



**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. 17/09

Date to Members: 30/04/09

Member's Deadline: 07/05/09 (5pm)

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: 30/04/09

SCHEDULE NO. 17/09

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
for the May Bank Holiday Period 2009**

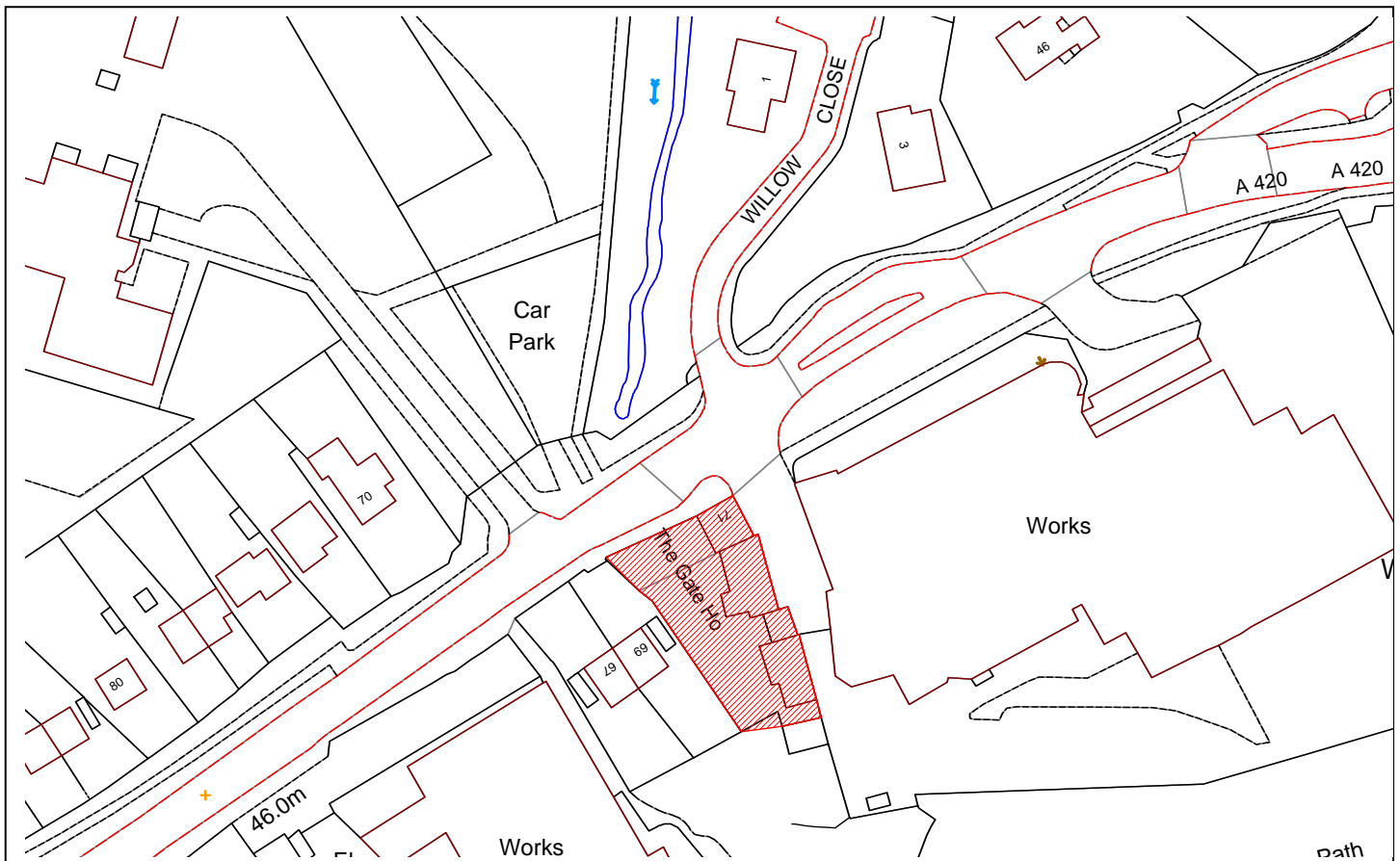
Schedule Number	Date to Members 9am on	Members Deadline 5pm on
17/09	Thursday 30 th April 2009	Thursday 7 th May 2009
20/09	Thursday 21 st May 2009	Thursday 28 th May 2009

Circulated Schedule 30 April 2009

ITEM NO.	APPLICATION NO	RECOMMENDATIO	LOCATION	WARD	PARISH
1	PK09/0518/F	Approve with conditions	The Gate House, 71 Church Road, Wick, South Gloucestershire, BS30 5PE	Boyd Valley	Wick and Abson Parish Council
2	PK09/0607/F	Approve with conditions	189 Glenfall, Yate, South Gloucestershire, BS37 4ND	Dodington	Yate Town Council
3	PT09/0393/F	Approve with conditions	7 - 8 Cribbs Causeway Retail Park, Centaurus Road, Patchway, South Gloucestershire BS34 5TU	Patchway	Almondsbury Parish Council
4	PT09/0415/F	Approve with conditions	Up Yonder, Bury Hill, Hambrook, South Gloucestershire, BS16 1SS	Winterbourne	Winterbourne Parish Council
5	PT09/0443/F	Approve with conditions	University Of West Of England, Coldharbour Lane, Stoke Gifford, South Gloucestershire, BS16 1QY	Frenchay and Stoke Park	Stoke Gifford Parish Council
6	PT09/0530/CLE	Refusal	Storage yard adjoining Pilning Station, Pilning, South Gloucestershire, BS35 4JH	Pilning and Severn Beach	Pilning and Severn Beach

CIRCULATED SCHEDULE NO. 17/09 – 30 APRIL 2009

App No.:	PK09/0518/F	Applicant:	Mr J Iveson
Site:	The Gate House, 71 Church Road, Wick, South Gloucestershire, BS30 5PE	Date Reg:	20th March 2009
Proposal:	Partial change of use of Industrial & Offices (Class B1) to 2 no. residential units (Class C3) and 2 no. live/work units (sui Generis) as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended) and associated works.	Parish:	Wick and Abson Parish Council
Map Ref:	69898 72799	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	8th May 2009



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100023410, 2008.

N.T.S

PK09/0518/F

INTRODUCTION

This application appears on the circulated schedule due to the receipt of one letter of concern on behalf of a neighbouring business.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the extension and conversion of the existing business premises to form 4 dwellings – two of which will be live/work units. A small section of the existing building will be retained in B1 (office) use. The application includes the creation of parking and garden space.
- 1.2 The application site relates to an industrial unit that was previously owned by Price Iveson who specialise in Industrial Catering Equipment. The application site comprises a group of 6 buildings linked together in an irregular manner around a courtyard. The application site lies within the defined settlement boundary of Wick and is in the green belt.

2. POLICY CONTEXT

2.1 National Guidance
PPS1 Delivering Sustainable Development

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
GB1 Development in the Green Belt
T7 Cycle Parking
T8 Car Parking
T12 Transportation Development Control
H5 Residential Conversions
E3 Employment Development

3. RELEVANT PLANNING HISTORY

There is a complex history to the site. The buildings are currently occupied on a personal consent allowing Mr. Iveson to use the site for B1 purposes. Should Mr. Iveson leave the site, the unusual situation would arise where the site would have no authorised use. There have been two attempts to re-develop the site for residential purposes -

- 3.1 PK08/1626/F Change of use of Industrial & Offices (B1) to 9 no. residential units (C3) and associated works.
Withdrawn November 2008

- 3.2 PK08/0279/F Change of use of Industrial & Offices (B1) to 10 no. residential units (C3) and associated works.
Refused March 2008

4. **CONSULTATION RESPONSES**

- 4.1 Wick and Abson Parish Council
No Response Received
- 4.2 Environment Agency
No Objection subject to the attachment of conditions

Other Representations

- 4.3 Local Residents
One letter has been submitted on behalf of a neighbouring business. Whilst they generally support the principle of development of the site to residential use, they wish to raise the following concerns to ensure that the development does not adversely affect their business operations:
- Concern that the development will attract vehicles to the site that will manoeuvre on the highway to the detriment of highway safety.
 - Insufficient on street parking will lead to parking in the lay-by or on the road
 - Deliveries to the commercial units will cause congestion on the constrained site
 - Concerns that the introduction of houses on the site will have an impact on the activities or working hours that can operate at the neighbouring business premises which are currently unrestricted.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
The proposed development incorporates two elements – residential and commercial. Policy H5 of the adopted South Gloucestershire Local Plan allows for the conversion and re-use of the existing buildings for residential purposes providing there is no adverse impact upon residential amenity, highway safety or the character of the surrounding area. Similarly, Policy E3 allows for employment development within the defined settlement boundaries providing a similar set of criteria are satisfied. In accordance with circular 03/2005 Live/work units are often purposely converted into such units. They are clearly a mix of residential and business uses which cannot be classified under a single class within the Use Classes Order and are therefore *sui generis* and therefore must be assessed against both policies.

Policies T7, T8 and T12 of the South Gloucestershire Local Plan all seek to control development which may affect highway safety and ensure satisfactory parking provisions. As the site lies within the Bristol/Bath Green Belt, the requirements of Policy GB1 relating to the impact on the green belt must also be taken into consideration.

