

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

CIRCULATED SCHEDULE NO. 12/08

Date to Members: 20/03/08

Member's Deadline: 31/03/08

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE

DATE:20/03/08

SCHEDULE NO. 12/08

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

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

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

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

Please note: - Reason for Referral

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

SIGNATURE

DATE

**Dates and Deadlines for Circulated Schedule
over the Easter and Bank Holiday periods 2008**

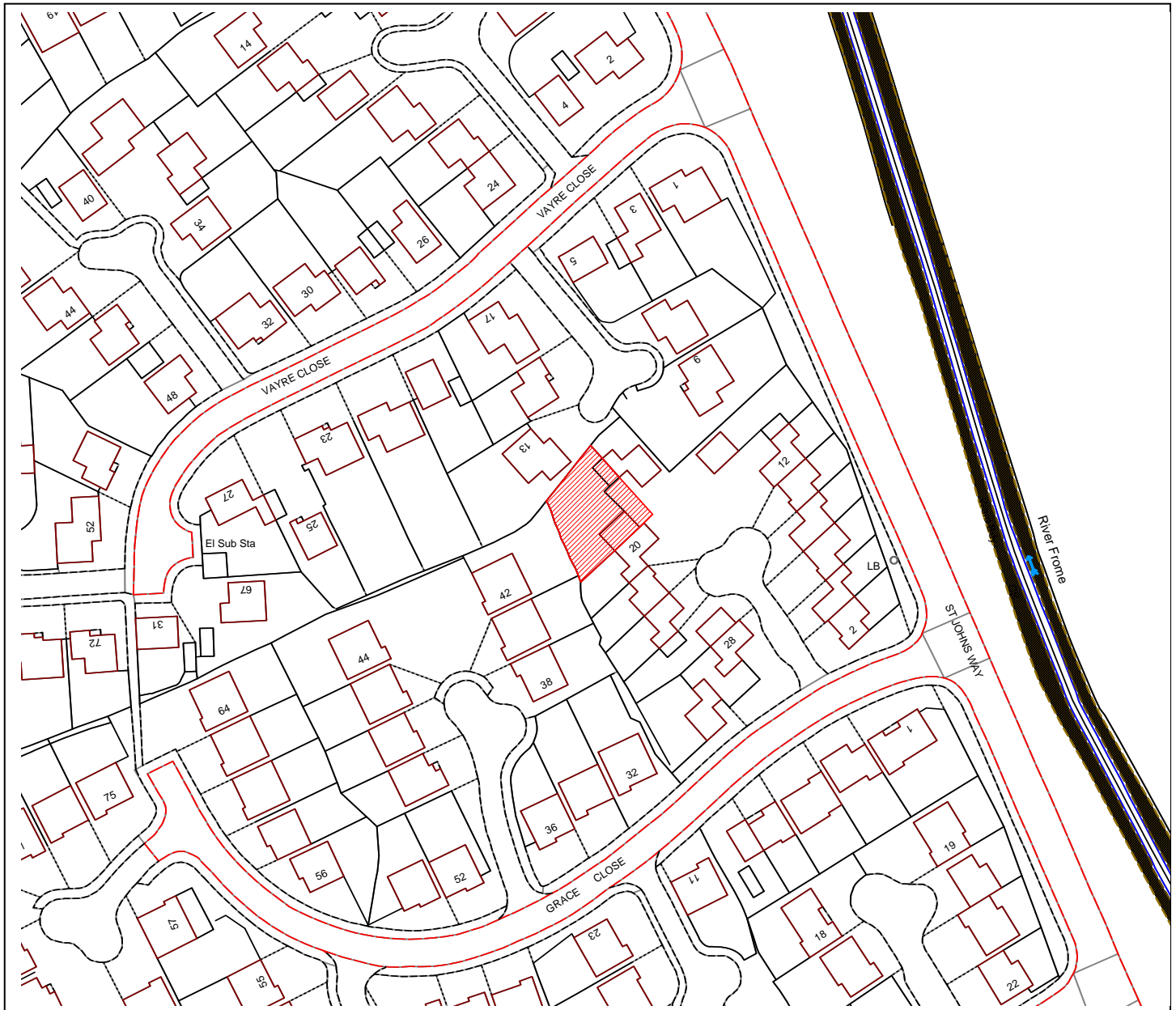
Schedule Number	Date to Members 12 noon on	Members Deadline 12 noon on
12/08	Thursday 20 March 2008	Monday 31 March 2008
18/08	Thursday 1 May 2008	Friday 9 May 2008
21/08	Thursday 22 May 2008	Friday 30 May 2008

Circulated Schedule 20 March 2008

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK07/3269/F	Approve with conditions	18 Grace Close Chipping Sodbury South Gloucestershire BS37 6NS	Chipping Sodbury	Sodbury Town Council
2	PK08/0119/F	Refusal	Land at Units 45-48, Waverley Road, South Gloucestershire, BS37 5QT	Ladden Brook	Iron Acton Parish Council
3	PK08/0375/ADV	Approve	Unit C, Aldermoor Way, Longwell Green, South Gloucestershire, BS30 7DA	Longwell Green	Oldland Parish Council
4	PK08/0450/F	Approve with conditions	Land off Limekiln Road, Rangeworthy, South Gloucestershire, BS37 7QB	Ladden Brook	Wickwar Parish Council
5	PT07/3652/F	Approve with conditions	Harcombe Farm Hicks Common Road Winterbourne South Gloucestershire BS36 1EJ	Winterbourne	Winterbourne Parish Council
6	PT08/0103/RM	Approve with conditions	Land at Parkway Business Park New Road Stoke Gifford South Gloucestershire BS34 8SJ	Stoke Gifford	Stoke Gifford Parish Council
7	PT08/0116/F	Approve with conditions	147 Gloucester Road Patchway BS34 6NA	Patchway	Patchway Town Council
8	PT08/0393/F	Approve with conditions	697 Filton Avenue, Filton, South Gloucestershire, BS34 7LA	Filton	Filton Town Council
9	PT08/0464/F	Refusal	27 Pentland Avenue, Thornbury, South Gloucestershire, BS35 2YB	Thornbury South and Alveston	Thornbury Town Council
10	PT08/0538/CLE	Approve with conditions	The Coverts, New Road, Rangeworthy, South Gloucestershire, BS37 7QF	Ladden Brook	Rangeworthy Parish Council

CIRCULATED SCHEDULE NO. 12/08 – 20 MARCH 2008

App No.:	PK07/3269/F	Applicant:	Mr C Hull
Site:	18 Grace Close Chipping Sodbury BRISTOL South Gloucestershire BS37 6NS	Date Reg:	2nd November 2007
Proposal:	Erection of two storey side extension to form additional living accomodation.	Parish:	Sodbury Town Council
Map Ref:	73387 82446	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	25th December 2007



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100023410, 2008.

N.T.S

PK07/3269/F

INTRODUCTION

This planning application has been referred to the Council's Circulated Schedule procedure as a result of objections received from a local resident regarding the proposed development.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a two storey side extension to form integral additional living accommodation.
- 1.2 The application site relates to a two storey semi detached dwelling within the residential area of Chipping Sodbury.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
H4 Extensions

- 2.3 Supplementary Planning Guidance
South Gloucestershire Advice Note no.2 Extensions

3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history relates to the application site:
- 3.2 PK06/0836/F Erection of two storey side extension
Refused May 2006 on design and residential
Amenity grounds.

4. CONSULTATION RESPONSES

- 4.1 Chipping Sodbury Parish Council
No objection raised.

Other Representations

- 4.2 Local Residents
One letter has been received from a local resident raising the following objections regarding the original plans. No additional comments have been received relating to the revised drawings:
- Will allow overlooking into side window
 - Overbearing impact
 - Existing problems with access

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the SGLP (Adopted) January 2006 allows for extensions to existing dwellings subject there may be no adverse impact on existing visual and residential amenities.

5.2 Visual Amenity

The application site relates to a modern two storey semi detached dwelling within the established residential area of Chipping Sodbury. It should be noted that both properties read as one dwelling. This application seeks permission for a two storey side extension. The previous scheme was refused on the grounds that the proposed two storey side extension was too wide and if allowed would have had a detrimental impact on the character and appearance of the host dwelling.

5.3 This current scheme has sought to address the above by significantly reducing the width of the extension and in doing it is considered that the proposed two storey side extension by reason of its design and scale is in keeping with the character of the existing dwelling and both properties as a whole.

5.4 Residential Amenity

The proposed two storey side extension if allowed would be set back at a distance of approximately 6.0m from the side elevation of no. 16 Grace Close which has a secondary living room window in place at ground floor level. No habitable room windows are proposed at ground floor level on the new extension only a bedroom window at first floor level. It is considered that a two storey side extension in this location would not have such an overbearing impact or result in loss of privacy so as to warrant refusal of the application.

5.5 Access

Concerns have been raised regarding work vehicles using the shared access. Members are advised to consider that this is a civil matter between the applicant and neighbour.

5.6 Section 106 Requirements

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

6. CONCLUSION

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

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

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

7. RECOMMENDATION

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

Background Papers **PK07/3269/F**

Contact Officer: **Donna Whinham**
Tel. No. **01454 865204**

CONDITIONS

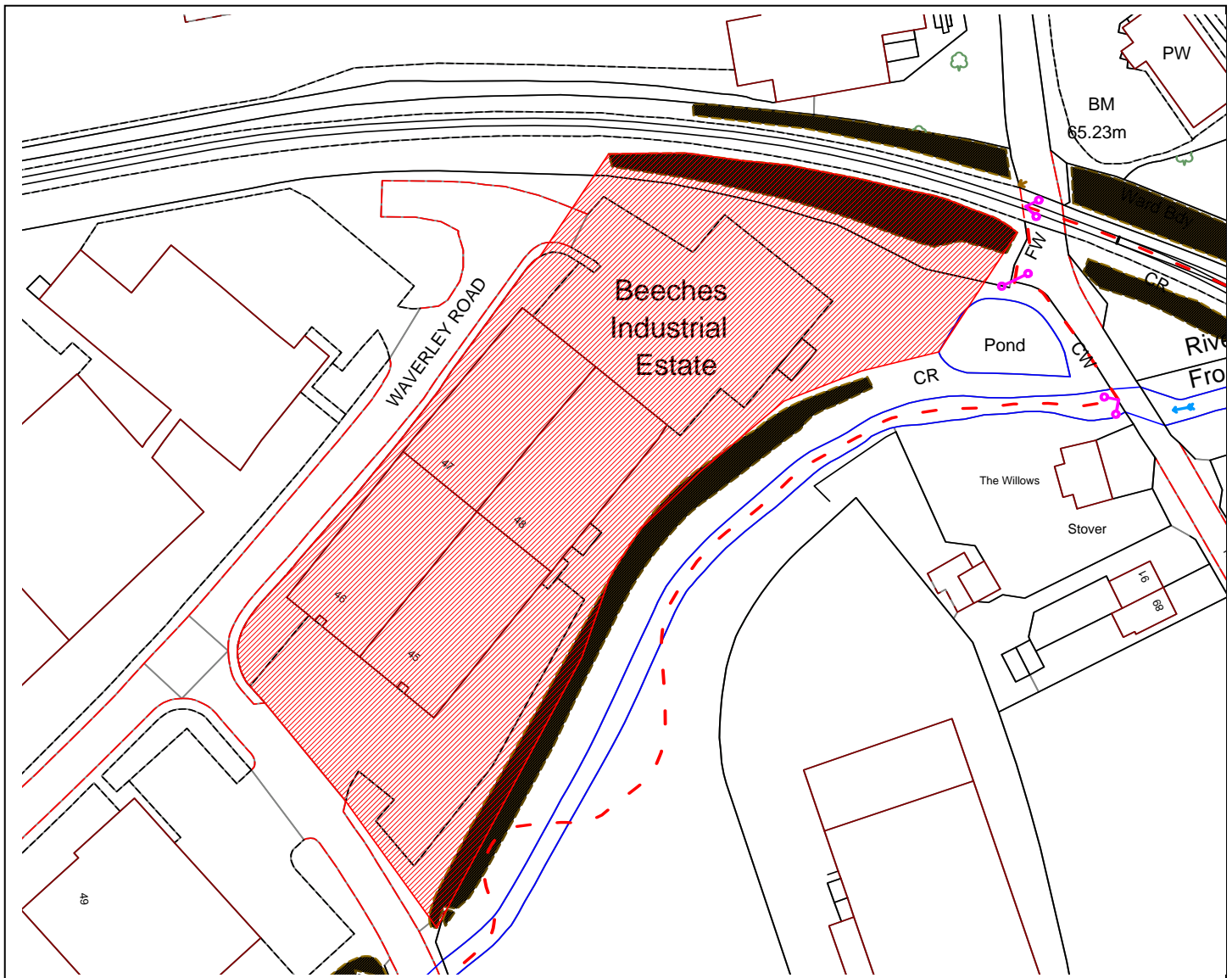
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:

