



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC
ENVIRONMENT**

CIRCULATED SCHEDULE NO. 12/07

Date to Members: 23/03/07

Member's Deadline: 30/03/07

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **within five working days of the publication of the schedule (by 12 noon)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Area Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (by 12 noon) (see cover page for the date). A proforma is attached for your use and should be forwarded by fax to the appropriate Development Control Support Team, or by sending an email with the appropriate details to PlanningApplications@southglos.gov.uk

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE: 23/03/07

SCHEDULE NO. 30/07

If you wish any of the applications to be considered by the appropriate Area Committee you should return the attached pro forma not later than 5 working days from the date of the appropriate schedule (by 12 noon), to the appropriate Development Control Support Team. For the Kingswood area, extension 3544 (fax no. 3545), or the Development Control Support Team at the Thornbury office, on extension 3419 (fax no. 3440), or email Planningapplications@southglos.gov.uk.

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

Circulated Schedule 23 March 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1.	PK07/0042/F	Approve with conditions	2 Church Lane Bitton South Gloucestershire BS30 6LH	Bitton	Bitton Parish Council
2.	PK07/0484/R3F	Deemed consent	Kingsfield School Brook Road Kingswood South Gloucestershire BS15 4JT	Kings Chase	
3.	PT06/0075/TMP	Approve with conditions	Field 6643 The Naite Oldbury-On-Severn South Gloucestershire	Severn	Oldbury-on-Severn Parish Council
4.	PT06/0077/F	Approve with conditions	Field 7320 The Naite Oldbury-On-Severn South Gloucestershire	Severn	Oldbury-on-Severn Parish Council
5.	PT06/0079/F	Approve with conditions	Field 8145 The Naite Farm Oldbury-on-severn South Gloucestershire	Severn	Oldbury-on-Severn Parish Council
6.	PT06/0080/F	Approve with conditions	Field 7320 The Naite Oldbury-On-Severn South Gloucestershire	Severn	Oldbury-on-Severn Parish Council
7.	PT07/0081/F	Approve with conditions	21 Foxcroft Close Bradley Stoke South Gloucestershire BS32 8BJ	Bradley Sto Sherbourne	Bradley Stoke Town Council
8.	PT07/0227/TRE	Approve with conditions	Public Footpath Off Lutyens Close Stoke Park South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council
9.	PT07/0263/RM	Approve with conditions	Land off Lysander Road/Merlin Road Cribbs Causeway South Gloucestershire	Almondsbury	Almondsbury Parish Council
10.	PT07/0626/O	Approve with conditions	Meadow Cottage New Road Rangeworthy South Gloucestershire BS37 7QH	Ladden Brook	Rangeworthy Parish Council
11.	PT07/0631/F	Approve with conditions	193 Gloucester Road Patchway South Gloucestershire BS34 6ND	Patchway	Patchway Town Council
12.	PT07/0652/TRE	Approve with conditions	19 Prospect Close Winterbourne Down South Gloucestershire BS36 1BD	Winterbourne	Winterbourne Parish Council
13.	PT07/0658/F	Approve with conditions	60 Park Road Thornbury South Gloucestershire BS35 1HS	Thornbury North	Thornbury Town Council

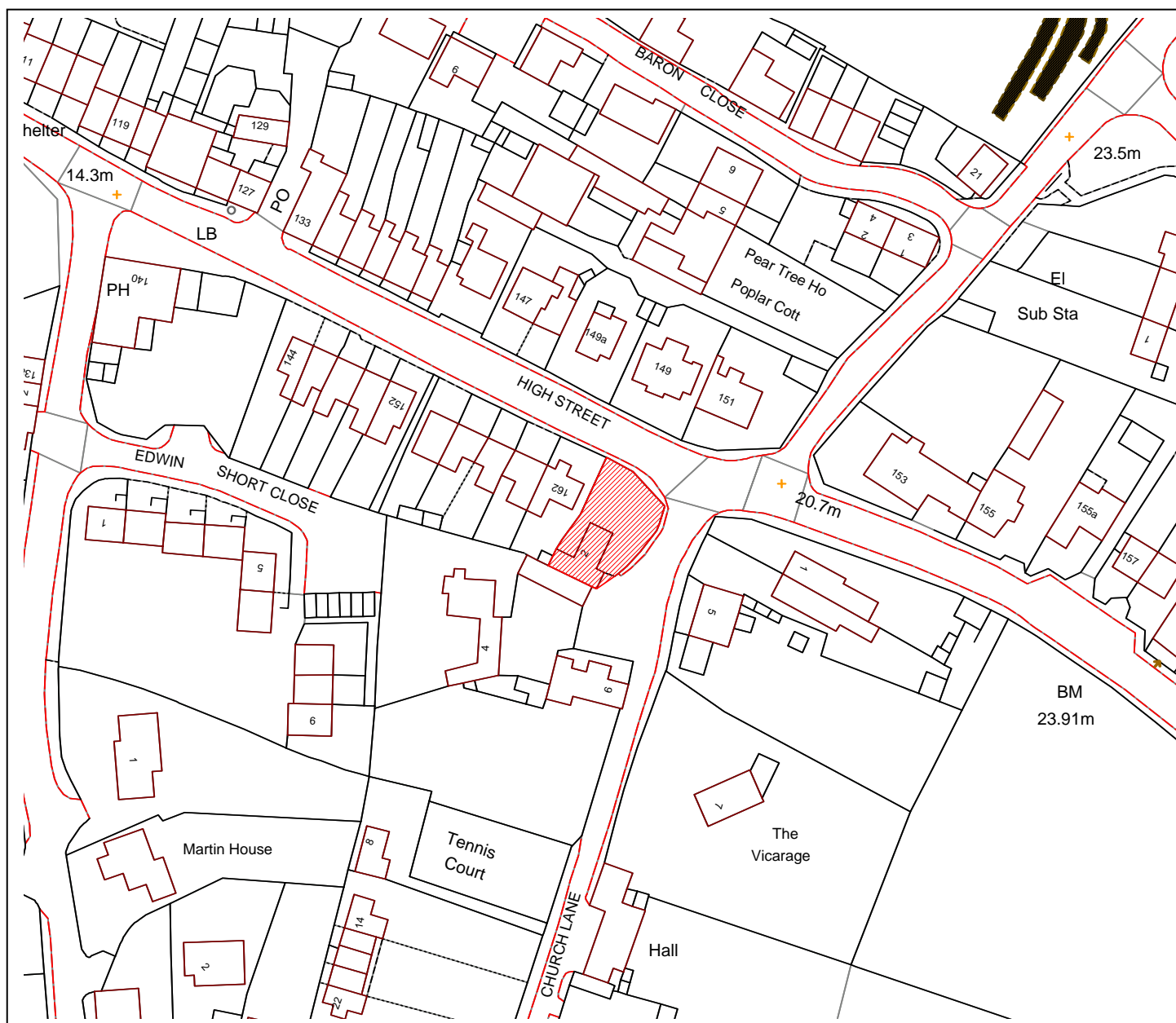
CIRCULATED SCHEDULE NO. 12/07 – 23 MARCH 2007

App No.: PK07/0042/F **Applicant:** Concrete Contractors (Bristol) Ltd

Site: 2 Church Lane Bitton BRISTOL South Gloucestershire BS30 6LH **Date Reg:** 4th January 2007

Proposal: Erection of first floor side extension to provide additional living accommodation. Demolition of existing front porch to facilitate the erection of a new porch. (Resubmission of PK06/2342/F). **Parish:** Bitton Parish Council

Map Ref: 68220 69561 **Ward:** Bitton



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PK07/0042/F

1. THE PROPOSAL

1.1 This is a re-submitted planning application for the erection of first floor side extension and a front porch at No.2 Church Lane, Bitton. The existing front porch is to be demolished. The proposed first floor extension would measure 3.8 metres wide and 5.3 metres high to its ridge and proposed single storey lean-to extension in the rear would measure 2.2 metres deep by 3.1 metres wide and 3.2 metres to its ridge. The proposal is to convert the loft area to a bedroom and to construct a new entrance hall in the front elevation.

1.2 Previous planning permission was refused on the following grounds:

The proposed development, by reason of the proposed window positions and their relationship to the adjacent property, No. 162 High Street, Bitton, would adversely affect the amenity of the adjacent property by reducing existing levels of privacy and creating a problem of overlooking.

The proposed development, by reason of the scale, design, height and its relationship to the adjacent property, No. 162 High Street, would have an overbearing impact affect on the occupiers of the adjacent property.

The site is within the Bitton Conservation Area and is adjacent to a listed building. It is considered that the proposed development would have a harmful effect upon the special architectural and historic character of the designated area and the setting of the listed building.

The proposed development, by reason of its substantial reconstruction, would result in significant loss of historic fabric, the traditional shape and form of the building. In addition, the proposed development, by reason of its design, would have a detrimental impact upon the character and appearance of the principal building.

1.3 The differences between two proposals are the scale and height of the first floor extension.

1.4 The property is a locally listed building and located within the Bitton Conservation area, and also close to grade II listed buildings.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport
PPG15	Planning and Historic Environment

2.2 Development Plans

Joint Replacement Structure Plan

Policy 1	Principles of Sustainable Development
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South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
T12	Transportation Development Control Policy for New Development

H4	Development within existing residential curtilages
L12	Conservation Areas
L15	Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality

3. **RELEVANT PLANNING HISTORY**

3.1 P87/4284 (K5449) Improvements to existing dwelling house.
Refused 17.08.87

P87/4754 (K5449/1) Improvements to existing dwelling house.
Approved 11.01.88

PK06/2342/F Erection of first floor side extension to provide additional living accommodation. Demolition of existing front porch to facilitate the erection of a new porch.
Refused 18.10.06

4. **CONSULTATION RESPONSES**

4.1 Bitton Parish Council
Initial proposal: No objections provided that the materials used match with those in the existing building and appropriate care is taken with overall appearance.

Revised proposal: No objections.

Other Representations

4.2 Local Residents
A total of three letters of objection have been received from local residents to the revised proposals. A summary of the concerns are stated below:

- The proposal would adversely affect the setting of a listed building, the character of the Bitton Conservation Area and the principal building.
- The ridge height of the proposed first floor extension does not reflect the Council Conservation Officer's comments.
- It is concerned about the rainwater drainage on the proposed single storey rear extension.
- The application site lies at a different level from the neighbouring properties, and the proposal would cause overbearing impact upon the adjacent properties.
- The proposal would cause loss of privacy to the neighbouring properties.
- The existing trees / hedges should be protected.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for garages and extensions to existing dwellings and development within existing curtilages, subject to there being no adverse impact on existing visual and residential amenity. In addition, the proposal would not prejudice highway safety and the retention of an acceptable level of parking provision.

Policy L12 of the adopted Local Plan states that development within or affecting a conservation area will only be permitted where it would preserve or enhance the character or appearance of the conservation area.

Policy L15 of the adopted Local Plan states that development proposals will be expected to retain buildings and structures which make a significant contribution to the character and distinctiveness of the locality. Development proposals involving demolition of such buildings or structures will be required to incorporate measures to mitigate for the resulting loss of character and distinctiveness.

5.2 Visual Amenity and impact upon Conservation Area

The building is a two storey traditional dwelling with an attached single storey wing, which has a loft. The walls are of rubble stone, the roofs are clad with clay double Roman tiles and pantiles and the building appears to date from around the early / mid C19.

This is an attractive historic building, which makes a positive contribution towards the character and distinctiveness of the Conservation Area, as well as to the settings of the adjacent listed buildings. The single storey south wing with its clay tiled half-hipped roof and timber loft access door is an interesting and attractive component of the building in architectural terms.

This application modified the previous scheme, which was refused. The current proposal has been amended, including the ridge height of the first floor extension has been lowered (the ridge height would not exceed 500mm from the lower edge of existing fascia board), the central chimney stack has now been retained, and the new windows would be timber sliding sash type to match the existing windows.

In this instance, it is considered that the proposal would be acceptable subject to the recommended conditions.

5.3 Residential Amenity

In the rear of the property, no first floor extension is proposed. One bedroom window is proposed in the northeast (side) elevation, and other proposed windows would look over Church Lane. Although the proposed bedroom window would be approximately 10 metres from the habitable windows of No. 162 High Street (Lengrace Cottage), it would not be directly facing the habitable windows of this neighbouring property. It is therefore considered that the proposal would not cause significant loss of privacy to the neighbouring properties to warrant a refusal of this application.

5.4 Landscaping Issues

The proposed works do not appear to remove any existing hedges. There is no landscape reason to refuse this application on this ground.

5.5 Design and Access Statement

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

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers PK07/0042/F

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 and Country Planning Act 1990 (as amended).

2. The facing stonework shall match the existing original stonework in respect of colour, texture, coursing, jointing and pointing.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept

on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All windows shall be traditional style timber or sliding sash. A typical detailed sectional drawings at a scale of 1:5 shall be submitted to and approved in writing by the Local Planning Authority. The works shall be strictly carried out in accordance with the approved details.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The external ridge height of the first floor extension shall be no higher than 500mm above the lower edge of the existing ridge board height on the principal building. The roof pitch of the south wing shall be no less than 30 degrees.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The existing chimney on the principal building shall be fully retained. If the existing chimney is damaged or collapses for any reason, a detailed drawing for the rebuild of the chimney shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The chimney shall be rebuilt to match the existing.

Reason:

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/07 – 23 MARCH 2007

App No.: PK07/0484/R3F

Applicant: The Governors Of
Kingsfield SchoolSite: Kingsfield School Brook Road Kingswood
South Gloucestershire BS15 4JT

Date Reg: 13th February 2007

Proposal: Construction of glazed in-fill to existing
courtyard and installation of 2 no.
mezzanine floors.

Parish:

Map Ref: 66522 73696

Ward: Kings Chase



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PK07/0484/R3F

INTRODUCTION

This application appears on the Circulated Schedule in accordance with Council procedure as the applicant is South Gloucestershire Council itself.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission to add a glass roof to an existing open aired but enclosed courtyard. The glass roof would be largely flat but would have a raised lantern feature in the centre. Two mezzanine floors would then be added in the courtyard at first floor level to provide additional computer and study rooms for the sixth form students.
- 1.2 The application site consists of a secondary school at the edge of the built up area of Kingswood. The mezzanine floors would allow for the creation of additional study and computer space for use of the sixth form students whilst still allowing light to enter the windows that currently face into the courtyard.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Design
LC4 Proposals for Education Facilities

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/2776/R3F Erection of a single storey extension to the English staff office.
Deemed Consent November 2003
- 3.2 PK00/1302/F Erection of three storey extension to E block.
Approved July 2000
- 3.3 P82/4528 Erection of classroom block extension and alterations to existing workshop block to form new classrooms.
Approved January 1983
- 3.4 P74/4408 Erection of a 3 storey class-room block with single storey practical block and a gym.
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
The area is unparished

Other Representations

- 4.2 Local Residents
None Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan (Adopted) allows for the development or expansion of education facilities within the existing urban areas providing that:

A. The proposals are located on sites which are, or will be, highly accessible by foot and by bicycle;

The application seeks permission to extend the facilities within existing school grounds. An established network of footpaths and cycle ways links the school to the surrounding area. Further to this, links via public transport are also present.

B. Development would not unacceptably prejudice residential amenities;

The development consists primarily of a new roof. This roof is to be contained entirely within the existing built form of the school. The new roof will be no closer to any neighbouring properties than the existing buildings and will not encourage the congregation of students or intensification of noise levels. The mezzanine floors will be completely internal and will not be visible from neighbouring properties. As such, it is not considered that the proposed development will have any impact on levels of residential amenity of the dwellings around the school.

C. Development would not have unacceptable environmental or transportation effects;

The development is to serve the existing school and other than construction vehicles, will have no impact on the surrounding highway. The development will not generate any additional traffic flows over and above that generated by the existing school. It is not therefore considered that the structure will have any transportation effects.

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

The development will not result in increased numbers of staff or pupils attending the school. The site affected by the development is not currently available for parking and thus there will be no loss of parking spaces. The development will thus not give rise to unacceptable levels of parking.

5.2 Siting and Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) promotes good quality design in new development. It is considered that the design of the roof and mezzanine floors will create an interesting learning space that will inspire

students. The lantern type roof and round velex roof lights will allow sufficient air to enter the courtyard to prevent overheating. At the same time, sufficient light will be allowed to enter the existing windows facing into the courtyard.

From outside of the site, the lantern roof and raised round rooflights will be hardly visible. It will be very difficult to get glimpse of the new structure given that it will be largely hidden behind the existing classroom building. Internally however, it is considered that the roof design will be very interesting and will have a beneficial impact on the design of the school building.

