. This issue is covered by the archaeological condition which appears below.

5.17 Overflow Car park

In order to replace car parking spaces lost west of Link Road, it is proposed to enlarge the existing and recently resurfaced overflow car park to the east of Link Road by 31 spaces. There is a footbridge over the River Frome at the northern end of this car park which then links into the remainder of the site via a surface pedestrian crossing across Link Road. The additional car parking places would be created through a re-configuration of the existing hard surfaced area.

5.18 Other Issues

Trolleys

As the issue of ensuring that trolleys are retained on the site is often contentious, a condition has been appended below requiring the submission of details of how this issue will be managed.

Landownership

The consultation on the third iteration of the proposal led to the issue of landownership being raised, on a larger red-lined area to allow for potential highway widening along Station Road. The proposal has now reverted back to the original red line area and as covered both above and below, a traffic study is now proposed to replace any widening of Station Road. Therefore, the dispute over landownership within the enlarged red line area is no longer considered to be of any relevance in the determination of this application.

Public Art

The Comments from the Councils Arts Development Officer appear at 4.2 above. The comments confirm that a Section 106 contribution of £75,000 has been offered and this is considered to equate with the £60,000 sum which had been agreed in connection with the planning approval to extend the existing Tesco store. Further details of the contribution appear at 7.2 below.

5.18 Design and Access Statement

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

5.19 Section 106 Requirements

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

6. CONCLUSION

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

The recommendation to 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 The application be referred to the Government Office for the South West under the Town and Country Planning (Shopping Development) (England and Wales) (No.2) Direction 1993.

7.2 Subject to the Secretary of State not wishing to intervene, authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) within 12 months of the date of this decision to secure the following:-

- 1) *Link Road–Kennedy Way-Scott Way Roundabout* - widening to three lanes on the southbound Link Road approach and realignment of the existing cycletrack together with all associated works.
- 2) Alteration to the alignment of the footpath around *Home Orchard/Station Road*, upgrading of existing pelican to toucan crossing with removal of the refuge island to enable pedestrians to cross the road in one movement, together with all associated works.

3) *Link Road - shopping centre car park junction* – change this junction to traffic signal control and provide a commuted sum for future maintenance for a 15 year period. The new signal controlled junction shall be linked to the existing pedestrian crossing and bus right turn facility from Link Road together with all associated works.
- 4) Provision of a 3 metre wide footway/cycleway along Kennedy Way between the Link Road junction and the access to the proposed Tesco service yard together with all associated works.
- 5) A contribution of £200,000 towards funding a Traffic Study for Yate Town Centre and the vicinity of the development proposal.
- 6) Provision of a new bus station in accordance with submitted and approved plans together with all associated works.
- 7) Provision of taxi parking along Link Road in accordance with the approved plans together with all associated works.
- 8) A contribution of £75,000 towards providing a programme of on-site and off-site permanent and/or temporary public art

The reasons for these contributions are as follows:

- 1) To ensure adequate provision for vehicles, cyclists and pedestrians resulting from the implementation of the development and to accord with policies RT1 and T12 of the adopted South Gloucestershire Local Plan.
 - 2) To ensure adequate provision for pedestrians resulting from the implementation of the development and to enhance the capacity of Station Road on the approach the roundabout to accord with policies RT1 and T12 of the adopted South Gloucestershire Local Plan.
 - 3) To ensure the provision of enhanced junction facilities to accommodate the movement of all types of vehicles, including buses, to accord with policy T12 of the adopted South Gloucestershire Local Plan.
 - 4) To ensure adequate provision for cyclists and pedestrians resulting from the implementation of the development for road safety reasons and to accord with policies RT1 and T12 of the adopted South Gloucestershire Local Plan.
 - 5) To provide additional measures to accommodate safe and free movement of all users that would result from the development and to accord with policies RT1 and T12 of the adopted South Gloucestershire Local Plan.
 - 6) To promote more sustainable modes of transport other than the use of private vehicles to access the development and to accord with policies RT1 and T12 of the adopted South Gloucestershire Local Plan.
 - 7) To promote alternative modes of transport other than the use of private vehicles to access the development and to accord with policies RT1 and T12 of the adopted South Gloucestershire Local Plan.
 - 8) To ensure the provision of Public Art to accord with policy LC13 of the adopted South Gloucestershire Local Plan.
- 7.3 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.4 Should the Section 106 agreement not be completed within 12 months of the date of this determination then the application be refused or returned to the DC East Committee for further consideration on this basis.

Background Papers **PK07/3391/F**
Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CONDITIONS

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

Reason

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

2. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site or demolition works to the public house, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason

In order to ensure the adequate protection of archaeological remains, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal. To accord with policy EP2 of the adopted South Gloucestershire Local Plan.

4. No development approved by this permission shall be commenced until a scheme for the provision and implementation of foul drainage works has been approved by and implemented to the reasonable satisfaction of the Local Planning Authority.

Reason

To prevent pollution of the water environment to accord with policies EP1 and L17 of the adopted South Gloucestershire Local Plan.

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

Reason

To prevent pollution of the water environment to accord with policies EP1 and L17 of the adopted South Gloucestershire Local Plan.

6. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound shall be at least equivalent to the capacity of the largest tank, vessel or the combined capacity of interconnected tanks or vessels plus 10%. All filling points, associated pipework, vents, gauges and sight glasses must be located within the bund or have separate secondary containment. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank/vessels overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason

To prevent pollution of the water environment to accord with policies EP1 and L17 of the adopted South Gloucestershire Local Plan.

7. Activities carried out at this site in the past may have caused contamination of soils, subsoil's and groundwater (water in both unsaturated and saturated zones). Therefore, it is recommended that any planning permission require the applicant to carry out an investigation to the satisfaction of the Local Planning Authority in consultation with the Environment Agency to determine the nature and extent of contamination.

In the event that contamination of the site is confirmed the developer should liaise with the Environment Agency on measures required to protect surface water and groundwater interests. The investigation should include the following stages: -

A desk study, which should include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information.

If the potential for significant ground contamination is confirmed, this information should be used to produce: -

- * A detailed water interest survey to identify all wells, boreholes, springs and watercourses:-
- * A diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors:-
- * A site investigation, designed for the site, using this information and any diagrammatical representations (Conceptual Model) undertaken. The investigation must be comprehensive enough to enable: -
- * A suitable risk assessment to be undertaken relating to groundwater and surface waters associated on and off the site that may be affected, and - refinement of the Conceptual Model, and - development of a Method Statement detailing the remediation requirements.

Reference should also be made to the Model Procedures for the Management of Land Contamination CLR11 Report which can be found on the Agency's website www.environment-agency.gov.uk

Reason

To prevent pollution of the water environment to accord with policies EP1 and L17 of the adopted South Gloucestershire Local Plan.

8. The level of noise emitted from the fixed plant and machinery at the site shall not exceed the background noise level at any time. The noise level shall be determined on the boundary of the nearest residential property and measured and assessed in accordance with the British Standard BS4142: 1997 (as amended) 'Method of Rating for Industrial Noise'.

Specify: A - noise level expressed as LAeq,t
over a time period X (eg one hour).

T - time of day.

Reason

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The solid acoustic barrier shall be erected in accordance with drawing no.s AP12D and AP30 prior to the first opening of the superstore to the public and thereafter so maintained.

Reason

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 Mondays to Fridays and 0900 to 1400 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

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any soft landscaping which may later die or become diseased shall be replaced in the following planting season with substitute planting to be agreed in writing by the Local Planning Authority.

Reason

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

13. Prior to the commencement of the development hereby authorised details of floodlighting and CCTV for the overflow car park and bus station shall be submitted to and agreed in writing by the Council and shall include:

- (i) the intensity of the lighting;
- (ii) the direction and shielding of the lighting;
- (iii) the hours of operation.

Thereafter the development shall proceed in accordance with the agreed scheme which shall be fully implemented.

Reason

To minimise disturbance to occupiers of nearby residential properties and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the first use of the development hereby approved details of a scheme for the retention of shopping trolleys within the site shall be submitted to and approved by the Local Planning Authority. Such details shall be implemented prior to the first use of the development hereby approved unless a variation is agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy D1 and RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

16. Prior to any of the retail units opening for trade, the dial-a-ride facility shall be constructed in accordance with the plans hereby approved.

Reason

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

17. No development shall take place until details/samples of the roofing and external facing materials proposed to be used, including a plan showing all coloured glazing have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

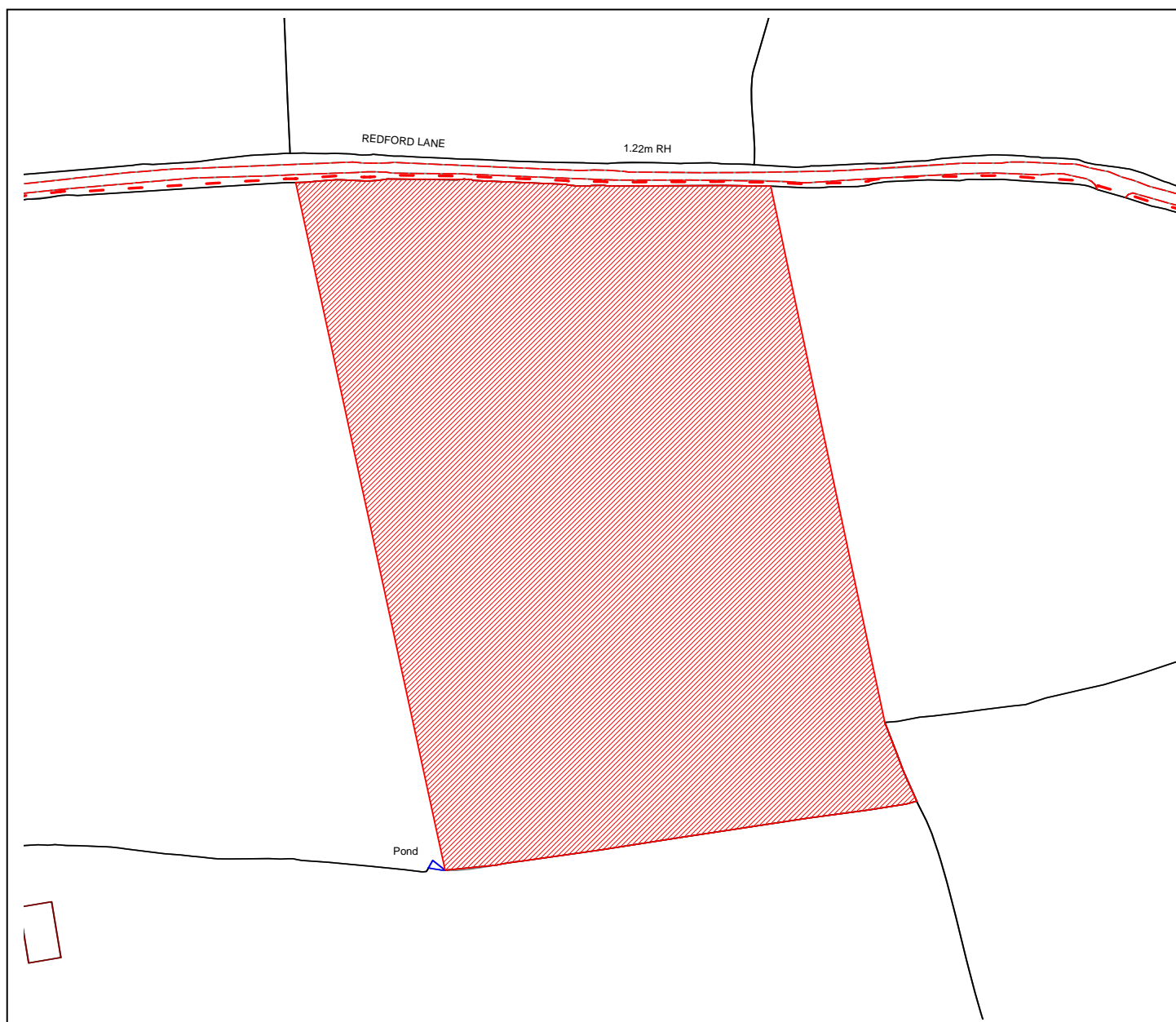
18. Prior to the commencement of development details of any floodlighting and external illuminations, including measures to control light spillage and CCTV coverage shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To protect the amenities of the users of the facilities as well as occupiers of nearby dwelling houses, and to accord with Policy RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 43/08 – 24 OCTOBER 2008

App No.:	PK08/2485/F	Applicant:	Miss B Crabb
Site:	Land to the south of Redford Lane, Pucklechurch, Bristol, South Gloucestershire.	Date Reg:	4th September 2008
Proposal:	Change of use of land from agricultural to land for the keeping of horses. Erection of stable block with hay barn and storage area.	Parish:	Pucklechurch Parish Council
Map Ref:	70743 75663	Ward:	Boyd Valley
Application Category:	Major	Target Date:	28th November 2008



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100023410, 2008.

N.T.S

PK08/2485/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a stable block with hay store and feed store plus a change of use of land from agricultural to personal equestrian use for the keeping of four horses.
- 1.2 The building is U shape measuring 14.40m in length x 6.90m in width x 2.20m in height to the eaves and 2.90m to the ridge. The building will be constructed of block work with timber cladding and grey corrugated roof.
- 1.3 The application site relates to land sited within the open country side and is washed over by the Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

PPS1
PPG2

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L1 landscape
GB1 Green Belt
E10 Horse related development

2.3 Supplementary Planning Guidance

Development in the Green Belt Adopted June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

Councillor's object to this application on the grounds of visual impact as the applicant proposes erecting the buildings near the brow of the hill.

Councillor's are also concerned the proliferation of stables in the area is detracting from the openness of the Green Belt.

Other Representations

4.2 Local Residents

No response received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for horse related development, subject to a number of criteria being satisfied. In addition regard must be had for Policy GB1 of the SGLP which relates to Green Belt.

5.2 Green Belt

Paragraph 3.4 of PPG2 and Policy GB1 of the South Gloucestershire Local Plan sets out those types of development that are appropriate in the Green Belt and these include essential facilities for outdoor sport and recreation provided they are genuinely required for uses of land which preserve the openness of the Green Belt. Small stables are given as an example.

5.3 Appropriateness

The proposed change of use of land for the keeping of horses is considered to be a use that will preserve the openness of the Green belt. In addition the proposed stable block with a foot print of 74 sq.metres is considered on balance to be small scale and therefore is considered appropriate development.

5.4 Openness

Objections have been raised by the Parish regarding the visual impact of the proposed stables and impact on openness of the Green Belt. Paragraph 1.4 of PPG2 states that the most important attribute of green belts is their openness.

5.5 The proposed stable will be visible above the hedgerow along Redford Lane and from the public footpath to the west. The stable will be located in the North West corner of a medium sized field close to the existing access gate. There are no hedge boundaries within the adjacent fields to the east and west and the fields appear visually as one large field that slopes down towards the west. The proposed location of the stable is on the brow of the hill, open to distant views from the Cotswold Scarp and from a lower ridge in front of the scarp which has the Monarch's Way on its crest.

5.6 The Planning Officer accepts that due to its location in the centre of a large field, set away from the hedge and on the brow of the hill it will be fairly prominent within the landscape, the Planning Officer accepts however that there are no other suitable locations within the field. Additional planting will help to screen and soften the impact of the stable, and this will be subject to a condition. Allowing some of the shrubs within the hedgerow along Redford Lane to grow into standard trees will further help to set the stables within the surrounding landscape.

5.7 Whilst it is accepted that a stable block in this location will be visible, it is considered however that subject to additional planting and due to the size of the stable in terms of height, it is considered that a stable block in this location will not have such a detrimental impact on the openness of the Green Belt so as to warrant refusal of the application.

5.8 A number of planning conditions are proposed in terms of restricting the use of horse jumps, trailers and other associated paraphernalia.

5.9 Policy E10 Horse Related Development:

- A. Development would not have unacceptable environmental effects; and
All matters of external lighting, erection of loose jumps and fences, car parking and use of horse-boxes or portable buildings or trailers, could be strictly controlled by conditions.