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

CIRCULATED SCHEDULE NO. 12/08 – 20 MARCH 2008

App No.:	PK08/0119/F	Applicant:	SEGRO Properties Ltd
Site:	Land at Units 45-48, Waverley Road, Yate, South Gloucestershire, BS37 5QT	Date Reg:	14th January 2008
Proposal:	Erection of 2 no. buildings for industrial use (Classes B1(c), B2 and B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with ancillary office space, car parking and landscaping.	Parish:	Iron Acton Parish Council
Map Ref:	69861 82980	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	8th April 2008



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PK08/0119/F

INTRODUCTION

This application is reported on the Circulated Schedule in accordance with the standard procedure for determining major applications.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission to erect two industrial buildings, to be occupied under Use Classes B1(C) offices, B2 general industry or B8 storage and distribution, together with ancillary works. In order to facilitate this development, an existing industrial building would need to be demolished. This building stands to the front of the site, which occupies the space up to the end of Waverley Road on the Stover Industrial Estate. It is two storey, with a flat roof, constructed of brick and cladding and has large doors on the Lawrence Drive frontage. Car parking is currently provided to the side and rear of the building, at the south and east of the site.
- 1.2 Opposite the site in Lawrence Drive is a building of similar scale, while opposite in Waverley Road is a single storey brick building. There is a wide verge on this side of the road. To the east and south of the site, is a well-established deciduous tree screen, separating the site from the river Frome which flows along the southern boundary. An 8 metre buffer zone has been identified on the submitted plans.
- 1.3 The proposed buildings would be set further back in the site, which is at the eastern end of an open plan type industrial estate, accommodating parking on an apron at the front of the building. The smaller of the two buildings would stand in the SE corner, behind the larger building running parallel with Waverley Road. Both buildings are proposed to be two storey, with amended plans showing red shutter doors to provide some verticality in the long frontage, which would also be broken up by windows, signs advertising the occupiers (in due course, subject to Advertisement Consent) and a the use of contrasting forms of cladding at the base and the top of the buildings.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Design
 - L1 Landscaping and trees
 - E3 Employment development
 - E4 Safeguarded employment areas
 - T7 Cycle parking
 - T8 Parking standards
 - T12 Transportation
 - EP1 Environmental Pollution
 - EP2 Flood Risk
 - L17 & L18 The Water environment
 - L7 Site of nature conservation
 - L9 Wildlife Conservation
 - LC12 Recreational Routes

3. RELEVANT PLANNING HISTORY

3.1 None of particular relevance.

4. CONSULTATION RESPONSES

4.1 Iron Acton Parish Council
No objection .

4.2 Other Consultees
Environment Agency

Providing that the council is satisfied that the development passes the sequential test, The Environment Agency would have no objection in principle to the proposed development, subject to the inclusion of a number of conditions.

Wessex Water

No objection in principle. Commented that they want to see a distance of 6.5 metres kept between planting and the public foul sewer which crosses the site. Storm flows should be directed into the river with the approval of the Environment Agency.

Technical Services

Originally objected, but later withdrew this objection in light of Environment Agency comments.

Avon & Somerset Police

No adverse comments

Environmental Protection

No adverse comments

Tree Officer

There are a number of mature trees around the eastern boundary of the site growing along the River Frome. These are mainly Willow and should be unaffected by the proposed development. On the northern boundary between the site and the railway are 5 mature trees growing on railway land. The position of unit 7 will be within the rooting area of 3 of these trees. Severance of roots or compaction of the ground within the trees rooting area will have a detrimental effect on the health of the trees. To avoid any impact on the rooting area of the trees, there should be no excavation or level changes within the rooting protection area (RPA) as defined by BS5837:2005. Protective fencing should be erected prior to the commencement of works to protect the trees. Method statements will be required for any works within the RPA of the existing trees in accordance with BS5837:2005. The trees fulfil the criteria for Tree Preservation Orders but we are unable to make them due to the ownership of the land.

The submission of a tree constraints plan including protective fencing plan, method statements in accordance with BS5837:2005 to be provided for consideration prior to approval of the scheme.

Landscape Officer

The site is adjacent to the railway line which is well screened by trees and accompanying under storey vegetation. The existing vegetation is functioning as a visual and acoustic screen to the railway line, and as a green corridor adjacent to the SNCI site.

Drawing no. 2180-3 Site Layout, Drawing no.1201-02 Layout showing proposed landscaping for planning and Drawing no.1201-01 Layout showing proposed landscaping areas, all depict the footprint of unit 7 situated within the root protection areas of the trees. During the construction phase the amenity provided by the trees will be impacted on. The location of the building, as shown in relation to the trees, will also necessitate ongoing long term tree works in order to prevent damage to both the proposed structure and the trees.

The applicant has failed to submit a tree survey to BS5837:2005 Trees in relation to construction'. The tree constraints plan drawn up and used at the layout design stage should have highlighted the tree constraint posed by trees beyond the site boundary at the initial design layout stage. Policy L1 4.23 'Where there are existing woodlands, trees and or hedges on a development site the council will require the developer to carry out a vegetation survey, to include their positioning, species, size and condition. The information provided by the survey should inform the site planning and design of the development.'

Policy D1, 'Development will only be permitted where good standards of site planning and design are achieved. In particular proposals will be required to demonstrate that existing features of the landscape, nature conservation heritage or amenity value including rights of way are safeguarded and enhanced'. The proposed siting of unit 7 would therefore be contrary to SGLP policy D1.

None of the plans submitted show existing or proposed levels across the site. These details will be required in order to assess the proposal. The rear western corner of unit 7 may well extend over the steep bank to the rear of the site. The drop here is significant, construction works could impact on the existing vegetation and the amenity of the site when viewed from the Frome Valley Walkway. The applicant is required to comply with SGLP policies D1 as previously quoted and policy L1 Landscape protection and enhancement. The applicant has provided insufficient information and has not demonstrated that the landscape character of the site, to the railway boundary can be conserved in accordance with council policy.

The proposed planting of a wild flower mix to the rear of unit 7 can not be assessed as the planting plan does not provide the source, or varieties proposed. This will be an area of significant shade.

The proposal does not intend to alter the existing planting adjoining the 8 m buffer zone however the introduction of *Symphoricarpos x'Hancock'* a low, spreading deciduous shrub with rooting branches, small, ovate leaves and tiny white flowers in late summer, followed by white fruit speckled with red. Used as a hedge to screen the site it would be an appropriate non species. It will not function as a screen and it does not address the existing landscape context. Recent tree loss to the bank has left the site exposed with views in to the enclosed storage area.

Therefore I suggest this proposal would provides an opportunity for the planting of a significant number of trees along this boundary to protect the bank where it is has become exposed, provide the necessary screening and as mitigation for the loss of amenity elsewhere on the site. The design and access statement 6.4 6 confirms this area is to be retained therefore this should not pose any problem. Planting could be of a native species and tree stock of various sizes. Mature stock to provide immediate screening and younger planting to infill.

The frontage to Waverley road will be significantly depleted of amenity value by removal of the verge and pavement to accommodate the proposed car parking and lorry access. Given the proposal is within the industrial area and good access will be required this can be mitigated for by way of addressing the other boundaries as already discussed.

Recommendations

The applicant has provided insufficient information to fully assess the proposal, particularly in relation to unit 7. At this stage the application is also not in accordance with policies D1 and L1 and would not therefore be acceptable.

Unit 7 needs to be moved backed from the trees and the other landscape constraints on the northern boundary; this could be achieved by lengthening the unit or reducing the foot print in size in order to protect the bank.

Plan 2180-1 and 03 have no Key. Without the submission of an existing site survey and a tree survey. No Levels are shown on the plans.

Ecology

The site lies next to the River Frome Site of Nature Conservation Interest (SNCI), designated for its open, flowing water and bankside vegetation. The ecological issues are bats, birds, reptiles (slowworms) and badgers. An ecological appraisal accompanies the application. An assessment was made of all on site trees which offer roosting opportunities for bats. Page 16 of the assessment seems to imply that some vegetation would be lost as part of the scheme. This is confirmed in the landscape drawings, where some of the landscape buffer would be lost, although the smaller scale drawings show its retention. This issue needs to be clarified. A condition could ensure that the ecological integrity of the SNCI is maintained, particularly for white-clawed crayfish. It is accepted that habitat suitable for slowworms is unlikely to be affected by the proposal. A condition would be required to ensure that a badger survey is carried out. The proposal would not be likely to result in the loss of bat roosting trees and should have limited impact on local bird breeding habitat. Three areas of informal grassland on the northern boundary of the site would be created through the proposal. These are considered to be too heavily shaded to take and need to be re-sited.

Transportation

The proposal is to erect two additional buildings for mixed industrial use on the site, increasing the GFA to approx 800 m². The development will result in a total of seven mixed use industrial units, an increase of three over the existing. 79 vehicular parking spaces are proposed, split between each of the seven units. The site is located within an existing industrial estate, at the end of Waverley Road where there is an adequate turning area for all vehicles. To promote alternative modes of transport it will be necessary to provide cycle parking for each unit in line with the maximum standards set out in Policy T7 of the SGLP.

A revised plan showing the location of this cycle parking needs to be submitted for approval by the Council. Subject to conditions, there is no transportation objection to this proposal.

Other Representations

- 4.3 Local Residents/ Businesses
No replies received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The main issues to be resolved are set out in the criteria to be met in policy E3, which governs employment development. These form the following headings. Other issues stem from the other policies and these are also analysed below, later in the report.

5.2 Environmental Effects of the proposal

The comments of Environmental Protection appear at 4.2 above. No issues have been raised regarding the environmental impacts of the proposal and it is considered to comply with policy in this respect.

5.3 Servicing and Delivery Requirements, Traffic Generation and Parking

Similarly, the transportation comments which appear above have indicated that there is no detrimental impact arising from this proposal in terms of servicing and delivery, traffic generation and parking. It should be noted that the site lies within an industrial estate and has its own traffic generation at present. Subject to the conditions recommended, including revised cycle parking details, it is considered that the proposal complies with policy in this respect.

5.4 Effect on Residential Amenity

The proposal would bring some of the built form of closer than at present to the nearest residential properties to the site, which are on the other side of the river Frome, to the south of the site. It is noted that this proposal allows for an 8 metre wide buffer strip to be kept free of built form and car parking on the northern side of the river. The separation distance is effectively increased by the degree of set back of residential properties to the south of the Frome and it is considered that, although the proposed buildings would be nearer than the existing one, the proposal would not result in any harm to residential amenity.

5.5 Effect on the character of the area/ Design

The site, as noted above, lies within an existing industrial estate, where the majority of buildings are either two storey or reach a similar height in tall one storey form. This sets the context for the proposal, which is for a pair of largely utilitarian industrial buildings. Some amendments to the original proposal have been negotiated and this is considered to bring a greater level of visual partition and vertical emphasis to the proposed buildings. This is considered to be more important for the larger of the two buildings, as this would be the more prominent of the two and has a longer frontage. Subject to compliance with the materials condition shown below, it is considered that the massing and detailed design of both buildings is appropriate to the site's context.

5.6 Achieving Maximum Density

It is considered that this design would maximise the development density, at an appropriate two storey scale, for this site, given the requirement for some landscaping and adequate car parking/ servicing areas.

5.7 How well would Office Development be served by Public Transport?

B1(C) has been applied for, but the future users of any part of the site would not necessarily be offices. In any case, the site is relatively close to Yate railway station, which would have the ability of bringing in large numbers of potential employees without having to travel by car. The site is a similar distance from hourly bus services to and from Bristol, with these routes taking in outlying villages. It is considered that the proposal therefore meets the terms of this limb of policy E3.

5.8 Landscape and Tree Implications

With regard to the impact of the proposal on surrounding vegetation, the Council's Tree Officer has identified 5 mature trees next to the site which are growing on railway land. The proposal is considered to compromise the roots of three of these trees, due to the position of Unit 7. Tree Protection Orders could not be served on these trees due to the land ownership, but it is considered that they benefit the visual amenity of the area and are covered by policy L1. Details of levels were requested and agreed to be supplied by the applicant's agents, but at the time of writing, they had not been received. Due to the likelihood, in the absence of these details, that these trees would be harmed by the proposed works, the proposal is not considered to comply with policy L1 in this regard or the Council's adopted Supplementary Planning Document, 'Trees on Development Sites'.

In broader landscape terms, the existing vegetation is functioning as a visual and acoustic screen to the railway line, and as a green corridor adjacent to the SNCI site which borders the site. The Council's Landscape Officer has raised the same concerns as the tree officer with regard to the proposed footprint of and the likely effect of the construction works required to erect unit 7. As a result of this, further details of the proposal, in terms of levels, were requested, agreed to, but not received. In order to overcome this identified problem and in the absence of the details necessary to justify the proposal in its current state, an amendment to the proposed footprint of Unit 7 may be the only viable solution. As it stands, the proposal is not considered to be adequate, in landscape terms, to comply with policies D1 and L1.

