

**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 50/14

Date to Members: 12/12/14

Member's Deadline: 18/12/14 (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 **by email 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**

**PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN
TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control 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

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 and 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 Planning Manager 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. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- 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.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

Dates and Deadlines for Circulated Schedule
Christmas & New Year Period 2014

Schedule Number	Date to Members 9am on	Members Deadline
51/14	Friday 19 Dec 2014	5pm Monday 29 Dec 2014
52/14	NO SCHEDULE	THIS WEEK
01/15	Wednesday 31 Dec 2014	5pm Thursday 08 January 2015

Above are details of the schedules that will be affected by date changes due to the Bank Holidays at Christmas & New Year 2014/15

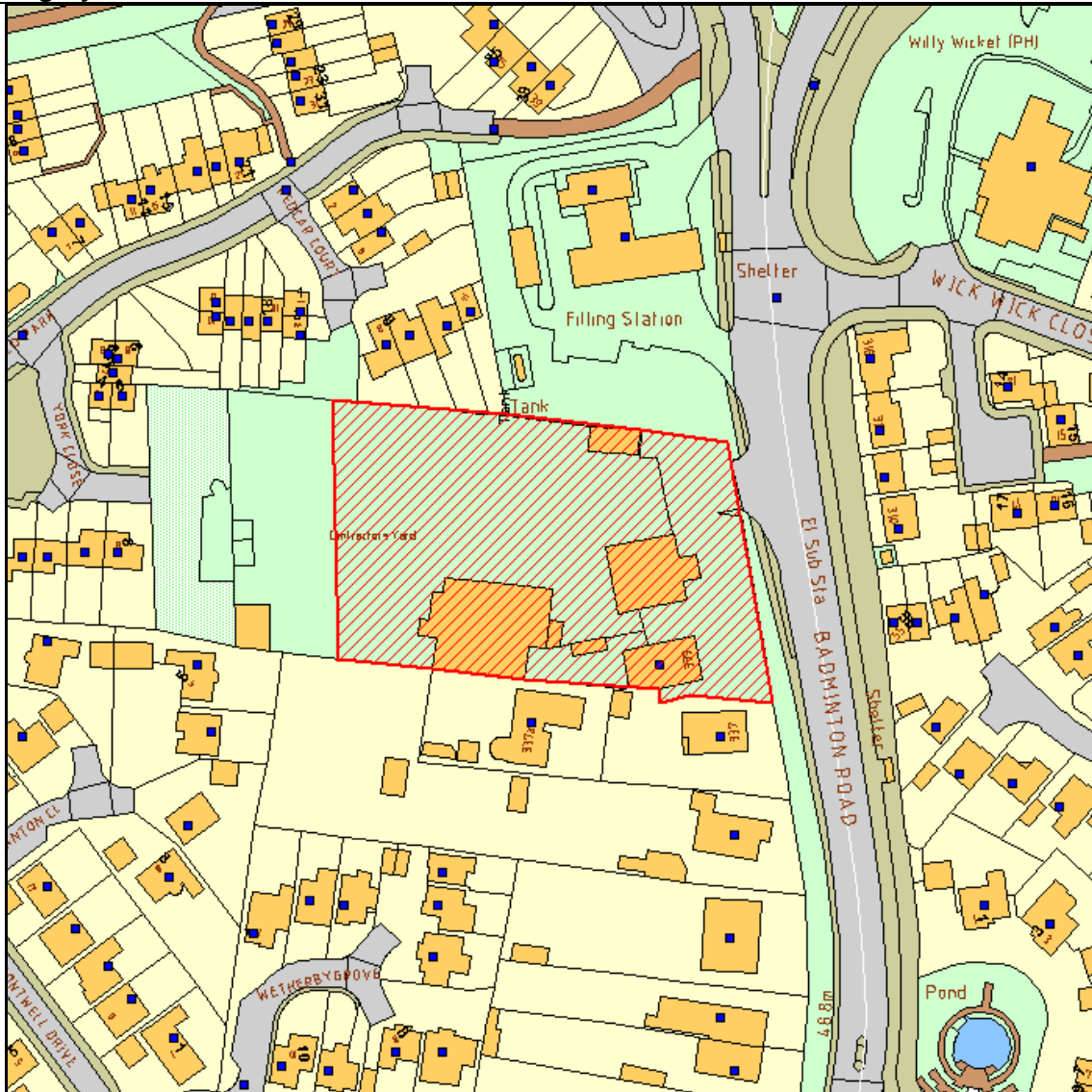
All other deadline dates remain as usual.

CIRCULATED SCHEDULE – 12 DECEMBER 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/2710/F	Approved Subject to	Badminton Road Downend South Gloucestershire	Downend	Mangotsfield Rural Parish Council
2	PK14/2774/F	Approve with Conditions	Units 3 - 5 Hillside Mews Riding Barn Hill Wick South Gloucestershire BS30 5PA	Boyd Valley	Wick And Abson Parish Council
3	PK14/2942/F	Approved Subject to	Land To Side And Rear Of 59 Poplar Road Warmley South Gloucestershire BS30 5JX	Oldland	Bitton Parish Council
4	PK14/3299/RV	Approve with Conditions	Mangotsfield Primary School Church Farm Road Emersons Green South Gloucestershire BS16 7EY	Emersons	Mangotsfield Rural Parish Council
5	PK14/3894/F	Approve with Conditions	Land Between 199 And 201 North Road Yate South Gloucestershire BS37 7LG	Ladden Brook	Iron Acton Parish Council
6	PK14/3945/F	Approve with Conditions	Bottoms Farm Cottage Bottoms Farm Lane Doynton South Gloucestershire BS30 5TJ	Boyd Valley	Doynton Parish Council
7	PK14/3998/F	Approve with Conditions	89 High Street Marshfield Chippenham South Gloucestershire SN14 8LT	Boyd Valley	Marshfield Parish Council
8	PK14/4203/AD	Approve with Conditions	Land At The Badminton Arms Badminton Road Coalpit Heath South Gloucestershire BS36 2QJ	Westerleigh	Westerleigh Parish Council
9	PK14/4264/R3F	Deemed Consent	Iron Acton Primary School Wotton Road Iron Acton South Gloucestershire BS37 9UZ	Frampton Cotterell	Iron Acton Parish Council
10	PK14/4354/F	Approve with Conditions	67th Kingswood Scouts 1st Mangotsfield Scout Group The Scout Hall Northcote Road Mangotsfield South Gloucestershire BS16 9HF	Rodway	None
11	PK14/4469/F	Approve with Conditions	13 Engine Common Lane Yate South Gloucestershire BS37 7PX	Ladden Brook	Iron Acton Parish Council
12	PT13/4286/F	Approve with Conditions	Hillcrest 22 Down Road Winterbourne Down South Gloucestershire BS36 1BN	Winterbourne	Winterbourne Parish Council
13	PT14/2938/F	Approve with Conditions	Unit 1 Severn View Industrial Park Central Avenue Hallen South Gloucestershire BS10 7SD	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
14	PT14/3807/F	Approve with Conditions	13 Quarry Lane Winterbourne Down South Gloucestershire BS36 1DB	Winterbourne	Winterbourne Parish Council
15	PT14/4230/F	Approve with Conditions	79 Lavender Close Thornbury South Gloucestershire BS35 1UL	Thornbury North	Thornbury Town Council
16	PT14/4329/TRE	Split decision See D/N	Ableton Court Ableton Lane Severn Beach South Gloucestershire BS35 4PY	Pilning And Severn Beach	Pilning And Severn Beach Parish Council

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PK14/2710/F	Applicant:	Codex Land PCC And Avery Healthcare (Bristol) Ltd
Site:	Badminton Road Downend Bristol South Gloucestershire	Date Reg:	20th August 2014
Proposal:	Demolition of existing buildings and erection of 76 no. bed care home (Use Class C2) and associated works	Parish:	Mangotsfield Rural Parish Council
Map Ref:	365115 176725	Ward:	Downend
Application Category:	Major	Target Date:	7th November 2014



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100023410, 2014.

N.T.S.

PK14/2710/F

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of existing office and vehicle maintenance workshop buildings and the erection of a 76-bed care home (Use Class C2) at No. 339 Badminton Road, Downend. The proposal would provide 25 parking spaces, 2 disability spaces and 8 cycle spaces within the site.
- 1.2 The site is located within an urban area of Downend and is near to a roundabout of A4174. The site is situated within a primary residential area and there is a petrol filling station to the north of the site. Along the frontage of Badminton Road there are a two-storey detached building, which was used as an office, and a single storey building which was used as a garage/workshop. There is also large parking area in front of these building. At the rear there is a single storey lean-to building abutting the boundary of a residential property No. 337 Badminton Road, and a large building vehicle maintenance workshop. All these buildings are currently vacant will be demolished to make way for the development. The proposed building would be of a half-hexagon shaped with secluded private garden area. The proposed building would be finished with brick, block and pebble dash under Forticrete gemini grey slate tile. The proposed building would be 2- storey in height with a full hipped roof.
- 1.3 The proposed building would provide 76 bedrooms, a lounge, dining area, library, office, beauty spa, activities rooms on the ground and first floor, and a large kitchen, plant rooms and storage rooms in the basement, and a cinema on second floor roof area. The applicant has stated that the proposal would result in the creation of 76 full-time jobs.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 2012
Technical Guidance to the National Planning Policy Framework 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

EP2 Flood Risk and Development
L1 Landscape Protection and Enhancement
L11 Archaeology
LC1 Provision for Built Sports, Leisure and Community Facilities
LC2 Provision for Education Facilities
T12 Transportation Development Control Policy
T7 Cycle Parking
T8 Parking Standards

South Gloucestershire Local Plan: Core Strategy (Adopted) 2013

- CS1 High Quality Design
- CS2 Green Infrastructure
- CS3 Renewable and Low Carbon Energy Generation
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS11 Distribution of Economic Development Land
- CS13 Non-Safeguarded Economic Development Sites
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS20 Extra Care Housing
- CS24 Green Infrastructure, Sport and Recreation Standards
- CS25 Communities of the North Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (Adopted) 2013
 South Gloucestershire Design Checklist (Adopted) 2007
 Extra Care / Affordable Housing SPD (Adopted) May 2014 (Section 9)

3. RELEVANT PLANNING HISTORY

- 3.1 K243 Outline application for the erection of an extension to existing office building floor area and the erection of vehicle maintenance workshop and store. Refused 16.10.1974
- 3.2 K243/1 Renovation and extension of existing office accommodation and replacement of buildings in rear yard by new workshop. Approved 17.04.1975
- 3.3 K243/2 Use of land for the siting of two single storey 'portakabin' temporary buildings to be used as office accommodation. Approved 20.09.1977.
- 3.4 K243/3 Use of land for the siting of two single storey 'portakabin' temporary buildings to be used as office accommodation. Approved 11.12.1979
- 3.5 K243/4 Lean-to extension to yard shed for equipment housing mess room & shower. Approved 12.12.1980
- 3.6 K243/5 Use of land for the siting of one temporary 'portakabin' building to be used as office accommodation. Approved 10.02.1982
- 3.7 PK14/2711/ADV Consent to display 4 no. non illuminated fascia and 1 no. temporary non illuminated hoarding sign. Approved 26.11.2014.

4. CONSULTATION RESPONSES

4.1 Downend and Bromley Heath Parish Council

Objection.

- a. Due to insufficient parking spaces for the size of the development and also the number of occupants and employees and support staff.
- b. There will be no GP services as from Autumn 2014 when Leap Valley Surgery relocates to Beaufort Road, Mangotsfield.
- c. The Green Travel Plan as presented does not reflect the current bus services that operate outside this development.
- d. We have a concern about the access and egress into the main site from Badminton Road, due to the fact that it is a heavily congested junction with traffic lights very nearby and close to an accident black spot.

Mangotsfield Rural Parish Council

No objection in principle to the building. However, the committee has concerns over whether there is enough car parking provision for staff, visitors and others. The committee would like to reinforce that the Framework Green Travel Plan should continue to be developed and improved.

4.2 Other Consultees

Wessex Water

The location enjoys existing connections to the existing public sewerage system. In broad there is adequate current spare capacity for predicted domestic type foul flows from a 75 bed care home; point(s) of connection subject to application and agreement.

In accordance with NPPF guidelines surface water should discharge via SuDs arrangements or via public surface water sewers if SuDs are not possible and public surface water sewers are available for connection in the near vicinity of the site.

Highway Drainage

No objection subject to the planning conditions are imposed to seek details of surface water drainage and proposed run off rates to minimise flood risk.

Highway Officer

No objection provided that the appropriate planning conditions to be imposed and the applicant agrees to enter an appropriate legal agreement to carry out the highway work and to make a financial contributions towards the TRO, upgrading the bus stop with 'real time information' and improvement of mobility impaired between the site and the nearest bus stop.

Environmental Protection Team

No objection subject to planning conditions seeking details of mitigation strategy and their implementation.

The historic use of the site as a contractor's compound/highways depot may have caused contamination which could give rise to unacceptable risks to the proposed development. The Land Quality Statement has been submitted in respect of potential for contamination:

The report summarises previous ground investigations that have been undertaken on site and supplements these with additional ground investigation works. In summary, the investigations have identified potential contaminants that may require remediation in order to ensure the development site is suitable for its proposed end use ie a care home with landscaped areas.

Urban Designer

Objection to the original scheme. The Design & Access statement fails to provide a thorough context appraisal or explain how it responds to local distinctiveness. Consequently the proposal is indistinct and bland. The applicant should be aware that Downend (Cleve Hill, Cleve Lawns, Overdale Road, Bromley Heath Road, Cleve Wood Road) comprises some distinct clusters of 1930's (arts & crafts) influenced detached and semi-detached properties. A more thorough appraisal of such locally distinct properties, in terms of forms, materials, details, chimney positions etc) should be undertaken to assist inform materials / detailing etc.

Landscape Officer

Landscape Officer advises that there is an opportunity to include some larger growing species as there is room to do so in a number of areas.

No landscape objection to the proposals with regard to policy CS1 and retained Local Plan policy L1, however it would be necessary to seek a detailed planting plan to be submitted for approval as a condition of planning.

Arboricultural Officer

There are no objections to the principle of the proposal however a tree protection plan and a plan showing the root protection areas of the trees will be necessary. If any of the proposed works are due to take place within the RPA of the trees then detailed arboricultural method statements will also be required. This will include removal of existing hard-standing.

Highway Structures

No comment

Crime Prevention Design Advisor

The applicant has made reference to Crime Prevention on page 11 of the Design and Access statement however the detail is not sufficient to form an opinion on security at the site.

The Advisor raises the following security issues:

The perimeter 1.8 metre fence on Badminton Road elevation is shown in some drawings as stopping on the entrance to the site whilst the 3D drawings show it continuing up to the reception area clarification is needed on which it will be.

There is mention of electronic gates at the site entrance although no further detail.

The entrance into reception is via two sets of sliding doors the inner set should be on access control. Once inside reception there appears to be no restriction to the stairs or lift which give access to upper floors. It is not clear whether the double doors in the reception area are controlled to restrict access into the core of the building.

It is not clear whether the external ground floor doors and windows including glazing meet any security standard e.g. PAS 24:2012.

There is reference to Secure, weather proof and well-lit cycle stands are provided within the site for the use of staff and visitors although it is not clear how this will be achieved.

There is mention of cctv although the purpose and standard of any system is not clear.

Community Services:

Financial contribution is not required due to the nature of the proposed development.

Provision of POS:	To be provided on site
Maintenance of POS	To be maintained by the care home
Library Contributions	Provided on site

Other Representations

4.3 Local Residents

Four letters of objections have been received and the resident raise following concerns:

Parking issues:

The proposed parking arrangements are inadequate when considering the requirements of staff, visitors and support facilities, as the area cannot currently cope with off road parking.

I believe the allocated 25 parking spaces to be inadequate and can foresee visitors parking outside my house.

Parking is somewhat restricted in Westons Brake and on the Badminton Road, whilst the other side roads and cul de sacs near by are already often full with on road parking because of the residents alone. In addition the Willy Wicket and Wick Wick Close always appear to be full and it has been suggested these

areas are already used as car drop off parking areas by the public to gain access to other areas of the city via the major Bristol commuter arteries through car sharing and the local bus connections.

I have worked in a small local 26 bed care home for 14 years and frequently the 12 parking spaces at that home are insufficient for the needs. The result will be people will be forced to park either on Badminton Road or in the surrounding streets. It should be noted that this stretch of Badminton Road is a known accident black spot.

Based on my experience in addition to the bulk Food deliveries there is likely to be a number of deliveries of fresh fruit and vegetables each week.

In respect to Refuse collection. There will be more than one collection as the Refuse will obviously be split down into general waste, recycling and clinical waste which will be collected by different vehicles.

In respect to Visitors I consider the 2-8 vehicular movements a day (relatives, volunteers etc) to be far too low. It is not clear as to whether visits by doctors and other professionals have been included in this etc. This group present a significant number when all the professionals involved in the care of residents are considered. For example there will be visits by Social workers, Audiologists, Dentists, Opticians, chiropodist, Physiotherapists, Hairdressers, Council Safeguarding team members, Staff trainers.

There will also be at least weekly deliveries of cleaning materials and similarly medication.

Traffic issues:

Disruption to the local residential community during the build and ongoing traffic concerns on completion. There would be an increase in traffic volumes and access requirements to an already busy road system and in particular a few hundred metre stretch of road which is a well known accident black spot.

Green Travel Plan

The green travel plan and existing proposed on site facilities are insufficient to cope with additional transport requirements and there is therefore concern as to the impact on the local community.

The green transport policy document does not consider the impact on neighbouring residential streets of staff who wish to drive and are not allocated spaces under the prioritisation policy. It assumes that staff will be encouraged to car share in order to be allocated a parking space whereas it will be just as easy to park in residential areas. A green transport policy will not encourage many staff or visitors with cars to give up their convenient mode of transport. The estimation of visitor spaces also seems inadequate since there are 'peak times' when working friends and relatives are able to visit. There is likely to be an adverse impact on the local communities for want of a few more parking spaces. In terms of road safety on Badminton Road, will vehicles exiting the site be restricted to left turns only toward the roundabout similar to the petrol filling station?

Boundary fence

I chose this community as there is no obvious wooden fencing communally which is never supported by the local authority and falls into disrepair within 10 years or so. By keeping the wall it will ensure some semblance of tidiness.

Overlooking window from 337A Badminton Road

Looking at the plans now it would appear that there could be a large window directly overlooking our back garden, the view is partly obscured by a tree apparently in our garden although we do not have any trees. I would like it clarified if this is a window, and if so does it have obscured glass?

Letters of support are also received:

- The proposal would improve the look of the area when compared to the current site
- This development will turn a disused site into an attractive building and surrounding landscaping
- It would be ideal for local people for jobs
- Overall, the plans look very good

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal under consideration here is for the erection of a 76 bed care home. The principle of providing an extra care facility is considered to be acceptable as it is a previous developed site (i.e. brownfield site) and is located within an urban area, and the site is not a safeguarded or designated employment site.

Paragraph 14 of the NPPF states that there is “a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking”. It goes on to state that proposals that accord with the development plan should be approved “without delay”. Policy CS20 of the Council’s development plan states “in order to assist in meeting emerging need, and creating sustainable, inclusive and mixed communities, the provision of Extra Care Housing will be required in South Gloucestershire”.

Policy CS13 of the adopted Core Strategy states that proposals for change of use on economic development sites not safeguarded in Policy CS12 within the urban areas will not be allowed unless it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use. The principle of this policy is to prevent further losses of smaller scale employment opportunities in the context of pressure to meet housing targets. The proposal is to erect a 76 bed care home, although the proposal would have an element of residential use and would cause a loss of an existing office and workshop buildings, the proposal would provide 76 full-time jobs as a result, and this would have significant benefits to the economic development within the locality and the area of South Gloucestershire. Officers therefore consider that the proposal would comply with Policy CS13 of the adopted Core Strategy.

The proposed care home is located near to the roundabout of A4175, and is located within an urban area of Downend. It is considered that the site is

situated within a sustainable location and is proportionate in scale to the locality.

The proposal is considered to accord with the principle of Policy CS20 and the NPPF and the proposal is therefore acceptable subject to the following detailed assessment in terms of design, transportation, residential amenity, drainage, the environment.

5.2 Urban Design and Visual Amenity

The Council Urban Designer originally raised objections to the proposal as it was considered that the Design & Access statement failed to provide a thorough context appraisal or explain how it responds to local distinctiveness. Consequently the proposal is indistinct and bland.

In order to address officers' concerns, the applicant submitted information to demonstrate that a further study has been carried out in terms of the identification some of the prevalent local details. Subsequently, the revised elevations submitted incorporate some of the local vernacular detailing, for example, rendered gables with timber soffit details and changing two dormers to hipped dormers.

It should be noted that the proposal would likely become a landmark building in the locality. It would not be necessary to incorporate all local architectural features onto the proposal. It is considered that the revised proposal, in terms of materials and design, would reflect the character and appearance of the area, and would achieve high standard of quality in design.

Officers therefore have no objection to the proposal subject to a planning condition to seek details and samples of the external materials.

5.3 Landscape issues

Officers acknowledge resident's concern over the use of the timber fence. The majority of the boundary treatment would be brickwork, and a mix of brickwork and railings along the main road. It is proposed to install timber fence along the northern boundary, which would not be highly visible from the public domain, i.e. Badminton Road, and therefore would not cause unacceptable impact upon the street scene.

In regard to landscaping there are areas for amenity trees and shrub along Badminton Road and the proposed access. Officers consider that there is an opportunity to include some larger growing species within the site.

It is considered that the proposal is considered to be acceptable in term of landscape impact subject to a planning condition to seek a detailed planting plan.

5.4 Transportation

Whilst the proposal is for redevelopment of a "brownfield" site with commercial use, which could restart without a need for planning permission, there are issues that require attention.

The applicant proposes to use the existing access off Badminton Road to serve the development. At the entrance, site access is considered to be too wide and there is no connecting footway. Given the nature of the proposal (i.e. care-home), it is appropriate for the existing access to be amended and to provide new footway leading in to the site. To address the officers' concerns, a revised site plan has been submitted to amend the existing access and to provide a new footway.

In terms of parking, it is proposed to provide total of 25 parking spaces for this development, which is for a 76 beds care-home. Limited parking on site has been recognised by the applicant who has provided a "travel plan". Although, the document can be a useful tool to encourage staff travelling by more sustainable means of travelling, it does not include targets. To assist with accessibility to the site, the Council would seek 1) improvements towards assisting mobility impaired by providing tactile paving at nearby junctions and 2) to improve public transport by providing "Real Time Information" facility at the nearest bus stop.

Whilst, the future residents of the proposed care-home would not be car owners or drivers, the applicant estimates that there would be some 70-90 staff employed and working at the care home in 3 shifts, with a maximum of 24 staff change over times at 8.00, 14.00 and 20.00. The busiest time for traffic generation from the site would be when shifts change-over. In addition, there would other traffic associated with the visitors, doctors and other medical specialist visits, food deliveries, refuse collection, etc.

In view of this and coupled with the fact that the proposed level of parking on site is constrained, there is concern about potential overspill of parking elsewhere onto the public highway. The road outside the development is Badminton Road, which is part of the A432 a principal classified highway with much commuting traffic using it. Any potential parking on Badminton road or the adjoining residential streets would clearly be harmful from road safety point of view. In consideration to this therefore, it would be necessary for the Council to take action to prevent inappropriate on street parking.

The applicant is proposing to amend the site entrance and to relocate a lamp column as well as provide tactile paving either side of the entrance. These works are on the public highway and as such are best secured under a s106 legal agreement. Likewise, financial contribution as identified below should be covered under an appropriate legal agreement. The Highway Officer has no objection to the proposal provided that the applicant first enters into an appropriate legal agreement to provide the following mitigating measures:

1. To amend site access to include footway connection into the site from the public highway including tactile paving either side of the new junction.
2. Financial contribution up to £10,000 incurred in connection with any Traffic Regulation Orders for waiting restrictions in the local area. In the event that any such monies paid by the Developer have not been spent within five years after they have been paid then such sums shall be repaid to the Developer.

3. Financial contribution of £15,000 towards the cost of upgrading the bus stop near the petrol station with “real time information”.
4. Financial contribution of £7,000 towards improvement of access for the mobility impaired between the site and the nearest bus stop.

The applicant has confirmed that the above financial contribution would be acceptable and has agreed to enter a S106 agreement for the above highway required works and financial contribution.

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, officers consider that the above planning obligations in relating to highway works and the required contributions would meet the tests of the CIL.

5.5 Residential Amenity

The nearest residential properties to the site are No. 337 and No. 337a, which are located to the south of the site and No. 8, 10,12,14 Redcar Court. It should be noted that a planning application is submitted for the erection of 9 dwellings between the western boundary of the site and the existing residential properties at York Close.

Officers acknowledge that the residents of No. 25 Church Lane (Downend), 51 Rushy Way, 1 Westons Brake, and 31 Queensholm Crescent object to the proposal. It should be noted that Rushy Way and Westons Brake are situated opposite site of Badminton Road. Church Lane is one of residential areas to the west of the site and Queensholm Crescent lies further to the south of the site, and both of them are not situated within the immediate locality.

Impact upon No.337a Badminton Road

There is a single storey lean-to garage/storage building along the full length of the boundary of No. 337a, and there is also a taller pitched roof workshop buildings attached to the side of the lean-to building.

The proposed building is a two-storey in height with a full hipped roof. The gable, which is the closest part of the building to No. 337a, would be approximately 8 metres to its ridge. This part of the building would be approximately 2 metres from the southern boundary shared with No. 337a Badminton Road and approximately 5.5 metres from the side elevation of neighbouring dwelling. There would be a seating room window on the first floor level facing this neighbouring property.

Whilst officers acknowledge that the proposed new building would cause some degree of impact upon this neighbouring property due to the proximity of the new building, it should be noted that the proposed care home building would be situated a further 2 metres away from the neighbouring boundary compared with the existing building. In addition, the building will be located to the north of the neighbouring property as such it would not cause significant overshadowing upon the garden area of No. 337a. Officers also have taken into consideration the associated noise and environmental impact caused by the existing use of the site as a workshop, it is considered that the proposal for a care home and the associated landscaped amenity area adjacent to this neighbouring property would have positive benefits in terms of amenity upon the neighbouring property.

It is therefore considered that the proposal, on balance, would not cause unreasonable adverse impact given that the new building would be further away compared to the existing buildings, the new building would have a hipped roof.

In terms of the overlooking issues, officers acknowledged residents' concerns regarding the first floor window. It is considered that it would be necessary to impose a planning condition to make sure the proposed first floor window on the southern elevation would be obscured glazed in a permanently closed position to protect the privacy of the neighbouring property.

Impact upon No. 337 Badminton Road

The siting of the No. 337 is similar to that of No. 337a. The existing 2-storey building, No. 339, will be demolished to make way for the development. The new building would be further set back from the neighbouring boundary, and there would be any window on the first floor elevation, it is therefore considered that the proposal would not cause unreasonable overlooking, overbearing or overshadowing upon the neighbouring occupiers.

Impact upon Redcar Court

There is an existing concrete yard adjacent to the properties in Redcar Court, the proposal would convert this area to parking spaces. The boundary wall would be cleaned and a trellis would be installed in order to increase the height of the boundary treatment to 2.4 metres.

Officers therefore consider that there would be not any significant adverse impact upon the occupiers at Redcar Court.

Impact upon York Close

The western elevation of the proposed building would be approximately 39 metres from the nearest properties in York Close, therefore there is no issue of overlooking or overbearing impact upon these neighbouring residents.

Impact upon the new housing development

A planning application, PT14/2834/F, has been submitted for a residential development for 9 dwelling to the adjacent site to the west. Based on the submitted residential layout, which is considered to be acceptable in principle, the care home building would be approximately 9 metres from the rear

elevation of the nearest residential properties and would sit at an angle of the new dwelling. In terms of overlooking issues, it is noted that there is a first window on the west elevation and that would cause a degree of overlooking. Therefore it would be necessary to impose a condition to make sure that this window would be obscured glazed in a permanently close position to protect the privacy of the occupiers of the neighbouring properties.

5.6 Affordable Housing

As this is one building which incorporates a 76 beds care home, Officers conclude that this scheme does fall into the C2 Use Class and as such there is no affordable housing requirement in accordance with Extra Care / Affordable Housing SPD.

5.7 Community Services

The proposal is to erect a 76 bed care home, which would generate a population increase of 76 people.

With regard to the provision of public open space, officers consider that it would not be reasonable to expect the future residents to make use of a full range of open spaces given the nature of the proposed development, therefore there would be no additional need generated for outdoor pitch provision or provision for children and young people.

The applicant has indicated that the level of care needed for the residents is great and it is for this reason that financial contributions have not been requested. but adequate provision for the residents must be provided on site. The following amounts of provision have been identified against the minimum policy requirements.

Typology of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Spatial amount proposed on site (sq.m.)	Shortfall in on-site provision (sq.m.)	Contribution towards off-site provision and/or enhancement	Maintenance contribution
Informal recreational open space	1,064	1,188.13	The amount proposed on site is adequate		To be maintained by the care home
Natural and semi-natural open space	There is a good existing supply of natural and semi natural space including Valley Gardens and Four Acre Crescent				
Outdoor sports facilities (courts and greens)	304	0	304	See below	To be maintained by the care home
Allotments	152	42.46	109.54	See below	To be maintained by the care home

On-site open space

There is no outdoor sport provision easily accessible from the development e.g. bowls. The applicant is requested to provide facilities for the residents on site as physical activity is still important for the elderly and those with dementia. To address officers concerns, the applicant states that the residents will be frail

elderly and residents living with dementia. As the proposal do provide a large external recreational space accessible by all residents and some green space can easily accommodate for setting up mini sport activities and games, in addition, there are activity rooms for the residents within the building, it is considered that there would be adequate provision on site. Therefore your case officer considers that the required outdoor sport courts and greens would not be necessary in this instance.

Officers welcome the proposed raised beds and potting shed allowing residents the opportunity to grow their own vegetables and flowers, but it is considered that there is scope to enlarge this aspect of the design. To address officers' concerns, a revised site plan has been submitted showing the additional accessible planting beds for residents use.

Given the nature of the proposed development private management of the open spaces would be the responsibility of the care home.

Officers therefore have no objection to the proposal in terms of the provision of the public open space.

Library Service

The applicants are proposing the inclusion of a library onsite to meet the needs of the future residents. The proposed library provision needs to be well stocked with a good range of accessible and high quality reading material including large print, and audio books, arrangements will also need to be in place to refresh and replenish the stock on regularly. In line with local library provision the Council would expect to see the stock fully replaced over a period of 6 years. The applicant confirmed that it is within the interests of the care home operator to maintain a well-stocked and regularly replenished stock as residents are very likely to use this amenity regularly. In this instance, officers consider that the proposal would not cause additional impact upon the public library of the area.

Public Art

The applicant agrees to provide an art work within the site to support health and wellbeing as part of the exterior space and there are many good examples of the benefits of arts features in health and care settings.

The Council would expect to see a bespoke scheme commissioned from an artist that is site specific and relevant to its location. Nevertheless, it is considered that it would be unreasonable to impose a planning condition to seek the provision of the public arts as the provision of public art would not be necessary to make this scale of application to be considered acceptable in planning terms.

Waste Guidance

Policy CS1 of the adopted Core Strategy seeks sufficient space provision for the sorting and storage of recycling waste materials in a convenient location.

The Manual for the Streets 2007 sets maximum distance and criteria for reversing routes for waste collection vehicles, and the requirements for turning circle within the site. A refuse store is currently proposed near the western boundary of the site, officers are concerned that the location of the bin storage may not meet the distance and criteria, as such it would be necessary to impose a planning condition to seek details of turning circle and reversing route in the interest of public highway safety.

Lighting

There is no detail relating to the external lighting, therefore it would be necessary to impose a planning condition seeking details of external lighting in order to protect the amenity of the local residents.

5.8 **Drainage**

The Council Highway Drainage Engineer has considered the proposal, and officers have no drainage objection subject to planning conditions requiring the installation of sustainable drainage system and the details of the proposed run-off rates, which is expected to be reduced.

5.9 **Other Issues**

The Crime Prevention Advisor has offered advice on the proposal. There are no fundamental concerns to the scheme and the security issues can be addressed. The issues relating to the boundary fence and electronic gates, the details have been shown on the submitted drawings.

The applicant has been advised of the security issues in relating to the internal layout, restricted access, security standards to the doors and windows and the use of the cctv. An informative is therefore attached to advise of the security design. A planning condition is imposed to seek details of the cycle stands.

The Parish Council is concerned that there are no GP services available in the locality. The proposal is to provide accommodation for the elderly and residents with dementia. There would be approximately 15 no. qualified nurses working on shift on site. Due to the health conditions / medical history of the residents, it would be very likely the specialist or consultants will need to visit the residents. It is therefore considered that the proposal would not cause a material impact upon the community facilities of the locality.

5.10 **Planning Obligations**

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligations are required to provide the following suite of measures to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

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: Core Strategy (Adopted December 2013) and 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 Environment and Community Services to grant permission subject to the imposition of appropriate conditions set out below that the applicant first voluntarily enters into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
 1. To amend site access to include footway connection into the site from the public highway including tactile paving either side of the new junction.
 2. Financial contribution up to £10,000 incurred in connection with any Traffic Regulation Orders for waiting restrictions in the local area. In the event that any such monies paid by the Developer have not been spent within five years after they have been paid then such sums shall be repaid to the Developer.
 3. Financial contribution of £15,000 towards the cost of upgrading the bus stop near the petrol station with “real time information”.
 4. Financial contribution of £7,000 towards improvement of access for the mobility impaired between the site and the nearest bus stop.
- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the S106 agreement.
- 7.3 Should the legal agreement not be completed within 6 months of the date of determination then the application be refused or returned to the Circulated Schedule for further consideration on this basis.

