



**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. 47/08

Date to Members: 21/11/08

Member's Deadline: 27/11/08

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 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee.**

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 (eg, if the schedule is published on a Friday, comments have to be submitted by the end of Thursday) (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: 21/11/08

SCHEDULE NO. 47/08

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 5pm), 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 Christmas and New Year period 2008/2009**

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
50/08	Friday 12 December 2008	Thursday 18 December 2008
51/08	Thursday 18 December 2008	Wednesday 24 December 2008
52/08	Wednesday 24 December 2008	Tuesday 6 January 2009
01/09	No Circulated Schedule Production	*

Circulated Schedule 21 November 2008

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK08/2227/F	Approve with conditions	22A, Elmleigh Road, Mangotsfield, South Gloucestershire, BS16 9EX	Rodway	
2	PK08/2489/F	Approve with conditions	Jarretts Garden Centre, Bath Road, Willsbridge, South Gloucestershire, BS30 6ES	Bitton	Bitton Parish Council
3	PK08/2592/RVC	Approve with conditions	Land at units 45-48, Beeches Industrial Estate, Waverley Road, Yate, South Gloucestershire, BS37 5QT	Ladden Brook	Iron Acton Parish Council
4	PK08/2774/LB	Approve with conditions	Baugh Farm, Church Lane, Downend, South Gloucestershire, BS16 6PX	Downend	Downend and Bromley Heath
5	PK08/2798/CLE	Approve	Fieldgrove Farm, Bath Road, Bitton, South Gloucestershire, BS30 6HU	Bitton	Bitton Parish Council
6	PK08/2813/F	Approve with conditions	48 Westcourt Drive, Oldland Common, South Gloucestershire, BS30 9SB	Oldland	Bitton Parish Council
7	PK08/2848/TRE	Approve with conditions	Land rear of 27 Hardwicke, Yate, South Gloucestershire, BS37 4LE	Dodington	Yate Town Council
8	PT08/2452/R3F	Deemed consent	Gillingstool Primary School, Gillingstool, Thornbury, South Gloucestershire, BS35 2EG	Thornbury South and Alveston	Thornbury Town Council
9	PT08/2474/CLE	Approve with conditions	87 Gloucester Road, Rudgeway, South Gloucestershire, BS35 3QS	Thornbury South and Alveston	Alveston Parish Council
10	PT08/2678/CLE	Approve	Building 01G Airbus UK, New Road, Filton, South Gloucestershire, BS34 7PH	Filton	Filton Town Council
11	PT08/2759/LB	Approve with conditions	Courtlands, The Street, Olveston, South Gloucestershire, BS35 4DU	Severn	Olveston Parish Council
12	PT08/2765/F	Approve with conditions	Courtlands, The Street, Olveston, South Gloucestershire, BS35 4DU	Severn	Olveston Parish Council
13	PT08/2835/F	Approve with conditions	Landshire, Bristol Road, Frenchay, South Gloucestershire, BS16 1LQ	Frenchay and Stoke Park	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 47/08 – 21 NOVEMBER 2008

App No.:	PK08/2227/F	Applicant:	Mr M Hoare
Site:	22A, Elmleigh Road, Mangotsfield, South Gloucestershire, BS16 9EX	Date Reg:	8th August 2008
Proposal:	Change of use from Residential (ClassC3) to Residential Home for ten persons with learning difficulties (Class C2)) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Alterations to roofline of existing dwelling to facilitate the creation of additional floor space .Erection of rear single storey link extension with dormer over to provide additional floor space. Erection of single storey front extension (resubmission of PK07/3195/F).	Parish:	
Map Ref:	66476 76396	Ward:	Rodway
Application Category:	Minor	Target Date:	16th October 2008



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100023410, 2008.

N.T.S

PK08/2227/F

INTRODUCTION

This application is reported on the Circulated Schedule due to the receipt of neighbour objections.

1. THE PROPOSAL

- 1.1 This application seeks to extend an existing, rendered, residential bungalow standing at the western end of a long and narrow site, to facilitate its conversion into a ten bedroom residential care home for people with learning difficulties. The extensions applied for in order to achieve this would all be single storey, but would extend the existing building primarily into its garden and create rooms in its roofspace for almost its entire length. 6 of the proposed bedrooms would be at ground floor level, with 4 further bedrooms, a staff bedroom, store room, and bathroom within the roof space. Also proposed is a single storey front (west) extension with accommodation again in the roof space. There are outbuildings at present in the rear garden which are proposed to be demolished.
- 1.2 Parking for the bungalow is currently provided on an apron at the front of the dwelling. This would be retained for such a purpose and three off street parking spaces are proposed.
- 1.3 Although not indicated on the existing plans, there is one south-facing rooflight at present in the house. The proposed use of the roof space would be lit only by rooflights, with the addition of one gable end, front-facing window. Although not corroborated exactly on the submitted floor plans, the proposal in elevation shows that these rooflights would be in the north and south elevations to light the proposed entrance area. Further rooflights would face east and west (rear and front) to light bedrooms in the roof space and with a similar alignment for the staff bedroom.
- 1.4 The built form to the north and south of the site backs onto it and is uniformly two storey and semi detached in form. At the end of the garden is a pedestrian access from a footpath. This would lead to an annex for the dwelling which won planning permission on appeal. Construction has not yet commenced on this annex and the implication of this application is that such a scheme would not proceed, since this proposal would see the dwelling, to which the annex would be ancillary, being demolished.
- 1.5 Amended plans were sought and received with the intention of improving the design of the building through breaking up the main elevations. To this end, the amended scheme proposes a mixture of render and reconstituted stone, used to highlight different elements of the proposed building. Obscurely glazed high level windows in the gable ends have been added, as well as quoins to all visible returns.

2. POLICY CONTEXT

- 2.1 National Guidance
- | | |
|-------|------------------------------------|
| PPS1 | Delivering Sustainable Development |
| PPS3 | Housing |
| PPG13 | Transport |

- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H2 Residential Institutions
T7 Cycle parking
T8 Parking standards
T12 Transportation
- 2.3 Supplementary Planning Guidance
Design Checklist (adopted 2007)

3. **RELEVANT PLANNING HISTORY**

- 3.1 P99/4448 Erection of residential care home Refused due to
unsuitable shared access, inadequate parking and turning facilities and harm to
safety of pedestrians Appeal dismissed
NB This proposal was for an additional 9 bedroom building to the rear of the
site, leaving the dwelling at the front.
- 3.2 PK07/3195/F Change of use from dwelling to residential home for people with
learning difficulties, with extensions Refused due to
the impact on living conditions for future occupiers, overlooking from a rooflight
and poor design.

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council

Unparished area

4.2 Other Consultees

Transportation

Planning permission has previously been refused to extend and convert this dwelling into a residential home for ten persons with learning difficulties (PK07/3195/F). No transportation objection was raised to this original proposal although cycle parking was requested. Vehicular access to the site remains as the previous proposals. Three parking spaces are again provided to the front of the site. Two cycle parking spaces are provided to be located to the rear of the building. In light of the above, there is no transportation objection to this proposal.

Public Rights of Way

The development may affect the nearest recorded public right of way, reference MA 1, which runs adjacent to the site. We have no objection in principle to this application subject to informatives which should be copied to the applicant.

Other Representations

4.3 Local Residents

12 letters of objection to the proposal were received, citing the following concerns:

- Insufficient parking provision, leading to further congestion along Elmleigh Road
- No suitable access for emergency vehicles to the extension
- Rooflights would overlook neighbouring garden
- Extension would be overbearing and reduce light
- Loss of privacy

- 24 hour noise and disturbance from staff and vehicles
 - The proposal would lead to an increase in traffic, to provide for medical, educational and social needs of the residents
 - Highway safety concerns regarding turning and deliveries
 - Unsuitable location for a care home
 - Loss of quiet atmosphere in rear garden
 - The change of use could lead to any institutional residents, not just those with learning difficulties
 - Plans show no facilities for wheelchair users and the less physically able
 - Potential for social disturbance locally from difficult residents
 - Inadequate facilities, such as only two bathrooms, for future occupants
 - No boundary details supplied with the application
 - Design out of keeping with surrounding properties
- This site has had several previous applications refused on it
 - With other care homes closing, would there be a need for the facility?
 - No business plan showing how the facility would be administered
 - No justification made for change of use

NB The last 4 reasons quoted are not valid planning concerns. Car parking is shown as using the same area as presently serves the dwelling. It is not for the planning system to control who would be resident at the premises or how it would be run.

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. In regard to the policies, H2 sets the criteria to be met for development such as this and forms the initial headings below. Highways issues also need to be addressed under T7, T8 and T12. The design of the proposed building and its effect on the street scene is considered against policy D1. The main material consideration in the determination of this application is whether the previous three reasons for the refusal have been addressed and overcome.

5.2 Would the development have unacceptable environmental impacts?

The previous proposal was assessed by the Council's Environmental Protection section and no objection was made to the scheme. This proposal would be for the same facilities within the same building envelope. It is considered that the development would comply with this part of policy H2.

5.3 Impact on Residential Amenity

Intensification of use of garden

It is noted that to each side of the rear garden, there is a row of rear gardens backing onto the site. With regard to the use of the land, activities in the rear garden of the site could therefore have potential impact on each of those rear gardens. The proposal is for a residential care home and the previously refused application was refused on residential amenity grounds, inter alia, but relating to overlooking from rooflights. The fact that the building would be used residentially makes clear that its garden would also be used for that purpose, as it is at the moment. The issue of impact on residential amenity is therefore a question of whether the proposal would intensify the existing level of use of this

rear garden to an unreasonable degree. It is worth bearing in mind that a recent appeal decision has allowed the erection of an annex to the house. While the combined accommodation of a house and annex would not result in a level of built form of quite the same order as that proposed here, it is considered that the site (if the annex were to be built) would be able to house a large family and that their activities would spill out into the rear garden. It is considered that the proposal under consideration would have a materially similar impact and therefore, the impact of the proposal on residential amenity would not warrant a refusal of this planning application.

Overlooking

With regard to potential overlooking of adjoining gardens from the proposed extended building, the only habitable room which would have had velux window capable of overlooking any adjoining property was bedroom 10 on the previous scheme. This led to the relevant refusal reason of that application. The revised scheme is considered to have addressed this point, despite placing additional living accommodation in the roof space. Six rooflights are proposed to serve the accommodation in the roofspace and all of them would face either the front or the rear of the site, offering no direct views over adjoining gardens. Views of the surrounding gardens could only be achieved by opening these proposed rooflights and the occupant looking around with their head 'outside' the roof area. Ground floor windows would have views which would be curtailed by the site's or neighbouring properties boundary treatments, therefore these windows are not considered to cause any effect on existing levels of residential amenity. The additional windows in the south-facing elevation are shown as obscure glazed and therefore would not permit views in or out which may affect residential amenity.

Overbearing Impact

With regard to the risk of the extension to the building causing any overbearing impact on adjoining properties, the length of the rear gardens of the houses on either side of the site is considered to preclude any overbearing impact. It is acknowledged that the proposal is for a high roof pitch single storey building, similar to the existing dwelling. The impact on No. 22 Elmleigh Road is however different, due to its close proximity to the site. No. 22 however already extends to its rear boundary, with its garden to the north of it. The proposed extension would head in a different direction, away from No. 22 and it is therefore considered that it would not have any overbearing impact upon this property.

Future Occupiers

With regard to residential amenity for future occupiers, the previous scheme had bedrooms which were set too close to the northern and southern sides of the site and would have offered a minimal outlook at best. It was considered that, as a result, the residential amenity of future occupiers would be significantly compromised, particularly in the case of one bedroom, which faces north. As a result, this formed one of the refusal reasons for this scheme. The approach taken with the position of the rooflights referred to previously has also been taken with the windows to serve ground floor accommodation. Rather than having windows of proposed habitable rooms with insufficient outlook, these windows have been orientated to face east and west, up and down the site. It is considered this overcomes the previous refusal reason.

- 5.4 Achieving maximum density on site
This criterion applies to housing density. However, this proposal would provide a 10 bedroom unit, with amenity space for residents to the rear, which is considered to be about an appropriate level of use on a site of this size and to that end, the proposal meets this policy criterion.
- 5.5 Is the site subject to unacceptable levels of noise, dust, contamination or pollution?
The previous proposal was assessed by the Council's Environmental Protection section and no objection was made to the scheme on the basis that the site would be subject to these effects. Since this proposal is essentially the same and the surrounding land uses remain unchanged, it is considered that this development proposal would still comply with this part of policy H2.
- 5.6 Has provision for community facilities, education, leisure and recreation been met?
The proposal, as a residential care home, would not lead to these requirements. It is considered that the site is large enough to provide for the immediate recreational needs of future residents.
- 5.7 Transportation Issues
The Transportation comments appear at 4.2 above. Subject to the inclusion of a condition requiring cycle and car parking provision is implemented as shown on the submitted plans, no objection is raised to this proposal on highway safety or parking provision grounds.
- 5.8 Design and Impact of Proposal on Visual Amenity/ the Street Scene
By the nature of the site characteristics, very little view of the site is visible from the street. The existing building, although set back behind a parking forecourt, does play some small part in the streetscene. The amended proposal, in this elevation, is considered to represent an improvement over the current, frontage, with its introduction glass, grouped into feature elements, with a triangular window close to apex level. Although when viewed on the plans, the projecting gable would appear to dominate this elevation, particularly through its lack of subservience, it is considered that, due to this element being balanced by a similar gable facing in the opposite direction, it would not be visually overbearing.
- The depth of the building, at close to 33 metres, although reduced from the 40 metre depth of the previously refused scheme (including in both cases) the smaller projecting elements at each end, causes problems in design terms for the building itself. Its height is commensurate with a dormer bungalow. Coupled with the proposed depth of the extension, the horizontal emphasis created was previously not successfully broken up. To achieve this over such a deep building is considered to be very difficult. Reducing the length of the building has to an extent helped to achieve that and the overall proportions of the building are now considered to be much more successful. The design follows the site constraints. The northern elevation is essentially plain. With the previous scheme, primary habitable room windows serving bedroom 4 and the kitchen would have had no outlook. These have now been exchanged for non-habitable rooms in order to overcome this refusal reason. The outlook for the south-facing windows is more generous than for the previously refused scheme due to them being re-orientated. The appearance of both side elevations is

plain, broken by large gable ends, particularly those facing into the garden. Amendments to the proposal show these gables picked out in reconstituted stone to contrast the render of the bulk of the building. They are also broken up slightly with the introduction of the high level obscure glazed windows up to eaves level, reproducing a motif from the road elevation. The building would not be readily visible from the north, due to the boundary treatment, however the long unbroken roof plane would be visible from the rear of houses in Richmond Road. In this respect the reduction in the length of the building helps this issue. The southern elevation, although not as blank, will be readily visible from the rear of properties in Elmleigh Close, particularly its roofscape. This problem from the previous design is considered to have been overcome through the introduction of strong gables which punctuate the roofscape. The overall amended design of the proposal is considered on balance to be successful and has taken the opportunity to enhance the site, as required by PPS1 and policy D1 of the Local Plan.

5.9 Other Issues

A number of other issues were raised by the public through the consultation process, such as the inability for emergency vehicles to access the rear of the site. There is no such specific requirement. The site itself would be accessible to emergency vehicles and this is the primary consideration. Whether the site is suitable for a care home is an issue which has been determined against the applicable policies listed above, inherent to the process of determining the application.

The access to the site for wheelchair users will need to be in accordance with the relevant part of the Building Regulations and as it is covered by other legislation would not be a relevant matter in the determination of this planning application.

A condition requiring the submission of a landscaping plan for the grounds of the proposed building appears below. This also includes the submission of details for boundary treatments, where appropriate. It is acknowledged that, apart from the front of the site, any boundary treatment would have to be no taller than 2 metres above ground level, otherwise it would require planning permission in its own right. However, this height of screening is considered to afford the opportunity to screen what is essentially a single storey building to an adequate degree in order to protect existing levels of residential amenity.

A condition has been recommended below to tie the future use of the site to that applied for with this application, i.e. solely as a residential home for people with learning difficulties. This condition would prevent other institutional uses of the site, without recourse to a separate planning permission, which would require further consideration at that time. The site, due to it being surrounded along almost all of its boundary by residential properties, may not be suitable for other institutional uses which would normally benefit from permitted change of use under the current Use Classes Order.

5.10 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.