5.3 Design and Access Statement

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

5.4 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK07/0484/R3F**

Contact Officer: **Marie Worboys**
Tel. No. **01454 864769**

CONDITIONS

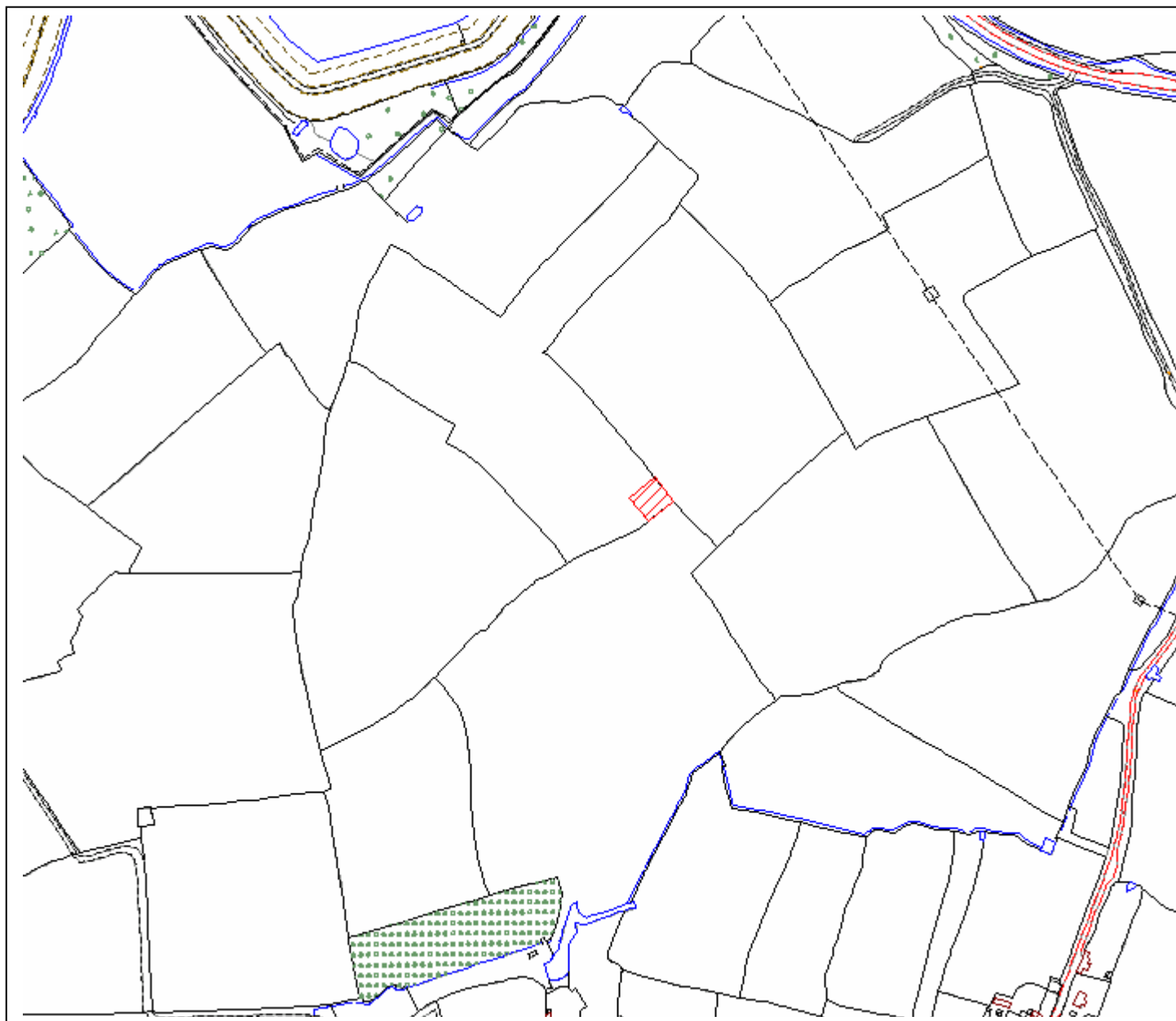
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

CIRCULATED SCHEDULE NO. 12/07 – 23 MARCH 2007

App No.:	PT06/0075/TMP	Applicant:	A Gazard
Site:	Field 6643 The Naite Oldbury-On-Severn South Gloucestershire	Date Reg:	10th January 2006
Proposal:	Stationing of mobile home in association with free range egg development.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	60763 93370	Ward:	Severn



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PT06/0075/TMP

INTRODUCTION

The application appears on the circulated schedule because it relates to other applications for major development that also appear on this schedule.

1. THE PROPOSAL

- 1.1 This application relates to the stationing of a mobile home for a temporary period in association with a proposed free range egg production unit on land at Naite Farm, Oldbury-on-Severn. A temporary period of 3 years is indicated with the application papers.
- 1.2 Applications for the egg production unit appear elsewhere on this schedule under the following references:
- | | |
|-------------|--|
| PT06/0077/F | Erection of general purpose barn. |
| PT06/0079/F | Erection of free range egg production unit and formation of associated access. |
| PT06/0080/F | Erection of free range egg production unit and formation of associated access. |
- 1.3 The application site is situated in open countryside between the settlement of Oldbury and Oldbury Power Station. The application site is within an existing field, adjacent to two hedgerows with public footpaths to the north east and south west. . The mobile home is to be sited within the proposed new complex of buildings proposed as part of the concurrent applications found elsewhere in this schedule.
- 1.4 The proposed mobile home is 12.2m x 6.1m, with a height to eaves of 2.3m and to ridge of 3.1m. 2No. car parking spaces are proposed adjacent to the mobile home.
- 1.5 The application site lies approximately 1km from another unit already operated by the applicant and benefiting from planning permission refs. PT03/0121/TMP and PT03/0123/F as described below.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|--|
| PPS1 | Delivering Sustainable Development |
| PPS7 | Sustainable Development in Rural Areas |
| PPG13 | Transport |
- 2.2 Joint Replacement Structure Plan
- | | |
|-----------|----------------------|
| Policy 3 | Landscape protection |
| Policy 18 | Nature Conservation |
| Policy 22 | Coastal Zone |
| Policy 24 | Flood Risk |
| Policy 36 | Mobile Homes |

- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
- | | |
|-------|---|
| L1 | Landscape |
| D1 | Achieving Good Quality Design in New Development |
| EP1 | Environmental Pollution |
| EP2 | Flood Risk and Development |
| T12 | Transportation Development Control Policy for New Development |
| E9 | Agricultural development |
| L11 | Archaeology |
| L3 | Coastal Zone |
| L6-L9 | Ecology |
| H8 | Agricultural/Forestry Workers Dwellings in the Countryside |

- 2.4 Supplementary Planning Guidance
Landscape Character Assessment – Character Area 19 – Oldbury Levels.

3. **RELEVANT PLANNING HISTORY**

- 3.1 There is no relevant planning history on the application site. However the following planning history should be noted.
- 3.2 On another parcel of land associated with Naite Farm, to the north east of Oldbury, and under the same stewardship and ownership, the following applications were approved
- 3.3 PT03/0121/TMP Siting of mobile home in association with egg production unit.
Temporary planning permission approved until 1st June 2008.
- 3.4 PT03/0123/F Erection of free range egg production unit.
Approved 4th June 2003.

4. **CONSULTATION RESPONSES**

The following representations have been received in relation to the proposed free range egg production unit in its entirety:

- 4.1 Oldbury-on-Severn Parish Council
Objection:
No requirement for site to revert to green field when no longer required.
Greater consideration of planting and landscaping needed.
- 4.2 Natural England
No objection.
- 4.3 Environment Agency
No objection subject to condition.
- 4.4 DEFRA
No comment
- 4.5 Government Office for the South West (GOSW) (on behalf of DEFRA)
No objection to determination of application having regard to matters relating to avian flu.

- 4.6 Lower Severn Drainage Board
Object until FRA undertaken. Advise on other LSDB restrictions.

Other Representations

- 4.7 Local Residents
4 No. objections received on the following grounds:
- Infestation of flies.
 - Increased potential of avian flu (due primarily to contact with migratory birds). Potential for public to come into contact with birds due to footpaths.
 - Odour nuisance.
 - Conservation should not be secondary to job creation in this case.
 - Flood risk.
 - Too much in area. Less ambitious scheme may not be objected to.
- 4.8 Ramblers Association
Will interfere with enjoyment of right of way (openness of countryside, environmental impact, uncertainty).

5. ANALYSIS OF PROPOSAL

- 5.1 The application has been referred to an agricultural consultant appointed by and acting on behalf of the Local Planning Authority. The findings of his appraisal have been incorporated in the following paragraphs.

- 5.2 Principle of Development
Policy H8 of the South Gloucestershire Local Plan (Adopted) January 2006 states that proposals for the erection of dwellings for agricultural workers will be permitted provided that the:

- Dwelling is required to satisfy a clearly established existing functional need in the immediate area, and
- Need could not be fulfilled by another existing dwelling on the unit or any other accommodation, and
- Proposal is satisfactorily sited.

Furthermore, the policy states that where the farming activity is new, the erection of a permanent dwelling will not be permitted. In such circumstances, consideration will be given to granting a temporary consent for accommodation that can be dismantled provided that:

- The functional need has been demonstrated.
- There is clear evidence of a firm intention and ability to develop the enterprise concerned.
- It has been planned on a sound financial footing.

Policy accords with guidance in annex I of PPS7. Clause 12 states that if a new dwelling was essential to support a new farming activity, it would normally for the first three years be provided in the form of a mobile home provided it met the above the above criteria.

- 5.3 Clear evidence of a firm intention and ability to develop the enterprise concerned
The applicant has already proven himself to be extremely competent in the setting up and management of the existing free-range egg enterprise (ref.

PT03/0121/TMP and PT03/0123/F). This business, by all accounts, is doing well. Furthermore, if the applicant is prepared to borrow what would be considered a large amount of money in agricultural terms to expand the business then this shows a firm intention.

5.4 The functional need has been demonstrated.

The present situation requires 2No. full-time labourers on site to look after the existing dairy and hen farm enterprise at the existing premises. The proposed set up comprises a 24,000 bird unit approximately 1 mile by road from the existing site where the existing enterprise will be continued. Although at least a second full time person would need to be taken on to look after the proposed units, it is not necessary that a further mobile home be provided. The existing mobile home at the existing premises (benefiting from PT03/0121/TMP that expires on 1st June 2008) can instead be moved to the site of the new enterprise. The main farmhouse could then provide for the functional need of the existing farm, with the other labourer living somewhere within perhaps a 10 mile radius. The applicant has agreed to this scenario on the basis that the temporary permission for the relocated mobile home (to the site of the proposed new free range egg production enterprise) expires at the same time as the existing planning permission (ie. June 2008). This is an acceptable arrangement. By June 2008, the applicant would have built the buildings, everything would be up and running and, should the enterprise succeed (as the council's agricultural consultant expects) a permanent dwelling would be considered at the new location rather than at the existing enterprise, as would have been the case.

5.5 It has been planned on a sound financial footing

The applicant has the experience in running free-range units and is aware of all the budgetary figures. The applicant has been running a viable business for some years. The proposed enterprise is planned on a similar basis to that existing and can be regarded as a sound financial footing. The applicant is considered to have the ability and financial backing to be successful.

5.6 Other matters

The principle of the mobile home, for a limited period expiring in June 2008, is therefore acceptable. However, policy requires more detailed matters also to be addressed. Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve the character and amenity of the landscape. Policy D1 seeks to achieve good quality design. Policy L11 deals with archaeology and L6-L9 deals with ecology. Having regard to the requirements of these policies and others of the development plan, the main matters to be addressed relate to the following issues:

- Landscape/visual impact.
- Transportation
- Archaeology
- Ecology
- Drainage/flood risk
- Other Environmental Issues
- Public footpaths

5.7 Landscape/visual impact

The site is located in open countryside within the coastal zone to the north west of Oldbury. The flat open landscape is generally remote and tranquil, existing settlements are well integrated into the landscape. There are a number of egg

production units already in the wider locality and these are generally well integrated into the landscape. The proposed mobile home will be seen as part of, and within the same visual context as, the other buildings proposed in the concurrent applications. Having regard to the character of the landscape and details of the scheme, the overall impact on the landscape and visual amenities is deemed acceptable in accordance with relevant planning policy. The proposed development is one that is appropriate to the coastal zone. Clearly new landscaping will be necessary and the level indicated as part of the application is generally acceptable. A condition is recommended to ensure appropriate details and implementation.

5.8 Amenity of future occupant

The proposed mobile home is separated by hedgerows from the proposed egg production buildings and this secures an appropriate level of amenity for occupants. This raises no adverse landscape/visual amenities issues over and above those already identified. However, as part of the landscaping scheme, a defined boundary needs to be provided, planted up with hedgerows, in order to clearly establish the extent of the residential curtilage, in an appropriate manner. This should be drawn fairly tightly around the south west and north west elevations of the mobile home.

5.9 Transportation

No objection is raised in respect of transportation. Adequate residential parking will be provided. The proposed egg production unit in its entirety will be a use where traffic volume will not be great. It is estimated that there will be only 2.8 vehicular visits to the proposed egg production unit (in its entirety) per week.

5.10 Archaeology

The application site relates to fields that have elements of historic ridge and furrow cultivation. A desktop archaeological evaluation has been undertaken. Further additional information has also now been provided. Subject to the implementation of the submitted method statement and an agreed scheme of archaeological mitigation, the proposal can be supported subject to an appropriate archaeological condition.

5.11 Ecology

There are no statutory or non-statutory nature conservation designations or records of notable or protected species on the application site. Whilst the "Silt Lagoons at Oldbury Power Station" Site of Nature Conservation Interest (SNCI) lies close by to the north, it will be unaffected by the proposal. However, nearby, the Severn Estuary is a Site of Special Scientific Interest (SSSI) and designated a Special protection Area (SPA) and a Ramsar site, as well as being a possible Special Area of Conservation (pSAC).

5.12 Whilst the application site lies close to the Severn Estuary, it is separated from it by several agricultural fields. The application will not therefore have a direct impact on habitat. However, the application was originally considered as one that could potentially indirectly impact upon the Estuary. In such circumstances legislation supports the authority asking for sufficient information as is reasonable to ensure a proper assessment of impact. Further assessment has been carried out that confirms that the site is not of significance in terms of use by estuarine birds, and this is to the satisfaction of the council's Ecologist and Natural England.

5.13 Applications ref. PT06/0079/F and 0080/F found elsewhere in this schedule involve the loss of part of some hedgerows. This application involves a gap in the hedgerow being created to gain access to the mobile home. Subject to the planting up of an existing access, now to be unused, with infill hedging to an agreed specification, the council's Ecologist raises no objection. Appropriate conditions are recommended with these applications.

5.14 Drainage/flood risk

The Environment Agency has considered the applications for the free range egg production unit as a whole and, subject to a number of conditions, raise no objection. These conditions are thus recommended by officers and include agreement of specific foul and surface water drainage, and adherence to requirements of FRA (ie.7.5m AOD). Furthermore a condition to ensure that no structures are erected within 8m of any watercourse, to accord with LSDB recommendations, has been recommended on the relevant applications.

5.15 Public Footpaths

2No. public footpaths are crossed by the proposed access track included as part of application PT06/0079/F and 0080/F. This issue is assessed with these reports. The amenity of the footpath will not be adversely affected due to the proposed mobile home.

5.16 Other Environmental Issues

There are no amenity issues, having regard to local residents, which would preclude consent being approved for the proposed mobile home. Issues relating to flies are addressed in reports for the relevant applications - PT06/0079/F and 0080/F.

5.17 Permanent dwelling

Annex A to PPS7 states that LPAs should not give temporary planning permission in locations where they would not permit a permanent dwelling. Should a permanent dwelling be found to be justified at some stage in the future then, having regard to detailed issues including landscape and visual amenity issues, a suitable design could be achieved.

5.18 Section 106 Requirements

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

6. CONCLUSION

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

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

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

7. RECOMMENDATION

7.1 Planning permission be approved subject to conditions.

Background Papers **PT06/0075/TMP**

Contact Officer: Michael Simmons

CONDITIONS

1. The building hereby permitted shall be removed and the land restored to its former condition on or before 1st June 2008 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason(s):

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

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

Reason(s):

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

3. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason(s):

To minimise visual impact within this part of the countryside and to accord with Policy E9 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until details of earth moving/excavation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To protect the character and appearance of the area to accord with Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

Having regard to archaeological interests and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of protection of existing hedgerows during the course of the development; and

proposed planting (and times of planting). Development shall be carried out in accordance with the agreed details. Planting in respect of the mobile home should include a new hedgerow adjacent to its north west and south west elevations.

Reason(s):

To protect the character and appearance of the area to accord with Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Before development commences, the applicant shall submit, and gain approval for, the following details from the local planning authority:

- An earthwork survey of the affected earthwork remains.

Thereafter the development shall proceed in accordance with the agreed details and the approved archaeological method statement. The developer shall also 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(s):

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

7. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

8. The finished floor level shall be at, or above, 7.25m AOD (Newlyn) or 450mm above existing surrounding ground level, whichever is the higher.

