

**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. 21/09**

**Date to Members: 29/05/09**

**Member's Deadline: 04/06/09 (5pm)**

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](mailto:PlanningApplications@southglos.gov.uk)

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

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

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

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

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

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

## CIRCULATED SCHEDULE

**DATE: 29/05/09**

**SCHEDULE NO. 21/09**

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](mailto:PlanningApplications@southglos.gov.uk)

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

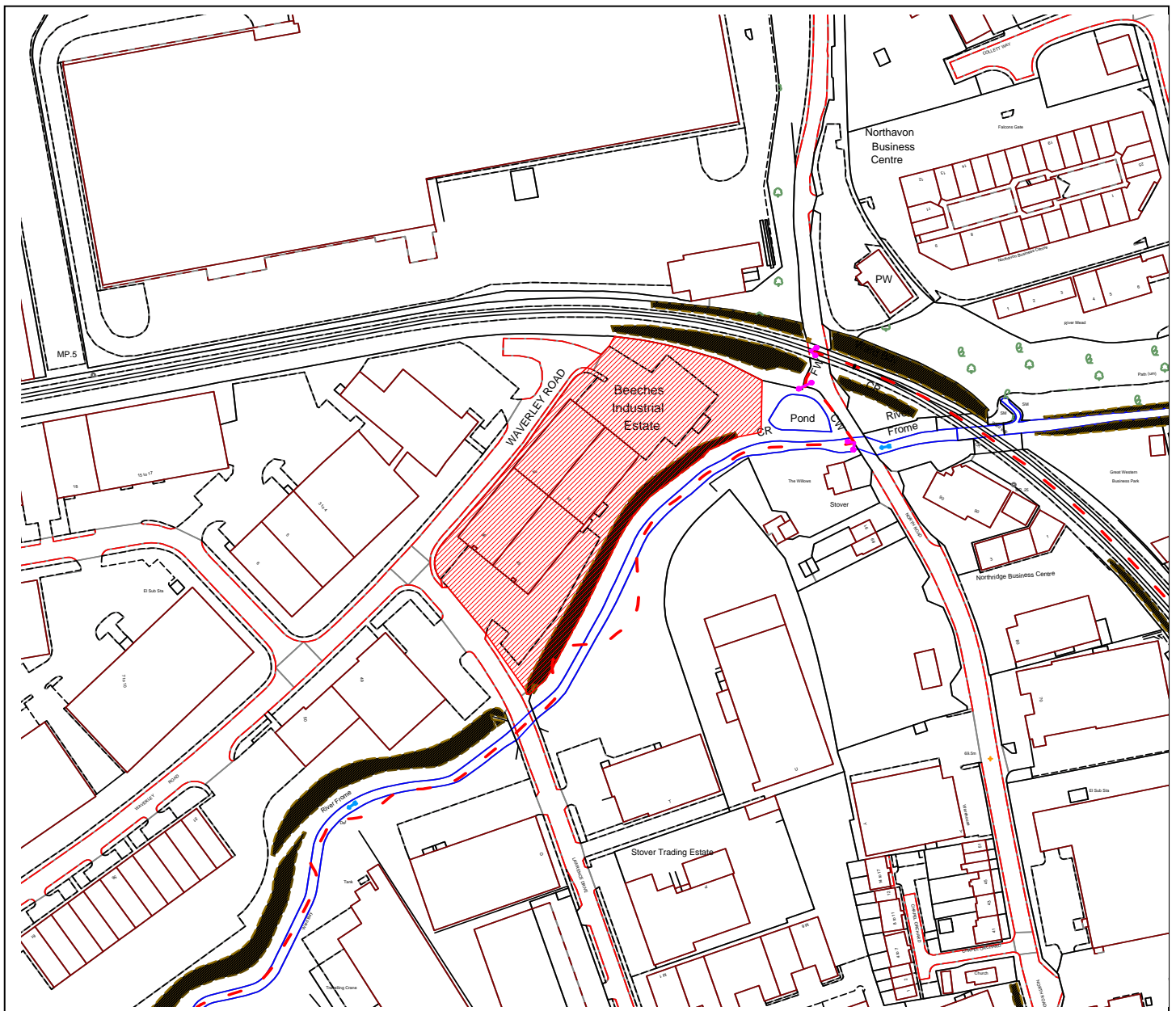
**DATE .....**

# Circulated Schedule 29 May 2009

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATIO</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK09/0440/F</b>	Approve with conditions	Units 45-48, Waverley Road, Yate, South Gloucestershire, BS37 5QR	Ladden Brook	Iron Acton Parish Council
2	<b>PK09/0720/F</b>	Approve with conditions	Land rear of 15 Woodstock Road, Kingswood, South Gloucestershire, BS15 9UB	Woodstock	
3	<b>PK09/0779/R3F</b>	Deemed consent	Christchurch C of E Primary School, Memorial Road, Hanham, South Gloucestershire, BS15 3LA	Hanham	Hanham Abbots Parish Council
4	<b>PT09/0529/RVC</b>	Approve with conditions	Tesco Stores Ltd, Bradley Stoke District Centre, Bradley Stoke, South Gloucestershire, BS32 8EF	Bradley Stoke Central and Stoke Lodge	Bradley Stoke Town Council
5	<b>PT09/0699/F</b>	Refusal	Severn View, Redhill Lane, Olveston, South Gloucestershire, BS35 4AE	Severn	Aust Parish Council
6	<b>PT09/0729/CLP</b>	Approve with conditions	Cribbs Causeway Retail Park, Lysander Road, Patchway, South Gloucestershire, BS34 5TU	Patchway	Almondsbury Parish Council

**CIRCULATED SCHEDULE NO. 21/09 – 29 May 2009**

<b>App No.:</b>	PK09/0440/F	<b>Applicant:</b>	Sergio Properties Ltd
<b>Site:</b>	Units 45-48, Waverley Road, Yate, South Gloucestershire, BS37 5QR	<b>Date Reg:</b>	12th March 2009
<b>Proposal:</b>	External alterations to 4 no. industrial units. Erection of galvanised metal fencing with gates.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	69852 82978	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Major	<b>Target Date:</b>	5th June 2009



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100023410, 2008.

N.T.S

PK09/0440/F

## **INTRODUCTION**

This application is reported on the Circulated Schedule as it is a major application.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission to re-clad an industrial building, comprising a number of sub-divided units, currently authorised under Use Classes B1(C) offices, B2 general industry or B8 storage and distribution, together with ancillary works. The existing building is in a safeguarded employment area. It is two storey, with a flat roof, constructed of brick and cladding and has large doors on the Lawrence Drive frontage. Car parking is currently provided to the side and rear of the building, at the south and east of the site. The Frome Valley Walkway runs to the south of the site.
- 1.2 Opposite the site in Lawrence Drive is a building of similar scale, while opposite in Waverley Road is a single storey brick building. There is a wide verge on this side of the road. To the east and south of the site, is a well-established deciduous tree screen, separating the site from the river Frome which flows along the southern boundary. An 8 metre buffer zone has been identified on the submitted plans.
- 1.3 The proposed re-cladding would be on all four sides of the existing building and consist of sheeting with a silver finish. The majority of the doors for vehicles, as well as the pedestrian entrance areas in the eastern and western elevations (the longest elevations) are proposed to be picked out in black cladding. A similarly coloured horizontal band is proposed to run around the entire building, approximately half way up the elevations. The fencing element of the scheme was deleted and it is anticipated that a separate application will be submitted in due course seeking planning permission to replace the existing perimeter fencing for the site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
L1 Landscaping and trees  
L7 Site of nature conservation  
L9 Wildlife Conservation  
LC12 Recreational Routes

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

- 3.1 PK08/0119/F Erection of two industrial buildings (B1c, B2 and B8), car parking and landscaping  
Refused due to insufficient information
- 3.2 PK08/1026/F Erection of two industrial buildings (B1c, B2 and B8), car parking and landscaping  
Approved 2008 but unimplemented
- 3.3 Subsequent applications have varied two conditions of PK08/1026/F

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

##### 4.1 Iron Acton Parish Council

Parish Council have no objections to this application. However, the Councillors would respectfully request that the rubbish along the fencing line is cleared prior to the erection of the new fencing.