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).

2. Prior to the commencement of development details of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. The hours of working on site during the period of construction shall be restricted to the following times:

Monday - Friday.....7:30am - 6:00pm
Saturday.....8:00am - 1:00pm

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

In the interests of the amenities of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. Prior to the first occupation of the development hereby permitted the proposed car parking, servicing (including waste management), manoeuvring, and cycle parking shall be carried out in accordance with the agreed details.

Reason

To ensure that adequate parking and servicing arrangements are provided in the interests of highway safety and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

5. Prior to the commencement of development detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policy T7 of the

South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the cycle parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

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

6. A) Previous site investigations have identified potential contamination on site. At the time of these investigations, the proposed end use of the land had not been determined. Additional risk assessment work should therefore be undertaken to assess the scale and nature of any potential risk to the proposed end use as a care home. Historic fuel tanks and associated infrastructure have also been identified on site. Prior to the commencement of development, an assessment shall be carried out to identify what mitigation measures are required to address any unacceptable risks including decommissioning of fuel tanks. The proposed remediation scheme shall be agreed with the local planning authority. Thereafter the development shall proceed in accordance with the agreed mitigation measures.

B) Prior to occupation, where works have been required to mitigate contaminants (under section A) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

C) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

7. Prior to the commencement of development details of run-off and 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 an adequate means of drainage is provided and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

8. Prior to the commencement of the development a site specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the Local

Planning Authority. The development shall be carried out in accordance with the agreed details.

For the avoidance of doubt, the CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.
- (iv) The use of a Considerate Contractors or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (v) Measures to control the tracking of mud off-site from vehicles.
- (vi) Measures to control dust from the demolition and construction works approved.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (vii) Adequate provision for the delivery and storage of materials.
- (viii) Adequate provision for contractor parking.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

9. Notwithstanding the submitted revised proposed site plan Drawing No. AL(9) 901 Rev G, prior to the commencement of the development details of reversing routes for waste collection vehicles including the circle within the site shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

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

10. 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.

Reason

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

11. Notwithstanding the submitted proposed elevation BB and EE, the first floor glazing on the south elevation of the gable facing onto No. 337a Badminton Road and the first floor glazing on the west elevation of the gable facing onto the adjacent land shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

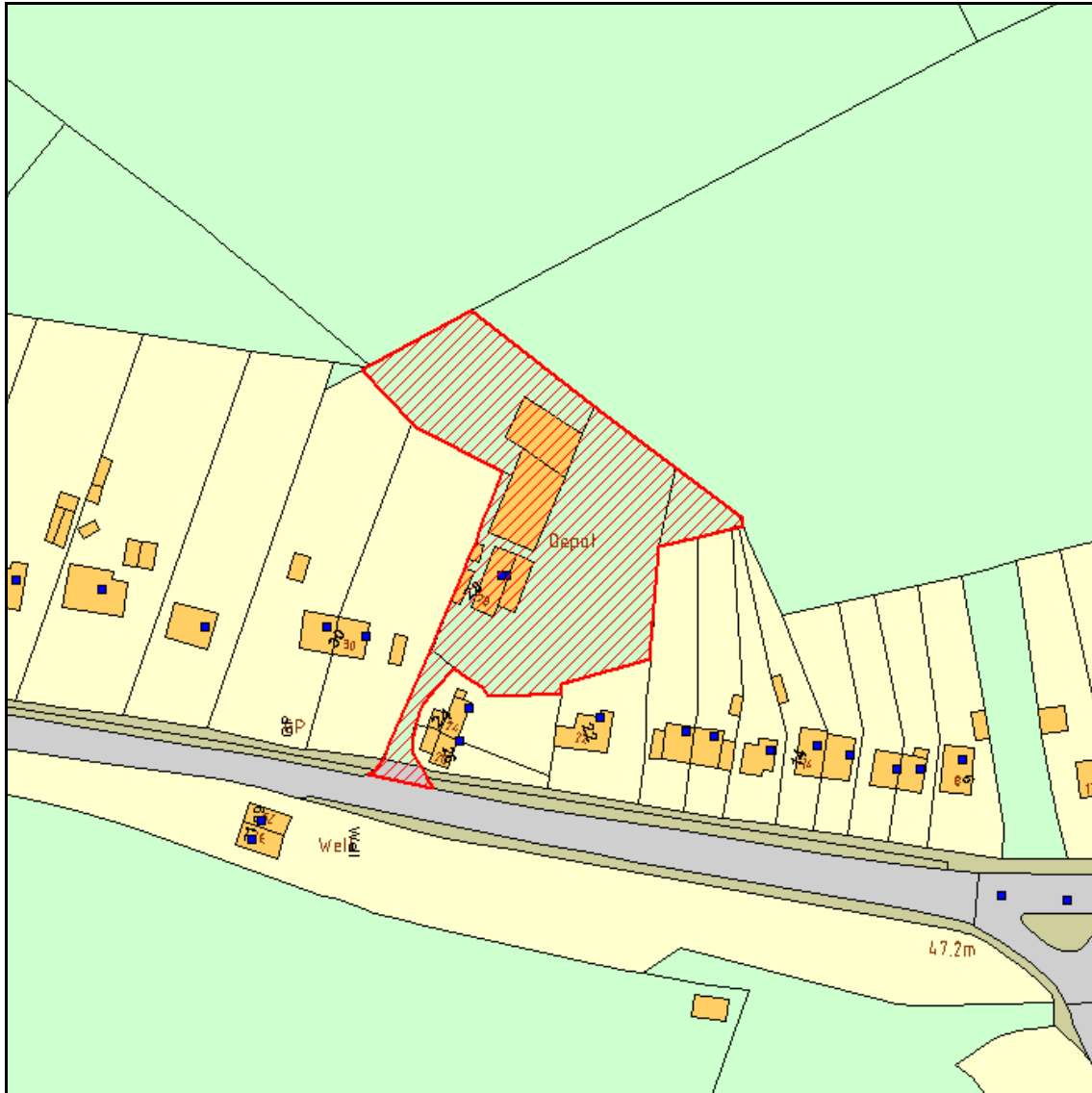
To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

ITEM 2

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.: PK14/2774/F
Site: Units 3 - 5 Hillside Mews Riding Barn
Hill Wick South Gloucestershire
Proposal: Erection of 4 no. dwellings with
associated car parking
Map Ref: 369362 172768
Application Category: Minor

Applicant: Mr Andrew Jay
Date Reg: 24th July 2014
Parish: Wick And Abson
Parish Council
Ward: Boyd Valley
Target Date: 9th September
2014



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100023410, 2014. **N.T.S.** **PK14/2774/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The proposed scheme seeks full planning permission to demolish the existing industrial buildings and to erect 4 no. detached dwellings at Hillside Mews, Riding Barn Hill, Wick. An extended outline planning permission was granted, PK11/0296/EXT, for the erection of 4 no. dwellings with associated car parking with layout and means of access to be determined.
- 1.2 The proposed dwellings would be 2 storey in height of approximate 3.6 metres to their eaves with a pitched roof. The overall height of the dwellings would be approximately 7.2 metres.
- 1.3 The site is situated outside urban areas or settlement boundaries, and is washed over by the Bristol / Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2014
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS4a	Presumption in favour of sustainable development
CS5	Location of Development
CS8	Improving accessibility
CS13	Non-safeguarded economic development sites
CS16	Housing Density
CS34	Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 (Saved policies)

L1	Landscape Protection and Enhancement
H3	Residential Development in the Countryside
T12	Transportation Development Control Policy

2.3 Supplementary Planning Guidance

Development in Green Belt SPD June 2007
Residential Parking Standards Adopted December 2013
Affordable housing and Extra Care housing SPD Adopted May 2014

3. RELEVANT PLANNING HISTORY

The site has been subject to a number of planning applications in the past, however, the followings are the most relevant to the determination of this application.

- 3.1 PK11/0296/EXT Erection of 4 no. dwellings with associated car parking (Outline) with layout and means of access to be determined. All other matters reserved. Approved 22.03.2011
- 3.2 PK08/0933/O Erection of 4 no. dwellings with associated car parking (Outline) with layout and means of access to be determined. All other matters reserved. (Resubmission of PK06/3688/O). Approved 11.08.2008
- 3.3 PK08/0865/ADV Display of 2 no. non-illuminated information signs. Approved. 12.05.2008
- 3.4 PK06/3688/O Erection of 4 no. dwellings with associated car parking (outline) with layout and means of access to be determined. All other matters reserved. Refused 02.04.07 for the following reasons:
- a. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. The applicant has not demonstrated that very special circumstances applied, such the normal presumption against development in the Green Belt should be overridden.
 - b. The proposal, due to the position in relation to existing neighbouring properties, significantly beyond the existing rear building line of these properties, and due to a greater cumulative volume to each semi-detached pair than any individual existing building on site, would be out character with the landscape character and built form of the area.
 - c. The proposal is outside the urban area and the settlement boundaries as defined on the proposals map.
- 3.6 P87/2280 Change of use of building from use as workshop in connection with haulage depot to use for general motor vehicle repair. Refused 28.10.1987
- 3.7 N7140 Erection of offices and workshops in connection with existing haulage and builders yard. Approved with conditions 22.01.1981

4. CONSULTATION RESPONSES

4.1 Wick and Abson Parish Council
No comments received.

4.2 Other Consultees

Highway Structures Team: No comment.

Archaeology Officer: No objection. Although within an area of historic mining activity, the extent of previous ground disturbance, including the building of the current structures on site would likely have destroyed on any subsurface

deposits likely to be affected by the new development, therefore there is no archaeological objection.

Environmental Protection Team: No objection subject to a planning condition to seek further details with regard to the mitigation strategy on the potentially contamination land. The historic use of the site as a road haulage depot may have caused contamination which could give rise to unacceptable risks to the proposed development.

Highway Officer: No objection subject to planning conditions are imposed to ensure there would be adequate parking spaces for residents and visitors and the access drive will be surfaced with permeable bound material.

Highway Drainage Engineer: Residents' concerns have been considered. No objection subject to a planning condition to ensure that appropriate sustainable drainage system will be installed.

Landscape Officer: No objection to the proposal and recommend that details to be submitted specifying how the existing retaining wall to be protected from the roots of the proposed trees.

4.3 Other Representations

Local Residents

Four letters of objection have been received and the local residents' raise the following concerns

Stability of retaining wall

There is a very old large stone retaining wall running along the boundary between the proposed development of Hillside Mews & No. 20. This wall retains the much higher ground of Hillside Mews. In neighbour's garden this wall is 2.1 metres (7ft) at one end rising to 3 metres (10ft) at the other. The wall currently leans about 10 degrees into the neighbour's garden, there is a serious risk that this wall could collapse into the garden potentially fatally injuring somebody if the proposed major ground works were carried out next to the wall or from the roots of the proposed large trees that would be planted right next to the wall.

Responsibility of the maintenance of the wall

This retaining wall is owned & is the responsibility of Hillside Mews as it has been for decades so the owner has a duty of care towards its safety. I am concerned about how any future up keep of this wall would be maintained if the development was owned by a number of occupants of the proposed houses.

Discrepancy of the section drawings

Incidentally the large drop has been omitted from the proposed site plan, section A-A although not to scale clearly indicates that there is a very small change of level between the two sides of land either side of the wall, unfortunately the drawing is incorrect.

Safety issues

From the current plans there is no boundary fencing or physical barrier to be placed along the top of the retaining wall. There would be nothing to stop somebody falling over the edge down a 7ft drop into the neighbours' garden.

Loss of privacy.

Without any screening along the boundary would have a detrimental impact on the privacy of neighbours' garden. Anybody would be able to walk over to the boundary & look straight down into the neighbouring garden from a 7ft height.

Loss of view

I also object to a 3.5 metre tree being planted slap bang in the middle of the end of my garden obstructing my view. There is no need to plant a tree of that height to block somebody else's view.

Drainage:

Residents still have serious concerns over the future of the land drain that runs through neighbours' garden.

Is there going to be any inspection chamber on the new development otherwise my inspection chamber will be the first on the line & will overflow into my garden if there are any blockages. In the past this land drain has blocked between No.18 & 20 Riding Barn Hill causing extensive flooding to the area. The issue of this land drain & its future use needs to be taken into consideration before granting planning permission.

The existing land drainage via a glazed pottery culvert is unfit for purpose due to advanced age and changing weather patterns. The attached drainage plan to the proposal shows the partial replacement of this aging system, designated 'field drain' on the plan. When the system inevitably collapses below the intended replacement water could backup and inundate the proposed development site and surrounding sites. Surely there is an opportunity to improve the land drainage by building a new out flow along the same route as the foul water drain to the A420?

The map of Drainage Route on Riding Barn Hill, Wick was produced some years ago by neighbours and is only an approximation. There is an error on it, in the drive of No.14 there is just one inspection manhole, which is approx. in between the two noted in error at that address on the map. Also another inspection manhole is in the road (A420) outside No.6. as far as neighbours' concerns.

Where are the inspection manholes for the land drain which will run between two new houses?

Are the blue circles (in the run of proposed moved section of land drain) the inspection covers? If so, is the householder responsible for keeping the drain running clear? Or if it is a leasehold property, is this the responsibility of the leaseholder? Or maybe the Council has responsibility? This needs to be made clear to any prospective house buyers, as the Council should have an approximate land drain route, provided by neighbours a few years ago.

An underground land drain survey should be required to ascertain the exact route of this ancient drain, and its depth and condition, before any excavations are made. Once the actual route is known, this could be properly charted.

Where does the open ditch behind the houses to the west of the proposed site enter the site? Is it on the actual site? Will this entrance to the underground drain be grilled to stop debris entering the drain? Who is responsible for keeping this clear?

No 20 Riding Barn Hill has a chamber in the garden. If part of the old land drain is moved on the proposed site, will building control be present during excavation and backfilling? Any debris likely to fall down the section of drain will not appear again until stuck at No 20 or further down the route in my drive, No 14, where the chamber is very deep, before the next inspection chamber at No 6. If this drain gets blocked by builders, who will be responsible for clearing it? If it blocks behind the proposed new houses, it will cause a huge amount of water to erupt from the manhole, this will run off the site in any direction it pleases, possibly flooding new houses lower on the site or cascading down the gardens of Riding Barn Hill. Any blockage to this drain at present, causes extensive flooding to back gardens, drives, front gardens and the A420, a very busy main road. This drain has blocked before on many occasions and causes a crisis with the amount of water discharged from it that has run off from high fields that surround us as it makes its way to the river. The obvious solution to all these potential problems would be to re-route the land drain to follow the proposed foul drainage route for the site. The drain would then be, from the open ditch, a completely new drain, to modern standards of efficiency. It would then be re-routed down the side of the road, to join the manhole that goes under the road outside No 6, that feeds the water into the River Boyd. No-one in Riding Barn Hill or the proposed new houses would ever be affected by the old drain, which is over a century old, again. It would be earlier to do this than to excavate an ancient drain that could cause problems in the future.

Residents would like all these points to be considered and a drain survey completed and analysed by the appropriate departments before any planning permission is granted on this site.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Since the grant of the extended outline planning permission 2011, which was lapsed in March 2014, the National Planning Policy Framework was published in 2012, and subsequently the South Gloucestershire Core Strategy was adopted in December 2013. The site is identified as being outside the urban area and is situated within the Bristol / Bath Green Belt.

This application is therefore to be assessed against the policies listed above, in the light of all material considerations, under the following headings.

There are a number of buildings on site and they are currently used for commercial and storage purposes. The site is not a designated or safeguarded

employment area. Policy E7 of the adopted Local Plan encourages proposals for the conversion and re-use of existing rural buildings for employment uses. Policy CS13 of the adopted Core Strategy allows proposal for change of use on economic development sites not safeguarded in Policy CS13 within the settlement boundaries of the urban areas and village provided that all reasonable attempts have failed to secure a suitable economic development and proposals for development will be also subject to a sequential test. The principle of Policy CS13 is to protect employment sites within urban areas and villages from the pressure of residential development. As the site is not situated within any urban area or villages (although it is situated close the village of Wick), this policy would not be applicable to this application.

5.2 Green Belt

National Planning Policy Framework states that the most important feature of green belt is their openness. Green Belts can help shape patterns of urban development and assist in moving towards more sustainable patterns of urban development. Paragraph 89 of NPPF indicates there are exceptions and other forms of development would not be inappropriate development in the Green Belt. One of the exceptions is 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

The proposal is for the demolition of the existing buildings and the erection of new dwellings outside the boundary of the settlement. As the site is already used for commercial / industrial purposes, the site is considered as a brown field site. Furthermore, the applicant has indicated that the volume of the proposed new houses would not be more than the volume of the existing buildings. The new dwellings would be similar in height to the existing buildings as the dwellings would be constructed at the lower ground level. Whilst Officers noted that there is a difference between the applicant's volume figures (1,815m³) from the previous figures (1,692m³) in 2008, however, the difference is not such significant that caused concerns over the assessment of the proposal. Also, the siting of the proposed dwelling would be very similar to the existing building.

It should also be noted that the site is currently used for commercial purposes and there are already a number of commercial buildings. These buildings have no architectural or heritage merits in the locality. A good quality residential proposal would significantly improve the appearance of the locality.

In this instance, officers compared the siting, the scale and the location of the existing buildings with those of the proposed new dwellings, given that the smaller cumulative volume, the siting, and the positive contribution towards the character of the locality of the proposal, officers considered that the proposal would not cause additional impact upon the open character of the Green Belt, and the proposal would enhance the character and appearance of the locality. As such, it is considered that the proposal would comply with the Green Belt policies of the National Planning Policy Framework therefore, it is an appropriate development within the green belt.

5.3 Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006 states that proposals for new residential development outside the existing urban area and the boundaries of settlements will not be permitted with the exception of the following:

- Affordable housing on rural 'exception sites'; or
- Housing for agricultural or forestry workers; or
- Replacement dwellings.

The principle objectives of Policy H3 in this context are two fold: Firstly to protect the open countryside; and secondly, not to encourage the use of private cars.

Policy CS34 of the adopted Core Strategy is also to maintain the settlement boundaries and to protect rural employment sites in order to provide local employment, sustain rural and village life and reduce the need to travel.

Whilst the site is situated outside urban areas and settlement boundaries, it should be noted that it is a brownfield site and is also situated among a number of residential properties. In addition, the site is located along the main road between Bridgegate and Wick, it is situated within a sustainable location as such Highway Officer has no objection. The Development Control East Committee had previously taken these elements into consideration when considering the outline application PK08/0933/O, for the erection of 4 no. dwellings. It was considered that the residential proposal is acceptable in this particular site given that the proposed dwellings would have less adverse impact upon the openness of the green belt compared with the existing workshop buildings and granted an outline planning permission for a residential proposal.

In this instance, whilst the proposal is considered to be a departure from the adopted Local Plan and adopted Core Strategy, it is considered that the proposed residential proposal would be acceptable.

5.4 Affordable Housing

The site area is approximately 0.31 ha and there would be four new dwellings within the site. In terms of the required provision of affordable housing, the Council would normally require the provision of affordable housing units for such development as the area is more than 0.2ha. However, the Extra Care and Affordable Housing SPD offers advice on flexibility in the case of site specific issues. It should be noted that the site is situated within the Bristol / Bath green belt and it is national planning policy to protect the openness of the green belt and this will need to be taken into consideration. Therefore the gross site area should be reduced to the developed area as per CS1(3) of the Core Strategy – 'existing features of landscape, nature conservation, heritage or amenity value and PROW should be safeguard and enhanced through incorporation into development. As developed area for the proposed new dwellings would be less than 0.2 hectare, it is considered that the request of the provision of affordable housing would not be applicable to this application in this particular instance.

5.5 Housing Density

There would be four units on the 0.32 ha site, which equates to a density of 12.5 dwellings per hectare. Having regard to the location and shape of the site and the close proximity of the neighbouring properties, officers consider that a higher density would have an adverse impact upon the openness of the Green Belt, the visual and residential amenity of the area.

5.6 Design/Visual Amenity/Landscape

The siting of the new dwellings would be similar to that of the existing building. The new dwellings would be a mix of brick and render under clay pantiles, as such would integrate successfully with surrounding dwellings. Additionally, the new dwellings have been designed with a very simple and traditional style, which would not create any dominant features in the locality. Officers consider that the proposal achieve high quality of design and would comply with Policy CS1 of the adopted Core Strategy.

A short section of native hedge on the northern boundary is being retained and additional native hedge planted is proposed along the length of this boundary. Two oak trees are proposed in the eastern corner of the site. This planting on the northern boundary would help to enhance the landscape amenity of the site when viewed from the open countryside to the north.

The site plan includes many trees and a thick band of planting on the eastern boundary. These would help to partially screen and soften the impact of the new buildings in views from the existing residential properties to the south.

Officers acknowledge residents' concerns regarding the retaining wall on the eastern boundary and details of the tree / shrubs planting. As the submitted landscaping plan does not show the details of root guard to protect the retaining wall from roots of any proposed trees or shrubs nor the details of retention of retaining wall, it is therefore necessary to impose a planning condition seeking such details prior to the commencement of the development.

Officers therefore have no landscape objections to the proposal.

5.7 Residential Amenity

Impact upon No. 30 Riding Barn Hill

The new dwellings would be ranging 6 metres to 10 metres away from a rear garden of the neighbouring property, No. 30 Riding Barn Hill. There is no window on the west side elevation of the new dwelling at Plot 1. Other new dwellings would have a bedroom window on the west rear elevation. Given that there would be approximately 10 metres between the bedroom window and the boundary of No. 30, these windows would not overlook the primary private garden of No. 30, and the new dwellings would be further sit into the ground level, it is considered that the proposal would not cause significant unreasonable overlooking upon the neighbouring No. 30 Riding Barn Hill.

Impact upon No. 24 and 26 Riding Barn Hill

As the neighbouring properties, No. 24 and 26, have principal windows facing the existing vehicular access, officers were concerned that the traffic generated by the proposal would cause noise and dust nuisance and disturbance to these nearby occupiers. Nevertheless, the site is currently used for commercial purposes. In this instance it is considered that the proposal would not cause significant material adverse impact upon these neighbouring properties.

The new dwelling at plot 1 would be nearest new dwelling to these neighbouring properties. The front windows would be overlooking over the access to the site and these windows would be approximately 10 metres from the northern boundary of No. 24. It is therefore considered that there would not be unreasonable overlooking or overbearing impact caused to the occupiers of No. 24 and 26.

Impact upon No. 20 and No. 22

The proposed dwelling at Plot 2-4 would be located approximately 18 metres from the eastern boundary of the site. Plot 1 would be approximately 9 metres from the garden area of No. 24, and would be more than 15 metres from the dwelling at No.24. It is therefore considered that the proposal would not cause significant adverse impact in terms of overlooking and overbearing upon the occupiers of these neighbouring properties.

Residents are concerned that there would be safety issues along the eastern boundary of the site due to the significant difference between the ground level of the site and the neighbouring properties. The submitted landscaping plan shows that there would be a landscaped area with some trees and shrubs planting along the said boundary, however there is no any boundary wall or fence beyond the landscaped area. Additionally some residents are concerned that the proposed planting would cause a loss of view, in particular, there is an existing retaining wall along boundary.

Whilst officers have no objection to the proposed landscaping scheme, it is considered that it would be necessary to impose a planning condition seeking details of boundary treatment to safeguard the amenity of the neighbouring occupiers.

Regarding the loss of view, it would not be planning material consideration. Officers consider the proposed planting scheme would not cause unreasonable overbearing or overshadowing impact upon the neighbouring properties to warrant a refusal of this application.

5.8 Highway Issues

Planning consent for 4 dwellings on this same site was granted by the Council as part of application no. PK08/0933/F and consent to extend time for this was later approved in association with application no. PK11/0296/EXT. Against this planning background; there is no highway objection to this current application, which in essence is similar to that already approved.

The Council Highway Officer assessed the proposal and has raised no objections subject to planning conditions to ensure the existing access is improved and there would be adequate off-street parking spaces within the site.

5.9 Drainage Issues

Officers acknowledge that local residents have significant concerns over the potential impact upon the existing land drain. The Council Highway Drainage Engineer had visited the site and had a site meeting with the adjoining owners including the owners of No. 20 and No. 30 Riding Barn Hill.

Officers are aware that there was an existing culverted watercourse (land drain) across the site. This is also indicated on the Council drainage record. It is a private pipeline that conveys watercourse or ditch flow from the west.

The land drain is old and in a damaged state. Diversion of this will require to be in compliance with the Land Drainage Act, separate to planning approval, and require a formal consent. If the land drain is damaged upstream or downstream of the diverted section this should be replaced or repaired/reinforced. As this issue will be safeguarded by the Land Drainage Consent (subject to consultation and approval process), it is therefore considered that it would not be necessary to impose a planning condition.

If the land drain needs to be diverted, a Works Method Statement would need to be submitted with an application for Land Drainage consent and this would indicate a safe method of working to ensure there is not increased flood risk or watercourse contamination as a result of the land drain diversion works. If considered appropriate, the Council's Land Drainage Officer would inspect the works in progress. It is therefore considered that it would not be necessary to impose a planning condition for the diversion of the land drain.

Regarding ownership of the land drain, this will be the landowner of the present site and this could transfer to the residents if the dwellings are sold freehold. The Council would not own this land drain unless there was an ownership interest in the land.

The upstream inlet to this drainage system will also be a riparian responsibility; whoever owns the land will be responsible for examination and maintenance of the pipeline to prevent blockages. If it is proposed to place a grill over this inlet there would be the need for a formal Land Drainage application.

Regarding the suggestion to divert this land drain into the public highway (A420) to connect into the highway drainage system, the Council Highway Drainage Engineer has advised that this is not an acceptable diversion. Firstly the highway drain would not be adequate for this additional flow and secondly the natural route of the land drain should be maintained. In assessing a development layout proposal for flood risk it is necessary to consider flood risk due to failure or blockage of the designed or existing drainage system and this would include assessment of the watercourse/land drain. There should be no obstruction to flood flow routing across or around the site to either place the development or other dwellings at risk. This would be assessed by the application of a SuDS drainage condition if the submission was approved.

Finally, the land drain downstream across the residents gardens (numbers 14 to 20 Riding Barn Hill), the property owner would be responsible for their maintenance.

Furthermore, the Highway Drainage advises that the Council did not have responsibility for maintenance or repair of the culvert but, as the Lead Local Flood Authority, the Council may be able to survey the culvert to ascertain its condition. This would be undertaken when resources were available and the results provided to the residents.

To minimise the potential flood risk, the applicant is advised of the maintenance of the existing culvert within the application site and upstream of it.

In this instance, it is considered that the residents' concerns over the impact upon the existing land drain have been considered as explained above. It is considered that there is no drainage objection to the proposal subject to a planning condition is imposed to seek a suitable sustainable drainage system and to ensure that it will be implemented accordingly.

5.10 Other issue

Residents raised concerns regarding the wall safety issue, which would be private civil matters between the owners of the retaining wall and also would be health and safety matters for the owners. Therefore the safety issue would not be planning material consideration.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 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 conditions set out within the report and allowing 21 days from the date of advertisement as a departure from the adopted Local Plan and adopted Core Strategy to elapse without further consultation responses raising new material considerations.
- 7.2 That if further material considerations are received that had not already been considered, then the matter would need to be returned to the Circulated Schedule for further consideration.

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).

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification) no windows/dormer windows or rooflights shall be constructed without the prior written consent of the Local Planning Authority.

Reason

In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. Prior to the commencement of development details and samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. Prior to the commencement of the development and notwithstanding the submitted landscape scheme, full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; visitor car parking layouts; minor artefacts and structures (e.g. refuse or other storage units), and hard-standing. Soft landscaping works shall include planting plans; details of root guards and retaining walls adjoining the neighbouring properties, No. 14-24 Riding Barn Hill (even nos.), written specifications (including cultivation and other operations associated with plant and grass establishment; schedules of planting, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme). Development shall be carried out in accordance with the approved schedule.

If within a period of 2 years from the date of the planting of any tree, that tree, or any tree planted in replacement of it, is removed, uprooted or destroyed and dies or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as the originally planted shall be

planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason

In the interests of landscape character, amenity of the locality and impact upon the retaining wall and to accord with National Planning Policy Framework March 2012, Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L1 the South Gloucestershire Local Plan (Adopted January 2006).

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

Reason

To minimise disturbance to neighbouring properties and to accord with National Planning Policy Framework and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

6. Prior to the commencement of the development, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. A) Previous historic uses of the site (road haulage depot) may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment shall be undertaken and where necessary an additional remediation scheme prepared. The findings and report shall be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

8. Prior to the first occupation of the each dwelling hereby permitted a minimum of 2 parking spaces per dwelling shall be provided and shall be maintained satisfactory thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with the Council Residential Parking Standards SPD adopted December 2013 and Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the first occupation of the development hereby permitted a minimum of one visitor parking space and the proposed turning area shall be provided on site and shall be retained as such thereafter.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with the Council Residential Parking Standards SPD Adopted December 2013 and Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

10. Prior to the first occupation of the development hereby permitted the full width of access drive from its entrance at the junction with Riding Barn Hill for a distance of 8 metres from the edge of the carriageway shall be surfaced with permeable bound surface material and retained as such thereafter.

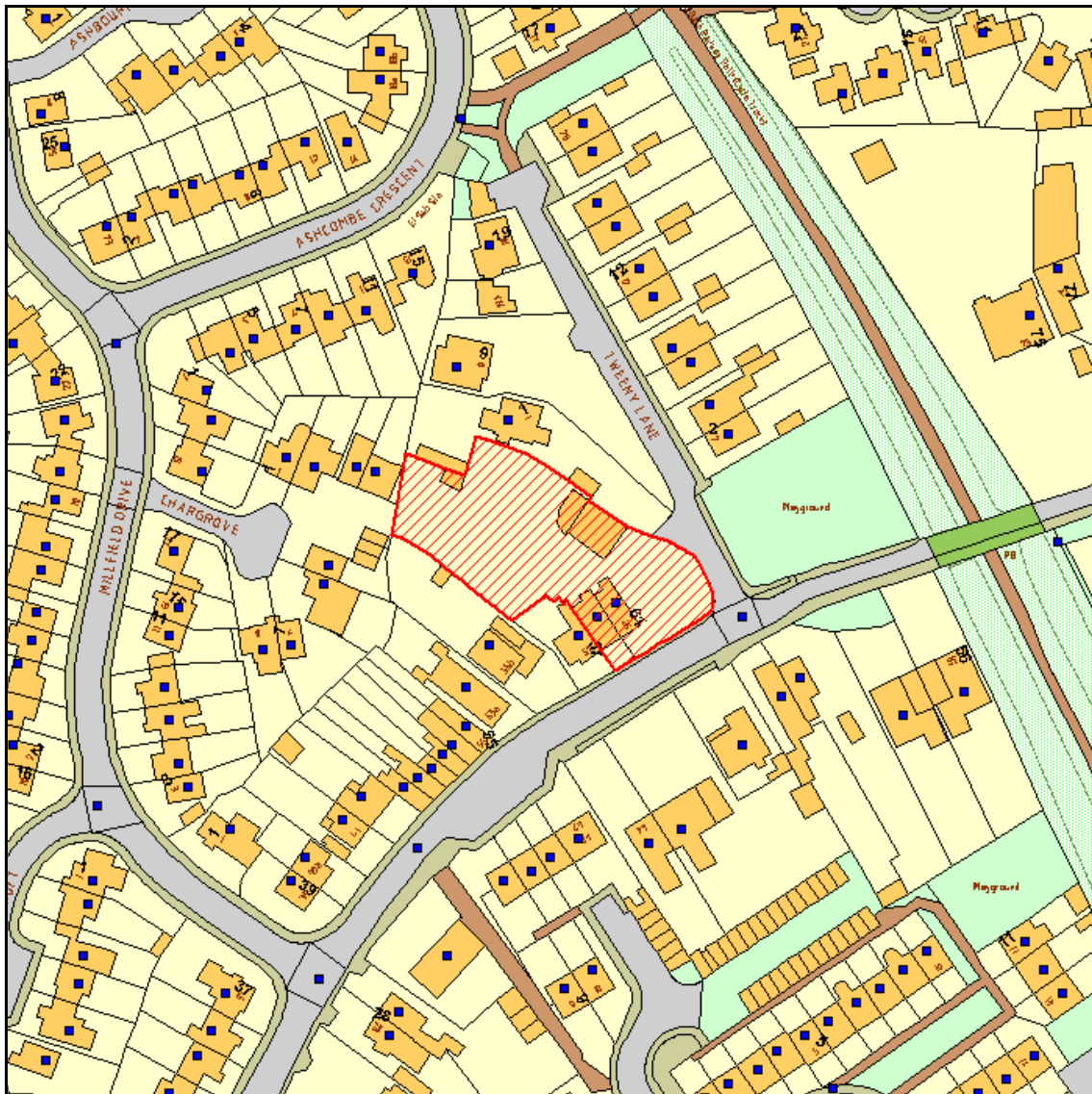
Reason

To prevent mud or loose materials/stones travelling onto the public highway and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

ITEM 3

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PK14/2942/F	Applicant:	Home Orchard Developments Ltd
Site:	Land To Side And Rear Of 59 Poplar Road Warmley South Gloucestershire BS30 5JX	Date Reg:	12th August 2014
Proposal:	Erection of 5 no. new dwellings, access and associated works	Parish:	Bitton Parish Council
Map Ref:	367569 172641	Ward:	Oldland Common
Application Category:	Minor	Target Date:	22nd September 2014



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100023410, 2014.

N.T.S.

PK14/2942/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of objections from the Bitton Parish Council.

