



**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. 36/09

Date to Members: 11/09/09

Member's Deadline: 17/09/09 (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

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: 11/09/09

SCHEDULE NO. 36/09

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

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

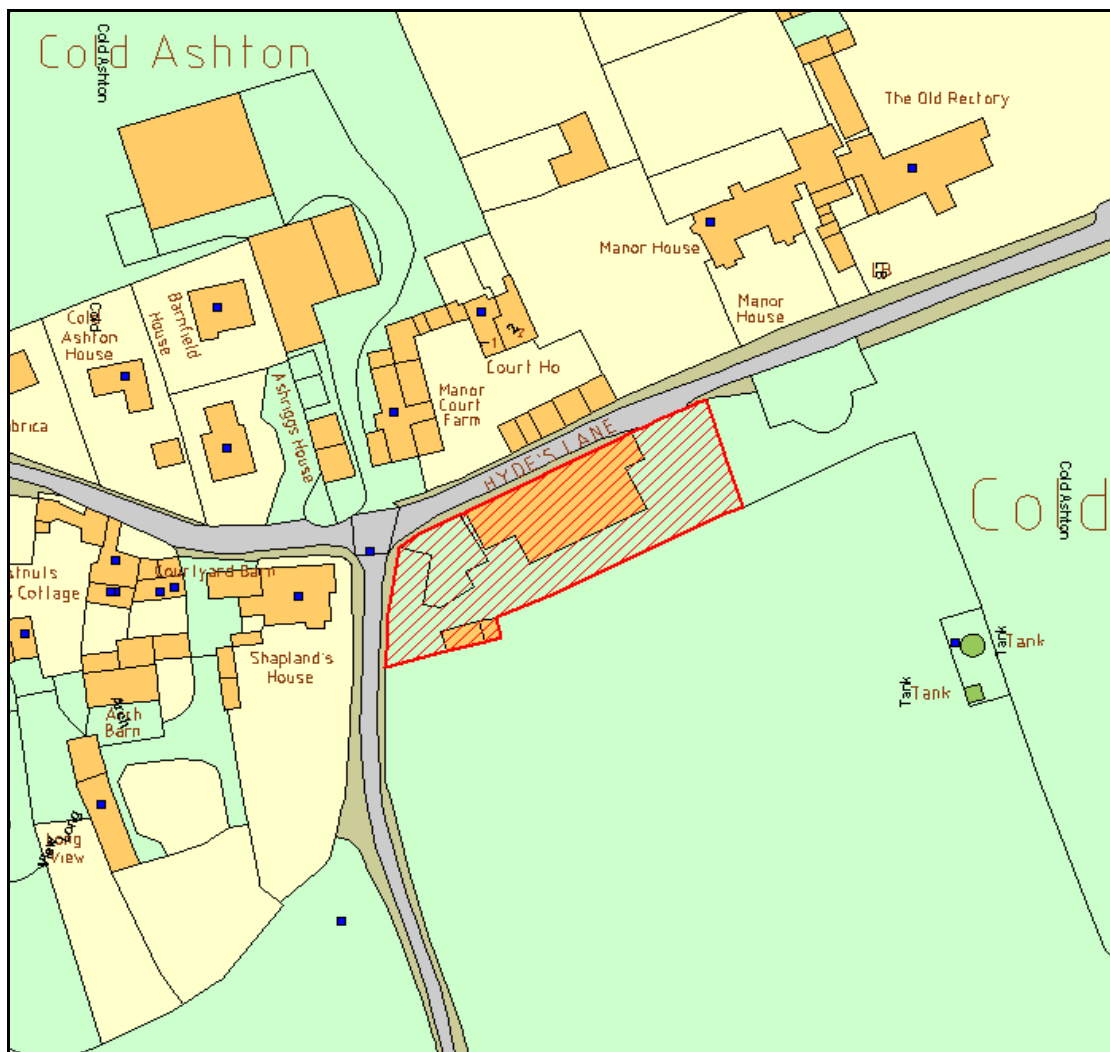
DATE

CIRCULATED SCHEDULE – 11 SEPTEMBER 2009

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK09/1354/F	Approve with Conditions	Long Barn Hyde's Lane Cold Ashton Chippenham South Gloucestershire SN14 8JU	Boyd Valley	Cold Ashton
2	PK09/1355/CA	Approve with Conditions	Long Barn Hyde's Lane Cold Ashton Chippenham South Gloucestershire SN14 8JU	Boyd Valley	Cold Ashton
3	PK09/1426/CLE	Approve with Conditions	1 Dibden Lane Emersons Green Bristol South Gloucestershire BS16 7AF	Emersons	Mangotsfield
4	PK09/5071/F	Approve with Conditions	61 Heathfields Downend Bristol South Gloucestershire BS16 6HT	Downend	Downend And Bromley Heath
5	PT09/1003/F	Approve with Conditions	Easter Compton Post Office Main Road Easter Compton South Gloucestershire BS35 5RE	Almondsbury	Almondsbury
6	PT09/1158/F	Approve with Conditions	Land at Wheatfield Drive Bradley Stoke South Gloucestershire BS32 9DP	Bradley Stoke Central And Stoke Lodge	Bradley Stoke
7	PT09/1385/F	Approve with Conditions	Rose Cottage Knapp Road Thornbury South Gloucestershire BS35 2HJ	Thornbury North	Thornbury

CIRCULATED SCHEDULE NO. 36/09 – 11 SEPTEMBER 2009

App No.:	PK09/1354/F	Applicant:	Mr C McAlpine
Site:	Long Barn Hyde's Lane Cold Ashton Chippenham South Gloucestershire	Date Reg:	23rd July 2009
Proposal:	Conversion of agricultural building with erection of single storey extension to form 1 no. dwelling, erection of detached outbuilding and associated works. Demolition of existing modern agricultural buildings.	Parish:	Cold Ashton
Map Ref:	374931 172594	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	22nd September 2009



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PK09/1354/F**

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of a letter of objection from the Parish Council and 8 letters of objection from local residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the extension and conversion of an existing barn to form a single dwellinghouse. The application also includes the demolition of two modern agricultural buildings that are subject to separate conservation area consent. The application site relates to a large historic barn at the centre of cold Ashton Conservation Area.
- 1.2 During the course of the application amended plans have been received to alter some minor details to reduce the domestic appearance of the barn. The site has a complex history as outlined in this report, which is material in the determination of this application.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPG15	Planning and the Historic Environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
L2	Cotswolds Area of Outstanding Natural Beauty
L12	Conservation Areas
GB1	Development in the Green Belt
T12	Transportation Development Control
H5	Reuse of buildings for Residential Purposes
H10	Conversion of rural buildings for residential purposes

2.3 Supplementary Planning Guidance

Design Checklist Adopted August 2007
Cold Ashton Conservation Area document

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1355/CA Demolition of 2 no. outbuildings.
Officer Recommendation for approval September 2009 – appearing on the same Circulated Schedule.
- 3.2 PK00/3387/CA Works of demolition to facilitate conversion of barn to dwellinghouse (renewal of P95/2111/C)
Approved April 2001
This consent was never implemented

- 3.3 PK00/3383/F Alterations and extension of agricultural building to form dwellinghouse. Construction of vehicular access. Erection of stone walls, fences, and carrying out of landscaping scheme (renewal of P95/2110).
Approved April 2001
This consent was never implemented
- 3.4 P95/2111/C Works of demolition to facilitate conversion of barn to dwellinghouse.
Approved February 1996
This consent was never implemented
- 3.5 P95/2110 Alteration and extension of agricultural building to form dwellinghouse. Construction of vehicular access. Erection of stone walls, fences and carrying out of landscaping scheme.
Approved February 1996
This consent was never implemented

4. CONSULTATION RESPONSES

4.1 Cold Ashton Parish Council

The Parish Council expresses three concerns regarding the replacement scheme:

1. Concern regarding size of new build
2. Worries about the visual impact of new build on village as you walk or drive through. Barn is big enough without new build
3. Application fine but out building and high wall to the west will greatly reduce the views going down through the village and landscape planting affect on the views of immediate neighbors.

Other Representations

4.2 Local Residents

8 letters of objection have been received from local residents. A summary of the points of concern raised is as follows:

- Considerable loss of view from the Cotswold Way and Cold Ashton Conservation Area
- No objections to the conversion of the barn but the proposed new extensions will effectively obscure 60% of the view from the junction
- The two buildings will enclose the corner and act as a high wall enclosing the corner
- The demolition of the two ugly modern farm buildings will certainly restore the view but the new extensions will be a blot on the landscape and destroy the view point forever
- The views are mentioned in the Conservation Area Booklet and should be preserved
- There is a sense of balance and proportion at this site in the heart of the village
- Existing views from Shapland House will be lost

- Planting should be restricted as it will further block views
- Proposed entrance is not safe onto a single track road
- This is a very large barn and shouldn't need any extension to convert to a single dwelling
- The trade off to demolish a trivial low profile modern agricultural building to add an extension is unnecessary nonsense
- The previous application approved in 2000 was more suitable

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The building subject of this planning application lies at the heart of Cold Ashton Conservation Area, in the Green Belt, in the Cotswolds Area of Outstanding Natural Beauty, adjacent to several listed buildings, and outside of the defined settlement boundary. The building has a complex history but has an authorised agricultural use. Policies GB1, L2, L12 and H10 are therefore of utmost importance in the assessment of this planning application. These policies only allow for the conversion of such a building providing there is no detrimental impact on the openness of the Green Belt, the character of the conservation area or the Area of Outstanding Natural Beauty. These issues are addressed below.

5.2 History

Before one can begin to make an assessment of the current scheme, it is first necessary to understand the history to the site. Planning permission was first granted to extend and convert the barn to a residential dwelling in 1996. This approval was never implemented and a renewal consent was approved in 2001. This second consent again was never implemented and the consent has now lapsed. These previous consents (subsequently called the 'old' permissions in the remainder of this report) included extensive extensions and alterations to the barn.