The disposal of foul waste should be undertaken in accordance with the MAFF (now DEFRA) Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency and Environmental Health controls.

The impact of the proposed stable block on the openness of the Green belt has been discussed above in detail. It is considered that the proposed stable block by reason of its design, siting and external appearance will not have an adverse impact on the visual amenities of the immediate surrounding area or Green Belt.

- B. Development would not prejudice the amenities of neighbouring occupiers;
No nearby neighbouring properties that would be affected by the proposed scheme.

- C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and

Planning permission is sought to change the use of existing agricultural land to facilitate its use for the keeping of horses. The development also proposes the erection of a stable block with hay barn and storage area. It would appear from the plans submitted that the proposal involves the erect of one stable and a field shelter which could accommodate two horses. The Applicant has indicated that four horses currently use the site but there is the possibility that this could increase to a maximum of seven. Concerns are raised over the increase in horses using this site and the impact this could have on the surrounding highway network. On that basis there is no transportation objection to this current proposal, subject to the following conditions i.e restricting the use for personal use only and 4 horses only.

- D. Safe and convenient access to bridleways and ridings is available to riders; and
Adjacent lane runs alongside application site.

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

There are no existing buildings on the land that could be converted for the use as a stable

- F. The design of the buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

The proposal accords with the advice given in Supplementary Guidance Note 9 concerning care and housing of horses.

5.10 Other issues

Two Public Rights of Way i.e. LWA/26/20 and LWA/27/10 cut through the application site. Comments have been received by the Council's Public Rights Of Way Officer. The applicant has been made aware of them and an informative will be imposed should planning permission be granted.

5.11 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. As discussed above a planning objection was raised by the Planning Officer with regards the proposed use of materials i.e block work and roof colour.

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, 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 **PK08/2485/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. At no time shall the stables or the associated land be used for livery, riding school or other business purposes whatsoever.

Reason:

To protect the character and appearance of the area and in the interests of highway safety, and to accord with Policies GB1, E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

4. No more than one horse box/trailer shall be kept on the site, otherwise at no time shall other horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason:

To protect the character and appearance of the area and to accord with Policies GB1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To prevent pollution of the water environment in accordance with Policy E10 of The South Gloucestershire Local Plan (Adopted) January 2006.

6. No jumps (other than mobile jumps in the exercise arena), fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land without the prior written approval of the Local Planning Authority.

Reason:

To protect the character and appearance of the area and to accord with Policies GB1 and E10 and of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of development hereby approved 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 hard surfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason:

To protect the character and appearance of the area to accord with Policies L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 43/08 – 24 OCTOBER 2008

App No.: PK08/2558/F

Applicant: Mr A Costi Bar
Celona

Site: Bar Celona 87-91 Regent Street,
Kingswood, South Gloucestershire,
BS15 8LJ

Date Reg: 15th September
2008

Proposal: Change of Use from restaurant & café
(Class A3) to a mixed use comprising
restaurant & café (Class A3), Bar
(Class A4) and nightclub (sui generis)
as defined in Town and Country
Planning (Use Classes Order) 1987 (as
amended). (Resubmission of
PK08/0089/F).

Parish:

Map Ref: 64852 73870

Ward: Kings Chase

Application Minor

Target 4th November 2008

Category:

Date:



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N.T.S

PK08/2558/F

INTRODUCTION

This application has been referred to the Circulated Schedule following the receipt of objections from local residents, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site is located in the heart of Kingswood Town Centre and as such, lies within the Primary Shopping Frontage as defined in the South Gloucestershire Local Plan (Adopted) 6th January 2006. The property is bounded to the west and east by retail premises and to the north (rear) by a service road, beyond which are residential properties within London Street.
- 1.2 The ground floor of the property has planning permission for use as a restaurant, although more recently it has in part been used as a bar and nightclub. This current retrospective application seeks to regularise the current situation.
- 1.3 Above the restaurant are a number of flats on 2/3 floors, to the rear of which, at first floor level, are small roof top amenity areas and a roof terrace. A one year temporary planning permission (PK08/1461/F) was recently granted to use the roof terrace as an eating/drinking area for customers who wish to smoke. Ventilation equipment and associated services are located at the northernmost end of the roof/terrace. A condition restricts the hours of use of the roof terrace to 10.00hrs to 18.00hrs. Mon – Sun incl.
- 1.4 A small extension has been erected to act as a servery to the terrace. The terrace has been screened to the north using close-boarded/insulation backed fencing panels, enclosing the service area, and extending the fencing above the line of the existing parapet wall to no.85, finishing at a height level with the flat roof to the servery. Seating for up to 50 covers has been introduced to the terrace as well as a retractable canopy. Access to the terrace is via an existing stairway between the existing restaurant and bar area. A drinks licence has been granted for the terrace area.
- 1.5 The change of use of the main premises (as now proposed) was the subject of a previous application PK08/0089/F, which also sought to regularise the unauthorised uses. The application was however withdrawn pending acoustic studies to establish the noise levels emanating from the bar/night club. The studies have now been carried out and the current application is supported by the Acoustic Report.
- 1.6 The total floor space of the establishment is 1137 square metres and this would not increase should this application be approved. Any works to the building to facilitate the change of use have already taken place. At present Bar-Celona employs 20 full-time staff.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 - Delivering Sustainable Development
PPS6 - Planning for Town Centres
PPS23 - Planning and Pollution Control

PPG24 - Planning and Noise

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design

L1 - Landscape Protection and Enhancement

L13 - Listed Buildings

EP1 - Environmental Pollution

T12 - Transportation Development Control Policy

RT1 - Development in Town Centres

RT12 - Use of Upper Floors in Town Centres

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List (SPD) Adopted 23rd August 2007

3. RELEVANT PLANNING HISTORY

There have been numerous applications relating to this property, the most relevant of which are listed below:

- 3.1 PK04/0207/F - Conversion of living accommodation to 6no. self-contained flats. Change of use from shop (A1) to restaurant (A3) and new shop front. Approved 4th May 2004.
- 3.2 PK04/4099/F - Change of use of ground floor of main building from A1 (retail) to A3 (restaurant). Change of use of ground floor of rear building from (general industrial) B1 to A3. Conversion of living accommodation of main building to five dwellings and conversion of 1st floor workshop to 1no. dwelling. Retention of rear boundary wall to a height of 2.5m. Retention of side boundary wall to 3.8m. Retention of walkway & staircase, erection of glazed roof to form ground floor rear extension (restaurant) & single storey side extension to form toilet block.
Approve with conditions 31st Jan 2005
- 3.3 PK06/0687/F - Construction of basement to form storage for A1/A3 use. Erection of single storey rear extension to form extended restaurant area. Erection of glazed walkway and formation of terrace area at first floor level. Erection of two and three storey rear extension with installation of 1no. rear dormer to facilitate the conversion of 2no. existing dwellings to form 5no. (total) self-contained flats. Installation of shop front (retrospective).
- 3.4 PK08/1461/F - Erection of first floor rear extension to form servery and erection of screen fence enclosure to terrace to facilitate use of roof terrace as a smoking, drinking and eating area ancillary to the main use of the building. (Retrospective)
Approved 26th Sept.2008 – Temporary 1 year consent only.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Not a parished area.

4.2 Other Consultees

Avon & Somerset Police

No response

4.3 South Gloucestershire Council Licensing Enforcement Officer

No comments

Other Representations

4.4 Local Residents

3no letters/e-mails of objection were received from local residents. The concerns raised are summarised as follows:

- The proposal is contrary to PPS23, PPG24 and Policy EP1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- Increased late night noise and anti-social behaviour for local residents.
- The Fire Door is sometimes propped open at night, allowing noise breakout.
- Disturbance in London Street from people leaving Bar Celona.
- Use not suited to residential location.
- Noise mitigation measures cannot be enforced.
- The proposal would result in an over-concentration of Pubs and Clubs in the area.
- Area is designated as having Cumulative Impact Status by South Gloucestershire Council Licensing Committee.
- Noise from smoking area on roof terrace.
- Inadequate parking in nearby streets.
- Acoustic readings should have been carried out at weekends.

4.5 Chris Skidmore – Prospective Conservative MP Kingswood

There should be a further consultation of local residents living nearby and an assessment of how the proposed changes would affect their quality of life.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The authorised use of the premises is (A3) restaurant/café. The property lies within the Primary Shopping Frontage of Kingswood Town Centre. Policy RT9 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 resists the change of use of existing A1 retail uses at ground floor level within the Primary Shopping Frontages. Since the premises already has planning permission for use as a Restaurant, the property is not used for retail purposes, therefore Policy RT9 does not apply in this case. Furthermore, since there is no proposed change of use of the first floor areas, Policy RT12 is also not relevant. The use of the roof terrace as a smoking, drinking and eating area, ancillary to the main use of the building, was recently established with the granting of planning permission PK08/1461/F.

5.2 Of more relevance is Policy RT1, which permits retail and other development appropriate to a Town Centre location (including Kingswood) subject to a number of criteria reflecting the latest government guidance given in Planning Policy Statement 6 – ‘Planning for Town Centres’.

5.3 The criteria attached to Policy RT1 are discussed as follows:

5.4 **A. It would not detract from the overall vitality and viability of the centre;**

5.5 Both PPS6 (paras. 2.22 & 2.23) and Policy RT1 encourage a diversity of uses, which add to the vitality and viability of Town Centres, so they can act as a strong focus for community life; these uses include leisure and entertainment uses such as, restaurants, bars, pubs, night clubs and uses which attract a large number of people. Schemes which would enhance the evening economy of Town Centres will be supported. 'Barcelona' is now a well established facility, located in the heart of the Town Centre; the proposed change of use to include bar and night-club uses would not detract from the vitality and viability of the centre. Whilst it is acknowledged that there are other similar establishments within the Town Centre, PPS6 para. 1.7 states that:

"It is not the role of the planning system to restrict competition, preserve existing commercial interests or to prevent innovation."

Officers are therefore satisfied that the proposed change of use would accord with criterion A of Policy RT1.

5.6 **B. It would be consistent with the scale and function of the centre;**

5.7 The existing premises is similar in size to other pub/club uses within the Town Centre and is therefore considered to be consistent with the scale and function of the centre.

5.8 **C. It would be accessible to public transport users, pedestrians, cyclists and those with special mobility needs;**

5.9 The site lies in a highly sustainable location in the heart of the town centre and is therefore well served by sustainable forms of transport and pedestrian/cycle routes.

5.10 **D. It would not have unacceptable environmental or transportation effects, and would not prejudice residential amenity;**

5.11 Transportation Issues

Officers consider that the site is in a sustainable High Street location where the public transport and pedestrian facilities are good. The proposal would not adversely impact upon highway safety and parking in the area. There are therefore no highway objections.

5.12 Environmental and Residential Amenity Issues

A number of concerns have been raised by local residents, not least about the level of noise that would emanate from the night club, particularly at weekends and later into the evening, when live bands or amplified music is playing. Officers consider that this is a key issue in the determination of this application. Since this is a retrospective application, officers have had the opportunity to visit the site when amplified music was being played.

5.13 Officers noted that there are no windows in the principal side elevation of no.44 London Street, which is situated immediately to the rear of the site.

Furthermore there is only a car park immediately to the west of the Night Club/Bar area and a service area/bin store to the rear. To the east is a walkway to the flats above the restaurant.

- 5.14 As part of this proposal an acoustic report has been submitted, which has been carried out by an appropriately qualified independent consultant. Noise readings were taken adjacent to the nearest residential properties in London Street, some 5 metres from the rear of the Barcelona building. The relevant extracts from the Summary and Conclusions section of the Acoustic Report read as follows:

“There are no specific criteria for the assessment of noise from people and amplified music within a bar as it affects nearby residential properties. The most relevant guidance is provided in the Institute of Acoustics document “Good Practice Guide on the Control of Noise from Pubs and Clubs”, published in March 2003.

Noise monitoring was undertaken on the 17th July 2008 between 21:11 hours and 22:09 hours during a typical Karaoke night at Bar Celona.

A subjective assessment has been undertaken at a location representative of the nearest noise sensitive property. The subjective assessment was to determine whether noise from the premises was audible at the residential properties.

In general the music was not audible at the residential properties. When the music was barely audible, it was the occasional beat, rather than an entire passage of music that was heard. At no point was the noise level from music significant, clearly audible or dominant at the monitoring location.

The measured noise levels fluctuate throughout the monitoring period without any noticeable pattern or correlation to the audibility of music from the Bar Celona. As such, it is our opinion that the amplified music does not have a significant affect on the measured noise levels.

In environmental noise terms (affecting the residential premises in the vicinity) the noise emission levels measured on site, with all external doors closed, are considered acceptable and will not cause disturbance to the dwellings in the vicinity.

Following discussions with the Environmental Health Officer, concerns have been raised with regard to noise breakout through open doors. Advice has been provided to control noise through open doors. With the above measures noise breakout through the doors is expected to be adequately controlled and is not expected to adversely affect the overall sound insulation performance of the building fabric.

- 5.15 The flats directly above Barcelona are in the applicant's ownership and the licence states at para. 2.4 (e) that:

“Appropriate sound insulation measures have been built into the development and sound insulation/control measures will be maintained to the satisfaction of the Environmental Health Officer.”

Having considered the findings of the Acoustic Study and considered the terms of the Licence that was recently granted, the Council's Environmental Health Officer raises no objection to the proposal.

- 5.16 Concerns have been raised about the impact arising from people, some likely to be under the influence of alcohol, arriving at or leaving the premises in the early hours. Most of this disturbance would be centred along Regent Street, where there are few residential properties other than flats above ground-floor commercial uses. This would at least give some separation from noise and disturbance in the street below. Officers consider that some late-night noise and disturbance is not uncommon in a Town Centre location. Officers are also mindful that national and local policy directs such uses to Town Centre locations. Furthermore with the extended licensing hours, there would most likely be a more gradual dispersal of customers leaving the premises.
- 5.17 The proposed opening hours are as follows: Sun – Wed 9.00am to 12 midnight, Thursday 9.00am to 1.00am Fri and Sat 9.00am to 2.00am. A drinks/entertainments licence has already been granted to the premises and various initiatives involving the licensees and the police are in place to manage and minimise the more problematic impacts of the night-time and evening uses.
- 5.18 The licence carries a raft of conditions, which are intended to strictly control the operation of the premises. In summary these conditions relate to the following matters:
- The activities and the hours that the activities can take place indoors only e.g. live music, playing of recorded music, showing of films, dancing, supply of alcohol, provision of refreshments.
 - No supply of alcohol unless designated premises supervisor is present.
 - CCTV to be installed to the satisfaction of the Police.
 - A minimum of 4 registered door staff to be engaged from 2100 hours to the close of business on Fri & Sat nights.
 - Participation in local pub-watch schemes and any other initiatives promoted by the police.
 - No alcohol promotions that encourage irresponsible consumption.
 - A membership scheme using photographic identification.
 - A taxi liaison service shall be provided.
 - No glasses or container to be removed from the site.
 - No entry to under 21's after 2100hrs on Fridays & Saturdays..
 - Dancing not allowed in no.87 unless pre-booked.
 - Roof terrace to be cleared of patrons , bottles, glasses and crockery by 1800 hrs.