Reason(s):

To prevent flooding, and to accord with Policies EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

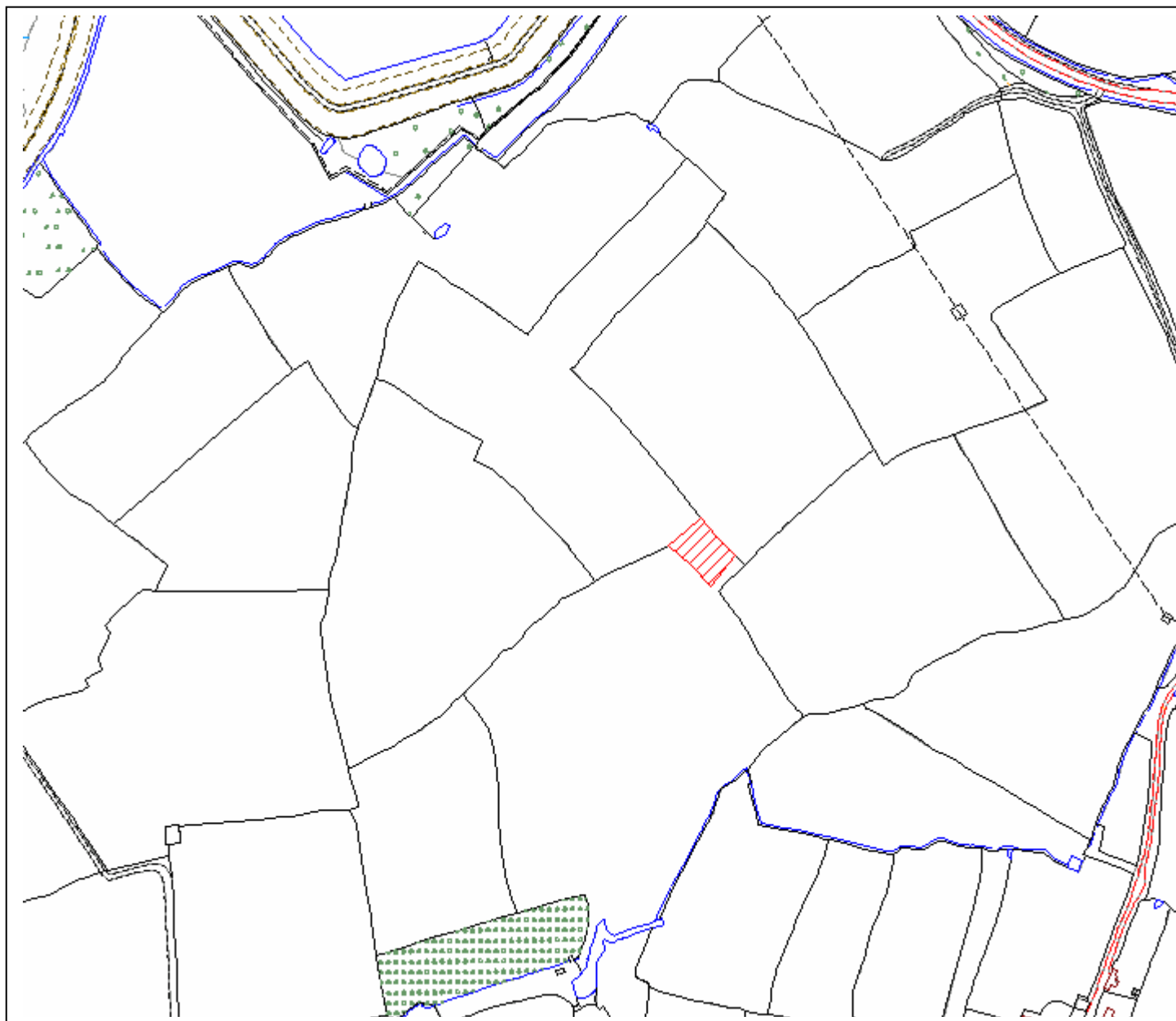
9. The development hereby permitted shall be carried out as an alternative to the permission granted on 4th June 2003 for a mobile home at Naite Farm, The Naite, Oldbury-on-Severn (Reference PT03/0121/TMP) but not in addition to it, to the intent that the applicant may carry out one of the developments permitted but not both, nor parts of both developments.

Reason(s):

To prevent a development for which there exists no special agricultural justification having regard to policy H8 of the South Gloucestershire Local Plan (Adopted) January 2006 and PPS7.

CIRCULATED SCHEDULE NO. 12/07 – 23 MARCH 2007

App No.:	PT06/0077/F	Applicant:	A Gazard
Site:	Field 7320 The Naite Oldbury-On-Severn South Gloucestershire	Date Reg:	10th January 2006
Proposal:	Erection of general purpose barn to store straw and machinery.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	60782 93341	Ward:	Severn



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100023410, 2006.

N.T.S

PT06/0077/F

INTRODUCTION

The application appears on the circulated schedule because it relates to other applications for major development that also appear on this schedule.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission to erect a general purpose barn in connection with the formation of a free range egg production unit on land at Naite Farm, Oldbury-on-Severn.
- 1.2 Other applications relating to the creation of the egg production unit appear elsewhere on this schedule under the following references:
- | | |
|-------------|--|
| PT06/0079/F | Erection of free range egg production unit and formation of associated access. |
| PT06/0080/F | Erection of free range egg production unit and formation of associated access. |
| PT06/0075/F | Stationing of mobile home for a temporary period. |
- 1.3 The application site is situated in open countryside between the settlement of Oldbury and Oldbury Power Station. The application site is within an existing field, surrounding on three sides by hedgerows with public footpaths to the north east and south west.
- 1.4 The proposed building is 18.3m x 12.2m, with a height to eaves of 4.9m and to ridge of 6m. The building is intended for storage (no livestock) associated with the proposed free egg production unit.
- 1.5 The application site lies approximately 1km from another unit already operated by the applicant and benefiting from planning permission refs. PT03/0121/TMP and PT03/0123/F as described below.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|--|
| PPS1 | Delivering Sustainable Development |
| PPS7 | Sustainable Development in Rural Areas |
| PPG13 | Transport |
- 2.2 Joint Replacement Structure Plan
- | | |
|-----------|----------------------|
| Policy 3 | Landscape protection |
| Policy 18 | Nature Conservation |
| Policy 22 | Coastal Zone |
| Policy 24 | Flood Risk |
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006
- | | |
|-----|---|
| L1 | Landscape |
| D1 | Achieving Good Quality Design in New Development |
| EP1 | Environmental Pollution |
| EP2 | Flood Risk and Development |
| T12 | Transportation Development Control Policy for New Development |

E9	Agricultural development
L11	Archaeology
L3	Coastal Zone
L6-L9	Ecology

- 2.4 Supplementary Planning Guidance
Landscape Character Assessment – Character Area 19 – Oldbury Levels.

3. **RELEVANT PLANNING HISTORY**

- 3.1 There is no relevant planning history on the application site. However the following planning history should be noted.
- 3.2 On another parcel of land associated with Naite Farm, the north east of Oldbury, and under the same stewardship and ownership, the following applications were approved
- 3.3 PT03/0121/TMP Siting of mobile home in association with egg production unit.
Temporary planning permission approved until 1st June 2008.
- 3.4 PT03/0123/F Erection of free range egg production unit.
Approved 4th June 2003.

4. **CONSULTATION RESPONSES**

The following consultation responses relate to the introduction of the proposed egg production unit as a whole:

- 4.1 Oldbury-on-Severn Parish Council
Objection:
No requirement for site to revert to green field when no longer required.
Greater consideration of planting and landscaping needed.
- 4.2 Natural England
No objection.
- 4.3 Environment Agency
No objection subject to condition.
- 4.4 DEFRA
No comment
- 4.5 Government Office for the South West (GOSW) (on behalf of DEFRA)
No objection to determination of application having regard to matters relating to avian flu.
- 4.6 Lower Severn Drainage Board
Object until FRA undertaken. Advise on other LSDB restrictions.

Other Representations

- 4.7 Local Residents
4No. objections received on the following grounds:

- Infestation of flies.
- Increased potential of avian flu (due primarily to contact with migratory birds). Potential for public to come into contact with birds due to footpaths.
- Odour nuisance.
- Conservation should not be secondary to job creation in this case.
- Flood risk.
- Too much in area. Less ambitious scheme may not be objected to.

4.8 Ramblers Association

Will interfere with enjoyment of right of way (openness of countryside, environmental impact, uncertainty).

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006 supports the principle of the erection of agricultural buildings provided the proposal is in accordance with criteria:

- Should be sited on land which is in use for agriculture and there is no existing underused buildings, and
- Adequate provision is made for access and manoeuvring to avoid traffic hazards, and
- The development does not have unacceptable environmental effects; and
- Residential amenities will not be prejudiced.

The proposal is on land already in use as agriculture and there are no existing suitable buildings that could be used. Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve the character and amenity of the landscape. Policy D1 seeks to achieve good quality design. Policy L11 deals with archaeology and L6-L9 deals with ecology. Having regard to the requirements of these policies and others of the development plan, the main matters to be addressed relate to the following issues:

- Landscape/visual impact.
- Transportation
- Archaeology
- Ecology
- Drainage/flood risk
- Other Environmental Issues
- Public footpaths

5.2 Landscape/visual impact

The site is located in open countryside within the coastal zone to the north west of Oldbury. The flat open landscape is generally remote and tranquil, existing settlements are well integrated into the landscape. There are a number of egg production units already in the wider locality and these are generally well integrated into the landscape. The proposed building, and the others proposed in the concurrent applications, are of the same style and form as other units in the area and are not considered to have any greater visual impact than these. No lighting is proposed. Should any lighting be proposed in the future that this should be first agreed by the LPA; as such a suitable condition is recommended. Having regard to the character of the landscape and details of the scheme, and considering the appropriate impact of existing units, the overall impact on the landscape and visual amenities is deemed acceptable in

- accordance with relevant planning policy. The proposed development is one that is appropriate to the coastal zone. Materials are acceptable albeit that a specific condition is necessary to agree exact finishing details.
- 5.3 Clearly new landscaping will be necessary and the level indicated as part of the application is generally acceptable. A condition is recommended to ensure appropriate details and implementation.
- 5.4 Transportation
No objection is raised in respect of transportation. It is estimated that there will be only 2.8 vehicular visits to the proposed egg production unit (in its entirety) per week. Access details, included as part of applications PT06/0079/F and 0080/F, are acceptable.
- 5.5 Archaeology
The application site relates to fields that have elements of historic ridge and furrow cultivation. A desktop archaeological evaluation has been undertaken. Further additional information has also now been provided. Subject to the implementation of the submitted method statement and an agreed scheme of archaeological mitigation, the proposal can be supported subject an appropriate archaeological condition.
- 5.6 Ecology
There are no statutory or non-statutory nature conservation designations or records of notable or protected species on the application site. Whilst the "Silt Lagoons at Oldbury Power Station" Site of Nature Conservation Interest (SNCI) lies close by to the north, it will be unaffected by the proposal. However, nearby, the Severn Estuary is a Site of Special Scientific Interest (SSSI) and designated a Special protection Area (SPA) and a Ramsar site, as well as being a possible Special Area of Conservation (pSAC).
- 5.7 Whilst the application site lies close to the Severn Estuary, it is separated from it by several agricultural fields. The application will not therefore have a direct impact on habitat. However, the application was originally considered as one that could potentially indirectly impact upon the Estuary. In such circumstances legislation supports the authority asking for sufficient information as is reasonable to ensure a proper assessment of impact. Further assessment has been carried out that confirms that the site is not of significance in terms of use by estuarine birds, and this is to the satisfaction of the council's Ecologist and Natural England.
- 5.8 Applications ref. PT06/0079/F and 0080/F found elsewhere in this schedule involve the loss of part of some hedgerows to achieve vehicular access. Subject to the planting up of an existing access, now to be unused, with infill hedging to an agreed specification, the council's Ecologist raises no objection. Appropriate conditions are recommended with these applications.
- 5.9 Drainage/flood risk
The Environment Agency has considered the application for the free range egg production unit as a whole and, subject to a number of conditions, raise no objection. These conditions are thus recommended by officers and include agreement of specific foul and surface water drainage, and adherence to requirements of FRA (ie.7.5m AOD). Furthermore a condition to ensure that no structures are erected within 8m of any watercourse, to accord with LSDB recommendations, is also recommended on the other relevant applications.

5.10 Public Footpaths

2No. public footpaths are crossed by the proposed access track included as part of application PT06/0079/F and 0080/F. This issue is assessed with these reports. The amenity of the footpath will not be adversely affected due to the proposed barn.

5.11 Other Environmental Issues

There are no amenity issues, having regard to local residents, which would preclude consent being approved for the proposed barn. Issues relating to flies are addressed in reports for the relevant applications - PT06/0079/F and 0080/F.

5.12 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be approved subject to conditions.

Background Papers **PT06/0077/F**

Contact Officer: **Michael Simmons**
Tel. No. **01454 863643**

CONDITIONS

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

Reason(s):

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

2. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning

Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason(s):

To minimise visual impact within this part of the countryside and to accord with Policy E9 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

4. No development shall take place until details of earth moving/excavation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To protect the character and appearance of the area to accord with Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

Having regard to archaeological interests and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of protection of existing hedgerows during the course of the development; and proposed planting (and times of planting). Development shall be carried out in accordance with the agreed details.

Reason(s):

To protect the character and appearance of the area to accord with Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Before development commences, the applicant shall submit, and gain approval for, the following details from the local planning authority:
 - An earthwork survey of the affected earthwork remains.Thereafter the development shall proceed in accordance with the agreed details and the approved archaeological method statement. The developer shall also 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(s):

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

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

Reason(s):

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

8. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

9. The finished floor level shall be at, or above, 7.25m AOD (Newlyn) or 450mm above existing surrounding ground level, whichever is the higher.

Reason(s):

To prevent flooding, and to accord with Policies EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

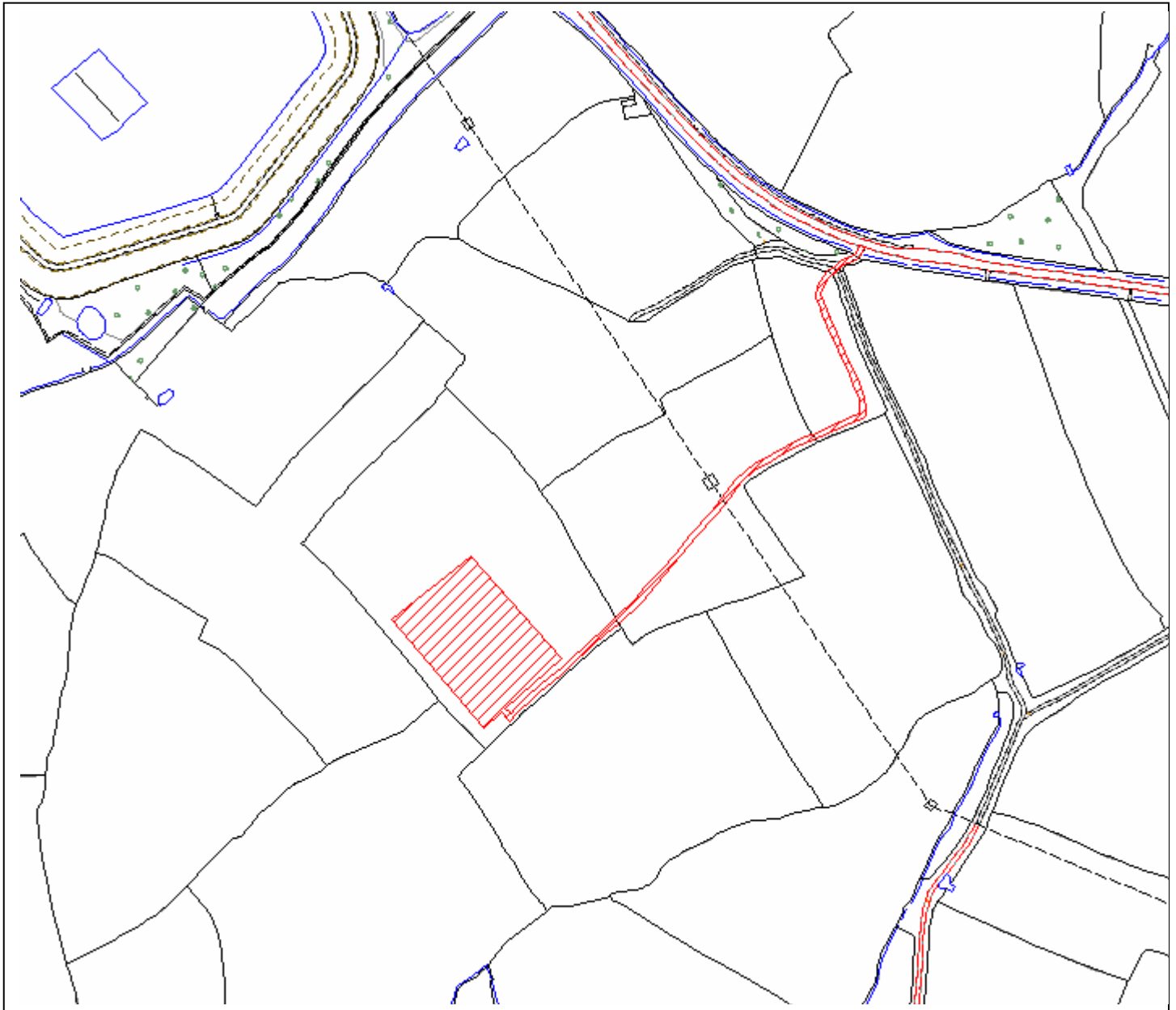
10. Any oil or chemical storage tanks shall be surrounded by an impervious oil/watertight bund having a capacity of at least 110% of the tank and of a structural design approved in writing by the Local Planning Authority.

Reason(s):

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

CIRCULATED SCHEDULE NO. 12/07 – 23 MARCH 2007

App No.:	PT06/0079/F	Applicant:	A Gazard
Site:	Field 8145 The Naite Farm Oldbury-on-severn South Gloucestershire	Date Reg:	10th January 2006
Proposal:	Erection of free range egg production unit and formation of associated access	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	60929 93531	Ward:	Severn



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100023410, 2006.

N.T.S

PT06/0079/F

INTRODUCTION

The application is on the circulated schedule as it is defined as one for major development.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission to erect a building for the accommodation of chickens and form a vehicular access, both associated with the proposed establishment of a free range egg production unit on land at Naite Farm, Oldbury-on-Severn.
- 1.2 Other applications relating to the creation of the egg production unit appear elsewhere on this schedule under the following references:
- | | |
|-------------|--|
| PT06/0077/F | Erection of general purpose barn. |
| PT06/0080/F | Erection of free range egg production unit and formation of associated access. |
| PT06/0075/F | Stationing of mobile home for a temporary period. |
- 1.3 The application site is situated in open countryside between the settlement of Oldbury and Oldbury Power Station. The application site is within an existing field, adjacent to two hedgerows with public footpaths to the north east and south west. The proposed access will be onto the end of Ham Lane, a bridleway, near its access onto the power station road.
- 1.4 The proposed building is 86.8m x 18.3m, with a height to eaves of 2.6m and to ridge of 5.3m. Two feed bins of maximum height 6.7m are proposed adjacent to the building. The building is intended to accommodate 12,000 birds that shall require, to accord with free range guidelines, 12 hectares of land.
- 1.5 The application site lies approximately 1km from another unit already operated by the applicant and benefiting from planning permission refs. PT03/0121/TMP and PT03/0123/F as described below.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPG13	Transport

2.2 Joint Replacement Structure Plan

Policy 3	Landscape protection
Policy 18	Nature Conservation
Policy 22	Coastal Zone
Policy 24	Flood Risk

2.3 South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape
D1	Achieving Good Quality Design in New Development
EP1	Environmental Pollution
EP2	Flood Risk and Development

T12	Transportation Development Control Policy for New Development
E9	Agricultural development
L11	Archaeology
L3	Coastal Zone
L6-L9	Ecology

- 2.4 Supplementary Planning Guidance
Landscape Character Assessment – Character Area 19 – Oldbury Levels.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history on the application site. However the following planning history should be noted.
- 3.2 On another parcel of land associated with Naite Farm, to the north east of Oldbury, and under the same stewardship and ownership, the following applications were approved:
- 3.3 PT03/0121/TMP Siting of mobile home in association with egg production unit.
Temporary planning permission approved until 1st June 2008.
- 3.4 PT03/0123/F Erection of free range egg production unit.
Approved 4th June 2003.