5.11 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 is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/2227/F**

Contact Officer: **Chris Gosling**

Tel. No. **01454 863787**

CONDITIONS

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

Reason:

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

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

Reason:

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

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

Reason:

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

4. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development, proposed planting (and times of planting), boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason:

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

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

Reason:

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

6. The premises shall be used for a residential home for people with learning difficulties for and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason:

Other uses within class C2 will require further consideration, in order to ensure the protection of the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/08 – 21 NOVEMBER 2008

App No.:	PK08/2489/F	Applicant:	Telefonica O2 LTD
Site:	Jarretts Garden Centre, Bath Road, Willsbridge, South Gloucestershire, BS30 6ES	Date Reg:	5th September 2008
Proposal:	Erection of 1no. 20 metre high monopole with 3no. antennae and 1no. equipment cabinet.	Parish:	Bitton Parish Council
Map Ref:	66775 70140	Ward:	Bitton
Application Category:	Minor	Target Date:	23rd October 2008



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PK08/2489/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a 20 metre high monopole with 3 no. antennae with 1 no. equipment cabinet.
- 1.2 The site is located on land to the rear of the Jarretts Garden Centre complex off Bath Road, Willsbridge. The site itself consists of a small tree plantation/copse with trees averaging around 15 – 20 metres in height, located in an under utilised area of the site beyond the main existing customer car-park area of the associated retail area which contains various smallscale retail outlets and a café. The mast is proposed to be positioned on the outskirts of this plantation. The site is located within the designated Bristol/Bath Green Belt.
- 1.3 The nearest residential properties are an isolated property located approximately 75 metres beyond the copse to the south, the nearest properties to the west commence around 120 metres away, beyond the other side of the copse towards Keynsham Road, whilst to the immediate east the nearest residential properties are located beyond the garden centre complex on The Park, towards Bath Road and are located from approximately 120 metres.

2. POLICY CONTEXT

- 2.1 National Guidance
PPG 8 Telecommunications
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
GB1 – Green Belt
S5 - Telecommunications
- 2.3 Supplementary Planning Guidance
Telecommunications Network Infrastructure

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/1159/F - Erection of 20 metre high telecommunications lattice mast, 3 no. antennas, 3 no. dishes, cabin and ancillary equipment. Withdrawn.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
The Parish objected to the application on the grounds that the site is located within the Green Belt and no exceptional circumstances are provided to override policies that would prohibit any new development.

If the Council is minded to allow the application it is requested that that a condition is applied requiring the mast to be camouflaged as a tree and, if possible, the height of the mast be reduced..

Other Representations

4.3 Local Residents

7 letters of objection have been received with regards to the proposal. These raised concerns on the following grounds:

- Visual impact upon the area
- Eyesore on the skyline
- Inappropriate in the Green Belt location
- Contrary to Policies of the Development Plan
- Out of keeping with the area
- Overbearing impact upon nearest residential properties
- Issues of close proximity to nearest dwellings
- Inappropriate use next to an existing café with outdoor seating area
- There is potential for re-use of an existing site which is to be decommissioned
- Not sufficient consultation on the proposals
- A previous application at this site was objected to and withdrawn
- concerns with regards to unknown health implications associated with such development particularly to vulnerable children using the pre school;

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The Council recognises the need and importance of telecommunications, the technical constraints faced by providers combined with the need for service provision and coverage as well as the balance that must be struck with encouraging sustainable telecoms development which takes into account issues such as landscape, conservation and local amenity. In this respect Policy S5 of the South Gloucestershire Local Plan (Adopted) January 2006 seeks to address this balance.

5.2 PPG8 also makes it clear that the overriding consideration in determining such applications is that the needs of the operator are set against environmental considerations.

5.3 Green Belt

The site is located within the designated Green Belt area. The proposal does not form one of the types of development that Green Belt policy permits without special circumstances being demonstrated such as to justify the proposed location. In this instance the telecoms development site is dictated by the need to provide adequate service and coverage. Other sites have also been identified as part of the site search but discounted on grounds of ownership, technical requirements not being met or where it was considered this site was better placed than others within the Green Belt. Approximately two thirds of the site search area required to provide the necessary coverage from the type of pole proposed is within the Green Belt, whilst the remainder is located within more densely populated residential areas with limited space and opportunity.

Other options outside of this search area would be a different proposal as they would need to be taller more bulky structures, again often within or more highly visible from the Green Belt and unlikely to therefore be acceptable. Similarly site sharing and use of commercial premises has been addressed in the site search with no available or suitable sites arising. In this instance therefore the need for the facility and the robustness of the site search demonstrating that there are no suitable sites outside of the Green Belt area and that this is the best site within the Green Belt area, special circumstances can be demonstrated to justify the location, subject to acceptability with other detailed development control criteria.

5.4 Landscape and Visual Amenity

The site is generally well screened by vegetation and the proposed monopole would be at its most visible from the car park of the garden centre. The site is visible from the Bristol – Bath footpath/cycle way but it can generally only be glimpsed through gaps in the adjoining vegetation. The top of the mast will be visible in the open landscape to the south and also from existing housing development to the north. These views will however, also be foiled by existing vegetation both on and off the site. The proposed colour for the mast and ground equipment, Olive Green to RAL 6003, will also assist in reducing any possible visual impact. It is considered that the design of the facility in this instance is acceptable and would minimise visual intrusion and it is further considered that the ‘tree’ design types of facilities would be too bulky, more visually prominent and not generally blend in as well in this instance. A reduction in height would have implications in terms of coverage from the site and adjoining tree height. The height is therefore considered the necessary height for the proposal and location and therefore must be considered on its merits.

5.5 The small copse within which the pole will be located appears to be the remains of an area previously used to grow trees commercially. The trees are therefore at closer spacings than would normally be expected in a copse of this nature and the loss of a single tree as proposed, will not be visually significant. It is noted that some trees may have to be reduced in height to prevent ‘antennae clipping’ and any such works should be carried out by a competent tree surgeon in accordance with BS 3998:1989, Recommendations for Tree Works, and agreed beforehand with the Council tree officers.

5.6 It is considered the proposed monopole will not have a significant visual impact upon the local landscape or overriding impact upon the visual amenity of the Green Belt and subject to appropriate technical justification and lack of alternative sites, can be considered acceptable in the Green Belt at this location. It is however, it is considered that a condition should be attached to any consent requiring the approval of the Council tree officers prior to any works being carried out to the existing trees.

5.7 Residential Amenity and Health Issues

PPG8 advises that the planning system is not the place for determining health guards and that enforcement of health and safety legislation is a matter for the Health and Safety Executive.

- 5.8 The Council's Telecommunications Network Infrastructure SPD acknowledges the Government stance on this and also states that 'Government Guidance on this issue is set out in PPG8 and states that although public concern can in principle be material considerations in determining applications, if a proposed development meets ICNIRP guidelines for public exposure, it should not be necessary for a planning authority to consider further the health aspects and concerns about them. It recommends that LPA's should not implement their own precautionary policies such as 'safe distances' from schools and other sensitive land uses'.
- 5.9 Notwithstanding the above the SPD does acknowledge the likelihood of concerns to be raised in certain locations and to this end suggests further information in relation to the ICNIRP compliance regulations be provided to illustrate compliance. In this respect the applicants have provided information, in addition to the compliance declaration, that illustrates exposure levels at various distances from the proposed installation and how this relates to the existing safety levels set by the ICNIRP.
- 5.10 In summary, the Government has accepted recommendations in the Stewart Group's Report that, as a precautionary measure, mobile phone base stations, such as proposed by this application, should meet the guidelines for limiting exposure as set by the ICNIRP (International Commission on Non-Ionizing Radiation Protection).
- 5.11 The application is supported by a certificate that demonstrates that the equipment complies with the ICNIRP guidelines. As in the case with the majority of equipment installed nationally, the levels of radiation generated by this equipment is a tiny fraction of the maximum levels set by the ICNIRP.
- 5.12 With regard to general residential amenities, whilst the equipment may be to an extent visible from some residential vantage points it is not however considered that the proposed scheme would unacceptably prejudice residential amenities on the basis of being visible. It is not considered that the location, size and scale of the proposal in relation to and in context with the surrounding area would have an overbearing impact upon the nearest properties.
- 5.13 Transportation/Highways
There is no transportation objection to the proposals from the Council's Highways section.
- 5.17 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

Background Papers **PK08/2489/F**

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

CONDITIONS

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

Reason:

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

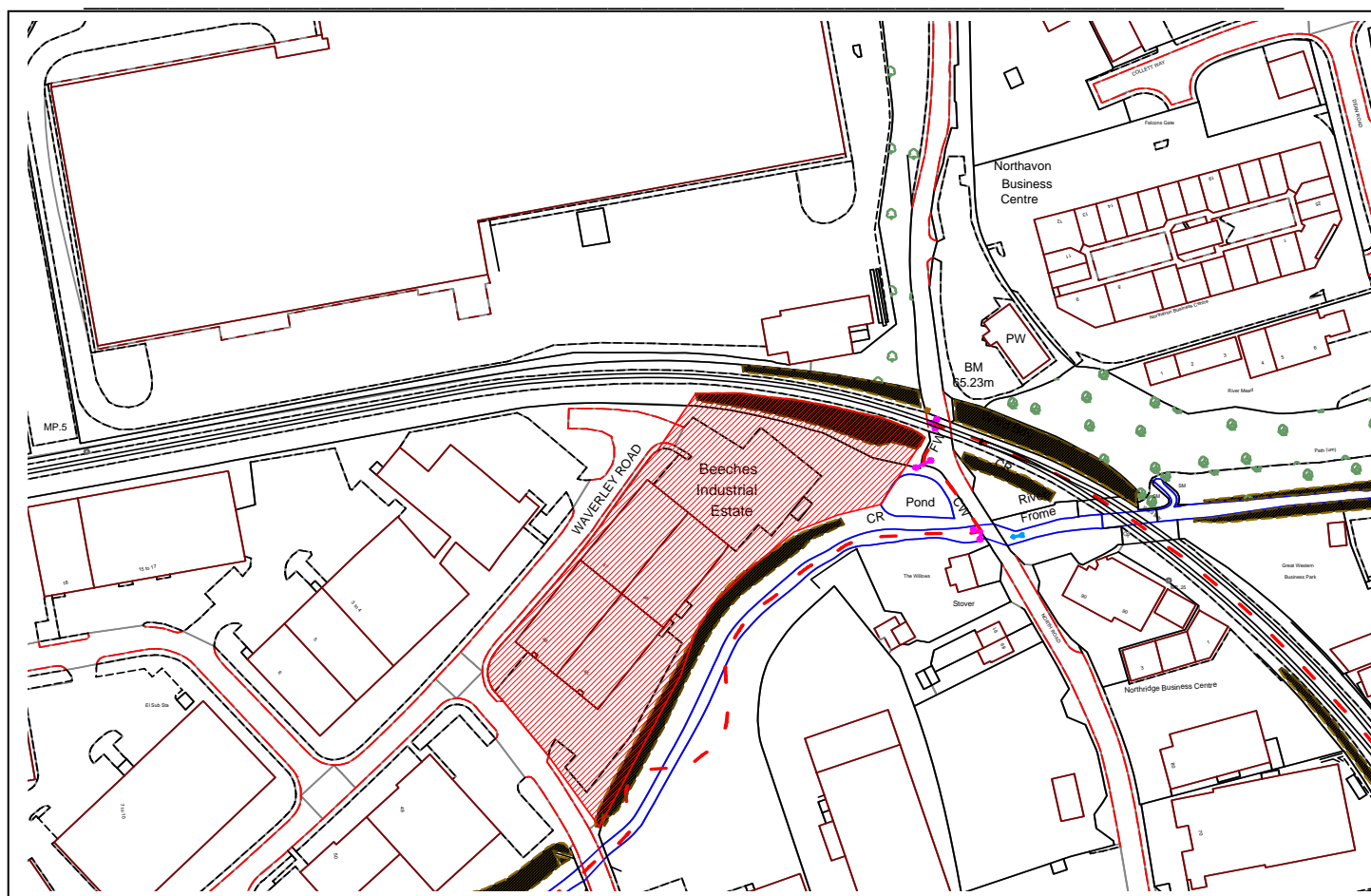
2. No development shall take place until details of any necessary tree works have been agreed in writing with the Council's Tree Officers. Any works should comply with BS 3998:1989, Recommendations for Tree Works.

Reason:

To protect the character and appearance of the area and in accordance with Policy S5 South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/08 – 21 NOVEMBER 2008

App No.:	PK08/2592/RVC	Applicant:	Segro Properties Ltd
Site:	Land at units 45-48, Beeches Industrial Estate, Waverley Road, Yate, South Gloucestershire, BS37 5QT	Date Reg:	17th September 2008
Proposal:	Removal of condition 10 attached to planning application PK08/1026/F which states 'No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0600 to 2000 Mondays to Fridays; 0800 to 1300 on Saturdays; nor at any time on Sunday or Bank Holidays.'	Parish:	Iron Acton Parish Council
Map Ref:	69861 82980	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	7th November 2008



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100023410, 2008.

This application is reported on the Circulated Schedule due to the receipt of neighbour objections counter to the officer recommendation. Members will note that this report originally appeared on Circulated Schedule 46/08 last week. It appears again on this Schedule with condition 10 further refined in its wording to reflect the noise limits set on the use of the approved buildings. The changes in the wording of condition 10 accord with the advice given by the Environmental Health Officer as per paragraph 4.2 below.

1. THE PROPOSAL

1.1 This application seeks to remove condition 10 from planning permission ref. no. PK08/1026/F, which states 'No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 0600 to 2000 Mondays to Fridays; 0800 to 1300 on Saturdays; nor at any time on Sunday or Bank Holidays.'

The reason given for this condition states: To protect the amenities of the occupiers of nearby dwelling houses, and to accord with policy E3 of the South Gloucestershire Local Plan (adopted) January 2006.

1.2 This application does not propose any amendment to this condition, rather its removal, and therefore seeks 24 hour operation at this site. The original planning permission is for two buildings to the southern edge of the site, to replace the existing building along the northern edge of the site. When the scheme is implemented, it would leave parking areas largely to the north of the buildings, but with some parking in the southeast corner. Six of the seven units would have small yards to the rear of them.

1.3 The nearest residential properties to the site are located to the southeast of the site, separated by the river Frome and a landscaped buffer on each bank. These properties are accessed from North Road. The shortest building to building distance would be 20 metres. The distance from the site to the edge of the residential curtilage would be substantially shorter. The site is part of a safeguarded employment estate under policy E4 in the Local Plan. An acoustic report was submitted to accompany this application. This was later updated to take in properties which were nearer to the site than those originally surveyed.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG4 Industrial, commercial and small firms
Conditions Circular 11/95

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
E3 Development proposals within the urban area
E4 Safeguarded employment sites

3. RELEVANT PLANNING HISTORY

3.1 PK08/1026/F Erection of two buildings for use under Use Classes B1©, B2 and B8, with ancillary office space, car parking and landscaping Approved 2008

3.2 PK08/ 2530/RVC Variation of condition 8 which prevents outside storage Approved 2008

4. **CONSULTATION RESPONSES**

4.1 Iron Acton Parish Council
No objection

4.2 Other Consultees
Environment Agency
Do not wish to comment

Transportation

There is no transportation objection to the proposal to vary condition 10 attached to PK08/1026/F.

Environmental Protection

I have no objections subject to the following condition offered up by the applicant being applied;

The rating level of noise emitted from the site shall not exceed;

Saturday	13.00 - 23.00 hrs	39dB LAeq 1hr
Sunday and Bank Holidays	07.00 - 23.00 hrs	39dB LAeq 1hr
Sat, Sun & Bank Holidays	23.00 - 07.00 hrs	39dB LAeq 5min
Monday to Friday	20.00 - 23.00 hrs	39dB LAeq 1hr
Monday to Friday	23.00 - 06.00 hrs	39dB LAeq 5min

The noise levels should not be exceeded anywhere along the south eastern boundary of the site as defined by drawing 2180-01 rev A.

The measurements and assessment shall be made in accordance with BS4142; 1997.

Compliance with this condition would not preclude the Council taking enforcement action for Statutory Nuisance, should noise from the site be established as a Nuisance.

Other Representations

4.3 Local Residents

Two replies were received , under the reference no. for the variation of condition 8. However, they clearly relate to this application, stating that they wished to see work stopping at 1800, with no weekend working and the other that they wished to see closing times of 2000 in the week, 1300 on Saturdays, with no Sunday working.

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 condition imposed and the proposal for its substitution with a noise limit condition both need to be assessed against the tests for conditions set out in the Circular. In this case, the condition was imposed in order to protect the existing levels residential amenity enjoyed by residents of detached houses to the south east of this site. The analysis will therefore concentrate on this factor.

5.2 Residential Amenity

As outlined above, the critical factor in the determination of this application is the distance between the potential noise source (the development which has been approved) and the receptor, the dwellings to the southeast of the site. Material considerations are considered to be the landscape between the source and the receptor as well as the fact that the site is part of a safeguarded employment site and would therefore be expected to continue in an employment use.

