



**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. 20/07

Date to Members: 18/05/07

Member's Deadline: 25/05/07

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: 18/05/07

SCHEDULE NO. 20/07

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 18 May 2007

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK06/2832/O	Approve with conditions	Lawns Inn Church Road Yate BRISTOL South Gloucestershire BS37 5BG	Cotswold Edge	Westerleigh Parish Council
2	PK06/3650/F	Approve with conditions	Land to rear of 123 Regent Street Kingswood BRISTOL South Gloucestershire BS15 8LJ	Kings Chase	
3	PK07/0773/F	Approved subject to Section 106	The Players Golf Club Wapley Road Codrington BRISTOL South Gloucestershire BS37 6RX	Cotswold Edge	Dodington Parish Council
4	PK07/1056/F	Approve with conditions	22 Church Road Yate BRISTOL South Gloucestershire BS37 5BQ	Yate North	Yate Town Council
5	PK07/1123/F	Approve with conditions	55 Bath Road Bitton BRISTOL South Gloucestershire BS30 6HT	Bitton	Bitton Parish Council
6	PK07/1222/TCA	No objection	1 Barn End Marshfield CHIPPENHAM South Gloucestershire SN14 8PE	Boyd Valley	Marshfield Parish Council
7	PT06/0529/RVC	Approve with conditions	Porsche Centre Cribbs Causeway Easter Compton BRISTOL South Gloucestershire BS10 7TU	Almondsbury	Almondsbury Parish Council
8	PT07/0760/F	Approve with conditions	Carel New Road Rangeworthy BRISTOL South Gloucestershire BS37 7QH	Ladden Brook	Rangeworthy Parish Council
9	PT07/1070/F	Refusal	Walnut Tree Cottage Ingst Road Elberton Severn Olveston BRISTOL South Gloucestershire BS35 4AW		Olveston Parish Council
10	PT07/1194/F	Approve with conditions	97 Mortimer Road Filton BRISTOL South Gloucestershire BS34 7LH	Filton	Filton Town Council

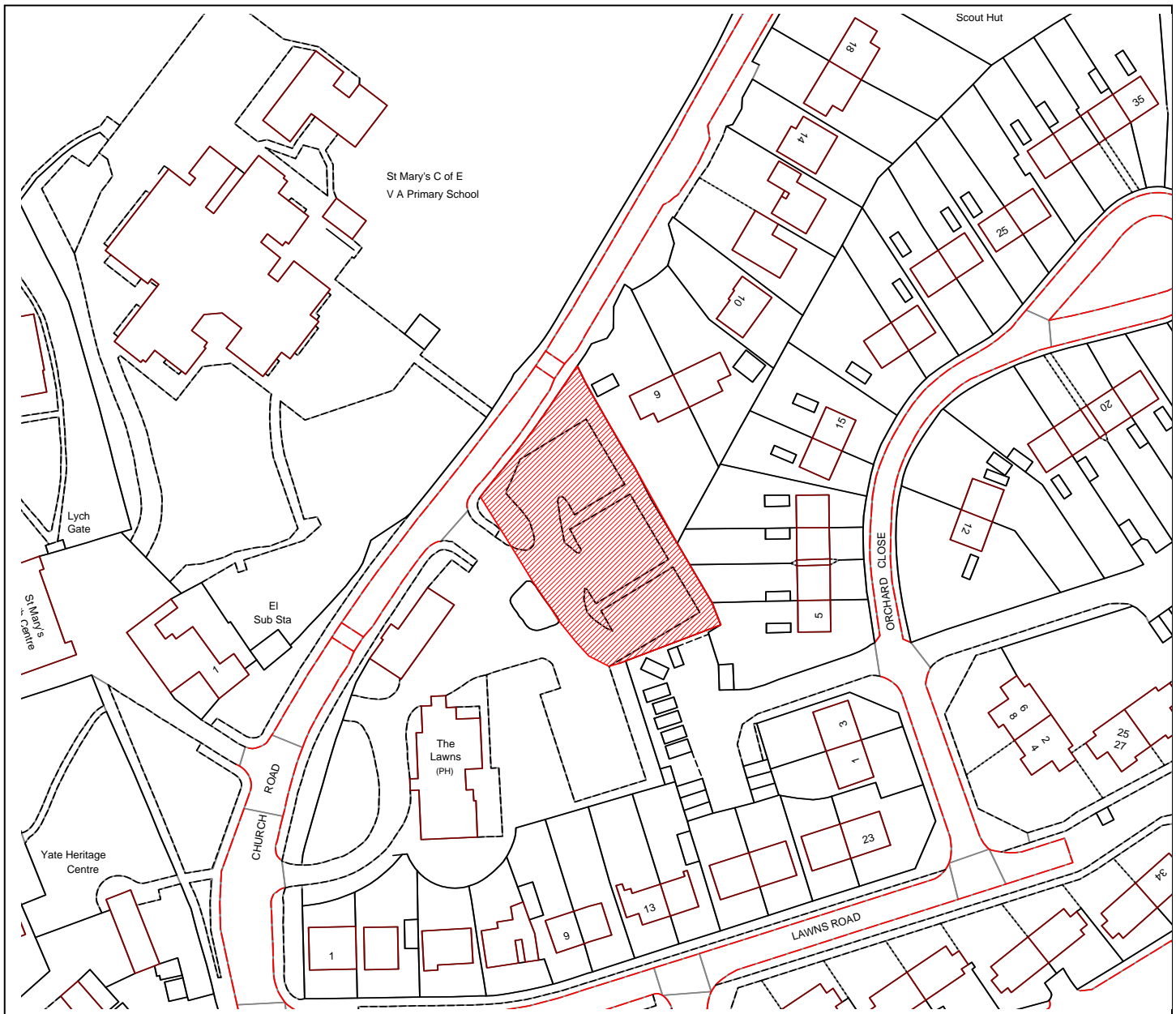
CIRCULATED SCHEDULE NO. 20/07 - 18 MAY 2007

App No.: PK06/2832/O
Site: Lawns Inn Church Road Yate BRISTOL
 South Gloucestershire BS37 5BG
Proposal: Erection of 14no. flats and construction
 of new vehicular access (Outline) with
 layout and means of access to be
 determined. All other matters to be
 reserved. Resubmission of previous
 application PK06/0799/O.

Applicant: Treatluck Limited
Date Reg: 2nd October 2006
Parish: Westerleigh Parish
 Council

Map Ref: 71503 82784

Ward: Cotswold Edge



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INTRODUCTION

This is a major application requiring a S106 Agreement, furthermore objections have been received from Yate Town Council and local residents, which are contrary to the officer recommendation. Under the Council's current adopted Scheme of Delegation the application must therefore appear on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application relates to a 0.2ha area of land that was formerly part of the car park serving the nearby Lawns Public House. Planning permission PK04/3431/F granted conditional consent for the Conversion of The Lawns and outbuildings to form 17 no. dwellings with the erection of 15 dwellings, car parking spaces, landscaping and associated works; this was granted subject to a S106 Agreement to secure a number of financial contributions and a 33.3% affordable housing provision. Due to viability issues the S106 has never been signed, instead the site has been divided in two and sold off as separate lots. The public house has been sold to Marstons Brewery and restored to its former pub use whilst the north eastern part of the pub car park is now in separate private ownership.
- 1.2 The original site comprised "The Lawns" Public House Circa 1830, its outbuilding "The Barn" and large car park, which lay to the northern side and rear. "The Lawns" is a large two/three-storey building which has been altered over the years but retains its attractive gabled frontage; "The Barn" is a natural stone two-storey building datemarked 1897, both buildings are 'locally listed' and are located to the east of Church Road, Yate. To the south of the pub the site is bound by residential properties situated along Lawns Road. To the south-east is a block of garages whilst to the east and north-east are further residential properties along Orchard Close and Church Road respectively. Within and around the site are a variety of trees, many of which are protected by Tree Preservation Order. The site lies within the Established Settlement Boundary of Yate close to the Town Centre.
- 1.3 Both "The Lawns" and "The Barn" together with some of the older trees are remnants of the older part of Yate and form an attractive setting for a number of Listed Buildings located on the opposite side of Church Road, most notably the Grade I St Marys Church and the Grade II The White Lion Public House, St Mary's Church Youth Centre and The Schoolmasters House. It is important therefore that any development respects this setting. Also situated on the north-western side of Church Road is St Mary's Primary School. The location is not a Conservation Area.
- 1.4 The application site was formerly that part of the pub car park which lay to the north of the access off Church Road. The site is predominantly hard-standing and is bound to the front by a grass bank. The application seeks outline consent only, with access and siting/layout to be determined at the outline stage; all matters of design/appearance, scale and landscaping would be the subject of a later reserved matters application. It is proposed to erect 14 two-bedroom flats in two main blocks, the front block being two-storey and the rear block three-storey. The existing single access from Church Road would be shared between the pub and the application site. All car parking for the proposed development would be within an enclosed courtyard to the rear of

the flats. There would be separate bin and cycle stores located to the front and rear of the parking areas respectively. All of the protected trees within the site, would be retained.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport : Guide to Better Practice
PPG15 - Planning and the Historic Environment
PPG24 - Planning and Noise

2.2 Development Plans

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 (support for infill)
Policy 59 - Transportation Aspects of Development

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design in New Development
L1 - Landscape Protection and Enhancement
L5 - Open Areas within the Existing Urban Areas and Defined Settlement Boundaries
L13 - Listed Buildings
L17 & L18 - The Water Environment
H2 - Residential Development in Urban Areas
H6 - Affordable Housing
T7 - Cycle Parking
T8 - Parking Standards
T12 - Transportation Development Control Policy
EP1 - Environmental Pollution
EP4 - Noise-Sensitive Development
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
LC8 - Open Space and Children's Play in Conjunction with New Residential Development

2.3 Supplementary Planning Guidance

A vision for Yate Town Centre - 2002
Trees On Development Sites - 2006

3. RELEVANT PLANNING HISTORY

3.1 There have been numerous applications relating to the existing public house, which were mostly for minor extension to the pub building and display of advertisements on and around it. All but one of these applications were approved.

- 3.2 PK00/1368/TRE - Works to 1 no. Corsican Pine (T10) and felling of 1 no. Ash tree (T14) covered by Tree Preservation Order.
Approved 03 Oct 2000.
- 3.3 PK03/2751/F - Residential development comprising of the conversion of The Lawns and outbuildings to provide 16 dwellings and the erection of 26 dwellings with car parking, landscaping, access and associated works.
Withdrawn 14th Oct 2003.
- 3.4 PK04/1662/TRE - Works to fell trees (T1-T4 and reduce TG1) covered by (TPO308) Northavon District Council Tree Preservation Order dated 14th August 1978.
Withdrawn 4th Feb 2005
- 3.5 PK04/3431/F - Conversion of The Lawns and outbuildings to form 17 no. dwellings. Erection of 15 dwellings, car parking spaces, landscaping and associated works.
Approved subject to S106 Agreement 15th Sept 2005 (not yet signed)
- 3.6 PK06/0799/O - Erection of 14no. flats (Outline) with siting and means of access to be determined. All other matters to be reserved.
Withdrawn 2nd June 2006
- 3.7 PK06/2445/F - Erection of single storey extension to link coach house/play barn with main public house. Various alterations to doors and windows. Erection of canopy to west elevation. Alterations to car park
Approved 5th December 2006

4. CONSULTATION RESPONSES

There have been three rounds of consultations in all. The following are the responses to the originally proposed scheme:

- 4.1 Yate Town Council
Object. 3-storey flats would be out of keeping within the local area. (Cluster of Listed Buildings). If permission is granted refuse store must be sited away from existing dwellings.
- 4.2 Other Consultees
- 4.3 Wessex Water
No objection. The development is located within a foul sewer area.
- 4.4 Police Community Safety Officer
No objection

Other Representations

- 4.5 Local Residents
7no. responses were received all objecting to the proposal. The concerns raised are summarised as follows:
- Increased traffic in vicinity of Primary School.
 - Inadequate off-street parking provision.
 - Dual access dangerous in vicinity of Primary School and Church.

- Excessive height of 3-storey buildings would be out of keeping.
- Bin store located adjacent to no.6 Church Road.
- Bin store adversely affects the setting of the nearby Listed Buildings.
- Loss of parking for School.
- Surface water will run off onto Church Road.

Following concerns raised by Officers, the scheme was revised on two further occasions the main revisions were as follows:

1. Drive through canopy omitted.
2. Road width adjusted.
3. Rumble strip moved to slow down traffic exiting the site.
4. Parking spaces revised.
5. Cycle store moved to rear of site to improve security.
6. Proposed trees to front of site deleted due to interference with access visibility splay.
7. Second access deleted.
8. References to bin store adjacent to no.6 Church Road deleted.
9. Tree Protection Plan submitted.
10. Definitive red edge site plan slightly revised.

The following are the responses to the revised scheme:

4.6 Yate Town Council

Objection unless the accessways are clarified. The Town Council is concerned because the way the illustrative plan is laid out, it is unclear how the pub will have vehicular access. Yate Town Council is commenting both as a consultee and as landowner of adjacent highway verge. The Town Council will not consent to two separate accessways coming from the site.

4.7 Wessex Water

No further comments.

4.8 Local Residents

4no further responses were received from local residents who concerns are summarised as follows:

- Increased traffic congestion.
- Interferes with parking layout for The Lawns P.H.
- Inadequate parking provision.
- Is access for dual use.
- Inadequate visibility at site access?
- Loss of parking for School.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principle of residential development on this site was previously established with the granting of application PK04/3431/F. Since then PPS3 has been published which further supports the development of sustainable sites such as this for residential development. Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 allows for residential development within the Defined Settlement Boundaries subject to certain detailed criteria, which are discussed below. The site is within the

Defined Settlement Boundary as defined in the South Gloucestershire Local Plan (Adopted) 6th January 2006. Government advice contained in PPS3 – ‘Housing’ supports a more efficient and sustainable use of land in the urban area, with a provision for more intensive housing development in and around existing centres and close to public transport nodes. The South Gloucestershire Local Plan (Adopted) 6th January 2006 (para.8.26) seeks to “..increase the proportion of smaller dwellings, reflecting the projected growth in one-person households and the existing disproportionate provision of smaller dwellings in South Gloucestershire.”

- 5.2 Having regard to the adopted Joint Replacement Structure Plan, Policy 34, supports the re-use of previously developed land and infill development in existing built up areas. JRSP Policy 19 requires development to be managed in a manner that respects local character and distinctiveness through good design. The scheme is not considered to adversely affect the Vision for Yate Town Centre.
- 5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:
- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the proposals.
- 5.4 Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to secure good quality designs. Policy L13 seeks to preserve or enhance the setting of Listed Buildings.
- 5.5 The site is not subject to unacceptable levels of air pollution, smell, dust or contamination; the issue of noise and disturbance is discussed under the Environmental Issues heading below. Subject to contributions towards the enhancement and maintenance of Public Open Space, there is adequate provision in the locality for Education, Leisure, Recreation and other Community Facilities to meet the needs arising from the proposal.
- 5.6 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like PPS3 seeks to avoid development, which makes an inefficient use of land. PPS3 (para.47) indicates that a national indicative minimum density of 30 dwellings per hectare should be used and whilst not prescribing any maximum figure, the PPS encourages the highest density that can be achieved within the various local considerations that need

to be taken into account. The proposal equates to 70 dwellings per hectare but this higher figure merely reflects the fact that the development would comprise of 14 flats as opposed to individual dwelling houses. Densities of over 50 dwellings per hectare would not be out of place in and around Town Centre locations.

5.7 PPS3 (para.50) states that *“The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”* Officers are satisfied that having regard to the site’s constraints relating to its location, pattern of development, landscape characteristics, access, proximity to Listed buildings and impact on residential amenity, a larger scheme containing more than 14 flats could not realistically be accommodated on the site and in this respect the proposal represents the most efficient use of the land in what is a very sustainable location, close to the centre of Yate. The proposal therefore accords with government guidelines and in terms of its density, the development is not considered to be an overdevelopment of the site.