5.2 Green Belt

PPG2 states that the most important feature of green belt is their openness. Green belts can help shape patterns of urban development and assist in moving towards more sustainable patterns of urban development. Policy GB1 identifies 3 circumstances where the change of use of existing land or buildings within the green belt may be acceptable, predominantly that the new use must not have a greater impact than the present authorised use on the openness of the green belt.

In order to assess the impact of the proposal on the openness of the Green Belt; it is first necessary to consider how the building will be changed externally to allow for the conversion;

- Installation of two small bonnet dormers to the front elevation facing the highway
- Addition of 4 new front porches/canopy roofs
- Hip to gable conversion on south west elevation
- Two dormer windows on south east elevation
- Removal of store from south east elevation
- Raising of ridge height of central section (to be unit 2) 3.7 metres
- Other alterations to the arrangement of windows and removal of roller shutter doors.

By virtue of their small size and minimal volume, it is not considered that the dormer windows or canopies/porches over the doors will have any impact on the openness of the Green Belt. Whilst the dormers will minimally increase the massing of the building, they will not affect the total height of the building or indeed significantly increase its prominence in the Green Belt. Officers have however expressed some concern about the raising of the central section of roof ridge.

The ridge raising would clearly increase the height of a section of building and therefore has potential to impact upon the openness of the green belt. In this instance however, because the area of roof to be raised is sandwiched between two taller sections of building, and will still be dwarfed by the neighbouring business premises, it is not considered that it will actually have significant or detrimental impact on the openness of the green belt. The new area of roof will not be easily visible from the surrounding area and thus the impact of the proposed development on the greenbelt is therefore considered to be acceptable.

5.3 Design/Visual Amenity

As discussed in section 5.2 above, the building is to be noticeably altered to accommodate the proposed scheme. This is primarily done through the addition and removal of various windows and doors. Other than the raising of the central section of ridge height, the main walls and roof materials however are to remain the same. Whilst certainly not unsightly, the existing building is of no particular visual merit worthy of retention and as such, there are no objections to the principle of altering the visual amenity of the building.

There are no specific elements of the proposal which raise concern in design terms. The somewhat random and layout of the existing building gives an interesting form that has the potential to produce an attractive development. The primary elevation – to the front facing the highway will be amended slightly to give the building a more domestic appearance. The addition of a front canopy of the new doors and the insertion of two small bonnet dormers are considered to be entirely acceptable for their location and will integrate with the existing surrounding built form. The materials to be used on the exterior of the buildings are largely the same as per the existing situation. Where new exterior finishes are required, these are specified on the approved plans and will integrate successfully with the surrounding built form.

It is not considered that the proposal will have any significant impact upon the character of the surrounding area and the visual amenity of the site will remain largely the same. The majority of the works are internal or contained within the site where there are no public views. The design of the proposal is therefore considered to be acceptable.

5.4 Residential amenity

The site sits adjacent to a pair of residential semi-detached dwellings – known as 69 and 67 Church Road. The relationship between the dwellings and the site subject of this application is unusual in that the buildings to the rear of the application site actually look out towards the rear gardens of the dwellings.

In the two previous attempts to develop the site for residential purposes, issues have been raised regarding potential overlooking. This scheme has been amended and additional information has been submitted to demonstrate that the proposal would not have an adverse impact upon existing levels of residential amenity.

The three units that have potential to impact upon the existing levels of residential amenity for the neighbouring dwellings are units 4, 3 and to a lesser extent, No. 2. The first floor windows in the front elevations of units 3 and 4 will face towards the rear garden of the neighbouring dwelling. It is important to note however that the windows are existing and will actually be decreased slightly in width following the proposed conversion. The design and access statement notes that the existing windows serve a workshop and a fixed workbench is located directly below the windows. The workshop was subject to long hours that would on occasion continue in to the night. Operatives could therefore be stood at the window for extended period of time with a clear view of the neighbouring properties. The use of the windows to serve bedrooms means that the likelihood of overlooking may indeed be reduced from the situation that existed previously. It is not therefore considered that the windows in units 3 and 4 result in any issues of overlooking of concern.

Three new large windows are proposed into unit 2 – the windows are to infill the space currently occupied by the roller shutter door. As limited information has been submitted regarding these windows a condition will be attached to ensure that details are submitted. Your officer is of the opinion that partial

opaque glazing may be more appropriate in these three windows both for the privacy of the neighbours but also for the privacy of the occupant of the new unit.

Subject to the attachment of conditions therefore, the impact upon existing levels of residential amenity is deemed to be acceptable.

5.5 Bin/Cycle Stores

The proposed layout plan shows the provision of 2 wheelie bin storage spaces and one recycling box for each unit – adequate bin storage is therefore being provided. The plans also show the provision of five cycle storage space – that is one space per unit. Plenty of additional space is available in the garages should additional cycle storage requirements arise.

5.6 Transportation Implications

In order to assess the parking provision it is first necessary to summarise the proposed development:

Unit 1 – a two bed house with one parking space in the garage.

Unit 2 – a two bed three storey house with one parking space on the hard standing in front of the unit.

Unit 3 – a two bed terraced house with an associated live work unit. One parking space is available in the garage below the live work unit.

Unit 4 – a two bed terraced house with an associated live work unit. One parking space is available in the garage below the live work unit.

Unit A – a commercial unit at first floor with two parking spaces below.

Visitor Parking – three visitor parking spaces are proposed – two for use by the residential properties and the live/work units and one visitor space for the commercial unit.

The proposed layout has split the vehicular access between the existing primary access on Church Road and the existing secondary access via the shared access lane to the side.

The proposed 3 no. residential units to use the existing access from Church Road would have less traffic impact than the previous industrial use on the site and as such it would be to the benefit of highway safety. The remaining dwelling and the commercial unit would have vehicular access from the side access lane reducing the intensity of the use of the main access. It is proposed to provide a total of 9 parking spaces on site and that is considered good ratio of parking provision for 4 units and in accordance with the standard contained in Policy T8. On site turning and manoeuvring space is also available for vehicles so that all vehicles could enter and leave the site access in forward gear. In view of this therefore, there are no highway objections to this proposal.

5.7 Flood Risk

The application site falls within Flood Zone 1 but is bordered by Flood Zone 3 and therefore the Environment Agency consider the site to be at risk of flooding. A flood risk assessment has therefore been submitted. The site overlies a Major Aquifer as defined by the Environment Agency's Policy and Practice for the Protection of Groundwater (PPPG) and is located in the immediate vicinity of The River Boyd. Activities carried out at this site may have caused contamination of soil; subsoil and groundwater present beneath the site and may present a threat to nearby surface waters, especially as a result of the proposed development. In light of this, the Agency has no objection in principle to the proposed development subject to the inclusion of conditions to ensure the development will not cause pollution of controlled waters.

5.8 Design and Access Statement

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

5.9 Improvements achieved to the scheme

Whilst amended plans have not been received as part of this application, the application as submitted has developed as a result of several meetings, applications and discussions to ensure the suitable development of the site. The scheme now for consideration has significant benefits for highway safety and residential amenity over and above the first scheme submitted in 2008.

5.10 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, 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 **PK09/0518/F**

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

CONDITIONS

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

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

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

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

CIRCULATED SCHEDULE NO. 17/09 – 30 April 2009

App No.:	PK09/0607/F	Applicant:	Mr M Newman
Site:	189 Glenfall Yate, South Gloucestershire, BS37 4ND	Date:	2nd April 2009
Proposal:	Erection of two storey rear extension to provide additional living accommodation. (Resubmission of PK08/3209/F).	Reg:	
Map Ref:	70931 81330	Parish:	Yate Town Council
Application Category:	Householder	Ward:	Dodington
		Target Date:	22nd May 2009



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 100023410, 2008.

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of a two storey rear extension to provide additional living accommodation.
- 1.2 The application site relates to a two storey 1970's terraced dwelling within the established residential area of Yate.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1 Delivering Sustainable Development
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Extensions
- 2.3 Supplementary Planning Guidance
SPD Design

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/3209/F Erection of two storey rear extension to provide additional living accommodation.
Refused on Design & Residential Amenity grounds
January 2009

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection.

Other Representations

- 4.2 Local Residents
One letter has been received from a local resident raising the following objections regarding the proposed development, which have been summarised by the Planning Officer as follows:
-Extension will block light to main living area and second bedroom and main garden and cast permanent shadow over garden.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan allows for extensions to existing dwellings subject there being no adverse impact on existing visual and residential amenities.

5.2 Members are advised to consider that a recent planning application relating to this site (PK08/3209/F), which sought planning permission for a two storey rear extension was refused on design grounds and residential amenity grounds. This is a material consideration. The main consideration with regards this new application is to assess if the revised changes have addressed the previous planning objection, as discussed below.

5.3 Visual Amenity

The application site relates to a two storey 1970's terraced dwelling within the residential area of Yate. This application seeks planning permission for a two storey rear extension. The proposed extension will cover the entire width of the existing dwelling and will project 3.0m in depth from the existing rear building line.

