



**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. 48/07**

**Date to Members: 29/11/07**

**Member's Deadline: 06/12/07**

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

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

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

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

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

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

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

## CIRCULATED SCHEDULE

**DATE: 29/11/07**

**SCHEDULE NO. 48/07**

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

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

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

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

**Please note: - Reason for Referral**

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

**SIGNATURE .....**

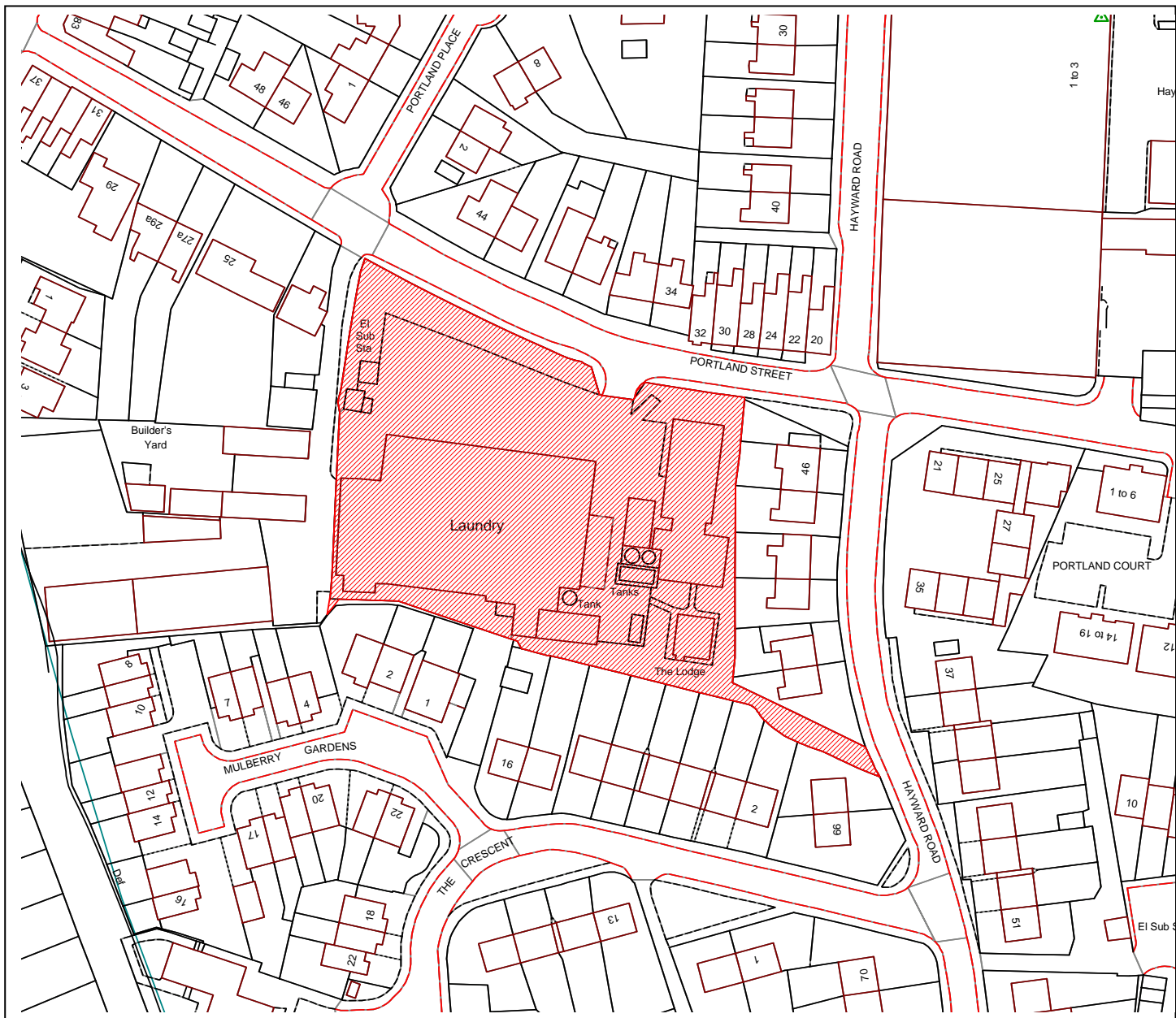
**DATE .....**

# Circulated Schedule 29 November 2007

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK07/1622/F</b>	Approved subject to Section 106	Portland Street Staple Hill South Gloucestershire BS16 4PS	Staple Hill	
2	<b>PK07/2476/C84</b>	No objection	The Siston Centre Station Road Siston South Gloucestershire	Rodway	
3	<b>PK07/2638/ADV</b>	Approve	Tesco Stores Ltd 12 East Walk Yate South Gloucestershire BS37 4AS	Yate Central	Yate Town Council
4	<b>PK07/2872/F</b>	Approve with conditions	Edwards Barn, Westend Road, Wickwar, South Gloucestershire, GL12 8LD	Ladden Brook	Wickwar Parish Council
5	<b>PK07/3104/F</b>	Approve with conditions	46 Capel Close Warmley South Gloucestershire BS15 4LS		Siston Parish Council
6	<b>PK07/3113/TRE</b>	Approve with conditions	Louise Avenue Mangotsfield South Gloucestershire BS16 9JF	Emersons Green	Mangotsfield Rural Parish Council
7	<b>PK07/3278/R3F</b>	Deemed consent	Abbotswood Primary Kelston Close Yate South Gloucestershire BS37 8SZ	Dodington	Dodington Parish Council
8	<b>PT07/3081/F</b>	Approve with conditions	4 Green Dragon Road Winterbourne South Gloucestershire BS36 1HF	Winterbourne	Winterbourne Parish Council
9	<b>PT07/3105/F</b>	Approve with conditions	71 Northville Road Filton South Gloucestershire BS7 0RJ	Filton	Filton Town Council

**CIRCULATED SCHEDULE NO. 48/07 – 29<sup>TH</sup> NOVEMBER 2007**

<b>App No.:</b> PK07/1622/F	<b>Applicant:</b> City & Provincial Plc
<b>Site:</b> Portland Street Staple Hill BRISTOL South Gloucestershire BS16 4PS	<b>Date Reg:</b> 23rd May 2007
<b>Proposal:</b> Demolition of existing factory and erection of 42no. dwellings with associated parking, amenity space, cycle and bin store.	<b>Parish:</b>
<b>Map Ref:</b> 64641 75392	<b>Ward:</b> Staple Hill



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 100023410, 2007.

**N.T.S**

**PK07/1622/F**

## **INTRODUCTION**

Members will recall that the above application was placed on the Circulated Schedule to Council Members on the 12<sup>th</sup> October 2007 (Circulated Schedule No.41/07). The report is attached as Appendix 1. The purpose of this update is to draw members attention to an error in the report.

## **ISSUES**

Paragraph 7.1 (Recommendation) should have also included the following in the heads of terms for the Section 106 Agreement:

- £27,720.60 towards the provision of two additional secondary school places.

This requirement was set out in Paragraphs 4.6 and 5.13 of the report. The recommendation should have read:

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:

- £ 44,346.90 towards enhancement of existing open space in the vicinity of the site and £39,647.64 towards maintenance of these enhancements
- £4466.98 towards the provision of book/IT/audio equipment to the nearest library to the site
- £35,000 towards highway improvements
- 14 units of Affordable Housing with a tenure split approximating to 77% Social Rented Accommodation and 23% Shared Ownership and in accordance with the details agreed with the applicant (see Paragraph 5.14)
- £27,720.60 towards the provision of two additional secondary school places.

2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

7.2 Should the agreement not be completed within 6 months of the date of the decision that planning permission be refused.

## CIRCULATED SCHEDULE REPORT

<b>App No.:</b>	PK07/1622/F	<b>Applicant:</b>	City & Provincial Plc
<b>Site:</b>	Portland Street Staple Hill BRISTOL South Gloucestershire BS16 4PS	<b>Date Reg:</b>	23rd May 2007
<b>Proposal:</b>	Demolition of existing factory and erection of 42 no. dwellings with associated parking, amenity space, cycle and bin store.	<b>Parish:</b>	
<b>Map Ref:</b>	64641 75392	<b>Ward:</b>	Staple Hill

### INTRODUCTION

This application is referred to the Circulated Schedule in accordance with procedure given that it is a "Major Application" and given that objections have been raised.

#### 1. PROPOSAL

1.1 The development would involve the demolition of the existing laundry building and associated offices and the erection of 42 residential units. The scheme will incorporate 54 no. parking spaces, cycle and bin storage as well as associated amenity space. The development would consist of 4 no. four bed houses, 2 no. three bed houses, 6 no. two bed houses, 15 no. one bed flats and 15 no. two bed flats.

1.2 The 54 no. parking spaces proposed would be allocated at a rate of two spaces per three and four bed dwelling with one space for all other units. Access to the development is from Portland Street, with buildings grouped around a central courtyard. In terms of layout the houses are situated in three blocks, with a height of either two-storey or three-storey (within each block) with a frontage and allocated parking onto Portland Street with amenity space to the rear. The flats are also situated within three blocks of two and three storeys in height and located to the rear of the site. Parking spaces associated with the flats are situated around the courtyard with communal areas to the rear (with some private space for the agreed affordable units). Landscaping is proposed within the site, to include the planting of mature trees in particular along the southern boundary. Cycle and bin storage is also provided.

1.3 The application site is situated on 0.52 hectares of land previously occupied by a laundry. The site rises from the north (Portland Street) to the south, a topographical survey indicates this difference to be approximately 4 metres in places. To the south of the site, lie residential properties in The Crescent and Mulberry Gardens, the latter a modern development of detached, semi-detached and terrace properties. Given the difference in levels these properties overlook the site. To the east there are further residential properties in Hayward Road, these are semi-detached with varying levels of screening along the boundary with the application site. To the north, at a lower level than the application site there are further residential properties in Portland Street, a mix of terrace and semi-detached dwellings. To the west, No.21 Portland Street is currently being developed to provide 14 no. dwellings (PK05/0757/F). Within the wider context the site is situated within a predominantly residential area approximately 500m to the south of the local district centre of Staple Hill.

1.4 The application has been amended such that an original scheme for 44 dwellings has been reduced to 42, this has involved a reduction in the number of two-bed flats.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport

### **2.2 Development Plans**

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

D1	Design
L1	Landscape Protection and Enhancement
L9	Protected Species
L17/18	The Water Environment
EP1	Environmental Pollution
EP6	Contaminated Land
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
H2	Proposals for Residential Development within the Existing Urban Areas
H6	Affordable Housing
LC1	Provision for Built Sport , Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
LC8	Open Space and Children's Play in Conjunction with New Residential Development

The South Gloucestershire Design Checklist (Adopted August 2007)

Trees on Development Sites (November 2005)

## **3. RELEVANT PLANNING HISTORY**

3.1 All previous history relates to the use of the site as a laundry.

## **4. CONSULTATION RESPONSES**

### **Parish Council**

4.1 This area is unparished

### **Other Consultees**

Wessex Water have issued advices to be drawn to the attention of the developer.

### **4.3 Affordable Housing Requirements**

33.3% affordable housing to be provided on site in line with Local Plan Policy H6 and the findings from the JHA Housing Needs Survey 2004. It is proposed the applicants make an offer to the Council for the mix of 14 units of affordable housing having regard to identified housing need and in accord with Council criteria.



#### 4.4 Sustainable Transport

Given the extant use of the site, there are no highway objections to the principal of the residential development on the site.

**Access** - It is proposed to upgrade the existing access off Portland Street and to serve the new development from this location. Visibility splays from the site access onto the public highway (Portland Street) is satisfactory. **Traffic** - No traffic detail has been submitted with this planning application however, it is the officers' assessment that this proposal would increase traffic particularly, pedestrian movements in the area. The footway along the site frontage needs upgrading to the Council standards. The existing footway at this location needs to be widened to minimum of 2m along the whole frontage. There would be a planning condition to secure this.

Pedestrian provision along Portland Street is not complete over the entire length of this road. A section footway on north side of Portland Street and on the approach to junction with Soundwell Road is missing. In view of the fact that traffic movements would increase on Portland Street and in consideration of increased pedestrian movements particularly children walking or cycling to school, mitigating measures are required to lessen the impact. Having visited the site, I also note that there are double yellow lines on Portland Street. I have been advised by colleagues in traffic management section that these yellow lines maybe have to be altered in light of the new development. In view of this therefore, the applicant would be required to make contribution towards such measures.

**Parking** - The original scheme included provision of 50 parking spaces. A revised plan has now been submitted showing 54 parking spaces for 44 dwellings on the site. This provision is considered in line with the SGC maximum parking standards. **Internal road layout** - The new access road serving new development would be 5.5m wide. The design also allows sufficient turning area on the site to ensure that service vehicles can manoeuvre easily within the site boundary. The proposal indicates a new footway along eastern (right) side of the new access but footway on western side (left hand side of access) does not continue through into development. It is appropriate to provide footway on both side of the new access road in this case. With this in mind, the applicant is expected to submit a revise plan to show footway provision on both sides of access road.

In view of all the above therefore, there are no highway objections subject to the followings,

- 1) Securing financial contribution of £35,000 to be used towards pedestrian and cycle facilities, traffic management (including review of waiting restrictions in the area) and improve access for disable at bus stop in the area. The scheme of highway works would be subject to the public consultations and the final scheme will be dependent on those matters arising from those consultations. (This contribution would need to be secured under an appropriate legal agreement).

- 2) Prior to occupation of any dwelling on site the applicant should widen the footway along Portland Street fronting the development site to minimum of 2m.
- 3) All works associated with the new access and widening of the footway on Portland Street shall be completed to the full and final satisfaction of the Council.

Internal site layout needs to be altered to show a 2m wide footway on both side of the new access road.

#### 4.5 Community Services (summary)

It is calculated that this development of 42 dwellings would generate an average population increase of 74.4 people. If this development is implemented it would create a need for extra community facilities. In order to offset this increased demand on community facilities we would request contributions towards the following:

##### Public Open Space

Guidelines from the National Playing Field Association recommends a minimum of 24m<sup>2</sup> of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m<sup>2</sup> per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development equates to: 2001.1sq.m and after accounting for space provided this leaves a shortfall of 1850.1 sq.m.

The total contribution towards off-site enhancements of public open space would be £44,346.90. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £39,647.64 giving a total requirement of £83,994.54. In accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006, a contribution of £4,466.98 towards new stock, IT equipment and towards the Library Building is required. The contributions will be spent at Staple Hill Library.