5.3 Whilst these 'old' consents were granted several years ago, it is important to acknowledge that planning policy in respect of Green Belt and Conservation Areas has not changed significantly since 2001. This current planning application therefore is to be considered against the same criteria the 'old' applications were considered against.

5.4 When assessing this current application therefore, officers have been very mindful of the 'old' planning permissions. Whilst these 'old' permission have now lapsed, should the applicant choose to re-submit an identical scheme, because the policies remain fundamentally the same, it would be very difficult indeed for officers to raise an objection when it has been considered acceptable twice previously. The existence of the 'old' permissions is a material consideration in the determination of this planning permission.

5.5 Policy H10 of the South Gloucestershire Local Plan allows for the conversion of rural buildings outside of the defined settlement boundaries for residential purposes providing the following criteria are satisfied:

- 5.6 **A. All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use: and**
The principle of the residential re-use of the barn has already been accepted by the Council twice in the past. Whilst no information has been submitted to demonstrate that the building has been marketed for business purposes, it would be unreasonable to insist on this given the planning history.
- 5.7 **B. The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction:**
An independent structural engineer has assessed the barn and is satisfied that with some stone stitching and localised repair the building is capable of conversion without major or complete reconstruction. Sketches are included in Annex B of the Design and Access Statement to demonstrate how the work can be carried out without the need to rebuild the existing barn.
- 5.8 **C. The buildings are in keeping with their surroundings in terms of character, form, bulk and overall design: and**
This is an attractive, historic agricultural barn that contributes positively to the character of Cold Ashton Conservation Area.
- 5.9 **D. Development, including any alterations, extensions or the creation of residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area; and**
This is the most controversial criteria as the Parish Council and a number of local residents are concerned that the extensions proposed will have a harmful effect on the character of the area. As mentioned by a number of objectors, it is stated in the Planning (Listed Building and Conservation Areas) Act 1990 that special care should be taken to ensure views into and out of the Conservation Area remain unspoilt.
- 5.10 The 'old' permissions previously approved were 'of their time', and would not be considered acceptable today. These permissions included extending the building to the south and to the west, as well as other alterations to the exterior. If these approved proposals were implemented they would, in the opinion of the Council's current conservation officer, have a detrimental impact on the character and appearance of the conservation area. The consent included a large pentagonal single storey extension to the east end of the south elevation, a two storey extension to the west end of the south elevation and an extensive single storey flat roofed wing to the west end. Other alterations included a single storey porch on the south side, as well as several chimney stacks at the roof level and a variety of high boundary walls and metal gates. The accumulation of these alterations had a particularly domestic appearance, contrary to the agricultural character of the building, and would have had an extremely harmful effect on the character of the building and the appearance of the conservation area. This permission has now lapsed, however the policy and legislation relating to conservation areas has not changed since the time of these approvals, and it would therefore be very difficult for the Council to resist an application for the same scheme if this were re-submitted.

- 5.11 The current application proposes a far better standard of conversion than that previously approved. The proposal does include new build, however the proposal is more sympathetic to the architectural integrity of the historic barn, as well as the overall character and appearance of the conservation area. It is recognised that the proposed new extension at the west end of the existing barn will alter certain existing views across St Catherine's Valley. The extension currently proposed for the west elevation is less than half the size of the extension approved under the 'old applications'. Whilst the current extension is taller than the extension previously approved, once the garden walls and the two-storey element are taken into consideration, the impact upon views across St Catherine's valley will be negligible. However it is felt that the majority of views will be maintained, and that views in the opposite direction, towards the village, will be preserved. The height of the single storey outbuilding has been kept as low as possible in an attempt to mitigate any harmful impact, and the removal of the existing outbuilding will have a positive impact on views across the valley from Hydes Lane, as well as views towards the site from the south. The eaves height, ridge height and footprint of this building are no greater than the existing outbuilding.
- 5.12 In order that the historic character and appearance of the conservation area is preserved, it is important that the historic building is retained and repaired, as opposed to significant re-building. The structural engineers report and the analysis, written based on the proposed plans, confirms that the building is in good order and structurally suitable for conversion to a residential conversion, and that 'the vast majority of the masonry (with the exception of the masonry to the south east lean-to) can be consolidated in situ. A condition relating to structural alterations should be imposed on any consent
- 5.13 The total volume of extension subject to this current application are materially smaller than the total volume of extension approved under the 'old' applications. Whilst it would be incorrect to say there will be no impact upon views from the corner of Slough Lane, the impact will be very similar to the impact the 'old' approvals would have had. For this reason, the Council could not substantiate any refusal reason.
- 5.14 **E. The building is well related to an existing settlement or other group of buildings.**
The building sits at the centre of the village within the Conservation Area. The building is well related to the existing settlement.
- 5.15 Green Belt
The application does include the change of use of a small piece of land from agricultural to residential where the new driveway is to be created. Because of the change in land levels from the road down into the site, the proposal is to move the access point south from the junction to create an appropriate gradient and access. A very similar arrangement was approved under the 'old' applications and it would therefore be unreasonable to raise an objection at this stage.

- 5.16 By reason of compromise to mitigate against the minimal encroachment into the Green Belt, the whole of the site boundary along the length of the garden is to be set back slightly. As a result of the development therefore there will be no net loss in agricultural green belt and the openness and visual amenity of the green belt will not be compromised.
- 5.17 The existing modern agricultural buildings to be demolished have a volume of just over 1230 cubic metres. The total volume of all extensions proposed as part of the scheme is just over 560 cubic metres. It is clear therefore that the total volume of all built form on the site will be significantly reduced as a result of the conversion. Given that the extensions are sensitively designed to be no higher than the existing buildings on the site, it is not considered that the extensions will have any detrimental impact on the openness of the green belt.
- 5.18 Transportation and Parking
The proposed access point into the site is as part that approved in the 'old' applications. Highway officers have confirmed there are no highway objections to the creation of a new access at this point. Ample space is provided on site to allow for the parking and manoeuvring of vehicles associated with the dwelling.
- 5.19 Landscaping
The plans show the planning of a copse in the field to the south of the new driveway. A number of local residents and the parish council are concerned that this additional planning will further impact upon views across the valley. As this copse is outside of the application red line, your officer is not able to condition its installation. Similarly however, the planting of vegetation on agricultural land does not require the benefit of planning permission. Your officer therefore cannot restrict the planting of trees on land not within the application site.
- 5.20 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document. The statement is very detailed and thoroughly explains the design rationale behind the scheme.
- 5.21 Use of Energy and Sustainability
None above building regulations statutory minima.
- 5.22 Improvements Achieved to the Scheme
During the course of the application minor alterations to the glazing and garden wall arrangements have been received to reduce the domestic appearance of the barn and to retain its historic character.
- 5.23 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended).

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 - Classes A, B, C, D, E, F, G and H, 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

To ensure the satisfactory external appearance of the development in the interests of visual amenity [and to protect the openness of the Green Belt and character of the Conservation Area and to accord with Policies D1, L2, L1, GB1, H10 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding previously submitted details, prior to the commencement of development, a detailed specification and schedule of proposed structural works, including the extent of any proposed demolition, shall be submitted to the Council for approval. No works shall be commenced until the Council has given written approval for the submitted details and the development shall be constructed exactly in accordance with the details so approved.

Reason

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in a sympathetic manner to ensure that the development is compatible with its surroundings.

4. Notwithstanding previously submitted details, prior to the commencement of development, the design and details including materials and finishes of the following shall be approved in writing by the local planning authority:
 - a. eaves
 - b. verges (including copings)
 - c. ridges
 - d. rainwater goods
 - e. all new windows (including cill and head treatments)
 - f. reveals
 - g. all external doors (including frames and fittings)
 - h. dormers
 - i. bargeboards
 - j. extract vents and flues
 - k. rooflights and all roof glazing
 - l. lintols
 - m. timber shutters

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. The scheme shall be implemented strictly in accordance with the approved details.

Reason

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in a sympathetic manner to ensure that the development is compatible with its surroundings.

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

Reason

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in a sympathetic manner to ensure that the development is compatible with its surroundings.

6. Notwithstanding previously submitted details, prior to the commencement of development a sample panel of facing stonework for the elevations of buildings, of at least one square metre shall be constructed on site to illustrate the proposed stone, coursing, mortar and pointing. The sample panel shall be approved in writing by the local planning authority and thereafter retained on site until the completion of the scheme to provide consistency. For the avoidance of doubt all stonework to be used in the development should be reclaimed. All development must be carried out exactly in accordance with the details so agreed.

Reason

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in a sympathetic manner to ensure that the development is compatible with its surroundings.

7. Prior to the commencement of development a sample panel of boundary walling stonework (including ha-ha) of at least one square metre shall be constructed on site to illustrate the proposed stone, coursing, mortar, pointing and coping detail. The sample panel shall be approved in writing by the local planning authority and thereafter retained on site until the completion of the scheme to provide consistency. For the avoidance of doubt all stonework to be used in the development should be reclaimed. All development must be carried out in accordance with the details so agreed.

Reason

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in a sympathetic manner to ensure that the development is compatible with its surroundings.

8. Notwithstanding previously submitted details, a representative sample of reclaimed natural roofing tile shall be submitted and approved in writing by the local planning authority. All development must be carried out exactly in accordance with the details so agreed.

Reason

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in a sympathetic manner to ensure that the development is compatible with its surroundings.

9. Notwithstanding the submitted plans and prior to the commencement of development a detailed landscaping plan shall be submitted to the local planning authority. The plan will include full details of all hard and soft landscaping, a planting scheme, details of any external lighting, details of all fixed planters, gate details, and full details of all means of enclosure within and around the site. If acceptable, the authority will give written approval to the details submitted. The proposed development shall thereafter be implemented strictly in accordance with the agreed details and thereafter so maintained.