5.9 Other Issues

From the consultation responses reported at 4.2 above, it can be seen that the proposal would not raise any issues with site security. Similarly, with regard to drainage and pollution issues, the proposal, subject to the conditions recommended by the relevant bodies, would not be contrary to policy. With regard to ecological concerns, no re-planning of the site has been undertaken and no amended plans submitted, despite being requested, to clarify removal of vegetation. All other issues could be dealt with through the use of planning conditions.

5.10 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.

5.11 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 would be the most appropriate, and a Section 106 Agreement would be 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 refuse permission has been made 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 refused, due to the absence of details regarding the protection of trees and landscaping adjacent to the site through the construction phase and beyond.

Background Papers **PK08/0119/F**

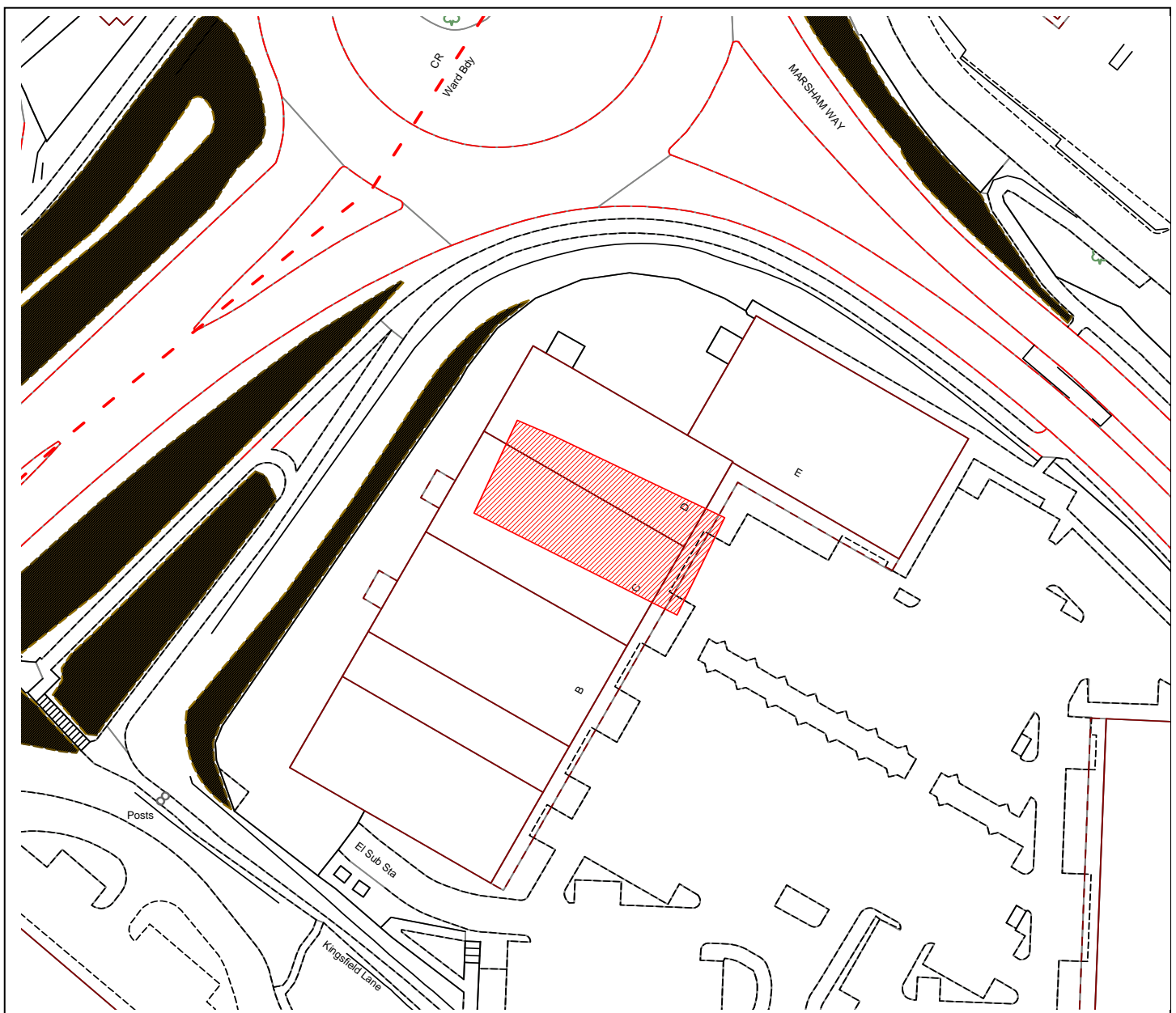
Contact Officer: **Chris Gosling**
Tel. No. **01454 863787**

REFUSAL REASONS

1. Insufficient information has been provided to ensure that the proposal can be fully assessed for its impact on trees and vegetation on land surrounding the site, some of it within a Site of Nature Conservation Interest. No survey drawings, tree survey or site levels have been submitted and in the absence of these the proposal does not comply with policies L1 and D1 of the adopted South Gloucestershire Local Plan or the adopted Supplementary Planning Document 'Trees on Development Sites' (November 2005).

CIRCULATED SCHEDULE NO. 12/08 – 20 MARCH 2008

App No.:	PK08/0375/ADV	Applicant:	Mr C D Garner
Site:	Unit C, Aldermoor Way, Longwell Green, South Gloucestershire, BS30 7DA	Date Reg:	7th February 2008
Proposal:	Display of 1no. internally illuminated fascia sign, 1no. non- illuminated fascia sign and 1no. internally illuminated fascia sign. (Resubmission of PK07/2595/ADV).	Parish:	Oldland Parish Council
Map Ref:	65436 72065	Ward:	Longwell Green
Application Category:	Minor	Target Date:	28th March 2008



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100023410, 2008.

DC0901MW

INTRODUCTION

This planning application has been referred to the Councils' Circulated Schedule as a result of objections received from local residents and the Parish Council regarding the proposed signs.

1. THE PROPOSAL

1.1 This application seeks advertisement consent for the display of 2no. internally illuminated fascia signs above the main entrance and 1no. non illuminated shop sign on the rear elevation.

2. POLICY CONTEXT

2.1 National Guidance
PPG19 Outdoor Advertisement Control

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
L19 Display of Advertisements

3. RELEVANT PLANNING HISTORY

3.1 There is a lot of history on this site but the most relevant is: PK06/0854/F Demolition of all existing retail buildings on site and engineering works to produce a level site. Erection of 8 no. new retail units and construction of new central car park, associated servicing area and landscaping. (Amendment to previously approved scheme PK04/2530/F). Approved with conditions July 2006

3.2 PK07/2106/ADV Illuminated Sign (Clarks)
Advert Approval 2007

3.3 PK07/1926/ADV Illuminated Signs (Outfit)
Advert Approval 2007

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
Object in principle to internally illuminated signage as being a cause of light pollution.

Other Representations

4.2 Local Residents
37 letters have been received from local residents and Councillor Calway raising the following objections to the proposed scheme:
-light pollution
-Detriment to street scene
-Erosion of visual amenity
-Despite recent advert refusal PK07/2595/Adv signs are still in use and still illuminated
-Current application is not materially different and show disregard for Council policies and views of local residents

- Resubmitted proposal will add to overwhelming light pollution caused by existing blue neon lights on the rooftops of Gallaher Retail Park. These are on day and night.
- Until something is done about these lights we are objecting to any proposal that will exacerbate the current light pollution at Gallagher's.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only issue that can be taken into account in the assessment of an advert application is amenity and public safety.

- 5.2 This current application is a re-submission of recently refused application PK07/2595/ADV. In assessing this current application the Council will consider how the scheme is materially different from that refused and if such changes have addressed the previous objection.

5.3 Amenity

Members are advised to consider that the previous application sought advertisement consent for the display of three illuminated signs; two on the main entrance of Next and the other on the rear elevation of the building facing the roundabout on the Ring Road. At that time the Planning Officer made the following assessment:

Concerns have been raised by local residents with regard to the light pollution of the overall scheme, which includes the neon lighting on the top of the feature signage elements, which stands proud on the top of the retail park. There is at present a statutory nuisance complaint made by local residents who overlook the site with the Council's Environmental Protection Team regarding the neon lighting. Whilst the neon lighting has the benefit of planning permission, approved as part of the original scheme, any further illumination of the site is considered to result in an over illumination of the scheme, to the detriment of the overall streetscene and the townscape of the area. This is especially evident when viewed from properties overlooking the site from Colthurst Drive to the west of the site, over the ring road. As such, the proposal is considered to be harmful to the visual amenity of the area and is contrary to Policy L19 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5.4 This current scheme differs from that refused in that the sign on the rear elevation is non-illuminated and only those signs above the main entrance are to be illuminated. The issue of the blue neon fixtures that sit proud of these retail buildings are currently being investigated by the Council's Environmental Health Department. Notwithstanding this however it is considered that the proposed two illuminated signs on the front entrance of the building are acceptable. As only the lettering of the proposed signs will be illuminated and as they face into the retail park, it is considered that by reason of their sitting that they would have minimal impact on the visual and residential amenities of the immediate locality. Members should also have regard for two recent advert consents on this site relating to Clarks and Outfit where advertisement consent has been granted for similar signage on the front elevation.

5.5 Now that the proposed sign on the rear elevation will no longer be illuminated, it is considered that it would not have a detrimental impact on the existing amenities of those neighbouring properties sited north and North West of the application site or on the visual amenities of the immediate surrounding area. Advertisement consent has recently been granted for a sign on this elevation i.e. Outfit.

5.6 Public Safety

There are no issues of public safety arising as a result of the proposal.

5.7 Design and Access Statement

There is no requirement for a Design and Access Statement for an advert application.

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 advert 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 be granted.

Background Papers **PK08/0375/ADV**

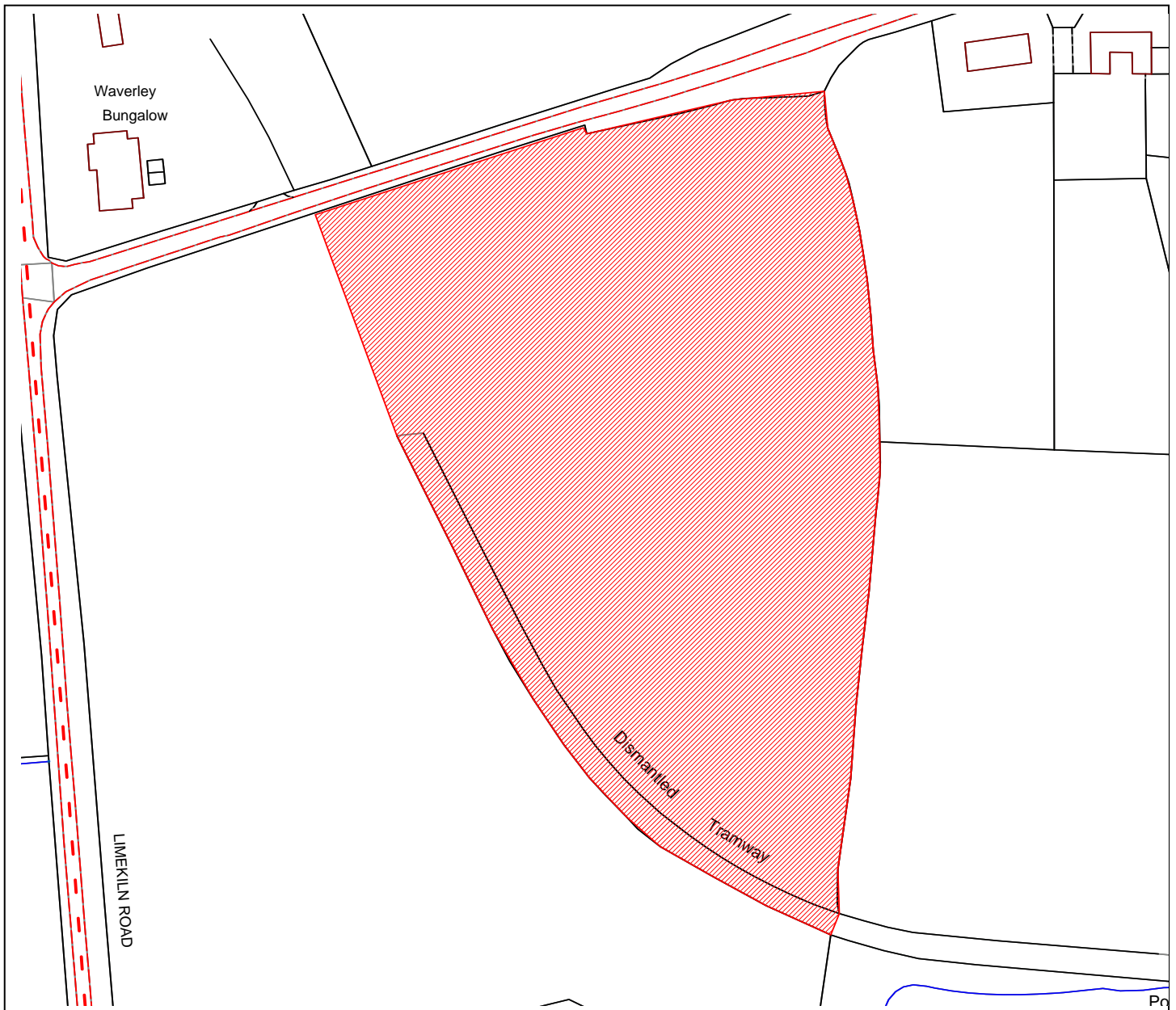
Contact Officer: **Tracey Price**
Tel. No. **01454 863424**

CONDITIONS

None

CIRCULATED SCHEDULE NO. 12/08 – 20 MARCH 2008

App No.:	PK08/0450/F	Applicant:	Mr M Cox
Site:	Land off Limekiln Road, Rangeworthy, South Gloucestershire, BS37 7QB	Date Reg:	18th February 2008
Proposal:	Erection of 3 no. stables and hay store to facilitate change of use from agricultural land to land for the keeping of horses.	Parish:	Wickwar Parish Council
Map Ref:	70744 85687	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	7th April 2008



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N.T.S

PK08/0450/F

INTRODUCTION

This application appears on the Circulated Schedule following objections received from a local resident, which are contrary to the officer recommendations.