5.8 Scale and Design

Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 requires a good standard of design, in particular the siting, layout, form, scale, height, detailing, colour and materials should be informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.9 Since the application is in outline form only with siting/layout and access to be determined, all that needs to be considered at this stage is whether or not the principle of residential development of the site is acceptable or not and whether the proposed layout and indicative scale of the buildings is acceptable. All matters of design in terms of the appearance of the buildings would be determined under a subsequent reserved matters application.

5.10 The layout and scale of the proposed buildings has been the subject of considerable negotiation between the applicant and the Council’s Officers. The impact of the scheme on the setting of the nearby Listed Buildings will be discussed under the Conservation Issues heading below. In general terms and following a number of revisions, the current scheme is considered to be acceptable in terms of its layout and relationship to the existing buildings on and around the site. The two-storey element would be located to the front of the site with the three-storey element hidden behind. The submitted scale parameters indicate that the maximum height of the 3-storey element would be 11m to ridge height, which is not considered to be excessive. This arrangement is considered appropriate bearing in mind the 2/3 storey character of ‘The Lawns’ pub itself and the general two-storey character of development along Church Road. With the existing boundary treatments and vegetation retained and to some extent enhanced, the site will be well contained. On balance therefore the proposed layout is acceptable.

5.11 Impact Upon Residential Amenity

Officers consider that whilst it is perfectly normal for buildings to be in close proximity to each other in densely populated urban locations (such as this), careful consideration still needs to be given to the impact of the development on the residential amenities of neighbours and future occupiers alike.

- 5.12 Since the proposal is for two-bedroom flats only, officers consider that the requirement for open amenity space is less than for family type housing, where children are far more likely to live. For prospective occupiers of the proposed flats, only limited areas of amenity space would be provided within the site, however having regard to the location of the site, close to the Town Centre and all of its amenities, the level of amenity space proposed is in this case considered acceptable.
- 5.13 The site would be well enclosed at ground floor level by the existing and proposed walls, fences and trees. Any overlooking of neighbouring property would be further minimised by the proposed location of the individual blocks, which have been purposely set well back into the site. Any overlooking of neighbouring property would therefore be from a reasonable distance and this is a ubiquitous situation only to be expected within urban locations such as this. Even the proposed three-storey block would not have an overbearing impact on neighbouring property.
- 5.14 Concerns have been expressed about the proximity of the public house to the proposed flats. Officers consider that it is not unusual in Town Centre locations for residential properties to be located close to public houses, indeed there are already properties in Lawns Road that bound the pub site to the south. The issue of noise and disturbance is discussed under the Environmental Issues section below but in short, it is proposed to mitigate for disturbance by erecting an acoustic barrier on the boundary of the application site with the remaining pub car park.
- 5.15 An enclosed bin store would be located well away from the existing properties, to the front of the site for ease of collection. All of the proposed car parking spaces would be contained within the courtyard area and would not be hard on the boundaries with neighbouring property. On balance therefore the proposal would not have a significant adverse impact on residential amenity.

5.16 Transportation Issues

The key transportation issues relate to access and parking provision. It was originally proposed to introduce a second access from Church Road to serve the application site, with the existing access retained for the pub's use only. This access arrangement was however considered inappropriate due to concerns about the proximity of the second access to the school crossing point and traffic calming features on Church Road. Following consultations with the Council's Highway Officer, it is now proposed to retain the existing access for dual use by both the public house and proposed development; with this arrangement adequate visibility splays would be retained on Church Road. Details of the access road at its junction with the pub car park will however need to be secured by condition. It is recommended that the junction be formalised in the form of a priority junction, which can be achieved by road markings and signing. The proposed access road into the site would be 5.5m wide with a 2m footpath and rumble strip to slow traffic entering/exiting the site.

- 5.17 The proposed scheme includes the provision of 14no car parking spaces which would be allocated on the basis of one space per flat. Whilst this number of spaces satisfies the Council's adopted maximum parking standards as listed in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, it does fall 7no spaces short of the potential maximum number of spaces that could be provided under this policy for these 14 x 2-bedroom flats. In line

therefore with central government's aspiration to promote sustainability and in order to reduce the reliance on use of private vehicles, the Council seeks a financial contribution of £7,000 towards the improvement of public transport facilities including the provision of disabled access/bus shelters at bus stops within the vicinity of the site. The applicant has agreed in principle to pay this amount, which would be secured by a S106 Agreement.

- 5.18 Concerns have been raised about the impact of increased traffic generation and the level a car parking provision for the existing public house. Officers acknowledge that the proposal would result in some increased traffic generation, which would amount to 8-10 traffic movements during the morning peak hour. Viewed in the context of the existing high levels of traffic already using Church Road, this is not considered to be significant.
- 5.19 The original pub car park was very large and the remaining parking provision is considered adequate to serve the pub. Further concerns have been raised about the loss of parking for parents delivering and picking up children attending the nearby St Mary's Primary School. It should be stressed that any prior use of the site for this purpose was on an entirely informal basis by arrangement with the previous pub owners. The current owners of the application site have since fenced their site off, which is of course their right to do so. Any refusal reason on the basis of the loss of the car park for such school uses described could not therefore be reasonably substantiated in an appeal situation.
- 5.20 The proposed bin store would have doors at either end and it is envisaged that collection would be from the Church Road end, which would be consistent with the refuse collection from existing properties along Church Road. There is therefore no objection to the siting of the bin store.
- 5.21 Having regard to all of the above there are no objections on highway grounds.

5.22 Landscape and Tree Issues

All matters of landscaping are to be determined as a reserved matter. The applicant has however submitted a tree survey of the site with an indicative landscaping scheme. All of the trees protected by SGTPO 13/04 would be retained, although the landscaping scheme will need to include details of protective fencing and a method statement for the works to the road surface in the vicinity of the trees. The Council's Landscape Architect raises no objection to the loss of the site as an open space, it being only a remnant car park. The important open space to the front of 'The Lawns P.H.' which does contribute to the quality, character and visual amenity of the locality would be retained in its entirety. There are therefore no objections on landscape grounds.

5.23 Conservation Issues

The site lies within one of the more historic and sensitive areas of Yate. 'The Lawns' and its outbuildings are both "locally listed" with Grade II Listed buildings lying on the western side of Church Road. There is therefore a need to protect the character and setting of these buildings.

- 5.24 The open landscaped areas to the front of the 'The Lawns' as well as on the opposite side of Church Road help to enhance the setting of the nearby Listed Buildings. The site is however far removed from the Grade I listed St Mary's Church, and there are intervening trees as well as other Listed Buildings and open areas between the sites. Officers are satisfied that the proposal would not

adversely affect the open landscaped areas adjacent to 'The Lawns'. The protected trees would all be retained and further planting would help to soften the appearance of the development. Whilst the detailed design and appearance of the scheme would be determined at the reserved matters stage, the Council's Conservation Officer is satisfied that the two storey element would be appropriately located at the front of the site with the three-storey element set well back into the site where it would have minimum impact on the setting of the listed buildings. This design scenario can be secured by condition. Officers are therefore satisfied that as far as is possible within the confines of this outline application, the character and setting of the listed buildings would be preserved.

5.25 Environmental Issues and Drainage

Wessex Water has raised no objection to the proposal and neither has the Council's Drainage Engineer. Conditions will secure a drainage scheme to incorporate Sustainable Drainage Systems (SUDS). The Council's Environmental Health Officer has raised concern about the potential for noise disturbance to the occupiers of the proposed development arising from 'The Lawns' public house and its associated car park. This however can be adequately mitigated for by installing an appropriate acoustic barrier between the flats and the pub car park. It may also be possible to 'design out' some of the problems by locating habitable rooms especially bedrooms, on the facades facing into the application site. If considered necessary, acoustic glazing and ventilation could be installed into the windows facing the pub. Much of this would be determined at the detailed design stage, which is a reserved matter.

5.26 Whilst there would inevitably be some disturbance for neighbouring residents during the construction phase, this would only be on a temporary basis and a condition could be imposed to restrict the hours of working on the site.

5.27 Education

Since there is a projected surplus capacity at both primary and secondary schools within the area of the proposed development, no contributions are requested towards the provision of education facilities on this occasion.

5.28 Affordable Housing

The proposal for 14 flats and the site area (0.2ha) falls below the Council's threshold (15) and (0.5ha) respectively, for affordable housing provision.

5.29 Community Services

The development of 14 x 2 bed flats would generate an average population increase of 21 people. The Council's Community Services section, having regard to the lack of on-site open space within the proposed development, have requested a total contribution of £27,106.59p towards the enhancement and maintenance of off-site public open space near to the development i.e improvements to Category 1 at YOSC, category 2 & 3 at Kingsgate Park (through Yate Town Council), Informal Open Space – Brinsham Park. This amount would be index-linked and secured by a S106 Agreement. The applicant has already agreed in principle to pay this amount.

5.30 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).

5.31 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant 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 authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- a) A contribution of £7,000, towards the improvement of public transport infrastructure, to include the provision of disabled access/bus shelters at bus stops within the locality of the site, is paid to South Gloucestershire Council prior to the first occupation of any of the buildings hereby approved or six months from the commencement of development, whichever is the sooner.
 - b) A contribution of £27,106.59p towards the enhancement and maintenance of off-site Public Open Space within the locality of the site i.e. improvements to Category 1 at YOSC, category 2 & 3 at Kingsgate Park (through Yate Town Council), Informal Open Space – Brinsham Park.

The reason for this Agreement is:

- (i) To mitigate the affect of lack of off-street parking provision for the proposed 14 x 2-bed flats.
- (ii) To mitigate for the lack of on-site open space provision within the development site and to offset the increased demand on existing public open space.

7.2. That the Head of Legal and Democratic Services be authorised to prepare and seal the Agreement.

Background Papers PK06/2832/O

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. Approval of the details of the design/appearance, scale and 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

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 design/appearance, scale and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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

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

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

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 all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development including a method statement for works beneath the trees; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies H2/D1/L1/L13 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason

To protect the character and appearance of the area to accord with Policies H4/D1/L1/L13 of the South Gloucestershire Local Plan (Adopted) January 2006

7. The landscape scheme to be submitted to the Local Planning Authority for approval, shall include a management plan for all areas to be managed by a management company. Such details as approved shall be permanently implemented.

Reason

To protect the character and appearance of the area to accord with Policies H4/D1/L1/L13 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

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17/L18/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies L17/L18/EP1/EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The off-street car and cycle parking and vehicle manoeuvring facilities, shown on the plan hereby approved shall be provided before the building is first occupied, and

thereafter retained as such and used only in conjunction with the occupation of the buildings purpose.

Reason

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

11. Prior to the commencement of the development hereby permitted, details of the priority junction arrangement between the proposed access road to the residential development and access to 'The Lawns Public House' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the means of vehicular access shall be implemented in full accordance with the details so approved and prior to the first occupation of the approved buildings and maintained as such thereafter.

Reason

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

12. The 14 no. car parking spaces shown on the approved 'Site Layout' plan numbered SK01, shall be allocated on the basis of no more than one space per flat (whichever they may be) and maintained as such unless the Local Planning Authority gives written consent to any variation.

Reason

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

13. Building operations shall not be commenced until samples of the roofing and external facing materials proposed to be used have been submitted to and approved by the Council and all such materials used in construction of the building(s) hereby authorised shall conform to the details so approved.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy D1/H2/L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. In accordance with the applicants submitted Design and Access Statement Scale Parameters, the front (north-western) block of flats hereby approved shall not exceed 2-storeys in height or 8.5m to roof ridge height, 15m wide and 16m long; and the rear (south-eastern) block shall not exceed 3-storeys in height or be greater than 11m to ridge height when measured from existing ground level, 10m wide and 19m long.

Reason

To ensure a satisfactory standard of external appearance and to ensure that the development would, in terms of scale and massing, respect the character and visual amenity of the location in accordance with Policy D1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Before the development hereby permitted is commenced details of the proposed finished floor levels of the building relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance and to ensure that the development would, in terms of scale and massing, respect the character and visual amenity of the location in accordance with Policy D1 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. The development hereby approved shall be constructed to an EcoHomes/Code for Sustainable Homes standard of 'VERY GOOD'/Level 3. 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 the first occupation of the building hereby approved.

Reason

In the interests of sustainable development and to ensure that the development minimises the use of energy and resources in accordance with PPS1 - 'General Policy and Principles', PPS3 - 'Housing' and Policy D1 (G) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

18. Prior to the commencement of the development hereby approved, details of an acoustic barrier to be erected between the buildings hereby approved and 'The Lawns' Public House car park, together with the details of acoustic glazing and ventilation to windows facing the public house, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in full accordance with the details so approved and prior to the first occupation of any of the buildings hereby approved.

Reason

To ensure that adequate measures have been taken to mitigate against noise and disturbance likely to emanate from 'The Lawns Public House' car park and in the interests of the amenities of future occupiers of the buildings hereby approved, to accord with Policies H2 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 20/07 - 18 MAY 2007

App No.: PK06/3650/F
Site: Land to rear of 123 Regent Street
 Kingswood BRISTOL South
 Gloucestershire BS15 8LJ

Applicant: Mrs T Hipplesley
Date Reg: 19th December 2006

Proposal: Demolition of outbuildings and boundary wall to facilitate erection of 2no. dwellings with associated works.
 (Resubmission of PK06/3037F).

Parish:

Map Ref: 64945 73876

Ward: Kings Chase



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100023410, 2007.

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PK06/3650/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of comments from the War Graves Commission in regard to the proposal.

1. THE PROPOSAL

- 1.1 This application proposes to clear the site to the rear of the existing barbers shop with flat over, in order to erect an essentially single aspect building to contain two flats, the ground floor and the first floor flats both having one bedroom. This built form allows the larger ground floor to form a single storey linking section attached to the rear of the barbers shop. The site is long and narrow and faces the top end of Park Road. To the north of it is a rear access lane and then the Whitfield Conservation Area starts. To the west is a long outbuilding to the rear of No. 121. This building is again a flat over a shop and the design has taken into account the existing windows at first floor level in this property which serve habitable rooms, facing north and west.
- 1.2 The proposal is for a two storey building, with a single storey linking section. The roof form would follow that of the buildings on the High Street in that it would be hidden behind a parapet. One off-street parking space is proposed for the scheme along with a minimal amenity space on either side of the parking space. Access for both flats would be derived from the side elevation of the building, which would feature two shallow bays at the front of the site. This area and the southern end of the linking section would provide bike and bin storage.
- 1.3 This application follows the refusal of an earlier scheme on design (in the context of the nearby Grade I Listed Building and setting of the Conservation Area) as well as lack of off-street parking. A second application was refused on design grounds, as well as lack of off-street parking. As a result of this refusal, this proposal has pulled the built form away from the Conservation Area and created one off-street parking space together with an amenity area at this end of the site. The design of the building has also undergone changes since the previous refusal.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG13	Transport
PPG15	Planning and the historic environment

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
H2	Housing
L12	Listed Buildings
L13	Conservation Areas
T7	Cycle Parking
T8	Car parking
T12	Transportation

- 2.3 Supplementary Planning Guidance
Whitfield Conservation Area Guidance Note

3. **RELEVANT PLANNING HISTORY**

- | | | | |
|-----|-------------|--|-----------|
| 3.1 | P84/4191 | Erection of store building | Approved |
| 3.2 | PK05/2060/O | Conversion of building to form 2 one bedroom flats | Withdrawn |
| 3.3 | PK06/1635/F | Erection of two flats and associated works | Refused |
| 3.4 | PK06/3037/F | Erection of two flats and associated works | Refused |

4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council
No parish

- 4.2 Other Consultees
Environmental Protection
No objection in principle. Informatives suggested.

Technical Services Unit

No objection, subject to the inclusion of a condition regarding drainage details to Sustainable Drainage principles.