Reason

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in a sympathetic manner to ensure that the development is compatible with its surroundings.

10. No windows other than those shown on the plans hereby approved shall be inserted at any time in the any elevations of the barn as extended and converted. For the avoidance of doubt this includes roof lights.

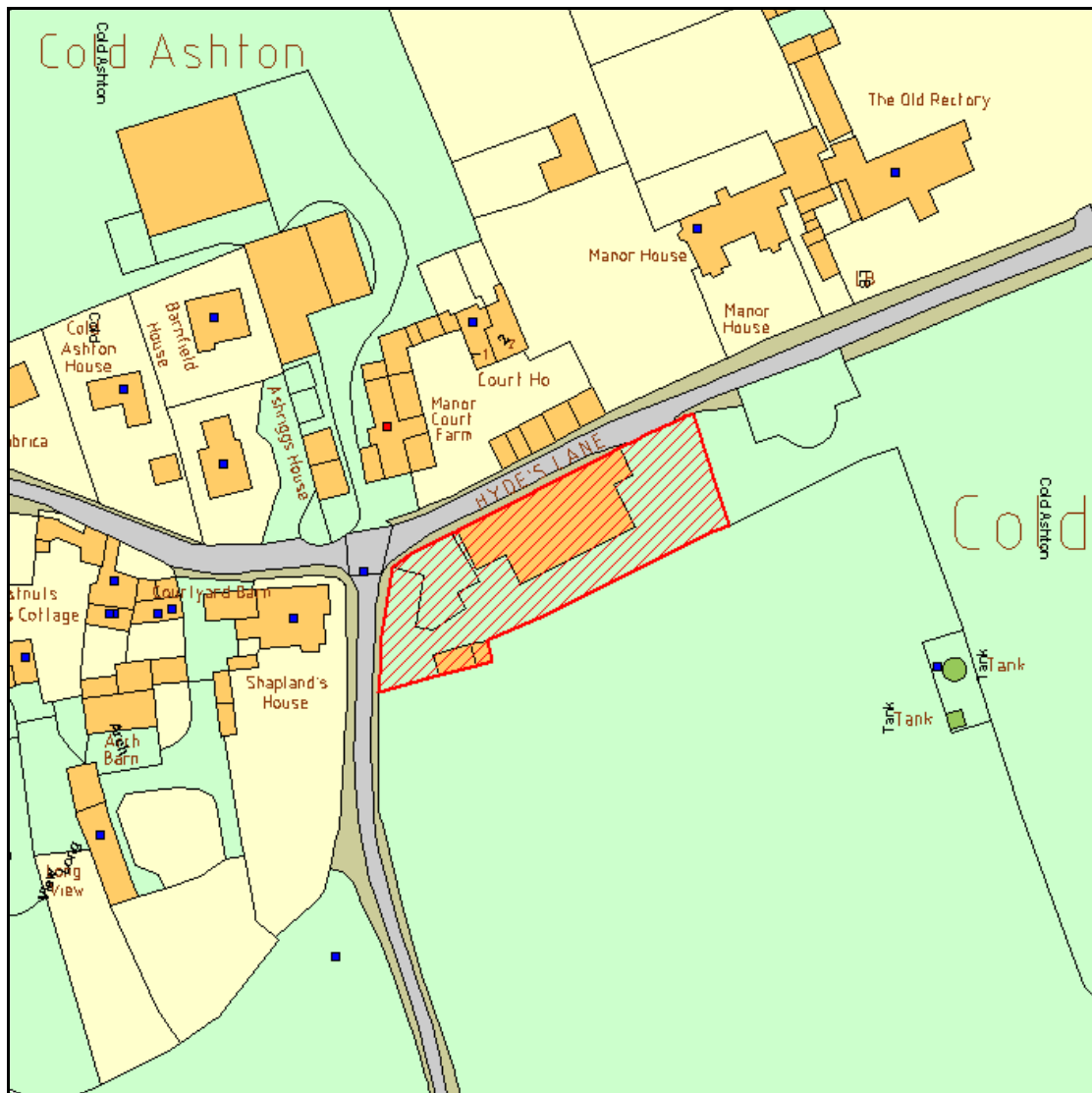
Reason

To ensure that the development serves to preserve the character and appearance of the conservation area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at PPG15 and policy L12 of the Adopted South Gloucestershire Local Plan. These are important details which need to be constructed in a sympathetic manner to ensure that the development is compatible with its surroundings.

CIRCULATED SCHEDULE NO. 36/09 – 11 SEPTEMBER 2009

App No.: PK09/1355/CA
Site: Long Barn Hyde's Lane Cold Ashton
Chippenham South Gloucestershire
Proposal: Demolition of 2no. outbuildings.
Map Ref: 374931 172594
Application Minor
Category:

Applicant: Mr C McAlpine
Date Reg: 23rd July 2009
Parish: Cold Ashton
Ward: Boyd Valley
Target 10th September
Date: 2009



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK09/1355/CA

INTRODUCTION

This application appears on the circulated schedule due to the receipt of one letter of objection from the Parish Council and 8 letters of objection from local residents.

1. THE PROPOSAL

- 1.1 The application seeks conservation area consent to demolish two agricultural buildings within the Cold Ashton conservation Area. One of the buildings is a modern detached outbuilding and the second building is a large modern extension to the main barn. The removal of both structures are required as part of the associated full planning application to convert the barn to a single dwelling house.

2. POLICY CONTEXT

- 2.1 National Guidance
Planning (Listed Building and Conservation Areas) Act 1990
PPG15 Planning and the Historical Environment
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
L12 Conservation Areas
D1 Achieving Good Quality Design in New Development

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1354/F Conversion of agricultural building with erection of single story extension to form 1 no. detached dwelling, erection of detached outbuilding and associated works. Demolition of existing modern agricultural buildings.
Officer Recommendation for approval September 2009 – appearing on the same Circulated Schedule.
- 3.2 PK00/3387/CA Works of demolition to facilitate conversion of barn to dwellinghouse (renewal of P95/2111/C)
Approved April 2001
- 3.3 PK00/3383/F Alterations and extension of agricultural building to form dwellinghouse. Construction of vehicular access. Erection of stone walls, fences, and carrying out of landscaping scheme (renewal of P95/2110).
Approved April 2001
- 3.4 P95/2111/C Works of demolition to facilitate conversion of barn to dwellinghouse.
Approved February 1996
- 3.5 P95/2110 Alteration and extension of agricultural building to form dwellinghouse. Construction of vehicular access. Erection of stone walls, fences and carrying out of landscaping scheme.
Approved February 1996.

4. **CONSULTATION RESPONSES**

4.1 Cold Ashton Parish Council

The Parish Council expresses three concerns regarding the replacement scheme:

1. Concern regarding size of new build
2. Worries about the visual impact of new build on village as you walk or drive through. Barn is big enough without new build
3. Application fine but out building and high wall to the west will greatly reduce the views going down through the village and landscape planting affect on the views of immediate neighbors.

Other Representations

4.2 Local Residents

8 letters of objection have been received from local residents. The letters do not appear to be objecting to the removal of the elements subject to this conservation area application but instead focus on the proposed replacement scheme. Nonetheless a summary of the points of concern raised is as follows:

- Considerable loss of view from the Cotswold Way and Cold Ashton Conservation Area
- No objections to the conversion of the barn but the proposed new extensions will effectively obscure 60% of the view from the junction
- The two buildings will enclose the corner and act as a high wall enclosing the corner
- The demolition of the two ugly modern farm buildings will certainly restore the view but the new extensions will be a blot on the landscape and destroy the view point forever
- The views are mentioned in the Conservation Area Booklet and should be preserved
- There is a sense of balance and proportion at this site in the heart of the village
- Existing views from Shapland House will be lost
- Planting should be restricted as it will further block views
- Proposed entrance is not safe onto a single track road
- This is a very large barn and should need any extension to convert to a single dwelling
- The trade off to demolish a trivial low profile modern agricultural building to add an extension is unnecessary nonsense
- The previous application approved in 2000 was more suitable

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of the Proposal

The demolition of a building or buildings is not regarded as development for the purposes of the Town and Country Planning Act. As such, planning permission is not required for the demolition of a building or buildings. However, it is necessary to gain Conservation Area consent for the demolition of buildings within a designated conservation area. The subject buildings are located in the Cold Ashton Conservation Area hence the requirement for this application.