The potential uses for each unit in the development could be under Use Classes B1 © B2 or B8. It is considered that daytime operations of each would not be likely to have much of an impact on residential amenity. Night time and evening operations are more likely to coincide with residents being at home. Units 7 is the closest to the residential properties, but the other units have small yards backing onto the landscape buffer of the River Frome which are their closest parts to the residential properties. In these yards it is possible that industrial processes, for instance, could be carried out. Other than the prevention of storage under condition 8 (which has been approved to be amended as detailed below), no conditions control the use of these areas. It is therefore considered that there could be activities in fairly close proximity to the houses, taking place over 24 hours, under this proposal. However, the current permission for the site imposes no restriction to working times and this applies until the current planning permission is implemented. Therefore, should the current scheme not be implemented, the situation could be worse for the residents than that already approved or the amendment now proposed. The intention behind condition 10 was to safeguard residential amenity and this would have been achieved above the existing level under the approved scheme.

While this may have been a desirable outcome, it is considered that the condition is not absolutely necessary, given the level of screening and the separation distance between the noise source and the receptors. Environmental Protection have commented that the revised acoustic report submitted to accompany the application is acceptable. The impact on the nearest residential occupiers, based on existing background noise levels would be acceptable for 24 hour working as long as the noise limits put forward in the amended condition are adhered to. Should the noise limits set in the condition be exceeded, along the southern boundary of the site (the boundary closest to the nearest residential properties, as defined by drawing no. 2180-01 rev A), then enforcement action could be taken in that regard. Aside from this, as noted in the comments at 4.2 above, it is possible that the site could be deemed a statutory nuisance under Environmental Health legislation, depending on the noise that it generates, whether the terms of the condition are breached or not. This sets a fall-back position but is not a planning concern in the determination of this application.

5.3 Tests for Conditions

Circular 11/95 sets the following tests for the validity of planning conditions: that they must be necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects. In the case of this application, it is considered that condition 10 is relevant to planning and the development permitted, precise and enforceable. However, the relevant test in this instance is whether the condition is necessary (particularly

with regard to safeguarding residential amenity – the reason it was imposed) and that has been analysed in the foregoing paragraph. It is concluded that the noise level condition substituted for the working hours limitation originally imposed would be acceptable in achieving the same effect of preserving residential amenity.

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

7. RECOMMENDATION

7.1 That the planning permission is re-issued with condition 10 replaced with a noise limit condition as shown below. Since development is yet to be commenced, it is not appropriate to remove any of the other conditions at this juncture.

Background Papers PK08/2592/RVC
Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason:

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

2. As the area may be prone to flood from time to time, the internal ground floor level(s) of the building(s) shall be constructed no lower than 66.72m above Ordnance Datum.

Reason:

In the interests of flood prevention.

3. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in

writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason:

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

4. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing, by the Local Planning Authority. That scheme shall include all of the following elements unless specifically excluded, in writing, by the Local Planning Authority.
 1. A desk study identifying:
 - (i) all previous uses
 - (ii) potential contaminants associated with those uses
 - (iii) a conceptual model of the site indicating sources, pathways and receptors
 - (iv) potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and risk assessment (2) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification report on completion of the works set out in (3) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting.

Any changes to these agreed elements require the express consent of the Local Planning Authority.

The current/previous uses of the site may have had the potential to cause contamination, therefore investigations are required to determine the extent of any potential contamination from these current and previous site uses.

Under Planning Policy Statement 23: Planning and Pollution Control (PPS23) the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through the appropriate measures.

It is possible that a desk study may be sufficient in addressing the above Conditions.

Reason:

To prevent pollution of the water environment.

5. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total

volume which could be stored at any one time, whichever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourses, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:

To prevent pollution of the water environment.

6. 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. NOTE: Detergents entering oil interceptors will render them ineffective.

Reason:

To prevent pollution of the water environment.

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

Reason:

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

8. Outside storage on the site shall only take place in the area marked on plan no. 2180-03 Rev. C. Received by the Council on 13 October 2008.

Reason:

In the interests of ensuring the provision of adequate on site parking and turning for highway safety reasons, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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

10. The works hereby authorised shall comply with British Standard 5837: 2005 - Recommendations for Tree Work, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the long term health of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The rating level of noise emitted from the site shall not exceed;

Saturday	13.00 - 23.00 hrs	39dB LAeq 1hr
Sunday and Bank Holidays	07.00 - 23.00 hrs	39dB LAeq 1hr
Sat, Sun & Bank Holidays	23.00 - 07.00 hrs	39dB LAeq 5min
Monday to Friday	20.00 - 23.00 hrs	39dB LAeq 1hr
Monday to Friday	23.00 - 06.00 hrs	39dB LAeq 5min

The noise levels should not be exceeded anywhere along the south eastern boundary of the site as defined by drawing 2180-01 rev A.

The measurements and assessment shall be made in accordance with BS4142; 1997.

Reason:

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

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority measures in respect of:

- (i) The identification, through site survey, of protected wildlife species, namely badgers, and their habitat at present (as designated under the Wildlife and Countryside Act 1981 (as amended) and the Badger Act 1992).
- (ii) The protection, as required, of wildlife species, and/or their habitat referred to under (i) above and as identified through the site survey. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation.

Reason:

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

13. Prior to the commencement of development a method statement shall be submitted to the Local Planning Authority for agreement in writing to safeguard the ecology of the River Frome SNCI, its water quality and the semi-natural habitat associated with the river corridor, both during the constructing and the operating of the units. The development shall proceed in accordance with the details so approved.

Reason:

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

14. Prior to the first occupation of any of the approved buildings, the steps linking the site to Public Footpath L1A 51X shall be cleared of all vegetation and maintained in such a state thereafter.

Reason:

To ensure that the link from the site to the footpath network is maintained free of obstruction, to accord with policy LC12 of the adopted South Gloucestershire Local Plan.

15. Prior to the commencement of development a plan shall be submitted to the Local Planning Authority and approved in writing, indicating the location and details of protective fencing to all the retained vegetation.

Reason:

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.

16. The development shall be carried out, leaving a 6.5 metre stand-off of buildings and vegetation from the public foul water sewer which crosses the site.

Reason:

To prevent damage to the sewer which could cause 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.

CIRCULATED SCHEDULE NO. 47/08 – 21 NOVEMBER 2008

App No.: PK08/2774/LB

Applicant: Options (Bristol)
LimitedSite: Baugh Farm, Church Lane, Downend,
South Gloucestershire, BS16 6PX

Date Reg: 13th October 2008

Proposal: Repairs, alterations and conversion of
existing farmhouse into a single
dwelling and an annexe. Conversion,
alteration and extension to outbuilding
to form new dwelling. Amendment to
previously approved scheme
PK04/2563/LB.Parish: Downend and
Bromley Heath

Map Ref: 65399 78351

Ward: Downend

Application Category: Minor

Target Date: 2nd December 2008

Category:

Date:



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N.T.S

PK08/2774/LB

INTRODUCTION

This application has been placed upon the Circulated Schedule due to the receipt of two letters of objection.

1. THE PROPOSAL

- 1.1 This is a listed building application for the conversion of an existing farmhouse into a single dwelling and an annexe and the conversion of outbuilding to form 1 no. dwelling. This application proposed a number of amendments to the previously approved scheme PK04/2563/LB.
- 1.2 The main differences of the scheme are: (i) there is no replacement conservatory, (ii) the proposal is to convert the building to a single dwelling with an Annexe instead of two separate dwellings
- 1.3 The property is a Grade II listed building and is located adjacent a proposed built residential development in Downend. It is a late C17/ early 18 gabled rubble stone building, which is rendered with a pantile roof. There is a two storey Victorian extension to the west and projecting kitchen wing to the east. There are a number of internal original features retained, including ridged stops to beam chamfers and a large fireplace in kitchen within C19 breadoven.

2. POLICY CONTEXT

- 2.1 National Guidance
PPG15 Planning and Historic Environment
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
L13 Listed Building

3. RELEVANT PLANNING HISTORY

- 3.1 P87/4300 (L157) Barn conversion; internal alterations and extension.
Approved 20.07.87
- 3.2 P90/4191 (L157/2) Renovation work to main roof and chimneys at Baugh Farmhouse.
Approved 20.07.90
- 3.3 PK04/2563/LB Repairs, alterations and conversion of existing farmhouse into 2 dwellings. Erection of replacement of orangery. Conversion, alteration and extension to outbuilding to form new dwelling.
Approved 10.11.04

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection.

- 4.2 Public Rights of Way
No objection.

Other Representations

4.3 Local Residents

Two letters of objection were received and the local residents raised the following concerns:

- a) The finish of the outbuildings and yard should be sympathetic to the character of the listed building and curtilage. A major deviation from the planning consent would not be permitted to compromise the historical legacy of the yard and the outbuildings.
- b) The changes to the approved scheme requires the submission of application to vary the permission granted PK04/1689/F.
- c) The Orangery existed when the farmhouse was listed in the 1960's and therefore was also 'listed'. The application does not show its replacement and no mention is made in the supporting documents. Given its status, is it acceptable not to require its replacement following its demolition?
- d) The submitted landscaping scheme is inadequate and does not accord with condition cited in planning permission PK04/16889/F.
- e) The plan does not show any parking provision for occupiers of the dwelling and annex.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy L13 of the South Gloucestershire Local Plan (Adopted) Local Plan state that proposed development including alterations or additions affecting a listed building or its setting will not be permitted unless

- The building and its setting would be preserved, and
- Features of architectural or historic interest would be retained, and
- The character, historic form and structural integrity of the building would be retained.

The proposal is to repair, alter and convert the existing farmhouse into a single dwelling and an annexe, and to convert, alter and extend the outbuilding to form a new dwelling. Baugh Farm is a Grade II listed building, and therefore the proposal has been assessed against the criteria of the above mentioned policies.

5.2 Analysis of proposal

The proposal involves three main changes to the scheme that was previously approved.

- 1) The house is now divided into two units – one being ancillary to the main house.

This scheme involves a lesser degree of sub-division and the minor changes involved are largely retrospective. The scheme has been implemented carefully and has resulted in the transformation of what was a largely derelict building to one which is in a good state of repair. Officers considered that these changes are entirely beneficial.

- 2) The retention and repair of the stable range facing the farmyard.

The previous scheme involved the conversion and extension of this range which inevitably included a degree of rebuilding, in order to provide a further residential unit. The current proposal to restore the building in its current form and use it for storage is entirely uncontroversial although the detailing of the repairs is not clear. Officers therefore suggested that this can be controlled by condition.

- 3) Loss of conservatory.

The surviving conservatory was clearly a 20th century addition which involved crudely raising the height of the wall to which it was attached with modern brickwork. Although superficially attractive the building was not of high quality in terms of materials used for its construction or design detailing. The previous scheme accepted the total replacement of the conservatory and officers do not consider that the erection of a replacement conservatory is essential to the success of the project here, therefore no objection is raised to the loss of conservatory.

External works:

The discovery of a stone lined well (shown on the landscape plan as a double circle by the south entrance) necessitated an alteration to the proposed parking and access arrangements.

With respect of the proposed finish to the farmyard, a new planning application will be required for the slight alteration in the detailed layout of the area of the site around the well.

Officers consider that the amendments are minor ones that on balance enhance the character of the listed and curtilage listed buildings here and as such officers have no hesitation in supporting the current application subject to the following condition.

5.3 Other issues

The other issues raised by the local residents would be subject to a separate planning application.

5.4 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.

5.5 Section 106 Requirements

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

6. CONCLUSION

- 6.1 In accordance with Section 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 Listed Building 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 That Listed Building Consent be granted subject to the following conditions.

Background Papers **PK08/2774/LB**

Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason:

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

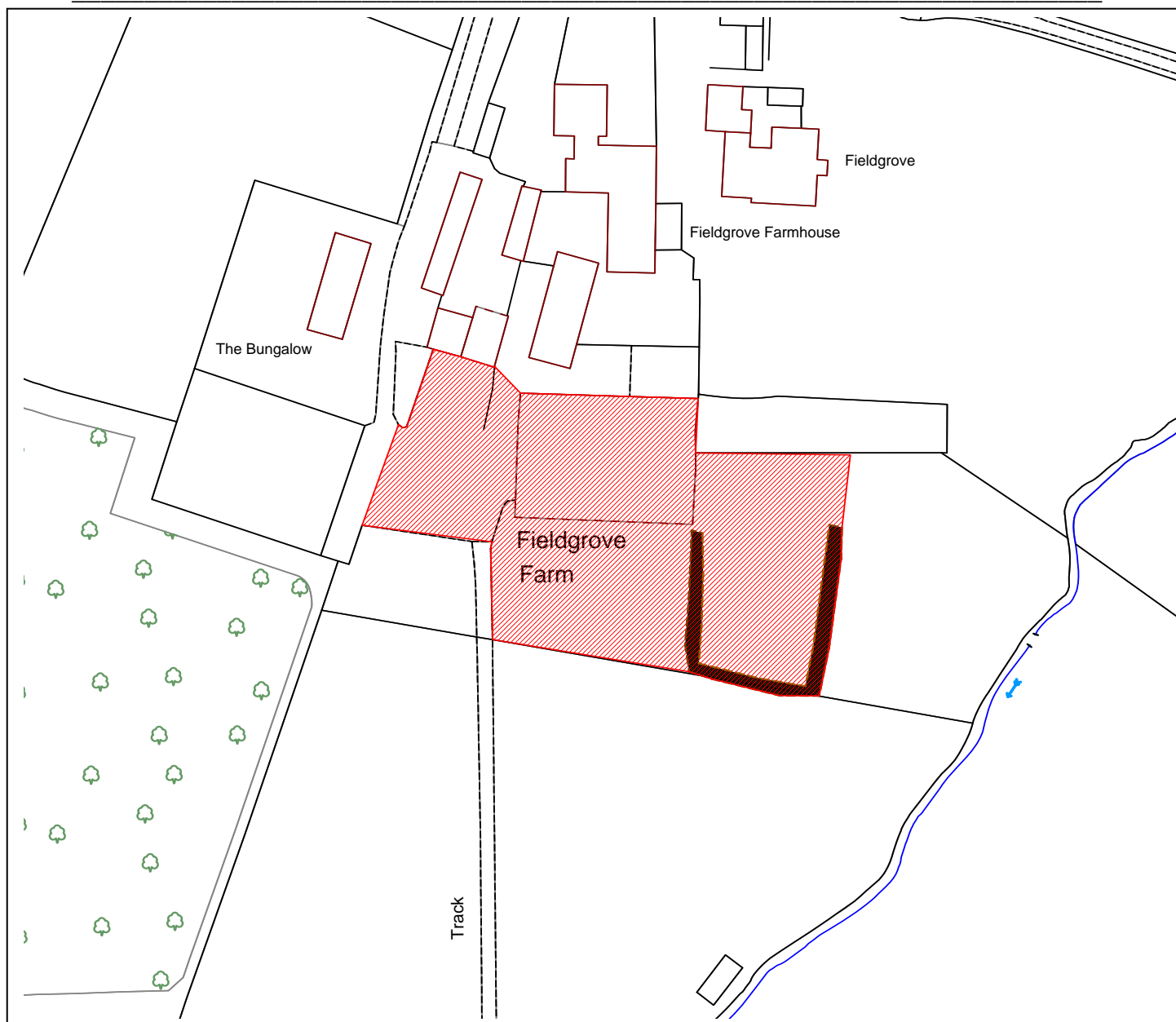
2. A detailed specification and schedule of repairs to the former stable range shall be submitted to the Council for approval within 2 months of the date of this consent. No works shall be commenced until the Council has given written approval for the submitted details, and the works shall be undertaken exactly in accordance with the details so approved, and completed to the satisfaction of the council within 12 months of the date of this consent.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/08 – 21 NOVEMBER 2008

App No.:	PK08/2798/CLE	Applicant:	Mr & Mrs G Plumstead
Site:	Fieldgrove Farm, Bath Road, Bitton, South Gloucestershire, BS30 6HU	Date Reg:	15th October 2008
Proposal:	Application for Certificate of Lawfulness for an existing use as Offices (Class B1) and Storage (Class B8) as defined in the Town and Country Planning (Use Classes Order) 1987 (as amended).	Parish:	Bitton Parish Council
Map Ref:	67192 69559	Ward:	Bitton
Application Category:	Minor	Target Date:	8th December 2008



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N.T.S

PK08/2798/CLE

INTRODUCTION

This application is for a Certificate of Lawful Use and under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use, is that the applicant has to prove on the balance of probability that the use of the building as an office and storage has occurred for a period of 10 years consecutively, prior to the receipt of the application on the 13th October 2008.

1. THE PROPOSAL

- 1.1 The application has been submitted under Section 191 (1) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for an existing use of the building.
- 1.2 The application relates to a building, which is currently used as an office and storage in association with the computer business.
- 1.3 The applicant considers that the building has been used as an office and storage for at least 10 years consecutively prior to the submission of this application.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97: Enforcing Planning Control.
- 2.2 Development Plans
As the application is for a Certificate of Lawfulness the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only prove that on the balance of probability the use has taken place for an uninterrupted period of at least the last 10 years prior to the receipt of the application (13 October 2008).

3. RELEVANT PLANNING HISTORY

- 3.1 MK/1997/S317/COM/1 Planning Contravention Notice
- 3.2 MK/1997/S317/COM/2 Planning Contravention Notice
- 3.3 P98/4463/CL Certificate of Lawfulness for existing use of barn for Storage. Withdrawn due to inadequate information submitted.