##### 4.2 Other Consultees

###### Environment Agency

This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.

###### Landscape Officer

There are no trees or other vegetation affected by the proposal. However, the previous application on this site, PK08/1026/F included a landscape scheme that in part enhanced the landscape and biodiversity of the adjoining River Frome SNCI. It is considered that this proposal should also offer some landscape enhancement to accord with Policies D1 and L1 of the adopted local plan.

There is an area of grass that will become isolated from the rest of the site behind the proposed fence in the eastern corner of the site and planting could be located in this area. A planting scheme of native / semi-native trees and shrubs would be appropriate in this location. However, it would be necessary to incorporate a pedestrian gate into the fence to allow access for maintenance.

###### Recommendation.

Whilst it is considered there is no 'in principle' landscape objection to the proposal it is considered that in order to fully comply with Policies D1 and L1 of the adopted local plan, a landscape scheme is required that should incorporate a scheme of native / semi-native trees and shrubs behind the fence in the eastern corner of the site should be submitted and approved. The proposals should include a maintenance specification and a management prescription for a period of five years after planting. A pedestrian gate should be included in the fence to allow for maintenance.

###### Ecology

Previous ecological comments relating to application PK08/0119/F dated 14<sup>th</sup> February 2008 and application PK08/1026/F refer.

The application appears to have omitted to notice that the adjoining watercourse is designated as a Site of Nature Conservation Interest (River Frome SNCI).

The previous application indicates that no vegetation will be removed from within the adjoining Site of Nature Conservation Interest, which comprises the River Frome and an 8m buffer from the centre line of the watercourse. It also indicated that a further swathe of trees/shrub vegetation alongside this 8m buffer will also be retained.

The site fencing will isolate a sliver of land between it and the corridor of the River Frome and this could be usefully planted up with a landscape scheme of mixed native trees/shrubs to augment the SNCI corridor. The scheme should

include a maintenance/management scheme for a period of five years after planting and a gate should be included in the fence to allow access.

### **Recommendations**

1. That a Condition be attached requiring that a landscape scheme of mixed native trees/shrubs planting, including maintenance/management over a five year period, be drawn up and agreed with the Council prior to development commencing.
2. That the applicants be reminded of the previous Conditions of consent PK08/1026/F, namely:-
  - A Condition be attached requiring that a Method Statement be drawn up and agreed with the Council, to safeguard the ecology of the River Frome SNCI, its water quality and the semi-natural habitat associated with the river corridor, both during the constructing and the operating of the units.
  - That a Condition be attached requiring that the site is surveyed for badgers and a report provided to the Council for comment prior to any work commencing on site.
3. That the following Informative Note should also be attached:-

If breeding birds are present, to avoid potential offences under the Wildlife & Countryside Act 1981 (as amended) or CROW Act 2000, any work to trees or vegetation, including felling, or buildings, including demolition, should only take place outside the nesting season (generally speaking, this is between March and August inclusively, although it will vary according to seasonal temperatures).

#### Transportation

The proposals have no impact on road safety and as such, there are no highway objections to this proposal.

#### Public Rights of Way

We have no objection in principle to this application subject to limitations which should be copied to the applicant as an informative.

### **Other Representations**

#### 4.3 Local Residents/ Businesses

No replies received.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The main issues to be resolved are set out in the criteria to be met in policy D1 and the adopted Design Checklist. These form the following headings. Other issues stem from the other policies and these are also analysed below, later in the report.

### 5.2 Effect on the character of the area/ Design

The site, as noted above, lies within an existing industrial estate, where the majority of buildings are either two storey or reach a similar height in tall one storey form. This sets the context for the proposal, which is to re-clad buildings



which fit this existing built form. The design of the proposal is considered to be the most important issue to be resolved, as it is a re-cladding of the existing building which is being proposed. The location of the building has to be borne in mind in this regard. It stands at the end of a cul-de-sac in an industrial estate. This leaves it visible primarily to visitors to the industrial estate, as well as walkers using the Frome Valley Walkway, although in the latter case it is noted that their view would be somewhat filtered by existing and proposed landscaping (through the condition below). The impression would be of a wide building, re-enforced by the proposed banding. The proposed cladding is considered to bring the appearance of the building up to date and, it is considered that the improvement in the appearance of the building which would be brought about by the newer materials would satisfy condition D1.

### 5.3 Effect on Residential Amenity

Since the fencing has now been deleted from the scheme, this proposal amounts to changing the materials on an existing building. Other than the visual impact of this measure, as analysed above, the remaining issue is the impact which it would have on existing levels of residential amenity. The site is considered to be too distant from the nearest properties, with the River Frome and its vegetation in between, for it to result in any harm to residential amenity.

Regarding the issue of litter clearance raised by the Parish Council, this has been taken up with the applicants' agents, who reported that all the litter has been cleared away. It should be noted that this is not a relevant planning consideration in the determination of this application.

### 5.4 Landscape and Tree Implications

With regard to the impact of the proposal on surrounding vegetation, the only factor which would have affected this was the proposed fence, which has now been deleted from the proposal. In broad landscape terms, the existing vegetation is functioning as a visual and acoustic screen to the railway line, and as a green corridor adjacent to the SNCI site which borders the site. As a result, the current proposal is considered to be adequate, in landscape terms, to comply with policies D1 and L1. The condition below requires details of landscaping to perform this screening function and its implementation.

### 5.5 Frome Valley Walkway and Footpath issues

The re-cladding is not considered to affect the footpath adjacent to the site.

### 5.6 Design and Access Statement

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

### 5.7 Use of Energy and Sustainability

This application is for re-cladding of the existing building, leaving little scope for improvements under this heading, other than in terms of selected materials.

### 5.8 Improvements achieved to the scheme

No improvements required.

## 5.9 Section 106 Requirements

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

## 6. CONCLUSION

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

The recommendation to approve permission has been made 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 approved, subject to the conditions shown below.

**Background Papers**      **PK09/0440/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. Prior to the commencement of development details/samples of the roofing and external facing materials proposed to be used shall be 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. Prior to the commencement of development 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); areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details within the planting season following the agreement of the landscaping plan.

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.

**CIRCULATED SCHEDULE NO. 21/09 – 29 May 2009**

<b>App No.:</b>	PK09/0720/F	<b>Applicant:</b>	Mr R Howell C/O Agent
<b>Site:</b>	Land rear of 15 Woodstock Road, Kingswood, South Gloucestershire, BS15 9UB	<b>Date Reg:</b>	20th April 2009
<b>Proposal:</b>	Erection of 1no. split level chalet bungalow with associated works. (Resubmission of PK09/0026/F).	<b>Parish:</b>	
<b>Map Ref:</b>	65766 73670	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th June 2009



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 100023410, 2008.

## **INTRODUCTION**

This planning application has been referred to the Council's Circulated Schedule procedure due to the receipt of objections from local residents regarding the proposed development.

### **1. THE PROPOSAL**

- 1.1 This full planning application seeks permission for the erection of 1 no. split level chalet bungalow.
- 1.2 The application site relates to garden land within the built up residential area of Kingswood.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPG1 General Policy and Principles  
PPS3 Housing
- 2.2 South Gloucestershire Local Plan  
D1 Design  
H2 Residential Development within the Existing Urban Area  
H4 Development within Existing residential Curtilages  
T12 Transportation Issues  
L1 Landscape
- 2.3 Supplementary Planning Guidance  
SPD Design

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

- 3.1 K202                      Erection of 6ft fence  
                                    Refused Dec. 1974
- 3.2 K202/1                    Erection of 4ft fence  
                                    Approval (1975)
- 3.3 PK03/1482/F              1 Split level bungalow  
                                    Refused Sept. 2003 and dismissed at appeal April 2004
- 3.4 PK09/0026/F              Erection of split level bungalow  
                                    Refused Feb. 2009 on grounds at impact on visual amenity  
                                    and residential amenity impact.