- Whilst live or recorded music is being played, periodical checks will be made to ensure that nuisance is not occurring at the nearest residential properties. A sound processor is to be installed and noise levels set by the Environmental Health Officer (EHO).
 - All external doors and windows to be kept shut from 2200hrs except for access or egress. Access and egress for customers to be from Regent Street with emergency exit onto London Street.
 - Sound insulation to be maintained to the satisfaction of the EHO.
 - Dray deliveries restricted to between 10.00 and 14.00hrs.
 - No bottling out after 2100hrs.
 - No drinking on the paved areas to the front of no.91 Regent St.
 - The Licence Holders to periodically meet with Residents to address any concerns they may wish to raise.
- 5.19 Given the national and local plan policies which direct the proposed uses to Town Centre locations, the findings of the acoustic report and the strict controls that can be enforced through the licence, officers are satisfied that on balance criterion D of Policy RT1 is satisfied.
- 5.20 **E. It would include residential accommodation or other non-retail uses appropriate to a town centre on upper floors.**
- 5.21 The accommodation above the restaurant already comprises flats and the use of the terrace is an appropriate non-retail use in this Town Centre location.
- 5.22 Conservation Issues
- The Whitfield Tabernacle Conservation Area and Listed Buildings lie to the north-east of the site and any development must respect the setting of both the Conservation Area and Listed Buildings. Having regard to the lack of any built development within the proposal, the setting of the Conservation Area and Listed Buildings would not be adversely affected.
- 5.23 Landscape Issues
- No vegetation or landscape features are affected by the scheme.
- 5.24 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.
- 5.25 Section 106 Requirements
- In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended).

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Background Papers **PK08/2558/F**

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

CONDITIONS

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

Reason:

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

2. The use hereby permitted shall not be open to customers outside the following times 09.00 hrs to 24.00hrs midnight Sunday - Wednesday incl.; Thursday 09.00hrs - 01.00hrs Friday the following day; Saturday 09.00hrs - 02.00hrs Sunday the following day. The only exception being Sunday's preceding all Bank Holiday Monday's, Christmas Eve and Boxing Day 09.00 - 0200 hrs the following day, New years Eve 09.00 - 05.00 hrs the following day.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and RT1 of the South Gloucestershire Local Plan (Adopted) January 2006.

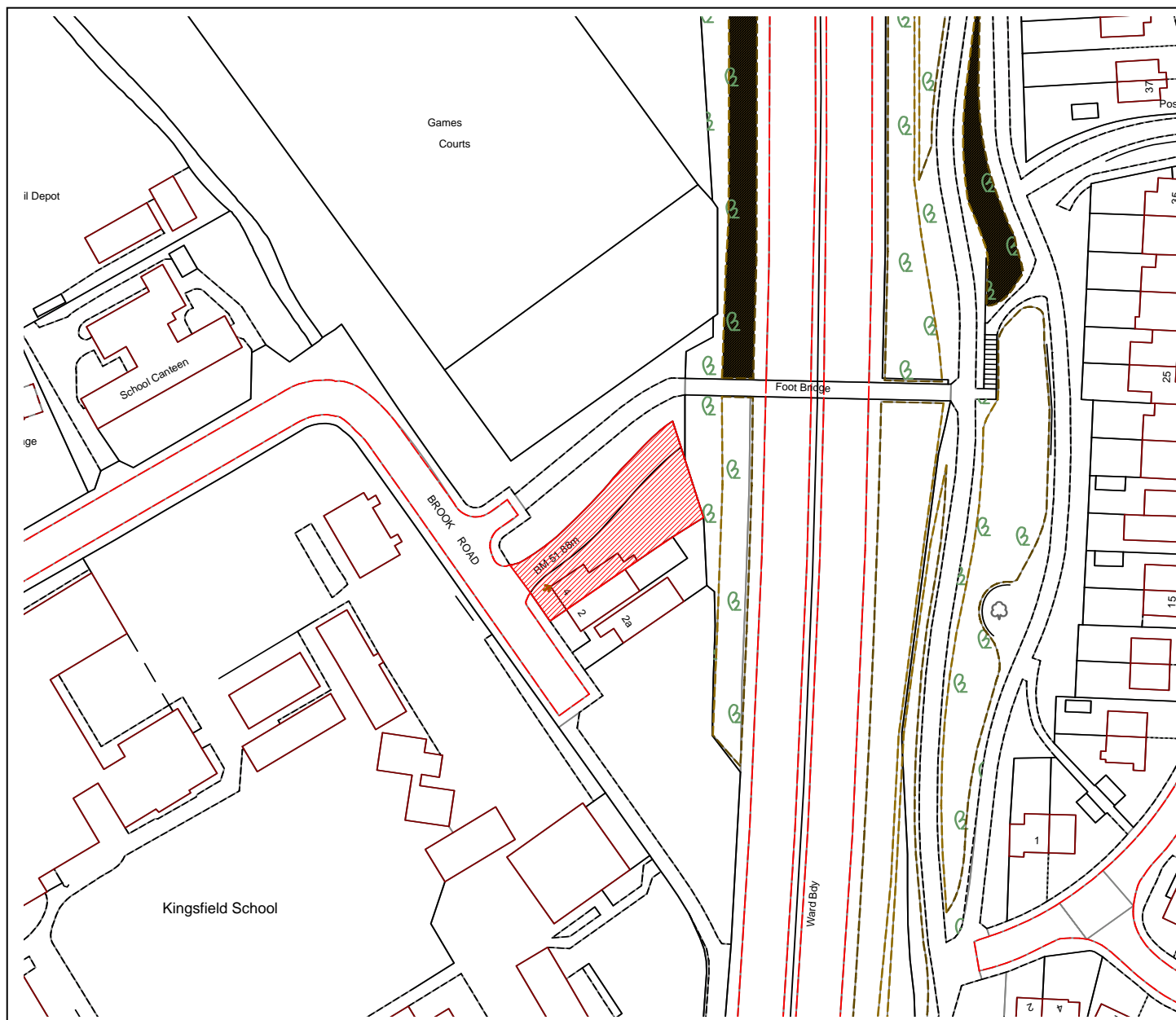
3. Within 1 month of the date of this decision, automatic closing devices shall be installed on the doors at either end of the internal stairway leading to the roof terrace and maintained as such thereafter unless otherwise permitted in writing by the Local Planning Authority.

Reason:

To prevent noise breakout from within the main building and to minimise disturbance to occupiers of nearby residential dwellings and to accord with Policies RT1 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 43/08 - 24 OCTOBER 2008

App No.:	PK08/2571/F	Applicant:	Mr R Stone
Site:	4 Brook Road, Warmley, South Gloucestershire, BS15 4JR	Date Reg:	16th September 2008
Proposal:	Erection of 1 no. dwelling with associated works.	Parish:	
Map Ref:	66555 73812	Ward:	Kings Chase
Application Category:	Minor	Target Date:	5th November 2008



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N.T.S

PK08/2571/F

INTRODUCTION

The application has been forwarded to the Circulated Schedule for Member consideration as representations have been received contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is located on the north west edge of Warmley on the west side of the A4174 Outer Ring Road. The application site is situated adjacent to Kingsfield School to the north, south and west and the A4174 to the east. The site is broadly rectangular in shape and comprises a two storey semi-detached Victorian house with vehicular access onto Brook Road in the west corner. The site is situated adjacent to a dense hedgerow on the north boundary followed by a steep rise in ground level to a pedestrian path connecting Brook Road to a pedestrian footbridge over the A4174.

The application site is situated within the urban area as defined in the adopted Local Plan. The site contains a variety of trees situated in the rear garden along with a variety of domestic outbuildings and domestic animal stores.

- 1.2 The application proposes a two storey detached dwelling in the rear garden of the application site and detached single garage.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages
L1 Landscape Protection and Enhancement
T8 Parking Standards

- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK02/1661/F Erection of No 1 two storey detached dwelling on land adjacent to 2 Brook Road.
Approved 25.07.2002

4. CONSULTATION RESPONSES

- 4.1 Consultees

None received

Other Representations

4.3 Local Residents

Two letters of objection received from the occupiers of 2 and 2A Brook Road raising the following concerns:

Substantial dwelling; bulky; too large for the location; loss of privacy; adverse impact on outlook from both proposed house and garage; proposed roofing materials are out of character.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings and new dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential amenity, visual amenity and highway safety.

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The application site is situated on the edge of a suburban area and has a quite green and rural context. This is due to the somewhat isolated position of the application site with only three dwellings situated in the immediate area and being surrounded by school grounds and a large band of trees/hedgerow adjacent to the A4174. The proposal would be situated behind the three other dwellings in the locality. However, as there is no strict settlement pattern in the immediate area the positioning of the proposed dwelling does not conflict with existing character of the area. The proposed extension would be screened from public vantage points from the footpaths to the north and south and the A4174 by existing trees/hedgerows adjacent to the north west and east boundaries. The materials would be of good quality (render, oak lintels etc.) and although not strictly accordant with the adjacent dwellings, would not appear incongruous. The design has a rural character which is considered to be in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

The resultant garden sizes would be approximately 122m² no.4 and 100m² for the proposed dwelling. This compares to approximately 118m² for no.2a and 63m² for no.2. Therefore it is considered that adequate rear amenity space would be provided for both no.4 and the new dwelling following subdivision of the existing plot. Additionally, on this basis the proposal is considered not to constitute over-development of the site.

In terms of privacy, the application has been amended such that no first floor windows are now proposed for the south west elevation and only a bathroom window is proposed for the south east elevation. Conditions are recommended to control any further openings in these two elevations and the south east roofslope. Additionally, a condition is recommended for the proposed bathroom in the south east elevation to be obscurely glazed with only a high level opening. On this basis the proposal is considered not to result in a material loss of privacy to the neighbouring occupiers.

The proposed dwelling would measure 4.8m to eaves and 7.4m to ridge. The rear elevation facing towards no.2 and no.2a would measure 11m total width. The proposed dwelling would be situated 7.4m from the boundary of no.2 and a minimum distance of 14m from no's 2 and 2a. The proposed dwelling is considered to be of relatively modest scale and would be situated sufficient distance from the neighbouring dwellings for there to be no significant impact in terms of bulk/overbearing built form. The proposed dwelling is therefore considered not to be prejudicial to the amenity of neighbouring occupiers.

The proposed garage would measure 2m to eaves, 3.2m to ridge and would be positioned with the gabled end on the boundary with no.2 only. Considering its modest scale, the proposed garage is considered not to result in any significant loss of residential amenity.

5.4 Highway matters

The proposal would provide two off street parking spaces for the existing dwelling (no.4) and two spaces including the garage for the proposed dwelling. This meets the maximum parking standard adopted by this Authority and as such the level of proposed parking is considered to be acceptable in accordance with policy T8 of the adopted Local Plan. The proposal would result in the intensification of the existing vehicular access in the west corner of the site. The proposal would incorporate improvements to the visibility on either side of the existing access. Additionally, the existing access is onto a dead end lane used by only the three existing dwellings in the immediate area. Considering all of these matters the proposal would result in no material harm in relation to highway safety.

5.5 Other issues

The proposed dwelling would be situated approximately 17m from the A4174. In terms of noise impact the dwelling would be screened from the A4174 by a band of dense trees/hedging and bunding adjacent to the east and north boundaries. Additionally, the application site is situated at a significantly higher level to the road. The Environmental Health Officer has raised no objection to the scheme. As such the proposal would result in no significant noise impact to the future occupiers.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Consent is GRANTED subject to the following conditions and informatives:

Background Papers **PK08/2571/F**

Contact Officer: **Sean Herbert**
Tel. No. **01454 863056**

CONDITIONS

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

Reason:

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

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

Reason:

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

3. No windows/dormers/rooflights other than those shown on the plans hereby approved shall be inserted at any time in the first floor level of the south east elevation and south west elevation and roofslope of the property unless the window is glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason:

To protect the residential amenity of the neighbouring occupiers in accordance with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor bathroom window in the south east elevation as shown on Drawing nos. 0802/04 A and 0802/05 A shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason:

To protect the residential amenity of the neighbouring occupiers in accordance with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to commencement of development a scheme of landscaping, which shall include measures for protection of all trees and hedgerows to be retained during the course of the development as indicated on the approved plans; proposed planting and replacement 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:

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

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

Reason:

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

7. Any plants which die, are removed, are damaged or become diseased within 5 years of the implementation of the landscaping scheme shall be replaced by the end of the next planting season. Replacement plants shall be of the same size and species as those lost, unless alternatives are agreed in writing by the Local Planning Authority.

Reason:

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.

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

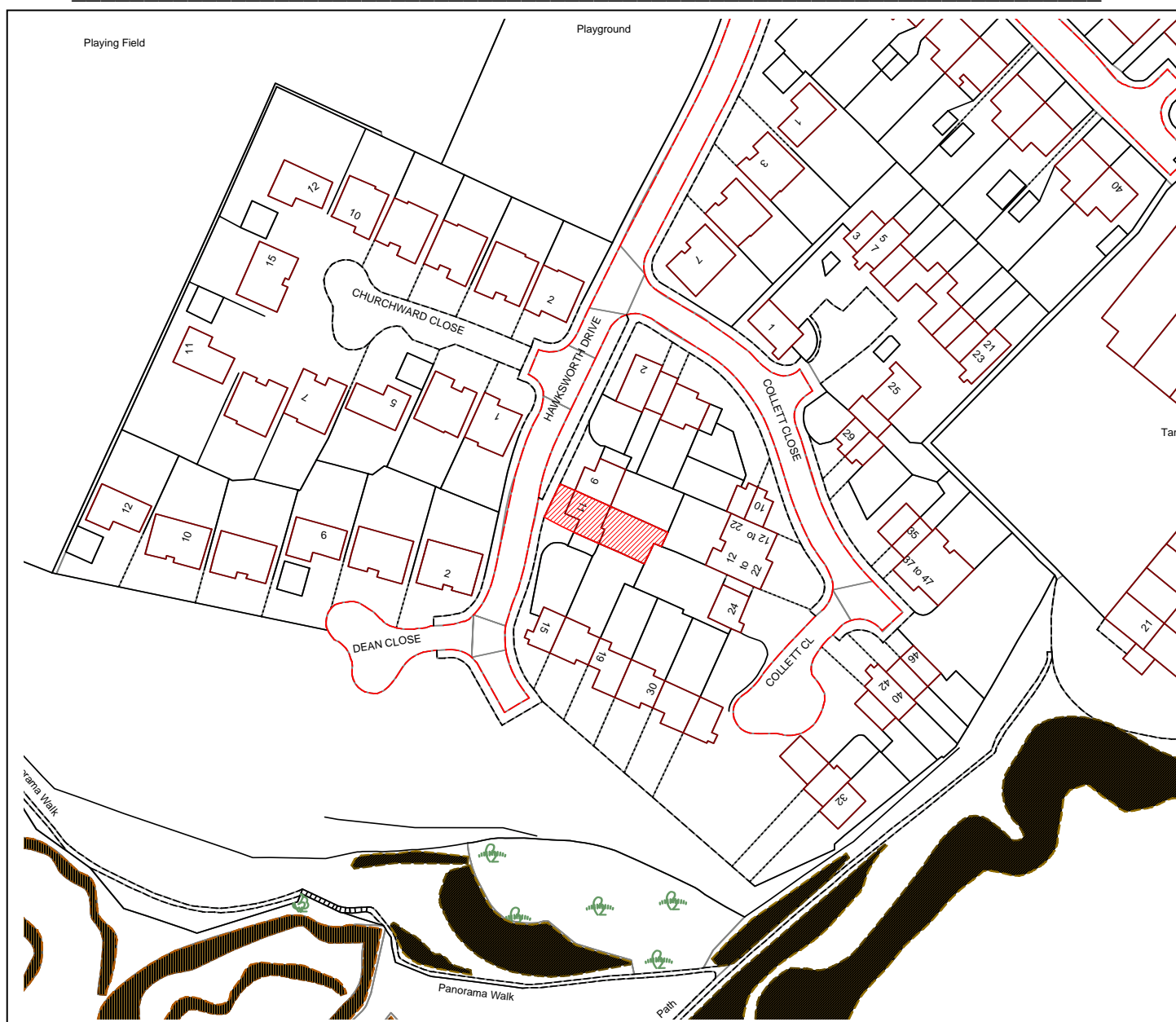
Reason:

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

CIRCULATED SCHEDULE NO. 43/08 – 24 OCTOBER 2008

App No.: PK08/2583/F
Site: 11 Hawksworth Drive, Hanham, South Gloucestershire, BS15 3HS
Proposal: Erection of first floor side extension to form additional living accommodation.
Map Ref: 63556 72006
Application Category: Minor

Applicant: Mr K Fry
Date Reg: 17th September 2008
Parish: Hanham Parish Council
Ward: Hanham
Target Date: 6th November 2008



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N.T.S

PK08/2583/F

INTRODUCTION

The application has been forwarded to the Circulated Schedule for Member consideration as a letter of representation has been received which is considered to be contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is located within a residential on the west edge of Hanham close to Avon Valley Park. The rectangular site is bounded by residential development on three sides with vehicular access onto Hawksworth Drive to the west. The site comprises a modern two storey semi detached dwelling with attached single garage at the side.
- 1.2 The application proposes a first floor side extension above the existing single garage to provide an additional bedroom and en-suite.