1. THE PROPOSAL

1.1 The application relates to an underused vegetable garden at the rear of No.59 and 61 Poplar Road. The site is 0.019 ha in area. The location is residential and suburban in character with a mix of house types and ages within the street scene. The application site is reasonable level, and it is noted that there is a small part of the area consists Japanese Knotweed near the northern boundary of the site. A children playground lies opposite side of Tweeny Lane, to the east of the site.

There is a row of traditional 2-storey terraced cottages to the west of the site, and there is an existing pedestrian access into the site on No. 61 Poplar Road.

1.2 The proposal is to remove the existing outbuildings and to erect 5 new dwellings within the site. Two of the dwellings, House 1 and 1a, would be 2-storey on the front elevation and 1 and half storey at the rear elevation, overlooking Poplar Road. Three dwellings, House 2, 3 and 4 would be dormer bungalows which would be located behind an existing row of terraced dwellings.

1.3 During the course of the application, a revised plan was submitted showing a slight reduction in height and the number of dormers on the new Houses 2, 3 and 4 and changes to the design to the dormers at the rear elevation of House 1 & 1a.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework March 2012
The National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013

CS1 Design
CS4a Presumption in favour of sustainable development
CS5 Location of Development (inc Green Belt)
CS6 Infrastructure and developer contributions
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities of the East Fringe of Bristol Urban Areas

South Gloucestershire Local Plan (Adopted) 6th January 2006 (Saved policies)

- L1 Landscape Protection and Enhancement
- L5 Open areas
- H4 Development within Existing Residential Curtilages, including Extensions and New Dwellings.
- EP2 Flood Risk and Development
- T7 Cycle Parking Provision
- T12 Transportation Development Control Policy for New Development
- LC2 Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC3 Proposals for Sports and Leisure Facilities Within the Existing Urban Areas
- LC4 Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007

South Gloucestershire Council Residential Parking Standards (Adopted) 2013.

Trees on Development Sites Adopted

3. RELEVANT PLANNING HISTORY

The western part of the application site has been subject the following planning history in the past.

Land between 55 and 57 Poplar Road

- 3.1 K190 Outline application for the erection of two detached dwellings with garages on approximately 0.3 acres. Construction of new vehicular and pedestrian access. Refused 12.09.74

Land Adjoining 57 Poplar Road

- 3.2 K190/1 Outline application for the erection of a detached dwelling house on approximately 0.12 acres. Construction of new vehicular and pedestrian access. Approved 12.09.74

- 3.3 K190/2 Erection of detached dwellinghouse with garage and utility room. Approved 15.05.75

- 3.4 K190/3 'Granny' Flat on first floor over existing garage. Approved 18.12.87

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Objection and re-emphasised the initial objections are still appropriate and need to be taken into consideration in making decision.

Councillors objected to this application which they felt constituted over-intensification of use of the site. They considered the assessment of vehicle movements to be extremely low and, although recognising the improvements, were concerned that there would be no pavement along Tweeny Lane from the

start of the new driveway to 2 Tweeny Lane. They were also concerned that only one visitor parking space is provided.

4.2 Other Consultees (including internal consultees of the Council)

The Coal Authority

No objection. The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its original objection to the proposed development

Environmental Protection

No objection subject to the applicant is advised of the precautionary measures during the construction period.

Sustainable Transport

No objection subject to the applicant is willing to enter a S106 agreement to carry out the highway works including the widening of Tweeny Lane and existing footway on Poplar Road.

Highway Drainage

The Drainage Engineer were unaware of where the existing properties no. 57, no. 59 and no. 61 Poplar Road drain to, as there is no public surface water sewer available. The footprint of the proposed development may impact on the drainage of the existing properties.

The applicant submitted further measures including permeable surface plan to address the above concerns. The Drainage Engineer has considered the details are acceptable subject to a planning condition is imposed to seek details Sustainable Drainage System, including Operation and Maintenance Plan provision detailing maintenance activities and frequency. Nevertheless there is a concern over the long term effectiveness of permeable tarmac.

Arboricultural Officer

No arboricultural objection. The Arboricultural report correctly classifies the trees on site. The steps indicated to safeguard the off-site trees are adequate and there appears to be an overall gain in trees looking at the proposed planting.

Landscape Officer

No landscape objection. There is no in- principal objection with regards to Policy L1 of the adopted Local Plan and Policy CS1 of the adopted Core Strategy. In the event of permission being approved a condition should be attached requiring a plan showing the boundary treatment and detailed planting proposals. The boundary treatment along Poplar Wall should be stone wall to match the existing boundary treatments along this section of the road, with a native hedge planted behind.

Highway Structures

No comment.

Other Representations

Local Residents

- 4.3 2 letters of objections have been received from a local resident who is concerned over the danger of the access and the devaluation of the neighbouring property.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF puts considerable emphasis on delivering sustainable development and also seeks to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and paragraph 47 requires the need to '*boost significantly the supply of housing*'. However paras. 48 and 53 resist development in residential gardens that would cause harm to the local area.

The South Gloucestershire Local Plan Core Strategy was adopted in Dec. 2013 and the policies therein are also a material consideration. Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*

In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The site lies within the Urban Area and being residential curtilage, therefore there is no in-principle objection to the development of the site for residential use.

Saved Policy H4 of the adopted Local Plan (Adopted) permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the adopted Core Strategy (Adopted) seeks to secure good quality designs that are compatible with the character of the site and locality.

5.2 Density

The NPPF seeks to make efficient use of land in the Urban Area for housing. The location is suburban in character with a mix of house types and sizes. Having regard to the site constraints and character of the locality, officers consider that the proposed density of development i.e. 26 dwellings per hectare, makes efficient use of the site and in this respect alone does not represent an over-development of the site.

5.3 Scale and Design

Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 only permits new development where good standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context. Furthermore, Local Plan Policy H4 criterion A requires new

development to respect the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area.

The proposal is to erect 5 no. dwellings within the site, and the existing outbuilding will be demolished to make way for the development.

The existing brickwork outbuildings are not listed nor have historic or architectural features as such there is no objection for their removal.

The locality is suburban in character with a wide mix of house types, of varying designs and ages. Immediately to the southwest of the site is a row of 2-storey traditional terraced properties and part of the site is adjacent to a rear garden of a large two-storey detached modern dwelling. To the northwest lies the boundary of a pair of two-storey semi-detached modern properties, which were built about 1980s. Immediately to the north of the site is a 1 and half storey detached cottage with a front conservatory.

The proposal would comprise of a pair of 2-storey semi-detached along Poplar Road and 3 no. dormer bungalows at the rear. The design and scale of the proposed semi-detached dwellings would be similar with those of the adjacent properties, in terms of scale, height, roof form and details of fenestration. The new dwellings would be constructed of old pennant stone under reclaimed double roman tiles, as such they would reflect the character and appearance of the locality, particularly the adjacent properties are also finished with stone work under clay tiles. The original large pitched dormers are replaced with smaller simple lean-to dormers, which are considered to be acceptable.

The proposed new dwellings at the rear are dormer bungalows. Officers were concerned that the original proposal had too many dormers. A revised proposal was therefore submitted to reduce the number of the dormers on the rear elevation. As such it is considered that they would respect the character and appearance of the locality

Given the variety of housing type, scale and design that are already to be found in the locality, officers do not consider that a refusal reason on the basis of housing type, or design could be adequately substantiated in this instance.

In terms of layout, the proposed pair semi-detached two storey dwelling would follow the existing building line along the northern side of Poplar Road. There is no well established building line along the western side of Tweeny Lane and Chargrove. However the proposed bungalows would not cause any harm to the character of the area as they would not be highly visible from the public domain.

The proposed semi-detached two storey dwellings would match the ridge height of those of the adjacent properties. The proposed bungalow would be approximately with the maximum height of the roof ridges at approximately 5.9 metres from plot level, they would not be significant different from the ridge height of the adjacent property, No. 1 Tweeny Lane.

Having regard to the above therefore, officers consider that the scale and design of the proposal are acceptable and would not compromise the character of the locality and street-scene.

5.4 Transportation Issues

Policy CS17 of the adopted Core Strategy states that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking.

The proposed development would result in some increase in traffic movements both in terms of vehicular movements as well as pedestrian/cycle traffic. The access road leading into the development site is on the Tweeny Lane junction with Poplar Road. This junction is restricted in width and there is no footway at this location. Improvement to this therefore is considered necessary to mitigate the impact of the increased traffic movements.

It is noted that the application is supported by a “transportation statement” submitted by the applicant. In this, it is proposed to improve pedestrian facilities in the vicinity of the site and this is considered appropriate. Notwithstanding this, officers consider improvement would also be necessary to the road width at Tweeny Lane junction with Poplar Road.

In this context and before, the development can be recommended for approval on highway’s ground then, there is a need to agree with the applicant regarding to all the following improvements;

- Widen Tweeny Lane at its junction Poplar Lane to 4.8m with corner radii of 4m together with a new footway to be constructed on Tweeny Lane along the site frontage together with all associated works including resitting existing lamp columns to new position.
- Widen the existing footway on Poplar Road to 2.4m (along the site frontage) together with all associated works including resitting the boundary walls, bus stop, etc.

All works would need to be completed under an appropriate legal agreement.

There were some concerns regarding parking provision originally. The pair of semi-detached one-bedroom dwellings would have 1 off-street parking space each. All new bungalows are 2-bedroom property and each of them would have a detached garage or an integral garage with additional parking space / driveway at the front. In addition, a visitor space and 2 no. off-street parking spaces each for No. 50 and No. 61 would also be provided within the site. All parking spaces and garages would meet the Council minimum sized standards, as such officers consider that there are no substantial highway reasons to refuse the application.

As the applicant has agreed to enter a S106 agreement to carry out the highway works on the Tweeny Lane and the footway, there is no highway objection to the proposal.

In terms of its access and parking arrangements in relation to highway safety, the proposal is considered to be in accordance with Policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.5 Landscape Issues

Officers must have regard to the impact of the proposal on the landscape in general in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

The site was formerly used as vegetable garden and the proposal offers opportunities for tree and shrubs planting within the new private garden area and along the boundary. Officers have no landscape objection to the proposal subject to a planning condition seeking details boundary treatment along Poplar Road, which should be stone wall to match the existing boundary treatments along this section of the road, with a native hedge planted behind.

5.6 Impact on Residential Amenity

The site lies within the sub-urban area and is residential in character. Consideration must be given as to whether the proposal would have any adverse impact on residential amenity in terms of, overbearing impact or loss of privacy from overlooking or inter-visibility between habitable room windows; and whether adequate amenity space would be provided to serve the dwellings.

The nearest residential property to the proposed 2-storey semi-detached dwellings would be No. 61 Poplar Road, which is situated within the application site, and it has 2 small secondary windows on the side east elevation overlooking the proposed new dwelling. Whilst the new dwellings would be 2-storey on the front elevation, it would only be one and a half storey at the rear elevation with a lean-to dormer and low eaves. No window is proposed on the west side elevation of the new dwellings. In addition, the new dwellings would not project beyond the rear elevation of the adjacent properties. In this instance, it is considered that the proposed semi-detached would not cause unreasonable overlooking or overbearing impact upon the neighbouring properties, including No. 61 Poplar Road.

The nearest residential property to House 2 would be No. 1 Tweeny Lane, which is an one and a half storey detached cottage and situated at least 2 metres away from the site boundary. There is an existing conservatory to the front of the cottage and a small rooflight on the rear elevation. There is also additional private garden area for the cottage at the rear. The proposed House 2 would be approximately 1.5 metres from the site boundary and approximately 5 metres from the front conservatory. Officers acknowledge that the proposed new dwelling would cause a degree of overshadowing and overbearing impact upon No.1 Tweeny Lane, it is however considered that the impact would not be

significant to be detrimental to the living conditions as the new dwelling would not directly affect any primary rooms of the cottage. There is no window proposed on the first floor side elevation as such there is no direct issues to the neighbouring property.

The nearest residential property to House 3 would be No. 4 Chargrove, which is a two-storey semi-detached modern dwelling. The rear elevation of the new House 3 would be approximately 17 metres from the gable side elevation of No. 4 Chargrove. In addition, there is no window on the gable elevation of No. 4 Chargrove overlooking over the application site / the private garden of House 3. It is therefore considered that the proposal would not cause any unreasonable overlooking/inter-visibility or overbearing impact upon the neighbouring property.

The nearest residential property to House 4 would be No, 55b Poplar Road and the applicant has indicated on the submitted site layout plan that a rear extension might be constructed at the rear of No. 55b. Officers originally had concerns over the ridge height of House 4 in term of overbearing impact upon this neighbouring property. No.55b is a large 2 storey detached dwelling with a reasonable sized garden and has a detached single storey outbuilding, which is used as a home office. The property has a granny flat over an existing garage to the side. The proposed House 4 and its detached garage would be approximately 0.5 – 1.8 metres from the site boundary. In order to address concerns, the applicant submitted a revised proposal to reduce the ridge height and to replace the pitched roof of the detached garage with a lean-to roof. In addition, the proposed dwelling would approximately 7 metres from the nearest existing primary window of No. 55b and it would slightly sit at an angle of No. 55b, which also has a reasonable large private garden. Additionally, it is noted that the new dwelling is located at the north of No. 55b, therefore officers consider that the new dwelling would not cause significant overshadowing upon the neighbouring property.

House No. 4 has been carefully designed to minimise overlooking or inter-visibility impact upon the neighbouring property, No. 55b. No window is proposed on the first floor side elevation of the new dwelling. The front dormer would be further away as such it is considered that there is no unreasonable overlooking impact.

On this basis, it is considered the proposed House 4, on balance, would not cause significant overbearing impact to warrant a refusal of this application.

The proposed semi-detached dwellings would have a relatively small garden. Given that they are one-bedroom dwelling, it is considered that the provision of this amenity space is adequate for future occupiers. The proposed bungalows would have 2 bedrooms and there would be a reasonably sized garden for each property. Additionally, there would be a reasonable distance between the semi-detached dwellings and bungalows, as such, it is considered that the proposal would not be over-development and would provide reasonable amenity space for future occupiers.

Having regard to all of the above therefore, the scheme is not considered to result in any significant adverse impact on residential amenity. However, officers consider that it would be necessary to remove permitted development rights of the installation of windows on the first floor side elevations of the proposed dormer bungalows, House 2 and 4, in order to protect the residential amenity of the neighbouring properties, No. 1 Tweeny Lane and No. 55b Poplar Road.

5.7 Ecological Issues

The site has no special ecological designation and was used as vegetable garden.

5.8 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the demolition and construction phases, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. There are therefore no objections on environmental grounds.

In terms of drainage, the Council's Drainage Engineer has raised no objection subject to a condition to secure a SUDS Drainage Scheme. A Coal Mining Report has been submitted to the Coal Authority's satisfaction.

It should be noted that there are Japanese Knotweed near the northern boundary of the site. The applicant confirmed that Japanese Knotweed treatment has began on site in spring 2014 and Elcot Environment were contracted to undertake a fully comprehensive system of chemical treatment and ultimately its complete removal and incineration by excavation and soil sieving. An exclusion zone has been incorporate into the site and no new development is planned within it. As the removal of Japanese Knotweed is subject to a separate legislations and a scheme is already underway, therefore it is not necessary to impose planning conditions for seeking details of treatment schedule and plan in this instance. However, it is necessary to impose a planning condition to ensure that a complete removal of Japanese Knotweed will be carried out in accordance with the appropriate and latest legislations for this controlled substance prior to the first occupation of new dwellings in order to protect the amenity of the future residents.

5.9 Affordable Housing, Education Services, and Community Services

The proposal is for 5 houses only, which is below the Council's threshold for affordable housing provision, education and community services.

5.10 Other Issues

Of the concerns raised by local residents that were not addressed above:

The local resident's concerns over the devaluation of the neighbouring property would not be planning material consideration.

5.11 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligations are required to provide the following suite of measures to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant permission subject to the imposition of appropriate conditions that the applicant first voluntarily enters into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
 - 1) Widen Tweeny Road at its junction with Poplar Road to a width of 4.8 metres and to provide a new footway along the site frontage on Tweeny Road together with all associated works including street lighting, drainage, etc. and as shown in principal on drawing no. 5754W 06 Rev G.
 - 2) Widen the existing footway to 2 metres along the site frontage on Poplar Road and relocate the bus stop together with associated works and as shown in principal on drawing no. 5754W 06 Rev G.
- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the S106 agreement.

- 7.3 Should the legal agreement not be completed within 6 months of the date of determination then the application be refused or returned to the Circulated Schedule for further consideration on this basis.

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).

2. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows shall be installed at the south side elevation first floor level of House 4 or at the north side elevation first floor level of House 2.

Reason

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

3. 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.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

4. The hours of working on site during the periods of demolition and construction shall be restricted to 08.00hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, 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 protect the residential amenity of the neighbouring occupiers and to accord with National Planning Policy Framework and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The approved car parking and manoeuvring facilities, shown on the Proposed Site Plan No. 5754W-06 Rev G hereby approved, shall be provided and surfaced in a permeable bound material, before the first occupation of the dwellings so approved, and thereafter retained as such and used only in conjunction with the occupation of the buildings' purpose.

Reason

To prevent stone scatter on the highway and to ensure the satisfactory provision of parking and manoeuvring facilities in the interest of highway safety and the amenity of the area, and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Council Residential Parking Standards SPD (Adopted).

6. Prior to the commencement of the development hereby approved, a scheme of landscaping including details of the boundary wall along Poplar Road to match the existing stone boundary wall and details of proposed planting and times of planting shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7. Notwithstanding the submitted details, prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) including Operation and Maintenance Plan provision detailing maintenance activities and frequency and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

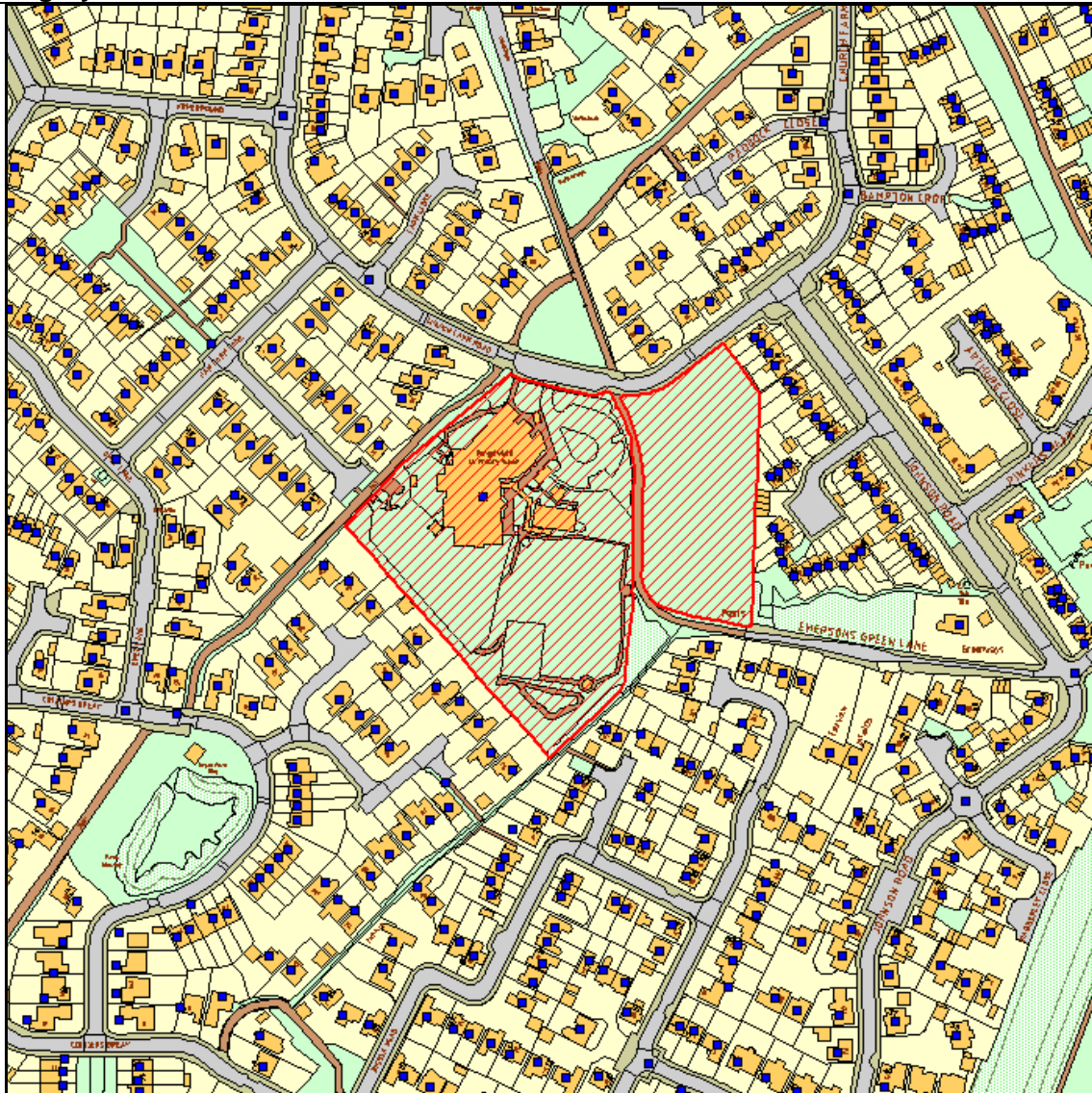
8. Prior to the first occupation of the development hereby permitted, the existing Japanese Knotweed within the site shall be completely removed in accordance with the appropriate and latest legislations of this controlled substance.

Reason

To protect the amenity of the future occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PK14/3299/RVC	Applicant:	South Glos. Council
Site:	Mangotsfield Primary School Church Farm Road Emersons Green South Gloucestershire BS16 7EY	Date Reg:	18th September 2014
Proposal:	Variation of condition 6 attached to PK14/1501/R3F to change the hours of working on site to 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 Saturday and no noisy activities on Sundays or Bank Holidays.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366900 176542	Ward:	Emersons Green
Application Category:	Major	Target Date:	8th December 2014



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 100023410, 2014. **N.T.S.** **PK14/3299/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objections from local residents and because of the nature of the application as it has been submitted by South Gloucestershire Council itself.

1. THE PROPOSAL

- 1.1 The proposal initially seeks permission to vary condition 6 attached to planning permission PK14/1501/R3F to allow earlier working start time on site.

The applicant has confirmed to change the condition 6 to be read as follows:

'The hours of working on site during the period of construction shall be restricted to 07.30am to 18.00pm Mondays to Fridays, and 08:00am to 13.00pm Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.'

- 1.2 The existing condition 6 is copied below with the reason for its inclusion in the planning approval:

The hours of working on site during the period of construction shall be restricted to 08.30am to 18.00pm Mondays to Fridays, and 08.30am to 13.00pm Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of neighbouring residents and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.3 The application site situated within a residential area of Emersons Green. The site is bounded by residential development on all sides with vehicular access onto Church Farm Road. The site comprises a two storey primary school building situated towards the north west corner with other ancillary.
- 1.4 Planning permission PK14/1501/R3F was granted in July 2014 for the erection of two-storey extension to provide 7 no. additional classrooms and erection of detached classroom block for a temporary period of two years. Landscaping works to provide external play areas and erection of 2.4 metres high boundary fencing and the creation of new sports field and staff car park with access and associated work. The permission has been implemented as the construction works have been started on site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS2 Green Infrastructure
CS4A Presumption in favour of sustainable development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS23 Community Infrastructure & Cultural Activity
CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement
L9 Species Protection
L15 Locally listed buildings and structures
LC4 Expansion of Educational Facilities within the urban area
LC9 Protection of Open Space and Playing Fields
T7 Cycle Parking
T8 Parking Standards
T12 Transportation for New Development

2.3 Supplementary Planning Guidance/Documents

South Gloucestershire Design Checklist – August 2007
Biodiversity Action Plan SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1501/R3F Erection of two storey extension to provide 7no. additional classrooms and erection of detached classroom block for a temporary period of two years. Landscaping works to provide external play areas and erection of 2.4m high boundary fencing. Creation of new sports field and staff car park with access and associated works. Deemed consent 23.07.14
- 3.2 PK14/1792/R3F Erection of extensions to provide a new secure entrance and main hall extension, and a 4no classroom block including group rooms, staffroom and ancillary facilities, associated landscaping and works. Deemed consent. Approved 8.8.14
- 3.3 PK09/0779/R3F Replacement of existing single glazed curtain walling with double glazed curtain walling to the external elevations. Deemed consent 5.6.09
- 3.4 P99/4601 Erection of extension to school. Approved 16.11.99

4. **CONSULTATION RESPONSES**

4.1 Mangotsfield Rural Parish Council

No objection during the construction period only. Deliveries between 7.30 and 8.30am should be kept to a minimum.

4.2 Other Consultees

Highway Drainage

No comment

Environmental Protection Team

No objection to the proposed changes, as per advice on the original application, PK14/1501/R3F, dated 6th May 2014.

Highway Officer

No objection in principle provided that no delivery during the school pick-up and drop-off time.

Other Representations

4.3 Local Residents

Three letters of objection from local residents as:

Residential amenity concerns:

- The existing working hours are already extensive given that some Saturday working is already permitted.
- Extending the working hours directly contradicts this original reasoning to minimise disturbance to occupiers of neighbouring residents.
- We will be disturbed by noise continually throughout the week potentially for the next 12 months, made worse for us when building work on the extension actually starts. We should be able to have at least one day a week when we are not disturbed by works noise and traffic related issues.
- We should not have public/bank holidays disturbed at all, working should not be necessary in any circumstances. The same should be the case for Sundays.
- It is not clear at all what no noisy activities actually means, this request is far too vague and needs to be clarified further. The works allowed should be specified and a noise level limit imposed to ensure the developer is clear exactly what is permissible and what isn't.
- The contractors are already in breach of promises that they made regarding heavy deliveries before 9am. I hold a flyer that was posted to me through my letterbox confirming the times for heavy delivery should be between 9 -3:15pm. Every morning this week lorries having been waiting to enter the site between 7:15 & 7:30am noisy cement mixers and fuel lorry.
- The local residents already have no peace from the work and should not have to endure extended working hours and weekend working.

Highway concerns:

- The current working hours are in place so the additional traffic generated does not worsen the traffic, access and parking issues already occurring in the vicinity of the school
- The start time in the mornings Mon-Fri are also in place to make sure that school children can generally make a safe journey.
- Extending the hours, particularly further across the weekend, will worsen the ability of local residents to use the lane and local area safely. We have to pass the school work area to reach our public spaces so access to these and the pedestrian and cycle routes will be impacted.
- Traffic generation and access to the school site is already worse since building work started. As predicted there has been a knock on effect of parking within our cul-de-sac and neighbouring roads throughout the day. We do not want to see this worsen as the both the safety and the use of ours and our neighbours immediate curtilage and amenity space will be impacted further.
- Extending the hours, especially on a weekend but also earlier in the day will impact highway safety, especially with the daylight hours reducing. The need for children to get safely to and from local schools, not just the one having the works, should be a high priority. Having deliveries when a large number of children are walking to school/bus stops locally and passing along paths and lanes directly adjacent to the school site and access points is unsafe.
- Traffic on the estate is horrendous and this would make it worse, and even more unsafe. I also object to ANY weekend or bank holiday working, due to noise caused and increased traffic in the area.
- I even witnessed the delivery of an extremely large portacabin before 8am at the start of the project this lorry was even parked up partly on the pavement on a corner extremely dangerous for pedestrians and motorists!

Other issues

- It should be noted that work often appears to be finished on site well before the current 6pm limit. Maximising the work which is carried out within the existing time limits should be the focus not extending the working hours.
- If the project is managed properly deliveries can be coordinated appropriately for the location of the project and the restrictions in place. There is no justification given as to why working hours should be extended into Sundays and Bank/public holidays.

- Community groups use the school at the weekends, particularly a local church group on a Sunday. There needs to be consideration of the disturbance and impact of extending the working hours into a Sunday for this reason too.
- There are no working hours suggested for Sunday and bank/public holidays. Although we object in principle if the hours are varied then there should be a limit placed on these days as well as the other days of the week and there shorter working hours, starting later in the morning and finishing no later than 1pm subject to our comment about the use of the school on Sundays for a church group.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

S.73 of the Town and Country Planning Act 1990 allows for an application to be made that would vary/remove or improve the conditions attached to the approved permission. Under this s.73 provision the local authority must only consider the question of the conditions. The outcome may be that the permission shall be subject to the same conditions as attached to the previously stipulated or be subject to different conditions or that permission should be granted unconditionally. As such only the question of the conditions can be considered under this application and the Local Authority has the right to impose new conditions subject to them being conditions that they could have been lawfully imposed on the earlier permission and which do not amount to a fundamental alteration to the proposal put forward. It must be noted that an application under s.73 cannot be used to plug any perceived holes in the earlier permission.

5.2 It is essential that any conditions attached to a decision notice meet the six tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. Each of the conditions and their corresponding reasons attached to the previous permission will be re-examined to ensure they meet these criteria. The applicant has chosen not to exercise the right of appeal against the original conditions and instead has chosen to submit an application under s73 to vary one of the conditions.

5.3 The proposal seeks to vary condition 6. The reasons given for the removal have been stated as:

Condition 6 of the planning permission causes a serious problem on a school construction project as deliveries and plant cannot arrive on site around school start and finish hours when pupils will be arriving at and leaving the school, which in the morning is from 8.30-9.15. Plant and deliveries are usually arranged to arrive before this time to allow work to start on site. The later permitted start time of 8.30 therefore means the contractors will only lose an hour of working time a day but also cannot get deliveries or plant until after 9.15 in the morning. This drastically shortens the working day and has serious implications in terms of the programme and completion date of the project, which could impact on the provision of the necessary school accommodation.

There will also be financial implications on the project due to the necessity to extend the project programme due to shorter working days.

5.4 Assessment

The location of the school is within a built up residential area of Emersons Green. As such the protection of the amenities of residential neighbours is an important consideration in any assessment. The approved extensions to the school and the playing field are surrounded by the residential properties as such it is considered that the imposition of a condition limiting the construction hours is not in itself considered unreasonable.

It should be noted that the proposed variation is only to allow working on site starts an hour earlier from Mondays to Fridays and half hour earlier on Saturdays, and it is not proposed to allow construction works to be carried out on Sundays or Public Holiday.

The Applicant has indicated that the restriction of not being able to start work until 8:30am has severely affected the schedule and the completion of the project. The extensions to the school are important and part of a programme of development undertaken by SGC. Officers also acknowledge the importance of looking after the residential amenities of nearby neighbours on the one hand while also ensuring that the future needs of the school, its pupils and the wider local community are also met. This variation of the condition is therefore to be balanced against the impact that starting work an hour earlier (Mondays to Fridays) and half hour earlier (Saturdays) would have on the neighbouring dwellings.

It is not uncommon for construction work on building sites to operate from 7:30am onwards, but no earlier. As such this proposal is not asking for an unreasonable starting time, or one that is out of the ordinary. The request would allow an extra half an hour Monday to Saturday during the construction period.

- 5.5 Officers acknowledge that the earlier starting on site would cause a degree of adverse impact upon the local residents. However, it is considered that this would not be materially different given the minor nature of the alteration; and in any event would be temporary as it is confined to the period of construction (which might be shortened with this variation). Therefore the proposal to alter the hours of working would not result in an unacceptable impact on these neighbours, and it is recommended that the condition can be varied to read:

The hours of working on site during the period of construction shall be restricted to 07.30am to 18.00pm Mondays to Fridays, and 08.00am to 13.00pm Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of neighbouring residents and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.6 Conditions

The applicant have submitted details to discharge conditions 9, 14 and 15 of PK14/1501/R3F.

Condition 1 would not be necessary as the works have been started on site.

Condition 9 – Surface water drainage. Drainage details have been submitted however, there are still outstanding issues need to be addressed, therefore this condition needs to remain on this application.

Condition 14 (retention of stone walls and existing stile along the southern boundary of the site) – Officers have been informed that the former stone walls and stile have been removed accidentally, and officers are currently liaising with the applicant on how to resolve the issues. Therefore it is necessary to carry this condition onto this application.

Condition 15 (Construction Management Plan) – Details have been submitted and have been considered to be acceptable. It is considered that it would not be necessary to impose the same condition.

Other conditions attached to planning application PK14/1501/R3F are still outstanding and have not been fully discharged. Those conditions will be copied over from the decision notice along with the altered wording for condition 6 in addition to the extant/standard conditions attached to the consent.

5.7 Residents Comments

Comments from neighbours have been noted above and it is considered that the raised concerns over the residential amenity concerns have been covered in the Officer's assessment of the proposal. This type of application must be assessed as per s.73 of the Town and Country Planning Act 1990 which stipulates that it is only the original conditions themselves that are to be evaluated against the six tests of setting conditions and their relevance/appropriateness. Any other issues cannot be covered under the remit of this type of application.

Regarding the public highway safety concerns, the applicant submitted a Construction Phase Health and Safety Plan Rev A including a Traffic Management Plan, which states that deliveries will be only accepted by the between the hours of 09.15hr and 15.00hr. Additionally, it is also the schools and the contractors (and sub-contractors)' responsibility to ensure the children, pedestrian, and road users' safety are fully safeguarded. Therefore it is considered that there are no substantial reasons to refuse to extend the hours of working to allow an earlier delivery and construction works to be carried out on site.

6. CONCLUSION

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

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The proposed extensions shall be finished with Redland Regent Farmhouse Red for the roof and Ibstock Bradgate red for the external walls.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. Prior to the occupation of the new building hereby permitted, all off-street parking, cycle and scooter stores shall be provided within the site in accordance with approved plan, drawing no. 249 2014./12 Rev F and subsequently maintained on site thereafter.

Reason

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

3. Within 3 months from the date of the occupation of the new building hereby permitted, the final travel plan shall be submitted in writing to the Local Planning Authority. The development shall proceed in accordance with any plan so agreed.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The developer shall appoint an archaeological contractor and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief (to be produced).