Commonwealth War Graves Commission

Notify the Council that the grave of Leading Aircraftman George Wyndham in the Whitfield Tabernacle Burial Ground, in the northwest part of that site. The Commission is opposed to any proposals which may cause disturbance to the grave, except in the case of overriding public necessity. They do not object to the proposal.

- 4.3 English Heritage
Replied to the previous consultation and do not wish to make any further comment. Expect the decision to be made in accordance with national and local policy guidance.

Other Representations

- 4.4 Local Residents
No replies received

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The main issues are the provision of off-street parking, the design in close proximity to the Conservation Area and the effect of the proposal upon residential amenity. Both of these issues resulted in the refusal of the previous scheme.

- 5.2 Conservation Area/ Design Issues

Following the refusal of the previous schemes, the Council stressed the need for a higher standard of design - appropriate to the Grade I Listing of the

adjoining building. The proposals are now acceptable in the view of the Conservation Officer, with the following conditions recommended to be included with any approval: -

- (i) Detailed drawings, at a scale no smaller than 1:20, showing the chimneys and front boundary wall, should be submitted for assessment by the Council's Heritage section - and their written approval obtained prior to construction.
- (ii) Detailed drawings, at a scale no smaller than 1:5 showing typical sectional details of the natural stone window surrounds and bay window stonework detailing should be submitted and agreed as (i).
- (iii) The chimneys should be constructed with dressed stone facings – to match the stone of the window surrounds – and fitted with simple clay pots.
- (iv) Sample panels of stonework and pointing - for both the window surrounds / chimneys and for the boundary wall - should be made on site for assessment and agreement as (i).

These conditions, in a different form but with the same effect, appear below.

5.3 Residential Amenity

The design of the proposal has taken account of the potential harm to residential amenity in the flat above No. 123 by ensuring that the first part of the extension is limited to single storey. This is considered to be an adequate solution to ensure that the existing levels of residential amenity in that flat would remain unaffected. On that basis, the proposal is considered to comply with policy.

5.4 Amenity Space Provision

Very limited amenity space is indicated on the submitted plans and that would be located right next to the entrance to the site, on either side of the proposed parking space. There is little scope for providing any further amenity space. In any case, there would not be a specific requirement for any further such space for the both flats, given that the scheme has been amended to both flats having only one bedroom. In this case, given the urban location, with the site so close to the pavement, it is considered to be inappropriate to look for a clothes drying area. The amenity area shown would be utilised by the occupants of both flats. It is considered that the proposal would meet the immediate needs of future occupiers in terms of outdoor amenity, now that the proposal has been scaled down to one bedroom flats. This formed one of the previous refusal reasons for this scheme and this revision is considered to have overcome that refusal reason.

5.5 Transportation

This application is a resubmission of PK06/3037/F that was refused planning permission due to its size and the inadequate off-street parking proposed for the development. The current application now seeks to demolish the existing outbuildings and erect two one-bed dwellings. The site is located within the Kingswood shopping area where there is good public transport and pedestrian and cycling facilities. One off-street parking space is proposed, which although below the parking requirements for a development of this size, are considered acceptable due to its sustainable location. From the plans submitted it would appear that two bin stores are proposed, one of which will be used as a cycle store as well. The dual use of the cycle and bin store is not acceptable and it is requested that the bin store adjacent to the car parking space is used for both dwellings instead. This has been dealt with through the condition below requiring further cycle parking provision. The bin store should be large enough

to accommodate the Council's twin bin system for both dwellings (ie four bins) with room for future expansion. The store nearest to dwelling one can then be used solely for the storage of bicycles for both the dwellings. Subject to the above, there is no basis for a transportation objection on this occasion.

5.6 Other Matters

With regard to the issue raised by the Commonwealth War Graves Commission, the nearest built form to any part of the Whitfield Tabernacle site would be at a distance of over 5 metres. Depending on the location of the relevant grave, this distance would be greater. There is an access lane between the site and the burial ground. The proposed works closest to this access ground are essentially demolition of the existing outbuildings, to create the amenity space. These factors taken together are considered to mean that any disturbance to any graves in the burial ground is extremely unlikely.

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.

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

7. RECOMMENDATION

- 7.1 That planning permission is approved, subject to the conditions shown below.

Background Papers **PK06/3650/F**
Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

CONDITIONS

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

Reason

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

2. The off-street car parking facility shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

3. Prior to the commencement of development, detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

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

4. The cycle and bin store shown on the approved plans shall be used for bin storage only.

Reason

In order that an adequately sized bin storage area is provided for to serve the site and to encourage cycling as a means of transport, to accord with policy T10, EP1 and D1 of the South Gloucestershire Local Plan.

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in any elevation of the property.

Reason

To protect residential amenity and ensure that the design of the property hereby approved is adhered to, to accord with policy H2, D1 and L12 of the South Gloucestershire Local Plan.

6. 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

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

7. No development shall take place until full details comprising plans at a scale of 1:20 of the following items (a) and (b) and at a scale of 1:5 of the following items (C) and (d) shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
- a. chimneys;
 - b. front boundary wall;
 - c. natural stone window surrounds;
 - d. bay window stonework detailing.

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.

8. The chimneys shall be constructed with dressed stone facings to match the stone of the window surrounds and fitted with simple clay pots and thereafter retained in such a condition.

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.

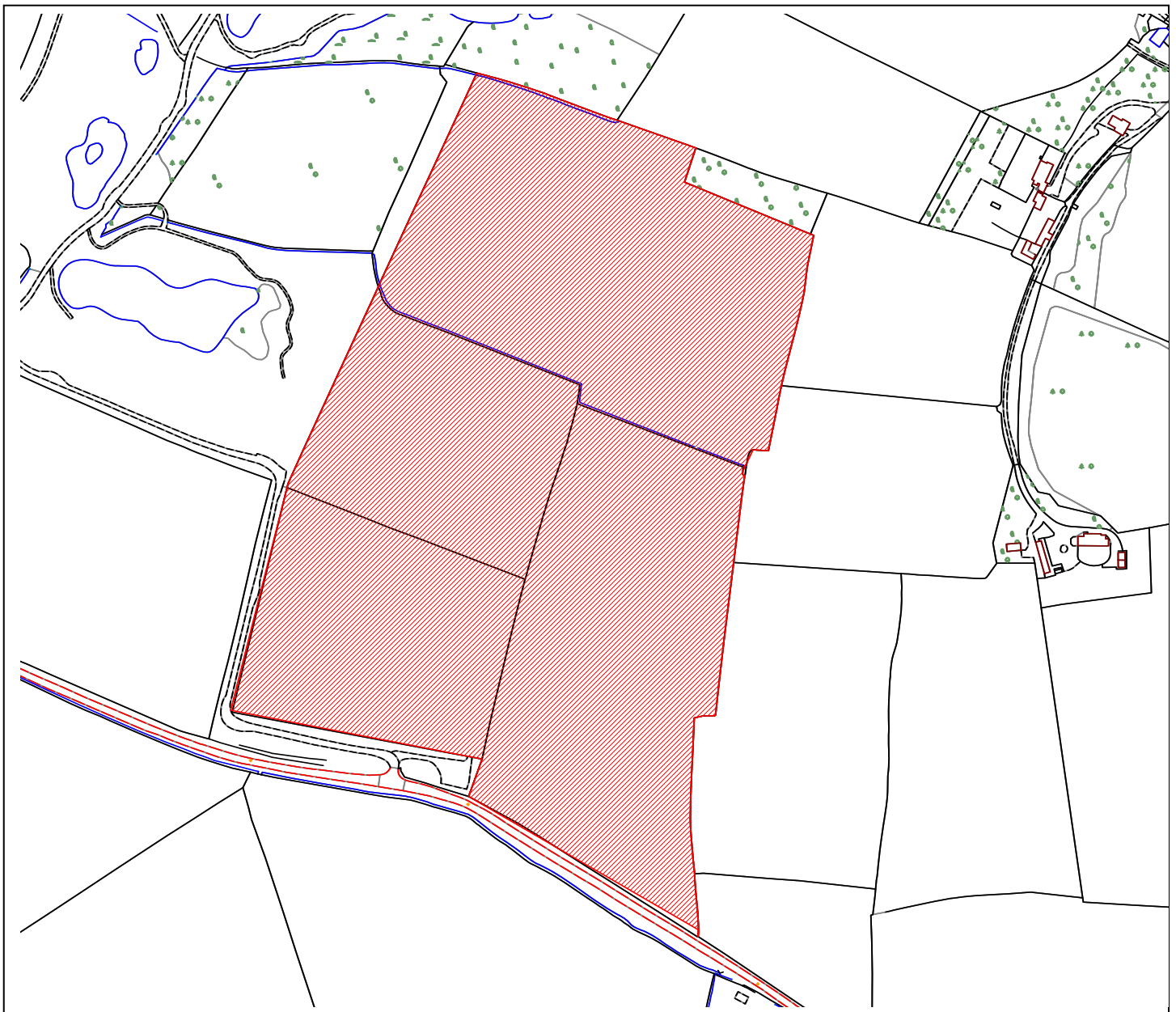
9. Sample panels of stonework and pointing, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework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

CIRCULATED SCHEDULE NO. 20/07 – 18 MAY 2007

App No.:	PK07/0773/F	Applicant:	Mr AJ Stiff
Site:	The Players Golf Club Wapley Road Codrington BRISTOL South Gloucestershire BS37 6RX	Date Reg:	13th March 2007
Proposal:	Change of use of land from agricultural to twelve hole golf course and extension to existing golf course with associated works to create car parking (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	Dodington Parish Council
Map Ref:	74072 78905	Ward:	Cotswold Edge



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PK07/0773/F

INTRODUCTION

This application appears on the Circulated Schedule in accordance with the procedure for the determination of major applications and due to the receipt of objections from a neighbour and the Parish Council and due to the fact that a Unilateral Section 106 has been submitted with the application.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the extension of an 18 hole golf course into a 30 hole course through changing the use of adjoining agricultural land to the south and east of the existing course. The site consists of five fields, adjacent to the site access off Wapley Road, the B4465, which makes its way through the existing course to a car park next to the club house. Also proposed is the enlargement of the existing car park area to allow for additional vehicles generated by the expansion of the golf course. The existing car park lies in the middle of the existing course.
- 1.2 The site is on flat land, within the Green Belt and up to the edge of the Cotswolds AONB, between the existing course and the scarp which rises almost immediately to the east of the site. The nearest dwellings are on the edge of this slope and overlook the site at a distance. As part of this application, the applicants have also submitted a draft Unilateral Section 106 Agreement to the effect that the costs of road signage and markings will be paid up to a maximum of £14,000.
- 1.3 This application follows two previous attempts to gain planning permission for extensions to the golf course, details of which appear at section 3 below.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|-------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPG2 | Green Belts |
| PPG13 | Transport: Guide to Better Practice |
| PPG17 | Recreation |
- 2.2 Development Plans
South Gloucestershire Local Plan
- | | |
|-----|--|
| D1 | Design |
| L2 | Cotswolds AONB |
| L16 | Protecting Agricultural Land |
| GB1 | Development in the Green Belt |
| LC5 | Expansion of Outdoor Sports Facilities |
| T8 | Car parking |
| T12 | Transportation |
| L11 | Archaeology |
| L1 | Landscape Protection and Enhancement |
- 2.3 Supplementary Planning Guidance
Note 13 Development in the Green Belt.

3. RELEVANT PLANNING HISTORY

- 3.1 P91/1679 Change of use of 79 hectares of agricultural land to golf course
Approved 1993
- 3.2 P97/1063 Engineering operations to form golf course Approved 1998
Subject to Section 106 Agreement
- 3.3 PK05/2482/F Creation of 9 additional holes for golf course
Refused due to impact on landscape & AONB and Archaeology
- 3.4 PK06/2453/F Creation of 12 additional holes for golf course
Refused due to inadequate details and subsequent impact on
landscape and AONB and Archaeology

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council
Objects due to environmental, landscape, highways and drainage grounds. The site's strong visual relationship to the Cotswolds scarp make it particularly sensitive to changes.

- 4.2 Other Consultees
Technical Services Unit
No objection is raised in principle to the proposal. A Flood Risk Assessment has been submitted with the application and it is recommended that this is sent to the Environment Agency for comments.

Environment Agency

In reference to the Flood Risk Assessment (FRA) the Agency has no objection in principle to the proposed development subject to the inclusion of conditions, which meet the following requirements:

CONDITION:

No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate &/or volume of surface water discharge to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON:

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

Avon & Somerset Police

No objection

Public Rights of Way

No reply received

Wessex Water

The development is not located in an area with Wessex Water sewers and the Council should be satisfied with the disposal of foul and surface water generated by the development.

Environmental Protection

No adverse comments.

Waste and Minerals

Presuming all the usual issues on an importation site have been addressed by the relevant sections (highways – wheelwash, landscape, drainage etc – see below) the only additional recommended condition would be:

No materials other than non contaminated soil and subsoil shall be deposited at the site.

Reason: To prevent pollution of the water environment and to ensure that development is carried out to an acceptable environmental standard.

Other Representations

4.3 Local Residents

Two letters of objection were received within the consultation period, citing the following concerns:

- Loss of agricultural land
- Maintenance of the golf course takes place using noisy mowers
- More tipping would be required to form the new holes
- Impact upon the AONB and landscape
- Ribbon development along the Westerleigh Road
- Destruction of field systems through SGC planning decisions in the last century
- Noise and light pollution from the clubhouse and the lit car park

- Wildlife has probably been forced off the golf course land
- Flagpoles and flags have been erected on the golf course and left out after events
- If this proposal is allowed, housing could follow
- The course brochure is misleading as the fields to the west have been enlarged at the expense of hedgerows

NB The final four points are either not valid planning concerns or they relate to elements and issues not covered in this planning application.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The most important test when considering whether this proposal is acceptable in principle is whether the proposed use meets the tests for the Green Belt. Since the proposal is for a recreational use of the land, the development would not be inappropriate in the Green Belt, subject to it not having any detrimental impact upon the openness of the Green Belt. Since the proposal does not involve any buildings and the works would not result in any more than a moderate reshaping of the landscape to accommodate the proposed further twelve holes, it is considered that the proposal would not have any detrimental effect upon the open character of the Green Belt in this location. The proposal is therefore considered to be acceptable in principle, subject to the detailed analysis against the other policies below. The car park extension issue is examined in the following section of the report.

5.2 Car Park Extension

The extension to the car park, as mentioned in the introduction and under the principle of development, would affect the central area of the existing golf course. It is considered to be appropriate development in the Green Belt as it supports and is ancillary to, therefore essential to, a recreational use. The car park is within the existing golf course area, which is in a recreational use. The effect of the car park extension on the open character of the Green Belt would be limited to views in from outside the site, from long distances only, as covered in the landscape section below and therefore this is not considered overall to compromise Green Belt openness at this location, subject to the condition requiring screen planting.

5.3 Loss of Agricultural Land

Policy L16 in the Local Plan seeks to preserve high quality agricultural land. It states that development should be on land below Grade 3A, but also gives the opportunity to develop on land of Grades 1, 2 or 3A where the development could not be carried out on agricultural land of a poorer grade. Defra was consulted on the previous application on the grade of agricultural land of the site, but did not reply. It is considered that the agricultural land is surplus and that even if this land is of a higher agricultural grade this would not necessarily be a reason for refusal which is likely to be sustainable on appeal.

5.4 Landscape Issues

Policy Context.

The site lies just outside the boundary of the Area of Outstanding Beauty which follows Sands Lane, slightly to the east of the site. Policy L2 of the South Gloucestershire Local Plan is relevant as it requires that “ Development that would harm the natural beauty of the Cotswolds AONB will not be permitted.” The landscape policy L1 of the South Gloucestershire Local Plan is also central in this instance, requiring the conservation and enhancement of the attributes and features of the landscape and the conservation and enhancement of the amenity of the landscape.