#### 4.6 Education Services

There is a projected surplus of places at primary schools in the local area. No contribution is required for additional primary provision. Current DfES cost calculators give a figure of £13,860.30 per additional secondary school pupil place. A secondary level there are insufficient projected surplus places in the local area. The proposed mix of 42 dwellings will generate an additional two secondary school pupils based on the pupil number calculator. A contribution of £27,720.60 is required for additional secondary provision.

### Other Representations

#### 4.7 Local Residents

Given that there has been a change in the description of development, namely a reduction in the number of units from 44 to 42, and a change in the appearance of the scheme, re-consultation has been undertaken.

12 letters of objection have been received in response to the original proposal. The grounds of objection can be summarised as follows:

- The proposed development would be detrimental to highway safety
- The proposed development would result in parking problems for neighbouring occupiers
- The proposed buildings are out of character with the type of buildings in the area
- The proposed development will result in overlooking of adjoining properties
- The proposed development would result in drainage and sewerage problems
- The proposal will appear oppressive and overbearing to neighbouring occupiers
- The proposed refuse storage is close to adjoining properties.

Two letters of support has been received stating that the scheme will enhance the immediate area.

There have been 3 letters of objection received following the change in the description of the development and the subsequent re-consultation. These letters restate previous concerns.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H2 allows for residential development within existing urban areas, subject to certain criteria, including environmental and transportation effects, effects on residential amenity, the maximum density is achieved for the site's location, with a minimum density of 30 dwellings per hectare, and provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposals.

5.2 The proposed density on site is 79 dwellings per hectare, is greater than the minimum density level set out in Policy H2 and PPS3, this is nevertheless considered appropriate given the sustainable nature of the location, close to local services and public transport routes (this is discussed in greater detail in the design section – para 5.5 below).

5.3 The principle of development is therefore acceptable, subject to the following detailed assessment.

### **5.4 Residential Amenity**

Policy H2 of the South Gloucestershire Local Plan (Adopted January 2006) considers the impact of development upon the residential amenity of adjoining occupiers. Amenity is assessed in terms of the physical impact of the development ie whether the built form would appear oppressive or overbearing and also the impact in terms of any loss of privacy from overlooking. Some concern has been raised by local residents that the proposal would result in loss of residential amenity.

With respect to the impact of the development upon properties in Hayward Road, it will be at this point where the development would be closest to the nearest adjoining properties. At this point the side (east elevations) of the

proposed flats, (Block 4) and the side elevation of the proposed houses (Block 3) would be situated to the rear of some properties in Hayward Road.

With respect to the flats (Block 4), negotiations have taken place to ensure that there is a gap of 12 metres between the side elevation of the flats and the rear elevation of the nearest property. It should also be noted that the proposed flats would be approximately 1 metre lower in height than the existing substantial laundry building. It is considered that this relationship is acceptable, given also that landscaping is proposed and the mature Oak tree at this part of the site is to be retained and is subject to conditions to ensure its protection. With respect to privacy, a condition will be attached to the decision notice to require that windows in the east elevation (there are three shown, one per floor) are obscure glazed (to level 3 obscure glazing), to protect the residential amenity of the adjoining occupiers.

With respect to the impact from the dwellings (Block 3), there would be a gap of 11.7 metres to the nearest part of a property in Hayward Road. The new building would have a height of 8.2 metres (6.8 metres to eaves level with the roof hipped away from the boundary) as opposed to the 5 metres high building at this position at present. It should be noted that the existing building associated with the laundry has a width of approximately 35 metres and the new dwelling would have a width of 8 metres. It is considered on balance that this relationship is acceptable. No windows are proposed in the side elevation and a condition will be attached to the decision notice requiring consent for any future windows in this elevation to protect the residential amenity of the adjoining occupiers.

It is not considered given the scale and location of the buildings, that any adverse impact to residential amenity would result on the western and northern (Portland Street) elevations. New residential development has been approved at 21 Portland Street and was under construction at the time of the Officers site visits. Block 6, the nearest element to this development has been reduced in height to 2 storeys, given a distance of 16 metres to the nearest building and the juxtaposition of the buildings it is not considered that there would be any significant impact from the development either in respect of the physical impact or loss of privacy.

On the southern boundary, the proposed flats range in height from approximately 9.0 metres at three storey level to just over 6 metres where the buildings are two storey in height. Separation distances to properties in Mulberry Gardens and The Crescent range from 17.7 metres (to the rear of No.1 Mulberry Gardens) to 25.9 metres (to the rear of 16 The Crescent). It should be noted that properties to the rear are at a slightly higher level given the topography of the site. In addition it should be noted that the existing laundry building with a height ranging from 6 to 7 metres itself, lies closer to the boundary (3.5 metres approximately in places), while the proposed buildings lie 6 metres (Block 5) at their closest. The existing landscape screening along this boundary is to be retained and enhanced as part of the scheme of submitted landscaping (see landscape section below). It is acknowledged that the new development would have some impact on this southern boundary however it is not considered, given the separation distances, landscape treatment along the boundary and impact from the existing laundry building would be so significant as would justify the refusal of the application.

In summary it is that the proposed development, subject to the conditions set out above, will ensure that the development does not have a significant impact upon the amenity neighbouring occupiers.

## 5.5 Design

Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted January 2006) supported by the South Gloucestershire Design Checklist (Adopted August 2007) are relevant in considering the design merits of the scheme. Policy D1 makes it clear that development will only be permitted where the scheme can demonstrate the proposal will enhance the character, distinctiveness and amenity of the site and the locality.

With respect to the density/amount of development, a development of 42 dwellings equates to approximately 79 dwellings per hectare. The density would therefore be at a higher level than the surrounding area (albeit the surrounding area largely consists of semi-detached and detached properties rather than the flats that form part of this proposal). PPS3 indicates that the efficient use of land is to be welcomed subject to good design. It is considered that the density of the development is acceptable within this sustainable urban location, close to local facilities.

With respect to the layout, the Council Urban Design Officer has expressed concerns regarding the amount of car parking and manoeuvring space. This is acknowledged, however this is self-contained and the central location ensures that there is no loss of amenity to neighbouring occupiers. The parking area is split up by areas of landscaping and the Council Landscape Officer is satisfied with the paving/hard landscaping to be used. It is considered that negotiations to achieve an acceptable perimeter landscaping arrangement will ensure that there is an acceptable attractive mix of private, semi-private and public space and ensure that the most significant landscaping features on the site have been successfully integrated into the proposed development.

In terms of the scale, height and massing of the development some concern has been raised by the Urban Design Officer regarding the positioning of the principle buildings, the flats to the rear of the site and the dwellings to the front. It is considered that Portland Street is characterised by semi-detached and terrace properties that are modest in scale. The positioning of two and three storey terrace properties is considered to be in keeping with the character of the remainder of the street (and would be a significant visual improvement upon the buildings situated on the site). It is also considered that the variation in heights to both the flats and dwellings creates visual interest. The use of parking to the front of the dwellings along Portland Street is also considered in keeping with properties nearby and ensures that the development rather than “turning its back on the street” forms part of the street scene visually and in terms of activity, adding to security and surveillance on the street.

With respect to the proposed materials, the design and access statement has not demonstrated how the detailing, colour and materials have been informed by the locality. It is considered however that use of colour and different materials will enhance the visual amenity of the streetscene. It is also considered that the development is of a scale that it should to a degree have its own visual identity. A condition will be attached to the decision notice requiring the submission of a full schedule of the materials to be used and requiring the

inspection (on site if necessary), of roof tiles and facing materials prior to the commencement of work.

With respect to Environmental Responsiveness, Policy D1 (G) supported by PPS 3 and The South Gloucestershire Design Checklist (Adopted August 2007) indicate that the design, density, orientation and location of buildings and associated landscape proposals should seek to achieve energy conservation and the protection of environmental resources. It is considered that the proposal will be able to achieve Code Level 3 of the Code for Sustainable Homes the recognised standard by which this policy would be assessed. The applicant has indicated acceptance of this assessment procedure and a condition to support this will be attached to the decision notice.

Policy D1(H) indicates that adequate provision should be made for the storage and collection of waste and recyclable materials. Negotiations have taken place to ensure sufficient communal bins of an appropriate size and number for the flats to the rear and a condition will be attached to the decision notice, to ensure that these are in place prior to the first occupation of the development. A condition will also be attached to the decision notice requiring full details of bin storage to be associated with the houses to the front of the site (with the requirement that these are situated within the rear garden area with access onto the courtyard to enable collection).

Subject to the above conditions the proposed development is considered in accord with Policy D1 of the South Gloucestershire Local Plan (Adopted January 2006).

## 5.6 Trees

At the south eastern corner of the site there is a fine oak tree. The eastern boundary to the rear of properties in Hayward Road largely comprise a Cypress hedge that in places has become a double row. The southern boundary to the rear of The Crescent/Mulberry Gardens comprises a natural hedgerow that has encroached into the site.

With respect to the Oak Tree, a condition will be attached to the decision notice to secure the submission of an Arboricultural Impact Assessment (AIA) and Method Statement prior to the commencement of any works on the site to secure the protection of the tree throughout the development process.

It is considered that the hedge along the southern boundary should be retained as it provides some screening and could be enhanced. Concern has been raised by neighbouring occupiers that the large/tall cypress hedge on the eastern boundary (situated within the application site) should be retained. It is not considered by Council Officers that this element would be worthy of Preservation Order, however as part of a landscaping scheme, replacement planting will be required of a form to be agreed. This would be secured by a landscaping condition attached to the decision notice.

## 5.7 Landscaping

Policies D1 and L1 seek to conserve those aspects of the landscape that make a significant contribution to the character of the landscape.

The area of landscaping along the southern boundary (to include the narrow strip within the south-eastern corner) has been identified as a significant landscape feature, also serving as a partial barrier between the site and residential properties beyond. It is considered that the most important vegetation is located between the south western end of the proposed Block 5 and extends eastward to the southern boundary of No.56 Hayward Road. There are a number of young Ash trees in this location. Following negotiations, all existing vegetation along the boundary is to be retained and will be protected during the course of the construction. The landscaping details supplied indicate this boundary will be supplemented with new planting and a landscaping condition will secure this to the satisfaction of the Council's Landscape Officers. The narrow strip of land in the south-east corner will not be affected by the proposal. All other landscape proposals are considered acceptable.

It is considered that the proposed development is fully in accord with Policy D1 and L1 of the South Gloucestershire Local Plan (Adopted January 2006).

## 5.8 Ecology

Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of development upon protected species. Development that would directly or indirectly have an adverse impact on nationally or internationally protected species of flora or fauna will not be permitted unless any damaging effects are capable of being avoided, overcome or offset by mitigation measures. No ecological information has been submitted with the application.

The Council Ecologist raises no objection to the proposed development subject to informatives being attached to the final decision notice to advise the applicant of their duties under Wildlife Protection Legislation in respect of birds and bats. A condition is recommended requiring a Badger survey to be submitted and approved by the Council prior to any development starting at the site.

## 5.9 Transportation

Policies T7 and T8 of the South Gloucestershire Local Plan (Adopted) January 2006 consider standards for both cycle and car parking respectively. Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create with the paramount aim of preserving highway safety and minimising the impact of motorised traffic.

Given the extant use of the site, there are no highway objections to the principal of the residential development on the site. The key issues to consider are the appropriateness of the access, the impact upon traffic in particular pedestrian movement, parking provision and the acceptability of the internal road layout.

With respect to the access, this will be from the existing access to the laundry and will be upgraded to serve the new development from this location. The visibility splays from the site access onto the public highway (Portland Street) are considered satisfactory. In terms of the impact upon traffic, it is considered that this proposal would increase

traffic particularly, pedestrian movements in the area. The footway along the site frontage needs upgrading to the Council standards. The existing footway at this location needs to be widened to minimum of 2m along the whole frontage. A condition is recommended to secure this.

It should be noted that pedestrian provision along Portland Street is not complete over the entire length of this road. A section of footway on north side of Portland Street and on the approach to the junction with Soundwell Road is missing. In view of the fact that traffic movements would increase on Portland Street and in consideration of increased pedestrian movements particularly children walking or cycling to school, mitigating measures are required to lessen the impact. In addition existing double yellow lines may need to be altered in the light of the new development. It is considered appropriate that the applicant should contribute the sum of £35,000 (to be secured under an appropriate legal agreement) to be used towards pedestrian and cycle facilities, traffic management (including a review of waiting restrictions in the area) and improved access for disabled at a bus stop in the area. The scheme of highway works would be subject to the public consultation and the final scheme will be dependent on matters arising from those consultations.

With respect to parking, the scheme has been amended to provide 54 parking spaces for 42 dwellings on the site. This provision is considered in line with the South Gloucestershire Council maximum parking standards.

In terms of the internal road layout, the new access road serving new development would be 5.5m wide which is acceptable. The design also allows sufficient turning area on the site to ensure that service vehicles can manoeuvre easily within the site boundary. The scheme has been amended to include a footway on the western side of the access that continues through into development and it is therefore considered that the internal layout is acceptable.

In summary, subject to the above condition and agreement, the proposed development is considered to be in accord with the aims and objectives of Policy T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### 5.10 Drainage

There is no objection to the proposed development subject to the use of best drainage practice. A condition is recommended to secure this. In addition given the location of the site within a former mining area a condition will be attached to the decision notice to require a mining report to be submitted to and approved in writing by the Council prior to the commencement of works on site.

#### 5.11 Contaminated Land

Given that the proposed site has been used historically as a laundry/dry cleaners, potentially land contamination may have occurred as a result of this use. A condition is recommended to require an investigation and mitigation (if required) prior to the commencement of any development on the site.



## 5.12 Community Services

Policy LC8 of the South Gloucestershire Local Plan (Adopted January 2006) considers provision towards open space and Children's Play Space in relation to new residential development. The Policy indicates that where local provision is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision to meet these needs. In addition Policy LC1 indicates that where local provision for leisure, recreation and other community facilities is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs. This may include contributions towards the enhancement of existing provision within the vicinity where on-site provision is not possible.

It is calculated that this development of 42 dwellings would generate an average population increase of 74.4 people. If this development is implemented it would create a need for extra community facilities. Guidelines from the National Playing Field Association recommends a minimum of 24m<sup>2</sup> of public open space per person and Policy LC8 of South Gloucestershire Local Plan (Adopted) January 2006 requires provision for informal open space, we consider 5m<sup>2</sup> per person to be reasonable to improve the quality of the environment in this area. Therefore the total public open space required from this development equates to: 2001.1sq.m and after accounting for space provided this leaves a shortfall of 1850.1 sq.m.