5.4 Whilst no objection was raised last time with regards the principle of a two storey rear extension, an objection was raised on the external appearance. At that time the Planning Officer reported the following:

An objection is raised with regards the fenestration details of the proposed extension and in particular the proposed French doors and balcony at first floor level. It is considered that this design has no regard for the character of the existing dwelling or existing terrace and appears incongruous and if allowed would be to the detriment of visual amenities.

5.5 This revised scheme has sought to address the above objection by omitting the French doors and balcony and by replacing them with a window of a similar scale an design as the existing. It is considered that this revised scheme has addressed the previous planning objection and would now result in an extension in keeping with the scale and character of the existing dwelling and surrounding area.

5.6 Residential Amenity

The proposed extension measures 3.0m in length and will be sited adjacent the adjoining boundaries of no. 188 & 190. The occupiers of no. 188 have raised an objection on the grounds that an extension in this location if allowed would result in a loss of light to their main living room and bedroom window and garden.

5.7 Issue of loss of light is not a material planning consideration, however regard is had for the orientation of the proposed extension in relation to no. 188 and given the existing relationship it is considered that an extension if this location would have minimal impact on daylight. In terms of overbearing impact whilst it is accepted that the extension will be sited close to the adjoining boundary of both adjacent properties, it is considered however as it will measure 3.0m in length that an extension of this scale in this location would not have such an overbearing impact so as to warrant refusal of the application.

5.8 An objection was raised last time on the grounds that the proposed French doors at first floor level with the proposed balcony if allowed would allow for direct overlooking which would be to the detriment of the amenities of the neighbouring occupiers. This has been overcome by replacing them with a window, as discussed above.

5.9 Design and Access Statement

Not required with this planning application.

5.10 Improvements achieved to the scheme

Following on from the refused application, negotiations took place between the agent and the Planning Officer, in order to address the objections raised.

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 are the most appropriate, and a Section 106 Agreement is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Background Papers **PK09/0607/F**

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

CONDITIONS

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

Reason:

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

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

Reason:

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

CIRCULATED SCHEDULE NO. 17/09 – 30 APRIL 2009

App No.: PT09/0393/F

Applicant: Cribbs Mall
Nominee 1 Ltd &
Cribbs MallSite: 7 - 8 Cribbs Causeway Retail Park,
Centaurus Road, Patchway, South
Gloucestershire BS34 5TU

Date Reg: 3rd March 2009

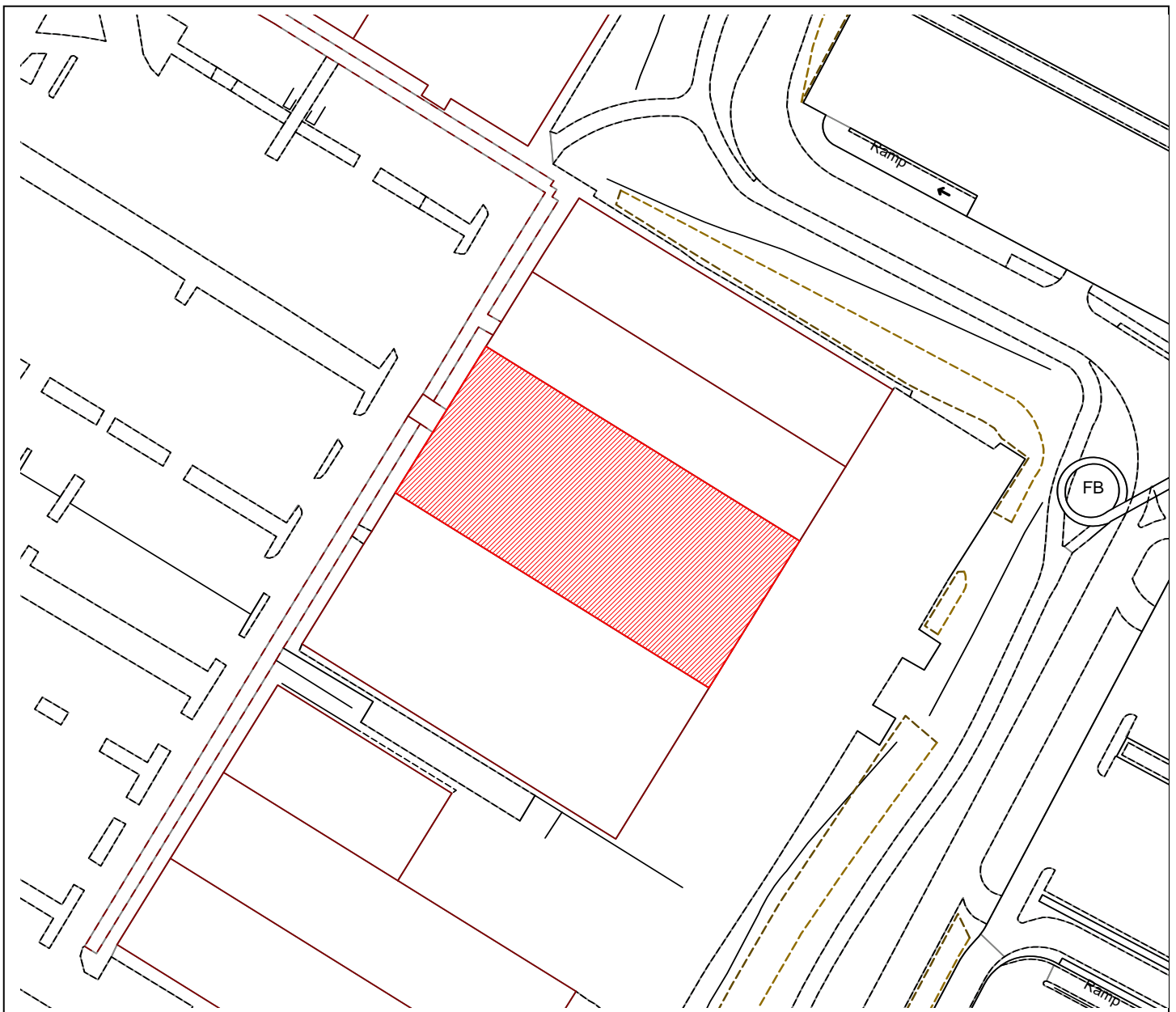
Proposal: Installation of up to 1,812 square
metres of additional mezzanine
floorspace (Re-Submission of
PT07/3573/F)Parish: Almondsbury Parish
Council

Map Ref: 58431 80946

Ward: Patchway
Target
Date: 29th May 2009

Application Major

Category:



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100023410 2009
DC990 MW

INTRODUCTION

This application appears on the Circulated Schedule as the approval of the proposal requires the applicant to enter into a section 106 legal agreement.

1. THE PROPOSAL

- 1.1 The application affects units 7 & 8 (currently Argos) within the Cribbs Causeway Retail Park.
- 1.2 The application seeks planning consent for the provision of a maximum of 1812 square metres of mezzanine floor space within units 7 & 8.

2. POLICY CONTEXT

2.1 National Guidance

- PPS1 Delivering Sustainable Development
- PPS6 Planning for Town Centres

2.2 Development Plans

Joint Replacement Structure Plan

- Policy 38 Town Centre Hierarchy
- Policy 39 Retail Provision at Cribbs Causeway
- Policy 40 Location of Retail Development
- Policy 41 Safeguarding of Local Shopping

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design in New Development
- RT5 Proposals for Out of Centre and Edge of Centre Retail Development
- RT6 Proposals for Retail development at Cribbs Causeway, Longwell Green and Filton Abbey Wood Retail Parks
- T12 Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/2464/CLP Application for Certificate of Lawfulness for proposed installation of mezzanine floor
Approved
- 3.2 PT05/2608/CLP Application for Certificate of Lawfulness for proposed installation of mezzanine floor.
Approved
- 3.3 PT07/3573/F Installation of Mezzanine Floor to Units 7 & 8
Withdrawn

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council
No Objection

4.2 Sustainable Transport
No Objection

Other Representations

4.3 Local Residents
No Comments Received

ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the provision of a maximum 1812 square metres of mezzanine flooring for the benefit of units 7 & 8 currently occupied by Argos. This would be in addition to the safeguarded 810 square metres of mezzanine flooring within the units (as shown as being implemented under PT05/2608/CLP). In order to offset the increase in terms of the floor space in units 7 & 8, the applicant has committed to removing the same amount of existing mezzanine floor space from units 3 & 4 in the same retail park.

5.2 Principle of Development
The aims of national retail policies and Policy RT5 and RT6 of the South Gloucestershire Local Plan (Adopted) January 2006 are to direct new investment in retail floor space to town centres (sequentially preferable sites); unless it can be demonstrated through applying a 'sequential test' that there are no sites available within sequentially preferable sites.

5.3 Notwithstanding the above, this proposal does not seek to introduce a net gain in floors pace, rather to remove mezzanine floor space from one double retail unit and provide the same amount of mezzanine within another double unit in the same retail park. Technically, this can be treated as demolition and re-development of new retail floor space to which the sequential test should apply in accordance with Policy RT5 and RT6. However, the scale of the proposal is limited and therefore officers consider that in these specific constrained circumstances the application of the full sequential approach is not required or justified.