1. THE PROPOSAL

- 1.1 The application relates to a 1.35ha area of agricultural land which forms a field currently laid to grazing and situated to the east of Limekiln Road. The site lies within the open countryside but is not within land designated as Green Belt. Vehicular access to the site is from a gated access via a narrow lane leading off Limekiln Road. The location is rural in character with a scattering of isolated properties, the nearest of which are Celestine Cottage to the north-east of the site and Waverley Bungalow to the north-west. Open fields bound the site which is generally well enclosed by hedgerows and trees. The field immediately to the west of the site is already used for the keeping of horses.
- 1.2 The application seeks to change the use of the land from agricultural land to land for the recreational keeping of horses. It is proposed to erect an 'L' shaped stable building within the field to contain three loose boxes and a hay store. The building would measure 15.6m long x 3.6m/5.5m wide x 3.0m/3.7m high to the top of the ridged roof, and would be constructed of Shiplap Boarding with a Black Onduline Corrugated Sheet roof. It is also proposed to construct hard standing areas to the front of the stable to provide a grooming area and on the approach to the stable from the access to provide a parking and turning area for vehicles visiting the site.
- 1.3 The stable block would be located in the north-western corner of the field with its back adjacent to an existing hedgerow. It is proposed to keep a maximum of three horses on the site. A very similar application PK07/0235/F for a stable located in the north-eastern corner of the field was previously approved; due however to land ownership issues relating to the access, that scheme could not be implemented, hence this current revised proposal.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 - Delivering Sustainable Development
- PPS7 - Sustainable Development in Rural Areas

2.2 Development Plans

Joint Replacement Structure Plan

- Policy 2 - Location of Development
- Policy 3 - Landscape Protection
- Policy 45 - Promoting Enjoyment of the Countryside

South Gloucestershire Local Plan (Adopted) 6th January 2006

- L1 - Landscape Protection and Enhancement
- D1 - Design in New Development
- T12 - Transportation
- E10 - Horse Related Development
- EP1 - Environmental Pollution

LC5 - Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundaries.

2.3 Supplementary Planning Guidance

Advice Note no.9 - "Development Involving Horses"

South Gloucestershire Local Character Assessment – Area 8 – Yate Valley

The South Gloucestershire Design Check List SPD (Adopted) 23rd August 2007.

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK07/0235/F - Erection of 3 no. stables and hay store to facilitate change of use from agricultural land to land for the keeping of horses.
Approved 4th May 2007.

4. **CONSULTATION RESPONSES**

- 4.1 Wickwar Parish Council
No response

- 4.2 Other Consultees
None

Other Representations

- 4.3 Local Residents
2 no. letters of objection were received from local residents. The following is a summary of the concerns raised:
- Impact on private water main.
 - Use should be private and not commercial.
 - Additional burden on narrow lanes.
 - Access would be opposite the access to Waverley Bungalow.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
The acceptance in principle of the change of use and erection of a stable of the size proposed was previously established with the granting of application PK08/0450/F. In the current proposal all that has changed is the position of the stable and a different access is proposed. Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006, states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.

- 5.2 Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 reinforces the view that 'proposals for horse related development such as stables, will be permitted outside the urban boundaries of settlements', subject to certain criteria being met. The analysis of the proposal in relation to the aforementioned criteria is considered below.

- 5.3 Environmental Effects
All matters of external lighting, erection of loose jumps and fences, car parking and use of horse-boxes or portable buildings or trailers, could be strictly controlled by conditions.

- 5.4 The disposal of foul waste should be undertaken in accordance with the MAFF (now DEFRA) Code of Good Agricultural Practice for the Protection of Water and would be the subject of Environment Agency and Environmental Health controls. The applicant has indicated that a manure collection area would be located at the southern end of the stables well clear of any residential properties. Subject to the aforementioned conditions there are no objections on environmental grounds. The Council's Environmental Health Officer has raised no objections to the proposal, so the scheme is considered to be acceptable in terms of environmental impact.
- 5.5 Landscape Issues
The stables would be located within an agricultural landscape of enclosed, flat fields with no distant views of the proposed stable. The hedgerows to the south and west would adequately screen the stables from Lime Kiln Road. The proposed scale and design of the building and the materials to be used in construction are considered to be appropriate for the location. Given that the stable cannot be sited in the north-eastern corner of the field, as originally approved, the proposed revised location, involving the small loss of hedgerow to facilitate the new access, is justifiable.
- 5.6 Officers consider that stable buildings such as that proposed are common features in a rural landscape. Given the stables relatively small size, its siting within the field and the level of existing screen planting, the development would not appear as an incongruous element within the countryside. There are therefore no landscape objections to the proposal.
- 5.7 Transportation Issues
The existing authorised use of the land is agricultural, which would already attract some vehicular traffic along the lane. The proposed change of use is for leisure purposes only with generally only twice daily visits to the site by one vehicle. Given the extant use of the site, plus the small number of horses involved (3), the difference in potential traffic generation between the authorised and proposed use would not be significant.
- 5.8 The proposed access to the site is set well back from the lane. All of the area leading from the road to the gate will need to be surfaced with bound material to prevent stone scatter onto the highway; this can be secured by condition.
- 5.9 Subject therefore to conditions to limit the number of horses kept on the site to 3 and prevent any DIY livery or riding school use, surface the extended access, and maintain the turning/parking area; there are no highway objections.
- 5.10 Existing Buildings Available for Conversion
There are no existing buildings on the land that could be converted for the use as a stable.
- 5.11 Appropriateness for the Safety and Comfort of Horses
The proposal accords with the advice given in Supplementary Guidance Note 9 concerning care and housing of horses. It is proposed to keep a maximum of 3 horses on the site. The horses could be exercised in the field and in the adjacent lanes. There is sufficient space in the field for the number of horses proposed and this number can be limited accordingly by condition. A fresh water supply is available on the site.

5.12 Ecology

The field is already in agricultural usage and can be used for the grazing of horses or other farm animals as part of that authorised use. There are no ecological objections.

5.13 Impact Upon Residential Amenity

The nearest residential property is Waverley Bungalow situated some 25m to the north-west. The current authorised use of the application site is agricultural and under this use horses or other animals could be grazed in the field. Under the extant use, temporary mobile field shelters could also be erected on the site without planning permission.

5.14 In terms of visual amenity, officers have noted that the proposed stable block would be orientated with its back to Waverley Bungalow with the adjacent hedgerow between the proposed stables and Waverley Bungalow itself. Officers are satisfied that having regard to the scale, design and location of the stable block, and the level of existing vegetation, the proposed building and associated parking/turning areas would not appear as an incongruous element or adversely affect the visual amenity for occupants of Waverley Bungalow. Having regard to the site's location, a condition to control any external lighting is justified (though none is proposed as part of the application). Any lighting inside the stable is likely to be low key and reasonably justified, such lighting should not be so visible as to warrant refusal of the application. Concern has been raised about the proximity of the proposed access, located opposite that of Waverley Bungalow. The proposed access is however considered big enough to allow horse boxes to turn off the lane without needing to use the access of Waverley Bungalow, which is private property anyway.

5.15 On balance therefore the impact on residential amenity would be acceptable. In reaching this conclusion, officers have taken into account the existing potential uses of the site, as well as the raft of conditions to be attached to any consent, which would strictly control the management of the site in the interests of residential amenity.

5.16 Drainage Issues

Roof water would be collected in water butts to provide drinking water and aid water conservation, no watercourse would be directly affected. Whilst there is already a fresh water supply to the site, the amount of water likely to be used in washing down the horses would be insignificant. Officers are satisfied that the scheme is acceptable in drainage terms.

5.17 Other Concerns Raised

Of the concerns raised by local residents, that have not been addressed above:

- Easements relating to the private water main which crosses the site is a civil issue, not to be resolved via the planning system.

5.18 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.

5.19 Section 106 Requirements

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

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the following conditions:

Background Papers **PK08/0450/F**

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

Reason:

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The number of horses kept on the site edged in red on the approved plans shall not exceed 3.

Reason:

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

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason:

To protect the character and appearance of the area, and to accord with Policies L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. Any temporary jumps erected on the land shall be stored away to the side of the stable hereby approved, immediately after use.

Reason:

To protect the character and appearance of the area, and to accord with Policies L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason:

To protect the character and appearance of the area, and to accord with Policies L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. Details of any external illumination shall be submitted to and approved in writing by the Local Planning Authority. The external illumination shall be implemented in accordance with the approved details.

Reason:

To protect the character and appearance of the area, and to accord with Policies L1 and E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. At no time shall there be any burning of foul waste upon the land the subject of the planning permission hereby granted.

Reason:

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the first use of the site for the purpose hereby approved, the entire access driveway between the gate and edge of the carriageway shall be surfaced with bound material and maintained as such thereafter.

Reason:

To prevent stone scatter onto Abbots Road in the interests of highway safety to accord with Policy T12, E10 and LC5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

10. Prior to the first use of the site for the purpose hereby approved, the off-street parking facilities (for all vehicles) and manoeuvring areas as shown on the approved site plan, shall be provided and thereafter kept clear of obstructions and retained and used only in conjunction with the occupation of the land and buildings hereby approved.

Reason:

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

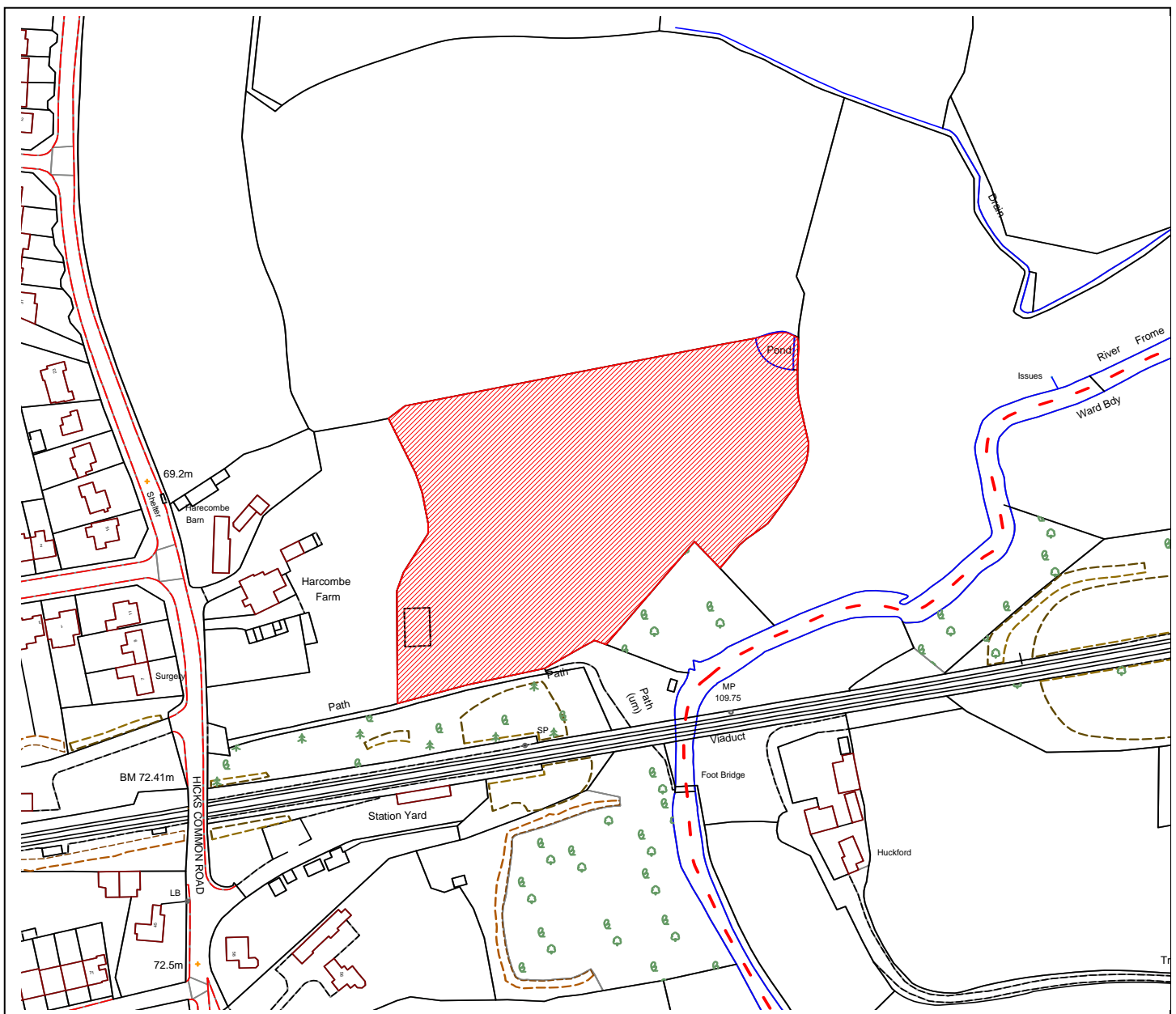
11. No development shall take place until details or samples of the roofing and external facing materials proposed to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