- 5.2 Essentially, the purpose of an application for Conservation Area Consent is to assess the merit and value of the subject buildings in terms of their contribution to a conservation area in terms of its visual character and historical context. These issues must be assessed upon their own merits independently of any application for the redevelopment of the site. These matters are addressed below.
- 5.3 Visual Amenity, Character and Historical Considerations
Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 is intended to protect the character and visual amenity of conservation areas from development that would be harmful in that regard. The policy states that the demolition of buildings or structures which make a contribution to the character or appearance a conservation area will not be permitted without good reason. The issue for discussion is whether the buildings to be demolished make a contribution to the character of the conservation area.
- 5.4 The two elements for demolition are of no architectural or historic interest and it is considered that their removal and the development proposed will on balance preserve the character and appearance of the conservation area. Whilst the two buildings have served their agricultural purpose well, they do not contribute to the character of the conservation area. There are no objections to the principle of the redevelopment of the site or the demolition of the two buildings which at present have a harmful visual impact on the character of the conservation area.
- 5.5 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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 Conservation Area consent is to be GRANTED subject to the following conditions.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

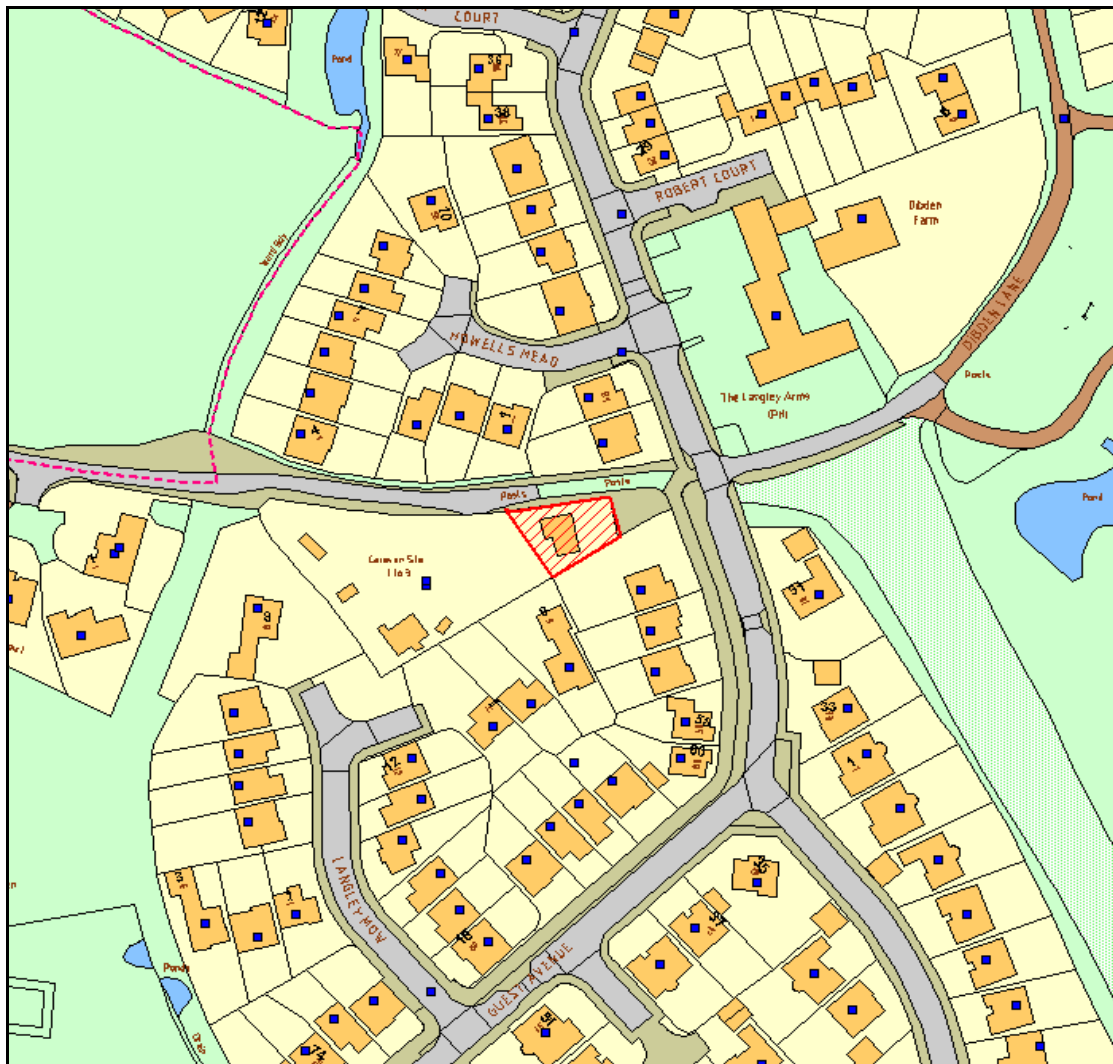
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 36/09 – 11 SEPTEMBER 2009

App No.:	PK09/1426/CLE	Applicant:	Mr And Mrs C Stevens
Site:	1 Dibden Lane Emersons Green Bristol South Gloucestershire BS16 7AF	Date Reg:	3rd August 2009
Proposal:	Application for Certificate of Lawfulness for an existing use of land for the stationing of a residential caravan and associated use of land as a garden.	Parish:	Mangotsfield
Map Ref:	366730 177359	Ward:	Emersons Green
Application Category:	Minor	Target Date:	23rd September 2009



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK09/1426/CLE

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of land for the stationing of a residential caravan and associated use of land as a garden. The application therefore seeks to demonstrate that the land has been used for residential purposes with associated residential caravan for a period in excess of ten years.
- 1.2 The site consists of a single building situated on a plot of land located on the western side of Guest Avenue. The site is 327 sq.m in area. The site adjoins Dibden Lane to the north and residential properties to the south.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK07/2803/CLE Application for certificate of lawfulness for existing use of site as residential and existing use of building and single detached dwelling.
Approved October 2007
- 3.2 Since the granting of the last certificate of lawfulness, the applicants have had a new mobile home installed on site. Because of the wording of the last CLE application, this new mobile home is not therefore currently allowed. The change of wording on the certificate will allow the applicant to occupy the site for residential purposes and to change his mobile home without the need to apply for further planning consent.

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
Recommend approval of the application based on the criteria given.

Other Representations

- 4.2 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 5 letters have been received from Bristol residents in support of the scheme. The letters confirm they are aware that the claimant has lived on the land for various periods in excess of ten years.

In addition the following evidence has been supplied:

- 12 x A4 sheets of photographs
- An undated newspaper extract noting the death of Leanda Davies
- A birth certificate of Leanda Stevens dated 6th October 1937
- A marriage certificate dated 25th October 1929
- Estate documents dated 29th December 1973
- Caravan Insurance Document dated 18th September 1956
- Site Licence document dated 28th August 1961

6. SUMMARY OF CONTRARY EVIDENCE

6.1 None Received.

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the land identified within the red line has been in a residential use in excess of 10 years prior to the date of this application. A certificate of lawfulness was granted in October 2007 to confirm that at this time, the land had been used for the stationing of a mobile home for residential purposes for a period in excess of ten years. The only issues that needs addressing in this application therefore is whether the land, on the balance of probability, has been in continuous residential use since October 2007.
- 7.3 In determining this application, the Council has given little weight to the photographs, birth and marriage certificates, and other insurance documents as none of the photographs are dated and the documents all precede 2007. Weight is given however to the letters from Mrs O'Brian, J O'Brian, J Hayes, and Mrs Dagger. Mrs O'Brian confirms that the claimant has resided at the property as a main family home for nearly forty years, J O'Brian confirms that the claimant has resided on the site for at least 20 years, J Hayes confirms that the claimant and his wife have lived on the site for 43 years, and Mrs Dagger confirms that the claimant and his wife have resided at the property for almost 40 years.
- 7.4 Aerial photographs held at the Council confirm that a mobile home has been stationed on the land since 2007. No evidence has been received that contradicts the evidence put forward by the applicant.

8. CONCLUSION

8.1 Having regard to the above, it is considered that the evidence presented by the applicant proves that, on the balance of probability, the land subject of this application has been used for the stationing of a residential mobile home and associated use of land as garden for a period in excess of 10 years.

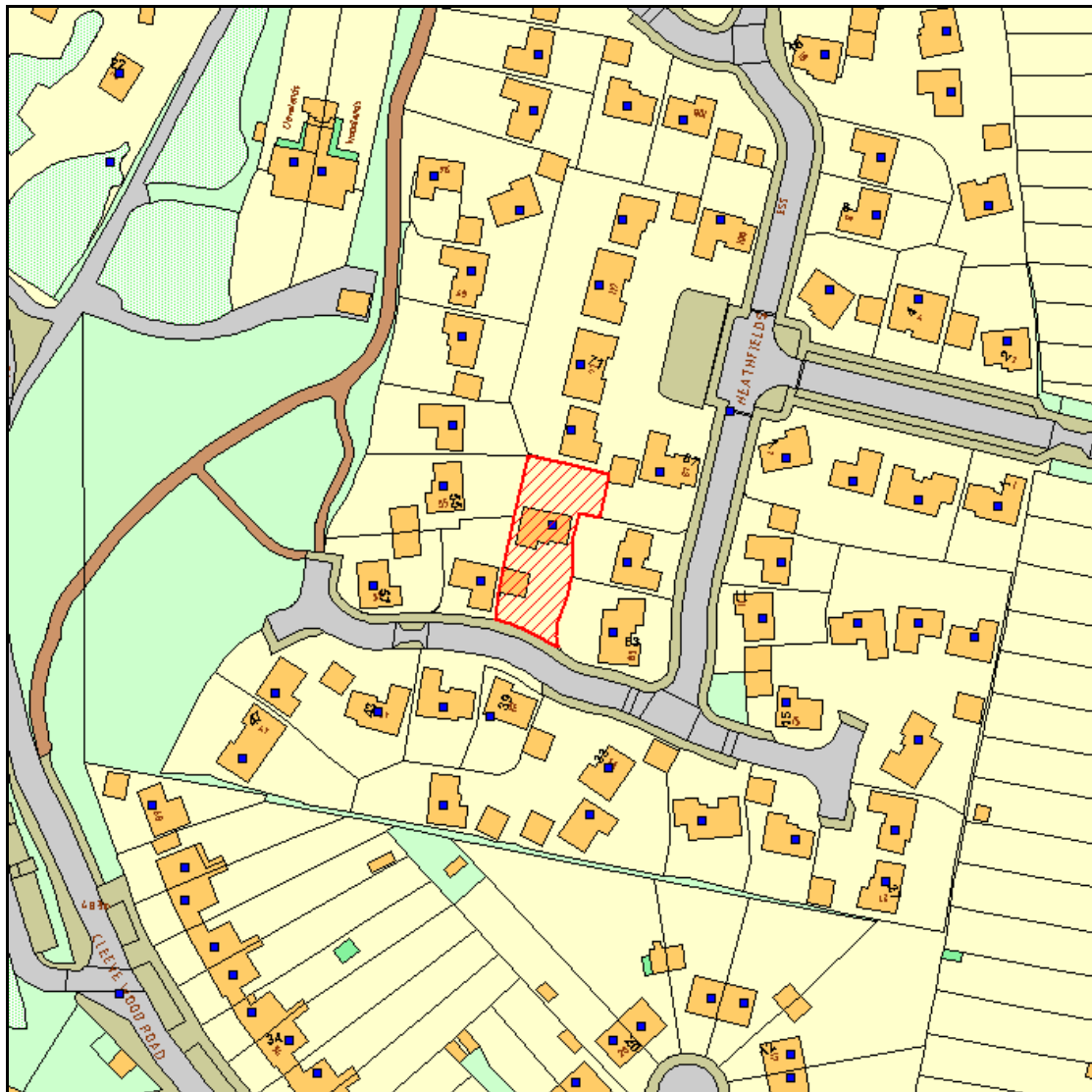
9. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 36/09 – 11 SEPTEMBER 2009

App No.:	PK09/5071/F	Applicant:	Mr R Clarke
Site:	61 Heathfields Downend Bristol South Gloucestershire BS16 6HT	Date Reg:	11th August 2009
Proposal:	Erection of front porch and single storey front extension to provide additional living accommodation (Re-Submission of PK09/0638/F)	Parish:	Downend And Bromley Heath
Map Ref:	364602 177620	Ward:	Downend
Application Category:	Householder	Target Date:	23rd September 2009



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK09/5071/F**

INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of local residents' objections.