The Council’s Landscape Officer has reported that the site lies principally within the Pucklechurch Ridge and Boyd Valley landscape character area as identified in the South Gloucestershire Landscape Character Assessment. The assessment identifies the area as a diverse undulating landscape of mainly mixed farmland. The Cotswold Scarp is a prominent backdrop and skyline dominating and enclosing views beyond the area to the east. Extensive open views of the scarp are possible from much of the area and greatly influence its character. The character area is therefore important in providing the setting for the western edge of the Cotswold AONB. The foot of the scarp forms the eastern boundary of the character area. Long distance views occur over the character area from the Cotswold Scarp.

Land cover is predominantly of medium sized pasture and arable fields with larger fields on the plateau areas and smaller fields on the steeper ground. Fields are predominantly defined by low clipped hedges or fences. Tree cover and woodland is limited. The landform is a large scale, undulating landscape of plateau and vale. The M4 motorway is a significant feature in the landscape. The site lies at the upper end of the River Boyd catchment which runs southwards to Wick.

Locally a minor broad ridge line runs north / south with Lydes Farm at 126m AOD and Codrington village on the top of the plateau. The land rises gently eastwards across the site before steepening up to form the base of the scarp. The central and eastern parts of the character area are sensitive to change, which might erode its distinctive character, due to its open nature and visibility from the Cotswold Scarp.

The easternmost part of the site lies within the Cotswold Scarp Landscape Character area. This character area is a steeply sloping, dramatic feature, dominated by the strength of the topography. The scarp offers panoramic views to the west and is highly prominent as a backdrop to the lower lying land to the west. Land cover is diverse, including permanent pasture, woodland and parkland. Any changes in land use, particularly grazing and arable practices, are likely to change the visual texture of fields. The visibility of the character area makes it particularly visually sensitive to changes, viewed from within this character area and the adjoining character area to the west. Features which cause noticeable change to the physical landform or the landscape framework, or are discordant with the landscape pattern have the potential to erode the intrinsic characteristics and distinctiveness of the area.

The Site

Currently the site consists of fields under active agricultural use. No hedgerow exists along the western boundary with the existing golf course, where a fence and ditch mark the boundary. All other field boundaries are marked by hedgerows. These hedges are square trimmed with a number of hedgerow trees. The field pattern is a regular rectangular layout.

The fields rise at a gradient of 1:45 (approximately) at the south west end to 1:20 at the eastern side where the land starts to rise into the foot of the scarp. The general profile of the base of the scarp is gently convex.

Fat Jack Plantation, a small rectangular woodland lies along part of the western side of the site. The woodland currently provides visual separation between the site and part of the existing golf course. A small rectangular copse lies along part of the northern edge of the site but is not included in the application site.

The site is bounded and overlooked on the south by the access road to the existing golf course. This road has been created above the level of the surrounding ground levels by previous tipping. Part of the western site boundary lies adjacent to the existing golf course. This section of the course consists of a substantial water body with timber reveted edges. Man made mounding along the eastern boundary, created for the golf course from imported and excavated materials provides an unnatural profile which is at variance with the adjoining undeveloped land of the application site.

This is the most visually intrusive part of the existing course in relation to views from the east. This is due to the openness of the views, the contrast between the nature of the landform of the golf course, being small scale, relatively steep and relatively complex and the simple, open and regular nature of the application site, which it adjoins. The addition of small scale features such as ornamental beds, the manicured nature of the tees increase this contrast with the agricultural land.

The Proposals.

The scheme involves the creation of an additional 12 holes, 1 of which extends into the existing course, running down the southern side of the woodland. Modifications to the existing greens complex on the edge of the existing course will involve some re-grading in this area will provide a less abrupt landform than

currently exists. One of the internal hedgerows is proposed to be removed to allow course formation, with two of the three hedgerow trees retained. The northern half of the site is played east west with land raising used to create a ridge within the northern field, separating holes 1 and 2 from hole 12. The southern part of the site is roughly north south with land raising and modelling creating a minor north south ridge again separating holes 11 and 10. Hole 11 is played through an existing gap in the hedgerow. Hole 10 is the only one to play across the existing hedgerow and will require a gap to be made in the hedge.

Land-raising effects the majority of the site apart from the hedgerow lines and site margins. The maximum height of land-raising is kept to around 2m above existing ground levels and therefore has the potential to be largely contained by the perimeter hedges. A separate access is to be created for lorry movements onto Codrington Road using the existing gateway point to the north. The access point will be closed and planted following completion of the ground works. New hedge planting will flank the existing site access together with some woodland planting adjacent to the entrance. A new lime avenue is proposed alongside the existing site access road. North south running hedgerow lines are shown re-enforced with additional planting within the site and some clumps of tree planting along the southern edge of the site and on the elevated area at the centre of the site using oak, ash and field maple.

The impact of tipping across most of the site means that the more diverse existing grassland areas in the northern field cannot be retained in situ. The scheme proposes translocating some of the turf to the site boundary. The site margins around the hedgerows will be managed as long grass/ rough areas for the benefit of wildlife. By contrast the main areas of the course will be managed to give a more uniform sward in both colour and texture and thereby reduce visual fragmentation of the site. The aim is to mirror the simple colours and shapes of the adjoining landscape. This is considered to be a necessary trade off in terms of reducing visual impact against maximising ecological diversity. However, given the sensitive nature of the site adjoining the scarp the landscape issues should take priority in this instance.

There is a proposal to extend the existing large car park. No justification has been given in terms of traffic forecasts. In landscape terms, the expansion of the car park should be resisted as it lies in a prominent part of the site visible from the AONB and will have an increased effect on the openness of the Green Belt. It is recognised that the enlargement of the course will be likely to generate further traffic to the site and the car park would be required to service this use of the land. In order to prevent harm to the AONB and the openness of the Green Belt, a landscape scheme to screen this area has been required by condition below.

Impact of the Proposal

The principal impact of the development proposal is the change in the nature and character of both the landform and appearance of the landscape. The landform changes from a simple slope from the base of the scarp westwards at a gradient of 1:20, slackening out at the western side of the site to 1:45. The scheme creates a more complex landform, with an east west and an north south running ridge and two individual hills on the east. The gradients of these features vary from 1:5 to 1:40 with more variation in gradient across the site compared with the existing landform. This landform is more diverse than the existing landform of the surrounding area of South Gloucestershire or the AONB. The scheme has been modified to ensure gentle, sweeping gradients predominate with a minimum of bunkers and construction features limited to a

section of retaining wall and path at the rear of tee 12, which should be concealed behind the hedgerow in views from the east (the AONB) and a section of path alongside the central hedgerow. This lies next to an area of long grassland which, it is considered, will reduce its visual impact.

The current landscape of the site has a simple pattern and texture created by the regular pattern of the hedges and the grass of the fields. Variations in colour occur between fields rather than within fields, maintaining the regular pattern. It is considered that the development proposal has as far as possible been designed to reduce the visual complexity of the site, simplifying colours and features. The majority of the hedgerows and hedgerow trees have been retained within the scheme with additional hedge planting in gaps and tree planting within the site where appropriate, principally on the western and southern margins of the site. There will be visual impacts from the construction phase of the works when stripping and storage of topsoils take place together with the visual impacts on the lorry movements into site for the fill material and the machinery movements on site whilst forming and cultivating the landform. The cultivation works are considered to be similar in impact to agricultural operations. It is not considered that the visual impacts of these items would in themselves be sufficient to justify a refusal of the scheme.

Recommendation

It is considered that the degree of change to the landform and general character of the landscape proposed in this development is acceptable and would comply with policy L2. The current open character of the site and its strong visual relationship to the Cotswold Scarp makes it particularly sensitive to change, with this in mind, the landscape officer has recommended the removal of permitted development rights in order to control the creation of steps, paths, fences and other small scale changes without permission as quite small changes cumulatively could damage the landscape. Consequently, subject to the condition shown below removing these permitted development rights, it is considered that the previous reason for refusal has been overcome.

5.5 Residential Amenity

The nearest dwellings are on the edge of the scarp, more than 100 metres distant from the nearest part of the site. The activity proposed to be carried out is relatively quiet and would be limited by necessity to the daylight hours. It is not considered that this proposal would have any detrimental impact upon residential amenity. Maintenance is however another issue. The consultation process has raised the issue of mowing of the greens, which must necessarily take place at times when the course is not occupied. This needs to be set against the rural context of the surrounding countryside and it is considered that such a degree of noise could easily be caused by agricultural machinery which could legitimately be operated on the surrounding land. Accordingly it is considered that, on balance, the proposed change of use would not unduly harm residential amenity.

5.6 Transportation

No highway objections were raised to the initial planning application, ref. no. PK05/2482/F, subject to a condition so that there is no importation of fill material to the site or exporting of excavated material from the site. This condition does not appear to be acceptable to the applicant as the applicant is seeking to import approximately 105,000 cubic meters of imported materials in order to reshape the new golf course. In traffic terms, it is estimated that 105,000 cubic metres of imported infill equates to 13,000 lorry loads. Assuming

5 working days per week, there would be 50 lorry loads per day over a period of 12 months. Given the relative high level of Heavy Goods Vehicle traffic during the construction period, maintaining road safety would be essential. The existing site access operates with a right turn lane. On the approach to the site access from the West and in the context of the speed limit, forward visibility along Westerleigh Road is considered limited at this location. It is proposed to use this existing entrance for landfill material but it is also proposed that a new exit is created approximately 30m further east for the HGVs. Additionally, the applicant has agreed, through a unilateral Section 106 Agreement, submitted with the application, to make a payment of up to £14,000 towards appropriate safety measures including additional warning signs, road markings etc in the area. The highways officer recommends that a traffic routing agreement is also imposed so that all delivery materials and HGV movements to and from this site would be limited to the A46 and M4 corridor thereby avoiding HGV movements associated with this scheme through the village of Codrington. In view of all the above-mentioned, therefore, there are no highway objections to the proposal subject to the following conditions/ recommendations to safeguard road safety:-

- 1) Satisfactory completion of unilateral legal agreement to secure £14,000 towards traffic management and road safety measures in the area. (Section 106)
- 2) No works shall commence on the site until the applicant submits for approval by the Council all details of access and egress for construction traffic, which shall be carried out by the applicant to the full satisfaction of the Council's Street-Care Manager.
- 3) A full road survey should be prepared and agreed with the Council's Street-Care Manager for Westerleigh Road and any subsequent damage to the highway and its verges/hedge arising from construction traffic shall be rectified by the applicant.
- 4) Provide wheel washing facilities on the site and maintained those satisfactory to ensure that all roads in this vicinity are kept clear of any mud or loose material.
- 5) As part of routing agreement, under the Section 106 Agreement, a written undertaking is required from the applicant that all HGV traffic associated with the development would use Westerleigh Road (only west of the site access) traveling to and from A46 and M4 direction.
- 6) Time scale over which the importation of infill material takes place to the site should be limited to maximum 18 months unless written approval is obtained from the local planning authority.
- 7) The new access created as part of importation of material to the development shall be stopped up permanently and the highway verge shall be reinstated to full satisfaction of the Council's Street- Care Manager.

5.7 Archaeology

The supporting information submitted with the application suggests that the topsoil will be stripped from the site to a depth of between 200 and 225mm. The applicant has now undertaken a geophysical survey of the site which has revealed a number of possible archaeological features, however none of them appear to indicate that archaeology of national importance may be present. It would be feasible therefore to ensure that stripping of the topsoil is undertaken under archaeological supervision. If archaeological remains are identified during the stripping process, these could be excavated and recorded whilst work carries on elsewhere on the site. Clearly this approach involves a degree of risk in that delays may result to the construction of the development, whilst archaeology is recorded. The alternative would be to carry out trial excavation sampling the areas where remains are postulated as well as areas where

results are negative to verify the nature of the findings. However the open area stripping, if carried out carefully would potentially allow more effective recognition and interpretation than trial trenching. The Heritage Officer suggests that a condition would be appropriate to ensure the submission of an Archaeological Brief and will prepare a brief for an appropriate programme of archaeological work. This will include both a watching brief during soil stripping and excavation of remains revealed during this process. It is therefore considered that adequate steps have been taken to overcome the previous reason for refusal in this respect.

5.8 Other Issues

An ecological report based on work carried out in the Summer of 2005 was submitted with this application. The proposal and the ecological management provided in support of the application are considered to be acceptable on ecological grounds. A condition is recommended to ensure that the submitted Ecological Management Plan is implemented in compliance with the report. A condition recommended by the Environment Agency in respect of flood risk also appears below.

5.9 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft). However the scheme is considered acceptable, following the above assessment.

5.10 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, a Unilateral Section 106 Agreement has been submitted with the application, as detailed below.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission, subject to the conditions shown below and subject to the signing of the Unilateral Section 106 Agreement supplied with the application, to secure the following:

- (i) The contribution of £14,000 towards the provision of road signage and markings.
- (ii) A routing agreement to avoid tipping and construction traffic travelling through Codrington village.

The reason for this Agreement is:

To mitigate against the increase in vehicular movements generated by the development in its construction phase.

Background Papers PK07/0773/F
Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall utilise Sustainable Drainage Principles and shall not result in an increase in the rate &/or volume of surface water discharge to the local land drainage system. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal., to accord with policy L17 of the South Gloucestershire Local Plan.

3. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first use of the golf course extension or in accordance with the programme agreed with the Local Planning Authority and thereafter retained as such unless agreed in writing by the Local Planning Authority.

Reason 1

To protect the character and appearance of the area to accord with Policies D1, L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2

To protect the character and appearance of the area to accord with Policies D1, L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping to screen the extended car park area, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of

planting); boundary treatments and areas of hardsurfacing. Development shall be carried out in accordance with the agreed details.

5. The ecological management plan hereby approved for the site shall be implemented in accordance with the details within in.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy L8/L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. 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 minor operations as specified in Part 1 (Class F) and Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To protect the character and appearance of the area by controlling the introduction of boundary treatments and paths to accord with Policies D1, L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No development shall take place until details of the access and egress for construction traffic onto and off the highway have been submitted to and approved in writing by the Local Planning Authority. The development shall not be used commenced until the junction has been constructed and is available for use in accordance with the approved plans. There shall be no obstructions to visibility exceeding 0.9 metres in height within the splayed areas.

Reason

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, a full road survey shall be prepared and agreed in writing by the Council's Street-Care Manager and any subsequent damage to the highway and its verges/hedge arising from construction traffic shall be rectified by the applicant.

Reason

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

9. No development shall take place until details of wheel-washing facilities to be provided on site have been submitted to and approved by the Local Planning Authority. These facilities shall be provided prior to development commencing and maintained during the period of construction. All commercial vehicles shall have their wheels washed before entering the public highway.

Reason

To minimise disturbance to occupiers of the locality and in the interests of road safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The time scale over which the importation of infill material takes place to the site shall be limited to maximum 18 months from the date of consent unless written approval is obtained from the local planning authority.

Reason

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

11. Before the development is first used, the access for construction vehicles shall be permanently stopped up and the verge reinstated in accordance with details to be submitted to the Council's Street Care Manager.