5.4 The applicant has control over all other units contained within the Cribbs Causeway Retail Park. The park as a whole contains existing units with implemented and/or safeguarded mezzanine flooring. In this instance the applicant argues that the off-setting of existing mezzanine floor space in favour of the provision of the same floor space in scale and kind would facilitate the proposed development on the basis that there would be no net increase in floor space as a result. On this basis, the applicant has submitted with this proposal that up to 1812 square meters of mezzanine floor space currently existing within units 3 & 4 (former Courts Furniture Store) is removed; thus effectively replacing it within Units 7 & 8. The applicant has further submitted to voluntarily

enter into a legal agreement such that the right to retain the equal amount of mezzanine flooring in units 3 & 4 is relinquished. It should be noted that the developer has detailed that the amount of floor space to be 'swapped' over would be a maximum of 1812 square metres. To this end, the actual amount of floor space developed would depend on the future requirements of tenants wishing to take on the occupation of units 3 & 4 up to the maximum stated. Officers are content that this approach is acceptable provided that there does not become a constant exchange of floor space between the units within this maximum. A suitable measure of control can be built into any legal agreement to prevent this and allow proper monitoring of what level of development occurs.

- 5.5 It is the view of officers that mezzanine flooring differs from traditional ground floor retail space in that it is exclusive to the retail unit in which it is installed. In this way, officers are of the opinion that the proposal to 'trade' mezzanine floor-space between the subject retail units is different in nature to providing new ground floor units in 'trade' for existing mezzanine floor space. Such an approach would effectively provide for new and additional retail units in their own right. This would be unacceptable. However, the provision of mezzanine floor space in trade for the same level of mezzanine floor space in an alternative unit on the same scale would retain the exclusive nature of the mezzanine floor space and so precluding the introduction of additional retail units. In this instance officers would concur with the applicants view that the removal of 1812 square metres of mezzanine floor currently existing within units 3 & 4 (former Courts) and its effective replacement within units 7 & 8 is acceptable as there would be no material increase in comparison with the existing amount of floor space currently provided on the retail park.
- 5.6 As referred to above, the purpose of Policy RT6 (and RT5) of the South Gloucestershire Local Plan (Adopted) January 2006 is to actively prevent new retail development which would have a harmful impact upon the vitality and sustainability of existing town centres and local centres. In this instance, the approach proposed by the developer in order to justify the provision of new mezzanine within units 7 & 8 would not undermine the principle or objectives of those policies; and as such is not contrary to them.
- 5.7 Provided that the applicant enters into an appropriate legal agreement so as to effectively preclude the re-development of mezzanine floor space within units 3 & 4, the proposed development is acceptable.
- 5.8 Design and Residential Amenity
The proposed development would take place solely within the existing retail units. It would not be visible from outside the building. To this end it is considered that there would be no impact in design and residential amenity terms.
- 5.9 Transportation
On the basis that the proposed development would result in no net increase in floor space, it is considered that the development would have no material impact in respect of parking requirements or highway safety.

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 Use of Energy and Sustainability

It is considered that the introduction of a mezzanine floor in respect of this retail unit would have no material impact in this regard.

5.12 Improvements achieved to the scheme

No improvements are required in respect of this proposal.

5.13 Section 106 Requirements

In relation to the issues raised by this planning application, consideration has been given to the need for a Section 106 Agreement. Circulars 11/95 and 05/2005 relate to the use of planning conditions and planning obligations under Section 106 of the Town and Country Planning Act (as amended). Circular 05/2005 particularly advises that if there is a choice between imposing a condition and entering into a planning obligation, the imposition of a condition is preferable. In this instance, having regard to the above advice, the permanent removal and relinquishing of the right to replace the mezzanine currently located within units 3 & 4 is appropriately the subject of a Section 106 Agreement and would satisfy the tests set out in Circular 05/2005.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That authority be delegated to the Director of Planning, Transportation and Strategic Environment to grant planning permission subject the applicant first voluntarily entering into an appropriate legal agreement within 3 months of the date of this decision to secure the following:

- i) The developer shall not commence development until a detailed scheme of works for each phase of the development is submitted and agreed in writing by the Local Planning Authority
- ii) The developer shall carry out the scheme as approved unless otherwise agreed in writing by the Local Planning Authority.

- iii) The construction of any phase of the mezzanine floor within unit 7 & 8 will not be implemented until each corresponding stage of the demolition of the mezzanine floor within unit 3 & 4 has first been completed in accordance with the approved scheme or otherwise agreed in writing by the Local Planning Authority.
- iv) The developer shall notify the Council in writing of each stage of the demolition and the amount of mezzanine demolished.
- v) The construction of the mezzanine floor within unit 7 & 8 shall not exceed a cumulative total of 1812 square metres
- vi) The relinquishment of the right to redevelop or replace any part of the mezzanine floor space that has been demolished within unit 3 & 4 of the Cribbs Causeway Retail Park as detailed in this Planning Application.

7.2 Should the legal agreement not be completed within 3 months of the date of this determination then the application be refused or returned to the Circulated Schedule for further consideration on this basis.

Background Papers PT09/0393/F

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

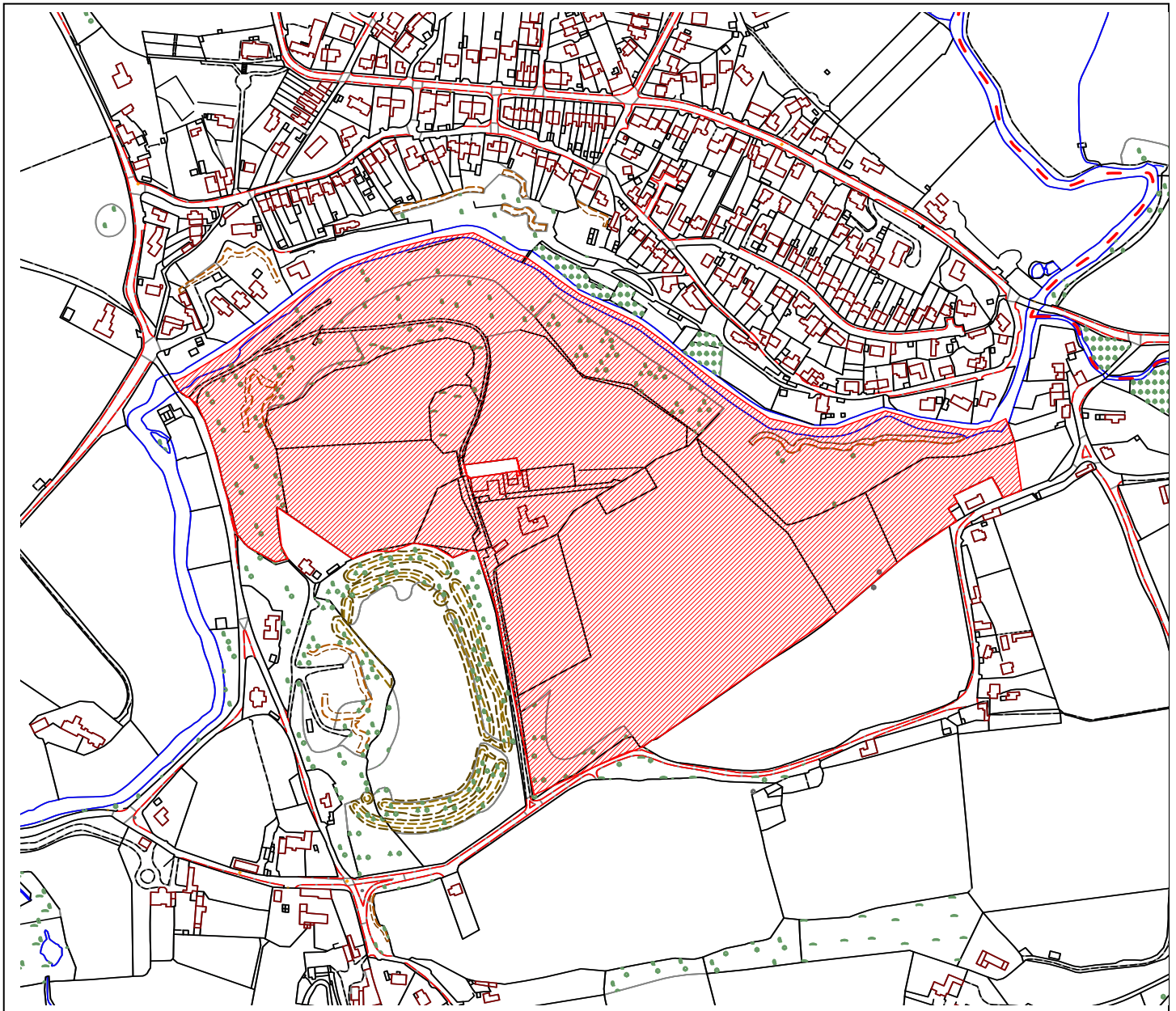
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason(s):