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/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council

No objection
- 4.2 Other Consultees

None

Other Representations

- 4.3 Local Residents

Two letters of objection received from the occupiers of 15 Hawksworth Drive raising the following issues:

Disproportionately large to the existing dwelling; out of character with the street scene; proposed eaves will overhang neighbour's land contravening the Trespass Act; overhang of eaves would require a party wall agreement; no site notice was posted; applicant has declared but has not fulfilled serving notice onto no.15; proposed footings are inappropriate

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context. The dwelling the subject of this application is a semi-detached two storey building with attached garage to the side. The proposed extension would be positioned above the existing pitched roof garage at the side and set back from the front elevation of the existing dwelling by 3.1m. As the existing dwelling has a half hipped roof shape, it is difficult to connect an extension at the side, without the addition appearing disjointed. In this case the extension would be set back considerably from the existing front elevation of the dwelling screening the extension from views from the north and positioned at a lower ridge height whilst maintaining the same eaves height and roof pitch to the existing dwelling. Therefore although the extension does not constitute an altogether conventional design solution, it does represent the best solution for this specific circumstance. Therefore it is considered that the design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

The existing garage measures 2.3m to eaves and 4m to ridge. The proposed extension over the garage would result in an increase in height to 4.8m to eaves, 6.5m to ridge. The existing rear amenity space to the property would be retained following the erection of the proposed extension. With regard to neighbouring properties, the proposed extension would be situated more than 21m from the dwellings to the south and east and would create no additional overlooking issues. The extension would be situated over 16m from the dwelling to the south (no.15). The increase in scale of the extension and distance of the proposed from the neighbouring dwellings would ensure there is no prejudice to the amenity of neighbouring occupiers.

5.4 Other issues

Parking and manoeuvring for the site would remain unchanged and as such the proposal would result in no significant highway safety matters.

Concern was raised in relation to the Trespass Act and Party Wall/land ownership, which are not material planning issues and as such cannot be considered in relation to this planning application. Concern was also raised that notice was not served onto the neighbouring occupier but was formally declared. The legitimacy of this formal declaration is a matter for the Courts and not a material planning consideration. Concern was raised in relation to the proposed footing and technical aspects of the proposed construction which would be controlled through Building Regulations.

Concern was raised that a formal site notice was not displayed for this application submission. The adjacent occupiers were informed by letter of the application and display of a site notice was not statutorily required.

5.5 Design and Access Statement

A Design and Access Statement is not required for this application

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the following conditions and informatives:

Background Papers **PK08/2583/F**

Contact Officer: **Sean Herbert**
Tel. No. **01454 863056**

CONDITIONS

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

Reason:

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

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

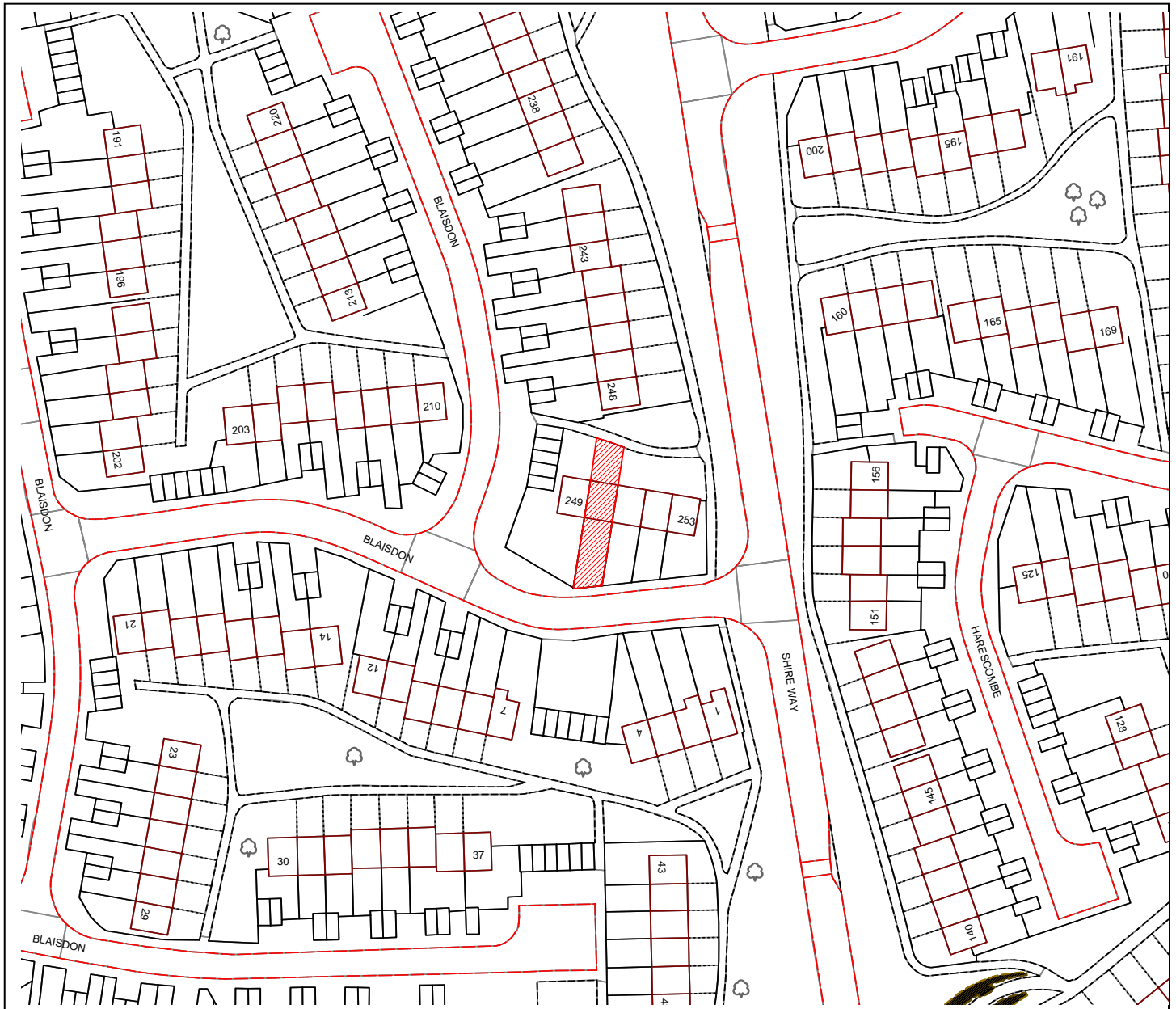
Reason:

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

CIRCULATED SCHEDULE NO. 43/08 - 24 OCTOBER 2008

App No.: PK08/2631/F
Site: 250 Blaisdon, Yate, South Gloucestershire, BS37 8TT
Proposal: Erection of rear conservatory.
Map Ref: 71284 81221
Application Category: Minor

Applicant: Mr Durham
Date Reg: 24th September 2008
Parish: Dodington Parish Council
Ward: Dodington
Target Date: 12th November 2008



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N.T.S

PK08/2631/F

INTRODUCTION

This application appears on the Circulated Schedule due to an objection raised by the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a conservatory at the rear of 250 Blaisdon, Yate. The proposed conservatory would measure 5.5 metres wide by 3.2 metres in depth and would have an overall height to ridge of 3.7 metres.
- 1.2 The property is a two storey mid-terrace dwelling and is located within a residential area of Yate.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Council Advice Note No 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council
The following objections were raised by Dodington Parish Council:
- Loss of visual amenity to neighbours due to the high brick walls
 - The depth of the conservatory is in excess of 3 metres and is out of scale for the area.

Other Representations

- 4.3 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers,

and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design / Visual Amenity

The proposed conservatory is of an appropriate standard in design and reflects the character of the main dwelling house and surrounding properties. Whilst the conservatory is quite wide being 5.5 metres, it is of modest size in comparison to the bulk of the main dwelling and is suitably subservient to it. Furthermore, the bricks used in the walls of the conservatory would match the main dwelling, assisting the successful integration of the structure with the host dwelling.

Whilst both side elevations of the conservatory would be constructed of face brick with high level obscure glazing, the existing 1.8 metre high boundary treatment is adjacent to these side elevations. It is therefore not considered that the design of the conservatory is of sufficient concern to warrant the refusal of the application. Furthermore, the proposed conservatory would be to the rear of the existing dwelling and would be screened by the existing 2 metre high rear boundary wall. It is therefore considered that the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.

5.3 Residential Amenity

The rear of the property is bound on both sides by neighbouring residential properties and is enclosed and screened by a combination of 1.8 metre high closed board fencing and a 2 metres high rear boundary wall. The proposed conservatory would be slightly set back from the boundaries with the neighbouring properties and would have a moderate depth of 3.2 metres. The conservatory is slightly set back from the boundaries with the neighbouring properties and given the existing boundary treatments in place, combined with the height of the proposal, it is not considered that the conservatory would have any overshadowing or overbearing effect on the neighbouring dwellings.

Both side elevations of the conservatory would be constructed of face brick with high level obscure glazing. It is therefore considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.

5.4 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/2631/F**

Contact Officer: **Kirstie Banks**
Tel. No. **01454 865207**

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).

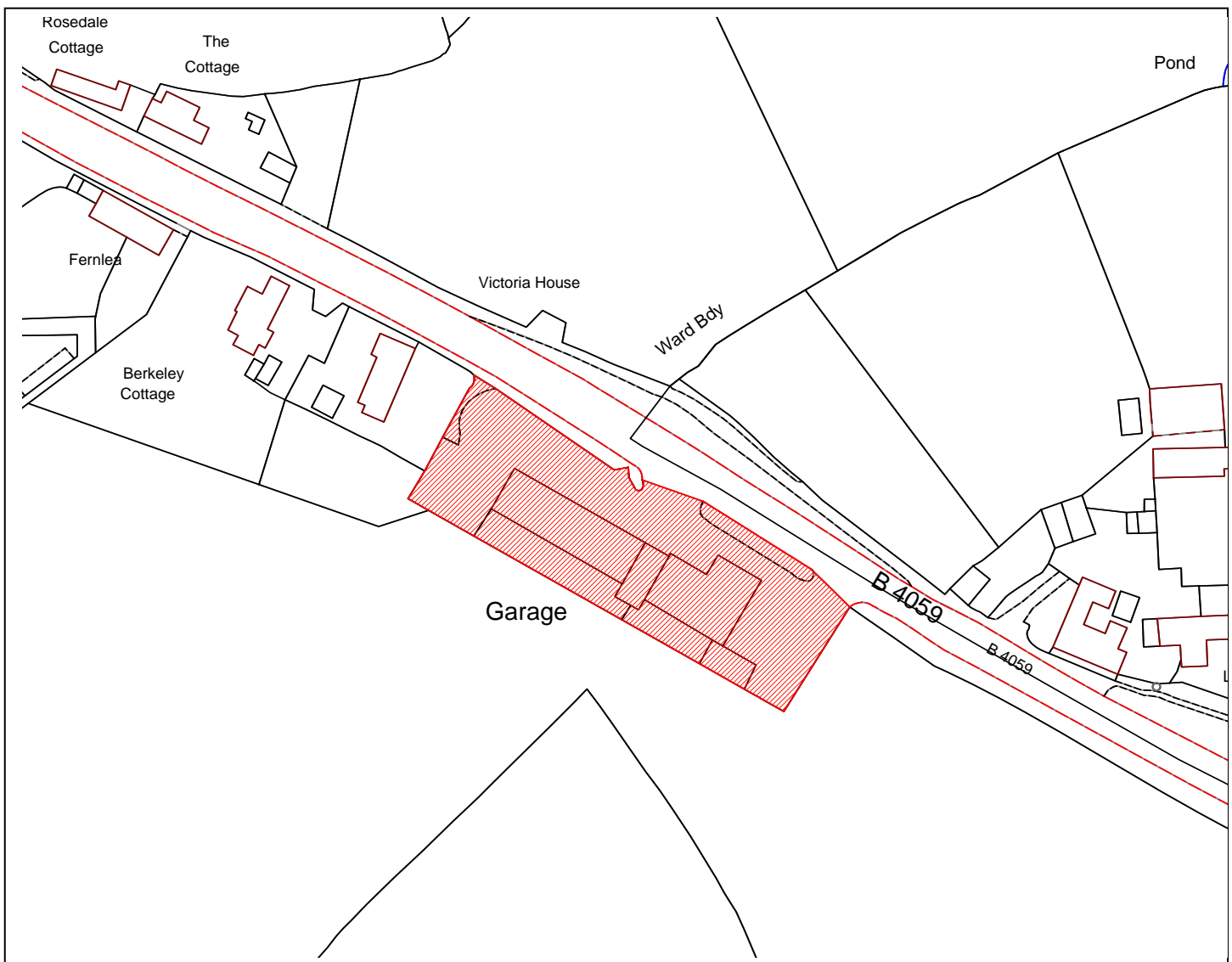
2. The bricks to be used externally in the development hereby permitted shall match those of the existing building in colour and texture.

Reason:

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

CIRCULATED SCHEDULE NO. 43/08 – 24 OCTOBER 2008

App No.:	PK08/2633/ADV	Applicant:	Drive
Site:	Drive, Yate Road, Iron Acton, South Gloucestershire, BS37 7XY	Date Reg:	25th September 2008
Proposal:	Display of 1no. internally illuminated fascia sign, 1no. internally illuminated individual letter fascia sign, 1no. non-illuminated wall mounted sign and 1no. internally illuminated freestanding totem sign.	Parish:	Iron Acton Parish Council
Map Ref:	68932 83234	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	13th November 2008



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N.T.S

PK08/2633/ADV

This application has been referred to the Circulated Schedule due to the receipt of 1 letter of objection.

1. THE PROPOSAL

- 1.1 The applicant is seeking advertisement consent for the display of four signs connected with a MOT station/repair building. The proposed signage is as follows; 1no. internally illuminated fascia sign, 1no. internally illuminated individual letter fascia sign, 1no. non-illuminated wall mounted sign and 1no. internally illuminated freestanding totem sign.
- 1.2 The site which is located on Yate Road, Iron Acton is situated within the Bristol/Bath Green Belt and consists of a petrol filling station which faces east and an attached MOT station/ repair area which faces north towards the road frontage. The proposed signs are associated with the MOT site.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG2 Green Belts
PPG19 Control of Advertisements
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
GB1 Development within the Green Belt
L1 Landscape Protection and Enhancement
L19 Control of Advertisements

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2072/F Installation of 1no. free standing ATM cash machine
Approved July 2007
- 3.2 PK05/1630/ADV Display of seven internally illuminated signs (re submission
of PK05/0780/ADV)
Approved July 2005
- 3.3 PK05/0780/ADV Display of 7 internally illuminated signs
Refused April 2005
- 3.4 PK05/0778/F Cladding to external walls to garage
Approved April 2005
- 3.5 PK00/1791/ADV Installation of internally illuminated fascia
Approved November 2000
- 3.6 PK99/0222/F Alterations to existing workshop and offices
Approved January 2000

4. **CONSULTATION RESPONSES**

4.1 Iron Acton Parish Council
No response received

4.2 Sustainable Transport
No objections

Other Representations

4.3 Local Residents
One letter of objection was received citing the following concerns;

- The proposed totem sign due to the height and location would be overbearing and unnecessarily tall.
- The signage would be visible from most rooms in their dwelling and would be overbearing.
- The proposed signage would adversely affect the character of the surrounding countryside.