1. THE PROPOSAL

- 1.1 This is a re-submitted planning application seeks permission for the erection of a front porch and a single storey front extension at No. 61 Heathfields, Downend. The proposed front porch would measure 2.4 metres wide by 1.4 metres deep and 3 metres high to its ridge. The proposed single storey extension would measure 3.5 metres deep by 3.7 metres wide and 3.4 metres high to its ridge.
- 1.2 Previous planning permission was refused for the following reason:
- ‘The proposed front extension, by virtue of its location and scale, would cause significant overbearing impact upon the neighbouring property, No. 59 Heathfields, to the detriment of residential amenity.
- 1.3 The difference of the proposal is the roof design and the depth of the front extension.

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
South Gloucestershire Council Advice Note No 2 Extension

3. RELEVANT PLANNING HISTORY

- 3.1 P98/4837 Erection of conservatory
Approved 11.12.98
- 3.2 PK04/2161/F Erection of single storey rear extension to form additional living accommodation.
Approved 03.08.04
- 3.3 PK09/0638/F Erection of front porch and single storey front extension to provide additional living accommodation.
Refused 28.05.09

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection

Other Representations

- 4.2 Local Residents
Two letters of objections are received by local residents raising the following concerns:

- Overbearing impact
- The extension would block the morning sunlight
- Loss of view
- Out of keeping with the overall design and character of the existing property
- Out of keeping with the character of the area
- Over-development of the site
- Design of window is not in keeping with the existing windows
- Loss of privacy
- There is an existing conservatory, which is not shown on the drawings.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extension to existing dwellings and development within existing curtilages, subject to there being no adverse impact on existing visual and residential amenity.

- 5.2 Visual Amenity
There are two elements of this proposal.

The proposed front porch would be slightly set back from the two-storey front gable. Officers consider that the porch is modest in scale and subservient. It is also considered that the design would be acceptable.

Although the extension would have a hipped roof, which would be different from that of the host dwelling, the proposed extension would be located behind an existing double garage and it would be a single storey structure. It is therefore considered that the extension would not cause significant harm to the character and appearance of the host dwelling and the area.

5.3 Residential Amenity

The property is a two-storey dwelling with a front gable. The dwelling is approximately 8.4 metres to its ridge and most part of dwelling is adjacent to the rear garden of the neighbouring property, No. 59 Heathfields.

The previous scheme was refused due to its overbearing impact upon the adjacent property, No. 59 Heathfields. The current scheme would have a reduced depth and a hipped roof. The proposed front extension would be approximately 3.5 metres deep and its gable end would be approximately 1.8 metres from the existing detached garage. The eaves of the proposed extension would be approximately 2.4 metres above ground level. The extension would be slightly set back from the side elevation of the host dwelling and would be approximately 1.7 metres from the side boundary with No. 59 Heathfields. Although the location of the extension is the same as that of the previous proposal, on balance, officers consider that the proposed extension would not cause significant overbearing impact upon the adjacent property, No. 59 Heathfields, due to its hipped roof, reduced depth.

One window is proposed to the side elevation and it would be overlooking a turning space. As the proposed extension is only a single storey structure and the windows would be approximately 9 metres from the eastern boundary. It is considered that the proposal would not cause significant overlooking upon the neighbouring property, No. 65 Heathfields.

A rooflight is proposed on both side elevations of the roof plane. As these rooflights would be approximately 2.5 metres above ground level, it is considered that the proposed rooflights would not cause any loss of privacy upon the adjacent properties.

5.4 Other issues

The proposal would still maintain a reasonable sized amenity space, it is therefore considered that it would not overdevelop the site.

A local resident is concerned that the proposal would cause the loss of view. Nevertheless, it would not be material consideration of planning application.

It is acknowledged that there is an existing conservatory at the rear of the property, however, officers do not consider that it would materially affect the assessment of this scheme.

5.5 Design and Access Statement

This is a householder application, therefore the Design and Access Statement is not required.

5.6 Use of Energy and Sustainability

No requirement negotiated above Building Regulations.

5.7 Improvements Achieved to the Scheme

Not required.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 39/09 – 11 SEPTEMBER 2009

App No.:	PT09/1003/F	Applicant:	Mrs L De Rosa
Site:	Easter Compton Post Office Main Road Easter Compton South Gloucestershire BS35 5RE	Date Reg:	1st June 2009
Proposal:	Change of Use from Post Office (Class 1) to Residential (Class C3) as defined in Town and Country Planning (Use Classes Order) 1987 (as amended). Erection of first floor rear extension, front porch and alteration to existing access to form 2 no. dwellings.	Parish:	Almondsbury
Map Ref:	3572300 1824740	Ward:	Almondsbury
Application Category:	Minor	Target Date:	27th July 2009



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT09/1003/F**

INTRODUCTION

This application appears on the Circulated Schedule following the receipt of a representation from Almondsbury Parish Council which was contrary to the case officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the conversion of the existing post office (Class A1) to form 2 no. dwellings. The development also includes the erection of a first floor rear extension, front porch and alterations to the existing access.
- 1.2 The application site is rectangular in shape and is approximately 0.03ha in area. The site comprises of a semi-detached post office and its associated curtilage. The site is adjoined by residential dwellings to the side, to rear of the site there is an established yard, and opposite the site there is the public house known as 'The Fox', this is a Grade II listed building.
- 1.3 The site is situated within an established residential area which is situated within Easter Compton defined settlement boundary and the Bristol and Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

PPS1:	Delivering Sustainable Development
PPG2:	Green Belt
PPS3:	Housing
PPG13:	Transport
PPG15:	Planning and Historic Environment

2.2 Development Plans

Joint Replacement Structure Plan (Adopted) September 2002 (Saved Policies)

Policy 1:	Sustainable development objectives
Policy 2:	Location of development
Policy 16:	Green Belt
Policy 33:	Housing provision and distribution

South Gloucestershire Local Plan (Adopted) January 2006

D1:	Achieving Good Quality Design in New Development
H2:	Residential Development within Defined Settlement Boundaries
H5:	Residential Conversions
RT11:	Retention of Local Shops, Parades, Village Shops and Public Houses
GB1:	Development within the Green Belt
T8:	Parking Standards
T12:	Transportation Development Control Policy for New Development
L17&L18:	The Water Environment

- 2.3 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 P84/2065 Erection of detached double domestic garage.
Approved on 12th September 1984
- 3.2 P84/1267 Erection of an enclosure for the storage of L.P.G.
Approved on 25th July 1984
- 3.3 P84/1124 Alterations & extension to improve post office, new kitchen, dining room & double garage.
Approved on 8th March 1994
- 3.4 N2870/2 Erection of single storey front extension to create additional retail floor area. Erection of single storey rear extension to form kitchen and utility room. Erection of a detached double garage.
Refused on 29th September 1983
- 3.5 N2870/1 Erection of a single storey rear extension to form utility room, conservatory and W.C.
Approved on 23rd August 1979

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
The Parish Council are very concerned over the loss of an amenity. We feel that the conservation officer's comments need to be addressed. There are concerns over the lack of space to manoeuvre a vehicle on the driveways, as the exit is onto a busy section of road within the village and vehicles are not allowed to reverse out onto a main road, we think that consultation with highways is needed.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for change the use of the existing post office (Class A1) to two dwellings (Class C1). This development must therefore accord with the policies RT11, H2, H5, and GB1 of the adopted South Gloucestershire Local Plan. The main issues to assess are the loss of a retail use and conversion to form a new residential uses.

5.2 The loss of a retail use

Policy RT11 of the adopted local plan seeks to retain individual shops within village centres. The policy states that change of use applications will not be permitted unless: -

A. The proposed use would not result in an over concentration of non-shop uses in a village centre or be detrimental to the vitality, viability, retail and social function of that centre; or

B. There are satisfactory alternative retail facilities available in the locality; or

C. It can be demonstrated that the premises would be incapable of supporting a retail use; and

D. The proposed use would not result in an unacceptable environmental or transportation effects, and would not prejudice residential amenity.

5.3 Policy RT11 would permit the principle of the proposed change of use providing that application can demonstrate that it satisfies either criteria A, B, or C. On this basis the key issue to be addressed through the assessment of this planning application is whether or not there are satisfactory alternative retail facilities available in the locality.

5.4 The application site is situated within the village of Easter Compton. In terms of existing facilities within the settlement, there is the retail unit subject to this application, a village stop (Lippiatts Stores) and a public house. The existing unit currently serves as a gift shop and a post office. It is considered that the village shop sales a wide range of convenience goods and fulfils the needs of the community. On this basis, it is considered that there are suitable alternative facilities available in the locality.