The total contribution towards off-site enhancements of public open space would be £44,346.90. The developer would be required to contribute towards future maintenance of the enhancements, which equates to £39,647.64 giving a total requirement of £83,994.54

The three sites identified for potential contributions are Soundwell playing field and play area, Lees Hill Playing field and Page Park. All these sites are within 2 kms of the site. The National Playing Fields Association Audit 2007 indicates that local provision of publicly accessible formal open space, children's play space is already inadequate to meet the needs of the present population. While it would not be reasonable to expect the applicant to rectify this shortfall, the projected needs of the occupiers of the site must be adequately met and this is the fundamental objective of Policy LC8.

In accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) January 2006, a contribution of £4,466.98 towards new stock, IT equipment and towards the Library Building is required. The contributions will be spent at Staple Hill Library.

The applicant has agreed to make these contributions which shall therefore be secured through a Section 106 Agreement.

## 5.13 Education Services

Policy LC2 indicates that where local education provision is inadequate to meet the projected need for places arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in Circular

05/05), to meet these needs via an appropriate agreement. Having regard to this policy, the Department for Children and Young People have indicated that there is a projected surplus of primary school places in the area and therefore no contribution is required in this respect.

With respect to secondary school education there are insufficient projected surplus places in the local area. It is considered that the number and mix of dwellings would generate an addition two secondary school pupils and based on this number the applicant has been requested to provide a contribution of £27,720.60. The applicant has agreed to make this contribution which shall be secured through a Section 106 Agreement.

#### 5.14 Affordable Housing Requirements

Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) in line with guidance given in PPS3 states that the Council will seek an element of subsidised affordable housing without any public subsidy to meet local needs on all new housing development within the Urban Area of 15 dwellings or more (or where the site is 0.5 hectares or more). This proposal therefore falls within this category.

In line with the policy, Officers have negotiated with the applicant on the basis that the development should achieve 33.3% affordable housing to provide for those who cannot afford to rent or buy houses available on the open market. The requirement on this basis is for 14 units to be “affordable”. Negotiations are on the basis that there is a tenure split of 77% social rent and 23% intermediate affordable units and on this basis the split would be 11 units and 3 units. In line with policy the units provided should reflect the findings of the Housing Needs Survey. Other requirements are that 100% of initial occupants should be nominated by South Gloucestershire Council, a proportion should be accessible for wheelchair users, the units should be distributed in clusters of no more than 6 units and the development should achieve Code 3 of the Code for Sustainable Homes (this has been agreed in any case by the applicant and is subject to a condition attached to the decision notice). The development must also comply with the latest housing corporation standards applicable at the time of that the S106 is drawn up.

Delivery of the affordable housing is preferred through a partnering Registered Social Landlord(RSL), the affordable housing is built at the same time as the rest of the housing and the completion time shall be agreed and be included within the final Section 106 agreement, social rents to be set at target rent. The annual rent on the equity retained by the RSL shall be no more than 1% of the unsold equity. No more than 40% of the market value shall be payable by the purchasers so that the units can go to those in need of intermediate housing. As far as is possible the affordable housing shall be retained in perpetuity.

The applicant has agreed to the above terms/criteria and has indicated this upon a submitted plan and in terms of the detail 14 units will be provided as follows:

- Plot 12 (4 bed house) – Social Rent;
- Plot 10 (3 bed house) – Social Rent;
- Plots 2, 3 and 11 (2 bed houses) – Social Rent;

Plots 39,40, 41 and 42 within Block 6 (2 bed flats) – Social Rent and of these 2 shall be on the ground floor with private garden space and 2 shall be on the first floor;

Plots 22 and 23 (2 bed flat) – Shared Ownership with one on the ground floor and one on the first floor;

Plots 19,20 and 21 (1 bed flat) – 2 for Social Rent and 1 for Shared Ownership with 1 each on the ground, first and second floors.

Subject to the signing of an appropriate agreement (Section 106) to cover the above requirements, the proposed development is considered in accord with Policy H6 of the South Gloucestershire Local Plan (Adopted January 2006) and PPS6.

#### 5.15 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 South Gloucestershire Design Checklist (Adopted August 2007).

#### 5.16 Section 106 Requirements

In this instance, having regard to the above advice, the transportation improvements, provision of affordable housing, public open space/community services and education contributions 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.

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

- 7.2 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:

- £ 44,346.90 towards enhancement of existing open space in the vicinity of the site and £39,647.64 towards maintenance of these enhancements
- £4466.98 towards the provision of book/IT/audio equipment to the nearest library to the site
- £35,000 towards highway improvements
- 14 units of Affordable Housing with a tenure split approximating to 77% Social Rented Accommodation and 23% Shared Ownership and in accordance with the details agreed with the applicant (see Paragraph 5.14)

- 2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.2 Should the agreement not be completed within 6 months of the date of the decision that planning permission be refused.

**Background Papers**      **PK07/1622/F**

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

**CONDITIONS**

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

Reason:

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

2. Prior to the commencement of any work, an Arboricultural Impact Assessment (AIA) and a Method Statement to secure the protection of the Oak Tree at the south-eastern corner of the site shall be submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance with the agreed details.

Reason:

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

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

Reason:

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

4. Prior to the commencement of the development, a Badger Survey (as designated under the Wildlife and Countryside Act 1981 (as amended) and the Badger Act 1992, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

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

5. Prior to the first occupation of the proposed development, the existing footway along the whole frontage of the site shall be widened to a minimum width of 2 metres.

Reason:

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

6. 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:

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.

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:

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

8. Prior to the commencement of any works on the site a mining report must be submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason:

To prevent non-point source pollution and flooding, and to accord with Policies L17, L18 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The hours of working on site during the period of construction shall be restricted to 0730 to 1800 hours Monday to Friday and 0800 to 1300 hours Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

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

10. The development hereby permitted shall not commence until the developer has submitted to and had approved in writing the following information detailing any potential land contamination and if necessary a proposed scheme of works:

1. A preliminary investigation including a desk study report detailing the history of the site and identifying risks to human health and the environment.
2. If the above investigation identifies it as being required a main investigation including a site investigation report documenting the types, nature and extent of contamination present, risks to receptors and potential for mitigation within and beyond the site boundary as identified in the preliminary investigation. The investigations and assessments shall be in accordance with current Government and Environment Agency guidance.

3. If required, a detailed remediation scheme including a method statement and measures to be taken to avoid risk to human health and the environment, as identified by the desk study and site investigation from contaminants or gases. In this case the construction of buildings shall not commence until the investigator has provided a validation report, which shall include confirmation that all remediation measures have been carried out fully in accordance with the scheme. The report shall also include results of the verification programme of post-remediation sampling and monitoring in order to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall be detailed in the report. Persons undertaking validation of remedial works shall also provide a validation certificate.

Reason:

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policies EP1 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side [east] elevation of Block 3 as shown on Drawing Number 06134 20 H.

Reason:

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

12. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed windows on the side (east) elevation of Block 4 as identified on Drawing No. 06134 20H shall be glazed with level 3 obscure glass only.

Reason:

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

13. No development shall take place until a scheme for environmental assessment of the development has been submitted to and approved in writing by the Local Planning Authority. The approved scheme for environmental assessment shall require the development to achieve, as a minimum, specified 'Code for Sustainable Homes' Code Level 3. The approved scheme for environmental assessment shall also require adherence to a formal post-construction assessment regime, which shall be implemented prior to the first occupation of any of the dwellings hereby approved. The development shall be carried out in accordance with the approved scheme for environmental assessment, unless otherwise agreed in writing by the Council.

Reason:

To achieve improved energy conservation and the protection of environmental resources and to accord with Policy D1 of the South Gloucestershire Local Plan (adopted January 2006).

14. No development shall take place until details of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Samples of external facing materials shall be made available for inspection on site. Development shall be carried out in accordance with the approved details.

Reason:

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

15. Prior to the first occupation of the development hereby approved, the bin storage shall be installed as shown on Drawing No. 016134 20 H and shall be maintained as such thereafter.

Reason:

In the interests of the amenity of the locality and to accord with Policy D1(H) of the South Gloucestershire Local Plan (Adopted).

16. Prior to the commencement of the development, full details of the Bin Storage facilities for the Blocks 1 to 3 (to be located to the rear of the dwellings with access onto the Central Courtyard to allow for collection) shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason:

In the interests of the amenity of the locality and to accord with Policy D1(H) of the South Gloucestershire Local Plan (Adopted).

CIRCULATED SCHEDULE NO. 48/07 – 29<sup>TH</sup> NOVEMBER 2007

App No.: PK07/2476/C84

Applicant: Cheyne Hackney  
LtdSite: The Siston Centre Station Road Siston  
Bristol BS15 4GQ

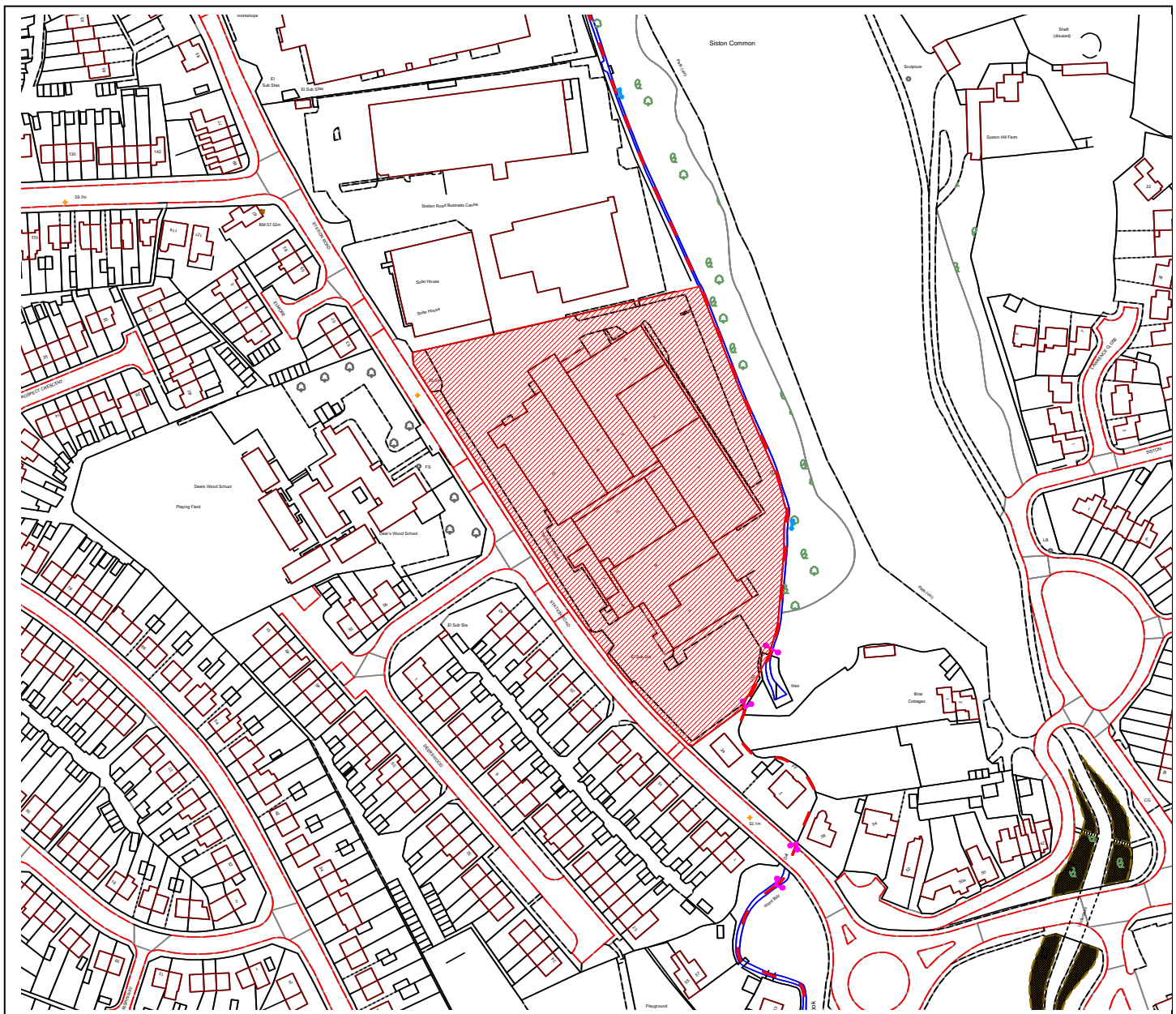
Date Reg: 14th August 2007

Proposal: Demolition of existing buildings to  
facilitate the erection of a Driving Test  
Centre building with vehicle  
manoeuvring areas. (Resubmission of  
application PK07/1108/C84)

Parish:

Map Ref: 66126 74909

Ward: Rodway



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100023410, 2007.

N.T.S

PK07/2476/C84



## **INTRODUCTION**

This application has been referred to the Circulated Schedule because it is a Major Application and local residents have lodged objections, which are contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to the Siston Centre, a 1.66 hectare area of land that is designated in the South Gloucestershire Local Plan (Adopted) 6th January 2006 as a Safeguarded Employment Area (see site no. 34 Policy E4). The site, which is located to the east of Station Road, Siston, is currently occupied by a number of industrial units and associated hard-standings. There are currently two vehicular access points into the site from Station Road.
- 1.2 To the west of Station Road are predominantly residential dwellings, whilst Deerswood Primary School lies opposite the northern access to the application site. To the east the site is bounded by Warmley Brook and Siston Common beyond. Further residential properties lie to the south whilst more office/industrial units bound the site to the north.
- 1.3 The application has been submitted on behalf of the Driving Standards Agency (an executive agency of the Department of Transport) who propose, to demolish the existing industrial units and introduce a new multi-purpose Driving Test Centre. Owing to European Legislation concerning the testing of motorcycle and moped riders, there is currently an essential need for the DSA to find approximately 70 such sites around the country and have them operational by 2008.
- 1.4 The proposal is submitted with a proposed scheme of landscaping, acoustic report, transportation assessment and flood risk assessment. The proposed development comprises the following elements:
  - Construction of a single storey test centre building of approximately 200 sq.m.
  - Formation of 14 examiner car parking spaces, 17 customer car parking spaces (1 designated as a disabled parking space), 3 spaces for HGV/LGV's and 6 motorcycle parking spaces.
  - Construction of an EC motorcycle manoeuvring area.
  - Buffer planting and augmentation of existing landscaping.
  - Car manoeuvring area adjacent to the western boundary.
  - HGV & LGV manoeuvring area towards the front of the site.
  - Introduction of a new access from Station Road.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - PPS1 - Delivering Sustainable Development
  - PPG4 - Industrial and Commercial Development and Small Firms
  - PPG9 - Nature Conservation
  - PPG13 - Transport
  - PPG24 - Planning and Noise

## 2.2 Development Plans

### Joint Replacement Structure Plan (Adopted) Sept 2002

Policy 1	Sustainable Development
Policy 2	Locational Strategy
Policy 30	Safeguarding Employment Sites
Policy 54	Car parking provision (non-residential)
Policy 59	New development - transport issues.