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Not covered

## **Other Representations**

### 4.2 Local Residents

8 letters have been received from local residents and one from Cllr Perkins on behalf of a local resident raising the following objections regarding the proposed development, which have been summarised by the Planning Officer as follows:

- Out of keeping
- Highways issues-congested, parking, access, safety, manoeuvring of emergency vehicles and refuse vehicles
- Proposed parking layout looks awkward
- Outlook affected
- Overbearing and loss of light
- Ground level differences
- Loss of Privacy
- Cramped development
- Not in keeping
- Nearby recent development built to rear of properties
- House values
- Noise & disturbance
- Overdevelopment
- Site never intended to be developed
- Human rights
- No details of height of flank wall

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application site is located within the established residential area of Kingswood and relates to residential domestic curtilage. Policy H4 & H2 of the South Gloucestershire Local Plan supports the principle of new residential development subject to a number of criteria being satisfied.

5.2 Planning permission has been refused twice on this PK09/0026/F & PK03/1482/F for the erection of a dwelling and the earlier planning application PK03/1482/F was dismissed at appeal. All decision notices are a material consideration with regards the determination of this application and in considering this application it will need to be demonstrated that this revised scheme has addressed those previous objections and complies with the above mentioned planning policies.

### 5.3 Visual Amenity

The application site relates to land which is sited to the rear of 15 Woodstock Road, which fronts onto Woodstock Close within a cul-de-sac comprising of 8 two storey detached dwellings. The land subject of the application is at a higher level along the western boundary of the application by approximately 1.50m. The previous planning applications on this site were refused on the grounds that a proposal for a dwelling on this site would result in a cramped form of development by reason of its siting and footprint, which if allowed would have an overbearing impact on the visual amenities and character of the street scene.

- 5.4 The Inspector at the time of planning application PK03/1482/F made the following assessment, which has been summarised by the Planning Officer as follows:

*proposed dwelling take's up most of frontage of plot.... Little space to sides and front ... I consider that the proposed development would appear cramped on the site. The cramped appearance would be particularly noticeable in the public and private views.....because of the dominant relationship that the proposal it would have to the road and houses at the lower end of the close due to changes in ground levels.*

*I conclude that the proposed development would be harmful to the character and appearance of the area*

- 5.5 This current application differs from that subject of the above appeal decision notice, in that the application site has now been enlarged due to the acquisition of land from no. 17. This scheme has sought to address the Inspector's objection and recent refusal notice, by reducing the overall footprint of the building which has resulted in the building being pulled away from the front of the site by 3.0m at the nearest point and 4.0m from the side of the site. The Inspector also concluded that *the cramped appearance was made worse due to the difference in ground levels* This scheme has sought to address this by reducing the overall scale of the building by reducing the height of the building from 8.0 to 6.90m.
- 5.6 It is considered that the revised changes i.e. reduction in footprint and height have resulted in a building that takes account of the sites topography and setting, and therefore would not have a harmful impact on the character and appearance of the area.
- 5.7 Objections have been raised on the grounds of the dwelling not be in keeping. Although the properties within Woodstock Close have a render finish it is considered that the proposed use of reconstituted stone and slate would not have an adverse impact on the character of the area as it is considered there is an opportunity for a dwelling on this site to have its own identity. The proposed stone work finish picks up on the stone facing dwellings in nearby Hill Street and the stone quoins of those dwellings within Woodstock Close.
- 5.8 Existing Residential Amenity  
Objections have been raised by local residents on the grounds that the proposed dwelling would have an overbearing impact on neighbouring occupiers and result in a loss of privacy and loss of light.

The earlier application (PK03/1482/F) was refused on the following grounds

*The proposed development by reason of its siting and proposed window arrangement if allowed would prejudice existing levels of privacy currently enjoyed by neighbouring occupiers in particular No.15 Woodstock Road and No.3 Woodstock Close and would also have an overbearing impact on the neighbouring occupiers of no.17 Woodstock*

*Road to the detriment of residential amenity and would therefore be contrary to Policy KLP82 of the adopted Kingswood Local Plan and Policy H2 and H4 of the South Gloucestershire Local Plan (revised deposit Draft*

- 5.9 The Inspector upheld the Council's decision with regards impact of no. 3, but did not agree with the Council with regards impact on no. 17. The inspector also found :

*given the proximity to no. 7 & 8 and the relative height of the gable end to the ground floor level of these properties, the proposed development would have an overbearing effect on their outlook that the dwelling by reason of its scale and siting*

- 5.10 The latter planning application (PK09/0026/F) was refused on the grounds of overbearing impact on no. 7 & 8 by reason of the proposed dwellings' siting and scale.

- 5.11 It is considered that this revised application has addressed the previous objections in terms of impact on no. 3, 7 & 8 by reason of its revised siting and window arrangement. As discussed above the building has been pulled away from the eastern boundary of the application site which is adjacent to no. 7 & 8 Woodstock Close. There will be a separation distance of 19.40m particularly from the front elevation of no. 7. The Council generally seeks to retain a separation distance of 12.0m between a habitable room window and blank elevation, where possible. Whilst it is accepted that the width of the gable in question has been increased in width by 1.0m, it is considered that due to the reduction in height of the gable elevation from that of 8.0m to 6.90m and reduced length of the projected single storey element on the other side of the building, that a dwelling of this scale in this location and in light of the ground level differences would not have a harmful impact on the amenities of those neighbouring properties in terms of loss of privacy or overbearing impact.

- 5.12 This application proposes a bedroom window on the front elevation of the projected single storey extension. This will result in a separation distance of approximately 17.80m between the front elevations of no. 2a. The Council generally seeks to maintain a separation distance of 21.0m, this however is only a guideline and regard must be had for national guidance which seeks to make efficient use of land. However regard must be had for the fact there is an existing boundary wall and planting along the frontage of no. 2a. It is considered that a dwelling in this location would not have an adverse impact on the existing amenities of no. 2a in terms of loss of privacy.

- 5.13 Concerns have been raised that no details have been provided with regards the flank wall as annotated on the submitted plans on the eastern boundary of the site. The Planning Officer can confirm that this relates to the flank wall of the dwelling. The Design and Access statement actually states that *the proposed parking spaces is now located off the end of the cul-de-sac which provides openness to the corner*



5.14 Landscaping Issues

Concerns have been raised with regards impact on landscaping. It is considered that there are no landscaping constraints on this site that would prohibit development.

5.15 Transportation Issues

Concerns have been raised by local residents with regards the level of existing on street car parking within Woodstock Close and the need for emergency vehicles and refuse vehicles to be able to move freely. Members are advised to consider that no planning objection was raised last time regarding the transportation aspects of the scheme. At the time of the planning appeal the Inspector reported the following:

*Parking problems are a particular concern of the residents of Woodstock Close as the road is narrow and well used. However the proposed parking arrangements conforms to the Council's current guidance on car parking and there have been no objections from the highway authority*

5.16 This application proposes two car parking spaces and in light of the previous decisions no objection is raised in principle with regards this current planning application. The configuration of the proposed spaces is however considered to be constrained as opposed to the original submission. Members are advised to consider that a revised plan has been requested, which will still relate to the provision of two car parking spaces within the application site boundary but positioned in line with the previous application. This revised layout will have no greater impact on the amenities of neighbouring occupiers.

5.17 Drainage

Objections have been raised with regards the drainage aspects of this scheme. No objection was raised on planning grounds last time round and indeed the Inspector found that this could be covered by a suitably worded condition.

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

5.19 Use of Energy and Sustainability

No measures proposed

5.20 Improvements achieved to the scheme

None required as submitted scheme is considered acceptable.