It should be noted that the letter also highlighted that the current signage is subject to a condition stating the signs should not be illuminated between the hours of 20.00 and 07.30.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development
As outlined in PPG19, the display of outdoor advertisements can only be controlled in the interests of amenity and public safety. Accordingly, Policy L19 of the South Gloucestershire Local Plan (adopted) 2006 states that consent for the display of advertisement would be granted provided that the advertisement would not be detrimental to the immediate location in which it is to be displayed, by virtue of its size, siting, materials, colour or illumination, or that the advertisement or the cumulative effect of the proposal would be detrimental to the character and visual amenity of the locality. In addition the proposal should not prejudice public safety.

5.2 Visual Amenity
The application site which is located on Yate Road, Iron Acton is situated within the Bristol/Bath Green Belt. Signs A and B are internally illuminated fascia signs and sign C is a non illuminated wall mounted sign. These are all to be displayed along the front of the building and would predominately replace existing signage. These signs collectively are considered to have a minor impact on visual amenity due to their limited lighting and location. Taken together, the cumulative impact of these signs is not considered to be cluttered. Therefore it is considered that subject to a continuation of the condition imposed on the existing signage to ensure that the signs are not illuminated between the hours of 2000 and 0730, they would not have any detrimental impact upon visual amenity or detract from the character of the locality.

Sign D is a free standing totem sign that is proposed to be located to the west of the exit/entrance, adjacent to Yate Road. This is the most prominent of the proposed signs, being freestanding and located next to the road.

There is already a totem sign advertising the petrol filling station on the same site but in front of the petrol station and there is currently a totem sign for the application site, however this is located to the western side of the site approximately 3 metres back from the edge of the carriageway. The proposed totem sign is 5.4 metres tall, 1.3 metres higher than the existing totem sign, furthermore is closer to both the road and the existing free standing sign of the filling station than the existing totem sign. It is therefore considered that the proposed free standing sign D by virtue of its location and excessive height when cumulatively considered would result in visual clutter and would be detrimental to the visual amenity, character and distinctiveness of the locality and the openness of the Green Belt. Sign D is therefore contrary to Policies L1, L19 and GB1 of the South Gloucestershire Local Plan (adopted) 2006.

5.3 Public Safety

The proposed signage would not interfere with pedestrian movement, further the Councils highway engineers are satisfied that the proposal would have no adverse impact on levels of highway safety and raise no objection to the application. Therefore it is not considered that the signs would have any impact on the existing levels of public safety.

5.4 Other matters

Through the consultation process, objections in respect to the impact of the proposed signage on residential amenity have been received. It is considered that subject to the condition ensuring the signs are not illuminated between the hours of 20.00 and 07.30 the proposed signage would not have any detrimental impact upon residential amenity. The objections raised regarding the impact of the proposal on the surrounding area have been addressed in the assessment above.

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 issue a split decision 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 a split decision be issued.

Background Papers **PK08/2633/ADV**

Contact Officer: **Kirstie Banks**
Tel. No. **01454 865207**

CONDITIONS

1. The signs hereby approved shall not be illuminated between the hours of 2000 and 0730.

Reason

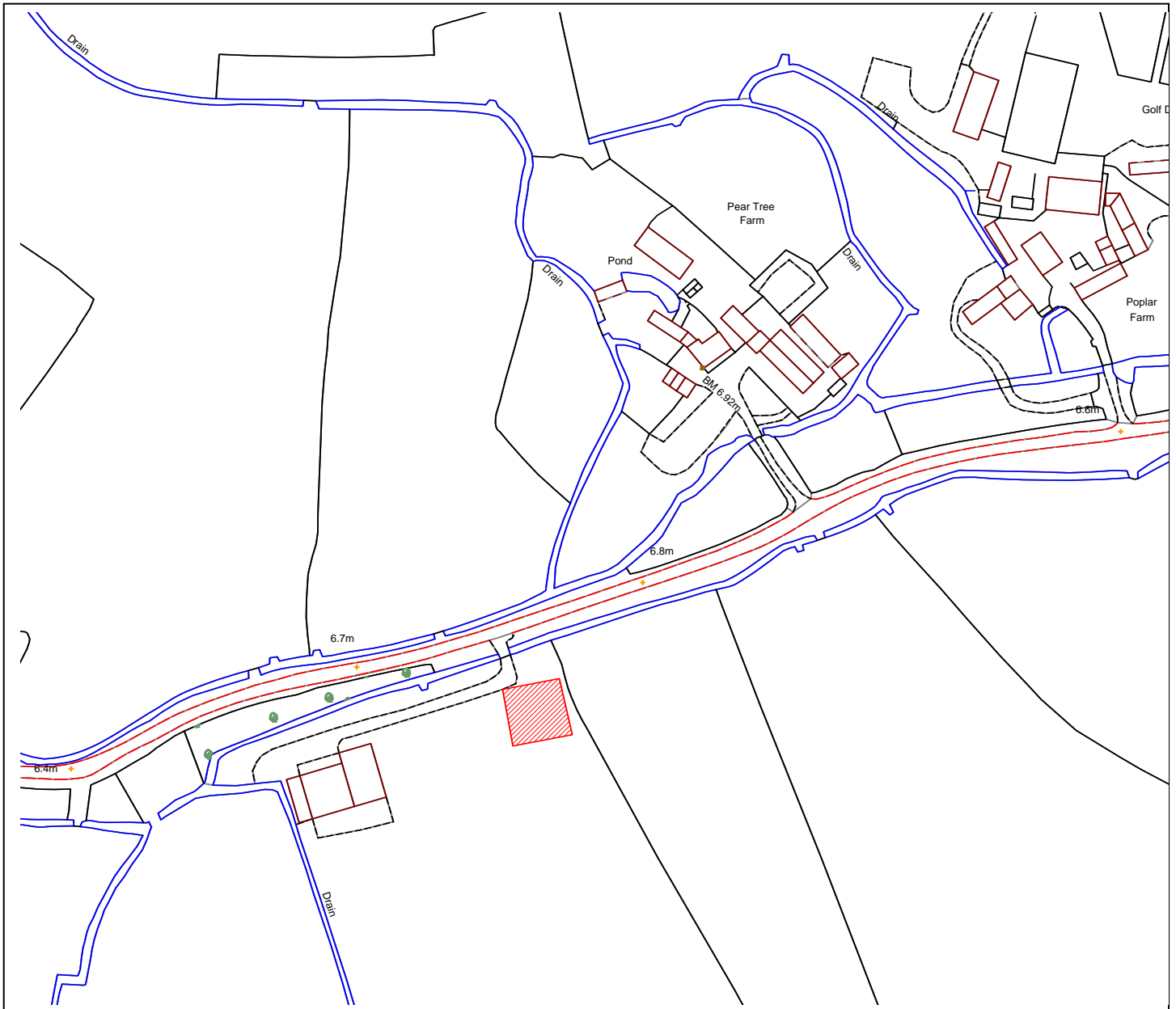
To protect the visual amenities of the locality, and to accord with Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006.

REFUSAL REASONS

1. The proposed free standing totem sign D by virtue of its location and excessive height when cumulatively considered would result in visual clutter and would be detrimental to the visual amenity, character and distinctiveness of the locality and the openness of the Green Belt. Sign D is thus contrary to the requirements of PPG19 and Policies L1, L19 and GB1 of the South Gloucestershire Local Plan (adopted) 2006.

CIRCULATED SCHEDULE NO. 43/08 – 24 OCTOBER 2008

App No.:	PT08/2236/F	Applicant:	Mr & Mrs M Lanfear
Site:	Woodside Farm, Pilning Street, Pilning, South Gloucestershire, BS35 4HL	Date Reg:	9th August 2008
Proposal:	Erection of log cabin for use as an agricultural workers dwelling for a temporary period of three years.	Parish:	Olveston Parish Council
Map Ref:	58160 85701	Ward:	Severn
Application Category:	Minor	Target Date:	24th September 2008



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N.T.S

PT08/2236/F

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of an objection from Olveston Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a log cabin to be used as an agricultural workers dwelling for a temporary period of three years.
- 1.2 The existing enterprise comprises of 37ha of land owned by the applicant and 9ha of adjoining land which is rented. The applicant has erected several buildings on the site for the purposes of agriculture. The enterprise currently has a livestock of approximately 55. The applicant seeks to increase this number to 85. The applicant currently lives off site in Olveston and the proposal is required to care to provide welfare for livestock on site.
- 1.3 The proposed log cabin would be approximately 7.3m in width, 9.1m in length and 6m in height. The building would be finished in stained timber and a felt roof. The log cabin would provide three bedrooms, a bathroom, a kitchen and a living area.
- 1.4 The application site would be approximately 0.04ha in area and would be situated within a larger agricultural unit. The site is situated adjacent to a native hedgerow to the east, a rhine to the north and a agricultural building to the west. The topography of the site is particularly flat. The site would gain access from Pilning Street.
- 1.5 The application site is situated outside of any defined settlement boundary, it is designated as Green Belt and is located within the Environment Agency's Flood Zone 3.

2. POLICY CONTEXT

2.1 National Guidance

PPS1:	Delivering Sustainable Development
PPG2:	Green Belt
PPS3:	Housing
PPS7:	Sustainable Development in Rural Areas
PPG13:	Transport
PPS25:	Development and Flood Risk

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1:	Achieving Good Quality Design in New Development
H3:	Residential Development in the Countryside
H8:	Agricultural Workers Dwelling in the Countryside
GB1:	Development within the Green Belt
EP2:	Flood Risk and Development
T12:	Transportation Development Control Policy in New Development
L1:	Landscape Protection and Enhancement

- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
South Gloucestershire Development within the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/2651/PNA Erection of extension to existing agricultural building for the keeping of livestock.
No objection on 27th August 2007
- 3.2 PT07/0337/PNA Prior notification of the intention to erect an agricultural building to store machinery and fodder.
No objection on 27th August 2007

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
Objection – The Parish Council has concerns that this could set a precedent for future development and also notes that the ground is very low lying.
- 4.2 Highways
No objection.
- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Introduction
This application seeks planning permission for the erection of a temporary agricultural dwelling for a period of three years. The site is situated in a rural location which characterised by the surrounding agricultural land uses. The site is outside of any defined settlement boundary and is designated as Green Belt. The main considerations in the analysis of the proposal are: -
1. Principle of development;
 2. Green belt;
 3. Flood risk;
 4. Design/landscape implications; and
 5. Access, parking and highway safety.
- 5.2 Principle of development
Policy H3 and H8 of the adopted local plan identifies that in principle, a agricultural/forestry workers dwelling is one the few circumstances in which a new dwelling may be justified in the open countryside. In order for such a development to be permitted the Local Planning Authority (LPA) must scrutinise the application thoroughly to establish that the need for such a dwelling is genuine.

5.3 The proposed dwelling would be a temporary log cabin and the applicant has argued that it is essential to support a new farming activity. PPS7 and Policy H8 allow for such development providing that the development is limited to three year period and that it be provided via a temporary structure which can be easily dismantled. The development must also satisfy the following criteria identified under paragraph 12 of Annex A of PPS7. The LPA have commissioned a consultant to provide an agricultural planning appraisal which has assessed the development with regard to the following criteria: -

5.4 ***i) Clear evidence of a firm intention and ability to develop the enterprise concerned;***

The consultant has interviewed the applicant and feels that there is a firm intention to continue to develop the business and make a full-time living from Woodside Farm. Moreover, the applicant has erected a number of buildings and invested heavily in stock. In view of this, the consultant considered that there is no doubt that the applicant has the ability to make a success of agricultural unit.

This information demonstrates that this criterion has been **satisfied**.

5.5 ***ii) Functional need;***

The consultant considered that the livestock numbers are insufficient to warrant there to be a permanent functional need for somebody to be on the site at all times. However, the consultant noted that if the proposed business expands to predicted levels, then the livestock enterprise would be approaching the level, whereby for welfare reasons, it would be considered essential for there to be a qualified stockperson. Furthermore, the consultant considered that it would be difficult for the applicant to take the business forward without the being based on site.

This information demonstrates that this criterion has been **satisfied**.

5.6 ***iii) Clear evidence that the proposed enterprise has been planned on a sound financial basis;***

The consultant has assessed the accounts proposed for the business so far. They identified that the element, which is attributable to the livestock enterprise, is increasing all of the time and it is considered that this element will continue to become more important. Furthermore, the consultant understands that the applicant has no borrowings, as such they would be in a position to buy or rent further land if it became available.

This information demonstrates that this criterion has been **satisfied**.

5.7 ***iv) 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; and***

There are no other under used building on the holding which are capable of conversion to residential accommodation. Furthermore, there is no evidence to suggest that there is any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.

This information demonstrates that this criterion has been **satisfied**.

5.8 **v) Other normal planning requirements are satisfied.**

This criterion is addressed through the remainder of this report.

5.9 In view of the above, it is considered that the proposed development accords with the national and local planning policy context laid out in PPS7 and Policy H8 of the adopted local plan. The development would be limited to a period of three year via an appropriate planning condition. Furthermore the design of the proposed log cabin allows it to be easily dismantled.

5.10 **Green Belt**

In Green Belt locations there is a general presumption in national and local planning policy against inappropriate development. The construction of new buildings inside a Green Belt is inappropriate unless it is for the following categories as defined in PPG2 and Policy GB1: -

- Agriculture and forestry;
- Essential facilities for outdoor sport and recreation
- Cemeteries;
- Limited extension, alteration or replacement of existing dwellings; and
- Limited infilling within the boundaries of settlements.

5.11 With regard to the above it is considered that the proposed agricultural workers dwelling would fall within the 'agriculture and forestry' category and, therefore represents an appropriate development within the Green Belt.

5.12 **Flood Risk**

The application site is situated within the Environment Agency's (EA) Flood Zone 3. This zone is all areas which are at high risk from flooding. To address this issue the EA have been consulted. They have raised no objection to the proposal subject to the LPA being satisfied that both the sequential and exception test have been satisfactorily applied and passed in line PPS25. Furthermore, the EA have recommended several conditions if the LPA consider the above tests to be passed. Consideration to the sequential and exception tests has been given below: -

5.13 ***Sequential Test***

According to PPS25, this is a risk-based test which should be applied at all stages of planning. Its aim is to steer new development to areas at the lowest probability of flooding (Zone 1). The proposed dwelling is required as part of an agricultural holding in order for the applicant to provide care for their livestock. In view of this, it is considered that it is essential that the dwelling is situated on this site. As such, there would be no other reasonable sites in other flood zones. Furthermore, the EA have demonstrated that flood risk can be reduced through conditions.

5.14 ***Exception Test***

The exception test is applicable because the site is situated within Flood Zone 3 and is considered to be a 'More Vulnerable' development under Table D.2 of PPS25. For the exception test to be passed the following criteria must be accorded to: -

- 5.15 ***a) it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk;***

It is considered that the proposed development would help deliver the Government objectives for rural areas which are identified in PPS7. For instance the development would; encourage the development of a viable rural business, contribute to the rural economy and help protect the rural landscape. Hence it is considered that the development would provide wider sustainability to the rural area which would outweigh flood risk in this instance.

- 5.16 ***b) the development should be on developable previously-developed land or, if it is not previously developed land, that there are no reasonable alternative sites on developable previously developed land; and***

Agricultural land-uses generally relate to undeveloped land in rural locations. In order for an agricultural workers dwelling to function effectively it must be located on or near to its agricultural land. In this application there is no previously developed land and no reasonable alternative site in such locations. As such, it is considered the proposed development is the only acceptable option and therefore passes this criterion.

- 5.17 ***c) a FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.***

The applicant has submitted a FRA with their application. The EA have assessed this and have raised no objection to the development subject to conditions. It is therefore considered that the development would be safe and would not increase flood risk elsewhere.

- 5.18 In view of the above, it is considered that the proposed development accords with the national and local planning policy context laid out in PPS25 and Policy EP2 of the adopted local plan.