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

D1	- Design
L1	- Landscape Protection and Enhancement
L9	- Species Protection
L17 & L18	- The Water Environment
EP1	- Environmental Pollution
EP2	- Flood Risk and Development
EP6	- Contaminated Land
T8	- Parking Standards
T12	- Transportation Development Control Policy for New Development
E3 (34)	- Criteria for Assessing Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries and /or Permitted by Policies E4/E6/E7.
E4	- Safeguarded Employment Areas.

## 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (Adopted 23<sup>rd</sup> August 2007)

## 3. RELEVANT PLANNING HISTORY

There have been a number of planning applications, over the years, that relate to this site, the most relevant of which are listed as follows:

- 3.1 P92/4211 - Sub-Division of Existing Factory Premises into Industrial Units  
Observations 29<sup>th</sup> June 1992
- 3.2 PK02/0351/F - Change of Use from general industrial use (B2) to storage and distribution (B8).  
Approved 18<sup>th</sup> March 2002
- 3.3 PK04/2191/O - Demolition of industrial units and erection of 123 dwelling houses (Outline). Access to be determined, all other matters to be reserved.  
Refused 6<sup>th</sup> June 2005 – the principal refusal reason being the loss of employment land.  
Appeal dismissed 4<sup>th</sup> Sept. 2006
- 3.4 PK07/1108/C84 - Demolition of existing buildings to facilitate the erection of a Driving Test Centre building with vehicle manoeuvring areas.  
Withdrawn 30<sup>th</sup> May 2007

## 4. CONSULTATION RESPONSES

4.1 Siston Parish Council  
No response

4.2 Other Consultees

#### 4.3 Wessex Water

A public surface water sewer crosses the site on the northern boundary. The existing development appears to connect to the public foul sewer in Station Road. Any possible new connections or increase in flows will need to be agreed with Wessex Water.

#### 4.4 The Environment Agency

No objection subject to conditions relating to:-

- Submission and approval of a scheme of foul and surface water drainage works.
- No new buildings or structures within 6m of the top of any bank of watercourses inside or along the boundary of the site.
- Use of oil separator for parking areas and hard-standings.
- Scheme to deal with contamination (if any) of the site.

#### 4.5 Police Community Safety Department

No objection

### **Other Representations**

#### 4.6 Local Residents

Two letters of objection have been received from local residents. The concerns raised are summarised as follows:

- HGV's in congested road with enlarged School opposite the site.
- Heavy on-street parking especially during the school run.
- HGV's will erode the road surface.

4.7 Two letters of support have been received, one from the owner of Kickstart Motorcycle Training and one from the owner of Somax Ltd. The points raised in favour of the scheme are summarised as follows:

- There are many LGV test candidates in the Bristol area who need the test facility.
- The testing centre requires a large site within the Urban Area. To accommodate the 'on road' testing elements there needs to be easy access to a variety of different road types – it would be no good in a rural area.
- The only alternative facility for bikes would be in Gloucester, Newport or Swindon, which is too far for novice riders to ride to.
- There would be designated parking areas on the site, so there would be no on-street parking.
- The LGV element would make the site financially viable.
- The existing site is unsightly and dishevelled so the proposal would improve visual amenity.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site lies within the urban area and is previously developed land. Within the South Gloucestershire Local Plan (Adopted) 6th January 2006 the site is designated as a Safeguarded Employment Area and appears as site no. 34 within the schedule attached to Policy E4. Within the Employment Areas defined on the Proposals Map and listed in the schedule attached to Policy E4,

planning permission will be granted for employment generating uses, subject to the satisfaction of criteria set out in Policy E3.

5.2 Policy E3 permits employment uses within the existing Urban Areas, including extensions, conversions and reuse of existing buildings provided that:

- A. Development would not have unacceptable environmental effects; and
- B. Adequate provision is made for servicing and delivery requirements and development would not give rise to unacceptable levels of vehicular traffic, especially heavy goods vehicles, or on-street parking, to the detriment of the amenities of the surrounding areas and highway safety; and
- C. Development would not prejudice existing residential amenities; and
- D. The character of the area or settlement is not adversely affected; and
- E. The maximum density compatible with the site's location, its accessibility and its surroundings is achieved; and
- F. (In the case of travel intensive B1 (Office) development) the location is well served by public transport.

5.3 In terms of the acceptance in principle of the development proposed, an important material consideration is the most recent planning history for this site, in which application PK04/2191/O for 123 dwellings was refused on the grounds of loss of employment land.

5.4 In the first instance therefore, officers must consider whether or not the proposed use falls within the definition of an employment use i.e. usually a B1, B2 or B8 use. Under the Use Classes Order 2005, Driving Test Centres have a *sui generis* use and this is agreed by the applicant. Whilst a Driving Test Centre is not a B1, B2 or B8 use, it is an employment related use and as such is a use that sits comfortably on an employment site; this was the view of the Council's Economic Development Officer. As there is no provision in the South Gloucestershire Local Plan (Adopted) 6th January 2006 for Driving Test Centres or similar *sui generis* uses, such uses will tend to orientate towards employment sites.

5.5 Having come across this issue in other very similar applications, the applicant has submitted a good deal of information in justification for the proposal, including an appeal decision APP/L3625/A/07/2043130 DSA v Reigate & Banstead Borough Council, in which the Inspector concluded that:

*"Whilst the proposed use is 'sui generis' it clearly exhibits characteristics which align with both office use and, in the need for parking facilities, either light industrial or distribution purposes. The proposed use would also provide employment... To my mind, the test centre would be similar to a B1 use and would constitute an appropriate use of the site."*

Officers consider that in the light of this appeal decision, a refusal reason on the grounds that the proposed use is not an employment use, could not be substantiated or defended at appeal. Officers are therefore satisfied that, the proposal does fall to be determined on its individual merits as an employment

use, under policy E3 of the South Gloucestershire Local Plan (Adopted) 6th January 2006. The proposal is therefore acceptable in principle, subject to the criteria attached to Policy E3 as listed above.

5.6 Transportation Issues

The proposed Test Centre would cater for the testing requirements of motorcyclists, cars, Light Goods Vehicles (LGV) and Heavy Goods Vehicles (HGV). The existing B1, B2 and B8 uses can all potentially generate traffic including Heavy Goods Vehicles (HGV).

5.7 A transportation assessment has been submitted with the application, which officers consider adequately demonstrates that the proposed development would result in an overall reduction in traffic movements to and from the site.

5.8 In respect of on-site parking provision, there would be 31 car parking spaces which allows 14 spaces for examiners and 17 spaces for customers. Additionally there would be 3 spaces for HGV's or LGV's and 6 parking spaces for motorcycles on the site. Officers are satisfied that this level of off-street parking provision is adequate.

5.9 There are currently two vehicular accesses into the site from Station Road, the northernmost of which lies opposite Deerswood School. It is proposed to close this access and re-locate it nearer the existing southern access. This new access would be used by HGV and LGV drivers. The existing southern access would be retained but slightly altered in width and used by car drivers and motorcycle riders. The proposed alterations to the access points would impact on the positioning of some of the existing traffic cushions i.e. traffic calming measures in Station Road and would result in the removal of one pedestrian island. The cost of these measures must be met by the applicant who has agreed to contribute the sum of £50,000. A revised scheme of traffic management would be the subject of public consultations and the final scheme would be dependent on matters arising from these consultations.

5.9 Subject therefore to an appropriate S106 agreement to secure the £50,000 contribution towards traffic management and traffic calming measures, and conditions to secure the parking and turning areas proposed and the permanent closure of the northern access; there are no highway objections to the proposal.

5.10 Environmental Issues

The Council's Environmental Health Officer has considered the Acoustic Report submitted in support of the application as well as visiting a similar Test Centre to that proposed. There are no objections on the grounds of environmental protection, subject to conditions to secure the following:

- Restriction on the hours of working to between 7.30am to 6.00pm weekdays and Saturdays with no working on Sundays or Bank Holidays.
- The use of audible reversing hazard warnings on vehicles should be prohibited during testing.
- The rating level of noise emitted from the site shall not exceed the existing background noise determined to be 44dB.

These conditions would be in addition to those recommended by the Environment Agency and listed in paragraph 4.4 above.

#### 5.11 Scale and Design

The existing buildings have no architectural merit and are utilitarian and dishevelled in appearance. In visual terms there are no objections to the loss of these buildings. The proposed built development would be relatively low key, being much smaller in scale and comprising a single-storey building of standard contemporary design with a low pitched roof.

#### 5.12 Density of Development

In considering whether or not the proposal makes the most efficient use of the employment site, officers have taken into consideration the nature of the proposed use. Whilst the Council's Economic Development Officer has noted that the Test Centre would be a low employment density/land extensive use, he acknowledges that the Test Centre needs to be in a high density population area like Kingswood/Siston and suitable sites within the Urban Area would be very limited in number. The DSA service delivery standards require that the majority of candidates will be able to reach a test centre within 30-45 minutes with a maximum travel distance of 20 miles, with a catchment population of around 1.5 million people. The DSA research has identified the Kingswood/Siston area as being ideally suited to meet these criteria. Furthermore the siting of the Test Centre in the location proposed accords with the Council's policy support for sustainable development within the South Gloucestershire Area. On balance therefore criterion E of Policy E3 is satisfied.

#### 5.13 Impact Upon Residential Amenity

The nearest residential properties to the site would lie on the opposite side of Station Road or adjacent to the southern end of the site, which is set furthest away from the vehicle manoeuvring areas. The motor-cycle manoeuvring area would be entirely enclosed by a 1.8m high fence and a planting scheme would enhance the existing screening of the site. A 2.4m high fence would enclose the car and motorcycle parking areas. Issues of noise have been addressed in the Environmental Section. Having regard to the existing and potential uses of the site and the proposed conditions to control the noise levels and hours of operation of the Test Centre, officers consider that there would be no significant adverse impact on residential amenity over and above that which already exists, from this long established Employment Site.

#### 5.14 Landscape Issues

Officers consider that the site presently has a degraded and run down appearance and the extensive landscape proposals for the site will offer a significant landscape enhancement. The proposal therefore accords with policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

#### 5.15 Ecology

At the request of the Environment Agency a 6 metre wide maintenance strip would be maintained along the banks of Warmley Brook and this strip would be planted with native/semi-native shrubs, which is acceptable to the EA. This planted strip is considered to provide an adequate boundary treatment adjacent to the Brook and its associated wildlife habitat.

#### 5.16 Drainage

A Flood Risk Assessment has been submitted in support of this application. Neither The Environment Agency, Wessex Water or the Council's Drainage

Engineer raise any objection to the principle of this proposed development. Conditions will secure the submission and prior approval of a suitable drainage scheme.

#### 5.17 Design and Access Statement

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

#### 5.18 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the highway improvements 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 (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:
- (i) A contribution of £50,000 towards traffic management and traffic calming measures in the area.
  - (ii) The carrying out of highway works (i.e. works in association with the creation of the new site access onto Station Road and alterations to the existing southern access, as well as highway works to remove the existing traffic island and traffic cushions on Station Road) in accordance with details to be submitted and approved by the Council.

The reasons for the agreement are:

- (i) To improve highway infrastructure having regard to Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (ii) To mitigate for the impact of the proposal on the existing highway having regard to Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

7.2 (2) That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

(3) That the application be referred back to DC East Committee if the Section 106 is not signed within 6 months of the date of this report.

**Background Papers      PK07/2476/C84**

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

**CONDITIONS**

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

Reason:

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

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

Reason:

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 activities associated with the use hereby permitted, shall be carried out on the premises before 07.30 a.m. and after 6.00 p.m. Mondays to Saturdays inclusive; there shall be no activity on Sundays or Bank Holidays.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. There shall be no use of audible reversing hazard warnings on vehicles during testing.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.



5. The rating level of noise emitted from the site shall not exceed the existing background noise that is determined to be 44dB. The noise levels shall be determined at the nearest noise-sensitive premises, the measurements and assessment shall be made in accordance with the provisions of BS4142: 1997.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The hours of working on site during the periods of demolition and construction shall be restricted to 07.30 a.m. to 06.00 p.m. Mondays to Fridays, 07.30 a.m. to 01.00 p.m. Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

To safeguard the amenity of the locality, and to accord with Policy E3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on the Landscape Plan 357/01 C hereby approved. 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 E3/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Details of all boundary treatments (walls, railings or fences) to be erected/retained on the site shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the development shall only be carried out in accordance with the details so approved.

Reason 1:

To protect the character and appearance of the area to accord with Policies E3/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2: To protect the privacy, security and amenity of neighbouring occupiers, and to accord with Policy E3 and D1 (F) of the South Gloucestershire Local Plan (Adopted) January 2006.

10. No development shall take place until drainage details and 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 E3, EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. 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 E3, EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to the first use of the site for the purpose hereby approved, the off-street parking and manoeuvring facilities, as shown on the approved plan "Proposed Site Layout 1941 PB-002 Rev A" shall be provided, and thereafter retained as such and used only in conjunction with the occupation of the site and 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 E3, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The development hereby permitted shall not be occupied nor the use commenced until the means of vehicular access 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:

To ensure the satisfactory provision of vehicular access into the site and in the interest of highway safety and the amenity of the area, and to accord with Policy E3 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the first use of the site for the purpose hereby approved, the existing northern access shall be permanently closed and the footway levels adjusted accordingly, to the full and final written satisfaction of the Council's Street Care Manager.

Reason:

Having regard to the proximity of Deers Wood School opposite and in the interest of highway safety and the amenity of the area, and to accord with Policy E3 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Prior to the commencement of the development hereby approved a desktop study of the previous uses of the site shall be submitted to the Local Planning Authority for written approval. Should the study identify the potential for contamination, a full ground investigation should be carried out and a detailed contamination report along

with the proposed remediation measures where required shall also be submitted for written approval. Thereafter the works shall proceed in full accordance with the details so approved.

Reason:

To ensure that development can be constructed having regard to possible contamination of the ground from past uses, and to accord with Policies E3 and EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. There shall be no new buildings, structures (including gates, walls and fences) or raised ground levels within a) 6 metres of the top of any bank of watercourses, and/or b) 6 metres of any side of an existing culverted watercourse, inside or along the boundary of the site, unless agreed otherwise in writing by the Local Planning Authority.