5.21 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 and would satisfy the tests set out in Circular 05/2005.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

**Background Papers**      **PK09/0720/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. No windows other than those shown on the plans hereby approved shall be inserted at any time in the eastern (side) elevation of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy (H2/H4/E3) of the South Gloucestershire Local Plan (Adopted) January 2006. (delete as appropriate)

3. Prior to the commencement of development a scheme of landscaping, which shall include details of 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

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

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

Reason

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

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

Reason

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

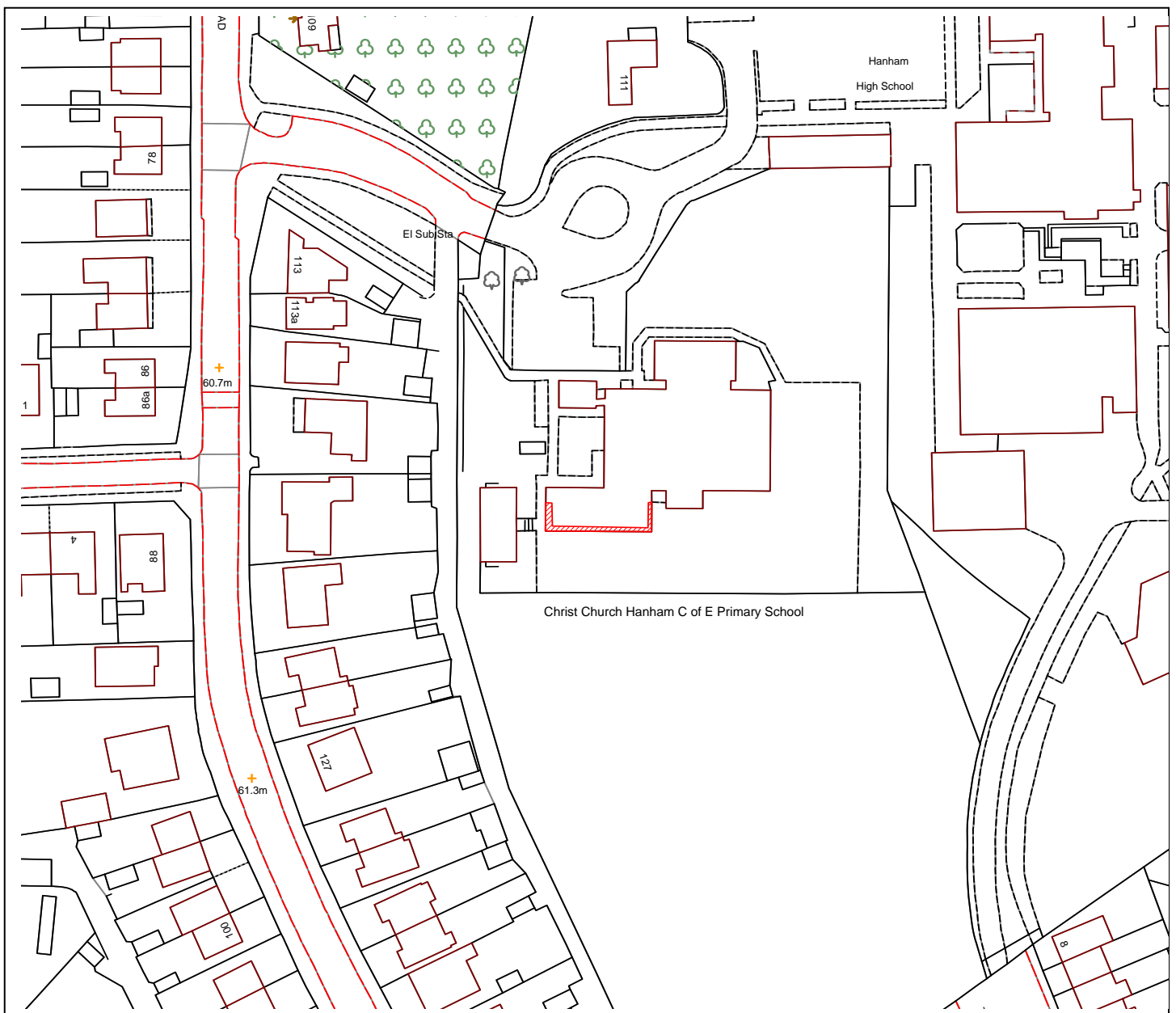
6. The off-street parking facilities for all vehicles shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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

**CIRCULATED SCHEDULE NO. 21/09 – 29 May 2009**

<b>App No.:</b>	PK09/0779/R3F	<b>Applicant:</b>	South Gloucestershire Council
<b>Site:</b>	Christchurch C of E Primary School, Memorial Road, Hanham, South Gloucestershire, BS15 3LA	<b>Date Reg:</b>	28th April 2009
<b>Proposal:</b>	Replacement of existing single glazed curtain walling with double glazed curtain walling to the external elevations.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	63913 71644	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th June 2009



## **INTRODUCTION**

This application has been submitted by South Gloucestershire Council and as such, under the current scheme of delegation, must be referred to the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 The application relates to Christchurch C of E Primary School, which is located to the east of Memorial Road in Hanham. The location is generally residential and suburban in character. The school campus comprises single and two-storey flat-roofed buildings of simple 1960's design.
- 1.2 It is proposed to replace an area of single glazed steel curtain walling, on the southern elevation of the main two-storey building, with new double glazed aluminium curtain walling.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 - Design  
LC4 - Proposals for Educational Facilities within the Existing Urban Area
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Council Design Check List SPD (Adopted) 23<sup>rd</sup> Aug 2007.

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

- 3.1 Various applications relating to the erection of school buildings.

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Abbots Parish Council  
No objections
- 4.2 Other Consultees  
  
Hanham District Green Belt Conservation Society  
No response

#### **Other Representations**

- 4.3 Local Residents  
No responses

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy D1 seeks to secure good quality designs in new development. Policy LC4 permits the improvement of education facilities within the urban area subject to the following criteria:

### 5.2 **A. Proposals are located on sites which are, or will be, highly accessible on foot and by bicycle; and**

5.3 The site is an existing school and lies within a highly sustainable location close to the centre of Hanham.

### 5.4 **B. Development would not unacceptably prejudice residential amenities; and**

5.5 The building affected lies within the school campus and overlooks a large playing field. No residential properties would be affected.

### 5.6 **C. Development would not have unacceptable environmental or transportation effects; and**

5.7 The proposal has no transportation implications. The new curtain walling would improve thermal performance.

### 5.8 **D. Development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.**

5.9 The proposal would not have any implications for traffic generation.

### 5.10 Design

The proposal is to replace the existing single glazed steel curtain walling with new double glazed aluminium curtain walling to improve thermal performance and reduce maintenance liabilities. The existing curtain walling has degraded over time and the new walling will integrate well within the existing built form and design and will improve the appearance of the school building.

5.11 The existing disabled access provisions to the school will not be affected by the development. New doors would be incorporated within the scheme to meet Building Regulations requirements in respect of disabled access.

### 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 Use of Energy and Sustainability

The proposed development would improve the thermal performance of the building and reduce maintenance liabilities.