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The hours of working on site during the period of construction shall be restricted to 07.30am to 18.00pm Mondays to Fridays, and 08:00am to 13.00pm Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers of neighbouring residents and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The playing field and pitches shall be constructed and laid out in accordance with Drawing No. 249 2014./13 Rev D and with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011) and FA Grass pitch quality performance standard, and shall be made available for use in accordance with a time frame to be agreed with the Local Planning Authority in writing before the first occupation. The pitch shall be provided in accordance with this time frame.

Reason

To ensure the quality of pitches is satisfactory and they are available for use before development (or agreed timescale) and to accord with Policy CS2 of the South Gloucestershire Local Plan (Adopted December 2013) and Policy LC9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No external lighting, except those have been approved to the new car park, shall be installed on the playing area hereby approved at any time.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy LC9 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Within 3 months from the date of this planning permission a revised surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before

the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

9. All new windows and doors shall comply with Secured By Design (SBD) standard, this being PAS 24 - 2012 or LPS1175 SR 2.

Reason

To safeguard the security of the site in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

10. The temporary classroom blocks hereby permitted shall be removed and the land restored to its former condition on or before 3 July 2016; in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

The form and appearance of the buildings are out of character with the surrounding area and is permitted for a limited period only because of the special circumstances of the case and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. All hard and soft landscape works shall be carried out in accordance with the approved details, drawing no. 249 2014./12 Rev F. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policies L1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to the occupation of the development, an ecological management plan to promote bio-diversity of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall be carried out in accordance with the approved plan.

Reason

In the interests of wildlife habitat and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Biodiversity Action Plan Supplementary Planning Document.

13. Within 3 months from the date of this planning permission, details of the stone wall and replacing stone stile along the southern boundary of the sport pitch shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To safeguard the special architectural and historic character of the locally listed structure, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. The development shall proceed in accordance with the approved construction management plan and the construction compound shall be installed on the approved location.

Reason

In the interests of protecting residential amenity and highway safety to accord with Policies LC4 and T12 of the South Gloucestershire Local Plan (adopted January 2006).

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.: PK14/3894/F
Site: Land Between 199 And 201 North Road Yate
 South Gloucestershire BS37 7LG

Applicant: Westwood Property
Date Reg: 29th October 2014

Proposal: Erection of 2no. dwellings with new access,
 parking and associated works.

Parish: Iron Acton Parish
 Council
Ward: Ladden Brook
Target Date: 22nd December 2014

Map Ref: 369899 183595
Application Category: Minor



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 100023410, 2014. **N.T.S.** **PK14/3894/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The Officer has received two objections from local residents, which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of 2no. dwellings with new access, parking and associated works.
- 1.2 The proposal would involve the erection of a pair of semi-detached properties. Previously the land has been used for outside commercial storage purposes (including the storage of old skips, vehicles and general rubbish), some which remain on the land. This use has now ceased, however some of the items such as skips and vehicles remain on site.
- 1.3 The parcel of land is located between No. 199 – 201 North Road, on the edge of Yate. The application site is located within the settlement boundary of Yate and would constitute in-fill development.
- 1.4 North Road, Yate, is a linear development, made up of a variety of semi-detached and detached properties. There is a mix of housing design and the majority of properties have large curtilages, set back from the main road.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS13 Non-safeguarded Economic Development Sites
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS30 Yate and Chipping Sodbury

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

EP6 Contaminated Land
L1 Landscape Protection and Enhancement
T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK14/2609/TRE Works to fell 1no Oak tree covered by TPO399 dated 23rd March 1989.
Approved 22.08.14
- 3.2 P94/1548 Erection of detached dwelling (Outline).
Construction of vehicular access.
(In accordance with submitted application as modified by Applicant's Solicitor's letter dated 6 September 1994)
Withdrawn
- 3.3 P93/1357/CL Certificate of lawfulness (in accordance with amended plans received showing further amendments to the site boundary)
No decision notice
*No other information logged against this reference

4. **CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council
No objection.
- 4.2 Drainage
No objection, subject to a condition.
- 4.3 Environmental Protection
No objection, subject to a condition.
- 4.4 Highway Structures
No comment.
- 4.5 Transportation DC
No objection, subject to a condition.
- 4.6 Tree Officer
No objection.

Other Representations

- 4.7 Local Residents

A total of 17no. local residents have submitted comments in support of the application:

- Application for two houses on this site can only enhance the general appearance of the site and locality;
- Overgrown hedge to the front could be cut back to allow better visibility;

- Good opportunity to clear up this eye sore and make pathway safer;
- Proposal would make the road safer for motorists and pedestrians travelling south to north on North Road;
- NPPF supports wide choice of high quality homes to meet people's needs. Infill of two houses on this site would provide much-needed family homes and retain character of the road;
- Small development has a lot to offer;
- Will not cause traffic or highway safety problems;
- In-keeping with the area;
- Supported by local facilities such as schools, shops, pubs and transportation;
- Site within settlement boundary of Engine Common;
- Similar developments in the area giving families the opportunity to live in the Parish;
- North Road has a diverse range of house styles;
- Demand for this type of housing in the area (re Broad Lane development);
- Accessible site;
- Enhance overall appearance of the road and street scene;
- Positive use that will benefit the area;
- Better to use the site for housing rather than a business;
- Site subject to fly tipping of rubbish and waste;
- Design is almost mirror image of the two new builds at the end of North Road;
- Need for modern, energy efficient homes in the area;

Mixed comments received from one local resident:

- Hedging along the front of the property could be considered dangerous and is in a very overgrown state onto the pavement;
- Development proposes two 4no. bedroom properties which could result in up to 10 occupants;
- Entrance to site gives access to the fields;
- Where will additional cars park?
- Suggest double yellow lines to prevent parking near the application site;

Objections from two local residents have been received:

- Noise and disturbance from building works;
- Applicant has been building a property nearby for 3 years and working has taken place on Sundays and evenings causing noise from machinery and radios;
- Design is unimaginative and unattractive;
- Access is on a bend and located near a school, care home and nursery;
- Need low cost, affordable housing;
- Proposed dwellings too large for this piece of land;
- Development will have a significant impact due to its size and close proximity;

- Side windows result in loss of privacy, light and enjoyment of trees (some with TPO status), wildlife and birds;

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS13 of the Core Strategy (adopted 2013) states that proposals for change of use on economic development sites not safeguarded in Policy CS12, within settlement boundaries of the urban areas and villages defined on the Proposals Map, will not be allowed unless it can be clearly demonstrated that all reasonable attempts have failed to secure a suitable economic development re-use. Where these circumstances occur, then priority will be given to alternative uses in the following sequence: 1) a mixed-use scheme; 2) a residential only scheme. In some cases a mixed use or residential scheme may be the most sustainable and appropriate solution for a site. Change of use to residential will only be allowed where appropriate in terms of flood risk in accordance with Policy CS9.

5.2 The agent has advised that the landowner allowed family members to park a skip lorry and this later developed into skips being stored on the land. This also led to other equipment, scrap, cars and vans being left on site. As such, the agent advises that the land has not been used for commercial purposes, but more of an ad hoc storage yard over the last 30 years, which has now ceased. Although a number of skips, various equipment, and scrap vehicles remain on site in an abandoned state. The site has not been used by a particular business or enterprise, has not been the subject of a successful Certificate of Lawfulness and it is not entirely clear what is the lawful use of the land. It appears that the land has not been used for any commercial or storage purposes in recent years and now remains an eyesore within an established residential area. The consultation responses from a number of local residents support and welcome the redevelopment of the site as it is considered a local eyesore that could be put to better use. The site is in need of attention and maintenance after years of neglect.

5.3 Given the background to the application site, it is considered that the scale of the site limits the ability for it to continue as an economic development site or to form part of a mixed use scheme. The application site is situated between residential properties, within an established residential area and is not considered appropriate for commercial use or a mixed use due to size constraints and location. There are eight much larger and more established economic development sites in the Yate and Chipping Sodbury area that have been safeguarded under Policy CS12. Given that Policy CS13 has been satisfied, it supports the re-use of the site for residential development providing two dwellings to the benefit of the neighbouring occupiers and local area.

5.4 Policy CS9 of the Core Strategy seeks to protect and manage the environment and its resources in a sustainable way, new development will be expect to be located away from areas of flood risk. New development has a significant role to play in managing flood risk by minimising its own surface water run-off through use of Sustainable Drainage Systems (SuDS). The site is not located within any flood risk zone.

- 5.5 The National Planning Policy Framework (2012) makes it clear that permission should be refused for poor design that fails to take opportunities available for improving the character and quality of an area. Policy CS1 of the Core Strategy seeks to ensure that development proposals demonstrate that siting, form, scale, height, massing, detailing, colour and materials are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.6 Saved Policy T12 identifies factors relating to parking, access and highway safety that must be taken into consideration. Residential Parking Standards SPD (Adopted) December 2013 advises on the minimum parking standards.
- 5.7 The proposal is considered acceptable and complies with local and national planning policies.
- 5.8 Design and Visual Amenity
The surrounding area is semi-rural in character, being close to open countryside but with a variety of two-storey dwellinghouses in the immediate vicinity. The proposed dwellinghouses would be situated on a triangular-shaped plot of land on a bend between 199 and 201 North Road. To the south of the application site are a row of pairs of semi-detached dwellings. To the north are larger, detached modern properties. The proposed four-bedroom dwellings would have projecting front gables and double height bay windows to match the neighbouring properties to the south, thereby reflecting the character of the existing properties in the immediate locality. Furthermore, the proposed new dwellings would match the existing newer properties adjacent to No. 2 Lodge Road, just off North Road, in terms of scale and massing being of a similar height, footprint and design. The proposed density is considered acceptable given the pattern of development to the south of the application site.
- 5.9 The properties on this side of North Road are characterised by hipped roofs. There are a variety of roof styles evident in the area. Although the proposed dwellings would have pitched, gable end roofs they would match the newer properties at the end of North Road and would be seen as more modern 'book end' additions to the street scene. The dwellings would be constructed in modern finishes, including white smooth render, brown smooth concrete pantiles and grey powder coated metal windows.
- 5.10 The scheme makes provision for secure cycle storage and refuse bin storage within the curtilage of the site. Although parking layout proposed would be at the rear of dwelling no.1 and to the front for dwelling no.2, this is not considered to be substantially different from the neighbouring dwellings. Largely in the area, parking is to the side and front of the dwellings. Provision cannot be made at the side of dwelling no. 2 and given the existing planting and adjacent garage to the front of No. 201 North Road, it is not considered the parking layout would harm the street scene. Overall, the proposed dwellings are considered appropriate additions to the locality that would not harm the character of the area. The proposed modern-designed dwellings comply with Policy CS1 of the Core Strategy (adopted) 2013.

5.11 Landscaping

The existing boundary treatment along the north and east boundaries consists of trees, some of which are TPO protected, and a 1.8 metre timber close boarded fence along the north. It is proposed to select better quality trees on the northern and eastern boundaries and to enhance these with new hedge planting. The Tree Officer is satisfied that the significant trees will be properly protected throughout the development provided the method statement is adhered to and the retention of the better quality hedgerow trees is desirable given the minimal amount of mitigation planting. As such, the Officer has attached a condition requiring all hard and soft landscaping to be carried out in accordance with the submitted plan.

5.12 Residential Amenity

The proposed dwellings would be located within an established residential area, neatly located between two existing properties. The current lawful use of the land is considered to be commercial storage of skips, vehicles and scrap; therefore, it is considered that the proposed change of use would be beneficial in securing the long term use of the land and its visual improvement. It is acknowledged that some local residents are concerned about the disturbance caused by the construction of the properties; the Officer considers it reasonable to attach a condition limiting the working hours on site for the duration of the construction.

5.13 To the north and south there are existing properties, as well as on the other side of North Road. Concerns regarding loss of privacy and light in respect of the proposed dwellings have been received by a neighbouring occupier. The proposed design includes four small windows in the side elevations to provide light in the stairwells. Having regard to the position and distance from neighbouring dwellinghouses, Taking into account the existing boundary treatments, the proposed additional planting, and maintenance of the hedgerow along the front, it is considered that the proposal would not have a detrimental impact on the existing privacy levels or have an overbearing impact. Officers conclude that the proposal would not result in an adverse impact on residential amenity.

5.14 Environment

The site itself is not currently subject to excessive levels of noise, pollution, smell, dust or contamination; it is a redundant site. Given the historic use of the site, this may have caused contamination which could give rise to unacceptable risks to the proposed development. Given the circumstances of the site, the Environmental Protection Officer has suggested a condition is attached to ensure prior to the commencement of development the land is investigated for contamination.

5.15 A concern has been raised by local residents about the potential noise disturbance during the construction period. A condition relating to hours of construction is suggested, due to the proximity of neighbouring properties and to protect the amenity of the locality during the period of construction. Overall, there are no concerns about the impact of the proposal on the environment as

it is considered a positive development, bringing about an improvement to the visual and residential amenity of the immediate area.

5.16 Transportation and Highway Safety

The Council's adopted Residential Parking Standard requires a minimum of two off-street parking spaces for a 4no. bedroom dwelling. The proposal indicates the provision of two off-street parking spaces for each dwelling, including area for manoeuvring and retaining the existing access. The existing access to the application site will be used; this is considered to be safe and convenient. The Transportation Officer has commented that the required visibility splay of 2metres by 45 metres can be provided in both directions with the hedge set back. There is considered sufficient space within the application site for visitors to park and as such, there are no highway objections.

5.17 A local resident has raised a concern that the proposed size of the dwellings could house 10 occupants in total; the proposed parking, access and turning arrangements are considered adequate and take into account the average car ownership per dwelling. The road is subject to a 30mph speed limit, with some sporadic on-street parking near the post office and primary school. There are sustainable transport options available locally. There are no on-road parking restrictions in the area and is not considered necessary or reasonable to instigate such restrictions as a result of the development.

5.18 There are no highway objections to the proposal subject to a planning condition stating the new development provides off-street parking in accordance with the approved plan prior to the occupation of the dwellings.

5.19 Other Matters

As the proposal is only for 2no. houses, this falls below the Council's threshold (10) for affordable housing provision.

5.20 The site is not subject to a formally adopted Public Right of Way. Access to the fields at the rear of the site would not be blocked by the proposal and would be subject to the landowner's consent.

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 **approve** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is **approved**, subject to the attached conditions.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

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. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.

- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with saved Policy EP6 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention, pollution control and environmental protection have been submitted and approved by the Local Planning Authority.
A detailed development layout showing surface water and SUDS proposals is required as part of this submission. No public surface water sewer is available. The development shall be carried out strictly in accordance with the approved details.

Reason

To comply with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and guidance contained within the National Planning Policy Framework 2012.

4. The dwellings shall not be occupied until the vehicular access, car parking and manoeuvring area, and cycle parking have been provided in accordance with the plan (drg. no. SK01) hereby approved, and thereafter retained for that purpose.

Reason

In the interests of highway safety and to promote sustainable transport choices. To accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Residential Parking Standard SPD (Adopted) 2013.

5. Prior to the occupation of the dwellings, all hard and soft landscape works shall be carried out strictly in accordance with the approved details (Site Layout Plan SK01, received by the Council on 6th October 2014) and retained thereafter.

Reason

In the interests of the long term health of the existing trees; to protect the character of the area; and maintain existing levels of privacy. To accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012, saved policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. The hours of working on site during the period of construction shall be restricted to:

Monday to Friday - 07:30 - 17:30;

Saturday - 08:00 - 13:00;

No working shall take place on Sundays or Public Holidays.

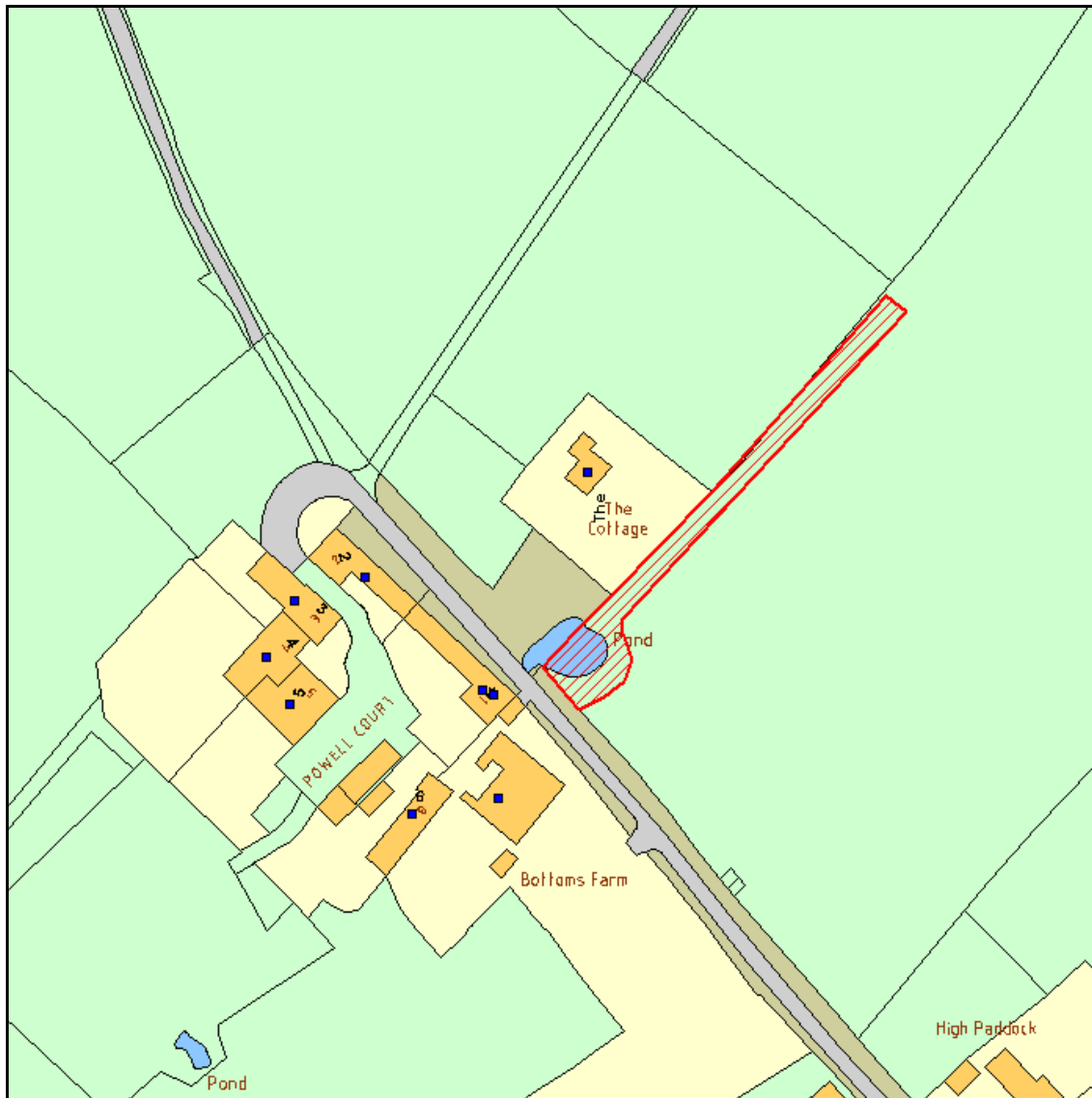
The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site, and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwellinghouses and ensure the level of disturbance for the duration of the construction period is kept to a reasonable level. To accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PK14/3945/F	Applicant:	Mr D Hyde
Site:	Bottoms Farm Cottage Bottoms Farm Lane Doynton South Gloucestershire BS30 5TJ	Date Reg:	20th October 2014
Proposal:	Construction of access track and erection of five bar field gates.	Parish:	Doynton Parish Council
Map Ref:	371581 174551	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	2nd December 2014



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 100023410, 2014. **N.T.S.** **PK14/3945/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule for Member consideration as a representation has been received contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the construction of an access track and erection of five bar field gates.
- 1.2 The application site is situated north west of Doynton on Bottoms Farm Lane. The application site is situated south of Bottoms Farm Cottage, a recently extended property located on the north east side of the lane and adjacent to Bottoms Farm. Adjacent to the application site is Powell Court, which used to be outbuildings associated with Bottoms Farm but have been converted for residential use.
- 1.3 The application site is situated within the Bristol/Bath Green Belt and outside any settlement boundary or residential curtilage. There are 3no. Public Rights of Way that run along Bottoms Farm Lane, extending north and from the entrance to Bottoms Farm Cottage running north west and south west.
- 1.4 Bottoms Farm Cottage has been the subject of several applications in recent years, including the construction of access track and alpaca barn (referred to in section 3).

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS9 Managing Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

L1 Landscape Protection and Enhancement
T12 Transportation Development Control Policy
E9 Agricultural Development

- 2.3 Supplementary Planning Guidance
Development in the Green Belt SPD (Adopted) 2007

3. **RELEVANT PLANNING HISTORY**

Applications relevant to Bottoms Farm Cottage:

- | | | |
|-----|-------------|---|
| 3.1 | PK14/0589/F | Erection of Alpaca barn
Approved 09.06.14 |
| 3.2 | PK10/1193/F | Construction of access track (retrospective)
Approved 30.07.10 |

4. **CONSULTATION RESPONSES**

- 4.1 Doynton Parish Council
No comment received.
- 4.2 Archaeology
No comment.
- 4.3 Highway Drainage
No comment.
- 4.4 Highway Structures
No comment.
- 4.5 Transportation DC
No objection.

Other Representations

- 4.6 Local Residents
Two comments have been received from local residents.

General comment:

- An existing access services this land. If the proposed access is permitted it should service agricultural/non-commercial use only

Objection:

- Vehicle access would change the character of the uninterrupted rural views from east elevation of house (Bottoms Farm);
- Result in a significant loss of privacy to guest bedroom and en suite bathroom;
- Materials are unsympathetic to the setting;
- Existing suitable access/drive to the agricultural buildings;
- Appears to be ongoing development creep;
- Area marked as 'Chicken Field' is not known as such;
- Land has laid fallow for 12 years;

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF permits agricultural buildings within the Green Belt as they are not considered to be inappropriate development within the Green Belt and therefore by definition not harmful to the openness of the Green Belt. In this respect, the creation of an access track on agricultural land is considered in accordance with Green Belt policy

5.2 Policies CS34 of the Core Strategy and saved policy L1 of the Local Plan aims to conserve or enhance the character, distinctiveness, quality and amenity of the landscapes and protect the landscape from inappropriate development. Likewise policies CS1 and CS9 of the Core Strategy seek to protect the character and distinctiveness of the landscape and secure high quality design.

5.3 Visual Amenity

It is proposed that access is required into the field for general agricultural use and as a secondary access to the alpaca barn to the south east of the Cottage. The existing access and track runs along the north east and south east boundaries of Bottoms Farm Cottage and is used for both agricultural and residential purposes. .

5.4 The proposal involves the creation of an agricultural access and track of approximately 105 metres in length, with a maximum width of 12 metres at the entrance and then narrowing to 5 metres. The track would be made of gravel and situated along the hedgerow on the south west boundary of Bottoms Farm Cottage. Although the track would be adjacent to the Cottage, it would not be used for agricultural purposes and is considerably less visible and prominent in the landscape than the existing gated access and track.

5.5 The proposal is within an established agricultural area. The location of the track is considered to be suitably discreet and appropriate in the rural context. There is no landscape objection to the proposal with regard to Policy CS1 of the Core Strategy and saved policy L1 of the Local Plan. It is considered that the access and track are suitable for the proposed use and as such is considered acceptable.

5.6 Residential Amenity

The proposal relates to an agricultural field within the open countryside. The nearest dwellings to the proposed development are located to the north east (Bottoms Farm Cottage) and north west (Bottoms Farm). Whilst Bottoms Farm is situated adjacent to the proposed access and track, there is unlikely to be any impact on amenity due to the nature of the proposal. There will be no building works as such, only the laying of a gravelled track and creation of a splayed access. The track is unlikely to impact on amenity in terms of noise or disturbance associated with its use or result in a loss of privacy. In this respect, the proposal is considered acceptable.

5.7 Transportation

The access is provided with visibility splays within the highway verge which are considered commensurate with the speed of approaching traffic on the rural country lane. There is unlikely to be a material increase in traffic movements as a result of the proposal. Although any increase would be agricultural vehicles and machinery accessing the field and existing alpaca barn and in keeping with the agricultural character of the area. The Transportation DC Officer has raised no highway safety concerns.

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 **approve** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is **approved**, subject to the condition attached to the notice.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

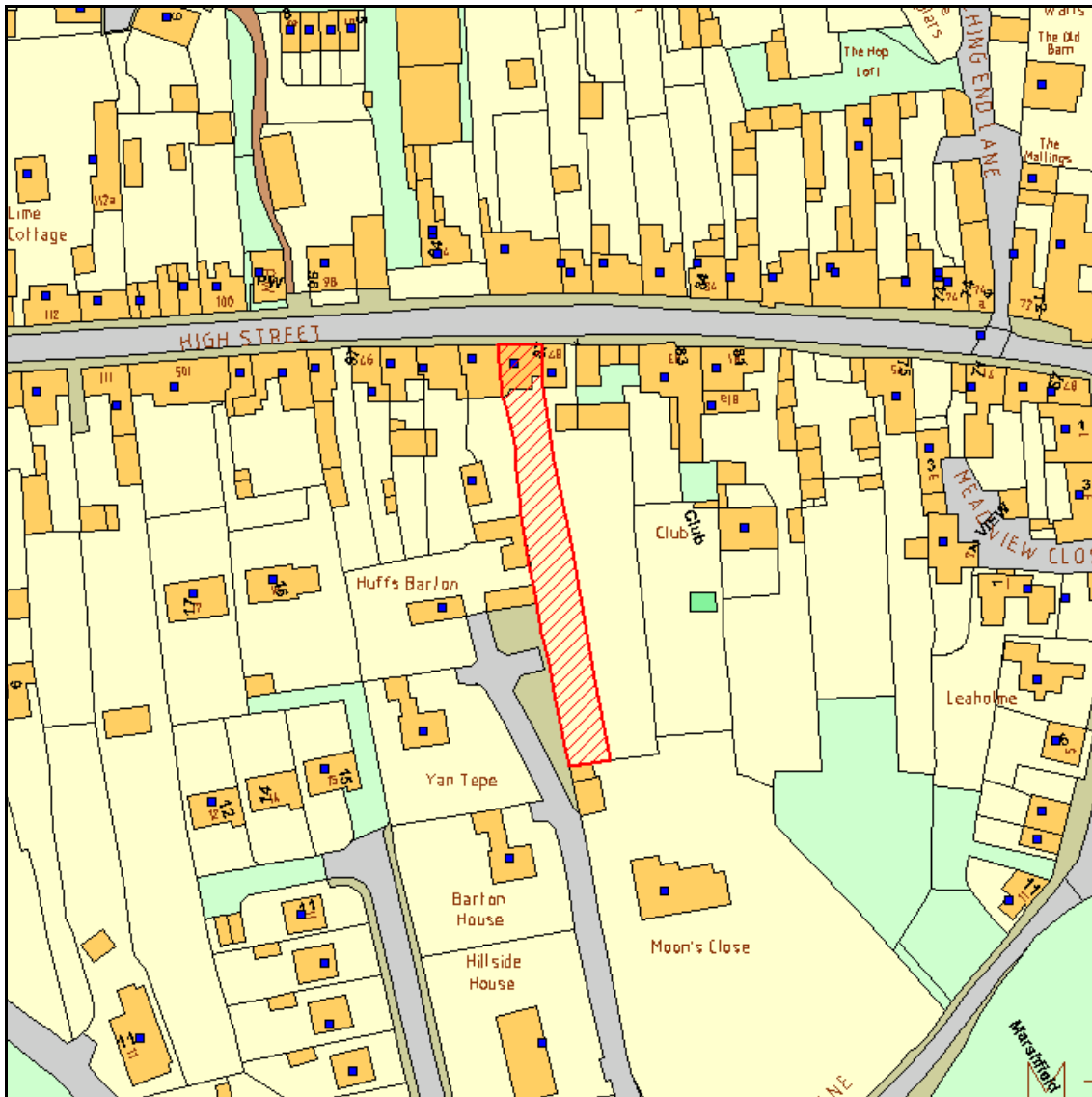
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PK14/3998/F	Applicant:	Mr Pete Morgan
Site:	89 High Street Marshfield Chippenham South Gloucestershire SN14 8LT	Date Reg:	22nd October 2014
Proposal:	Demolition of existing rear extension to facilitate erection of rear garden room. Installation of rooflights to facilitate loft conversion.	Parish:	Marshfield Parish Council
Map Ref:	377722 173738	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	8th December 2014



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 100023410, 2014. N.T.S. PK14/3998/F

REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of one letter of objection from a neighbouring resident.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the demolition of an existing rear extension and the erection of a replacement extension in its place. The application also includes the introduction of two new roof lights on the rear elevations.
- 1.2 During the course of the application, a series of amended plans were submitted at the request of the conservation officer. The plans were submitted in attempt to overcome concerns relating to the design of the rear extension, the number of roof lights and the introduction of dormer windows. As the alterations are all relatively minor, no formal re-consultation was carried out.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

- H4 Residential Development within Existing Residential Curtilages
- T12 Transportation Development Control Policy for New Development
- L2 Cotswold Area of Outstanding Natural Beauty (AONB)
- L12 Conservation Areas
- L13 Listed Buildings

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS9 Managing the Environment and Heritage

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/4122/LB Demolition of existing rear extension to facilitate erection of rear garden room. Installation of rooflights to facilitate loft conversion.
Associated listed building application – approved December 2014

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
No objection

4.2 Drainage Engineer

No comment

4.3 Conservation Officer

No Objection to the amended scheme for consideration

4.4 Local Residents

One letter of objection has been received from a neighbouring resident expressing concerns about the number of rooflights proposed facing the High Street.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H4 of the Local Plan allows for the principle of the development. The main issues to consider are the appearance/form and impact on the character of the AONB and Conservation Area; the residential amenity impacts; and transportation effects. The building is also listed hence the requirement for a separate listed building consent and the need to take account of the requirements of Policy L13 of the South Gloucestershire Local Plan (Adopted).

5.2 Appearance/Form and Impact on AONB and Conservation Area

As was raised by the neighbour in their letter of objection, the introduction of four rooflights into the front elevation of the dwelling was considered unacceptable by your officers because of the visual impact on the character of the dwelling and the wider conservation area. In response to this, all rooflights have since been removed from the front elevation. Following the receipt of suite of amended plans, the depth of the proposed extension has been reduced so that it does not project beyond the building line of the two storey extension. Amendments were also requested and received to show a reduction in the amount of alteration to the historic fabric and a reduction in the size of the remaining rooflights proposed. Matters relating to the detailed finish of the extension were dealt with and conditioned under the associated full planning application – it is not therefore necessary to repeat the detailed conditions on this full planning application.

5.3 Following the series of amended plans received, the proposal would now have an acceptable impact on the setting and character of the listed building and the wider conservation area. Furthermore, because the extension will be tucked within the existing built form it will not impact detrimentally on the character of the Cotswold AONB.

5.4 Residential Amenity

The proposed extension is appropriate in depth at 3.7 metres. The extension will project only 2 metres further than the existing extension that is to be demolished. Furthermore, the extension will be almost entirely screened from view from the neighbouring dwellings by the existing high boundary walls. It is not therefore considered that the proposed extension will have any unacceptable impact on neighbouring dwellings by means of overshadowing, overbearing or loss of privacy. Furthermore, the high level roof lights will not

result in any increased levels of overlooking than currently exists. Impact on residential amenity is therefore considered to be entirely acceptable.

5.5 Transportation

The proposed rear extension will not increase the number of bedrooms in the property; therefore, it is not considered that there will result in a material increase in traffic or result in a material increase in on street parking. The proposal is not therefore, considered to be in conflict with the Council's Residential Parking Standards SPD (adopted).