Case officer requested a statutory declaration and Mr Plumstead indicated that the previous owner has left the country and he would try to contact him.

4. **CONSULTATION RESPONSES**

4.1 Bitton Parish Council

The Parish Council are unable to take a view on this.

Other Representations

4.2 Local Residents

No response received.

5. **ANALYSIS OF PROPOSAL**

5.1 The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has continued for a period in excess of 10 years, and whether or not the use is in contravention of any Enforcement Notice which is in force.

5.2 As noted in the 'History' section above, there is no Enforcement Notice in force and therefore it must be established whether or not the use has continued for a period in excess of 10 years.

5.3 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is "on the balance of probabilities". Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues which are involved in determining an application. Any contradictory evidence which makes the applicant's version of events less than probable should be taken into account.

5.4 Hierarchy of Evidence

The evidence submitted comprises a mix of statutory declarations and letters. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

- Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
- Other personal appearance under oath or affirmation.
- Verifiable photographic evidence.
- Contemporary documentary evidence, especially if prepared for some other purpose.

- Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time.
- Unsworn letters as 5 above.
- Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

5.5 Summary of Evidence Submitted in support of the application

This applicant is relying on two affidavits by Geoffrey John Plumstead and Pauline Sandra Plumstead. The following is the summary of the declaration:

- a) The applicant purchased the property in December 1990 and never used the property for an agricultural business. Prior to the purchase, the property was being used for storage of building materials and distribution involving Heavy Good Vehicles.
- b) In early 1991, there were substantial renovation works to the property.
- c) In 1995, part of the building was converted to offices.
- d) Thereafter, the remaining building was divided into a workshop for computer repairs and storage.
- e) The property has continually been rented as commercial premises since 1995.
- f) In January 1998, the applicant was served a Planning Contravention Notice by the Council (reference MK/1997/S317/COM). Subsequently the site was visited by Planning Officer and by letter of 12 March 1998, it was confirmed that engineering works were agreed to have been completed in 1992.
- g) In June 1998 the applicant submitted an application for a Certificate of Lawful Existing Use and Development for the mixed use. Being undecided, the application was treated as withdrawn at March 2000.
- h) The mixed use continues uninterrupted in this form to the present date.

Furthermore, the applicant submitted the following information:

- a) A letter from the previous vendor, and it states that the barn overlooking the lower fields to the rear of the property were used for the storage of miscellaneous goods, not related to the agriculture industry.
- b) A copy of BT phone bills dated 28 January 1996, 22 February 1998, 21 February 2001.
- c) A copy of IBM invoice dated 26 January 1998.

5.6 Contradictory Evidence

There is no contrary evidence relating to this building for the period of 10 years prior to the receipt of the application.

6. **RECOMMENDATION**

6.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the property for an existing use as Offices (Class B1) and Storage (Class B8).

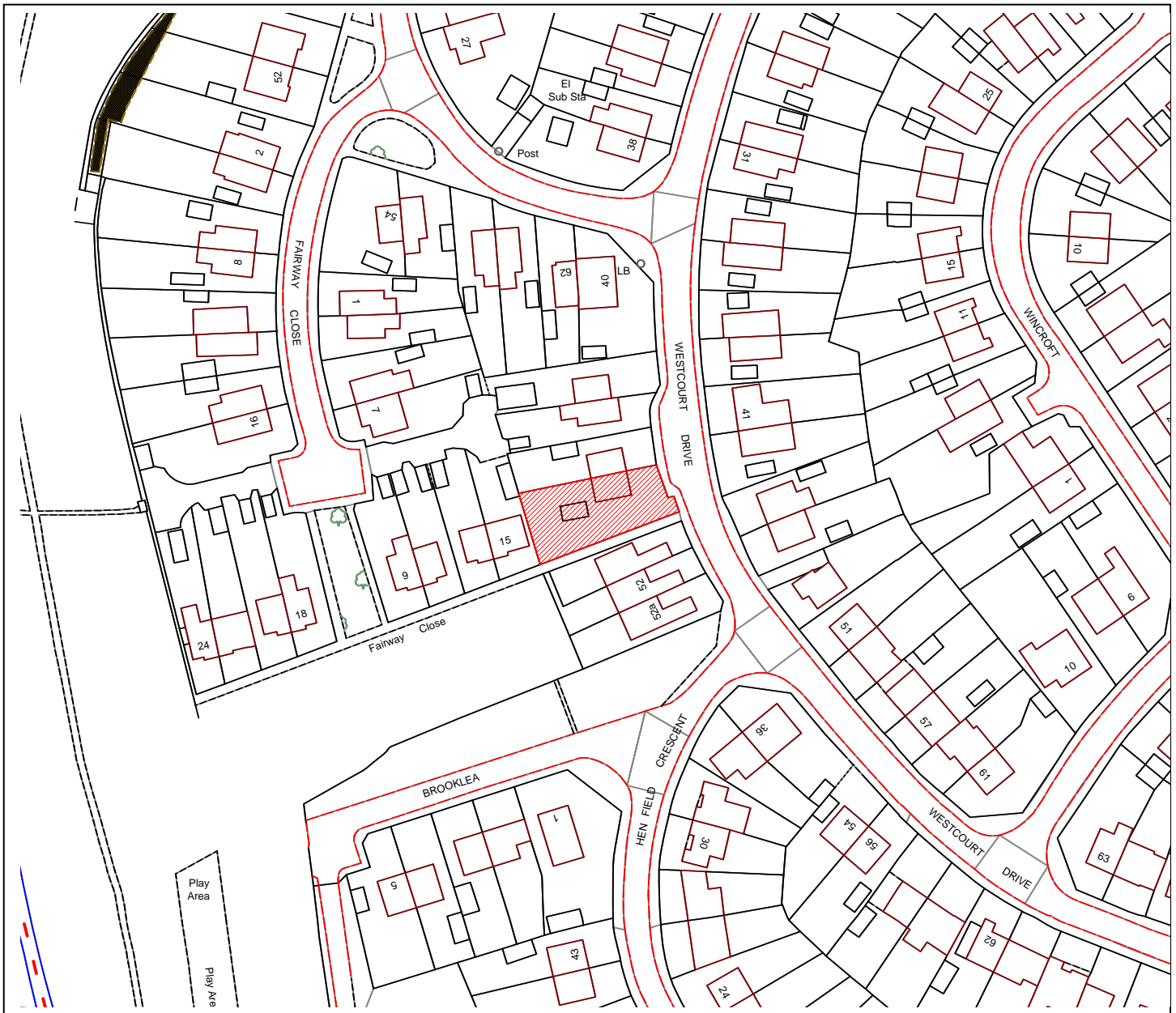
Background Papers **PK08/2798/CLE**

Contact Officer: **Olivia Tresise**
Tel. No. **01454 863761**

CIRCULATED SCHEDULE NO. 47/08 – 21 NOVEMBER 2008

App No.: PK08/2813/F
Site: 48 Westcourt Drive, Oldland Common, South Gloucestershire, BS30 9SB
Proposal: Erection of two storey and single storey rear extension. Erection of two storey side extension to form 1no. dwelling with cycle store and associated works. Erection of detached garage.
Map Ref: 66939 71583
Application Category: Minor

Applicant: Mrs K McCaughey
Date Reg: 17th October 2008
Parish: Bitton Parish Council
Ward: Oldland Common
Target Date: 9th December 2008



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N.T.S

PK08/2813/F

This application has been referred to the Circulated Schedule due to the receipt one petition with 15 signatures, 8 letters of objection from local residents and an objection raised by Bitton Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a single and two storey rear extension at 48 Westcourt Drive and for the erection of a two storey side extension to form 1no. dwelling with associated works and the erection of a detached garage.
- 1.2 The property is a two storey semi-detached dwelling located within an established residential area of Oldland Common.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
H2 Residential Development within the Existing Urban Area and Defined Settlement Boundaries.
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 P74/4141 Addition to existing dwelling to form bay window
Approved 1974

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Bitton parish council raised the following objections:
 - The additional parking and potential car movements on Westcourt Drive.
 - There would be a window overlooking an adjoining property.
 - The overbearing nature of the rear extension and the mass of the proposed new dwelling.

Should the application be approved Bitton Parish Council request that all hard surfaces be of a porous nature.

- 4.2 Sustainable Transport
No objections subject to conditions.

Other Representations

- 4.3 Local Residents
Eight letters of objection were received and one petition with 15 signatures against the scheme. The concerns raised are as follows:

- Two storey side extension would be overbearing and cause significant loss of privacy, outlook and daylight.
- Proposed side window would result in loss of privacy.
- Reduction in value of No. 46 Westcourt Drive
- Rear extension would result in loss of light
- Loss of natural drainage and an increase in run off resulting in the risk of flooding to adjacent properties.
- Concern about future development on the site.
- Highway safety would be reduced
- Parking in the lay-by would be reduced
- Cars will park on the pavement reducing public access.
- Increased on street parking would reduce visibility and access to existing properties
- Surrounding properties are mostly semi-detached. Should permission be granted a precedent would be set.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposed new dwellings within the existing residential curtilage, providing that the design is acceptable, highway safety would not be compromised, adequate parking and amenity space is provided and that there is no unacceptable impact on residential and visual amenity. Policy H2 of the adopted Local Plan allows for residential development within the existing urban area and defined settlement boundaries subject to similar criteria.

- 5.2 Design / Visual Amenity
The applicant proposes the erection of a two storey and single storey extension to the rear of 48 Westcourt Drive and the erection of a two storey side extension to form 1no dwelling with cycle store and detached garage.

The proposed single storey extension to the rear of No. 48 Westcourt Drive would be slightly set back from the boundary with the adjoining property, No. 46 Westcourt Drive, and would measure 2.8 metres in depth with a maximum height to ridge of 3.5 metres. The two storey extension would measure 2.9 metres in wide by 2.8 metres in depth, with a height to ridge of 6.5 metres and the two storey side extension to form 1no dwelling would be of a height and width to match No. 48 Westcourt Drive.

It is considered that the proposed new dwelling and rear extensions are of an appropriate standard in design and reflect the character of the main dwelling house and surrounding properties. Furthermore, the materials used in the construction of the extensions would match the main dwelling, assisting their successful integration. Whilst Westcourt Drive is predominately characterised by pairs of semi-detached dwellings there are several small terraces within the immediate vicinity of the application site, in addition surrounding properties have extensive side extensions. It is therefore considered that the design would be appropriate in this area and would not be detrimental to the street scene.

5.3 Residential Amenity

The proposed single storey rear extension would predominantly be replacing the existing rear conservatory which is of a similar height and depth. The two storey extension would be approximately 2.2 metres away from the boundary with the nearest neighbouring property, No. 46 Westcourt Drive. Consequently given the modest depth of the proposed rear extensions, in combination with the existing 1.8 metre high boundary treatment, it is not considered that the occupiers of No. 46 Westcourt Drive would experience an overbearing impact. Given that there are no windows proposed on the northern elevation it is also considered that No. 46 would not experience a loss of privacy as a result of the extension being erected. Furthermore, there are various single and two storey rear extensions in the vicinity of similar design.

The two storey side extension to form a new dwelling would at its closest point be approximately 2.5 metres away from No. 50 Westcourt Drive. Concern has been raised that the extension would be overbearing and result in a loss of privacy to the occupiers of this dwelling. The application site is set forward from No. 50 Westcourt Drive, therefore the proposed new dwelling would be slightly forward of and adjacent to the blank side elevation of this neighbouring dwelling. Furthermore, the proposed extension would not extend beyond the rear building line of No. 50. It is not therefore considered that the proposed extension would have any overbearing effect on this dwelling. The side elevation facing this property would have one first floor window, this window would serve the upstairs hall. Given that this window would face the blank side elevation of No. 50 Westcourt Drive and considering a hall is not classed as a habitable room, a refusal reason on loss of privacy grounds could not be substantiated.

Given the moderate dimensions and siting of the detached garage, it is not considered to have any adverse impact on residential amenity. The agent has confirmed that the boundary treatment to the side of the property, adjacent to the footpath will be retained, therefore subject to a condition ensuring this, it is considered that there are no issues of inter-visibility or loss of privacy. Further, sufficient garden space would remain to serve the both properties and adequate bin storage would be provided.

5.4 Transportation Issues

The application proposes to create a new vehicular access and to provide two off street parking spaces for the existing property and parking space plus a garage is to be provided for the new dwelling. The proposed level of parking is considered appropriate for the development.

Several local residents have expressed concerns about increased parking on the highway. They have also raised concerns about the potential loss of available parking, within the existing lay-by outside the application site. Given that the applicant is proposing to provide off street parking in line with the Council's Parking Standards, the increase in traffic and manoeuvring associated with the development of 1 no. dwelling is not considered to result in any significant harm in terms of highway safety. With regards to the potential loss of parking in the existing lay-by, as there are no parking restrictions in the area, it is considered that this alone could not warrant the refusal of the application. Furthermore it is apparent that the neighbouring properties currently have vehicular access through this lay-by. Subject to the provision and maintenance of the parking spaces (as shown on the submitted plans) there are no highway objections.

5.5 Other Issues

Concern was raised that the proposed building may be used for commercial purposes or divided into flats. The applicant has applied for a residential use only for the building and as such any material change of use to the building would require planning permission. With regard to the concern raised regarding the loss of natural drainage and an increase in run off, this can be adequately mitigated by imposing a condition to ensure all parking areas shall be surfaced with permeable bound surfaced material.

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.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK08/2813/F**

Contact Officer: **Kirstie Banks**

Tel. No. **01454 865207**

CONDITIONS

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

Reason:

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

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

Reason:

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

3. The existing hedge/trees along the southern boundary shall be retained and maintained at all times and shall not be removed without the prior written consent of the Local Planning Authority.

Reason:

To protect the privacy and amenity of future occupiers, and in the interests of highway safety. To accord with Policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason:

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.

5. All parking areas as shown on the approved plans dated 14th October 2008, shall be surfaced with permeable bound surfaced material and shall be maintained to a satisfactory standard thereafter.

Reason:

To ensure that a satisfactory means of drainage is provided and to reduce run off onto the highway, and to accord with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The hours of working on site during the period of construction shall be restricted to 7.30 - 18.00 Monday - Friday, 8.00 - 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies H4 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/08 – 21 NOVEMBER 2008

App No.: PK08/2848/TRE

Applicant: Mr P Dye South Gloucestershire Council

Site: Land rear of 27 Hardwicke, Yate, South Gloucestershire, BS37 4LE

Date Reg: 23rd October 2008

Proposal: The removal of smaller crossing limb at 3.5 metres and remove deadwood from crown of 1 no. Ash Tree, covered by Tree Preservation Order TPO5 dated 17 October 1961.

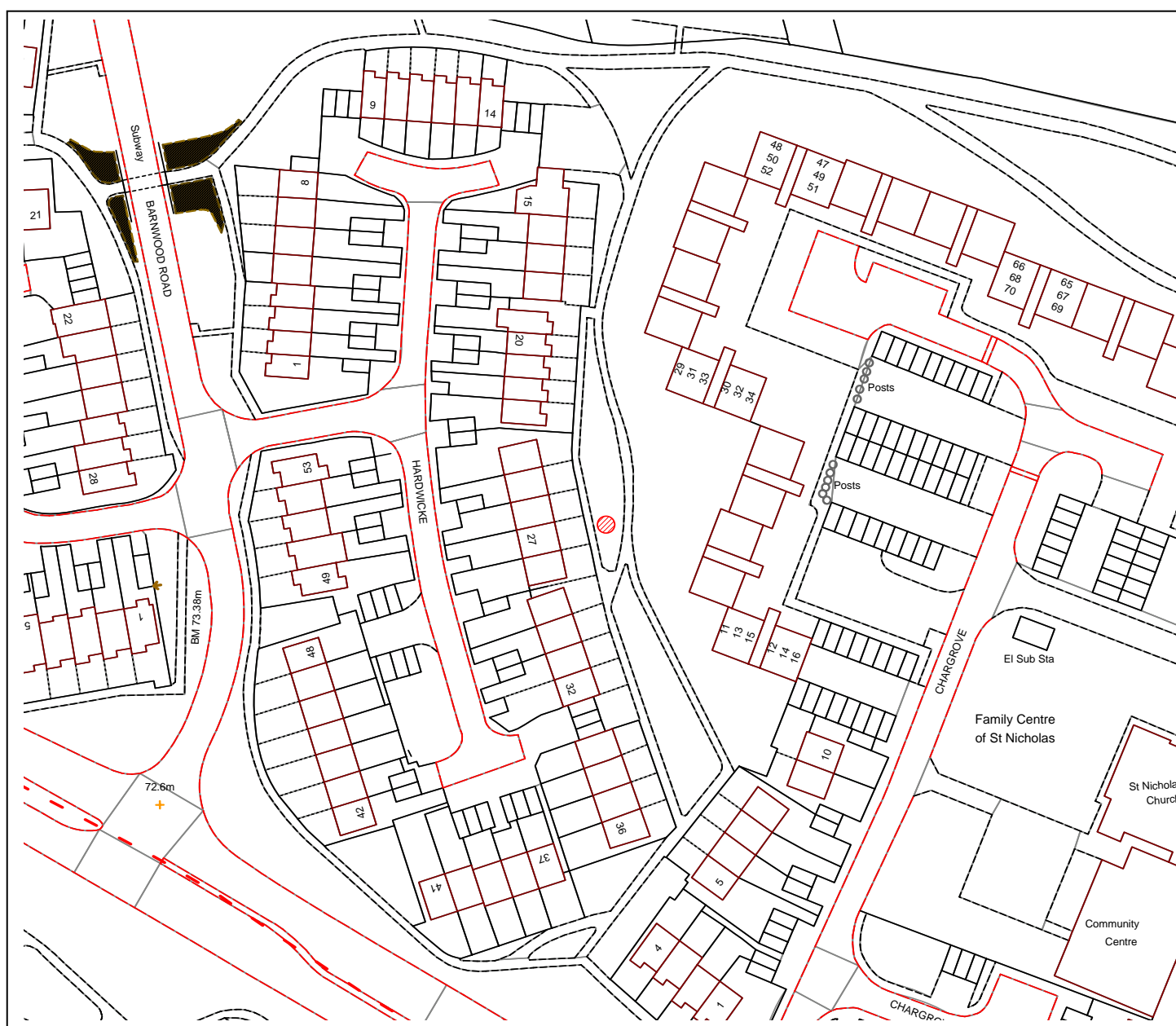
Parish: Yate Town Council

Map Ref: 70500 81309

Ward: Dodington

Application Category: Minor

Target Date: 15th December 2008



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100023410, 2008.