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

CIRCULATED SCHEDULE NO. 12/08 – 20 MARCH 2008

App No.:	PT07/3652/F	Applicant:	Mr P Ayres
Site:	Harcombe Farm Hicks Common Road Winterbourne BRISTOL South Gloucestershire BS36 1EJ	Date Reg:	17th December 2007
Proposal:	Change of use of land from agricultural to equestrian (Class D2) (as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended 2005). Erection of 5 no. stables, hay barn and exercise arena.	Parish:	Winterbourne Parish Council
Map Ref:	65633 80069	Ward:	Winterbourne
Application Category:	Minor	Target Date:	3rd April 2008



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1. THE PROPOSAL

- 1.1 The application seeks retrospective full planning permission for the erection of a stable block to accommodate five horses, an exercise area and hay barn. The site slopes but there is a less sloping area at the top of the field, close to the access and it is at this point where the original barn and abandoned carriages have been removed from the land. Engineering operations, in a cut and fill manner have been undertaken to create the flat arena and level ground for the buildings.
- 1.2 The application site comprises 9.38Ha of agricultural land, and includes parking for several vehicles with vehicular access from Hicks Common Road. The site is within the green belt, is outside of any settlement boundary and is within the Forest of Avon.
- 1.3 The buildings are constructed in ship lap timber boarding in a natural finish with grey or black corrugated plastic sheeting over. The Arena is finished in timber post and rail fencing and has woodchip to the ground finish.

2. POLICY CONTEXT

2.1 National Guidance

PPS1 Delivering Sustainable Development
PPG 2 Green Belts
PPG 7 The Countryside
PPG 17 Sport and Recreation

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape protection
L14 Listed buildings
GB1 Green belt
LC5 Sport and recreation outside settlement boundaries
D1 Design
E10 Horse related development
EP1 Environmental Pollution
T12 Transportation development control policy for new development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD
Development in the Green Belt SPD

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

No objection if land to be used as equestrian and not to be developed at a later date.

4.2 Other Consultees

PROW

A public right of way runs along the southern boundary of the site(not across the field) and is not likely to be affected. Standard informative offered.

4.3 Transportation

The site is located off the C classified Hicks Common Road, which serves as access to the wider highway network.

The proposal features the change of use from agricultural land to equestrian, and the erection of five stables, hay barn and exercise arena.

Whilst the proposal would result in some additional traffic on the existing highway network, these would not be significant.

There are no transportation objections to this current proposal, however, it is recommended that the following condition(s) are applied to any planning decision:-

1. The entrance off Hicks Common Road should be maintained in a satisfactory manner;
2. The number of horses on the application site shall be limited to five horses and shall be kept on the site for personal uses only unless written approval is obtained by the planning authority;
3. There should be no subletting of any of the proposed stables.

4.4 Drainage

No objection but SUDS is recommended to deal with surface water.

4.5 Environmental Services

No objection but an informative suggested in relation to the storage/burning of stable waste.

Other Representations

4.6 Local Residents

One letter of objection from a neighbouring property has been received in relation to the following matters:

- i. writers have the land over which the right of way exists.
- ii. development is complete
- iii. Concern that this will develop into commercial site with access to it alongside writers garden
- iv. More than ten vehicles frequently use the right of way
- v. No need for commercial use in area
- vi. Change to outlook from footpath
- vii. No mains water or electricity
- viii. riding arena covers large area and alters nature and use of the field
- ix. Arena required the rebuilding of the sewage pipe from the writers property and they are concerned that they have no guarantees about the work undertaken.
- x. stables are on skids but ancillary goods have continuous connection to water butts etc.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E10 considers horse related development such as stables, field shelters and riding schools which will according to the policy be permitted outside of settlement areas subject to criteria. The development should not have unacceptable environmental effects and should not affect neighbouring properties. There should be adequate vehicular access and parking provision and the design of buildings, number of horses and size of the site should have proper regard to the safety and comfort of horses. There should also be convenient access to bridleways and no suitable underused buildings on the site. However before considering these matters the appropriateness of the use in the green belt needs to be considered.

Planning Policy Guidance Note 2 Green Belts states that essential facilities for outdoor sport and recreation which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it are not inappropriate. Possible examples of such facilities are quoted as small stables for outdoor sport and recreation. In respect of the use of the land, Planning Policy Guidance Note 2 Green Belts advises that the proposed use must not have a materially greater impact than the present authorised use on the openness of the green belt and would not conflict with the purpose of including land in it. This guidance is reflected in policy GB1. As such the use and development is appropriate development in the green belt subject to its impact on the Green Belt.

5.2 Impact on openness of green belt

The proposed stable building is set well back from the road and is screened by existing and recently planted trees from the neighbouring dwellings. The main view of this site and in particular the works now proposed retrospectively is from a footpath which is outside of the site and physically separated from the site by a low fence. From this footpath there is a clear view of the stables, barn and the engineering operation which was undertaken to create the riding arena. The fencing at the top and bottom of the new ground levels around the area are also easily visible being in new wood. From further a field there will be no significant impact within the wider landscape as this work is built close to and so can be read together with the established landscaping and boundary treatment behind the buildings. The stable would provide accommodation for five horses and is of an appropriate scale to serve the land to which the application relates. The openness of the green belt will not be compromised, indeed it is claimed by the applicant that they have removed significant debris from the land, taking at least four lorry journeys to remove scrap metal from the site.

A reasonable amount of landscaping has already been planted on site but as details of this is not provided with the application a landscaping condition can be added to the recommendation to ensure that the existing landscaping is sufficient and appropriate to screen the development.

5.3 Transportation

There is no transportation objection subject to conditions. The first recommended condition is non specific but the two later conditions would adequately limit the use of the site. The nearest Bridleway is in Frampton Cottrell at Nightingales Bridge but as there is only accommodation for a maximum of five horses and a good sized site, with an exercise arena, direct

access to Bridleways are not considered to be a significant policy consideration.

5.4 Residential amenities

The stables, barn and riding arena are located at the end of the neighbours' extensive garden and whilst the buildings will be visible through the landscaping they will not detract from the residential amenity of the dwelling. Provided that the stable waste is managed considerately there should be no harm to the residential amenity of the nearby dwellings.

5.5 Landscape

Policy L1 seeks to conserve the features of the landscape which make a significant contribution to the landscape. No trees or hedges appear to have been removed in the carrying out of the works and the works are neatly carried out and restricted to a relatively tight area at the top of the site. Indeed the development carried out is set against existing retained and recently planted landscaping and as such it is considered that the works do not detract from the character or appearance of the area. Policy L1 also seeks to ensure that the amenity of the landscape is conserved and where possible enhanced. In this case the effects are limited regarding the sloping ground level, given that the planting possibilities conserves the landscape.

5.6 There no suitable underused buildings but it is clear from photography dated 2007 that a small barn and a number of railway carriages were present before site clearance. It is considered that the new buildings are an improvement on the old structures.

5.7 Other issues

Whilst the damage and repair of the neighbours' sewerage pipe is not relevant to this application the applicant advises that the 'Waterboard' visited the repair and indicated that it was to an acceptable standard. Whether or not there is a need for a commercial stables is immaterial as the supporting information with the application states that the site is to be used for private use and will be conditioned as such.

5.8 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.

5.9 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 planning permission is granted subject to the following conditions.

Background Papers **PT07/3652/F**

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

CONDITIONS

1. The number of horses kept on the site edged in red shall not exceed five.

Reason(s):

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

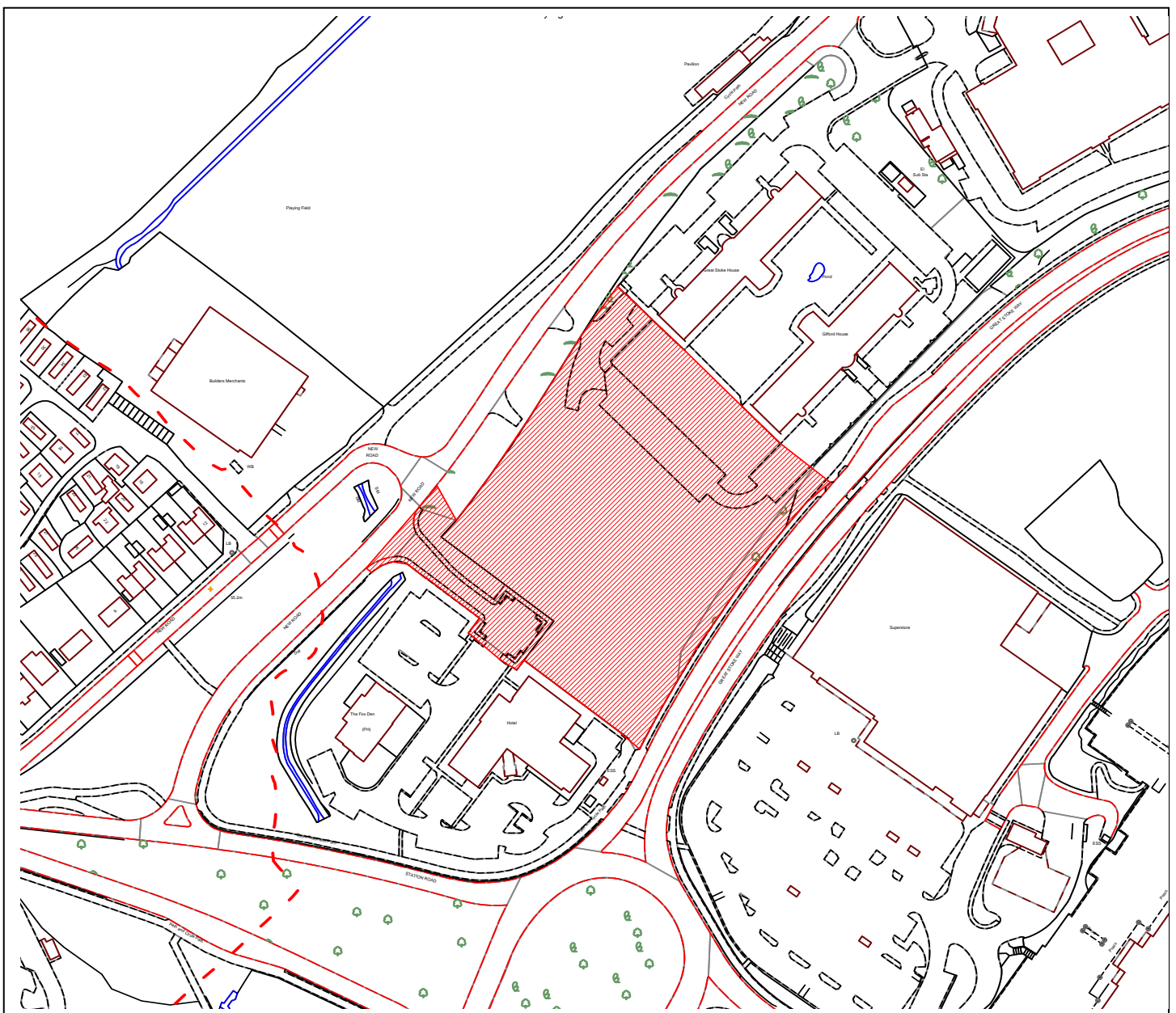
3. Within three months from the date of the decision there shall be a scheme of landscaping submitted to and approved in writing by the Local Planning Authority, which shall include details of all existing trees and hedgerows on the land (including that recently planted) and proposed planting. The approved new landscaping shall be planted in the first available planting season and the development shall thereafter be retained in accordance with the approved details.