4. CONSULTATION RESPONSES

- 4.1 Oldbury-on-Severn Parish Council
Objection:
No requirement for site to revert to green field when no longer required.
Greater consideration of planting and landscaping needed.
- 4.2 Natural England
No objection.
- 4.3 Environment Agency
No objection subject to condition.
- 4.4 DEFRA
No comment
- 4.5 Government Office for the South West (GOSW) (on behalf of DEFRA)
No objection to the determination of the application having regard to matters relating to avian flu.
- 4.6 Lower Severn Drainage Board
Object until FRA undertaken. Advise on other LSDB restrictions.
- 4.7 Local Residents
4 No. objections received on the following grounds: Infestation of flies.
- Increased potential of avian flu (due primarily to contact with migratory birds). Potential for public to come into contact with birds due to footpaths.
- Odour nuisance.
- Conservation should not be secondary to job creation in this case.

- Flood risk.
- Too much in area. Less ambitious scheme may not be objected to.

4.8 Ramblers Association

Will interfere with enjoyment of right of way (openness of countryside, environmental impact, uncertainty).

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006 supports the principle of the erection of agricultural buildings provided the proposal is in accordance with criteria:

- Should be sited on land which is in use for agriculture and there is no existing underused buildings, and
- Adequate provision is made for access and manoeuvring to avoid traffic hazards, and
- The development does not have unacceptable environmental effects; and
- Residential amenities will not be prejudiced.

The proposal is on land already in use as agriculture and there are no existing suitable buildings that could be used. Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve the character and amenity of the landscape. Policy D1 seeks to achieve good quality design. Policy L11 deals with archaeology and L6-L9 deals with ecology. Having regard to the requirements of these policies and others of the development plan, the main matters to be addressed relate to the following issues:

- Landscape/visual impact.
- Transportation
- Archaeology
- Ecology
- Drainage/flood risk
- Other Environmental Issues
- Public footpaths

5.2 Landscape/visual impact

The site is located in open countryside within the coastal zone to the north west of Oldbury. The flat open landscape is generally remote and tranquil, existing settlements are well integrated into the landscape. There are a number of egg production units already in the wider locality and these are generally well integrated into the landscape. The proposed building, and the others proposed in the concurrent applications, are of the same style and form as other units in the area and are not considered to have any greater visual impact than these. No lighting is proposed. Should any lighting be proposed in the future that this should be first agreed by the LPA; as such a suitable condition is recommended. Having regard to the character of the landscape and details of the scheme, and considering the appropriate impact of existing units, the overall impact on the landscape and visual amenities is deemed acceptable in accordance with relevant planning policy. The proposed development is one that is appropriate to the coastal zone. Materials and colours are acceptable albeit that a specific condition is necessary to agree exact finishing details.

- 5.3 Whilst the proposed access track will entail a level of disruption to the field, the access road itself will not represent a significant visual intrusion on the landscape upon completion. Bearing in mind the archaeological sensitivity of the area, a condition to agree method of soil disposal is necessary both associated with the proposed access and building. Protection to existing hedging should also be assured by condition. An access already exists at the proposed access point. Details in respect of rhine crossing, hedge protection and hedge retention/planting at the access point are acceptable, and can be secured by appropriate conditions. Clearly new landscaping will be necessary and the level indicated as part of the application is generally acceptable. A condition is recommended to ensure appropriate details and implementation.
- 5.4 Transportation
No objection is raised in respect of transportation for a use where traffic volume will not be great. It is estimated that there will be only 2.8 vehicular visits to the proposed egg production unit (in its entirety) per week. Access details are acceptable and provide a balance with ecology and landscape objectives.
- 5.5 Archaeology
The application site relates to fields that have elements of historic ridge and furrow cultivation. A desktop archaeological evaluation has been undertaken. Further additional information has also now been provided. Subject to the implementation of the submitted method statement and an agreed scheme of archaeological mitigation, the proposal can be supported subject to an appropriate archaeological condition.
- 5.6 Ecology
There are no statutory or non-statutory nature conservation designations or records of notable or protected species on the application site. Whilst the "Silt Lagoons at Oldbury Power Station" Site of Nature Conservation Interest (SNCI) lies close by to the north, it will be unaffected by the proposal. However, nearby, the Severn Estuary is a Site of Special Scientific Interest (SSSI) and designated a Special protection Area (SPA) and a Ramsar site, as well as being a possible Special Area of Conservation (pSAC).
- 5.7 Whilst the application site lies close to the Severn Estuary, it is separated from it by several agricultural fields. The application will not therefore have a direct impact on habitat. However, the application was originally considered as one that could potentially indirectly impact upon the Estuary. In such circumstances legislation supports the authority asking for sufficient information as is reasonable to ensure a proper assessment of impact. Further assessment has been carried out that confirms that the site is not of significance in terms of use by estuarine birds, and this is to the satisfaction of the council's Ecologist and Natural England.
- 5.8 The application will involve the loss of part of some hedgerows. Subject to the planting up of an existing access, now to be unused, with infill hedging to an agreed specification, the council's Ecologist raises no objection. An appropriate condition is recommended. Furthermore a condition is recommended to provide 3No. artificial shelduck nest boxes in field hedges as additional mitigation.
- 5.9 Drainage/flood risk
The Environment Agency has considered the application and, subject to a number of conditions, raise no objection. These conditions are thus

recommended by officers and include agreement of specific foul and surface water drainage, and adherence to requirements of FRA (ie.7.5m AOD). Furthermore a condition to ensure that no structures are erected within 8m of any watercourse, to accord with LSDB recommendations, is also recommended.

5.10 Public Footpaths

2No. public footpaths are crossed by the proposed access track and are near to the proposed building. Appropriate way marking and navigation is indicated on the proposed plan. A condition to agree the details of this scheme is recommended. Subject to these works, the amenity of the footpath will not be so significantly affected as to be unacceptable.

5.11 Other Environmental Issues

The council's Environmental Health Officer has considered the issue of fly infestation. Whilst the fly problem alleged in the area has not been attributed to the poultry farm, there is potential for flies due to the nature of the activities. The application has agreed to introduce a beetle into the units that feeds off fly larvae, thus controlling their production. Subject to the details of such a scheme being first agreed in writing by condition, the Environmental Health Officer raises no objection. The applicant also intends to sign up to the "Lion Code" requirements for fly control that contains measures for monitoring numbers of flies and taking action with appropriate insecticide where necessary.

5.12 There are no other amenity issues, having regard to local residents, which would preclude consent in this instance.

5.13 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be approved subject to conditions.

Contact Officer: Michael Simmons
Tel. No. 01454 863643

CONDITIONS

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

Reason(s):

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

2. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason(s):

To minimise visual impact within this part of the countryside and to accord with Policy E9 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

4. No development shall take place until details of earth moving/excavation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To protect the character and appearance of the area to accord with Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

Having regard to archaeological interests and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of protection of existing hedgerows during the course of the development; and proposed planting (and times of planting). Development shall be carried out in accordance with the agreed details.

Reason(s):

To protect the character and appearance of the area to accord with Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Before development commences, details of the rhine crossing shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter proceed in accordance with the agreed details.

Reason(s):

To protect the character and appearance of the area to accord with Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Before development commences, the applicant shall submit, and gain approval for, the following details from the local planning authority:

- Details of a terram or similar membrane under the approved road (if hardcore is used).
- An earthwork survey of the affected earthwork remains.

Thereafter the development shall proceed in accordance with the agreed details and the approved archaeological method statement. The developer shall also 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(s):

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

8. Before development commences, details shall be submitted to, and agreed in writing by, the local planning authority of 3No. artificial shelduck nest boxes (in field hedges). Such nest boxes, as approved, shall be implemented before the approved use first commences.

Reason(s):

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

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

Reason(s):

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

10. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

11. The finished floor level shall be at, or above, 7.25m AOD (Newlyn) or 450mm above existing surrounding ground level, whichever is the higher.

Reason(s):

To prevent flooding, and to accord with Policies EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. No buildings, or impediments to water flow or structures of any kind, shall be erected within 8m of any watercourse.

Reason(s):

In the interests of satisfactory drainage arrangements, and to accord with Policies L17/L18/EP1 & EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

14. Before development commences, details of public footpath way marking and physical navigation features shall be submitted to and agreed in writing by the local planning authority. The agreed details shall be implemented before the approved use first commences.

Reason(s):

In the interests of satisfactory retention of footpath amenity and navigation, in accordance with D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

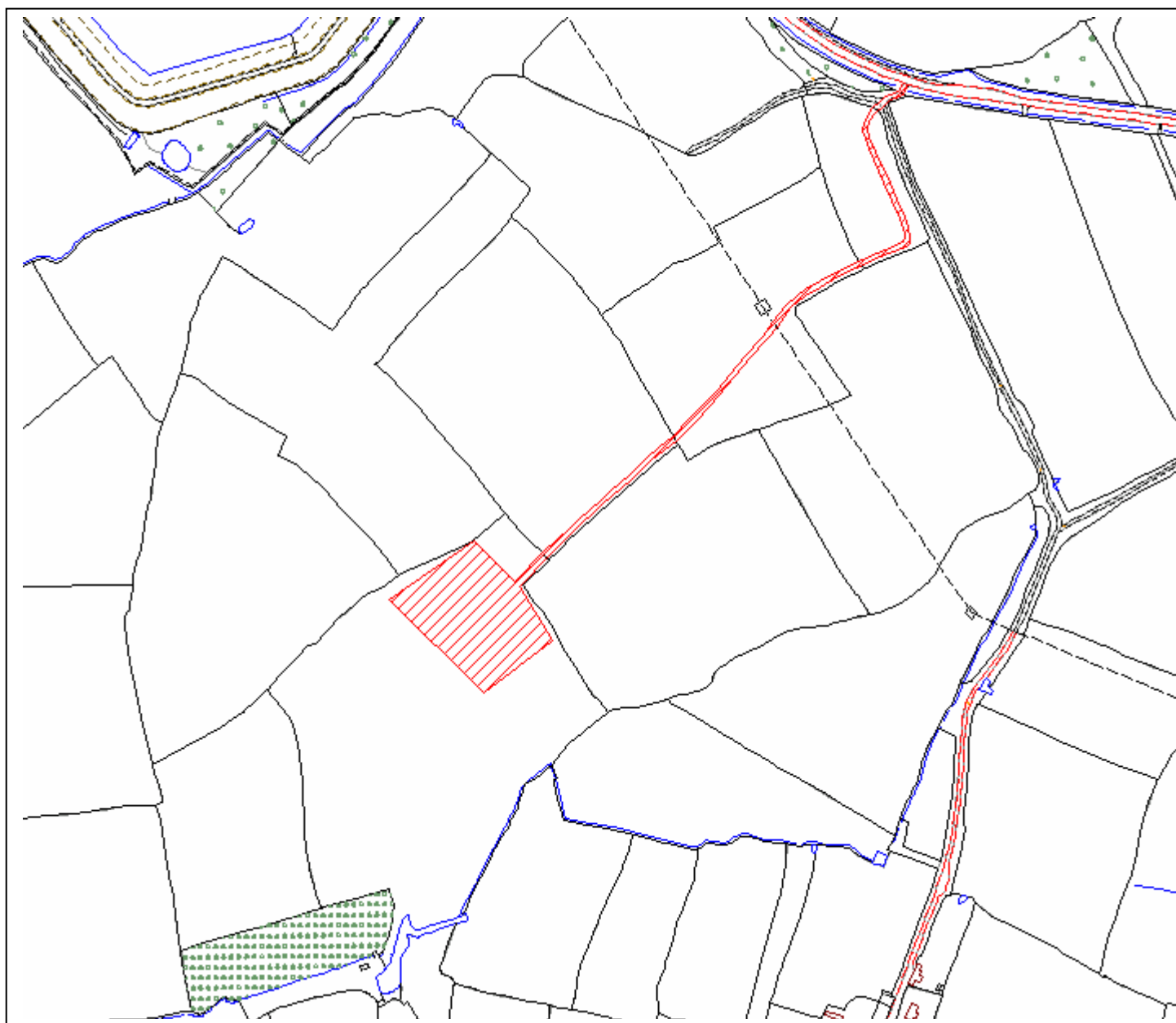
15. Before development commences, details of a scheme for the proposed introduction of beetle (to control fly infestation), and its continued implementation in perpetuity, shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented in its entirety.

Reason(s):

In order to control fly infestation in the interests of the amenities of the area and to accord with Policy E8 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/07 – 23 MARCH 2007

App No.: PT06/0080/F	Applicant: Mr A Gazard
Site: Field 7320 The Naite Oldbury-On-Severn South Gloucestershire	Date Reg: 11th January 2006
Proposal: Erection of free range egg production unit and formation of associated access.	Parish: Oldbury-on-Severn Parish Council
Map Ref: 60899 93469	Ward: Severn



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100023410, 2006.

N.T.S

PT06/0080/F

INTRODUCTION

The application is on the circulated schedule as it is defined as one for major development.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission to erect a building for the accommodation of chickens and form a vehicular access, both associated with the proposed establishment of a free range egg production unit on land at Naite Farm, Oldbury-on-Severn.
- 1.2 Other applications relating to the creation of the egg production unit appear elsewhere on this schedule under the following references:
- | | |
|-------------|--|
| PT06/0077/F | Erection of general purpose barn. |
| PT06/0079/F | Erection of free range egg production unit and formation of associated access. |
| PT06/0075/F | Stationing of mobile home for a temporary period. |
- 1.3 The application site is situated in open countryside between the settlement of Oldbury and Oldbury Power Station. The application site is within an existing field, adjacent to two hedgerows with public footpaths to the north east and south west. The proposed access will be onto the end of Ham Lane, a bridleway, near its access onto the power station road.
- 1.4 The proposed building is 86.8m x 18.3m, with a height to eaves of 2.6m and to ridge of 5.3m. Two feed bins of maximum height 6.7m are proposed adjacent to the building. The building is intended to accommodate 12,000 birds that shall require, to accord with free range guidelines, 12 hectares of land.
- 1.5 The application site lies approximately 1km from another unit already operated by the applicant and benefiting from planning permission refs. PT03/0121/TMP and PT03/0123/F as described below.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development in Rural Areas
PPG13	Transport

2.2 Joint Replacement Structure Plan

Policy 3	Landscape protection
Policy 18	Nature Conservation
Policy 22	Coastal Zone
Policy 24	Flood Risk

2.3 South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape
D1	Achieving Good Quality Design in New Development
EP1	Environmental Pollution
EP2	Flood Risk and Development

T12	Transportation Development Control Policy for New Development
E9	Agricultural development
L11	Archaeology
L3	Coastal Zone
L6-L9	Ecology

- 2.4 Supplementary Planning Guidance
Landscape Character Assessment – Character Area 19 – Oldbury Levels.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history on the application site. However the following planning history should be noted.
- 3.2 On another parcel of land associated with Naite Farm, to the north east of Oldbury, and under the same stewardship and ownership, the following applications were approved:
- 3.3 PT03/0121/TMP Siting of mobile home in association with egg production unit.
Temporary planning permission approved until 1st June 2008.
- 3.4 PT03/0123/F Erection of free range egg production unit.
Approved 4th June 2003.

4. CONSULTATION RESPONSES

- 4.1 Oldbury-on-Severn Parish Council
Objection:
No requirement for site to revert to green field when no longer required.
Greater consideration of planting and landscaping needed.
- 4.2 Natural England
No objection.
- 4.3 Environment Agency
No objection subject to condition.
- 4.4 DEFRA
No comment
- 4.5 Government Office for the South West (GOSW) (on behalf of DEFRA)
No objection to the determination of the application having regard to matters relating to avian flu.
- 4.6 Lower Severn Drainage Board
Object until FRA undertaken. Advise on other LSDB restrictions.
- 4.7 Local Residents
4No. objections received on the following grounds:
- Infestation of flies.
 - Increased potential of avian flu (due primarily to contact with migratory birds). Potential for public to come into contact with birds due to footpaths.
 - Odour nuisance.

- Conservation should not be secondary to job creation in this case.
- Flood risk.
- Too much in area. Less ambitious scheme may not be objected to.

4.8 Ramblers Association

Will interfere with enjoyment of right of way (openness of countryside, environmental impact, uncertainty).

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006 supports the principle of the erection of agricultural buildings provided the proposal is in accordance with criteria:

- Should be sited on land which is in use for agriculture and there is no existing underused buildings, and
- Adequate provision is made for access and manoeuvring to avoid traffic hazards, and
- The development does not have unacceptable environmental effects; and
- Residential amenities will not be prejudiced.