5.14 Improvements achieved to the scheme  
None

5.15 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      PK09/0779/R3F**

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

**CONDITIONS**

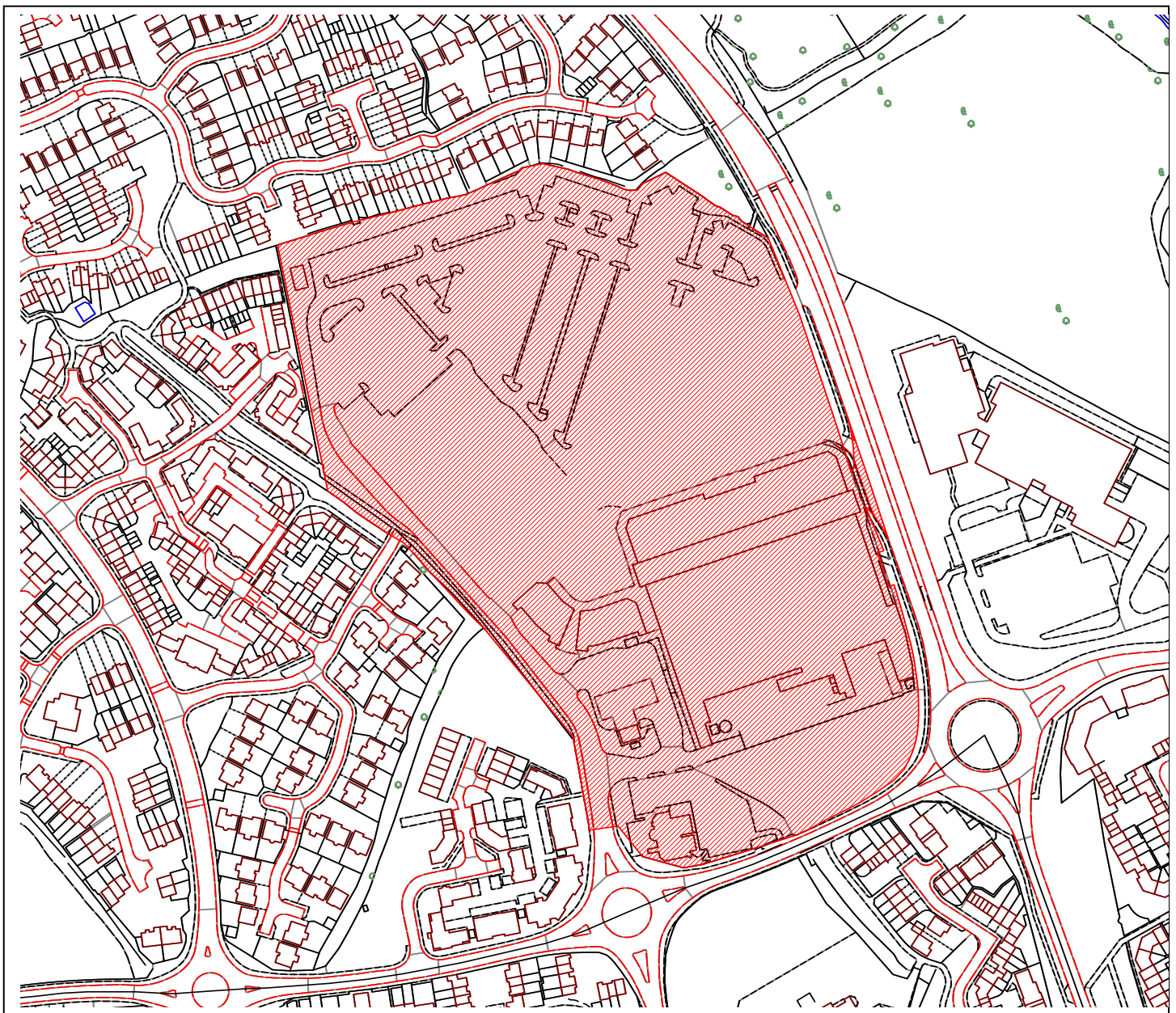
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

## CIRCULATED SCHEDULE NO. 21/09 – 29 MAY 2009

<b>App No.:</b>	PT09/0529/RVC	<b>Applicant:</b>	Tesco Stores Ltd
<b>Site:</b>	Tesco Stores Ltd, Bradley Stoke District Centre, Bradley Stoke, South Gloucestershire, BS32 8EF	<b>Date Reg:</b>	24th March 2009
<b>Proposal:</b>	Removal of condition 33 attached to planning permission PT05/1949/F and condition 34 of planning permission PT08/2111/F.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	61995 82024	<b>Ward:</b>	Bradley Stoke Central and Stoke Lodge
<b>Application Category:</b>	Major	<b>Target Date:</b>	19th June 2009



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## **INTRODUCTION**

This report appears on the circulated schedule as there is an objection to the proposed development where the officer recommendation is to approve the planning application.

### **1. THE PROPOSAL**

1.1 The application site is some 8.51 hectares in size and is located within the centre of Bradley Stoke. It borders on to Savages Wood Road to the south, Bradley Stoke Way to the east. Development permitted under PT05/1949/F, and subsequent amendments to date (as detailed in section 3 of this report) is now very close to completion.

1.2 This application seeks consent to amend the consent as issued under PT05/1949/F and subsequent application PT08/2111/F. Essentially, the proposed amendments set out the removal of condition 33 and condition 34 respectively.

1.3 Conditions 33 (PT05/1949/F) and 34 (PT08/2111/F read;

There shall be no sub division or merging of the units within the town centre unless agreed in writing by the Local Planning Authority

Reason; To ensure the vitality of the town centre in accordance with policy RT4 of the South Gloucestershire Local Plan (adopted) January 2006.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS 1 - Delivering Sustainable Development  
PPG4 – Commercial Development  
PPS6 - Town Centres and Retail Developments  
PPG13 – Transportation

2.2 Joint Replacement Structure Plan  
Policy 38 – Hierarchy of Centres  
Policy 40 – Retail Location  
Policy 41 – Local shopping facilities

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

D1 Achieving Good Quality Design  
EP1 Environmental Pollution  
T6 Cycle Routes and Pedestrian Routes  
T7 Cycle Parking  
T8 Parking Standards  
T9 Car Parking Standards for People with Disabilities  
T12 Transportation Development Control Policy  
RT1 Retail Development in Town Centres  
RT4 Emerging Town Centre at Bradley Stoke.

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

- 3.1 P84/0020/1 Residential, Shopping and Employment Development inc. Road and Sewers and other ancillary facilities on approx. 1000 acres of land.  
Approved 3 December 1986
- 3.2 P90/0020/247Erection of District Shopping Centre on approximately 6 hectares of land to include superstore , unit shops , offices , restaurant , hotel , leisure building, community facilities, public conveniences, petrol filling station, public house and provision of associated car parking areas. Construction of new vehicular and pedestrian access.  
Approved 29 January 1991
- 3.3 P90/0020/255 Erection of fast food restaurant.  
Approved 20 February 1991
- 3.4 P91/0020/282 Erection of retail food store totalling approximately 4689 square metres and petrol filling station. Construction of associated parking areas.  
Approved 31 July 1991
- 3.5 P95/0020/422 Development of approximately 2.72 ha of land to include the erection of 5,932 square metres of building to form 19 units for A1, A2 , and A3 uses . Alterations to vehicular and pedestrian access and construction of associated car parking.  
Approved 13 March 1995
- 3.6 P95/0020/423 Development of 0.3 ha of land to include the erection of 1180 square metres of office building. Alteration to vehicular and pedestrian access and construction of associated car parking ( Outline)  
Approved 13 March 1995
- 3.7 PT03/0453/F Redevelopment of land to construct new retail store ( class A1) and associated service yard , petrol filling station and car parking. Construction of new vehicular and pedestrian access and bus station.  
Withdrawn
- 3.8 PT05/1920/O Development of 0.87 ha of land for hotel and offices (outline). (All matters to be considered)  
Approved 13<sup>th</sup> November 2006
- 3.9 PT05/1949/F Demolition of existing buildings to facilitate mixed use development to include retail, leisure, community facilities, public open space, bus station, shop mobility centre, petrol filling station, new access arrangements, car parking and other associated works  
Approved 19<sup>th</sup> October 2007

- 3.10 PT08/2111/F Installation of additional doors and glazing to shop front. (Amendment to previously approved scheme PT05/1949/F)  
Approved 16<sup>th</sup> September 2008
- 3.11 PT09/0520/F External alterations and sub division of existing retail units to create 6 units. (Amendments to previously approved scheme PT05/1949/F)  
Undetermined at the time of compiling this report

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

- 4.1 Bradley Stoke Town Council  
OBJECTION in that this would lend itself to 'extremes', even such as 'kiosks', which would be an undesirable loss of control of Town Centre planning.
- 4.2 Sustainable Transport  
No Objection

#### **Other Representations**

- 4.3 Local Residents  
No Comments received

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

- 5.1 Principle of Development  
The redevelopment of this site as the Bradley Stoke Town Centre is established through planning consent detailed under PT05/1949/F. This application details amendments to the elevational treatment of buildings that form part of the existing planning consent. The development approved under PT05/1949/F is now very close to completion and as such is regarded as having been implemented.
- 5.2 The previous approval (PT05/1949/F) has considered the broad principles of the development of this site. This application seeks to remove condition 33 of that consent in order to lift the restriction on the sub-division and/or merging of units within the Bradley Stoke (Willow Brook) Town Centre.
- 5.3 The applicant argues that the condition unnecessarily restricts the subdivision of units and as a result has required a number of planning applications to be submitted to alter the layout of the development to suit tenant requirements.
- 5.4 The Willow Brook Centre is becoming well established as a Town Centre serving Bradley Stoke and the surrounding locality. PPS6 sets out the importance of allowing Town Centres to respond to market forces in such a way that the vitality and viability of the Town Centre survives and evolves. Policy RT4 and RT1 bring this principle forward and together seek to ensure the protection of the vitality and viability of Bradley Stoke Town Centre. Essentially, the policies are supportive of development which would not undermine this principle and which propose appropriate uses within the Town Centre. In this instance, The Willow Brook Centre provides a wide variety of

uses which supports its role as an important town centre for the community of Bradley Stoke and surrounding area.