5.19 Design

The proposed development relates to a log cabin which would be sited in the north-east corner of a medium sized field. To the west of the proposed site there is a large agricultural building which forms part of the agricultural unit which this dwelling would relate to. The surrounding area is flat with a mix of pasture and arable fields. The Severn Ridges can be seen in the distance to the south and east.

- 5.20 The style of the dwelling is out of character with the style of the dwellings in the surrounding countryside. It is considered that this would not be an appropriate long term design solution. Nevertheless, the building would be constructed out of wood and has a modest footprint. It is therefore considered that it would not have a significantly adverse affect visual amenity in the short term. Furthermore this type of development is preferable to alternative forms of temporary dwellings.

5.21 Landscape

To assess the impact on the landscape the Councils Landscape Architect has been consulted and their comments have been summarised. The log cabin would be screened from views to the west by the existing agricultural building. There is a large willow in the hedgerow to the east and this would help to soften the impact of the proposed building. The proposed new native hedgerow to the south would help to screen it to some extent. Furthermore, the surrounding countryside has a good network of hedges with scattered mature trees. The flat topography and screening by existing trees and hedges would help to reduce the visual impact of the log cabin. However it is 6m high and would be visible above the hedgerows within the immediate vicinity including views from Pilning Street, which is a country road with ditches on either side.

5.22 The Landscape Architect has recommended that detailed landscape proposals needs to be submitted and approved. The landscape proposals should include the provision of at least two standard trees within the hedgerow around the proposed log cabin and indicate an intention to maintain the hedgerow at a taller height. These details will be secured via condition.

5.23 Access, Parking and Highway safety

The proposed development would gain access onto Pilning Street and would provide car parking within its curtilage. The Council Transport Engineer has assessed these arrangements and has raised no objection.

5.24 Other Matters

The Parish Council have raised concerns that the development could set a precedent for future development. Notwithstanding these concerns, each planning application is considered individually and on its only merits. Furthermore, in this instance the principle of the development is considered to acceptable in accordance with Policy H8 of the adopted local plan.

5.25 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT08/2236/F**

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

CONDITIONS

1. The building hereby permitted shall be removed and the land restored to its former condition on or before 31st October 2011 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason(s):

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

2. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason(s):

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in agriculture or forestry, to accord with Policies H8 and H9 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in agriculture or forestry, to accord with Policies H8 and H9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. 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 D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The finished floor level of the new dwelling hereby approved shall be raised 600mm above existing ground levels.

Reason(s):

To minimise the effect of any flooding which may occur and to comply with the requirements of the Environment Agency, and to accord with PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

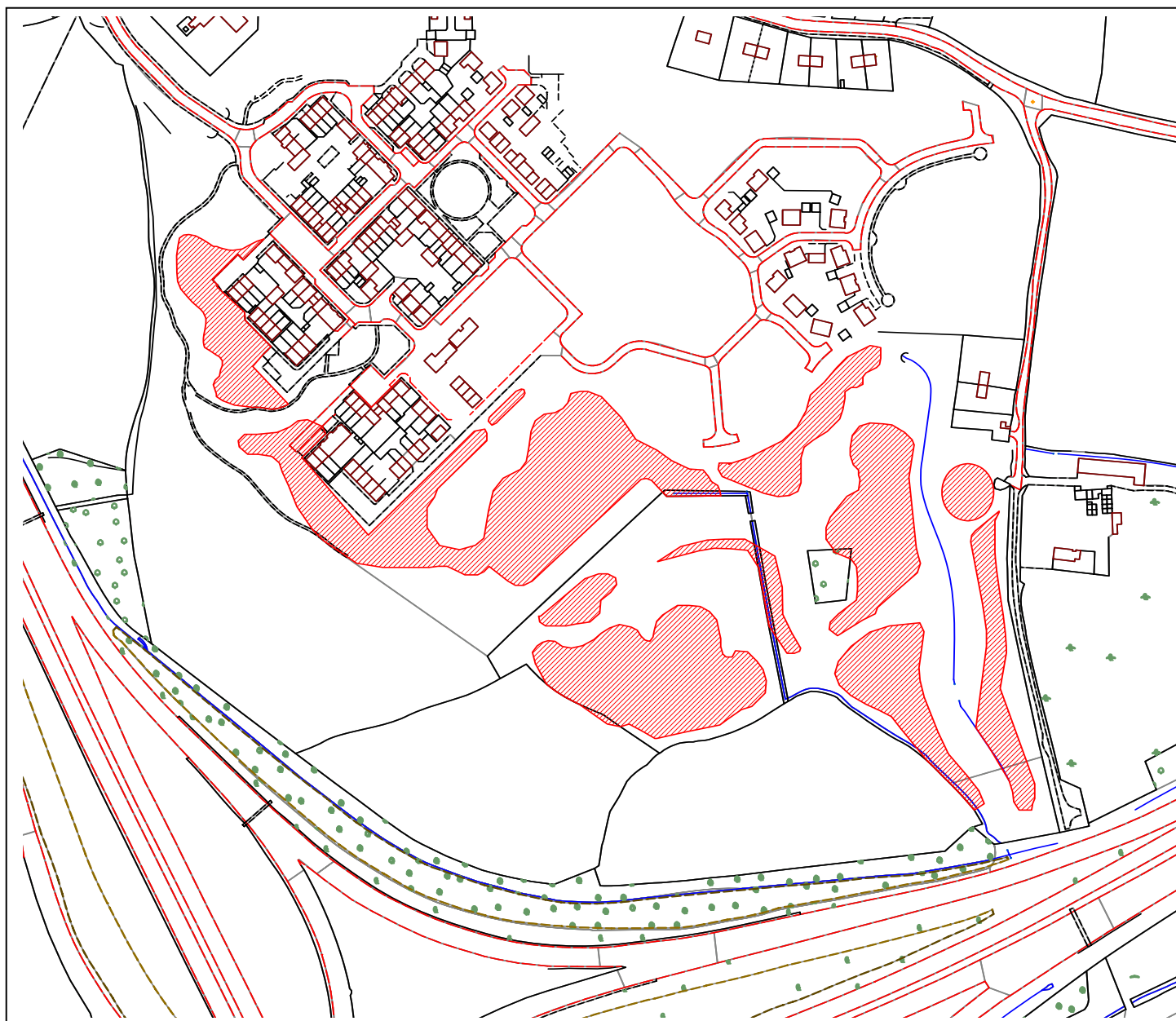
6. Within 3 months from the date of the decision details of flood resilient construction practices and materials to be employed in the development shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details.

Reason(s):

To minimise the effect of any flooding which may occur and to comply with the requirements of the Environment Agency, and to accord with PPS25 and Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 43/08 – 24 OCTOBER 2008

App No.:	PT08/2388/F	Applicant:	Taylor Wimpey And Barratt Homes
Site:	Land at Hortham Hospital, Almondsbury, South Gloucestershire, BS32 4FR	Date Reg:	26th August 2008
Proposal:	Construction of landscaping bunds, kickabout area and landscaping with associated works. (Amendment to previously approved Planning Permission PT06/0865/F dated 28 March 2007.	Parish:	Almondsbury Parish Council
Map Ref:	61975 84174	Ward:	Almondsbury
Application Category:	Major	Target Date:	17th November 2008



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PT08/2388/F

INTRODUCTION

This application is referred to the Circulated Schedule as it constitutes major development.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to re-grade a number of existing bunds as approved under a previous planning application (see para 3.1) along with forming a number of new bunds to the south-east of the housing development. The application site is the major residential development site known as “Hortham Village” which is still under construction. The site also lies within the Green Belt.
- 1.2 Two of the landscape bunds previously approved have been constructed, although they have not been completed and thus their appearance currently does not reflect what is shown within the previous application or as indicated “as existing” within this one. These bunds to the south of the development provide both a landscape buffer but also they removed the need for the spoil to be exported and disposed of off-site.
- 1.3 However as the construction of the development has progressed, it has become clear that there will be a greater volume of spoil than originally estimated as due to the properties of the clay soil, it is unsuitable as fill to sewers, drainage trenches and roads which would have seen a proportion of the excavated material reused. Rather than export it off site, it is to be kept on-site to create additional buffers and re-grade the ones as previously approved and partially constructed.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts

2.2 Development Plans

Joint Replacement Structure Plan

Policy 17 Landscape Enhancement.

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
GB1	Development within the Green Belts.
L1	Landscape Protection and Enhancement

South Gloucestershire Minerals and Waste Local Plan (Adopted) 2002

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0865/F - Demolition of existing buildings. Erection of 270 dwellings on 34.17 hectares of land to include new access, landscaping bunds, public open space, landscaping details associated work to Hortham Lane and Hortham Lane/A38 junction. Approved March 2007.

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

No objections

Almondsbury Parish Council

No objections

Bradley Stoke Parish Council

No objections

Other Representations

4.2 Local Residents

No consultation replies were received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

With the site located within the Bristol/Bath Green Belt, the proposed engineering works need to be assessed to determine their effect on the openness and amenity of the Green Belt. Policy D1 of the South Gloucestershire Local Plan requires that development can demonstrate good standards of design in terms of form, scale and layout that respect the site and its surroundings and Policy L1 requires that new development will be permitted only where the character, distinctiveness, quality and amenity of the landscape are conserved and enhanced.

The proposal stands to be determined against the policies listed above and in the light of all material considerations, under the following headings

5.2 Green Belt

By virtue of scale and context, it is considered that the proposed engineering works that would re-grade previously approved bunds and created additional bunds to the south-east of the housing would not impact upon the openness or amenity of the Green Belt when viewed in the context of the development of the site as a whole which has already planning permission. Moreover the additional bunds would also help soften the appearance of the development from views into the site from the surrounding Green Belt and so help to preserve the existing amenity of the Green Belt.

5.3 Design/ Landscape

Along with the construction of the new bunds, the re-profiling of the existing bunds will see the extent of their slopes increased with the gradient lowered

with limited increases in overall height to help accommodate the additional volumes of spoil.

5.4 It is considered the design and appearance of the proposed re-profiling of the existing bunds is acceptable and along with the new proposed bunds, they follow the design principles established within the previous application. Moreover once implemented fully, the bunds will help create an attractive environment which will provide a positive contribution to the character of the site.

5.5 In light of the above, the Council's Landscape Officer has raised no objections to the proposed scheme from either a design or landscape basis subject to the suggested conditions which will help safeguard the appearance and character of the development.

5.6 Transportation
No objections subject to a suggested condition.

Technical Services
5.7 Comments to be attached as an informative.

5.8 Design and Access Statement

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

5.9 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission is to be APPROVED subject to the following conditions.

Background Papers **PT08/2388/F**

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

CONDITIONS

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

Reason(s):

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

2. Prior to the commencement of any works to Bunds 1 and 2, protection of any of the existing trees should be in place in the proximity of the re-profiling works in accordance with the original tree specifications and approved plans under planning reference PT06/0865/F.

Reason(s):

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

3. Any planting lost (as shown on drg no.20208-73 B) during the re-profiling of Bunds 1 and 2 shall be replaced in accordance with the original specifications and approved.

Reason(s):

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

4. Prior to the completion of the relevant development hereby approved, a full specification of the planting shown in and around the additional bunds shall be submitted to the local planning authority for written approval.

Reason(s):

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

5. Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted, which shall include full details of the timing of the site works at the junction with Hortham Lane and the A38 and shall include details of the routing of construction traffic associated with the development hereby approved. The development shall not commence until the Construction Management Plan has been agreed by the Local Planning Authority.

Reason(s):

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

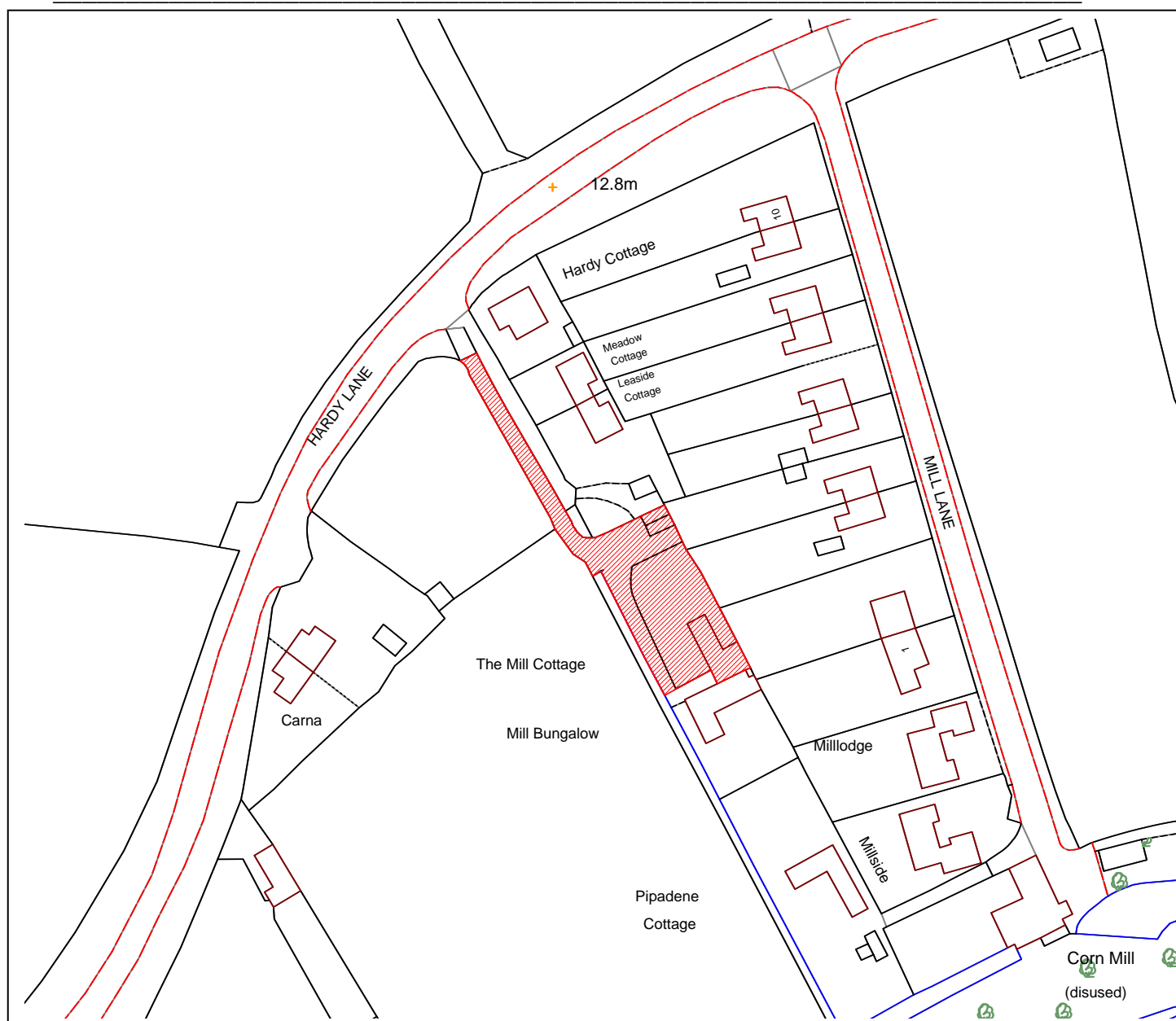
6. When completed the landscape bunds are hereby approved shall accord exactly with the landscape bunds as shown on submitted drawing number 20208-74A.