Reason

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

CIRCULATED SCHEDULE NO. 20/07 - 18 MAY 2007

App No.: PK07/1056/F
Site: 22 Church Road Yate BRISTOL South Gloucestershire BS37 5BQ

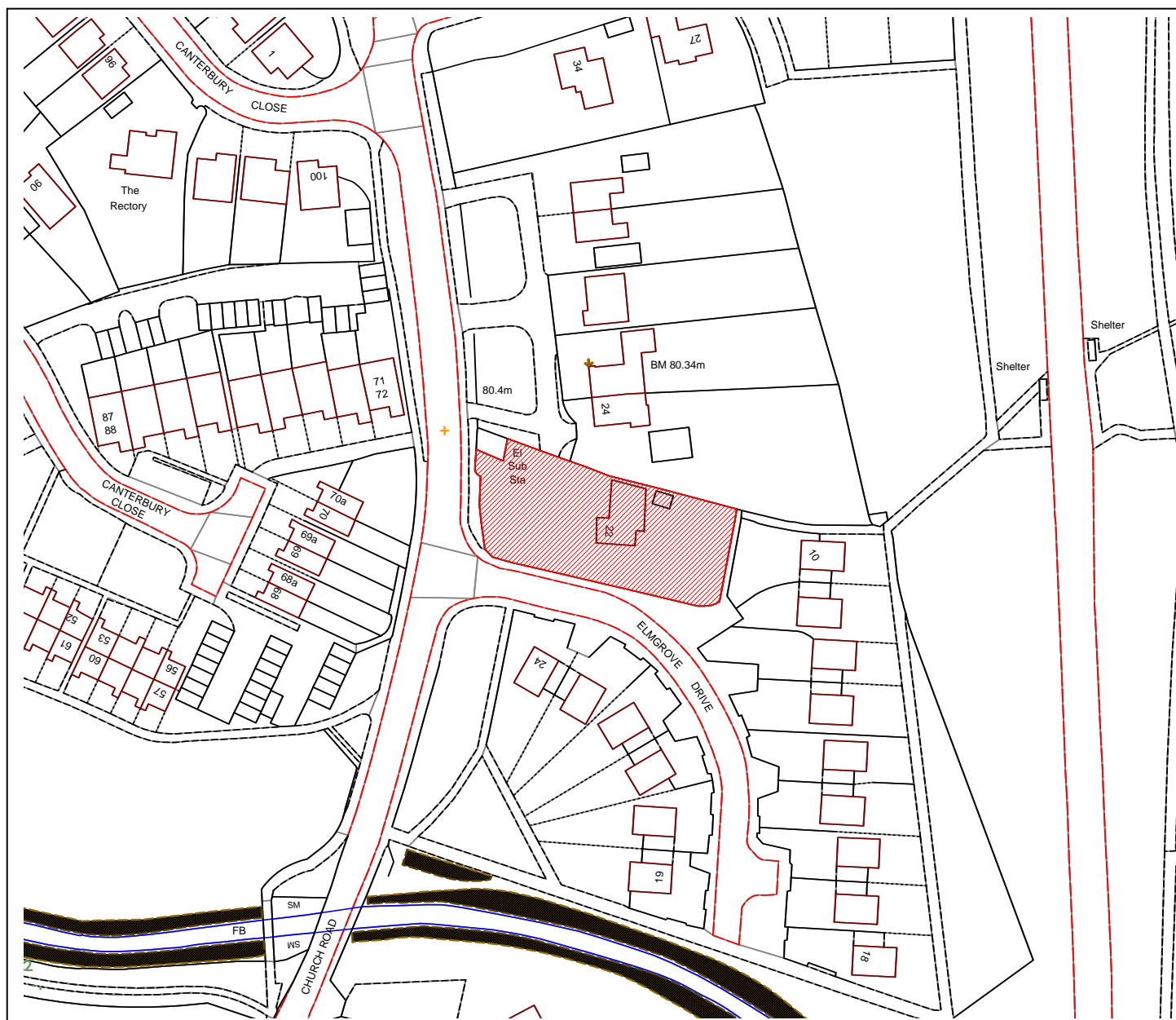
Applicant: Mr & Mrs J Allen
Date Reg: 3rd April 2007

Proposal: Erection of two storey rear extension with installation of 2no. dormer windows to form additional living accommodation. Modification to existing front dormer window.

Parish: Yate Town Council

Map Ref: 71608 83000

Ward: Yate North



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N.T.S

PK07/1056/F

INTRODUCTION

This application is referred to the Circulated Schedule following objections to the proposed scheme being received from a local resident.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to replace an existing dormer on the front elevation with one that is in keeping with 2no. existing dormers within the roof plan. The proposed seeks also seeks consent for a two-storey rear extension with 2no. rear dormers. The extension will follow the side building lines and would have a maximum depth of 3.4 metres and would span the width of the rear building.
- 1.2 The subject building is a large detached dwellinghouse, circa 1930's with an unusual roof form with dormer windows at first floor level. Views of the house and curtilage are screened in part due not only to the close-boarded fencing, but also a line of mature trees running along the boundary lines.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Curtilages including Extensions
- 2.3 Supplementary Planning Guidance
South Gloucestershire Council Advice Note 2 – “House Extensions”

3. RELEVANT PLANNING HISTORY

- 3.1 None of relevance.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection unless there is a condition against non-severance.

Clarification of the initial comments of Yate Town Council have been sought and the result is that the word “unless” has replaced “subject to” previously put forward by Yate Town Council. To address this issue, although it is not considered that there appears to be any intention to subdivide the property from looking at the configuration of the rooms, if this were to take place, planning permission would be required regardless and so the imposition of such a condition would be unnecessary and thus fail one of the tests of conditions as set out in Circular 11/95.

Other Representations

4.2 Local Residents

1no. consultation response was received from the local resident which expressed the following summarised objection to the proposed scheme:

- The siting of the rear upstairs windows would lead to overlooking to the detriment of privacy levels.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to existing dwellings subject to criteria relating to scale and design, highways, and impact upon visual and residential amenity.

Design/ Visual Amenity

5.2 The proposed dormer to the front would result in an run of three identical dormers as opposed to two and one odd on at the end of awkward proportions. The proposed dormer would therefore be a visual gain.

5.3 With regards to the rear extension, its scale, design and materials are considered to be in keeping with the host building and so if approved, would not result in any loss of visual amenity.

Residential Amenity

5.4 The shared boundary between the application site and the neighbouring property is demarcated by standard close-boarded fencing at around 1.8 metres in height with trellising then on top. It is noted that within the rear garden of the neighbouring property is a large detached double outbuilding that has been extended to the rear and also has a "lean-to" canopy structure that appears to infill the space between the walls of the garage and the shared boundary line. It is also noted that the neighbouring property has been extended with a substantial two-storey rear extension projecting out into the garden, and neither this addition nor the additions to the garage appears on the o.s. plan.

5.5 When assessing the effect of overlooking, although the first floor windows within the proposed extension would be afford a view across the rear of the neighbour's garden, this view would be dominated by the substantial rear garage structure and the lean-to roof. Although undoubtedly there will be some views of the neighbour's garden, these views will not be of the most sensitive areas which are considered to be directly to the rear of the dwelling.

5.6 Therefore although the first floor windows to be inserted into the proposed rear extension would overlook the neighbouring property, it is not considered that the level of overlooking would be to such a degree that would be detrimental to privacy levels. Moreover, it can be noted that the level of overlooking would not be out of keeping with existing levels of overlooking, as although the neighbouring property is not overlooked to the rear, it is a semi-detached house that is overlooked by its adjoining neighbour.

5.7 In conclusion there are no objections to the proposed scheme on the grounds the residential amenity.

5.8 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK07/1056/F**

Contact Officer: Robert Nicholson
Tel. No. 01454 863536

CONDITIONS

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

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 20/07 - 18 MAY 2007

App No.: PK07/1123/F
Site: 55 Bath Road Bitton BRISTOL South Gloucestershire BS30 6HT
Proposal: Erection of two storey rear extension to form extended living/dining room and utility with bedroom above.
Map Ref: 67760 69899

Applicant: Mr & Mrs Fletcher
Date Reg: 11th April 2007
Parish: Bitton Parish Council
Ward: Bitton



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N.T.S

PK07/1123/F

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for a two storey rear extension. An existing conservatory will be demolished as part of the development.
- 1.2 The application property comprises of a detached two storey chalet style dwelling. It is located within a rank of eight identical style buildings. However, the majority of these have been altered by subsequent extensions. The site is also within the Bitton Conservation Area.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS 1 - Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 – Achieving Good Quality Design
H4 – Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L12 - Conservation Areas
- 2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note 2: House Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/0800/F Erection of rear conservatory.
Approved with conditions, 31st May 2000.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Raised a concern that the extension could potentially impact the neighbouring property, No. 53. They also queried whether the 'insertion of rooflights' should be specifically included as part of the title.

Other Representations

- 4.2 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.
- 5.2 Design/Visual Amenity
The application seeks full planning permission for a two storey rear extension. This would project 4 metres into the rear garden and measure 6 metres in

width. It replicates the existing eave and ridge height so that the extension flows continuously off the rear of the building. As a result of the detached nature of the dwelling and the way in which the extension would integrate with the existing dwelling together with, its simple design, and the chosen construction materials, which would match the existing palette of materials found in the dwelling, it is considered to be an appropriate addition to the dwelling and streetscene. This judgement is reinforced by the granting of permission for a similar style and size extension (4 metre rear projection) at No. 61 Bath Road in 2002. (PK02/1566/F Erection of attached garage and side and two storey rear extension). In light of this it is considered that the development would not harm the character of the existing streetscene. Furthermore, the Council Conservation Officer has assessed the development and raises no objection. She notes the property is a modern house and consequently she has no objection to the proposed extension which will not be visible in views.

5.3 Residential Amenity

Overbearing Analysis

Concern was raised by Bitton Parish Council that the extension could potentially impact upon No. 53 Bath Road.

In terms of the depth of the proposal the Council's guidance contained within Advice Note 2: 'House Extensions' stipulates that rear extensions should not exceed '3 metres from the main original wall of the building'. However, this guidance only relates to terraces or semi detached dwellings, and extensions that are to be sited immediately on the boundary of the adjoining property; which is not the case in this application. It will be sited 3 metres from the boundary with No. 57 to the east and 0.5 metres from the boundary with No. 53 to the west (and 3.5 metres from the house itself). Accordingly, despite its depth, it is not considered that an overbearing impact will be felt by either of the adjoining neighbours

5.4 Privacy Analysis

One velux style rooflight will be located on each roof plane but owing to the neighbouring properties having only obscure glazed windows located in the side elevations and no windows in their roof planes, it is considered a loss of privacy will not occur. In respect of the Parish Council's comment that the rooflights should have been included in the description – it is not necessary to include all external alterations in a description.

5.5 Amenity Space

Whilst the extension does project into the rear garden sufficient garden space (front and rear) will remain to serve occupiers of the property.

5.6 Highway Safety Analysis

As the extension is located at the rear of the property it will not impact on the property's parking arrangements, located at the front of the house, nor will it prejudice highway safety.

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** subject to the following conditions:

Background Papers **PK07/1123/F**

Contact Officer: **Edward Purnell**
Tel. No. **01454 863056**

CONDITIONS

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

Reason

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

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

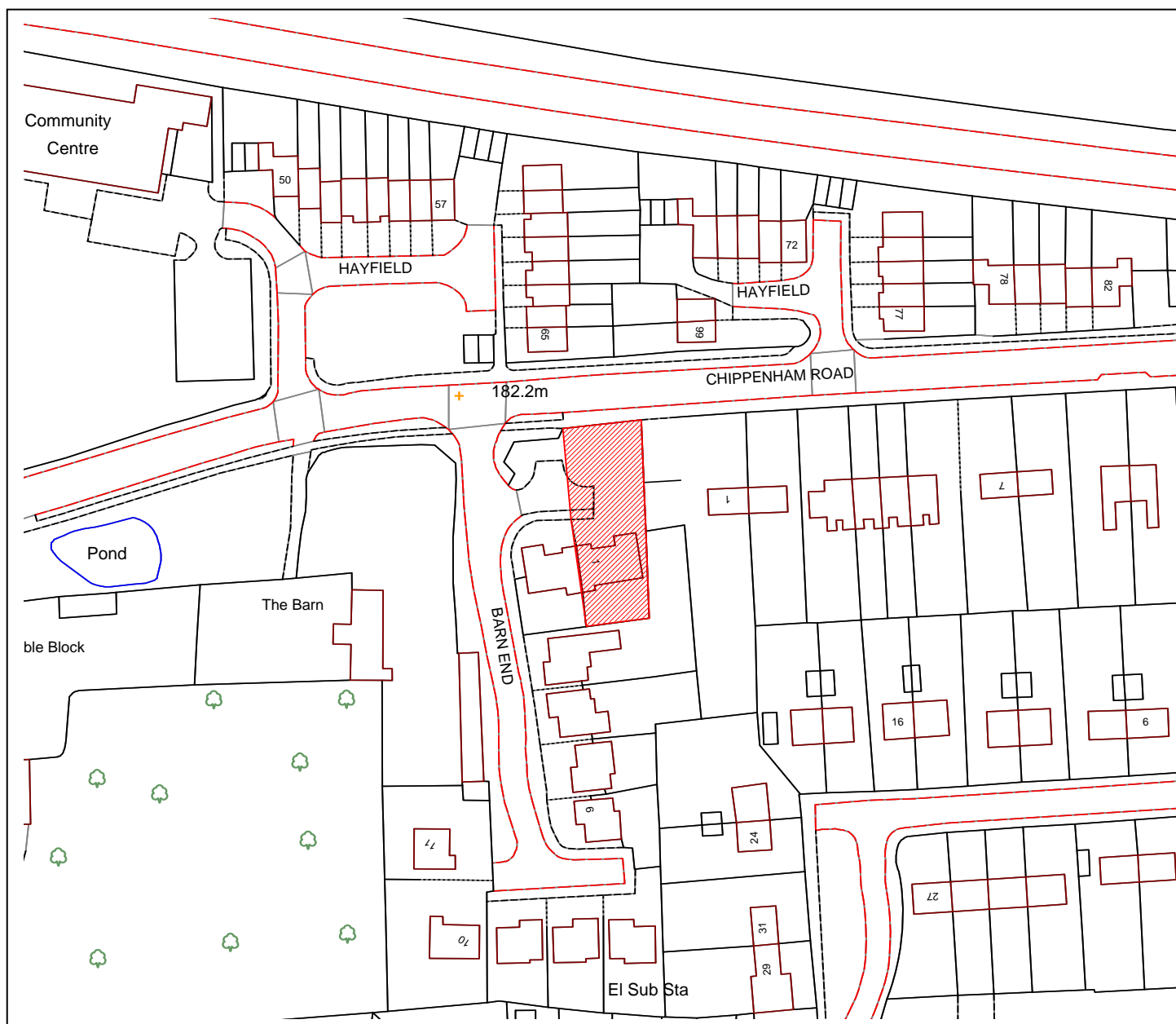
Reason

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

CIRCULATED SCHEDULE NO. 20/07 - 18 MAY 2007

App No.: PK07/1222/TCA
Site: 1 Barn End Marshfield CHIPPENHAM
 South Gloucestershire SN14 8PE
Proposal: Works to remove 2 no. Cherry trees and
 remove large central limb of 1 no.
 Sycamore Tree situated within the
 Marshfield Conservation Area.
Map Ref: 78385 73801

Applicant: Mr & Mrs K Gooden
Date Reg: 18th April 2007
Parish: Marshfield Parish
 Council
Ward: Boyd Valley



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N.T.S

PK07/1222/TCA

INTRODUCTION

This application appears on the Circulated Schedule due to the receipt of a letter of objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks consent to carry out works to fell 2 Cherry trees and remove one limb from a Sycamore tree. One of the cherry trees and the Sycamore tree are growing in the front garden of the property – the second Cherry tree is within the rear garden.
- 1.2 The application states that the works are to be carried out to remove the rear cherry tree as it drops seeds and overshadows the rear garden. The front cherry tree is to be removed as it is impeding existing parking spaces and overshadowing the garden. Works are to be carried out to the Sycamore for health and safety reasons.
- 1.3 During the course of the application the description has been amended so it no longer includes works to a Beech tree and a Horse Chestnut tree. These works are subject to a TPO and thus a separate TPO application will be submitted.
- 1.4 Since the submission of this application, one of the cherry trees has been felled without consent. This application would rectify the situation.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable development

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement
- L13 Conservation Areas

3. RELEVANT PLANNING HISTORY

- 3.1 None relating to trees

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
Objects to the application on the basis that there is insufficient justification for the removal of the trees. The Parish Council feels that serious consideration should be given to pruning/crowing as an alternative.

Other Representations

- 4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 The trees are situated within the property of 1 Barn End, Marshfield. Cherry 1 is growing in the rear garden of the dwelling in close proximity to the boundary wall. The tree appears to be healthy however given the placement of the tree it would not be worthy of a Tree Preservation Order and therefore the works to remove the tree must be allowed (This tree has already been felled).