- 5.5 Nonetheless, officers would concur with the view that 'condition 33' is restrictive and obstructs the ability of the town centre to respond to market forces and potential occupiers of the centre. On this basis, it is considered that the removal of this condition would be a benefit and would not undermine the principles of PPS6 and Policies RT1 and RT4 of the South Gloucestershire Local Plan (Adopted) January 2006. However, officers recognise the need to retain a level of control in order to ensure that a wide range of facilities is retained in the interests of the public and the vitality of Bradley Stoke Town Centre. Accordingly, the removal of 'condition 33' generates a requirement to impose further conditions so that the occupation of the first floor accommodation in the shopping mall is retained for social benefit (i.e. excludes retail uses contained in use class orders A1, A2, A3, A4 and A5) and that the Town Centre Units retain a minimum level of A3/A4 units (as is required under the existing consents). It is considered that a minimum of three A3/A4 units should be retained. The key concern is to strike a good balance between flexibility in order in order to assist the town centre to respond with the need to ensure that a mix of town centre uses and facilities are provided.
- 5.6 The comments made by Bradley Stoke Town Council are also noted, and officers share the same concern that the removal of 'condition 33' could potentially allow for extreme cases of subdivision where units become extremely small, and so undermine the vitality of the town centre. In contrast, there could also be extremes where units become too large.
- 5.7 On this basis, conditions should be imposed which would allow the Local Planning Authority an element of control. It is suggested that two forms of condition are used. In order to prevent a saturation of very small kiosk type units. Such a condition would restrict the maximum number of units of less than 115 square metres to 10. This would prevent saturation of small units, yet would allow a reasonable number to be implemented as it is recognised that small units are valuable in town centres (for example; for new businesses starting out, or for services such as key cutting and shoe repairs).
- 5.8 To control the over-merging of units, a condition should also be imposed which would control the maximum size of units in the town centre, shopping mall and the non-food retail units (such a condition should obviously exclude the super market element of the Town Centre). It is suggested that where the Town Centre units and the Mall is concerned, a maximum limit of 500 square metres of floor space is imposed; whilst the non-food retail units have a maximum limit of 1600 square metres of floor space to take account of the likely type of sales from these units.
- 5.9 The principles of previous conditions would be brought forward from the original planning consent. Namely, that a minimum of 3 units shall be retained for A3 (restaurants and café etc) and/or A4 (public houses or other drinking establishments).

- 5.10 It is considered that the imposition of the suggested conditions would allow the Local Planning Authority appropriate control over the vitality and viability of the town centre in the public interest whilst allowing a suitable level of flexibility.
- 5.11 Subject to the inclusion of the above suggested conditions, it is considered that the proposed removal of condition 33 is acceptable.
- 5.12 For the avoidance of doubt, the removal of 'condition 33' would not allow the extension of the existing buildings or the provision of additional stand alone units, kiosks, or trailers to be developed within the site without the benefit of planning consent.
- 5.13 Design Considerations  
There will be no impact in this regard as a result of the removal of the condition.
- 5.14 Residential Amenity  
There will be no impact in this regard as a result of the removal of the condition.
- 5.15 Transportation Matters  
There will be no impact in this regard as a result of the removal of the condition.
- 5.16 Design and Access Statement  
A Design and Access Statement is not required with this submission.
- 5.17 Use of Energy and Sustainability  
There will be no impact in this regard as a result of the removal of the condition.
- 5.18 Improvements achieved to the scheme  
No improvements are necessary in this instance.
- 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 (insert issues eg transportation improvements, provision of affordable housing, pos, education contributions etc) are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

## **6. CONCLUSION**

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

January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That Planning Permission is Granted subject to the following conditions

**Background Papers**      **PT09/0529/RVC**

**Contact Officer:**      **Simon Penketh**

**Tel. No.**                      **01454 863433**

## **CONDITIONS**

1. Not more than 10 units of less than 115 sq metres shall be provided at any time within the development hereby approved (Willow Brook Centre) at any time.

Reason(s):

To ensure that a broad range of retail, community and employment facilities are retained within the development in order to ensure the vitality of Bradley Stoke Town Centre is retained for the benefit of the local community and in accordance with policy RT1 and RT4 of the South Gloucestershire Local Plan ( adopted) January 2006.

2. No merging of units contained within the Town Centre Retail Units and the Mall Retail Units (as detailed in drawing numbered 9839-P2203 K) shall be carried out such that the maximum floor area in respect of each individual unit exceed 500 square metres at any time.

Reason(s):

To ensure that a broad range of retail, community and employment facilities are retained within the development in order to ensure the vitality of Bradley Stoke Town Centre is retained for the benefit of the local community and in accordance with policy RT1 and RT4 of the South Gloucestershire Local Plan ( adopted) January 2006.

3. No merging of units contained within the Non-Food Retail Units (as detailed in drawing numbered 9839-P2203 K) shall be carried out such that the maximum floor area in respect of each individual unit exceed 1600 square metres at any time.

Reason(s):

To ensure that a broad range of retail, community and employment facilities are retained within the development in order to ensure the vitality of Bradley Stoke Town Centre is retained for the benefit of the local community and in accordance with policy RT1 and RT4 of the South Gloucestershire Local Plan ( adopted) January 2006.

4. No more than two retail units within the use class orders A1, A2, A3, A4 and A5 (The Town and Country Planning (Use Classes) (Amendment) (England) Order 2005) and any subsequent amendment) shall be implemented in the first floor retail office area (as detailed in drawing numbered 9839-P1102 K) at any time.

Reason(s):

To ensure that a broad range of retail, community and employment facilities are retained within the development in order to ensure the vitality of Bradley Stoke Town Centre is retained for the benefit of the local community and in accordance with policy RT1 and RT4 of the South Gloucestershire Local Plan ( adopted) January 2006.

5. A minimum of three units shall be retained within the Town Centre Units (as detailed in drawing numbered 9839-P2203 K) at all times for the sole purpose of providing A3 and/or A4. For the avoidance of doubt, the Town Centre units are those which occupy the building positioned between the West elevation of the Supermarket and Shopping Mall and the Bus Access and Southern elevation of the Non Food Retail Units as detailed in drawing numbered 9839-P2203 K.

Reason(s):

To ensure that a broad range of retail, community and employment facilities are retained within the development in order to ensure the vitality of Bradley Stoke Town Centre is retained for the benefit of the local community and in accordance with policy RT1 and RT4 of the South Gloucestershire Local Plan ( adopted) January 2006

6. The hours for construction work in relation to any future sub-division or merging of any unit contained within the Willow Brook Centre (this development) shall be restricted to 8am to 6pm Monday - Friday ; 8am -1pm on Saturdays and no working shall take place on Sundays or Public Holidays, unless with the prior written consent of the Local Planning Authority.

Reason(s):

To minimise disturbance to occupiers of nearby buildings, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. All planting, seeding or turfing comprised in the approved details of landscaping as detailed and submitted under planning permissions PT05/1949/F, PT08/0641/RVC and PT08/2111/F shall be carried out during the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Council gives written consent to any variation.

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.

8. No deliveries for the non food retail outlets shown positioned towards the western boundary of the site shall be taken at or despatched from the site outside the hours of 0800 to 2000.

Reason(s):

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

9. Vehicles servicing the non food retail units , shown positioned towards the western boundary of the site, shall turn off their reversing alarm systems when operating between the hours of 0730 - 0930 in the mornings and between 1800 - 2100 in the evenings.