The proposal is on land already in use as agriculture and there are no existing suitable buildings that could be used. Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to conserve the character and amenity of the landscape. Policy D1 seeks to achieve good quality design. Policy L11 deals with archaeology and L6-L9 deals with ecology. Having regard to the requirements of these policies and others of the development plan, the main matters to be addressed relate to the following issues:

- Landscape/visual impact.
- Transportation
- Archaeology
- Ecology
- Drainage/flood risk
- Other Environmental Issues
- Public footpaths

5.2 Landscape/visual impact

The site is located in open countryside within the coastal zone to the north west of Oldbury. The flat open landscape is generally remote and tranquil, existing settlements are well integrated into the landscape. There are a number of egg production units already in the wider locality and these are generally well integrated into the landscape. The proposed building, and the others proposed in the concurrent applications, are of the same style and form as other units in the area and are not considered to have any greater visual impact than these. No lighting is proposed. Should any lighting be proposed in the future that this should be first agreed by the LPA; as such a suitable condition is recommended. Having regard to the character of the landscape and details of the scheme, and considering the appropriate impact of existing units, the overall impact on the landscape and visual amenities is deemed acceptable in accordance with relevant planning policy. The proposed development is one that is appropriate to the coastal zone. Materials and colours are acceptable albeit that a specific condition is necessary to agree exact finishing details.

- 5.3 Whilst the proposed access track will entail a level of disruption to the field, the access road itself will not represent a significant visual intrusion on the landscape upon completion. Bearing in mind the archaeological sensitivity of the area, a condition to agree method of soil disposal is necessary both associated with the proposed access and building. Protection to existing hedging should also be assured by condition. An access already exists at the proposed access point. Details in respect of rhine crossing, hedge protection and hedge retention/planting at the access point are acceptable, and can be secured by appropriate conditions. Clearly new landscaping will be necessary and the level indicated as part of the application is generally acceptable. A condition is recommended to ensure appropriate details and implementation.
- 5.4 Transportation
No objection is raised in respect of transportation for a use where traffic volume will not be great. It is estimated that there will be only 2.8 vehicular visits to the proposed egg production unit (in its entirety) per week. Access details are acceptable and provide a balance with ecology and landscape objectives.
- 5.5 Archaeology
The application site relates to fields that have elements of historic ridge and furrow cultivation. A desktop archaeological evaluation has been undertaken. Further additional information has also now been provided. Subject to the implementation of the submitted method statement and an agreed scheme of archaeological mitigation, the proposal can be supported subject to an appropriate archaeological condition.
- 5.6 Ecology
There are no statutory or non-statutory nature conservation designations or records of notable or protected species on the application site. Whilst the "Silt Lagoons at Oldbury Power Station" Site of Nature Conservation Interest (SNCI) lies close by to the north, it will be unaffected by the proposal. However, nearby, the Severn Estuary is a Site of Special Scientific Interest (SSSI) and designated a Special protection Area (SPA) and a Ramsar site, as well as being a possible Special Area of Conservation (pSAC).
- 5.7 Whilst the application site lies close to the Severn Estuary, it is separated from it by several agricultural fields. The application will not therefore have a direct impact on habitat. However, the application was originally considered as one that could potentially indirectly impact upon the Estuary. In such circumstances legislation supports the authority asking for sufficient information as is reasonable to ensure a proper assessment of impact. Further assessment has been carried out that confirms that the site is not of significance in terms of use by estuarine birds, and this is to the satisfaction of the council's Ecologist and Natural England.
- 5.8 The application will involve the loss of part of some hedgerows. Subject to the planting up of an existing access, now to be unused, with infill hedging to an agreed specification, the council's Ecologist raises no objection. An appropriate condition is recommended. Furthermore a condition is recommended to provide 3No. artificial shelduck nest boxes in field hedges as additional mitigation.
- 5.9 Drainage/flood risk
The Environment Agency has considered the application and, subject to a number of conditions, raise no objection. These conditions are thus

recommended by officers and include agreement of specific foul and surface water drainage, and adherence to requirements of FRA (ie.7.5m AOD). Furthermore a condition to ensure that no structures are erected within 8m of any watercourse, to accord with LSDB recommendations, is also recommended.

5.10 Public Footpaths

2No. public footpaths are crossed by the proposed access track and are near to the proposed building. Appropriate way marking and navigation is indicated on the proposed plan. A condition to agree the details of this scheme is recommended. Subject to these works, the amenity of the footpath will not be so significantly affected as to be unacceptable.

5.11 Other Environmental Issues

The council's Environmental Health Officer has considered the issue of fly infestation. Whilst the fly problem alleged in the area has not been attributed to the poultry farm, there is potential for flies due to the nature of the activities. The application has agreed to introduce a beetle into the units that feeds off fly larvae, thus controlling their production. Subject to the details of such a scheme being first agreed in writing by condition, the Environmental Health Officer raises no objection. The applicant also intends to sign up to the "Lion Code" requirements for fly control that contains measures for monitoring numbers of flies and taking action with appropriate insecticide where necessary.

5.12 There are no other amenity issues, having regard to local residents, which would preclude consent in this instance.

5.13 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission be approved subject to conditions.

Contact Officer: **Michael Simmons**
Tel. No. **01454 863643**

CONDITIONS

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

Reason(s):

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

2. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason(s):

To minimise visual impact within this part of the countryside and to accord with Policy E9 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

4. No development shall take place until details of earth moving/excavation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To protect the character and appearance of the area to accord with Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

Having regard to archaeological interests and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include details of protection of existing hedgerows during the course of the development; and proposed planting (and times of planting). Development shall be carried out in accordance with the agreed details.

Reason(s):

To protect the character and appearance of the area to accord with Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Before development commences, details of the rhine crossing shall be submitted to and agreed in writing by the local planning authority. The development shall thereafter proceed in accordance with the agreed details.

Reason(s):

To protect the character and appearance of the area to accord with Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Before development commences, the applicant shall submit, and gain approval for, the following details from the local planning authority:
 - Details of a terram or similar membrane under the approved road (if hardcore is used).
 - An earthwork survey of the affected earthwork remains.

Thereafter the development shall proceed in accordance with the agreed details and the approved archaeological method statement. The developer shall also 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(s):

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

8. Before development commences, details shall be submitted to, and agreed in writing by, the local planning authority of 3No. artificial shelduck nest boxes (in field hedges). Such nest boxes, as approved, shall be implemented before the approved use first commences.

Reason(s):

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

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

Reason(s):

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

10. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

11. The finished floor level shall be at, or above, 7.25m AOD (Newlyn) or 450mm above existing surrounding ground level, whichever is the higher.

Reason(s):

To prevent flooding, and to accord with Policies EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. No buildings, or impediments to water flow or structures of any kind, shall be erected within 8m of any watercourse.

Reason(s):

In the interests of satisfactory drainage arrangements, and to accord with Policies L17/L18/EP1 & EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

14. Before development commences, details of public footpath way marking and physical navigation features shall be submitted to and agreed in writing by the local planning authority. The agreed details shall be implemented before the approved use first commences.

Reason(s):

In the interests of satisfactory retention of footpath amenity and navigation, in accordance with D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

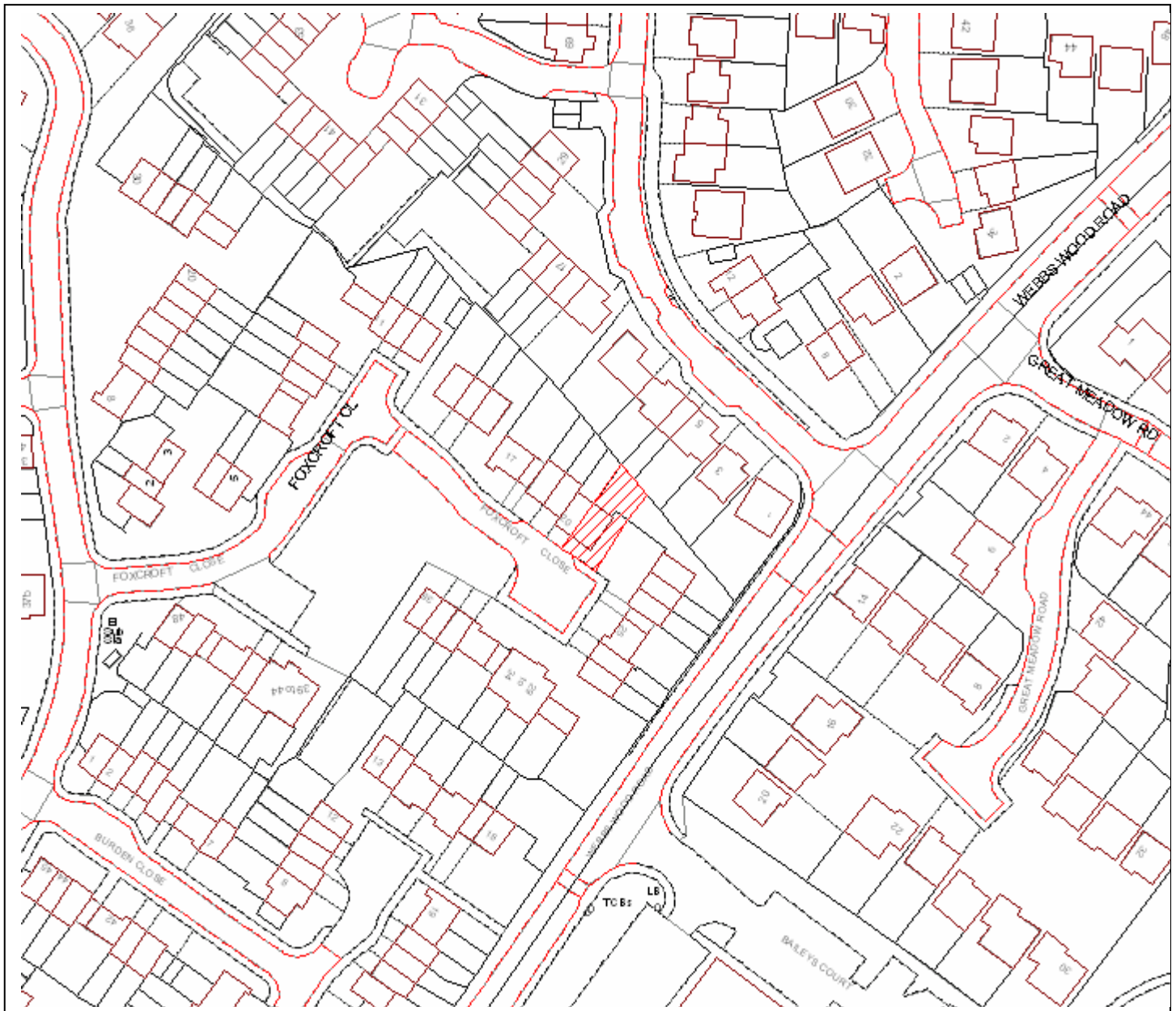
15. Before development commences, details of a scheme for the proposed introduction of beetle (to control fly infestation), and its continued implementation in perpetuity, shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented in its entirety.

Reason(s):

In order to control fly infestation in the interests of the amenities of the area and to accord with Policy E8 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/07 – 23 MARCH 2007

App No.:	PT07/0081/F	Applicant:	Mr M Mirreh
Site:	21 Foxcroft Close Bradley Stoke South Gloucestershire BS32 8BJ	Date Reg:	10th January 2007
Proposal:	Conversion of existing dwelling to 2no. maisonettes with associated works.	Parish:	Bradley Stoke Town Council
Map Ref:	62610 80995	Ward:	Bradley Stoke Sherbourne



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100023410, 2006.

N.T.S

PT07/0081/F

INTRODUCTION

This proposal is placed on Circulated Schedule given an objection to the development has been raised (see Consultation Response below).

1. THE PROPOSAL

- 1.1 The applicant seeks consent for the subdivision of a modern two-storey dwelling house to form two maisonettes. The site is situated on a turning head within Foxcroft Close. Access to the front maisonette would be from the front and the rear property accessed from the rear garden. The rear property would have access to the garden with no space available to the front property although cycle and bin storage is provided for both units.
- 1.2 The only external alteration to the property would be the installation of a door to the rear to replace a window. Parking space is available to the side.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |
| PPG13 | Transportation |
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
- | | |
|-----|---|
| H5 | Residential Conversions, Houses in Multiple Occupation and Re-use of Buildings for Residential Purposes |
| T7 | Cycle Parking |
| T8 | Parking Standards |
| T12 | Transportation Development Control Policy for New Development |

The South Gloucestershire Design Checklist (SPD) Draft for Public Consultation: September 2006

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection raised

- 4.2 Sustainable Transport
The site is located off the unclassified cul-de-sac known as Foxcroft Close, which serves as access to the wider highway network for a residential area.

There is adequate provision of bin and cycle storage and access for both proposed maisonettes.

There is an area of off-street car parking provided next to the proposal's boundary, this is in control of the applicant.

There is no proposed enlargement of the building footprint.

The impact of this current proposal would have to be assessed with the existing situation, in respect of traffic generation. The existing 3 bedroom house would generate 6 to 8 movements per day, and the two one bedroom maisonettes would also result in similar amount of traffic generation. Therefore, when comparing the existing situation to the current proposal, there would not be an increase the traffic movements.

The impact of any parking on the street would have to be compared to the existing situation and the current proposal. With a 3 bedroom house would require two car parking spaces provided for a new development, however, when you take into account the current proposal would have to provide one car parking space for each maisonette, therefore, they would have the same effect.

In terms of parking tandem arrangement is not ideal, but given there is no change in the footprint and the house could be used for multi occupancy (no planning permission needed), with each resident owning a vehicle, there will be no appreciable change in terms of highway impact over that possible from the existing situation. In light of the above there is no transportation objection on this occasion. It is recommended that the following condition be considered towards any planning decision: -1. Provide and maintain one car parking space for each maisonette.

4.3 Local Residents

There has been one objection raised stating "double the activity on a oneway driveway built to accommodate one household not two. This driveway is directly at the front of my house. There is limited space within Foxcroft Close for more cars ie visitors.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

PPS3 (Housing) identifies the planning system as a means of widening housing opportunity and choice, maintaining a supply of housing and creating sustainable residential environments. Paragraph 10 of PPS3 indicates among other criteria that the planning system should deliver a mix of housing, both market and affordable, particularly in terms of tenure and price to support a wide variety of households in all areas, provide a sufficient quantity of housing taking into account need and demands and seeking to improve choice. Furthermore the planning system should provide housing developments in suitable locations, which offer a good range of community facilities with good access to jobs, key services and infrastructure.

It is considered that the current proposal is appropriate within this context.

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 reflecting the aims and objectives set out in this guidance considers the criteria for proposals for the conversion of existing residential properties into smaller units of self-contained residential accommodation. The policy recognises the

important contribution that smaller units can make to the supply, range and mix of housing provision in South Gloucestershire and supports the conversion where appropriate of larger properties subject to consideration of the following criteria.

5.2 Character of Surrounding Area

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for such development provided that there is no adverse impact upon the character of the area. It is not considered that permitting smaller units of accommodation within this context would provide a valid justification for the refusal of the application particularly given the guidance in PPS3 (para 10) that has been outlined above that seeks to create mixed and inclusive communities. It is not considered that the proposal would adversely affect the character of the area.

5.3 Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to achieve a high standard of design in all new development having regard to scale, form and materials both in relation to the original property and within the wider context.

The proposed development will involve only a minor alteration to involve the installation of a door on the rear elevation and a small area of fencing to create a cycle and bin store area. The proposal is considered acceptable in design terms.

5.4 Residential Amenity

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such development should be permitted provided that it would not prejudice the amenities of nearby occupiers. It is not considered that the addition of two units of accommodation would cause any significant increase in noise and disturbance.

A condition will also be attached to the decision notice requiring the submission of a sound insulation scheme prior to the commencement of development. The scheme should cover insulation between the new units themselves and between the new units and the adjoining property.

Subject to the above conditions it is not considered that the proposed development would adversely affect the amenity of neighbouring occupiers or the amenity of future occupiers of the units or the original property.

5.5 Transportation

Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006 considers that such a development would be acceptable provided an acceptable level of parking is identified. Policy T12 assesses development in terms of the impact of the development upon the wider highway network with the priority being highway safety. Although it is noted that there are concerns relating to parking there is no transportation objection to the development.

The site is located off the unclassified cul-de-sac known as Foxcroft Close, which serves as access to the wider highway network for a residential area. There is adequate provision of bin and cycle storage and access for both proposed maisonettes. There is an area of off-street

car parking provided next to the proposal's boundary, this is in control of the applicant. There is no proposed enlargement of the building footprint.

The impact of this current proposal would have to be assessed with the existing situation, in respect of traffic generation. The existing 3 bedroom house would generate 6 to 8 movements per day, and the two one bedroom maisonettes would also result in similar amount of traffic generation. Therefore, when comparing the existing situation to the current proposal there would not be an increase in the traffic movements. The impact of any parking on the street would have to be compared to the existing situation and the current proposal.

The parking provided to the side of the property represents a tandem provision. In terms of parking, a tandem arrangement is not ideal, but given there is no change in the footprint and the house could be used for multi occupancy (no planning permission needed), there are no transportation objections to this proposal. It should be noted that there are no minimum parking standards and PPG13 indicates that Local Authorities cannot demand of a developer more provision than they wish to provide unless there is a highway safety issue. It is not considered in this case that there is a highway safety issue. A condition is recommended to ensure that the parking area is in place prior to the first occupation of the dwellings.

Subject to the above conditions the proposal is considered acceptable in transportation terms and is in accord with the aims and objectives of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.6 Amenity Space Provision

Amenity space will be provided for the rear unit only. Prospective tenants or purchasers would be aware of this and it is considered that there would be no expectation of garden space associated with a unit of this type. Given the government guidance in PPS3 supporting a mix of development and flexibility of housing types, it is considered that in this instance, the lack of amenity space afforded to the top flat would not warrant a reason for refusal.