Cherry 2 is growing in the front of the property and also appears to be healthy. The proposal is to remove this tree on the grounds of health and safety due to the dropping of fruit, loss of light and overhanging branches of the parking space. Applications for works to trees within conservation areas are assessed on the merits of the tree alone and consideration for minor inconveniences such as lack of light or leaf/fruit drop are not taken into account. However, due to the proximity of other more significant trees the tree is not worthy of a Tree Preservation Order.

Sycamore - The tree is situated in the front of the property near the boundary. The tree appears to be healthy although the limb proposed for removal is subject to rubbing by an adjacent branch which could cause the limb to fail and has already caused the malformation of the limb. The tree should respond well to the removal of the limb and it should ensure that it continues to contribute to the character of the conservation area.

6. CONCLUSION

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

The 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 No objection

Background Papers **PK07/1222/TCA**

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

CIRCULATED SCHEDULE NO. 20/07 – 18 MAY 2007

App No.: PT06/0529/RVC

Applicant: Dick Lovett
Companies Limited

Site: Porsche Centre Cribbs Causeway
Easter Compton BRISTOL South
Gloucestershire BS10 7TU

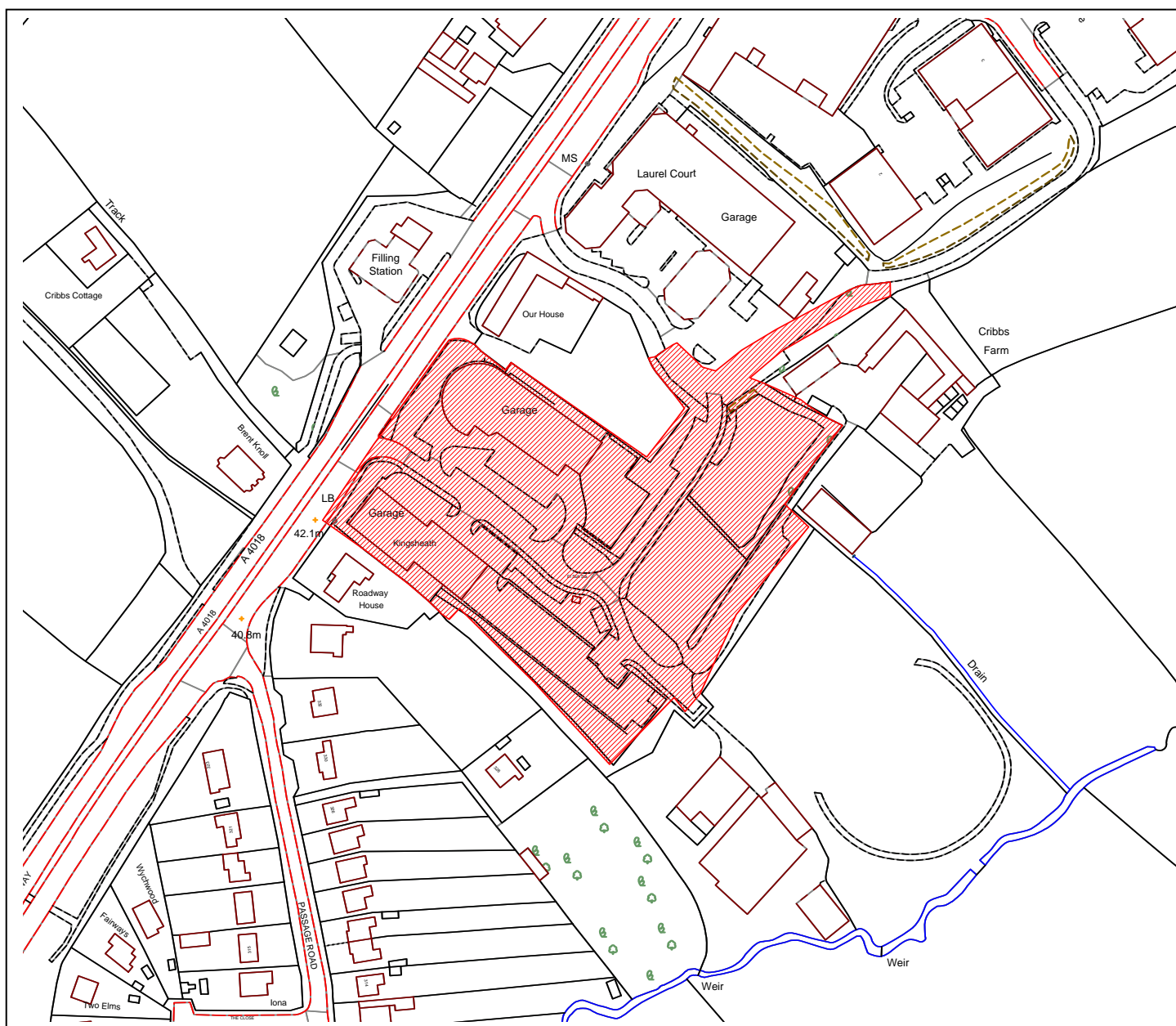
Date Reg: 16th February 2006

Proposal: Variation of Condition 5 attached to
planning permission PT02/2706/F
(restricting the hours of working)

Parish: Almondsbury Parish
Council

Map Ref: 57158 80312

Ward: Almondsbury



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N.T.S

PT06/0529/RVC

1. THE PROPOSAL

- 1.1 The site consists of a car showroom, service area and associated car-parking and landscaping. The development was approved under planning application PT02/2706/F.
- 1.2 This application seeks to make a variation of condition 5 of the above planning consent to extend the approved hours of operation to allow the cleaning and essential maintenance of the building.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
E3 Employment Development in the Urban Areas
EP4 Noise Sensitive Development
- 2.3 Supplementary Planning Guidance
None Relevant

3. RELEVANT PLANNING HISTORY

- 3.1 PT02/2706/F Erection of car showrooms and associated offices, service workshops, parking and landscaping.
Approved

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
The Parish Council would like to object to this application on the basis that any noise from the site would affect neighbouring residential properties. The Parish Council would like to see the condition remain.
- 4.2 Patchway Town Council
The Parish Council object to the application on the basis that it would adversely affect the environment of the residents.
- 4.3 Sustainable Transport
No Objection
- 4.4 Local Residents
2 Emails have been received during the consultation process associated with this planning application. The comments can be summarised as follows
- 4.5 The site has been referred to the Planning Enforcement Team on a number of occasions with complaints relating to late driving activity, noise and continued construction outside the approved hours.
- 4.6 The continuous flouting of the approved hours shows a contempt for the local residents and the Local Planning Authority
- 4.7 Cleaning and Mowing of Lawns can be carried out within normal business hours.

- 4.8 The proposed extension of the approved hours would result in an unacceptable impact upon local residents as a result of noise.

5. ANALYSIS OF PROPOSAL

- 5.1 The subject planning condition (condition 5 of PT02/2706/F) reads;

The hours of working at the premises shall be restricted to 08.00am to 18.30pm Monday to Friday, 08.00am to 13.00pm 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E2 of the South Gloucestershire Local Plan (Revised Deposit Draft).

- 5.2 Since the issuing of the above decision the South Gloucestershire Local Plan has been adopted. Policy E2 referred to above is now Policy E3.

- 5.3 The applicant has suggested that the above hours are extended to 06:00 until 23:00 Monday to Saturday, and no working during Sunday and Bank Holidays.

5.4 Principle of the Development

The site is located within the Bristol North Fringe and has now been fully implemented. Essentially, the principle of the development has been established. The purpose of this application is to address the proposed time extensions in relation to condition 5 of the planning consent (PT02/2706/F). In this instance, the assessment of this planning application will take account of the reasons for the variation and will consider purpose of the current wording of the condition. This is considered below.

5.5 Operational and Noise Considerations

Clearly there are several different operational issues relating to this site. These can be separated into the following; Sales of Cars, Servicing of Cars; Deliveries of Cars and Car Parts; Maintenance of the sales showroom/servicing building and Grounds Maintenance. Condition 5 of PT02/2706/F restricts the operation of the site across all of the above elements to '08.00am to 18.30pm Monday to Friday, 08.00am to 13.00pm on Saturday and no working shall take place on Sundays or Public Holidays'; in order to protect the amenities of local residents from excessive noise.

- 5.6 Given that there is a wide variety of activities on this site it is considered that Condition 5, as worded, is vague and as such is not reasonable. The reason for the submission of this application is that the operator of the site wishes to carry out cleaning and routine maintenance in respect of the building and to the grounds. Nonetheless, the suggestion that condition 5 simply be extended to a much wider time period is not considered appropriate given that some of the activities could generate levels of noise that would not be acceptable in the early hours of the morning or late in the evening. Rather than extending the

times stated in the current wording of condition 5, it is considered more appropriate to separate the activities associated with the site and replace condition 5 with several, more precise conditions that take account of each activity on a more individual basis. It is considered that for the purposes of these conditions, the activities are separated into those that could potentially generate high levels of noise, such as deliveries, test driving during sales opening times and grounds maintenance; and less noisy activities, such as cleaning (including windows).

- 5.7 The site is currently operating on the following basis. The Sales Room is open from 08:30 until 18:00, Monday to Friday and 08:30 until 17:00 on Saturday. The Sales Room is closed on Sundays and Bank Holidays. (The sales room is currently operating in breach of condition 5 in respect of Saturday opening hours). The servicing/repair workshops and parts sales are operational from 08:00 until 18:00 Monday to Friday and 08:30. This element is closed on Sundays and Bank Holidays. Deliveries are carried out Monday to Friday during Sales Room operating hours. No deliveries take place at the weekend or during Bank Holidays. Similarly, grounds maintenance is carried out Monday to Friday during Sales Room operating hours. Cleaning is carried out by a private cleaning company and takes place between 17:30 and 19:00 on opening days, with windows being cleaned as and when required from 7:00 during opening days. (This cleaning activity is currently carried out in breach of Condition 5).
- 5.8 Although Saturday Sales and cleaning activities are in breach of the current wording of condition 5, it is considered that the above operation is acceptable and there is no material impact upon the residential amenity of the occupants of nearby dwellings as a result of noise. The Local Planning Enforcement Team has not dealt with any further complaint relating to Condition 5 since August 2005. This particular action has now ceased. There is no record of a complaint relating to noise held with the Environmental Health Officer.
- 5.9 On the basis of the above assessment, the following conditions are considered appropriate and adequately address the unreasonable nature of the current wording of Condition 5.
- i) The sale of motor vehicles from this premises shall be restricted the hours of 08:30 until 18:00, Monday to Friday and 08:30 until 17:00 on Saturdays. No sales of motor vehicles shall take place on Sundays or on Public Holidays; unless the Local Planning Authority agrees to any variation in writing.
 - ii) The servicing or repair of motor vehicles or sales of spare autoparts from this premises shall be restricted the hours of 08:00 until 18:00, Monday to Friday and 08:30 until 12:00 on Saturdays. No repair of motor vehicles or sales of autoparts shall take place on Sundays or on Public Holidays. The term 'autoparts' shall, for the purpose of clarification of this condition, mean parts used in the repair, modification or servicing of motor vehicles; unless the Local Planning Authority agrees to any variation in writing.
 - iii) The hours of deliveries to the premises shall be restricted to 08.00am to 18.00pm Monday to Friday and no deliveries to the premises shall take place on Saturdays, Sundays or Public Holidays.

- iv) Grounds Maintenance at the premises shall only be carried out between the hours of 08:00 and 18:00, Monday to Friday and no grounds maintenance shall take place on Saturdays, Sundays or Public Holidays; unless otherwise agreed in writing by the Local Planning Authority. The term 'Grounds Maintenance' shall, for the purpose of clarification of this condition, mean the mowing of lawns and the tending to planted borders and shrub planting only.
- 5.10 The reasons for the above conditions is that they are in the interest of the residential amenity in the surrounding locality. Given that general cleaning activities would not generate any significant levels of noise, it is not considered that an condition restricting the carrying out of these activities to specific times is appropriate.
- 5.11 Transportation
Given the nature of this application, it is not considered that there would be any additional impact upon highway safety and amenity in this locality.
- 5.12 Design and Access Statement
A Design and Access Statement is not required with this planning application.
- 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 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the previous planning consent be varied subject to the subject to the following conditions.

Background Papers **PT06/0529/RVC**

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

CONDITIONS

- 1 This Planning Permission shall be read in conjunction with the associated Planning Permission Under PT02/2706/F dated 28th August 2002.

Reason(s):

To minimise disturbance to occupiers of nearby residential dwellings and to accord with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 2 The sale of motor vehicles from this premises shall be restricted the hours of 8:30 until 18:00, Monday to Friday and 08:30 until 17:00 on Saturdays. No sales of motor vehicles shall take place on Sundays or on Public Holidays; unless the Local Planning Authority agrees to any variation in writing.

Reason(s):

To minimise disturbance to occupiers of nearby residential dwellings and to accord with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 The servicing or repair of motor vehicles or sales of autoparts from this premises shall be restricted the hours of 08:00 until 18:00, Monday to Friday and 08:30 until 12:00 on Saturdays. No or repair of motor vehicles or sales of autoparts shall take place on Sundays or on Public Holidays. The term 'autoparts' shall, for the purpose of clarification of this condition, mean parts used in the repair, modification or servicing of motor vehicles; unless the Local Planning Authority agrees to any variation in writing.

Reason(s):

To minimise disturbance to occupiers of nearby residential dwellings and to accord with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 4 The hours of deliveries to the premises shall be restricted to 08.00am to 18.00pm Monday to Friday and no deliveries to the premises shall take place on Saturdays, Sundays or Public Holidays.

Reason(s):

To minimise disturbance to occupiers of nearby residential dwellings and to accord with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

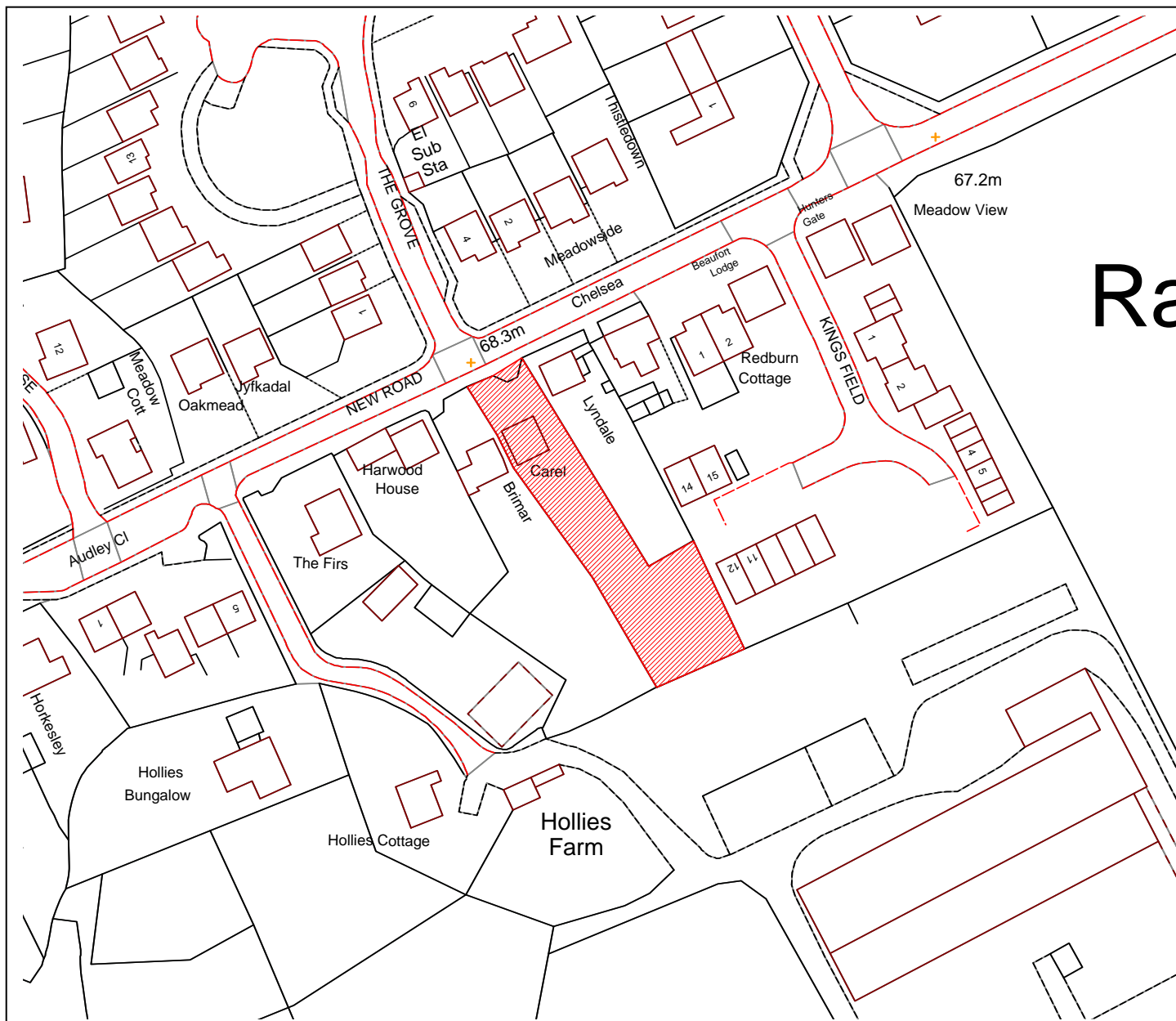
- 5 Grounds Maintenance at the premises shall only be carried out between the hours of 08:00 and 18:00, Monday to Friday and no grounds maintenance shall take place on Saturdays, Sundays or Public Holidays; unless otherwise agreed in writing by the Local Planning Authority. The term 'Grounds Maintenance' shall, for the purpose of clarification of this condition, mean the mowing of lawns and the tending to planted borders and shrub planting only.