Reason(s):

To protect the character and appearance of the area to accord with Policies D1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/08 – 20 MARCH 2008

App No.:	PT08/0103/RM	Applicant:	Secretary Of State For Defence
Site:	Land at Parkway Business Park New Road Stoke Gifford South Gloucestershire BS34 8SJ	Date Reg:	10th January 2008
Proposal:	Erection of office building with associated access, carparking and landscaping. (Approval of reserved matters to be read in conjunction with planning permission P87/1060).	Parish:	Stoke Gifford Parish Council
Map Ref:	61585 78977	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	7th April 2008



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100023410, 2008.

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1. THE PROPOSAL

- 1.1 The application seeks planning permission under reserved matters to erect a three storey office block within the remit of the outline planning permission P87/1060. A reserved matters application for office development, covering all of the oblong shaped land enclosed by New Road, Station Road and Great Stoke Way has already been approved but the scheme was only partly carried out.
- 1.2 The site history shows a complex stream of applications which has resulted in only the northern half of the office development proposed in the reserved matters application P94/1750 being built as the southern half of the site area has been left as a semi-hard surfaced area or replaced by a public house and hotel development. As a result of the extant permissions the remaining development proposed under the P94/1750 can not be implemented and the site requires this reserved matters application to enable appropriately designed development, given the hotel and public house's location.
- 1.3 Essentially this application seeks to agree revised reserved matters to outline application P87/1060.

2. POLICY CONTEXT

2.1 National Guidance

- Planning Policy Statement1: Delivering Sustainable Development
Planning Policy Statement 9: Biodiversity and Geological Conservation
[Planning Policy Guidance 4: Industrial, commercial development and small firms](#)
[Planning Policy Guidance 13: Transport](#)
[Planning Policy Statement 22: Renewable energy. Includes a companion guide](#)
[Planning Policy Statement 25: Development and Flood Risk](#)

2.2 Development Plans

Joint Replacement Structure Plan (Adopted) September 2002

- Policy 1 Sustainable development Objectives
Policy 30 Safeguarding Employment Areas

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving good quality design in new development
E3 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 Area
T12 Transportation development control policy for new development
T8 Parking standards
T7 Cycle parking
L1 Landscape protection and enhancement
L4 Forest of Avon
EP1 Environmental pollution

EP2	Flood Risk and development
L17	The Water Environment
L18	The Water Environment

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Supplementary Planning Document)
 Adopted 2007

3. **RELEVANT PLANNING HISTORY**

P87/1060	Comprehensive development on 40.7 hectares to include residential, retail, office and employment uses, petrol filling station and ancillary works including construction of distributor Road (outline). Approved 5 July 1990.
P94/1750	Development of 4.2 hectares of land for offices (Class B1) Approved 11 August 1994.
P99/1729	Erection of 2 storey office building (approval of reserved matters attached to P87/1060). Approved 9 July 1999.
PT00/1822/RM	Erection of two storey office building (amended design to previously approved scheme and increase in floor area by 286 square metres).
PT00/1940/RM	Construction of access road with feature square.
PT00/3018/RTC	Retention of existing storage facility. (Lapsed temporary consent)
PT00/3020/RTC	Retention of staff restaurant and visitors centre. (Lapsed temporary consent) approved
PT08/0102/RVC	Variation of condition 11 attached to planning permission P94/1750 requiring a right turn lane into the southern area of Parkway Business Park along New Road. Approved

4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council
 Objection on the grounds that there is no attempt to meet the south Gloucestershire urban design supplementary guidance, nor to create electricity by any renewable or sustainable means (eg CHP)

- 4.2 Other Consultees
Transportation
 The principle of development taking place at this location has been established and agreed by this authority.

The level of parking closely accords with our maximum parking standards though the high office density will make a proportion of staff reliant on sustainable forms of travel. Although alternative forms of travel have been considered within the Transport Statement, officers would also expect a Travel Plan to be submitted that takes into account characteristics of the work force.

Whilst a new access to the site is proposed, it has been agreed under planning application, 08/0102/RVC, that a right turn lane on New Road (into the site) will not be required. Officers are satisfied with the range of works shown at the point of the proposed access onto New Road in drawing "A034310" though this should be covered under a section 106 agreement pursuant to a section 278. Technical approval of the works will be determined by after a legal agreement has been signed and a Bond put in place.

As such no transportation objection be raised subject to conditions addressing the following:-

1. Prior to the first occupation a draft travel plan shall be submitted and approved. Within 6 months of occupation a full travel plan is to be submitted and approved
2. Prior to first occupation the access and associated works shall be constructed to the specification of the Highway Authority in conjunction with the Local Planning Authority.
3. 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.

4.3 Ecology Officer

The site is not subject to non-statutory or statutory nature conservation designation. The site does not present much in terms of ecological interest, having been already cleared of ground vegetation.

The planning application seeks to retain boundary vegetation and proposes planting a number of shrub cultivars. As such there is no ecological objection to the scheme.

4.4 Urban Design

The scheme was the subject of urban design consultation prior to submission of the application and the design of the building was found to be acceptable. The design of the building is therefore found to be acceptable and it is evident that a great deal of time has gone into the design of the building. Additionally, even though the building is not on the same building lines shown on the master-plan, it is considered the position of the building is appropriate.

The building has been submitted as seen in the pre-application stage and a landscaping scheme has been submitted which addresses the lack of detail in this regard at that stage.

4.5 Wessex Water

Comment:

Foul drainage

A 750mm public foul sewer crosses the site at approx 3.5m deep with a stand off requirement of 5m. Trees can not be located within 3m and further stand off requirements may apply. Details of new connection to be agreed.

Surface water

if a new surface water connection is required direct to the 900/975mm diameter public surface water sewer, on site attenuation with limited outflow may be required.

- 4.6 HSE
PADHI check not required
- 4.7 Environment Agency
No objection subject to conditions relating to floor level SUDS and a range of information to be set out as an informative.
- 4.8 Drainage
No objection subject to SUDS

Other Representations

- 4.9 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The principle of office development being erected on this site was established on 5th July 1990 under the outline planning consent and this consent is valid for twenty years. In addition the site is a safeguarded employment area in the adopted local plan.

- 5.2 Policy D1 seeks to ensure good design and as such it seeks to ensure amongst other criteria that access into and through the development is safe, secure, convenient and attractive to pedestrians, cyclists, people with disabilities and where relevant public transport, and is well linked to the wider network. In addition the development shall be safe for cars and other road vehicles. The routes through the rest of the site are well established and not compromised by the proposal. The site would not be open to the general public, indeed it is only accessible to authorised personnel and visitors whilst in the ownership of the MOD.

Policy E3 considers proposals for employment uses within safeguarded sites and seeks to ensure that the development would not have unacceptable environmental effects. This is considered further under Energy. Further policy E3 requires that access and delivery requirements have been achieved in addition to appropriate levels of parking. The policy seeks to ensure that residential amenities would not be prejudiced and that the character of the area is not adversely affected but is developed to its capacity. Finally as the site is to be used for office development it needs to be well served by public transport. As such the application is considered under the following headings.

- 5.3 Design
The material proposed are Brickwork to match that of the neighbouring buildings with slate grey coloured panels to the roof with a vertical standing seam. In addition breaking up the building will be vertical and horizontal shading structures which serve to facilitate the reduction of solar gain in the building. Samples of the roofing and shading structures are required by condition.

The form, location, orientation of the building are considered acceptable and the landscaping matters raised by the Urban Designer have been dealt with by reinforcing the entrance points with landscaping. The proposal is appropriate in scale and form to its location on the ring road where this distinctive building

has a mass akin to others in the immediate area whilst also bringing a focal building to this site.

The main pedestrian access to the building can be seen before arriving on site and as such this properly addresses the public realm outside of the security fence. Other accesses to the building are marked to a lesser degree by structural planting. Further planting structure is shown on the landscape plan which is considered to be within the landscape plan of the previous reserved matters scheme. Whilst the broad principles of the scheme are acceptable as further 1:200 scale plan showing the specific planting locations, detail, planting species, size etc of this remain to be submitted by condition.

5.4 Energy

The development has been designed to be particularly efficient in its energy use but does not produce energy on site. The building has been designed to minimise mechanical ventilation, air-conditioning and heating. Natural ventilation and lighting have been maximised. Rain water will be harvested for flushing WCs and urinals, with limited provision for drought period landscape watering. The site is assessed under the Defence Related Environmental Assessment Method (DREAM) and is rated excellent (the Defence related version of and equivalent to BREEAM standards). This includes controlling the impact of the development on the wider environment during construction. This rating is over and above that which the Council would normally expect from a development.

There is no creation of energy at the present time and despite the desire at question 22 of the Design Checklist to have on-site energy production there is insufficient weight of policy to demand such provision. The MOD have instead sought to reduce the energy consumption of the building, and the domestic water will be solar heated. Generally insulation values have been set at 15% better than currently required by Building regulations to minimise heat loss and gain. This is considered acceptable.

It is clear that the MOD has taken environmental performance/climate change into account when designing the building. The understanding that the building is being assessed using the MOD version of BREEAM and will achieve a standard greater than very good bears this point out. An excellent rated building can be sought by a condition attached to this decision which will reduce CO2 emissions from energy use by users of the building and as such the requirements of D1(G) are considered to be satisfied.

5.5 Transportation

The application is for unrestricted hours of use for six hundred office staff and a further twenty other staff. As such the arrivals and departures of staff can vary and this will be considered in the commuter plans which is required by the condition below. 138 new car parking spaces are provided for the proposal in addition to 65 cycle parking spaces.

With regard to transportation matters the junction changes will have little impact on the site as the areas concerned do not bear structural landscaping and will be replanted after the works within the remit of the landscape plan.

5.6 Design and Access Statement

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

5.7 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary as the application falls within the remit of the existing S.106. However an appropriate legal agreement will need to be drafted in conjunction to the road works but this can be achieved by a condition as it is for works outside of the Planning Acts.

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 planning permission is granted subject to the following conditions which include the signing of an appropriate legal agreement to control works at the highway junction which is enclosed within a Grampian condition.

Background Papers PT08/0103/RM

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. Finished floor levels must be at a minimum of 55.6m AOD

Reason(s):

To prevent non-point source pollution and flooding, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development there shall be submitted and approved in writing by the Local Planning Authority details of the proposed Sustainable Urban Drainage scheme for the site to include any surface water drainage systems. The development shall be implemented in accordance with that approval unless otherwise agreed in writing by the Local Planning Authority.

Reason(s):

To prevent non-point source pollution and flooding, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason(s):

To prevent non-point source pollution and flooding, and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to first occupation of the new building a commuter plan shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use; or otherwise as agreed in the commuter plan.

Reason(s):

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

6. No development (road alterations or office building) shall take place before the completion and signing of an appropriate legal agreement between the developer and South Gloucestershire Council. The agreement shall include as a minimum the construction details of the revised junction alterations proposed on plan SK04 (culvert at upgraded road access) and SK06 (proposed impact of road widening at the new road access). The works to the access and culvert shall then be carried out in accordance with those details and the office building shall not be occupied until the junction has been constructed and is available for use in accordance with the approved plans SK04 and SK06.

Reason(s):

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

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

Reason(s):

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

8. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall be shown on a 1:200 scale plan and include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (eg drainage power, communications cables, pipelines indicating lines, manhole); retained historic landscape features and proposals for restoration where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason(s):

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

9. No development shall take place until samples of the roofing and shading structures 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.