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 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

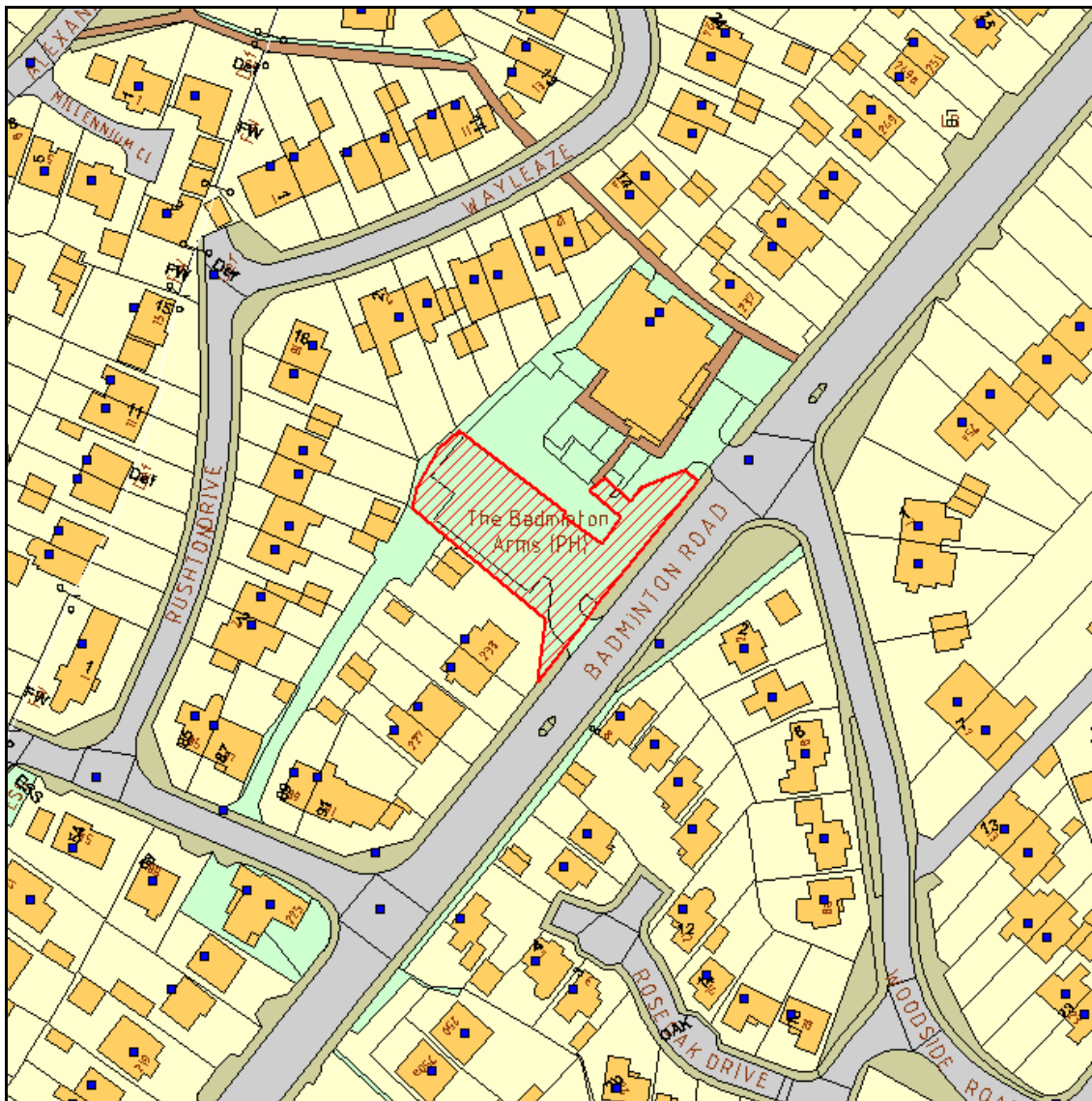
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PK14/4203/ADV	Applicant:	Sainsbury's Supermarkets Ltd
Site:	Land At The Badminton Arms Badminton Road Coalpit Heath Bristol South Gloucestershire BS36 2QJ	Date Reg:	7th November 2014
Proposal:	Display of 2 no. internally illuminated fascia signs, 1 no. internally illuminated totem sign and no. 7 other non-illuminated signs.	Parish:	Westerleigh Parish Council
Map Ref:	367819 181302	Ward:	Westerleigh
Application Category:	Minor	Target Date:	31st December 2014



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 100023410, 2014. N.T.S. PK14/4203/ADV

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule procedure due to an objection being received from the Parish Council which is contrary to the officer's recommendation of approval.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The application seeks advertisement consent for the display of 2 no. internally illuminated fascia signs, 1 no. internally illuminated totem sign and no. 7 other non-illuminated signs.
- 1.2 The application site consists of part of an existing car park associated with the Badminton Arms public house which received full planning permission to erect a convenience shop unit (ref PK13/4401/F). This application seeks consent for the display of advertisements in association with the retail unit. The site is located within the defined settlement boundary of Coalpit Heath and is largely surrounded by residential dwellings.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance (2014 and ongoing)
- 2.2 Development Plans

South Gloucestershire Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance
Design Checklist (Adopted) August 2007
Shopfronts and Advertisements (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

The application site has extensive planning history however the most relevant history is shown below;

- 3.1 PK14/4199/RVC - Variation of condition 13 of PK13/4401/F to now read All external lighting to be installed in accordance with the scheme and assessment set out in WYG Car Park Lighting Assessment (September 2014). No further external illumination to be installed unless submitted to and approved in writing by the Local Council
Pending consideration.
- 3.2 PK14/4200/RVC - Variation of condition 11 of application PK13/4401/F to vary delivery times to With exception to newspapers, no deliveries shall be taken at or despatched from the site outside the hours of 09.00am and 19.00pm Mondays to Saturdays. On Sundays, Bank and Public Holidays,

deliveries shall only be taken at or despatched from the site between 09.00am and 17.00pm.

Pending consideration

- 3.3 PK13/4401/F - Erection of convenience shop unit (Class A1), reorganisation of the car park, alterations to provide revised access/egress and servicing bay, re-provision of play facilities, landscaping and associated works.
Approved 23/10/2014

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
Object on the basis that the existing permission should be adhered to.
- 4.2 Sustainable Transport
No objection

Other Representations

- 4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The NPPF specifically states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and should be subject to control only in the interests of amenity and public safety, taking account of cumulative impact. The proposal therefore stands to be assessed on these matters in order to be considered acceptable.
- 5.2 Visual Amenity
The signage is proposed on the most prominent elevations facing the front and side elevation towards the public house which do not directly face any neighbouring dwellings, demonstrating that it has considered the context of the surroundings of the host building. The siting of the proposed signage is logical and is considered consistent with the size and scale of the approved residential unit. Furthermore, the lettering and colour scheme is modern and clear and the signs would be constructed from high quality materials.
- 5.3 Residential Amenity
As previously described, the application site is surrounded by residential dwellings to the northwest, southeast and southwest, with the existing public house to the northeast. Despite the residential setting, the proposed frontage would not directly face any residential dwellings. The application proposes internally illuminated fascia signs and a totem sign to front of the application site. Given the proposed building would be set back from the highway and suitably screened from conifers to the southwest side, the illuminated signs are not considered to have a significantly detrimental impact on the living conditions of neighbouring dwellings. That said, in order to protect the residential amenity

of neighbouring dwellings, a condition would be imposed to restrict illumination to the opening times of the residential unit.

5.4 It is acknowledged that Westerleigh Parish Council have objected to the application as they feel that the existing permission should be adhered to. That said, an advertisement scheme was not submitted with the existing permission and the comments from the Parish Council were most likely in relation to the variation of condition applications which are currently being considered by the Council. Because of this, the comments from the Parish Council do not alter the determination of the application.

5.5 Cumulative Impact

As previously stated, the application site is located in a residential area, adjacent to a public house. It should be considered however that the majority of the proposed signage would be well set back from the highway and retail unit and public house would be separated by a car park, providing some distance between the units. As such, the cumulative impact of the propose signage with existing signage is not considered to have a detrimental effect on the character of the area.

5.6 Public Safety

The Council's sustainable transport team raised no objections to the proposed signage and as such, the proposed signage is not considered to be detrimental to highway or pedestrian safety.

6. RECOMMENDATION

6.1 It is recommended that advertisement consent be GRANTED subject to the conditions listed below.

Contact Officer: Hannah Minett
Tel. No. 01454 862495

CONDITIONS

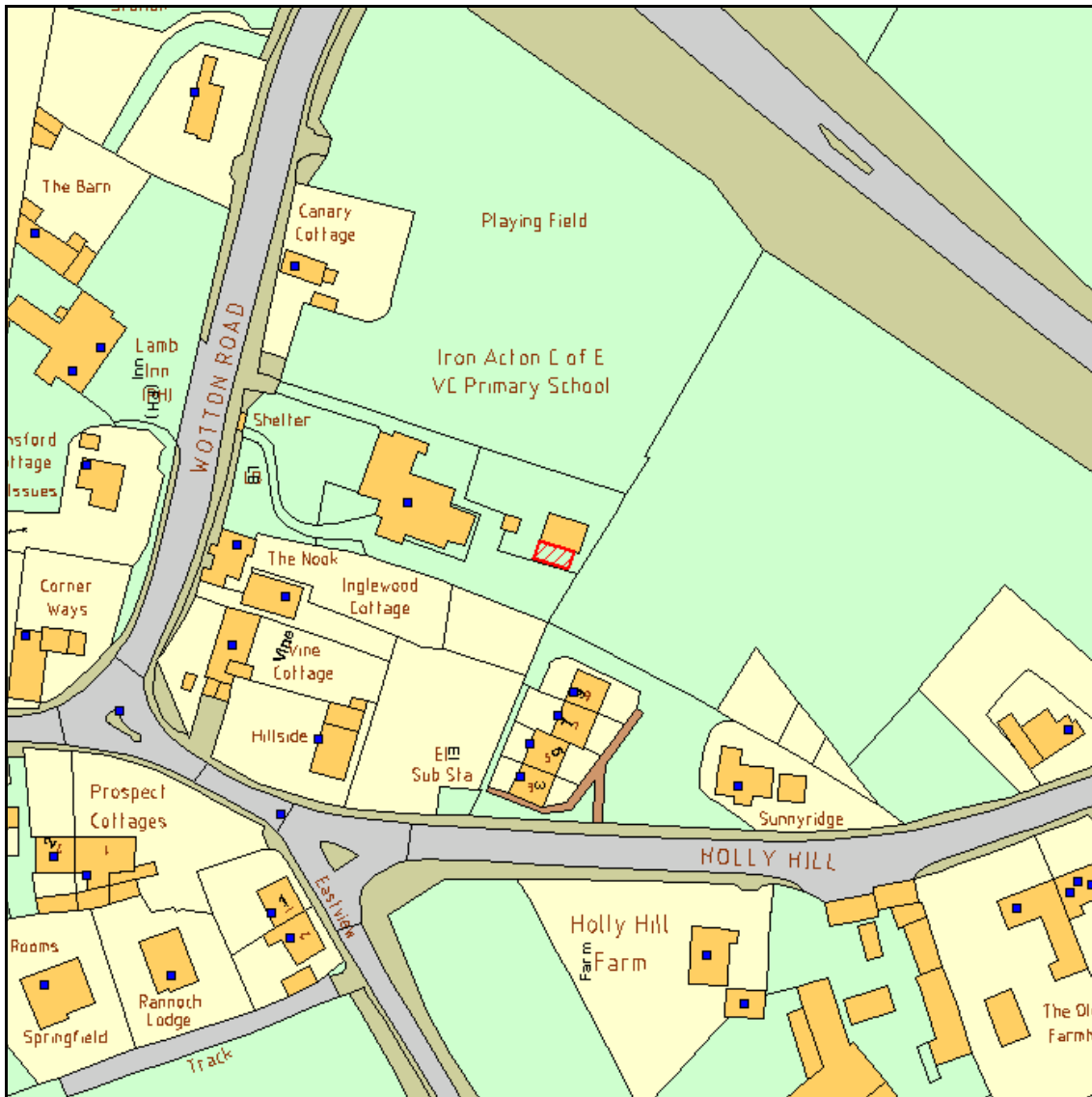
1. The illuminated signage hereby approved shall only be illuminated between 07.00 hours and 23.00 hours.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with The Town and Country Planning (Control of Advertisement) Regulations 2007.

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PK14/4264/R3F	Applicant:	Iron Acton Primary School
Site:	Iron Acton Primary School Wotton Road Iron Acton South Gloucestershire BS37 9UZ	Date Reg:	4th November 2014
Proposal:	Erection of timber canopy area.	Parish:	Iron Acton Parish Council
Map Ref:	368203 183526	Ward:	Frampton Cotterell
Application Category:	Minor	Target Date:	25th December 2014



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PK14/4264/R3F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process because the application is submitted by South Gloucestershire Council.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission for the erection of a timber canopy against an existing mobile classroom within the grounds of Iron Acton Primary School. The canopy would be mono-pitched and constructed from timber with a polycarbonate roof and provide a sheltered play area outside of the 'Elliot' classroom. The proposal also includes the erection of a 1m timber fence and gate around the paved area to ensure the safety of the pupils.
- 1.2 The main Victorian building within Iron Acton Primary School grounds is locally listed and the site is located within the Conservation Area and within the Green Belt. The application site consists of only a small area of the school grounds where the canopy would be placed, against the existing 'Elliot' mobile classroom. The school is located in a hill sloping upwards to the rear and so the classroom, which is located at the far end of the school grounds, is on raised ground accessed via a short stepped path which leads to a paved area adjacent to the class room. There is a retaining stone wall with cock-and-hen copings which borders the paved area from the lower level tarmac playground.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS23 Community Infrastructure and Cultural Activity

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement
LC4 Proposals for Educational and Community Facilities
LC9 Protection of Open Space and Playing Fields
L12 Conservation Areas

South Gloucestershire Supplementary Planning Guidance

Development within the Greenbelt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

3.1 The application site does not have any relevant planning history nor has the site or scheme been subject to any pre-application advice from the Council's planning department.

4. CONSULTATION RESPONSES

4.1 Iron Action Parish Council
No objection

4.2 Other Consultees

Highway Drainage
No objection

Conservation Advisor
No objection

Other Representations

4.3 Local Residents

One letter of support was received from a neighbour to the application site which in summary, states that;

- The classroom is tucked away discretely behind the main School House;
- The canopy would be a good addition for the pupils, facilitating greater learning opportunities and give the children shelter in the mornings.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Development at existing educational institutions is supported through Saved Policy LC4 of the Local Plan, which allows for improvement subject to an assessment of accessibility, amenity, environment, and transport and parking. Furthermore, the proposal should demonstrate that it is appropriate development in the greenbelt and demonstrate high quality design and in order to comply with the Council's Greenbelt SPD and Policy CS1 of the Core Strategy respectively. In addition to this, the proposal should also demonstrate that it would preserve or enhance the character and appearance of the Conservation Area, in accordance with Saved Policy L12 of the Local Plan. The proposed development is considered acceptable in principle subject to the assessment below.

5.2 Visual Amenity and Impact on the Locally Listed Building and Conservation Area

The siting of the canopy is as such that it covers an existing paved amenity area and would provide an ancillary space used for recreation in association with school activities, as such, the proposal would not result in a loss of playing fields or open space.

- 5.3 The proposed canopy and fence would be located on the south elevation of the mobile classroom which is located to the rear of the site, behind the main Victorian school building and would not be seen from the highway. With school grounds to the north and west and agricultural land to the east, the canopy would only be visible to the garden of a neighbouring dwelling to the south and would be some 55 metres away from the nearest neighbouring dwelling. The ridge of the mono-pitched canopy would sit above the roof of the classroom by 150mm in order to provide cover from the rain, which whilst not necessarily subservient in design, is considered acceptable due to its concealed location. The canopy and fence are considered a small scale development in relation to the school grounds which would not form a dominant structure in the setting of the locally listed main school building. Furthermore, the use of timber for the canopy frame and the fence has been informed by the rural setting and the existing cock-and-hen copings on the stone wall would be retained. As such, the proposal is considered to respect and preserve the setting of the locally listed building as well as the Conservation Area.
- 5.4 Overall, the siting and design of the proposed scheme is not considered harmful to the character and appearance of the application site or the Conservation Area and as such, is considered acceptable in terms of visual amenity. The proposal has also demonstrated that it would not be harmful to the setting of the locally listed building.
- 5.5 Green Belt
The Council's Greenbelt SPD states that development within the greenbelt within a defined settlement boundary is considered as infill development, which is considered acceptable where it does not significantly impinge upon the openness of the greenbelt. Given the proposal is located within the grounds of an existing school and it has already been established that it would not result in the loss of open space, the proposal is not considered to harm the openness of the green belt.
- 5.6 Residential amenity
As previously explained, the application site is some 55 metres away from a neighbouring dwelling. It is therefore safe to confirm that the proposal would not be detrimental to the living conditions of occupiers of neighbouring dwellings.
- 5.7 Accessibility and Transport
Located within the grounds of an existing school within the defined settlement boundary of Iron Acton and in close proximity to residential areas, the site can be considered as a sustainable location. Furthermore, the proposed development would not result in a loss of parking spaces or generate additional vehicular traffic and therefore is not considered detrimental to highway safety.

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 Core Strategy (Adopted) December 2013 and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application be **approved** subject to the conditions listed in the decision notice;

Contact Officer: Hannah Minett

Tel. No. 01454 862495

CONDITIONS

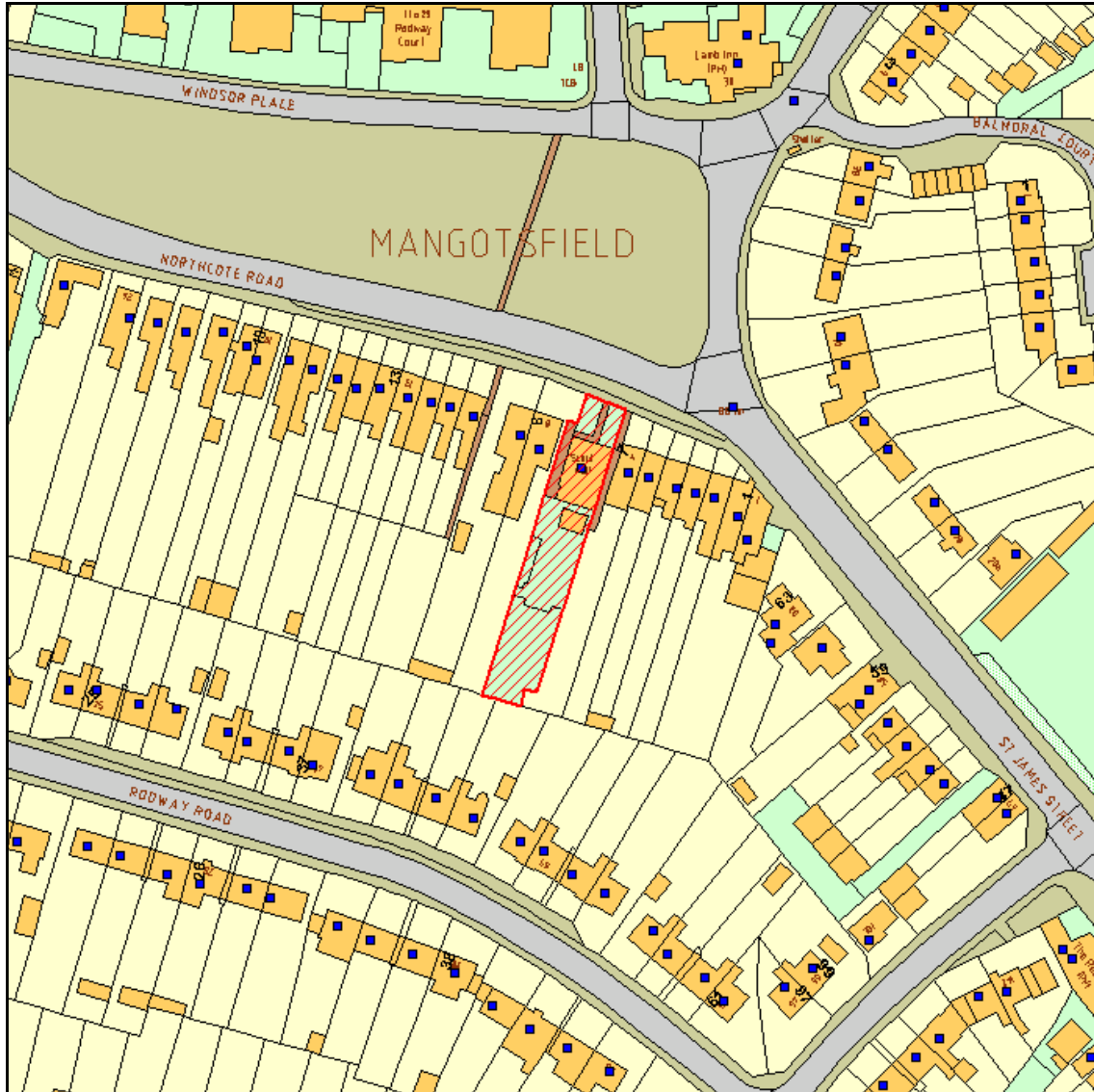
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PK14/4354/F	Applicant:	67th Kingswood Scouts
Site:	67th Kingswood Scouts 1st Mangotsfield Scout Group The Scout Hall Northcote Road Mangotsfield South Gloucestershire	Date Reg:	10th November 2014
Proposal:	Demolition of existing garage and sheds and erection of a single storey rear extension to form meeting room and store.	Parish:	None
Map Ref:	366230 176394	Ward:	Rodway
Application Category:	Minor	Target Date:	1st January 2015



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INTRODUCTION

This application is referred to the Circulated Schedule in accordance with procedure given that an objection has been received contrary to the officer recommendation

1. THE PROPOSAL

- 1.1 The applicant seeks consent for a single storey rear extension (an existing garage and sheds will be removed to facilitate the proposal) to a Scout Hall to provide a meeting room and a store room... The extension will project from the existing rear elevation of the building by 5.8 metres with a width of 6.5 metres (set in from the boundaries) and height to the apex of the hipped roof of 4.8 metres. Similar materials are to be used.
- 1.2 The application site comprises a detached building situated on the southern side of Northcote Road
- 1.3 Further plans were submitted at the request of the Planning Officer. These plans do not alter the scheme in any way but were required to clarify the proposal.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

LC4 Education and Community Facilities
T12 Transportation Development Control Policy

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS23 Community Infrastructure and Cultural Activity
- 2.3 Supplementary Planning Guidance

Design Checklist 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P98/4183 Erection of garage at rear for storage of camping equipment (approve)

4. CONSULTATION RESPONSES

- 4.1 Parish Council

The area is unparished

4.2 Other Consultees

Sustainable Transport

No objection - We note that this planning application seeks to demolish an existing garage and sheds at the rear of the Scout Hall in Northcote Road, Mangotsfield and erect a single storey rear extension to form meeting room and store in their place. As this extension is not accessible by motor vehicles and the current proposals do not alter its access arrangements, we consider that is unlikely to materially alter the traffic patterns associated with this building. Consequently, we have no transportation comments about this application.

Highway Drainage

No objection

Highway Structures

No objection

Trading Standards

No objection but an informative advised relating to weight restrictions on some of the adjoining roads albeit not Northcote Road

Other Representations

4.3 Local Residents

One objection has been received from an adjoining occupier. The grounds of objection can be summarised as follows:

The proposal will result in loss of daylight and sunlight given that height is considerably higher than the existing garage buildings and given that it extends further than the existing outbuilding.

The proposal will be overbearing

The rooflights will result in loss of privacy

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application site represents a community infrastructure asset. Policy CS23 supports additional, extended or enhanced community infrastructure and as such the proposal is supported in principle.

Policy LC4 (South Gloucestershire Local Plan – Saved Policy) is more specific indicating that such proposals are acceptable provided the following criteria are met:

5.2 *Proposals are located on sites which are or will be highly accessible on foot and by bicycle*

The site is located at the heart of the community drawing members from the surrounding area. The site is in close proximity to bus routes and is accessible by foot and bicycle. Bikes can be stored at the site safely. This criteria is met

5.3 *Development would not unacceptably prejudice residential amenities*

One objection has been received from an adjoining occupier at No.7. Concern has been raised that the proposal will result in loss of daylight/sunlight given that the building is considered higher and extends further than the existing arrangement. Concern is also raised that it would appear overbearing.

The extension when viewed from the east (No.7) Northcote Road would appear larger than the current arrangement, which is largely hidden by the boundary wall. An assessment is therefore required as to whether the proposed scheme which appears above the wall and is attached to the rear elevation (not detached as the current structure would have a greater impact.

The proposed extension would be separated from the boundary by 1.1 metres with the eaves level appearing approx. 0.2 metres above the wall. The roof would appear 2 metres above the eaves. The roof is however hipped away from the boundary such that the apex is 4.5 metres (approx.) from that boundary. Even accounting for the attachment to the rear elevation not currently present it is not considered that the impact upon outlook would be so significant such as would justify the refusal of the application. With respect to loss of sunlight/daylight given that No.7 is to the east, any impact would be restricted to the late afternoon only and to be behind the extension the sun would already be very low in the sky.

Concern has been raised that the proposal would result in the loss of privacy as a result of the rooflight in the east elevation. The property is single storey and it would not be possible to overlook the boundary fence. Any person stood directly under the rooflight would have a view facing up towards the sky rather than directly back to first floor windows to the rear of the neighbouring property. It should also be noted that the roof light is located where currently there is a gap between the garage and rear of the main building. It is not considered that the impact from the rooflight would be any greater than if a person were stood in the rear area.

In summary it is acknowledged that the extension would extend further than the existing structures and would have a greater height appearing above the boundary however it is not considered that the impact would be so significant such as would justify the refusal of the application and sustain that decision upon appeal. With respect to 8 on the other side, it is not considered given its scale and location that the development would result in a significant material loss of amenity.

5.4 *Development would not have an unacceptable environmental or transportation effect*

In terms of environmental impact the development would have no material impact. In addition

The proposal makes no alteration to the existing access or parking arrangements. There is no parking provision on-site, the garage being used for storage and this will not change as a result of the proposal. No objection has been raised by the Sustainable Transport Team,

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 Planning permission be granted subject to the conditions on the decision notice.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

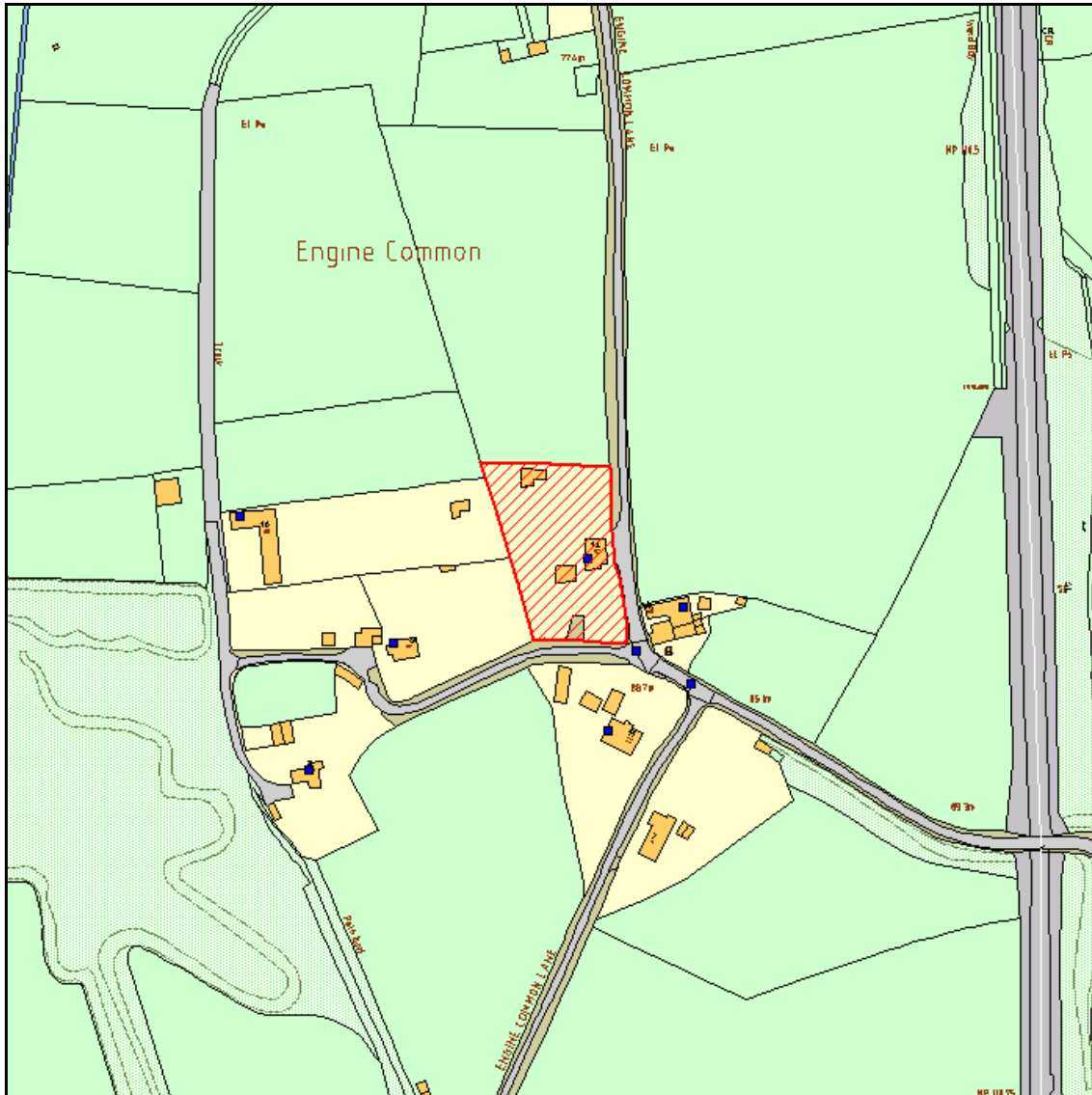
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

ITEM 11

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.: PK14/4469/F
Site: 13 Engine Common Lane Yate South
Gloucestershire BS37 7PX
Proposal: Erection of annexe ancillary to main
dwelling. (Amendment to previously
approved scheme PK13/4713/F to
change the siting of the annexe)
Map Ref: 370189 184330
Application Category: Householder

Applicant: Miss N Roden
Date Reg: 14th November
2014
Parish: Iron Acton Parish
Council
Ward: Ladden Brook
Target Date: 6th January 2015



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N.T.S.

PK14/4469/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure given that an objection has been raised that is contrary to the officer recommendation

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of an annex ancillary to the main dwelling.
- 1.2 The application site comprises a two-storey render cottage located on the western side of Engine Common Lane in the open countryside outside of any defined settlement boundary.
- 1.3 The cottage is set within a large curtilage, which contains a detached garage and stabling for horses. The annex proposed is located to the north of the dwelling within close proximity to the eastern boundary. The site and surrounding land is covered by an area Tree Preservation Order.
- 1.4 Recently an application was submitted for a determination as to whether the moving of the approved annexe 4 metres to the north of its original site could be deemed a non-material amendment.(PK14/4469/NMA).It was considered that this alteration was a material consideration and an objection was raised and hence the subsequent submission of the current application. The applicant indicates that the altered position is made in order to allow the retention of a store that was to be demolished previously. The building is identical in all other respects to that previously approved.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development
L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P92/2296, Change of use of land from private pony paddock to public outdoor riding arena and change of use of domestic curtilage to form associated car parking area (in accordance with the amended plans received by the council on 23 December 1992), approval, 13/01/93.
- 3.2 P96/1576, removal of condition 3 attached to planning permission P92/2296, approval, 01/01/00.
- 3.3 PK13/4713/F Erection of annexe ancillary to main dwelling (Approval 6/2/14)
- 3.4 PK14/4469/NMA 13 Engine Common Lane Objection

4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council

Object – It seems that this is a separate building now and we believed that it was originally adjoining, now creating 2 houses.

4.2 Transportation DC Officer No objection

4.3 Drainage Officer No comment

4.4 Tree Officer No objection in principle.

Other Representations

4.5 Local Residents No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal is for an amendment to the position of a previously approved ancillary annexe.

It is considered that the principle of development has been previously accepted. The proposal was allowed on the basis that it is an extension (albeit detached) to the original dwelling house. The proposed annex is small scale being single storey and approximately 9.1 metres in width and 6.1 metres in length. It contains a small office, bedroom, living room, bathroom, utility/tack room. It will share the same access and amenity space. No physical boundaries are proposed between the main dwelling and annex. Accordingly, given also that it is to be occupied by a relative, it is considered that the proposal will likely function as ancillary to the existing dwelling.

While it is noted that concern is raised that the building will operate as two separate units particularly as it will be physically separated further, the functional connection and shared amenity space would still be the same as is a single entrance. The building is identical in all other respects to that which was previously approved. A condition (as attached previously) will require the annexe to be occupied as ancillary to the main house and not a separate unit. It is not considered that the altered position is a reason as to why the proposal would result in a different conclusion/recommendation to that reached previously, thus the principle of development is still considered acceptable having regard to Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

It is necessary to assess whether the amended position has a material impact upon visual amenity/character of the area (and impact upon trees), residential amenity and transportation.

5.2 Appearance/Form and Impact on the Character of the Area

The proposal remains small in scale and comprises a simple form and dual pitched roof. The annex also has a relatively solid appearance with relatively spares amounts of glazing. The applicant has specified the materials breckland brown double Roman tiles for the roof; smooth render with cream colour masonry paint for the walls; stained timber doors and brown uPVC windows. The scale, form, siting and materials proposed are such that the proposal will not appear adversely out of keeping with the character of existing built form. As previously it is still considered that the proposal will be prominent from the surrounding landscape or public realm and will be relatively well screened by existing vegetation and built form.

5.3 Trees

In the assessment of the previous application, while it was noted that a large tree was growing adjacent to the northern boundary of the site; it was determined that as the proposal was located outside the Root Protection Area (RPA) of the tree that it would not have a significant effect on the health of the tree or the visual amenity of the area.

The amended location brings the development closer to that tree and while Tree Officers do not object to the proposal a condition is now recommended to require tree protection fencing to be put in place prior to the commencement of development and to be in place during the duration of the works (the applicant has also been notified in writing separately). Subject to this condition the proposal is considered acceptable in these terms.

5.4 Residential Amenity

Given the ancillary nature of the proposal it is considered that it will provide adequate amenity for occupiers. There is sufficient level of separation between the proposed annex and neighbouring occupiers to ensure that no significant adverse residential amenity issues will be created.

5.5 Transportation

The existing access onto Engine Common Lane will serve the annex; given its ancillary nature it is not considered that there will be a material effect in terms of levels of vehicular trips to the detriment of local highway conditions.

As previously a condition is recommended to ensure that a plan demonstrating at least two off street parking spaces is submitted prior to commencement and that these are provided within the boundary of the site prior to the first occupation of the annex.

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 conditions in the decision notice.

Contact Officer: David Stockdale
Tel. No. 01454 866622

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. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 13 Engine Common Lane Yate

Reason

The site is located in an unsustainable location where new residential development is restricted in the interests of sustainability, to reduce the need to travel, and to protect the open countryside for its own sake. A residential unit in this location would represent unsustainable development contrary CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013, and saved Policy H3 of the South Gloucestershire Local Plan (adopted) 2006.