Reason:

To maintain access to the watercourse for maintenance or improvements and provide for overland flood flows in accordance with Policy E3, L17, L18, and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

17. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the separator.

Reason:

To prevent pollution of the watercourse and ensure that a satisfactory means of drainage is provided, and to accord with Policies E3, L17, L18 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

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

Development shall be carried out in accordance with the agreed details.

Reason:

To accord with the Local Planning Authority's adopted Waste Management Strategy, and to accord with Policies 37 and 43 of the adopted South Gloucestershire Minerals

and Waste Local Plan (Adopted) May 2002; and Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 48/07 – 29TH NOVEMBER 2007**

**App No.:** PK07/2638/ADV

**Applicant:** Mr A Rowe Tesco Stores Ltd

**Site:** Tesco Stores Ltd 12 East Walk Yate BRISTOL South Gloucestershire BS37 4AS

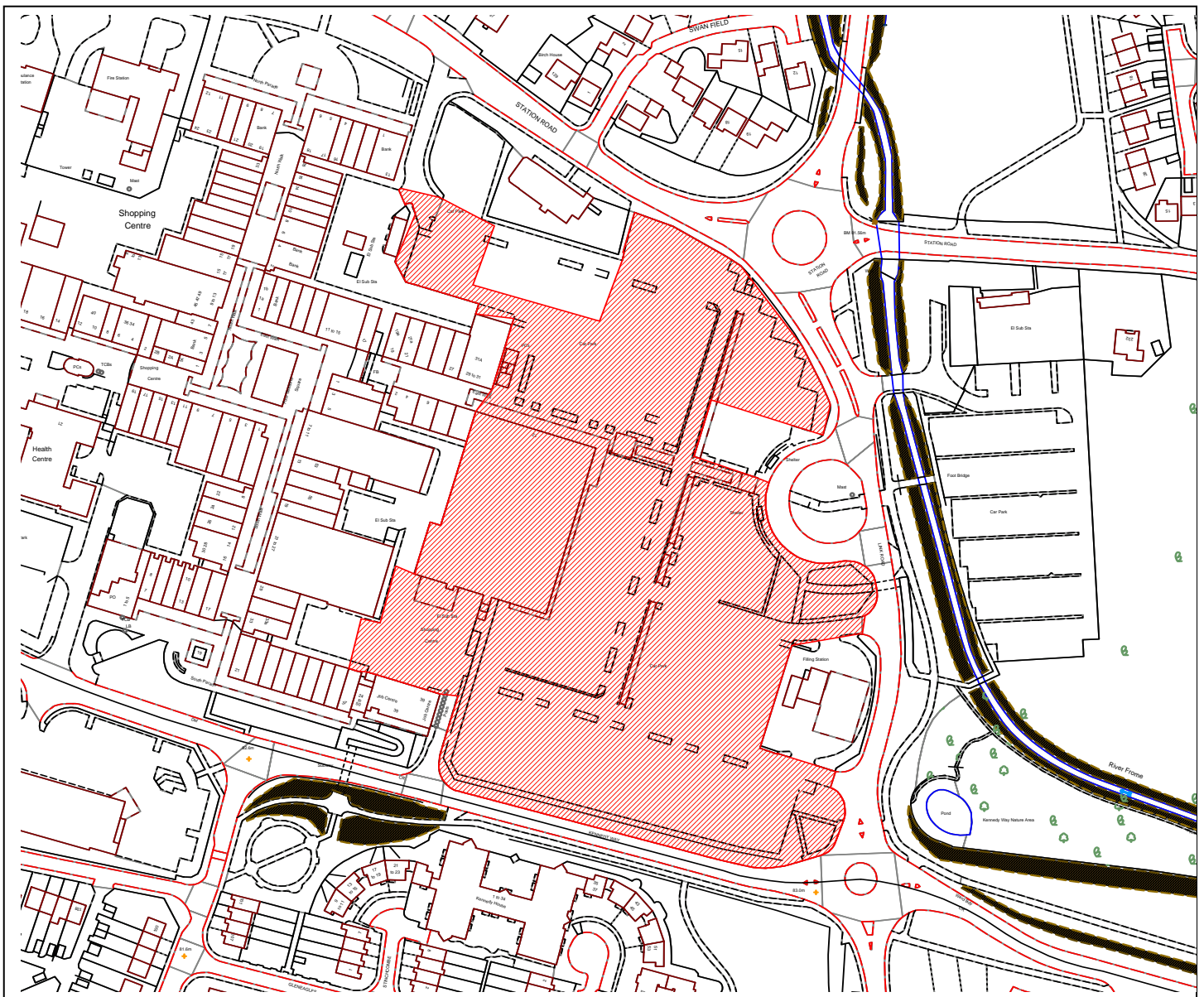
**Date Reg:** 28th August 2007

**Proposal:** Display of 7no. directional signs, 4no. promotional banners, 2no. internally illuminated information signs, 15no. non-illuminated information signs, 3no. internally illuminated fascia signs, 1no. non-illuminated branding panel and 2no. non-illuminated wall mounted panels.

**Parish:** Yate Town Council

**Map Ref:** 71579 82393

**Ward:** Yate Central



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100023410, 2007.

DC0901MW

## **INTRODUCTION**

This application is referred to the Circulated Schedule due to an objection to the proposed scheme being received from the Local Parish Council.

### **1. THE PROPOSAL**

- 1.1 This advertisement application relates to the display of multitude of signs as noted above.
- 1.2 The scheme follows two previous applications and represents a significant reduction in scale and number of signs, although it is arguable whether the directional signs actual require advertisement consent.
- 1.3 Although the level of signage has been reduced, the scale of some of the remain signs have also been reduced, as for example the double sided free standing signs have been reduced from over 7 metres to 5.5 metres.
- 1.4 The proposed signage over an “existing gantry” on the Station Road entrance (referred to as promotional banners) relates to a gantry which is considered not within the ownership of the applicant. In fact the gantry as shown no longer exists in this form, as it is not a solid light blue structure showing the recently devised “Yate Town Shopping Centre” branding. Although this fact was pointed out to the applicant during the determination of the previous scheme, it has remains within this application despite the issue of ownership.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG19	Outdoor Advertisement Control

#### 2.2 Development Plans

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

D1	Achieving Good Quality Design in New Development
L19	Display of Advertisements
T12	Transportation Development Control Policy for New Development

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

- 3.1 PK06/3297/ADV – Display of various internally illuminated information and directional signs. Withdrawn 11/01/07.
- 3.2 PK07/0156/ADV - Display of 31 no. non-illuminated directional/information signs, 2 no. double sided internally illuminated information signs, 1 no. wall mounted non-illuminated information sign, 4 no. internally illuminated fascia signs, 2 no. non-illuminated wall mounted panels, 1 no. double sided non-illuminated branding panel and 2 no. door mounted information signs. Erection of 2 no. trolley bays and associated works

### **4. CONSULTATION RESPONSES**

#### 4.1 Yate Town Council

Objection – excessive signage.

## **Other Representations**

### 4.2 Local Residents

No consultation replies were received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

As outlined in PPG19, outdoor advertisements can only be controlled in the interests of “*amenity*” and “*public safety*”. In terms of “*amenity*”, the affect of the proposal on the visual amenity in the immediate neighbourhood has to be considered. With regard to “*public safety*”, LPA’s must ensure any advertisement does not create a traffic hazard, especially in terms of causing a distraction.

5.2 Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006 Incorporates advice contained within PPG19. This policy allows for the display of advertisements provided the following criteria are complied with:-

**A The advertisement would not be detrimental to the appearance of the building on which it is displayed, or detrimental to the immediate location in which it is to be displayed, by virtue of size, siting, materials, colour or illumination; and**

5.3 As per the previous application, there are no concerns regarding the proposed illuminated signage to be placed on the store building itself, as they represent a national rollout of re-branding. The number of directional signage proposed is also now not considered to be excessive, as all the previous unnecessary signs have been deleted. Finally whether the gantry sign over the Station Road displays a “Tesco” or “Yate Shopping Centre” branding is of no consequence. To main issue in the consideration of this application is the previous concerns of a cumulative effect having a negative effect on the character of the area has been alleviated.

**B The advertisement would not detract from the character of the locality;**

5.4 As above.

**C The cumulative effect of the proposal would not be detrimental to visual amenities;**

5.5 As above, it is considered that following the reduction in numbers and in some cases scale of specific signs, the cumulative effect of the proposed scheme of signage would not be detrimental to visual amenities.

**D The advertisement would not prejudice public safety.**

5.6 The comments of the local resident are noted, but no objections have been raised from the Council’s Transportation section and as such the application accords with this criterion.

## 5.7 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 recommendation to grant advertisement consent 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 Advertisement consent is to be GRANTED.

**Background Papers      PK07/2638/ADV**

**Contact Officer:    Robert Nicholson**  
**Tel. No.                01454 863536**



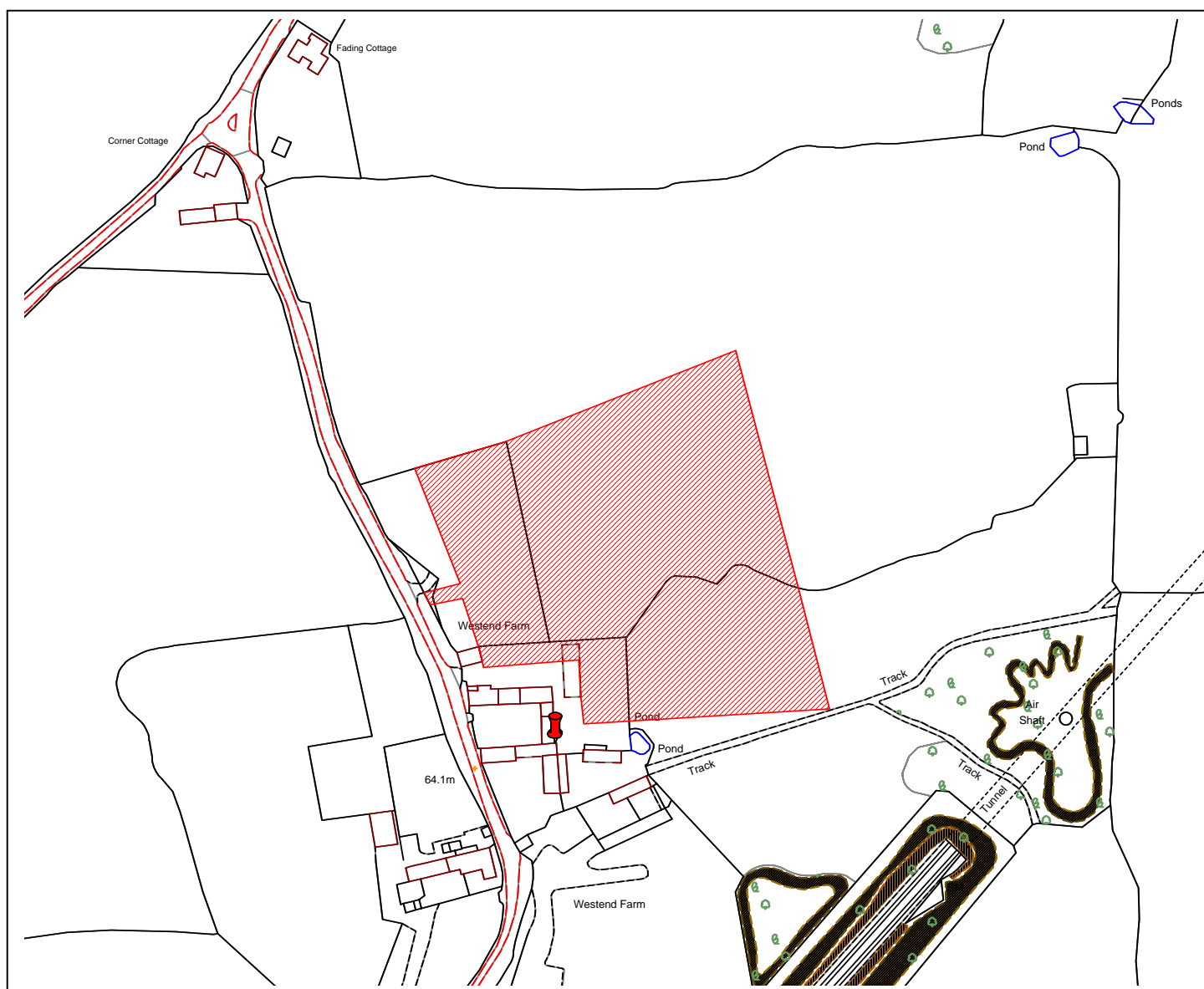
CIRCULATED SCHEDULE NO. 48/07 – 29<sup>TH</sup> NOVEMBER 2007

**App No.:** PK07/2872/F  
**Site:** Edwards Barn, Westend Road, Wickwar, South Gloucestershire, GL12 8LD  
**Proposal:** Erection of stable block comprising of 4no. stables, tack room and hay store. Erection of car port and creation of new vehicular access from Westend Road. Construction of new pond and erection of 1no. wind turbine. Change of use of land from agricultural to land for the keeping of horses.

**Applicant:** Mr M Atkinson  
**Date Reg:** 20th September 2007  
**Parish:** Wickwar Parish Council

**Map Ref:** 71425 88081

**Ward:** Ladden Brook



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100023410, 2007.

DC0901MW

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for a variety of works. The works are all in conjunction with the conversion of the barn to a residential unit with ancillary office accommodation approved in 2002 (PK02/1209/REP) which is currently under implementation.
- 1.2 The application initially included the erection of stables but did not include the change of use of land for the keeping of horses. Horses are already kept on the site but it appears that the necessary planning permission has not been gained. During the course of the application therefore, amended plans were received so the red line now includes the paddock and the description has been changed to include the change of use of land for the keeping of horses. During the course of the application additional information was also requested in the form of an acoustic report for the proposed wind turbine. The additional information was received as requested.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

PPS1	Delivering Sustainable Development
PPS7	Sustainable Development within Rural Areas
PPG17	Sport and Recreation
PPS22	Renewable Energy

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

L1	Landscape Protection
LC5	Sport and Recreation Outside Settlement Boundaries
D1	Design
E10	Horse Related Development
T12	Transportation Development Control Policy for New Development
EP5	Renewable Energy Installations
H4	Development within Residential Curtilages

#### **2.3 Supplementary Planning Guidance**

Advice Note 9 Development involving horses

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

- 3.1 PK02/1209/REP Conversion of barn to dwelling. Self contained annex and ancillary office. Renewal of planning permission P96/1242. Approved May 2002

### **4. CONSULTATION RESPONSES**

#### **4.1 Wickwar Parish Council**

The Parish Council have no objections to the scheme but ask a number of questions. The questions are all answered in the body of the report

## **Other Representations**

### 4.2 **Local Residents**

One letter of objection has been received from a local resident. The resident objects to the new vehicle access. The objection is that this would form a third access to the site and that the boundary line of Edwards Barn would be extended as a result.