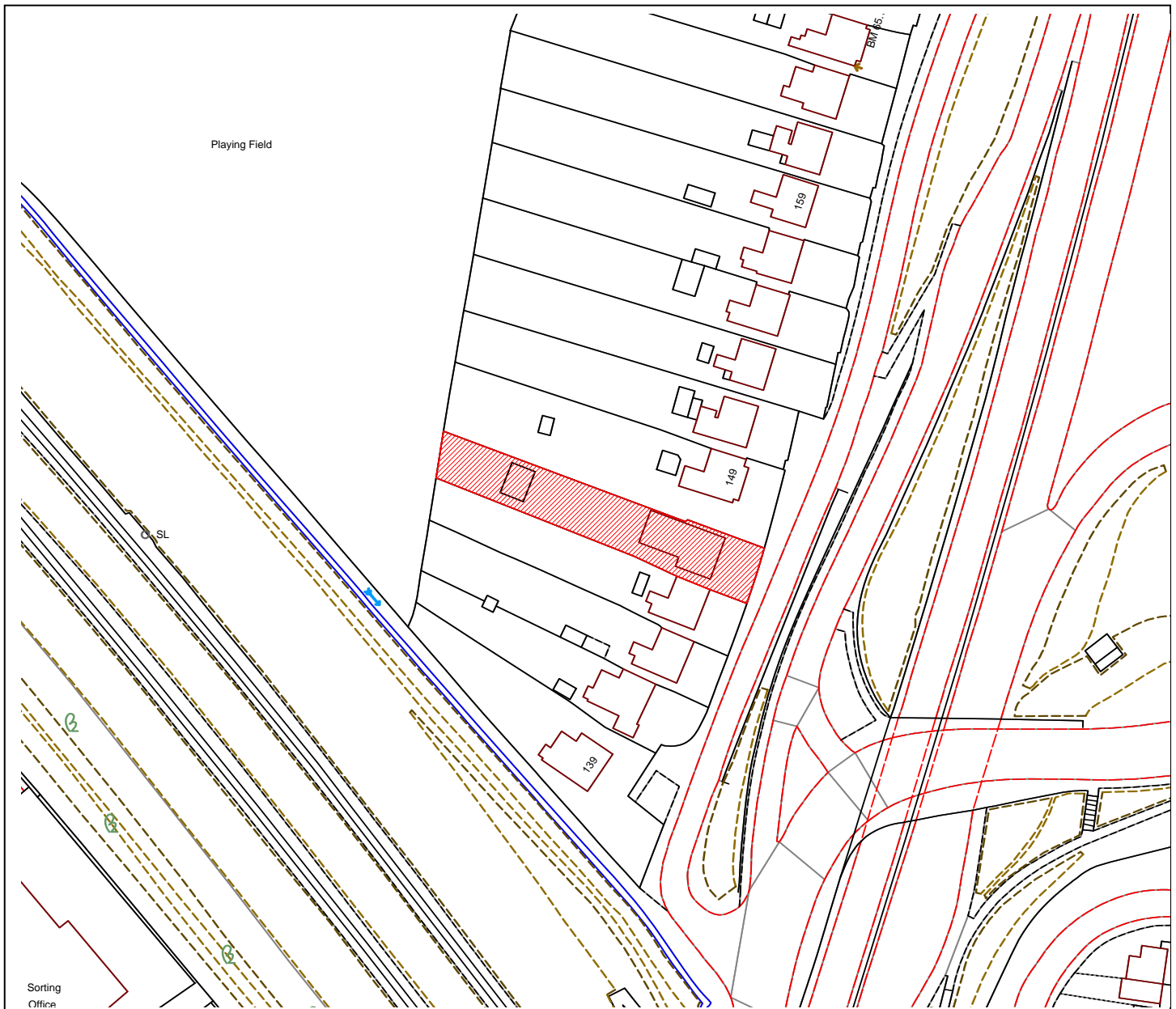
10. No development shall take place until the Local Planning Authority has been provided with, and has approved in writing, a Pre-Assessment of the development carried out by an appropriate DREAM Assessor, proving at least very good achievement for the building. The building shall then be subject to a post completion check by the DREAM Assessor and a final Certificate of compliance for the building shall be submitted to, and confirmed in writing by, the local planning authority prior to first occupation of the building.

Reason(s):

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

CIRCULATED SCHEDULE NO. 12/08 – 20 MARCH 2008

App No.:	PT08/0116/F	Applicant:	Mr Athwal
Site:	147 Gloucester Road Patchway Bristol BS34 6NA	Date Reg:	14th January 2008
Proposal:	Installation of dormer windows to side elevation to facilitate loft conversion. (Resubmission of PT07/2282/F).	Parish:	Patchway Town Council
Map Ref:	60624 81869	Ward:	Patchway
Application Category:	Minor	Target Date:	7th March 2008



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N.T.S

PT08/0116/F

This application appears on the Circulated Schedule following the receipt of an objection from Patchway Parish Council and four local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks planning consent for the installation of two dormer windows in the side elevation to facilitate the conversion of the loft.
- 1.2 The application site relates to a detached bungalow sited adjacent to the Gloucester Road (A38) within a well-established residential area of Patchway.
- 1.3 This application is a resubmission of the previously refused application PT07/2282/F which was refused for the following reasons:
 1. The proposed balcony by reason of its siting would have a detrimental impact on the privacy of the occupiers of the adjoining dwellinghouses.
 2. The proposed dormer windows, by reason of their size, design and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties and, if allowed, would have a detrimental effect on the amenities of the occupiers of the adjoining dwellinghouse and would detract from the visual amenities of the street-scene.

22. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
H4: Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/2282/F Installation of dormer windows to front and side elevations to facilitate loft conversion and erection of balcony over existing conservatory.
Refused 30 August 2007

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
Object. Dormers would overlook adjacent properties.
- 4.2 Local Residents
Four letters of objection have been received from local residents. Their concerns have been summarised below:
 - a) The development would be out of character with the bungalows in the area;

- b) The dormers and rear window would impact privacy;
- c) The bungalow were never intended to be 6/7 bedroom homes;
- d) The development is over-intensive.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the extension to residential dwelling subject to there being no adverse impact on the residential amenity.

Policy D1 of the Local Plan considers general design principles and ensures good quality design.

5.2 Residential Amenity

The previous application was refused because the proposed rear balcony would have adversely affected the privacy of the neighbouring occupier. The applicant has overcome this refusal reason in this application by removing the balcony.

This application comprises of two side dormer windows and two front roof lights. The proposed roof lights would be sited on the front elevation and would therefore have no views into neighbouring properties. The proposed dormer windows would overlook the blank side elevation of adjacent single storey bungalow (No. 145 Gloucester Road) and would provide very oblique views of the neighbouring dwelling amenity space. It is considered that the dormer window nearest to the rear garden would have some views into the adjacent dwellings amenity space. However, this would be opaque glazed and would serve a non-habitable room (bathroom). With regard to the above and notwithstanding the local residents objections, it is considered that the proposed dormers would not adversely affect the neighbouring occupier's privacy.

5.3 Design and Visual Amenity

The previous application was refused on design grounds because it was considered that the dormers would have dominated the front and side elevations and would have appeared out of character with the existing dwelling and street scene. To overcome this issue the applicant has removed the front dormer window from the scheme altogether and has replaced the side box dormer with two pitched roofed dormers. These are smaller in scale and set within the extremities of the roof. Notwithstanding the local residents objections, it is considered that this design approach would respect the character and appearance of the existing dwelling and the street scene. Furthermore, the applicant has supplied no details of the proposed materials. As such it is recommended that a condition is attached to ensure they match the existing dwelling.

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

7. **RECOMMENDATION**

- 7.1 Planning permission to be **GRANTED** subject to the following conditions:

Background Papers **PT08/0116/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/08 – 20 MARCH 2008

App No.: PT08/0393/F
Site: 697 Filton Avenue, Filton, South Gloucestershire, BS34 7LA
Proposal: Erection of single storey rear extension and conversion of loft to facilitate conversion of existing dwelling to 2 no. flats with associated works
Map Ref: 60830 78669
Application Category: Minor

Applicant: Mr S Flay
Date Reg: 11th February 2008
Parish: Filton Town Council
Ward: Filton
Target Date: 31st March 2008



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The application appears on the Circulated Schedule in view of the letter of objection received from the neighbouring resident.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a single-storey rear extension and the subsequent conversion of the property into two two-bed flats.
- 1.2 The application site comprises a two-storey mid-terraced dwelling on the east side of Filton Avenue, Filton.
- 1.3 Amended plans form part of this application removing the front parking space.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG3	Housing
PPG24	Planning and Noise

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H4	Development within Residential Curtilages
H5	Residential Conversions
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Filton Town Council

No comments received

4.2 Other Consultees

No comments received

4.3 Sustainable Transport

Additional information required with regard to parking, bin and cycle storage.

4.4 Summary of Local Residents Concerns

One letter received expressing the following concerns:

- o The rear extension is only 53cm from the neighbouring kitchen window and about 1m to the top of the window- the distance to the end of this extension is 2m;
- o Light into the adjoining kitchen will be severely limited and the neighbours outlook will be onto a brick wall;
- o Sunlight to the neighbours patio/ washing line will be affected;
- o The area is becoming increasingly populated by local students who do not contribute to the area;

- o The neighbour has lived here for 52 years and has enjoyed free access to natural light for all of this time.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 of the South Gloucestershire Local Plan allows for the conversion of residential properties into smaller units provided that the proposal:

- a) Would not prejudice the character of the surrounding area;
- b) Would not prejudice the residential amenities of neighbouring occupiers;
- c) Allows an acceptable level of off street parking provision;
- d) Would provide adequate amenity space.

5.2 Further, planning policy H4 allows for the principle of house extensions subject to considerations of design, residential amenity and highway safety.

5.3 Design/ Visual Amenity: Physical Alterations

The application site comprises a mid-terrace two-storey dwelling on the eastern side of Filton Avenue, Filton. The proposal seeks approval for a single-storey rear addition and the subsequent conversion of the unit into two self contained units; these would comprise a two-bedroom unit at ground level with a further two-bedroom above. This latter unit would utilise the existing roof space given that it would be devoid of any rear extension.

5.4 Concerning the extension proposed, this would project 3m into the rear garden and measure near the full width of the dwelling. Covered by a lean-to roof, it is noted that the volume of this addition would fall below 50 cubic metres thus this would comprise permitted development if it did not form part of this application for a flat conversion. As such, the size of this extension is typical of what would generally be considered acceptable thus there is no objection to this element of the proposal.

5.5 Further external works to the dwelling would allow the introduction of one front and two rear facing velux roof lights which also require planning permission due to flatted developments lacking permitted development rights. Nevertheless, there is again no objection to this element of the proposal.

5.6 Internally, the existing unit would be sub-divided to provide two two-bedroom units. That at ground floor would benefit from a bedroom and kitchen within the new extension with the lounge converted to a bedroom. The existing kitchen area would be converted to a bathroom with the living room retained.

5.7 The first floor flat would retain the existing rear bedroom and bathroom with the front two bedrooms converted to a lounge/ kitchen. A new staircase above the existing would provide access to a further bedroom within the roof space. Both units would be accessed via the existing entranceway with separate front doors behind.

5.8 In view of the above, there is no objection to this current proposal with the extended dwelling considered to appear in keeping with the general character of the area. The proposed front parking space has however been deleted with this considered to detract from the appearance of the site and the locality.

5.9 Residential Amenity

The neighbouring property to the north comprises the end terrace unit which is of handed design to the host dwelling. This is devoid of any rear addition whilst coniferous tree screening along the boundary limits views between dwellings. Nevertheless, given the size of the rear extension and with this neighbouring property positioned to the south of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused.

5.10 The neighbouring property to the north again appears of handed design and is devoid of any rear extensions; screening along the shared boundary is limited. However, given the limited size of the build (commonly considered acceptable); it is not considered that any significant adverse impact in residential amenity would be caused with any associated refusal very unlikely to prove sustainable.

5.11 Concerning the internal alterations, the supporting text to policy H5 advises that such should be designed to minimise the noise and disturbance on adjoining properties. In this regard, the scope for Building Regulation considerations was extended in 1991 to cover the requirements for necessary sound insulation between converted flats and adjoining properties; any refusal reason on this basis would therefore be unreasonable.

5.12 Amenity Space

Amenity space is to be provided to the front and rear albeit with the rear garden solely for the benefit of those within the ground floor flat. In this regard, policy H5 specifically details that amenity space should be provided for all individually occupied units. Nevertheless, a growing number of applications refused for this reason have been allowed on appeal. In the case of one, the Inspector noted:

5.13 *'The upstairs flat would be the larger flat and it would have no access to the rear area, but would have use of the front garden. Whilst this would not be a private area, being close to the road and entrance to the flats, there would be a space for planting if the occupants so desired and for a seat. The area, whilst modest in size, would provide a useful outside area, and the space could be used to store a bicycle as well as to store the refuse bins for both flats...'*

5.14 The rear garden would be retained for the occupants of the ground floor flat although with one parking space to be reserved for the first floor occupants. As such, there is no objection to this current proposal on the grounds of amenity with any associated refusal reason very unlikely to prove sustainable.

5.15 Highway Safety

The application site occupies a sustainable position, on a main bus route, close to shops and services and with easy walking distance of Filton Abbey Wood railway station. Further, it is noted that in the case of two bedroom units, policy T8 advises that a maximum of 1.5 spaces should be provided.

5.16 The proposal as submitted made provision for three off road car parking spaces with one in the front garden and two at the end of the rear garden accessed via the rear lane; these two spaces would replace the existing detached garage and would have provided for the ground floor flat with that to the front serving the upstairs unit. Nevertheless, provision of the front parking spaces has been deleted from the proposal given the design/ visual amenity concerns raised.

5.17 In view of the above, the rear two parking spaces would now serve both units

which although would not be so convenient for the first floor unit, would address the concern relating to the visual impact of the front car parking space. Further, it is noted that provision of a front parking space would nevertheless result in the loss of one on street parking space.

- 5.18 In view of the above, there is no highway objection to this proposal subject those conditions detailed above and subject to a financial contribution of £900 for the additional unit in order to mitigate the incremental damage caused to the Bristol north fringe highway network. This is to be secured via an appropriate agreement prior to the issue of any favourable decision.