This application has been referred to the Circulated Schedule because the application has been submitted by South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The application seeks permission to carry out works to an Ash tree covered by a Tree Preservation Order. The Ash tree is located on the land to the rear of 27 Hardwicke, Yate. The works proposed include the removal of cross branching and the removal of the deadwood.
- 1.2 Initially the application included works to reduce the crown of the Ash tree by 25%, this was not to be supported and therefore with the agreement of the applicant this aspect of the proposal has been omitted.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection

Other Representations

- 4.3 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 seeks to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.
- 5.2 Analysis of the Health of the Trees
The tree subject to this application is a mature Ash tree that is growing on open space in an urban setting. It is considered that the tree is a significant feature in the area offering high visual amenity.

It is considered that the crossing branch could be removed without major impact on the visual amenity offered by the tree and should not impact on the health of the tree. It is not considered that the proposed works would be detrimental to the visual amenity of the area, therefore the proposal accords with the requirements of policy L1 of the South Gloucestershire Local Plan (Adopted) 2006.

It should be noted that the removal of deadwood does not require consent.

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

7. RECOMMENDATION

- 7.1 That the application be approved

Background Papers **PK08/2848/TRE**

Contact Officer: **Kirstie Banks**
Tel. No. **01454 865207**

CONDITIONS

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

Reason:

In the interests of the long term health of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

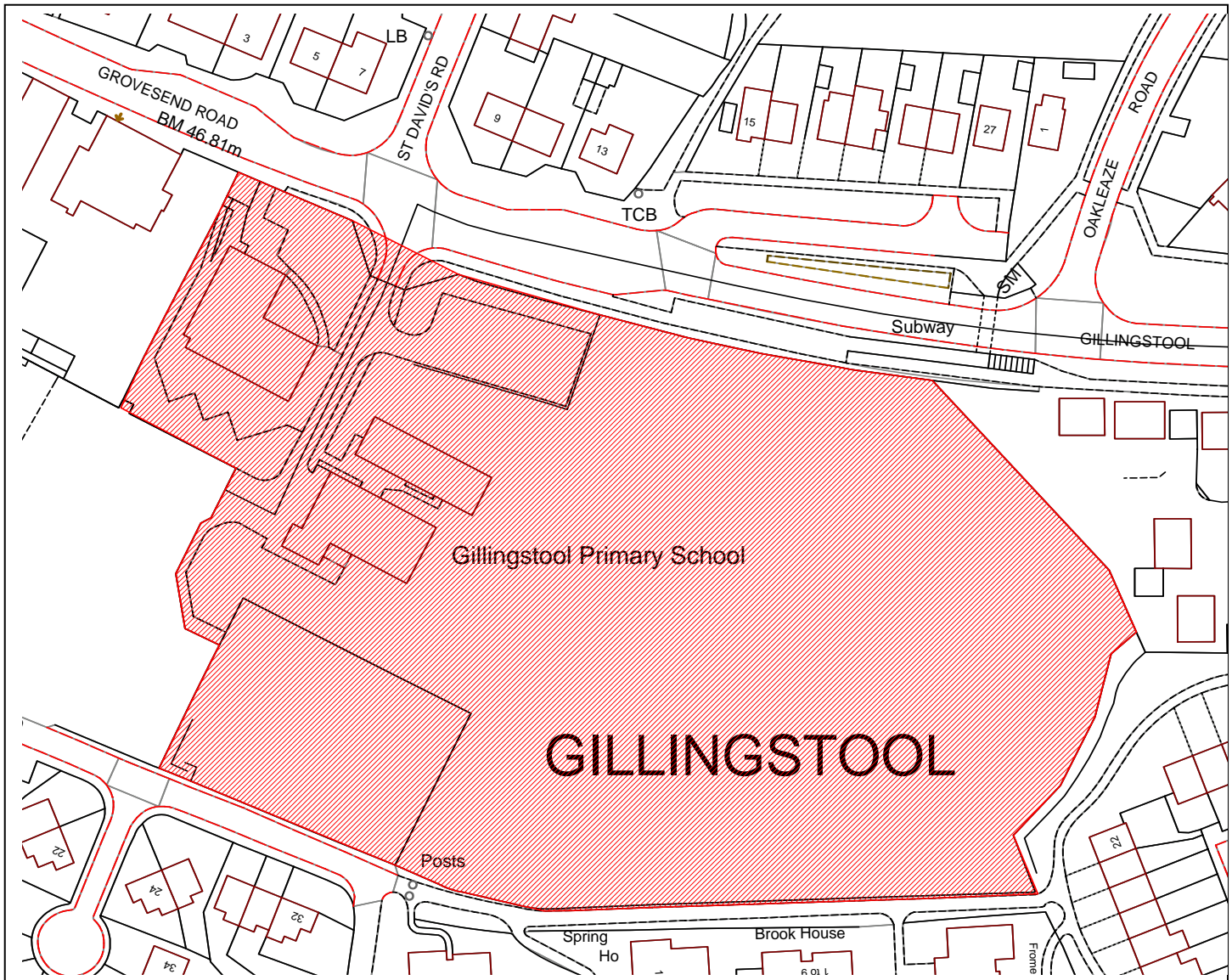
2. The works hereby authorised shall comply with British Standard 3998: 1989 - Recommendations for Tree Work.

Reason:

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

CIRCULATED SCHEDULE NO. 47/08 – 21 NOVEMBER 2008

App No.:	PT08/2452/R3F	Applicant:	Mr R Wiggins South Gloucestershire Council
Site:	Gillingstool Primary School, Gillingstool, Thornbury, Gloucestershire, BS35 2EG	Date Reg:	2nd September 2008
Proposal:	Demolition of 3 no. existing buildings to facilitate the erection of new school building with associated works. Construction of new vehicular and pedestrian access.	Parish:	Thornbury Town Council
Map Ref:	64054 89898	Ward:	Thornbury South and Alveston
Application Category:	Major	Target Date:	2nd December 2008



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 100023410, 2008.

INTRODUCTION

This application has been submitted by South Gloucestershire Council and as such is a Regulation 3 application. The application is also a 'major' application and letters of concern have also been received from local resident and a local Amenity Group (Concern for Thornbury), and so in accordance with the Council's Revised Scheme of Delegation, on all three counts the application falls to be determined via the Circulated Schedule.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the construction a new primary age school building on the existing Gillingstool Primary School site which lies to the east of Thornbury Town Centre. The site lies within the defined settlement boundary but outside of the designated Thornbury Conservation Area.
- 1.2 The new building will replace the existing primary school but will also provide educational facilities for special needs pupils as it will replace the existing primary element of the New Siblands Special School. Moreover once the new school building is completed, the existing Gillingstool Primary School buildings will be demolished to allow new formal sports pitches and playing field areas to be formed. These new play areas would off-set the open space that would be lost due the proposed building being located on an existing playing field. The locally listed Victorian infant school and nursery buildings to the west of primary school buildings site are outside of the application site and so are to be left insitu.
- 1.3 The position of the building on the eastern edge of the site has primarily been driven by the need to construct the new school whilst the existing school is remains in operation. The building will provide a total of 3724 square metres of internal space over its partial two-storeys. The design of the building is also one of a contemporary nature where the existing school buildings (circa 1970's) are not considered to have any overriding architectural style.
- 1.4 The rationale for the proposed scheme is that the current Gillingstool Primary School buildings have been recognised as outdated and identified as a priority for replacement within the Department for Children & Young People Capital Programme. Furthermore recent years have seen an increasing need for Special Educational Needs (SEN) provision in South Gloucestershire and this has left the existing SEN school at New Siblands inadequate in terms of space and facilities available. This is currently being addressed by temporary classrooms and by accommodating pupils into SEN provision in neighbouring authorities. The relocation of the SEN Primary School from New Siblands to Gillingstool will also enable New Siblands to be developed into a secondary SEN school, further enhancing SEN provision within South Gloucestershire. Moreover by co-locating a mainstream and special needs school on the same site, the proposal would allow for inclusion, in accordance with government guidance.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPG13	Transport
PPG24	Planning and Noise
PPS25	Development and Flood Risk

2.2 Development Plans

Joint Replacement Structure Plan (Saved Policies)

Policy 1	Sustainable development objectives.
Policy 2	Location of development.
Policy 54	Car Parking provision (non-residential).

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving good quality design in new development.
L1	Landscape Protection and Enhancement
L12	Conservation Areas
L15	Locally Listed Buildings
L17 & L18	The Water Environment
EP1	Environmental Pollution
EP2	Flood Risk and Development
T7	Cycle Parking
T8	Parking Standards
T9	Car Parking Standards for People with Disabilities
T12	Transportation Development Control Policy for New Development
LC4	Proposals for Educational and Community Facilities within the Existing Urban Areas and Defined Settlement Boundaries.

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

No objection

4.2 The Environment Agency

Following the submission of further information by the applicant concerning drainage specification, subject to the suggested attached conditions and relevant informatives, the Environment Agency has no objections to the proposed scheme.

4.3 Concern for Thornbury

It is felt that the building proposed would be out of keeping with the surrounding domestic housing which would be looking down on the roof where it is

positioned. The modern style and materials could also be made more sympathetic to Thornbury buildings in general.

4.4 Local Residents

1no. consultation response was received from a local resident which made the following summarised comment:

In principle there is no objection to the provision of the school, however the proposed design appears out of character with the heritage of the adjacent Thornbury Conservation Area. It should therefore be a more sensitive and appropriate design in keeping with the adjacent old school buildings and Baptist Church etc.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan (Adopted) allows for the development, expansion or improvement, of education and community facilities within the existing urban area and within the boundaries of settlements subject to compliance with the following criteria.

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

5.2 It is considered that the school is located in a relatively central position within the town of Thornbury. Although a primary school, it is considered that its position close to the town centre and nearby areas of housing, there is a significant opportunity for parents to walk or partially walk their children to school. As with the current arrangement, the proposal provides for access off both Bath Road and Grovesend Road. In addition the proposal includes a cycle store on site.

B. Development would not unacceptably prejudice residential amenities.

5.3 Officers have considered the relationship between the proposed school and the four storey buildings along Bath Road to the south of the site. Currently the residents of these properties look out over the open playing fields over the existing boundary treatment with the existing school building to the north-west. The proposed building at its closest point would be set approximately 22 metres from the closest existing dwelling.

5.4 It is considered that there will be an impact on the four-storey buildings on Bath Road, as they will to some degree overlook the new roofscape. However, this is of limited impact, given the degree of existing and new planting, and the retention of the significant open spaces to the west of the new school. Moreover the roofscape is also articulated to create a broken roof line which will have a less intrusive effect than a traditional roof. Although the proposed scheme will see playing areas for the children concentrated along areas of the southern boundary, it is considered that the existing use of the area along with the scale of the proposed new playing areas and the limited hours of use would not represent a significant intrusion into the levels of privacy and amenity that are currently enjoyed by the residents who live along Bath Road.

In light of the above it is considered that the proposed scheme would comply with criterion B.

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

- 5.5 The only environmental issue that has been a concern was the potential surface water run off and the existing culvert. PPS25 and Policy EP2 of the adopted local plan require that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding.
- 5.6 Due to the scale of the site a flood risk assessment has been submitted by the applicant with drainage details and in response neither the Environment Agency or the Council's Drainage Engineer have raised any objection in principle to the proposal subject to conditions requiring the submission and approval of a detailed drainage scheme to secure the implementation of a sustainable urban drainage system (SUDS) and to ensure adequate flood prevention, pollution control and environmental protection. A structural analysis of the existing culvert is also to be submitted if the proposed development requires it to be bridged.
- 5.6 With regard to transportation effects, the proposal represents an intensification of the existing use and so it is expected that there would be some increase in traffic generation. To mitigate any increase in traffic movements/ congestion, a school travel plan is to be prepared and implemented within 6 months of the school opening. The requirements of a travel plan are therefore to be made a condition of any approval.

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

- 5.7 The existing access has been widened to accommodate 2-way traffic and the circular arrangement enables movement of vehicles within the site. Consideration of the users of the school is evident in the introduction of disabled and minibus bays and the existing lay-by on the frontage has been retained for larger service vehicles and buses.
- 5.8 Although parking standards for schools are based on staffing levels and these details are not considered to have been sufficiently clarified, it is considered that the Design and Access Statement makes a reasonable assessment of the amount of parking needed.
- 5.9 In conclusion, subject to a number of suggested transportation related conditions, there are no objections to the proposed scheme as it is considered that the proposed scheme would not cause any unacceptable transportation effects.

Other Issues

Design

- 5.11 It is considered that the most significant features on the school site are the Victorian buildings, the planting along the boundaries and the enclosing stone walls to the south. The open space of the school grounds is also important in the local street scene. All these features are being retained and in some cases enhanced through the proposed scheme. The surrounding housing and other buildings are a mixture of architectural periods, styles and materials and so there exists no real sense of homogeneity that could be considered to characterise the area.
- 5.12 With no consistent architectural style, character or quality, it is considered that there is no clear context for the development to interpret or adhere to, but it is also considered that the large scale of the proposed school building is a result of its function and it would be inappropriate to use the surrounding residential buildings as a basis for its design.
- 5.13 Although the proposed percentage increase in floor space over and above the existing school or the split between the primary and special needs functions are not indicated within the application, it is clear that the dimensions and volume of the proposed building are of a much greater scale than the existing collection of school buildings. The siting of the proposed building and the existing and proposed landscaping means however that it is considered that it will have minimal impact on the surrounding area.
- 5.14 The proposed roof will be higher than the existing buildings on the site, but only because of the need to accommodate the level changes within the building. In addition, a second storey is proposed, housing the teachers' facilities and the void over the hall. This two-storey element is located to the front and centre of the building, away from the boundary edge and covers approximately half of the roof. This is considered a significant feature, representing a major change from the existing forms of development on the site. However, as noted before, it is not considered that the proposed change in form would cause any visual harm to the surrounding area by virtue of the siting of the proposed building and the current visual screening provided by the boundary planting.
- 5.15 The proposed elevations are stepped and further articulated through the mixed use of glazing and timber materials. The roof over-sails the classroom windows to provide shade from the sun. This will create deep shadowing across the wall surface that will change with the direction and play of light. The textures of the proposed materials will create a visual interest along with sensory interest for the pupils at the special needs school. The orientation of the building also makes best use of the sunlight, with most of the teaching spaces having good daylight, although it is unclear what the overshadowing effects of the existing trees at certain times of day will be on the garden areas and classrooms.
- 5.16 The provision of a series of gardens and external play/teaching areas form a significant element of the proposed design and provide a key extension to the school building. These intimate external areas would provide a welcome and

- relieving contrast to the scale and massing of the building and provide a degree of softening to the facades to the south and east. This area also includes covered play areas using tent like structure which will not be visually intrusive due to their limited scale. The retention of the sports field is welcomed as it will replace the green space taken by the new building. The location of the sports pitches at the front of the site will bring a sense of openness to this location.
- 5.17 The proposed access arrangements are designed around the need to protect and secure the children on site. The fencing and gates are high and of a heavy duty design that is more functional and visually dominant than the current light wire fencing. The landscaping proposed however will ensure that its appearance is softened and a condition is to be attached to control the colour of the fence, as it should be either a dark green or black. The main gates could however be seen as a significant visual intrusion into the street scene, but it is considered that the potential appearance of the gates and the effect on the surrounding area must be balanced with the need for improved security and the fact that the gates will be set back from the main road. The improved vehicular parking areas with space for disabled parking and minibuses will provide improved access and circulation for vehicles on school property.
- 5.18 In view of the above it is considered that the building meets the requirements of the challenging brief and maximises the potential of the site, whilst working within its constraints. The proposed layout preserves a significant area of open space at the most visually sensitive part of the site and the new outdoor teaching spaces offer improved stimuli and educational opportunities for the prospective children. The boundary landscaping which will soften the impact of the bulk of the building on surrounding area is retained and enhanced.