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

CIRCULATED SCHEDULE NO. 17/09 – 30 APRIL 2009

App No.:	PT09/0415/F	Applicant:	Mr R W Hiles
Site:	Up Yonder, Bury Hill, Hambrook, South Gloucestershire, BS16 1SS	Date Reg:	10th March 2009
Proposal:	Change of use of land from agricultural to agricultural and for the keeping of horses (to include retention of existing archery practice area). Erection of storage building incorporating stables.	Parish:	Winterbourne Parish Council
Map Ref:	65374 79279	Ward:	Winterbourne
Application Category:	Major	Target Date:	29th May 2009



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PT09/0415/F

This application appears on the Circulated Schedule in view of the concerns that have been expressed by two local residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a storage building which would incorporate a stable block and for the change of use of land from agricultural to allow a mixed use including agricultural and for the keeping of horses. The existing archery practice area which already has the benefit of planning permission would be retained.
- 1.2 The application relates to 'Up Yonder' at Bury Hill, Hambrook. The site sits in isolation accessed via a lengthy single width access drive on the north side of Bury Hill. The site is positioned south of the Winterbourne Down settlement boundary within the open Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

PPS1: Delivering Sustainable Development
PPG2: Green Belts
PPS7: Sustainable Development in the Countryside
PPS9: Biodiversity and Geological Conservation
PPG13: Transport
PPG17: Sport and Recreation

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
GB1: Development within the Green Belt
E10: Horse Related Development
L1: Landscape Protection and Enhancement
L8: Sites of Regional and Local Nature Conservation Interest
L9: Species Protection
L11: Archaeology
L18: The Water Environment
LC5: Sport and Recreation outside of the Settlement Boundaries
T12: Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Development within the Green Belt (Adopted)
Development involving Horses

3. RECENT PLANNING HISTORY

- 3.1 PT03/2009/F: Change of use of part of agricultural land to archery practice area and associated car parking. Permitted: 7 August 2003

- 3.2 PT05/3014/F: Erection of single-storey extension to form enlarged kitchen and utility room. Permitted: 17 November 2005
- 3.3 PT09/0410/F: Construction of outdoor riding surface and erection of 1m high perimeter fence and gate. Permitted: 22 April 2009

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection: 'However, as there are already horses on the property why does it require a change of use?'
- 4.2 Other Consultees
Landscape Officer: no objection to amended plan
Ecology Officer: no objection to amended plan
Technical Services (drainage): no objection
PROW Officer: no comment (provided it does not affect the nearest PROW)
Highways DC: no objection subject to no DIY livery from the stables
Environment Agency: no objection in principle
Wessex Water: statutory comments

Other Representations

- 4.3 Summary of Local Residents Concerns:
Three letters (two from the same address) expressing the following concerns:
- Is this for private use or a commercial operation?
 - What type of materials will be used for the construction?
 - It is in an area of outstanding natural beauty with Roman camps next door;
 - Where will the buildings be positioned on site?
 - Which entrance to the site will be used?
 - Will the present ram shackle buildings be demolished?
 - What provision has been made for stable waste?
 - Part of the land is in-filled;
 - There are concerns that housing will follow;
 - One letter states that there are no direct objections.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy E10 cites that proposals for horse related development, field shelters and riding schools outside of the urban areas will be permitted provided that:
- Development would not have an unacceptable environmental impact; and
 - The proposal would not prejudice neighbouring residential amenity; and
 - Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
 - Safe and convenient access to bridleways and riding ways is available; and
 - There is no existing underused building available for conversion; and
 - The number of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

- 5.2 Planning policy GB1 advises that within the Green Belt, planning permission will only be given for new buildings subject to a number of criterion. One such criteria is where development would provide essential facilities for outdoor sport and recreation and for other uses that preserve its openness and do not conflict with the purposes of including land within it. Permission for the change of land will only be given where it would not have a materially greater impact than the present authorised use on the openness of the Green Belt.
- 5.3 Policy L1 cites that development proposals will only be permitted where the amenity of the landscape is conserved and where possible, enhanced.
- 5.4 Finally, policy T12 stipulates that new development will be permitted in terms of transportation provided that the proposal: (considered relevant in this case);
- Provides safe access capable of accommodating the traffic generated by the proposal; and
 - Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian or cyclist safety; and
 - Would not generate traffic that would unacceptably affect residential amenity or other environmentally sensitive areas in terms of noise, vibration or air quality; and
 - Provides for or does not obstruct existing emergency vehicle access.
- 5.5 Design/ Visual Amenity
The application seeks full planning permission for the erection of a stable and storage building and for the change of use of land. The application relates to 'Up Yonder'; a two-storey detached dwelling which sits in relative isolation and which is accessed via Bury Hill. The property sits within the open Green Belt to the south side of the Winterbourne settlement boundary.
- 5.6 The proposed storage building would form an open sided structure which would measure 10m in depth and 30m in width. Encompassed by a shallow cement fibre pitched roof, the proposal would be agricultural in character whilst it would stand adjacent to the recently permitted riding arena (PT09/0410/F) to the rear of the farm house.
- 5.7 The proposed stable building would stand within this aforementioned building fronting the new riding arena. This would form a timber structure that would be encompassed by a pitched roof and which would front the indoor riding arena. It would provide stabling accommodation for eight horses.
- 5.8 In response, whilst the landscape of the locality has a distinctive character that is considered to be sensitive to change, it is considered that the proposal would appear in keeping with the locality and thus there is no objection to this element of the proposal. In this regard, it is further noted that the build would be closely associated with the existing buildings on site whilst it would also replace a number of storage buildings in this position; these appear converted railway wagons which appear at odds with the rural character of this landscape.
- 5.9 The proposal would also allow the change of use of the surrounding land to provide a mixed agricultural and equestrian use. This would also incorporate the existing archery practice area to the rear of the proposed stable building

that was granted planning permission in 2003 (PT03/2009/F) with this area of land not utilised for archery practice all year through.

- 5.10 The site area has been reduced as part of this application (see below) and thus on this basis, there is also no objection to this element of the proposal. In the event that permission is granted, it is recommended that conditions be attached to the decision notice preventing horse boxes, trailers, van bodies and other portable buildings from being stored on site.
- 5.11 Impact on the Openness of the Green Belt
The application site lies within the open Green Belt beyond the Winterbourne settlement boundary. In this regard, the principle of this proposal is considered acceptable given that policy GB1 allows essential facilities for outdoor sport and recreation and for other uses that preserve its openness and do not conflict with the purposes of including land within it. Further, planning permission for the change of land will be given where it would not have a materially greater impact than the present authorised use on the openness of the Green Belt.
- 5.12 Further, it would also allow removal of the existing storage buildings which are considered to be insensitive to this rural location whilst planning conditions can be attached to any favourable decision as outlined above. For this reason, there is considered to be no objection to the current proposal on this basis.
- 5.13 Residential Amenity
With the exception of the farm house, all other neighbouring dwellings stand at an appreciable distance from the proposed buildings and are largely detached from the red edged application site. On this basis, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.14 Highway Safety
The application site occupies a relatively remote position with the main access from the north side of Bury Hill. In this instance, there is no highway objection to this current proposal subject to a planning condition which would prevent DIY livery operating from the stable building.
- 5.15 Horse Welfare
In considering proposals for horse related development, the Council will take account of British Horse Society recommendations. These state that at least 0.4- 0.6Ha of pasture should be provided per horse for summer grazing with an additional 0.25Ha for exercise per horse. In this instance, the revised site size measures some 12.5Ha which provides in excess of these recommendations (allowing for any additional horses kept on site) thus there is no objection to the proposal on this basis. Permission has also recently been granted for the all weather riding area (PT09/0410/F).
- 5.16 In terms of the stables buildings, these guidelines suggest that a stable should be large enough for a horse to stand up in and turn around. Accordingly, the stable should measure a minimum of 3x 3.7m with a height of between 2.7- 3.4m. In this instance, the stabling accommodation would measure 3x 3.6m with a ridge height of 3m. On balance, this is considered to be acceptable with no objection raised in this instance.

5.17 Improvements achieved to the scheme

As initially proposed, the red edged area showing the extent of land which was to be subject to the proposed change of use extended both into woodland and riverside areas which formed both a Site of Nature Conservation Interest and a Scheduled Ancient Monument; this was considered to be unacceptable whilst it was also noted that these areas of land would be unusable for the purposes of this application.

5.18 In the light of the above, amended plans have been received which reduce the application site area with these more sensitive parts of the site omitted from the application. This is considered to address the initial concerns that were raised.

5.19 Outstanding Concerns

The application site incorporates land which is within an area of archaeological potential close to the site of a former fort. As such, it is considered necessary for any approval to contain an archaeological watching brief condition.

5.20 Details received from the agent state that horses will graze the open fields and be exercised around the perimeter of the red edged site; there are no proposals for exercising the horses on the highway network. Thus this is a self-contained unit with all equine activity taking place on the site managed by the applicant's daughter and son-in-law who live in the farmhouse.

5.21 With regards to those further issues that have been raised, the remote nature of the stable and storage buildings from the neighbouring dwellings would help ensure that stable waste would not be located near any neighbouring property with the muck heap shown adjacent to the approved riding area. Furthermore, any application for future residential development would be assessed on its own merits and does not form part of this proposal.

5.22 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.