Reason(s):

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

CIRCULATED SCHEDULE NO. 43/08 – 24 OCTOBER 2008

App No.:	PT08/2494/F	Applicant:	Mr E Elderton
Site:	Mill Cottage, Hardy Lane, Tockington, South Gloucestershire, BS32 4LN	Date Reg:	5th September 2008
Proposal:	Erection of first floor rear extension with 1 no. dormer to provide additional living accommodation (Resubmission of PT08/0969/F)	Parish:	Olveston Parish Council
Map Ref:	60440 86293	Ward:	Severn
Application Category:	Minor	Target Date:	27th October 2008



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PT08/2494/F

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of an existing conservatory to allow for the erection of a first floor rear extension and 1. no dormer to provide additional living accommodation. The proposal would measure 5.45 metres in length, 3.15 metres in depth and have an apex of 5.6 metres at ridge height, falling to 3.7 metres at eaves level.
- 1.2 The application site comprises Mill Cottage, which is a detached, two-storey dwelling located on Green Belt Land outside of the defined settlement boundary of Tockington.
- 1.3 This application is a resubmission of PT08/0969/F, which was refused on Green Belt grounds on 27th June 2008. This application appends the original with the proposal to demolish the existing conservatory to allow for the volume of the rear extension.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG 2 Green Belts
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Residential Development within Existing Residential Curtilages
GB1 Development within the Green Belt
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (adopted)
Development within the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/0969/F, Erection of first floor rear extension with 1 no. dormer to provide additional living accommodation, 27/06/08, Refusal.
- 3.2 PT05/3041/F, Single storey rear extension to form family room. First floor side extension to form en-suite facility, 01/12/05, Approve with conditions.
- 3.3 P94/2318, Erection of a two storey side extension to form lounge with bedroom and bathroom over, 20/11/94, Approval full planning.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
Supports application and did not see a reason for the original refusal.

Other Representations

4.2 Local Residents

One comment received from a local resident in support of the application:

In most respects this application is more preferable as the original sanctioned submission (PT05/3041/F) permitted a construction which would have been within 2 metres of my property. I therefore recommend and support this application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and streetscene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space. Moreover, as the site lies within the Green Belt, any extension must be limited and must not result in a disproportionate addition over and above the size of the original dwelling.

5.2 Design/Visual Amenity

This application seeks planning permission for the demolition of an existing conservatory to allow the erection of a first floor rear extension, with 1 no. dormer, to provide additional living accommodation. The application site comprises a detached, two-storey dwelling located on Green Belt land, outside the defined settlement boundary of Tockington. The host dwelling is accessed via a narrow lane that extends south off Hardy lane, running parallel with Mill Lane to the east. The proposal would measure 5.45 metres in length, 3.15 metres in depth and have an apex of 5.6 metres at ridge height, falling to 3.7 metres at eaves level. The build would be encompassed by a pitched roof and comprise a dormer window in the northern roof slope, 2 no. Velux windows in the southern roof slope and 2 no. ground floor windows, in the eastern elevation.

5.3 The proposal is considered subservient and in keeping with the original dwelling in terms of design and with materials to match existing, the proposal would not be detrimental to the character of the original dwelling. As such, and given that the host dwelling is not prominent from the streetscene and the proposal is to the rear, it is considered that there would not result in a detrimental impact on the character of the area and is acceptable in terms design.

5.4 Residential Amenity

Notwithstanding the Velux and dormer windows, the only windows proposed would be below an existing 1.6 metre closed wooden fence and would not adversely impact on the privacy of the dwellings to the east. While the dormer window would allow for views to the north, the nearest residential occupier to the north is approximately 41 metres from the host dwelling and it is considered that the proposal would not adversely impact on the privacy of this residential occupier. Notwithstanding the two-storey nature of the proposal and its proposed location close to the east flank boundary, it is considered that the proposal would not be adversely overbearing on the properties to the east. These properties are located approximately 29 metres from the application site

by virtue of their elongated garden plots and with no adverse shadowing issues, it is considered that the proposal is acceptable in terms of residential amenity.

5.5 Green Belt

The site history specifies various extensions, which have benefited the host dwelling in the past. In particular, a two-storey side extension granted permission in 1994 and a single storey rear and first floor side extension granted permission in 2005, which has not been fully implemented. The current proposal for a first floor rear extension, when combined with the existing extensions, would result in a disproportionate addition. Notwithstanding this, the applicant has agreed to enter into a legal agreement to extinguish the rights in existence for the first floor side extension, application no. PT05/3041/F. The first floor side extension has not been implemented, and while the proposed first floor rear extension is slightly larger in size, the removal of the conservatory would justify the extra volume increase and be a proportionate addition, which would not have a harmful impact upon the openness of the Green Belt in accordance with Policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006 and the Development in the Green Belt SPD (adopted) June 2007. Subject to this legal agreement to rescind the remaining development permitted under PT05/3041/F this proposal would be proportionate and appropriate in the Green Belt. Without this agreement the proposal would be disproportionate and contrary to Green Belt policy. The removal of the conservatory can be secured by conditions.

5.6 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the relinquishing the previous consent (PT05/3041/F – for the erection of a first floor side extension) and the removal of the conservatory are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

The 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 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 appropriate legal agreement within 6 months of this determination to secure the following:

- (1) The relinquishing of unimplemented development for planning permission PT05/3041/F.

Reason: To allow the proposed development it is necessary to remove the option to develop the first floor side extension as permitted by PT05/3041/F to ensure that development would not have a harmful impact upon the openness of the green belt and purpose of including land within it

7.2 If the Legal Agreement is not signed and sealed within 6 months of this determination then, in view of the length of time that has elapsed, the application should either:

- (1) An update report appears on the Circulated Schedule.
- (2) The application should be refused due to the failure to secure the Heads of Terms listed above under a legal agreement, for the reasons listed in section 1.

Background Papers PT08/2494/F

Contact Officer: Jonathan Ryan
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. Prior to the first use or occupation of the first floor rear extension hereby permitted, the existing conservatory shown on plan AJP 1 shall be removed.

Reason(s):

To ensure that the extension is not a disproportionate addition and contrary to policy GB1 of the South Gloucestershire Local (adopted) 2006 and the Development in the Green Belt SPD (adopted) June 2007 .

CIRCULATED SCHEDULE NO. 43/08 – 24 OCTOBER 2008

App No.:	PT08/2608/F	Applicant:	Mr S Hawkins Deviner Designs
Site:	39 Bridgman Grove, Filton, South Gloucestershire, BS34 7HP	Date Reg:	23rd September 2008
Proposal:	Erection of 2 storey side extension and single storey rear extension to facilitate conversion to 2 no. flats with associated works.	Parish:	Filton Town Council
Map Ref:	60933 79392	Ward:	Filton
Application Category:	Minor	Target Date:	10th November 2008



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This application appears on the Circulated Schedule as representations were received contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a 2 storey side extension and single storey rear extension to facilitate conversion to 2 no. flats with associated works.
- 1.2 This is a modern end terrace property within the existing urban area of Filton. The proposal consists of the conversion of the existing dwelling into two flats, one at ground floor level and one at first floor. In order to facilitate this conversion a single storey rear extension is proposed and also a two storey side extension. The proposed rear extension will include the part demolition of an existing detached garage.
- 1.3 There is an existing and currently valid planning consent on this property for the erection of a two storey side extension and single garage to rear to form two self-contained flats. Consequently, in effect this application is seeking amendments to that scheme the most significant of which is the proposed erection of a single storey rear extension.

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
H4	Development within Existing Residential Curtilage
H5	Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

PT05/0161/F – Erection of two storey side extension to facilitate conversion to form two self-contained flats; erection of single garage. Approved 25/04/2005.

4. CONSULTATION RESPONSES

4.1 Filton Town Council

Object as cramped and over-dominant form of development to the detriment of the character and visual amenity of the site and surrounding locality. Object to non-porous driveway.

Other Representations

4.2 Local Residents

Two letters of support were received raising no objection to the scheme. One letter of objection was received on the grounds of highways safety.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Advice contained within PPS3 encourages the provision of additional housing on previously developed land within existing towns and cities to promote more sustainable patterns of development. This policy stance is reflected in policies contained within the South Gloucestershire Local Plan.

Policy H5 of the South Gloucestershire Local Plan January 2006 incorporates current planning advice contained within PPS3 and allows for the conversion of existing residential properties into smaller units of self contained residential accommodation. This is subject to compliance with a number of criteria as expressed through policy H4 and H5, which are assessed below.

5.2 Design and Visual Amenity

In visual terms the proposed development would appear as a side extension to the existing dwelling. This has been designed with a hipped roof and is consistent with the scale and form of the existing dwelling and the surrounding locality. The single storey rear extension is a modest addition that would not be visible from the street scene. It is therefore considered that the design and visual appearance of the proposed development is acceptable.

5.3 Residential Amenity

Overbearing Analysis

The overall scale and size of the proposed two storey side extension is the same as that approved under application PT05/0161/F. To the rear a 3 m deep single storey extension is proposed and it is considered this would not have an overbearing impact upon neighbouring properties.

Privacy Analysis

No side elevation windows are proposed in the rear extension and only three small daylight openings are proposed in the side elevation of the side storey extension so therefore there would be no overlooking or loss of privacy as a result of the proposal.

Amenity Space

Access to the rear garden space will be accessible for both occupiers of the ground floor and first floor flats therefore there is no objection.

5.4 Transportation

This planning application is fundamentally the same in highway terms to the previous submission, PT05/0161/F, with the same level of parking proposed.

A contribution towards the North Fringe Scheme (Transport Measures) is not applicable given the proposed traffic movements should not significantly exceed the existing.

The access and parking arrangements accord with policy and no objection is raised. The applicant should contact the Council's Street Care department in order to ensure that the dropped kerb and hardstanding be constructed to the required specification.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

6. CONCLUSION

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

The 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 **PT08/2608/F**

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

CONDITIONS

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

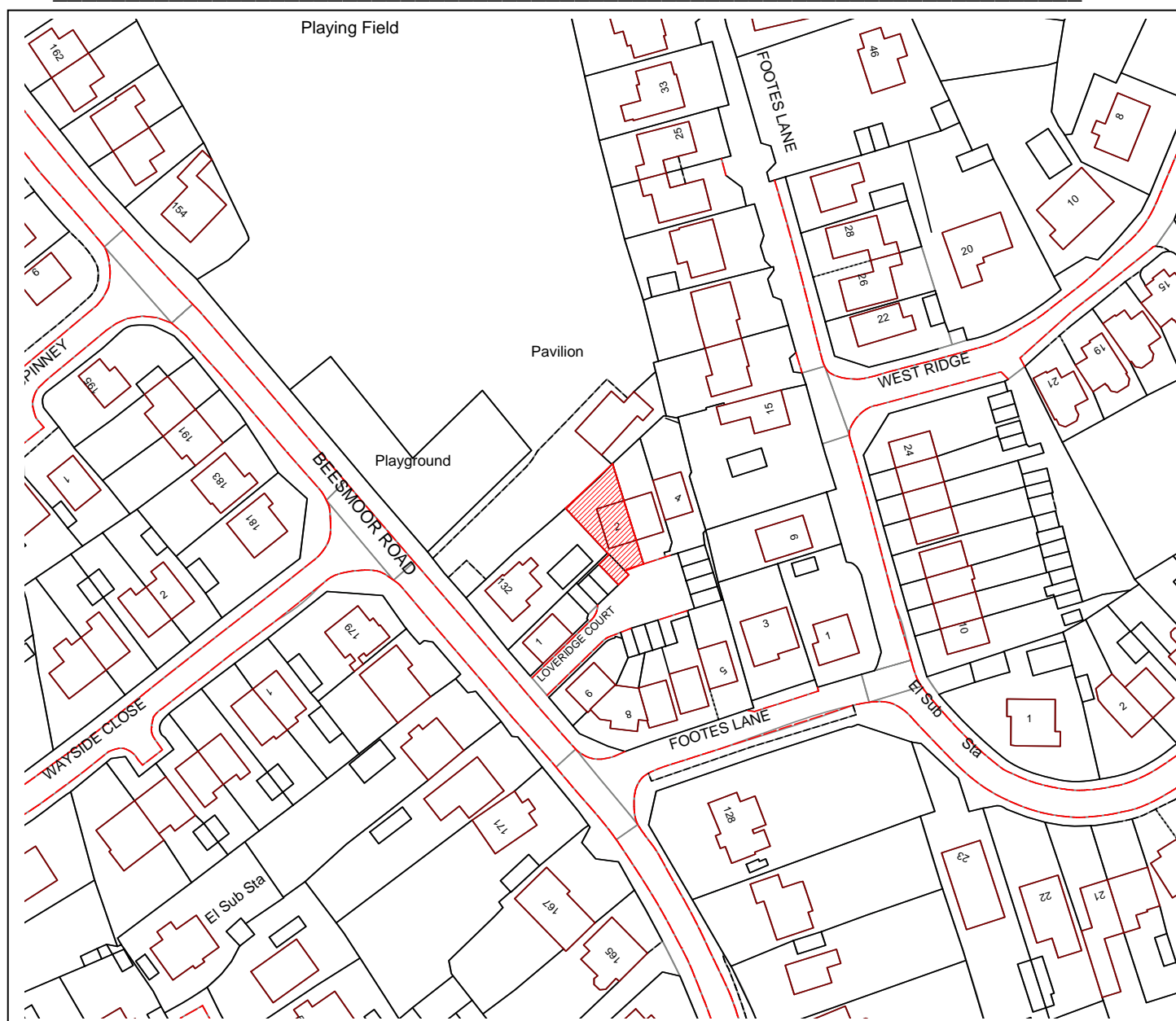
Reason(s):

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

CIRCULATED SCHEDULE NO. 43/08 – 24 OCTOBER 2008

App No.: PT08/2635/F
Site: 2 Lovridge Court, Frampton Cotterell,
 South Gloucestershire, BS36 2NX
Proposal: Erection of rear conservatory
Map Ref: 66919 81185
Application Category: Minor

Applicant: Mr D Wilcox
Date Reg: 25th September
 2008
Parish: Frampton Cotterell
 Parish Council
Ward: Frampton Cotterell
Target Date: 18th November
 2008



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PT08/2635/F

This application has been referred to the Circulated Schedule due to letters of objection received from a local resident and the Parish Council.

1. THE PROPOSAL

- 1.1 This application relates to the erection of a rear conservatory at 2 Loveridge Court, Frampton Cotterell. The proposal measures approximately 3.13m in depth, 3.18m in width and has a ridge height of 3.3m. The eaves of the conservatory are approximately 0.3m from the boundary which consists of a close-boarded timber fence just below 2m in height.
- 1.2 The application site is a semi-detached property located within a small cul-de-sac and within the settlement boundary of Frampton Cotterell.

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, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Object to the proposal on the following grounds:-
a) size and location;
b) drainage;
c) impact upon neighbouring property.

Other Consultees

- 4.2 Sustainable Transport
No objection.

Other Representations

- 4.3 Local Residents
1 letter has been received objecting to the proposal on the following grounds:-

- a) permitted development rights have been removed due to smallness of gardens;
- b) if approved, a precedent will be created;
- c) plans are misleading – property is a semi-detached house;
- d) proposal will dominate western boundary of garden;
- e) proposal will dominate view from living room;
- f) only 0.3m from boundary;
- g) flooding could result from structure onto patio;
- h) loss of sunlight/overshadowing.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

In assessing applications for residential extensions, policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Extensions are normally permitted provided they respect the massing, scale, overall design and character of the existing property and street scene and would not prejudice amenities of nearby occupiers, highway safety or the retention of adequate private amenity space.

- 5.2 It is considered that the application accords with the above policy criteria. The size and design of the extension is in keeping with the existing property. In terms of its impact upon residential amenity it is also considered acceptable. The proposal is of limited size and depth and due to its single storey nature and 2m boundary treatment, will not materially affect the residential amenity of adjacent occupiers in terms of overlooking/loss of light/overbearing impact. The design of the conservatory, in particular the hipped roof form, glazed walls and polycarbonate roof further reduces any impact. In addition, only 1.2m of the structure will be visible above the fence line. Although it is recognised that permitted development rights were removed due to the limited size of the plots and the remaining area of garden will be small, it is considered an acceptable size, especially as a playground and playing field are located directly to the north of the site. Furthermore, as housing densities have increased in line with advice contained in PPS3, much smaller garden areas are now the norm. In addition, more generous permitted development allowances for householders have recently been granted under the revised GPDO. As such a refusal of planning permission in this instance would be unreasonable and difficult to substantiate on appeal as it would fly in the face of current planning policy and advice. Access/parking arrangements are unaffected by the proposal. The development is therefore in accordance with the adopted plan and is acceptable.