5.5 It is noted the development would result in the loss of the post office. This is considered to be an important community facility. The applicant was questioned on this matter, and they confirmed that they had given to the Post Office of their intention to close the shop. The onus is upon the Post Office to find a new suitable location within the village. As such the local authority could not resist this application on the grounds of loss of the post office. Nevertheless, given the remaining retail facilities available in the locality it is reasonable to expect the post office to find an alternative site if they so wished.

5.6 Conversion to form two residential dwellings

Policy H5 permits the re-use of buildings for residential purposes providing that they; -

A. Would not prejudice the character of the surrounding area; and

The proposed development would involve the demolition of the existing front extension, the erection of two front pitched roofed porches, the erection of a two storey rear extension, and the formation of two front gardens. It is considered that the proposed extensions would be proportionate to the host

building and would respect the character and appearance of the building and the street scene.

The proposed drawings show that two front gardens would be created within the existing car park to the front of the existing shop. It is considered that the principle of this would be acceptable because a distinctive characteristic of Easter Compton is of cottages which are set back from the highway behind gardens which are enclosed by 600mm high random stone walls. It is considered that the detailing of the landscaping is essential to the success of the scheme. It is therefore recommended that condition is attached to ensure a full landscape scheme is approved prior to the commencement of the development.

It is noted that the site is situated opposite a Grade II Listed Building. Conservation Officers considered that the development was an improvement given the demolition of the existing flat roof extension. However it was requested that a condition to agree external facing material prior to the commencement of the development.

B. Would not prejudice the amenities of nearby occupiers; and

The proposed development would include a two storey extension which would project from the rear elevation along the boundary with the adjacent property. The extension would exceed the rear building of this adjacent property by 2m. It is considered that this would not result in a material overbearing effect. Moreover, the extension would not include any windows which would have direct inter-visibility in to habitable rooms or the amenity space of the adjacent dwelling. On this basis, it is concluded that the proposed development would not harm residential amenity.

C. Would identify an acceptable level of off-street parking; and

Representations received from Almondsbury Parish Council have raised concerns with regard to transportation. The Councils Transport Engineer has concluded that the change of use from post office to 2 dwellings would lead to an overall reduction in the level of traffic generated and so in principle this proposal is acceptable. An on-site turning area is preferable from a class 2 road though there will be no material change from the existing situation. The level of parking provided would accord with council standards.

There was some concern with regard to the accuracy of the submitted plans in relation to the public highway at the front of site. This issue has been raised with the applicant and amended drawing have been submit which show the correct location of the public highway.

D. (In the case of buildings not previously used for residential purposes) the property is located within the boundaries of settlement, as defined on the proposal map.

The site is within the Easter Compton settlement boundary.

In view of the above, it is considered that the proposed development would accord with Policy H5 of the adopted local plan.

5.8 Green Belt

The proposal consists of front and rear extensions that are modest in size and scale. It is considered that the cumulative impact of these two additions would see a proportionate increase in the cubic volume of the host dwelling. Moreover, the property is within the Easter Compton settlement boundary where infill development is appropriate development. On this basis, it is concluded that there would be no significant adverse impact upon the 'openness' of the Green Belt. The proposal complies with Policy GB1 of the Local Plan.

5.9 Private Amenity Space

Each of the dwellings would be allocated with a private garden. It is considered that this would be of a sufficient size to cater for the basic outdoor needs of the occupiers.

5.10 Drainage

The Council's Drainage Engineer has concluded that they had no objection to the scheme, subject to informatives advising that the new hard standing is required to ensure surface water run-off is retained at source and that water should not be discharged over the public highway. On this basis it is considered that the proposed drainage arrangement would be satisfactory.

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.

5.12 Use of Energy and Sustainability

None.

5.13 Improvements achieved to the scheme

None.

5.14 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 to be **GRANTED** subject to the following condition(s): -

Contact Officer: Peter Rowe
Tel. No. 01454 863131

CONDITIONS

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

Reason

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

2. Prior to the commencement of development 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 and prior to the first occupation of the dwelling hereby permitted.

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); 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 and implemented by first planting season following the first occupation of the dwelling hereby permitted. For the avoidance of doubt, the boundary treatment along the frontage of the site, in terms of its design, materials, colour, and size, shall match the standard boundary treatment of other properties within the street scene (e.g. dwarf random stone walls).

Reason

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

ITEM 6

CIRCULATED SCHEDULE NO. 36/09 - 11 SEPTEMBER 2009

App No.:	PT09/1158/F	Applicant:	Moonstone Therapy Centre Appeal
Site:	Land at Wheatfield Drive Bradley Stoke South Gloucestershire BS32 9DP	Date Reg:	23rd June 2009
Proposal:	Erection Of A New Multiple Sclerosis Therapy Treatment Centre.	Parish:	Bradley Stoke
Map Ref:	3617030 1824610	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Minor	Target Date:	14th August 2009



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PT09/1158/F**

INTRODUCTION

This application appears on the Circulated Schedule as there are comments from local occupiers which are contrary to the officer recommendation. The site is located within the settlement boundary for Bradley Stoke. Wheatfield Primary School is located to the South, with residential properties located to the east.

1. THE PROPOSAL

- 1.1 The site consists of an open area of ground adjacent to Bradley Stoke Way and off Wheatfield Drive.
- 1.2 The proposed development site takes the majority of this site with the exception of a smaller area within the land which is excluded for the purposes of this application. This area of land is shown as being vacant for future development on the submitted plans. The proposal details a modest single storey building to provide specialist accommodation for the treatment of patients with Multiple Sclerosis. It is also proposed to provide parking and turning facilities within the site. Vehicular access is proposed from Bradley Stoke Way.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
S3 Proposals for Social Services Provision (Site Allocation and Developer Contributions)
D1 Achieving Good Quality Design in New Development
T7 Cycle Parking
T8 Parking Standards
T9 Parking Standards for People with Disabilities
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT01/2785/F Erection Of A New Multiple Sclerosis Therapy Treatment Centre.
Approved; section 106 legal agreement signed 25th May 2007

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council

No Comments have been received

4.2 Sustainable Transport Team

No Objection subject to a section 106 legal agreement to cover the required highway and access works as set out in drawing number C113 / 003 Rev B; and the provision of £5000 in order to set up the appropriate Traffic Regulation Order.

4.3 Local Residents

Four letters have been received including one from Wheatfield Primary School. These letters raise the following concerns;

The proposed access route from Bradley Stoke Way will increase the noise disturbance to the residential properties at 123, 125 and 127 Wheatfield Drive.

There is a greater risk to pedestrians using the footway along Bradley Stoke Way

The proposed development may cause issues with traffic using Bradley Stoke Way

The previous time restrictions should stay in force. Opening the proposed centre earlier than 9 am will impact upon an already congested roads with commuters and school traffic whilst opening later than 7:30 pm will impact upon the amenities of adjoining residential occupiers.

The proposed pedestrian access arrangements (from Wheatfield Drive) and unclear landscaping proposals may allow access through the site beyond normal opening hours so causing a security and pollution risk for adjoining residential occupiers.

There may be light pollution affecting residential properties

There is concern that the development will result in the loss of a hedgerow of historical importance

There is concern that the presence of the Esso Pipeline has not been adequately addressed by the applicant.

There is concern that the applicant will not pursue the Bradley Stoke Way access proposal due to implementation problems caused by the Esso pipeline crossing this part of the site and adjacent highway land.

The Design and Access Statement states that the adjacent land is vacant, suggesting that no activity would take place upon it. However, this land is owned by South Gloucestershire and is designated as Playing Field and Sports Pitch for Wheatfield Primary School.

There is concern over the use of the 'surplus' land identified in the planning application and the public consultation required in connection with the future use.

There is uncertainty about the pre-commencement conditions attached to the previously approved application and whether or not these are to be relaxed as part of this planning application

There is concern over the management of vehicular access to the site will be managed during construction. If Wheatfield drive is to be for construction access then this should be routed via Dewfalls Road and that restrictions are in place to prevent movements during school arrival times. Construction parking should be directed to underused car parking facilities in the locality in order to prevent congestion of local roads.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the construction of a Multiple Sclerosis Therapy Treatment Centre with associated access and car parking. This would provide treatment facilities for sufferers of Multiple Sclerosis as well as being able to cater for other degenerative diseases with a similar course of treatment. The applicant sets out that proposed development would act as a replacement for the existing Bristol and West Multiple Sclerosis Centre at Nailsea, as the existing centre is poorly located and has become insufficient and sub-standard with no scope for expansion. The applicant also sets out that proposed site and development would provide a long intended replacement and improved facility. The applicants estimate that there are as many as 1700 sufferers of Multiple Sclerosis within the catchment of this site and that up to a third of those are expected to use the centre.
- 5.2 Principle of Development
Planning permission was granted for the development of this site for a Multiple Sclerosis Centre under PT01/2785/F. This consent is subject to condition and the terms set out in the associated section 106 legal agreement in respect of the provision of a new access of Bradley Stoke Way. The section 106 legal agreement was signed on 25th May 2007 and as such this consent remains valid. In this respect the principle of the proposed development is established.
- 5.3 The site is allocated under Policy S3 of the South Gloucestershire Local Plan (Adopted) January 2006 for use for Social Services. In this instance, the proposed development continues to detail a Multiple Sclerosis Centre. This is consistent with the requirements of Policy S3 and as such the proposal detailed is acceptable in principle. The detailed consideration is set out below.
- 5.4 Notwithstanding the above, when compared with the existing consent, this planning application details the use of a smaller proportion of the site for the development of the Multiple Sclerosis Centre. The remainder of the site allocation is outlined in blue and shown for future development. This area of land is not within the application site and as such cannot be considered as part of this application. However, the excluded area of land remains to be allocated under policy S3 of the South Gloucestershire Local Plan (Adopted) January

2006. Any further proposal for the provision of social services or any other use cannot be considered until the submission of a further planning application.