Reason(s):

To minimise disturbance to occupiers of nearby residential dwellings and to accord with Policy E3 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 20/07 – 18 MAY 2007

App No.:	PT07/0760/F	Applicant:	Mr A Lock
Site:	Carel New Road Rangeworthy BRISTOL South Gloucestershire BS37 7QH	Date Reg:	12th March 2007
Proposal:	Erection of detached double garage for Carel, New Road, Rangeworthy. Erection of 3no. dwellings with car spaces and associated works.	Parish:	Rangeworthy Parish Council
Map Ref:	69355 85820	Ward:	Ladden Brook



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N.T.S

PT07/0760/F

INTRODUCTION

This application has been placed on the circulated schedule as there have been a number of objections to the proposal.

1. THE PROPOSAL

- 1.1 This application seeks full permission for the erection of three terraced dwellings, and a double garage for Carel.
- 1.2 The proposed units will comprise of 3 symmetrical, 3 bedrooms dwellings. The dwellings will be three storeys high, with each having an integrated garage. It is this, which is the reason for them being three storeys high. The houses will also have a parking space each against the western edge of the site. Access to the site is via the new residential development at Chelsea which is now known as Kings Field.
- 1.3 The proposed development has also accommodated the two parking spaces lost by creating the access in via Kings Field. These spaces will be located between the existing and new development next to plot 3.
- 1.4 The application site lies to the west of Kings Field (nee Chelsea) and is presently used as the residential garden of a property known a Carel. The owner of Carel still wishes to retain a rear access, so a double gate is proposed which will allow access on to the proposed turning area. A replacement double garage is proposed for Carel, and will be built near the rear entrance.
- 1.5 The application site has an area of some 0.049 hectares, and is roughly rectangular in shape. The site is predominantly flat with some mature landscaping along its Southern boundary. The site is inside the limits of the established village settlement boundary of Rangeworthy.
- 1.6 This application is a resubmission of PT06/3646/F which was submitted in late 2006. This was withdrawn earlier this year due to concerns over the design of the dwellings, landscaping, and layout of the site. These issues have since been addressed in discussions between the applicant and the Council prior to this submission.

2. POLICY CONTEXT

- 2.1 National Guidance
 - PPS1 Delivering Sustainable Development
 - PPS3 Housing
 - PPG1 Transport
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Quality Design in New Development
 - L17 The Water Environment
 - EP1 Environmental Pollution
 - H2 Proposals for Residential Development within the existing Urban Area and Defined Settlement Boundaries
 - T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Document
Design Checklist (Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/3646/F Erection of 3 dwellings.
Withdrawn

4. CONSULTATION RESPONSES

4.1 Rangeworthy Parish Council

The Parish Council objects to the scheme and raises the following issues:

- a) The design of the dwellings is unique in the area
- b) The buildings are high compared to the rest of the dwellings in the area.
- c) The dwellings will overlook adjacent properties
- d) There are problems in the area with the foul water system
- e) The layout of the turning head is unworkable in terms of dust carts manoeuvring

4.2 Sustainable Transport

Following the submission of an amended plan the Sustainable Transportation section have no objection to the scheme in principle. They do however raise the following points which should be achieved:

- a) Any proposed driveways should be constructed using a bound surface.

4.3 Local Residents

Two letters of objection have been received and they raise the following issues:

- a) Loss of privacy
- b) Overbearing Impact
- c) Hours of working
- d) Lack of landscaping / screening
- e) Inadequacies in sewage system in Rangeworthy
- f) Noise from New development
- g) Devaluation of surrounding properties
- h) Lack of amenities in Rangeworthy to accommodate the extra dwellings.
- i) Lack of parking spaces for the new development
- j) Impropriety on the part of the Council in determining the application

4.4 Environmental Health

No objection to the proposal

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 indicates that residential development at this site is acceptable in principle subject to set criteria being met. The criteria include development should not result in unacceptable levels of environmental impacts: the maximum density possible is achieved on the site: the development would not significantly prejudice residential amenity of surrounding properties: the proposals are not subject to unacceptable levels of noise, smell or dust contamination: and finally adequate provision must be made for education and leisure facilities. Policy D1

of the South Gloucestershire Local Plan (Adopted) January 2006 which is specifically concerned with the design of proposed new development and ensures that it is in keeping with the surrounding area.

5.2 Density

The density of the proposal is 60 dwellings per hectare, which is within the range advocated by PPS3 Housing. This is considered to be the maximum density achievable without compromising the character and appearance of the area, given the constraints of the site.

5.3 Design / Character

It is considered that the designs of the three proposed dwellings are in keeping with the area. This is in terms of their size, siting, and external appearance. The area as such is not characterised by any one style of property, they range from large detached dwellings to bungalows and semi-detached houses. A modern housing estate is next to the site, and it is this which primarily sets the context for the development of this site. The proposed dwellings follow the established building line on Kings Field so a continuous street frontage is created, thus a link is created to the neighbouring development. The proposed dwellings have a simple symmetrical external appearance with simple modern detailing. Thus they give the impression of rural cottages with a modern twist. This helps blend the historic buildings with the modern buildings in the area.

5.4 In order to reduce the level of visible parking, integral garages are suggested. The Garages are also big enough to accommodate cycle parking thus on street parking is kept to a minimum. Thus the proposed street scene will appear uncluttered.

5.5 In terms of landscaping of the site the applicant has provided an indicative schedule but a condition will be added requiring a detailed scheme to be submitted. This will assist in blending the scheme in with the rest of the area, as well as improve the privacy between the new and existing scheme.

5.6 Residential Amenity

It is considered that that overall the proposal will not unreasonably impact upon the amenities of any of the surrounding properties. The proposed properties are located sufficiently far away from the Lyndale cottage and Brimar (40 and 48 metres respectively window to proposed window). A landscaping scheme is proposed between the new and existing proposed development so this will help retain both parties privacy. There are also no residential amenity concerns from the new development at Kings Field.

5.7 Education and Community Services

Due to the small scale of the proposal no contributions are required for community services provision or education facilities.

5.8 Transportation

Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 specifically deals with the transportation implications of any new development.

5.9 It is considered that in terms of transportation issues, there is sufficient off street parking and cycle parking for the new development. There are also sufficient turning areas within the site to allow cars and other small vehicles to enter and leave the site in a forward gear. A condition is however required to

ensure the internal driveway will be constructed using a bound surface in order to stop any loose stones being carried onto the wider highway network which could cause a highway safety hazard.

5.10 The two parking spaces lost on the Kingsfield Developments as a result of knocking through the hedge have been accommodated next to plot 3 of the proposed development. Thus there will be no loss of parking on the new development. Also the position of the parking spaces are generally no further away from the allocated owners than the present situation.

5.11 In light of the above the scheme is considered acceptable.

5.12 Other Matters

A concern has been expressed over the capacity of the foul water sewage network in Rangeworthy, however the Council's drainage engineer has raised no objection to the proposal so from this it can be extrapolated that the network is capable of accommodating this development.

5.13 One of the objections raises concerns over the impartiality of the Council in determining the application and that the applicant knows the right people in the Council. This report clearly explains how the proposed has been assessed and how the scheme relates to all the policy criteria for development of this type in this location.

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 05/05 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/05 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 That planning permission is granted, subject to the conditions set out below.

Background Papers **PT07/0760/F**

Contact Officer: **Gareth John**
Tel. No. **01454 863438**

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 No development shall take place until details and 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 Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3 Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed second floor front windows shall be glazed with obscure glass only.

Reason(s):

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

- 4 No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times Monday to Friday 0730 to 18:00 and 08:00 to 1300 on a Saturday ; nor at any time on Sunday or Bank Holidays.

Reason(s):

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 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 all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing. 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 H2/D1/L1 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 first occupation of the dwellings hereby permitted . 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 H2/D1/L1 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 EP1 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 ensure that a satisfactory means of drainage is provided, and to accord with Policies EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(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, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

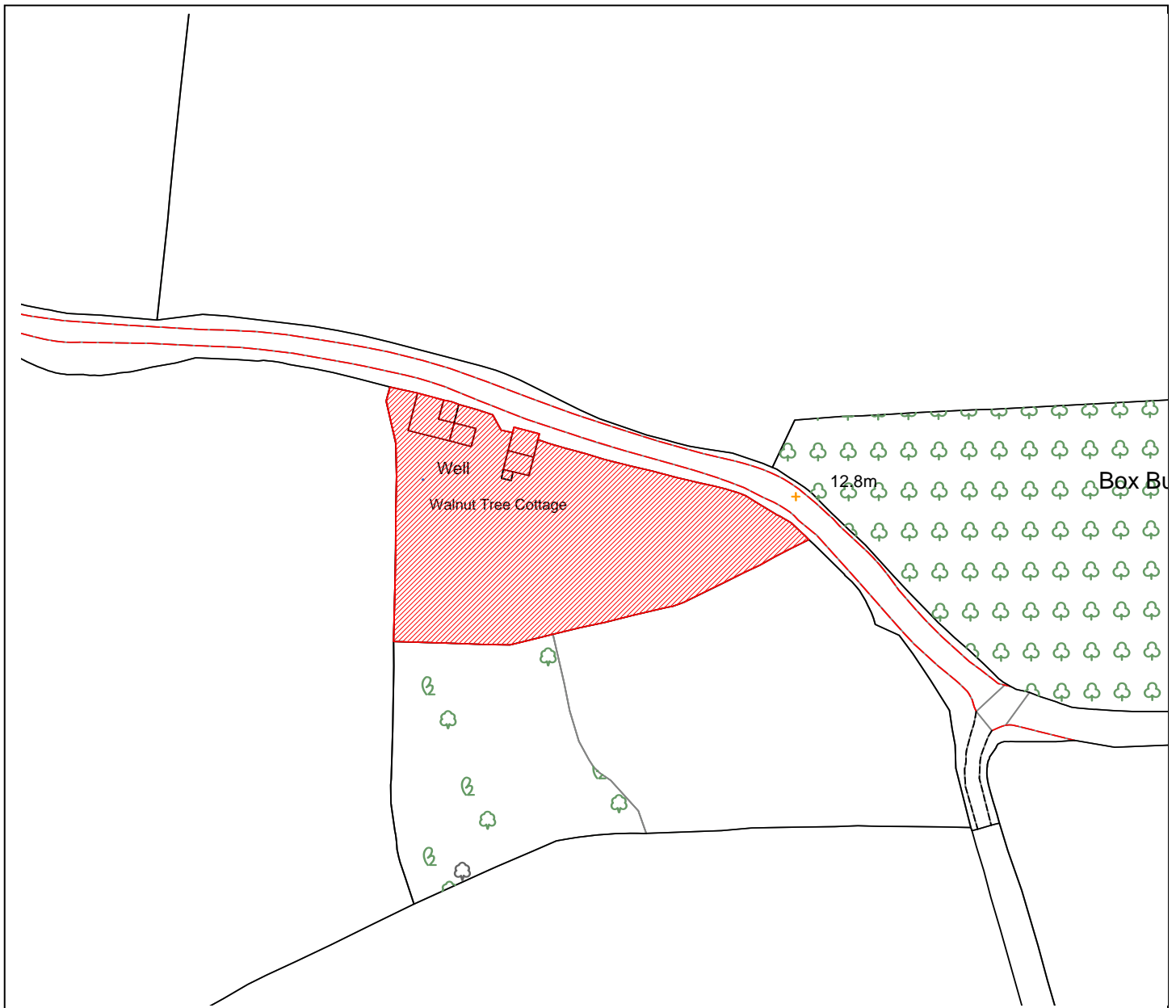
- 10 The building shall not be occupied until the associated parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. All facilities shall be finished in bound material. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

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.

CIRCULATED SCHEDULE NO. 20/07 – 18 MAY 2007

App No.:	PT07/1070/F	Applicant:	Ms E Hutton
Site:	Walnut Tree Cottage Ingst Road Elberton Olveston BRISTOL South Gloucestershire BS35 4AW	Date Reg:	4th April 2007
Proposal:	Reinstatement of roof to farmhouse and alterations to elevations to barn to facilitate re-use for residential and employment purposes ancillary and annexed to Walnut Tree Cottage.	Parish:	Olveston Parish Council
Map Ref:	58919 87873	Ward:	Severn



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INTRODUCTION

The application appears before Members as there is a letter of support. Some Members may recall the previous application (PT06/3326/F) which was refused by the Development Control West Committee.

1. THE PROPOSAL

- 1.1 This application relates to the re-habitation of an existing derelict farmhouse, barn and lean-to, including an extension and new roof at The Old Farmhouse, Ingst Road, Olveston for residential and employment purposes. The proposal applicant has indicated that it is to be annexed to Walnut Tree Cottage.
- 1.2 The application site lies in open countryside, outside any defined settlement boundary and is also within the Green Belt. The site has a large curtilage, which also contains the property of Walnut Tree Cottage.
- 1.3 It is proposed to utilise the ground floor of the attached barn for business use (Class B1) as a 'live-work' unit for the applicant and her brother, who currently reside in Walnut Tree Cottage along with their elderly mother.
- 1.4 The proposal provides a kitchen, utility room, dining room, lounge and workspace to the ground floor with two bedrooms and a bathroom above.
- 1.5 This application is similar to PT06/3326/F which went before the Development Control (West) Committee on 4 January 2007. The application is identical in every respect save for an amendment to the description that the use of the buildings are to be ancillary and annexed to Walnut Tree Cottage.
- 1.6 The following information has been submitted in support of the application:-
 - a) Personal Circumstances of Applicant and her family's Intentions – three family members would continue to occupy the site with no plans to subdivide the curtilage and dispose of the farmhouse and barn separately.
 - b) The intention is to retain the barn as workspace in conjunction with and ancillary to the Old farmhouse and Walnut Tree Cottage.
 - c) Intention that both applicant and her brother would work largely from home; thereby meeting the sustainable transportation concerns.
 - d) Proposal will have a positive effect on openness and visual amenities of the Green Belt.
 - e) Proposals accord with policies in adopted South Gloucestershire Local Plan.
 - f) Proposal does not amount to works of major or complete reconstruction.
 - g) Barn would not be viable as a stand-alone commercial unit.
 - h) Little or no positive land-use or planning advantage by leaving the buildings unused and allowed to decay.