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

Reason

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

4. Prior to the commencement of the development a plan demonstrating at least two off street parking spaces within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be provided in accordance with the approved scheme prior to the first occupation of the annex and retained thereafter.

Reason

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

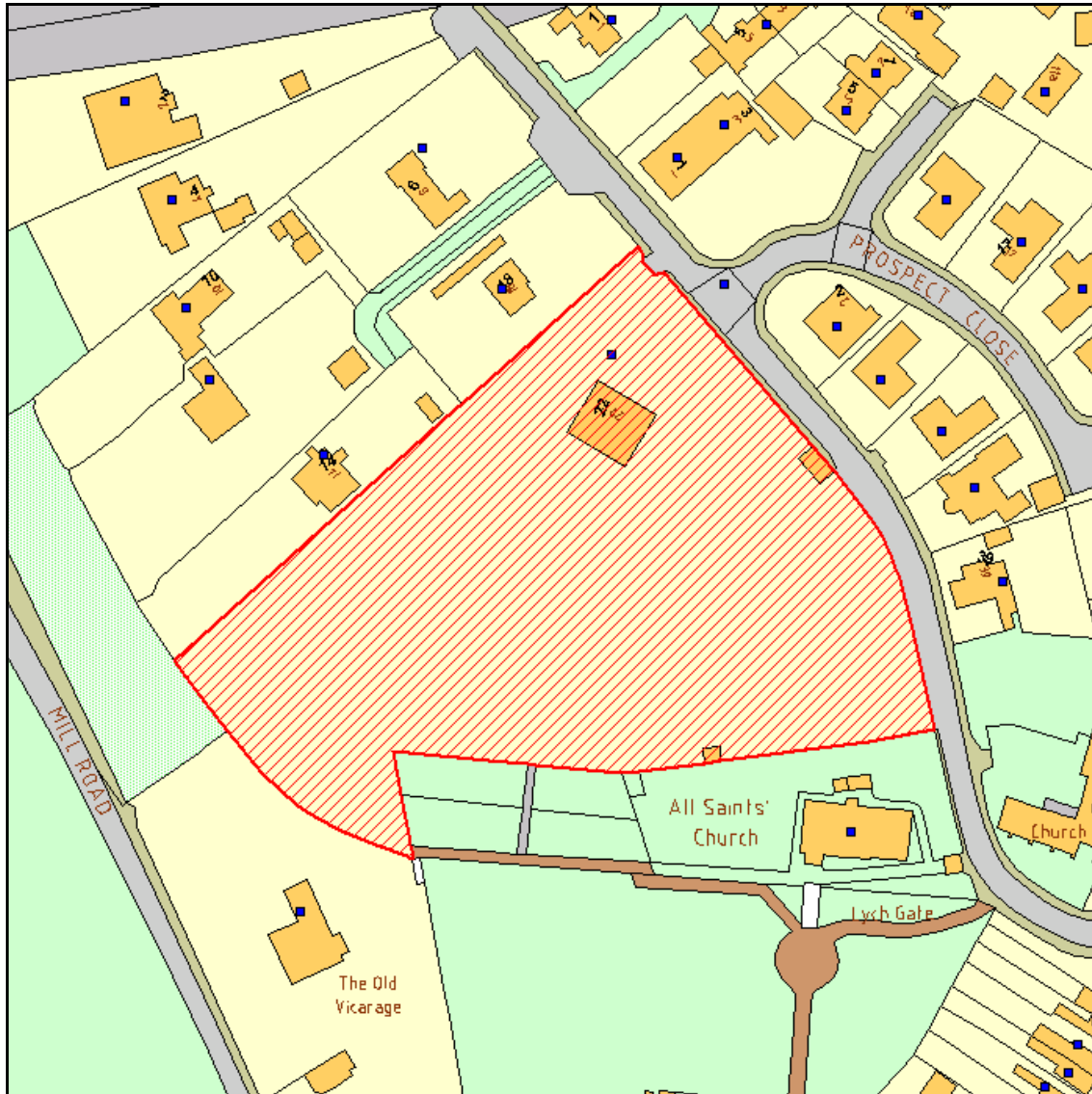
5. Prior to the commencement of the development tree protection fencing in accordance with BS:5837:2012 shall be erected and shall be retained in place for the duration of the development.

Reason

To protect the character and appearance of the area to accord with Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the Local Plan Core Strategy 2013 .

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PT13/4286/F	Applicant:	MD Savory And MN Savory
Site:	Hillcrest 22 Down Road Winterbourne Down Bristol South Gloucestershire BS36 1BN	Date Reg:	25th November 2013
Proposal:	Demolition of existing dwelling and the erection of 6 no. dwellings and associated garages, new access, landscaping and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	365026 179784	Ward:	Winterbourne
Application Category:	Major	Target Date:	19th February 2014



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 100023410, 2014. N.T.S. PT13/4286/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule in order to secure an extension in time for the processing of the S106 Agreement.

1. THE PROPOSAL

- 1.1 Planning permission PT13/4286/F was granted (May 2014) subject to S106 Agreement for the erection of six detached dwellings and a new vehicular access. It is proposed to demolish the existing dilapidated property and erect 4 detached dwellings and a pair of semi-detached houses, the latter would be affordable housing. Vehicular access would be from Down Road. The existing site access would be modified to serve the 2 x 2 bedroom semi-detached houses. A new access would serve the 4no. detached dwellings which comprise 2 x 4 bed and 2 x 5 bed houses.
- 1.2 The application site comprises a little over 1 hectare of land and relates to the substantial curtilage of 22 Down Road, Winterbourne. The host dwelling forms a detached two-storey property that is derelict, with the garden area overgrown; much of the land resembles woodland.
- 1.3 The site lies within the Winterbourne Established Settlement Boundary but beyond the Green Belt and Conservation Area. The southern site boundary adjoins the Grade II Listed All Saints Church and the southwest boundary is shared, albeit at a substantially lower level, with the Grade II Listed Old Vicarage. Residential properties lie to the north-west and opposite the site frontage to the north-east.
- 1.4 Within the site there are significant changes in level, with a small historic quarry to the south of the dwelling. Levels across the site generally fall gradually from north to south with a far steeper fall adjoining the southern boundary. A large number of trees within the site are subject to Tree Preservation Orders (individual, group and woodland orders).
- 1.5 The application was supported by the following documents:
 - Arboricultural Report
 - Archaeological Assessment
 - Archaeological Evaluation
 - Design and Access Statement
 - Ecological Survey
 - Ecology Assessment
 - Flood Risk Assessment
 - Heritage Statement
 - Planning Statement
 - Statement of Community Engagement
 - Transport Statement
- 1.6 A copy of the original Circulated Schedule Report is appended for information purposes. The resolution at para. 7.2 of the report states that:

“Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.”

In this case it is proposed to extend the time limit for completing the S106 Agreement by 3 months.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework March 2012

Planning (Listed Buildings and Conservation Areas) Act 1990

Housing and Growth - Ministerial Statement by The Rt. Hon. Eric Pickles (Secretary of State for Communities and Local Government). Sept 2012

Planning Practice Guidance March 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013

CS1 - Design

CS5 - Location of Development

CS9 - Managing the Environment and Heritage

CS15 - Distribution of Housing

CS16 - Housing Density

CS17 - Housing Diversity

CS18 - Affordable Housing

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement

L5 - Open areas

L9 - Species Protection

L11 - Archaeology

L13 - Listed Buildings

L15 - Buildings/Structures which Make a Significant Contribution to the Character and Distinctiveness of the Locality

H4 - Development within Existing Residential Curtilages, including Extensions and New Dwellings.

EP2 - Flood Risk and Development

EP4 - Noise Sensitive Development

EP6 - Contaminated Land

T7 - Cycle Parking Provision

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development

LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)

LC3 - Proposals for Sports and Leisure Facilities Within the Existing Urban Areas

LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007
South Gloucestershire Council Residential Parking Standards (Adopted) 2013.
Trees on Development Sites SPD Adopted Nov. 2005
The Affordable Housing SPD Adopted Sept. 2008
The South Gloucestershire Landscape Character Assessment (Adopted)
The Winterbourne Village Design Statement (Endorsed Nov 2012).
The Local List (Adopted) Feb 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PT99/0078/F - Erection of four 4-bedroom houses, two 5-bedroom houses together with garages, landscaping and access road.
Withdrawn: 15 December 1999
- 3.2 PT07/2277/O - Erection of 4 detached dwellings (outline) with siting/layout, access and landscaping to be considered; all other matters reserved.
Refused: 12 October 2007
Appeal Allowed: 24 July 2008
- 3.3 PT09/068/SCR - Screening Opinion issued in respect of then current planning application. Decision:
Environmental Impact Statement not required- 24 December 2009
- 3.4 PT09/5961/O - Erection of 64-bedroom nursing care home, 4 single-storey sheltered homes and single-storey warden house with associated parking and new vehicular access (outline). Access to be considered with all other matters reserved.
Refused: 19 March 2010
Appeal Dismissed: 9 June 2011
- 3.5 PT10/2266/O - Erection of 48no. bed Nursing Care Home two-storey and ten single-storey homes and single-storey warden house with associated parking and new access (Outline) Access and scale to be considered, all other matters reserved. (Re-submission of PT09/5961/O).
Refused 01 Dec. 2010
- 3.6 PT11/2193/RM - Erection of 4 dwellings. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT07/2277/O). Refused: 12 September 2011
- 3.7 PT12/035/SCR - Demolition of existing dwelling and erection of 6 detached dwellings with associated garages and parking; creation of new vehicular access from Down Road. Screening Opinion for PT12/3078/F.
EIA not required: 3 October 2012
- 3.8 PT12/3078/F - Demolition of existing dwelling and erection of 6no. detached dwellings with associated garages and parking. Creation of new vehicular access from Down Road.
Refused 31 Dec. 2012 for the following reasons:

1. *On the basis of the information received, it is considered that by reason of the scale, massing, design and position of the dwellings proposed, and the resultant loss of vegetation, the proposals would have a detrimental impact on the character and the visual amenities of the site and its locality and would be likely to result in further pressure for the loss of vegetation at this prominent and sensitive hilltop position that is characterised by dense vegetation and small-scale development. The proposal is therefore considered to be contrary to Planning Policies D1, L1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006, the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document and the Landscape Character Assessment (Adopted) Supplementary Planning Document.*
 2. *On the basis of the details received, it is considered that by reason of the scale, massing, position and design of plots 2 and 3 combined with the resultant loss of vegetation proposed, the proposals would fail to preserve the setting of the adjoining Grade II Listed Church and its associated graveyard. The proposal is therefore considered to be contrary to Planning Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*
 - 3 *The application fails to include any affordable housing and is therefore contrary to Policy CS19 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications (September 2012) and Planning Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006.*
 4. *By reason of the scale, massing and position of plot 4, the proposal would have an unacceptable and overbearing impact on the residential amenities of the neighbouring occupiers at 14 Down Road. The proposal is therefore considered to be contrary to Planning Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*
 5. *In the absence of an appropriate legal agreement to secure the necessary highway works, the proposal is contrary to Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.*
- 3.9 PT13/4286/F - Demolition of existing dwelling and the erection of 6no. dwellings and associated garages, new access, landscaping and associated works.
Approved subject to S106 Agreement (May 2014)

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

The comments of the Parish Council are no objection. However, more care should be taken with the views from Bury Hill and Worrells Lane. The Winterbourne Down Village Design Statement should be considered.

4.2 Other Consultees

Highway Drainage

No objection subject to a condition to secure a SUDS Drainage Scheme.

Environmental Protection

No objection subject to a condition relating to contaminated land.

Wessex Water

No objection. Consent will be required to connect to Wessex Water Systems.

The Environment Agency

No objection subject to a condition to ensure that the development is carried out in accordance with the Flood Risk Assessment.

Avon Wildlife Trust

No response

Historic Environment

No objection subject to a condition to secure further archaeological investigations.

Ecology Officer

The mitigation measures proposed in both ecology reports should be actioned via planning conditions to safeguard site ecology during and after the construction period. A further condition regarding reptiles should also be imposed.

Trading Standards and Licensing

Although Hillcrest is not within a vehicle weight restricted area, it is in close proximity to Winterbourne Railway Bridge. The structure has a 10T MGW Weak Bridge structural weight restriction imposed upon it.

Tree Officer

No objection subject to a condition to secure a detailed arboricultural method statement for the construction of the garage adjacent to T12.

Landscape Officer

No objection. The planting proposals are acceptable.

Urban Design Officer

The scale, forms and appearance is considered to be in keeping with the general 'ambience' of the village. Subject to landscape and arboricultural comments that confirm the ridgeline will be protected, adjustment to the layout with respect plots 5 & 6 and clarification of the sustainability standards, I have no objection.

Conservation Officer

The proposal will not have a harmful impact on the setting of the Grade II listed church and will accord with Policy L13 of the adopted Local Plan and Policy CS9 of the Core Strategy. Samples of all external materials should be conditioned, as should sample panels of the new walling for the buildings and the rebuilt boundary wall.

Sustainable Transport Officer

No objection subject to a S106 Agreement to secure the access works, and conditions to secure the access points, visibility splays and footpaths.

Children and Young People

The total contribution required for additional school provision is £22,014.

New Communities

No comment, the proposal for 6no. dwellings falls below the current threshold for contributions.

Housing Enabling

In accordance with policy CS18 and guidance in the affordable housing SPD, the following requirements are sought:

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF. The applicant has shown provision of 2 affordable homes which are accepted by the Council.
- Tenure split of 78% social rent, 6% affordable rent and 16% intermediate housing, as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009 and Addendum to SHMA 2009. The 2 affordable homes should be provided for social rent.
- A range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 and Addendum to SHMA 2009. The applicant is providing 2 x 2 bed houses which meet the greatest need evidenced by the SHMA.

Other Representations

4.3 Local Residents

9no. letters/e-mails of support have been received (some with the proviso that the access is re-located). The comments in support are summarised as follows:

- This would be an appropriate use of the site.
- Every aspect has been researched and looked into.
- Neighbours have been consulted by the developer.
- The setting of the Grade II Listed Church and Vicarage will be protected.
- The Woodland is in need of management.
- The scheme will compliment neighbouring properties.
- This is a reasonable and proportionate use of the land.
- This is residential development in a residential area.
- The position of the development in relation to no.14 Down Road is acceptable.
- The lowering of and re-location of the boundary wall will improve safety for pedestrians and road users.
- The new buildings will not be visible from the Church Yard.
- There has been years of neglect of the trees and wall.

- There will be preservation of wildlife areas.
- There is currently anti-social behaviour on the site.

2no. letters/e-mails have been received objecting on the following grounds:

- The access is dangerous.
- Poor visibility at the pedestrian access.
- Trees should not be felled.
- The scheme does not accord with the Winterbourne Village Design Statement.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This site lies within the Urban Area and the acceptance in principle of the development proposed was previously established with the grant of application PT13/4286/F subject to a S106 Agreement to secure the 'Heads of Terms' listed at para. 7.1 of the original Circulated Schedule Report. It is **not** proposed to change those 'Heads of Terms'.

5.2 The NPPF (para. 14) states that; at the heart of the Framework is the presumption in favour of sustainable development. Sustainable development is defined in the Framework as having three dimensions, which lead to three roles – an economic role, a social role and an environmental role. The proposal, which includes an element of social housing, would lie close to Winterbourne with its shops and services, and would create job opportunities for the building trade; as such it complies with the stated aims and objectives of the NPPF. Furthermore The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein are now part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

5.3 The drafting of the S106 Agreement has involved protracted negotiations, which has taken the application past the 6 month deadline for completing the S106 Agreement. Officers are however satisfied that there is every expectation that the S106 will now be signed shortly and the Council's Solicitor has advised that a further 3 months should be adequate time to complete the agreement.

6. **CONCLUSION**

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

- 6.2 It is recommended that para. 7.2 be amended to provide an additional 3 months for the completion of the S106 Agreement.
- 6.3 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Environment and Community Services 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 & Country Planning Act 1990 (as amended) to secure the following:
- (i) The access works shall be carried out in accordance with the principles shown on the approved 'Site Plan as Proposed' Drawing No. 258.P.001.
 - (ii) A financial contribution of £22,014.00p towards the provision of 2 additional Primary School places.
 - (iii) 35% of the approved dwellings i.e. 2 units, shall be delivered as affordable housing, as defined by the NPPF. The 2 units to comprise 2 x 2 bed houses i.e. plots 5 and 6 as shown on the approved 'Site Plan as Proposed' Drawing No. 258.P.001.
 - (iv) A S106 monitoring fee to the value of 4% of the total contributions i.e. £880.56p.

The reasons for this Agreement are:

- (i) In the interests of highway safety on Down Road in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 - (ii) To meet the needs of the increased population to result from the development and to accord with Policy LC2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 - (iii) To ensure the provision of Affordable Housing in accordance with Policy CS18 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.
 - (iv) To cover the Council's costs of monitoring the S106.
- (2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.2 Should the agreement not be completed within 3 months of the date of the Committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Reason

To comply with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The accesses, footpaths, car parking and manoeuvring areas shall be implemented in full accordance with the approved layout details shown on the Site Plan As Proposed Drawing No. 258.P.001 P4, prior to the first occupation of the buildings and retained for that purpose.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Council Residential Parking Standards SPD.

4. No development shall commence until representative samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

5. No development shall commence until sample panels of facing stonework and boundary walling of at least one square metre, showing the stone, coursing, joints, mortar and pointing, has been constructed on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7. Prior to the commencement of the development hereby approved, a Woodland Management Plan shall be drawn up and agreed in writing by the Local Planning Authority. The plan should include, protection measures for the retained woodland during the period of construction, details of all semi-natural habitats, future management and enhancements, most notably for European Hedgehog, to provide increased biodiversity across the site. All works are to be carried out in accordance with the approved plan.

Reason:

To promote an increase in the biodiversity of the site and provide appropriate long-term management for the site in accordance with policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013 and retained policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

8. All proposed planting shall be carried out in accordance with the approved Planting Plan Drawing No. BRS.4546_08-C, within the first planting season following completion of the building works.

Reason:

To screen the development and provide acceptable mitigation for the development, to accord with retained policies L1, L13 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006..

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

Reason

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

10. Prior to the commencement of the development hereby approved, a detailed Arboricultural Method Statement for the construction of the garage adjacent to Tree T12 (as identified in the submitted Tree Survey). Thereafter the works shall be undertaken in accordance with the Arboricultural Method Statement so approved.

Reason

In the interests of the long term health of the tree and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the Trees on Development Sites SPG Adopted Nov. 2005.

11. The hours of working on site during the period of construction and demolition shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, 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 protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the NPPF..

12. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
 - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
 - (c) Proposals for re-cycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
 - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
 - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 6th 2006 and Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

13. Prior to the commencement of any works on the site or site clearance, the proposed points of access shall be constructed to the extent whereby the proposed visibility

splays of 2.4m x 43m shall be provided, with no obstruction greater than 0.9m within said visibility splays.

Reason

In the interests of highway safety and the amenity of the area in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

14. Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority; thereafter the development shall be carried out in strict accordance with the approved CMP.

(For the avoidance of doubt the CMP should as a minimum include access and turning provisions, wheel wash details, details of type and position of temporary signage, and routing of all plant and vehicles to/from the site during the demolition, levelling (including quarry infill) and construction phases.)

Reason

In the interests of highway safety and the amenity of the area to accord with Policies T12 and H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

15. The development hereby approved shall be carried out in accordance with the mitigation proposals cited in Section 6.14 of the Ecology Assessment August 2010 (Arbor Vitae Environment Ltd), and those in Section 4 of the Ecology Survey February 2014 (Ethos Environmental Planning).

Reason

In the interests of protected species and the ecology of the site in accordance with Policy L9 of The South Gloucestershire local Plan (Adopted) 6th Jan 2006.

16. Should reptiles be found during the construction period, a suitably qualified ecologist shall be contacted for advice, thereafter the works shall be carried out in accordance with the advice given.

Reason

In the interests of protected species and the ecology of the site in accordance with Policy L9 of The South Gloucestershire local Plan (Adopted) 6th Jan 2006.

17. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Andrew Gough Development Consultant and the following mitigation measures detailed within the FRA:
 1. Construction of soakaway systems for each dwelling as detailed in drawing WB-DL-101.
 2. Finished floor levels are set no lower than 150mm above existing typical ground level.

Reason

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy EP2 of The South Gloucestershire Local

Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

18. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
- B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
- C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

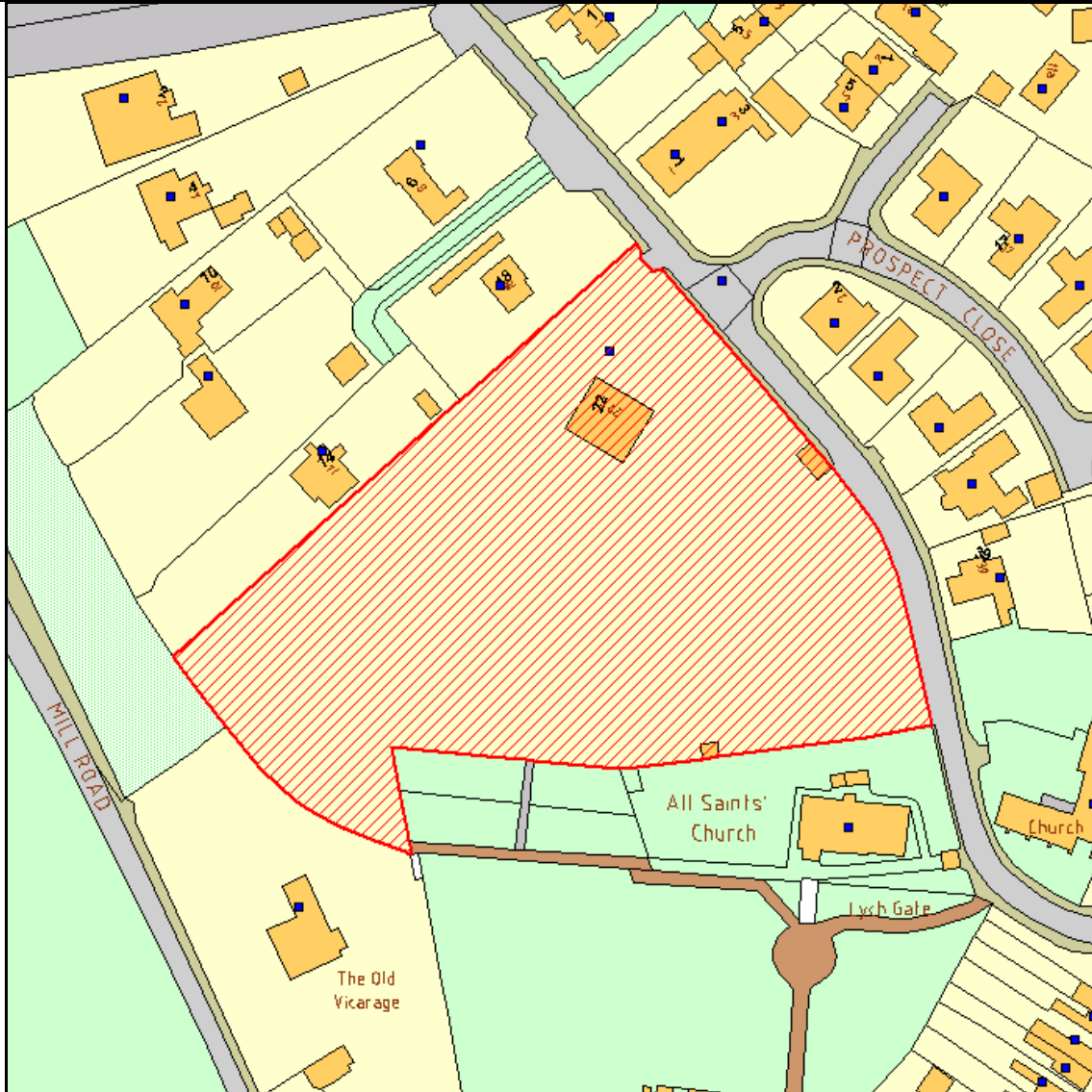
Reason

Having regard to possible contamination of the land and in the interests of future occupiers in accordance with Policy EP6 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

ITEM 9

CIRCULATED SCHEDULE NO. 20/14 – 16 MAY 2014

App No.:	PT13/4286/F	Applicant:	MD & MN Savory
Site:	Hillcrest 22 Down Road Winterbourne Down Bristol South Gloucestershire BS36 1BN	Date Reg:	25th November 2013
Proposal:	Demolition of existing dwelling and the erection of 6 no. dwellings and associated garages, new access, landscaping and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	365026 179784	Ward:	Winterbourne
Application Category:	Major	Target Date:	19th February 2014



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100023410, 2008. **N.T.S.** **PT13/4286/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from local residents, the concerns raised being contrary to the officer recommendation. Furthermore the affordable housing and CYP contributions as well as the works to the highway need to be secured by a S106 Legal Agreement.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of six detached dwellings and a new vehicular access. It is proposed to demolish the existing dilapidated property and erect 4 detached dwellings and a pair of semi-detached houses, the latter would be affordable housing. Vehicular access would be from Down Road. The existing site access would be modified to serve the 2 x 2 bedroom semi-detached houses. A new access would serve the 4no. detached dwellings which comprise 2 x 4 bed and 2 x 5 bed houses.
- 1.2 The application site comprises a little over 1 hectare of land and relates to the substantial curtilage of 22 Down Road, Winterbourne. The host dwelling forms a detached two-storey property that is derelict, with the garden area overgrown; much of the land resembles woodland.
- 1.3 The site lies within the Winterbourne Established Settlement Boundary but beyond the Green Belt and Conservation Area. The southern site boundary adjoins the Grade II Listed All Saints Church and the southwest boundary is shared, albeit at a substantially lower level, with the Grade II Listed Old Vicarage. Residential properties lie to the north-west and opposite the site frontage to the north-east.
- 1.4 Within the site there are significant changes in level, with a small historic quarry to the south of the dwelling. Levels across the site generally fall gradually from north to south with a far steeper fall adjoining the southern boundary. A large number of trees within the site are subject to Tree Preservation Orders (individual, group and woodland orders).
- 1.5 The application seeks to overcome the refusal reasons for the previously submitted scheme (see para. 3.8 below). The application is supported by the following documents:

- Arboricultural Report
- Archaeological Assessment
- Archaeological Evaluation
- Design and Access Statement
- Ecological Survey
- Ecology Assessment
- Flood Risk Assessment
- Heritage Statement
- Planning Statement
- Statement of Community Engagement
- Transport Statement

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990
Housing and Growth - Ministerial Statement by The Rt. Hon. Eric Pickles
(Secretary of State for Communities and Local Government). Sept 2012
Planning Practice Guidance March 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013

CS1 - Design
CS5 - Location of Development
CS9 - Managing the Environment and Heritage
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement
L5 - Open areas
L9 - Species Protection
L11 - Archaeology
L13 - Listed Buildings
L15 - Buildings/Structures which Make a Significant Contribution to the Character and Distinctiveness of the Locality
H4 - Development within Existing Residential Curtilages, including Extensions and New Dwellings.
EP2 - Flood Risk and Development
EP4 - Noise Sensitive Development
EP6 - Contaminated Land
T7 - Cycle Parking Provision
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
LC3 - Proposals for Sports and Leisure Facilities Within the Existing Urban Areas
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007
South Gloucestershire Council Residential Parking Standards (Adopted) 2013.
Trees on Development Sites SPD Adopted Nov. 2005
The Affordable Housing SPD Adopted Sept. 2008
The South Gloucestershire Landscape Character Assessment (Adopted)
The Winterbourne Village Design Statement (Endorsed Nov 2012).
The Local List (Adopted) Feb 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PT99/0078/F - Erection of four 4-bedroom houses, two 5-bedroom houses together with garages, landscaping and access road.
Withdrawn: 15 December 1999
- 3.2 PT07/2277/O - Erection of 4 detached dwellings (outline) with siting/layout, access and landscaping to be considered; all other matters reserved.
Refused: 12 October 2007
Appeal Allowed: 24 July 2008
- 3.3 PT09/068/SCR - Screening Opinion issued in respect of then current planning application. Decision:
Environmental Impact Statement not required- 24 December 2009
- 3.4 PT09/5961/O - Erection of 64-bedroom nursing care home, 4 single-storey sheltered homes and single-storey warden house with associated parking and new vehicular access (outline). Access to be considered with all other matters reserved.
Refused: 19 March 2010
Appeal Dismissed: 9 June 2011
- 3.5 PT10/2266/O - Erection of 48no. bed Nursing Care Home two-storey and ten single-storey homes and single-storey warden house with associated parking and new access (Outline) Access and scale to be considered, all other matters reserved. (Re-submission of PT09/5961/O).
Refused 01 Dec. 2010
- 3.6 PT11/2193/RM - Erection of 4 dwellings. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT07/2277/O). Refused: 12 September 2011
- 3.7 PT12/035/SCR - Demolition of existing dwelling and erection of 6 detached dwellings with associated garages and parking; creation of new vehicular access from Down Road. Screening Opinion for PT12/3078/F.
EIA not required: 3 October 2012
- 3.8 PT12/3078/F - Demolition of existing dwelling and erection of 6no. detached dwellings with associated garages and parking. Creation of new vehicular access from Down Road.
Refused 31 Dec. 2012 for the following reasons:
1. *On the basis of the information received, it is considered that by reason of the scale, massing, design and position of the dwellings proposed, and the resultant loss of vegetation, the proposals would have a detrimental impact on the character and the visual amenities of the site and its locality and would be likely to result in further pressure for the loss of vegetation at this prominent and sensitive hilltop position that is characterised by dense vegetation and small-scale development. The proposal is therefore*

considered to be contrary to Planning Policies D1, L1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006, the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document and the Landscape Character Assessment (Adopted) Supplementary Planning Document.

- 2. On the basis of the details received, it is considered that by reason of the scale, massing, position and design of plots 2 and 3 combined with the resultant loss of vegetation proposed, the proposals would fail to preserve the setting of the adjoining Grade II Listed Church and its associated graveyard. The proposal is therefore considered to be contrary to Planning Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.*
- 3 The application fails to include any affordable housing and is therefore contrary to Policy CS19 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications (September 2012) and Planning Policy H6 of the South Gloucestershire Local Plan (Adopted) January 2006.*
- 4. By reason of the scale, massing and position of plot 4, the proposal would have an unacceptable and overbearing impact on the residential amenities of the neighbouring occupiers at 14 Down Road. The proposal is therefore considered to be contrary to Planning Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.*
- 5. In the absence of an appropriate legal agreement to secure the necessary highway works, the proposal is contrary to Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.*

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

The comments of the Parish Council are no objection. However, more care should be taken with the views from Bury Hill and Worrells Lane. The Winterbourne Down Village Design Statement should be considered.

4.2 Other Consultees

Highway Drainage

No objection subject to a condition to secure a SUDS Drainage Scheme.

Environmental Protection

No objection subject to a condition relating to contaminated land.

Wessex Water

No objection. Consent will be required to connect to Wessex Water Systems.

The Environment Agency

No objection subject to a condition to ensure that the development is carried out in accordance with the Flood Risk Assessment.

Avon Wildlife Trust

No response

Historic Environment

No objection subject to a condition to secure further archaeological investigations.

Ecology Officer

The mitigation measures proposed in both ecology reports should be actioned via planning conditions to safeguard site ecology during and after the construction period. A further condition regarding reptiles should also be imposed.

Trading Standards and Licensing

Although Hillcrest is not within a vehicle weight restricted area, it is in close proximity to Winterbourne Railway Bridge. The structure has a 10T MGW Weak Bridge structural weight restriction imposed upon it.

Tree Officer

No objection subject to a condition to secure a detailed arboricultural method statement for the construction of the garage adjacent to T12.

Landscape Officer

No objection. The planting proposals are acceptable.

Urban Design Officer

The scale, forms and appearance is considered to be in keeping with the general 'ambience' of the village. Subject to landscape and arboricultural comments that confirm the ridgeline will be protected, adjustment to the layout with respect plots 5 & 6 and clarification of the sustainability standards, I have no objection.

Conservation Officer

The proposal will not have a harmful impact on the setting of the Grade II listed church and will accord with Policy L13 of the adopted Local Plan and Policy CS9 of the Core Strategy. Samples of all external materials should be conditioned, as should sample panels of the new walling for the buildings and the rebuilt boundary wall.

Sustainable Transport Officer

No objection subject to a S106 Agreement to secure the access works, and conditions to secure the access points, visibility splays and footpaths.

Children and Young People

The total contribution required for additional school provision is £22,014.

New Communities

No comment, the proposal for 6no. dwellings falls below the current threshold for contributions.

Housing Enabling

In accordance with policy CS18 and guidance in the affordable housing SPD, the following requirements are sought:

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF. The applicant has shown provision of 2 affordable homes which are accepted by the Council.
- Tenure split of 78% social rent, 6% affordable rent and 16% intermediate housing, as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009 and Addendum to SHMA 2009. The 2 affordable homes should be provided for social rent.
- A range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 and Addendum to SHMA 2009. The applicant is providing 2 x 2 bed houses which meet the greatest need evidenced by the SHMA.

Other Representations

4.3 Local Residents

9no. letters/e-mails of support have been received (some with the proviso that the access is re-located). The comments in support are summarised as follows:

- This would be an appropriate use of the site.
- Every aspect has been researched and looked into.
- Neighbours have been consulted by the developer.
- The setting of the Grade II Listed Church and Vicarage will be protected.
- The Woodland is in need of management.
- The scheme will compliment neighbouring properties.
- This is a reasonable and proportionate use of the land.
- This is residential development in a residential area.
- The position of the development in relation to no.14 Down Road is acceptable.
- The lowering of and re-location of the boundary wall will improve safety for pedestrians and road users.
- The new buildings will not be visible from the Church Yard.
- There has been years of neglect of the trees and wall.
- There will be preservation of wildlife areas.
- There is currently anti-social behaviour on the site.