Landscape and Ecology

- 5.19 As noted under the previous heading, the proposed scheme will see existing landscape features retained and enhanced through a comprehensive planting scheme. It is considered that in general the proposed scheme will provide a pleasant and interesting environment for the future users of the school and also improve the visual screen between the surrounding properties and the school.
- 5.20 Subject to conditions relating to the colour of the weld mesh fencing and other provision to protect the existing landscape features, it is considered that the proposed scheme accords with local plan (adopted) policies L1, D1 and T6.
- 5.21 With regard to ecology, an ecological assessment has been submitted with the application and its findings that the site does not represent any significant ecological interest have been agreed by the Council's Ecologist. Furthermore the application seeks to retain the boundary vegetation and some habitat creation. Therefore subject to a suggested condition to promote the creation of new wildlife habitats, there are no ecological objections to the proposed scheme.

Conservation Issues

5.20 There proposed site lies to the east of the Conservation Area of Thornbury. The site is also in the proximity of two locally listed buildings of the Gillingstool Primary and Infants School, although these are not being affected by the proposals. The scheme, whilst a significant one will be well screened from view by the extensive landscaping fronting the main road. It is therefore considered that the proposed scheme is unlikely to result in any adverse impact on the setting of the conservation area or views into/out of it. The locally listed building will also not be harmed and so along with Policy L12, it is considered that the proposed scheme complies with Policy L15 of the adopted local plan and thus no objections to the proposed scheme have been raised by the Council's Conservation Officer.

5.40 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.

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

7. RECOMMENDATION

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

Background Papers **PT08/2452/R3F**

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

CONDITIONS

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

Reason(s):

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

2. No development approved by this permission shall be commenced until a surface water run-off limitation scheme has been submitted to, and approved in writing by the Local Planning Authority (LPA). The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The approved scheme shall be implemented in accordance with the approved programme and details.

3. In order to satisfy the above condition, the Environment Agency advises that the following details will need to be submitted to the LPA:

a) Sections through the attenuation tank

b) Details of the permeable paving including storage volumes and how it will be drained, since ground conditions do not allow for infiltration it is not suitable to rely entirely on evaporation. This additional volume of water must not increase the flow into the culvert.

c) A strategy for limiting the surface water run-off generated by the 1 in 100 year critical storm (climate change) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Details of the current drainage from the existing fields must be submitted. Do they drain into the culvert currently? The volume of run-off from the playing field area must be included in the total flow to discharge into the culvert. The volume of flow entering the culvert must not exceed the total current flow rates, which must include the hardstanding from the existing school and the Greenfield land. Demonstration of how the the run-off from the whole site will be reduced before discharging into the culvert should also be shown.

Reason(s):

To prevent the increased risk of flooding and to accord with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (adopted) January 2006 and the provisions of PPS25.

4. Prior to commencement, drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

5. Prior to the commencement of any development and if the culvert is to be bridged, a structural report is to be submitted to the local planning authority demonstrating that the culvert is structurally sufficient to take the additional loads if it is to be bridged as part of the development.

Reason(s):

To reduce the risk of the culvert collapsing and causing flooding on and upstream of the site and so according with Policies EP2, L17 & L18 of the South Gloucestershire Local Plan (adopted) January 2006 and the provisions of PPS25.

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

Reason(s):

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

7. A school travel plan shall be prepared and implemented within 6 months of full occupation. The occupier must supply the local planning authority with the name of the appointed person responsible for the implementation of the travel plan within this time frame.

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.

8. Prior to the occupation of the building hereby approved, a detailed plan showing the provision of cycle parking facilities shall be submitted to the local planning authority for written approval.

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.

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

Reason(s):

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

10. Prior to the commencement of development, a method statement is to be submitted indicating the precautions that will be taken to ensure the safe retention of the trees where trenching for development, including footpaths and fence posts, extends into the root protection areas. This shall also include any service or drainage works and so a plan showing retained trees insitu in the development and any underground services close to them shall be submitted to and approved in writing by the local planning authority and the development shall then accord with the submitted and approved details at all time during construction.

Reason(s):

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

11. Prior to the commencement of the relevant part of the development hereby approved, large scale details of the perimeter fence and main entrance gates shall be submitted to the local planning authority for written approval.

Reason(s):

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

12. Prior to the commencement of the relevant development, details of the colour of the perimeter weld fence and main entrance gates (the British Standard reference) shall be submitted to the local planning authority for written approval.

Reason(s):

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

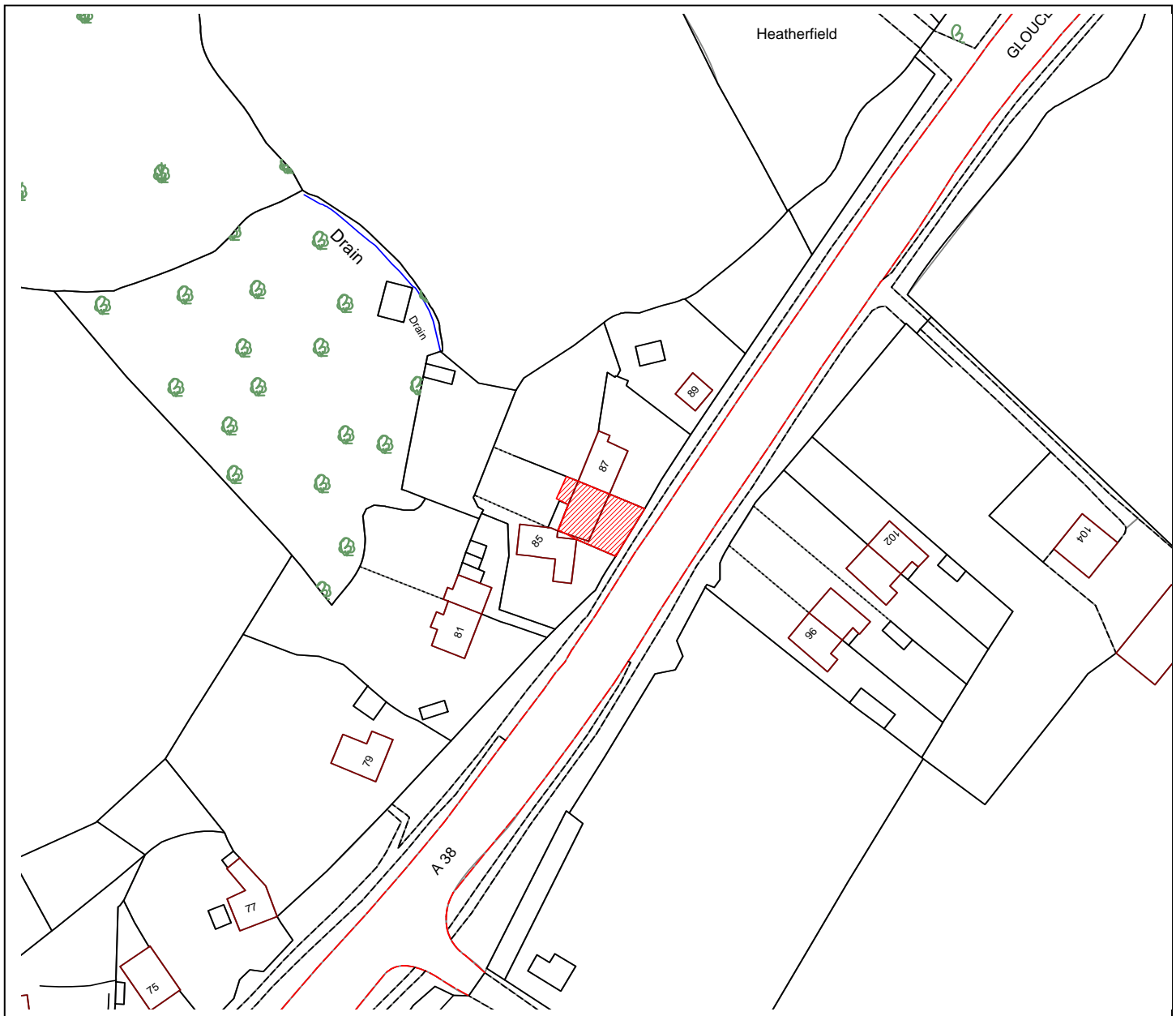
13. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
 - (a) The volume and nature of the waste which will be generated through the demolition and/or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

Reason(s):

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

CIRCULATED SCHEDULE NO. 47/08 – 21 NOVEMBER 2008

App No.:	PT08/2474/CLE	Applicant:	Mr & Mrs A Curtis
Site:	87 Gloucester Road, Rudgeway, South Gloucestershire, BS35 3QS	Date Reg:	4th September 2008
Proposal:	Application for Certificate of Lawfulness for existing use of annex as separate dwelling. Breach of Condition 03 attached to planning permission P90/1079 dated 15 January 1990.	Parish:	Alveston Parish Council
Map Ref:	63041 87152	Ward:	Thornbury South and Alveston
Application Category:	Minor	Target Date:	24th October 2008



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PT08/2474/CLE

Members will recall that this application has previously appeared on the Circulated Schedule. It has been referred to the Circulated Schedule for a second time in view of the additional information that has been received in response to the concerns which had been raised.

1. THE PROPOSAL

- 1.1 The application forms a Certificate of Lawfulness for an existing use in respect of the occupation of an annexe as a separate dwelling. This is in breach of planning condition 03 attached to planning permission P90/1079.
- 1.2 The application relates to the Old Forge annexe which is attached to the gable end of the Old Forge (no. 87) fronting Gloucester Road. The annex forms a chalet style unit which benefits from all facilities necessary to allow independent living including two bedrooms within the roof space. There is a small enclosed yard to the rear with a larger amenity area to the front providing for car parking.
- 1.3 The application site lies beyond any settlement boundary and within the Green Belt.

2. POLICY CONTEXT

- 2.1 Because the application is a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 10 years up to the date of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 P90/1079: Alterations and conversion of existing store/ industrial unit to form a domestic extension. Permitted: 7 March 1990
- 3.2 P90/1645: Erection of two-storey rear extension to provide lounge to ground floor and bedroom with ensuite bathroom to first floor; demolition of existing single garage and erection of double garage. Permitted: 13 June 1990
- 3.3 PT06/2917/RVC: Removal of condition 3 attached to planning permission P90/1079 to allow independent occupation of annexe. Refused: 17 November 2006; Appeal dismissed: 11 October 2007

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No comment
- 4.2 Other Consultees
No comments received

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks a Certificate of Lawfulness in respect of existing annexe accommodation with it claimed that these facilities have instead been occupied as an independent dwelling. This is therefore in breach of condition 3 attached to planning permission P90/1079 which states that:

The additional residential accommodation hereby authorised shall be used incidentally to the dwelling house within the same curtilage and shall at no time be severed there from to form a separate residential unit or for any other purpose.

Reason: The additional accommodation is considered unsuitable for occupation as a separate residential unit or for other purposes.

- 5.2 The issue for consideration is whether the evidence submitted proves that on the balance of probabilities, the premises have been occupied for a continuous period of 10 years up to the date of the application without compliance with this condition. The application is a purely an evidential test irrespective of planning merit.

5.3 Background Information

It is noted that a recent planning application (PT06/2917/RVC) sought removal of this aforementioned condition to allow the continued occupation of this unit as a separate dwelling. This application was refused for the following reasons:

There is insufficient useable amenity space to provide acceptable living conditions for the proposed dwelling house. As such the application fails to comply with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

The limited area of useable amenity space is located close to the neighbouring properties where it would unreasonably detract from the residential amenity of occupiers of those properties. As such the application fails to comply with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5.4 This application was subsequently dismissed at appeal where the Inspector commented that:

'... the annexe could be occupied by a young family and I do not consider that the yard is of sufficient size to accommodate the needs of children... I conclude that the condition is reasonable and necessary having regard to the occupants of The Old Forge Annexe in order to ensure continued access to adequate amenity space... the area is of insufficient size to be used intensively

to the extent that noise would be likely to adversely affect the living conditions of neighbours at no. 85 Gloucester Road or at The Old Forge.'

5.5 Evidence in Support of the Application

Evidence received in support of the application comprises two sworn affidavits made by Anne and Anthony Curtis, the joint owners of the property. These state that the building was converted in October 1991 with works substantially complete in autumn 1995. Further, it is confirmed that at no time has there been an interconnecting door between the annexe and the main house (as shown on the approved plans) with all services to the 'annexe' being separate.

5.6 Details of the previous occupants are then provided with the month and year of their arrival/ departure. This forms a continuous period from December 1995 through to the present day. This period encompasses five different individuals or couples with occupation under an Assured Shorthold Tenancy. The affidavit includes a site plan, a building notice approval for the conversion dated 21st November 1991 and what appears an invoice in respect of occupation of the annexe. Furthermore, as submitted, it was stated that relevant bank records/ tenancy agreements would be available on request.

5.7 In view of the above, further details have now been submitted in support of the application with these comprising:

- A letter from Milbury Estate Agents confirming that this property has been let on behalf of Mr & Mrs Curtis since December 1995;
- A letter from a former tenant confirming that this property was occupied as a two bedroom semi-detached unit from December 1995 to January 1998;
- A letter from a former tenant confirming that this property was occupied between February 1998 to June 2004;
- An Assured Shorthold Tenancy Agreement commencing on July 1st 2004 (six month contract);
- An Assured Shorthold Tenancy Agreement commencing on September 9th 2005 (six month contract);
- A Tenancy Agreement made on the 20th February 2008 which ran until August 19th 2008.

5.8 Finally, additional information has been received in the form of bank account details providing rent receipts in respect of this building.

5.9 Conflicting Evidence

The evidence provided is accepted as true unless contradictory evidence indicates otherwise. There is no contradictory evidence.

5.10 Analysis

As originally submitted, there were concerns regarding the affidavits because one appeared incomplete whilst both did not appear to be certified copies. In order to address these concerns, the original documents have been forwarded with one amended: these documents are now considered to carry considerable weight in the determination of this application.

5.11 Furthermore, additional information has now been received in the form of the aforementioned tenancy agreements, letters from previous tenants and bank details. These details would appear supportive of the information contained

within the respective affidavits supporting the certified details that have been provided. Accordingly, this further helps to address those concerns which were previously raised.

5.12 Finally, it is noted that the Councils records indicate that the tenants referred to within the affidavits have been included on the electoral register since 2001; the records prior to this are not so readily available. Nevertheless, only the host dwelling has been registered for Council Tax purposes with a separate account for the 'annexe' created earlier this year. It is not considered that this anomaly should prevent the granting of a Certificate given the weight of evidence now put forward in support of the proposal.

5.13 For these reasons, it is considered that on the balance of probability, the details now submitted demonstrate that this annexe has been occupied in breach of condition 3 (P90/1079) for a continuous period of 10 years up to the date of this application.