5.7 Design and Access Statement

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

5.8 Section 106 Requirements

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

6. **CONCLUSION**

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

Planning Permission be granted subject to the following conditions

Background Papers **PT07/0081/F**

Contact Officer: **David Stockdale**
Tel. No. **01454 863131**

CONDITIONS

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

Reason(s):

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

2. Prior to the commencement of development a scheme of sound insulation between the proposed units and between the proposed units and the original property shall be submitted to and approved in writing by the Local Planning Authority.

Reason(s):

To protect the amenity of the neighbouring occupier and future occupiers of the development and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

CIRCULATED SCHEDULE NO. 12/07 – 23 MARCH 2007

App No.: PT07/0227/TRE

Applicant: The Stoke Park Consortium

Site: Public Footpath Off Lutyens Close
Stoke Park
South Gloucestershire

Date Reg: 29th January 2007

Proposal: Felling of 3 no. and Works to 6 no. trees to include Ash, Field Maple and Willow, covered by South Gloucestershire Tree Preservation Orders 10/90 dated 8th December 1991.

Parish: Stoke Gifford Parish Council

Map Ref: 61990 77587

Ward: Stoke Gifford



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100023410, 2006.

INTRODUCTION

This application appears on the Circulated Schedule after the receipt of an objection from a local resident and comment of concern from the Stoke Gifford Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for works to nine trees protected by Tree Preservation Order 10/90. The affected trees are Ash, Field Maple and Willow. The works are required for health and safety and the ongoing management of the trees.

The proposed works are listed below and identified on the plan:

- a) Tree T1 (Ash) – Shorten damaged lib growing towards garage.
Remove dead wood from canopy
- b) Tree T2 (Ash) – Reduce canopy by 25% and dead wood throughout
- c) Tree T3 (Ash) – Fell due to weak/damaged trunks leaving smaller third stem standing
- d) Tree T4 (Field Maple) – Coppice 2no. damaged trunks leaving smaller third stem standing.
- e) Tree T5 (Ash) – Remove deadwood throughout
- f) Tree T6 (Ash) – Remove deadwood throughout
- g) Tree T7 (Ash) – Remove lower limb overhanging no. 16 Lutyen Close
- h) Tree T8 (Ash) – Fell due to close proximity to no.118 Jellicoe Avenue
- i) Tree T9 (Willow) – Fell due to close proximity to no.118 Jellicoe Avenue

- 1.2 The application site comprises a series of nine trees alongside a public footpath off Lutyens Close, to the east of Hermitage Wood, Stoke Park. Hermitage Wood has been designated as a Site of Nature Conservation Interest (SNCI) for its ancient semi-natural woodland interest.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development

2.2 South Gloucestershire Local Plan (Adopted) January 2006

L1: Landscape Protection and Enhancement

L9: Protected Species

3. RELEVANT PLANNING HISTORY

- 3.1 There have been following five application for works to trees on this site:

- a) PT05/3110/TRE – *Approved*
- b) PT04/1162/TRE – *Approved*
- c) PT00/1634/TRE – *Approved*
- d) PT00/1634/TRE – *Approved*
- e) P98/2873/T – *Approved*

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Town Council

The Council is concerned with the proposal for Tree T2, as the tree is already much reduced. It is also thought that there should be some new planting in the hedge.

4.2 Tree Officer

No objection

4.3 Public Rights of Way Officer

No objection providing a full risk assessment is undertaken prior to any works including the display of site notices warning the works are being undertaken.

4.4 Ecologist

There are no ecological constraints to granting consent.

4.5 Local Residents

One letter of objection has been received. The grounds of objection are as follows:

- a) The trees enhance the area and it would be a great loss to fell the trees.
- b) The proposed works would be detrimental to wildlife inhabiting the trees.
- c) The application states the trees are near to dwellings and pose a health and safety risk, however when they were built four years ago they were deemed safe.
- d) Unclear of the reasons why a protected tree can be felled when it is not clear that the tree is dying, dead or dangerous.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to protect nationally or internationally protected species of flora or fauna, or species or habitats listed in the national, regional or local biodiversity action plans.

5.2 Consideration of Proposal

The proposed works involve removal of dead wood and branches from six trees and the felling of three trees. The applicant has stated that the works are required to reduce the health and safety risk posed to the adjacent footpath and nearby dwellings and the on going management of the retained trees. The Council Tree Officer has assessed the proposed works in this application and has raised no objections to the proposed works.

It is proposed to fell a large Ash tree (T3) sited at the end of a row of trees lining the footpath. It is considered that the removal of this specimen would not adversely harm the overall character of the area. This is because this tree would be removed from end of the row and prevailing character of the line of trees would remain. It is also proposed to fell an Ash (T8) and a Willow (T9) sited near to no.118 Jellicoe Avenue to reduce the health and safety risk posed

to the dwelling. It is considered that the removal of these specimens would detract from the character area or distinctiveness of the area.

It is proposed to undertake remedial tree works to six trees (T1, T2, T4, T5, T6 and T7) these works would not be considered to harm the character or distinctiveness of the surrounding area.

5.3 Health and Safety

The Councils Public Rights of Way Officer stated in their representation that a full Risk Assessment should be carried out prior to any works. It is recommended that this be secured through a condition.

5.4 Ecological Issues

The application site is located to the east of Hermitage Wood, Stoke Park that is designated as a Site of Nature Conservation Interest (SNCI). The main ecological issues would be to the proposals affect on nesting birds and bats. Notwithstanding the neighbour's objection to the proposals detrimental affect on wildlife inhabiting the trees, the Councils Ecologist has stated that the proposed works would have no ecological constraints.

An informative is recommended to ensure the proposed works do not have an adverse affect on any protected species (e.g. Bats) inhabiting the site. The informative would advise the applicant that specialist advice should be sought if there is any suggestion that the site is occupied by a protected species. It is also suggested that an informative is attached informing the applicant that all native species of birds are protected under Section 1 of the Wildlife & Countryside Act 1981 (as amended) and the CROW Act 2000 while on a nest or building a nest.

5.5 Other Issues

A neighbour was unclear why a protected tree can be felled when it is not clear that the tree is dying, dead or dangerous. However, the Councils Tree Officer confirmed in their representation that the works were required for health and safety reasons.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

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

7. RECOMMENDATION

7.1 Planning permission to be granted subject to the following conditions:

Background Papers **PT07/0227/TRE**

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

CONDITIONS

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

Reason(s):

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: 1989 - Recommendations for Tree Work.

Reason(s):

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

3. Prior to the commencement of the work hereby approved a Full Risk Assessment with regard to the affected public right of way must be submitted and approved in writing by the Local Planning Authority. The waste should then be carried out in accordance with any requirements of the risk assessment.

Reason(s):

To ensure the works are carried out in an appropriate manner and in the interests of public health and safety.

CIRCULATED SCHEDULE NO. 12/07 – 23 MARCH 2007

App No.: PT07/0263/RM

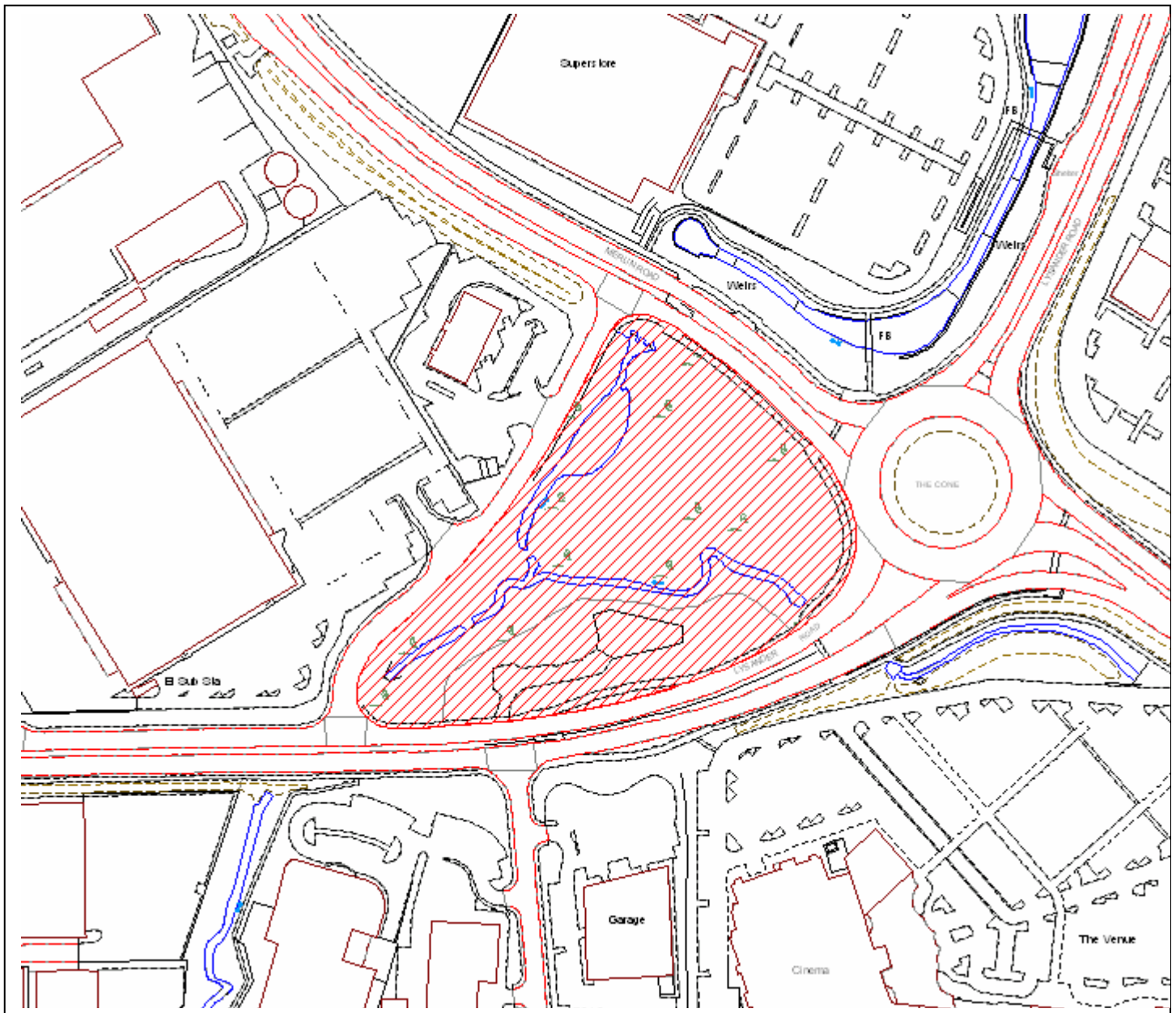
Applicant: J T Bayliss Land
Development
PartnershipSite: Land off Lysander Road/Merlin Road
Cribbs Causeway South Gloucestershire

Date Reg: 31st January 2007

Proposal: Erection of Car showroom with ancillary
car parking, access and landscaping
(Approval of Reserved Matters to be
read in conjunction with Outline Planning
Permission PT00/0832/O).Parish: Almondsbury Parish
Council

Map Ref: 58061 80852

Ward: Almondsbury



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100023410, 2006.

DC0901MW

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The site consists of an open area of land accessed via the link road between Lysander Road and Merlin Road at Cribbs Causeway. The land contains trees and scrub and also contains part of the Henbury Trym and the associated Wildlife Corridor.
- 1.2 The proposed development consists of the construction of a new car sales centre and associated workshop/office accommodation. Access is from Lysander Road via the above mentioned link road.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
PPS6 Planning for Town Centres

2.2 South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
L1 Landscape Protection and Enhancement
L5 Open Areas within the Existing Urban Areas and Defined Settlements
L9 Species Protection
L17 The Water Environment
EP1 Environmental Pollution
EP2 Flood Risk and New Development
T3 Public Transport Route and Park and Ride
T4 Bus Priority Measure
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
E4 Safeguarded Employment Areas

2.3 Supplementary Planning Guidance

Draft South Gloucestershire Design Checklist, September 2006

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/0832/O Car showroom (including maintenance and service depts.), ancillary car parking, access and landscaping. (Outline)
Approved February 2004

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No Objection

- 4.2 Environment Agency
The Development is acceptable in principle

- 4.3 Highways Agency No objection in Principle.

Advise that the proposed parking exceeds the maximum standards detailed in the South Gloucestershire Local Plan (Adopted) January 2006; and that a Travel Plan, broadly in line with the submitted draft travel plan should be submitted for approval by the Local Planning Authority

- 4.4 Civil Aviation Authority
No Comment

Other Representations

- 4.5 Local Residents
No Comments Received

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the construction of a new car sales centre and associated workshop/office accommodation.

- 5.2 Principle of Development
This site benefits from outline planning consent (PT00/0832/O) for the construction of a new car showroom, maintenance and servicing accommodation with associated car parking and landscaping. The principle of the development is therefore established. The purpose of this planning application is to consider the matters reserved for further consideration. These are outlined below.

- 5.3 Design Considerations
Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development achieves a high standard of design that achieves good energy/sustainability objectives and respects and enhances the site and the surrounding locality. The Draft South Gloucestershire Design Checklist reinforces this principle.

- 5.4 The proposed building consists of a lightweight steel framed structure that is to be clad with a mixture of steel, aluminium and glass. It is intended that the design is synonymous with the 'high tech' image associated with Audi, who will occupy the building. The primary view of the building will be from 'The Cone' Roundabout and its approaches from Lysander Road and Merlin Road. The Eastern Elevation of the building (facing towards 'The Cone' Roundabout) will be predominantly glass to allow the presentation of the internal car showroom display. The Southern elevation (To Lysander Road) is predominantly high quality profiled steel/aluminium cladding; painted in a light silver/grey colour. The external areas to the North and East of the proposed building is proposed to accommodate the external sales display areas associated with the building, whilst the external areas to the South of the proposed building are proposed to accommodate service parking and an external secure storage compound. The secure compound is proposed to be enclosed by a 2.4 metre high palisade fence. The area to the South of the building is set down from the level of the Lysander Road by approximately 1½ metres, effectively reducing the views of parked vehicles from the surrounding area.

- 5.5 The whole site is in turn enclosed within high quality landscaping. This is made up of formal landscaping to the Merlin Road, Lysander Road and 'The Cone' Roundabout elevations of the site, whilst, the North-western area of the site is

made up of informal landscaping associated with the Henbury Trym Wildlife Corridor. The landscaping of the site is specifically addressed below.

- 5.6 At present the site is left to scrub and contains some trees. The site is not considered to be of any particular visual quality within this locality. It is considered that the visual appearance of the proposed building is of a high quality and clearly demonstrates its function. To this end, it is considered that the building would successfully improve the visual amenity of the locality and would represent an appropriate design solution in the context of the site.
- 5.7 In energy and sustainability terms, the building has been designed to accommodate its function in such a way that it is flexible and can be maintained and adapted to future requirements effectively; ultimately the building is capable of being substantially recyclable. There is an emphasis on providing as much natural daylight into the building to create a sustainable working environment and to reduce the requirement to use artificial internal lighting. Similarly, the ventilation and air handling within the building use energy efficient methods also to effectively reduce energy consumption within the building. Notwithstanding this, it is considered appropriate to require that this building achieve a minimum BREEAM standard of 'very good'. This is appropriately the subject of a planning condition attached to any approval of this development proposal.
- 5.8 Having regard to the above assessment, it is considered that the proposed development meets the design objectives set within Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Draft South Gloucestershire Design Checklist.
- 5.9 Landscape Considerations
Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development effectively contributes to the conservation and enhancement of the landscapes of South Gloucestershire. Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 is supportive of this principle.
- 5.10 In landscape terms, the proposed development can be broken into two main areas being; formal landscaping facing onto Lysander Road, Merlin Road and 'The Cone' Roundabout, and informal landscaping associated with the Henbury Trym. These are assessed as follows.
- 5.12 *Formal Landscaping.*
Essentially, the formal landscaping is located around the principle elevations of the site and acts to enclose both the building external display/parking areas associated with the car sales use. This comprises a six metre wide strip containing a mixture of high quality shrub planting and standard trees (spaced approximately eight metres apart), with a strip of mown grass between the above and the back edge of Lysander Road. (This area is left to mown grass as it is within the area of the site that is to be reserved for the introduction of a new bus lane. This is addressed below.)
- 5.13 The design and layout of the formal landscaping is consistent with the wider landscaping associated with the Cribbs Causeway Area. In addition, it is considered that the introduction of shrubs, together with the standard trees positively addresses the context of the proposed development and would allow

the new building and associated development to successfully integrate with the surrounding location.

5.14 Henbury Trym Informal Landscaping

The North-western part site contains part of the water courses associated with the Henbury Trym. This area also forms part the Henbury Trym Wildlife Corridor, which continues throughout the Cribbs Causeway Area and beyond. The landscaping of this area is proposed to be treated in an informal manner to take account of the ecological nature of this area of the site effectively (this issue is discussed in more detail below). At present, there are some relatively good tree specimens located within this area of the site. However, it is acknowledged that it is not possible to retain these trees within the scope of the proposed development and it is considered that this loss is adequately mitigated through the planting of new indigenous trees and shrubs as part of the landscaping of this area. It is also proposed to remodel the banks of the water course within this area. Further, it is considered that the design and layout of this informal landscaping is of good quality and adequately addresses the context of this part of the site and allows for good management of the Henbury Trym Wildlife Corridor.

5.15 Having regard to the above assessment, it is considered that the proposed landscaping treatment associated with this development is of a high quality and would act to enhance the quality and amenity of the surrounding landscape; and therefore successfully addresses the objectives of Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.16 Ecological and Water Environment Considerations

As referred to above, the site contains part of the Henbury Trym Water Course. At present, two watercourses join in the centre of the site and flow in a south-westerly direction to the southwest corner of the site. It is proposed as part of this development, to culvert the southern most water course along the southern edge of the site. The Environment Agency have commented that this measure is acceptable in principle. This would allow the development of the site as detailed.