Reason(s):

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

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

Reason(s):

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

11. The parking facilities (for all vehicles, including cycles) shown on drawing no; 9839 P1106 Rev B as approved under PT05/1949/F, or as on any further revision to this plan agreed in writing by the local planning authority, and thereafter retained for that purpose shall be provided and constructed in accordance with those details so agreed and retained as such.

Reason(s):

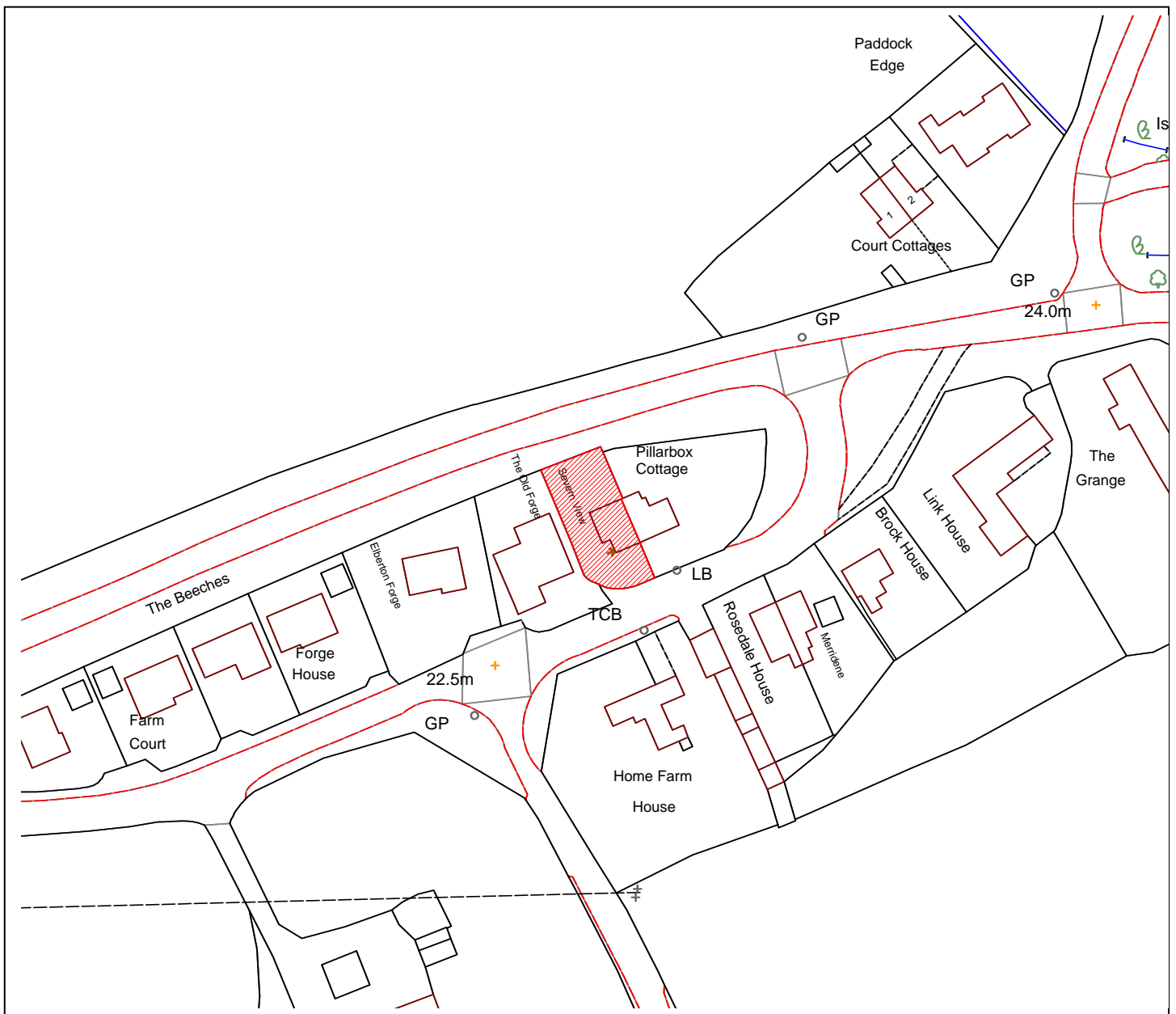
In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 21/09 – 29 MAY 2009**

**App No.:** PT09/0699/F  
**Site:** Severn View, Redhill Lane, Olveston,  
 South Gloucestershire, BS35 4AE  
**Proposal:** Erection of single storey side extension  
**Map Ref:** 59888 88637  
**Application Category:** Householder

**Applicant:** Mr & Mrs D Grant  
**Date Reg:** 16th April 2009  
**Parish:** Aust Parish Council  
**Ward:** Severn  
**Target Date:** 10th June 2009



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 100023410, 2009.

**N.T.S**

**PT09/0699/F**

## **Introduction**

This application appears on the circulated schedule because the case officer decision to refuse the application is contrary to that of the Parish council's response of support. This is a reissue in order to address errors identified in the previously issued report.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single storey side extension to form a store.
- 1.2 The application site relates to a semi-detached dwelling outside of any defined settlement boundaries, within the Parish of Aust. The dwelling forms part of a small collection of dwellings facing onto a semi-circular road. The area is washed over by Green Belt, surrounding the site is agricultural land.
- 1.3 There has been a significant amount of history at the site, with a previous approval for a two storey side extension (ref: P92/1195) and two refusals (ref: PT07/1249/F and PT07/3201/F) at the site for large schemes involving the erection of a single storey side and first floor side extensions to provide additional living accommodation. These were both refused for the following reasons:

*The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt because the proposed extension would result in a disproportionate addition over and above the size of the original building. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, and Policies GB1 and H4 of the South Gloucestershire Local Plan.*

*The proposed extension, by reason of its size, design and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties and, if allowed, would detract from the visual amenities of the locality. The proposal is therefore considered contrary to Policy H4 of the South Gloucestershire Local Plan .*

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPG2 Green Belt

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design  
H4 Development within the Residential Curtilage  
GB1 Green Belt Development

**3. RELEVANT PLANNING HISTORY**

P92/1195 Two storey side and rear extension....Approved

PT07/1249/F Extension to the property.....Refused

PT07/3201/F Extension to the property.....Refused

**4. CONSULTATION RESPONSES**

4.1 Aust Parish Council  
Support Development.

4.2 Local Residents  
No comments received

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development  
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings subject to there being no adverse impact on the existing residential and visual amenities, and maintenance of highway safety.

The application sites lies within designated Green Belt as such national and local policies apply, PPG2 and GB1 respectively. Additions to residential dwellings within the Green Belt are permitted so long as the cumulative addition to the dwelling would be proportionate to the original dwelling size and not prejudice the openness of the Green Belt

5.2 Green Belt  
The site lies within the open Green Belt. To the front and rear of the dwelling there are views of agricultural fields, with the site lying in a small collection of residential units. The proposed when considered cumulating with previous extensions would see a considerable increase in volume over the original dwelling, as built.

The proposed extensions will provide approximately a 64% increase over the size of the original dwelling. Such an addition is defined as being disproportionate given the size of the original building. In the development in the Green Belt Supplementary Planning Document, this advocates 30% or at the very maximum 50% is being possibly a proportionate addition. Given this, the extension is considered to be inappropriate development and by definition is harmful to the openness of the Green Belt. Consequently the scheme is recommended for refusal, has no very special circumstances have been advanced that outweigh the harm.

### 5.3 Design/ Visual Amenity

Although it is considered that the proposed single storey side extension in itself, integrates reasonably well with the existing dwelling in terms of design. However it is the cumulative effect when taken with the previous extensions and considered in conjunction with the need to protect the visual amenity of the Green Belt that has caused harm. The resultant massing is therefore disproportionate to the scale and character of the original modest dwelling.