5.23 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Planning Permission is **GRANTED** subject to the following conditions:

Background Papers **PT09/0415/F**

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

CONDITIONS

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

Reason(s):

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

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

Reason(s):

To protect the character and appearance of the area, and to accord with Planning Policies L1, GB1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason(s):

To protect the character and appearance of the area, and to accord with Planning Policies L1, GB1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

To accord with Planning Policies GB1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The stable building hereby approved shall not be utilised for the purposes of DIY livery.

Reason(s):

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

6. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason(s):

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. No development approved by this permission shall be commenced until a scheme for the provision of foul drainage works has been submitted and approved in writing by the Local Planning Authority.

Reason(s):

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

8. The archery practice area and associated car parking shall be limited to that previously approved under application PT03/2009/F.

Reason(s):

To accord with Planning Policies GB1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

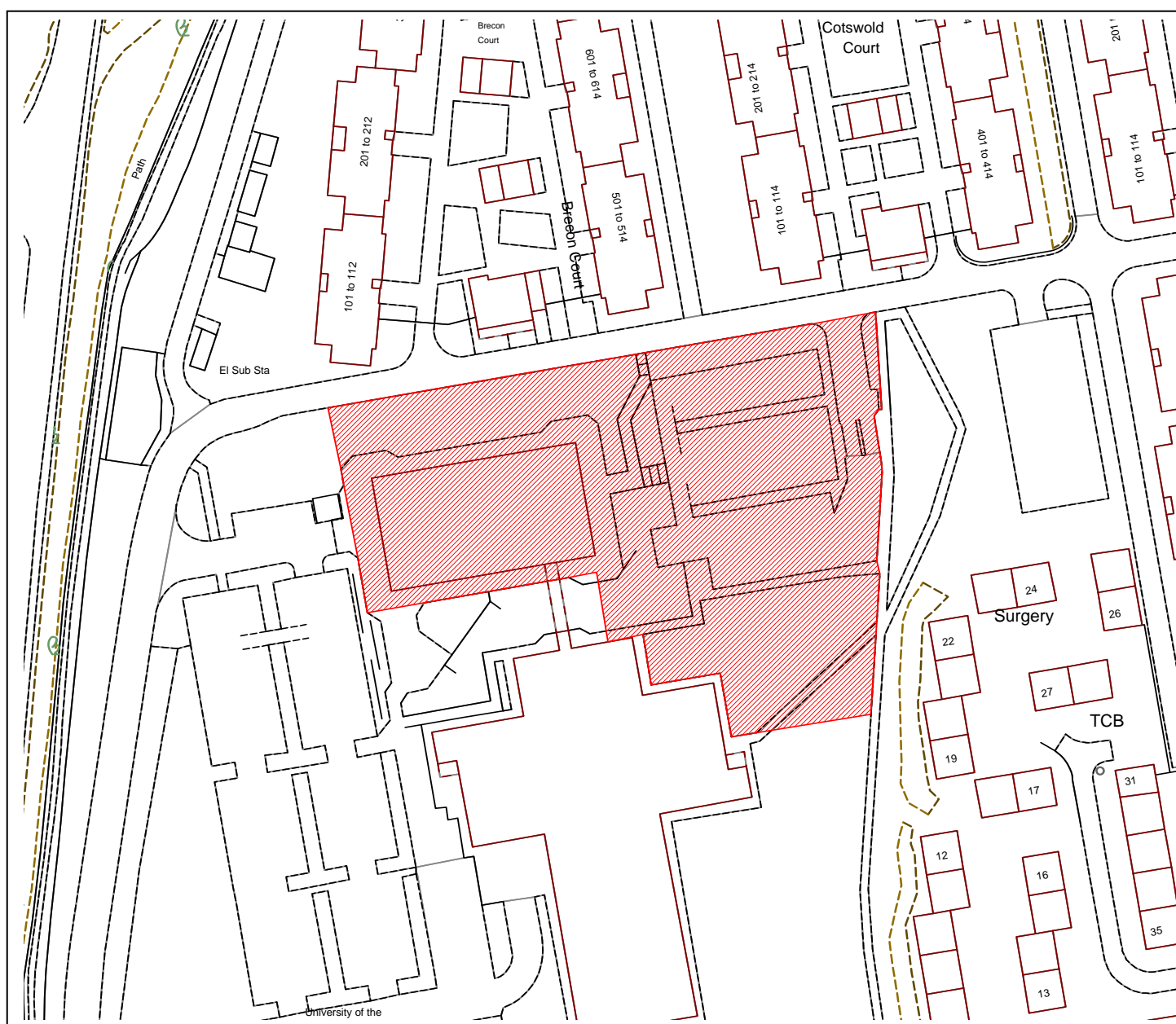
9. Prior to the commencement of development an ecological (habitat creation and) management plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of the habitats to be created within the site and how this will be sympathetically managed to the benefit of local wildlife.

Reason(s):

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

CIRCULATED SCHEDULE NO. 17/09 – 30 APRIL 2009

App No.:	PT09/0443/F	Applicant:	University Of The West Of England
Site:	University Of West Of England, Coldharbour Lane, Stoke Gifford, South Gloucestershire, BS16 1QY	Date Reg:	12th March 2009
Proposal:	Erection of 3 storey extension to existing R block building to provide additional academic facilities and associated works.	Parish:	Stoke Gifford Parish Council
Map Ref:	62011 78307	Ward:	Frenchay and Stoke Park
Application Category:	Major	Target Date:	3rd June 2009



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This application appears on the Circulated Schedule owing to the comments received from the Parish Council and one local resident.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a three-storey structure that would provide an extension to an existing three-storey building (R block).
- 1.2 The application relates to the University of the West of England and its main Frenchay Campus that is accessed via Coldharbour Lane, Frenchay. The build would provide additional accommodation for the School of the Natural and Built Environment.

2. POLICY CONTEXT

- 2.1 National Guidance
PPS1: Delivering Sustainable Development
PPG13: Transport
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1: Achieving Good Quality Design in New Development
LC4: Proposals for Education and Community Facilities
L1: Landscape Protection and Enhancement
L9: Species Protection
L18: The Water Environment
T7: Cycle Parking
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)

3. RECENT PLANNING HISTORY

- 3.1 PT00/3183/F: Elevational alterations to enclose existing undercroft on A block. Permitted: 8 January 2001
- 3.2 PT01/0090/F: Erection of building to form architecture and planning studio. Permitted: 8 March 2001
- 3.3 PT02/2936/O: Redevelopment of Frenchay Campus including temporary car parking. Permitted: 16 July 2003
- 3.4 PT04/1926/F: Erection of eight student accommodation blocks to provide 1932 study bedrooms and associated infrastructure and sports facilities. Permitted: 14 October 2004

- 3.5 PT05/1283/F: Installation of photovoltaic panels and construction of access walkways with balustrading and stairs to R Block. Permitted: 8 June 2005

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Objection: due to loss of car parking space

- 4.2 Other Consultees
Highways DC: no objection
Wessex Water: no objection in principle
Technical Services (Drainage): no objection
Ecological Officer: no objection
Archaeological Officer: no objection

Other Representations

- 4.3 Summary of Local Residents Comments
One letter received expressing the following concerns:
- It would necessitate the loss of 88 car parking spaces increasing to level of student parking in the neighbouring Stoke Park estate;
 - Although the parking spaces being lost are allocated to staff only, it is likely that staff would need to find alternative parking in shared student car parks;
 - Students already find it inconvenient to park on campus due to the need to purchase daily parking permits thus they park in the neighbouring streets;
 - Discouraging students from travelling to the campus by car creates problems elsewhere;
 - The growth of the university is encouraged but the increasing number of cars around the local streets makes it difficult for both residents and emergency vehicles.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy LC4 cites that proposals for the development, expansion or improvement of educational (and community) facilities within the existing urban areas (and the defined settlement boundaries) will be permitted provided that:
- Proposals are located on sites which are (or will be), highly accessible on foot and by bicycle; and
 - Development would not unacceptably prejudice residential amenities; and
 - It would not have an unacceptable environmental or transportation effect; and
 - 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.
- 5.2 Planning policy T12 details that development proposals will be permitted (in terms of transportation) provided that (here considered relevant) it:
- Provides adequate safe, convenient, attractive and secure access and facilities for pedestrians, cyclists, and people with disabilities; and
 - Provides safe access capable of accommodating the motorised traffic that is generated by the proposal; and

- Would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety; and
- Would not generate traffic which would unacceptably affect residential amenity or other environmentally sensitive areas in terms of noise, vibration and air quality; and
- Provides for/ contributes to public transport and pedestrian and cycle links; and
- Provides for or does not obstruct existing emergency vehicle access.

5.3 The Application Site

The application relates to the Frenchay Campus of the University of the West of England; purpose built in 1975 to the south of the Bristol ring road. This current proposal focuses on R block which provides accommodation for the School of the Natural and Built Environment with planning permission sought for a three-storey extension.

5.4 The existing R block comprises a modern structure with planning permission having been granted in 2001. R block was built to provide an architecture and planning studio in support of the School of the Natural and Built Environment which is based within the adjoining Q block.