5.17 The North-western element of the watercourse is proposed to be remodelled and remain open, whilst remaining on a very similar course to existing. The existing balancing pond will be reduced as part of the remodelling work as it is no longer required. The new culvert will rejoin the main watercourse in the south-western part of the site, before continuing under Lysander Road and beyond the site. The Environment Agency has commented that this measure is also acceptable in principle.

5.18 It is considered that the above measures positively contribute to the enhancement of ecological value of the Henbury Trym and complies with the objectives of Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006. However, it is appropriate to apply a suitable ecological management plan for this area of the site in agreement with the Local Planning Authority. Such a management regime can be incorporated into a landscape management plan for the site and is appropriately the subject of a planning condition to any approval of the scheme.

- 5.19 Drainage Considerations
Policy L17, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not harm the existing water environment and increase flood risk.
- 5.20 The Environment Agency has advised that the alterations to the water course are acceptable in principle. However, it is necessary to ensure that the development would minimise the level of surface water run-off; and that any surface water is adequately protected from contamination before entering the water environment, through the use of an appropriate drainage system. This is appropriately the subject of a suitably worded planning condition attached to any consent of this planning application.
- 5.21 Transportation
Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to ensure that new development would not have a detrimental impact upon the safety and amenity of the surrounding highway network. Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 provides the maximum parking standards for new development.
- 5.22 The Highways Agency have commented that the proposed development appears to offer a level of parking that exceeds the standards set out within Policy T8. In this instance, the majority of parking spaces proposed are intended to accommodate the display and storage of vehicles for sale and the keeping of vehicles being serviced and/or repaired. In real terms, the parking spaces reserved for staff vehicles is consistent with the parking standards contained within Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. Further, the submission includes a draft Travel Plan which adequately addresses measures by which to reduce the specific use of private cars to travel to work at this site. The Highway Agency has advised that this draft travel plan is acceptable and should form part of any approval of this planning application. Officers also agree that the principles of the draft travel plan area acceptable; and accordingly this can be formalised by way of planning condition.
- 5.23 In this instance, there is the opportunity to provide improvements to the public transport infrastructure as part of this development and contribute towards the objectives of Policies T3 and T4 of the South Gloucestershire Local Plan (Adopted) January 2006. The applicant has agreed to reserve part of the Southern area of the site, along Lysander Road. This area of land is sufficient to provide a 'bus priority lane' for approximately 230 metres of the East bound carriageway of Lysander Road, leading up to 'The Cone Roundabout'. As this land is within the application site, the reservation of this land can be secured by an appropriately worded condition.
- 5.24 Residential Amenity
Given the location of the site and its relationship with surrounding dwellings, it is not considered that there would be any material impact upon residential privacy and amenity as a result of this development.
- 5.25 Design and Access Statement
The Design and Access Statement submitted with the application is considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

5.26 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That Planning Permission be granted subject to the following conditions.

Background Papers **PT07/0263/RM**

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

CONDITIONS

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

Reason(s):

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

2. A 6 metre strip of land within the Southern extreme of the site positioned between the junction of the link road (located to the north of the Site and linking Lysander Road with Merlin Road) with Lysander Road and the 'Cone' Roundabout Junction with Lysander Road and Merlin Road shall be reserved for a period of not less than 10 years for the facilitation of a 4.2 metre wide bus lane and footway to the east bound carriageway of Lysander Road, (as shown within drawing number 4394/P/302A received by the Council on 2nd February 2007).

Reason(s):

To contribute towards the implementation of the Greater Bristol Bus Network Initiative Showcase Bus Corridor 1 and to comply with Policies T3, T4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the submitted details, no development shall take place until a commuter plan has been submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason(s):

To encourage means of transportation other than the private car, to accord with Policy T10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Notwithstanding the submitted details, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, including the land reserved under condition 2 of this Decision Notice; the management of wildlife within the area of the site that falls within the Henbury Wildlife Corridor, and the measures of the protection of this area during the construction of the development hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to the first occupation of the development, for its permitted use. The landscape management plan shall be carried out as approved unless the Local Planning Authority Agree in writing to any variation.

Reason(s):

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

To protect the wildlife and the ecological interests of the Henbury Trym Corridor, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Notwithstanding the submitted details, no development shall take place until samples of the roofing and external facing materials; the colour, specification and detailing of the 2.4 metre high palisade fence (enclosing the secure storage compound); the colour, specification and detailing of the type of anti-ram hoop barriers proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

6. Prior to the commencement of the development hereby approved, details demonstrating the location and method of storage of construction materials within the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed details unless the Local Planning Authority Agree to any variation in writing.

Reason(s):

In order to protect the ecological value of the Henbury Trym Water Course and to comply with Policy L9, L17 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. All surface water run-off from outside storage, parking or vehicle washdown areas shall pass through a properly constructed oil/ petrol interceptor or such other alternative system as may be agreed with the Local Planning Authority, before discharge to the public sewer, or other drainage system.

Reason(s):

To prevent non-point source pollution and flooding, and to accord with Policies L17, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The development hereby approved shall be constructed to a BREEAM standard of 'very good'. A formal assessment pre-construction or following construction, shall be undertaken by a licensed BREEAM assessor and a copy of the assessors report and the certificate shall be submitted to the Local Planning Authority prior to occupation of the building.

Reason(s):

To ensure the development minimises the use of energy and resources in accordance with PPS1 and Policy D1 of the Local Plan.

CIRCULATED SCHEDULE NO. 12/07 – 23 MARCH 2007

App No.: PT07/0626/O	Applicant: Mrs E Sephton
Site: Meadow Cottage New Road Rangeworthy South Gloucestershire BS37 7QH	Date Reg: 26th February 2007
Proposal: Erection of 1no. detached dwelling (Outline) with all matters to be reserved.	Parish: Rangeworthy Parish Council
Map Ref: 69253 85848	Ward: Ladden Brook



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N.T.S

PT07/0626/O

1. THE PROPOSAL

- 1.1 This outline application relates to the erection of one detached dwelling on land to the side (north) of Meadow Cottage, New Road, Rangeworthy. The site lies within the settlement boundary of Rangeworthy and has an area of approximately 242m². It has a frontage on to Gifford Close, a small residential cul-de-sac serving twelve properties accessed off New Road. Properties of Gifford Close lie to the north and west of the site with the property of 'Oakmead' to the east (rear) of the site. The plot is broadly rectangular in shape and currently contains the double garage for Meadow Cottage. It is proposed to open an existing, albeit overgrown access off New Road to serve Meadow Cottage. However, a dropped kerb suggests that an access was previously in existence.
- 1.2 In accordance with changes to the development control system, as outlined in DCLG Circular 01/2006, the outline planning process has now altered. As from 10 August 2006, the definition of reserved matters has now changed. Reserved matters previously consisted of siting, design, external appearance, means of access and the landscaping of the site. These have now changed to layout, scale, appearance, access and landscaping.
- 1.3 All matters have been reserved for future consideration.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Joint Replacement Structure Plan

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 33	Housing Provision and Distribution
Policy 34	Re-use of Previously Developed Land
Policy 35	Housing Density

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L4	Forest of Avon
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

4.1 Rangeworthy Parish Council

Object to the proposal on the following grounds:-

- a) Over-development;
- b) Overloaded sewer;
- c) Use of soakaways impractical;
- d) Visibility splay to access into New Road is substandard;
- e) Not enough off-street parking -Gifford Close already congested.

4.2 Sustainable Transport

No objection subject to conditions.

Other Representations

4.3 Local Residents

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

- a) over-bearing impact;
- b) cramped in appearance;
- c) overlooking;
- d) loss of light;
- e) increase in parking.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the defined settlement boundary of Rangeworthy. Advice contained within PPS3 states that priority for new residential development should be on previously developed land. Using land efficiently is a key consideration in planning for housing. This advice is generally reflected in the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006.

5.2 Housing Policy

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for residential development within the boundaries of settlements provided the following criteria are complied with:-

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

In transportation terms, the site is located off the unclassified cul-de-sac of Gifford Close which serves as access to the classified New Road and then the wider highway network. The posted speed limit is 30mph and observations indicate that traffic is at this speed. Visibility out of Gifford Close could be improved if excessive vegetation was trimmed back on the eastern side.

The proposal allows for an integral garage and also the reopening of vehicular access and parking provision for the existing property to replace the lost garage and parking area.

The statutory speed limit as previously stated is 30 mph and the road is defined as a "less busy classified road". The requirement for turning facilities within the

curtilage of the existing property is deemed unnecessary. The proposed car parking for Meadow Cottage should be increased to 2.

With regard to residential amenity, the site is large enough to accommodate one dwelling without the proposal resulting in loss of privacy/overlooking/overbearing impact to adjoining occupiers. Any views into the gardens of properties surrounding the site can be mitigated by the design and siting of the proposed dwelling and this can be assessed at reserved matters stage. Moreover, the proposal will integrate well within the street scene by respecting the existing built form and layout of the area. It will maintain the site frontage of Gifford Close and the existing building line. The proposal therefore complies with this criterion.

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

The site has an area of 0.0242 hectares. The erection of one dwelling on a site this size would equate to a housing density of 41 dwellings per hectare, which is clearly in accordance with the adopted local plan which advocates a minimum density of 30 dwellings per hectare and higher densities where local circumstances permit, ie in sustainable locations. The proposal therefore complies with this criterion.

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

The site is not adversely affected by any of the above.

D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.

The proposal is for an additional one dwelling. As such it will not impinge significantly in terms of service provision.

5.3 Development within Existing Residential Curtilages

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically relates to development within existing residential curtilages. Such development, including new dwellings, is only permitted where the design is acceptable and in keeping with the street scene, would not prejudice residential amenity or highway safety and allows for the retention of adequate garden area for both the existing and proposed dwellings.

- 5.4 Residential amenity and transportation issues have already been assessed under policy H2. In terms of the design, this application is in outline with all details reserved for future consideration and the application purely wishes to establish the principle of residential development only. Detailed design matters will be assessed under any subsequent reserved matters application. Finally, the application site is large enough to accommodate adequate private amenity space for the existing and proposed dwelling.

5.5 Drainage Issues

No objection has been raised to the proposal from the Council's Technical Support services with regard to drainage issues, subject to an informative

relating to connections to private sewer systems. A drainage condition will also be imposed relating to sustainable drainage.

5.6 In conclusion, the proposal is in compliance with the adopted plan and as such is acceptable.

5.7 Design and Access Statement

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

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Outline planning permission be granted.

Background Papers **PT07/0626/O**

Contact Officer: Vivian Butt
Tel. No. 01454 863427

CONDITIONS

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason(s):

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason(s):

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

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason(s):

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason(s):

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

5. Application for the approval of the reserved matters shall be in accordance with the parameters described in the design and access statement hereby approved.

Reason(s):

To accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

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

Reason(s):

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

8. The details submitted pursuant to Conditions 2 and 3 shall include detailed plans showing the provision of car parking facilities for the existing and proposed dwelling in accordance with the standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 and the development when carried out shall conform to the details so approved.

Reason(s):

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

9. The driveways and parking/turning areas for the existing and proposed dwelling shall have a bound surface.

Reason(s):

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

10. No doors or gates shall be hung so as to open over or across the public highway/footway.

Reason(s):

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

11. The detailed plans submitted pursuant to Conditions 2 and 3 shall show no obstruction to visibility exceeding 0.9m in height along the eastern visibility splay along New Road and this splay shall remain unobstructed at all times.

Reason(s):

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

12. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

CIRCULATED SCHEDULE NO.12/07 – 23 MARCH 2007

App No.: PT07/0631/F	Applicant: Mrs F Mathieson
Site: 193 Gloucester Road Patchway South Gloucestershire BS34 6ND	Date Reg: 26th February 2007
Proposal: Demolition of existing garage and erection of building to form ancillary accommodation (Resubmission of PT06/3470/F)	Parish: Patchway Town Council
Map Ref: 60726 82143	Ward: Patchway



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100023410, 2006.

N.T.S

PT07/0631/F

INTRODUCTION

This application appears on the Circulated Schedule in the light of four letters of objection from neighbouring residents and a letter of objection from Patchway Town Council.

1. THE PROPOSAL

- 1.1 The application seeks planning approval for a detached building to provide annex accommodation. This would comprise a single-storey structure and would replace an existing detached garage in a similar position.
- 1.2 The application site comprises a single-storey property on the west side of Gloucester Road, Patchway.
- 1.3 The application follows two previous applications both of which were refused. The first sought outline permission for an independent detached dwelling within the rear garden and was refused for the following reasons:
- *'The proposal represents an unsatisfactory form of back land development on a restricted plot which, if approved would result in a cramped form of development to the detriment of the visual amenities of the locality'*
 - *'The proposal will result in the creation of a substandard access by way of visibility onto a single track lane which is used as a principal pedestrian route to Patchway Community College. Additionally, the proposal would increase vehicular turning movements to and from the public highway, thereby interfering with the safe and free flow of all kinds of traffic including cyclists'*
- 1.4 The second application sought to address these concerns seeking full planning permission for single-storey ancillary living accommodation. This was refused for the following reason:
- *'The proposed annex, by reason of the roof design and external appearance, would appear oppressive when viewed from the adjoining public footpath and if allowed, would detract from the visual amenities of the locality. The proposal is therefore considered contrary to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006'.*
- 1.5 This application has been received following further pre-application discussions concerning the design of the development proposed.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPS3 Housing
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H2 Proposals for Residential Development within the Existing Urban Areas

- H4 Development within Residential Curtilages, including New Dwellings
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development

- 2.3 Supplementary Planning Guidance
South Gloucestershire Council Advice Note 2: House Extensions
The South Gloucestershire Council Design Checklist (Public Consultation Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 N4459: Demolition of existing single garage and erection of double domestic garage. Permitted: 24 May 1978
- 3.2 N4459/1: Erection of single storey rear extension to form kitchen and bathroom. Permitted: 11 September 1980
- 3.3 PT03/2852/F: Single-storey rear extension to form extended kitchen, utility room and extended bedroom. Permitted: 23 October 2003
- 3.4 PT03/3443/F: 1.5M high boundary wall and gates to front and side of property. Permitted: 16 December 2003
- 3.5 PT06/1822/O: Erection of dwelling with garage (Outline) with siting and access to be determined. All other matters reserved. Refused: 2 August 2006
- 3.6 PT06/3470/F: Demolition of existing garage and erection of building to form ancillary accommodation. Refused: 10 January 2007

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
Objection- 'to the resubmitted application to build a bungalow at the above address on the grounds that it is the Council's policy to object to backfilling'.
- 4.2 Other Consultees
Environmental Services: no objections in principle
Technical Services (drainage): no objections in principle
- 4.3 Sustainable Transport
Highways DC: no objection subject to condition requiring ancillary use

Other Representations

- 4.4 Summary of Local Residents Concerns:
Four letters have been received expressing the following concerns:
- Previous comments in respect of the earlier application apply;
 - It will be intrusive and cause an invasion of privacy;
 - In effect, it will be another dwelling in the rear garden of this property;
 - No other dwellings along Gloucester Road have additional units within their rear gardens thus the proposal will establish a precedent;
 - Reservations are expressed with regard to the safety of students and staff through increased on-road parking;
 - It removes the garage and provides no further parking;
 - The new space will prevent emergency vehicular access to the build;

- It will increase the density of dwellings, be unsightly and out of keeping with existing dwellings;
- The plans are unclear;
- The roof will be 1.5m higher than the existing garage roof;
- The existing off road parking and turning areas are not used, so any additional vehicles will add to on road parking problems.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for the principle of residential development and new dwellings within existing residential curtilages subject to considerations of design, residential amenity and highway safety.

5.2 Further, it is advised that where extensions are potentially capable of separate occupation (e.g. residential annexes accommodating a dependent relative), but lack an acceptable level of parking or private amenity space, a condition will be imposed ensuring that the proposal remains ancillary to the host dwelling.

5.3 The Proposal

The application site forms a detached dwelling on the west side of Gloucester Road, Patchway. The site adjoins a public footway along its southern flank boundary that provides access through to Patchway Community College.

5.4 The site currently benefits from a detached garage building sited on the south boundary. This forms a relatively large flat roofed structure that also provides workshop space to the rear. The proposal seeks to replace this building with a single-storey structure in the same position to provide annex accommodation.

5.5 Having regard to the principal of the proposal, it is noted that the building would be small in size providing limited living facilities. This would be restricted to one small bedroom, a bathroom and a combined kitchenette/ living room. Further, it would stand within close proximity of the dwelling (10m) facing onto the same patio area. As such, it is considered that these characteristics would ensure that this build could not be readily occupied as an independent unit.

5.6 In the light of the above, and having regard to policy H4, it is considered that it would be difficult to substantiate a refusal reason in this instance. Therefore, the principal of a residential annex in this position and of this size (with such a close relationship to the host unit) is accepted in this case. This is in contrast to the first application that sought approval for an independent unit.

5.7 Design/ Visual Amenity

The building would replace an existing garage and outbuilding, which stands in the same position and is larger in size. The proposal would measure 10.7m in length and 4.2m in width whilst in contrast to the previous submission (which included a mono-pitched roof), would be encompassed by a fully pitched 4m high roof with the ridge running the length of the building. External detailing would also be enhanced in comparison to the previous scheme with the build to include brick detailing to the corners of the building and window surrounds.

5.8 In considering the above, it is noted that the revised roof design would allow for a reduction in height of the proposal along the rear boundary (adjoining the footpath) which, in addition to the enhanced detailing of the build, would erode the oppressive appearance of the building when viewed from the footpath. The

enhanced detailing would also provide a more satisfactory appearance to the building as a whole ensuring that it would now appear more in keeping with the general character of the area.