5.5 Design, Layout and Landscape Considerations

The proposed building is located to the western area of the site with the area of land reserved for future development in the eastern part of the site. The proposed access is shown off Bradley Stoke Way and following the East boundary of the site with car parking along the southern boundary. Ancillary storage and air conditioning plant is located to the western boundary with bin storage to the southern boundary.

5.6 The position of the building and the location of the proposed access are similar to that which has been approved under PT01/2785/F. The building proposed under this application is smaller in respect of its foot print and it is proposed to construct the building across two phases due to the funding mechanism for the project.

5.7 In respect of the design of the building, it is modest in scale and modern in appearance, utilising a 'split' low pitched roofing system designed to include high level windows to improve internal natural lighting. The external finishes will consist of a mixture of brickwork, render, aluminium insulated panels and specialist curtain walling system. It is also proposed to utilise a modern profiled roofing system. The proposed materials are set out in the submission and this demonstrates the principle colours of those materials. In this instance, the proposed materials are considered acceptable and the appearance of the building (across the proposed phased construction) is acceptable in this context.

5.8 The structure of the proposed building is designed to be adaptable to accommodate changes in accommodation requirements. The two phased proposal will ultimately result in a layout based upon an internal 'street' format designed to provide a 'non-clinical' open space centrally within the building. This would accommodate a café, reception and seating area with treatment rooms, Hyperbaric Oxygen Suite, gym and other associated accommodation.

5.9 The external spaces are predominantly occupied by car parking and vehicular circulation space. It is proposed to provide a garden area to the northern area of the site (overlooking Bradley Stoke Way). A comprehensive planting scheme has been provided as part of this application along side a comprehensive vegetation survey which details the retention and protection of existing trees and hedges. Essentially, it is envisaged that the vast majority of the existing vegetation will be retained albeit with the removal of a thin strip of hedgerow so as to allow the proposed pedestrian access from Wheatfield Drive. It is considered that the retention of the existing vegetation combined with the high quality landscaping proposed would ensure an acceptable approach. On this basis the previous conditions attached to PT01/2785/F requiring landscaping information are not required with any consent of this application.

5.10 Notwithstanding the above, the landscaping proposals do not include details of the surface treatments. It is anticipated that such treatment will be required to provide a permeable surface where practicable (to support the principle of

- providing sustainable drainage methods as set out below) and this would be reflected in the choice of materials. The exact detail of materials can be agreed by way of an appropriately worded condition.
- 5.11 Subject to the submission of further details set out above, it is considered that the proposed development is acceptable in respect of design, layout and landscaping and as such satisfies the requirements of Policy S3, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006; and the South Gloucestershire Design Checklist.
- 5.12 Residential Amenity
Concern has been raised as to the impact of the proposed development upon the residential amenity of the occupants of nearby dwellings; in particular numbers 123, 125 and 127 Wheatfield Drive which abut the eastern boundary of the site. Concern is raised specifically in respect of the impact of the proposed access (which would be positioned adjacent to the rear boundaries of the properties). It should be noted that the proposed access is consistent with that which currently has approval and is available for implementation. Nonetheless, in traffic generation terms, it is not anticipated that this proposal would generate a significant level of vehicular movements. In the context of existing noise levels from traffic using Bradley Stoke Way, it is not considered that there would be any material impact in respect of residential amenity as a result of vehicular movements on this site.
- 5.13 The valid planning consent (PT01/2785/F) carries restrictive conditions in respect of opening hours. This condition is in place to protect the amenities of the occupants of nearby dwellings. The applicant has set out that such a restrictive condition would interfere with the accessibility of the facility for patients outside normal working hours and has suggested that this condition is not necessary. It is considered that the proposed use is not one which would necessarily generate unacceptable noise levels. Consideration has been given in respect of vehicular movements above and is considered acceptable. It is considered reasonable to allow users of the facility to access them at reasonable times outside normal working hours. It should be noted that the proposed centre would not provide emergency medical accommodation and as such would not be required to be open for a 24 hour period. Rather the opening hours would be dictated by the operational needs of the centre and its staff. As such, it is very unlikely that the centre would remain open beyond reasonable waking hours. On this basis, it is considered that a restrictive condition is not necessary or reasonably required such that planning permission would otherwise be refused; and as such does not meet the tests contained in circular 11/95.
- 5.14 With regards to the proposed building itself, this is located well away from the nearest residential dwelling such that there would be no overlooking or overbearing impact. Car parking is located along the boundary with the adjacent primary school and as such would not result in any material impact in amenity terms. An external lighting plan has also been submitted which demonstrates the use of modern low level street lighting equipment which are generally designed to minimise light spill and concentrate light into the areas where it is required. The plan also shows the relative lighting intensity within the

- site and at the boundaries of the site. This demonstrates that a minimal amount of light will occur at the edges of the site and as such there would not be an unacceptable amount of light affecting the adjacent dwellings.
- 5.15 On the basis of the above, it is considered that the proposed development is acceptable in respect of residential amenity and is consistent with the requirements of Policy S3 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.16 Future Use of the Area of the Site Excluded from this Application
There is concern expressed as to the future use of the area of land excluded from this planning application. The applicant has set out that this land is considered to carry potential for a further community use compatible with the proposed use detailed in this application. The applicant anticipates that this would also provide additional funding for the operation of the proposed centre.
- 5.17 Wheatfield Primary School and local residents (through consultations by the applicant associated with this application) has expressed that the site could be used as a pre-school nursery. However, the applicant has indicated that the site could be used for a Learning Disability Centre.
- 5.18 Essentially, the site is allocated for the provision of social services under policy S3 of the South Gloucestershire Local Plan (Adopted) January 2006. Any area of the site remaining after development will retain this allocation. It is not possible to consider the future use of the site beyond the application site through this planning application and as such any future proposal will need to be assessed, on its merits at a later date.
- 5.19 Esso Pipeline
Concern has been raised as to the impact of the proposed development in respect of the Esso Pipeline which crosses the position of the site proposed to form the access onto Bradley Stoke Way. Issues are also raised as to the impact of necessary works to the pipeline upon the viability of the proposal.
- 5.20 It is acknowledged that the pipeline exists and the agent (Fischer German Chartered Surveyors) acting on behalf of Esso Ltd has been notified in respect of the proposed development. The agent has indicated that there is no objection to the proposal provided that safe working practices and covenants are adhered to. This is essentially a matter between the applicant and Esso during the implementation of development on this site. This issue of whether these requirements would make the development unviable are not for consideration under this planning application and is a matter purely for the applicant to consider, however there is no suggestion that it would not be possible nor safe to develop the site. Indeed the principle of a development of this nature at the site has been granted and remains extant.
- 5.21 Transportation
The original submission under PT01/2785/F detailing a Multiple Sclerosis Centre was made on the basis of accessing the site from Wheatfield Drive. Where officers at the did not consider that this would be objectionable, Members of the Development Control (West) Committee resolved to allow the

- development provided that it would be accessed from Bradley Stoke Way. Accordingly, a revised proposal was seen at a later committee detailing access from Bradley Stoke Way; where it was resolved to approve the development (subject to an appropriate s106 legal agreement).
- 5.22 This submission is made on the basis of providing vehicular access from Bradley Stoke Way, with limited pedestrian access being available from Wheatfield Drive. It is considered that in respect of the capacity of the highway, the proposed development would not materially impact upon highway safety or amenity. However, officers have sought to improve the access proposals off Bradley Stoke Way through negotiation in order to ensure that it would comply with highway safety standards. As with the previously approved proposal, the access is configured as a 'left turn in' and 'left turn out' only arrangement with a traffic island preventing right turn access. However, in this instance, the arrangement has been altered to accommodate the combined cycle and pedestrian route on the South side of Bradley Stoke Way. These improvements have now met the requirements of the Highways Development Control officer and are sufficient to meet the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006. It is also considered that the proposed vehicle parking, cycle parking and turning provision are acceptable and also comply with the requirements of Policy T12, T7, T8 and T9 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.23 Notwithstanding the above, concern has been raised as to the potential for the proposed pedestrian access (off Wheatfield Drive) to encourage users of the Centre to park vehicles on Wheatfield Drive and access the site on foot. This would be possible, however, given that there is the provision of vehicular parking within the site it is unlikely that users would elect to park a vehicle on Wheatfield Drive in favour of using the onsite parking facilities; and as such should parking occur on Wheatfield Drive this would not be to any material extent. Also, given that the attendance of the centre would be on a pre-arranged basis it is unlikely that the level of proposed parking would be over-subscribed so forcing the parking of vehicles on Wheatfield Drive. Nonetheless, the provision of a pedestrian access from Wheatfield Drive would provide for a more sustainable choice of access from residents requiring the services of the proposed centre who live within a walking and it is considered that this access should be provided as proposed.
- 5.24 In respect of the pedestrian access, local residents have also raised concern that this would allow easy access through the site so providing a short-cut between Wheatfield Drive and Bradley Stoke Way; and in doing so would result in a security risk to dwellings backing onto the site. In fact, the proposed access would be gated during times where the proposed centre is closed and this would reduce the opportunity to gain access to the site during 'sleeping' hours. Where it is accepted that the opportunity would be available to access this 'short-cut' during opening hours this is a civil matter for the owner of the site to address.

5.25 Access during Construction

Concern has been raised as to the practicality of accessing the site during the construction of the proposed development. In particular objection is raised to the potential for construction traffic to access the site from Wheatfield Drive.