6. RECOMMENDATION

6.1 A Certificate of existing Lawful use is **GRANTED**.

Background Papers **PT08/2474/CLE**

Contact Officer: **Peter Burridge**

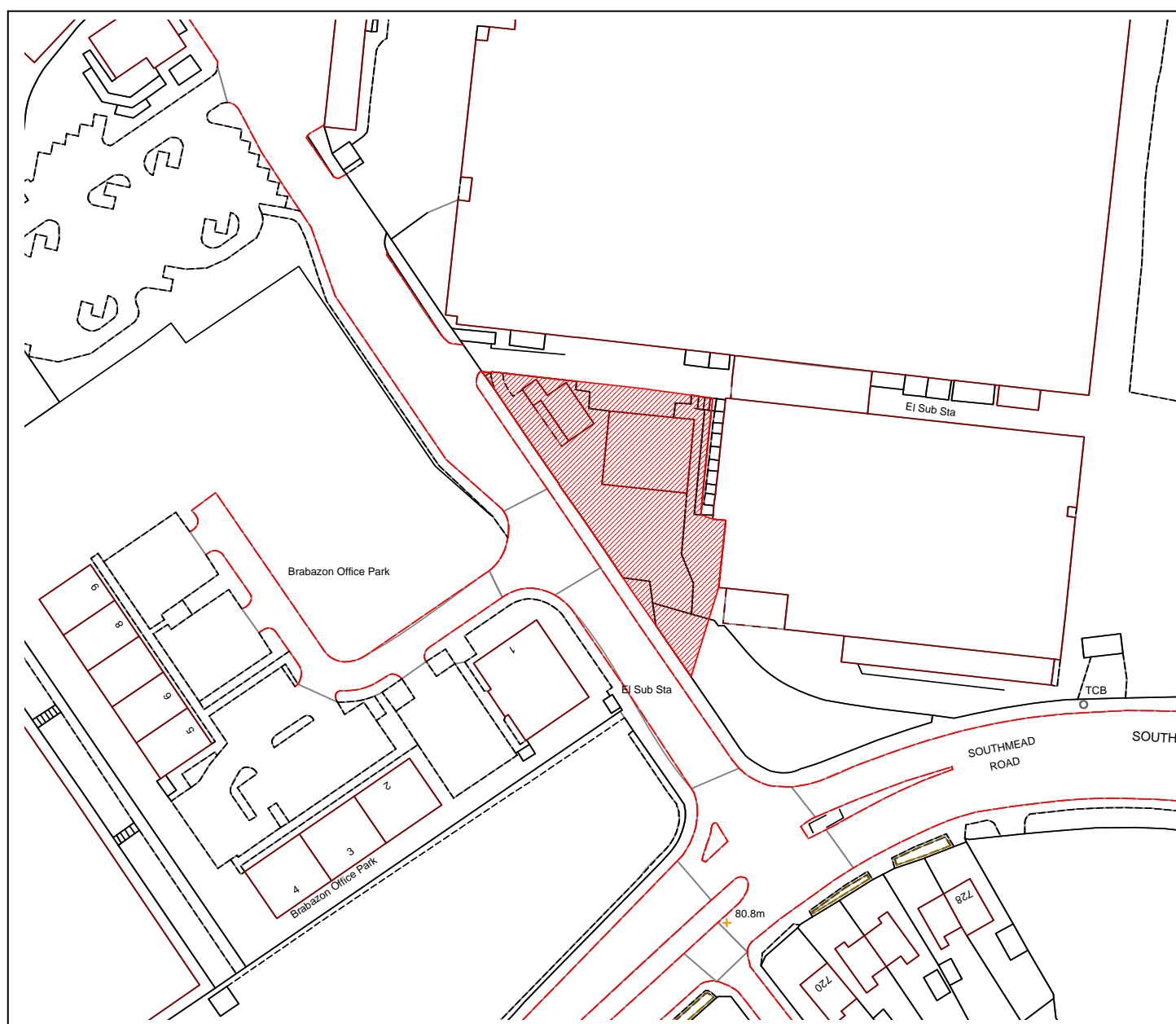
Tel. No. **01454 865262**

REASON

The applicants have demonstrated that on the balance of probability, the 'annex' has been occupied as a separate dwelling house independent of 87 Gloucester Road, Rudgey for a continuous period of 10 years up to the date of this application.

CIRCULATED SCHEDULE NO. 47/08 – 21 NOVEMBER 2008

App No.:	PT08/2678/CLE	Applicant:	Airbus UK Ltd
Site:	Building 01G Airbus UK, New Road, Filton, South Gloucestershire, BS34 7PH	Date Reg:	1st October 2008
Proposal:	Certificate of lawfulness for the existing use in breach of Condition 2 attached to planning permission P90/2569 to demonstrate that the operator was other than British Aerospace (Commercial Aircraft) Limited	Parish:	Filton Town Council
Map Ref:	59906 79055	Ward:	Filton
Application Category:	Minor	Target Date:	1st December 2008



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PT08/2678/CLE

INTRODUCTION

This application is for a Certificate of Lawfulness and as such under the current scheme of delegation falls to be considered under the circulated schedule procedure.

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the continued use of the subject building and site not in accordance with condition 2 of planning permission P90/1923 as determined in August 1990 and subsequent application P90/2569 as determined in November 1990 by Northavon District Council on August 1990. This approval relates to the existing use of the building in relation to aerospace engineering (Class B2) and was specifically restricted to the applicant at that time (British Aerospace) by virtue of condition 2.
- 1.2 The site consists of an area of land including a building which is within the broader area of land associated with the manufacturing activities of Airbus UK. The site is situated adjacent to Golf Course Lane and is close to the main access into the Airbus Site.

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 P90/1923 and P90/2569 Erection of Building for the collection and processing of swarf; alterations to existing access. Approved.

The following condition is relevant to this certificate application;

“The permission hereby granted for the use of the building hereby authorised for the collection and processing of waste swarf shall endure solely for the benefit of the applicants and shall be used solely for the collection and processing of waste arriving from the applicant’s existing operations on the land outlined in blue on the approved plans and under no circumstances shall be used for the collection and processing of same from any external source.”

The reason for the condition was so that the building did not become separated from the rest of the planning unit.

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The applicant has set out that the purpose of this application is to confirm the lawful breach of the condition where it restricts the activities to British Aerospace. The application does not seek to confirm that any other part of the condition has been breached in the same way. Indeed, it appears that the use

of the building is for the purposes originally consented. The application is supported by a sworn declaration by Mr Alan Shute, who is employed as the 'Regulatory Compliance Manager'. Mr Shute confirms in the statement that he has been employed within this facility by Airbus UK for a period of 10 years. Further evidence takes the form of certification of the formation of TRUSHELCO in November 1997 which later changed its name to Airbus UK Ltd.

- 4.2 A site use plan is submitted detailing the extent of the site and this is consistent with the original approval.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 None Received

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Filton Town Council make no objection to this application.

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 building has been used continually for a period of at least 10 years for 'swarf recovery' by Airbus UK as opposed to British Aerospace, whom condition 2 restricts this use to.
- 7.3 The applicant has submitted a sworn declaration by an employee of Airbus UK detailing that this site has been operated by Airbus UK for a period of at least 10 years. Further evidence shows that Airbus UK itself has been in existence since November 1997. This Local Planning Authority does not have any contrary evidence.
- 7.4 Having regard to the above it is considered that the evidence presented by the applicant proves that on the balance of probability the building and access has been used for business purposes for a period in excess of 10 years; and it is concluded that the use of this site and associated building has been by Airbus UK and not British Aerospace for a period in excess of 10 years.

8. RECOMMENDATION

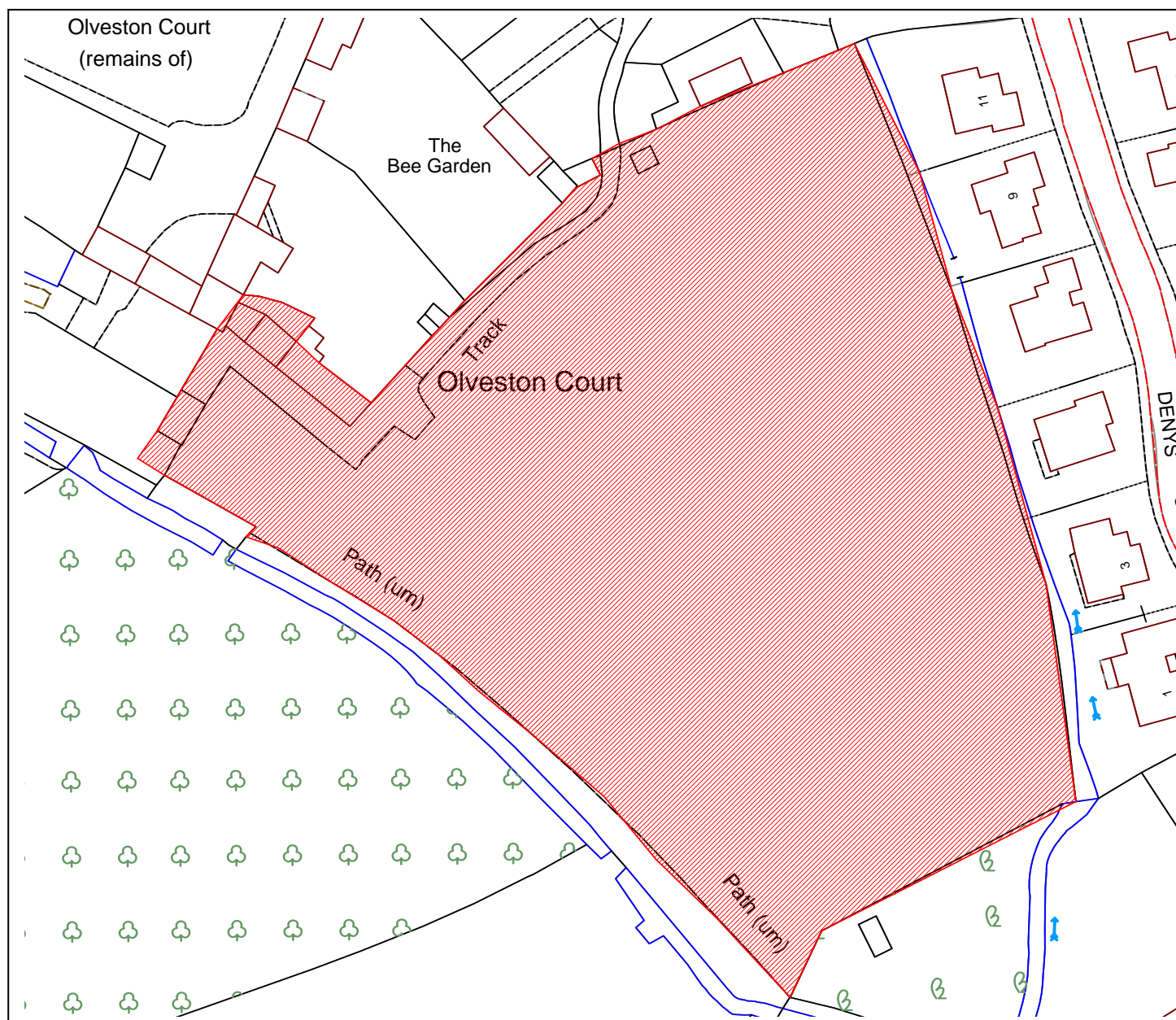
- 8.1 A certificate of existing Lawful Use be granted for the existing use in breach of Condition 2 attached to planning permission P90/2569 to demonstrate that the operator is not British Aerospace (Commercial Aircraft) Limited

Background Papers **PT08/2678/CLE**

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

CIRCULATED SCHEDULE NO. 47/08 – 21 November 2008

App No.:	PT08/2759/LB	Applicant:	Mr H Orr-Ewing
Site:	Courtlands, The Street, Olveston, South Gloucestershire, BS35 4DU	Date Reg:	13th October 2008
Proposal:	Create new door and window openings internal and external. Installation of chimney flue (in accordance with ammended plan received on 12 November 2008). Relocate internal stud walls.	Parish:	Olveston Parish Council
Map Ref:	59917 87027	Ward:	Severn
Application Category:	Minor	Target Date:	1st December 2008



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PT08/2759/LB

1. THE PROPOSAL

- 1.1 This listed building application relates to numerous internal and external works at Courtlands, The Street, Olveston. The works include the following:-
- a) Creation of new window in north elevation to serve kitchen;
 - b) Formation of new gateway in wall of eastern elevation to serve rear yard;
 - c) Installation of roof lights to workshop and en-suite;
 - d) Formation of two new internal doors to study;
 - e) Reduction in size of pantry and formation of new doorway to pantry;
 - f) Installation of stainless steel flue;
 - g) Relocation/reduction in size of doorway to sitting room;
 - h) Repainting of window frames;
 - i) Replacement of two front doors in front elevation with hardwood planked doors;
 - j) Relocation of kitchen to existing living room and existing kitchen altered to dining room.
- 1.2 The application site is a Grade II listed building. It lies within Olveston Conservation Area and is also within the Green Belt. It is outside the settlement boundary of Olveston. The site occupies a large curtilage and is open in appearance.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
L13 Listed Buildings
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/1906/LB Create new door and window openings internal and external. Construct new fireplace and chimney. Relocate internal stud walls. Refused 12 August 2008 on the grounds that the works would be detrimental to architectural and historic character of Grade II listed building.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
Object to the proposal.

- 4.2 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is a Grade II listed building. In assessing alterations to listed buildings, policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006 is particularly relevant. Such development is only permitted provided the building and its setting would be preserved and features of architectural or historic interest would be retained. This is the only issue under consideration.

- 5.2 This application relates to a house, formerly a malting house serving the adjacent Olveston Court. The supporting documentary evidence identifies that the malting floor has been removed in the past. The building is believed to date from the 15th/16th century, but has been the subject of a significant amount of alteration in the recent past. The apertures in the rubble stone walls are of varying dates, evidenced by an early four-centred stone arch. The other doors and windows have segmental arched heads. A significant amount of the previous alterations to the building, both internally and externally have had a detrimental impact on the special architectural and archaeological interest of the building.

- 5.3 The building is adjacent to the site of a scheduled ancient monument, however the proposed works do not directly affect the monument. The alterations to the modern partition walls internally are considered acceptable as these are, according to the application, modern concrete block and stud walls. With regard to the new window opening to the north elevation and gateway in wall to eastern elevation, these are also acceptable in terms of the overall visual appearance of the building.

- 5.4 The application has been amended to remove the proposed fireplace within the west facing gable wall of the 1 ½ storey building which was unacceptable due to the level of works required to the stone wall. A wood burning stove is to be inserted with a flue taken through the wall and emerging through the roof of the attached single storey workshop building by 600mm. This revised detail is now acceptable in listed building terms.

- 5.5 In conclusion, the proposals are acceptable and overcome the previous refusal reason, subject to conditions. The application therefore complies with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, PPG15 and Policy L13 of the adopted local plan.

6. CONCLUSION

- 6.1 The decision to grant listed building 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 Listed Building Consent be granted. Subject to the following conditions.

Background Papers **PT08/2759/LB**

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

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason(s):

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of the formation of the doorway within the boundary wall, a detailed method statement relating to the method of construction of the opening, the level of removal of historic fabric and the finishing of the arch, shall be submitted to and approved in writing by the Local Planning Authority. The works when carried out shall conform to the details so approved. For the avoidance of doubt the level of removal of historic fabric shall be kept to a minimum and the arch rebuilt using a traditional lime mortar.

Reason(s):

To maintain and enhance the character and setting of the listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the submitted details and prior to the commencement of development, the detailed design, including materials and finishes of the following items shall be submitted to and agreed in writing with the local planning authority:-
 - a) all new conservation rooflights;
 - b) flue;
 - c) all new windows, including cill and head details;
 - d) all new internal and external doors.

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 and the works shall thereafter be implemented strictly in accordance with the agreed details.

Reason(s):

To maintain and enhance the character and setting of the listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. All new and disturbed surfaces shall be made good at the time of development using materials of matching composition, form and finish to those of the existing listed building.

Reason(s):

To maintain and enhance the character and setting of the listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

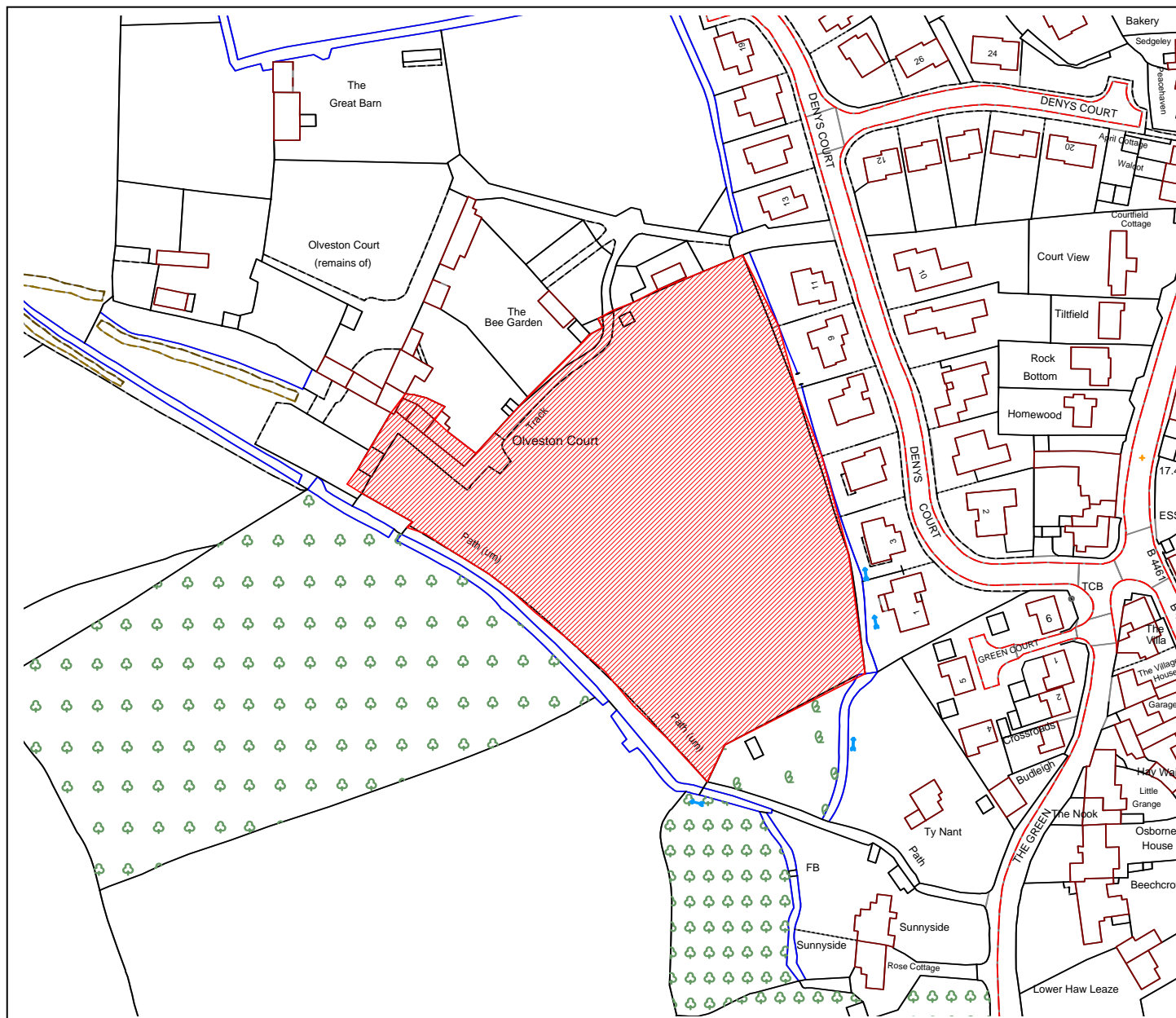
5. Prior to the commencement of development a sample of stone for use in forming the arched door opening in the wall shall be inspected and approved in writing by the local planning authority, and a sample panel of mortar, showing the mortar texture and colour, shall be constructed and approved in writing by the local planning authority. All new openings shall be constructed in accordance with the approved details.