- i) Condition could be imposed restricting occupation of Old Farmhouse as ancillary to Walnut Tree Cottage.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPS7	Sustainable Development in Rural Areas

2.2 Joint Replacement Structure Plan

Policy 16 Green Belts

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L3	Coastal Zone
L4	Forest of Avon
GB1	Development Within the Green Belt
E7	Conversion and Re-use of Rural Buildings
T12	Transportation Development Control Policy for New Development
H3	Residential Development in the Countryside
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H10	Conversion and Re-use of Rural Buildings for Residential Purposes

2.4 Supplementary Planning Guidance

Design Checklist (Consultation Draft September 2006)
Development in the Green Belt (Adopted May 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0210/F Re-use of derelict farmhouse, barn and outbuilding, including extension and new roof to facilitate residential use. Refused 20 February 2006 on the grounds that the residential use of the building has been abandoned and the degree of structural work required would result in development that is tantamount to the erection of a new dwelling.
- 3.2 PT06/3326/F Reinstatement of roof to derelict farmhouse and alterations to elevations to barn to facilitate re-use for residential and employment purposes (live-work). Alterations to access (Resubmission of PT06/0210/F). Refused 5 January 2007 on;
- a) sustainability grounds;
 - b) unsuitable for conversion without major works of reconstruction; and
 - c) the conversion would not be part of a scheme for business re-use but would have the residential element of the scheme as the primary function.

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council
No objection.

4.2 Sustainable Transport
No objection.

4.3 Local Residents
1 letter has been received supporting the application on the grounds that the visual aspect will be improved and the existing building will be retained and re-used.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As can be seen from the planning history, two similar applications have been refused. The main issue to consider in the first instance is whether the change to the description of the proposal means a different policy assessment should be made. The applicant has described the development as ancillary and annexed to Walnut Tree Cottage. This has been carefully considered, but it is concluded that the resultant development would not be ancillary nor function as an annex to Walnut Tree Cottage.

5.2 The following are a range of factors to lead to this conclusion:- a) size; b) not operated as one household; c) separated from Walnut Tree Cottage; d) range of facilities provided ie. kitchen/bathroom; e) although related it is not suggested that the occupants are dependant/reliant on care provision other than is normal support amongst adult relatives; f) a condition to retain as an annex could not be enforced as the Local Planning Authority do not consider it would function as an annex.

5.3 Therefore, it is maintained the resultant development would function as a separate dwelling house, albeit with relatives living as neighbours. A condition would not prevent this and therefore it is appropriate to apply the same policy tests that were applied to the previous application PT06/3326/F.

5.4 Abandonment

The farmhouse would appear to have been occupied as a residential property at some point. However, due to the derelict state of the farmhouse the issue of whether the residential use has been abandoned needs to be addressed. Abandonment is not a concept embodied in planning legislation, but has arisen out of case law. It has been held that where the issue of abandonment has been considered, there are four different factors that should be taken into account. These are a) the physical condition of the premises; b) the period of non-use; c) whether there had been any intervening uses; and d) evidence regarding the owner's intentions.

5.5 The physical condition of the farmhouse is ruinous – there is no first floor and it is roofless. Windows and doors are also missing and the building is overgrown with vegetation. The property is clearly uninhabitable and appears to have been that way for many years. However, the applicant has no knowledge of the last date that the building was occupied but has confirmed that there have been no

intervening uses. No evidence has been submitted with regard to the owner's intentions concerning the building.

5.6 Having regard to the above, Officer's have made the judgement that for all intents and purposes, the use of the building for residential purposes has been abandoned.

5.7 Planning Policy Considerations

Advice contained within PPG2 and PPS7 provides guidance to the re-use of buildings in the countryside. National policy supports the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. The re-use of such buildings for economic purposes is preferred, but residential conversions may be more appropriate in some locations and for some types of building. Although this advice is specifically directed to new uses, it is considered that resumption of abandoned residential uses must fall within this policy. As such policy H10 of the adopted plan is relevant. This policy allows for the conversion/re-use of rural buildings for residential purposes outside settlement boundaries and urban areas only where the following criteria are complied with:-

A. All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use;

The Council's first priority is to ensure that buildings are re-used for purposes which make a positive contribution to the rural economy as outlined in PPS7. It is not considered that the proposal would amount to a "live/work" unit. The application proposes the ground floor of the attached barn to be used as workspace for the purpose of the applicant and her brother to be able to work from home. However, only a small proportion of the overall building is to be used for business purposes as a "live/work" unit, with the residential element the primary function. The residential use is clearly not a subordinate part of a conversion to business re-use.

The applicant's agent has submitted that the barn would not in their opinion be a viable candidate for conversion into a stand-alone commercial unit due to a) its limited size and cost of conversion; b) commercial use would result in loss of amenity to occupiers of Walnut Tree Cottage; c) location of site is away from main roads and population centres; d) suspect that limited telecommunication facilities are available at this isolated site. However, the application has not been accompanied by a statement clearly showing that every reasonable attempt to secure a suitable business re-use has been made and has failed, and the building has not been marketed for business purposes.

In response to the agent's opinion, a B1 use is, by definition, capable of being undertaken within any residential area. It is considered that the limited size of the building would restrict vehicle/ staff numbers so ensuring that existing residential amenities would not be compromised. No evidence has been submitted to indicate that a transportation objection would be raised to any commercial use. As such it has not been demonstrated that all reasonable attempts have been made to secure a suitable business re-use and the proposal fails this policy criterion.

B. The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction;

The Council's Structural engineer has visited the site and has considered the submitted structural report and makes the following comments:-

The un-roofed section of the building is in very poor condition. The ingress of water into the solid random rubble stone has deteriorated the mortar to such an extent that it would be difficult to re-point the walls without taking down excessive areas of stonework. The walls to this section of building have been seriously affected by vegetation that there is multiple signs of distress, i.e. cracking and spalling of mortar. The sections of wall that would need to be taken down and repaired would affect the stability of the adjacent stonework and as such collapse of sections of the wall is likely. Considering the amount of structural movement to this building which is currently unloaded with no floors or roof, concerns are raised with regard to the foundations capability to safely transmit further imposed dead loads. It is considered that this section of the building would require extensive re-building works and possibly underpinning.

The lean-to section of the building also has severe structural problems and has pulled away from the main building. It is covered in vegetation, which is likely to have affected the stability of the ground supporting the foundations. Considering the structural movement and possible foundation problems it is considered that this section is not suitable for conversion.

The two storey section which is currently roofed appears to be structurally sound to the front and rear elevation, however, the internal gable requires re-building and the external gable facing the existing cottage has a severe crack which is indicative of differential movement of the foundations. It is likely that underpinning would be required as well as rebuilding of the gable end. The roof was not visible from inside the building and would need assessment.

In conclusion the condition of the random rubble stone walls would require extensive repairs. Due to the deterioration of the mortar, when repairing such walls, it is inevitable that sections of the wall will need to be taken down. Areas of collapse are common in such repairs. The lean-to section and areas of the main buildings will require underpinning. New floors and roof structures will also be required. It is not accepted that "reinstatement is likely to be in the order of 10% of the total area". As such the proposal will require excessive rebuilding works and as a consequence fails this criterion.

C. The buildings are in keeping with their surroundings in terms of character, form, bulk and overall design;

The buildings are traditional in nature, of stone built construction and are considered to be in keeping with the locality. As such the proposal complies with this criterion.

D. Development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area;

The proposal involves the erection of single storey side/ rear extension as well as the conversion of the adjacent barn to living accommodation. It is considered that the proposed extensions are, on balance, acceptable, subject to cosmetic changes such as smaller roof lights, and all window casements to be of timber construction rather than a mixture of timber and upvc. As such the proposal complies with this criterion.

E. The building is well related to an existing settlement or other groups of buildings.

The building is not well related to an existing settlement and is quite isolated in its location. The only other building within the vicinity is that of Walnut Tree Cottage, within the application site. The nearest settlement is that of Olveston, which is located approximately 1 mile away. The proposal would create an additional, isolated dwelling within the countryside that is poorly related to existing services and as such the proposal is not appropriate in this location in terms of sustainability issues and fails this policy criterion.

5.8 Green Belt Issues

Also of importance is PPG2. The site lies within the Green Belt but the re-use of existing buildings is not deemed inappropriate development subject to the proposal not having a materially greater impact on the openness of the Green Belt than presently exists; strict control is exercised over any extension; the buildings are of permanent construction and are capable of conversion without major or complete reconstruction and the form, bulk and general design of the buildings are in keeping with the locality. Although the proposal is unlikely to compromise the openness of the Green belt to a great extent this proposal still fails the relevant policy criteria as already outlined under policy H10 and GB1 above in terms of the degree of rebuilding works.

5.9 Employment Issues

The proposal, as it incorporates an element of office space for home working, also needs to be assessed against policy E7 of the adopted local plan. This policy allows for the conversion and re-use of existing buildings for employment uses outside urban areas and settlement boundaries provided the buildings are structurally sound and capable of conversion without major or complete reconstruction; the buildings are in keeping with their surroundings and any extension or alterations would not have a harmful effect on the character of the countryside or the amenities of the surrounding area. As previously discussed, the main issue is the structural state of the building and the proposal will result in major or complete reconstruction works. Furthermore, the proposed conversion is not considered to be part of a scheme of business re-use as the residential element of the scheme is the primary function – only a small proportion of the building is for business use. It is not considered that this would amount to use as a “live/work” unit.

5.10 Other Policy Considerations

Reference has been made by the applicant’s agent to Policy H4 of the adopted Local Plan, stating that this policy has more relevance than policies H10 and E7 as it specifically relates to development within existing residential curtilages. However, the supporting text to this policy also sets out the limited circumstances in which new dwellings within the curtilage of existing dwellings might be acceptable outside defined settlement boundaries, and policy H3 is applicable in this instance. Policy H3 does not permit new residential development outside settlement boundaries unless it is for affordable housing

on rural 'exception sites'; is for agricultural or forestry workers or relates to a replacement dwelling. The proposal does not relate to any of the above. Although the applicant proposes to reside in the converted building, with her brother and mother residing in Walnut Tree Cottage, for all intents and purposes the building will clearly be occupied as an independent residential unit. It is detached from the main residence, is a two bed property with separate facilities and will have its own services. As such it must be viewed as a new residential unit within open countryside and therefore fails policies H3 and H4 of the adopted local plan.

- 5.11 Advice contained within PPS1 is also particularly relevant as it stresses the importance of achieving sustainable development through the planning system. Although it encourages the re-use of buildings it stresses that they must be suitably located – ie in sustainable locations. This advice is also reflected in PPS3. The creation of new isolated dwellings in the countryside, poorly related to existing services, will normally require special justification, for example where they are essential to enable agricultural workers to live close to their place of work. The site cannot reasonably be described as sustainable - there are no facilities within close proximity to the site and the private motor vehicle is likely to be the predominant mode of transport. Consequently, the site is considered inappropriate for additional residential re-use. The relationship of the building is detached from Walnut Tree Cottage and the size of the building is substantially larger than what would normally be considered annexed accommodation. Indeed, the proposal provides separate kitchen and bathroom and has 2 double bedrooms. The building could clearly be inhabited independently without having any relationship with Walnut Tree Cottage.

5.12 Design and Access Statement

The Design and Access Statement submitted with the application is not considered to demonstrate that the applicant has adopted a design approach consistent with the Council's Design Checklist Supplementary Planning Document (Consultation Draft).

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

7. RECOMMENDATION

- 7.1 Planning permission be refused.

Background Papers **PT07/1070/F**

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

REFUSAL REASONS

1. The buildings are not considered to be structurally sound and capable of conversion without major reconstruction and as such the proposal falls contrary to advice contained within PPG2, PPS7 and Policies GB1, H10 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. All reasonable attempts have not been made to secure a suitable business re-use, and the conversion would not be part of a scheme for a business re-use but would have the residential element as the primary function, contrary to advice contained within PPS7 and Policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The building is in an isolated position and poorly related to the nearest settlement of Olveston. As such, in terms of the issue of sustainability, the proposal falls contrary to advice contained with PPS1, PPS3, PPS7 and Policies GB1, H3, H7, H10 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 20/07 – 18 MAY 2007

App No.:	PT07/1194/F	Applicant:	Mr T Coleman
Site:	97 Mortimer Road Filton BRISTOL South Gloucestershire BS34 7LH	Date Reg:	17th April 2007
Proposal:	Conversion of existing dwelling into 2 no. dwellings with associated works (in accordance with amended plans received by the Council on 8 May 2007).	Parish:	Filton Town Council
Map Ref:	60897 78728	Ward:	Filton



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N.T.S

PT07/1194/F

1. THE PROPOSAL

- 1.1 This full application relates to the conversion of a mid-terraced dwelling in to two 1-bed flats at 97 Mortimer Road, Filton. The property has 2no. off-street parking spaces in the front garden and an existing garage to the rear which is served off an un-adopted rear access lane.
- 1.2 A bin store and cycle storage is to be provided, with the ground floor flat allocated a garden area to the rear.
- 1.3 The application site lies within the urban area of Filton. It is located within a cul-de-sac. The area is characterised by terraced properties.

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 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
H5 Residential Conversions, House in Multiple Occupation and Re-use of Buildings for Residential Purposes
T12 Transportation Development Control Policy for New Development
- 2.4 Supplementary Planning Guidance
Design Checklist (Consultation Draft)

3. RELEVANT PLANNING HISTORY

- 3.1 N6624 Erection of single storey rear extension.
Approved 15 May 1980.

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
Object to the proposal on the grounds that the development is out of keeping with neighbouring two storey family homes in area.
- 4.2 Sustainable Transport
No objection.
- 4.3 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies within the urban area of Filton. Advice contained within PPS3 encourages the conversion of housing into extra residential accommodation, regarding it as an important source of additional housing, particularly in town centres. This advice is reflected in the Adopted Joint Replacement Structure Plan where policies encourage a mixture of housing types in sustainable locations, especially dwellings for smaller households. This policy stance is reflected in policy H5 of the adopted local plan. This policy allows for the conversion of existing residential properties into smaller units of self-contained accommodation provided the following criteria are complied with:-

A. the development would not prejudice the character of the surrounding area;

The proposed works of conversion require no elevational changes with the exception of an additional entrance door to the front elevation.

it would not prejudice the amenities of nearby occupiers;

The site lies within the urban area of Filton. The property is within a rank of 4 dwellings and is surrounded by other residential development. Provided appropriate boundary treatment and off-street parking spaces are provided the proposal will not prejudice the residential amenities of nearby occupiers to a material degree.

it would identify an acceptable level of off-street parking;

The existing development has two off-street parking spaces, one to the front of the site, accessed off Mortimer Road, and a garage to the rear. The proposal also provides cycle parking and bin storage. The application complies with the Council's relevant cycle and parking standards and is acceptable.

D. it would provide adequate amenity space.

The garden area is located to the rear and has an area in excess of 70m². The ground floor flat has been allocated the garden area as this is the only flat with rear access. It is considered adequate in size. Although the first floor flat has no private amenity space it is considered that public open amenity space is in close proximity to the site and as such the proposal accords with this criterion.

5.2 Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 is also relevant as it specifically relates to development within existing residential curtilages, including extensions and new dwellings. All the issues relating to this policy have already been addressed under policy H5 above.

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.

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

7. RECOMMENDATION

7.1 Planning permission be granted.

Background Papers **PT07/1194/F**

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

CONDITIONS

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

Reason(s):

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

2 The residential units hereby approved shall not be occupied until the storage areas for refuse bins and boxes have been provided in accordance with the approved plans.

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.

3 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 flats are occupied. 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 H5 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(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, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.