5.5 It is noted that the application site occupies a relatively central position within the campus and thus the proposal would not be readily visible from outside of the university site boundaries. Further, Frenchay Campus provides for a broad mix of building type with no predominate architectural style; this is as a result of the many buildings that have been added since the original development.

5.6 The Proposal: Design/ Visual Amenity

The proposal would comprise phase II of the existing R Block. To this extent, although this is a recent building, the campus has been subject to significant changes since this time due to completion of the student accommodation to this north side of the campus. Accordingly, in addition to the additional education facilities which the building would provide, it would also provide a more formal entrance to the teaching accommodation at this end of the site with the existing R block accessed via a first floor walkway which runs into Q block.

5.7 The building has been designed as an addition to R block and therefore would match this structure in terms of its height, scale and massing. With an overall footprint of 23m by 50m, this would provide a new building with the same sized ground and first floors but with a smaller second floor housed under an angular roof as per the existing R block.

5.8 The ground floor would provide flexible learning facilities to include a 150 seat lecture theatre and would also make provision for a communal area with a café and internet access. Externally, this would overlook a new landscaped plaza which would be situated to the south side of the building and which has been provided to create a new focal point to this side of the campus. In this regard, the existing R block with its first floor access lacks any form of external pedestrian permeability with the surrounding area appearing underused.

5.9 The introduction of the adjoining student accommodation and the significant increase in persons accessing the site from this direction has also resulted in a

- proposed access to the north side of the proposal with this through the new 'link' building which would connect the existing and proposed structures. In this regard, the Design & Access Statement received notes that a key driver in the design proposal is the greater prominence and use of these key routes around the campus. Accordingly, the build seeks to address this existing arrangement with R block orientated to face away from this newer residential development.
- 5.10 First floor accommodation would provide dedicated teaching space including an IT suite, hub room for printing and help desk and a central break out area. The second floor, which would be smaller, would have teaching studios and office space.
- 5.11 The proposal, which would be slightly larger than the existing building and be marginally set back from the existing building line to allow additional room for the aforementioned landscaped plaza. Further, despite the matching profile of the proposal, materials would differ with the Design & Access stating that these have been chosen to match the colour of the surroundings and demonstrate innovative environmentally sustainable construction methods and materials.
- 5.12 In view of the above, the proposal would comprise a steel framed structure with this exposed internally. The north elevation would benefit from large areas of glazing and would be clad in a grey coloured tile. The south elevation would be similarly treated albeit with full height glazing to the café at ground floor and a lime render to the multi-use teaching space (lecture hall). The east elevation would demonstrate the profile of the building (as per R block) with this also tile clad albeit with the wrap around lime render at first floor. A central glazed area would serve the internal circulation space.
- 5.13 Ventilation chimneys would run through the centre of the building with these penetrating through the south facing roof slope. These would be yellow which would 'add vibrancy' to the proposal; these would also match further air intake ducts that would stand within the plaza. Finally, in contrast, the 'link' building would form a more lightweight structure predominantly of glass to help soften the mass of this extended building.
- 5.14 In response, it is considered that the proposal would respond positively to its context which as stated, comprises a mix of building type with these of differing size, design and type. The scale of the building is considered to be appropriate given the nature of its use whilst its orientation, with prominence given to the new entrances is considered to be an appropriate response to this site; the café would also focus more activity to this area of the campus. The materials are considered to be of good quality and would help add visual interest to the façade.
- 5.15 In view of the above, there is no objection to the current proposal on this basis.
- 5.16 Landscaping
Given the location of the site set within the dense complex of existing buildings, it is considered that the proposal would have no significant impact broader landscape impact. Nevertheless, it would include the new plaza, new footpaths and some replacement planting. These works are considered to be acceptable although the proposal to relocate some existing trees might be impractical

- (although possible) because the trees might have to be stored elsewhere. It is considered that this concern can be addressed by condition (i.e. submission and approval of a method statement). A full planting plan and a planting and maintenance specification should also be submitted and approved in writing.
- 5.17 Residential Amenity
Residential accommodation surrounding the application site comprises student accommodation owned by the university. In this regard that to the north would overshadow the proposal comprising six and seven-storey units whilst that to the south east forms older two-storey residential accommodation. This sits at a slightly lower level to the application site and broadly aligns with the existing Q block.
- 5.18 In view of the nature of the application site and given the relationship between these existing and proposed buildings, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.19 Highway Safety
The proposal would occupy the site of an existing car park (car park 11) which has a capacity for eighty-eight cars and is allocated for staff use; this would displace cars either into other car parks or onto the road network surrounding the university.
- 5.20 Notwithstanding the above, there are on going discussions with the university in relation to a new master plan for the site with a view to achieving their longer ranging vision of pedestrianising the main campus. However, these details are yet to come forward and this application must be assessed on its own merits; in this regard it is clear that in terms of mitigation, pressure is being put on both staff and students to choose more sustainable modes of transport.
- 5.21 In view of the above, it is noted that the university are active in promoting their travel plan and linking its objectives to the wider site strategy. This includes a reduction in single occupancy car travel to the campus from 27% (for staff) in November 2007 with a target of 21% by November 2009 and with cycle journeys increased from 6% to 9% over this period. Significant factors to help achieve these targets include the increase in cost (by 500%) of on-site parking permits, the growth of the Ulink bus services and cycle training. Pressure on the existing parking facilities has also been further reduced by the introduction of the student village where unless the student is disabled, no parking permit is available but bus passes are provided as part of the rental agreement.
- 5.22 In summary, given that the university has demonstrated over a period of time an ongoing commitment to increase sustainable travel choices (the successful and expanding Ulink bus service is of particular note) and with an ongoing assessment of the site including a sustainability appraisal of the best options to serve the campus, there is no objection to the proposal on highway grounds.
- 5.23 Use of Energy and Sustainability
The application is accompanied by an energy strategy document which details the stepped approach to energy consumption, based firstly on minimising overall energy consumption, and then considering renewable technologies. As such, the building has primarily been designed to take advantage of thermal

- massing ventilation and reducing the need for mechanical systems. In terms of low carbon energy sources a biomass or bio-fuel boiler has been identified.
- 5.24 The Design and Access Statement cites that the layout of the extension has been designed to maximise the opportunities for good daylight and sunlight to the useable areas whilst the simple geometric form of the building would assist in reducing heat loss and incorporates opening windows.
- 5.25 Environmentally sound principles that minimise waste and maximise energy efficiency are included with the materials chosen for the façade taking account of weathering, cleaning, maintenance and durability together with appropriate passive and active technologies. Further, in this regard it is also noted that the aforementioned grey cladding tile has a high recycled material content.
- 5.26 In summary, the proposal would provide an environmentally sensitive building with an aspiration that all works achieve a minimum of a BRE Green Guide to specification 'A' rating aiding a high BREEAM rating. A Waste and Resources Action Programme target of at least 10% of the total value of materials used should be derived from recycled and reused content is also included.
- 5.27 Improvements achieved to the scheme
The application was subject to pre-application discussions with these resulting in a number of alterations to the submitted proposal. These alterations include revisions to the glazed link with this amended and the roof height lowered to help reduce the massing and bulk of the extended R block. As initially shown, the roof line would have extended across from the existing building with no separation space provided.
- 5.28 Alterations have also been made to the north elevation of the building to help soften the appearance of the proposal when viewed from the student village. In this regard, the smaller windows and detailing were considered to provide a more hostile appearance to the build. Limited changes have also been made to the front of the building with particular attention given to the detailing of the blank wall enclosing the lecture hall. Finally, circulation routes in and around the proposal have been enhanced aiding the accessibility of the building and its relationship with the campus as a whole.
- 5.29 These alterations are considered to enhance the appearance of the proposal and thus would be of benefit to this current scheme.
- 5.30 Archaeology
A recent desk-based assessment of the area has been received and although it does not target the specific application site in any detail it does provide enough overall detail to enable a response. In this regard, whilst the local planning authority does not concur with the statement that the archaeological potential of the site is low, it is considered that the ground works associated with the foundations and construction of R block would have destroyed any surviving archaeology. Therefore no further archaeological work is necessary in respect to this particular application (although it should be noted that this statement cannot be applied to other applications at the university).
- 5.31 Outstanding Issues

The proposal would provide additional cycle parking facilities to the rear of the existing R block. It is suggested that in the event of planning permission being approved, details of these facilities are secured via condition.

5.32 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.

5.33 Section 106 Requirements

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

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 Planning Permission is **GRANTED** subject to the following conditions:

Background Papers **PT09/0443/F**

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

CONDITIONS

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

Reason(s):

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

2. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason(s):

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

3. 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(s):

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

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

Reason(s):

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

5. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason(s):

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

6. Prior to the commencement of development, a method statement in respect of the relocation of the existing trees shall be submitted to and approved in writing by the Local Planning Authority. In the event that these relocated trees fail to establish themselves within two years of re-planting, these trees shall be replaced on a 'like for like' basis.

Reason(s):

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

7. Prior to the first occupation of the building hereby approved, details of the proposed cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with these approved details.