2no. letters/e-mails have been received objecting on the following grounds:

- The access is dangerous.
- Poor visibility at the pedestrian access.
- Trees should not be felled.
- The scheme does not accord with the Winterbourne Village Design Statement.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This site lies within the Urban Area where the principle of residential development is acceptable. Furthermore, the acceptance in principle of the residential development of this site using the access proposed was established when the appeal against the refusal of application PT07/2277/O was allowed.

5.2 The NPPF (para. 14) states that; at the heart of the Framework is the presumption in favour of sustainable development. Sustainable development is defined in the Framework as having three dimensions, which lead to three roles – an economic role, a social role and an environmental role. The proposal, which now includes an element of social housing, would lie close to Winterbourne with its shops and services, and would create job opportunities for the building trade; as such it complies with the stated aims and objectives of the NPPF. Furthermore The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein are now part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Council Officers have worked closely with the applicants to amend the scheme from its original proposal to its current design.

5.3 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.

5.4 Density

The scheme would provide 6 units of accommodation on the 1.08ha site, which equates to 5.55 dph. The density would be well below what one would normally expect in a suburban area, however this low figure for the density of the development merely reflects the constraints of developing this site, which has steeply sloping land in places, is highly vegetated and lies adjacent to Grade II Listed Buildings. Having considered the site constraints, officers are satisfied that the proposed density would make the most efficient use of the site.

5.5 Scale and Design

The layout shows 6 dwellings (4 in large plots) arranged around a 'courtyard'. The low density is a consequence of the need to protect existing vegetation.

Further units and subdivision of plots would no doubt lead to added pressure to fell trees located on this locally important ridgeline. The proposed new stone wall and garage blocks would provide a distinct entrance into the site. The layout is predominantly organised around the existing trees. Retention and protection of a number of large trees in and around the site boundary is absolutely paramount to respecting the wooded appearance and views of this important ridgeline. The layout is therefore acceptable.

- 5.6 The proposed houses are 2-2.5 storey split level units, which are generally in scale with nearby dwellings. Low pitched roofs, contemporary styled chimneys, large modern windows and balconies (which take advantage of views and the wooded setting) are combined with pennant stone, brick and timber cladding. This gives a modern appearance that responds to the woodland setting and local distinctiveness.
- 5.7 In terms of sustainability, it is noted that principle windows / rooms have been orientated due south to maximise solar gain. This is important given the propensity for overshadowing from the existing trees.
- 5.8 The Winterbourne Village Design Statement (VDS) refers to the importance of protecting landscape setting, including this important ridgeline. The dwellings are also predominantly proposed in generous plots, a feature noted in the VDS, which provides space for the protection and enhancement of existing landscape features and provision of gardens and play space. The development also incorporates and replaces the existing stone wall along the frontage and utilises traditional materials. The scale, form and appearance is therefore considered to be in keeping with the general 'ambience' of the village.
- 5.9 Conservation Issues
The site forms a prominent tree covered escarpment within the surrounding landscape, which is of primary importance regarding visual amenity within the surrounding villages. The Grade II Listed All Saints' Church, the Grade II Lychgate, the Grade II Listed Old Vicarage and the Locally Listed Methodist Church are all located at the peripheries of the site boundary. In accordance with paragraphs 131 and 132 of the NPPF, setting is a material consideration in assessing the impact of the proposed development.
- 5.10 The church, built in 1858, is an important landmark on Down Road, occupying a prominent position beside the road that terminates the views on the approach from the south. Its three tall gables create a strong feature which is echoed by the gabled roof structure of the lychgate that forms the pedestrian entrance from the pavement. The setting is also enhanced by the adjacent locally listed Methodist Church which sits opposite the church in a slightly elevated position. Together, these three structures (nationally and locally listed) form an important historic and architectural group which is viewed against a verdant backdrop that positively contributes to their setting. The graveyard is a very secluded, verdant area surrounded by a number of mature, high quality trees. Despite the background motorway noise, the site is very atmospheric and it has a sense of isolation and intimacy that is desirable to protect. The site to the north has an almost wild, woodland character, with extensive tree planting and dense undergrowth that contributes to the setting of the graveyard.

- 5.11 The Old Vicarage is located to the south-west of the site but is set lower down the hillside than the church and proposed development. The levels in this area mean that views of the development in the immediate vicinity of the Old Vicarage should be screened by the remaining trees. In longer distance views, however, the building is a dominant feature in the landscape, sitting at the lower edge of the tree covered escarpment. Together with the nearby Old School House, they are the only buildings seen in certain views of the development site. The Design and Access Statement includes two photos showing the proposed development and how it will be screened by the existing tree cover; the belt of trees on this side of the site should act as a good screen to the development and ensure that the Old Vicarage remains the dominant feature in these longer views.
- 5.12 Further information has been submitted in support of the application and specifically in relation to the potential impact of the development on the setting and character of the graveyard. The details include photomontages of the plot closest to the church (plot 2), taken at points along the graveyard. It is accepted that in the area immediately to the west of the church, the extensive evergreen tree and shrub cover provides good screening of the development site. There is also a substantial level difference which reduces the line of sight and means only the uppermost areas of the buildings are visible.
- 5.13 To the west of the church is the later 20th century extension to the graveyard. This comprises the original walkway from the church to the Vicarage at the lower level, with two terraces of graves running parallel with the boundary wall. A central set of steps provides access to the two levels. From the lowest level, the historic walkway from the Vicarage to the church, it is possible that glimpsed views will be had of the roof and part of the upper floor of plot 2 although the orientation of the building means that it will quickly recede into the distance and be obscured by the boundary wall and vegetation. At the upper levels of this part of the graveyard, it is inevitable that views into the site will be available and more of the individual buildings will be seen. Close to the boundary, virtually the entire site can be seen and there will inevitably be inter-visibility between the graveyard and any development in the application site. As the principle of residential development has been previously allowed at appeal (although now lapsed), a degree of intervention into the setting of the graveyard has been considered acceptable. This area is relatively divorced from the immediate setting and historic graveyard around the Church, and it doesn't feature in key views of the Church from Down Road and the graveyard to the south. Consequently, it would be difficult to resist the principle of development providing it does not become unduly intrusive and imposing given the sense of isolation and intimacy that is desirable to protect. The proposed layout of plot 2 is a considerable improvement on the previous submissions which had two 3-storey buildings positioned in a much more imposing position close to the boundary. To reduce any potential views, a belt of 'native structure planting' is proposed against the southern boundary.
- 5.14 Having regard to all of the above, the proposed development would remain well screened by the existing and proposed trees and planting that form an important backdrop to the Church and historic graveyard. Limited views of Plot

2 would be available from the later 20th century graveyard to the west of the Church although these would be restricted to the upper levels of the terracing and filtered through the proposed native structure planting. It is now considered that the proposal would not have a harmful impact on the setting of the Grade II listed church and will accord with Policy L13 of the adopted Local Plan and Policy CS9 of the Core Strategy. Samples of all external materials would be conditioned, as would sample panels of the new walling for the buildings and the rebuilt boundary wall.

5.15 Landscape/Tree Issues

The site contains a detached dwelling set in a large garden containing a former quarry. The more significant trees on the site are all covered by a TPO. The site lies within the Frome Valley landscape character area (Area 13). The SG Landscape Character Assessment describes the landscape character of the area as '*a diverse and intricate area*' and continues, '*The combination of some of the key characteristics of the area, the undulating landform plus the varied and textured vegetation structure help to integrate some of the settlement edges, urban edge and roads within the wider landscape. Despite the extensive areas of settlement and urban edges, there are areas of landscape and pockets within settlements which retain, or largely retain, a distinct rural character*'.

- 5.16 The site is one such small '*pocket*' that has significance both in the immediate locality and in the wider landscape being a landscape feature comprising a wooded hilltop visible over a wide area. Nevertheless it is important to note the tree cover that provides the most important element of the feature is not located just within the site, but there are trees and areas of woodland outside of the site which in combination with the site vegetation make up the overall feature and give it significance. It is equally important to note the site has been neglected and many trees are not in the best of condition, much of the shrubby understorey has been lost and as a result the landscape feature has become degraded. This degradation has the potential to gradually reduce the significance and value of the landscape feature. The principle of development on the site has previously been accepted but any development coming forward on the site must acknowledge the value of the landscape feature and seek to protect and enhance it. Development on the site offers the opportunity to put in place landscape enhancement and management that could ensure the long term protection of this part of the overall landscape feature.
- 5.17 During the most recent appeal on the site, the importance of this wooded hilltop was recognised and in long views the most significant trees, forming the crest of this wooded outline, were identified as the group of trees within the highest area of the site; which within this latest layout, would be the area of plot 3. This group of trees comprises T25 – T31. The Purple Beech, T25 is identifiable within the long views and as it is a grade B tree, would ideally be retained within the layout. The proposed layout provides a total of 6 dwellings, which includes 2 affordable units at the front of the site. Proposals include filling in the existing quarry area to provide a larger developable area
- 5.18 Each dwelling is set within a generous plot, providing good amenity space and allowing room for garden planting in the future within the treed framework. The

critical boundary regarding long views of the site is the southern boundary with the churchyard; the site layout indicates that the existing vegetation will be retained along this boundary and supplemented with additional tree planting, which is welcomed. The new tree and shrub planting proposed as part of the development has been well considered and focuses on reinforcing the screening of this southern boundary, as well as providing a new native hedge and tree planting behind the reconfigured stone boundary wall onto Down Road. It is considered that, the proposed planting should provide adequate mitigation for the development and preserve and enhance the screening of the site in long views.

- 5.19 The site is covered by a TPO, which applies to 27 individual trees, 2 groups and 1 woodland. The tree survey identifies 65 trees; 2 grade A, 18 B and 36 grade C and also 18 tree groups; 2 grade B and 16 grade C. All category A trees will be retained within the proposed layout, with a total of 42 grade C and 2 grade B trees being lost to accommodate the development.
- 5.20 In consideration of the potential for harm to the adjoining Green Belt in the context of the NPPF guidance, this rests upon whether or not the development would be conspicuous from the Green Belt. It is considered that the layout has been designed to retain the majority of the existing significant trees on site and provide landscape enhancement, thereby preserving the screening element within the identified long views from the Green Belt to the south and west.
- 5.21 Having considered all of the above there are no landscape objections to the proposal, which accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.22 Impact on Residential Amenity
The nearest properties that are most likely to be affected are the two adjoining properties that sit to the north of the application site: that fronting Down Road i.e. no.18 and that behind, no.14. In respect of 18 Down Road, the main outlook from this dwelling is to the front and rear (i.e. away from the application site) there being no windows in the southern end elevation; furthermore dense vegetation restricts views along this boundary. The proposal would introduce two two-storey dwellings (plots 5 and 6) the rear of which would face towards this boundary, albeit with views primarily orientated towards the front of this dwelling and with the proposals inset in excess of 20m from this boundary. On this basis, and with the screening provided, it is not considered that any significant adverse impact in residential amenity would be caused to this property.
- 5.23 Plots 3 and 4 adopt a similar position but are considerably larger and positioned closer to the boundary. Nevertheless they have been designed so as to have minimal impact on nos. 18 and 14 respectively, with the scale and massing significantly reduced from that which was previously refused; plot 4 has been moved further away from the boundary with no. 14. Again the dense vegetation on the northern boundary helps to screen any views into or out of the site. No.14 is single- storey with no significant habitable room windows in the southern elevation.

- 5.24 All other neighbouring dwellings are positioned at an appreciable distance from the site of the proposals. Adequate private amenity space would be retained to serve the new dwellings. On this basis, there would be no significant adverse impact on local residential amenity.
- 5.25 Transportation Issues
Vehicular access would be taken from Down Road. The existing site access would be modified to serve the 2no. 2-bedroom semi-detached houses whilst a new access would be taken from Down Road to serve the 4 detached dwellings. The latter would be achieved by setting back the existing boundary wall with visibility splays of 2.4m x 43m provided for each access; the former would be provided by lowering the height of the wall to 0.9m. Whilst some concerns have been expressed about this access arrangement the acceptance in principle of such an access was previously established in the appeals relating to applications PT07/2277/O and PT09/5961/O.
- 5.26 Prior to the recent attempts to provide a nursing home on this site, outline permission was granted for the erection of four detached dwellings in addition to the host dwelling that was to be retained (PT07/2277/O). This was initially refused for reasons relating to the proposed access and the absence of affordable housing but was allowed at appeal.
- 5.27 At this time, the Inspector noted that the street scene was characterised by the tall trees and walling that enclose this part of Down Lane but stated that *'change does not necessarily equate to harm and, in my view, the loss of enclosure resulting from the proposed realigned wall and removal of mature trees would not harm the character and appearance of the street scene.'* The Inspector noted that *Down Road 'is more open than it would have been prior to Prospect Close being developed, although I do not find that this harms its character and appearance'.*
- 5.28 Regarding traffic speeds and the new access, it was noted that *'Concerns have been expressed about the speed of traffic along Down Road and the positioning of the access in relation to the adjoining bend. However, the technical evidence before me demonstrates that traffic speeds past the appeal site are generally below the 30mph speed limit and that the proposed access would provide adequate visibility in both directions. I have also had regard to the fact that the Council raised no highway objections'.*
- 5.29 In respect of the more recent appeal decision, the Inspector wrote: *'I note the concern of some interested parties regarding the impact upon the stone boundary wall. However, as I have noted, permission exists for a new access to serve the permitted 4 additional houses. That scheme would include similar alterations to this boundary feature and is a fall back position available to the appellant. Whilst I understand that at the current time that permitted scheme is not viable, the previous Inspector found that such access works would not be harmful. Although the scale of these additional dwellings is likely to be very different to the scheme before me, the impact upon the roadside wall would not be a sound basis for withholding permission.'*

- 5.30 Notwithstanding the above, it should be noted that the outline planning permissions referred to have now lapsed; nevertheless the appeal decision letters are material considerations of significant weight, so much so, that officers consider that it would now be unreasonable to refuse the current application on highway grounds, given that it incorporates similar access arrangements.
- 5.31 Officers do however consider that the access points should be constructed to the extent whereby the proposed visibility splays of 2.4m x 43m should be provided, with no obstruction greater than 0.9m within said visibility splays, prior to any other works on site commencing. Thereafter the access works, including footpaths should be completed to an adoptable standard prior to the first occupation of the houses. A S106 legal agreement would be required to secure the access works as the majority of the works are within the public highway.
- 5.32 Adequate parking and turning space would be provided within the site to serve the proposed development. There are therefore no transportation objections to the proposal as now submitted.
- 5.33 The proposals for the re-development of the site include the requirement to make alterations to the existing ground profile, including the infilling of the small quarry within the site, with inert aggregate. There will be a requirement for imported fill material to infill the quarry and initial calculations suggest the volume of this fill to be in the order of up to 450-500 cu.m. This is likely to equate to approximately 25-30 no. 20 tonne vehicle deliveries. These deliveries would however be made over a relatively short time period, likely to be within a single week.
- 5.34 The applicant is willing to accept a condition requiring a construction management plan (CMP). It is likely that such a CMP would determine the access into the site along with adequate on-site turning area to allow for any large vehicle to either enter or exit the site in forward gear plus details of wheel wash facilities. Temporary signage would be provided to warn motorists of turning lorries and a banksman would help direct traffic.
- 5.35 Affordable Housing
The site falls within the Winterbourne settlement boundary that is identified as a rural settlement by Policy CS18 of the South Gloucestershire Council Local Plan Core Strategy (Adopted) 11 Dec. 2013 and Affordable Housing Supplementary Planning Document thus the threshold of 5 units/0.2 hectares applies. On this basis, 35% of dwellings are required to be delivered as affordable housing and this equates to 2 affordable dwellings that are to be delivered without public subsidy.
- 5.36 The greatest affordable need is for 2-bedroom houses for social rent. The proposed provision of two 2-bedroom houses is therefore acceptable on this site.

5.37 Ecology

An updated ecological survey has been provided (Ethos Environmental Planning February 2014). This confirmed the findings of an earlier report and re-assessed the building and outbuilding on site as having low potential for roosting bats, no signs of bat use being noted.

5.38 The site also has a potential to support reptiles albeit a low one, as although none were found during the 2010 reptile survey slow-worms have been recorded in the adjacent churchyard. The site does support badgers (foraging only) and breeding birds (including red and amber listed species) and has potential to support European hedgehog (the latter is not protected but is a South Gloucestershire Priority Species given its substantial decline).

5.39 The mitigation measures proposed in both ecology reports would be actioned via planning conditions to safeguard site ecology during and after the construction period. A further condition regarding reptiles would be imposed. Subject to these conditions there are no objections on ecological grounds.

5.40 Archaeology

This application has been accompanied by a desk-based assessment and the results of archaeological field evaluation, the former of which is considerably out of date. The evaluation has specified that no evidence for the putative Bronze Age barrow on the site survives, but the trenches were small and therefore archaeological deposits may still survive. Furthermore, the trial trenches only covered a small area of this current development site. Considering the works that have already taken place, further pre-determination assessment is not required, but a condition for a programme of archaeological work should be applied to any consent granted.

5.41 This programme of work would be divided into two phases – the first a programme of trial trenching leading to a mitigation strategy and the second the implementation of that strategy. No construction should be permitted to start until Phase 1 has been undertaken and the mitigation strategy accepted by the council. Thereafter the mitigation strategy should be implemented in full and again in accordance with a brief. Subject to the aforementioned condition, there are no objections on archaeological grounds.

5.42 Education

Current Department for Education cost calculators give a figure of £10,898 per additional primary pupil place, based at the Quarter 4 2011 value of the Royal Institute of Chartered Surveyors Building Cost All-In Tender Price Index.

5.43 At primary level there is a projected deficit of places in the local area. The proposed development of 6 dwellings will generate 2 additional primary pupils according to the pupil number calculator. A contribution of £22,014 is required for additional primary provision. There is a projected surplus of places at secondary schools in the local area. No contribution is required for additional secondary provision.

- 5.44 The total contribution required for additional school provision is therefore £22,014.00p, this to be secured by S106 Agreement.
- 5.45 New Communities
The proposal for 6no. dwellings falls below the current threshold (10) for contributions.
- 5.46 Drainage
Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, requires the proposed development to ensure that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. A flood risk assessment has been submitted, nevertheless an appropriate condition to secure a SUDS drainage scheme would be imposed, should consent be granted. Subject to this condition the scheme would accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.47 Environmental Issues
The site does not lie within an area at significant risk from former coal mining, neither is the site within a zone of risk from flooding. Given that the existing house would be demolished, officers consider it appropriate to impose a condition to secure the prior submission and approval of a Waste Management Audit. The historic use of the site as former quarried areas and filled ground, may have caused contamination which could give rise to unacceptable risks to the proposed development. A suitable condition should therefore be included in any approval.
- 5.48 Furthermore the developer would be recommended to register the site under the 'Considerate Contractors scheme'. The scheme would also be the subject of Building Regulation Control and controls embodied within The Environmental Health Act. Subject to the aforementioned condition, the Council's Environmental Health Officer has raised no objections on Environmental Protection grounds.
- 5.49 CIL
Officers consider that the S106 requests meet all of the tests listed under Para. 20 of the NPPF and Reg 122 of the CIL Regs 2010 in being:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Environment and Community Services 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 & Country Planning Act 1990 (as amended) to secure the following:
- (i) The access works shall be carried out in accordance with the principles shown on the approved 'Site Plan as Proposed' Drawing No. 258.P.001.
 - (ii) A financial contribution of £22,014.00p towards the provision of 2 additional Primary School places.
 - (iii) 35% of the approved dwellings i.e. 2 units, shall be delivered as affordable housing, as defined by the NPPF. The 2 units to comprise 2 x 2 bed houses i.e. plots 5 and 6 as shown on the approved 'Site Plan as Proposed' Drawing No. 258.P.001.
 - (iv) A S106 monitoring fee to the value of 4% of the total contributions i.e. £880.56p.

The reasons for this Agreement are:

- (i) In the interests of highway safety on Down Road in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 - (ii) To meet the needs of the increased population to result from the development and to accord with Policy LC2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 - (iii) To ensure the provision of Affordable Housing in accordance with Policy CS18 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.
 - (iv) To cover the Council's costs of monitoring the S106.
- (2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.2 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Reason

To comply with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The accesses, footpaths, car parking and manoeuvring areas shall be implemented in full accordance with the approved layout details shown on the Site Plan As Proposed Drawing No. 258.P.001 P4, prior to the first occupation of the buildings and retained for that purpose.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Council Residential Parking Standards SPD.

4. No development shall commence until representative samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

5. No development shall commence until sample panels of facing stonework and boundary walling of at least one square metre, showing the stone, coursing, joints, mortar and pointing, has been constructed on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

7. Prior to the commencement of the development hereby approved, a Woodland Management Plan shall be drawn up and agreed in writing by the Local Planning Authority. The plan should include, protection measures for the retained woodland during the period of construction, details of all semi-natural habitats, future management and enhancements, most most notably for European Hedgehog, to provide increased biodiversity across the site. All works are to be carried out in accordance with the approved plan.

Reason:

To promote an increase in the biodiversity of the site and provide appropriate long-term management for the site in accordance with policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013 and retained policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

8. All proposed planting shall be carried out in accordance with the approved Planting Plan Drawing No. BRS.4546_08-C, within the first planting season following completion of the building works.

Reason:

To screen the development and provide acceptable mitigation for the development, to accord with retained policies L1, L13 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006..

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

Reason

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

10. Prior to the commencement of the development hereby approved, a detailed Arboricultural Method Statement for the construction of the garage adjacent to Tree T12 (as identified in the submitted Tree Survey). Thereafter the works shall be undertaken in accordance with the Arboricultural Method Statement so approved.

Reason

In the interests of the long term health of the tree and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the Trees on Development Sites SPG Adopted Nov. 2005.

11. The hours of working on site during the period of construction and demolition shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, 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 protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the provisions of the NPPF..

12. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
 - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
 - (c) Proposals for re-cycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
 - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
 - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 6th 2006 and Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

13. Prior to the commencement of any works on the site or site clearance, the proposed points of access shall be constructed to the extent whereby the proposed visibility

splays of 2.4m x 43m shall be provided, with no obstruction greater than 0.9m within said visibility splays.

Reason

In the interests of highway safety and the amenity of the area in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

14. Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority; thereafter the development shall be carried out in strict accordance with the approved CMP.

(For the avoidance of doubt the CMP should as a minimum include access and turning provisions, wheel wash details, details of type and position of temporary signage, and routing of all plant and vehicles to/from the site during the demolition, leveling (including quarry infill) and construction phases.)

Reason

In the interests of highway safety and the amenity of the area to accord with Policies T12 and H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

15. The development hereby approved shall be carried out in accordance with the mitigation proposals cited in Section 6.14 of the Ecology Assessment August 2010 (Arbor Vitae Environment Ltd), and those in Section 4 of the Ecology Survey February 2014 (Ethos Environmental Planning).

Reason

In the interests of protected species and the ecology of the site in accordance with Policy L9 of The South Gloucestershire local Plan (Adopted) 6th Jan 2006.

16. Should reptiles be found during the construction period, a suitably qualified ecologist shall be contacted for advice, thereafter the works shall be carried out in accordance with the advice given.

Reason

In the interests of protected species and the ecology of the site in accordance with Policy L9 of The South Gloucestershire local Plan (Adopted) 6th Jan 2006.

17. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Andrew Gough Development Consultant and the following mitigation measures detailed within the FRA:

1. Construction of soakaway systems for each dwelling as detailed in drawing WB-DL-101.
2. Finished floor levels are set no lower than 150mm above existing typical ground level.

Reason

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the risk of flooding to the proposed development and

future occupants in accordance with Policy EP2 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013.

18. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
- B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
- C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
- D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

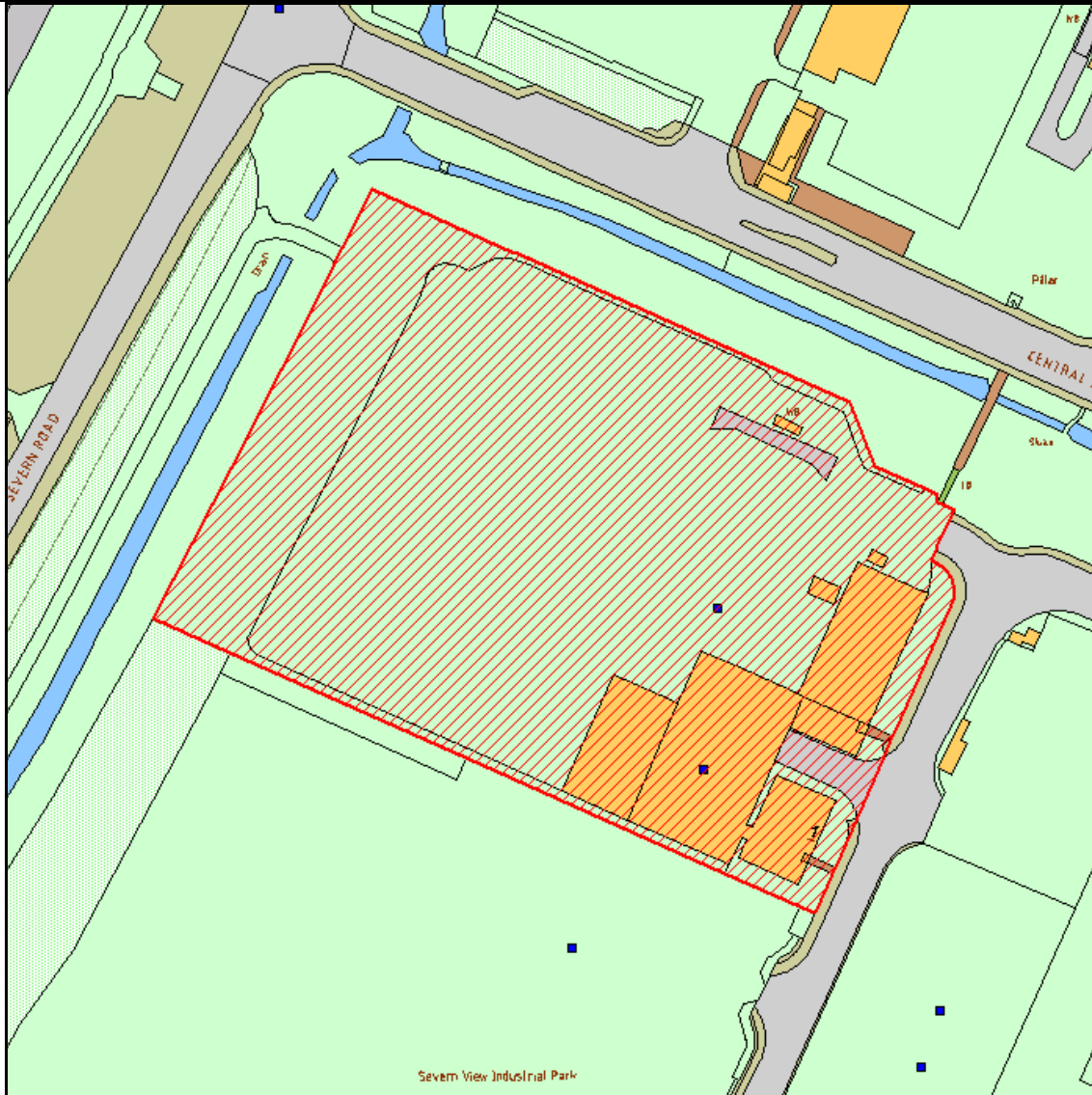
- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

Having regard to possible contamination of the land and in the interests of future occupiers in accordance with Policy EP6 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PT14/2938/F	Applicant:	Carbon8 Aggregates Ltd
Site:	Unit 1 Severn View Industrial Park Central Avenue Hallen South Gloucestershire BS10 7SD	Date Reg:	14th August 2014
Proposal:	Proposed demolition of existing building and erection of new industrial building, erection of silos, provision of storage bays and other ancillary development (Use Class B2)	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	353853 183200	Ward:	Pilning And Severn Beach
Application Category:	Major	Target Date:	28th October 2014



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 100023410, 2014. N.T.S. PT14/2938/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of representations received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks consent for the demolition of existing buildings and the erection of a new industrial building, erection of silos, provision of storage bays and other ancillary development, Use Class B2. This will facilitate the use of the site for an aggregates company that use a process known as accelerated carbonation to convert various products and materials into limestone for use as a manufactured aggregate. This would involve the importation of by products and 'wastes' from various other processes and includes various ash, dusts and slags, in enclosed tankers, where it is transferred to enclosed storage silos where they are subsequently moved to sealed mixers where the material is treated to commence the accelerated carbonation process. The full manufacturing process would take place within an enclosed purpose built structure with no point source emissions to air. A Site Investigation Report and a Flood Risk Assessment accompany the application as the site is located in Flood Zone 3a.
- 1.2 The site itself consists of an existing industrial site on Severn View Industrial Park. It is approximately 1.5 hectares in size and is bounded by palisade fencing and buildings. The proposed new building created would be 939 square metres. The site is an industrial area surrounded by industrial/employment uses. The nearest residential properties are located over 1 km from the site. The site is located within the former ICI permission area and is a Safeguarded Employment Area. The Severn Estuary lies to the west, beyond Severn Road.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy for Waste
Planning Policy Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
L1 Landscape Protection and Enhancement
L7 Sites of National Nature Conservation Interest
EP2 Flood Risk and Development
EP9 Development in the Vicinity of Safety Hazards
T12 Transportation Development Control Policy for New Development
E4 Safeguarded Employment Areas
- South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS9 Managing the Environment and Heritage
CS11 Distribution of Safeguarded Employment Land

3. RELEVANT PLANNING HISTORY

- 3.1 SG4244 – The site forms part of the historic ICI consents on Severnside for a range of facilities including development of factories, warehouse and offices granted in 1957. The permission remains relevant.
- 3.2 PT06/0021/F – Change of use from employment (Classes B1(c), B2 and B8), to waste transfer and recycling facility (Class sui generis). Approved 19th February 2007.
- 3.3 PT14/0954/F – Change of use of existing buildings and associated land from waste transfer station and recycling facility (sui generis) to mixed use (Class B1/B2/B8) and 24 hour operation. Approved 19th June 2014.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
In the most part, Pilning and Severn Beach Parish Councillors do not object to this development. However, it is questioned as to why yet more anti-social industrial development must be sited in such close proximity to a residential area.

Transportation

We have now reviewed this planning application and note that it seeks to demolish the existing industrial buildings located at Unit 1, Severn View Industrial Park, Central Avenue, Hallen and replace them with a new facility to produce aggregates. We also note that this planning application is supported by a Planning Statement. In this document the applicants indicate the proposed uses of the site will generate a total of 26.8 heavy good vehicle trips per day. Conversely, it is not clear from this document how many employees will normally be present on the site and how many trips they will generate. Hence, it is not possible to estimate the total number of movements associated with this development, although we consider that it is not likely to be very large. Moreover, from our examination of the plans for this site submitted with this application it is unclear whether the site makes provision for staff and visitor car-parking, how many spaces will be provided, whereabouts on the site these facilities are located and how they are arranged. Should the site generate any significant number of employee trips, we would also require their impact upon the local highway network to be examined, suitable mitigation measures proposed and a framework travel plan to be produced as part of this process. The Planning Statement does not address these issues either. Likewise, the intended provision for cycles and pedestrians etc is also unclear. Consequently, we would normally recommend that an objection be made to this application

until this information has been provided. However, the Planning Statement indicates that this site lies within the boundaries of the 1957 Planning Permission granted to ICI Ltd. As a result we are unable to follow this course of action. Nevertheless, we would still recommend that the applicant is requested to clarify the on-site parking provision for car, motorcycles and cycles. Taking into account the previous usage, the comparable vehicle movements and the number of likely employees it is considered that this information/mitigation can be obtained through conditions of any planning permission.

Highways Structures

No comments

Environment Agency

Initially raised an objection to the proposal on the basis of insufficient information in relation to contaminated land and issues regarding potential flood risk, Further site investigation work was subsequently submitted and clarification provided regarding flood mitigation. The Environment Agency have subsequently withdrawn their objection subject to condition relating to site ground investigation and remediation and specified flood risk mitigation measures.

Archaeology

It is recognised that the planning statement makes no reference to heritage or archaeology. Considering that this is a highly sensitive archaeological area, and the land surrounding this has been subject to archaeological assessment and evaluation in various forms, this is surprising. Previous archaeological activity on site has demonstrated survival of Bronze Age material, although broadly archaeological deposits were limited. As such there would be no requirement for any pre-determination work.

However, a HC13 condition for a programme of archaeological work comprising a watching brief, should be applied to any consent granted. This only need relate to ground disturbance, so there would be no requirement to monitor the demolition for the existing structures unless these would result in ground disturbance.

Ecology

There was initial concern over the level of information received in terms of being able to determine the impact on the Severn Estuary SPA/SAC/Ramsar. The application needs to demonstrate that all aspects of development have been considered and that none would have a significant effect on the conservation objectives of the Severn Estuary European Site.

Subsequently an ecological assessment, dated October 2014, by Grass Roots Ecology has been provided in support of the application and to specifically address potential impacts on the Severn Estuary European Site (SPA/SAC/Ramsar), in particular aerial emissions hydrological impacts increased noise and increased lighting.

From the above, it is concluded that application PT14/2398/F is not likely to have a significant effect on the conservation objectives of the Severn Estuary

SPA (or Ramsar) either alone or in combination (cumulatively) with other plans or projects.

A formal Habitat Regulations Assessment pro-forma dated 11th November 2014 has been completed and signed off by the Council and Natural England.

Accordingly, there are no ecological constraints to granting planning permission.