### 5.4 Residential Amenity

It is considered that this proposal would not impact upon the residential amenities of the surrounding properties given its single storey size, design and location. Additionally given the scale of the remaining amenity space within the applicant's garden, it is therefore not considered that there would result a loss of amenity to the applicant's property.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

- 7.1 Planning permission be **refused** for the following reasons:

**Background Papers**      **PT09/0699/F**

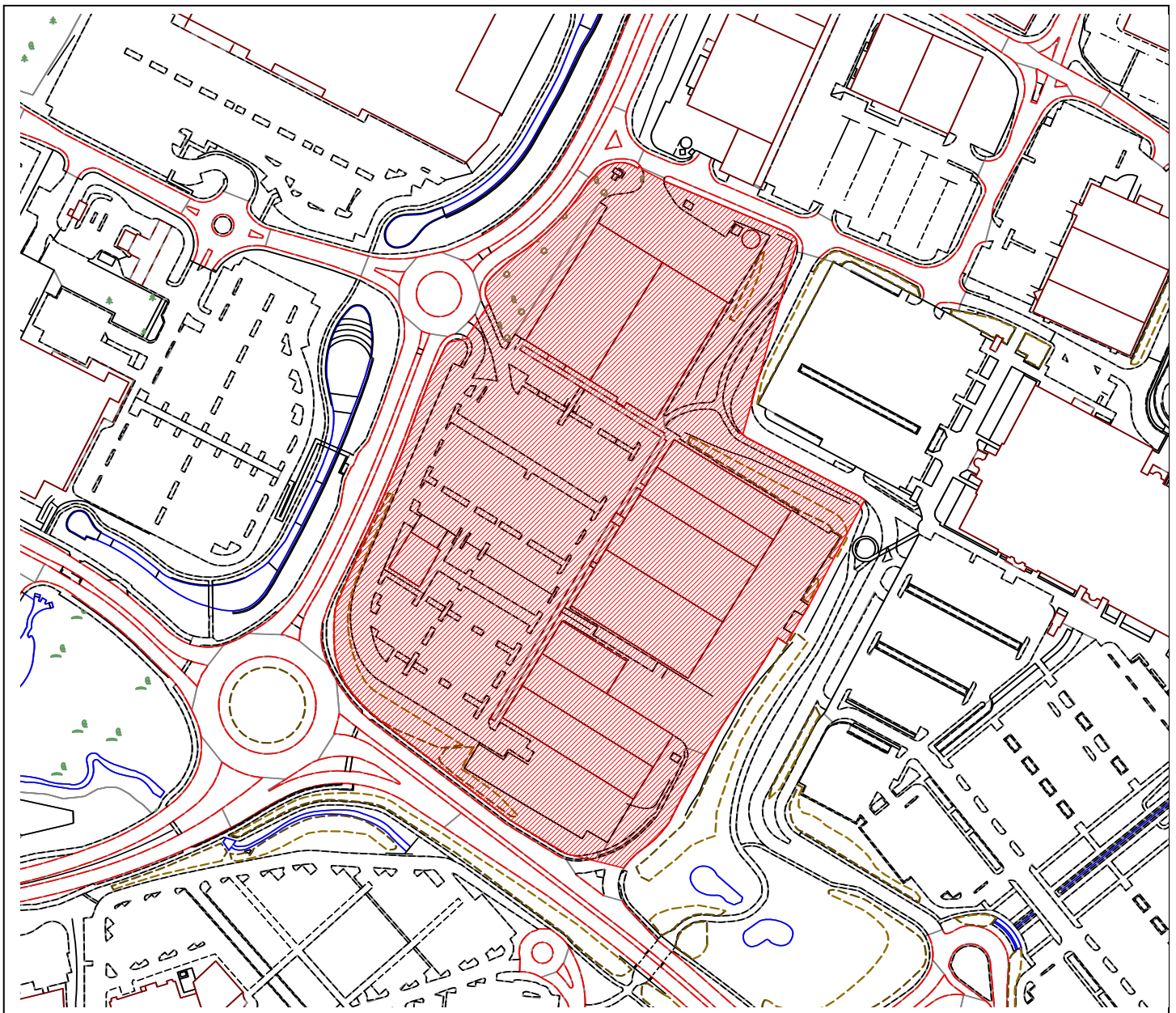
**Contact Officer:**    **Toby Adams**  
**Tel. No.**                **01454 863438**

## REFUSAL REASONS

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt because the proposed extension would result in a disproportionate addition over and above the size of the original building. The applicant has not demonstrated that very special circumstances apply such that the normal presumption against development within the Green Belt should be overridden. The proposal is therefore contrary to the provisions of PPG2, and Policies D1, GB1 and H4 of the South Gloucestershire Local Plan, and the adopted supplementary planning document: Development in the Green Belt.

**CIRCULATED SCHEDULE 21/09 – 29 MAY 2009**

<b>App No.:</b>	PT09/0729/CLP	<b>Applicant:</b>	Cribbs Mall Nominee 1 Ltd/Nominee 2 Ltd
<b>Site:</b>	Cribbs Causeway Retail Park, Lysander Road, Patchway, South Gloucestershire, BS34 5TU	<b>Date Reg:</b>	21st April 2009
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed use as Class A1 (comparison and convenience goods).	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	58385 80970	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th June 2009



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## **INTRODUCTION**

This report appears upon the Circulated Schedule as it relates to an application for a Certificate of Lawfulness for a Proposed Development. In such cases the Local Planning Authority must determine on an evidential basis as to whether planning permission is required for the proposed development.

### **1. SITE DESCRIPTION**

1.1 The application concerns the retail development currently located at Cribbs Causeway Retail Park

### **2. SUMMARY OF EVIDENCE**

2.1 The evidence submitted in support of this application can be summarised as follows: -

1. Site Location Plan
2. Supporting Statement (incl. review of planning history and legislation)
3. Copies of;
  - i) Outline Planning Permission for the retail park P84/0051/7
  - ii) Section 52 Agreement relating to the above
  - iii) Reserved Matters Permission (Units 1 to 10) P85/0051/16
  - iv) Full Planning Permission (Units 11 to 13) P91/0059/99
  - v) Section 106 Agreement relating to the Cribbs Causeway Retail Park

### **3. RELEVANT PLANNING LEGISLATION**

3.1 The Town and Country Planning Act 1990 (as amended)

3.2 The Planning and Compulsory Planning Act 2004

3.3 Statutory Instrument 2006 No.1062

3.4 Circular 01/06

### **4. RELEVANT PLANNING HISTORY**

4.1 P84/0051/7 Retail warehouses and associated works  
Approved (outline).

4.2 P84/0051/16 Two retail warehouses  
Approved.

4.3 P90/0051/91 Retail warehousing  
Approved.

- 4.4 P91/0051/99 Erection of retail warehousing  
Approved.
- 4.5 P91/0051/103 Erection of Retail Unit  
Approved

## 5. **CONSULTATION RESPONSES**

- 5.1 Almondsbury Parish Council  
No Comment Received.
- 5.2 Sustainable Transport  
No Objection
- 5.3 Local Residents  
No Comments Received

## 6. **EVALUATION**

- 6.1 This is an application for a Certificate of Lawfulness of Proposed Development. Accordingly, the decision is not based upon the land use merits of the case, nor whether the proposal accords with the development plan. Rather this is an evidential test as to whether on the balance of probability the proposed development is a lawful one in planning terms. The assessment to be made is whether this proposal constitutes is authorised under the terms of existing implemented planning permissions and associated legal agreements.
- 6.2 The application seeks to certify the lawfulness of the unfettered use of the Cribbs Retail Park for the sale of comparison and convenience retail goods.
- 6.3 In this instance the evidence is categorical. Historically there are two legal agreements (section 52 agreements) dating from 1985 and 1991. These agreement relate to the planning consents and development of the retail park as it is constructed today (albeit with some minor renovation works). A further supplementary section 106 agreement relating to the whole retail park was entered into in 1995 which intended to confirm the fulfilment of the Heads of Terms contained within the previous legal agreements (1985 and 1991). The 1995 section 106 agreement has the effect of revoking the previous agreements and has effectively removed any restriction or control of goods which can be sold from the retail park.
- 6.4 A legal opinion has also been obtained in respect of this matter from the South Gloucestershire Legal Department. This confirms that the above is correct. On this basis, it is clear that there is no restriction in respect of the sale of retail products from the Cribbs Retail Park.

## 7. **RECOMMENDATION**

- 6.1 A Certificate of Proposed Lawful Development be granted.

**Background Papers**      **PT09/0729/CLP**

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