5.3 Other Issues

Due to the limited size of the structure the issue of flooding is not considered significant. Furthermore, the entire rear garden area could be covered with hard surfacing without the need for planning permission. In addition, the applicant has confirmed that in the 4 years that they have lived at the property, no flooding has occurred whatsoever.

5.4 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission be granted.

Background Papers **PT08/2635/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).

CIRCULATED SCHEDULE NO. 43/08 – 24 OCTOBER 2008

App No.: PT08/2656/F
Site: 11 Osborne Close, Stoke Gifford,
 South Gloucestershire, BS34 8NN
Proposal: Erection of attached dwelling and
 detached garage with associated works
Map Ref: 61922 80015
Application Category: Minor

Applicant: Mr D Burnard
Date Reg: 29th September
 2008
Parish: Stoke Gifford Parish
 Council
Ward: Stoke Gifford
Target Date: 18th November
 2008



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 100023410, 2008.

N.T.S

PT08/2656/F

This application has been referred to the Circulated Schedule due to the requirement of a financial contribution towards transportation works within the Bristol North Fringe.

1. THE PROPOSAL

- 1.1 This application relates to the erection of a two storey side extension to form an attached 2 bed dwelling with single detached garage on land to the side of 11 Osborne Close, Stoke Gifford. The site constitutes the side garden associated with this property which is currently grassed and open in nature. The proposed private rear garden is to be enclosed by a 1.8m brick boundary wall that is broadly in line with the side elevation of the proposed dwelling. The front of the site faces onto Osborne Close, a small cul-de-sac of 11 properties. The entire side (northern) boundary lies directly adjacent to Buckingham Drive. The rear of the site backs onto a private drive serving the rear garages of 11 and 13 Buckingham Drive.
- 1.2 The application site has an area of some 0.026 hectares and lies within the urban area of Stoke Gifford. The dwelling of 11 Osborne Close is a linked detached property located to the head of the Close at the junction with Buckingham Drive. The area is characterised by predominately 2 storey dwellings ranging from terraces to detached properties. A bungalow is however located opposite the property.
- 1.3 The proposed dwelling is similar in size to the existing property of 11 Osborne Close. It is set back from the front elevation by approximately 1m but has the same ridge height as the host dwelling. A single detached garage is located to the rear of the site, utilising part of the rear garden area of 11 Osborne Close. The garage measures 3.2m in width, 5.3m in depth with a ridge height of 3.6m. All materials are to match existing.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
PPG13 Transport
- 2.2 Development Plans
Joint Replacement Structure Plan
Policy 1 Sustainable Development Objectives
Policy 2 Location of Development
Policy 33 Housing Provision and Distribution
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H2 Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
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 PT06/3527/F Erection of detached bungalow.
Refused 9 January 2007 on the following grounds:-
a) obstruction of visibility at junction of Osborne Close and Buckingham Drive, detrimental to highway safety;
b) visually intrusive and detrimental to the street scene.
- 3.2 PT07/2919/F Erection of detached bungalow.
Refused 19 October 2007 on the grounds that the site proposal would appear visually obtrusive and overbearing within the street scene.
Appeal dismissed 11 June 2008.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection.

Other Consultees

- 4.2 Sustainable Transport
No objection subject to a Section 278 Agreement and appropriate conditions.

Other Representations

- 4.3 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application site lies within the urban area of the Bristol North Fringe. Advice contained within PPS3 states that priority for new residential development should be on previously developed land. Using land efficiently is a key consideration in planning for housing. PPS3 also indicates a presumption in favour of housing development as part of an objective to widen housing choice, the mix of development styles and tenure and creating sustainable residential environments. The provision of high quality housing is a key objective and para. 14 of PPS3 states that ***“creating places, streets and spaces which meets the needs of people, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity and maintain and improve local character”***.
- 5.2 This advice is generally reflected in the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006. However, such development must be acceptable in terms of its impact upon the character of its surroundings and achieve good design to ensure that the

character of the area is not adversely affected. As can be seen from the planning history, two previous applications for residential development on this site have been refused and the last application dismissed on appeal. However, the previous applications related to bungalows which occupied the width of the site. The current application is a two storey dwelling that maintains a 2m strip between the dwelling and footway adjacent to Buckingham Drive.

5.3 Housing Policy

Policy H2 of the adopted Local Plan specifically relates to new residential development within the boundaries of settlements provided the following criteria are complied with:-

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

5.4 i)Transportation Issues

In transportation terms, the proposal provides 2 off-street parking spaces for the new dwelling with the existing garage and driveway to serve the property of 11 Osborne Close. The proposed dwelling has been positioned to ensure that a 2.4m x 33m visibility splay can be achieved. This complies with current guidelines subject to the visibility splay being maintained. The proposed parking arrangement is also satisfactory. No transportation objection is therefore raised to the proposal subject to a Section 278 Agreement requiring a financial contribution of £1,800 towards the North Fringe Development Major Scheme (Transport Matters).

5.5 ii)Residential Amenity

With regard to residential amenity issues, the proposal is considered acceptable. The dwelling due to its location to the side of the existing dwelling and on a corner plot will not result in any overbearing impact/loss of privacy or light.

5.6 The proposal therefore accords with criterion **A**.

B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved;

5.7 The application site has an area of some 0.026 hectares resulting in a density of 38 dwellings per hectare. A minimum density of 30 dwellings per hectare is advocated within the Local Plan, where local circumstances permit with higher densities expected in urban areas. It is considered that the siting and design of the dwelling is compatible with its surroundings and would be in keeping with the street scene and therefore complies with this criterion.

C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination;

5.8 The proposal is not affected by any of the above to a material degree and therefore complies with this criterion.

D. Provision for education, leisure, recreation and other community

facilities within the vicinity is adequate to meet the needs arising from the proposal.

- 5.9 The proposal is for 1 additional dwelling and as such will not impinge upon levels of service provision within the locality to a significant degree. The application therefore complies with this criterion.
- 5.10 Policy H4 of the emerging local plan is also relevant as it relates to residential development within existing residential curtilages and is concerned with more detailed design issues. Of the matters not previously addressed under policy H2 above, criterion A and D of Policy H4 are particularly relevant. Any such development must:-
- 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;**
- 5.11 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.
- 5.12 In terms of design, the proposal is similar to the existing property of 11 Osborne Close - it reflects the proportions and replicates detailing such as the front porch and materials. The design is appropriate within this area and the wider locality and is considered acceptable in design terms.
- 5.13 The siting of the dwelling is also acceptable and overcomes the previous reasons for refusal. The site and other similar open areas within the vicinity form part of the overall character of the area. They are particularly important in maintaining the openness of the street scene. The proposal however maintains an adequate degree of openness by allowing for a landscape strip some 2m to 2.6m in width between the side elevation of the dwelling/boundary wall and Buckingham Drive frontage. This ensures that the dwelling can be adequately incorporated within the street scene without appearing unduly prominent or overbearing. The proposal therefore maintains the character and appearance of the area and is acceptable in terms of visual amenity.
- D. Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling;**
- 5.14 The development provides a garden depth of 10m and an area of approximately 50m² garden area for the proposed dwelling and some 70m² for the existing property. Such garden sizes are considered commensurate with the size of the dwellings and as such are acceptable in terms of size.
- 5.15 In conclusion the proposal accords with policies D1, H2 and H4 of the adopted local plan and is acceptable.

5.16 Other Issues

An objection has been raised from the Council's Drainage Engineer on the basis that the site falls within a red cell of Flood Zone 2 and no FRA has been submitted as part of the application. This issue was not raised under the previous planning applications. A FRA is required as the development constitutes 'operational development less than 1 Hectare'. However, as the proposal fundamentally consists of an extension to an existing dwelling it could be regarded as a householder extension in which case no FRA is required. In this instance it is considered unreasonable to request a FRA. However, a planning condition will be imposed requiring details of sustainable drainage

5.17 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.

5.18 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering a legal agreement to secure the following:
 - (a) A financial contribution of £1,800 towards the North Fringe Development Major Scheme (Transport Matters).

Reason: To provide a contribution commensurate to the scale of the development towards the North Fringe Development Major Scheme (Transport Matters) as identified in the South Gloucestershire Local Plan (Adopted) January 2006 and to accord with policies T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- (2) If the legal agreement is not signed within 6 months of this determination then, in view of the length of time the application should either:
- (a) Return to the Development Control Area Committee for reconsideration or alternatively;
 - (b) The application should be refused due to the failure to secure the Heads of Terms listed above under a legal agreement, for the reasons listed in section (1) a.

Background Papers **PT08/2656/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 off-street parking facilities shown on the plan hereby approved shall be provided before the dwelling is first occupied, and thereafter retained for that purpose.

Reason(s):

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

3. The materials to be used in the construction of the external surfaces of the dwelling and garage hereby permitted shall match those used in the existing dwelling.

Reason(s):

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

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

Reason(s):

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

5. The development hereby permitted shall not be occupied until the visibility splays shown on the approved plans have been provided. There shall be no obstructions to visibility exceeding 1.05m above the height of the carriageway and the visibility splays shall thereafter be maintained free of obstruction.

Reason(s):

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

6. 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(s):

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

This application appears upon the Circulated Schedule as the approval of it is subject to a legal agreement.

1. THE PROPOSAL

- 1.1 The site consists of approximately 0.3 hectares and contains one large building associated with the current authorised use (Class B2) and formerly known as Western Trailers.
- 1.2 The proposed development consists of the construction of a new building and associated development for the provision of a 58 room residential care home

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
H2 Proposals for new Residential Development in the Urban Areas and Settlement Boundaries
L13 Listed Buildings
LC1 Provision for Community Facilities (Site Allocations and Developer Contributions)
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy for New Development.

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/3252/O Demolition of existing building and use of land for residential development (Outline).
Refused
- 3.2 PT06/2558/O Extension and redevelopment of former industrial unit to provide new church centre (Outline). To include relocated day nursery, main hall, meeting/community room, church offices and extended youth facilities.
Withdrawn
- 3.3 PT07/0639/F Demolition of warehouse to facilitate erection of 32 no. sheltered apartments for the elderly with new access, car parking and landscaping.
Refused

- 3.4 PT07/2288/F Demolition of warehouse to facilitate erection of 25 no. sheltered apartments for the elderly with new access, car parking and landscaping (Resubmission of PT07/0639/F).
Refused
- 3.5 PT08/1881/F Change of use of land from warehouse (Class B2) to facilitate erection of two storey care home (Class C2), as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with new access, car parking and landscaping.
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Offer No Comment
- 4.2 Transportation
No Objection subject to further details relating to cycle parking

Other Representations

- 4.3 Local Residents
No Comments have been received

5. ANALYSIS OF PROPOSAL

- 5.1 The site is located within the Bristol North Fringe Urban Area and the proposal details new Care Home accommodation.
- 5.2 Principle of Development
Policy H2 is relevant to this planning application. The policy indicates that the proposed development is acceptable in principle subject to the following considerations.
- 5.3 Design, Character and Listed Building Considerations
The site is located in close proximity to several listed buildings. Indeed these surround the site to the South, and West. In particular the adjacent building to the South; The Grange, in that the site forms a large part of its setting.
- 5.4 Currently the site is occupied by an open yard and brick building that is associated with the currently authorised use (Class B2). The existing building is of no architectural merit and is of very little value in terms of the setting of the Grange. The nature of the development site itself is also considered to have a harmful impact in 'setting' terms. It is considered that the proposed development would offer a significant opportunity to improve the setting of the Listed Building at The Court.
- 5.5 The proposed development consists of nursing home accommodation comprising 58 rooms and associated care home accommodation. The building

has a large foot print which takes up the majority of the site and as such would dominate the grain of development immediately surrounding the site. Nonetheless, the design of the building is on two storeys (ground and first floor), and is separated into various wings and gabled projections. The roof is arranged into a 'ridge and gully' type in order to keep the overall height of the building to a height which is consistent with the surrounding development. The detailing and layout of the building is such that it would appear from the street scene as a series of relatively modest building arranged within the site. The general appearance of the building is consistent with the vernacular style seen in the nearby listed buildings. In this regard, it is considered that the building is well designed and would have a positive impact on the character of the locality and the setting of the nearby listed buildings. and that the development accords with the South Gloucestershire Design Checklist and relevant local plan policy.

5.6 The development also includes comprehensive landscaping as part of the provision of high quality useable amenity space for the occupant of the proposed nursing home. It is considered that the scope of this landscaping is acceptable and would also act to enhance the visual appearance of the locality.

5.7 Notwithstanding the above, it is necessary and appropriate to require that further details in relation to the building are submitted to the Local Planning Authority in order to agree the external materials, and detailing of the building to ensure that the context of the adjacent listed buildings is protected. This can be secured by way of appropriately worded planning conditions.

5.8 Residential Amenity

The layout of the building and its position within the site is such that there would be no direct overlooking of nearby residential properties as a result of this development. In addition, the proposed building is sufficiently separated from nearby residential properties; and is of such a scale that there would be no material impact in terms of an overbearing impact.

5.9 Notwithstanding the above, the development proposes a new access way, within the site that would give access to the car parking associated with the proposed development. This would be located adjacent to the boundary of the nearest residential properties to the East. It is not anticipated that this arrangement would generate levels of vehicular movements which would themselves act to materially impact upon the residential amenity of the occupants of the adjacent properties; and in this regard is acceptable.

5.10 Community Services

Given the scale of the proposed development. It is considered that there would be a significant requirement to improve the library service in response to the proposed development. The Community Services department have advised that a commuted sum of £1621.68. The applicants have agreed to contribute this sum as part of the development and has indicated that they would be prepared to prepare and sign a unilateral agreement in order to secure this sum if the application is approved. This would adequately cater for this requirement.

5.11 Transportation

The proposed development would provide a total of 20 car parking spaces (including 2 spaces for disabled drivers) and for a total of 12 cycle parking

spaces. It is considered that this level of motor vehicle and cycle parking provision is acceptable in this instance and that the level of projected vehicle movements associated with the development would not result in a material impact in highway safety terms. Notwithstanding this, it is necessary to seek further information regarding the detail of the cycle parking. As it is anticipated that this could easily be provided within the development site, this can be appropriately addressed by planning condition.

5.12 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.

5.13 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an appropriate legal agreement within 6 months of this determination to secure the following:
- (i) A financial contribution of £1621.68 towards additional library services

Reason: To provide a contribution commensurate to the scale of the development towards the provision of Library Services in the locality of the development site.

- (2) If the Legal Agreement is not signed and sealed within 6 months of this determination then, in view of the length of time that has elapsed, the application should either:
 - (a) An update report appears on the Circulated Schedule.
 - (b) The application should be refused due to the failure to secure the Heads of Terms listed above under a legal agreement, for the reasons listed in section 1.

Background Papers **PT08/2676/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. Within 9 months of the date of this consent or prior to the commencement of the development (which ever is the sooner) full details relating to the provision of 12 cycle parking spaces within the site shall be submitted to the Council for approval. Thereafter, the development shall be implemented in accordance with the agreed details.

Reason(s):

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

3. Within 9 months of the date of this consent or prior to the commencement of the development (which ever is the sooner) full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
 - (a) All external joinery and fenestration;
 - (b) rainwater goods;
 - (c) eaves overhang;
 - (d) details of widow and external door openings
 - (e) skirting etc.
4. Thereafter the development shall continue in accordance with the agreed details.

Reason(s):

To maintain and enhance the character and setting of the listed building, and to accord with Policy D1, H2 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Within 9 months of the date of this consent or prior to the commencement of the development (which ever is the sooner) samples of all external materials to be used demonstrating the colour, texture and pointing (where appropriate) shall be submitted to the Local Planning Authority for approval and thereafter the development shall proceed in accordance with the agreed details.

Reason(s):

To maintain and enhance the character and setting of the listed building, and to accord with Policy D1, H2 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.