Natural England

This application is in close proximity to the Severn Estuary Site of Special Scientific Interest (SSSI). This SSSI forms part of the Severn Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Severn Estuary has been classified.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Severn Estuary SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Natural England also provides standing advice on protected species and highlights the potential for biodiversity enhancements.

Landscape

There is no 'in principle' landscape objection to the proposals, however the information submitted is very limited regarding both existing and proposed landscape. We will require a vegetation retention and removal plan, with more detail of the extent of existing vegetation along the road frontage. We will also require the inclusion of a good level of new tree and shrub planting to provide a strong landscape framework to the development; a principle established on previous phases of development along Severn Road and within the nearby Western Approaches industrial park. There is sufficient space within the application boundary to achieve a good level of tree planting.

The applicant should submit a landscape proposals plan, to demonstrate a good level of new planting; providing an acceptable plan is agreed, I am happy for the detailed planting plans to form a condition of planning.

Health and Safety Executive

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major Hazard sites/ pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using PADHI+, HSE's planning advice software tool, based on the details input by South Gloucestershire Council. Only the installations, complexes and pipelines considered by South

Gloucestershire Council during the PADHI+ process have been taken into account in determining HSE's advice. Consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Fisher German (on behalf of Esso Petroleum Co Ltd)

Our client, Esso Petroleum Co Ltd do have apparatus situated near the proposed works. Esso Petroleum Co Ltd have no objections to the proposals so long as the enclosed 'Special Requirements for Safe Working' booklet and the covenants contained in the Deed of Grant are adhered to.

4.3 Local Occupiers

One letter has been received from agents acting on behalf of owners of a site within the vicinity of the application, as follows:

We act on behalf of the Scottish Power Generation Ltd and have been instructed to submit a representation in respect of the above application.

As you will be aware, Scottish Power are the landowners of the site to the east of the planning application site – the former ICI Terra Nitrogen / Grow How site where it is proposed to develop and build a new gas-fired power station of up to 1800MW. The project is classified as a Nationally Significant Infrastructure Project under the Planning Act 2008. The scheme is currently at the pre application stage, with an application for a Development Consent Order (DCO) anticipated to be submitted to the Planning Inspectorate in Autumn 2015.

Scottish Power have a duty to monitor development proposals in the surrounding area to assess the implications of development proposals for their site. We have reviewed the planning application documents and available information through your planning portal and have the following comments to make.

As an adjacent landowner Scottish Power have not been consulted with directly by the Council (nor by the applicant) on this application, we would welcome your clarification on your procedures and protocols for assessing which adjacent landowners are consulted with and how this has been applied in this instance.

In general terms we are concerned with the lack of supporting information and technical assessments submitted with the planning application to allow the Council, statutory consultees and interested parties to fully assess the scheme.

In particular we are concerned that, in line with the Council's own planning application requirements checklist the following information appears not to have been submitted:

- Air quality assessment
- Biodiversity survey and report
- Noise impact assessment
- Transport assessment

It is our view that given the nature of the proposal and associated operations that such information should have been provided with the application, in order to support the validation of the planning application and until such information is provided it appears to our clients that there is insufficient information to suitably determine the application. Without this information it is not possible for Scottish Power to undertake an assessment of the development and its' likely impacts on their interests.

Given the above, we would like to register our considerable reservations in respect of potential impact of the proposal on Scottish Power's interests including the potential to inhibit the proposals for the power station, a Nationally Significant Infrastructure Project, which is supported by National Policy Statements EN-1 and EN-2. Please can you clarify your position on the application and the information that we believe is required for Scottish Power to be able to fully assess the proposed development.

N.B – Officer comment - It is considered that the information submitted and additional information requested and submitted has enabled all relevant internal and statutory parties to have made comments upon the application resulting in the various comments and requirements for further information received. This has resulted in both initial objections which have subsequently been withdrawn as well as other comments and advice and has included the recommendation for additional conditions, as considered appropriate in certain aspects of the development.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF sets a clear direction of presumption in favour of sustainable development, particularly where they accord with the development plan, except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Policy CS35 of the Core Strategy states that land at Severnside will be safeguarded and developed for distribution and other extensive employment uses. The site is also a safeguarded employment area by virtue of the SGLP. Policy 2 of the Joint Waste Core Strategy states that planning permission will be granted for residual waste uses, subject to development management policies, on land allocated for industrial or storage purposes, previously developed land or existing waste management sites. The application site is located within these policy areas where it benefits from the principles of the safeguarded area. The area as a whole is industrial in nature. The site has most recently been in waste transfer use. A recent application returned the site from its waste transfer station and recycling facility (sui generis) use back to mixed use (Class B1/B2/B8). Surrounding uses include cement works, including mixer towers and silos of similar scale. Given the nature of the proposals, the site and surrounding area it is considered that the principle of the proposals are acceptable at this location, subject to detailed development management criteria. Policy 35 of the Core Strategy goes on to state that proposals, whilst delivering development, should mitigate site constraints, including flood risk, coastal protection, biodiversity, archaeology and transportation. In addition the proposals will require to be permitted by the Environment Agency for environmental control matters. Government advice is

against the replication of controls through the planning system where there are pollution control regimes engaged in the process.

5.2 Local Amenity/Occupiers

The site has been in use as a waste transfer station and is within an area identified for and surrounded by industrial and warehouse uses. Any processes would be within enclosed infrastructure. The nearest residential properties are located over 1 km away to the north. Given the previous use of the site for waste transfer and storage and given the permitted use of the site and surrounding area comparable with development proposed it is not considered that there would be an increase in amenity impact or that the proposals would prejudice any future developments within the Severnside area. It must also be considered that the site would be regulated by a permit from the EA to control and monitor dust and noise emissions to ensure that no environmental impact will occur in these respects. On this basis it is not considered that there would be any material or significant impact upon the local area.

5.3 Design

The proposed buildings and structures consisting of a new industrial building, erection of silos and provision of storage bays would replace existing buildings and waste sheds on site which are in certain areas are becoming dilapidated. It is proposed to replace the existing structure with a new processing building in the middle of the site 11.65M to the ridge and be of steel portal frame construction and goose wing grey plasticole profile sheeting with skylights to allow natural light into the building. Storage bays will also be required within the site, whilst the existing workshops and offices that exist on the frontage will be re-used. There would also be a set of 9 silos up to 15m high. Similar silos already exist on the site to the south of the application area and the remainder of the buildings proposed are considered acceptable and not out of keeping with the industrial context of the location. There are no landscape objections to the proposals.

5.4 Ecology

There were initial concerns raised over the level of information received in terms of being able to determine the impact on the Severn Estuary SPA/SAC/Ramsar. The proposals are required to demonstrate that no aspects would have a significant effect on the conservation objectives of the Severn Estuary European Site.

- 5.5 An ecological assessment was subsequently received in support of the application and to specifically address potential impacts on the Severn Estuary European Site (SPA/SAC/Ramsar), in particular aerial emissions hydrological impacts increased noise and increased lighting. It was concluded that it is not likely to have a significant effect on the conservation objectives of the Severn Estuary either alone or in combination (cumulatively) with other plans or projects. A formal Habitat Regulations Assessment pro-forma dated 11th November 2014 has been completed and signed off by the Council and Natural England. There are no ecological objections to the proposals and Natural England have concurred with the position

5.6 Transportation

The site benefits from the principle of the 1957 extant ICI consents and lawful use which allows significant operations in terms of traffic to be undertaken. There is also a relevant planning history to this individual site which allows for HGV importation and exportation of materials. It is not considered that the proposals are such that they would significantly alter the transportation considerations of the site in context with the existing site, the surrounding area and existing permitted uses. Given the existing nature of the site and the relatively small number of employees that the stated parking provision would cover it is considered that a condition would be satisfactory to cover any internal access and parking requirements within the site.

5.7 Landscape

Whilst there is no in principle objection to the proposals on landscape grounds it is considered that landscape conditions should be attached to any planning permission. These are included in the recommendations.

5.8 Archaeology

There are no objections to the proposal subject to a condition requiring a watching brief, this is included in the recommendations.

5.9 Contamination

Potential contamination of the site by previous uses is something that has been raised by the Environment Agency. To this end further Ground investigations have been undertaken and the details submitted in support of the application. Whilst there are no objections from the EA on this basis, conditions are recommended for ongoing monitoring and remediation and these are included on this recommendation.

5.10 Flood Risk

A Flood Risk Assessment has been submitted with the application. The Environment agency have assessed this as part of their response and subject to the condition recommended to safeguard flood mitigation measures, there are no objections on flood risk grounds.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That planning permission is granted, subject to the conditions recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

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. No development approved by this planning permission, shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

-all previous uses,

-potential contaminants associated with those uses,

-a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved.

Reason

To secure an appropriate assessment of risk to controlled waters and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected

contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

Reason

To ensure protection of controlled waters and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

4. Prior to commencement of the development hereby approved, a Construction Management Plan to avoid any impacts on the Severn Estuary European Site be submitted to and agreed with the Council in writing. Such a scheme shall accord with the general principles outlined within the ecological assessment dated October 2014 by Grass Roots Ecology forming part of the application, All works shall thereafter be implemented in accordance with the approved plan.

Reason

To avoid any impacts on the Severn Estuary European Site and in accordance with Policy L7 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

5. Light spillage levels on the western boundary of the application site should not exceed a maximum of 1 Lux.

Reason

To avoid any impacts on the Severn Estuary European Site and in accordance with Policy L7 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

7. Prior to the occupation of the site details of on site parking for cars, motorcycles and bicycles as well as any HGV parking required, shall be submitted to the Council for written approval. Such details shall thereafter be implemented as approved.

Reason

In the interests of highways safety and in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

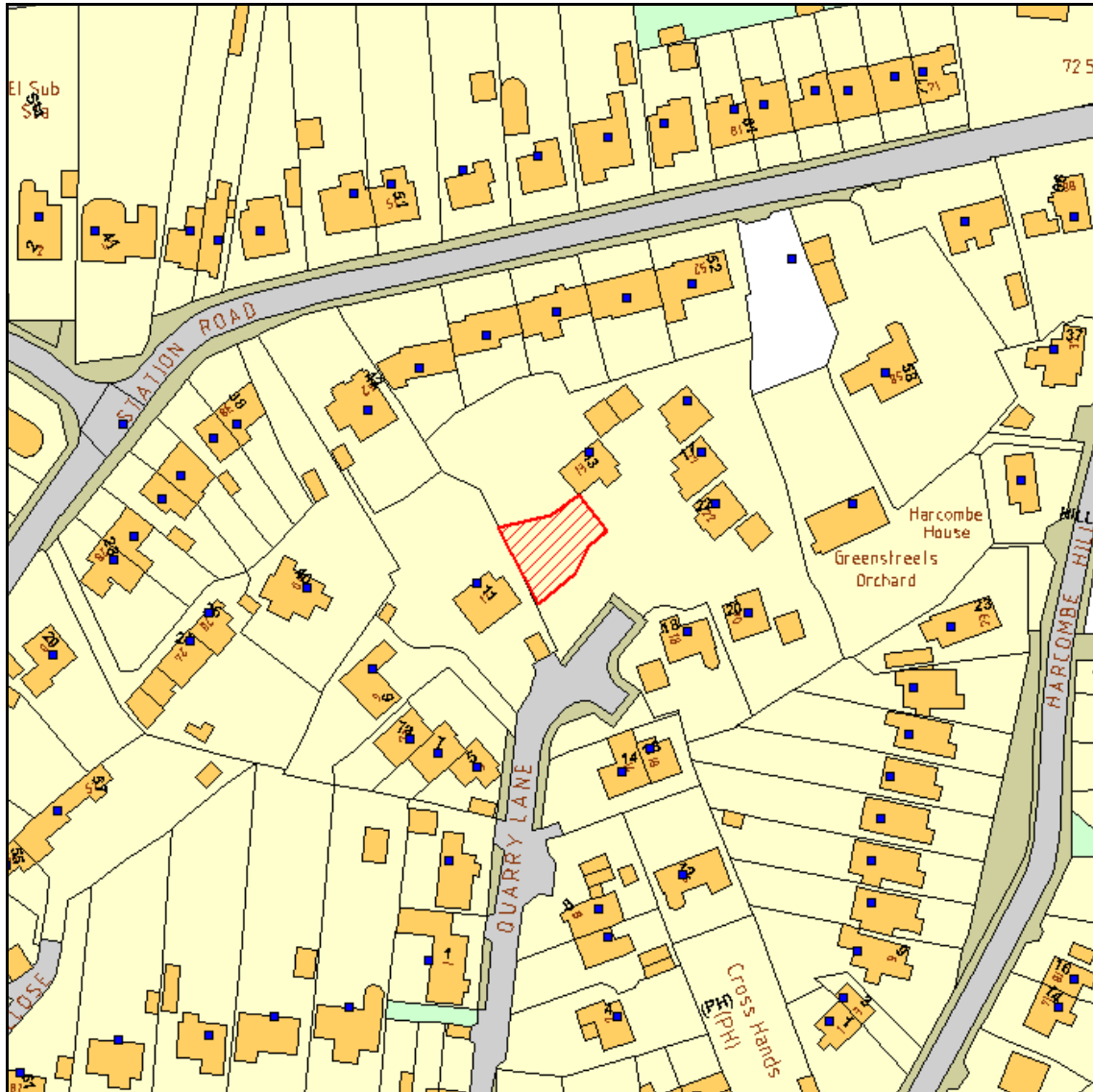
9. The development permitted by this planning permission shall only be carried out in accordance with the approved FRA dated July 2014 produced by H2OK and the following mitigation measures:
 - a) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
 - b) Flood-resilience measures detailed on page 5 in Section 4.7 in the FRA including setting all electrical circuitry and plant no lower than 6.93m above Ordnance Datum (AOD).

Reason

To ensure safe access and egress from and to the site, to reduce the impact of flooding on the proposed development and future occupants and in accordance with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS35 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PT14/3807/F	Applicant:	Mr Michael Freye
Site:	13 Quarry Lane Winterbourne Down Bristol South Gloucestershire BS36 1DB	Date Reg:	21st October 2014
Proposal:	Alterations to existing bank and landscaping	Parish:	Winterbourne Parish Council
Map Ref:	365350 179803	Ward:	Winterbourne
Application Category:	Minor	Target Date:	8th December 2014



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N.T.S. PT14/3807/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objection have been received contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1. The application is for an engineering operation to re-profile a quarry bank. The work has commenced and some re-profiling already carried out, the application is therefore part retrospective.
- 1.2. The proposal will reduce the gradient and reduce the height of an existing quarry bank by approximately 1.3 metres within the residential curtilage of a dwelling house. The work had been commenced but is now halted due to planning enforcement action and the application covers work carried out and further works to re-profile and reduce the height of the bank involving removing old quarry stone, scrub and earth from the area.
- 1.3. The bank is located to the side of 13 Quarry Lane a dwelling house situated in a cul-de-sac location within the settlement boundary of Winterbourne Down. The work is required to allow better management of the quarry bank within the garden area and to create a lesser gradient to allow landscaping of the existing quarry bank.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Residential Curtilages
L1 Landscape Protection and Enhancement
South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No Objection
- 4.2 Highway Drainage
No Objection

4.3 Landscape Officer

No Objection the excavation already carried out and the proposed development will not have an impact on the landscape character beyond the immediate cul-de-sac. Further clarification required regarding planting post excavation.

4.4 Tree Officer

No objections in principle but in order to fully assess the proposal a tree report written to BS5837:2012 and to include the following:

1. An Arboricultural Implications Assessment
2. An Arboricultural Method Statement
3. A Tree Protection Plan

This report will be needed before work recommences.

Other Representations

4.5 Local Residents

4 letters of complaint have been received in response to the application. The responses are summarised below:

- The plans do not reflect accurately the work already carried out.
- No information has been provided regarding the retention and safeguarding of existing trees
- No information has been provided why the work has been carried out or for what purpose.
- The boundary line is incorrect on the submitted plan.
- The removal of materials will cause damage to the road within the cul-de-sac.
- The plans submitted are inaccurate and vague
- The proposed alterations are massive, the entire habitat of trees, vegetation and soil will be destroyed
- Reducing the size of the bank will create privacy issues
- The application increases the number of car parking spaces
- Changes will affect the current natural habitat
- The changes are at odds with the Winterbourne Down village Design Statement

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application is for an engineering operation to re-profile and reduce the height of an existing quarry bank within the residential curtilage of a dwelling house. The main relevant development plan policies relate to design policy CS1, development within residential curtilages policy H4 and policy L1

landscape protection. So long as the development is in accordance with these development plan policies then permission should be granted, unless material considerations dictate otherwise.

5.2 Design/Visual Amenity

Policy CS1 requires that the general design and form of development respects and enhances the character, distinctiveness and amenity of the site and its context.

The proposal seeks to reduce the height of the bank by 1.3 metres and to re-profile the bank to a gentler and more manageable gradient to make more useful amenity space surrounding the dwelling house and to allow easier ongoing maintenance.

The development is considered to respect the site and residential amenity and is in accordance with Policy CS1.

5.3 Landscape

Policy L1 requires that the character, distinctiveness, quality and amenity of the landscape should be conserved and where possible enhanced.

The Councils Landscape Architect has assessed the proposal and considers that the work carried out and the proposed work will not have an impact on the landscape character beyond the immediate cul-de-sac and has no objection subject to comments from the Councils Tree officer regarding protection of the existing trees on site and further details regarding the landscaping of the area. The applicant has subsequently provided assurances that top soil will be imported and it is the intention to plant the re-profiled bank. The Tree Officer has been consulted and his comments have been assessed and are discussed within this report under other matters.

Prior to the work taking place the applicant had contacted the Council and it was confirmed that no Tree Preservation Orders (TPO) existed within the application site. Further to comments from the Landscape Officer the Councils Tree Officer has visited the site to assess the proposal and work already carried out. The Tree Officer has no objection to the proposal but has recommended a condition to ensure that no damage is caused by the proposal to the mature sycamore tree and other trees are protected during the development work. Therefore a condition will be attached to the planning permission that requires a tree report written to BS5837:2012 is submitted prior to further development work and a tree protection plan is in place before works commence to protect trees on site affected by the development.

The Tree Officer has also indicated that a TPO will now be applied to the mature sycamore tree within the application site to afford greater protection to the tree.

The development is considered to enhance the character and amenity of the site and will improve the appearance of the existing bank and make easier

ongoing maintenance of the bank therefore the proposal is considered in accordance with Policy L1.

5.4 Residential Amenity

The proposal seeks to reduce the bank in height by approximately 1.3 metres and to re-profile the slope this reduction and re-profiling is considered not to impact on the existing street scene or prejudice the amenities of the nearby occupiers. Before the work took place the bank was difficult to maintain and was covered by scrub and thorn bushes. The reduction in height will allow for a gentler more uniformed gradient and will allow the bank to be more easily maintained and enhance the street scene and character of the existing property.

Comments have been received regarding work outside the scope of this application including the provision of additional car parking spaces that have already been assessed by the planning enforcement officer has development work carried out within the owners permitted development rights and therefore not requiring express planning permission.

Given the above, the impact on residential amenity is considered acceptable and as such the proposal is considered to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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/refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 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 conditions:

Contact Officer: Kevan Hooper
Tel. No. 01454 863585

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).

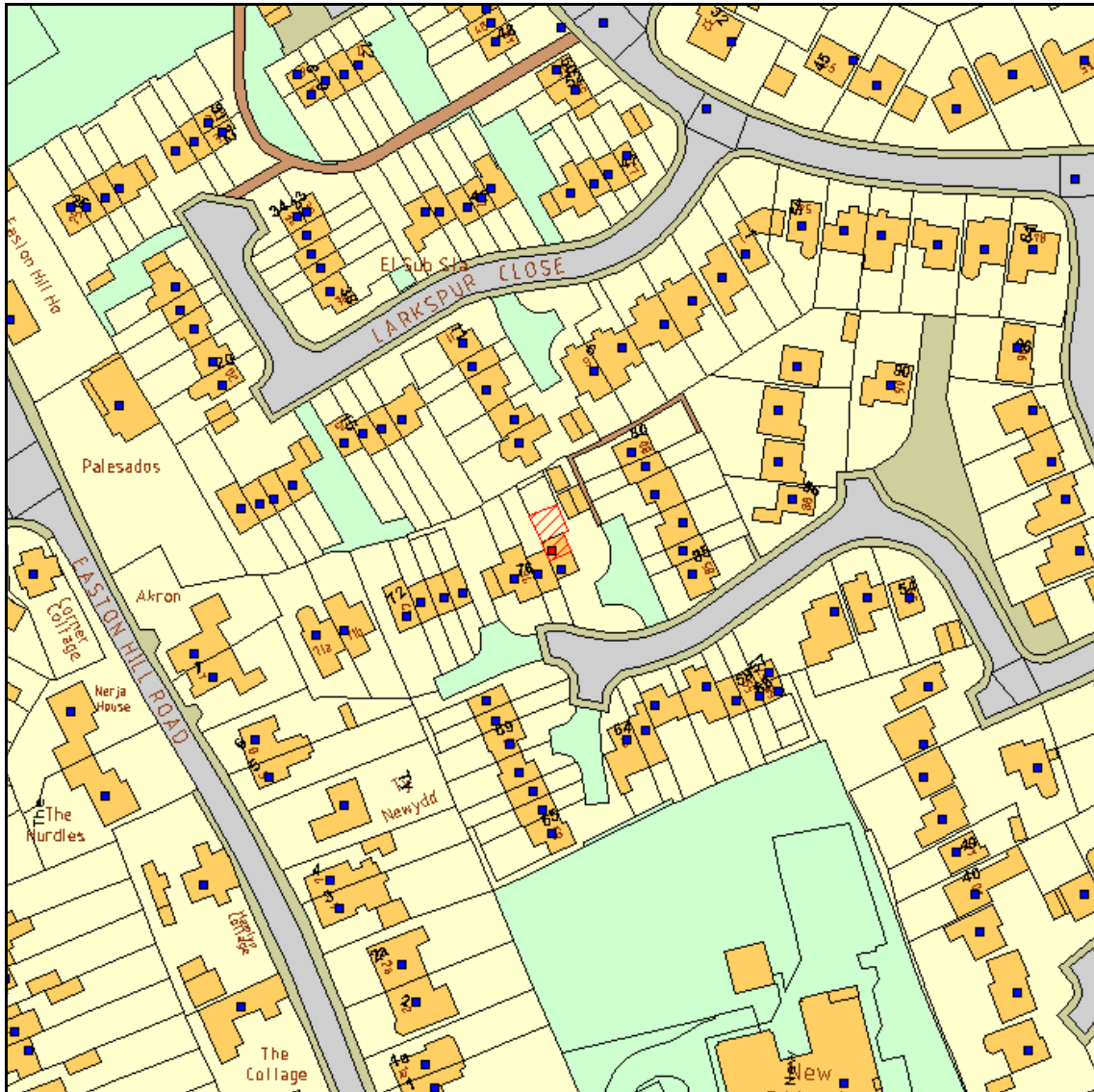
2. Prior to the commencement of development a tree report written to BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include: An Arboricultural Implication Assessment, An Arboricultural Method Statement and a Tree Protection Plan. The works shall be strictly carried out in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and to accord with Policy L1 of the South Gloucestershire Local Plan 2006

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PT14/4230/F	Applicant:	Mr Paul Wilcock
Site:	79 Lavender Close Thornbury Bristol South Gloucestershire BS35 1UL	Date Reg:	3rd November 2014
Proposal:	Demolition of existing porch and erection of single storey rear and side extension to form additional living accommodation	Parish:	Thornbury Town Council
Map Ref:	364713 190431	Ward:	Thornbury North
Application Category:	Householder	Target Date:	24th December 2014



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REASON FOR SUBMITTING TO CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule procedure following comments received from the Town Council and a local resident which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of the existing porch and the erection of a single storey rear and side extension to form additional living accommodation at a property in Thornbury.
- 1.2 The proposal is sought to form a lounge area, and a shed to provide bin and cycle storage.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
T12 Transportation
H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P86/0200/14 Approval of Reserved Matters 15/03/1987
Erection of 53 detached dwellings and 29 terraced dwellings with associated garaging, parking and boundary walls on approximately 2.9 hectares (7.25 acres) (in accordance with the amended plans received by the council on 26TH january 1987)(to be read in conjunction with n.70/29)

This application removed permitted development rights under condition 4:
'...no buildings, gates, fences, walls or other means of enclosure....shall be constructed or erected without the prior permission of the Council.'

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council

Objection – opposed to the flat roof and the design and materials are not in-keeping with the surrounding area.

4.2 Other Consultees

Highway Drainage
No comment.

Other Representations

4.3 Local Residents

One letter of objection has been received from a neighbour:

- Concerned about the demolition of the porch roof and canopy over number 79
- Currently the roof runs across numbers 78 and 79 and is supported at either end and in the centre
- When the roof and dividing wall is removed from no. 79, the porch roof and canopy will only be supported at one end which is not enough

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

The Town Council has objected to the design as it is not in keeping with the locality. The wider area consists of various terraced and semi detached properties, finished in different shades of brick with some render elevations visible in the street scene. No. 79 is an end terrace property which is shared with no. 78 in a back-to-back fashion, with a lean-to porch and canopy to the side which provides the entrance to both properties.

5.3 A very modern extension is proposed. Part of the shared porch and canopy is to be demolished to facilitate the erection of a linear side and rear extension, with a living flat roof. The walls will be timber cladding painted black facing into the public realm and to the north and painted white facing west into the applicant's garden. Two roof lights are proposed, along with a stainless steel flue, and aluminium windows with black frames. Whilst this is different to the style in the surrounding area, as the Town Council have stated, it is considered that it does not jar with the design of the street scene and its single storey height remains subservient to the host dwelling. The painted timber cladding and living roof make for an interesting addition and is considered to be acceptable in terms of policy CS1 of the Core Strategy (Adopted) December 2013.

- 5.4 Amenity
Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. Whilst the development does encroach onto a significant portion of the garden, it is considered that the remaining amenity space is adequate for a small dwelling such as no. 79. New windows proposed face into the applicant's garden towards 77 Lavender Close, where the boundary treatment is significant enough to not cause overlooking, and to the east into the public realm. The proposal is considered to accord with saved policy H4 of the Adopted Local Plan.
- 5.5 Transport
The proposal does not affect existing parking arrangements at the property, nor does it increase the capacity of the dwelling by adding additional bedrooms. There is no transportation objection to the proposal.
- 5.6 Other Matters
An objection has been received from the adjoining neighbour raising concerns about the stability of the porch canopy at no. 78 following the demolition of the canopy at no. 79. The applicant is required to stabilise the party wall following the partial demolition of the canopy, which appears to be the reason for the proposed brick wall, however this is not a planning issue and will form part of an associated building regulations application.

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 proposed development has been assessed against the policies listed above. The design of the extension is of a high quality and the development will not prejudice residential amenity or highway safety.
- 6.3 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended to **GRANT** planning permission subject to the conditions listed on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

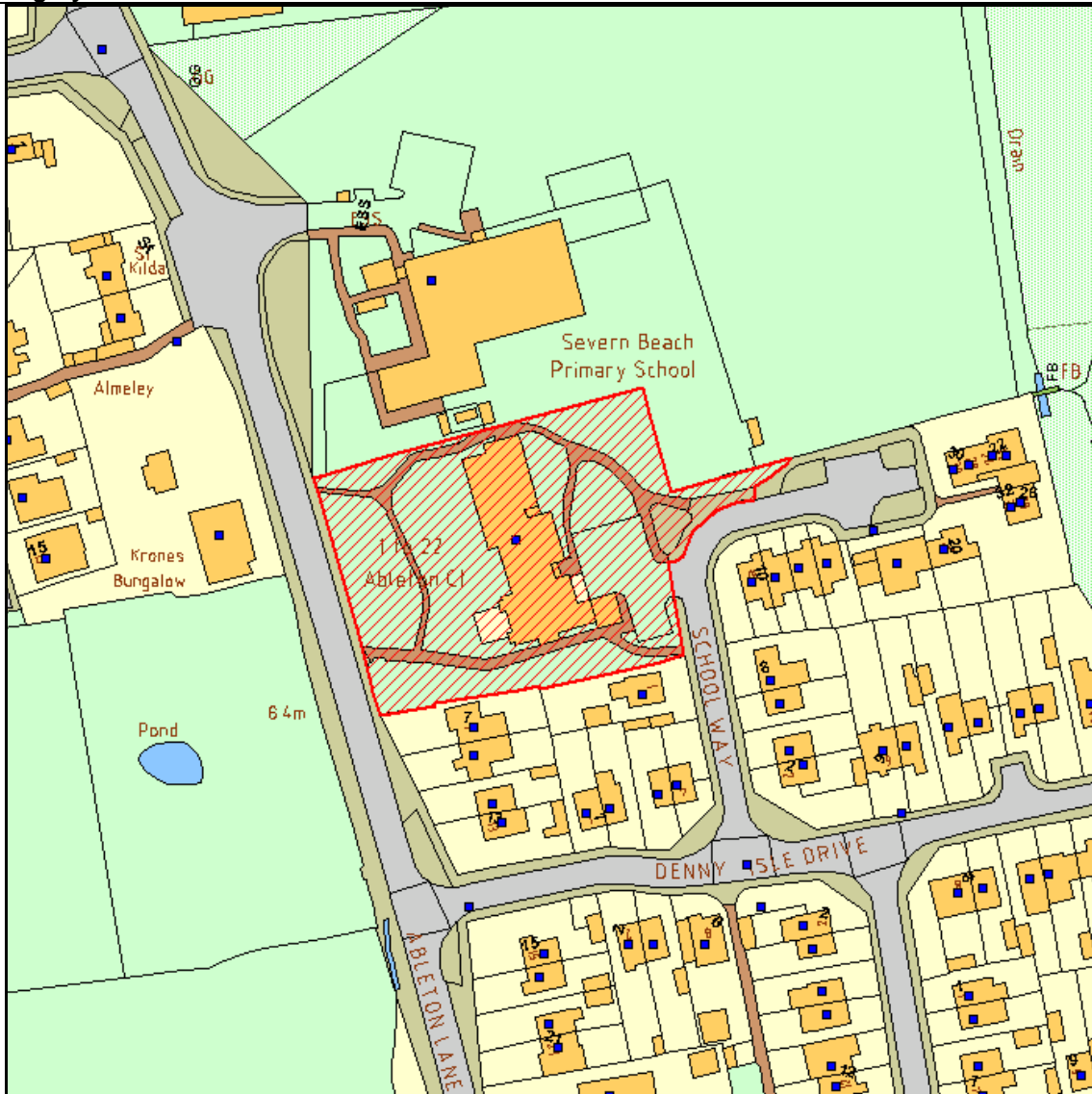
Reason

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

ITEM 16

CIRCULATED SCHEDULE NO. 50/14 – 12 DECEMBER 2014

App No.:	PT14/4329/TRE	Applicant:	Merlin Housing Society
Site:	Ableton Court Ableton Lane Severn Beach Bristol South Gloucestershire BS35 4PY	Date Reg:	6th November 2014
Proposal:	Works to various trees covered by South Gloucestershire Tree Preservation Order SGTPO25/12 dated 19th June 2013 (See tree schedule).	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354289 184587	Ward:	Pilning And Severn Beach
Application Category:		Target Date:	31st December 2014



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100023410, 2014. **N.T.S.** **PT14/4329/TRE**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule because there have been a number of objections from local residents and the Parish Council.

1. THE PROPOSAL

- 1.1 Works to various trees covered by South Gloucestershire Tree Preservation Order SGTPO25/12 dated 19th June 2013.
- 1.2 The trees are in the grounds of Ableton Court, Ableton Lane, Severn Beach, South Gloucestershire, BS35 4PY.

2. POLICY CONTEXT

- 2.1 National Guidance
 - i. The Town and Country Planning Act 1990
 - ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council have objected to elements of the proposal

Other Representations

- 4.3 Local Residents

There have been a number of objections from residents in School Way and Beach Road.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal is for the pruning of 6no. trees and the removal of 9no. trees.
- 5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.
- 5.3 Consideration of Proposal
- 5.4 The plans and schedule that were submitted lacked clarity and this caused some ambiguity. This has led to a number of objections from residents and the

Parish Council. The South Gloucestershire Council Tree Officer met with a number of the objectors on site and the proposals were considered.

- 5.5 The proposal includes tree pruning works to 6no. trees, the majority of which is crown lifting work. This is the removal of low branches to enable safe passage beneath. The other significant tree surgery operation is the end weight reduction of the large limb on the eastern side of the Silver Maple (T19). This will relieve some of the weight stress on the main lower union.
- 5.5 It is further proposed to remove 9no. trees. T6 is a small Birch that doesn't merit inclusion on a Tree Preservation Order. T7 is a small Crab Apple that has been damaged by a strimmer in past years. Trees 11 and 12 are Silver Birch. T11 has suffered wind damage and lost its leader and T12 is in decline with significant deadwood. T18 is suppressed by T19 and has developed a leaning, one-sided crown.
- 5.6 T5 is a decent Norway Maple showing no obvious defects. T16, T17 and T26 are all in reasonable condition and there is also no Arboricultural reason for their removal.

6. RECOMMENDATION

- 6.1 I recommend a split decision. I recommend that consent is GRANTED for the pruning of T4, T8, T19, T20, T21 and T24 and for the removal of T6, T7, T11, T12 and T18.
- 6.2 I recommend REFUSAL to the removal of T5, T16, T17 and T26.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

PART APPROVAL CONDITIONS

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

Reason

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

2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

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

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

Reason

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

PART REFUSAL REASON

1. **The removal of T5, T16, T17 and T26 would be detrimental to the visual amenity of the locality and, therefore, contrary to policy L1 of the South Gloucestershire Local Plan, adopted January 2006 saved policies and the Town and Country Planning (Tree Preservation) (England) Regulations 2012.**