5.9 In the light of the above, the proposal is now considered to be acceptable with the previous design related refusal reason considered to have been addressed.

5.10 Residential Amenity

Having regard to issues of residential amenity, it is noted that considerations of this type did not comprise a refusal reason in connection with the previous two applications.

5.11 In this instance, it is noted that a 2.5m high (approx.) coniferous hedge allows screening between the applicant's rear garden and that to the north whilst the proposal would be sited to the far side of the rear garden. Accordingly, and with the proposal single-storey only, it is not considered that permission could be reasonably withheld in this instance.

5.12 Concerning that property to the south, this forms a newer two-storey dwelling sited to the far side of the public footpath. As such, having regard to the scale of the proposal, and with only one side facing bathroom window proposed, it is not considered that any significant adverse impact in residential amenity would be caused.

5.13 Highway Safety

The proposal would comprise ancillary living accommodation. In this regard, annexes are considered to have a de minimus impact on traffic generation. As such, there should be no parking provision with this space to the front of the new build removed. On this basis, and subject to a condition restricting the use of this building to ancillary accommodation, there is no highway objection in this instance.

5.14 Design and Access Statement

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

5.15 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PT07/0631/F**

Contact Officer: **Peter Burridge**
Tel. No. **01454 865262**

CONDITIONS

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

Reason(s):

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

2. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 193 Gloucester Road.

Reason(s):

In the interests of visual amenity, the residential amenity of neighbouring occupiers and highways safety, to accord with Policies D1, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/07 – 23 MARCH 2007

App No.:	PT07/0652/TRE	Applicant:	C/O AGENT
Site:	19 Prospect Close Winterbourne Down South Gloucestershire BS36 1BD	Date Reg:	26th February 2007
Proposal:	Works to reduce 1 no. Norway Maple Tree by 10% and 1 no. Sycamore Tree by 20% covered by Tree Preservation Order no.55 dated 31 December 1973.	Parish:	Winterbourne Parish Council
Map Ref:	65136 79808	Ward:	Winterbourne



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N.T.S

PT07/0652/TRE

INTRODUCTION

The application appears on the Circulated Schedule following two letters of objection from neighbours.

1. THE PROPOSAL

- 1.1 The applicant seeks permission to reduce one Norway Maple Tree by 10%, and one Sycamore Tree by 20%.
- 1.2 The application site relates to a dwelling within the settlement of Winterbourne. The trees are located in the rear garden, and the property is surrounded by residential land.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/2604/TCA Works to trees within Conservation Area covered by Sodbury Rural District Council, Tree Preservation Order dated 17 September 1973. No objection
- 3.2 P90/2054/T Crown thinning and reduction of branches of Norway maple. Crown thinning and reduction of branch of sycamore facing house both trees include within Rural District Council Tree Preservation Order. Approval

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No Objection subject to Arboriculturist approval.
- 4.2 Tree Officer
No objection to works

Other Representations

- 4.3 Local Residents
Two letters received:
 - Wish that the application was a 20% reduction rather than 10%
 - In higher winds should a branch break off damage to property would be considerable
 - Want to ensure that work is carried out with boards over garage to avoid damage to roof

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Consideration of Proposal

The two trees are located in the rear garden of 19 Prospect Close, and offer good amenity value. The application is to thin the canopies of the trees, this should not alter the shape or affect the visual amenity offered by the trees.

Crown thinning will allow more light to pass through the tree canopies and is good arboricultural practice to maintain trees in a residential situation.

Residents have requested that the trees be reduced more. The Tree Officer has raised no concerns over the level of thinning, and any further reduction would need further assessment. The overriding aim of tree preservation is to protect the tree, and any necessary works should be avoided to protect the health of the tree, and the visual amenity of the tree.

In regards to the method of tree reduction, and neighbours concerns over potential damage to neighbouring property. This is a civil matter between the applicant and the neighbour, and falls outside the remit of planning control.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Permission be granted subject to the following conditions:

Background Papers PT07/0652/TRE

Contact Officer: Charlene Baker
Tel. No. 01454 863819

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason(s):

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

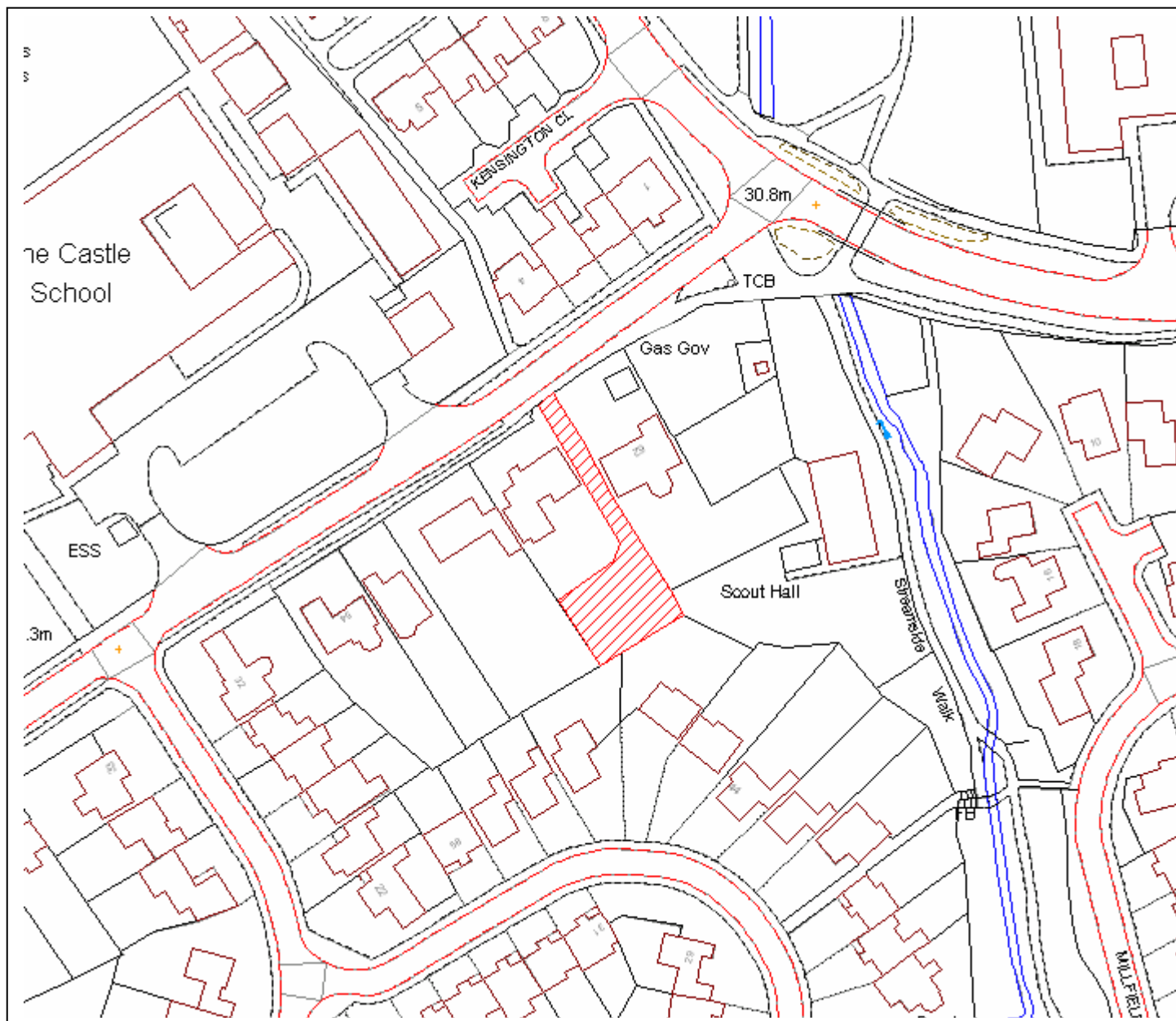
2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

Reason(s):

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

CIRCULATED SCHEDULE NO. 12/07 – 23 MARCH 2007

App No.:	PT07/0658/F	Applicant:	Mr R W Gorham
Site:	60 Park Road Thornbury South Gloucestershire BS35 1HS	Date Reg:	27th February 2007
Proposal:	Erection of 1 no. dormer bungalow with associated works (in accordance with amended plans received by the Council on 20 March 2007).	Parish:	Thornbury Town Council
Map Ref:	63920 90830	Ward:	Thornbury North



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N.T.S

PT07/0658/F

1. THE PROPOSAL

- 1.1 This full application relates to the erection of 1 three-bed chalet bungalow on garden land to the rear of 60 Park Road, Thornbury. The site has an area of approximately 0.046 hectares and lies within the settlement boundary of Thornbury. It is surrounded by other residential development and also borders the environs of Thornbury Scout Hall. A new vehicular access is proposed off Park Road, to the north of the site via a driveway running between 60 and 62 Park Road.
- 1.2 The area is characterised by a wide variety of housing types and designs, ranging from bespoke two storey dwellings and bungalows in large grounds to link-detached estate properties.
- 1.3 The site is well screened by a Leylandii hedge along the western, southern and eastern boundaries respectively. The driveway shall be screened from 62 Park Road by the existing boundary fence. A 2m close-boarded fence is proposed to separate the curtilage of the existing and proposed dwelling.
- 1.4 The application has been slightly amended to that originally submitted in that the rooflight on the southern boundary is to be obscurely glazed and non-opening and the size of the window to the front gabled elevation has increased in width by 150mm.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

2.2 Joint Replacement Structure Plan

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 33	Housing Provision and Distribution
Policy 34	Re-use of Previously Developed Land
Policy 35	Housing Density

2.3 South Gloucestershire Local Plan (Adopted) January 2006

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

2.4 Supplementary Planning Guidance Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council
No objection.

4.2 Sustainable Transport
No objection.

Other Representations

4.3 Local Residents

6 letters have been received objecting to the proposal on the following grounds:-

- a) overshadowing;
- b) building is an eyesore;
- c) does not respect the layout of the area;
- d) precedent for building in back gardens could be set;
- e) loss of privacy;
- f) increased traffic/congestion;
- g) not a bungalow;
- h) loss of private, open space;
- i) highway safety;
- j) overdevelopment;
- k) out of keeping with character of area;
- l) increased noise and disturbance;
- m) tandem development;
- n) boundary hedge between 60 and 62 Park Road is not in control of applicant and could be removed, thereby affecting privacy/noise of adjoining occupiers and occupiers of proposed dwelling;
- o) Design and Access Statement is inadequate;
- p) access for fire-engines;
- q) no passing bay along access drive;
- r) advice contained within document 'Residential Roads in Avon' relating to private drives should be considered;
- s) attractive road frontage lost;
- t) loss of outlook.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Advice contained within PPS3 states that Local Planning Authorities should make effective use of land by re-using land that has been previously developed. Using land efficiently is a key consideration in planning for housing. Additional housing on previously developed land within existing towns and cities promotes more sustainable patterns of development. This policy stance is reflected in policies contained with the Adopted Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006.

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

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

In transportation terms, the site is located off Park Road, an unclassified road which serves a largely residential area including the Castle School. The posted speed limit is 30mph and observations indicate that traffic is travelling near to this speed. Visibility is acceptable for the posted speed limit and adequate parking and turning facilities for the existing and proposed dwelling exists within the site's curtilage. Emergency access for fire brigade vehicles is also acceptable as the minimum access width required is 2.7m and the proposed access is 3.2m wide. A passing bay along the driveway is also not considered necessary due to the length of the drive at 31m and the width and visibility along the drive being adequate. With regard to advice relating to private drives contained within 'Residential Roads in Avon', this planning document is defunct and has been replaced by 'Places, Street and Movement', a companion guide to DB32. The application complies with current transportation guidance and advice and as such no transportation objection is raised to the proposal. It should also be noted that Park Road is an unclassified road and a new access in to the site could be provided without planning permission.

With regard to residential amenity the proposal is also considered acceptable. The dwelling has been sited and designed to ensure that overlooking/loss of privacy is minimised to an acceptable level. Only one first floor bedroom window is proposed in the front gabled elevation but this will only overlook the environs of the Thornbury Scout Hall. The other window on the rear elevation of this gable serves an en-suite and will be obscurely glazed. All of the remaining windows at first floor level are roof lights. One serving a bedroom will overlook the garden area of 48 Severn Drive. However, to overcome loss of privacy a condition will be imposed to ensure that it is obscurely glazed and non-opening. The roof lights on the rear elevation do not serve habitable rooms but a bathroom and landing and these will only look over the very top part of the garden of 58 Park Road, some 25m away from the dwelling itself. The remaining two roof lights to the front of the dwelling serve a bedroom. They are located some 10m from the boundary with 62 Park Road and will overlook some 5m of the upper end of the garden. However, the garden of this property is over 20m in length and any views over the garden area nearest to this property will be oblique. On balance it is therefore considered that the proposal is acceptable in residential amenity terms and in compliance with this policy criterion.

No overbearing impact will result from the development, as the size of the site is adequate to accommodate a dwelling of this size. Any impact is further reduced by the design of the proposal as a chalet bungalow, with a ridge height below 7m. Furthermore, no adverse impact will result to the existing dwelling of 60 Park Road as the nearest part of this dwelling is the rear extension some 12m from the side elevation of the new dwelling. This is considered to be of sufficient distance, especially as the new dwelling is side on to this property with no windows on this elevation.

Due to the location of the property, its chalet style and surrounding and proposed boundary treatment, the proposal will not be overtly visible within the street scene and can be adequately accommodated without detriment to the visual amenities of the locality.

It is recognised that the proposal is tandem development (one house immediately behind another), and in the past this has generally been viewed as unsatisfactory. This is because of the difficulties of access to the house at the rear and the disturbance and lack of privacy suffered by the house in front. The design of the proposal and its orientation overcome privacy issues and numerous and recent appeal decisions have upheld tandem development. For example, an Inspector in a recent appeal decision (ref:PT04/1920/O) stated that “*driveways to dwellings that pass close to the side of neighbouring dwellings are not unusual within residential areas*”. Furthermore, there are no windows or doorways in the ground floor of the flank elevation of 60 Park Road and only a bathroom window on the side elevation of 62 Park Road. An existing 1.8m boundary fence also forms the boundary to the proposed access. As such, noise or disturbance would not increase to an unacceptable extent to warrant a refusal. The proposal therefore complies with this policy criterion.

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

The application site (excluding the driveway) has an area of some 0.034 hectares resulting in a density of just under 30 dwellings per hectare. Although this is below the minimum density of 30 dwellings per hectare as advocated within the Local Plan, it is considered that due to the site’s characteristics and surrounding development the site cannot accommodate any additional dwellings. The application therefore accords with this criterion.

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

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

D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposal.

The proposal is for 1 dwelling and as such will not impinge upon the levels of service provision within the locality to a significant degree. The application therefore complies with this criterion and policy H2 as a whole.

- 5.3 Policy H4 of the emerging local plan is also relevant as it relates to residential development within existing residential curtilages and is concerned with more detailed design issues. This policy allows for new development provided the massing, scale, proportions, materials and overall design and character of the existing property and street scene are respected; the amenities of nearby occupiers are not adversely affected; highway safety/parking is acceptable and adequate private amenity space is available for the existing and proposed dwelling. Of the above, design and garden area have not been covered in any depth under the preceding paragraphs.

5.4 Design

The area of the site is characterised by detached two storey dwellings and bungalows of individual design and form, as well as typical detached estate dwellings with varying degrees of curtilage. There is no particular vernacular evident within the locality. It is considered that the design of the bungalow is acceptable. Its form and scale is in keeping with the area as a whole, especially with regard to the property of 62 Park Road. The proposal has been designed to ensure that loss of privacy/overlooking is minimised by the siting of the dwelling and the use of obscure glazing and roof lights. The proposed materials of brick and brown Double Roman tiles are also acceptable.

5.5 Garden Area

The proposed dwelling has ample garden area. Although the depth of the rear garden is only 4.4m, it has a width of 17m and an area of 75m². A further area of private garden is also located to the front of the site with an area of 42m² giving some 117m² in total. The existing dwelling has a rear garden depth ranging from 10.8m to 17m and a width of 17m with an area in excess of 250m². As such the proposal complies with this criterion.

5.6 Design and Access Statement

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

5.7 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission be granted.

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

In view of the size of the plot any extension/alteration would require further detailed consideration in order to safeguard the amenities of surrounding occupiers and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. 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/dormer windows or rooflights [other than those expressly authorised by this permission] shall be inserted/constructed.

Reason(s):

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

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

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policies D1, H2 and H4 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 07.30 to 18.00 hours Monday to Fridays and 8.00 to 13.00 hours on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason(s):

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

6. The driveway and off-street parking/turning facilities shown on the plan hereby approved shall have a bound surface and shall be provided before the dwelling is first occupied, and thereafter retained for that purpose.

Reason(s):

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

7. No doors or gates shall be hung so as to open over or across the public highway/footway.

Reason(s):

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

8. Prior to the commencement of development, details of the dropped kerb and pavement crossing shall be submitted to and approved in writing by the Local Planning Authority and the development when carried out shall conform to the details so approved and be implemented prior to the first occupation of the dwelling.

Reason(s):

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

9. The rooflight serving bedroom 1 on the south-eastern elevation shall at all times be of obscured glass and be permanently fixed in a closed position.

Reason(s):

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

10. The screen fences shown on the approved plan shall be erected in the positions indicated before the dwelling house hereby permitted is occupied.

Reason(s):

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

11. Prior to the first occupation of the development hereby approved a formal assessment is to be undertaken by a licensed BREEAM assessor to confirm that this development has achieved an Eco-Homes assessment of very good.

Reason(s):

In order to provide a sustainable form of development in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.