5.26 In this instance it is considered that a temporary construction access can be provided from Bradley Stoke Way which would be in the same location as the proposed access detailed within this submission. This can be carried out without the need to provide the restrictions required once the development becomes operational. It is also possible to require this access arrangement (as apposed to using Wheatfield Drive) by way of an appropriately worded condition. However, it is not possible to prevent construction operatives from parking off site where this would take place on the public highway as it would not be lawful to do this through this planning application; similarly, it is not possible to force an agreement with a third party so as to allow or require operatives to park vehicles on nearby public car parks. Nonetheless, it would be for the applicant to provide on site parking for construction vehicles and so discourage parking within the public highway in the interest of maintaining good neighbour relations. An informative can be used to draw attention to the applicant on this matter.

5.27 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.

5.28 Use of Energy and Sustainability

In this instance, the proposed building is design to a very high standard and will be required to meet the minimum requirements for energy conservation under the building regulation legislation.

5.29 Improvements achieved to the scheme

Officers have negotiated improvements in respect of the access to the site. This is address above.

5.30 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 highway works required in respect of the new access onto Bradley Stoke Way are appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) within 12 months to secure the following:
- i. The implementation of works (inc supervision fees and a bond) and a financial contribution towards a Traffic Regulation Order (TRO) which prohibits right turns and u turns in order to implement the proposed access as detailed upon the approved plans.
- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the Section 106 Agreement not be completed within 12 months of the date of determination then the application be refused or returned to the Circulated Schedule for further consideration on this basis.

Background Papers PT09/1158/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

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

2. No later than three months from the date of the commencement of the development hereby approved, 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 Policies L17 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No later than three months from the date of the commencement of the development hereby approved details of all hard surfacing treatments and materials shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details and shall be retained as such unless otherwise 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.

4. The development of 'phase two' of the development hereby permitted shall be begun before the expiration of three years from the date of the commencement of this development.

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.

5. The development hereby approved shall not be occupied until the vehicular access to the site from Bradley Stoke Way has been provided and completed in accordance with drawing number C113/003 Rev B (as received by the Council on 20th July 2009) and with the written agreement of the Local Planning Authority. Thereafter the development shall be retained as such.

Reason

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 the development, full details setting out the method of accessing the site during the construction of the development hereby approved (including all construction deliveries and provision of vehicular access for site construction workers) shall be submitted to and agreed in writing by the Local Planning Authority. The construction access shall be provided in accordance with the agreed details and shall be maintained as such for the duration of the construction of the development; or until such time that permanent access arrangements are in place from Bradley Stoke (in accordance with the requirements of Condition 5 of this planning permission). For the avoidance of doubt, the construction access shall take place only from Bradley Stoke Way and shall not take place from Wheatfield Drive.

Reason

To minimise disturbance to occupiers of nearby dwellings on Wheatfield Drive and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

7. The hours of working on site during the period of construction shall be restricted to 08:00 until 18:00 on Monday to Friday inclusive and 08:00 until 13:00 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

To minimise disturbance to occupiers of nearby dwellings on Wheatfield Drive and to accord with Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The applicant shall notify the Local Planning Authority in respect of the commencement of development hereby approved within 5 working days of the commencement of the development.

Reason

In order to assist the Local Planning Authority to monitor the commencement of the development in respect of the requirements of conditions 2, 3 and 4 of this decision notice.

CIRCULATED SCHEDULE NO. 36/09 – 11 SEPTEMBER 2009

App No.:	PT09/1385/F	Applicant:	Exec D Cockerell
Site:	Rose Cottage Knapp Road Thornbury Bristol South Gloucestershire	Date Reg:	28th July 2009
Proposal:	Erection of single storey detached outbuilding to form Granny Annex (Retrospective)	Parish:	Thornbury
Map Ref:	364959 190420	Ward:	Thornbury North
Application Category:	Householder	Target Date:	18th September 2009



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PT09/1385/F**

INTRODUCTION

This application appears on the Circulated Schedule in view of the comments received from one neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for the erection of a single-storey detached building to provide annex accommodation.
- 1.2 The application site comprises a detached two-storey dwelling on the west side of Knapp Road, Thornbury.
- 1.3 The application comprises a resubmission of application PT08/1223/F that was approved last year. It has been submitted because the completed development is marginally larger than that previously approved. At the time of the Officer site visit, the external walls were to be rendered, the roof tiled and the building fitted internally.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG13: Transport
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: Development within Residential Curtilages
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
L18: The Water Environment
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P88/2424: Alterations and extension to existing cottage to form lounge, kitchen, utility room and WC with three bedrooms and two bathrooms over. Permitted: 8 September 1988
- 3.2 P88/3191: Erection of dwelling with integral garage on site of existing cottage. Permitted: 6 December 1988
- 3.3 P89/2863: Bay window in front elevation. Permitted: 25 October 1989
- 3.4 P92/1458: Change of use from public open space to private garden. Permitted: 20 May 1992
- 3.5 P98/1925: Erection of dwelling and garage. Permitted: 28 August 1998

- 3.6 PT02/1484/F: Side and rear single-storey extensions to form summer and utility room. Permitted: 10 June 2002
- 3.7 PT06/2818/F: Erection of first floor extension above existing detached double garage to facilitate part conversion to form ancillary accommodation. Refused: 9 November 2006
- 3.8 PT07/3484/F: Erection of two-storey rear extension to form ancillary granny annex. Withdrawn: 10 January 2008
- 3.9 PT8/1223/F: Erection of single-storey detached granny annex. Permitted 5 August 2008

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council
No objection

4.2 Other Consultees
No comments received

4.3 Summary of Local Residents Comments

One letter received expressing the following concerns:

- o The writers' property borders the application site by at least 2m and they have not been informed of the application;
- o This is the second time this address has been omitted- please can the Council's records be amended;
- o Although too late to influence the process, it is considered that the development is not an annex but a full scale bungalow comprising an over development of the area;
- o It is built far too close to the 'boundary border'.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for the principle of development within residential curtilages subject to considerations of design, residential amenity and highway safety. Further, it cites that where extensions are capable of separate occupation (e.g. residential annexes) but lack an acceptable level of separate parking provision or amenity space, the Council will impose a condition to ensure its use as ancillary to the host dwelling.

5.2 Design/ Visual Amenity

The application site forms a detached two-storey dwelling on the west side of Knapp Road, Thornbury. The dwelling benefits from a detached double garage to its southern side.

5.3 The application seeks retrospective permission for a detached single-storey annex that stands in the rear garden within 2m of the host dwelling. It provides all facilities necessary to cater for independent living including a kitchen/ diner,

- hall, cloakroom, lounge and ensuite bedroom. It benefits from a small porch and separate patio doors overlooking the garden whilst is encompassed by a pitched roof.
- 5.4 The application forms a resubmission of PT08/1223/F that granted permission for a similar structure. This application has been submitted because as built, the proposal is marginally larger in size measuring 4.8m in depth as opposed to 4.5m and 12.75m in length as opposed to 12.45m; it is understood that these alterations have not altered the height of the proposal. Its overall design is considered to remain the same albeit with one set of patio doors on the front elevation replaced by a window.
- 5.5 At the time of the previous application, it was noted that this application formed the third submission in respect of annex accommodation with the first showing a first floor extension above the garage to create a two bedroom property; this was refused for reasons relating primarily to its cramped appearance within the street scene. The second detailed a two-storey extension behind the dwelling but by reason of its design would have appeared as a second dwelling (again including two bedrooms). In view of its size, design and positioning this was again considered to be unacceptable and thus was subsequently withdrawn.
- 5.6 In this instance, as per the approved scheme, the proposal would be single-storey and provide one bedroom. Its design is considered more acceptable appearing less like a new dwelling; nevertheless, by reason of the facilities included, it remains tantamount to the creation of a new dwelling. However, planning policy H4 doesn't prohibit such development but details that where the proposal lacks an acceptable level of parking/ amenity space, a condition will be attached.
- 5.7 In view of the above, and given the previous permission, it is not considered that planning permission can be reasonably withheld subject to an appropriately worded condition to ensure that the proposal remains as ancillary living accommodation. To this extent, in view of the close relationship between the host unit and annex, it is considered unlikely that the Council would ever come under pressure to remove this condition.
- 5.8 For the above reasons, the proposal is considered to be acceptable with a design that would be in keeping with the general character of the area and of a size (albeit marginally larger than the previously approved scheme) that would remain ancillary to the host dwelling. Accordingly, there is no objection to the current proposal on this basis.
- 5.9 Residential Amenity
The proposal would adjoin the shared flank boundary with 13 Lavender Close. This unit forms a two-storey detached property that is inset from the boundary and which faces southwest. Its flank elevation overlooks the site of the build with this wall limited to a kitchen door and first floor landing window. As such, it is not considered that any significant adverse impact in residential amenity would be caused.

5.10 All other neighbouring dwellings stand at an appreciable distance from the site of the proposal. Therefore, it is not considered that any significant adverse impact in residential amenity would be caused.

5.11 Outstanding Issues

In response to the concerns raised, the neighbouring property concerned is shown to have a more remote relationship with the application site on the Ordnance Survey map with only the corner tips of these properties touching. Nonetheless, given the relationship between the annex and this neighbouring property (having regard to its siting, orientation and scale) it is not considered that any significant adverse impact in residential amenity would be caused. The annex is also well screened from this property by the coniferous trees to the rear of the applicant's garden.

5.12 The previous permission contained a condition relating to the submission of drainage details. This condition has not been discharged thus it is recommended that it be also imposed on this application if approved.

5.13 Design and Access Statement

A Design and Access Statement is not required as part of this application.

5.14 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 GRANTED subject to the following conditions:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

1. The materials to be used in the construction of the external surfaces of the annex 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.

2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the building hereby approved.

Reason

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

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

Reason

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

4. Prior to the use or occupation of the development hereby permitted, and at all times thereafter, the proposed ensuite and bathroom windows in the rear elevation of the building shall be glazed with obscure glass to at least level 3 standard.

Reason

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

5. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Rose Cottage.

Reason

In view of the site size, the relationship between the proposal and the host dwelling and to protect the privacy and amenity of all occupiers (including neighbouring occupiers), all to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.