## **5. ANALYSIS OF PROPOSAL**

5.1 PPS7 generally supports equine related developments in the countryside provided that they maintain environmental quality and countryside character. Policy E10 of the South Gloucestershire Local Plan (Adopted) reinforces the view that *'proposals for horse related development ..... such as stables, will be permitted outside the urban boundaries of settlements'*, subject to the following criteria being met.

- A. Development would not have unacceptable environmental effects; and
- B. Development would not prejudice the amenities of neighbouring residential occupiers; and
- C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
- D. Safe and convenient access to bridleways and riding ways is available to riders; and
- E. There are no existing suitable underused buildings available and capable of conversion; and
- F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

PPS1 Delivering Sustainable Communities and PPS22 Renewable Energy both support the principle of developing systems and mechanisms for harnessing the energy created by infinite energy sources. PPS22 states that by 2010 the Government will seek to generate 10% of its electricity from renewable energy sources. It goes on to state that that increased development of renewable energy resources is vital to the government's commitment on both climate change and renewable energy. It is made clear that the wider environmental and economic benefits of renewable energy projects is a key material consideration and should be given significant weight when determining application for development which seeks to provide energy through renewable means. Policy EP5 of the South Gloucestershire Local Plan (Adopted) January 2006 is specifically concerned with development that comprises renewable energy installations. This policy follows on from the guidance received from national Government and states that development should be permitted provided that it would not have unacceptable environmental or transportation effects nor would it prejudice residential amenity.

Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) Allows for development within existing residential curtilages providing the design is in keeping with the surrounding environment and providing there is no adverse impact on residential amenity.

The proposal stands to be determined against the policies listed above and in the light of all material considerations, under the following headings. In the interests of clarity, each element of the proposal shall be discussed in turn.

- 5.2 Change of Use of Land for the Keeping of Horses and Erection of Stable Block  
As previously stated, the land is currently used for the keeping of horses although no formal planning permission has been obtained. This application therefore seeks to regularise the existing situation, it will not actually change the way the land is used at present. PPS7 and Policy E10 allow for equine uses in rural areas such as this.

Due to the separation distance that would exist between the site and the nearest residential property (the nearest house is some 45 metres from the stable block) there are no residential amenity concerns.

The scale of the proposed stable is modest and the design is simple. The materials include a clay double roman tiled roof and timber walls in keeping with the site's rural setting. The stable is to be erected very on the eastern boundary of the field tucked up close to the residential curtilage. The stables will therefore be viewed against a backdrop of buildings and will not have an unduly significant impact on the character of the area. The design of the stables is very common and is the type of design that is usually supported by the Council. There are therefore no design objections to the proposed scheme.

The Parish Council are concerned that four stables is slightly excessive to meet the needs of one family. However, the applicants have ensured the officer that the four horses do all belong to, and will be used by members of the family. A condition will be attached to any consent granted to ensure that the stables are not used for any schooling, livery or commercial purposes whatsoever. Measurements have been carried out to ensure that sufficient land is available to meet the needs of four horses. The site outline in red for change of use to equine purposes is large enough to graze and exercise four horses. The site has easy access to country land and bridleways that are suitable and well used for the riding of the horses. There are thus no planning objections to the scheme.

- 5.3 Creation of new Access  
The application proposes to create a new vehicular access to the west of the existing vehicular access. The purpose of the new access is to allow vehicular access to the stables and the wind turbine without having to go through the residential courtyard. There is currently an existing agricultural access in the location where the new access is proposed. However, the existing agricultural access is not within the ownership of the applicant and thus they cannot theoretically use the existing access. The proposal therefore is to simply widen the existing access point to allow for the laying of a rubble stone driveway leading to the stables and agricultural land. As the access point is also to serve agricultural land, it is not considered unreasonable to seek a new access to prevent farm machinery having to drive through the residential curtilage. Westend Road is an unclassified highway and turning space will be provided. Whilst the road is narrow, vehicle speeds are slow and naturally restricted by the very nature of the highway. There are no transportation objections to the access as proposed.

#### 5.4 New Pond

At the time of the case officer's site visit it was noticed that the proposed pond has been partially dug. The pond has two main purposes, firstly as a balancing pond assisting in the drainage of the site and secondly for recreational purpose and the keeping of ducks etc. The pond will have very little impact on the surrounding landscape, and because of the surrounding vegetation, will not be readily visible. The pond, if left to be natural could become a valuable feature encouraging wildlife to the area. The pond complies with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted).

#### 5.5 Erection of Car Port

The proposed car port is of a size to take four vehicles and is a replacement for the existing Dutch barn which is to be taken down as part of the original planning approval. The car port is to be erected just to the north of the annex building currently being converted to an ancillary office. The car port is to be erected entirely within the existing residential curtilage. The garage will be erected of materials similar to the proposed stable block – i.e. a tiled roof with timber sides. The front of the car port will be open and will thus resemble an old cart barn. The ridge and eaves height of the car port has been kept as low as possible to ensure that it has minimal impact on the open countryside and it will read as a small subservient feature to the dwelling.

There are no neighbouring properties that could be affected by the construction of the car port and no additional traffic movements will be generated by its construction. The car port is thus considered to be an acceptable proposal.

#### 5.6 Installation of Wind Turbine

As part of the conversion of the barn, great steps are being taken to reduce the carbon footprint of the new dwelling as far as possible. A Ground Source heat pump is currently being installed (which does not require planning permission) to provide under-floor heating in the house. The wind turbine as proposed is undeniably a significant one and will have a maximum height above ground level to the tip of the propeller of 15.5 metres. In an attempt to screen the turbine from views, it is to be sited well away from the highway and close to an existing semi-mature hedgerow. It is acknowledged that the turbine is to be sited on high ground but this is necessary to ensure its maximum efficiency.

An acoustic report has been submitted to the Council and has been assessed by the Council's Environmental Protection Officer. In light of the report, the environmental protection officer is satisfied that the levels of noise emitted by the turbine will not result in any noise issues for surrounding properties.

It cannot be denied that the turbine will be visible in some views across the area. A condition will be attached to any consent granted to request details of the colour of the turbine to ensure that it blends with the surrounding environment as far as possible.

Due to the isolated location of the proposed turbine and the absence of any neighbours, impact on residential amenity is considered to be entirely acceptable.

## 5.7 Design and Access Statement

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

## 5.8 Section 106 Requirements

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

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Background Papers**      **PK07/2872/F**

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

## CONDITIONS

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

Reason:

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

2. Prior to the installation of the wind turbine hereby permitted, details of the colour of the turbine shall be submitted to the Council and if acceptable, written agreement will be given. The turbine must be finished exactly in accordance with the colours so agreed.

Reason:

In the interests of visual amenity and to accord with Policy D1, L1 and EP5 of the South Gloucestershire Local Plan (Adopted) January 2006. (

3. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason:

To protect levels of highway safety in the vicinity and to accord with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The number of horses kept on the site edged in red shall not exceed four.

Reason:

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

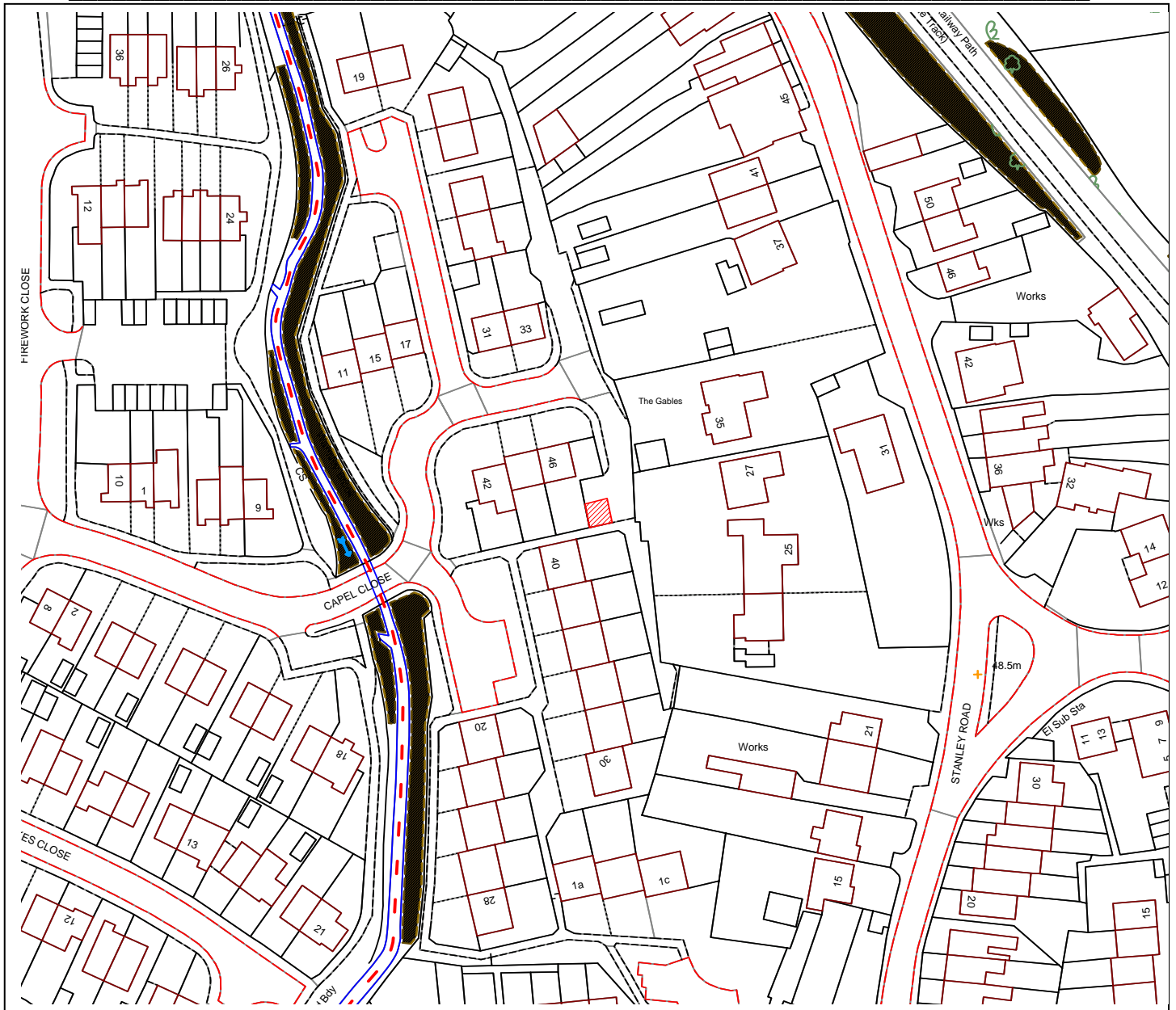
5. The roof tiles to be used on the stables and car port hereby permitted, shall match those of the main building in terms of colour, materials and profile.

Reason:

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 48/07 – 29<sup>TH</sup> NOVEMBER 2007**

<b>App No.:</b> PK07/3104/F	<b>Applicant:</b> Mr P Wynne
<b>Site:</b> 46 Capel Close Warmley BRISTOL South Gloucestershire BS15 4LS	<b>Date Reg:</b> 18th October 2007
<b>Proposal:</b> Erection of attached double garage. (Retrospective). (Resubmission of PK06/2653/F).	<b>Parish:</b> Siston Parish Council
<b>Map Ref:</b> 66803 73776	<b>Ward:</b> Siston



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 100023410, 2007.

**N.T.S**

**PK07/3104/F**



## **INTRODUCTION**

This application appears on the Circulated Schedule due to the receipt on one letter of objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a double garage outside of the residential curtilage of No. 46 Capel Close. This is a retrospective planning application as the garage is already in existence. Whilst the garage is detached from the main dwelling, it will be attached to other existing outbuildings within the curtilage.
- 1.2 As understood by the case officer, the garage has been erected on a piece of land that the applicant has purchased from the Council – the Council has not received an application to change the use of this piece of land from public/amenity land to residential curtilage. The change of use of the piece of land will also therefore be considered as part of this planning application.
- 1.3 There has been a previous application on the site for the same garage reference PK06/2653/F. The plans submitted with the last application were of very poor quality and these ultimately led to the refusal of the application. Additional information and professional prepared plans have been submitted with this resubmission in an attempt to overcome the previous refusal reason.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Extensions and New Dwellings  
T12 Transportation Development Control

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

- 3.1 PK06/2653/F Erection of detached double garage (retrospective).  
Refused November 2006

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
No response received

#### **Other Representations**

- 4.2 Local Residents  
One letter of objection has been received from a local resident. The resident objects and fails to see how the new plans can make any difference to the previously refused application. The resident is concerned that the garage has not been built to any

building regulation standards and represents overdevelopment of the site. It is expressed that the garage results in the loss of four parking spaces with off street parking being a big issue in Capel Close. The resident is concerned that the building is not used as a garage but is used for business purposes causing noise and disturbance at weekends.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy H4 of the South Gloucestershire Local Plan allows for development providing it is in keeping with the character of the area and providing a number of criteria relating to design, scale, highway and impact upon visual and residential amenities are met.

### **5.2 Design/Visual Amenity**

As stated above, the garage has been erected on land that is now within the ownership of the applicant but has not yet formally been converted to residential curtilage. The land was purchased off of the Council under the agreement that a single garage would be erected on the site. It is considered that the location of the piece of land on which the garage has been erected relates very well to the dwelling and reads appropriately as part of its curtilage. There is no objection therefore to the principle of converting the land occupied by the garage from amenity space to residential curtilage.

When viewed from the front elevation the garage has a relatively standard appearance. It has been erected with materials that integrate successfully with the surrounding environment and the existing single garage. The design of the garage is therefore considered to be acceptable.

The plans submitted with the last application failed to show the vast number of existing extensions at the dwelling – many of which had been erected without the benefit of planning permission. The Councils enforcement officers were made aware of the various other extensions and these are being investigated. As the extensions were not shown at all on the previously submitted plans, it was not possible for your officer to accurately assess the true extent of the total volume of all previous extensions. The view was taken that it was expedient to refuse the application on the basis that the proposal represented overdevelopment of the site.