Reason(s):

To accord with Planning Policies D1, T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development 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 L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 17/09 – 30 APRIL 2009

App No.: PT09/0530/CLE
Site: Storage yard adjoining Pilning Station, Pilning, South Gloucestershire, BS35 4JH

Applicant: Mr F O'Brien
Date Reg: 24th March 2009

Proposal: Application for Certificate of Lawfulness for the existing use of land for storage of containers. (Class B8 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended).

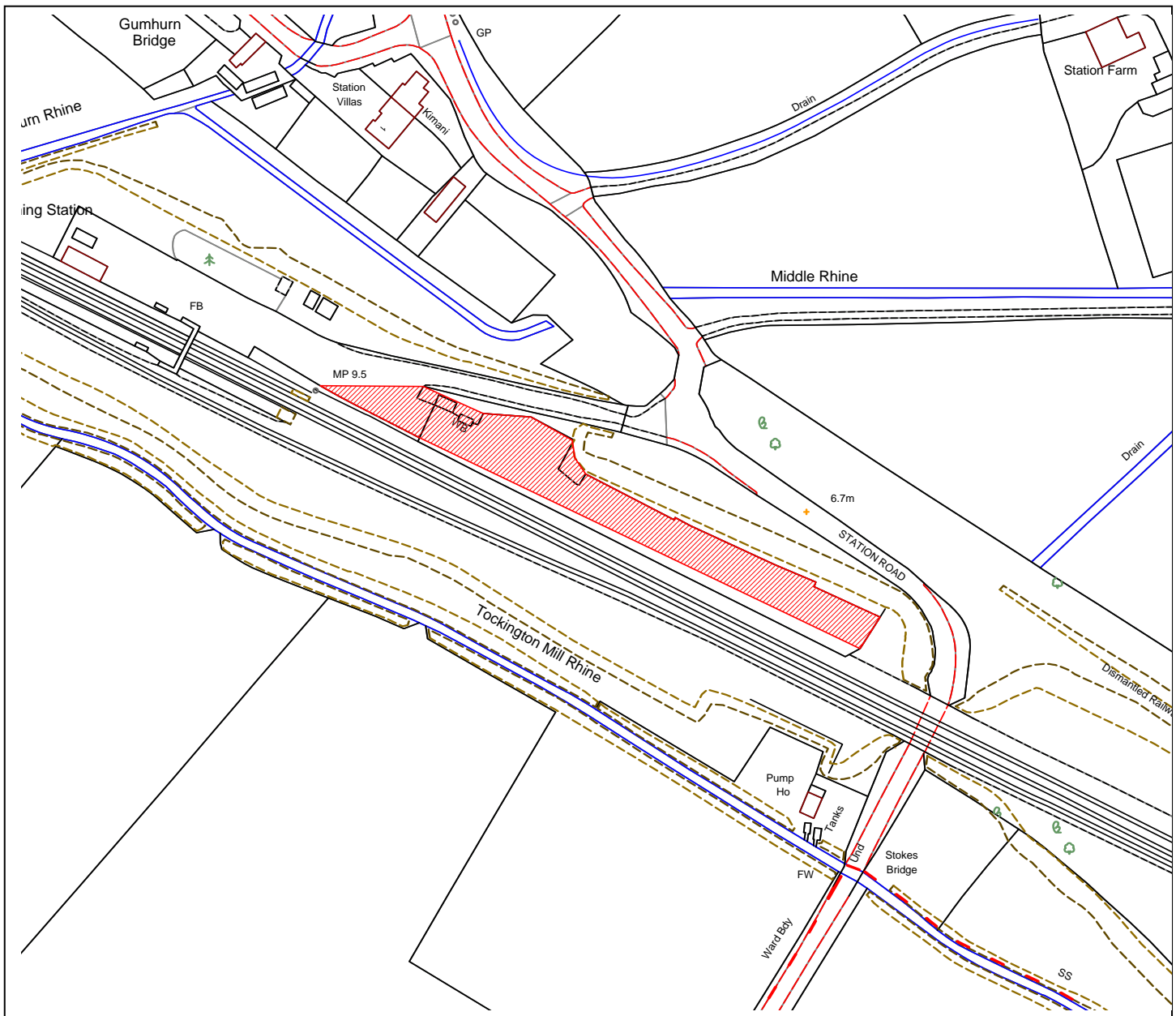
Parish: Pilning and Severn Beach

Map Ref: 56791 84291

Ward: Pilning and Severn Beach

Application Category: Minor

Target Date: 14th May 2009



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This application appears on the Circulated Schedule because it comprises an application for a Certificate of Lawfulness and in view of the comments received from the Parish Council.

1. THE PROPOSAL

- 1.1 The application submitted comprises a Certificate of Lawfulness in respect of the existing use of land for the storage of containers.
- 1.2 The application relates to an existing storage yard at Pilning Station, Pilning. It is noted that the application site lies within the open Green Belt and beyond any settlement boundary.

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 N870: Use of former station car park for the parking of commercial vehicles. Refused: 9 January 1975
- 3.2 P85/2839: Use of land for the parking of six lorries. Refused: 5 February 1986

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
'The parish council sees no good reason why this application should not be granted'.
- 4.2 Other Consultees
Lower Severn Drainage Board: no comment

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 the use of land for the storage of containers. The site is accessed via the car park serving Pilning railway station and adjoins the railway line along its southern boundary. The site is contained behind 2m high metal palisade gates.

- 5.2 In this instance, the issue for consideration is whether the evidence submitted proves that on the balance of probability, this land has been utilised for the storage of containers for a continuous period of 10 years immediately prior to the date of this application. The application is purely an evidential test that is irrespective of planning merit.
- 5.3 Site History
The application site has been subject to two previous planning applications that were determined in 1975 and 1986 respectively. These both sought approval for the storage of commercial vehicles on the site and were both refused for similar reasons:
- The site is located within the Bristol Green Belt and the proposed development does not fall within (any of) the limited categories of development which it is the policy of the Council to permit in this area (there). (Bracketed text denotes differing wording of refusal reasons.)
 - The use of this elevated and prominent location for the parking of commercial vehicles would be detrimental to the visual amenities of the locality. (The site occupies an elevated and exposed position in a predominantly rural area where the use proposed would be inappropriate and detrimental to the visual amenities of the locality.)
- 5.4 Evidence in Support of Application
The application is accompanied by a sworn statement that has been completed by a chartered surveyor whom acts on behalf of the applicant. The writer has worked as their agent since January 2008. The freehold owners of the land purchased the site in April 2007.
- 5.5 It is stated that the site was purchased from the British Rail Board (April 2007) at which time there was a tenant in occupation. The tenant, Mr Alan Coward had operated a specialist haulage and container sales business from the mid 1970's.
- 5.6 Mr Coward was granted a license by The British Railways Board on October 24 1979, to occupy part of the yard for the purposes of parking two lorries and trailers; a copy of this license is provided. Avon Bank Builders occupied the remainder of the site (to the west) with their business comprising the supply of building materials including sand, coal and gravel to trade customers. Their two lorries were parked on site.
- 5.7 In 1986 the British Rail Property Board granted permission for the parking of three further lorries and for the storage of steel containers on this site; these containers were hired to contractors and utilised either for secure storage or as office accommodation. Mr Coward also agreed to fence off the compound at this time and enquired about the availability of the adjoining yard when Avon Bank Builders vacated the site. Use of the site in this way continued until 1998 although lorries were not kept at the site during the later years due problems of vandalism with the site instead use for the storage of containers.
- 5.8 By 1995 Avon Bank Builders had vacated the site and Mr Coward utilised the whole yard for the storage of steel containers without the permission of the British Railways Board; a situation that was formalised in 1999 (a copy of the

tenancy agreement is provided). In March 2000 Mr Coward then received notification of the assessment of the storage yard for non domestic rates with these payable on an annual basis to South Gloucestershire Council.

5.9 Mr Coward decided to vacate the site in 2007 but with the tenancy agreement requiring that six months notice be given, he remained in occupation until the summer of 2008. Since this time, the site has been offered for let with Amey Rail only recently agreeing to occupy the site under a short term license.

5.10 Conflicting Evidence

The evidence submitted is accepted as true unless any contrary evidence is received. In this instance, no further details have been received.

5.11 Analysis

This certificate fails because the use of the land for the storage of containers has ceased (summer 2008) since which time, the site has been empty. This was evident at the time of the site visit with the application site vacant. For this reason, the use has not operated for a continuous period of 10 years up to the date of this application.

5.12 The agent has suggested that a certificate should still be granted despite the cessation of this use. However, planning law states that if non-compliance has ceased by the discontinuance of the offending activity, the breach is at an end and if there is subsequently renewed non-compliance, this would constitute a fresh breach (subject to a renewed 10 year period). As such, an application can only be made if non-compliance exists at the time of the application, and should not be granted retrospectively.

5.13 Design and Access Statement

A Design and Access Statement is not required as part of this application.

7. RECOMMENDATION

7.1 A Certificate of Lawfulness is **REFUSED** for the following reason:

Background Papers **PT09/0530/CLE**

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

The evidence demonstrates that the use of this land for the storage of containers ceased in 2008. Accordingly, this use has not taken place for a continuous period of 10 years immediately prior to the date of this application.