Reason(s):

To maintain and enhance the character and setting of the listed building, and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/08 – 21 NOVEMBER 2008

App No.:	PT08/2765/F	Applicant:	Mr H Orr-Ewing
Site:	Courtlands, The Street, Olveston, South Gloucestershire, BS35 4DU	Date Reg:	13th October 2008
Proposal:	Installation of chimney flue (in accordance with amended plan received on 12 November 2008).	Parish:	Olveston Parish Council
Map Ref:	59917 87027	Ward:	Severn
Application Category:	Minor	Target Date:	1st December 2008



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N.T.S

PT08/2765/F

1. **THE PROPOSAL**

- 1.1 This full application relates to installation of chimney flue at Courtlands, The Street, Olveston. The flue is located on a single storey building and protrudes approximately 0.6m above the ridge line of this building.
- 1.2 The application site is a Grade II listed building. It lies within Olveston Conservation Area and is also within the Green Belt. It is outside the settlement boundary of Olveston. The site occupies a large curtilage and is open in appearance.
- 1.3 An associated listed building application has been submitted under planning reference PT08/2759/LB.

2. **POLICY CONTEXT**

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
PPG15 Planning and the Historic Environment
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
L11 Archaeology
L12 Conservation Areas
L13 Listed Buildings
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT08/1906/LB Create new door and window openings internal and external. Construct new fireplace and chimney. Relocate internal stud walls.
Refused 12 August 2008 on the grounds that the works would be detrimental to architectural and historic character of Grade II listed building.

4. **CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council
Object to the proposal.
- 4.2 Sustainable Transport
No objection.

Other Representations

- 4.3 Local Residents
No response received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The main issue to consider in the assessment of this application is the effect of the proposal on the character and appearance of this Grade II listed building, and the impact upon the character of the Conservation Area.
- 5.2 The application has been amended to remove the proposed fireplace within the west facing gable wall of the 1 ½ storey building which was unacceptable due to the level of works required to the stone wall. A wood burning stove is to be inserted with a flue taken through the wall and emerging through the roof of the attached single storey workshop building by 600mm. This revised detail is now acceptable in listed building terms and as such is acceptable in planning terms. The proposal would preserve the character of the Olveston Conservation Area. There is no material impact on the openness of the Green Belt.
- 5.3 The proposal overcomes the previous refusal reason and complies with the adopted plan.
- 5.4 Section 106 Requirements
In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission be granted subject to the following conditions.

Background Papers **PT08/2765/F**

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

CONDITIONS

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

Reason(s):

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

2. Notwithstanding the submitted details and prior to the commencement of development the detailed design, at a scale of 1:5, including materials and finishes of the flue shall be submitted to and agreed in writing by the local planning authority and the development when carried out shall conform to the details so approved.

Reason(s):

To ensure a satisfactory standard of external appearance and to accord with Policies D1, H4 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 47/08 – 21 NOVEMBER 2008

App No.:	PT08/2835/F	Applicant:	Mr C Hill
Site:	Landshire, Bristol Road, Frenchay, South Gloucestershire, BS16 1LQ	Date Reg:	21st October 2008
Proposal:	Demolition of existing dwelling to facilitate erection of 3 no. detached dwellings and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	63543 78007	Ward:	Frenchay and Stoke Park
Application Category:	Minor	Target Date:	15th December 2008



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PT08/2835/F

INTRODUCTION

This application has been referred to the Circulated Schedule due to letters of objection received from local residents and the Parish Council.

1. THE PROPOSAL

- 1.1 This full application relates to the demolition of the existing detached bungalow known as 'Landshire', and the erection of three detached four bed dwellings on land at 'Landshire', Bristol Road, Frenchay.
- 1.2 The application site has an area of 0.175 hectares. It is located within the settlement boundary of Frenchay. The front of the site borders Bristol Road with Old Gloucester Road forming the rear boundary to the site. Vehicular access is off Bristol Road and the existing access is to serve the proposed development. The rear boundary consists of a well-established hedgerow and mature trees are located to the front of the site. These are to remain as part of the development.

2. POLICY CONTEXT

2.1 National Guidance

PPS1	Delivering Sustainable Development
PPS3	Housing
PPG13	Transport
PPG24	Planning and Noise

2.2 Development Plans

Joint Replacement Structure Plan

Policy 1	Sustainable Development Objectives
Policy 2	Location of Development
Policy 33	Housing Provision and Distribution
Policy 59	New Development – Transport Issues

2.3 South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L1	Landscape Protection and Enhancement
L4	Forest of Avon
L17&18	The Water Environment
H2	Proposals for Residential Development Within the Existing Urban Area and Defined Settlement Boundaries
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/2159/O Erection of 3 no. dwellings (outline) with siting and means of access to be considered.
Approved 29 August 2006.
- 3.2 PT07/1876/O Erection of 14 no. 2 bedroom dwellings with layout, scale and access to be determined.
Refused 17 August 2007 on the following grounds:-
a) over-development/cramped appearance of site;
b) parking provision;
c) unsustainable development;
d) overbearing impact;
e) increased noise and disturbance;
f) overlooking/loss of privacy;
g) lack of acoustic report;
h) detriment to health of trees on site.
- 3.3 PT07/3631/F Demolition of existing dwelling to facilitate erection of 3 no. dwellings with associated works.
Refused 15 January 2008 on the following grounds:-
1) siting and size represents an over-development of the site which would be cramped in appearance;
2) size, scale, height, massing and design incongruous in appearance and out of keeping with character of area and street scene;
3) siting and proximity to 'Chataigne' would result in an overbearing impact and loss of privacy.
- Appeal was dismissed on 9 June 2008.
- 3.4 PT08/2316/RM Demolition of existing bungalow and the erection of 3 dwellings.
Refused 9 September 2008 on the following grounds:-
1) siting and size represents an over-development of the site;
2) siting and proximity to 'Chataigne' would result in an overbearing impact and loss of privacy.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Town Council
Object to the proposal on the following grounds:-
a) only 6 parking spaces for 3 very large detached dwellings with no parking available on the road;
b) poorly designed;
c) dwellings are too tall and overbearing to surrounding buildings.

Other Consultees

- 4.2 Sustainable Transport
No objection subject to conditions.

Other Representations

- 4.3 Local Residents
8 letters have been received objecting to the proposal on the following grounds:-
- a) height of the roofs does not overcome previous refusal reason or Inspector's appeal decision;
 - b) proposal does not comply with Frenchay Conservation Area SPD guidelines;
 - c) design;
 - d) out of keeping;
 - e) cramped;
 - f) harmful to character and appearance of area;
 - g) two storey properties out of keeping;
 - h) could convert attic roofspace;
 - i) overlooking/loss of privacy;
 - j) increased traffic, parking, loading and turning;
 - k) highway safety issues;
 - l) overbearing impact and loss of outlook;
 - m) layout and density;
 - n) flooding/drainage issues;
 - o) sewage;
 - p) risk of asbestos in existing dwelling;
 - q) bungalows would be more appropriate;
 - r) loss of daylight/sun;
 - s) building line moved forward;
 - t) inadequate parking.

Of the above **b** is not relevant as the site lies outside Frenchay Conservation Area.

5. ANALYSIS OF PROPOSAL

- 5.1 Background
As can be seen from the planning history, the principle of two storey residential development for 3 dwellings has previously been accepted by virtue of planning permission PT06/2159/O. The 2007 application was refused on the grounds of size and scale and was dismissed on appeal. The last application did not fully address previous concerns and was also refused. The current scheme proposes dwellings smaller in size and scale with greater spacing between them.
- 5.2 Principle of Development
Advice contained within PPS3 promotes more sustainable patterns of development. In particular it encourages the better use of previously developed land, especially in existing urban areas. However, such development should achieve good design to ensure that the character of the area is not adversely affected.

In particular, housing development should be well integrated with, and complement, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Consideration of design and layout must be informed by the wider context, townscape and landscape of the wider area. This advice is reflected in the Joint Replacement Structure Plan and the South Gloucestershire Local Plan (Adopted) January 2006.

- 5.3 The application site lies within the settlement boundary of Frenchay. Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for new residential development within the boundaries of settlements provided the following criteria are complied with:-

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

5.4 Transportation Issues

The site is located on Bristol Road, a busy classified highway. The site is fronted by verge and flanked by stonewall and planting. Adequate visibility is available. The access is wide enough to accommodate two way movement and adequate car and cycle parking, in accordance with the Council's standards, is provided. No objection is therefore raised to the proposal subject to conditions.

5.5 Residential Amenity and Design

The proposed development relates to three dwellings consisting of the same house type. The dwellings have a maximum depth of 11.3m, ridge height of 8m and a width of 9.5m. This compares to the previous scheme having a similar depth but a ridge height of 8.7m and a width of 10.3m. The design incorporates a hipped roof form, a projecting two storey feature and a front dormer window. It is considered that two storey development is not inappropriate at this location, and this has already been accepted at outline stage. The hipped roof forms and reduction in ridge heights lessens the overall visual impact and massing of the proposal. Although bungalows are a prominent feature along this part of Bristol Road, two storey properties are also evident within the immediate locality. In addition, the area is characterised by bespoke properties, with no particular vernacular evident. It is therefore considered that the design of the dwellings is acceptable and not inappropriate to the character of the area or street scene.

- 5.6 The proposed dwellings are staggered in nature, the property adjacent to 'Cranleigh' (plot 1) reflecting the building line of this bungalow with a 2.5m gap between this plot and the site boundary. The middle plot (plot 2) is set back some 3m from plot 1. A gap of 1.8m exists between plots 1, 2 and 3. The plot adjacent to the bungalow known as 'Chateigne' to the north (plot 3) has a minimum space of 2.5m to the site boundary, increasing to 3.2m to the rear. This plot is set back some 2.6m from plot 2 and is also approximately 2.4m beyond the rear building line of 'Chataigne'.

- 5.6 The dwellings have been sited to ensure that the building line of Bristol Road to the front and Old Gloucester Road to the rear has been respected. The size and scale of the development now also broadly reflects those illustrated under the outline application which indicated dwellings with a width of 9m, depth of 10.2m and a ridge height of 8m.

The submitted scheme also incorporates a greater degree of spacing between each plot and the site boundaries, increased from 1.8m to 2.5m to both site boundaries and 1.8m compared to 1.4m between each plot. The increased spacing between the properties when coupled with the reduced bulk and ridge height of the proposal now results in a development that can be satisfactorily accommodated within the street scene without appearing unduly cramped. The Inspector, in his decision notice was of the view that the spacing between each property was an important factor and that the height of the houses accentuated the limited spacing between them. It is therefore considered that the size and scale of the proposed dwellings now overcomes the previous refusal reasons and issues raised by the Planning Inspector. Furthermore, the rear garden areas are ample in size, having a minimum depth of 13m and an area of some 188m².

5.7 With regard to the effect of the proposal on the adjacent property of Chantaigne, it is considered that the current scheme, on balance, overcomes the previous refusal reason. The siting approved under the outline application was similar to that proposed here. The distance between the new dwelling and boundary, reduction in ridge height and the hipped nature of the roof design ensures that any overbearing impact is acceptable. Furthermore, although the front dormer window may result in views over the rear garden, these will be oblique and any impact further reduced by virtue of the greater distance from the boundary. It is felt in this case a refusal reason on residential amenity grounds would not be substantiated at appeal. The proposal is therefore acceptable in terms of residential and visual amenity.

5.8 With regard to concerns raised over possible conversion of the attic, a planning condition can be imposed removing permitted development rights with regard to the erection of dormer windows. However, it would be unreasonable to restrict the insertion of roof-lights within the existing roof plane as this would not normally constitute development and there is no justifiable planning reason to impose such a condition.

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

5.9 The application site has an area of some 0.175 hectares resulting in a density of 17 dwellings per hectare and significant weight has been attached to the fact that outline planning permission for 3 dwellings has already been granted. Advice contained within PPS3 encourages housing at higher densities that make more efficient use of the land where such locations are sustainable. It is recognised that the density falls below that advocated in PPS3, the adopted Joint Replacement Structure Plan as well as the adopted local plan. However, it is considered that in order for the development to be readily assimilated within the street scene, the existing building line should be retained and this limits the degree in which the plot can be developed. Furthermore, the surrounding development is characterised by large plots with rambling properties and a density any higher than that proposed would not be in keeping with the streetscape of the locality. As such the application accords with this criterion.

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

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

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

5.11 The proposal is for 3 dwellings and as such will not impinge upon the levels of service provision within the locality to a significant degree. The application therefore complies with this criterion.

5.12 Policy H4 of the local plan is also relevant as it relates to residential development within existing residential curtilages and is concerned with more detailed design issues. This policy allows for new development provided the massing, scale, proportions, materials and overall design and character of the existing property and street scene are respected; the amenities of nearby occupiers are not adversely affected and highway safety/parking is acceptable. These issues have already been considered above and the proposal complies with this policy criteria.

5.13 Other Issues

Drainage Issues

The method of foul drainage has now been clarified and is to be treated by a private package treatment plant. This will be subject to consent from the Environment Agency as discharge of treated effluent is to a private soakaway. In terms of surface water drainage, the permeable paving and soakaways for the drive and roof surface water disposal is also acceptable. The drainage details are therefore considered acceptable and overcome the Council's Drainage Engineers original objections, especially as the precise design will be subject to Building Regulations approval.

5.14 Asbestos

The issue of the existing building containing possible asbestos will be covered by an informative. Any asbestos must be removed in full consultation with the Health and Safety Executive.

5.15 Design and Access Statement

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

5.16 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended).

Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, planning conditions are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission be granted.

Background Papers **PT08/2835/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

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

3. Prior to the commencement of development, detailed drawings of the method by which all the retained trees and hedgerows on the site and overhanging the site are to be protected during construction works shall be submitted to and approved in writing by the Local Planning Authority. Such protection shall be provided prior to the clearance of the site and shall be maintained for the duration of the works.

Reason(s):

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

4. Prior to the commencement of development, drainage proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

5. Prior to the commencement of development, the existing vehicular access off Bristol Road shall be widened to 4.8m for a minimum distance of 6m, with the remainder of the access having a minimum width of 4.1m.

Reason(s):

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

6. No gates are to be fitted at the site entrance and the access, driveway and turning areas shall be constructed of a porous but bound surface.

Reason(s):

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

7. No vehicular or pedestrian access shall be taken off Old Gloucester Road.

Reason(s):

In the interests of highway safety and visual amenity and to accord with Policies L1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. No windows other than those shown on the plans hereby approved shall be inserted at any time at first floor level in the side elevations of the dwellings hereby permitted.

Reason(s):

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The off-street parking facilities shown on the plan hereby approved shall be provided before the dwellings are 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 Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The screen fences shown on the approved plan shall be erected in the positions indicated before the dwelling houses to which they relate are occupied.

Reason(s):

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

11. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the dwellings.

Reason(s):

To protect the character and appearance of the area to accord with Policies H2/H4/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. A visibility splay measuring 2m x 43m shall be maintained at the entrance of the site with no obstruction exceeding 0.9m in height within the splayed areas.

Reason(s):

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

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

Reason(s):

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policies D1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.