The plans now submitted clearly show all existing extensions at the property – authorised or otherwise. Whilst it is still clear to your officer that there have been many extensions at the property, the view is now taken that the garage subject of this application does not represent over development of the site. The key factor in coming to this conclusion is that the site on which the garage is constructed is not actually part of the original curtilage. In essence therefore, the granting of planning permission for the garage will not result in any more development within the original residential curtilage. The site occupied by the garage will only be changed to part of the curtilage upon granting of planning permission. It is considered therefore, that on the basis of the detailed plans submitted and the officers understanding of the site that it would not be unreasonable to refuse the application on the grounds of overdevelopment.

### **5.3 Residential Amenity**

Given the proposed siting of the garage well away from the neighbouring properties, it is not considered that the proposed works will have any impact on the adjacent residential properties. This is providing of course that the garage is used solely for the garaging of residential vehicles and ancillary domestic storage. Should the officer recommendation be for approval – conditions would be attached limiting the use of the garage to such residential uses.

Again, because of the poor quality of the plans submitted with the last application in 2006, officers were unable to ascertain the true extent of residential curtilage that remains to serve the dwelling. The plans submitted with this application show that a small area of curtilage will be retained. It is not disputed that the area of residential curtilage is small but it is sufficient in size to allow for the outdoor drying of clothes, for a children's slide etc. In addition to this, as explained in section 5.2 above, the site occupied by the garage is not currently within the residential curtilage. Therefore, the site offers no amenity space to the property. The erection of the garage therefore results in no loss of amenity space

5.4 Transportation

The local resident who objects to the scheme is concerned that the garage will result in loss of off street parking in Capel Close. It is important to note however that the land has now been sold to the occupants of No. 46 and thus could not be used for parking by other residents even if the garage was not there.

5.5 Section 106 Requirements

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

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. The Councils enforcement team will be informed of the recommendation and asked to take further action.

7. RECOMMENDATION

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

**Background Papers      PK07/3104/F**

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

**CONDITIONS**

1. The garage hereby permitted shall be solely used for the parking of domestic vehicles and ancillary domestic storage associate with the occupation of No. 46 Capel Close. The garage must not be used for any commercial or business activities at any time.

Reason:

In the interests of highway safety in the vicinity and to avoid any detrimental impact on the amenities of neighbouring residents. In accordance with Policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 48/07 – 29<sup>TH</sup> NOVEMBER 2007**

**App No.:** PK07/3113/TRE

**Applicant:** Mr P Maher South Gloucestershire Council

**Site:** Louise Avenue Mangotsfield BRISTOL South Gloucestershire BS16 9JF

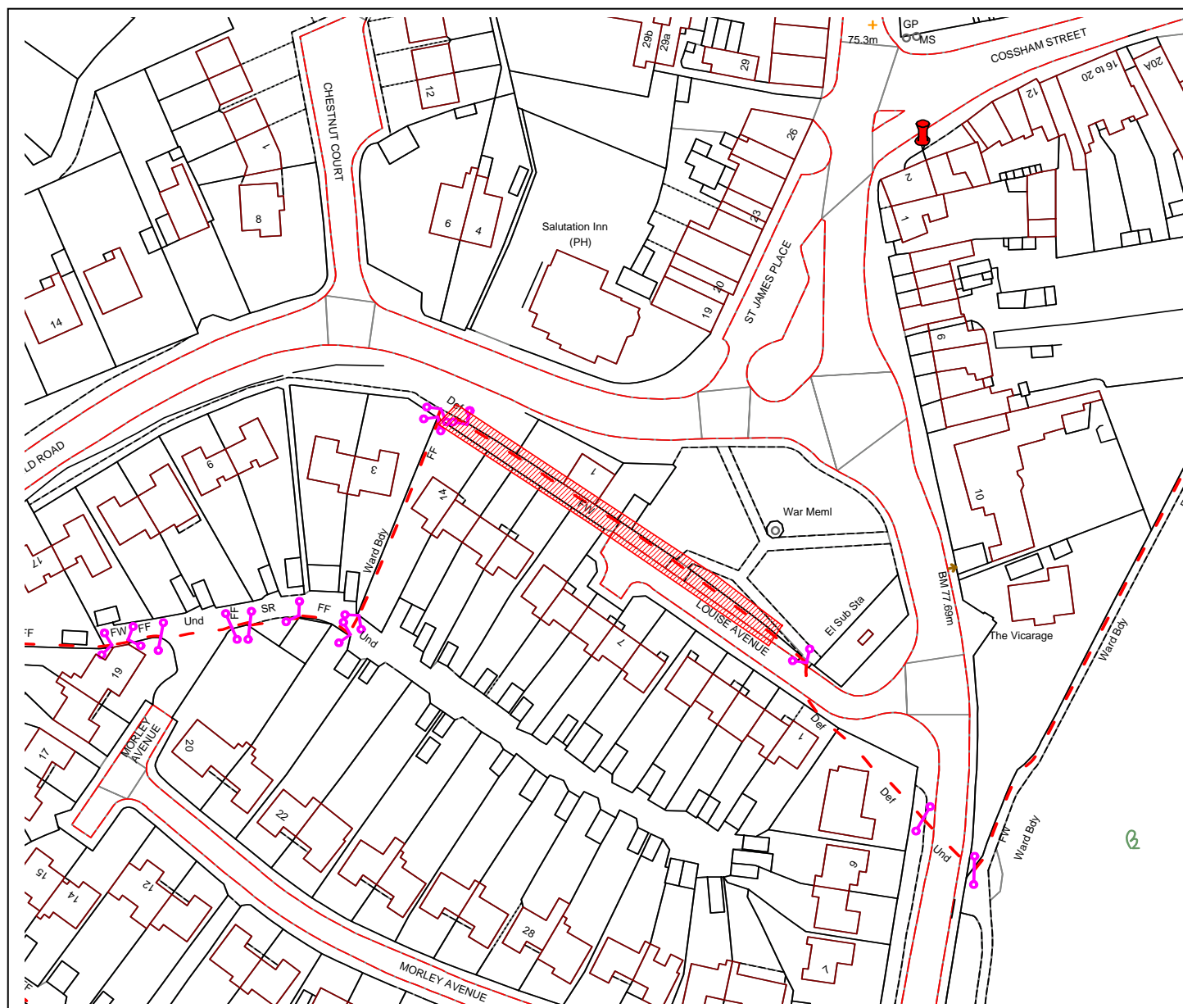
**Date Reg:** 19th October 2007

**Proposal:** Various works to trees as mentioned on the schedule of works covered by Tree Preservation Order KTPO5/77 dated 18 October 1979.

**Parish:** Mangotsfield Rural Parish Council

**Map Ref:** 66375 76051

**Ward:** Emersons Green



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## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of consultation responses received.

### **1. THE PROPOSAL**

- 1.1 The application seeks consent for various works to trees, these cover the felling of 1no. Cherry Tree, 1no. Lime Tree and 1no. Sycamore, the removal of basal suckers from 1no Horse Chestnut and 1no. Lime Tree, the removal of basal suckers and damaged branch from 1no. Horse Chestnut and to sever ivy from 1no London Plane.
- 1.2 The trees exist in a row in a residential area along the edge of the highway (Louise Avenue).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS 1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement  
L5 Forest of Avon

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

- 3.1 None Relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Mangotsfield Rural Parish Council  
Object on the grounds that the application should be re-submitted removing only dead trees and rebuilding the wall.

#### **Other Representations**

- 4.4 Local Residents  
No objections received

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

- 5.1 Principle of Development  
Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.
- 5.2 The Cherry Tree is dead and is not covered by a Tree Preservation Order. The basal suckers around the Horse Chestnuts and Lime are obstructing the footpath causing a possible trip hazard. The ivy within the canopy of the London Plane will increase the wind resistance of the tree and could lead to

possible failure. The Lime and the Sycamore are dead/dying pollards with poor form. As the trees are covered by a Tree Preservation Order, there is a requirement to plant replacement trees.

5.3 In response to the Parish comments, these works are a request from the open Spaces tree officer at Broad lane. The cutting back is for health and safety reasons and the trees to be felled are dead. There will be replacement planting in the park area for the dead trees covered by Tree Preservation Order. The issue of the re-building of the wall is not associated with this application.

#### 5.4 Section 106 Requirements

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

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 That consent is granted

**Background Papers**      **PK07/3113/TRE**

**Contact Officer:**      **Simon Ford**  
**Tel. No.**                      **01454 863714**

### CONDITIONS

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

Reason:

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

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

Reason:

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



CIRCULATED SCHEDULE NO. 48/07 – 29<sup>TH</sup> NOVEMBER 2007

App No.: PK07/3278/R3F

Applicant: South  
Gloucestershire  
CouncilSite: Abbotswood Primary Kelston Close Yate  
BRISTOL South Gloucestershire BS37  
8SZ

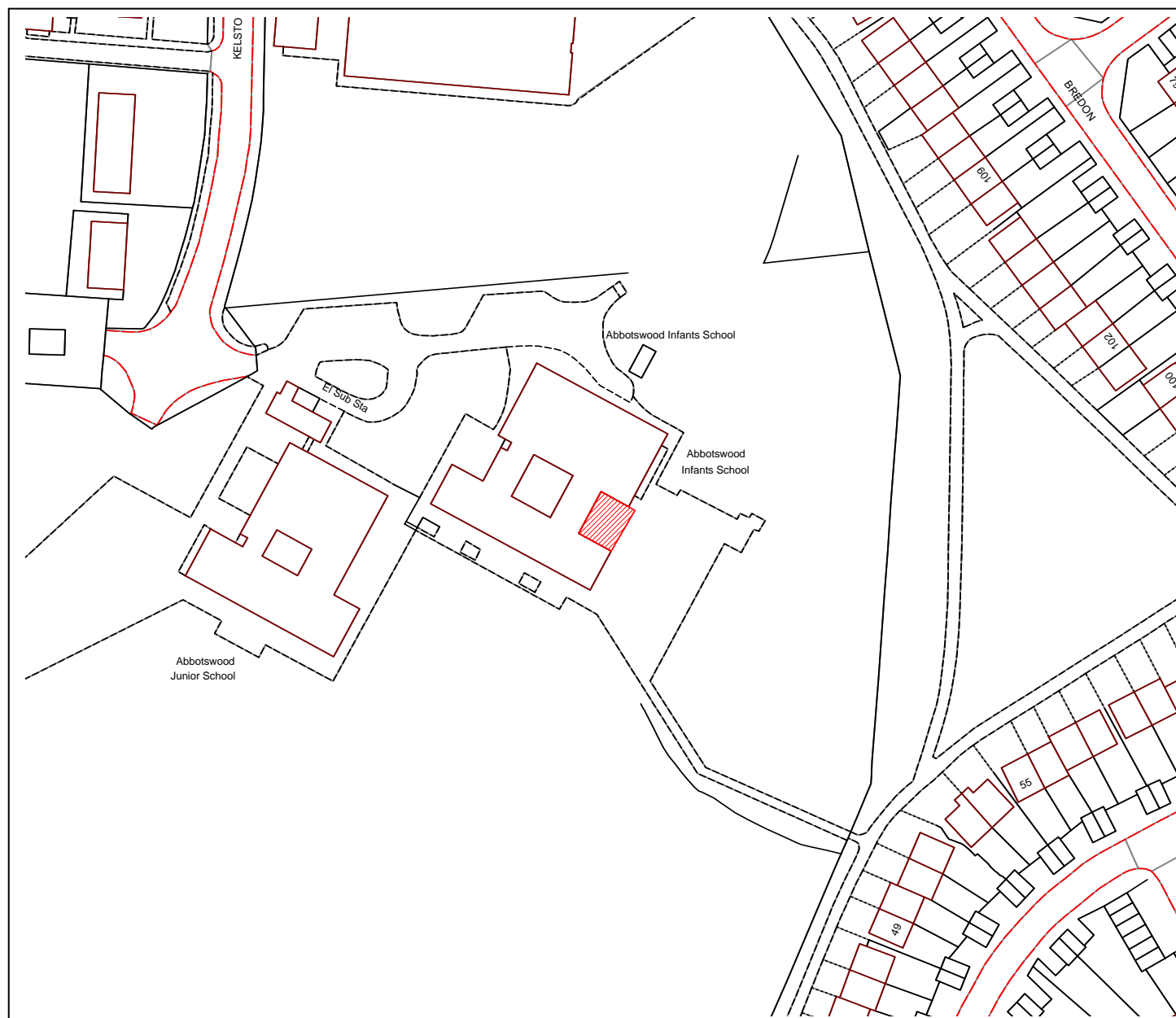
Date Reg: 5th November 2007

Proposal: Erection of sun shade canopy.

Parish: Dodington Parish  
Council

Map Ref: 70807 80969

Ward: Dodington



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N.T.S

PK07/3278/R3F

## **INTRODUCTION**

This application is reported on the Circulated Schedule as it relates to development proposed on South Gloucestershire Council's land.

### **1. THE PROPOSAL**

1.1 This application seeks planning permission for the erection of a sun shade canopy to be attached to the southern elevation of Abbotswood School. It is proposed to be erected in a recess in this façade, in a single storey building of brick and render, under a tiled roof. The shelter is proposed to be constructed from timber, with a rounded roof of fabric.

1.2 The location of the shelter is partially screened from views from outside the school site by a free standing clump of landscaping which helps to break up the mass of the existing building. The nearest dwellings to this part of the site are beyond the edge of the school grounds and further separated by a footpath and fence.

### **2. POLICY CONTEXT**

2.1 National Guidance  
PPS1 Delivering Sustainable Development

2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
LC4 School development

2.3 Supplementary Planning Guidance  
Design checklist (adopted)

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

3.1 PK00/2058/R3F Erection of single storey link extension Approved

### **4. CONSULTATION RESPONSES**

4.1 Dodington Parish Council  
No reply received

4.2 Other Consultees  
SGC Property Services  
No comment

#### **Other Representations**

4.3 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. Given the distance, and partial screening, of views in from outside the site, together with the fact that the extension of the school buildings is effectively infill, it is considered that the proposal would not have any impact on residential amenity. The remaining policy to consider the proposal against is therefore D1, Design.

## 5.2 Design

As noted above, the materials proposed for the sun shelter are different from those of the school building. However, with the form of the proposal following its function, using the same materials to provide outdoor shelter is not considered to be necessarily appropriate. The rounded roof is considered to make clear that the shelter is not attempting to be part of the existing school building, a factor which is further mitigated by its recessed location and reduced scale in comparison with the existing building. For these reasons it is considered that the design of the shelter is appropriate in this location on the rear elevation of the school building and that the proposal complies with policy in this respect.