5.19 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.

5.20 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 transportation improvements are appropriately the subject of a Section 278 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

- 7.1 That Authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant permission subject to conditions set out below and the applicant first voluntarily enter into an agreement under Section 278 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- 7.2 A contribution of £900 towards the North Fringe Development Proposal (Transport Matters) initiative. The reasons for this agreement are to mitigate against the impact on the Bristol North Fringe local road network to comply with Policy T12.

- 7.3 Should the section 278 agreement fail to be determined within one year of this resolution, then the application is refused on the failure to secure the head of term set out in section 1 of the recommendation.

Background Papers **PT08/0393/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. No windows shall be inserted at any time in the north and south elevations of the extension hereby approved.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

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

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

Reason(s):

To encourage means of transportation other than the private car, to accord with Policy T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No development shall take place until details of provision of storage for refuse bins

and boxes has been submitted to and agreed in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the storage areas have been provided in accordance with the agreed 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. 12/08 – 20 March 2008

App No.:	PT08/0464/F	Applicant:	Ms S De Vere
Site:	27 Pentland Avenue, Thornbury, South Gloucestershire, BS35 2YB	Date Reg:	19th February 2008
Proposal:	Erection of 1.5 metre high boundary fence	Parish:	Thornbury Town Council
Map Ref:	65132 89812	Ward:	Thornbury South and Alveston
Application Category:	Minor	Target Date:	11th April 2008



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N.T.S

PT08/0464/F

This application appears on the Circulated Schedule as representations were made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a 1.5 metre high boundary fence.
- 1.2 This is a modern detached property within the existing urban area of Thornbury. The proposal consists of the erection of a wooden fence to the front (south) and side (east) of the property. The wooden fence replaces a brick wall which was previously in situ.
- 1.3 The wooden fence has already been constructed and is in situ at the property. The application is therefore retrospective.

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
H4 Development within Existing Residential Curtilage

2.3 Supplementary Planning Guidance

Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

No relevant history

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Object – The construction is visually obtrusive and totally out of character with the area, contrary to the original design of the estate. The fence and hedge also appear to be encroaching on South Gloucestershire Council land.

Other Representations

4.2 Local Residents

One letter of support was received and also a petition supporting the retention of the fence signed by 44 local residents.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 states that *proposals for development within existing residential curtilages*, will be permitted subject to certain criteria. The principle of the development is therefore acceptable subject to the following detailed assessment.

5.2 Residential Amenity

Overbearing Analysis

Due to the overall scale and size of the proposed development the proposal would not be overbearing on the residential amenity of neighbouring occupiers.

Privacy Analysis

There would be no overlooking or loss of privacy as a result of the proposal.

5.3 Design / Visual Amenity

The west side of Morton Way is characterised by brick built boundary walls and open 'soft-edged' landscaped space in between the highway and the property boundaries running adjacent. The erection of the fence at 27 Pentland Avenue has seen the loss of a considerable amount of this open space. The fence is approximately 5-6 metres closer to Morton Way and the footpath that runs alongside it than the original brick wall. Consequently a strip of land approximately 0.5 in width has been left adjacent to the footpath. The construction of the fence therefore has led to an unacceptable loss of open space that in turn is visually obtrusive on the character of the street scene and surrounding area.

There are no other wooden fences directly opposite Morton Way and the boundaries are characterised by brick built walls. The addition of a wooden fence is therefore considered to be out of keeping with the surrounding area and therefore contrary to Policy H4 of the Local Plan. The boundary fence also extends beyond the boundary wall of the neighbouring property to the rear (13 Pentland Avenue), not helping the fences conspicuousness. The planting of infant vegetation in front of the fence is not considered to make up for the loss of open space or conceal the adverse visual impact of the wooden fence on the character of the street scene.

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

7. RECOMMENDATION

7.1 That planning permission is **REFUSED** for the following reasons.

Background Papers **PT08/0464/F**

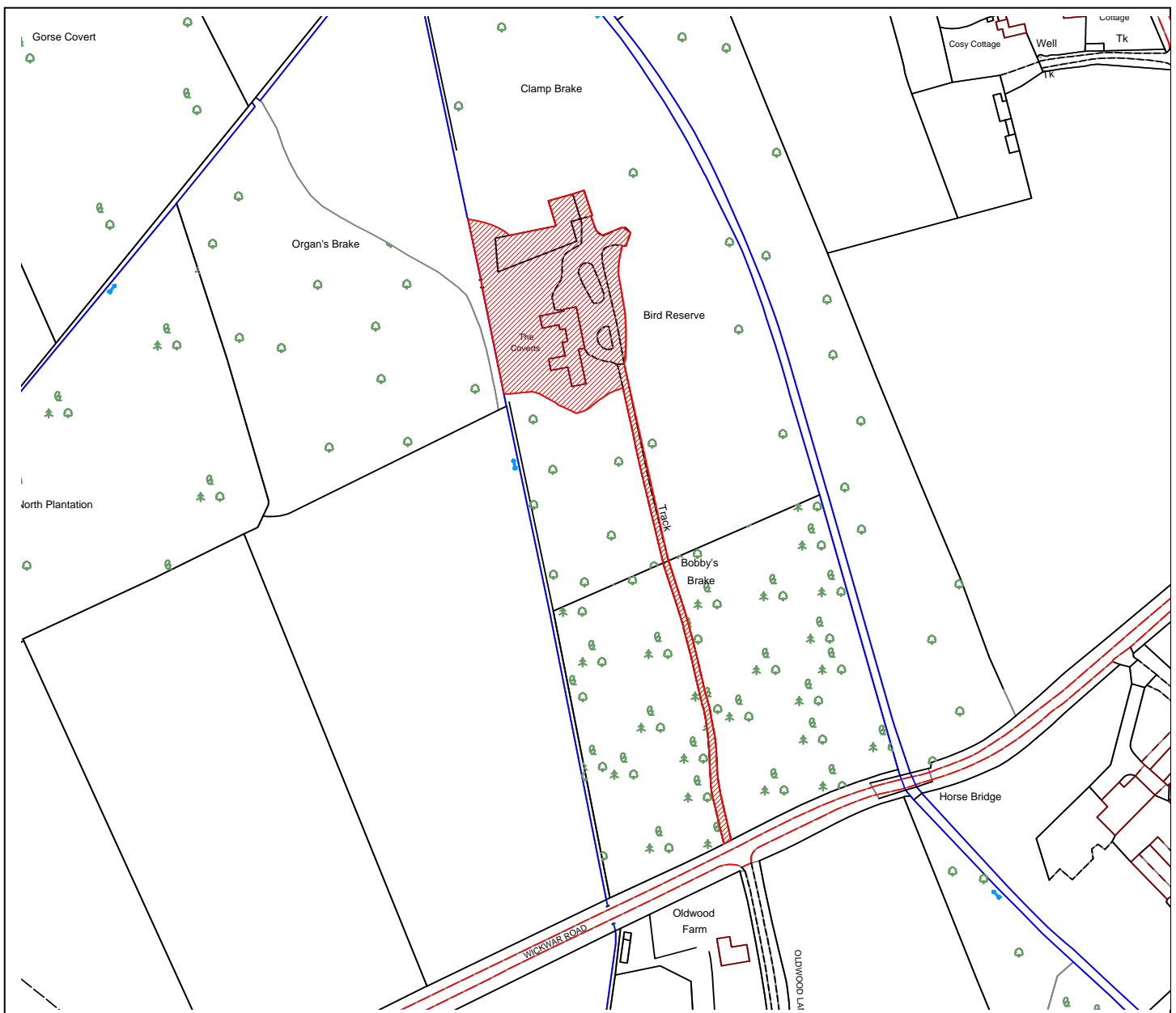
Contact Officer: **Will Collins**
Tel. No. **01454 863819**

REFUSAL REASONS

1. The proposed fence, by reason of its siting, design and external appearance, would be out of keeping with the existing street scene and other nearby properties and, if allowed, would have a detrimental effect on the visual amenities of the locality. The proposal is therefore considered contrary to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 12/08 – 20 MARCH 2008

App No.:	PT08/0538/CLE	Applicant:	Mr J Benson
Site:	The Coverts, New Road, Rangeworthy, South Gloucestershire, BS37 7QF	Date Reg:	25th February 2008
Proposal:	Certificate of lawfulness for the existing use of dwelling and annex as residential accommodation in breach of condition c of planning permission SG 3833/B and condition b of planning permission N 310	Parish:	Rangeworthy Parish Council
Map Ref:	69809 86250	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	14th April 2008



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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the continued occupancy of the subject dwelling by persons who are not employed in the management of the adjoining land as an ornamental pheasantry, bird and game reserve (and dependants of such persons) for the purposes of condition (c) of outline planning permission SG.3833/B (dated 27th January 1969); and the annexed part of the building by persons not employed as staff associated with the operation of the adjoining land for the purpose of condition (b) of planning permission N.310 (dated 15th August 1974)
- 1.2 The site consists of a single extended building forming the dwelling and annex associated with Rangeworthy Coverts. The site is located within a clearing surrounded by deciduous woodland forming Bobby's Brake, Clamp Brake, Organ's Brake, Gorse Covert and North Plantation. The site is accessed via a long driveway leading from Wickwar Road.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 SG.3833/B Erection of a dwellinghouse (for occupation by owner) in connection with Ornamental Pheasantry, Bird and Game Reserve (Outline)
Approved 27th January 1969.
- 3.2 SG.3833/Bap Erection of dwellinghouse in connection in connection with ornamental Pheasantry, Bird and Game Reserve (reserved matters).
Approved 28th May 1969
- 3.3 N.310 Erection of Extension to provide staff accommodation
Approved 15th August 1974

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The claimant (Mr J Benson) has submitted an individual sworn declaration supported by letter from independent person known to him. The declaration provides a detailed account and key dates over the period of occupation of the dwelling and site since it was constructed in the early 1970's. This shows that Mr J Benson has been employed by Benson Bros (Bristol) Ltd since 1964 and that he was living in the annex at the time of his father's death (Mr R Benson) in 1991.

4.2 At the time of the officer site visit (which was unannounced) revealed that the dwelling and the annex were in occupation as one dwelling.

5. **SUMMARY OF CONTRARY EVIDENCE**

5.1 None Received

6. **OTHER REPRESENTATIONS RECEIVED**

6.1 No other independent representations have been received.

7. **EVALUATION**

7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.

7.2 In this instance it must be proven that the occupancy of the dwelling subject to this application has been so in breach of condition (c) of planning permission SG.3833/B; and the annex for staff accommodation has occupied in breach of condition (b) of planning permission N.310 for a period in excess of 10 years in each instance.

7.3 In relation to planning permission SG.3833/B, condition (c) reads;

The occupation of the dwelling shall be limited to persons employed, or last employed, in the management of adjoining land as an ornamental pheasantry, bird and game reserve.

In relation to planning permission N.310, condition (b) reads;

The building hereby authorised shall be used incidentally to the dwellinghouse within the same curtilage and at no time shall be severed therefrom for occupation as a separate unit of accommodation or for any other use.

7.4 Clearly, the subject dwelling and associated curtilage as detailed within this application is currently in use by Mr J Benson for residential purposes whilst the use of the associated land as an ornamental pheasantry, bird and game reserve has now ceased.

7.5 The original applicant was Mr Robert Benson (the current applicant's father). Mr R Benson operated the associated land as the Pheasantry Business up to 1978 and continued to occupy the dwelling in compliance with planning permission SG.3833/B. However, it appears from the submitted evidence that Mr J Benson occupied the annex in breach of planning permission N.310.

7.6 Mr R Benson passed away in 1991 and Mr J Benson has legally declared that the dwelling and associated annex passed to him and that he has resided in the dwelling and annex since 1991. Mr J Benson has also legally declared that he has never been employed in connection with or operated any pheasant or game bird rearing activities. Mr J Benson also submits a letter provided by P.J. Wright, company secretary to Benson Bros (Bristol) Ltd which certifies that Mr J Benson has been employed by Benson Bros (Bristol) Ltd since 1964.

7.7 The evidence presented by Mr J Benson shows that he has continuously resided in the dwelling for a period prior to 1991 and up to the time of making this application, and in breach of condition (c) of planning permission SG.3833/B and condition (b) of planning permission N.310 between the period of 1991 until the time of submitting this application.

7.8 The local planning authority does not have any evidence that can demonstrate to the contrary. Having regard to the above, it is considered that the evidence presented by the applicant proves that, on the balance of probability, the dwelling and annex subject to and detailed in this application has been used as a whole for normal residential purposes in breach of condition (c) of planning permission SG.3833/B and condition (b) of planning permission N.310 for a period in excess of 10 years.

8. RECOMMENDATION

8.1 A Certificate of Existing Lawful Use be granted for the continued use of the dwelling for occupation in breach of condition (c) of planning permission SG.3833/B and condition (b) of planning permission N.310.

Background Papers **PT08/0538/CLE**

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