## 5.3 Section 106 Requirements

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

## 6. CONCLUSION

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

The recommendation to approve permission has been 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      PK07/3278/R3F**

**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 shall take place until details/samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

**CIRCULATED SCHEDULE NO. 48/07 – 29 November 2007**

**App No.:** PT07/3081/F  
**Site:** 4 Green Dragon Road Winterbourne  
 BRISTOL South Gloucestershire BS36  
 1HF

**Applicant:** Mr G Singh  
**Date Reg:** 17th October 2007

**Proposal:** Erection of 1 no. detached dwelling.  
 Creation of new vehicular and pedestrian  
 access.

**Parish:** Winterbourne Parish  
 Council

**Map Ref:** 64917 80349

**Ward:** Winterbourne



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**N.T.S**

**PT07/3081/F**

This application is submitted to the Circulated Schedule as a result of the neighbours objection.

## **1. THE PROPOSAL**

- 1.1 This is an application for the erection of a single dwelling house on 0.026 hectares of land which is currently part of the garden of 4 Green Dragon Road, one of a pair of semi-detached houses.
- 1.2 The application is in full and follows the withdrawal of the previous scheme to resolve certain design matters. The new detached house would be constructed in concrete block and rendered and have a tiled roof. Parking for two vehicles is set out at the front of the house and a shed is proposed to facilitate cycle parking.

## **2. POLICY CONTEXT**

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing
- 2.2 Adopted Joint Replacement Structure Plan  
Policy 1 Sustainable Development objectives  
Policy 2 Locational Strategy
- 2.3 Adopted South Gloucestershire Local Plan  
D1 Design  
H2 Residential Development  
H4 Development in residential curtilages  
T7 Cycle Parking  
T8 Vehicle Parking  
T12 Transportation Development Control Policy  
L1 Landscaping  
L5 Forest of Avon  
L6 Open areas within the defined settlement
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Supplementary Planning Document)  
Adopted 2007

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT07/1731/F Erection of detached dwelling Withdrawn

## **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection, however off street parking should be at the back.
- 4.2 Sustainable Transport  
The site is located off the unclassified Green Dragon Road, which serves as access to the wider highway network.

The proposal features the erection of one three-bed house with a new vehicular and pedestrian access.

The proposed parking spaces comply with T8 of the South Gloucestershire Local Plan 2006. The proposed parking spaces should measure 2.4 metres wide by 4.8 metres long.

The proposed cycle store is acceptable.

The proposed boundary treatment should be kept to a maximum of 0.6 metre high; this will need extending across the front boundary of No. 4 Green Dragon Road, and between the proposed dwelling and No. 4 Green Dragon Road. This is to provide visibility between potential vehicular movements from the proposed dwelling and pedestrians.

The proposed vehicular crossover should be constructed to the satisfaction of the Street Care Manager.

The proposed parking spaces should have a bound surface.

On this basis there is no transportation objection in principle to this current location, however, the following conditions are recommended:-

- That the proposed boundary treatment be kept to a maximum of 0.6 metre (shown as D to E and C to B on drawing number D.GS.07/05/02A), this will also need extending across the front boundary of No.4 Green Dragon Road;
- That the proposed vehicular crossover construction be carried out to the satisfaction of the Street Care Manager;
- That the proposed parking spaces measure 2.4 metres wide by 4.8 metres long, and have a bound surface;
- That any proposed entrance gates open inwards;
- Provide and maintain the proposed cycle store;
- Provide and maintain the proposed bin store.

#### 4.5 Local Residents

One letter of objection has been received from a neighbouring dwelling, 5 Green Dragon Road in respect of the following matter:

- a) the writers house is quite dark and not particularly warm and the proposal would exacerbate those problems, denying the writer a significant amount of sunlight which is enjoyed at present.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The site lies within the development boundary of Winterbourne and, as a residential curtilage, falls within the definition of previously developed land, as defined in PPS3. In considering the density of the site the application has been assessed against the guide in PPS3 and against the surrounding land use density. The density of this site is calculated at 38 dwellings per hectare which achieves the minimum density of 30 dwellings per hectare advocated by policy H2.

- 5.2 This is a full application for a house within the village development boundary of Winterbourne and therefore the issue to be tested, against the policies listed above, in the light of all material considerations, is the principle of development. In this case the principle of development is acceptable by virtue of the location of the site within an established housing area.
- 5.3 Policy H2 permits such development on previously developed land providing that criteria relating to environmental and transportation effects, residential amenity and density considerations and provided that the site would not be subject to unacceptable pollution or place undue strain on public facilities. In addition to this Policy H4 seeks to ensure that the proposal respects the surrounding character and that adequate private amenity space is provided for any new dwelling.

As such the principle of the development is acceptable subject to further consideration under the following headings.

5.4 Transportation

The proposed access could be created under permitted development and as such provided that a visibility splay is provided for the new house, and the parking spaces are adequately provided there is no transportation objection to the principle of a new dwelling at the site. The Transportation Officer requires conditions to be imposed and these are largely incorporated, however an informative is considered more appropriate to deal with the additional consent to create the proposed vehicular crossover.

5.5 Visual Amenity

The site forms part of the garden area at the side of this semi-detached house. The immediate area has a mix of terraced housing, bungalows and semi-detached properties. Whilst there are no detached houses in the immediate locality of the site, the house proposed has been designed with the detailing (roof slopes, fenestration, heads of windows, soffets, materials) of the original house in mind and as such the proposal would have a sympathetic appearance in relation to the original house and the wider area. A condition is required to ensure that the materials match those of the original house.

The rear and side garden would be enclosed by 1.8m existing walling or new timber fencing which creates private garden area. A shed is proposed to the side of the house in order to house two cycles and there is ample space at the side of the house to also discretely locate bins related to the house.

5.6 Privacy and Residential amenity

The new dwelling would have only front and rear facing windows and as such there is no loss of privacy to neighbours. There is no impact on the neighbouring house which is the applicants own home. All other neighbours area located across highways from the application site. As such no neighbours are detrimentally affected by the proposal.

5.7 Other issues

The additional unit is considered to make a negligible strain on the public services and as such no Section 106 contributions are sought. The site is not required to make provision for affordable housing.



5.8 Should planning permission be granted the site would be expected to provide a Sustainable Urban Drainage Scheme as there is no public surface water sewer. It is considered that this could be satisfactorily dealt with by a condition.

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 but despite this the scheme is satisfactory subject to conditions.

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 1/97 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 1/97 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 That planning permission is approved with the following conditions.

**Background Papers PT07/3081/F**

**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

**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 drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

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

Reason(s):

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

4. The house shall not be occupied until the associated car parking area and has been constructed to provided two parking spaces, each measuring 2.4m wide and 4.8m long, and have a bound surface. The parking 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 Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The house shall not be occupied until the associated cycle parking and has been constructed to provided two cycle parking spaces. The cycle parking facilities so provided shall thereafter be maintained for the parking of cycles.

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

6. The house shall not be occupied until the boundary walling/treatment in the following locations is reduced and/or maintained at or below 0.6m above abutting pavement level.

- a) D to E on drawing number D.GS.07/05/02A,
- b) C to B on drawing number D.GS.07/05/02A, and
- c) across the entire front boundary of No.4 Green Dragon Road.

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

7. No development shall take place until details of the proposed finished floor levels of each dwelling house relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

8. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in 4 Green Dragon Road.

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.

9. No development shall take place until the Local Planning Authority has been provided, and approved in writing, an initial design stage assessment by an accredited assessor for the Code for Sustainable Buildings and an accompanying interim certificate stating that each residential building has been designed to achieve Level 3 of the Code (or such national measure of sustainability for house design that replaces that scheme). Each residential building shall then be subject to a post-completion check by the assessors and issue of a final Code certificate of compliance prior to the first occupation.

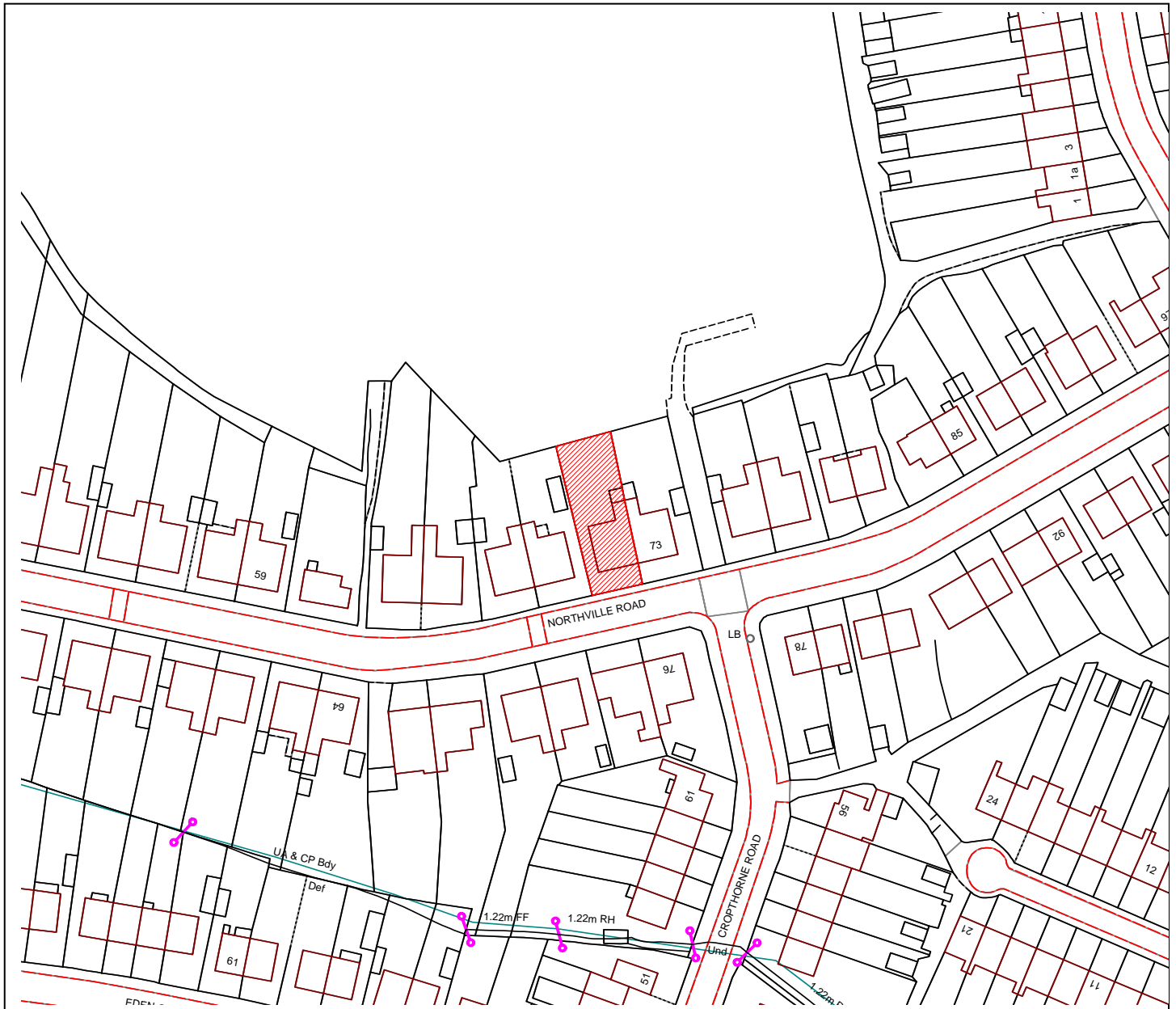
Reason(s):

To ensure the development minimises the use of energy and natural resources as required by PPS1 and its draft supplement Planning and Climate Change, South Gloucestershire Local Plan Policy D1, the South Gloucestershire Design Checklist, and the draft Regional Spatial Strategy for the South West of England Policy G.

## CIRCULATED SCHEDULE NO. 48/07 – 29 November 2007

**App No.:** PT07/3105/F  
**Site:** 71 Northville Road Filton BRISTOL  
 South Gloucestershire BS7 0RJ  
**Proposal:** Change of use from care home (Class C2) to residential use (Class C3) (as defined in the Town and Country Planning (Use Classes) Order as amended 2005.  
**Map Ref:** 60280 78189

**Applicant:** Mr J Morgan  
**Date Reg:** 18th October 2007  
**Parish:** Filton Town Council  
**Ward:** Filton



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 100023410, 2007.

This application has been referred to the Circulated Schedule due to objections received from local residents.

## 1. THE PROPOSAL

- 1.1 This full application relates to the change of use of 5 bed care home (Class C2) for adults with learning difficulties to residential dwelling (Class C3) at 71 Northville Road, Filton. The application site is an extended semi-detached dormer bungalow with vehicular access to the front of the property, off Northville Road. The rear of the site backs onto a playing field and the site is within the urban area of Filton.
- 1.2 No elevational changes are proposed and the layout of the property is to remain as existing.

## 2. POLICY CONTEXT

- 2.1 National Guidance  
PPS1 Delivering Sustainable Development  
PPS3 Housing
- 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  
Policy 35 Housing Density
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New Development
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist

## 3. RELEVANT PLANNING HISTORY

- 3.1 N.5224 Erection of former extensions at front and rear to provide additional bedrooms.  
Approved 4 January 1979.
- 3.2 N.5224/1 Erection of extension to existing roof and front and rear dormer extension to form bedroom and bathroom.  
Refused 5 May 1983.
- 3.3 N.5224/2 Erection of rear dormer extension to provide bedroom and bathroom.  
Approved 28 July 1983.

- 3.4 P96/1769 Change of use from residential to residential home for adults with learning difficulties.  
Approved 7 August 1996.

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

- 4.1 Filton Town Council  
No objection.

##### Other Consultees

- 4.2 Sustainable Transport  
No objection.

- 4.3 Community Services  
No response received.

##### Other Representations

- 4.4 Local Residents  
2 letters have been received objecting to the proposal on the following grounds:-  
a) the property will become multi-occupancy;  
b) increase in car parking.

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

- 5.1 Principle of Development  
The application site is an extended property and was previously used as a residential dwelling. It is located within the residential area of Filton. The premises are small in nature and domestic in scale. The use of the property as a residential dwelling is therefore appropriate in this area. The layout of the property is unchanged, the number of bedrooms remaining at 5. In terms of the issue of multiple occupancy, the use of the property will remain within Use Class C3 (dwelling house), which as a general rule provides that no more than six residents live together as a single household. The proposal also has adequate off-street parking, with a minimum of 3 spaces. The proposed single residential unit is considered to be less onerous than the existing care home in terms of trip generation and parking demand. As such no highway objection is raised to the proposal. The proposal therefore complies with the development plan and is acceptable.

- 5.2 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**      **PT07/3105/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).